

CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 4, 1994

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

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

Also present:

Dan Bartlett, City Manager	Maggie Collins, Community Development Director
Charlene Richards, Assistant to the City Manager	Dave Krogh, Associate Planner
Bill Monahan, City Attorney	Pat DuVal, Recorder/Secretary

PUBLIC HEARING

Variance Appeal for File No. VR-93-04 - Knepper

Mayor Lomnicki called the public hearing on the variance appeal to order at 7:04 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider an appeal to allow variance setbacks for a garage, built in 1983 without permits, to avoid the necessity of removing, moving or modifying the existing garage. He reviewed the order of business.

Conflicts of Interest or Ex Parte Contacts: Councilmember Kappa said he drove by the site to view the house and garage, but he did not speak with anyone.

Councilmember Farley said he knew the selling agent and prospective buyers, but he did not believe this would influence his decision.

Bill Monahan, City Attorney, said anyone participating in the meeting would have to address their comments to the criteria. Those testifying who felt there were other applicable criteria would have to address these criteria with specificity in order for Council to consider.

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Mayor Lomnicki said the procedures governing the legislative action were outlined in the staff report. The applicable substantive criteria to be addressed were stated in Section 702 of the City Zoning Ordinance. 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. He reviewed the conduct of the hearing.

Staff Report: Dave Krogh, Associate Planner, presented the staff report in which the City Council was requested to consider the appeal of a Planning Commission decision. The Applicants, the Kneppers, were appealing the conditions of an administrative approval of setback variances for a garage constructed in 1983.

Krogh said in the process of selling the property located at 11948 SE 28th, it was discovered that the garage was constructed in 1983 without permits. The garage, designed for RV storage, also did not meet R-7 setback requirements that were in effect at the time of construction. The City Building Inspector indicated that standards had not changed since the garage was constructed. The R-7 zone had been effective in this area since the Zoning Ordinance was adopted in 1979.

Krogh said the Kneppers applied for a 25% administrative variance for the rear setback prior to the sale of the property. The application stated that a portion of the garage was pre-existing. Staff processed the application and notified neighbors of the intent to approve the 25% administrative variance. A concerned neighbor, Mrs. Powers, sent a letter to staff indicating that the entire structure was new. Records and the structure itself were checked. It was determined that the pre-existing garage had been demolished except for the original concrete slab which had been expanded for the new structure. These findings changed the criteria being considered by staff.

Krogh showed a series of slides of the Knepper residence and the surrounding properties. These slides showed an area in which homes were built on smaller than R-7 lots. One slide showed that the structure was six inches from the property line. The house and garage were less than six feet apart.

Councilmember Farley asked for a definition of an R-7 lots. Krogh said an R-7 lot is 7,000 square feet with twenty-foot front and rear setback and five-foot side setbacks.

Krogh said the current structure did not meet zoning, building, or fire code requirements. Powers said she had complained about the garage in 1985; however, there was no record of this or any other complaint or concern. The prospective buyers were willing to bring the structure up to building and fire code standards at the administrative

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level. The maximum administrative variance was granted by Community Development Director Collins. Moving or demolishing the garage would be required within the 25% variance.

The Applicant appealed the 25% variance to the Planning Commission. The Planning Commission concluded that although the garage had been built in 1983, the variance criteria were not met by the Applicants' proposal to modify the administrative variance. The Commission felt that none of the variance criteria were met. The appeal of the administrative variance and the additional 90% variance on the north side of the structure and the 50% variance for the house and garage separation was denied. This action did not invalidate the administrative approval of the 25% variance.

Councilmember Farley asked if anyone knew the position of the original garage. **Krogh** said the location of the original structure, which was a single car garage, could only be determined by looking at the concrete slab. The existing side setback was about the same.

Krogh said there were two letters from the Kneppers, who were unable to attend the public hearing, included in the packet material.

Councilmember Kappa asked if a structure of this type was common to the neighborhood prior to 1979. He asked if there was a clear building permit process in 1983. **Krogh** said compared to other garages in the neighborhood, the Knepper's was much larger. He indicated that there was a permit process in effect in 1983.

Councilmember Farley asked if lowering the roof would have any effect on the issue. **Krogh** said lowering the roof would alleviate Powers' concerns with solar access. The proposed firewall would provide some level of safety. Staff also recommended to the Planning Commission that residential siding be installed on all sides of the structure.

Mayor Lomnicki asked if the firewall would be concrete. **Krogh** said it would be constructed of fireproof drywall.

Councilmember Kappa asked how many criteria were being considered. **Krogh** said the findings included a preliminary statement and four criteria.

Mayor Lomnicki asked if there was a statute of limitations. **Krogh** said the Building Inspector was not aware of any.

Correspondence: None.

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Testimony in Support: **Louis Casale**, Milwaukie Realty, 2916 SE Monroe, said he listed the Knepper property in April, 1993. At that time, he asked the Kneppers if there had been a permit to construct the garage. The Kneppers said the contractor had told them that he would take care of the permit. **Casales** said the City had no record of a permit being issued, and he was unable to locate the contractor. There was an earnest money agreement with the prospective buyers, the Langleys, subject to obtaining the variance.

Casale said he received a letter from Community Development Director Collins indicating an intent to approve the administrative variance. Through the months of August and September, he met with City staff regarding the setbacks. It had been determined that the current structure was not an add-on. He said Powers had made comments about the Kneppers at the first Planning Commission meeting that were not accurate. He said the Kneppers believed that the contractor had obtained a building permit and that the original structure was being expanded. They had put their faith in a contractor, and the contractor had built it without a permit. The Planning Commission denied the appeal on November 23, 1993. He said the letter from Mrs. Knepper stipulated that there had been no complaints about the garage until the house was put up for sale.

Casales urged Council to remember that the Kneppers are seniors. The garage has been there for ten years, and there had been no concerns until Powers' recent complaint. The Kneppers were willing to construct a firewall. He explained that the Kneppers were in Colorado and could not attend the hearing.

Councilmember Kappa asked if this type of issue came up often when houses were being sold. **Casales** said many people, especially seniors, were not aware of legislation and had put their faith in the contractor.

Councilmember Knudson asked how far one would have to go back to grandfather something like this. **Krogh** said the rules in effect at the time of construction are usually the determining factor. The current R-7 zone standards are very similar to those in effect in 1979.

Mayor Lomnicki said if this were an old structure, it could be grandfathered. When the property owner tore down the old garage, the newer codes became effective.

Councilmember Schreiber asked if it was possible that the contractor believed he was working with an old structure. **Krogh** said the Zoning Ordinance looks at structures in light of setbacks, and a slab is not considered a structure.

Casales said the property was developed in 1930.

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Councilmember Farley asked the size of the slab. **Casales** said it was about the size of a single car garage. **Krogh** added that it looked like it had been widened about two feet.

Wyatt Langley, purchaser, said the rear setback variance had been granted. What is at issue is the north side setback and the separation between the house and the garage. He discussed the staff memo which indicated that they could not determine a more feasible alternative than to grant the appeal. He said there was also a letter from the Fire Marshal's Office which stated that he had looked at the structure and that construction of a firewall would meet his recommendations.

Testimony in Opposition: None.

Applicants' Rebuttal: None.

Staff Comments: **Krogh** said the issue was the Applicants' appeal to be able to go beyond the 25% administrative approval.

Questions of Clarification: **Councilmember Farley** asked if a precedent would be set if the variance was allowed. **City Attorney Monahan** said each application needs to be considered independently based on approval criteria. Findings could be translated to apply to another situation and could be used as part of an argument both to the Planning Commission and Council.

Krogh said the Planning Commission made it clear that they had a problem seeing the garage not there. **Councilmember Kappa** asked **Krogh** to clarify this statement. **Krogh** said the Planning Commission and staff viewed the criteria somewhat differently.

Pat Lent, Planning Commission Chair, said the Commission viewed this as an illegal building. In order to make a ruling, they chose to view it as if the building were a new development.

Mayor Lomnicki asked how much the property would be devalued if the building were removed. **Casales** said removal would devalue the property about \$10,000 to \$12,000.

Councilmember Farley asked if there would be a problem for future sales. **Casales** said whoever lists the property will have to go through this process.

Councilmember Kappa asked how much it would cost to move the garage. **Casales** said the beams are probably set in cement, and moving them would be very expensive. Lowering the roof and constructing a firewall would cost about \$7,000.

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Councilmember Schreiber asked if the roof height was a City issue. **Krogh** said there is no limitation to roof height in this zone.

Councilmember Farley asked about the appearance of the metal siding. **Casales** said the siding looks like aluminum house siding.

Close Hearing: **Mayor Lomnicki** closed the public hearing at 8:03 p.m.

Councilmember Kappa said he was concerned with the 90% and 50% variance request, particularly since this garage was built after 1979. He was concerned that this would cause future issues in other neighborhoods. He said he believed the property owners did not realize there were no permits issued, but he could not in good conscience uphold the appeal.

Councilmember Knudson asked if there were utilities in the garage. **Krogh** said there were electrical outlets. **Councilmember Knudson** said there should have been an electrical permit. **Krogh** said electrical permits were a County process.

Mayor Lomnicki said the property owner has the responsibility of ensuring that there are building permits.

Councilmember Farley said he was concerned with setting a precedent.

Monahan said the Council may be called to task in the future to use the same criteria on a different type of application.

Bartlett said the Council may uphold the denial based on Planning Commission findings or develop new findings.

Councilmember Schreiber said she favored the November 23, 1993, staff recommendation to the Planning Commission.

Bartlett said staff recommends that Council uphold the 25% administrative variance and deny the appeal of the variance.

Mayor Lomnicki said the administrative variance was an attempt to work with the Applicant and ease the problem.

Councilmember Kappa said it seemed that the Planning Commission had also tried to work with the Applicant.

Monahan said Council must ask if the structure was legal when it was built and what the standards were at the time of construction.

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It was moved by Councilmember Kappa and seconded by Councilmember Farley to uphold the Planning Commission decision to deny the appeal based on the findings adopted by the Planning Commission (attached as Exhibit 1) and the administrative approval, which provides a procedure to correct a nonconforming setback situation.

Councilmember Schreiber said she believed the November 23, 1993, staff recommendation to the Planning Commission was a reasonable combination. The structure has been an accepted and integral part of the neighborhood.

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

Staff will send notice of decision. Notice of intent to appeal must be filed within 21 days.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Meeting Dates for 1994 - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution continuing the current practice.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the resolution continuing the current practice setting the regular meetings as the first and third Tuesdays of each month. 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. 1-1994:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE FIRST AND THIRD TUESDAYS OF EACH MONTH AS THE REGULAR CITY COUNCIL MEETING DATE.

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Consider Paper of Record - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution which designated the *Clackamas Review* and the *Oregonian* as papers of record for the City of Milwaukie.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the resolution designating the *Clackamas Review* and the *Oregonian* as papers of record for 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. 2-1994:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE CLACKAMAS REVIEW AND THE OREGONIAN AS THE PAPERS OF RECORD FOR THE CITY OF MILWAUKIE.

Consider Building Official Classification

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to review the revised classification and recommended salary range for the Building Official with an effective date of January 10, 1994. This would move the Building Official to range 17.0 from range 16.0. When this was reviewed prior to recruitment, it was found that the job description was not updated. The two changes resulted in revisions to the certification requirements and the complexity of decision making and problem solving. This is approximately a 5% increase.

Councilmember Kappa asked how much additional education above a high school diploma is required by the certification program. Richards said the ICBO certification is equivalent to an associates degree. Certification levels can be based on experience or technical training and background work.

Councilmember Kappa asked the length of time it usually takes to earn state certification. Richards said one must be a journeyman level person to meet any of these certifications.

Councilmember Farley asked if this was a duplication of the Code Enforcement Worker. Richards said the Building Official, who is a working supervisor, would supervise the Code Enforcement Worker and administer programs. The funds are available in the Building Division budget. The position has been vacant for three weeks and will be vacant for two

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or three more months, which will help make up the salary increase.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to authorize the City Manager to revise the 1993-1994 Salary Schedule (Management and Nonrepresented Staff) to include the classification of Building Official at Range 17.0 effective January 10, 1994. 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 Intergovernmental Agreement with Clackamas County for Interim Chief of Police

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider an Intergovernmental Agreement with Clackamas County Sheriff's Department for interim Police Chief services. This agreement was drafted by County Counsel and reviewed by City staff and attorney.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the Mayor to sign an intergovernmental agreement with the Clackamas County Sheriff's Department for interim Police Chief services. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Other Information

Councilmember Schreiber commended staff regarding the McLoughlin jughandle and Harrison Street interchange improvements. Bartlett said City Engineer Drechsler, Public Works Director Corbett, and Community Development Director Collins have been working with the State to convey the City's concerns.

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 December 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

Councilmember Farley discussed the cost of speed humps. He said he knew of a contractor that would install five units in one day at a cost of \$1600 - \$2000. **Bartlett** said he would look into the costing methods.

Councilmember Kappa discussed joining FOCUS. He said he had the impression that the Portland State group was advisory and FOCUS was political. **Councilmember Schreiber** said she did not feel Council had received adequate information to make a decision. There was still no agreement available. **Bartlett** said Council had requested an action plan and a list of those who had actually joined. **Councilmember Schreiber** said the City is still involved, but has not made a commitment.

Bartlett discussed the Metro Planning Department Budget Priorities from Andy Cotugno. Metro Managers believed that it would be beneficial to work on programs of this scope as a group. One concern was the voluntary dues program and continued funding. **Mayor Lomnicki** said Metro is going through financial restructuring and considering their fees. It is implied that some jurisdictions could go on a pay-as-you-go basis, while some jurisdictions, such as Milwaukie, may want a whole year's services.

Councilmember Schreiber discussed an upcoming MPAC meeting with jurisdictions outside the Metro boundary but within the regional framework. They are seeking to develop links for future development.

Bartlett discussed the downtown parking permit program. **Corbett** met with MDDA representatives to discuss the status of the program and consider options.

Bartlett distributed calendars sent from the Mayor of Iwaki, Japan. Staff was directed to prepare a letter of appreciation.

Mayor Lomnicki announced an executive session pursuant to ORS 192.660 to consider personnel matters.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:57 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

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EXECUTIVE SESSION

Mayor Lomnicki called the executive session to order to consider employment of a public employee and possible employee discipline. In addition to the City Council, City Manager Dan Bartlett and City Attorney Bill Monahan were present.

Bartlett briefed the Council on the status of the Police Chief recruitment. He reviewed the results of the investigation of a citizen complaint against a City employee. He indicated that the department head has taken appropriate action. The employee will be offered training to help ensure that appropriate customer relations are maintained.

Mayor Lomnicki adjourned the executive session at 9:35 p.m.

Dan R. Bartlett

Dan R. Bartlett, City Manager

PAL
5 CH
1 CH
1 AZH
MC
TAM
GMS

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
JANUARY 4, 1994**

MILWAUKIE CENTER

1686TH MEETING

WORK SESSION

- 5:00--5:30 p.m.---~~Metro Tax Study Committee Recommendations~~
(Metro Cancelled)
5:00 - 5:30 p.m. - Annexation Procedures (Maggie Collins/Greg Drechsler)
5:30 - 6:15 p.m. - Stormwater Utility (Greg Drechsler)
6:15 - 6:30 p.m. - Plans for Public Safety Building Dedication
6:30 - 6:45 p.m. - Information Sharing

REGULAR SESSION

7:00 p.m.

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

Variance Appeal for File No. VR-93-04 - Knepper (Dave Krogh)

- 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.)*

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 Meeting Dates for 1994 - Resolution (Dan Bartlett)
- B. Consider Paper of Record - Resolution (Dan Bartlett)
- C. Consider Building Official Reclassification (Charlene Richards)
- D. Consider Intergovernmental Agreement with Clackamas County for Interim Chief of Police (Dan Bartlett)

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 December 21, 1993

VII. **INFORMATION**

- A. Citizens Utility Advisory Commission Minutes of November 3, 1993
- B. Institute of Portland Metropolitan Studies Bulletin, October 1993
- C. City of Portland Johnson Creek Blvd. Street Improvement Project Update, December 3, 1993
- D. METRO Planning Department Budget Priorities
- E. Downtown Parking Information
- F. Boundary Change Proposal Notice

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 as needed.

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

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

3101 S E JOHNSON CREEK BLVD
MILWAUKIE, OR 97206

TELEPHONE 352-4430
FAX 774-3236

*****MEMORANDUM*****

COMMUNITY DEVELOPMENT DEPARTMENT

January 4, 1994

To: Mayor and City Council

Thru: Dan Bartlett, City Manager *DB*

From: *MC* Maggie Collins, Community Development Director
Jim Crumley, Associate Planner

Re: Annexation Procedures - Public Information Handout

At the City Manager's request, Community Development staff have drafted a public information sheet explaining the general steps for annexations.

It is attached for your information.

JC/mgh

ANNEXATION TO THE CITY OF MILWAUKIE
POLICIES AND PROCEDURES

Policies

It is the goal of the City of Milwaukie's Comprehensive Plan Growth Element "to identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area"

On July 5, 1990 the City of Milwaukie and Clackamas County signed an Urban Growth Management Agreement (UGMA) defining the City's role and responsibilities for providing cost-effective and coordinated services in the North Clackamas area. The UGMA sets the physical boundary in which the City would have a role; it also defines two specific locations, Dual Interest Areas A and B, in which the City would target annexations for the short term.

To ensure that City annexation policies conform to urban service and growth management policies:

1. The City will only support annexation requests from properties within the City's Urban Growth Management Boundary.

ANNEXATION POLICIES AND PROCEDURES

December 7, 1993

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2. The City will deliver services in this area when:

* The City is able to provide an adequate supply of needed services

* A majority of the residents and property owners within an area to be served desire City services.

3. The City will require annexation in order to receive or utilize a City service.

4. All area encircled (islanded) by City Limit lines will be annexed.

Procedures

Any citizen having questions concerning annexations is encouraged to contact the Community Development Department at 6101 SE Johnson Creek Boulevard. The telephone number is 652-4410.

ANNEXATION POLICIES AND PROCEDURES
December 7, 1993
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APPLICATION

Generally the Community Development Staff will request that the citizen come into the department for a "pre-application" meeting. This will ensure that the proper process and application package will be prepared for the City Council and the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission). There are several types of annexation procedures including:

1. City Council Initiated
2. 10% of Registered Voters
3. 50% of the Area Ownership
4. Boundary Commission Initiated
5. Double Majority (51% of voters and owners)
6. Island
7. Health Hazard

Each type of annexation requires a distinctly different application and process.

At the "pre-application" meeting the citizen will be given the proper annexation application and/or petition forms to be completed. They will be apprised at that time of the anticipated City processing time which can vary from 60 to 120 days, depending of the type of annexation and requirements for certification of petition signatures.

ANNEXATION POLICIES AND PROCEDURES

December 7, 1993

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PUBLIC HEARINGS

Every annexation will require at least one public hearing before the City Planning Commission and one before the City Council. Council initiated annexations require two hearing before the City Council.

All property owners within 500 feet of the annexation area are notified of the hearings and invited to participate with comments or questions. Recommendations and comments are requested from the Police, Fire, Public Works, and Finance Departments as well as affected service districts and other agencies, including Clackamas Water District, Clackamas County Service District No. 1, and Clackamas County Department of Transportation and Development.

If the City Council determines that the annexation is in conformance with the City's Growth Element of the Comprehensive Plan and the adopted Urban Growth Management Agreement, the Council will adopt a Resolution requesting that the Boundary Commission approve the annexation.

The Community Development Department will then file a detailed report and comprehensive application with the Boundary Commission describing all aspects of the area and the proposed annexation. Fees ranging from \$205 to \$1660, depending on the area involved, are paid by the City.

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Page 5

BOUNDARY COMMISSION ACTION

The Boundary Commission will schedule a public hearing on the annexation approximately 8 to 10 weeks after the filing of the application. The Boundary Commission staff will prepare a report and recommendation. All interested parties will be invited to present information in favor of, or opposition to, the annexation proposal. The area of the annexation may be increased or decreased by the Boundary Commission based on testimony received at the public hearing.

Depending of the type of application the annexation may become effective immediately or require a 45 day waiting period.

JRC/jg

12/7/93

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S E JOHNSON CREEK BLVD
MILWAUKIE, OR 97206

TELEPHONE 852-4410
FAX 774-8238

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager

FROM: Tim Corbett, Public Works Director
Gregory Drechsler, City Engineer *GD*

SUBJECT: Storm Water Utility Work Session

DATE: December 23, 1993

Action Requested

Conduct a work session to discuss implementation of a Storm Water Utility.

Background

In a November 16, 1993 work session, Council requested that staff hold another work session to discuss implementation of a storm water utility prior to the public hearing to consider the enabling Ordinance and Fee Resolution. Council specifically requested that staff discuss questions commonly asked by citizens regarding a storm water utility.

Discussion

Attached is a list of commonly asked questions along with answers generated by staff. This information will be valuable in allowing all City staff to answer questions in a consistent manner when billings begin.

Since the November 16, work session, staff has sent out letters to all large rate payers (see attached example) which outline the anticipated amount of monthly billings and offering to meet with these large rate payers to discuss the billing procedures. Staff also sent out an information flyer to all rate payers in the City and held a public information meeting which was announced in the newsletter.

②

Surface Water Service Fee Answers for Likely Questions

Prepared for the City of Milwaukee
December 1993

1. How much is the surface water charge?

The rate is \$4.00 a month for single-family homes and duplexes in Milwaukee. Non-single-family parcels (commercial/industrial) will pay a multiple of this base charge depending on the amount of impervious area on their property.

2. What is the service charge based on?

The service charge is based on the amount of impervious area within a property. Impervious area is the best indicator of how much you use the surface water system. Single-family homes provide the basis for the rate, in that the average amount of impervious area on a single-family residence is 2,706 square feet or 1 equivalent service unit (ESU). All non-single-family parcels pay a multiple of this base rate according to their measured impervious area.

3. What is impervious surface?

When property is improved through buildings, pavement, trafficked gravel, patios, etc., water is prevented or retarded from getting into the soil. These areas are termed impervious surfaces because they restrict natural infiltration and increase the runoff.

4. Who has to pay?

All developed property within the city will pay the surface water service fee. That includes houses, schools, churches, and businesses. There are no exceptions from the charge except the City's street system, which is actually designed as part of the stormwater conveyance system.

5. How much will my bill be?

For single-family residences and duplexes, \$4.00 a month. All commercial and multiresidential properties will be charged according to their measured impervious area.

6. Is there a review process for this service charge?

Yes. It will include a review of the accuracy of the City's measurements or the calculation of the service fee for nonresidential customers.

7. How is property measured?

Impervious area on nonresidential properties was measured from infrared aerial photos and the use of computers. This produces a high degree of accuracy.

Surface Water Service Fee
Answers for Likely Questions

8. How much money will this service fee raise?

Approximately \$644,000 annually. This program will fund operations and maintenance, improvements, regulatory enforcement, water quality, and Federal Clean Water Act compliance.

9. Why are churches and schools being billed?

The service charge, just like water and sewer fees, is based upon the cost of services provided. Because this is not a tax, it must be collected from all customers who receive service. Churches and schools contribute a significant amount of runoff to the city because of their size and amount of hard impervious surface. They will be treated like all other customers under the rate structure.

10. Is this drainage charge deductible on my income tax?

For residential customers, this is a service fee and not a tax. It cannot be deducted from your income tax. For non-single-family property owners, the charge may be considered a cost of doing business by the IRS depending on your specific tax situation.

11. How can you impose this tax without a vote?

This is not a tax; it is a user fee. The Milwaukie Citizens Utility Advisory Committee has been meeting for over 18 months reviewing program needs and funding options. Three neighborhood meetings were also held along with multiple City Council work sessions on the subject of stormwater management.

12. I am a renter, do I pay the fee or does the landlord?

The bill will go to whoever pays the water and/or sewer bills for the service location.

13. I have a retail store in a shopping center and currently receive a water bill. Will I get the surface water bill as well?

All impervious area within a multi-tenant facility such as a shopping center or apartment is consolidated into one bill. The bill will be sent to the person or organization responsible for the master meter and service location.

14. What happens if I don't pay?

We have an excellent payment history with most of our customers and have been able to help them remain current with their bills. Unpaid bills will be referred to our finance department for follow-up action, which may result in termination of water service.

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Surface Water Service Fee
Answers for Likely Questions

15. **Where does the money go?**

The money will be used to improve both the surface water quantity and quality management in Milwaukie through building very specific projects, maintaining the system we already have in place, and meeting Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) regulations.

These regulations include new "NPDES" (National Pollutant Discharge Elimination System) stormwater requirements. To comply with these laws, the City must submit a permit request to the DEQ.

Part of the permit request (submitted May 1993) is a program designed to reduce, and improve the quality of, surface water runoff in the city. Laboratory analysis of the runoff and maintenance of the system is also required.

The water quality permit also requires the City to explain how the program will be financed and what amount of revenue can be expected. No federal money is available for this program.

16. **This is double taxation, in that I already pay for stormwater through my property taxes and sewer rates.**

There have been very limited revenues made available from these sources for support of drainage operations. Funding has been primarily targeted at storm response and programs to reduce infiltration and inflow to the sanitary sewer system. The level of effort and resources required to support the comprehensive stormwater program required under federal and state law mandates that a funding source dedicated to stormwater be established.

17. **Why not charge a property tax or, better still, turn the program over to the State of Oregon?**

Property taxes are based upon the assessed valuation of land and its improvements. These values have little relationship to the actual problems that developed property causes for surface water control. A service fee, applied to all stormwater customers, is a more equitable method of funding the program. Many tax-exempt properties, such as schools and churches, are large contributors to the surface water runoff problem. They will pay their share of the utility fee.

The DEQ has stated that Milwaukie holds responsibility for its surface water. The City has worked, and will continue to work, closely with Clackamas County in preparing a single "NPDES" permit. This will reduce the City's cost, while assuring that the County and City programs are consistent.

Surface Water Service Fee
Answers for Likely Questions

- 18. What about the \$4.00 being collected by Clackamas County in the unincorporated urban area? Where does that money go?

The money collected through Clackamas County's program will be spent on similar water quality compliance activities. However, since the County's area is largely undeveloped, they will be placing a greater effort on master drainage planning and development regulation. It must be stressed that no customer will "pay twice" by paying a monthly stormwater fee for both Milwaukie's and the County's program. Each is financially independent, but coordinated in terms of the service provided.

- 19. Has this program been used anywhere else?

Yes. Large and small communities throughout the nation have adopted surface water control programs and applied user fees. Locally, USA and all its member cities have stormwater utilities; Clackamas County (lower Tualatin and North Clackamas), Roseburg, Gresham, Clark County (Wa), Vancouver, Portland, Lake Oswego, Corvallis, and Eugene all have implemented surface water user fees.

- 20. Is this a one-time charge?

No. It is an ongoing fee for the development of new surface water control facilities, their maintenance, and water quality compliance.

- 21. How can I get help with a neighborhood surface water problem?

Give us a call at Public Works; we'll be happy to see what can be done.

- 22. Why should I have to pay? I have a large lawn and live at the top of a hill.

You might not have a problem, but the runoff generated from your property contributes to the overall problem. Fertilizer from your lawn adds phosphates, a key pollutant, to surface water. Eventually, everybody will share in the program through an improved environment, better access to roads during storm events, and reduced flooding during abnormal years.

- 23. Wait just a minute - isn't this money just going to clean up Johnson Creek - a creek which I can't even use?

Much of the runoff generated in Milwaukie makes its way into Johnson Creek and, yes, this program will affect water quality in the Creek. But Johnson Creek is just a portion of the overall surface water program, which will improve and maintain all those tributary systems discharging not only to Johnson Creek but also the Willamette. We all are part of the surface water problem in Milwaukie and we all have to be part of the solution - whether we live on the Creek or not.

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Surface Water Service Fee
Answers for Likely Questions

24. Why just one flat rate for residential properties?

Most residences are very similar in their impervious areas. This was confirmed when we analyzed a sample of homes in the city. Ninety-five percent (95%) of the homes are clustered very closely in terms of impervious area - in order to apply a second tier for larger homes, we would have to measure all the 6,500 homes in Milwaukie. This would have been expensive and not gained us much in terms of fairness.

25. How are condominiums charged?

They will be billed in one of two ways:

- a. All impervious areas will be measured and the bills sent to the condominium owners' association; or
- b. in cases where each unit is billed separately for water and sewer service, a prorated bill will be sent to each unit.

26. I have put in detention basins on my development. Why don't you give me a break?

We will. There are procedures for giving credits and reduced rates for significant projects which help cut costs of the City's surface water management program. An on-site mitigation credit request packet is available from the City.

27. My home/business is not connected to the City's drainage system. Therefore, why should I have to pay?

Your property may not be physically connected to the drainage system in the same manner as water or sewer, but you are still provided service. How? The City's surface water program improves and maintains those upstream surface water facilities that protect your property; the program will establish design criteria/regulate development that helps control off-site surface water problems; the program is taking steps to reduce surface water pollutants that degrade our quality of water and life in Milwaukie. Every service location and person in Milwaukie is served by these activities.

28. What is the fuss about surface water quality?

Surface water quality = "non-point-source pollution." As the name implies, non-point-source pollution comes from numerous locations and is carried through runoff. The types of pollutants include toxins, metals, oils, nutrients, and fecal coliform. These directly impact creek and river water quality and can represent a large percentage of the pollution picture. More to the point, the federal government has passed a law which mandates that cities like Milwaukie establish programs for reduction of non-point-source pollution. This mandate is a major reason for the City's surface water service charge - there is no federal grant money available to help cities comply with this pollution law.

Surface Water Service Fee
Answers for Likely Questions

29. What is this about complete waiver of the service charge?

The surface water ordinance does provide for a fee waiver for those customers who can demonstrate that the service location is not served by the utility. A waiver request package is available from the City.

30. How can I be sure this money won't pay for other City projects?

Under law, surface water fees may not exceed the cost of providing surface water improvements and services. Your fees will go into an "enterprise" or special fund which will only be used to pay for the surface water program.

31. How will you decide which capital improvement projects get done first?

Previous surface water plans do identify specific improvements and a recommended priority. The City has identified some immediate improvements and will be working with the Citizens Utility Advisory Committee to further refine this improvement program.

32. I don't want my dollars going to pay for helping out somebody half a city away from me.

The City has an obligation to address the most critical problems first. Every area of the city will eventually require surface water work.

33. It's the City that demanded I build all these extra parking spaces. I didn't want them in the first place. Why should I pay?

Parking spaces are based on standard estimates of traffic and need; they are a necessary requirement of doing business.

34. Will this money attract grants and other money; for example, for state and federal projects?

Yes. We expect to be more competitive for any funds that become available, especially those related to surface water quality where City service charge revenues may be required to collateralize federal loans.

35. Will I get a service charge credit because I installed a drywell on my property?

No. Drywells for stormwater management are a lot like septic/leach tanks for sanitary sewer - they have a limited life span, they work as long as development density is low, and their maintenance is high. The City does allow drywells in locations where an actual drainage system is not available. However, they are considered to be temporary stormwater facilities. Of particular concern is the impact of drywells on groundwater quality, due to the fact that Milwaukie's drinking water comes from a well system.

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Surface Water Service Fee
Answers for Likely Questions

Accordingly, the City will not be providing credits for drywells. Rather, fees will be collected in order to maintain the City's existing drywells, monitor their water quality performance, and begin planning for extension of the stormwater system in order to replace these drywells. Therefore, they do not qualify as permanent stormwater management facilities and are not eligible for a service charge credit.

36. Aren't these fees considered taxes under Measure 5?

The Oregon Supreme Court held, in May of this year, that stormwater fees are legitimate service charges and not included under Measure 5. They can be used by local government to fund stormwater quantity and quality programs.

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

5101 SE JOHNSON CREEK BLVD
MILWAUKIE OR 97206

TELEPHONE 852-4410
FAX 774-8236

December 14, 1993

GRANT INVEST CO
5850 SE FLAVEL DR
PORTLAND, OR 97206

Subject: Service Charge for Stormwater Management

Over the past 18 months the City of Milwaukie and the Citizens Utility Advisory Committee have been working on ways to respond to the City's growing stormwater problems. Historically, our major concerns have been drainage related, essentially keeping runoff moving through the system in a way that minimizes impacts on the property. However the City is now required to get into the stormwater quality business. In our stormwater newsletters and neighborhood meetings we have discussed the Oregon State Department of Environmental Quality (DEQ) and federal Environmental Protection Agency (EPA) regulations regarding the water quality of our local rivers and streams. These regulations are aimed at reducing the amount of pollution entering our rivers from what are known as "nonpoint" sources. The nonpoint pollutants cannot be traced to a specific location but are carried to rivers via stormwater runoff from throughout the City. Federal and State regulations required that the City prepare a stormwater permit application as required by the Clean Water Act. This application was submitted in May 1993. Among the directions established in this plan is the recommendation that the program be funded as a public utility with revenues generated from a service charge.

The service charge is calculated based on the amount of impervious surface within each parcel of property. Impervious surfaces include roofs, asphalt, concrete and other improvements that impede or prevent stormwater from being absorbed into the soil. Single family homes will be charged a flat rate of \$4.00 per month. All other properties will be charged a multiple of this rate based on the number of square feet of impervious area measured for the property. The measurement was done through aerial photography and computer equipment which results in a very accurate calculation.

This funding method is being used in Clackamas County, Oregon City, West Linn, Lake Oswego, Gresham, Portland, and virtually all the cities in Washington County. It reflects the fact that while federal and state regulations continue, grants to implement programs are no longer available. Funding must be generated at the local level.

You are receiving this notification in advance of the March 1994 billing implementation date because of the relatively large amount of impervious area measured on your property. The public works staff team measured 129,243 square feet of impervious area on your property located at:

5300 SE Johnson Creek Blvd Account # 1624700
1624900

This results in a monthly service fee of \$192.00. The stormwater service charge will be collected as a separate line item on your regular water and sewer bill from the City.

Please note that this funding approach was selected because it is the most equitable means for allocating stormwater program costs. Contribution of runoff to the stormwater system as measured through impervious area is the best means available to fund the program. We appreciate the impact such a charge may have on your operation and felt it important to provide you with as much advance notice of the new fee as possible. We would also like to extend an invitation for you to meet with our public works staff and see how the fee was calculated.

If you would like to meet and review the rate structure or if you have any question about the program or the billing system, please contact Greg Drechsler at (503) 652-4410.

Sincerely,



R. Tim Corbett
Public Works Director

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Staff is finalizing estimates on the number of Equivalent Service Units (ESUs) in the City and it appears that there will be approximately 1600 more ESUs billed than originally estimated in the feasibility analysis completed in 1991. As a result, revenues collected will be approximately \$78,000 more annually than originally estimated with the \$4.00 per ESU rate.

Staff anticipates that the City will have approximately \$325,000 available annually to address capital needs rather than the \$250,000 originally estimated. The City's draft Capital Improvement Plan outlines a need for \$814,000 in expenditures to meet capital needs over a four year period from FY 94-95 to FY 97-98. In addition, staff has updated a 1970 Drainage Study and determined that there is a need for over 7 million dollars of needed storm water infrastructure improvements within the City. The additional revenues will be applied toward meeting these capital needs over the next 30 to 40 years.

Staff will schedule public hearings to consider the storm water utility on January 18 and February 4. If the Ordinance and Fee Resolution are adopted, billing will begin effective April 1, 1994.

attachments

RTC/GD/rtc

STORM UTILITY INFORMATIONAL MEETING

7:00 pm

December 15, 1993

This meeting was held in the conference room at the Public Safety Building, 3200 SE Harrison. The purpose of the meeting was to provide the public with information about the proposed storm utility, the regulations and requirements governing the establishment of this utility, and the basis for the utility monthly user fees. Present were the following City staff, Council members, and commissioners:

Tim Corbett, Public Works Director	Jack Perry, Sewer Supervisor
Greg Drechsler, City Engineer	John Nagy, Utility Worker I
Connie Leasure, P.W. Staff Ass't	Jean Schrieber, Council member
Rick Farley, Council member	Bob Knudson, Council member
Carl Jacob, CUAC member	Tom Alford, CUAC member
Ralph Klein, CUAC member	

Also present was Shaun Pigott, Shaun Pigott Associates

The meeting drew an audience of about 20 citizens.

Corbett began the meeting by thanking the audience for taking the time from their holiday activities to attend the meeting, and noted that about 6,500 informational flyers had been mailed earlier in the month to the citizens of Milwaukie with preliminary storm drainage information as well as an invitation to attend this meeting. Corbett gave a short history of the City's efforts to implement a street and storm drainage utility in 1985, based on the information gathered in a storm drainage study from the late '70's. The NPDES (National Pollutant Discharge Elimination System) requirements were discussed, as well as Milwaukie's participation in the Clackamas County NPDES permit. Corbett mentioned that Milwaukie is one of the last communities in the Portland metro area that has not established a storm drainage utility to date; while once the citizens who wished to avoid fees of this nature might have moved into a surrounding area with no utility, there are no communities left in the area which do not charge fees for storm drainage.

Corbett turned the meeting over to Drechsler, who presented a slide show about the pollution cycle, local storm drainage problems, and recent efforts to improve the quality of surface water. The Girl Scouts' catchbasin stenciling program was depicted, and Drechsler emphasized that education is the key to making long-term improvements in the environment. As slides of known localized flooding were shown, Corbett interjected that one of the problems Public Works is facing is that citizens who experience such flooding tend to expect the City to remedy their problems. While the City does make reasonable efforts to redirect storm waters, the use of dedicated funds such as sewer and street can only be used when directly impacted by uncontrolled stormwater; there are strict limits on how dedicated funds can be used, and storm drainage is only peripherally related to those funds. One of the requirements of NPDES is that local jurisdictions show that they have the resources to implement the conditions of the permit to operate and maintain the storm drainage facilities.

Drechsler continued with the slides, addressing quality issues and showing some local citizen efforts to prevent erosion during construction; examples of erosion control failures were also shown. Further slides depicted city staff working through the permitting process and carrying out preventative maintenance on catch basins.

The sampling and monitoring process was discussed, and it was noted that NPDES establishes certain criteria to document storm drainage efforts; for example, actual amount of debris removed from catch basins must be weighed and recorded, rather than simply dispose of the material. There were pictures of examples of newer technologies such as the Roswell detention pond, and it was noted that humans can hurt any efforts by continuing such practices as dumping oil into catch basins, etc.

At this point Pigott was introduced, and he used overhead projections to illustrate the funding process. He first explained that NPDES is an acronym for National Pollutant Discharge Elimination System, noting that when professionals begin using acronyms they tend to expect their listeners to understand what they stand for. He then gave an outline of the actual NPDES requirements, as well as the fines which might be levied against the City if we do not comply to the regulations within the designated period. It was noted that fines could be as high as \$25,000 for each day that the City does not comply with the regs; a very expensive incentive, if used, to spur reluctant jurisdictions to move forward on this issue. Pigott stated that to date, the City's efforts have been far more reactive than pro-active in storm drainage improvements, due primarily to funding limitations. According to the storm drainage study done in the late '70's, more than \$7.5 million dollars would be required to construct the identified storm drainage improvements, and more recent studies have established that maintenance alone would run the City more than \$158,000 per year for personnel and equipment.

Pigott explained that the process of complying with the NPDES permitting requirements began in 1991, when several neighborhood meetings were held to gather information from citizens about known drainage problems. Following these meetings, the elements of the permit were broken down; staff and material requirements were evaluated, the state of the current infrastructure established, and cost for known future improvements were estimated. From there, sources of revenue and the basis for utility fees were examined.

The process of determining impervious surface area on tax lots was explained; the City has about 50% single family residences (SFRs) and 50% commercial/industrial properties. The process of random sampling established that the average SFR has 2,706 square feet of impervious surface area; that figure was used to then establish equivalent service units (ESUs) as a basis for determining commercial/industrial fees. For non-residential units, the total square footage of impervious surfaces is divided by 2,706 and multiplied by \$4.00 (the SFR fee) to result in each individual commercial/industrial storm utility fee. It was emphasized that there will be no exemptions to the fee; churches, schools, parks and the City will all pay the fee, although a reduction may be granted to those properties which can demonstrate having acceptable on-site mitigation.

The meeting was opened to questions from the audience at 7:45pm. The following are some of the questions and answers given:

An audience member who stated that he is for the utility asked the following: is there no state or federal monies to pay for the NPDES requirements? What about the state highway runoff within a jurisdiction - who will pay for those impervious surfaces? Why was lawn debris and oil mentioned as pollution problems - both of these items can be recycled through the garbage companies in Milwaukie. Why is Milwaukie going to such efforts to clean up surface waters which drain to the Willamette, when Portland has combined sewer overflows on a regular basis, negating such small efforts with huge amounts of untreated sewage which are discharged to the Willamette River as well? And finally, what is the average annual rainfall in Milwaukie?

Pigott, addressing the question about state or federal funds, stated that while a Public Works Trust Fund does exist to help jurisdictions with start-up costs, it is a loan program only. The loans can only be made if the jurisdiction can show that provisions have been made to fund their programs on a permanent basis, and the money must be repaid; it exists as an incentive, but can not be relied upon as a funding option.

Corbett answered the highway drainage question, stating that the State Highway Dept. is a co-applicant in the Clackamas County NPDES permitting process, and will also be required to conform to the permit requirements. As to why lawn debris and oil were mentioned as pollutants when they can be recycled free through the garbage collectors, Corbett noted that there are simply some citizens who need to be educated about this problem. Despite the free recycling offered, there are still some people who think that they can throw their lawn debris into surface waters such as Johnson Creek, or dump used oil into catch basins, without stopping to think about the effect such practices have on the environment.

Corbett, trying to answer all of the rapid-fire questions without having notes to prompt his replies, did not address the Portland/CSO question; this is a much larger issue which does not really bear on Milwaukie's responsibilities as an NPDES permittee. Drechsler answered the rainfall question - on an average, Milwaukie receives about 40" of rainfall each year.

Jeri Alford asked what would be done about parking lots which drain into streams; Corbett replied that the utility would provide the ability to better investigate problem areas, and levy fines if necessary to obtain compliance with the permit requirements. If the property is one which is under a separate corporate permit, DEQ could be requested to investigate and enforce.

Question - by the establishment of the storm drainage utility fee, I feel that, in effect, you have raised my property taxes by \$50/year. Is this legal? Corbett replied that this question had been settled by the Roseburg decision, which stated that utility charges are a user fee, not a tax.

Question - Why should the citizens bear the brunt of clean-up such as Abe's Cleaner's illegal solvent disposal? Corbett replied that Abe's is a special case, more related to the groundwater contamination investigation. No one has paid for anything under the storm drainage utility, although there have been new developments which have been regulated through the erosion control permit process. Pigott interjected that the costs which would really hurt the City would be fines which would be imposed if we do not develop and enforce surface water quality controls, and construction of storm water treatment facilities at a cost of approximately \$7 million for 1 million gallons of capacity per day, if the utility is not enabled.

Question - Washington County is looking at this same issue, using water usage to determine fees - is Milwaukie going to do the same? Pigott replied that Washington County is considering consumption-based rates for sanitary sewer fees, not storm drainage. The fees charged by surrounding jurisdictions were discussed; Milwaukie's proposed fee of \$4.00/EDU/month is a little less than the "going rate" of \$4.25 charged by others.

Question - I own a couple of rental residences, one which is uphill of the street, one which is downhill, and drains to drywells. Does the downhill property merit a reduction in utility fees due to not draining to the street? Corbett replied that drywells are problematic, primarily due the fact that they can be a direct conduit for contamination of the groundwater. DEQ is keeping this issue under advisement, and may someday decide to outlaw drywells as a pollution exposure risk. Beyond that aspect, a drywell has, at best, a 10 to 15 year lifespan, and costs about \$3,000 to construct, but because they can be sealed with a single oil spill, they are not a good permanent system and should not be relied upon.

Question - don't HUD and/or Fannie Mae loans require drywells on subject properties? Corbett replied that his understanding is that drywells are only required if no storm drainage is available in the street.

Question - the City now requires builders to obtain approval of an erosion control plan before construction begins. What does the City do to enforce the approved plan? The property behind me drains mud under the silt fence, has no straw placed as shown on the slides, and despite talking to a PW staff member no enforcement has been noted. Drechsler gave this person his card and asked that he be contacted in the future. Corbett noted that this highlights why erosion control plans are necessary - developers used to routinely bulldoze all of the native vegetation off a property prior to construction, rationalizing that it makes construction easier; in fact, the practice promotes erosion. While the City does try to keep up with developers, it is possible that an isolated property could be causing an erosion problem without being spotted - people rely on the City for enforcement, but to have the personnel available for enforcement, funding for those additional people must be found. The utility will provide that funding. Council member Schreiber interjected that it's because of problems like these that the City had recently hired a new City Engineer (Drechsler).

Question - what new equipment will be needed to operate the utility? Corbett replied that fortunately, the sewer department has some of the needed equipment already; other specialized equipment such as monitoring devices, catch basin cleaner, sampling equipment, and additional vehicles for the new crew will be needed.

Question - How much does it cost to take catch basin debris to the dump? Perry answered that presently the City uses a dump located at 162nd and Stark for free; in the near future they will have to investigate other options, including hazardous waste disposal as the contamination limits are reduced. Other products the City uses can be recycled, such as rock used for sanding the streets in winter; loads of recovered rock are taken to Portland for cleaning and reuse.

Question - why does phosphorous cause algae bloom? Pigott replied that phosphorous and ammonia nitrogen have been identified as the agents responsible for algae bloom; over-fertilization of lawns and crops leads to excess amounts of these chemicals being washed into surface waters, reducing the available oxygen and degrading aquatic habitat. Soaps containing phosphorous is another potential contaminate, and have been outlawed in some areas (including Portland).

CUAC member Carl Jacob asked if the City has any control over what chemicals can be sold within City limits - he's not in favor of over-regulation, but he feels that manufacturing processes can, and perhaps should, be changed if necessary to protect the environment. Another citizen, Milt Palm, responded by saying that the problem is not one chemical or another, but the fact that once released into the environment any chemical may combine with other ambient chemicals and thereby create toxic compounds different from the original components.

The question and answers moved into casual discussion, and the meeting was closed around 9:00 pm.

The following people signed an attendance sheet before leaving the meeting:

Art Rainhold	2940 SE Balfour
Don Lacey	4404 SE Franklin
Dick Heckmonn	9949 SE 44th Avenue
F.W. Barrett	9763 SE 40th
Milton Palm	4182 SE Lake Road
Ole L. Hoff, Jr.	6845 SE Plum Drive
Dave Reggiani	2400 SE Mailwell Dr.
Ralph Klein	10795 SE Riverway Lane
Todd & Ludell Cornilsen	4706 SE Brookside Dr.
Carl S. Jacob	10500 SE 44th Avenue
Tom & Jeri Alford	2708 SE Monroe
Vern Ashby	8527 SE 36th Avenue
Sarah Jacob	10500 SE 44th Avenue
Dean Seawell	4716 SE Brookside Dr.
Patty Seawell	4716 SE Brookside Dr.

/cjl

STORMWATER MANAGEMENT IN MILWAUKIE CITIZEN UPDATE

City of Milwaukie, Oregon - December 1993

SOME BACKGROUND

As many of you may be aware, the federal Environmental Protection Agency (EPA) through the Oregon State Department of Ecology has established a new set of laws pertaining to stormwater runoff and water quality. The intent behind these laws (known as the National Pollutant Discharge Elimination System or NPDES) is to reduce the amount of stormwater "nonpoint" source pollution being carried to receiving waters such as the Willamette River. Nonpoint source pollution is a secondary source of water pollution that cannot be traced to a specific location but results from pollutants (such as oils, phosphorous, and heavy metals) being picked up and carried to receiving waters by stormwater runoff. As part of its NPDES requirement, the City prepared and submitted in May of 1993 its permit application for regulatory compliance. This permit application committed the City to a stormwater manage-

Milwaukie is a co-applicant in the National Pollutant Discharge Elimination System (NPDES)

ment program that includes engineering standards, maintenance, regulation and enforcement of a comprehensive storm-water quantity/quality effort. A key element of this program is development of a financing plan to support these stormwater operations.

Over the last 18 months Milwaukie has been working with other jurisdictions in Clackamas County toward development of a joint action program that is directed at meeting the stormwater quality permit requirements.

Maintaining the quality of life here in Milwaukie is important to all of us. The new water quality laws and the City's commitment to meeting these requirements present an opportunity and a challenge. The City's stormwater management program will reflect this commitment while assuring that management of the problem will be done in a cost effective manner.

STORMWATER MANAGEMENT AND NONPOINT SOURCE POLLUTION - THE ISSUES -

Here are some of the questions and concerns raised during our first round of citizen meetings regarding stormwater management in Milwaukie.



What are the major problems?

When you compare Milwaukie's stormwater problems with the flooding that occurred last summer in the Midwest, well, it's hard to call our problems very serious. But stormwater management in the 90's is less about levies and flood gates than it is about water quality enhancement and neighborhood system improvements. Make no mistake, we know that some flooding occurs in neighborhoods such as Arden Park, Fieldcrest, and Island Station. The program being developed in Milwaukie will address these flood

control efforts. The program will also include stormwater quality issues and how to effectively design new stormwater systems and regulate new construction. Many of the issues being addressed through Milwaukie's stormwater program and stormwater discharge permit application are problems resulting from increasing stormwater volumes as more impervious area (rooflines, pavement, asphalt) covers previously undeveloped areas. Public awareness is another key issue. For instance, dumping motor oils into catch basins is an all too common practice as is dumping of yard debris into drainage ditches and channels. These have a direct impact on receiving waters. The regulatory side of the issue is also a key element of Milwaukie's program.



People need to be aware of the problems they create. What will be done to get the word out to the public?

Development of the stormwater program has involved 2 neighborhood meetings in the City. This is the third informational flyer distributed to Milwaukie citizens. In addition, we have worked through the Citizens Utility Advisory Committee regarding what pieces need to be included in the stormwater program and how they best fit together. Our approach effort stresses public involvement and what individuals can do to mitigate stormwater problems. This must include both water quality and water quantity issues. Proper disposal of oil, paints and yard waste along with the correct use of fertilizers are some of the least cost/most effective means of reducing nonpoint source pollution. Keeping these kinds of pollutants out of the stormwater system is much cheaper than having to remove them. A series of newsletter like this one will be published with information on how to reduce nonpoint source pollution.

NPDES and CLEAN Water Act compliance mandate local funding

What's being done to preserve natural areas for storage of runoff and other stormwater management purposes?

Johnson Creek is an invaluable resource. Preservation of natural drainage areas is an important element of a comprehensive stormwater program. Understanding how these areas fit into the overall management of the watershed is even more significant. Our stormwater management regulatory structure will be coordinated with the City's land use plan to assure that these areas can continue to function as critical elements of the stormwater system.



The City should take action to stop erosion and runoff through better regulation of development.

Site improvements, including drainage, must be in place before Milwaukie gives final approval for construction of new houses/developments. The City's stormwater design standards may be revised as part of its comprehensive planning. Recommendations for new or revised standards will be included in this program.



How will this be paid for? Will we have to raise taxes?

Several financing alternatives were evaluated by the City, however, the most viable approach that fits the nonpoint source/stormwater management program is the formation of a "stormwater management utility." The advantage of a utility approach for stormwater is that service charges can be based on factors other than property value (which has very little relationship to use or contribution of runoff to the stormwater system). The method most jurisdictions are using to establish rates is based on the amount of impervious surface (rooflines, pavement, asphalt) contained on a property. The typical amount charged for stormwater services is in the range of \$4.00 per month for a single family residence. Commercial and industrial developments would pay a multiple of this base single family rate. The focus of the rate design will be on relating the amount a property is charged to the amount of runoff that property contributes to the stormwater system.



What would the monthly charge pay for?

It will make sure that existing problems do not get any worse. This will be reflected in improved regulations, maintenance and enforcement of design standards. Another critical element will be an on-going public awareness program to assure that citizens understand their role in nonpoint source/stormwater management. This approach will also develop a revenue base for capital improvements in future years. Another focus will be implementation of the City's final permit conditions under the NPDES stormwater program.



Isn't Clackamas County's Department of Utilities doing this kind of work now?

Clackamas County does have a stormwater program AND utility in place for two areas...the unincorporated portion of North Clackamas County and the Lower Tualatin Basin unincorporated area. These two "surface water service districts" do not include any areas within the City. However, activities in the North Clackamas area do impact Milwaukie's stormwater system. For that reason, the County and City are working closely on issues affecting stormwater - particularly in terms

regulations, public awareness/involvement, water quality permitting and capital improvement planning. No stormwater utility fees for these two county service districts are collected from within the city of Milwaukie.



I am on high ground and have no drainage problems, why should I have to pay?

All developed properties contribute stormwater to the system and everyone will be served by improved water quality. Storm water management will provide better access to transportation systems and city emergency services during storms. Clearly, some will be served more quickly or more directly than others, but all properties contribute some level of stormwater runoff to the system. The utility's service charge is designed to recover costs in proportion to a property's contribution of runoff to the system. Where the stormwater system currently does not exist, the program will enable an orderly approach toward planning and constructing these system extensions.



Where do my current taxes go, and couldn't they be used for the stormwater system?

Some very limited stormwater system maintenance is being done through the street fund (gas tax support) and general fund (property tax support). Where appropriate and related to drainage impacts on the sewer system, sanitary sewer fund monies are spent on stormwater system maintenance. The City's general fund is being directed at a number of human services and functions. The growing demand for City services in conjunction with the public's desire to limit property taxes severely restricts the general fund revenue available for programs such as stormwater.



Will there be a way to charge developers?

If new or re development causes an impact on the system then those impacts should be funded by that new construction. Secondary fees such as system development charges are commonly used to offset the impacts of new development on the overall stormwater system. These types of new development fees will be examined as part of this program.



Will this plan require another level of City management?

No, while the stormwater utility approach will require establishing a new enterprise fund, the program's administrative/management structure will fit into the existing Department of Public Works organization.



What about federal and state money?

No federal or state money is likely to be available on a consistent basis. The City, as stated in the stormwater NPDES regulations, must develop its own consistent and reliable funding base.



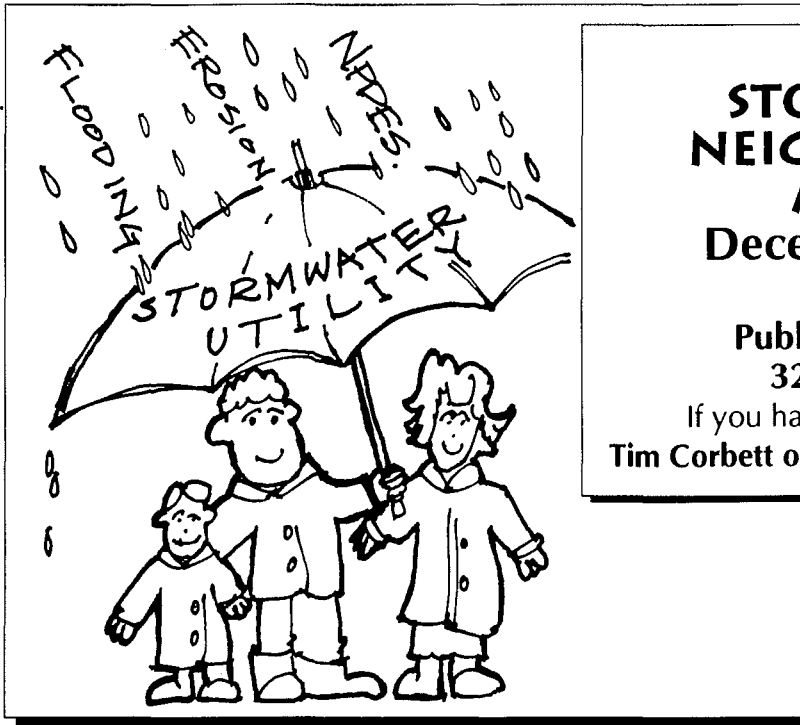
What is the timeline?

The stormwater utility is expected to be "up and running" by March 1994. The compliance period for the NPDES permit will extend approximately through 1996.

Virtually all jurisdictions in Clackamas and Washington Counties have formed or are in the process of forming stormwater utilities

Maintenance of the City's existing stormwater system cannot be adequately funded within current revenues.

Milwaukie has significant stormwater facility needs which were identified well before NPDES

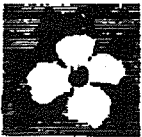


Come to our
**STORMWATER
NEIGHBORHOOD
MEETING**

**December 15, 1993
7:00 pm**

**Public Safety Building
3200 SE Harrison**

If you have questions, please call
Tim Corbett or Greg Drechsler at 652-4410



CITY OF MILWAUKIE

• 10722 S.E. MAIN STREET •
MILWAUKIE, OREGON 97222

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CITY OF MILWAUKIE



FAX (503) 652-4433

* * * MEMORANDUM * * *

December 22, 1993

To: Mayor and City Council
From: Dan R. Bartlett, City Manager *DB*
Subject: Public Safety Building Dedication

Action Requested

Please review the attached draft wording for the Public Safety Building Dedication Plaque. We will take a few minutes during the January 4, 1994, work session to discuss the event.

DRAFT

Dedicated to those citizens and employees of Milwaukie who brought the community together to build this facility which replaces the temporary police station at 2566 SE Harrison first occupied in 1971 and the 40th and Harvey fire station built in 1963.

date, 1993

Mayors

Craig Lomnicki

Mayor Roger Hall (1982 - 1990)

City Councilors

Rick Farley

Jean Schreiber

Rob Kappa

Bob Knudson

Craig Lomnicki (1985 - 1990)

William Fitzgerald (1987 - 1990)

Chere' Sandusky (1985 - 1992)

Michael Richmond (1982 - 1990)

City Managers

Dan R. Bartlett

Hugh Brown (1982 - 1988)

Police Chiefs

Charles Mansfield (1989 - 1993)

Ron Goodpaster (1984 - 1989)

Fire Chief

Dan Olsen

Concerned Citizens of Milwaukie

Jim Backenstos (President)

Bill Hupp (former Mayor)

Architect

MacKenzie/Saito & Associates

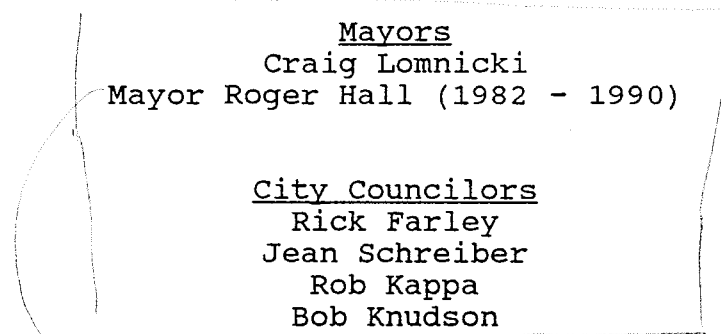
Engineers

MacKenzie Engineering, Inc.

Interface Engineering, Inc.

General Contractor

Darrit Construction



- add Bill Hall

① alpha
council
② no dates
③ - officials at dedication

f



Continuing Education

OREGON GRADUATE INSTITUTE
—OF—
SCIENCE & TECHNOLOGY

Mailing: P.O. Box 91000 Portland, Oregon 97291-1000 USA
Shipping: 20000 NW Walker Rd. Beaverton, OR 97006 USA
Phone 503/690-1219 FAX 503/690-1686

November 1, 1993

TO: Dan Olsen, Chuck Mansfield, Pat DuVal, Catherine Kelly, Carl Moseley
FROM: Linda Pease
RE: Public Safety Building Dedication Plans

The Committee met on Thursday, October 28th, and took the following actions:

Employee Reception

- A. Consensus of opinion from police and fire personnel is to only include department members and their families in the employee reception.
- B. Dave McLaughlin will be asked to DJ the music.
- C. An invitation will be distributed in-house to employees.
- D. The date for this event will still be December 9th.
- E. Food will be lasagna, pizza (for the kids) salad, breadsticks, cookies and beverages
- F. Babysitting will be settled after we know how many children to expect

VIP Reception

- A. Due to move-in scheduling uncertainty, the date for this event has not been set.
- B. Linda will contact John Bunnell, of the Multnomah County S.O. and TV fame (infamy?) to see if he will be a special guest speaker at this reception.
- C. John Eldridge, a Milwaukie PD retiree, will be asked to speak briefly, as will the mayor and Chief Olsen.
- D. The Jazz Studies Department at PSU will provide a quartet to play for a couple of hours. Cost about \$300.
- E. Food will be desserts, brie and fruit, and beverages.
- F. Mailing lists still need to be given to Pat DuVal.

Main Dedication Ceremony

- A. Again, the date for this event has not been set - it will likely be in January.
- B. An invitation will be extended to Attorney General Ted Kulongoski to be a keynote speaker
- C. The Oregon National Guard's military band will be contacted, and Linda will contact Margie Boule' or other outstanding singer for "patriotic music".
- D. Only beverages and maybe cookies will be served.
- E. Special action needs to be taken for closing Railroad avenue - Dan will take care of this.

- F. Carl will deal with temporary building signs
- G. Public Works will be asked to provide additional garbage cans. Other housekeeping and logistics details will be discussed at the next meeting.
- H. Press packets - a suggestion was made to hire Charlene Richards to prepare these. More discussion later. Chris Wright from the PD will be asked to assist.
- I. Cable TV will be contacted to provide video coverage.
- J. Golf carts may be rented to provide transportation for elderly or others

NEXT MEETING: Thursday, November 4, 8:15 a.m., modular unit behind City Hall

ACTION ITEMS:

1. Dates for VIP Reception and Main Dedication Ceremony
2. Logistical details (please refer to checklist enclosed)
3. Media coverage
4. Budget
5. Reports

Facilities

- Chairs
- Tables
- Lecturn
- Dais or platform for speakers
- Microphones
- Lighting
- Coat checkroom
- special electrical hookups
- trash containers
- Plastic for floors
- ropes/tape for partitioning off rooms or parking areas
- signage
 - a. outside
 - b. inside
- check-in table

Printing

- invitations
 - a. employees
 - b. VIP Reception
 - c. Main Ceremony
- envelopes
- programs

Registration

- Name tags
- R.S.V.P. lists

Parking Control

- barricades
- staffing

Staffing

- Tour guides
- Security - I know this seems ridiculous, but specific plans need to be made for coverage and responsibility

Publicity

- Press packets
 - a. photos
 - b. press release
 - c. history of building
 - d. special Milwaukie folders
 - e. follow-up calls to TV and Oregonian
 - f. Special facilities for media staff on day of ceremony

Other -- ??? I'm sure I've forgotten something...

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

5101 S E JOHNSON CREEK BLVD
MILWAUKIE, OR 97206

TELEPHONE 652-4410
FAX 774-8236

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

January 4, 1994

To: Mayor and City Council

Thru: Dan Bartlett, City Manager *DB*

From: Maggie Collins, Community Development Director
Dave Krogh, AICP, Associate Planner

Re: Variance Appeal for VR-93-04 (Knepper)

Action Requested

Consideration of, and action on, a Planning Commission action of denial.

Proposal

The applicants are appealing the conditions of an administrative approval of setback variances for a garage constructed in 1983 without permits. The applicants were administratively granted a 25% variance limit; however, they desire greater variances to avoid the necessity of removing, moving or modifying the existing garage.

The applicants desire a variance of rear and side setbacks within the R-7 Zone to allow a garage built for storing RVs to remain in situ. The existing rear setback is 15.6 feet, instead of the required 20 feet (22% variance), and the side setback is .5 feet, instead of the required 5 feet (90% variance). A variance of building separation is also needed. Currently the existing house and garage are 3 feet apart, instead of the 6-foot separation required by the City Zoning Ordinance (50% variance).

Memo to Mayor and City Council
Re: Variance Appeal for VR-93-04 (Knepper)
January 4, 1994 Page 2

Background/Discussion

The applicants are in the process of selling their house located at 11948 SE 28th (Tax Lot 5300 of Tax Map T1S, R1E, 36CA) and have already moved out of the state. In the process of selling their property, it was discovered that no City building permits had been obtained for garage construction which occurred in 1983. In addition, it was discovered that this garage did not meet the R-7 setbacks that were in effect both then and now. To legalize the garage status, the applicants applied for a rear setback variance for a garage addition. The application contended that a preexisting garage had been expanded to the point that the normal R-7 rear setback requirement of 20 feet was encroached upon by 3 feet and 1 inch.

City staff subsequently processed the application but received a letter from a concerned neighbor on August 6, 1993, indicating the garage was not an "add-on" (as alleged by the applicants) but was entirely new construction in 1983. The application was subsequently put on hold pending further research.

City building and planning staff jointly inspected the site and interior of the garage on August 19, 1993. The garage inspection clearly indicated the garage had been constructed as a single unit and not as an add-on. The concrete floor within the garage retained the original garage slab, in addition to new concrete poured for the expansion. Inspection of the north side setback was inconclusive. A tape measurement between the neighbor's deck (adjacent to the north property line) and the subject property yielded 4 feet of separation. This means both the neighboring deck and subject garage were not in compliance with R-7 setbacks.

A survey was subsequently requested of the applicants to determine the actual north side property line location. A survey map was provided on September 3, 1993, which shows the garage has a setback 6 inches from the north property line and 15.6 feet from the east property line. City building staff also determined the garage violates firewall provisions of the Uniform Building Code, since the structure is located less than 3 feet from the north property line.

Administrative Action

On September 14, 1993, the Community Development Director issued an administrative approval for VR-93-04, allowing a 25% variance for the rear and north sides of the garage. This is the maximum variance that can be allowed by administrative approval and would result in the garage having to be modified or moved in order to meet a 15-foot east setback and a 3.75-foot north setback.

The applicants, in conjunction with the purchasers (Mr. and Mrs. Wyatt Langley), subsequently appealed the administrative approval conditions which limit the variance to a 25% maximum. The appeal requested the Planning Commission to exceed the 25% variance limit of the administrative approval and allow the garage to remain in place. To mitigate concerns of the neighbor to the north, the purchasers proposed to reduce the height of the garage and install a fire wall along the north side of the garage wall.

Memo to Mayor and City Council
Re: Variance Appeal for VR-93-04 (Knepper)
January 4, 1994 Page 3

Planning Commission Action

The Planning Commission held two public hearings on the matter, on November 9 and 23, 1993. It was the Commission's opinion that, even though the garage had sat in place for 10 years, the variance criteria of Section 702 were still not met. Therefore, the Planning Commission denied the appeal and adopted findings to support the denial on December 14, 1993 (Exhibit 1).

Conclusions

The applicants have received an administrative variance approval already. Therefore, if the City Council chooses to deny this appeal, the applicants would still have an approved 25% variance. That approval would require the applicants to remove, modify, or move the existing garage.

The action of the Planning Commission in denying the applicant's appeal did not invalidate the City's administrative approval. It did, however, prevent the applicants from receiving a greater variance than was allowed administratively. The variance the applicants desire is that which would allow the garage to remain in place. This would be a 25% rear (east) setback, a 90% side (north) setback, and a 50% building separation. These variances would still require firewall installation for the north wall of the garage, since it is less than 3 feet from adjacent property.

Recommendation

Based on the findings adopted by the Planning Commission attached as Exhibit 1, and the administrative approval, which provides a procedure to correct a nonconforming setback situation, staff recommends denial of the appeal.

Exhibits

1. Findings for appeal denial
2. Site plan
3. Vicinity map
4. Appeal application
5. Correspondence #1
6. Correspondence #2

DK/mgh

4

PLANNING COMMISSION FINDINGS FOR DENIAL OF VR-93-04 (KNEPPER)
December 14, 1993

FINDINGS

1. This proposal was originally requested as a variance of rear yard setbacks within the R-7 Zone for a garage extension. The alleged garage extension was constructed in 1983 without a building permit and was assumed to have a rear setback of 16 feet 11 inches where the R-7 Zone requires 20 feet. This setback is a variance of 19.6% and would qualify for a Type II Administrative review as per Section 1011.2 of the Zoning Ordinance.

However, the existing garage has been determined to be new construction in 1983 and is not a garage extension. A survey map requested from the Applicants shows the garage as having only a .5 foot side setback instead of a 5 feet minimum normally required in an R-7 Zone. The survey map also shows the garage as having a 15.6 foot rear setback instead of the 16 feet 11 inches shown on the site plan. The interior of the garage does not include a fire wall as required for structural walls placed within 3 feet of a property line (as per the Uniform Building Code).

2. Because of the misinformation on the application relative to the garage status it is apparent that the north side setback requires a 90% variance to retain its existing .5 feet setback. This amount cannot be approved by a Type II Administrative review because of the 25% variance limit imposed for this process. Variances exceeding 25% can only be considered by Minor Quasi-Judicial review, which requires a public hearing before the City Planning Commission as per Section 1011.3 of the Zoning Ordinance. Such could be considered by the Planning Commission in case of appeal of the administrative action. At the public hearings for this matter on November 9 and 23, 1993, the Commission also determined a 50 % variance for building separation was required as per Section 406 because the existing house and garage are less than 6 feet apart. The original Applicants' proposal, and subsequently the administrative variances, did not address the building separation issue.
3. A full administrative variance (25%) was approved on September 14, 1993. This action established a 15 foot rear setback and a 3.75 foot north side setback. This action would have required the garage to be moved or demolished and rebuilt in order to meet the new setbacks. The Applicants and purchaser subsequently appealed the conditions of the administrative approval and the Planning Commission held public hearings on November 9 and 23, 1993. On November 23, the Commission took action to deny the appeal subject to adoption of findings on December 14, 1993.
4. The garage in question is located at 11948 SE 28th in Milwaukie. The new garage wall follows the wall line of the prior garage as evidenced by concrete floor orientation. The garage is built larger than normal auto garages (is approximately 13 feet wide by 44 feet long and 12 feet high) because of its previous use for RV storage.

DATE	1/4/94
BY	Staff
NO.	5

Findings for VR-93-04 Denial
December 14, 1993
Page 2

- 5. Criteria for variances are those of Section 702 of the City Zoning Ordinance. Section 702 states:

A variance may be granted only when the Planning Commission or Community Development Director finds that practical difficulty, or unnecessary hardship, which is inconsistent with the spirit and intent of the Comprehensive Plan and of this Ordinance for the applicable zone, would be created by a strict and literal interpretation of its provisions with respect to the property in question.

The Applicant states that an unnecessary hardship may be imposed upon the property owner if the variance is not granted. The setback violation and lack of permits for the garage extension had not been discovered by City staff or the Applicants until the house was put up for sale. The construction had actually taken place several years ago in 1983. The Applicants have already moved and a pending sale of the property may be jeopardized if the variance is not approved.

The purchasers have also indicated that the garage was a "big" draw to them. "We feel that the reduction in size (width wise), the moving of or rebuilding of the garage, and of course the total demolition of the garage will greatly reduce the value of the property."

The Planning Commission does not feel an unnecessary hardship is imposed due to the 10 year time period available to the Applicants in which to correct the problem. The Planning Commission also finds it difficult to believe the lack of a permit was not known to the Applicants at the time the new garage was built (in 1983) or at the time the neighbor (Ms. Powers) raised concerns to the City in 1985.

- 6. Section 702.1.A requires consideration:

Whether the property in question has unique, exceptional or extraordinary conditions which do not apply generally to other properties in the vicinity. Such conditions shall relate to the land or physical characteristics of the development as distinct from uses allowed in the zone, or from the personal conditions or economic circumstances of the applicant.

In response, the Applicants have indicated that although the property in question does not have any unusual natural or other physical features, the Applicants always thought the contractor who built the garage had followed proper permit procedures. They were very surprised to discover no permits had ever been issued although the expanded garage has been in place since 1983. This, they feel, should be considered as an "extraordinary" condition completely beyond their control.

The purchasers have responded that several other properties in the neighborhood have detached shops and garages and that these are also "tight" in placement unlike in other neighborhoods.

Staff contends the extraordinary provision requirement in this case must refer to physical features of the site and not to construction events. The fact that several structures in the neighborhood (for example, the house and garage on the adjacent property to the north and the house adjacent to the south) have less than R-7 setbacks is not in itself an unusual circumstance, but simply an indication that most construction in this area predated the R-7 Zone. The Planning Commission agrees with staff that no unusual or extraordinary circumstance relating to physical aspects of the property are evident. Therefore, this criterion is not met.

7. Section 702.1.B requires consideration:

Whether the request is the minimum necessary to permit the applicant to enjoy the use of his property in a manner substantially the same as others in the same zone, so that the applicant will not be granted a special privilege.

In response, the Applicants' application has indicated the expanded garage is already in place, but the Applicants desire to comply with legal requirements to make the garage conforming. Considering the length of time the garage has already been in place and the fact that larger garages or separate shop/storage structures are common, the Applicants don't feel this request authorizes a special privilege. This is also the minimum variance since it reflects only the status quo of the existing structure.

The Planning Commission has stated the length of time the garage has been in place should not be a factor in this variance consideration. The Commission also feels a special privilege may be granted to this applicant if the variance is approved, in that the existing garage exceeds the minimum necessary for use in the neighborhood.

Because of the length of time the garage has been in place, staff also checked to see if a statute of limitations was in effect for construction. Staff was informed by the City Building Official that no such statute was included within the Uniform Building Code (UBC). Therefore, UBC compliance is still necessary. No such statute of limitations is in effect for City Zoning standards. Therefore, zoning in effect at the time of permit application (R-7) must be complied with.

Findings for VR-93-04 Denial
December 14, 1993
Page 4

8. Section 702.1.C. requires consideration:

Whether there are feasible alternatives which would obviate the need for the variance, or overcome the difficulty with less adverse effects upon other properties.

The Applicants have indicated that limited options are open. Complete removal of the garage is not viewed as an option by the Applicants because it would not meet the needs of the Applicants or the intended buyers, the structure has been in place since 1983, and the garage had been well constructed and maintained. It would be a waste of time and money to remove the garage, according to the Applicants. The Applicants also allege no adverse effects are evident.

Conversely, staff received concerns from an adjacent neighbor as part of the comment period allowed by the Type II review process. These comments clarified the garage was not an addition but a new single unit built in 1983. It also alleged setback problems on the north side and expressed concern about solar access loss for an adjacent deck due to the high walls on the garage unit. Interior inspection of the garage by City staff (building and planning) on August 19, 1993, verified the garage was not an addition as originally alleged. A survey map requested of the Applicants also yielded corrected setback information.

The purchaser has indicated that moving the garage might restrict access into the garage due to obstruction by a corner of the house. Moving the garage and reducing its size would reduce its usefulness to the purchasers. They propose a compromise to install a fire wall to the north side of the garage and reduce the height of the garage to allow additional solar access to the neighbor to the north. The neighbor to the north responded on November 9, 1993, in opposition to the garage modification proposal of the purchaser and reiterated she had complained to the City in 1985 with no City response.

The Planning Commission has determined that other alternatives are available to the Applicants and purchaser that would reduce the need for a variance. These options include: demolition of the garage and reconstruction meeting R-7 standards, compliance with the 25% variance approved by the Community Development Director (which would require moving and shortening the garage), or reducing the size of the garage and moving it to meet the reduced setback allowance for small accessory structures of Section 401.1D. of the Zoning Ordinance. These alternatives would necessitate financial expenditures for compliance, but the question of what constitutes a reasonable expenditure is not at issue.

9. Section 702.1.D. requires consideration:

Whether the variance would have benefits to the applicant which would outweigh its adverse effects upon other properties or the public welfare.

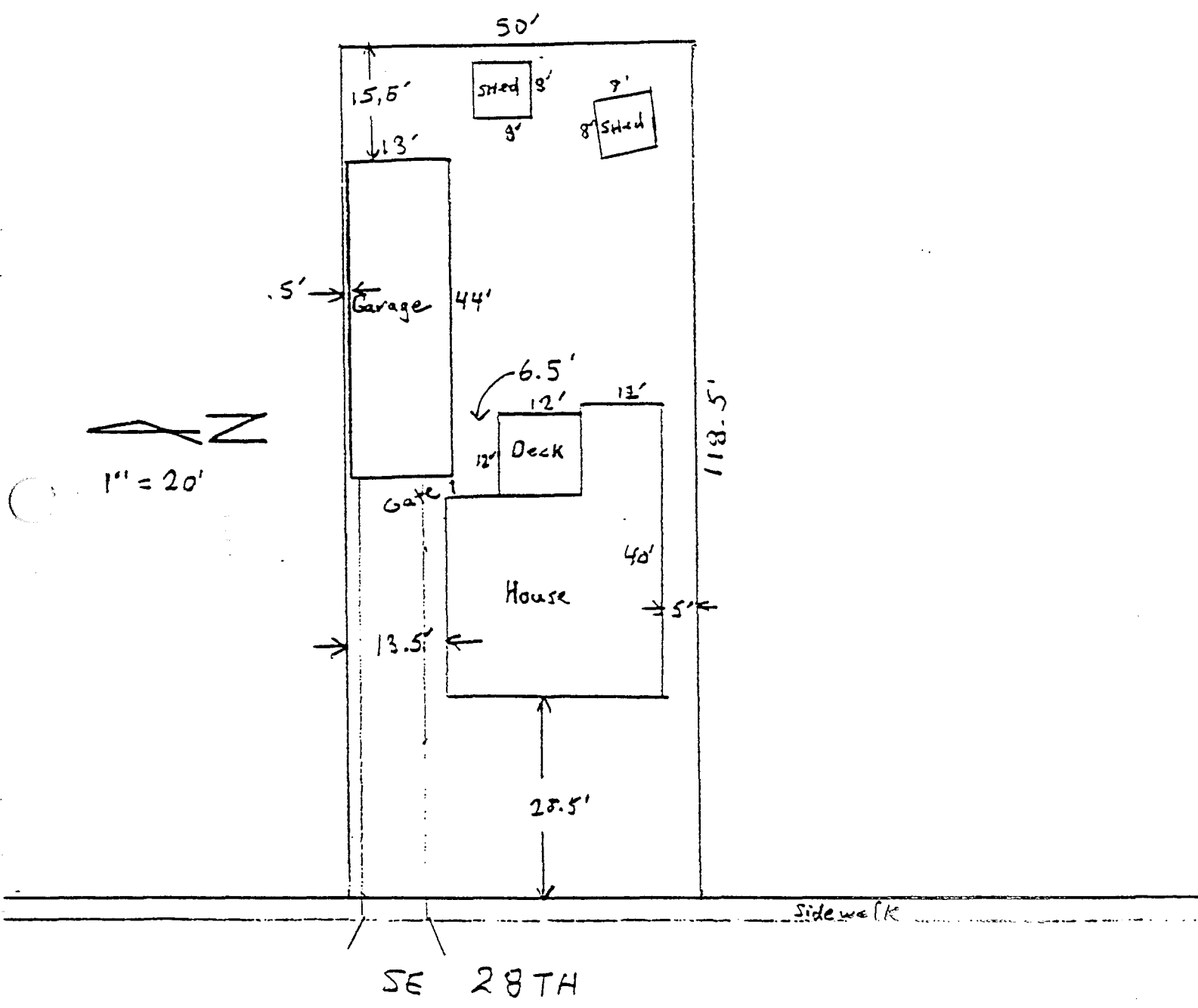
The existing garage benefits both the property owner by providing RV storage and privacy from adjoining property. The purchaser hopes to benefit from these features as well. The neighbor to the north (Ms. Powers) has stated concerns about solar access, the nonresidential appearance of the structure and the close proximity of such a large structure to her property. To mitigate, the purchaser is proposing to reduce the height of the garage from 10 to 8 foot walls and provide a fire wall on the north side of the garage.

The Planning Commission does not feel the proposed mitigation efforts are adequate to alleviate the adverse effects of so large a structure so close to the property line (.5 feet). Modifying the height of the garage will not change the existing close setbacks. Therefore, this criterion is not met.

10. The City Office Engineer has indicated that this proposal would not impact City utilities and services. The house is already properly serviced and the existing driveway is paved.
11. The City Building Official has indicated that the existing garage requires a building permit since none was obtained for either the demolition or new construction in 1983. In addition, if the garage is less than 3 feet from adjacent property, a fire wall must be provided as per provisions of the Uniform Building Code.
12. The Applicants applied for a building permit (P-3009) for the alleged garage addition. Since this application was submitted it has been determined the garage is not, in fact, an addition, but new construction. The Applicants' building permit request can be modified to accommodate the result of this variance process.
13. The R-7 Zone has been in effect for this location since 1979 when Ordinance #1438 was adopted.

CONCLUSION

It is the conclusion of the Planning Commission that, in spite of the existence of the garage since 1983, variance criteria are not met by the Applicants' proposal to modify the administrative variance approval. The appeal of the Administrative Variance approval conditions is therefore denied, as are the additional variances requested of 90% for the north side setback and 50% for the garage/house separation.



Revised Site Plan

EXHIBIT #	2
DATE	1/9/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-93-04

RECEIVED

DEC 02 1993

PLANNING

City of Milwaukie

Appeal Application

Date: 12/2/93

Milwaukie Community Development Department
City Hall
10722 SE Main St.
Milwaukie OR 97222

Re: File No.(s): VR-93-04

The undersigned hereby appeal(s) the decision of (check one): Community Development Director, Planning Commission, concerning the action to (check one): approve, deny the above referenced file(s) on the following date: 11/23/93.

Please set a date for the required public hearing for review of this appeal. I have enclosed the appeal filing fee of \$ *.

The reasons for this appeal are identified as follows:

* WE REQUEST THE WAIVER OF THE FILING FEE BECAUSE OF PERSONAL FINANCIAL HARDSHIP. THE SERVICES HAVE ALREADY PAID 1 APPEAL FEE.

THE GARAGE WAS CONSTRUCTED IN 1983 WITH NO WRITTEN COMPLAINTS. THE FIRE DEPARTMENT SAID THIS EXISTING STRUCTURE MEETS HIS APPROVAL. PROVIDING A FIRE WALL IS ADDED TO STRUCTURE AND THIS ONE INTENT TO DO AT SELLER COST. WE FEEL ITS UNFAIR TO HAVE THE SERVICES REMOVE THIS STRUCTURE AFTER A 10 YR PERIOD.

I will will not (check one) be providing additional written materials prior to the public hearing.

Sincerely,

EXHIBIT #	<u>4</u>
DATE	<u>1/4/94</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>VR-93-04</u>

James M... [Signature]
Signature(s)
MILWAUKIE REACT
AGENT FOR SELLERS

11/24/93 [Signature]
RECEIVED
DEPARTMENT
PLANNING
PHONE 331 6300

12-16-93

Milwaukee City Council

RECEIVED

DEC 22 1993

PLANNING

Due to bad health and finance my husband Ronald and myself Marcellia Knepper can not attend the Jan. 4th meeting concerning the garage in question, located 11948 S.E. 28th St. Milwaukee, Or. We live out of state.

We have never had any complaints when the garage was completed in 1983 and did not know until house was placed for sale in June '93 that there was never a building permit for construction of garage. We were totally unaware of this fact. We left all of that to the contractor. Now it would definitely be a hardship to us after this 10 year period, financially. We are seniors and the sale of this property will be our lifetime income.

We sincerely thank you for your consideration of this matter.

Ron and Marcellia Kneppers

EXHIBIT #	5
DATE	1/4/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-93-04

RECEIVED

DEC 22 1993

PLANNING

12-16-93

Dave Krogh,

Ronald and I would like to take this opportunity to ask is there any way we could help to expedite the garage dilemma? We would be happy to do so any way we can.

Ronald + Marcella Snepker
7309 W. Hampden
#6701
Lakewood, Co. 80227

RECEIVED
DEC 22 1993
PLANNING

EXHIBIT #	6
DATE	1/4/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-93-04

CITY OF MILWAUKIE



FAX (503) 652-4402

* * * * MEMORANDUM * * * *

January 4, 1994

TO: Mayor and City Council
FROM: Dan Bartlett, City Manager *DB*
SUBJECT: Establishing Regular Meetings

Action Requested

Consider a resolution which continues the current practice.

Background

Chapter VI, Section 20 of the Milwaukie Charter calls for regular meetings at least twice a month at a time and place the Council designates. The current Milwaukie Code Section 2.04.070, sets the regular meetings as the first and third Tuesdays of each month.

Recommendation

The Council may continue the current practice by adopting the attached resolution. If the Council wishes to change the meeting date, time, place, then the Council should direct staff to prepare an ordinance modifying the Code.

c:\memos\meetgs

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE FIRST AND THIRD TUESDAYS OF EACH MONTH AS THE REGULAR CITY COUNCIL MEETING DATE.

WHEREAS, Section 20 of the Milwaukie City Charter requires the City Council to hold a regular meeting at least twice each month in the City at a time and at a place which it designates,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Milwaukie, Oregon, designates that the regular Council session will be called to order at 7:00 p.m., on the first and third Tuesdays of each month at the Milwaukie Center.

Introduced and adopted by the City Council on January 4, 1994.

BY: _____
Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'DONNELL, RAMIS, CREW & CORRIGAN

Resolution No. _____ page ____ of ____

CITY OF MILWAUKIE



FAX (503) 652-4402

* * * * MEMORANDUM * * * *

January 4, 1994

TO: Mayor and City Council
FROM: Dan Bartlett, City Manager *DB*
SUBJECT: Designating Paper of Record

Action Requested

Consider a resolution which designates the *Clackamas Review* and the *Oregonian* as papers of record for the City of Milwaukie.

Background

Oregon Public Meetings Law requires that the public be aware of the deliberations and decision of the governing body. ORS 193 further defines a newspaper of general circulation and in which newspapers public notices may be published.

Recommendation

Staff recommends that the City Council adopt the proposed resolution that designates the *Clackamas Review* and the *Oregonian* as the City of Milwaukie's paper of record. Both newspapers meet the City's public notice needs and requirement of state statutes.

c:\memos\papers

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE CLACKAMAS REVIEW AND THE OREGONIAN AS THE PAPERS OF RECORD FOR THE CITY OF MILWAUKIE.

WHEREAS, ORS 192.620, Public Meetings Law Policy, requires an "informed public aware of the deliberations and decisions of the governing bodies"; and

WHEREAS, ORS 193.010 defines a newspaper of general circulation and ORS 193.020 defines a newspaper in which public notices may be published; and

WHEREAS, both the *Clackamas Review* and the *Oregonian* meet the needs of the City and the requirements of state statutes,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Milwaukie, Oregon, designates the *Clackamas Review* and the *Oregonian* as the papers of record for the City of Milwaukie.

Introduced and adopted by the City Council on January 4, 1994.

BY: _____
Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'DONNELL, RAMIS, CREW & CORRIGAN

CITY OF MILWAUKIE



FAX (503) 652-4433

MEMORANDUM
December 27, 1993

TO: Honorable Mayor and City Council

THROUGH: Dan Bartlett, City Manager

FROM: Charlene Richards, Assistant to the City Manager

SUBJECT: Management Classification and Salary Range:
Building Official

Action Requested

Review the revised classification and recommended salary range for the Building Official with an effective date of January 10, 1994.

Background

The City has a current vacancy in the Building Official classification. The current position description was adopted in 1989. As part of the review process for the filling of a vacancy, the job description was updated to match the requirements of the position. Two major changes occurred. The requirements for state certification were changed and the position was given the added responsibility of administering the code enforcement program including parking enforcement. The two changes resulted in revisions to the certification requirements and the frequency and complexity of the decision-making and problem solving.

The reclassification of the Building Official meant changing the salary range from range 16.0 to range 17.0, a five percent increase or one step increase at the top of the range. The salary range for fiscal year 1993/94 is \$2,888 to \$3,687 per month. There are funds available to fill this position at the new salary range.

Recommendation

Authorize the City Manager to revise the 1993-1994 Salary Schedule (Management and Non Represented Staff) to include the classification of Building Official at Range 17.0 effective January 10, 1994.

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CITY OF MILWAUKIE

CLASSIFICATION: BUILDING OFFICIAL

Description:

This position represents the City in the field of Building Code Administration, Parking and Nuisance Code enforcement. Includes management of required inspections and compliance processing. This position reports directly to the Public Works Director.

Duties and Responsibilities:

(Tasks listed are intended to be descriptive and not restrictive. An employee in this classification may perform any of the tasks listed, however, these examples do not include all the tasks which an employee may be expected to perform.)

1. Meets with developers, engineers, builders, and homeowners regarding recommended procedures for proposed projects.
2. Reviews building plans of varied complexities and writes corrections.
3. Inspects new and existing buildings during construction, remodeling or alterations.
4. Maintains computer system for the department.
5. Makes decisions of technical nature on difficult and unusual cases as related to code interpretation.
6. Prepares and distributes monthly, quarterly, and annual reports to federal, state, local agencies, and Public Works Director.
7. Classifies building occupancies at time of permit application and issues occupancy certificates for all structures.
8. Develops new programs and procedures to comply with current laws or policies.
9. Designs and updates department forms.
10. Sets valuations on all permit applications and assesses fees accordingly.
11. Designs and updates departmental permit processes.

Job Specifications:

(Job preparation and prior work experience requirements are minimum standards. Other equivalent combinations of education, training and experience will be considered.)

1. Job Preparation: Requires a high school diploma; State Certification as Building Official, ICBO Building Inspector, and Inspector and Plans Examiner. Continuing education classes in management and building technology.

2. Prior Work Experience: Must include a minimum of 4 years employing technical skills; 3 years involving the supervision of others; and 7 years total prior work experience. Work experience should include a supervisory level in construction trades; a knowledge of all types of construction; an ability to communicate effectively with architects, engineers, developers and fellow employees.

3. Supervision: This position directly supervises a Building Inspector and a Code Enforcement Worker. Various personnel actions are recommended to a higher organizational level. Positions supervised are of moderate complexity and skill level.

4. Communication: Position requires frequent amount of communication with City residents, other departments within the City, vendors, other government entities, professional service firms, media, the general entities, and contractors. Communication is frequently complex and often involves confidential or sensitive information.

5. Cognitive Functions: Work is occasionally supervised with a moderate level of structure. Creativity and innovation are frequently required to solve problems of considerable difficulty with precedents sometimes available.

6. Physical Conditions: Work is performed with a moderate degree of temperature extremes, dirty or otherwise disagreeable conditions and travel during inspections.

7. Resource Accountability: Considerable impact on \$150,000 annual revenue. Moderate non-monetary impact on department computer system.

CITY OF MILWAUKIE



FAX (503) 652-4433

* * * * MEMORANDUM * * * *

December 23, 1993

To: Mayor and City Council
From: Pat DuVal, City Recorder *pad*
Subject: Council Packet Information

Information Only

The information regarding the Intergovernmental Agreement with Clackamas County Sheriff's Department for interim Police Chief services is currently being reviewed by the City Attorney. It will be available on Thursday, December 30.

Thank you.

(1)

CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 21, 1993

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

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Bob Knudson
Rob Kappa

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Bill Monahan,
City Attorney
Angus Anderson,
Finance Director

Maggie Collins,
Community Development
Director
Mike Machado,
Acting Police Chief
Pat DuVal,
Recorder/Secretary

PUBLIC HEARING

None scheduled.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Periodic Review of Proposed Local Order (Final) - Resolution

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider a resolution which clarified five areas of Milwaukie's Comprehensive Plan.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to adopt the resolution authorizing the submittal of a draft proposed local review order to the Oregon Department of Land Conservation and Development. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

2

CITY COUNCIL MEETING - DECEMBER 21, 1993

RESOLUTION NO 35-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING SUBMITTAL OF A DRAFT PROPOSED LOCAL REVIEW ORDER TO THE OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT.

Consider New Classification - Assistant Mechanic/Facilities Maintenance Worker

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to review a proposed new classification and recommended salary range for the Assistant Mechanic/Facilities Maintenance Worker and propose an effective date of January 1, 1994. This position was approved by the Budget Committee and the City Council. The MEA bargaining unit has agreed to the proposed salary range.

Councilmember Kappa asked what type of work this employee would do. Bartlett said this position would help with the seasonal heavy workload in fleet and perform handyman tasks. Kelly Somers, Public Works Superintendent, will be the primary supervisor.

Councilmember Farley asked what the phrase "analyzing facilities maintenance problems" in the job description meant. Bartlett said this employee would evaluate a maintenance situation and contact the appropriate repair company.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the City Manager to revise the 1993-1994 Salary Schedule (MEA/AFSCME) to include the classification of Assistant Mechanic/Facilities Maintenance Worker at Range 6.0, effective January 1, 1994. 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 Purchase of Police Vehicles

Mike Machado, Acting Police Chief, presented the staff report in which the City Council was requested to consider authorizing the purchase of three police vehicles. This action was approved in the 1993-1994 Budget as part of the vehicle rotation process. He discussed purchasing the vehicles from either Russ Chevrolet or State of Washington. He said he was seeking Council approval to purchase the vehicles at the lowest price.

Councilmember Schreiber asked how the replacement value was reflected. Machado said the vehicles will be put into service in other areas of the City.

CITY COUNCIL MEETING - DECEMBER 21, 1993

Bartlett said all vehicles are in the Fleet Services budget.

Councilmember Farley asked how many vehicles were being replaced. Machado said three vehicles in the standard rotation were being replaced. Councilmember Farley asked if the Police Department was short one vehicle due to the accident. Machado said the City was still looking at options for replacing the vehicle damaged in the accident.

Councilmember Knudson asked if the vehicle was totalled. Machado said it was still being evaluated.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the purchase of three police vehicles from the Portland bid or the best source. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

OTHER

Councilmember Farley discussed a veteran training grant program.

Councilmember Knudson asked the status of Tom Alford's request from the previous Council meeting regarding parking on the sidewalk and police conduct. Machado said his question was still being investigated; however, preliminary reports indicate that there had been an agreement regarding issuance of courtesy citations during the parade.

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 December 7, 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 information on speed control devices which might be considered as options on 32nd Avenue.

Councilmember Schreiber expressed concern that there might a liability issue with speed bumps.

Bartlett said the effect of speed control devices on other modes of transportation, such as busses, would also have to be considered. He said representatives from several

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CITY COUNCIL MEETING - DECEMBER 21, 1993

concerned neighborhood groups were now on the Traffic Safety Commission.

Councilmember Schreiber said there have been some complaints and problems with the McLoughlin jughandle. **Bartlett** said these complaints were being passed along to ODOT.

Mayor Lomnicki said highway "buttons" might also be an option.

Councilmember Kappa suggested that Milwaukie look into conducting a class on traffic control.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 7:30 p.m.

Pat DuVal, Recorder/Secretary

(1)

CITIZEN'S UTILITY ADVISORY COMMISSION

6:00 pm
November 3, 1993
Johnson Creek Facility

The thirty-ninth meeting of the Citizen's Utility Advisory Commission was held November 3, 1993 in the conference room at the Johnson Creek facility. Chair Kay convened the meeting at 6:05 pm. Present were:

Michael Kay, Chair
Ralph Klein
Carl Jacob
Alan Fletcher

Richard Raynor
Anne Smith
Tom Alford

ABSENT:

None

STAFF PRESENT:

Tim Corbett, P.W. Director
Connie Leasure, Staff Ass't

I APPROVAL OF MINUTES

The minutes for the October meeting were approved as submitted.

II DISCUSSION

A. Final Outcome of Water Rate Recommendation

Corbett reported that the water rate increase recommendation was reviewed by Council on 11/2/93 and passed with a couple of small changes. One was changing the "service restoration fee" to "delinquent payment/service restoration fee". The increase will be effective with the December meter readings. Corbett noted that only one Council member voted against the increase, due to the percentage amount. Raynor asked how Council handled the low income portion of the recommendation; Corbett replied that it was left as drafted, although significant discussion centered around how many people were eligible for a reduced rate, and whether the same people also apply to the County for other low-income reductions.

B. Storm Water Utility Program Review

Shaun Pigott of Shaun Pigott Associates was present to go over the program schedule, which he distributed to the commission. For the benefit of the newer members, Pigott gave a short history of the process to date, explaining that the regulations required that funding be an integral part of the permit process. Two town hall meetings were held to inform citizens about the need for a stormwater utility to provide for the funding, and information gathered from the citizens at those meetings has been integrated into the proposed program.

②
Pigott explained that the funding will be obtained by charging a fee for each "single family equivalent" unit, which is determined by the amount of impervious surface each property has. A single family residence would pay a flat rate of around \$4.00 each month and commercial or industrial properties would pay "units", based again on the amount of impervious surface as compared to the average SFR. Corbett emphasized that, as the charge is a fee rather than a tax, there will be no exceptions to the charge - churches, schools, and even the city will all pay equally. The only option available for reduced or waived fees would be if mitigation efforts were determined to eliminate runoff by virtue of the construction of retention, detention, and/or treatment facilities. The Oregon Worsted building near Johnson Creek was discussed in this context. Klein asked if the Milwaukie Center would be "grandfathered" - Corbett explained that any such exemption would destroy the argument that the charges are not a tax.

Corbett asked Pigott to explain the mechanics of determining mitigation; Pigott said that each property requesting mitigation credit would be looked at in relation to "before" mitigation was constructed as opposed to "after" storm water discharge rates and quality. The closer a property is to "undeveloped" discharge rates, the lower the fee. Corbett asked about underground detention, and whether quality as well as quantity are credited, and who makes those determinations; Pigott replied that provisions are made for each factor, and the Public Works Director is named in the resolution as the responsible party for those decisions. Jacob asked about single family residence mitigation; Pigott replied that SFR mitigation usually amounts to rainbarrels and drywells which would not be applicable as they generally cannot hold the amounts of water collected over more than a single rain event. Corbett asked if SFR's in a subdivision using the development's designed storm drainage would qualify; Pigott replied that credits in that situation would be to the developer on storm SDC's only.

There was some discussion about what type of maintenance, such as cleaning oil separators, would be required to retain a fee reduction. Corbett stated that he would want to see a signed contract for scheduled maintenance or monthly reports on the quality of discharged water. Pigott noted that this highlights a policy decision that must be made; if fee reductions are given to "adequate" mitigation in a development, the effect would be perceived as subsidizing development, while if reductions were withheld unless a development "exceeds requirements", only a small number of businesses would qualify. Pigott commented that each jurisdiction handles fee reduction differently; Portland is more politically motivated, and that city has "gone overboard" to promote their credit program, losing significant revenue as a result.

Pigott noted that to maintain consistency between the utilities, a provision was made for low-income adjustment. There currently is no fixed reduction, but 50% reduction from the base ESU (equivalent service units) charges would maintain that consistency. Pigott explained that the budget for the storm utility was established by determining cost of maintenance, permitting, engineering and capital improvements; then the number of ESU's in the city were determined.

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Alford asked whether properties which do not drain to the street, such as his home which drains to Spring Creek, can apply for a reduced rate; Pigott explained that even these properties receive storm services, such as drier streets, so no reduction would be made for slope, etc. Kay noted that if such a property were located outside a permitted jurisdiction, it would be required to obtain an individual NPDES permit, which would certainly be far more expensive than the City's monthly fees.

Pigott noted that the ordinance and rate resolutions have been forwarded to the attorney for review. The data base development is underway, with city staff using METRO infrared photogrammetry; the process is slow, but staff is being careful so that the opportunity for legal challenges is reduced as far as possible. Pigott referred to the newsletter information included in the packet; although the text is too long, the information is important and can probably be condensed. Kay agreed that it is too wordy, but felt that it should be sent to Council intact so that they have the information they may need to answer citizens' questions. Most of the commission member felt that the information was important, but unless the info was condensed there was a risk it would be discarded unread by the majority of the citizens.

Corbett mentioned that a work session with Council has been scheduled to discuss the storm utility.

C. Clackamas Basin Water Authority Information

Corbett gave a brief history of the development of the task force; a large number of local jurisdictions have been meeting for two years to explore the idea of regionalizing the service of water to the basin's residents. Currently the task force has obtained a consultant to help determine what type of efficiencies could be obtained by regionalization. Pigott is also working with the task force, and reported that the types of things being examined are consolidated billings, etc. Items such as common assets, regional rates, etc. are being formulated to answer the types of questions the Boundary Commission will ask; while the regional authority is beginning to look feasible, it is unknown to date whether it will "pencil out".

There was considerable discussion about whether true efficiencies are actually obtained by regionalization; Jacob noted that METRO has not proven to provide savings to the region, and instead added another layer of government to be funded and dealt with. Fletcher commented that he agrees, which is why the task force is limited to the Clackamas River basin, rather than being a Portland metro area-wide group like METRO. Corbett noted that the clean water regulations require a level of sophistication that strains small jurisdictions more than a larger one like Portland, and it doesn't make sense for each small jurisdiction to have their own Water Specialist when the area could be better served by a larger, better trained work force with a central lab.

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III Information Sharing

Klein reported that he had received a flyer regarding work beginning November 5th on the Kellogg Treatment Plant, and he read the information.

IV Future Agenda Items

The next meeting date was scheduled for December 1st.

V. ADJOURN

There being no further business, the meeting was adjourned at 7:40 pm.

BULLETIN OF THE **INSTITUTE OF PORTLAND METROPOLITAN STUDIES**

Vol. 1, No. 4 OCTOBER 1993

Portland State University School of Urban and Public Affairs Portland, Oregon 503/725-5170

Hello! This informal bulletin will be sent on a quarterly basis to keep you informed of the activities of the Institute, and of opportunities to get involved. Institute policies and programs are overseen by a 21-member community-based board. Our mission is to better connect the resources of the university with the issues confronting the five-county (Clackamas, Clark, Multnomah, Washington, and Yamhill) metropolitan area. Ultimately, our objectives are to serve as a consistent and effective point of access to the resources of the university and to become a principal source for information about metropolitan issues and dynamics. As always, comments, suggestions, and all "good ideas" are gratefully accepted! Just give us a call at 725-5170.

Metropolitan Issues List

To guide its work, and to ensure that sponsored projects address issues of metropolitan significance, the Institute has developed a list of critical metropolitan issues. Past editions of this Bulletin have chronicled our progress towards completing the list. At its September meeting the Board of the Institute discussed and agreed to the following list of critical metropolitan issues as it formulates its inaugural research program:

Growth Management, Environmental Quality and Sense of Place - There is a great deal of concern for the changing nature of the metropolitan area landscape. Those concerns range from physical environmental quality, at one end of the spectrum, to community identity and sense of place at the other. Much of this concern is linked to the growth of the region, though current conditions, without any additional increment of growth, are also perceived to challenge quality of life. The results of growth and change are widely perceived to be leading to diminished environmental quality. Survey results indicate that citizens overwhelmingly view growth in negative terms and see growth as both highly undesirable and highly likely. Individuals have a great desire for a harmonious place in the metropolitan landscape, one that offers privacy coupled with access to community, the economy, and wilder places beyond the urban area. A fundamental challenge for the metropolitan area is and will be to preserve and enhance its identity through a distinctive intersection with the natural and cultural landscape.

• **Economy and Jobs** - The ability of residents of this region to find and keep family wage jobs is of immediate and pressing concern. Families and households of all types are working harder and longer with a heightened sense of vulnerability. At the same time, it has become clear that the quality of the workforce and the strength of our job-creating business enterprises are two sides of the same coin. They are woven together through a desire for a high

degree of economic and entrepreneurial opportunity, both for individuals and firms. The context for our economy is provided by the global economy, meaning that the standards by which our workforce and our products are judged is necessarily a world standard. The challenge will be to bring these issues into a common frame, one provided by a clear understanding of the metropolitan economy, its strengths and weaknesses and prospects for stable growth. Achieving a high-skill, high-wage economy will only result from a shared sense of purpose involving public and private sectors, individuals and firms. In the words of the Urban League of Portland, "education and employment equals equality." A fundamental challenge for the metropolitan area will be to make real the contention that everyone has a stake in our economy.

• **Quality of Community Life** - The challenges facing households in our region range from personal and public safety to economic security, from meeting basic needs (including child and health care) to being able to enjoy a sense of community. Households want to know that the communities they live in will be responsive to their needs. People are seeking safe, secure, peaceful living environments that offer the opportunity for all members of their households to grow and prosper. Together with stable employment, people in the region are seeking the kind of community life that provides them with a secure home base, both a refuge from too large issues and a platform for effective engagement of the economic and social environment. A fundamental challenge for the metropolitan area is and will be to assist with the creation of conditions under which households can feel effective and have access to the means for prospering. A secondary challenge will be motivating and supporting responsible citizenship, and incorporating in decisionmaking processes a set of principles that provide a link to concerns for quality community life and therefore an "embraceable motivation" for collective action.

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• Metropolitan Collaboration and Cooperation - Citizens expect public services to be provided efficiently, even if that means that traditional service providers are replaced by new entities. However, they also expect to be able to influence the decisionmaking processes guiding service provision, and that processes for prioritizing public sector activities are clear and related to shared concerns. These two sets of expectations often are seen to be in direct conflict in a metropolitan setting. Further, although elected officials are expected to act to meet community needs, there is little inclination to allow them the latitude to lead. Coupled with new public finance realities in the state and nation, there is a new and high premium on devising responsive, collaborative models for coordination among service providers in the metropolitan area.

In many respects, this list of four critical issues parallels the Oregon Benchmarks construction of Livable Communities, Human Investment, and Economy of the State, with the intergovernmental issue added due to our specific interest in the metropolitan area. This critical issues list must be regarded as a work in progress. The Institute will continue to revise and update the list as new information is developed and new issues arise. For more information about the list, how it was created, and how it will be used, please contact Ethan Seltzer.

First Institute Research Program

The Institute is now in the process of developing its first regional research program. Projects are being developed under three headings:

a) Region Studies: Sponsorship of projects which provide new or better insights into the dynamics that knit the metropolitan area together. Two projects have been proposed. The first is the development of a regional economic baseline, an investigation of the nature of the economic region, its strengths and weaknesses, and internal and external linkages. The second is the development of a metropolitan portrait, a systematic depiction of the metropolitan area formulated in a way that will allow tracking of critical metropolitan issues, benchmarks, and quality of life indicators. Both of these projects will result in products of use to strategic planning efforts in the metropolitan area in an engaging and accessible form.

b) Innovations: Sponsorship of projects that bring new insights and cutting-edge ideas to the region regarding governance, community development, and service delivery. Three projects are currently being pursued. In partnership with the Forum on Cooperative Urban Services (FOCUS) the Institute will be developing analyses of innovative approaches to public finance and revenue in a metropolitan setting, and the identification of high performance public service delivery models for consideration in an ongoing discussion of governance and

annexation. Both of these projects reflect critical challenges facing metropolitan area decisionmakers. The Institute will also continue to sponsor the development of Metropolitan Newsnet, a project designed to test the use of emerging telecommunications technologies for spawning collaborative action to meet community needs.

c) Short-term Special Projects: Sponsorship of projects or events that are of interest to more than one jurisdiction or community, result in a product that supports public dialogue, addresses the critical issues facing the metropolitan area, and furthers the aims of the Institute. One project, the development of an Annual Leadership Symposium in early 1994, is proposed at this time, though the Board expects to see projects proposed for sponsorship from time to time.

The Board of the Institute will continue its discussion of these projects at its December 15 meeting. For more information, please contact the Institute.

New Faces at the Institute - The Institute is delighted to announce the addition of new faces to our team. Dr. Craig Wollner will be with us half-time as the Research Coordinator and primary faculty contact. He will be guiding the development of the Metropolitan Portrait and overseeing the Institute's involvement with the development of service learning opportunities on campus. Teresa LaHaie, Graduate Research Assistant (GRA) will be assisting Craig and working on the Leadership Symposium. GRA Richard White will be developing a pilot project, funded in partnership with the Oregon Housing and Community Development Department, to place students in technical assistance roles in small community-based organizations. GRA Chad Meadows will be working on the development of the Regional Economic Baseline project. GRA Susan Van Staveren is the new editor-in-chief of Metropolitan Clearinghouse Abstracts, and caretaker of the Clearinghouse itself. Steve Johnson continues to manage Metropolitan Newsnet and we bid farewell, hopefully only briefly, to Mary Rose Navarro, founding editor of the Clearinghouse Abstracts. Please feel free to drop by or call in your greetings!

Metropolitan Clearinghouse Abstracts - The Metropolitan Clearinghouse was established as a central collection point for reports, studies, plans, and budgets. Twice each year, the Institute will publish an abstract of the materials collected to date along with a list of materials abstracted in previous editions. The October edition of the abstracts, our second, will include a number of new features. We've instituted a section on innovations in local service delivery, and have assembled a matrix of goals and objectives adopted by metropolitan area jurisdictions. It will include an article on migration by Ed Schafer, director of the Center for Population Research and Census, and profiles of research and service centers on the PSU

campus. In the future, we are considering the addition of a "research opportunities/help wanted" section to further university-community collaboration. All those who received a copy of the first edition will receive a copy of the second. If you did not receive the first edition and want to receive the second, please call Susan Van Staveren at the Institute.

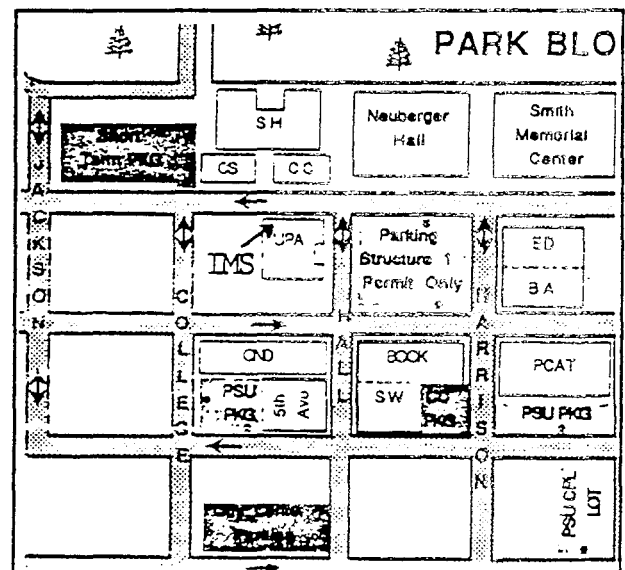
Annual Leadership Symposium On Track for January 29, 1994 - Mark your calendar! The Institute's Annual Leadership Symposium will take wing on Saturday, January 29, 1994, location to be determined. Conference partners include the Forum on Cooperative Urban Services (FOCUS), League of Oregon Cities (LOC), and Special Districts Association of Oregon (SDAO). More information will be mailed later this fall. The theme for the conference will be new tools for leadership, and will include an update on key metropolitan area trends. National speakers and the opportunity for attendees to catch up with each other will highlight the event. For more information, please contact Teresa LaHaie at the Institute.

Community Service Internship Project - The Institute, in partnership with the Oregon Department of Housing and Community Services, is developing a pilot project to investigate the use of students for providing research assistance to small community-based organizations. The Institute will work with metropolitan area nongovernmental community-based groups to develop research projects. Four interns will be placed in the winter and four more in the spring. The objective for the project is to determine whether community-based groups can get the technical assistance they need while giving the students an opportunity to put their education to work, all in a 12-week period. Community-based groups will be expected to provide a place to work, access to information and people, and a community mentor for each student. The Institute will work with the organizations to define the projects and will use funds from the Department to support the students. Projects will be selected based on a "request for technical assistance" to be circulated in the next month. For more information, please contact Richard White at the Institute.

Our Thanks! On behalf of the Board of the Institute and all those working here, we'd like to thank area cities, counties, special districts, and state agencies for their generous contributions to our research and service fund. Over 26 jurisdictions and agencies have contributed over \$150,000 to be used for research and service projects addressing the critical issues of the metropolitan area. With the university providing the basic operating funds for the Institute, these contributions will be dedicated to program activities. The track record created by these initial projects will be the key to developing foundation and private sector support to meet ongoing research and service program needs.

Conference Opportunity - Join other decision-makers from Oregon, Washington, and California at "Putting Our Communities Back On Their Feet," a land use conference for elected officials sponsored by the Local Government Commission of Sacramento, California. The conference will take place on February 3 and 4 in San Francisco. The purpose of the conference is to provide cutting-edge information about mixed-use developments, the creation of more walkable and safer neighborhoods, and community participation strategies for creating innovative land-use guidelines. For more information, contact the Local Government Commission at (916) 448-1198.

Briefs... Our thanks to Victoria Gilbert for devising the new, better, readable format for this Bulletin... The Institute has entered into a contract with Metro to provide research and support services to the Future Vision Commission, a charter-mandated group... The Institute and the PSU Department of Art and Architecture are working with the City of Gresham to develop a 3 to 4 year agreement regarding urban design studios related to the Gresham vision... By the time you receive this, the programming for Metropolitan NewsNet on the ED-NET Compass system should be complete and a training session will have been scheduled. In addition to the system, NewsNet will include the Clearinghouse Abstracts on-line, an issues file constructed across all editions of the Oregonian, and the development of a public forum to discuss emerging telecommunications issues and opportunities in metropolitan area communities. If you are interested in participating in this innovative telecommunications project, please contact Steve Johnson at the Institute... The Board of the Institute meets next on December 15, 1993... For more information on these and other projects, please call the Institute.





CITY OF
PORTLAND, OREGON
OFFICE OF TRANSPORTATION

Earl Blumenauer, Commissioner
Transportation Engineering
1120 S.W. Fifth Avenue
Room 802
Portland, Oregon 97204-1971
(503) 823-7004
FAX: (503) 823-7371

**SE JOHNSON CREEK BLVD
32ND AVE TO 45TH AVE
Street Improvement Project
December 3, 1993 Update**

Background

SE Johnson Creek Blvd, 32nd Ave to the Johnson Creek bridge (near 45th Ave) has poor alignment and pavement, little or no curb, sidewalk, or storm drainage. These conditions combined with the high peak-hour traffic volumes (in part, from traffic between I-205 and the Sellwood Bridge area) have an adverse affect on pedestrian, bicycle, and auto safety, and overall livability for the adjacent Ardenwald neighborhood.

In 1989, the City of Milwaukie, METRO, and City of Portland endorsed recommendations from a study of arterial streets in the McLoughlin Corridor to improve this section of Johnson Creek Blvd as a neighborhood collector without increasing capacity of the street or transferring traffic to other streets. Local, state and federal policies and guidelines call for a balanced system of improvements to accommodate all modes of transportation: transit, auto, bicycle and walking (pedestrian) improvements.

Proposed improvements for Johnson Creek Blvd include a new roadway with curb and the existing stop signs at 32nd, 36th, and 42nd Avenues, bike lanes, sidewalks, upgraded street lighting, and necessary storm drainage. A sanitary sewer line would also be installed in the street for future use from 32nd Ave to 36th Ave. Development of the plan for these "multi-modal" improvements is to be a joint effort involving the adjacent owners/residents, Ardenwald Neighborhood, City of Milwaukie, and City of Portland.

Current Status

The Portland Bureau of Transportation Engineering & Development, working closely with the City of Milwaukie, has been designated as the lead agency responsible for the planning, design and construction of the project. ODOT/Federal approval was received in February 1992 authorizing use of Federal Highway funds from the McLoughlin Corridor Program.

The Project is currently in the plan development stage with the base map of existing conditions including right-way lines and utilities completed. A proposed improvement plan from SE 32nd Ave to the Johnson Creek Bridge (west of 45th) is being prepared for a neighborhood review and input on a meeting scheduled for December 16, 1993. See meeting notice on separate sheet. Currently, no improvements are being planned for the commercial area between the bridge and SE 45th Avenue.

over

Current Schedule (Subject to change)

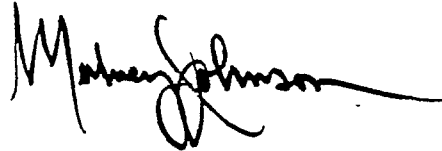
- o Neighborhood review of plan, City of Milwaukie, City of Portland, Metro hearings/approval period Mid Dec. 1993, thru Mid March 1994

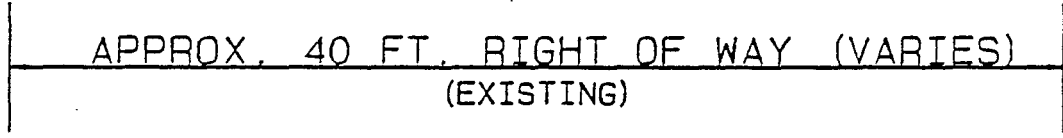
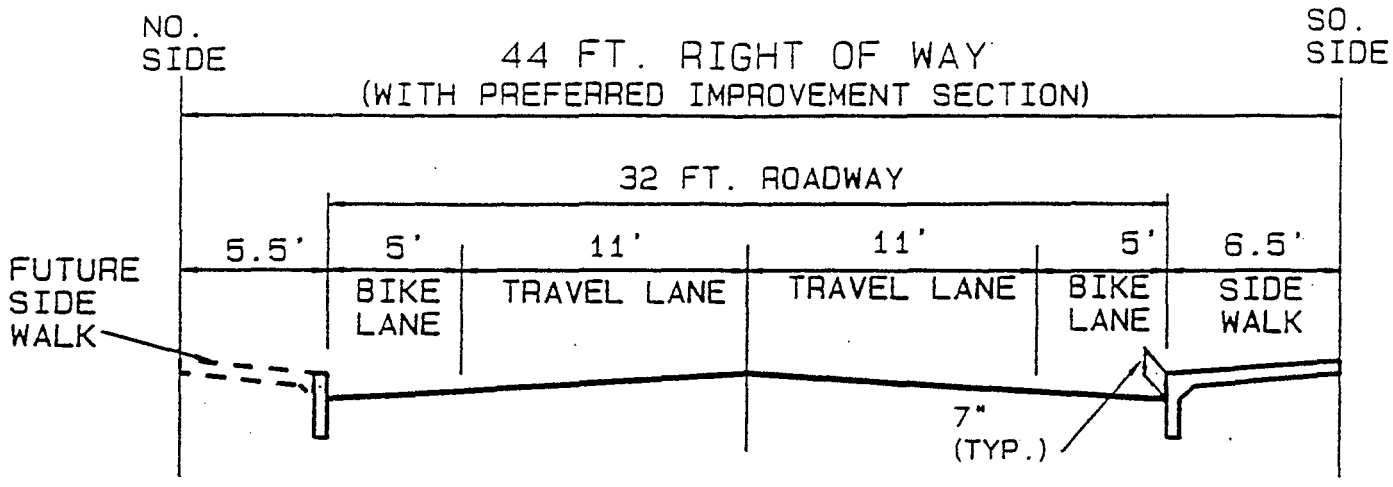
If the project plan is approved by local the jurisdictions, design, right-of-way acquisition (if needed), and construction will proceed as follows:

- o Start final design (PH I Const.)/R/W acquisition April 1994
- o Complete R/W acquisition January 1995
- o ODOT advertise bids for Ph I Construction February 1995
- o Award contract, start construction April 1995
- o Complete construction (Phase I Const.) Nov 1995

Due to a shortage of available funds at this time to complete the entire project, the project is presently being planned for two construction phases, starting at SE 32nd Avenue. More details concerning the proposed Phase I construction limits (end points) should be ready by the December 16th meeting or by early January 1994. Adjacent/nearby owners and residents and other interested parties will be kept advised on project activities/details with continued periodic updates/notices or through direct contact with the Project Manager.

If you would like more information at this time regarding the project, please call **Mulvey Johnson**, Project Manager (823-7723).





PREFERRED SECTION
(32d AVE. TO JOHNSON CREEK BRIDGE)

S.E. JOHNSON CREEK BLVD.
32ND AVE. TO 45TH AVE.
STREET IMPROVEMENT PROJECT

4

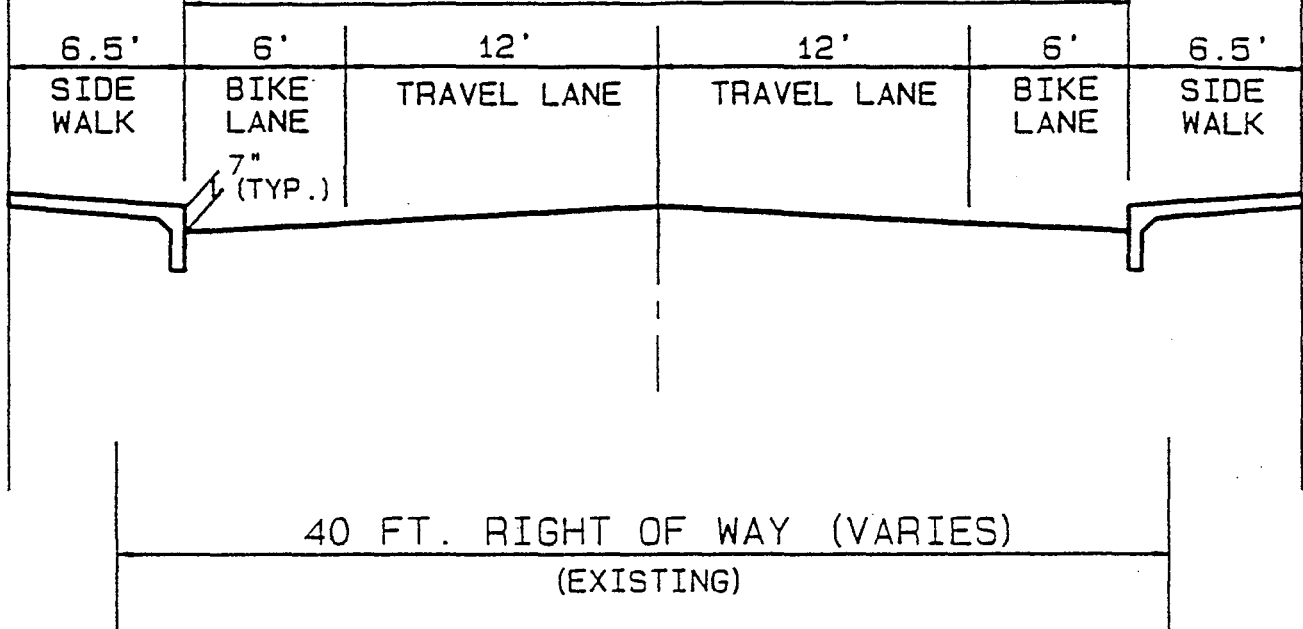
NO.
SIDE

SO.
SIDE

49 FT. RIGHT OF WAY

(WITH STANDARD IMPROVEMENT SECTION)

36 FT. ROADWAY



STANDARD DESIGN SECTION
(32d AVE. TO JOHNSON CREEK BRIDGE)

S.E. JOHNSON CREEK BLVD.

32ND AVE. TO 45TH AVE.
STREET IMPROVEMENT PROJECT



METRO

Date: November 29, 1993
To: JPACT/MPAC
From: *AC* Andrew C. Cotugno, Planning Director
Re: FY 94-95 Planning Department Budget Priorities

For the past several years, funding for the Metro Planning Department has been provided from the Metro General Fund (using an excise tax on Metro's enterprise functions) and a local government dues assessment (including Tri-Met and the Port of Portland levied @ 43¢ per capita). However, a temporary increase of the excise tax from 6 percent to 7 percent is scheduled to sunset in July, 1994 and there is considerable interest on the part of Metro and local governments to eliminate the local dues assessment. In addition, there are increased costs associated with implementation of the Metro Charter, particularly to complete the work of the Future Vision Commission and initiate work on the Regional Framework Plan.

In August, 1993, the Metro Council formed a Tax Study Committee to recommend a funding source to meet the new charter-mandated functions. They reported their recommendations to the Metro Council on November 23 which included, among other things, a recommendation to continue providing funds to Planning from the current Metro excise tax up to a maximum of 6 percent and to impose a construction excise tax and real estate transfer tax to both pay for the increased costs and offset a reduction of the excise tax and elimination of the local government dues. The Metro Council will consider these recommendations through the FY 94-95 budget process.

To initiate the budget process, the Metro Council has required that a base level budget be submitted that is predicated on no new taxes, elimination of the local government dues and reduction of the Metro excise tax from 7 percent to 6 percent. In the Growth Management section of the Planning Department, this funding reduction is further compounded by the loss of one-time-only transportation grant funding of approximately \$1 million to supplement the Region 2040 budget. This overall level of funding is significantly less than currently budgeted in the Planning Department and is insufficient to fund both current functions and

new charter mandates. As such, input is needed on priorities for inclusion in this base budget.

Attachment A provides a listing of FY 93-94 and potential FY 94-95 programs and a summary of the use of the dues and excise tax by section in the Planning Department. An analysis of the issues is as follows:

A. Regional Transportation Planning Section

The dues and excise tax provide only 10-20 percent of the budget for this section due to the availability of funding from federal grants, ODOT and Tri-Met. However, this is used as local match and is therefore leveraged better than 4:1. Ongoing programs relate to meeting new ISTEA and Rule 12 requirements. Increased emphasis has been recently recommended relating to development of bike and pedestrian programs and increased public involvement.

B. High-Capacity Transit Planning Section

This section is generally funded with federal and state grants and therefore the need for dues in the General Fund is negligible.

C. Growth Management

This is the section where the dues and excise tax makes up the most significant share of the budget due to the general lack of potential grant funding sources (with the exception of the Westside Station Area Planning and Earthquake Hazards mapping projects). It is also the area where most of the impact of the new charter requirements occurs. The work program anticipates selecting an overall Region 2040 concept and completing the Future Vision to serve as the foundation for the Regional Framework Plan. The Framework Plan is required to include at least the following elements:

1. Transportation
2. UGB
3. Urban Reserves
4. Housing
5. Urban Design
6. Open Space and Parks
7. Water Supply
8. Coordination with Clark County

The transportation element will be done through the RTP Revision (for ISTEAs and Rule 12). The UGB, Urban Reserves, Housing, Urban Design and Open Space elements should be done on an integrated basis because they affect one another and need to be coordinated with the RTP Revision. The Water Supply element will be done by coordinating with the Regional Water Study being carried out by the providers.

D. Travel Forecasting

Like the Transportation Planning section, this area is largely grant funded with 5-10 percent local match from the dues and excise tax. A portion of this budget is used to provide services to local governments to meet their needs for travel forecasts.

E. Data Resource Center

The aspects of this section dealing with RLIS, database maintenance and forecasts are funded 25 percent each from dues, excise tax, transportation grants and solid waste funds because these are the major users of the data. The exception is in the area of technical assistance where each user pays its own full cost for services received. Local dues are used to provide services to local governments; Metro excise tax to provide services to other Metro planning projects; transportation grants to provide services on transportation projects; etc.

ACC:lmk

Attachment

ATTACHMENT A

Metro Planning Department Work Program

FY 93-94 Programs

Possible FY 94-95 Programs

Regional Transportation Planning

RTP Update

Major RTP Revision; New
Transp. System Plan per
Rule 12

TDM Study
Air Quality
Willamette River Crossings
Transportation Imp. Program
Urban Arterial Fund
ISTEA Management Systems

Air Quality
Willamette River Crossings
Transportation Imp. Program
Urban Arterial Fund
ISTEA Management Systems
Bike/Pedestrian Program
Public Involvement

Dues: \$110,666
General Fund: \$148,842
Used as local match on
federal funds @ 10-20%.

HCT Planning

Regional HCT
Hillsboro FEIS
S/N Pre-AA
S/N AA
Westside

Regional HCT

S/N AA
Westside

Dues: \$4,065
General Fund: \$37,665
Used as part of local
match pool for pre-AA
studies.

Growth Management

Region 2040
Future Vision
Urban Reserves
Station Area Planning
UGB Administration
Local Gov't. Coordination
Growth Conference
Earthquake Hazard Mapping
Emergency Mgmt. Committee
Water Quality Planning

Future Vision

Station Area Planning
UGB Administration
MPAC/Local Gov't. Coordination
Growth Conference
Earthquake Hazard Mapping
Emergency Mgmt. Committee
Water Quality Planning

Metro Planning Department Work Program

FY 93-94 Programs

Possible FY 94-95 Programs

Regional Framework Plan:

- UGB
- Urban Reserves
- Housing Density
- Urban Design
- Water Supply
- Open Space/Parks
- Clark County Coordination
- Transit-Oriented Development Program

Dues: \$160,000

General Fund: \$961,548

These are the most important funding sources for this purpose; very little grant funding available with the exception of Earthquake Hazard mapping and Station Area planning.

Travel Forecasting

Travel Behavior Survey
 Travel Monitoring
 Minor Model Refinement
 Technical Assistance

Travel Monitoring
 Major Model Building
 Technical Assistance

Dues: \$42,607

General Fund: \$43,282

Used as local match on federal funds @ 5-10%.

Data Resource Center

RLIS
 Database Maintenance
 Forecasts
 Technical Assistance

RLIS
 Database Maintenance
 Forecasts
 Technical Assistance

Dues: \$280,225

General Fund: \$233,125

Department Total:

Dues: \$597,563

General Fund: \$1,424,462

Provides 50% of budget for RLIS, Database Maintenance and Forecasts; dues provide 100% of budget for technical assistance to local governments.

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

8101 S E JOHNSON CREEK BLVD
MILWAUKIE, OR 97206

TELEPHONE 652-4410
FAX 774-8226

MEMORANDUM

TO: Dan Bartlett, City Manager
FROM: Tim Corbett, Public Works Director *TC*
SUBJECT: Downtown Parking
DATE: December 22, 1993

ACTION REQUESTED

None, information only.

BACKGROUND

The City initiated a permit parking program for its downtown lots on October 1, 1993. The program was developed in coordination with the Milwaukie Downtown Development Association (MDDA) and was aimed at increasing customer parking availability in the downtown area.

I met with a subcommittee of the MDDA to discuss underutilization of the downtown lots on December 15, 1993. A meeting date of January 5, 1994 was set to continue to discuss ways to increase utilization of the downtown lots and free up spaces for customer parking. The meeting will be held at Libbey's restaurant at 7:30 a.m.

DISCUSSION

Several options were discussed at the December 15 meeting including:

1. Increased enforcement.
2. Alternative enforcement.
 - a. Staggered fines (i.e. \$2.50 for the first offense, \$30 for the second offense, \$50 for the third offense).
 - b. Obtain employee license numbers and preclude employee on street parking.
 - c. Raise fines commensurate with minimum monthly parking fee.
3. Reduce fees charged for permits.
4. Eliminate fees.
5. Convert all on street parking to 8 hour parking providing all employee parking and no customer parking.
6. Keep fees at existing levels but assign parking space numbers.
7. Lease out public parking at a reduced rate to specific employees.

8. Install parking meters.
9. Create a mix of one and two hour spaces to discourage employees moving their cars every two hours.

The options discussed by the subcommittee seemed to focus on decreasing permit fees, increasing enforcement and considering a mix of one and two hour spaces. Apparently, many employees are simply checking their vehicles every two hours and when they see a chalk mark on the tire they move their vehicles to another block. Calvin Banks and I will be talking with other jurisdictions to solicit ideas to discourage or eliminate this type of activity.

I would anticipate that the subcommittee will need several more meetings to narrow down the options. Once the options are narrowed down, a process will need to be developed to ensure that downtown business owners are in favor of any proposals put forth by the subcommittee.

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION
800 NE OREGON ST #16 (STE 540) PORTLAND OR 97232 TEL: 731-4093

NOTIFICATION OF BOUNDARY CHANGE PROPOSAL

Date: December 20, 1993
TO: Milwaukie
ATTN: Dan Bartlett

The Boundary Commission has received a proposal, (No. 3265), to merge Beaver Creek RFPD #55 with and into Clackamas RFPD #1. The area involved is shown on the attached map. Basic information on this proposal is as follows:

	<u>RFPD #1</u>	<u>RFPD #55</u>
Existing Land Use:		
Single family dwellings:	25,850	4,000
Multi-family units:		
Commercial Structures:	270	50
Industrial Structures:		
Acres:	59,520	19,200
Total Assessed Value:	\$3,227,124,630	\$269,754,080

REASON FOR MERGER: The board of directors of each of the fire districts has concluded that fire service could be more effectively provided to their respective areas by one combined district.

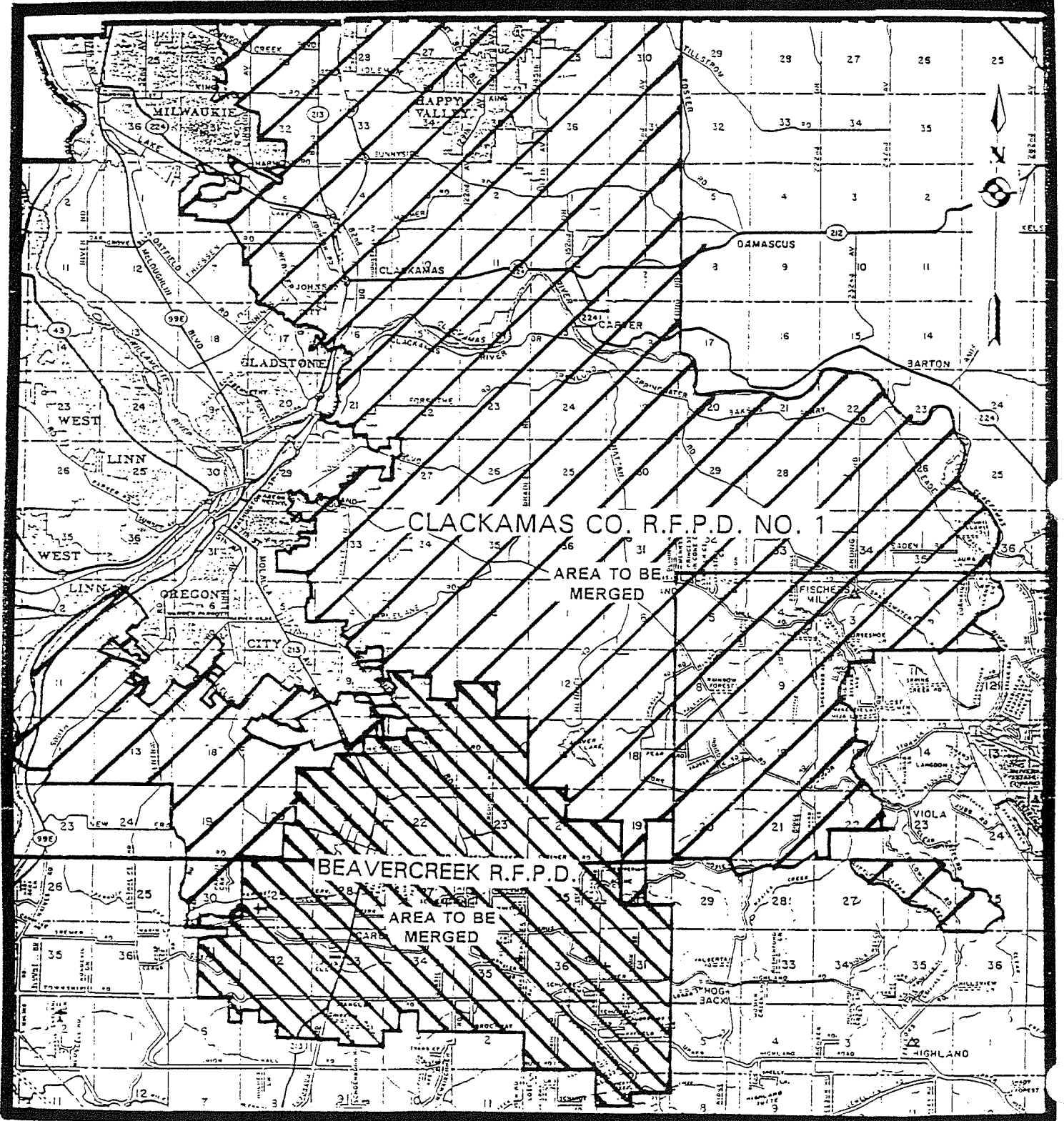
If you wish to make written comments or recommendations, please present a letter to this office no later than 1/3/94, or attend the Public hearing on the above matter, to be held on Thursday, 1/13/94 at 7:00 p.m. in Room 602, Multnomah County Courthouse, 1021 SW 4th Ave., Portland, Oregon.

Kenneth S. Martin
Executive Officer

KSM/dw
enc. 1

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PROPOSAL NO. 3265



PROPOSAL No. 3265
BEAVERCREEK R.F.P.D.
With & Into
CLACKAMAS CO. R.F.P.D. No. 1
MERGED

Additional Discussion/Conclusion

Staff has drawn up a new site plan (Exhibit 1). Because of the size of the existing garage and the close proximity of the house and deck, movement of the garage in entirety is probably not feasible. Demolition of the garage and reconstruction to current City standards may be cost prohibitive. There is also consideration of the fact the garage has already sat in place for 10 years.

Since the purchaser is willing to install a fire wall and lower the height of the existing garage, staff cannot determine a more feasible alternative than to grant the appeal.

Recommendation

That a 25% variance to rear setbacks, a 90% variance to side setbacks, and a 50% variance to building separation be approved subject to findings and conditions included in the Staff Report for November 9, 1993, and supplemented below:

Add the following new findings:

15. The garage separation from the house is approximately 3 feet. Section 406 of the Zoning Ordinance requires a 6 foot separation of buildings on residential lots. This means a 50% variance is proposed to allow the 3 foot separation to be maintained.
16. The 3 foot separation between the house and garage is occupied by a gate. The South Metro Fire Marshal and City Building Official have indicated 3 feet is the minimal acceptable separation they will allow in order to allow firefighter access to the rear yard area.

Add the following new conditions:

8. The Applicants are granted a 50% variance of 3 feet from the 6 foot building separation provision of Section 406 of the Zoning Ordinance. This allows the 3 foot gated access to remain between the house and garage.
9. As part of fire wall installation to the north wall of the garage, external siding shall be provided consistent with the siding on the house and south side of the garage.
10. Both storage sheds in the rear yard must be kept at least 3 feet from property lines and may not be placed so as to touch each other or any other structure without compliance to Uniform Fire Code provisions.

SOUTH METRO FIRE PREVENTION OFFICE
"SERVING MILWAUKIE & CLACKAMAS COUNTY F.D. #1"
15711 S.E. 90th
Clackamas, Oregon 97015

Business - 655-8537 FAX - 655-8880 Voice Mail - 655-8537

TO: Dave Krogh
City of Milwaukie
Community Development Department

FROM: Fire Marshal Martin Goughnour

SUBJECT: VR-93-04

DATE: November 15, 1993

Dave I have written down the comments from our conversation of November 15, 1993.

The concerns of the Fire Marshal's Office with VR-93-04 would involve two issues. The first would deal with the issue of separation. The building as it stands would require a one hour fire wall owing to the proximity of the building to the property line. This provision would not need be implemented if the existing building is modified or moved to the point that the structure is greater than 3 feet from the nearest property line. It is essential that a 3 foot clearance be given for the Fire Department to have access for emergency fire and rescue services.

The second issue is that of clearance from the house to the existing garage. There are no provisions in the code that would require there to be a separation between the garage and the house. This question can be more fully answered by the city building official Jerry Wade. I hope this information proves helpful.

Yours in Fire and Life Safety,

Martin E. Goughnour
Fire Marshal

EXHIBIT #	2
DATE	11/23/93
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	VR-93-04

MILWAUKIE FIRE-RESCUE DEPARTMENT

MEMORANDUM

DATE : 04 JANUARY, 1994

TO : MAYOR AND CITY COUNCIL

THRU : DAN R. BARTLETT
CITY MANAGER

FROM : D. C. OLSEN
CHIEF OF THE DEPARTMENT

SUBJECT : SOUTH METRO FIRE MARSHALS' OFFICE
IMPACT OF BOUNDARY COMMISSION PROPOSAL NO. 3265
MERGER OF FIRE DISTRICT NO. 55 WITH AND INTO FIRE
DISTRICT NO. 1

QUESTION:

What is the probable impact on Milwaukie due to the merger of Clackamas Fire District No. 1 and Beavercreek Fire District No. 55; specifically, how will it affect the Agreement between the City and Fire District No. 1 with respect to the provision for fire prevention services by the South Metro Fire Marshals' Office?

RESPONSE:

The following issues were discussed with Battalion Chief Norm Dunn, Clackamas County Fire District No. 1, who is currently assigned as the Chief Fire Marshal and responsible for the management of South Metro.

1. Delivery of services

The delivery of fire prevention services to the City by South Metro should not be noticeably impacted. South Metro has performed exceptionally well during its first two years of service. The current staffing level of the Office should provided for continued service at the same level of quality which has been experienced in the areas of plan review, code enforcement inspections, fire cause determination investigations and public fire safety education activities.

2. Cost of services

The agreement between the City and the Fire District provides that the City will pay for 25% of the operating costs for the fire prevention services with the District paying for 75%.

further, the agreement provides for the rate based on comparative factors of population, annual fire services budget, employment and valuation of each jurisdiction.

Beavercreek will add an assessed value of \$269,754,080.00 to Fire District No. 1. It should be expected that the factors will be reviewed and adjusted, as are appropriate, to provide for a fair and equitable cost for each jurisdiction.

CONCLUSION:

Boundary Commission Proposal No. 3265, the merging of Beavercreek Fire District No. 55 with and into Clackamas Fire District No. 1 should not have an adverse impact on the fire prevention services provided by the South Metro Fire Marshals' Office to the City of Milwaukie.