

MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 5, 1985

COUNCIL CHAMBERS

1473rd MEETING

The one thousand four hundred and seventy-third meeting of the Milwaukie City Council was held on February 5, 1985 with the following Councilors present:

Ron Kinsella, Mayor
Craig Lomnicki
Michael Richmond

Roger Hall
Chere Sandusky

Also present:

Hugh Brown, City Manager
Greg Eades, City Attorney

Topaz Faulkner, Planning Director
Deanna Robinson, Acting Secretary

AUDIENCE PARTICIPATION

Bob Franz, representing the family and friends of Leonard Mullan, former Mayor and former City Manager of Milwaukie, presented a Memorial Plaque to the City of Milwaukie. Mayor Kinsella accepted the plaque in behalf of the City and said it would be mounted in City Hall.

Jim Backenstos added a bit of history, including the fact that electricity was first generated in Oregon City.

LEGISLATION

It was MOVED by Richmond, SECONDED by Hall that the bills listed for February 5, 1985 be approved for payment. MOTION CARRIED unanimously.

PUBLIC HEARING

Public Hearing to approve Zone Amendment and Comp Plan Amendment ZA-84-8, CPA-84-4, Location NW corner of 43rd and King.

Topaz Faulkner explained that this is a request on the part of the property owner to change the zoning on a portion of his property, because his property is now split into two zones. The owner is asking that his entire property be zoned R-3 Residential. Staff found this to be in compliance with the Ordinance and the Planning Commission recommended approval by City Council.

Hugh Brown read the appropriate section of the Ordinance. It was MOVED by Hall, SECONDED by Sandusky, to adopt the first reading of the Ordinance by title only. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Lomnicki, to adopt the second reading of the Ordinance, by title only. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Sandusky, for the adoption of the Ordinance. The councilors were polled. MOTION CARRIED 5-0.

The appeal for approval of the expansion of a non-conforming use was postponed until the next regular meeting. There will be renotifying of all the surrounding property owners.

A short recess was taken at 7:30 PM to have coffee and cookies provided by Emma Mullan.

OTHER BUSINESS

Mayor Kinsella announced that the Safeway store has been contacted about their possible closure, and they have indicated they do not plan to close that particular store for from three to five years.

Letter from Marlene and Larry Brandt

The letter stated that the Tri-Met buses along 49th Street, where they live, run at excessive speeds and cause many problems, including problems with their foundation and rattling of their house.

Bill Hupp said he had similar problems on his street and suggested enforcing the speed limit in these areas as an alternative to reconstructing the roads, which would be very expensive.

Richard Kao, a representative from the Johnson Creek Boulevard Neighborhood, requested City Council to help with the traffic problem, including buses and trucks, on Johnson Creek Boulevard. The people of that area are asking for a stop sign to be put up at 36th and 42nd and Johnson Creek and to remove the heavy truck traffic in the area. Mr. Kao had petitions asking for a new road to be laid on the north side of Johnson Creek.

Hugh Brown suggested that Mr. Kao make up a summary tabulation of the petitions and submit it to the City.

Council directed Staff to write a letter to the Ardenwald Neighborhood Association updating what the City is doing.

Bill Hupp suggested that the City Council involve itself in the hastening of the railroad crossing repairs and also write a letter to Lloyd Anderson requesting funds for the water front development.

CONSENT AGENDA

Approval of minutes - 1/15/85

Approval of liquor licenses

Riverfront ~~Bar~~

Safeway Store No. 349

Vic's Tavern

Red's Coach Inn

American Legion Post. No. 180

River Road House

Plaid Pantry No. 79

Approval of business license

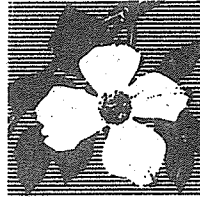
Dave's Motorcycle Repair

It was MOVED by Hall, SECONDED by Sandusky for approval of the consent agenda. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Sandusky to adjourn. MOTION CARRIED unanimously. The meeting was adjourned at 9 PM.

Pat DeWald Sr

Deanna Robinson, Acting Secretary



MILWAUKIE
CITY COUNCIL AGENDA
February 5, 1985

COUNCIL CHAMBERS

5 p.m. Work Session - Capital Improvement Needs - Streets
and Storm Drainage

7 p.m. Regular Meeting

1473rd Meeting

I CALL TO ORDER

- a) Call to order
- b) Pledge of allegiance

II AUDIENCE PARTICIPATION

- a) Presentation of memorial plaque honoring
Leonard Mullen - PacWest Bank.

III LEGISLATION

- a) Payment of bills

IV PUBLIC HEARING

- a) Public Hearing to approve Zone
Amendment and Comp Plan Amendment ZA-84-8,
CPA-84-4, Location NW corner of 43rd & King.
- b) Appeal of Planning Commission approval re an
expansion of non-conforming use, NCU-84-1,
10961 SE McLoughlin Blvd.

V OTHER BUSINESS

VI CONSENT AGENDA

- a) Approval of minutes - 1/15/85
- b) Approval of liquor Licenses
 - Riverfront
 - Safeway Store No. 349
 - Vic's Tavern
 - Red's Coach Inn
 - American Legion Post. No. 180
 - River Road House
 - Plaid Pantry #79
- c) Approval of business license
 - Dave's Motorcycle Repair

VII INFORMATION

- a) Traffic Safety Commission minutes - 1/14/85
- b) Center Advisory Board minutes - 11/19 & 12/7/84
- c) Article re Cable Communications Policy Act of 1984

VIII ADJOURNMENT



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: HUGH H. BROWN, CITY MANAGER

SUBJECT: CITY COUNCIL MEETING - FEBRUARY 5, 1985

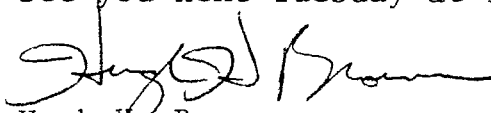
DATE: JANUARY 31, 1985

As suggested by City Council Wednesday evening, the discussion of capital improvements has been moved from Thursday, February 7 to the work session prior to next Tuesday's meeting. Starting at 5 p.m., Steve Hall and Marge Post will review the city's needs as far as storm drainage and street improvements, the estimated cost and methods of financing. Using this background information and the comments of City Council, staff will then prepare a detailed plan for City Council consideration and possible submittal to the voters in the fall.

I have just been notified that the League of Oregon Cities has appointed me to the Legislative Committee, which, with Mike Richmond, gives Milwaukie further representation. The next meeting of the Legislative Committee will be Friday, February 8, at which time the status of current legislation will be reviewed and direction given to the League staff. Please review the Legislative Bulletins you receive from the League and check with Mike or me with questions or concerns you may have on legislation being introduced.

Please also note next Tuesday is the first day of advertised office hours for City Council members. The attached notice has been distributed around city buildings, to the press and to Milwaukie Cablevision.

See you next Tuesday at 5 p.m. and have a good weekend.


Hugh H. Brown
City Manager

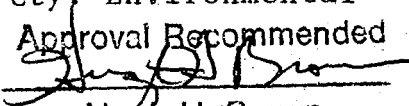
HHB/1e

III
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CITY OF MILWAUKIE
BILLS PAYABLE FEBRUARY 5, 1985

1.	ASE Supply, Inc.	30.25	7-	30.25
2.	A.T.&T.	201.75	1-21	8.65
			1-31	17.78
			1-32	87.81
			1-62	87.51
3.	A. Beeper Company	203.22	1-52	109.00
			1-91	28.00
			4-	22.07
			20-	22.07
			30-	22.08
4.	Adamson Industries, Inc.	149.52	1-62	149.52
5.	Alder Street Clock Shop	60.50	1-34	60.50
6.	American Bar Association	3.50	1-22	3.50
7.	Associated Janitor & Paper Co.	35.20	1-52	35.20
8.	Armstrong, David	205.05	1-62	205.05
9.	BS Rental Center	31.29	30-	31.29
10.	Bailey, Gordon R.	22.00	1-37	22.00
11.	Bailey Tool	121.63	4-	33.70
			7-	34.39
			20-	14.23
			30-	39.31
12.	Baker & Taylor	2,792.45	1-34	2,792.45
13.	Began Equipment Co.	4,620.00	3-	4,620.00
14.	Ben-KO-Matic	350.55	7-	350.55
15.	Bernard's Garage	1,228.70	1-51	93.52
			7-	27.50
			1-023	1,107.68
16.	Blettell, Isadore B.	83.81	4-	83.81
17.	Boise Cascade	629.01	1-23	72.44
			1-23	320.12
			1-26	42.66
			1-32	132.27
			1-52	61.52
18.	Bound to Stay Bound Books, Inc.	113.12	1-34	113.12
19.	Bruneau, Carol	64.61	1-53	64.61
20.	Bud's Custom Upholstery	20.00	7-	20.00
21.	Bureau of Gov. Research	153.00	1-31	153.00
22.	Carbon Dioxide, Inc.	59.70	1-62	59.70
23.	Ceiling & Interior Systems Supply	69.12	1-34	69.12
24.	Chevron U.S.A. Asphalt Division	70.40	4-	70.40
25.	Chevron U.S.A.	14.30	1-28	14.30
26.	Childers Enterprises, Inc.	500.00	1-23	500.00
27.	Children's Press	21.05	1-34	21.05
28.	City Lieiquidators	123.80	1-52	123.80
29.	Clackamas Communications	178.50	1-52	178.50
30.	Columbia Hydraulic Service, Inc.	800.00	7-	800.00
31.	Commercial Retrofit Maintenance	3,839.20	12-	3,839.20
32.	Communication Resources, Inc.	150.00	1-53	150.00
33.	Countryside Pet Spa	45.00	1-52	45.00
34.	Curtis & Sons, L.N.	52.57	1-62	52.57
35.	Clackamas Cty, Environmental	418.74	1-31	11.02
			1-62	194.48
			4-	213.24

Approval Recommended


Hugh H. Brown
City Manager

CITY OF MILWAUKIE
BILLS PAYABLE FEBRUARY 5, 1985

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36.	Clackamas County Finance	3,438.14	1-23	137.09
			1-34	3,285.51
			1-36	15.54
37.	Clackamas County Recorder	19.00	1-92	19.00
38.	Clackamas County Service Dist. #1	28,027.54	20-	28,027.54
39.	Davis, Richard N.	60.00	30-	60.00
40.	Oregon Dept. General Services	50.00	1-52	50.00
41.	Dixon, Robert	65.00	1-62	65.00
42.	The Donoghue Organization	87.00	1-34	87.00
43.	Duval Company, B.E.	1,828.62	1-27	1,828.62
44.	Dwyer Community Hospital	36.48	1-62	36.48
45.	Dyna Industries	70.15	1-62	70.15
46.	Eades, Greg	23.34	1-22	23.34
47.	Eden Systems	3,000.00	12-	3,000.00
48.	Enterprise Courier	9.31	1-35	9.31
49.	Environmental Emergency Services	62.00	1-41	62.00
50.	Exhaust Specialties and Parts	165.20	1-62	165.20
51.	Food Warehouse Store	58.50	1-52	58.50
52.	Four-Mile Nursery	318.00	1-31	318.00
53.	Four Seasons	47.00	1-36	47.00
54.	Fred Meyer, Inc.	69.97	1-51	69.97
55.	GC Systems, Inc.	1,271.55	30-	1,271.55
56.	Gladstone Machine & Repair, Inc.	55.00	30-	55.00
57.	Glenn's Auto Parts	115.16	7-	115.16
58.	Goodall Rubber Company	20.67	4-	6.89
			20-	6.89
			30-	6.89
59.	Government Finance Officers' Assoc.	175.50	1-23	175.50
60.	Graham's Book & Stationery	64.54	1-53	32.27
			1-62	8.91
			4-	23.36
61.	Happy Valley Fire Dist. #6	20.00	1-61	20.00
62.	H. Marvin Ginn Corp.	127.50	1-62	127.50
63.	Home Laundry	131.83	1-62	131.83
64.	Hooper Center	25.00	1-52	25.00
65.	IBM	96.00	1-32	96.00
66.	ICMA	19.95	1-28	19.95
67.	Jobs Available	55.20	1-28	55.20
68.	K & K Color Lab.	81.50	1-52	81.50
69.	K & R Plumbing Construction Co.	700.00	20-	700.00
70.	Keller Cupply Company	5.46	30-	5.46
71.	Klein Jewelers	638.00	1-28	638.00
72.	Kovac, Leonard J. Jr.	180.00	1-26	180.00
73.	K & K Photo Finishing	135.80	1-52	135.80
74.	Landeen Welding Supplies	315.06	1-62	315.06
75.	League of California Cities	149.00	1-61	149.00
76.	League of Oregon Cities	587.50	1-10	390.50
			1-21	158.50
			1-22	38.50

CITY OF MILWAUKIE
BILLS PAYABLE FEBRUARY 5, 1985

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77.	McFarlanes Bark Inc.	16.00	1-36	16.00
78.	MRSCW	5.00	1-22	5.00
79.	Maciag, James	5.00	1-26	5.00
80.	Mac's Radiator & Repair, Inc.	54.00	1-62	54.00
81.	Mail-Well Envelope Co.	319.12	1-23	133.12
			20-	93.00
			30-	93.00
82.	Main Street Cleaners	97.80	1-61	2.93
			1-62	88.02
			1-63	6.85
83.	Marvac Products Co.	132.00	30-	132.00
84.	Metro Safety & Fire, Inc.	236.50	1-32	56.00
			1-34	8.00
			1-37	20.00
			1-52	16.00
			4-	45.50
			20-	45.50
			30-	45.50
85.	Milwaukie Floral	30.00	1-10	30.00
86.	Milwaukie Glass	57.57	1-36	39.57
			7-	18.00
87.	Milwaukie Plumbing	409.30	1-62	409.30
88.	Milwaukie Printing	140.00	1-62	140.00
89.	Milwaukie Lumber	6.40	1-62	6.40
90.	Mobile Radio Communications Service	51.25	1-62	51.25
91.	Motorola	920.00	1-52	417.00
			1-62	150.25
			4-	117.58
			20-	117.58
			30-	117.59
92.	Multigraphics	29.09	1-24	29.09
93.	Mundorf, Roger	125.00	1-26	125.00
94.	National Band & Tag Co.	155.26	1-23	155.26
95.	National Fire Protection Assn.	41.45	1-62	41.45
96.	National Geographic Society	15.95	1-34	15.95
97.	Natural Structures	328.00	1-36	328.00
98.	Northwest Divers' Service	350.00	30-	350.00
99.	Northwest Natural Gas	1,431.15	1-32	725.07
			1-34	706.08
100.	Nudelmans	502.50	1-52	225.00
			1-62	167.50
			1-63	110.00
101.	OSU Weed Control Short Course	18.00	4-	18.00
102.	Oblique Northwest	27.00	1-53	27.00
103.	Olinger Gladstone Dodge	11.21	7-	11.21
104.	Olson Bros. Shell Service, Inc.	32.50	1-52	32.50
105.	Oregon Dept. Of Motor Vehicles	95.00	1-26	95.00
106.	Oregon City Auto Parts	12.34	7-	12.34

CITY OF MILWAUKIE
 BILLS PAYABLE FEBRUARY 5, 1985

III
 a (4)

107.	Oregonian Publishing Co.	438.00	1-21	102.40
			1-23	281.60
			1-32	54.00
108.	Oregon State Bar	366.50	1-22	308.50
			1-23	58.00
109.	Oregon State University	70.00	1-52	70.00
110.	P.G.E.	27,020.75	1-32	774.46
			1-36	23.69
			1-37	713.93
			1-41	20,831.73
			1-61	59.68
			4-	501.27
			20-	239.06
			30-	3,876.93
111.	Pacific Industrial Laundry	302.75	1-34	27.00
			1-37	24.00
			1-51	6.00
			1-62	20.25
			4-	75.17
			20-	75.16
			30-	75.17
112.	Pacific International Pipe	36.75	20-	36.75
113.	Pacific Northwest Bell	1,778.09	1-21	82.08
			1-32	223.21
			1-34	139.28
			1-36	61.82
			1-37	677.25
			1-53	203.83
			1-61	61.70
			1-62	170.10
			4-	39.71
			7-	39.71
			20-	39.70
			30-	39.70
114.	Pacific Rock Products	34.95	4-	34.95
115.	Pacific Water Works Supply	70.20	30-	70.20
116.	Pacific Western Bank	218.45	1-23	218.45
117.	Packer-Scott	33.20	1-37	33.20
118.	The Parts Store	66.27	7-	66.27
119.	Perry, Jack	60.00	30-	60.00
120.	Petty Cash	582.46	1-10	23.31
			1-21	34.90
			1-23	27.95
			1-27	3.58
			1-28	17.62
			1-31	7.00
			1-32	46.00
			1-34	37.77
			1-37	6.43
			1-51	4.70

CITY OF MILWAUKIE
BILLS PAYABLE FEBRUARY 5, 1985

III
25

120.	Petty Cash (Continued)		1-52	119.90
			1-53	36.05
			1-61	.34
			1-62	124.03
			1-92	9.18
			1-93	4.10
			7-	47.92
			20-	7.39
			30-	24.29
121.	Pitney Bowes	155.00	1-23	155.00
122.	Pittsburgh Testing Laboratory	136.00	1-62	136.00
123.	Pixler Auto Parts	26.60	1-62	44.60
			7-	-18.00
124.	Rehabco Pipe Services, Inc.	9,386.55	20-	9,386.55
125.	Review, Clackamas Cty.	17.97	1-21	17.97
126.	Rice Safety Equipment	522.49	1-36	108.45
			4-	40.86
			7-	291.48
			20-	40.85
			30-	40.85
127.	Robben Oil	1,586.13	1-37	470.92
			1-62	1,115.21
128.	Robben & Sons Heating	188.25	1-37	130.25
			1-61	58.00
129.	Rock Creek Sand & Gravel	204.00	4-	204.00
130.	Rodda Paint	12.26	1-36	12.26
131.	Shattuck, Carroll L.	69.50	30-	69.50
132.	Southgate Animal Clinic	361.85	1-52	361.85
133.	Spielmann, Dana M.	160.00	1-21	160.00
134.	Stafford Oil Co., Inc.	4,632.11	1-023	4,632.11
135.	Supplyways, Inc.	737.50	1-24	737.50
136.	Technical Products Industries	301.86	30-	301.86
137.	Transportation Factoring, Inc.	29.80	30-	29.80
138.	Tropicana Printing Co.	23.00	30-	23.00
139.	Truckstell (Tools)	110.00	7-	110.00
140.	UARCO	78.94	1-23	78.94
141.	U.S. Postal Service	1,800.00	1-23	1,800.00
142.	U.S. Postal Service (Permit)	3,500.00	1-23	3,500.00
143.	Universal Applicators, Inc.	283.86	20-	283.86
145.	University Book Service	25.06	1-34	25.06
146.	Valley River Inn	127.20	1-10	127.20
147.	Wajax-Pacific Fire Equipment	875.65	1-62	875.65
148.	Weiler Chevrolet	9,108.59	1-51	78.99
			1-52	192.97
			3-	8,836.63
149.	Westenfelt, Bruce	60.00	30-	60.00
150.	Western-Pacific Construction	193.56	4-	193.56
151.	Western Pacific Law Enforcement	109.50	1-52	109.50
152.	Xerox	210.00	1-62	210.00
153.	Zellerbach Paper Company	100.50	1-37	100.50
		\$131,733.50		\$131,733.50

MEMORANDUM

IV
2 (1)

TO: Hugh Brown, City Manager

FROM: Topaz Faulkner, Director of Planning & Community Services

DATE: January 31, 1985

RE: Public hearing to review Blaine Moore's request for approval of a Comprehensive Plan Map Amendment and Zone Amendment

I. BACKGROUND:

By a unanimous vote, on January 8, 1985, the Planning Commission recommended approval of the Comprehensive Plan Map Amendment from Moderate Density to Medium Density and the Zone Amendment from R-5 Residential to R-3 Residential.

The minutes and the Staff report illustrate that the requirements of the Comprehensive Plan and the City Codes have been met. Some highlights of the report include the following:

The City provides all urban services to the site including water, sewer, police and fire. Improvements are necessary along the entire frontage of 43rd Avenue, from King Road to the north property line according to the specifications of the Public Works Department. A Storm Drainage Plan utilizing dry wells will be required at the time the site is developed. Thus, adequate public facilities can, or will, be provided to the site.

The requests are in compliance with the Comprehensive Plan since additional housing units and economic development may be provided as a result.

II. APPLICABLE COMPREHENSIVE PLAN POLICIES AND ORDINANCE SECTIONS:

A. Milwaukie Zoning Ordinance #1438, Section 9.03, 1.-2. pg. 87 describes the procedures for zone amendments.

B. The applicable sections of the Comprehensive Plan include the following:

Amendment Procedures, pgs. 4 & 5

Residential Land Use Element, pgs. 24-34

Public Facilities and Services Element, pgs. 73-80

City Growth and Governmental Relationships Elements,
Goal Statement, pg. 85

III. RECOMMENDATION:

By a unanimous vote, the Planning Commission recommends Council approval of the following:

1. The Comprehensive Plan Map Amendment from Moderate Density

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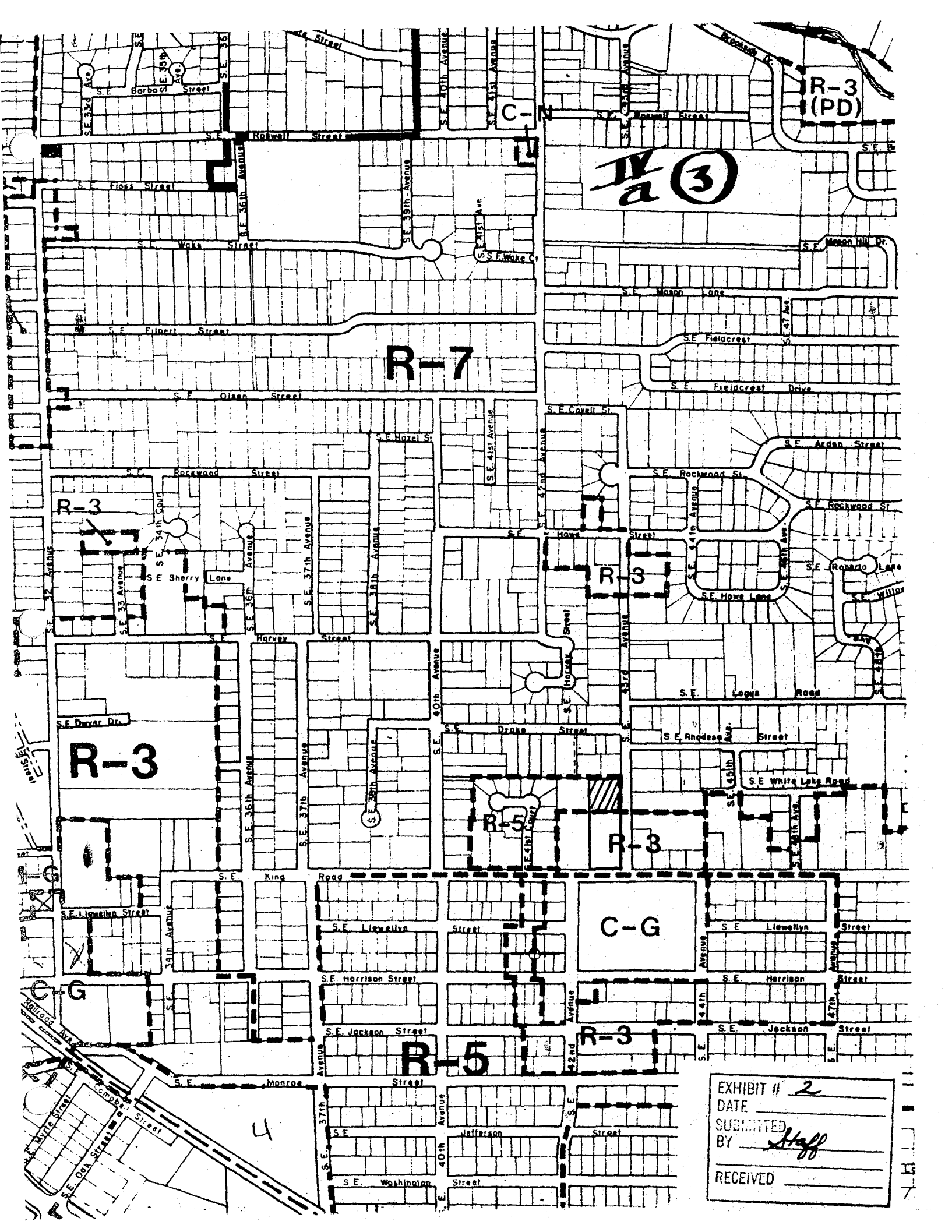
to Medium Density Residential.

2. The Zone Amendment from R-5 Residential to R-3 Residential.

These approvals are subject to the condition that upon development of the vacant portion of Tax Lot 5300, improvements must be made along the entire frontage of 43rd Avenue from King Road to the north property line according to the specifications of the Public Works Department and that this condition be part of the deed restrictions.

IV. EXHIBITS:

1. Tax Map
2. Zoning Map
3. Public Works Memorandum Dated December 17, 1984 & January 4, 1985
4. Fire Department Memorandum Dated December 10, 1984
5. Applicant's Application & Narrative which includes a Tax Map and Site Plan - 6 pgs.
6. Letter of Correspondence Dated January 3, 1985
7. Staff Report - 3 pgs.
8. Planning Commission Minutes of January 8, 1985



R-3 (PD)

IV a (3)

R-7

R-3

R-3

R-3

R-5

R-3

C-G

R-5

R-3

EXHIBIT #	2
DATE	
SUBMITTED BY	Staff
RECEIVED	

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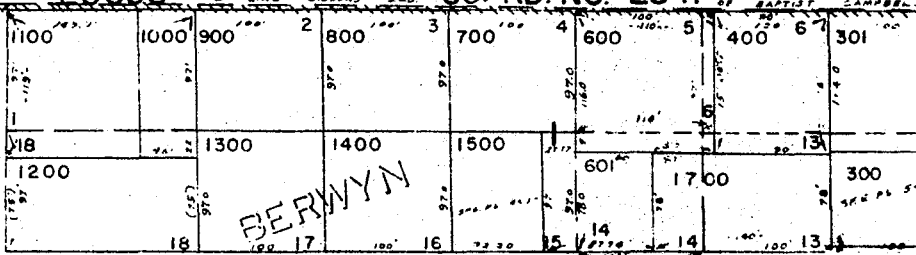
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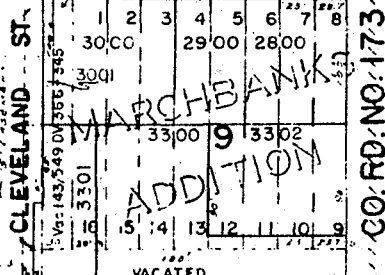
* NOTE: THE ORIGINAL PLAT OF MARCHBANKS DEDICATED 30 FT OF R/W ON THE WEST SIDE OF GLOVER RD. (TOTAL 50') FROM KING RD NORTH TO HOWE THE COUNTY ACCEPTED 40 FT TOTAL R/W. WE DO NOT SHOW THE 10 FT DUBIAL STRIP. IT DOES NOT APPEAR TO HAVE BEEN VACATED.

SEE MAP I 2F 30CB

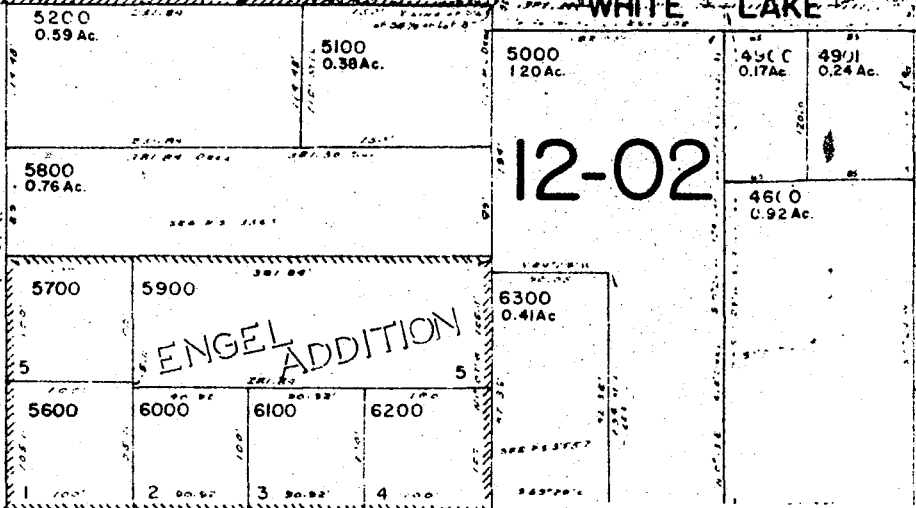
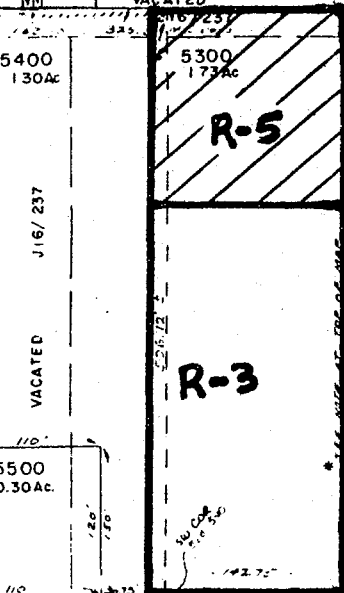
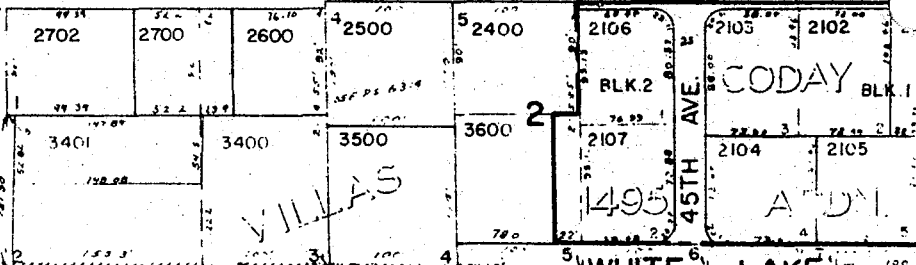
LOGUS CO. RD. NO. 2341



DRAKE ST.



RHODESA CO. RD. NO. 2208



12-02

SEE MAP I IE 25DD

SE Cor. SW Cor.
DLC 59 (DLC 41)

SE Cor. NW Cor.
LC 60 DLC 40

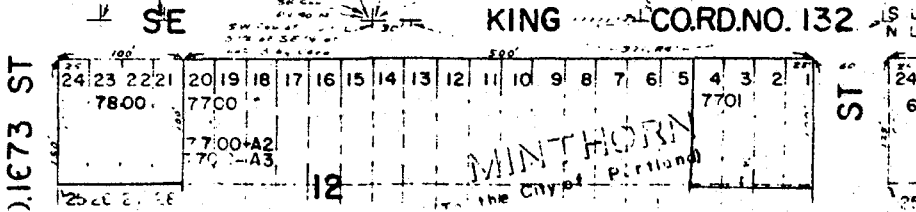


EXHIBIT # 1
DATE _____
SUBMITTED BY Staff
RECEIVED _____

IV
a (4)

TO: PLANNING

FROM: Paul Roeger *P.A.R.*
Office Engineer

RE: ZA-84-4 and CPA-84-4
43rd Avenue and King Road

DATE: December 17, 1984

The property is served by sanitary sewer and water from 43rd Avenue.
Storm drainage must be contained by dry wells.

The owner must sign a developer's agreement for street improvement
of 43rd Avenue.

Upon development of the vacant north portion of this property, improve-
ments must be made to the entire frontage of 43rd Avenue from King Rd.
to the north property line.
(1/4/85)

PHR/cj1

EXHIBIT #	<u>3</u>
DATE	_____
SUBMITTED BY	<u>Staff</u>
RECEIVED	_____

Memorandum

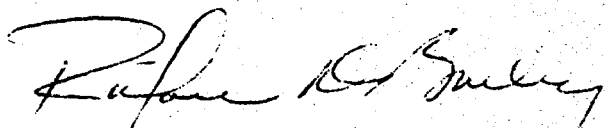
IV
a (5)

December 10, 1984

TO: Planning
FROM: Richard D. Bailey, Fire Chief
SUBJECT: Zoning Amendment Application, ZA-84-8 and
CPA-84-4, Blaine Moore.

In regard to these applications the Milwaukie Fire Department finds as follows:

- 1) The approval of these applications would not adversely affect the public safety.
- 2) Fire Department approval of fire and life safety factors are required prior to any development.



Richard D. Bailey, Fire Chief

RDB/10

RECEIVED

DEC 14 1984

PLANNING

EXHIBIT #	<u>4</u>
DATE	_____
SUBMITTED BY	<u>Staff</u>
RECEIVED	_____



No. ZA-87-8

Fee \$ 300.00

Date: 11/28/84

ZONING AMENDMENT APPLICATION

This request will be heard at a public hearing before the Milwaukie Planning Commission.

APPLICANT: Name BLAINE MOORE
Address 6655 SE Doncaster Drive, Gladstone, Oregon
Phone 654-9298

PROPERTY OWNER: Name BLAINE MOORE
Address 6655 S.E. Doncaster, Gladstone, Oregon
Phone 654-9298
Signature _____

SITE LOCATION: N.W. corner of 43rd & King Road near (cross street) King Road and 43rd
LEGAL DESCRIPTION: Tax Map 1 2E 30CC Tax Lot(s) 5300

PRESENT ZONE: R-5 & R-3 REQUESTED ZONE R-3

EXISTING LAND USE: One office building and field PROPOSED LAND USE R-3 (All permitted uses)

PRESENT COMPREHENSIVE PLAN DESIGNATION: Moderate and Medium Density

The applicant shall submit 5 copies of the following information:

1. Site Plan including: existing uses, structures, easements, public utilities (sewer, water, storm) and lot dimensions and area. If the Site Plan is larger than 8 1/2' x 11' then 10 copies are necessary.
2. Narrative including:
 - a. description of request.
 - b. indicate how request meets the appropriate Comprehensive Plan goals and policies.
 - c. indicate that either the existing public facilities are adequate for the proposed density or that they can be reasonably made available.

If the signature of the property owner is not available, then the applicant must have written authority to apply on his behalf.

I CERTIFY that the information contained in the application is true and accurate to the best of my knowledge and I further agree to comply with the provisions of all state statutes and city ordinances and regulations

regarding this application. Signature: Blaine B. Moore

RECEIVED

NOV 28 1984

PLANNING

EXHIBIT #	<u>5</u>
DATE	
SUBMITTED BY	<u>Applicant</u>
	<u>10 pgs.</u>
RECEIVED	

Wa ⑦

- 2 (a) We request a zone change from R-5 to R-3 on approximately 1/3 of Tax Lot 5300. The present zoning is as follows: The Southern most 2/3 of the subject property is zoned R-3, and the Northern most 1/3 is presently zoned R-5. (See Exhibit "A")
- 2 (b) In studying the Comprehensive Plan of the City of Milwaukie, I have found the following in regard to the plans, goals and policies:

Under Division II Environment and Natural Resources I know of no significant impact that this zone change would have.

Under Division III Community Conservation and Development there are three elements which pertain to the subject zone change:

- (1) Housing and Residential Land Use element
- (2) Economic Base and Industrial/Commerical Land Use element
- (3) Neighborhood element

The goals and policies for elements 1,2, and 3 will be met because the R-3 zone calls for an increase in density for residential units and/or a conditional use for commercial office space and the neighborhood is heavily zoned R-3 and is being used as such now.

Under Division IV Transportation, Public Facilities and Energy Conservation, the subject property is located on a Tri-Met bus route and this zone change will not cause any hardship in the form of dramatically increasing automotive use in the neighborhood.

Under Division V City Growth and Governmental Relationships element, this zone change falls within the goals of the City in that I feel it meets the logical guidelines established by the planning staff as outlined in the comprehensive plan for the City of Milwaukie.

- 2 (c) All the public facilities necessary for future development under the R-3 zone are presently in front of the subject property in or on S.E. 43rd at this time.

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NOV 28 1984

PLANNING

IVa(8)

The most important issue in this zone change proposal is I believe, the Residential Land Use and housing element commencing on page 24 of the comprehensive plan for Milwaukie. The Goal Statement reads as follows:

To provide for the maintenance of existing housing, the rehabilitation of older housing and the development of sound adequate new housing to meet the housing needs of local residents and the larger metropolitan housing market, while preserving and enhancing local neighborhood quality and identity.

I believe that my request to change a portion of my land from R5 to R3 does concur with the Goal Statement (above) as I believe is demonstrated by my responses to the objectives #1 through #6 following.

OBJECTIVE #1 BUILDABLE LANDS

To utilize lands in the city according to their relative measure of buildability, based on the following land type classifications.

I see no physical problems with this land on or off site that would cause the property to be unbuildable or make it an undesirable building site. The ground slopes slightly up away from southeast 43rd street and every parcel of land surrounding this site has improvements presently on them. I also understand that the developer of this property would be required to pave the shoulder of southeast 43rd street as well as construct a sidewalk and curb, I have no objection to this requirement.

OBJECTIVE #2 RESIDENTIAL LAND USE DENSITY

To locate higher density residential uses so that the concentration of people will help to support public transportation services and major commercial centers.

A higher density is certainly being accomplished by a zone change from R-5 to R-3, thus an increase in support for the transportation services. The improvement of this site will also bring more business to the commercial shopping center across King Road from this site.

OBJECTIVE #3 RESIDENTIAL LAND USE DESIGN

To encourage a desirable living environment by allowing flexibility in design, minimizing the impact of new construction on existing development, and assuring that natural open spaces and developed recreational areas are provided whenever feasible.

I believe the R-3 zone will be compatible with the existing surrounding development in that there are apartments and or commercial uses along with single family residences on three sides of the site now, and two mobil homes within 100 feet of my property. The commercial uses are on the south end of the subject property and on the tax lot 5500 to the west of my property. One apartment complex is the Tahitian Garden Apartments extending from the south end of tax lot 5400 to the north end of tax lot 5400 (which tax lot is also zoned a combination of R-5 and R-3). The other apartment complex is the 43rd King Road Apartments across southeast 43rd from my property on tax lots 5800 and 5900. I believe it would be more appropriate to have the portion of my land rezoned to R-3 for R-5 instead of having a

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NOV 28 1984

PLANNING

OBJECTIVE #3 - continued:

IVa (9)

R-3 zone use on an R-5 zone piece of property as is the case with my westerly neighbor on tax lot 5400.

As far as the actual design of the improvement which will presumably be constructed on my property, I have no objection to the city requiring the developer to comply with the design review staffs recommendation and in fact I would encourage such procedure.

OBJECTIVE #4 NEIGHBORHOOD CONSERVATION

To maximize the opportunity to preserve, enhance and reinforce the identity, pride of existing well defined neighborhoods in order to encourage the long-term maintenance of the cities housing stock.

I believe this objective #4 has been well covered in the response to preceding objective #3.

OBJECTIVE #5 HOUSING CHOICE

To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.

My understanding of the "planning concept" of this Objective #5 leads me to believe, the City of Milwaukie would prefer to increase the number of housing units within the city limits as long as it does not destroy the individual character of the local community. I believe the change from R-5 to R-3 on this property will accomplish that goal.

OBJECTIVE #6 HOUSING ASSISTANCE

To assist low and moderate income households in obtaining adequate housing which is consistent with other housing objectives and policies.

I would encourage a developer of an apartment type development to build the units to the standards, quality, and type necessary to assist low and moderate income households.

RECEIVED

NOV 28 1984

PLANNING

For your aid in
land with reference
other parcels.
that is believed to
the company assumes
liability for any loss occurring
reason of reliance thereon.
No **DE 300C**
AFECO TITLE INSURANCE COMPANY
2001 S.E. MCLOUGHLIN BLVD
MILWAUKIE OREGON 97222

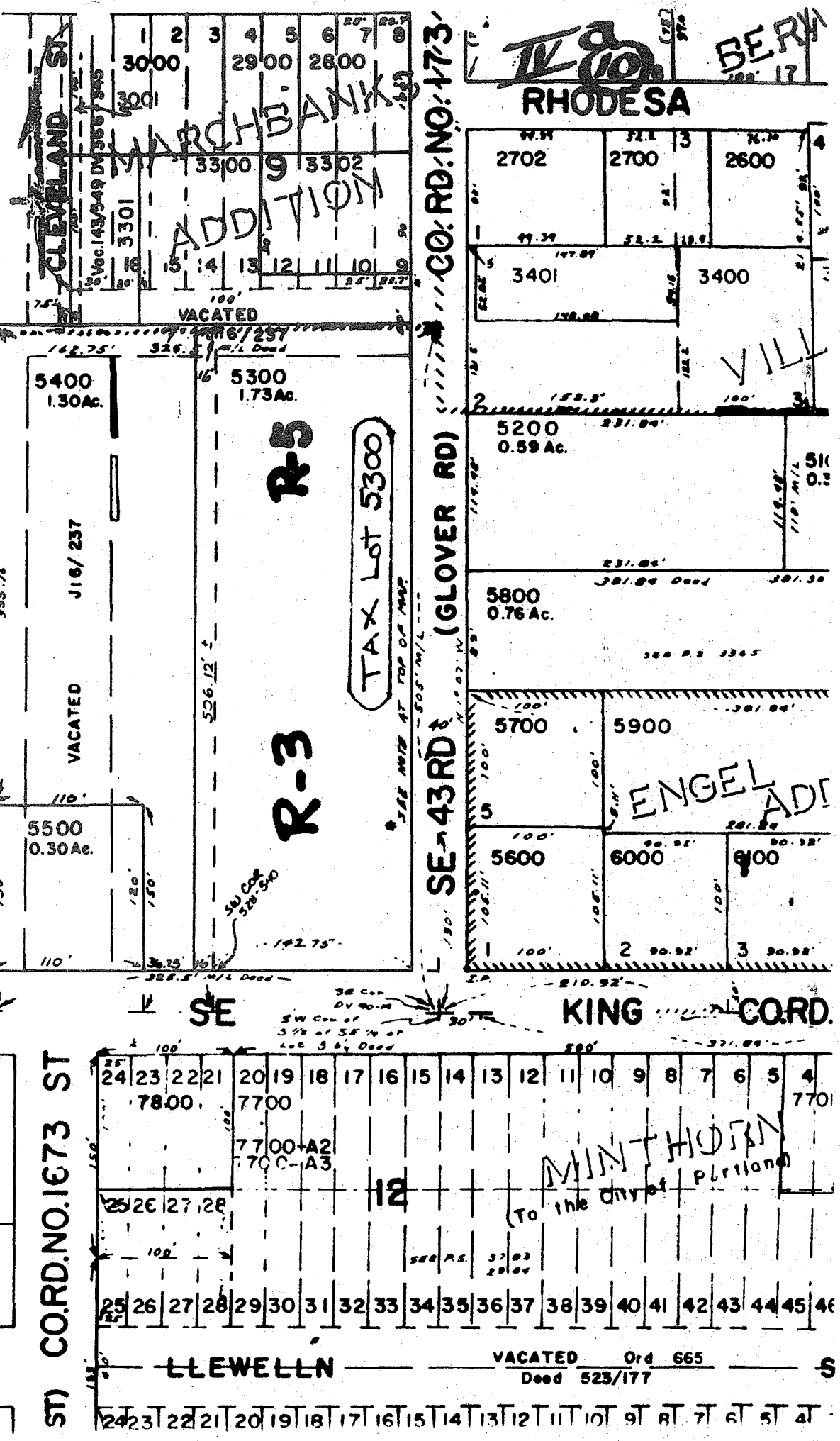
Exhibit A

SEE MAP 1 IE 2500

SE Cor. SW Cor.
DLC 59 (DLC 41)

Cor. NW Cor.
C 60 DLC 40

RECEIVED
NOV 23 1984
WINNING



RHODESA
BERNARD

CO. RD. NO. 173
GLOVER RD
SE 43RD

ENGEL ADI

MINT HORN
To the City of Portland

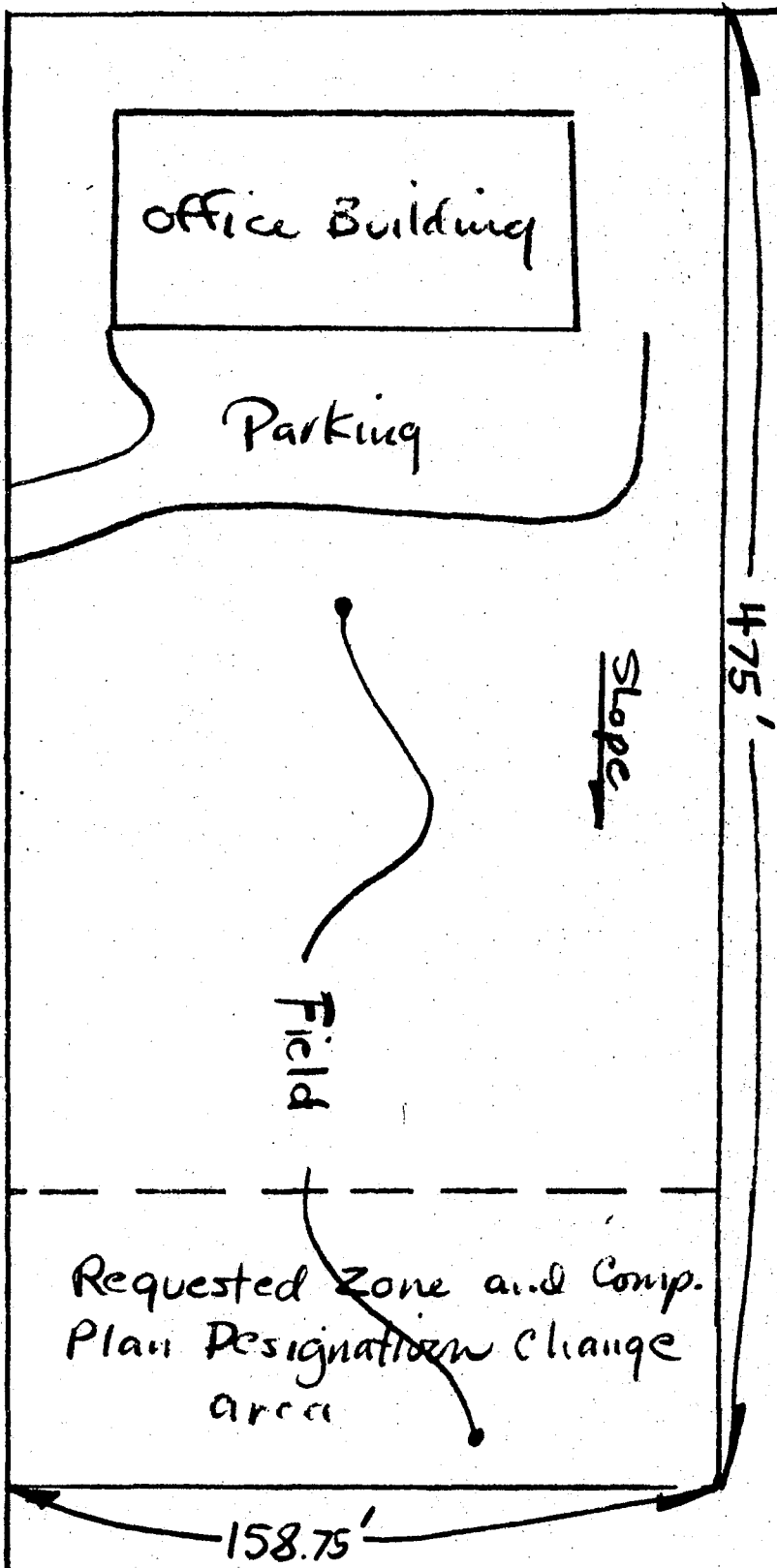
LLEWELLYN
VACATED Ord 665
Deed 523/177

S.E. King Rd.

Section
12 E 30 CC
Tal Lot
2800
Owner
Blaine Moore
Date
11/2/34

water lines are in S.E. 43 and/or King

Sanitary Sewer, Storm Sewer, and public



75406.25 Sq. Ft. (Approx 1.73 Ac.)

RECEIVED

NOV 28 1934
PLANNING

DIERINGER'S PROPERTIES, Inc.

4303 S.E. Henderson St.
Portland, Oregon 97206

Phone (503) 771-3729
774-5214

IV
a (12)

January 3, 1985

City of Milwaukie
10722 S. E. Main St.
Milwaukie, Oregon 97222

Planning Commission

In regards to the Blaine Moore Zone Amendment request for changing from R-5 residential to R-3, and a Comprehensive Plan Amendment from Moderate Density to Medium Density, I feel it would very much enhance the area.

There is a real need besides, since the cost of renting dwellings in the city of Milwaukie is much higher than the city of Portland.

Sincerely,

DIERINGER'S PROPERTIES, INC.



R. E. Dieringer, Pres.

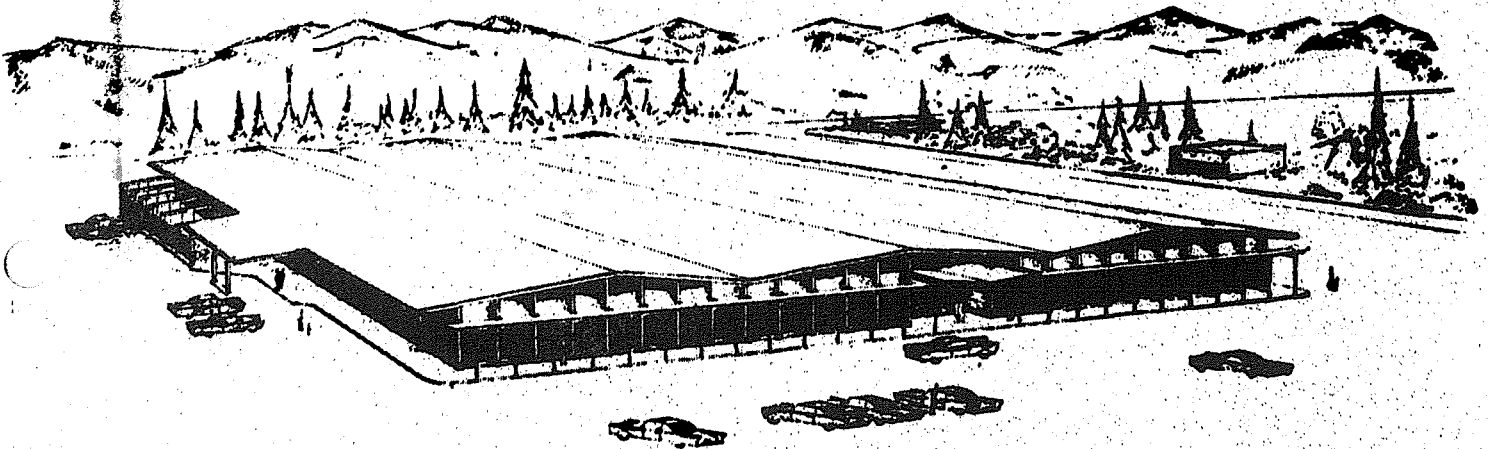
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JAN - 7 1985

PLANNING

DATE	1/8/85
BY	Dieringer's

RED/ed



CITY of MILWAUKIE PLANNING DIVISION STAFF REPORT

DATE: January 8, 1985

FILE: ZA-84-8, CPA-84-4

Wa (13)

REQUEST : Zone Amendment
Comprehensive Plan Amendment

APPLICANT : Blaine Moore

PROPERTY OWNER : Blaine Moore

LOCATION : Northwest corner of 43rd and King
(Tax Lot 5300, part of) (Tax Map 1 2E 30CC)

PROPOSAL:

The applicant is requesting approval of the following:

1. A Comprehensive Plan Map Amendment from Moderate Density to Medium Density.
2. A Zone Amendment to the Zoning Map from R-5 Residential to R-3 Residential.

SITE CONDITIONS AND PUBLIC FACILITIES:

Access to the site is from SE 43rd Avenue which does not have curbs and sidewalks. The site also fronts along King Road which is a Federal Aid Route. The City is in the process of applying for federal funds for improvements along certain sections of King Road. Staff recommends that upon development of the vacant portion of Tax Lot 5300, improvements must be made along the entire frontage of 43rd Avenue from King Road to the north property line according to the specifications of the Public Works Department. A Storm Drainage Plan utilizing dry wells will be required at the time the site is developed. Water and sewer services are located along 43rd Avenue.

The Milwaukie Police and Fire Departments serve the site.

The southern portion of the site contains an office building and parking lot. The remainder of the site is a vacant field with some trees along the perimeter. The site contains approximately 75,400 square feet.

SURROUNDING ZONING:

The area north, northeast and northwest of the site is zoned R-7 Residential. The area south and immediately west of the site is zoned R-3 Residential. Further west, the area is zoned R-5 Residential. Further south, the area is zoned C-G, General Commercial.

EXHIBIT #	7
DATE	
REVIEWED BY	Staff
	3 pgs.
RECEIVED	

CITY OF MILWAUKIE PLANNING DIVISION
STAFF REPORT - Blaine Moore
ZA-84-8, CPA-84-4 January 8, 1985

CRITERIA:

IV
a (14)

Zoning Ordinance:

Section 2.06, 1-2, pg. 10
Section 9.03, 1-2, pg. 87

Zoning of Annexed Areas
Zoning Map Amendment

Comprehensive Plan:

Planning Process, Plan Review & Amendment Procedures, pgs. 4 & 5
Residential Land Use Element, pgs. 24-34
Public Facilities and Service Element, pgs. 73-80
Objective #5-Sanitary Sewer Service, Policy #3, pg. 77

ANALYSIS:

The Comprehensive Plan Map Amendment must meet the requirements outlined under the Plan Review and Amendment Procedures of the Comprehensive Plan

1. Conformance with the Comprehensive Plan goals, policies and spirit.

Staff believes that the request complies with the Comprehensive Plan as adequate public facilities including water and sewer serve the site. Other improvements along S.E. 43rd Avenue described earlier, will be provided when the vacant portion is developed. Thus, the Public Facilities section of the Plan can or will be met.

As indicated in the Applicant's Narrative (Exhibit #5) the southern most two-thirds of the subject property is zoned R-3 Residential. The northern most one-third is zoned R-5 Residential. Historically, parcels of land under one ownership are generally designated under one zoning classification. It is not clear why this property was designated under two zoning classifications and two Comprehensive Plan designations.

Allowing the amendments may result in either an increase in residential density, or through the Conditional Use section of the R-3 Zone an office use could be constructed on the subject property. Staff believes that the amendments are in compliance with the Residential and Economic sections of the Plan as additional housing units and economic development may be provided as a result of this request.

2. Public need for the change and public need is best satisfied by the change.

The public need is best satisfied by the requests as adequate public facilities will be provided for the subject property and additional housing units and economic development may be provided as a result of this request.

3. The change will not adversely affect the health, safety and welfare of the community.

IV
a (15)

Staff views this action as a benefit to the community as complete City Services, such as police, fire, sewer and water serve the site.

The Zone Amendment must meet the procedures outlined in Section 9.03 of the Zoning Ordinance which includes the following:

1. The proposed rezoning must be to the maximum Comprehensive Plan Map designation.

The Comprehensive Plan Amendment request from Moderate Density to Medium Density and the Zoning Amendment from R-5 Residential to R-3 Residential are appropriate as Tax Lot 5300, which is under one ownership currently has two different land use designations. In addition, the subject property is adjacent to property zoned R-3 Residential and designated Medium Density. Please refer to the Applicant's Narrative (Exhibit # 5) which describes in detail how the requests comply with the Comprehensive Plan.

2. Adequate public facilities must be provided.

This has been addressed earlier in the report.

FINDINGS:

The Comprehensive Plan Amendment and Zone Amendment requests are in compliance with the Zoning Code Requirements and appropriate Comprehensive Plan Policies as described below:

1. Adequate public facilities can or will be provided to the site including storm water, sewer, water and Police and Fire services.
2. The requested Comprehensive Plan designation (Medium Density) and Zoning designation (R-3 Residential) are appropriate and the most suitable for the site.

RECOMMENDATION:

The Staff recommends approval of the applicant's request for a Comprehensive Plan Amendment from Moderate to Medium Density and a Zone Amendment from R-5 Residential to R-3 Residential and forwarding these requests to Council for action.

The approval is subject to the condition that upon development of the vacant portion of Tax Lot 5300, improvements must be made along the entire frontage of 43rd Avenue from King Road to the north property line according to the specifications of the Public Works Department.

EXHIBITS:

1. Tax Map
2. Zoning Map
3. Public Works Memorandum Dated December 17, 1984, and January 4, 1985
4. Fire Department Memorandum Dated December 10, 1984
5. Applicant's Application and Narrative which includes a Tax Map and Site Plan - 6 pgs.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - JANUARY 8, 1985

IV
a (16)

Mr. Trotter said he feels, based on the testimony of the two partners, that this would definitely be a business because they are making a profit and accepting merchandise from others for sale on a consignment basis. In the ordinance on home occupation businesses, the Staff indicated this particular business did not meet Nos. 3, 4, and 5. The home occupation does have the outward appearance of a business because of the signs and the merchandise being visible in the driveway and garage. Mr. Trotter indicated he felt the business would detract from the residential character of the neighborhood because of the parking.

Mr. Trotter made a Motion to uphold the decision of the City Manager to deny a business license for a home occupation use, i.e., a continuous garage sale for the residents at 10610 SE Home Avenue, with the following findings:

1. That it does not meet the requirements of section 4-01, item 3, that there are outward appearances of a business; and item 4, that it does detract from the residential character of the neighborhood in that there is parking on the lawn.
2. That the request is not consistent with the Residential Land Use and Housing Element section of the Comprehensive Plan in that a business within a residential area will not maintain the local neighborhood quality and identity.

Mr. Brown seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

Bob Knudson rejoined the Commission.

3.2 APPLICANT: Blaine Moore
PROPERTY OWNER: Blaine Moore
LOCATION: Northwest corner of 43rd and King Road
PROPOSAL: The applicant is requesting approval of a Zone Amendment from R-5 Residential to R-3 Residential and a Comprehensive Plan Amendment from Moderate Density to Medium Density.
(CPA-84-4, ZA-84-8).

EXHIBIT #	8
DATE	
SUBMITTED BY	Staff
	(4 pgs.)
RECEIVED	

IV
a (17)

Lori presented the Staff Report and shared a new letter of correspondence from Dieringer Properties, Inc., which was in favor of the proposal. (Exhibit #6).

APPLICANT'S RESPONSE

SPEAKING: BLAINE MOORE, 1741 SE Maryland Court, Portland

Mr. Moore stated that he does intend to sell the portion of the property being discussed, but added that it is very important to the applicant that any future development of the property maintain the same type of appearance which the applicant has achieved with their current office site.

Mr. Knudson inquired how the sidewalk would come into the tree-lined area on the east side of the property. Mr. Moore explained that, that area is now owned by the City of Milwaukie.

Mr. Trotter asked how long the applicant had owned the property. Mr. Moore responded that he had purchased the property in 1980.

Mr. Littlehales asked if the applicant's intention was to zone the entire property R-3 and then sell off the one portion. Mr. Moore responded that is his intention; that the applicant has no plans to develop the entire piece of property as part of their business.

QUESTIONS/COMMENTS

SPEAKING: CONNIE STARIHA, 9989 SE 43rd

Ms. Stariha addressed the traffic problem in the area, and asked what type of business would be allowed. Staff responded that only offices generating a minimal amount of traffic would be allowed. Residential uses allowed in the R-5 are virtually the same as those allowed in the R-3 Zone with the exception of townhouses, which are a Conditional Use, requiring Planning Commission approval.

Mr. Littlehales further explained that the property owner would have to come before the Planning Commission before they could develop a use not allowed outright in that particular zone, whether R-5 or R-3. He then suggested Ms. Stariha may take her concerns about the traffic problem to the Traffic Safety Commission.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - JANUARY 8, 1985

IV
a (18)

TESTIMONY IN OPPOSITION

SPEAKING: MRS. O'NEILL, 10244 SE 43rd

Mrs. O'Neill indicated that she lives right across the street from the property. Mrs. O'Neill expressed concerns about not knowing what would end up there; the possibility of increased traffic; the water drainage problem; and the lights from the cars coming from the property shining into the windows of the surrounding homes.

SPEAKING: CONNIE STARIHA

Ms. Stariha expressed concern about the ability of the owner to build townhouses with the zone change, without again coming before the Planning Commission. She felt the idea of selling a portion of the lot would be an encroachment on the people currently living there, because the existing lots are all large lots. Ms. Stariha also indicated she was not comfortable with the idea of a business going in there and setting a precedent for other businesses in the area.

APPLICANT'S CLOSING REMARKS

Mr. Moore indicated that he would be very particular about who the property was sold to. He also mentioned having heard of plans in the area to have the road widened to help with the traffic problem. Mr. Moore stated he intended to sell the property to a professional business which would bring in little traffic. He mentioned that ten feet of the property had been dedicated to the City.

The public portion of the hearing was closed at 8 PM.

Lori pointed out that the height limitation for the property is two and a half stories or thirty-five feet, whichever is less. Staff also noted that even if the owner of the property developed the site under the allowed outright uses, the project would still be reviewed for code compliance at the staff level.

Mr. Knudson pointed out that the storm drainage was addressed in the engineer's report, and it states it must be contained by dry wells. He also noted that a developer's agreement might help expedite the traffic problem.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - JANUARY 8, 1985

IV
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19

Mr. Littlehales made a Motion to approve the request for a Zone Amendment and a Comprehensive Plan Amendment, ZA-84-8 and CPA-84-4, and forward to City Council for their action, with the following findings:

1. That adequate public facilities can or will be provided to the site including storm water, sewer, water, and Police and Fire services.
2. That the requested Comprehensive Plan designation (Medium Density) and Zoning designation (R-3 Residential) are appropriate and the most suitable for the site.

And with the condition that upon development of the vacant portion of Tax Lot 5300, improvements must be made along the entire frontage of 43rd Avenue from King Road to the north property line according to the specifications of the Public Works Department.

Mr. Liane seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

Lori commented that if the property were to change hands, it would be important that the future owner realize the street improvement condition.

Mr. Trotter made a Motion to reconsider the previous Motion in order to revise the conditional use requirements based on new information. Mr. Brown seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

Mr. Trotter made a Motion to approve the ZA-84-8 and CPA-84-4 and forward it to City Council for their action subject to the above-stated findings and the Condition that upon development of the vacant portion of Tax Lot 5300, improvements must be made along the entire frontage of 43rd Avenue from King Road to the north property line according to the specifications of the Public Works Department, and that this condition become part of the deed restrictions. Mr. Littlehales seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

6.1 Planning Commission Minutes, December 11, 1984

Mr. Knudson made a Motion to approve the Planning Commission Minutes of December 11, 1984. Mr. Littlehales seconded the Motion. THE MOTION CARRIED 3-0, Mr. Brown and Mr. Liane abstaining as they were not present at that meeting.

MEMORANDUM

IV
B (1)

TO: Hugh Brown, City Manager
FROM: Topaz Faulkner, J.S. Director of Planning & Community Services
DATE: January 31, 1985
RE: Appeal of the Planning Commission approval regarding an Expansion of a Nonconforming Use.

I. BACKGROUND:

At a hearing on December 11, 1984, the Planning Commission, by a 4-1 vote, approved a request by Ray Allen and Mark Bazeghi to allow up to 10 additional residential units on the ground floor of the Lowry Apartment Building.

The Staff Report and the Planning Commission minutes of that meeting illustrate that the requirements of the Comprehensive Plan and the City Codes have been met. Please refer to the Staff Report (Exhibit #12) which details the request and the applicable Comprehensive Plan Policies and Ordinance sections. According to the Appellant's letter of appeal (Exhibit #14), the decision is being appealed based on the belief that:

1. The City Council has for years indicated a strong desire to upgrade the downtown commercial area and nearby Waterfront. The applicant's proposal (to add 10 residential units) is considered detrimental to the achievement of these goals.
2. The property in question is a key parcel that plays an important role in achieving the desired goals. This appeal is made without prejudice against the applicant. The concern is that the City consider all implications of the applicant's proposal before making a final decision.

It should be noted that the appellant has not addressed any of the specified criteria relating to the applicant's request. The request for additional residential units complies with the applicable criteria; sufficient parking for the additional residential units is available, and adequate public facilities are available to the site. Since the proposal does not involve an expansion of the existing structure, it will not adversely affect potential access to the River. In addition, the proposal will provide for the rehabilitation of older housing and will add needed low income housing units.

The Willamette Greenway Commission has been notified regarding this proposal and no comments have been received.

MEMO to Hugh Brown
January 31, 1985
Re: Appeal of Nonconforming Use
Page Two

IV
B (2)

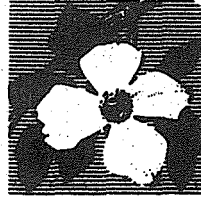
II. RECOMMENDATION:

Staff recommends that the City Council uphold the Planning Commission's decision to allow up to 10 additional residential units on the ground floor of the Lowry Apartment Building.

III. EXHIBITS:

1. Tax Map
2. Site Plan
3. Existing Ground Floor Plan
4. Proposed Ground Floor Plan
5. Applicant's Application
6. Applicant's Narrative
7. Property Analysis
8. Public Works Memorandum Dated 12/7/84
9. Building Division Memorandum Received 12/5/84
10. Fire Department Memorandum Dated 12/3/84
11. Letter of Correspondence Dated 12/11/84
12. Staff Report Dated 12/11/84
13. Planning Commission Minutes of 12/11/84
14. Appellant's Letter of Appeal Dated 12/11/84

CITY OF MILWAUKIE



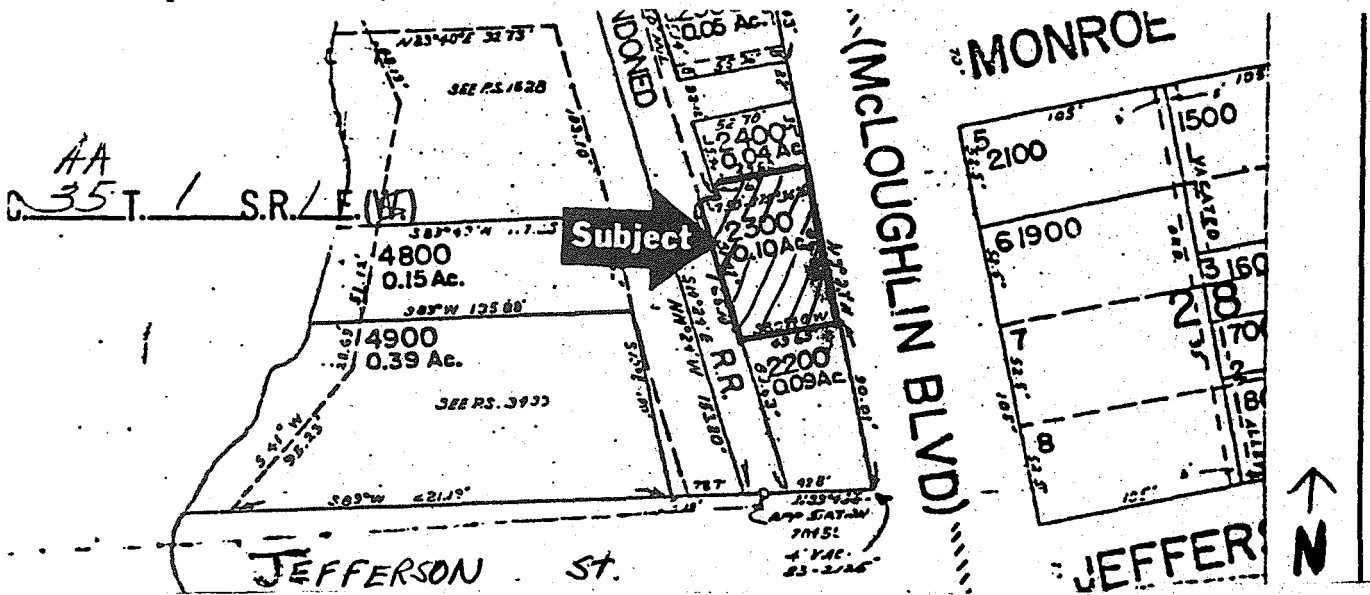
IV
B (3)
PLANNING DEPARTMENT
in the City Hall • phone 659-5171

November 30, 1984

NOTICE OF PUBLIC HEARING

TO: Property Owners and Residents
 ON: Tuesday, December 11, 1984, at 6:30 PM
 AT: City Hall Council Chambers
 10722 SE Main Street

The Milwaukie Planning Commission will consider a request by AAA Structures (applicant) and Ray Allen and Mark Bazeghi (property owners) for approval to allow up to 10 additional residential units in the Lowry Apartment Building. These units are allowed as a conditional use within the C-L (Limited Commercial) Zone. However, this is a request for an expansion of a Nonconforming Use as the proposal does not meet the Parking requirements. The site is located at 10961 SE McLoughlin. (NCU-84-1) (Tax Lot 2300 of Tax Map 1 1E 35AA).



Interested citizens are invited to attend this hearing, or to submit comments in writing prior to the meeting time. A Planning Staff Report will be available for public review at the Ledding Library, local information shelf, and at the City Hall Planning Office, December 7th, 1984, after 5:00 PM. Copies of the City's Comprehensive Plan and Zoning Ordinance are also available for review at the library and City Hall.

If you have any questions, please call the Planning Office at 659-5171.

EXHIBIT #	1
DATE	
SUBMITTED BY	Staff
RECEIVED	

10

25

76'

40'

LOWRY BUILDING

FIRST FLOOR LINE

IV
B. (4)

RECEIVED

NOV 26 1984

PLANNING

87'

M'LOUGHLIN BOULEVARD

1/8" = 1'

EXHIBIT #	2
DATE	
SUBMITTED BY	Applicant
RECEIVED	

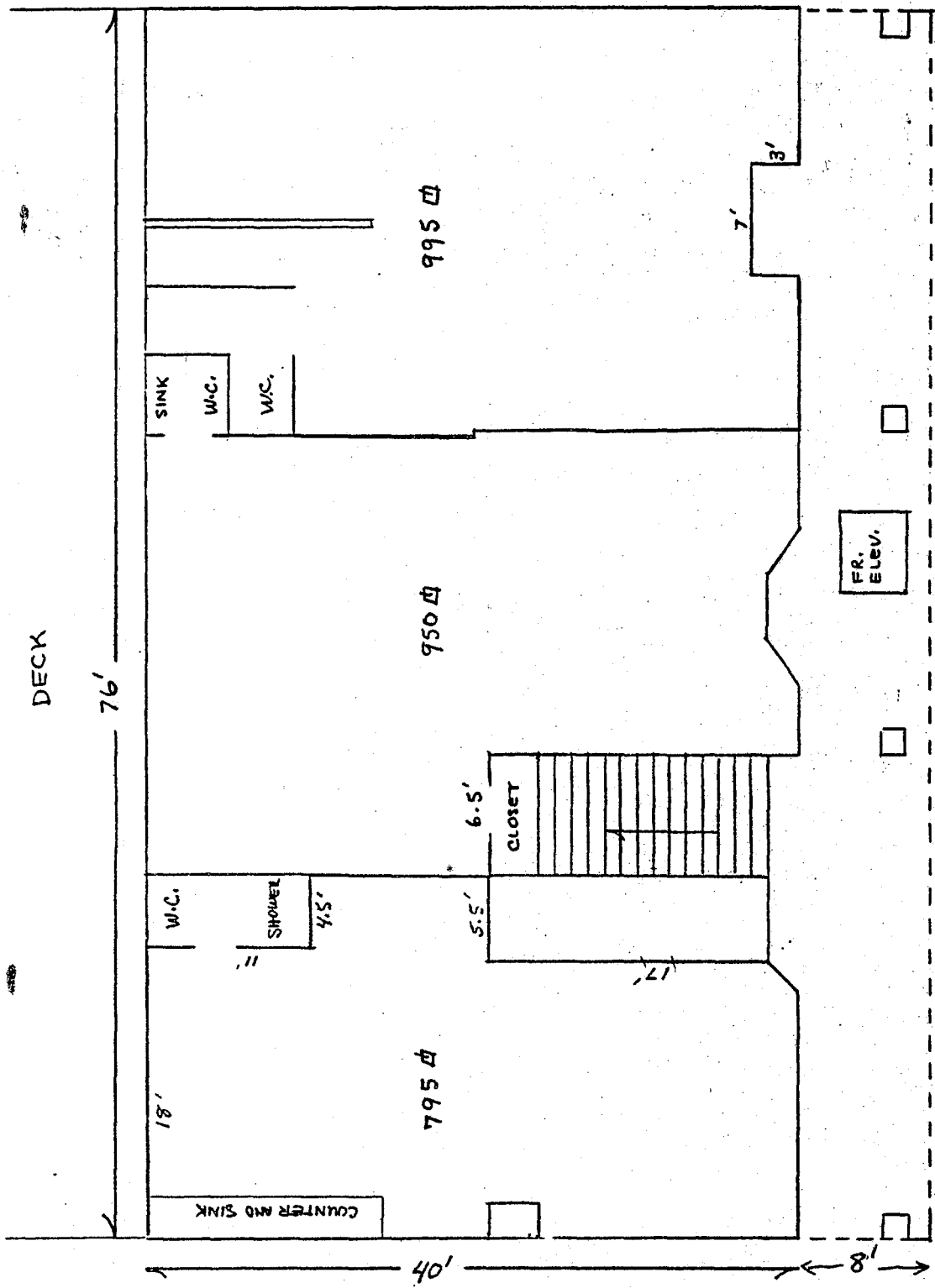
48'

TR 135

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PLANNING



GROSS SQ. FT.: 2977 SQ. FT.
 NET RENTABLE AREA: 2740 SQ. FT.

FLOOR PLANS

EXHIBIT #	3
DATE	
SUBMITTED BY	Applicant
RECEIVED	



Expanding Floor Plan

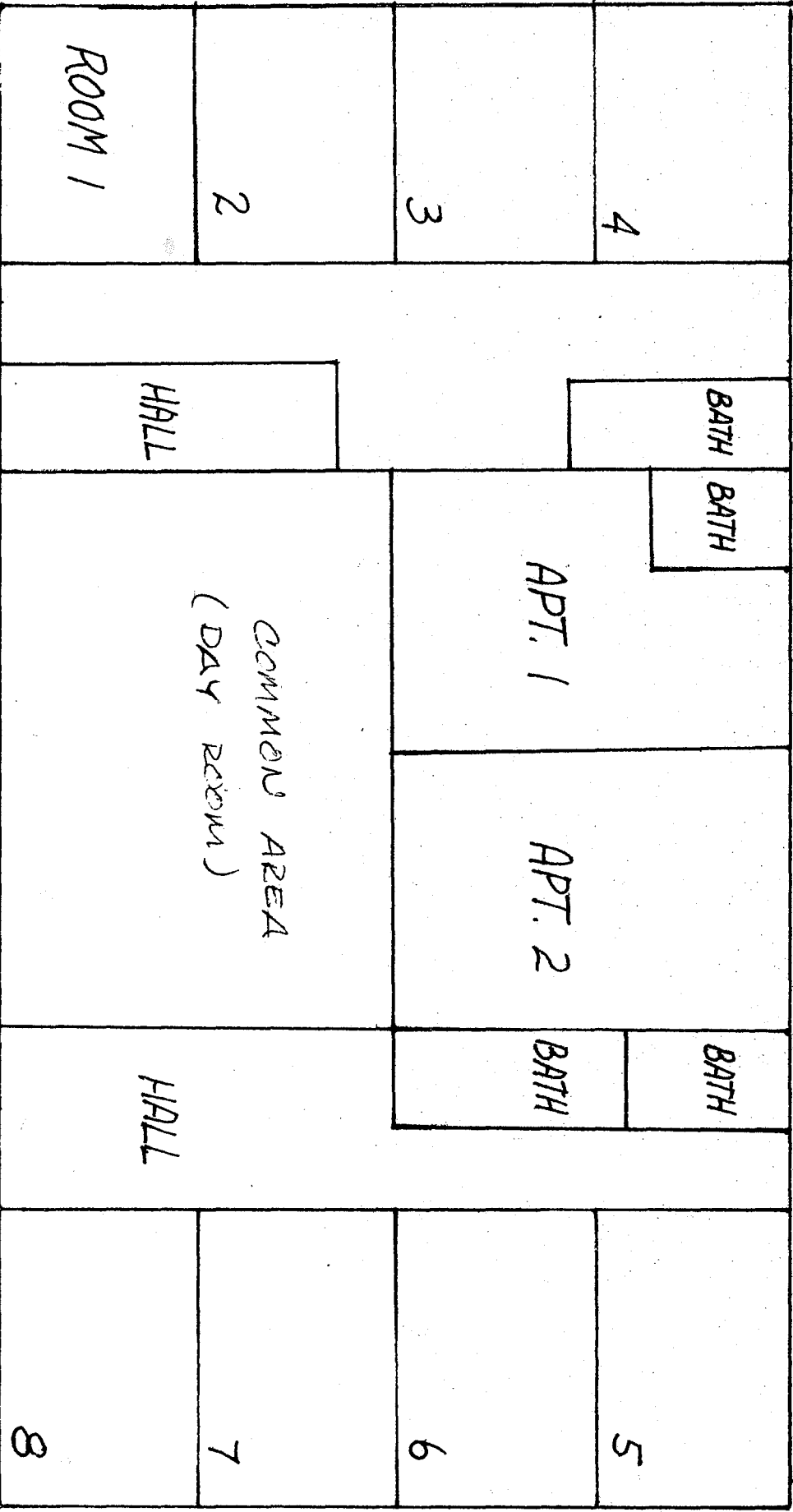
APPRAISAL

⑥
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H

LOWRY BUILDING - GROUND FLOOR

EXHIBIT #	4
DATE	
SUBMITTED BY	Applicant
RECEIVED	

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NOV 26 1984
PLANNING



Milwaukie Planning Commission
10722 S.E. Main Street
Milwaukie, OR 97222
Phone: (503) 659-5171

Conditional Use

* 4 copies of 8 1/2' x 11'
10 copies of > 8 1/2' x 11'

APPLICATION IS TO BE SUBMITTED
IN BLACK PEN OR TYPEWRITTEN ONLY

FOR OFFICE USE ONLY

IV
B(7)

No. 2-84-7
Fee \$ 150.00

Rec. 09241

PLEASE READ CAREFULLY. Application will be processed when all questions are answered and accurate site plan is submitted in accordance with Planning Department guidelines. If you have questions, contact the Planning Department at 659-5171.

I HEREBY REQUEST A CONDITIONAL USE on property described below. With this application, I am furnishing *4 copies of a legibly drawn SITE PLAN showing exact dimensions and arrangement of the proposal as well as elevation drawings and any other drawings, topographic surveys, photographs or other material essential to the understanding of the proposed use and its relationship to the surrounding properties as may be required by staff and/or Planning Commission. On the REVERSE SIDE of this application please demonstrate compliance with the Conditional Use Criteria and appropriate Comprehensive Plan Policies.

APPLICANT(S): (Print) AAA Structures Date: 11/15/84
Mailing Address: 1126 SW Cheltenham St Pkt ZIP 97201 Phone: 245-3376
223-6818 DM

PROPERTY OWNER(S) (Print) Ray Allen, Mark Bazegehi Phone: 223-6818
Mailing Address: 1126 SW Cheltenham St Pkt, OR ZIP 97201

REQUEST: Convert three retail spaces to 10 residential rooms
on ground floor of the Lowry Apartments 10961 SE
McLoughlin Blvd.

Zone Classification: C-L Comp Plan Designation: C

Legal Description: Township 1 Range 1E Section 35AA Tax Lot(s) 2300
(Submit metes and bounds description upon request)

Property Location: 10961 SE McLoughlin near (cross street) Jefferson

In granting a Conditional Use, conditions may be attached which are found necessary to lessen the impact of the Conditional Use on nearby property, protect the general welfare of the City, and achieve the purposes of the Zoning Ordinance.

Date of Meeting: _____

I CERTIFY that the information contained in this application is true and accurate to the best of my knowledge and I further agree to comply with the provisions of all state statutes and city ordinances and regulations regarding this application.

Signature Ray A. Allen Date: 11/25/84

FOR OFFICE USE

Approved: _____ Denied: _____ Continued: _____ Appealed: _____

RECEIVED

EXHIBIT # 5
DATE _____
SUBMITTED _____
BY applicant
RECEIVED _____

NOV 26 1984

PLANNING

Project Description for Proposed Conditional Use

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The proposed conditional use would allow the conversion of three existing retail/office units into ten (10) residential units and a day room common area for residents on the ground floor of the building known as the Lowry Apartments located at 10961 S.E. McLoughlin Boulevard (property description attached).

The building currently has fifteen (15) residential units on the second floor which have recently been renovated and are currently occupied. These existing residential rooms are used under grandfather rights allowed under conditional use section of the prevailing codes.

The property owners are making this request for a conditional use permit based on the following considerations:

1. Retail/office rentals have historically been a problem in this building owing to the lack of on-site parking and the heavy traffic on McLoughlin making on-street parking dangerous.
2. There is an existing need for inexpensive residential units as evidenced by the demand for the existing units.
3. Over the last few years at least two of the existing retail units were converted into living units and were being so used when the current owners purchased the building.
4. There are currently an abundance of unrented office/retail spaces throughout downtown Milwaukie.
5. Parking problems germane to the retail requirements would be reduced since most of the residential tenants do not have cars. For those that do, there is ample available rental space in close proximity to the building.

The conversion of the downstairs to residential units would make the building exclusively residential. This would eliminate potential problems between retail/office tenants and residential tenants.

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EXHIBIT #	6
DATE	
SUBMITTED BY	Applicant (2pgs)

IV B(9)

The current owners have evaluated the building carefully and determined that its fullest and best use would be to convert it into a completely residential building. We believe that the current tenants are respectable and responsible citizens and will remain so under our management. We also believe that the existing and expanded residential use of the building will enhance the retail and restaurant trade in the downtown area.

It is also important to mention that the building will be more economically viable as a wholly residential building, thus reducing the problems that have plagued it over the past years and caused it to become an eyesore and to deteriorate into a health and fire hazard. Conversion to an entirely residential building will allow the current owners to more quickly finish the planned renovation program which has been underway for the past six months and which includes extensive exterior work.

A tentative ground floor plan is included with this application. The existing retail spaces range between 800 and 1000 square feet. The proposed residential units would be 150 to 250 square feet in size and all would have exterior windows. Storefront windows on the north and south units would be removed; the central storefront windows would be retained for the common area. Two of the proposed units would be studio apartments with private baths; the other eight units would be housekeeping rooms sharing two common baths. The day room would provide a comfortable living-room environment for residents and guests and would not be open to the public.

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B (10)

PROPERTY ANALYSIS

A. Site Data and Description

Size: Approximately 4,616 square feet. No survey has been made and measurements taken from plot plans are assumed to be correct.

Shape: The site is rectangularly shaped and is approximately 50 feet deep with 86.9 feet of frontage on McLoughlin Blvd.

Topography: The site slopes from front to back, on a grade of approximately eight feet.

Soil Conditions: The improvements on this site were constructed in 1911 and though some settling has occurred over the years, no unusual settling was noticed and soils appear stable. However, no report on soil stability was available for this report.

Easements & Encumbrances: A preliminary title report was not available as of the date of appraisal. The property is appraised as if free of all liens and encumbrances and is assumed to have clear title.

Accessibility & Street Improvements: The site is an inside lot with frontage on SE McLoughlin Blvd., a fully improved four lane major north-south arterial also known as US Highway 99E. Parallel on-street parking is available on both sides of the street but the narrowness of the street and heavy traffic make parking hazardous.

An abandoned railroad right of way, accessed off Jefferson Street, runs adjacent to the subject at the rear allowing vehicular access to the back of the building. This roadway is unimproved.

Adjacent Properties: The property immediately to the north of the subject houses a tavern with living quarters above. The adjoining property on the south is a video rental shop. An abandoned railroad right of way abutts the property at the rear.

EXHIBIT #	7
DATE	
SUBMITTED BY	Applicant
RECEIVED	

RECEIVED

NOV 26 1984

PLANNING

IV
B(11)

TO: PLANNING

FROM: PAUL ROEGER
OFFICE ENGINEER

RE: LOWREY APARTMENTS
NCU-84-1

DATE: DECEMBER 7, 1984

McLoughlin Boulevard has parking only on the west side in front of the apartments. I suggest they need to lease parking space from the property to the west.

Water line size may not be adequate for additional units; however, new 10" waterline will soon be available on Jefferson Street to the south.

PHR/cj1

EXHIBIT #	B
DATE	
SUBMITTED BY	Staff
RECEIVED	

CITY OF MILWAUKIE
PLAN CORRECTION LIST

Based on 1983 Edition - Uniform Building Code

IV
B 12

OWNER AAA STRUCTURES

Plan Check No. P-

Address 10961 SE McLOUGHLIN BLVD Value

Type of Const. 5-N Use: HOTEL

Occupancy R-1

Stories: 2w/Bsmt Floor Area: 1ST FLOOR 3040^{sq}/Bsmt

2ND - 3648^{sq}

IBC SECTIONS 502 - CHANGE IN USE

SECTION 504(b) FIRE RESISTANCE OF WALLS

TABLE 5-A, PART III FIRE RESISTANCE & OPENINGS IN EXTERIOR WALLS

SECTION 505(b) AREAS OF BUILDINGS OVER ONE STORY

TABLE 5-C BASIC ALLOWABLE FLOOR AREAS

TABLE 5-E SANITARY FIXTURES REQUIRED BY OCCUPANCY

SECTION 508 - FIRE RESISTIVE SUBSTITUTION

SECTION 510 - SANITATION

SECTION 1203 - LOCATION ON PROPERTY

SECTION 1204 - EXIT FACILITIES

SECTION 1205 - LIGHT VENTILATION AND SANITATION

SECTION 1207 - ROOM DIMENSIONS A. CEILING HEIGHT B. FLOOR AREA

SECTION 1210 - FIRE WARNING AND SPRINKLER SYSTEMS ^{SPRINKLERS} _{IN BASEMENT}

1210(a) FIRE WARNING SYSTEMS

SECTION 1211 - HEATING

SECTION 1212 - SPECIAL HAZARDS

SECTION 1202(b) SPECIAL PROVISIONS

CHAPTER 33 - EXITS

SEC. 3802 - FIRE-EXTINGUISHING SYSTEMS

RECEIVED

DEC - 5 1984

PLANNING

EXHIBIT #	9
DATE	
SUBMITTED BY	Staff
RECEIVED	12/2/84

PLANNING DIVISION
11/13/84

TO: Dick B-Fire / Jim-Building / Paul-Public Works DATE: 11/27/84

FROM: Cynthia - Planning Secretary

REPLY REQUESTED: YES DATE REPLY NEEDED 12-4-84 NO

DATE OF MEETING: _____ ATTENDANCE REQUESTED: YES NO

SUBJECT: C-84-7 Lowry Apts. see Attached

.....

COMMENTS: THERE ARE MANY CODE PROBLEMS WITH THIS CHANGE OF OCCUPANCY. ATTACHED ARE SOME CODE SECTIONS THAT WILL HAVE TO BE DEALT WITH.

RECOMMENDATION: NO RECOMMENDATION J. Middle
BUILDING OFFICIAL

*Please return with comments and if necessary, attach an affidavit on letter size paper. Your comments may be included in a staff report to be submitted to the Planning Commission. Your assistance is appreciated.

IVB (14)

Memorandum

December 3, 1984

TO: Planning Department
FROM: Richard D. Bailey, Fire Chief
SUBJECT: Conditional Use Application - C-84-7, Lowry Apts.

In regards to this application the Fire Department finds as follows:

- 1) Owner to provide area separations as required by UBC.
- 2) Full supervised manual and automatic fire alarm system to be installed on all floors and monitored via central answering point 24 hours a day.
- 3) Exiting to be provided as per NFPA 101.
- 4) Installation of all electrical systems, heating and cooking facilities to meet all applicable codes.

Richard D. Bailey
Richard D. Bailey, Fire Chief

RECEIVED

DEC - 4 1984

PLANNING

EXHIBIT #	10
DATE	
SUBMITTED BY	Staff
RECEIVED	

COMMUNITY SERVICES DEPARTMENT
PLANNING DIVISION

TO: Dick B. Fire / Jim - Building / Paul - Public Works DATE: 11/27/84

FROM: Cynthia - Planning Secretary

REPLY REQUESTED: YES DATE REPLY NEEDED 12-4-84 NO

DATE OF MEETING: _____ ATTENDANCE REQUESTED: YES NO

SUBJECT: ~~Q-84-7~~ Lowry Apts. see Attached
NCU-84-1

COMMENTS: See attached

RECEIVED

DEC - 4 1984

PLANNING

RECOMMENDATION: _____

*Please return with comments and if necessary, attach an addendum on letter size paper. Your comments may be included in a staff report to be submitted to the Planning Commission. Your assistance is appreciated.

December 11, 1984

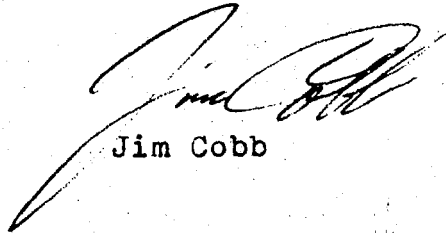
IVB 16

Milwaukie City Council:

Housing, including deluxe condominiums, has been among the least desired uses for the riverfront in downtown Milwaukie per public meetings conducted by the city.

This flophouse expansion will be a set back to the economic development of downtown and in particular the development of the riverfront.

As owner of tax lots 4700, 4800, 4900 and 2200 adjacent to this firetrap, I am 100% opposed to this nonconforming use.



Jim Cobb

RECEIVED

DEC 11 1984

PLANNING

EXHIBIT #	11
DATE	
SUBMITTED BY	
RECEIVED	

IV B 17

CITY of MILWAUKIE PLANNING DIVISION STAFF REPORT

DATE: December 11, 1984

FILE: NCU-84-1

REQUEST : Expansion of a Nonconforming Use

APPLICANT : AAA Structures

PROPERTY OWNER : Ray Allen and Mark Bazeghi

LOCATION : 10961 SE McLoughlin
(Tax Lot 2300 of Tax Map 1 1E 35AA)

PROPOSAL:

The applicants are requesting approval to allow up to 10 additional residential units in the Lowry Apartment Building. These units are allowed as a conditional use within the C-L (Limited Commercial) Zone. However, this is a request for an expansion of a Nonconforming Use as the proposal does not meet the Parking requirements.

SITE CONDITIONS AND PUBLIC FACILITIES:

Access to the site is from McLoughlin Boulevard which is a State Highway. Adequate sewer facilities serve the site. As indicated in the Public Works Memorandum (Exhibit #8) the existing water line may not be adequate for the additional units. Public Works will analyze the water supply needs of the units and determine if connection to the new 10-inch water line in Jefferson Street is necessary.

SURROUNDING ZONING:

The surrounding area is zoned C-L. The area further east of the site is zoned C-C, Central Commercial.

CRITERIA:

Zoning Ordinance:

- | | |
|--------------------|--------------------------|
| Section 3.10, 1-3 | C-L Uses & Standards |
| Section 3.19, 1-6 | Willamette Greenway Zone |
| Section 6.01, 1-6 | Conditional Uses |
| Section 8.01 | Nonconforming Use |
| Section 7.09 | Plan Review |
| Section 5.01, 5.03 | Parking Requirements |

Comprehensive Plan:

- Residential Land Use and Housing Element, Goal Statement, pg. 24
- Objective #2 - Residential Land Use, Density pg. 26
- Objective #4 - Neighborhood Conservation, pg. 30
- Objective #6 - Housing Assistance, pg. 33

EXHIBIT #	12
DATE	
SUBMITTED BY	Staff
	3 pgs.
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B (18)

Economic Base and Industrial/Commercial Land Use Element, Goal Statement, pg. 34
Objective #1 - Economic Development, pg. 35
Objective #10 - McLoughlin Blvd., pg. 40
Willamette Greenway Element, Goal Statement, pg. 48
Objective #3 - Land Use, pg. 51
Public Facilities and Service Element
Utilities Section, pg. 76

DESCRIPTION AND ANALYSIS:

The applicant has indicated (Exhibit #6) that the building currently has 15 residential units on the second floor, which have recently been renovated. The proposal includes converting three existing retail/office units into 10 residential units.

Section 8.01 of the Zoning Ordinance allows the expansion of a Nonconforming Use "upon a determination that the proposed modifications would result in no more of a detriment to surrounding properties than the existing structure or use". One parking space per guest room or suite, plus one additional space per two employees is required for a rooming house. The site does not have on-site parking. The applicant has indicated that there is ample rental parking space available in close proximity to the building. Documentation indicating that the required parking is available for the additional 10 units is necessary. As the existing 15 units pre-date the the code requirements conformance with the parking requirement is not required. Parking within 200 feet of the site is allowed by code (5.03, #4).

Staff believes that the proposal will result in no more of a detriment to the surrounding properties than the existing use if adequate parking for the additional units is available. The applicant has indicated that no outside structural changes are proposed other than the removal of storefront windows on the north and south units. The building Official's Memorandum (Exhibit #9) indicates that a sprinkler system is required under the Uniform Building Code in the basement. Thus, if adequate parking and water facilities are provided then the Nonconforming Use criteria can be met.

As the site is within the Willamette Greenway, the request must comply with Sections 3.19 (Willamette Greenway Zone) and 6.01 (Conditional Uses) of the Zoning Ordinance.

The Conditional Use requirements (i.e. setbacks, lot coverage, access and height) for the most part are not applicable as the proposal does not involve an expansion of the building. The additional units do not affect any of the standards of the underlying zone except parking which has already been addressed.

The criteria listed under the Willamette Greenway Zone deal primarily with protection of views, open space and public access to and along the River. It appears that over 70% of the site is covered by the

~~IVB~~
19

apartment building with no access to the River. The proposal will not adversely affect potential access to the River, as it is not attainable at this time.

The request is in compliance with the Comprehensive Plan as the proposal provides for the rehabilitation of older housing and the provision of additional low income housing units. In addition, the proposal will result in economic development within the City. If adequate water facilities are provided then the Public Facilities section of the Plan will be met.

RECOMMENDATION:

Staff will recommend approval of the request if adequate water facilities are provided and if the applicant submits documentation indicating that adequate parking can be provided.

Depending on the information submitted at the hearing, the findings will be addressed at that time.

EXHIBITS:

1. Tax Map
2. Site Plan
3. Existing Ground Floor Plan
4. Proposed Ground Floor Plan
5. Applicant's Application
6. Applicant's Narrative
7. Property Analysis Sheet
8. Public Works Memorandum Dated 12/7/84
9. Building Division Memorandum Received 12/5/84
10. Fire Department Memorandum Dated 12/3/84

IV
B (20)

3.3 APPLICANT: Ray Allen and Mark Bazeghi
PROPERTY OWNER: AAA Structures
LOCATION: 10961 SE McLoughlin
PROPOSAL: The applicants are requesting approval to allow up to 10 additional residential units in the Lowry Apartment Building. These units are allowed as a conditional use within the C-L (Limited Commercial) Zone. However, this is a request for an expansion of a Nonconforming Use as the proposal does not meet the Parking requirements. (NCU-84-1)

Lori presented the Staff Report.

Mr. Foster addressed the issue of using this property for development of the waterfront.

TESTIMONY IN OPPOSITION

SPEAKING: ROY HOWARD, Real Estate Service, Lake Oswego, Speaking in behalf of Mr. Cobb, adjoining landowner on the west and south of the subject property.

Mr. Howard said his client is opposed to the Applicant's request, first, because of the parcel's potential importance to the City's waterfront improvement goals; and secondly because of the nature of the structure; and the fact that the additional work and expense being put into the structure on the part of the applicant may not improve the structure in the sense of serving the highest-and-best-use entity on that particular parcel of ground. Mr. Howard stated that this particular piece of property is valued at the assessor's office at \$8 a square foot.

Mr. Howard addressed the waterfront area as in improving the area and revitalizing the downtown business district and pointed out certain newspaper articles which had dealt with this issue, including those addressed by members of the City Council. Mr. Howard indicated he felt the biggest difficulty in the riverfront development is a tendency of both the City and the property owners to deal with the problems along that side of McLoughlin unilaterally.

Mr. Howard indicated he had talked to the City manager about the waterfront issue and had offered his services in its development.

EXHIBIT #	13
DATE	
SUBMITTED	
BY	Staff 10/5/84

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B (21)

Mr. Howard addressed his client's problem of depth from McLoughlin to the river on Mr. Cobb's parcel of land, and the fact it is separated by a railroad right-of-way. He also addressed the topography problem and the abandoned right-of-way.

Mr. Howard indicated that the building, in effect, is a motel and must meet the motel building code standards. Mr. Howard then suggested that the Nonconforming Use of the property be deferred for a period of time. Mr. Howard pointed out that he has been a market analyst for thirty-five years.

Mr. Howard stated his opinion that the building in question is obsolete; that there would not be enough space in the cubicles for a person to do his cooking; that the bedrooms would have to be extremely small; and that there would be only one bath for four units. Mr. Howard felt this would be poor housing for the low income group, and there would continue to be problems with the fire department and with police protection.

Mr. Howard requested, from a professional standpoint, that the Nonconforming Use be deferred or rejected at the present time and to ask the applicant to bring the proposal back for reconsideration in three months.

APPLICANT'S RESPONSE

SPEAKING: RAY ALLEN, 26 SW Shelton, Portland, Representing AAA Structures

Mr. Allen reviewed the conditions under which the building was bought. At the time the building was purchased, the south unit and the north unit on the first floor, were both being rented as residential. At that time the applicant understood that they had traditionally been built for retail commercial space on the first floor, but its use had been converted and there were individuals living there. This gave the applicant the understanding that the building could be used as either commercial or residential.

Mr. Allen pointed out the building's history of poor management and the problems that have occurred on that street, but feels there is now a good clientele residing there. Most of the people presently living there are employed and gone during the day with only a few on welfare. The applicant believes that the best use of the building is to convert the downstairs units into residential use.

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Mr. Allen addressed the parking issue and how it relates to retail uses. Mr. Allen stated there are now approximately fifteen people living in the building with not more than two or three having cars. The majority of these people tend to use the bus. He indicated that the hazardous parking conditions have been a problem for shoppers and made it very difficult for a retail business to survive. Mr. Allen pointed out that most of the residents living in the building do not typically have cars. Mr. Allen indicated he had talked to several merchants regarding the retail space in his building, and they were not interested primarily because of the parking problem. To meet the parking requirements for those residents having cars, Mr. Allen indicated that there are ten available spaces at the Exhaust Specialty Shop, and some other spaces available in the area within two hundred feet.

Mr. Allen noted that a need for inexpensive units does exist, and the applicant has had no trouble getting good, working people in there with minimal advertising. The applicant addressed the need for low income housing and believes these units are nicely done with clean rooms in a fairly quiet and trouble-free building for a modest amount of money.

Mr. Allen also felt that the mixture of commercial and residential created problems, and it would be better to make it a consistent use. He indicated that another ten units downstairs would be a comfortable load. It would not be a motel or rooming house as it will mostly be rented by the month.

The applicant plans to take advantage of the existing bathroom facilities and add on to the existing plumbing. Also, the applicant plans to convert the central units to a day room or a seating room, and convert the front windows to smaller windows.

The applicant indicated that the plans submitted have gone through the appropriate City agencies, and there should be no difficulty in getting that many rooms in with adequate floor space and adequate service to those already residing in the building. There are two apartments now with separate baths and the other thirteen units are just rooms, some having sinks and some with range cooking stoves. The applicant plans for the smaller rooms to have a sink and perhaps a refrigerator and stove all combined into one free-standing unit.

Mr. Allen pointed out that extensive plans have not yet been made, and the applicant is simply trying to give the Commissioners an idea of how they intend to make use of the building.

Mr. Allen addressed the issue of the outside of the building, indicating that he is participating in the City's facade improvement program. If financially feasible, he would like to remove the asphalt shingles. He definitely plans to paint the building and put on awnings and flower planters to make it more attractive. He circulated a sketch of the finished improvements done by the Storefront Staff.

IV
B (23)

Mr. Allen indicated that the applicant feels their plan is the best thing to do with that building for both the applicant and the community in part by just keeping traffic away from the area.

Mr. Foster asked what other alternatives the applicant had considered. Mr. Allen said they had considered something like a piano store, where one large item would be sold to minimize traffic. They have also considered office use that would generate low traffic.

Mr. Trotter asked how long the applicant had owned the building. The applicant said he purchased the building in July. Mr. Trotter asked how long the upstairs has been completed. Mr. Allen stated it is now in its final stages. There have been two people living on the premises during the entire process. People actually began moving in in October, but it has only been the last month that it has been occupied.

Mr. Trotter inquired about the exterior remodeling. Mr. Allen indicated that if the residential proposal is approved, they hope to have the exterior done within the next six months.

Topaz pointed out that the opposition's statements revolved significantly around the City's plans. Topaz noted that she had informed Mr. Allen of the City's plans and he had indicated a willingness to participate in any programs concerning the riverfront. The riverfront project is a slow process and should be considered a long-term goal.

The public portion of the hearing was closed at 8:50 PM.

Mr. Trotter stated that he was involved on the board of citizens who worked on the waterfront development, and the one thing he realized from working on the board was that it is going to be a long-term project, mostly because of the financing involved.

Mr. Trotter went on to say that he thinks the City should eventually develop that waterfront, but it is important for the image of the City and its citizens within the City to do whatever can be done at the current time to improve our City as a whole and the entrance to the City.

Mr. Trotter added that the proposed plan seems to meet the conditions of the Zoning Ordinance and the Comprehensive Plan for that piece property, providing that the proposed conditions of Staff are met. He then said that once one building in a group is developed, often the entire are improves.

Mr. Foster addressed the issues of the City Council's interest in the waterfront, the state highway coming into the area, the light rail possibility through the area, and the traffic problem. Mr. Foster stated that he did not feel in favor of accepting the proposal as he did not think the City should be building up that area.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - DECEMBER 11, 1984

IV
B (24)

Mr. Trotter made a Motion to approve the expansion of the Nonconforming Use subject to two conditions:

1. That a document showing that adequate parking is available within 200 feet for review and approval by Staff.
2. That adequate water pressure for fire protection is provided.

And the following findings:

1. That the proposed use would upgrade the neighborhood which the City is trying to accomplish for economic development within.
2. That the proposed use would provide low income housing which is one of the City's stated goals in the Comprehensive Plan.
3. That it does meet the Zoning Requirements of the Willamette Greenway Zone, the Conditional Use procedures and the Nonconforming Use procedures.

Mr. Littlehales seconded the Motion. THE MOTION CARRIED 4-1,
Mr. Foster opposing.

3.4 Public Hearing for review of the new Residential Section of the Zoning Ordinance which includes deleting two (2) high density residential zones.

Topaz presented the Staff Report, the primary item being to allow more uses in the low density zones.

After some discussion, Mr. Littlehales made a Motion that the draft proposal be set aside for final review at a public hearing when the zoning ordinance is presented in its entirety. Mr. Knudson seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

6.1 Planning Commission Minutes: November 13, 1984

Mr. Knudson made a Motion to approve the minutes of November 13, 1984. Mr. Foster seconded the Motion. THE MOTION CARRIED 4-0, Mr. Littlehales abstaining as he was not present.

9-76

Date Dec 22, 1984

IV B 25

Milwaukie City Council
City Hall
10722 SE Main Street
Milwaukie, Oregon 97222

Subject: Expansion of a Non-Farming Use
File No NCU-84-1 - Tax Lot 2300 of Tax Map 1-1E-35A Δ
10961 McCoughlin Blvd, Milwaukie Oregon
City Council Members:

The undersigned hereby appeal(s) the decision of the Planning Commission concerning the subject case. The decision to (approve) (deny) the application was made at the meeting held on December 11, 1984.

Please set a date for the required public hearing at your earliest convenience. The appeal fee of \$75.00 is attached.

The reasons for this appeal are:

Oppose the development program outlined in the application cited above.
The City Council has for years, indicated a strong desire to upgrade its downtown commercial area and its nearby waterfront. I consider the applicants' proposal to be detrimental in achieving these ends.
The property in question is one of four, and perhaps five, key parcels that play an important role in achieving the desired goals. I make this request without prejudice against the applicants. My concern is that the City consider all the implications of his proposal before making a final decision.

Sincerely,
(signatures)

James W. Cell
(addresses)
7745 SW Main Street
Portland OR 97225

RECEIVED
DEC 24 1984
PLANNING

EXHIBIT #	14
DATE	
SUBMITTED BY	Appellant

MILWAUKIE
CITY COUNCIL MEETING
Minutes - January 15, 1985
7 p.m.

VI a0

COUNCIL CHAMBERS

1472nd MEETING

The one thousand, four hundred and seventy-second meeting of the Milwaukie City Council was held on January 15, 1985, with the following Counselors present:

Ron Kinsella, Mayor	Roger Hall
Craig Lomnicki	Chere Sandusky
Michael Richmond	

Also present:

Hugh Brown, City Manager	Greg Eades, City Attorney
Steve Hall, P.W. Director	Topaz Faulkner, Planning Director
Dick Bailey, Fire Chief	Deanna Robinson, Acting Secretary

AUDIENCE PARTICIPATION

Mitzi Beckman addressed seven trees which disappeared on McLaughlin by McDonalds. Mayor Kinsella said that Clackamas County is planning to try and replace those trees.

Mayor Kinsella read a letter from National Video stating that National Video will be holding a nationwide Safe Child Week from January 21 through 24. National Video will be offering free fingerprinting and video printing to parents who bring their children into the stores during that week.

Bill Hupp addressed the retention of the Milwaukie Safeway market at the north end of town. Mr. Hupp had heard that Safeway is intending to move out of Milwaukie and into Oak Grove, and he suggested that City Council discuss and decide on a satisfactory method to let Safeway know the City would like them to stay. The Mayor then suggested finding out what Safeway's motivations are and sending a letter expressing the City's need for their store.

LEGISLATION

Payment of bills

It was MOVED by Richmond, SECONDED by Sandusky, that the bills listed for January 15, 1985, be approved for payment. MOTION CARRIED unanimously.

Consideration of new positions:

Topaz Faulkner, Director of Planning and Community Services described the need for the positions of Development Coordinator and Associate Planner. Mayor Kinsella added that the City needs to grow to the east, to grow economically and get its industrial basis, to begin development of the water front needs, and to bring annexation into the City.

Dick Bailey, Fire Chief, said a Fire Inspector is needed to replace positions lost in the past and to give the Department someone with a greater amount of expertise.

VI
a(2)

Hugh Brown, City Manager, explained that the City Recorder position is now vacant, and the Administration would like to change the position to executive secretary which would be on a lower pay scale.

It was MOVED by Richmond, SECONDED by Lomnicki that the resolution of the City Council of the City of Milwaukie ratify adopting salary schedules for certain employees of the City of Milwaukie. MOTION CARRIED unanimously.

It was MOVED by Richmond, SECONDED by Sandusky, that the resolution of the City Council of the City of Milwaukie authorize the transfer of appropriations. MOTION CARRIED unanimously.

OTHER BUSINESS

Improvements of King Road and 42nd Streets

Steve Hall, Public Works Director, gave a brief history of the project. Staff recommended that the City approve the project for application for funds.

Improvements of Harmony Road between Linwood and 224

Steve Hall explained the project with the use of the overhead projector.

Al Liane, 4809 SE Monroe, said he concurred with the improvements on King Road and 42nd and asked what would be the City's share of the actual cost. Mayor Kinsella said it would be approximately \$35,000 for the total package.

Georgia Brakeman asked if the area being widened will be in the area of King Road and 46th. Steve Hall said it would.

Bill Hupp inquired if a transit route had been discussed. Mayor Kinsella said it had not.

It was MOVED by Hall, SECONDED by Lomnicki, to approve both projects. MOTION CARRIED unanimously.

Proposal for Parkland dedication

Councilor Lomnicki read his letter about the Parkland, noting that the City currently has about 75 acres of Parkland, and asked that City Council direct the appropriate City staff and the Parks and Recreation Commission to draft a proposed ordinance by March 5, 1975 for consideration.

City Council Minutes

January 15, 1985

Page 3

VI
a (3)

Topaz Faulkner, Planning Director, addressed the issue and suggested the possibility of implementing the process into the new Zoning Ordinance. However, because of increased demands and the current work level, she did not feel staff could adequately meet the March 5 deadline.

Mayor Kinsella directed Staff to look at this, including Parks and Recreation, and come back with information by the second meeting in February.

Al Liane asked how many people actually use the developed parks the City now has. Mayor Kinsella replied that North Clackamas is probably the most frequently used park.

Jim Bailenstos stated he felt the development of the neighborhood parks would be beneficial. He then addressed the problem of many houses in Milwaukie that do not have house numbers on them.

Proposal for City Council office hours

Councilor Lomnicki proposed that City Council have regular office hours twice a month from 9 AM to 5 PM on the first and third Tuesdays in order to provide availability to those people who have difficulty in getting out at night.

Council agreed to have office hours on the first and third Tuesdays from 9 AM to 5 PM beginning in February.

Master Fire Protection Plan

City Manager referred to the recommended action by City Council that the Fire Department should develop a Fire Master Plan. Chief Bailey said the Fire Department really believes a plan is needed in the community, and a committee is needed to help develop it. Chief Bailey recommended that the committee include a representative of the State Fire Marshal, a representative of law enforcement for legal services dealing with code and ordinances, a representative from the medical community, a representative of City Council to be the chairman of the committee, plus several representatives from other citizens of the City.

Mike Richmond volunteered to be the representative for City Council and will work with staff in selecting names for the rest of the committee. City Council will select the committee from Councilman Richmond's recommendations.

VI
a (4)

City project status

Mayor Kinsella requested an update from staff.

Pedestrian Protection Program for Triple A

Mayor Kinsella presented staff with a paper that needs to be filled out for a potential award for pedestrian safety.

Budget Subcommittee Assignments

Mayor Kinsella presented a list of Councilman's assignments for the committee; City Manager added it had been mailed that day to the rest of the Budget Committee.

Legal Services Survey

Mayor Kinsella explained that because of past budget cuts, Council had considered doing away with a full-time attorney and having a contract attorney situation in its place. Council has decided to keep the full-time attorney.

Correspondence:

Mayor Kinsella noted a letter of congratulations to Ron Tom on being the J-pack representative, a letter to Bud Clark, and a letter which Mrs. Gingridge wrote to Mike Lindberg and was returned to her.

The Mayor announced that any correspondence received by City Council is a matter of public information and goes into each Councilman's packet, but the Councilmen should be careful how that information is disbursed.

Council received a letter and an annual report from the Department of Human Resources looking for a representative for the Community Action Board. Craig Lomnicki offered to look into it but did not want to make a commitment at the present time.

A letter was received from Mr. Wangaru referring to a sum of money he feels due him from the City.

Mayor Kinsella brought up the fire truck sales and talked about the cable equipment recently purchased by the City.

CONSENT AGENDA

Approval of minutes - January 3, 1985

Liquor license approval - Kellogg Bowl, Milwaukie Bowl

It was MOVED by Hall, SECONDED by Richmond to approve the consent agenda. MOTION CARRIED unanimously.

VI
a (5)

Craig Lomnicki announced that he attended the Senior Citizen's Advisory Board and they expressed concerns that they do not feel they are being approached to act as an advisory board. Council directed staff to write a general letter to all advisory boards that Council wants the boards to bring any concerns to City Council. It was also suggested to notify the public to bring in their concerns by putting articles in the Messenger.

Greg Eades requested that Council consider some kind of input from staff on commission appointments.

Mayor Kinsella mentioned the City parking situation, adding that he has had a volunteer to talk to the business owners about meters. Joe Bernard and John Wright volunteered for the project.

Hugh Brown requested that a council member be involved with a committee dealing with the Comprehensive Plan.

John Wright, 4512 SE Garrett Circle, raised the issues of the railroad crossings, and expressed his concern over the loss of the seven trees.

It was MOVED by Hall, SECONDED by Richmond, to adjourn. The meeting was adjourned at 9:45 PM.

Deanna Robinson
Deanna Robinson, Acting Secretary

MEMORANDUM

IV
B
①

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police
DATE: January 28, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE

RJ

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license.

Kent M. Kramer
dba RIVERFRONT
11100 SE McLoughlin Blvd.
Milwaukie, Oregon 92722

Ronald D. Goodpaster
Chief of Police

GENERAL INFORMATION

This application form costs \$5.00. A non-refundable processing fee is assessed when you submit this completed form to the Commission (except for Druggist and Health Care Facility Licenses). The filing of this application does not commit the Commission to the granting of a license for which you are applying nor does it permit you to operate the business named below.

No. 10330

(THIS SPACE IS FOR OLCC OFFICE USE)

(THIS SPACE IS FOR CITY OR COUNTY USE)

Application is being made for:

- DISPENSER, CLASS A Add Partner
- DISPENSER, CLASS B Additional Privilege
- DISPENSER, CLASS C Change Location
- PACKAGE STORE Change Ownership
- RESTAURANT Change of Privilege
- RETAIL MALT BEVERAGE Renew Privilege
- SEASONAL DISPENSER Lesser Privilege
- WHOLESALE MALT BEVERAGE & WINE New Outlet
- WINERY Other

JAN 2 1985

LIQUOR DIVISION

Bessie E. Haglund

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DATE _____ DENIED _____

BY _____
(Signature)

TITLE _____

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

Name of Corporation, Partnership, or Individual Applicants:

1) Kent M KRAMER DVM 2) _____
 3) _____ 4) _____
 5) _____ 6) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

Present Trade Name FRIENDSHIP

Old Trade Name RIVERFRONT Year filed 1984
with Corporation Commissioner

Premises address 1100 SE McLoughlin Milwaukee Clackamas, Ore 97222
(Number, Street, Rural Route) (City) (County) (State) (Zip)

Business mailing address 1100 SE McLoughlin Blvd, Milwaukee, Ore 97222
(P.O. Box Number, Street, Rural Route) (City) (State) (Zip)

Has premises previously licensed by OLCC? Yes No _____ Year 1984-85

Res. to whom Glen & Doris Smith Type of license: A

Do you have a manager: Yes No _____ Name Arnold Shain
(Manager must fill out Individual History)

Is anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes _____ No

What is the local governing body where your premises is located? Milwaukee / Clackamas
(Name of City or County)

OLCC representative making investigation may contact: Kent Kramer
(Name)

2015th Ave E Seattle WA 1-206-322-5750
(Address) (Tel. No. - home, business, message)

NOTE: The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature: Kent M Kramer DVM DATE 1-21-85
 1) _____
 2) _____
 3) _____
 4) _____
 5) _____
 6) _____

TUE
B (2)

MEMORANDUM

VI
B(3)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police **BA**
DATE: January 18, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

Safeway Stores Inc.
SAFEWAY STORE NO. 349
10554 SE Main Street
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

MEMORANDUM

VI
B (4)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police TJD
DATE: January 18, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

Albertsons Inc.
ALBERTSONS FOOD CENTER NO. 517
3232 SE Harrison Street
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

MEMORANDUM

VI
B (5)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police *RJD*
DATE: January 15, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

Crispin, C. V.
Crispin, Sandy J.
dba VIC'S TAVERN
10901 SE McLoughlin Blvd.
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

MEMORANDUM

VI
B (6)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police *RDG*
DATE: January 14, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

L & L Corporation
dba REDS COACH INN
10477 SE Main Street
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

RDG:ck

M E M O R A N D U M

~~VI~~
B(7)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police *RJ*
DATE: January 15, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

American Legion Milwaukie Post 1
American Legion Post No. 180
11126 SE Main Street
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

M E M O R A N D U M

VI
B(8)

TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police *RD*
DATE: January 28, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

Eberly, Fred and Helen
dba RIVER ROAD HOUSE
11921 SE 22nd
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

M E M O R A N D U M

VI
B (9)

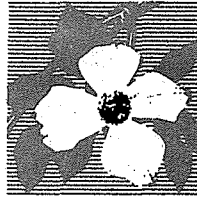
TO: Hugh Brown, City Manager
FROM: Ronald D. Goodpaster, Chief of Police
DATE: January 28, 1985
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the following license renewal:

Plaid Pantries Inc.
PLAID PANTRY MARKET NO. 79
9410 SE 32nd Avenue
Milwaukie, Oregon 97222

Ronald D. Goodpaster
Chief of Police

CITY OF MILWAUKIE



VI c 1
OFFICE OF THE CITY ATTORNEY
in the City Hall • phone 659-5171

MEMORANDUM

TO: CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY *GE*

SUBJECT: DAVE'S MOTORCYCLE SALVAGE

DATE: FEBRUARY 1, 1985

According to State law, the City Council is required to approve any new motor vehicle wrecker or salvage business. The attached application has been approved by the Fire, Police, Building and Planning Departments and has been found to comply with all codes and City standards. I recommend you approve the attached license.



STATE OF OREGON

Application for Business License as a Wrecker of Motor Vehicles or Salvage Pool Operators

APPLICANT: FAILURE TO ACCURATELY AND COMPLETELY FILL OUT ALL FORMS WILL CAUSE UNAVOIDABLE DELAY.

I HEREBY APPLY FOR A BUSINESS LICENSE TO ENGAGE IN WRECKING, DISMANTLING, PERMANENTLY DISASSEMBLING OR SUBSTANTIALLY ALTERING THE FORM OF MOTOR VEHICLES IN THE STATE OF OREGON.

- 1. Name Dave's Motorcycle Salvage Business Phone 653-7519
2. Main business location 9401 SE. 32nd Milwaukie Clackamas
3. Mailing address 9401 SE. 32nd Milwaukie, Oregon 97222
4. Give the addresses of all additional locations of the business: None
5. Check type of organization: [X] Individual [] Partnership [] Corporation
6. If corporation, give the name of the state under whose laws the corporation is organized None
7. IMPORTANT: Give name and residence address of all individual owners, partners or corporation officers: David Van Riper 4808 S.E. 28th #314 Owner
8. The dimensions of the property on which the business is located are 40 ft. x 20 ft.
9. I certify that I am the applicant or an authorized representative and that all information on this application is accurate.

I CERTIFY THAT I HAVE AN ENCLOSURE OR OTHER BARRIER AT LEAST SIX FEET IN HEIGHT THAT MEETS THE REQUIREMENTS OF ORS 481.370 AND THAT THE RIGHT OF WAY OF ANY HIGHWAY ADJACENT TO THE LICENSED AREA IS UTILIZED EXCLUSIVELY FOR INGRESS AND EGRESS AND PUBLIC PARKING.

Any person who knowingly makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by ORS Chapter 481 to be sworn or affirmed to, commits a class C felony and upon conviction shall be subject to a fine of not more than \$100,000 or imprisonment for not more than five years, or both.

Any violation of ORS 481.345 to 481.370, 481.430, or 481.455 including the engaging in business without a license is a class A misdemeanor and upon conviction, is punishable by a fine of not more than \$2,500 or by imprisonment for not more than one year, or both.

David Van Riper (Owner)
4808 SE. 28th #314
Portland, Oregon 97202
David Van Riper 236-3180

- 10. RECOMMENDATION (To be completed if business is carried on within limits of the city)
The City Council of the City of _____, Oregon, does hereby recommend that a business license as a Wrecker of Motor Vehicles in the State of Oregon be issued to the applicant named in the within and foregoing application for such license.

Dated at _____, Oregon, this _____ day of _____, 19____
By _____ MAYOR
ATTEST: _____ CITY RECORDER

- 11. RECOMMENDATION (To be completed if business is carried on outside of any incorporated city)
The County Court of _____ County, Oregon, does hereby recommend that a business license as a Wrecker of Motor Vehicles in the State of Oregon be issued to the applicant named in the within and foregoing application for such license.

ATTEST: _____ COUNTY CLERK
Dated at _____, Oregon, this _____ day of _____, 19____
COUNTY COURT of _____ County, Oregon
By _____ Title _____

BUSINESS LICENSE FEE (\$200)
License No. _____

NEW

VI C (3)

Application No. _____
Date Mailed _____
By City _____

CITY OF MILWAUKIE
BUSINESS LICENSE APPLICATION

SECTION I: GENERAL

- (1) NAME OF BUSINESS Daves Motorcycle Salvage
- (2) BUSINESS MAILING ADDRESS 9401 S.E. 32nd Milwaukie, Oregon 97223
- (3) BUSINESS STREET ADDRESS 9401 S.E. 32nd Milwaukie, Ore 97223
- (4) BUSINESS TELEPHONE NO. 653-7519 MESSAGE NO. _____
- (5) ARE YOU REGISTERED WITH THE OREGON CORPORATION DIVISION? YES _____ NO
- (6) IF YOUR BUSINESS HAS MORE THAN ONE LOCATION IN MILWAUKIE, PLEASE LIST ADDRESSES None
- (7) TYPE OF BUSINESS (Please describe type of service/goods to be provided):
Used Motorcycle Parts / Ordering new Parts

- 8 IF YOU ARE A PRIVATE CONTRACTOR, PLEASE LIST THE STATE LICENSE NO. X
IS REGISTRATION IN FULL FORCE AND EFFECT? YES _____ NO
- 9) WHAT DATE DID YOUR BUSINESS BEGIN OPERATION IN MILWAUKIE? Jan 30, 1984
- 0) DO YOU OWN THE PROPERTY WHERE BUSINESS IS TO BE OPERATED? YES _____ NO
IF NOT, PLEASE LIST PROPERTY OWNER: Name Les M. Richenstein & Beverly A. Bergstrom
Address 2221 N.W. Thurman City/State Portland, Oregon zip 97210

SECTION II: BACKGROUND INVESTIGATION INFORMATION

- BUSINESS OWNER(S), PARTNER(S), OR CORPORATION OFFICER(S)
- NAME: Last Van Riper First David Middle Allen Date of Birth 9/10/52
Address 4808 S.E. 32nd Oregon Portland 97202 Phone No. 236-3180
 - NAME: Last None First _____ Middle _____ Date of Birth _____
Address _____ Phone No. _____
 - NAME: Last None First _____ Middle _____ Date of Birth _____
Address _____ Phone No. _____

(Attach sheet for additional names)

RECEIVED

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SECTION BACKGROUND INVESTIGATION INFORMATION (Continued)

HAVE THERE BEEN ANY SIGNIFICANT CHANGES IN YOUR OPERATION SINCE THE PREVIOUS YEAR?

1104

CHANGE IN USE: FROM _____ TO _____ NO CHANGE
CHANGE IN SQUARE FOOTAGE OF USE: FROM _____ TO _____ NO CHANGE
CHANGE IN NUMBER OF EMPLOYEES: FROM _____ TO _____ NO CHANGE
OTHER None

DO YOU USE OR STORE COMBUSTIBLE MATERIALS? YES NO _____

SECTION III: BUSINESS FEE COMPUTATION

(1) ESTIMATED AVERAGE NUMBER OF INDIVIDUALS TO BE EMPLOYED OR ENGAGED FOR THE BUSINESS IN MILWAUKIE: 1
(2) FOR APARTMENT HOUSES, MOTELS, MOBILE HOME PARKS, NUMBER OF DWELLING UNITS, STALLS OR SPACES OCCUPIED OR AVAILABLE FOR OCCUPANCY (Omit Owner-Occupied Unit): _____
BUSINESS FEE (From Attached Fee Schedule) \$ _____

SECTION IV: CERTIFICATION

I HEREBY CERTIFY THAT I AM AN AUTHORIZED AGENT OF THE BUSINESS ENTERPRISE UNDER APPLICATION, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

David Van Rypin Owner 1/18/85
(Signature) (Title of Person Completing Form) (Date)

For Office Use Only

DEPARTMENT	APPROVED	BY	DATE	REMARKS
PLANNING	yes	TF	22 Jan 85	Must be inside use - no outside storage - shelf use only
FIRE	yes	JAV	1-23-85	subject to formal inspection.
BUILDING	Yes	Jim	1-24-85	-
POLICE	yes	RSJ	1-19-85	See attached record. 116

DATE RECEIVED 1-19-85 BY RJ RECEIPT NO. G-10081
LICENSE NO. 85-571 LICENSE FEE \$20.00
DATE ISSUED 1/24/85 BY mlh

SURETY BOND

BOND NO. SKB838

- Motor Vehicle, Trailer and Camper Dealer or Vehicle Rebuilder (\$15,000 Bond Required)
- Motorcycle and Moped Dealer (\$2,000 Bond Required)

- Snowmobile Dealer (\$2,000 Bond Required)
- Wrecker or Salvage Pool Operator (\$2,000 Bond Required)

VI
05

KNOW ALL MEN BY THESE PRESENTS: (Check and complete one below)

That DAVID VANRIPER (Individual) doing business under the name of DAVE'S MOTORCYCLE SALVAGE

That partners, _____ and _____

doing business under the firm name of _____

That _____, a corporation duly organized

and existing under and by virtue of the laws of the State of _____

and having principal place of business at 9401 S.E. 32nd (Address) Milwaukie (City), in the County of Clackamas

with additional places of business at _____ (Address) _____ (City)

_____ (Address) _____ (City)

State of Oregon, as principal(s), and ANVIL INSURANCE COMPANY (Fill in name and address of surety)

P.O. BOX 22155, Portland, Oregon 97222, a corporation organized and existing

under and by virtue of the laws of the State of California, and authorized to transact a surety business in the State of Oregon, as surety, are held and firmly bound unto the State of Oregon in the penal sum of TWO THOUSAND (Amount must be shown) for the payment of which, well and truly to be made, we hereby bind ourselves, our respective successors and assigns, jointly and severally, firmly by these presents.

THIS BOND IS EFFECTIVE January 30, 19 85 AND EXPIRES January 31, 19 86

THE CONDITION OF THIS OBLIGATION IS SUCH THAT

WHEREAS, the above named principal, has been duly licensed to carry on or conduct in this state as a dealer the business of buying, selling or dealing in new and used vehicles or rebuilding vehicles;

NOW, THEREFORE, if the said principal shall conduct such business as a dealer without fraud or fraudulent representation, and without violation of any of the provisions of Chapter 481, Oregon Revised Statutes, and shall faithfully account for and remit to the Motor Vehicles Division all funds received pursuant to ORS 481.105, then and in that event this obligation to be void, otherwise to remain in full force and effect unless cancelled pursuant to ORS 743.755. OR.

WHEREAS, the above named principal has been duly licensed to carry on or conduct in this state the business of wrecking, dismantling and substantially altering the form of automobiles;

NOW, THEREFORE, if the said principal shall conduct such business without violation of any of the provisions of ORS 481.345, 481.355, 481.430, or 481.435, then and in that event this obligation to be void, otherwise to remain in full force and effect unless cancelled pursuant to ORS 743.755.

IN WITNESS WHEREOF, the said principal and said surety have each caused these presents to be duly executed by its duly authorized representative or representatives and its corporate seal to be hereunto affixed this 18TH day of JANUARY 19 85

David VanRiper (Principal's Signature) _____ SURETY (SEAL)

By _____ Mary Anne Skinner Attorney in Fact (Title)

IF OUT OF STATE SURETY COMPANY, OREGON AGENT'S Name P.O. Box 22145, Portland, Oregon 97222 Telephone No. (503) 653-0446

Address _____

TRAFFIC SAFETY COMMISSION MINUTES
City Council Chambers
January 14, 1985

VII
20

I CALL TO ORDER: Meeting was called to order at 7:34 p.m. by Chairman Louis Bruneau.

MEMBERS PRESENT: Louis Bruneau, Chairman
Darrell Bennett
Dick Samuels
Jim Stell
Robert Baker, Student Representative

MEMBERS ABSENT: Delbert Binkley

STAFF PRESENT: Paul Roeger, Office Engineer
Connie Leasure, Secretary

II APPROVAL OF MINUTES:

Regular Meeting - December 10, 1984 - Bruneau called for any additions or corrections; none were offered. Samuels MOVED and Bennett SECONDED that the minutes be approved. Motion carried, minutes approved as submitted.

III AUDIENCE PARTICIPATION:

Maureen O'Neil of 10244 S.E. 43rd Avenue spoke about traffic problems at 43rd and King Roads, requesting attention from the commission for 43rd Avenue. Roeger responded that a grant application has been put together for improvements on King Road from 42nd to 44th, including approximately 100 feet of 43rd Avenue at the intersection with King Road.

Wesley O'Neil of 10244 S.E. 43rd Avenue asked about the possibility of a light being installed at 43rd to facilitate pedestrian traffic crossing King Road. Roeger replied that no light was planned or expected to be considered for that intersection because of the proximity of the three-way intersection at 42nd and King Roads. Mr. O'Neil remarked that the traffic proceeding from that intersection eastbound as well as the traffic westbound towards that same intersection did not honor (or perhaps even observe) the marked pedestrian crossing from 43rd across King, and that his feeling was that a pedestrian fatality could be an inevitability. There was discussion amongst the commission members about the intersection, and Roeger said that traffic counts could be done at the intersection both before and after the improvements to determine whether any other signage etc. should be considered.

Bruneau recognized Craig Lomnicki, President of the Ardenwald Neighborhood Association and newly elected Council member, and asked whether he had received any satisfaction from the Portland Traffic Engineers regarding the Association's request for additional signage on Johnson Creek Blvd. Lomnicki said that his group had heard nothing, and asked whether the Commission had seen a copy of his letter to Hugh Brown requesting STOP signs at 42nd and Johnson

Boulevard. The members agreed that they had not, and Roeger said that he would look into the matter with the City Manager's office and see that the members receive a copy for the next meeting. Bruneau asked Lomnicki who he had spoken with at Portland City Hall, and suggested a more effective alternative. Bruneau then outlined some problems with placing additional signage. Lomnicki reiterated his group's concerns regarding excess speed on Johnson Creek Blvd. There was extended discussion as to the procedure for requesting official action from the Commission, as Lomnicki felt that the Association's requests have elicited no action from the Commission. Roeger responded that his understanding was that Lomnicki was going to provide him with the name of his contact within the Portland Traffic Dept., as any work done regarding signage on Johnson Creek Blvd. would have to be coordinated with Portland, and apologized for not going forward on his own as Lomnicki seemed to expect. There was further discussion as to where the Milwaukie City limits are, as it relates to placing traffic signs. Stell asked whether staff could pursue the PRIVATE DRIVES sign request - legality of such a sign, etc. Samuels asked who had the proper authority to approve such a request. Roeger said that City Council would have to authorize a regulation for the City Manager to sign. Bruneau stated that the matter essentially has to be dealt with by staff. Stell then RECOMMENDED that staff look at the possibility of signage in response to the Neighborhood Association's request. Stell reiterated that it had not been the Commission's intention to ignore the requests.

IV

OLD BUSINESS:

A. Project Status Reports -

1. Harmony/Railroad Avenue - nothing new to report.
2. McLoughlin Boulevard - nothing new on this either.
3. TriMet Transit Center Project - remains essentially the same.
4. Clackamas County D.U.I.I. Task Force Project - the January meeting was scheduled at the same time as Traffic Safety Comm. and Bruneau would be receiving minutes regarding the current meeting. Primary concerns are legislation, seatbelts and victim's right's.

B. Sobriety Check Point Update - Bruneau went to the last Check Point, and found that public acceptance was very good. There was some discussion about the extensive media coverage over the holidays.

C. Clackamas County Vehicle Occupant Safety Program Update - minutes are expected from the last meeting for inclusion in the next packet. Roeger suggested that a Commission member might want to attend the meetings. There were no volunteers.

V

NEW BUSINESS:

Roeger asked Baker for a SADD update. Baker said that they had elected officers from the 30 members, and had taken about 50 pledges all of which were students who had sought out the pledge cards. The group is planning numerous activities and special events for the school year, including a public service message for the Milwaukie Cable Access. The group meets twice a month, and has received a \$50.00 donation from the parent of a member as start-up funds.

VII Q (3)

Baker outlined many SADD information ideas that they had come up with, and asked the Commission members for additional ideas that they could work on. Stell commended the group for the exceptional activity they had accomplished in a single month. Bruneau suggested that Baker write an article for the Milwaukie Messenger outlining the SADD group activities and goals.

Bruneau commented on the sessions that he attended at the Traffic Safety Conference. He suggested as well that the Commission take a look at the State Traffic Safety legislation package next month to see if the Commission wants to get involved with any of the issues dealt with there. Bruneau will attempt to get copies of that package for the members to look at for the February meeting.

Samuels said that Bill Hupp had requested the Commission take a look at the intersection at 25th and Washington, as there have been several accidents there in the last two weeks. The situation seems to be exacerbated by the bus zone at the same area, as well as the parking situation at the church on Sunday. Bruneau requested Roeger to examine the area and perhaps have the police department do the same. It was suggested that Sunday was the optimum day to do so.

VI The fatal accident report was discussed briefly, and Bruneau suggested that the Commission might want to keep an eye on the outcome of this case, as his experience has shown that the courts do not necessarily penalize convicted drunk drivers to the full extent of the law, even when the accident has resulted in a fatality.

VII ADJOURN:

Stell MOVED and Bennett SECONDED that the meeting be adjourned. Bruneau adjourned the meeting at 8:33 p.m.

Louis Bruneau, Chairman

Connie Leasure, Secretary

MILWAUKIE SENIOR CENTER
ADVISORY BOARD
MINUTES

VII
B (1)

December 7, 1984

Members Present:

Alan Brunk
Doris Burton
Helen Kappler
Sharon McCartney
Paul Schafer
Janet Witter

Members Excused:

Cathryn Boyles
Maxine Hansen

Staff:

Sara Hite

Meeting called to order by Paul Schafer, Vice-Chair, at 10:00am.

All business except for Budget Review was postponed until the January meeting.

After reading together the section of the City Budget (FY '85-86) relating to the Center, under Community Services, and a discussion of the proper and necessary goals of the Center, general approval of the proposed Center Budget was passed unanimously, with the following comments and recommendations:

1. The two new positions described should be added.
2. Miscellaneous items listed as capital outlay are seen as essential, in the main to prevent injuries.
3. The salaries designated for Outreach Worker and the two new positions are low for trained professional personnel and the requirements of the positions.
4. Under Community Service, item #34, Transportation includes provision for volunteer mileage funding, essential as costs of providing transport for medical appointments and shopping have risen and volunteers are now giving both time and very considerable financial support to the Center programs involved.

Discussion of membership rules for the Advisory Board led to instructing the Secretary to write Jean Higginbotham thanking her for her contributions and notifying her that since she is not able to attend most meetings, a replacement should be appointed for her position (#2).

The Secretary was also instructed to send Budget Memos to the City Manager, Community Service Director, and City Council.

Meeting Adjourned at 12:30 pm.

JW
Janet Witter, Secretary

MEMORANDUM
MILWAUKIE SENIOR CENTER ADVISORY BOARD
COMMUNITY SERVICE DIRECTOR

VII
B (2)

TO: MILWAUKIE CITY COUNCIL AND MAYOR
MILWAUKIE CITY MANAGER
COMMUNITY SERVICE DIRECTOR

FROM: MILWAUKIE SENIOR CENTER ADVISORY BOARD

SUBJECT: CENTER BUDGET PROPOSAL, FY-1985/86

DATE: DECEMBER 7, 1984

In special session the Milwaukie Senior Center Advisory Board read and discussed the proposed Center budget for 1985-86, and voted unanimous approval, with the following recommendations and comments:

1. The two new positions described should be added.
2. Miscellaneous items listed as capital outlay are seen as essential, in the main to prevent injuries. The Advisory Board has for several years recommended purchase of carts for carrying heavy urns and tables.
3. We point out that the salaries designated for Outreach Worker and the two new positions are low for trained professional personnel, and for the requirements of the positions.
4. Under Community Service, Item #34, Transportation includes provision for volunteer mileage funding, essential as costs of providing transport for medical appointments and shopping have risen, and volunteers are now giving both time and very considerable financial support to the Center programs involved.

Janet Witter
Secretary

JW

MILWAUKIE SENIOR CENTER
ADVISORY BOARD
MINUTES
November 19, 1984

VII
B (3)

Members Present:

Alan Brunk
Doris Burton
Helen Kappler
Sharon McCartney
Paul Schafer
Janet Witter
Walt Hegg, Loaves & Fishes

Members Excused:

Cathryn Boyles
Maxine Hansen
Jean Higginbotham

Staff:

Sara Hite
Topaz Faulkner

Meeting called to order by Paul Schafer, Vice-Chair, at 10:00 am.

Sara Hite reported that Maxine Hansen (Position #5) has indicated a desire to resign, as has Jean Higginbotham (Position #2). This would make 2 vacancies on the Advisory Board.

Minutes of the October 19 meeting were read and approved.

Building Review Committee Report: Helen said that the committee needs to meet again, perhaps consult with Friends of the Center about funds needed for projects.

Discussion of Supermarket Saturday and collection of donations for the Kendall Center. Sharon noted in her Emergency Report that the Fuel Coordinator at Clackamas County Community Action can lend an electric heater for temporary emergency, and there is also wood available from several sources.

Discussion took place concerning the Program Committee decision (November 8) to recommend to the Center Advisory Board that permission to sell at the Center must be granted by Center Staff. The problem is that organizations wanting to sell as a benefit may be competing with similar items in the Gift Nook; space is very limited; Loaves & Fishes also need room for sales which contribute to subsidizing L&F expenses, and already have regular sellers and customers for produce and some other items. The Advisory Board agrees that (1) priority for hand-made Senior products should go to the Gift Nook, (2) priority for tables should go to those who have been selling on an ongoing basis, and that (3) from now on application to sell must be made to the Center Director. The question of sales by non-Senior handicapped persons was discussed but not decided.

The fact of the passage of the Milwaukie City Tax Base was discussed as Sara brought the '85/'86 Budget planning to the Board's attention. Since funding may be the same as this year, the emphasis of program is the consideration now. Staff asks the Board to look at goals under the current Budget (Page 6, 5.4 through 5.4.5) pertaining to the development of Senior programs. Do we want more total community service at the Center, a coordinator for volunteers services, greater use of art, etc., talent in our area, volunteers to assist in coordinating such programming? The Board decided to hold a special Advisory Board meeting on December 7, at 11:00 am, which will also include, besides Budget, any matters needing to be discussed as regular meeting items, since we will meet only the one time in December.

Sharon noted that custodial hours budgeted for the Center this year were reduced to $\frac{1}{2}$ time, and moved that the Board recommend to the Budget Committee that $\frac{1}{2}$ time be added, making a full day custodial position. Motion passed. She also moved that we recommend employment of a program/coordinator. Motion passed.

volunteer

III B (4)

The letter to the Clackamas County Review from Kenneth Brace, protesting the alcohol and tobacco policies at the Center was read and discussed. Sara has telephoned and explained the situation to him, inviting him to attend any Advisory Board meeting. Evidently he was completely unaware of the Senior groups which do consider and recommend policy to City Council, and do have input into decision-making. Communication, even with newsletters available, seems to be difficult. During discussion, Walt Hegg also expressed displeasure with the alcohol policy and opined that "seniors" were not consulted.

Topaz Faulkner asked for discussion of the will of Mr. Clark King, who left a bequest of \$90,000 to the Ledding Library. The will also included \$25,000 to Milwaukie Loaves & Fishes for a new wooden dance floor, with the proviso that if the floor is not accepted the funds go to the Kendall Center L&F with no restrictions. The problems of raising the floor (ramps, uneven levels, etc.) and the probability that a wooden overlay on concrete slab would not provide the hoped-for resilience, added to the present financial straits of the Kendall Center, do not support the use of the money for a dance floor. Since the funds were given to Loaves & Fishes, Walt will take the question to L&F Steering Committee and to the dancing groups to discuss possibilities and get their feeling. Walt stated that the rebuilt floor would not necessarily be the answer to the hard-floor problem of dancers, and that proper shoes may be a better solution.

Meeting adjourned at 12:00 noon.

JW
Janet Witter, Secretary.

The Cable Communications Policy Act of 1984

**James L. McHugh, Jr.
and Robert L. Corn
Steptoe & Johnson
Washington, D.C.**

The Cable Communications Policy Act of 1984 was enacted in the closing moments of the 98th Congress amidst a heated flurry of last-minute activity. This new legislation, the culmination of a three-year effort by Congress to fashion a national cable television policy, is of major significance to local governments and may alter greatly the future relationships between franchising authorities and cable television operators.

Since the birth of the cable industry in the 1950s, federal, state, and local authorities have shared responsibility in what has been called a "three-tiered Chinese puzzle of regulatory policy." The Cable Communications Policy Act is the first attempt by Congress to define and coordinate this shared responsibility. How successful will this effort be? Only time will tell. Have local governments been weakened in their ability to regulate cable television in the best interests of their communities? Probably yes, but experts disagree. Clearly, we are now entering a period of transition and uncertainty in the relationship between local governments and cable operators. There will be considerable testing of this new law before its boundaries are fully known.

This article highlights briefly some of the major provisions of this new Act.

Franchising Authority

The Act empowers a local franchising authority to award one or more franchises within its jurisdiction to construct a cable system over public rights of way and certain private easements. It also imposes certain obligations on the authority. For example, the franchising authority must ensure that access to cable service is not denied to any group of potential subscribers because of the income level of the areas in which they reside.

The Act also limits the extent of regulation allowed under the franchise agreement. In what has been hailed as a victory for the cable industry, the Act provides that a cable system may not be subject to regulation as a common carrier or utility by reason of providing any "cable service." If a company provides service beyond

This is the first in a series of occasional articles addressing telecommunications issues, as part of the implementation of ICMA's Telecommunications Committee report "The Surprising Revolution" issued in January 1984.

the provision of traditional cable services, however, the additional service can be subject to common carrier regulations.

As part of the franchise agreement, local authorities may require designation of channel capacity for public, educational, or governmental use and are empowered to establish rules for the use of these channels. Cable operators are prohibited from exercising editorial control over channels designated for public use. And, in the event such channels are not being utilized to capacity, the authority has the option of allowing the operator to use the channels for other purposes.

Additionally, the Act requires cable operators to set aside a given number of channels for commercial use by persons not affiliated with the operator. The Act prescribes a formula for determining the number of channels each operator is required to set aside for such use. Cable systems with 36 to 54 channels must designate 10 percent of their channels (except for those on which the Federal Communications Commission [FCC] requires carriage of local television stations) for commercial use; systems with 55 to 100 channels are required to set aside 15 percent for other entities (exclusive of channels on which the FCC requires carriage of local broadcast signals); and systems with more than 100 channels must designate 15 percent of all channels for such purposes. Like a common carrier, a cable operator may exercise no editorial control over communications transmitted over these designated channels. Furthermore, the operator is required to make these channels available at reasonable prices, conditions, and terms.

The Act grants only limited power to franchising authorities to regulate the services, facilities, and equipment of cable operators. Essentially, the FCC is authorized to establish technical standards for facilities and equipment that localities may incorporate into franchise agreements.

Power to regulate the content of programming transmitted over cable systems is even less comprehensive. The Act does not allow specific content requirements for video programming or other information services and authorizes franchising authorities to impose requirements only for broad categories of video programming. One exception involves obscene programming. Local authorities are empowered to ban programs that are obscene or otherwise unprotected by the Constitution of the United States. (Another provision of the Act provides criminal penalties for transmission of obscene matter over a cable system.) In order to further restrict the viewing of "obscene or indecent" programming, a cable operator must provide on request a device that allows the subscriber to "lock" a given channel at selected times.

The Act allows localities and cable operators to negotiate changes in franchise agreements where conditions change. The original requirements for facilities or equipment, including those designated for public, educational, or governmental use, may be modified if the operator can demonstrate that the original requirements are commercially impracticable. Services may be modified to the extent the operator can demonstrate that the mix, quality, and level of services will be maintained after the change. The decision of the local authority to modify or not modify a franchise must be made in a public proceeding and is subject to court review.

The Act allows operators to implement certain modifi-

cations without going through the franchise authority. For instance, a cable operator may drop a particular service on 30 days' notice if it is no longer available or if the operator can demonstrate a dramatic escalation in the cost that is not covered by a rate increase or other adjustment. Additionally, the operator may rearrange services between tiers to the extent they are not covered by rate regulation.

Franchise Fees

The Act places a limit on the franchise fees that local authorities may impose on operators. Fees may not exceed 5 percent of the cable operator's gross annual revenue, exclusive of funds devoted to support public, educational, and governmental channels. The fee may be prepaid as a lump sum or deferred until a later time, but, if prepaid, interest the operator would have earned on the money can be counted toward the 5-percent limit.

The Act authorizes cable operators to designate a separate charge representing the franchise fee in bills sent to cable subscribers. Any fee increase may be passed directly to the consumer, unless the franchise authority demonstrates that the increase is already included in the existing rate structure. A franchise fee decrease must be passed directly to the consumer.

Rate Regulation

One of the most hotly contested provisions of the Act involves rate regulation. Congress settled on a gradual approach, allowing franchise authorities to continue regulating rates in the short term, while phasing out such controls for most markets over a period of years.

For existing franchises, the Act allows localities to regulate basic rates until December 30, 1986. Basic rates encompass any tier of service that includes a local broadcast signal. Within this framework, a cable operator may automatically raise rates by 5 percent annually unless the existing franchise agreement expressly provides otherwise. The local authority may also regulate charges for installation and converter box rentals. During this period, a franchise authority must act on any request by a cable operator to increase rates within 180 days, or the request is automatically granted.

Six months after enactment of the Act, the FCC must prescribe regulations that authorize franchise authorities to continue rate regulation beyond the two-year period for areas where there is no effective competition with the cable system. In adopting these rules, the FCC will define what is meant by "effective competition."

One possible standard, discussed during debates on the Act, would allow rate regulation to continue for any area that receives fewer than four television signals. Other standards have been proposed. James Mooney, president of the National Cable Television Association, has suggested that the FCC ultimately will adopt a hybrid measure that measures cable competition with television signals, movie theaters, direct broadcast satellites, and other video delivery systems.

Franchise Renewal

The Act establishes an administrative procedure for franchise renewal that does not establish a presumption of renewal. Three years before a franchise is scheduled to expire, the authority may designate, or the operator may request, public hearings to evaluate the operator's past

performance and to assess the community's future cable needs. Following this, the operator may submit a proposal for franchise renewal and the franchising authority may either renew the franchise or initiate administrative proceedings to determine whether to renew the franchise.

Based on evidence presented at such a hearing, a local authority may deny renewal if it finds: (1) the operator failed materially to comply with franchise terms; (2) the operator's service—other than programming—was unreasonable in light of community needs; (3) the operator is not financially qualified to continue service; or (4) the renewal proposal is unreasonable in light of community needs. The local authority may deny renewal only on the specified grounds, and an operator has the right of judicial review of any adverse decision.

Ownership Restrictions

The Act empowers the FCC to establish rules to limit ownership of cable systems and other mass media within the same community. States and localities, on the other hand, are expressly precluded from denying a franchise application because the applicant owns or controls other media of mass communications.

In addition to rules that the Commission may prescribe, the Act dictates certain ownership limitations. Television stations, for example, are prohibited from owning cable franchises in their market. Similarly, telephone companies are barred from providing video programming via cable in their service areas. Nor may an affiliate of the telephone company provide such programming. Limited exceptions may exist for rural telephone companies or where cable service otherwise would not be provided.

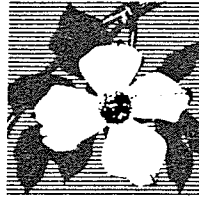
The Act specifies that local franchise authorities may hold an ownership interest in the cable system. This interest does not empower the authority, however, to exercise editorial control over the content of communications, except on the educational and government use channels.

Miscellaneous Provisions

The major sticking point that delayed the Act's passage dealt with equal employment opportunity (EEO) requirements. Each operator must file annual employment records with the FCC and is required to establish, maintain, and execute an equal employment opportunity plan. The Commission is required to investigate each operator every five years to determine whether he is making best efforts to hire minorities and women. Failure to fulfill this obligation could affect franchise renewal, delay the continuation of microwave relay licenses necessary for cable operations, and result in fines' being imposed. Federal EEO provisions do not preempt local authorities' ability to impose compatible requirements.

The Act also outlaws piracy of cable signals as well as the manufacture and distribution of equipment designed to aid unauthorized reception. State or local authorities may enact and enforce laws consistent with these federal prohibitions.

Protection for the privacy of subscribers is also controlled in the Act. For example, subscriber consent is required in most situations to allow the operator to disclose information capable of personally identifying a subscriber.



MEMORANDUM

TO: STEVE HALL
FROM: GREG EADES *me*
SUBJECT: STREET AND STORM DRAINAGE "UTILITY".
DATE: JANUARY 31, 1985

You asked me to comment on whether the City could charge property owners individually for street and storm drainage maintenance like we currently charge for water and sewer service. I can't find any prohibition for this method. It appears that the City's general grant of power under the Charter is sufficient authority.

A new statute passed in 1983 allows Oregon cities to make annual assessments for street lighting, cleaning and other maintenance after an election authorizing the special assessment. The statute specifies that the authority is in addition to that conferred by any local charter, so an election appears to be optional in the case of a charter containing a general grant of powers. I realize an annual assessment is somewhat different than the monthly charge you're proposing. The concept of an alternative to ad valorem taxation is the same. The statute may lend support to our argument for a "utility-type" charge.

You should keep in mind that a user charge will be subject to greater legal scrutiny than a property tax levied for the same purpose. The rates must be based on the actual costs of providing the service and must be apportioned to the properties according to the actual benefit received. Setting rates for this kind of service will be complicated and remedies for non-payment are, at best, uncertain. Unlike water and sewer service, we can't "shut off" street maintenance. I assume we will attempt to create liens to enforce collection, but it's never been determined whether such a lien is enforceable.

I've got copies of ordinances from several other cities if you'd like them. I hope this gives you enough information to get started.

1-28-85
Milwaukee City Council

We the undersigned want a new
road on the North side of Johnson Cr.
Blvd. from R. Hoe & Co. plant to the
bridge at 45th.

Ronald J. Hugen
Charlotte M. Rhone
4210 S.E. Johnson Creek Blvd.
Milwaukee, Wis 53222

Jan. 28, 1985

City Council of Milwaukie
10722 SE Main
Milwaukie, Oregon 97222

Dear Sirs,

We would like to address the following issue: A new road on the North Side of Johnson Creek from R Fox and company's plant to the bridge at 45th.

We feel this new route is imperative for the livability of our neighborhood. Without this new road the projected increase of traffic will be dreadful. I have witnessed the trucks and cars that speed down my street now. What will it be like if you do not agree on this new road. Please consider this new route to alleviate the heavy traffic our neighborhood will encounter every single day. Thank you for this opportunity to receive our comments on this important matter.

Sincerely,

Pete and Leslie Goldenzoff
8700 SE 36th

Mr. & Mrs. Walter Schmunk
3714 S.E. Johnson Creek Blvd.
Portland, Oregon 97222
January 30, 1985

Dear Miwaukie Council Members;

Subject: JOHNSON CREEK BLVD. IMPROVEMENT:

Necessity of new road on the North side of Johnson Creek,
from the R.Hoe Co. Plant to the 45th Ave. Bridge.

Thirty years ago when my wife and I chose to build our home and establish our residence in this area at 37k4 S.E. Johnson Creek Blvd; among the reasons were; being close to the city, yet suburban; an area of many lovely homes, little traffic, very little commercial business; in all a very pleasant neighborhood in which to live and raise our family.

Time changes everything; yes even the livability in our neighborhoods.

HOW IT HAS CHANGED!

From 45th Ave East on Johnson Creek Blvd. to 82nd Ave; many new commercial Industries and businesses have been established and now flourish on both sides of Johnson Creek Blvd.

This area has changed from a quiet, pleasant street; to a very heavily traveled, dangerous Arterial highway; carrying the large number of employees to and from work; the great number of heavy trucks and trailers required to service these many businesses; which are steadily growing in number. Now we must look forward to even more traffic with the upcoming Lester Road off-ramp from I-205 to 82nd Ave. and Johnson Creek Blvd intersection.

Because of this increase of heavy traffic, many of our basements and foundations have cracked; it has become unsafe to enter Johnson Creek Blvd from our driveways and sidestreets.

A new road ^{of} north fo Johnson Creek would again return this to a safe residential; and provide a much safer and faster delivery of needed supplies to the present and future businesses.

We thank you for your consideration of this important matter.



Mr. & Mrs. Walter Schmunk

1-28-85

Attention City Council Members:

We the undersigned want a new road on the North side of Johnson Creek Blvd. from R. Hoe and Company plant to the bridge at 45th.

We have attended Ardenwald Johnson Co. Assoc. meetings. We attended one of the first Milwaukee City Council meetings on "Tacoma Overpass for Johnson Creek Road Development."

Something needs to be changed in order to alleviate traffic speeding & congestion. How about that new road? We support its development.

Linda Hatfield

8617 S.E. 36th

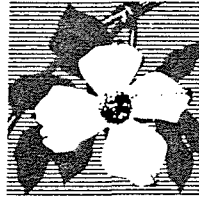
Milwaukee, Oregon 97222

over. →

Margaret A. Hatlelid
4277 S. E. Johnson Cr. Blvd.
Portland, Or. 97222

Arnold O. Hatlelid
4277 S. E. Johnson Cr. Blvd
Portland, Oregon 97222

Count of 3 voters above.



MEMORANDUM

TO: CITY COUNCIL
FROM: GREG EADES, CITY ATTORNEY *GE*
SUBJECT: CABLE TV RATES
DATE: JANUARY 30, 1985

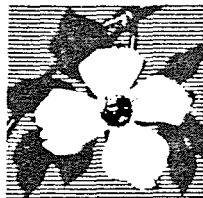
Tribune has requested an increase in the basic service rate from \$7.50 to \$9.50 per month. The franchise prohibits any basic rate increase until June of this year. The new federal legislation permits Tribune to increase basic rates up to 5% a year without City approval. Unless I hear otherwise from you, we'll use the following procedure to consider the request:

1. Tribune prepares financial and other application information.
2. Application is reviewed by staff with assistance of Les Page.
3. Application and staff report is forwarded to Cable Commission.
4. Cable Commission makes recommendation to City Council.
5. City Council holds public hearing on request and grants or denies.

Tribune has also completed an interconnection with the Liberty system. I've asked Les Page to review the interconnect and provide an evaluation of whether it meets the requirements of the franchise.

Please let me know if you have any questions.

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

29 January 1985

Mr. Alonzo Wertz
Manager, Project Development
Tri-Met
4012 SE 17th Avenue
Portland, OR 97202

Dear Alonzo:

I was pleased to receive your December 26 letter, as indeed several months had elapsed since the City determined the near-term site for a transit center. I am also dismayed, however, that apparently little Tri-Met action has occurred to implement the recommended plan and the game of "what if" continues to be played. Your suggestions are always appreciated, and some may be implemented, but the City now wishes to proceed with the utmost urgency. This only reflects the expectations of the community from last August that a resolution was at hand after extended study and deliberation.

Of the suggested mitigation measures, the areas relating to pedestrian safety at 21st and Jackson are certainly supported by the City. Steps can be taken immediately to improve this intersection through a combination of a three-way stop sign, a flashing red light, clearly defined cross walks, and siting the bus stops further away from the intersection. We, of course, also support plans providing for well-lighted, safe passenger waiting areas and pedestrian crossings throughout the transit center. Finally, the City is willing to examine the benefits of relocating the City Hall driveway to 21st and the consolidation of driveways on 21st between Jackson and Monroe with the latter additionally involving PacWest Bank.

Any suggestions of closing Jackson and either adding to or restricting Harrison Street traffic are unacceptable due to already difficult traffic situations. These actions would worsen, not improve, the current site.

It is clear, Alonzo, the City of Milwaukie and Tri-Met must assess the potential of transit expansion over the next 5-10 years and continue to plan for a permanent timed-transfer station which will meet the needs of all concerned. The cur-

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have any ques-

Council
Director

TRI-COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON



TRI-MET

4012 S.E. 17TH AVENUE
PORTLAND, OREGON 97202

December 26, 1984

Hugh Brown, City Manager
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Dear Hugh:

SUBJECT: IMPROVEMENT OF THE EXISTING TRANSIT CENTER

Please forgive our lengthy delay in responding to City Council's action designating the present on-street site as the permanent transit center location, and requesting that some minor improvements be funded by Tri-Met (i.e., relocation of the bus stop adjacent to Hamilton's Furniture to the east side of 21st Avenue, and completion of improvements to the northwest corner of 21st and Jackson).^{*} Tri-Met's planning and operations staff is very concerned about bus rider/pedestrian safety where transfers require bus riders to cross streets carrying mixed traffic and increasing bus rider inconvenience as the transit center becomes more spread out. In addition, traffic conditions (at 21st and Harrison, in particular) regularly cause transit service delays and contribute to the potential for accidents. These problems may be exacerbated by future increases of traffic on Harrison, Jackson, Main, and 21st Avenue.

A continuing concern is Tri-Met's budget, which cannot absorb the cost of improvements beyond those presently agreed to, or the local match expense on any major physical improvements to the transit center. While UMTA grant funds are available for 80 percent of eligible improvement costs, the staff believes it would be unwise to invest additional public money in the existing transit center unless improvements were made to substantially mitigate the problems mentioned above.

We recognize the difficulty with which the City Council arrived at its August 1984 decision on a permanent transit center site. We also recognize that Milwaukie has been accommodating the need for a transit center in the downtown

^{*}A letter from Milwaukie planning staff dated September 25, 1984, and subsequent telephone conversations suggested additionally that a retaining wall and landscaping be installed along the north side of Jackson Street on the City Hall block, and that broken street paving at the bus stops be repaired at Tri-Met expense.

ATTACHMENT 1

The general design objective for the Milwaukie Transit Center is space for twelve buses at three per blockface, with the four blockfaces arranged so that transferring bus passengers do not cross a street with general traffic. Problems to be overcome and suggested mitigation measures follow.

<u>Problem</u>	<u>Suggested Mitigation</u>
1. Transit rider (pedestrian)/auto conflict on Jackson Street and on 21st Avenue if the bus stop at Hamilton's is relocated.	1.a. Close Jackson Street to all non-transit traffic, except Hamilton's delivery trucks, between 21st and Main. b. Relocate city hall parking lot driveway to Harrison Street. c. Consolidate driveways on west side 21st between Jackson and Monroe-- make room for two buses. d. Replace parking spaces along Harrison Street face of city hall block with zones for three buses. e. Provide a well-lighted, safe pedestrian way connecting all bus stops and not crossing a general traffic street.
2. Transit center becoming too spread out for user convenience.	2.a. Keep bus stop at Hamilton's ton's. b. Keep all bus stops as close to Jackson Street as possible.
3. Transit delay and conflict with general traffic.	3.a. Place traffic signal or 4-way stop sign at Harrison and 21st. b. Place 3-way stop sign at 21st and Jackson. c. See item 1.a. above.

Hugh Brown
December 26, 1984
Page Two

Milwaukie area. The Council must recognize the serious problems with the present site, problems which have motivated the Tri-Met staff to work hard at developing a suitable off-street transit center. We all want the transit center to work well for both Milwaukie and Tri-Met.

Please review Attachment 1. Let me know if the City of Milwaukie is willing and able to take the actions suggested or what other actions can be taken to overcome the problems.

Sincerely,



Alonzo W. Wertz, Manager
Project Development

rm

Office of Mayor
City of Milwaukie
10722 S.E. Main St.
Milwaukie, Oregon 97222
c/o Ronald Kinsella

January 7, 1985

Sir;

I want to thank you for your speedy response to my request for correspondence between Greg Eades and your office.

I can see by your response and by our previous meeting that you and Mr. Eades still do not understand my position or possibly your own.

For the past 14 years I have been studying the United States Constitution to determine why the government (federal, state, and local) are operating outside their constitutional authority, upon what basis they are operating and why?

The hardest thing to prove, is something which has no distinct or pronounced definition. To charge public officials of operating outside the authority of the Constitutions both state and federal is one thing, but to prove it is another. To date, I have not charged any officials with misconduct, just error.

To make a charge of misconduct, one must first substantially prove that the other party knowingly understood his/her position and yours, and knowledgably conspired to deprive one of his/her rights.

To be informed is to be forewarned.

To begin, you must understand a few definitions:

"GOVERNMENT DE FACTO - A government of fact. A government actually exercising power and control in the state, as opposed to the true and lawful government; a government not established according to the constitution of the state, or not lawfully entitled to recognition or supremacy, but which has nevertheless supplanted or displaced the government de jure. A government deemed unlawful, or deemed wrongful or unjust, which, nevertheless, receives presently habitual obedience from the bulk of the

community. Aust. Jur. 324. There are several degrees of what is called "de facto government." Such a government, in its highest degree, assumes a character very closely resembling that of a lawful government. This is when the usurping government expels the regular authorities from their customary seats and functions, and establishes itself in their place, and so becomes the actual government of a country. The distinguishing characteristic of such a government is that adherents to it in war against the government de jure do not incur the penalties of treason; and, under certain limitations, obligations assumed by it in behalf of the country or otherwise will, in general, be respected by the government de jure when restored.... THORINGTON v. SMITH, 8 Wall. 8, 9, 19 L. Ed. 361. The term 'de facto', as descriptive of a government, has no well-fixed and definite sense. It is, perhaps, most correctly used as signifying a government completely, though only temporarily, established in the place of the lawful or regular government, occupying its capitol, and exercising its power, and which is ultimately overthrown, and the authority of the government de jure re-established. THOMAS v. TAYLOR, 42 Miss. 651, 703, 2 Am. Rep. 625. A government de facto is a government that unlawfully gets the possession and control of the rightful legal government, and maintains itself there, by force and arms, against the will of such legal government, and claims to exercise the powers thereof. CHISHOLM v. COLEMAN, 43 Ala. 204, 94 Am. Dec. 677. and see further SMITH v. STEWART, 21 La. Ann. 67, 99 Am. Dec. 709; WILLIAMS v. BRUFFY, 96 U.S. 176, 24L. Ed. 716; KEPPEL v. RAILROAD CO., 14 Fed. Cas. 357." (Blacks Law Dictionary 2nd Edition)

"GOVERNMENT DE JURE - A government of right; the true and lawful government; a government established according to the constitution of the state, and lawfully entitled to recognition and supremacy and the administration of the state, but which is actually cut off from power or control. A government deemed lawful, or deemed rightful or just, which, nevertheless, has been supplanted or displaced; that is to say, which receives not presently (although it received formerly) habitual obedience from the bulk of the community. Aust. Jur. 324." (Blacks Law Dictionary 2nd Edition)

UNITED STATES CITIZEN - A Natural free white person Citizen of the United States; a free white alien naturalized.

CITIZEN OF ANOTHER STATE - A citizen (non-white) born or naturalized pursuant to the eleventh and fourteenth amendment. Limited citizenship.

You should now be able to distinguish between any governmental authority, be it federal, state, or local, and that such operating without constitutional authority (outside of the constitution) is de facto, and any government operating within the constitution is de jure in jurisdiction and subsequently authorized by the Constitution.

The same standards also apply to persons. If the person is supporting the de facto jurisdiction he is subject to it (ASHWANDER v. TENNESSEE VALLEY AUTHORITY, 297 U.S. 288 [1936]).

Mr. Eades, pro tem Judge Mundorff, and Judge Morgan are officials in the de facto jurisdiction as per their state bar licenses, as when they affixed their signatures to these licenses they surrendered themselves to the de facto jurisdiction and surrendered their de jure jurisdiction.

Persons who apply for drivers licenses (or any licenses) are subject to the same de facto jurisdiction. As per the ninth article of the Bill of Rights, all power not mentioned in the Constitution is reserved to the people. Since licensing is not mentioned in the Constitution or the Bill of Rights, this power is reserved to the people themselves.

That in truth, the people license the state, which means that the people have the power to revoke this license since the people, and only the people, are the granters of the license. When the people license the state or federal government to operate outside the constitution, the people then authorize a de facto government and alter their form of government from a Republic to a democracy.

The problem, as I see it, is that the people do not understand this and are unknowledgable of this change of jurisdiction and form of government. If the people were to be told, I'm sure it was never

their intention to license the state or federal government to operate outside the boundaries of the supreme Law of the Land.

In my position I have declared and established my person to be subject to the legitimate lawful government; federal, state and local. I am within the de jure jurisdiction of the positive law.

The City of Milwaukie through their law enforcement department arrested me on a warrant in the de facto jurisdiction which I am not subject to. But, instead of upholding my rights, they delivered me to the Multnomah County Jail, which subjected me, by compulsion, to the courts of Multnomah County, thereby violating my rights under the fourth article (Bill of Rights).

This, as I see it, places the City of Milwaukie completely responsible for my cost to defend my person; for the City is responsible for violating my rights to defend my extradition in the first cause. My argument against extradition is now mute in the Multnomah County courts. which is now mute.

So far in the Multnomah courts I have been declared a United States Citizen twice and that I am subject to a de jure jurisdiction. If I prevail, the City of Milwaukie has needlessly subjected me to incarceration and hardship.

I now bring to your attention my rights protected by the 1st article of the Bill of Rights:

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a REDRESS OF GRIEVANCES." Article I Bill of Rights of the United States Constitution.

I cannot believe the statement of your city attorney in his memorandum of November 16, 1984 to you Mayor:

"Ordinarily I'd recommend that you schedule time during the meeting to hear complaints like this. In this case however, I'm afraid that holding a hearing will only further antagonize the complainant... I therefore recommend that you DENY his request..."

In response to this I would like to know who declared Mr. Eades King of Milwaukie. This is exactly what I mean by de facto jurisdiction. This statement is in direct violation of the first article of the Bill of Rights.

Were the people of Milwaukie to accept this, it would reduce them to serfs and slaves. I now wonder if I had not come unannounced to the City Council meeting if you would have denied me my right to redress Mayor?

Also, Mr. Eade's letter of September 29, 1984 where he says:

"Mr. Wangrud apparantly is associated with a group that does not acknowledge the authority of the State, County, or the courts..."

As I see it, Mr. Eades has now called me an anarchist, as he seems to be saying that I do not acknowledge any law, which is anarchism. I believe I have completely destroyed his statement, as I follow God's ordinances and statutes, and the de jure jurisdiction of our God inspired United States Constitution and the Oregon Constitution.

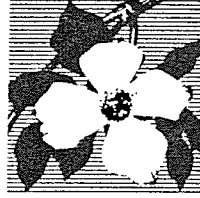
As to Municipal Judge Morgan's decision on my notice and demand for my costs of \$82.50. I object to his de facto jurisdiction. As Mayor of Milwaukie, with the vote of the City Council, you are to decide the issue; for a de facto judicial officer has no jurisdiction in this issue. The Mayor of the City is the executive head with the power to hire or fire these appointed officials, which means Mr. Kinsella, that you and the City Council will have to either approve or disapprove.

I will be anxiously awaiting your answer. If I don't hear from you within thirty days after receipt of this letter, I plan to file in the de jure jurisdiction of the United States District Court, pursuant to the seventh article of the Bill of Rights, to secure my costs.

Constitutionally Yours,

A handwritten signature in cursive script, appearing to read "Robert W. Wangrud".

Robert W. Wangrud



MEMORANDUM

TO: CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY

A handwritten signature in dark ink, appearing to be 'GE' or similar initials, written over the printed name 'GREG EADES'.

SUBJECT: LOCAL PLANNING DIGEST

DATE: JANUARY 29, 1985

I've included in your agenda packet a copy of the Local Planning Digest, a publication of the Bureau of Governmental Research and Service. The Digest is a reasonably brief summary of the Oregon land use planning process and should prepare you for the Comprehensive Plan amendments we will be doing soon. I urge all of you to read the Digest carefully to become familiar with this complex field. If you have any questions, please call me or Topaz.