

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 16, 2005**

CALL TO ORDER

Mayor Bernard called the 1964th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes, Council President	Susan Stone
Carlotta Collette	Joe Loomis

Staff present:

Mike Swanson, City Manager	John Gessner, Planning Director
Gary Firestone, City Attorney	Lindsey Nesbitt Associate Planner
Larry Kanzler, Police Chief	Paul Shirey, Engineering Director

PLEDGE OF ALLEGIANCE

Mayor Bernard turned the meeting over to Council President Barnes.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

Chief Kanzler reported the Milwaukie Police Department helped Clackamas Community College with its law enforcement and mentoring programs. As a result of those volunteer efforts, the Department received a professional service award from Clackamas Community College for support to the community.

CONSENT AGENDA

It was moved by Councilor Stone and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:

- City Council Work Session and Regular Session Minutes of July 19, 2005

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

- Rose Martin, Wood Villa Condos, 10501 Crystal Lake Lane, Milwaukie

Ms. Martin spoke on behalf of the six owners of the Rose Villa condos immediately east of Crystal Lake Apartments. They were concerned about the *clematis vitalba* that was on the list of northwest invasive species. It was coming over the fence from the apartments and was becoming more prevalent throughout the area. She had contacted code enforcement about the issue. She read a brief description of the species that "smothers and collapses indigenous forest and causes the loss of indigenous plant species. Vines can climb the tallest forest trees forming a dense, light-absorbing

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APPROVED MINUTES

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canopy that suppresses all vegetation beneath it. *Clematis vitalba* can be so vigorous that the weight of foliage and stems breaks the supporting trees reducing once healthy forests to a low, long-lived thicket of vines.” She called the code enforcement office, and Tim Salyers looked at it. The vines were now up in a fir tree and a pine tree, and she was afraid the clematis would kill them. Ms. Martin wanted to take care of not only her property but also others in Milwaukie with the support of the City. She requested that the code be amended to include all of the Northwest invasive species and certainly *clematis vitalba*. She and her neighbors were willing to clean up their properties, but they wanted some weight behind asking others to clean up their properties too.

Councilor Stone thought that was a good idea since the code did not address invasive species, and there were several. They damaged vegetation and killed trees. She suggested the code enforcement people look at the code, and provide Council with an updated version at some time.

• **Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie**

Mr. Zumwalt spoke representing Celebrate Milwaukie, Inc. (CMI) and thanked sponsors Providence Milwaukie Hospital, Bob’s Red Mill, Mill End Store, Papa Murphy’s, Clackamas Review, ODS, the Farmers’ Market, Reliable Credit, Expressway McDonald’s, Comfort Care Dental, Rose Villa, Electra Credit Union, Century 21/Hart Realty, Clackamas Community Federal Credit Union, Willamette Falls Hospital, Nelson’s Nautilus, Cash Spot, Quiktime Signs, the Lake Road, Ardenwald, Linwood, and Historic Milwaukie Neighborhood Associations, and many others. He recognized Councilor Loomis, Councilor Collette, Art Ball, Sharon Van Horn, Frank Higuera, Ray Bryan, Terrie Darling, Karen Martin, and the many other volunteers. He thanked City staff Grady Wheeler, Kelly Somers, Sgt. John Hipes, Beth Ragel, and JoAnn Herrigel.

The Riverfest ranked average with him this year because it was cut back to a one-day event. It was difficult to get vendors to sign up for one day, so revenue was lost there. The Dragon Boat entries increased from 11 to 19 teams; however, the event lost money when a sponsor pulled out. He continued to think the Dragon Boats were a good draw and highlighted Milwaukie Bay. He discussed how the races might be handled in the future, and he did not wish to abandon them. Finances would continue to be a problem until Riverfest went back to a three-day event with selected, high-class vendors. He suggested a future work session with the Council to discuss the event.

Council President Barnes expressed appreciation to Mr. Zumwalt for his hard work and for bringing so many people to Milwaukie’s Riverfront Park.

Mayor Bernard gave Mr. Zumwalt a copy of a letter from Lava Drive residents thanking the City for its annual fireworks show.

Council President Barnes announced that the Lewelling Neighborhood received a \$192,000 grant for neighborhood park development. She expressed her appreciation to those who put in so much effort including Art Ball, Jean Michel, Jeff Klein, entire Lewelling Neighborhood Association, and City staff. The \$4.1 million McLoughlin Boulevard project began last week, which was a culmination of over 5 years of work. She thanked Congressman Blumenauer for his success in getting Milwaukie \$4 million for the \$6 million Lake Road Multi-Modal Project. Groundbreaking for downtown

Milwaukie's first major project, the \$14 million mixed-use North Main Village, was earlier in the week.

PUBLIC HEARING

A. Appeal of Planning Commission Decision on North Clackamas Park Ball Field Project (AP-05-02)

Council President Barnes called the public hearing on the appeal of the Planning Commission's approval of applications CSO-05-02, TPR-05-01, and WQR-05-01 for property located at 5440 SE Kellogg Creek Drive to order at 7:18 p.m.

This hearing was limited to the issues raised in the appellant's notice of appeal, and the Council would recognize those wishing to speak. Council would use the testimony in coming to its decision on the application.

The purpose of this hearing was to consider the appeal of the Milwaukie Planning Commission's approval of applications CSO-05-02, TPR-05-01, and WQR-05-01 filed by the Friends of North Clackamas Park. The applicable standards to be considered are Zoning Ordinance sections:

- 19.1002 – Appeal from Ruling of Planning Commission.
- 19.301 – Residential R-10 Zone
- 19.321 – Community Service Overlay
- 19.322 – Water Quality Resource
- 19.500 – Off-street Parking and Loading
- 19.1011.3 – Minor Quasi-Judicial Review
- 19.1400 – Transportation Planning, Design Standards, and Procedures

Council President Barnes reviewed the order of business in the conduct of the hearing. The applicant had the burden of proving that the application complied with all relevant criteria of the Comprehensive Plan and Zoning Ordinance. The appellant had to demonstrate that the Planning Commission erred in its decision in the particulars alleged. The City was in receipt of the appeal, which identified the issues and the reasons for the appeal.

All testimony and evidence was directed toward the applicable substantive criteria. Failure to address a criterion precluded an appeal based on that criterion. Failure to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow a response precluded an action for damages in circuit court. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing are those who testified or signed the City Council Attendance sign-up sheet on the information table in the hall.

Council President Barnes reviewed the conduct of the hearing.

Conflicts of Interest and Site Visits: All members of the City Council had visited the site.

Mayor Bernard believed that each member of Council had received hundreds of e-mails regarding the application. Those were forwarded to the City Recorder for the record.

Councilor Stone had some ex parte contacts as Mayor Bernard said. Two people specifically came to mind -- Rosemary Crites and Jeff Klein. At a Neighborhood Association meeting there was a presentation by the Friends of North Clackamas Park to give attendees information. With those two contacts, she was asked if she thought it was an improvement to the Park and some concerns about the proposed changes to the Park were aired.

Councilor Loomis said this was probably not a conflict of interest, but he was involved in Milwaukie youth sports for over 20 years and was a board member of Kids First. He discussed ex parte contacts. Over one year ago he met with Mr. Ciecko, North Clackamas Parks and Recreation District (NCPRD) Director; John Denny, Kids First Director; and Dave Seward with adult softball per Mr. Ciecko's request. He attended with Mr. Denny as a representative of Kids First. The meeting was to inform the youth organizations about a possible plan that would be proposed. Mr. Ciecko was aware of the history between the youth organizations and the adult leagues. There was some ill will there, and he (Ciecko) thought it was important they be together and not fighting. So he presented that report. He also met with Mr. Ciecko and Jon Mantay, Clackamas County Administrator, as a representative of Kids First. Mr. Seward and Mr. Denny were also invited but were unable to attend. This meeting was to inform then that after public testimony the District was not going to go with the all-adult complex. It was going to be changed to a youth facility. He attended two District Advisory Board (DAB) meetings. The first one he attended, he testified in favor of the proposed changes at North Clackamas Park (NCP). He attended another DAB meeting where he did not testify. The Board asked him how he thought the Milwaukie City Council would feel about this proposal. Their concern was that they were spending a lot of time and money on the proposal. He told them he was there as a private citizen of the District. He was not there in any way representing the City of Milwaukie and did not offer an opinion. He had worked with John Denny, Kids First Director, getting people involved with youth organizations and encouraged people to be involved in the process. He had several general conversations with people in favor and against the proposed plan. He had been involved in youth sports in this area for a long time, so a lot of the people were his friends. They never talked directly about any of the specific plans after it was apparent that this was turning into an issue that would be before the City Council. At that time he distanced himself as an advocate of the plan and had others take over. From then, ex parte contact was general, and he told people he could not talk about the plan. Councilor Loomis's assistant coach was a member of the Planning Commission. He became an assistant coach long before the plan was known about. The person's name was Jeff Klein. At no time did they talk about the plan. Councilor Loomis made a few comments to Mr. Klein jokingly about how long he (the Planning Commission) was going to drag it out. Midnight meetings. The lawyer was costing a lot of money. Teasing things. They never specifically talked about the plan. He thought the real question was whether he could be impartial. The answer to that was 'yes.' That was the job of City Councilor. One was faced with that every day. He had done it in other situations. One did not always vote with one's personal views. He could cite many instances. Every time he got his water bill, he was not happy about it. Personally, he did not want to vote that way. It took a long time to convince him and tell him why. His

decisions were based on what was best for the City now and in the future. That was how he based all of his decisions.

Mr. Firestone clarified under state statute a conflict of interest was presented only if there was a financial interest by a council member or family member. What Councilor Loomis described did not involve a financial interest. Therefore, it was not a conflict of interest as used in state statute. There was a separate due process consideration. A councilor had to be able to make a decision based on the evidence presented. Councilor Loomis stated that he was not biased and could make a decision based on the evidence. Legally, in Mr. Firestone's view, Councilor Loomis had no reason to withdraw.

Mayor Bernard had no actual or potential conflicts of interest. Originally he met with Jon Mantay to look at the project, and he was excited that something was finally going to happen. He was concerned about the adult fields. He went to the first meeting but refused to give any comments. Since then he avoided talking to anyone about this issue as much as possible. He received many letters and e-mails, but there were no actual or potential conflicts of interest.

Councilor Collette had no conflicts of interest. She received numerous letters and e-mails as did the other Council members. She had conversations with Rosemary Crites and Jeff Klein regarding a compromise and that people felt like things were working along. That was the gist of those conversations. There were some questions about her being happier with the park as it looked like it would be. There was no particular response on her part. She had a conversation with Jon Mantay about the negotiations going on about a compromise being in the works. Until she read the packet she had not really known what had been determined. She attended several District Advisory Board meetings but did not comment at any of them.

Council President Barnes stated when she called Mr. Mantay yesterday on a different matter, he told her he would see her tomorrow night. She asked why. When she went to Clackamas High School, she ran on the cross-country team, and that was the track. She knew most of that park intimately.

Challenges to Impartiality or Jurisdictional Issues: None.

Staff Presentation: **Ms. Nesbitt** said this was an appeal of the Planning Commission's approval of developments at North Clackamas Park (NCP). After approximately 18 hours of public testimony, the Planning Commission voted unanimously to approve developments at NCP upon finding that the applicant demonstrated compliance with applicable criteria of the Milwaukie Municipal Code. That approval included four youth ballfields, one full-size soccer field, construction of a 230-space parking lot that addressed the parking ratio of 43 spaces per field, walking trails, enhancement to the water quality resources and just outside the water quality resources, construction of a new picnic facility and concession stand, restroom facilities, and improvements to Kellogg Creek Drive that included construction of a new sidewalk along the northern portion of Kellogg Creek Drive, the widening of Kellogg Creek Drive, and realignment of the intersection of Kellogg Creek Drive and Rusk Road. The County would pay for all of those improvements.

On July 27, 2005, the Friends of North Clackamas Park submitted an appeal that listed numerous points of concern with the Planning Commission's decision of approval (Attachment 2 of the packet). On August 2, 2005, the Friends of North Clackamas Park amended its appeal by withdrawing the points of concerns and requesting that the City Council uphold the Planning Commission decision and adopt some modifications to the approved site plan. The packet contained modified findings and conditions that supported the approval and reflected those changes. The changes included four youth ballfields plus a flex field that could be used as a soccer field for children 8 and under. With that arrangement, only four fields could be used at one time. By doing that the parking area could be reduced by 43 spaces. The reduction of the parking area allowed for more room on site. Originally, the applicant proposed storm water detention in the parking area. The Planning Commission said detention should be elsewhere on the site. The reduction in the number of parking spaces allowed for a detention swale to accommodate stormwater from the parking area. There would also be a new entry pavilion and message board center. The walking trails were rearranged to circle the ballfields. The proposal also included widening the access drive to the horse arena, so people could turn around and park their vehicles and trailers near the horse arena. Staff believed those changes complied with applicable zoning criteria. Staff recommended approval of the request to modify the plan. Friends of North Clackamas Park were present to discuss their appeal.

Councilor Stone thanked Ms. Nesbitt for clarifying that a few extra parking spaces were added. In the correspondence the Council received there was an example of someone attending a youth ball game where he counted 96 cars. Would this be sufficient parking?

Ms. Nesbitt replied DKS Associates, a traffic consultant, was hired to review the traffic plan and the proposed parking ratio. She asked them specifically to look at the ratio of 43 spaces per field, and DKS believed that would adequately serve the site. If an unusually large number of people were anticipated for an event, there was an agreement with the adjacent church to use its parking area. With the frontage improvements and sidewalk, people could walk safely from the church parking area to the park.

Councilor Stone noticed in reading her packet that the number of parking spaces had shrunk from the original plan.

Ms. Nesbitt said that was correct. The plan approved by the Planning Commission had 230 parking spaces. The plan the City Council was being asked to consider had 196 spaces. The original plan had five playing fields, and the revised plan only had four fields that could be used at one time. That was why there was a reduction in the number of parking spaces.

Councilor Stone referred to the DKS traffic and engineering analysis and the improvements to Kellogg Creek Drive. There were apparently plans to widen it to 28 feet with 14-foot travel lanes. She asked if anyone had considered narrower traffic lanes to slow traffic. There was obviously going to be more traffic.

Scott Mansur, DKS Associates, Portland. The 28-foot width was the standard for the City. Councilor Stone was correct that narrower lanes had the potential to slow traffic.

In this case, however, they wanted wider lanes because of the park. The road was not wide enough to stripe a bike lane, but pedestrian and bike traffic was anticipated. It would be a shared bikeway.

Councilor Stone asked if any bike counts were done to determine how many people were coming and going now.

Mr. Mansur replied that no bike counts were done as part of the impact study. When one had narrow lanes, typically a bike was forced to be in with traffic. Many of the cyclists coming to the site would not be the commuter types who are more comfortable riding in a narrow lane. Most of the cyclists going to the park would be parents or kids, and they would typically feel more comfortable being on the side of the road.

Councilor Collette had a question about the youth soccer field instead of a field that served a wider age range. Was it determined that a larger soccer field was not needed or was it a spatial issue?

Ms. Nesbitt believed the Friends of North Clackamas Park and the Parks District representatives would be able to answer that question.

Councilor Stone had a question about a reference in the staff report to the horse arena. It said it would remain; however, the dimensions of the area might be reduced. She asked why that was.

Ms. Nesbitt said there was a meeting with the Parks District and the Friends of North Clackamas Park where they talked about a joint appeal. The parties went through the notice of decision and drafted what the language would be. That was something the Friends of North Clackamas Park wanted as part of the proposal. She would direct that question to the Friends of North Clackamas Park.

Councilor Stone said the staff report stated that the area 'may' not 'will' be reduced. It left that open-ended.

Ms. Nesbitt replied the Parks District would address that issue.

Councilor Stone had a question regarding the wetlands. The staff report said that two wetlands would be filled to construct a drive, and one of the ballfields would be constructed adjacent to the other. However, those two wetlands were not subject to the water quality resource review. Councilor Stone asked why that was.

Ms. Nesbitt said that was correct. These two wetlands were not mapped on the Water Quality Resource Map. Before the Parks District came in and submitted this land use application, the Planning Commission was informed the wetlands had been identified and was asked to review them. The Planning Commission determined them to be not significant wetlands. One was essentially a drainage ditch adjacent to the loop road. After a rainy season, the runoff from the road collected in that ditch and gave the characteristics of a wetland. They did not support significant wildlife habitat. The City hired a wetland consultant to look at the site who came to that determination. The Planning Commission found that they were not significant. The applicant proposed quite a bit of wetland and natural resource area enhancements to mitigate filling those wetlands.

Councilor Stone believed she read in the packet material that some of the testing on those wetlands was done during the dry weather in February and March. Was that the data the City was going on?

Mayor Bernard had been at the park hundreds of times. This was a ditch along the side of the road and had no significance and probably never would have any significance.

Mr. Gessner said there were specific criteria established by the State of Oregon and natural resource science industry that indicated whether or not a wetland was present. Those criteria applied whether it was a very wet season or a very dry season. They were detectable. It had to do with the presence of hydric soils, which can be identified scientifically. It was also the presence of plant materials that thrived in hydric or wet conditions. Typically those were identifiable throughout a broad spectrum of the year. Staff believed that the science used to advise the Planning Commission was reliable and the Planning Commission's decision to determine they were not significant was generally supported by the science typically used to evaluate those situations.

Councilor Stone asked about the removal of existing vegetation and that it shall be replanted. In the staff report it was not clear to her what would be removed and what would be replacing it. Would the area be significant?

Ms. Nesbitt replied the condition was that tree preservation and vegetation preservation be done before any on-site work was done. That was to specifically address the walking trails that would be constructed through the water quality resource area where grasses and other vegetation would be removed. The District proposed mitigation within the water quality resource area for the walking trails.

Councilor Stone referred to the Planning Commission's concern in the report with the use of chemical pesticides and herbicide and the suggestion to encourage the Parks District not to use those or provide written notice on site if they were used. She asked if that could be made binding. The verbiage encouraged the District to do that but did not say it had to.

Ms. Nesbitt replied the City did not have code criteria that would require the Parks District to do that. At the hearing, the District did volunteer to do so.

Mr. Firestone added that generally speaking the City Council could impose any condition it felt was necessary to ensure the criteria were met. One of the criteria was whether the benefits of the proposal outweighed the negative impacts. If the City Council concluded that a condition was needed to ensure the benefits did outweigh the adverse impacts, then the Council could impose a condition of approval to ensure criteria was met.

Mr. Gessner added when this came up at the Planning Commission hearing, he strongly cautioned the body from imposing such a condition to the extent that pesticide and herbicide applicators were subject to state licensing requirements. Milwaukie did not have the internal ability to monitor and/or enforce against those when there might be alleged infractions against that condition. If the Council did impose a condition, then staff would own the enforcement responsibilities that would include responding to any allegations of infractions. He felt strongly that staff did not have the capacity to do that.

Councilor Stone understood in Mr. Gessner's opinion that responding to enforcement complaints would not be under the jurisdiction of the Parks District. Those would have to come from the City even though it was the District's duty to maintain the park.

Mr. Gessner believed the District would have responsibility for the proper application of pesticides, herbicides, and any other controlled substances under state law. The District should own the responsibility for any infractions that occurred.

Correspondence: None.

Appellant Testimony: **Susan Shawn**, 13655 SE Briarfield Court, Oak Grove, 97222, and **Jon Mantay**, 5827 SE Willow Lane, Milwaukie, 97267.

- **Jon Mantay**, Clackamas County Administrator and District Administrator for the Parks District.

Mr. Mantay reported that the County Commission identified \$3 million in lottery funds to build fields in the north end of the County. The Parks District was formed about 10 – 15 years ago with the commitment to the citizens to build recreation or athletic facilities. The Commission had felt strongly about trying to live up to that, although they had not made the actual promise themselves. They thought it was important from a stewardship standpoint to live up to the promise. The Commission freed up the money for the District Advisory Board (DAB), and the journey began. That journey led to a land use design, and the original design was approved by the Planning Commission and was before the City Council at this hearing. About four months ago interested parties decided to sit down and recognize that there was a long journey ahead. They understood they would be better served by not having a win – loss situation but more of a compromise situation where both parties won. Over the past 120 days or so, interested stakeholders began to have conversations about how to work jointly and accomplish both parties' goals.

The Planning Commission approved a plan. One of the items identified was the stormwater requirement and parking lot. As negotiations and conversations continued, it was identified that one of the main concerns was at the back end of the park where the soccer field was proposed. There was actually a significant environmentally sensitive area with the creek. They thought it was important not to build a soccer field back there with additional fill materials. There was also a proposal to potentially put lights back there. Some wildlife did move through there such as birds, deer, and small game. It was important to keep that area as natural as possible. As they went through their conversations, they looked for an opportunity on field number 4 for a soccer field. He believed the application said an U* field and that it could also be a U10 field.

Mr. Mantay said Ms. Nesbitt had appropriately summarized the project, and he added several conversations. The trail system that would go around the park was paved and ADA compliant. The goal was to encourage use by as many stakeholders as possible. The Friends of North Clackamas Park filed the initial appeal because of the timing issue. The DAB heard the presentation and modification plan but was not able to give direction without a public hearing. The deadline to file the appeal was several days before. The Friends made the initial appeal, and the modified appeal went to staff. The Friends of North Clackamas Park and Parks District were before the City Council

standing shoulder to shoulder to report that the groups came up with a plan both felt was appropriate. He thought Kids First and other groups would support the endeavors.

- **Susan Shawn, Friends of North Clackamas Park**

Ms. Shawn read a prepared statement. She spoke on behalf of the Friends of North Clackamas Park which had a steering committee made up of 25 people representing a group of about 200 people living in the north Clackamas area. Over 1,100 people who wanted to save the horse arena and opposed siting a tournament ball complex in the community park signed the original petition. Mr. Mantay already discussed where the money came from for the fields. The Friends requested a master plan process at the very beginning to enable them to work with the designers. That did not happen. As probably everyone knew the resulting process from its very nature was adversarial, expensive, and time consuming. They did get their fields, but it was at a high cost. As a result the local residents frequently expressed a serious loss of trust in both county and local government. That was a statement of where they started. At the heart of the conflict were three areas of profound concern from the Friend's perspective. First was the well being of the land itself which Councilor Stone addressed well at this meeting. It was a sensitive wetland area and one of the few remaining open areas. The second area of concern was current park users and potential impact of the new complex on their use. Another was the well being of the surrounding neighborhoods due to such a radical shift and intensity of the use. Balanced against those concerns was the strong desire from the coaches for a tournament facility for their youth ball teams and the health and well-being of the children and families. They seriously encouraged upgrading the fields currently in the Park and adding the soccer field. Perhaps overlaying soccer fields over three ballfields and using portable fences. Those ideas were not allowed on the table. They got together thanks to the Oregon Consensus Program at Portland State University (PSU). They began to meet with the intent of working out the concerns and beginning to heal some of the differences that had occurred. Both acknowledged that it was actually fun, which was a big surprise. It was her pleasure to come forward before the City Council in this spirit of collaboration and to speak in support of the plan.

In terms of the three concerns, the land was protected in a variety of ways. The new area to the west protected the entire knoll, and all the trees would be saved. That had been a major concern for all the people in the area. There was also a larger buffer area along the creeklet that was at the top of field 4. All of the plants were additional buffering. Ms. Shawn discussed installing storyboards along the creeklet and wetlands to teach visitors about the wildlife and native plantings. The idea was to get the younger kids coming from the schools to learn about wetlands in the urban area. Then when they got older, they could take the buses out Hwy 26 to Wildwood Park, which was near Mt. Hood and see the wetlands in the wilderness areas. It would not only be recreational but also educational. Visitors could see that those wetlands were something precious and not just another part of the playground. She discussed the concerns about the impact on current parking. The walking trails would all be ADA accessible, and it would be fabulous. The parking for the horse arena was a major shift, and that responded to the 1,100 petition signers. The horse users said that without that parking, they would not be able to use the arena. By figuring out a way to widen that

road and provide for trailer parking, they felt the arena had been saved, which was one of the original intentions. In order to do that, the arena might have to be smaller. They had been told for the horse events that it was larger than it had to be. All the 4-H folks were comfortable with that. There was also a little paved, ADA accessible observation area for those who wanted to watch. The map of the park and community bulletin board was very important. Originally, that was all in the middle of the ballfields. The message was they – the ordinary daily users of the Park -- did not count. Now there was a bathroom and community bulletin board where the pavilion was, so it felt more inclusive and more welcoming. The soccer fields were a very high priority for many of the neighbors. Having an overlay soccer field on field 4 for little kids was very welcome. She believed that Mr. Mantay might have other comments about upgraded soccer fields at nearby schools. The well-being of the neighborhood – part of this modified plan included a stewardship committee made up of all Park stakeholders. With the District, it would develop a master plan for the north side of the Park. Secondly, it would be an ombudsman service during construction and during the ongoing life of the Park. This group of people would work in service to the Park when there were complaints about lights, noise, and off leash hours for dogs. They were thrilled about that part. It was the necessary tool to bring the spirit of collaboration into the future with the Park. The Oregon Consensus Program agreed to help set up the committee, so it would be well grounded and work well. They hoped by shifting the adversarial process to goodhearted community building that some healing would begin. She hoped the City Council would participate in what she thought was likely an historic joint appeal by approving the modified plan.

Mr. Mantay said County, District and Friends were concerned about the loss of the soccer field. The current field was about a U10 size, and they recognized there was a huge need for soccer fields in the north County. When this issue was first discussed with Kids First and other groups, it was identified there might be other sites for soccer fields. They had been looking at Lot Whitcomb. He had been talking to the school superintendent about irrigating some of the fields for greater use. They also looked at View Acres. The District retained a real estate acquisition individual to identify and actually purchase property for some fields. The County Commissioners approved \$3 million through the DAB. \$2.3 million was identified for this project and \$700,000 for soccer fields. Along with an estimated \$300,000 in system development charges (SDC) there was about \$1 million to invest in soccer fields. They were optimistic they could move quickly. That was one of the concerns of Kids First, and the District wanted to make sure it met all the concerns. He commented on the question about pesticide. The idea was that there would be a notification system on the bulletin boards, so people would know as soon as they came into the Park that pesticides had been applied.

Councilor Stone liked the idea of having educational storyboards all along the trail. She thought that was wonderful because living in the City made it difficult to appreciate nature.

Ms. Shawn added they wanted to do it well with good artwork.

Mr. Mantay said the Board of Commissioners authorized the District to spend \$5,000 to \$10,000 for the environmental area. The Board also began an art in public places

conversation, and they approved another \$10,000. The District was trying to bring a lot of revenue sources together to make this a successful project.

Ms. Shawn thought one could feel the creative energy that was starting to come out. It was very exciting.

Councilor Stone commended everyone who was involved in this effort. This was the way to go through a process so everyone won.

Mr. Firestone had one additional piece of correspondence. It was a letter from James and Jerralee McCreary who opposed the park application, which meant they were in support of the original appeal. Their letter stated concern with traffic, lighting, and noise. They lived in the area on Aldercrest Road. That additional correspondence would be included in the record.

Testimony in support of the appeal

• **Rick Frank, 4485 SE Rhodesa, Milwaukie.**

Mr. Frank was a board member of Milwaukie Jr. Baseball and Mustang Youth Football and a coach for Milwaukie Jr. Basketball. Youth sports helped kids develop into healthy adults and good citizens. Youth sports taught valuable life lessons such as fair play, teamwork, sportsmanship, and the rewards of hard work. Youth sports built a strong family environment and community spirit. Youth sports kept kids occupied and out of trouble. Milwaukie Jr. Baseball had almost 500 participants every year. Mustang Youth Football expected 200 kids this year. There were 17 local youth sports groups that would share the proposed facility, and they served over 5,000 area youth.

There was an extreme shortage of field space for games and practice. According to the District's own master plan, there was a current shortage of 22 fields. That shortage would grow to 52 fields in 20 years. In recent years, youth sports lost fields at the Aquatic Center, Milwaukie Middle School, Ickes Jr. High, and others. The lack of field space has put youth sports in a tough position. Instead of turning kids away that would like to play baseball, they have had to reduce practice times available to each team. That made it difficult for coaches to teach the fundamentals and for the teams to compete with those from other areas. Some of the teams have had to hold practices in open fields without proper bases, backstops, or other protections that keep baseball safe.

Currently the City of Milwaukie and the Parks District provided none of the sports fields used by Milwaukie Jr. Baseball, Mustang Youth Basketball, or Mustang Youth Football. They relied solely on the North Clackamas School District for facilities. That was not the case in other communities such as Gladstone, Oregon City, Wilsonville, West Linn, Tualatin, or Lake Oswego. Their city governments and parks districts provided many of the youth sports facilities. The coaches and board members were all volunteers who were trying to help the kids in this area grow up healthy and happy. They were asking the City Council to support the efforts by providing the necessary facilities. Facilities that kids in most neighboring communities enjoy. From the start of the planning process, youth sports groups stated the need for more baseball and softball fields of any size and more full-size soccer fields. Full-size soccer fields were critical for the older youth and classic programs. Even varsity boys and girls soccer teams lacked a

full-size field where they could regularly practice. The Parks District recognized the shortage of fields in the area, and the North Clackamas Park Plan would only fill a fraction of that need. The Parks District and DAB heard many hours of public testimony, and many revisions were made to address the concerns of the groups. A walking trail was added, additional environmental mitigations were added, crosswalks were improved to the Milwaukie Center, improvements were made to stormwater retention and discharge, specimen oak and horse arena were saved, an amplified sound policy was drafted, and the Parks District would pay fully toward the improvements to Rusk Road and Kellogg Creek Drive. The plan was approved by the DAB, the Milwaukie Park and Recreation Board, several Neighborhood Associations, North Clackamas Chamber of Commerce, and by unanimous vote of the Planning Commission.

The new plan was not a new idea. It was an old idea that had been discussed. Overlapping fields created some problems with turf maintenance, lighting, and mud. The new plan was a concession with the neighbors in exchange for a promise to appeal the decision to the Land Use Board of Appeals (LUBA). While he felt the plan would hold up to such an appeal, he certainly recognized the value of working with the opposition. He was uncomfortable, however, with giving up a full-size soccer field. This put youth sports groups in a difficult position. If they opposed the plan, then they looked greedy or stubborn. But if they supported the plan, then they lost a much-needed full-size soccer field. Youth sports groups were willing to support the new plan under conditions. That the City, County, and Parks District commit to locating and developing a suitable location in the area for full-size soccer fields and that there was no appeal of the plan to LUBA by the opposition either as a group or individually. If an appeal was filed, then the new plan should be reinstated. The concerns remained steadfast throughout the process. They wanted the kids of the District to have the sports fields they deserved and were promised over a decade ago. They hoped the City of Milwaukie would support those efforts. He thanked Mr. Ciecko, Parks District staff, DAB, and the Planning Commission for all their hard work on this project. They looked forward to watching the children of the area enjoy the new sports fields.

- **John Denny, 11233 SE 27th Avenue, Milwaukie.**

Mr. Denny spoke on behalf of Kids First of North Clackamas that represented 15 outdoor youth organizations within the North Clackamas School District. Last week he called various parks and recreation districts in nearby communities. The City of Oregon City provided 10 sports fields for use by youth groups. The City of West Linn provided 13 sports fields, and the City of Gladstone provided 12. The City of Milwaukie provided one at North Clackamas Park. Kids First came into being in 1999 when they were pushing for the City to purchase Milwaukie Jr. High to maintain use of the sports fields. The City eventually came around to seeing the need and was in favor of that. By the time they came around to that, the School District was tired of waiting and sold it to Waldorf School. They no longer had use of those fields. One was replaced by a parking lot, and they had been priced out of the other. Waldorf was charging too much for its use. Mr. Mantay came to Kids First a month ago with this compromise plan. They discussed it as an organization and reluctantly but unanimously went along with the revised plan. They did that because they were told that if the plan were appealed to

LUBA, then it could take up to 12 months before it was heard. From the past experience, it was in the back of Kids First members' mind that it might not happen if it was drug out too long. They wanted to see something happen. Part of the agreement to do this with the revised plan was that the Parks District agreed to look into developing a classic-size soccer field at Lot Whitcomb or View Acres. The problem was that a baseball field would probably be displaced. A field would be lost to gain a field. They asked that if a baseball organization lost the use of a ballfield, then it got priority at North Clackamas Park. He provided a copy of the information on the numbers of baseball and soccer fields in area cities compared to Milwaukie.

- **Tim Salyers, 16480 SE Sterling Circle, Milwaukie.**

Mr. Salyers spoke as president of Mustang Basketball and fund raising chairperson for Milwaukie Jr. Baseball. He appreciated the plan for what it was. They approved of the plan unanimously but reluctantly. They preferred the 6:0 Planning Commission vote, but they were willing to work with the Friends and the District in getting the fields built. Ultimately, those fields were needed. He did not represent soccer. His brother and sister played soccer, and he used to play. A full-size soccer field was really needed. Go Cubs. He recognized Mr. Firestone for hearing many hours of testimony.

- **Susan McCarty, 11055 SE 77th Avenue, Milwaukie.**

Ms. McCarty spoke as a soccer representative and had been involved in this process since the beginning. She was heartened to hear all the support for baseball, and although that was not her focus, having fields for any sport was important. She supported the plan; however, the soccer field did her no good in a baseball outfield. The area needed soccer fields. She hoped once this plan was approved that the need for fields would not be forgotten. This was a completely volunteer soccer organization where kids paid \$165, while other clubs were charging up to \$1,500. The program was losing kids constantly because there are not enough facilities.

Mayor Bernard asked why build the soccer field? If the baseball fields were damaged because of soccer, then maintenance costs would be more. He heard testimony that it was useless. What kind of testimony did the City receive in support of a soccer field? Why build it at all?

Ms. McCarty was the president of the Milwaukie Soccer Club. The main clubs that would use the area were the Milwaukie Soccer Club and the North Clackamas Soccer Club. North Clackamas generally used the field at the Park, but they stopped using it several years ago because of its current condition. She did not know if they would want to use this size of field. She suspected scheduling would be difficult in the spring because most of the fields were multi-use. Having fields just dedicated to soccer and fields just dedicated to baseball was more important at this point. It did not hurt to have the soccer field at North Clackamas Park.

Mayor Bernard understood the County would make an effort to acquire and develop soccer fields. It did not make sense to limit baseball for a soccer field no one may use.

- **Steve Berliner, 10824 SE Oak Street #311, Milwaukie.**

Mr. Berliner spoke on behalf of the Friends of Kellogg Creek and Mt. Scott Creek Watersheds. He supported the appeal. He attended a number of meetings formulating

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the compromise between the Friends, the District, and Clackamas County. He thought it was a very positive, constructive process. He imagined the City Council sensed some pain. It had shifted a good deal from the hue and cry from so many neighbors and opponents. He thought his would be part of the healing; everyone would not get exactly what he or she wanted. People can work together to share the benefits and the pain, and it was heartening for him to see that.

The Friends of Kellogg Creek and Mt. Scott Creek Watersheds urged the City Council to approve the appeal jointly supported by the applicant, Friends of North Clackamas Park, and other Park stakeholders. The constituents were able to work together on a collaborative process to modify a plan that very many had opposed. They thought gaining significant benefits to a diversity of park users, neighboring residents, downstream property owners, and wildlife and the Park's natural resources, which was the strongest concern among his group. They believed that the modest trade-off of laying a smaller soccer field with a baseball field offered many tangible benefits including leaving an area to be used for pick-up soccer play on the south side of the Park. This would not have been available under the original plan and would have stressed many of the other desired uses for the south side. That stress would be relieved to a great extent under the modified plan. Impervious parking spaces were reduced along with the surface water runoff both from those parking spaces and from separate irrigated soccer field and related maintenance requirements. Reducing negative impacts on the environment and leaving more of the park available for other beneficial uses as opposed to simply storing more cars.

While reducing negative impacts, the appellants were able to add significant amenities through the modification such as the potential for a beautiful entry pavilion, more accessible and convenient restrooms for all park users, a more functional horse arena facility, and a lighted walking trail that would also enable placing interpretive signage highlighting the role of parks in bringing nature and people together in an enjoyable and educational setting. He was very pleased with the development aspect under the modification. In conclusion, the approval of the appeal assured a much better park experience for the majority of potential park users, for neighbors, and for nature. It did one additional thing. If affirmed that public land use planning through a collaborative process with multiple stakeholders even when a specific interest like youth baseball was the primary intended beneficiary resulted in a swifter process and a better overall outcome and public benefits. He hoped the City Council would approve the appeal.

• **Eric Shawn, 13655 SE Briarfield, Milwaukie.**

Mr. Shawn spoke in support of the modified plan. Most of the points had already been made. As a person who was responsible for the care of two full-size soccer fields, one of which had a baseball field overlay, little if any damage would occur with this age group. 8 – 10 year old kids caused very little damage. The soccer fields he had were sand-based fields, which tended to be more fragile. He thought it was a good use of the space. In terms of cost, he did not think there was any additional cost associated with overlaying the soccer field on the outfield of the baseball field. In other words, there was no difference in grading and fill and no difference in fencing. It was simply a matter of how it was used.

- **Larry Deyoe, 5820 SE Tranquil Court, Milwaukie.**

Mr. Deyoe represented Putnam Youth Baseball as the vice-president of the league. He thanked the City Council for its patience. He spoke to how this modified plan impacted his group. Putnam Youth Baseball was a very dynamic league that was growing quickly. They had an issue if a soccer field was placed at View Acres Elementary School. It was the only junior baseball program in North Clackamas that did not get to use their middle school facility on a yearly basis. Because Aldercreek Middle School used to be Clackamas High School, the School District had Putnam Youth Baseball share it with Milwaukie and Clackamas Junior Baseball Leagues. One out of every three years, they got to use that facility. The second issue had to do with New Urban High School on Webster Road. That belonged to Clackamas Babe Ruth, so Putnam could not use that field either. Bilquist Elementary School had four fields, but Clackamas Little League perennially used those. If soccer fields were put in at View Acres, five teams would be displaced. That facility was literally used by Putnam Youth Baseball six days a week. There were practices, and games started about May 10 and ran through the beginning of July. While he supported the unity, losing View Acres would damage Putnam Youth Baseball tremendously. In essence two fields would be taken away from the League. Hopefully, Putnam could use North Clackamas Park, but it would need fields six nights per week. From his League's perspective, that could be hugely damaging. He asked that the plan be accepted but that there be a way to find another facility for the full-size soccer field. He did not think the soccer field should be displaced at all, because his League could not afford to lose any more fields. If they did, then they would have to tell 50 – 60 kids they could not put them on a field sometimes. Putnam had one of the best games of its year against the Milwaukie team in the County championship tournament. Players could be taught the fundamentals when they had fields. Please do not take View Acres from them; they could not afford another loss.

Councilor Barnes said New Urban High School moved out of the Sabin-Schellenberg Center, so the place on Johnson Road was available. Both of the trailers had been removed, so the area was open.

Mr. Deyoe understood from the School District that there was always an application process. Clackamas Babe Ruth had perennially had that field.

Councilor Barnes worked there, and she seldom saw any teams playing on the north field.

Testimony in opposition to the appeal:

None.

Neutral testimony:

None.

Staff recommendation: **Ms. Nesbitt** said staff recommended that the City Council uphold the Planning Commission's decision on applications CSO-05-02; TPR-05-01, and WQR-05-01, authorizing construction and improvements to North Clackamas Park and adopting modified site plan and revisions to the findings and conditions in support of the approval as identified in the appeal.

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Councilor Barnes asked if any member of Council had questions of Ms. Nesbitt.

Mayor Bernard asked how much testimony there was on soccer fields in general.

Ms. Nesbitt said in general the testimony was in support of the full-size soccer field. There was no testimony on the modified, smaller size because it was not presented at the Planning Commission meeting. She estimated a handful of people (4 or 5) testified in support of the full-size soccer field at the Planning Commission hearing.

Councilor Loomis commented that the need was great for a full-sized soccer field. The unity Ms. McCarty showed in supporting the ballfields was a big step in the youth groups working together. There was a greater lesson to be learned from these things. Something needed to be done about the soccer fields, and Councilor Loomis recommended further discussion of that issue in the future.

Applicant rebuttal: **Mr. Mantay** said the District and County Commissioners strongly supported full-size soccer fields. Full-size soccer fields were also used for football, lacrosse, and other open space field activities, so there was a huge need for that. He noted that the popularity of lacrosse was growing in this area. Mr. Mantay attended the Kids First meeting where Ms. McCarty talked about the need for full-size fields, and that was where the Lot Whitcomb idea came into being. There had been conversations with the School District, and irrigation would cost \$143,000. A similar discussion was going on with View Acres. The goal was not to displace people, but when one had better turf, multiple uses could be maximized on existing facilities. The North Clackamas Soccer Association used the current U10 field in North Clackamas Park. At that age, the players did not typically slide tackle, which tended to tear up the fields. He thought there was an opportunity for dual use. The DAB thought it was important to have a field somewhere in a multi-use location. By placing it in the outfield, the District felt it was meeting the spirit of what they were trying to accomplish. Everyone recognized that there would be scheduling issues that needed to be worked through. He thought it was important to have that use. Lastly, he had a lot of testimony that this was a young man's baseball complex. There would be girls out there playing fast-pitch softball just as much.

Councilor Loomis understood there was \$700,000 set aside from the original \$3 million plus an additional \$300,000 in SDCs for a total of \$1 million. He asked Mr. Mantay if he had investigated an all-weather surface at Aldercreek.

Mr. Mantay said he had had the conversation. The details were not ready for public discussion. The District had identified half a dozen different locations including Lot Whitcomb, View Acres, a couple of parcels east of I-205, property at SE 142nd and Sunnyside Road that would accommodate 1 field, and a PGE easement that would hold two full-size soccer fields. The District was exploring a plethora of options. There had been very preliminary conversations about what a turf field would do. He expected discussions would continue now that school was almost back in session.

Councilor Loomis remarked that promises had to be carried out.

Mr. Mantay said that was why he wanted the DAB and County Commissioners to make those statements. There was roughly \$1 million, so he believed there were a number of options to explore. He was committed to finding solutions.

Closure of the public hearing: It was moved by Councilor Collette and seconded by Councilor Stone to close the public hearing.

Council President Barnes closed the public hearing at 8:41 p.m.

Council discussion:

Councilor Collette was excited by the compromise decision. She wished it had started out like this rather than taking so much time and creating so much conflict in the community to get everyone one at the table. The result was wonderful. It would be a much more usable park. She was among a group of people who met with a public space planner who said that every park should have ten attractions or ten reasons why one would go there. She saw a lot more of that in the modification. She was particularly pleased as a frequent park user to see open space and watershed protection. It was remarkable and a pleasure to have everyone present to hear about the hard work and what had been accomplished. Everyone would need to work together to get more baseball fields and more soccer fields in the area.

Mayor Bernard commented on distrust of local government. The City had tried not to be a part of this plan. He was not sure where the distrust issue came from. He discussed the proposed stewardship committee. It was in the City of Milwaukie and should go through the City Council. Fifty percent of the members should be Milwaukie citizens because the City owned the Park. He was amazed in the beginning that there was any opposition. The Council had no information on lighting and sound. Mayor Bernard's father was Mayor in the 1960's when the Park was dedicated, and it had hardly changed since then. Jim Newman who lived across the street brought the National Guard in to level the ground and to plant trees. North Clackamas Parks did go out for a number of levies to build baseball fields and soccer fields, but those failed. He hoped the next time there was enthusiasm to fund parks development. He was looking forward to work on the other side of the Park. He had gotten e-mail about dogs, and he had people visit him about dogs. Dogs have run up at him while he was in the unleashed area of the Park. He looked forward to that coming to Council, and he suggested beginning with this type of process. There were neighbors who were just as concerned about dogs as they were about kids laughing and having fun on the baseball field.

Councilor Stone reiterated her earlier comments about the collaborative nature of the project. It had been very contentious, and issues like this often started out this way. She thought it was wonderful to see both sides come together to come up with a much better idea. She also reiterated Councilor Collette's comment about protecting the environmental area on the west side of the Park by eliminating the soccer field. That was very important. She wanted to clear up a comment made by Mr. Denny regarding the City's purchasing the Milwaukie Middle School site in the late 1990's. The City did listen to the Kids First people and put it on the ballot so the citizens could vote on whether or not they wanted to purchase the property. The vote went down by a pretty large margin, so Waldorf purchased it. Local government sometimes seemed like it was not listening, but they were. The City Council was listening now.

Councilor Loomis believed Mr. Denny was referring to the time before the ballot measure. It was too little too late. That was in the past, and this was a new, exciting

time. This was long overdue. He was only disappointed in the process because it took so much time and caused so much expense for everyone. He hoped there was a lesson learned in that and that everyone was working together. Mayor Bernard's comment about distrust in government -- he applauded Mr. Mantay, Mr. Ciecko, the County Commissioners, and all the staff for rebuilding. Mr. Ciecko met with all the stakeholders. There had been a real distrust. He knew the youth organizations had given up. They had tried to work with the District in the past. They expected nothing from the District because they got nothing. Mr. Ciecko was a straight shooter and battled hard when it would have been easier to just spend the money somewhere else. He realized the District made a promise to this community. The 1992 intergovernmental agreement called for four lighted softball fields and four lighted soccer fields. There was a lot of healing. When he went to the DAB meetings he was disappointed to see another group that was distrustful of the Parks District. He was happy this was on the mend. Youth sports, community, and neighbors should be a happy thing and all work together. He thought this was a step in the right direction. That was why he was really concerned about the full-size soccer field because that needed to happen. This would be well received by the youth, but it was more needed by the City of Milwaukie and the Parks District. There would always be people around like Rick Frank, John Denny, Susan McCarty, and Bonnie Petty. There would always be parents involved who cared about kids, and they would find a place to play. He was proud that everyone stuck with this project.

Council President Barnes said every Saturday during the spring and fall there were lots of cars parked in front of her house because she lived close to Linwood Elementary School. She felt good as a mom and a grandma to hear all of these kids playing. What was best was knowing those parents and grandparents were spending quality time with the kids and watching them do something constructive. In many communities across this country kids did not have parents and grandparents to spend Saturday afternoon with and have their pictures taken. It was not an inconvenience having cars in front of her property or people walking over her yard to get to the ballfields. It was not an inconvenience to hear those children playing and have their parents cheer them on. It was not an inconvenience or a sorrow knowing that our ballfields were filled with happy, joyous kids. Quite frankly the alternative of those kids was not being happy and doing something destructive to our community. Being grateful that we have come to a compromise was something we all felt good about, but the issue remained. Now we have a real need that had to be addressed, and that was the soccer field. Anytime people could work together obviously there was some strength in numbers. She asked everyone to step forward including the Friends of North Clackamas Park to help come up with another compromise to help kids get soccer fields -- not just the boys but also the girls who were very strong and very active in soccer. She wanted to make sure every kid in Milwaukie had a chance to play their sport on a Saturday morning with their parents and grandparents on hand. That was what a good community was all about.

Councilor Loomis heard comments about boys twice. These fields would be used by boys and girls. It was not an all-boys facility.

Council decision:

It was moved by Mayor Bernard and seconded by Councilor Collette to uphold the Planning Commission's decision on applications, CSO-05-02, TPR-05-01, and WQR-05-01, authorizing construction of improvements to North Clackamas Park, and to adopt the modified site plan and revisions to the findings and conditions in support of approval as identified in the appeal.

Councilor Stone discussed adding a condition that the District would post the property when it used pesticides and herbicides. She understood the city attorney said that could be a condition of approval.

Mr. Firestone said if the Council wished, the motion could be amended to adopt an additional condition of approval requiring on-site notification of herbicides and pesticides.

It was moved by Councilor Stone and seconded by Councilor Collette to adopt an additional condition of approval requiring on-site notification of herbicides and pesticides.

Mayor Bernard said the District was professional, and he did not feel the City had the ability to enforce such a requirement. As Mr. Gessner said, the City did not have a code that would allow it to do that. He would not support the motion for that reason.

Councilor Stone asked if the City could adopt a code. She thought it was a good idea because everyone was becoming very environmentally aware about the dangers of pesticides and herbicides. We lived in a very toxic world. There were animals running around and children playing. She thought it was a stewardship issue more than an enforcement issue. She was not suggesting that code be adopted at this meeting but thought it could be a condition of approval as the Planning Commission suggested. She was hoping to add a little muscle because she thought the Commission had a great idea.

Council President Barnes understood the concern, but the staff expressed concern that it neither had the manpower nor code. There have been numerous complaints, and not even dogs can be controlled. If the County and District said they would take care of that, then that was all right with her.

Mr. Mantay said it would happen.

The motion to amend failed with the following vote: Councilors Stone and Collette voting 'aye' and Councilor Loomis, Council President Barnes, and Mayor Bernard voting 'no.' [2:3]

The motion to uphold the Planning Commission's decision with the modified site plan and revisions to the findings and conditions in support of approval as identified in the appeal passed unanimously. [5:0]

Council President Barnes announced that any party standing might appeal the decision of the City Council to the State Land Use Board of appeals according to the rules adopted by that Board. The written decision would contain an explanation of the appeal rights. Questions were directed to the planning department staff.

Mr. Swanson said another element was that the Planning Commission spent 18 hours listening to testimony. He had a great deal of respect for the members both as

individuals and collectively. Because the Planning Commission decision was altered in some way, that was not a reflection on the amount of time or the quality of the decision. As a matter of fact, he felt the City Council was able to get to this point because of the work the Planning Commission did. It was a great group of volunteers. Additionally Ms. Nesbitt did some great work on this application.

Mayor Bernard added the Planning Commission did a wonderful job, and that group worked a lot harder than the City Council. He thought it was a great process and could not wait to cut the ribbon.

Council President Barnes recessed at 8:59 p.m. and reconvened at 9:09 p.m.

B. Appeal of Planning Commission Decision Relating to Property Located at 2540 SE Lark Street

Council President Barnes called the public hearing on the appeal of the Planning Commission's ruling that the building located at 2540 SE Lark Street had three legally-established dwelling units was called to order at 9:10p.m.

This hearing was limited to the issues raised in the appellant's notice of appeal, and the Council would recognize those wishing to speak. Council would use the testimony in coming to its decision on the application.

The purpose of this hearing was to consider the appeal of the Milwaukie Planning Commission's ruling that the use of the property for three dwelling units had been legally established as a nonconforming use. The applicant has taken the position that use of the property for four dwelling units has been established as a legal nonconforming use. A legal nonconforming use was a use that complied with zoning regulations when first established, but was not consistent with current zoning regulations. The applicable standards to be considered are Zoning Ordinance sections:

- 19.1002 -- Appeal from Ruling of Planning Commission.
- 19.800 -- Non-conforming situation

Council President Barnes reviewed the order of business in the conduct of the hearing. The applicant had the burden of proving that the application complied with all relevant criteria of the Comprehensive Plan and Zoning Ordinance. The City was in receipt of the appeal, which identified the issues and the reasons for the appeal.

All testimony and evidence was directed toward the applicable substantive criteria. In this case, the only factual issues relate to the number of dwelling units in the building, when the number of dwelling units was established, and whether that number of dwelling units was legal when first established. Failure to address a criterion precluded an appeal based on that criterion. Failure to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow a response precluded an action for damages in circuit court. Any party with standing could appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing are those who testified or signed the City Council Attendance sign-up sheet on the information table in the hall.

Council President Barnes reviewed the conduct of the hearing.

Conflicts of Interest and Site Visits: **Councilors Collette and Stone** had driven by the site. **Council President Barnes** visited the site.

Mayor Bernard watched the entire Planning Commission meeting.

Council President Barnes said while looking for the address she stopped on the street with her window rolled down. The neighbor directly across the street came to her car and asked her, not knowing who she was, if she was looking to rent. Council President Barnes replied that she was not. He looked at her and said he did not think she should rent there because "the City was trying to shut the whole thing down." She thanked him and drove off.

Challenges and Jurisdictional Issues: None.

Michael Hamersly, the appellant, stated a point of order. He was told at the last Planning Commission meeting that he had to bring in all the information, otherwise it could not be appealed to the City Council or to LUBA. Page two said this was de novo, which meant it, was not restricted to the Planning Commission record. He was confused. Was it or was it not restricted?

Mr. Firestone said the rules required issues to be raised with sufficient information so that the decision-making body could address those issues. The same was true at both the Planning Commission and City Council. Applicants or other persons were allowed to provide new testimony but could not raise new issues. A new issue would be an issue that had not been raised before. The issue of how long the use had been legally in place had been discussed. There could be new evidence on that issue, for example, but not a new issue – not a different issue.

Staff Presentation: **Mr. Gessner** introduced Luke Jones, Ramis, Crew & Corrigan, who would help with the presentation.

The issue was very clear. The only question before the City Council was at what point in time was the building converted into 4 units and were the zoning regulations at that time such that they would allow that change to happen. He reiterated a point that was raised in the script read by Council President Barnes. Because this was a very narrow question that needed to be proven, the staff presentation would be focused entirely on addressing that question. The staff report had over 330 pages. There was a great deal of information that was potentially not relevant. It was the City Council's decision to determine the relevancy of information. Staff would stick closely to the issue at hand. For the record, last Friday staff e-mailed draft Planning Commission minutes from June 14, 2005. The Commission had not approved the minutes; however, Mr. Gessner reviewed them and thought they were a fairly decent representation of the proceedings of that night. In that same e-mail transmittal there was an August 10 memorandum from Mr. Jones in the City Attorney's office detailing the events and conclusions of an investigation conducted. Mr. Jones would speak to those.

Mr. Gessner reviewed the history. There was a lot of relevant history and history that might not be so relevant. The property was annexed into the City before 1968, and the City had records to demonstrate that. He also knew in 1968 that the City adopted a new Zoning Ordinance that limited the use of this property to no more than a duplex – no more than two units. That was based on the prescribed allowed use. He believed

the area of the parcel was just a little greater than 10,000 square feet. One needed 5,000 square feet per unit in the R-5 zone.

He referred to the talking points. Mr. Jones would speak specifically to those identified property owners. On July 9, 2003, Mr. Jim Griffith, Mr. Hamersly's representative at the time, had asked the City to determine that four units were permitted in that building. Staff could only determine at that time that three were permitted. The City issued a formal approval in accordance with the Zoning Ordinance. On July 27, 2003, the appeal period expired on that approval. There was some discussion in regards to the purpose of appeal periods and the necessity to have a termination of the appeal period.

It was not until November 2003 that the City was contacted by Mr. Hamersly's representative giving notice of the intent to appeal. That appeal could not be accepted, and it could not be reconsidered. In fact, staff refused to reconsider any subsequent requests for quite some time until February 2005 when staff did accept a duplicate request made by Mr. Hamersly himself to determine, again, on his behalf that four units were allowed. Staff could not make that determination based upon the information presented and the history of the case. Mr. Gessner issued a determination that was subsequently appealed to the Planning Commission. The Planning Commission considered it on June 14 and upheld the Planning Director's determination. Mr. Hamersly subsequently appealed the Planning Commission ruling.

The Planning Commission relied upon City and County records to make its decision. Both county assessor and City utility billing records identified the property as historically containing three units. They did fairly extensive research and presented that information to the Planning Commission in the staff report. The City Council already had much of that information. There was about a three-hour public hearing on June 14 wherein testimony and additional evidence were provided to the Planning Commission. The City had new information based on an investigation conducted by Mr. Gessner's request by the city attorney's office. He turned the report over to Mr. Jones to explain the nature of the investigation, what he found, and the conclusions.

Mr. Hamersly made comments from the gallery, which were inaudible.

Mr. Jones, law clerk with Ramis, Crew, Corrigan. One of his assignments from Mr. Firestone was to call the residents first and then the previous owners of the property and ask them the simple question of how many units were in the building when they lived there or owned it. He referred to the memo he prepared that summarized the positive results of the investigation. There were other people he tried to contact that for whatever reason seemed to have disappeared from the face of the earth or were at least no longer carrying telephones, answering mail, or talking to their neighbors.

The first person he spoke with was Ruth McGahuey. Her husband Mr. McGahuey was deceased. She did not recall the specific dates that she and her husband had owned the building. She remembered that it was sometime in the early 1980's. The two deeded in the title report obtained by Will Seltzer of Ramis, Crew, and Corrigan showed that she had owned the property from 1973 to 1982. When Mr. Jones asked her how many units were in the building, she replied three. That was exactly how he asked her the question. He asked her how many units she rented it out as. She said three. He

asked if she ever rented out more. Did she ever rent out four or five? She said no it was only three, and that was all they could have.

The next owner in the process was Leon Huggett with whom he spoke. As the memo showed, the title report indicated he owned the property from 1982 to 1985. He confirmed the same thing and that he had only rented it as a three-unit apartment building. He had one piece of information that he had wanted to rent it as a four-unit. He had thought about seeing if he could get a four-unit approval, but he thought there was a problem with parking. That was why he was not able to rent it as a four and kept it as a three. After speaking with Mr. Huggett, Mr. Jones drafted a brief which Mr. Huggett signed as being an accurate portrayal of what he had said. That was included with the memo.

The next owner he spoke to was David Wilkie who co-owned the building with Rick Brewer from 1995 to 1997. Mr. Jones spoke with a person named David Wilkie who had lived at the address indicated on the deed at the time he bought and sold it according to the background research tool he was using. Mr. Jones thought it was very likely that this was the David Wilkie who had in fact owned the property. But when Mr. Jones contacted him, he said no. A lot of people he spoke to were very nervous when someone called them saying they were calling for the City of Milwaukee. He told them he was just doing a research project and that no one was going to get into trouble. There was no issue to worry about. He was just trying to get information. When Mr. Jones said that, Mr. Wilkie said he could not help. Considering that information, Mr. Jones believed he did talk to David Wilkie, but he did not want to talk to him.

Those were the three owners' comments that he talked to, and Mr. Jones asked if he should talk about the residents.

Mr. Gessner remarked that City Council had that information. For the purpose of Council decision-making, he believed the City had very credible, substantial evidence that confirmed the building had three units for a period of over 20 years. There were signed statements from property owners who have no interest in this matter. They long ago sold the property. He wanted to clarify that in no way had the City alleged that Mr. Hamersly himself converted the building from three to four units. He believed it was converted between 1995 and 1997. In fact Mr. Hamersly, as part of the record, had a photocopy of the newspaper advertisement noticing the availability of the subject property. It said "four-plex for sale." He asked Mr. Jones if he had found anything in his work that would illuminate that belief more.

Mr. Jones said that was the exact impression he got from the interviews he did on the phone. It was converted some time after 1995. One of the residents, Mr. Freeman referred to the owners in 1995 – 1997 as the "two used car dealers." It was converted at some point by the "two used car dealers" with whom Mr. Jones was unable to speak.

Mr. Gessner spoke with Mr. Huggett yesterday. He was somewhat embarrassed to make the call. The purpose of call was to ask Mr. Huggett if he would come and testify before the City Council. This was someone who sold the headache a long time ago. He was not willing to testify at the hearing. Mr. Huggett did confirm to Mr. Gessner that it was three units – two upstairs and one below. When they had the occasion to enter the premises under a code violation – a serious code violation case – that eventually

resulted in the building being declared a dangerous building. All tenants were required to vacate, so they would not be subject to risks given the condition of the building. The building had four units. One asked one's self why there were four units in a building on a little more than 10,000 square feet in an R-5 zone. It was a natural curiosity to understand why that happened. Many times when staff found gross building code violations, it was because things were not done by code – either by building code or zoning code. This was a natural process of investigation and how these types of problems were considered. The witness statements substantially corroborated the information that staff had. The County assessor said there were three units. The utility bills said there were three units. He had photographs of the condition of the building. Staff had discomfort when it was trying to justify three versus four. With the work done through the City Attorney's office, he felt there was substantial compelling evidence to uphold the Planning Commission's decision on the appeal. There was a lot of information in the packet, which he could discuss at great length. He would prefer not to given the hour. He would also feel very confident in the material presented to the Council thus far.

Council President Barnes believed everyone had read the material and asked if any member of Council had a clarification question for Mr. Gessner or the City Attorney's office.

Councilor Stone had some questions regarding information in the packet and specifically information, letters from employees at PGE. One letter dated April 11, 2002, stated it was the "understanding that this address on Lark Street is a four-plex. It would be logical to think that if the meter was installed in 1964 in one unit that the other units would coincide. However, the meters have been pulled from these addresses. We do show what we did at one time have active service at 2540 SE Lark Street 1, 2, 3, 4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above." That told her that they had four units at that point in time. There were other references that made her question what had really gone on there. She had just read from packet page 73. On page 105 was another letter from a PGE representative stating that the "State of Oregon requires inspections prior to connection of electricity, PGE abides by those laws – and has for well over 50 years." It had "never, nor would it now, connect electricity at any location without the property owner first obtaining proper electrical inspections."

Council President Barnes asked Councilor Stone if she had questions for the City Attorney representative.

Councilor Stone said Mr. Jones could probably step back unless he was the appropriate person to respond to the PGE questions. She referred to page 106, "condition of electrical installations." Apparently there were records that were missing. It was very convoluted. It went on to say on page 107 that, "We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure ..." Councilor Stone was not sure where that came from. It did not seem to be part of the letter in terms of condition of electrical installations. It went on to say that "There may well have been four units prior to that date with all units on one meter prior to the installation in 1964, but again, no records were available." There were references

saying the electricity – the use of the different boxes and wiring – dated back to the 1960's.

Mr. Gessner did not believe the records amounted to much in terms of proof. It identified at least for billing purposes what was in place. Staff reviewed that information. Given the weight of the other information to the contrary, staff had a very hard time reconciling this. It was a very common practice for apartment buildings to have a common meter for the utilities, washroom, outdoor lighting, and then to have individual meters for each unit. One could change what happened on the inside without changing what happened on the outside. For instance, if what the City was presenting for evidence was true, then what likely happened was that the common meter was then converted to a service meter for a unit sometime between 1995 and 1997. Mr. Jones in talking with one of the tenants had found that one of the tenants was paying for the entire building. That was a red flag for staff, and he asked Mr. Jones to discuss that.

Mr. Jones said Mr. Jay VanOrman lived there from 1998 to 1999. He actually had a lot of complaints in general about the building. At the time Mr. Jones was talking to Mr. VanOrman, he had not realized the metering would be an important issue. What Mr. VanOrman had brought up on his own was that he had been paying, as Mr. Gessner said, for the electricity for all four units at the time he had been living there. He had called someone and had it repaired because obviously he only wanted to pay for his own electricity. He did say that, and Mr. Jones did not believe Mr. VanOrman had any reason to make it up. He brought it up of his own accord.

Mr. Gessner said in 1960 there could have been four units. By virtue of the then subsequent property owners they decided to only have three. If there were four and it went to three, then under zoning law they were not entitled to that fourth unit once it was discontinued for more than six months or a year. The regulations worked to eliminating nonconformities.

Councilor Stone understood it could have been a four-plex, then they disconnected the meter for longer than six months or a year. Then it could not go back to the same use.

Mr. Gessner believed it was unlikely that there were four units in there during the time the McGahueys and Mr. Huggett owned the property. Based upon his conversation with Mr. Huggett he was interested in expanding by making the basement two units. When he went to the City, he was told he could not do that. Mr. Huggett told that same information to Mr. Gessner and to Mr. Jones unsolicited. Staff began to get rather confident in what it was hearing when it got unsolicited, similar remarks like this were provided. After Mr. Huggett learned that he could not put two units in the basement, he began to improve the basement. Mr. Gessner believed overtime it was enlarged to a point where a new property owner came in and actually divided the space. In regards to the letters provided by PGE and Industrial Commercial Electric, electrical systems, plumbing systems ... The Industrial Commercial Electric letter on page 106 was written in 2004 or three years after the time the building was closed for fire-life safety hazards. He did not know what that person witnessed. It was quite likely not what was in place at the time the building was ordered closed. After December 2001 when the building was ordered vacated, Mr. Hamersly had spent considerable effort on having plans drawn and contracting work done to correct all the prior violations. It was not uncommon for work to be done without permits. One would see in the photographs that there was so

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much exposed wiring that it really looked like the work was done without permits and therefore no inspections were done.

Correspondence: None.

Appellant Testimony: **Michael Hamersly**, POB 82921, Portland, Oregon 97282.

Mr. Hamersly was present as an owner of a four-plex in the City of Milwaukie. He had gone through a long and arduous process to get to this place. He thanked the City Council for being there because he knew it was already late. This was very important to him, so he was glad they were spending the time on it. He hoped to demonstrate he did in fact purchase a four-plex. If the City Council looked at some of its material, it would see that City employees stated he had bought a single-family house and illegally converted it to a four-plex. That was put into a news article, and he had neighbors coming and asking him why he was doing things illegally. He heard conflicting information. The article was there and he would be happy to go into those things later.

Tonight he hoped to demonstrate that the four-plex existed at least since the 1960's by providing the following information and documentation of physical facts. The four-plex building was built in 1936. That was important to note. In 1936, he believed the City of Milwaukie had about 2,000 residents. It did not require building permits for all buildings. So when they say that the wiring was done kind of funny, it was true because there were not permits at that time. It was indicative in an older building to find these unusual situations.

He hired a professional civil engineer, a professional electrician, an expert in multi-family renovations, an expert in non-conforming uses, and a professional appraiser who all physically inspected the structure and agreed that it was a pre-existing non-conforming four-plex and had been since at least the 1960's. He did his best to provide the information to show that he bought a four-plex. Planning made mistakes in 2001. Mr. Gessner started by saying it was July 9, 2003. That actually started back in December 2001. It was still going on four years later. This was what he would consider a fairly simple matter. The reason it has dragged on so long was when planning closed it down, the official reason given was it was a dangerous building. He saw that as a glass ceiling. She was not hired because she was unqualified was the official reason. The real reason was they did not want to hire a woman for that position. The official reason for this being closed was that it was a dangerous building. He would demonstrate later that was not so. They sent the notice out on November 29, 2001. They left the tenants and children in there until December 14, 2001. If it was so dangerous why were they not vacated immediately? He would go though and list – they were minor safety issues.

He did his best to provide the information. That was why he thought they pushed so hard to find three units. This was the first he heard they contacted previous tenants and owners. He wished he had thought of that because he would have gotten the information he needed. He did not have any of that information staff was talking about. They had three years to come up with this new testimony. At the Planning Commission hearing, all they had was the utility bill from the City, which was based on the appraisal record, and the county tax assessor's record. That was all they had at the Commission, and that was the compelling evidence. He would like to get a copy of the new evidence

he heard this evening about the owners and renters. He felt he had been sideswiped at the very last minute. They had three years to make those phone calls. It was interesting that staff had not done that until now.

Another thing was that if the City Council did not find for a four-plex at this meeting, Mr. Hamersly would literally lose thousands of dollars. He bought a four-plex in the City of Milwaukie, and now zoning was taking one unit. That was 25% of his business and income. He did not see how it was in the best interest of the City to take away a low-income housing unit for someone who legally bought it. He believed there was an opportunity to right a wrong and clear his name and reputation – and help clear the name and reputation of the City of Milwaukie as a good place to do business.

From his understanding all that needed to be done this evening was to decide if evidence provided to the City Council indicated the structure could have been four dwelling units in the late 1960's. If it was agreed the structure could have been a four-plex in the late 1960's, then the structure met the Milwaukie Zoning Ordinance 19.809 and could be recognized as such by the City Council by simply voting that this structure was an historic, non-conforming use with four dwelling units. He found inaccurate information in the staff report. He heard inaccurate information tonight given to the Council by Mr. Gessner. Then he would go into what he thought were the most important issues which were physical facts – no hearsay – not "he said, she said" – about this building. He saw that as similar to current court cases where people were convicted beyond a reasonable doubt from eyewitness testimony and hearsay information. They did DNA testing of the physical facts, and these people were exonerated. It was not that people were not telling what they believed was the truth. Physical facts should be taken over "he said, she said" types of situations.

He addressed three things before going into the reasons for his believing this was a four-plex since the 1960's. One of the things Mr. Gessner just said – there were a number of things actually. Unfortunately, he would have to come back to that because his notes were a little messy.

When it came to calling it a dangerous building, he thought it would be shown that was official reason. The real reason was they thought it was a house that had been illegally converted. Within weeks of shutting the building down in 2001, they went in and pulled all the meters off the building. By pulling all the meters off the building, that prevented him from calling PGE, giving them the numbers off the meters, and asking what the history was. He thought that showed the intention that they did not think they found a dangerous building and then looked to zoning. Mr. Hamersly had a quote from Kenneth Kent that said, "A four-plex was not permitted in the R-5 zone." That was a letter from December 9, 2001. It was in the packet. He fully believed that showed the attitude. This was the point he wanted to make about what Mr. Gessner just said. He was saying, "well we found some building violations, then we thought we would look at zoning." It was actually the opposite. They thought they found a zoning problem, so they used an excuse of building to close the building down. They left this building closed for 18 months and did not issue any permits to fix it. That was another indication they believed there was a zoning problem. If he could fix three or four units, then it was not a single-family house. He thought they made a large mistake and had been trying

to cover that mistake for years until he finally had a chance to sit down and provide the City Council with some of the information he had found.

He asked the Council to turn to page 198. It was the letter he received on December 7, 2001. He referred to the third paragraph, second sentence of the letter from Kenneth Kent, Associate Planner for the City of Milwaukie. Mr. Kent wrote, "A four-plex is not permitted in the R-5 Zone." That was simply not true. A four-plex was permitted if it was a non-conforming use. Mr. Hamersly did not believe Mr. Kent understood that. When they found no permits because it was an older building, they thought it had been illegally converted. It had not. Then they closed the building and were in a difficult position. 18 months of keeping that building closed – it has been bad.

The facts at the Commission were only two. Tonight there were quite a few more. He referred to the key issues on page 3. It was interesting those were never hit tonight. The key issues were (1) (a) Milwaukie utility bill records show three historical units of sewer service. Testimony taken from City of Milwaukie Carla Atwood, Pat D. and Mr. Becker was on page 104. He went into the City on April 20 and had asked Carla Atwood how the utility bill was determined. She told him the utility bill was usually determined when the house was built. They looked at the building permit or record. There was no building permit or record. He asked how it was done, and she said she did not know and asked him to come back. Mr. Hamersly came back on April 27 and spoke with Carla Atwood, Pat, and Mr. Becker. They went over it again. Since no building plan had been submitted to the City in the 1930's and there was not a building plan on record, Carla and Pat believed the utility bill for the building on Lark was based on a flawed 1976 appraiser's records from the County that incorrectly identified the number of units. The utility bill was based off the appraisal record, so he did not believe it was good evidence. It was pretty much just redundant. The City only had one reason for three units and that was the appraisal record. There were only two reasons why the City said this was not a four plex. One was the utility bill which he did not believe – from what the City employees told him – was based off this assessor's record. By demonstrating the assessor's record was inaccurate over the years, it completely eliminated the case that the City had been presenting for the past 3-1/2 years until tonight when it suddenly had new information.

Mr. Hamersly provided a handout. Clackamas County used the assessor's record to make the decision. The Clackamas County Department of Taxation – he wanted to emphasize the assessor's records were for assessment and taxation purposes only. Period. The records the City used to make its decision, they should not have. They were not intended to establish the legality of a property's use even though they could be used.... He did know why planning had depended on this for the past three years. The only two reasons in our packet that they gave for not finding four units was the utility bill, which was based on the assessor's. The assessor's record, which the assessor himself said, should not be used to establish the legality of a property.

The second page was the actual assessor's information upon which the City had been basing its information. Highlighted on the upper left was "remodeled." There were no indications that there had been any remodels since 1977. If one looked below that it said, was the interior inspected by these appraisers. All the inspectors for the past thirty-odd years had not been inside that building. They did not know what had been

going on. They listed the total square footage of that building as 1,419. The actual square footage was 3,078. They missed over half the building on this appraisal record, yet this record was what the City used to base its determination for the last 3-1/2 years that this was not a four-plex. He felt that was pretty poor information. Mr. Hamersly was forced to make drawings that Mr. Gessner referred to. He refuted the fact that he had done any work without permits. He followed all the rules, and that was why it had taken so long. He was not cutting corners. He referred to the drawing. He pointed out the stairs and door to the side unit. To get to that unit, one had to go upstairs, make a 90 degree turn to the left, go up another 4 or 5 stairs, and the front door was on the interior. One cannot see the door from the exterior. An appraiser who did not go in as stated in the upper left-hand corner would not see the fourth unit. He believed that was the missing fourth unit on the appraiser's records. That was it. That was why the City said for the past 3-1/2 years that it was not a four-plex.

Unfortunately those were the key issues Mr. Hamersly came up with as to why they believed there had been four. Due to the time he would not hit them all. He first stated that historical records showed that the structure was constructed prior to code in 1936. That made it a non-conforming, pre-existing four-plex. 1973 showed that the structure was unchanged since that time. He had signed testimony from the then-Mayor of Tigard, Jim Griffith, who was also a planner for more than 20 years who testified that in his professional opinion after reviewing the material and walking through the structure the building was "classic pre-existing non-conforming structure with four units." Signed testimony from a civil engineer that the building materials in the structure, plumbing, etc. were the same vintage and therefore met the criteria. That same civil engineer stated in his professional opinion that "the structure at 2540 SE Lark had not changed in the last 35 years. Therefore, in answer to the question of whether there had been four units located in the structure for the last 35 years. Yes, without any doubt the building had been the same for at least the last 35 years." This was a professional, licensed civil engineer who inspected the building. He had signed testimony from a well-respected member of the community, Mr. Bitz. He was a long-time resident of Milwaukie. He had been on a board and a working volunteer for a non-profit community development corporation that acquired and renovated older low-income housing, thus giving Mr. Bitz quite a bit of experience and expertise in older multi-family dwellings and the remodeling of them. Mr. Bitz in a signed letter to the Planning Commission stated, "I have personally inspected the physical property. I am willing to testify to this effort and the following conclusions. He believed the building at 2540 SE Lark was built and has been used for four dwellings. He believed there were four electrical meter bases serving four dwellings and evidence indicated they dated from the 1960's. Evidence indicated that the building was built in the 1930's. There was no evidence produced that would indicate that one dwelling unit has been added after the 1960's."

An important piece of information he recently uncovered was during the Planning Commission meeting, a Commissioner requested a copy of the title insurance. Mr. Hamersly did not have a copy with him at the time because all the title had was the legal description. It did not describe the building or how many units, so he did not bring it with him. He went home and looked to make sure he had read it correctly. What he found when he did that was he had taken a loan from Washington Mutual when he was buying the building, he found the appraiser who had done the appraisal for Washington Mutual.

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So he had a licensed appraiser with a signed statement on June 20, 1997 that stated, "due to lack of current listings for comparable four-plex property ..." So he was trying to find comparable four-plex properties with the four-plex he purchased.

Council President Barnes asked Mr. Hamersly to wrap up his presentation as the allotted time was up.

Testimony in support of the appeal:

Mr. Hamersly requested that the testimony be in a particular order.

Mr. Firestone stated that would not make any difference.

- **Wayne Hamersly, 13200 SE Nixon, Milwaukie.**

Mr. W. Hamersly helped in the early days of this and watched as his son worked through the process after Milwaukie shut the building down for a couple of years. About two months ago, he decided he should try and help because the questions seemed to revolve around square footage and the use of the words basement, first floor, and second floor. It was reasonably confusing because there was no basement in this property. There was a first floor and a second floor and a small bedroom on the third floor. The only below-level grade was the washer and dryer area. He went to Clackamas County to determine why they were showing a record of 1,419 square feet in a two-story and maybe three-story building. That did not make sense to him because he measured it. He talked with Joe Honel. There was a letter sent to Mr. Gessner, which he hoped the City Council had seen, but he did not hear it mentioned. He was not able to come down to the building, so Mr. W. Hamersly took pictures of the building and the stairs to show the incomplete appraisal that was done since the 1970's. He could go back to the 1970's and show that all the County appraisers indicted they had not gone inside the building. Last month when the other body that listened to this appeal mentioned that they drove by the building ... this group gave full credit to the fact that some drove by but did not go in. If they did not go in it, like the appraisers, they missed over half of the building. The building actually had – there was 1,659 square feet that was not on the County appraisal. One whole floor plus the basement was not on the County appraisals. He thought that was really important. Those county records had been changed. That was in the letter. You would have to do the math because he talked to Mr. Gessner. He said the County did not say that. Mr. W. Hamersly did the math and 1,419 and 1,419 and 200 some odd feet added up to a whole extra floor. In other words, over half the building was missed. There were some comments and earlier correspondence from Mr. Gessner that discussed the fact that Mike (Hamersly) was illegal in not telling the City of Milwaukie that the utility bills – he should have 'fessed up and said he had four units. You can't tell on the utility bill how many units there were because it was not on the bill. There were some serious mistakes made in this, and he hoped the City Council would rectify those.

- **Christina Piasky, 10221 SE Crescent Ridge Loop, Mt. Scott, Oregon 97226**

Ms. Piasky started with looking at the facts of the situation. This was the first time they had seen the testimony from the people who were brought up. She thought a lot of that, the wording, could determine the prior owners' answers. She did a lot of interviewing and one could extract what they wanted out of people. She had not seen any signed

documentation on that. She also thought it would be interesting to know if these owners actually lived there and that they actually rented three units. That would make it four units. Or did they use one as storage. These were some of the questions that seemed unanswered when one considered that evidence. She had personally been in the building about a dozen or more times. Earlier in the evening during the parks hearing, she heard a couple of different questions about distrust of local government that Mr. Bernard said he did not want to see. Then lessons learned from Mr. Loomis. She thought it was interesting that distrust of local government that Mr. Gessner brought up fire/life safety hazards that were brought up in the Kenneth Kent letter. There were no fire/life safety hazards. It was very slanderous toward her husband Michael Hamersly. She thought those were minor violations, and that creeps in with the local government. In addition, it was disappointing. There was e-mail from Tom Larsen stating they were minor violations. It had been very misleading from the City of Milwaukie planning department. She was not sure what the situation was – workload balance – she was not sure what it was. She, of course, would like to see a good compromise come out of this also. They had a huge financial investment. She also thought it was unfortunate – she understood there was a time limit, but the City was allowed from 9:15 p.m. to 9:45 p.m. Yet they were allowed the 20 minutes. She thought that was discouraging. It should be apples to apples at all times. The mistrust of local government crept into those types of issues. She urged the City Council to look into the facts of the case. The DNA of the building was that there were four units. Whether people chose to rent them out was strictly a personal preference. Maybe they lived there. Maybe they let their son live there. Maybe they let their daughter live there. Who knew? Without more information, those were difficult to take. The physical facts, the meters, the building itself, there was no basement, the tax assessor's documents really showed there had been four units. She urged the City Council to ask questions and to consider that.

- **Rory Grondin, 210 Jefferson Street, Oregon City.**

Mr. Grondin did some work with Mr. Hamersly on the four-plex at 2540 SE Lark. During the time they did some basic aesthetics like painting and things like that. He was able to see some of the walls and tile work. The tile work in the upstairs unit dated back to the 1960's if not before. It had the black tar underneath it which was the material used to affix the tiles. Its use was discontinued in the late 1960's because of the asbestos and other reasons. The walls separating the downstairs units where they say the unit was allegedly added were lathe and plaster. There was a staircase that separated the front and back units, and underneath that was lathe and plaster. Also the cast iron plumbing that went into it was consistent with the rest of the building and was dated at the same time. From his evidence and what he had seen in the building.... The window in the back unit had to be lowered to egress. He and Michael did that. They did not have those codes and rules when that window was put into place as a bedroom. There were a lot of things that said to him that unit had been there since the 1960's if not before. He asked that the City Council take that into consideration.

- **David Allen, 11355 SE Stevens Road, Portland.**

Mr. Allen was an electrical contractor – industrial/commercial electric. He referred to a letter he wrote in 2004. Mr. Hamersly was a friend of a friend of his. When this issue came up, he was contacted. He went out there initially to see what he could do to get

the building into conformance. They wrote up some corrections but never did anything that altered the building structure. He later finished some work, and he was able to get some tenants in. Inspections were taken out by Clackamas County. He did note in the letter that the meters were old enough to pre-date the 1970's. They were definitely in the 1960's. In his early career he did a lot of work on remodels and service changes. He was quite familiar with the type of service this was. There were always four meters there. There might have been a question raised by Mr. Gessner as to the use of those four meters. When he was doing some of the work that needed to be done as far as separating – they wanted more outlets in the kitchens. To update the code, they wanted some of the furnaces that were gas removed and some electric ranges put in. All that work was permitted. In the process, he noted that the main service feeders that went the meter – all were exactly the same type of conductors, same size, put in at the same time. As one can see in the picture of the meters on the building, they were exactly the same. The risers going up the wall were the same. Those services had been there since at least before 1970. The photograph was taken after they were inspected sometime in 2004. Before they could allow any tenants back into the property, he had to do a number of corrections. Before the power company would hook back up to those meters they had to be tagged. One could see the tags on them now. They were not on before then. Obviously the service was never inspected when it was originally put in. He would guarantee it was not done before 1970 because there were no records of an inspection or a permit. The power company would not have hooked up to them if they had not been inspected.

Councilor Collette understood Mr. Allen said he traced what these units were wired up to. For example, one did not just go to the laundry room. Did they each go to an apartment in that dwelling?

Mr. Allen said there were four panels and four meters. Two of the panels were actually in the utility room. It was about a one-foot step down from grade. They came from the meters and the wire was the same. There were four wire runs from the two meter bases, and there were four meters. The other one was outside of what would be the front door, and the other one was by the garage space. They were all installed and run in the same manner. Then the sub-feeders that went to the light and heaters all came out of those panels and went to the separate apartment units. Whenever they did it, they did it in the same fashion, and they went to these four units.

- **Gerry Bitz, 12586 SE Guilford Drive, Milwaukie.**

Mr. Bitz had lived at that address for 25 years and lived in Milwaukie for some 44 years. In a letter he sent to the Planning Commission he stated his qualifications. He served as a board member and as a working volunteer for a community development corporation that acquired, renovated, and conserved over 120 units of low-income housing. Many of these were multi-family dwellings. Most were built in the 1920's, 1930's, 1940's, and some in the 1950's and maybe even one or two in the 1960's. He did not hold himself out as an expert, but he had a considerable amount of experience. His association with Mr. Hamersly and his family and his parents went back over 25 years when Mr. Michael Hamersly was a student along with his children at LaSalle High School. They had a close association for about 25 years.

Mr. Hamersly asked him to inspect the four-plex at 2540 SE Lark and give his opinion as to its construction. Based on his experience in evaluating hundreds of properties for renovation and restoration and based on his hands on construction work for over roughly 15 years, he was comfortable in stating that no additions other than a carport had been made to the structure for at least 40 years. He was nearly certain that none had been made since the original construction in 1936. His conclusions based on the following: lathe and plaster walls, sinks and toilets and other plumbing fixtures. One would have to look at Rejuvenation or Hippo Hardware to find sinks like the ones in this property or maybe a junkyard. Where visible, there was shiplap underlayment – not plywood under the exterior walls. The exterior cladding itself was all very dated and was well prior to the years the 1960's. The ceiling was a 1960's product. Pre-1960's electrical wiring, which others have already spoken to.

In other words, the property spoke for itself. Perhaps his testimony should stop at this point. However, Mr. Hamersly asked him to review the entire process since December 2001, which he had done. He looked through all the documents. As a citizen of Milwaukie he felt compelled to state how disappointed he was to learn how shabbily our public servants have treated Mr. Hamersly. Disappointed was not strong enough. Frankly, it made him angry. The record showed from the very beginning in December 2001 City staffers assumed that Mr. Hamersly had acted illegally or been dishonest. Putting Mr. Hamersly on the defensive, he was wise in seeking legal assistance and engaging professional consultation. Through a series of unconscionable delays, Mr. Hamersly was denied the opportunity to access his own property from December 2001 to July 2003. Some 19 months. The record showed that City personnel did not meet their own deadlines as described in the code in responding to applications. It penalized Mr. Hamersly when he missed a deadline because his consultant was undergoing cancer treatment and killed him six months later. Even after indirectly admitting they were wrong, asserting that the property was single-family dwelling, which they admitted in July 2003. The City Planning Commission stubbornly refused to acknowledge that the property was a four-plex and not a three-plex. This was in fact compelling evidence to the contrary. The City relied on a 1973 property tax assessment document that on its face was riddled with errors. The assessor never entered the premises. He was unaware an interior hallway opened into a fourth unit. He missed one entire floor and half of the building's square footage, yet the City stated this was evidence. Here was another example. In a letter written February 11, 2005, Mr. Gessner called into question Mr. Hamersly's honesty. In wrapping up he would simply say he was seeking simple justice.

Testimony in opposition to the appeal: None.

Neutral testimony: None.

Staff recommendation: **Mr. Firestone** clarified the recommendations and staff rebuttal and any questions of staff should be asked at this point before the applicant and appellant presented his rebuttal.

Mr. Gessner said if the staff was wrong, then its determination should be denied. We did not get there in the way it had been described tonight to the City Council. There was a great deal of detail left out for the benefit of the appellant's argument. He could not take the time to argue those points that were not relevant to the question of when

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the building was converted into four units. Staff had no dispute that the building was constructed in 1936. There was no dispute there were historic building materials in the building. The City had signed statements from the property owners saying during their tenancy and ownership that building, up to 1995, had three units. Mr. Gessner thought that was compelling. Frankly, he wished he had that information available when he went to the Planning Commission. Knowing that he would be subject to personal attack he felt that he would rather have a more solid record so the City Council would not have to ask the question if staff was really doing the right thing. Staff acted on a fair degree of intuition. There were a lot of pieces to put together to come up with that determination. He thought staff did good work, he was sorry the experience had not been good for Mr. Hamersly.

There was another side of the story the City Council was not going to hear because he could not tell it. It was true there was a staff error in the December 7 letter from planning staff. It did not properly identify that there was a possibility of non-conformity. That letter was corrected some time thereafter. There was correspondence in the City Council information wherein Mr. Griffith, Mr. Hamersly's consultant, pretty much detailed how to strategize to manage this problem. He acknowledged that the City's position that it was a grandfathered three-unit building based upon the administrative records. Staff did not have the benefit of the information it had now. Mr. Hamersly claimed he was not privileged to the information that was provided last Friday that included the August 10 memo from Mr. Jones and the June 14 Planning Commission minutes. He could not attest personally to having mailed those letters to Mr. Hamersly. What he could attest to was that on Friday morning he gave that information to an administrative assistant, and he said it was essential that the material be in the mail that day. He was told that was done. When staff corresponded with Mr. Hamersly, it sent two types of mailings. One was sent by standard post, and the other was certified. The City had not yet received the return receipt on the certified mail. He had full trust in the fact that those materials were mailed and received by Mr. Hamersly.

The testimony, both Mr. Hamerslys, about the assessor's recording of the square footage was simply incorrect. Staff had spoken with the assessor. They had seen the records, and that was simply incorrect. It was stated that whether a property owner had three or four units was a matter of personal preference. In the beginning of his presentation, Mr. Gessner had indicated it was not a matter of personal preference because of the zoning laws governing non-conformities. If a non-conforming situation was changed, after six months or a year one did not get it back as a matter of personal preference. It was lost.

Depending on the vote, if the City Council upheld the Planning Commission's decision, then the City Attorney had prepared some additional findings for the Council to consider in light of the new information provided regarding owner and tenant statements.

Councilor Stone asked for clarification of the assessor's record regarding 1,419 square feet. Further on down it looked like it said there was 480 square feet, which seemed to refer to the basement. It stated there were two units on the main floor and one in the basement. This was from the County. She was conflicted about statements and documentation she read in her packet stating that no county assessor had ever been inside the building and that the fourth unit, the one in question, could only be accessed

from the center of the building. They would not see that unless they went into the building. From a previous issue in the City regarding Johnson Creek Boulevard, there were some County records – plat maps – that were in conflict with one another. Things can be inaccurate. She wanted to be sure the City Council was dealing with very accurate information.

Mr. Gessner believed at this point the County assessor information was accurate. He thought it was being interpreted in a way that was not intended – at least on behalf of the County assessor. When they were doing their initial investigation, Mr. Gessner and Ms. Nesbitt talked with the assessor in order to understand what information they had and how they recorded it. They recorded information for a very special purpose. They did not record all the information, and staff understood it had its limits. He did not believe that the building had never received an interior inspection. He knew at a point in time that the County's inspection practices had changed. If they were never in the building, then how would they have three? Why would they not look on the outside of the building and see four meters? The problem with this case was piecing together circumstantial information to make some sense out of it. If looked at individually, he thought some of the information could be questioned. What the Planning Commission was asked to do and what the City Council was being asked to put it all together. Put the totality of the information together. Did it make sense?

Councilor Stone referred to page 10 of the packet, which was a letter from Ray Erland of the County Assessor's office. It said, "It appears from your documentation that the sales listing indicated the property was a four-plex when your son purchased this property in 1996." That was the letter to Wayne Hamersly from the County Assessor. "However our records reflect the judgment of our appraisers using the best information they had available to them at the time of each appraisal. ...We are not able to state with any certainty what point in time this property was used as a four plex." There was a statement from the Attorney's Office when the past owners were interviewed, someone did say that there was a four-plex there at one time.

Mr. Firestone said there were statements from former tenants that it was a four-plex.

Councilor Stone said it was Jay VanOrman who lived there in 1998 – 1999, and that was after Mr. Hamersly purchased the property.

Mr. Gessner said that was consistent with the staff belief that the building was converted into a four-plex between 1995 and 1997 before Mr. Hamersly purchased it.

Councilor Stone understood because the building was shut down for 18 months, now it was opened up but could not go back to a four-plex because of zoning laws.

Mr. Gessner said staff believed the building was illegally converted in 1995 – 1997, and therefore could not go back to being a four-plex.

Mr. Firestone added for clarification that it was his understanding that they were looking at the period up to the point where the City took action in 2001.

Councilor Stone understood the City took action because of safety concerns in term of the wiring, plumbing, etc.

Mr. Firestone understood the City did not want to take the position that the non-conforming use was discontinued based on inability to use the building because of the City action in restricting its use in 2001. Even though it was not used during that period, they were not looking at that period. They were only looking at when the building was converted to a four-plex and if that was maintained until 2001.

Councilor Stone asked if it could be a four-plex under current zoning laws.

Mr. Gessner replied it could not be a four-plex because of R-5 zoning. Only single-family homes and duplexes were allowed. Multi-family was not allowed in the R-5 zone.

Councilor Collette sensed even if it was originally constructed as a four-plex the inference from those previous owners was that they did not use it as a four-plex -- they used it as a tri-plex -- meaning that the best it could do was to revert to a tri-plex based on the Code.

Mr. Gessner said that was correct.

Councilor Collette understood even if it historically was meant to be a four-plex but was not used as a four-plex for many years, then it was no longer a four-plex according to zoning rules.

Councilor Loomis asked about what was meant by conversion. Was there a new structure built or was the space converted into a living area?

Mr. Gessner said the latter. Staff believed that the basement had a single unit that was converted to two.

Councilor Stone understood if this were an illegal conversion to a four-plex, it could not be a four-plex given the current zoning laws. Were there any exceptions?

Mr. Gessner replied it would probably have to go in under a variance or use exception. He thought it would be extremely difficult to make findings that it could be converted under a variance. Typically a variance applied to a hardship situation where there was some physical or other circumstance that made it very difficult for a property owner to fully comply with the regulation. The variance was there to help manage unfair burdens of the Zoning Ordinance when there were very special circumstances. Typically, the number of units was not legitimately approved under a variance or exception.

Councilor Stone said her intention in this public hearing was to make a fair judgment based on looking at all the evidence. This was a very complicated case, the City Council did not have any hard evidence to say that Mr. Hamersly illegally converted it or prior to his purchase of the building that it was illegally converted. From what she read, he purchased the property as a four-plex. It had four meters at the time. She did not wish to penalize him if something happened prior to his purchasing the property. It was not really clear to her, as it sounded like it was not really clear to staff, when this exactly changed.

Mr. Gessner felt confident the change happened between 1995 and 1997. To clarify, he was not alleging that Mr. Hamersly had done improper with the property. He did believe that Mr. Hamersly purchased a zoning violation. This happened frequently. It was a very difficult situation for the property owner to be in because they were then responsible for it.

Councilor Stone understood that in all likelihood this property was misrepresented when Mr. Hamersly purchased it.

Mr. Gessner said at one time he met with Mr. Hamersly and encouraged him to seek legal redress with the seller. Mr. Hamersly indicated to Mr. Gessner that that was not a possibility – that he could not do that. The property was sold as a four-plex. He was not sure what laws applied in this case. Did the prior seller misrepresent the property? Mr. Hamersly felt he could not take action against the seller at that time.

Councilor Stone asked why the building was closed for 18 months.

Mr. Gessner did not have the details but it was about 18 months. There was an ongoing legal dispute between Mr. Hamersly and the City with regards to the violation. There was also the time necessary to develop plans and get building permits. He could not speak to all the details, but much of that time was spent in legal disputes between the City Prosecutor's office and Mr. Hamersly and his representative.

Applicant rebuttal: **Mr. Hamersly** said it was not an ongoing legal dispute. The City came in and said it shut the building down for safety issues, which they did not have to do. The City had the option to send a letter saying to correct those or send someone to correct them and charge it back. They did not do that. They shut it down because Kenneth Kent, who was a City employee and planner, believed – he got a letter on November 29, 2001 saying it was a dangerous building. On December 7, 2001, he got a letter from Kenneth Kent who did not understand the zoning laws. He said a four-plex was not permitted in an R-5 zone. That simply was not true. A four-plex was permitted if it was a non-conforming pre-existing use. A City employee, Steve Campbell, said he found a single-family home converted to a four-plex. That was a quote from a City employee contrary to what Mr. Gessner just said. Mr. Campbell went on to say that the single-family home had been converted into an apartment then he said "right away we knew something illegal was going on." They were saying he bought a house and converted it into a four-plex.

Mayor Bernard asked if that mattered. They made a mistake early. It had nothing to do with the facts of the case. He had read the article, and they made a mistake. He was Mayor at the time, and he remembered the code violation. If one looked, they would notice that the building was in disrepair. There was no question about it.

Mr. Hamersly disagreed.

Mayor Bernard said it did not matter. Mr. Gessner said there were mistakes made. There was not question about mistakes being made. It still did not matter. There was a mistake, and now they were looking at adjusting. No one ever said it was a three-unit versus a four-unit at that point. That was what the City Council was trying to decide right now. They spent all night sitting there worrying about what someone said in an article. He had been misquoted about every time he talked to a newspaper reporter. That had no value.

Mr. Hamersly said he was sorry. He was just upset because Mr. Gessner had not always been accurate in his quotes. He had said something ...

Council President Barnes said the only factual issues related to the number of dwelling units in the building, when the number of dwelling units was established, and

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whether that number of dwelling units was legal when first established. That was what the City Council had to make a decision on and only those three issues tonight. That was what was before the City Council. Not newspaper articles or anything else. He asked Mr. Hamersly to base his comments on those three things.

Mr. Hamersly said in conclusion he thanked the City Council for hearing the evidence. He hoped he demonstrated that he did in fact buy a four-plex. The City said he did not. If the City Council ruled that he did not buy a four-plex, then he would lose thousands of dollars in value. He believed it had been a four-plex since the 1960's, and he encouraged the City Council to vote so. He took the liberty at the last Planning Commission hearing – one of the Commissioners noted that the document City planning used to justify the three or four and that was the tax assessor's document. He went through it and took out all the inaccurate information. It was Swiss cheese. That was the document upon which the City based its findings. The most important thing ... In 2003, they went through, and he initialed that there were only 1,492 square feet. That was inaccurate. There was twice that amount. The assessor himself said do not rely on assess information to make planning decisions, yet that was what the planning director had done. He provided physical facts. He had experts in the field come in and examine the building. The City Council heard from the electrician. There were four meters on the exterior of the building. There were four panels on the interior. The other thing he wanted to point out was there was no basement – they kept calling it a basement. It was divided by lathe and plaster. There were two up and two below. Below there was a staircase going up and lathe and plaster. There was not one unit that was broken apart in 1995. It was four units. It probably was constructed by what one could safely say from a civil engineer, a professional appraiser, a professional planner and Mayor of Tigard all went and inspected this building and came to the same conclusion. It was a non-conforming four-plex. Now and in the past out of the four units he rented three. From his understanding of the rules, if he did not get a renter in there within six months, he would lose the use. He would disagree. It was a non-conforming use whether he rented three or four units or two units. It stayed a non-conforming use.

Councilor Loomis asked Mr. Hamersly if he had been in contact with the person he purchased the property from. Was that possible? That seemed to be the issue.

Mr. Hamersly said he had not been in contact. He believed he had proved it was a four-plex. He had the appraisal report. He also had the title insurance. He had not brought it in before. When he opened the file he found that the lender required an appraisal. The appraiser found "due to lack of current listings of comparable four-plexes" so when Mr. Hamersly was buying this, the appraiser was looking for other comparable four-plexes. The sale also included some personal property – four ranges, four refrigerators, again four units when he bought it. He included the advertisement he responded to in *The Oregonian* where it was advertised as a four-plex. The owner before him sold it as a four-plex. Even if he found him and talked to him, he did not feel he had to. He already had evidence that he sold it as a four-plex, and Mr. Hamersly bought it as a four-plex. He did not feel he had to speak with him again.

Councilor Loomis did not think there was a question that the previous owner sold it as a four-plex. Mr. Gessner mentioned that too.

Mr. Hamersly said that was why he brought up the news article that said it was a single-family that was converted. It upset him. He felt the City had besmirched his reputation. Neighbors had asked him why he was doing illegal things.

Mayor Bernard and Councilor Collette had no questions.

Council President Barnes asked out of morbid curiosity that she heard Mr. Hamersly said he bought this to be a low-income housing unit. She thought Mr. Hamersly looked like a smart young man with a wife. She asked why he did not fix it up and make it worth a lot of money to do something good. He obviously cared about his community. Why not go forward and make it something he could be proud of instead of another low-income housing unit of which Milwaukie already had tons.

Mr. Hamersly disagreed. He bought it as a low income. It was low income because each unit was only 400 – 500 square feet with one bedroom. That meant it was college kids, divorced mothers, and people who could not afford ... it was a Motel 6. The units were so small one could not charge more rent. If it did not have two bedrooms unit, two people could not pay rent. People had to pay about \$400 - \$450 per month. That was low income. He bought it when he was 29 – eight years ago. The first thing he did when he bought, which Mr. Grondin who was in high school, Mr. Hamersly hired him and a friend to paint it. He put in all the asphalt. The water issue was not a leaky pipe. A tenant shoved a sponge in the pipe, flooded the laundry room, and called the City. That was how this all started. It took him ten minutes with a bucket and this. It was not leaky pipes.

Council President Barnes asked Mr. Hamersly had been paying taxes on what the County had said all this time was a 1,400 square foot structure or had he been paying taxes on a structure he said was over 3,000 square feet?

Mr. Hamersly said he had been paying taxes on a structure over 3,000 square feet. The reason he said that was because taxes were based off purchase price. When the person sold it, he paid market value for a four-plex. The assessor looked at the market value and the sale price and charged taxes from that. He was not getting away without paying his taxes. One thing that besmirched him was that Mr. Gessner said he should have gone in – February 11, 2005 – he should have gone into the City of Milwaukie and told them they had a four-plex. Since he didn't that cast doubt upon what he was telling the City Council this evening. If one looked at the City of Milwaukie utility bill, it did not tell how many units were being charged. It told how much water was used, sewer tax ... He had a very difficult time dealing with Mr. Gessner. He had asked Mr. Swanson to not have Mr. Gessner here this evening, but that did not occur. He felt with the plaster wall separating the downstairs and the staircase and plaster walls separating the up ... He had asked since 2002 which unit was added, and he had never gotten a response from the City planning staff. If he had gotten a response, then he could have had his experts go in there and open the walls, take pictures. Because every time they had opened the walls and taken picture, all they found was old material consistent with its being established years ago. It was a non-conforming use whether it was three or four. It was one of the oldest buildings in the neighborhood. The neighbors were aware it was a non-conforming use. Mr. Gessner said duplexes were allowed in R-5, but he was not sure that was accurate. What he knew about R-5 was one could have a single-family house with an accessory dwelling. That would be like a granny flat. That would

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be two living units. This was an 11,000 square foot lot. One could actually tear down the structure and put in two buildings with accessory units and have four. It still even met the density standards. It was really frustrating to have the building shut down for 18 months. It was not legal issues. He was not getting a response from the City. He hired an attorney. The City Attorney said if he did not knock, then he would be fined daily, and they were not issuing him permits. Then he hired Mr. Griffith who was the Mayor of Tigard and planner for 20 years. By the time he was done working with the planning department, he was a little frustrated too. He came into the City to do business. He grew up in the area. He already lost tens of thousands of dollars having the building vacant. If it was ruled as a four-plex, then he could make \$10,000 more. It was taking away low income housing from the area. He did not see how this would help the citizens of Milwaukie. It would take away from the tax value because when he went to sell it, it would be for a lower amount. Rental units were spot sold based on how much revenue it could generate.

Questions from Council to staff: **Councilor Loomis** asked if the fourth unit had been identified.

Mr. Gessner believed it was the lower floor unit that was converted. That was confirmed by his conversation with Mr. Huggett yesterday.

Closure of the public hearing: **It was moved by Councilor Loomis and seconded by Councilor Collette to close the public hearing. Council President Barnes closed the public testimony portion of the hearing at 11:00 p.m.**

Council discussion:

Councilor Collette said this was a difficult decision and had been a struggle for many. Whether or not this was misrepresented to Mr. Hamersly when he bought it from the previous owner, it was hard to say if it was designed as a three-plex or a four-plex. It did sound like for a long period of time it was treated as a tri-plex and not a four-plex. She felt bad for Mr. Hamersly. He had lost a lot of money, and it was a long process. She was not sure that the City Council could decide any other way.

Mayor Bernard thought it was an incredible waste of time and money. He was amazed that Mr. Gessner had not contacted the previous property owners until now. What an incredible waste of time. He had a house built in 1925. They added rooms in the basement, and he could not tell the difference. The wring was pretty amazing. What a waste of time. He now remembered talking with Mr. Griffith about this at a Mayors' Conference. He said he had an issue in the City of Milwaukie, and shortly after that he passed away. He was proud to say the Milwaukie's values had increased 15%. He did not know what Mr. Hamersly paid for the building but he probably had a good chance of turning it around and making a profit if he just got it done. He appreciated that Mr. Gessner had taken it to the Planning Commission because the time had passed. He gave Mr. Hamersly the opportunity to discuss the matter again. Personally, he thought people should have made those phone calls in the beginning. He would vote to support the Planning Commission.

Councilor Loomis supported the Planning Commission's decision. It was confusing, and he felt badly for Mr. Hamersly. He felt the problem was with the seller after going through the testimony. He appreciated Mr. Bitz's testimony but it should have stopped

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before the personal stuff which was unnecessary. He had known Mr. Gessner as a staff person for some time, and he knew he did not hesitate to say he made a mistake. Mistakes happened. There was a lot of paperwork and stuff to go through. To question his integrity when trying to decide an issue was pretty low. They should stick to the facts although they were a bit cloudy. If he were in Mr. Hamersly's shoes, he would get some documentation from the person from whom he purchased the building.

Councilor Stone said this was a difficult issue, and she felt for everyone who had been involved because it was a long process. The issues before the City Council were to determine at what point the building was illegally converted to a four-plex. It looked like, if she heard it correctly, that had occurred sometime between 1995 and 1997. At that time were the zoning laws applicable to support non-conforming uses as a four-plex. From what she heard in the staff report, they were not. Because that was what needed to be decided, she would also uphold the Planning Commission's decision. It was not because she did not want to see Mr. Hamersly make good on his property. She felt badly that he purchased the property as a four-plex. It seemed like it was most likely converted to one. There were a lot of things Mr. Hamersly could do to upgrade the property. She did drive by it, but she did not go in. It certainly looked to her like he still had some work to do on it that could increase its value.

Council President Barnes echoed the other Council members' comments. Mr. Hamersly could make it into something nice. When she drove by, she thought it could use some work, but there were people out there who would be willing to be good renters.

Mr. Firestone provided the additional findings that the Council might wish to adopt:

1. To be established as a legal non-conforming use the property had to have four units legally established in 1968 and not be discontinued.
2. The evidence was that from 1973 to 1995 the property was used for three units and not for four units. The statement of former owner Leon Huggett was particularly persuasive on this issue.
3. Applicant offered evidence based on the physical state of the building and on a letter from PGE. The PGE letter did not state when there were four separate electrical services to the building. The physical information was less persuasive than the statements of the former owners as to the actual historic use of the building.
4. The applicant provided no evidence from anyone familiar with the number units in actual use in 1968 or at any time prior to 1995.
5. The City Council concluded that the building was converted from three units to four units some time between 1995 and 1997. At that time, it was not legal to establish a four-plex on the property.
6. Testimony concerning the age of the walls and other physical portions of the structure established when the building was constructed but did not necessarily establish when separate units were created.

Those were possible additional findings the City Council could reach based on the testimony and what he heard from the City Council. There were findings from the Planning Commission. The City Council could uphold the Planning Commission's decision, uphold the director's decision, deny the appeal, adopt the Planning Commission findings, and any or all of the findings he just read.

Council decision: It was moved by Councilor Collette uphold the Planning Commission's decision, the Planning Commission findings, and the findings suggested by the City Attorney with the exception of number 5 as she was not convinced the building conversion occurred between 1995 and 1997 and included the Planning Commission findings. Councilor Stone seconded the motion.

Motion passed unanimously. [5:0]

Council President Barnes announced that any party standing might appeal the decision of the City Council to the State Land Use Board of appeals according to the rules adopted by that Board. The written decision will contain an explanation of the appeal rights. If you have questions, please call the planning department staff.

Motion passed unanimously. [5:0]

OTHER BUSINESS

Intergovernmental Agreement with Metro

Mr. Swanson said he would revise what had been provided in the City Council packet. The staff report suggested that the City Council adopt a resolution approving the draft IGA between Metro and the City to provide joint marketing of two properties. One was located at 10700 SE McLoughlin Boulevard, the Texaco Station. The City property was located at 10721 SE Main Street. After working on this, he did not feel as comfortable as he would have liked. He provided an alternative resolution of the City Council that authorized the City Manager to negotiate and execute an intergovernmental agreement with Metro regarding the same properties.

He felt the current agreement needed some additional work. For example, the City did agree to indemnify on certain environmental issues. One of the things it appeared to agree to was to indemnify on any contamination Metro might cause. He did not know that was a necessary component of any indemnification he might give. There were also right-of-way questions that he would like to explore with Metro. They had some concerns about right-of-way granted to the City as part of the McLoughlin Boulevard project that he felt needed to be clarified. There were also some procedural issues. They asked that the City authorize execution of the agreement by ordinance when that would normally be done by resolution. He asked for the authority to negotiate the final agreement and execute that same agreement. The reason for this was timing as Metro needed to close this deal in order to make it effective.

Mayor Bernard said Mr. Swanson was experienced and felt comfortable in his ability to negotiate to the benefit of the City.

It was moved by Councilor Loomis and seconded by Mayor Bernard to adopt a resolution authorizing the City Manager to negotiate and execute an intergovernmental agreement with Metro providing for joint marketing of the

property located at 10700 SE McLoughlin Boulevard and 10721 SE Main Street. Motion passed unanimously. [5:0]

Center/Community Advisory Board C/CAB Appointment

Council President Barnes announced that the Council appointed Ben Horner-Johnson to the Center/Community Advisory Board.

Council Reports

Councilor Collette minutes of the downtown development team. She testified at the TriMet Board meeting and invited members to the groundbreaking. Urged them to support Portland to Milwaukie light rail and transit center.

Mr. Swanson wanted to clarify that was a group of individuals and was not sanctioned by the City.

Mayor Bernard had an opportunity to thank Congressman Blumenauer for \$4 million for Lake Road. He attended the Mayors Conference this weekend, and the thought it was amazing what happened throughout the state. He discussed the Portland to Milwaukie light rail project and the economic efforts taking place in the downtown.

Council President Barnes announced that she had done a ride-along with Officer Krebs, attended the Lake Road Neighborhood Summer picnic, attended the Clearwater hearing before the County Commissioners and testified on Milwaukie's behalf, and met with the Sister City delegation.

ADJOURNMENT

It was moved by Councilor Collette and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 11:20 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL AUGUST 16, 2005

MILWAUKIE CITY HALL
10722 SE Main Street

1964TH MEETING

REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Clackamas Community College IALEIA Award

3. **CONSENT AGENDA** *(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.)*

City Council Work Session and Regular Session Minutes of July 19, 2005

4. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **Appeal (AP-05-02) of Planning Commission Decision on North Clackamas Park Ball Field Project (Lindsey Nesbitt)**
 - B. **Appeal of Planning Commission Decision (John Gessner)**
Appellant: Michael Hamersly
Location: 2540 SE Lark Street
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. **Intergovernmental Agreement with Metro (Mike Swanson)**
 - B. **Council Reports**

7. INFORMATION

Public Safety Advisory Committee

8. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment at 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.

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 19, 2005**

CALL TO ORDER

Mayor Bernard called the 1962nd meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Deborah Barnes, Council President Susan Stone
Carlotta Collette

Staff present:

Mike Swanson, City Manager	Paul Shirey, Engineering Director
Gary Firestone, City Attorney	John Gessner, Planning Director
Stewart Taylor, Finance Director	Willie Miller, Facilities Maintenance Coordinator
Larry Kanzler, Police Chief	Ernie Roeger, Fleet Supervisor
Kenny Asher, Community Development Director	

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Cynthia Nagy for Years of Service to the City of Milwaukie

Mayor Bernard and Council recognized Cynthia Nagy for service to the City of Milwaukie from 1980 to present.

Councilor Collette had felt welcomed by Ms. Nagy from the first day she came on Council and was sad to see her leave.

Mr. Swanson commented on Cynthia's belief in public service and her ability to treat people with a great deal of respect. She would be missed because she was a true professional and a wonderful person with whom to work.

Councilor Barnes said the City would miss her and her legacy.

McLoughlin Boulevard Status Report

Mr. Shirey updated the Council and citizens on the McLoughlin Boulevard Enhancement Project between Kellogg Creek and Scott Street. The construction contract was awarded to West Tech in June in the amount of \$2,359,626. It exceeded the engineer's estimate; however, ODOT signed an agreement to split costs 50/50 that were in excess of the original budget. David Evans & Associates, the construction-engineering firm, would begin surveying after Riverfest. The Antique Mall and Vic's Tavern were demolished and the City encountered some fuel oil contamination in the

soil. The contractor would begin work about August 15, and Mr. Shirey would provide information on lane closures and hours of work after the pre-construction conference. He discussed various ways the City would communicate the inevitable slow downs during the 13-month construction period. Work would begin on the west side of McLoughlin Boulevard. He did not anticipate traffic ever being reduced to one lane nor would traffic be detoured through the downtown or neighborhoods. There may be some night work to minimize peak traffic impacts.

Mayor Bernard asked if there would be a construction advisory at Hwy 224.

Mr. Shirey said that was a good suggestion for the management plan.

Mayor Bernard suggested installing the lamp posts in such a way that it would be easy to hang banners across McLoughlin Boulevard in the future.

Mr. Shirey would make that part of the recommendation.

Councilor Stone liked the idea of night work to minimize congestion and asked if that would impact costs.

Mr. Shirey said he would follow up with Council on that question.

Riverfest Schedule

Mayor Bernard announced the July 23 Riverfest events.

TriMet Update

Phil Selinger, TriMet, provided an update on TriMet/City of Milwaukie projects. A lot of hard work had already been done and there was more to do in the future. TriMet continued to be up to the task and sought Milwaukie's partnership in moving forward. Relative to the larger work program, the Federal New Starts Program was increasingly more competitive, and it was difficult to win approval for regional projects. Local funds were tight even for shovel-ready projects.

He began his update with a discussion of the Milwaukie transit center. Last fall some of the bus lines were interlined and some of the layover presence at the on-street transit center was reduced. He discussed certain exceptions. Overall the on-street presence was reduced from 9 to 4 layover zones. With the closure of the Sellwood Bridge to bus traffic, two other routes that came to Milwaukie were eliminated. The presence at the transit center was somewhat less than last year, and TriMet was looking at what it could do to give back some parking spaces. Several bus shelters were refurbished.

Some time ago the Planning Commission and City Council endorsed the Working Group recommendation to advance a transit center at the Kellogg Lake location south of downtown. That decision was made after an exhaustive Working Group exercise, and one that he believed was very thorough. The Kellogg Lake option emerged after the 8 original options were considered and was selected by the Working Group as having the best combination of those options considered. TriMet heard clearly that there were community concerns with the Kellogg site relating to environmental and visual impacts and open space. TriMet indicated at the time that those issues would be considered in greater detail. Because of the complexity of the light rail project coming through Milwaukie and the fact that the transit center was going to have to be ultimately integral to the light rail project, TriMet believed that the further study of the transit center and

light rail was going to have to be linked. He was mindful of the fact that two phases of the transit center had been discussed. TriMet cannot move forward with the Phase 1 transit center without further study of the light rail project.

At this time, the Southgate site was still officially the locally preferred alternative (LPA) for the transit center. The Working Group process identified some ways that issues at that particular site would be mitigated. TriMet heard loud and clear the Working Group's and City Council's recommendations for the Kellogg Lake site. Those were the starting points for looking at a transit center short- and long-term for Milwaukie. There might be other options or variations of options that emerged in that refining process. The Working Group explored many different options, and TriMet would work with the community and staff to refine the two options currently on the table and explore any other combinations of options. The Kellogg Lake site would go through refinement as the process moved forward.

The next phase of study was a supplemental draft environmental impact statement (SDEIS) that was funded through Metropolitan Transportation Improvement Program (MTIP) in the amount of \$2 million. Local jurisdictions pledged additional funds to cover the \$4.3 million total cost of the further study. Metro staff planned to start the work in early 2006. No funds were available at this time for the design and construction of a Phase 1 transit center. TriMet's discretionary dollars went in part to funding the SDEIS process and to purchase buses.

TriMet also heard a suggestion from the community that it move the existing on-street transit center, at least in the interim, to the former Southgate Theatre site that was recently purchased for a park-and-ride lot. There was a dire need for park-and-ride in this corridor, and Southgate was a very popular lot when it was shared with the movie theatre. There were funds to finish the park-and-ride but not Phase 1 of the transit center.

Mayor Bernard had addressed the Joint Policy Advisory Committee on Transportation (JAPCT) regarding the number of projects going on in Milwaukie and the lack of parking. He wanted JPACT to understand how important it was that parking not move into the neighborhoods.

Mr. Selinger said further action toward getting the site developed as a park-and-ride was held up largely for internal reasons. There was currently an engineering firm working on the design for that site, and the environmental assessment was completed. The land costs were somewhat higher than anticipated so that put pressure on the design budget for the balance of the project. TriMet believed it had a design that would work that included removing the building. He believed the site would serve the needs and be an attractive and functionally efficient asset to Milwaukie. The project would come before the City Council for land use action this September, groundbreaking in January 2006, and opening for use in May 2006.

Mayor Bernard asked if TriMet could have a temporary park-and-ride for those cars displaced by the North Main Village project. He was concerned about waiting until September and thought the lot could be used even though the building had not been demolished.

Mr. Selinger said the ultimate capacity of the lot was 309 spaces in the preliminary plans, and he discussed the feasibility of a staged process. TriMet would work with City staff to make that happen.

Mr. Selinger said the Tacoma Street Light Rail station had consistently been included in the variations proposed between Portland and Milwaukie. That was true for the South/North Project in the 1990's as well as the more recent South Corridor Project. It was an important station location because it provided connections to the Johnson Creek/Ardenwald and Sellwood-Moreland Neighborhoods as well as the Springwater Trail and the 3 Bridges Project. There were no reasonable alternative sites that would serve that part of the community, and it did provide efficient access to SE McLoughlin Boulevard. At JPACT's recent meeting, Mayor Bernard said the region should purchase the property now and protect it for future transportation use. A protective buy was accepted practice in the transit industry; however, there were neither public nor federal funds to make that happen. The region needed to continue that conversation. The LPA and land use final order both identified that station as part of the South Corridor Project. The land use final order was a declaration of intent to build a project and put jurisdictions and the community on notice not to enter into actions that would preclude construction of the project. That land use final order could not preclude development of specific properties by the property owner. It might raise the price for future development, but it could not block development.

The current property owner talked to TriMet during the Working Group process about purchasing the Goodwill site in lieu of the Southgate property. The Goodwill site was not accessible by buses using McLoughlin Boulevard because of the divided facility to pick up park-and-riders. Light rail would have its own access to the site, so the bus paradox would no longer be in place. Any near term use without further detailed study and expense did not seem likely. That was not to say TriMet could not buy it to protect it for future use. Since there was no immediate use or budget, TriMet declined the proposed swap for Southgate. The configuration for light rail through that part of the corridor was tight. TriMet looked at the renderings of the proposed project. Conceivably light rail could be elevated across the private driveways. Presumably, there would be a station integrated with the project that would create a nice connection if done correctly. In any case, it would be difficult to have a park-and-ride facility because those took up a lot of space, either vertically or horizontally. TriMet would want to work with the City of Portland on any development review process with the goal of reserving a slot through that project for light rail. He did not think that a park-and-ride facility, which was very important for the viability of the proposed rail project, was feasible at that location.

Mr. Selinger closed by saying there were a lot of related projects on the table – public projects, private development, and transit projects. The benefits were multiplied when projects were coordinated making a whole that was greater than the sum of its parts. TriMet needed to coordinate with the Milwaukie Downtown Plan as it continued to evolve and needed to keep any high capacity transit light rail project to Milwaukie competitive by promoting downtown development and access by all modes. TriMet also supported Mayor Bernard's proposal to reconvene the South Corridor Steering Committee to work on some unfinished business as well as reviewing some of the

current topics. TriMet continued to value the partnership with Milwaukie Council, staff, and the community.

Councilor Collette said in the Working Group it was found that one of the advantages of the Kellogg Lake site was that the City owned it, and the process could be fast tracked. Groundbreaking could have been as early as this fall, but that was not the case. She asked why the issue had become more complex.

Mr. Selinger said part of the issue was money to build the project as TriMet was on a very lean program. The second issue was that the post-process assessment showed it was entangled with the light rail program. TriMet was nervous about making a commitment to Phase 1 when there were so many unknowns about Phase 2. They could continue to talk about making something happen sooner since the City owned the property. There would still need to be an environmental process.

Councilor Collette was concerned because it had been a very long and difficult process for the City. The Planning Commission and this City Council made their decisions, and now it seemed like the project was being put on the back burner. She felt there was growing support for light rail in general and for that site, so she thought it was important to move forward.

Mr. Selinger said that was a point well taken, and TriMet would continue to work with the Mayor through the other committees.

Councilor Stone understood Southgate was still the LPA. Some time ago there was a discussion of putting the park-and-ride there and moving buses there from the downtown area. She knew that deadline had passed.

Councilor Barnes said the groundbreaking was promised for November 2003.

Councilor Stone said downtown parking in general was a concern. Although some of the buses were interlined and some routes removed, parking would be more difficult when the North Main Village Project was up and running. She understood Mr. Selinger to say that the Tacoma/McLoughlin Boulevard site could not be protected because there was no funding.

Mr. Selinger did not mean that TriMet could not protect the site. There was no money right now, but the partners could brainstorm about ways to find the funds.

Councilor Stone understood TriMet was interested in carving out a place for light rail to go through that site if it were privately developed although there could not be a park-and-ride.

Mr. Selinger replied that would be up to the City of Portland.

Councilor Stone wanted to feel more comfortable about what would happen with that site. She wanted some reassurance about what was going to happen. She asked if the ODOT site was an option if there could not be a transit center and park-and-ride at Tacoma.

Mr. Selinger replied TriMet would have to develop a Plan B, but he did not know what that would be at this point.

Councilor Stone commented ODOT was certainly discussed a year ago.

Mr. Selinger said it was difficult because the rail project was only through the Draft Environmental Impact Statement (DEIS) and had not gone into preliminary engineering. Any purchase of that site would be assuming some presently undetermined risk. Most were confident that the site needed to be in the final plan, so that risk could be minimal.

Councilor Stone was concerned about having enough land when looking at growth in Clackamas County and meeting the needs for all modes of transportation. Gas prices were also a factor. It was obvious that something was going to be changing. Kellogg Lake was a finite area in which to develop a bus transit and a parking structure. The ODOT and Tacoma sites had a lot more acreage.

Mr. Selinger replied access was a big part of the equation.

Mayor Bernard added that a lot of money was tied up in TEA-21 until the President signed the Transportation Bill.

Mr. Selinger commented that TriMet expected I-205 to be well under construction, but it was held up in the federal quagmire.

Councilor Barnes asked Mr. Selinger what he meant by his statement that the post process assessment made TriMet nervous in response to Councilor Collette's question about why things were slowing down.

Mr. Selinger said it was not making TriMet nervous but a number of concerns needed to be fully explored to determine how the proposed Kellogg Lake plan could be modified to minimize impacts. Last fall things like colors, landscaping, and height were discussed as ways to mitigate those expressed concerns. He believed those issues were closely related to the light rail project and needed to go forward together. The SDEIS process that was funded would begin early next year and take about one year to complete. At that time more might be known about the site so that Phase 1 of the transit center project could be built. It was his understanding that the City Council adopted a resolution as part of the LPA calling for the transit center to be constructed by 2006, so obviously that was not likely to happen. The LPA passed by the Metro Council called for a transit center to be constructed with the opening of Phase 2 of the South Corridor project. Milwaukie's transit center would open before or at the same time as the opening of the I-205 light rail project. He did not remember the reference to breaking ground in 2003, but in any case it would not be by 2006.

Mayor Bernard added at the time that date was suggested, I-205 light rail was also supposed to open.

Councilor Barnes expressed complete disappointment in TriMet. This community worked through a long, arduous process that divided people. Some people told her not to trust TriMet even if it was in writing. This was the second time she had given TriMet an opportunity, and she did not trust that organization any longer. She spoke for herself and not any fellow Council members. Mr. Selinger had told her those buses would be moved out of downtown and there would be a groundbreaking. Mr. Selinger had promised, and it was in writing. That day had come and gone. She understood there was no federal funding and that there were no matching funds. She expected Mr. Selinger as an official to come back to the City Council and explain what was going on. The Council had to answer to the people in the community. That was what made her angry. TriMet let these people down.

Mr. Selinger said Milwaukie was also part of TriMet's community along with other parts of the region.

Councilor Barnes said the people in the back of the room did not think TriMet was serving them. That was her concern because she answered to them. She wanted Mr. Selinger and the agency to at least come forward on a regular basis as a courtesy to provide information. She understood a TriMet staff person went to a neighborhood association meeting and gave them an update. Nobody on Council had heard about it. She did not understand why there could not be an open dialogue.

Mr. Selinger understood Councilor Barnes's concern. TriMet had been working with City staff. He and Mr. Swanson have been trading e-mails, but unfortunately there was not a lot to report. The park-and-ride lot was not moving quickly, and the other projects were struggling to move along in part because TriMet was bogged down in the larger process. He would be glad to talk to Council on a monthly basis.

Mayor Bernard suggested a quarterly report. This Council did stick its neck out when it made its recommendation. He told Metro Councilor Newman that this process needed to move forward. He doubted that light rail would be elevated in order to go over someone's driveway. It would just end. Moving to the ODOT site would not serve the neighborhoods at all.

Mr. Selinger added the dialogue needed to continue to be a team. TriMet was still a partner.

Councilor Stone commented it was not about serving one neighborhood. It was the regional concept of serving everyone.

Councilor Collette said the South Corridor project was about transportation along McLoughlin Boulevard and solving traffic issues associated with getting to Oregon City and Portland. She was amazed when Phase 1 became the downtown Portland transit mall and I-205 putting Milwaukie's issues completely off the table. Somehow the money was found to redo the downtown transit mall as part of the South Corridor project. She was at a loss as to how that fit from an environmental justice perspective. Milwaukie was the low-income community, and it was the community that was not being appropriately served by transit. She asked Mr. Selinger how the downtown mall got moved ahead as part of Phase 1.

Mr. Selinger replied the I-205 corridor had three urban renewal districts along its alignment, and the downtown had two. After a lot of work, the business community came to the table and offered up money through a local improvement (LID) that included Portland State University (PSU) and other large downtown players. A lot of the expensive work was getting light rail from one end of downtown to the other. TriMet was now in a good position to take off from the PSU terminus to get to downtown Milwaukie.

Councilor Collette understood, then, that it could be construed as a phase of the Milwaukie project.

Mr. Selinger said the more costs that were off-loaded from the Milwaukie project, the more competitive it would be in the process. The challenge of getting to Milwaukie was the bridge.

AUDIENCE PARTICIPATION

State Rep. Carolyn Tomei, co-founder of Island Station Neighborhood. The Island Station Neighborhood supported the transit center at the River Road and McLoughlin Boulevard site. That intersection was one of the most dangerous in the City. She lived in that area for almost 40 years, and people used to call it the guillotine because there were so many accidents. If the transit center were built at that site, the intersection would be improved. There would be two new lights, and traffic would be directed to follow McLoughlin Boulevard rather than diverting onto River Road, which was not built to handle the kind of traffic it does today. The Island Station Neighborhood saw a lot of advantages to the traffic's staying on McLoughlin Boulevard. She was concerned about the suggestion that the transit center be moved from the downtown in the interim to the Southgate area. That would be a real detriment to the Island Station Neighborhood as well as the Kellogg Lake Apartments because residents take the bus from downtown Milwaukie. It would be prohibitive for some to walk to the Southgate area to catch the bus. She commended the Mayor and others who spoke out about the transit center and bringing light rail into Milwaukie. There had been a great deal of bloodletting over the years, and the City Council and Planning Commission had gone through hours and hours of testimony to reach such a difficult decision. It was disappointing for the City and the region not to be able to move ahead with that decision after so many years. In addition to Milwaukie, she represented the SE Portland areas of Sellwood, Westmoreland, and Eastmoreland, who were very supportive of light rail. People had been looking forward to the Tacoma property as a transit center site – not a Wal-Mart location – to bring buses and eventually light rail into Milwaukie and other areas. She hoped the City Council would continue to speak up and continue going to Metro and TriMet with the message that people wanted light rail, and they wanted it soon – not 10 years from now. She thanked the Council for speaking up, and she would continue to speak up also.

Ron Swaren, 1543 SE Umatilla Street, Portland. He had been involved with transportation for some time and discussed his background. The whole southeast metropolitan region and northwest Clackamas County needed to be studied further to determine how development objectives tied in with transportation problems. He did not believe Metro was trying to sweep anything under the rug; he believed it was just overextended. He thought everyone should work together to predict and prevent future problems. He suggested an ad hoc committee made up of officials from various cities to exercise some influence with the JPACT to ensure the transportation network was done right. He discussed the upcoming Portland City Council meeting and the numbers of people who wanted to comment on Wal-Mart. Bottlenecks needed to be identified that would occur as the development proceeded. Mass transit routes should be carefully planned to maximize ridership. He suggested utilizing the media more, and noted *The Tribune* was covering those issues. He was concerned that so much federal money went into funding TriMet and understood some of those funds would begin drying up.

Councilor Collette read a letter into the record. A lot of people received a newsletter that mentioned the Milwaukie light rail and transit center in what she thought was a derogatory manner. She invited several people from the Coalition for a Livable Future

on a tour of the Kellogg Lake site, and the following was the letter the group asked to be read into the record:

"I am writing on behalf of the Coalition for a Livable Future (CLF) regarding efforts to bring light rail to Milwaukie, and more specifically the proposed location of a transit center adjacent to Kellogg Lake.

CLF is a collation of 60 community organizations working together to protect, restore, and maintain healthy, equitable, and sustainable communities, both human and natural, for the benefit of present and future residents of the greater metropolitan region.

We are very supportive of efforts to bring light rail to Milwaukie. We believe it would serve as an important link in our regional transportation system, promote development in Milwaukie's urban center, and increase transportation choices for Milwaukie's residents. We are pleased that, after considering the options for improving transportation in the South Corridor, Milwaukie residents are growing more supportive of light rail because it will serve their needs, and they have been involved in selecting the best alignment.

Last week, after reading a statement in our journal, *Connections*, which noted that there has been some community concern over the relocation of the transit center to the Kellogg Lake site, Councilor Carlotta Collette offered to take us on a tour of the site. Jim Labbe of the Audubon Society of Portland, Scott Chapman of the Columbia Group Sierra Club, Jonathan Trutt of Northwest Housing Alternatives, and I (Teresa Huntsinger) participated.

We would like to state for the record that we are not opposed to the Kellogg Lake site. On the contrary, it appears to be a viable option. While this site is not physically in downtown Milwaukie, well-designed pedestrian bridges could connect it to both downtown and the riverfront, supporting positive development in each, and providing transit users convenient access to local businesses, cultural amenities, employment areas, parks, restaurants and shopping.

We have been contacted by several residents who were concerned that the development of a transit center on Kellogg Lake would result in a loss of Greenspace and wildlife habitat. The upland portion of the site, where construction would occur, does provide Greenspace and limited wildlife habitat. In our "Regional Equity Atlas" research project, which will be published this fall, preliminary results show that Milwaukie is deficient in parks and Greenspaces in comparison with the rest of the region. We recommend that the approximately two acres of lower quality, but still significant upland habitat lost due to construction of a transit center should be replaced by permanently protecting similar or higher quality wildlife habitat accessible to the public elsewhere in Milwaukie.

Regarding the riparian portion of the site, if transportation funds can be leveraged to restore Kellogg Creek by removing the dam, re-establishing

the stream channel, and enhancing the high value riparian habitat on that site, the proposed transit center could certainly be a net benefit in terms of water quality and fish and wildlife habitat on site, the proposed transit center could certainly be a net benefit in terms of water quality and fish and wildlife habitat values.

Please take these comments into consideration as you move forward on your efforts to improve transit, protect wildlife habitat, and build a strong economy in Milwaukie.

Sincerely, Teresa Huntsinger, Program Director”

Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie. He was glad to see Mr. Selinger at the meeting; however, things seemed to get a little fuzzier. He was confused because he and several people from the Neighborhood and the City went to Metro and listened to them talk about habitat protection. Out of one side of their mouths they were talking about protecting habitat and out of the other side saying let’s pave over Kellogg Lake Park where there was blue heron, osprey, and bald eagle. They said that was brought about by neighborhood people. Carlotta Collette pushed this from the neighborhood level. Now she was on Council, so it was a viable thing for the City. On June 13, two representatives from TriMet came to the neighborhood meeting and said they were going to study a lot of things and were backing off a little from Kellogg Lake. There were 30 people at that meeting. Now it seemed like Kellogg Lake was back in first place. He discussed the 14-points that helped unify the neighborhoods. He attended the Working Group meetings, and some people connected to TriMet said, “Good, we split the neighborhoods.” He urged getting back to grassroots and working together. There was a great thing going with the grassroots efforts, but it got out of their hands when the Working Group started. The big dogs took over. He urged getting back to livability. If Mr. Selinger wanted to talk, he should go to the neighborhoods. Everyone should work together – he heard it said he was holding up progress.

Lisa Gunion-Rinker, 3012 SE Balfour Street, Milwaukie. She was a six-year resident. Light rail and transit were of great importance to her as a younger citizen. She currently, as do many younger residents of her neighborhood, works in downtown Portland. She works on the Hill, so the bus was not an option. She hoped light rail would come through making it easier for everyone to get to work downtown and back home. She currently carpooled, and that was challenging. She was frustrated that things were not moving along faster. As a resident she hoped the City was moving forward. Mr. Selinger’s comments made her feel very frustrated. Light rail was what the City needed. The Tacoma site was perfect for the park-and-ride and preferable to a Wal-Mart. Johnson Creek Boulevard right now was a parking lot between 4:30 p.m. and 6:00 p.m., and she guessed that street was already over capacity. As a concerned citizen, she appreciated all the Council’s work, and she believed it was on the right track. As a younger person in the community, she appreciated that TriMet was present to talk about the issue. She wanted the project up and running again.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:

- A. City Council Minutes of June 21, 2005;
- B. Intergovernmental Agreement of the Regional Water Providers Consortium;
- C. Purchase Vehicles;
- D. Purchase Elevator for the New Operations Building;
- E. Resolution No. 36-2005: A Resolution of the City Council of the City of Milwaukie, Oregon, for the adoption of the National Incident System (NIMS) in the City of Milwaukie; and
- F. Extend Municipal Court Judge Contract.

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

AUDIENCE PARTICIPATION

No further public comments.

PUBLIC HEARING

Amend Milwaukie Municipal Code Chapter 15.20 by Adopting New Regulations Governing the Moving of Oversized Structures over City Streets

Mayor Bernard called the public hearing to order at 8:15 p.m.

The purpose of this hearing was to consider an ordinance that amended Municipal Code Chapter 15.20 by adopting new regulations that govern moving structures over city streets.

Staff Report: **Mr. Gessner** said these regulations were in response to a perceived weakness of the existing regulations, which had been on the books for some time. He discussed the difficulties with the Marinos house about three years ago that he felt could be attributed to the code language. The Council directed staff to find a way to improve some of the regulations; however, the work was delayed due to other priorities at the time. He reviewed the major components of the permit system:

- Temporary storage on lots or streets was prohibited.
- Insurance was required.
- Prior notice to police, emergency providers, Oregon Department of Transportation (ODOT), rail road, and others to speed the application process and not create a hardship situation either for a property owner or a house mover once the application was made.
- Prior demonstration on zoning compliance for the receiving site.
- Approval criteria that included satisfaction of any liens.
- Post notice on the property before the building was moved to provide an opportunity for community comment. There was a mandatory 5-day waiting period before approval to allow for appeals.
- Violation specified in the event there was a breach in regulations.

These regulations were sent to three structure moving companies: NW Structural Moving, Scappoose; Emmert International, Clackamas; and D&R Associates, Gresham. At the July 5 work session, the Council asked that staff review other jurisdictions' regulations, and those were identified in the staff report.

The City received concurrence from all of the involved agencies and parties both internal and external. Mr. Gessner requested that the City Council approve the proposed ordinance.

Councilor Collette asked for clarification of why the donor site had to conform to zoning.

Mr. Gessner replied that had to do with historic preservation regulations. The City had the ability to hold off on a demolition permit while other options were sought. Staff wanted to ensure the City's historic regulations were covered.

Mayor Bernard noted the clause that would allow the City Council to step in the event of a necessity.

Mr. Gessner said the City Council might waive any provision of these regulations upon finding that it was in the public interest to do so.

Public Comment

None.

Correspondence: **Mr. Gessner** received an e-mail from NW Structural Moving that had been included in the July 5, 2005 work session staff report that indicated that company felt the regulations were consistent with what it might expect.

Mayor Bernard closed the public hearing at 8:21 p.m.

Discussion among Council members:

None.

Decision:

It was moved by Councilor Barnes and seconded by Councilor Stone for the first and second readings and adoption of the ordinance amending Milwaukie Municipal Code Chapter 15.20. Motion passed unanimously among the members present. [4:0]

Mr. Swanson read the ordinance for the first and second times by title only.

The City Recorder polled the Council: Councilors Barnes, Collette, and Stone and Mayor Bernard voted 'aye.' [4:0]

ORDINANCE NO. 1952:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE CHAPTER 15.20 BY ADOPTING NEW REGULATIONS GOVERNING MOVING OF OVERSIZE STRUCTURES OVER CITY STREETS.

OTHER BUSINESS

Amend Milwaukie Municipal Code by Adding New Chapter 9.07, Public Urination and Defecation as Prohibited Conduct – Ordinance

Chief Kanzler recommended the amendment that would allow the police department to take action to prevent urination and defecation in public. There was an increased problem over the past 12 to 14 months that initially appeared to be during the night shift

when people relieved themselves in a public place. He also received notice from City staff about incidents in the City Hall parking lot and surrounding landscaping and near the bus facilities. This ordinance would allow the police department to cite people for public urination and defecation into the municipal court with a fine of \$750 per activity. The City Attorney and police officers supported his recommendation for adoption. He noted other cities within the region had similar ordinances. The officer would cite the person into court, and the municipal court judge would make the assessment.

It was moved by Councilor Collette and seconded by Councilor Barnes for the first and second readings and adoption of the ordinance amending Milwaukie Municipal Code by adding a new Chapter 9.07. Motion passed unanimously. [5:0]

Mr. Swanson read the ordinance for the first and second times by title only.

The City Recorder polled the Council: Councilors Barnes, Collette, and Stone and Mayor Bernard voted 'aye.' [4:0]

ORDINANCE NO. 1953:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADDING A NEW CHAPTER 9.07 TO PROHIBIT PUBLIC URINATION AND DEFECATION.

Goal 5 Update

Jack Hoffman, Metro Policy Advisory Committee (MPAC), and **Paul Ketchum**, Metro, provided the Goal 5 update. Metro had been working on its fish and wildlife program since 1996, and the result was an educational, voluntary, incentive, and regulatory program to protect stream corridors, which he indicated on a map. Those land owners with fish and wildlife habitat would be receiving Measure 56 notices in about two weeks telling them Metro was in the process of adopting regulations that might affect property values. The program will go before Metro Council in September for approval, and then on to the Land Conservation and Development Commission (LCDC) for acknowledgement. Cities would have two years to comply by either using or modifying their current programs or by adopting a district plan. The program did not apply to existing residential property. If one wanted to build or expand into the corridor, there would be some requested restrictions. All cities would be required to remove barriers to habitat-friendly development such as clustering and setbacks.

Mr. Ketchum added that part of the Nature in the Neighborhood Program included technical assistance to the local jurisdictions to determine which compliance options were the best and to help develop code provisions.

Mr. Hoffman said the concept was to avoid, minimize, and mitigate through a region-wide effort that included 25 cities and 3 counties.

Councilor Collette asked Mr. Hoffman if he had a sense of the types of questions property owners would ask when they received their Measure 56 notices.

Mr. Hoffman said Milwaukie would have to substantially comply with the region. No one had to remove his lawn or garden or existing buildings. Someone could demolish a structure and build a new one as long as the footprint was the same. The existing program may not be much different than what was already in effect. Public hearings and the public process would likely begin summer 2006.

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DRAFT MINUTES

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Councilor Stone asked how this applied to government-owned land.

Mr. Hoffman said the regulations applied to public and privately owned land.

Mr. Ketchum added those areas already managed for high intensity recreational uses would not be subject. He discussed Metro's Internet mapping tool.

Mr. Hoffman discussed the map revision process and noted that Metro would accept and process Measure 37 claims.

Mr. Ketchum would send copies of the Measure 56 notices to the City Council.

Consider PERS Financing Program – Resolution

Mr. Taylor said the Council had heard a presentation from Carol Samuels of Seattle-Northwest Securities on an alternate method for the City's paying the unfunded actuarial liability (UAL) with PERS. City of Milwaukie employees participated in the PERS system, so at each pay period, the City sent employee and employer contributions to fund the future retirement benefits for employees. A portion of the contribution sent to PERS represented funding the cost of future for those retiring from PERS. Currently, part of that contribution was funding an unfunded portion of those benefits based on an actuarial projection out 23 years. The unfunded liability for the City of Milwaukie as of December 31, 2003 was \$3.2 million. Under state law, municipalities may enter into pension obligation bonds with the proceeds going to PERS as a lump sum payment. The City would have a debt service on those bonds with the current low interest rates. The liability at PERS accrued at 8%, and current market rates were less. He discussed possible risks. The proposed resolution indicated the City's interest in participating in a pool.

Mayor Bernard understood this resolution expressed the City's intent to proceed, and staff would return to Council with information on the pool.

Mr. Taylor said that was correct plus it would authorize staff to request the specific lump sum amount from PERS. There were some minor costs at this point for the information.

Councilor Barnes called a local jurisdiction and was told it would not be in the best interest of the City because it owed such a small amount, and there was some risk involved.

Councilor Collette contacted her cousin who was a CPA. Initially, he said the amount did seem to be low, and the \$53,000 annual savings was not substantial. He had noted it was a good time to finance but needed more time to review the proposal.

Councilor Stone asked if the City Council had to adopt this resolution in order to get the amount of the PERS liability.

Mr. Taylor replied that was correct because of the pooled situation. He believed the total expense to the City for this phase was about \$1,700.

Mr. Swanson noted Milwaukie's \$3 million liability was relative depending on the size of the organization's budget. The risk would be that the market went lower. This proposed action would fix that portion of the budget that tended to fluctuate. Milwaukie would not be one of the big players in the pool, but the impact would be the same on relative terms. He believed it was the proper thing to do.

Mayor Bernard agreed and supported the staff recommendation to begin this phase.

Councilor Stone asked how long the payment period was and if the resolution should include reference to the 8% interest rate. She also suggested that it read, “will reduce costs for participating governments.” If the Council decided not to do this, the City could still fund it for 23 years.

Mr. Taylor said that rate was established every biennium in the Legislature, so the City had to estimate its budget without those rates.

Councilor Stone asked how other professionals felt about this program.

Mr. Taylor spoke with several agencies, and some were going to participate while others were not. The bond would be for a period of 23 years, and the City would save approximately \$53,000 annually.

Mayor Bernard recessed the meeting at 9:03 p.m. and reconvened at 9:08 p.m.

Mr. Taylor referred to resolution page 3, Section 3 – Delegation, which authorized the City Official to pursue issuance of the bonds. He asked the City Attorney to comment on the opportunities for the City Council to reverse the direction.

Mr. Firestone said as the resolution was drafted, the City Manager was authorized to make the decision on whether or not to proceed. It did not provide for its going back to the City Council. The Council could adopt the resolution as stated, and then have a second motion directing the City Manager to provide individual notification to each Council member 24 hours before taking action.

Councilor Stone asked if it could be stated that the final decision had to come back to Council.

Mr. Firestone said timing would be an issue. These were drafted to satisfy Seattle-Northwest Securities’ concerns about how the process might work. If the City Council did have concerns and wanted to know terms, it could make a motion directing the City Manager to advise the Council members individually. The mayor or two council members could call a meeting if necessary.

Councilor Stone understood the City Council could have a special meeting to look at this again for final adoption.

Mr. Firestone said generally speaking the resolution anticipated that the City Official would take action. Based on what he heard, this would provide Council a way to step in if something looked wrong.

Councilor Stone was concerned there was not a full Council at this meeting.

Mayor Bernard said if the City wished to participate in this issuance, Seattle-Northwest needed to be notified by July 21.

Councilor Stone asked how the City Manager would determine the issuance.

Mr. Taylor replied his determination would be based on the current rate, composition of the pool, and the final lump sum amount from PERS. The pricing for the entire issue was expected to be in place in September.

It was moved by Councilor Collette and seconded by Mayor Bernard to adopt the resolution authorizing participation in the limited tax pension bonds, Series 2005. Motion passed 3 – 1 with Councilor Barnes voting against.

RESOLUTION NO. 37-2005:

A RESOLUTION AUTHORIZING PARTICIPATION IN LIMITED TAX PENSION BONDS, SERIES 2005.

It was moved by Councilor Collette and seconded by Mayor Bernard that the City Manager attempt to advise each Council member individually before taking action under Section 3 of the resolution authorizing participation in limited tax pension bonds, series 2005. Motion passed unanimously among the members present. [4:0]

Other

- **Mayor Bernard** would attend the MPAC meeting to discuss cities' concerns about developments outside of downtown areas.
- **Councilor Stone** met with Mike Richardson of Dark Horse Comics and Mr. Swanson to discuss economic development in the downtown. Mr. Richardson was very involved several years ago when the City was developing its concept plan, and he had one that was very similar. She believed it would be good to engage him.
- **Councilor Collette** was meeting with Neal Hankerson of Dark Horse. Dark Horse representatives had met with the Historic Milwaukie Neighborhood Association to review its plan. She noted that the theatre was opening an arcade and thought it might be a good thing to try to influence what was taking place. **Councilor Stone** was concerned that communication be fostered so the City knew these things were happening. **Councilor Collette** said that was one of the goals of the team she was pulling together because there was no communication process in place. **Councilor Barnes** thought the issue of what was being provided to young people needed to be revisited.
- **Councilor Barnes** announced the Tourism Action Plan meeting on July 28th.

ADJOURNMENT

It was moved by Mayor Bernard and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously among the members present. [4:0]

Mayor Bernard adjourned the regular session at 9:25 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager, Kenny Asher Community Development Director, John Gessner, Planning Director

From: Lindsey Nesbitt, Associate Planner

Subject: Appeal (AP-05-02) of Planning Commission decision on North Clackamas Park Ball field Project

Date: August 3, 2005 for the August 16, 2005 City Council meeting

Action Requested

Uphold the Planning Commission's decision on applications CSO-05-02, TPR-05-01, and WQR-05-01, authorizing construction of improvements to North Clackamas Park, and the adopt modified site plan and revisions to the Findings and Conditions in support of approval as identified in the appeal.

Background Information and Project History

Planning Commission hearings were held on April 26, May 10, May 24, June 14 and July 12, 2005. On July 12, 2005, the Commission approved the applications and adopted findings and conditions in support of approval. The Commission's approval authorized the following development at North Clackamas Park (See Attachment 5- Plan Approved by the Planning Commission):

- Four youth baseball/softball fields with irrigation.
- One full-size soccer field.
- 230-space parking area.
- Water quality resource area enhancements.
- Walking trails.

- Improvements to Kellogg Creek Drive that include construction of a sidewalk and intersection improvements at Rusk Road and Kellogg Creek Drive.
- New picnic tables, concession stand, and restroom facilities.

The Friends of North Clackamas Park submitted an appeal on July 27, 2005. Concerns with the Planning Commission's decision can be found in Attachment 2.

Parks District staff conducted a number of meetings with Friends of North Clackamas park to discuss their concerns. Through these meetings the parties agreed to changes that modify the site plan approved by the Planning Commission. The revised plan differs from the plan approved by the Planning Commission as follows:

1. Creation of shared soccer and ball field.
The revised plan proposes a flex baseball/soccer field by reducing the size of the soccer field and relocating it to ball field #4. Due to the decrease in size of the soccer field, use of the soccer field will be limited to youth 8 years of age and younger. The relocation of the soccer field will create a larger open area on the west side of the park and will provide a buffer between the park and residential areas.
2. Reduced parking area.
The 230-space parking area will be reduced to 196 spaces. The Planning Commission approved a parking ratio of 43 spaces per field. With the creation of the flex baseball/soccer field, only 4 fields can be used at the same time, which supports the reduction in parking spaces. The reduced parking aids with traffic concerns. The amount of impervious surface in the park will also be reduced, resulting in less stormwater run-off.
3. Creation of an entry pavilion and information center.
The reduction in parking spaces allows for the creation of a covered entry pavilion and information center, which will give the park a greater focus on community and park events.
4. Modification to the layout of walking paths.
The trail along the western portion of the site will be modified and will circle around the ball fields.
5. A tot-lot play area will be constructed in the western portion of the park near the knoll.
6. The plan has been revised to eliminate stormwater detention in the parking lot. Detention will be provided in a swale adjacent to the parking area.
7. The access drive to the horse arena will be widened to accommodate vehicle and horse trailer parking.

At it's August 1, 2005, meeting the North Clackamas Parks and Recreation District Advisory Board voted unanimously to approve the modifications to the development plan at North Clackamas Park. On August 2, 2005, the Friends of North Clackamas Park submitted a joint letter with the North Clackamas Park District that withdrew concerns listed in the July 27, 2005 appeal. The letter also requested the City Council approve the proposed modifications to the plan and modifications to findings and conditions adopted by the Planning Commission that reflect the changes on the site plan.

Staff has reviewed the proposed modifications of the site plan and believes they are consistent with applicable sections of the Milwaukie Municipal Code (See Attachment 1 Findings and Conditions). Staff recommends the City Council uphold the Planning Commission decision and adopt the modifications to the site plan as identified in the revised appeal materials submitted August 2, 2005, by the Parks District and Friends of North Clackamas Park.

Key Issues

On July 12, 2005, after roughly 18 hours of public hearings, the Planning Commission approved the proposed development to North Clackamas Park upon finding the applicant demonstrated compliance with applicable code criteria. The following summarizes the Planning Commission's findings:

1. Community Service Overlay (CSO) Criteria

a. Public benefits test

A key component of the CSO section is the public benefits test, where the applicant has the burden of demonstrating that the proposal is in the interest of the general public and that benefits to the public outweigh any potential negative impacts.

The Planning Commission found that the proposed development and street improvements will be an improvement to the existing park, thus providing a greater public benefit. Attachment 1 provides findings that list public benefits and potential negative impacts. Attachment 1 also provides conditions deemed necessary to mitigate potential negative impacts.

The revised joint appeal indicates that the modified plan provides additional public benefit with the relocation of the soccer field by creating more open space along the western portion of the park site. The open space will also act as a buffer for the residential properties that abut the western portion of the site. The revised plan includes a reduction of parking spaces, which result in a reduction of impervious area and may potentially reduce flooding impacts. The reduced parking area allows for the creation of an entry pavilion and construction of a bio-swale that will detain and filter storm water before draining into the natural system.

b. Criteria for citing and improving parks

The Planning Commission found, as conditioned, the proposal complies with applicable CSO development standards (See Attachment 1, Findings and Conditions in Support of Approval).

2. Traffic and Transportation

The applicant submitted a transportation impact study (TIS) for the proposed park development which documented the adequacy of the transportation system to serve the proposed use and the expected impact of the proposal on the surrounding transportation system. The Planning Commission found that the data and methodology used in the applicant's TIS are adequate.

The TIS demonstrates that the proposed project will increase through vehicle trips on Kellogg Creek Drive. The Planning Commission adopted a condition requiring the applicant to construct improvements on Kellogg Creek Drive to improve safety for vehicles and pedestrians. The street improvements will mitigate traffic impacts associated with the proposed development. The proposed improvements include:

- Widening Kellogg Creek Drive to 28 feet to create two 14-foot travel lanes.
- Construct a pedestrian sidewalk along the north side of Kellogg Creek Drive.
- Create a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

The applicant is required to provide mitigation of traffic impacts that are proportional to the estimated impact the development will have on the existing transportation system. The applicant indicated they will pay for the full cost of the above-mentioned improvements, thereby exceeding the proportional mitigation requirement.

3. Water Quality Resource (WQR) Review

The property contains 3 identified water quality resource areas: Mt Scott Creek to the north and west of the site, a wetland located in the northwest corner, and a drainage swale that bisects the park from east to west and drains into Mt. Scott Creek.¹

The Commission reviewed the applicant's development plan and WQR enhancement mitigation plan and found as conditioned, the proposal complies with applicable criteria of the WQR standards (See Attachment 1 – Findings and Conditions).

The Commission reviewed and approved the following permitted activities to be constructed within the WQR area.

¹ The wetland to the north of the creek does not fall within the development area.

- Construction of paved and gravel walking trails.
- Buffer enhancements and vegetative plantings.
- Storm treatment facilities in the form of detention bio-swales.
- A portion of the existing roadway falls within the buffer area. The drive will be resurfaced and a sidewalk will be constructed.

To ensure consistency with development requirements of WQR criteria conditions were adopted requiring tree preservation, tree and vegetative protection and special construction measures.

The applicant will provide voluntary and required mitigation within and adjacent to the WQR areas for filling two pocket wetlands, and for the construction of walking trails and the bio-swales.

Attachment 1 – Findings and Conditions provides further analysis.

5. Stormwater Management

The WQR code states that storm flows within and to natural drainage courses shall not exceed pre-development flows. The city hired a consultant, LDC Design Group, to review the applicant's hydrological report. LDC Design Group reviewed the report and concluded the following:

- Calculations presented in the report adequately model stormwater run-off for preliminary design level analysis.
- The estimated post development flows are slightly less than predevelopment flows. A change in the curve number (CN) can alter post development flows.² A change in the CN value from 77 to 76 would result in a post development flow that slightly exceeds predevelopment flow.

The preliminary hydrological report proposed detention of stormwater within the parking area and in a bio-swale adjacent to the parking area. Concerns were raised regarding the parking lot detention.

Based upon consultant review and recommendations and the concerns raised regarding parking lot detention, the Commission adopted the following conditions:

- a. The applicant must submit a final hydrological report that details the CN value to ensure accuracy.
- b. The revised final hydrological report must be revised to omit parking lot detention and provide detention elsewhere on the site.³

² The CN value is a way of calculating run-off by classifying land use and soil type.

³ The modified plan calls for fewer parking spaces, which creates space for storm water detention. The new plan shows a larger bio-swale and omits parking area detention. A

6. Flood Plain

A portion of the site lies within the 100-year flood plain. The code requires demonstration of balanced cut and fill for development within the flood plain areas. The Planning Commission approved the application, finding the applicant demonstrated compliance with balance cut and fill. The Parks District will have to resubmit balance cut and fill calculations to reflect the proposed changes identified in the appeal materials.

Concurrence

Not applicable.

Fiscal Impact

None.

Work Load Impacts

None.

Alternatives

Milwaukie Zoning Ordinance Sections:

1. 19.301 – Residential R-10 Zone
2. 19.321 – Community Service Overlay
3. 19.322 – Water Quality Resource
4. 19.500 – Off-street Parking and Loading
5. 19.1011.3 - Minor Quasi-Judicial Review
6. 19.1400 – Transportation Planning, Design Standards, and Procedures

This application is subject to minor quasi-judicial review, which requires the City Council to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony and evidence received at the public hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by August 16, 2005, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

The City Council has the following decision making alternatives:

1. Approve the appeal which modifies the plan in accordance with the agreement reached between the North Clackamas Parks District and the Friends of North Clackamas Park.

hydrological report demonstrating how the swale will function and the volume of water it is design to handle needs to accompany the revised plan.

2. Deny the appeal, which would uphold the Planning Commission approved plan, but with no changes.
3. Remand the matter to the Planning Commission with direction.

Attachments

Attachment 1	Findings and Conditions of Approval
Attachment 2	July 27, 2005, Friends of North Clackamas Park appeal materials
Attachment 3	August 2, 2005, revised appeal materials submitted jointly by Friends of North Clackamas Parks and the Parks District
Attachment 4	Revised Site Plan
Attachment 5	Site Plan approved by the Planning Commission

Planning Commission staff reports for the April 26, May 10, May 24, June 14, and July 12, 2005, Planning Commission meetings can be obtained by contacting Lindsey Nesbitt at 503-786-7658.

The following application materials may be viewed at the Johnson Creek office: Applicant's Narrative, Wetland Report, Traffic Report, Stormwater Report, and full size site plans. Contact Lindsey Nesbitt at 503-786-7658 to view materials.

The Planning Commission meetings were televised. Tapes of the broadcast can be viewed at the Ledding Library.

Attachment 1

The following are the Findings and Conditions in support of approval adopted by the Planning Commission on July 12, 2005. The revisions of appeal submitted by the Friends of North Clackamas Park and the North Clackamas Parks District (revisions submitted August 2, 2005) are shown below to reflect the requested amendments of the site plan. The changes are identified using strike out and underline. The modifications are underlined.

Findings in Support of Approval

1. The majority of the proposed development area is located within the southern portion of the site. Application materials submitted February 24, 2005 and revised materials submitted March 21, 2005, describe a proposal to construct the following:
 - a. Four youth softball/baseball fields.

Fields 1 and 3 will each have a 225-foot foul line with a 225-foot radius outfield fence. Field #2 will have a 200- to 210-foot foul line and outfield radius to reduce impacts to the natural resource area and prevent encroachment into a required 50-foot buffer around the WQR area. Field #4 will have a 250-foot foul line and a 280-foot radius. Due to the proposed size all fields will accommodate youth softball and lower levels of youth baseball. Field #4 will accommodate youth baseball for ages up to 13-14 years.

The fields will include the following:

 - Full back stops
 - Perimeter fencing (6 feet on field 1 and 2, and 10 feet on field 3 and 4)
 - Option for foul ball netting
 - Maintenance access gates
 - Bleachers (mobile 5 rows accommodating 35 persons per field)
 - Dugouts
 - Bicycle parking and drinking fountains at the inner concourse
 - Skinned infields and turf outfields
 - Optional electronic scoreboards
 - Pole mounted lighting
 - Irrigation
 - b. A drop-off plaza located at the walkway entrance into the 4 fields.

- c. Pedestrian concourse with bulletin board and signage between fields with concession and restroom facilities. Additional restroom facilities will be constructed at the east side of the park.
- d. ~~Full-size~~ An youth soccer field accommodating youth play for ages 8 years and younger (~~360 90~~ feet by ~~230 60~~ feet). ~~to be relocated near the west end of the site.~~ The soccer field will act as a flex baseball/soccer field with field #4. ~~A trail system will connect the soccer field to the parking area and the ball fields.~~
- e. New ~~230~~ 196-space, landscaped parking area that will bring the total on-site parking spaces to ~~352~~ 318.⁴ The parking area will also accommodate truck and horse-trailer parking.
- f. Enhanced pedestrian crossing from the existing parking area (adjacent to Rose Garden) to the Milwaukie Center. The crosswalk will be raised to allow for better delineation of pedestrian areas and to slow vehicles entering and exiting the park.
- g. Water quality resource area enhancements. Vegetation will be planted to create and enhance a 50-foot buffer around an existing drainage swale.⁵ All enhancement areas will be planted with native plant species and seed mixes as shown on the applicant's site plan and vegetation plan in Attachment 2 Development Plans.
- h. The horse arena will remain, however, the dimensions of the arena may be reduced.
- i. The picnic area near the west end of the site will be enhanced with new picnic tables on concrete pads.
- j. Construction of maintenance facility shed.
- k. Other park amenities such as trash receptacles, benches, environmental education "storyboards", and fencing will be provided.
- l. Tot lot playground structure located in the western portion of the park.
- m. Improvements to Kellogg Creek Drive that include widening the street and the construction of a sidewalk along the north side of the street. The applicant will also reconstruct the intersection of Kellogg Creek Drive and Rusk Road to increase vehicle safety.
- n. An eight-to-twelve-foot-wide paved and ADA compliant perimeter trail system.

⁴ The March 21, 2005, Development Plans demonstrate a 233-space parking lot. The applicant indicated at the May 10, 2005, hearing that in order to preserve an existing tree, 3 spaces will need to be removed.

⁵ The drainage swale is identified on the City's water quality resource map.

2. The applicant has submitted the following technical studies:
 - a. Traffic Impact Study prepared by Lancaster Engineering, submitted February 24, 2005.
 - b. Two traffic addendums prepared by Lancaster Engineering, submitted April 4, 2005, and April 11, 2005.
 - c. Wetland delineation report prepared by Pacific Habitat Services, submitted February 24, 2005.
 - d. Hydrology Analysis Report prepared by W&H Pacific, submitted April 15, 2005.
 - e. Revised Hydrological Analysis Report prepared by W&H Pacific and submitted May 6, 2005.
3. Applications CSO-05-02, WQR-05-01, and TPR-05-01 have been processed and public notice has been provided in accordance with requirements of Milwaukie Municipal Code Section 19.1011.3 Minor Quasi-Judicial Review. Public hearings were held on April 26, 2005, May 10, 2005, May 24, 2005, June 14, 2005, and July 12, 2005. A City Council appeal hearing was held August 16, 2005.
4. The Planning Commission approved applications CSO-05-02, TPR-05-01, and WQR-05-01 on July 12, 2005. The appeal period closed at 5:00 p.m. Friday, July 29, 2005. A group by the name of Friends of North Clackamas Park filed an appeal on Wednesday July 27, 2005. On August 2, 2005 the Friends of North Clackamas Park amended their appeal by submission of a letter to withdraw points of concerns listed in the July 27, 2005 appeal. The amended appeal included a signed letter by the Friends of North Clackamas Park and the North Clackamas Parks District requesting the City Council to uphold the Planning Commission's July 12, 2005 decision of approval and adopt modifications to the site plan approved at the July 12, 2005 public hearing.
5. The North Clackamas Park has a comprehensive plan designation of Public. The proposed development for North Clackamas Park is consistent with the Comprehensive Plan. The plan designates North Clackamas Park as a community park and states that a community park should be as follows:
 - a. A large citywide facility.
 - b. Serve a special function.
 - c. Located on arterials or other major routes.
 - d. Have major structured recreational facilities such as lighted baseball and soccer fields.

The Comprehensive Plan also states that the City will strive to develop appropriate facilities, improve access to the existing parks, and enlarge existing parks when feasible.

6. The site is located in the Residential R-10 Zone. Parks are listed as Community Service Overlay uses (CSO) and are permitted in residential zones subject to CSO review and approval. Parks are subject to development standards of MMC Section 19.301 – Residential R-10 Zone and MMC Section 19.321 – Community Service Overlay Zone. The proposal is consistent with MMC Section 19.301- Residential R-10 Zone.

7. MMC Section 19.321.4 (D) Public Benefits Test

The applicant has demonstrated that the proposal is in the interest of the general public and that, as conditioned, benefits to the public outweigh any potential negative impacts.

- a. Public Benefits

The applicant identified the following public benefits:

- 1) The horse arena will remain.
- 2) The large oak tree and knoll, located at the west end of the park ~~near the loop drive~~, will be preserved.
- 3) A new full-size youth soccer field for children 8 years of age and under soccer field will be provided. The field will be a shared flex field with ball field #4.
- 4) Access to adjacent properties will be preserved.
- 5) The North Clackamas Park is the District's largest community park. Community parks are intended to serve the entire community with a variety of recreational uses and are specifically intended to be utilized for sport field purposes.⁶
- 6) New ~~230-196~~-space parking area that will also accommodate horse trailer parking.
- 7) Improvements to pedestrian crossing will be provided.
- 8) Approximately 57,760 square feet of environmental enhancements and mitigation will be provided, including the establishment of a 50-foot buffer around the drainage swale, as shown in the Development Plans submitted March 21, 2005. Approximately 10,300 square feet of upland oak and ash plantings will be provided adjacent to the vegetative buffer.
- 9) The development will provide needed sports facilities. Currently, the NCPD only provides 3 baseball fields and 3 soccer fields (2 of which are not regular size). Approximately 2,500 youth play organized baseball or softball in the North Clackamas area and there are currently more than 62 youth soccer teams. As population of the area increases, it is anticipated that participation levels in youth sports will also rise, creating the need for additional facilities.

⁶ Milwaukie Comprehensive Plan Objective 5, Policy #4.

- 10) The proposed project will create new and safe ball fields. It has been noted by users of the current ball fields that the existing condition of the fields are unsafe for play due to poor drainage and lack of irrigation. It has been stated by some park users that the existing fields have outlived their lives.
- 11) The proposed fields will provide opportunities for youth sports. Public schools have had to scale back on sports programs due to budget constraints. The ability to provide needed facilities for youth is a key component of providing constructive opportunities for leisure time, promoting a sense of community, development of “team” skills, and a foundation for the development of healthy lifestyles.
- 12) The existing picnic area on the knoll in the western portion of the park will be enhanced.
- 13) A new integrated, accessible trail system will enhance recreational walking, jogging, and environmental learning opportunities for all ages.
- 14) New restroom facilities will replace existing portable restrooms.
- 15) Currently vehicular traffic has unrestricted access to the entire project area. Each year hundreds of vehicles park on turf areas where leaking petroleum products are either absorbed into the soil or washed away into adjacent water resources. The proposed plan creates a parking area that includes oil and sediment traps and a bio-swale system to clean the stormwater.
- 16) The proposal includes the creation of a 50-foot buffer along the drainage swale. Currently the turf extends to the edge of the resource area.
- 17) The applicant notes that the proposed uses are consistent with the intended purpose of a “community park” and collectively provide countless public benefits that include:
 - a. Efficient use of limited land and financial resources.
 - b. Provision of desperately needed facilities that promote constructive use of leisure time and healthy lifestyles.
 - c. Improved player safety, park maintenance, park aesthetics.
 - d. Maintenance/enhancement of existing uses and addition of new recreation opportunities and facilities.
 - e. Improved stormwater and parking management.
 - f. Improved habitat value.
 - g. Improved park security.

- 18) At the April 26, 2005, hearing, the Planning Commission heard testimony about shortage of adequate facilities and the community need for the ball fields.

b. Potential Negative Impacts

The applicant modified the proposed plan, where practicable, to mitigate potential negative impacts. Impacts that were identified during the public meeting process are addressed below. The following demonstrates how the applicant modified the proposal to limit potential negative impacts.

1) Increased traffic.

To mitigate traffic impacts, the applicant will improve Kellogg Creek Drive by widening the road and providing a sidewalk along the north side of the roadway. The applicant will provide improvements to the Kellogg Creek/Rusk Road intersection by widening Kellogg Creek drive to 28 feet, constructing a sidewalk along the northern side of the road, and reconfiguring the intersection of Kellogg Creek Drive and Rusk Road (see also Section 1400 Recommended Findings).

2) Noise from sound system and ball field use.

To mitigate noise impacts, the applicant revised the proposal to omit the permanent sound system and drafted an amplified sound policy. The MMC 8.08.10 exempts sounds caused by organized sporting events. Applicant believes this applies to all sound (amplified and unamplified) created by organized athletic events. The opponents believe the exemption of sound for organized athletic events only applies to unamplified sound. The code does not specify whether or not amplified sound is exempt from the noise ordinance per MMC 8.08.100. The Planning Commission may interpret the code and condition the application based upon their interpretation.

3) Ball field and parking lot lighting impacts to adjacent properties.

MMC Section 321.4 authorizes the Planning Commission to adopt conditions to limit hours and levels of operation. The Commission has adopted a condition requiring the following:

- a) A photometric plan, demonstrating .5 foot-candles at the property line, shall be submitted.
- b) A lighting test shall be conducted between the hours of 9:00 p.m. and 10:30 p.m. to ensure that there is no light trespass from the ball field and parking lot lighting onto adjacent residential properties.
- c) If the lighting test does not demonstrate .5 foot-candles at the property line, measures such as adjusting cut-off lighting

fixtures shall be taken to prevent light trespass onto adjacent properties.

- 4) Public concerns were raised that the proposed plan will create a single-use ball field park.

This is not a Municipal Code issue, but rather a Parks District issue. In response to this concern, the applicant reduced ball field size and reorganized the proposed layout to keep the horse arena and dog run. The soccer field will be relocated. A walking trail around the site, existing picnic facilities, and new playground equipment will accommodate passive recreation.

- 5) Concerns were expressed about impacts to environmental areas.

Two wetlands will be filled to construct a drive and one of the ball fields will be constructed adjacent to another; however, these 2 wetlands are not subject to water quality resource review. Identified water quality resource (WQR) are Mt. Scott Creek, drainage swale bisecting the site, and a wetland located in the northern portion of the site. A 50-foot buffer will be established around all three resources and approximately 57,760 square feet of resource enhancement will be provided.

- 6) Concerns were raised about adequacy of on-site parking.

The proposal includes construction of a ~~230~~196--space parking area, bringing the total on-site parking spaces to ~~352~~ 318. The proposal will provide 43 spaces per field, which is comparable to similar facilities within the region. The City's traffic consultant, DKS Associates, has reviewed the proposed parking ratio and has advised the city that it is adequate.

As conditioned, benefits to the public exceed potential negative impacts, and the application complies with MMC Section 19.321.4 (D) Public Benefits Test.

8. MMC Section 19.321.10 establishes specific standards for public/private institutions and other facilities not covered by other standards. This section addresses development standards such as setback, height, lighting, noise limitations, and hours and level of operation. The maximum height limitation for all structures under CSO criteria is 50 feet. The applicant's proposal includes lighting poles for the ball fields that are 70 to 80 feet in height. Prior to erecting the lighting poles, the applicant must:
 - a. Revise the application to reduce the lighting poles to 50 feet.
 - b. Apply for a zoning text amendment to permit structures such as lighting poles to exceed the 50-foot height limitation.
 - c. Apply for a variance to exceed the 50-foot height limitation.

As conditioned, the application complies with MMC Section 19.321 Community Service Overlay Criteria.

9. MMC 19.500 – Off-street parking and loading. As conditioned, the application complies with MMC 19.500 Off-Street Parking and Loading.

- a. 19.503.3 Minimum and maximum number of required parking spaces. Community parks are not listed in Table 503.9, which provides minimum and maximum number of required off-street parking spaces; therefore, community parks are classified as unlisted uses.
- b. 19.503.6 states that the Planning Commission shall determine the minimum required parking spaces for all uses not listed in table 503.9. The applicant submitted technical information about the park use, parking demand, and traffic generation. The applicant proposes to provide 43 spaces per field and will construct a ~~230~~ 196-space parking area to accommodate parking demand of the proposed development.

The City's traffic consultant, DKS Associates, reviewed the technical data provided by the applicant and found that the proposed ratio of 43 spaces per field will adequately accommodate parking demands of the proposed development. The Planning Commission approved the proposed ratio of 43 spaces per field. To ensure the parking will function at the site, a condition was adopted requiring the applicant to provide a detailed management plan that includes schedule management, signing, and remote parking management.

- c. 19.502 states that the standards and procedures apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or a change in use occurs.

The existing parking facilities are nonconforming in regards to landscaping and drainage. The applicant will provide a new ~~230~~ 196-space parking area to accommodate the proposed development. The Commission has approved the applicant's parking ratio of 43 spaces per field; therefore, parking demand for the development is satisfied with the construction of the ~~230~~ 196-space parking lot. Existing parking areas are not needed to accommodate parking for the proposed development; therefore are not required to be brought into conformance with development standards of MMC Section 19.500.

- d. 19.503.2 Shared parking is permitted when required parking cannot be provided on the site, when the shared parking is located within 300 feet of the principal structure or use, and when there is no conflict of use between the two uses. The Planning Commission

approved the applicant's proposed ratio of 43-spaces per field. With the construction of the ~~230~~ 196-space parking area, required parking for the development is provided on-site and shared parking is not required, therefore, the provisions of 19.503.2 are not applicable. The applicant's parking management plan includes use of the Clackamas Christian Center's parking lot to accommodate over-flow parking.

- e. 19.503.4, the applicant is not requesting special exemption from maximum allowable parking standards.
- f. 19.503.5, the site is classified as Zone B.
- g. 19.503.7, the applicant is not requesting a reduction of required parking.
- h. 19.503.8, the applicant is not requesting a modification of minimum and maximum parking.
- i. As conditioned, the application is consistent with MMC 19.503.10 parking space standards.
- j. As conditioned, the new parking facility complies with MMC 19.503.11 paving and striping standards.
- k. The applicant is not proposing to create additional curb cuts into the public right-of-way. The application complies with MMC 19.503.12.
- l. As conditioned, the application complies with MMC 19.503.13 minimum width requirements of drive aisles.
- m. The applicant's proposal provides on site vehicular connections as shown on the development plans and complies with MMC 19.503.14.
- n. MMC 19.503.16 – Drainage Standards. Staff consultant LDC Design Group has reviewed the proposed stormwater management plan and found the calculations presented in the report adequately model stormwater run off preliminary design level analysis. The site plan demonstrates a natural stormwater detention area to the east of Field #1. As conditioned, the application complies with parking area drainage standards.
- o. The applicant has proposed on-site pedestrian walkways through the parking areas that are separate from vehicular circulation and parking. The application complies with MMC 19.503.17 pedestrian access.
- p. MMC 19.503.18 is not applicable, the application does not include a park-and-ride facility.
- q. MMC 503.19 establishes provisions for landscaping and screening. The applicant will provide parking area landscaping as required per

MMC Section 19.503.19. As conditioned the proposal is consistent with MMC Section 19.503.19 – Landscaping.

~~MMC Section 19.503.19(G) authorizes alternative landscaping plans. The applicant has requested to omit 4 landscape islands in the southern portion of the parking area. The omission of the 4 landscape islands results in the loss of approximately 528 square feet of landscaping. The landscaping along the southern property line exceeds the minimum width required by 17 feet creating a total of 4,930 square feet of additional area of landscaping. (This section has been omitted as a result of the revised parking area and the enlarge horse arena access drive. The original plan provided vehicle and horse trailer parking in the parking area, which required the omission of landscaping islands. The revised plan includes a larger access drive to the horse arena, which will accommodate vehicle and horse trailer parking. The revised parking lot complies with landscaping requirements of the off-street parking code.)~~

- r. The applicant submitted a parking plan consistent with MMC 19.503.20.
 - s. MMC Section 19.503.21 off-street parking in residential zones is applicable for residential development, such as construction of residential dwellings and home based businesses. This section is not applicable to the proposed development of a community service use.
 - t. MMC 19.504, off-street loading is not applicable.
 - u. 19.505, bicycle parking requires the applicant to provide on-site bicycle parking. As conditioned the proposal is consistent with MMC Section 19.505.
 - v. MMC 19.506, carpool and vanpool parking is not required.
 - w. MMC 19.507, Structure parking is not proposed or required.
10. MMC Section 19.322 Water Quality Resource Review
- a. The application includes the construction of 2 bio-swales/storm detention facilities, paved ~~and gravel~~ walking trails, repaving of an existing drive, and water quality resource (WQR) area enhancements within the WQR. All other activity will take place outside of the WQR area. All proposed activity within the WQR area is permitted per MMC Section 19.322.7. As conditioned, the application is consistent with MMC 19.322.7 – Activities Permitted Under Minor Quasi-Judicial Review.
 - b. MMC Section 19.322.9 specifies application requirements which include the submission of an alternatives analysis. Only development within the WQR area is subject to the alternatives analysis requirement. The proposed bio-swales are permitted per

Section 19.322.10 (E) provided an equal area to the WQR is replaced. The applicant will replace resource area for the bio-swales at a 1.4 to 1 mitigation ratio. The applicant will also provide enhancements to off-set the walking trails at a 1.4 to 1 ratio. Total enhancements for the bio-swales and walking trails will be approximately 10,320 square feet. Walking trails will localize foot traffic and reduce trampling associated with foot traffic within the WQR areas. As conditioned, the application is consistent with 19.322.9 – Application Materials.

- c. 19.322.9 (I) requires submission of a WQR area mitigation plan addressing adverse impacts and ways in which impacts will be minimized. Adverse impacts may occur during the construction phase of the walking trails and bio-swales. The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities.
11. MMC 19.322.10 – Water Quality Resource Development Standards
- a. Restoration of WQR area

The applicant has submitted a preliminary WQR restoration/enhancement plan. A condition has been adopted requiring submission of a WQR planting plan that demonstrates location, type, and quantity of plant materials to be reviewed by the City's environmental consultant.

The mitigation plan must also address how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation, and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain intact.

As conditioned the proposal is consistent with MMC Section 19.322.10 (A).
 - b. Protection of existing vegetation.

Existing vegetation within the WQR area will not be removed. A condition has been adopted requiring construction fencing around existing vegetation and areas to be preserved. As conditioned, the proposal is consistent with MMC Section 19.322.10 (B).

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

- c. Removal of existing vegetation shall be replanted.

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

- d. WQR area shall be marked prior to construction.

The applicant will provide sediment and erosion control and construction fencing around WQR areas prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (D).

- e. Stormwater pretreatment facilities.

The applicant will construct 2 bio-swales within the WQR area. The bio-swales will encroach no more than 25 feet into the required 50-foot buffer. The approximate area of the bio-swales is 4,440 square feet. The applicant will provide approximately 6,250 square feet of WQR enhancements to mitigate the bio-swales.

Staff consultant LDC Design Group reviewed the storm water report and found that placement of water quality facilities in a buffer area is consistent with similar practices around the region. As conditioned, the proposed facilities will be designed to integrate in the WQR area in such a way that the habitat structure will not be negatively impacted.

- f. The applicant is not proposing additions or alterations to existing structures within the WQR area. Section 19.322.10 (F) is not applicable.

- g. Off-site mitigation.

The proposal does not include off-site mitigation. Section 19.322.10 (G) is not applicable.

- h. Site preparation and construction practices.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth

disturbing activities. As conditioned, the application complies with MMC Section 19.322.10 (H).

- i. Lights shall be placed so that they do not shine directly into the natural resource locations.

Where practicable the types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations. The applicant has demonstrated the need to provide safe lighting for ball fields. A condition has been adopted requiring the applicant to where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location. As conditioned, the application complies with MMC Section 19.322.10 (I).

- j. Trails must be placed in locations to reduce impacts to WQR areas.

The applicant will install erosion and sediment controls to prevent run off into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (J).

- k. Trees and vegetation must remain and connected along drainage courses.

The applicant will provide approximately 57,760 square feet of enhancements to WQR areas. Existing vegetation will remain. As conditioned, the application complies with MMC Section 19.322.10 (K).

- l. MMC 19.322.10 (I) - Stormwater flows as a result of proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Site stormwater will be collected and piped to bio-swales within WQR areas. Staff consultant LDC Design group found that the calculations adequately model the storm water runoff for a preliminary design level analysis and found the post development flows for Basin 1 will be at predevelopment rates and the estimated post development flows for Basin 2 will be released at slightly less than predevelopment flows. The runoff curve number (CN) value affects the rate of post development flows. A slight alteration in the CN value can alter stormwater flows. A condition has been adopted requiring staff review of the final hydrological report. The report shall specifically address the CN value to ensure adequacy.

- m. 19.322.10 (m) - Drainage course crossings.

New drainage course crossings are not proposed. MMC Section 19.322.10 (M) is not applicable.

- n. MMC 19.322.10(N) - Construction must be done in such a manner as to safeguard resources that have not been approved for development.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities. As conditioned the proposal is consistent with 19.322.10(N).

- 12. The applicant submitted a Transportation Plan Review application.

- a. MMC Section 19.1406 requires that any non-residential development adding more than 25 trips per day to an adjacent residential local street requires mitigation of impacts.

The traffic study, prepared by Lancaster Engineering, demonstrates conservative trip generation estimates that the new site will add approximately 400 weekday and 850 weekend daily trips (depending upon activity) and 70 trips during the weekday evening peak hour and weekend peak hour. The trip generation data, as provided by the applicant's amended traffic impact study, is an adequate representation of the proposed park development. The development will increase trips on Kellogg Creek Drive, which is a local street. The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- b. MMC Section 19.1407 ensures that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate impacts of the new development. Rights-of-way shall be made adequate at time of development, but are moderated by proportional mitigation.

The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.

- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- c. MMC Section 19.1408.1 requires the submission of a transportation impact analysis (TIA) that demonstrates the impact of development on the surrounding transportation system. The TIA provides a framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts.

A transportation impact analysis was prepared by Lancaster Engineering and submitted by the applicant. The City's traffic consultant, DKS Associates, reviewed the TIA. The data and methodology used in Lancaster's TIA are adequate, based on comparison to standard traffic engineering practices.

- d. 1408.3 (B) requires the applicant to demonstrate proportional impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal. The applicant has demonstrated their proportionality of providing improvements to mitigate traffic impacts of the development. The applicant has stated they will pay for and build 100% of the improvements along Kellogg Creek Drive and the intersection of Rusk Road and Kellogg Creek Drive. As conditioned, the application complies with 19.1408.3(B).

- 1) Widening of Kellogg Creek Drive to obtain an overall width of 28 feet. Cost estimate \$90,000. Applicant's proportional share, 24% (\$9,100).
- 2) Constructing a pedestrian walkway along northern portion of Kellogg Creek Drive. Cost estimate \$50,000. Applicant's proportional share, 24% (\$12,000).
- 3) Reconfiguration of Rusk Road/Kellogg Creek Drive intersection to improve safety. Cost estimate \$70,000. Applicant's proportional share 13% (\$9,000).

The applicant's traffic memorandum states that the improvements are planned to be constructed, rather than providing a monetary contribution based upon proportional share.⁷

- e. MMC Section 1409 requires that all streets and necessary rights-of-way shall be dedicated to the public for street purposes in accordance with Table 1409.3.

The North Clackamas Park is located at the end of Kellogg Creek Drive and abuts the road for approximately 58 feet. It is not practicable for the applicant to obtain (purchase) needed right-of-

⁷ Lancaster Engineering Addendum dated April 11, 2005.

way along Kellogg Creek Drive. The applicant will provide improvements within the existing right-of-way.

- f. MMC Section 19.1410 establishes standards for pedestrian facilities. As conditioned, the application complies with 19.1410 – Pedestrian Requirements and Standards.
- g. MMC Section 19.1411 establishes standards for bicycle requirements. As conditioned, the application complies with 19.1411 Bicycle Requirements.
- h. MMC Section 19.1412 – establishes transit requirements and standards. The proposal does not include development of a multifamily, commercial, office, or industrial use; therefore, MMC 19.1412 is not applicable.

13. Flood Hazard Regulations

Staff reviewed the park location and elevation data in conjunction with the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community-Panel #415588 0036A dated August 4, 1987, and the March 1, 2001, revision. The applicant's submitted plans appear to reflect the 1987 FEMA map and do not appear to reflect the 2001 revision of the FEMA maps. The net difference in the two FEMA maps results in a very small section of the 100-year flood boundary (about 100 square feet) is present in the middle of the south side of the park boundary. This is just outside of the ball field #2 area. Staff relies on industry standards based on conclusive evidence, such as the March 1, 2001, FEMA map.

The modification to the FEMA map based on the March 1, 2001, data affects a small portion of the development. MMC 19.18.04.150 (F) requires balanced cut-and-fill for development within the flood plain. The applicant must submit revised cut-and-fill calculations demonstrating balanced cut-and-fill.

MMC 18.04.100 (B) states that proposed structures within the 100-year flood plain will require certification by a professional engineer or architect verifying adequate flood proofing.

As conditioned, the application complies with MMC Title 18, Flood Hazard Regulations.

- 14 Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth-disturbing activities. As conditioned, the application complies with MMC Title 16 – Erosion Control.
- 15. The City and Clackamas County have an intergovernmental agreement (IGA) stating that the North Clackamas Park shall be maintained and operated by North Clackamas Parks District. Testimony regarding poor maintenance of the park or concerns regarding future maintenance is not

applicable to relevant code criteria and is therefore not part of the decision-making process for the proposed development.

15. The Planning Commission expresses its concern about the use of chemical pesticides and herbicides and encourages the district to avoid their use in a manner that limits adverse and environmental health impacts, and further encourages the Parks District to provide on-site notice when these chemicals are in use.

Conditions of Approval

1. Final site and architectural plans shall be in substantial conformance with the plans approved by this action. Reference is made to plans submitted with the application submission materials dated February 24, 2005, and March 21, 2005, and revised City Council appeal materials submitted August 2, 2005; technical reports listed in Recommended Findings; and minutes of the Planning Commission's public hearings held April 26, 2005, May 10, 2005, and May 24, 2005. Any inconsistency must comply with the most recently submitted application materials.
2. Grading, erosion control, and plumbing permits shall be obtained prior to commencement of any earth-disturbing activities.
3. An electrical permit shall be obtained from Clackamas County prior to conducting any electrical work on site.
4. Prior to issuance of an erosion control or grading permit, and prior to commencement of any earth-disturbing activity, the applicant shall submit to the City or complete the following:
 - a. A narrative of all actions taken to comply with these conditions of approval.
 - b. A narrative description of all changes made to the plans but not required by these conditions or approval.
 - c. Water quality resource areas shall be flagged and construction fencing shall be installed around all protected areas. Construction fencing shall be inspected by the City and shall remain erected until all activity on the site has been completed.
 - d. Erosion and sediment controls shall be installed around water quality resource areas and shall be inspected by the City.
 - e. The applicant shall submit a revised photometric plan demonstrating .5 foot-candles measured at the south side of the existing tree line along the south property line, Where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location.
 - f. Submit a water quality resource mitigation planting plan that demonstrates plant type, quantity, and location.
 - g. Provide a vegetation and tree preservation plan to ensure that the water quality resource buffer areas and proposed trees to be preserved will not be disturbed during construction. Tree and vegetation preservation measures shall be installed prior to commencement of any earth-disturbing activity. The vegetation and tree preservation measures shall be inspected by the city.

- h. Request and receive approval from U.S. Army Corps of Engineers and DSL to fill the two unmapped wetlands.
 - i. Submit a parking management plan to the satisfaction of the Engineering Planning Director.
 - j. Submit revised cut-and-fill calculations for all development within the 100-year floodplain. The calculations shall reflect the March 2001 FEMA map and shall demonstrate balanced cut-and-fill.
 - k. A final hydrological report shall be submitted to the Engineering Director for review and approval. The report shall specifically address the CN value to ensure accuracy.
 - l. Submit a vegetative mitigation plan that addresses how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain.
 - m. The applicant shall submit for City review a revised hydrological report demonstrating the omission of parking lot stormwater retention. The revised report must also demonstrate that post development stormwater flows do not exceed predevelopment stormwater flows.
- 5. Prior to erecting lighting poles for the ball fields, the applicant shall complete one of the following:
 - a. Reduce lighting pole height to 50 feet.
 - b. Apply for a variance to increase pole height to exceed the maximum 50-foot height limitation.
 - c. Apply for a zone text amendment to allow structures such as ball field lighting poles to exceed the maximum height limitation of the Community Service Overlay zone, subject to limitations.
- 6. Prior to commencement of any recreational activity of the proposed development, the applicant shall complete the following:
 - a. The ~~230~~ 196 space parking area shall be constructed and landscaping shall be installed. Staff shall conduct an inspection of the parking area and landscaping.
 - b. Improvements along Kellogg Creek Drive shall be completed. The roadway shall be widened to create two 14-foot travel lanes and intersection improvements to create a 90-degree intersection at Kellogg Creek Drive and Rusk Road per MMC Section 19.1400.

- c. All Water Quality Resource vegetative planting and mitigation shall be completed and inspected by the City.
 - d. Bicycle parking shall be installed per MMC Section 19.505.
- 7. Building permits are required for all structures including the concession stand, restrooms, bleachers, dugouts, maintenance shed, and picnic shelter. Accessible route is required from the parking lot to all structures (as mentioned above) on the site. At the time of building permit submittal, the applicant shall show sufficient detail (slope, surface materials, striping, etc.) to show compliance with Chapter 11 of the Oregon Structural Specialty Code. The proposed drop-off area must comply with Section 1105 - Passenger Loading Zones.
- 8. For all proposed structures to be located within the 100-year floodplain, submit certification by a professional engineer or architect verifying adequate flood-proofing (MMC 18.04.100 (B)). All proposed work in the 100-year floodplain will require calculations that demonstrate balanced cut-and-fill (18.04.150 (F)).
- 9. Per MMC Section 19.322.10(L), stormwater flows shall not exceed predevelopment flows.
- 10. The applicant must complete the following activities as part of Phase 1 construction. The site cannot be used until all activities listed below have been completed and inspected to the satisfaction of the Planning Director.
 - a. Development of environmental enhancements, including implementing and planting the vegetation plan.
 - b. Construction of public improvements along Kellogg Creek Drive (sidewalk construction, repaving Kellogg Creek Drive, and the realignment of the Kellogg Creek Drive/Rusk Road intersection).
 - c. Construction of the proposed trail/walkway system.
 - d. Construction of the stormwater treatment facilities and bio-swales.
 - e. The Planning Commission has approved a parking ratio of 43 spaces per field and the construction of ~~230~~ 196 space parking area. If the applicant phases the construction of the ball fields, parking must be provided in proportion to the number of fields developed. For example, if three fields are constructed the applicant must provide a 129 space parking area. The remaining parking spaces must be provided when each subsequent field is constructed.

Attachment 2



FRIENDS OF NORTH CLACKAMAS PARK
P.O. Box 220263, Milwaukie, Oregon 97269

RECEIVED

JUL 27 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

July 27, 2005

John Gessner, Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Dear John:

This letter appeals the decision of the Milwaukie Planning Commission on new development at North Clackamas Park located at 5440 SE Kellogg Creek Drive to the Milwaukie City Council. The Milwaukie planning case file is CSO 05-02, TPR 05-01, WQR 05-01.

The commission took action on the case on July 12, 2005. Notice of the Planning Commission's final decision in this case was mailed on July 14, 2005.

The appellants in this case are the organization Friends of North Clackamas Park, and its individual members, including but not limited to Eric and Susan Shawn, who reside within sight and sound of the subject property and will be adversely affected by this decision.

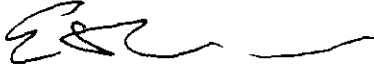
We believe there are a number of errors in the final Planning Commission decision, because of incorrect or inadequate information provided to the city, or because of incorrect interpretations of city code. The following issues will be raised during this appeal:

- Incorrect evaluation of public benefits and adverse impacts
- Improper deferral of storm water management plan
- Incorrect definition of 100 year flood plain
- Fill in flood plain requires greater cut volume
- Incorrect identification of site and scope of approval
- Inadequate alternatives analysis for development in Water Quality Resource Area
- No replacement of lost WQRA area
- Feasibility of wetland mitigation not shown
- Feasibility of compliance with ADA access requirement not shown
- Inadequate pedestrian lighting on proposed walkways
- Insufficient restriction on light shining into WQRA
- Non-conforming upgrades for existing site parking
- Noise impacts from amplified system exceed code standards

- Insufficient parking for site use

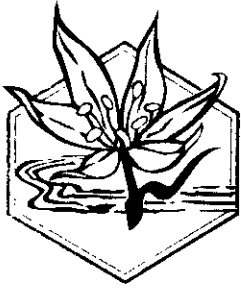
Finally, the Friends of North Clackamas Park and the Parks District continue to work together on a compromise solution that would satisfy all parties. We sincerely hope that this process will come to fruition by the time of the appeal hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Shawn', followed by a long horizontal line.

Eric Shawn
Representative, Friends of North Clackamas Park

Attachment 3



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

August 1, 2005

Mr. John Gessner, Planning Director
City of Milwaukie
6101 SE Johnson Creek Boulevard
Milwaukie, OR 97206

RECEIVED

AUG 2 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

RECEIVED

AUG 2 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Dear Mr. Gessner:

This letter is intended to provide notice that North Clackamas Parks and Recreation District (NCPRD) desires to join the appeal filed by Eric Shawn and Friends of the North Clackamas Park, et al, and that both parties propose to modify the appeal dated July 27, 2005.

More specifically, the Friends of North Clackamas Park, including but not limited to Eric and Susan Shawn, hereby withdraw complaints enumerated in their appeal dated July 27, 2005. Furthermore, NCPRD and the Friends of North Clackamas Park, et al, wish to offer a "modified concept plan" for North Clackamas Park which fully resolves the concerns previously raised by or on behalf of the Friends of North Clackamas Park and/or Eric and Susan Shawn.

In addition to the "modified concept plan", NCPRD and the Friends of North Clackamas Park, et al, respectfully offer the attached proposed modifications to the Findings and Conditions of the Milwaukie Planning Commission dated July 14, 2005.

The "modified concept plan" and modified Findings and Conditions together offer resolution of all previously raised issues and, if approved, will eliminate the potential of further appeals of this matter by the Friends of North Clackamas Park, Eric and Susan Shawn and NCPRD.

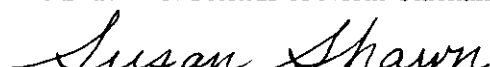
Respectfully submitted,


Charles Ciecko, Director NCPRD

8/1/05
Date


Eric Shawn for Friends of North Clackamas Park

8/1/05
Date


Susan Shawn for Friends of Clackamas Park

8/1/05
Date

www.co.clackamas.or.us/ncprd

Administration Office
1611 SE Sunnybrook Blvd
Clackamas, OR 97015
tel: 503-794-8002
fax: 503-794-8005

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

**A service district
of Clackamas County**

RECEIVED

AUG 2 2005

**CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT**

July 14, 2005

File(s): CSO-05-02, TPR-05-01, & WQR-05-01

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on July 12, 2005.

Applicant(s): North Clackamas Parks and Recreation District
Location(s): 5440 SE Kellogg Creek Drive
Tax Lot(s): 22E06AC00100
Application Type(s): Community Service Overlay
Transportation Plan Review
Water Quality Resource Review
Decision: Approved
Review Criteria: Milwaukie Zoning Ordinance:

- 19.301 Residential R-10 Zone
- 19.321 Community Service Overlay
- 19.322 Water Quality Resources
- 19.500 Off-street Parking and Loading
- 1011.3 Minor Quasi Judicial Review
- 19.1400 Transportation Planning, Design Standards, and Procedures

Neighborhood(s): Lake Road

The Planning Commission's decision on this matter may be appealed to the Milwaukie City Council. An appeal of this action must be filed within 15 days of the date of this notice, as shown below.

Appeal period closes: 5:00 p.m., July 29, 2005

Appeals to the City Council must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7630) can provide information regarding forms, fees, and the appeal process.

RECEIVED

AUG 2 2005

**CITY OF MILWAUKIE
PLANNING DEPARTMENT**

Findings in Support of Approval

1. The majority of the proposed development area is located within the southern portion of the site. Application materials submitted February 24, 2005 and revised materials submitted March 21, 2005, describe a proposal to construct the following:

a. Four youth softball/baseball fields.

Fields 1 and 3 will each have a 225-foot foul line with a 225-foot radius outfield fence. Field #2 will have a 200- to 210-foot foul line and outfield radius to reduce impacts to the natural resource area and prevent encroachment into a required 50-foot buffer around the WQR area. Field #4 will have a 250-foot foul line and a 280-foot radius. Due to the proposed size all fields will accommodate youth softball and lower levels of youth baseball. Field #4 will accommodate youth baseball for ages up to 13-14 years.

The fields will include the following:

- Full back stops
- Perimeter fencing (6' on fields 1&2; 10' on fields 3 &4)
- Option for foul ball netting
- Maintenance access gates
- Bleachers (mobile 5 rows accommodating 35 persons per field)
- Dugouts
- Bicycle parking and drinking fountains at the inner concourse
- Skinned infields and turf outfields
- Optional electronic scoreboards
- Pole mounted lighting
- Irrigation

b. A drop-off plaza located at the walkway entrance into the 4 fields.

c. Pedestrian concourse with bulletin board and signage between fields with concession and restroom facilities. Additional restroom facilities will be constructed at the East side of the park.

d. An 8-U soccer field (90 feet by 60 feet) to be located in field #4.

e. New 196-space, landscaped parking area that will bring the total on-site parking spaces to 318.¹ The parking area will also accommodate truck and horse-trailer parking.

f. Enhanced pedestrian crossing from the existing parking area (adjacent to Rose Garden) to the Milwaukie Center. The crosswalk will be raised to allow for better delineation of pedestrian areas and to slow vehicles entering and exiting the park.

g. Water quality resource area enhancements. Vegetation will be planted to create and enhance a 50-foot buffer around an existing drainage swale.²

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¹ The March 21, 2005, Development Plans demonstrate a 233-space parking lot. The applicant indicated at the May 10, 2005, hearing that in order to preserve an existing tree, 3 spaces will need to be removed.

² The drainage swale is identified on the City's water quality resource map.

All enhancement areas will be planted with native plant species and seed mixes as shown on the applicant's site plan and vegetation plan in Attachment 2 Development Plans.

- h. The horse arena will remain; however, its dimensions may be reduced.
 - i. The picnic area near the west end of the site will be enhanced with new picnic tables on concrete pads.
 - j. Construction of maintenance facility shed.
 - k. Other park amenities such as trash receptacles, benches, environmental education "storyboards" and fencing will be provided.
 - l. Tot lot playground structure located in the western portion of the park.
 - m. Improvements to Kellogg Creek Drive that include widening the street and the construction of a sidewalk along the north side of the street. The applicant will also reconstruct the intersection of Kellogg Creek Drive and Rusk Road to increase vehicle safety.
 - n. An eight-to-twelve-foot-wide paved and ADA compliant perimeter trail system.
2. The applicant has submitted the following technical studies:
- a. Traffic Impact Study prepared by Lancaster Engineering, submitted February 24, 2005.
 - b. Two traffic addendums prepared by Lancaster Engineering, submitted April 4, 2005, and April 11, 2005.
 - c. Wetland delineation report prepared by Pacific Habitat Services, submitted February 24, 2005.
 - d. Hydrology Analysis Report prepared by W&H Pacific, submitted April 15, 2005.
 - e. Revised Hydrological Analysis Report prepared by W&H Pacific and submitted May 6, 2005.
3. Applications CSO-05-02, WQR-05-01, and TPR-05-01 have been processed and public notice has been provided in accordance with requirements of Milwaukie Municipal Code Section 19.1011.3 Minor Quasi-Judicial Review. Public hearings were held on April 26, 2005, May 10, 2005, May 24, 2005, June 14, 2005, and July 12, 2005.
4. The North Clackamas Park has a comprehensive plan designation of Public. The proposed development for North Clackamas Park is consistent with the Comprehensive Plan. The plan designates North Clackamas Park as a community park and states that a community park should be as follows:
- a. A large citywide facility.
 - b. Serve a special function.
 - c. Located on arterials or other major routes.
 - d. Have major structured recreational facilities such as lighted baseball and soccer fields.

The Comprehensive Plan also states that the City will strive to develop appropriate facilities, improve access to the existing parks, and enlarge existing parks when feasible.

5. The site is located in the Residential R-10 Zone. Parks are listed as Community Service Overlay uses (CSO) and are permitted in residential zones subject to CSO review and approval. Parks are subject to development standards of MMC Section 19.301 – Residential R-10 Zone and MMC Section 19.321 – Community Service Overlay Zone. The proposal is consistent with MMC Section 19.301-Residential R-10 Zone.

6. MMC Section 19.321.4 (D) Public Benefits Test

The applicant has demonstrated that the proposal is in the interest of the general public and that, as conditioned, benefits to the public outweigh any potential negative impacts.

a. Public Benefits

The applicant identified the following public benefits:

- 1) The horse arena will remain; however, its dimensions may be reduced.
- 2) The large oak tree and knoll, located at the west end of the park will be preserved.
- 3) An 8-U soccer field will be provided.
- 4) Access to adjacent properties will be preserved.
- 5) The North Clackamas Park is the District's largest community park. Community parks are intended to serve the entire community with a variety of recreational uses and are specifically intended to be utilized for sport field purposes.³
- 6) New 196-space parking area that will also accommodate horse trailer parking.
- 7) Improvements to pedestrian crossing will be provided.
- 8) Approximately 57,760 square feet of environmental enhancements and mitigation will be provided, including the establishment of a 50-foot buffer around the drainage swale, as shown in the Development Plans submitted March 21, 2005. Approximately 10,300 square feet of upland oak and ash plantings will be provided adjacent to the vegetative buffer.
- 9) The development will provide needed sports facilities. Currently, the NCPD only provides 3 baseball fields and 3 soccer fields (2 of which are not regular size). Approximately 2,500 youth play organized baseball or softball in the North Clackamas area and there are currently more than 62 youth soccer teams. As population of the area increases, it is anticipated that participation levels in youth sports will also rise, creating the need for additional facilities.
- 10) The proposed project will create new and safe ball fields. It has been noted by users of the current ball fields that the existing condition of the

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³ Milwaukie Comprehensive Plan Objective 5, Policy #4.

fields are unsafe for play due to poor drainage and lack of irrigation. It has been stated by some park users that the existing fields have outlived their lives.

- 11) The proposed fields will provide opportunities for youth sports. Public schools have had to scale back on sports programs due to budget constraints. The ability to provide needed facilities for youth is a key component of providing constructive opportunities for leisure time, promoting a sense of community, development of "team" skills, and a foundation for the development of healthy lifestyles.
- 12) The existing picnic area on the knoll in the western portion of the park will be enhanced.
- 13) A new integrated, accessible trail system will enhance recreational walking, jogging, and environmental learning opportunities for all ages.
- 14) New restroom facilities will replace existing portable restrooms.
- 15) Currently vehicular traffic has unrestricted access to the entire project area. Each year hundreds of vehicles park on turf areas where leaking petroleum products are either absorbed into the soil or washed away into adjacent water resources. The proposed plan creates a parking area that includes oil and sediment traps and a bio-swale system to clean the stormwater.
- 16) The proposal includes the creation of a 50-foot buffer along the drainage swale. Currently the turf extends to the edge of the resource area.
- 17) The applicant notes that the proposed uses are consistent with the intended purpose of a "community park" and collectively provide countless public benefits that include:
 - a. Efficient use of limited land and financial resources.
 - b. Provision of desperately needed facilities that promote constructive use of leisure time and healthy lifestyles.
 - c. Improved player safety, park maintenance, park aesthetics.
 - d. Maintenance/enhancement of existing uses and addition of new recreation opportunities and facilities.
 - e. Improved stormwater and parking management.
 - f. Improved habitat value.
 - g. Improved park security.
- 18) At the April 26, 2005, hearing, the Planning Commission heard testimony about shortage of adequate facilities and the community need for the ball fields.

b. Potential Negative Impacts

The applicant modified the proposed plan, where practicable, to mitigate potential negative impacts. Impacts that were identified during the public meeting process are addressed below. The following demonstrates how the applicant modified the proposal to limit potential negative impacts.

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1) Increased traffic.

To mitigate traffic impacts, the applicant will improve Kellogg Creek Drive by widening the road and providing a sidewalk along the north side of the roadway. The applicant will provide improvements to the Kellogg Creek/Rusk Road intersection by widening Kellogg Creek drive to 28 feet, constructing a sidewalk along the northern side of the road, and reconfiguring the intersection of Kellogg Creek Drive and Rusk Road (see also Section 1400 Recommended Findings).

2) Noise from sound system and ball field use.

To mitigate noise impacts, the applicant revised the proposal to omit the permanent sound system and drafted an amplified sound policy. The MMC 8.08.10 exempts sounds caused by organized sporting events. Applicant believes this applies to all sound (amplified and unamplified) created by organized athletic events. The opponents believe the exemption of sound for organized athletic events only applies to unamplified sound. The code does not specify whether or not amplified sound is exempt from the noise ordinance per MMC 8.08.100. The Planning Commission may interpret the code and condition the application based upon their interpretation.

3) Ball field and parking lot lighting impacts to adjacent properties.

MMC Section 321.4 authorizes the Planning Commission to adopt conditions to limit hours and levels of operation. The Commission has adopted a condition requiring the following:

- a) A photometric plan, demonstrating .5 foot-candles at the property line, shall be submitted.
- b) A lighting test shall be conducted between the hours of 9:00 p.m. and 10:30 p.m. to ensure that there is no light trespass from the ball field and parking lot lighting onto adjacent residential properties.
- c) If the lighting test does not demonstrate .5 foot-candles at the property line, measures such as adjusting cut-off lighting fixtures shall be taken to prevent light trespass onto adjacent properties.

4) Public concerns were raised that the proposed plan will create a single-use ball field park.

This is not a Municipal Code issue, but rather a Parks District issue. In response to this concern, the applicant reduced ball field size and reorganized the proposed layout to keep the horse arena and dog run. The soccer field will be relocated. A walking trail around the site, existing picnic facilities, and new playground equipment will accommodate passive recreation.

5) Concerns were expressed about impacts to environmental areas.

Two wetlands will be filled to construct a drive and one of the ball fields will be constructed adjacent to another; however, these 2 wetlands are not subject to water quality resource review. Identified water quality resource (WQR) are Mt. Scott Creek, drainage swale bisecting the site, and a

wetland located in the northern portion of the site. A 50-foot buffer will be established around all three resources and approximately 57,760 square feet of resource enhancement will be provided.

- 6) Concerns were raised about adequacy of on-site parking.

The proposal includes construction of a 196-space parking area, bringing the total on-site parking spaces to 318. The proposal will provide 43 spaces per field, which is comparable to similar facilities within the region. The City's traffic consultant, DKS Associates, has reviewed the proposed parking ratio and has advised the city that it is adequate.

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As conditioned, benefits to the public exceed potential negative impacts, and the application complies with MMC Section 19.321.4 (D) Public Benefits Test.

7. MMC Section 19.321.10 establishes specific standards for public/private institutions and other facilities not covered by other standards. This section addresses development standards such as setback, height, lighting, noise limitations, and hours and level of operation. The maximum height limitation for all structures under CSO criteria is 50 feet. The applicant's proposal includes lighting poles for the ball fields that are 70 to 80 feet in height. Prior to erecting the lighting poles, the applicant must:
- Revise the application to reduce the lighting poles to 50 feet.
 - Apply for a zoning text amendment to permit structures such as lighting poles to exceed the 50-foot height limitation.
 - Apply for a variance to exceed the 50-foot height limitation.

As conditioned, the application complies with MMC Section 19.321 Community Service Overlay Criteria.

8. MMC 19.500 – Off-street parking and loading. As conditioned, the application complies with MMC 19.500 Off-Street Parking and Loading.
- 19.503.3 Minimum and maximum number of required parking spaces. Community parks are not listed in Table 503.9, which provides minimum and maximum number of required off-street parking spaces; therefore, community parks are classified as unlisted uses.
 - 19.503.6 states that the Planning Commission shall determine the minimum required parking spaces for all uses not listed in table 503.9. The applicant submitted technical information about the park use, parking demand, and traffic generation. The applicant proposes to provide 43 spaces per field and will construct a 196-space parking area to accommodate parking demand of the proposed development.

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The City's traffic consultant, DKS Associates, reviewed the technical data provided by the applicant and found that the proposed ratio of 43 spaces per field will adequately accommodate parking demands of the proposed development. The Planning Commission approved the proposed ratio of 43 spaces per field. To ensure the parking will function at the site, a condition was adopted requiring the applicant to provide a detailed

management plan that includes schedule management, signing, and remote parking management.

- c. 19.502 states that the standards and procedures apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or a change in use occurs.

The existing parking facilities are nonconforming in regards to landscaping and drainage. The applicant will provide a new 196-space parking area to accommodate the proposed development. The Commission has approved the applicant's parking ratio of 43 spaces per field; therefore, parking demand for the development is satisfied with the construction of the 196-space parking lot. Existing parking areas are not needed to accommodate parking for the proposed development; therefore are not required to be brought into conformance with development standards of MMC Section 19.500.

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- d. 19.503.2 Shared parking is permitted when required parking cannot be provided on the site, when the shared parking is located within 300 feet of the principal structure or use, and when there is no conflict of use between the two uses. The Planning Commission approved the applicant's proposed ratio of 43-spaces per field. With the construction of the 196-space parking area, required parking for the development is provided on-site and shared parking is not required, therefore, the provisions of 19.503.2 are not applicable. The applicant's parking management plan includes use of the Clackamas Christian Center's parking lot to accommodate over-flow parking.
- e. 19.503.4, the applicant is not requesting special exemption from maximum allowable parking standards.
- f. 19.503.5, the site is classified as Zone B.
- g. 19.503.7, the applicant is not requesting a reduction of required parking.
- h. 19.503.8, the applicant is not requesting a modification of minimum and maximum parking.
- i. As conditioned, the application is consistent with MMC 19.503.10 parking space standards.
- j. As conditioned, the new parking facility complies with MMC 19.503.11 paving and striping standards.
- k. The applicant is not proposing to create additional curb cuts into the public right-of-way. The application complies with MMC 19.503.12.
- l. As conditioned, the application complies with MMC 19.503.13 minimum width requirements of drive aisles.
- m. The applicant's proposal provides on site vehicular connections as shown on the development plans and complies with MMC 19.503.14.
- n. MMC 19.503.16 – Drainage Standards. Staff consultant LDC Design Group has reviewed the proposed stormwater management plan and

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found the calculations presented in the report adequately model stormwater run off preliminary design level analysis. As conditioned, the application complies with parking area drainage standards and includes an additional natural stormwater detention area to the east of Field #1.

- o. The applicant has proposed on-site pedestrian walkways through the parking areas that are separate from vehicular circulation and parking. The application complies with MMC 19.503.17 pedestrian access.
- p. MMC 19.503.18 is not applicable, the application does not include a park-and-ride facility.
- q. MMC 503.19 establishes provisions for landscaping and screening. The applicant will provide parking area landscaping as required per MMC Section 19.503.19. As conditioned the proposal is consistent with MMC Section 19.503.19 – Landscaping.
- j. The applicant submitted a parking plan consistent with MMC 19.503.20.
- s. MMC Section 19.503.21 off-street parking in residential zones is applicable for residential development, such as construction of residential dwellings and home based businesses. This section is not applicable to the proposed development of a community service use.
- t. MMC 19.504, off-street loading is not applicable.
- u. 19.505, bicycle parking requires the applicant to provide on-site bicycle parking. As conditioned the proposal is consistent with MMC Section 19.505.
- v. MMC 19.506, carpool and vanpool parking is not required.
- w. MMC 19.507, Structure parking is not proposed or required.

Deleted: MMC Section 19.503.19(G) authorizes alternative landscaping plans. The applicant has requested to omit 4 landscape islands in the southern portion of the parking area. The omission of the 4 landscape islands results in the loss of approximately 528 square feet of landscaping. The landscaping along the southern property line exceeds the minimum width required by 17 feet creating a total of 4,930 square feet of additional area of landscaping.

9. MMC Section 19.322 Water Quality Resource Review

- a. The application includes the construction of 2 bio-swales/storm detention facilities, paved walking trails, repaving of an existing drive, and water quality resource (WQR) area enhancements within the WQR. All other activity will take place outside of the WQR area. All proposed activity within the WQR area is permitted per MMC Section 19.322.7. As conditioned, the application is consistent with MMC 19.322.7 – Activities Permitted Under Minor Quasi-Judicial Review.
- b. MMC Section 19.322.9 specifies application requirements which include the submission of an alternatives analysis. Only development within the WQR area is subject to the alternatives analysis requirement. The proposed bio-swales are permitted per Section 19.322.10 (E) provided an equal area to the WQR is replaced. The applicant will replace resource area for the bio-swales at a 1.4 to 1 mitigation ratio. The applicant will also provide enhancements to off-set the walking trails at a 1.4 to 1 ratio. Total enhancements for the bio-swales and walking trails will be approximately 10,320 square feet. Walking trails will localize foot traffic and reduce trampling associated with foot traffic within the WQR areas.

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As conditioned, the application is consistent with 19.322.9 – Application Materials.

- c. 19.322.9 (I) requires submission of a WQR area mitigation plan addressing adverse impacts and ways in which impacts will be minimized. Adverse impacts may occur during the construction phase of the walking trails and bio-swales. The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities.

10. MMC 19.322.10 – Water Quality Resource Development Standards

a. Restoration of WQR area

The applicant has submitted a preliminary WQR restoration/enhancement plan. A condition has been adopted requiring submission of a WQR planting plan that demonstrates location, type, and quantity of plant materials to be reviewed by the City's environmental consultant.

The mitigation plan must also address how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation, and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain intact.

As conditioned the proposal is consistent with MMC Section 19.322.10 (A).

b. Protection of existing vegetation.

Existing vegetation within the WQR area will not be removed. A condition has been adopted requiring construction fencing around existing vegetation and areas to be preserved. As conditioned, the proposal is consistent with MMC Section 19.322.10 (B).

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

c. Removal of existing vegetation shall be replanted.

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

d. WQR area shall be marked prior to construction.

The applicant will provide sediment and erosion control and construction fencing around WQR areas prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (D).

e. Stormwater pretreatment facilities.

The applicant will construct 2 bio-swales within the WQR area. The bio-swales will encroach no more than 25 feet into the required 50-foot buffer. The approximate area of the bio-swales is 4,440 square feet. The applicant will provide approximately 6,250 square feet of WQR enhancements to mitigate the bio-swales.

Staff consultant LDC Design Group reviewed the storm water report and found that placement of water quality facilities in a buffer area is consistent with similar practices around the region. As conditioned, the proposed facilities will be designed to integrate in the WQR area in such a way that the habitat structure will not be negatively impacted.

f. The applicant is not proposing additions or alterations to existing structures within the WQR area. Section 19.322.10 (F) is not applicable.

g. Off-site mitigation.

The proposal does not include off-site mitigation. Section 19.322.10 (G) is not applicable.

h. Site preparation and construction practices.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth disturbing activities. As conditioned, the application complies with MMC Section 19.322.10 (H).

i. Lights shall be placed so that they do not shine directly into the natural resource locations.

Where practicable the types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations. The applicant has demonstrated the need to provide safe lighting for ball fields. A condition has been adopted requiring the applicant to where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location. As conditioned, the application complies with MMC Section 19.322.10 (I).

j. Trails must be placed in locations to reduce impacts to WQR areas.

The applicant will install erosion and sediment controls to prevent run off into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to

commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (J).

- k. Trees and vegetation must remain and connected along drainage courses.

The applicant will provide approximately 57,760 square feet of enhancements to WQR areas. Existing vegetation will remain. As conditioned, the application complies with MMC Section 19.322.10 (K).

- l. MMC 19.322.10 (I) - Stormwater flows as a result of proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Site stormwater will be collected and piped to bio-swales within WQR areas. Staff consultant LDC Design group found that the calculations adequately model the storm water runoff for a preliminary design level analysis and found the post development flows for Basin 1 will be at predevelopment rates and the estimated post development flows for Basin 2 will be released at slightly less than predevelopment flows. The runoff curve number (CN) value affects the rate of post development flows. A slight alteration in the CN value can alter stormwater flows. A condition has been adopted requiring staff review of the final hydrological report. The report shall specifically address the CN value to ensure adequacy.

- m. 19.322.10 (m) - Drainage course crossings.

New drainage course crossings are not proposed. MMC Section 19.322.10 (M) is not applicable.

- n. MMC 19.322.10(N) - Construction must be done in such a manner as to safeguard resources that have not been approved for development.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities. As conditioned the proposal is consistent with 19.322.10(N).

- 11. The applicant submitted a Transportation Plan Review application.

- a. MMC Section 19.1406 requires that any non-residential development adding more than 25 trips per day to an adjacent residential local street requires mitigation of impacts.

The traffic study, prepared by Lancaster Engineering, demonstrates conservative trip generation estimates that the new site will add approximately 400 weekday and 850 weekend daily trips (depending upon activity) and 70 trips during the weekday evening peak hour and weekend peak hour. The trip generation data, as provided by the applicant's amended traffic impact study, is an adequate representation of the proposed park development. The development will increase trips on Kellogg Creek Drive, which is a local street. The applicant will provide

improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- b. MMC Section 19.1407 ensures that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate impacts of the new development. Rights-of-way shall be made adequate at time of development, but are moderated by proportional mitigation.

The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- c. MMC Section 19.1408.1 requires the submission of a transportation impact analysis (TIA) that demonstrates the impact of development on the surrounding transportation system. The TIA provides a framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts.

A transportation impact analysis was prepared by Lancaster Engineering and submitted by the applicant. The City's traffic consultant, DKS Associates, reviewed the TIA. The data and methodology used in Lancaster's TIA are adequate, based on comparison to standard traffic engineering practices.

- d. 1408.3 (B) requires the applicant to demonstrate proportional impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal. The applicant has demonstrated their proportionality of providing improvements to mitigate traffic impacts of the development. The applicant has stated they will pay for and build 100% of the improvements along Kellogg Creek Drive and the intersection of Rusk Road and Kellogg Creek Drive. As conditioned, the application complies with 19.1408.3(B).

- 1) Widening of Kellogg Creek Drive to obtain an overall width of 28 feet. Cost estimate \$90,000. Applicant's proportional share, 24% (\$9,100).
- 2) Constructing a pedestrian walkway along northern portion of Kellogg Creek Drive. Cost estimate \$50,000. Applicant's proportional share, 24% (\$12,000).
- 3) Reconfiguration of Rusk Road/Kellogg Creek Drive intersection to improve safety. Cost estimate \$70,000. Applicant's proportional share 13% (\$9,000).

The applicant's traffic memorandum states that the improvements are planned to be constructed, rather than providing a monetary contribution based upon proportional share.⁴

- e. MMC Section 1409 requires that all streets and necessary rights-of-way shall be dedicated to the public for street purposes in accordance with Table 1409.3.

The North Clackamas Park is located at the end of Kellogg Creek Drive and abuts the road for approximately 58 feet. It is not practicable for the applicant to obtain (purchase) needed right-of-way along Kellogg Creek Drive. The applicant will provide improvements within the existing right-of-way.

- f. MMC Section 19.1410 establishes standards for pedestrian facilities. As conditioned, the application complies with 19.1410 – Pedestrian Requirements and Standards.
- g. MMC Section 19.1411 establishes standards for bicycle requirements. As conditioned, the application complies with 19.1411 Bicycle Requirements.
- h. MMC Section 19.1412 – establishes transit requirements and standards. The proposal does not include development of a multifamily, commercial, office, or industrial use; therefore, MMC 19.1412 is not applicable.

12. Flood Hazard Regulations

Staff reviewed the park location and elevation data in conjunction with the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community-Panel #415588 0036A dated August 4, 1987, and the March 1, 2001, revision. The applicant's submitted plans appear to reflect the 1987 FEMA map and do not appear to reflect the 2001 revision of the FEMA maps. The net difference in the two FEMA maps results in a very small section of the 100-year flood boundary (about 100 square feet) is present in the middle of the south side of the park boundary. This is just outside of the ball field #2 area. Staff relies on industry standards based on conclusive evidence, such as the March 1, 2001, FEMA map.

The modification to the FEMA map based on the March 1, 2001, data affects a small portion of the development. MMC 19.18.04.150 (F) requires balanced cut-and-fill for development within the flood plain. The applicant must submit revised cut-and-fill calculations demonstrating balanced cut-and-fill.

MMC 18.04.100 (B) states that proposed structures within the 100-year flood plain will require certification by a professional engineer or architect verifying adequate flood proofing.

As conditioned, the application complies with MMC Title 18, Flood Hazard Regulations.

- 13 Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth-

⁴ Lancaster Engineering Addendum dated April 11, 2005.

disturbing activities. As conditioned, the application complies with MMC Title 16 – Erosion Control.

14. The City and Clackamas County have an intergovernmental agreement (IGA) stating that the North Clackamas Park shall be maintained and operated by North Clackamas Parks District. Testimony regarding poor maintenance of the park or concerns regarding future maintenance is not applicable to relevant code criteria and is therefore not part of the decision-making process for the proposed development.
15. The Planning Commission expresses its concern about the use of chemical pesticides and herbicides and encourages the district to avoid their use in a manner that limits adverse and environmental health impacts, and further encourages the Parks District to provide on-site notice when these chemicals are in use.

Conditions of Approval

1. Final site and architectural plans shall be in substantial conformance with the plans approved by this action. Reference is made to plans submitted with the application submission materials dated February 24, 2005, and March 21, 2005; technical reports listed in Recommended Findings; and minutes of the Planning Commission's public hearings held April 26, 2005, May 10, 2005, and May 24, 2005. Any inconsistency must comply with the most recently submitted application materials.
2. Grading, erosion control, and plumbing permits shall be obtained prior to commencement of any earth-disturbing activities.
3. An electrical permit shall be obtained from Clackamas County prior to conducting any electrical work on site.
4. Prior to issuance of an erosion control or grading permit, and prior to commencement of any earth-disturbing activity, the applicant shall submit to the City or complete the following:
 - a. A narrative of all actions taken to comply with these conditions of approval.
 - b. A narrative description of all changes made to the plans but not required by these conditions or approval.
 - c. Water quality resource areas shall be flagged and construction fencing shall be installed around all protected areas. Construction fencing shall be inspected by the City and shall remain erected until all activity on the site has been completed.
 - d. Erosion and sediment controls shall be installed around water quality resource areas and shall be inspected by the City.
 - e. The applicant shall submit a revised photometric plan demonstrating .5 foot-candles measured at the south side of the existing tree line along the south property line. Where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location.
 - f. Submit a water quality resource mitigation planting plan that demonstrates plant type, quantity, and location.
 - g. Provide a vegetation and tree preservation plan to ensure that the water quality resource buffer areas and proposed trees to be preserved will not be disturbed during construction. Tree and vegetation preservation measures shall be installed prior to commencement of any earth-disturbing activity. The vegetation and tree preservation measures shall be inspected by the city.
 - h. Request and receive approval from U.S. Army Corps of Engineers and DSL to fill the two unmapped wetlands.
 - i. Submit a parking management plan to the satisfaction of the Planning Director.

~~Deleted: Engineering~~

- j. Submit revised cut-and-fill calculations for all development within the 100-year floodplain. The calculations shall reflect the March 2001 FEMA map and shall demonstrate balanced cut-and-fill.
 - k. A final hydrological report shall be submitted to the Engineering Director for review and approval. The report shall specifically address the CN value to ensure accuracy.
 - l. Submit a vegetative mitigation plan that addresses how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain.
 - m. The applicant shall submit for City review a revised hydrological report demonstrating the omission of parking lot stormwater retention. The revised report must also demonstrate that post development stormwater flows do not exceed predevelopment stormwater flows.
5. Prior to erecting lighting poles for the ball fields, the applicant shall complete one of the following:
- a. Reduce lighting pole height to 50 feet.
 - b. Apply for a variance to increase pole height to exceed the maximum 50-foot height limitation.
 - c. Apply for a zone text amendment to allow structures such as ball field lighting poles to exceed the maximum height limitation of the Community Service Overlay zone, subject to limitations.
6. Prior to commencement of any recreational activity of the proposed development, the applicant shall complete the following:
- a. The 196 space parking area shall be constructed and landscaping shall be installed. Staff shall conduct an inspection of the parking area and landscaping.
 - b. Improvements along Kellogg Creek Drive shall be completed. The roadway shall be widened to create two 14-foot travel lanes and intersection improvements to create a 90-degree intersection at Kellogg Creek Drive and Rusk Road per MMC Section 19.1400.
 - c. All Water Quality Resource vegetative planting and mitigation shall be completed and inspected by the City.
 - d. Bicycle parking shall be installed per MMC Section 19.505.
7. Building permits are required for structures including the concession stand, restrooms (2), bleachers, dugouts, maintenance shed, and picnic shelter. Accessible route is required from the parking lot to all structures (as mentioned above) on the site. At the time of building permit submittal, the applicant shall show sufficient detail (slope, surface materials, striping, etc.) to show compliance

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with Chapter 11 of the Oregon Structural Specialty Code. The proposed dropoff area must comply with Section 1105 - Passenger Loading Zones.

8. For all proposed structures to be located within the 100-year floodplain, submit certification by a professional engineer or architect verifying adequate flood-proofing (MMC 18.04.100 (B)). All proposed work in the 100-year floodplain will require calculations that demonstrate balanced cut-and-fill (18.04.150 (F)).
9. Per MMC Section 19.322.10(L), stormwater flows shall not exceed predevelopment flows.
10. The applicant must complete the following activities as part of Phase 1 construction. The site cannot be used until all activities listed below have been completed and inspected to the satisfaction of the Planning Director.
 - a. Development of environmental enhancements, including implementing and planting the vegetation plan.
 - b. Construction of public improvements along Kellogg Creek Drive (sidewalk construction, repaving Kellogg Creek Drive, and the realignment of the Kellogg Creek Drive/Rusk Road intersection).
 - c. Construction of the proposed trail/walkway system.
 - d. Construction of the stormwater treatment facilities and bio-swales.
 - e. The Planning Commission has approved a parking ratio of 43 spaces per field and the construction of 196 space parking area. If the applicant phases the construction of the ball fields, parking must be provided in proportion to the number of fields developed. For example, if three fields are constructed the applicant must provide a 129 space parking area. The remaining parking spaces must be provided when each subsequent field is constructed.

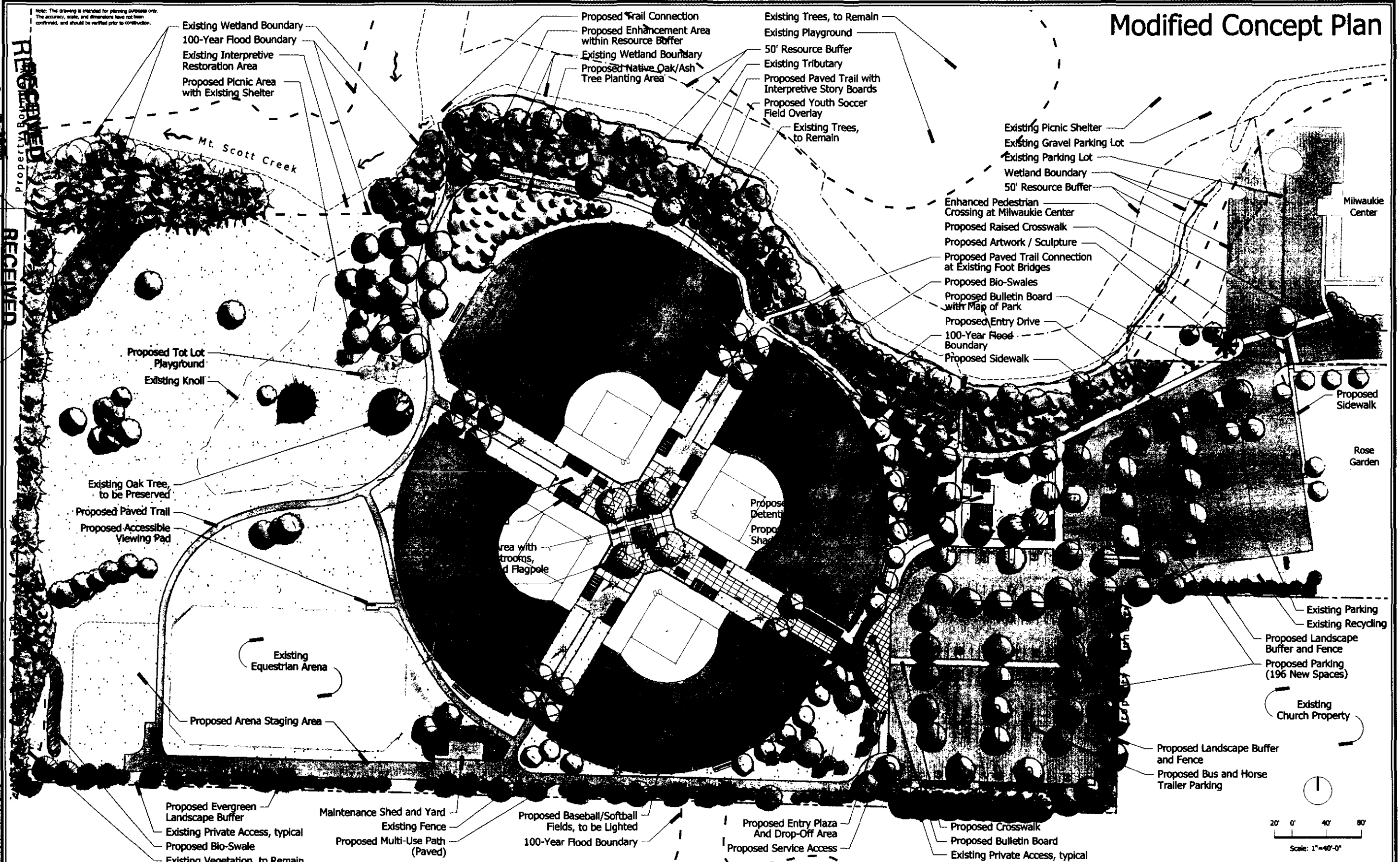
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John Gessner
Planning Director

copy: Applicant
Planning Commission
Paul Shirey, Engineering Director
Tom Larsen, Building Official
Bonnie Lanz, Permit Specialist
Ron Schumacher, Deputy Fire Marshal
NDA(s): Lake Road
Interested Persons
File(s): CSO-05-02

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CITY OF MILWAUKEE
PLANNING DEPARTMENT
AUG 2 2005



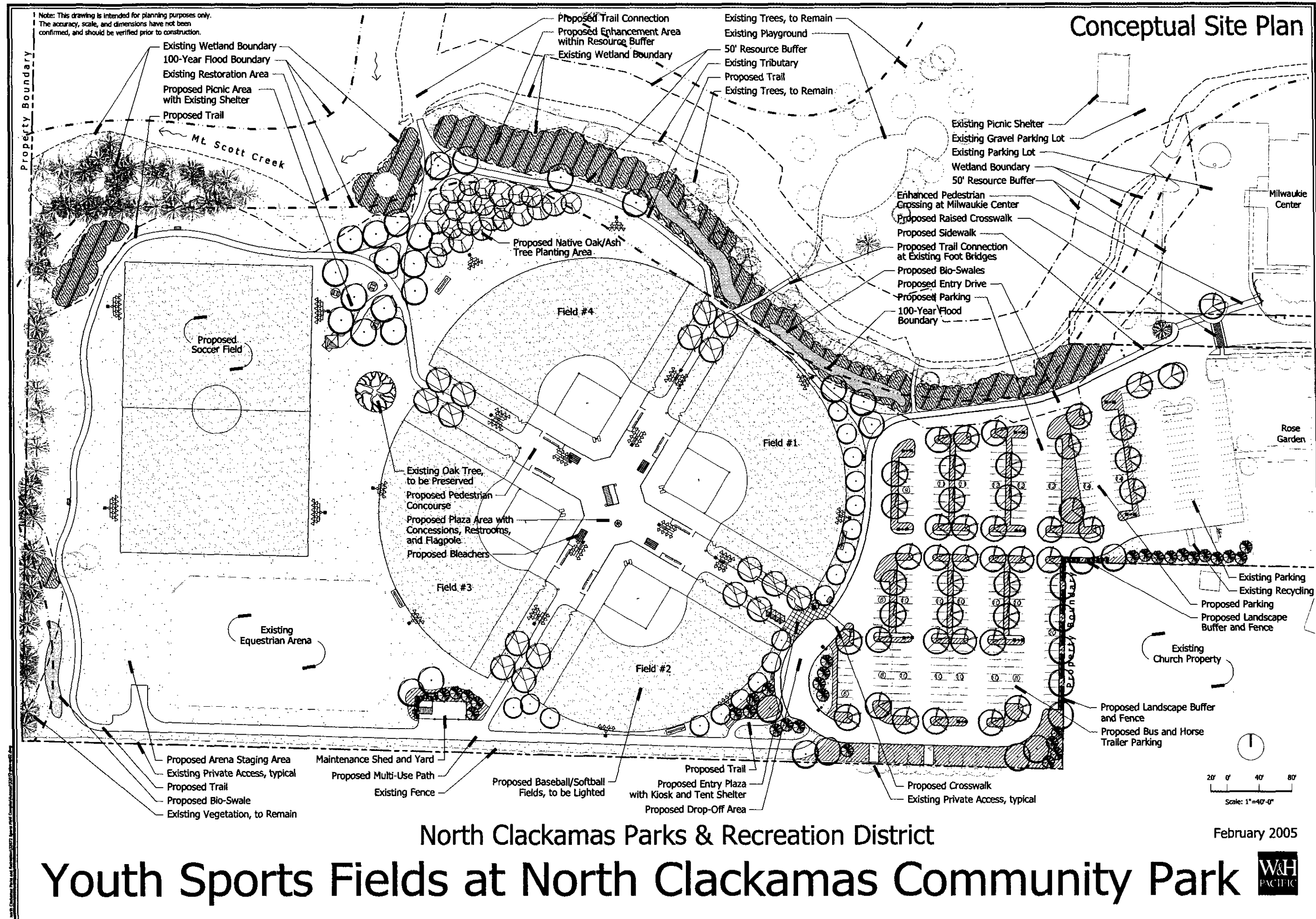
North Clackamas Parks & Recreation District

Youth Sports Fields at North Clackamas Community Park

August 2005



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FEB 24 2005
CITY OF MILWAUKIE
PLANNING DEPARTMENT



North Clackamas Parks & Recreation District Youth Sports Fields at North Clackamas Community Park

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 AUG 2 2005
 CITY OF CLACKAMAS
 PLANNING DEPARTMENT

Attachment





To: Mayor and City Council

Through: Mike Swanson, City Manager
Kenny Asher, Community Development & Public Works Director

From: John Gessner, Planning Director

Subject: Appeal of Planning Commission Decision

Date: August 5, 2005 for August 16, 2005 Council Hearing

Action Requested

Uphold the Planning Commission's ruling that the appellant's building may contain no more than three dwelling units for zoning purposes.

Background

The key question before the Council is *"Has sufficient evidence been provided to support a ruling that four units are allowed for zoning purposes?"* In its proceedings, the Planning Commission found there was not.

The appellant owns a rental building located at 2540 SE Lark Street. In December of 2001, the structure was declared a dangerous building due to fire, building, and electrical code violations. Consequently, the Milwaukie Building Official ordered the building to be vacated. At this time, the building contained four apartments, which is unusual for a house in a single-family zone. Building code violations sometimes suggest zoning violations. Therefore, the zoning history was examined for an explanation as to whether the four units were legal. At that time, city and county records indicated the building had only three units. Records confirming that the four units were legal could not be found.

In February of 2003, the appellant requested that the City make a finding that 4 dwelling units are allowed. The Planning Director is authorized by Milwaukie Municipal Code to make legal determinations, which may be appealed to the Planning Commission, then to the City Council.¹ The first determination as to the allowed number of units was made on July 9, 2003. The staff ruling found that only three units could be considered legal based on city and county records. The determination was not appealed in accordance with time limits set by city code and the decision remained in effect thereafter. The appeal expired in June; notice of intent to appeal was not received until September.

The appellant made continuing efforts to have the July 9, 2003 staff decision reconsidered. The City accepted the February 28, 2005 request for a ruling that four units are allowed.² On March 8, 2005, staff issued the same determination as was issued in 2003, ruling that only three units are allowed. The property owner appealed that decision to the Planning Commission, which held a public hearing on June 14, 2005 and confirmed the Director's determination. See Attachment 1 for the Director's determination, Commission decision, and appeal.

The City Council hearing is "de novo", meaning that it is not restricted to the record of the Planning Commission's hearing. The appellant did not provide information in support of the appeal to Council other than as contained in the appeal. Accordingly, staff has provided materials presented to the Commission. However, staff and City Attorney are concerned that a substantial amount of information presented by the appellant is not relevant to the key issue of the appeal.

See the following materials attached:

- Attachment 4 – applicant materials submitted to the Planning Commission at the June 14, 2005 hearing.
- Attachment 5 – June 14, 2005 Commission Staff Report.
- Attachment 6 – Applicant materials prepared for the Planning Commission, received May 19, 2005 (Feb. 28, 2005 Director's Determination Request)
- Attachment 7 – Additional applicant materials received May 19, 2005

¹ See Zoning Ordinance Sections 809, 1001.1, and 1001.4.

² Appeal rights are guaranteed by state law and city code. The appeal process provides oversight of decisions by parties who believe an error was made by the decision-maker. City code specifies time limits and other restrictions on appeals, which are necessary to assure the overall system of local government is orderly and reliable, and to reduce risk to investment and other interests. Staff has no legal discretion to modify rules of the appeal process.

Research conducted in preparation of this report shows telephone accounts (as an indicator of number of units) at the property as follows:³

- 1 account in 1989 and 1990
- 2 accounts in 1991 and 1992
- 1 account in 1994
- 2 accounts in 1995
- 3 accounts in 1996
- 2 accounts in 1997
- 1 account in 1999 through 2001
- 3 accounts in 2003 and 2004
- 4 accounts in 2002
- 1 account in 2005

See Attachment 3 for excerpts from the Cole Directory that substantiates the above. Inconsistencies between the above and information provided by former tenants are noted. In more recent years this may be explained by increased and exclusive use of cell phones for home telephone service.

Additional research identified three former tenants who are willing to sign sworn statements describing their knowledge of the number of dwelling units. These statements were not available at the time this report was prepared, but will be available by the August 16, 2005 hearing.

Key Issues

The following section, which explains the staff recommendation, and Commission decision, is an edited excerpt from the April 12, 2005 Commission staff report, also attached in full:

1. The March 8, 2005 staff determination is based upon the following:
 - a. Milwaukie utility billing records show three historical units of sewer service.
 - b. Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.⁴
2. The appellant has made the following arguments specific to the number of dwelling units, other argument is provided in the record:
 - a. The previous owner has stated that the building contained four units during his ownership.⁵

³ See attached excerpts from the Cole Directory

⁴ See Attachment 2 for the July 12, 2005 letter from County Assessor, which addresses errors alleged by the appellant.

⁵ Documentation not provided.

- b. Information in support of 4-units as argued by appellant includes the following:
 - 1. The building was constructed in 1936; no permit records exist.
 - 2. There have been 4 electric meters on the building since 1960. Photographs from 1976 demonstrate four units.
 - 3. City billing records are in error.
 - 4. Telephone and Business Listings of prior tenants do not exist.
 - 5. The 1997 sales advertisement for the structure indicates 4-units.

Analysis of Key Issues

The only matter in question is whether the property legally contains 4 units based on non-conforming rights. The Commission determined that evidence is insufficient to support a finding in favor of the appellant. The reasoning, as reflected in the staff report presented to the Commission, follows:

- 1. With 3 units, the property is nonconforming with regards to parking, covered parking, and lot area requirements per dwelling. Staff has deemed that 3 units are allowed based on City and County administrative records, which show the property containing 3 units as far back as 1976. The appellant argues that these records are inaccurate.
- 2. The appellant has not produced business or personal records from prior owners, or other sources that demonstrate city and county records are inaccurate.
- 3. The presence of 4 electric meters, by itself, is not sufficient evidence that the four units are legal; the circumstances of their installation may only be inferred. It is not unusual for a multifamily structure to have meters for individual units, and a meter for common utilities like outdoor lighting, heating and air conditioning, and the like. Alternatively, it is possible that the four meters were installed to serve four units. Mr. Hamersly has submitted letters from PGE that indicate service was installed in 1964 and from David G. Allen of Industrial Commercial Electric, that in his opinion the meters date back to the 1960s.

Staff believes that this information, while suggestive, does not discount other compelling evidence, and does not dismiss other explanations as to when the

meters were actually installed, and for what purpose. Meters are typically installed to cover building facilities that are used in common by tenants.

Concurrence

The City Attorney concurs with the Planning Commission decision.

Fiscal Impact

There are no known fiscal impacts associated with this action.

Work Load Impacts

(Not applicable)

Alternatives

The Council must decide this matter no later than August 30, 2005 in accordance with laws that govern how much time cities can take to issue final decisions. The Council decision can be appealed to the State Land Use Board of Appeals. The appellant has the legal ability to waive the time period in which the matter must be decided.

The Council has the following decision-making alternatives:

1. Uphold the Commission's decision.
2. Reverse the Commission's decision and find in favor of the appellant.
3. Remand the matter to the Commission with direction for reconsideration.
(This alternative may not be feasible to time limits on decision-making.)

Attachments

1. Commission Decision and Appeal
2. Letter of Clackamas County Assessor, July 12, 2005
3. Cole Directory Excerpts
4. Applicant materials received at the June 14, 2005 Commission hearing
5. June 14, 2005 Staff report
6. Applicant materials prepared for the Planning Commission, received May 19, 2005.
7. Additional applicant materials received May 19, 2005.



June 15, 2005

File(s): AP-05-01

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission on June 14, 2005.

Appellant	Michael Hamersly
Location(s):	2540 SE Lark Street
Application Type(s):	Appeal of Director Determination Minor Quasi-Judicial
Decision:	Denied
Review Criteria:	<u>Milwaukie Zoning Ordinance:</u> • 800 Nonconforming Situation • 1000 Administrative Provisions
Neighborhood(s):	Island Station

The Planning Commission's decision on this matter may be appealed to the Milwaukie City Council. An appeal of this action must be filed within 15 days of the date of this notice, as shown below.

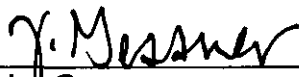
Appeal period closes: 5:00 p.m., June 30, 2005

Appeals to the City Council must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7630) can provide information regarding forms, fees, and the appeal process.

Findings in Support of Denial

1. A Director's Determination was issued on July 9, 2003 specifying that that premises located at 2540 SE Lark may contain no more than three dwelling units. A timely appeal against that decision was not made.

2. The appellant resubmitted a request for a Director's Determination that four dwelling units should be recognized for zoning purposes on February 28, 2005. A Director's Determination was issued on March 8, 2005, specifying that that premises located at 2540 SE Lark may contain no more than three dwelling units. The property owner subsequently appealed that decision.
3. The February 11, 2005 letter to the appellant and the March 8, 2005 Director's Determination is incorporated into these findings by reference and contains the appropriate reasoning for denial of the appeal including the following:
 - a. Milwaukie records indicate that three units of sewer service have been historically billed to the property.
 - b. Clackamas County Assessor records indicate the property has been taxed for three dwelling units since at least 1976.
4. The appeal is denied upon the applicant's failure to demonstrate legal non-conforming use status for more than three dwelling units in accordance with Zoning Ordinance Section 809



John Gessner
Planning Director

cc: Planning Commission
Tom Larsen, Building Official
NDA(s): Island Station
Interested Persons
File(s): AP-05-01
Mike Swanson, City Manager
Gary Firestone, City Attorney

PDX LAND LLC
P.O. Box 82921
Portland, OR 97282

June 20, 2005

City Recorder of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, Or 97206

RECEIVED

JUN 20 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

RE: Written notice to appeal planning commission ruling on AP-05-01 Minor Quasi – Judicial Hearing PDX Land June 14, 2005.

City Recorder,

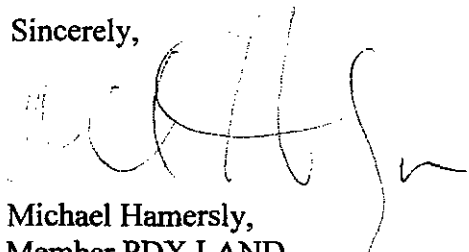
Please be informed that PDX LAND LLC is, through this notice, requesting an appeal of the decision rendered by the City of Milwaukie's Planning Commission on June 14, 2005 File Number AP-05-01.

We do not agree with the ruling. The Planning Commission took faulty information from an eyewitness whom was not in attendance. The information was contained in one document shown to have numerous errors, and then used this error ridding document to make the ruling. We believe this to be a mistake since there was and is ample physical evidence, with expert testimony to verify the accuracy of the physical facts to the contrary of the error ridden document.

It appears The Planning Commission made a serious mistake by believing the single, error ridden document over the clear physical facts presented at the hearing that show the structure has historically been used as four dwelling units for at least the last thirty five years, and therefore should be recognized as such by the City of Milwaukie.

Our experience has shown that the Planning Commission reasoning for their decision is opposite of the working of our justice and civil systems, which relies on physical facts over eyewitness testimony. We believe it is commonly understood that eyewitness are less reliable then physical facts. We look forward to the appeal to discuss our belief and the issues in contention. All details and all materials submitted to the planning commission and material and discussions at the June 14, 2005 hearing in regards to this matter are incorporated in this request for an appeal by reference.

Sincerely,



Michael Hamersly,
Member PDX LAND

6/20/05

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CLACKAMAS COUNTY

Department of Assessment and Taxation

RAY ERLAND
COUNTY ASSESSOR

July 12, 2005

RECEIVED

JUL 14 2005

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Wayne M. Hamersly
811 SW Naito Parkway
Portland, OR 97204

Re: Property located at 2540 SE Lark
Account # 00168810, Map and Tax Lot 21E01BB02401

Dear Mr. Hamersly:

I am returning your document "Directors Determination Request February 28, 2005, Planning Commission Copy prepared for Meeting April 12, 2005". As requested, I have reviewed this document and the other materials you left with me. I am writing to clarify the issues you raised concerning the Assessor's records for the above referenced property.

First, I want to emphasize that the Assessor's records are for assessment and taxation purposes only. They are not intended to establish the legality of a property's use, even though they may sometimes be useful for that purpose.

The main issues raised regarding our records involve the appraisal data card and building diagram. It is important to understand that this record is intended only as a basis for valuation using the State Cost Factor Book. The building diagram was drawn following the methods set out in that factor book.

The building diagram for the property shows two levels each measuring 1,419 square feet. We recognize that both these levels are mostly above grade. The lower level (drawn in green) is constructed with a concrete floor and concrete stub walls and is therefore designated as a basement for cost estimation purposes only. This designation does not mean the lower level is below grade. The upper level (drawn in pencil) is designated as the main floor for cost purposes. The third level referred to in your document but missing from our records is an attic area above the main (upper) floor with a low ceiling that we consider a storage area and do not value. These designations are consistent with the methods prescribed by the State Factor book and are used for all properties in the County.

Wayne M. Hamersly
July 12, 2005
Page 2

Our records since 1970 have reflected that the main (upper) level is completely finished with two dwelling units and that the basement (lower level) is partially finished with one living unit. The 25' x 27' area at the rear of the basement (lower level) is the area that our records have always indicated as unfinished. This is the area that your schematic identifies as Unit #3. None of our appraisers were able to make an interior inspection of the building from 1970 to 2005. However, our Appraisal Supervisor, Jim Rubbelke, recently inspected the interior and determined that the basement (lower level) is now all finished except for a 144 square foot area.

It appears from your documentation that the sales listing indicated the property was a four plex when your son purchased this property in 1996. However, our records reflect the judgment of our appraisers using the best information they had available to them at the time of each appraisal.

In closing, although we can sympathize with your situation, we are not able to state with any certainty what point in time this property was used as a four plex.

If you have any questions regarding this letter, please call me at 503-655-8305.

Sincerely,

Ray Erland, County Assessor

A handwritten signature in black ink, appearing to read "Joe Honl", written in a cursive style.

Joe Honl, Appraisal Manager

Cc: John Gessner, Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

JR:krl

11730	Frank C Jones	87	644-5596
11745		NP	
11760	Dale Duval	86	641-7006
11790	Bruce B Plath	65	644-8579
11815	Spencer H Benfield	74	646-3334
11820	H Roger Qualman	79	646-0477
11850	Leo Fortino	69	646-3978
11875		NP	
11905	Henri T Ford	78	643-1953
11925	A J Hinde	66	644-4290
11945	Steve Scott	83	644-3455
11965	William F Saenger	71	646-0300
11985	Arthur F Supe	66	644-8334
12035		NP	
12065	Alfred H Olson	61	644-3744
12085	Robert E Heaton	82	644-5684
12135	James R Shartel	77	643-7356
12155		NP	
12175	Harold R Poujade	77	641-8597
12195	R L Menton	60	644-8544
12235		NP	
12265	Gary Ruder	88	641-0792
12295	James A Westing	75	646-9448
12335	E Baer	88	644-3651
12365	M Z Bringham	72	644-4121
12395	Les A Pettet	85	643-3179
	43 RESIDENCE		

LA PAZ SE 97267

New Street-1971.			
Milwaukee			
7400-7499 CT 221.01 \$B.D 6			
PITTON MAP LOC 234 R-40			
7419		NP	
7420	Harry W Fernier	88	657-6544
7431		NP	
7453	Matt H Ratliff	65	655-2478
7454	7473	NP	
7476	Carole A Matthews	87	655-4576
7491	B L Routledge	86	655-4537
7494	Delores Brauer	8	657-3869
	9 RESIDENCE		

LAPINE NW 97229

18600-18999 CT 315.02 \$A.C 5			
PITTON MAP LOC 163 H-26			
18625	Larry Baird	81	645-9684
18655		NP	
18685	John Buskirk		645-7906
18715	18745	NP	
18775	James McKain	85	629-5443
18800	John C Tufts	75	645-6035
18805	John R Poer	72	645-2035
18810	Carl H Clouston	76	645-6802
18835	Patrick Miller	88	645-7893
18870	R K Hayes	72	645-3419
18895		NP	
18900	John Signett	83	645-4064
18925	Roger Sandquist	81	645-9344
18930		NP	
18955	M K Denham	88	645-3028
	16 RESIDENCE		

LAPINE WAY NW 97229

20500-20899 CT 315.02 \$A.C 5			
PITTON MAP LOC 163 H-25			
20544		NP	
20546	George Dikeman	84	629-8704
20548	20552	NP	
20554	Michael Miller	84	645-9127
20560	Raymond Blackburn	81	629-0252
20562		NP	
20563	Blenda Ison	87	645-9343
20565	Kurt Spencer	87	629-9358
20572		NP	
20574	L Boitano Builder	87	645-7878
20577	M J Twilley	87	645-6325
20579	20586	NP	
20588	Linda Fogarty	87	645-3208
20591	O Ouellette	87	629-9437
20593	20596 20600	NP	
20602	Garrett Krapp	87	645-6277
20605	Randy J Mailer	87	645-8849
20607		NP	
20619	David Dilworth	87	645-8347
20621	James Thayer Jr	87	629-9530
20633	K McAllister	87	645-8483
20647	David Tulle	87	645-6289
20649	20658	NP	
20660	E Johanson	87	645-3830
20661	Edward Swendsen	88	645-3110
20663	Brian Johnson	88	645-6429
20675	Joanne Lynch	87	645-6429
20677	Jerry Harold	87	629-9535
20689	Mark R Anderson	87	645-2556
20691	Kevin Green	87	645-2558
20703	J L Dehlin	88	645-8845
20705	James W Jeter	88	645-4644
20717	Larry Norris Jr	88	645-8534
20719	Brian J Spencer	86	645-5945
20720	Ron T Falco	88	645-9170
20730	Richard Prose	88	645-4573
20731	Jubal Kohlmeier	88	645-5384
20733	Robal West	87	629-5579
20742	Walter J Carter	87	645-1766
20744	20745	NP	
20747	Howard Blackman	82	645-7376
20756	Ted Remillard	88	645-6021
20758	Sue J Beaman	83	645-1061
20759	20761	NP	
20770	Galen R Eggert	87	645-0928
20772	20773 20775	NP	
20784	Kelley McBroome	86	645-5558
20786	20787 20789	NP	
20792	20794	NP	
20800	Jim Pickens	88	629-8169
20801		NP	
20802	M G Roberts Jr	87	645-1812
20803	S Prassman	88	645-6723
20808		NP	
20810	Jerry Brennan	87	645-3431
20814	20815	NP	
20816	K Weaver	86	645-1863
20817	Jane Russell	88	645-0250
20829	Michael A Lawyer	88	645-6514
20831	Jeffrey Rolan		

20872	Anthony Taormina	87	629-9467
20873		NP	
20874	Jeff Howard	86	629-8635
20884	20885	NP	
20886	John Nelson	87	629-5004
	87 RESIDENCE		

LARA SW 97223

New Street-1973.			
7100-7699 CT 305 \$B.F14			
PITTON MAP LOC 209 O-32			
7190		NP	
7195	Gary Sweeney	75	244-7000
7200	M G Murto	81	245-0849
7225		NP	
7250	H David Walter	75	246-9446
	S L Walter	75	246-9446
7280	Dharam Yadav	76	246-9584
7310	James V Sisk	85	293-5632
7325	Casey Harris	84	245-1568
7340		NP	
7355	Helen Green	86	245-1226
7370	Richard C Grow	75	246-4094
7385	Gregory K Hulbert	75	244-0929
7400		NP	
7430	Gay H Lewis	84	244-0948
7435	7465	NP	
7495	Jim Plamondon	87	245-2067
7525	Jeff Davis	87	246-3870
7555		NP	
7580	H E Jackson	84	245-8248
7585	G Drevorec	86	244-0803
7590	Richard Bosch	86	246-8605
7615	Dennis R Zerba	77	245-8653
7620	Jerry Upham		245-3422
	25 RESIDENCE		

LARCH SW 97223

New Street-1979.			
8000-8199 CT 306 \$C.G15			
PITTON MAP LOC 209 O-32			
8050		NP	
8080	York Haines	86	244-6934
8100		NP	
8120	George Jensen	84	246-2767
8140	8160	NP	
	6 RESIDENCE		

LARCH AVE SE 97214

1900-2199 CT 11.02 \$D.E17			
PITTON MAP LOC 189 K-37			
1905	Linda Glenn	87	231-0958
	L A Wheeler	85	231-7399
1913	David Kelly	88	233-0443
1925		NP	
1931	K E Vogel	76	232-9394
1933	David K Vambuskirk	83	233-1239
1942	Ronald Romalski	86	236-8331
1950		NP	
1955	Dalton Fox Jr	73	236-1666
1959	1960	NP	
1250 HARRISON ST SE			
2003	First Bst Bk Co of Or	79	234-1342
2005	R Baker	87	234-1341
2011	Rose Pascoe	84	235-3595
2016	Orin Eichman	64	232-5619
2021	2026	NP	
2027	L B Hurwitz	87	233-3909
2029	Karla Lilleberg	87	235-3075
2030	2036	NP	
2100	Eric J Siari	85	239-8962
2101	M W Seto	63	236-6362
2111	2119	NP	
2129	Eric R Hall	87	230-4857
	D Seymour	87	230-4857
2080 SPRUCE AVE SE			
	26 RESIDENCE		
	1 BUSINESS		

LARIAT CT NW 97229

New Street-1984.			
13500-13799 CT 315.03 \$A.C 5			
PITTON MAP LOC 186 I-25			
13535	Michael Arthur	87	645-4767
13540	Denton J Tarbet	86	629-0918
13580	Mervin O Vukovich	88	645-4881
13585	Ralph R Wright	87	629-5684
13630	Milan H Savich	87	645-8777
13690	Jan C Mosser	88	645-2842
13705	Clark Podesny	88	645-6656
13795	David J Spangler	84	645-7711
	8 RESIDENCE		

LARK SE 97222

Milwaukee			
1800-2699 CT 212 \$D.G18			
PITTON MAP LOC 211 P-37			
1950	Reginald Pokar	83	653-7040
1992	M L Peterson	86	654-4710
2003	David L Freeland	82	659-3909
2310		NP	
2311	G Foster	78	659-3467
2347	J Paist	89	659-5063
2360		NP	
2412	James P Stevens	81	653-9533
2424	M F Mularski	88	653-2874
2454	Russ Filis	88	654-0748
2476	Terry L Mohr	81	659-9986
2512	L R Toole	79	659-5167
	Ronald Toole	87	653-6188
2540	Ryan Latourette	87	659-5975
2584	Jesse P Surface	78	653-1832
2625	James Howard	87	659-7385
NO #	Don W Bohnke	71	655-3594
	17 RESIDENCE		

LARK AVE SE 97267

Milwaukee			
15500-16899 CT 221.01 \$B.D 6			
PITTON MAP LOC 234 R-40			
15511		NP	
15516	Donald D Herndon	73	655-5393
15539	James Hosok	69	655-1780
15542	Ron Tarentine	87	656-0862
15566	Ralph Wilson	69	655-1523
15571	15628	NP	
15633	Henry L Vradenburg	78	655-6062
15656		NP	
15665	Frank R Vidm	78	655-1081
15729	Jay Arant	82	657-3737

15955		NP	
15956	Fritz Fivian	78	656-9438
15969	Ronald L Kyser	87	655-7743
15970	John W Cornell	87	655-7704
16018	Alton A Kaastad	69	656-4426
16044	E L Summers II	79	656-0208
	William E Violette	72	656-0208
16059	Chester E Larkin	74	655-4620
16060	Joan Stephens	87	657-3663
	29 RESIDENCE		

LARRABEE AVE N 97227

PITTON MAP LOC 188 I-36			
HASSELL ST N			
CLACKAMAS ST N			
HALSEY ST N			
MC MILLAN ST N			
CHERRY ST N			
BROADWAY ST N			
KNOTT ST N			
RUSSELL ST N			
NO LISTINGS			

LARSONS MOORAGE 97231

See 14426 Larson Rd NW			

LARSON RD NW 97231

RR 5			
14400-14499 CT 71 \$B.B 5			
14426	Joe Jannissen	87	285-2381
	Earl G Larson	84	286-1233
	Larson's Moorage	84	286-1233
14444	Larson's Moorage	87	286-1233
	Larson's Moorage	87	286-1233
14452	Larson's Marine Srv	84	286-0793
NO #	Bob Williams		286-0214
	2 RESIDENCE		
	5 BUSINESS		

LA RUE CT SE 97267

Milwaukee			
16900-17099 CT 217 \$B.D 6			
PITTON MAP LOC 233 S-38			
16951	Edna M Eyon	74	659-6912
16962	Charles Murphy	86	659-1854
17036	Donna B Walker	83	659-1365
17041	Gerald E Goddard	74	659-0502
	4 RESIDENCE		

LAUGARDIA WAY SE 97267

Milwaukee			
16900-16999 CT 218		B.D 6	
● PITTON MAP LOC 233 S-39			
16919	James M Newton	85	653-8331
16929	Richard M Michael	86	654-1363
16930		NP	
16933	Orin Stoops	84	654-6664
16938	L E Olmsted	83	654-5979
16940	16945	NP	
16950	D L Crooks	85	653-7402
16955	Alvin Godfrey	87	654-2828
16956	G M Nadi	88	659-0884
16959	Charles E Berry	85	654-3577
16962		NP	
16964	Ray E Nealeigh	87	654-0371
16969	Jock O'Neill	85	653-1419
16970	Gary Bywater	87	659-7444
16975	Higin Cormelien	86	654-8550
16978	Dennis Bywater	84	653-5662
16985	Orin L Pyatt		659-3118
16986	Robert Allen		
16986		NP	
16990	Warren E Bacon	85	654-1909
16995	T A McKenzie	85	653-0766
22 06105MFC			

LANDING DR SW

5170	E Page Bailey	243-7890	97201
	C A Harris	229-0852	
	Robert Watt	790-0602	
	Connie M Wayson	226-3867	
	Warren Zielinski	227-7489	
5250	R E Biehan	274-2348	
	Ken Blalock	222-3767	
	L Bolliger	227-0720	
	David M Bosworth	224-2066	
	D L Duffy	274-0273	
	Thomas Falk	227-7632	
	Carl L Finseth	228-2127	
	Mark Franzke	228-4662	
	Nicholas E Gluth	242-9004	
	★ Robert G Milne	223-4448	
	★ Milton Teol Co	223-4440	
	Robert L Hoover	274-2005	
	Ron Iredale	243-5065	
	L Niedermeyer Jr	224-4834	
	David Schmidt	274-9734	
	Roger Thompson	227-7537	
	Peter Walter	227-3555	
103	T Burdick	222-5387	
109	Leland E Michals	224-9436	
110	E M Franke	225-9131	
202	Robert Nagel	223-8909	
204	Craig Robinson	223-8213	
206	Robert S Wilson	242-1948	
207	K S Niemi	224-9518	
208	Alan R Mann	224-8088	
5270	5290		

LANDING SQ SW

5250	George F Beall III	228-9570	
	Chas I Gustafson	248-2172	
	Gregg Millett	294-0575	
	C R Newman	243-2308	
5270	Victor H Adx Jr	228-0623	
5290	Mrs F C Goeth	225-0396	
	James N Carter Jr	248-1082	
	Robert H Cutler	248-1082	
8	Arthur J Priestley	224-5734	
9-1	Louis Stafford	241-8596	
17	Irving T Erickson	228-4523	
25	J D Hurst	227-2383	
5300	William G Hay	227-4905	
	Joseph Holman	224-2944	
10	Jos D Schweinfurth	228-6939	
19	George E Wallace	228-7388	
20	Ben Brostoff	222-9577	

LANDMARK LN SW

7308	7499 CT 307	97224	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	
	7308	7499 CT 307	

LANE SW

100	699 CT 59	97201	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	
	100	699 CT 59	

LANE CT SW

5800	5899 CT 89	97221	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	
	5800	5899 CT 89	

LANEWOOD SW

11400	12399 CT 314.01	97225	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	
	11400	12399 CT 314.01	

W Eugene Hastings

11685	W Eugene Hastings	73	844-8847
11715	Gordon E Klossner	88	844-5003
11730	Frank C Jones	87	844-5956
11745		NP	
11760	Dale Duval	85	641-7006
11790	Bruce B Plath	85	644-8579
11815		NP	
11820	H Roger Qualman	79	646-0478
11850	Lou Fortino	69	646-3977
11875		NP	
11905	Henry F Ford	78	643-1953
11925	N J Hudetz	66	644-4290
11945	Steve Scott	83	644-3455
11965	William F Saenger	71	646-0300
11985	Arthur F Stipe	66	644-8334
12035		NP	
12065	Alfred H Olson	61	644-3744
12085		NP	
12135	James R Shartel	77	643-7356
12155		NP	
12175	S E Poujade	77	641-8597
12195	R L Menton	60	844-8544
12235		NP	
12265	Gary Ruder	88	641-0792
12295	James A Werling	75	646-9448
12335	E Baer	88	644-3651
12365	M Z Bringham	72	644-4121
12395	L A Pettet	85	643-3179

LA PAZ SE

7400	7499 CT 221.01	97267	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	
	7400	7499 CT 221.01	

LAPINE NW

18600	18999 CT 315.02	97229	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	
	18600	18999 CT 315.02	

LAPINE WAY NW

20500	20999 CT 315.02	97229	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	
	20500	20999 CT 315.02	

LARK SE

15511	Donald D Herndon	73	655-5393
15539	James Hese	69	655-1780
15542	Ron Turentine	67	656-0862
15566	Ralph Wilson	69	655-1623
15571	B Johnson	67	657-6989
15578		NP	
15633	Henry L Vredenburg	78	655-6062
15658		NP	
15685	Frank R Vidin	78	655-1081
15729	Jaydee Arant	82	657-3737
15730	Dennis Siner	82	656-0285
15762		NP	
15767	Harold Chagnon	69	655-1665

LARK AVE SE

15511	Donald D Herndon	73	655-5393
15539	James Hese	69	655-1780
15542	Ron Turentine	67	656-0862
15566	Ralph Wilson	69	655-1623
15571	B Johnson	67	657-6989
15578		NP	
15633	Henry L Vredenburg	78	655-6062
15658		NP	
15685	Frank R Vidin	78	655-1081
15729	Jaydee Arant	82	657-3737
15730	Dennis Siner	82	656-0285
15762		NP	
15767	Harold Chagnon	69	655-1665

Dong Tison

20885	Dong Tison	88	644-5003
20886	G Pearson	87	644-5956
	89 RESIDENCE	1	BUSINESS

LARCH SW

8000	8199 CT 306	97223	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	
	8000	8199 CT 306	

LARCH AVE SE

1900	2199 CT 11.02	97214	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	
	1900	2199 CT 11.02	

LARIAT CT NW

13500	13799 CT 315.03	97229	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	
	13500	13799 CT 315.03	

LARK SE

1980	2999 CT 212	97222	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	
	1980	2999 CT 212	

LARK AVE SE

15511	Donald D Herndon	73	655-5393
15539	James Hese	69	655-1780
15542	Ron Turentine	67	656-0862
15566	Ralph Wilson	69	655-1623
15571	B Johnson	67	657-6989
15578		NP	
15633	Henry L Vredenburg	78	655-6062
15658		NP	
15685	Frank R Vidin	78	655-1081
15729	Jaydee Arant	82	657-3737
15730	Dennis Siner	82	656-0285
15762		NP	
15767	Harold Chagnon	69	655-1665

LAUREL SE

16018	Alton A Kaastad	69	656-4426
16044	E L Sommers II	79	656-0208
	William E Violette	72	656-0208
16059	Chester E Larkin	74	655-4620
16060	Joan Stephens	87	657-3663

LARRABEE AVE N

16018	Alton A Kaastad	69	656-4426
16044	E L Sommers II	79	656-0208
	William E Violette	72	656-0208
16059	Chester E Larkin	74	655-4620
16060	Joan Stephens	87	657-3663

LARSONS MOORAGE

See 14426 Larson Rd NW

LARRABEE AVE N

LARRABEE AVE N

LARRABEE AVE N

LARRABEE AVE N

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LARRABEE AVE N

L

11745	NP	97225
11760	Dale Duvali	86 641-7006
11790	Bruce B Plath	85 644-8579
11815	NP	
11820	H Roger Qualman	79 646-0478
11850	Lou Fortino	89 646-3977
11875	11905	NP
11925	N J Hudetz	66 644-4290
11945	Steve Scott	83 644-3455
11965	NP	
11985	Arthur F Stipe	66 644-8334
12035	NP	
12065	Alfred H Olson	61 644-3744
12085	NP	
12135	James R Shartel	77 643-7356
12155	NP	
12175	S E Poupae	77 641-8597
12195	R L Menton	60 644-8544
12235	NP	
12265	Gary Ruder	88 641-0792
12295	James A Werling	75 646-9448
12335	E Baer	88 644-3651
	E Baer-Wigles	88 644-3651
12365	M Z Bringham	72 644-4121
12395	Les A Petsey	85 643-3179
	44 RESIDENCE	

● LANGTREE SW 97224		
New Street-1991.		
8274	Joe Barna	88 684-0788
8347	Loren Messler	88 624-7709
	2 RESIDENCE	

● LA PAZ SE 97267		
New Street-1971.		
Milwaukee		
7408-7499	CT 221.01	\$8.D 6
● PITTMAN MAP LOC 234 R-40		
7419	NP	
7420	M T Guldenzopf	90 656-5187
7433	NP	
7451	Matt H Ratliff	65 655-2478
7454	NP	
7476	Carole A Matthews	87 655-4578
	Clint Matthews	89 656-4231
7491	B L Routledge	86 655-4537
7494	Delores Brauer	89 657-3869
	10 RESIDENCE	

● LAPINE NW 97229		
18600-18999 CT 315.02 \$A.C 5		
● PITTMAN MAP LOC 163 H-26		
18625	Larry Baird	81 645-9684
18655	Richard K Downie	88 645-5814
18685	John Beskirk	89 645-7908
	Susan E Beskirk	89 629-0745
18715	18745	NP
18775	James McKain	85 629-5443
18780	M A Tufts	75 645-6035
18805	John R Poer	72 645-2035
18810	Carl H Clogston	78 645-6802
18835	Patrick Miller	88 645-7893
18870	R K Hayes	72 645-3419
18895	NP	
18900	John Signett	83 645-4064
18925	Roger Sandquist	81 645-9344
18930	18955	NP
	17 RESIDENCE	

● LAPINE WAY NW 97229		
20500-20899 CT 315.02 \$A.C 5		
● PITTMAN MAP LOC 163 H-25		
20544	NP	
20546	George Dickman	84 629-8704
20548	20552	NP
20554	Michael Miller	89 645-9127
20560	Jim Hatch	89 690-6066
	Award Carpet Cnrs	90 241-3851
20562	Cheri Art	87 645-7137
20563	Blenda Isen	87 645-9343
20565	NP	
20572	Alistair Allan	88 645-6906
20574	Kevin Brown	90 629-8289
20577	M J Twilley	89 645-5325
20579	NP	
20586	Marylee Block	90 629-9539
20588	NP	
20591	D Ouellette	89 629-9437
20593	20596	NP
20600	Art Smith	88 890-0237
20602	20605 20607	NP
20619	20621	NP
20633	K McAllister	87 645-8493
20647	Ralph West	88 629-5579
20649	20658 20660	NP
20681	20683 20675	NP
20677	Robert E Nelson	88 690-7215
	Corporate Mktg	88 690-9454
20689	Mark R Anderson	89 645-2558
	Kevin Greene	88 645-2558
20691	20703	NP
20705	Humberto Soler	88 629-8821
20717	NP	
20719	Rebecca Foster	90 890-9882
	Robt Weisenberger	90 890-9882
20728	NP	
20730	Richard Promise	88 645-4573
20731	S Avery	90 629-8549
20733	Talbatha L Harris	90 645-9346
20742	Walter J Carter	87 645-1786
20744	20755 20747	NP
20758	20758	NP
20759	T Dorval	90 645-3578
20761	Milton Ray	90 645-1071
20770	Galen R Eggert	87 645-0928
20772	Robt J Holloway	90 645-0120
20773	20775 20784	NP
20788	Shelley Phillips	88 645-9301
20787	20789 20792	NP
20794	Richard S Leibelt	88 645-6241
20800	Robert C Lindstedt	88 645-9128
20801	20802 20803	NP
20808	Timothy Willis	90 629-0311
20810	20814 20815	NP

20868	Mark Wolfe	89 645-6430
20871	Patrick L Magee	84 645-9253
20872	Anthony Taormina	87 629-9467
20873	NP	
20874	Jeff Howard	86 629-8635
20884	NP	
20885	Doeg Tilson	90 645-9270
20886	G Pierson	90 629-9628
	88 RESIDENCE	2 BUSINESS

● LARA SW 97223		
New Street-1973.		
7100-7699 CT 305 \$B.F14		
● PITTMAN MAP LOC 209 D-32		
7190	George P Saunders	90 246-2297
7195	NP	
7220	M G Merio	81 245-0849
7225	NP	
7250	H David Walter	75 246-9446
	S L Walter	75 246-9446
7280	Dharam Yadav	76 246-9584
7310	James V Sisk	85 293-5892
7325	Casey Harris	84 245-1568
7340	7355	NP
7370	Richard C Grow	75 246-4094
7385	Carol Morgan	88 244-2298
7400	Richard Kastelnik	88 244-0822
7430	Martin Henick	90 245-1239
7435	NP	
7465	Denise Ernst	90 246-9205
7495	Jim Plamondon	89 245-2067
7525	Jeff Davis	87 246-3870
7555	7560	NP
7585	G Orehovec	86 244-0803
7590	NP	
7615	Larry W Paris	88 245-8041
7620	Chris S Marshall	88 452-0567
	25 RESIDENCE	

● LARCH SW 97223		
New Street-1978.		
8000-8199 CT 306 \$C.G15		
● PITTMAN MAP LOC 209 D-32		
8050	NP	
8080	Michael A Donovan	88 244-1352
8100	NP	
8120	George Jensen	90 246-5278
8140	8160	NP
	6 RESIDENCE	

● LARCH AVE SE 97214		
1900-2199 CT 11.02 \$B.E17		
● PITTMAN MAP LOC 189 K-37		
1905	NP	
1913	David Kelly	88 233-0443
1925	NP	
1931	K E Vogel	76 232-9394
1939	NP	
1942	Ronald Rombalski	86 236-8331
1950	Miguel Rossetti	88 235-1179
	P Urbanick	88 236-5111
	B Bobier	88 235-4159
1951	Dalton Fox Jr	73 236-1866
1959	1960	NP
● 1250 HARRISON ST SE		
2063	First Bap Ch Deaf	78 234-1342
2009	NP	
2015	Rose Pascoe	84 235-3595
2018	Otto Eichman	84 232-5819
2021	2026	NP
2027	J Fake	90 233-4847
2029	M C White	88 235-3075
2030	2036	NP
2037	S Benninghoff	88 238-7122
2100	NP	
2101	M W Seto	63 238-6362
2111	2119	NP
2129	Eric R Hall	87 230-4857
	D Snyder	87 230-4857
● 2080 SPRUCE AVE SE		
	28 RESIDENCE	1 BUSINESS

● LARIAT CT NW 97229		
New Street-1984.		
13500-13799 CT 315.03 \$A.C 5		
● PITTMAN MAP LOC 186 I-29		
13535	Michael Arthur	87 645-4767
13540	Kirkham Hay	88 690-9679
13580	Martin D Vukovich	88 645-4881
13585	Fred Granom	88 629-9125
13630	Milan H Savich	87 645-8777
13645	James Fee	90 645-8429
13690	Jan C Mosser	88 645-2842
13705	Clark Poderny	88 645-8658
13795	David J Spangler	84 645-7711
	9 RESIDENCE	

● LARK SE 97222		
Milwaukee		
1800-2699 CT 212 \$B.G18		
● PITTMAN MAP LOC 211 P-37		
1950	Reginald Pokar	83 653-7040
1992	M L Peterson	86 654-4710
2303	David L Freeland	82 659-3909
2310	NP	
2311	G Foster	88 659-3467
2347	Donna M Milojevich	88 659-3019
2360	2412	NP
2424	M F Malarski	86 653-2874
2454	Russ Filis	88 654-0748
2476	Terry L Mohr	81 659-9986
2512	NP	
2540	Ryan Latourrette	89 658-5975
2	Susan C Freeman	88 653-6898
2584	Jesse P Surface	78 653-1832
2625	James Howard	89 659-7385
NO #	Dan W Behnke	71 655-3594
	17 RESIDENCE	

● LARK AVE SE 97267		
Milwaukee		
15500-16099 CT 221.01 \$B.D 6		
● PITTMAN MAP LOC 234 R-48		
15511	NP	
15516	NP	

15856	NP	
15865	Frank Vidin	90 655-1081
	Frank R Vidin	78 655-1081
15729	Jaycee Arent	82 657-3737
15730	Dennis Sinor	90 656-0285
15762	NP	
15767	Harold Chagnon	69 655-1865
15828	Bertha L Sinor	70 656-3789
15831	15909 15916	NP
15927	NP	
15932	Tom D Pacheco	69 655-1010
15956	NP	
15956	Fritz Fritan	78 656-9438
15969	Ronald L Kysar	90 655-7743
15970	John W Cornell	87 655-7704
16018	Alton A Kaastad	69 656-4428
16044	E L Sammers II	72 656-0208
	William E Violette	79 658-0208
16059	Chester E Larkin	74 655-4620
16060	Joan Stephens	87 657-3663
	30 RESIDENCE	

● LARRABEE AVE N 97227		
● PITTMAN MAP LOC 188 I-36		
● HASSALO ST N		
● CLACKAMAS ST N		
● HALSEY ST N		
● MC MILLAN ST N		
● CHERRY ST N		
● BROADWAY ST N		
● KNOTT ST N		
● RUSSELL ST N		
NO LISTINGS		

● LARSONS MOORAGE		
See 14425 Larson Rd NW		
● RR 5 97231		

● LARSON RD NW 97231		
● RR 5 97231		
14400-14599 CT 71 \$B.B 5		
14426	Joe Janssens	90 285-2391
	Carl G Larson	88 285-1233
	Berlinga Wtr Dist	88 286-1217
	Larson's Moorage	84 286-1233
14444	Dan Ferguson	90 285-6558
	Duncan Larson	88 286-1223
	Larson's Marina	89 285-0433
14500	Walter A Balcom Jr	5 RESIDENCE

● LA RUE CT SE 97267		
Milwaukee		
16900-17099 CT 217 \$B.D 6		
● PITTMAN MAP LOC 233 S-38		
16951	Edna M Evon	74 659-8912
16962	Charles Murphy	86 659-1854
17036	Donna B Walker	83 659-1365
17041	Gerald E Goodhart	74 659-0502
	4 RESIDENCE	

● LAUGARDIA WAY SE 97267		
New Street-1981.		
Milwaukee		
16900-16999 CT 218 \$B.D 6		
● PITTMAN MAP LOC 233 S-39		
16919	James M Newton	85 653-8331
16920	Valentine Morris	90 654-6907
16929	Lloyd L Garlock	88 653-2186
16930	NP	
16933	Orin Stoops	84 654-6684
16939	L B Olmsted	83 654-5979
16940	16945	NP
16950	D L Crooks	85 653-7402
16955	Alvin Godfrey	87 654-2828
16958	G M Nail	88 659-0884
16959	Opal I Berry	85 654-3577
16962	NP	
16964	Roy E Nealeigh	87 654-0371
16965	Ivan Benz	90 659-5189
16969	Jack O'Neill	85 653-7419
16970	Gary Bywater	87 659-2443
16975	Igon Corresen	86 654-8550
16978	Dennis Bywater	88 654-5507
16980	Doris L Fyett	84 653-5862
16985	Robert C Cromer	90 654-0313
16986	NP	
16990	Warren E Bacon	85 654-1909
16995	T A McKenna	85 653-0768
	24 RESIDENCE	

● LAURA SE		97222
Milwaukee		
6300- 6599 CT 216.01		\$E.G19
● PITTMAN MAP LOC 212 D-40		
6305	Steve Vanatta	88 775-1398
6323	Ronald Thorson	89 774-0573
6370		NP
6375	David Mansfield	90 775-9489
6420	Kim Dorris	79 774-8587
6421	Guy A Jennings	80 775-6113
6430	Craig H Dial	78 777-2882
6440	Walter A Schroeder	88 775-8188
6441	6480	NP
6481	Michael L Davis	76 774-0974
6491		NP
6500	P R Feiken	81 771-3515
6508		NP
6509	L Solty	83 777-3049
6510	6513 6520 6521	NP
19 RESIDENCE		

LANDING DR SW		97201
4990	Apartments	
	Harold Benton	274-9660
302	Bill Caperton	274-5440
202	Larry Chace	227-3690
101	O W Meadowcroft	241-7408
203	Tatani Pakkala	274-9769
104	S Treckeme	227-7613
103	Paul Tulacz	228-6747
	Shane Zack	228-5604
5050	Apartments	
304	Jerry Anderson	274-2557
302	L M Czapke	228-1971
103	Edward J Dicks	241-5515
203	Yasuo Honda	228-3654
204	Virginia L Kelley	274-1724
302	Vernon L Rifer	228-1971
	Wayne Rifer	294-7944
5110	Apartments	
205	Ralph Bigelow	225-9314
101	Mrs Norman Fields	225-1238
103	William Goedecke	224-0224
301	Richard Heist	243-3556
206	S Howard	227-5269
203	Thomas Odenbach	222-1521
102	Mark Rittenbaum	227-7086
305	N Tripp	223-2480
104	Larry Worlem	248-2170
5150		
305	James L Atkinson	227-0917
202	Robert Currutt	227-2556
301	Katie Ellen Darby	228-5452
312	A M Foster	243-2806
	James Fulton	227-5292
112	Randall E Goodman	227-1924
8220	Robert Hansen	241-8627
111	Paul H Keller	241-0644
208	Mal Kim	227-2945
	B J Owen	227-0772
	S Spence	294-0639
	R H Sumida	227-0921
	George E Walker	226-0037
	T Hannon Atty	227-6703
	* Action Marketing	227-5292
5170	Apartments	
	Diane Campbell	223-7862
306	Kenneth J Duerker	274-0067
302	V C Finigan	223-6213
106	P D Kleinstab	226-1982
104	Frank K Shafer	228-5361
303	John Shrock	228-4850
105	Edmund A Sinnott	222-5485
202	C Trezona	222-5005
	John T Vetto	241-6146
102	Robert Wait	90-790-0802
	Kohara Yoichi	294-0343
	Kohara Yoichi	221-2062
5250		
310	Susan Aubuchon	274-4030
210	L Boliger	227-0720
206	Donald Conner	227-5238
	Thomas Falk	227-7632
	Carl L Finseth	228-2127
	E M Franzke	225-9131
110	Mark Franke	228-4862
	Nicholas E Gluth	242-9004
305	Robert L Hoover	274-2005
209	Kelly Hyde	226-0554
	L Niedermeier Jr	224-4834
	Marvin J Scott Jr	796-1084
	Robert E Kilkenny	225-0483
208	Allan R Mann	224-8088
	M L Marvin	222-1036
109	Leland E Michels	224-9436
	Anthony E Mitchell	274-1345
101	Robert R Niehaus	228-2806
	Lauri L Robb	796-1084
211	David Schmidt	274-9734
107	David Torrance	223-2877
	Peter Walter	227-1555
	Peter Walter	227-3555
	* B & H Home	223-4440
	* Milton Tool Co Inc	223-4440
5270	87 RESIDENCE	5 BUSINESS

LANDING SQ SW 97201

New Street-1984.

5200-5399 CT 59 \$B.E17

PITTON MAP LOC 183 L-36

5250 Apartments

13 George F Beall III 89 228-9570

5 H Victor Adair Jr 88 228-0623

4 R C Newman 88 243-2308

5270 D D Gallagher 91 223-7396

James A MacGregor 90 221-0596

5290 Apartments

17 Robert H Cutler 86 248-1082

25 Irving T Erickson 83 228-4253

25 F Faber Lewis 83 223-9691

8 Louis Stafford 84 241-8590

5300 Apartments

20 Ben Brustoff 85 222-9577

Joseph Hoffman 84 224-2944

2 Mrs Howard W Irwin 227-2361

10 Jos D Schenkerh 85 228-6539

19 George E Wallace 86 228-7388

15 RESIDENCE

LANDMARK LN SW 97224

New Street-1975.

7300-7499 CT 307 \$B.G15

PITTON MAP LOC 231 0-32

7300 Cascade Pk Mechn 87 684-3473

7330 TVT Die Casting Mfg 81 639-3858

7340 Meyer Sign Co 88 826-8288

7350 Ark Industries 78 839-8327

7400 Northern Yards Inc 76 628-2445

5 BUSINESS

LANE SW 97201

104 708 CT 60 01 \$A F17

0230	C Kondo	90	223-8440
0232	Kevin Myles	90	227-0232
0234	Janet L Webb	90	294-0913
0301	Kourous Mohtadi	90	228-4878
	W Scott	90	226-0469
0317	Jeff Mahoney	90	274-9434
3800	NELLY AVE SW		
0320	Apartments		
	Peter Aalen	90	227-7809
	John R Bartley	90	223-8356
	D R Blankenship	90	227-0866
	S M Borstein	84	242-3580
30	Sabra Bryant	90	227-2172
34	Bret Cody	90	248-1653
	Denard De-Borah	90	226-2564
	Christopher Dubay	90	224-6265
	Angela Gaia	90	223-7255
32	Jose T Gutierrez	90	227-3068
	Robert B Harney	91	227-6546
	Monte Kemp	91	222-5642
	Sean Kennedy	90	223-7255
	Arturo Martinez	90	228-8517
33	Dennis A Newow	90	222-9650
	Greg Peck	91	227-4745
	Marcus S Ramsden	90	228-2953
	G Scott	90	487-9137
	Heather Sneath	90	224-6265
	Michael R Wilson	91	229-0900
	Bob Winn	87	227-2818
	Patricia Yamal	90	228-6406
MACADAM AVE SW			
HOOD AVE SW			
0325	Forrest Dalrymple	79	222-2481
0328		NP	
33	RESIDENCE		

LANE CT SW		97221
New Street-1978.		
5800-5899 CT 68.01 \$A.E15		
PITTON MAP LOC 187 L-33		
5831	Dale N Wahl	78 297-2002
	Dale N Wahl	87 297-3427
5833	Peggy Gumbert Fry	91 282-1950
5835	Marvin W Hempel	90 282-4379
	4 RESIDENCE	

LANEWOOD SW 97225

11400-12499 CT 314.01 \$C.D13

PITTON MAP LOC 186 K-30

11400 NP

11420 E I White 86 846-6474

11425 Roy Lambert 89 846-2087

11440 Jim Wessendorf 85 846-0972

11445 George L Scott 86 826-3574

11460 Sidney Cooper 79 843-1157

11465 Norman V Barry 79 846-8050

11540 Don L Martin 75 846-4865

11545 C M Comella 83 844-1882

11580 Danny A Adams 86 841-3804

11585 Dale M Lockhart 84 844-8777

11640 Edward J Cole 73 844-0851

11655 NP

11680 Alex Kirnak 70 844-4786

11685 W Eugene Hastings 73 844-8947

11715 Gordon E Klossner 68 844-5003

11730 Frank C Jones 87 844-5956

11745 NP

11760 Dale Duval 86 841-7006

11765 Bruce B Plath 85 844-8579

11815 NP

11820 H Roger Qualman 79 846-0478

11850 Lou Fortino 69 846-3977

11875 NP

11925 N J Hudecz 88 844-4290

11945 Steve Scott 83 844-3455

11965 NP

11985 Arthur F Stipe 86 844-8334

12035 Mark Tison 86 626-6005

12065 Alfred H Olson 61 844-3744

12085 NP

12135 James R Shartel 77 843-7356

12155 NP

12175 S E Poujade 77 841-8597

12195 R L Manton 60 844-8544

12235 NP

12265 Gary Rader 88 841-0792

12295 James A Werling 75 846-9448

12335 E Boes 88 844-3651

12385 M Z Bringham 72 844-4121

12395 Les A Pettay 85 843-3179

42 RESIDENCE

LANGTREE SW 97224

New Street-1991.

King City

8215 G T Havens 91 620-5167

8274 Joe Barna 91 884-0788

8283 Jake Vanderzanden 90 620-3394

8312 Hong Meng Chan 90 639-0412

8323 Michael Hansen 90 598-0803

8332 Timothy A Herman 90 624-4964

8347 Loren Mueller 91 624-7709

8372 Minh Van Nguyen 90 684-1440

8405 Michael Stone 90 620-2016

8443 Scott Richman 90 684-1349

8465 Roger Holmans 90 684-3339

11 RESIDENCE

LANSDOWNE LN SW 97223

New Street-1992.

12274 Tom Jones 90 598-0864

12294 Charles Prichard 90 624-2176

2 RESIDENCE

LA PAZ SE 97267

New Street-1971.

7400-7499 CT 215 \$B.G19

PITTON MAP LOC 234 K-48

7419 NP

7420 M T Goldsman 90 858-5187

LAPINE NW 97229

18600-18999 CT 315.04 \$A.B 4

PITTON MAP LOC 163 K-26

18625 Larry Baird 81 645-9684

18655 Charles H Olson 89 629-8618

18685 John Buskirk 89 645-7906

18715 Susan E Buskirk 91 629-0745

18745 NP

18775 James McKain 85 629-5443

18800 M A Tufts 75 645-6035

18805 John R Poer 72 645-2035

18810 NP

18835 Larry Ellis 90 645-7382

18870 R L Perkins 90 690-3191

18895 NP

18900 John Signett 83 645-4064

18925 Roger Sandquist 81 645-8344

18930 Mark Tobiasian 90 690-2794

18955 NP

17 RESIDENCE

LAPINE WAY NW 97229

20500-20899 CT 315.04 \$A.B 4

PITTON MAP LOC 163 K-25

20544 George Dikeman 84 629-8704

20548 20552 NP

20554 Rock Ck Duplexes 90 645-9127

20560 NP

20562 Cheri Axt 91 645-7137

20563 Brenda Ison 87 645-9343

20565 20572 NP

20574 Kevin Brown 90 629-8289

20577 M J Twilley 89 645-5325

20579 20586 20588 NP

20591 D Duquette 89 629-9437

20593 20596 NP

20600 Art Smith 91 690-0237

20602 20605 20607 NP

20618 20621 20633 NP

20647 20649 20658 NP

20680 20681 NP

20683 Amy Sanders 90 690-2545

20675 Rick Doherty 90 690-6097

20677 20689 20691 NP

20703 Karen Bloomster 90 645-3988

20705 20717 NP

20719 Rebecca Foster 90 690-9882

20730 Robt Weisenberger 90 690-9882

20730 NP

20731 S Avery 90 629-8549

20733 Tabatha L Harris 90 645-9346

20742 20744 20745 NP

20747 NP

20756 Robt J Bechtold Jr 90 690-0153

20758 Wade Moser 90 690-8901

20759 M Stroup 90 645-3578

20761 NP

20770 S Boyd 90 690-4968

20772 20773 20775 NP

20784 NP

20786 Shelley Phillips 91 645-9301

20787 NP

LARIAT CT NW 97229
New Street-1984.
13500-13799 CT 315.07 \$A.C. 5
● PITTMAN MAP LOC 186 1-29

13500	Greg Dufault	92	645-9423
13535	Michael Arthur	87	645-4767
13540	Kirkham Hay	91	690-9679
13580	Marvin D Vukovich	88	645-4881
13585	Fred Granum	91	629-9125
13630	Milan H Savich	87	645-8777
13645	James Fee	90	645-8429
13690	Jan C Mosser	88	645-2842
13705	Clark Podany	88	645-8656
13795	David J Spangler	84	645-7711

10 RESIDENCE

LARK SE 97222
Milwaukee
1800-2699 CT 212 \$D.G.18
● PITTMAN MAP LOC 211 P-37

1950	Reginald Pekar	83	653-7040
1992	M L Peterson	92	654-4710
2004	Robert Eichamer	93	786-4777
2303	David L Fretland	82	659-3909
2310		NP	
2311	G Foster	88	659-3467
2347	Donna M Midojevich	91	659-3019
2360		NP	
2405	C R Lynch	92	653-0288
2412		NP	
2424	M F Mularski	86	653-2874
2454		NP	
2476	Terry L Mohr	81	659-9986
2512	R L Toole	92	659-5167
2535	Adam & Kathy Morar	86	654-6103
2540	Stan C Freeman	92	653-5698
2584	Jesse P Surface	78	653-1632
2611	Craig Miguel	88	786-8075
2625		NP	
2626	E & T Huber	89	659-1104
NO #	Dan W Behnke	71	655-3594

21 RESIDENCE

LARK AVE SE 97267
Milwaukee
15500-16099 CT 221.01 \$B.D. 6
● PITTMAN MAP LOC 234 R-40

15511		NP	
15516	Donald D Herndon	73	655-5393
15539	James Hoxek	69	655-1780
15542	Ron Tarentine	87	656-0862
15568	Ralph Wilson	69	655-1523
15571	Raymond Ross	92	655-7257
15628		NP	
15633	Henry L Vredenburg	78	655-6062
15656		NP	
15665	Tina Gobler	92	655-3284
15723	Jaydee Arent	82	657-3737
15730		NP	
15782		NP	
15787	Harold Chagnon	69	655-1865
15826	Bertha L Snor	70	656-3789
15831	R Vazani	92	656-8312
15909	15916 15927	NP	
15932	Tom D Pacheco	69	655-1010
15955		NP	
15956	Fritz Frivan	78	656-9438
15969	Ronald L Kyser	90	655-7743
15970	John W Cornell	87	655-7704
18018	Ahton A Kaastad	69	656-4426
18044	William E Violette	72	656-0208
18059	Chester E Larkin	74	655-4620
18060		NP	

28 RESIDENCE

LARRABEE AVE N 97227
800-2599 CT 22.02 \$E.D.17
● PITTMAN MAP LOC 188 1-36

- HASSALO ST N
- CLACKAMAS ST N
- MALISEY ST N
- MC MILLAN ST N
- CHERRY ST N
- BROADWAY ST N
- KNOTT ST N
- RUSSELL ST N
- NO LISTINGS

LARSONS MOORAGE
See 14426 Larson Rd NW

● RR 1 97231

LARSON RD NW 97231
● RR 1 97231
14400-14499 CT 71 \$B.B. 5

14426	Earl G Larson	84	288-1233
	* Larsons Moorage	84	288-1233
14444	Dorine Larson	91	288-1233
	* Larsons Moorage	89	288-1233

2 RESIDENCE 2 BUSINESS

LA RUE CT SE 97267
Milwaukee
16700-17099 CT 217 \$B.D. 6
● PITTMAN MAP LOC 233 S-38

16951	Randy R Guerra	86	654-4716
16962	Charles Murphy	86	659-1854
17038	Donna B Walker	83	659-1365
17041	Gerald E Goddard	74	659-0502

4 RESIDENCE

LAUGARDIA WAY SE 97267
New Street-1981.
16900-17099 CT 218 \$B.D. 6
● PITTMAN MAP LOC 233 S-39

16919	James M Newton	85	654-8221

16962 Roy E Nealeigh NP
16964 Ivan Benz 87 654-0371
16965 Jack O'Neill 90 659-5189
16969 85 653-7419
16970 NP
16975 Ilgin Cornelsen 86 654-8550
16976 Dennis Bywater 88 654-5507
16980 Doris L Pyatt 84 653-5662
16985 Robert Cromer 90 654-0313
16986 NP
16990 Warren E Bacon 85 654-1909
16995 T A McKenzie 85 653-0766
NO # O Berry 85 654-3577
25 RESIDENCE

LAURA SE 97222
Milwaukee
6200-6599 CT 216.01 \$E.G.19
● PITTMAN MAP LOC 212 0-40

6305	Steve Vanatta	91	774-4045
6370	Steve Vanatta	91	775-1398
6375	Ronald Thorson	89	774-0573
6420		NP	
6421	David Mansfield	90	775-9469
6421	Guy A Jennings	80	775-6113
6430	Craig H Dial	78	777-2882
6440	S Crowell	81	775-8101
	Richd G Schroeder	93	775-3540
6441	6460	NP	
6461	Michael L Davis	76	774-0974
6491		NP	
6500	Keith Ramguy	93	771-3515
6508	Rick Talbot	89	775-6395
6509	Lanny Griffin	93	771-4151
6510	6513 6520 6521	NP	

21 RESIDENCE

LAURA AVE SE 97222
Milwaukee
9000-10099 CT 216.01 \$E.G.19
● PITTMAN MAP LOC 212 0-40

9948		NP	
9950	Paul Reed	88	775-6142
10027		NP	
10051	Elvina Kobbs	89	775-8062
	Frank Kobbs	88	775-8062

5 RESIDENCE

LAUREL SE 97267
Milwaukee
2301-2999 CT 213 \$C.D. 6
5700-6005 CT 210 \$D.F.19
● PITTMAN MAP LOC 211 0-39
● PITTMAN MAP LOC 233 R-36

2420	Floyd R Edgington	93	854-4231
	Dave Woolford	93	854-4231
2428	W H Reeves	91	786-9852
2432	2440	NP	
2452	Willie D Pruitt	79	859-6848
2495	Louis H Blackberry	64	654-3615
2497	Beulah Y Smith	91	859-6498
2499	Richard Arends	83	653-8628
2509	2516	NP	
2518	James Taylor	89	859-8537
2519	Herbert C Vance	73	654-9687
2601	Dan Schaeffer	90	859-5231
2604		NP	
2606	K J Smith	92	654-9732
2608	Charles F Staffon	86	654-4131
2609		NP	
2613	William Paul Dietz	91	854-9849
2614	E Albritton	81	786-3731
2616	Leroy Olsen	75	859-3340
2621	Charles E Williams	87	654-4780
2624	2707	NP	
2711	D Andrew Rial	92	859-3632
2820	G Detter	92	852-3939

5700-6005 CT 210 \$D.F.19
● PITTMAN MAP LOC 211 0-39
● PITTMAN MAP LOC 233 R-36

2420	Floyd R Edgington	93	854-4231
	Dave Woolford	93	854-4231
2428	W H Reeves	91	786-9852
2432	2440	NP	
2452	Willie D Pruitt	79	859-6848
2495	Louis H Blackberry	64	654-3615
2497	Beulah Y Smith	91	859-6498
2499	Richard Arends	83	653-8628
2509	2516	NP	
2518	James Taylor	89	859-8537
2519	Herbert C Vance	73	654-9687
2601	Dan Schaeffer	90	859-5231
2604		NP	
2606	K J Smith	92	654-9732
2608	Charles F Staffon	86	654-4131
2609		NP	
2613	William Paul Dietz	91	854-9849
2614	E Albritton	81	786-3731
2616	Leroy Olsen	75	859-3340
2621	Charles E Williams	87	654-4780
2624	2707	NP	
2711	D Andrew Rial	92	859-3632
2820	G Detter	92	852-3939

5700-6005 CT 210 \$D.F.19
● PITTMAN MAP LOC 211 0-39
● PITTMAN MAP LOC 233 R-36

5808	B J Skinner	78	854-7131
5812	Richard Allen	92	854-9439
5815		NP	
5920	James McGavran	81	652-9485
5921	Paul Casper	91	653-5158
6001	6004	NP	
6005	C A Grimes	87	653-1721
	* Accurate Automatic	81	653-7376

34 RESIDENCE 1 BUSINESS

LAUREL SW 97201
1600-2199 CT 45.02 \$A.D.16
7500-8299 CT 303 \$A.E.15
● PITTMAN MAP LOC 187 1-32
● PITTMAN MAP LOC 188 K-35

1611	Margaret Emry	93	227-8053
1616	Marilyn Gardner	92	241-5470
1618	Bonnie G Doyle	81	248-9469
2230	18TH AVE SW		
2250	17TH AVE SW		
1808	Robert H McCall	72	228-5600
1830	David W Nelson Jr	90	227-2280
1833	Joel B Kresske	71	223-1833
2230	19TH AVE SW		
1909	Richd C Stetson Jr	73	228-0916
1928		NP	
7	M M Koegel	86	222-5727
6	L Lynch	86	228-4113
	S McSkimming	93	241-6579
9	Barry Smith	93	241-7828
	Robert V Stoico	86	228-1363
2270	VISTA AVE SW		
2300	21ST AVE SW		
2108	Roscoe C Nelson Jr	75	227-1859
2124	Frank J Quinlan	85	228-5625
2135		NP	
2142	Kevin G Kidd	92	223-4579
2151		NP	
2156	Eric J Neiman	93	248-9028
2161		NP	

● MONTGOMERY DR SW

7775 Thomas Stack 86 292-4019
7830 Robert D Porter 87 292-6649
7855 Jack Featheringill 89 292-0925
7860 Charles W Reed 73 292-1500
7895 Chris Eppler 89 297-3913
7900 NP
7935 NP
7960 Effie M Hall 93 297-4727
Jim Roberts 93 292-2234
Prudence J Ross 92 291-7930
7975 NP
8000 NP
8005 James T Dorigan 69 292-5094
8040 Lee Steiner 81 292-5374
8065 Steve Evans 89 292-5611
8070 NP
8205 Dale H Fulkerson 85 292-0803
8255 Alphonse J Pacella 61 297-4047
45 RESIDENCE

LAURELHURST CLINIC 97232
See 316 29th Ave NE

LAURELHURST MANOR 97232
See 1025 33rd Ave NE

LAURELHURST PL NE 97232
1-4199 CT 19 \$B.D.18
4200-4399 CT 19 \$B.D.18

● PITTMAN MAP LOC 189 J-38

11	Robert Wells	86	239-4368
32	Kevin Corcoran	92	233-0251
3580	COUCH ST NE		
107		NP	
108	John W Kelly	85	232-8035
121		NP	
132	Hardy Myers	69	232-0991
145	William A Fisher	75	234-7732
3580	DAVIS ST NE		
210	Elton L McCawley	57	232-5407
225		NP	
3580	FLANDERS ST NE		
412	K R Ferguson	56	236-9827
415		NP	
424	Russell A Fox	73	232-1031
427	D Vankiotis	76	232-9252
434		NP	
435	Peter Szambelan	67	235-5836
444		NP	
445	Edw L Conkiewicz	71	234-1792
454		NP	
457	K Wells	89	233-8957
484	Newton H Moody	74	233-1402
487	R Scott Lathan	92	231-4870
	B A Woodrow	92	231-4870
3570	GLASAN ST NE		
503	Condominium		
Wallace Johnston		232-1247	
515		NP	
520	G E Struxness	93	232-3322
525		NP	
530	Trent Williams	66	235-7784
535		NP	
547	Haig M Onkhanian	56	235-6939
602	Robert Osburn	89	236-5948
605	Condominium		
Elkac Brattin		78	235-9588
608		NP	
617	618 625	NP	
630	William Marcoule	82	232-3237
633		NP	
647	Harold E Cleveland	70	236-1518

PEERLESS PL NE
715 NP
720 Peter Lax 86 235-3255
725 NP
728 John A Maass 81 231-0614
735 NP
736 Jim Strassmaier 81 236-1094
745 750 NP
755 Bob McGuirk 87 236-4592
Robert McGuirk 92 234-5895
* BMC Consulting 81 234-5895
R B McCormack 83 236-0927
763 Richard A Poole 56 231-9055
770 Dr Sibyl Jarrett 92 231-1584
Les Schmetzler 81 231-1584
Richard H Boos 82 232-2714
780 NP
785 Mark Wunder 93 238-0489
792 R K Williamson 66 236-7103
800 IMPERIAL AVE NE
803 Tonika Dew 91 232-4235
Paul Thimm 91 232-4235
806 Dennis C Beauchamp 93 232-3786
815 David Soine 79 235-1763
818 David Brock 92 230-9402
825 832 NP
835 Stephen Photridis 88 236-3802
836 NP
843 Joel McGehee 83 232-4750
* Metrom Inc 92 239-7255
846 NP
855 NP
880 Harold C Radtke 57 235-0080
887 NP
877 Lee Teyama 73 235-8103
875 Robert H Carter 58 235-7480
880 NP
885 Donald Meyers 93 232-6310
893 H I Wallenstein 66 236-3281
30TH AVE NE
880 39TH AVE NE
3905 3914 3915 NP
3924 NP
3925 NP
3935 James C Leineweber 71 233-2800
3936 Hugh V Connolly 89 232-5988
4005 M Colleen Russell 91 238-0319
4014 J Lebeck 69 234-7184

LAURELHURST PL SE 97214
New Street-1985.
1-99 CT 19 \$B.D.18
● PITTMAN MAP LOC 189 J-38

35	Michael Morrill	85	234-1314

1 RESIDENCE

LAUREL LEAF LN SW 97225
8520-8799 CT 304.01 \$A.F.14
● PITTMAN MAP LOC 209 B-31

8520		NP	
8522		NP	
8524	Charles Tripp	67	291-7151
8525	Leslie Peyton	89	292-3201
8526	William F Boore	93	292-3058
8527		NP	
8528	Dr Eugene H Kelley	91	292-5998
8529		NP	
8531	K S Shaver	85	292-2353
8533	Hugh E Gallagher	92	292-5124
8535	Kenneth E Ross	87	292-3807
8537	Diane C Stanhope	86	292-9302
8539	Jason Eland	90	292-9645
854			

● LAPINE WAY NW 97229

20500-20899 CT 315.04		A.B. 4	
● PITTMAN MAP LOC 183 N-25			
20544	20546 20548	NP	
20552		NP	
20554	Rock Crk Duplexes	92	645-9127
20560	20562 20563	NP	
20565	20572	NP	
20574	Kevin Brown	90	629-8289
20577	Jason Haring	94	690-4944
20579	20588	NP	
20588	Keith Chandler	IX	690-4536
20591		NP	
20593	Steven Mackey	IX	645-3202
20596	20600 20602	NP	
20605		NP	
20607	Scott Bailey	IX	645-1550
20619	20621 20633	NP	
20647	20649 20658	NP	
20680		NP	
20681	Glen Johnson	IX	531-8656
20683	20675 20677	NP	
20689	20691 20703	NP	
20705	Kenneth Chalka	94	629-5381
20717		NP	
20719	Curtis J Johnson	94	629-2198
20728		NP	
20730	Roger Davis	IX	645-6394
	Teresa Tyrrell	IX	645-6394
	S D Lorenson	IX	645-2688
20731	20742 20744	NP	
20733	20747	NP	
20745		NP	
20758	Robt J Bechtold Jr	92	690-0153
20758	20759 20761	NP	
20770	Shawn Swotherman	94	690-2738
20772	20773 20775	NP	
20784	20786 20787	NP	
20789	William Coyle	IX	690-2723
20792		NP	
20794	B Courtenance	93	645-8832
	Jo L Sander	IX	614-0168
20800	20801 20802	NP	
20803	20808 20810	NP	
20814	20815 20818	NP	
20817	20829 20831	NP	
20843	20845 20857	NP	
20859	20868	NP	
20868	Mark Wolf	89	645-6430
20871	Patrick L Magee	84	645-9253
20872	Anthony Tazmanis	87	629-9467
20873	20874 20884	NP	
20885	John McIntosh	92	645-9270
20886		NP	
20887	Chad Silman	IX	690-5677
	98 RESIDENCE	1 BUSINESS	

● LARA SW 97223

New Street-1973.		7000-7999 CT 305.82		B.F.15	
● PITTMAN MAP LOC 209 0-32					
7190	George P Saunders	90	246-2297		
7195	Kenneth Patterson	93	293-0277		
7220	Scott Clancy	92	246-1820		
7225	Scott Fairbairn	-	452-1037		
7250	H David Walter	75	246-9446		
	★ Business Focus	IX	246-9446		
	★ H D Walter	IX	246-9446		
7280	Dharan Yadav	78	246-9584		
7310	James V Sisk	85	233-5692		
7325	Cassy Harris	84	245-1568		
7340	S Torson	94	245-1984		
7355	S Westfall	94	246-4407		
7370	Richard C Grow	75	246-4094		
7385	Mark Clift	-	452-8632		
7400		NP			
7430	Rodney L Rossan	■	244-3359		
7435		NP			
7465	David Ingram	-	452-7317		
7495	Jim Plamondon	89	245-2067		
7525	7555	NP			
7580	Hedy Black	IX	245-5452		
7585	G Orshovec	86	244-0803		
7590	Ken Garrett	■	877-9691		
7615	Larry W Paris	91	245-8041		
7620	Apartments				
7629	E Wayne Cody	91	452-0506		
	24 RESIDENCE	2 BUSINESS			

● LARCH SW 97223

New Street-1979.		8000-8199 CT 306		C.C.15	
● PITTMAN MAP LOC 209 0-32					
8050	Mike G Rinkus	-	245-5618		
8080	Michael A Donovan	92	244-1352		
	Judith Downs	IX	244-1352		
8100	Juan Villegas	94	246-5729		
8120	George Jansen	90	246-5278		
8140	8160	NP			
	7 RESIDENCE				

● LARCH AVE SE 97214

1900-2199 CT 11.82		D.D.17	
● PITTMAN MAP LOC 183 K-37			
1905		NP	
1913		NP	
1925		NP	
1931	K E Vogel	76	232-8394
1939	Jody Bleye	IX	234-5603
1942		NP	
1950	Eleanor V Davis	IX	231-0782
	Miga Rossetti	91	235-1179
1951	Dahon Fox Jr	73	236-1686
1959	1980	NP	
1250	HARRISON ST SE		
2903	★ First Bay Ch Deaf	79	234-1342
2009		NP	
2015	Rose Pascoe	84	235-3595
2018	Otto Eichman	64	232-5619
2021		NP	
2026	Greg Ford	■	236-0297
2027	2029 2030 2036	NP	
2037	S Benninghoff	91	238-7122

● LARIAT CT NW 97229

New Street-1984.		13500-13799 CT 315.07		A.C. 5	
● PITTMAN MAP LOC 186 I-29					
13500	Greg Dufault	92	645-9423		
13535	Michael Arthur	87	845-4787		
13540	Kirkham Hay	91	690-9679		
13580	Marvin D Vakovich	88	645-4881		
13585	Fred Granum	91	629-9125		
13630		NP			
13845	James Fee	90	845-8429		
13890	Jan C Messer	88	845-2842		
13705	Clark Podany	88	645-8856		
13795	David J Spangler	84	645-7711		
	10 RESIDENCE				

● LARK SE 97222

1800-2699 CT 212		D.D.18	
● PITTMAN MAP LOC 211 P-37			
1950	Reginald Parker	83	653-7040
1982	M L Peterson	92	654-4710
2004	Robert Eichauer	83	786-4777
2303	David L Freeland	82	659-3909
2310		NP	
2311	G Foster	88	659-3467
2347	2360	NP	
2405	C R Lynch	92	653-0288
2412		NP	
2424	M F Malarski	86	653-2874
2454		NP	
2476		NP	
2509	Dean ODea	IX	654-9519
2512	R L Toole	94	659-5167
2535	Adam Morar	-	654-6103
2540		NP	
	Apartment		
	Roy Barnes	■	659-2894
	Stan C Freeman	92	653-5698
2584	Jesse P Surface	78	653-1632
2611	Craig Miguel	94	786-8075
2625		NP	
2626	E Huber	IX	659-1104
	23 RESIDENCE		

● LARK AVE SE 97267

15500-16099 CT 221.81		B.B. 6	
● PITTMAN MAP LOC 234 R-40			
15511		NP	
15516	Donald D Harndon	73	655-5393
15539	James Hosak	89	655-1780
15542	Ron Terantone	87	656-0882
15568	Ralph Wilson	69	655-1523
15571	Raymond Ross	92	655-7257
15633	Henry L Vredenburg	78	655-6062
15656		NP	
15665	Tina Gobler	94	655-3284
15729		NP	
15730		NP	
15762		NP	
15787	Harold Chagnon	69	655-1865
15828	Bertha L Smor	70	656-3789
15831	R Vazani	92	656-8312
15909	15916 15927	NP	
15932	Tom D Pacheco	69	655-1010
15955		NP	
15956	Fritz Frisan	78	656-9438
15969	Ronald L Kysar	90	655-7743
15970	John W Cornell	87	655-7704
16018	Daniel H Glendon	IX	655-3191
16044	William E Viollette	72	656-0208
16059	Chester E Larkin	74	655-4620
16060		NP	
	27 RESIDENCE		

● LARRABEE AVE N 97227

800-2599 CT 22.02		E.E.17	
● PITTMAN MAP LOC 188 I-36			
■	HASSALO ST N		
■	CLACKAMAS ST N		
■	HALSEY ST N		
■	MC MILLAN ST N		
■	CHERRY ST N		
■	BROADWAY ST N		
■	KNOX ST N		
■	RUSSELL ST N		
■	NO LISTINGS		

● LARSON MOORAGE 97231

See 14426 Larson Rd NW

● LARSON RD NW 97231

14400-14499 CT 71		B.B. 5	
● PITTMAN MAP LOC 188 K-35			
14426	Carl G Larson	84	286-1233
	★ Larson Moorage	84	286-1233
14444	Duane Larson	91	286-1223
	★ Larson Marina	89	286-1223
14555	Richard C Wagner	-	735-1521
	3 RESIDENCE	2 BUSINESS	

● LA RUE CT SE 97267

16700-17099 CT 217		B.B. 6	
● PITTMAN MAP LOC 233 S-38			
16951	Randy R Guerra	88	654-4716
16962	Charles Murphy	86	655-1854
17036	Donna B Walker	83	658-1365
17041	Gerald E Goddard	74	659-0502
	4 RESIDENCE		

● LAUGARDIA WAY SE 97267

New Street-1981.		16900-17099 CT 218		B.B. 6	
● PITTMAN MAP LOC 233 S-38					
16919	James M Newton	85	654-3577		
		85	653-8331		

18955		NP	
18958	G M Nail	88	659-0884
18959		NP	
18962		NP	
18964	Roy E Nealeigh	87	654-0371
18965	Ivan Benz	90	659-5189
18968	Jack O'Neill	85	653-7419
18970	Stephanie Mobley	■	786-8919
18975	Ilgis Cornelien	86	654-8550
18978	Dennis Bywater	88	654-5507
18980		NP	
18985	Robert Cromer	90	654-0313
18988		NP	
18990	Warren E Bacon	85	654-1909
18995	T A McKenzie	85	653-0766
	25 RESIDENCE		

● LAURA SE 97222

6200-6599 CT 216.01		E.E.19	
● PITTMAN MAP LOC 212 0-48			
6305	Steve Vanatta	91	775-1398
	Steve Vanatta	94	774-4045
6323	6370 6375 6420	NP	
6421	Guy A Jennings	80	775-6113
6430	Craig H Dial	78	777-2882
6440	6441 6480	NP	
6481		NP	
6491	8500	NP	
8508	Rick Talbot	94	775-6395
8509	Lanny Griffin	93	771-4151
8510	6513 8520 8521	NP	
	20 RESIDENCE		

● LAURA AVE SE 97222

Milwaukee			
9800-10099 CT 216.01		E.E.19	
● PITTMAN MAP LOC 212 0-48			
6323	Ronald Thorson	89	774-0573
6375	David Mansfield	90	775-9489
6420	Jim R Cornett	-	788-7388
6440	S Crowell	IX	775-8101
6500	Keith Rumpsey	93	771-3515
9948		NP	
9950	Paul Reed	68	775-8141
10027	A R Dent	IX	771-1831
10051		NP	
9 RESIDENCE			

5270 5290 NP 7 BUSINESS
83 RESIDENCE

● LANDING SQ SW 97201

New Street-1984.
5290-5399 CT 59 \$B.E17
5250 Apartments
5 H Victor Adu Jr. 86 228-0623
13 George F Beall Jr. 89 228-9570
3 Wayne T Jackson 93 228-8535
Gregg Miller 92 229-0575
R C Newman 88 243-2308
5270 Apartments
J Goeth 91 225-0398
James A MacGregor 90 221-0596
5290 Apartments
Robert H Cutler 88 248-1082
Irving T Erickson 83 228-4253
25 J D Hunt 83 227-2383
9 F Baker Lewis 82 223-9891
9 Louis Stafford 84 241-8596
5390 Apartments
Ben Brastoff 85 222-9577
2 Marilyn Fleischer 85 225-0732
Joseph Holman 84 224-2944
28 Harvey S Kelson 95 224-8398
10 Joe Schwaner 85 228-8539
George E Wallace 88 228-7388
18 RESIDENCE

● SW LANDMARK LN 97224

New Street-1978.
7398-7498 CT 367 \$B.G15
● THOMAS BROS MAP LOC 856-68
7398★ Cascade Pac Mach 87 684-3473
7330★ T21 Corp 81 839-3858
7348★ Meyer Sign Co 88 628-8208
7358★ Artek Interiors Inc 78 628-8827
4 BUSINESS

● SW LANE ST 97281

104-399 CT 60.81 \$A.E17
● THOMAS BROS MAP LOC 626-F2
0104 John Pansley 95 226-2189
= 3808 WATER AVE SW
= 3810 BARBUR BLVD SW
= CONCORD AVE SW
= 3778 CORBETT AVE SW
0114 John Ueck 91 241-2849
0214 0230 NP
0232 Kevin Myles 90 227-0232
0234 Janet L Webb 90 294-0913
Janet L Webb 90 243-5974
0301 Sean Woody 91 228-8873
0317 Francisco Chin 91 223-0754
= 3808 KELLY AVE SW
0320 Apartments
John R Barclay 92 223-8358
Rebecca L Dryden 90 274-1893
36 Dora Hassler 92 228-8533
L Hughes 95 224-5638
M Lane 95 790-0804
J R Medcalf 91 246-4175
20 Tom Melody 91 721-9008
Edward Molina 91 227-4228
Dennis A Nemo 95 295-4085
Don Plumb 95 228-8551
19 Michael Plunk 95 225-8592
15 Thomas Thackeray 91 223-8622
32 Kevin Thompson 91 221-8622
78 James T Walker 91 294-1126
= MACADAM AVE SW
= HOOD AVE SW
0325 B A Smith 91 227-8702
0328 25 RESIDENCE

● SW LANE CT 97221

New Street-1978.
5098-5899 CT 68.01 \$A.E15
● THOMAS BROS MAP LOC 626-J2
5831 Peggy Gambert Fry 91 282-1950
5835 Marvin W Hempel 92 292-4379
3 RESIDENCE

● SW LANEWOOD ST 97225

11408-12499 CT 314.91 \$C.D13
● THOMAS BROS MAP LOC 536-C8
11400 Carlo Postala 94 846-6474
11425 NP
11440 NP
11445 George L Scott 86 626-3574
11480 Sidney Cooper 79 643-1157
11485 Norman V Barry 89 648-6050
11540 Dora L Martin 75 648-4665
11545 C M Comella 83 644-1882
11580 Dale G Remussen 94 848-8156
11585 Dale M Lockhart 68 844-8777
11840 NP
11860 NP
11880 Alex Kerkov 70 844-4786
11885 W Eugene Hastings 73 844-8847
11715 Gordon E Klossner 68 844-5003
11730 Frank C Jones 87 844-5956
11745 NP
11780 NP
11790 Lawrence Colton 86 841-3198
11815 NP
11820 K C Olanman 79 848-0478
11850 Len Fortino 89 848-3977
11875 NP
11925 N J Drake 95 844-4290
11946 David Viers 95 848-0785
11985 NP
11985 Arthur F Stipe 86 844-8334
12035 Mark Tison 92 826-8005
12085 Steve Follett 93 844-8365
12085 NP
12135 James R Shortel 77 843-7358
12155 J R Campbell Farris 91 843-8629
12175 The R Brophy 94 843-8048
Frederick J Smith 94 843-8048
*Holiday Winch Dev 91 846-5853
12195 R L Mentze 80 844-8544
12295 Karen Waring 75 846-9448
12335 E Baer 88 844-3651

12385 M Z Bringham 72 844-4121
12395 Les A Patter 85 643-3179
40 RESIDENCE 2 BUSINESS

● NW LANGLEY CT 97229

New Street-1994.
2009-2099 CT 70 \$A.C 5
● THOMAS BROS MAP LOC 585-E3
2019 J McIntyre 91 203-8812
2022 Ron & Joan Pack 85 297-1755
2030 C Beardmore 95 203-8713
3 RESIDENCE

● SW LANGTREE ST 97224

New Street-1991.
King City
8298-8499 CT 308.82 \$A.D 5
● THOMAS BROS MAP LOC 655-84
8215 G T Havens 91 620-5187
8227 George C Hays 93 684-8480
8245 Gary Paul 91 598-0763
8254 NP
8281 NP
8274 NP
8283 NP
8312 Wilton Mason 91 624-0306
8332 Keith Bender 91 968-9581
8332 Loren Mueller 91 624-7709
8372 Minh Van Nguyen 92 684-1440
8381 Mark Kelly 91 968-1203
8405 NP
8434 NP
8443 NP
8465 Ben Mansel 95 598-3914
17 RESIDENCE

● SW LANSDOWNE LN 97223

New Street-1982
12188-12299 CT 319.81 \$C.D 5
● THOMAS BROS MAP LOC 655-84
12118 Larry Williams 93 590-5099
12132 O C Doug Dugger 93 590-1578
12148 Roger E Crystal 93 590-0755
12180 Bill Vandervoort 95 590-5217
12196 Kenneth Shipman 93 590-6868
12207 Douglas R Winn 91 524-5875
*Devlin Designed 93 282-7455
12230 Peter Baxter 93 590-9708
12282 Ron Hines 95 590-3052
12274 Tom Jones 95 590-1883
12280 Kurt Weiss 93 590-5878
12294 NP
11 RESIDENCE 1 BUSINESS

● SE LA PAZ ST 97267

New Street-1971.
Milwaukee
7480-7489 CT 215 \$B.G19
● THOMAS BROS MAP LOC 657-E8
7419 B Weese 88 655-6585
7420 M T Guldentrop 90 658-5187
7433 Joe Williams 91 557-3383
7451 Matt H Radloff 91 655-2478
7454 7473 NP
7476 Clint Matthews 89 656-4231
7491 B L Roethlisger 86 655-4537
7494 NP
9 RESIDENCE

● NW LAPINE ST 97229

18600-18999 CT 315.84 \$A.B 4
● THOMAS BROS MAP LOC 584-E7
18625 Larry Baird 81 645-9684
18655 Richard Riddle 95 690-9051
18685 18715 18745 NP
18775 NP
18780 M A Terts 75 845-8035
18805 John R Poir 72 845-2035
18810 18835 NP
18870 R L Perkins 92 690-3191
18895 NP
18900 John Signet 83 645-4064
18925 Roger Sandquist 81 645-9344
18930 NP
18955 NP
18 RESIDENCE

● NW LAPINE WAY 97229

28508-28999 CT 315.04 \$A.B 4
● THOMAS BROS MAP LOC 584-C7
20544 20548 20548 NP
20552 NP
20554 Richard Boardman 85 645-5015
*Rock Crt Duplexes 82 645-8127
20560 20562 20563 NP
20565 20572 20574 NP
20577 Jason Hering 94 690-4944
20579 20588 NP
20588 Keith Chandler 95 690-4535
20591 20583 20598 NP
20800 20802 20805 NP
20807 Scott Bailey 95 645-1550
20819 20821 20833 NP
20835 Randolph Young 91 629-6082
20847 20849 20858 NP
20860 Mary Silver 91 629-2168
20861 20863 20875 NP
20877 20889 20891 NP
20703 NP
20705 W A Crowder 91 614-8028
20717 20719 20728 NP
20730 Len Osborn 91 814-0242
Pam Pecton 91 814-0242
20731 20733 20742 NP
20744 NP
20745 Mark Kramer 91 531-9129
20747 Steve Collett 91 645-4281
20758 Robt J Bechtold Jr 92 690-0153
20758 20759 20761 NP
20770 Shawn Smotherman 94 690-2738
20772 20773 NP
20775 Wm W Kirksey Jr 91 645-4889
20784 20788 NP
20787 Gary Tingley 91 690-9098
20789 William Loyte 95 690-2723
20792 NP
20800 Jo Lynn Sanders 95 614-0168
20800 20801 20802 NP
20803 B Courtmanche 91 645-8832
20808 20810 20814 NP

20815 Tom Michael 91 629-4942
20816 20817 20829 NP
20831 20843 20845 NP
20857 20859 20866 NP
20888 Mark Wolfe 89 645-6430
20871 Patrick L Magee 84 645-9253
20872 Anthony Tormina 87 629-3467
20873 20874 20884 NP
20885 John McIntosh 92 645-9270
20888 20887 NP
89 RESIDENCE 1 BUSINESS

● SW LARA ST 97223

New Street-1973.
7006-7999 CT 305.02 \$B.F15
● THOMAS BROS MAP LOC 625-E7
7190 George P Saunders 90 246-2297
7195 Kenneth Patterson 93 293-0277
7220 NP
7225 Scott Fairbairn 95 452-1037
7250 M David Walter 75 248-3448
*Business Focus 95 245-9448
*Walter W David 95 248-3448
7280 Sharon Yavel 78 246-9584
7310 James V Sisk 85 235-5882
7325 Casey Harris 84 245-1568
7340 S Torson 94 245-1984
7355 S Westfall 94 248-4407
7370 Richard C Grow 75 248-4094
7385 Mark Clift 95 452-8832
7400 NP
7430 Rodney L Rossan 91 244-3359
7435 NP
7485 David Ingram 95 452-7317
7495 Jim Plamondon 85 245-2067
7525 NP
7555 Cory Cochran 91 452-7380
7580 Hedy Black 95 245-5452
7585 G Onkovic 88 244-0803
7590 Ken Garrett 91 577-9891
7815 Larry W Poria 91 245-8041
7829 Apartments
105 6 Wayne Cody 91 452-0506
24 RESIDENCE 2 BUSINESS

● SW LARCH ST 97223

New Street-1975.
8000-8199 CT 306 \$C.G15
● THOMAS BROS MAP LOC 655-F1
8050 NP
8080 Michael A Donoran 92 244-1352
Judith Downs 95 244-1352
3 RESIDENCE

● SE LARCH AVE 97214

1900-2199 CT 11.02 \$E.E17
● THOMAS BROS MAP LOC 596-H7
1905 NP
1913 NP
1925 NP
1931 K E Vogel 76 232-9394
1939 John M Tess 91 234-8137
1942 M Sullivan 91 233-0250
1950 Chris Hanson 91 736-3164
Daniel Preece 91 233-0762
Miguel Rosas 91 235-1179
Damon Fox Jr 73 238-1888
1951 NP
1959 NP
= 1250 HARRISON ST SE
2083 *1st Bapt Ch The 78 234-1342
2009 H Matheson 91 232-8543
2015 Rose Preece 94 235-3595
2018 Otto Eichman 94 232-5819
2021 NP
2028 Duane Paarenboom 91 234-3005
2027 2029 2030 2038 NP
2037 S Benninghoff 91 238-7122
2100 NP
2101 Wesley Sato 93 238-6362
2111 2119 2129 NP
= 2088 SPRUCE AVE SE
27 RESIDENCE 1 BUSINESS

● NW LARIAT CT 97229

New Street-1984.
13500-13799 CT 315.07 \$A.C 5
● THOMAS BROS MAP LOC 595-A2
13500 Greg Dufault 92 645-9423
13535 Michael Arthur 87 645-4767
13540 NP
13580 NP
13585 Fred Graman 91 629-9125
13830 NP
13845 Janet Fee 90 645-8429
13890 Jan C Moser 88 645-2842
13706 John Bingen 91 614-9756
John Bingen 91 629-8177
David J Spangler 84 645-7711
11 RESIDENCE

● SE LARK ST 97222

1808-2899 CT 212 \$E.G18
● THOMAS BROS MAP LOC 656-J4
1950 Dan W Behnke 71 655-3594
Reginald Pekar 83 853-7040
1992 M L Peterson 82 854-4710
2004 Robert Eickman 93 788-4777
2303 David L Freeland 82 659-3908
2310 NP
2311 G Foster 88 659-3467
2347 2380 NP
2405 C R Lynch 92 653-0288
2412 NP
2424 M F Malaraki 88 653-2874
2454 NP
2476 NP
2509 Dean Odell 95 854-9519
2512 R L Toole 94 859-5187
2535 Adam Morar 95 854-8103
2548 Apartments
2 Stan C Freeman 92 853-6888
1 Troy Hume 91 853-2291
Mama Wynona 91 788-9922
2584 Jesse P Surface 78 653-1832
2611 Craig Miguel 94 788-8076
2825 NP
2826 E Huber 95 859-1104
24 RESIDENCE

SE LARK AVE 97267
15500-16099 CT 221.01 \$B.D 6
● THOMAS BROS MAP LOC 657-F7
15511 NP
15516 Donald D Harnden 73 655-5393
15539 James Hoxek 89 655-1780
15542 Ron Turantino 87 658-0862
15566 Ralph Wilson 89 655-1523
15571 Raymond Rags 92 655-7257
15628 Mike Rockwell 91 658-0754
15633 Henry L Vredenburg 78 655-6062
15656 NP
15729 Tom & Dawn Workman 85 655-4844
15730 NP
15782 NP
15787 Harold Chagnon 89 655-1685
15826 Bartles L Smor 70 658-3789
15831 R Vazner 92 658-8312
15809 15918 15927 NP
15932 Tom D Pacheco 89 655-1010
15955 NP
15956 Fritz Frisan 78 658-9438
15989 Ronald L Kysar 90 658-7743
15970 John W Cornell 87 655-7704
16018 Daniel H Glander 95 557-3191
16044 William E Violette 72 658-0208
16059 Chester E Larkin 74 655-4820
16080 NP
28 RESIDENCE

● LARRABEE AVE N 97227

808-2599 CT 22.02 \$E.D17
● THOMAS BROS MAP LOC 596-F4
= MASSALO ST N
= CLACKAMAS ST N
= HALSEY ST N
= MC WILLAN ST N
= CHERRY ST N
= BROADWAY ST N
= KNOTT ST N
= RUSSELL ST N
= NO LISTINGS

● LARSONS MOORAGE 97231

See 14428 Larson Rd NW

● NW LARSON RD 97231

14400-14499 CT 71 \$B.B 5
● RR 1 97231
14426 Earl G Larson 84 286-1233
*Larson's Moorage 84 286-1233
14444 Duane Larson 89 286-1223
*Larson's Marine 91 286-1223
14555 J Beckman 91 286-5685
Dan & Bev McGill 91 735-9828
Michael Pouschke 91 735-0233
5 RESIDENCE 2 BUSINESS

● SE LA RUE CT 97267

16700-17099 CT 217 \$B.D 3
● THOMAS BROS MAP LOC 687-A1
16951 Randy R Guerra 86 854-4716
16962 Charles Murphy 88 859-1854
Charles Murphy 88 854-8317
17036 Donna B Walker 83 859-1385
17041 Gerald E Goddard 74 659-0502
5 RESIDENCE

● SE LAUGARDIA WAY 97267

New Street-1981.
Milwaukee
16900-17099 CT 218 \$B.D 6
● THOMAS BROS MAP LOC 687-B1
16919 J Barry 85 854-3577
16920 James M Newton 85 853-8333
16925 Velta E Jernan 86 794-0788
16930 Lloyd L Garlock 78 653-2186
16933 NP
16933 Gene Peterson 95 788-2894
16939 L B Dimsted 83 854-5979
16940 16945 NP
16950 D L Crooks 85 853-7402
16955 NP
16958 G M Nail 88 659-0884
16959 NP
16962 NP
16964 Roy E Nealeigh 87 854-0371
16965 Ivan Benz 90 859-5189
16969 Jack O'Neil 85 853-7419
16970 NP
16975 Hign Cornelsen 86 854-8550
16978 Dennis Bywater 88 654-5507
16980 NP
16985 Robert Cromer 90 854-0313
16988 NP
16990 Warren E Bacon 85 854-1909
16995 T A McKenzie 86 653-0768
25 RESIDENCE

● SE LAURA ST 97222

6298-6599 CT 218.01 \$E.G19
● THOMAS BROS MAP LOC 657-01
8305 S Van Atta 91 775-1398
8323 8370 8375 8420 NP
8421 Guy A Jennings 80 775-6113
8430 Craig H Dial 78 777-2882
8440 8441 NP
8480 M Scott Lawson 91 774-5124
8481 Roger Stewart 91 774-6113
8500 Keith Rungas 93 771-3515
8520 Nick Wilkinson 91 775-3712
14 RESIDENCE

● SE LAURA AVE 97222

8800-10099 CT 218.01
● THOMAS BROS MAP LOC 657-01
9948 NP
9950 Paul Reed 88 775-7548
2 RESIDENCE

7325	Cathy Harris	84	245-1568	NP
7340	Sarah L. Torson	84	245-4882	NP
7355	S. Westfall	94	246-4407	NP
7370	Richard C. Grow	75	246-4094	NP
7385	Mark Clift	95	245-8632	NP
7400				
7430	Rodney L. Rossan	96	244-3359	NP
7435				
7465	David Ingram	95	452-7317	NP
7495	Jos. Plamondon	89	245-2067	NP
7525				
7555	Cory Cochran	85	452-7360	NP
7560	Hedy Black	95	245-5452	NP
7565	G. Orlovich	86	244-0803	NP
7590	Ken Garrett	95	977-9891	NP
7615	Larry W. Parris	91	245-8041	NP
7620	Apartment			
105	E. Wayne Cady	91	452-0506	NP
24	RESIDENCE	1	BUSINESS	

● SE LARCH AVE		97214	
1908- 2199 CT		11.02	8E.117
● THOMAS BROS MAP LOC		586-87	
1905	E Descamp	NP	236-5940
1913		NP	
1925			
1931	K E Vogel	78	232-8394
1939	Tiffany Swetzer	IX	234-8137
	John M Tess	IX	234-8131

1942	M Sullivan		733 • 0250
1950	Chris Hanson		736 • 1344
	Daniel Prince	95	231 • 0782
	Cherie Resnick	91	125 • 79
1951	Cherie G Fox	73 •	236 • 1666
1959		NP	
1256	HARRISON ST SE		
2803 *	1st Btpt Ch The	78	234-1342
2009		NP	
2015	Rosa Pascoe	84	235-3595
2018	Otto Eichenman	84	232-8619
2021		NP	
2028	Diane Porenboom	96	234-3005
2027	2029 2030 2036	NP	
2037	S Benninghoff	91	238-7122
2100			
2101	Wesley Seto	83	236-6362
2111	2115 2125	NP	

2111	2115	2125	2135	2145	2155	2165	2175	2185	2195	2205	2215	2225	2235	2245	2255	2265	2275	2285	2295	2305	2315	2325	2335	2345	2355	2365	2375	2385	2395	2405	2415	2425	2435	2445	2455	2465	2475	2485	2495	2505	2515	2525	2535	2545	2555	2565	2575	2585	2595	2605	2615	2625	2635	2645	2655	2665	2675	2685	2695	2705	2715	2725	2735	2745	2755	2765	2775	2785	2795	2805	2815	2825	2835	2845	2855	2865	2875	2885	2895	2905	2915	2925	2935	2945	2955	2965	2975	2985	2995	3005	3015	3025	3035	3045	3055	3065	3075	3085	3095	3105	3115	3125	3135	3145	3155	3165	3175	3185	3195	3205	3215	3225	3235	3245	3255	3265	3275	3285	3295	3305	3315	3325	3335	3345	3355	3365	3375	3385	3395	3405	3415	3425	3435	3445	3455	3465	3475	3485	3495	3505	3515	3525	3535	3545	3555	3565	3575	3585	3595	3605	3615	3625	3635	3645	3655	3665	3675	3685	3695	3705	3715	3725	3735	3745	3755	3765	3775	3785	3795	3805	3815	3825	3835	3845	3855	3865	3875	3885	3895	3905	3915	3925	3935	3945	3955	3965	3975	3985	3995	4005	4015	4025	4035	4045	4055	4065	4075	4085	4095	4105	4115	4125	4135	4145	4155	4165	4175	4185	4195	4205	4215	4225	4235	4245	4255	4265	4275	4285	4295	4305	4315	4325	4335	4345	4355	4365	4375	4385	4395	4405	4415	4425	4435	4445	4455	4465	4475	4485	4495	4505	4515	4525	4535	4545	4555	4565	4575	4585	4595	4605	4615	4625	4635	4645	4655	4665	4675	4685	4695	4705	4715	4725	4735	4745	4755	4765	4775	4785	4795	4805	4815	4825	4835	4845	4855	4865	4875	4885	4895	4905	4915	4925	4935	4945	4955	4965	4975	4985	4995	5005	5015	5025	5035	5045	5055	5065	5075	5085	5095	5105	5115	5125	5135	5145	5155	5165	5175	5185	5195	5205	5215	5225	5235	5245	5255	5265	5275	5285	5295	5305	5315	5325	5335	5345	5355	5365	5375	5385	5395	5405	5415	5425	5435	5445	5455	5465	5475	5485	5495	5505	5515	5525	5535	5545	5555	5565	5575	5585	5595	5605	5615	5625	5635	5645	5655	5665	5675	5685	5695	5705	5715	5725	5735	5745	5755	5765	5775	5785	5795	5805	5815	5825	5835	5845	5855	5865	5875	5885	5895	5905	5915	5925	5935	5945	5955	5965	5975	5985	5995	6005	6015	6025	6035	6045	6055	6065	6075	6085	6095	6105	6115	6125	6135	6145	6155	6165	6175	6185	6195	6205	6215	6225	6235	6245	6255	6265	6275	6285	6295	6305	6315	6325	6335	6345	6355	6365	6375	6385	6395	6405	6415	6425	6435	6445	6455	6465	6475	6485	6495	6505	6515	6525	6535	6545	6555	6565	6575	6585	6595	6605	6615	6625	6635	6645	6655	6665	6675	6685	6695	6705	6715	6725	6735	6745	6755	6765	6775	6785	6795	6805	6815	6825	6835	6845	6855	6865	6875	6885	6895	6905	6915	6925	6935	6945	6955	6965	6975	6985	6995	7005	7015	7025	7035	7045	7055	7065	7075	7085	7095	7105	7115	7125	7135	7145	7155	7165	7175	7185	7195	7205	7215	7225	7235	7245	7255	7265	7275	7285	7295	7305	7315	7325	7335	7345	7355	7365	7375	7385	7395	7405	7415	7425	7435	7445	7455	7465	7475	7485	7495	7505	7515	7525	7535	7545	7555	7565	7575	7585	7595	7605	7615	7625	7635	7645	7655	7665	7675	7685	7695	7705	7715	7725	7735	7745	7755	7765	7775	7785	7795	7805	7815	7825	7835	7845	7855	7865	7875	7885	7895	7905	7915	7925	7935	7945	7955	7965	7975	7985	7995	8005	8015	8025	8035	8045	8055	8065	8075	8085	8095	8105	8115	8125	8135	8145	8155	8165	8175	8185	8195	8205	8215	8225	8235	8245	8255	8265	8275	8285	8295	8305	8315	8325	8335	8345	8355	8365	8375	8385	8395	8405	8415	8425	8435	8445	8455	8465	8475	8485	8495	8505	8515	8525	8535	8545	8555	8565	8575	8585	8595	8605	8615	8625	8635	8645	8655	8665	8675	8685	8695	8705	8715	8725	8735	8745	8755	8765	8775	8785	8795	8805	8815	8825	8835	8845	8855	8865	8875	8885	8895	8905	8915	8925	8935	8945	8955	8965	8975	8985	8995	9005	9015	9025	9035	9045	9055	9065	9075	9085	9095	9105	9115	9125	9135	9145	9155	9165	9175	9185	9195	9205	9215	9225	9235	9245	9255	9265	9275	9285	9295	9305	9315	9325	9335	9345	9355	9365	9375	9385	9395	9405	9415	9425	9435	9445	9455	9465	9475	9485	9495	9505	9515	9525	9535	9545	9555	9565	9575	9585	9595	9605	9615	9625	9635	9645	9655	9665	9675	9685	9695	9705	9715	9725	9735	9745	9755	9765	9775	9785	9795	9805	9815	9825	9835	9845	9855	9865	9875	9885	9895	9905	9915	9925	9935	9945	9955	9965	9975	9985	9995	10005	10015	10025	10035	10045	10055	10065	10075	10085	10095	10105	10115	10125	10135	10145	10155	10165	10175	10185	10195	10205	10215	10225	10235	10245	10255	10265	10275	10285	10295	10305	10315	10325	10335	10345	10355	10365	10375	10385	10395	10405	10415	10425	10435	10445	10455	10465	10475	10485	10495	10505	10515	10525	10535	10545	10555	10565	10575	10585	10595	10605	10615	10625	10635	10645	10655	10665	10675	10685	10695	10705	10715	10725	10735	10745	10755	10765	10775	10785	10795	10805	10815	10825	10835	10845	10855	10865	10875	10885	10895	10905	10915	10925	10935	10945	10955	10965	10975	10985	10995	11005	11015	11025	11035	11045	11055	11065	11075	11085	11095	11105	11115	11125	11135	11145	11155	11165	11175	11185	11195	11205	11215	11225	11235	11245	11255	11265	11275	11285	11295	11305	11315	11325	11335	11345	11355	11365	11375	11385	11395	11405	11415	11425	11435	11445	11455	11465	11475	11485	11495	11505	11515	11525	11535	11545	11555	11565	11575	11585	11595	11605	11615	11625	11635	11645	11655	11665	11675	11685	11695	11705	11715	11725	11735	11745	11755	11765	11775	11785	11795	11805	11815	11825	11835	11845	11855	11865	11875	11885	11895	11905	11915	11925	11935	11945	11955	11965	11975	11985	11995	12005	12015	12025	12035	12045	12055	12065	12075	12085	12095	12105	12115	12125	12135	12145	12155	12165	12175	12185	12195	12205	12215	12225	12235	12245	12255	12265	12275	12285	12295	12305	12315	12325	12335	12345	12355	12365	12375	12385	12395	12405	12415	12425	12435	12445	12455	12465	12475	12485	12495	12505	12515	12525	12535	12545	12555	12565	12575	12585	12595	12605	12615	12625	12635	12645	12655	12665	12675	12685	12695	12705	12715	12725	12735	12745	12755	12765	12775	12785	12795	12805	12815	12825	12835	12845	12855	12865	12875	12885	12895	12905	12915	12925	12935	12945	12955	12965	12975	12985	12995	13005	13015	13025	13035	13045	13055	13065	13075	13085	13095	13105	13115	13125	13135	13145	13155	13165	13175	13185	13195	13205	13215	13225	13235	13245	13255	13265	13275	13285	13295	13305	13315	13325	13335	13345	13355	13365	13375	13385	13395	13405	13415	13425	13435	13445	13455	13465	13475	13485	13495	13505	13515	13525	13535	13545	13555	13565	13575	13585	13595	13605	13615	13625	13635	13645	13655	13665	13675	13685	13695	13705	13715	13725	13735	13745	13755	13765	13775	13785	13795	13805	13815	13825	13835	13845	13855	13865	13875	13885	13895	13905	13915	13925	13935	13945	13955	13965	13975	13985	13995	14005	14015	14025	14035	14045	14055	14065	14075	14085	14095	14105	14115	14125	14135	14145	14155	14165	14175	14185	14195	14205	14215	14225	14235	14245	14255	14265	14275	14285	14295	14305	14315	14325	14335	14345	14355	14365	14375	14385	14395	14405	14415	14425	14435	14445	14455	14465	14475	14485	14495	14505	14515	14525	14535	14545	14555	14565	14575	14585	14595	14605	14615	14625	14635	14645	14655	14665	14675	14685	14695	14705	14715	14725	14735	14745	14755	14765	14775	14785	14795	14805	14815	14825	14835	14845	14855	14865	14875	14885	14895	14905	14915	14925	14935	14945	14955	14965	14975	14985	14995	15005	15015	15025	15035	15045	15055	15065	15075	15085	15095	15105	15115	15125	15135	15145	15155	15165	15175	15185	15195	15205	15215	15225	15235	15245	15255	15265

● SW LARCH ST	97223
New Street-1979	
8000-8199 CT 306	9C.G15
● THOMAS BROS MAP LOC	655-F1
8050	NP
8080	Michael A Donovan .92* 244*1352
	Judith Downs .95 244*1352
	3 RESIDENCE

● NW LARIAT CT	97229
New Street-1984	
13506-13699 CT 315.07	9A.C.5
● THOMAS BROS MAP LOC	585-A2
13500	NP
13535	Michael Arthur 87 845-4767
13540	Kirkham Hay 81 850-9679
13580	NP
13585	Fred Graman 91 829-9125
13630	NP
13645	James Fox 90 845-8429
13690	Jan C Mosser 88 845-2842
13705	John Bengen 96 829-8177
	John Bengen 96 814-9156
13795	Daniel J Spangler 84 845-7711

SE LARK AVE		97267
15500-16099 CT 221.01		9B.D.5
● THOMAS BROS MAP LOC		657-F7
15511		NP
15516	Donald D Herndon	73 655-5393
15539	James Hostet	89 655-1780
15542	Ron Tarantino	87 656-0862
15566	Ralph Wilson	85 655-1523
15571	Raymond Ross	92 655-7257
15578	Mike Rockwell	96 656-0284
15628	Henry L Vredenburg	78 655-8062
15633	15665	NP
15696	Tom Workman	NP 655-4644
15729		
15730		NP
15782		NP
15767	Harold Chagnon	89 655-1885
15826	Bertha L Siner	70 656-3789
15831	R Vezan	82 656-8312
15809	15818 15927	NP
15855	Tom D Pacheco	89 655-1010
15996		NP
15968	Fritz Finner	78 656-9438
15969	Donald L Kynor	90 655-7343
15970	John W Cornell	87 655-7704
16018	Daniel H Glander	95 557-3191
16044	William E Violette	72 656-0208
16059	Chester E Larkin	74 655-4620
16060	G Larry Kasey	84 655-9340
28 RESIDENCE		

● SE LARK ST		97222
Midtown		
1986-2693 CT 212		9E.G18
● THOMAS BROS MAP LOC	656-J4	
	Dan W Bohatz	71 655-3594
1950	Reginald Pakar	83 653-7040
1952	M L Peterson	92 654-4710
2004	Robert Eichman	93 788-4777
2303	David L Freeland	82 659-3908
2310		NP
2311	G Foster	88 659-3467
2347	C R Lynch	NP
2405		92 653-0288
2412		
2424	M F Mularski	86 653-2874
2454		NP
2476		NP
2509	Dean O'Dell	95 654-9519
2512	R L Toole	94 659-5167
2535	Adam Moraw	95 654-8103
2540	Troy Humphrey	81 853-2291
	Maria Wymer	81 788-9922
2584	Jesse P Surface	78 653-1632
2611	Crng Mizell	94 788-8075

2625		NP	
2626	E Heber		.95 • 659-1104
	23	RESIDENCE	
● LARRABEE AVE N			97227
●	THOMAS BROS MAP LOC	585-F4	
●	HASSALO ST N		
●	CLACKAMAS ST N		
●	HALSEY ST N		
●	MC MILLAN ST N		
●	CHERRY ST N		
●	BROADWAY ST N		
●	KNOTT ST N		
●	RUSSELL ST N		
●	NO LISTINGS		

● NW LARSON RD			
14400-14500 CT 43		9D.B.5	
● RR12		97231	
14426	Earl G. Larson	84	286-1233
	* Larsons Moorage	84	286-1233
14444	Diane Larson	89	286-1233
	* Larsons Marine	91	286-1233
14555	Apartment		
	J Beckman	96	286-5895
	George Co	■	286-2122
	Dan McGill	■	735-8828
A12	Michael Poochka	96	735-0233

● LARSONS MOORAGE	97231
Also See 14425 Larson Rd NW	
● RR 1	97231

● SE LA RUE CT		97267	
16900-17099 CT 217		9B.D.6	
● THOMAS BROS MAP LOC		687-A1	
16951	Randy R Gourea	88	854-4718
16962	Charles Murphy	88	659-1854
	Charles Murphy	81	654-8317
17038	Donna B Walker	83	659-1385
17041	Gerald E Goddard	74	659-0502
6 RESIDENCE			

● SE LAUGARDIA WAY		\$7267
16900-16999 CT 218		9B.D.6
● THOMAS BROS MAP LOC		687-A1
16919	D Barry	85 854-3577
16920	James M Newton	85 653-8331
16920	Volta E Jorman	86 794-0768
16929	Lloyd L Garlock	78 853-2168
16930	18533	NP
16933	L B Dimsted	83 654-5979
16940	16945	NP
16950		NP
16955		NP
16958	G M Nail	88 653-0884
16959		NP
16962		NP
16964	Roy E Neelagh	87 854-0371
16985	Ivan Benz	90 855-5189
16986	Jack Dhuill	85 853-7419
16970	Russell Moody	87 794-3328
16975	Wayne Carstensen	86 854-8550
16976	Dennis Brynner	88 654-5607
16980		NP
16985	Robert Croner	85 654-0123
16986		NP
16990	Warren E Bacon	85 854-1909
16995	T A McKenzie	96 853-0786
25 RESIDENCE		

● SE LAURA AVE		97222
Milwaukee		
9900-10099 CT 216.81		9E.G19
● THOMAS BROS MAP LOC	657-B1	
6460	M Scott Lawson	81 774-5124
9948		NP
9950	Paul Reed	68 775-6142
10027	Tam Berg	81 788-5189
4	RESIDENCE	
● SE LAURA ST		97222
Milwaukee		
6300- 6500 CT 216.81		9E.G19
● THOMAS BROS MAP LOC	657-B1	
6305	S Van Atta	91 775-1396
6323	6370 6375 6420	NP
6421	Guy A Jennings	80 775-6111
6430	Craig H Dui	78 777-2882
6440	6441 6460	NP
6461	Roger Stewart	96 774-6113
6491		NP
6500	Kath Ramsey	93 771-3515
6520	Nick Wilkerson	96 775-3712
14	RESIDENCE	

● LAURELHURST CLINIC	97232
Also See 316 28th Ave NE	

● LAURELHURST MANOR	97232
Also See 1825 33rd Ave NE	

Also See 1025 33rd Ave NE	
● NE LAURELHURST PL	97232
1-4199 CT 19	9A.B18
4200-4399 CT 19	9A.B18
● THOMAS BROS MAP LOC	587-B5
11 Robert Wells	94 • 239-4368
32 Kevin Carcoran	94 • 233-0251
● 3588 COUCH ST NE	
107	NP
108 John W Kelly	85 • 232-8035
121	NP
132	NP
145 William A Fisher	75 • 234-7732
● 3580 DAVIS ST NE	
210 Elton L McCawley	57 • 232-5407
225	NP
● 3548 FLANDERS ST NE	
412 K R Ferguson	58 • 238-9827
415	NP
424 David M Barr	96 230-2718
427 David M Barr	96 230-1990
427 D Vanhoose	78 • 232-9252
434	NP

435	Peter Szambelan	67	235-5938
444		NP	•
445		NP	
454			
457	K Wells	89	233-8957
464	Newton H Moody	74	233-1402
467	R Scott Lathan	92	231-4670
	B A Woodrow	92	231-4670
● 3578	GILMAN ST NE		
503	515	NP	
515	G E Strenness	93	232-3322
525		NP	
530	Trant Williams	86	235-7784
535		NP	
547	Haig M Dunhaman	56	235-8939
602	Robert Osborn	94	238-5848
605	Kim Brattin	78	234-1343
	Robert Laskowski	81	234-1343
608		NP	
617	618 625	NP	
630	William Marcone	82	232-3237
633	T Gervin	92	231-0415
	C Larivee	88	231-0415
647	Harold E Cleveland	70	236-1518

15542	Ron Turelone	87	656-0862
15566	Ralph Wilson	69	655-1523
15571	Raymond Ross	92	655-7227
15628	Michael B. Rockwell	96	656-00754
15633	Henry L. Vredenburg	78	655-6062
15656	Dan Gordon	11	657-2999
15665	15729 15730	NP	
15762	Harold Chagnon	69	655-1665
15767	NP		
15800	SE HOOD ST INTS		
15826	Bertha L. Snor	70	656-3789
15831	R. Vazani	92	656-8312
15832	SE JEFFERSON ST INTS		
15909	Bruce Garrett	98	722-1459
15927	NP		
15932	Tom D. Pacheco	69	655-1010
15955	NP		
15956	Fritz Fvian	78	656-9438
15969	NP		
15970	John W. Cornell	87	655-7704
16018	Daniel H. Glander	95	657-3191
16044	William E. Violette	72	656-0208
16059	Chester E. Larkin	74	655-4620
16060	G. L. Kusaj	97	657-9340
	26 RESIDENCE		

SE LARK ST 97222

Milwaukee		
	1800- 2699 CT 212	SE. G18
● THOMAS BROS MAP LOC	656-J4	
	Dan W Behrke	71 655-3594
1950	Reginald Pekar	83 653-7040
1992		NP
2004	Robert Eichamer	93 786-4777
2303		NP
2310	Stephanie Yost	11 513-6452
2311	G Foster	88 659-3467
2347	2360 2405 2412	NP
2424	M F Mularski	86 653-2874
2454	2476	NP
— SE 25TH AVE INTS		
2509	Yoonisk Hong	659-6566
2512	R L Toole	94 659-5167
2535	Adam Morar	95 654-6103
2540	Jay Vanorman	11 659-3975
2584	Jessa P Surface	78 653-1632
— SE 26TH AVE INTS		
2611	Craig Miguel	94 786-8075
2625		NP
2626	James E Gibson	98 513-0287
	22 RESIDENCE	

NW LARSON RD 97231

14426	Earl G. Larson	84	286-1233
14444	Larsons Moorage	84	286-1233
14455	Duane Larson	89	286-1223
	Larsons Marina	91	286-1223
	J. Beckman	96	286-5695
	George G.	98	286-2122
	Dan McGil	97	735-9828
	Michael Popschke	96	735-0233
	Brad Popovich	98	285-6271
	Mack C. Wiebe	98	289-6378
	Kenneth R. Wilson	98	240-6942
14585	Allen Peck	2	286-3441
	10 RESIDENCE		

LARSONS MOORAGE

Also See 14426 Larson Rd NW

SE LA RUE CT 97267

● SE LA RUE CT		97267
16900-17099 CT 217		SE.D 6
● THOMAS BROS MAP LOC		687-A1
16951		NP
16962	Charles Murphy	.97 654-8317
	Charles Murphy	.86 659-1854
17036	Donna B Walker	.83 659-1365
17041	Gerald E Goddard	.74 659-0502

SE LAUGARDIA WAY 97267

16900-16999 CT 218		\$8.0 D.
● THOMAS BROS MAP LOC 687-B1		
	O Berry	85 654-3577
16919	James M Newton	85 653-8331
16920		NP
16929	Lloyd L Garlock	78 • 653-2166
16930	16933 16939	NP
16940		NP
16945	Bulmaro Mendoza	II • 653-2265
16950	Ed Frias	II • 794-9476
16955		NP
16958	G M Nail	88 659-0884
16959	16962	NP
16964	Roy E Nealeigh	87 654-0371
16965	Ivan Benz	90 659-5189
16969	Jack O'Neill	85 653-7419
16970		NP
16975	Ilgis Cornelien	86 654-8550
16976	Dennis Bywater	88 654-5507
16980	Keith Gungley	98 • 659-0702
16985	Robert Cromer	97 • 654-0123
16986		NP
16990	Warren E Bacon	85 654-1909
16995		NP
25 RESIDENCE		

SE LAURA AVE 97222

Milwaukee			
9900-10099 CT 216.01		\$E.G19	
● THOMAS BROS MAP LOC		657-D1	
9948		NP	
9950	Paul Reed	68	775-06142
10027	Tami Berg	97	788-5189
10051	Bob G Krawson	-	775-5074
4 RESIDENCE			

6430	Craig H. Dial	78	777-2882
6440	Eric D. Evans	NP	771-8244
6441	6460	NP	
6461	Roger Stewart	96	774-6113
6491	6500	NP	
6520	Nick Wilkinson	96	775-3712
	14 RESIDENCE		

LAURELHURST CLINIC 97232

Also See 316 28th Ave NE

LAURELHURST MANOR 97232

Also See 1025 33rd Ave NE

NE LAURELHURST PL 97232

	1- 4199 CT 19	SA. D18
	4200- 4399 CT 19	SA. D18
● THOMAS BROS MAP LOC 597-B5		
11	Robert Wells	94 • 239-4368
32	Kevin Corcoran	94 • 233-0251
107		NP
108	John W Kelly	65 • 232 • 8035
121	Greg Andrews	98 • 236-0829
132		NP
145	William A Fisher	75 • 234 • 7732
210	Elton L McCawley	57 • 231-7011
225		NP
412	K R Ferguson	56 • 236-9827
415		NP
424	David M Barr	96 • 230-1990
427	David M Barr	96 • 230-2718
434	D Vanikiotis	76 • 232-9252
435		NP
444	Peter Szambelen	67 • 235-5936
445	445 454	NP
457	K Wells	89 • 233-8957
464	Newton H Moody	74 • 233 • 1402
467	R S Latham	92 • 231-4670
	B A Woodrow	92 • 231-4670
503	T Plund	11 • 233-4246
515		NP
520	G E Struiness	93 • 232 • 03322
525		NP
530	Trent Williams	66 • 235 • 7784
535		NP
547	Haig M Dinihanian	56 • 235-6939
602	Robert Osburn	94 • 236 • 0548
605	Kas Bratton	78 • 234 • 1343
	Robert Laskowski	97 • 234 • 1343
608	Don J Hendrickson	- • 236 • 3869
	Carole L Souvarin	- • 236-3869
617	618 625	NP
630	William Marcoule	82 • 232-3237
633	T Gatten	92 • 231-0415
	C Larvee	89 • 231-0415
647	Harold E Cleveland	70 • 236-1518
715		NP
720	Peter Lax	86 • 235 • 03255
725		NP
728	John A Maass	81 • 231-0614
735		NP
736	Joan Strassmaier	81 • 236-1094
745	750 755	NP
760	R B McCormach	83 • 236-0927
763	Richard A Poole	97 • 231-0637
770		NP
775	Richard H Boos	82 • 232 • 02714
780		NP
785	Mark Wunder	93 • 238-0489
792	R K Williamson	66 • 236-7103
803	Tomika Dew	91 • 232 • 04235
	Paul Thamm	91 • 232-4235
806	Dennis C Beauchamp	93 • 232-3766
815	David Soine	79 • 235-1763
818	825 832	NP
835	S Phourides	11 • 232 • 06917
836		NP
843	L Griswold	95 • 236-3083
846		NP
855	J Hester	98 • 233-2592
860	Harold C Radtke	57 • 235-0080
867		NP
875	Robert H Carter	58 • 235-7480
880	885	NP
893	John Irons	11 • 232-6418
3905	3914 3915 3924	NP
3925	Scott D Kornegay	98 • 238 • 0053
3935	James C Leineweber	71 • 233-2600
3936	Tom Bauer	11 • 235-3439
4005	Colleen Russell	91 • 238 • 0319
4014	J Lebeck	69 • 234-2184
4015	4024	NP
4025	M K Faice	91 • 235-2037
4032	Bary D Hornstein	72 • 236-1354
4035	Laurel Larson	81 • 232-2992
4104		NP
4114	Leonard H Taylor	87 • 234-0304
4115	Ross T Mc Carly	86 • 232-7888
4125	Lee Winer	88 • 233-1524
4135	Ted Hagenbucher	77 • 238-0404
97213		
4209	Richard L Price	76 • 236-7825
4217	William W Clark	74 • 233-7312
4229	Richard Grant	92 • 235-9483
4241	J Cushing	96 • 234-3906
4251	Kenneth Aird	98 • 235-5459
4257	Gordon Zerk	79 • 232-08659
4281	J C Simonsen	60 • 234-02698
4287	J E Ford	56 • 236-7185
4297		NP
4301	Warren Johnson	95 • 239-00882
4304	Thomas S Healy	64 • 236-4036
4307	4315 4324	NP
4325	T R Throckmorton	72 • 233-07230
4334	4335	NP
113 RESIDENCE		

SE LAURELHURST PL 97214

New Street-1985.

1-99 CT 19	SA. D18
● THOMAS BROS MAP LOC	597-B5
35 Keith Klatt	97 736-9020
Keith Klatt	96 • 233-4406
2 RESIDENCE	

8527	William Roper	97	292-7678
8528	Michael R. Kearns	98	292-8565
8529	M. A. Miller	98	297-03752
8531	K. S. Shaver	85	292-2353
8533	NP		
8535	Kenneth E. Ross	87	292-3807
8537	Diane C. Stanhope	86	292-9302
8539	Hildegard A. Eland	90	292-9645
8541	8543 8545	NP	
8547	Jean C. Manning	94	292-7429
8549	NP		
8550	C. Langrell	NP	292-2468
8590	NP		
8605	George A. Brown	80	292-8119
8620	Melissa M. Zetter	77	297-3930
8635	Vera Parker	92	297-05266
8650	NP		
8665	Rev Jack P. Hansen	79	297-1272
8695	NP		
8710	M. Morris	85	292-4124
	27 RESIDENCE		

SW LAUREL LEAF TER 97225

8800- 8999 CT 304.01		SA. F14
● THOMAS BROS MAP LOC 625-F4		
8850	William F Schedler	97 • 292 • 2075
8890	Thomas Moegher	98 • 292 • 3087
8895	Philip Gladstein	97 • 292 • 5489
8930	Paul C Wilkins	98 • 292 • 5449
8935	Diane K Ruff	96 • 291 - 9310
5 RESIDENCE		

SE LAUREL ST 97267

Midweek			
2400-	2899	CT 213	SC. D 6
5700-	6099	CT 210	SD. F19
● THOMAS BROS MAP LOC		656-J6	
● THOMAS BROS MAP LOC		657-D1	
2420	Floyd R Edgington	93	654-4231
	Dave Woodford	97	654-4231
2428	W H Reeves	91	786-9652
2432		NP	
2436	Shayan M Trigwell		353-8690
2440	Susan Hannum	11	653-8284
	Susan Hannum	11	653-8637
2452	J Habacker	-	652-8940
2495	2497	NP	
SE LINDEN LN INTS			
2499	Richard Arends	11	654-4946
2519	Mark Hoellner	11	794-0998
SE WOODLAND WAY INTS			
2601	2604	NP	
2606	K Henderson	11	794-1750
2608	Charles F Staffon	86	654-4131
2609		NP	
2613	William P Dietz	91	654-9849
2614		NP	
2616	Leroy Olsen	75	659-3340
2621	2624 2707	NP	
2711	Scott Foster	97	653-4170
	Kyle Jones	11	652-2295
2801	Bryce Jackson	97	786-6843
2872	Fred Gordon	-	786-4094
2898	Ann Gregory	98	786-2571

SE STANLEY AVE INTS 97222

SE HOLLYWOOD AVE INTS			
5808	B. J. Skinner	78	654-7131
5812	5815	NP	
5920	James McGavran	95	652-9485
5921	Joseph Apodaca	96	659-4818
6001	6004	NP	
6005	C. A. Grimes	87	653-1721
	36 RESIDENCE		

SW LAUREL ST 97201

1600- 2199 CT	46.02	SA.D16
7500- 8299 CT 303		SA.E15
● THOMAS BROS MAP LOC	596-07	
● THOMAS BROS MAP LOC	625-G3	
1611 Margaret Emry	93	227-6053
1616 1618	NP	
SW 17TH AVE INTS		
SW 18TH AVE INTS		
1808 Robert H McCall	72	228+5600
1830 David W Nelson Jr.	97	227+2260
1833 Joel B Kruuse	71	223+1833
SW 19TH AVE INTS		
1909 Jay Chock	97	221-1583
SW VISTA AVE INTS		
1928 Apartments		
Liz Appel	II	827-5459
4 F Leonhardt	97	242-5753
6 Lisa Undeken	II	226-7858
1 S McStromming	94	241-6579
J C Mioder	II	827-5458
Deborah Smith	93	241-7929
Deborah D Smith	98	241-0856
SW 21ST AVE INTS		
2108 Roscoe C Nelson Jr.	75	227+1859
2124* Quintan E Reaktor	II	228+5625
2135 Thomas Vaughan	73	223+3492
2142 Kevin G Kidd	92	223+4579
2151 2156 2161	NP	

SE LA PAZ ST

7451	Dart Kaiser	99	503-723-0246
7454	7473	NP	
7476	C Matthews	11	503-650-0549
	Clint Matthews	83	503-656-4231
7491	B L Rouds	86	503-655-4537
7494	G L Robinson	97	503-656-7363
10	RESIDENCE		

NW LAPINE ST 97229

18000-18999 CT 315.84	\$A,B 4
* THOMAS BROS MAP LOC	684-E7
18625 Larry Beard	81 503-645-8884
18655 Robert Weaver	97 503-614-8570
18685 18715 18745	NP
18775	NP
18780 M A Tufts	75 503-645-6035
18805 John R Poir	72 503-645-2035
18810 18835	NP
18870 R L Perkins	92 503-690-3191
18895	NP
= NW 190TH AVE INT	
18900 John Signat	83 503-645-04064
18925 Roger Sandquist	81 503-645-09344
18950 18955	NP
16 RESIDENCE	

NW LAPINE WAY 97229

20500-20999 CT 315.84		S.A.B 4	
● THOMAS BROS MAP LOC		684-C7	
20544			NP
20546	Nitch Kink	99	503-690-2583
20548	John Amridge		503-617-0447
20552			NP
20554	Black Ck Duplessis	82	503-646-9127
20560	20562		NP
20563	Wendy Roberts	99	503-439-8203
20565	Brett Becker	98	503-531-0643
20572	20574 20577		NP
20579	20586 20589		NP
20591	Brad Granier		503-690-4455
20593	Roger Smith	99	503-690-0220
20596	20600 20602		NP
20605	20607 20619		NP
20621	20633		NP
20635	Larry Hanson	97	503-690-2167
20647	20649 20658		NP
20660			NP
20661	Jeremy Shinder	11	503-614-9273
20663	Michael Whelan	99	503-690-8474
20675	20677 20689		NP
20691	20703		NP
20705	W A Crowder	96	503-614-8026
20717			NP
20719	Robert A Godfrey		503-531-9599
20728	Shawn Turpin	99	503-531-3634
20730	20731 20733		NP
20742			NP
20744	Lisa Carney		503-533-2098
20747	D Connor	11	503-439-9787
20745	20747		NP
20756	Robt J Bechtold Jr	92	503-690-0153
20758	Joseph Wykowski	99	503-645-5631
20759			NP
20761	Treci Ryan	99	503-614-0143
20770	20772 20773		NP
20775	20784 20786		NP
20787	Gary Tingley	96	503-690-9096
20789	20792 20794		NP
20800	20801 20802		NP
20803			NP
20808	Brian Sims	11	503-533-8354
20810	David Shipp	99	503-533-5125
20814	20815		NP
20816	Scott Oshauer	11	503-645-9451
20817	20818		NP
20831	Marshall King	11	503-690-9609
20843			NP
20845	Russ Monave		503-439-1387
20857	20859		NP
20864	Scott R McDonald	11	503-614-8177
20868	Mark Wolfe	89	503-645-6430
20871	Patrick L Morgan	84	503-645-09253
20872	20873		NP
20874	Gene Flowers	99	503-617-7676
20884			NP
20885	Mark Fryer	99	503-439-8142
20888			NP
20887	Sandra Saxon	11	503-533-4559
88	RESIDENCE	1	BUSINESS

SW LARA ST 97223

New Street-1973.			
7100- 7999 CT		306.82	\$B,F15
* THOMAS BROS MAP LOC		625-E7	
7190	George P Saunders	90	503-246-2297
7195	J Patterson	83	503-293-0277
7226	Scott Clancy	97	503-248-01820
7225	Scott Fairbairn	95	503-452-1057
7254	H D Walter	75	503-246-8446
★ Business Focus			
		98	503-246-8446
7288	Theresa V Sak	78	503-246-8584
7310	James V Sak	85	503-293-5852
7325	Clayton Harris	84	503-245-1562
7340	7355	NP	
7370	Dick Gray	75	503-246-4588
7385	Mark Cliff	95	503-452-8632
- SW 74TH AVE INTS			
7400	7430 7435	NP	
7465	David Ingram	95	503-452-7317
7495	Lynn Klodian	11	503-245-2067
- SW 75TH AVE INTS			
7525	7555	NP	
7580	Hedy Black	95	503-245-5452
7585	G Orlovich	96	503-244-0803
7596		NP	
7615	Stuart Sherlock	98	503-293-3488
7620	E W Cody	81	503-452-0508
24	RESIDENCE		1 BUSINESS

SE LARCH AVE 97214

1951	Dakon Fox		503-963-9018
1958		NP	
1960	Dennis Olpin	99	503-232-5773
	Century Breakfast	99	503-232-6948
	Olpin Dennis & Col	99	503-232-6773
2009	Nancy Welsh	98	503-230-2085
2015	Mark C Trowbridge	11	503-235-1245
2018	Otto Eichman	64	503-232-5619
2021		NP	
2026	Roger Wirt	99	503-736-9758
2027	2029 2030 2036	NP	
2037	S Berninghoff	91	503-238-7122
2100	R May		503-234-8783
2101	2111 2119 2129	NP	
28	RESIDENCE		2 BUSINESS

SW LARCH ST 97223

New Street-1973.	8000-8199 CT 306	\$C.G15
● THOMAS BROS MAP LOC	655-F1	
8050		NP
8080	Michael A Donovan	92 • 503-244-1352
	Judith Downs	95 503-244-1352
8100	Juan Villegas	• 503-244-6182
4	RESIDENCE	

NW LARIAT CT 97229

New Street-1984	13500-13899 CT 315.87	\$A,C 5
● THOMAS BROS MAP LOC	696-A2	
13500		NP
13535	Michael Arthur	87 503-645-4767
13540	Kircham Hay	87 503-690-9679
13580		NP
13585	Fred Granum	91 503-629-9125
13630		NP
13645	James Fee	90 503-645-8429
13690	Jan C Mosser	88 503-645-2842
13705	John Bingen	96 503-614-8756
13795	David J Spangler	84 503-645-07711
16	RESIDENCE	

SE LARK AVE 97267

15500-16999 CT 221.01		\$B,D 6
● THOMAS BROS MAP LOC		657-F7
15511		NP
15518	Donald D Herndon	73 503-655-5393
15539	James Hosak	89 503-655-1780
15542	Ron Turntine	87 503-656-0862
15566	Ralph Wilson	69 503-655-1523
15571	Raymond Ross	82 503-655-7257
15588	Michael B Rockwell	96 503-656-00754
15633	Henry L Vredenburg	78 503-655-8062
15656	Dan Gordon	99 503-557-2999
15665		NP
- SE HOOB ST INTS		
15826	Bertha L Siner	.70 503-656-3789
15831	R Vezani	92 503-656-8312
- SE JEFFERSON ST INTS		
15909		NP
15916	Bruce Garrett	98 503-722-1459
15927		NP
15932	Tom D Pacheco	89 503-655-1010
15955		NP
15956	Fritz Fvian	78 503-656-9438
15969		NP
15970	John W Cornall	87 503-655-7704
16018	Daniel H Glander	95 503-557-3191
16044	William E Violette	72 503-656-0208
16059	Chester E Larkin	74 503-655-4820
16060	G L Kusaj	97 503-657-9340
24 RESIDENCE		

SE LARK ST 97222

Affordable			
1800- 2099 CT 212			\$E,G18
* THOMAS BROS MAP LOC 656-J4			
1950	Dan W Behrke	71	503-655-3594
1992	Reginald Parker	83	503-653-7040
2004	Robert Echemer	83	503-786-4777
= SE RIVER RD INTS			
2303			
2310	Henry Villa	11	503-353-0991
2311	G Foster	88	503-659-3467
2347	2380 2405 2412		
2424	M F Mutarski	86	503-653-2874
2454	2478		NP
= SE 25TH AVE INTS			
2503	Yoonak Hong	99	503-659-8566
2512	R L Toole	94	503-659-5167
2535			NP
2540	Jay Vanorman	99	503-659-3975
2584	Jesse P Surface	78	503-653-1632
= SE 26TH AVE INTS			
2611	Craig Miguel	94	503-786-8075
2625			NP
2626	James E Gibson	98	503-513-0287
22 RESIDENCE			

NW LARSON RD 97231

	RLR12		97231
	14400-14599 CT	43	\$D,B 5
14426	Earl G Larson	84	503-286-1233
	* Larson Mortgage	94	503-286-1233
14444	Darius Larson	89	503-286-1223
	* Larson Marlin	91	503-286-1223
14555	J Beckman	98	503-286-5695
	George Go	98	503-286-2122
	Brad Popovich	98	503-285-6271
	Meck C Webe	98	503-289-6378
	Kenneth R Wilson	98	503-248-6942
14571	Michael Poochick		503-735-02233
14573	Orin Lerner	11	503-247-2988

SE LA RUE CT 97267

16900-17899 CT 217			\$B,D 6
● THOMAS BROS MAP LOC			687-A1
16951			NP
16962	Charles Murphy	97	503-654-8317
	Charles Murphy	86	503-659-1854
17036	Dorina B Walker	83	503-659-1365
17041	Gerald E Goddard	74	503-659-0502
5 RESIDENCE			

SE LAUGARDIA WAY 97267

16900-16999 CT 218		\$B,D 6	
● THOMAS BROS MAP LOC 687-B1			
	O Berry	85	503-654-3577
16919	James M Newton	85	503-653-8331
16920		NP	
16929	Lloyd L Garlock	78	503-653-2186
16930	16933 16939	NP	
16940		NP	
16945	Bulmaro Mendoza	99	503-653-2265
16950	Ed Frias	99	503-794-9476
16955		NP	
16958	G M Nail	88	503-659-0884
16959		NP	
16964	Roy E Nealeigh	87	503-654-0371
16965	Ivan Barz	90	503-659-0518
16969	Jack O'Neill	85	503-653-7419
16970		NP	
16975	Igin Cornelsen	86	503-654-8550
16976	Dennis Bywater	88	503-654-5567
16980	Keith Oakley	98	503-659-0702
16985	Robert Croner	97	503-654-0123
16988		NP	
16990	Warren E Bacon	85	503-654-1909
16995		NP	
25 RESIDENCE			

SE LAURA AVE 97222

Miscellaneous			
9900-10000 CT 216.01		\$E.G19	
● THOMAS BROS MAP LOC		657-B1	
9948		NP	
9950	Paul Reed	.88	503-775-06142
10027	Steve Berg	.97	503-788-5189
10051	Bob G Krawson	.99	503-775-5074
4	RESIDENCE		

SE LAURA ST 97222

Miscellaneous			\$E,G19
6300- 6599 CT 216.01			
6305	Luther Dowick	99	503-777-1705
6323	6370 6375 6420	NP	
6421		NP	
6430	Craig H Dial	78	503-777-2882
6440	Eric D Evans	99	503-771-8244
6441		NP	
6460	N Traver	-	503-774-6368
6461	Roger Stewart	96	503-774-6113
6491	6500	NP	
6508	Michelle Walker	-	503-788-5262
6520	Nick Wilkinson	96	503-775-3712
15 RESIDENCE			

LAURELHURST CLINIC 97232

Also See 316 28th Ave NE

LAURELHURST MANOR 97232

Also See 1825 33rd Ave NE

NE LAURELHURST PL 97232

1-4198 CT 19	\$A,D18
4290-4398 CT 19	\$A,D18
● THOMAS BROS MAP LOC	697-B6
11 Robert Wells	94 503-239-4368
32 Kevin Corcoran	94 503-233-0251
107	NP
108 B Bolton	503-234-3477
121 Greg Andrews	98 503-236-0829
132	NP
145 William A Fisher	75 503-234-7732
412 K R Ferguson	56 503-236-9827
415	NP
424 David M Barr	96 503-230-1990
David M Barr	96 503-230-2718
427 D Veniotto	76 503-232-9252
434	NP
435 Peter Scambelen	67 503-235-5386
444	NP
457 K Wells	89 503-233-8957
464 Newton H Moody	74 503-233-0102
467 R S Latham	92 503-231-4670
A B Woodrow	92 503-231-4670
503 T Phund	98 503-233-4248
515	NP
520 G E Strussness	93 503-232-9322
528 Anthony J Asquith	91 503-239-5641
Anthony J Asquith	503-239-5505
530 Carole Williams	86 503-235-7784
535	NP
547 Haig M Dinihanian	56 503-235-6839
549 Robert Osburn	94 503-238-0598
602 Kas Brattin	78 503-234-0134
Robert Lastowski	97 503-234-1343
608 Don J Hendrickson	99 503-238-3889
Carole L Souvenir	99 503-238-3889
617 BLS 625	NP
630 William Marcotte	82 503-232-3237
633 T Getton	92 503-231-0415
C Larivee	89 503-231-0415
647 Harold E Cleveland	70 503-236-1518
715	NP
720 Peter Lux	86 503-235-0325
725	NP
728 John A Meess	81 503-231-0814
735	NP
738 Joan Strassmeier	81 503-236-1094
745 750 755	NP
760 R B McCommach	83 503-236-0927

SW LARA ST	97223
7225 Scott Fairbairn	95 • 503-452-1037
7250 H D Walter	75 • 503-246-9446
★ Business Focus	95 • 503-246-9446
Dharan Yadav	76 • 503-246-9584
7280 Casey Harris	84 • 503-245-1568
7340 7355	NP
7370 Dick Grow	75 • 503-246-4094
7385 Mark Clift	95 • 503-452-8632
SW 74TH AVE INTS	
7400 7430 7435	NP
7465 David Ingram	95 • 503-452-7317
7495 Lynn Kirkison	00 • 503-245-2067
SW 75TH AVE INTS	
7525 7555	NP
7560 Hedy Beck	95 • 503-245-5452
7585 G Orehovec	86 • 503-244-0803
7590	NP
7615 Stuart Sherlock	98 • 503-293-3488
7620 W E Cody	91 • 503-452-0506
24 RESIDENCE	1 BUSINESS

SE LARCH AVE 97214

1900-2199 CT 11.02	SE.E17
THOMAS BROS MAP LOC	1906-W7
1905 Charles B Wiggins	00 • 503-230-8844
1913 1925	NP
1931 Priscilla Burns	95 • 503-236-2556
1939 Robert H Thomson	95 • 503-234-4605
1942 M Sullivan	97 • 503-233-00750
1950 Joseph H Akai	95 • 503-235-8097
1951 Christine G Fox	73 • 503-236-1666
Dalton Fox	00 • 503-963-9018
1959	NP
1960 Dennis Olpin	99 • 503-232-5773
★ Century Breakfast	99 • 503-235-8846
Nancy Walsch	98 • 503-230-2065
2009 Mark C Trowbridge	00 • 503-235-1245
2016 Kali E Blomstrom	95 • 503-232-2662
2021	NP
2028 Roger Witt	99 • 503-736-9758
2027	NP
2030 Mandy Stacey	95 • 503-872-8834
2036	NP
2037 S Benninghoff	91 • 503-238-7122
SE HARRISON ST INTS	
2100 R May	00 • 503-234-8783
2101 2111 2119 2129	NP
26 RESIDENCE	1 BUSINESS

SW LARCH ST 97223

New Street-1979		8000-8199 CT 306	SC.G15
● THOMAS BROS MAP LOC		955-F1	
8050	Eileen L Webb	II	503-452-7941
	Richard Webb-Rapp	II	503-452-7941
8080	Michael A Donovan	92	503-244-1352
	Judith Downs	.95	503-244-1352
= SW 80TH AVE INTS			
4 RESIDENCE			

NW LARIAT CT 97225

New	Street-1984		
	13500-13899	CT 315.07	SA.C 5
●	THOMAS BROS MAP LOC	595-A2	
13500		NP	
13535	Michael Arthur	87 • 503-645-4767	
13540	Kirkham Hay	97 • 503-690-9679	
13580		NP	
13585	Fred Granum	91 • 503-629-9125	
13630		NP	
13645	James Fee	90 • 503-645-8429	
13690	Jan C Mosser	88 • 503-645-2842	
13705		NP	
13795	David J Spangler	84 • 503-645-07711	
	10 RESIDENCE		

SE LARK AVE 97267

15500-16099 CT 221.01	SB.D 6
THOMAS BROS MAP LOC	657-F7
15511	NP
15516 Donald D Herndon	73 • 503-655-5393
15539 James Hosak	69 • 503-655-1780
15542 Ron Turantone	87 • 503-656-0862
15566 Ralph Wilson	69 • 503-655-1523
15571 Raymond Ross	92 • 503-655-7257
15628 Michael B Rockwell	96 • 503-656-00754
15633 Henry L Vredenburg	78 • 503-655-6062
15658 15665 15762	NP
SE HOOD ST INTS	
15826 Bertha L Siner	70 • 503-656-3789
15831 R Vazani	92 • 503-656-8312
SE JEFFERSON ST INTS	
15809	NP
15816 Bruce Garrett	98 • 503-722-1459
15927	NP
15932 Tom D Pacheco	69 • 503-655-1010
15955 15956 15968	NP
15970 John W Cornell	87 • 503-655-7704
16018 Darrel H Glander	95 • 503-557-3191
16044 David Collier	92 • 503-656-0208
William E Violetto	72 • 503-656-0208
16059 Chester E Larkin	74 • 503-655-4820
16060	NP
26 RESIDENCE	

SE LARK ST 97222

1800-2699 CT 212	SE.G18
THOMAS BROS MAP LOC	656-J4
Dan W Beltrike	71 • 503-655-3594
1892 Reginald Parker	83 • 503-653-7040
1904 Robert Schermer	93 • 503-786-4777
SE RIVER RD INTS	
2303 2310	NP
2311 G Foster	88 • 503-659-3467
2347 Fred Warrick	92 • 503-652-0979
2360 2405 2412	NP
2424 M F Mularski	86 • 503-653-2874
2454 2476	NP
SE 25TH AVE INTS	
2509 Yoonask Hong	99 • 503-659-6566
2512 2535	NP
2548 Apartments	95 • 503-786-2146
2549 S Martin	NP
SE 26TH AVE INTS	
2611 Craig Miguel	94 • 503-786-8075

2625 2626 NP

22 RESIDENCE

NW LARSON RD

RR12	14400-14599 CT 71	97321
		\$B.B 5
14426	Earl G Larson	84 • 503-286-1233
★	Larson Earl G	95 • 503-286-1233
★	Larson's Moorage	84 • 503-286-1233
14444	Duane Larson	89 • 503-286-1222
★	Larson's Moorage	91 • 503-286-1222
★	Larson's Moorage	92 • 503-286-1222
14555	J Beckman	96 503-286-5699
	Brad Popovich	98 503-285-6271
	Mack C Wiele	98 503-289-6376
14559	Bob MacKenzie	95 503-283-8771
★	MacKenzie Bob	95 503-283-8771
14567	Fransje	91 503-283-8771
14571	Michael Pouschke	95 503-286-0623
	Reagan Pouschke	00 503-735-0733
14575	Apertments	
11	Craig Langer	00 503-247-2988
14578	Detl Meitz	95 503-285-4475
14579		NP
14585	Dennis L Bailey	95 503-286-0251
	Allen Prack	99 503-286-3441
13.	RESIDENCE	8 BUSINESS

20866	Eric L. Ausling	87	503-645-3505
20868	Mark D Wolfe	87	503-645-6430
	Shari A Wolfe	87	503-645-6430
20871	Patrick L Magee	94	503-645-09253
20872	Jeffrey L Fendrey	00	NP
	Michelle R Fendrey	00	NP
20873		NP	NP
20874	Gene E Flowers	98	NP
	Linda W Flowers	98	NP
20884	Rex Fairburn	00	503-372-09106
	Vivian T Fairburn	00	503-372-09105
20885	Tina N Thurman	00	NP
	William D Thurman	00	NP
20886	Apartments		
	Patricia M McNish	00	NP
20887	Grant E Blenshan	97	NP
103	RESIDENCE	1	BUSINESS

SW LARA ST 97223

	7106-7699 CT	305.02	\$B..
7190	George P Saunders	88 • 503-246-2297	
	Jane Saunders	88 • 503-246-2297	
7195	Joy C Patterson	90 • 503-293-0277	
— SW	733D AVE INTS		
7220	Colleen L Kelly	.99 • NP	
7225		NP	
7250	Henry D Walter	.83 • 503-246-9446	
	Sharon L Walter	.83 • 503-246-9446	
	* Business Focus	503-246-9446	
7280	Aruna Yadav	.74 • 503-246-9584	
	Dharani A Yadav	.74 • 503-246-9584	
7310		NP	
7325	Andi D Shaver	.99 • NP	
7340	Lacey Thomas	.96 • NP	
7355	Sherry K Shaw	.94 • NP	
7370	Richard C Grow	.73 • 503-246-4094	
	Sharon K Grow	.73 • 503-246-4094	
7385	Mark A Clift	.93 • 503-452-8632	
— SW	757N AVE INTS		
7400	Denise D Gorfant	.94 • NP	
	Beau J Rosen	.94 • NP	0
	Deanne L Schaak	.88 • NP	
7485	* Ingram Contracting	503-452-7317	
	Lynn M Kittelson	.86 • 503-245-2057	
	Lynn M Plattman	.86 • 503-245-2067	
7525	Judith L Davis	.95 • NP	0
7555	Cory R Cochran	.91 • NP	0
7560	Robert M Reed	.94 • 503-245-8248	
7585	Billie F Drshovec	.86 • 503-244-0803	
	Gary J Drshovec	.86 • 503-244-0803	
7590	Richard A Bosch	.80 • NP	
7615	Rebecca L Sherlock	.96 • 503-293-3488	
	Stuart W Sherlock	.96 • 503-293-3488	
7620	Eldon W Coody	.91 • 503-452-0506	
	30 RESIDENCE	2 BUSINESS	

SE LARCH AVE 97214

1900-2195 CT 11.02		\$E..
- SE MULBERRY AVE INTS		
1905	Donna L Silverberg	99 • NP
1913	Lisa O Okane	99 • NP
1925	Lilley Moy	98 • NP
1931	Lois J Burns	97 • 503-236-2556
	Priscilla J Burns	97 • 503-236-2556
1939	Robert H Thomson	00 • 503-235-4605
	Robert H Thomson	00 • 503-236-9542
1942	Jan Mieszkowski	+ • NP
1950	Akka Voss	02 • NP
1951	Christine G Fox	50 • 503-963-9018
	Dakota D Fox	50 • 503-236-1666
1959		NP
1960	Dennis Ojan	94 • 503-232-5773
	* Century Breakfast	503-235-6846
2009	Robin E Lee	02 • NP 0
2015	Caren M Trowbridge	99 • 503-235-1245
	Mark C Trowbridge	99 • 503-235-1245
2016	Kali E Blomstrom	00 • 503-222-2662
2021	Ami E Mok	93 • NP
2026	Roger A Wirt	98 • 503-736-9758
2027	J P Byrne	97 • NP
2029		NP
2030	Mandy Stacey	00 • 503-872-0834
2036	Edith C Young	86 • NP
2037	S J Benninghoff	89 • 503-238-7122
- SE HARRISON INTS		
2103	Robert S May	98 • 503-234-8783
2101	Lester E Seto	63 • 503-236-6362
	Wesley E Seto	63 • 503-236-6362
2110	Dengbe S Tobiga	97 • 503-236-8910
	Rosemary A Tobiga	97 • 503-236-8910
2111	Henry L Wong	94 • NP
2119	Michael R Snedaker	97 • NP 0
2129	Dawn E Seymour	95 • NP
32 RESIDENCE		1 BUSINESS

SW LARCH ST 97223

	8900- 8199 CT 306	\$C..
8050	Eileen L Webb	94 • 503-452-7941
	Richard A Webb	94 • 503-452-7941
8080	Michael A Donovan	90 • 503-244-1352
	Judith M Downs	90 • 503-244-1352
- SW BOTH AVE INTS		
8100	Carmen C Villegas	93 • 503-244-6182
	Juan E Villegas	93 • 503-244-6182
8120		NP
8148*	Tailoring By Ginny	503-246-1655
8160		NP
8	RESIDENCE	1 BUSINESS

NW LARIAT CT 97229

13500-13899 CT 315.07	\$A..
13500	John W McDonald 96 • NP
13535	Clare M Arthur 86 • 503-645-4767
	Michael E Arthur 86 • 503-645-4767
13540	Kirkham E Hay 89 • 503-690-9679
	Patricia N Hay 89 • 503-690-9679
13580	Kathryn A Calvert 94 • NP
13585	Fred M Granum 90 • 503-629-9125
	Patricia H Granum 90 • 503-629-9125
13630	L E Vandeningham 93 • NP
13645	Arnela S Foe 89 • 503-645-8429

13795	David J Spangler 82 • 503-645-07711
	Susan Spangler 82 • 503-645-07711
20	RESIDENCE

SE LARK AVE 97267

15500-16099 CT 221.01	\$B..
15511	C L Kirkendall 98 • NP
15516	Donald W Hemdon 72 • 503-655-5393
	Sharon R Hemdon 72 • 503-655-5393
15539	Betty E Hosak 68 • 503-655-1780
	James F Hosak 68 • 503-655-1780
15542	Amy L Turentine 94 • 503-656-0862
	Ronald L Turentine 94 • 503-656-0862
	* TNT Electric 503-656-8862
15566	Maxine F Wilson 68 • 503-655-1523
	Ralph Wilson 68 • 503-655-1523
15571	Brandy C Ross 91 • 503-655-7257
	Raymond A Ross 91 • 503-655-7257

SE HOOD ST INTS 97267

15633	Doris J Vredenburg	77	503-655-6062
15656	Mark C Poulsen	96	NP
15665	Jeff E Gobler	93	NP
15729	Jay D Arant	96	NP
15730	Verita L Rhoades	99	NP
15762	Cassandra L Hunt	02	NP
15767	Sherry L Gore	99	NP
15826	Joseph B Onnes	98	NP
15831	Cheryl L Vazzani	91	503-656-8312
	Richard B Vazzani	91	503-656-8312
15909	Judith A Lewis	93	NP
15916	Bruce R Garrett	96	503-722-1459
	Laura S Garrett	96	503-722-1459
15927	Michael L Hurdle	96	503-656-3972
	Tammela R Hurdle	96	503-656-3972
15932	Gerry J Pacheco	68	503-655-1010
	Tom G Pacheco	68	503-655-1010
15955	Daniel W Behrke	93	NP
15956	15969		NP
15970	Bonnie E Cornell	86	503-655-7704
	John W Cornell	86	503-655-7704
- SE JEFFERSON ST INTS			
16018	Daniel H Glander	94	503-557-3191
	Lorrie K Glander	94	503-557-3191
16044	Yvonne M Summers	98	NP
16059	Chester E Larkin	82	503-655-4620
16060	John B Mistill	87	NP
	Linda K Mistill	87	NP
40 RESIDENCE		1	BUSINESS

SE LARK ST 97222

1800- 2699 CT 212		\$E..
- SE 25TH AVE WNTS		
1950	Patricia S Pekar	.82 • 503-653-7040
	Reginald S Pekar	.82 • 503-653-7040
1992		NP
2004	Robert F Eichamer	91 • 503-786-4777
- SE INVER RD WNTS		
2303	Marilyn A Freedland	94 • 503-659-3909
2310	Jeremiah W Lutz	.00 • NP
2311	Gail E Foster	.79 • 503-659-3467
	Guy R Foster	.79 • 503-659-3467
2347		NP
2360	Cameron D Walling	94 • NP
2380	Marie D Broderick	93 • NP
- SE 25TH AVE WNTS		
2405	Susan A Martin	.91 • NP
2412	James P Stevens	.94 • NP
2424	M F Fettes	.85 • 503-653-2874
	Terry D Fettes	.85 • 503-653-2874
2454	Joan M Lafranchise	91 • NP 0
2476	Keith S Baldwin	.94 • NP
- SE 26TH AVE WNTS		
2509	Hassonk S Hong	.97 • 503-659-6566
	Yoonsik S Hong	.97 • 503-659-6566
2512	Thomas Bruce	+ • NP
2535		NP
2540	Heather L Forbes	+ • NP
	William R Forbes	+ • NP
	Wayne M Hamersley	97 • NP
	J Meyer	.00 • NP
2584	Amenda S Cordova	00 • NP
- SE 27TH AVE WNTS		
2611	Craig A Miguel	.93 • 503-786-8075
	Cynthia A Miguel	.93 • 503-786-8075
2625	Lisa D Evans	.92 • NP
2626	Megan Morale	+ • NP
30	RESIDENCE	

NW LARSON RD 97231

14400-14599 CT 71	\$B..
● RR12	97231
= NW MARINA WAY INTS	
14426	Earl G Larson . 88 • 503-286-1233
	★ Larson Mortgage 503-286-1233
14444	Dusane Larson . 90 • 503-286-1233
	Martin D Larson . 90 • 503-286-1233
	★ Larson Mgmt Serv 503-286-1233
	★ Marissa Larson . 00 • 503-286-1233
14553	NP
14555	Apartments
ASER04	J Beckman . 95 503-286-5695
ASER04	Mack C Wiebe . 92 503-289-6378
ASER04	Meredith S Wiebe . 92 503-289-6378
14557	Jess Springer . 98 NP
14559	★ Bob MacKenzie 503-283-8717
14563	NP
14585	Cathy J Zarosinski . 97 NP ◇
1-567	
412	Judith A Pridoux . 99 NP
	★ Protege 503-283-8377
14571	Reagan L Popschke . 98 503-735-00233
	Reagan L Popschke . 98 503-286-07662
14573	Craig J Langer . 99 NP
14575	
10	William D Danner . + 503-285-4475
	★ Santee Apts 503-289-2211
14577	NP
14579	Apartments
8	Steven D Fedje . 00 NP
	Ann K Josim . 00 NP

SE LA RUE CT 97267

16900-17099 CT 217	\$B..
16951	Steve Booth 94 • NP
16962	April A Murphy 84 • 503-659-1854
	Charles E Murphy 84 • 503-654-8317
17036	Louise A Miller 00 • NP
17041	Gerald E Goddard 73 • 503-659-0502
	Joanne L Goddard 73 • 503-659-0502
6	RESIDENCE

SE LAUGARDIA WAY 97267

16900-16999 CT 218		\$B..
16910	* Light's Lacey	503-786-3948
16919	James M Newton	50 • 503-653-8331
16920	Teresa Smith	00 • 503-654-0117
16929	Bernice B Gerlock	90 • 503-653-2166
	Lloyd L Gerlock	90 • 503-653-2166
16930	Brenda G Barton	97 • NP
16933	Frances G Rogers	96 • NP
16939	Nancy L Williamson	97 • NP
16940		NP
16945	Bulmer M Mendoza	97 • 503-653-2265
	Mary L Mendoza	97 • 503-653-2265
16950	Bonnie M Fries	96 • NP
16955		NP
16958	Gladys M Neil	87 • 503-659-0894
16959		NP
16962	Audrey M Rust	93 • NP
16964	Kathryn M Nealeigh	86 • 503-654-0371
	Roy E Nealeigh	86 • 503-654-0371
16965	Ivan H Bortz	89 • 503-659-05189
16969	Betty L O'Neill	82 • 503-653-7419
	Jack P O'Neill	82 • 503-653-7419
16970		NP
16975	Edwin A Bowman	+ • NP
16976	Dennis L Bywater	87 • 503-654-5507
	Donna P Bywater	87 • 503-654-5507
16980	16985	NP
16986	Trine E Howard	99 • NP
16990	Viola J Bacon	82 • 503-654-1909
	Warren E Bacon	82 • 503-654-1909
16995		NP

SE LAURA AVE 97222

SE LAURA AVE		97222
9900-10099 CT 216.01		SE..
SE HELENA ST INTS		
9948		NP
9950	Paul Reed 67 • 503-775-06142	
	Ruby Reed 67 • 503-775-06142	
10011	Allen J Damuth 94	NP
10027	Teresa A Moushous 97 • 503-775-5439	
10051	Bob G Krewson 98	503-775-5074
	Hazel J Krewson 98	503-775-5074
	★ Krewson G Bldg 503-775-5074	
	7 RESIDENCE	1 BUSINESS

SE LAURA ST 97222

6300- 6599 CT 216.01		SE..
SE 6305 AVE INTS		
6365	Luther G Dowitt	94 • 503-777-1705
6323	Rebecca L Burnett	99 • NP
6370	D M MacFarlane	+ • NP
6375		NP
6420	Danie Anderson	96 NP
	Janice Anderson	96 NP
6421		NP
6430	Laura M Dial	77 • 503-777-2882
	Samantha S Dial	77 • 503-777-2882
6440	Eric D Evans	97 • 503-771-8244
6441	Terry E Smith	86 • 503-775-07430
	★ Smith Property Serv	503-775-07430
6460	C K Lamoreaux	95 • NP
	Donald Lamoreaux	95 NP
6461	Roger D Stewart	94 • 503-774-6113
6491	Sharo L Rolan	93 • NP
6500	David L Houser	95 • NP
6508	Kristina M Walter	94 • 503-788-5262
	Michelle J Walter	94 • 503-788-5262
6509	Leonard H Ford	97 • NP
6519	Dannina U Arellano	93 • NP
6520	Nick M Williamson	94 • 503-775-3712
21 RESIDENCE		1 BUSINESS

SW LAUREL GLEN CT 97224

11400-11499 CT 319.01	\$C..
11425	Tazan E Simoes 02 • NP
11467	Alison P Jackson 97 • NP
2	RESIDENCE

NE LAURELHURST PL 97232

	1- 4199 CT	19	SA.
	4280- 4399 CT	19	SA.
- NE COUCH ST INTS			
11	Julie E Wells	92 • 503-239-4368	
	Vor R Wells	92 • 503-239-4368	
32	Kevin J Corcoran	92 • 503-233-0251	
- NE DAVIS ST INTS			
107	Laur B Anderson	97 •	NP
108	Bruce D Bolton	97 • 503-234-3477	
	B L Depianbrock	97 • 503-234-3477	
120	Norma J MacOsco	+	NP 0
121	Gregory A Andrews	94 • 503-236-0829	
	Hollie C Andrews	94 • 503-236-0829	
132	Hardy Myers	68 •	NP
145	Apartments		
P	William Fisher	50 • 503-234-7732	
210	James R MacOsco	99 • 503-234-1983	
225			NP
- NE FLANDERS ST INTS			
315	Cynthia L Ferguson	93 •	NP 0
- NE GLISAN ST INTS			
412	Laura A Baughman	+	• 503-231-3705
	Thomas S Baughman	+	• 503-231-3705
424	David M Barr	94 • 503-230-2718	
	Sandra A Barr	94 • 503-230-1990	
	* Apogee Design	503-230-2718	

457	Robert L Wells 88 • 503-233-6957
464	Janet R Moody 73 • 503-233-01402
	Newton H Moody 73 • 503-233-01402
467	Robert S Latham 90 • 503-231-4670
	Beth A Woodrow 90 • 503-2

SW 73RD AVE INTS		97223
7310	NP	
7325	Mary M Harris .82 • 503-245-1568	
	Robert S Harris .82 • 503-245-1568	
7340	Jeffrey R Waddell .82 • 503-245-1568	
7355	NP	
7370	Richard C Grow .73 • 503-246-04094	
	Sharon K Grow .73 • 503-246-04094	
7385	Mark Clift .93 • 503-452-8632	
SW 75TH AVE INTS		
7400	Denise D Gerhardt .94 • NP	
	Fred C Gerhardt .94 • NP	
7430	Rodney L Rosean .94 • NP	
7435	Deanna L Schalk .88 • 503-245-02282	
	Kenneth W Schalk .88 • 503-245-02282	
7465	NP	
7495	Lynn M Kittelson .86 • 503-245-02067	
7525	Judith L Davis .95 • 503-246-03870	
7555	Cory R Cochran .91 • 503-245-00644	
	Nancy M Cochran .91 • 503-245-00644	
7560	Robert M Reed .94 • 503-245-8248	
7585	Billie F Orehovec .88 • 503-244-08083	
	Gary J Orehovec .88 • 503-244-08083	
7590	Clay A McCarver .97 • NP	
	Mary E McCarthy .97 • NP	
7615	Cynthia G White .02 • 503-244-8944	
	Douglas A White .02 • 503-244-8944	
7620	Leslie A Johnson .91 • 503-452-00506	
	Steve R Johnson .91 • 503-452-00506	
	36 RESIDENCE	1 BUSINESS

SE LARCH AVE		97214
1900-2199 CT 11.02		SE..
SE MULBERRY AVE INTS		
1905	Charles B Wiggins .99 • 503-230-8844	
1913	Paul S Kane .93 • NP	
	Lisa O Kane .93 • NP	
1925	Lois M .98 • NP	
1931	Louis J Burns .97 • 503-236-2556	
	Priscilla J Burns .97 • 503-236-2556	
1939	Robert H Thomson .00 • 503-286-9542	
	Robert H Thomson .00 • 503-235-04605	
1942	Jan M Mieszkowski .99 • NP	
	S R Mieszkowski .99 • NP	
1950	H Akel Joseph .01 • 503-235-8097	
1951	Christine G Fox .50 • 503-963-09018	
	Dalton D Fox .50 • 503-236-1866	
1959	Bobbie Y Sue .02 • 503-235-8709	
1960	Carol A Olpin .94 • 503-232-5773	
	Dennis Olpin .94 • 503-232-5773	
	Century Breakfast	503-235-6846

SE SPRUCE AVE INTS		
2009	Robin E Lee .02 • NP	
2016	Kali E Blomstrom .00 • 503-232-2662	
2021	Amy E Mok .93 • NP	
	Man T Mok .93 • NP	
2026	Roger A Wirt .98 • 503-736-9758	
2029	Mark Ritchie .02 • 503-788-0741	
2033	Mandy Wood .99 • 503-872-08834	
	Shawn D Wood .99 • 503-872-08834	
2036	Edith C Young .86 • NP	
2100	Robert S May .98 • 503-234-8783	
2101	Lester E Seto .63 • 503-236-6362	
	Wesley E Seto .63 • 503-236-6362	
2110	Dangbo S Tobiga .97 • 503-236-8910	
	Rosemary A Tobiga .97 • 503-236-8910	
2111	Dorothy M Tom .99 • 503-232-4497	
2119	Michael R Snedeker .97 • NP	
2129	Dawn E Seymour .95 • NP	
	33 RESIDENCE	1 BUSINESS

N LARCH ST		97213
1644	Gerald Morrell .99 • 503-436-1417	
97205		
4554	Sandra Hardt .99 • 503-436-0133	
97266		
5234	Iona B Lambert .99 • 503-436-1030	
	Victor Lambert .99 • 503-436-1030	
97215		
5394	B J Panek .99 • 503-436-2539	
97225		
5724	Edwin Weinstein .99 • 503-436-0357	
	Grace Weinstein .99 • 503-436-0357	
	7 RESIDENCE	

SW LARCH ST		97223
8000-8199 CT 306		SC..
SW 82ND AVE INTS		
8050	Eileen L Webb .94 • 503-452-7941	
	Richd A Webb-Rapp .94 • 503-452-7941	
8080	Michael A Donovan .90 • 503-244-01352	
	Judith M Downs .90 • 503-244-01352	
SW 80TH AVE INTS		
8100	Carmen C Villegas .93 • 503-244-6182	
	Jose E Villegas .93 • 503-244-6182	
8120	Anthony J Fanning .02 • 503-293-0721	
	Lori A Fanning .02 • 503-293-0721	
8140	Ronald D Lawman .97 • 503-246-01655	
	Virginia L Lawman .97 • 503-246-01655	
8160	L A Katzberg .89 • NP	
	11 RESIDENCE	

NW LARIAT CT		97229
13500-13899 CT 315.07		SA..
13500	John V McDonald .96 • NP	
13535	Claire A Arthur .86 • 503-645-4767	
	Michael E Arthur .86 • 503-645-4767	
13540	Kirkham E Hay .89 • 503-690-09679	
	Patricia N Hay .89 • 503-690-09679	
13580	Kathryn A Calvert .94 • NP	
	Thomas H Calvert .94 • NP	
13585	Fred J Granum .90 • 503-629-9125	
	Patricia H Granum .90 • 503-629-9125	
13630	L E Vanlaningham .93 • 503-645-07450	
	L V Vanlaningham .93 • 503-645-07450	

13795	Susan Spengler .82 • 503-645-07711	
	21 RESIDENCE	
SE LARK AVE		97267
15500-16099 CT 221.01		SE..
SE HOOD ST INTS		
15511	C L Kirkendall .98 • NP	
	Edw W Kirkendall .98 • NP	
15516	Donald D Herndon .72 • 503-655-5393	
	Roberta S Herndon .72 • 503-655-5393	
15539	Betty E Hisek .68 • 503-655-1780	
	James F Hisek .68 • 503-655-1780	
15542	Julie M Lamb .02 • NP	
	Monty G Lamb .02 • NP	
15566	Mazone F Wilson .68 • 503-655-01523	
	Ralph Wilson .68 • 503-655-01523	
15571	Bradley Cooper .94 • NP	
15628	Michael P Rockwell .94 • 503-656-00754	
15633	Doris J Vredenburg .77 • 503-655-6062	
15656	Mark C Poulson .96 • NP	
	Sandra L Poulson .96 • NP	
15665	Rene Franco .94 • 503-722-1874	
	Victoria Franco .94 • 503-722-1874	

SE JEFFERSON ST INTS		
15729	John R Haxton .97 • 503-722-4200	
	Lynn M Haxton .97 • 503-722-4200	
15730	Verita L Rhodes .95 • NP	
15762	Randy Noland .95 • 503-650-7367	
15767	Steven J Sinor .99 • NP	
15826	Bertha L Sinor .82 • 503-656-3789	
	James E Sinor .82 • 503-656-3789	
15831	Cheryl L Vazzani .91 • 503-656-8312	
	Richard B Vazzani .91 • 503-656-8312	
15909	Judith A Lewis .93 • NP	
	Ray L Lewis .93 • NP	
15916	Bruce R Garrett .96 • 503-722-1459	
	Laura Garrett .96 • 503-722-1459	
15927	Michael L Hurdle .96 • 503-656-3972	
	Tammela R Hurdle .96 • 503-656-3972	
15932	Gerry J Pacheco .68 • 503-655-1010	
15956	Q R Fvian-Torres .99 • 503-722-9555	
	Q R Fvian-Torres .99 • 503-722-9555	
15970	Bonnie E Cornell .86 • 503-655-7704	
	John W Cornell .86 • 503-655-7704	
SE ROOTS RD INTS		
16018	Daniel H Glander .94 • 503-557-3191	
	Lorrie K Glander .94 • 503-557-3191	
16044	David Collet .71 • 503-656-0208	
	Jamie L Collet .71 • 503-656-0208	
16059	Chester E Larkin .82 • 503-655-4620	
	42 RESIDENCE	

SE LARK ST		97222
1800-2699 CT 212		SE..
2004	Robert F Eichamer .91 • 503-786-4777	
SE RIVER RD INTS		
2303	Marlys A Freeland .94 • 503-659-3909	
	Nicole Freeland .94 • 503-659-3909	
2310	Janet A Miller .00 • 503-788-8901	
	Sherry A Miller .00 • 503-788-8901	
2311	Gail E Foster .79 • 503-659-3467	
	Guy R Foster .79 • 503-659-3467	
2347	Fred M Warnick .94 • 503-652-0979	
	Melissa Warnick .94 • 503-652-0979	
2360	Cameron D Walling .94 • 503-659-6193	
	Sherr A Walling .94 • 503-659-6193	
2380	Marie D Brodenick .93 • NP	
	Rodger L Brodenick .93 • NP	

SE 25TH AVE INTS		
2405	Susan A Martin .91 • NP	
2412	James P Stevens .94 • 503-653-09533	
	Patricia D Stevens .94 • 503-653-09533	
2424	Marion F Fetters .85 • 503-653-2874	
2454	Joan M Lafranchise .91 • NP	
	M P Lafranchise .91 • NP	
2476	Keith S Baldwin .94 • NP	
	Kristi B Baldwin .94 • NP	
SE 26TH AVE INTS		
2509	Haesook Hong .97 • 503-659-6566	
	Yoon S Hong .97 • 503-659-6566	
2512	Thomas R Bruce .01 • NP	
2535	NP	
2548	Michael Hambray .94 • 503-353-6366	
	Wayne M Hambray .94 • NP	
2584	J Meyer .00 • NP	
	Amanda S Stull .94 • NP	
	Nevin R Stull .94 • NP	
SE 27TH AVE INTS		
2611	Craig A Miguel .93 • 503-786-8075	
	Cynthia A Miguel .93 • 503-786-8075	
2625	Lisa Evans .92 • NP	
	Hail T Evans .92 • NP	
	34 RESIDENCE	

NW LARSON RD		97231
14400-14599 CT 71		SE..
14426	Cynthia K Ivey .02 • NP	
	Larson Moore .93 • 503-286-1233	
14444	Duane Larson .90 • 503-286-1223	
	Elizabeth Larson .90 • 503-286-1223	
	Jeff Liberman .02 • 503-283-2511	
	Larson DnL Elizabeth .02 • 503-286-1223	
	Larson Marissa .02 • 503-286-1223	
14452	14553	NP
14555	Apartment	
14572	James J Beckman .95 • 503-286-5695	
14577	Dennis J Springer .99 • NP	
	Joann L Springer .99 • NP	
14559	Bob MacKenzie .00 • 503-283-8717	
	MacKenzie Bob .00 • 503-283-8717	
14563	Kristi Nygaard .94 • NP	
14565	NP	
14567	Judith A Pradeaux .99 • NP	
412	Protege	
	Reagan L Pooschke .98 • 503-283-8377	
14571	Reagan L Pooschke .98 • 503-735-00233	
	Reagan L Pooschke .98 • 503-286-07662	
14573	Apartment	
11	Craig J Langer .99 • 503-247-2988	

14583	James Waddle .02 • 503-289-8475	
14585	Apartment	
14587	Charmae M Peck .97 • 503-286-3441	
14589	Melvin A Peck .97 • 503-286-3441	
14587	M J Fisher .94 • 503-978-8802	
14589	K J Nicholson .02 • 503-283-00234	
	W D Nicholson .02 • 503-283-00234	
14593	David Jenkins .94 • 503-285-1539	
	30 RESIDENCE	5 BUSINESS

SE LA RUE CT		97267
16900-17099 CT 217		SE..
SE RIVIERE DR INTS		
16951	D D Vanderlinden .98 • NP	
16962	Apartment	
37	Doris F Lee .94 • NP	
	April A Murphy .84 • 503-659-1854	
	Charles E Murphy .84 • 503-654-8317	
17036	Louise A Miller .00 • NP	
17041	Gerald E Goddard .73 • 503-659-0502	
	Joanne L Goddard .73 • 503-659-0502	
	7 RESIDENCE	
SE LAUGARDIA WAY		97267
16900-16999 CT 210		SE..
SE ROETHE RD INTS		
16910	Thomas R Powell .96 • NP	
16919	Donna L Newton .50 • 503-653-8331	
	James M Newton .50 • 503-653-8331	
16920	T M Armstrong .02 • NP	
16929	Bernice B Garlock .90 • 503-653-2166	
	Lloyd L Garlock .90 • 503-653-2166	
16930	Brenda G Barton .97 • NP	
16939	Nancy L Williamson .97 • 503-653-1443	
16940	Vicki T Gwilliams .97 • 503-652-2529	
16945	Bukmaro M Mendoza .97 • 503-653-2265	
	May L Mendoza .97 • 503-653-2265	
16955	Darleen F Wilson .02 • NP	
	F D Wilson .02 • NP	
16958	Gladys M Nail .87 • 503-659-0884	
	Dan F Coffey .02 • 503-654-0371	
16962	Audrey M Rust .93 • NP	
	Carole E Rust .93 • NP	
16964	Kathryn M Neeligh .86 • 503-654-0371	
	Roy E Neeligh .86 • 503-654-0371	
16965	Ivan H Benz .89 • 503-659-05189	
16969	NP	
16970	Gary L Bywater .96 • 503-513-5038	
	Sharon L Bywater .96 • 503-513-5038	
16975	Edwin A Bowman .99 • 503-513-5870	
	Marilyn F Bowman .99 • 503-513-5870	
16976	Dennis L Bywater .87 • 503-654-5507	
	Donna P Bywater .87 • 503-654-5507	
16990	Viola J Bacon .82 • 503-654-1909	
16995	NP	
	29 RESIDENCE	

SE LAURA AVE		97222
9900-10099 CT 216.01		SE..
9950	Paul Reed .67 • 503-775-06142	
	Ruby Reed .67 • 503-775-06142	
10011	Allen J Demuth .94 • NP	
10027	Teresa A Morehouse .01 • 503-775-5439	
10051	Bob G Krewson .98 • 503-775-5074	
	Hazel J Krewson .98 • 503-775-5074	
	6 RESIDENCE	

SE LAURA ST		97222
6300-6599 CT 216.01		SE..
SE NEEDHAM ST INTS		
6305	Julie Downt .94 • 503-777-1705	

8120	Anthony Joseph Ferris	94	*503.293.0721
8140	Carl A. Ferris	94	*503.293.0721
81400	Ronald Dean Lewman	97	*503.246.1655
	Virginia Lynn Lewman	97	*503.246.1655
	10 RESIDENCE		

NW LARIAT CT

CT 315.07	13500 - 13795	58

13500	Gouen Bank		
	Richard S Bank		
13535	Clare A. Arthur	86	*503.645.4767
	Michael E. Arthur	86	*503.645.4767
13540	Kirham E. Hay	89	*503.690.9679
	Patricia N. Hay	89	*503.690.9679
13580	Kathryn Ann Calvert	94	* NP
	Thomas H. Calvert	94	* NP
13585	Fred I. Granum	90	*503.629.9125
	Patricia H. Granum	90	*503.629.9125
13630	Larry E. Vanamanning		
	Laurie V. Vanamanning		
13645	Angela S. Fee	89	*503.645.8429
	James P. Fee	89	*503.645.8429
13690	Elizabeth F. Mosser	85	*503.645.2842
	Jan C. Mosser	85	*503.645.2842
13705	A. Julie Legrove	01	*503.690.1813
	Graham Legrove	01	*503.690.1813
13720	Alene B. Rich	83	*503.629.8490
	Gerard B. Rich	83	*503.629.8490
13755	Norman C. Sveta	01	*503.617.9336
	Norman C. Sveta	01	*503.617.9336
13795	Dr. David James Spangler DDS	82	*503.645.7711
	Susan Spangler	82	*503.645.7711
	24 RESIDENCE		

SE LARK AVE

CT 221.01	15511 - 18058	52

SE 1800 ST INTS

15511	Caryle L. Kirkendall	98	*503.656.8416
	Edward W. Kirkendall	98	*503.656.8416
15516	Donald W. Herndon	72	*503.655.5392
	Robert Sherrill Herndon	72	*503.655.5392
15539	Betty E. Hoesek	68	*503.655.1780
	James F. Hoesek	68	*503.655.1780
15542	Julie M. Lamb	02	* NP
	Monty Gabriel Lamb	02	* NP
15560	Maxine Fredrick Wilson	68	*503.655.1523
	Ralph Wilson	68	*503.655.1523
15571	Brad A. Cooper	03	*503.653.0119
	Michael P. Rockwell	03	*503.656.0754
15582	Doris J. Vredenburg	94	*503.655.0602
	Mark Olson Poulson	96	* NP
15586	Sandra Lee Poulson	96	* NP
	Rene Franco	03	*503.722.1874
	Victoria Franco	03	*503.722.1874

SE CLACKAMAS RD INTS

15729	John R. Heston	97	*503.722.4200
	Julie A. Heston	97	*503.722.4200
15730	Veneta L. Rhodes	99	* NP
15762	Randy Noender	95	*503.650.7367
15767	Steven R. Sinor	82	*503.656.3789
15826	Bertha L. Sinor	82	*503.656.3789
	James E. Sinor	82	*503.656.3789
15831	Cheryl L. Vezzani	91	*503.656.8312
	Richard B. Vezzani Jr.	91	*503.656.8312

SE ROOTS RD INTS

15909	Judith A. Lewis	93	* NP
	Ray L. Lewis	93	* NP
15916	Bruce R. Garrett	96	*503.722.1459
	Laura Garrett	96	*503.722.1459
15927	Michael L. Hurdle	96	* NP
	Tammie R. Hurdle	96	* NP
15932	Gerry J. Pacheco	68	*503.655.1010
15955	Dan W. Benne	93	*503.655.3594
15956	Lisa R. Fivian-Torres	99	*503.722.9555
	Oscar R. Fivian-Torres	99	*503.722.9555
15970	Bonnie E. Cornell	86	*503.655.7704
	John W. Cornell	86	*503.655.7704
16018	Daniel H. Glander	94	*503.557.3191
	Lorrie K. Glander	94	*503.557.3191
16044	David C. Collier	71	*503.656.0208
	James L. Collier	71	*503.656.0208
16059	Chester Larson		
	44 RESIDENCE		

SE LARK ST

CT 212.00	1950 - 2626	50

SE 20TH AVE INTS

1950	Anthony J. Galegois	99	*503.513.0645

SE RIVER RD INTS

2004	Robert F. Eichner	91	*503.786.4777

SE 23RD AVE INTS

2303	Marlys A. Friesland	94	* NP

SE 23RD AVE INTS

2310	Janet A. Miller	00	* NP

SE 23RD AVE INTS

2311	Gail E. Foster	79	*503.659.3467

SE 23RD AVE INTS

2360	Cameron Davis Walling	93	*503.659.6193

SE 23RD AVE INTS

2380	Marie D. Broderick	93	* NP

SE 23RD AVE INTS

2405	Susan Annelle Martin	91	* NP

SE 23RD AVE INTS

24120	James Paul Stevens	94	*503.653.9533

SE 23RD AVE INTS

2424	Patricia D. Stevens	94	*503.659.7760

SE 23RD AVE INTS

2454	Mallon F. Fellers	85	*503.653.2874

SE 23RD AVE INTS

2478	Keith Shane Baldwin	94	* NP

SE 23RD AVE INTS

2509	Haseock Hong	97	*503.659.6566

SE 23RD AVE INTS

2512	Thomas R. Bruce	01	* NP

SE 23RD AVE INTS

2535	Michael H. Brubaker	03	*503.253.6366

SE 23RD AVE INTS

2540	Amanda S. Stull	94	* NP

SE 23RD AVE INTS

2584	Nevin R. Stull	94	* NP

SE 23RD AVE INTS

2611	Craig Allen Miguel	93	*503.786.8075

SE 23RD AVE INTS

2625	Lisa D. Evans	92	* NP

SE 23RD AVE INTS

2625	Neil Timothy Evans	92	* NP

NW LARSON RD

CT 71.00	14444 - 14593	5A

NW LARSON RD

14444	Larsons Marine Inc.	80	*503.286.1223

NW LARSON RD

14452	Reining Horse Assoc Assistant		

NW LARSON RD

14558	Bob Mackenzie	01	*503.283.8717

NW LARSON RD

14563	Bob Mackenzie	00	*503.283.8717

NW LARSON RD

14567	Apartment	99	*503.283.9455

NW LARSON RD

412	Judith A. Proulx	99	*503.283.9455

NW LARSON RD

14571	Reagan L. Poochke	98	* NP

NW LARSON RD

14573	Carol A. Langer	99	*503.247.2988

NW LARSON RD

14578	Bill Dennis Danner	01	*503.285.4475

NW LARSON RD

10	Debbie A. Dotch	01	*503.285.4475

NW LARSON RD

14577	Mack Charles Webb	94	*503.289.6378

NW LARSON RD

14583	Apartment	94	*503.289.8475

NW LARSON RD

14585	Apartment	97	*503.286.3441

NW LARSON RD

80475	Allen M. Peck	97	*503.286.3441

NW LARSON RD

80475	Charmaine M. Peck	97	*503.286.3441

NW LARSON RD

14587	Apartment		

NW LARSON RD

14589	William J. Nicholson	02	*503.283.0234

NW LARSON RD

14593	Apartment	01	*503.285.1539

NW LARSON RD

41	Barbara L. Jenkins	01	*503.285.1539

NW LARSON RD

21	David L. Jenkins	01	*503.285.1539

NW LARSON RD

21	RESIDENCE		

NW LARSON RD

CT 218.02	16910 - 16995	5C

NW LARSON RD

16910	Tom R. Powell	03	*503.786.3948

NW LARSON RD

16919	Donna L. Newton	50	*503.653.8331

NW LARSON RD

16920	Marianne J. Armstrong	02	*503.659.1241

NW LARSON RD

16929	Bernice B. Garlock	90	*503.653.2166

NW LARSON RD

16930	Brenda G. Barton	97	*503.654.4994

NW LARSON RD

16933	Nancy L. Williamson	97	*503.653.1443

NW LARSON RD

16940	Victor L. Williams	01	* NP

NW LARSON RD

16945	Burnam M. Mendoza	97	*503.653.2265

NW LARSON RD

16950	Rebecca A. Williams	02	*503.659.3264

NW LARSON RD

16955	Darleen F. Wilson	02	* NP

NW LARSON RD

16958	Gladys M. Neil	87	*503.659.0884

NW LARSON RD

16959	Apartment	04	*503.653.5194

NW LARSON RD

16962	Kathleen H. Nealeigh	86	*503.654.0371

NW LARSON RD

16964	Roy Earl Nealeigh	86	*503.654.0371

NW LARSON RD

16965	van H. Benz	89	*503.659.5189

NW LARSON RD

16970	Gary Lars Bywater	96	* NP

NW LARSON RD

16975	Edwin A. Bowman	99	*503.513.5870

NW LARSON RD

16976	Marilyn F. Bowman	99	*503.513.5870

NW LARSON RD

16978	Dennis L. Bywater	87	*503.654.3507

NW LARSON RD

16980	Donna P. Bywater	87	*503.654.3507

NW LARSON RD

16980	Sal Santa Cruz	02	*503.784.7056

NW LARSON RD

16985	Sal Santa Cruz	02	*503.784.7056

NW LARSON RD

16995	Warren Eugene Bacon	82	*503.654.1909

NW LARSON RD

35	RESIDENCE		

NW LARSON RD

CT 216.01	9948 - 10051	5E

NW LARSON RD

8301	Pedro H Hernandez	01	503.988.0531
	Loren H Hall	01	NP
	Bruce Brian Hall	01	NP
83120	Stevens Jarvis Jr	34	503.624.0306
	Michael J Jarvis	34	503.624.0306
8323	Carla C Chance	02	503.639.6378
	Carla C Chance	02	503.639.6378
8332	Ashok P Reddy	39	503.920.9241
8340	Arian T Kley	39	NP
	Sarah T Kley	39	NP
8347	Carol B Musler	30	503.624.7709
	Loren B Musler	30	503.624.7709
8356	Rachel A Thompson	03	503.968.2417
	Steve M Thompson	03	503.968.2417
8363	Christopher A Davis	02	NP
8372	Minh Van Nguyen	30	503.684.1440
	Quang N Nguyen	30	503.684.1440
8381	John L Skwydgar	97	503.624.0272
8396	Dana T Skwydgar	97	503.624.0272

SW HALL BLVD INTS

8414	David L Tsai	01	NP
	Natalie J Tsai	01	NP
8421	Angela Maria Cadillo	34	NP
8436	Andrew M Shelley	97	503.684.8987
	M Walker	97	503.684.8987
8443	Raquel E Light	97	503.670.6210
	Ryan Thomas Light	97	503.670.6210
84650	Jeffrey W Yost	94	503.968.7755
	Stacie Lynn Yost	94	503.968.7755

NW LANGWORTHY TER

CT	70.00	10111 - 10230	\$A
10111	Jan E Sharfarsky	NP	
10112	David M Singer	NP	
10117	Daniel Kevin Kaiser	NP	
10118	Stephen E Forsythe	NP	
	Sharon Diane Forsythe	NP	
10123	Julia A Grajeda	NP	
10124	Aceline M Budlong	NP	
10135	Brad James Budlong	NP	
10230	11 RESIDENCE		

NW LANSBROOK TER

CT	315.07	3527 - 3734	\$B
3527	Eric Charles Wiley	98	503.617.9818
	Jennifer Lynn Wiley	98	503.617.9818
3549	Elizabeth A Reindl	02	NP
	Jens A Reindl	02	NP
3564	Diane L Rogers	00	503.665.5672
	John Adams Rogers	00	503.645.4497
3571	Michelle E Kellogg	00	NP
	Sean H Kellogg	00	NP
3586	Eric D Morales	01	503.614.1857
	Janine M Morales	01	503.614.1857
3593	Gregg R Galbraith	01	503.531.0893
	Kristi L Mounce	01	503.531.0893
3615	Gregory K Hubert	01	503.466.0659
	Monica B Hubert	01	503.466.0659
3630	Puneet Sharma	03	503.645.2240
	Monica M Sharma	03	503.645.2240
3637	Sheldon R Coker	01	NP
	Ivy SA Coker	01	NP
3662	Vincent A Corraia	01	503.533.8299
	Guy F Bowerman	01	503.533.8299
3677	Suvarsh K Kapur	01	503.690.5913
3698	Bhaskar Ganguly	02	NP
	Konika Ganguly	02	NP
3703	Jagan R Dharmalingari	02	503.690.3612
37340	Matthew Thomas Chumbley	00	503.690.1755
	Wendy L Chumbley	00	503.690.1755

SW LANSLOWNE LN

CT	318.05	12116 - 12294	\$A
12116	Milton F Fyne	93	503.590.5128
	Pam Sue Fyne	93	503.436.0906
121320	Kathy Anderson	94	503.524.9814
	Kris Jon Anderson	94	503.524.9814
121480	Judy A Crystal	92	503.590.0755
	Roger E Crystal	92	503.590.0755
12164	Andrew S Larson	92	NP
	Arleen P Larson	92	NP
12196	Karen A Shipman	94	503.590.5666
	Kenneth A Shipman	94	503.590.5666
122070	John Leslie Roberts	99	503.524.0827
	Linnas Ann Roberts	99	503.524.0827
12214	Sally Spoliaris	02	NP
12216	Mark A Tulisen	03	NP
	Teresa J Tulisen	03	NP
12225	Spencer D Arave	95	503.524.3045
	Arave Construction Co	95	503.524.3045
	Arave Arave	95	503.524.3045
	Steven C Smith	95	503.524.3045
12230	James R Bell	02	503.590.2310
12237	Rick Trucking Inc	97	503.590.0683
12244	Deborah D Micallef	92	503.590.9164
	Vincent A Micallef	92	503.590.9164
12250	Josh W Wallace	03	NP
	Tisha Wallace	03	NP
12256	Kristofer Bromander	03	NP
	Margaret Bromander	03	NP
122620	Barry W Reynolds	94	NP
	Jane C Reynolds	94	NP
12274	Danice E Jones	01	503.501.1863

NW LAPINE ST

CT	315.04	18625 - 18655	\$B
18625	Debra Ann Baird	80	503.645.9684
	Larry Wayne Baird	80	503.645.9684
18655	Jennifer C Weaver	89	NP
	Robert W Weaver	89	NP
18685	Elaine S Jorgensen	94	NP
	Joel K Jorgensen	94	NP
18715	Carol Ruth Hahn	94	503.645.0358
	Kenneth D Hahn	94	503.645.0358
18745	Byron A Peratrovich	96	503.645.9744
	Suzanne L Cheney	94	NP
	Thomas C Cheney	94	NP
18780	Marjorie A Tufts	74	503.645.6035
18805	John R Poer	71	503.645.2035
188100	Carl H Clogston	95	503.645.6602
18835	Ma M Gramps	94	503.617.4950
	LA Grant	94	503.617.4950
18840	Stanley R Penning	95	NP
18865	Deborah M Johnson	92	NP
	Timothy R Johnson	92	NP
18870	Elaine C Bidgood	90	NP
	Catherine C Perkins	90	NP
18895	Margaret C Erick	94	503.690.3430
189000	John L Signett	83	503.645.4064
	Shelley A Signett	83	503.645.4064
189250	Roger E Sandquist	80	NP
18930	Frederic A Page	NP	503.645.2892
	Sharon H Page	NP	503.645.6146
18955	Ken Yoneyama	NP	

NW LAPINE WAY

CT	315.04	20546 - 20606	\$B
20546	Elen C Rocha	98	NP
20548	Meradith Lyn Realey	NP	
	Meri Realey	NP	
20552	S Parry	NP	
20554	Rock Creek Duplexes	93	503.645.9127
	Jackie Traver	00	NP
	Mark R Swartwood	01	NP
	Tiffany R Swartwood	01	NP
20562	Jennifer A McManus	01	503.466.9644
20563	Stephanie Johnson	NP	
20565	Rev Anita Marie Becker	95	503.531.0643
	Rev Brett Alan Becker	95	503.531.0643
20572	Kelly Cordova	NP	
20574	David A Ship	98	503.533.5125
	Wolf Saunier Publishing Ltd	98	503.533.5125
20577	Ann M Hemminger	02	NP
20579	Carol Ann Voelz	NP	503.466.9961
	Sharon K Voelz	NP	503.466.9961
20586	Gretchen Fryar	04	NP
	Mark T Fryar	04	NP
20588	Wendy L Bryant	NP	503.690.2107
20591	Felix Aquilar	03	NP
20593	Marlene Abisson	NP	
20600	Muriel A Smith	94	NP
20605	Daniel L Buchanan	02	NP
20607	Dave R Henry	97	NP
20619	Kathy J Kaplan	97	503.629.9876
20660	David A Smith	01	503.690.6190
20661	Dawn M Fothergill	95	503.617.1793
	John A Fothergill	95	503.617.1793
20677	Dean A Harper	99	503.617.2909
20691	Sandra L Harper	99	503.617.2909
20703	Donna Mathews	96	503.430.8372
	Jacob Edwards Mathews	96	503.430.8371
20731	Christina M Hunsinger	04	503.645.7066
20742	Jill A Greene	92	NP
20744	Michael L Ford	NP	
20756	Lauretta Lynn Elliott	02	503.531.0833
20758	Heleen A Wykowski	98	503.645.5631
20759	George O Masonheimer	94	503.629.9468
	Susan M Masonheimer	94	503.629.9468
20761	Dennis M Thomas	01	503.466.1489
20770	Heather M Thomas	01	503.466.1489
20772	Richard G Siger	02	NP
	Terra Siger	02	NP
20773	Linda Faye Ausum	NP	
20775	Michael A Wardell	NP	
20784	Lyke S Higgins	00	503.533.0569
	Tamara D Higgins	00	503.533.0569
20787	Li Biet Li Llc	NP	
20789	Jennifer M Richardson	03	503.439.0839
20801	Jennifer M Richardson	03	503.439.0846
20802	Bridget Anne Connell	01	503.531.0748
20803	Jason Miners	NP	
20808	Ronald Tyrell	NP	503.466.1911
208100	John C Platz	02	NP
	Lorraine E Platz	02	NP
20814	Apartment	01	NP
	Geni Donaghy	03	503.533.5662
20815	Bob Stephens	04	NP
20816	Damon Nordahl	04	NP
20817	Dustin P Fashana	NP	
20829	Jennifer L Hull	99	NP
20843	Greg K Morgan	NP	
20845	20857	NP	
20859	Jamie C Ouing	00	NP
20866	Terril W Funchouser	NP	
20868	Mark D Wolfe	87	NP
	Shen A Wolfe	87	NP
208710	Patrick L Magee	94	503.645.9253

SW LARA ST

CT	305.02	7190 - 7620	\$B
7190	George P Saunders	89	503.246.2297
	Jan Saunders	89	503.246.2297
7195	Joy Cheryl Patterson	90	503.233.0277
7220	Coleen L Kelly	99	NP
7225	Justin Evans	03	503.293.8388
	Rick Matson	03	503.293.8388
7250	Business Focus	94	503.246.9446
	Jeffrey M Wisdom	NP	
	Margaret J Wisdom	NP	
72800	Aruna Yadav	74	503.246.9584
	Charam A Yadav	74	503.246.9584
7310	Lisa Robbins	04	503.493.4211
7325	Mary M Harris	82	503.245.1568
	Robert S Harris	82	503.245.1568
7340	Blaine A Thomas Jr	96	NP
	Linda M Thomas	96	NP
7355	Sherry Chew	NP	
73700	Richard C Grow	73	503.245.4094
	Sharon A Grow	73	503.245.4094
7385	Mark A CMT	93	503.452.8632
	Jeffrey W Knapp	93	503.452.8632
7400	Denise D Gerhardt	94	NP
	Frederick C Gerhardt	94	NP
7430	Rodney Lee Rosean	94	NP
74350	Deanna L Schalk	88	503.245.2282
	Kenneth Wayne Schalk	88	503.245.2282
7465	Anthony J Ellis	NP	
7495	Lyndi Marie Kittson	86	503.245.2067
75250	Judith L Davis	95	503.246.3870
75550	Cory R Cochran	91	503.245.0644
	Nancy M Westman	91	503.245.0644
7560	David A Rice	NP	
75850	Billie Fisher Orahovec	86	503.244.0803
	Gary Joseph Orahovec	86	503.244.0803
7590	Clyde Arthur McCarthy	97	NP
	Mary E McCarthy	97	NP
7615	Cynthia G White	02	503.244.8944
	Douglas A White	02	503.244.8944
76200	Leslie Ann Johnson	91	503.452.0506
	Steve R Johnson	91	503.452.0506

SE LARCH AVE

CT	11.02	1905 - 2129	\$B
1905	Charles B Wiggins	99	503.230.8844
1913	Paul Kane	93	503.238.8012
	Paul Kane Kane	93	503.238.8012
1925	Lila Kane	98	NP
1931	Houses & Home Fabric Lc	02	503.236.2556
	Jorgen Klubien	NP	503.231.2824
19390	Robert H Thompson II	00	503.235.4605
1942	Jan Michael Mieszkowski	99	NP
	Sarah R Mieszkowski	99	NP
1950	Joseph Sokolowski	03	503.235.5017
	Susan L Sokolowski	03	503.235.5017
19510	Christine G Fox	50	503.963.9018
	Dan D Fox Jr	50	503.236.1666
19590	Bobbie Y Sue	97	503.235.8709
1960	Century Garden Bed & Breakfast	90	503.235.6846
	Dan M Potter	NP	
	Jeanine R Potter	NP	
20090	Robin E Lee	97	503.230.6974
	Nancy R Waiseth	97	503.230.6974
2016	Amey E Mok	93	NP
2021	Man T Mok	93	NP
2026	Roger A Wirt	98	503.736.9758
2029	Audra Carmine	NP	503.876.8093
20300	Mandy Wood	99	503.872.8834
2036	Shawn Dion Wood	99	503.872.8834
	Edith C Young	86	503.236.0239
2100	Robert S May	98	503.234.8783
2101	Lester E Seto	63	NP
	Wesley E Seto	63	NP
21100	Dengba S Tobiga	97	503.236.8910
	Rosemary Alyne Tobiga	97	503.236.8910
21190	Lisa Ruth Smith	97	503.236.1682
	Michael R Snedeker	97	503.232.5547
2129	Dawn E Seymour	95	NP
	39 RESIDENCE	2	BUSINESS

SW LARCH ST

CT	308.00	8050 - 8140	\$C
8050	Eileen L Webb	94	503.452.7941
80800	Michael A Donovan	90	503.244.13

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Rec'd 6/14 PC
Hearing JM

ATTACHMENT 4

May 10, 2005

LETTER TO THE MILWAUKIE PLANNING COMMISSION

Re: File #AP-05-01

Dear Commissioners,

I am a long-time (62 years) resident of Clackamas County. I graduated from Milwaukie High School. My community volunteer activities include serving on various non-profit boards and committees. This included working with the Milwaukie Together group and serving on the executive board of the Milwaukie Sister City organization.

I was asked to review the February 28, 2005 Directors Determination Request. I have done so and I believe that the physical evidence shows that this building located at 2540 SE Lark was built as, and has historically been used for, four dwelling units. I also believe the fact that there are four electrical meters that have been shown to date from the 1960's, that the building was constructed in the 1930's and there is no evidence that I have seen, or that the City's staff has provided, that would lead me to conclude that one dwelling unit was added after the '60's.

It is reasonable to believe that whoever built the building invested capital to a) create the physical space for four units, b) install electricity to all four units, c) install plumbing in all four units, d) create a separate entrance for all four units; and would have only have invested the money to create four living spaces intending to use all four. It does not make sense that anyone would construct four units and only use three.

It looks as if the City made an error in 2001 and shut down this building, believing it to be a single family home converted to four dwelling units in the last thirty five years. That in July of 2003 the City's Staff realized they had made a mistake on their original position, and made a ruling that recognized this building has been a multifamily unit, as claimed by Mr. Hamersly from the beginning, (12/2001), but only saw fit at that time to recognize three dwelling units.

As stated in the July 9, 2003 Directors Determination, the reason for finding three dwelling units is "Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units". The County Tax documents contain ten errors in two pages, most notably missing the second and third floors of this building in the description and total area square footage.

It is reasonable to believe that if the assessors made ten errors that they could have and did make eleven errors by only listing three out of the four units. It is interesting to note that the past County Inspectors did not inspect the interior of this building. The fourth unit's entrance is accessed from the interior of the building and cannot be seen from the outside of the building. It is logical to conclude that the assessors would not have listed the fourth unit since they would not have known it was there and that it has remained unseen during the inspections over the years. It would also explain how or why so much of the building has been missed over the years. I urge you to rectify these past mistakes.

I have known Mike and his family for many years and believe that he is of good character and honest in his business dealings. Please take this opportunity to help Mr. Hamersly, his family, and the City's reputation by approving the fourth dwelling unit.

Thank you for allowing my input into this decision making process and taking the time to help.

Sincerely,

A handwritten signature in black ink that reads "Carol Storment". The signature is written in a cursive, flowing style with a long horizontal line extending from the end of the name.

Carol Storment

2975 SE Walta Vista Court
Milwaukie, OR 97267
503.654.0931

rec'd 6/14 PC
Hearing YM

April 5, 2005

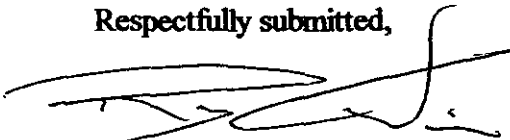
To whom it may concern:

During the summer of 1997 a friend, Galen Bangs, and myself helped Michael Hamersly work on a 4-plex-rental property located at 2540 S.E. Lark St. in Milwaukie Oregon. I recall it being the summer of '97 because Galen left Oregon the following year to join the U.S. Coast Guard. The two of us and Michael painted the exterior of the building, fixed up the landscaping, and cleaned the interior of each of the four units within the building.

Throughout high school and during college, I worked weekends and summers landscaping and fixing up older houses built in the mid 1930's and 1940's. While working on the Lark property, I noticed many aspects of the building that looked very similar to the older features on other buildings. This includes, but is not limited to, porcelain sinks, floor tiles that use a tar base adhesive and ceiling and wall materials that pre-date the wide use of sheet rock.

I can personally attest there were four units at time I worked at the location in '97, and Michael Hamersly did not add any additional units to the Lark property. There are four distinct units, three with access from the outside of the building and a fourth located at the top of an interior stairwell which turns at a 90 degree angle before revealing the main entrance. Due to the turn in the staircase, the entrance is completely hidden from the outside and could easily be missed unless you are to walk through the interior of the building.

Respectfully submitted,



Rory Grondin
Oregon City, OR

Adam Piasky
Civil Engineer
15450 South Tioga Road
Oregon City, Oregon 97045
(503) 805-2183
piasky@msn.com

rec'd 6/14 PC
Hearing yys

May 18, 2005

Michael Hamersly
P.O. Box 82921
Portland, Oregon 97282

RE: The structure located at 2540 S.E. Lark, Milwaukie, Oregon 97222.

Mr. Hamersly,

In regards to your request that I inspect the above mentioned property on Lark and closely examine the construction to determine the age of that construction. I have done so and based on my knowledge and experience in the construction field for the last 10 years, it is my professional opinion based upon a through examination of the structure that I draw this conclusion. There is zero indication or physical evidence that this structure has been added to in the last thirty five years. I would state that it has been a longer time frame since any exterior construction has been done to this structure, but as you requested I am only to look for indication of structural change in the last thirty five years.

After my review and onsite observation of the structure I would have noticed several items that would have had too been changed if a remodel job had been completed in recent years. I found none. The materials on the interior and exterior of the structure show a lack of any recent remodel activity. It appears there has been minor upgrades where one wall is finished with sheetrock and the neighboring wall is still lathe and plaster. I found this to be consistent with other older buildings, especially rentals where more repairs are required. Quality of materials has increased dramatically over the last 20 years and there is little to no sign of these modern materials in the four-plex.

These observations were noted prior to the most recent effort Mr. Hamersly has put into the four-plex. This current remodeling effort is based on the City of Milwaukie's review of the four-plex.

In answer to your other question what indicators did the City's Staff observe in December of 2001 that indicates it was recently a single family home converted to a four-plex? I have no answer as I found no indicators that would allow me to even consider the possibility. I simply do not know how a professional in the field of construction could make such a statement.

In conclusion, it is my stated professional opinion that the structure located at 2540 S.E. Lark, Milwaukie, Oregon 97222 has not changed in the last thirty five years. Therefore, in answer to the question, has there been 4 units located in this structure the last thirty five years? Yes, without any doubt this building has been the same for at least the last thirty five years.

Sincerely,

Adam Piasky
Adam Piasky,
B.S.C.E

Rec'd 6/14 PC
Hearing y/y

May 20, 2005

To: Milwaukie Planning Commission

Re: Four-plex at 2540SE Lark Lane

Dear Commissioners,

When a staff person makes a mistake that is easily correctable it is your duty to correct it. You were appointed to represent and protect the rights and property of the people of Milwaukie, hopefully in an evenhanded and fair manner. If a rental unit meets the requirements set out by the city and county it needs to be accepted and recognized as a legal rental unit.

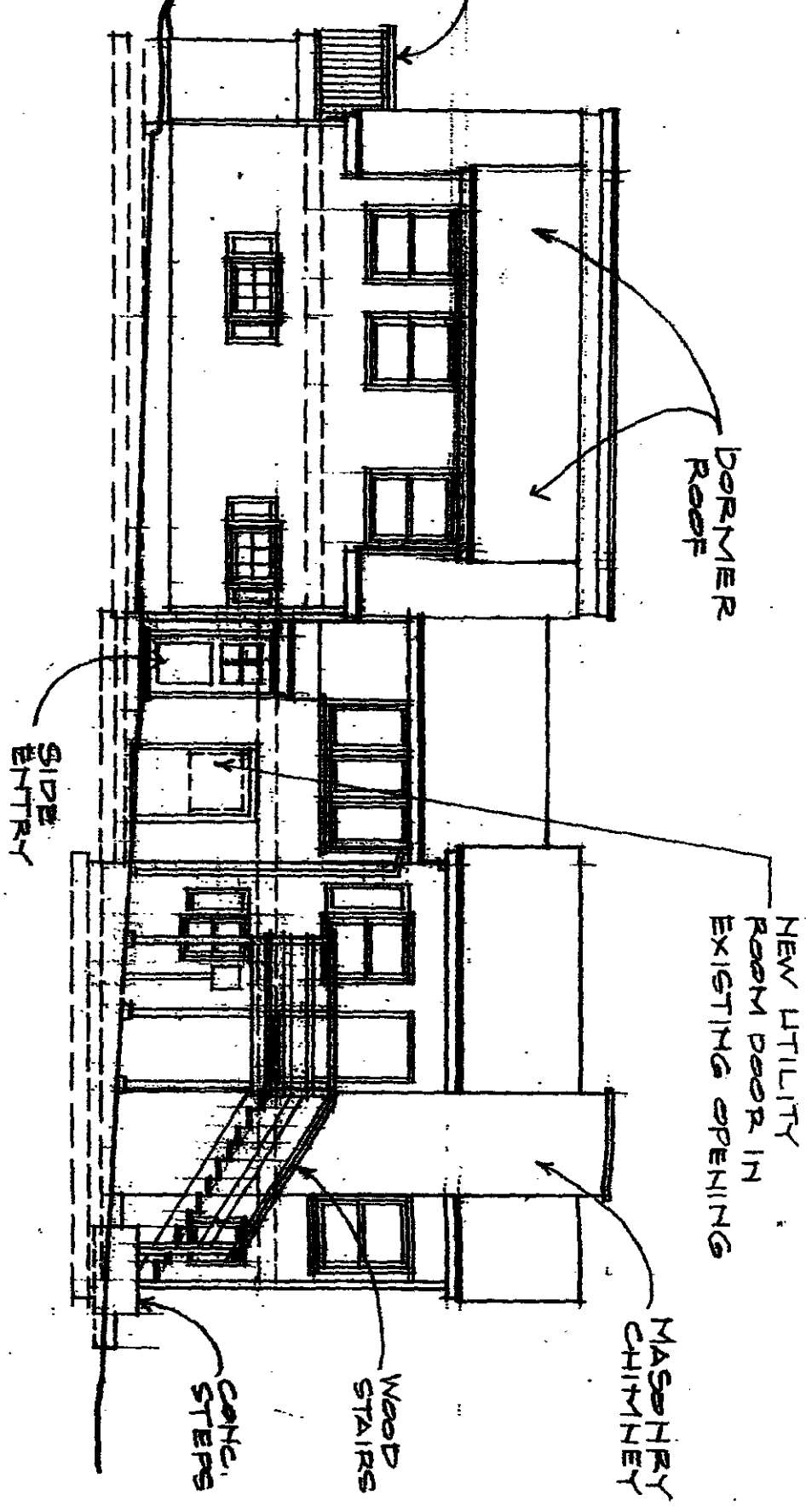
I have lived in the vicinity of Milwaukie for over sixty years. I graduated from Milwaukie High School. I have served on the old Union Hi board and The NC 12 Board. I serve on the Oak Lodge Sanitary Board. I am a founder of the Town Center Bank and on that board of Directors. I know It is uncomfortable to over rule a staff member's recommendation, but if you will really look at this situation that has been dragging on for over four years you will see that the building meets all of the requirements of a four-plex. Please don't compound a mistake made in the past on incorrect information. I know that it is hard to change a position once it has been set in concrete, but in this case it merits a re-evaluation.

I Have known Mike Hamersly all of his life and I can assure you he is of good character and an honest business man.



Elton Storment, DMD

6/14 PC
Heaving YM

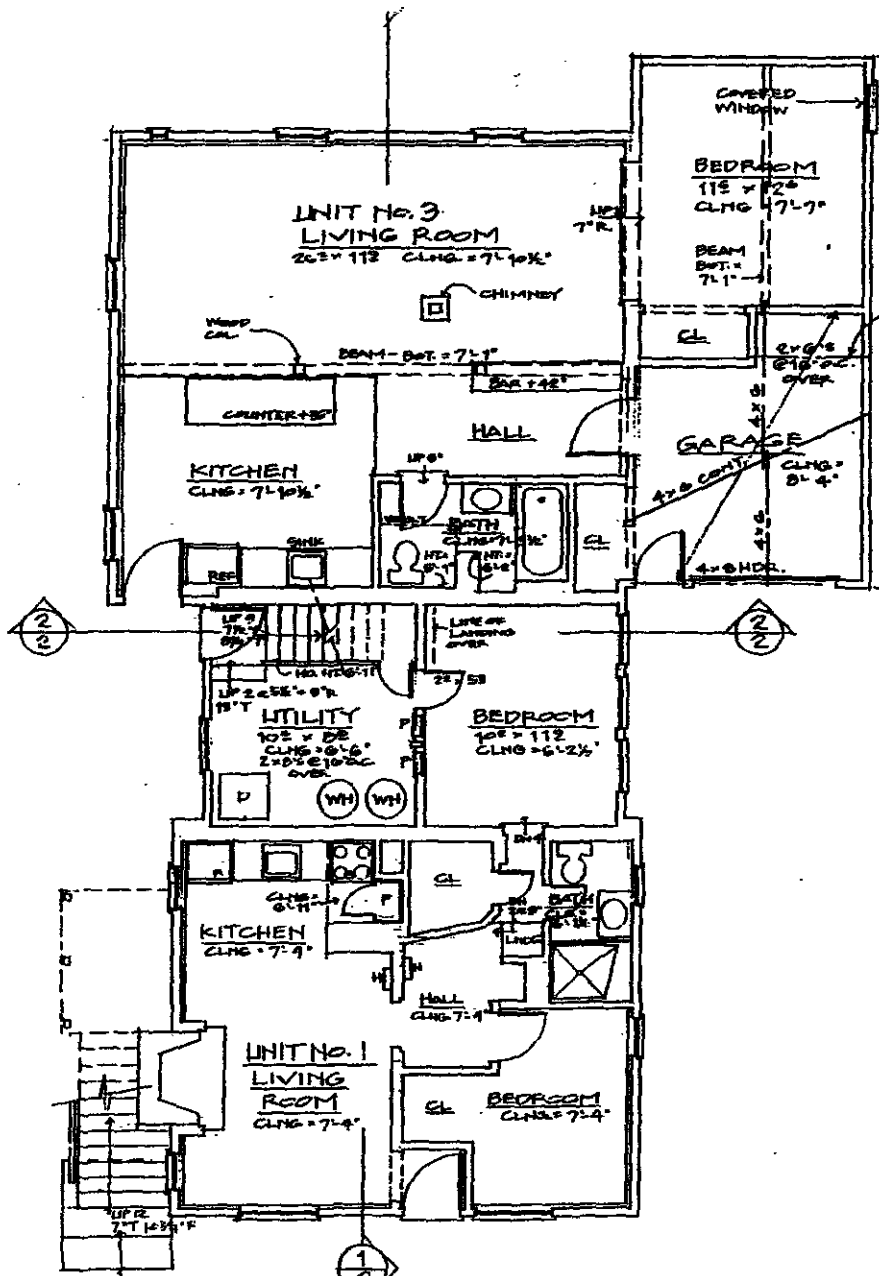


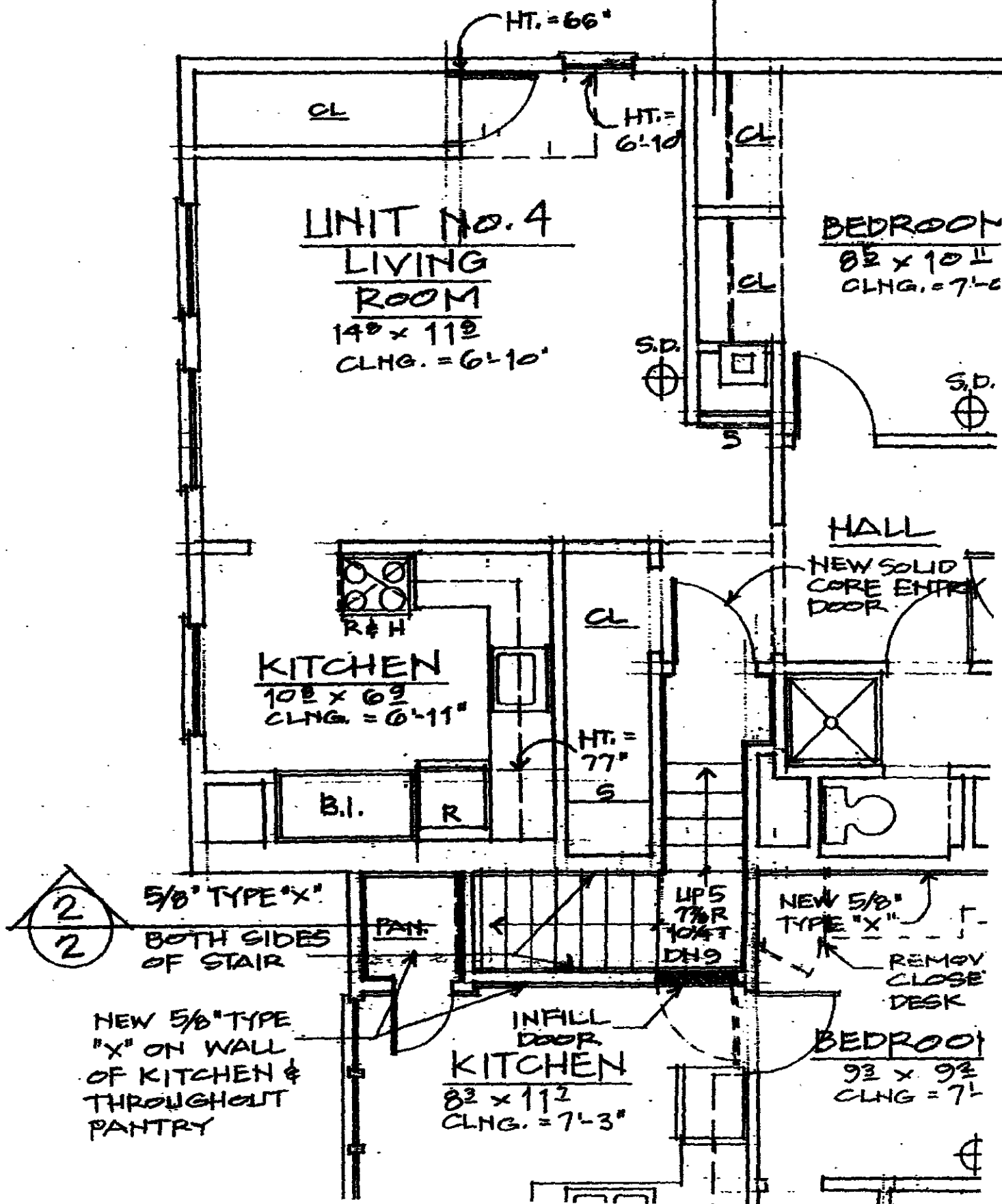
4
2

EAST ELEVATION

SCALE: 1/8" = 1'-0"

FENCE SIDE





May 18, 2005

TO: MILWAUKIE PLANNING COMMISSION

Re: File #AP-05-01 (2540 SE Lark, Milwaukie) Request to have four dwelling units recognized based on physical evidence as opposed to the currently authorized three dwellings based on a flawed property tax appraisal.

Dear Commissioners,

I am a long-time (44 years) resident of Milwaukie, currently residing at 12586 SE Guilford Drive where we have lived for the last 25 years. Although my business career has all been with Portland-based companies, I have served on several non-profit activities in Milwaukie including some ten years on the Board of Trustees of La Salle High School, including seven years as Board Chair. I have also served as a Board member and a working volunteer of a non-profit Community Development Corporation, which acquired, renovated and conserved over 120 units of low-income housing, about half of which were multi-family dwellings.

I have been asked to review the February 28, 2005 Directors Determination Request and related documents for the subject property, which I have done. I have also personally inspected the physical property. I am willing to testify to this effort and to the following conclusions:

- I believe the building at 2540 SE Lark was built as and has historically been used as four dwelling units.
- There are four electrical meter bases serving four dwelling units that evidence shows date from the 1960's.
- Evidence also indicates that the building was built in the 1930's, and there has been no evidence produced that would indicate that one dwelling unit has been added after the 1960's.

Based on my physical inspection, I believe any reasonable person would conclude that the original builder:

- Constructed the physical space for four living units,
- Installed separate electrical service for each of the four units,
- Installed individual, separate, appropriate plumbing for each of the four units, and
- Created a separate entrance for each of the four units.

Accordingly, no reasonable person could reasonably conclude that the builder intended anything other than to create four separate living units. Certainly, no sensible person would have provided for four such living units and then only utilize three of them for fifty years.

It appears that the City made a serious mistake in 2001 when it asserted that the building was a single family home converted to four dwelling units sometime in the last thirty five years. It also appears that in July 2003 the City's staff recognized that they had made an error on their original position when they made a ruling that this building has been a multi-family structure as claimed by Mr. Hamersly from the beginning. Unfortunately for Mr. Hamersly, they only recognized three dwelling units.

rec'd

6/14 PC Hearing
JM

The July 9, 2003 Directors Determination stated the basis for finding three dwelling units is that "Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units". I have reviewed the county's tax documents and have found that it numerous errors, most notably that it omits the existence of the second and third floors of the building and lists the building's total square as less than half of its actual space. The assessor's reports also show that they did not enter the building, and since the fourth living unit's entrance is accessed from the interior of the building, it is understandable that he listed the building as having only three units. That the City staff would use the County Assessor's grossly erroneous report as a basis to deny the building's owner of his right to the full use of his property is extremely unjust. This action strongly suggests that City staff was not motivated by a desire to assist the owner, but rather to justify the earlier error in closing down the building.

In order to remedy these erroneous and costly errors, I urge the following:

1. That the Commission recognize and acknowledge that the City staff erred in relying on an a county assessor's report that was obviously and grossly flawed in that it missed two of the building's story's, understated the square footage by more than half, and failed to find the existence of one of its living units.
2. That the Commission recognize and acknowledge that City of Milwaukie staff were incorrect in their finding, as asserted in Mr. Kent's December 7, 2001 letter, that this was a single family home illegally converted in the last thirty five years to four dwelling units.
3. That the Commission recognize and acknowledge that the City's staff by relying on the grossly flawed county assessor's report has not fully admitted its original mistake, thus resulting in prolonged delays and the denial of Mr. Hamersly rights to fully utilize his property.

In closing, I cannot help but deplore the City's treatment of Mr. Hamersly in this matter. Reviewing the documents and correspondence, I see a sorry trail of denials and unconscionable delays that has dragged on for nearly three and a half years. Every step of the way in this process, city documents show that Mr. Hamersly or some prior owner has been presumed to be guilty of illegal activity. This in a nation in which the notion that one is presumed innocent until proven guilty is enshrined in our constitution and related civil codes. One has to ask, is this the kind of treatment we should expect from a city government that claims its goal is to serve citizens fairly and efficiently?

As a long-time citizen of Milwaukie, I believe that on the whole, Milwaukie government has been and is honest and efficient. I want to believe this matter is the exception, and that the City is willing to admit to and rectify its mistakes in this case.

Sincerely,



Gerald M. Bitz

12586 S.E. Guilford Drive
Milwaukie, Oregon 97222
Telephone 503-6545-0094

April 5, 2005

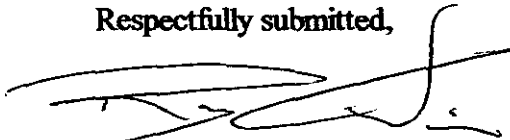
To whom it may concern:

During the summer of 1997 a friend, Galen Bangs, and myself helped Michael Hamersly work on a 4-plex-rental property located at 2540 S.E. Lark St. in Milwaukie Oregon. I recall it being the summer of '97 because Galen left Oregon the following year to join the U.S. Coast Guard. The two of us and Michael painted the exterior of the building, fixed up the landscaping, and cleaned the interior of each of the four units within the building.

Throughout high school and during college, I worked weekends and summers landscaping and fixing up older houses built in the mid 1930's and 1940's. While working on the Lark property, I noticed many aspects of the building that looked very similar to the older features on other buildings. This includes, but is not limited to, porcelain sinks, floor tiles that use a tar base adhesive and ceiling and wall materials that pre-date the wide use of sheet rock.

I can personally attest there were four units at time I worked at the location in '97, and Michael Hamersly did not add any additional units to the Lark property. There are four distinct units, three with access from the outside of the building and a fourth located at the top of an interior stairwell which turns at a 90 degree angle before revealing the main entrance. Due to the turn in the staircase, the entrance is completely hidden from the outside and could easily be missed unless you are to walk through the interior of the building.

Respectfully submitted,

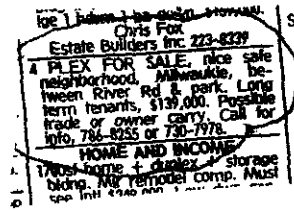


Rory Grondin
Oregon City, OR

RECEIVED

JUN 14 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT



Pager 818-1457
Rick

How long have you owned it
Deeds 96-31324 & 95-45630 \$89,000, assigned \$61

2) Why Selling

3) Rents for 435, 400, 350, 385 = ^{Gross} 1470

4) Laundry Machines, Need pop mech.

5) Last Appraisal

97 131,460
96
95
94

Land \$46,310

BL 85,

Letter
+
Name

RECEIVED

JUN 14 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

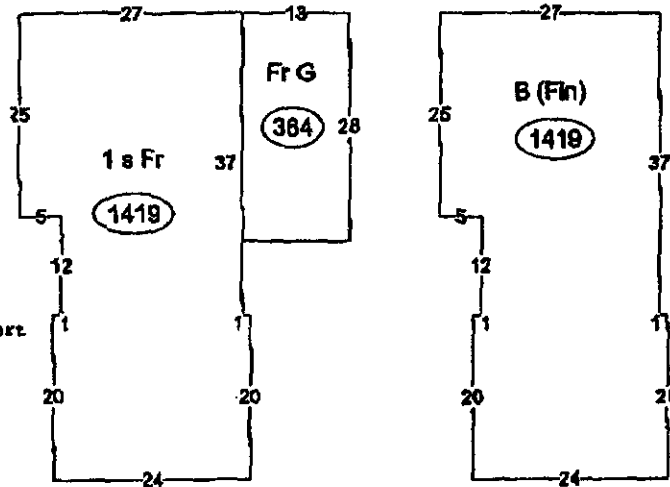
IMPROVEMENT DATA

00168810

Property Class: 101
2540 SE LARK ST, MILWAUKIE, OR, 97222, USA

PHYSICAL CHARACTERISTICS

Style: 21 Houses built 1920 to 1949
Occupancy: TriplexStory Height: 1.0
Finished Area: 2163
Attic: None
Basement: FullROOFING
Material: Asphalt shingles
Type: Gable
Framing: Std for class
Pitch: Not availableFLOORING
Slab: B, 1.0
Carpet: 1.0EXTERIOR COVER
Wood siding: 1.0INTERIOR FINISH
Drywall: 1.0ACCOMMODATIONS
Finished Rooms: 2
Bedrooms: 2
Fireplaces: 1HEATING AND AIR CONDITIONING
Primary Heat: No heat-wood stove/insert
Lower: Full Part
/Bunk: 1 Upper UpperPLUMBING

1 Bkt. Baths: 1
TOTAL: 1REMODELING AND MODERNIZATION
Amount: Date

Construction	Base Area	Floor Area	Sq Ft	Value
1 Wood frame w/sh	1419	1.0	1419	54760

4 Concrete block	1419 Bunk	744	18610
	0 Crew2	----	0

TOTAL BASE 73380

Row Type Adjustment 1.004
SUB-TOTAL 73380

0 Interior Finish	0
2 Ext Lvg Units	12204
0 Basement Finish	9100
Fireplace(s)	4200
Heating	0
Air Condition	0
Frame/Siding/Roof	0
Plumbing Fixt: 3	0

SUB-TOTAL ONE UNIT 100241
SUB-TOTAL 0 UNITS 100241

Exterior Features	Description	Value	Garages
0 Integral			0
164 Att Garage		8780	0
0 Att Carports		0	0
0 Bunk Garage		0	0
Ext Features		0	0

SUB-TOTAL 109021
Quality Class/Grade 3

GRADE ADJUSTED VALUE 117750

SPECIAL FEATURES

Description	Value	IB	Use	Story Const	Year Bld	Year Rf	Base Rate	Feat- ured	Adj Rate	Size or Area	Computed Value	Phys Obs	Market 4	Value
D: MASEBL	4200	D	DWELL	1.00	3-	1936 1936	AV	0.00	Y	0.00	2838	117750	38	0 105 100
		GO1	ATTGAR	0.00	1			24.12	N	24.12	13x 28	8780	0	0 100 100
		01	PLATCP	0.00	1	2003 2003	AV	14.18	N	16.73	400	6690	0	0 123 100

Date Collector/Data

Appraiser/Data

07 09/01/1990

Neighborhood

Neigh 22121 AV

Supplemental Cards

TOTAL IMPROVEMENT VALUE

85460

rec'd 6/14
PC Hearing
yes

May 10, 2005

rec'd 6/14 PC Heaney
JH

LETTER TO THE MILWAUKIE PLANNING COMMISSION

Re: File # AP-05-01, which reviews the request to have four dwelling units recognized based on physical evidence as apposed to the current three dwellings based on a flawed property tax appraisal.

Dear Commissioners,

I am a long time resident of Clackamas County. I was asked to review the February 28, 2005 Directors Determination Request. I have done so and am willing to testify to this fact, and the following; I believe that the physical evidence shows that this building, located at 2540 SE Lark was built as and has historically been used for four dwelling units. I believe the fact that there are four electrical meters that have been shown to date from the 1960's, that the building was constructed in the 1930's and there is no evidence that I have seen, or that the City's staff has provided that would allow me to conclude an addition of one dwelling unit has been added after the 1960's.

It is reasonable to believe whomever built the building invested capital to a.) create the physical space for four units, b.) install electricity to all four units, c.) install plumbing in all four units, d.) create a separate entrance for all four units; and would have only have invested the money to create four living spaces to use all four. It does not make sense that any reasonable person would construct four units and only use three.

It appears the City made a serious error in 2001 and shut down this building, believing it to be a single family home converted to four dwelling units in the last thirty five years. That in July of 2003 the City's Staff recognized they had made a mistake on their original position, and made a ruling that recognized this building has been a multifamily unit, as claimed by Mr. Hamersly from the beginning, (12/2001), but only saw fit at the time to recognize three dwelling units.

Stated in the July 9, 2003 Directors Determination, the reason for finding three dwelling units is "Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units." I have reviewed the Counties Tax documents and have found it to contain ten errors in two pages, most notably missing the second and third floors of this building in the description and total area square footage.

It is reasonable to believe that if the assessors made ten errors that they could have and did make eleven errors by only listing three out of the four units. It is interesting to note that all of the past County's Inspectors did not inspect the interior of this building. That the fourth unit's entrance is accessed from the interior of the building and cannot be seen from the outside of the building. It is logical to conclude that the assessor would not have listed the fourth unit since they would not have known it was there. It has remained unseen by the assessor's inspections over the years. Also, by not entering the building would explain how or why so much of the building has been missed over the years.

I spoke to Mr. Hamersly and asked why the City's Staff ignored the physical facts and chose to believe a document that is flawed. His explanation was The City's staff had made such a serious error, that to mitigate the negative repercussions that would result from such an error, they chose to delay and to find something they could say was wrong with the building. By finding a flawed document and believing it has caused delay. They needed something to justify taking such a serious step of closing the building. This is why Mr. Hamersly believes the City staff has chosen to ignore current physical evidence of four dwelling units and continue to believe a flawed document to find three.

The above explanation makes sense, it is clear the City's Staff was in error when it declared the building to be a single family home. That the continued delay from the City's Staff to resolve this fairly simple question definitely gives the appearance of a Staff attempting to sweep a mistake under the rug of time.

This question of the buildings historical dwelling density was raised by the Staff in 2001 and it has taken until 2005 before persons outside the City's Staff are able to review and answer this question. This again gives the appearance of the staff trying to ignore a problem hoping it will go away. The problem did not go away but the three persons who made the original mistake did. Mr. Kent, Mr. Campbell and Mr. Whitehill are all no longer employed with the City. It appears delay did work and gave them enough time to find other employment and not have to answer for their mistake.

I would urge you to solve these past mistakes:

1. The first being the Clackamas Assessor missing two story's of the building and the fourth dwelling unit.
2. The second being that City of Milwaukie staff, specifically Mr. Kent's letter showing the staffs belief that this was a single family home illegally converted in the last thirty five years to four dwelling units.
3. The third being the City's staff not wanting to admit making a complete mistake and are therefore choosing to believe a County Assessors Tax record that is known to be flawed.

Please take this opportunity to help Mr. Hamersly, his family, the City's reputation by believing the physical evidence, correcting the above mistakes, and approve four dwelling units.

Thank you for allowing my input into this decision and taking the time to help.

Sincerely,

Lynn Hamersly

Address,

Title,

Date,

13700 SE Nixon Av 42 yr resident 05.24.05
Milwaukie 97222 Ad member, CCC
NW Autism Foundation

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ATTACHMENT 5

can change the utility bill with a phone call. The utility bill was correct and billed for three units instead of the correct four for years without correction from the City.

ELECTRICAL RESEARCH

27. PGE notes in the letter dated April 11, 2002 (see attachment 28) "Portland General Electric's records show that service was installed at 2540 SE Lark St 1 in April of 1964... It would be logical to think that if the meter was installed in 1964 in one unit that other units would coincide. However, the meters have been pulled from these addresses. We do show that we did at one time have active service at 2540 SE Lark St 1,2,3,4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above..."
28. One inspector noted that the electrical meters were installed in a manner that would not be allowed today (see pictures attached 29). This is in agreement with the premise that the meters were installed in the 1960's. That current standards and Electric Code would not allow installation of those tandem housing units. Although it would have been typical for an installation in the 1960's.
29. A letter dated 12/18/2002 from Industrial Commercial Electric (see attached 30) Seeking work the electrician notes that the meter housing is so old as to allow theft of electricity. "As work progressed... The duplex meter base assembly's - date back to the sixties, and have bypass jumpers which allow current to flow around a meter to any of the four panels when set, even with the meters pulled. This situation has the potential to cause problems with service work and problems with less than honest renters who may be brazen enough to purposely bypass their meter..."
30. This again indicates that the meters are of the 1960's vintage, they are in a tandem housing that was appropriate then but inappropriate after the 1960's. It also is in agreement with the premise that all four meters were installed in the 1960's.
31. The City closed the building December 2001, evicted all the tenants then contacted PGE to come and remove the meters from the building even though power can be and was turned off at PGE's pole (see attached 28). Therefore we cannot get the serial numbers from the electrical meters to find out their exact dates of installation. We now must rely upon the above mentioned information and letters from PGE, that it would not install meters without permits from the 1970's moving forward and the letter (attached 31) from Industrial Commercial Electric which identifies the meters housing being circa 1960's (attached 32).
32. PGE stated in a letter dated 8/19/2004 (attached 31) "Since Cities and Counties in the State of Oregon require inspections prior to connection of electricity, PGE abides by these laws - and has for well over 50 years. PGE never has, nor will it now, connect electricity at any location without the property owner first obtaining proper electrical inspections."
33. Therefore one could not add an additional unit and electric meter after the 1970's without getting a permit from the City, because PGE would not install the electrical meter unless those proper permits were issued. There are no permits on record with the City for any additions or added meters; therefore we can safely conclude PGE did not add a meter after the 1970's and the four electrical meters that are on the building today were added before the 1970's making them pre-existing to current (after 1973) codes.
34. Industrial Commercial Electric states in its letter dated 8/25/2004 (attached 32). It finds that the electrical meters on the building at 2540 SE Lark, Milwaukie (please see pictures attached 29). That "There are four meters located in the two tandem meter bases. This specific style of tandem meters, which come as single unit and houses two meters each date back to the sixties. There are two of the tandem meter bases on this building. As you can see they are identical tandem housings, and there is every indication that these were installed at the same time. We can be assured of this because in the early 1970's the tandem meter housings were manufactured larger, per code change. ...". Please note that tandem meter housing shows us

that these electric meters were added two at a time, so only a even number of electric meters have been on this building since the 1960's. The physical evidence indicates the two tandem housing and four meters were installed at the same time in the 1960's.

35. This letter goes on to say; "In conclusion, it is my professional opinion as a licensed and bonded electrician with 26 years of experience, and after checking the records at PGE, the City of Milwaukie, and Clackamas County. That the four meters contained in two tandem meter bases at 2540 SE Lark, Milwaukie, Oregon 97222 date back to the sixties."
36. Again the evidence points to there being four electrical meters in the late 1960's. Most noteworthy was the mention of two tandem housing units, that contain four electrical meters (see attachment 29). There has not been a three electric meter configuration due to the fact if there had been three in the 1960's the building would have to have had one tandem housing unit with two meters and one single housing unit with one meter for a total of three meters. Therefore currently the building would have one tandem housing unit with two electrical meters and two single housing units with one electrical meter in each for a total of four. It did not then nor does it now have a three-meter configuration or a four-meter configuration that contains two single housing units. It has now and has had four-meters, contained in two tandem housing that go back to the 1960's. I believe this gives the clearest indication that this building has historically had four living units, thus making this a four-plex that is pre-existing to Senate Bill 73, and is now governed by the City's code, section 19.801 and 19.802 (attachment 4). Therefore making this building a legal non-conforming four-plex.

SUMMARY

- I spoke with the City's Mr. Kent, and he appears to have made errors too. After reviewing the correspondence Mr. Kent stated in a letter dated December 7, 2001 that "... A four-plex is not permitted in the R-5 Zone. ..." I have since learned that this is not correct and that a person can have a four-plex in Milwaukie's R-5, single-family zone as long as the units were built legally prior to the zoning laws covered in Senate Bill 73 and the City's code, Chapter 19.800. I believe this error on Mr. Kent's part started this process within the City and left it for me to prove that I did not by a single-family house in 1997 and then convert it to a four-plex. I do not believe this process would have occurred if Mr. Kent would have been aware of Senate Bill 73 or the City's own code's, specifically section 19.801 and 19.802. If he was aware of these codes, why did he ignore them?
- The records, sewer bill and County assessor records, used in the July 9th. letter must have always carried very little weight since they have been readily available to the City, and Mr. Kent since the first determination in November 2001, which stated this building was a single-family unit recently converted to a four-plex. These two pieces of information seem to have been virtually ignored by Mr. Kent. I have seen no mention of them in any 2001 reports by him or the City when the decision was made that this was a single-family home that I converted to a four-plex and needed to be closed. I was surprised to see so much weight given to them in the July 9, 2003 determination to use as best evidence that there has historically only been three-units not one or four. The City has had this same information this entire time. The City used the information when it decided that this building was a single-family unit I illegally converted to a four-plex. Now it used the same information sewer bills and assessor information to come up with three units instead of the four units, which I have always maintained, at great cost to family and myself. So I conclude that the City does not highly value the sewer billing and assessor's information since it concluded using it that this was a single-family unit from the information.

- Information from the Clackamas County Appraisal Data is declared in error due to the fact the person in 1976 who said it was a three plex, described the structure as "2 units on main floor + one in basement." This statement is in error. The building is, in fact, a three-story structure without a basement (see attachment 16 which is a recent picture, 10/04, that clearly shows the third level window which can be seen in the 1976 photo but the view of this window is partially blocked by a branch). The appraiser in 1976 did not describe the second or third floors of this building. He states that this is a three unit building with a total of 1,419 square feet. This building has approximately 3,078 square feet, and has been the same building since at least 1976 as seen in the picture. The appraiser missed approximately 1,659 square feet of living space in this building. The largest and nicest unit is on the second and third floor. It has approximately 1,120 square feet of living space, three bedrooms, one bath with a tub, hardwood floors, a fireplace, and is two stories. This is the missing fourth unit. It has existed since the building was constructed back in the 1930's and is not a recent addition, per photo from 1976. It is apparent that the appraiser made several mistakes back in 1976 incorrectly labeling this building as a three-plex has caused confusion as to the number of units for utility billing to date and they have just carried forward until now when we can correctly re-describe the building as a three level four-plex and submit this accurate description to the County's Appraisers Office and City's utility billing department.
- Used in the July 9, determination was the Clackamas County Appraisal information that is in error, missing the second and third floors and 1,659 square feet of living space. "Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units." (See attachment 6) Therefore the assessor's tax records are not the best evidence and again I believe these records should be giving little weight in determining the number of historical units.
- Carla Atwood and Pat who work at the City informed me that the utility billing for buildings is set up when the building plans are submitted to the City and that they did not know how the City would determine the billing without building plans. The City does not have building plans for this building. After speaking with these different City employee's we concluded that the utility bill at Lark was set up back in the 1970's after the new sewer went in and that the City not having building plans for this building used the flawed Appraisal records that incorrectly identify the building as a three-plex and therefore billed the owners incorrectly for three units instead of the correct four unit building that it is and has been.
- It appears the determination on July 9, placed too much good faith into the City's sewer billing records. "Milwaukie billing records indicate three units of sewer service." (Attached 6) Which in light of the new information provided, the City not being given, nor having a building plan for this building, therefore forced to rely upon Clackamas County Assessor records, which are in error, to base the sewer service at three, when in fact they were giving service to four. This makes City's billing records inaccurate and I believe of lessor value in deterring the historical dwelling density and that little weight should be afforded them in this determination.
- "We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure, at least back until 1964 when electrical service was installed... As zoning was not adopted until after this date, and the construction codes not adopted until 1973, this makes this a classic pre-existing non-conforming structure, with four units." (See attached 33, Mr. Griffith's original letter for determination.)

- I believe the best evidence available is the physical age of the four electrical meters, construction and condition of this building. These all indicate that this building has not significantly changed nor has had any additions made to it since at least 1973. The Clackamas County Assessor's picture from 1976 shows the same building, with three levels. The four electric meters, contained two at a time in duplex housing, that the a licensed and bonded electrician identify as 1960's era that are on this building to this day. That PGE would not have installed a meter after 1973 with out the buildings owner getting a permit for a new meter from the City. Since there no permits on file at the City or County this leads to the conclusion that the four meters were installed prior to 1973. I believe this evidence should be given the most weight in determining how many units have been historically at this building and how many should be recognized by the City of Milwaukie now. I hope this new information helps to clarify the number of units that could be recognized by the City.

PLEA

This has been a long and difficult process and I hope it is now clear that I did not buy a single-family home and convert it to a four-plex. Nor did I buy a three-plex and add to the building, then install a new meter to create a forth unit. I bought this building as a four-plex, as did the owner before me. I hope this discussion has shown that this building has been a four-plex since at least the late 1960's. That in fact it has historically (prior to the 1970's) been four living units at 2540 SE Lark, Milwaukie, Oregon 97222. I would urge you to agree with this conclusion and recognize this building as a nonconforming, pre-existing use four-plex as allowed by Milwaukie's Code, Chapter 19.800.

Thank you for your time and consideration in this matter. If there any questions or information I can provide for you, please do not hesitate to contact me. I am looking forward to a positive conclusion of this matter.

Respectfully submitted,



Michael Hamersly, Member
PDX Land LLC.

ATTACHMENTS 1-33

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19.1001

Chapter 19.1000

ADMINISTRATIVE PROVISIONS

Sections:

- 19.1001 Administration.
- 19.1002 Time limit and appeal from ruling of planning commission.
- 19.1003 Form of petitions, applications and appeals.
- 19.1004 Repealed by Ord. 1907.
- 19.1005 Concurrent reviews.
- 19.1006 Filing fees.
- 19.1007 Applicable standards and criteria.
- 19.1008 Ex parte contact.
- 19.1009 Decisions.
- 19.1010 Repealed by Ord. 1907.
- 19.1011 Procedures.
- 19.1012 Recess of hearing.
- 19.1013 Time limit on a permit for a conditional use or variance.
- 19.1044 Permits, inspections and occupancy approvals required.

19.1001 Administration.

19.1001.1 Authority. The planning director shall have the authority to apply, interpret, and enforce the provisions of this title. An appeal from a ruling by the planning director regarding a requirement of this title may be made to the planning commission under provisions of this section.

19.1001.2 Application and Fee Required. Applications and requests for actions authorized under this title shall be made in accordance with provisions of this chapter. Application and other applicable fees as established by resolution of the city council

shall be paid at the time the application or request is submitted.

19.1001.3 Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178.

19.1001.4 Planning Director's Interpretations.

A. Purpose. The planning director's interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. This process may be used independent of, or concurrent with, applications for a particular permit or land use application. All director's interpretations are subject to appeal in accordance with this section.

B. Requests. A request for an interpretation shall be made in writing to the director. The director may develop guidelines to govern the request process.

C. Independent Interpretations: The director may issue interpretations independent of a request by another party.

D. Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued.

E. Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed.

F. Written Interpretation Mailed. If the director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2401, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,


Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

19.303

19.303 Residential zone R-5.

In an R-5 zone the following regulations shall apply:

19.303.1 Outright Uses Permitted. In an R-5 zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Single-family attached dwelling;
- C. Residential home;
- D. Agricultural or horticultural use, provided that:

- 1. A retail or wholesale business sales office is not maintained on the premises, and
- 2. Poultry or livestock other than usual household pets are not housed or kept within one hundred (100) feet of any dwelling not on the same lot, nor on a lot less than one (1) acre, nor having less than ten thousand (10,000) feet per head of livestock;

E. Any other use similar to the above and not listed elsewhere.

19.303.2 Conditional Uses Permitted. In an R-5 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Chapter 19.600:

- A. Temporary real estate office in a subdivision;
- B. Senior and retirement housing;
- C. Type 2 accessory dwelling unit;
- D. Any other use similar to the above and not listed elsewhere.

19.303.3 Standards. In an R-5 zone the following standards shall apply:

A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. Average lot depth shall be at least eighty (80) feet.

B. Front yard: A front yard shall be at least twenty (20) feet.

C. Side yard: A side yard shall be at least five (5) feet, and there shall be one (1) additional foot of side yard for each three (3) feet of height over two stories or twenty-five (25) feet, whichever is less, except on corner lots a side yard shall be at least fifteen (15) feet on the side abutting the street. For interior, single-family attached dwellings side yards are not required.

D. Rear yard: A rear yard shall be at least twenty (20) feet.

E. (Repealed by Ord. 1893)

F. Off-street parking and loading: As specified in Chapter 19.500.

G. Height restriction: Maximum height of a structure shall be two and one-half stories or thirty-five (35) feet, whichever is less.

H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed thirty-five percent (35%) of the total area of the lot.

I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be twenty-five percent (25%) of the total area of the lot.

J. Transition area: A transition area shall be maintained according to Section 19.416.

K. Frontage requirements. Every lot shall abut a public street other than an alley for at least thirty-five (35) feet, except as provided in the subdivision ordinance. The lots for interior single-family attached units shall abut a public street for at least twenty (20) feet.

L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review,

19.801

Chapter 19.800**NONCONFORMING USES****Sections:**

- 19.801** Continuation of a nonconforming structure.
- 19.802** Continuation of a nonconforming use.
- 19.803** Discontinuance of nonconforming use.
- 19.804** Improvement of certain nonconforming uses.
- 19.805** Change of nonconforming structure.
- 19.806** Change of nonconforming use.
- 19.807** Destruction of nonconforming structure or use.
- 19.808** Completion of structure.
- 19.809** Determination of nonconforming situations.

19.801 Continuation of a nonconforming structure.

Subject to the provisions of this section, a nonconforming structure may be continued and maintained in a reasonable repair, but shall not be altered or extended unless such alteration or extension is approved by the community development director per subsection 19.1011.2, Type II Administrative Review. A decision will be rendered based upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure. (Ord. 1712 (part), 1991)

19.802 Continuation of a nonconforming use.

A nonconforming use may be continued, but shall not be altered unless such alteration is approved by the planning commission after a public hearing in accordance with subsection 19.1011.3, Minor Quasi-Judicial Review, upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing use. A nonconforming use that is limited to a portion of a property may not be relocated to a different portion of the property on which it is located or to any other property. (Ord. 1907 (Attach. A), 2002; Ord. 1712 (part), 1991)

19.803 Discontinuance of nonconforming use.

19.803.1 Nonconforming Use Involving a Structure. If a nonconforming use involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter.

19.803.2 Nonconforming Use Not Involving a Structure. If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter. (Ord. 1712 (part), 1991)

19.804 Improvement of certain nonconforming uses.

A use which is nonconforming with respect to provision for screening shall provide screening within a period of five (5) years from the effective date of Ordinance 1438 (November 5, 1979). (Ord. 1712 (part), 1991)

MICHAEL HAMERSLY

Certificate of Occupancy

City of Milwaukie, Oregon

Building Division

UNIT 1 STORAGE ONLY

This Certificate is issued pursuant to the requirements of Section 109 of the State of Oregon Structural Specialty Code attesting that at the time of issuance this structure was in conformance with the applicable State codes and with the various ordinances of the City of Milwaukie regulating building construction.

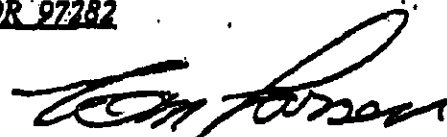
Building Address: 2540 SE Lark Street Date Issued: 3/1/04

Use: Apartment Building Permit No.: 030112 Use Zone: R-3

Occupancy Group: R-3 Type of Construction: V-N

Property Owner: Michael Hamersly Business Owner: Michael Hamersly

Business Owner's Mailing Address: PO Box 82921, Portland OR 97282



Tom Larsen, Building Official

POST IN A CONSPICUOUS PLACE

Att. 5

6.21.39



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT

Engineering • Operations • Planning • Building • Fleet • Facilities

6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206

Phone: (503) 786-7600 • Fax: (503) 774-8736 • Web Site: www.cityofmilwaukie.org

Larry J. Blake, Jr.
Geordie Duckler, Ph.D.
Steve J. Rutherford, Of Counsel

Also a _____
Also admitted in California

Jon F. Strock
Attorney at Law
725 Portland Ave.
Gladstone OR 97027

July 30, 2002

CLIENT'S COPY

Re: City of Milwaukie v. Michael Hamersly

Dear Jon:

This letter is in reference to the above-entitled matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to talk to Steve Campbell and myself the other day. Pursuant to our discussion, it appears that it is appropriate that your client be cited at this time. Just because your client is cited, does not mean that an informal resolution is not possible.

I am asking Steve Campbell to review the possibility of citing your client for all the numerous violations at the discussed location. These violations would include electrical, plumbing and mechanical issues as well as the type of structure and its present and past use.

I anticipate there being a total of six (6) violations per day starting December 14, 2001 and continuing until the present. Of course, some of the violations may decrease if the renters have moved out of the property.

All the City wants from your client is to come into conformance with the City Code. It is my understanding that the property is currently listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he follows the guidelines and rules to do so.

Please be advised that your client must get all applicable City, County and State authorizations prior to working or modifying on the property so as to ensure the safety of the neighborhood.

If you have any questions, do not hesitate in contacting my office.

Very truly yours,


Larry J. Blake, Jr.
City Prosecutor

LJB/le
cc: Steve Campbell
Jon Henriksen

Larry J. Blake, Jr.*
Geordie Duckler, Ph.D.**
Steve J. Rutherford, Of Counsel

* Also admits

** Also admits

CLIENT'S COPY

Jon Hennicksen
725 Portland Avenue
Gladstone OR 97027

August 9, 2002

Re: City of Milwaukie v. Michael Hamersky

Dear Jon:

This letter is in reference to the above-entitled matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to discuss this case with me on August 8, 2002. Pursuant to our telephone conversation, I contacted Steve Campbell, who informed me that he would turn the water on to your client's property.

Of course, by the City turning the water back on to the property does not in any way give permission to your client to either work on the property or have tenants reside in the property without appropriate documentation, review and permits.

As we discussed, the City of Milwaukie is only interested in your client's compliance with applicable codes. The City is more than ready and willing to work with your client to assure the appropriate use of the building for the safety of the citizens in Milwaukie as well as his tenants.

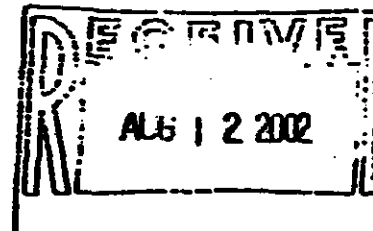
If you client is interested in an informal resolution, please feel free to contact my office. Otherwise, it appears as if your client will be receiving several citations in the near future and this matter will be resolved by the Courts. Of course, I do not believe that would be in your client's best interest based upon his litigation costs as well as exposure to substantial fines.

Very truly yours,

Larry J. Blake, Jr.
City Prosecutor

LJB/le

cc: Steve Campbell



JIM GRIFFITH & ASSOCIATES, .

LAND / BUILDING USE STRATEGIES

11825 SW Greenburg Rd., Suite A3

Tigard, OR 97223-6460

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

Att. 9

6.2 Page 43

January 16, 2003

Mr. Michael Hamersly
2335 NW 145th Ave.
Beaverton, OR 97006

Re: 2540 S.E. Lark Street

Dear Michael,

I had a meeting Wednesday afternoon with Ken Kent, Planning, City of Milwaukie, as a follow up to our conversation.

He again noted that we could proceed with three units at this time with a "Grandfather" allowance. He agreed with me that it would take the removal of the Kitchen to make it a storage unit. He further noted that you would have to have full drawings for the structure.

I asked about the potential of completing the three while we were questioning number four. His comment was that they would not proceed until the forth unit issue was resolved. What is at issue, the City code only allows the non-occupancy of a non-conforming use to remain vacant for six months before losing its non-conforming status. The time line is not running now as there is a conflict with the code, but as soon as that is resolved the six-month issue starts.

From my discussions with staff, I am quite convinced that they will only go for the three units. Ken acknowledged that they recognized the letter from PGE, but their sewer records and Tax records state something else. What I was told, the sewer noted multi-family with no unit count, and we all know the tax records note "3 units". The challenge would be to us to prove that there were four units.

To be able to appeal to the Planning Commission, we will first have to request a Planning Director's Determination, which is done with a letter and a \$50.00 check to the "City of Milwaukie". I have enclosed the requirements for information that needs to be attached to the request. We already have most of this information, but I haven't a clue about tax records, businesses licenses and such. You may want to check the Polk Directory and see how many telephones they had at that address, or if you would like I can check it out.

After the Director makes his determination, we could appeal to the Planning Commission. That would be a public hearing where we would present our case to the Planning Commission and they would make a determination. The down side of that is that they have noted that you would not be able to proceed with the three until this appeal process is completed. This could kill you with time as they have 120 days to respond to your request, but usually this goes much quicker, and the appeal requires public notice before the hearing. I would speculate that we could be looking at up to six months (Plus or Minus), with no guarantee that the planning commission would rule in our favor.

Your option is to go with the three and re-occupy. This will require full plans and the layout of a site plan as we will need to show the City where everyone is going to park as I have a feeling that they will look at current requirements for the parking and setbacks and possibly landscaping.

I asked about the other (upper) lot and Ken mentioned that the second lot has some problem in that he did not think it was listed as a legal unit, and that is why you were in the partitioning process. I hope that means something to you as I am in the dark about that issue. I would suggest we see if we can fit everything on the one lot and after the dust settles, look at the other lot to sell, if they would allow it to be developed. They may insist that it is part of the "Same ownership" with the tri-plex (Four-plex) and therefore cannot be developed under the same ownership.

Michael, you need to think this through and I will be more than happy to discuss the options with you too. However, you know the financial implication of all of this and I do not! Maybe we could go with three at a higher rent and sell off the upper lot. I don't know if that is feasible or not, but its an idea. You know the legal status of the upper lot.

I await your reply and direction.

Sincerely



James E. Griffith,
President

19.805

19.805 Change of nonconforming structure.

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended provided the alteration or extension does not exceed the height, yard requirements, or lot coverage requirements of this title. (Ord. 1712 (part), 1991)

19.806 Change of nonconforming use.

19.806.1 Nonconforming Use Not Involving a Structure. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.

19.806.2 Nonconforming Use Involving a Structure. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission, after a public hearing as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced. (Ord. 1712 (part), 1991)

19.807 Destruction of nonconforming structure or use.

A. If a nonconforming structure is destroyed by any cause to an extent exceeding fifty percent (50%) of its real market value, a future structure on the site shall conform to this title except as provided in subsection 19.807(C).

B. If any structure containing a nonconforming use is destroyed by any cause to an extent exceeding fifty percent (50%) of its real market value, and is not returned to use within

six (6) months by obtaining occupancy approval under applicable building codes, future uses on the site shall conform to this title, except as provided in subsection 19.807(C).

C. Where damage or destruction to either a nonconforming structure, or a conforming structure containing a nonconforming use, occurs by accident or natural hazard, the nonconforming situation may be restored subject to the following:

1. Within one (1) month of the date the damage was incurred, the property owner shall submit notice of intent to restore the nonconforming situation to the planning director.

2. The planning director shall issue acknowledgment of the notice of intent upon receipt and the six(6) month time period in which to repair the premises described in subsection 19.807(B), shall be extended to one (1) year.

3. The planning director may authorize an extension to the one (1) year period, described in subsection 19.807(C)(2), not to exceed six (6) months upon a good faith showing by the property owner that work to restore the premises has been delayed due to legal or other proceedings necessary to resolve insurance claims, business negotiations, architectural or engineering design for reconstruction or acquire needed land use approvals and construction permits. (Ord. 1912 (Attach. 4), 2002; Ord. 1907 (Attach. A), 2002; Ord. 1712 (part), 1991)

19.808 Completion of structure.

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to effective date of Ordinance 1438 (November 5,

1979), provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the building permit is issued. (Ord. 1712 (part), 1991)

19.809 Determination of nonconforming situations.

19.809.1 Planning Director's Determination. The planning director shall make a determination regarding the legal status of a nonconforming use, structure, or other applicable zoning requirements in accordance with Section 1011.1 Type I administrative review. Any nonconformity shall be known as a nonconforming situation for the purpose of this section. Determinations of nonconforming situations shall be made using the following criteria.

A. Proof that the nonconforming situation was permitted under applicable regulations at the time it was established, including:

1. Copies of building and/or land use permits issued at the time the use, building, or other condition was established;

2. - Copies of zoning code provisions and/or maps;

3. Demonstration that the situation was established before the applicable development code for the community was adopted; and

B. Proof that the situation has been legally maintained over time. Evidence that the nonconforming situation has been maintained over time including:

1. Utility bills;

2. Income tax records;

3. Business licenses;

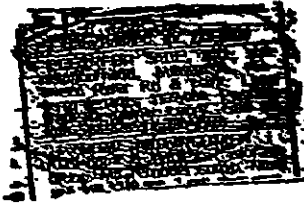
4. Listings in telephone, business and Polk directories;

5. Advertisements in dated publications, e.g., trade magazines; and/or

6. Building, land use or development permits.

C. Submission of the applicable fee as adopted by the city council. (Ord. 1907 (Attach. A), 2002)

Pager 818-1457
Rick



How long have you owned it.
Lease 96-31324 & 95-45638 \$80,000; assigned \$60,000
Why Selling

1 Rents for 435, 400, 350, 385 = ^{Gross} 1470
Laundry Machines, need for each.
But

Last Appraisal
97 131,460
96
95
94

Land \$46,310

BL 85, 1:

19 FEB 2003

MULTNOMAH COUNTY CENTRAL LIBRARY
Circulation

ALL 147

Call Number

Stack Call Desk (Oregon)

Status :

0-917.95 066255

1 other : ..

6.2 Page 48

DYNIX #

793583

TITLE

Salisbury's Oregon City and vicinity directory, containing an alphabetical directory of business concerns and private citizens of the cities of Oregon City, Gladstone, West Linn & vicinity ...

PUBLISHER

Portland, T.W. Salisbury.

DESCRIPT

v.

SUBJECTS

1) Oregon City (Or.) -- Directories.

- - - - More on Next Screen - - - -

Press <enter> to see next screen :

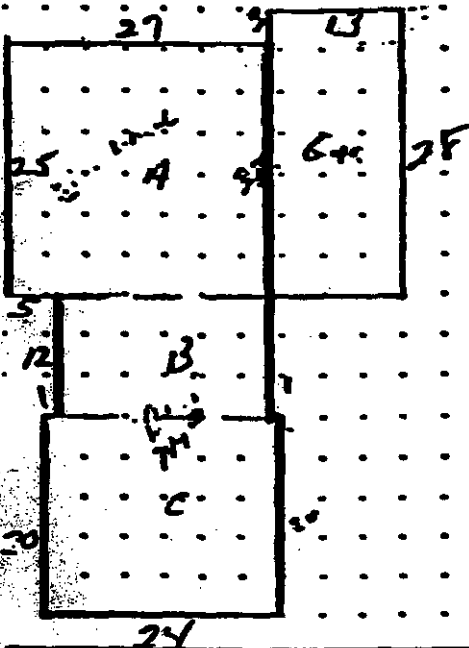
SO=Start Over, B=Back, RW=Related Works, S=Select, C=Copy status

SE=Save Bib, <enter>=Next Screen, SBLIST=Saved Bib List

I first worked for the library in the late 1970s and at that time there was no city directory coverage for Milwaukie. We only started to have reverse directory coverage when we began subscribing to Cole's directories in the late 1980s. *Thore Cushing Hemmings*

BUILDING DIAGRAM

A- 27x25 = 675
 B- 22x12 = 264
 C- 24x20 = 480
 1419 ft²



GARAGE AND OUTBUILDINGS							LAND DESCRIPTION				
GARAGE TY. DET. BENT. 1/4 1/2 1/2 3/4 T.	DESCRIPTION					DIMEN- SIONS	SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS OR ACRES
	FOUND	FLOOR	ROOF	WALLS	MISC.						
	CON	CON	F.L.	3.5K		13 x 27	364				5.5 x 4.56 2500
						X		2			
						X		3			13 x 15 195
						X		4			40 x 54 2160
						X		5			
						X		6			
						X		7			
						X		8			
						X		9			

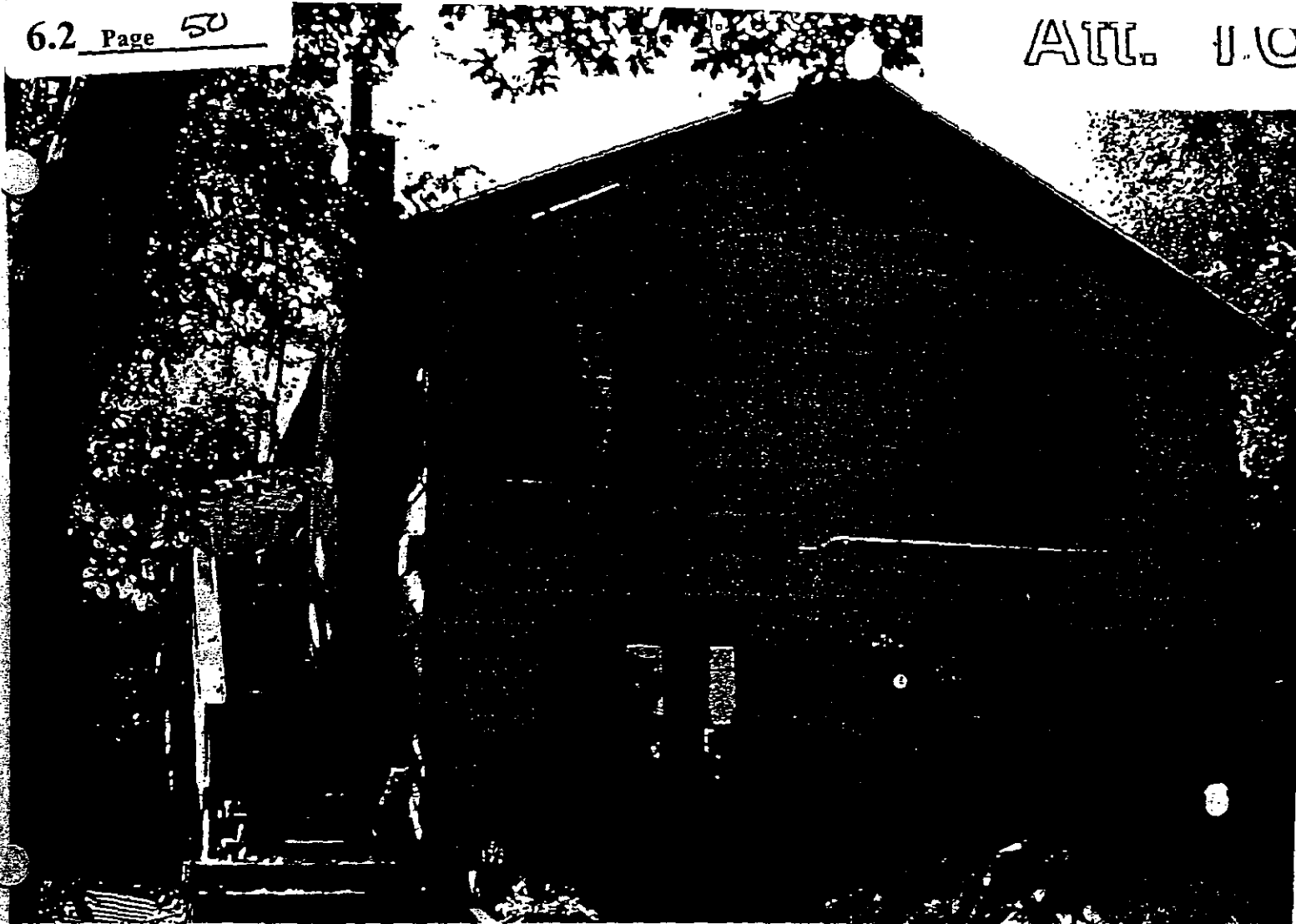
INCREMENTS TO LAND:

TOTAL ACRES 0

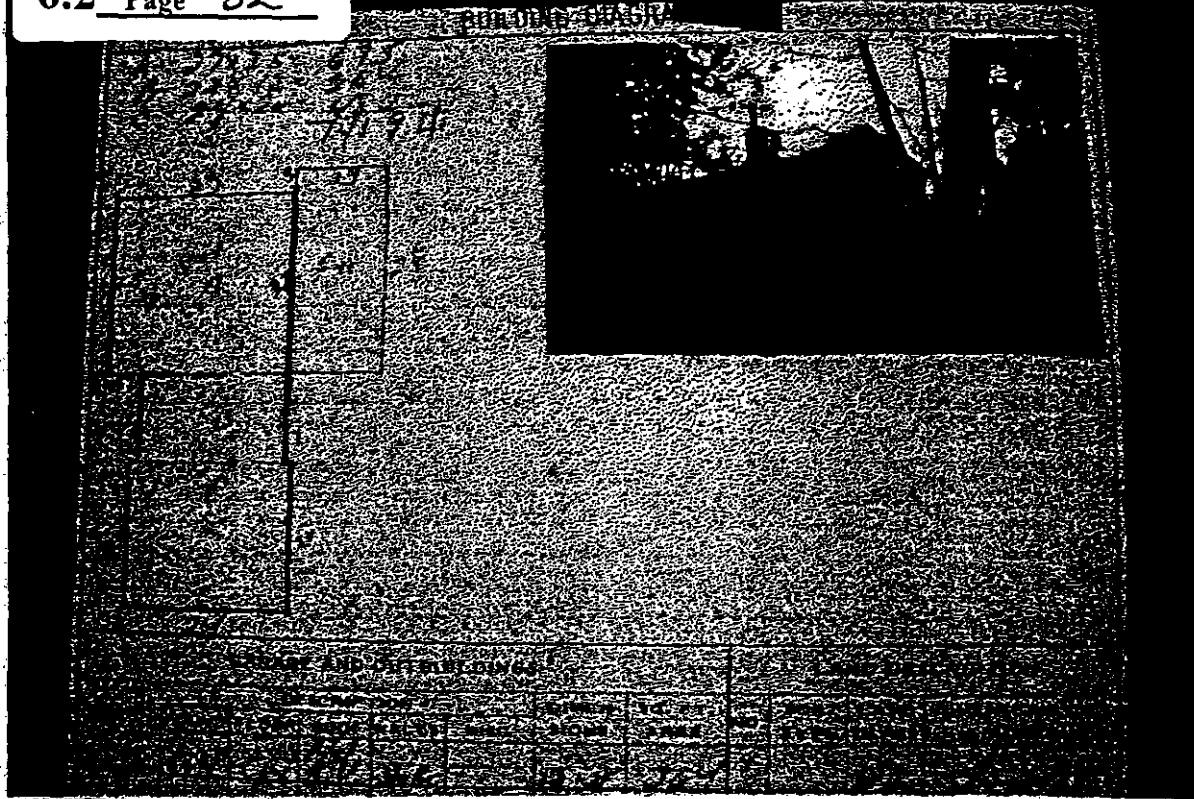
APPRaiser 10/ DATE

APPRaiser E. B. DATE 13 Apr

APPRaiser DATE



6.2 Page 52



18

Current Photo of 2540 SE Lark, October 2004

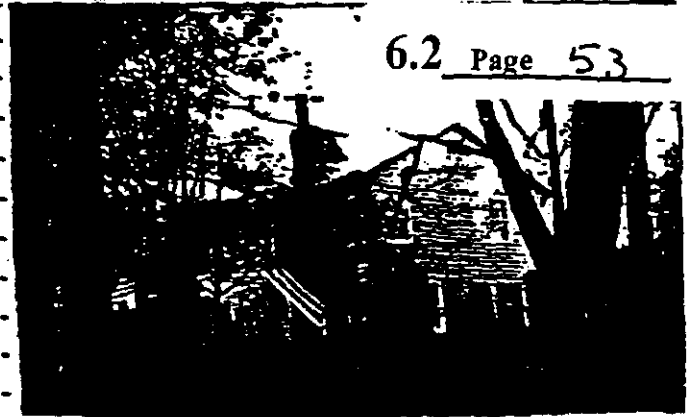
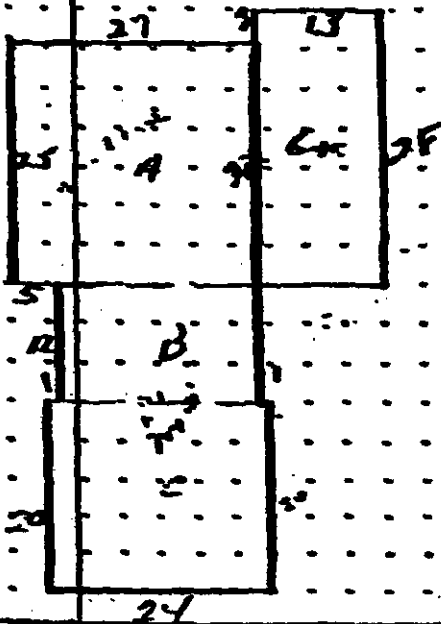


note the differences between the and drawn building diagram of the layout to the right, and the picture off the building to the left right.

The drawing is of a one-story building and the picture is of a three-story building.

An error on the part of the assessor back in 1976.

A- 27x25 = 675
B- 22x12 = 264
C- 24x20 = 480
1919 ft



White
Separate
entrance

White
Separate
entrance

GARAGE AND OUTBUILDINGS							LAND DESCRIPTION			
GARAGE NO.	DESCRIPTION					SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS C ACRES
	FOUND.	FLOOR	ROOF	WALLS	MISC.					
1	CONC.	CONC.	FLY	BR. U.	3/4" C	13 x 22 364	1			51 YR 1000
2						X	2			61 X 156
3						X	3			40 X 18
4						X	4			300
5						X	5			
6						X	6			
7						X	7			
8						X	8			
9						X	9			
INCREMENTS TO LAND:							TOTAL ACRES 01			
							APPRaiser 1/8 DATE 1/13			
							APPRaiser EOB DATE 13 Apr			
							APPRaiser DATE			
							APPRaiser DATE			

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

Att. 20

NOTICE AND ORDER - DANGEROUS BUILDING

A. BUILDING OFFICIAL'S FINDING - Please be advised that the City of Milwaukie Building official has determined that the edifice described below is a DANGEROUS BUILDING that may be subject to forced repair, vacation, or demolition:

Street Address

2540 SE Laak

Legal Description

TAX LOT 21E01BB02401

B. DANGEROUS CONDITIONS The building official has determined that said building is dangerous according to Section 302 of the Uniform Building Code due to the existence of the following CONDITIONS:

- 1) Elec - see attachment 6)
- 2) Plumbing - see attachment 7)
- 3) Mech - see attachment 8)
- 4) Structural - see attachment 9)
- 5) Fire - see attachment 10)

NOTICE AND ORDER - DANGEROUS BUILDING

1

476 pics taken

Another point at issue is that the Tax records note that there are three units in the building. This assessment was made in 1977, 1988, and 1991 by the same individual and is the record for today. For anyone that has been there, you are aware that there are four units in the building and they have been that way for a long time, i.e. before permits were required. There are three units noted on the enclosed Tax record, and it states that there are "2 units on main floor & one in basement. This structure has two units on the main floor and two units on the second floor. There is no basement. From the photo on the same tax report, it shows entrances for the second floor via steps and the first floor entrance, the other two entrances are behind the fence. This is also noted by the type and method of construction. For example the fireplace is an original in the two front units. The entrances are individual and appear to this reviewer to be from the same era. It is difficult to envision where the supposed "other" unit was added considering the layout of the units. We have no way of knowing why the Tax Assessor only noted three units. It may well be that they were looking at a primary residence for the owner (The large three bedroom unit), and three rental units, which makes some degree of sense. In other words, the owner's residence and three rental units, which therefore, make a total of four.

Code Section 19.809.1, B. 4, requests information from the Polk directories. The attached written statement from the Multnomah County Central Library notes that there were no records from the Milwaukie area from the 1970's and that their records for Milwaukie do not start until into the late 1980's when the Cole's started the reverse directories. (Copy attached). The current owner purchased the units in 1997

The existing structure provided four affordable dwelling units, as they have for some time. It's interesting to consider that if the site were divided into two lots, the existing structure could be removed and four dwelling units constructed. Two primary dwelling units could be constructed and each with a "granny flat" or accessory dwelling unit. It is recognized that all four could not be rental units, I only mention this as a density concept, not that it is being considered.

The owner has already removed the gas service from the structure, which was a concern of the Fire Marshal's Office Inspector and added new electrical heaters, with benefit of permit, and upgraded the electrical services to the units. There is adequate space available to achieve on-site parking, and to meet other required zoning regulations as a pre-existing non-conforming structure.

The owner is very interested in re-occupying this structure as soon as possible. We feel that the structure is now and has been for a long time a four-unit apartment structure, and there are many indications that they were there long before the codes were adopted, and records kept. As a pre-existing non-conforming structure, we agree that it needs to be maintained as a safe, sound and sanitary residence, and that work needs to be done. However, we are also aware, according to previous owners, that these four units have been utilized for many years as economical living spaces with no complaints from the neighbors. In other words, the owners and tenants have been good neighbors until one tenant complained. Now all four are closed.

NOTES

DATE: 4-29-2004
FROM: MICHAEL HAMERSLY
RE: LARK SEWER QUESTIONS

- Spoke with Carla Atwood at the City of Milwaukie at 3:28p.m.
- I asked her about 2540 SE Lark and the billing history of its sewer system.
- She said that the information in front of her said it (Lark building) was billed as a four-plex of 12/2003. And that she did not have a complete set of records in front of her. I asked how I could get all the records on this building she said that I would have to come in to the City hall and fill out a records request.
- She then asked why I wanted them. I told her I was trying to figure out if it is a four-plex or not.
- I asked her how billing is currently set up she said that when building plans are submitted then the City use the plans to determine the sewer billing.
- I asked if there was not any building records how would the City determine the Bill?
- She said she did not know. And that I might want to ask Paul Roger who is an engineer for the City.
- I thanked her and said I would be in to make the request.

NOTES

DATE: 4-27-2004
FROM: MICHAEL HAMERSLY
RE: LARK SEWER QUESTIONS

- Spoke with Carla Atwood at the City of Milwaukee at 2:18p.m.
- I asked her about the research on 2540 SE Lark and the billing history of its sewer system.
- She said that that is not her department and transferred me to Pat 503-786-7502.
- Pat said she had just gotten my request and she was just starting to delve into the billing history. She asked if I would like her to look at building records too. I did not sound like she was familiar with this property. But she was nice and said she would call me when it was done. I said I would call Friday if I did not hear from her sooner.
- Spoke with a Mr. Becker after I had received a copy of the billing history of the building that only went back to 2/21/1996. I understood that this is when a new and the current billing system was installed. Mr. Becker said that back in the 1970's the City used a punch card system to track utility billing records and that information was now not readable, therefore unavailable to me. That a system was installed in the 1980's and I was unable to get any records from this time period. The only records I got were from the new and current system that was installed in 1996, which were not of help in answering the question of how the billing was determined in the 1970's.
- From what I was told by the staff that since there is not a building plan on file they assumed they looked at the County records which state that the building is a three-plex and thus billed the utility's at the rate's for a three-plex.
- Received a copy of Single account notes report while there.

04-27/ 4 02:12 PM
ACCOUNT # 06-2750-03

SCHEMATA NOT : NOTES REPORT

PAGE: 1
NOTE IT OCCUPANT

NAME

SERVICE ADDRESS

PDR LAND LLC

2540 SE LARK ST

4/20/2004 atwoodc

2/19/2004 atwoodc

12/04/2003 atwoodc

8/27/2003 atwoodc

6/19/2003 atwoodc

Per call from Mike, he is requesting public records of when the property went from a 4 plex to 3 plex. Explained a public records request needs to be completed and some documents would be from Utility Billing and others from PW - planning & zoning or sewer engineering. CA
Left message for Mike, need to discuss balance. 3-plex. Need payment status. CA
Per review from Paul Hoeger, property was used as a 4-plex w/ violations. Now, it's a 3-plex and 3 units of sewer and 1 unit of storm is correct. CA
Winter average based on 3 units x 12 system average. CA
Per Michael, the home is vacant, he will mail the payment 6/19/03. CA



MILWAUKEE

 CITYWHL
 1072 SE MENARD ST
 MILWAUKEE, WI 53212
 TEL 784-3535
 Cycle: 01

SERVICE LOCATION	ACCOUNT NUMBER	DUE DATE	TOTAL AMOUNT DUE
2510 SE LARK ST	06-2750-03	5/15/03	51.20

PDK LAND LLC

4/30/03

STATEMENT DATE

METER READING		USAGE IN 100 CU. FT.	WATER METER (GAL - 1000)	BILLING DESCRIPTION	BILLING AMOUNTS
PRESENT	PREVIOUS				
234 4/13/03	234 3/14/03	0	12	WATER	3.02
				SEWER	42.08
				STORM	6.10
CURRENT BILLING					51.20
BALANCE FORWARD					0.00
TOTAL AMOUNT DUE					51.20

PAYMENTS OR REQUESTS RECEIVED AFTER 4/25/03
ARE NOT REFLECTED ON THIS STATEMENT.

KEEP THIS PORTION

 MORE INFORMATION
ON REVERSE SIDE

 ↑ PLEASE PAY ↑
THIS AMOUNT

CITY OF MILWAUKEE

MOVING OR BILLING INFORMATION

REPORT SERVICE PROBLEMS _____ 786-7525

18721 SE Main Street

NEW INSTALLATION / METER LOCATION _____ 786-7608

6001 SE Johnson Creek Blvd.

EMERGENCY (After Hours) _____ 786-7508

MILWAUKEE

EMERGENCY - 24 HOURS _____ 786-7508

MILWAUKEE POLICE DEPARTMENT _____ 786-7508

Community Police Services

CLACKAMAS COUNTY DEPT. _____ 866-808

FIRE DEPARTMENT OFFICE _____ 866-808

MILWAUKEE CITY DEPT. _____ 786-7508

MILWAUKEE POLICE DEPT.

Police Dept. 24 HOURS - 24 hours

Police Department _____ 786-7508

City Manager _____ 786-7508

Mayor _____ 786-7508

Mayor's Office _____ 786-7508

John F. Smith _____ 786-7508

Mayor's Office _____ 786-7508

City Manager _____ 786-7508

Mayor _____ 786-7508

Mayor's Office _____ 786-7508

MILWAUKEE CITY DEPT. _____

City Hall _____ 866-808

Public Works Department _____ 866-808

COMMUNITY DEVELOPMENT _____ 786-7508

6001 SE Johnson Creek Blvd.

Room 100, SE, 2nd floor - 2nd floor

Public Works Dept.

Engineering

Survey

Survey

Survey

Survey

Survey

Planning Dept.

Public Works Dept.

Emergency - After Hours _____ 786-7508

MILWAUKEE LIBRARY _____ 786-7508

MILWAUKEE, Wis. 53201

MILWAUKEE INFORMATION _____ 786-7508

18721 SE Main Street

MILWAUKEE POLICE DEPARTMENT

CITIZEN POLICE OFFICER

Schedule of Services

Contact: 786-7508

MILWAUKEE POLICE DEPARTMENT

Schedule of Services

Contact: 786-7508

CITIZEN POLICE OFFICER

Schedule of Services

Contact: 786-7508

MILWAUKEE POLICE DEPARTMENT

Schedule of Services

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MILWAUKEE POLICE DEPARTMENT

Schedule of Services

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MILWAUKEE POLICE DEPARTMENT

Schedule of Services

Contact: 786-7508

MILWAUKEE POLICE DEPARTMENT

Schedule of Services

Contact: 786-7508

Jim Griffith & Associates
10915 SW F
Tigard, OR 9
Phone: (503)
Fax: (503)
jgr0126@me

ATT. 21

6.2 Page 61

Fax transmittal

To:	Michael Hamersly	Fax:	503-659-5400
Company:	Michael Hamersly	Phone:	503-780-0019
From:	Jim Griffith	Date:	10/28/03
Re:	Request for a reconsideration	Pages:	3
CC:			
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle			

Good morning Michael

Following is the draft of the letter to John Gessner requesting the reconsideration. Please review it for accuracy and identify changes you feel are necessary, then let me know.

I did talk to the staff about the billing and was informed that the billing has been for three units from the inception of the system in 1980. The lady I spoke to was unaware how the initial number was determined and will discuss it with Carla Atwood when she gets back next Monday and let me know. She noted that if there were four units, they need to add the unit to the billing. I told her not now!

I await your review and comments.

Call me if you have any questions. Jim Griffith

CONFIDENTIAL



Portland General Electric Company
7800 SW Main Street • Portland, Oregon 97262

April 11, 2002

Michael A Hamersly
PO Box 82921
Portland OR 97282

RE: Installation date of service at 2540 SE Lark St 1

Dear Michael:

We recently spoke with you regarding written documentation of the installation date of a residential service at 2540 SE Lark St 1, Milwaukie OR. This letter is in response to your request.

Portland General Electric's records show that service was installed at 2540 SE Lark St 1 in April of 1964. It is our understanding that this address on Lark St is a four-plex. It would be logical to think that if the meter was installed in 1964 in one unit that the other units would coincide. However, the meters have been pulled from these addresses. We do show that we did at one time have active service at 2540 SE Lark St 1, 2, 3, 4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above.

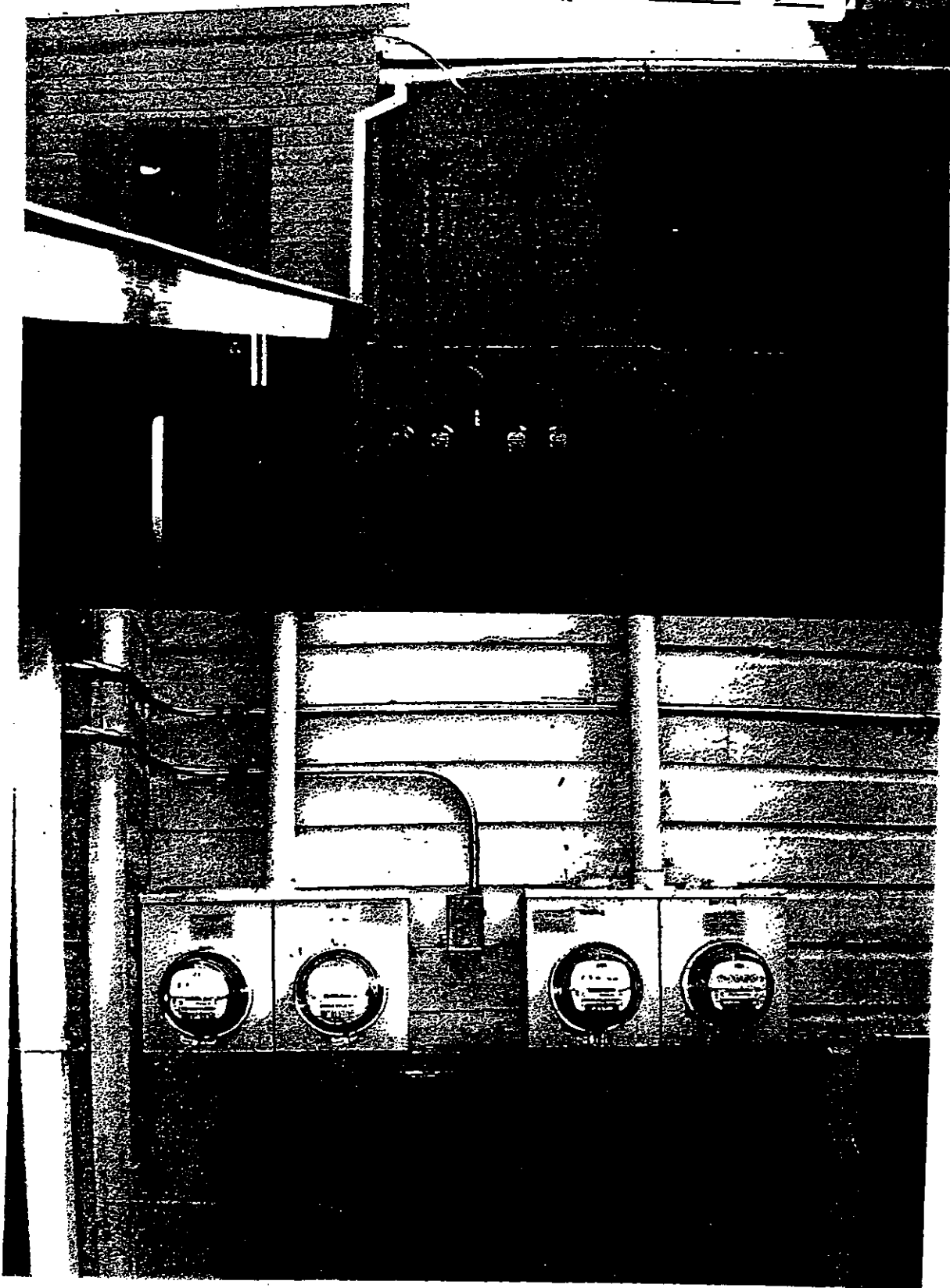
If you have any further questions, please contact PGE or myself. We hope that this letter suffices as evidence of residential service at the above address since 1964.

Regards,

Anne
Bilingual Customer Service Rep
1800.542.8818

~~18~~

29



Industrial Commercial Electric

24300 SE Strawberry Dr

Boring, OR 97009

Ph.03-658-5624

A.L. SU
RESIDENTIAL INSPECTION REPORT

Date

CCB # 134038

12/18/2002

2000165

To:

Mike Hamersly
2335 NW 145th AVE
Beaverton, OR 97006

Property address

Mike Hamersly
2540 SE Lark St
Milwaukie, OR

CONDITION OF ELECTRICAL INSTALLATIONS

Mr. Hamersly,

As work has progressed at the Lark street four-plex I have noticed a few things regarding the age and condition of the main service which you should be aware of. The duplex meter base assembly's - date back to the sixties, and have bypass jumpers which allow current to flow around a meter to any of the four panels when set, even with the meters pulled. This situation has the potential to cause problems with service work and problems with less than honest renters who may be brazen enough to purposely bypass thier meter. Although these meters are legal and you are not required to replace them you may consider doing so for these two reasons, taking into account also the age and deteriorating condition of this old service. I am not saying that there is any immediate or imamate danger, I am suggesting that you change this service if you plan on holding this property long term, thereby avoiding future problems. If you want me to design a new main service and work up a price give me a call and I'd be happy to do so.

Sincerely,





To: Planning Commission
From: John Gessner, Planning Director *JG*
Date: April 12, 2005
Subject: File AP-05-01 Appeal of Planning Director's Determination
Location: 2540 SE Lark Street
Owner: Michael Hamersly
NDA: Island Station

Action Requested

Deny the appeal thereby confirming that no more than 3 dwelling units are allowed for zoning purposes at 2540 SE Lark Street.¹

Background

The appellant requests that the Planning Commission make the following rulings:

- Dismiss the staff determination that no more than 3 dwelling units are allowed.
- Deem that 4 dwelling units are allowed.

In December of 2001, the City ordered the appellant's building at 2540 SE Lark vacated for various building code violations. The building contained 4 dwelling units at that time. Staff subsequently investigated the zoning history of the property and could find no evidence supporting zoning permission for 4 units. After some time, the appellant submitted a formal request for a zoning determination. In response, Staff upheld the prior 3-unit determination in the July 9, 2003 decision. No appeal was filed within the period specified in city code and the appellant made numerous requests for

¹ The building is located on the south side of Lark Street, just east of the 26th Avenue intersection.

reconsideration of the decision.² Staff declined these requests on legal grounds. The appellant submitted a new request for determination, which repeated the prior 3-unit determination. The staff decision was issued on March 8, 2005 and was subsequently appealed. (See Attachment 1 for the decision and related correspondence)

Key Issues

1. **The Staff determination is based upon the following grounds as documented in the March 8, 2005 decision:**
 - a. Milwaukie utility billing records show three historical units of sewer service.
 - b. Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.
 - c. Arguments provided in favor of a finding that four units should be allowed cannot be supported.
2. **The appellant has made the following arguments:**
 - a. An appeal of the July 9, 2003 decision was not filed due to poor health of the appellant's agent.³
 - b. Planning staff erred and provided incomplete information to the appellant as part of the City review of a partition application in 2001.⁴
 - c. The previous owner has stated that the building contained four units during his ownership.⁵
 - d. Information in support of 4-units as required under city code governing non-conforming uses includes the following:⁶
 1. *Building Permit History:* The building was constructed in 1936, no such records exist.
 2. *Zoning Regulations in effect at the time of construction:* Same as above.
 3. *Demonstration that the non-conforming condition existed prior to adoption of applicable code:* There have been 4 electric meters on

² Zoning Ordinance 19.1001.4 requires appeals to be filed within 14-days of the mailing date of the decision.

³ October 14, 2004 letter of Appellant. See Appellant Attachment E.

⁴ MLP-01-03. See letter of Ken Kent, Associate Planner, December 7, 2001, Appellant Attachment #2.

⁵ Documentation not provided.

⁶ Zoning Ordinance 19.809. See Appellant's submission, pages 1- 10.

the building since 1960. Photographs from 1976 demonstrate four units.

- f. *Proof the situation has been maintained over time including:*⁷
1. *Utility Bills:* City billing records are in error.
 2. *Income tax records:* Not applicable.
 3. *Business Licenses:* Not applicable.
 4. *Telephone and Business Listings:* None exist
 5. *Dated Advertisements:* The 1997 sales advertisement indicates 4-units.
 6. *Building, land use, development permits:* None found.

Analysis of Key Issues

The key question for the Commission is:

"Does sufficient evidence exist to support a finding that four dwelling units have been legally present and should therefore be allowed?"

The only matter in question is whether the property legally contains 4 units based on non-conforming rights. Staff believes there is not sufficient evidence and that there is doubt as to some of the appellant's arguments that weighs against finding in favor of the appeal. Staff's reasoning follows:

1. With 3 units, the property is nonconforming with regards to parking, covered parking, and lot area requirements per dwelling. Staff has deemed that 3 units are allowed based on City and County administrative records, which show the property containing 3 units as far back as 1976. The appellant argues that these records are inaccurate.
2. The appellant has not produced business or personal records from prior owners, or other sources that demonstrate city and county records are inaccurate.
3. The presence of 4 electric meters, by itself, is not sufficient evidence that the four units are legal; the circumstances of their installation may only be inferred. It is not unusual for a multifamily structure to have meters for individual units, and a meter for common utilities like outdoor lighting, heating and air conditioning, and the like. Alternatively, it is possible that the four meters were installed to serve four units. Mr. Hamersly has submitted letters from PGE that

⁷ Staff believes business records including tax information should be available. A Business License has historically been required for operating rental units.

indicate service was installed in 1964 and from David G. Allen of Industrial Commercial Electric, that in his opinion the meters date back to the 1960s. (See Appellant Attachment 28 and 32.)

Staff believes that this information, while suggestive, does not discount other compelling evidence, and does not dismiss other explanations as to when the meters were actually installed, and for what purpose.

4. Staff believes that the appellant has not conclusively demonstrated non-conforming rights to 4 units under Zoning Ordinance 19.1001 Director's Determinations and 19.809 Determination of Nonconforming Situations.
5. While not directly germane to the proofs that must be made to demonstrate non-conforming rights to 4 units, the following circumstances have been considered:
 - a. The number of dwelling units was not disclosed in the appellant's 2001 application for minor land partition. Had the partition been approved, the site would have been further reduced below minimum lot area requirements per dwelling.
 - b. The appellant and previous property owners' accepted utility billing and tax assessments based on 3 units for almost 30 years.

Code Authority & Decision-Making Process

Milwaukie Zoning Ordinance Title 19 Section:

809	Nonconforming Situations
1001.3	Directors Determinations
1011.3	Minor Quasi-Judicial Review

This application is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony and evidence received at the public hearing.

The Commission has the following options:

1. Deny the appeal and adopt the recommended findings and conclusion.
2. Approve the appeal and adopt findings in support of approval.

The final decision on this application, which includes appeals to the City Council, must be made by June 28, 2005, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance.

Recommended Findings and Conclusion in Support of Denial

1. A Director's Determination was issued on July 9, 2003 specifying that that premises located at 2540 SE Lark may contain no more than three dwelling units. A timely appeal against that decision was not made.
2. The appellant resubmitted a request for a Director's Determination that four dwelling units should be recognized for zoning purposes on February 28, 2005. A Director's Determination was issued on March 8, 2005, specifying that that premises located at 2540 SE Lark may contain no more than three dwelling units. The property owner subsequently appealed that decision.
3. The February 11, 2005 letter to the appellant and the March 8, 2005 Director's Determination is incorporated into these findings by reference and contains the appropriate reasoning for denial of the appeal including the following:
 - a. Milwaukie records indicate that three units of sewer service have been historically billed to the property.
 - b. Clackamas County Assessor records indicate the property has been taxed for three dwelling units since at least 1976.
4. The appeal is denied upon the applicant's failure to demonstrate legal non-conforming use status for more than three dwelling units in accordance with Zoning Ordinance Section 809

Attachments:

1. March 8, 2005 Director's Determination
2. Appellant's Documentation

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March 8, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: Director's Determination for 2540 SE Lark Street

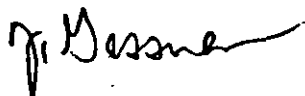
Dear Mr. Hamersly:

This letter is in response to your February 28, 2005 request for a Director's Determination wherein you ask that the City determine four dwelling units should be recognized for zoning purposes. Accordingly, I have considered the request and concluded that the structure may only be used for three dwelling units based on the following as previously documented to you:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.
- Arguments provided in favor of a finding that four units should be allowed cannot be supported.

This determination may be appealed to the Planning Commission under provisions of Zoning Ordinance Section 1001.4. My letters of February 11, 2005, December 28, 2004, November 7, 2003, September 18, 2003, and July 9, 2003 on this matter are incorporated in this decision by reference.

Sincerely,



John Gessner
Planning Director

copy Mike Swanson, City Manager
Gary Firestone, City Attorney
Milwaukie Planning Commission

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February 11, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: 2540 SE Lark Street

Dear Mr. Hamersly:

This is in response to your additional request for reconsideration of the July 9, 2003 decision finding that no more than three dwelling units are allowed under city zoning regulations. The City of Milwaukie entrusts the Planning Director with the responsibility to apply zoning regulations based on fair consideration of facts and circumstances and to make just and legal decisions accordingly. You have argued that my prior decision should be reversed for the following reasons:

- Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness.
- The City of Milwaukie and Clackamas County records have been historically incorrect with regards to the number of dwelling units.
- Historically, the building has had 4 electric meters indicating four dwelling units.

We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances. Accordingly I have again considered the following:

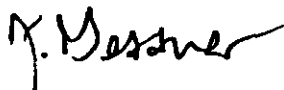
- City of Milwaukie utility billing records have historically assessed the property for three dwelling units.
- Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units.

Mr. Michael Hamersly
February 11, 2005
Page 3 of 3

- The failure to identify the number of dwelling units in your 2001 application for partitioning casts doubt upon present arguments. As you know that application could not be approved as it did not meet minimum lot area requirements per unit.

This letter confirms the July 9, 2003 decision. There is no further redress through city procedure.

Sincerely,



John Gessner
Planning Director

copy: Mike Swanson, City Manager
Gary Firestone, Cit Attorney
Tom Larsen Building Official
Lindsey Nesbitt, Associate Planner
Address File

Directors Determination Request

February 28, 2005

RECEIVED

FEB 28 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

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February 23, 2005

John Gessner
City of Milwaukie Planning Director
6101 SE Johnson Creek Blvd
Milwaukie, Or 97206

Dear John,

Thank you for your recent response, the letter dated February 11, 2005, to some of my questions and new information raised at our meeting on January 2, 2005. Apparently at the meeting I did not communicate clearly to you that I would like a Second Directors Determination made, and that I do not want your earlier (July 9, 2003) decision reversed. Hopefully now that I have cleared up this mis-communication you will issue a Second Directors Determination.

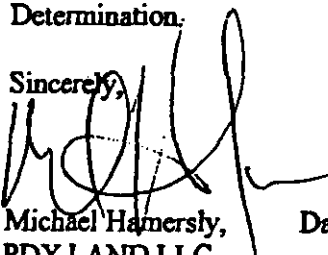
To make sure that we do not have another mis-communication I will go over our previous communications and discussions on this issue in a brief outline bellow (1-10), since you are familiar with this information. Then in more detail with attachments (A - F) that follow. Please contact me if any information is not clear and I will be more than happy to work with you, so we both have the same understanding of this request for a Second Directors Determination

1. As previously agreed and acknowledged that;
2. You, the Director, can make a Second Determination.
3. A previous appeal is not necessary to receive a Second Directors Determination.
4. There is substantial new information that warrants a Second Directors Determination.
5. The original July 9, 2003 was both procedurally and substantively proper. That it does not need to be reversed or appealed. That the new information simply requires a Second Directors Determination.
6. The City of Milwaukie has finite resources. That the fee for a Second Directors Determination should be made and additional staff needed in excess of the fee will be covered by me.
7. The City can find the staff time to issue a Second Directors Determination since the City just spent the time to issue a three page letter on February 11, 2005, (the original Determination was a one page letter.)
8. The only way I can proceed in the City of Milwaukie Planning is if I receive a Second Directors Determination. I would be unable to make an appeal without a Directors Determination.
9. I would want to appeal the fact my Four-Plex has been Determined to be a Three-Plex. That since I read the facts in this case to support a Four-Plex and you have not. That a third party will have a different view and this is what I have wanted and asked for since September 15, 2003 and have been given several different reasons why City would not preform its public service for me and make a 2nd. Determination.
10. To date all of the Cities previous reasons for not issuing a Second Directors Determination, (see above 1-7), have been met and resolved.

Therefore I am requesting that a Second Directors Determination be made on the 2540 SE Lark St., Milwaukie, OR. 97222, to decide if it has historically been used as a Four-Plex. I will include the fee with this letter. Please see the following attachments which make the case for four-units. Also contained in this letter are attachments that pertain to the February 11, 2005 letter. I believe the February 11, 2005 letter contained errors and have provided documents in support of this claim

Thank you again for your help and time in resolving this matter and I look forward to a Second Directors Determination.

Sincerely,


Michael Hamersly,
PDX LAND LLC

Dated: 2/28/05

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ATTACHMENTS A-F

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1. We have agreed that the City of Milwaukie planning director can make a second determination on this request under ORS 227.180 (1)(a) Review of action on permit application, and also under City of Milwaukie Code, Section 19.1001.4 D. (See attached A2.) "Decision to Issue. The director shall have the authority to consider the request for an interpretation."

2. I requested a second determination be made on October 12, 2004 and paid the fee. At that time it was denied by you in the From of a telephone message left on my voice mail November 2, 2004. The reason for declining this second request was due to the fact that Mr. Griffith, on my behalf, did not appeal the original determination. We discussed the fact that not filing an appeal does not automatically mean further directors request should be declined. That new information may come to light after the appeal deadline necessitating a second determination. Which is what has occurred in this case.

3. In November 2004 you decided that you did not want to answer questions or help with this matter any longer and recommended in a letter dated November 11, 2004 that I communicate directly to the City Attorney Gary Firestone.(See attached B.) I was surprised by this decision and after writing to you and Alice Rouyer the position was changed and you sent a letter on December 28, 2004. (See attached C.) Informing me "As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination." Substantial new evidence is subjective so I needed more information as to what you considered substantial since I felt by providing an additional thirty pages of new information to the previous ten pages is substantial, especially considering that two floors of the building were missed in a 1976 tax appraisal and in the original July 9, 2003 determination and thus my desire for our meeting on 1/2/2005 to better understand how a person ever could meet your definition of substantial.

4. In our meeting on January 2, 2005 we discussed several possibilities to look at this new information that has been uncovered after the July 9, 2003 determination. Not once do I remember asking or arguing to have the July 9, 2003 decision reversed. (See attached D. Letter February 11, 2005 from John Gessner to me.) "You have argued that my prior decision should be reversed for the following reasons:". I have then and now maintained that your original July 9, 2003 ruling was both procedurally and substantively proper and have stated so on a number of prior occasions, (See attached E, letter sent to you from me on October 14, 2004.) In which I state "... I realize and appreciate that you have already made a determination which was both procedurally and substantively proper..."However with the new information discovered and provided to you I am hoping for a different outcome.

I have simply been asking for a second directors determination. (Not an appeal or reversal of the first determination) Please let them drop and we can focus on this request.

5. During the meeting on January 2, 2005 we discussed a second directors interpretation being issued, it was no longer now about not having substantial new information, we both agreed that there is substantial new information. That it was about money and the City not having enough resources to review the new information and make a determination.
6. After receiving the February 11, 2005 letter (See attached D.) it appears that the City can find the time and resources to review all the information in this request. The letter did in my view contain serious errors which I hope to correct in the attachments please see G-U2.

As you know without a directors determination I am unable to appeal this case, which is something I want to do. I believe that we have been looking at the trees so long we can not see the forest and I would appreciate a new set of eyes looking over all the information.

From all our discussion I can see no reason as to why you cannot take ten minutes and issue a second directors determination. The first one was a single paragraph with three sentences on one page as to why you came to your conclusion. (See attached F.) This last letter just discussing this issue was three pages. Again if the \$50.00 fee does not cover you taking ten minutes to simply write the one page, please let me know and I will pay the City the cost of writing the determination.

Thank you again for your help. I look forward to a second directors determination being made.

Chapter 19.1000

ADMINISTRATIVE PROVISIONS

Sections:

- 19.1001 Administration.
- 19.1002 Time limit and appeal from ruling of planning commission.
- 19.1003 Form of petitions, applications and appeals.
- 19.1004 Repealed by Ord. 1907.
- 19.1005 Concurrent reviews.
- 19.1006 Filing fees.
- 19.1007 Applicable standards and criteria.
- 19.1008 Ex parte contact.
- 19.1009 Decisions.
- 19.1010 Repealed by Ord. 1907.
- 19.1011 Procedures.
- 19.1012 Recess of hearing.
- 19.1013 Time limit on a permit for a conditional use or variance.
- 19.1044 Permits, inspections and occupancy approvals required.

19.1001 Administration.

19.1001.1 Authority. The planning director shall have the authority to apply, interpret, and enforce the provisions of this title. An appeal from a ruling by the planning director regarding a requirement of this title may be made to the planning commission under provisions of this section.

19.1001.2 Application and Fee Required. Applications and requests for actions authorized under this title shall be made in accordance with provisions of this chapter. Application and other applicable fees as established by resolution of the city council

shall be paid at the time the application or request is submitted.

19.1001.3 Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178.

19.1001.4 Planning Director's Interpretations.

A. Purpose. The planning director's interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. This process may be used independent of, or concurrent with, applications for a particular permit or land use application. All director's interpretations are subject to appeal in accordance with this section.

B. Requests. A request for an interpretation shall be made in writing to the director. The director may develop guidelines to govern the request process.

C. Independent Interpretations: The director may issue interpretations independent of a request by another party.

D. Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued.

E. Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed.

F. Written Interpretation Mailed. If the director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the

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By Facsimile and Certified Mail

November 11, 2004

Mr. Michael Hamersly
PDX Land LLC
PO Box 82921
Portland, OR 97282

Dear Mr. Hamersly:

This letter is in response to yours of November 3, 2004, November 4, 2004, November 5, 2004, November 9, 2004, and November 10, 2004. This matter has been referred to City Attorney Gary Firestone, with whom you should communicate directly. Mr. Firestone may be contacted at 503-222-4402. All future inquiries received by the City will be directed to the Mr. Firestone for his response.

Sincerely,

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larsen, Building Official
2540 SE Lark Address File

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukee, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

Mr. Michael Hamersly
December 28, 2004
Page 2 of 2

- If a decision under either Section 19.809 or Section 19.1000 is made denying the request, the applicant may appeal to the Planning Commission within specific time limits. As you know, the time period to appeal the July 9, 2003 determination has long expired.
 - Alternatively, there is no legal recourse if the Planning Director declines a request for interpretation under Section 19.1001 as authorized under Section 19.1001.4(E).
5. Your final question is what can you do to have new information considered by the City. The City considers the matter regarding the number of units closed as previously communicated to you.
- However, you may submit any substantial new evidence that shows that the previous four units were legal. We will determine whether the additional information is sufficient to justify reconsideration. As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination.²

I hope that this letter fully answers your questions. You may wish to speak to your attorney as to whether you have a claim against the seller of the property regarding the number of units or the condition of the building with regards to applicable building code at time of purchase. I can be reached at 503-786-7652 should you wish to discuss this matter.

Sincerely,



John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larson, Building Official
Planning Staff
Address File

² You were previously informed of this decision and the application fee was returned.

6.2 Page 17



February 11, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: 2540 SE Lark Street

Dear Mr. Hamersly:

This is in response to your additional request for reconsideration of the July 9, 2003 decision finding that no more than three dwelling units are allowed under city zoning regulations. The City of Milwaukie entrusts the Planning Director with the responsibility to apply zoning regulations based on fair consideration of facts and circumstances and to make just and legal decisions accordingly. You have argued that my prior decision should be reversed for the following reasons:

- Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness.
- The City of Milwaukie and Clackamas County records have been historically incorrect with regards to the number of dwelling units.
- Historically, the building has had 4 electric meters indicating four dwelling units.

We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances. Accordingly I have again considered the following:

- City of Milwaukie utility billing records have historically assessed the property for three dwelling units.
- Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units.

Mr. Michael Hamersly
February 11, 2005
Page 2 of 3

6.2 Page 18

- There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units.
- There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units.¹
- There is no record of communication with the City to correct utility billing records prior to July 2003.
- I communicated with Mr. Griffith both verbally and by mail following the July 9, 2003 decision.

I find that the July 9, 2003 decision stands based on consideration of the circumstances above and as follows:

- I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. In speaking with Mr. Griffith following the July 9, 2003 decision not once did he mention any circumstance of his personal life or health that that would have lead me to reconsider the decision, which I certainly would have out of basic human compassion. I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions.
- Notwithstanding the above, whether or not Mr. Griffith informed you of the July 2003 decision does not change either the facts of the case nor the applicable law governing appeal rights.
- The City Attorney advised me throughout the review process and I have acted in accordance with that advice.
- The failure to correct tax and utility billing records casts doubt upon the contention that the building has always and properly contained four dwelling units.

¹ However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukee declared it was not a legal multifamily unit and has denied its use as a living structure"

6.2 Page 19

Mr. Michael Hamersly
February 11, 2005
Page 3 of 3

- The failure to identify the number of dwelling units in your 2001 application for partitioning casts doubt upon present arguments. As you know that application could not be approved as it did not meet minimum lot area requirements per unit.

This letter confirms the July 9, 2003 decision. There is no further redress through city procedure.

Sincerely,



John Gessner
Planning Director

copy: Mike Swanson, City Manager
Gary Firestone, City Attorney
Tom Larsen Building Official
Lindsey Nesbitt, Associate Planner
Address File

PDX LAND LLC

October 14, 2004

Mr. John Gessner
Planning Director
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: Request for a second Planning Director's Determination concerning 2540 SE Lark.

Dear Mr. Gessner,

I am writing in hopes of having another determination made on the property at 2540 SE Lark, Milwaukie. I realize and appreciate that you have already made a determination on this property, which was both procedurally and substantively proper. That it is within your power to decide if you will, or will not, make an additional determination. Please take a moment and consider some unfortunate circumstances that might allow you to make another determination.

Over the course of the time needed to reach a determination, the person whom I had hired to work with you, Mr. Jim Griffith, developed cancer and has since passed away from this terrible disease. During the course of his chemotherapy treatments (a four month time frame), he missed deadlines and did not completely research the records to uncover all of the pertinent information needed to provide you an accurate picture of this situation, which, of course, would allow the best determination possible. I was not aware of the seriousness of his personal tragedy until after the deadline had passed and I inquired why it was missed.

Mr. Griffith did ask the City for another decision with out explaining the entire reason (his cancer), for missing the first deadline. I can only speculate to why he did not include this most pertinent information. Perhaps he thought re-determinations were assured if asked for, this was a mistake on his part, he should have fully explained the circumstances.

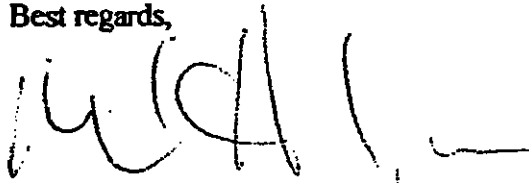
I believe this request to be valid and understandable due to the following circumstances. That the person who was working on this matter became terminately ill with cancer, thereby not uncovering all the pertinent facts which are now included, then became sick following an

6.2 Page 21

operation, and missed a deadline. Please use your rightful power of office, under Milwaukie's City Code Section 19.1001.5 D; which states "Reactivation of rejected applications may only be made by resubmission of a complete application and fee." I have enclosed the request for another determination, which contains new information, along with previous known facts in this case and the fee. I am hoping that this section of Code was written to help cover these types of unforeseen circumstances and would allow the City to help my family and me by making another determination.

Thank you for your understanding and consideration in this matter.

Best regards,

A handwritten signature in dark ink, appearing to read 'Michael Hamersly', followed by a horizontal line.

10/14/04

Michael Hamersly, Member,
PDX Land LLC.



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

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REQUEST

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**For a Second Planning Director Determination for the Structure on
2540 S.E. Lark Street, Milwaukie, Oregon 97222**

REQUEST

This is a request for a Second Directors Determination be made to allow the continued use of the building located at 2540 SE Lark, Milwaukie, Oregon 97222 as a Four-Dwelling unit as allowed under ORS 227.180(1)(a) Review of action, and in addition too the City Of Milwaukie Code, Section 19.1001.4 D. (See attached 1) which states "Decision to Issue. The director shall have the authority to consider the request for an interpretation. ..."

DISCUSSION

The City of Milwaukie made a decision in November 2001 that concluded the structure located at 2540 SE Lark, Milwaukie, Oregon 97222 was a single-family dwelling that was illegally converted to a Four-Plex. The City of Milwaukie Staff, then on July 9, 2003 made a directors determination that the 2540 Lark structure was a Three-Plex and has been for at least the last thirty five years. We would like a discussion on the original position and how the first decision was incorrect by Two dwelling units and the Thirty-Five year history of the building. Since the City now considers the structure as only a Three-Plex we would like to be informed and discuss which specific unit of the Four-Units and which specific electrical meter of the four meters the City believes was added in the last thirty five years and the information and evidence that led to this conclusion.

Finally we would like a discussion on the information provided to the City in the following ten pages and attachments.

All the information and evidence that I have seen and disclosed in this discussion has lead me to draw the conclusion that the structure at 2540 SE Lark is a historical Four-Plex that can be shown to have had four dwelling units since the late 1960's.

1. It appears from the letters sent from Mr. Kent with the City of Milwaukie made mistakes in his original evaluation of this structure. Please see his letter dated December 7, 2001 (attached 2) where he states "... . The City does not have record of approval to convert this residence into four dwelling units..., it will be necessary to convert the existing building back to a single-family residence... A four-plex in not permitted in the R-5 zone." (R-5 zone see attached 3). It appears Mr. Kent did not even bother to check the Cities utility billing or County assessors records before he wrote the letter and had the building evacuated and closed. How could he not know of Milwaukies chapter 19.800, section 19.801 which specifically states "..., a nonconforming structure maybe continued and maintained in reasonable repair,..." and 19.802 "A nonconforming use maybe continued, but shall not be altered..."(see attachment 4).
2. Mr. Kent's letter does not mention Milwaukies own codes section 19.901 and 19.802 and of legal pre-existing non-conforming uses. One would expect accurate information from the City. I am disappointed that I did not receive accurate information in this letter, and believe this is the largest factor in this Three year fiasco.
3. From the time I received the letter dated December 7, 2001 from Mr. Kent it only took the City of Milwaukie Seven (7) Days to, evict all the tenants, close my building, not even allowing me legal entrance into my own building. I was not

aware of Senate Bill . . . at this time, but I believe Mr. Kent should have known, or at the very least known about Milwaukie's Chapter 19.800. I do not know the why or how he was allowed to ignore these laws, but he did. Leaving us years later still trying to correct his error.

4. I have continued working with the City since December 2001. I received a Certificate of Occupancy Dated 3/1/04 (attached 5). There was one (1) week of physical work to be performed on the building, specifically plumbing, fire, and electrical work, which the City required me to have completed before the building could be re-occupy. The majority of time, the last two and half years, one hundred thirty (130) plus weeks has been spent trying to prove that I did not buy a single-family home and convert it into a four-plex. We were partially successful with the ruling letter July 9, 2003, (attached 6) That the City found that after consideration of information provided by Mr. Griffith along with City and County records that I did not, in fact, buy a single family home and illegally convert it to a four-plex. I also hope to put to rest the notion that I recently bought a three unit building; then added a unit and an electric meter to make an illegal fourth unit. I hope the following puts to rest any question of my actions and that in deed and fact I bought a four-plex June 1997.
5. I was working with the City prior to December 2001 to split off a lot on this property and had City planners come on to the property, which they would have seen a multifamily dwelling. Who would invite the City on to their property if they illegally converted a single-family home to a four-plex? It does not make sense. Which is another indication that I bought and operated a four-plex legally. I do not know why Mr. Kent and the City ignored this fact too when the December 7, 2001 letter was written.
6. The previous owner Rick Brewer and current owner, me, have both stated that we owned this building in the nineties, myself till present, and the building has been a four-plex during our separate ownership. That Mr. Brewer has stated to Steve Campbell who works at the City and to me, that when he bought the four-plex in the early nineties it was an existing four-plex. I have stated and gone through great expense to show that I bought this building as a four-plex.
7. On a number of occasions the City said if I would say it is a three-plex, I could re-occupy the building and the attorney for the City threatened that if I take this issue to the courts he will have me cited for violations at the building, even though I would not be allowed to correct the violations and charged for six a day. July 30, 2002 letter from Larry Blake, (See attached 7), Letter, August 9, 2002 from Mr. Blake, "does not in any way give permission to your client to either work on the property or have tenants ..." (See attachment 8). So I hired Mr. Griffith in response to this threat of fines to avoid them and litigation cost while my building remained vacant. Then the City tried to pressure me in to agreeing that there are only three units by not letting me work on the building or rent it out until the question of three or four units was settled. Mr. Griffith January 16, 2003 letter "I had a meeting Wednesday afternoon with Ken Kent, Planning, City of Milwaukie, as a follow up to our conversation. He again noted that we could proceed with three units at this time with a "Grandfather" allowance... I asked about the potential of completing the three while we were questioning number four. His comment was that they would not proceed until the forth unit issue was resolved..." (See attachment 9 & 10) This was extremely difficult to refuse. At this time my building had been sitting vacant for more then a year, I have not been allowed on my property to work on it, I could not rent it, I was losing more then \$4,000.00 every month. I did not know if I would get one or four units unless I took the deal that guaranteed three now. I had no idea when this would end and how much more it would cost; yet still I refused to agree to something that was false. This has cost me more then \$128,330.00 (Yes! One hundred twenty eight thousand three hundred thirty dollars) to have my building sit empty, not collect \$2,035 in rent each month,

then have to pay my mortgage, property tax and insurance at 1,900 out of my pocket each month for two and a half years 30 months, on top of this attorney's fees \$2,800.00 and Mr. Griffith's charges \$4,200.00 (does not include my time and the money I was forced to spend on the building for plumbing and repairs that were not needed under current code for a pre-exist non-conforming building) and the personal cost to me of having to sell personal belongings, investments I wanted to keep, and then borrowing from family and friends whom I still owe tens of thousands of dollars to.

8. The forth units value to the building is approximately \$55,000.00, (fifty-five thousand dollars) it does not make financial sense to fight for a forth unit, (the fight has cost more then \$128,000.00 the unit is only worth \$55,000.00, so a loss of \$73,000.00 even if I get the forth unit) but what make sense though is if you have been wronged, you would fight even at significant cost to yourself in the hope of receiving justice.
- Milwaukie's code 19.809 (see attached 11 & 12) request information to help in the determination of nonconforming situations. The following will try to meet the criteria set out in 19.809.1 A., (see attached 12) "Proof that the nonconforming situation was permitted under applicable regulations at the time it was established, including:
 - a) "Copies of building and/or land use permits issued..." The building was built in 1936 and there are no records of plans located at the City or County.
 - b) "Copies of zoning code provisions..." This building was constructed prior to the current zoning laws and the codes have been established to govern these situations, specifically Oregon Senate Bill 73 and Milwaukie's Codes, Chapter 19.800(att. 4)
 - c) "Demonstration that the situation was established before the applicable development code for the community was adopted; and"(attachment 12), this submission in its entirety applies to this request and works to identify this buildings history. Which we have found to be that this building has been a historical (since the 1960's) four-plex. The brief answer is there are four-units at this building with no evidence of recent construction to add a unit. There has been four electrical meters at this building since the 1960's. The other information available, Assessors records, City utility bills, Polk directories either have errors or do not exist to use. Thereby focusing our attention to physical facts, that exists now and in the records. The pictures from 1976, the construction and configuration of the building and the four electrical meters on the building, demonstrate this situation of four living units was established before 1973.
- B. "Proof that the situation has been legally maintained over time. Evidence that the non-conforming situation has been maintained over time including:" (see attachment 12 for the following a-f,)
 - a) "Utility bills;" Discussed and shown to be in error in original determination of only three units a detailed discussion below.
 - b) Income tax records; not applicable.
 - c) Business licenses; not applicable
 - d) Listings in telephone, business and Polk directories; do not exist for this building as discussed below. (Please see below.)
 - e) Advertisements in dated publications, e.g., trade magazines; and/or, I still have a copy of the original add selling the four-plex June 1997, (see attachment 13). The add states "4-plex for sale, nice, safe, neighborhood, Milwaukie, between River road & Lark. Long term tenants, \$139,000, Possible trade or owner carry. Call..." Printed in the Real Estate classified section of the Oregonian June 1997. This is the add I responded to June 1997 and my notes from my conversation with Mr. Brewer

at that time (I hope this finally shows that I bought a four-plex and have not added any units.)

- f) Building, land use or development permits. None found and we believe none exist.

DIRECTORIES RESEARCH

9. Research was conducted at the Multnomah County Central Library (see attached 14), to find telephone numbers that serviced the renters in the four-plex from the seventies and eighties. There are not Polk directories that covered Milwaukie at this time. (See attached 14) "I first worked for the library in the late 1970's and at that time there was no city directory coverage for Milwaukie. We only started to have reverse directory coverage when we began subscribing to Cole's directories in the late 1980's, Grace Awering, Humanities" The 1990s till present are Mr. Brewster's and my rental records. Thus giving greater weight to the construction, pictures from the 1976 appraisal and the four electric meters from the 1960's.

CONSTRUCTION RESEARCH

10. Mr. Griffith uncovered the fact that this building was constructed in 1936. Prior to the adoption of building codes, this may explain why there are not any building plans or records at the City of Milwaukie or the County.
11. The State of Oregon adopted the State wide building code with Senate Bill 73 in 1973. Therefore this structure should be considered a pre-existing structure that is now non-conforming.
12. The inspector is correct by noting issues that would not be allowed with today's construction, however, as the City pointed out this structure was constructed in 1936 with market fed standards, and no permits or codes to follow. This is typical in pre-existing non-conforming uses, and this is why the State Building Codes Division has noted that structures that were constructed prior to regulations can continue as long as they are maintained in a safe, sound, and sanitary manner.
13. The fireplace (see picture attachment 15 and 16) is an example of the buildings continued use without additions. The entrances are individual and from all appearances of the construction and age of the building to date back at least until the 1970's when the tax assessor's photo was taken (see attachment 15, 17, and B1-18). The City still has not shared with us which of the four units it believes was added after the 1970's and where it was supposedly added. We would appreciate a chance to comment on the City's opinion of where the fourth unit was constructed, where and how it came to have an electric meter, we anticipate receiving the City's opinion. Especially since we have not been able to find any evidence that would lead us to consider the building had been added on to since the 1970's and thus cannot envision where the supposed "fourth" unit was supposedly added.
14. The existing structure provided four affordable dwelling units, as they have for some time. It's interesting to consider that if the site were divided into two lots, the existing structure could be removed and four dwelling units constructed. Two primary dwelling units could be constructed and each with a "granny flat" or accessory dwelling unit. It is recognized that all four could not be rental units, I only mention this as a density concept, not that it is being considered." (See attachment 21).
15. From a livability issue for Milwaukie and having a four-plex in this residential zone it is interesting to note that this building if not the oldest on its street, is definitely one of the oldest. Created thirty-six years before the Senate bill 73 requiring state wide zoning and sixty-seven years before these current regulations that it still meets density standards for the R-5 zone, due to the large lot on which it is located.
16. Homeowners in this neighborhood would have been aware that it was a multifamily unit prior to buying their homes, so apparently they were accepting of the situation in their neighborhood.

INFORMATION REQUEST

17. We requested, in the last determination, for a copy of the plumbing inspection report and the structural inspection report and are still awaiting this information from the City. We would also like the mechanical inspection report. These three missing reports were mentioned as attachments in the original order (see attached 20) we would appreciate this information so our files will be complete and that we do not proceed without all the information. We are attempting to be as thorough as possible. We would be most appreciative to receive copies of these missing documents along with the City's opinion of where the fourth unit and electrical meter were added. (Please send them to me along with any other information to P.O. Box 82921, Portland, OR. 97282).

ASSESSOR RECORDS RESEARCH

18. Clackamas County Assessor records show that this structure was taxed as three-units, a one-story building with a basement this information was created back in 1976. (Please see attachment 17) Also shown are the three units, A, B, and C. All on the same level. (Please see attachment 15 and 19). The original assessor made mistakes in the description and size of this building.
- a. This structure is not now, nor has it been in since at least 1970 a single level with a basement. It is a three-story building without a basement. (Please see attachment B1-18 and 16; 16 is a recent photo to clearly show the front of the building.) Perhaps the assessor considered the laundry room (see attachment 19, the drawing, middle section B) is below the outside grade by two steps, fourteen inches. One could call this a "basement" as the assessor did (see attachment 17, "remarks.") but it is a stretch to do. It is more typical what is known as a sunken living room. If we do call this area of the building a "basement" Then the building becomes a Four Story building, making the assessors statement even more inaccurate.
 - b. The assessor states that there is 1,419 square feet of living space, (see attachment 19). This is inaccurate since the total is greater. The total living square footage of this building is approximately 3,078 square feet. (Main level, 1,419 + second level, 1,419 + third level, 240 for a total of 3,078 +/- square feet.) The square footage described in the 1976 assessors report completely missed the second and third floor of this building. These missed floors contain approximately 1,659 square feet of living area. Where we believe the fourth unit would have been at this time, 1976.
 - c. One can see in the picture from 1976 (see attachment 16 and B1-18) that this is the same building contained in that picture and still exists virtually unchanged. You can see at least two entries one in front, on the main floor and the second going up the stairs to the second level (see attachment 16, and B1-18.).
 - d. The third story is shown by the window just under the peak of the roof on the front of the building (attachment 15 and 16).
 - e. We do not know why or how these mistakes, missing two floors of the building and 1,659 square feet of living space, were made. What Mr. Griffith purposed was the owner at the time, 1976, lived in the building on the second and third floors, (the third floor is one bedroom accessed only through the second floor unit.) This would give a person the buildings largest, best unit, about 1,100 square feet of living space, three bedrooms, one bathroom with a tub, a fireplace and hardwood floors. The owner simply told the assessor that he only has three rental units in this building. And the mistake in labeling a three unit building when it was three rental units with a large owner unit on the second and third floor, thus a pre-existing four unit building.

- f. If one looks at the design and condition of the entire building it is apparent that it was built prior to 1973, there is not any indication of recent additions and the current configuration and footprint date back at least to the 1960's if not earlier.

UTILITY & SEWER RESEARCH

19. According to Paul W. in the City of Milwaukie Engineering Department this site was connected to the City sewer system in November 1974. He further noted that the City required a 6-inch connecting sewer line, which would have only been required with multiple dwelling units. (Single family-units only required a 4-inch sewer line). The records from the sewer connection did not identify the number of units.
20. On April 20th, 2004 I spoke with Carla Atwood with the City (attached 22) and asked about the utility billing system and how the initial number of units was determined. She said that I would need to come to the City and do a records request. She asked why I wanted them and I explained the difficulty in determining why it was being billed as a three-plex when it is a four-plex. She said the utility bill is determined when the structure was built, using the initial plans.
21. I found out, April 27th, 2004, when I again spoke with Carla Atwood in addition to Pat and Mr. Becker (attached 23). Since no building plan had been submitted to the City back in the 1930's and there is not a building plan on record at the City, Carla, and Pat believe the utility bill for the building on Lark was based on the flawed 1976 Appraisers records from the County which incorrectly identified this building as a three unit building instead of the correct four unit building it was and is. The billing department simply relied on the County records to base its utility bill.
22. The City of Milwaukie sewer records only go back to the 1980's and are in error to the number of units in use at this building at that time. The City only billed for three units when four units were in use. Mr. Becker for the City of Milwaukie, concerning billing information on the City's sewer, that were entered on computer via punch cards; stated that "back in the 1970's punch cards were used and the information is not readable now." Also that the City went to a new computer system and does not have the machines to read the old information. That from the inception of the new system in the 1980's. Confirmed at the meeting that there are not any records available from the City's utility billing department from the 1970's.
23. I received a copy of Single Account Notes Report (attached 24) that the billing department had at one time known that this building was a four-plex. That research done for atwoodc 12/04/2003 states, "Per review from Paul Roeger, property was used as a 4-plex w/ violations. Now, it's a 3-plex and 3 units of sewer and 1 unit of storm is correct. CA".
24. Also of note the City's utility bill sent to me (attached 25 & 26) makes no mention of how many units are counted for billing so none of the previous owners would have known that they were being billed for three units instead of the correct four. (It seems I owe the City back sewer assessment for the forth unit. I hope the City will waive this debt seeing that I could not of know the billing error since the City's bill does not say how many units are being counted on the sewer bill, and the fact that the City has caused me enormous difficulty by labeling this building a single-family unit and closing it.)
25. Jim Griffith spoke with the City of Milwaukie's staff in October 2003 (attached 27) and was told that building utilities have been billed for three units since the inception of the computer system back in the 1980's. The woman to whom he spoke, (Carla was on vacation) noted, "that if there were four units, they need to add the unit to the billing." Jim said "I told her not now!" This indicates the ease to which one can add billing units to the utility bill.
26. I believe this shows that the utility bill is a poor indicator of how many units a building would or would not have shown historically. It appears from Mr. Griffith's conversation a person



Portland General Electric Company
321 SW Salmon Street • Portland, Oregon 97204

6.2 Page 6

Att. 31

August 19, 2004

Michael Hamersly
3111 SE Concord Rd
Milwaukie OR 97267

Re: Customer 70889

Dear Mr. Hamersly:

Thank you for contacting Portland General Electric (PGE). You asked how long PGE has required meters to be inspected before connecting service.

Cities and counties in the State of Oregon, not PGE, require electric and meter inspection prior to connection of electricity.

Since cities and counties in the State of Oregon require inspections prior to connection of electricity, PGE abides by these laws – and has for well over 50 years. PGE never has, nor will it now, connect electricity at any location without the property owner first obtaining proper electrical inspections.

Please let me know if I can be of further assistance.

Sincerely,

Michael Moore

Michael Moore
Customer Service Representative
503-612-3714

Connecting People, Power and Possibilities

Industrial Commercial Electric**RESIDENTIAL INSPECTION REPORT**

24300 SE Strawberry Dr

Boring, OR. 97009

Ph: 503-658-5624

CCB # 134038

08/25/2004

CONDITION OF ELECTRICAL INSTALLATIONS

Michael Hamersly
PO Box 82921
Portland, OR 97282

Property address:
2540 SE Lark St
Milwaukie, Or. 97222

Mr. Hamersly,

At your request I have evaluated the electrical meter bases and the following is my professional opinion (I have been an electrician in Oregon for the last twenty-six years. Licensed and bonded in the State of Oregon.)

The property reviewed is the building located at address 2540 SE Lark St, Milwaukie, OR. 97222. I specifically looked at the main service to determine at what time period it was installed. There are four meters located in the two tandem meter bases. This specific style of tandem meters, which come as single unit and houses two meters each date back to the sixties. There are two of the tandem meter bases on this building. As you can see they are identical tandem housings, and there is every indication that these were installed at the same time. We can be assured of this because in the early 1970's the tandem meter housings were manufactured larger, per code change.

I could not locate any records of when a permit was obtained to install these meters. This is in agreement to my assessment of when the meters were installed. The State of Oregon's building codes division started requiring utilities companies like PGE to verify that an inspector with jurisdiction tag a meter base before installation of a meter by the utility company in this case PGE.

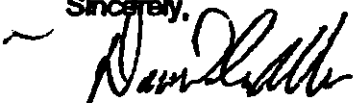
I investigated to find a permit to install the electrical service. I checked with the City of Milwaukie and was told, "that no records exist of a permit".

I also checked with Clackamas County and was unable to locate an electrical permit. This is not unusual for older buildings, especially in Clackamas County, which experienced a flood and lost archived records.

In conclusion, it is my professional opinion as a licensed and bonded electrician with 26 years of experience, and after checking the records at PGE, the City of Milwaukie, and Clackamas County. That the four meters contained in two tandem meter bases at 2540 SE Lark, Milwaukie, Oregon 97222 date back to the sixties.

I am willing to testify to the accuracy of this opinion.

Sincerely,



David G Allen

We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure, at least back until 1964 when electrical service was installed to units 1,2,3,4, and utility room. There may well have been four units prior to that date with all units on one meter prior to the installation in 1964 but again, however, no records were available. As zoning was not adopted until after this date, and the construction codes not adopted until 1973, this makes this a classic pre-existing non-conforming structure, with four units.

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FEBRUARY 11, 2005
NARRATIVE

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Mr. Gessner below is a list of what I conclude as errors and omissions in your letter dated February 11, 2005.

I summarized bellow 1-10 and in more detail in attachments G1 through U2. These attachments contain the documents that led me to the conclusions. Please send any and all documents that support your letter as I do not have them.

1. I have not argued to have the July 9, 2003 decision reversed as you stated in your February 11, 2005 letter. I have simply wanted a second directors determination.(see attached G1).
2. The February 11,2005 letter mis-characterizes my point about Mr. Griffith. (See attachment H).
3. City of Milwaukie utility records have been wrong since 1976, due to the fact they relied on the Clackamas county assessors information that has shown to be inaccurate.(See attachment I and I1)
4. The 2/11/2005 letter omits a crucial fact. That being the 1976 tax assessor made a large mistake by missing the second and third floors of this building, leaving out more then half of the living space.(See attachment K and K1)
5. I disagree with your implication that previous owners would go into the tax assessors office to correct a mistake that is unimportant to their tax liability since the assessors has records of the purchase price of the property and can tax accurately from this. (See attachment M)
6. I disagree with your reasoning that there should be a record of me attempting to correct information describing a building from 1976 in the county tax records. I would not have thought to do so since my understanding of property tax is that it is based off my purchase price of the property. Not the description of the building nor how many dwelling units within. (See attachment N)
7. I do not believe I was erroneous in my 2003 property tax appeal as you claim in the 2/11/2005 letter. I am positive it is accurate to say the City of Milwaukie did in fact and deed declare my building at 2540 SE lark to be a single-family home converted to a four-plex, closed the building due to this belief and denied me its use as a living structure. This is from a newspaper article written in the Clackamas review and my first hand knowledge of events. (See attachments O, O1, O2, R, R1, R2, R3, R4 and R5).
8. The 2/11/2005 letter leaves out the fact that the City of Milwaukies utility bill does not state how many dwelling units are being billed then or now. Therefore a person would not know to correct it. (See attachment RR and RR1)
9. In the 2/11/2005 letter you state that Mr. Griffith was diligent in representing my interests. I disagree with your belief here. I believe he was not diligent due to the fact he was diagnosed with cancer, and undergoing chemotherapy treatments at the time of the July 9, 2003 directors decision. I believe because of this health problem he was not able to preform adequately his duties to me. As shown when he informed you that I planned to appeal and asked for the Ordinance that covers the appeal process on September 16, 2003 seven (7) weeks after the appeal period had expired. (See attachments T, T1, T2 and T3)
10. The 2/11/2005 letter points out that I did not identify the number of dwelling units in my application for a minor partition. This is true, what is important here is the reason. It is due to the fact the City's own application does not require or even request that information. (See U and U1s)

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ATTACHMENTS G1-U2

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Mr. Gessner your letter states (see attachment D.) that you believe I "...have argued that my prior decision should be reversed for the following reasons:"

This is not an accurate portrayal of my position. I have not argued to have your original decision reversed. I have maintained that the original July 9, 2003 was proper. (see attachment E.) "Which was both procedurally and substantively proper." Nor have I "argued", I have simply asked for a second directors determination.

Which has been continually denied to me for no apparent reason. If there is a reason I would like to know what it is and what keeps you from taken thirty minutes to issue a directors determination. In this letter you state that you are (see attachment D.) "Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances." Again it appears that it would be very simple for you to issue a Second Directors Determination.

Please see attachment D the first bullet point, "Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness."

The statement is only partially correct. What would be correct is that Mr. Griffith did not inform me of the July 9, 2003 decision until after the appeal period had expired.

This is also a mis-characterization of why I have mentioned Mr. Griffith's cancer and death to you. I have not once conveyed that because of his death your prior decision should be reversed.

What I have conveyed to you is on record (See attachment E), second paragraph "Over the course of the time needed to reach a determination, the person whom I had hired to work with you, Mr. Jim Griffith, developed cancer and has since passed away from this terrible disease. During the course of his chemotherapy treatments (a four month time frame), he missed deadlines and did no completely research the records..."

What is accurate is that I let you know the reason for missing the first appeal period was due to health reasons. Since you had declined a request for a second determination stating due to the fact an appeal was not made on the first directors determination. Your letter November 7, 2003, "... In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request." (See attachment H1).

Also my request for a second directors determination made on 10/12/2004. Was again declined by you due to the fact that the determination was not appealed. This reason to decline was left on my voice mail in November, 2004.

The reason I conveyed the information about Mr. Griffiths untimely death is that you would understand I was not wasting the City's resources and had an understandable reason for missing the first appeal period. Which should not matter since even if an appeal period is missed if new information is uncovered at a latter date this should be enough to justify the City using its resources to issue a second directors determination.



November 7, 2003

Mr. Jim Griffith
Jim Griffith & Associates
10915 SE Fairhaven Way
Tigard, OR 97223

Re: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your request for reconsideration of the July 9, 2003 determination regarding the permissible number of units at 2540 SE Lark. I believe the original determination was both procedurally and substantively proper. In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request.

Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

John Gessner
Planning Director

copy: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director
Gary Firestone, City Attorney

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206

Phone: 503-786-7400 • Fax: 503-774-9726 • Web Site: www.cityofmilwaukie.org

February 11, 2005 letter, (see attachment D) forth bullet point. "City of Milwaukie utility billing records have historically assessed the property for three dwelling units."

This is one of the reasons you state in this letter as to why you believe the building at 2540 SE Lark should be considered a Three-Plex instead of a Four-Plex. This is surprising since it has been pointed out to you not only was the billing incorrect over the years, which you acknowledge in the second bullet point of this letter (see attachment D.)

The original utility billing was set up on the Clackamas County assessment records and therefore incorrect as you acknowledged in the second bullet point of your letter. (see attachment D.)

Mr. Gessner I thought you were aware of this fact when I gave you this information previously. ((see attachment I1); which is page 6 of the application submitted to the City of Milwaukie, with a cover letter that directed the information to Mr. Gessner on October 12, 2004) .

Specifically number 20. "On April 20, 2004 I spoke with Carla Atwood with the City... She said the utility bill is determined when the structure was built, using the initial plans."

Number 21. "I found out, April 27, 2004, when I again spoke with Carla Atwood in addition to Pat and Mr. Becker (attached 23). Since no building plan had been submitted to the City back in the 1930's and there is not a building plan on record at the City, Carla, and Pat believe the utility bill for the building on Lark was based on the flawed 1976 Appraisers records from the County which incorrectly identified this building..."

The February 11, 2005 letter "Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances." (See attachment D second paragraph, second sentence.)

I am not as confident in your knowledge of this case as I would like, as the above example shows your reliance on the accuracy of the utility bill, from all the information and documentation I have is a mistake. Since we all make mistakes I hope this will be one more reason for you to grant a second directors determination, in case there are more mistakes, I can appeal it and have another person take a look at the case and make the best determination possible.

- f. If one looks at the design and condition of the entire building it is apparent that it was built prior to 1973, there is not any indication of recent additions and the current configuration and footprint date back at least to the 1960's if not earlier.

6.2 Page 75

UTILITY & SEWER RESEARCH

19. According to Paul W. in the City of Milwaukie Engineering Department this site was connected to the City sewer system in November 1974. He further noted that the City required a 6-inch connecting sewer line, which would have only been required with multiple dwelling units. (Single family-units only required a 4-inch sewer line). The records from the sewer connection did not identify the number of units.
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22. The City of Milwaukie sewer records only go back to the 1980's and are in error to the number of units in use at this building at that time. The City only billed for three units when four units were in use. Mr. Becker for the City of Milwaukie, concerning billing information on the City's sewer, that were entered on computer via punch cards; stated that "back in the 1970's punch cards were used and the information is not readable now." Also that the City went to a new computer system and does not have the machines to read the old information. That from the inception of the new system in the 1980's. Confirmed at the meeting that there are not any records available from the City's utility billing department from the 1970's.
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26. I believe this shows that the utility bill is a poor indicator of how many units a building would or would not have shown historically. It appears from Mr. Griffith's conversation a person

Your February 11, 2005 letter (see attachment D) fifth bullet point. "Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units."

This is correct but I do not agree with your

1. logic and
2. you left out the most important fact.

1. Your logic appears to be that if a building is taxed as a three dwelling unit then it is a three dwelling unit. I would beg to differ. Sometimes the Government makes mistakes and miss labels items. I am aware of a number of incidences when the Government has made this type of mistake. Frankly I am surprised that you are not aware of this fact and did not take it into consideration in this decision. Especially since, at our January 2, 2005 meeting I pointed out a mistake was made when this building was labeled by the tax assessor back in 1976, (see attachment K1) who incorrectly labeled the building to have "2 units on main floor & one in basement." The building does not have a basement and has three stories. He missed about 1600 square feet of living space. It was recorded the Clackamas County Government and is there to this day.
2. The factual mistake was made when the person who did the site inspection, took a picture of the building as it was then, drew a diagram of the living units (only on the main floor) and wrote under remarks "2 units on main floor & one in basement." this was and is an incorrect description. It missed the top two floors of this building, approximately 1,600 square feet of living space.

The picture in the assessors file shows the upper three floors clearly and that the building is the same then, 1976 as now.

I find this an extremely important fact, 1,600 square feet of living space missed. This is where the forth unit would be.

Mr. Griffith put forth an explanation to how the assessor made this mistake. Because it is a rental building, a person cannot enter the units without the tenants permission, so the assessor simply spoke with the owner who lived upstairs and the owner simply told the assessor I have three rentals here. The assessor wrote it down and it is now the history.

Apparently you do not look at this fact and mistake of missing two floors and 1,600 square feet as important since it was not mentioned in your last letter dated 2/11/2005.

I believe this fact should be considered when deciding how many units have been in this building historically.

Since we disagree on the importance of this fact, I think that you should make a second directors determination so I can appeal it and have other people look at this fact and other information provided and see what conclusion they draw.

I believe this to be reasonable and fair. If you do not view this request in the same light please let me know why and what I can do to rectify any more problems you may have as discuss earlier in 1-6.

PROPERTY ADDRESS:

2540 S.E. Lack

6.2 Page 77

BUILT	24	1936	COST \$	RENT \$	
REMODELED	19		COST \$		
SOLD	19		AMT. \$		
SOLD	19		AMT. \$		
SOLD	19		AMT. \$		
SOLD	19		AMT. \$		
INTERIOR INSPECTED	YEAR	77	83	91	05
	YES				
	NO	NH	LH	NH	NH

APPR.	DATE	DWELLING UNITS	UNIT AREA	TOTAL AREA	STORIES
AW	7/19/76	1 2 3 4	710 (2nd) SQ. FT.	1419 SQ. FT.	1 1 1
AA	8/11/85	FOUNDATION	CODE	BLK	BRICK
DF	9/5/90	EXTERIOR	DOOR	STONE	FRAME
WPK	8/13/03	ROOF	SHAKE	WE	SHAKE
	1 1	ZONING	RESIDENTIAL	R-5	
		1ST FLOOR	PLASTER	DRYWALL	COMP
		PARTITIONS	TRIM	FIN	W
		OTHER INTERIOR CONST.	CLASS	3X	BUILT-INS
		LIGHTING	CLASS	LOW VOLT	INTERCOM
		AREA IMPROVEMENTS	CLASS	1/1	LAVATORY
		SIDEWALKS	WATER ONLY	1/1	TOILET
		CURBS	1/1	1/1	1/1
		STREET	CLASS	FURNACE	PA
		WATER	ELEC	W	UNITS
		SEWERS	STOVE	CHIMNEY	TOTAL AREA HEATED
		ELECTRICITY	CLASS	1 STY	2 STY
			DORE	PULL	1 1 1
			CLASS	WALLS	CODE
			WALL	CVR	1/1
			RMS	PLAY	DR
			CLASS	DORE	1 1 1
			FLR	DO	DO
			RMS	DR	BATH
			PORCH	W	FR
			RATIO	PHYS	COND

REMARKS: 2 units on main floor
4042 in basement

PLOT PLAN:

6.2 Page 78

The second page of your letter dated February 11, 2005 first bullet point. (See attachment D1)

"There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units."

An interesting statement you make. I am left to wonder who you know that goes into a Government office and says I think my property record is in error and to low so you are not taxing me enough, please correct this error.

That you expect citizens to do this and if they do not you use it as a factor to decided dwelling density. This is definitely an interesting point you make for a Three-plex instead of a Four-Plex.

I am curious, do you know of any case in the Clackamas County Assessors that this has occurred? I do not nor anyone whom I asked knew who would do this. Please let me know the cases that you have seen that leads you to believe that people correcting government records that do not affect them in a negative way.

So now I am curious to see how often this occurs at the County's assessors, Christina was kind enough ask the Clackamas County Assessors Board of Property Tax Appeals (She went in on February 16, 2005 at 9:00 am) and asked how many cases have they seen where people have been asking for a correction in the record, to increase the value of their property and receive for this effort a higher assessment and tax?

Their answer was NONE!

Not one person in the three years these board members have been ruling on tax assessment appeals.

Again we have a different opinion of what people would do in this circumstance. I believe most people let the sleeping dog lie. On the other hand you disagree and believe citizens would go to the government and ask to be taxed at a higher rate.

This is another example of why I believe you should issue a second directors determination. We see this fact differently and I would like to have a third party take a look and draw a conclusion.

Please see the second page of your letter dated February 11, 2005, second bullet point. (See attachment D1).

"There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units."

There was no need to make an effort to correct the errors (2) contained in the assessors file as to the description of the building for tax purpose. Each time the building 2540 SE Lark sold, the sells price is given to the tax assessor, this is called the real market value, and the tax assessor tax's the building based on the real market value. If the description of the property is in error it would not lessen the taxes for an owner who, like myself recently purchased the property.

I am surprised again, I would have thought you would be aware of how a property is valued and taxed.

Therefore the building could have been describe as a 2 unit dwelling or an 8 unit dwelling and it would not effect my property tax burden. The county assessor would still assess the property tax based on my purchase price of this building.

I hope you will reconsider the importance of there not being a record of efforts to correct the county tax assessment records. I believe it should not be a important factor in deciding the historical number of dwelling units at 2540 SE Lark.

This is the fifth time we interpret information differently and draw different conclusions form it. I believe this shows the need for a second directors determination so I can appeal it and have a third parties interpret this information.

(2.) (please provided your information that would lead you to believe the errors in the tax assessors file are "presumed". I found them to be concrete and would appreciate a chance to look at any information that would cast doubt on their accuracy.

Please see the second page of the letter dated February 11, 2005, second bullet point. (See attachment D1)

"There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units."

"However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukie declared it was not a legal multifamily unit and has denied its use as a living structure"."

Your above accusation that I erroneously alleged information in my appeal is inaccurate in the extreme. The known facts concerning Milwaukie's declaration clearly show that the City has repeatedly stated through various employees that this structure was not a multifamily unit. The facts of such statements are abundant such as, The Clackamas Review article, Letters sent from the City of Milwaukie to me, which I have included, notices posted on the structure by the City denying access and its use as a living structure, Mr. Griffith's and my own correspondences with the City, also the City's attorney letters to my attorney, all confirming my statement and the fact that the City of Milwaukie in deed and fact ruled that the structure at 2540 SE Lark was not a multifamily unit and then did deny me use of the building as a living structure.

This is the opposite of your above statement. Please send over the information and documents that led you to believe I was erroneous in my appeal. I do not have one item that supports your position nor were any supporting documents included in your 2/11/2005 letter.

The following will contain documents I mentioned above that support my statements and clearly show why I stated in my appeal that the City of Milwaukie did in deed and fact declare the structure at 2540 SE Lark not to be a multifamily dwelling and proceed to deny me not only use as a living structure but even entrance into my own building.

1. 2001 December: The Clackamas Review Article, "Milwaukie Code Compliance Coordinator Steve Campbell ... found was a single-family home converted to a four-plex..." (See attachment O1)
2. 2001 December 7: Letter from Kenneth Kent, "...The City does not have record of approval to convert this residence into four dwelling units. ... A four-plex is not permitted in the R-5 Zone. ..." (See attachment O2)
3. 2001 December 12: City of Milwaukie "Notice to vacate - Do not enter - Unsafe to occupy" (see attachments R, R1, R2, R3, and R4)
4. 2002 July 30: Letter from Larry J. Blake Jr. "... It is my understanding that the property is listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he..." (See attachment R5)

Inspectors shut down house — and one family spends homeless Christmas

□ One set of tenants in an allegedly dangerous four-plex praises Milwaukee's handling of a possible code-violation crisis — but the resident who notified the city isn't so happy

By David Stroup
dstroup@clockamasreview.com



Campbell

MILWAUKIE — A holiday miracle for one resident of an allegedly illegal Milwaukee four-plex turned into a holiday nightmare for another — as the city scrambled to deal with a building officials say was too dangerous to be occupied.

Milwaukee Code Compliance Coordinator Steve Campbell says officials were tipped to the building — located on the 2500 block of Southeast Lark — by a call from a resident. What they say they found was a single-family home converted to a four-plex, with problems that extended to the building's apparently jerry-rigged plumbing and electrical connections. "Everything without permits," Campbell said. "We don't have records of permits for anything."

The owner of the property, Mike Hamersly, said the home was

— Turn to Housing shutdown, page A5



Photo by DAVID STROUP

Milwaukee's housing team (left to right): electrical inspector Dick Kelly, Matt Gilbert of the Milwaukee Police Department (standing), city planner Kenneth Keri (seated), Terry Whitehill (standing), code enforcer Steve Campbell and Deputy Fire Marshal Tony Cordie.

Attachments to February 23, 2005 letter the disc. apparent errors found in Mr. Gessner's letter dated February 11, 2005.



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001.

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2403, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,


Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

Attachments to February 23, 2005 letter th discuss apparent errors found in Mr. Gessner's letter dated February 11, 2005.

Attachment **R**

CITY OF MILWAUKIE
COUNTY OF CLACKAMAS, STATE OF OREGON

6.2 Page 83

NOTICE TO VACATE

- DO NOT ENTER - UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or
deface this notice.

Building Official:
City of Milwaukie

SUBSTANDARD BUILDING' DO NOT OCCUPY

**2540 SE Lark
Utility Room**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukee**

Tracking No. SW - 01-016

Building Official

SUBSTANDARD BUILDING DO NOT OCCUPY

**2540 SE Lark
Apartment #3**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukee**

Tracking No. SW - 01-017

**_____
Building Official**

SUBSTANDARD BUILDING' DO NOT OCCUPY

**2540 SE Lark
Apartment #4**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukee**

Tracking No. SW - 01-018

Building Official

SUBSTANDARD BUILDING DO NOT OCCUPY

2540 SE Lark

Apartment #1 back bedroom

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukie**

Tracking No. SW - 01-019

Building Official

Attorneys at Law

Larry J. Blake, Jr.
 George Duttler, Ph.D.
 Steve J. Rutherford, Of Counsel

Also a
 Also submitted in Confidence

Jon R. Snook

July 30, 2002

Attorney at Law

725 Portland Ave.

Gresham OR 97027

CLIENT'S COPY

Re City of Milwaukie v. Michael Hammerly

Dear Joe:

This letter is in reference to the above-captioned matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to talk to Steve Campbell and myself the other day. Pursuant to our discussion, it appears that it is appropriate that your client be cited at this time just because your client is cited, does not mean that an informal resolution is not possible.

I am asking Steve Campbell to review the possibility of citing your client for all the numerous violations at the discussed location. These violations would include electrical, plumbing and mechanical issues as well as the type of structure and its present and past use.

I anticipate there being a total of six (6) violations per day starting December 14, 2001 and continuing until the present. Of course, some of the violations may decrease if the renters have moved out of the property.

All the City wants from your client is to come into conformance with the City Code. It is my understanding that the property is currently listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he follows the guidelines and rules to do so.

Please be advised that your client must get all applicable City, County and State authorizations prior to working or modifying on the property so as to ensure the safety of the neighborhood.

If you have any questions, do not hesitate in contacting my office.

Very truly yours,


 Larry J. Blake, Jr.
 City Prosecutor

LJB/le
 cc: Steve Campbell
 Jon Hamrick

3700 Barber Building, 3718 S.W. Condon Street, Suite 110, Portland, Oregon 97239
 Telephone: 503.228.6200 Facsimile: 503.228.6222 E-Mail: law@blakeandduttler.com

Please see the second page of your letter dated February 11, 2005 (see attachment D1) the third bullet.

"There is no record of communication with the City to correct utility billing records prior to July 2003."

This is a correct statement but I believe it leaves out an important fact. That the City's utility bill fails to state how many units it is billing. A owner such as myself would have no idea that the City's utility records are inaccurate. (See attachment RR1) I see this as the reason there would be no record of communication. Therefore I strongly disagree with your conclusion that the lack of communication on the City's utility bill supports your finding of this structure to be a Three-Plex.



CITY HALL
10722 SE MAIN STREET
MILWAUKIE, OR 97222
(503) 786-7525
Cycle: 01

SERVICE LOCATION	ACCOUNT NUMBER	DUE DATE	TOTAL AMOUNT DUE
2540 SE LARK ST	06-2750-03	9/15/04	51.33-

PDX LAND LLC

STATEMENT DATE 8/31/04

METER READING		USAGE IN 100 CU. FT.	WINTER AVERAGE (DEC - MAR)	BILLING DESCRIPTION	BILLING AMOUNTS
PRESENT	PREVIOUS				
326 8/05/04	289 6/06/04	37	8	WATER	58.37
				SEWER STORM	61.80 12.00
				CURRENT BILLING	132.17
				BALANCE FORWARD	183.50-
				TOTAL AMOUNT DUE	51.33-

PLEASE SEE INSERTS REGARDING WATER AND SEWER CHANGES.

***PAYMENTS OR REQUESTS RECEIVED AFTER 8/25/04 ARE NOT REFLECTED ON THIS STATEMENT.

***ADDITIONAL PAYMENT OPTIONS: AUTO DRAFT OR AFTER HOURS DROP BOX BY FRONT DOOR. UTILITY BILLING ALSO ACCEPTS DEBIT OR CREDIT CARDS AT CITY HALL.

MORE INFORMATION
ON REVERSE SIDE

↑ PLEASE PAY ↑
THIS AMOUNT

Please see the second page of your letter dated February 11, 2005 (see D1) the fifth bullet point. "I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. ...I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions."

I disagree with your belief. Mr. Griffith had cancer, was undergoing chemotherapy treatments and was extremely sick from both during July 2003 and died three months later. I believe he was too sick to be diligent. (See attachment T1) It is a copy of the July 9, 2003 letter from you to Mr. Griffith. Please note that it makes no mention that Mr. Griffith only has fourteen (14) days from when the letter was sent to appeal. It states only which Milwaukee Zoning Ordinance under which a appeal can be filed.

Apparently you expect this man who is literally going to be dead within a few months, who wasting away from his chemotherapy treatments to hop in a car as soon as he received your letter to find out when the appeal deadline is for my directors determination. Unfortunately I believe due to health reasons, he was not able to do so. Nor would have expected him to. He was sick and even though I am still dealing with the repercussions of his inaction, he is not the one I fault.

Another point that you may have overlooked was the fact Mr. Griffith did not have the Milwaukee Zoning Ordinance that govern the appeal. So from July 9, 2003 decision until you sent them to him in your October 3, 2003 letter. (See attachment T1.5) Where you state "... Please find a copy of the requested zoning section enclosed. ..."I believe this clearly shows that Mr. Griffith was not diligent in representing my interests and that he did not inform me of the appeal period during July 2003 until weeks after it had already expired and was then too late to appeal.

Again his inaction due to poor health is shown in his letter to you on September 16, 2003, asking for those codes. "... However, He has requested that I notify you that he will be appealing your determination to the Planning Commission as allowed by Ordinance Section 1001.4. Would you please be so kind as to supply me with that section of code (1001.4), and..." See attachment T2)

You acknowledge receiving the previous September 16, 2003 letter, with the letter you sent in response to Mr Griffith. (See attachment T3).

Again we disagree on an subject and draw different conclusion from the same information (the above letters). In your letter you state your belief "Mr. Griffith was knowledgeable and diligent in representing my interest." and I believe the opposite occurred, back by my experience with this subject and the letters I included.

And again I believe this shows the necessity of a second directors determination so I can appeal it and we can have a third party take a look.

6.2 Page 92

July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206



October 3, 2003

Mr. Jim Griffith
10915 SE Fairhaven Way
Tigard, OR 97223

Re: 2540 SE Lark

Dear Mr. Griffith:

This letter is in response to yours of October 1, 2003, wherein you request a copy of Zoning Ordinance Section 1001.4 and documentation of utility billing. Please find a copy of the requested zoning section enclosed. You may contact Carla Atwood, Milwaukie Finance Department, directly at 786-7544 for billing documentation. You may also contact the County Assessor to confirm that the property has been historically assessed for three units.

Sincerely,

John Gessner
Planning Director

copy: Address file

6.2 Page 94

JIM GRIFFITH & ASSOCIATES, INC.

LAND / BUILDING USE STRATEGIES

10915 SW FAIRHAVEN WAY

Tigard, OR 97223-3828

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

September 16, 2003

Mr. John Gessner,
Planning Director
Community Development Department
City of Milwaukie
6101 E.S. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: 2540 SE Lark Street

Dear Mr. Gessner,

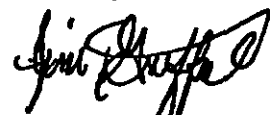
Since your determination of three units at the structure located at 2540 SE Lark Street, the owner has been working to bring the structure up to code for occupancy.

However, He has requested that I notify you that he will be appealing your determination to the Planning Commission as allowed by Ordinance Section 1001.4.

Would you please be so kind as to supply me with that section of the code (1001.4), and also, you noted in your report that the utilities billings indicated three units at that location. Would you also provide me a copy of that information? When I inquired about the sewer service I was informed that there was an oversized line that would indicate a multi-unit structure, but they had no information of the number of units. That's the reason for the request.

Thank you for your assistance and I look forward to your reply with the requested information.

Sincerely



James E. Griffith,
President

Cc Michael Hamersly

CITY OF

MILWAUKIE
CENTENNIAL
1903-2003

6.2 Page 95

September 18, 2003

Mr. James E. Griffith
Jim Griffith & Associates
10915 SW Fairhaven Way
Tigard, OR 97223

Subject: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your September 16, 2003 letter, wherein you provide notice of the property owner's intent to appeal my July 9, 2003 determination of the permissible number of dwelling units at 2540 SE Lark Street. Please be advised that the appeal period for the determination expired 14 days following its issuance in accordance with Milwaukie Municipal Code Section 1001.4. Accordingly, the determination is final and no further city appeal is available on this matter. As a point of reference, my July 9, 2003 letter provided notice of the appeal process for such determinations.

Please do not hesitate to contact me at 503-786-7652 should you have any questions or if you would like to discuss this further.

Sincerely,

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Alice Rouyer, Community Development & Public Works Director
Mike Swanson, City Manager
Tom Larsen, Building Official

6.2 Page 96

Please see the third page of your letter dated February 11, 2005 (see attachment D1) first bullet. "The failure to identify the number of dwelling units in your application for partitioning casts doubt upon present arguments. ..."

I hope the following fact will remove those doubts. The City of Milwaukee's application does not ask for the number of dwelling units.. (See attachment U1)

If I would have known up front that having the four-plex on my property would prevent me from partitioning my land it would have saved me:

1. \$3,258.00 and the six months of working on the project.
2. The fees paid to the City of Milwaukee for the application.
3. I would not have had the survey done until after the application had been approved. I had no idea that the City would not approve this partition for information it did not even ask for in its very own application.
4. I have spoken with planners in the past about this being a four-plex, specifically when I bought the four-plex and again with Janet Wright 2/3/99. Who let me know it was ok to have a four-plex in the R-5 zone. (See attachment U2)
5. The failure of the City of Milwaukee to ask for this crucial information in its application (see attachment U1) is in my view to blame for me not identifying the number of dwelling units.

Why does the 2/11/2005 letter state that due to not identifying the number of dwelling units casts doubt on the rest of my information? How would I have known then I should provide information, being the number of dwelling units, when it is not asked for? Also I have not ever partitioned a piece of property with any structure on it. Again since I have not had experience in that process how am I supposed to know to include information that is not asked for. On the other hand I believe Milwaukee's application should ask for the number of dwelling units on a property since it is a deciding factor.

I hope the above facts and information put to rest your concerns about why the units were not identified. I do resent that this was used to cast doubts on my present arguments. I do not believe it should. I hope you will look at them again without the doubts.



COMMUNITY DEVELOPMI
6101 SE JOHNSON CREEK
MILWAUKIE, OREGON 97.

PHONE: (503) 786-7650
FAX: (503) 774-8236

6.2 Page 97

Application for Land Use Action

(Please print or type)

APPLICANT(S): Michael Hamersby

Phone: 780-0019

Address: 3111 SE Concord, Mil. OR 97

Zip: 97267

PROPERTY OWNER(S): Same

Phone:

Address:

Zip:

APPLICATION TYPE (check):

- ☒ Annexation
- ☐ Appeal (Admin. to PC/PC to CC)
- ☐ Community Service Overlay
- ☐ Comprehensive Plan Amendment (Major QJ/Legislative)
- ☐ Conditional Use
- ☐ Exception
- ☐ Expedited Land Division
- ☐ Historic Resource Review:
 - ☐ Alteration
 - ☐ "Other" Alteration
 - ☐ Demolition
 - ☐ Deletion OR Designation
- ☐ Home Improvement Exception
- ☐ Lot Line Adjustment
- ☐ Major Land Partition
- ☐ McLoughlin Corridor Design Review
- ☒ Minor Land Partition
- ☐ Mixed Use Overlay
- ☐ Natural Resource Review

- ☐ Nonconforming:
 - ☐ Use
 - ☐ Structure
 - ☐ Replacement of existing NCU
- ☐ Planned Development (Preliminary/Final)
- ☐ Solar Review
- ☐ Subdivision (Preliminary/Final)
- ☐ Temporary Structure
- ☐ Transition Area Plan Review
- ☐ Transportation Planning Review
- ☐ Variance:
 - ☐ 10% or less of Zoning Ordinance standards
 - ☐ Over 10% of Zoning Ordinance standards
 - ☐ Sign Ordinance
 - ☐ Subdivision Ordinance
- ☐ Zoning Ordinance Amendment:
 - ☐ Map, Major Quasi-Judicial
 - ☐ Map, Legislative
 - ☐ Text, Major Quasi-Judicial
 - ☐ Text, Legislative
- ☐ Other:

PROPOSAL (describe briefly): We propose a minor land partition, to correct the improper creation of lot 2403 (created in 1975) and to maximize the use of our land.

Location: 2540 SE Lark Mil. OR. 97222 Map & Tax Lots: R 21 E 011 BB 02401 + 2403

Comprehensive Plan Designation:

Zoning: R-5

Size of property: 2401 = 8,300. 2403 = 2,600
Total = 10,900

PLEASE NOTE: The Land Use Committee (LUC) of your Neighborhood District Association (NDA) will receive a review copy of this application. They may contact you and/or you may wish to contact them:

NDA:

LUC Chair:

Phone:

ATTEST: I am the property owner or I have attached the owner's authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate. I have attached a proposal description, criteria response, site plan/map, notice labels and map, and other relevant information as required for this application.

Submitted by: Michael Hamersby

Date: 5/2/2001

THIS SECTION FOR OFFICE USE ONLY

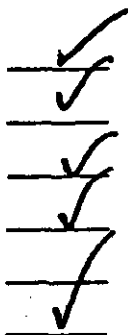
APPLICATION FOR LAND USE ACTION

PAGE 2

Minor Land Partition

Review type: Administrative II

APPLICATION CHECKLIST



- A. Describe proposal
- B. Address approval criteria
- C. Submit site plan/map (12 copies)
- D. Other specific requirements
- E. Submit notice labels and map
- F. Pay fee

A

DESCRIBE PROPOSAL

In your own words, describe what you propose to do and why (use additional pages if necessary):

See attached

APPLICATION FOR LAND USE ACTION

PAGE 3

B**ADDRESS APPROVAL CRITERIA (on a separate sheet of paper)**

You will need to show how your request relates to the approval criteria. For a Minor Land Partition, please address the following criteria:

Comprehensive Plan Goals and Policies:

- Planner will determine if applicable and provide copies of appropriate Comprehensive Plan pages.

Zoning Ordinance Sections:

- All parcels must meet lot size standards of the applicable zone.

Other Criteria:

- Subdivision Ordinance, Sections 17.32.020 and 17.32.040
- Compliance with Sections 92.050 and 92.060 of the ORS.

TEXT OF CRITERIA:

From the Subdivision Ordinance (Title 17 of the Municipal Code):

17.32.020. Submission of plans.

There shall be submitted to the Community Development office four copies of a site plan eleven inches by seventeen inches, or eighteen inches by twenty-four inches in size with the following information:

- A. The date, north point, scale, address, assessor reference number, and legal description;
- B. The name and address of the record owner or owners and of the person who prepared the site plan;
- C. The approximate acreage and square feet of the parcel under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partitioning;
- D. For land adjacent to and within the parcel to be partitioned, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and right-of-ways; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;
- E. The location of existing structures, identifying those to remain in place and those to be removed;

APPLICATION FOR LAND USE ACTION

PAGE 4

TEXT OF CRITERIA CONTINUED:

- F. The lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;
- G. The existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures;
- H. The applicant shall provide a conceptual plan of complete subdivision or partitioning of the subject property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all other options for access—including shared driveways, pedestrian accessways, and new street development—have been investigated; and
- I. Such additional information as required by the Planning Director or Planning Commission.

17.32.040. Flag lots.

Flag lots may be created by partitioning provided the following standards are met. In reviewing a flag lot application, the lot size, lot dimension, setback, lot coverage, minimum vegetation, and height limit requirements of the underlying zone shall be applied. Additionally, specific site development criteria adopted for the neighborhood district in which the site is located shall apply.

A. Future development.

Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. In addition, consideration will be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots. Flag lot partitioning shall not preclude the development of surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots may be allowed as an interim measure. In this case, Planning Commission review, as specified in subsection 17.32.050, shall be required and the flag lot(s) must be designed to allow for future street development. Dedication of the future street right-of-way will be required as part of final plat approval.

B. Lot size.

The area of the access easement (flagpole) shall be deducted from the gross acreage of the flag lot. The flag or development portion of the lot shall be equal to or greater than the square footage of the underlying zone.

APPLICATION FOR LAND USE ACTION

PAGE 5

TEXT OF CRITERIA CONTINUED:

C. Front yard.

The front yard of the flag lot shall be measured from the front lot line. The front lot line is the line that is most parallel and closest to the street, excluding the pole portion of the flag lot. If this standard is not practicable due to placement of structures on the subject or adjacent lots, topography, lot configurations, or similar reasons, then the front lot line will be the other property line that abuts the access portion of the flag or easement.

D. Parking.

No parking shall be permitted along the access easement (flagpole) portion of any flag lot or within the improved turnaround area for emergency vehicle access.

E. Screening and buffering.

A 5-foot-wide visual and noise buffer shall be provided along the property line of the adjacent property that abuts the access for the flag lot. This buffer is intended to protect the affected dwelling(s) located on adjacent parcels and must extend from the rear lot line to the required front yard setback for the adjacent lot. This buffer shall consist of:

1. a minimum 5-foot-high site-obscuring wooden fence or masonry wall; and/or
2. a vegetative landscape screen consisting of trees and shrubs of sufficient size to provide effective screening within two years of planting. Trees shall be a minimum 2-inch caliper, and shrubs shall be a minimum of 5 gallons at time of planting. All required vegetation must be maintained and survive for a minimum of two growing seasons.

In addition, the rear and side yards of the development area (flag) shall be screened from adjacent property with a 5-foot-tall wood or masonry fence.

F. Tree mitigation.

All trees 5 inches or greater in diameter, as measured at the lowest limb, or 4 feet above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least one evergreen or deciduous tree, of a species known to grow in the region, shall be planted at an appropriate ratio as mitigation for tree removal. At planting, deciduous trees shall be a minimum of 2-inch caliper and evergreen trees shall be a minimum of 5 feet tall. This standard shall control until the City adopts an urban forestry ordinance to supersede this provision.

APPLICATION FOR LAND USE ACTION

PAGE 6

TEXT OF CRITERIA CONTINUED:

G. Access.

For any flag lot, the minimum width of the access strip will be 20 feet, 12 feet of which must be paved for the full length of the access strip. The entire length of the access strip shall be kept clear of obstructions to access. Access to flag lots shall be consolidated into a single shared driveway wherever practicable, including consolidation of the access of the parent lot. These minimum standards may be increased if the Planning Director determines such is necessary to guarantee adequate and safe access. A paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.

H. Two flag lots.

Where two flag lots will have abutting access strips, the combined width of the two access strips shall not be less than 30 feet. A joint access easement shall be created for the two flag lots, which extends to the deepest lot for the full width of the combined access strips. Within the joint access strip, a common driveway with a maximum paved width of 20 feet shall be provided which extends from the street to the deepest parcel. At the end of the joint access easement, a paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.

I. Improvements.

Proposed flag lots shall be referred to the Public Works Department and the Fire Marshal's office for review and recommendation or decision on appropriate fire and traffic safety improvements, and other requirements to be provided by the applicant. At a minimum, these shall include recommendations on: vertical clearance for fire equipment; sewer lines and pumps; water meters and lines for adequate flows and pressures; fire hydrants; special post for display of house numbers at street entrance to access easement; street lights; and assurance of clear vision conditions at access entrance. Additional improvement requirements—such as paved access driveways constructed to residential street standards; special additional easements for utilities; necessary traffic safety devices; or half-street, curb, and sidewalks—may also be recommended.

APPLICATION FOR LAND USE ACTION

PAGE 7

TEXT OF CRITERIA CONTINUED:

J. Three or more flag lots.

The Planning Commission shall discourage development of three or four flag lots in which there are more than two lots in depth from a public street. When requested, such proposals must be considered by the Planning Commission under the variance procedure. Increased standards for improvements in such cases shall be as determined by the Planning Commission, with advice from Public Works and other departments as appropriate.

From the ORS:

92.050 Requirements of survey and plat of subdivision and partition. (1) No subdivider shall submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

(2) The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

(4) The plat of the subdivision or partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot or parcel shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each lot or parcel shall be shown. Each street shall be named.

(5) The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

(6) The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

(7) The area of each lot or parcel shall be shown on the subdivision or partition plat.

(8) In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

- (a) Arc length;
- (b) Chord length;
- (c) Chord bearing;
- (d) Radius; and
- (e) Central angle.

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APPLICATION FOR LAND USE ACTION

PAGE 8

TEXT OF CRITERIA CONTINUED:

(9) The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

(10) Notwithstanding the provisions of subsection (9) of this section, the county surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

92.060 Marking certain points of plats of subdivisions and partitions with monuments; specifications of monuments; monuments placed before recording. (1) The initial point of all subdivision plats shall be marked with a monument, either of concrete or galvanized iron pipe. If concrete is used it shall not be less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete. If galvanized iron pipe is used it shall not be less than two inches in inside diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision or condominium. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(2) In subdivision plats, the intersections, points of curves and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all public streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods. If concrete is used it shall be as described in subsection (1) of this section. If galvanized iron pipe is used it shall not be less than three-quarter inch inside diameter and 30 inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

APPLICATION FOR LAND USE ACTION

PAGE 9

TEXT OF CRITERIA CONTINUED:

(3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than 24 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth of a foot.

(5) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision or partition plat, whichever is greater.

(6) All monuments on the exterior boundaries of a subdivision shall be placed and the monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070 (2) and if the person subdividing the land furnishes to the county or city by which the subdivision was approved a bond, cash deposit or other security as required by the county or city guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065.

(7) All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. Unless the governing body provides otherwise, any parcels created that are greater than 10 acres need not be surveyed or monumented.

APPLICATION FOR LAND USE ACTION

PAGE 10

C**SUBMIT SITE PLAN/MAP (12 copies)**

A sample of how your site plan/map should look is shown on the next page. For a full and accurate evaluation of your proposal, we need the following information on your site plan/map:

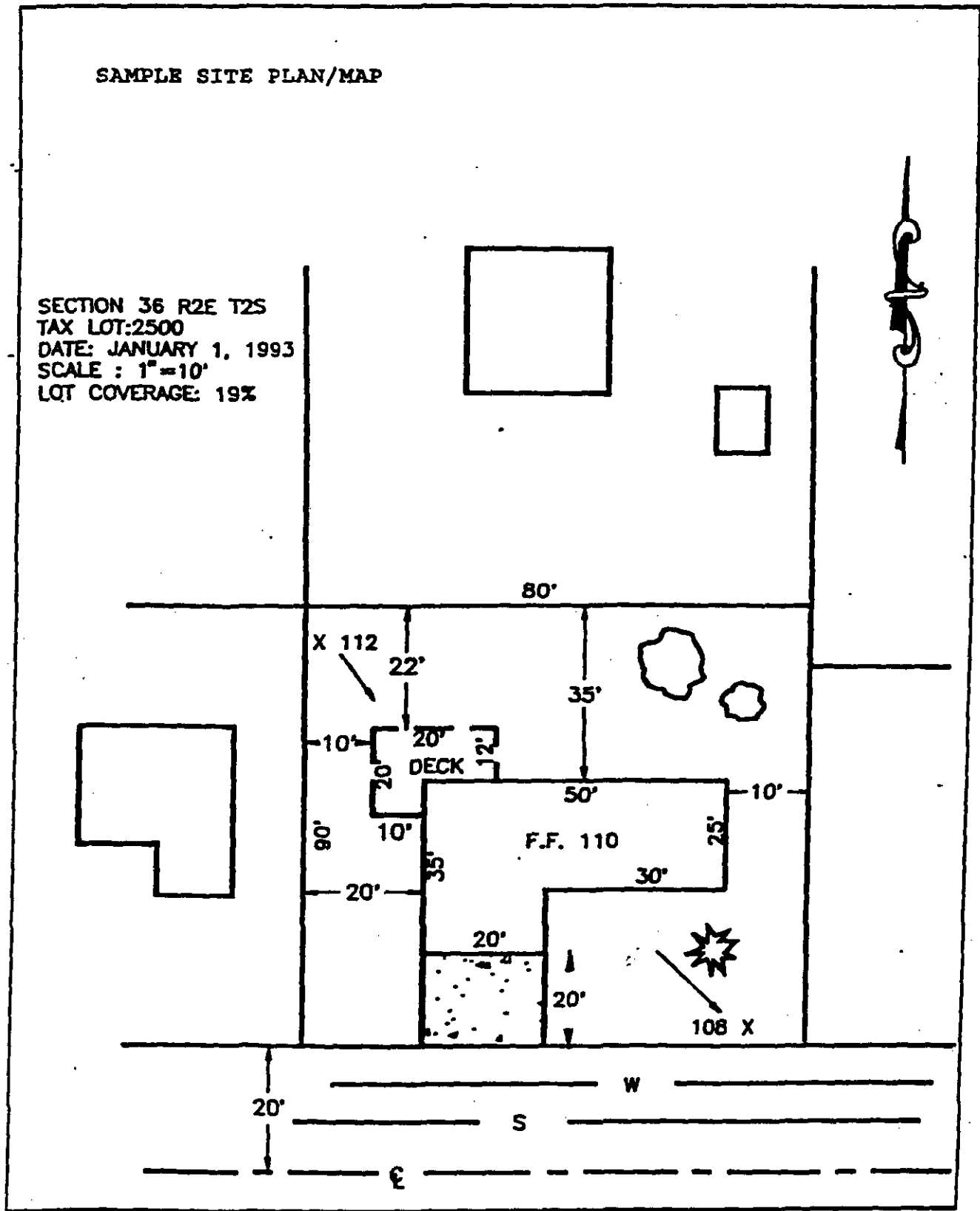
1. Drawn legibly
2. Lot dimensions
3. Building foot print with dimensions (including all projections, raised decks, and covered patios)
4. Distance from structures to property lines and edge of pavement
5. North arrow and scale (1" = 10' maximum; i.e., 1" = 10' or less)
6. Location of existing and proposed utilities
7. Location of all easements
8. Location of mature trees and landscaping, both existing and proposed. (Prefer 1 of existing, 1 of proposed.) Area to be landscaped shall be calculated as percentage of site area.
9. Lot coverage (percentage of total area covered by structure<s>, calculated)
10. Maximum and minimum elevations and direction of slope for each floor level, top of building, and driveway
11. Location of driveways, walkways, paved areas, and disabled access (indicate type of surface)
12. Parking, including space numbers, configurations, size and width, access, maneuvering areas, disabled parking details, and calculations of required number of spaces.
13. Legal description, tax lot identification, and common street addresses

APPLICATION FOR LAND USE ACTION

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SAMPLE SITE PLAN/MAP

SECTION 36 R2E T2S
TAX LOT:2500
DATE: JANUARY 1, 1993
SCALE : 1"=10'
LOT COVERAGE: 19%



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APPLICATION FOR LAND USE ACTION

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D

OTHER SPECIFIC REQUIREMENTS

A preapplication conference may be desirable or required for this action. Please discuss this with Community Development staff.

Please provide the information requested below.

1. The name, phone number, and address of your engineer or surveyor (if appropriate):

Name N/A Phone _____

Address _____ Zip _____

2. Number of total parcels proposed 2 Approx. acres .25

3. Show how each parcel complies with minimum zoning standards, as indicated below:

Minimum zoning standards for parcels in the R-5 zone:

Area: 5,000 sq. ft. Width: 50' ft. Depth: 80' ft.

Parcel 1 measurements: 2401

Area: 6,283 sq. ft. Width: 62' ft. Depth: 104' ft.

Parcel 2 measurements: 2403

Area: 5,017 sq. ft. Width: 61' ft. Depth: 112' ft.

Parcel 3 measurements:

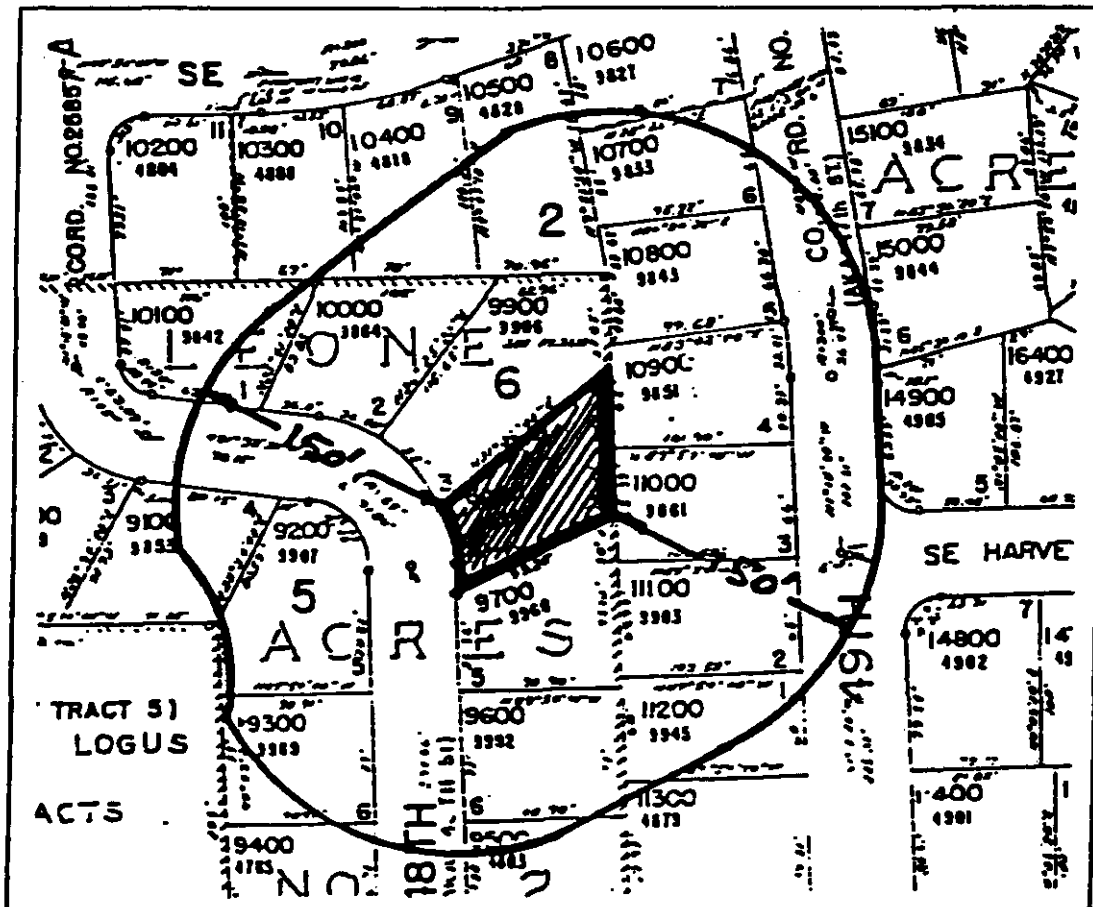
Area: N/A sq. ft. Width: _____ ft. Depth: _____ ft.

PAGE 13

SUBMIT NOTICE LABELS AND MAP

Creating the notice map (sample below)

On that map, draw a line out 150 feet from each side of the lot. Then, use a compass to determine the 150-foot distance from each corner of the lot. Draw a circle along these points. All tax lots within, or partially within, this boundary must be included.



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FOR LAND USE ACTION

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Creating the notice labels (sample on next page)

You can use your list of tax lots within the circle on the notice map to create notice labels which include all property owners and residents for those tax lots. A list of property owners and situs addresses for these properties can be obtained from the County Assessor's Office; or you can get them from a title insurance company.

Please use Avery labels #5160, available in Planning Dept. (see sample).

Each label should be typed in the following order:

- Tax Map and Tax Lot Number
- Name (or Occupant)
- Address

Please be sure your labels are in alphanumeric order, by tax map and lot number. Also, be sure to include your name and address (applicant) and the property owner's name and address (if different from applicant).

If the mailing address of a property owner is different from the situs address, please address a second label to "Occupant" at the situs address.

For apartments, we need one label for each apartment to "Occupant," address, and apartment number (see sample). To determine whether apartments are in the area, you may have to walk or drive the notification area.

For out-of-town or out-of-state business property owners, please also include the address for the nearest local branch of the business.

Where more than one tax lot has the same owner, please combine into one label (see sample).

FEB-03-99 WED 10:55 AM CITY OF MILWAUKIE

FAX NO. 503 774 8236

P.01



Fax Cover Sheet

Date: 2/3/99 Time: AM

Number of pages (includes cover): 5

TO: Wayne Hamerly

FROM: Janet Wright

Community Development/Public Works

6101 SE Johnson Creek Blvd.

Milwaukie OR 97206

PHONE: (503) 786-7653

FAX: (503) 774-8236

FAX: 243 6018

MESSAGE: Included in the FAX

are the R-5 Residential Zone

Criteria for Permit Users &
the Dev. Standards - See 503.3

Please Call me at 786-7653
after you have had time to
look at the information &
we can discuss the issues
further

Thanks
Janet Wright

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RECEIVED

MAY 19 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

**Directors Determination
Request**

February 28, 2005

**Planning Commission
Copy prepared for Meeting**

April 12, 2005

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APPLICATION STATEMENT

For a Second Planning Director Determination for the Structure on 2540 S.E. Lark Street, Milwaukie, Oregon 97222

REQUEST

This is a request for a Second Directors Determination be made to allow the continued use of the building located at 2540 SE Lark, Milwaukie, Oregon 97222 as a Four-Dwelling unit as allowed under ORS 227.180(1)(a) Review of action, and in addition too the City Of Milwaukie Code, Section 19.1001.4 D. (See attached 1) which states "Decision to Issue. The director shall have the authority to consider the request for an interpretation. ..."

DISCUSSION

The City of Milwaukie made a decision in November 2001 that concluded the structure located at 2540 SE Lark, Milwaukie, Oregon 97222 was a single-family dwelling that was illegally converted to a Four-Plex. The City of Milwaukie Staff, then on July 9, 2003 made a directors determination that the 2540 Lark structure was a Three-Plex and has been for at least the last thirty five years. We would like a discussion on the original position and how the first decision was incorrect by Two dwelling units and the Thirty-Five year history of the building. Since the City now considers the structure as only a Three-Plex we would like to be informed and discuss which specific unit of the Four-Units and which specific electrical meter of the four meters the City believes was added in the last thirty five years and the information and evidence that led to this conclusion.

Finally we would like a discussion on the information provided to the City in the following ten pages and attachments.

All the information and evidence that I have seen and disclosed in this disscussion has lead me to draw the conclusion that the structure at 2540 SE Lark is a historical Four-Plex that can be shown to have had four dwelling units since the late 1960's.

1. It appears from the letters sent from Mr. Kent with the City of Milwaukie made mistakes in his original evaluation of this structure. Please see his letter dated December 7, 2001 (attached 2) where he states "... The City does not have record of approval to convert this residence into four dwelling units..., it will be necessary to convert the existing building back to a single-family residence... A four-plex in not permitted in the R-5 zone." (R-5 zone see attached 3). It appears Mr. Kent did not even bother to check the Cities utility billing or County assessors records before he wrote the letter and had the building evacuated and closed. How could he not know of Milwaukies chapter 19.800, section 19.801 which specifically states "..., a nonconforming structure maybe continued and maintained in reasonable repair,..." and 19.802 "A nonconforming use maybe continued, but shall not be altered..."(see attachment 4).
2. Mr. Kent's letter does not mention Milwaukies own codes section 19.901 and 19.802 and of legal pre-existing non-conforming uses. One would expect accurate information from the City. I am disappointed that I did not receive accurate information in this letter, and believe this is the largest factor in this Three year fiasco.
3. From the time I received the letter dated December 7, 2001 from Mr. Kent it only took the City of Milwaukie Seven (7) Days to, evict all the tenants, close my building, not even allowing me legal entrance into my own building. I was not

aware of Senate Bill 73 at this time, but I believe Mr. Kent should have known, or at the very least known about Milwaukie's Chapter 19.800. I do not know the why or how he was allowed to ignore these laws, but he did. Leaving us years later still trying to correct his error.

4. I have continued working with the City since December 2001. I received a Certificate of Occupancy Dated 3/1/04 (attached 5.). There was one (1) week of physical work to be performed on the building, specifically plumbing, fire, and electrical work, which the City required me to have completed before the building could be re-occupy. The majority of time, the last two and half years, one hundred thirty (130) plus weeks has been spent trying to prove that I did not buy a single-family home and convert it into a four-plex. We were partially successful with the ruling letter July 9, 2003, (attached 6) That the City found that after consideration of information provided by Mr. Griffith along with City and County records that I **did not**, in fact, buy a single family home and illegally convert it to a four-plex. I also hope to put to rest the notion that I recently bought a three unit building; then added a unit and an electric meter to make an illegal fourth unit. I hope the following puts to rest any question of my actions and that in deed and fact I bought a four-plex June 1997.
5. I was working with the City prior to December 2001 to split off a lot on this property and had City planners come on to the property, which they would have seen a multifamily dwelling. Who would invite the City on to their property if they illegally converted a single-family home to a four-plex? It does not make sense. Which is another indication that I bought and operated a four-plex legally. I do not know why Mr. Kent and the City ignored this fact too when the December 7, 2001 letter was written.
6. The previous owner Rick Brewer and current owner, me, have both stated that we owned this building in the nineties, myself till present, and the building has been a four-plex during our separate ownership. That Mr. Brewer has stated to Steve Campbell who works at the City and to me, that when he bought the four-plex in the early nineties it was an existing four-plex. I have stated and gone through great expense to show that I bought this building as a four-plex.
7. On a number of occasions the City said if I would say it is a three-plex, I could re-occupy the building and the attorney for the City threatened that if I take this issue to the courts he will have me cited for violations at the building, even though I would not be allowed to correct the violations and charged for six a day. July 30, 2002 letter from Larry Blake, (See attached 7), Letter, August 9, 2002 from Mr. Blake, "does not in any way give permission to your client to either work on the property or have tenants ..." (See attachment 8). So I hired Mr. Griffith in response to this threat of fines to avoid them and litigation cost while my building remained vacant. Then the City tried to pressure me in to agreeing that there are only three units by not letting me work on the building or rent it out until the question of three or four units was settled. Mr. Griffith January 16, 2003 letter "I had a meeting Wednesday afternoon with Ken Kent, Planning, City of Milwaukie, as a follow up to our conversation. He again noted that we could proceed with three units at this time with a "Grandfather" allowance... I asked about the potential of completing the three while we were questioning number four. His comment was that they would not proceed until the forth unit issue was resolved..." (See attachment 9-10) This was extremely difficult to refuse. At this time my building hade been sitting vacant for more then a year, I have not been allowed on my property to work on it, I could not rent it, I was losing more then \$4,000.00 every month. I did not know if I would get one or four units unless I took the deal that guaranteed three now. I had no idea when this would end and how much more it would cost; yet still I refused to agree to something that was false. This has cost me more then \$128,330.00 (Yes! One hundred twenty eight thousand three hundred thirty dollars) to have my building sit empty, not collect \$2,035 in rent each month, then have to pay

my mortgage, property tax and insurance at 1,976.00 out of my pocket each month for two and a half years 30 months, on top of this attorney's fees \$2,800.00 and Mr. Griffith's charges \$4,200.00 (does not include my time and the money I was forced to spend on the building for plumbing and repairs that were not needed under current code for a pre-exist non-conforming building) and the personal cost to me of having to sell personal belongings, investments I wanted to keep, and then borrowing from family and friends whom I still owe tens of thousands of dollars to.

8. The forth units value to the building is approximately \$55,000.00, (fifty-five thousand dollars) it does not make financial sense to fight for a forth unit, (the fight has cost more then \$128,000.00 the unit is only worth \$55,000.00, so a loss of \$73,000.00 even if I get the forth unit) but what make sense though is if you have been wronged, you would fight even at significant cost to yourself in the hope of receiving justice.
- Milwaukie's code 19.809 (see att. 11-12) request information to help in the determination of nonconforming situations. The following will try to meet the criteria set out in 19.809.1 A., (see attached 12) "Proof that the nonconforming situation was permitted under applicable regulations at the time it was established, including:
 - a) "Copies of building and/or land use permits issued..." The building was built in 1936 and there are no records of plans located at the City or County.
 - b) "Copies of zoning code provisions..." This building was constructed prior to the current zoning laws and the codes have been established to govern these situations, specifically Oregon Senate Bill 73 and Milwaukie's Codes, Chapter 19.800(att. 4)
 - c) "Demonstration that the situation was established before the applicable development code for the community was adopted; and"(attachment 12), this submission in its entirety applies to this request and works to identify this buildings history. Which we have found to be that this building has been a historical (since the 1960's) four-plex. The brief answer is there are four-units at this building with no evidence of recent construction to add a unit. There has been four electrical meters at this building since the 1960's. The other information available, Assessors records, City utility bills, Polk directories either have errors or do not exist to use. Thereby focusing our attention to physical facts, that exists now and in the records. The pictures from 1976, the construction and configuration of the building and the four electrical meters on the building, demonstrate this situation of four living units was established before 1973.
- B. "Proof that the situation has been legally maintained over time. Evidence that the non-conforming situation has been maintained over time including:" (see attachment 12 for the following a-f.)
 - a) "Utility bills;" Discussed and shown to be in error in original determination of only three units a detailed discussion below.
 - b) Income tax records; not applicable.
 - c) Business licenses; not applicable
 - d) Listings in telephone, business and Polk directories; do not exist for this building as discussed below. (Please see below.)
 - e) Advertisements in dated publications, e.g., trade magazines; and/or, I still have a copy of the original add selling the four-plex June 1997, (see attachment V). The add states "4-plex for sale, nice, safe, neighborhood, Milwaukie, between River road & Lark. Long term tenants, \$139,000, Possible trade or owner carry. Call..." Printed in the Real Estate classified section of the Oregonian June 1997. This is the add I responded to June 1997 and my notes from my conversation with Mr. Brewer

at that time. (I hope this finally shows that I bought a four-plex and have not added any units.)

- f) Building, land use or development permits. None found and we believe none exist.

DIRECTORIES RESEARCH

9. Research was conducted at the Multnomah County Central Library (see attached 14), to find telephone numbers that serviced the renters in the four-plex from the seventies and eighties. There are not Polk directories that covered Milwaukie at this time. (See attached 14) "I first worked for the library in the late 1970's and at that time there was no city directory coverage for Milwaukie. We only started to have reverse directory coverage when we began subscribing to Cole's directories in the late 1980's, Grace Awering, Humanities" The 1990s till present are Mr. Brewers and my rental records. Thus giving greater weight to the construction, pictures from the 1976 appraisal and the four electric meters from the 1960's.

CONSTRUCTION RESEARCH

10. Mr. Griffith uncovered the fact that this building was constructed in 1936. Prior to the adoption of building codes, this may explain why there are not any building plans or records at the City of Milwaukie or the County.
11. The State of Oregon adopted the State wide building code with Senate Bill 73 in 1973. Therefore this structure should be considered a pre-existing structure that is now non-conforming.
12. The inspector is correct by noting issues that would not be allowed with today's construction, however, as the City pointed out this structure was constructed in 1936 with market fed standards, and no permits or codes to follow. This is typical in pre-existing non-conforming uses, and this is why the State Building Codes Division has noted that structures that were constructed prior to regulations can continue as long as they are maintained in a safe, sound, and sanitary manner.
13. The fireplace (see picture attachment 15 and 16) is an example of the buildings continued use without additions. The entrances are individual and from all appearances of the construction and age of the building to date back at least until the 1970's when the tax assessor's photo was taken (see attachment 15, 17, 18). The City still has not shared with us which of the four units it believes was added after the 1970's and where it was supposedly added. We would appreciate a chance to comment on the Cities opinion of where the forth unit was constructed, where and how it came to have an electric meter, we anticipate receiving the Cities opinion. Especially since we have not been able to find any evidence that would lead us to consider the building had been added on to since the 1970's and thus cannot envision where the supposed "fourth" unit was supposedly added.
14. The existing structure provided four affordable dwelling units, as they have for some time. It's interesting to consider that if the site were divided into two lots, the existing structure could be removed and four dwelling units constructed. Two primary dwelling units could be constructed and each with a "granny flat" or accessory dwelling unit. It is recognized that all four could not be rental units, I only mention this as a density concept, not that it is being considered." (See attachment 21).
15. From a livability issue for Milwaukie and having a four-plex in this residential zone it is interesting to note that this building if not the oldest on its street, is definitely one of the oldest. Created thirty-six years before the Senate bill 73 requiring state wide zoning and sixty-seven years before these current regulations that it still meets density standards for the R-5 zone, due to the large lot on which it is located.
16. Homeowners in this neighborhood would have been aware that it was a multifamily unit prior to buying their homes, so apparently they were accepting of the situation in their neighborhood.

INFORMATION REQUEST

17. We requested, in the last determination, for a copy of the plumbing inspection report and the structural inspection report and are still awaiting this information from the City. We would also like the mechanical inspection report. These three missing reports were mentioned as attachments in the original order (see attached 10) we would appreciate this information so our files will be complete and that we do not proceed without all the information. We are attempting to be as thorough as possible. We would be most appreciative to receive copies of these missing documents along with the City's opinion of where the fourth unit and electrical meter were added. (Please send them to me along with any other information to P.O. Box 82921, Portland, OR. 97282).

ASSESSOR RECORDS RESEARCH

18. Clackamas County Assessor records show that this structure was taxed as three-units, a one-story building with a basement this information was created back in 1976. (Please see attachment 17) Also shown are the three units, A, B, and C. All on the same level. (Please see attachment 15 and 19). The original assessor made mistakes in the description and size of this building.
- This structure is not now, nor has it been in since at least 1970 a single level with a basement. It is a three-story building without a basement. (Please see attachment 18 and 16, 16 is a recent photo to clearly show the front of the building.) Perhaps the assessor considered the laundry room (see attachment 19, the drawing, middle section B) is below the outside grade by two steps, fourteen inches. One could call this a "basement" as the assessor did (see attachment 17, "remarks.") but it is a stretch to do. It is more typical what is known as a sunken living room. If we do call this area of the building a "basement" Then the building becomes a Four Story building, making the assessors statement even more inaccurate.
 - The assessor states that there is 1,419 square feet of living space, (see attachment 19). This is inaccurate since the total is greater. The total living square footage off this building is approximately 3,078 square feet. (Main level, 1,419 + second level, 1,419 + third level, 240 for a total of 3,078 +/- square feet.) The square footage described in the 1976 assessors report completely missed the second and third floor of this building. These missed floors contain approximately 1,659 square feet of living area. Where we believe the fourth unit would have been at this time, 1976.
 - One can see in the picture from 1976 (see attachment 16, and 18.) that this is the same building contained in that picture and still exists virtually unchanged. You can see at least two entries one in front, on the main floor and the second going up the stairs to the second level (see attachment 16, and 18.).
 - The third story is shown by the window just under the peak of the roof on the front of the building (attachment 15 and 16).
 - We do not know why or how these mistakes, missing two floors of the building and 1,659 square feet of living space, were made. What Mr. Griffith purposed was the owner at the time, 1976, lived in the building on the second and third floors, (the third floor is one bedroom accessed only through the second floor unit.) This would give a person the buildings largest, best unit, about 1,100 square feet of living space, three bedrooms, one bathroom with a tub, a fireplace and hardwood floors. The owner simply told the assessor that he only has three rental units in this building. And the mistake in labeling a three unit building when it was three rental units with a large owner unit on the second and third floor, thus a pre-existing four unit building.

- f. If one looks at the design and condition of the entire building it is apparent that it was built prior to 1973, there is not any indication of recent additions and the current configuration and footprint date back at least to the 1960's if not earlier.

UTILITY & SEWER RESEARCH

19. According to Paul W. in the City of Milwaukie Engineering Department this site was connected to the City sewer system in November 1974. He further noted that the City required a 6-inch connecting sewer line, which would have only been required with multiple dwelling units. (Single family-units only required a 4-inch sewer line). The records from the sewer connection did not identify the number of units.
20. On April 20th. 2004 I spoke with Carla Atwood with the City (attached 22) and asked about the utility billing system and how the initial number of units was determined. She said that I would need to come to the City and do a records request. She asked why I wanted them and I explained the difficulty in determining why it was being billed as a three-plex when it is a four-plex. She said the utility bill is determined when the structure was built, using the initial plans.
21. I found out, April 27th. 2004, when I again spoke with Carla Atwood in addition to Pat and Mr. Becker (attached 23). Since no building plan had been submitted to the City back in the 1930's and there is not a building plan on record at the City, Carla, and Pat believe the utility bill for the building on Lark was based on the flawed 1976 Appraisers records from the County which incorrectly identified this building as a three unit building instead of the correct four unit building it was and is. The billing department simply relied on the County records to base its utility bill.
22. The City of Milwaukie sewer records only go back to the 1980's and are in error to the number of units in use at this building at that time. The City only billed for three units when four units were in use. Mr. Becker for the City of Milwaukie, concerning billing information on the City's sewer, that were entered on computer via punch cards; stated that "back in the 1970's punch cards were used and the information is not readable now." Also that the City went to a new computer system and does not have the machines to read the old information. That from the inception of the new system in the 1980's. Confirmed at the meeting that there are not any records available from the City's utility billing department from the 1970's.
23. I received a copy of Single Account Notes Report (attached 24) that the billing department had at one time known that this building was a four-plex. That research done for atwoodc 12/04/2003 states, "Per review from Paul Roeger, property was used as a 4-plex w/ violations. Now, it's a 3-plex and 3 units of sewer and 1 unit of storm is correct. CA".
24. Also of note the City's utility bill sent to me (att. 25-26) makes no mention of how many units are counted for billing so none of the previous owners would have known that they were being billed for three units instead of the correct four. (It seems I owe the City back sewer assessment for the forth unit. I hope the City will waive this debt seeing that I could not of know the billing error since the City's bill does not say how many units are being counted on the sewer bill, and the fact that the City has caused me enormous difficulty by labeling this building a single-family unit and closing it.)
25. Jim Griffith spoke with the City of Milwaukie's staff in October 2003 (attached 27) and was told that building utilities have been billed for three units since the inception of the computer system back in the 1980's. The woman to whom he spoke, (Carla was on vacation) noted, "that if there were four units, they need to add the unit to the billing." Jim said "I told her not now!" This indicates the ease to which one can add billing units to the utility bill.
26. I believe this shows that the utility bill is a poor indicator of how many units a building would or would not have shown historically. It appears from Mr. Griffith's conversation a person

can change the utility bill with a phone call. The utility bill was incorrect and billed for three units instead of the correct four for years without correction from the City.

ELECTRICAL RESEARCH

27. PGE notes in the letter dated April 11, 2002 (see attachment 28) "Portland General Electric's records show that service was installed at 2540 SE Lark St 1 in April of 1964... It would be logical to think that if the meter was installed in 1964 in one unit that other units would coincide. However, the meters have been pulled from these addresses. We do show that we did at one time have active service at 2540 SE Lark St 1,2,3,4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above..."
28. One inspector noted that the electrical meters were installed in a manner that would not be allowed today (see pictures attached 29). This is in agreement with the premise that the meters were installed in the 1960's. That current standards and Electric Code would not allow installation of those tandem housing units. Although it would have been typical for an installation in the 1960's.
29. A letter dated 12/18/2002 from Industrial Commercial Electric (see attached 30) Seeking work the electrician notes that the meter housing is so old as to allow theft of electricity. "As work progressed... The duplex meter base assembly's - date back to the sixties, and have bypass jumpers which allow current to flow around a meter to any of the four panels when set, even with the meters pulled. This situation has the potential to cause problems with service work and problems with less than honest renters who may be brazen enough to purposely bypass their meter..."
30. This again indicates that the meters are of the 1960's vintage, they are in a tandem housing that was appropriate then but inappropriate after the 1960's. It also is in agreement with the premise that all four meters were installed in the 1960's.
31. The City closed the building December 2001, evicted all the tenants then contacted PGE to come and remove the meters from the building even though power can be and was turned off at PGE's pole (see attached 31). Therefore we cannot get the serial numbers from the electrical meters to find out their exact dates of installation. We now must rely upon the above mentioned information and letters from PGE, that it would not install meters without permits from the 1970's moving forward and the letter (attached 32) from Industrial Commercial Electric which identifies the meters housing being circa 1960's.
32. PGE stated in a letter dated 8/19/2004 (attached 31) "Since Cities and Counties in the State of Oregon require inspections prior to connection of electricity, PGE abides by these laws - and has for well over 50 years. PGE never has, nor will it now, connect electricity at any location without the property owner first obtaining proper electrical inspections."
33. Therefore one could not add an additional unit and electric meter after the 1970's without getting a permits from the City, because PGE would not install the electrical meter unless those proper permits were issued. There are no permits on record with the City for any additions or added meters; therefore we can safely conclude PGE did not add a meter after the 1970's and the four electrical meters that are on the building today were added before the 1970's making them pre-existing to current (after 1973) codes.
34. Industrial Commercial Electric states in its letter dated 8/25/2004 (attached 32). It finds that the electrical meters on the building at 2540 SE Lark, Milwaukie (please see pictures attached F.). That "There are four meters located in the two tandem meter bases. This specific style of tandem meters, which come as single unit and houses two meters each date back to the sixties. There are two of the tandem meter bases on this building. As you can see they are identical tandem housings, and there is every indication that these were installed at the same time. We can be assured to this because in the early 1970's the tandem meter housings were manufactured larger, per code change. ...". Please note that tandem meter housing shows us

that these electric meters were added two at a time, so only an even number of electric meters have been on this building since the 1960's. The physical evidence indicates the two tandem housing and four meters were installed at the same time in the 1960's.

35. This letter goes on to say; "In conclusion, it is my professional opinion as a licensed and bonded electrician with 26 years of experience, and after checking the records at PGE, the City of Milwaukie, and Clackamas County. That the four meters contained in two tandem meter bases at 2540 SE Lark, Milwaukie, Oregon 97222 date back to the sixties."
36. Again the evidence points to there being four electrical meters in the late 1960's. Most noteworthy was the mention of two tandem housing units, that contain four electrical meters (see attachment 29). There has not been a three electric meter configuration due to the fact if there had been three in the 1960's the building would have to have had one tandem housing unit with two meters and one single housing unit with one meter for a total of three meters. Therefore currently the building would have one tandem housing unit with two electrical meters and two single housing units with one electrical meter in each for a total of four. It did not then nor does it now have a three-meter configuration or a four-meter configuration that contains two single housing units. It has now and has had four-meters, contained in two tandem housing that go back to the 1960's. I believe this gives the clearest indication that this building has historically had four living units, thus making this a four-plex that is pre-existing to Senate Bill 73, and is now governed by the City's code, section 19.801 and 19.802 (attachment 4). Therefore making this building a legal non-conforming four-plex.

SUMMARY

- I spoke with the City's Mr. Kent, and he appears to have made errors too. After reviewing the correspondence Mr. Kent stated in a letter dated December 7, 2001 that "... . A four-plex is not permitted in the R-5 Zone. ..." I have since learned that this is not correct and that a person can have a four-plex in Milwaukie's R-5, single-family zone as long as the units were built legally prior to the zoning laws covered in Senate Bill 73 and the City's code, Chapter 19.800. I believe this error on Mr. Kent's part started this process within the City and left it for me to prove that I did not by a single-family house in 1997 and then convert it to a four-plex. I do not believe this process would have occurred if Mr. Kent would have been aware of Senate Bill 73 or the City's own code's, specifically section 19.801 and 19.802. If he was aware of these codes, why did he ignore them?
- The records, sewer bill and County assessor records, used in the July 9th. letter must have always carried very little weight since they have been readily available to the City, and Mr. Kent since the first determination in November 2001, which stated this building was a single-family unit recently converted to a four-plex. These two pieces of information seem to have been virtually ignored by Mr. Kent. I have seen no mention of them in any 2001 reports by him or the City when the decision was made that this was a single-family home that I converted to a four-plex and needed to be closed. I was surprised to see so much weight given to them in the July 9, 2003 determination to use as best evidence that there has historically only been three-units not one or four. The City has had this same information this entire time. The City used the information when it decided that this building was a single-family unit I illegally converted to a four-plex. Now it used the same information sewer bills and assessor information to come up with three units instead of the four units, which I have always maintained, at great cost to family and myself. So I conclude that the City does not highly value the sewer billing and assessor's information since it concluded using it that this was a single-family unit from the information.

- Information from the Clackamas County Appraisal Data is deemed in error due to the fact the person in 1976 who said it was a three plex, described the structure as "2 units on main floor + one in basement." This statement is in error. The building is, in fact, a three-story structure without a basement (see attachment 16 which is a recent picture, 10/04, that clearly shows the third level window which can be seen in the 1976 photo but the view of this window is partially blocked by a branch). The appraiser in 1976 did not describe the second or third floors of this building. He states that this is a three unit building with a total of 1,419 square feet. This building has approximately 3,078 square feet, and has been the same building since at least 1976 as seen in the picture. The appraiser missed approximately 1,659 square feet of living space in this building. The largest and nicest unit is on the second and third floor. It has approximately 1,120 square feet of living space, three bedrooms, one bath with a tub, hardwood floors, a fireplace, and is two stories. This is the missing fourth unit. It has existed since the building was constructed back in the 1930's and is not a recent addition, per photo from 1976. It is apparent that the appraiser made several mistakes back in 1976 incorrectly labeling this building as a three-plex has caused confusion as to the number of units for utility billing to date and they have just carried forward until now when we can correctly re-describe the building as a three level four-plex and submit this accurate description to the County's Appraisers Office and City's utility billing department.
- Used in the July 9, determination was the Clackamas County Appraisal information that is in error, missing the second and third floors and 1,659 square feet of living space. "Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units." (See attachment 6) Therefore the assessor's tax records are not the best evidence and again I believe these records should be giving little weight in determining the number of historical units.
- Carla Atwood and Pat who work at the City informed me that the utility billing for buildings is set up when the building plans are submitted to the City and that they did not know how the City would determine the billing without building plans. The City does not have building plans for this building. After speaking with these different City employee's we concluded that the utility bill at Lark was set up back in the 1970's after the new sewer went in and that the City not having building plans for this building used the flawed Appraisal records that incorrectly identify the building as a three-plex and therefore billed the owners incorrectly for three units instead of the correct four unit building that it is and has been.
- It appears the determination on July 9, placed too much good faith into the City's sewer billing records. "Milwaukie billing records indicate three units of sewer service." (Attached 6) Which in light of the new information provided, the City not being given, nor having a building plan for this building, therefore forced to rely upon Clackamas County Assessor records, which are in error, to base the sewer service at three, when in fact they were giving service to four. This makes City's billing records inaccurate and I believe of lessor value in deterring the historical dwelling density and that little weight should be afforded them in this determination.
- "We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure, at least back until 1964 when electrical service was installed... As zoning was not adopted until after this date, and the construction codes not adopted until 1973, this makes this a classic pre-existing non-conforming structure, with four units." (See attached 33, Mr. Griffith's original letter for determination.)

- I believe the best evidence available is the physical age of the four electrical meters, construction and condition of this building. These all indicate that this building has not significantly changed nor has had any additions made to it since at least 1973. The Clackamas County Assessor's picture from 1976 shows the same building, with three levels. The four electric meters, contained two at a time in duplex housing, that the a licensed and bonded electrician identify as 1960's era that are on this building to this day. That PGE would not have installed a meter after 1973 with out the buildings owner getting a permit for a new meter from the City. Since there no permits on file at the City or County this leads to the conclusion that the four meters were installed prior to 1973. I believe this evidence should be given the most weight in determining how many units have been historically at this building and how many should be recognized by the City of Milwaukie now. I hope this new information helps to clarify the number of units that could be recognized by the City.

PLEA

This has been a long and difficult process and I hope it is now clear that I did not buy a single-family home and convert it to a four-plex. Nor did I buy a three-plex and add to the building, then install a new meter to create a forth unit. I bought this building as a four-plex, as did the owner before me. I hope this discussion has shown that this building has been a four-plex since at least the late 1960's. That in fact it has historically (prior to the 1970's) been four living units at 2540 SE Lark, Milwaukie, Oregon 97222. I would urge you to agree with this conclusion and recognize this building as a nonconforming, pre-existing use four-plex as allowed by Milwaukie's Code, Chapter 19.800.

Thank you for your time and consideration in this matter. If there any questions or information I can provide for you, please do not hesitate to contact me. I am looking forward to a positive conclusion of this matter.

Respectfully submitted,

Michael Hamersly, Member
PDX Land LLC.

Chapter 19.1000

ADMINISTRATIVE PROVISIONS

Sections:

- 19.1001 Administration.
- 19.1002 Time limit and appeal from ruling of planning commission.
- 19.1003 Form of petitions, applications and appeals.
- 19.1004 Repealed by Ord. 1907.
- 19.1005 Concurrent reviews.
- 19.1006 Filing fees.
- 19.1007 Applicable standards and criteria.
- 19.1008 Ex parte contact.
- 19.1009 Decisions.
- 19.1010 Repealed by Ord. 1907.
- 19.1011 Procedures.
- 19.1012 Recess of hearing.
- 19.1013 Time limit on a permit for a conditional use or variance.
- 19.1044 Permits, inspections and occupancy approvals required.

19.1001 Administration.

19.1001.1 Authority. The planning director shall have the authority to apply, interpret, and enforce the provisions of this title. An appeal from a ruling by the planning director regarding a requirement of this title may be made to the planning commission under provisions of this section.

19.1001.2 Application and Fee Required. Applications and requests for actions authorized under this title shall be made in accordance with provisions of this chapter. Application and other applicable fees as established by resolution of the city council

shall be paid at the time the application or request is submitted.

19.1001.3 Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178.

19.1001.4 Planning Director's Interpretations.

A. Purpose. The planning director's interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. This process may be used independent of, or concurrent with, applications for a particular permit or land use application. All director's interpretations are subject to appeal in accordance with this section.

B. Requests. A request for an interpretation shall be made in writing to the director. The director may develop guidelines to govern the request process.

C. Independent Interpretations: The director may issue interpretations independent of a request by another party.

D. Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued.

E. Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed.

F. Written Interpretation Mailed. If the director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001.

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2403, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,


Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

19.303

19.303 Residential zone R-5.

In an R-5 zone the following regulations shall apply:

19.303.1 Outright Uses Permitted. In an R-5 zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling;
- B. Single-family attached dwelling;
- C. Residential home;
- D. Agricultural or horticultural use, provided that:

- 1. A retail or wholesale business sales office is not maintained on the premises, and
- 2. Poultry or livestock other than usual household pets are not housed or kept within one hundred (100) feet of any dwelling not on the same lot, nor on a lot less than one (1) acre, nor having less than ten thousand (10,000) feet per head of livestock;

E. Any other use similar to the above and not listed elsewhere.

19.303.2 Conditional Uses Permitted. In an R-5 zone the following conditional uses and their accessory uses are permitted subject to the provisions of Chapter 19.600:

- A. Temporary real estate office in a subdivision;
- B. Senior and retirement housing;
- C. Type 2 accessory dwelling unit;
- D. Any other use similar to the above and not listed elsewhere.

19.303.3 Standards. In an R-5 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. Average lot depth shall be at least eighty (80) feet.

B. Front yard: A front yard shall be at least twenty (20) feet.

C. Side yard: A side yard shall be at least five (5) feet, and there shall be one (1) additional foot of side yard for each three (3) feet of height over two stories or twenty-five (25) feet, whichever is less, except on corner lots a side yard shall be at least fifteen (15) feet on the side abutting the street. For interior, single-family attached dwellings side yards are not required.

D. Rear yard: A rear yard shall be at least twenty (20) feet.

E. (Repealed by Ord. 1893)

F. Off-street parking and loading: As specified in Chapter 19.500.

G. Height restriction: Maximum height of a structure shall be two and one-half stories or thirty-five (35) feet, whichever is less.

H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed thirty-five percent (35%) of the total area of the lot.

I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be twenty-five percent (25%) of the total area of the lot.

J. Transition area: A transition area shall be maintained according to Section 19.416.

K. Frontage requirements. Every lot shall abut a public street other than an alley for at least thirty-five (35) feet, except as provided in the subdivision ordinance. The lots for interior single-family attached units shall abut a public street for at least twenty (20) feet.

L. Minimum density: Minimum development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review,

Chapter 19.800

NONCONFORMING USES

Sections:

- 19.801 Continuation of a nonconforming structure.
- 19.802 Continuation of a nonconforming use.
- 19.803 Discontinuance of nonconforming use.
- 19.804 Improvement of certain nonconforming uses.
- 19.805 Change of nonconforming structure.
- 19.806 Change of nonconforming use.
- 19.807 Destruction of nonconforming structure or use.
- 19.808 Completion of structure.
- 19.809 Determination of nonconforming situations.

19.801 Continuation of a nonconforming structure.

Subject to the provisions of this section, a nonconforming structure may be continued and maintained in a reasonable repair, but shall not be altered or extended unless such alteration or extension is approved by the community development director per subsection 19.1011.2, Type II Administrative Review. A decision will be rendered based upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure. (Ord. 1712 (part), 1991)

19.802 Continuation of a nonconforming use.

A nonconforming use may be continued, but shall not be altered unless such alteration is approved by the planning commission after a public hearing in accordance with subsection 19.1011.3, Minor Quasi-Judicial Review, upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing use. A nonconforming use that is limited to a portion of a property may not be relocated to a different portion of the property on which it is located or to any other property. (Ord. 1907 (Attach. A), 2002; Ord. 1712 (part), 1991)

19.803 Discontinuance of nonconforming use.

19.803.1 Nonconforming Use Involving a Structure. If a nonconforming use involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter.

19.803.2 Nonconforming Use Not Involving a Structure. If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter. (Ord. 1712 (part), 1991)

19.804 Improvement of certain nonconforming uses.

A use which is nonconforming with respect to provision for screening shall provide screening within a period of five (5) years from the effective date of Ordinance 1438 (November 5, 1979). (Ord. 1712 (part), 1991)

MICHAEL HAMERSLY

Certificate of Occupancy

City of Milwaukie, Oregon

Building Division

UNIT 1 STORAGE ONLY

This Certificate is issued pursuant to the requirements of Section 109 of the State of Oregon Structural Specialty Code attesting that at the time of issuance this structure was in conformance with the applicable State codes and with the various ordinances of the City of Milwaukie regulating building construction.

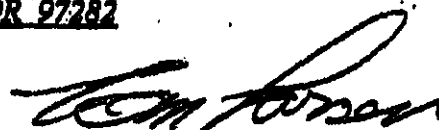
Building Address: 2540 SE Lark Street Date Issued: 3/1/04

Use: Apartment Building Permit No.: 030112 Use Zone: R-3

Occupancy Group: R-3 Type of Construction: V-N

Property Owner: Michael Hamersly Business Owner: Michael Hamersly

Business Owner's Mailing Address: PO Box 82921, Portland OR 97282



Tom Larsen, Building Official

POST IN A CONSPICUOUS PLACE



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
Phone: (503) 786-7600 • Fax: (503) 774-8736 • Web Site: www.cityofmilwaukie.org

Att. 7

Attorneys at Law

Larry J. Blake, Jr.⁺
George Duckler, Ph.D.⁺⁺
Steve J. Rutherford, Of Counsel

⁺ Also a _____
⁺⁺ Also admitted in California

Jon R. Srock

July 30, 2002

Attorney at Law
725 Portland Ave.
Gladstone OR 97027

CLIENT'S COPY

Re: City of Milwaukee v. Michael Hennesly

Dear Jon:

This letter is in reference to the above-captioned matter and my representation of the City of Milwaukee. Thank you for taking the opportunity to talk to Steve Campbell and myself the other day. Pursuant to our discussion, it appears that it is appropriate that your client be cited at this time just because your client is cited, does not mean that an informal resolution is not possible.

I am asking Steve Campbell to review the possibility of citing your client for all the numerous violations at the discussed location. These violations would include electrical, plumbing and mechanical issues as well as the type of structure and its present and past use.

I anticipate there being a total of six (6) violations per day starting December 14, 2001 and continuing until the present. Of course, some of the violations may decrease if the renters have moved out of the property.

All the City wants from your client is to come into conformance with the City Code. It is my understanding that the property is currently listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he follows the guidelines and rules to do so.

Please be advised that your client must get all applicable City, County and State authorizations prior to working or modifying on the property so as to ensure the safety of the neighborhood.

If you have any questions, do not hesitate in contacting my office.

Very truly yours,


Larry J. Blake, Jr.
City Prosecutor

LJB/le
cc: Steve Campbell
Jon Hennesly

3700 Barbur Building, 3718 S.W. Condon Street, Suite 110, Portland, Oregon 97239
Telephone: 503.228.6200 Facsimile: 503.228.6222 E-Mail: law@blakeandduckler.com

Blake & Duckler, L.L.P.
Attorneys at Law

Att. 8

Larry J. Blake, Jr.*
Geordie Duckler, Ph.D.**
Steve J. Rutherford, Of Counsel

* Also admits

** Also admits

CLIENT'S COPY

Jon Hennicksen
725 Portland Avenue
Gladstone OR 97027

August 9, 2002

Re: City of Milwaukie v. Michael Hamersly

Dear Jon:

This letter is in reference to the above-entitled matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to discuss this case with me on August 8, 2002. Pursuant to our telephone conversation, I contacted Steve Campbell, who informed me that he would turn the water on to your client's property.

Of course, by the City turning the water back on to the property does not in any way give permission to your client to either work on the property or have tenants reside in the property without appropriate documentation, review and permits.

As we discussed, the City of Milwaukie is only interested in your client's compliance with applicable codes. The City is more than ready and willing to work with your client to assure the appropriate use of the building for the safety of the citizens in Milwaukie as well as his tenants.

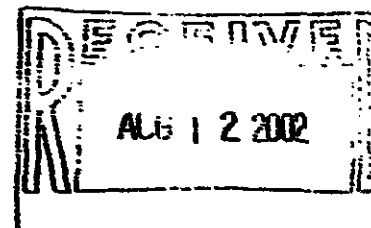
If you client is interested in an informal resolution, please feel free to contact my office. Otherwise, it appears as if your client will be receiving several citations in the near future and this matter will be resolved by the Courts. Of course, I do not believe that would be in your client's best interest based upon his litigation costs as well as exposure to substantial fines.

Very truly yours,

Larry J. Blake, Jr.
City Prosecutor

LJB/le

cc: Steve Campbell



JIM GRIFFITH & ASSOCIATES, I

LAND / BUILDING USE STRATEGIES

11825 SW Greenburg Rd., Suite A3

Tigard, OR 97223-6460

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

Att. 9

January 16, 2003

Mr. Michael Hamersly
2335 NW 145th Ave.
Beaverton, OR 97006

Re: 2540 S.E. Lark Street

Dear Michael,

I had a meeting Wednesday afternoon with Ken Kent, Planning, City of Milwaukie, as a follow up to our conversation.

He again noted that we could proceed with three units at this time with a "Grandfather" allowance. He agreed with me that it would take the removal of the Kitchen to make it a storage unit. He further noted that you would have to have full drawings for the structure.

I asked about the potential of completing the three while we were questioning number four. His comment was that they would not proceed until the forth unit issue was resolved. What is at issue, the City code only allows the non-occupancy of a non-conforming use to remain vacant for six months before losing its non-conforming status. The time line is not running now as there is a conflict with the code, but as soon as that is resolved the six-month issue starts.

From my discussions with staff, I am quite convinced that they will only go for the three units. Ken acknowledged that they recognized the letter from PGE, but their sewer records and Tax records state something else. What I was told, the sewer noted multi-family with no unit count, and we all know the tax records note "3 units". The challenge would be to us to prove that there were four units.

To be able to appeal to the Planning Commission, we will first have to request a Planning Director's Determination, which is done with a letter and a \$50.00 check to the "City of Milwaukie". I have enclosed the requirements for information that needs to be attached to the request. We already have most of this information, but I haven't a clue about tax records, businesses licenses and such. You may want to check the Polk Directory and see how many telephones they had at that address, or if you would like I can check it out.

After the Director makes his determination, we could appeal to the Planning Commission. That would be a public hearing where we would present our case to the Planning Commission and they would make a determination. The down side of that is that they have noted that you would not be able to proceed with the three until this appeal process is completed. This could kill you with time as they have 120 days to respond to your request, but usually this goes much quicker, and the appeal requires public notice before the hearing. I would speculate that we could be looking at up to six months (Plus or Minus), with no guarantee that the planning commission would rule in our favor.

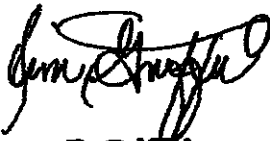
Your option is to go with the three and re-occupy. This will require full plans and the layout of a site plan as we will need to show the City where everyone is going to park as I have a feeling that they will look at current requirements for the parking and setbacks and possibly landscaping.

I asked about the other (upper) lot and Ken mentioned that the second lot has some problem in that he did not think it was listed as a legal unit, and that is why you were in the partitioning process. I hope that means something to you as I am in the dark about that issue. I would suggest we see if we can fit everything on the one lot and after the dust settles, look at the other lot to sell, if they would allow it to be developed. They may insist that it is part of the "Same ownership" with the tri-plex (Four-plex) and therefore cannot be developed under the same ownership.

Michael, you need to think this through and I will be more than happy to discuss the options with you too. However, you know the financial implication of all of this and I do not! Maybe we could go with three at a higher rent and sell off the upper lot. I don't know if that is feasible or not, but its an idea. You know the legal status of the upper lot.

I await your reply and direction.

Sincerely



James E. Griffith,
President

19.805

19.805 Change of nonconforming structure.

Except for signs, a structure conforming as to use but nonconforming as to height, yard requirements, or lot coverage may be altered or extended provided the alteration or extension does not exceed the height, yard requirements, or lot coverage requirements of this title. (Ord. 1712 (part), 1991)

19.806 Change of nonconforming use.

19.806.1 Nonconforming Use Not Involving a Structure. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.

19.806.2 Nonconforming Use Involving a Structure. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission, after a public hearing as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced. (Ord. 1712 (part), 1991)

19.807 Destruction of nonconforming structure or use.

A. If a nonconforming structure is destroyed by any cause to an extent exceeding fifty percent (50%) of its real market value, a future structure on the site shall conform to this title except as provided in subsection 19.807(C).

B. If any structure containing a nonconforming use is destroyed by any cause to an extent exceeding fifty percent (50%) of its real market value, and is not returned to use within

six (6) months by obtaining occupancy approval under applicable building codes, future uses on the site shall conform to this title, except as provided in subsection 19.807(C).

C. Where damage or destruction to either a nonconforming structure, or a conforming structure containing a nonconforming use, occurs by accident or natural hazard, the nonconforming situation may be restored subject to the following:

1. Within one (1) month of the date the damage was incurred, the property owner shall submit notice of intent to restore the nonconforming situation to the planning director.

2. The planning director shall issue acknowledgment of the notice of intent upon receipt and the six(6) month time period in which to repair the premises described in subsection 19.807(B), shall be extended to one (1) year.

3. The planning director may authorize an extension to the one (1) year period, described in subsection 19.807(C)(2), not to exceed six (6) months upon a good faith showing by the property owner that work to restore the premises has been delayed due to legal or other proceedings necessary to resolve insurance claims, business negotiations, architectural or engineering design for reconstruction or acquire needed land use approvals and construction permits. (Ord. 1912 (Attach. 4), 2002; Ord. 1907 (Attach. A), 2002; Ord. 1712 (part), 1991)

19.808 Completion of structure.

Nothing contained in this title shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to effective date of Ordinance 1438 (November 5,

1979), provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two (2) years from the time the building permit is issued. (Ord. 1712 (part), 1991)

19.809 Determination of nonconforming situations.

19.809.1 Planning Director's Determination. The planning director shall make a determination regarding the legal status of a nonconforming use, structure, or other applicable zoning requirements in accordance with Section 1011.1 Type I administrative review. Any nonconformity shall be known as a nonconforming situation for the purpose of this section. Determinations of nonconforming situations shall be made using the following criteria.

A. Proof that the nonconforming situation was permitted under applicable regulations at the time it was established, including:

1. Copies of building and/or land use permits issued at the time the use, building, or other condition was established;

2. Copies of zoning code provisions and/or maps;

3. Demonstration that the situation was established before the applicable development code for the community was adopted; and

B. Proof that the situation has been legally maintained over time. Evidence that the nonconforming situation has been maintained over time including:

1. Utility bills;

2. Income tax records;

3. Business licenses;

4. Listings in telephone, business and Polk directories;

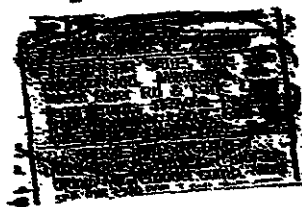
5. Advertisements in dated publications, e.g., trade magazines; and/or

6. Building, land use or development permits.

C. Submission of the applicable fee as adopted by the city council. (Ord. 1907 (Attach. A), 2002)

Page 818-1457

Rick



How long have you owned it.

Deeds 96-31324 & 95-45630 \$80,000, assigned \$60,000

Why Selling

Rents for 435, 400, 350, 385 = ^{Gross} 1470
Laundry Machines, need for each.

Built

Last Appraisal

97 131,460

Land \$46,310

BL 85, 1:

96

95

94

19 FEB 2003

MULTNOMAH COUNTY CENTRAL LIBRARY
Circulation

Att. 14

Call Number Stack Call Desk (Oregon)
0-917.95 06625S

Status :
1 other

DYNIX # 793583

TITLE Salisbury's Oregon City and vicinity directory, containing an alphabetical directory of business concerns and private citizens of the cities of Oregon City, Gladstone, West Linn & vicinity

PUBLISHER Portland, T.W. Salisbury.

DESCRIPT v.

SUBJECTS 1) Oregon City (Or.) -- Directories.

- - - - More on Next Screen - - - -

Press <enter> to see next screen :

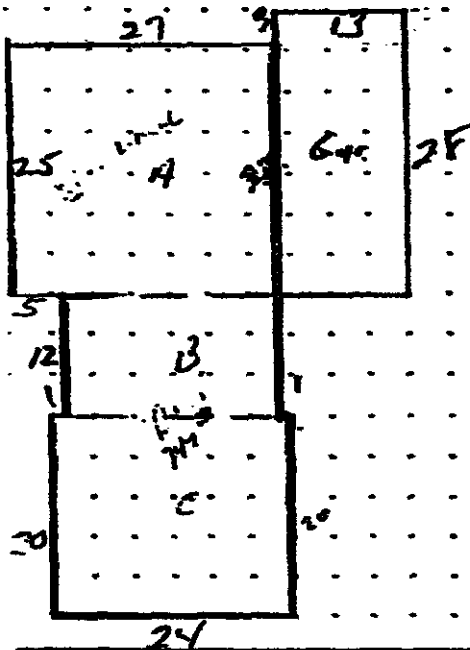
SO=Start Over, B=Back, RW=Related Works, S=Select, C=Copy status
SB=Save Bib, <enter>=Next Screen, SBLIST=Saved Bib List

I first worked for the library in the late 1970s and at that time there was no city directory coverage for Milwaukie. We only started to have reverse directory coverage when we began subscribing to Cole's directories in the late 1980s. *Thane Cushing*
Humanities

BUILDING DIAGRAM

A- $27 \times 25 = 675$
B- $22 \times 12 = 264$
C- $24 \times 20 = 480$

. 1419 中



GARAGE AND OUTBUILDINGS							LAND DESCRIPTION				
GARAGE TY. DET. BSMT. 1/4 1/2 1/2 3/4 T.	DESCRIPTION					DIMEN- SIONS	SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS OR ACRES
	FOUND	FLOOR	ROOF	WALLS	MISC.						
	CON	CON	FBI R.V.	SPARK		13 x 27	364				5.5 x 56 ~~1000~~
						X X		2			
						X X		3			50 x 75 40 x 50
						X X		4			300
						X X		5			
						X X		6			
						X X		7			
						X X		8			
						X X		9			

INCREMENTS TO LAND:

TOTAL ACRES 0

APPRaiser 101 DATE

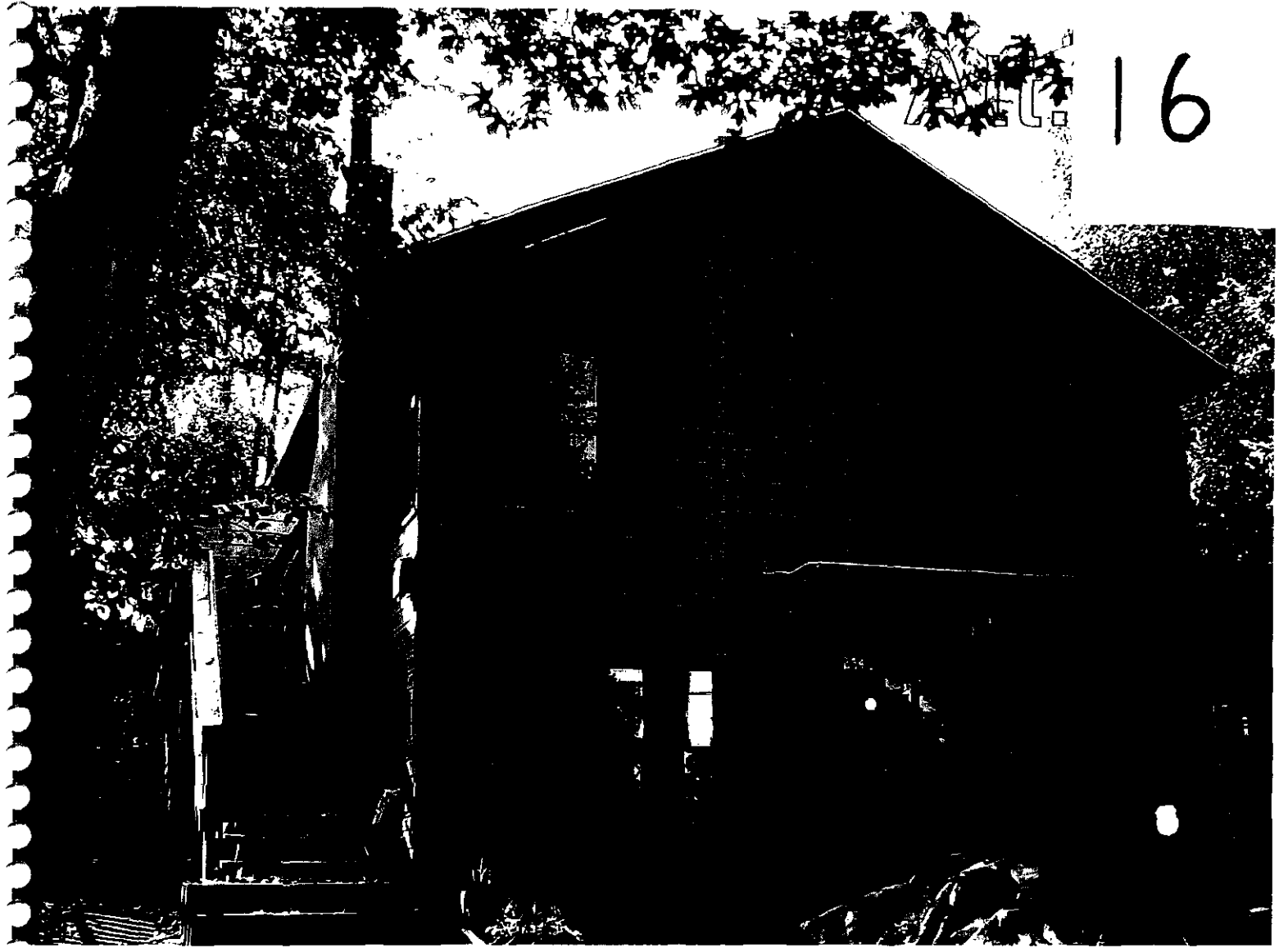
APPRaiser 101 DATE 13 Apr

APPRaiser DATE

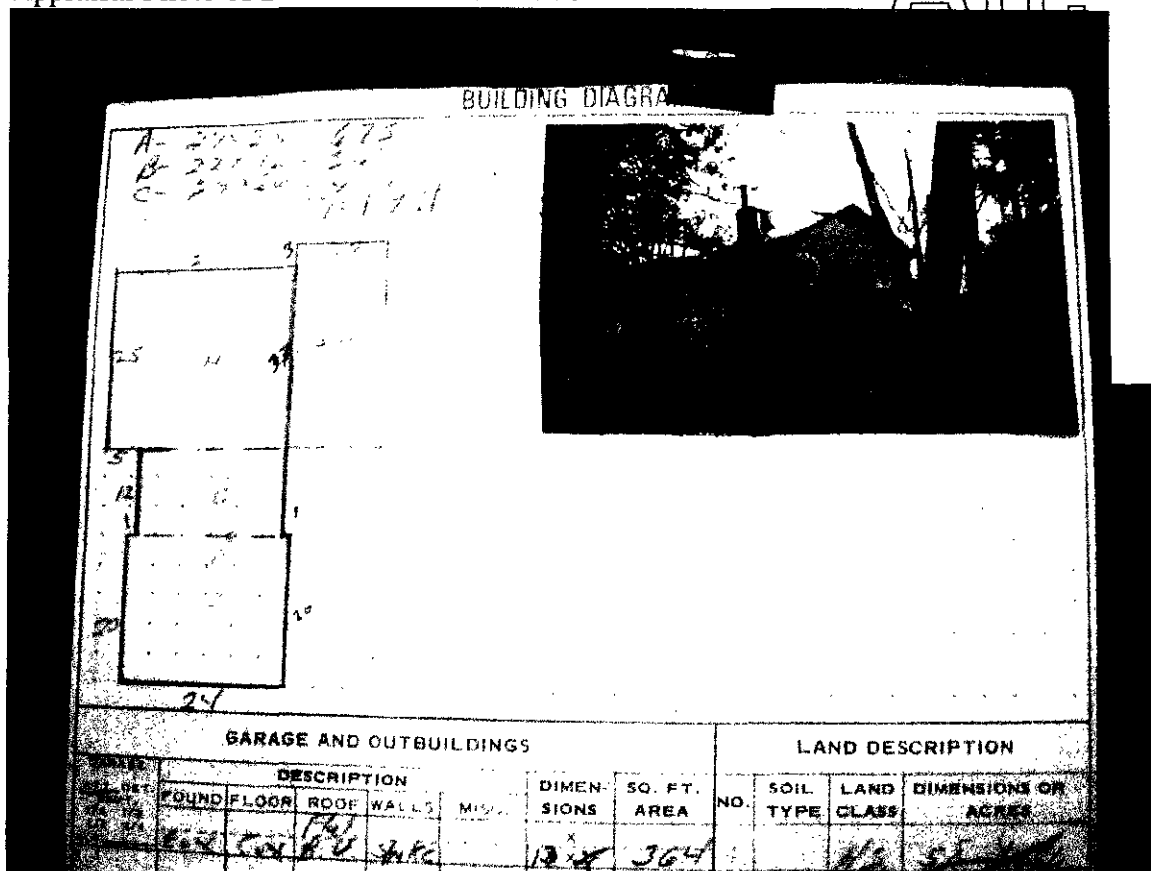
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APR 16

16



PROPERTY ADDRESS:									
2540 SE back									
BUILT 1936 COST \$ RENT \$									
REMODELED 19 COST \$									
SOLD 19 AMT. \$									
SOLD 19 AMT. \$									
SOLD 19 AMT. \$									
SOLD 19 AMT. \$									
INTERIOR INSPECTED									
YEAR 77 83 91 03									
YES									
NO									
APPR. DATE DWELLING UNITS UNIT AREA TOTAL AREA STORIES									
7/19/76 1 2 3 4 710 (S) SQ. FT. 1419 SQ. FT. 1 1 2									
FOUNDATION CONC BLS BRICK STONE FRAME WD BLS									
EXTERIOR SBL SBL BOX SIDING: BEVEL RUSTIC VENT SBL SHAK: WD ASD CMPS									
SBL STUCCO BRICK: VEN SOLID 1 1 2 STY STONE CONC BLK: PT POR'S 2'									
ROOF GAB MP FLAT PITCH: LOW AVG STEEP SHINGLES: WD CMPS ALUM									
SHAKES: LT MED HVT BUILT-UP R. RFL. SBL TILE EXP SM									
ZONING RESIDENTIAL R5									
MULTI-FAMILY									
COMMERCIAL									
INDUSTRIAL									
PARTITIONS PLASTER BRICK WALL CMPS CLOSING TSC PLYWOOD									
TRIM: FR R. WD PANELING:									
OTHER INTERIOR CONST. CLASS: 3X BUILT-INS: FR R. WD METAL CAB TOPS: PLASTIC LING									
APPLIANCES: ELECT GAS OVER RANGE DISHWASHER WOOD FRM OVAL: F. A. 1									
LIGHTING CLASS: LOW VOLT INTERCOM									
AREA IMPROVEMENTS CLASS: 1/1 PLATONET									
SIDEWALKS 1/1 WATER ONLY									
CURBS 1/1 TOILET									
STREET A 1/1 BATHING									
WATER P									
SEWERS P									
ELECTRICITY									
FIREPLACE CLASS: 1 STY 2 STY SBL SBL SBL ON NO HEARTING 2 PLANS ELAS.									
BASEMENT 1419 SQ. FT. DAYLIGHT:									
CLASS: WALLS: CONC BLS FL: CONC WOOD CEIL: PLS BRICK WALL CMPS PLYWOOD									
WALL CVR: 1/1 PLS BRICK WALL CMPS WD FLR CVR: AGGREGATE CONC LING									
FIRE: FLAT WD BATH LINEN GAS NO. ONE HEAT: 20. FT.									
ATTIC OR UPPER STORIES CLASS: 1/1 20. FT. WOOD FRM: PLS BRICK WALL CMPS CLDS									
FLR: SBL SBL FR R. WD ASD TILE VINYL LING CARPET LING SBL FLOOR ONLY									
FIRE: NO BATH HALL NO. ONE HEAT: 20. FT.									
SPECIAL PORCH: WD FR CONC									
BATHING: PLY CONC. P F.A.S. FINE. UTL. P F.A.S. APPEARANCE P F.A.S.									
REMARKS: 2 units on main floor									
404 in basement.									
PLOT PLAN:									
2-140 1-100 GRAS									

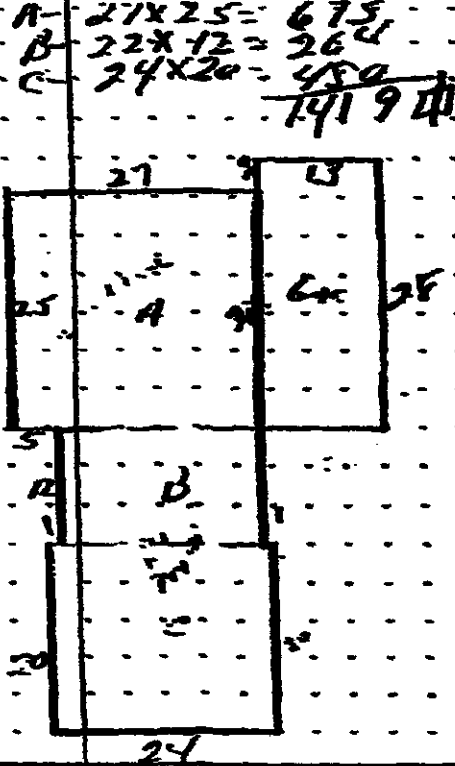


Current Photo of 2540 SE Lark, October 2004



BUILDING DIAGRAM (1976)

Photo (1976)



note the differences between the and drawn building diagram of the layout to the right, and the picture off the building to the far right.

The drawing is of a one-story building and the picture is of a three-story building.

An error on the part of the assessor back in 1976.

White separate entrance

White separate entrance

GARAGE AND OUTBUILDINGS							LAND DESCRIPTION			
GARAGE	DESCRIPTION					SQ. FT. AREA	NO.	SOIL TYPE	LAND CLASS	DIMENSIONS & ACRES
	FOUND	FLOOR	ROOF	WALLS	WISC.					
ATT. DET. 1/2 1/2 1/2 3/4	CON	CON	FL	FL	FL	13 x 24	364			5 x 1/2
1						X				100
2						X	2			5 x 1/2
3						X	3			4 x 1/2
4						X	4			100
5						X	5			
6						X	6			
7						X	7			
8						X	8			
9						X	9			
INCREMENTS TO LAND:							TOTAL ACRES 01			
							APPRaiser 1/4 DATE 1/3			
							APPRaiser 1/4 DATE 1/3			
							APPRaiser DATE			
							APPRaiser DATE			

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

NOTICE AND ORDER - DANGEROUS BUILDING

A. BUILDING OFFICIAL'S FINDING - Please be advised that the City of Milwaukie Building official has determined that the edifice described below is a DANGEROUS BUILDING that may be subject to forced repair, vacation, or demolition:

Street Address

2540 SE Laek

Legal Description

TAX LOT 21E01BB02401

B. DANGEROUS CONDITIONS The building official has determined that said building is dangerous according to Section 302 of the Uniform Building Code due to the existence of the following CONDITIONS:

- 1) Elec - see attachment 6)
- 2) Plumbing - see attachment 7)
- 3) Mech - see attachment 8)
- 4) Structural - see attachment 9)
- 5) Fire - see attachment T. 10)

NOTICE AND ORDER - DANGEROUS BUILDING

476 pics taken

Another point at issue is that the Tax records note that there are three units in the building. This assessment was made in 1977, 1988, and 1991 by the same individual and is the record for today. For anyone that has been there, you are aware that there are four units in the building and they have been that way for a long time, i.e. before permits were required. There are three units noted on the enclosed Tax record, and it states that there are "2 units on main floor & one in basement. This structure has two units on the main floor and two units on the second floor. There is no basement. From the photo on the same tax report, it shows entrances for the second floor via steps and the first floor entrance, the other two entrances are behind the fence. This is also noted by the type and method of construction. For example the fireplace is an original in the two front units. The entrances are individual and appear to this reviewer to be from the same era. It is difficult to envision where the supposed "other" unit was added considering the layout of the units. We have no way of knowing why the Tax Assessor only noted three units. It may well be that they were looking at a primary residence for the owner (The large three bedroom unit), and three rental units, which makes some degree of sense. In other words, the owner's residence and three rental units, which therefore, make a total of four.

Code Section 19.809.1, B. 4, requests information from the Polk directories. The attached written statement from the Multnomah County Central Library notes that there were no records from the Milwaukie area from the 1970's and that their records for Milwaukie do not start until into the late 1980's when the Cole's started the reverse directories. (Copy attached). The current owner purchased the units in 1997

The existing structure provided four affordable dwelling units, as they have for some time. It's interesting to consider that if the site were divided into two lots, the existing structure could be removed and four dwelling units constructed. Two primary dwelling units could be constructed and each with a "granny flat" or accessory dwelling unit. It is recognized that all four could not be rental units, I only mention this as a density concept, not that it is being considered.

The owner has already removed the gas service from the structure, which was a concern of the Fire Marshal's Office Inspector and added new electrical heaters, with benefit of permit, and upgraded the electrical services to the units. There is adequate space available to achieve on-site parking, and to meet other required zoning regulations as a pre-existing non-conforming structure.

The owner is very interested in re-occupying this structure as soon as possible. We feel that the structure is now and has been for a long time a four-unit apartment structure, and there are many indications that they were there long before the codes were adopted, and records kept. As a pre-existing non-conforming structure, we agree that it needs to be maintained as a safe, sound and sanitary residence, and that work needs to be done. However, we are also aware, according to previous owners, that these four units have been utilized for many years as economical living spaces with no complaints from the neighbors. In other words, the owners and tenants have been good neighbors until one tenant complained. Now all four are closed.

NOTES

DATE: 4-28-2004
FROM: MICHAEL HAMERSLY
RE: LARK SEWER QUESTIONS

- Spoke with Carla Atwood at the City of Milwaukie at 3:28p.m.
- I asked her about 2540 SE Lark and the billing history of its sewer system.
- She said that the information in front of her said it (Lark building) was billed as a four-plex of 12/2003. And that she did not have a complete set of records in front of her. I asked how I could get all the records on this building she said that I would have to come in to the City hall and fill out a records request.
- She then asked why I wanted them. I told her I was trying to figure out if it is a four-plex or not.
- I asked her how billing is currently set up she said that when building plans are submitted then the City use the plans to determine the sewer billing.
- I asked if there was not any building records how would the City determine the Bill?
- She said she did not know. And that I might want to ask Paul Roger who is an engineer for the City.
- I thanked her and said I would be in to make the request.

NOTES

DATE: 4-27-2004
FROM: MICHAEL HAMERSLY
RE: LARK SEWER QUESTIONS

- Spoke with Carla Atwood at the City of Milwaukie at 2:18p.m.
- I asked her about the research on 2540 SE Lark and the billing history of its sewer system.
- She said that that is not her department and transferred me to Pat 503-786-7502.
- Pat said she had just gotten my request and she was just starting to delve into the billing history. She asked if I would like her to look at building records too. I did not sound like she was familiar with this property. But she was nice and said she would call me when it was done. I said I would call Friday if I did not hear from her sooner.
- Spoke with a Mr. Becker after I had received a copy of the billing history of the building that only went back to 2/21/1996. I understood that this is when a new and the current billing system was installed. Mr. Becker said that back in the 1970's the City used a punch card system to track utility billing records and that information was now not readable, therefore unavailable to me. That a system was installed in the 1980's and I was unable to get any records from this time period. The only records I got were from the new and current system that was installed in 1996, which were not of help in answering the question of how the billing was determined in the 1970's.
- From what I was told by the staff that since there is not a building plan on file they assumed they looked at the County records which state that the building is a three-plex and thus billed the utility's at the rate's for a three-plex.
- Received a copy of Single account notes report while there.

04-27 4 02:12 PM
ACCOUNT 4: 06-2750-03

SINGLE ACQ NOTES REPORT

NOTE T1
OCCUPANT

NAME SERVICE ADDRESS

PDX LAND LLC

2540 SW LARK ST

4/20/2004 atwooda

Per call from Mike, he is requesting public records of when the property went from a 4 plex to 3 plex. Explained a public records request needs to be completed and some documents would be from Utility Billing and others from PW - planning & zoning or sewer engineering. CA
Left message for Mike, need to discuss balance. 3-plex. Need payment status. CA
Per review from Paul Roeger, property was used as a 4-plex w/ violations. Now, it's a 3-plex and 3 units of sewer and 1 unit of storm is correct. CA
Winter average based on 3 units x 12 system average. CA
Per Michael, the home is vacant, he will mail the payment 6/19/03. CA

2/19/2004 atwooda
12/04/2003 atwooda

8/27/2003 atwooda
6/19/2003 atwooda

Att. 24

CITY OF



MILWAUKEE

CITY HALL
10722 SE MENA STREET
MILWAUKEE, WI 53222
(414) 224-3575
Cycle: 01

Att. 25

SERVICE LOCATION	ACCOUNT NUMBER	DUE DATE	TOTAL AMOUNT DUE
2540 SE LAKE ST	06-2750-03	5/15/03	51.20

PDK LAND LLC

4/30/03

METER READING		USAGE IN	WORKING METER	BILLING	BILLING
PRESENT	PREVIOUS	100 CIL FL.	DATE - YEAR	DESCRIPTION	AMOUNTS
234 4/13/03	234 3/14/03	0	12	WATER	3.02
				SEWER	42.08
				STORM	6.10
CURRENT BILLING					51.20

PAYMENTS OR REQUESTS RECEIVED AFTER 4/25/03
ARE NOT REFLECTED ON THIS STATEMENT.

BALANCE FORWARD	0.00
TOTAL AMOUNT DUE	51.20

NOTE INFORMATION
ON REVERSE SIDE

↑ PLEASE PAY ↑
THIS AMOUNT

KEEP THIS PORTION

CITY OF MILWAUKEE

SALVADORE	
EMERGENCY (Police - Fire - Ambulance)	911
SALVADORE POLICE (City/Police)	765-7400
County Sheriff's Office	
CLACKAMAS COMMITTEE	503-6501
FIRE MARSHAL'S OFFICE	405-3637
SALVADORE CITY HALL	765-7700
10722 SE. Main Street	
Room 200 - 2nd Floor	Clackamas
Public Registration	765-7331
City Manager	765-7300
Finance	765-7302
Human Resources	765-7300
Job Postings	765-7300
Marketing Team	765-7300
City Planner	765-7300
Recycling	765-7300
Water, Sewer & Storm Drain	765-7300

MEMBERSHIP LIST (continued)

City Pls Dept. 693-6000
Board of Education 693-3833

COMMUNITY INFORMATION 765-7000

don SE Johnson Club Md.
Hours: Mon-Fri, 9:00am - 4:00pm.
Public Work Dept.
Engineering
Street
Storm
Sewer
Planning Dept.
Building Dept.
Engineering - (for bond) 765-7000

LEADING FIRMS 765-7000

RESPONSE - The Greater

ENGINEERING DEPARTMENT 765-7000
1000 S. 10th Avenue

[illegible]

RESCUERS INCORPORATED	786-7300
1001 S.E. Main St.	
COMMERCIAL BANK	786-7545
1001 S.E. Main St.	
THE AMERICAN EXPRESS	643-8800
1000 S.E. Biscayne Blvd.	
Suite 1000	
For More Information	
5-STAR SERVICE	
Wynn Management	464-8835
Prudential	654-1444
St. Johns Building Services	674-8000
Mid-Florida Building Service	464-8800
Old Coast Electrical	654-6414
Charmelle Garage	408-0813
Widens Building	674-7366

Fax transmittal

To: Michael Hamersly

Fax: 503-659-5400

Company Michael Hamersly

Phone: 503-780-0019

From: Jim Griffith

Date: 10/28/03

Re: Request for a reconsideration

Pages: 3

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Good morning Michael

Following is the draft of the letter to John Gessner requesting the reconsideration. Please review it for accuracy and identify changes you feel are necessary, then let me know.

I did talk to the staff about the billing and was informed that the billing has been for three units from the inception of the system in 1980. The lady I spoke to was unaware how the initial number was determined and will discuss it with Carla Atwood when she gets back next Monday and let me know. She noted that if there were four units, they need to add the unit to the billing. I told her not now!

I await your review and comments.

Call me if you have any questions. Jim Griffith

CONFIDENTIAL



Portland General Electric Company
7800 SW Milwaukie Street • Milwaukie, Oregon 97062

April 11, 2002

Michael A Hamersly
PO Box 82921
Portland OR 97282

RE: Installation date of service at 2540 SE Lark St 1

Dear Michael:

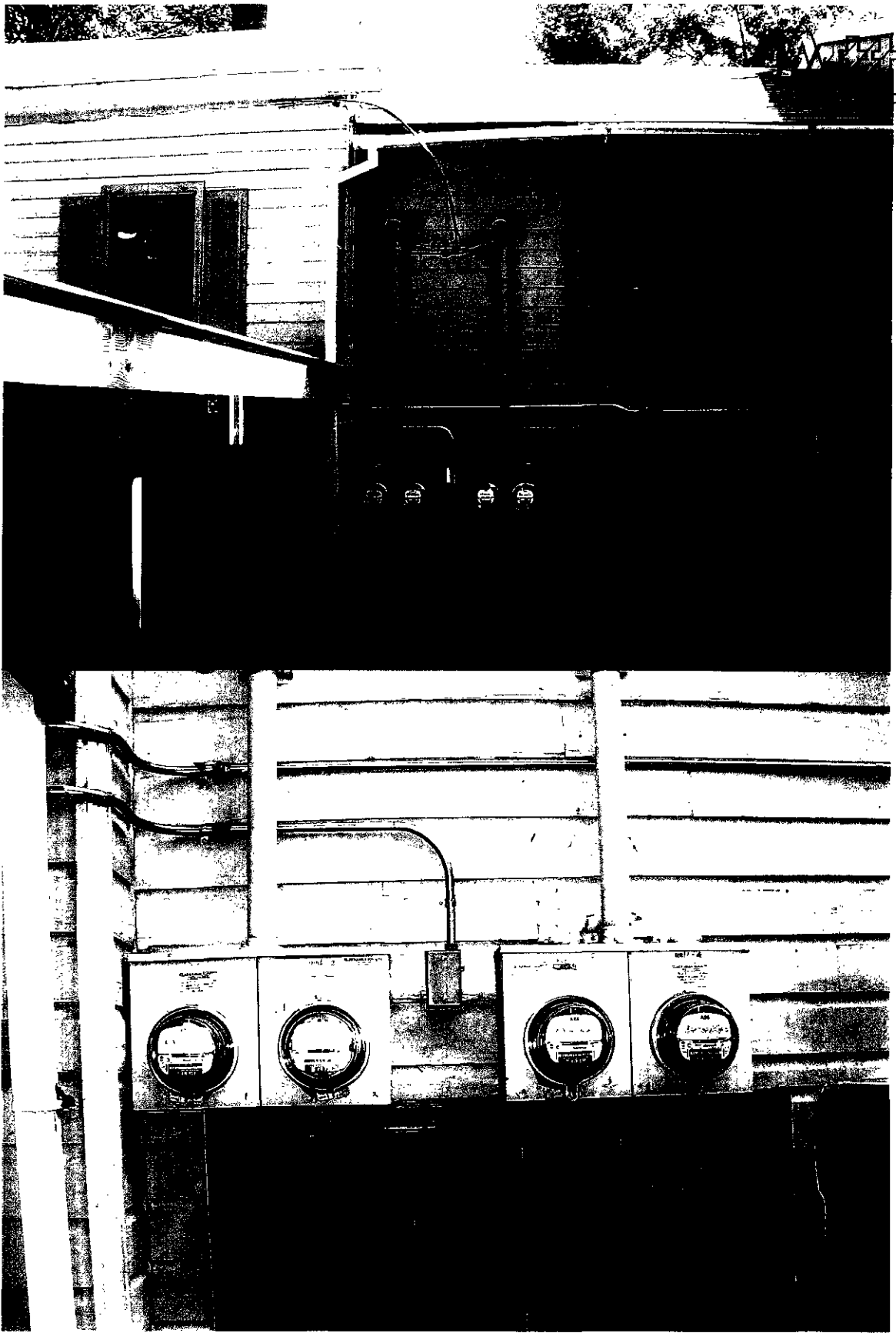
We recently spoke with you regarding written documentation of the installation date of a residential service at 2540 SE Lark St 1, Milwaukie OR. This letter is in response to your request.

Portland General Electric's records show that service was installed at 2540 SE Lark St 1 in April of 1964. It is our understanding that this address on Lark St is a four-plex. It would be logical to think that if the meter was installed in 1964 in one unit that the other units would coincide. However, the meters have been pulled from these addresses. We do show that we did at one time have active service at 2540 SE Lark St 1, 2, 3, 4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above.

If you have any further questions, please contact PGE or myself. We hope that this letter suffices as evidence of residential service at the above address since 1964.

Regards,

Anne
Bilingual Customer Service Rep
1800.542.8818



Industrial Commercial ElectricRESIDENTIAL INSPECTION REPORT

24300 SE Strawberry Dr
Boring, OR 97009
Ph.03-658-5624

Date

CCB # 134038

12/18/2002

2000165

To:

Mike Hamersly
2335 NW 145th AVE
Beaverton, OR 97006

Property address

Mike Hamersly
2540 SE Lark St
Milwaukie, OR

CONDITION OF ELECTRICAL INSTALLATIONS

Mr. Hamersly,

As work has progressed at the Lark street four-plex I have noticed a few things regarding the age and condition of the main service which you should be aware of. The duplex meter base assembly's - date back to the sixties, and have bypass jumpers which allow current to flow around a meter to any of the four panels when set, even with the meters pulled. This situation has the potential to cause problems with service work and problems with less than honest renters who may be brazen enough to purposely bypass thier meter. Although these meters are legal and you are not required to replace them you may consider doing so for these two reasons, taking into account also the age and deteriorating condition of this old service. I am not saying that there is any immediate or imamate danger, I am suggesting that you change this service if you plan on holding this property long term, thereby avoiding future problems. If you want me to design a new main service and work up a price give me a call and I'd be happy to do so.

Sincerely,





Portland General Electric Company
321 SW Salmon Street • Portland, Oregon 97204

August 19, 2004

Michael Hamersly
3111 SE Concord Rd
Milwaukie OR 97267

Re: Customer 70889

Dear Mr. Hamersly:

Thank you for contacting Portland General Electric (PGE). You asked how long PGE has required meters to be inspected before connecting service.

Cities and counties in the State of Oregon, not PGE, require electric and meter inspection prior to connection of electricity.

Since cities and counties in the State of Oregon require inspections prior to connection of electricity, PGE abides by these laws – and has for well over 50 years. PGE never has, nor will it now, connect electricity at any location without the property owner first obtaining proper electrical inspections.

Please let me know if I can be of further assistance.

Sincerely,

Michael Moore

Michael Moore
Customer Service Representative
503-612-3714

Industrial Commercial Electric**RESIDENTIAL INSPECTION REPORT**

24300 SE Strawberry Dr

Boring, OR. 97009

Ph: 503-658-5624

CCB # 134038

08/25/2004

CONDITION OF ELECTRICAL INSTALLATIONS

Michael Hamersly
PO Box 82921
Portland, OR 97282

Property address:
2540 SE Lark St
Milwaukie, Or. 97222

Mr. Hamersly,

At your request I have evaluated the electrical meter bases and the following is my professional opinion (I have been an electrician in Oregon for the last twenty-six years. Licensed and bonded in the State of Oregon.)

The property reviewed is the building located at address 2540 SE Lark St, Milwaukie, OR. 97222. I specifically looked at the main service to determine at what time period it was installed. There are four meters located in the two tandem meter bases. This specific style of tandem meters, which come as single unit and houses two meters each date back to the sixties. There are two of the tandem meter bases on this building. As you can see they are identical tandem housings, and there is every indication that these were installed at the same time. We can be assured of this because in the early 1970's the tandem meter housings were manufactured larger, per code change.

I could not locate any records of when a permit was obtained to install these meters. This is in agreement to my assessment of when the meters were installed. The State of Oregon's building codes division started requiring utilities companies like PGE to verify that an inspector with jurisdiction tag a meter base before installation of a meter by the utility company in this case PGE.

I investigated to find a permit to install the electrical service. I checked with the City of Milwaukie and was told, "that no records exist of a permit".

I also checked with Clackamas County and was unable to locate an electrical permit. This is not unusual for older buildings, especially in Clackamas County, which experienced a flood and lost archived records.

In conclusion, it is my professional opinion as a licensed and bonded electrician with 26 years of experience, and after checking the records at PGE, the City of Milwaukie, and Clackamas County. That the four meters contained in two tandem meter bases at 2540 SE Lark, Milwaukie, Oregon 97222 date back to the sixties.

I am willing to testify to the accuracy of this opinion.

Sincerely,



David G Allen

We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure, at least back until 1964 when electrical service was installed to units 1,2,3,4, and utility room. There may well have been four units prior to that date with all units on one meter prior to the installation in 1964 but again, however, no records were available. As zoning was not adopted until after this date, and the construction codes not adopted until 1973, this makes this a classic pre-existing non-conforming structure, with four units.

Inspectors shut down house — and one family spends homeless Christmas

□ One set of tenants in an allegedly dangerous four-plex praises Milwaukie's handling of a possible code-violation crisis — but the resident who notified the city isn't so happy

By David Stroup

dstroup@clackamasreview.com



Campbell

MILWAUKIE — A holiday miracle for one resident of an allegedly illegal Milwaukie four-plex turned into a holiday nightmare for another — as the city scrambled to deal with a building officials say was too dangerous to be occupied.

Milwaukie Code Compliance Coordinator Steve Campbell says officials were tipped to the building — located on the 2500 block of Southeast Lark — by a call from a resident. What they say they found was a single-family home converted to a four-plex, with problems that extended to the building's apparently jerry-rigged plumbing and electrical connections. "Everything without permits," Campbell said. "We don't have records of permits for anything."

The owner of the property, Mike Hamersly, said the home was

→ Turn to Housing shutdown, page A5



Photo by DAVID STROUP

Milwaukie's housing team (left to right): electrical inspector Dick Kelly, Matt Gilbert of the Milwaukie Police Department (standing), city planner Kenneth Kent (seated), Terry Whitehill (standing), code enforcer Steve Campbell and Deputy Fire Marshal Tony Cordie.

Housing shutdown: Landlord says four-plex is 'grandfathered'

Continued from page A1

a four-plex when he bought it, and he believes it was "grandfathered in" to current zoning. He said he's unhappy with the way the city reacted and treated his tenants: "It's pretty rough-handed, the way they handled it."

The city ordered the building closed — and the electricity cut off — just a few weeks before Christmas. Milwaukie officials say they worked overtime to find new homes for the residents, and to have the move paid for by the city.

One of the residents was grateful, and said the city's support saved her from a nightmare during the Christmas season. "Steve [Campbell] was very helpful," said Karen Chaney. "Basically, he found me a place to live.... The city actually physically moved me."

But another resident said she's still homeless — and was only offered a space in a shelter.

"I don't think taking our family from our home and putting us in a shelter is anything to be proud of," said Stephanie Martin. She made the initial phone call to tell the city about the conditions at the house, and said she'd quit paying rent while she was trying to force the landlord to make improvements. "I don't think [the city] should be patting themselves on the back."

A dangerous home?

Campbell said Martin told her during her initial call that there was two to six inches of standing water in the four-plex's utility room. He asked more questions, and found out that there were electrical connections in the utility room, as well: "I felt it would be appropriate to initiate an inspection."

When Campbell and other officials went to Lark Street, they found a single-family home that had been converted into a four-plex apartment. "Right away, we knew something illegal was going on," he said.

Hamersly, however, said it's been a four-plex for years. "It was a four-plex when I bought it," he said. "If they're saying it was illegal, I disagree. If a structure is built prior to the current building code,

"I told [Martin] my phone number has never changed. If she needs assistance, I'm here."

Steve Campbell

Milwaukie Code Compliance Coordinator, offering to help Stephanie Martin find a home after closing down the four-plex she lived in (after she reported it in violation of code)

it's grandfathered in."

By all accounts, the building — located on a quiet hillside neighborhood west of McLoughlin — dates to the 1930s.

Officials say they found extensive problems — including an electrical system so deficient that they couldn't even locate some panels — and called for an emergency shut-off of power.

"Before we were done with the inspection," Campbell said, "the decision was made that this was a dangerous building, and we needed to close it down for the safety of the occupants of the building."

According to Hamersly, "I received a letter from the city saying the electrical needed to be brought up to code. In a unit built in the 1930s, [some things] are going to be substandard to current code."

The decision to close the four-plex down threatened to leave the residents out in the cold at Christmas time. Campbell said this was an unusual situation — officials, he said, almost never see cases that require kicking people out of a multi-family dwelling. He made a request for the city to handle as much of the move as possible. "I got a go-ahead from my supervisor, Michelle Gregory, to invest our time and funding in getting these people alternate housing," he said.

What would follow would be a Christmas miracle — for one of the tenants.

"It worked out fine for one tenant," Campbell said. "The other tenant said, 'I'm fine — I can handle myself.'"

A cold Christmas

The house was vacated on Dec. 14. "Everything went smoothly," Campbell said; he'd arranged to find Chaney and her son housing in the same area, with the paperwork completed that morning. City contractors made the move for her as the house was vacated and marked "Do Not Enter." "We had the truck loaded and ready to go before the paperwork was signed."

"It was definitely not a good time for it to happen, right before Christmas," Chaney said. A catering coordinator, it was her busiest time of year. She said she'd lost a lot of business, and despaired when she found out she'd have to leave the building. "I spent the week — half of it — at my desk crying because I didn't know what to do."

She praised the city for the help they gave — but Stephanie Martin tells a different story.

Martin said she was never offered any actual new housing, just a home at the Annie Ross House shelter, which she declined; she said she couldn't move her daughter into a shelter. She opted to move herself. "After I got everything packed, I was offered movers," she said, "but I'd already ... put everything in storage." She said she was staying with friends in Estacada during Christmas, and has lived in three different locations since the house on Lark was shut down.

"I thank God Christmas is over," she said.

A city's best effort?

City officials say they tried to help Martin — but she'd stopped paying rent on the Lark apartment.

"The landlord was taking actions to evict her," Campbell said. "It's tough to find housing for somebody who's been in that situation.... I felt we did what we can do."

"In all honesty, there was a limited amount the city could do," said Chaney. "They weren't able to house everyone in Milwaukie ... but they were willing to help somebody who was willing to help themselves."

Although Hamersly said the problems started because of Martin's complaints, he's no fan of the way the city handled her situation. "It's kind of like, 'They're the government and they're here to help.' I've heard that joke before, but I never really understood it."

Campbell, for his part, had one more message for Martin: "I told her my phone number has never changed. If she needs assistance, I'm still here."

A rare case highlights a lack of housing code

Officials said it was a very unusual situation for the city. "I don't think I've ever had to remove somebody from a house because of dangerous conditions," said Campbell.

"I've been with the county for 11 years," said Clackamas County electrical inspector Dick Kelly. "I only remember two other times when we had the electricity disconnected." And the case was made more complicated by a curious fact: "Currently, [Milwaukie doesn't] have a housing code."

Campbell said the city has a building code, but not one for housing. Businesses and apartment complexes with more than four units are inspected regularly — but the Lark home fell under the city's radar.

According to Terry Whitehill of the city's building department, "The advantage of having a housing code is that things are spelled out more. Now, it has to be pretty bad before you call the building inspector or fire department."

If you know of a suspected code violation in Milwaukie, you can reach Campbell at 503-786-7545; if you have safety concerns, call the Fire Department at 503-655-8537.



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

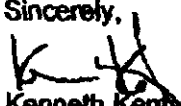
It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2401, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,


Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

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PDX LAND LLC
P.O. Box 82921
Portland, OR 97282

RECEIVED

MAY 19 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

February 23, 2005

John Gessner
City of Milwaukie Planning Director
6101 SE Johnson Creek Blvd
Milwaukie, Or 97206

Dear John,

Thank you for your recent response, the letter dated February 11, 2005, to some of my questions and new information raised at our meeting on January 2, 2005. Apparently at the meeting I did not communicate clearly to you that I would like a Second Directors Determination made, and that I do not want your earlier (July 9, 2003) decision reversed. Hopefully now that I have cleared up this mis-communication you will issue a Second Directors Determination.

1. As previously agreed and acknowledged the City of Milwaukie planning director can make a second determination. You, being the Director, can make a Second Determination on this request under ORS 227.180 (1) (a) Review of action on permit application, and also under City of Milwaukie Code, Section 19.1001.4 D. (See attached 1.) "Decision to Issue. The director shall have the authority to consider the request for an interpretation."
2. As discussed a previous appeal is not necessary to receive a Second Directors Determination. I requested a second determination be made on October 14, 2004 and paid the fee. At that time it was denied by you in the Form of a telephone message left on my voice mail November 2, 2004. The reason for declining this second request was due to the fact that Mr. Griffith, on my behalf, did not appeal the original determination. We discussed the fact that not filing an appeal does not automatically mean further director's request should be declined. That new information may come to light after the appeal deadline necessitating a second determination. This is what has occurred in this case.
3. There is substantial new information that warrants a Second Directors Determination. In November 2004 you decided that you did not want to answer questions or help with this matter any longer and recommended in a letter dated November 11, 2004 that I communicate directly to the City Attorney Gary Firestone.(See attached 2.) I was surprised by this decision and after writing to you and Alice Rouyer the position was changed and you sent a letter on December 28, 2004. (See attached 3 & 4.) Informing me "As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination." Substantial new evidence being a subjective term, I needed more

information as to what you considered substantial. I felt by providing an additional thirty pages of new information to the previous ten pages would be considered substantial, especially when taken into account, that two floors of the building were missed in a 1976 tax appraisal and in the original July 9, 2003 determination and thus my desire for our meeting on 1/2/2005 to better understand how a person could meet your definition of substantial.

4. The original July 9, 2003 was both procedurally and substantively proper. That it does not need to be reversed or appealed. That the new information simply requires a Second Directors Determination. In our meeting on January 2, 2005 we discussed several possibilities to look at this new information that has been uncovered after the July 9, 2003 determination. Not once do I remember asking or arguing to have the July 9, 2003 decision reversed. (See attached 5, 6, 7. Letter February 11, 2005 from John Gessner to me.) "You have argued that my prior decision should be reversed for the following reasons:" I have then and now maintained that your original July 9, 2003 ruling was both procedurally and substantively proper and have stated so on a number of prior occasions, (See attached 8, 9, letter sent to you from me on October 14, 2004.) In which I state "... I realize and appreciate that you have already made a determination which was both procedurally and substantively proper..."

I have simply been asking for a second director's determination. (Not an appeal or reversal of the first determination) Please let them drop and we can focus on this request.

5. The City of Milwaukie has finite resources. That the fee for a Second Directors Determination should be made and additional staff needed in excess of the fee will be covered by me. During the meeting on January 2, 2005 we discussed a second director's interpretation being issued; it was no longer now about not having substantial new information, we both agreed that there is substantial new information. That it was about money and the City not having enough resources to review the new information and make a determination.
6. The City can find the staff time to issue a Second Directors Determination since the City just spent the time to issue a three page letter on February 11, 2005, (the original Determination was a one page letter.) After receiving the February 11, 2005 letter (See attached 5, 6 and 7.) it appears that the City can find the time and resources to review all the information in this request. The letter did in my view contain serious errors which I hope to correct, please see binder with cover page "February 11 2005 Letter errors and omissions."
7. The only way I can precede in the City of Milwaukie Planning is if I receive a Second Directors Determination. I would be unable to make an appeal without a Directors Determination. As you know without a director's determination I am unable to appeal this case, which is something I want to do. I believe that we have been looking at the trees so long we can not see the forest and I would appreciate a new set of eyes looking over all the information.

8. I would want to appeal the fact my Four-Plex has been determined to be a Three-Plex. That since I read the facts in this case to support a Four-Plex and you have not. That a third party will have a different view and this is what I have wanted and asked for since September 15, 2003 and have been given several different reasons why the City would not perform its public service for me and make a 2nd. Determination.
9. To date all of the Cities previous reasons for not issuing a Second Directors Determination, (see above 1-6), have been met and resolved.

From all our discussion I can see no reason as to why you cannot take ten minutes and issue second directors determination. The first one was a single paragraph with three sentences on one page as to why you came to your conclusion. (See attached 10.) This last letter just discussing this issue was three pages. Again if the \$50.00 fee does not cover the time to write the one page, please let me know and I will pay the City the cost of writing the determination.

Therefore I am requesting that a Second Directors Determination be made on the 2540 SE Lark St., Milwaukie, OR. 97222, to decide if it has historically been used as a Four-Plex. I will include the fee with this letter. Please see the following attachments which make the case for four-units. Also contained in this letter are attachments that pertain to the February 11, 2005 letter. I believe the February 11, 2005 letter contained errors and have provided documents in support of this claim, (please see binder with cover page "February 11 2005 Letter errors and omissions.").

Thank you again for your help and time in resolving this matter and I look forward to a Second Directors Determination.

Sincerely,

Michael Hamersly, Dated; _____

PDX LAND LLC

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Chapter 19.1000**ADMINISTRATIVE PROVISIONS****Sections:**

- 19.1001 Administration.**
- 19.1002 Time limit and appeal from ruling of planning commission.**
- 19.1003 Form of petitions, applications and appeals.**
- 19.1004 Repealed by Ord. 1907.**
- 19.1005 Concurrent reviews.**
- 19.1006 Filing fees.**
- 19.1007 Applicable standards and criteria.**
- 19.1008 Ex parte contact.**
- 19.1009 Decisions.**
- 19.1010 Repealed by Ord. 1907.**
- 19.1011 Procedures.**
- 19.1012 Recess of hearing.**
- 19.1013 Time limit on a permit for a conditional use or variance.**
- 19.1044 Permits, inspections and occupancy approvals required.**

19.1001 Administration.

19.1001.1 Authority. The planning director shall have the authority to apply, interpret, and enforce the provisions of this title. An appeal from a ruling by the planning director regarding a requirement of this title may be made to the planning commission under provisions of this section.

19.1001.2 Application and Fee Required. Applications and requests for actions authorized under this title shall be made in accordance with provisions of this chapter. Application and other applicable fees as established by resolution of the city council

shall be paid at the time the application or request is submitted.

19.1001.3 Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178.

19.1001.4 Planning Director's Interpretations.

A. Purpose. The planning director's interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. This process may be used independent of, or concurrent with, applications for a particular permit or land use application. All director's interpretations are subject to appeal in accordance with this section.

B. Requests. A request for an interpretation shall be made in writing to the director. The director may develop guidelines to govern the request process.

C. Independent Interpretations: The director may issue interpretations independent of a request by another party.

D. Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued.

E. Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed.

F. Written Interpretation Mailed. If the director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the



By Facsimile and Certified Mail

November 11, 2004

Mr. Michael Hamersly
PDX Land LLC
PO Box 82921
Portland, OR 97282

Dear Mr. Hamersly:

This letter is in response to yours of November 3, 2004, November 4, 2004, November 5, 2004, November 9, 2004, and November 10, 2004. This matter has been referred to City Attorney Gary Firestone, with whom you should communicate directly. Mr. Firestone may be contacted at 503-222-4402. All future inquiries received by the City will be directed to the Mr. Firestone for his response.

Sincerely,

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larsen, Building Official
2540 SE Lark Address File



December 28, 2004

Michael Hamersly
PDX Land LLC
PO Box 82921
Portland, OR 97282

Re: Response to Letter of November 29, 2004

Dear Mr. Hamersly:

In your letter dated November 29, 2004, you stated 5 specific requests or questions.¹ The following is my response to those questions.

1. You requested copies of the plumbing, mechanical, and structural reports from December 2002. I have attached the available Building Department records accordingly. Please contact Building Official Tom Larsen directly at 503-786-7611 should you have any questions about these records.
2. You asked for information that led the City to the conclusion that you had illegally converted a single family home to a four-plex. I have not been able to find any documentation that the City ever alleged that you personally had illegally converted a single-family home to a four-plex. The City has made two determinations. The first determination was that the building was unsafe under applicable building code, which led to an order to vacate. The second determination was that only three of the four units could be considered legal for zoning purposes.
3. You ask: "Under what circumstances would the Planning Director choose to grant a reactivation in accordance with Section 19.1001.5(D)?" Section 19.1001.5(D) applies only to reactivation of applications that are rejected on the basis of being incomplete. It does not apply to decisions on land use applications or Director's Determinations, and therefore does not apply to your situation.
4. You asked that we identify the "next step" in the planning process if the original request for a determination is denied. This question can be interpreted two ways as follows:

¹ This letter also resolves yours of November 3, 2004, November 4, 2004, November 5, 2004, November 9, 2004, November 10, 2004, November 15, 2004, November 17, 2004, December 13, 2004, and December 21, 2004.

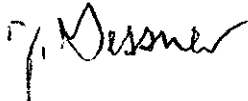
Mr. Michael Hamersly
December 28, 2004
Page 2 of 2

- If a decision under either Section 19.809 or Section 19.1000 is made denying the request, the applicant may appeal to the Planning Commission within specific time limits. As you know, the time period to appeal the July 9, 2003 determination has long expired.
 - Alternatively, there is no legal recourse if the Planning Director declines a request for interpretation under Section 19.1001 as authorized under Section 19.1001.4(E).
5. Your final question is what can you do to have new information considered by the City. The City considers the matter regarding the number of units closed as previously communicated to you.

However, you may submit any substantial new evidence that shows that the previous four units were legal. We will determine whether the additional information is sufficient to justify reconsideration. As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination.²

I hope that this letter fully answers your questions. You may wish to speak to your attorney as to whether you have a claim against the seller of the property regarding the number of units or the condition of the building with regards to applicable building code at time of purchase. I can be reached at 503-786-7652 should you wish to discuss this matter.

Sincerely,



John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larson, Building Official
Planning Staff
Address File

² You were previously informed of this decision and the application fee was returned.



February 11, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: 2540 SE Lark Street

Dear Mr. Hamersly:

This is in response to your additional request for reconsideration of the July 9, 2003 decision finding that no more than three dwelling units are allowed under city zoning regulations. The City of Milwaukie entrusts the Planning Director with the responsibility to apply zoning regulations based on fair consideration of facts and circumstances and to make just and legal decisions accordingly. You have argued that my prior decision should be reversed for the following reasons:

- Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness.
- The City of Milwaukie and Clackamas County records have been historically incorrect with regards to the number of dwelling units.
- Historically, the building has had 4 electric meters indicating four dwelling units.

We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances. Accordingly I have again considered the following:

- City of Milwaukie utility billing records have historically assessed the property for three dwelling units.
- Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units.

- There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units.
- There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units.¹
- There is no record of communication with the City to correct utility billing records prior to July 2003.
- I communicated with Mr. Griffith both verbally and by mail following the July 9, 2003 decision.

I find that the July 9, 2003 decision stands based on consideration of the circumstances above and as follows:

- I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. In speaking with Mr. Griffith following the July 9, 2003 decision not once did he mention any circumstance of his personal life or health that that would have lead me to reconsider the decision, which I certainly would have out of basic human compassion. I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions.
- Notwithstanding the above, whether or not Mr. Griffith informed you of the July 2003 decision does not change either the facts of the case nor the applicable law governing appeal rights.
- The City Attorney advised me throughout the review process and I have acted in accordance with that advice.
- The failure to correct tax and utility billing records casts doubt upon the contention that the building has always and properly contained four dwelling units.

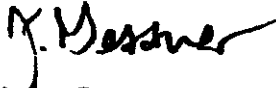
¹ However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukie declared it was not a legal multifamily unit and has denied its use as a living structure"

Mr. Michael Hamersly
February 11, 2005
Page 3 of 3

- The failure to identify the number of dwelling units in your 2001 application for partitioning casts doubt upon present arguments. As you know that application could not be approved as it did not meet minimum lot area requirements per unit.

This letter confirms the July 9, 2003 decision. There is no further redress through city procedure.

Sincerely,



John Gessner
Planning Director

copy: Mike Swanson, City Manager
Gary Firestone, Cit Attorney
Tom Larsen Building Official
Lindsey Nesbitt, Associate Planner
Address File

PDX LAND LLC

October 14, 2004

Mr. John Gessner
Planning Director
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: Request for a second Planning Director's Determination concerning 2540 SE Lark.

Dear Mr. Gessner,

I am writing in hopes of having another determination made on the property at 2540 SE Lark, Milwaukie. I realize and appreciate that you have already made a determination on this property, which was both procedurally and substantively proper. That it is within your power to decide if you will, or will not, make an additional determination. Please take a moment and consider some unfortunate circumstances that might allow you to make another determination.

Over the course of the time needed to reach a determination, the person whom I had hired to work with you, Mr. Jim Griffith, developed cancer and has since passed away from this terrible disease. During the course of his chemotherapy treatments (a four month time frame), he missed deadlines and did not completely research the records to uncover all of the pertinent information needed to provide you an accurate picture of this situation, which, of course, would allow the best determination possible. I was not aware of the seriousness of his personal tragedy until after the deadline had passed and I inquired why it was missed.

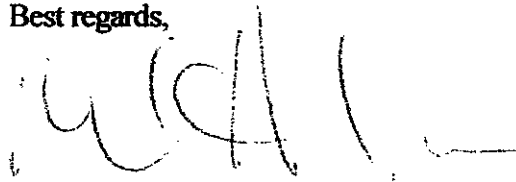
Mr. Griffith did ask the City for another decision with out explaining the entire reason (his cancer), for missing the first deadline. I can only speculate to why he did not include this most pertinent information. Perhaps he thought re-determinations were assured if asked for, this was a mistake on his part, he should have fully explained the circumstances.

I believe this request to be valid and understandable due to the following circumstances. That the person who was working on this matter became terminately ill with cancer, thereby not uncovering all the pertinent facts which are now included, then became sick following an

operation, and missed a deadline. Please use your rightful power of office, under Milwaukie's City Code Section 19.1001.5 D; which states "Reactivation of rejected applications may only be made by resubmission of a complete application and fee." I have enclosed the request for another determination, which contains new information, along with previous known facts in this case and the fee. I am hoping that this section of Code was written to help cover these types of unforeseen circumstances and would allow the City to help my family and me by making another determination.

Thank you for your understanding and consideration in this matter.

Best regards,

A handwritten signature in dark ink, appearing to read "Michael Hamersly". To the right of the signature, the date "10/14/09" is handwritten.

Michael Hamersly, Member,
PDX Land LLC.



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206

Phone: (503) 786-7600 • Fax: (503) 774-9224 • Web Site: www.cityofmilwaukie.org

RECEIVED

MAY 19 2005

Mr. Gessner the following is a list of what I conclude as errors and omissions in your letter dated February 11, 2005.

CITY OF MILWAUKEE
PLANNING DEPARTMENT

This letter states (see attachment G1.) that you believe I "...have argued that my prior decision should be reversed for the following reasons:"

This is not an accurate portrayal of my position. I have not argued to have your original decision reversed. I have maintained that the original July 9, 2003 was proper. (See attachment G4.) "Which was both procedurally and substantively proper." I have simply been asking for a second director's determination.

This simple request has been continually denied to me for no apparent reason. If there is a reason I would like to know what it is and what keeps you from taken thirty minutes to issue directors determination. In this letter you state that you are (see attachment G1.) "Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances." Again it appears that it would be very simple for you to issue a Second Directors Determination.

The February 11, 2005 letter miss-characterizes my point about Mr. Griffith. (Please see attachment G1) the first bullet point, "Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness."

The statement is only partially correct. What would be correct is that Mr. Griffith did not inform me of the July 9, 2003 decision until after the appeal period had expired.

This is also a mis-characterization of why I have mentioned Mr. Griffith's cancer and death to you. I have not once conveyed that because of his death your prior decision should be reversed.

What I have conveyed to you is on record (See attachment G 4), second paragraph "Over the course of the time needed to reach a determination, the person whom I had hired to work with you, Mr. Jim Griffith, developed cancer and has since passed away from this terrible disease. During the course of his chemotherapy treatments (a four month time frame), he missed deadlines and did not completely research the records..."

What is accurate is that I let you know the reason for missing the first appeal period was due to health reasons. Since you had declined a request for a second determination stating due to the fact an appeal was not made on the first director's determination. Your letter November 7, 2003, "... In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request." (See attachment G6.)

Also my request for a second director's determination made on 10/14/2004. Was again declined by you due to the fact that the determination was not appealed. This reason to decline was left on my voice mail in November, 2004.

The reason I conveyed the information about Mr. Griffith's untimely death is that you would understand I was not wasting the City's resources and had an understandable reason for missing the first appeal period. Which should not matter since even if an appeal period is missed if new information is uncovered at a later date this should be enough to justify the City using its resources to issue a second director determination.

The City of Milwaukie utility records on this property have been incorrect since 1976; due to the fact when the account was set up it was based on the flawed Clackamas County Assessors information, and has been shown you to be inaccurate.

February 11, 2005 letter, (see attachment G 1) fourth bullet point. "City of Milwaukie utility billing records have historically assessed the property for three dwelling units."

This is one of the reasons you state in this letter as to why you believe the building at 2540 SE Lark should be considered a Three-Plex instead of a Four-Plex. This is surprising since it has been pointed out to you not only was the billing incorrect over the years, which you acknowledge in the second bullet point of this letter (see attachment G1.)

The original utility billing was set up on the Clackamas County assessment records and therefore incorrect as you acknowledged in the second bullet point of your letter. (See attachment G1.)

Mr. Gessner I thought you were aware of this fact when I gave you this information previously. ((see attachment G7); which is page 6 of the application submitted to the City of Milwaukie, with a cover letter that directed the information to Mr. Gessner on October 12, 2004) .

Specifically number 20. "On April 20, 2004 I spoke with Carla Atwood with the City... She said the utility bill is determined when the structure was built, using the initial plans."

Number 21. "I found out, April 27, 2004, when I again spoke with Carla Atwood in addition to Pat and Mr. Becker (attached 23). Since no building plan had been submitted to the City back in the 1930's and there is not a building plan on record at the City, Carla, and Pat believe the utility bill for the building on Lark was based on the flawed 1976 Appraisers records from the County which incorrectly identified this building..."

The February 11, 2005 letter "Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances." (See attachment G1 second paragraph, second sentence.)

I am not as confident in your knowledge of this case as I would like, as the above example shows your reliance on the accuracy of the utility bill, from all the information and documentation I have is a mistake. Since we all make mistakes I hope this will be one more reason for you to grant a second directors determination, in case there are more mistakes, I can appeal it and have another person take a look at the case and make the best determination possible.

The February 11, 2005 letter omits a crucial fact. That being the 1976 tax assessor made a large mistake by missing the second and third floors of this building, leaving out more then half of the living space. (See attachment G1) fifth bullet point. "Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units."

It is correct that the record states this but I do not agree with your: logic and you left out the most important fact.

Your logic appears to be that if a building is taxed as a three dwelling unit then it is a three dwelling unit. I would beg to differ. Sometimes the Government makes mistakes and miss labels items. I am aware of a number of incidences when the Government has made this type of mistake. Frankly I am surprised that you are not aware of this fact and did not take it into consideration in this decision.

Especially since, at our January 2, 2005 meeting I pointed out a mistake was made when this building was labeled by the tax assessor back in 1976, (see attachment G8.) who incorrectly labeled the building to have "2 units on main floor & one in basement." The building does not have a basement and has three stories. He missed about 1600 square feet of living space. It was recorded the Clackamas County Government and is there to this day.

The factual mistake was made when the person who did the site inspection, took a picture of the building as it was then, drew a diagram of the living units (only on the main floor) and wrote under remarks "2 units on main floor & one in basement." this was and is an incorrect description. It **missed the top two floors of this building, approximately 1,600 square feet of living space.**

The picture in the assessors file shows the upper three floors clearly and that the building is the same then, 1976 as now.

I find this an extremely important fact, 1,600 square feet of living space missed. This is where the forth unit would be.

Mr. Griffith put forth an explanation to how the assessor made this mistake. Because it is a rental building, a person cannot enter the units without the tenant's permission, so the assessor simply spoke with the owner who lived upstairs and the owner simply told the assessor I have three rentals here. The assessor wrote it down and it is now the history.

Apparently you do not look at this fact and mistake of missing two floors and 1,600 square feet as important since it was not mentioned in your last letter dated 2/11/2005.

I believe this fact should be considered when deciding how many units have been in this building historically.

Since we disagree on the importance of this fact, I think that you should make second directors determination so I can appeal it and have other people look at this fact and other information provided and see what conclusion they draw.

I disagree with your implication that previous owners would go into the tax assessors office to correct a mistake that is unimportant to their tax liability since the assessors has records of the purchase price of the property and can tax accurately from this. The second page of your letter dated February 11, 2005 first bullet point. (See attachment G2) "There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units."

An interesting statement you make. I am left to wonder who you know that goes into a Government office and says I think my property record is in error and too low so you are not taxing me enough, please correct this error.

That you expect citizens to do this and if they do not you use it as a factor to decide dwelling density. This is definitely an interesting point you make for a Three-plex instead of a Four-Plex.

I am curious, do you know of any case in the Clackamas County Assessors that this has occurred? I do not nor did anyone whom I asked know who would do this. Please let me know the cases that you have seen that leads you to believe that people correcting government records that do not affect them in a negative way.

So now I am curious to see how often this occurs at the County's assessors, Christina was kind enough ask the Clackamas County Assessors Board of Property Tax Appeals (She went in on February 16, 2005 at 9:00 am) and asked how many cases have they seen where people have been asking for a correction in the record, to increase the value of their property and receive for this effort a higher assessment and tax?

Their answer was **NONE!** Not one person in the three years these board members have been ruling on tax assessment appeals.

Again we have a different opinion of what people would do in this circumstance. I believe most people let the sleeping dog lie. On the other hand you disagree and believe citizens would go to the government and ask to be taxed at a higher rate. This is another example of why I believe you should issue second directors determination. We see this fact differently and I would like to have a third party take a look and draw a conclusion.

I disagree with your reasoning that there should be a record of me attempting to correct information describing a building from 1976 in the county tax records. I would not have thought to do so since my understanding of property tax is that it is based off my purchase price of the property. Not the description of the building or how many dwelling units within.

Please see the second page of your letter dated February 11, 2005, second bullet point. (See attachment G2) "There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units..."

There was no need to make an effort to correct the errors (2.) contained in the assessors file as to the description of the building for tax purpose. Each time the building 2540 SE Lark sold, the sales price is given to the tax assessor, this is called the real market value, and the tax assessor tax's the building based on the real market value. If the description of the property is in error it would not lessen the taxes for an owner who, like myself recently purchased the property.

Therefore the building could have been described as a 2 unit dwelling or an 8 unit dwelling and it would not affect my property tax burden. The county assessor would still assess the property tax based on my purchase price of this building.

I hope you will reconsider the importance of there not being a record of efforts to correct the county tax assessment records. I believe it should not be an important factor in deciding the historical number of dwelling units at 2540 SE Lark.

This is the fifth time we interpret information differently and draw different conclusions from it. I believe this shows the need for a second director's determination so I can appeal it and have third parties interpreted this information.

(2.) (Please provided your information that would lead you to believe the errors in the tax assessors file are "presumed". I found them to be concrete and would appreciate a chance to look at any information that would cast doubt on their accuracy.

I do not believe I was erroneous in my 2003 property tax appeal as you claim in the 2/11/2005 letter. Please see the second page of the letter, second bullet point. (See attachment G2.) "There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units."

"However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukie declared it was not a legal multifamily unit and has denied its use as a living structure"."

I am positive it is accurate to say the City of Milwaukie did in fact and deed declare my building at 2540 SE Lark to be a single-family home converted to a four-plex, closed the building due to this belief and denied me its use as a living structure. This is from a newspaper article written in the Clackamas review and my first hand knowledge of events.

You're above accusation that I erroneously alleged information in my appeal is inaccurate in the extreme. The known facts concerning Milwaukie's declaration clearly show that the City has repeatedly stated through various employees that this structure was not a multifamily unit. The facts of such statements are abundant such as, The Clackamas Review article, Letters sent from the City of Milwaukie to me, which I have included, notices posted on the structure by the City denying access and its use as a living structure, Mr. Griffith's and my own correspondences with the City, also the City's attorney letters to my attorney, all confirming my statement and the fact that the City of Milwaukie in deed and fact ruled that the structure at 2540 SE Lark was not a multifamily unit and then did deny me use of the building as a living structure.. (See attachments G9, G10, G11, G12, G13, G14, G15, and G16.).

This is the opposite of your above statement. Please send over the information and documents that led you to believe I was erroneous in my appeal. I do not have one item that supports your position nor were any supporting documents included in your 2/11/2005 letter.

The following will contain documents I mentioned above that support my statements and clearly show why I stated in my appeal that the City of Milwaukie did in deed and fact declare the structure at 2540 SE Lark not to be a multifamily dwelling and proceed to deny me not only use as a living structure but even entrance into my own building.

1. **2001 December:** The Clackamas Review Article, "Milwaukie Code Compliance Coordinator Steve Campbell ... found was a single-family home converted to a four-plex..." (See attachment G9)
2. **2001 December 7:** Letter from Kenneth Kent, "...The City does not have record of approval to convert this residence into four dwelling units. ... A four-plex is not permitted in the R-5 Zone. ..." (See attachment G10)
3. **2001 December 12:** City of Milwaukie "Notice to vacate - Do not enter - Unsafe to occupy" (see attachments G11, G12, G13, G14, and G15)
4. **2002 July 30:** Letter from Larry J. Blake Jr. "... It is my understanding that the property is listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he..." (See attachment G16.)

The 2/11/2005 letter leaves out the fact that the City of Milwaukie's utility bill does not state how many dwelling units are being billed then or now. Therefore a person would not know to correct it. (See attachment G17)

Please see the second page of your letter dated February 11, 2005 (see attachment G2) the third bullet.

"There is no record of communication with the City to correct utility billing records prior to July 2003."

This is a correct statement but I believe it leaves out an important fact. That the City's utility bill fails to state how many units it is billing. An owner such as myself would have no idea that the City's utility records are inaccurate. (See attachment G17) I see this as the reason there would be no record of communication. Therefore I strongly disagree with your conclusion that the lack of communication on the Cities utility bill supports your finding of this structure to be a Three-Plex.

Please see the second page of your letter dated February 11, 2005 (see G2) the fifth bullet point. "I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. ...I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions."

I disagree with your belief. Mr. Griffith had cancer, was undergoing chemotherapy treatments and was extremely sick from both during July 2003 and died three months later.

I believe he was too sick to be diligent. (See attachment G 18) It is a copy of the July 9, 2003 letter from you to Mr. Griffith. Please note that it makes no mention that Mr. Griffith only has fourteen (14) days from when the letter was sent to appeal. It states only which Milwaukie Zoning Ordinance under which an appeal can be filed.

Apparently you expect this man who is literally going to be dead within a few months, who wasting away from his chemotherapy treatments to hop in a car as soon as he received your letter to find out when the appeal deadline is for my directors determination. Unfortunately I believe due to health reasons, he was not able to do so. Nor would have expected him to. He was sick and even though I am still dealing with the repercussions of his inaction, he is not the one I fault.

Another point that you may have overlooked was the fact Mr. Griffith did not have the Milwaukie Zoning Ordinance that govern the appeal. So from July 9, 2003 decision until you sent them to him in your October 3, 2003 letter. (See attachment G 19) Where you state "... Please find a copy of the requested zoning section enclosed. ..."I believe this clearly shows that Mr. Griffith was not diligent in representing my interests and that he did not inform me of the appeal period during July 2003 until weeks after it had already expired and was then too late to appeal.

Again his inaction due to poor health is shown in his letter to you on September 16, 2003, asking for those codes. "... However, He has requested that I notify you that he will be appealing your determination to the Planning Commission as allowed by Ordinance Section 1001.4. Would you please be so kind as to supply me with that section of code (1001.4), and..." (See attachment G 20)

You acknowledge receiving the previous September 16, 2003 letter, with the letter you sent in response to Mr. Griffith. (See attachment G 21).

Again we disagree on a subject and draw different conclusion from the same information (the above letters). In your letter you state your belief "Mr. Griffith was knowledgeable and diligent in representing my interest." and I believe the opposite occurred, backed by my experience with this subject and the letters I included.

And again I believe this shows the necessity of a second director's determination so I can appeal it and we can have a third party take a look.

Please see the third page of your letter dated February 11, 2005 (see attachment G3) first bullet. "The failure to identify the number of dwelling units in your application for partitioning casts doubt upon present arguments. ..."

I hope the following fact will remove those doubts. **The City of Milwaukie's application does not ask for the number of dwelling units.** If I would have know up front that having the four-plex on my property would prevent me from partitioning my land it would have saved me:

1. \$3,258.00 and the six months of working on the project.
2. The fees paid to the City of Milwaukie for the application.
3. I would not have had the survey done until after the application had been approved. I had no idea that the City would not approve this partition for information it did not even ask for in its very own application (G 22-22.94).
4. I have spoken with planners in the past about this being a four-plex, specifically when I bought the four-plex and again with Janet Wright 2/3/'99. Who let me know it was ok to have a four-plex in the R-5 zone. (See attachment G 23)
5. The failure of the City of Milwaukie to ask for this crucial information in its application (see Attachment G 22-22.94) is in my view to blame for me not identifying the number of dwelling units

Why does the 2/11/2005 letter state that due to not identifying the number of dwelling units casts doubt on the rest of my information? How would I have know then I should provide information, being the number of dwelling units, when it is not asked for? Also I have not ever partitioned a piece of property with any structure on it. Again since I have not had experience in that process how am I supposed to know to include information that is not asked for? On the other hand I believe Milwaukie's application should ask for the number of dwelling units on a property since it is a deciding factor.

I hope the above facts and information puts to rest your concerns about why the units were not identified. I do resent that this was used to cast doubts on my present arguments. I do not believe it should. I hope you will look at them again without the doubts.

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February 11, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: 2540 SE Lark Street

Dear Mr. Hamersly:

This is in response to your additional request for reconsideration of the July 9, 2003 decision finding that no more than three dwelling units are allowed under city zoning regulations. The City of Milwaukie entrusts the Planning Director with the responsibility to apply zoning regulations based on fair consideration of facts and circumstances and to make just and legal decisions accordingly. You have argued that my prior decision should be reversed for the following reasons:

- Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness.
- The City of Milwaukie and Clackamas County records have been historically incorrect with regards to the number of dwelling units.
- Historically, the building has had 4 electric meters indicating four dwelling units.

We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances. Accordingly I have again considered the following:

- City of Milwaukie utility billing records have historically assessed the property for three dwelling units.
- Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units.

- There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units.
- There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units.¹
- There is no record of communication with the City to correct utility billing records prior to July 2003.
- I communicated with Mr. Griffith both verbally and by mail following the July 9, 2003 decision.

I find that the July 9, 2003 decision stands based on consideration of the circumstances above and as follows:

- I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. In speaking with Mr. Griffith following the July 9, 2003 decision not once did he mention any circumstance of his personal life or health that that would have lead me to reconsider the decision, which I certainly would have out of basic human compassion. I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions.
- Notwithstanding the above, whether or not Mr. Griffith informed you of the July 2003 decision does not change either the facts of the case nor the applicable law governing appeal rights.
- The City Attorney advised me throughout the review process and I have acted in accordance with that advice.
- The failure to correct tax and utility billing records casts doubt upon the contention that the building has always and properly contained four dwelling units.

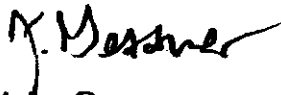
¹ However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukee declared it was not a legal multifamily unit and has denied its use as a living structure"

Mr. Michael Hamersly
February 11, 2005
Page 3 of 3

- The failure to identify the number of dwelling units in your 2001 application for partitioning casts doubt upon present arguments. As you know that application could not be approved as it did not meet minimum lot area requirements per unit.

This letter confirms the July 9, 2003 decision. There is no further redress through city procedure.

Sincerely,



John Gessner
Planning Director

copy: Mike Swanson, City Manager
Gary Firestone, Cit Attorney
Tom Larsen Building Official
Lindsey Nesbitt, Associate Planner
Address File

PDX LAND LLC

Att. G 4

October 14, 2004

Mr. John Gessner
Planning Director
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: Request for a second Planning Director's Determination concerning 2540 SE Lark.

Dear Mr. Gessner,

I am writing in hopes of having another determination made on the property at 2540 SE Lark, Milwaukie. I realize and appreciate that you have already made a determination on this property, which was both procedurally and substantively proper. That it is within your power to decide if you will, or will not, make an additional determination. Please take a moment and consider some unfortunate circumstances that might allow you to make another determination.

Over the course of the time needed to reach a determination, the person whom I had hired to work with you, Mr. Jim Griffith, developed cancer and has since passed away from this terrible disease. During the course of his chemotherapy treatments (a four month time frame), he missed deadlines and did not completely research the records to uncover all of the pertinent information needed to provide you an accurate picture of this situation, which, of course, would allow the best determination possible. I was not aware of the seriousness of his personal tragedy until after the deadline had passed and I inquired why it was missed.

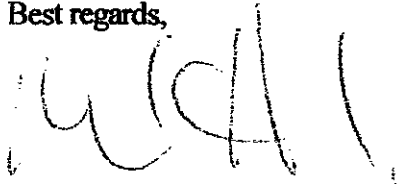
Mr. Griffith did ask the City for another decision with out explaining the entire reason (his cancer), for missing the first deadline. I can only speculate to why he did not include this most pertinent information. Perhaps he thought re-determinations were assured if asked for, this was a mistake on his part, he should have fully explained the circumstances.

I believe this request to be valid and understandable due to the following circumstances. That the person who was working on this matter became terminately ill with cancer, thereby not uncovering all the pertinent facts which are now included, then became sick following an

operation, and missed a deadline. Please use your rightful power of office, under Milwaukie's City Code Section 19.1001.5 D; which states "Reactivation of rejected applications may only be made by resubmission of a complete application and fee." I have enclosed the request for another determination, which contains new information, along with previous known facts in this case and the fee. I am hoping that this section of Code was written to help cover these types of unforeseen circumstances and would allow the City to help my family and me by making another determination.

Thank you for your understanding and consideration in this matter.

Best regards,

A handwritten signature in dark ink, appearing to read "Michael Hamersly". To the right of the signature is a horizontal line followed by the date "10/14/09".

Michael Hamersly, Member,
PDX Land LLC.



November 7, 2003

Mr. Jim Griffith
Jim Griffith & Associates
10915 SE Fairhaven Way
Tigard, OR 97223

Re: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your request for reconsideration of the July 9, 2003 determination regarding the permissible number of units at 2540 SE Lark. I believe the original determination was both procedurally and substantively proper. In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request.

Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gessner".

John Gessner
Planning Director

copy: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director
Gary Firestone, City Attorney

- f. If one looks at the design and condition of the entire building it is apparent that it was built prior to 1973, there is not any indication of recent additions and the current configuration and footprint date back at least to the 1960's if not earlier.

UTILITY & SEWER RESEARCH

19. According to Paul W. in the City of Milwaukie Engineering Department this site was connected to the City sewer system in November 1974. He further noted that the City required a 6-inch connecting sewer line, which would have only been required with multiple dwelling units. (Single family-units only required a 4-inch sewer line). The records from the sewer connection did not identify the number of units.
20. On April 20th. 2004 I spoke with Carla Atwood with the City (attached H.) and asked about the utility billing system and how the initial number of units was determined. She said that I would need to come to the City and do a records request. She asked why I wanted them and I explained the difficulty in determining why it was being billed as a three-plex when it is a four-plex. She said the utility bill is determined when the structure was built, using the initial plans.
21. I found out, April 27th. 2004, when I again spoke with Carla Atwood in addition to Pat and Mr. Becker (attached I). Since no building plan had been submitted to the City back in the 1930's and there is not a building plan on record at the City, Carla, and Pat believe the utility bill for the building on Lark was based on the flawed 1976 Appraisers records from the County which incorrectly identified this building as a three unit building instead of the correct four unit building it was and is. The billing department simply relied on the County records to base its utility bill.
22. The City of Milwaukie sewer records only go back to the 1980's and are in error to the number of units in use at this building at that time. The City only billed for three units when four units were in use. Mr. Becker for the City of Milwaukie, concerning billing information on the City's sewer, that were entered on computer via punch cards; stated that "back in the 1970's punch cards were used and the information is not readable now." Also that the City went to a new computer system and does not have the machines to read the old information. That from the inception of the new system in the 1980's. Confirmed at the meeting that there are not any records available from the City's utility billing department from the 1970's.
23. I received a copy of Single Account Notes Report (attached J) that the billing department had at one time known that this building was a four-plex. That research done for atwoodc 12/04/2003 states, "Per review from Paul Roeger, property was used as a 4-plex w/ violations. Now, it's a 3-plex and 3 units of sewer and 1 unit of storm is correct. CA".
24. Also of note the City's utility bill sent to me (attached K) makes no mention of how many units are counted for billing so none of the previous owners would have known that they were being billed for three units instead of the correct four. (It seems I owe the City back sewer assessment for the forth unit. I hope the City will waive this debt seeing that I could not of know the billing error since the City's bill does not say how many units are being counted on the sewer bill, and the fact that the City has caused me enormous difficulty by labeling this building a single-family unit and closing it.)
25. Jim Griffith spoke with the City of Milwaukie's staff in October 2003 (attached G) and was told that building utilities have been billed for three units since the inception of the computer system back in the 1980's. The woman to whom he spoke, (Carla was on vacation) noted, "that if there were four units, they need to add the unit to the billing." Jim said "I told her not now!" This indicates the ease to which one can add billing units to the utility bill.
26. I believe this shows that the utility bill is a poor indicator of how many units a building would or would not have shown historically. It appears from Mr. Griffith's conversation a person

G 8

CL 2-70

Inspectors shut down house — and one family spends homeless Christmas

□ One set of tenants in an allegedly dangerous four-plex praises Milwaukee's handling of a possible code-violation crisis — but the resident who notified the city isn't so happy

By David Stroup

dstroup@clackamasreview.com



Campbell

MILWAUKIE — A holiday miracle for one resident of an allegedly illegal Milwaukee four-plex turned into a holiday nightmare for another — as the city scrambled to deal with a building officials say was too dangerous to be occupied.

Milwaukee Code Compliance Coordinator Steve Campbell says officials were tipped to the building — located on the 2500 block of Southeast Lark — by a call from a resident. What they say they found was a single-family home converted to a four-plex, with problems that extended to the building's apparently jerry-rigged plumbing and electrical connections. "Everything without permits," Campbell said. "We don't have records of permits for anything."

The owner of the property, Mike Hamersly, said the home was

→ Turn to Housing shutdown, page A5



Photo by DAVID STROUP

Milwaukee's housing team (left to right): electrical inspector Dick Kelly, Matt Gilbert of the Milwaukee Police Department (standing), city planner Kenneth Kent (seated), Terry Whitehill (standing), code enforcer Steve Campbell and Deputy Fire Marshal Tony Cordie.



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2401, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,


Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

CITY OF MILWAUKIE
COUNTY OF CLACKAMAS, STATE OF OREGON

G 11

NOTICE TO VACATE

- DO NOT ENTER - UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building or to remove or
deface this notice.

Building Official:

City of Milwaukie

**SUBSTANDARD BUILDING
DO NOT OCCUPY**

**2540 SE Lark
Utility Room**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukie**

Tracking No. SW - 01-016

Building Official

SUBSTANDARD BUILDING' DO NOT OCCUPY

**2540 SE Lark
Apartment #3**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukee**

Tracking No. SW - 01-017

Building Official

614
614

'SUBSTANDARD BUILDING' DO NOT OCCUPY

**2540 SE Lark
Apartment #4**

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

**Structural Safety Division
City of Milwaukee**

Tracking No. SW - 01-018

Building Official

6/5
6/5
6/5
SUBSTANDARD BUILDING
DO NOT OCCUPY

2540 SE Lark

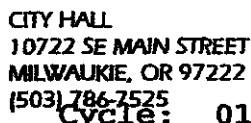
Apartment #1 back bedroom

**It is a misdemeanor to occupy this portion of the building,
or to remove or deface this notice.**

Structural Safety Division
City of Milwaukee

Tracking No. SW - 01-019

Building Official



PDX LAND LLC

STATEMENT DATE 8/31/04

**MORE INFORMATION
ON REVERSE SIDE**

↑ PLEASE PAY ↑
THIS AMOUNT

KEEP THIS PORTION



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206



CITY OF
MILWAUKIE
CENTENNIAL
1903-2003

G 19
G 19

October 3, 2003

Mr. Jim Griffith
10915 SE Fairhaven Way
Tigard, OR 97223

Re: 2540 SE Lark

Dear Mr. Griffith:

This letter is in response to yours of October 1, 2003, wherein you request a copy of Zoning Ordinance Section 1001.4 and documentation of utility billing. Please find a copy of the requested zoning section enclosed. You may contact Carla Atwood, Milwaukie Finance Department, directly at 786-7544 for billing documentation. You may also contact the County Assessor to confirm that the property has been historically assessed for three units.

Sincerely,

John Gessner
Planning Director

copy: Address file

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206

JIM GRIFFITH & ASSOCIATES, INC.

LAND / BUILDING USE STRATEGIES

10915 SW FAIRHAVEN WAY

Tigard, OR 97223-3828

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

September 16, 2003

Mr. John Gessner,
Planning Director
Community Development Department
City of Milwaukie
6101 E.S. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: 2540 SE Lark Street

Dear Mr. Gessner,

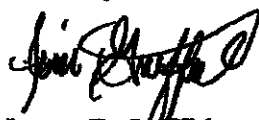
Since your determination of three units at the structure located at 2540 SE Lark Street, the owner has been working to bring the structure up to code for occupancy.

However, He has requested that I notify you that he will be appealing your determination to the Planning Commission as allowed by Ordinance Section 1001.4.

Would you please be so kind as to supply me with that section of the code (1001.4), and also, you noted in your report that the utilities billings indicated three units at that location. Would you also provide me a copy of that information? When I inquired about the sewer service I was informed that there was an oversized line that would indicate a multi-unit structure, but they had no information of the number of units. That's the reason for the request.

Thank you for your assistance and I look forward to your reply with the requested information.

Sincerely



James E. Griffith,
President

Cc Michael Hamersly



September 18, 2003

Mr. James E. Griffith
Jim Griffith & Associates
10915 SW Fairhaven Way
Tigard, OR 97223

Subject: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your September 16, 2003 letter, wherein you provide notice of the property owner's intent to appeal my July 9, 2003 determination of the permissible number of dwelling units at 2540 SE Lark Street. Please be advised that the appeal period for the determination expired 14 days following its issuance in accordance with Milwaukie Municipal Code Section 1001.4. Accordingly, the determination is final and no further city appeal is available on this matter. As a point of reference, my July 9, 2003 letter provided notice of the appeal process for such determinations.

Please do not hesitate to contact me at 503-786-7652 should you have any questions or if you would like to discuss this further.

Sincerely,

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Alice Rouyer, Community Development & Public Works Director
Mike Swanson, City Manager
Tom Larsen, Building Official



COMMUNITY DEVELOPMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7650
FAX: (503) 774-8236

Application for Land Use Action

(Please print or type)

APPLICANT(S): <u>Michael Hamersby</u>	Phone: <u>780-0019</u>
Address: <u>3111 SE Concord, Mil. OR 97</u>	Zip: <u>97267</u>
PROPERTY OWNER(S): <u>Same</u>	Phone:
Address:	Zip:

APPLICATION TYPE (check): ☐ Annexation ☐ Appeal (Admin. to PC/PC to CC) ☐ Community Service Overlay ☐ Comprehensive Plan Amendment (Major Q/Legislative) ☐ Conditional Use ☐ Exception ☐ Expedited Land Division ☐ Historic Resource Review: ☐ Alteration ☐ "Other" Alteration ☐ Demolition ☐ Deletion OR Designation ☐ Home Improvement Exception ☐ Lot Line Adjustment ☐ Major Land Partition ☐ McLoughlin Corridor Design Review ☒ Minor Land Partition ☐ Mixed Use Overlay ☐ Natural Resource Review	☐ Nonconforming: ☐ Use ☐ Structure ☐ Replacement of existing NCU ☐ Planned Development (Preliminary/Final) ☐ Solar Review ☐ Subdivision (Preliminary/Final) ☐ Temporary Structure ☐ Transition Area Plan Review ☐ Transportation Planning Review ☐ Variance: ☐ 10% or less of Zoning Ordinance standards ☐ Over 10% of Zoning Ordinance standards ☐ Sign Ordinance ☐ Subdivision Ordinance ☐ Zoning Ordinance Amendment: ☐ Map, Major Quasi-Judicial ☐ Map, Legislative ☐ Text, Major Quasi-Judicial ☐ Text, Legislative ☐ Other:

PROPOSAL (describe briefly): We propose a minor land partition, to correct the improper creation of lot 2403 (created in 1975) and to maximize the use of our land.

Location: 2540 SE Lark Mil. OR. 97222 Map & Tax Lot(s): R21E011BB 02401 + 2403

Comprehensive Plan Designation: _____ Zoning: R-5 Size of property: 2401 = 8,300. 2403 = 3,600
Total = 11,900

PLEASE NOTE: The Land Use Committee (LUC) of your Neighborhood District Association (NDA) will receive a review copy of this application. They may contact you and/or you may wish to contact them:

NDA: _____ LUC Chair: _____ Phone: _____

ATTEST: I am the property owner or I have attached the owner's authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate. I have attached a proposal description, criteria response, site plan/map, notice labels and map, and other relevant information as required for this application.

Submitted by: M. Hamersby Date: 5/2/2001

THIS SIGNATURE FOR OFFICIAL USE ONLY

APPLICATION FOR LAND USE ACTION

PAGE 2

Minor Land Partition

Review type: Administrative II

APPLICATION CHECKLIST

- ☒ A. Describe proposal
- ☒ B. Address approval criteria
- ☒ C. Submit site plan/map (12 copies)
- ☒ D. Other specific requirements
- ☒ E. Submit notice labels and map
- ☒ F. Pay fee

A

DESCRIBE PROPOSAL

In your own words, describe what you propose to do and why (use additional pages if necessary):

See attached

APPLICATION FOR LAND USE ACTION

PAGE 3

B

ADDRESS APPROVAL CRITERIA (on a separate sheet of paper)

You will need to show how your request relates to the approval criteria. For a Minor Land Partition, please address the following criteria:

Comprehensive Plan Goals and Policies:

- Planner will determine if applicable and provide copies of appropriate Comprehensive Plan pages.

Zoning Ordinance Sections:

- All parcels must meet lot size standards of the applicable zone.

Other Criteria:

- Subdivision Ordinance, Sections 17.32.020 and 17.32.040
- Compliance with Sections 92.050 and 92.060 of the ORS.

TEXT OF CRITERIA:

From the Subdivision Ordinance (Title 17 of the Municipal Code):

17.32.020. Submission of plans.

There shall be submitted to the Community Development office four copies of a site plan eleven inches by seventeen inches, or eighteen inches by twenty-four inches in size with the following information:

- A. The date, north point, scale, address, assessor reference number, and legal description;
- B. The name and address of the record owner or owners and of the person who prepared the site plan;
- C. The approximate acreage and square feet of the parcel under a single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partitioning;
- D. For land adjacent to and within the parcel to be partitioned, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and right-of-ways; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;
- E. The location of existing structures, identifying those to remain in place and those to be removed;

APPLICATION FOR LAND USE ACTION

PAGE 4

TEXT OF CRITERIA CONTINUED:

- F. The lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;
- G. The existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees, topography, and other structures;
- H. The applicant shall provide a conceptual plan of complete subdivision or partitioning of the subject property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all other options for access—including shared driveways, pedestrian accessways, and new street development—have been investigated; and
- I. Such additional information as required by the Planning Director or Planning Commission.

17.32.040. Flag lots.

Flag lots may be created by partitioning provided the following standards are met. In reviewing a flag lot application, the lot size, lot dimension, setback, lot coverage, minimum vegetation, and height limit requirements of the underlying zone shall be applied. Additionally, specific site development criteria adopted for the neighborhood district in which the site is located shall apply.

A. Future development.

Applicants for flag lot partitioning must show that access by means of a dedicated public street is not possible. In addition, consideration will be given to other inaccessible adjacent or nearby properties for which a jointly dedicated public right-of-way could provide suitable access and avoid other flag lots. Flag lot partitioning shall not preclude the development of surrounding properties. Where there is the potential for future development on adjacent lots with new roadway development, flag lots may be allowed as an interim measure. In this case, Planning Commission review, as specified in subsection 17.32.050, shall be required and the flag lot(s) must be designed to allow for future street development. Dedication of the future street right-of-way will be required as part of final plat approval.

B. Lot size.

The area of the access easement (flagpole) shall be deducted from the gross acreage of the flag lot. The flag or development portion of the lot shall be equal to or greater than the square footage of the underlying zone.

APPLICATION FOR LAND USE ACTION

PAGE 5

TEXT OF CRITERIA CONTINUED:

C. Front yard.

The front yard of the flag lot shall be measured from the front lot line. The front lot line is the line that is most parallel and closest to the street, excluding the pole portion of the flag lot. If this standard is not practicable due to placement of structures on the subject or adjacent lots, topography, lot configurations, or similar reasons, then the front lot line will be the other property line that abuts the access portion of the flag or easement.

D. Parking.

No parking shall be permitted along the access easement (flagpole) portion of any flag lot or within the improved turnaround area for emergency vehicle access.

E. Screening and buffering.

A 5-foot-wide visual and noise buffer shall be provided along the property line of the adjacent property that abuts the access for the flag lot. This buffer is intended to protect the affected dwelling(s) located on adjacent parcels and must extend from the rear lot line to the required front yard setback for the adjacent lot. This buffer shall consist of:

1. a minimum 5-foot-high site-obscuring wooden fence or masonry wall; and/or
2. a vegetative landscape screen consisting of trees and shrubs of sufficient size to provide effective screening within two years of planting. Trees shall be a minimum 2-inch caliper, and shrubs shall be a minimum of 5 gallons at time of planting. All required vegetation must be maintained and survive for a minimum of two growing seasons.

In addition, the rear and side yards of the development area (flag) shall be screened from adjacent property with a 6-foot-tall wood or masonry fence.

F. Tree mitigation.

All trees 5 inches or greater in diameter, as measured at the lowest limb, or 4 feet above the ground, whichever is less, shall be preserved. Where trees are required to be removed for site development, at least one evergreen or deciduous tree, of a species known to grow in the region, shall be planted at an appropriate ratio as mitigation for tree removal. At planting, deciduous trees shall be a minimum of 2-inch caliper and evergreen trees shall be a minimum of 5 feet tall. This standard shall control until the City adopts an urban forestry ordinance to supersede this provision.

APPLICATION FOR LAND USE ACTION

PAGE 6

TEXT OF CRITERIA CONTINUED:

G. Access.

For any flag lot, the minimum width of the access strip will be 20 feet, 12 feet of which must be paved for the full length of the access strip. The entire length of the access strip shall be kept clear of obstructions to access. Access to flag lots shall be consolidated into a single shared driveway wherever practicable, including consolidation of the access of the parent lot. These minimum standards may be increased if the Planning Director determines such is necessary to guarantee adequate and safe access. A paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.

H. Two flag lots.

Where two flag lots will have abutting access strips, the combined width of the two access strips shall not be less than 30 feet. A joint access easement shall be created for the two flag lots, which extends to the deepest lot for the full width of the combined access strips. Within the joint access strip, a common driveway with a maximum paved width of 20 feet shall be provided which extends from the street to the deepest parcel. At the end of the joint access easement, a paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.

I. Improvements.

Proposed flag lots shall be referred to the Public Works Department and the Fire Marshal's office for review and recommendation or decision on appropriate fire and traffic safety improvements, and other requirements to be provided by the applicant. At a minimum, these shall include recommendations on: vertical clearance for fire equipment; sewer lines and pumps; water meters and lines for adequate flows and pressures; fire hydrants; special post for display of house numbers at street entrance to access easement; street lights; and assurance of clear vision conditions at access entrance. Additional improvement requirements—such as paved access driveways constructed to residential street standards; special additional easements for utilities; necessary traffic safety devices; or half-street, curb, and sidewalks—may also be recommended.

APPLICATION FOR LAND USE ACTION

PAGE 7

TEXT OF CRITERIA CONTINUED:

J. Three or more flag lots.

The Planning Commission shall discourage development of three or four flag lots in which there are more than two lots in depth from a public street. When requested, such proposals must be considered by the Planning Commission under the variance procedure. Increased standards for improvements in such cases shall be as determined by the Planning Commission, with advice from Public Works and other departments as appropriate.

From the ORS:

92.050 Requirements of survey and plat of subdivision and partition. (1) No subdivider shall submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

(2) The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

(4) The plat of the subdivision or partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot or parcel shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each lot or parcel shall be shown. Each street shall be named.

(5) The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

(6) The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

(7) The area of each lot or parcel shall be shown on the subdivision or partition plat.

(8) In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

- (a) Arc length;
- (b) Chord length;
- (c) Chord bearing;
- (d) Radius; and
- (e) Central angle.

APPLICATION FOR LAND USE ACTION

PAGE 8

TEXT OF CRITERIA CONTINUED:

(9) The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

(10) Notwithstanding the provisions of subsection (9) of this section, the county surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information.

92.060 Marking certain points of plats of subdivisions and partitions with monuments; specifications of monuments; monuments placed before recording. (1) The initial point of all subdivision plats shall be marked with a monument, either of concrete or galvanized iron pipe. If concrete is used it shall not be less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete. If galvanized iron pipe is used it shall not be less than two inches in inside diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision or condominium. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(2) In subdivision plats, the intersections, points of curves and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all public streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods. If concrete is used it shall be as described in subsection (1) of this section. If galvanized iron pipe is used it shall not be less than three-quarter inch inside diameter and 30 inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

APPLICATION FOR LAND USE ACTION

PAGE 9

TEXT OF CRITERIA CONTINUED:

(3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than 24 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth of a foot.

(5) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision or partition plat, whichever is greater.

(6) All monuments on the exterior boundaries of a subdivision shall be placed and the monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070 (2) and if the person subdividing the land furnishes to the county or city by which the subdivision was approved a bond, cash deposit or other security as required by the county or city guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065.

(7) All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. Unless the governing body provides otherwise, any parcels created that are greater than 10 acres need not be surveyed or monumented.

APPLICATION FOR LAND USE ACTION

PAGE 10

C

SUBMIT SITE PLAN/MAP (12 copies)

A sample of how your site plan/map should look is shown on the next page. For a full and accurate evaluation of your proposal, we need the following information on your site plan/map:

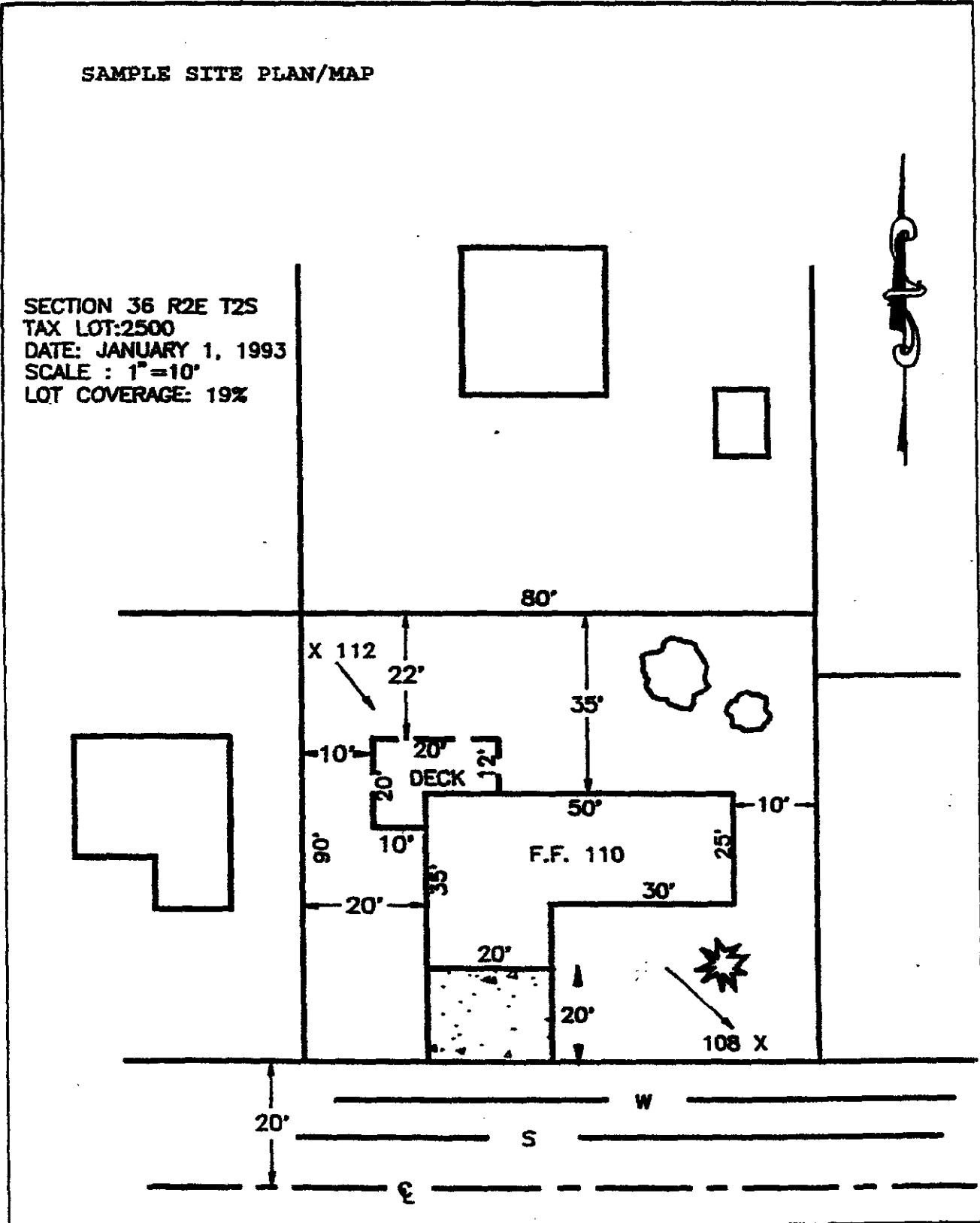
1. Drawn legibly
2. Lot dimensions
3. Building foot print with dimensions (including all projections, raised decks, and covered patios)
4. Distance from structures to property lines and edge of pavement
5. North arrow and scale (1" = 10' maximum; i.e., 1" = 10' or less)
6. Location of existing and proposed utilities
7. Location of all easements
8. Location of mature trees and landscaping, both existing and proposed. (Prefer 1 of existing, 1 of proposed.) Area to be landscaped shall be calculated as percentage of site area.
9. Lot coverage (percentage of total area covered by structure<s>, calculated)
10. Maximum and minimum elevations and direction of slope for each floor level, top of building, and driveway
11. Location of driveways, walkways, paved areas, and disabled access (indicate type of surface)
12. Parking, including space numbers, configurations, size and width, access, maneuvering areas, disabled parking details, and calculations of required number of spaces.
13. Legal description, tax lot identification, and common street addresses

APPLICATION FOR LAND USE ACTION

PAGE 11

SAMPLE SITE PLAN/MAP

SECTION 36 R2E T2S
TAX LOT:2500
DATE: JANUARY 1, 1993
SCALE : 1"=10'
LOT COVERAGE: 19%



APPLICATION FOR LAND USE ACTION

PAGE 12

D

OTHER SPECIFIC REQUIREMENTS

A preapplication conference may be desirable or required for this action. Please discuss this with Community Development staff.

Please provide the information requested below.

1. The name, phone number, and address of your engineer or surveyor (if appropriate):

Name N/A Phone _____

Address _____ Zip _____

2. Number of total parcels proposed 2 Approx. acres .25

3. Show how each parcel complies with minimum zoning standards, as indicated below:

Minimum zoning standards for parcels in the R-5 Zone:

Area: 5,000 sq. ft. Width: 50' ft. Depth: 80' ft.

Parcel 1 measurements: 2401

Area: 6,283 sq. ft. Width: 62' ft. Depth: 104' ft.

Parcel 2 measurements: 2403

Area: 5,017 sq. ft. Width: 61' ft. Depth: 112' ft.

Parcel 3 measurements:

Area: N/A sq. ft. Width: _____ ft. Depth: _____ ft.

APPLICATION FOR LAND USE ACTION

PAGE 13

E

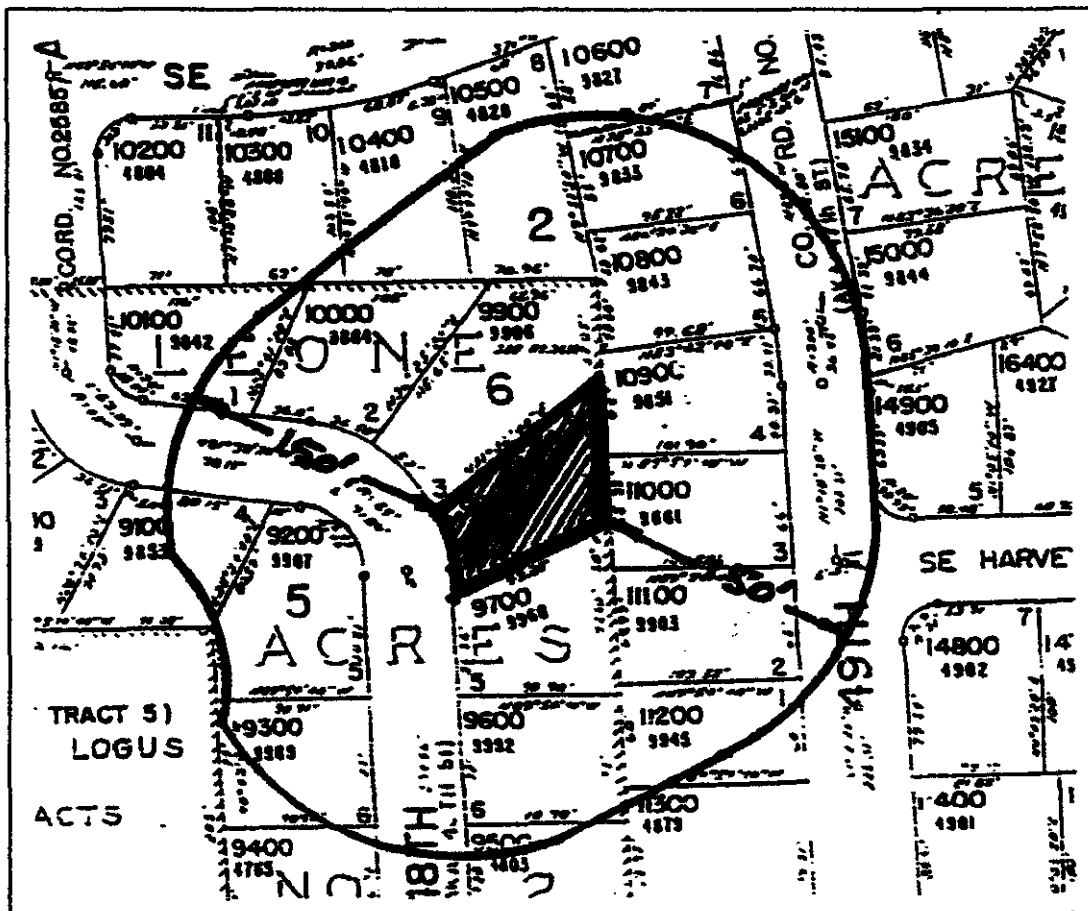
SUBMIT NOTICE LABELS AND MAP

We are legally required to notify surrounding property owners and residents of your proposed action. To do that, we need you to provide us with notice labels. To determine who to include on the labels, you first need to create a notice map. (We need a copy of this map, too.)

Creating the notice map (sample below)

To determine all the property owners and residents within 150 feet of your site, you will need a copy of the County Assessor's Map of your site (available at their office at 168 Warner Milne Road in Oregon City, 655-8671).

On that map, draw a line out 150 feet from each side of the lot. Then, use a compass to determine the 150-foot distance from each corner of the lot. Draw a circle along these points. All tax lots within, or partially within, this boundary must be included.



APPLICATION FOR LAND USE ACTION

PAGE 14

Creating the notice labels (sample on next page)

You can use your list of tax lots within the circle on the notice map to create notice labels which include all property owners and residents for those tax lots. A list of property owners and situs addresses for these properties can be obtained from the County Assessor's Office; or you can get them from a title insurance company.

Please use Avery labels #5160, available in Planning Dept. (see sample).

Each label should be typed in the following order:

- Tax Map and Tax Lot Number
- Name (or Occupant)
- Address

Please be sure your labels are in alphanumeric order, by tax map and lot number. Also, be sure to include your name and address (applicant) and the property owner's name and address (if different from applicant).

If the mailing address of a property owner is different from the situs address, please address a second label to "Occupant" at the situs address.

For apartments, we need one label for each apartment to "Occupant," address, and apartment number (see sample). To determine whether apartments are in the area, you may have to walk or drive the notification area.

For out-of-town or out-of-state business property owners, please also include the address for the nearest local branch of the business.

Where more than one tax lot has the same owner, please combine into one label (see sample).

FEB-03-99 WED 10:55 AM CITY OF MILWAUKIE

FAX NO. 503 774 8236

P.01



Fax Cover Sheet

Date: 2/3/99 Time: AM

Number of pages (includes cover): 5

TO: Wayne Hamerly

FROM: Janet Wright

Community Development/Public Works

6101 SE Johnson Creek Blvd.

Milwaukie OR 97206

PHONE: (503) 786-7653

FAX: (503) 774-8236

FAX: 543 6018

MESSAGE: Included in the FAX

are the R-5 Residential Zone

Criteria for Permit Users &

the Dev. Standards - See 503.3

Please Call me at 786-7653
after you have had time to
look at the information &
we can discuss the issues
further

Thanks
Janet Wright

RECEIVED

April 12, 2005

MAY 19 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

A possible explanation of the City's Staff's actions and motivations to recommend this building being recognized historically as a three instead of a four unit structure.

December 2001

From the information available to me it appears the City's staff made a significant mistake back in December of 2001. They were called to the structure at 2540 SE Lark by a tenant, Stephanie Martin (see attachment 1, 2, 3, &4), who had not paid rent for three months and was in the process of being evicted. It is believed that Miss Martin put a sponge into the laundry sink (as I found one stuffed into the drain) and proceeded to flood the laundry room which contains two of the unit's four electrical panels.

The City Staff arrived and believed they had found a single family home converted to a four-plex. The City's Staff then proceeded to evict the tenants, post notices to not enter, disconnected the power at PGE's Pole on the street and then removed all Four- Electric meters from the building. (Please note to prevent use of power it was not necessary to pull/remove the four-electric meters). I believe by pulling the four electric meters the City Staff showed they believed that this structure was a single-family home converted to a Four-Plex and therefore the structure did not and would not need four meters.

Mr. Kent, on the Cities staff, stated clearly in his letter dated December 7, 2001 "... The City does not have a record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. ..." (See attached 5)

I believe the following reconstructs the logic the City's Staff used at the time. The zoning, which is R-5, allows only single family residences on 5,000 sqft lots. Therefore a Four Plex cannot be in this zoning area. This has been shown to be a mistake on the City Staff's part and has created the need for this hearing. My understanding is that a Four-Plex can exist in the R-5 zone, if the Four-Plex was built legally prior to the R-5 zone being in place. (See attachment 6)

Please recall this building was built in 1936 when Milwaukie's population was less then 2,000 people. They did not require all buildings to receive permits at this time, therefore the City's Staff, when they looked, could not find records of permits. "... Everything without permits," Campbell said. "We don't have records of permits for anything." (See attached 6.5) The lack of any permits furthered their mistaken belief that they had found a single-family home illegally converted to a four-plex

The City then proceeded to send me a number of letters that were incomplete. (See attached 7, 8,

9, 10, 11, 12, 13, 14, 15, 16, & 17) All the letters sent to me were missing three out of five of the attachments, which are Plumbing, Mechanical, and Structural. (and I still do not have to this day.) After receiving the fifth incomplete letter from the City I wrote them a request for a hearing and the missing attachments. I did not hear from the City for two months. Finally I received a message, left on my answer machine from Steve Campbell saying the City has denied my request for a hearing because I had 30 days to respond (not from the first letter), but from the second letter and I had not responded in time.

I believe the reason for the delay and the staff choosing not to have a hearing is due to the City's Staff having discovered their mistake of saying this structure was a single family home converted to a four-plex, shutting down the structure, evicting the tenants and did not know what to do now. Therefore, did nothing to help, ignored my letters and my requests for hearings.

After writing a number of letters requesting information and to solve this problem and not having a written response (the only response I received to eight different letters over a period of four months was the above mention call and message from Mr. Campbell.) So I hired an attorney to help me and he contacted the City Staff tried to work with them.

July 2002

July, six months after the building has been shut down a letter is sent from the City's attorney Mr. Blake in which the letter states "... it appears that it is appropriate that your client be cited at this time. ... These violations would include electrical, plumbing and mechanical issues as well as the type of structure and its present and past use. ... It is my understanding that the property is currently listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he follows the guidelines and rules to do so." (See attached 18)

This is the first time that the City makes the offer to recognize three units as apposed to the single-family unit the City stated on 12/14/2001.

I believe the reason for the offer is that the City's Staff realized it made a mistake and was trying to find a way out of this situation. Since if I agreed to three units the City Staff could say they were right in shutting down the building, and had found a building that had been converted illegally from three units to four units. So all the hardship the Cities Staff put me through would be justifiable in their minds and they would not have to answer for their mistake.

The Cities attorney sent another letter that if we proceeded and took the City to court he would start to fine me daily... "Otherwise, it appears as if your client will be receiving several citations in the near future and this matter will be resolved by the Courts. Of course, I do not believe that would be in your client's best interest based upon his litigation costs as well as exposure to substantial fines." (See attached 19) At the same time the City would not issue me permits to work on the building to prevent any fines so I was facing the very real possibility of being fined indefinitely. This is the start of increasing pressure to get me to agree to only three units.

September 2002

I did not give into the City's pressure (to make me call the four-plex I bought only a three-Plex) and I was worried from the letter the City's attorney sent about daily fines if I took the City to court so I sought another option and I hired Jim Griffith who at the time was the Mayor of Tigard and had been a planner for twenty years for the City of Portland. I placed my trust in his abilities to work with the City and cure this situation.

Mr. Griffith proceeds to contact the City, specifically Ken Kent about this being a four-plex and to gather information to support the claim that this was not a single family home as the City's staff believed. Mr. Kent relayed the City's position on the building; the City would still not issue building permits unless I agreed to only three units. Mr. Griffith asked if it would be possible to fix three of the units while we tried to resolve the question of the fourth unit. (See attachment 20)

Mr. Kent's response for the City was no permits unless I agree to three units or until the question of the four units was resolved. Again the City Staff is choosing not to help by issuing permits so the work could get done and I could get renters in to cover the mortgage. This continues putting financial pressure on me to agree to three and coupled with the fact the City can still rule it is only a single family home.

If the City Staff rules that it is a single family home and now can only be used as **a single family home, which is still their official position**, makes not taken the three units now a huge gamble for me. The building was built as a four-plex and the cost for me to convert it to a single family home would have been tens of thousands of dollars and very well could bankrupt me. This is the type of pressure being asserted daily by the City's Staff.

February 25, 2003

Mr. Griffith, on my behalf, submits the information he has uncovered showing that this structure was not a single family unit converted to a four-plex and requested a Directors Determination. (See attached 22, 23 & 23.1-.4). The director has 120 days to issue a determination by Oregon Revised Statute 227.178 (see attachment 24)

July 9, 2003;

Mr. Gessner misses the 120 day deadline and we wait 133 days for this determination (of note out of the 5 directors determination made in 2003 all but mine took less then 30 days to make. See attachment 24.1-.93) the determination is finally made on July 9, 2003. Stating the conclusion "that the structure may only be used for three dwelling units based on the following: Milwaukie utility billing records indicate three units of sewer service. Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units." (See attached 25)

Please note this information was available to the City's Staff when they concluded in December 2001, that it was a single-family unit that I had been accused of illegally converting to a four-plex. Why is it now being used to justify three?

During this 133 day wait, Mr. Griffith was diagnosed with cancer and missed the two week appeal period, which ended on July 23, 2003. Mr. Griffith found out he had missed the July 23, 2003 deadline from Mr. Gessner September 18, 2003 "... Please be advised that the appeal period for the determination expired 14 days following its issuance..." (See attached 26)

When Mr. Griffith told me on September 18th, 2003, that the appeal period expired I asked how we missed it. This is when I found out Mr. Griffith had cancer and had been receiving chemotherapy treatments since June, 2003. He told me not to worry that he was feeling better and we would work something out with the City. Mr. Griffith on October 31, 2003 asked the City for a reactivation of the appeal and "reconsideration because of the missed timelines on both our parts ..." (See attached 27, & 27.1)

Mr. Gessners response was that the "original determination was both procedurally and substantively proper. In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request." (See attached 28)

Within two months Mr. Griffith died from cancer.

December 2003

I was unsure of how to proceed so I concentrated December, through February on getting the three of the four units ready to rent. In March I received Mr. Griffith's file sent to me after his death (See attached 29) after reading it I found that Mr. Griffith had not done all the research possible. I believe it was due to his poor health caused by cancer and the treatments. So I spent the next Six months further researching this matter.

There was the original fourteen pages of information which **I added an additional 30 pages of new information that convinced me that the structure had been four dwelling units since at least the late 1960's.**

October 14, 2004

I put together all the information, plus an explanation of why no appeal was made on the previous (July 9, 2003) Directors Determination was due to Mr. Griffith's cancer and chemotherapy treatments. Then I submitted it to the City on October 14, 2004 requesting another Directors Determination.

(Also I thought it was apparent that I would have appealed the July 2003 Directors Determination since a year prior July 2002 I could have accepted the deal from the City's attorney for three units and saved myself the cost of having the building vacant about \$25,000.00)

The City's Staff was to let me know in fourteen days if I would receive a Directors Determination by October 28, "... The director shall respond within fourteen calendar days after

the request is made, as to whether or not an interpretation will be issued.” 19.1001. D (See attached 30)

November 2, 2004

Nineteen days later the planning director, Mr. Gessner, (whom just missed his 14 day deadline as I should have heard on or before October 28, 2004) leaves on my voice mail November 2, 2004, the City’s Staff was declining to make a Directors Determination due to the fact that the prior Determination made on July 9, 2003 was not appealed in that two week time frame. I found this a little ironic since the reason Mr. Gessner just missed his two week deadline. The message went on to say that Mr. Griffith and I had been told twice on previous occasions that a Directors Determination would not be made and now this is the third time we are declining your request.

Why is Mr. Gessner not meeting planning’s stated goal of being helpful? (Attachment 31)
Why refuse to help and make a determination on my request. I did not know what to do. I had explained the first appeal period was missed due to Mr. Griffiths cancer and chemotherapy, which I believe is a legitimate reason to miss work and the appeal period of only two weeks. The person who missed the appeal was dead from the cancer. Why would they choose not help me now? I just could not understand.

After thinking on why the City’s Staff would not help it finally came to me that the City’s Staff realized they made a mistake saying the building was a single family home, shutting it down so fast and that if they could now say well there was a problem at the building, that three units were illegally changed to four units they could justify shutting down the building so quickly. I think this explains why it took so long to get this issued resolved and why I could not get help, also it explains the treatment I recently received when I continued to try to solve the problem and get another official body (The Milwaukie Planning Commission) to review this information.

I proceed to ask the Cities Staff, (I directed my inquires to Mr. Gessner after I was told at the planning counter on Johnson Creek by Keith (November 2, 2004), that he could not answer my questions or help me by direct orders of his boss Mr. Gessner and that I would need to ask all my questions to Mr. Gessner.)

Now the Cities Staff is really making it difficult for me to solve this problem or even get help from them. Again I believe trying to get me to quit and go away. Instead I try to find a way to get the new information officially reviewed and that I indeed did buy a four-plex and that the building should stay a four-plex.

To accomplish this I address my question to Mr. Gessner through letters. Trying to find a way to get the new information officially read. (See attached 32, 33, 34,). Which Mr. Gessner answered via telephone messages left on my voice mail until I asked “under what circumstances are you willing to reactivate a rejected application under section 19.1001.5 D?” After this question Mr. Gessner stops answering my questions (See attached 35, 36 and I did not hear from him until I

received a fax Dated November 11, 2004 which he now refers me to the Cities attorney. (See attached 37)

I believe this is not the best way to resolve the issue or the best use of City resources, to have an attorney answer planning questions. It does not make sense unless Mr. Gessner is trying another way to get rid of me and the issue without admitting mistakes on the City's Staff's part.

November 17, 2004

So I finally contacted Mr. Gessners supervisor, Alice Rouyer who is Director of Community Development. The reason I have not contacted Mrs. Rouyer earlier was due to the fact that Mr. Gessner is the Planning Director at the City and would be the Staff person who would issue the Directors Determination so I was hoping not to upset him by going to his boss. Unfortunately it was no longer possible, so it does not look very good getting the four units recognized by him but now I am to the point that I will just have to appeal if he once again says he only sees three units.

I send a letter to Mrs. Rouyer, letting her know that Mr. Gessner is not being helpful in this planning matter and perhaps she can encourage Mr. Gessner to work with me on this issue. (See attached 38, 39, 40, 41, 42, & 43)

December 28, 2004

Receive a response from the City's Staff, from Mr. Gessner that answers the questions asked back in November and also states "Your final question is what can you do to have new information considered by the City. The City considers the matter regarding the number of units closed as previously communicated to you." (See attached 44, 45)

Again instead of helping and reviewing the information, which is the stated goal of the Planning Department. Another attempt to have this issue disappear.

The letter also states "As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination."

Please note this is an important change in the City's Staff's position from, since no appeal was made, to now there is not enough new evidence to warrant another determination. So what was Mr. Gessners real reason for not granting a Directors Determination for the last **fifteen months**? Since the reason giving that whole time not to issue is no longer being used? I believe the reason is still to mitigate the original mistake of closing down the four-plex due to the Cities' staff's mistaken belief it had found a single family home illegally converted and not have to face the mistake.

January 3, 2005 (started in December 2001)

I did not agree once again with Mr. Gessner. On this occasion it is his conclusion that not enough new information has been found. I felt I had found a substantial amount of new information that would show four units. Therefore I ask for a meeting on January 3, 2005. Mr. Gessner, Christina and myself met at the Johnson Creek facility to discuss what Mr. Gessner considers enough new information to be considered substantial (please keep in mind thirty new pages had been add to the original fourteen already). During the course of the meeting Mr. Gessner agreed that the new information did shed enough new light to be considered substantial and he would discuss with the City's Attorney the best course of action being either I apply for a Directors Determination or we reactivate the July 9, 2003 Director Determination because of Mr. Griffiths cancer. Mr. Gessner said he would be in touch within two weeks.

Two plus weeks later January 19, 2005: I called Mr. Gessner and he said it would be another two weeks.

Two weeks later again: Received a voice mail from the City's Staff, Lindsey N, stating Mr. Gessner is out of town and will contact you on Monday (February 7, 2005)

Monday: No call on which action, either a new director's determination or a reactivation of the first director's determination.

February 11, 2005

Received a three page letter, dated February 11, 2005 from Mr. Gessner which essentially is an unofficial Directors Determination, which is not what we had discussed at the meeting nor helpful to me since I cannot appeal it, which he knows I want to do. By not doing what was agreed to at the meeting and delaying another month I look at this at again trying to have me and the issue go away.

The February letter is the City's Staff's final attempt to discourage me from continuing to seek a Directors Determination. **Please note for a second time the change of their position with regards to why they will not issue a Directors Determination.** It is no longer because of the lack of substantial new evidence, it is now that the City entrusts the Planning Director to make decisions, and that "We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. ..." (Attachment 46) I am not sure of the exact reason now as to why the City's Staff will not help by making a Directors Determination other then I should trust their judgment.

It seems at this point the City's Staff is getting a little desperate. After more then three years of trying to get me to agree to only three units at the Lark four-plex to cover their original mistake of closing the structure because they thought it was a converted home, I have not quit. So in this letter Mr. Gessner attempts to alter the history of what has occurred these last three years and make me into a questionable character. I went in some detail to dispute this attempt to alter history, a letter that is in the Planning Commission's agenda packet. So I will only highlight a few in this letter.

Mr. Gessner starts out the letter "... You have argued that my prior decision should be reversed..." The previous statement is in error due to the fact I have on two separate occasions

written that the first (July 9, 2003) Determination was fine considering the information available at the time. I had new information which needed a new Determination. (See attachment 46)

Mr. Gessner states on the second page of this letter "... I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions." So here Mr. Gessner is trying to turn me into a questionable character which he is not comfortable believing. (See attachment 46.1)

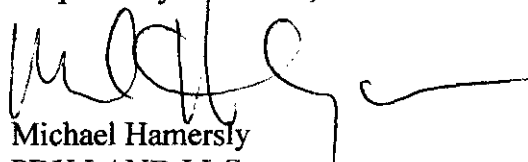
I think it is clearly shown that Mr. Griffith did not fulfill his professional obligations to me with regards to the appeal through the letter **Mr. Griffith sent to Mr. Gessner requesting the Ordinances that cover the appeal process on September 16, 2003 seven weeks after the appeal period had expired.** (See attached 47) I would call this a clear case of failure of professional obligations. Mr. Gessner was aware of this letter since he responded to it on September 18, 2003 and explained to Mr. Griffith that the appeal period had expired. (See attached 48)

I started writing this paper after I received the Planning Commission agenda on April 7, 2005. I felt the packet was not trying to help us determine from the facts if this structure is a four-plex. The first word used describing my request is "Dismiss" the City's Staff determination. I did not want to dismiss the Staff's recommendation simply **Revise it** to find four units. Yes it is a small thing but if you put into context of the history of the City's Staff effort to get the outcome to be a three dwelling units it becomes a little larger.

Please recall that the City's Staff shut this building down in fifteen days because they thought they had found a single family home converted to a four-plex. I believe the reason this simple matter has dragged on for years, Since December 14, 2001 till now, that a Directors Determination was not given after repeated requests since September 2003, that City Staff would not help and turned this over to their attorney November 11, 2004 to December 14, 2004, that the last letter sent from the City's Staff, Mr. Gessner February 11, 2005 attempted to change history and contained numerous factual errors, felt uncomfortable with my contentions, is that the City's Staff does not want to admit they completely errored when they first judged the structure to be a single family home converted to a four-plex and are trying to be partially correct by lowering the units from a four to three units so they can say they found an illegal unit. As opposed simply admitting the mistake, and recognizing four units

Please keep this possibility in mind when looking at the City's Staff recommendations as a reason to explain why the staff is ignoring physical facts and instead continue to rely on a flawed document to make their recommendation.

Respectfully submitted,



Michael Hamersly
PDX LAND LLC

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ROSEBUD RANCH AND ARENA LLC

September 4, 2001

Stephanie Martin
2540 SE Lark # 1
Milwaukie, Oregon. 97222

Dear Stephanie,

I have been reviewing your rental history since the rent is late again. This is the forth month in a row. So I am going to charge you late fees, that I have not asked for before, for the past three months.

In July, you were 20 days late at 5% of the amount of the payment of \$535.00 for each five-day period. For a monthly total of \$107.00

In July, you were 10 days late at 5% of the amount of the payment of \$535.00 for each five-day period. For a monthly total of \$53.50

In August, you are 28 days late at 5% of the amount of the payment of \$535.00 for each five-day period. For a total so far this month of \$133.75

Stephanie the penalties will keep occurring until you pay all of your rent. I hope you will make this a priority.

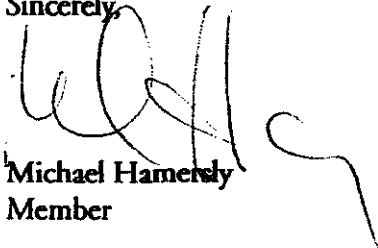
- The total now stands at 1. For August 2001 rent due of \$535.00 2. Penalties for August to date \$107.00 3. Penalties for July to date \$53.50 4. Penalties for June to date \$107.00.

•

1. \$535.00
 2. \$133.75
 3. \$ 53.50
 4. \$107.00
-

= \$829.25 is now due and payable to Michael Hamersly, PO Box 82921, Portland Oregon 97282. If you need to set up a payment plan, call me at 503-780-0019. If I do not hear from you or if you do not make your rent payment, you will have to move.

Sincerely,



Michael Hamersly
Member

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

Michael Hamersley
(Landlord(s) / Plaintiff)

vs.

Stephanie Martin and all others
(Tenant(s) / Defendant)

TO: Stephanie Martin and all others
2540 SE Lark Unit 1
Milwaukie, OREGON 97222

Case No: FED0111016
SUMMONS

- ☒ Residential
☐ Personal Property
☐ Commercial

IN THE NAME OF THE STATE OF OREGON
NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY

You are hereby required to appear in person and answer the complaint filed against you in the above entitled action on the 13 day of Nov., at 6:15 P.M., before a Judge in the above entitled court, at the following location:

Clackamas County Courthouse
Room # 303
807 Main Street
Oregon City, OR 97045

You must appear in this case or the other side will win automatically. If you fail to appear, the plaintiff will take judgment against you for the restitution of certain (personal property) (premises), as described in plaintiff's complaint, plus costs and disbursements. If you want to proceed to trial, you must appear at the first appearance, file an answer and pay the filing fee. The answer must be in the proper form and have proof of service on the plaintiff, or on the plaintiff's attorney to show that the other side has been given a copy of it. Answer forms are available at the courthouse.

ATTENTION DEFENDANT: Read the attached. If you have any questions, see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

Michael Hamersley
Plaintiff or Agent Signature OSB #
Michael Hamersley
Print or Type Name of Plaintiff or Agent

P.O. Box 92921 Portland
Street Address City
Oregon 97282 503 780 0019
State Zip Telephone Number

I certify that this is a true copy of the original Summons in the entitled action.

11/11/01
Date



[Signature]
Trial Court Administrator / Clerk / Notary

NOTICE OF LATE PENALTY DUE

Date: 6/6/2001

To: Mrs. Martin
2540 se Lark unit # 1.
Milwaukie, OR. 97222

Dear Stephanie Martin

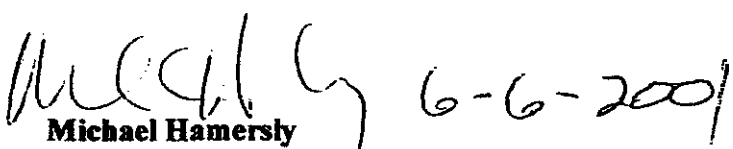
We have not received your rent for May 1st. 2001 and June 1st 2001, which was due by Tuesday (am) (pm) on 6/5, 2001.

Under our rental agreement, there is a late charge of \$20.00 for rent payments more than 5 days late.

Please include \$40.00 with your rent payment of \$\$1,070.00 no later than Monday (am) (pm) 6/11, 2001 . Your rent is extreemly late it is due and payable immeadately. Call me and let me know what is going on with the rent. 503-780-0019.

Total now due: \$1,100.00.

Signed:


Michael Hamersly
Landlord

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

Michael Hamersly
(Landlord(s) / Plaintiff)

vs.

Stephanie Martin and all oth
(Tenant(s) / Defendant)

TO: Stephanie Martin and all
others
2540 SE Lark unit 1
Milwaukie, Oregon 97222

Case No: FD001-06-559
SUMMONS

- ☒ Residential
☐ Personal Property
☐ Commercial

IN THE NAME OF THE STATE OF OREGON
NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY

You are hereby required to appear in person and answer the complaint filed against you in the above entitled action on the
5th day of July, at 6:15 P.M., before a Judge in the above entitled court, at the following location:

Clackamas County Courthouse
Room #303 ~~307~~
807 Main Street
Oregon City, OR 97045

You must appear in this case or the other side will win automatically. If you fail to appear, the plaintiff will take judgment against you for the restitution of certain (personal property) (premises), as described in plaintiff's complaint, plus costs and disbursements. If you want to proceed to trial, you must appear at the first appearance, file an answer and pay the filing fee. The answer must be in the proper form and have proof of service on the plaintiff, or on the plaintiff's attorney to show that the other side has been given a copy of it. Answer forms are available at the courthouse.

ATTENTION DEFENDANT: Read the attached. If you have any questions, see an attorney immediately. If you need help in finding an attorney, you may call the Oregon State Bar's Lawyer Referral Service at (503) 684-3763 or toll-free in Oregon at (800) 452-7636.

Michael Hamersly
Plaintiff or Agent Signature

OSB #

Michael Hamersly
Print or Type Name of Plaintiff or Agent

PO Box 82921 Portland
Street Address City
Oregon 97282 780-001
State Zip Telephone Number

I certify that this is a true copy of the original Summons in the entitled action.

6-19-01

Date

By: SE

Trial Court Administrator / Clerk / Notary



Michael Hamersly
3111 SE Concord
Milwaukie, OR 97267

December 7, 2001.

Re: Application # MLP-01-03 - 2540 Lark Street - Tax Lots 21E1BB 2401 and 2403

Dear Mr. Hamersly:

It has come to the attention of the City that the existing residence at 2540 Lark Street has been converted into four dwelling units. You may have received notice of this from the City's Code Enforcement Division. This issue was not identified in the material you provided for application MLP-01-03. The City does not have record of approval to convert this residence into four dwelling units. The existing zoning for the property does not allow this number of dwelling units. In order to proceed with your minor land partition, this issue will need to be addressed. Based on the area of the new lots, once you record the final plat, one single-family residence would be the maximum permitted on each lot.

If you wish to proceed with recording the final plan for MLP-01-03, it will be necessary to convert the existing building back to a single-family residence. It will be necessary to submit a building permit to correct existing code violations and remove all but one kitchen facility.

If you decide not to proceed with the minor land partition, you will still need to correct the number of dwelling units on the property. A four-plex is not permitted in the R-5 Zone. In addition, each dwelling unit is required to have a minimum of 5,000 square feet of lot area. Based on the size of existing Tax Lot 2401, one single-family residence would be the maximum permitted. However, if both tax lots 2401 and 2403 were combined, you could have enough lot area for a duplex, provided you received approval of all necessary building permits and eliminated the additional dwelling units. If you decide to go this route, it could be accomplished by consolidating the two tax lots.

Please contact me so we can discuss how you plan to proceed. If you need any additional information, please feel free to call me at (503) 786-7653.

Sincerely,

Kenneth Kent
Associate Planner

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

Chapter 19.800**NONCONFORMING USES****Sections:**

- 19.801** Continuation of a nonconforming structure.
- 19.802** Continuation of a nonconforming use.
- 19.803** Discontinuance of nonconforming use.
- 19.804** Improvement of certain nonconforming uses.
- 19.805** Change of nonconforming structure.
- 19.806** Change of nonconforming use.
- 19.807** Destruction of nonconforming structure or use.
- 19.808** Completion of structure.
- 19.809** Determination of nonconforming situations.

19.801 Continuation of a nonconforming structure.

Subject to the provisions of this section, a nonconforming structure may be continued and maintained in a reasonable repair, but shall not be altered or extended unless such alteration or extension is approved by the community development director per subsection 19.1011.2, Type II Administrative Review. A decision will be rendered based upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure. (Ord. 1712 (part), 1991)

19.802 Continuation of a nonconforming use.

A nonconforming use may be continued, but shall not be altered unless such alteration is approved by the planning commission after a public hearing in accordance with subsection 19.1011.3, Minor Quasi-Judicial Review, upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing use. A nonconforming use that is limited to a portion of a property may not be relocated to a different portion of the property on which it is located or to any other property. (Ord. 1907 (Attach. A), 2002; Ord. 1712 (part), 1991)

19.803 Discontinuance of nonconforming use.

19.803.1 Nonconforming Use Involving a Structure. If a nonconforming use involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter.

19.803.2 Nonconforming Use Not Involving a Structure. If a nonconforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this chapter. (Ord. 1712 (part), 1991)

19.804 Improvement of certain nonconforming uses.

A use which is nonconforming with respect to provision for screening shall provide screening within a period of five (5) years from the effective date of Ordinance 1438 (November 5, 1979). (Ord. 1712 (part), 1991)

Inspectors shut down house — and one family spends homeless Christmas

□ One set of tenants in an allegedly dangerous four-plex praises Milwaukie's handling of a possible code-violation crisis — but the resident who notified the city isn't so happy

By David Stroup

dstroup@clackamasreview.com



Campbell

MILWAUKIE — A holiday miracle for one resident of an allegedly illegal Milwaukie four-plex turned into a holiday nightmare for another — as the city scrambled to deal with a building officials say was too dangerous to be occupied.

Milwaukie Code Compliance Coordinator Steve Campbell says officials were tipped to the building — located on the 2500 block of Southeast Lark — by a call from a resident. What they say they found was a single-family home converted to a four-plex, with problems that extended to the building's apparently jerry-rigged plumbing and electrical connections. "Everything without permits," Campbell said. "We don't have records of permits for anything."

The owner of the property, Mike Hamersly, said the home was

➔ Turn to Housing shutdown, page A5



Photo by DAVID STROUP

Milwaukie's housing team (left to right): electrical inspector Dick Kelly, Matt Gilbert of the Milwaukie Police Department (standing), city planner Kenneth Kent (seated), Terry Whitehill (standing), code enforcer Steve Campbell and Deputy Fire Marshal Tony Cordie.

12/12/2001 15:46 LAW OFFICES 503 223 3511 → 5036524433

NO. 072 003

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

NOTICE AND ORDER - DANGEROUS BUILDING

A. BUILDING OFFICIAL'S FINDING - Please be advised that the City of Milwaukee Building official has determined that the edifice described below is a DANGEROUS BUILDING that may be subject to forced repair, vacation, or demolition:

Street Address

2540 SE Laak

Legal Description

TAX LOT 21E01B02401

B. DANGEROUS CONDITIONS: The building official has determined that said building is dangerous according to Section 302 of the Uniform Building Code due to the existence of the following CONDITIONS:

- 1) Elect - see attachment 6)
- 2) Plumbing - see attachment 7)
- 3) Mech - see attachment 8)
- 4) Structural - see attachment 9)
- 5) Fire - see attachment 10)

NOTICE AND ORDER - DANGEROUS BUILDING

**CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON**

C. REQUIRED ACTION

The Building Official has determined that the building described in Part A (above)

MUST be:

(Checked items only)

☒ **VACATED**

- All occupants must vacate the building by the following date, which the Building Official has determined to be reasonable under the circumstances: unsafe building + installations

In accordance with this order, a Notice to Vacate has been posted on the affected property.

- The vacation of this building is required due to the following emergencies:

Electrical, Plumbing, mechanical, building deficiencies

- The above emergencies exist because of the following conditions:

No permits or inspections -
Deterioration + no upkeep of property

☐ **REPAIRED**

- Repairs must be commenced and completed by the following dates, which the Building Official has determined to be reasonable under the circumstances:

Commencement date _____
Completion date _____

- All required permits must be obtained before the date of the commencement of repairs.

Repairs must be executed in compliance with the Oregon Building Code.

☐ **DEMOLISHED**

- All occupants must vacate the building by the following date (not removed by more than 60 days from the date of this order), which the Building Official has determined to be reasonable under the circumstances: _____
- All required permits for demolition must be obtained within 60 days from the date of this Notice and Order

NOTICE: Notwithstanding any other provision of this Notice and Order, the building identified in Part A may be demolished at the building owner's discretion.

NOTICE AND ORDER - DANGEROUS BUILDING

2

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

D. CONSEQUENCES OF NONCOMPLIANCE WITH PART C.

If any of the above-required repair or demolition work is not commenced by the specified dates (see Part C., above), the building official may:

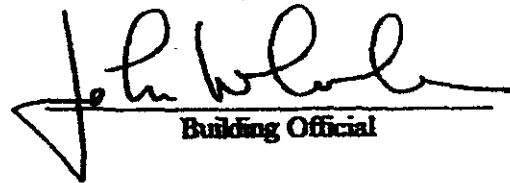
- Commence the repair or demolition work, AND
- Charge its costs against the property or its owner.

E. RIGHT OF ADMINISTRATIVE APPEAL

Any person having a record title or legal interest in the building, identified in Part A above, may appeal this Notice and Order or any other action of the building official to the board of appeals, provided that the appeal is made in writing as provided in the Uniform Building Code and filed with the building official within 30 days from the date of service of the Notice and Order.

NOTICE: Failure to appear at your appeal will constitute a waiver of all right to an administrative hearing and determination of this matter.

Dated this 11 day of December 2001.


Building Official

NOTICE AND ORDER - DANGEROUS BUILDING

3

ELECTRICAL INSPECTION REPORT

CLACKAMAS COUNTY
BUILDING CODES DIVISION

Phone: (503) 353-4400

9101 SE Sunnybrook Blvd.
Clackamas, OR 97015PERMIT NO. E-NoneDATE/TIME RECEIVED: 12-7-01INSPECTION TO BE MADE:
MON. TUE. WED. THU. FRI A.M. P.M.

CONTRACTOR/OWNER _____ REC. BY _____ C-A-P _____

PHONE NUMBER: _____ BLDG. PERMIT _____

LOCATION: 2540 S.E. LARK ST.; MILWAUKIE, OR.

TYPE OF INSPECTION	APPROVED	APPROVED WITH CORRECTIONS REINSPECTIONS NOT REQUIRED	NOT APPROVED CALL FOR REINSPECTION
TEMPORARY SERVICE	☐	☐	☐
SERVICE	☐	☐	☐
ROUGH-IN/COVER	☐	☐	☐
FINAL	☐	☐	☐
MOBILE HOME SERVICE	☐	☐	☐
MOBILE HOME FEEDER	☐	☐	☐
OTHER	☐	☐	☐

SPECIAL INSPECTION (SEE BELOW FOR COMMENTS OR CORRECTIONS)

INSPECTOR DEK KELLY DATE 12-7-01 TIME 9:00 A.M.

COMMENTS / CORRECTIONS

NOTE: THIS STRUCTURE IS NOW BEING USED AS A 4-PLEX, WITH 4 SEPARATE ELECTRICAL METERS.NOTE: CODE REFERENCES ARE FROM THE 1999 NEC; CORRECTIONS NOTED WOULD HAVE A PPLH THE FOLLOWING ELECTRICAL SAFETY HAZARDS WERE OBSERVED DURING AN INSPECTION COMPLETED ON 12-7-01:A. UNIT #1

1. ELECTRICAL BOX MISSING BEHIND FRONT PORCH LIGHT. ART. 300-15(a) N.E.
2. UNGROUNDED OUTLETS REPLACED WITH GROUNDED TYPE. ART. 210-7(a) N.E.
3. LOCATION OF THIS UNIT'S ELECTRICAL PANEL COULD NOT BE DETERMINED. PROPER SERVICE GROUNDING AND PROPER CIRCUITRY OF

OR INSPECTION, PLEASE CALL (503) 353-4720 THIS UNIT COULD NOT BE DETERMINED, NOTE: Approval is subject to obtaining other required inspections.NOT RE: PORTABLE HEATERS ARE BEING USED AS MAIN HEAT SOURCE. CCP-PW04 (Rev. 8/00)

ELECTRICAL INSPECTION REPORT

CLACKAMAS COUNTY
BUILDING CODES DIVISION

Phone: (503) 353-4400

9101 SE Sunnybrook Blvd.
Clackamas, OR 97015PERMIT NO. E- NONEDATE/TIME RECEIVED: 12-7-01INSPECTION TO BE MADE:
MON. TUE. WED. THU. FRI A.M. P.M.

CONTRACTOR/OWNER _____ REC. BY _____ C-A-P _____

PHONE NUMBER: _____ BLDG. PERMIT _____

LOCATION: 2540 S.E. LARK STREET, MILWAUKEE, OR,

TYPE OF INSPECTION	APPROVED	APPROVED WITH CORRECTIONS REINSPECTIONS NOT REQUIRED	NOT APPROVED CALL FOR REINSPECTION
TEMPORARY SERVICE	☐	☐	☐
SERVICE	☐	☐	☐
ROUGH-IN/COVER	☐	☐	☐
FINAL	☐	☐	☐
MOBILE HOME SERVICE	☐	☐	☐
MOBILE HOME FEEDER	☐	☐	☐
OTHER	☐	☐	☐

SPECIAL INSPECTION (SEE BELOW FOR COMMENTS OR CORRECTIONS)

INSPECTOR DICK KELLY DATE 12-7-01 TIME 9:00 A.M.

COMMENTS / CORRECTIONS

B. UNIT #2

1. UNGROUNDED OUTLETS REPLACED WITH GROUNDED TYPE, ART. 210-7(d) NEC,
2. MICROWAVE RATED 1650 WATTS MUST BE ON A SEPARATE CIRCUIT, ART. 210-23(a) NEC,
3. SMALL APPLIANCE CIRCUITRY IN KITCHEN MUST BE PER ART. 210 NEC
4. EXTENSION CORDS CANNOT BE USED AS A PERMANENT WIRING METHOD. ART. 400-8 NEC,

C. UNIT #3

1. KITCHEN OUTLETS TEST / INCORRECT POLARITY, ART 200-11, NEC
2. UNGROUNDED OUTLETS REPLACED WITH GROUNDED TYPE, ART. 210-7(d) NEC

FOR INSPECTION, PLEASE CALL (503) 353-4720

NOTE: Approval is subject to obtaining other required inspections.

ELECTRICAL INSPECTION REPORT

CLACKAMAS COUNTY
BUILDING CODES DIVISION

Phone: (503) 353-4400

9101 SE Sunnybrook Blvd.
Clackamas, OR 97015PERMIT NO. E-NoneDATE/TIME RECEIVED: 12-7-01INSPECTION TO BE MADE:
MON. TUE. WED. THU. FRI. A.M. P.M.

CONTRACTOR/OWNER _____ REC. BY _____ C-A-P _____

PHONE NUMBER: _____ BLDG. PERMIT _____

LOCATION: 2540 S.E. LARK STREET, MILWAUKIE, OR.

TYPE OF INSPECTION	APPROVED	APPROVED WITH CORRECTIONS REINSPECTIONS NOT REQUIRED	NOT APPROVED CALL FOR REINSPECTION
TEMPORARY SERVICE	☐	☐	☐
SERVICE	☐	☐	☐
ROUGH-IN/COVER	☐	☐	☐
FINAL	☐	☐	☐
MOBILE HOME SERVICE	☐	☐	☐
MOBILE HOME FEEDER	☐	☐	☐
OTHER	☐	☐	☐

SPECIAL INSPECTION (SEE BELOW FOR COMMENTS OR CORRECTIONS)

INSPECTOR DAN KELLY DATE 12-7-01 TIME 9:00 A.M.

COMMENTS / CORRECTIONS

UNIT #3 CONTINUED3. ALL METAL BOXES MUST BE GROUNDED. ART. 370-4 NEC.4. CONDUCTOR SPLICES AT KITCHEN UNDERCOUNTER LIGHT MUST BE
IN A BOX. ART. 300-15(a) NEC.5. VERIFY PROPER WALL HEATER CIRCUITRY, ART. 424-(a,b) NEC.D. UNIT #41. UNGROUNDED OUTLETS REPLACED WITH GROUNDED TYPE. ART. 210-7(d) NEC.2. VERIFY PROPER CIRCUITRY FOR PLUG-IN TYPE SPACE HEATERS.

FOR INSPECTION, PLEASE CALL (503) 353-4720

NOTE: Approval is subject to obtaining other required inspections.

ELECTRICAL INSPECTION REPORT

CLACKAMAS COUNTY
BUILDING CODES DIVISION

Phone: (503) 353-4400

9101 SE Sunnybrook Blvd.
Clackamas, OR 97015PERMIT NO. E- NONEDATE/TIME RECEIVED: 12-7-01INSPECTION TO BE MADE:
MON. TUE. WED. THU. FRI. A.M. P.M.

CONTRACTOR/OWNER _____ REC. BY _____ C-A-P _____

PHONE NUMBER: _____ BLDG. PERMIT _____

LOCATION: 2540 S.E. LARK ST., MILWAUKIE, OR

TYPE OF INSPECTION	APPROVED	APPROVED WITH CORRECTIONS REINSPECTIONS NOT REQUIRED	NOT APPROVED CALL FOR REINSPECTION
TEMPORARY SERVICE	☐	☐	☐
SERVICE	☐	☐	☐
ROUGH-IN/COVER	☐	☐	☐
FINAL	☐	☐	☐
MOBILE HOME SERVICE	☐	☐	☐
MOBILE HOME FEEDER	☐	☐	☐
OTHER	☐	☐	☐

SPECIAL INSPECTION (SEE BELOW FOR COMMENTS OR CORRECTIONS)

INSPECTOR DICK KELLY DATE 12-7-01 TIME 9:00 A.M.

COMMENTS / CORRECTIONS

G. STORAGE ROOM BY UNIT 31. OPEN BOXES MUST HAVE COVERS, ART. 370-25 NEC.2. PANEL MUST HAVE PROPER CLEARANCES - ART. 110 NEC.

FOR INSPECTION, PLEASE CALL (503) 353-4720

NOTE: Approval is subject to obtaining other required inspections.

ELECTRICAL INSPECTION REPORT

CLACKAMAS COUNTY
BUILDING CODES DIVISION

Phone: (503) 353-4400

9101 SE Sunnybrook Blvd.
Clackamas, OR 97015PERMIT NO. E- NONEDATE/TIME RECEIVED: 12-7-01INSPECTION TO BE MADE:
MON. TUE. WED. THU. FRI. A.M. P.M.

CONTRACTOR/OWNER _____ REC. BY _____ C-A-P _____

PHONE NUMBER: _____ BLDG. PERMIT _____

LOCATION: 2540 S.E. LARK STREET, MILWAUKIE, OR.

TYPE OF INSPECTION	APPROVED	APPROVED WITH CORRECTIONS REINSPECTIONS NOT REQUIRED	NOT APPROVED CALL FOR REINSPECTION
TEMPORARY SERVICE	☐	☐	☐
SERVICE	☐	☐	☐
ROUGH-IN/COVER	☐	☐	☐
FINAL	☐	☐	☐
MOBILE HOME SERVICE	☐	☐	☐
MOBILE HOME FEEDER	☐	☐	☐
OTHER	☐	☐	☐

SPECIAL INSPECTION (SEE BELOW FOR COMMENTS OR CORRECTIONS)

INSPECTOR DICK KELLY DATE 12-7-01 TIME 9:00A.M.

COMMENTS / CORRECTIONS

E. LAUNDRY ROOM.

1. PANEL COVER MISSING.
2. ROMEX TYPE CABLES MUST BE STRAPPED PER ART. 336. NEC.
3. ELECTRICAL INSTALLATION COMPLETED WITHOUT PERMITS OR INSPECTION
ORS 479.550

F. EXTERIOR

1. NEW GRADE LEVEL OUTLET INSTALLED MUST BE G.F.C.T. PROTECTED.
ART. 210 NEC
2. EXTERIOR BOX ON WEST SIDE OF BUILDING MUST HAVE A COVER ART. 370
3. PANEL ON EAST SIDE OF BUILDING MUST HAVE PROPER CLEARANCES IN
FRONT. ART. 110 NEC.

FOR INSPECTION, PLEASE CALL (503) 353-4720

NOTE: Approval is subject to obtaining other required inspections.

**Clackamas County
Fire District #1 Fire
Prevention Division**

Memo

To: Steve Campbell
From: Tony Cordie, Deputy Fire Marshal
CC: Norm Whitely, Fire Marshal
Date: 12-7-01
Re: Inspection of 2540 SE Lark Street

On December 7, 2001, I was requested to accompany the code compliance officer and building official for the City of Milwaukie, for an inspection at a possible four plex at 2540 SE Lark Street in Milwaukie. The following are the possible violations that I found during this inspection:

- The exterior of the building had exposed and uncovered electrical boxes with exposed wires, and an electrical panel in close proximity to a gas meter. Posing both safety and fire hazard.
- The garage had open and uncovered electrical boxes with exposed wires causing a fire hazard.
- Utility room had a uncovered electrical panel, standing water on the floor, a melted plug connected to a dryer and storage under an unprotected stairway, posing a significant fire hazard to all occupants.
- In apartments, #4 and #2 there were gas heaters, which were unlisted, and looked to be improperly installed to mechanical code. The heaters were also placed on carpet posing a significant fire hazard.

In my professional opinion I feel that this building has many fire hazards which would threaten the safety of any person in or near this building.

Respectfully submitted

Tony Cordie

Deputy Fire Marshal

Clackamas County Fire District #1

SUBSTANDARD BUILDING DO NOT OCCUPY

2540 SE Lark

**It is a misdemeanor to occupy this building, or to remove or
deface this notice.**

**Structural Safety Division
City of Milwaukie**

Tracking No. SW - 01-020

Building Official



Attorneys at Law

Larry J. Blake, Jr.*
Geordie Duckler, Ph.D.**
Steve J. Rutherford, Of Counsel

* Also admitted in Minnesota & Washington
** Also admitted in California

Jon F. Strock
Attorney at Law
725 Portland Ave.
Gladstone OR 97027

July 30, 2002

CLIENT'S COPY

Re: City of Milwaukie v. Michael Hamersly

Dear Jon:

This letter is in reference to the above-entitled matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to talk to Steve Campbell and myself the other day. Pursuant to our discussion, it appears that it is appropriate that your client be cited at this time. Just because your client is cited, does not mean that an informal resolution is not possible.

I am asking Steve Campbell to review the possibility of citing your client for all the numerous violations at the discussed location. These violations would include electrical, plumbing and mechanical issues as well as the type of structure and its present and past use.

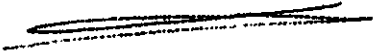
I anticipate there being a total of six (6) violations per day starting December 14, 2001 and continuing until the present. Of course, some of the violations may decrease if the renters have moved out of the property.

All the City wants from your client is to come into conformance with the City Code. It is my understanding that the property is currently listed as a single family dwelling, but there is a possibility that your client may increase that to a triplex if he follows the guidelines and rules to do so.

Please be advised that your client must get all applicable City, County and State authorizations prior to working or modifying on the property so as to ensure the safety of the neighborhood.

If you have any questions, do not hesitate in contacting my office.

Very truly yours,


Larry J. Blake, Jr.
City Prosecutor

LJB/le
cc: Steve Campbell
Jon Henricksen

Blake & Duckler, L.L.P.
Attorneys at Law

Att. 19

Larry J. Blake, Jr.*
Geordie Duckler, Ph.D.**
Steve J. Rutherford, Of Counsel

* Also admitted in Minnesota & Washington
** Also admitted in California

CLIENT'S COPY

Jon Henricksen
725 Portland Avenue
Gladstone OR 97027

August 9, 2002

Re: City of Milwaukie v. Michael Hamersly

Dear Jon:

This letter is in reference to the above-entitled matter and my representation of the City of Milwaukie. Thank you for taking the opportunity to discuss this case with me on August 8, 2002. Pursuant to our telephone conversation, I contacted Steve Campbell, who informed me that he would turn the water on to your client's property.

Of course, by the City turning the water back on to the property does not in any way give permission to your client to either work on the property or have tenants reside in the property without appropriate documentation, review and permits.

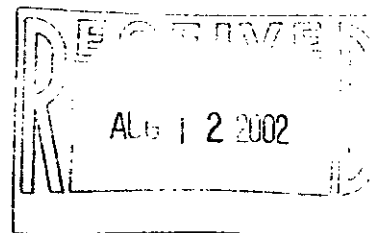
As we discussed, the City of Milwaukie is only interested in your client's compliance with applicable codes. The City is more than ready and willing to work with your client to assure the appropriate use of the building for the safety of the citizens in Milwaukie as well as his tenants.

If you client is interested in an informal resolution, please feel free to contact my office. Otherwise, it appears as if your client will be receiving several citations in the near future and this matter will be resolved by the Courts. Of course, I do not believe that would be in your client's best interest based upon his litigation costs as well as exposure to substantial fines.

Very truly yours,

Larry J. Blake, Jr.
City Prosecutor

LJB/le
cc: Steve Campbell



11825 SW Greenburg Rd., Suite A3

Tigard, OR 97223-6460

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

January 16, 2003

Mr. Michael Hamersly
2335 NW 145th Ave.
Beaverton, OR 97006

Re: 2540 S.E. Lark Street

Dear Michael,

I had a meeting Wednesday afternoon with Ken Kent, Planning, City of Milwaukie, as a follow up to our conversation.

He again noted that we could proceed with three units at this time with a "Grandfather" allowance. He agreed with me that it would take the removal of the Kitchen to make it a storage unit. He further noted that you would have to have full drawings for the structure.

I asked about the potential of completing the three while we were questioning number four. His comment was that they would not proceed until the forth unit issue was resolved. What is at issue, the City code only allows the non-occupancy of a non-conforming use to remain vacant for six months before losing its non-conforming status. The time line is not running now as there is a conflict with the code, but as soon as that is resolved the six-month issue starts.

From my discussions with staff, I am quite convinced that they will only go for the three units. Ken acknowledged that they recognized the letter from PGE, but their sewer records and Tax records state something else. What I was told, the sewer noted multi-family with no unit count, and we all know the tax records note "3 units". The challenge would be to us to prove that there were four units.

To be able to appeal to the Planning Commission, we will first have to request a Planning Director's Determination, which is done with a letter and a \$50.00 check to the "City of Milwaukie". I have enclosed the requirements for information that needs to be attached to the request. We already have most of this information, but I haven't a clue about tax records, businesses licenses and such. You may want to check the Polk Directory and see how many telephones they had at that address, or if you would like I can check it out.

After the Director makes his determination, we could appeal to the Planning Commission. That would be a public hearing where we would present our case to the Planning Commission and they would make a determination. The down side of that is that they have noted that you would not be able to proceed with the three until this appeal process is completed. This could kill you with time as they have 120 days to respond to your request, but usually this goes much quicker, and the appeal requires public notice before the hearing. I would speculate that we could be looking at up to six months (Plus or Minus), with no guarantee that the planning commission would rule in our favor.

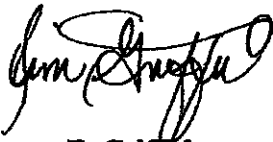
Your option is to go with the three and re-occupy. This will require full plans and the layout of a site plan as we will need to show the City where everyone is going to park as I have a feeling that they will look at current requirements for the parking and setbacks and possibly landscaping.

I asked about the other (upper) lot and Ken mentioned that the second lot has some problem in that he did not think it was listed as a legal unit, and that is why you were in the partitioning process. I hope that means something to you as I am in the dark about that issue. I would suggest we see if we can fit everything on the one lot and after the dust settles, look at the other lot to sell, if they would allow it to be developed. They may insist that it is part of the "Same ownership" with the tri-plex (Four-plex) and therefore cannot be developed under the same ownership.

Michael, you need to think this through and I will be more than happy to discuss the options with you too. However, you know the financial implication of all of this and I do not! Maybe we could go with three at a higher rent and sell off the upper lot. I don't know if that is feasible or not, but its an idea. You know the legal status of the upper lot.

I await your reply and direction.

Sincerely

A handwritten signature in black ink, appearing to read "James E. Griffith". The signature is fluid and cursive, with a large, stylized "J" and "G".

James E. Griffith,
President

JIM GRIFFITH & ASSOCIATES, INC.

LAND / BUILDING USE STRATEGIES

11825 SW Greenburg Rd., Suite A3

Tigard, OR 97223-6460

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

Att.

22

February 25, 2003

Mr. Kenneth Kent, Associate Planner
Community Planning Department
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: Directors Interpretation for
2540 S.E. Lark Street

Dear Mr. Kent,

At your request, we are requesting a Planning Director's Determination for determining the allowable number of Dwelling units at 2540 S.E. Lark Street. I recognize that Mr. John Gessner, Planning Director, will need to make the determination, but you are familiar with this situation so I am sending this to you to forward to Mr. Gessner.

Enclosed is the filing fee and information requested in making this determination. Should there be a need for additional information, please contact my office.

Thank you for your assistance and consideration in resolving this situation.

Sincerely



James E. Griffith,
President

Cc. Michael Hamersly, Owner

RECEIVED

MAR 03 2003

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

APPLICATION STATEMENT**For a****Planning Director's Determination****Concerning the Structure at****2540 S.E. Lark Street**

Request: The owner is respectfully requesting that a determination be made to allow him to continue to maintain and occupy this structure as a four-plex.

Discussion: The City staff has determined that the structure located at 2540 S.E. Lark Street, should be classified as a tri-plex. However, the current owner purchased this property in 1997 as a four-plex as did the previous owner and as best we can determine, this structure has been a four-plex for many years and thus would like you to consider the following information. Please be assured that the current owner has already corrected noted violations in the electrical system, with benefit of permit (copy attached), and resolved the Fire Marshal's concern with the natural gas on site, and is very willing to eliminate any substandard situation and upgrade the existing structure to assure the tenants and the City that it is a safe, sound and sanitary structure.

In light of the fact this structure was constructed prior to the adoption of the Building Codes and prior to the requirements for permits, there were no original permits to be found. The City planning staff informed us that the structure was constructed in 1936. The State of Oregon adopted the State wide building code with Senate Bill 73 in 1973. Therefore this structure as well as many others in this area was constructed without the benefits of the guidelines provided by the construction codes. This makes it a pre-existing structure that is now non-conforming.

We were informed by Clackamas County planning staff that there was no zoning in this area until into the 1970's. They noted that the County adopted zoning in the 1960's, but there was no classification for this specific area until into the 1970's and I would speculate that the zoning was put in place when it was annexed into the City of Milwaukie, and most likely, do to its area, was classified as residential, and most likely single-family residential. All this makes this a pre-existing non-conforming use.

Other findings that are applicable to this request; According to Paul W. in the City of Milwaukie Engineering Department, this site was connected to the City sewer system in November 1974. He further noted that the City required a 6" connecting sewer line, which would have only been required with multiple dwelling units as a single-family

dwelling only required a 4" connecting sewer line. The records did not identify the number of units at that time.

Att. 23.1

Another factor is that PGE has noted in the attached letter that service was provided to this address in 1964. As the home was constructed in 1936, I am confident that the original structure had electricity, which would lead me to conclude that there were additional services added in 1964. The letter goes on to note that their records note that "We do show that we did at one time have active service at 2540 SE Lark St. 1,2,3,4 and a utility room. However, we are unable to access any records at this time for all accounts other than the address listed above." From follow up discussions, PGE noted that they verify installation dates from the numbers on the meters and in this case the City had the meters removed prior to PGE follow-up on what numbers were installed at that site. The meters were placed in the warehouse with all the rest; therefore, they were unable to specifically identify which units were placed at that address. We also have a letter (Attached) from Industrial Commercial Electric Company who notes that the installation appears to be vintage 1960+/-.

One inspector noted that the electrical meters were installed in a manner that would not be allowed today. The attached photo shows the meter installation. My comment would be that I agree that the current standards and Electric Code most likely would not allow that installation in that manner, but I have been told that it looked fine for an installation in 1964, when PGE noted that services were installed. Another factor to consider is that the tenant complaint was that the structure was "underpowered" and that fuses blew quite frequently. This again would be indicative to a structure wired before the days of all the electrical convenience items. I can recall houses built in the 1950's that only had one outlet in a bedroom and a couple in the living areas. Services were allowed with 50 amps, where now days the majority of dwellings are at 200 amps and some even at 320 amps of service. Again, this low amp level would be indicative of a 1964 era or before structure.

I too, like the inspectors noted issues that would not be allowed with today's construction, however, as the City pointed out, this structure was constructed in 1936 with only market fed standards, and no permits or codes to follow. This is very typical in pre-existing non-conforming uses, and this is why the State Building Codes Division has noted that structures that were constructed prior to regulations can continue as long as they are maintained in a safe, sound, and sanitary manner. As noted earlier in this report, the owner is willing to make modifications to assure this is a safe place for his tenants to live. For example, there is one bedroom that needs an escape window. The owner is in the process of obtaining permits to upgrade the three staff recognized units and would like to proceed through a process to make the needed improvements as soon as possible. He hopefully can also upgrade the other unit as soon as possible. He further recognizes that this is a structure build in 1936, and thus cannot achieve new residential status. However, with fire separations can achieve a high degree of Fire and Life safety for the occupants.

One of the reports noted that there has been construction work done recently in the back unit. That is correct, there was an interior closet added to the rear bedroom. This, as well as other identified substandard items, needs to be dealt with from a maintenance prospective.

Another point at issue is that the Tax records note that there are three units in the building. This assessment was made in 1977, 1988, and 1991 by the same individual and is the record for today. For anyone that has been there, you are aware that there are four units in the building and they have been that way for a long time, i.e. before permits were required. There are three units noted on the enclosed Tax record, and it states that there are "2 units on main floor & one in basement. This structure has two units on the main floor and two units on the second floor. There is no basement. From the photo on the same tax report, it shows entrances for the second floor via steps and the first floor entrance, the other two entrances are behind the fence. This is also noted by the type and method of construction. For example the fireplace is an original in the two front units. The entrances are individual and appear to this reviewer to be from the same era. It is difficult to envision where the supposed "other" unit was added considering the layout of the units. We have no way of knowing why the Tax Assessor only noted three units. It may well be that they were looking at a primary residence for the owner (The large three bedroom unit), and three rental units, which makes some degree of sense. In other words, the owner's residence and three rental units, which therefore, make a total of four.

Code Section 19.809.1, B. 4, requests information from the Polk directories. The attached written statement from the Multnomah County Central Library notes that there were no records from the Milwaukie area from the 1970's and that their records for Milwaukie do not start until into the late 1980's when the Cole's started the reverse directories. (Copy attached). The current owner purchased the units in

The existing structure provided four affordable dwelling units, as they have for some time. It's interesting to consider that if the site were divided into two lots, the existing structure could be removed and four dwelling units constructed. Two primary dwelling units could be constructed and each with a "granny flat" or accessory dwelling unit. It is recognized that all four could not be rental units, I only mention this as a density concept, not that it is being considered.

The owner has already removed the gas service from the structure, which was a concern of the Fire Marshal's Office Inspector and added new electrical heaters, with benefit of permit, and upgraded the electrical services to the units. There is adequate space available to achieve on-site parking, and to meet other required zoning regulations as a pre-existing non-conforming structure.

The owner is very interested in re-occupying this structure as soon as possible. We feel that the structure is now and has been for a long time a four-unit apartment structure, and there are many indications that they were there long before the codes were adopted, and records kept. As a pre-existing non-conforming structure, we agree that it needs to be maintained as a safe, sound and sanitary residence, and that work needs to be done. However, we are also aware, according to previous owners, that these four units have been utilized for many years as economical living spaces with no complaints from the neighbors. In other words, the owners and tenants have been good neighbors until one tenant complained. Now all four are closed.

We feel that the information that we have provided is proof that the structure was in place as a four unit apartment structure, at least back until 1964 when electrical service was installed to units 1,2,3,4, and utility room. There may well have been four units prior to that date with all units on one meter prior to the installation in 1964 but again, however, no records were available. As zoning was not adopted until after this date, and the construction codes not adopted until 1973, this makes this a classic pre-existing non-conforming structure, with four units.

227.178 Final action on certain applications required within 120 days; procedure; exceptions; refund of fees. (1) Except as provided in subsections (3) and (4) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section upon receipt by the governing body or its designee of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of subsection (1) of this section on the 31st day after the governing body first received the application.

(3) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(4) The 120-day period set in subsection (1) of this section may be extended for a reasonable period of time at the request of the applicant.

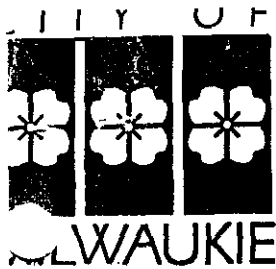
(5) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

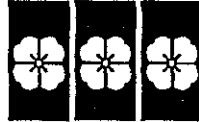
(b) Unless the parties have agreed to mediation as described in ORS 197.318 (2)(b).

(6) Notwithstanding subsection (5) of this section, the 120-day period set in subsection (1) of this section does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (1).

(7) Except when an applicant requests an extension under subsection (4) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (8) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant



CITY OF MILWAUKIE



Att. 24.1

RECEIVED

APR 29 2005

Marcia Hamley
Office Assistant

Request to Inspect Public Records

CITY OF MILWAUKIE
PLANNING DEPARTMENT

COMMUNITY DEVELOPMENT
S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

JOHN GESSNER
son in charge of record and department)

PHONE: (503) 786-7656
FAX: (503) 774-8236
mleym@ci.milwaukie.or.us

requester (please print): ROY GRADIN
address: 210 JEFFERSON ST. OREGON CITY OR 97045

Phone Numbers: (541) 990-0107 - MOBILE

Pursuant to ORS 192.410 – 192.505, I request inspection of the following records in your office:

- 1) ALL 2003 DIRECTOR DETERMINATION APPLICATIONS. (LETTERS OF FORM)
- 2) ALL RESPONSES TO EACH REQUEST FOR DIRECTOR DETERMINATION IN 2003.
- 3) ALL 2003 DIRECTOR DETERMINATIONS: UPON DECISION.

* ALL I NEED IS REQUEST FOR DETERMINATIONS FOR 2003, AND THE OFFICIAL RESPONSE, OR DETERMINATION WHICH WAS MADE FOR EACH REQUEST.

- I WILL PICK UP AT CITY OFFICE WHEN INFORMATION IS READY. - THANKS

Red

By signing this form you understand the following:

The City shall respond to all public document requests within seven business days or sooner, or within seven business days, explain why more time is needed for a full response. If any material contained in this request is exempt from disclosure, I understand the City of Milwaukie will provide the name of the document and the reason for the exemption. There may be a minimum fee assessed to the records search.

Signature: [Signature]

Today's Date: 4/29/05

RECEIVED

MAY 03 2005

CITY OF MILWAUKIE
PLANNING DEPARTMENT

For Office Use Only:

Invoice #: _____ Reference #: _____

Amount Due: \$ 53.40

Completed Date: 5/3/05

By: [Signature]



January 8, 2003

Mr. Brian Marshall
Day Wireless Sites & Systems Development Manager
4620 SE International Way
Milwaukie, OR 97222

Dear Mr. Marshall:

This letter is in response to your request for an interpretation as to whether previously granted land use and building permit approvals are "grandfathered" under regulations in effect at the time those approvals were made. Your request was made under Milwaukie Zoning Ordinance 19.1001.4-Planning Director's Interpretations.

Please be advised that it has been determined that the project is grandfathered but with limitations. Site development may proceed under the approved building permits provided that work is substantially completed by August 30, 2003. This determination is based on the following:

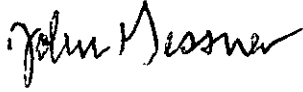
1. Vested rights are treated similar to legal non-conforming rights. A non-conforming situation means that some condition that previously complied with applicable regulations does not meet present regulations due to a change in the regulations. Nonconforming situations are governed under Milwaukie Zoning Ordinance 800-Nonconforming Uses. The Day Wireless project conforms to regulations in effect at the time of permit issuance, but does not conform to water resource setback requirements in effect following issuance of the permits.
2. Milwaukie Zoning Ordinance Section 808 protects approved building permits from code changes provided the building is completed and in use within two years of the time the permit is issued.
3. Building permit #01-212 was issued on August 30, 2001. Accordingly, all work must be completed by August 30, 2003 in order to be protected from water resource setback requirements in accordance with Zoning Ordinance Section 808.

This determination may be appealed to the Planning Commission by filing an appeal with this office no later than January 22, 2003. Further information about the appeal

Mr. Brian Marshall
January 8, 2003
Page 2 of 2

process, including fees may be obtained on request. Please do hesitate to contact me at 503-786-7652 should you have any questions or comments.

Sincerely,



John Gessner
Planning Director

cc: Planning Commission
Planning Staff
Gary Firestone, City Attorney
Bonnie Lanz, Permit Specialist
Tom Larsen, Building Official
Alice Rouyer, Community Development & Public Works Director
Building Permit File 01-212

Perkins
Coie

Susan B. Cude
PHONE: 503.727.2029
EMAIL: SCUDE@perkinscoie.com

RECEIVED
JAN 17 2003
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

1211 S.W. Fifth Avenue, Suite 1500
Portland, OR 97204-3715
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

January 16, 2003

Planning Director
City of Milwaukie
6101 S. E. Johnson Creek Boulevard
Milwaukie, OR 97206

**Re: Director's Determination for Property Located at 1904 S. E.
Ochoco, Milwaukie, Oregon, 97222**

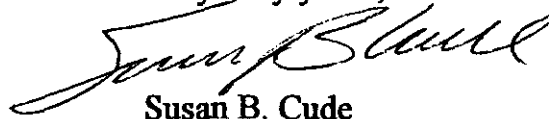
Dear Planning Director:

Enclosed with this letter please find a check in the amount of \$50.00 to obtain a zoning determination for the above-referenced property, which is currently zoned Manufacturing Zone M. Pursuant to the Milwaukie City Code Regulations included in 19.1001.4, a zoning confirmation letter/determination may be obtained for this site from the Planning Director.

The existing use for this building is office space and storage of electrical and automatic door materials and supplies. The building is 23,740 square feet in size, with 15,551 of it being used as office space and 15,791 as warehouse space with associated parking. Therefore, the industrial use portion of the building is greater than the required minimum of 25 percent and would be consistent with the uses allowed in the Manufacturing M Zone. The current use was lawfully in existence prior to May 6th, 1999 and accordingly would be a preexisting use prior to adoption of the City of Milwaukie's Comprehensive Plan Title 4 Lands Map.

Please let us know if you require any further information in order to complete your determination for this request.

Very truly yours,



Susan B. Cude

cc: Neal Rea

[40477-0001/PA030150.057]



January 28, 2003

Ms. Susan B. Cude
Perkins Coie
1211 S.W. Fifth Avenue, Suite 1500
Portland, OR 97204-2000

Re: Director's Interpretation for 1904 S.E. Ochoco Street

Dear Ms. Cude:

This letter is in response to your January 16, 2003 request for an interpretation whether the existing use at 1904 S.E. Ochoco is consistent with use restrictions of Milwaukie Zoning Ordinance Section 314 Manufacturing Zone. We are familiar with the present tenant, Stoner Electric, from meetings conducted in the fall of 1999 with representatives of Specht Development and Stoner Electric for the purpose of reviewing zoning and other issues prior to Stoner taking occupancy of the building. Stoner Electric demonstrated compliance with industrial use requirements of Zoning Ordinance 314.1 prior to issuance of building permits for site improvements.

Based on the information provided in your January 16, 2003 letter, I have determined that the present use complies with the Manufacturing Zone. Section 314.1(A) allows any combination of manufacturing, office, and commercial uses providing 25% of the project involves an industrial use as defined in 314.1(B). The 25% industrial use requirement of 314.1(B) is satisfied by warehousing of electrical parts and other equipment as detailed in your January 16, 2003 letter¹.

This determination has been made in accordance with Zoning Ordinance 1001.4 and may be appealed to the Milwaukie Planning Commission. An appeal must be filed with this office no later than fourteen days of the date of this letter. Please contact me at 503-786-7652 for further information regarding the appeal process and fee if needed.

Sincerely,

John Gessner
Planning Director

cc: Planning Commission
Address File
Planning Staff

¹ On January 28, 2003 you corrected floor areas described in your January 16, 2003 letter by telephone as follows: total floor area is 31,342 square feet; warehousing is 15,791 square feet or 50% of total.

COMMUNITY DEVELOPMENT DEPARTMENT

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February 5, 2003

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FEB 06 2003

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Ms. Julie Sabin, Associate Planner
Community Development
City of Milwaukie
6101 SE Johnson Creek Boulevard
Milwaukie, Oregon 97206

Dear Julie:

Subject: Letter Requesting Director Interpretation

I think you will agree the business I want to locate in the PS Business Park, at 4120 SE International Way, Suite A-113, Milwaukie, Oregon, meets the Milwaukie Zoning Ordinances Title 19.324 for Business Industrial zone.

I want to open an auto brokerage/sales business, with its only office located at the above address. The concept behind my business is :

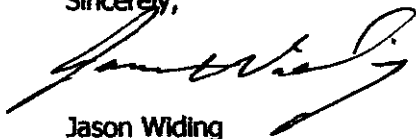
- I solicit auto buyers using mailers, the telephone, and my company website.
- Prospective buyers contact me for sales consultations via telephone, internet, or office visit, and tell me their needs/wants for the type of vehicle they want to purchase.
- As an auto broker, I locate, and purchase the buyer's specified vehicle at local auto auctions.
- The buyer picks up their vehicle at my office location, or I deliver it to them.
- In the event a buyer is delayed in picking up their vehicle, I warehouse the vehicle in my office's warehouse.

As you can see, my business concept follows Title 19.324.2.B and C, Uses Permitted Outright. Which are, B. *Business and professional offices, including product design, sales, service, packaging; corporate headquarters or regional offices,* and C. *Warehousing and distribution.*

My needs are a desk, phone line, internet access, and warehouse space, all of which are found at this location. I have received prior approval from the property manager of the PS Business Park to operate this type of business on their property, if approved by the City of Milwaukie. I have enclosed the office floor plan, and have laid out desk locations.

You would not detract from Milwaukie Zoning Ordinance standards of a BI district, listed in Title 19.324.6, by approving my business location in the PS Business Park. I ask for your approval.

Sincerely,



Jason Widing

jw
Enclosure



February 20, 2003

Jason Widing
13590 SW Electric Street
Apartment 18
Beaverton, OR 97005

Re: Planning Director's Interpretation 03-02
4120 SE International Way, Suite A-113

Dear Mr. Widing:

The Planning Director's Interpretation process resolves unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. You have requested zoning approval for an auto brokerage business in the Business Industrial (BI) zone. While sales offices are permitted outright, the warehousing and distribution of automobiles has not traditionally been allowed in the BI zone.

This letter represents a Director's Interpretation regarding whether an auto brokerage business is permitted within the BI zone. You have described your proposed use at the above-described location as being primarily sales communications taking place with an office visit by a client or over the telephone and internet. You have also indicated the automobiles are purchased at auto auctions and if the buyer does not pick the vehicle up immediately, you have an indoor storage space to house the vehicle.

It has been determined the proposed sales use is consistent with the Business Industrial regulations. This determination is based on the following information identified you stated:

- The storage of automobiles on-site would be limited to one vehicle at a time, which would be stored within a leased warehouse space.

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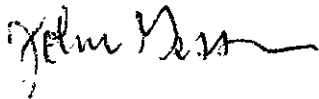
Mr. Jason Widing
February 20, 2003
Page 2 of 2

The temporary keeping of a single vehicle is allowed as it does not amount to vehicle storage. Please be advised that the storage, repair, or service of vehicles is not permitted in the Business Industrial zone.

This determination may be appealed to the Planning Commission. Appeal applications are available at the Planning Department at 6101 SE Johnson Creek Boulevard. The fee for an appeal is \$505.

Please be advised this determination does not address zoning compliance other than the proposed auto brokerage business. Do not hesitate to contact me at 503-786-7664 should you have any questions.

Sincerely,



John Gessner
Planning Director

Cc: Planning Staff
Address File
Planning Commission

D1-03-05

BINGHAM ATT 24.9
McCutchen

Direct Phone: (202) 778-3161
E-Mail: kara.mccabe@bingham.com

December 5, 2003

RECEIVED

DEC 08 2003

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Via FedEx

Keith Jones
Planning Department
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Bingham McCutchen LLP
Suite 800
120 20th Street, NW
Washington, DC
20036-3406

202.778.6150
202.778.6155 fax

bingham.com

Re: **Request for Zoning Verification/Compliance Letter**
5687 SE International Way, 5691 SE International Way, 5695 SE
International Way, 5699 SE International Way (Assessor's Parcel
No. 96924)
Milwaukie, Oregon

Dear Mr. Jones:

This firm represents The Realty Associates Fund VI, L.P., the owner of the above referenced property. The owner is obtaining financing on this property and the lender is requiring a zoning verification letter. Enclosed is our check in the amount of \$50 to cover the cost of obtaining the zoning verification/compliance letter.

I would appreciate two (2) duplicate zoning verification letters from you with regard to the property, specifying the following:

1. the zoning classification of the property;
2. that the property lies within the boundaries of the municipal authority's zoning district;
3. that the present use of the property is a lawfully-permitted use under said classification and that the present occupancy, operation and improvement of the property complies with all applicable zoning codes, rules and regulations of the zoning district;
4. that all governmental permits and approvals necessary for the construction, use, operation and occupancy of the property have been issued and are in full force and effect;
5. that The Prudential Life Insurance Company of America may rely on the letter in connection with its funding of a loan secured by the property; and

Boston
Hartford
London
Los Angeles
New York
San Francisco
Silicon Valley
Singapore
Walnut Creek
Washington

6. that the individual executing the letter on behalf of the municipal authority is authorized and empowered to do so.

Please address the zoning compliance letter to both companies listed below:

The Realty Associates Fund VI, L.P.
c/o TA Associates Realty
28 State Street, 10th Floor
Boston, Massachusetts 02109

The Prudential Insurance Company of America
Two Prudential Plaza, Suite 5600
Chicago, Illinois 60601

Bingham McCutchen LLP
bingham.com

Once the letter has been prepared, please send two (2) originals to me at the following address:

Kara E. McCabe, Esq.
Bingham McCutchen LLP
1120 20th Street, N.W., Suite 800
Washington, DC 20036

Should you have any questions or need any further information, please do not hesitate to contact me. We appreciate your assistance on this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Kara E. McCabe" followed by a stylized flourish in parentheses.

Kara E. McCabe

cc: Karen Magno



December 31, 2003

Kara E. McCabe, Esq.
Bingham McCutchen LLP
1120 20th Street, N.W., Suite 800
Washington, DC 20036

**Re: Director's Interpretation DI-03-05
5687, 5691, 5695 and 5699 SE International Way**

Dear Ms. McCabe:

You have asked that City of Milwaukie clarify six questions regarding the zoning of the above-captioned property. These questions were posed in a letter addressed to Keith Jones of this department dated December 5, 2003. Below is a response to each question.

1. *The zoning of the property.*

The property is zoned Business Industrial (BI). See Milwaukie Municipal Code Title 19, Section 324 for details on this zoning district. The code is available on-line at www.bpcnet.com/codes/milwaukie/. A copy of the zoning map and Section 324 is enclosed for your convenience.

2. *That the property lies within the boundaries of the municipal authority's zoning district.*

The property is within the City Limits of the City of Milwaukie. The City has authority to regulate the zoning of the property in accordance with applicable provisions of the Oregon Revised Statutes.

3. *That the present use of the property is a lawfully-permitted use under said classification and that the present occupancy, operation and improvement of the property complies with applicable zoning codes, rules and regulations of the zoning district.*

Your December 5, 2003 inquiry did not indicate the current uses of the property. As you may know the property contains multiple buildings, with multiple tenant spaces. We conducted a windshield survey of the premises in the absence of a description for each of the existing tenants. Based on that survey, all tenants appear to comply with permitted uses of the BI zone except a one which is a dance studio (Pacific Dance Academy). This statement regarding existing uses should not be considered certification of compliance

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with permitted uses under the BI zone given the limited information made available to us. We do believe that the property complies with development standards that were in effect at the time permits were issued for construction.

4. *That all governmental permits and approvals necessary for the construction, use, operation and occupancy of the property have been issued and are in full force and effect.*

We conducted a search of administrative records for the property; the premises were not inspected for compliance with applicable building and fire code. To the best of my knowledge all city permits for construction and occupancy have been obtained and are in full effect. The city is unaware of any violations on the property regarding building, fire, or zoning codes.

The City does not enforce federal and state regulations that may also apply to the property. This letter does not imply that applicable federal or state regulations, if any, are met.

5. *That The Prudential Life Insurance Company of America may rely on the letter in connection with its funding of a loan secured by the property.*

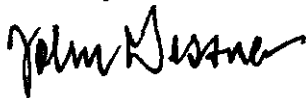
The information presented is true and correct to the best of my knowledge.

6. *That the individual executing the letter on behalf of the municipal authority is authorized and empowered to do so.*

As Planning Director of the City of Milwaukie, I am authorized to issue this letter per Milwaukie Municipal Code Section 19.1000, and in accordance with authorities delegated to me by the Milwaukie Community Development and Public Works Director.

Feel free to contact Keith Jones, Associate Planner (503) 786-7653 if you have further questions regarding this matter.

Sincerely,



John Gessner
Planning Director

copy Case File Number DI-03-05
Address File 5687 SE International Way
Alice Rouyer, Community Development and Public Director.



July 9, 2003

Mr. Jim Griffith
11825 SW Greenburg Road, Suite A3
Tigard, OR 97223-6460

Re: 2540 SE Lark Street

Dear Mr. Griffith:

This letter is in response to your inquiry as to the number of authorized dwelling units at 2540 Lark Street. I have reviewed your February 25, 2003 letter and supporting information wherein you state that four units should be recognized for zoning purposes.

After consideration of your information and city and county records, I have concluded that the structure may only be used for three dwelling units based on the following:

- Milwaukie utility billing records indicate three units of sewer service.
- Clackamas County Assessor records indicate the property has been historically taxed for three dwelling units.

This determination may be appealed to the Planning Commission under provisions of Milwaukie Zoning Ordinance Section 1001.4. Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy Tom Larsen, Building Official
Paul Shirey, Engineering Director
Alice Rouyer, Community Development & Public Works Director
Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206



September 18, 2003

Mr. James E. Griffith
Jim Griffith & Associates
10915 SW Fairhaven Way
Tigard, OR 97223

Subject: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your September 16, 2003 letter, wherein you provide notice of the property owner's intent to appeal my July 9, 2003 determination of the permissible number of dwelling units at 2540 SE Lark Street. Please be advised that the appeal period for the determination expired 14 days following its issuance in accordance with Milwaukie Municipal Code Section 1001.4. Accordingly, the determination is final and no further city appeal is available on this matter. As a point of reference, my July 9, 2003 letter provided notice of the appeal process for such determinations.

Please do not hesitate to contact me at 503-786-7652 should you have any questions or if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Alice Rouyer, Community Development & Public Works Director
Mike Swanson, City Manager
Tom Larsen, Building Official

10915 SW FAIRHAVEN WAY

Tigard, OR 97223-3828

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

October 31, 2003

Mr. John Gessner,
Planning Director
City of Milwaukie
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: 2540 SE Lark

Dear Mr. Gessner,

On behalf of the owner of 2540 SE Lark, I am requesting a reconsideration of your determination on the number of units at this address. I am requesting that the Directors Determination, issued July 9, 2003, be allowed to be resubmitted and reconsidered because of the following issues.

As you are aware, this situation has been in process for an extended period of time. The notice of the Dangerous Building Closure was issued November 29, 2001. It was determined, by the City of Milwaukie, shortly thereafter that this was a single family dwelling, not a four unit apartment that it had been for many years. The current owner has owned and operated this four-plex since 1997.

The original request for the Directors Determination on the allowable number of units was submitted February 25, 2003. The determination that there were three units was made July 9, 2003, which is 134 days from the submission. This is noted as the Milwaukie City Code (MCC) notes in Chapter 19.1000; 19.1001.3;

"Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178." ORS 227.178 states in part, "Final action on certain applications required within 120 days;"

Even though you have stated this is not applicable to a Directors Determination, we disagree and feel your determination is a paid for land use action and falls within the 120 day rule. We were aware that we could take the issue to court, but it was then as it is now, our desire to work with the City, not work against it, and that is still our position.

However, the owner is willing to proceed to whatever level is required to have this reviewed by the Planning Commission or City Council.

Also at issue is the lack of notice for the appeal period from the Directors Determination. It was only noted in the reply that Milwaukie Zoning Ordinance Section 1001.4 governed the appeal. There was no mention that there was only a 14-day timeline to submit the appeal to the Planning Commission. Therefore we both missed the established timelines. It was not until a follow-up letter that the 14-day limit was disclosed.

As you are also aware, the owner has obtained permits to upgrade three of the units, with revised fire and life safety items. The forth unit has had the kitchen removed and currently is identified as storage space. The owner purchased this structure as a pre-existing non-conforming four-plex and desires to maintain that status. Thus his desire to have the process re-submitted, now that we all are aware of the required time lines.

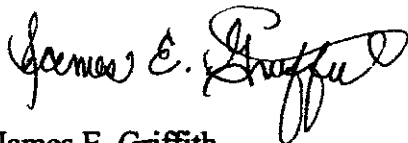
We further feel you have the authority to proceed with reconsideration under ORS 227.180 (1)(a) Review of action on permit application, as well as the language in your City code in Section 19.1001.5 D. which states;

“Reactivation of rejected applications may only be made by resubmission of a complete application and fee.” Which we are willing to do.

Again, we feel that you should allow reconsideration because of the missed timelines on both our parts and our desire to work with the City to resolve this issue in a proper and appropriate manner.

Thank you for your consideration and we await your reply.

Respectfully submitted



James E. Griffith,
President

Cc: Michael Hamersly, Owner
Gary Firestone, City Attorney
Mike Swanson, City Manager



November 7, 2003

Mr. Jim Griffith
Jim Griffith & Associates
10915 SE Fairhaven Way
Tigard, OR 97223

Re: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your request for reconsideration of the July 9, 2003 determination regarding the permissible number of units at 2540 SE Lark. I believe the original determination was both procedurally and substantively proper. In addition, the determination identified appellate rights, which were not exercised. Accordingly, I must respectfully decline your request.

Please do not hesitate to contact me at 503-786-7652 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Gessner".

John Gessner
Planning Director

copy: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director
Gary Firestone, City Attorney

March 12, 2004

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

To: Former Clients of Jim Griffith & Associates
(see attached certified mail receipt for specific addressee information)

Re: **Your JG&A File(s)**

Dear Sir or Madam:

Enclosed please find your original file(s) and/or plans from Jim Griffith & Associates, Inc.

As we indicated in previous correspondence, we have not retained a copy of the information or documentation contained in your files. These are the original files and it is entirely possible that no one else has a copy of these records. Please handle them accordingly.

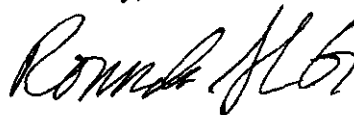
If we have not received notice from you, in writing, within ten (10) days of the date of this letter – we will assume that you acknowledge receipt of the original file(s), including plans (if any) and that you understand that we did not retain copies of your file (or plans) in our records.

The business has closed-down completely and its phone number has been disconnected. Please **do not** contact Carolyn Griffith at home. The reason that I am handling this, as Jim's daughter-in-law, is the emotional toll this process is taking on the immediate family. Instead, please contact me at (503) 806-3827 [work] or at (503) 768-3086 [home] if you have questions or concerns.

Please take into consideration when you call that I work full time during irregular hours, so I may not be able to return your call immediately. If your need is urgent, please indicate that in your message and try to be as detailed as possible so that I can have an answer to your question when I return your call.

Thank you for being a valued client of Jim Griffith & Associates. We wish you the best of luck in your future endeavors.

Sincerely,



Ronnda Zezula Griffith

RZG:bat

Enclosures

Chapter 19.1000**ADMINISTRATIVE PROVISIONS****Sections:**

- 19.1001 Administration.**
- 19.1002 Time limit and appeal from ruling of planning commission.**
- 19.1003 Form of petitions, applications and appeals.**
- 19.1004 Repealed by Ord. 1907.**
- 19.1005 Concurrent reviews.**
- 19.1006 Filing fees.**
- 19.1007 Applicable standards and criteria.**
- 19.1008 Ex parte contact.**
- 19.1009 Decisions.**
- 19.1010 Repealed by Ord. 1907.**
- 19.1011 Procedures.**
- 19.1012 Recess of hearing.**
- 19.1013 Time limit on a permit for a conditional use or variance.**
- 19.1044 Permits, inspections and occupancy approvals required.**

19.1001 Administration.

19.1001.1 Authority. The planning director shall have the authority to apply, interpret, and enforce the provisions of this title. An appeal from a ruling by the planning director regarding a requirement of this title may be made to the planning commission under provisions of this section.

19.1001.2 Application and Fee Required. Applications and requests for actions authorized under this title shall be made in accordance with provisions of this chapter. Application and other applicable fees as established by resolution of the city council

shall be paid at the time the application or request is submitted.

19.1001.3 Consistency with Statute. Applications for action authorized under this title shall be processed in accordance with Oregon Revised Statutes Chapter 227.178.

19.1001.4 Planning Director's Interpretations.

A. Purpose. The planning director's interpretation process is established to resolve unclear or ambiguous terms, phrases, and provisions within Titles 14-Sign Ordinance, 17-Subdivision Ordinance, and 19-Zoning Ordinance. This process may be used independent of, or concurrent with, applications for a particular permit or land use application. All director's interpretations are subject to appeal in accordance with this section.

B. Requests. A request for an interpretation shall be made in writing to the director. The director may develop guidelines to govern the request process.

C. Independent Interpretations: The director may issue interpretations independent of a request by another party.

D. Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued.

E. Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed.

F. Written Interpretation Mailed. If the director decides to issue an interpretation as requested, it shall be issued in writing and shall be mailed to the person requesting the

City of Milwaukie Johnson Creek Facility
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Contact Information:

John Gessner, Planning Director, 503-786-7652, gessnerj@ci.milwaukie.or.us
Lindsey Nesbitt, Associate Planner, 503-786-7658, nesbittl@ci.milwaukie.or.us
Keith Jones, Associate Planner, 503-786-7653, jonesk@ci.milwaukie.or.us

The Planning Department is involved in issues relating to and environmental, neighborhood, and other comprehensive planning activities in the City of Milwaukie. These range from implementing existing zoning regulations to assisting the City Council in establishing land use and growth planning policy for the City. The Department's primary functions are outlined below:

- Provide land use, zoning and development information to residents and property owners.
- Review development proposals and building permits for compliance with zoning, subdivision and sign ordinances.
- Provide technical and professional support to the City Council, Planning Commission, Design & Landmarks Commission.
- In coordination with Code Compliance Coordinator, enforce zoning, sign and land division ordinances.
- Revise the Comprehensive Plan, Zoning Ordinance, and Municipal Code to ensure that they are consistent with the community's vision for growth and state/regional planning regulations.
- Provide public outreach to citizens and NDAs. Staff citizen ad-hoc committees on planning issues.

Departmental Goals for 2003-4

1. Support the City Council, Planning Commission, Design & Landmarks Commission in forming policy about growth and development. Provide technical support to these groups when making decisions on individual development projects.
2. Continue to improve communication with citizens about planning services and regulations. Make review processes fair, streamlined and citizen-friendly.
3. In response to City Council and Planning Commission goals, modify the Zoning and Subdivision Ordinances to enhance neighborhood livability and environmental sustainability.

PDX LAND LLC

RECEIVED

NOV 03 2004

November 3, 2004

CITY OF MILWAUKIE
PLANNING DEPARTMENT

John Gessner
Planning Director
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Information request

Dear John,

I am writing in hopes to better understand the process in which I am involved with the City of Milwaukie concerning a Directors interpretation. Yesterday the second of November 2004, I inquired into this matter at the planning desk and spoke with Keith Jones. I asked him a question regarding the Cities Administrative Provisions. To which he responded that I would have to take it up with his supervisor, being you and the reason for this letter.

The issue is in regard to Chapter 19.1000 Administrative Provisions: Section 19.1001.4 E. "Director may Decline. The director is authorized to issue or decline to issue a requested interpretation. The director's decision to issue or decline to issue an interpretation is final when such decision is mailed"

My question is this, if the Director declines to issue a requested interpretation, as the Director is authorized to do under the above section 19.1001.4 E. What is a person's next step to receive an interpretation made by the City? I am not sure if I should submit an application to the Planning Commission, to the City Council or with whom? Any information you can provide would be most helpful since I was unable to find information with regards to my next step in chapter 19.1000.

Please fax me with your answer to the fax number below or I can pick it up this Friday the fifth of November since I will be in the area.

Thanks in advance for your help.

Sincerely,



Michael Hamersly
Member

POBox 82921 Portland Oregon 97282

Phone: 503-780-0019

Fax: 503-774-5484

PDX LAND LLC

NOV 04 2004

CITY OF MILWAUKIE
PLANNING DEPARTMENT

November 4, 2004

John Gessner
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Question with regard to Chapter 19.1000 Administrative Provisions.

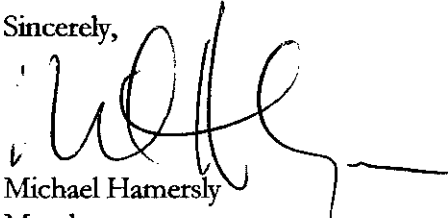
Dear John,

Thank you for your phone call yesterday in response to my November 3, 2004 letter. I appreciate you getting back to me so soon. Unfortunately I did not ask the question correctly and I apologize for that. The information I am seeking is not for my specific directors interpretation, which is now dead, and I should have clarified that.

What I would like to know is if Mr. Citizen applies for a director's interpretation section 19.100.4 E for the first time and the director declines to issue an original interpretation. What would his next step be? Would he submit the request to the Planning Commission, the City Council or with whom?

Thanks again for you help.

Sincerely,

Michael Hamersly
Member

November 5, 2004

Mr. John Gessner
Planning Director
6101 S.E. Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED
NOV 05 2004
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Re: Reactivating Planning Director's Determination under 19.1001.5 D

Dear Mr. Gessner,

Thank you for your previous phone calls, answers to my questions and your offer to answer further questions. I do have a few more since as questions are answered new ones arise. I am hoping you will be able to answer the following.

On three occasions, Jim or myself have asked for a reactivation of an application for a Directors Determination which by my understanding is in the scope of your authority to grant as provided by City Code Section 19.1001.5 D; which states "Reactivation of rejected applications may only be made by resubmission of a complete application and fee." Is this correct?

I am unsure of how or when this section 19.1001.5 D is used and applied. The most recent, October 14, 2004, request for a reactivation of the modified application for a director's determination was made due to unforeseen circumstance that arose during the course of the original determination, as I mentioned in the cover letter to you when I submitted the last request, Jim Griffith was diagnosed with cancer during the original determination process, was under going chemotherapy and missed a two-week appeal deadline, then sadly passed away within a few short months from this terrible disease. I was hoping that this tragedy and along with new information concerning the determination that has since been uncovered, would allow you and the City of Milwaukie to reactivate the application for a directors determination.

This request was also declined on November 2, 2004 when I received a voice mail message from you stating so. Since a person with medical conditions, Jims cancer, chemotherapy and dying, and new information does not allow you to help by granting a request for reactivation of an application, I would like to know under what circumstances are you willing to reactivate a rejected application under section 19.1001.5 D?

It is my understanding that 19.1001.5 D gives you authority to change your mind at any time and help by granting the reactivation of application for a determination, you just need a reason to do so, if my understanding is correct then I will keep trying to help find that reason. I would appreciate any suggestion that you may have towards this goal.

Thank you for your understanding and consideration in this matter. I look forward to working with you and the City on this issue. If possible, would you please fax the answers to me at the below fax number.

Best regards,



Michael Hamersly, Member

PDX LAND LLC**RECEIVED**

November 9, 2004

NOV 09 2004

John Gessner
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

CITY OF MILWAUKIE
PLANNING DEPARTMENT

RE: Follow up question with regard to Directors decline to review a request.

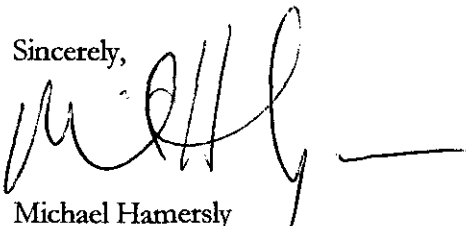
Dear John,

Thank you for answering the question from the November 4th letter. I received your voice mail message, Friday November 5th. to summarize the message, as I understood it, there is no formal process to follow if the Planning Director declines to review a request.

Since there is not a "formal process" I am wondering if there is an informal process that can be followed? This is similar to the November 5th. letters question asking for your help and suggestions on how to get a review, so I do not know if you have covered this already in your response to the November 5th letter. If you have not sent out a response, I would be happy to stop by tomorrow Wednesday the 10th. and pick up the answers to this question and the November 5th. questions.

Thanks again for your help and answering my questions, I am looking forward to finding a solution on how to have the City of Milwaukie review a request.

Sincerely,



Michael Hamersly
Member

November 10, 2004

John Gessner
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED
NOV 10 2004
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

RE: Missing information from 12/14/2001 and 7/9/2003.

Dear John,

Looking forward to hearing from you with regards to the questions asked on November 5th. and 9th. 2004. I was thinking about the voice mail you left me last week, which stated to the affect that there are no more options to pursue this matter at the City of Milwaukie. I am unsure if you meant that I could not asked for director's interpretation in the future. From what I can tell there is not a limit on how many times a person can request an interpretation. I would like to continue doing research and if new information comes up I would like to ask for another directors interpretations. Please let me know if there is a statute that limits the number of requests I can make, since I have not been able to find it.

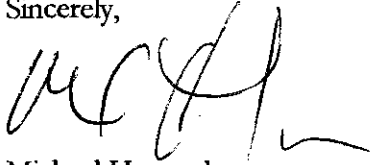
In a letter dated 12/10/2002 to Mr. Ken Kent from Mr. Jim Griffith, Mr. Griffith asked on my behalf for documents missing from the original order to evict the tenants and close the building (see attached). I am still waiting to receive those documents. I would like to make sure my file is complete and accurate, also there may be information pertinent to receiving another interpretation or reactivation contained in those missing documents. In addition to this information I also do not have the Mechanical attachment "Mech - see attachment". I received a "Notice and Order - Dangerous Building" that was incomplete. I only received two out of the five mentioned attachments in the original letter and to date. I would like them all.

I still do not know what information the City used or how the City came to the conclusion that this was a single family home converted to a four-plex. Would you please include the information and what the deciding factors were to draw that conclusion?

The City has not yet informed me as to which unit and electrical meter at the four-plex it believes was recently added to this structure to create the fourth unit. After having two builders and four different contractors, electrical and structural, working on the property, none of these professionals believed there has been any recent construction or addition to the structure. I still do not know which unit was supposed to have been recently added. Only the City has stated that a unit has been recently added in the July 9, 2003 ruling stating there should only be three units. I would like to know which specific unit the City believes is the recent addition.

I am looking forward to the City of Milwaukie reviewing my request for an interpretation and receiving the previously mentioned information and documents. I have been waiting three years for some of this information so I hope I am first in line at the City to receive help. If it will take longer than a week, by 11/17/2004 to send this information would you please call me with an estimated time the information will be sent? Thanks in advance for your help.

Sincerely,

A handwritten signature in black ink, appearing to read 'MH' followed by a horizontal line.

Michael Hamersly
Member

CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON

NOTICE AND ORDER - DANGEROUS BUILDING

A. BUILDING OFFICIAL'S FINDING - Please be advised that the City of Milwaukee Building official has determined that the edifice described below is a DANGEROUS BUILDING that may be subject to forced repair, vacation, or demolition:

Street Address

2540 SE Lark

Legal Description

TAX LOT 71E01BB02401

B. DANGEROUS CONDITIONS: The building official has determined that said building is dangerous according to Section 302 of the Uniform Building Code due to the existence of the following CONDITIONS:

- 1) Slab - see attachment 6) _____
- 2) Plumbing - see attachment 7) _____
- 3) Roof - see attachment 8) _____
- 4) Steelwork - see attachment 9) _____
- 5) Floor - see attachment 10) _____

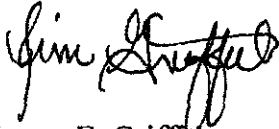
NOTICE AND ORDER - DANGEROUS BUILDING

WR 112V
2/10/2002 to Ken Kent last page. Att. 36.3

To make sure me file is complete I would appreciate a copy of the plumbing inspection report and the structural inspection report; I have a copy of the electrical inspector's reports. If there are other inspection issues for this existing structural upgrade, I would appreciate a copy of that information as well.

Thank you for your consideration and I await your reply.

Sincerely



James E. Griffith,
President

Cc Michael Hamersly
Encl.



By Facsimile and Certified Mail

November 11, 2004

Mr. Michael Hamersly
PDX Land LLC
PO Box 82921
Portland, OR 97282

Dear Mr. Hamersly:

This letter is in response to yours of November 3, 2004, November 4, 2004, November 5, 2004, November 9, 2004, and November 10, 2004. This matter has been referred to City Attorney Gary Firestone, with whom you should communicate directly. Mr. Firestone may be contacted at 503-222-4402. All future inquiries received by the City will be directed to the Mr. Firestone for his response.

Sincerely,

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larsen, Building Official
2540 SE Lark Address File

COMMUNITY DEVELOPMENT DEPARTMENT
Engineering • Operations • Planning • Building • Fleet • Facilities
6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

November 15, 2004

John Gessner
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED
NOV 15 2004
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

RE: Your fax sent 11/11/04 referring questions to an attorney.

Dear John,

Thank you for getting back to me as fast as you did although I was surprised and disappointed when I got your fax dated 11/11/04 that referred my questions to the City's Attorney. Do to your previous telephone calls on 11/2/04, 11/3/04 and 11/5/04 to me in which you said please call if I had any more questions. I took you at your word and continued to ask questions as they occurred to me to solve the issue of how to get new information reviewed by the City. Then suddenly and without warning you do not want to help and turned my questions over to an attorney. This seems unnecessary and wasteful, to hire an attorney to figure out how the City can review new information concerning an old directors interpretation.

I hope that you will reconsider your position on hiring an attorney, since it appeared we were making progress on how to get the City to review the new information and I was looking forward to your answers. Specifically to the questions;

1. Under what circumstances would you reactivate a request for review and
2. what would you suggest as the next step in the planning process to get a review of new information if not through the planning director.

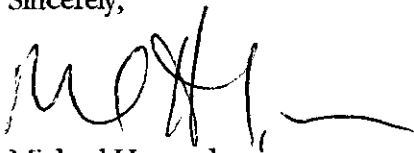
This seems to be your field and I do not understand why you passed these questions on to an attorney or why you would not have asked the attorney these questions yourself then gotten back to me with the answers. I think it would be in our best interest if I continue to ask you questions and you decide which ones you can answer and which one's need an attorneys review. I hate to waste the City's resources by asking an attorney at \$100 an hour to make copy's of zoning information when others have already been paid to do so. Please let me know if this will work.

The guess I have for your sudden decision not to help would be one of the questions in my last letter raised a legal matter. The issue that came to mind that might have legal implications is the one concerning the Planning Department not providing the attachments in the letter dated 12/12/01 as it claimed to do and then not providing them upon request by myself and Mr. Griffith over the years. If you feel it is necessary for an attorney to answer this please have him do so, but I believe the other questions fall in your area of expertise and would prefer to work with you.

I also re-read our correspondences trying to figure out why you felt the sudden need for an attorney. What I found seems minor. That according to 19.1001.4 D. "Decision to Issue. The director shall have the authority to consider the request for an interpretation. The director shall respond within fourteen (14) calendar days after the request is made, as to whether or not an interpretation will be issued." It appears you missed this deadline. I submitted the application 10/14/04 and you respond via voice mail 11/02/04, nineteen days later. Missing the deadline by five days. I do not see that this issue should require an attorney. I am hoping this too will be explained. Perhaps this is a good enough reason (the missed 14 day deadline) to review the new information I have for the City considering my building and the number of units that should or should not be there. It seems that there should be a way the City could help and review new information on this subject.

I hope we can still work together on this issue and get it resolved. I am Looking forward to the answers to the previous questions and still hoping I am in the front of the line after waiting so long.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Hamersly', followed by a horizontal line.

Michael Hamersly
Member

Cc: Mike Swanson, City Manger
Alice Rouyer, Community Development & Public Works Director

November 17, 2004

Alice Rouyer
Director of Community Development
And Public Works
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Letter dated 11/15 to John Gessner copied to you.

Dear Mrs. Rouyer,

I am writing to explain why I copied the 11/15/04 to you (see attached) and to ask for your help. I have been trying to work with Mr. Gessner since September 2003 and to date have had little success. He has now turned over my questions to the City's attorney and I do not understand why he would do this. If he has legal questions I would prefer that he ask the attorney and then respond back to me. I think it would save the City money since Mr. Gessner could answer some of my questions directly as opposed to the attorney answering all my planning questions. I am hoping you will want to know why too and perhaps keep my questions under planning and your control.

I included the letters that Mr. Gessner referred to the City's attorney. Mr. Gessner has already answered the questions from the letters dated 11/3 and 11/4. He has not answered the questions from the letters dated 11/5, 11/9, and 11/10/04. I have included all the letters so you can judge for yourself if they require an attorney to respond to them and all my future planning questions. It does not seem to me this is a standard or proper course for Mr. Gessner to take. I would appreciate your thoughts on this subject.

I am left to wonder why Mr. Gessner chose to operate in this manner. My guess is so he won't have to answer my questions; 1) Under what circumstances would you reactivate a request for review and 2) what would you suggest as the next step in the planning process to get a review of new information if not through the planning director. Since his response was to tell me to speak directly to the City's attorney. This also is a way to keep me from bringing this matter up to you since now Mr. Gessner has put you in a difficult position of whether you can review and respond to my questions or do you have to let the attorney handle all question from me.

At issue is my request to Mr. Gessner to reactivate a Planning Director's Determination or allow me to make a new request for a Director's Determination and receive a determination. He has refused on the past two occasions. The first was a request for reactivation asked on October 31, 2003 by Mr. Jim Griffith on my behalf. Mr. Griffith is the person whom I hired to work with the City and is now deceased. The second and most recent request 10/14/2004 was submitted almost a year later, after I discovered new information that has a direct bearing on the determination. I would like the new information reviewed and another determination made, which I am willing to pay for again. I feel this is a reasonable request for me to make to the City, if it is not could you please let me know what I can do to make it more reasonable.

Mr. Gessner position is that the director's determination made on July 9th, 2003 was both procedurally and substantively proper, which I agree with, and that since an appeal was not made within the fourteen-day appeal period, that he would not grant another Directors Determination. Which I have a difficult time understanding his reasoning here. It being you have one chance at a determination and appeal and that is it. This seems a bit harsh for the City of Milwaukee. Especially since the City gives the director the discretion under section 19.1001.5 D. to reactivate if he so chooses, taking the harshness out of the process. I do not know why Mr. Gessner is choosing not to help.

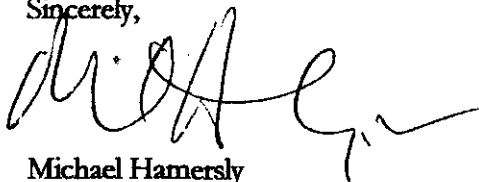
I have trouble with Mr. Gessner's position as it does not allow for new information and facts that may arise, even years after an previous director's determination. I discovered a significant amount of new information and facts missed in Mr. Griffith's original request, which was eight pages long, my new request after a year of research is forty three pages. With this much new information to be reviewed and considered I do not know why Mr. Gessner chose not to help. Of course I would like to know, so hopefully I can work out what needs to be done to get a review.

I am asking for your help. I would like an opportunity to have the new information reviewed and a determination made, however the ruling goes. I am hoping this is a personnel problem, that Mr. Gessner just needs to be encouraged to help, and from what I can tell there are no legal issues that I should have to deal solely with an attorney instead of going into the local planning department to receive answers to my questions.

I am hoping that you can be the bridge between planning and myself to help us come together so we work productively on this issue.

Thank you for your time and consideration in this matter feel free to call me if you have any questions or would like more information. Please call or fax me at the below numbers with your thoughts on this matter, or I am happy to schedule a meeting and discuss a solution at your earliest convenience.

Sincerely,



Michael Hamersly
Member PDX LAND

November 29, 2004

Alice Rouyer
Director of Community Development
And Public Works
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED

NOV 30 2004

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

RE: Voice mail message received 11/23/04.

Dear Mrs. Rouyer,

Thank you for your telephone call and leaving a message on November 23, 2004 in response to my letter and information sent to you November 17, 2004. I appreciate that you took the time to respond especially before the holidays.

After listening to the voice mail message you left on November 23, it became apparent that my November 17, letter was not as clear as it could have been. To clarify the situation in regards to an appeal. I understand there is not an option to appeal. Mr. Gessner has on five separate occasions informed me that there is not an appeal option. Of course it is interesting that I did not ask for an appeal and have not asked for an appeal since Mr. Griffith inquired about an appeal last year in his September 16, 2003 letter to Mr. Gessner and was told on September 18, 2003 the appeal period had expired. Neither Mr. Griffith nor myself has asked for an appeal since. Specifically I did not intend to request one in my November 17, 2004 letter to you. Yet in your response via voice mail on November 23, you informed me that I have "come back" seeking an appeal and that it was not possible. I hope it is clear this is not my intent in our communications and I apologize that I did not make that more clear in my letter. My intent is to have Mr. Gessner or the City review new information that came to light after the director's determination on July 9, 2003, provide missing documents and answer planning questions.

Please be assured that Mr. Gessner and now yourself have made the City of Milwaukie's policy clear on the appeal; even though the Planning Director, Mr. Gessner, missed his deadline of 120 days (ORS 227.178) and took 133 days to make the original July 9 determination; the person I hired, Mr. Griffith, was diagnosed with cancer, sick from chemotherapy treatments while waiting for the original determination, therefore, he missed the brief two-week window for appeal after the July 9 2003 ruling, sadly passed away in the fall of 2003; and the new information was uncovered after Mr. Griffith's passing. The City does not care about these extenuating circumstances and that another appeal is not possible. I would appreciate the appeal or the missed appeal period not being brought up again since it is not my intent in these correspondences. I am trying to move forward and work with the City to review new information, which was not available for the first directors decision or appeal.

The help I was seeking from you in my last letter is to ask Mr. Gessner to grant another Planning Directors Interpretation on the new three unit's versus four unit's question, which the City has given him the ability to do under Chapter 19.1000, Section 19.1001.4 D or to reactivate the original determination, again the City has granted Mr. Gessner the authority to help if he chooses under Section 19.1001.5 D to reactivate a Directors determination.

I am hoping that the City will spend more staff time on our current situation. Please keep in mind that the City wrongly accused me of illegally converting a single-family residence to a four-plex, evicted all my tenants, which left my building vacant and denied me entrance to my building to effect repairs for a year. Then the City with the same information it had when it made the accusation of conversion from one unit to four units, that being property tax records and the Cities own utility billings decided on July 9 2003 that it believes now I had illegally converted three units to four, and the City, by using the same information it used to find one unit instead of four is still in error by using this information to find three units instead of four.

I also still need the below questions answered and missing documents provided.

1. I am seeking missing documents from the City that I requested in 2002 and Mr. Griffith on my behalf requested in his letter to Mr. Kenneth Kent, Associate Planner, City of Milwaukie on December 10, 2002. I have yet to receive a copy of the attached plumbing inspection report, the structural inspection report and mechanical inspection report I was supposed to have received in my original letter from the City of Milwaukie and did not. I would appreciate a copy of all three so my files are complete and that I have all the information. These could be of value to me but I will not know until I have a chance to review them.
2. I have asked on a number of occasions since 2002 for the information and facts that led the City to the conclusion that I bought a single family home and then illegally converted it into a four-plex. I only know the City had the County Property Tax Records and it's own utility billing history. I am still awaiting an answer. Again this could be helpful to me but I won't know until I review the information.
3. In my recent correspondence with Mr. Gessner and my letter to you on November 17, 2004 I ask this question: Under what circumstances would the planning director choose to grant a reactivation of a directors determination in accordance with Section 19.1001.5 D?
4. What is the next step within the City's planning process for an individual, if a person's original request for a determination is denied?
5. Do you or Mr. Gessner have any suggestions on what I could do to achieve the goal of having new information considered by the City of Milwaukie?

After reading this year goals for Milwaukie's Planning Staff being: "2. Continue to improve communication with citizens about planning services and regulations. Make review processes fair, streamlined and citizen-friendly." I hope I will not have to work with the City's attorney, which I do not feel comfortable doing and would prefer that the planning staff speak to their attorney about any legal matters, if any, and then relay the information to me.

I appreciate your suggestion of discussing this situation with the City's Manager. I will send him a copy of this correspondence, so he may choose to participate or not, although I am hoping that we will not have to involve him directly. I believe this is a planning matter and these questions can be answered with the involved participants.

Again I am hoping that you can help by convincing Mr. Gessner to grant another directors determination, having the missing documents supplied and my questions answered. I have been trying to work with the City for the last three years and have not asked any questions for the last year while I did research. I hope that you will spare some staff time to help.

Thank you in advance for your help and I look forward to working with you and the City. Please call or fax me with your thoughts on this matter, or I am happy to schedule a meeting this week when you return from the holidays.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Hamersly', followed by a long horizontal flourish.

Michael Hamersly
Member PDX LAND

Cc. Mike Swanson, City Manger

December 13, 2004

Alice Rouyer
Director of Community Development
And Public Works
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RECEIVED
DEC 13 2004
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

RE: The non-response to the November 29, 2004 letter sent to you from me.

Dear Mrs. Rouyer,

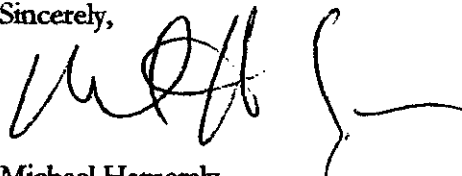
I was hoping to hear from you by now. It will be two weeks tomorrow since I sent you the 11/29/2004 letter and to date have not heard from anyone at the City. I would appreciate a telephone call or letter informing me of your intention to either answer the questions asked in the 11/29 letter or having the City's attorney respond to those questions.

I asked Mr. Gessner these questions a month ago, you thirteen days ago and they still have not been answered. I would appreciate being informed as too when the City will respond to these questions. When I do not receive any response or acknowledgement I do not know if the questions are being worked on or if they have been temporarily forgotten. I am sure you can appreciate my concern since the City is the only entity that can answer these questions. I await daily for a response because this issue is of the highest priority to me. I would like to get the questions answered so I can move on to other projects and would appreciate full cooperation from the City in resolving this issue at the earliest juncture.

I now look forward to working with you and/or the City's attorney. Please call or fax me with an answer of who will be contacting and answering the questions from the November 29, 2004 letter?

Thank you in advance for your response.

Sincerely,



Michael Hamersly
Member PDX LAND

Cc. Mike Swanson, City Manger

December 14, 2004

Alice Rouyer
Director of Community Development
And Public Works
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Telephone message received today.

Dear Mrs. Rouyer,

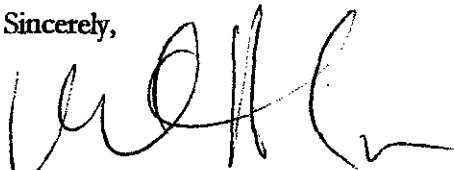
Thank you for your response today. I appreciated hearing from you with regards to my earlier questions, especially with the holidays looming and you being short on staff.

Since there will be fewer staff to work on these questions and missing documents please send them as they are completed as I am looking forward to the City's answers and the missing documents.

Please contact me at the end of the week if not earlier with an estimate of completion or any information or answers you may have.

I am looking forward to completing this process and I do appreciate you taking time to over see this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Hamersly', with a stylized flourish at the end.

Michael Hamersly
Member PDX LAND

December 21, 2004

Alice Rouyer
Director of Community Development
And Public Works
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: Telephone messages received today, sent from you last week on 12/14 and 12/15/2004.

Dear Mrs. Rouyer,

I received both your messages today from last week. I am sorry that I was not able to respond sooner as I was out of town.

It appears I sent a letter on 12/14/2004 thanking you for your help and latest response when you had already left a message on 12/14/2004 informing me that you would not longer be helping me and had passed the request for missing documents and planning questions back to Mr. Gessner. So we crossed paths. Also it appears that you thought I had sent another letter to Mr. Swanson. I did not write him a letter it was just a copy of my 12/13/2004 letter to you. I apologize for any confusion this may have caused.

I am of course disappointed to hear that you are too busy to help as I was looking forward to working with you and finally having the :45 minutes of new information that I have on an old directors determination reviewed and a decision made as to whether or not it would change the status of the current three-unit building back to the four-unit building that I bought and to finally receive the documents that have been denied to me these last three years.

The telephone message you left for me on December 14, 2004 that you did not have time to respond but Mr. Gessner would when he returns concerns me. You may not know but Mr. Gessner has not provided the missing documents after a number of prior requests. It has been eighteen months since Mr. Griffith asked Mr. Gessner to provide those documents to us and to date he has not taken the time to send them; so you can see my concern that he will still not send the documents now; and why I was so happy that you would now be helping me to work with the City.

The biggest concern and disappointment to me with Mr. Gessner has been his position that since he has made a directors interpretation back in July 2003 and no appeal was made in the two weeks following that now he does not need to look at new information and make another directors determination. He has not been helpful in my quest at the City to get new information concerning a 2003 ruling that was recently uncovered reviewed and to make a new ruling on its merits.

I am hoping that you can still work on this or at least make sure the documents are sent and Mr. Gessner can find a way to review new information and make another determination. I will try to help you by getting this case under the umbrella of community development and perhaps you can again take a direct hand with this. I will need help to achieve this goal so I welcome any suggestions you may have.

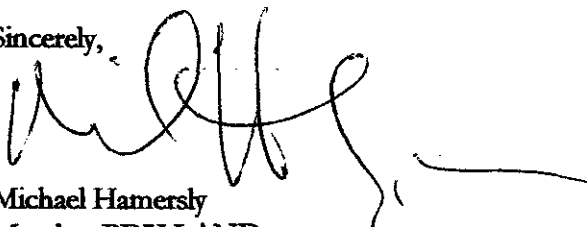
My family lives in the area and we have tried to do a few things to help our community improve and develop which you may not be aware of. We just opened a new library at LaSalle high school, and at my mothers church, St. Johns Episcopal in Milwaukie, we on occasion help cook meals, but most of my mothers time is helping to run the non-profit group, Northwest Autism in Oregon City. Since my dad just retired from work and the board at LaSalle I will ask him what he and his friends think are worth doing to improve their community. I of course hope to convince them that an affordable living unit left vacant in the City is not a good thing and that it should be a priority in our community development. As it will increase the tax base and a good thing to do. I will explain to them that the City has taken value from my property by not taking the time to review information that may (I do not even know if I will get the unit after all this, just someone at the City will read and rule on the new information) give me back the value I paid for eight years ago.

I am sure I can get a few people to say that this is a community development issue and send letters or make calls so you could work on this again. Please let me know if this is a good idea or what steps I could take to make this a community development issue. I have been trying to work with the City and keep everyone happy and I am not always sure how my actions will be taken. Like copying Mr. Swanson my 12/13 letter to you. I now think that this was a bad idea so I will not be doing that with this letter.

In your message you said I could "now bug Mr. Gessner". I am sorry that you feel that way. I do not want to bug you or Mr. Gessner. I know you are as busy as am I with our jobs and the dilemma I have with this property is a distraction from work we would like to be doing. I waited two weeks until 12/13 after my November 29, 2004 letter to ask how things were going, and then the next day thanked you for your response. I hope you can see I did wait and tried not to be a pest. I have put resolving this issue at the top of my priorities and am trying to conclude the matter in a timely manner. It is on the forth year now and I am ready for it to be over. I think about this issue daily and have to refrain from calling or writing. I hope you can see that my intent in these communications is an effort to solve this issue so we can move on. I mean no offence.

I still am looking forward to completing this process; I hope you will consider still helping me with this issue. I know your other work will suffer temporarily but I would be extremely grateful and we all could move on to work we enjoy. Thank you again for your time to review and respond to my letters.

Sincerely,



Michael Hamersly
Member PDX LAND



December 28, 2004

Michael Hamersly
PDX Land LLC
PO Box 82921
Portland, OR 97282

Re: Response to Letter of November 29, 2004

Dear Mr. Hamersly:

In your letter dated November 29, 2004, you stated 5 specific requests or questions.¹ The following is my response to those questions.

1. You requested copies of the plumbing, mechanical, and structural reports from December 2002. I have attached the available Building Department records accordingly. Please contact Building Official Tom Larsen directly at 503-786-7611 should you have any questions about these records.
2. You asked for information that led the City to the conclusion that you had illegally converted a single family home to a four-plex. I have not been able to find any documentation that the City ever alleged that you personally had illegally converted a single-family home to a four-plex. The City has made two determinations. The first determination was that the building was unsafe under applicable building code, which led to an order to vacate. The second determination was that only three of the four units could be considered legal for zoning purposes.
3. You ask: "Under what circumstances would the Planning Director choose to grant a reactivation in accordance with Section 19.1001.5(D)?" Section 19.1001.5(D) applies only to reactivation of applications that are rejected on the basis of being incomplete. It does not apply to decisions on land use applications or Director's Determinations, and therefore does not apply to your situation.
4. You asked that we identify the "next step" in the planning process if the original request for a determination is denied. This question can be interpreted two ways as follows:

¹ This letter also resolves yours of November 3, 2004, November 4, 2004, November 5, 2004, November 9, 2004, November 10, 2004, November 15, 2004, November 17, 2004, December 13, 2004, and December 21, 2004.

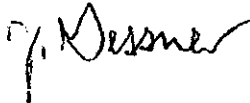
Mr. Michael Hamersly
December 28, 2004
Page 2 of 2

- If a decision under either Section 19.809 or Section 19.1000 is made denying the request, the applicant may appeal to the Planning Commission within specific time limits. As you know, the time period to appeal the July 9, 2003 determination has long expired.
 - Alternatively, there is no legal recourse if the Planning Director declines a request for interpretation under Section 19.1001 as authorized under Section 19.1001.4(E).
5. Your final question is what can you do to have new information considered by the City. The City considers the matter regarding the number of units closed as previously communicated to you.

However, you may submit any substantial new evidence that shows that the previous four units were legal. We will determine whether the additional information is sufficient to justify reconsideration. As previously communicated to you, materials submitted on October 14, 2004, do not contain substantial new evidence that would warrant reconsideration of the July 9, 2003 determination.²

I hope that this letter fully answers your questions. You may wish to speak to your attorney as to whether you have a claim against the seller of the property regarding the number of units or the condition of the building with regards to applicable building code at time of purchase. I can be reached at 503-786-7652 should you wish to discuss this matter.

Sincerely,



John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director
Tom Larson, Building Official
Planning Staff
Address File

² You were previously informed of this decision and the application fee was returned.



February 11, 2005

Mr. Michael Hamersly
P.O. Box 82921
Portland, OR 97282

Re: 2540 SE Lark Street

Dear Mr. Hamersly:

This is in response to your additional request for reconsideration of the July 9, 2003 decision finding that no more than three dwelling units are allowed under city zoning regulations. The City of Milwaukie entrusts the Planning Director with the responsibility to apply zoning regulations based on fair consideration of facts and circumstances and to make just and legal decisions accordingly. You have argued that my prior decision should be reversed for the following reasons:

- Your consultant Jim Griffith did not inform you of the July 9, 2003 decision and subsequently passed away following an illness.
- The City of Milwaukie and Clackamas County records have been historically incorrect with regards to the number of dwelling units.
- Historically, the building has had 4 electric meters indicating four dwelling units.

We rely upon our judgment and the credibility of information and circumstances at hand to guide our decision-making. Having revisited the case as often as has been requested, I am confident in our knowledge of relevant facts and circumstances. Accordingly I have again considered the following:

- City of Milwaukie utility billing records have historically assessed the property for three dwelling units.
- Since their 1976 site inspection, Clackamas County has assessed the property for three dwelling units.

- There is no record that your predecessor in ownership sought to correct the presumed errors with regard to county tax records and city utility charges for the difference between 3 and 4 dwelling units.
- There is no record of subsequent efforts to correct the presumed errors with regard to county tax assessment records for the difference between 3 and 4 dwelling units.¹
- There is no record of communication with the City to correct utility billing records prior to July 2003.
- I communicated with Mr. Griffith both verbally and by mail following the July 9, 2003 decision.

I find that the July 9, 2003 decision stands based on consideration of the circumstances above and as follows:

- I believe that Mr. Griffith was knowledgeable and diligent in representing your interests throughout the period in which I worked with him. In speaking with Mr. Griffith following the July 9, 2003 decision not once did he mention any circumstance of his personal life or health that that would have lead me to reconsider the decision, which I certainly would have out of basic human compassion. I am uncomfortable with your contention that Mr. Griffith did not communicate with you and failed his professional obligations to pursue an appeal due to his health conditions.
- Notwithstanding the above, whether or not Mr. Griffith informed you of the July 2003 decision does not change either the facts of the case nor the applicable law governing appeal rights.
- The City Attorney advised me throughout the review process and I have acted in accordance with that advice.
- The failure to correct tax and utility billing records casts doubt upon the contention that the building has always and properly contained four dwelling units.

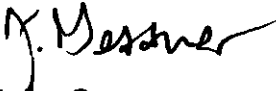
¹ However, it is noted that you filed a tax appeal on 12/30/03 erroneously alleging that "City of Milwaukie declared it was not a legal multifamily unit and has denied its use as a living structure"

Mr. Michael Hamersly
February 11, 2005
Page 3 of 3

- The failure to identify the number of dwelling units in your 2001 application for partitioning casts doubt upon present arguments. As you know that application could not be approved as it did not meet minimum lot area requirements per unit.

This letter confirms the July 9, 2003 decision. There is no further redress through city procedure.

Sincerely,



John Gessner
Planning Director

copy: Mike Swanson, City Manager
Gary Firestone, Cit Attorney
Tom Larsen Building Official
Lindsey Nesbitt, Associate Planner
Address File

10915 SW FAIRHAVEN WAY

Tigard, OR 97223-3828

Phone: (503) 718-1200

Fax: (503) 718-1300

jga0126@netzero.net

September 16, 2003

Mr. John Gessner,
Planning Director
Community Development Department
City of Milwaukie
6101 E.S. Johnson Creek Blvd.
Milwaukie, OR 97206

Re: 2540 SE Lark Street

Dear Mr. Gessner,

Since your determination of three units at the structure located at 2540 SE Lark Street, the owner has been working to bring the structure up to code for occupancy.

However, He has requested that I notify you that he will be appealing your determination to the Planning Commission as allowed by Ordinance Section 1001.4.

Would you please be so kind as to supply me with that section of the code (1001.4), and also, you noted in your report that the utilities billings indicated three units at that location. Would you also provide me a copy of that information? When I inquired about the sewer service I was informed that there was an oversized line that would indicate a multi-unit structure, but they had no information of the number of units. That's the reason for the request.

Thank you for your assistance and I look forward to your reply with the requested information.

Sincerely



James E. Griffith,
President

Cc Michael Hamersly



September 18, 2003

Mr. James E. Griffith
Jim Griffith & Associates
10915 SW Fairhaven Way
Tigard, OR 97223

Subject: 2540 SE Lark Street

Dear Mr. Griffith:

I have received your September 16, 2003 letter, wherein you provide notice of the property owner's intent to appeal my July 9, 2003 determination of the permissible number of dwelling units at 2540 SE Lark Street. Please be advised that the appeal period for the determination expired 14 days following its issuance in accordance with Milwaukie Municipal Code Section 1001.4. Accordingly, the determination is final and no further city appeal is available on this matter. As a point of reference, my July 9, 2003 letter provided notice of the appeal process for such determinations.

Please do not hesitate to contact me at 503-786-7652 should you have any questions or if you would like to discuss this further.

Sincerely,

A handwritten signature in black ink that reads "John Gessner".

John Gessner
Planning Director

copy: Gary Firestone, City Attorney
Alice Rouyer, Community Development & Public Works Director
Mike Swanson, City Manager
Tom Larsen, Building Official

COMMUNITY DEVELOPMENT DEPARTMENT

Engineering • Operations • Planning • Building • Fleet • Facilities

6101 S.E. Johnson Creek Blvd., Milwaukie, Oregon 97206

Phone: (503) 786-7600 • Fax: (503) 774-8236 • Web Site: www.cityofmilwaukie.org

Celebrating 100 years of service to the citizens of Milwaukie!

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To: Mayor and City Council

From: Pat DuVal, City Recorder

Subject: Intergovernmental Agreement with Metro

Date: August 8, 2005

City Manager Mike Swanson is working out the final details of this agreement, and the material will be provided to you as soon as it is available.

PUBLIC SAFETY ADVISORY COMMITTEE MEETING NOTES

July 28, 2005

Present:

Larry Kanzler - Police Chief

Karen Martin – Campbell Neighborhood Association

Ray Bryan – Historic Milwaukie Neighborhood Association

Dolly Macken-Hambright – Linwood Neighborhood Association

Cheryl Ausmann-Moreno – Ardenwald Neighborhood Association

Susanna Pai – Lake Road Neighborhood Association

Gene Covey – Lewelling Neighborhood Association

Julie Wisner

The meeting was called to order at 6:02 p.m.

Karen asked if everyone had reviewed the minutes from the previous meeting. Dolly made a motion to accept the minutes. Cheryl seconded the motion. Passed unanimously.

Signatures on the Communications Agreement – Gene signed it, however, Julie was not prepared to sign it at this time.

Draft version of the Traffic Management Plan – we're waiting for Paul Shirey to get back to the committee with his comments/suggestions/changes. Everyone was provided with a copy of the draft. Julie asked if the new Plan was a re-write meant to replace the engineering document. Karen said it is meant to replace the document. Julie said that there is a NTMP brochure that was meant for lay people. She feels that engineers need a document of their own and lay people need their own. She feels that there should be a brochure for lay people.

Nuisance abatement – Chief said there was a new House Bill regarding the OLCC review process for liquor licenses. The OLCC has turned into more of an administrative type organization as opposed to an enforcement organization. We have a nuisance abatement procedure to deal with establishments or residences that have ongoing police responses/problems. Our computer aided dispatch system shows us how often, when, etc. we respond to certain addresses.

Cheryl said that a lot of citizens are concerned about the proposal to allow movie theaters to sell alcoholic beverages.

Riverfest – it normally costs approximately \$10,000 in overtime to cover the event. This year will be less since it was only a one-day event. Everyone agreed that a one-day event was a good idea.

Julie asked the Chief is he was aware that the Milwaukie Theater had applied for an arcade license – and if those types of establishments add more workload to the police department. The Chief was aware of the application. He feels that it would need to be monitored and it will depend on the clientele and the management/supervision. Julie asked if the committee could give recommendations to the Council regarding the guidelines for management of establishments like this. Everyone agreed that it would be a good idea, however we can't do anything before the license is approved. In six months the committee would like to review the frequency and what types of calls the police department has responded to.

Cheryl said that neighborhood stores are selling roach clips, etc. She said that some citizens would like to prepare a letter to address to the owners stating that they won't shop there if they continue to sell drug paraphernalia. The Chief said that selling the paraphernalia is no longer against the law. Gene asked if Meth was a big problem in Milwaukie. The Chief said that it is. We have no dedicated officer or detective assigned to drug investigation. The Sheriff's Office only has two detectives working drug cases. The national statistic is that 25% of the population is involved in drug activity. Multnomah County tested everyone for drugs who was booked into their jail – 85% of them were positive.

Photo Radar Bill – the Chief advised that the Bill is dead. He will try again next time and have the Oregon Association of Chiefs of Police sponsor the bill. The Chief will be writing a letter to the editor of the Oregonian – the committee members also want to sign it.

Citizen's Academy update – Dolly said everything is ready to go. They haven't received all the applications yet.

Appointment by Governor to DMV Oversight Committee – Chief had a meeting with the Governor two weeks ago regarding DMV security issues/identity theft. RECIC (Regional Economic Crime Investigators Committee) wants to force DMV into providing safeguards to prevent identity theft and regulate/manage their employees. Chief will represent the Oregon Association of Chiefs of Police on the oversight committee. Oklahoma has decreased their identity thefts by approximately 96% by using biometric/fingerprinting system. Ray asked who would have access to the data – the Chief said it would only be accessible to DMV.

The next meeting date conflicts with the Reserve Academy. The Fire Training room at PSB is an option. The committee agreed to meet before the Ardenwald concert.

Ray asked if anyone had heard back from the Council regarding our work plan. The Chief hasn't heard anything – but will follow up.

Ray wanted to say how proud he is of the Police Department and their investigation surrounding the Sanchez homicide. The rest of the committee agreed.

The meeting was adjourned at 7:42 p.m.

The next meeting is scheduled for August 25th, 2005.