

MINUTES

MILWAUKIE CITY COUNCIL AUGUST 3, 2004

CALL TO ORDER

Mayor Bernard called the 1939th meeting of the Milwaukie City Council to order at 6:30 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Larry Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes

Staff present:

Mike Swanson,
City Manager
Stewart Taylor,
Finance Director
Alice Rouyer,
Community Development and
Public Works Director
Larry Kanzler,
Police Chief

JoAnn Herrigel,
Community Services Director
John Gessner,
Planning Director
Paul Shirey,
Engineering Director

Willie Miller,
Facilities Maintenance Specialist

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mr. Swanson announced he had excused the City Attorney from this session.

Mr. Swanson introduced Stewart Taylor, the City's new finance director.

Mayor Bernard received numerous calls from residents in the 40th Avenue and King Road area regarding the sidewalk project and tree removal. There will be public meetings to determine what can be done.

Mayor Bernard reviewed the events of the previous weekend's Riverfest Events. **Councilor Loomis** thanked the volunteers particularly the Historic Milwaukie Neighborhood and Ed Zumwalt for their efforts.

Advisory Board Interview

The City Council and Planning Commission Chair Donald Hammang interviewed Jeff Klein for a vacant position on the Planning Commission.

CONSENT AGENDA

Councilor Loomis requested that consent agenda items C – Ratification of AFSCME Contract and D – 2004 – 2005 Salary Schedule for Management/Non-Represented Employees be pulled for separate discussion.

It was moved by Councilor Barnes and seconded by Councilor Loomis to approve Consent Agenda items A, B, E and F. Motion passed unanimously among the members present.

- A. City Council Minutes of July 20, 2004;
- B. Public Works Operations Building Steel Framing Setup;
- E. Resolution 23-2004: A Resolution of the City of Milwaukie, Oregon, Adopting Fiscal Year 2004/2005 (Year Fifteen) Annual Waste Reduction Plan and Authorizing the City Manager to Sign an IGA with Metro; and
- F. O.L.C.C. Application – Harrison Street Arco & Mini Mart – 4140 SE Harrison Street.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Annexation of Properties on Hill Street, File AN-04-01 – Ordinance

Mayor Bernard called the hearing to order at 6:45 p.m. This hearing was continued from July 20, 2004 at the request of City staff. The application is for annexation of eight lots, five of which are vacant, located on Hill Street east of Stanley Avenue.

The Planning Commission considered the request at its June 9, 2004 public hearing and recommended approval of the annexation proposal. This was a *de novo* hearing. All persons wishing to speak on the proposal were recognized.

The purpose of this hearing was to consider the Milwaukie Planning Commission's recommendation to approve the annexation request and related Comprehensive Plan and Zoning Ordinance amendments for an 8-lot site on Hill Street east of Stanley Avenue.

Mayor Bernard reviewed the order of business and conduct of the hearing.

Conflicts of Interest and Site Visits: **Mayor Bernard** visited the site.

Jurisdictional Issues: There were no objections to the Council's jurisdiction to consider the matter.

Correspondence: There was no additional correspondence other than what was included in the packet.

Staff Presentation: **Planning Director John Gessner** provided the correct map for page 22 of the staff report. Hill Street is located on the east side of Stanley Avenue south of Willow Street. The area to be annexed includes a total of eight tax lots. Hill Street dead ends as an unimproved right-of-way at Hollywood Street.

The purpose of the annexation is to provide City services to the lots that will be developed. The applicant is Darrin Williams on behalf of Prime Properties. In order for the development to take place, City services must be provided. The County cannot issue permits because all properties are within 300 feet of a serviceable sewer line located on Stanley Avenue. Consistent with land use policies, the preference is to take advantage of investment in City infrastructure before using alternate means of providing water and sewer services.

This area was likely subdivided in the 1920s or 1930s. By virtue of ownership, the existing lots have not been developed. Mr. Williams approached the property owners, and they were interested in selling. There is a shortage of land in the City, and it is increasingly difficult to build new houses. The staff report outlines the criteria that must be met for the City Council to approve an annexation. The Planning Commission did approve this annexation at a public hearing. The application is subject to review of City regulations that specifically involves annexation criteria. These are consistency with the Comprehensive Plan and state and regional regulations. The state and regional regulations are mostly procedural in nature. The recommendation is to designate the property medium density to conform to the surrounding properties in the Lewelling Neighborhood. Although the properties are less than 7,000 square feet, staff believes that is a better designation than R-10 or R-5 because it allows for reasonable development. The actual construction of homes will be consistent with the housing in the neighborhood. He briefly reviewed the resolution City Council adopted regarding the reimbursement district that addresses the financing and cost recovery for installing the sewer that is necessary for this annexation.

Mayor Bernard understood the applicant applied for a building permit through Clackamas County and asked if the City got its money back and who was inspecting the houses.

Mr. Gessner confirmed the applicant had applied for a permit through the County, and staff is working with the County on reimbursement. The County permit was issued in error, and it will perform the inspections. It was felt that with the amount of progress already made on the house, it would be appropriate for the County to continue the inspections. The annexation process will be complete in 15 – 20 days.

Councilor Lancaster understood there were eight lots ranging in square footage from 5,800 and 17,900. Does the City typically allow any lots in an R-7 zone to be below those standards?

Mr. Gessner replied any lot created today would have to meet the 7,000 square foot requirement. The original subdivision resulted in lots that were 58 and 59 feet wide by 100 feet. He understood the applicant intends to do a property line adjustment to make it smaller and create another lot.

Mayor Bernard understood some of the properties are on septic, and they will not be required to connect unless their systems fails.

Mr. Gessner said Engineering Director Paul Shirey is working on a code amendment that would allow a greater degree of flexibility.

Councilor Lancaster understood this property was zoned R-10, and the recommendation is to zone it down to R-7. Is this typical?

Mr. Gessner explained when the City adopted its annexation regulations an expedited annexation process was established. There is a legal provision that drives the decision over zoning. Statues protect any previously platted lots from any change in zoning. In this instance, it made more sense the zone the property R-7.

Applicant's Presentation: **Darrin Williams**, Prime Properties, went into the area that was not in the best of shape and fixed up the existing houses and will build new ones. This will increase Milwaukie's tax base. These are legal lots of record. The 17,900 square foot lot was actually two lots of record. He will request a lot line change because of the existing home.

Mr. Williams added Hill Street has some beautiful trees, but he has to put in sidewalks. Removing those trees will terrorize the neighborhood. He suggested the City consider putting a sidewalk on only one side of the street to save some of the trees. Taking these out will result in lose of neighborhood integrity, but it is called development.

Mayor Bernard felt the City was willing to work on that and suggested he talk to the planning department.

Mr. Williams said he would mark them for removal but would do anything in an effort to save them. Sidewalks on one side of the street and a curb on the other would still make a proper road. He will submit his report to the planning department and be advised from there.

Councilor Lancaster suggested installing the sidewalks on one side and banking the money for the future sidewalk if conditions change.

Public Testimony: **Evelyn Stratton**, 5907 SE Hill Street, Milwaukie. She owns three lots that act as a wildlife preserve with native plants. The trees being discussed were originally on the property line as a hedge. She supported the idea of a sidewalk on the south side of Hill Street. She found out several years ago that the fence and a couple of her trees are actually in the right-of-way. She knows the birch will have to go. Most of the new construction is on the south side with only one on the north side. She added there is nothing wrong with her cesspool.

Scott Kauffman, 9878 SE Stanley Avenue, Milwaukie. He is also concerned about keeping the trees and the additional traffic. He suggested a convex mirror to help people can see potential traffic. Williams has improved the neighborhood immensely already. He discussed lot delineation and wanted to know where the new lot would be. He asked if the fence would eventually have to be moved.

Mr. Williams said latest survey on record is the one that will be recorded by the County.

Questions from City Council to Staff: **Mr. Gessner** clarified some of the issues. It may take the City 4 to 5 years before it has the funds necessary to make the street improvements. He will pass the information he heard at this meeting to the engineering department to ensure the project is done correctly in the future. The agreement with the County requires that the County either pave the street to a 20-foot, 2-inch asphalt overlay or to provide funds in lieu of that work. The City is working with the County to obtain those funds, likely next fiscal year. That money will be combined with the money the developer is required to pay for frontage improvements to program a capital project. The City will address the sight distance issue after annexation. No one wants to see those trees cut before it is necessary. Once the property is annexed into the City, any tree in the right-of-way requires a permit before it can be removed. He hopes to work with the neighbors to ensure it stays a pleasant street with tree canopy.

Mayor Bernard asked if Mr. Williams was building the sidewalks and curbs.

Mr. Gessner replied the City is not requiring the improvements be built at this time

Councilor Lancaster asked if there were any statutory timetables for that capital project.

Mr. Gessner was not aware of any. The city attorney would advise the city not to sit on those funds too long because it will be holding \$5,000 to \$7,000 for each new house. The developer could conceivably ask for his money back since the City is not using it. The City will want to do the project within a period of time that meets the needs of the street.

Councilor Lancaster understood that there was nothing pressing other than developer to make the City move forward with that project any time soon.

Mr. Gessner said aside from the zoning requirements adopted three years ago to get street improvements at the time of development, there would not be any particular pressure unless the neighbors decided they wanted the street improvements. Currently it is a narrow asphalt roadway, and the shoulders are in poor condition. Apart from what the city attorney might advise, there is little pressure to do the project immediately.

Mayor Bernard commented that the street improvements would increase the value of the properties.

Mr. Gessner replied that engineering has advised a minimum of five years.

Mr. Williams said after running the numbers, he started negotiating with Mr. Shirey. He was proposing to put sidewalks in on lot five and in front of an existing home. This would be a solid piece of development Milwaukie could tie into. If it is going to be up to five years, he might as well do the sidewalks now.

Close Public Hearing: It was moved by Councilor Barnes and seconded by Councilor Lancaster to close the public hearing. Motion passed unanimously among the members present. Mayor Bernard closed the public testimony portion of the hearing at 7:15 p.m.

Council Discussion and Decision: It was moved by Councilor Barnes and seconded by Councilor Lancaster for the first and second readings by title only and adoption of an ordinance approving annexation application AN 04-01 and related Comprehensive Plan and Zoning Ordinance amendments and adopt the recommended findings. Motion passed unanimously among the members present.

The city manager read the ordinance twice by title only.

The City Council was polled: Mayor Bernard and Councilors Lancaster, Loomis and Barnes aye; no nays; no abstentions. Motion passed unanimously among the members present.

ORDINANCE NO. 1933:

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. # 1, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS, AND ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE ANNEXED PROPERTY.

Mayor Bernard provided LUBA appeal information for parties with standing.

CITY COUNCIL REGULAR SESSION – AUGUST 3, 2004

Approved Minutes

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OTHER BUSINESS

A. Set Date for Transit Center Relocation Deliberations

The group discussed dates for the Transit Center Relocation deliberations. **Councilor Lancaster** suggested an October date. He indicated he was exploring some possibilities that he would like to finish before the City Council moves into the final decision-making process. Stan Link's development model has some serious potential and would require several meetings with regional representatives.

Councilor Barnes said, for the record, she believed that was a separate issue. The issue before the City Council is the one the Planning Commission and Working Group recommended. As far as she has been told, the Link discussion never happened with these bodies. Mr. Link's doing business with the City is a separate issue. People have made it clear they expect leadership and vision from the City Council. The City Council has heard from the public three times, and Councilor Barnes insisted the Council meet no later than next month to make a decision on this matter.

Councilor Lancaster disagreed and felt there was no rush to make the decision. The City Council needs to make sure it has looked at every opportunity. There was a meeting with ODOT, and the City Council has not had a chance to discuss the nature or full content of that meeting. He was convinced there were opportunities with the ODOT site that were never explored. The decision is too big with far reaching ramifications. Councilor Lancaster did not see a need for an expedited meeting.

Councilor Loomis agreed with Councilor Barnes. This is not being rushed. It has been a long process that started before he was on City Council. In all respect to Councilor Lancaster, he has been the one who seemed frustrated with government because it takes so much time and costs so much. Every meeting the City Council has and postpones costs taxpayers money. He was in favor of setting a date next month.

Mayor Bernard said no one is saying the decision has to be made next month. The City Council has not even talked about it yet. Mr. Link's proposal has not been part of the community process and would have to go back through. That is one of the alternatives the City Council has been considering.

Councilor Lancaster explained that was what he was trying to explore. Can Link's proposal really become a viable alternative? If it cannot, then he would abandon it and move on.

Councilor Barnes asked why Mr. Link had not brought this up during the meetings with the community group, TriMet, and the Planning Commission. Why now? Mr. Link is obviously a businessman, so why is he waiting so long? Is he trying to be a knight in shining armor?

Councilor Lancaster said he was driving this, not Mr. Link. He thought there was a genuine opportunity for a unique and creative way of integrating public transportation into economic development using federal dollars. He did not know if Mr. Link would make money on this personally. He is a small developer, and this is not a project he could take on alone. He is in the investment community where he might be able to bring a number of investors together on a public/private partnership to make it economically feasible. That is all of the discussion. This is not an avocation for Mr. Link; he simply brought the concept forward.

Councilor Barnes appreciated Mr. Link's interest. However, she believed it was a separate matter. The issue before the City Council is the one the public has spoken on many times. The City Council has a recommendation from City staff, the Planning Commission, and the Working Group. Now is the time for the City Council to make a decision. She proposed the City Council make the decision to meet and vote no later than next month.

Mayor Bernard asked Councilor Lancaster if scheduling a meeting for mid- to late September would give him adequate time.

Councilor Lancaster responded it might.

The group agreed to hold its deliberations on the transit center at the September 21, 2004 regular session at 6:00 p.m. in City Hall.

Mr. Swanson asked for clarification what the procedure would be.

Mayor Bernard said it would be City Council deliberation.

Mr. Swanson asked if there would be additional testimony from the floor, or would it be limited to City Council deliberations.

Mayor Bernard said City Council voted to close public testimony.

Councilor Lancaster would like to hear new information that was not brought forward earlier. He was not interested in repetition.

Councilor Barnes believed everyone who had something to say has spoken at least once. It is time for the City Council to decide.

Mayor Bernard agreed and was ready for deliberation.

Councilor Loomis was in favor of hearing new information from Councilor Lancaster.

Councilor Lancaster said he would know if there is anything worth pursuing before that meeting.

Mr. Swanson heard if there is new information, the hearing would be reopened. Is that new information from Council members?

There was consensus that this was correct – new information from Council members.

B. Advisory Board Appointments

Mayor Bernard, with the consensus of Council members, appointed Sharon Phillips to the Center/Community Advisory Board and Jeff Klein to the Planning Commission.

C. Items for Discussion from the Consent Agenda – Ratification of AFSCME Contract and 2004 – 2005 Salary Schedule for Management/Non-Represented Employees

Councilor Loomis was not able to attend the last meeting when this was approved by the City Council, so he wanted to talk about his concerns. The employees deserve a raise. The issue for him was whether or not the City could afford it. In the short time he has been here and on the Budget Committee, the City is running at a deficit and is into the contingency. His biggest concern is that the City might run into the situation like Portland Public Schools where functions like custodial services were outsourced to the detriment of all. The building department requested a 30% fee increase with 20% the year before. Ms. Rouyer testified that the departmental costs were all personnel. It is going to be harder to increase fees year after year. Even if we do not give well-deserving employees raises, there will be fee increases to meet the costs of doing business. He does not want to see any jobs lost or and citizens getting less service.

Councilor Lancaster observed it is a no-win situation. Milwaukie is not the highest paying municipality and tends to be on the lower end. The City has extremely high caliber employees. His biggest concern is that all of the cards have been played. We are into contingency again, which is a serious situation. There is a cost to maintaining quality programs. Next year when budgeting, we either dilute the programs we have, or we start cutting some of them back. That would mean a loss of personnel. If we do not compensate our employees, the best ones will leave. Then the City will be worse off than before.

Mayor Bernard said in the last round, one employee was lost and several retired. The fact is, costs are getting higher, and the City is going to lose employees. People are doing a lot more work in the same amount of time while providing better service.

Councilor Lancaster asked the city manager about financing development on a proprietary basis. The City will need to look at creative methods.

Councilor Loomis hoped the City would look at more ways to keep employees other than money. A 3% increase to employees is minimal to them, but the impact to the whole City is huge. He is really against losing jobs, because everybody loses.

Mayor Bernard commented that was a union decision.

Councilor Barnes said this contract was negotiated between the union and the City and is the best under the circumstances. Employees are now doing more because people have been lost. The union understands this is not a short-term situation. Every decision they make is something they will have to deal with down the road. Maybe with a change in leadership the economic situation will be even better for our City.


It was moved by Councilor Barnes seconded by Councilor Lancaster to approve consent agenda items C and D. Motion passed 3-1 with the following vote: Mayor Bernard and Councilors Barnes and Lancaster aye; Councilor Loomis no.

Mayor Bernard announced the National Night Out neighborhood events.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Loomis to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Bernard adjourned the regular session at 7:40 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL
AUGUST 3, 2004

MILWAUKIE CITY HALL
10722 SE Main Street

1939TH MEETING

REGULAR SESSION - 6:30 p.m.

- I. CALL TO ORDER**
Pledge of Allegiance
- II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. Introduce Finance Director Stewart Taylor**
 - B. Advisory Board Interview – Planning Commission**
- III. 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.)*
 - A. City Council Minutes of July 20, 2004**
 - B. Public Works Operations Building Steel Framing Setup**
 - C. Ratification of AFSCME Contract**
 - D. 2004 – 2005 Salary Schedule for Management/Non-Represented Employees**
 - E. Annual Waste Reduction Work Plan (Year 15) -- Resolution**
 - F. O.L.C.C. Application – Harrison Street Arco & Mini Mart – 4140 S.E. Harrison Street**
- IV. 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.)*
- V. 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.)*

Annexation of Properties on Hill Street, File AN-04-01 – Ordinance (John Gessner)

VI. 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. Set Date for Transit Center Relocation Deliberations (Mayor Bernard)

B. Advisory Board Appointments

VII. INFORMATION

Center/Community Advisory Board Minutes, June 11, 2004

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment at pursuant to ORS 192.660.
- 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.

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION JULY 20, 2004

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

Councilors present: Barnes and Stone.

Staff present: City Manager Mike Swanson, City Attorney Gary Firestone, Code Compliance Coordinator Steve Campbell, Community Development and Public Works Director Alice Rouyer, and Engineering Director Paul Shirey.

Code Amendment Regarding Penalties for Repeat Offenders

Code Compliance Coordinator Steve Campbell provided the staff report on a proposed code amendment regarding penalties for repeat offenders. He discussed two items: an increase in penalties for repeat offenders and clarification of the general penalty as it applies to both civil penalties and fines.

The City Council requested code compliance to look at code language that would increase the penalties for repeat offenders. Campbell reviewed code from several cities that ranged from incarceration to raising the civil penalties for the second, third, and fourth violations for the same person and for the same violation. Some had time designations, but others did not. Campbell's proposed ordinance did not have a time designation. For example, a person receives a notice to mow his grass in 2001 and does not follow through and is cited and found guilty or fails to appear. The same chain of events happens in 2002 and again in 2003. The 2003 citation would be that person's third for the same violation, and the fine would be not less than \$1,000. The actual language is "the penalty or a third or any subsequent separate judgment of violation of the same offense by the same person shall be no less than one thousand dollars." Campbell felt this was a balanced approach.

Councilor Stone asked if the person receiving the citation would be aware that if they get a third one that that is the amount of the penalty.

Campbell said people would be informed. There is a form letter with the citation, and on the second citation the default notice will warn them that the third could result in a substantial fine.

Councilor Barnes understood the second citation was the default.

Campbell said the person has to be found guilty in order to make it count. Informing the person on the second citation could be made part of the process.

Councilor Barnes appreciated Campbell's getting this done so quickly.

Campbell said the second item is clarification of the general penalty and that it applies to both civil penalties and fines. It provides enforcement of non-traffic code provisions by civil infraction proceedings with imposition of a civil penalty rather than fine. This is a housekeeping item.

Firestone said the reason for the change is that some years ago the City switched to a civil infraction and civil penalty for non-traffic related violations of City code provisions. In a civil infraction one does not have a fine, it has a civil penalty. This is simply a matter of cleaning up the language and making it consistent.

Mayor Bernard said the sewer rate discussion would be rescheduled when all council members could be present.

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660(2) (d) – labor negotiator consultations.

The work session adjourned at 6:40 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL JULY 20, 2004

CALL TO ORDER

Mayor Bernard called the 1938th meeting of the Milwaukie City Council to order at 6:30 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes

Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development and
Public Works Director
JoAnn Herrigel,
Community Services Director

John Gessner,
Planning Director
Paul Shirey,
Engineering Director
Brenda Schleining,
Civil Engineer

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard announced Riverfest Events on July 23 – 25 and encouraged everyone to attend. **Councilor Barnes** said Councilor Loomis, volunteer coordinator, is still looking for help during the event.

CONSENT AGENDA

Councilor Barnes requested that consent agenda item C be pulled for discussion.

It was moved by **Councilor Stone** and seconded by **Councilor Barnes** to approve Consent Agenda items A & B.

- A. City Council Minutes of June 21 and July 6, 2004; and
- B. Personal Services Agreement for Insurance Agent of Record.

Motion passed unanimously among the members present.

Item III.C – Transfer of Portland General Broadband (PGB) Franchise to OnFiber Communication, Inc.

Councilor Barnes said the wording was, “OnFiber will provide the City with a surety bond, a letter of credit of funds deposited in an escrow account of at least \$20,000.” Could that dollar amount be more specific?

Herrigel said the City asked for \$20,000, and OnFiber provided a letter of credit as of today for \$20,000.

It was moved by Councilor Stone and seconded by Councilor Barnes to adopt the resolution consenting to the transfer of the PGB franchise to OnFiber, with conditions. Motion passed unanimously among the members present.

RESOLUTION NO. 20-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CONSENTING WITH CONDITIONS TO THE TRANSFER OF THE PORTLAND GENERAL BROADBAND FRANCHISE TO ONFIBER.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Annexation of Properties on Hill Street, File AN-04-01 – Ordinance

Mayor Bernard called the hearing to order at 6:40 p.m. To allow time to resolve an issue that has recently arisen regarding this application, the hearing was continued to until the City Council meeting on August 3, 2004 at 6:30 p.m.

Annexation of Property at Harmony Road and International Way, File AN-04-02 – Ordinance

Mayor Bernard opened the hearing on application number AN-04-02 at 6:45 p.m. This hearing was continued from the July 6, 2004 Council meeting at the request of the applicant and concurrence of City staff. The application is for annexation of property located on Harmony Road owned by Panattoni Development. The applicant is Michael Wells doing business as Panattoni Development.

The Planning Commission considered the request at its June 9, 2004 public hearing and recommended approval of the annexation proposal. This was a *de novo* hearing. All persons wishing to speak on the proposal were recognized.

The purpose of this hearing was to consider the Milwaukie Planning Commission's recommendation to approve the request for an annexation and related Comprehensive Plan and Zoning Ordinance amendments for a 6.58-acre industrial site located just east of the City limits at the northeast corner of International Way and Harmony Road.

Mayor Bernard reviewed the order of business and conduct of the hearing.

Conflicts of Interest and Site Visits: **Mayor Bernard** visited the site. **Councilor Barnes** has driven by the site. **Councilor Stone** walked the site. There were no ex parte contacts or conflicts of interest announced. No member of the audience challenged any council members' impartiality or ability to participate in the decision.

Jurisdictional Issues: There were no objections to the Council's jurisdiction to consider the matter.

Correspondence: There was no additional correspondence other than what was included in the packet.

Staff Presentation: **Planning Director John Gessner** and **Annexation Consultant Ken Martin** provided the staff report that included a brief presentation on the Planning Commission's recommendation and the formal annexation criteria. The Planning Commission recommended that the City Council approve this annexation of a 6.5-acre parcel located at the intersection of Harmony Road and International Way. The land immediately to the west is already zoned industrial. The County zoning and land use designation is comparable to the City's. The developer requesting the annexation wishes to develop the property but cannot do so except through annexation so that City services can be provided. This is consistent with the Comprehensive Plan Policies and the Urban Growth Management Agreement (UGMA) between the City and Clackamas County. It is in a somewhat difficult location because of access, and staff understands there are concerns about how development might affect portions of Harmony Road especially the section at Railroad Avenue. We know there are significant backups at this leg. The purpose of the annexation is not necessarily to resolve specific site development issues but to allow the property to come into the City to receive services. The development-related impacts will be addressed at the time of the land use review. This application will have to go to the Planning Commission for transportation plan and water quality resource area reviews. The applicant has already contracted with a traffic engineering firm to look at what sorts of impacts might occur from the proposed development and what mitigation might be done to improve that condition. It is fair to note this is a big problem to fix. The County has an overpass improvement on its books, but Gessner did not believe it was funded. There is neighborhood concern regarding a linked project, which was the five-laning of Harmony Road. When an application comes in for development, staff will have to nail down the specific impacts. What is the ability of the street system to accommodate those impacts, and what sort of mitigation might be required at the time of development? What is the future of the County plans for Harmony Road and the Linwood/Railroad/Harmony intersection? The property does have a water quality resource area. There is a spring system from

Minthorn that drains through the back of the property. The request for annexation includes both the business-industrial (BI) designation and putting the water quality resource overlay on the property. Because of the location of the creek, there is a required 100-foot buffer that will ensure the environmental quality will be maintained. Staff believes the application complies with the fundamental polices, economic development, resource protection, and industrial development in the Comprehensive Plan. It physically complies with the criteria for amending the Comprehensive Plan, zoning map and Section 1500, the City's annexation criteria.

Ken Martin, annexation consultant, spoke about the process. The criteria are in State Statute, Metro Code, and the Milwaukie Municipal Code. State statute lays out a local level process. The Metro Code lays out process for providing notice, which has been done as noted in this staff report. The municipal code has some basic criteria: the property must be contiguous to the City, within the urban growth boundary, and meets the Metro Code. The only real substantive criteria in the Metro Code are consistency with the Regional Plan, which does not address annexation to cities, so one may assume consistency with the Regional Plan. That is reflected in the staff report. We find that this proposal does meet those criteria. As part of the resolution approving an annexation, the City Council has the ability to withdraw this territory from any special district that it now sits in. That is an important thing to do because otherwise the property will end up paying taxes to the City for certain services as well as paying a special district that provides those same services. Staff recommended the City Council withdraw this property from the enhanced sheriff's patrol district, street lighting district, fire district, and in this case from the water district. All of those services are available from the City of Milwaukie and should be provided by the City under its general tax. There is an analysis in the report that explains how each of those services are available, where the water and sewer lines are, and so on. This seems to meet all the criteria, and staff recommends approval.

Councilor Barnes had concerns about traffic issues. Anyone who has driven out of International Way, down Lake Road to Railroad Avenue and up Harmony Road and Linwood Avenue between 3:00 p.m. and 6:00 p.m. on any afternoon knows it is bumper to bumper. You sit there for 10 – 15 minutes. How will we avoid adding to the traffic by making this property available for business?

Gessner said that would be done by controlling the way vehicles exit the property, and the applicant can speak more to that. He understood that there is an agreement that there will be a right turn in only to the site, so there will be traffic exiting from that point. At the driveway, it would be right-in/right-out only. Traffic leaving the site would not enter Harmony Road. Traffic coming to the site from the north and east will likely go through that intersection. The actual volume impacts created by the development will depend on the types of uses proposed and the square footage. Those issues will be identified and resolved by the Planning Commission at the time of development review. We have standards for acceptable levels of performance on intersections, and those levels are probably already being exceeded in a number of cases. The developer has been working with Kittelson, Clackamas County, ODOT, and the City on these issues.

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They have not been resolved yet, but before development occurs they will need to be resolved.

Councilor Barnes understood Clackamas County owned part of the area along Harmony Road, and the City could not do anything with it.

Gessner said the County has jurisdiction over the street. The City would work with the County to ensure that whatever improvements were needed were taken care of.

Firestone added the City could require that the County standards be satisfied or that transportation improvements to County facilities be provided at the time there is a development application.

Gessner said the City has been working closely with the County, and its staff has attended City meetings. He felt confident either through legal means or cooperation with the County that as much will be done as possible to reduce those impacts.

Councilor Barnes wants to ensure the Linwood Neighborhood District chair is kept in the loop, as it is one of her bigger issues too.

Gessner said the City provides notice to Neighborhood Districts of all applications that come in, and the Linwood chair will be kept informed.

Correspondence: None.

Applicant Testimony: **Mike Wells**, 6650 SW Redwood Lane #370, Tigard, Oregon 97223. He is a partner with Pannatoni Development, and they are the applicants purchasing the property from the Greer family. One representative of the family was in attendance at this meeting. He addressed the traffic concerns. In terms of process, Kittelson did two initial evaluations. They are now doing a full-scale traffic impact study that addresses concerns raised by the City, County, and State. It needs to address the ramp terminals for Hwy. 224 both north and south, the queues, how many cars will be added, and safety issues particularly for the northbound off ramp. The County is clearly concerned about Harmony and especially the Railroad Avenue intersection. From the City's standpoint, it is not only concerned with Harmony, but also the International Way intersection and traffic exiting the site. One of the things that is being explored is potentially to make this a right-out only to Harmony in part because this is a narrow strip of land that could be designed to allow traffic to enter in a more streamlined fashion. There would not be any backup of vehicles making a right turn into the site. They are also looking carefully at the intersection and turn. Right now the turn is fairly sweeping, and cars go around it quickly. It is a blind corner because of vegetation. The initial thoughts of the traffic engineer were to change the geometry to a sharper turn to slow traffic and increasing safety. Also, they are looking at the corner design for improved visibility. Kittelson is considering traffic on International Way and how it exits and enters. The draft report is due this week, and he hopes to be reviewing it with staff on

Thursday. Then it will be finalized and go on to the Planning Commission for further scrutiny.

The applicant has extended an invitation to the neighborhood association for a meeting and is in dialogue with the Linwood NDA co-chairs. He anticipates getting together with them as soon as possible to share the site plan and the traffic impact study. The applicant intends to build light industrial buildings suitable for manufacturing and warehousing. Generally, there will be office space in the front. The ratio would be 10-20% office with the balance industrial. More than likely, the occupants will be buyers because it is difficult to find small buildings to purchase. Parties may also lease with an option to buy. There has been very good interest from the market place. A number of businesses now located in Milwaukie wish to expand, and others are interested in coming into the area.

Councilor Barnes knows there are quite a few sites available for light industrial in Milwaukie. Before we put up another building, she asked Wells if he saw a real need to add more space without making sure we have people coming in to fill that space. Why would they choose this space over something on International Way or the North Industrial area?

Wells said that question was similar to the one his construction lender asked. Councilor Barnes was correct in saying there is a lot of space available for lease. Much of it is in larger blocks of space. There is a market niche for smaller buildings that are available for purchase. Many small or medium-sized businesses are having a difficult time finding those buildings to buy. While one can see an excess of about 15% on larger spaces for lease, smaller buildings for sale are very difficult to find particularly newer ones. Ninety percent of his prospects wish to buy. Part of it is to take advantage of the current low interest rates. Portland tends to be a community where business people stay. Many of the businesses are second or third generation. Once they reach a mature stage in their business, it is natural for them to want to own, and their accountants remind them of that each spring. The demand is there for buyers. He has met with Jeff King and paired him up with some prospects.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: None.

Applicant Rebuttal: None

Questions from City Council to Staff: None.

Close Public Hearing: **It was moved by Councilor Barnes and seconded by Councilor Stone to close the public hearing. Motion passed unanimously among**

the member present. Mayor Bernard closed the public testimony portion of the hearing at 7:02 p.m.

Council Discussion and Decision: **Mayor Bernard** was pleased to see more industrial development in the community. The City has been looking for additional tax dollars to offset some budget constraints. He commented on Harmony Road. About a year and a half ago, the City asked the County to reconsider that five-lane road it wanted to construct on Harmony. He believed the County had set that idea aside but was not sure about the overpass. The City will find out in the traffic study how to deal with that.

Councilor Barnes wanted to make sure that was in writing. It has been a sore spot since she moved here, and it has only gotten worse. It has to be fixed. We need to come up with something outside the box.

It was moved by Councilor Stone and seconded by Councilor Barnes for the first and second readings by title only and adoption of an ordinance approving annexation application AN 04-02 and related Comprehensive Plan and Zoning Ordinance amendments and adopt the recommended findings. Motion passed unanimously among the members present.

The city manager read the ordinance twice by title only.

The City Council was polled: Mayor Bernard and Councilors Stone and Barnes aye; no nays; no abstentions.

ORDINANCE NO. 1932:

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. # 1, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS, AND CLACKAMAS RIVER WATER AND ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE ANNEXED PROPERTY.

Mayor Bernard provided LUBA appeal information for parties with standing.

Proposed Resolution Calling for an Election to Authorize Annexation to Clackamas County Fire District No. 1

Mayor Bernard called the public hearing on the proposed resolution to order at 7:08 p.m.

The purpose of the hearing was to consider public comment on a resolution calling for an election on September 21, 2004 authorizing annexation to the Clackamas County Fire District No. 1.

Staff Report: **Swanson** said the matter before the City Council is a proposed resolution that will set an election date of September 21, 2004, and adopts the ballot title and summary. This matter has been on Council agendas at various times over the past few months. Tonight's action is the third step on the process. The first occurred several months ago when the City Council made a request per statute to the Clackamas County Fire District Board to annex to the district. The Board made the determination it would support the annexation. According to state statute, the Board set an election date that was September 21, 2004. It is now before the City Council to formally set the election date on the question the City residents will vote on which is whether or not to annex to Fire District #1. It will be a mail ballot. Ballots will go out between September 3 and 7, 2004. The date of the election is September 21, 2004.

Swanson reviewed the background. In 1998, the Fire District and the City conducted negotiations that led to an agreement whereby the Fire District took over provision of emergency medical services and fire suppression within the City. At that time, the City transferred its existing fire fighting staff to the District. Many of those people are still there. If he remembered correctly, seven or more have been promoted to officer status during the time they have been employed by the District. The City and County Rural Fire Protection District have since 1998 operated pursuant to the contract. Technically, the City is still a provider of fire services and has chosen to do so by contracting with Fire District #1. He noted part of the action in the annexation just considered was to withdraw the territory from the Fire District. The effect of that is that the City then takes over providing fire services when in fact the City contracts with the District to provide fire services. It is essentially a question of who is levying the tax to provide fire services.

Fire District #1 is one of three large districts in the metropolitan area along with several smaller providers such as the City of Lake Oswego. The City of Portland, Tualatin Valley Fire and Rescue, and Clackamas County Fire District #1 are the three large providers. The nationwide trend is to go to larger providers. Emergency medical services are something we found are handled nicely on a more regional basis. The question before the voters on September 21 will be whether or not to annex to the District. The effect, if it is approved, is that the District will become a governmental entity to whom the citizens within Milwaukie will make requests in terms of fire suppression and emergency medical services. The tax effect is that a successful annexation vote will authorize the District to levy its permanent rate of \$2.212 per thousand on property within the City. Presently, the City is paying for fire protection services out of its permanent rate. The City will be relieved of the responsibility to pay an equivalent amount or about \$2.40 per thousand. The City does not lose its authority to levy that amount under the permanent rate. However, there are a number of compelling reasons that are not financial that argue in favor of doing this. He recommended this City Council pledge not to levy any portion of that \$2.40 as long as a majority of the members are here, so the property tax consequence of a successful

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election would be neutral. It is important, too, that right now City residents are receiving their services from the District; however, City residents have no vote. City residents cannot run for the District Board. In addition, emergency medical services are something that admit to necessity for long-term planning. For example, a piece of apparatus is usually costed out at between 15 and 20 years. The nature of a contract is that it is temporary. Many ask about options. We could seek a contract with other fire providers such as Portland or Tualatin Valley. We could also reassume the provision of service directly and have a City fire department. To effectively plan for emergency services, it is important for the District to know that it is responsible permanently for residents' welfare within the City. Those two reasons are important enough -- that the City forego levying any portion of that difference and that we support the annexation to reap the benefits of being full-fledged members of the District to effectively plan for emergency services.

This is the City Council's final step. By adopting this, the Council will be setting the election date formally. We need to certify the action to County Elections by tomorrow to be on the September 21 ballot.

Mayor Bernard said Milwaukie's rate is about \$6. If this passes, property owners will pay the City about \$4, and the District about \$2. That is a \$6 total, so the taxes are neutral. This is not a tax increase. He noted the dollar amounts were for the sake of example and not the exact amount of the tax.

Swanson felt it was important for people to understand the City still has the authority to levy that difference. That authority does not disappear. Right now we have a permanent rate of \$6.5379. If the measure passes, the City will levy that amount minus \$2.4012, which is the Fire District's permanent rate.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: None.

Councilor Barnes had two questions. Since we cannot campaign and it is our ballot measure, how do we educate the voters without actually campaigning?

Firestone responded the Council members individually or as a group may. City employees, staff, and non-elected officials may not.

Councilor Barnes asked if a Council member could write an article for *The Pilot*.

Firestone said "no" because the person publishing *The Pilot* is a City employee. The exception would be if both pro and con were presented in the publication. The key thing

to remember is that City employees and non-elected officials may not advocate for or against an issue once it is on the ballot.

Councilor Barnes asked Swanson to discuss the importance of having a seat on the Board.

Swanson replied in Oregon there is a long tradition of citizens voting on financial matters. He was not saying the District has plans, but they could at some future time have plans to go out for an additional operating levy. It certainly would be reflected in the City's contract costs if such a levy passed. Without the annexation, people in the City would not have a vote on whether or not that operating levy passed or failed. Likewise, Milwaukie citizens have no voice as to who is elected to the District Board. The Board has treated Milwaukie well and do listen. At this point, there is no assurance of the future composition of the Board. This country is founded on the ability to have input into representation on elected bodies. Milwaukie has been treated very well by District, but this is the next logical step to really have a political voice in what takes place. Right now only electors within the District boundary vote for Board positions.

Councilor Stone commented that Councilor Barnes brings up a good issue in terms of the people at home really understanding this. The bottom line question is what will this do to their bottom line? Is this going to be a fiscally sound move for the voters? Will they see an increase in property taxes? What is this really going to mean for the citizenry in terms of economics. Looking at the figures she has here, it looks like the City Council will set a levy of the permanent tax not to exceed our current tax rate of \$6.5319. Is it basically the difference between what the District levies and what the City levies?

Swanson said that was correct. The City's current contract amount closely approximates what the District would be collecting within the City if it levied its permanent rate. We could do that with a no net increase.

Councilor Stone asked if the City Council could say that citizens are not going to feel any further impact financially in making this transition.

Swanson believed we could say that, but we cannot bind future Councils with this action. It is not our intention to increase revenues to the City by this act.

Mayor Bernard felt it would be stronger to say, "we – this Council -- will not levy our permanent rate and will reduce our permanent rate to compensate for the addition of the Fire District tax."

Close Public Hearing: **Mayor Bernard** closed the public testimony portion of the hearing at 7:20 p.m.

Council Discussion and Decision: There was no further discussion.

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution calling for the election to annex to the Clackamas County Fire District No. 1. Motion passed unanimously among the members present.

RESOLUTION NO. 21-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR AN ELECTION ON SEPTEMBER 21, 2004, TO AUTHORIZE CLACKAMAS COUNTY FIRE DISTRICT NO. 1 TO ANNEX ALL OF THE TERRITORY WITHIN THE CITY FOR THE PURPOSES OF PROVIDING FIRE AND EMERGENCY MEDICAL SERVICES.

OTHER BUSINESS

Set Date for Transit Center Relocation Deliberations

Mayor Bernard said the City Council set the date when there is a full Council at the August 3, 2004 meeting.

Park Rules Ordinance

Community Services Director JoAnn Herrigel provided the staff report in which the City Council was asked to pass an ordinance adopting park rules for parks within the City of Milwaukie. The City of Milwaukie and the Parks District have never had rules for our parks, which makes enforcement impossible. If you do not tell people what they cannot do in your parks, then you cannot punish them for trying to do those things. The purpose is to establish some order and allow the City to enforce rules.

The District adopted a set of rules in June, and City Council is being asked to adopt an ordinance that is similar but not identical to the District's. The District rules would apply to entire District, which includes the City of Milwaukie because the District maintains and operates our parks for us with the exception of those not included in the intergovernmental agreement. The City is adopting its own park rules that are a subset of the District's and would apply to City-owned parks only. Herrigel outline how the City's rules would vary from the District's. They would allow code enforcement staff within the City of Milwaukie to also enforce the park rules in the City's parks. All of the District staff and those identified within the County could enforce within the City parks as well as Milwaukie code enforcement staff and police. Further, City rules allow Milwaukie police and code enforcement staff to cite violators into municipal court as opposed as to having a hearings office, which is what the County park rules do. Finally, they would allow the City to collect civil penalties and place these funds in a park fund that would potentially be used for maintenance and operation of our own City parks not maintained by the District. The rules cover a variety of activities including fires, hunting, fireworks, weapons, alcohol consumption and sale, event permitting, animals, motor vehicle use, waste disposal, and camping among other things. City staff has

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coordinated with District staff to avoid conflicts between the City and County permitting processes for parks. Staff sees no problems arising from the implementation of these new rules with respect to contradicting any other permit rules for the District.

Herrigel noted the ordinance included with the staff report did not reflect changes made by legal counsel. The changes indicate that the District rules are not adopted into the Milwaukie municipal code in their entirety. In fact, to make the changes she just described, the City would simply adopt sections 3 through 17. The other change that was made was that she did not refer specifically to civil infraction procedures, and counsel added that.

It was moved by Mayor Bernard and seconded by Councilor Stone for the first and second readings and adoption of an ordinance adopting parks rules. Motion passed unanimously among the members present.

The City Manager read the entire ordinance with the changes two times.

The City Council was polled: Mayor Bernard and Councilors Stone and Barnes aye, no nays, and no abstentions.

ORDINANCE NO. 1933:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT PARK RULES AND ADDING SPECIFIC RULES FOR ENFORCEMENT IN MILWAUKIE-OWNED PARKS.

Hill Street Reimbursement District

Engineering Director Paul Shirey provided the staff report. This reimbursement district pursuant to municipal code chapter 13.30 can be formed in order to fund the costs of public improvements to serve one or more properties. This district consists of lots fronting Hill Street between Stanley Avenue and Hollywood Street. The district proposes to build 491 feet of 8-inch sanitary sewer mainline. It is not an assessment against property. It is a funding mechanism by which the sanitary sewer fund front ends the cost of building the extension. The properties that connect to the line once it is done reimburse the fund for the cost. In this case, the City is anticipating that through the annexation some of the lots in the district will connect and reimburse. Some of the lots will not and are not required to connect until such time as the existing septic systems fail. At that time, the properties are required to connect and subsequently reimburse the fund. The City anticipates these lots will all eventually connect. The City is trying to accommodate the provision of service to the lots anticipated for annexation and development along with sufficient infrastructure to allow those other properties to connect at some time in the future. Costs were allocated on a frontage basis, and he

indicated the lots on the map. Some existing homes are on approved septic systems, and the new homes will be constructed in the next 6 – 12 months.

Councilor Barnes asked if the street would be dug up every time someone connects to the system.

Shirey said the project would be built with the laterals to the property lines, so the street will not be torn up with each connection. The cost of the laterals is minor.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution forming a reimbursement district for sanitary sewer and approve the City Engineer's report.

Councilor Stone thought it seemed like putting the cart before the horse without the hearing.

Firestone said if the property is not annexed, then the resolution would not be in effect.

Motion passed unanimously among the members present.

RESOLUTION NO. 22-2004:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, FORMING A REIMBURSEMENT DISTRICT FOR THE EXTENSION OF THE SANITARY SEWER SYSTEM ON SOUTHEAST HILL STREET.

Update on 40th and King Road Community Development Block Grant

Civil Engineer Brenda Schleining provided the staff report. The City had about \$586,000 for construction of this project, and originally the dream was King Road from 42nd Avenue to 34th Avenue near Lewellyn for storm and would have encompassed 37th Avenue from King to Harvey and 40th Avenue from King to Harvey. It also includes Lewelling Park to which the neighborhood contributed \$12,000. There were also two railroad crossing. This was the dream plan to accomplish, and staff was hoping to get some lower prices. The engineer's estimate ended up being about \$1 million. Staff bid it out, and the low bid was \$1.2 million. The City is working with the County on this. The choice was to either throw them all out and start again, which would have meant another \$20,000 to \$30,000 in engineering costs or to shorten the scope. Staff met with the contractor to agree on a scope for the work. Based on a priority system King Road from 42nd Avenue from 40th Avenue that will tie into the development in that area and the sidewalk system. Then 40th Avenue from King Road to Harvey Street that ties into the park and an older CDBG project in that area. There was more traffic on 40th Avenue than 37th Avenue, and a variety of other reasons. It was more of a continuous sidewalk network by doing it that way. As we move to the west, there are a lot of storm drainage problems. The cost on the west side was close to \$250,000 just for the storm line

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alone. There is already flooding in there. It all contributed to building more sidewalks to the east than storm to the west, which made more sense for a development block grant. The contractor did agree to the shortened scope, and that way the project would come in under budget with about \$20,000 contingency left. That does include the park.

Shirey added the 37th Avenue portion of the project, King Road from 40th Avenue east to Lewellyn and the railroad crossing would move to the next round of grant funding. The City has project plans that are ready to be built. Staff explained to the neighborhood it will have to wait based on the market place reality in terms of construction costs. Staff expects to apply again as these are priority improvements. Given the funding cycle, these will probably be done in about three years.

Councilor Barnes asked how bad the flooding situations are and if there were alternatives.

Schleining said there are no continuous storm lines in the area. That would have been a long stretch of sidewalk only. The price of plastic pipe is going up because of the price of oil.

Shirey added there are interim measures that can be taken to alleviate localized ponding conditions with the use of drywells provided they are not within what is called the two-year travel time for the underground water to move from the drywell to the water wells. Under state law it is acceptable to build those facilities if they are under that timeframe. He will provide additional information on the drywell method. It is much less costly, and although it may not take care of the entire stretch, it can help the more significant flooding problems. The storm water department has been very successful with this method in the past.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Bernard adjourned the regular session at 7:45 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director

From: Kelly Somers, Fleet/Facility Manager

Subject: Public Works Operations Building Steel Framing Setup

Date: July 15, 2004 for August 3, 2004 Council Meeting

Action Requested

Authorize the City Manager to sign a purchase order to D.P. Northwest Construction, Inc., in the amount of \$32,000. This purchase order is for the steel framing setup of the new Public Works Operations building.

Background

City Council gave authorization on June 15, 2004 for a new Public Works Operations building to be constructed during the 2004/2005 fiscal year. This building will house the Public Works Operations personnel; this includes office area, work area, and a combination restroom/locker room facility for the crews. It also has a second floor for future office work area. The estimated cost of the building for this fiscal year is \$350,000. The City is acting as the general contractor on this project. This sub-bid from D.P. Northwest Construction Inc. is for the steel framing setup of the building structure including the siding and roofing.

Web Steel, the building manufacturer, supplied the City with a list of approved steel framing contractors. The City issued a request for bids and received three bids ranging from the low of \$32,000 to a high of \$47,586. The City determined that D.P. Northwest Construction with a low bid of \$32,000 is a qualified contractor and recommends the City award them the contract.

Concurrence

The City Manager, Director of Community Development and Public Works, and Operations Supervisors all concur with this proposal.

Fiscal Impact

This project is part of the overall project expected to total \$350,000 during the 2004/2005 fiscal year.

Work Load Impacts

This project is included in the Facilities Department's work program for this fiscal year.

Alternatives

1. Approve as presented.
2. Approve with modifications.
3. Deny request.



To: Mayor and City Council

From: Mike Swanson, City Manager

Subject: Non-represented Employees fiscal year 2004-2005 Salary Schedule and Negotiated Salary Schedule for Represented Employees

Date: July 26, 2004

ACTION REQUESTED

Adoption of the City of Milwaukie 2004-2005 Pay Table (attached) with salary schedule effective July 1, 2004 for non-represented employees.

BACKGROUND

The City annually adopts an updated salary schedule that reflects adjustments that result both from contracts with its bargaining units and between the City and its non-represented employees. The latter include management, confidential, and seasonal employees.

The 2004-2005 Pay Table reflects a 3% COLA resulting from the recently concluded negotiations with both bargaining units.

The 2004-2005 Pay Table includes a 3% COLA for non-represented employees.¹ The City's pay plan was established with a 5% differential between ranges. If the COLA granted to the non-represented employees is less than that received by represented employees, the salary differential between supervisors and their employees begins to compress.

¹ I am recommending that the City Manager classification be similarly increased in order to maintain the salary schedule differential between job classifications but that the individual salary not be changed in order that I not benefit from this recommendation.

FISCAL IMPACT

A 3% COLA was calculated into the personnel schedule for all employees. Thus, sufficient funds have been budgeted. The cost of providing a 3% COLA for non-represented employees is \$52,383.

WORK LOAD IMPACTS

There are nominal workload impacts to input salary adjustments.

ALTERNATIVES

Council can choose to grant a COLA that is different from that recommended. The effect is to create compression issues within the salary structure between the non-represented and represented employees.



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Annual Waste Reduction Work Plan (Year 15)

Date: July 21, 2004

Action Requested

Adopt a resolution approving the activities in the 2004-2005 Annual Waste Reduction Plan and authorizing the City Manager to sign the attached Intergovernmental Agreement (IGA) with Metro. The IGA will grant the City \$8,593 in Metro Challenge funds to assist with implementation of the tasks in this year's Waste Reduction Plan.

Background

For the past fourteen years the City of Milwaukie, along with all the other Metro-region local governments has received Challenge Grant funds from Metro. These funds are intended to assist local governments in maintaining and expanding our recycling and waste reduction activities. The funding level has remained relatively constant for the past several years although the Milwaukie allocation has declined due to the fact that allocations are based on population figures for the region.

Concurrence

Staff has worked closely with Metro personnel to develop a realistic agenda for solid waste activities for this year.

Fiscal Impact

The funds assist the City in maintaining and enhancing existing recycling programs.

Work Load Impacts

The activities listed in the waste reduction program have been factored into City staff's existing work plan for this year.

Alternatives

Do not authorize the City Manager to sign the IGA, thereby rejecting the grant funds.

Year	Total Challenge Grant Fund	Milwaukie Challenge Grant Allocation
Year One 90/91	\$ 681,000	\$ 5,373
Year Two 91/92	\$ 544,800	\$ 9,496
Year Three 92/93	\$ 496,106	\$ 8,012
Year Four 93/94	\$ 350,000	\$ 5,556
Year Five 94/95	\$ 450,000	\$ 7,127
Year Six 95/96	\$ 550,000	\$ 8,590
Year Seven 96/97	\$ 600,000	\$ 9,264
Year Eight 97/98	\$ 600,000	\$ 9,145
Year Nine 98/99	\$ 600,000	\$ 9,064
Year Ten 99/00	\$ 600,000	\$ 9,002
Year Eleven 00/01	\$ 600,000	\$ 8,849
Year Twelve 01/02	\$ 618,000	\$ 8,876
Year Thirteen 02/03	\$ 618,000	\$ 8,761
Year Fourteen 03/04	\$ 636,540	\$ 8,928
Year Fifteen 04/05	\$ 671,271	\$8,593

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, ADOPTING FISCAL YEAR 2004/2005 (YEAR FIFTEEN) ANNUAL WASTE REDUCTION PLAN AND AUTHORIZING THE CITY MANAGER TO SIGN AN IGA WITH METRO.

WHEREAS, all local governments within the metropolitan area are required by the State through the leadership of Metro to provide an Annual Waste Reduction Work Plan,

WHEREAS, the Waste Reduction Work Plan for the City of Milwaukie is based on the Metro Regional Solid Waste Management Plan (RSWMP), and

WHEREAS, the City recognizes the need and importance of coordinated regional effort to ensure a fair and equitable distribution of the waste reduction efforts in our region,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE

To adopt the attached Fiscal Year 2004-2005 Annual Waste Reduction Plan and to authorize the City Manager to sign an IGA with Metro granting the city \$8,593 in Metro Challenge Funds for implementation of this year's waste reduction plan.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on _____, 2004.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, entered into under the provisions of ORS Chapter 190, is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and the CITY OF MILWAUKIE, hereinafter referred to as "Contractor", whose address is 10722 SE Main Street, Milwaukie, OR 97222

In exchange for the promises and other valuable consideration set forth below, the parties agree as follows:

1. Purpose. The purpose of this Agreement is to establish the responsibilities of the parties in implementing the Metro and Local Government Partnership Plan for Waste Reduction: Planned Maintenance Activities.

2. Term. This Agreement shall be effective July 1, 2004, and shall remain in effect through June 30, 2005 unless earlier terminated in conformance with this Agreement.

3. Services Provided. Contractor and Metro shall perform the services described in the attached Scope of Work, which is made part of this Agreement by reference, and otherwise fully comply with the provisions in the attached Scope of Work (Attachments A and B).

4. Payment for Services. Metro shall pay Contractor for services performed and materials delivered in the maximum sum of EIGHT THOUSAND FIVE HUNDRED NINETY-THREE DOLLARS (\$8,593) in the manner and at the time designated in the Scope of Work, Attachment A.

5. Insurance. Contractor agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this Agreement to levels necessary to protect against public body liability as specified in ORS 30.270. Contractor also agrees to maintain for the duration of this Agreement, Workers' Compensation Insurance coverage for all its employees as a self-insured employer, as provided by ORS chapter 656, or disability coverage under its

Disability, Retirement and Death Benefits Plan.

6. Indemnification. To the maximum extent permitted by law, Contractor shall hold harmless Metro, its officers and employees from any claims or damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by Contractor's performance of this Agreement.

7. Termination. This Agreement may be terminated by either party without cause upon giving 90 days written notice of intent to terminate. This Agreement may be terminated with less than 90 days notice if a party is in default of the terms of this Agreement. In the case of a default, the party alleging the default shall give the other party at least 30 days written notice of the alleged default, with opportunity to cure within the 30 day period.

8. State Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and to the extent those provisions apply, they are incorporated into this Agreement by reference. Specifically, it is a condition of this Contract that all employers working under this Agreement are subject employers that will comply with ORS 656.017.

9. Notices. Legal notice provided under this Agreement shall be delivered personally or by certified mail to the following individuals:

For Contractor:

JoAnn Herrigel
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

For Metro:

Office Of Metro Attorney
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Informal coordination of this Agreement will be conducted by the following designated Project

Managers:

For Contractor:

JoAnn Herrigel
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222
(503) 786-7508
FAX (503) 652-4433

For Metro:

Jennifer Erickson
Metro
600 NE Grand Ave.
Portland, OR 97232
(503) 797-1647
FAX (503) 797-1795

Contractor may change the above- designated Project Manager by written notice to Metro. Metro may change the above-designated Project Managers by written notice to Contractor.

10. Attorney Fees. In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

11. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party without prior written approval by the other party.

12. Integration. This writing contains the entire Agreement between the parties, and may only be amended by written instrument, signed by both parties.

13. Severability. If any portion of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken.

This Agreement is dated as of the last signature date below.

CITY OF MILWAUKIE

METRO

By: _____

By: _____

Print name and title

Print name and title

Date

Date

Attachment A

SCOPE OF WORK

I. Task: Funding for Year 15 of the Metro and Local Government Partnership Plan for Waste Reduction: Planned Maintenance Activities.

a) Term: July 1, 2004 to June 30, 2005

b) Contractor's responsibilities. Contractor shall:

1. Provide to Metro a copy of the Contractor's Resolution or Ordinance approving this Intergovernmental Agreement including all of its attachments.
2. Ensure that by June 30, 2005, the minimum activities specified in Attachment B, the "Planned Maintenance Activities" have been completed.
3. On or before August 1, 2005, submit the following:
 - A) Attachment B with all reporting sections fully filled out.
 - B) Demonstrate compliance with OAR 340-090-0040.

c) Metro Responsibilities. Metro shall:

1. Provide technical assistance to Contractor as necessary to develop, execute, monitor, and evaluate the project.
2. Provide assistance to Contractor on promotional and educational activities.
3. Monitor the general project progress and review as necessary the Contractor's accounting records relating to project expenditures.

d) Budget and Terms of Payment:

Upon completion of tasks in section (b)(1) of this Scope of Work, but no later than June 30, 2005, Metro shall pay contractor \$8,593 in one lump sum. Contractor and Metro recognize that the Metro and Local Government Partnership Plan for Waste Reduction: Planned Maintenance Activities is a multi-year program and that future rounds of funding will depend in part on Contractor's performance in implementing Planned Maintenance Activities during the term of this contract.

Attachment B
City of Milwaukie
Maintenance of Existing Programs

Overview:

Part III of the Partnership for Waste Reduction focuses on the maintenance of existing and established local and regional waste reduction and recycling programs. Significant progress in waste reduction and recycling has been made over past years through these existing programs. In order to maintain these successes, established programs must continue to be funded, staffed and maintained at the same time that new initiatives are introduced.

Maintenance Program Plan Format, Structure and Timeline:

The Maintenance Program format is intentionally simple and straightforward. Local governments will complete the attached chart, detailing the outreach, education and collection programs currently implemented and the efforts they will engage in to maintain these programs. This will provide a comprehensive regional picture of the existing programs.

The reporting section is to be completed at the end of the fiscal year and submitted to Metro no later than August 1, 2005. This section will detail each task's actual implementation date, as well as relevant status reports, changes and noted results. The reporting section will serve as the basis for integrating existing program status and progress into the recommended practices of the RSWMP, as well as the required annual reporting to the Department of Environmental Quality.

Compliance with State Law and the Regional Solid Waste Management Plan:

All regional partners will continue to be required to comply with the provisions set forth in State Law (OAR 340-90-040) in addition to the tasks listed in the RSWMP. Metro will be the reporting agency for the region's three county area. Metro will also assume responsibility for integrating maintenance programs into the recommended practices set forth in the RSWMP. This integration will be illustrated in the Annual State of the Plan Report section titled Implementation Status of Recommended Practices.

Annual Allocation:

The funding assistance provided to local jurisdictions for the maintenance of existing programs is allocated on a per-capita basis. Each jurisdiction receives an allocation based upon its percent of the region's total population.

The FY 2004-05 allocation for the City of Milwaukie equals \$ 8,593. This represents 13% of the overall City solid waste and recycling budget.

Program Overview Narrative:

The City of Milwaukie waste reduction program reaches the residential, school, and commercial sectors. Staff participates in regional workgroups to coordinate programs and assure that regional consistency is a high priority.

The City of Milwaukie has one employee assigned to waste reduction and management. Responsibilities for this employee include franchising of solid waste collection, rate review, customer service, and education and promotion of waste reduction, commercial technical assistance, and participation in regional planning and activities. The City's Code Compliance officer assists with code enforcement issues. Because the city's solid waste coordinator has responsibilities beyond solid waste, the City works with Clackamas County staff to implement some program components. Specifically, Milwaukie contracts with the County for business waste evaluations services and multifamily recycling customer service.

To the extent that residents and businesses in Milwaukie are all in Clackamas County, they all benefit and can participate in all the services provided by Clackamas County staff. In this sense, the full suite of services described in the Clackamas County plan are also provided to Milwaukie. Milwaukie staff is more directly involved in providing some of these services than in others. The projects that Milwaukie staff emphasizes in Milwaukie are those that we list in our annual plan. There are also a few services,

such as the annual collection event, that Milwaukie organizes on our own without support from the county.

A countywide mailer, developed by Clackamas county staff, goes to all mail recipients in the City each fall and spring. This is an 8-page tabloid titled *Trash Talk*, focusing on multiple aspects of waste reduction. In addition, the City's monthly newsletter, *The Pilot*, is used to highlight programs throughout the year. Brochures are placed in Chamber of Commerce offices, City facilities, and distributed at special events such as Festival Daze and the booth at the annual County Fair. Fliers on residential collection, composting and hazardous waste are also handed out at the City's annual waste collection event in May. The City uses recycling brochures developed by Clackamas County staff for multifamily and commercial customers.

The City benefits from County staff's participation with the local Chambers of Commerce by gaining access to the business community and sharing waste prevention information. The Business Recycling Awards Group (BRAG) program is promoted to businesses. Helpful hints and reminders of programs are printed in the Chambers newsletters throughout the year.

Promotional and educational displays are placed at the city's library at least once per year. An annual display promoting the compost bin sale is set up in April and May. A large booth at the County Fair in August focuses on waste prevention and recycling and distributes Metro as well as County and City produced information.

School education in Milwaukie is provided by the full-time educator funded partly by Clackamas County in conjunction with the Clackamas County Refuse and Recycling Association. Classroom presentations, newsletters, the Oregon Green School program, and assistance with event planning are some of the outreach and activities available. The County also sponsors an AmeriCorps member to work within the City elementary and middle schools focusing on waste reduction and vermicomposting.

PLANNED MAINTENANCE ACTIVITIES FOR FISCAL YEAR 2004-05

The Program Plan Table is divided into two sections: Planning and Reporting. The planning section lists program areas under the header marked "Tasks" which are to be completed in detail by Metro and local governments. All outreach, education, collection and other existing program efforts are to be listed under each task area with an associated implementation date noted under the heading "Planned Date." The section header "R/WP/B" identifies whether this particular program or activity is primarily recycling (R), waste prevention (WP) or both (B). This notation is to assist Metro in the collection of data for reporting to the Department of Environmental Quality on the region's waste prevention activities. The completed planning section of the table is due to Metro no later than June 1, 2004.

PLANNING			REPORTING	
Tasks	Planned Date	R/WP/B	Implemented Date	Implementation Status/Results
Residential				
<ul style="list-style-type: none"> ▪ Mail Trash Talk to all residential customers twice a year (County leads) ▪ Distribute City curbside services flier at Riverfront Festival and County fair ▪ Identify and undertake a specific curbside recycling outreach activity for an existing program. <i>(required)</i> 	10/04 and 4/05	B		
Milwaukie will work with Clackamas County and our haulers to identify a system for notifying customers of proper disposal and separation of plastic tubs and glass (County leads)	6/04 + 8/04	B		
	9-04	R		
Multifamily				
<ul style="list-style-type: none"> ▪ Work with County to modify on-site collection systems to incorporate additional materials and commingle materials where appropriate ▪ Provide technical assistance to multifamily owners and managers on an on-call basis. ▪ Provide educational materials and equipment as requested 	On-going	B		
	On-going	B		
	On-going	B		
Home Composting				
<ul style="list-style-type: none"> ▪ Distribute compost fliers at Riverfront Festival 	7-04	B		

<ul style="list-style-type: none"> ▪ Leaf collection and composting article in Pilot in Fall ▪ Advertise Compost bin sale in City hall and Library with demo bins ▪ Distribute compost bin sale fliers at City-wide collection event ▪ Advertise bin sale in City newsletter 	9-04	B		
	4-4/05	B		
	5-05	B		
	4-05	B		
Commercial				
<ul style="list-style-type: none"> ▪ Continue Waste Evaluations (Implemented by County Staff) ▪ Mail Trash talk to all commercial customers ▪ County staff attend Chamber meetings ▪ Advertise Save our Schools Web site in Pilot and on Gov't Access Channel ▪ Draft more detailed language for new franchises which details recycling obligations 	On-going	B		
	10-04 and 4-05	B		
	On-going	B		
	On-going	WP		
	10-04	B		
Construction & Demolition				
<ul style="list-style-type: none"> ▪ Distribute C+D Tool kits at Permit office ▪ Advertise web site on Govt Channel and in Pilot ▪ Participate in C+D task force 	On-going	B		
	On-going	B		
	On-going	B		
Household Hazardous Waste				
<ul style="list-style-type: none"> ▪ Encourage use of Metro South Transfer station through Trash Talk, Pilot and Govt Channel 	On-going and 10-04 and 4-05	B		
Regional Planning Support				
<ul style="list-style-type: none"> ▪ Attend monthly director's meetings ▪ Attend LGRC meetings when possible ▪ Attend meetings on special issues as called by Metro staff 	Monthly	B		
	Quarterly	B		
	As called	B		
School Outreach and Education				

<ul style="list-style-type: none"> ▪ County staff implement full school program in Milwaukie, including: ▪ Distribute newsletter to schools containing waste reduction info and contacts for teachers and students (County leads) ▪ Recycling Awareness packets to each school (county) ▪ Promote and recognize Oregon Green School program participants 	Fall and spring 04/05	B		
	Fall 04	B		
	On-going	B		
Other				
<ul style="list-style-type: none"> ▪ Report jurisdictional solid waste and recycling data to Metro. (required) (County) ▪ Participate in C+D task Force (required) ▪ Hold annual city-wide collection event which includes yard debris and scrap metal recycling 	Report data and Attend meetings as requested	B		
	5-04	R		

DRAFT 7/14/04

T:\REMWR\LG GRANTS\YEAR 15\0405 MILW MAINT FUNDING.RTF



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Date: July 13, 2004
Subject: **O.L.C.C. Application – Harrison Street Arco & Mini Mart – 4140 S.E. Harrison Street**

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Harrison Street Arco & Mini Mart – 4140 S.E. Harrison Street.

Background:

We have conducted a background investigation and find no reason to deny the request for liquor license.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director

From: John Gessner, Planning Director
Ken Martin, Annexation Consultant

Date: July 13, 2004 for the Council's July 20, 2004 hearing.

Subject: Annexation of Properties on Hill Street
File AN-04-01

Action Requested

Approve Annexation Application AN-04-01 and related Comprehensive Plan and Zoning Map amendments, and adopt the recommended findings in support of approval.¹

Background

On June 9, 2004, the Planning Commission passed a motion recommending that the City Council approve the request to annex several lots located on Hill Street. Since the property is now under County jurisdiction, the Comprehensive Plan Land Use Map and zoning must be changed to meet city designations.

Project Description

The applicant has requested annexation of 8 lots, 5 of which are vacant, located on Hill Street east of Stanley Avenue. The requested Comprehensive Plan designation and zoning is Medium Density and R-7 Residential, consistent with the surrounding city neighborhood. Lot sizes range between 5,800 square feet and 17,900 square feet.

¹ See Attachment 1 for the annexation area map. Proposed findings of facts and conclusions in support of approval are in Attachment 4 Annexation Ordinance.

The annexation area includes all but three lots between the easterly Hollywood Avenue right-of-way and Stanley Avenue.² The owner of those properties is not interested in annexation at this time according to the applicant. Existing homes on Hill Street are served by septic systems.

Urban Growth Boundary Management Agreement (UGMA)

In 1990, the City and County adopted an agreement that establishes procedures for provision of public services and annexations. The annexation is located in "Dual Interest Area A". The UGMA specifies that the City is the lead agent in providing services in this area, details notice requirements, and establishes requirements for street improvements at the time of annexation.

Sewer Service

Residential development of the vacant lots requires installation of a sewer line, which will be funded through the creation of a Reimbursement District.³ It is recommended that existing houses on the street that have functioning septic systems should not be required to connect to the sewer at this time. Connections to the sewer should be mandatory in the event of needed septic system repair or upgrades. The intent of the annexation is to have long-term conversion of houses now on septic to city sewer.

Water Service

The street is served by Clackamas River Water (CRW), which maintains a main that extends east of the site. Staff recommends against withdrawing from CRW, which would require construction of a city water main, thereby resulting in redundant water services.

Key Issues

1. Annexation proposals are subject to city, Metro, and state laws and regulations. The annexation application has been prepared in accordance with these laws and regulations.
2. Improvements to Hill Street are required in accordance with the City and County Urban Growth Management Agreement. The specific means for providing street improvements will be determined in the near future.
3. County zoning in the Area is R-10, minimum lot size 10,000 square feet. Staff recommends the annexation area be zoned R-7 consistent with neighborhood zoning as it more closely matches existing lot areas, and minimizes potential complications with zoning nonconformities.

² The Hollywood Avenue right-of-way measures approximately 12 feet wide and contains a single unimproved lane that provides access to homes located east of the annexation area.

³ Reimbursement Districts (Municipal Code 13.30) provides reimbursements to developers who oversize facilities in anticipation of future development and must be authorized by City Council.

4. Staff believes the application is consistent with criteria for annexation and Comprehensive Plan and Zoning Map amendments and recommends approval.

Analysis of Key Issues

1. The UGMA requires that the City take jurisdiction of local streets within and abutting the annexation area. As a condition of this transfer the County must either construct the street to a minimum 20-foot asphalt cross section or contribute funds to the city to cover the cost of upgrading the street. Hill Street does not presently meet this standard.

Street improvements should be coordinated with the developer who is also responsible for street frontage improvements at the time of development. The preliminary recommendation is to combine developer and county resources in a near-term capital improvement project following construction of the sewer line. Desired stormwater improvements would be made at the time street improvements are constructed. Staff is working with the County to resolve the manner in which street improvements should be completed, and believes the proposed annexation and related process is consistent with the UGMA.

2. Lands east of Stanley and north of King Road were divided by a series of subdivisions starting in 1913 and continuing through the 1940's. These land divisions resulted in a typical street grid pattern with 40-foot rights-of-way and 5,900 square foot lots between Hazel Street to the north and Maple Street to the south. Exceptions to the 5,900 square foot lot size exist along Stanley Avenue, where lot size is typically closer to 10,000 square feet.

Staff advised the applicant that the area should be annexed to the city as R-7 Residential Zoning based upon the historical pattern of development and relationship of the site to the nearby Lewelling neighborhood which is primarily zoned R-7. Staff believes that the R-7 zone is better suited for the area than the R-10 zone or R-5 zone as follows:

- Vacant lots within the annexation area may be developed at their present lot area (subject to sewer availability).
- The checker boarding of differing zoning designations should be avoided where possible to maintain consistency in development patterns.
- The R-5 zone would allow lesser setbacks and increase lot coverage than the R-7 zone, which is inconsistent with R-7 development patterns.
- The R-7 zone allows for reasonable residential development and may result in higher potential property valuations (subject to quality residential development).

3. Staff believes the proposed Comprehensive Plan land use designation to Low Density Residential and the R-7 zoning amendment are consistent with city criteria as follows:⁴

Comprehensive Plan Low Density⁵

- The Low Density applies to both R-10 and R-7 zoning.
- There is a public need to amend the plan. The amendment is necessitated by the proposed annexation.
- The public need is best satisfied by the Low Density Residential designation based upon consistency with surrounding city land use designation and development pattern.
- Annexation will not adversely affect the health, safety, and welfare of the community. Annexation will result in the long-term provision of urban services to 8 lots. Potential health and environmental impacts associated with failing septic systems will be minimized.

Zoning Map

- Notice of the proposed map amendment has been provided in accordance with city code and applicable statutes.
 - The proposal is consistent with the Comprehensive Plan and Urban Growth Management Agreement.
 - Potential residential development that will result from the annexation is consistent with the R-7 zone.
 - Needed public utilities can be provided without adverse impacts to the remainder of the service area.
4. Staff believes the annexation proposal is in the city and public interest as follows:
- It is consistent with the city urban service agreement with the County.
 - It will lead to the long-term elimination of existing septic systems thereby reducing potential public health risks.
 - It will result in construction of new housing, thereby helping to meet market demand and increase the city stock of modern housing.

⁴ Comprehensive Plan Amendments are subject to Zoning Ordinance Section 900 and Comprehensive Plan Chapter 2- Amending the Plan. Zoning Map Amendments are subject to Zoning Ordinance Section 900.

⁵ Substantive compliance requirements include Chapter 2, Policies 3 and 7. See Attachment 3.

- It will contribute to the city's tax base and help cover general fund expenses.
- Fees collected at the time of permitting will contribute to funds that cover the cost of providing park, street, sewer, and stormwater improvements.

Compliance with Annexation Criteria

Staff believes the proposal complies with city, state, and regional criteria for annexation. (See Attachment 2 for full analysis.)

Decision Making Process

Annexation requests and the related amendments to the Comprehensive Plan Land Use and Zoning Maps are subject to Zoning Ordinance 1011.4 Major Quasi Judicial Review. Annexations are also subject to state law and Metro Code.⁶ Approval requires adoption of the attached ordinance. (See Attachment 4)

A decision must be rendered no later than September 9, 2004 to meet state law that limits the amount of time allowed for the City to take action.

Comments

The proposal was forwarded to the affected neighborhood, service providers and agencies. No objections have been received. Lewelling NDA supports the proposal.

Concurrence

The application was forwarded to Public Works Operations Departments, Engineering, Fire, City Attorney, Building, and Police. No concerns about the annexation have been received. Affected departments will review any future development proposal for comment on traffic, stormwater drainage, and other typical development issues.

Fiscal Impact

The annexation is expected to have a positive fiscal effect through collection of property taxes and other revenues. Potential negative effects include the costs of providing governmental services to the site. The value of the property, for tax revenue purposes, will depend upon the extent of future site development. While it is not now possible to quantify the net fiscal effect, staff believes that annexation will result in an overall long-term fiscal benefit, due to increased development potential within the annexation area.

A reimbursement district is proposed to cover the cost of installing a needed sewer line.

⁶ Oregon Revised Statutes 268.354 and Metro Code Chapter 3.09.

Work Load Impact

Workloads will be affected by the annexation including the set-up and maintenance of property records, utility billing, and general governmental services.

Alternatives

The Council has the following decision-making options:

1. Approve the application and adopt findings in support.
2. Deny the application and adopt findings that specify reasons for denial.

Attachments


1. Annexation Area Map
2. Compliance with Approval Criteria
3. Inventory of Service Providers & Facilities
4. Proposed Annexation Ordinance (including Findings, Area Map, and Legal Description)

Proposal No. AN 04-01

1S2E30

Annexation to the City of Milwaukie





Clackamas Co.

600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

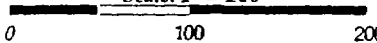
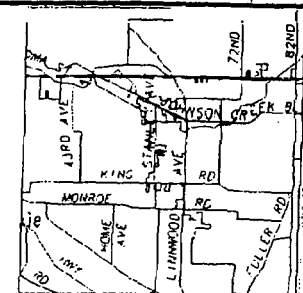
METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the accuracy of reproducibility or fitness for a particular purpose, accompanying this product. However, verification of any errors will be appreciated.

-  County lines
-  City
-  Annexation boundary
-  Urban Growth Boundary

Proposal No. AN 04-01
CITY OF MILWAUKIE
Figure 1

Scale: 1" = 100'

Attachment 2

Compliance with Plans, Codes, and Statute

Section 1. Compliance with Milwaukie Comprehensive Plan

The purpose of this chapter is to provide a process for the periodic amendment of the plan, provide for public participation, and a factual basis for decisions. The following substantive policies apply to all plan amendments. Compliance with these policies is detailed in preceding sections of this report.

Chapter 1 Citizen Involvement

Policy #3

Individuals, the Planning Commission, or the City Council may request Plan amendments at any time separate from the normal Comprehensive Plan Amendment application process. A request by an individual will be considered by the Planning Commission, who may initiate further formal consideration of a Plan amendment if it is determined the proposed change is in the public interest. The Planning Commission should also hold a public hearing annually to evaluate issues related to the Plan or recommended Plan changes. A report of this public hearing will be provided to the City Council who may approve it or take further action as required.

Chapter 2 Plan Review and Amendment Process

This chapter allows for changes to the Comprehensive Plan and includes the following criteria to be evaluated for proposed changes:

- A. Conformance with Comprehensive Plan, goals, policies, and spirit.
Staff believes the proposal is consistent with this criterion. It meets specific policies concerning neighborhood land use and public facility provisions of Chapter 5.
- B. Public need for the change.
The public need is related to providing public services in accordance with the intergovernmental agreement with the County over coordination of public services, which maximizes existing investments in public utilities, and makes land available to meet housing demand.
- C. The Annexation will not adversely affect the health, safety, and welfare of the community.

The proposed annexation will result in the long-term provision of urban service to an established residential area. The Comprehensive Plan supports the adequate supply of housing lands and providing needed urban services.

- D. The change is in conformance with applicable Statewide Planning Goals.
1. Goal 1 requires local governments to establish a land use planning process as a basis for all decisions and actions to ensure a factual basis for such decisions.
The proposal has been processed in accordance with established plans and polices and therefore complies with Goal 1.
 2. Goal 11 requires development of public facility plans that ensure the orderly and timely arrangement of public services.
The proposed annexation is consistent with the urban growth management agreement with the County that implements Goal 11.

Chapter 4, Land Use, Residential Land Use and Housing Element

This supports and encourages the low-density development outside of the Town Center. Planning objectives include the following:

- A. Objective #1 – Buildable Lands
- To utilize lands in the City according to their relative measure of development capacity, based on drainage, geology, and steep slopes, and significant wildlife habitat.
- The lots contained within the annexation area do not contain development constraints that would conflict with the purposes of this Objective.*
- B. Objective #2 Residential Land Use: Density and Location
- This objective acknowledges that that lands outside the Town Center will be primarily single-family residential. Objective #1, Policy 1 specifies that areas may be designated low-density in the following cases. The proposal is consistent with this policy.
- *The predominant housing type is single family detached.*
 - *The area is developed at low density, which allows up to 6.2 units per acre. The actual density of the annexation area minus the Hill Street right-of-way is 6.2 units per acre.*
 - *Within Low Density area, transportation routes are limited primarily to collectors and local streets. Hills Street connects the annexation area to Stanley Avenue, which is a collector street.*

Section 2. Zoning Amendment Criteria, Section 900

Proposals for zoning map amendments must provide evidence that all requirements of this title relative to the proposed use or uses are satisfied, in addition to addressing the following:

- A. Applicable requirements of Section 19.1003;
The application has been processed in accordance with Zoning Ordinance section 1011.4 Major Quasi-Judicial Review.
- B. Reasons for requesting the zoning map amendment;
The request is made to implement a proposed annexation. All lands within the city must have a zoning designation.
- C. Description of existing site conditions, including but not limited to topography, public facilities and service, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject site and current zoning of the subject site;
The annexation area was platted throughout the early 1900's. The site lies on high ground, is generally flat, but slopes in some areas to the north. Access is provided by Hill Street, which does not meet city design standards for streets. There are a total of 8 lots, 5 of which are undeveloped, or combined with previously developed residential uses. Current zoning of the area is county R-10. Water service is provided by Clackamas River Water District. There are no existing stormwater facilities.
- D. Description of the intended use or uses;
The intended use is residential development at the city R-7 standard.
- E. Identification on a detailed site plan of public facilities both existing and proposed; existing and proposed structures and site development details, including display of setback and other zoning standards compliance information; and an indication of mitigation or other measures proposed for purposes of health, safety, or welfare within the community.
A graphic site plan is not available. However, the following information satisfies the intent of this section:
- 1. Water service is available by an 8-inch main in Hill Street.*
 - 2. Hill Street is an asphalt street approximately 15 to 20 feet wide. It terminates at the informal and unimproved lane within the Hollywood Avenue right-of-way.*

3. *The existing lots are typically 58 to 59 feet wide and 100 feet deep. R-7 yard requirements are 20 feet for front and rear, 5 and 10 feet for side yards, and 20 feet for street side yard on corner lots.*
 4. *It is believed that existing houses comply with applicable city zoning standards.*
- F. The approval criteria of Section 19.905, which includes the following:
1. The proposed amendment must conform to applicable Comprehensive Plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.

Staff believes the amendment complies with this provision. The land use pattern and designation is consistent with nearby city lands. The proposal is consistent with the city/county Urban Growth Management Agreement. There are no known regional or functional plan polices that would apply to this proposal.
 2. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

The potential future development that would ensue as a result of annexation and provision of sewer service will be consistent with the predominant land use patterns in the area. Though undersized, the pre-existing platted lots are suitable for R-7 residential development. The annexation will increase the supply of buildable lands in the City, thereby increasing housing supply and improving the quality of the housing stock. There are no known potential adverse effects of the proposal.
 3. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

State regulations related to the annexation have or will be met. There are no known federal regulations applicable to this matter.

There are no known regional regulations that would apply to the rezoning from county R-10 to city R-7 zoning.

4. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

The proposal will not restrict the capacity of services to serve additional development potential within the area.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.1400.

Street improvements consistent with Section 1400 will be provided through the annexation and subsequent residential development. A traffic study has not been required due to the small number of new lots that will be developed.

Section 3. Compliance with Section 1500 Annexation

The City Council shall approve or deny an annexation proposal based on the following:

- A. The site must be located within the city urban growth boundary;
The site meets this requirement.
- B. The site must be contiguous to the existing city limits;
The site meets this requirement.
- C. The requirements of the Oregon Revised Statutes for initiation of the annexation process must be met;
The application has been processed in accordance with applicable statutes.
- D. The proposal must be consistent with Milwaukie Comprehensive Plan policies; and
The proposal is consistent with the Comprehensive Plan as detailed elsewhere in this report.
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d)
The proposal is consistent with the Metro Code as detailed elsewhere in this report.

Section 4. Compliance with the City-County Urban Growth Management Agreement

Milwaukie and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest next to the City. The territory to be annexed falls within the Urban Growth Boundary Management Area identified in the Agreement. Section 6 of Part C of the Agreement provides the following:

- The City shall assume jurisdiction of county roads and local access roads that are within or abutting the area annexed.
- The County shall either improve Hill Street to a 20-foot asphalt overlay cross section or provide funds in lieu of the improvements to the City.

Street jurisdiction will be transferred to the City and the County will provide funds in lieu of making street improvements in accordance with the UGMA Agreement

Section 5. Compliance with Metro Code

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). The Legislature has directed Metro to establish criteria, which must be used by all cities within the Metro boundary. Metro Code states that the City Council's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans." Metro Code states that a final decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.
There are no such agreements presently in place. The Metro Code also contains a second set of 10 factors, which are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation.
2. Consistency with directly applicable provisions of urban planning area agreements or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

The proposal is consistent with the 1990 Urban Growth Management Agreement between the City and County.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The proposal is consistent with the Public Facilities Element of Milwaukie Comprehensive Plan Chapter 5. There are no provisions of the Clackamas County Comprehensive Plan that apply to the proposed annexation.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework or any functional plan.

The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services.

All public facilities and services needed for development of the site are presently in place.

Section 6. Compliance with Urban Service Statutes

ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in this area of the County.

Attachment 3

Service Providers & Public Facilities

1. Milwaukie provides fire protection via a contract with Clackamas County Rural Fire Protection District No. 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. The City should withdraw the territory from the District so that all property in the City is being served uniformly [via the contract].
2. The territory to be annexed lies within Clackamas River Water. The City is authorized by ORS 222.120 (5) to withdraw the territory from Clackamas River Water at the time of annexation. The City should not withdraw the territory from the District, as it would require construction of a redundant water main in Hill Street.
3. The site is currently served by the Clackamas County Sheriff's Department. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services. The Milwaukie Police Department provides a level of service of 1.4 sworn officers per 1,000 Population.
4. The area to be annexed lies within the Clackamas County Service District (CSD) for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the countywide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory is withdrawn from the District, the District's levy would no longer apply to the property. The City should withdraw the territory from the District so that all property in the City is being served uniformly by City police.
5. The site is within Clackamas County Service District # 5 for Street Lights. In that District only some areas are lighted and if lighted the property owners in the lighted area pay a yearly assessment of \$32.50 for lights on existing wood poles or \$45 on metal poles. ORS 222.120 (5) would allow the Council to specify in its approval ordinance that the territory be withdrawn from that District. The City of Milwaukie provides street lighting service at no extra charge to City residents. Therefore the property should be withdrawn from the County Service District as allowed by statute. There are presently no light poles in the annexation area.

6. Planning, neighborhood associations, nuisance abatement and other municipal services are also provided by the City and will be available to the territory from the City upon annexation.

Attachment 4

**ORDINANCE NO. _____
MILWAUKIE, OREGON**

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND LOCATED ON HILL STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. # 1, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS, AND ASSIGNING COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR THE ANNEXED PROPERTY.

WHEREAS, the City received written consent from a majority of the electors in the territory proposed to be annexed and all the owners of land in the territory proposed to be annexed, as required by ORS 222.125; and

WHEREAS, the tract of land is contiguous to the City and can be served by city services; and

WHEREAS, the City Council dispenses with submitting the question of the proposed annexation to the electors of the City for their approval or rejection as provided for in ORS 222.125; and

WHEREAS, the City Planning Commission and City Council have held the public hearing in accord with ORS 222.120, Metro Code 3.09.045, and Milwaukie Municipal Code Sections 1502 & 1011.4; and

WHEREAS, the tract of land lies within the territory of Clackamas R.F.P.D. # 1; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the tract of land lies within the territory of Clackamas County Service District No. 5 For Street Lights; and

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

WHEREAS, a report was prepared as required by law, and the City Council having considered the report, does hereby favor the annexation of the subject tract of land and withdrawal from the districts based on findings and conclusions attached hereto as **Exhibit A**; and

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

WHEREAS, the City considered a Plan Change from County Low Density Residential to City Low Density and a zone change from County R-10 to City R-7 as a part of the proceeding as provided for in Milwaukie Municipal Code 1502.1;

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

Section 1: The tract of land, described in Exhibit B and depicted on Exhibit C, the annexation area map, is annexed to the City of Milwaukie.

Section 2: The tract of land annexed by this ordinance and described in Section 1 is withdrawn from Clackamas R.F.P.D. # 1, Clackamas County Enhanced Sheriff's Patrol District, and the Clackamas County Service District No. 5 For Street Lights.

Section 3: Upon annexation the tract of land is hereby assigned a City Comprehensive Plan designation of Low Density Residential and a zoning designation of R-7.

Section 4: The findings and conclusions attached as Exhibit A are adopted. The City shall immediately file a certified copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.050 (g) and ORS 222.005. Except as provided in Section 3 above, the annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read the first time on _____, 2004, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 2004. .

Signed by the Mayor on _____, 2004.

James Bernard, Mayor

ATTEST:

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

Pat Duval, City Recorder

City Attorney

Hill Street Annexation Ordinance

Exhibit A

Findings of Fact in Support of Annexation

Findings of Fact

1. A petition to annex the site to the City of Milwaukie was submitted by one hundred percent of owners and a majority of registered voters in accordance with Milwaukie Municipal Code 19.1502.2. The applicant is proposing to annex the following lots of the Hollywood Park plat to the City of Milwaukie:
 - A. Block 6, lots 10 and 11;
 - B. Block 7 lots 2 (including the easterly 25 feet of lot 1), 3, 4, 5, 6, and 7.The annexation area also includes the Hill Street right-of-way from the city limits east to the Hollywood Avenue right-of-way.
2. The annexation includes the withdrawal of all county and special district services other than water, which shall continue to be provided by Clackamas River Water.
3. The existing land use pattern in the area and adjoining city lands support amending the Milwaukie Comprehensive Plan Land Use Map by designating the annexation area as Low Density.
4. The existing land use pattern in the area and adjoining city lands support amending Milwaukie Zoning Map by zoning the annexation area as R-7 Residential.
5. The annexation application has been processed and notice provided in accordance with Milwaukie Municipal Code 1500, Metro Code, and the Oregon Revised Statutes.
6. The request for Comprehensive Plan and Zoning Map amendments were processed in accordance with Milwaukie Comprehensive Plan Chapter 2 and Municipal Code Title 19.900 and 19.1011.4.
7. The Planning Commission conducted a public hearing on June 9, 2004, and heard and considered all testimony.
8. Annexations are governed by the Urban Growth Management Boundary Agreement between the City and Clackamas County. The annexation area is located within Dual Interest Area A as described in the agreement.

9. The annexation is in the public the interest as follows:
 - A. It is consistent with the city urban service agreement with Clackamas County.
 - B. It will lead to the long-term elimination of existing septic systems thereby reducing potential public health risks associated with failed septic systems.
 - C. It will result in construction of new housing, thereby helping to meet market demand and increase the city stock of modern housing.
 - D. It will contribute to the city's tax base and help cover general fund expenses.
 - E. Fees collected at the time of permitting will contribute to funds that cover the cost of providing park, street, sewer, and stormwater improvements.
 - F. The annexation facilitates the efficient use of land and utilities by taking advantage of existing investments in streets and water service.

10. The annexation is consistent with the following applicable plan and code provisions:
 - a. Metro Code 3.0 Local Government Boundary Changes.
 - b. Milwaukie Comprehensive Plan Chapter 2 Plan Review and Amendment Process.
 - b. Milwaukie Comprehensive Plan Chapter 4 Land Use, Residential Land Use & Housing Element.
 - c. Milwaukie Comprehensive Plan Chapter 5 Public Facility Element.
 - d. Milwaukie Municipal Code 19.900 Amendments.
 - e. Milwaukie Municipal Code 19.1500 Boundary Changes.

Hill Street Annexation Ordinance

Exhibit B

Legal Description

A tract of land in the Northeast one-quarter of the Southeast one-quarter of Section 30, Township 1 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, said tract being a portion of Blocks 6 and 7 of the duly filed plat of Hollywood Park, along with a portion of Hill Street (C.R. 2327, being 40.00 feet in width), as disclosed by said plat, said tract being more particularly described as follows:

Beginning at the Northwest corner of Lot 11 of said Block 6; thence East, along the North line of said Lot 11 and of Lot 10 of said Block 6, a distance of 179.00 feet to the Northeast corner of said Lot 10; thence South, along the East line of said Lot 10, a distance of 100.00 feet to a point on the South line of said Block 6; thence East, along said South line, a distance of 176.00 feet to the Southeast corner of said Block 6; thence south along the Southerly extension of the East line of said Block 6 and the East line of Said Block 7, a distance of 140.00 feet to the Southeast corner of Lot 7 of said Block 7; thence west, along the South line of said Lot 7 and of Lots 6,5,4,3,2, and 1 of said Block 7, a distance of 387.50 feet to a point on a line being 25.00 feet West of and parallel with the East line of said Lot 1; thence North, along said parallel line and the Northerly extension thereof, a distance of 140.00 feet to a point on the South line of said Block 6; thence East, along said South line, a distance of 32.50 feet to the Southwest corner of Lot 11 of said Block 6; thence North, along the West line of said Lot 11, a distance of 100.00 feet to the point of beginning.

Proposal No. AN-04-02

1S2E31D

Annexation to the City of Milwaukie

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

METRO

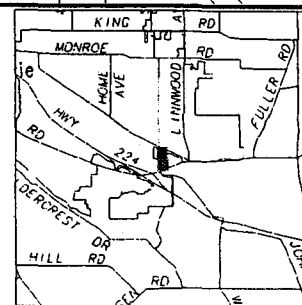
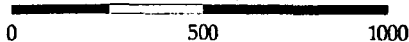
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- County lines
- City
- Annexation boundary

Urban Growth Boundary

Proposal No. AN-04-02
CITY OF MILWAUKIE
Figure 1

Scale: 1" = 500'



**North Clackamas Parks and Recreation District
Milwaukie Center/Community Advisory Board
Minutes of June 11, 2004**

Members present: Kim Buchholz, Sharon Phillips, Jim McCready, Jane Hanno, Joan Staley, Katie Rudfelt, Ben Tabler, Eleanor Johnson, Joan Newman, Molly Hanthorn, Abi Croisant

Members excused: Janet Witter, Chuck Petersen

Guest: Kathi Schroeder was introduced and expressed an interest in joining the board

Staff Present: Cheryl Nally

Call to Order: Kim called the meeting to order at 10:03 am. The minutes of the meeting of May 14, 2004 were approved as corrected. Jane moved and Ben seconded.

Special Topic: Kim asked Board members to suggest topics they would like to see on the agenda. Topics suggested were: Park Board Chair and Charlie C. regarding NCPRD, long range plans, reports from staff, joint board meeting with Friends, Medicare and Medicaid info for our clients, legislative matters, neighborhood chairs, county representatives.

Correspondence: A card from Janet Witter asking to retire from the Board and thanking the group for the birthday card.

Action Item: Kim asked if there were additional nominations for Board offices. Hearing none, Eleanor moved to elect Kim Buchholz as Chair, Joan Staley as Vice Chair and Molly Hanthorn as secretary. Ben seconded the motion and it was approved unanimously.

Board/Committee Reports

Executive Committee: Did not meet.

NCPRD Board: Eleanor reported that officers were elected and Don Trotter will be Chair and Mart Hughes will be Vice Chair. The Board approved Abi Croisant as a member of C/CAB. The Fee and Cost of Services study was presented and Eleanor briefly shared it. This will be a tool for developing future budgets for the District. Indirect costs were discussed. A dog park advocate spoke in praise and support of the current area. Eleanor also shared a flyer and newspaper article about the Aquatic Center 10th anniversary events.

Budget & Finance: Did not meet.

Programs and Services: No meeting.

Nutrition & Transportation: Ben announced the new bus will be for 14 passengers and will arrive this summer. Milwaukie Lutheran Church donated \$500 to the Nutrition Program. Don announced a Meyer Foundation grant of \$7,300 for buffet table units. Twilla's position will go to 18 hours per week in July.

Building Review: No meeting.

Friends of the Milwaukie Center: Eleanor called attention to several activities covered in the Monthly Report. Dinner Casino raised \$2,000. The Rose Garden is looking good and 6 weddings are already scheduled for this summer. The Lumberjack Breakfast will be in the Fall. Partnering with other groups improves the success of events.

Other Reports: Kim reported that a meeting between Center staff and Travel Committee and residents of Willamette View was productive and we may be able to partner on some travel programs. Kim also reported on an orientation to the District Board which he found helpful. Kathi commented that the Neighborhood Association in Milwaukie have funds and might share in projects at the Center.

Center Report: Cheryl reminded members of some upcoming events.

Agenda for next meeting: Discussion of Fee and Cost of Services report. Board members will receive copies before the next meeting.

Meeting adjourned at 11:05 am.

m. hanthorn, secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER DIVISION
Monthly Report for June, 2004

Mission: To be a link to resources for older adults and their families – and a place where the community can gather, grow, and contribute.

Programs/Services

Milwaukie Center social services staff and volunteers contact about 300 homebound older adults each month. These contacts may be through an assessment of their care and health needs or a contact to follow up on their needs. An older adult who is eligible for Meals on Wheels can be supported through such examples as transportation options, help with grocery shopping or assistance with high energy bills, through these contacts.

The Travel Program had an influx of four new volunteers in the last 4 months. The Travel Program staffs a desk at the Milwaukie Center Monday-Friday from 9am-1pm to talk to patrons about trips, coordinate trips with vendors and plan day trips throughout Oregon. The program donates around \$7,000 per year to the Recreation Services department through profits received from trips.

The Transportation Program has a weekly grocery shopping trip available to seniors and disabled residents of the Parks District. The bus picks up participants at their homes once a week and delivers them to the nearest Fred Meyer. Folks have an hour at the store and then are returned home. The driver and a volunteer escort help participants get their groceries from the store into the bus and from the bus into their house. Over 200 rides a month are provided for this service, and participants are asked for a \$1.50 round trip fare. For most participants, this is their only consistent means of getting their needed groceries and household items.

The Nutrition Program sponsors an annual Golden Wedding Anniversary to celebrate all couples who have been married for 50 years or more. This year, 14 couples participated in the renewal of vows and special lunch. Milwaukie Floral donated long stem roses for each couple.

Fund-raising

Meyer Memorial Trust approved a grant request for \$7,326 to assist the Nutrition Program with the purchase of hot and cold buffet tables to assist with serving the congregate on-site dining program. The equipment will allow staff to be able to serve the congregate on-site dining participants with less required volunteer support and at the same time reduce food waste.

Each year, the Friends of the Milwaukie Center provide "gifts" to the Center in support of many areas of service. At their annual meeting in June, the Friends distributed the following checks:

- \$1,600 Class scholarships for older adults
- \$2,000 A Place at the Center respite program scholarships
- \$2,000 Nutrition Program assistance
- \$4,000 Transportation Program assistance
- \$10,000 Social Services Older Americans Act match money
- \$750 Social Services Client Assistance Program (emergency fund)
- \$500 toward the annual Volunteer Recognition
- \$350 toward the annual Quilt Show

In addition, the Friends publish and mail the monthly newsletter, a \$16,000 contribution, and hold special events throughout the year and an ongoing weekly BINGO game which help bring people into the Milwaukie Center.

