

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
SEPTEMBER 21, 1993

The one thousand six hundred and seventy-ninth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Rick Farley	Rob Kappa
	Bob Knudson

Also present:

Dan Bartlett, City Manager	Tim Corbett, Public Works Director
Charlene Richards, Assistant to the City Manager	Craig Stensrud, Community Policing Officer
Bill Monahan, City Attorney	Jim Crumley, Associate Planner
Maggie Collins, Community Development Director	Paul Roeger, Civil Engineer
	Pat DuVal, Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Consider Three-Year Agreement with Milwaukie Police Employees Association**

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to approve a three year collective bargaining agreement between the City of Milwaukie and the MPEA effective July 1, 1993 through June 31, 1996, and authorize the Mayor and City Manager to sign the agreement on behalf of the City.

Richards reviewed the changes to the contract which included: 4.4% wage increase effective July 1, 1993; 4.4% educational incentive increase; Martin Luther King Day observance; medical and dental premium increase split 50/50; probationary period lengthened from twelve months to eighteen months; and establish a physical fitness program in compliance with Americans with Disabilities Act for sworn officers.

Mayor Lomnicki said Council had reviewed the proposed collective bargaining agreement during the executive session.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to approve a three year collective bargaining agreement between the City of Milwaukie and the MPEA effective July 1, 1993 through June 31, 1996, and authorize the Mayor and City Manager to sign the agreement on behalf of the City. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Officer Bondietti, MPEA President, was present to sign the agreement on behalf of the bargaining unit.

Presentation of the Certificate of Achievement for Excellence in Financial Reporting

Kathy Tri, Government Finance Officers Association (GFOA), presented the City of Milwaukie with the *Certificate of Achievement for Excellence in Financial Reporting*. The certificate is granted to local governmental agencies whose financial reporting is judged to meet the highest standards.

Mayor Lomnicki expressed his appreciation to City Manager Bartlett, Finance Director Anderson, and the Finance Department staff for making this achievement possible.

Fire Prevention Week - Proclamation

Mayor Lomnicki read a proclamation naming the week of October 3 - 9, 1993, as *Fire Prevention Week* in the City of Milwaukie.

Presentation by Senator Bill Kennemer

Senator Kennemer discussed the 1993 legislative session. Major issues considered were increased health care funding; job training for people on public assistance; impoundment of uninsured vehicles; insurance coverage for mammograms; background checks for those working with children; stalking and abandonment of the elderly laws; bike helmets for children; and revocation of certain licenses for non-payment of child support. He discussed the upcoming sales tax measure.

Councilmember Knudson asked how obsolete legislation is eliminated. Kennemer said certain laws add or delete other sections.

Councilmember Kappa asked if cities would have to pay a sales tax. Kennemer responded that cities would be required to pay the sales tax.

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Councilmember Farley asked how the budget would be balanced if the sales tax was defeated. Kennemer said it would be difficult to determine at this time what adjustments would be made because there will be many new members in the next legislature. He indicated that there may be a small increase in personal income tax and cuts to the budget.

## PUBLIC HEARING

Consider Butcher Property Designation - File No. HR-92-03

Mayor Lomnicki called the public hearing on redesignating the Butcher Property at 8835 SE 42nd as a Significant Property on the City's Historic Resources Inventory to order at 7:29 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider designating property located at 8835 SE 42nd Avenue as a Significant Property on the City's Historic Resources Inventory. Geraldine D. and Alvin S. Butcher, owners of the property, requested to have the property designated on the Historic and Cultural Resources Inventory. The Historic Review Commission (HRC) held a public hearing on this issue August 9, 1993. Public hearings were also held March 15, 1993, and May 17, 1993. At the request of the staff and the Applicant, continuances were requested at these two hearings. The Historic Review Commission recommendation as well as additional information was to be considered by the Council at this hearing.

Mayor Lomnicki reviewed the order of business for the public hearing. He said the applicant had the burden of proving that designation of the property as a Significant Property on the City's Historic Resources Inventory was consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The applicable substantive criteria to be addressed were: Section 3.22 of the Zoning Ordinance; and Conformance with the applicable Comprehensive Plan Objectives and Policies as listed in the staff report. All testimony and evidence must be directed toward the applicable substantive criteria just described. Failure to address a criterion or to raise any other issue precludes an appeal based on that criterion or issue. Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals according to the rules adopted by the Board.

Conflicts of Interest: Mayor Lomnicki said he lived within three blocks of the site. He had met the property owners several years ago, but had not spoken with them recently. No other members of Council announced any ex parte contacts or declared any potential conflicts of interest. No member of the audience made any challenge to a Councilor's impartiality.

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

Staff Report: Jim Crumley, Associate Planner, presented the staff report in which the City Council was requested to consider designating the Butcher property at 8835 SE 42nd as a Significant Property on the City's Historic Resources Inventory. Much of the historical research on the property had been provided by Geraldine Butcher. Greg Chew of McKeever Morris evaluated the property on established criteria.

Crumley said the Historic Review Commission and the property owner request that the City Council approve this request and add the property to the Historic Inventory. If Council approves the request, an ordinance will be prepared for the October 5, 1993, meeting amending Appendix 1 of the Comprehensive Plan by adding the property to the list of significant properties.

Councilmember Kappa said the staff report indicated that the barn windows had been removed. Chew said the panes had been broken and removed, but the wood frames remained.

Councilmember Schreiber said the barn on the property was very unique. She expressed concern that the structure would remain.

Crumley said McKeever Morris and the building department had evaluated the barn. The owners will be required to make any structural improvements to keep it standing.

Mayor Lomnicki said there had been bazaars held in the barn. Would listing the barn as a historic resource prevent this activity? Crumley said bazaars could still be held there.

Correspondence: None.

Applicant's Presentation: None.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Applicant's Rebuttal: None.

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Close Hearing: Mayor Lomnicki closed the public testimony portion of the hearing to consider designating the Butcher property at 8835 SE 42nd Avenue as a Significant Property on the City's Historic Resources Inventory at 7:40 p.m.

Discussion among Councilmembers: Councilmember Kappa said he had been very interested in the historic narrative in the staff report.

Councilmember Schreiber said she believed the public would be interested in this type of historical background.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to direct staff to prepare an ordinance designating the Butcher property at 8835 SE 42nd as a Significant Property on the City's Historic Resources Inventory. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Monroe Street Traffic Study

Mayor Lomnicki called the public hearing on the Monroe Street Traffic Study to order at 7:43 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider the Monroe Street Traffic Analysis final report and to determine the steps necessary to address the citizen petition filed with the City requesting the prohibition of trucks on Monroe Street from 21st Avenue to Highway 224. Mayor Lomnicki reviewed the conduct of the hearing.

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider the Monroe Street Traffic Analysis final report. He said the City had contracted with Tom Lancaster to perform the traffic analysis. He reviewed the series of public involvement meetings that had been held.

Corbett said the study indicated relatively low truck volumes. He said truck diversion would probably not impact other streets in the area. He said it did not appear that Monroe Street functioned effectively as a minor arterial.

Corbett said there were other issues to consider. These issues included: light rail routing; City Roadway and Transportation Management; the Statewide Transportation Planning Rule; Comprehensive Plan update; and the impact of closure or partial closure of Monroe Street at Highway 224.

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Corbett said the short term recommendations were to post the jake brake prohibition and for staff to contact the trucking companies observed using Monroe Street and request they use a more acceptable route. He said staff had been fairly successful working with the logging companies.

Corbett discussed the long term recommendations. He said there would be a new truck count done after the McLoughlin improvements were completed. The new jughandle bridge will allow larger trucks to cross McLoughlin. Staff would consider the Monroe Street classification during the Comprehensive Plan review and the City Roadway and Traffic Management Plan update. Improvements to Harrison would also be evaluated so that it would continue to be a major east-west transportation route. He said special attention would be given to the Harrison/Hwy 224 intersection. The City will also continue to work with ODOT to consider future McLoughlin Blvd. needs.

Councilmember Kappa asked if the study would help determine street designations and in developing a truck route in the City. Corbett said information from Lancaster's study would help in the future when it comes time to redesignate streets. He said one of the problems with the study was that there had been substantial truck traffic diverted because of the McLoughlin Blvd. improvements.

Councilmember Farley asked how long it would be to put the short term recommendations into effect. Corbett said a traffic regulation would go to the City Manager, signs would be posted, and trucking companies and residents would be contacted.

Councilmember Farley asked if the same timeframes would be used in the next traffic study. Corbett said the times are standard and will probably be used again.

Councilmember Farley said the people who live on Monroe know when the truck traffic is the heaviest. Corbett said staff had gone out between 5:00 a.m. and 7:00 a.m. and had not seen a significant difference.

Councilmember Kappa said according to the report there would not be a significant truck traffic increase on Harrison and Washington. Corbett said residents on Washington might find increased traffic due to construction at Milwaukie High School. He said he had not gotten any input from residents on Lake Road or Washington.

Councilmember Kappa said many of the log trucks were from independent companies. Corbett said in the past it had been effective to notify the haulers through the log boom operators.

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Correspondence: None.

Testimony in Support to the Load Limit: None.

Testimony in Opposition to the Load Limit: None.

Other Testimony: Bill McCarthy, 2800 SE Washington, said he had noticed an increase of truck traffic on Washington. He said he had particularly seen an increase of Fleming Foods, logging, and construction related trucks. He said he was concerned with the quality of the neighborhood and urged that serious thought be given on long term traffic needs of through streets.

Ron Rollins, 2755 SE Washington, agreed that there was an increase of freight trucks and construction related vehicles. He said he believed that the streets in the area should share the burden of traffic. He said he believed that McLoughlin should be used instead of cutting through the City.

Julie Wisner, 3225 SE Wister, said she participated in the 34th Avenue Task Force. She said her neighborhood has seen an increase in truck traffic since the Milwaukie MarketPlace was completed. She said neither Washington nor Monroe were wide enough to accommodate large trucks. She said she believed well-established residential areas should be protected from extreme volumes of traffic and truck traffic that is not appropriate on neighborhood streets. She discussed banning truck traffic in certain areas of the City.

Mart Hughes, 3006 SE Washington, addressed his remarks to the technical considerations of Tri-Met bus counts. He expressed concern that there might be a 10% error in the study. He pointed out that there were nearly 4000 cars using Washington Street each day.

Hughes discussed the Comprehensive Plan which called for the arterials, to be at least 1/4 mile apart. Harrison, Monroe, Washington, and Lake are designated as arterials. He said huge amounts of traffic are cutting through residential neighborhoods to get between Hwy 224 and McLoughlin. He asked what the City could do to provide a higher quality of life. He recommended that traffic flow through the neighborhoods be controlled. He said he believed the City should press ahead for light rail. He said people living in neighborhoods with unbearable amounts of traffic deserve support.

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Staff Comments: Corbett said closing the streets to truck traffic would not specifically address the number of automobiles. He repeated that McLoughlin Blvd. is now on its third year of construction, and a significant amount of the traffic is related to these improvements. The entire network of streets in the area must be considered. He said staff was concerned that trying to fix one neighborhood would result in causing problems for another.

Questions of Clarification: Mayor Lomnicki asked when this phase of the McLoughlin improvements would be completed. Corbett said the improvements may be completed this fall, or if the weather is poor, it will be done in the early spring.

Mayor Lomnicki said it seemed that completion of the jughandle is critical to improving traffic circulation. Corbett said the short term recommendations would be in effect until the construction was complete.

Councilmember Kappa asked if short term truck routes could be established; however, car volumes seem to be the major problem. Corbett said there are some signalization changes planned to make the Harrison/Hwy 224 intersection safer. He said he believed the short term recommendations would help make the neighborhoods quieter.

Councilmember Farley asked how much damage was done to the streets and sidewalks by trucks. Corbett said this was difficult to assess, but Tri-Met busses share some of the responsibility for street and sidewalk deterioration.

Councilmember Schreiber said it seemed most sensible for the residents to do an organized traffic count. She suggested that some streets might need to be one-way. She asked if there were other ways the City could aid residents. Corbett said he would be attending Traffic Safety Commission meetings to discuss traffic calming methods that are being used in the City of Portland. He said the City was looking at the possibility of using radar boards.

Councilmember Kappa asked if there was a program that would train citizens to use the radar board. Corbett said Oregon City just got a speed board, and Chief Mansfield was working with their staff.

Councilmember Schreiber suggested that cars no longer park on the sidewalk in order to make the traffic lanes narrower. She added that parking on the sidewalk leaves the impression of a transient neighborhood and encourages other code violations.

Close Public Hearing: Mayor Lomnicki closed the public testimony portion of the hearing on the Monroe Street Traffic Study at 8:25 p.m.

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Discussion among Councilors: Councilmember Farley said Monroe Street residents had started a petition eighteen months ago and were fighting an uphill battle. Washington Street is having a similar problem. He urged that some action be taken. There are four schools in the neighborhood, and something needs to be done.

Councilmember Knudson said he did not understand why it should take so long to solve the problem and go back to a residential neighborhood that it should be. He said both Washington and Harrison were wider than Monroe.

Councilmember Kappa said at this point he was concerned that closing streets would start petitions throughout the whole City. Truck traffic seems to be an easy one to address. He said he was concerned that closing one street would negatively impact other streets in the area. He said that while trucks are large and annoying, cars seem to be the real problem. He said he believed the concerns should be addressed through ODOT, but some short term relief must be found. He urged that trucking companies be contacted, exhaust brake signs be posted, and alternate truck routes be encouraged.

Mayor Lomnicki said he was inclined to follow the recommendations in the staff report. He agreed that truck traffic and through traffic needed to be channeled around neighborhoods and the core area. He said a long term resolution should be formulated as soon as the construction is completed. He was concerned that banning traffic on Monroe might compound the problems on the other streets. He said he did not see a feasible alternate route at this time.

Councilmember Kappa suggested that trucks might access McLoughlin from the end of the expressway by using Milport.

Councilmember Schreiber asked how much it would cost to equip residents with speed boards and let the residents monitor vehicle speeds.

Bartlett said the reader board costs about \$10,000 and would require training.

Councilmember Knudson said he was concerned about how long it would take.

Decision: It was moved by Councilmember Kappa to post jake brakes prohibitions, contact truck owners, and direct staff to find an alternate truck route within the City.

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Bartlett said there was a Metropolitan Regional Transportation Plan with designations in the Comprehensive Plan. He said it is not a simple matter for staff to find an alternate route. The Planning Commission must also consider any proposal. He said the City should follow through with these issues and look at alternate truck routes through the Regional Transportation Plan. The Police Chief and the Traffic Safety Commission are looking at various methods such as speed bumps and reader boards to control traffic in the residential areas. He said he was expecting the advisory board to make a recommendation. He said he was concerned with the ability to enforce traffic prohibitions.

Councilmember Farley said he believed most of this could be implemented within ten days.

Councilmember Kappa repeated his motion which was to post exhaust brake prohibitions, contact trucking companies, follow procedures of long term solutions, and postpone directing staff to find alternate routes. Mayor Lomnicki seconded the motion.

Councilmember Farley said he believed the idea of speed bumps should be added to the motion.

Councilmember Kappa said he was concerned about the liability and the criteria for determining location of these speed bumps in the City.

Councilmember Farley asked Bartlett to direct Public Works to look into this issue.

Mayor Lomnicki suggested that this be done outside of the motion and could be done in conjunction with Traffic Safety Commission recommendations.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Kappa aye; Councilmember Knudson nay; no abstentions.

Councilmember Kappa asked how long the process would take. Corbett said it would be necessary to evaluate the criteria with the Traffic Safety Commission. He said he expected a pilot program to be implemented by this spring. The pilot program would aid the department in developing criteria for placing speed bumps in certain neighborhoods.

Councilmember Kappa asked how much the pilot program would cost. Corbett said there was \$25,000 budgeted for this fiscal year.

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McCarthy asked if the motion addressed one street. Councilmember Kappa said the motion was made on Monroe Street only.

Wisner discussed a Traffic Safety Commission meeting in which there was a presentation on various traffic control devices. She was concerned that residents were being asked to do their own traffic control. She said she had expressed these identical concerns during the hearings on construction of the Milwaukie MarketPlace. She said it had been determined that 34th Avenue was being used beyond its capacity.

Tom Alford, 2708 SE Monroe, asked if it would be possible to install a "truck route" sign when the jughandle was completed. He said he was concerned that he had presented Council with the petition eighteen months ago.

Mayor Lomnicki said it is important to look at the impact on the entire neighborhood.

Alford said these streets are all residential, and there is no reason for trucks to use them.

Mayor Lomnicki said when the jughandle is done, signs could be put up.

Alford asked if another survey would be necessary when construction was complete.

Councilmember Schreiber said it is important that an effective, long term plan be developed.

Alford said the closure of 23rd Avenue has resulted in more busses on Monroe Street.

Councilmember Kappa said he believes there are problems on Monroe Street, but he felt the impact on all area residents must be considered.

Alford said he was concerned with truck traffic, not particularly the cars.

Councilmember Farley asked if school busses were speeding. Alford said bus #80 goes about 30 miles per hour.

## AUDIENCE PARTICIPATION

None.

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## OTHER BUSINESS

Consider Recognizing the Month of October 1993 as Crime Prevention Month in the City of Milwaukie - Resolution

Craig Stensrud, Community Policing Officer, presented the staff report in which the City Council was requested to consider a resolution recognizing the month of October, 1993 as "Crime Prevention Month" in the City of Milwaukie. He discussed the business watch program that was being started at PS Business Park and the graffiti removal project.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the resolution naming the month of October, 1993, as "Crime Prevention Month" in the City of Milwaukie. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

## RESOLUTION NO. 30-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECOGNIZING OCTOBER AS "CRIME PREVENTION MONTH."

Consider Contract Award to Complete Water and Sewer Franchise Fee Feasibility Study

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$4,790 to perform a Water and Sewer Franchise Fee Feasibility study.

Corbett said it was important to identify a source of funding for street maintenance. The five year authorization for transfers from the Water and Sewer Funds to repay the Street Fund for damage created by utility cuts expires at the end of this fiscal year. It had been determined that franchise fees might be the best short term funding option. The proposed feasibility study would review state statutes, evaluate similar franchise fees being utilized in other jurisdictions and determine revenues and possible impacts.

Councilmember Farley asked what was involved in the feasibility study. Corbett discussed the scope of work which included a survey of franchise fee structures currently in place in the state; prepare franchise fee options; present proposed fee structure to City Council, City Attorney, and Citizens Utility Advisory Commission; and prepare draft ordinance or resolution to formally establish the franchise fee.

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Councilmember Kappa said he believed there was some confusion among citizens about funding needs for streets, sewer and water. Many of the funding needs are a result of federal regulations.

Corbett said state gas taxes currently fund streets. There are currently no mandates for streets; however, they must be maintained. He said the 32nd Avenue improvements alone will cost \$850,000. He discussed current regulations on storm water management and sewage treatment. If the City fails to comply, it will be prohibited from being water providers. Failure to comply with storm water mandates could result in DEQ fines.

Councilmember Farley asked how many miles of streets there were in the City. Corbett said the City has approximately 65 miles of streets.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$4,790 to perform a Water and Sewer Franchise Fee Feasibility study. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Authorizing Purchase of Property Using Parks Funds

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the City Manager and the City Attorney to accept owner's counter offer for a trail property as designated in regional Greenspaces and Parks Master Plans and conduct a Level 1 Environmental Audit. These parcels are owned by UP/SP and will be a mechanism to connect to the Springwater Corridor and the 40-mile Loop. The asking price is \$43,500 and is about 50% below the appraisal. There is a balance in the North Clackamas Parks and Recreation District land acquisition and/or parks improvement fund available for this parks property acquisition.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the City Manager and the City Attorney to accept owner's counter offer for a trail property as designated in regional Greenspaces and Parks Master Plans in the amount of \$43,500 and conduct a Level 1 Environmental Audit. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

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Consider City Manager Compensation and Evaluation

This item was postponed until the next meeting.

## OTHER

State and Federal Mandates

Councilmember Kappa said he would like to review what would happen if the City refused to meet federal and state mandates. Corbett said if the City water supply does not meet water quality standards, the City could be both fined and not allowed to provide water. The most pressing issue right now is storm water which is a requirement under the Clean Water Act. The City must be able to show a stable source of funding in the NPDES permit application. If the City does not comply with the mandates, there could be substantial DEQ fines up to \$25,000 per day.

Kellogg Treatment Plant

Councilmember Schreiber said she and Councilmember Knudson attended a public meeting at the Kellogg Treatment Plant. The odor control program, landscaping, and sight mitigation programs should be completed by next summer.

Problem Solving Training

It was the consensus of Council that Councilmember Kappa would represent the group at the October 20, 1993 Problem Solving Training. Councilmember Knudson would act as the alternate. It was agreed that Councilmember Kappa would return with session information for Council.

Council Representation on Regional Groups

Mayor Lomnicki discussed City representation on KOLTT and CREG. He said he would represent the City of Milwaukie on the CREG Committee.

Councilmember Schreiber gave an update on the FOCUS group. She said they had developed a set of bylaws.

## CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Consent Agenda which consisted of the City Council Minutes of September 21, 1993. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

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## INFORMATION

Bartlett discussed the KOLTT regional facilities study meeting and the Clackamas Water Basin Authority meeting.

Bartlett discussed correspondence with Richard Devlin on the upcoming Metro bond issue and possible causes of opposition.

Councilmember Schreiber discussed an upcoming MPAC meeting; Milwaukie's being considered for a regional image site; new business waste water management program; and the upcoming Metro Growth Conference.

Councilmember Kappa said the proposed Arlington Tour had been cancelled.

Mayor Lomnicki announced the Clackamas Cities Association meeting and Pennywood Block Party. He discussed the lobbying groups that were approaching Clackamas Cities and other Metro groups.

## ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:55 p.m.

*Pat DuVal*

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Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
SEPTEMBER 21, 1993**

MILWAUKIE CENTER

1679TH MEETING

**EXECUTIVE SESSION**

5:00 - 5:30 p.m. - The City Council will meet in Executive Session pursuant to ORS 192.660 (1) (a), (d), and (e) to discuss City Manager Evaluation, Labor Relations, and Property Acquisition.

**WORK SESSION**

5:30 - 6:00 p.m. - Citizen Involvement Program Status Report (Maggie Collins & Marc Johnson, Intern)

6:00 - 6:45 p.m. - Council Information Sharing

**REGULAR SESSION**

7:00 p.m.

**I. CALL TO ORDER**  
Pledge of Allegiance

**II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

- A. Consider Three-Year Agreement with Milwaukie Police Employees Association (Charlene Richards)
- B. Presentation of the Certificate of Achievement for Excellence in Financial Reporting (Kathy Tri, GFOA State Representative)
- C. Fire Prevention Week - Proclamation (Dan Olsen)
- D. Presentation by Senator Bill Kennemer

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

- A. Consider Butcher Property Designation - File No. HR-92-03 (Jim Crumley)
- B. Monroe Street Traffic Study (Paul Roeger)

**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 card provided on the table at the back of the meeting area. The Council may limit the time allowed for presentation.)*

Bob to 10/20  
meeting

V. **OTHER BUSINESS** *(The following items will be individually presented by City 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. **Consider Recognizing the Month of October, 1993 as Crime Prevention Month in the City of Milwaukie - Resolution (Chuck Mansfield)**
- B. **Consider Contract Award to Complete Water and Sewer Franchise Fee Feasibility Study (Tim Corbett)**
- C. **Consider Authorizing Purchase of Property Using Parks Funds (Dan Bartlett)**
- D. **Consider City Manager Compensation and Evaluation (Mayor Craig Lomnicki)**

VI. **CONSENT AGENDA** *(Items appearing below are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. Rather, the items may be passed upon by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

City Council Minutes of September 7, 1993

VII. **INFORMATION**

- A. **Community Development Department Report**
- B. **Legislative Tax Reform Proposal**
- C. **North Clackamas Parks and Recreation District Information**
- D. **"Land Use Law Smorgasbord"**
- E. **Traffic Safety Commission Minutes of May 10, 1993**
- F. **Upcoming Regional Meetings**
- G. **Greenspaces Priorities Letter**

VIII. **ADJOURNMENT**

**EXECUTIVE SESSION**

*At the end of the regular meeting, the Council may hold an Executive Session under the authority of ORS 192.660.*

*For assistance/services per the Americans with Disabilities Act (ADA), dial TDD 659-5171.*

Item III.A  
Quasijudicial Land Use Hearing - Historic Dwelling  
September 21, 1993

1. Opening

"The public hearing on a request to designate a property as a Significant Property on the City's Historic Resources Inventory is called to order."

2. Purpose and Procedure

"The purpose of this hearing is to consider designating property located at 8835 SE 42nd Avenue as a Significant Property on the City's Historic Resources Inventory. Geraldine D. and Alvin S. Butcher, owners of the property, have made the request to have the property designated on the Historic and Cultural Resources Inventory. The Historic Review Commission (HRC) held a public hearing on this issue August 9, 1993. Public hearings were also held March 15, 1993 and May 17, 1993. At the request of the staff and the Applicant, continuances were requested at these two hearings. The Historic Review Commission recommendation as well as additional information will be considered by the Council at this hearing. The order of business we will follow in conducting this hearing will be:

- a) Discussion of jurisdiction and impartiality questions.
- b) Staff presentation.
- c) Correspondence.
- d) Applicant's presentation.
- e) Other testimony in support.
- f) Opponent's testimony.
- g) Neutral testimony.
- h) Additional staff comments.
- i) Questions from Council.
- j) Applicant's rebuttal testimony.
- k) Hearing closed, no further information from the audience.
- l) Discussion by Council and decision.

The applicant has the burden of proving that designation of the property as a Significant Property on the City's Historic Resources Inventory is consistent with the City of Milwaukie Zoning Ordinance and Comprehensive Plan.

The applicable substantive criteria to be addressed are:

- A. Section 3.22 Of the Zoning Ordinance; and
- B. Conformance with the applicable Comprehensive Plan Objectives and Policies as listed in the staff report.

All the testimony and evidence must be directed toward the applicable substantive criteria just described. Failure to address a criterion or to raise any other issue precludes an appeal based on that criterion or issue.

Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals according to the rules adopted by the Board."

3. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?" [If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded.

Because we have other items on the agenda this evening, I would again encourage those wishing to speak to confine their remarks to the request before us and to avoid repetition and irrelevant information. I would also ask that if many of you wish to make similar or related comments, you may wish to appoint one spokesperson to speak for all of you."

4. Conflicts of Interest

"Do any members of the Council wish to announce any ex part contacts or declare any potential conflicts of interest? Does any member of the audience wish to make any challenge to any member's impartiality?"

5. Jurisdictional Issues

"I will now entertain any objections to the Council's jurisdiction to consider this proposal."

6. Staff Report

"As there are no objections to the Council's jurisdiction, let's proceed to the staff report."

Jim Crumley - Associate Planner

7. Correspondence

"Have we received any correspondence on this matter other than those items included in the agenda materials?"

8. Applicant's Presentation

The applicant may now make their presentation.

9. Others in Support

"Does anyone wish to speak in support of the applicant's request?"

10. Opponent's Presentation

Does anyone wish to speak in opposition to the applicant's request?"

11. Neutral Testimony

"Is there any neutral testimony?"

12. Staff Comments

"Does the staff have anything to add at this point?"

13. Questions of Clarification

"Does any member of the Council or audience have any questions regarding clarification of the testimony to this point?"

14. Applicant's Rebuttal

"Does the applicant have anything further to add in rebuttal? If not, I will close the public testimony portion of this hearing."

15. Close Hearing

"The public testimony portion of the hearing on the request for designating the Butcher property as a Significant Property on the City's Historic Resources Inventory is now closed."

16. Discussion among Councilmembers

"Is there discussion by Council?"

(No further testimony unless absolutely necessary. You may want attorney to outline alternatives.)

17. Determination of Findings and Decision

"Is Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

(Council may adopt findings of Historic Review Commission or staff or develop its own. New findings may be prepared at the meeting or assigned to someone to prepare for adoption at next meeting. Preparation of findings may be assigned to successful party. If findings are not prepared immediately, final action on application, ordinance, or resolution should be deferred until findings are prepared and adopted.)

Item III.B  
Monroe Street Traffic Study  
September 21, 1993

1. Opening

"The public hearing on the Monroe Street Traffic Study is called to order."

2. Purpose

"The purpose of this hearing is to consider the Monroe Street Traffic Analysis final report and to determine the steps necessary to address the citizen petition filed with the City requesting the prohibition of trucks on Monroe Street from 21st Avenue to Highway 224."

3. Conduct of Hearing

"Does anyone in the audience wish to speak on this matter?" [If Yes]

"I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded."

Since we have other items on the agenda this evening, I would encourage those wishing to speak to confine their remarks to the study before us. I would also ask that if many of you wish to make similar or related comments, you may wish to appoint one spokesperson to speak for all of you."

4. Staff Report

Paul Roeger - Civil Engineer

5. Correspondence

"Have we received any correspondence on this matter?"

6. Audience Testimony

"Does anyone wish to speak in support of the load limit?"

"Does anyone wish to speak in opposition to the load limit?"

"Is there any further testimony or any further questions from the audience?"

7. Staff Comments

"Does the staff have anything to add which specifically addresses a question raised during the testimony?"

8. Questions of Clarification

"Does any member of the Council have any questions regarding clarification of the testimony to this point? If there are no further questions, I will close the public testimony portion of this hearing."

9. Close Public Testimony

"The public testimony portion of the hearing on the Monroe Street Traffic Study is now closed." [Gavel]

10. Discussion among Councilmembers

(No further testimony unless absolutely necessary. You may want the attorney to outline alternatives.)

11. Decision

"Is the Council ready to vote?"

Note: If you wish to continue this matter for any reason, the hearing should be continued to a date certain to avoid the need to publish new notice.

# CITY OF MILWAUKIE



FAX (503) 652-4402

## \*\*\* MEMORANDUM \*\*\*

September 14, 1993

To: Mayor and City Council  
From: Dan Bartlett, City Manager *Da*  
Re: City Manager's Contract

### Action Requested

Consider the City Manager the same wage and benefit package provided to non-represented employees and continue the employment agreement with the City Manager.

### Background

The Council has completed the annual performance review of the City Manager as described in Section 2. B. of the employment agreement. This agreement calls for Council consideration of salary increases "following regular performance evaluation." The agreement also calls for these increases to be effective at the "same time as those approved for other City employees."

I have had the attached survey salary prepared in response to Council direction. It shows that my salary is \$712 below our comparable cities. A 4.4 % increase in salary would raise my monthly salary to \$5,220.

cc: File  
cm700/hd

CITY MANAGER SALARY SURVEY

City	1992 Population	Current Salary	Deferred Comp	Total Wages	Auto	PERS
Forest Grove (vacant)	14,010	\$4,200 \$5,500		\$4,200 \$5,500	car	same as
Hillsboro	40,350	\$6,097	\$625	\$6,722	work	yes
Lake Oswego	31,885	\$6,531	\$50	\$6,581	car	yes
Oregon City	16,810	\$5,679	\$114	\$5,793	\$250	yes
Tigard	31,265	\$5,500		\$5,500	\$250	ICMA
Tualatin	16,640	\$5,263		\$5,263	work	yes
West Linn (vacant)*	17,670	\$5,333 \$6,000	\$480 \$540	\$5,813 \$6,540	car car	yes yes
Wilsonville	9,255	\$5,125	\$564	\$5,689	\$300	yes
Average - bottom 95% of Average		\$5,628 \$5,347		\$5,858 \$5,565		
Average - top 95% of Average		\$5,712 \$5,426		\$5,948 \$5,651		
Milwaukie	19,950	\$5,000	\$42	\$5,042	\$250	yes
Milwaukie Dept Head Top - Actual		\$4,347	\$42	\$4,389	car	yes
Top - Range		\$4,765	\$42	\$4,807		
Top - Actual + 10%		\$4,782	\$42	\$4,824		
Top - Range + 10%		\$5,242	\$42	\$5,284		

\* deferred comp estimated at 9% based on former city manager

Sept 1993  
cmcomp93

## EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this 20th day of December, 1988, by and between the City of Milwaukie, Oregon, a municipal corporation hereinafter called "CITY", as party of the first part, and Dan R. Bartlett, hereinafter called "EMPLOYEE", as party of the second part.

### WITNESSETH:

WHEREAS, the City has appointed Dan R. Bartlett as City Manager with the full authority of that position as provided in the Charter of the City of Milwaukie; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the City Council to: (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment; (2) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee; and (3) to provide a just means for terminating Employee's services at such time as he may be unable to fully discharge his duties due to disability or when the City may desire to otherwise terminate his employment.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties. City hereby agrees to employ Dan R. Bartlett as City Manager of the City of Milwaukie to perform the functions and duties specified in the Home Rule Charter of the City of Milwaukie, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

Section 2. Term. A. The term of this agreement shall be effective February 1, 1989, and end when Employee is terminated by Council action, or when Employee resigns, whichever shall occur first.

B. The City Council and Employee shall, in executive session, review the performance of the City Manager in August, 1989, and annually thereafter. The City Council and Employee shall also annually evaluate the salary of the City Manager. The first review in August, 1989, shall include a review of the Manager's salary. The parties shall develop a mutually acceptable process of executive evaluation.

C. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of Employee at any time, subject only to the provisions set forth in Section 3, paragraphs A and B of this agreement.

D. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his position with the City, subject only to the provisions set forth in Section 3, paragraph C of this agreement.

Section 3. Termination and Severance Pay.

A. Termination At Will Not For Cause. This agreement may be terminated by either the City or Employee for any reason whatsoever upon the giving of thirty (30) days written notice to the other party. In addition, the City shall be permitted to give written notice to Employee and immediately suspend Employee with pay.

B. Termination For Cause. In the event Employee is terminated For Cause, this agreement shall not be deemed to construe any waiver of rights or remedies available to Employee. This agreement may be immediately terminated by the City in writing For Cause at the sole discretion of the City if Employee is determined to be unfit for the position pursuant to Federal, State or City rules and regulations applicable to For Cause termination of employees.

C. Severance Pay. In the event Employee is involuntarily terminated At Will, Not For Cause, by the City Council or voluntarily resigns following a written request from the City that Employee resign, then the City agrees to pay Employee an amount equal to: four month's base salary, if the termination occurs in the first year and three month's salary thereafter; provided that such payment may be a lump sum cash payment or regular monthly payments, at the option of Employee.

In the event the City chooses to reduce the salary or other financial benefits of Employee in a greater percentage than that applicable across-the-board for all City employees; or in the event the City refuses, following written notice, to comply with any other provision benefiting Employee herein; or Employee resigns following a suggestion, whether formal or informal, by a majority of the City Council that he resign; then, Employee at his option may be deemed to be involuntarily terminated At Will Not For Cause at the date of such reduction or refusal.

Section 4. Salary. City agrees to pay Employee for his services rendered pursuant hereto an initial annual base salary of \$48,500, beginning February 1, 1989, payable in installments at the same time as other employees of the City are paid. This salary may be adjusted from time to time by the City Council following regular performance evaluations. With the exception of any increase that might be approved in August, 1989, salary increases shall be effective the same time as those approved for other City employees.

Section 5. Automobile. City shall provide a monthly automobile allowance of \$250.

Section 6. Dues and Subscriptions. City agrees to budget and to pay the job-related professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City.

Section 7. Professional Development. A. City hereby agrees to budget and to pay reasonable travel and subsistence expenses of Employee for job-related professional and official travel, meetings, and occasions adequate

to continue the professional development of Employee and to adequately pursue necessary official and other functions for the City, including, but not limited to, the Annual Conference of the International City Management Association, the League of Oregon Cities, and such other national, regional, state and local governmental groups and committees thereof which Employee serves as a member. Such participation may be discussed if desired by Council under the provisions of Section 2B.

B. City also agrees to budget and to pay for reasonable travel and subsistence expenses of Employee for short courses, institutes, and seminars, that are necessary for his professional development and for the good of the City.

Section 8. Vacation and Sick Leave. A. Upon the commencement of Employee's performance, he shall be credited with 15 days (120 hours) of vacation. He shall not accrue additional vacation for one year, but thereafter additional vacation time shall accrue at the rate of ten (10) hours per each month worked; however, no more than six (6) weeks of vacation time may be accrued.

B. Employee shall be credited with ninety-six (96) hours of sick leave and shall not accrue additional sick leave for one year but thereafter additional sick leave shall accrue at the rate of eight (8) hours per each month worked.

C. Upon termination, whether voluntary or involuntary, the City shall compensate Employee for all accrued vacation leave.

Section 9. Insurance Benefits. The City shall provide Employee with the same insurance benefits as are provided to other management personnel.

Section 10. Retirement Plan. The City shall contribute to the Public Employees Retirement System the current percentage of Employee's base salary.

Section 11. Deferred Compensation. The City agrees to execute agreements with the Employee and the ICMA Retirement Corporation to allow for deferred compensation contributions by the Employee.

Section 12. Relocation Expenses. The City shall pay the moving expenses for Employee, his family and his personal property. Payment shall include packing, unpacking, and insurance charges.

Section 13. City Residency. Reflecting the spirit and intent of the City Charter, Employee's first effort toward finding a home shall be a due and reasonable search within the city limits of Milwaukie. If Employee is unable to find appropriate family housing in the city, the Council shall approve other housing within close proximity to the City of Milwaukie, as determined by the Council.

Section 14. Other Terms and Conditions of Employment.

A. The City Council shall fix any such terms and conditions of employment, as it may determine from time to time, relating to the performance of employee, provided such terms and conditions are not inconsistent with or

in conflict with the provisions of this agreement, the City Charter and any other law.

B. All provisions of the City Charter and Code and regulations and rules of City relating to vacation, sick leave, retirement system contributions, holidays, administrative leave and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of the city, in addition to said benefits enumerated specifically for the benefits of Employee, except as herein provided.

Section 15. General Provisions. A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall become effective the 1st day of February, 1989.

C. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

D. This agreement may be amended by mutual consent of the parties.

IN WITNESS WHEREOF, the City of Milwaukie, Oregon, has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its Finance Director and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

ATTEST:

Jerry L. Widner  
Finance Director

Roger A. Hall  
Mayor

Approved as to form:

Lucretia W. Reunis  
City Attorney

Don L. Bartlett 12/15/88  
Employee

EMPLOYMENT AGREEMENT  
AMENDMENT #1

This amendment, made and entered into this 17 day of March, 1992, by and between the City of Milwaukie, Oregon, a municipal corporation, as party of the first part, and Dan R. Bartlett, as party of the second part.

WITNESSETH:

WHEREAS, the City appointed Dan R. Bartlett as City Manager on February 1, 1989; and

WHEREAS, it is the desire of the City Council to provide competitive benefits and recognize the continued excellent performance of the City Manager; and

WHEREAS, the City budget would not allow an increase to the compensation of the City Manager, at this time; and

WHEREAS, many cities provide severance packages which increase with the tenure of the City Manager.

NOW, THEREFORE, in consideration of the mutual covenants within the Master Employment Agreement between the parties dated 20 December 1988, the parties agree to amend the Master Employment Agreement as follows:

Section 3 (C) Severance Pay is replaced by the following language:

Section 3 (C) Severance Pay. In the event Employee is involuntarily terminated At Will, Not for Cause, by the City Council or voluntarily resigns following a written request from the City that the Employee resign, then the City agrees to pay Employee an amount equal to: three month's base salary, if the employee has been employed for less than four years. If the Employee has been employed more than four years, the City will pay Employee an additional one month of base salary for each year of service beyond four years to a maximum of six months base salary. Such payment may be a lump sum cash payment or regular monthly payments, at the option of Employee.

In the event the City chooses to reduce the salary or other financial benefits of Employee in a greater percentage than applicable across-the-board for all City employees; or in the event the City refuses, following written notice, to comply with another provision benefiting Employee herein; or Employee resigns following a suggestion, whether formal or informal, by a majority of the City Council that he resign; then, Employee at his option may be deemed to be involuntarily terminated At Will Not For Cause at the date of such reduction or refusal.

IN WITNESS WHEREOF, the City of Milwaukie, Oregon has caused this amendment to the Master Employment Agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Recorder and the Employee has signed and executed this agreement, both in duplicate, the day and year first written above. This amendment being made part of and attached to the original Master Employment Agreement dated 20 December, 1988.

ATTEST:

*Pat Duval*

Pat Duval, City Recorder

*Craig L. Lojnycki*

Craig L. Lojnycki, Mayor

*Dan R. Bartlett*

Dan R. Bartlett, City Manager

# CITY OF MILWAUKIE



FAX (503) 652-4402

"EXECUTIVE SESSION - CONFIDENTIAL"

\*\*\*MEMORANDUM\*\*\*  
September 13, 1993

TO: Honorable Mayor and City Council

THROUGH: Dan Bartlett, City Manager *Dan*

FROM: Charlene Richards *CR* Assistant to the City Manager

SUBJECT: Milwaukie Police Employees' Association (MPEA)  
Collective Bargaining Agreement (1993-1996)

**ACTION REQUESTED:**

Approve a three year collective bargaining agreement between the City of Milwaukie and the MPEA effective July 1, 1993 through June 31, 1996. Authorize the Mayor and City Manager to sign the agreement of behalf of the City. The proposed agreement is funded through the budget with .4% of the wage increase above the budget.

**BACKGROUND:**

City and MPEA representatives met beginning in March 1993 to negotiate a successor agreement. The group reached impasse and met with a mediator prior to declaring impasse and beginning the process of implementing arbitration procedures. After mediation, the City met in a collaborative process with the bargaining unit and reached a tentative agreement on Thursday, September 9, 1993. The MPEA representatives will take the tentative agreement to their membership for a ratification vote on the evening of Wednesday, September 15, 1993.

The major changes in the agreement are as follows:

1. Wages. Effective July 1, 1993, wages will increase 4.4%, the CPI-U for Portland for calendar year 1992. Increases for the remaining two fiscal years will be based on CPI-U for Portland for the prior calendar year with a minimum increase of 3% and a maximum increase of 6%.

Honorable Mayor and City Council  
MPEA Collective Bargaining Agreement (1993-1996)  
September 13, 1993

All training hours eligible for overtime compensation will be compensated for on a time and one-half basis.

2. Educational Incentive. All education incentive pay will be increased effective July 1, 1993 by 4.4%. Each subsequent fiscal year, such pay will be increased by the same percentage as wages.

Those who have earned 90 credit hours towards a BA or BS must earn 6 credit hours of college level job related degree course work to maintain educational incentive pay.

3. Holidays. All sworn employees will receive holiday leave and work holidays. This adds the assignments of detective, crime analysis and school liaison.

Martin Luther King's Day is added as an observed holiday for nonsworn personnel who work a forty hour week.

4. Sick Leave. This increases from 90 days to 120 days the time before leave days used for on the job injuries are deducted from sick leave accumulation.

A labor/management committee will develop and implement a fitness/wellness program. The current sick leave incentive program will be continued until a fitness/wellness program is implemented.

5. Insurance. Employees will split any premium increase 50%/50% with the City when total premium increases are less than or equal to 10% in any one fiscal year. Any premium increase over 10% will be paid by the City.

Usual and Customary Rate (UCR) vision insurance will replace the City's \$100 per family self insured program. The City will pay 50% of the premium cost and the remaining 50% will be paid by the employee.

The City will offer the Internal Revenue Code (IRC) Section 125 premium only conversion plan for employee contributions towards medical, dental, and vision premium costs.

6. Probationary Period. The probationary period for new employees will increase from twelve months to eighteen months.

7. Physical Fitness Program for Sworn Officers. Labor/management committees are to be established to address mandatory and voluntary testing to ensure compliance with Americans with Disabilities Act.

(1)

\*\*MEMORANDUM\*\*

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT

September 10, 1993

TO: Milwaukie City Council

THRU: Dan Bartlett, City Manager

FROM: *MC* Maggie Collins, Community Development Director

RE: Status Report: Citizen Involvement Program

Action Requested

For your information.

Background

At a Council worksession on July 20, 1993, we discussed the concepts of a Neighborhood Delivery System and how those might be integrated with Milwaukie's Citizen Involvement Goals and Policies as contained in the Comprehensive Plan. Councilor Schreiber stated that it would be helpful to have a "mission" paragraph (how should this program be working two years from now?). That is included at the end of this Memo.

Meanwhile, the Planning Commission, in two other worksessions, has done the following:

1. Agreed that new ways of encouraging formation of neighborhood groups should be based around the Comprehensive Plan's requirements for citizen involvement for LAND USE ISSUES.
2. Stated that while a structure for land use input is important, there also should be ways for groups to get formed and have recognition to work on neighborhood concerns.
3. Agreed with the City Council that the five land use districts that are mapped in the Comprehensive Plan need to be revised, as a first step in revising how a citizen involvement program covering the entire City should work.

Attached Material

1. We have included the draft material that the Planning Commission will review at its worksession on September 14th. The major change is proposed is redrawing the Land Use District boundaries to show nine Districts instead of five Districts. A short description of each proposed District is included, with a listing of some of the major land use issues that may be of interest to residents or business owners within each District.

Memo to City Council  
September 10, 1993  
Page 2

2. Also included is a set of Model Bylaws that could serve to establish the rules for a Land Use District Committee for each District.
3. Finally, I have tried to put a paragraph worth of mission language for your review and comment. It is included below in bold face.

Comments from the Planning Commission's review of this material on September 14th will be reported at your Worksession on the 21st.

#### CITIZEN INVOLVEMENT PROGRAM DESCRIPTION

Two years from now, there are nine functioning Land Use District Committees. The Committees are composed of people who represent the character of each Land Use District. Under City-approved Bylaws, these Committees serve as the main body for recommendations and comment on land use actions affecting their Districts, and/or on Citywide proposals with land use impacts.

These Committees also serve as the main communication vehicle about other City issues and programs, such as fire, police and environmental. Two-way communication and service delivery is thereby established.

In some Districts, interest in forming a smaller neighborhood group has resulted in Neighborhood Groups that function somewhat independently, or are recognized by the City Council, when these Groups adopt rules of procedure. All Neighborhood Groups have established liaison with the Land Use District Committee, and these Groups' voice in land use matters is represented at the District Committee level.

This program is staffed by a City position.

cc: C.D. Staff

mc

\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT  
City of Milwaukie  
September 7, 1993

To: Milwaukie Planning Commission  
From: *MC* Maggie Collins, Community Development Director  
Re: Draft Land Use District Boundaries

Action Requested

Review the attached public information sheet, the revised Land Use District map, the written description of the nine proposed Land Use Districts, and proposed Bylaws for formation of Land Use District Committees.

Background

Attached is a revised draft of the output from your last worksession on August 24th on this project. Staff is still formulating the best days for setting up public meetings. The final draft of the text for the public meeting would of course go out on Milwaukie letterhead.

Unless there are major problems, and except for the proposed Bylaws, we would like to have this be the last review of the other pieces before going out for public comment.

cc: Dan Bartlett

# DRAFT

September \*\*\*\*\*, 1993

## PROPOSED LAND USE DISTRICTS

The Milwaukie Planning Commission is proposing to designate nine land use districts for the City of Milwaukie. They are shown on the attached map. The Milwaukie Comprehensive Plan currently authorizes five districts.

## PURPOSE OF THE PROPOSAL

Revision of the City's land use district boundaries is the first step in development of a revitalized citizen involvement program for land use review and decision-making within the City. The Comprehensive Plan contains a full chapter of policy and guidance, but it needs updating. The Planning Commission believes that its proposed revision best fits the land use pattern of the City as a whole.

## FUNCTION OF LAND USE DISTRICTS

Land Use Districts are considered the smaller unit for which relevant land use applications and an orderly localized review and referral system can be set up. The attached by-laws suggest how a district committee might be structured.

Within a Land Use District, several distinct neighborhood groups might exist or be formed. These would have a responsibility to use the Land Use District structure regarding planning and/or zoning review for applications in their areas.

## GENERAL CRITERIA FOR LAND USE DISTRICT BOUNDARY FORMULATION

Elementary School District Boundaries. Whenever possible, the Planning Commission used these as a starting point for distinguishing different residential areas within Milwaukie.

Major Streets or Roadways, Topographic Points. Hwy 224, for example serves as a key divider between land uses in the City.

Major Land Uses. To the best extent possible, the Planning Commission tried to acknowledge the inherent differences between major land uses.

(Please See Other Side)

REQUEST FOR PUBLIC INPUT

Two public meetings are scheduled to gather input from the community about this proposal. They are scheduled as follows:

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Following the public meetings, the Planning Commission will review the input and hold a worksession with the City Council. A final proposal will then be set up for formal public hearings before both the Planning Commission and City Council.

MORE INFORMATION

If you need more information, or are aware of a neighborhood area that should be notified of this proposal, please contact the Milwaukie Community Development Department at 652-4410.

(6)

CITY OF MILWAUKIE PROPOSED LAND USE DISTRICT BOUNDARIES

District 1 (Waverly/Downtown)

Access from McLoughlin and future Downtown development actions are the dominant themes of this area. The residential component is isolated from other residential areas of the City by McLoughlin Boulevard, 17th Avenue and Johnson Creek.

KEY ISSUES AND CONCERNS

1. Downtown/Riverfront/Willamette Greenway Development
2. Light Rail
3. High Density Residential and Commercial Land Use Mix
4. Low Density Residential/High Density Residential Transition
5. Needs of Educational Institutions
6. Development Infill
7. McLoughlin Blvd. Corridor\*
8. 17th Avenue Corridor\*

District 2 (Island Station)

Although this area has important linkages with issues and concerns identified in District #1, the Island Station residential neighborhood has developed a set of issues over time that are unique to that area, including residents' interest in Elk Rock Island and improvements to the Kellogg Creek Sewerage Treatment Plant. Island Station also has a historic tradition as a neighborhood.

KEY ISSUES AND CONCERNS

1. Kellogg Treatment Plant
2. Elk Rock Island/Spring Park Management
3. Light Rail
4. Historic Resource Values
5. McLoughlin Blvd. Corridor\*
6. Willamette River Greenway
7. Kellogg Lake

District 3 (Lake Road)

Highway 224 is considered a boundary between commercial development to the north and the residential character of this area to the south. This area has seen the most residential development in the recent past, and concerns and interests are connected to Lake Road as the primary transportation route that bisects the area.

KEY ISSUES AND CONCERNS

1. Lake Road Corridor\*
2. Kellogg/Mt. Scott Creeks
3. North Clackamas Park Maintenance and Future Development
4. Light Rail
5. Hwy 224 Corridor\*
6. Infill Development

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

District 4 (Linwood)

These boundaries parallel those of Linwood Elementary School. Hwy 224 effectively separates this area from the largely industrial area to the south.

KEY ISSUES AND CONCERNS

1. Light Rail
2. City Limits and Expansion Eastward
3. Urban Growth Boundary
4. Railroad/Harmony Corridor\*
5. North Clackamas Aquatic Center
6. Linwood Corridor\*

District 5 (Campbell)

These boundaries parallel those of Hector Campbell Elementary School. Hwy 224 effectively separates this area from the largely industrial area to the south.

KEY ISSUES AND CONCERNS

1. Light Rail
2. Residential Infill
3. Railroad/Harmony Corridor\*
4. 37th Avenue Intersection

District 6 (Lewelling)

These boundaries parallel those of Lewelling Elementary School. The Milwaukie northern City Limits line divides this area from Southeast Portland neighborhoods.

KEY ISSUES AND CONCERNS

1. Johnson Creek Blvd. Corridor\*
2. Residential/Industrial Use Compatibility
3. Johnson Creek
4. Springwater Corridor Development
5. City Limits and Expansion Eastward
6. Urban Growth Boundary
7. Nonconforming Uses

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

District 7 (Ardenwald)

These boundaries parallel those of Ardenwald Elementary School. The Milwaukie northern City Limits line divides this area from Southeast Portland neighborhoods.

KEY ISSUES AND CONCERNS

- 1. 32nd Avenue Corridor\*
- 2. Redevelopment Areas and Opportunities
- 3. Johnson Creek Boulevard Corridor\*
- 4. Residential Infill
- 5. Light Rail
- 6. Environmental Concerns
- 7. Oak/Railroad Intersection

District 8 (McLoughlin Industrial)

This area is the City's oldest industrial sector and is planned and zoned for manufacturing and industrial uses.

KEY ISSUES AND CONCERNS

- 1. Nonconforming Land Uses
- 2. Light Rail
- 3. McLoughlin Boulevard Corridor\*
- 4. 17th Avenue Corridor\*
- 5. Johnson Creek
- 6. Springwater Corridor

District 9 (Milwaukie Business/Industrial)

Composed of business parks and commercial shopping points, this area has several business park associations in place. It is bounded by Hwy 224 and Railroad Avenue.

KEY ISSUES AND CONCERNS

- 1. Employee Intensive Issues
- 2. Light Rail
- 3. Hwy 224 Corridor\*
- 4. Environmental Issues
- 5. Natural Resource Issues
- 6. 37th Ave/International Way/Hwy 224 Intersection
- 7. Industrial/Residential Transition Issues

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

\*\*\*\*\*DRAFT\*\*\*\*\*9/7/93\*\*\*\*\*

CITY OF MILWAUKIE  
LAND USE DISTRICT COMMITTEES  
MODEL BYLAWS

ARTICLE I: GOAL

The goal of these Bylaws is to provide a framework with which Land Use Districts may execute smooth, coordinated, fair and timely participation in land use planning processes and to facilitate communication for other purposes. The requirements represented by these Bylaws are minimum requirements that citizen groups must meet in order to establish and maintain official recognition by the City Council.

ARTICLE II: PURPOSE

- A. To provide a channel for two-way communication between land use planning officials or other City officials and neighborhoods.
- B. To bring together citizens in each Land Use District who have an interest in shaping and maintaining the quality of life in their neighborhoods.
- C. To assist neighborhoods in preserving and enhancing their existing natural and other resources.

ARTICLE III: GEOGRAPHIC REPRESENTATION

The City Council will offer recognition to one group that meets the minimum requirements of these bylaws in each of the nine designated Land Use Districts (see the attached map, Exhibit #1).

ARTICLE IV: MEMBERSHIP

A. Non-voting membership requirements:

Anyone of voting age is a member of a designated Land Use District who is:

- 1. A resident within the designated geographic area; or
- 2. A property owner whose property is located within the geographic area; or
- 3. A business owner whose business is located within the designated area; or
- 4. A designated representative of a business, corporation, or trust located within the geographic area; or
- 5. A designated representative of a non-profit business or group located within the geographic area.

B. Voting Membership Requirements:

To vote on Land Use District business or to vote in the elections of Land Use District representatives or officers, a member must:

- 1. Comply with the Membership Requirements of Article IV, Section A, above; and

- 2. Have registered and participated at one, or more, previous Land Use District meetings during the past 12 months where District business was conducted.

ARTICLE V: REPRESENTATION OF DISTRICTS AND DUTIES OF REPRESENTATIVES AND OFFICERS:

A. Fair representation of District residents:

Land Use District Committees will be responsible to actively seek and encourage membership that represents a broad cross-section of their districts. Broad representation includes racial, cultural, economic, social and professional diversity.

B. The voting membership of each District shall elect 5-7 designated, at-large representatives who will represent the District for the purpose of land use planning processes and for other purposes as well. Representative bodies will meet to discuss and facilitate District Committee management and planning, to vote on land use issues or other business, and to perform other reasonable duties. Representative District composition shall meet the following criteria:

- 1. Only voting members may be elected to representative positions;
- 2. No more than two persons or representatives of businesses who are engaged in the business of buying, selling or developing real estate for profit, or who are related or associated to anyone so engaged, shall serve as representative simultaneously;
- 3. Representative bodies shall represent a broad cross-section of their districts;
- 4. No representative shall serve two consecutive terms.

C. The representative bodies shall elect a President and Secretary by majority vote from the membership of the representative body. The duties of the President and Secretary are outlined below:

- 1. The President's duties shall include management and direction of the efforts of all Land Use District activities, ensuring adequate performance, and ensuring that the District Committee complies with all tenants of these Bylaws.
- 2. The secretary's duties shall include keeping accurate minutes of all regular, special and Representative and Officer meetings or to ensure that such minutes are kept. The Secretary shall also keep attendance registration of all regular and special meetings. The Secretary shall maintain attendance reports and minutes and make them available for review by anyone who so asks. The Secretary shall be responsible for forwarding minutes and registration lists of all meetings to the City of Milwaukee. The Secretary shall also send current and updated officer lists to the City of Milwaukee.

D. Other Officer positions may be defined and created by a majority vote of representative bodies. Such positions shall be subject to the same membership, and election requirements of the President and Secretary posts.

ARTICLE VI: ELECTIONS OF REPRESENTATIVES AND OFFICERS

- A. Terms of office for all District Committee representatives shall be one year.
- B. Election of representatives shall be held during the same regular meeting each year, and shall be well publicized at least 2 months in advance both to the District organization and to the public.

ARTICLE VII: MEETING REQUIREMENTS

- A. Regular and Special meetings
  - 1. Land Use District Committees shall hold at least six regular meetings during each calendar year. No two regular meetings will be held in the same month. Regular meetings will be scheduled in advance each year and will be held at on the same day and time of the month. One general meeting will be held during the same month of each year to facilitate election of Committee members.
  - 2. Land Use District Committees may hold special meetings to facilitate timely review of Land Use District business issues, to provide additional meeting time for more in-depth review of issues at the request of planning organizations under deadline pressures, or for any other purpose.
- B. Meetings of elected Representatives and Officers:  
Elected District Committee members are encouraged to hold meetings before or after regular meetings. They may hold separate meetings that are well publicized in advance to both their general and voting memberships and to the public.
- C. Businesslike manner:  
Meetings will be conducted in a businesslike manner according to recognized parliamentary procedures (for guidelines, refer to Roberts' Rules of Order).
- D. Minutes and attendance registration:  
The secretary shall keep minutes and attendance registration of all regular and special meetings as indicated in Article V, section C 2 above.
- E. Open meetings:  
All regular and special meetings shall be unqualified open meetings where anyone may attend. Anyone attending regular and special meetings may be included in meeting agendas for commentary purposes.
- F. Public notice:  
All meetings of Land Use District Committees, including regular and special meetings shall be open and well publicized in accordance with ORS 192.610-650. In order to comply with this statute, all meetings must be sufficiently publicized to the membership in advance and must be noticed to the public as well.

Land Use District Committee Model Bylaws  
Page 4

ARTICLE VIII: ACTION BY LAND USE DISTRICT COMMITTEES

- A. Action by Land Use District Committees for commentary on land use or other issues shall be by majority vote of elected members at regular or special meetings.
- B. For regular and special meetings, quorum shall consist of five Committee members of whom one is the elected President, or an officer designated by the President.
- C. Land Use District Bylaws shall be approved by a majority of voting membership during a regular meeting. Changes to Land Use District Bylaws shall be by a majority of voting membership at a regular meeting upon notice to voting and non-voting membership as well as the public, at least two regular meetings in advance.

ARTICLE IX. RECOGNITION:

Recognition of groups officially representing each District will be extended by invitation at the discretion of the Milwaukie City Council to groups who meet the minimum requirements set forth in these bylaws.

ARTICLE X. NEIGHBORHOOD GROUP FORMATION AND RECOGNITION REQUIREMENTS

A. Purpose:

The purpose of Neighborhood Groups is to provide an avenue for addressing specific issues that affect smaller areas of officially designated Land Use Districts. Neighborhood Groups are not meant to provide an avenue for disgruntled factions to circumvent the Land Use Committee structure, but are meant to provide people in smaller areas with official recognition concerning special issues of concern.

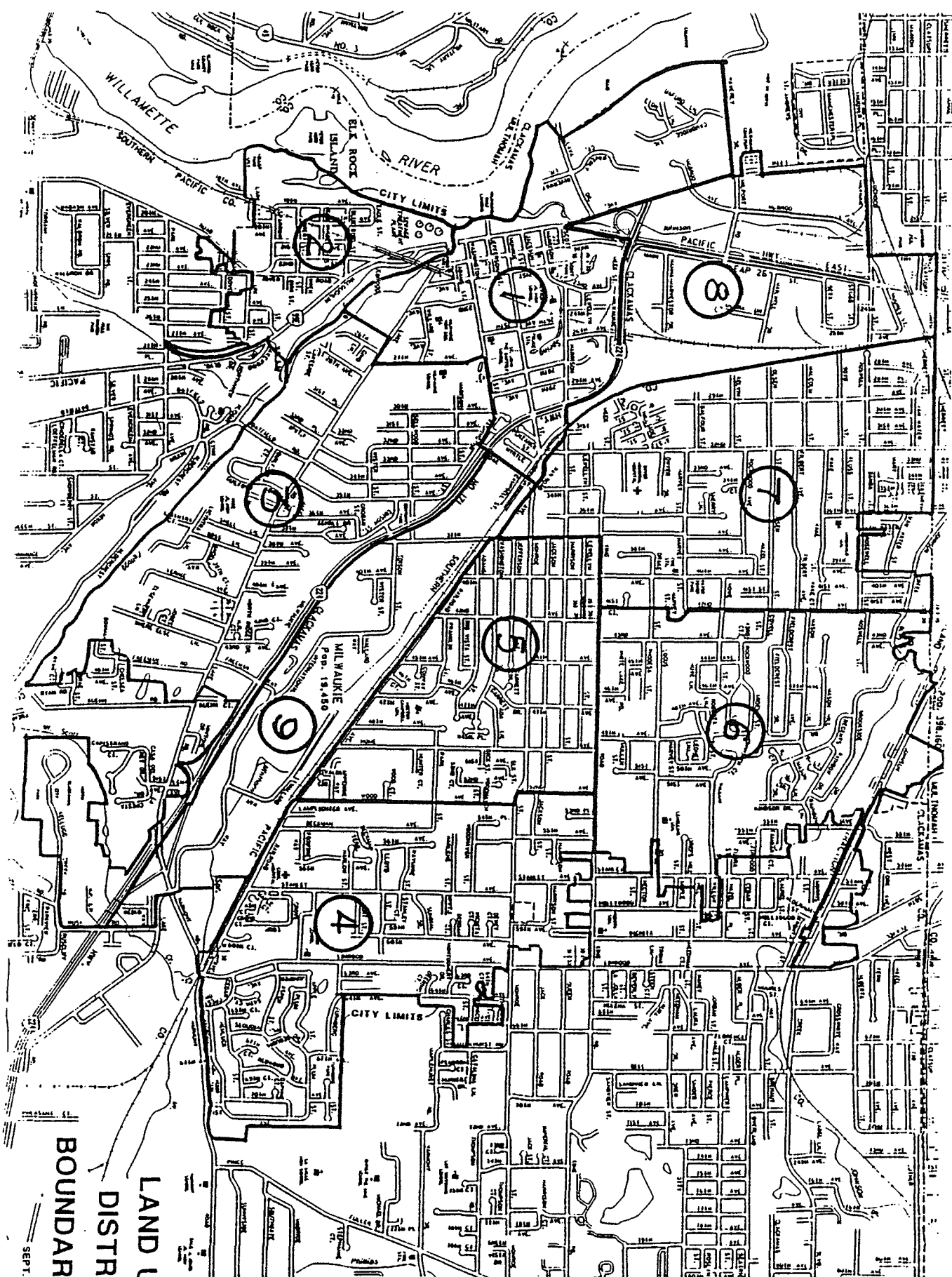
B. Requirements of Neighborhood Groups.

Neighborhood Groups must:

- 1. Elect or designate a chairperson and a secretary.
- 2. Coordinate with the Land Use District Committee as to representation for the purpose of land use application review.
- 3. Hold regular meetings.

ARTICLE XI: MODEL BYLAW CHANGES:

The City Council may alter or redraft these model bylaws at its discretion.



**LAND USE  
DISTRICT  
BOUNDARIES**

SEPT. 14, 1993

(1)

PROCLAMATION

**WHEREAS,** Planning ahead and practicing can greatly enhance our ability to escape from fire; and

**WHEREAS,** The value of escape planning at home, at work, and wherever we are is well-documented; and

**WHEREAS,** Every fire escape plan should include a meeting place outside where everyone can be accounted for and await the fire department; and

**WHEREAS,** Once safely outside, we must always resist any temptation to re-enter a burning building because no property is worth risking life; and

**WHEREAS,** Fire fighters are trained and equipped to rescue people trapped inside burning buildings, it is important to teach children that "Get Out, Stay Out" is the fire safe response; and

**WHEREAS,** The fire service of the City of Milwaukie is dedicated to the safety of life and property from the devastating effects of fire; and

**WHEREAS,** Those members of the fire service are joined by other concerned citizens of this City, as well as business, schools, service clubs and organizations in their fire safety efforts; and

**WHEREAS,** The local efforts of the fire service are supported by the activities of organizations such as the American Burn Association, the American Red Cross, the Congressional Fire Service Institute, the Fire Marshals Association of North America, the International Association of Arson Investigators, the International Association of Black Professional Fire Fighters, the International Association of Fire Chiefs, the International Association of Fire Fighters, the International Society of Fire Service Insturctors, the National Association of State Fire Marshals, the National Fire Protection Association, the National Volunteer Fire Council, and the United States Fire Administration.

NOW THEREFORE, I, Craig J. Lomnicki, Mayor of the City of Milwaukie, Oregon, do hereby proclaim the week of October 3-9, 1993, as:

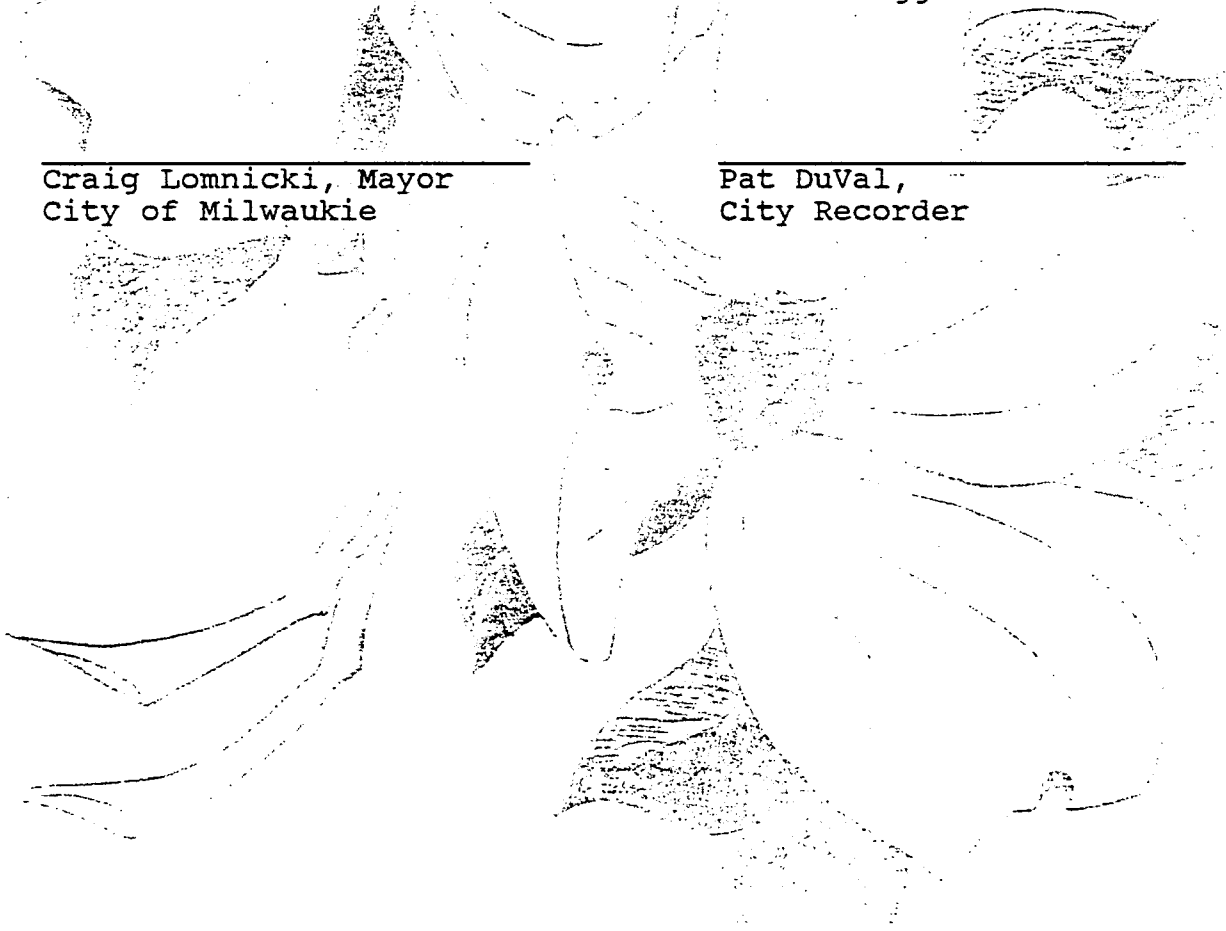
**FIRE PREVENTION WEEK**

This week commemorates the great Chicago Fire of 1871, which killed 250 persons, left 100,000 homeless and destroyed more than 17,400 buildings.

I call upon the people of the City of Milwaukie to participate in fire prevention activities at home, work and school, and to heed the message: "Get Out, Stay Out! Your Fire Safe Response" as the 1993 Fire Prevention Week theme suggests.

\_\_\_\_\_  
Craig Lomnicki, Mayor  
City of Milwaukie

\_\_\_\_\_  
Pat DuVal,  
City Recorder



# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

**\*\*\*MEMORANDUM\*\*\***

COMMUNITY DEVELOPMENT DEPARTMENT

September 21, 1993

To: Mayor and City Council

Thru: Maggie Collins, Community Development Director

From: Jim Crumley, Associate Planner *JC*

Re: Butcher Property Designation Recommendation (HR-92-03)

At the August 9, 1993, meeting of the Historic Review Commission, the Historic Review Commission (HRC) unanimously recommended to the City Council that the Butcher property at 8835 SE 42nd Avenue be designated on the City's Historic Resources Inventory as a Significant Property. The City Council will have a public hearing on this issue on September 21.

All properties seeking designation on the Historic Resources Inventory must have an evaluation completed using the Cultural Resource Evaluation Form. To be designated a Significant Property on the Historic Resources List, the property must meet at least one of two conditions in the evaluation:

- received a score of 52 points or more (or 60% or more of the points possible); or
- received a score of 10 points in at least 2 of the 11 evaluation categories.

According to the HRC's recommendation (explained in the attached staff report), the Butcher property received a score of 67 points out of 86 or 78%. The property also received scores of 10 points in 3 categories. Therefore, based on the HRC evaluation, the Butcher property should be designated a Significant Property. This is consistent with the staff's recommendation.

For further details, the attached staff report summarizes the HRC's public hearing and recommendations on the Butcher property.

JC/mgh

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

Application: Request for Designation to Historic and Cultural Resources Inventory  
Applicant: Geraldine D. and Alvin S. Butcher  
Property Owner: Geraldine D. and Alvin S. Butcher  
Location: 8835 SE 42nd Ave.  
(Tax Lots 09500, 09501; Tax Map T1S, R1E, Sec 25AA)  
(Exhibit C)

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### Proposal

The applicant has requested the designation of the proposed property to Historic and Cultural Resources Inventory. The Historic Review Commission (HRC) held a public hearing on this issue August 9, 1993. Public hearings were also held March 15, 1993 and May 17, 1993. At the request of the staff and the Applicant, continuances were requested at these two hearings. The recommendation of the HRC is forwarded in this report to the City Council for public hearing on September 21, 1993.

The property, henceforth referred to as the "Butcher property", includes both the house and the adjacent barn for consideration. Exhibit A is the completed Application for Land Use Action by the applicant. Exhibits D, E, F and G were submitted by the Applicant after the March 15, 1993 HRC hearing.

### Site Description

The residence is a light beige house in the Oregon vernacular (farmhouse) style. The house and barn were built in 1923. The architect is unknown. The builders were the original owners of the house, Jelmer and Florence Mason. Jelmer was once the mayor of Milwaukie. The house is a two story building mostly in its original form. The only noticeable exterior addition is a redwood deck on the south side of the house. The structural elements of the barn, including the masonry and wood siding, remain in their original form. Windows on the second story of the barn have been removed.

The following information is drawn from information provided by the applicants. Minor clarifications were made by the consultant (see Appendix A for the Applicants' actual language submitted). Note that there have been some minor corrections made from Exhibit A. Exhibit E shows the modifications that result in the following text:

The original owners and builders, Jelmer and Florence Mason, were apple and flower bulb growers from 1916 to the 1950's. They shipped their products, mostly apples, and a variety of bulbs to California.

The Masons were well known in the community. The Mason's property originally included 10 acres. This lot was bounded by on the east by 42nd Ave, west by 38th Ave., north by Johnson Creek Road and South by Roswell Street. Today the property is less than one acre (boundaries: east, 42nd Ave.; west, adjacent lot; south,

Roswell; and north, adjacent lot.).

Jelmer Mason planted 28 varieties of apples and manufactured and bottled apple cider on their property. The apples, which won many blue ribbons at the Oregon State Fair in the 1920's, were sold in Oregon. He also grew flower bulbs (daffodils and peonies) and shipped them to California and the east coast. Jelmer was also involved in business with Oregon State Agriculture. He raised seeds for the Oregon State University Flax Experimental Program. He grew "Flax Hair Seed" used for earth holding purposes.

Jelmer's parents, Yence and Maria Mason, both came from Norway. They purchased 100 acres in 1873 of nearby property which bordered 42 Ave. and Johnson Creek Blvd., and includes Mason Land and the Fieldcrest Area. There were no other Norwegians in the area. Their property was one of the largest fruit orchards in the area.

Florence Mason's maiden name was Jennings. Her uncle settled Jennings Lodge. Her father came to Jennings Lodge in 1850. Her mother was the first white person to be born in Coquille. Florence taught first through fourth grade at Wichita Elementary School.

Jelmer and Florence Mason were prominent in the community. They were active in their church, the Milwaukie Congregational Church on Logus Road. The cross on the alter of the church is a memorial in their names. The Milwaukie Congregational Church will celebrate its 100th anniversary this year (1992).

Additional evidence is provided in Exhibits D and F. The information is summarized below; however, for a full description, see the exhibits.

The barn on the property stored fruit and farm equipment. The barn was also used to dry flowers and press apples into apple cider. The Mason's barn was only one of four in the area during this period.

The property, once 10 acres in area, was known for a variety of agricultural and horticultural products. The Mason's grew 28 varieties of apples and were sold by the ton. The Masons were quite well-known locally for the apple cider that they produced. They also produced a variety of bulbs and fresh cut flowers for local markets. At Christmas time, holly was harvested and wreaths were produced on the farm. Hazelnut and Filbert trees were also grown on the property. Being a large agricultural producer in the community, the property served as a local employment center and an informal social hub.

As indicated above, the Mason's themselves were well-known in the area. Jens was an immigrant from Norway. His father Jens came to America and then went back to Norway to bring back his family to the Northwest. Jens and about thirty others (five of which were family members) came back with Jens. Besides serving as mayor of Milwaukie, Jelmer was active in the school system as a school board member and in their church, the Milwaukie Congregational Church. He also assisted in performing some experiments for Oregon State University in experimental grass growing procedures. He grew foxtail, flax and fescue varieties of grass.

## Explanation of City's Historical Property Ranking System

A property can receive one of three rankings through historic review: Significant, Contributing, Unrankable (i.e. insufficient information available for ranking). A fourth category identifies properties that have been evaluated and found to be without significant historical value to the community. Of the categories, only properties ranked Significant and Contributing are considered Historical Resources. To be designated a Significant or Contributing resource, there are requirements that must be met.

To be ranked as a Significant Historic Resource, a property must be over 50 years old and at least one of the following must be applicable:

- 1) receive a rating score of 60% (an absolute score of 51 points) or greater on the Evaluation Worksheet; or
- 2) score a high of 10 points in at least two of the categories of the Evaluation Worksheet; or
- 3) be listed on the National Register of Historic Places.

To be ranked as a Contributing Historic Resource, a property must be over 50 years old and at least one of the following must be applicable:

- 1) receive a rating of 50% to 60% (an absolute score from 43 to 50 points) on the Evaluation Worksheet; or
- 2) score a high of 10 points in one category of the Evaluation Worksheet.

Of the twenty properties listed by the City as Contributing all but one had a high score of 10 in one category. (The exception was the Ardenwald School at 8950 SE 36th). Six of the twenty-two properties scored at least 43 points.

## HRC Standards for Decision

The request to be added to the Historic and Cultural Resource Inventory must be evaluated by the Historic Review Committee (HRC) in a public hearing in accordance with the Major Quasi-Judicial review process as outlined in Section 10.11(D) of the City Zoning Ordinance. The Committee will then enter findings and make a written recommendation to the City Council. In the case of a request for resource designation, City code 3.22.04B requires that the HRC shall:

"determine that the resource does meet the ranking standards for resource designations (as defined in Section 1.03) based on completion of the evaluation worksheet".

The HRC's action on this request will be an advisory recommendation. The City Council will conduct a public hearing to consider the recommendation of the HRC on the request. The City Council will then either approve, approve with conditions, or deny the request.

## Basis of Request for Change of Status

The applicants have requested that the Butcher the property be added to the Historic and Cultural Resource Inventory on the basis of the original owners' historical significance and the historic cultural and social significance of the property. Exhibits A, D, E, F and G show the Applicants' justification for the request.

## Findings

In accordance with the City Code 3.22.04B, the evaluation worksheet must be completed. The Historic Review Commission based the following evaluation on the Historic Key and the staff consultant's recommendation.

1. **Person/Group/Organization:** "Associated with the life or activities of a person, group, organization or institution that has made a significant contribution to the community, state or nation."

The HRC recommends that the Butcher property receive a score 10 of points out of 10 ("Particularly Strong") in this category. As detailed above, the original owner and builder of the property, the Masons, were well-known community leaders, apple and flower producers, and have a family history of early settlement in the Milwaukie area. According to the Historic Key, other persons/groups/organizations that received the same score include founders of major businesses in the community, influential builders, leaders of neighborhoods and civic leaders.

2. **Event:** "Associated with an event that has made a significant contribution to the community, state or nation."

The HRC recommends that the Butcher property receive a score of 7 out of 10 points ("Strong"). The Commission based its recommendation on the importance of agriculture in the Milwaukie area as well as the significance the property and original owner had in farming. Although no other property in the Inventory received a score in this category, the Commission believed that this was due to a lack of information about the historic events for each property. However, the HRC felt that the Butcher property was well-documented and therefore the score of 7 points was justified.

3. **Pattern:** "Associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation."

The HRC recommends that the Butcher property receive a score of 10 ("Particularly Strong") out of 10 points. This is based on a variety of reasons found in Exhibit D. First, the property illustrates the agricultural past of Milwaukie. The barn is one of the last remaining in the urbanized area of Milwaukie. Second, the agricultural variety of the property was extensive and well-known in the community: the apple cider, the bulb flowers, the fresh cut and dried flowers, the eight varieties of apples, the hazelnut and filbert trees, and the holly. Third, the farm helped to developed three varieties of grass seed. The north Willamette Valley is the largest producer of grass seed in the country. Fourth, the property is also associated with the pattern of immigrant and pioneer movement to the Northwest in the late 1800's.

4. **Style/Building Type/Convention:** "Significance as an example of particular architectural style, building type, or convention".

The HRC recommends that the Butcher property receive a score of 5 points ("Very Good") out of 10. The house contains the typical elements and features of a structure built in the Vernacular (farmhouse) style. Some features, such as the second story balcony and window details, are of a standard higher than that found in typical vernacular architecture. Also, by virtue of the fact there are very few remaining barns in the urbanized portions of Milwaukie, the barn is architecturally significant and unique.

5. **Design/Artistic Quality:** "Significance due to quality of composition, detailing and craftsmanship".

The HRC recommends that the Butcher property receive a score of 2 points ("Good") out of 4 in this category. The composition, detailing and craftsmanship of the house is predominantly common. However, there are portions of the house that do indicate artistic craftsmanship, particularly the window and balcony.

6. **Material/Construction:** "Significance as an example of a particular material or method of construction".

The HRC recommends that the Butcher property receive a score of 3 points ("Very Good") out of 4. The barn is unique because it is constructed with masonry. The techniques for masonry barns during the period in which this was built were not well-known. Constructing a barn with some masonry is assumed to be a difficult method of construction.

7. **Integrity:** "Significance because it retains its original design features, materials and character".

The HRC recommends that the Butcher property receive a score of 5 points ("minor alterations") out of 7. The application indicates that the only significant addition to the house is a redwood deck with lattice and railings. Except for the removal of glass in the windows on the second floor of the south side, the barn has been left in its original form.

8. **Rarity:** "Significance as the only remaining, or one of the few remaining properties of a particular style, building type, design, material, or method of construction".

The HRC recommends that the Butcher property receive a score of 10 points ("One of a kind"). Although vernacular style properties are very common in Milwaukie, according to Exhibit G, there are no other remaining barns in the urbanized area of Milwaukie. In fact, there were only four barns in this area at the height of its agricultural era. There are no other agricultural properties in the Historic Resources Inventory.

9. **Landmark:** "Significance as a visual landmark".

The HRC recommends that the Butcher property receive a score of 5 points ("Conspicuous/well-known in neighborhood") out of 10. The property is located on 42nd Ave, a residential collector street. The house is on a double lot and is set behind several mature trees with a visual opening from 42nd Ave. In the Inventory, half of the properties received this score. All of these properties have similar visual significance landmark features.

10. **Setting:** "Significance because current land-use surrounding the property contributes to the integrity of the pertinent historic period".

The HRC recommends that the Butcher property receive a score of 3 points ("Very Good") out of 4. The basis of this recommendation is a house on the Inventory (9405 SE 42nd Ave.) is located on the same street in the same neighborhood and received a score of 3 points. The Butcher property is surrounded by a neighborhood that is mature (at least 50 years old) in character and landscape and of a like historical period. The Butcher property and the neighborhood serve each other well.

11. **Continuity:** "Significant because the property contributes to the continuity or character of the street, neighborhood, or community".

The HRC recommends that the Butcher property receive a score of 7 points ("Establishes character") out of 7. The property is located on a large prominent lot with several mature fir trees, shrubbery, and rhododendrons. The effect is park-like in the neighborhood. If this property were to be subdivided or the barn demolished, there would be a substantial loss of character to the neighborhood. One-third of the properties in the Inventory received this score.

**Conclusions**

The Historic Review Commission's evaluation gives the Butcher property a score of 67 points out of 86 possible (78%), which qualifies it to become a Significant Property because it received more than 52 points. The Butcher property also qualifies as a Significant Property according to the HRC's evaluation because it received a score of 10 points in three different categories (Category #1 "Person/Group/Organization", Category #3 "Pattern" and Category #8 "Rarity"). At least two scores of 10 points are needed to designate a property as a Significant Property.

**Recommendations**

Based on the ranked scoring on the evaluation worksheet by the Historic Review Committee, the Butcher property has sufficiently met the requirements to be designated a Significant Property on the Historic and Cultural Resources Inventory. The HRC recommends that the City Council designate the Butcher property at 8835 SE 42nd Ave on the Historic and Cultural Resources Inventory as a Significant Property.

8

**Exhibits**

- A: Application for Request of Change Proposal
- B: Evaluation Worksheet for 8835 SE 42nd Ave. (Revised May 10, 1993)
- C: Vicinity Map
- D: Additional Information Submitted by Applicant
- E: Modifications Made to Narrative in Exhibit A
- F: Note From Witness
- G: Letter from Applicant Regarding Number of Barns in Area

City of Milwaukie  
Community Development Department  
  
APPLICATION FOR LAND USE ACTION  
  
(Please print or type)

APPLICANT(S) Geraldine D. and Alvins S. Butcher Phone 653-6686 (Work) 289-9632  
Address 8835 S. E. 42nd, Milwaukie, Or. Zip 97222

PROPERTY OWNER(S) Same as above Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip \_\_\_\_\_

APPLICATION TYPE (check):

- |  |  |
|--|--|
| <input type="checkbox"/> Annexation                          | <input type="checkbox"/> Natural Resource Review       |
| <input type="checkbox"/> Appeal                              | <input type="checkbox"/> Nonconforming (Use/Structure) |
| <input type="checkbox"/> Community Service Overlay           | <input type="checkbox"/> Planned Development           |
| <input type="checkbox"/> Comp. Plan Amend. (Map/Text)        | <input type="checkbox"/> Solar Review                  |
| <input type="checkbox"/> Conditional Use                     | <input type="checkbox"/> Subdivision (Prelim./Final)   |
| <input checked="" type="checkbox"/> Historic Resource Review | <input type="checkbox"/> Temporary Structure           |
| <input type="checkbox"/> Lot Line Adjustment                 | <input type="checkbox"/> Transition Area Review        |
| <input type="checkbox"/> Major Land Partition                | <input type="checkbox"/> Variance (Under 25%/Over 25%) |
| <input type="checkbox"/> Manufactured Home Review            | <input type="checkbox"/> Willamette Greenway Review    |
| <input type="checkbox"/> McL. Corridor Design Review         | <input type="checkbox"/> Zoning Ord. Amend. (Map/Text) |
| <input type="checkbox"/> Minor Land Partition                | <input type="checkbox"/> Other: _____                  |

PROPOSAL (describe briefly): List property (Farmhouse and Barn) as one of  
city's historic properties.

Property Location 8835 S. E. 42nd, Milw Or 97222  
Map and Tax Lot Number T1S, R1E, Sec 25AA; Tax Lot(s) 09500, 09501  
Comp. Plan Designation \_\_\_\_\_ Zoning \_\_\_\_\_ Size of Property Jr. Acre

ATTEST:

I am the property owner or I have attached the owner's authorization to submit this application.

To the best of my knowledge the information provided within this application package is complete and accurate. I have attached a criteria response, site plan, notice labels, and other relevant information as required for this application.

Submitted by: Geraldine D. Butcher Date: 10/27/92

\*\*\*\*\* OFFICE USE \*\*\*\*\*

File # TR-92-03 Fee \$ 0 Sign Dep. \$ 0 Date 11-7-92

OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE SURVEY FORM  
COUNTY: Polk

HIST. NAME: Mason Farm DATE OF CONSTRUCTION: 1916  
COMMON NAME: \_\_\_\_\_ ORIGINAL USE: Fruit Orchards & Farm  
ADDRESS: 8835 S. E. 42nd Ave. PRESENT USE: Family Residence  
CITY: Milwaukie, Or. ARCHITECT: \_\_\_\_\_  
OWNER: Alvin S. & Geraldine D. Butcher BUILDER: Original Owner  
THEME: Farmhouse Style  
T/R/S: 1S 1E 2S STYLE: \_\_\_\_\_  
MAP NO.: AA TAX LOT: 09500, 09501  
ADDITION: \_\_\_\_\_ BLDG. STRUC. DIST. SITE OBJ. (CIRCLE)  
BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ QUAD: \_\_\_\_\_ RANKING \_\_\_\_\_  
(9500 & 9501)

PLAN TYPE/SHAPE: 2 Story & Basement Farmhouse Style NO. OF STORIES: \_\_\_\_\_  
FOUNDATION MATERIAL: Concrete BASEMENT (Y/N): \_\_\_\_\_  
ROOF FORM & MATERIALS: Composition (Originally Shake)  
WALL CONSTRUCTION: Wood, Lath & Plaster STRUCTURAL FRAME: \_\_\_\_\_  
PRIMARY WINDOW TYPE: Wood Sash  
EXTERIOR SURFACING MATERIALS: Wood Siding (Horizontal)  
DECORATIVE FEATURES: Balcony With Railings  
OTHER: \_\_\_\_\_  
CONDITION: GOOD x FAIR \_\_\_\_\_ POOR \_\_\_\_\_ MOVED \_\_\_\_\_ (DATE) \_\_\_\_\_

EXTERIOR ALTERATIONS/ADDITIONS (DATED): Redwood Deck, Lattice and Railings  
added to deck area

NOTEWORTHY LANDSCAPE FEATURES: Parklike setting, large fir trees and rhododendrons. Many kinds of shrubbery and trees.

ASSOCIATED STRUCTURES: 2 Story Barn

KNOWN ARCHEOLOGICAL FEATURES: \_\_\_\_\_

SETTING: Sets behind house.

STATEMENT OF SIGNIFICANCE (Historical and/or architectural importance, dates events, persons, contexts). USE ADDITIONAL SHEETS IF NECESSARY:

Original owner, builder, Jelmer & Florence Mason, fruit (apple) grower and flower (bulb) grower served an agricultural purpose to the community and shipped their products to California and Eastern States. Products consisted of apples, apple cider (manufactured by Mason's on this property), variety of bulbs. Time period 1916-1950's

The Mason's were well known in the community. Jelmer Mason's property included 10 Acres Boundaries were - East/42nd Avenue to West/38th Avenue, North/Johnson Creek Blvd., South/Roswell St. Today the property is a little under one acre.

Jelmer Mason planted 28 varieties of apples and manufactured and bottled apple cider on their property. The cider was sold in Oregon and California. Jelmer's niece, Margaret Evans, retired school teacher remembers when his apples won many blue ribbons at the

SOURCES: \_\_\_\_\_

NEGATIVE NO.: \_\_\_\_\_ RECORDED BY: \_\_\_\_\_  
SLIDE NO.: \_\_\_\_\_ DATE: \_\_\_\_\_

Statement of Significance -

Oregon State Fair in Salem in the 20's. She traveled there with the family by horse and buggy. Jelmer also grew flower bulbs(daffodils and peonies) and shipped them to California and Eastern States.

Jelmer was involved in business with Oregon State Agriculture. He raised seeds for Oregon State University Flax Experimental Program. He grew "Fax Hair Seed" used for earth holding purposes.

Jelmer's parents, Yence and Maria Mason both came from Norway. They purchased 100 acres in 1873 of nearby property which bordered 42nd Avenue and Johnson Creek Blvd., and includes Mason Lane and Fieldcrest Area. There were no other Norwegians in the area. Their property was one of the largest fruit orchards in the area.

Florence Mason's maiden name was Jennings. Her uncle settled Jennings Lodge. Her father came to Jennings Lodge in 1850. Her mother was the first white person to be born out of Coquille. Florence taught grades one(1st) thru four(4th) at Wichita Grade School.

Jelmer and Florence Mason were prominent in the community. They were active in their Church, Milwaukie Congregational on Logus Road and the cross on the alter is a memorial in their names. The Milwaukie Congregational Church is celebrating their 100th Anniversary this year.

12

OCT 16 '91 13:08

P. 3/2

OREGON INVENTORY OF HISTORIC PROPERTIES  
HISTORIC RESOURCE SURVEY FORM - TWO

NAME: Alvin S. & Geraldine D. Butcher T/R/S: 1S 1E 25  
ADDRESS: 8835 S. E. 42nd Ave., MAP NO.: 33 TAX LOT: 09500, 09501  
Milw., Or. 97222 QUADRANGLE: \_\_\_\_\_

PHOTO

NEGATIVE NO.: \_\_\_\_\_ SLIDE NO.: \_\_\_\_\_

PLEASE PLACE HERE:

SITE MAP SCHEMATIC DRAWING  
SHOWING INVENTORIED BUILDING(S)  
AND INCLUDING OUTBUILDINGS,  
STRUCTURES, ROADS, AND HISTORIC  
LANDSCAPING, IF APPROPRIATE.

INDICATE NORTH BY AN ARROW

PLEASE PLACE HERE:

TOWN MAP WITH CROSS STREETS  
FOR URBAN AREAS OR SECTION  
OF USGS MAP FOR RURAL AREAS

INDICATE NORTH BY AN ARROW

GRAPHIC & PHOTO SOURCES: \_\_\_\_\_

SHPO INVENTORY NO.: \_\_\_\_\_

EXHIBIT "B"  
HISTORIC REVIEW COMMISSION  
RECOMMENDED EVALUATION OF  
THE BUTCHER PROPERTY  
CITY OF MILWAUKIE

3 pages

CULTURAL RESOURCE EVALUATION FORM  
Criteria for Establishing Significance

Name: BUTCHER PROPERTY  
Address: 8835 ~~E~~ 42<sup>ND</sup> AVE  
Date of Construction:  
Style:  
Type:  
Rank:  
Legal:  
Zone:  
Land Size:  
Use:

HISTORICAL ASSOCIATION

PERSON/GROUP/ORGANIZATION: Associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the community, state, or nation.

Particularly Strong 10  
Strong 7  
Some 5  
None 0

EVENT: Associated with an event that has made a significant contribution to the community, state, or nation.

Particularly Strong 10  
Strong 7  
Some 5  
None 0

PATTERN: Associated with, and illustrative of, broad patterns of cultural, social, political, economic, or industrial history in the community, state, or nation.

Particularly Strong 10  
Strong 7  
Some 5  
None 0

SUBTOTAL: 27

ARCHITECTURE

STYLE/BUILDING TYPE/CONVENTION: Significance as an example of a particular architectural style, building type, or convention.

Excellent	10
Very Good	5
Good	3
Of little interest	0

DESIGN/ARTISTIC QUALITY: Significance due to quality of composition, detailing, and craftsmanship.

Excellent	4
Very Good	3
Good	2
Of little interest	0

MATERIALS/CONSTRUCTION: Significance as an example of a particular material or method of construction.

Excellent	4
Very Good	3
Good	2
Of little interest	0

INTEGRITY: Significance because it retains its original design features, materials, and character.

No apparent alterations	7
Minor alterations	5
Major alterations but overall character preserved	3
Severely altered little character preserved	0

RARITY: Significance as the only remaining, or one of the few remaining, properties of a particular style, building type, design, material, or method of construction.

One of a kind	10
One of a few	7
One of several	3
One of many	0

SUBTOTAL: 25

ENVIRONMENT

LANDMARK: Significance as a visual landmark.

Symbol for the City	10
Conspicuous/well-known in community	7
Conspicuous/well-known in neighborhood	5
Not conspicuous/well-known	0

SETTING: Significance because current land-use surrounding the property contributes to the integrity of the pertinent historic period.

Excellent	4
Very Good	3
Good	2
Fair/Poor	0

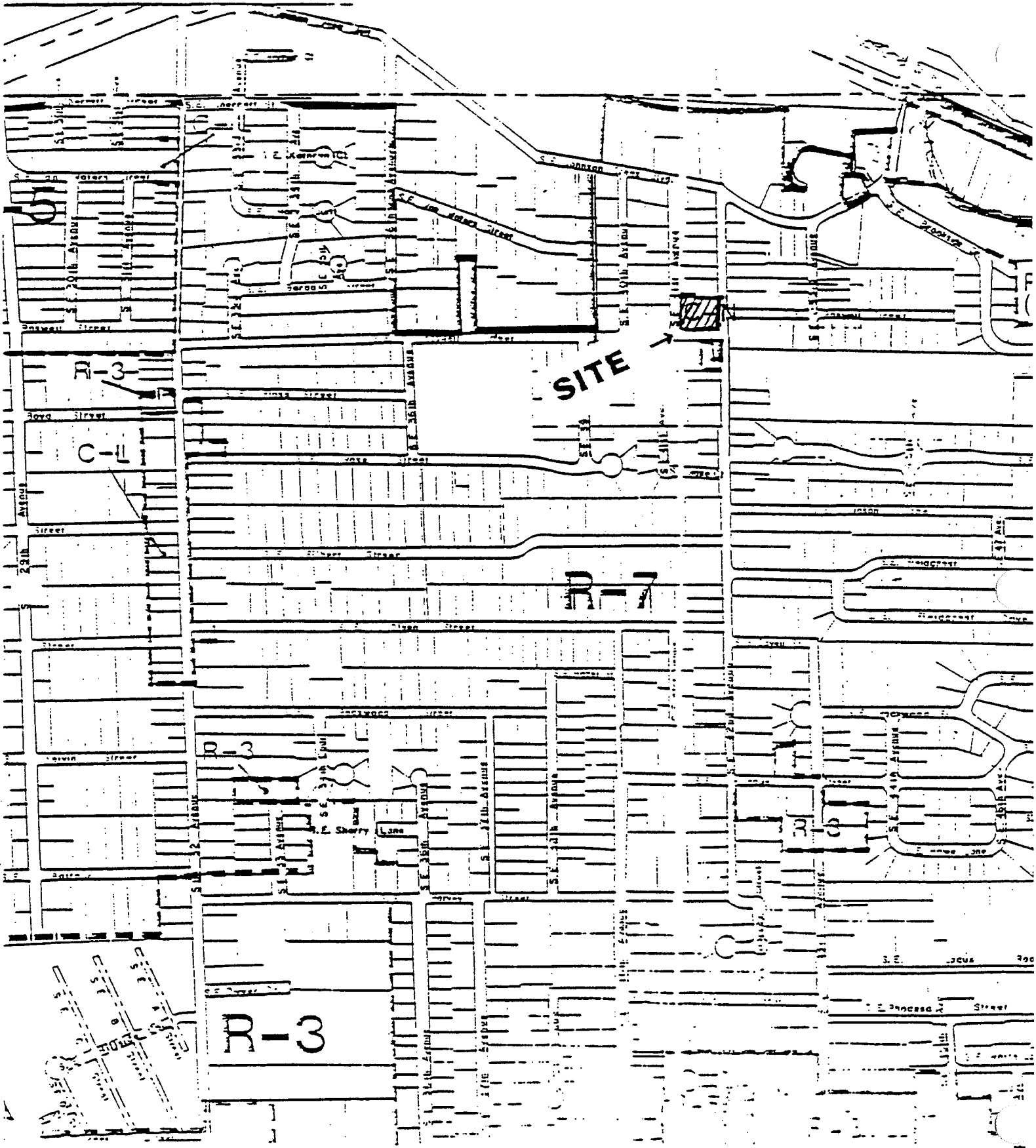
CONTINUITY: Significance because the property contributes to the continuity or character of the street, neighborhood, or community.

Establishes character	7
Important in maintaining character	5
Compatible	3
Incompatible	0

SUBTOTAL: 15

TOTAL: 27 + 25 = 52

67 POINTS



VICINITY MAP

[this is a transcription of a handwritten letter by the Applicant]

May 4, 1993

Greg Chew  
McKeever/Morris  
722 SW Second Ave, Suite 400  
Portland, Oregon 97204

Dear Greg,

I visited Margaret Evans (Jelmer's niece) last Thursday and recorded the additional information she gave me. She was very gracious and would like to help with listing property on the Historic Register.

I am going to call City Hall and the Assessor's Office this week and hope to obtain more information there.

The information she gave me follows; re: Your questions:

Style (Barn) - As she remembers the barn was built in the following year that the Mason's moved into their house. She believes that her Uncle Jelmer built the barn or had some help building it. She does not know if it was built different than any other barn in the area. She said that it was used for fruit storage and for the tractors and equipment used for the orchards.

Social or Cultural Environment, Cultural Hub - Residents in the area gathered together socially at the Mason's as well as other homes visited on a regular basis. She does not remember any certain events other than neighborhood get-togethers.

Employment Status - Jelmer and Florence employed a few young people to help with the orchard. There were no migrant workers, the family maintained the orchard. They also employed a few young people to harvest grass seeds for the experimental programs he was involved in with Oregon State University, Or. In the summer time Jelmer attended "Farmers School" at Oregon State University, a program now available during the summer months of the year. Margaret does not know how successful his experimental grass growing procedures were only that he grew "Foxtail, Flax and Fescue" for the University.

Status of Mason's in Community - They were very prominent in the community. Jelmer served one term as Mayor, she does not know if he ran for office or was appointed. He was very involved with the school system and was always a member on the school board even when he was a young man, before he married. As she previously told me, Jelmer and Florence were both very active in their church and the cross on the altar was donated in their names. His name on this memorial is spelled correctly, Hjalmar. When he started school at the age of eight, along with his sister, Della, age 7, neither of them could speak English and the teacher spelled his name as she deciphered it - Jelmer. The H was dropped on his name and he was known as Jelmer.

Note: The Milwaukie Congregational Church which celebrated its 100th year anniversary in 1992 was originally located at S.E. 32nd and VanWater St.

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Additional Information:

Re: Barn - The barn is in its original form. The area that we use for drying flowers and storage was a green house. It is attached to the barn on the south side and the only change is it no longer has glass in the walls and roof. The greenhouse was a great enjoyment to Jelmer and Florence.

The Mason's were industrious entrepreneurs. They grew a large variety of apples in their orchards. Among some Margaret remembers are: Winter Bananas, Spitzenberg, Kings (known for their waterspots) in big demand, Bedflower, Glory Monday, Arkansas Black, Gavensteins, Transparents. The apples were sold by the ton and they also loaded them on their truck and drove them as far as Eureka, California selling them by the box.

The apples were put through a large electric press (Margaret remembers its size as being very impressive) located on the outside of the North side of the barn. The apple cider the Mason's produced was not homogenized or tampered with. It was sold as "fresh apple cider" locally.

Note: correction to information I gave on previous information. The cider was poured into clear gallon jugs, "fresh from the press", put into boxes, four to a box and taken overtown to Corno's and Hazelwood Markets and sold locally. Neighbors also came to the barn to purchase the apple cider and looked forward to it's delicious flavor. (Upon having a sale in our barn last year I had the opportunity to meet a family that grew up in the neighborhood and they related to me how much they enjoyed the apple cider produced by the Mason's and how well known it was in the community). Note: Also met a man who had worked for the Mason's in their orchards. He told me how Mr. Mason would invite the pickers into his barn at the end of a hard days work to sample his apple cider. He related that it was the best - priority stuck.

Jelmer and Florence's bulb industry took place for approximately fifteen (15) years. They grew a variety of flower bulbs, tulips, daffodils, narcissis and peonies. They sold fresh cut flowers and bulbs. The peonies were raised for blossoms and sold to Tommy Luke Florists for Memorial Day.

Another industry ventured into was the growing and selling of holly. They planted holly trees and harvested the holly at Christmas time. This took place in the 30's and 40's, approximately ten year period. Margaret remembers her Aunt Florence and her mother, Della, washing the holly in the basement and making Christmas wreaths by the hundreds. Jelmer would load the wreaths on his truck and take them to California selling them along the way.

Interesting Notes:

The Filbert Trees on the south side of our property were planted by Jelmer sometime after 1910 at the same time Filbert Avenue (south of Mason property) was named. The owner of that property was Mr. Applebee. Mr. Applebee did not want the street named for him so he named it Filbert Ave. as the Filbert trees had been planted at that time. Jelmer purchased his own trees - they were unusal to the area. Margaret related the difference between Hazelnuts and Filberts (hibernized Hazelnuts) to me. She told her family's tradition of gathering Hazelnuts for the winter months.

Her mother would take her and her sister along with blankets and bags to the top of Alberta and Bell Hill. They would camp out for two or three days and pick Hazelnuts. They built bonfires at night for warmth. They filled the bags and their father would load them in his truck when he picked them up. They would return home with their winter supply. The Mason's orchards were bordered by vegetable farms owned by Italians. Their names were:

Barbaqueta - farm was parallel to Barbara St./37th  
Battalagia - farm was on Logus Road  
Cartsegna - farm was on Filbert/42nd  
Sambasetos - farm was across 42nd - hardly spoke English

Italian children did not speak English. Property which is now Omark Industries was the best celery growers in area. Jelmer's father, Jens Mason was 19 years old when his father sent him to America from Norway to see what America was about. Jens' father and mother wanted to move their family to America to prevent sons being taken into the army. Jens went back to Norway and his family, Father, Mother and two sisters traveled to America with about thirty people. It took them approximately 3 months to cross the ocean. They traveled up the St. Lawrence River into Canada. When arriving in Canada they walked until they found the place that they wanted to live - Calamosia, Iowa. Jens then ventured further without his family to the NW to work in the woods. Jens Mason and Mary Thorsen (also from Norway) meet in America and married. Mary's name - Mary Thorsen (father's name was Thor) Skreabakken. Skreabakken means scraggly hill (bakken means hill) Jens and Mary had a son (Jelmer) and a daughter (Della M. Evans)- Margaret's mother.

They had five others that did not live. Jelmer Mason was born in 1883 and married Florence in 1920. Margaret Evans lived with them several different times in her young adult life.

A young Japanese man lived in a small shed on the S.E. corner on Jelmer's property/42nd and Roswell in the 20's. He was known as a "squatter" and was allowed to remain there after the Mason's built and moved into their home. Margaret remembers speaking to him on her way to school as a young child.

Margaret and her Mother Della (Madella - name originated from Norwegian "Muddy Ella" family members names taken from places in Norway) moved into Jelmer's and Florence's home after her father was killed in a car/train accident on lower Johnson Creek Ave. He was on his way home from work in the early morning. Margaret's parents owned and worked a Dairy farm off Mason Lane. Her home is still standing. It was part of the original 100 acres purchased by her Grandparents.

I have more information on Jelmer and Florence's children and grandchildren if you would like it. They are all respected people of their communities.

I am hoping that this additional information will raise the points needed to meet the "Significant Resource" ranking. I will contact you this week if I find any further information at City Hall.

Sincerely,

(signed)

Geraldine Butcher

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
CONSULTANT REPORT

Application: Request for Designation to Historic and Cultural Resources Inventory  
Applicant: Geraldine D. and Alvin S. Butcher  
Property Owner: Geraldine D. and Alvin S. Butcher  
Location: 8835 SE 42nd Ave.  
(Tax Lots 09500, 09501; Tax Map T1S, R1E, Sec 25AA)  
(Exhibit C)

Proposal

Applicant has requested the designation of the proposed property (referred to as the Butcher property) to Historic and Cultural Resources Inventory. Exhibit A is the completed Application for Land Use Action by the applicant.

Site Description

The residence is a light beige house in the Oregon vernacular style. The application indicates the house was built in 1916. The architect is unknown. The builders were the original owners of the house. Jelmer and Florence Mason. The house is a two story building mostly in its original form. The only noticeable exterior addition is a redwood deck on the south side of the house.

The following information is drawn from information provided by the applicants. Minor clarifications were made by the consultant (see Appendix A for the applicants' actual language submitted):

The original owners and builders, Jelmer and Florence Mason, were apple and flower bulb growers from 1916 to the 1950's. They shipped their products, mostly apples, ~~apple cider and a variety of bulbs to California and the east coast.~~

The Masons were well known in the community. The Mason's property originally included 10 acres. This lot was bounded by on the east by 42nd Ave, west by 38th Ave., north by Johnson Creek Road and South by Roswell Street. Today the property is less than one acre (boundaries: east, 42nd Ave.; west, adjacent lot; south, Roswell; and north, adjacent lot.).

Jelmer Mason planted 28 varieties of apples and manufactured and bottled apple cider on their property. ~~The cider, which won many blue ribbons at the Oregon State Fair in the 1920's, was sold in Oregon and California.~~ He also grew flower bulbs (daffodils and peonies) and shipped them to California and the east coast. Jelmer was also involved in business with Oregon State Agriculture. He raised seeds for the Oregon State University Flax Experimental Program. He grew "Flax Hair Seed" used for earth holding purposes.

*Note  
Corrections*

*and  
city*

*Apples  
were*

My Brother David Cole and  
Myself Virginia Cole worked  
for Mr. Mason. Stripping  
grass seeds from a grown  
plant for .10¢ per pound.

we did this in  
1941 & 1942

Virginia J. Henkey  
114611 SE Center  
port land, Ore

May 11, 1993

Gregg Chew, Policy Analyst  
McKeever/Morris  
722 S. W. 2nd, Suite 400  
Portland, Or. 97204

Dear Gregg,

I am sending you additional information on the barn. Re; Visually, Margaret has informed me of four(4) barns in the area. According to her there were only four.

The first, her Grandfather Yence's was located on Mason Lane. She said it came down many years ago. Derry Acres Barn which was located East of 42nd Avenue on Derry Lane(which is now Roswell St.). Sambasetos Barn, vegetable growers, was located south of Roswell and west of 42nd Avenue on their property. This barn was recently destroyed this spring to make way for a new culdesac which will provide six new houses in the neighborhood. And of course Jelmer and Florence Mason's Barn located on this property.

Cordially,



# CITY OF MILWAUKIE



FAX (503) 652-4402

## MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*  
Tim Corbett, Public Works Director  
Maggie Collins, Community Development Director  
Greg Drechsler, Provisional City Engineer

FROM: Paul Roeger, Civil Engineer

RE: Monroe Street Traffic Analysis  
Final Report  
Public Hearing

DATE: September 10, 1993

### ACTION REQUESTED

Conduct a public hearing regarding the Monroe Street Traffic Analysis final report. Determine the steps necessary to address the citizen petition filed with the City requesting the prohibition of trucks on Monroe Street from 21st Avenue to Hwy. 224.

### BACKGROUND

At the February 2, 1993 City Council meeting, Council directed that a traffic study be conducted in the area of Monroe Street. After advertising and reviewing proposals a contract was issued to traffic engineering consultant, Tom Lancaster. The consultant has submitted his final report for the "Monroe Street Traffic Analysis".

A public meeting was held on August 18 with citizens from Monroe Street and Washington Street to obtain their input after the preliminary draft report was made available for their review (see the attached summary and follow-up). Comments were also received over the phone from those residents not available to attend the public meeting. These citizen comments and staff comments were incorporated into the final report as appropriate.

### SUMMARY

The volume of trucks using Monroe Street was found to be low and a diversion of trucks from Monroe Street will not likely result in congestion on other streets. It appears doubtful that Monroe Street is suited to function as a Minor Arterial. The current improvements on McLoughlin Blvd. and the relocation of signals will not likely result in a large change in volumes on either Harrison, Monroe, or Washington. Traffic predictions do not indicate that a substantial increase in traffic volumes is expected on Harrison, however, some minor improvements may be needed to improve traffic flow.

### ISSUES TO CONSIDER

1. Light Rail - Many different routes are now being considered through Milwaukie. A change of use or classification at this time for Monroe Street could impact the routing of Light Rail.
2. Roadway and Transportation Management Plan - Staff plans on having an up dated plan completed within the next five years. This will provide a larger picture effecting the entire City's plan.
3. The Transportation Planning Rule - Under the Transportation Rule the City will be required to develop a transportation systems plan, including a freight (truck) route network (see page 15 of report). This will be accomplished in the update of the Roadway and Transportation Management Plan and the Comprehensive Plan update.
4. Comprehensive Plan update - See pages 13 to 16 of the report.
5. Impact of closure or partial closure of Monroe Street at Hwy. 224 - This includes impact to businesses on both sides of Hwy. 224 on Monroe Street that rely on exposure and easy access as well as the more circuitous routes that would be used to access those businesses (see pages 26 and 27 of the report). It also would impact the classification of Monroe Street (see pages 14 and 15 of the report) and impact the volumes on both Harrison and Washington Streets (see pages 22 to 27 of the report).

### RECOMMENDATIONS

#### SHORT TERM

Post the exhaust brake (Jake Brake) prohibition allowed by Milwaukie Municipal Code chapter 8.08.070.

Staff contact the trucking companies, observed by residents and as shown in the report, using Monroe Street to request they use more acceptable routes.

LONG TERM

A new truck count survey be done after the completion of the McLoughlin Blvd. improvements.

Take a close look at the classification of Monroe Street during the Comprehensive Plan review and the Roadway and Traffic Management Plan update.

Look closely at improvements needed on Harrison Street in order to continue to function as a major east-west transportation route during the Roadway and Traffic Safety Management Plan update with special consideration given to the intersection with Hwy. 224.

Work closely with ODOT when additional McLoughlin Blvd. improvements are done to accomodate the 2010 volumes to insure the needs of the community are addressed.

(4)  
MONROE STREET TRAFFIC NETWORK ANALYSIS

PUBLIC MEETING

MILWAUKIE CENTER

8-18-93

SUMMARY OF COMMENTS

**ATTENDING:** Dick Port, 3026 S.E. Washington Street  
Tom Alford, 2708 S.E. Monroe Street  
Jeri Alford, 2708 S.E. Monroe Street  
Bob Knudson, 10708 S.E. Home Avenue  
Rob Kappa, 12143 S.E. 38th Avenue  
Rick Farley 4623 S.E. Llewellyn Street

**CITY STAFF:** Tim Corbett, Public Works Director  
Paul Roeger, Civil Engineer

**CONSULTANT:** Tom Lancaster, Traffic Engineer

**Port:**

1. A lot of trucks use Washington between 6am and 7am, particularly dump trucks and bobtails and they drive fast.
2. During the school year the high school buses run between 6am and 7am.
3. The expressway should be used to access McLoughlin.
4. Large trucks can't negotiate curve on Washington between 30th and 31st without going into the oncoming lane.
5. Load limits could be placed on the streets (Monroe & Washington).
6. Many accidents on Washington Street are not documented (6 in his yard). Curbs have been damaged by cars leaving the road.

**Alford:** The west bound lane on Monroe Street is only 9.5 feet wide. All trucks cross over the centerline.

**Port:**

1. Washington Street is a good route for light rail.
2. We would have more leverage when calling the trucking companies to ask them not to use the street if signs prohibiting trucks were already up.
3. There is no need for heavy truck traffic in the core area of Milwaukie.

**Alford:**

1. Moving the signal to Monroe at McLoughlin would open up Monroe from Hwy. 224 to McLoughlin.
2. Two 3 axle trucks went by when I was talking to the counter during the closure and only one is indicated in the report.
3. Log trucks and lumber trucks are the prime trucks using Monroe. Someone called the log boom in March, prior to the study, and requested they tell the log truck drivers not to use Monroe Street, and since then we have seen very few on Monroe.

Corbett: Then doesn't that indicate "calling specific trucking companies and requesting them not to use the street" will be a good strategy to reduce truck traffic.

Alford: What about Milwaukie Lumber?

Corbett: We could call them and try to get an agreement to minimize use of Monroe as well.

Alford: 1. "Right in"/"right out" will not reduce the number of empty log trucks on Monroe.  
2. The sidewalk on Monroe has been damaged by the lumber trucks.

Port: 1. The lumber yard entrance on Washington Street is not a good access. It takes several tries to make it.  
2. Washington Street is residential. It is not appropriate for truck traffic and high car use with the schools.  
3. A truck route would allow building one street to withstand trucks instead of spreading the expense on many streets.

Corbett: The City will consider installing "Use of Jake Brakes Prohibited" signs on Monroe.

#### FOLLOW-UP

8-19-93 Checked with ODOT, Walt Bartal, about installing "Truck Route signs on Hwy. 224. The City would need to send ODOT a City street map with designated "Truck Routes" on City streets and ODOT would install the necessary signs on Hwy. 224 directing the Trucks to those "Truck Routes".

Removal of Signal @ Hwy. 224 and Monroe - If the City sent ODOT a letter requesting the removal of the signal, the State Traffic Engineer would review the request and work with the City on the details of the removal, ie. full closure, right in and right out, etc. ODOT would pay for the removal if they felt it was justified. The removal determination would take about three months. Then working out of details and the actual removal would take additional time, possibly an additional three months. What is best for the businesses and residents near Hwy. 224 would be a major consideration in determining the final configuration.

#### Other staff comments:

Going up Washington Street with light rail may allow us to get federal funds to improve Monroe. If we change classifications, funds may not be available.

Because Monroe Street right-of-way is so narrow (40 ft.), improvements to Monroe would be limited.

The opening of the new 17th Avenue bridge should encourage south bound truck traffic to stay on Hwy. 224 to access McLoughlin Blvd.

The City will consider designating truck routes in the Traffic Study update and Comprehensive Plan review.

We have not discussed with the residents or businesses what impact they might experience with full or partial closure of Monroe Street at Hwy. 224.



COMMUNITY DEVELOPMENT  
PUBLIC WORKS  
5101 SE JOHNSON CREEK BLVD  
TELEPHONE 552-4410

# CITY OF MILWAUKIE

## MEMORANDUM

**TO:** Mayor and City Council

**THRU:** Dan Bartlett, City Manager  
 Tim Corbett, Public Works Director *RTC by Tim*  
 Maggie Collins, Community Development Director

**FROM:** Paul Roeger, Office Engineer *ARH*  
 Jim Crumley, Associate Planner *JC*

**RE:** Monroe Street  
 "20,000 LB. LOAD LIMIT" Request

**DATE:** January 20, 1993

### ACTION REQUESTED

Council hold a public hearing on a petition request for a "20,000 LB. LOAD LIMIT" on Monroe Street from 21st Avenue east to Hwy. 224, and take action as proposed in the Recommendation section of this report.

### BACKGROUND

Monroe Street is 28-feet in width from 21st Avenue to 29th Avenue with parking permitted only on the south side. This reduces the travel width to about 20 to 21-feet. It is 40-feet wide from 29th to Hwy. 224. Going east on Monroe Street there is a 9 to 10-foot jog in alignment to the south at 28th Avenue. As you know, the vertical alignment of Monroe Street changes frequently. The most drastic example is the crest vertical curve just east of 25th Avenue that leads into a valley where Spring Creek crosses at the 2700 block and then up to a vertical curve at 28th Avenue where the alignment levels off.

In comparison, both Harrison Street and Washington Street are 36-feet in width with a straight vertical alignment. Harrison Street has no parking on either side and a two-way left turn lane in the middle with an "S" curve at 23rd Avenue. Washington Street has parking on both sides, effectively reducing the travel width to 20 to 22 feet. It also has a horizontal curve just east of 30th Avenue.

Traffic counts done in 1991 showed an Average Daily Traffic (ADT) volume of 2070 vehicles per day on Monroe Street. This compares with an ADT volume of 9850 on Harrison Street and 3100 on Washington Street.

Monroe Street is classified as a minor arterial in the City's Roadway and Traffic Safety Management Plan of 1978. It operates at a level "A" capacity rating with basically low volume and no delays. Accident

frequency is low, with an average of about one reported accident a year over the past ten years over the entire stretch from 21st to Hwy. 224.

Monroe Street is a federal aid route at this time and is eligible for funding under the new Transportation Act. Anything classified higher than a Local Collector is eligible for this funding.

Harrison Street is also classified as a minor arterial in the Roadway and Traffic Safety Management Plan. The capacity rating is considerably worse than Monroe Street, with fairly high volume and some delays. Accident frequency is also higher, with the intersection of Hwy. 224 and Harrison being the most dangerous intersection in Milwaukie.

Washington Street is classified as a collector, but has a higher traffic volume than Monroe Street. It probably operates at a level "A" capacity rating for the most part with only minor delays at Oak Street during peak periods.

#### COMPREHENSIVE PLAN CONSIDERATIONS

The expressed goal of the City's Transportation Element of the Comprehensive Plan is "to provide and encourage a safe, convenient and economic transportation system by providing easy access within the City and to the major transportation networks connecting with the City". To achieve this goal the City has adopted specific Policies and Objectives within the Comprehensive Plan to act as guides to the decision-making bodies. The purposes of these Goals and Objectives are to help insure that transportation decisions are reflective of the interests of the entire City and to maintain a cohesive plan for the future.

It should be noted that the City's Transportation Element is but a part of a larger regional framework guided by Oregon's Statewide Planning Goals. Goal 12 requires that the City's transportation plan "be based upon an inventory of local, regional, and state transportation needs..." and shall "facilitate the flow of goods and services so as to strengthen the local and regional economy".

The diversion of truck traffic from Monroe Street, a Minor Arterial, to Washington Street, a local collector, will contradict at least two of the City's adopted Policies of the Transportation Element of the Comprehensive Plan, specifically:

Policy 7 of Objective #3 which states that "... the City should look at decreasing the reliance of Washington Street as a primary access to Hwy. 224." and

Policy 3 of Objective #4 which states, "The movement of goods and business-oriented truck operations, to the extent possible, will be limited to Freeway/Expressways and Arterials."

#### OTHER CITY BACKGROUND INFORMATION

In the original request for the weight limit on Monroe Street the structural condition of the pipe carrying Spring Creek was questioned. Because of this concern the City hired a structural engineer to do an

evaluation of the concrete culvert. The inspection report indicated no significant structural deficiencies. Therefore, since the road has been open to legal loads these many years with no signs of distress, there is no need to limit the vehicle load limit because of the culvert.

City operations people also dug two test holes in Monroe Street between 25th Avenue and 28th Avenue and found 4-inches of asphalt over 4-inches of base rock. This is equivalent to our residential street standard which is sufficient to carry trucks in excess of 20,000 lbs. on an infrequent basis (10 to 20 per day). No formal count of trucks has been made, however, a citizen has reported as many as 44 trucks in one day. This situation may be due in part to the construction on McLoughlin Blvd.

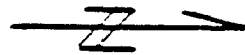
Another concern mentioned was safety. Pictures were shown of trucks straddling the centerline of the roadway and vehicles parking on the sidewalk to lessen their chances of being hit.

#### RECOMMENDATION

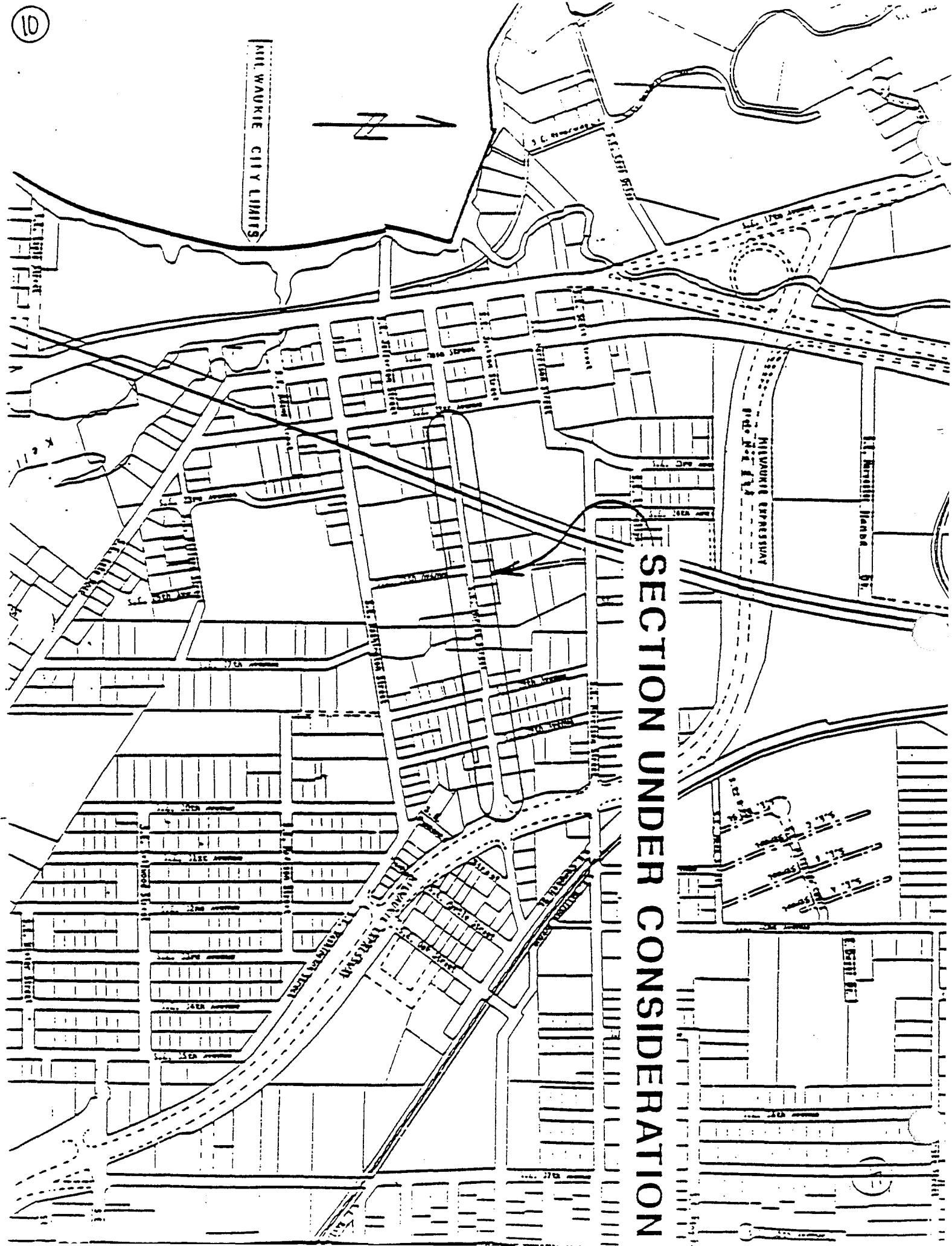
Council has four options available to them based on the above information:

1. Deny the petition request based on the Comprehensive Plan Objectives and Policies.
2. Deny the petition request but eliminate parking on both sides of the street to improve the safety on the street.
3. Hold a work session to review the Policies and Objectives of the Transportation Element of the Comprehensive Plan to determine if any of them should be revised.
4. If a work session warrants obtaining more specific information regarding the petition request, conduct a traffic study addressing the effects of a possible closure to truck traffic.

MILWAUKEE CITY LIMITS



SECTION UNDER CONSIDERATION



TOM R. LANCASTER, P.E.

Transportation Engineering

Traffic Studies  
Planning  
Safety

Union Station, Suite 206  
800 N.W. 6th Avenue  
Portland, OR 97209  
(503) 248-0313  
FAX (503) 248-9251

August 24, 1993

Mr. Paul Roeger  
Office Engineer  
6101 SE Johnson Creek Boulevard  
Milwaukie, OR 97206

Dear Paul:

Enclosed are two camera-ready copies of the Monroe Street traffic study. One copy includes the technical appendix. The comments made at the public hearing and by the staff were incorporated as appropriate. Changes can still be made to this report if there are any last-minute problems.

As of today, my time and expenses for the Monroe truck study and the 34th Avenue through-traffic study total \$11,326.09, which exceeds the maximum contract amount of \$10,850.00. For this reason, I am requesting an amendment to the contract to cover the time to attend the City Council meeting on September 7th. This is an item that was not included in the original scope of work. I estimate that the time will be about three hours which, at \$80 per hour, would amount to \$240.

Thank you for your consideration of this item. In any event, unless I hear otherwise from you, I will plan on attending the Council meeting on September 7th.

Yours truly,



Tom R. Lancaster, PE

RECEIVED  
AUG 25 1993

CITY OF MILWAUKIE  
DEPT. OF PUBLIC WORKS

(12)

TOM R. LANCASTER, P.E.

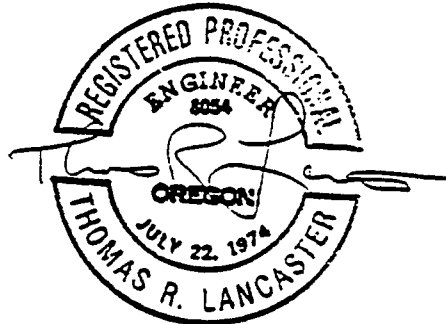
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MONROE STREET TRAFFIC ANALYSIS

MILWAUKIE, OREGON



12-31-94

August, 1993

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INTRODUCTION

The City of Milwaukie has received comments from citizens questioning the appropriateness of the use of Monroe Street by trucks. In addition there is uncertainty regarding the appropriate function of Monroe Street between the Milwaukie Expressway and downtown Milwaukie.

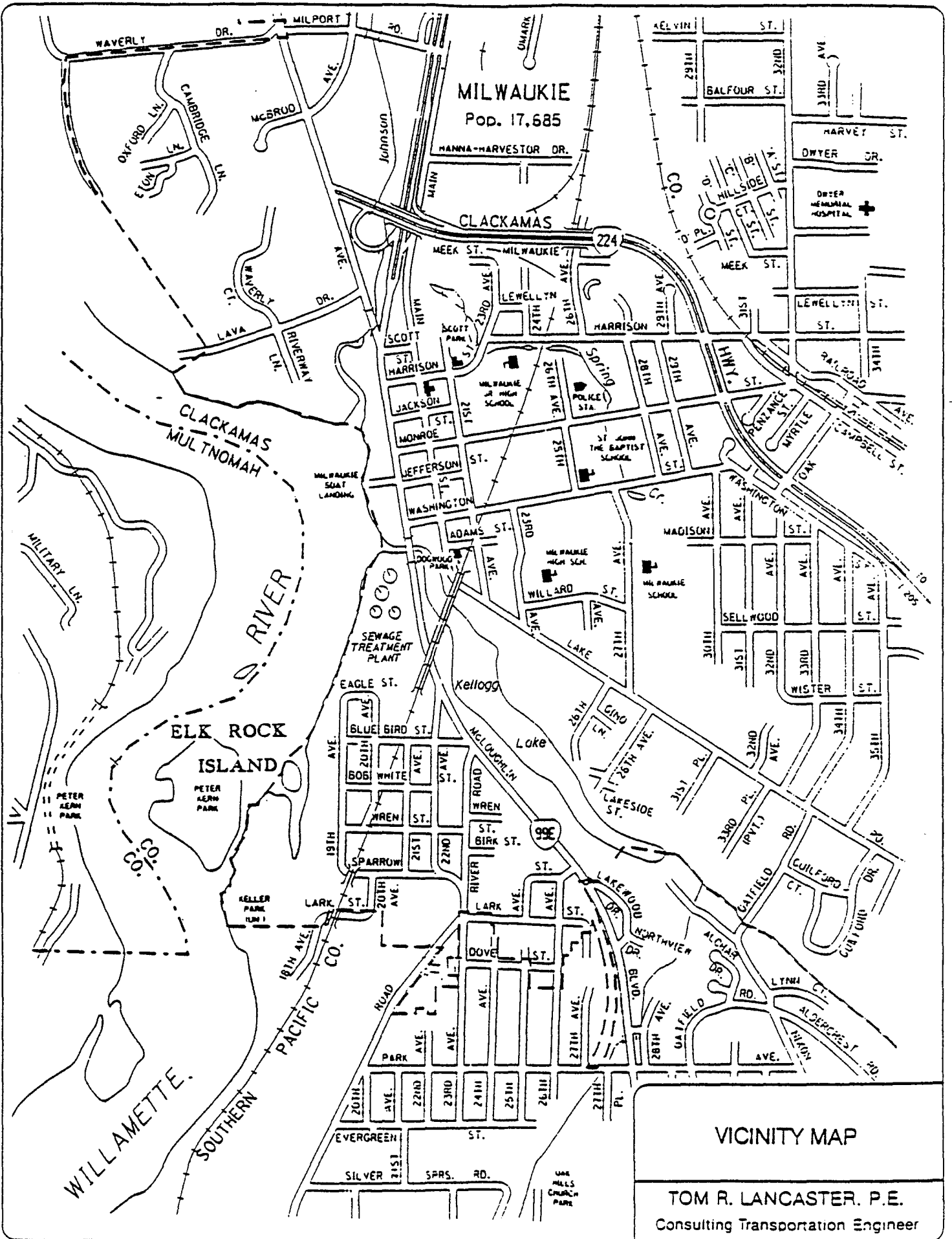
The issues of through truck usage and the appropriate function of Monroe Street are related. The intended function of Monroe should indicate whether Monroe should be used by trucks. Determination of the most appropriate function of Monroe is as much a political and community decision as an engineering decision, but the decision will impact other streets as well as Monroe.

The purpose of this report is to examine the engineering aspects of the possible functions of Monroe as well as the traffic-related impacts of the different functions. This will include the impacts of truck diversion if Monroe is not used by through trucks, and methods for controlling through trucks.

Because Harrison Street is likely to experience most of the impact of restrictions on the use of Monroe, this study will concentrate on the operation of Harrison. An analysis will be made of the traffic impact on Harrison of reconstruction of McLoughlin, and of projections of future traffic volumes.

Substantial assistance in the performance of this study was provided by City of Milwaukie, particularly with regard to background information and City policies. Additional traffic volume data was provided from the Oregon Department of Transportation and Metro.

Detailed information on traffic counts, capacity calculations, and level of service calculations are available in a separate technical appendix.



**VICINITY MAP**  
 TOM R. LANCASTER, P.E.  
 Consulting Transportation Engineer

### DATA COLLECTION

To assist in the traffic analysis, data on existing and projected traffic volumes was collected. Because turning movement or vehicle classification data was needed for most counts, manual data collection methods were used. This involved the stationing of people at the count locations to record turning volumes and vehicle classifications.

#### *Vehicle Counts*

Manual turning movement counts were made at the critical intersections for use in the determination of level of service on Harrison as a result of alternatives for truck routes and alternatives for restriction or closure of the Monroe intersection on the Milwaukie Expressway. Because the peak traffic volumes occur during the evening peak hour, this was the time period during which the counts were made.

Projected traffic volumes for planned or proposed roadway improvements were also obtained. The Oregon Department of Transportation furnished projected volumes on McLoughlin Boulevard assuming completion of the McLoughlin Boulevard widening project, including the connection of 17th Avenue with Harrison Street. Projections were also provided for McLoughlin assuming the relocation of traffic signals from Jackson and Jefferson to Monroe and Washington.

#### *Truck Counts*

Monroe Street was temporarily closed to all through truck traffic by the City of Milwaukie for the two-week period from April 26 to May 7, 1993. Prior to this closure, traffic and truck counts were made on Harrison, Monroe, and Washington Streets to record the number of trucks using each street. The counts were then repeated when the three streets were closed to trucks. The counts before the closure can be compared to the counts during the closure to determine the effect that the through truck prohibition had on truck volumes.

Each count was made for the 12-hour period from 7 AM to 7 PM. The volume of cars as well as the volume of trucks was counted. For each truck that was counted, the truck company name and the number of axles was noted. Truck counts were made

during the second week of the two-week closure to allow time for local trucking companies to adjust to the closure. The counting was conducted in shifts of three or four hours because the people making the counts were not able to sit for a 12-hour shift. The shifts at some of the locations were on different days. The counts on each of the three streets were made near the 28th Avenue intersection.

It has been reported that there are school buses and trucks, particularly dump trucks, on Washington Street between 6 and 7 AM.

It was noted that there is presently a weight limit on the 17th Avenue bridge over Johnson Creek just west of McLoughlin Boulevard. This means that westbound trucks on the Milwaukie Expressway destined to the south on McLoughlin Boulevard must turn to the north on 17th and use Milport Road to reach McLoughlin. This is a circuitous route requiring out-of-direction travel. Some trucks may be using Harrison, Monroe, or Washington as an alternative. With completion of the new 17th Avenue bridge, trucks using City streets as an alternative will probably return to the 17th Avenue routing to reach McLoughlin.

TRAFFIC FORECASTS

The Oregon Department of Transportation provided traffic projections for the year 2005 for McLoughlin Boulevard for two cases: first, with the existing roadway and intersection configuration on McLoughlin Boulevard, and second, assuming completion of the McLoughlin Boulevard widening north of the Expressway and relocation of the existing traffic signals at Jackson and Jefferson to Monroe and Washington.

Traffic projections for the Milwaukie Expressway were provided by Metro from the EMME2 transportation planning model. The projections were for the year 2010, and also included some projections for Harrison Street and for McLoughlin Boulevard. These projections included turning movements at the major intersections.

Based on (1) manual traffic counts conducted as part of this study, (2) projection 2005 traffic furnished by ODOT, (3) projection 2010 traffic furnished by Metro, and (4) a redistribution of traffic volumes based on planned roadway improvements, traffic volume maps were assembled. Some major inconsistencies were found between the existing volumes, the ODOT projections, and the Metro projections. These inconsistencies were resolved by using the data which appeared to be most realistic. In general, Metro projections were used for through traffic volumes on the arterials, while ODOT projections were used for turning movements. Traffic volumes from 1993 counts were used as a check to assure that the projected volumes are reasonable.

It appears likely that neither the widening of McLoughlin nor the proposed relocation of the traffic signals at Jackson and Jefferson will have a large impact on traffic volumes on Harrison, Monroe, or Washington between 21st Avenue and the Expressway. These three streets will continue to serve as connections between the downtown area and the Expressway and east Milwaukie. The traffic demand between these areas is not likely to change as a result of the signal relocations.

However, the traffic volumes and circulation patterns downtown will change as a result of the signal relocations. Traffic now originating from or destined to McLoughlin and using Harrison, Monroe, and Washington must use an intersection on McLoughlin that permits the desired turning movement. For example, westbound drivers destined to the south on McLoughlin must use the traffic signals at Jackson or Jefferson. This requires jogging one block on 21st or Main to reach the signals. With relocations of the signals, the one-block jog will no longer be necessary. Overall there will

probably be slightly less circulating traffic downtown, but the volumes east of 21st will probably not be changed appreciably by the signal relocations.

On most streets, the roadway capacity constraints will occur at controlled intersections rather than at mid-block locations. This is because the intersection traffic control, whether a STOP sign or a traffic signal, will reduce the free-flowing capacity of the street. If there is sufficient capacity at the controlled intersections to handle the traffic volumes, the street sections between the intersections will usually have more than enough capacity for the traffic volumes.

To determine the capacity and level of service on Harrison Street, the controlled intersections were examined. These intersections on Harrison Street are at McLoughlin (a traffic signal), Main (a four-way stop), and the Milwaukie Expressway (a traffic signal). The volumes at these locations are shown on the traffic volume maps. Also shown on the maps are the intersections along McLoughlin Boulevard and the intersection of the Milwaukie Expressway and Monroe Street.

Traffic volumes for the key intersections are shown on the following maps (not to scale):

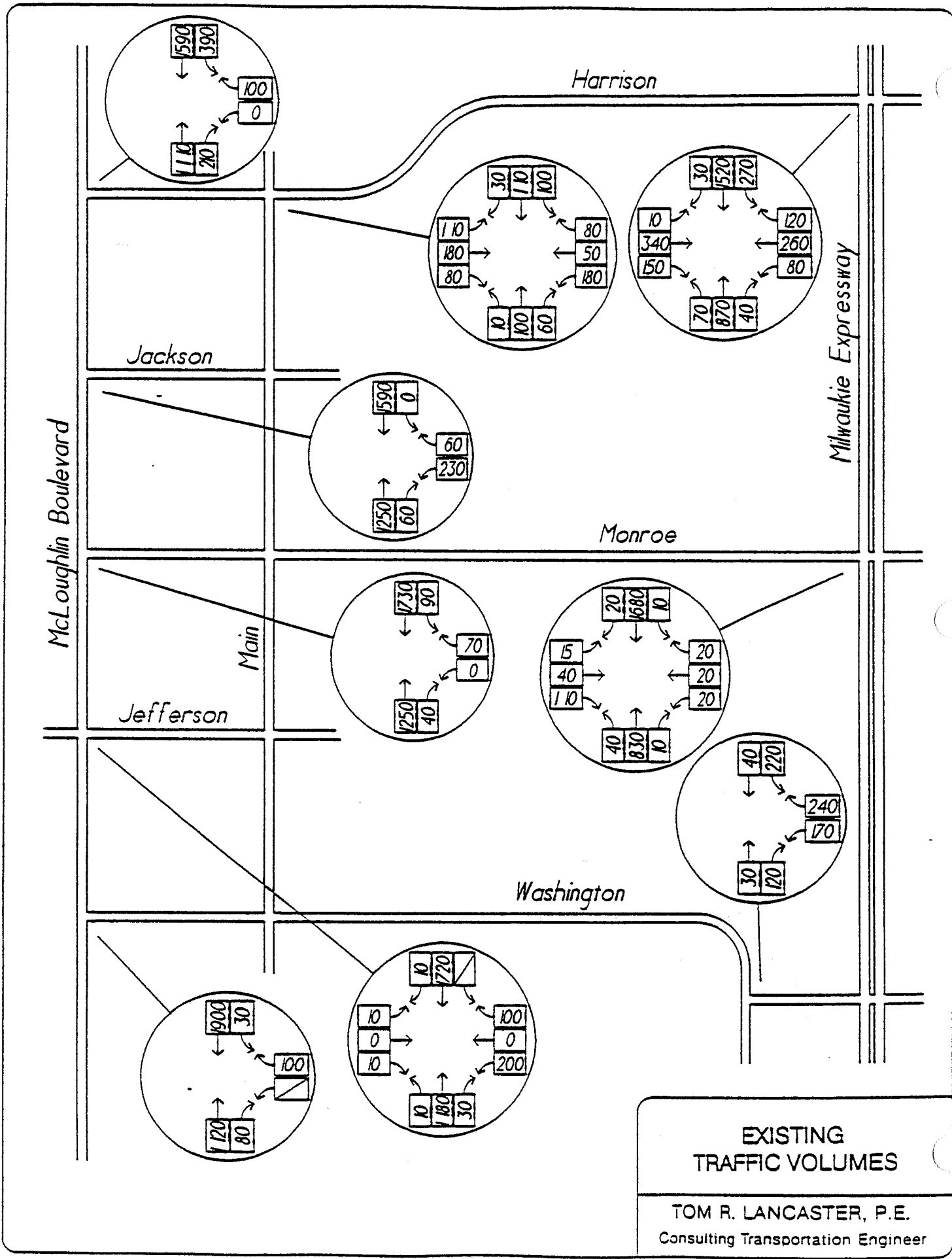
Page 8: Existing traffic volumes with present roadway configurations.

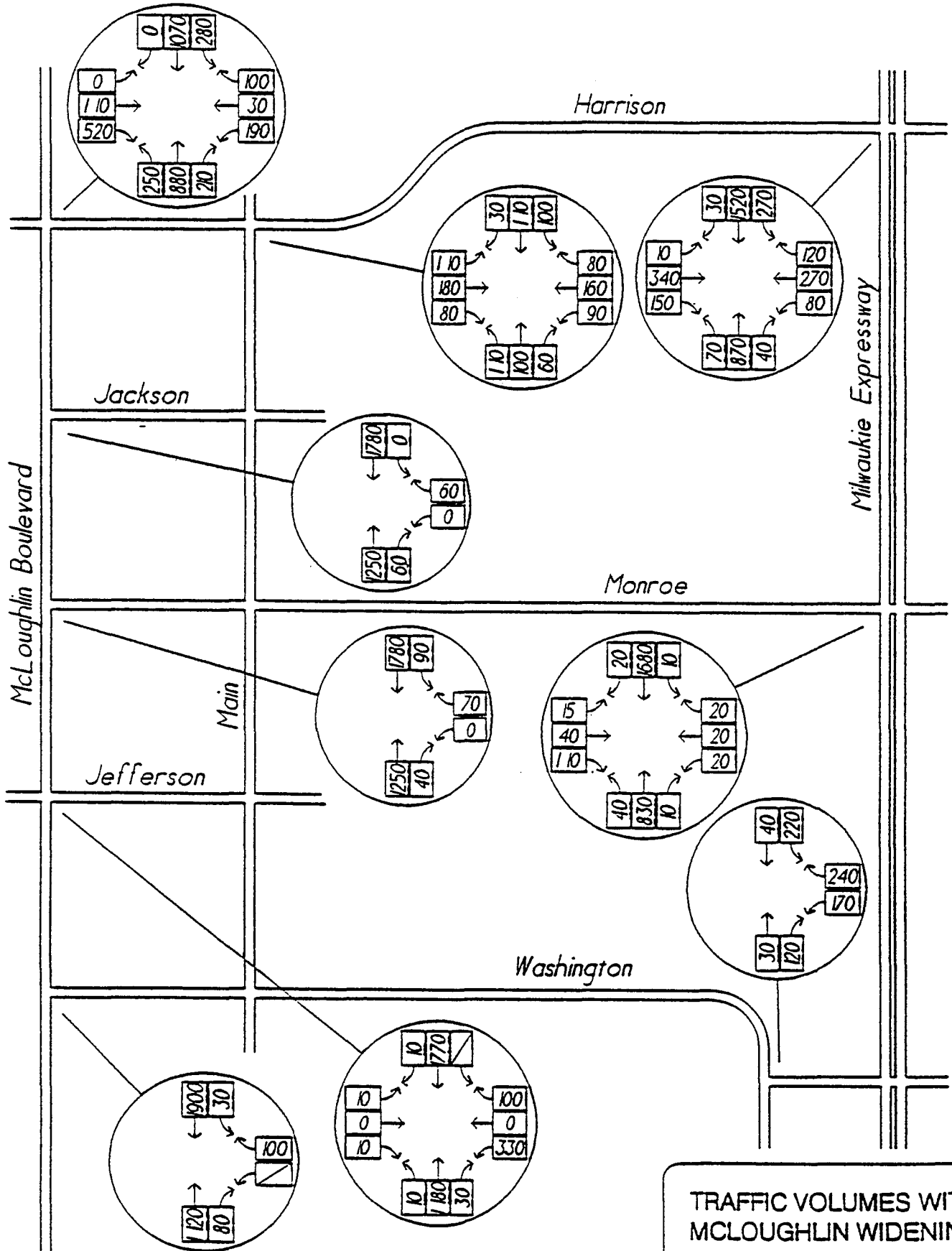
Page 9: Traffic volumes assuming completion of the McLoughlin widening project (north of the Milwaukie Expressway).

Page 10: Projected 2010 traffic volumes assuming completion of the McLoughlin widening project and relocation of the traffic signals.

Based on these traffic volumes, the level of service on Harrison Street was determined for the three key intersections. The level of service at these three locations provides a good indication of the delay and congestion that can be expected on Harrison under the conditions that were investigated. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. Level D is generally considered to be the minimum acceptable level of service for signalized intersections in urban areas, and level E is the minimum acceptable level for unsignalized intersections.

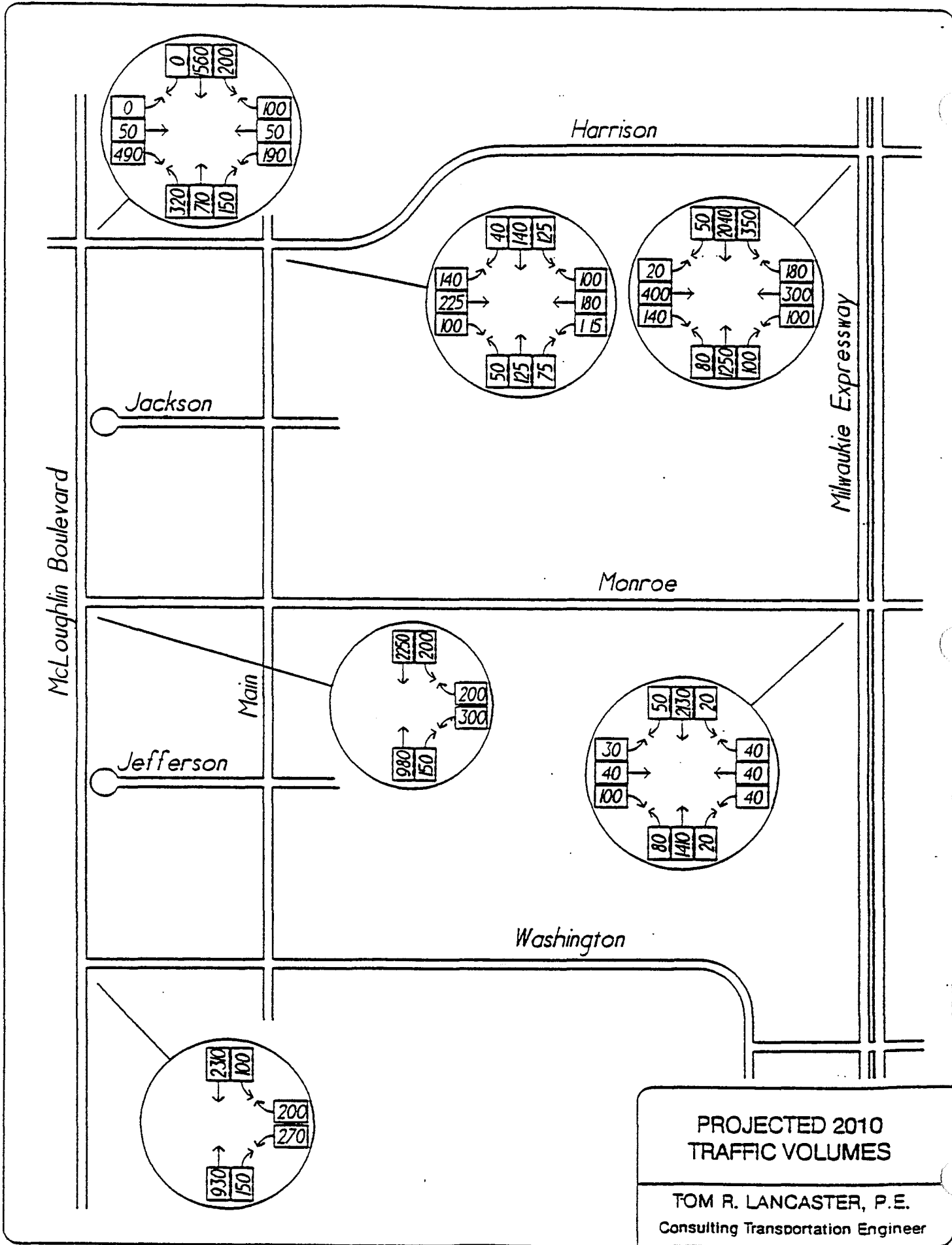
The signalized intersections were analyzed using the Planning Method in *Transportation Research Circular 212*, published by the Transportation Research Board. The four-way stop intersection at Main Street was analyzed using *Transportation Research Circular 373*, also published by the Transportation Research Board.





**TRAFFIC VOLUMES WITH MCGLOUGHLIN WIDENING**

**TOM R. LANCASTER, P.E.**  
 Consulting Transportation Engineer



**PROJECTED 2010  
TRAFFIC VOLUMES**

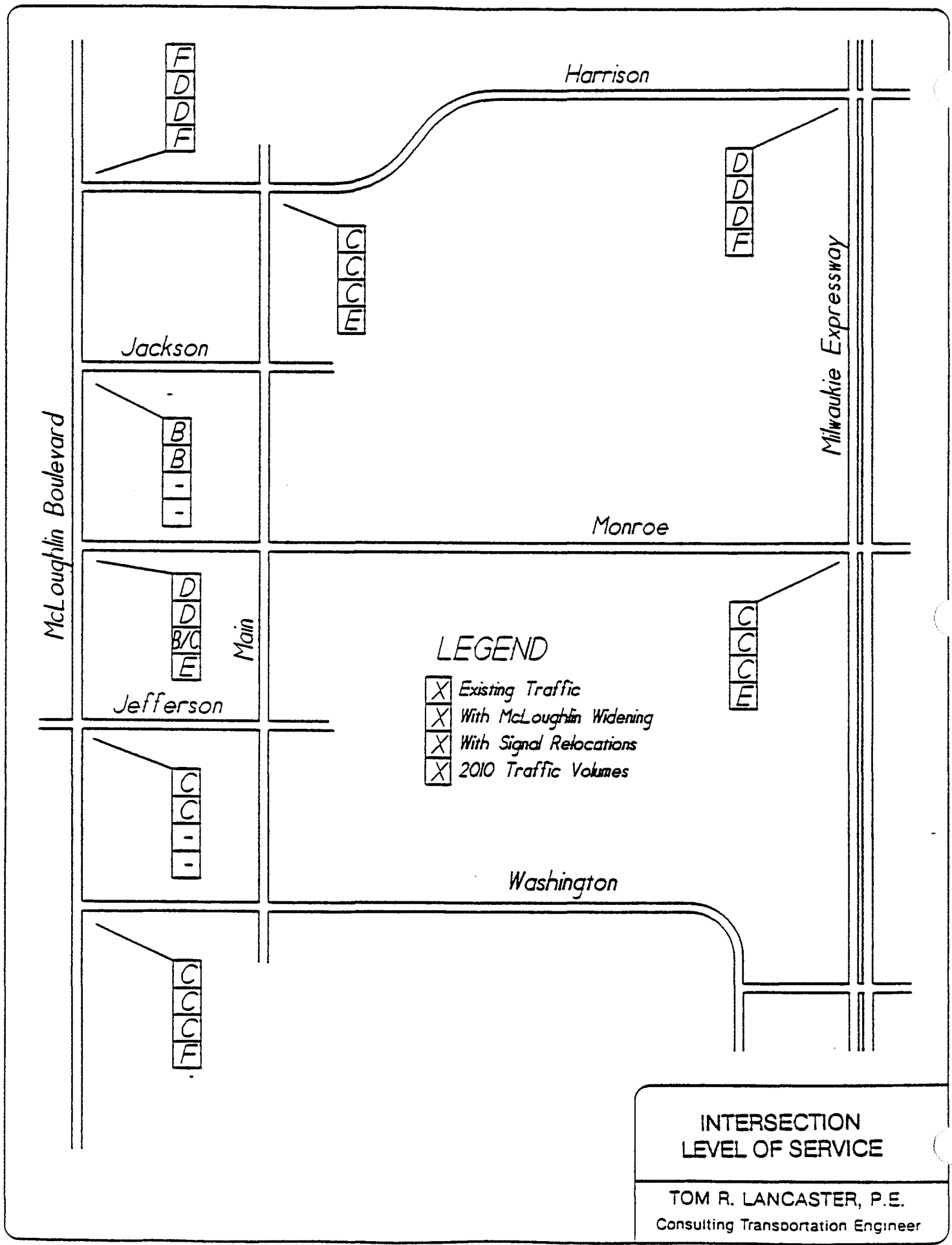
TOM R. LANCASTER, P.E.  
Consulting Transportation Engineer

The results of the capacity and level of service calculations are summarized on the map (not to scale) on page 12. This map shows the level of service at the key intersections for four different conditions. The first condition is existing (1993) traffic volumes based on recent manual counts. The second condition is for 1993 volumes assuming completion of the McLoughlin widening north of the Expressway and the connection of 17th Avenue to Harrison. The third condition again uses 1993 volumes but assumes relocation of the Jackson and Jefferson signals as well as the McLoughlin widening. The fourth condition uses projected 2010 volumes, and assumes widening of McLoughlin north of the Expressway and relocation of the traffic signals, but not widening of McLoughlin through downtown Milwaukie.

At the intersection of McLoughlin and Harrison, the calculations with existing traffic volumes shows a level of service F for the southbound left turn from McLoughlin to Harrison. The capacity calculation procedure assumes random distribution of traffic on McLoughlin, but in fact the northbound traffic on McLoughlin forms platoons as the result of traffic signals to the south. For this reason, the actual level of service is better than the calculated F level. With completion of the McLoughlin widening project and the relocation of 17th Avenue to intersect McLoughlin at Harrison, the level of service was determined to be D. If the existing traffic signals are relocated to Monroe and Washington, traffic volumes at the Harrison Street intersection should remain approximately the same, and the level of service should remain at D. With projected 2010 traffic volumes, the level of service will be F. This is due to a projected substantial increase in southbound volumes on McLoughlin. This calculation assumes that McLoughlin is not widened to six lanes south of the Expressway.

At the Main Street intersection on Harrison, the level of service with today's traffic volumes is C. With completion of the widening of McLoughlin north of the Expressway it is expected to continue to operate at level C. It should remain at level C if the signals on McLoughlin are relocated. With projected 2010 volumes the level of service is expected to be E. Installation of a traffic signal would improve the 2010 level of service to A.

At the Milwaukie Expressway, calculations show that the existing level of service at Harrison is D. With completion of the McLoughlin widening north of the Expressway, with or without relocation of the signals on McLoughlin, the level of service will continue to be D. With projected 2010 volumes, the level of service is expected to be F. This is due to projected substantial increases in through traffic on the Expressway. Improvement of the 2010 level of service will require additional lanes on the Expressway or some other intersection improvement.



COMPREHENSIVE PLAN POLICY

The type and volume of traffic flow which is appropriate for a city street is determined by the function of the street as shown in the transportation element of the comprehensive plan. The comprehensive plan shows the intended function of each street, and defines the uses that are permitted for each type of street function.

Chapter 5 of the Milwaukie Comprehensive Plan includes the Transportation Element as well as the Public Facilities and Services Element and the Energy Conservation Element. The Transportation Element has policies which define five street classifications ranging from Local streets to Freeways. There is also a map showing the classification of all the Milwaukie streets. Any street that is not designated on the map as a specific classification is considered to be a Local street.

*Functional Classifications*

The five functional street classifications in the Milwaukie Comprehensive Plan are (1) Local Streets, (2) Collector streets, (3) Minor Arterials, (4) Major Arterials, and (5) Freeways and Expressways.

The two classifications of most concern in this analysis are Collectors and Minor Arterials. To illustrate the difference between Collectors and Minor Arterials, the definitions as shown in the Comprehensive Plan are repeated as follows:

*Collector streets* serve internal traffic within areas having a single land use pattern. The collector streets carry local traffic within a neighborhood area. They carry traffic from the local streets to the minor and/or major arterial network or to schools, local shopping centers, or other local streets within the neighborhood. Local public transit may use collector streets.

A *Minor Arterial* carries local traffic between neighborhood areas or to regional facilities. The Minor Arterial provides access from neighborhood collector streets to community services and to other neighborhoods within, or immediately adjacent to, the City. Local public transit may use Minor Arterial streets.

The use of streets of different functional classifications by trucks is not specifically addressed by these definitions. Because no exceptions for trucks are made in these functional definitions, it is reasonable to assume that the use of streets by trucks should be in conformance with these definitions assuming that trucks are included with all other types of vehicles in the traffic flow. For example, truck traffic on Collector streets should be limited to local trucks within a neighborhood area. Trucks can use Collectors to travel from local streets to arterials or other local streets within the neighborhood. To travel between neighborhood areas or to regional facilities, trucks should use Minor Arterials.

According to the Comprehensive Plan, Monroe Street is designated as a Minor Arterial from 21st Avenue to 37th Avenue. At 21st the arterial designation jogs to the north to Harrison Street. From 21st to McLoughlin Boulevard and from 37th to Price-Fuller Road it is designated as a Collector. Harrison Street is designated as a Minor Arterial from McLoughlin Boulevard to 42nd Avenue, where the arterial designation jogs north to King Road and then extends to the east to 82nd Avenue. Washington Street is designated as a Collector from McLoughlin Boulevard to the Milwaukie Expressway. Washington is also designated as a route for a possible light-rail line.

By its designation as a Minor Arterial, Monroe Street can be expected to carry traffic that is traveling to regional facilities or traveling between different neighborhoods within the City. This means that it is intended to carry through traffic within the neighborhood. More specifically, it should be intended to provide access to the Milwaukie Expressway, and should be intended to carry traffic, including truck traffic, between the Downtown Milwaukie area and the area of Milwaukie east of 42nd Avenue.

The Oregon Department of Transportation has informally considered possible alternatives for improving the traffic-carrying capacity of the Milwaukie Expressway. No plans or alternatives have been formally adopted at this time, but closure of the Monroe Street access to the Expressway is one of the possible alternatives. Elimination of the Monroe intersection would permit removal of the existing traffic signal, which would reduce delays and possibly increase the level of service for Expressway traffic. In addition, consideration has been given by the City to partial or complete closure of Monroe Street at the Expressway as a means of discouraging through truck traffic on Monroe west of the Expressway.

Partial or complete closure of Monroe at the Expressway will clearly impact the capability of Monroe to serve as a Minor Arterial. If traffic on Monroe is prevented from crossing the Expressway, it can no longer serve the function of connecting the neighborhoods on the two sides of the Expressway. In addition, the ability to connect the adjacent neighborhoods with the regional expressway facility will be reduced or

eliminated. With this reduced capability, Monroe Street will be operating more as a Collector than as a Minor Arterial. The limited right-of-way width on Monroe of 40 feet further serves to discourage widening or other improvements to the street which would increase the capability of the street of handling through traffic.

If both the usage and classification of Monroe Street are changed from a Minor Arterial to a Collector, there will be some impact on adjacent streets. If Monroe is closed or restricted at the Expressway, most of the through traffic presently using Monroe will probably divert to Harrison or to Washington and Oak.

It is important to realize that if Monroe is reclassified as a Collector, the City will be committed to maintaining Harrison as a Minor Arterial, and to implementing any improvements necessary to operate Harrison satisfactorily as a Minor Arterial. Monroe would no longer be available as a Minor Arterial to accept overflow traffic from Harrison. Potential future improvements to Harrison that might be required to accommodate increasing traffic volumes could include widening the intersection at the Expressway, extension of the present center left-turn lane to McLoughlin, and installation of a traffic signal and turning lanes at Main.

Within the near future, the City of Milwaukie will conduct several studies which will affect the functioning of the street system. The City Of Milwaukie Comprehensive Plan, including the Transportation Element, will be reviewed in five years. This will provide an opportunity to revise planned street and system improvements and to review functional classifications. This should include a review of Washington Street, based on the statement in the existing Comprehensive Plan that "...the City should look at decreasing the reliance on Washington Street as a primary access to Highway 224."

As part of Statewide Planning Goal 12 (Transportation), the new Transportation Planning Rule will require that the City of Milwaukie develop a transportation system plan. Included within the transportation system plan will be an assessment of needs for all major types of transportation. This can include a plan for freight movement, which could involve a truck route network.

The City expects to update the roadway and traffic safety management plan, which was last updated in 1978, within the next two years. The transportation system can then be developed based, in part, on data from the updated plan.

Other issues related to Monroe include the potential for a light-rail routing on Washington Street, completion of the McLoughlin Boulevard construction, and determination of long-range plans for the Milwaukie Expressway. The McLoughlin widening project, in conjunction with the temporary weight limit on the 17th Avenue

bridge over Johnson Creek, may be resulting in unusual truck routing patterns that will return to normal when the project is completed.

ALTERNATIVES ANALYSIS

*Truck Routes*

The volume data collected on Harrison, Monroe, and Washington as part of this study was used to assess the consequences of prohibiting truck traffic on Monroe Street. The counts were made before the temporary closure of Monroe to through trucks, and again during the time of the closure. The results of the traffic counts, each of which cover a 12-hour period, are shown in the table on page 19.

In general, the traffic volumes before the closure are approximately the same as during the closure. Some differences are expected as the result of day-to-day variations in traffic volumes. The most notable exception is the car volume on Harrison, which decreased from 7200 before the closure to 6200 during the closure. This difference is larger than would be expected due to the daily volume variation. The change is not related to the closure of Monroe to trucks, and is apparently due to some outside influence. Temporary full or partial closure of the Milwaukie Expressway due to construction at the McLoughlin Interchange, an accident on McLoughlin or the Expressway, occupation of the railroad crossing on Harrison by a train for a long period of time, or utility work on Harrison are examples of incidents that could have resulted in the reduction of traffic volume on Harrison.

Of more interest is the change in truck volumes as the result of the temporary truck closure on Monroe. As shown in the table, there were 40 trucks on Monroe before the closure and 27 after the closure, a reduction of 13 trucks or 33 percent.

Most of the trucks on Monroe, both before and during the closure, were two-axle trucks. Many of the two-axle trucks were vans and small delivery trucks which may have been local trucks with an origin or destination along Monroe. Examples of trucks noted during the data collection process that could have been local delivery trucks were garbage trucks, recycling trucks, Milwaukie Public Works trucks, UPS and Postal Service trucks and vans, bakery trucks, ice cream trucks, food and beverage trucks, plumbing trucks, oil trucks, tow trucks, and glass trucks. The number of two-axle trucks declined slightly from 27 to 24. The volume reduction was not large probably because either (1) they were local trucks or (2) they were vans or small trucks whose drivers as-

sumed that the truck prohibition did not apply to them. Vehicles of this size are probably not of concern to the residents on Monroe.

The trucks with a large impact on residents are the three-to-five axle trucks. There were 13 of these on Monroe before the closure, and only three after the closure, a significant reduction. It should be noted that the volume of large trucks on Monroe prior to the closure was relatively small: about one truck per hour. Even this volume may be higher than would occur normally. It is reported that truck volumes on Washington, Monroe, and Harrison may be higher than normal due to construction at the McLoughlin Interchange on the Milwaukie Expressway and the temporary weight limit on the 17th Avenue bridge near McLoughlin.

Because the volume of large trucks on Monroe was reduced from 13 to three during the truck closure, the truck volumes on Harrison and Washington can be examined to determine whether trucks were diverted to these streets from Monroe. The truck counts show that the volumes of three-axle trucks increased on both Harrison and Washington during the truck closure. This indicates that three-axle trucks diverted from Monroe could have used either Harrison or Washington or both. There were no four-axle trucks on Monroe either before or during the closure during the survey period. Five-axle trucks remained constant on Harrison, but increased from zero to three on Washington. This would appear to indicate that the closure, which reduced five-axle trucks on Monroe from four to two, diverted the five-axle trucks to Washington. However, because of the very small volumes involved, and because there is a day-to-day variation in volumes, such a conclusion may not be valid.

Due to the apparent low volume of trucks presently using Monroe which would be subject to diversion by a prohibition of through trucks, there would be no significant adverse impact on the capacity of other streets or intersections as a result of the diversion. The only negative impact that could result from diversion would be the increased use of other streets by trucks. For example, a truck prohibition on Monroe could result in an increase in through-truck volumes on Washington, Harrison, or, possibly, on 34th Avenue.

If undesirable diversion occurred, further control by one of two methods might be necessary. First, the streets on which the undesirable diversion is occurring could be posted to prohibit through trucks. This would be the simplest method if the diversion were limited to one or a few streets, but could result in undesirable diversion to yet other streets.

If diverted trucks were using a variety of routes between the Milwaukie Expressway and downtown Milwaukie, a second alternative would be the establishment of a truck route or system of routes. A City ordinance could require that trucks remain on

truck routes except for local deliveries. This system would require a more extensive sign installation and maintenance program, but would address the problem of numerous cut-through routes by truck drivers. The Oregon Department of Transportation has indicated a willingness to install signs on the Milwaukie Expressway directing trucks to truck routes if the City adopts a truck route system.

Truck prohibition signs could take the form of either a prohibition of trucks in excess of a certain weight or weight classification or axle count, or the prohibition of all through trucks. Discussions with the city traffic engineers for Salem and Eugene elicited the opinions that the prohibition of all through trucks has proven to be the most effective method of reducing truck traffic as well as the easiest to enforce. The city ordinance authorizing the prohibition of trucks will typically define a truck as a vehicle with a gross weight classification of 20,000 pounds or more. The ordinance will also permit the use of the street by local trucks (trucks with an origin or destination in the area served by the street).

The traffic control sign used for truck prohibitions in Oregon is typically a "NO THROUGH TRUCKS" sign. As an alternative, a No Trucks symbol sign showing a silhouette of a truck with a red slash across the symbol can be used. The symbol can be supplemented by a plaque reading "NO TRUCKS" or "NO THROUGH TRUCKS". Where the symbol sign is used, a word-message plaque is sometimes used initially, but not replaced when the symbol sign is replaced or re-installed under routine maintenance.

It is important to realize that truck prohibitions are not always completely effective, and that enforcement is difficult and time consuming. It is necessary for an enforcement officer to follow a violator through the entire prohibited route to establish that it is, in fact, a through vehicle.

As suggested by City of Milwaukie staff, contacting trucking companies whose drivers have used or are likely to use a prohibited street can be an effective means of enforcement. Prior to installation of a truck prohibition, nearby commercial businesses such as wholesale warehouses and appliance or lumber dealers which are likely to use delivery trucks should be notified of the planned prohibition. When violators are observed, either by law enforcement officials or by residents, after the prohibition is in place, a call to the owner of the trucking company can be as effective as a traffic citation in eliminating future violations.

Informally contacting trucking companies may also be an effective technique to reduce through large-truck volumes even without a truck prohibition. If residents on Monroe observed large trucks and noted the time, date, and owner, contact of the owner by the City might enlist the owner's cooperation in using more appropriate

routes. Another method of reducing the impact of trucks would be to install signs prohibiting the use of exhaust brakes.

With regard to Monroe Street, the most effective means of eliminating through truck traffic would be the physical closure of Monroe at the Milwaukie Expressway. Alternatives for partial or full closure of Monroe, along with the impacts of such restrictions, are discussed in the following section.

VEHICLE TOTALS		
<u>LOCATION</u>	<u>BEFORE CLOSURE</u>	<u>DURING CLOSURE</u>
<i>Harrison Street</i>		
Cars	7195	6217
School Buses	21	33
Tri-Met Buses	218	199
2-axle trucks	114	89
3-axle trucks	17	60
4-axle trucks	5	2
5-axle trucks	11	11
<i>Monroe Street</i>		
Cars	1652	1622
School Buses	11	11
Tri-Met Buses	20	22
2-axle trucks	27	24
3-axle trucks	9	1
4-axle trucks	0	0
5-axle trucks	4	2
<i>Washington Street</i>		
Cars	3981	3743
School Buses	40	32
Tri-Met Buses	44	40
2-axle trucks	41	30
3-axle trucks	11	38
4-axle trucks	0	1
5-axle trucks	0	3

*Monroe Street*

The evening peak-hour traffic volumes on Monroe at the Expressway are surprisingly low. The three highest-volume movements are the right turn from eastbound on Monroe to southbound on the Expressway, which is 110, the complementary left turn from northbound on the Expressway to westbound on Monroe, which is 40, and the eastbound through movement, which is also 40. All other movements are 30 or less. Except for the eastbound right turn, closure of the intersection will have very little impact on the adjacent streets. Much of the eastbound right turn will probably divert to Harrison, but some will probably also divert to Washington.

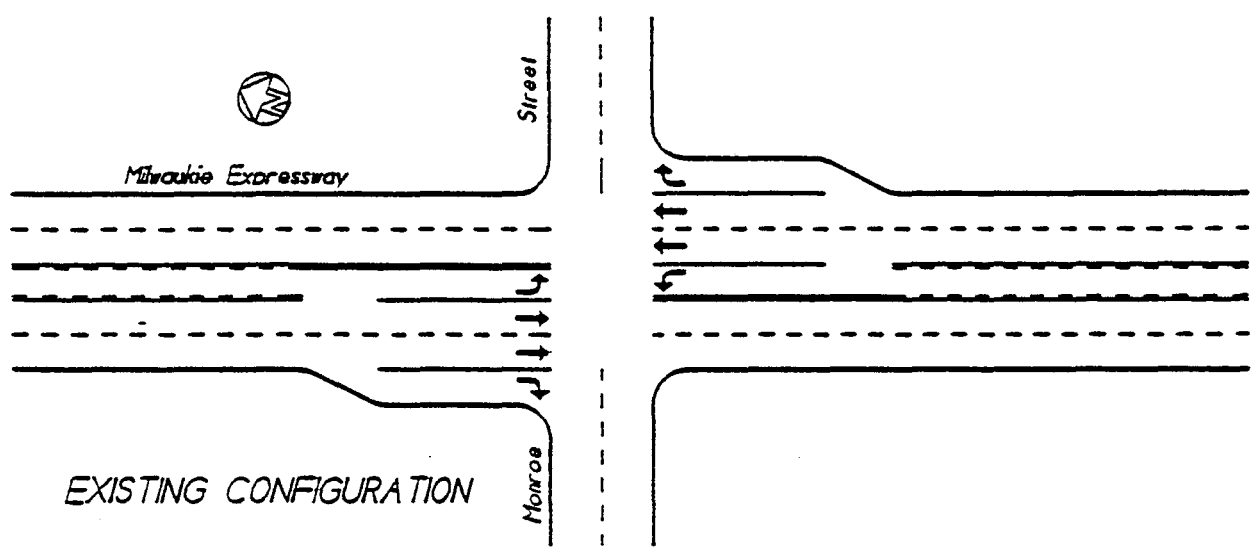
There are several alternatives for revising the intersection of Monroe and the Expressway. Each of the alternatives will have a different effect on the adjacent streets. These alternatives are illustrated in the diagrams (not to scale) on the following pages.

One alternative is to simply close Monroe at the Expressway. This would eliminate all crossings of the Expressway on Monroe as well as all turns to or from Monroe at the Expressway. The existing traffic signal would be removed. In this case, all of the turning and through movements on Monroe will be diverted to other locations. The turns between the west and the north, and most of the through trips on Monroe, will probably be diverted to Harrison. Turning movements to and from the south and between the east and the north will probably be diverted to Washington and Oak.

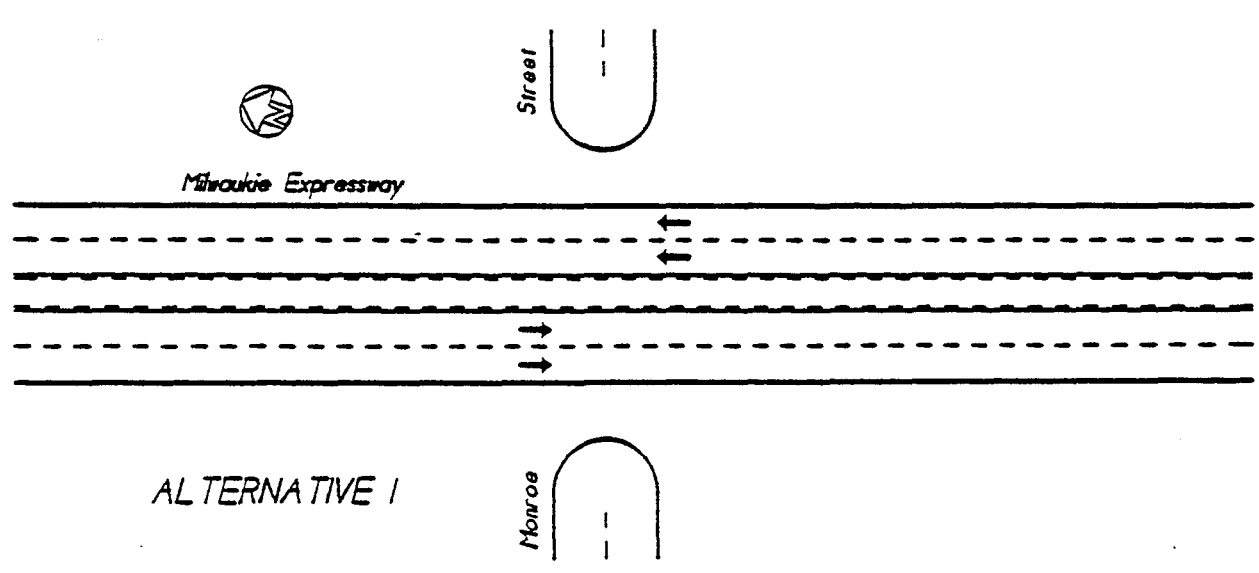
A second alternative is to construct a median island on the Expressway to prevent through movements on Monroe and all left turns, but permit right turns onto and off of the Expressway. The left turns from the north, which are very low in volume, will probably divert to Harrison. The left turns from the south and the through trips on Monroe will probably divert to both Washington and Harrison.

A third alternative is to construct channelization in the Expressway median to permit all movements except crossings of the Expressway on Monroe. Left turns from the Expressway to Monroe would be permitted. The prohibited through movements will probably divert to both Harrison and Washington.

A fourth alternative is to close Monroe to the west of the Expressway. The turns to and from the north will probably divert to Harrison, and the turns to and from the south plus the through movements will probably divert to both Harrison and Washington.



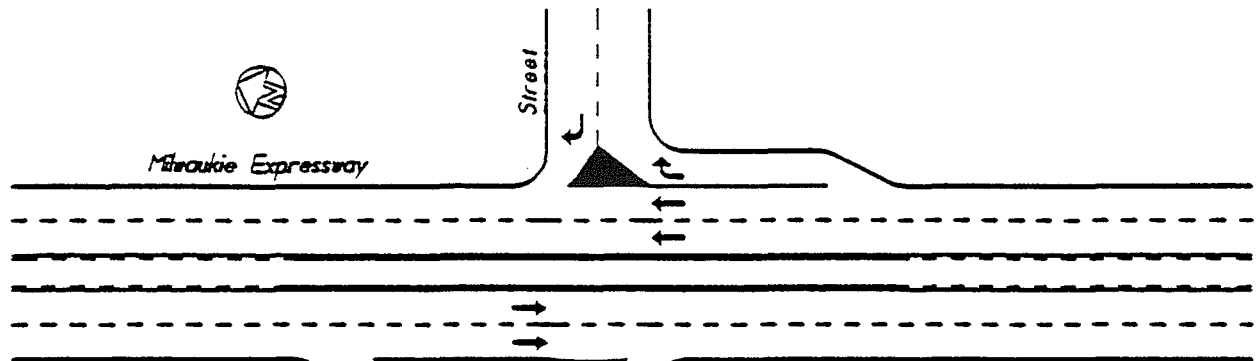
EXISTING CONFIGURATION



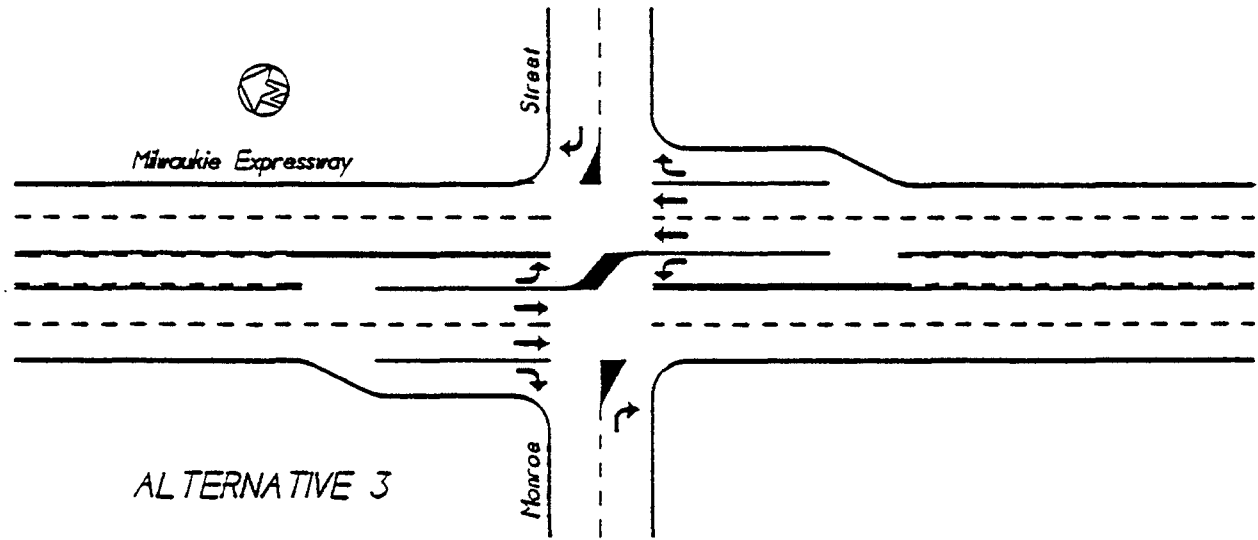
ALTERNATIVE 1

**MONROE CLOSURE  
ALTERNATIVES**

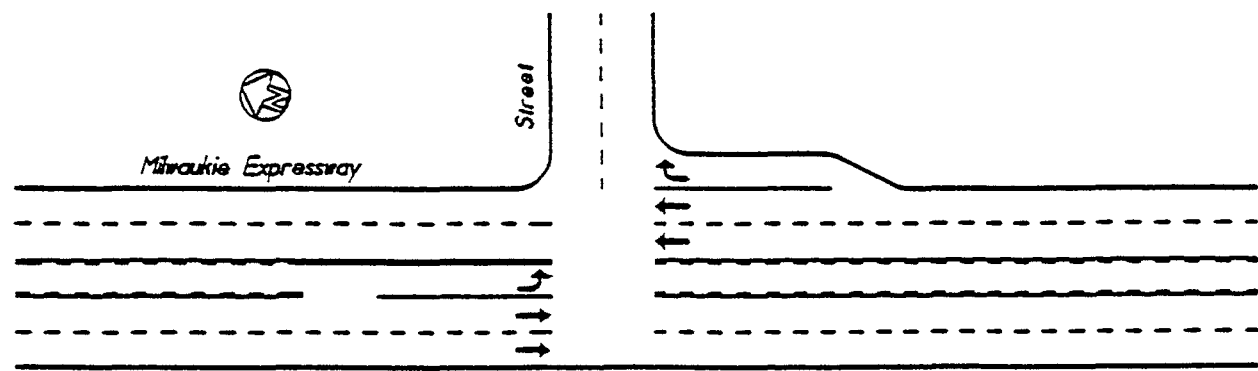
TOM R. LANCASTER, P.E.  
Consulting Transportation Engineer



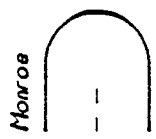
ALTERNATIVE 2



ALTERNATIVE 3



ALTERNATIVE 4



MONROE CLOSURE ALTERNATIVES

TOM R. LANCASTER, P.E.  
Consulting Transportation Engineer

Informal contact of the Oregon Department of Transportation by City staff has resulted in the information that ODOT would be willing to consider revising the Monroe intersection, and would consider paying for the work if they believe it is justified.

The primary impact of any closure or alteration of the Monroe Street intersection will be on the Harrison Street intersection. This is because most of the traffic from Monroe will probably divert to Harrison, and because the Harrison intersection has a lower level of service than either the Monroe intersection or the Oak intersection due to the higher volume of traffic. For this reason, a capacity analysis was made of the Harrison Street intersection on the Expressway.

As discussed earlier in this report, the Harrison Street intersection on the Expressway is presently operating at level of service D. With alteration of the Monroe Street intersection and diversion of much of the traffic to Harrison, the resulting levels of service at the Harrison intersection will be as shown in the following table:

**LEVEL OF SERVICE SUMMARY**  
**Milwaukie Expressway at Harrison Street**

	<u>LEVEL OF SERVICE</u>	<u>V/C RATIO</u>
Existing Monroe Intersection	D	0.85
Alternative 1 (Closure of Monroe)	D/E	0.90
Alternative 2 (Right-In, Right-Out at Monroe)	D	0.88
Alternative 3 (No Through Traffic on Monroe)	D	0.87
Alternative 4 (West Leg Closure of Monroe)	D	0.89

V/C Ratio = Volume to Capacity Ratio

The level of service calculations show that if the Monroe Street intersection is closed or altered, the effect on the Harrison Street intersection will not be substantial. The greatest impact on Harrison would be with complete closure of Monroe, which would reduce the level of service at Harrison from D to a borderline D/E. The other alternatives would have less of an impact.

For projected 2010 volumes, the Harrison intersection is projected to operate at level F with a volume-to-capacity ratio of 1.05. This means that with or without alteration of the Monroe intersection, the Harrison intersection will require improvements to maintain an acceptable level of service. Closure or alteration of Monroe will not significantly affect the need to improve the Harrison intersection in the future.

The effect on truck volumes of closing or restricting Monroe at the Expressway will vary with whichever alternative is selected. With complete closure of Monroe, all through trucks on Monroe will be eliminated. With partial closure of Monroe, some of the trucks will be eliminated. The through trucks will probably divert primarily to Harrison, although some could choose to use Washington. In any case, the total number of trucks which would be diverted is not high. The truck count on Monroe shows only nine three-axle trucks, no four-axle trucks, and four five-axle trucks. Closure of Monroe to trucks would not affect the level of service at either the Oak or the Harrison intersections on the Expressway.

The closure or restriction of Monroe would probably not reduce the number of local trucks (those with an origin or destination in the neighborhood). Most of the two-axle trucks on Monroe are probably local trucks, as evidenced by only a slight reduction in two-axle trucks from 27 to 24 when Monroe was closed to through trucks. However, the routing of trucks to and from Monroe may change. Those local trucks which normally enter or leave the Monroe neighborhood via the Expressway may use Harrison or Washington to reach Monroe if Monroe is closed or restricted.

Regardless of which Monroe revision alternative is selected, through trucks can be prohibited on Monroe by the use of traffic signing. Closure of Monroe would assist in the enforcement of the prohibition, but would not be required to implement the prohibition.

In addition to traffic impacts, the partial or full closure of Monroe would also impact adjacent land developments, particularly businesses located near the intersection. There are professional offices located in the northeast and southeast quadrants of

the intersection which would require a more circuitous route to reach if access from Monroe is reduced.

In the southwest quadrant of the intersection is a day care center. Closure of Monroe to the west would require drivers to use Harrison or Washington and 29th Avenue to reach the day care center from the Expressway. Although 29th is designated as a Local street, the additional traffic from the day care center will probably not be significant.

## CONCLUSIONS AND RECOMMENDATIONS

The analysis of traffic volume and truck survey data, traffic projections, street patterns, and the City of Milwaukie Comprehensive Plan leads to the following conclusions:

- The volume of trucks found to be using Monroe during the survey periods was found to be low. The number of large, through trucks that are susceptible to diversion through a closure of Monroe to trucks appears to be very low. A diversion of through trucks from Monroe to other streets is not likely to result in congestion on other streets.
- Based on traffic volumes, street patterns, and the Comprehensive Plan, it appears doubtful that Monroe Street is suited to function as a Minor Arterial. It may be more appropriate as a Collector.
- The widening of McLoughlin north of the Expressway to six lanes and the relocation of traffic signals on McLoughlin through Milwaukie does not appear likely to result in a large change in volumes on either Harrison, Monroe, or Washington between 21st Avenue and the Expressway. Relocation of the traffic signals will, however, affect traffic volumes on these streets between 21st and McLoughlin as circulation patterns change to reflect the new signal locations.
- Neither ODOT nor Metro traffic projections indicate that a substantial increase in traffic volumes is expected on Harrison. Although improvements such as a traffic signal at Main, extension of the center left-turn lane, and intersection improvements at the Expressway may be needed, widening of Harrison to five lanes will probably not be needed.

There are several transportation issues that affect Monroe Street and are related to this study which will not be resolved immediately, but will be addressed within the next few years. The City Of Milwaukie Comprehensive Plan, including the Transportation Element, will be reviewed in five years. This will provide an opportunity to revise planned street and system improvements and to review functional classifications.

This should include a review of Washington Street, based on the statement in the existing Comprehensive Plan that "...the City should look at decreasing the reliance on Washington Street as a primary access to Highway 224."

As part of Statewide Planning Goal 12 (Transportation), the new Transportation Planning Rule will require that the City of Milwaukie develop a transportation system plan, possibly including a truck route network. The City expects to update the roadway and traffic safety management plan, which was last updated in 1978, within the next two years. The transportation system can then be developed based, in part, on data from the updated plan.

- Based on the conclusions reached as a result of this analysis, the following recommendations are made:

1. During the next review of the Comprehensive Plan, it is recommended that the City consider reclassifying Monroe Street from a Minor Arterial to a Collector. If Monroe is reclassified as a Collector, the use of Monroe by through intercity trucks will be inappropriate. Long-term measures to reduce through truck volumes could include partial or full closure of Monroe at the Expressway.
2. As an interim measure to reduce truck traffic on Monroe, closure of the street to through trucks may be ineffective and difficult to enforce. A more effective measure involving informal contacts of trucking companies by City staff, assisted by continuous observations of truck traffic by neighborhood residents, is recommended. A prohibition of the use of exhaust brakes would also reduce the impact of large trucks. In addition, it is recommended that a new truck counting survey be conducted on Monroe after completion of the current widening project on McLoughlin to determine whether truck volumes on Monroe have been affected by the construction.
3. Projected 2010 volumes for McLoughlin Boulevard through Milwaukie will result in a very low level of service. Widening to six lanes or some other transportation corridor capacity improvement will be required to attain an acceptable level of service.
4. As part of the next city-wide transportation planning study of Milwaukie, it is recommended that an analysis be made of Harrison Street to more precisely determine the projected 2010 traffic volumes and the improvements that will be necessary to maintain an acceptable level of service.

# CITY OF MILWAUKIE



POLICE DEPARTMENT  
2566 S.E. Harrison • phone 652-4400

MEMORANDUM  
September 8, 1993

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *DB*

FROM: Charles A. Mansfield, Chief of Police *CDM*

SUBJECT: RESOLUTION: CRIME PREVENTION MONTH

Action Requested

Adopt resolution recognizing the month of October, 1993 as "Crime Prevention Month" in the City of Milwaukie.

Background

Law enforcement experts have long recognized the importance of prevention of crime as being equal to the need for apprehension of criminal wrongdoers. Since 1990 the Milwaukie Police Department has had a formal crime prevention program. Working with residents and business owners, individually and in groups, we emphasize both citizen involvement and "target hardening" in our work to reduce crime.

"Crime Prevention Month" gives formal, official recognition to both education and prevention programs as a means of reducing the opportunities for crime to occur, thus adding to the health, safety and vitality of Milwaukie as a place in which we live and work.

Milwaukie can add its voice to that of other communities, providing national emphasis for crime prevention as an effective method in reducing crime and maintaining citizen involvement in policing activities.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECOGNIZING OCTOBER AS "CRIME PREVENTION MONTH"

WHEREAS, the continued vitality of our nation depends on how safe we keep our neighborhoods and our communities because crime and the fear of crime diminish the well being and quality of life of all; and

WHEREAS, in the times of rising fear due to the violence that has erupted in our communities, citizens must be made aware of what they can do to prevent themselves, their families, their neighborhoods, and their entire communities from being victimized; and

WHEREAS, we believe in the value of grassroots programs that emphasize self-reliance and cooperation in which people are encouraged to join together to eradicate crime and violence in their neighborhoods; and

WHEREAS, every segment of the community from school child to law enforcement officer, from teacher to business leader, must help to rebuild a sense of mutual responsibility and share pride; and

WHEREAS, effective crime prevention programs depend upon close partnerships among law enforcement, other government agencies and citizens; and

WHEREAS, crime and drug abuse prevention are more than self-protection and security, they promote positive alternatives to delinquency and drug use among our people, and encourage youth to participate as citizens and enable them to make significant contributions to their communities; and

NOW, THEREFORE BE IT RESOLVED that the City of Milwaukie does hereby proclaim October 1993 as Crime Prevention Month in Milwaukie and recommend all citizens, government institutions, and businesses to expand their understanding of and participation in effective crime prevention measures.

Introduced and adopted by the City Council on October \_\_\_\_, 1993.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

\_\_\_\_\_  
Pat Duval, City Recorder

Approved as to form:

\_\_\_\_\_  
Tim Ramis, City Attorney

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.

TELEPHONE: 652-4410

## MEMORANDUM

TO: Mayor and City Council  
THRU: Dan Bartlett, City Manager *DB*  
FROM: Tim Corbett, Public Works Director *TC*  
SUBJECT: Franchise Fee Feasibility Study  
DATE: September 10, 1993

### Action Requested

Authorize the City Manager to sign a contract with Shaun Piggot Associates in the amount of \$4,790 to perform a Water and Sewer Franchise Fee Feasibility study.

### Background

Expanding street renovation and maintenance is a stated Council Goal developed for fiscal year 92-93. Staff reviewed alternate sources of funding to maintain the current levels of street maintenance and renovation projects for an August 3, 1993 work session (see attached staff report). The need is particularly pressing since a five year authorization for transfers from the Water and Sewer Funds to repay the Street Fund for damage created by utility cuts expires after the current Fiscal Year. The loss of this revenue will reduce the City's current annual capital improvement funding for street maintenance by approximately 60%.

### Discussion

In a recent work session, staff indicated that franchise fees may be the best short term option for the City to restore some of the funding that will be lost in the Street Fund in the coming fiscal year. The proposed franchise fee would be charged to the Sewer and Water Funds with the revenues being dedicated to the Street Fund. The feasibility study will review state statutes, evaluate similar franchise fees being utilized in other jurisdictions and determine potential revenues and impacts (see attached scope of work).

②

Street Funding  
page 2 of 2  
September 10, 1993

Recommendation

Staff recommends that Council authorize the City Manger to sign a contract with Shaun Piggot Associates in the amount of \$4,790 to conduct a feasibility analysis for implementing franchise fees.

attachments

RTC/rtc

# CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.  
MILWAUKIE, OR 97206

TELEPHONE: 652-4410  
FAX: 774-8236

## MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: Tim Corbett, Public Works Director *TC*

SUBJECT: Street Funding Options

DATE: July 22, 1993

### Action Requested

Provide direction to staff regarding street maintenance funding options.

### Background

City staff has discussed funding issues related to street repairs with Council in past work sessions and as a result, staff was directed to review alternate sources of funding to expand street maintenance and renovation projects. Expanding street renovation and maintenance is also a stated Council Goal for fiscal year 92-93. The need is particularly pressing since a five year authorization for transfers from the Water and Sewer Funds to repay the Street Fund for damage created by utility cuts expires after the current Fiscal Year.

In a past work session staff outlined numerous alternatives to fund street maintenance including:

- \* Bonds
- \* Local Improvement Districts
- \* Street Utility Fees
- \* Franchise fees

Discussion

In evaluating the various methods to improve street maintenance funding, a major concern is that an attempt at implementing a street utility fee would fail due to the need to implement a storm water utility this fiscal year and might jeopardize successful implementation of the storm utility. With the implementation of the storm utility this fiscal year, a street utility may not be a feasible funding option to pursue until FY 95-96.

A bond measure for street construction and renovation will be evaluated in FY 94-95. In order for a bond measure to be successful, considerable effort will be needed to develop a successful public involvement strategy and to determine where citizens perceive the needs are in relation to street improvement need. By targeting the bond proceeds in areas where there is a perceived need, there is an increased likelihood of successful passage of a bond measure.

Local improvement Districts have historically been relatively unsuccessful in funding street improvements. There is a general perception that the taxes paid to the city should be adequate to address street maintenance.

Franchise fees may be the best short term option for the City to restore some of the funding that will be lost in the Street Fund in the coming fiscal year. A franchise fee could be charged to the Sewer and Water Funds and the revenues dedicated to the Street Fund. This would take further analysis to review state statutes and to determine potential revenues and impacts.

Recommendation

Staff recommends that Council direct staff to conduct a feasibility analysis for implementing franchise fees.

RTC/rtc

CITY OF MILWAUKIE  
FRANCHISE FEE ANALYSIS  
STREET FUNDING

Scope of Work and Fee Proposal  
Shaun Pigott Associates

SCOPE OF WORK

The City of Milwaukie currently generates funding for its street maintenance and improvement program through gas tax revenues as well as utility franchise fees from the water and sewer enterprise funds. These utility franchise fees are based on the logic that "road cuts" necessary to accommodate underground pipes and facilities for water/sewer result in an increased need for street system improvements, repairs and replacement. This franchise fee approach will be eliminated at the end of the current fiscal year. The City, through this analysis, desires to establish a franchise fee based on a more accurate and generally accepted cost recovery methodology.

This franchise fee analysis will be completed in time to replace the current fee structure which will expire at the end of this fiscal year.

**Task 1: Survey Franchise Fee Structures Currently in Place within Oregon**

- A. Contact up to 5 municipalities within Oregon who presently employ franchise fees and obtain information regarding the cost recovery structure, revenues generated, the allocation of the revenues and the resolution/ordinance structure supporting these fees.
- B. Summarize this data collection effort in a technical memorandum to the City which characterizes the surveyed approaches and their relative strengths and weakness as they pertain to Milwaukie.

**Task 2: Prepare Franchise Fee Options for Milwaukie Application**

- A. Review the technical memorandum developed in Task 1 with the City to determine the preferred direction for the fee structure.
- B. Based on this direction, develop specific applications of the franchise fee structure to Milwaukie's water, sewer, and stormwater utilities.
- C. Establish, based on direction supplied by the City, the amount of revenue to be generated from the franchise

(6)

fees and how these revenue requirements should be allocated among the utilities.

- D. Apply the fee structure and revenue requirement to each of the utilities and determine the rate impact.

**Task 3: CUAC, Council Work Session; Finalize Fee Structure**

- A. Prepare a final franchise fee structure and impact analysis for presentation/review by the Citizens Utility Advisory Committee. Incorporate their ideas and revisions into the structure.
- B. Present the franchise fee structure to Council in a work session. Obtain comments and incorporate changes in the final structure.
- C. Prepare, for legal counsel review, draft ordinance or resolution language necessary to formally establish the franchise fee for water, sewer and storm water utilities.

**DELIVERABLE**

This project will result in a survey of franchise fees currently used in up to 5 Oregon cities. Options for Milwaukie's fee structure will be developed and reviewed with the City. Based on direction provided by the City, a recommended approach will be prepared along with an assessment of rate impacts on the 3 utilities. This will result in draft language for implementing the fee through either ordinance or resolution.

The work scope and fee proposal also incorporates 1 presentation to the Citizens Utility Advisory Committee and 1 Council presentation.

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
SEPTEMBER 7, 1993

The one thousand six hundred and seventy-seventh meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:03 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Rick Farley	Rob Kappa
	Bob Knudson

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Charlene Richards, Assistant to the City Manager	Tim Corbett, Public Works Director
Bill Monahan, City Attorney	Bill Laird, Fire Lieutenant
Angus Anderson, Finance Director	Darrell Lyons, Program Specialist
	Pat DuVal, Recorder/Secretary

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Neighbors Make the Difference - Proclamation**

Mayor Lomnicki read a proclamation naming Tuesday, September 14, 1993, as *Neighbors Make the Difference Day* in the City of Milwaukie.

**PUBLIC HEARING**

**Consider Adoption of the Springwater Corridor Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan - File No. CPA-93-02- Ordinance**

Mayor Lomnicki called the public hearing on CPA-93-02, the Springwater Corridor Master Plan, to order at 7:05 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider adoption of the Springwater Corridor Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan. He reviewed the conduct of the hearing.

Mayor Lomnicki said the procedures governing this legislative action were outlined in the staff report. The review criteria to be addressed were identified in Policy #7 of the Plan Review and Amendment Chapter of the Milwaukie Comprehensive Plan. Any interested party may appeal the

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CITY COUNCIL MEETING - SEPTEMBER 7, 1993

decision of the Council to the State Land Use Board of Appeals, according to the rules adopted by the Board.

Staff Report: Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider an ordinance supporting the Planning Commission's recommendation to adopt the Springwater Corridor Master Plan as an ancillary document supporting the Comprehensive Plan. This action would recognize significant documents in addition to the Comprehensive Plan regarding developmental activities on particular parcels of land within the City.

Collins indicated the route of the corridor on a map. The total length of the Springwater Corridor is 16 miles, and 1.4 miles are within Milwaukie's boundaries. Adoption of the Master Plan will provide guidance to the cooperative development of the trail facility. Improvements will include a paved walking/running surface and equestrian side trails. The Springwater Corridor will be part of the link that will connect the metropolitan area with the Mt. Hood Wilderness and the Pacific Crest Trail. The City of Portland will be the lead agency in applying for Intermodal Surface Transportation Enhancement Act (ISTEA) funds. She discussed the portion of the trail in Gresham that had been completed.

Collins discussed the findings and the five criteria identified in Policy #7 of the Plan Review and Amendment Chapter of the Comprehensive Plan. The criteria were: conformance with the Comprehensive Plan, its goals, policies, and spirit; public need for change; public need best satisfied by the proposed change; the change will not adversely affect the health, safety, and welfare of the community; and the change is in conformance with applicable statewide planning goals. The Planning Commission conducted a public hearing on the proposal with no public testimony. The Planning Commission unanimously recommended that the City Council consider adoption of the Springwater Master Plan. The Community Development Staff recommended adoption of the Springwater Corridor Master Plan as an ancillary document to the Comprehensive Plan.

Councilmember Kappa referred to page four of the staff report which discussed crossing McLoughlin Blvd. He asked what suggestions were being made for the crossing. Collins said a crossing at the Tacoma Interchange at Berkeley Place was currently under discussion. Some property has been acquired in the area of Johnson Park.

Councilmember Kappa asked if there would be funding to separate the recreational paths from traffic. Collins said if the project was awarded ISTEA funding, this type of separation could occur.

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

Councilmember Farley asked who would pay for maintenance of the corridor. Collins said the City of Portland would be responsible for maintenance. Councilmember Farley asked if motorized vehicles would be prohibited from the Springwater Corridor. Collins said motorized vehicles would not be allowed.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Neutral Testimony: Cecile Sweet, Parmeter Ct., asked the source of funding. Collins said funds came from existing gas taxes, and there will be no new taxes.

Staff Comments: None.

Questions of Clarification: Councilmember Kappa asked how much money the City would have to match. Collins said Milwaukie's match was \$10,000 from the existing Bike Path Fund.

Councilmember Schreiber explained that gas tax funds that come into cities are for specific purposes. The City can designate on what project the funds are spent, but not the purpose.

Mayor Lomnicki said 1% of the gas tax money that comes into the City goes into the Bike Path fund. The Springwater Corridor is the first major expenditure of Bike Path Funds in some time.

Collins said other recent bike path improvements have been King Rd. and 17th Ave.

Close Hearing: Mayor Lomnicki closed the public testimony portion of the hearing to consider adoption of the Springwater Corridor Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan at 7:22 p.m.

Discussion among Councilmembers: It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance adopting the City of Portland Springwater Corridor Master Plan as a planning document ancillary to the Milwaukie Comprehensive Plan for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time.

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance adopting the City of Portland Springwater Corridor Master Plan as a planning document ancillary to the Milwaukie Comprehensive Plan for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the ordinance adopting the City of Portland Springwater Corridor Master Plan as a planning document Ancillary to the Milwaukie Comprehensive Plan. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1747:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
ADOPTING THE CITY OF PORTLAND, SPRINGWATER  
CORRIDOR MASTER PLAN AS A PLANNING DOCUMENT  
ANCILLARY TO THE MILWAUKIE COMPREHENSIVE PLAN.

AUDIENCE PARTICIPATION

Jerry Gosney, 4047 SE Howe, said he was concerned that his street had not been repaired for at least seven years. Tri-Met busses are being re-routed to his street due to construction on 32nd Avenue, and the streets have been patched to accommodate the busses. He said he was very concerned about the safety of children and other pedestrians.

Mayor Lomnicki said several years ago the City streets were inventoried and rated. From this, a street maintenance cycle was developed. He told Gosney that staff would be in contact with current street repair schedules. He recommended that Gosney discuss the Tri-Met stops with the City Manager.

Gosney said it seemed more logical for busses to use Logus Road.

Councilmember Schreiber said she understood that busses stay as close as possible to original routes and stops during temporary re-routing.

Bartlett said he would give this information to Kelly Somers, Public Works Director, and ask him to contact Tri-Met and Gosney.

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

Paul Hawkins, 4350 SE Elsewhere, discussed the dead crawdads in Kellogg Creek. He said DEQ had not been cooperative when he called. He asked if there was anyone in the City he could call in the future if he saw a problem. He said he believed the City should adopt a resolution that would ban obstructions of the waterway. He said there were fish in the creek before industrial parks were developed.

Mayor Lomnicki said if anything unusual is noticed in the creek that both DEQ and Tim Corbett should be contacted. He said the source of the pollution had been traced to a location upstream from the City of Milwaukie. He said there was no indication of a current problem.

Hawkins asked if there was any law against obstructing the flow of waterways.

Monahan said he did not recommend that citizens take the law into their own hands and deny other residents their pleasure of living along the creek.

Bartlett said some of the small rock barriers were put there by the fishing agencies to begin the salmon trout enhancement program. These small dams allow raising beds and oxygenation of the water.

Mayor Lomnicki suggested that Hawkins contact Friends of Kellogg Creek.

John Wood, Kendall Community Center Director, announced the third annual Fall Into The Night event to be held at the Clackamas County Fairgrounds on October 9. Funds benefit several shelters in Clackamas County: the Estacada Family Resource Center, Kendall Community Center, Molalla Service Center, and the Sandy Community Action Service Center. He discussed the services available at the Kendall Center.

**OTHER BUSINESS**

**Consider Milwaukie Fire Department Sponsorship of Boy Scout Troop - Resolution**

Bill Laird, Fire Lieutenant, presented the staff report in which the City Council was requested to consider a resolution authorizing the Milwaukie Fire-Rescue Department to charter the formation of a Boy Scout Troop. He introduced representatives of the Cascade Pacific Council, Scoutmasters of the new troop, and members of Troop 911. He said Chief Olson recommended adoption of the resolution.

(6)  
CITY COUNCIL MEETING - SEPTEMBER 7, 1993

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the resolution authorizing the Milwaukie Fire-Rescue Department to be the sponsoring agency for the charter of a new Boy Scout Troop. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 28-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY FIRE-RESCUE DEPARTMENT TO BE THE SPONSORING AGENCY FOR THE CHARTER OF A NEW BOY SCOUT TROOP.

Consider Annual Waste Reduction Program for the City and Intergovernmental Agreement for "Metro Challenge" Grant funds for Fiscal Year 1993-1994 - Resolution

Darrell Lyons, Program Specialist - Recycling, presented the staff report in which the City Council was requested to consider a resolution approving the activities for the 1993-1994 Annual Waste Reduction Plan and IGA for "METRO Challenge" grant funds for fiscal year 1993-1994.

Lyons gave an overview of the annual waste reduction plan. To comply with the 1991 State of Oregon Recycling Act, the City of Milwaukie has chosen to provide a recycling container for each residential customer; provide weekly collection of separated recyclables; expand the education and promotion activities; and establish and implement a yard debris collection program.

Lyons said the activities maintained from years one, two and three of the waste reduction program included multi-family recycling; yard debris recycling; in-house recycling and purchasing; building design review; construction and demolition debris recycling; home composting; household hazardous waste, new materials curbside; recycling depots; school recycling; and commercial waste audit. The new waste reduction programs for 1993-1994 will include comprehensive commercial recycling plan; rates; and waste reduction program planning.

Councilmember Farley asked if the City was out of compliance in any area. Lyons said Milwaukie was in complete compliance with DEQ. Councilmember Farley asked if the demolition materials included concrete. Lyons said it did.

Councilmember Kappa asked if multi-family recycling was a successful program. Lyons said Portland State University will physically conduct a survey to determine how much is kept out of the waste stream through multifamily recycling. He said he was in constant contact with all multi-family

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

complexes in the City and stressed communication to enhance the continuing education.

Councilmember Kappa asked how often the City would conduct seminars on alternatives to pesticides. Lyons said the presenters were generally available on a regular cycle.

Councilmember Schreiber said the agreement named Lyons as the Project Manager. She asked if there would be a problem if he left the employ of the City. Bartlett said Lyons was acting as the City's agent, and Metro would be notified of any project manager changes.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the resolution adopting the fiscal year 1993-1994 (year four) of the annual waste reduction program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 29-1993:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,  
ADOPTING FISCAL YEAR 1993-1994 (YEAR FOUR) ANNUAL  
WASTE REDUCTION PROGRAM.

Consider Ordinance Ratifying Intergovernmental Agreement,  
Clackamas Regional Elected Group - Ordinance

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider an ordinance ratifying the Clackamas Regional Elected Group intergovernmental agreement as required by ORS 190.085. The City Council had authorized the Mayor's signature on June 5, 1993, by resolution. In reviewing the CREG agreement, County Counsel found that all jurisdictions were required to authorize the signature by ordinance.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to read the ordinance ratifying the Clackamas Regional Elected Group intergovernmental agreement for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance ratifying the Clackamas Regional Elected Group intergovernmental agreement for the second time by title only. Councilmember Schreiber asked if the ordinance would supersede the resolution; Monahan said it would. Motion passed 5 - 0 with the

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance ratifying the Clackamas Regional Elected Group intergovernmental agreement. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1748:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RATIFYING THE CREATION OF THE CLACKAMAS REGIONAL ELECTED GROUP (CREG) AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF MILWAUKIE.

Free Inoculations

Councilmember Schreiber discussed the Kiwanis-sponsored medicine tent that would offer free inoculations to children. It will be open from 1:00 p.m. to 4:00 p.m. at the Oregon Tales and Trails event on Saturday, September 11, in downtown Milwaukie.

Arlington Tour

Councilmember Kappa said he was contacted by a representative from Waste Management regarding a tour of the Arlington facility on the last Saturday of September. He said all Councilors were invited to attend.

Surface Water Management

Councilmember Kappa, referring to the earlier comments regarding Kellogg Creek, asked if the Council could do anything else to control the problems on our waterways. Bartlett said with a surface water management plan in place, periodic sampling could be done. The plan would find ways to identify discharges and to keep pollutants out of the surface water runoff. Council will consider this issue later in the fall.

CITY COUNCIL MEETING - SEPTEMBER 7, 1993

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Consent Agenda which consisted of the City Council Minutes of August 17, 1993. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Bartlett discussed the following information: item "C" - citizen comments on 32nd Avenue Reconstruction Project. Kelly Somers is the City liaison with Tri-Met and the contractor; item "E" - Milwaukie/Metro Connections and group membership; and item "H" - Sunrise Corridor information.

Councilmember Schreiber announced the affordable housing meeting on September 9, 1993, at the Milwaukie Center.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:38 p.m.

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Pat DuVal, Recorder/Secretary

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\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY OF MILWAUKIE

September 7, 1993

To: Milwaukie Planning Commission  
From: *MC* Maggie Collins, Community Development Director  
Re: Community Development Department Report for September 14,  
1993 Meeting

Action Requested

For your information.

Discussion

- A. WEIKO WAY SITE REPORT. The property owner is now under permit for grading that is taking place onsite. At this time, the owner states that he is leveling the property only. The owner is aware that he must work with Planning for any change of use.
- B. MILWAUKIE GLASS. Staff will have a report to present at the 9/14/93 meeting.
- C. MILWAUKIE HIGH SCHOOL RETAINING WALL REPORT. The dimensions of the wall were part of the site plan approved by the Planning Commission. An additional 4-foot concrete wall at the edge of the parking area has been added as a safety feature. This additional wall produces a larger concrete feature than was originally thought; the added four feet of concrete does not change the landscaping requirements, according to Staff.
- D. CHEVRON LOT LANDSCAPING REPORT. The plantings have been completed as stipulated on the approved landscaping plan. It will take some time for the species to resemble the final mature state shown on the approved plan.

cc: C.D. Staff  
Dan Bartlett

②

\*\*\*MEMORANDUM\*\*\*

COMMUNITY DEVELOPMENT DEPARTMENT  
City of Milwaukie  
September 7, 1993

To: Milwaukie Planning Commission  
From: *MC* Maggie Collins, Community Development Director  
Re: Draft Land Use District Boundaries

Action Requested

Review the attached public information sheet, the revised Land Use District map, the written description of the nine proposed Land Use Districts, and proposed Bylaws for formation of Land Use District Committees.

Background

Attached is a revised draft of the output from your last worksession on August 24th on this project. Staff is still formulating the best days for setting up public meetings. The final draft of the text for the public meeting would of course go out on Milwaukie letterhead.

Unless there are major problems, and except for the proposed Bylaws, we would like to have this be the last review of the other pieces before going out for public comment.

cc: Dan Bartlett

# DRAFT

September \*\*\*\*\*, 1993

## PROPOSED LAND USE DISTRICTS

The Milwaukie Planning Commission is proposing to designate nine land use districts for the City of Milwaukie. They are shown on the attached map. The Milwaukie Comprehensive Plan currently authorizes five districts.

## PURPOSE OF THE PROPOSAL

Revision of the City's land use district boundaries is the first step in development of a revitalized citizen involvement program for land use review and decision-making within the City. The Comprehensive Plan contains a full chapter of policy and guidance, but it needs updating. The Planning Commission believes that its proposed revision best fits the land use pattern of the City as a whole.

## FUNCTION OF LAND USE DISTRICTS

Land Use Districts are considered the smaller unit for which relevant land use applications and an orderly localized review and referral system can be set up. The attached by-laws suggest how a district committee might be structured.

Within a Land Use District, several distinct neighborhood groups might exist or be formed. These would have a responsibility to use the Land Use District structure regarding planning and/or zoning review for applications in their areas.

## GENERAL CRITERIA FOR LAND USE DISTRICT BOUNDARY FORMULATION

Elementary School District Boundaries. Whenever possible, the Planning Commission used these as a starting point for distinguishing different residential areas within Milwaukie.

Major Streets or Roadways, Topographic Points. Hwy 224, for example serves as a key divider between land uses in the City.

Major Land Uses. To the best extent possible, the Planning Commission tried to acknowledge the inherent differences between major land uses.

(Please See Other Side)

REQUEST FOR PUBLIC INPUT

Two public meetings are scheduled to gather input from the community about this proposal. They are scheduled as follows:

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\*\*\*\*\*  
\*\*\*\*\*

\*\*\*\*\*  
\*\*\*\*\*  
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Following the public meetings, the Planning Commission will review the input and hold a worksession with the City Council. A final proposal will then be set up for formal public hearings before both the Planning Commission and City Council.

MORE INFORMATION

If you need more information, or are aware of a neighborhood area that should be notified of this proposal, please contact the Milwaukie Community Development Department at 652-4410.

CITY OF MILWAUKIE PROPOSED LAND USE DISTRICT BOUNDARIES

District 1 (Waverly/Downtown)

Access from McLoughlin and future Downtown development actions are the dominant themes of this area. The residential component is isolated from other residential areas of the City by McLoughlin Boulevard, 17th Avenue and Johnson Creek.

KEY ISSUES AND CONCERNS

- 1. Downtown/Riverfront/Willamette Greenway Development
- 2. Light Rail
- 3. High Density Residential and Commercial Land Use Mix
- 4. Low Density Residential/High Density Residential Transition
- 5. Needs of Educational Institutions
- 6. Development Infill
- 7. McLoughlin Blvd. Corridor\*
- 8. 17th Avenue Corridor\*

District 2 (Island Station)

Although this area has important linkages with issues and concerns identified in District #1, the Island Station residential neighborhood has developed a set of issues over time that are unique to that area, including residents' interest in Elk Rock Island and improvements to the Kellogg Creek Sewerage Treatment Plant. Island Station also has a historic tradition as a neighborhood.

KEY ISSUES AND CONCERNS

- 1. Kellogg Treatment Plant
- 2. Elk Rock Island/Spring Park Management
- 3. Light Rail
- 4. Historic Resource Values
- 5. McLoughlin Blvd. Corridor\*
- 6. Willamette River Greenway
- 7. Kellogg Lake

District 3 (Lake Road)

Highway 224 is considered a boundary between commercial development to the north and the residential character of this area to the south. This area has seen the most residential development in the recent past, and concerns and interests are connected to Lake Road as the primary transportation route that bisects the area.

KEY ISSUES AND CONCERNS

- 1. Lake Road Corridor\*
- 2. Kellogg/Mt. Scott Creeks
- 3. North Clackamas Park Maintenance and Future Development
- 4. Light Rail
- 5. Hwy 224 Corridor\*
- 6. Infill Development

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

District 4 (Linwood)

These boundaries parallel those of Linwood Elementary School. Hwy 224 effectively separates this area from the largely industrial area to the south.

KEY ISSUES AND CONCERNS

1. Light Rail
2. City Limits and Expansion Eastward
3. Urban Growth Boundary
4. Railroad/Harmony Corridor\*
5. North Clackamas Aquatic Center
6. Linwood Corridor\*

District 5 (Campbell)

These boundaries parallel those of Hector Campbell Elementary School. Hwy 224 effectively separates this area from the largely industrial area to the south.

KEY ISSUES AND CONCERNS

1. Light Rail
2. Residential Infill
3. Railroad/Harmony Corridor\*
4. 37th Avenue Intersection

District 6 (Lewelling)

These boundaries parallel those of Lewelling Elementary School. The Milwaukie northern City Limits line divides this area from Southeast Portland neighborhoods.

KEY ISSUES AND CONCERNS

1. Johnson Creek Blvd. Corridor\*
2. Residential/Industrial Use Compatibility
3. Johnson Creek
4. Springwater Corridor Development
5. City Limits and Expansion Eastward
6. Urban Growth Boundary
7. Nonconforming Uses

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

District 7 (Ardenwald)

These boundaries parallel those of Ardenwald Elementary School. The Milwaukie northern City Limits line divides this area from Southeast Portland neighborhoods.

KEY ISSUES AND CONCERNS

- 1. 32nd Avenue Corridor\*
- 2. Redevelopment Areas and Opportunities
- 3. Johnson Creek Boulevard Corridor\*
- 4. Residential Infill
- 5. Light Rail
- 6. Environmental Concerns
- 7. Oak/Railroad Intersection

District 8 (McLoughlin Industrial)

This area is the City's oldest industrial sector and is planned and zoned for manufacturing and industrial uses.

KEY ISSUES AND CONCERNS

- 1. Nonconforming Land Uses
- 2. Light Rail
- 3. McLoughlin Boulevard Corridor\*
- 4. 17th Avenue Corridor\*
- 5. Johnson Creek
- 6. Springwater Corridor

District 9 (Milwaukie Business/Industrial)

Composed of business parks and commercial shopping points, this area has several business park associations in place. It is bounded by Hwy 224 and Railroad Avenue.

KEY ISSUES AND CONCERNS

- 1. Employee Intensive Issues
- 2. Light Rail
- 3. Hwy 224 Corridor\*
- 4. Environmental Issues
- 5. Natural Resource Issues
- 6. 37th Ave/International Way/Hwy 224 Intersection
- 7. Industrial/Residential Transition Issues

\* The term "corridor" denotes a set of planning issues that affect public rights-of-way, including multi-modal needs, landscaping, and traffic management as well as vehicular travel.

CITY OF MILWAUKIE  
LAND USE DISTRICT COMMITTEES  
MODEL BYLAWS

ARTICLE I: GOAL

The goal of these Bylaws is to provide a framework with which Land Use Districts may execute smooth, coordinated, fair and timely participation in land use planning processes and to facilitate communication for other purposes. The requirements represented by these Bylaws are minimum requirements that citizen groups must meet in order to establish and maintain official recognition by the City Council.

ARTICLE II: PURPOSE

- A. To provide a channel for two-way communication between land use planning officials or other City officials and neighborhoods.
- B. To bring together citizens in each Land Use District who have an interest in shaping and maintaining the quality of life in their neighborhoods.
- C. To assist neighborhoods in preserving and enhancing their existing natural and other resources.

ARTICLE III: GEOGRAPHIC REPRESENTATION

The City Council will offer recognition to one group that meets the minimum requirements of these bylaws in each of the nine designated Land Use Districts (see the attached map, Exhibit #1).

ARTICLE IV: MEMBERSHIP

- A. Non-voting membership requirements:

Anyone of voting age is a member of a designated Land Use District who is:

1. A resident within the designated geographic area; or
2. A property owner whose property is located within the geographic area; or
3. A business owner whose business is located within the designated area; or
4. A designated representative of a business, corporation, or trust located within the geographic area; or
5. A designated representative of a non-profit business or group located within the geographic area.

- B. Voting Membership Requirements:

To vote on Land Use District business or to vote in the elections of Land Use District representatives or officers, a member must:

1. Comply with the Membership Requirements of Article IV, Section A, above; and

2. Have registered and participated at one, or more, previous Land Use District meetings during the past 12 months where District business was conducted.

ARTICLE V: REPRESENTATION OF DISTRICTS AND DUTIES OF REPRESENTATIVES AND OFFICERS:

A. Fair representation of District residents:

Land Use District Committees will be responsible to actively seek and encourage membership that represents a broad cross-section of their districts. Broad representation includes racial, cultural, economic, social and professional diversity.

B. The voting membership of each District shall elect 5-7 designated, at-large representatives who will represent the District for the purpose of land use planning processes and for other purposes as well. Representative bodies will meet to discuss and facilitate District Committee management and planning, to vote on land use issues or other business, and to perform other reasonable duties. Representative District composition shall meet the following criteria:

1. Only voting members may be elected to representative positions;
2. No more than two persons or representatives of businesses who are engaged in the business of buying, selling or developing real estate for profit, or who are related or associated to anyone so engaged, shall serve as representative simultaneously;
3. Representative bodies shall represent a broad cross-section of their districts;
4. No representative shall serve two consecutive terms.

C. The representative bodies shall elect a President and Secretary by majority vote from the membership of the representative body. The duties of the President and Secretary are outlined below:

1. The President's duties shall include management and direction of the efforts of all Land Use District activities, ensuring adequate performance, and ensuring that the District Committee complies with all tenants of these Bylaws.
2. The secretary's duties shall include keeping accurate minutes of all regular, special and Representative and Officer meetings or to ensure that such minutes are kept. The Secretary shall also keep attendance registration of all regular and special meetings. The Secretary shall maintain attendance reports and minutes and make them available for review by anyone who so asks. The Secretary shall be responsible for forwarding minutes and registration lists of all meetings to the City of Milwaukie. The Secretary shall also send current and updated officer lists to the City of Milwaukie.

D. Other Officer positions may be defined and created by a majority vote of representative bodies. Such positions shall be subject to the same membership, and election requirements of the President and Secretary posts.

ARTICLE VI: ELECTIONS OF REPRESENTATIVES AND OFFICERS

- A. Terms of office for all District Committee representatives shall be one year.
- B. Election of representatives shall be held during the same regular meeting each year, and shall be well publicized at least 2 months in advance both to the District organization and to the public.

ARTICLE VII: MEETING REQUIREMENTS

- A. Regular and Special meetings
  - 1. Land Use District Committees shall hold at least six regular meetings during each calendar year. No two regular meetings will be held in the same month. Regular meetings will be scheduled in advance each year and will be held at on the same day and time of the month. One general meeting will be held during the same month of each year to facilitate election of Committee members.
  - 2. Land Use District Committees may hold special meetings to facilitate timely review of Land Use District business issues, to provide additional meeting time for more in-depth review of issues at the request of planning organizations under deadline pressures, or for any other purpose.
- B. Meetings of elected Representatives and Officers:

Elected District Committee members are encouraged to hold meetings before or after regular meetings. They may hold separate meetings that are well publicized in advance to both their general and voting memberships and to the public.
- C. Businesslike manner:

Meetings will be conducted in a businesslike manner according to recognized parliamentary procedures (for guidelines, refer to Roberts' Rules of Order).
- D. Minutes and attendance registration:

The secretary shall keep minutes and attendance registration of all regular and special meetings as indicated in Article V, section C 2 above.
- E. Open meetings:

All regular and special meetings shall be unqualified open meetings where anyone may attend. Anyone attending regular and special meetings may be included in meeting agendas for commentary purposes.
- F. Public notice:

All meetings of Land Use District Committees, including regular and special meetings shall be open and well publicized in accordance with ORS 192.610-650. In order to comply with this statute, all meetings must be sufficiently publicized to the membership in advance and must be noticed to the public as well.

ARTICLE VIII: ACTION BY LAND USE DISTRICT COMMITTEES

- A. Action by Land Use District Committees for commentary on land use or other issues shall be by majority vote of elected members at regular or special meetings.
- B. For regular and special meetings, quorum shall consist of five Committee members of whom one is the elected President, or an officer designated by the President.
- C. Land Use District Bylaws shall be approved by a majority of voting membership during a regular meeting. Changes to Land Use District Bylaws shall be by a majority of voting membership at a regular meeting upon notice to voting and non-voting membership as well as the public, at least two regular meetings in advance.

ARTICLE IX. RECOGNITION:

Recognition of groups officially representing each District will be extended by invitation at the discretion of the Milwaukie City Council to groups who meet the minimum requirements set forth in these bylaws.

ARTICLE X. NEIGHBORHOOD GROUP FORMATION AND RECOGNITION REQUIREMENTS

A. Purpose:

The purpose of Neighborhood Groups is to provide an avenue for addressing specific issues that affect smaller areas of officially designated Land Use Districts. Neighborhood Groups are not meant to provide an avenue for disgruntled factions to circumvent the Land Use Committee structure, but are meant to provide people in smaller areas with official recognition concerning special issues of concern.

B. Requirements of Neighborhood Groups.

Neighborhood Groups must:

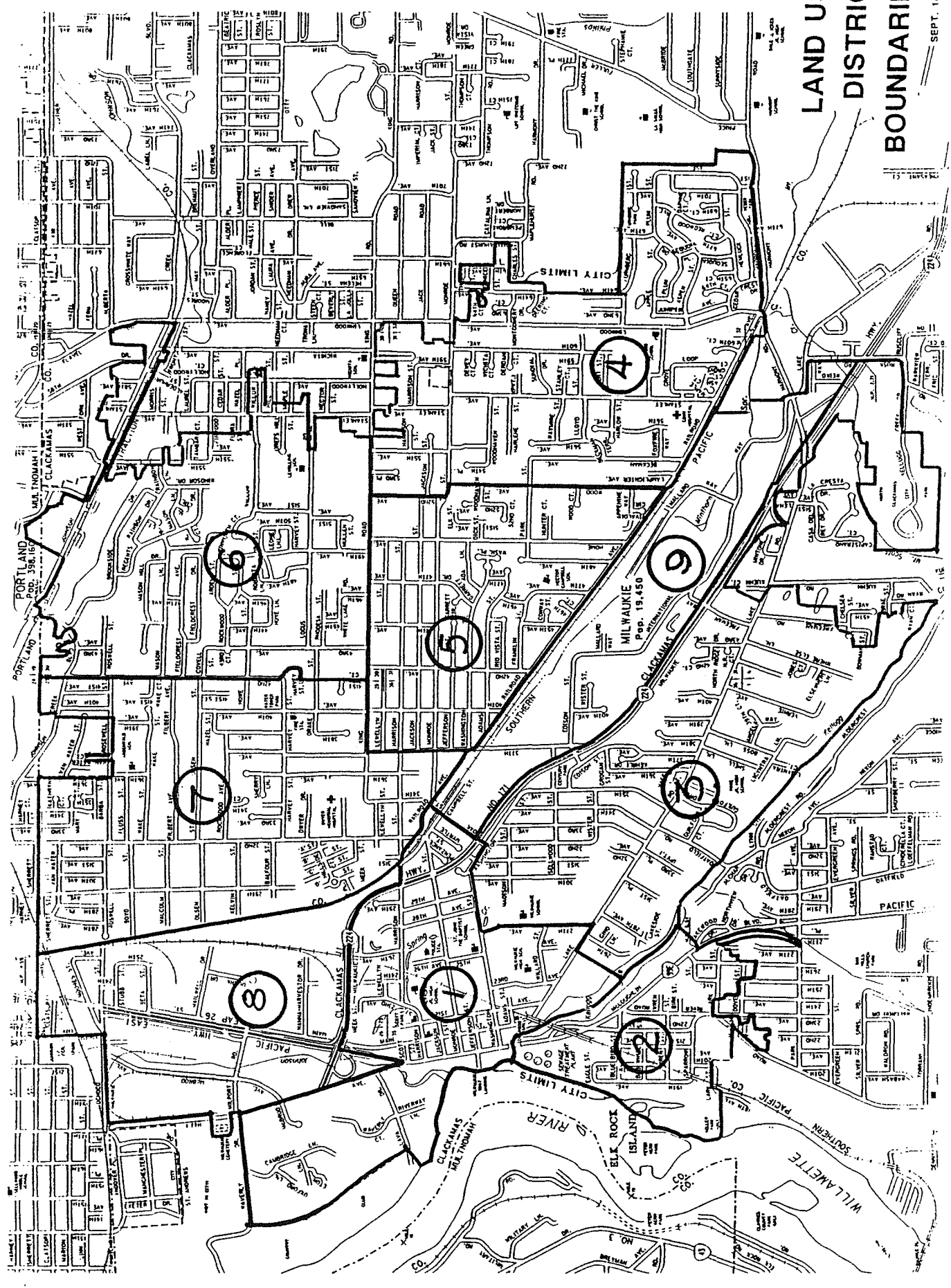
1. Elect or designate a chairperson and a secretary.
2. Coordinate with the Land Use District Committee as to representation for the purpose of land use application review.
3. Hold regular meetings.

ARTICLE XI: MODEL BYLAW CHANGES:

The City Council may alter or redraft these model bylaws at its discretion.

# LAND USE DISTRICT BOUNDARIES

SEPT. 14, 1993



MILWAUKIE PLANNING COMMISSION  
MINUTES  
TUESDAY, AUGUST 24, 1993

COMMISSION PRESENT

Pat Lent, Chair  
Bill Johnson  
Gordon Jones  
John Littlehales  
Scott McClure  
Don Trotter  
Carolyn Tomei

STAFF PRESENT

Maggie Collins,  
Community Dev. Dir.  
Mark Jonson,  
Comm Dev Intern  
Shirley Richardson,  
Hearings Reporter

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

Chair Lent called the meeting to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES - August 10, 1993

Carolyn Tomei moved to approve the minutes of August 10, 1993, as corrected. John Littlehales seconded. MOTION CARRIED 7-0.

4.0 PUBLIC COMMENT - None.

5.0 PUBLIC HEARINGS - None.

6.0 CONSIDERATION ITEMS - None.

7.0 WORKSESSIONS

7.1 Citizen Involvement Program District Boundaries

Maggie Collins reviewed with the Commission a memo from Jim Crumley regarding land use district boundaries. Included in the memo was a copy of a proposed land use district boundary map drawn from the preliminary directions received from the Commission at the workshop meeting on August 10th. Attached was a land use district boundary worksheet to identify unifying issues which face the various districts.

**Maggie Collins** explained that after a decision is reached, the next step will be a worksession with the City Council. A tentative meeting is scheduled on September 7. The public would be informed of the proposed district boundaries by the news media after the worksession.

**Maggie Collins** exhibited a board showing the existing land use district boundaries. The concept is that districts would be notified by the City of land use applications; and it is then up to the district land use "board" to provide input. Discussion followed on the drafted boundaries and the following input and changes were made:

**District #6.** No change.

**District #4.** This district is comparable to Linwood Grade School area. Discussion centered on whether industrial areas should be included with the neighborhood they are contiguous with. Within the adjacent District #9 there are already three organized groups, Omark, PS Business Park, and Lincoln Properties, that are active in applications involving them. It was felt that the separation of residential and industrial areas in this case was more desirable. There is a natural boundary between residential and commercial.

**District #5.** No change. There was discussion on whether Districts 4, 5, 6, and 7 should be merged into one. There are issues in each district that warrant separation. District #5 has more concerns about infill and light rail potential.

**District #9.** This district was separated from #8 because it is more employment intensive. More issues of mass transit, transportation, and traffic are addressed in this district.

The homes between Hwy 224 and Lake Road are physically separated by Hwy 224 from industrial District #9. It was decided that this residential group was clearly affected by what goes on in the industrial area. It was decided that portion of the proposed boundary be changed from Lake Road to the city limits, to Hwy 224 and Rusk Road to Lake Road to the City limits. The residential land use interests are similar to the industrial interests of the adjacent area.

**District #7.** Changed boundary to include residential area at Harrison Street and Hwy 224. The boundary now follows the railroad down to Hwy 224, crosses Harrison Street to Railroad Avenue, and follows down Railroad Avenue to District #5.

**District #8.** This will be a separate district. It is more of an industrial area than District #9, which is business/industrial.

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District #1. Discussion centered on whether Waverly should be included in this district.

- District #8 is impacted by 17th Avenue and McLoughlin Blvd traffic, but Waverly is only impacted by 17th Avenue traffic.
- District #8 Waverly area commonality is with commercial high density, low density transition issues.
- Waverly has access to the retail part of the downtown area.
- The west section of District #3 has more in common with downtown than the rest of District #3 because of the Lake Road traffic issues.
- The area around Milwaukie High School is more retail/commercial than residential.
- The area around the high school shares light rail interests.

The boundary was changed to Washington Street to 27th to Lake road, west on Lake Road to just past 26th, to Kellogg Lake and Lake Road to city limits. The west area of 26th Avenue will be in District #1.

District #2. There was discussion on whether Island Station should be a part of District #1 because of its commonality with the riverfront and the McLoughlin Corridor. Island Station is a single-residential area and has high historical interests. The only changes made were those resulting from restructuring District #1.

District #3. The only changes made were those changes resulting from restructuring of District #1.

Questions that came out of the discussion of the land use district boundaries :

1. Notification; what triggers more than one land use district to be involved?
2. Aggregating land use issues is important; there are inherent differences in issues between residential land use areas and industrial land use areas.
  - Urban growth boundary issues affect District #4. District #4 will be less impacted by light rail and transportation changes of the City than District #5.
  - City limits and expansion; issues between County and City lands. Evident in both District #6 and #4.
3. Future rezones may indicate redrawing district boundaries.

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- 4. Boundaries should transverse mid-blocks.

The Commission reviewed the worksheet on land use issues and commonalities for the nine districts proposed: \*Corridor is defined as multi-modal, including landscaping, sidewalks, etc.

DISTRICT 1 (Waverly/Downtown)

- 1. Downtown Core Issues (Downtown Riverfront/Willamette River Greenway)
- 2. Light Rail
- 3. High density commercial mix
- 4. Low density high density transition
- 5. Incorporating educational institutions
- 6. Infill - distinctive land use issues
- 7. Transportation Corridors of 17th & McLoughlin

DISTRICT 2 (Island Station)

- 1. Kellogg Treatment Plant
- 2. Elk Rock Island/Spring Park
- 3. Light Rail
- 4. Historical land use precedents and historic resource values
- 5. McLoughlin Corridor
- 6. Downtown/Willamette River Greenway related issues
- 7. Kellogg Lake

DISTRICT 3 (Lake Road)

- 1. Lake Road Corridor issues
- 2. Kellogg/Mt. Scott Creeks
- 3. North Clackamas Park
- 4. Light Rail
- 5. Hwy 224 Corridor
- 6. Infill and development issues

DISTRICT 4 (Linwood)

- 1. Light Rail
- 2. Urban Growth Boundary
- 3. City limits and expansion issues
- 4. Railroad/Harmony Corridor issues
- 5. Aquatic Center
- 6. Linwood Corridor

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DISTRICT 5 (Hector Campbell)

- 1. Light Rail
- 2. Residential infill
- 3. Railroad/Harmony Corridor issues
- 4. 224/37th Avenue Intersection

DISTRICT 6 (Lewelling)

- 1. Johnson Creek Blvd. Corridor
- 2. Industrial transition
- 3. Johnson Creek Urban Stream issues
- 4. Springwater Corridor
- 5. Urban Growth Boundary
- 6. City limits and expansion issues
- 7. Non-conforming uses

DISTRICT 7 (Ardenwald)

- 1. 32nd Avenue Corridor
- 2. Redevelopment areas and opportunities
- 3. Johnson Creek Blvd. Corridor
- 4. Residential infill
- 5. Light Rail
- 6. Springwater Corridor
- 7. Environmental issues
- 8. Oak/Railroad Intersection

DISTRICT 8 (McLoughlin Industrial)

- 1. Conforming and non-conforming land uses
- 2. Light Rail
- 3. Springwater Corridor
- 4. McLoughlin and 17th Avenue Corridors
- 5. Existing business park organizations

DISTRICT 9 (Milwaukie Business and Industrial)

- 1. Hwy 224 Corridor
- 2. Natural resource issues
- 3. Railroad Avenue Corridor
- 4. 37th Avenue/International Way/Hwy 224
- 5. Residential/industrial transition issues
- 6. Employee intensive area
- 7. Light rail
- 8. Environmental issues

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**Maggie Collins** stated that new zoning maps will be made available to the Commission members in their next packets. Staff will review the population information as it is used to establish grade school boundaries.

Recess was taken at 9:00 p.m. and the meeting reconvened at 9:08 p.m.

8.0 OLD BUSINESS - None.

9.0 OTHER BUSINESS

9.1 Letter From Planning Commission Concerning Riverfront Advisory Committee

**Don Trotter** submitted a copy of the draft letter from the Planning Commission to City Council on the Riverfront Advisory Committee. The Commissioners reviewed the letter and the following changes were suggested:

- The first paragraph be changed to include a definition for "Riverfront." Included in this definition should be the CL Zoning and the historical aspects of the riverfront.
- A paragraph be added to the end about the vision statement and master plan.
- A sentence indicating that the Commission is available for comment/worksession on this issue.

**Don Trotter** will redraft the letter and have it ready for Commission review at the next meeting, September 14, 1993.

9.2 Light Rail Workshops

**Scott McClure** asked the Commissioners which light rail workshop they are monitoring, so that he could attend a workshop that is not being covered.

Since no one is covering the south working group, he will attend those sessions. All Commissioners are invited to attend any or all of the worksessions.

9.3 Community Development Department Report

**Maggie Collins** informed the Commission that the Milwaukie Downtown Development Association (MDDA) has requested joint action on landscape and other design features they want to recommend for Downtown. Commissioners have been asked to serve on the MDDA Urban Design Committee. More information on this Committee will be provided as it becomes available.

City Council has completed and approved its Council Goals for the 1993-1994 year. Copies were provided to the Commissioners in their packet. The

CITY OF MILWAUKIE PLANNING COMMISSION  
MINUTES OF AUGUST 24, 1993  
PAGE 7

Planning Commission may decide to have a worksession to review and discuss the Planning Commission goals and how they mesh with the Council Goals.

The Visual Preference Survey final report has been received by the City. Copies were distributed to the Commissioners. Worksessions on these results are planned for later this Fall.

ISSUES FOR STAFF

**Comprehensive Plan Changes.** Don Trotter suggested that the format on Zoning and Comprehensive Plan revisions be changed to reflect correction or revision dates. A cover page could be used to list the ordinance that approves each change.

**Notification error in newspaper.** Chair Lent informed Staff that the Clackamas County Review had posted the wrong date for the Planning Commission meetings.

**Grading on Weiko Way.** John Littlehales informed Staff that there is grading being done on the property on Weiko Way. This is the same property that had an application for a mobile home court.

**Milwaukie Glass.** Don Trotter asked staff to review the new roof sign being displayed at the Milwaukie Glass Company for compliance with the Sign Ordinance.

**Retaining Wall for the High School Parking Lot.** John Littlehales commented that the retaining wall. It seems to be higher than requested. He asked if Staff could check the submittal.

**Chevron Lot.** It was requested that Staff follow-up on the landscaping requirements for this proposal.

- 10.0 NEXT MEETING: September 14, 1993
- 10.1 Eagles Wings Miniseries (CSO-93-04)
- 10.2 Community Development-Public Works Coordination Roles and Responsibilities Worksession (Continued)

Bill Johnson moved to adjourn the meeting of August 24, 1993. Scott McClure seconded. MOTION PASSED UNANIMOUSLY. Meeting adjourned at 10:00 p.m.

\_\_\_\_\_  
Pat Lent, Chair

\_\_\_\_\_  
Shirley Richardson, Hearings Reporter

(1)

**LEGISLATIVE TAX REFORM PROPOSAL**  
**HJR 10/HB 2500/HB 2443**

HJR 10 amends the Oregon Constitution. None of the constitutional provisions listed can be changed except by a statewide vote of the people. They cannot be changed by the Legislature. These amendments have the following effects:

- **Sales tax monies must be used for public education programs.** These include kindergarten and community colleges.
- **Sales tax limits are established.** The maximum rate for the state general sales tax is limited to 5%. Local general sales taxes are prohibited. Exemptions are required for food for home consumption, shelter, prescription medicines or devices, water, light, heat, power, motor vehicle fuel, essential services, and feed, seed and fertilizer for farm production.
- **Property taxes for school operations are eliminated for owner-occupied principal residences.** This requires a tax reduction of \$5 per \$1000 of home value below Measure 5 limits. Owner-occupied homes will still pay property taxes for school bonds, and for other government services and bonds, such as city, county and special district levies. Other types of property will continue to pay taxes for school operations.
- **State spending is limited.** Specifically, the growth in spending out of income and sales taxes is limited to inflation plus the rate of growth in population. Expenditures can only exceed this limit in emergencies if approved by at least 60% of each house of the state Legislature, and if approved by the Governor.
- **At least one-half of net Lottery funds would have to be used for education and children's needs.** The Constitution currently requires that all of the funds be used for job creation and economic development.
- **All changes listed above and below are temporary unless voters choose to continue them in 1998.** All of these provisions, as well as the statutory provisions listed below, are automatically repealed unless voters approve continuing them in the 1998 general election.

HB 2500 and HB 2443 also implements many statutory provisions. Statutory provisions may be changed without a vote of the people. The statutory provisions include:

- **Begins a sales tax on May 1, 1994.** The tax would be on goods only, not services and would have many exemptions, including those listed earlier.

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- Increases the corporate income tax rate from 6.6% to 7.6%. The increase begins in 1994.
- Adds an earned income credit. The personal income tax would contain a credit, beginning in 1994, equal to up to half of the federal earned income credit. The effect will be to reduce the taxes of working families with dependent children. Families would generally qualify if their income is under \$24,000 per year.
- Establishes a low income sales tax credit. This credit is intended to refund part of the sales tax paid by lower income households. The amount of the credit depends upon household income and size.
- Appropriates an additional \$351 million to schools for the 1994-95 school year. This will come from sales taxes collected before July 1, 1995.
- Establishes an Education Trust Fund. All remaining sales taxes collected before July 1, 1995 (up to \$300 million) are put into an Education Trust Fund. The trust fund earnings will then be dedicated to education reform and improvement programs.
- Repeals property taxes on certain business property. To qualify, the property must be essential to a production process and be designed to be generally moveable.

## SALES TAX EXEMPTIONS HB 2500

Note: HB 2500 does not tax services. Therefore, there are no specific exemptions in the bill (or in this list) for services.

### Principal Exemptions

- Food for home consumption (excludes snacks, candy and gum from exemption)
- Meals served in residential facilities for the elderly or disabled
- Meals served to elderly, low income or disabled at homes (includes "Meals-on-Wheels)
- Meals served by schools to students
- Meals served by health care facilities to patients
- Soft drinks/mineral water
  
- Prescription drugs and devices
- Prescribed durable medical equipment, including hospital beds
- Modifications of vehicles for the disabled
  
- Water
- Electricity, natural gas, liquid petroleum gas, heating oil, coal
- Other fuel sources (e.g., wood) if used for residential heating
- Used factory built structures (inc. mobile/floating homes)
- 40% exemption for new mobile homes
  
- Motor vehicle fuel for both on- and off-highway use
- Aircraft, tugboat, locomotive fuels
  
- Animal life (excluding animals primarily used as pets)
- Feed for food animals or nonfood animals used in agriculture
- Medicated feed for either food animals or for nonfood animals sold by a business
- Hay
- Seeds or plants in agriculture
- Fertilizer in agriculture
- Pesticides in agriculture

(Continued)

- Ingredients or components
- Chemicals used in manufacturing
- Carbon paste consumed in electrical conductors, electric arc furnace electrodes, one-use molding and coremaking sands and consumable refractories used in the metals industry
- 40% exemption (i.e., taxed at a 3% rate) for machinery and equipment necessary for production in manufacturing, agriculture or extraction
- Printed sales messages
  
- Containers (like cans, bottles, etc., that are part of the product)
- Cargo container used in interstate commerce
- Rack systems used in interstate cargo containers
- Aircraft (including replacement parts) used in interstate commerce
- Railroad equipment (including replacement parts) used in interstate commerce
- Trucks and motor vehicles (including replacement parts) used by carriers in interstate commerce
- Watercraft (including replacement parts) used in interstate commerce
  
- Trade-in values
- Sales for export out of the state
- Casual and isolated sales, excluding vehicles which are taxed (family vehicle sales exempt)
  
- Sales for resale (that is, sales to retailers)
- Sales to the federal government
- Sales to the state and local governments, except vehicles and materials used in construction, and except for anything used in an enterprise activity including PUD's and municipal electric systems
  
- Sales to nonprofit charitable organizations, and churches, except vehicles and certain materials used in construction
- Sales by nonprofit charitable organizations, churches
- Sales to hospitals and other health term care facilities of items essential to health care

# Questions and Answers About the Sales Tax for Schools

■ **Why do schools need a sales tax?**

When voters adopted Ballot Measure 5 in 1990, they mandated that the primary burden of funding schools be shifted from property tax to some other tax source. The school property tax limits were phased in over a five-year period to allow time for the legislature to devise an alternative way to pay for public schools from kindergarten through community college. The state was required to offset school property tax losses, but total spending for schools is declining. Last year, spending per student in Oregon schools averaged \$4,409. This year the average will be \$4,085, and without new revenue, spending per student will bottom out at \$3,796 per student in 1995-96. Since last school year, that's about a 14 percent reduction in real dollar terms — if you figure in inflation, that's a cut of nearly 25 percent. Do you believe schools can take cuts of that magnitude without affecting the quality of education? They cannot. Crowding in schools is increasing. Schools lack the resources to continue current programs, implement improvements and reforms, and assure the basic security of schools. That's why the Sales Tax for Schools is needed.

■ **Oregonians have defeated sales tax proposals eight times before. What makes you think a sales tax will pass this time?**

This is a much different plan from any previous sales tax. One big difference is that this plan would only be put in place on a trial basis. Oregonians will vote again on this issue in 1998, and the plan will end then unless we vote to continue it. Looking at votes on previous sales tax plans, five of the eight previous elections were in the 30s and 40s before most of today's voters were even born. Unlike those plans, this proposal is clearly and only a school finance plan. All the sales tax revenues are dedicated exclusively to public schools, kindergarten through high school and community colleges. Voters can determine exactly what the schools in their community will have to spend per student in 1994-95 if this plan passes, and what they will have if this plan fails. And unlike the ambiguous tax reductions in previous plans, the Sales Tax for Schools provides guaranteed homeowner property tax relief by permanently abolishing school operating property taxes on owner-occupied homes.

■ **What will money raised by the sales tax be used for?**

Public schools. The money raised from the sales tax is dedicated to funding our public school system — from kindergarten through high school and community colleges. Because this dedication is in the constitution, it can only be changed by a vote of the people, not by the legislature.

■ **People worry that the sales tax will start low and then grow. What will prevent the legislature from increasing the sales tax rate?**

The Sales Tax for Schools is unique because it puts a limit on the maximum sales tax rate of 5% in the state constitution. That makes the 5% sales tax rate permanent limit. It can only be changed by a vote of the people, not by the legislature.

■ **What exemptions are guaranteed under this sales tax plan?**

This goods-only sales tax exempts the necessities of life including food for home consumption, housing, utilities, prescription medicines and goods that are vital to agricultural production. These major exemptions are locked in the constitution and can only be changed by a vote of the people, not by the legislature.

■ **How much of the sales tax will go to the cost of administering the new tax?**

The Oregon Department of Revenue will administer the collection of the sales tax. Administration will cost about \$10 million per year, less than eight tenths of one percent of total collections.

■ **I've heard the sales tax will only be in effect for a 5-year trial period. How will that work?**

It's true that this plan will be implemented on a trial basis. When voters adopt the Sales Tax for Schools this November, they also will be setting an election for November 1998. The sales tax will stop unless we vote to continue it at that election.

■ **Isn't this sales tax regressive? Does this plan protect low-income people?**

This sales tax is not regressive. In fact, this proposal helps keep Oregon's overall tax system progressive. It protects low-income Oregonians in several ways:

- The important necessities of life, such as food for home consumption, housing, utilities, and prescription medicines are exempt from sales tax. Those exemptions cannot be changed by the legislature; they can only be changed by a vote of the people.
- The measure creates a low-income sales tax credit program that refunds some or all of sales tax paid by low-income households that earn less than \$27,000 per year. The low-income credit is bigger for the poorest families.
- This measure also creates an earned income credit, patterned after a similar federal earned income credit, for working-poor families, with children, earning up to \$24,000 per year.

■ **You call it a Sales Tax for Schools, but I'm afraid that the legislature will use the money for more spending on state government programs. How can I be sure the revenue is truly dedicated to schools?**

The money raised from the sales tax is permanently dedicated — in the state constitution — to fund public schools, kindergarten through high school and community colleges. Having it in the constitution means it can never be changed by the legislature. Only a statewide vote of the people can change the constitution. This plan also adds new safeguards on state spending. It also puts into the constitution a tough new limit on state spending that restricts the legislature's spending authority. This plan will guarantee sales tax money goes to schools and gives Oregonians more control over how and how much government spends of the tax dollars it collects.

■ **Will the sales tax provide enough money to fund Oregon's public schools?**

Not totally. The sales tax will provide enough to replace most of the property tax revenues lost to schools and community colleges because of the Measure 5 limits. Schools will still receive property tax revenues at the \$5 per \$1000 rate from all property except owner-occupied homes, and schools will still have to rely on the legislature for about one-third of their funding, just as they did before Measure 5 was passed. Revenues generated from the Education Trust Fund created by this plan will provide money for school improvement programs and school reforms, ensuring that continued progress will be made in statewide effort to improve the quality Oregon schools as directed by Oregon's Education Act for the 21st Century.

■ **How does the sales tax measure affect higher education?**

The Sales Tax for Schools will relieve the pressure on budgets for Oregon's four-year colleges and universities, and will help avoid further program cuts and tuition increases.

■ **When will schools begin to see the benefits of the sales tax?**

Next year. The sales tax would begin May 1, 1994, and schools would see additional funding in the 1994-95 school year. Without the sales tax, the average spending per student statewide will be \$4,077 — \$332 less per student than was available in 1992-93. If the measure passes, average per student spending will be \$4,683. *[Speakers should use local per-student spending data in lieu of or in addition to statewide data when making presentations.]*

■ **Is there money for improving and reforming schools?**

Yes. First, the stability of funding provided by the sales tax will allow schools to better plan and implement school improvements activities and change. That's crucial to the success of the efforts to improve schools. But in addition, the sales tax plan creates an Education Trust Fund with the earnings available each year for "educational needs of children including but not limited to: Head Start programs, early intervention programs, implementation of educational reform" and the other major improvement programs directed by the legislature, including higher standards for schools and students. In other words, the sales tax will be used to fund better schools.

■ **Is the sales tax deductible on my federal income tax?**

No, it's not. For taxpayers who itemize, because their property taxes will be substantially reduced, their deductions also will be reduced. Most taxpayers, however, use the standard deduction and they will not be affected by the change.

■ **How will the sales tax be collected?**

Retailers will collect the sales tax. During the implementation stage, the state will allow retailers to deduct two to three percent of the sales tax dollars they collect (the amount depends on the size of the business) to compensate for the cost of administering the tax collection. Legislators will decide in 1995 whether and how much to pay retailers to offset their costs of collections. Our neighboring states (Washington, California and Idaho) do not provide any compensation for retailers.

■ **If the sales tax doesn't pass, what will happen to Oregon's schools and community colleges?**

Schools and community colleges will have to compete with other state programs for limited funding. Without additional funds, the legislature will have to continue to make cuts in school and community college budgets. Cuts in schools will mean fewer teachers, larger classes and more crowding, and delayed implementation of school reforms and improvements. For community colleges, it will mean fewer teachers, fewer classes and higher student tuition. Making funding cuts in our public schools will hurt Oregon's economy for a long time.

■ **How does the sales tax affect businesses in Oregon's border communities?**

Oregon's tax rate will still be lower than taxes in California (6% + local sales tax), Washington (6.5% plus local sales tax), Nevada (6.5%), and no higher than in Idaho (5%), it will still be cheaper or at least no more expensive for our out-of-state neighbors to do their shopping in Oregon. Consequently, there should be little, if any, impact from the change.

■ **Can cities and counties add their own sales taxes?**

No. The sales tax measure prohibits cities and counties from enacting local sales taxes. This prohibition is locked in the constitution. It can be changed only by a vote of the people, not by the legislature.

■ **How does the sales tax measure affect cities and counties? Will they get money from the sales tax?**

The sales tax measure will tax some purchases by local governments such as purchases of vehicles, materials used in construction and anything used in an enterprise activity. Cities' and counties' property tax revenues will be affected by a provision of the plan that exempts certain production machinery from all property taxes. But because the pressure on the state general fund will be eased if the Sales Tax for Schools is passed, state funds to assist local communities with public safety and children's programs are more likely to be available. Cities and counties would be prohibited from adding local sales taxes to the state sales tax, and therefore, they would receive no money from the sales tax itself.

■ **Will I still have to pay property taxes if the sales tax is approved?**

Yes, although your bill will be substantially reduced. This measure eliminates property taxes for school operation. Taxes to pay off bonds for school construction (or other general obligation bonds) and property taxes for city, county and special districts (limited to \$10 per \$1000) will still be collected. To calculate what you will save in property taxes, look at your current property tax bill. Where it shows school taxes, that is the amount that will be eliminated from next year's tax bill if the Sales Tax for Schools is passed. And that rate will stay at zero in the future because the legislature cannot change it. The sales tax plan puts the abolition of the school property tax on homeowners in the constitution where it can only be changed by a vote of the people, not by the legislature.

■ **How does the sales tax measure affect my state income taxes?**

The measure makes no changes in current income tax rates. The major income tax change in the plan is the creation of an earned income credit for working families, with children, earning up to \$24,000 per year.

■ **How much of the sales tax will come from tourists? Will the sales tax keep tourists from coming to Oregon?**

The exact amount paid by tourists is hard to determine. Rough estimates place the amount at less than five percent of the total. Whatever the amount, it's unlikely to affect Oregon tourism. Sales taxes exist in most states, and the taxes are much higher in such West Coast destinations as San Francisco (8.5%), Los Angeles (8.25%), Seattle (8.2%), and Disneyland (7.75%).

■ **If the sales tax raises more money than projected, does the legislature get to spend it?**

No. The measure restricts the legislature's spending authority by putting a new state spending limit in the constitution. State spending may grow only at the rate of inflation plus population growth. If more than 102% of allowable revenues are received, the excess is placed in a "rainy day" fund. If the fund reaches 8% of the general fund, then income or sales taxes must be lowered. This new spending limit is locked in the constitution and cannot be changed by the legislature. It can only be changed by a vote of the people. If an emergency exists, spending above the limit is allowed only if 60 percent of the House and 60 percent of the Senate approve the expenditure, and the governor agrees.

■ **You mentioned the Education Trust Fund. What exactly is that?**

The Education Trust Fund is a separate, dedicated fund. Earnings from the fund will be made available to local school districts each year for *"educational needs of children including but not limited to: Head Start programs, early intervention programs, implementation of educational reform."* It is not limited just to education programs offered through local schools, but also may be directed toward educational programs operated by cities and counties. The Education Trust Fund is an important investment in educational improvement that will boost the quality of Oregon schools.

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■ **Does the sales tax create a split roll like one voters rejected last year?**

This plan is nothing like the split roll measure on the ballot in November of 1992. That plan would have substantially increased business property taxes. The Sales Tax for Schools does not. In fact, it gives businesses the Ballot Measure 5 relief one year sooner. For homeowners, the sales tax cuts property taxes even further. It abolishes school operating property taxes entirely on homes, making homeowners' new property tax limit just \$10 per \$1000 to pay for non-school property taxes, such as cities, counties and special districts. In other words, the Sales Tax for Schools does not increase business property taxes; it decreases them faster. And it lowers homeowners' property taxes an additional \$5 per \$1000 below the limit for business property.

■ **How does this sales tax plan treat business?**

Much of the sales tax plan is beneficial to business. Special consideration was given in the plan to manufacturers' investments made in job-producing production equipment, lowering the sales tax rate on such purchases to 3% instead of 5%, and offering property tax breaks on such equipment. Costs for retailers to collect the tax was recognized in the retailer compensation plan. While the corporate tax rate is increased from 6.6% to 7.6%, this is an adjustment recommended by the state's largest business organization, Associated Oregon Industries, in its own tax proposal. Most Oregon businesses recognize the critical link between healthy schools in a community and a healthy economy. Some businesses are already finding it more difficult to recruit key people here because of the increasing concern about school funding. Therefore, the major benefit of the Sales Tax for Schools, adequate funding for local schools, is an important priority for Oregon businesses.

■ **Won't the expense of the sales tax on small business affect jobs?**

No. Property taxes on small businesses — all businesses — have been sharply reduced because of Ballot Measure 5, and the full reduction promised by Measure 5 will come a year sooner if the sales tax is passed. Businesses will not pay sales taxes on goods they buy for resale, or on ingredients to be used in products they make and sell. Purchases of equipment used in making their products will be taxed at a reduced 3% rate, and will not be subject at all to property taxes as they are now. Retailers will be able to retain two to three percent of the sales tax dollars they collect to cover costs of implementing the plan. (Businesses with gross annual sales of less than \$500,000 will get 3%; businesses with gross sales of \$500,000 up to \$1 million will get 2.5%; and those with gross sales of more than \$1 million will get 2%.) None of Oregon's neighboring state's provides any compensation to businesses for collecting the tax. As with other taxpayers, for Oregon's small businesses the Sales Tax for Schools is a much fairer way to pay for public schools than with property taxes.

# SALES TAX BALLOT TITLE

November 9, 1993

## Should we pass a 5% sales tax for public schools with these restrictions?

- ◆ The 5% rate can only be raised by a statewide vote of the people. The legislature could not increase the rate.
- ◆ The sales tax moneys raised would be dedicated to public schools, including kindergartens and community colleges. This dedication cannot be changed without a statewide vote of the people.
- ◆ School property taxes on owner-occupied homes would be abolished. Sales tax moneys would replace the school property taxes on owner-occupied homes.
- ◆ The sales tax would be on goods only, not services.
- ◆ The sales tax could not be imposed on food for home consumption, housing, water, light, heat power, prescription medicine, motor fuel, essential services, and farm animals, feed, seed, and fertilizer. These exemptions could not be changed by the legislature. They can only be changed by a statewide vote of the people.
- ◆ Cities, counties, and other local governments cannot impose a sales tax.
- ◆ Working families, with children, earning less than \$24,000 a year would receive an earned income credit on their income tax.
- ◆ Low income households would receive a refund of some or all of the sales tax they would pay.
- ◆ The corporate income tax rate would be increased from 6.6% to 7.6%.
- ◆ The measure imposes a new constitutional state spending limit, restricting the legislature's spending authority.
- ◆ At least half of lottery proceeds would be used for education and the needs of Oregon's children. Currently lottery money must be used for economic development.
- ◆ The sales tax for schools would be imposed on a trial basis. The tax and all other provisions would stop in 1999 unless we vote to continue them at the 1998 general election.

REGIONAL PARKS ADVISORY BOARD MINUTES

Meeting #28, July 8, 1993

**BOARD MEMBERS PRESENT:**

- Gary Barth, Oak Lodge representative
- Bill Brod, at-large member
- Jim Ellis, Chairman, Southgate/Town Center representative
- Champ Husted, at-large member
- Daisa Lawson, Oatfield representative
- Tom Peterson, Sunnyside representative
- Jean Schreiber, Milwaukie representative
- Lynn Sharp, at-large member
- Mitch Wall, Milwaukie Center representative

**BOARD MEMBERS ABSENT:**

None

**STAFF:**

- Roger Brown, Director
- John Hartsock, Project Manager
- Thom Kaffun, Park Services Manager
- Don Robertson, Program Services Manager
- June Southworth, Administrative Assistant

**STAFF ABSENT:**

Sara Hite, Director of Milwaukie Center

**GUESTS:**

- Jim Clark, Budget Committee Member
- Brian Gard, Gard, Strang, Edwards & Aldridge, Inc.

Minutes

The meeting was called to order by Chairman Jim Ellis at 7:08 P.M. in the Salal Room of the Milwaukie Center.

1. **Neighborhood Updates:**

None

2. **Approval of Minutes:**

Champ Husted moved to approve the minutes of the June 10 meeting. Tom Peterson seconded the motion. Minutes approved.

3. **Adoption of Board Attendance Policy:**

Roger Brown informed the RPAB that he had met with Mitch Wall for the purpose of setting up an Attendance Policy relating to Board members. Discussion was held among the RPAB regarding various aspects of the proposed policy. Staff will continue working on a proposed policy and present it to the Board again in the near future.

4. **Acquisition/Development Program for 1993-94:**

The Director presented an overview of the acquisition and development plans for the 1993-94 budget year. The discussion focused on acquisition/development issues and funds available.

The Director indicated the 1994-95 budget will include a five to ten year capital improvement program. RPAB will review again when it considers policies related to the CIP.

5. **Regional Park/Aquatics Center Update:**

*Regional Park:*

John Hartsock presented an update on the Regional Park. The County has bid and will award the Harmony Road improvements on August 12, 1993. This work should be started in August and completed by December. A right turn lane is being added at Toys "R" Us and a left turn lane at the park entrance as well as a new signal.

SP has completed field testing and is preparing its reports to DEQ. They anticipate the possibility of some clean-up this year. Design work on the park and flood management is complete and ready to bid based on SP completing their work and obtaining permission from DEQ.

*Aquatics Center:*

The masonry work at the Aquatics Center is 3/4 complete. Trusses will start going up Monday with roof structure to follow. Jean Schreiber inquired if the cost of the internal road will still be considered part of the construction cost. John responded that it would be part of the park construction cost. The staff is reviewing graphic design proposals to choose a consultant to determine graphics standards for the District. Then a signage plan will be developed.

6. Willamette River Study:

The Director introduced Maggie Dickerson of the Clackamas County Planning Department to present details of a study she had conducted on the Willamette River. Maggie explained that this was a partnership project with the intent of approaching the Willamette River as a regional resource. Several maps of the river and an overview of each was presented. Executive summaries were passed out to Board members.

7. Marketing and Promotions Update:

Brian Gard of Gard, Strang, Edwards & Aldridge, Inc. was introduced by Roger Brown. Brian gave an update of marketing and promotions activities for the District, adding that the background information interviews have almost been completed. He discussed the major issues in detail. Gard, Strang, Edwards & Aldridge, Inc. would like to issue a positive news release in the next couple of weeks. It is intended to promote the Milwaukie Center at the same time as the Aquatics Center, with a celebration of the opening of the Aquatics Center going on all next summer.

Gard, Strang, Edwards & Aldridge, Inc. would like to be involved with the signage process for several reasons. The signage should promote the Park District as well as the Aquatics Center. A newsletter is planned to begin in September and will be sent to the key group of supporters who helped form the NCPRD. This newsletter will help keep them updated on progress of the District. The District as a whole needs a theme which can be applied to every single service. Additional reports will be forthcoming in this area.

8. **Request for Executive Session:**

Director Roger Brown called for Executive Session as authorized by ORS 192.660 at 9:25 P.M. to discuss possible property acquisitions. Executive Session ended at 9:40 P.M.

9. **Speakers from the Floor:**

None

10. **Board Member Comments:**

Roger Brown asked Bill Brod to inform the RPAB of his recent property purchase for park purposes. Bill explained that he and his neighbor were putting up the money to purchase a piece of property in his neighborhood. The transaction was in process and more information would be presented at a later date.

11. **Director's Comments:**

The Director stated that District staff had been meeting with Ben Schellenberg and Tim Carmen of the School District and discussions were continuing. Staff will be very careful not to do anything without the concurrence of the RPAB. Hopefully, something will be done within the next 60 days.

Currently, we are working on a facility use policy. Roger Brown requested the Chairman to appoint three people to work with District staff to help develop an agreement. Don Robertson explained that it is important that we deal with this issue now. Gary Barth, Tom Peterson and Mitch Wall volunteered to help District staff with this issue.

Brown asked Don Robertson and Thom Kaffun to present an update on Riverside Park. Don stated that he and Thom had recently met with the Director and Assistant Director of the Water District. Thom added that what the District wants to accomplish would be a long range planning process. The NCPRD is to present a preliminary proposal to the Water District within 60 days.

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The Director informed the Board that he received a letter from Attorney William McDonald on July 2 stating that Mrs. Zehntbauer does not wish to sell her property to the Park District.

**12. Adjournment:**

The meeting adjourned at 10:00 P.M.

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**MEMO**

**TO:** Regional Parks Advisory Board

**FROM:** Don Robertson, Program Service Manager

**DATE:** September 1, 1993

**RE:** FACILITY USE POLICY

**ACTION REQUESTED:**

Approval of the draft policy .

**BACKGROUND:**

At the June meeting the Regional Parks Advisory Board established a sub committee consisting of Mitch Wall, Gary Barth and Tom Peterson to work with staff in the development of a facility use policy. The purpose of the policy is to provide guidance to staff in the allocation of facility use time at the athletic facilities that it is responsible for administering.

The committee met several times during the months of July and August. They reviewed the need for facilities, looked at the recommended guidelines prepared by the Oregon Recreation and Park Association, discussed the historical use of the facilities and met with School District personnel regarding their facility use policies. Based on that information, the committee drafted the proposed facility use agreement.

**RECOMMENDATION:**

Staff recommends the approval of the proposed facility use policy.

DR:js

{js}: \FacUse

## STATEMENT OF POLICY

The North Clackamas Parks and Recreation District recognizes the need for quality Leisure Experiences for all ages, abilities and populations. To that end, the District will work to provide adequate facility use availability to in-District groups based on the following information:

- The District shall recognize those Youth Sports Associations meeting the criteria outlined in the ORPA publication "Guidelines for Youth Sports Associations in Public Facilities". During sports season, these groups will be given priority for facility use among non-District sponsored activities.
- The District recognizes the value of skill building and team work for children in grade four or younger. These activities should be done in non-competitive fashion. The District also recognizes the value of competition for children from fifth grade and older, as long as the competitive levels are accepted in perspective of enjoyment.
- All youth coaches shall be encouraged to participate in the NYSCA Certification program. New coaches will be required to participate immediately with all current coaches being certified by the year 2000.
- Groups may utilize only those facilities that are suitable for their activities. The District will be the final judge as to the suitability of facilities.
- Facility use requests for summer (June - August) will be taken after April 1; fall and winter (Sept. - Feb.) will be taken after July 1; and spring (March - May) will be taken after Jan. 1.
- Priority will be given to District sponsored events and activities.
- Facility supervisors will be present at all indoor District facilities, for any and all groups.
- Only District staff will serve as facility Supervisors.
- All grade school activities shall conclude by 8:00 P.M. on school nights and Jr. High activities by 8:30 P.M. on school nights.

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Statement of Policy

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- When working with sports leagues, divisions, associations, clubs, etc., District staff will work with only one representative of the group. District will provide the group a time block. It will then be the group's responsibility to schedule the individual facility times and provide such schedule to the District for supervisor coordination. The District will accept the scheduling responsibility only at the request of the group.
- All groups will be charged a rate that will cover the costs incurred by the District to provide service. This will be done in accordance with the published rates of the District which are subject to change.
- All sports groups will need to have on file a Certificate of General Liability Insurance for their group. This must also name the NCPRD as an additional insured party. (Check with County Counsel)
- All compensated officials must either be covered by workers' compensation insurance or be recognized by ORPA or the OSAA as certified officials on their respective sports, thereby exempt from workers' compensation as provided by State law.
- Facilities will not be reserved for ongoing religious services.
- An appeal process for this policy will be handled through staff, the District Director and the Regional Parks Advisory Board.

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NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

REVENUE AND EXPENSE REPORT

Fiscal Year 1993-94

(Per County Finance Department)

INCOME

Fund Balance (Carry Forward)	12,145,856
Taxes	0
Delinquent Taxes	0
Interest/Penalties on Taxes	0
Miscellaneous Revenue	0
Interest	0
Contributions (not including Trust Funds)	0
Maintenance Service	919.78
Program Services	6,873.50
Milwaukie Center	21,578.54
Aquatics Center	0

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SUBTOTAL \$12,175,227.82

EXPENSES

Administration (District Operations)	918.81
Aquatics Center	9,556.00
Maintenance Services	63.30
Program Services	4,782.27
Milwaukie Center	3,227.46
Debt Servie	0
Property Acquisition and Development	29,998.49

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SUBTOTAL \$48,546.33

FUNDS AVAILABLE \$12,126,681.49

*PROGRAM SERVICES DIVISION  
MONTHLY REPORT  
September, 1993*

**SUMMER RECREATION:**

The summer recreation program has come to a conclusion. This year's program featured many new opportunities for participation. Included were the expanded format of the day park programs, children's theater, extensive open gym opportunities, new classes such as fishing, and a variety of new events and programs. The primary impact on the programs for this summer was the weather. As a result of the unseasonable conditions, attendance was lower than expected. On the dry days attendance was what was expected. Staff is looking at all the factors of the summer including weather, in-District and out-of-District rates, new programs and promotional materials and a variety of other factors. A season ending report will be available by the October meeting.

**AQUATICS:**

Lori Stirn, Aquatics Director, is still gathering information for the operations of the facility. Position requisitions have been filled with the Personnel Department in preparation for the additions of staff. Included within this packet was a timeline that specifies the activities to be carried out by staff. This timeline also defines when other key staff will be added to assist in the preparation and training duties.

**FALL RECREATION:**

Staff is preparing information for a fall brochure. This will be distributed in mid September. Included will be information on various programs and activities planned for the season.

**ASAP:**

Preparation is underway for the beginning of the After School Activity Program. This program will be located at Seth Lewelling, Milwaukie, and Hector Campbell elementary schools. It is designed for kids in grades 1-6 who may not otherwise have any place else to go. Because of the expanding role of the School District in this area, it is anticipated that this will be the last year for the program

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REPORT OF  
PARK SERVICES DIVISION  
AUGUST 1993

ACQUISITIONS:

The District is in escrow on three new park sites; Strawberry Lane, Justice and Willamette Lane properties. Closure is expected within 10 days.

PLANNING/DEVELOPMENT:

The District will be hosting two planning meetings to begin the master plan process for North Clackamas Park. The meetings will be held at the Milwaukie Center beginning at 7:00 p.m. on October 27th., and November 17th.

NEIGHBORHOOD ACTIVITIES:

MILWAUKIE:

**Ardenwald Park:** Bids were opened on August 31 for the first phase development at Ardenwald Park. Three bids were received and the apparent low bidder is Westcoast Landscape Inc. at \$15,540.00. The work consists of finish grading, automatic irrigation system, seed bed preparation and hydro-seeding. The above work was estimated to cost \$13,000

**Scott Park Restoration:** A pre bid meeting has been set for September 8th on site with a bid opening date of September 16th. The construction contract will consist of a automatic irrigation system, landscaping and wet land restoration planting.

OATFIELD:

**Thiessen Road/Strawberry Lane Properties:** Bids for demolition of all manmade structures were opened on August 31. The low bid came in at \$10,375 for Thiessen Road and \$8,290 for Strawberry Lane. Each site was estimated to cost \$10,000 for demolition.

SOUTHGATE /TOWNCENTER:

An appraisal has been ordered for the CDBG property and is expected in the District office by September 6th with a review appraisal to follow before an official offer can be made on the property.

MAINTENANCE:

The irrigation system at Century Park has been automated by changing the valves, installing wires and adding a battery operated controller.

Northwest Outdoor Equipment Inc. was successful low bidder for the Districts new 1070 mid size John Deere commercial tractor with attachments.

THE MILWAUKIE CENTER  
AUGUST 1993

SOCIAL SERVICES:

Staff completed the yearly report that is submitted to the Area Agency on Aging (AAA). The report, along with the reports of the eight other senior centers, will be distributed to all advisory/citizen groups that have an interest in the centers. The network of nine senior centers in Clackamas County is included in AAA's service delivery system with the goal of assisting people to remain independent and living in their own homes rather than requiring a care facility.

EDUCATION AND RECREATION:

The Program Coordinator position was advertised and will be filled soon. With the addition of this person, the goal is to expand and develop the education and recreation components of the Center's wellness program.

The Milwaukie Center's Travel Group, the 39 'ERs, sponsored two trips.

The Master Gardener Program, Support Group speakers, and seminars were the major education providers in August. Summer term has the smallest number of classes and students of the four terms. The fall classes will have an increased fee due to Clackamas Community College's costs.

NUTRITION

Center lunch participants again enjoyed the annual Ice Cream Social.

Discussion and research continues on possible kitchen changes that could increase efficiency in the Kitchen to facilitate preparing and serving 250 Meals on Wheels and 40-100 Center meals within a two hour period daily.

COMMUNITY EVENTS

We have established the addition as the North Wing, and the original area as the South Wing for the purpose of renting the building for community use. We have had experience with both wings being used simultaneously by two different groups and it has worked well. It also provides substantial revenue.

ADDITIONAL INFORMATION

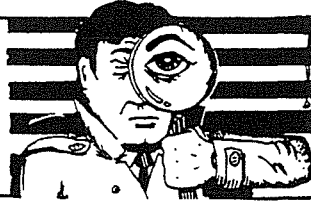
The August preparation of the September Newsletter was done on a new computer program for a "new look".

The Center/Community Advisory Board is working with the District Park Planner, in an advisory role, on driving/parking safety issues.

The Friends are interested in funding a continuous sidewalk around the building for safety and exercise.

The Center's transportation study is progressing. The study will address who is receiving the service, adequacy, need for additional transportation, equity of service. There are several providers. We hope to develop a plan to efficiently coordinate and develop available transportation resources and ensure that information to the users and potential users is accurate and easy to access.

# County Closeup



## North Clackamas Parks & Recreation District



North Clackamas Parks & Recreation staff: (back) Roger K. Brown; (middle, left to right) John Hartsock, June Southworth, Sara Hite; (front) Thom Kaffun, Don Robertson

Providing high quality leisure services is what it's all about for the North Clackamas Parks and Recreation District. The service district was formed in 1990 as a result of a grass roots effort begun in 1988. At that time, County Planning Staff headed up by **Norm Scott**, **Dan Zinzer** and **Laura Briggs** worked with a citizen task force to develop the concept that was to become the Park District.

Since the beginning of the District, staff has grown to cover ten full time employees and dozens of part time and seasonal employees. "Customer service is what we are all about," says **Roger Brown**, District Director. "If our patrons do not feel like they are getting high quality service, they will not come back. We intend to set the standards for Park and Recreation agencies, not follow them," he stressed. The Park District's management team of six represents a variety of experiences. The common thread for each is the desire for the best possible service to the public. Director Roger Brown is a native of Georgia and comes to us via Greensboro, North Carolina. Roger's experience spans three decades with a stop also in Miami Beach, Florida. **John Hartsock** is the project manager for the Park District. John relocated is family from California several years ago. "It just became no fun to live there anymore," commented John about the move. To the outside observer, John's hobbies are work, work and more work. He is also doubling as the Project manager for the Oregon Trail Preview Center.

The Milwaukie Center was one of the facilities that became part of the District with the transfer from the City of Milwaukie. **Sara Hite** is the Director of the Center. Traditionally the Center has provided extensive high quality social services aimed at the older adult population. With the addition to the District, the Center will strengthen its recreational and education component.

Another key member of the team is **Thom Kaffun**. He is the Park Resource Manager for the District and is a registered landscape architect. **Don Robertson** is the Program Services Manager for the District and is responsible for the overall operations of the Recreation Programs and the Aquatic Center. Finishing the team is **June Southworth**, the Administrative Assistant for the District. June runs the office operations for the District.

Every day is exciting for the District and things are going well. For anyone interested in District operations or growth, please give us a call at 794-8002 — we love to talk about our activities and show off!

### CCI Member Sought

Clackamas County Commissioners are seeking volunteers interested in serving on the **County's Committee for Citizen Involvement (CCI)**. The committee's chief function is to advise county commissioners on how to provide opportunities for citizens to participate effectively in their County's land use planning and decision-making process. The group also evaluates both County and other jurisdictions' citizen involvement programs.

"Growing interest in livability issues through the present period of growth and development in the County makes the CCI Board especially important now. The County hopes that concerned people will volunteer to serve on this important committee," said Commission Chair **Darlene Hooley**.

The 9-member committee convenes in regular monthly evening meetings at the County's Public Affairs Office. Members are appointed by the Commissioners and serve terms of three years.

In order to comply with their appointment policy, which calls for balance and diversity of membership in the areas of geography, gender, interest, and experience, Commissioners are looking for members from the Mount Hood Corridor and from the urban, unincorporated areas of North Clackamas and Lake Oswego. Of special consideration in appointments to the CCI will be representation from active Community Planning Organizations (CPOs).

Applications are available by calling **Kit Whittaker** in the County's Public Affairs Office, 655-8520. Application deadline is September 10.

### New CPO Forms

The Clackamas CPO is reactivating, under the leadership of **Jerry Nordstrom**. The group held two preliminary meetings prior to a general meeting on August 26 at which they adopted elected officers and adopted bylaws.

Welcome, Clackamas CPO!

## A Land Use Law Smorgasbord

### Legal Tidbits for the Experienced Planning Commissioner

#### I. TYPES OF LAND USE DECISIONS

A Planning Commission routinely makes two types of land use decisions:

- A. **"Legislative"** decisions are decisions where a Planning Commission enacts or recommends adoption of policy or standards which are generally applicable to all persons or property or large classes of persons or property. Amendments to the policies of the Comprehensive Plan or the standards and criteria of the zoning code are typically legislative decisions. When a Planning Commission makes a legislative decision, it is sitting in its role as the policy making body for the city.
- B. **"Quasi-Judicial"** decisions are decisions where a Planning Commission is applying adopted policies or standards to specific persons or property. Approvals or denials of specific land use permits are typically quasi-judicial decisions. As the name implies, when the Commission makes a quasi-judicial decision, it is sitting in the role of a judge.

#### II. LEGISLATIVE LAND USE DECISIONS

##### A. Nature and Scope of Legislative Decision:

When a planning commission makes a legislative land use decision, it is deciding whether or not a proposed amendment to the Comprehensive or Code is in the best interest of the city as a matter of public policy. Typically, planning commission legislative decisions are mere recommendations to the governing body, which has the final authority to enact such decisions. Because a governing body is the elected policy making body of the local government, its policy judgment is given great deference by the courts.

Legislative discretion is, however, constrained by state and local laws, such as:

1. The Goals and Rules: A post acknowledgment amendment to a Comprehensive Plan or implementing regulation must be in compliance with any applicable Statewide Planning Goal or LCDC Administrative Rules. Proposed amendments must be submitted to LCDC 45 days in advance of final adoption for

review. LCDC may submit comments to the City and, if it feels the final ordinance does not comply with the Goals, may appeal the decision to the Land Use Board of Appeals.

- 2. State Law: ORS 227.172(1) requires that approval or denial of a land use application must be based on standards and criteria. While such standards can be broad and discretionary, they cannot be arbitrary. In other words, you can adopt a standard that requires new development to be compatible in design with the neighborhood, but you cannot adopt a standard that requires approval of the development by vote of the neighbors.
- 3. The Comprehensive Plan: Many Comprehensive Plans contain approval criteria or a review process for amendments to the Plan. Amendments to zoning regulations must comply with Comprehensive Plan policies.
- 4. Local Charter and Code Requirements: Most legislative amendments are adopted by ordinance, although some standards may be adopted by resolution. Consult your local codes.

**III. QUASI-JUDICIAL LAND USE DECISIONS**

A. Nature and Scope of Quasi-Judicial Decisions:

When a planning commission makes a quasi-judicial decision, it is deciding whether the evidence and testimony presented in the application and during the public hearings proves or fails to prove that the application complies with the applicable criteria for approval. This decision is much more limited in scope than a legislative decision, because it must be based upon whether the evidence demonstrates compliance with applicable standards and criteria.

B. The Applicable Standards and Criteria:

The planning commission must apply the adopted criteria for approval contained in the Comprehensive Plan and Zoning Code. If the applicant demonstrates compliance with these criteria, the application must be approved even if the planning commission disagrees with the criteria, or believes that additional unadopted criteria should be applied. Conversely, if the applicant fails to demonstrate compliance with the applicable criteria, the planning commission must deny the application even if the planning commission believes that the applicable criteria are unreasonable.

1. Which Criteria? ORS 227.173 requires that an application be judged by the criteria in effect at the time the application is filed. In other words, the planning commission cannot delay a decision on an application in order to rush through a legislative amendment to the criteria and then retroactively apply the new criteria to the pending application.
2. Interpretation of Criteria: Many Codes contain vague or contradictory criteria which require the hearing body to interpret the provisions. Basic rules:
- a. Language is King: The best evidence of the proper interpretation of a provision or standard is the words used. If the wording is clear and unambiguous, it must be followed, regardless of legislative intent. A hearing body may not "insert what has been omitted or omit what has been inserted." See ORS 174.010.
  - b. The specific controls over the general: If two provisions conflict, the more specific provision controls. For example, if a property is located in a zone which allows certain uses, but is subject to an overlay zone that restricts several of those uses, the overlay zone restrictions will control.
  - c. Construe potentially conflicting provisions to avoid the conflict, if possible: As a corollary to the above rule, if potentially conflicting provisions can be construed so that they do not conflict, such construction should be made. If the conflict cannot be avoided, then the provisions may be balanced.
  - d. Legislative intent: If a provision is truly ambiguous, a planning commission can consider evidence of the intent of the legislative body (generally the City Council or Board of Commissioners in a local government setting). Evidence of that intent can include minutes of the meeting where the provision was discussed prior to adoption or staff reports submitted explaining the proposed amendment.
  - e. Construction of codes *in pari materia*: Legislative intent can also be ascertained by considering the context of the provision in the rest of the Code. For example the definition or use of a term in another part of the code is evidence of its appropriate construction in the part of

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the code under consideration. Similarly, if a use or criterion is specifically enumerated in one zone, its absence can from another section can be considered intentional. Both of these rules result from the legal fiction that the legislative body is aware of the entire code when legislating and intends the Code to be internally consistent.

- f. Past Planning Commission Decisions as Precedent: Unless a particular provision has been previously construed by LUBA or the Courts, as a matter of law the planning commission is not bound by an interpretation of a provision made in a prior case. As a matter of policy, however, consistent application of the same rules is desirable. Be mindful of the need to be consistent, but do not let consistency blind you to arguments that a clearly erroneous past interpretation should be corrected.
- g. Past Governing Body Interpretation as Precedent: The governing body is essentially the "supreme court" of the local government. Although the governing body is also not bound by its past interpretations of a provision, the planning commission should follow those interpretations and let the disagreeing party argue to the governing body that it should change its mind.

- 3. LUBA Review of Local Interpretations: Last year the Oregon Supreme Court issued an opinion which gives local government considerable latitude in interpreting its own ordinances and regulations. In Clark v. Jackson County, 313 OR 508 (1992), the court stated that LUBA is required to defer to a local government's interpretation of its code, so long as the interpretation is not "clearly contrary to the enacted language," or "inconsistent with express language of the ordinance or its apparent purpose or policy." The question is not whether a City's interpretation is "right," but whether it is clearly wrong. Goose Hollow Foothills League v. City of Portland, 117 Or App 211 (1992).

C. The Evidence Presented During the Proceedings on the Application:

The decision whether or not an application complies with the applicable criteria has to be based on the evidence and testimony in the record. Even if a planning commissioner is aware of some outside information that might be relevant to the decision, you may

not consider that information unless it was presented by staff or one of the parties during proceedings on the application.

1. Burden of Proof: The applicant has the burden of proof to demonstrate compliance with the applicable criteria. The "burden of proof" is the obligation to establish compliance by evidence to a particular degree. The typical evidentiary burdens are "beyond a reasonable doubt", "clear and convincing," and proof by a "preponderance of the evidence." The latter is the burden in most codes. In other words, if the planning commission believes that the evidence is 50-50 with regard to compliance with a particular criterion, then you must deny the application because the applicant has failed to carry the burden of proving his or her case to the planning commission.
  
2. Substantial Evidence: A decision to approve or deny must be based on "substantial evidence in the whole record." If a local decision is supported by substantial evidence, LUBA will not overturn the ruling even if it might reach a different conclusion on the same evidence. "Substantial" evidence is evidence a reasonable person would rely on in reaching a decision. City of Portland v. Bureau of Labor and Ind., 298 Or 104, 119, 690 P2d 475 (1984); Bav v. State Board of Education, 233 Or 601, 605, 378 P2d 558 (1963); Van Gordon v. Oregon State Board of Dental Examiners, 63 Or App 561, 567, 666 P2d 276 (1983); Braidwood v. City of Portland, 24 Or App 477, 480, 546 P2d 777 (1976). Where LUBA concludes a reasonable person could reach the decision made by the local government, in view of all the evidence in the record, it will defer to the local government's choice between conflicting evidence. Younger v. City of Portland, 305 Or 346, 360, 752 P2d 262 (1988); Wissusik v. Yamhill County, 20 Or LUBA 246, 260 (1990); Vestibular Disorder Consult. v. City of Portland, 19 Or LUBA 94, 103 (1990); Douglas v. Multnomah County, 18 Or LUBA 607, 617 (1990). "In order to determine whether evidence is "substantial" it must be considered in the context of conflicting evidence in the record. The planning commission, however, is empowered to make the choice between different reasonable conclusions to be drawn from the evidence in the whole record.

D. Procedural Requirements:

The quasi-judicial decision making process is controlled by both state law and local code and differs widely from city to city. The general rule is, however, that parties to a quasi-judicial decision are entitled

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to be treated as if they were parties to a court action: They are entitled to present and rebut evidence and testimony and to be judged by an impartial decision maker. Under state law, parties are also entitled to a written decision.

1. The Right to Present and Rebut Evidence: The standard practice in most cities is for the applicant to begin the public testimony, followed by testimony in support of the application. Testimony in opposition is then taken, enabling the opponents to respond to the evidence in support and to present additional evidence. The applicant is then given the opportunity for rebuttal, which is limited to responding to the evidence and testimony in opposition.

This may seem complicated, but you will rarely go wrong if you remember the basic rule: All persons must be given an equal opportunity to present and respond to evidence. This is why rebuttal is limited to response to testimony in opposition; if new evidence is introduced in rebuttal, opponents do not have the opportunity to respond.

2. Role of the Planning Commission: Most city codes provide for at least one hearing before a lower body (generally the planning commission or a hearings officer) before the application may be appealed to the council. Depending on the city, an appeal to the council may be heard:
  - (a) De Novo: A "de novo" hearing means that the parties may submit new evidence and testimony before the council.
  - (b) On the Record: An "on the record" hearing means that the council's review on appeal is limited to argument based upon the issues raised and the evidence presented at the lower hearing. No new issues or evidence may be presented at the council hearing. The purpose of limiting evidence and testimony is to encourage issues to be fully presented and resolved at the lower level.
3. Impartial Tribunal: The requirement for the planning commission to be impartial is one of the most important distinctions between legislative and quasi-judicial decisions. A legislative decision is essentially a political decision and people are entitled and should be encouraged to call, send letters or otherwise attempt to influence a planning commissioner's

decision. Further, a planning commissioner is expected and entitled to exercise his or her political judgment in making such decisions. In contrast, a quasi-judicial decision is a legal judgment on a specific case. The parties to such a case are entitled to a fair, equal and unbiased consideration and decision.

(a) Ex Parte Contact: An "ex parte" contact is contact with a planning commissioner regarding a land use application outside of the public hearing process. Ex parte contacts are discouraged because they can result in undue influence and because all parties do not have the opportunity to hear and respond to such comments. As a general rule, planning commissioners should refuse to discuss pending land use applications with any person outside of the public hearing/appeal process. If a planning commissioner has an ex parte contact (and sometimes they cannot be avoided), then the planning commissioner must disclose and describe the content of that contact prior to opening the public hearing so that all parties may respond. Failure to disclose an ex parte contact taints the fairness of the hearing and can result in reversal or remand of the planning commission's decision.

- Communication with city staff regarding an application outside the hearing process is not an ex parte contact.
- Personally visiting the site of a land use application is an ex parte contact which you must declare before opening the hearing.

(b) Bias: A planning commissioner should not participate in a decision if he or she has an actual bias regarding the application. "Actual bias" means prejudice or prejudgment of the facts to such a degree that a planning commissioner is incapable of rendering an objective decision on the merits of the case. This does not mean that you must step down if you have any knowledge of the facts or parties or some leaning in one direction or the other; case law recognizes that an elected body is different from a judge. A planning commissioner should only step down if you truly believe that you cannot make a fair decision on the merits.

- The Court of Appeals explained as follows: "The goal of the Fasano procedures is that land-use decisions should be made fairly. The abstention in this case did not prevent partiality; instead, it prevented the decision itself. Fasano cannot be applied so literally that the decision-making system is aborted because an official charged with the public duty of adjudication fears that his motivation might possibly be suspect. The court stated in Fasano, that '(p)arties at the hearing before the county governing body are entitled \* \* \* to a tribunal which is impartial,' \* \* \* but the commissioners' refusal to vote here effectively denied the petitioners their entitlement to any tribunal at all; if there is no tribunal, partiality and impartiality become irrelevant." Eastgate, 37 Or at 754. The Oregon Supreme Court has made it clear that a quasi-judicial decision maker is not required to abstain merely to avoid an appearance of impropriety. Rather, actual bias or self interest is required. 1000 Friends of Oregon v. Wasco Co. Court, 304 Or at 84.

(c) Conflict of Interest: Prior to participating in any decision, a planning commissioner must declare any potential conflict of interest. A planning commissioner must not participate if he or she has an actual conflict of interest. A planning commissioner has a potential conflict of interest if the land use decision could result in a personal financial gain or loss to the planning commissioner, any member of the planning commissioner's household, or any business with which the planning commissioner or household member is associated. A potential conflict does not include financial impacts arising out of membership in an occupation or class which is a prerequisite to holding office, or an action which would affect to the same degree a class such as an industry, occupation or other group to which the planning commissioner belongs.

- Cardinal Rule: When in doubt, declare a potential conflict.

4. ORS 197.763 (the "Raise it or Waive it" law): Since 1989, the State Legislature has regulated local quasi-judicial land use hearing procedures pursuant to ORS 197.763. This statute is referred to as the

"raise it or waive it" law because it provides that LUBA may not consider an issue on appeal unless a party raised it at the local level with "sufficient specificity to enable the local government to respond." In return for such issue preclusion, the legislature adopted a number of procedural requirements designed to ensure that parties have an adequate opportunity to raise issues at the local level. ORS 197.763 issues that are likely to come up at a planning commission hearing include:

a. Notice: ORS 197.763(3) requires that written notice be sent twenty days in advance of the hearing. The notice must explain the nature of the application, list the applicable criteria, and describe the procedures to be used at the hearing. A violation of the notice requirements can result in a remand if it prejudices a "substantial right."

b. LUBA Warning: At the beginning of each quasi-judicial hearing, the chair must state that evidence and testimony must be directed to the applicable criteria or criteria that the person believes should be applied, and must raise issues with sufficient specificity to respond.

c. Continuance: ORS 197.763(4) requires the applicant to submit all documents or evidence relied on to support the application at the time notice of the hearing is provided. The applicant may submit new evidence and testimony at the hearing, but if so, any other party has the right to request a continuance to address the new evidence. Such a continuance must be granted.

- What constitutes new "documents or evidence"? Given the breadth of this phrase, practically any oral or written testimony would appear to count. I always recommend granting a continuance if requested, unless the person requesting the continuance fails to identify any new document or evidence at all. Aside from preventing a remand on a procedural error, granting the continuance avoids the problems inherent in leaving the record open. The continued hearing should be run exactly like the primary hearing to allow all parties to present and rebut testimony.

d. Open Record: Unless a continuance has been granted, ORS 197.763(6) requires the planning commission to leave the record open for at least seven days at the request of any party.

- Issue: How does this affect the right to present and rebut evidence? The City of Lake Oswego frequently experiences what I refer to as the "five minutes to five" syndrome. In other words, all the new evidence comes in at five minutes to five on the last day of the open record. Such testimony usually presents new evidence, raises new issues or makes new arguments, to which other persons are not given the right to rebut. To avoid this problem, I always recommend providing for rebuttal at the time the planning commission reconvenes to deliberate on the new evidence.

5. Written Decision: The planning commission's final decision must be expressed in writing. This decision, typically referred to as the "Findings of Fact, Conclusions of Law and Order" must set forth the relevant criteria, state the evidence on which the planning commission relies, and explain the justification for the decision based on the criteria and the facts. Typically, a planning commission will make a preliminary oral decision at the conclusion of the public hearing, which is followed up by adoption of the written decision at a later meeting. It is important to remember that the decision does not become final until the written order is adopted; during the interim between preliminary decision and adoption of the final order you should continue to avoid ex parte contacts.

D. 120 Day Rule:

ORS 227.178 requires cities to make decisions on land use applications, including resolution of all local appeals, within 120 days of the filing of a complete application. If the city fails to do so, then the applicant can file a "writ of mandamus" in circuit court to force the city to approve the application. If the applicant prevails on the writ, the court can make the city pay the applicant's attorney fees.

E. Local Codes:

Always consult your local codes. While a local code cannot include provisions which conflict with state law, it can include additional provisions or procedures, any of which can give rise to a "substantial" right.

#### IV. PUBLIC MEETINGS (ORS 192.610 TO 192.690)

##### A. General Rules.

1. All meetings of a governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as provided by ORS 192.610 to 192.690. ORS 192.630(1).
2. No quorum of a governing body shall meet in private for the purpose of deciding on or deliberating towards a decision on any matter except as otherwise provided by ORS 192.601 to 192.690. ORS 192.630(2).
  - ORS 192.620 establishes a presumption in favor of open meetings. The Courts construe the public meetings laws broadly in favor of the requirement for public meetings.

##### B. Applicability.

The law is applicable to any "governing body" of a "public body." Do not be lulled by these terms into thinking that it applies only to the City Council or the Board of Commissioners:

- ORS 192.610(3) defines "**governing body**" as "the members of any public body which consists of two or members, with the authority to make decisions for or recommendations to a public body on policy or administration." (Emphasis added)
- ORS 192.610(4) further defines "**public body**" as "the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee, or subcommittee or advisory group or any other agency thereof." (Emphasis added)

In short, a "governing body" is any board, commission, committee or group of two or more members which has been given authority by a public body to make decisions or recommendations to the public body.

- Does this include the Planning Commission? Yes.
- Does this include any Subcommittee of the Planning Commission? Yes.
- Does this include any Ad hoc Committee appointed by the

Planning Commission. Yes.

- Does this include a neighborhood organization? Perhaps. The answer to this questions depends on two factors: (1) How the Neighborhood Organization is organized; and (2) whether the public body has delegated any official decision making or recommending authority to the neighborhood organization.

Neighborhood organizations which are created as a requirement of an adopted city or county citizen involvement process and which must be recognized by a city or county are clearly "committees" of a public body and thus subject to the Public Meeting Law. Neighborhood organizations which have been formed independent of any local government mandate or program are not necessarily "committees" of a public body.

An independent Neighborhood organization would, however, become an "advisory group" subject to the law if the municipal ordinance delegates any type of decision making authority to such a body. For example, a municipal code which requires applications to be referred to any neighborhood organization for review and recommendation would transform a private neighborhood organization into an "advisory group", at least to the extent of its delegated responsibilities. In contrast, a municipal land use regulation that merely provides that neighborhood organizations are to receive notice and the opportunity to participate similar to individuals and other citizen groups probably would not transform a private neighborhood organization into a "public body."

C. Definition of "Meeting".

A "**meeting**" is any quorum of a governing body which makes a decision or deliberates towards a decision on any matter. This term is broadly construed and could include a social gathering at which a quorum is present and official business is discussed.

- Does this definition include meetings or a "body" that does not have a distinct membership? Yes, as long as a quorum of the members present has authority to act. See ORS 174.130.

A "**meeting**" specifically does not include any on site inspection of any project or program, or the attendance of the members of governing body at any national, regional or state association to which the public body or the members belong.

A **"decision"** means any determination on which a vote of the governing body is required, at any meeting at which a quorum is present. ORS 192.610(1). Remember, the law covers meetings at which decisions are made and meetings where the body is deliberating toward a decision. This has been construed to include virtually any discussion of any public business by a quorum.

D. Meeting Requirements.

- **Location:** Meetings must be held within the geographic boundaries over which the governing body has jurisdiction, at the administrative headquarters of a public body, "or at the other nearest practical location." ORS 192.630(4). The only exceptions are training sessions at which no deliberations are held, joint meetings with other governing bodies, and emergency meetings. Meetings cannot be held at any place which discriminates on the basis of race, creed, sex, age or national origin. ORS 192.603(3).
- **Conference Calls:** Public meetings can be held by conference call. ORS 192.670. Unless the meeting is an executive session, however, the public body must make at least one place available for the public to listen to the conversation.
- **Smoking Prohibited:** Smoking is prohibited in a room "rented, leased or owned" by a public body where a public meeting is being held or will continue after a recess.
- **Right to Request Interpreter:** An interpreter must be provided if one is requested by a hearing impaired person at least 48 hours in advance of the public meetings. ORS 192.630(5).
- **No Public Right to Participate:** Under the public meetings law, the right to attend does *not* include the right to participate. Unless a public hearing is required by ordinance or statute or unless otherwise permitted by the public body, the public may not participate in discussion at a public meeting.

**Types of Meetings:** The Public Meetings Law provides for regular meetings, special meetings, emergency meetings and executive sessions.

- **Notice:** The governing body must provide for notice of public meetings which is "reasonably calculated to give actual notice to interested persons including interested news media which have requested notice." The notice must include "a list of the

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principal subjects anticipated to be considered at the public meetings," but does not prevent the governing body from considering additional subjects. ORS 192.640(1). The easiest method to comply is to adopt regular meeting dates and send out agendas to the media and all those persons who have requested notice. Agendas are not required for executive sessions, but the precise statutory authorization for holding the session must be cited. Special meetings may be held upon 24 hours notice to the press, the governing body, and the general public. Emergency meetings may be held "upon such notice as is appropriate to the circumstances," but the minutes must describe the emergency.

- **Minutes:** Written minutes must be taken of all public meetings. ORS 192.650. Minutes do not have to be a verbatim transcript, but must include the following information:
- A list of the members of the governing body present.
- The nature and disposition of all motions, proposals, resolutions, orders, ordinances and measures proposed.
- The results of all votes by name.
- The substance of any discussion.
- A reference to any public document discussed.

E. Consequence of Violation.

- **Decision Voidable.** A decision made in violation of the Public Meeting Law is voidable. ORS 192.680.
- **Curing the Violation.** A decision made in violation of the Public Meetings Law can be reinstated by making the decision a second time in compliance with the law. A reinstated decision is effective from the date of the original decision. ORS 192.680(1).
- **Willful Misconduct or Intentional Disregard:** A decision cannot be reinstated if the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the governing body. ORS 192.680(3). If a Court finds willful misconduct, the members of the governing body are *personally liable* for attorney fees. ORS 192.680(4).IV.

## V. "TAKINGS"

The "Takings" Clauses: The Fifth Amendment to the United States Constitution and Article I, Section 18, of the Oregon Constitution similarly prohibit the government from "taking" private property for public use without just compensation. Traditionally, a government can take private property for public use via exercise of its power of "eminent domain," more typically referred to as condemnation. The government files an action in court which states that a property is needed for public use and a trial is held to determine the appropriate compensation. Since the Supreme Court's decision in Pennsylvania Coal v. Mahan in the 1920's, it has been recognized that government regulation can effectively "take" private property for a public use if it goes "too far" in restricting the use of that property. Just *how far* is "too far" has been the subject of many lawsuits and law review articles since. Although the typical planning commission does not have the authority to set aside a local regulation because they think it might be a taking, the issue is frequently raised and can be very controversial. The takings issue comes up in the Planning Commission context in two areas: Imposition or application of regulations which place greater restrictions or limitations on the use of a property, and exactions.

### A. Takings by Regulation.

As the Supreme Court's recent decision in Lucas v. South Carolina demonstrates, the standard for a regulatory taking is very high: The regulation must effect a "physical invasion" of the property or remove all reasonable economic use of a property. There are two general types of regulatory takings.

1. Facial Regulatory Takings: A "facial" regulatory taking is a taking which is clear from the face of the regulation. In other words, a physical invasion or deprivation of all economic use will occur every time the regulation is applied. These are rare.
2. Takings as Applied: Much more typically, an applicant will argue that a regulation that does not necessarily effect a taking on its face will "take" his or her property as applied in the particular case. For example, a 100 foot wetland setback does not on its face prohibit all economic use of a property, but it could if no portion of a particular property is more than 100 feet from the wetland boundary. There are two problems with the typical "taking as applied" argument.
  - a. Does the regulation actually remove *all* economic use? A number of applicants will allege a regulatory taking in cases where a regulation limits but does not prohibit

economic use. For example: Regulations rezoning land from rural residential to exclusive farm use, putting a wetland overlay zone on part of a property, or limiting the density or uses to which a property can be put. Such instances will almost never be takings, even where the reduction in economic value is significant, because the uses remaining have reasonable economic value.

- b. Has the applicant exhausted all local remedies? A court will not rule on the merits of a takings claim unless the plaintiff has applied for and not been granted all available local remedies. Such remedies include seeking a variance, change in the regulation, or rezone of the property. It also includes seeking a remedy under state law before proceeding under federal law.

#### B. Exactions.

An exaction is a taking of property as a condition of approval of a land use permit. Examples include requirements for dedication of road right-of-way, stream corridor easements, parks etc. A government may require an exaction as a condition of approval as long as the reason for the exaction advances a legitimate governmental purpose, the exaction furthers that purpose, and there is a "nexus" between the impacts caused by the development and the requirement for the exaction. It is the final test that is most problematic.

#### C. U.S. Supreme Court Cases.

1. Penn Central v. City of New York: City historic preservation regulation which prohibited destruction of historic train station to construct much more valuable office building not a taking.
2. Agins v. Tiburon: Significant reduction in allowable density not a taking.
3. First English Evangelical Church v. Los Angeles: Regulation which prevented reconstruction of camp on property for a period of time is a "temporary taking."
4. Nolan v. California Coastal Commission. Exaction of access easement along beach frontage as a condition of a building permit for a larger house unrelated (no nexus) to impacts caused by new house.

- 5. Lucas v. South Carolina. Beachfront regulation which prohibited construction on residential property surrounded by developed properties a taking. No "public nuisance" exception, but there could be no taking if there is no property right to take.

D. Oregon Cases (Both on Appeal to Supreme Court).

- 1. Dolan v. City of Tigard: Exactions of easements for bikepath and stream corridor protection not found to be a taking because the requirements are reasonably related to the impacts of enlarging use on site. See Department of Transportation v. Lundberg.
- 2. Stevens v. Cannon Beach: Restriction of all construction on dry sand area of beach not a taking because of public right of beach access. Beach Bill; State ex rel Thornton v. Hay. There is thus no "property" to "take."

WP51\PlanComm.693

TRAFFIC SAFETY COMMISSION  
City Council Chambers  
May 10, 1993

I CALL TO ORDER

Chair Baker called the meeting to order at 7:35 pm.

Present were:

Dick Baker, Chair  
Joe Precourt  
Greg Gibson

Michelle Harris  
Larry Cowling

ABSENT:

David Cookson  
Bruce Bergman, Vice-Chair

STAFF PRESENT:

Officer Donald Dodd (8:05)  
Paul Roeger, Office. Engr.  
Connie Leasure, Staff Ass't

II APPROVAL OF MINUTES

Due to the lack of a quorum in April, both the March and April minutes were due for approval. Gibson MOVED and Cowling SECONDED that the March minutes be approved as submitted. Motion passed unanimously. Precourt then MOVED and Harris SECONDED that the April minutes be approved. This motion also passed unanimously.

III AUDIENCE PARTICIPATION

Tom Alford, 2708 SE Monroe, requested information about the implementation of the Monroe Street Traffic Study; specifically, why the second set of traffic counts were gathered from 11am to 7pm, rather than the 7am to 7pm period that the first set of counts were taken. Alford stated that he had made contact with the person making the counts on Monday, May 3rd, and that person had stated that he was given instructions to make the counts from 11 to 7.

Roeger replied that it was not general practice to do traffic counts on Monday, and it was his understanding that both sets of counts were supposed to occur from 7 to 7 in order to accurately compare the data gathered during each count. He noted that the temporary closure of Monroe street to trucks had ended as of this date (May 10th), and he had not heard from the traffic engineer yet as to the results obtained.

② Alford then asked why there had been no apparent police enforcement of the temporary NO TRUCKS as promised at the April TSC meeting; he noted that he had witnessed many trucks violating the ban, one at least several times, and yet no police vehicles or personnel were ever seen issuing citations for the violations. Officer Dodd had not yet arrived at the meeting, so no report from the Police Department was available.

Alford reported that he was puzzled about an apparent increase in trucks which had been seen going up & down Monroe Street as if searching for an address; one of these trucks was later spotted unloading lumber at Milwaukie Lumber, and he wondered if the truck had initially been given a Monroe Street delivery address, rather than the correct 21st Avenue address. Roeger replied that he had telephoned Milwaukie Lumber and explained the purpose of the temporary NO TRUCKS, requesting Milwaukie Lumber's cooperation in helping keep their delivery and supply trucks off Monroe.

Baker asked Alford if there had been any reduction in truck traffic on Monroe due to the NO TRUCKS. Alford affirmed that despite the traffic he had described, truck volumes had been reduced approximately 3/4 during the ban. However, empty log trucks were still using Monroe as an exit from the log boom, generally from 7 am to noon, which was why he had questioned the 11 to 7 traffic count times. Roeger reiterated that the human traffic counters were engaged specifically so the truck names and types could be noted, and the report should give quite a bit of data of this type as well as the overall effect of the temporary truck ban.

#### IV OLD BUSINESS

##### A. Police Report

Officer Dodd reported that the addition of the new dedicated traffic safety officer had increased the number of citations issued by more than 100 over the usual amount, a total of 414 for the month of April. Included were 60 citations for no insurance, and 159 for various speed violations. Baker asked Dodd if the department was currently enforcing the lower tolerance limit; yes, Dodd replied, 11 mph over the posted limit is the current tolerance. Dodd noted, however, that enforcement is always at the officer's discretion, and surrounding jurisdictions are generally enforcing a 15 mph tolerance level.

Dodd said that two to three new officers are expected to be added to the force by the end of this summer; one will be dedicated to the 7pm to 3am shift, making traffic enforcement a dedicated activity for the two most active shifts. Baker asked about the accident rate; Dodd reported there had been four reported for the month, including one at 224 & Oak which had resulted in four injuries.

Roeger asked Dodd if any officers had written citations to trucks violating the NO TRUCKS ban on Monroe. Dodd did not know. There was further discussion about revenues generated by citations, as well as how citations are handled by the department according to the type of violation; Dodd noted that criminal violations such as DUII are booked into District Court in Clackamas County rather through the Municipal Court in Milwaukie, and that makes the revenue questions difficult to answer.

B. Project Status

1. McLoughlin Boulevard

Roeger reported that he had received a letter from the State explaining how the traffic signal at Jackson will be removed, and discussing the restriping of Harrison. A meeting was set for May 12th, which Roeger planned to attend. Baker asked if the project is behind due to the inclement weather; Roeger was unaware of how this had affected progress.

2. Sunrise Corridor - nothing new.

C. SAAD Report

Harris said that prom night is approaching, and the SAAD group had arranged for "Don't Drink & Drive" messages to be printed on the prom tickets. The traditional alcohol-free all-night graduation party is next, and the SAAD group will provide non-alcohol drinks for the fete. Precourt commented that the all-nighter is a very popular event for the graduates, and in order to ensure that it remains a sober event the location is known only to 2 or 3 people, and the students are bused to the location.

D. Traffic Control Device Request Updates

1. Lake Road 40 MPH sign changes - Roeger reported that the 40 mph sign had been posted by the County on the east end of Lake Road; he noted that he had received a call from a citizen irate that the speed had not been dropped lower, and that he had explained that the State sets the speed, not the City. Roeger feels that with the restriping, NO PASSING IN BIKE LANE signs installed, and the new lower tolerance levels established by the Police, speeds on Lake Road have dropped and are likely to stay at a better level. Baker agreed, saying that speed is the greatest accident factor.

④

2. Monroe Street Traffic Network Analysis - Roeger noted that traffic counters had been stationed on Monroe, Harrison, Washington, and 34th Avenue during the analysis, but he had not spoken with the consultant as to the results. Roeger noted that Bill Hupp (2626 SE Washington) had called to complain about log trucks using Washington, wondering why they aren't using Hwy. 224 to 17th? Roeger explained that the old bridge has a weight limit which prohibits them using that route; the new bridge will not have such a restriction, and trucks will be encouraged to use that route as soon as it is open.

Tom Alford asked if the State could sign Hwy. 224 as open to McLoughlin, perhaps placing the sign at Oak Street to circumvent the trucks trying to cut through town on Washington or Monroe. Roeger replied that it might be possible. and perhaps the City could copy off flyers with the information for distribution by Caffal Brothers to their drivers; Roeger will be meeting with the State on May 12th, and can talk with them at that time regarding signs. Baker noted that most cities have established TRUCK ROUTES, which Milwaukie does not; having Hwy. 224 run right through the middle of town creates a problem with no easy remedy.

3. 34th Avenue Task Force - Roeger said that nothing new has occurred other than the work done on the Monroe Traffic analysis. Baker asked if the citizens are still pushing for speed bumps, etc. Roeger replied that he had not met with the group since the last TSC, but expects that they are waiting for the information gathered by Lancaster before proceeding.

4 & 5 NO PARKING north side of Eagle Street and NO PARKING at 19th & Sparrow - Roeger passed out copies of the traffic regulations issued for these two requests, signed by the City Manager on the engineer's recommendation following discussion at the April TSC.

## V NEW BUSINESS

### 1. Observed Traffic Hazards

A. Baker noted that the parking spaces along McLoughlin near the boat ramp which are reserved for truck/boat trailer combinations has been used for parking by other vehicles during fishing season; Baker had already called this in to the Police.

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B. Gibson noted that he had witnessed an accident at 43rd & King Road, and wanted to know what could be done about the problems at that intersection. Roeger explained the City/County plans to change the traffic flow on King Road and how that would affect the intersection.

V ADJOURN

With no further business, the meeting was adjourned at 8:25pm.



# CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT  
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD

TELEPHONE. 652-4410

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager

FROM: R. Tim Corbett, Public Works Director *RTC*

RE: Upcoming Regional Meetings

DATE: September 10, 1993

## ACTION REQUESTED

Information only.

## DISCUSSION

Several meetings are scheduled which relate to regional coordination on Public Works issues during the month of September. Official meeting notices and agendas may not be available until a week prior to these meetings. This may not allow staff to provide Council with adequate notification. The tentative meeting subject matter, times and locations are as follows:

### **KOLTT REGIONAL SEWERAGE FACILITY STUDY MEETING**

Continuing discussion of the "Existing Conditions" report.

3:00 pm - Monday, September 27, 1993

Clackamas Department of Transportation  
Conference Room A (tentative location)  
902 Abernathy Road  
Oregon City

### **CLACKAMAS BASIN WATER AUTHORITY SUBCOMMITTEE**

The subcommittee was formed to discuss the issues of annexation and representation as it relates to the proposed formation of a water authority.

6:30 pm - Wednesday, September 22, 1993

Clackamas Water District  
9100 SE Mangan Drive  
Clackamas, Oregon

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Regional Meetings  
page 2 of 2  
September 10, 1993

**CLACKAMAS WATER AUTHORITY COMMITTEE**

Discussion will focus on the scope of work included in the recently awarded contract to conduct an economic and operational analysis of the proposed water authority.

7:30 pm - Thursday, September 30, 1993

Gladstone City Hall  
525 Portland Avenue  
Gladstone, Oregon

If you are interested in attending any of these meetings, I would recommend calling me at 652-4410 to confirm meeting times and locations one week prior to the meeting times listed above.

RTC/rtc