

MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 4, 1985

COUNCIL CHAMBERS

1481ST MEETING

THE ONE THOUSAND FOUR HUNDRED EIGHTY-FIRST MEETING OF THE MILWAUKIE CITY COUNCIL WAS HELD ON JUNE 4, 1985, WITH THE FOLLOWING COUNCILORS PRESENT:

MAYOR RON KINSELLA  
CRAIG LOMNICKI  
CHERE SANDUSKY

ROGER HALL  
MIKE RICHMOND

ALSO PRESENT:

HUGH BROWN, CITY MANAGER  
GREG EADES, CITY ATTORNEY  
SANDY MILLER, ASST. TO THE  
CITY MANAGER

TOPAZ FAULKNER, COMM. SERV. DIR.  
STEVE HALL, PUB. WRKS DIR.  
JOY BROOKHOUSE, SECRETARY

AUDIENCE PARTICIPATION

GOOD NEWS

- 1) MAYOR KINSELLA PRESENTED LETTERS OF APPRECIATION TO ERNIE HAGER, THE YOUNG MEN OF BSA TROOP 143 AND MEMBERS OF THE MILWAUKIE LIONS CLUB FOR THEIR HELP IN PREPARING THE PIONEER CEMETERY FOR MEMORIAL DAY AND RECOGNIZED THE CONTINUING EFFORTS OF PARKS AND RECREATION COORDINATOR DON ROBERTSON TO ORGANIZE COMMUNITY PROJECTS SUCH AS THIS.
- 2) MAYOR KINSELLA ANNOUNCED AN 'ATTITUDE ADJUSTMENT' PARTY FOR JOE BERNARD ON THURSDAY, JUNE 6TH FROM 1-3 P.M. AT PAC WEST BANK. THE FORMER MAYOR IS RETIRING FROM THE SERVICE STATION BUSINESS.
- 3) OLIVE BARCLIFT, ON BEHALF OF THE GROUP IN FAVOR OF NO CHANGE ON TRI-MET BUS ROUTE 78, PRESENTED A LETTER TO COUNCIL AND STAFF EXPRESSING APPRECIATION FOR THEIR CONSIDERATION OF THE MATTER.
- 4) RICHARD BECK, CHAIRMAN OF THE 1985 FESTIVAL DAZE, PRESENTED A SCHEDULE OF EVENTS FOR THIS YEAR'S CELEBRATION 'THANKS FOR THE MEMORIES.'

GENERAL

- 1) IRV KRIEGEL, WHO RESIDES ON HARRISON STREET, EXPRESSED HIS MOUNTING CONCERN REGARDING ADDITIONAL BUS TRAFFIC ON HARRISON. MR. KRIEGEL PRESENTED COUNCIL WITH A PETITION INDICATING THE CONCERN OF OTHER RESIDENTS AND ASKED FOR A FAVORABLE DECISION FROM COUNCIL. COUNCIL REQUESTED CITY STAFF TO COLLECT ADDITIONAL INFORMATION ON THE REASONING OF THE PROPOSED TRI-MET ROUTE CHANGE.
- 2) MARK HUGHES, WHO RESIDES ON WASHINGTON STREET, INDICATED THERE WAS A TRAFFIC PROBLEM ON HIS STREET WHICH WAS A DEFINITE CONCERN TO PEDESTRIANS, ESPECIALLY SCHOOL CHILDREN. HE REQUESTED A REDUCTION OF THE POSTED SPEED LIMIT AND THE PLACEMENT OF STOP SIGNS ON WASHINGTON TO CONTROL TRAFFIC. AFTER DISCUSSION, COUNCIL RECOMMENDED THAT MR. HUGHES TAKE THIS MATTER BEFORE THE TRAFFIC

AUDIENCE PARTICIPATION - GENERAL (CONT'D)

SAFETY COMMISSION. COUNCIL INDICATED THAT THIS WAS JUST ONE EXAMPLE OF AN OVERALL PROBLEM THAT NEEDS TO BE ADDRESSED AND DIRECTED THE TRAFFIC SAFETY COMMISSION TO LOOK AT THE WHOLE TRAFFIC PICTURE, DEVELOP A LONG-RANGE PLAN FOR THE CITY AND MAKE A FORMAL RECOMMENDATION OF A REVIEW PROCESS TO COUNCIL BY THE FIRST COUNCIL MEETING IN SEPTEMBER.

- 3) JIM BACKENSTOS COMMENDED THE POLICE DEPARTMENT FOR ITS EFFORTS TO MONITOR TRAFFIC SPEED ON JOHNSON CREEK BOULEVARD.
- 4) MR. BACKENSTOS REINFORCED HIS OPPOSITION TO THE SALES TAX LEGISLATION AND RECOMMENDED WISE USE OF CITY MONIES.

PUBLIC HEARING

APPEAL OF THE PLANNING COMMISSION APPROVAL OF PRELIMINARY SUB-DIVISION PLAT FOR MONTGOMERY ESTATES (PHASE II) PLANNING DIRECTOR TOPAZ FAULKNER PRESENTED THE STAFF REPORT OUTLINING THE LOCATION OF RESIDENTS APPEALING THE DECISION, ADDRESSING THEIR SPECIFIC CONCERNS, EMPHASIZING THAT PHASE II MET OR EXCEEDED ALL PLANNING REQUIREMENTS, AND RECOMMENDING THAT COUNCIL UPHOLD THE PLANNING COMMISSION DECISION.

PUBLIC WORKS DIRECTOR STEVE HALL ADDRESSED THE ISSUES OF PHASE II COMPATIBILITY WITH EXISTING STREETS, SEWER, WATER AND STORM DRAIN SYSTEMS.

MONTGOMERY ESTATES DEVELOPER JIM DIERKING STATED THAT THE DESIGN FOR PHASE II HAD BEEN A TIME-CONSUMING PROCESS, MAKING THE BEST USE OF THE PROPERTY AND MEETING ALL REQUIREMENTS AND CONCURRED WITH THE STAFF RECOMMENDATION.

MRS. IRENE JOHNSTON, RESIDING AT 11424 SE LINWOOD, STATED THAT SHE AND HER HUSBAND WERE CONCERNED ABOUT THE FUTURE DEVELOPMENT OF THEIR PROPERTY AND WOULD NOT CONCEDE TO A STREET RUNNING EAST/WEST AT THE SOUTH SIDE OF THEIR PROPERTY.

MR. MIKE GUINN, RESIDING AT 11452 SE LINWOOD, PRESENTED INFORMATION INDICATING THAT THE RECORDED RIGHT-OF-WAY EASEMENT DID NOT PROVIDE ENOUGH ROOM FOR A STREET.

STAN WALKER, RESIDING AT 11620 SE LINWOOD, EXPLAINED THE SKETCH HE HAD SUBMITTED ALLOWING THE SAME NUMBER OF LOTS BY USING AN 'L' ACCESS AND VOICED HIS FEELINGS AGAINST THE USE OF A CUL-DE-SAC DESIGN.

COUNCIL REQUESTED STAFF COMMENT ON THE ALTERNATE DESIGN AND THE PLANNING DIRECTOR INDICATED THAT IT MET ALL REQUIREMENTS. JIM DIERKING STATED THAT, ALTHOUGH THE ALTERNATE WOULD ALLOW THE SAME NUMBER OF LOTS, THE LOTS WOULD BE SMALLER AND THE DEVELOPMENT COSTS WOULD BE SUBSTANTIALLY MORE. HE ALSO STATED THAT HIS TOPOGRAPHY MAP SHOWED THAT THERE WAS ENOUGH FOOTAGE BETWEEN THE HOMES TO ALLOW FOR THE STREET AND THE REQUIRED SET-BACK.

PUBLIC HEARING - MONTGOMERY ESTATES PHASE II (CONT'D)

CITY ATTORNEY GREG EADES SUGGESTED THAT THE COUNCIL'S RESPONSIBILITY WAS TO DETERMINE WHETHER THERE WERE ANY VIABLE ALTERNATIVES FOR DEVELOPMENT OF ADJACENT PROPERTIES AND NOT TO RECOMMEND A SPECIFIC DESIGN.

MRS. IDA WALKER, RESIDING AT 11620 SE LINWOOD, PRODUCED A COPY OF AN AGREEMENT ESTABLISHED IN THE 1950'S AND URGED COUNCIL'S CONSIDERATION OF THE POSSIBLE EFFECTS TO ADJACENT PROPERTIES IF 63RD WERE PUT THROUGH.

JIM DIERKING SUBMITTED AS EVIDENCE THE TOPOGRAPHICAL MAP WHICH PROVIDED PROOF OF THE OPTIONS AND PROOF OF AMPLE EASEMENT BETWEEN HOMES FROM LINWOOD TO 63RD.

THE HEARING COLSED AT 9:30 P.M.

COUNCIL COMMENTS FOLLOWED WITH DISCUSSION REGARDING THE NECESSITY OF LINWOOD ACCESS. STEVE HALL STATED THAT THE ACCESS WAS RECOMMENDED FOR SAFETY REASONS AND TRAFFIC IMPACT ON EXISTING STREETS. COUNCIL THEN STIPULATED THAT, IN THE EVENT THAT THE JOHNSTON'S DECIDE TO DEVELOP, A HALF-STREET ON 64TH WOULD BE APPROVED AS AN ALTERNATIVE.

HAVING ESTABLISHED VIABLE ALTERNATIVES AND URGING COOPERATIVE EFFORTS BETWEEN CITY, DEVELOPER AND RESIDENTS, MAYOR KINSELLA MOVED TO UPHOLD THE PLANNING COMMISSION DECISION OF MAY 14, 1985, APPROVING SUBDIVISION S-85-01 WITH THE FINDINGS AND CONDITIONS ADOPTED BY THE PLANNING COMMISSION PLUS ONE ADDITIONAL FINDING. COUNCILMEMBER RICHMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

FINDINGS

- 1) THE REQUEST IS IN COMPLIANCE WITH THE R-7 USES AND STANDARDS AS THE LOT SIZE, ACCESS, LOT WIDTH AND LOT DEPTH REQUIREMENTS ARE MET.
- 2) THE REQUEST IS IN COMPLIANCE WITH THE SUBDIVISION ORDINANCE AS ADEQUATE PUBLIC FACILITIES AND IMPROVEMENTS ARE PROPOSED.
- 3) THE REQUEST IS IN COMPLIANCE WITH THE COMPREHENSIVE PLAN IN THAT:
  - A) THE DEVELOPMENT WILL PROVIDE FOR 19 NEW HOUSING UNITS TO HELP MEET THE HOUSING NEED OF THE CITY, WHILE PRESERVING AND ENHANCING THE LOCAL NEIGHBORHOOD.
  - B) THE DENSITY OF THIS DEVELOPMENT IS CONSISTENT WITH THE SURROUNDING AREA ALLOWING FOR A CONTINUATION OF SINGLE-FAMILY HOUSES AT THE R-7 DENSITY.
  - C) A PROJECT THIS SIZE WILL PROVIDE JOBS AND ECONOMIC DEVELOPMENT FOR THE COMMUNITY.
- 4) THAT THERE ARE SUFFICIENT DEVELOPMENT ALTERNATIVES FOR THE SURROUNDING PROPERTY.

PUBLIC HEARING - MONTGOMERY ESTATES PHASE II - (CONT'D)

CONDITIONS

- 1) THAT STREET TREES BE PROVIDED. THE SIZE, SPECIES AND SPACING TO BE REVIEWED AND APPROVED BY STAFF.
- 2) DEERING COURT AND 64TH AVENUE SHALL BE CONSTRUCTED WITH FULL STREET IMPROVEMENTS INCLUDING CURBS AND SIDEWALKS AS PER THE SPECIFICATIONS OF THE PUBLIC WORKS DEPARTMENT AND THEIR MEMORANDUM EXHIBIT NO. 4.
- 3) UTILITIES INCLUDING WATER, SANITARY SEWER, STORM SEWER, LIGHTS AND FIRE HYDRANTS SHALL BE CONSTRUCTED AS PER THE SPECIFICATIONS OF THE PUBLIC WORKS AND FIRE DEPARTMENTS.
- 4) CENTERLINE MONUMENTATION IS REQUIRED AFTER THE STREETS ARE PAVED.
- 5) THE DEVELOPER IS RESPONSIBLE FOR ALL NEW STREET SIGNS.
- 6) THE FINAL PLAT SHALL ILLUSTRATE ALL EASEMENTS AND UTILITIES.

OTHER BUSINESS

JOHNSON CREEK BLVD.

CITY MANAGER HUGH BROWN REPORTED THAT NO ADDITIONAL INFORMATION WAS AVAILABLE BECAUSE OF SCHEDULING CONFLICTS THAT PREVENTED THE ARDENWALD NEIGHBORHOOD ASSOCIATION AND TRAFFIC SAFETY COMMISSION FROM MEETING.

MAYOR KINSELLA REPORTED ON HIS CONVERSATION WITH COUNTY AND METRO REPRESENTATIVES REGARDING THE PLACEMENT OF STOP SIGNS ON JOHNSON CREEK BLVD.

COUNCILMEMBER LOMNICKI REITERATED THAT THE DECISION WAS UP TO THE COUNCIL AND RECOMMENDED THAT THE STOP SIGNS BE PLACED AND THAT A REVIEW BE CONDUCTED WITHIN 6 MONTHS TO DETERMINE THEIR IMPACT ON TRAFFIC.

DICK SAMUELS, A MEMBER OF THE TRAFFIC SAFETY COMMISSION, URGED THE COUNCIL TO ACCEPT THE COMMISSION'S RECOMMENDATION NOT TO PLACE STOP SIGNS BECAUSE THEY WOULD, IN FACT, CREATE MORE OF A PROBLEM.

JIM BACKENSTOS AND BILL HUFF VOICED SUPPORT FOR THE SUGGESTED DEVELOPMENT OF A LONG-RANGE TRAFFIC PLAN, URGING USE OF PREVIOUSLY COMPILED REPORTS.

COUNCILMEMBER LOMNICKI MOVED TO PLACE STOP SIGNS ON JOHNSON CREEK BLVD. AT 42ND AVENUE WITH THE UNDERSTANDING THAT A REVIEW WILL BE CONDUCTED WITHIN 6 MONTHS TO DETERMINE THE TRAFFIC IMPACT. COUNCILMEMBER HALL SECONDED THE MOTION. COUNCILMEMBER RICHMOND STATED THAT HE FELT THE STOP SIGNS WERE NOT NECESSARY.

THE MOTION CARRIED 4-1 WITH RICHMOND VOTING AGAINST.

THE STOP SIGNS WILL BE PLACED IN APPROXIMATELY 30 DAYS, AFTER

OTHER BUSINESS - JOHNSON CREEK BLVD. (CONT'D)

NOTIFICATION OF THE NEIGHBORHOOD, PLACEMENT OF 'TRAFFIC CHANGE AHEAD' SIGNS, AND RECEIPT OF CURRENT TRAFFIC COUNTS.

PROJECT RECOMMENDATION FROM CLACKAMAS COUNTY TRANSPORTATION COMMISSION

PUBLIC WORKS DIRECTOR STEVE HALL REQUESTED COUNCIL'S ENDORSEMENT OF A PRELIMINARY IMPROVEMENT PLAN SUBMITTED BY THE CLACKAMAS COUNTY TRANSPORTATION COMMISSION.

COUNCILMEMBER LOMNICKI SUGGESTED THAT THE ADDITION OF IMPROVEMENTS TO JOHNSON CREEK BLVD. FROM 45TH TO 82ND WOULD REINFORCE THE NECESSITY OF IMPROVEMENTS FROM 45TH TO MCLOUGHLIN AND INCREASE THE NEED FOR A JOHNSON CREEK BYPASS. IT WAS ALSO SUGGESTED THAT THE CITY'S PREVIOUS RESOLUTION ADDRESSING THE SPECIFIC CONCERNS BE INCLUDED AS AN ATTACHMENT TO THE CURRENT RESOLUTION. COUNCILMEMBER HALL MOVED TO ADOPT THE CLACKAMAS COUNTY TRANSPORTATION COMMISSION RESOLUTION WITH THE ADDITION OF, 1) THE STATEMENT '...AND INCLUDING IMPROVEMENTS TO JOHNSON CREEK BLVD. FROM 45TH TO 82ND AVE.', AND 2) THE PREVIOUS RESOLUTION (25-1982) AS AN ATTACHMENT AND COUNCILMEMBER SANDUSKY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

TOWN HALL MEETINGS

STEVE HALL PRESENTED A SUMMARY OF COMMENTS RECEIVED FROM THE TOWN HALL MEETINGS REGARDING THE STREET/STORM DRAINAGE IMPROVEMENTS AND REQUESTED COUNCIL'S COMMENTS OR SUGGESTIONS PERTAINING TO THE DRAFT UTILITY ORDINANCE. COUNCIL SUGGESTED THAT A MAXIMUM AMOUNT BE CONSIDERED IN SETTING THE RATE STRUCTURE FOR THE UTILITY. BILL HUPP SAID HE WISHED TO COMMENT ON THE UTILITY BEFORE CITY COUNCIL VOTED. MAYOR KINSELLA INDICATED THAT THERE WOULD BE A PUBLIC HEARING ON THIS ISSUE AT THE JUNE 18TH COUNCIL MEETING.

STEVE HALL READ A NOTE FROM RALPH KLEIN EXPRESSING CONCERN ABOUT THE METHOD OF DETERMINING BOND COSTS TO RESIDENTS FOR STREET AND STORM DRAINAGE MAJOR CONSTRUCTION. MR. KLEIN WAS TOLD HE WILL BE KEPT INFORMED AS THE ISSUE IS DISCUSSED IN AUGUST AND SEPTEMBER.

LIBRARY BOARD APPOINTMENTS

COUNCILMEMBER HALL MOVED TO APPOINT FRANCIS WHITEHILL TO THE LIBRARY BOARD AND COUNCILMEMBER LOMNICKI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

BOAT RAMP LEASE

THE CITY MANAGER REQUESTED COUNCIL'S APPROVAL TO SIGN A WATERWAY LEASE FROM THE STATE OF OREGON ENABLING THE CITY TO HAVE JURISDICTION OVER THE WATERWAY IMMEDIATELY ADJACENT TO THE CITY BOAT RAMP. COUNCILMEMBER HALL MOVED TO APPROVE THE SIGNING OF THE LEASE BY THE CITY MANAGER AND COUNCILMEMBER SANDUSKY SECONDED

OTHER BUSINESS - BOAT RAMP LEASE - (CONT'D)

THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

COUNCILMEMBER HALL MOVED TO APPROVE THE CONSENT AGENDA AND  
MAYOR KINSELLA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

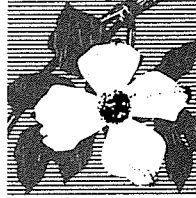
COUNCILMEMBER HALL MOVED TO ADJOURN THE MEETING AND COUNCIL-  
MEMBER LOMNICKI SECONDED THE MOTION.

THE MEETING WAS ADJOURNED AT 11:33 P.M.

RESPECTFULLY SUBMITTED,

  
\_\_\_\_\_  
JOY BROOKHOUSE, EXECUTIVE SECRETARY

# CITY OF MILWAUKIE



CITY COUNCIL  
in the City Hall • phone 659-5171

## CITY COUNCIL AGENDA JUNE 4, 1985

### COUNCIL CHAMBERS

### 1481ST MEETING

THE CITY COUNCIL WILL MEET IN EXECUTIVE SESSION AT 5:00 P.M.  
IN COUNCIL CHAMBERS PURSUANT TO ORS 192.600 (1)(D) TO  
DELIBERATE ON LABOR NEGOTIATIONS.

### WORKSESSION

6 00 P.M. - DISCUSSION OF URBAN SERVICES POLICY AND LAND USE  
PLANNING

### REGULAR MEETING

7 00 P.M.

#### I CALL TO ORDER

A) PLEDGE OF ALLEGIENCE

#### II AUDIENCE PARTICIPATION

A) GOOD NEWS

#### III PUBLIC HEARING

APPEAL OF THE PLANNING COMMISSION APPROVAL OF PRELIMINARY  
SUBDIVISION PLAT FOR MONTGOMERY ESTATES (PHASE II)

#### IV OTHER BUSINESS

- A) PROJECT RECOMMENDATION FROM CLACKAMAS COORDINATING  
TRANSPORTATION COMMITTEE - RESOLUTION
- B) REVIEW OF TOWN HALL MEETINGS REGARDING THE STREET/  
STORM DRAINAGE IMPROVEMENTS
- C) LIBRARY BOARD APPOINTMENT
- D) BUDGET TRANSFERS - RESOLUTION
- E) DISCUSSION OF STOP SIGN PLACEMENT ON JOHNSON CREEK BLVD

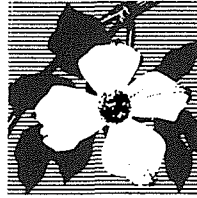
#### V CONSENT AGENDA

- A) CITY COUNCIL MINUTES FROM 5/21/85
- B) LIQUOR LICENSE FOR JOE'S WAREHOUSE

#### VI INFORMATION

- A) BILLS
- B) PLANNING COMMISSION MINUTES FOR 4/9/85 & 4/23/85
- C) CLACKAMAS COUNTY HOUSING AUTHORITY - HILLSIDE PARK
- D) CLACKAMAS SERVICE DIST. 1 - 1985-86 BUDGET
- E) FESTIVAL DAZE PLANS
- F) SENIOR CITIZEN ADVISORY COMMISSION LETTER
- G) RESPONSE TO QUESTION REGARDING TRI-MET BUS ROUTE CHANGES
- H) PLANNING COMMISSION LETTER

#### VII ADJOURNMENT



## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: HUGH H. BROWN, CITY MANAGER

SUBJECT: CITY COUNCIL MEETING ON JUNE 4, 1985

DATE: MAY 31, 1985

Prior to the City Council meeting, the first item is an executive session scheduled at 5:00 to discuss the status of current negotiations. Following at 6:00 will be a discussion of two planning issues, the urban services policy and the procedures for hearing an appeal of a Planning Commission decision such as is scheduled for Tuesday night.

Land use decisions require very strict and well-documented procedures and I encourage you to read carefully the material that the City Attorney has prepared for your review. Be sure to visit the site in question using the maps in the packet, but, equally important, do not visit with neighbors in the area. All information on which you base your decision Tuesday night must be received and heard by you in the public hearing.

The Traffic Safety Commission has been unable to meet prior to Tuesday to discuss the proposed stop sign at Johnson Creek Boulevard and 42nd. You are aware of staff reservations regarding possible safety concerns of backed-up traffic and the uncertainty of the impact on other thoroughfares which may receive additional traffic. City staff is also aware, however, of the need to consider interim measures pending a long-term resolution, and City Council may wish to consider such measures without additional delay.

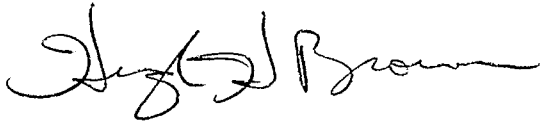
The date of Thursday, June 13 has been confirmed for consultant Lyle Sumek to discuss with City Council his proposal to assist with goal-setting. The meeting will be from 6:30 to approximately 8:00 p.m. at the Senior Center. Dates under consideration, if you approve working with Lyle, are July 12-13 and July 19-20. In each

Reference: HB-139, Page 1

City Council Meeting on June 4, 1985  
May 31, 1985  
Page 2

case the schedule would call for a late Friday afternoon/  
early evening start, then most of Saturday. (Please let  
me know if you have a conflict with either of these dates.)

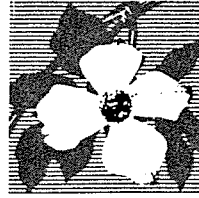
Have a good weekend. See you Tuesday.



Hugh H. Brown  
City Manager

Reference: HB-139

P.S. Please be prompt for the 5:00 executive session.  
Sandwiches will be available at 4:45.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: BOAT RAMP LEASE  
DATE: JUNE 4, 1985

During discussions between the City and the Division of State Lands about general riverfront improvements, it was discovered that the authority of the City did not continue from the Jefferson Street right-of-way into the water. To address this concern, the City requested a long-term lease of the submerged land corresponding in width to the approximately 60-foot right-of-way and extending out 200 feet.

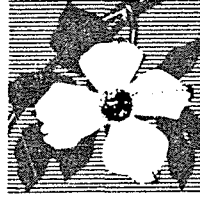
The City just received a lease agreement from the Division of State Lands for a twenty year period commencing June 1, 1985. The annual rent shall be \$400 per year, subject to redetermination on the anniversary date of the lease.

In order to promptly complete the lease, I request City Council authorization to sign the lease so that it may be returned to the State. This lease protects the City's interests in the use of the Willamette River immediately adjacent to the boat ramp and I recommend its approval.

Hugh H. Brown  
City Manager

Reference: HB-142

# CITY OF MILWAUKIE



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

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: HUGH H. BROWN, CITY MANAGER

SUBJECT: URBAN SERVICES POLICY

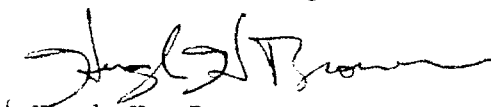
DATE: JUNE 4, 1985

The extension of City services to the unincorporated urban areas of Clackamas County is an appropriate goal of the City. The service deficiencies in these areas and the need to achieve tax equity for the residents of Milwaukie make mandatory planning for growth and provision of services. In order to achieve this goal, we will work with the County, the surrounding special districts and the residents of the affected areas. This planning will also involve amendments to the City's comprehensive plan as part of the review to be conducted this year.

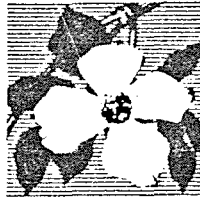
The proposed resolution is the first step in developing and implementing a well-reasoned and successful growth plan. Guided by this policy statement of City Council, City staff will approach other area jurisdictions and begin discussions on the appropriate division of urban services. The other agencies have adopted similar policies and, working together, we will establish boundaries for the future provision of urban services.

The policy is not a change from the current situation and city procedures. It is simply a formal statement of the City's intention to serve a larger area than the present City limits, and commits the City to begin discussions with the jurisdictions and property owners involved. It also provides guidelines for considering requests for annexation. Without this resolution, there is no formal commitment on behalf of the City to plan for future growth.

After the work session discussion, the resolution is scheduled for formal consideration at the June 18 City Council meeting.

  
Hugh H. Brown  
City Manager

Reference: HB-138



Application for  
Appointment to  
City Advisory Bodies

CITY OF MILWAUKIE

NAME: Frances E. Whitehill  
 ADDRESS: 4456 SE Rio Vista - Milwaukie  
 TELEPHONE: (HOME) 654-4102 (WORK) ---  
 MILWAUKIE RESIDENT SINCE: 1953  
 REGISTERED VOTER: Yes DATE OF BIRTH 3/23/27  
 PREVIOUS CITY APPOINTMENTS, OFFICES: None

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Retired assistant Administrator - Milwaukie High School

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: Milwaukie Republican Women's Club Federated; attend Clatsopas United Church of Christ

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? Yes  
 DURING THE DAY? Yes

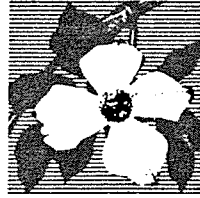
WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? To see Milwaukie effect the changes necessary to meet the demands of the 21st century.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS COMMISSION OR COMMISSIONS my long background in education and my appreciation for libraries

This form valid for one year from date of application.  
 Please check commission or commissions on which you would like to serve:

- |  |                                    |                                     |
|--|------------------------------------|-------------------------------------|
| <input type="checkbox"/> Budget Committee                | Fire Code Board of Appeals         | <input type="checkbox"/>            |
| <input type="checkbox"/> Building Code Board of Appeals  | Library Board                      | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> Cable Communications Commission | Parks & Recreation Comm.           | <input type="checkbox"/>            |
| <input type="checkbox"/> Center Advisory Board           | Planning Commission                | <input type="checkbox"/>            |
| <input type="checkbox"/> Civil Service Commission        | Senior Citizen Advisory Commission | <input type="checkbox"/>            |
| <input type="checkbox"/> Traffic Safety Commission       |                                    | <input type="checkbox"/>            |

# CITY OF MILWAUKIE



CITY ATTORNEY  
in the City Hall • phone 659-5171

Reference: GE-127

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY

SUBJECT: PLANNING COMMISSION APPEALS


DATE: MAY 31, 1985

Next Tuesday you will consider an appeal of the Planning Commission approval of a subdivision. Since you haven't done one in a while, I packaged up the enclosed material which should explain the required procedure and other legal requirements. If you want to know more, read pp. 31-38 of the Local Planning Digest distributed to you earlier in the year. This is a "quasi-judicial" proceeding, so you need to be aware of the need for impartiality. The decision must be based on the ordinance criteria and the relevant evidence presented.

If you intend to visit the site prior to the meeting (and I encourage you to), be careful not to discuss the application with the owner or neighbors. You will also need to announce the visit at the meeting and any contacts you made.

If we have time during the work session, I will show 15 minutes of film of an actual hearing. This should give you an idea of what is required during the meeting.

If you have any questions we can discuss this further during the work session. Feel free to call me before Tuesday if you wish.

  
Greg Eades  
City Attorney

Enclosures

CITY OF MILWAUKIE  
LAND USE PUBLIC HEARING PROCEDURE

1. Opening of hearing. "The hearing on the appeal by \_\_\_\_\_ of the Planning Commission \_\_\_\_\_ of \_\_\_\_\_ is called to order."
2. Purpose and Procedure. "The purpose of this hearing is \_\_\_\_\_"

The order of business we will follow in conducting this hearing will be:

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

The applicant has the burden of proving that the application is consistent with our zoning ordinance and comprehensive plan. The ordinance standards governing this application are listed in the staff report.

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

3. Conduct of hearing. "Since we have other items on the agenda this evening, I would encourage those wishing to speak to confine their remarks to the application and standards before us and to avoid repetition and irrevelent information. I would also ask that if many of you wish to make similar or related comments, you may want to appoint one spokesperson to speak for all of you. I will recognize those persons wishing to speak and any questions should be addressed through me. When you come to the podium, please state your name and address for the record, since this hearing will be tape recorded."
4. Ex Parte Contacts/Conflicts of Interest. "Do any members of the Council wish to announce any ex parte contacts or declare any potential conflicts of interest? Does any member of the audience wish to make any challenge to any member's impartiality?"

Land Use Public Hearing Procedure  
Page 2.

5. Jurisdictional issues. I will now entertain any objections to the Council's jurisdiction to hear this matter."
6. Staff report. (May include presentations from both Planning Department and Planning Commission.)
7. Correspondence. "Have we received any correspondence on this matter other than those items included in the agenda materials?"
8. Applicant's presentation. "Questions?"
9. Others in support.
10. Opponent's presentation. "Questions?"
11. Staff comments. "Does the staff have anything to add at this point?"
12. Questions of clarification. "Does any member of the Council or audience have any questions regarding clarification of the testimony to this point?"
13. Applicant's rebuttal. "Does the applicant have anything further to add in rebuttal?"
14. Close hearing. "The hearing on \_\_\_\_\_ is now closed."
15. Discussion among Councilmembers. (No further testimony unless absolutely necessary. You may want attorney to outline alternatives.)
16. Determination of findings and decision. (Council may adopt findings of Planning Commission or staff or develop its own. New findings may be prepared at the meeting or assigned to someone to prepare for adoption at next meeting. Preparation of findings may be assigned to successful party, staff or a member of the Council. If findings are not prepared immediately, final action on application should be deferred until findings are prepared and adopted.)

CITY OF MILWAUKIE LAND USE DECISION

REQUEST \_\_\_\_\_ DATE \_\_\_\_\_

APPLICANT \_\_\_\_\_ FILE \_\_\_\_\_

LOCATION \_\_\_\_\_ (Use back of sheet)

BACKGROUND INFORMATION from applicant, reports and testimony which has a significant and relevant bearing upon an appropriate decision.

Four horizontal lines for background information.

FINDINGS Basic facts of law, ordinance, goals, policies, plans, criteria, needs, impacts, location conditions, trends and other circumstances of the case.

Five horizontal lines for findings.

CONCLUSIONS Reasons and justifications for concluding that above information leads to and supports a particular decision.

Five horizontal lines for conclusions.

DECISION

Five horizontal lines for decision.

CONDITIONS

Five horizontal lines for conditions.

### PART 3: THE LAND USE DECISION-MAKING PROCESS

*The day-to-day work of planning commissions and staffs and much of the workload of city councils and boards of county commissioners consists of making land use decisions. This part discusses the special rules the legislature and the courts have established for making land use decisions. These rules have been designed to ensure that land use decision making in Oregon is an open process, is fair to all parties, and is grounded in facts and clearly stated reasoning.*

#### EXECUTIVE SUMMARY

Most land use decisions apply the policies, criteria and standards of the plan and implementing ordinances to specific proposals for land development. Local government decision makers are not at liberty to disregard those policies, criteria and standards, even though the circumstances of a particular case might seem to justify such a departure. They may, of course, amend their plans and implementing ordinances through appropriate procedures.

The courts and the legislature have imposed some special rules for land use decision making. In general, these rules make land use decision making a more formal, and perhaps more time-consuming, process than is the case with other kinds of local government decisions. The purpose of the special procedures is to protect the interests of landowners and developers, as well as other affected parties, by having an open process that takes the concerns of all parties into account and ensures that decisions are grounded in facts with clearly stated reasoning. This part discusses the special rules and procedures for land use decision making.

According to Oregon statutes, local governments make land use decisions when they make decisions that (1) apply LCDC goals (after acknowledgment, that would usually occur only when amending the comprehensive plan); or (2) adopt, amend or apply a comprehensive plan provision or a land use regulation (i.e., a provision of the zoning, subdivision or other development ordinance). The statutes exclude from the legal definition of land use decisions so-called "ministerial" decisions -- decisions that are made under "clear and objective standards" and for which the local government provides no right to a hearing. Under this definition, the types of decisions that come within the statutory definition of "land use decision" (and are thus subject to the special rules for such decisions) depend somewhat on the provisions of city and county plans and implementing ordinances. For example, a zoning variance would be a land use decision in a county whose zoning ordinance provides the applicant and other affected persons with the right to a

public hearing, but would not come within the definition in another county whose ordinance sets forth quantitative standards for certain variances and authorizes the planning director to grant them.

In case of doubt as to whether a particular decision is a land use decision, cities and counties should consider whether the decision would have a "significant impact" on present and future land use. The "significant impact" test was applied by the Oregon Supreme Court in determining that a certain street improvement would affect the use of adjacent land to such an extent that it should be processed as a land use decision, although clearly, not every street improvement is a "land use decision."

There are three kinds of land use decisions -- legislative, quasi-judicial, and ministerial. (Although ministerial decisions are excluded from the statutory definition, as a matter of actual practice, some ministerial decisions do affect land use, and they are therefore included here as a type of land use decision.) The kind of decision to be made greatly affects the process used to make the decision, the duties of the decision maker, the rights of the parties involved, and the way the decision is handled on appeal.

#### Legislative Land Use Decisions

Legislative land use decisions create and adopt as law general policies and regulations for future land use within the jurisdiction. Examples of legislative decisions are the adoption and amendment of a comprehensive plan or a zoning or subdivision ordinance. The range of discretion enjoyed by local legislative bodies is less for legislative land use decisions than for other legislative actions because they must apply LCDC goals to such decisions, and in the case of development ordinance adoptions and amendments, they must also apply the policies of their own comprehensive plans.

The rules that apply to local government legislative land use decisions that do not apply to other kinds of local legislative actions involve special requirements for notice, public hearing, findings, and appeals. In addition, of course, legislative land use decisions are subject to such general legal requirements as those in the state open meeting, public records and government ethics laws, as well as applicable provisions of the city or county charter.

Notice.--Notice of proposed legislative land use decisions is subject to a jurisdiction's ordinary notice requirements, but, in addition, notice must be mailed to specific persons, groups and agencies that have requested it, including LCDC if an application of the goals is involved. Also, the statutes prescribe certain time limits for land use decision notices. Notice of legislative land use decision making should describe the action to be considered in enough detail that interested persons will have sufficient information to decide whether they should attend the hearing or submit a written statement.

Hearing.--All local legislative actions are required to be taken during a public meeting, but legislative land use decisions may be made only after a public hearing. As in the case of other legislative actions, members of the legislative body must declare any conflicts of interest for the record, but the statutes provide specifically that in the case of planning commissions, a member who has certain kinds of conflict of interest may not take part in the action.

Findings.--Because LCDC Goal 2 requires that land use decisions have an "adequate factual base," legislative land use decisions, unlike other local legislative actions, must be supported by written findings. The findings must identify the criteria applicable to the decision (which will consist of provisions of the goals or the local government's own comprehensive plan), the facts relevant to the decision (which will consist of testimony, staff reports or other material submitted and considered at the hearing), and the reasoning of the legislative body in reaching its decision.

Appeal.--City and county legislative actions other than land use decisions may be reviewed by the circuit courts on appeal and may be overturned if they are unreasonable or unconstitutional. After acknowledgement, legislative land use decisions are subject to appeal only to the Land Use Board of Appeals, and the scope of review includes a determination of consistency with LCDC goals and the jurisdiction's comprehensive plan. This includes the special procedural rules discussed above regarding notice, hearing and findings. The state laws extend standing to appeal to LUBA to the director of the Department of Land Conservation and Development, as well as other persons who meet the statutory requirements for "standing."

#### Quasi-Judicial Land Use Decisions

While legislative land use decisions make the law, quasi-judicial decisions apply the law to specific land development or use proposals. Examples of decisions that are quasi-judicial under the provisions of most city and county plans and implementing ordinances include small-tract zoning designations, conditional use permits, and major land divisions. Quasi-judicial decisions typically involve the exercise of discretion by the decision-making official or body in applying general criteria of the plan or applicable ordinance to the facts of a land use development application. As in the case of legislative land use decisions, quasi-judicial decisions have special requirements for notice, hearing, findings and appeal. However, the quasi-judicial requirements are more stringent than those for legislative land use decisions. One reason for this is that quasi-judicial decisions always involve the property rights of specific persons, and they are therefore to be made only after adequate protection of those rights. Another reason is that local legislative decisions are always subject to possible referendum, while quasi-judicial decisions may not be submitted to a popular vote.

Notice.--In addition to identifying the type of land use decision to be made and the time and place of the hearing as in the case of a

legislative decision, notice of a proposed quasi-judicial decision must identify the property involved, refer to applicable criteria, and state who has standing to present evidence (written or oral) at the hearing. Within the framework of LCDC Goal 2, local governments set their own policies with respect to persons entitled to receive notice of proposed land use decisions and to present evidence at the hearing. Most local governments provide notice and extend standing to persons who own property within a prescribed distance from the affected property.

Impartiality.--A special requirement for quasi-judicial decisions that is not involved in legislative decisions is the so-called "impartial tribunal" requirement. As quasi-judicial decision makers, local officials, planning commissions and governing bodies are expected to be free from bias. Avoidance of bias requires decision makers to disclose at the hearing any pre-hearing "ex parte" contacts with the parties, and there can be circumstances in which a member of a decision-making body should withdraw entirely from participation in the decision. The courts have acknowledged that the standard of impartiality cannot be as strict for city and county officials as it is for judges, because local officials are expected to be freely available to their constituents and will necessarily be exposed to ex parte contacts during the normal course of their duties.

Hearings.--Parties to a quasi-judicial land use decision are entitled both to present evidence and to rebut evidence presented by others, although local governments have considerable leeway in establishing the specific rules and procedures under which these rights may be exercised. For example, the hearing body may avoid the time-consuming process of cross-examination by requiring that rebuttal questions be put through the chair in writing.

There are some requirements regarding the evidence necessary to sustain a quasi-judicial land use decision, but the rules are less technical and complex than they would be for a regular judicial proceeding. The proponent of change (the appellant on appeal) has the burden of proof. The evidence must be "substantial" (i.e., strong enough to lead a reasonable person to make the decision), but there are no hard-and-fast technical rules as to materiality, hearsay, etc. For example, Douglas County requires that evidence be of the quality that "reasonable persons rely upon in the conduct of their everyday affairs," and that general standard is followed by most jurisdictions.

One requirement of special importance is that any evidence relied upon in making a quasi-judicial decision must appear in the record of the hearing. In other words, "evidence" that is not supported by testimony, exhibits or other parts of the written record may not be cited as a basis for a decision, because neither the parties nor possible reviewing authorities can either verify or contest it. In one case, for example, a decision was overturned on appeal because, while the record showed that the planning commission had visited the site of the proposed development, the record included no summary of the facts it had gained from the visit.

Findings.--A land use decision is not final until written findings have been adopted by the decision-making body. Failure to prepare and adopt "adequate" findings has frequently resulted in reversal or remand by appellate bodies, with attendant delays in plan implementation and community development.

Findings consist of three main elements: the criteria and standards applicable to the proposal, the facts relied upon in reaching the decision, and the conclusion or explanation that ties the facts to the criteria and standards. The criteria usually consist of relevant provisions of the development code or ordinances, but may also relate to the comprehensive plan or even to the goals. The facts consist of testimony, staff reports, or other documents or information entered on the record of the hearing. The explanation explains how the proposed development and its impacts comply with the criteria and standards.

Findings may be prepared in various ways. In most jurisdictions the decision-making body reaches and announces a tentative decision (to approve or deny the application) and asks that findings be drafted for its subsequent approval by the staff or by the prevailing party, or both. This is appropriate as long as the decision-making body in fact deliberates and concludes that the findings as drafted are limited to the record and correctly document its decision.

Notice of Decision and Appeal.--The law requires that notice of a quasi-judicial decision be sent to all parties to the proceeding. This should be done as promptly as possible, especially if the jurisdiction permits internal appeal (e.g., to the governing body), because of the 1983 legislation that sets a 120-day time period to complete action on a quasi-judicial proceeding.

Cities and counties may choose to have final quasi-judicial land use decisions appealed directly to LUBA from the decision-making body, but the jurisdiction may provide for one or more levels of internal appeal (e.g., from the planning commission to the governing body) before the decision is "final." Whether to provide for internal appeal from these decisions and, if so, the scope of review, standing to appeal, etc., are matters for local determination. However, a city or county may not restrict appeal rights to LUBA by attempting to limit internal appeals; a person who qualifies under the statutory standards for appeal to LUBA may so appeal even if local rules were to deny standing to appeal internally.

#### Ministerial and "Phased Quasi-Judicial" Decisions

With the advent of special rules and procedures for quasi-judicial decisions, many cities and counties have searched for ways to simplify and streamline the land use decision-making process. One alternative is to delegate more decision-making authority to staff, with appropriate safeguards for the rights and interests of affected parties.

As noted above, the statutes exempt from the definition of "land use decisions" ministerial decisions made under "clear and objective standards for which the local government provides no right to a hearing. For example, an application for a use expressly allowed by the ordinance and which meets all ordinance standards for the use in the location presents no problem of interpretation and requires no discretionary or subjective judgment. The approval is a "ministerial" decision and may be made by staff without notice, hearing or other special procedures. Examples of decisions that are quasi-judicial in some jurisdictions but are made by staff "ministerially" in other jurisdictions are minor partitionings and certain minor variances such as a 10 percent deviation from yard or lot area dimensions. Because, by definition, ministerial decisions merely apply objective standards to a set of facts, there is no exercise of discretion or judgment. Accordingly, there is no need for notice or hearing, and the final decision may be made by staff within the scope of the delegated authority after finding no violation of standards.

Even when there may be controversy as to the facts or a need for discretion in applying criteria and standards, decision-making authority may be delegated to staff under what may be termed "phased quasi-judicial" procedures. Under a typical phased quasi-judicial proceeding, a planning director may determine after review of an application that the proposal meets all criteria and standards of the jurisdiction's development ordinances and, if relevant, the plan or goals. The director would then give notice to all who would be entitled to notice under regular quasi-judicial proceedings and finalize the decision if no concerns are expressed or if no one requests a hearing. Even if concerns are expressed, the planning staff may be able to mediate among the parties and effect adjustments in the proposal to the satisfaction of those concerned. At any time, however, a hearing under normal quasi-judicial procedures may be triggered by a hearing request or by an appeal from the staff decision.

MEMORANDUM

December 14, 1983

TO: CITY COUNCIL  
PLANNING COMMISSION

FROM: GREG EADES, CITY ATTORNEY *JE*

SUBJECT: EX PARTE CONTACTS

You need to be aware of new legislation involving ex parte contacts. Senate Bill 318, effective October 15, 1983, provides that city land use decisions can't be overturned because of ex parte contacts as long as:

1. The Council or Commission member involved makes a public announcement of the content of the communication, and
2. An opportunity is provided for the parties to rebut the substance of the communication at the first opportunity and
3. The minutes include the substance of the communication.

Ex parte contacts include any written or oral communication between participants in a land use hearing and the decision making body concerning the subject matter of the hearing. LUBA and appeal courts previously have overturned decisions where ex parte contacts occurred, even after they were announced at the hearing. Under the new law, ex parte contacts are not encouraged but will not automatically invalidate a decision if full disclosure of the communication is made.

You should still avoid discussing a particular case with any of the participants. However, if you do receive some communication, it should be explained during that part of the hearing where conflicts of interest are normally announced. Failure to make such a disclosure could result in the decision being overturned on appeal.

MEMORANDUM

III 1

TO: Hugh Brown, City Manager  
FROM: Topaz Faulkner, Director of Planning & Community Services  
DATE: May 29, 1985  
RE: A-S-85-01, Appeal of Montgomery Estates Subdivision (Phase II)

Frederick & Irene Johnston have filed an appeal of the May 14, Planning Commission approval of the Montgomery Estates Subdivision (Phase II) Preliminary Plat. I will address the reasons they have cited in the order these appear in their appeal letter.

1. "...it disregards our ability to subdivide our property in the near future."

It is the intent of the Planning Staff and Commission to ensure the ability of the Johnstons, and other large property owners, to subdivide in the future. The requirement that all developers create a potential street plan to show access for surrounding vacant parcels protects the future options of adjacent property owners.

2. "It also completely disregards an agreement among property owners along the east side of Linwood Avenue...put on file at the City Hall in mid-1950's."

A search of both the Planning and the Public Works' files has failed to locate any "agreement". The Walker Park Subdivision (S-75-4) includes a set of maps created by the previous Public Works Director, Wayne Daigle, that show a potential street grid lay out for the area in question. The grid includes two streets running east and west from the proposed 64th Avenue to Linwood Avenue. One of these streets is shown just south of the new Montgomery Drive, and the other is one and a half lots south of the Johnston's property, through the middle of an existing duplex. To avoid impacting structures, proposed streets must be planned where lot size is sufficient to allow the right of way. The Linwood Avenue frontage of the lots south of Johnstons range from 70 to 100 feet, which is not enough to allow a street while maintaining buildable lots in an R-7 Zone.

The Public Works Department has determined that there is a need for an additional street connecting Linwood, 63rd and 64th. The Johnston lot has 180 feet of frontage on Linwood Avenue; with the 30 foot wide driveway already existing along their southern boundary, a street could be put through with a minimum additional dedication by the Johnstons.

3. "It is our understanding that the city will no longer permit half streets.....".

This is not correct. Partial streets are permitted with a minimum of 24 feet of paving & curbs, gutters and sidewalk on the street side abutting the property. Minimum right-of-way width needed is 30 feet with a 5-foot utility easement adjacent to the right-of-way.

Memo to Hugh Brown  
May 29, 1985  
Re: A-S-85-01  
Johnston Appeal

III 2

4. "We strongly object to no consideration being given to the development of 63rd Avenue."

I assume that by this they mean the development of 63rd Avenue as originally envisioned by the neighbors during the mid-1950's and, perhaps, as shown on the vicinity map for the Walker Subdivision in 1975-76. Obviously, 63rd can no longer be developed over the entire distance from Furnberg to Monroe Street; nor can it match the 2000 foot long uninterrupted street shown on the Walker Subdivision Vicinity Map. In contrast the blocks in downtown Milwaukie are 200 feet; and generally blocks should not be longer than 500 feet. Long, uninterrupted streets have more traffic than those with connecting cross-streets, since drivers are both compelled to use them, and are attracted to them by the greater speed possible with no cross traffic. Such streets also present a serious problem for emergency vehicles that must turn around; where as cul-de-sacs are engineered to allow these vehicles to complete such maneuvers.

5. "The secrecy with which Phase II was planned.."

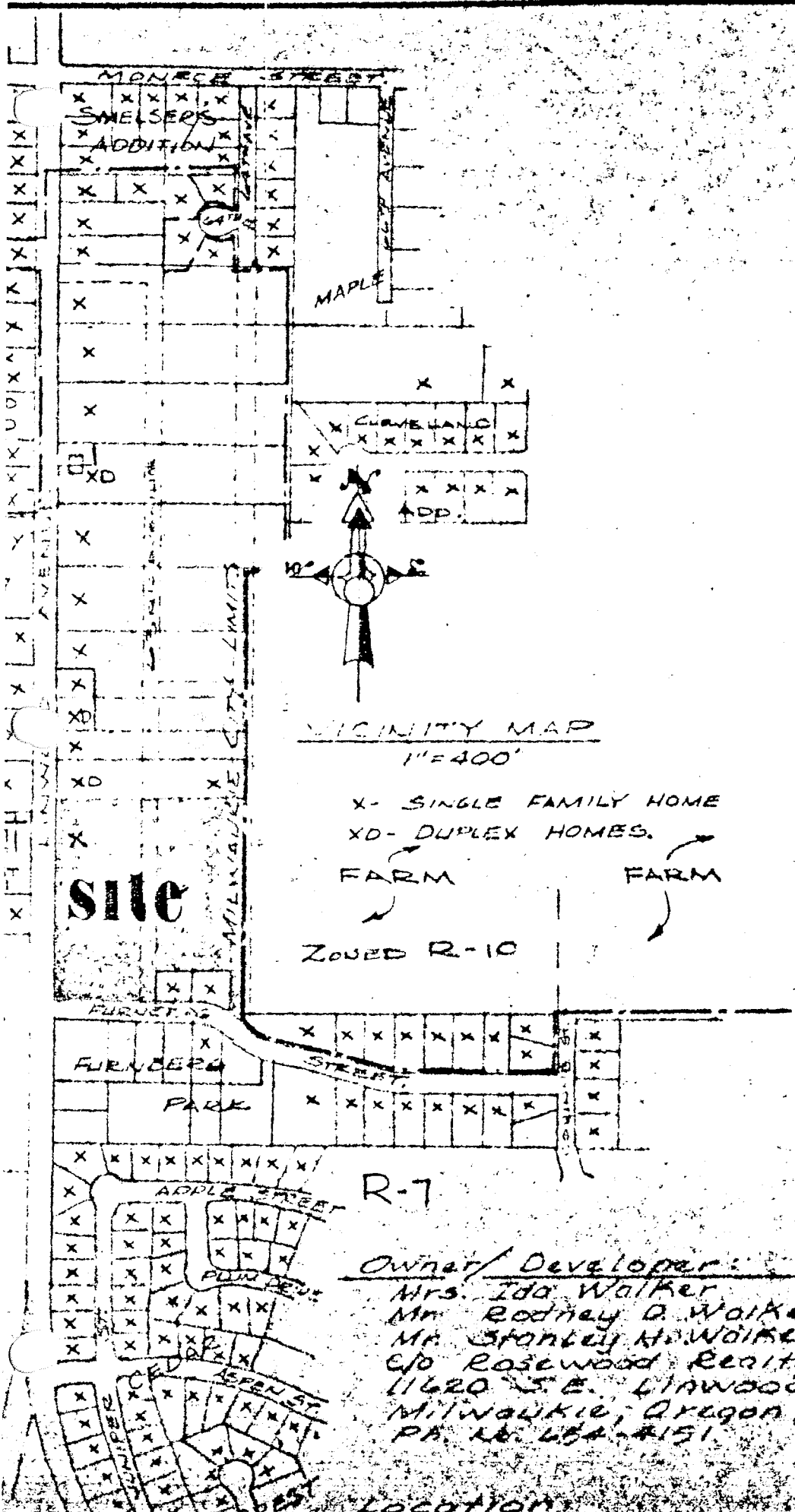
As stated above, all developers are required to complete potential street plans for future development, even for property they do not own. The developers are not required to contact property owners, since the plans are strictly to indicate that future development of adjacent sites will be possible.

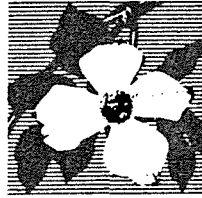
There was no secrecy involved. The same developer had just completed public hearings on Phase I of the Montgomery Estates Subdivision without objections. In fact, development of Phase I has already begun.

#### CONCLUSION:

1. The City has an obligation to establish a plan for street improvements that will provide for the safety of the public and for the most efficient development of property.
2. The proposed subdivision is in compliance with the Comprehensive Plan and meets or exceeds all zoning requirements; including lot sizes, access and parking.
3. I recommend denial of this appeal.

**FOR APPROVALS ONLY**  
**"NOT FOR CONSTRUCTION"**





# CITY OF MILWAUKIE

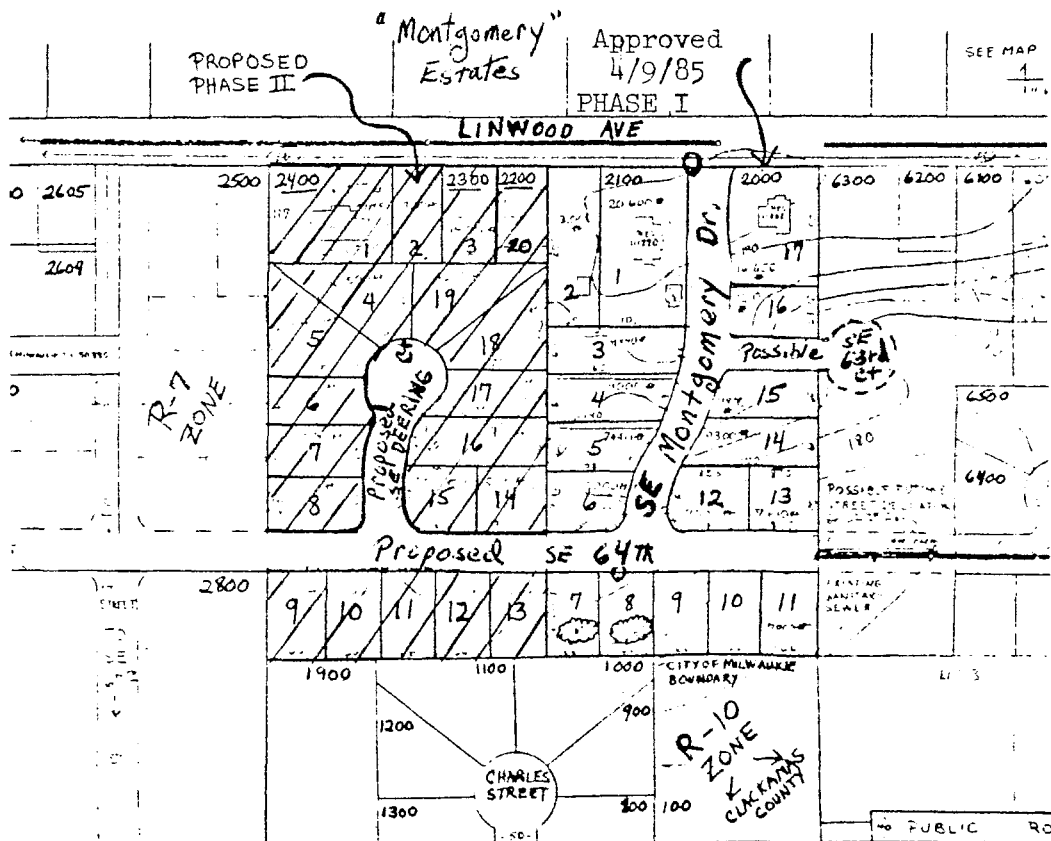
PLANNING DEPARTMENT  
in the City Hall • phone 659-5171

May 17, 1985

## NOTICE OF PUBLIC HEARING

TO: Property Owners and Residents  
ON: Tuesday, May 28, 1985 at 6:30 PM  
AT: City Hall Council Chambers  
10722 SE Main Street

The Milwaukie Planning Commission will consider a request by James R. Dierking and Edking Development (Applicants) and George & Pauline Deering (Property Owners) for Final Plat approval of a 20-Lot Subdivision located east of Linwood Avenue and west of Charles Street. (Tax Lots 2200, 2300, & 2400 of Tax Map 1 2E 32BC) (S-85-01 & LLA-85-04). The applicant is also requesting approval of a Lot Line Adjustment on proposed platted Lot 3. Platted Lot 3 will become Lot 3 and Lot 20 so that each of the two residences has its own lot.



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, May 25, 1985, 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.

# CITY of MILWAUKIE PLANNING DIVISION STAFF REPORT

DATE: MAY 14, 1985

FILE: S-85-01

REQUEST : Preliminary Plat-Subdivision

APPLICANT : Phase II  
James R. Dierking & Edking Development

PROPERTY OWNER : George and Pauline Deering

LOCATION : East of Linwood Avenue and west of Charles Street  
(Tax Lots 2200, 2300 & 2400 of Tax Map 1 2E 32BC)

## PROPOSAL:

The applicant is requesting Preliminary Plat approval of a 19-Lot Subdivision located south of Phase I-Montgomery Estates, which was a 17-Lot Subdivision approved at the January 22 and April 9, 1985, Commission meetings. (Please refer to the Staff Report for Phase I-Exhibit #6) The site is zoned R-7 Residential.

## SITE CONDITIONS:

The site contains approximately 4.66 acres. There are three dwelling units on the site: single-family detached residence (Tax Lot 2400) and two single-family attached units (Tax Lots 2200 & 2300). Tax Lot 2300 also contains a barn. The Applicant has indicated that the barn will be removed.

The site has moderate slopes. There are two rows of trees on Tax Lot 2300.

## SURROUNDING ZONING:

The area north, south and southwest of the site is zoned R-7 Residential. The area east and west of the site is outside of the city limits.

## CRITERIA:

### Zoning Ordinance:

Section 3.02, 1-3

R-7 Uses and Standards

### Subdivision Ordinance:

Section 1.01-3.09

Subdivision Requirements

### Comprehensive Plan

Residential Land Use and Housing Element

OBJECTIVE #2 - Residential Land Use: Density Policies #1 & #2,  
pgs. 26-28.

- OBJECTIVE #3 - Residential Land Use: Design, pgs. 29-30
- OBJECTIVE #4 - Neighborhood Conservation, pgs. 30-31
- OBJECTIVE #5 - Housing Choice, pgs. 31-32
- Public Facilities and Services Element, pg. 73.
- OBJECTIVE #4 - Water Service, pg. 77
- OBJECTIVE #5 - Sanitary Sewer Service, pg. 77
- OBJECTIVE #6 - Drainage and Streets, pg. 78

DESCRIPTION AND ANALYSIS:

As indicated in the Applicant's Narrative (Exhibit #3) the proposal includes the dedication and construction of the continuation of 64th Avenue. Sixty-fourth Avenue will be connected to Phase I. Eventually, 64th Avenue will continue further south when new development occurs. The proposed section of 64th Avenue will have a right-of-way width of 50 feet with full street improvements; 32-foot pavement width curb-to-curb and 4-foot wide sidewalks along both sides. Deering Court will also be constructed to full street improvements.

As requested the applicant has submitted a Future Street and Development Plan for the property south of the site. The Plan illustrates the continuation of 64th Avenue and another through street to Linwood Avenue allowing for maximum development at maximum density .

An 8-inch sanitary sewer and a 24-inch storm sewer already exist in the proposed 64th Avenue right-of-way. In addition, an 8-inch sanitary sewer and an 8-inch water line are available in Linwood Avenue.

Complete construction plans for street, storm drainage, water lines and sanitary sewer must be submitted to the Public Works Department for approval prior to Public Works signing the Final Plat. All water services and sewer laterals must be run to the property lines. Funds necessary to complete the project must be placed in escrow; or all of the required improvements must be completed prior to signing the plat.

A Street Lighting Plan and Street Tree Plan are required at the time the Final Plat is submitted. Centerline monumentation is required after the streets are paved. The developer is also responsible for all new street signs.

The number and placement of fire hydrants shall be installed according to the specifications of the Fire Department.

The Final Plat shall indicate all easements and utilities.

Each of the 19 lots meet or exceed the minimum requirements for the R-7 zone as each lot meets the access (minimum 35 feet), lot area (minimum 7000 square feet), lot width (minimum 60 feet) and lot depth (minimum 80 feet) requirements.

According to the applicant, the outbuilding or barn on Tax Lot 2300 will be removed.

The request is in compliance with the Comprehensive Plan as adequate public facilities will be provided. In addition, 19 housing units will be constructed providing needed housing for the community. A project this size will also provide additional jobs and economic development for the community. Staff believes that the development will be compatible with similar development in the area, as all of the R-7 zone requirements will be met.

PROPOSED FINDINGS:

1. The request is in compliance with the R-7 uses and standards as the lot size, access, lot width and lot depth requirements are met.
2. The request is in compliance with the Subdivision Ordinance as adequate public facilities and improvements are proposed.
3. The request is in compliance with the Comprehensive Plan in that:
  - a. The development will provide for 19 new housing units to help meet the housing needs of the city, while preserving and enhancing the local neighborhood.
  - b. The density of this development is consistent with the surrounding area allowing for a continuation of single-family houses at the R-7 density.
  - c. A project this size will provide jobs and economic development for the community.

RECOMMENDATION: *Conditions*

Staff recommends approval of this request subject to the following conditions:

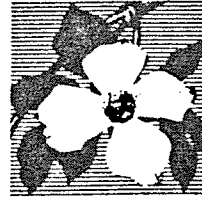
1. That street trees be provided. The size, species and spacing to be reviewed and approved by staff.

2. Deering Court and 64th Avenue shall be constructed with full street improvements including curbs and sidewalks as per the specifications of the Public Works Department and their memorandum Exhibit #4.
3. Utilities including water, sanitary sewer, storm sewer, lights and fire hydrants shall be constructed as per the specifications of the Public Works and Fire Departments.
4. Centerline monumentation is required after the streets are paved.
5. The developer is responsible for all new street signs.
6. The Final Plat shall illustrate all easements and utilities.

EXHIBITS:

1. Zoning Map and Public Notice
2. Preliminary Plat
3. Applicant's Narrative
4. Public Works Memorandum Dated 5/7/85
5. Fire Department Memorandum Dated 5/8/85
6. Staff Report for Phase I, Montgomery Estates Dated 1/22/85

# CITY OF MILWAUKIE



PLANNING DEPARTMENT  
in the City Hall • phone 659-5171

May 3rd, 1985

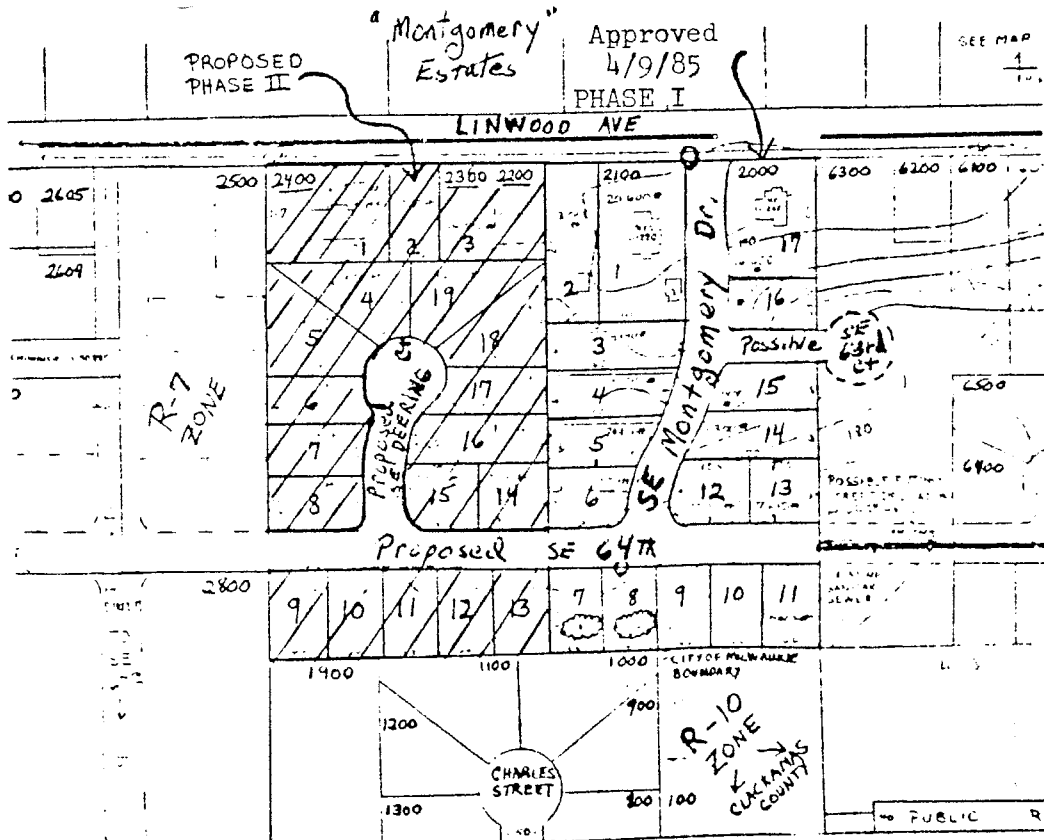
## NOTICE OF PUBLIC HEARING

TO: Property Owners and Residents

ON: Tuesday, May 14, 1985, at 6:30 PM

AT: City Hall Council Chambers  
10722 SE Main Street

The Milwaukie Planning Commission will consider a request by James R. Dierking and Edking Development (Applicants) and George & Pauline Deering (Property owners) for Preliminary Plat approval of a 19-Lot Subdivision located east of Linwood Avenue and west of Charles Street. (Tax Lots 2200, 2300 & 2400 of Tax Map 1 2E 32BC) (S-85-01)



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, May 10, 1985, 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.

SLIGHT #	1
DATE	
SUBMITTED BY	STAFF
RECEIVED	

EXHIBIT #	3
DATE	
SUBMITTED BY	Applicant
RECEIVED	2/9

III 10

DESCRIPTION OF THE PROPOSED SUBDIVISION PRELIMINARY PLAT OF MONTGOMERY ESTATES PHASE II

Applicant/Developers propose to subdivide the subject property into a 19 lots R-7 single family detached residential subdivision. Presently, the site consists of three (3) tax lots with a total aggregate area of approximately 4.66 acres. T1#2400 has a single family residence, and T1#2300/2200 a two family residence constructed thereon. These residences face and access to SE Linwood Ave.

The proposal includes the dedication for public right of way of 50 foot street continuing SE 64th Ave., which runs north and south. Additionally, the proposal includes the dedication for public right of way a 50 foot street(proposed Deering Ct.) intersecting at the proposed SE 64th Ave. and running westerly for a distance of approximately 240 feet.

Minimum Street Frontage: The proposed dedications and improvements will provide the 35 foot minimum ordinance requirement for lot street frontage for all lots.

Minimum Lot Area: The R-7 ordinance requires a minimum lot area of 7000 sq. ft. All lots in the proposed subdivision have a minimum lot area of 7000 sq. ft.

Minimum Lot Width: The R-7 ordinance calls for an average minimum lot width of 60 feet. Every lot in the proposed subdivision has an average lot width meeting ordinance requirements.

Minimum Lot Depth: The R-7 ordinance requires an average lot depth of 80 feet. Every lot in the proposed subdivision has an average lot depth of at least 80 feet.

Existing Structures: All existing structures to remain on the site as a part of this proposal meet the R-7 zoning ordinance minimum requirements for:

- Front Yards: 20 feet
- Side Yards: 5 feet on one side, 10 feet on the other, and 20 feet on street sides of a corner lot.
- Rear Yards: 20 feet

An existing outbuilding on T1#2300 will be demolished. A demolition permit will be taken out at the time this is done.

James R. Dierking

Applicant-subdivider proposes the following:

Street Improvements

- A. 50' right of way
  - B. 32' curb to curb street improvements
  - C. 4' sidewalks on both sides of proposed streets
  - D. Concrete Curbs
2. Install sanitary sewer system to complete service to all lots within the proposed subdivision.
  3. Install storm drainage system to complete drainage from all lots in the proposed subdivision. The system will be designed with appropriate detention capacity.
  4. The proposed subdivision will be served by only underground utility services.
  5. Street lighting will be installed.
  6. Water lines will be extended to provide city water to all lots in the proposed subdivision.
  7. Fire hydrants will be installed per the code requirements for same.
  8. A street tree planting plan will be formulated.
  9. The proposed improvements will be completed within 180 days of recording of the final plat, with provisions for a 6 month extension due to circumstances.
  10. Additional specifications shall be submitted at least 30 days prior to the approval time of the final plat.
  11. Subdivider will execute deed restrictions providing for developer review of proposed improvements, restrictions on use of overhead utilities, and provisions for maintenance and height limitations in the street tree planting strip.

James R. Dierking \_\_\_\_\_

TO: PLANNING  
FROM: PAUL H. ROEGER *PHR*  
OFFICE ENGINEER  
RE: S-85-01  
DATE: May 7th, 1985

An 8 inch sanitary sewer and a 24 inch storm sewer already exist in the proposed 64th Avenue right-of-way. Also, an 8 inch sanitary sewer and an 8 inch water line are available in Linwood Avenue.

Complete construction plans for street, storm drainage, water lines and sanitary sewer must be submitted to Public Works Dept. for approval prior to Public Works signing the final plat. Also, funds to complete the project must be placed in escrow; or all the required improvements must be completed prior to the signing of the plat.

Other required improvements include street lights, centerline monumentation (after the streets have been paved) and sidewalk on both sides of the street at the time the houses are constructed on the lots.

The developer must also pay for the installation of any new street signs.

PHR/cj1

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

Memorandum

III 13

May 8, 1985

TO: Planning Department  
FROM: Structural Safety Division  
SUBJECT: S-85-01 Phase 2  
Land Subdivision only

In regards to the above reference requested action the Milwaukie Fire Department finds as follows:

- 1) All applications shall conform to the requirements of current adopted codes and ordinances including but not limited to minimum street standards and fire hydrant placements to cover a maximum of 250' radius.
- 2) Recommend approval.



Fire Marshal

For Structural Safety Division  
Milwaukie Fire Department

10

EXHIBIT #	<u>5</u>
DATE	_____
SUBMITTED BY	<u>Structural Safety (Fire)</u>
RECEIVED	_____

# CITY of MILWAUKIE PLANNING DIVISION STAFF REPORT

DATE: January 22, 1985

FILE: S-84-5, VR-84-19

REQUEST: Subdivision, Variance

APPLICANT: James R. Dierking and Edward Marckx

PROPERTY OWNER : Winnie Pugh (Trustee for Estate)

LOCATION: East of Linwood Avenue and south of 64th Court  
(Tax Lots 2000 & 2100 of Tax Map 1 2E 32BC)

PROPOSAL:

The applicants are requesting a Preliminary Plat approval of a 17-Lot Subdivision located east of Linwood Avenue and south of 64th Court. The site is zoned R-7 Residential and designated on the Comprehensive Plan Map as Low Density. The applicant is requesting variances to the 20-foot street side yard setback requirement.

SITE CONDITIONS:

The site contains a total of 4.64 acres. Tax Lot 2100 contains a single-family residence, a garage and several outbuildings. According to the applicants, the outbuildings are to be removed. Tax Lot 2000 contains a single-family residence.

The site has moderate slopes. A cluster of Douglas Fir trees are located to the rear of Lots 1 and 2 of Block 3. Staff recommends that these trees be preserved. A row of holly trees are located along part of the north property line of Tax Lot 2100. The survey will determine if these trees can be preserved. Staff recommends that if feasible the holly trees be preserved.

SURROUNDING ZONING:

The area north and south of the site is zoned R-7 Residential. The area east and west of the site is in the County.

CRITERIA:

Zoning Ordinance:	
Section 3.02, 1-3	R-7 Uses and Standards
Subdivision Ordinance:	
Section 1.01 - 3.09	Subdivision Requirements
Comprehensive Plan	
Residential Land Use and Housing Element	
OBJECTIVE #2 - Residential Land Use: Density Policies #1 and #2,	
pgs. 26-28.	

EXHIBIT #	<u>6</u>
DATE	_____
SUBMITTED BY	<u>staff</u>
RECEIVED	<u>4/23/85</u>

CITY OF MILWAUKIE PLANNING DIVISION  
STAFF REPORT - James Dierking & Edward Marckx  
S-84-5, VR-84-19

III 15

- OBJECTIVE #3 - Residential Land Use: Design, pgs. 29-30
- OBJECTIVE #4 - Neighborhood Conservation, pgs. 30-31
- OBJECTIVE #5 - Housing Choice, pgs. 31-32
- Public Facilities and Services Element, pg. 73
- OBJECTIVE #4 - Water Service, pg. 77
- OBJECTIVE #5 - Sanitary Sewer Service, pg. 77
- OBJECTIVE #6 - Drainage and Streets, pg 78.

DESCRIPTION AND ANALYSIS:

As indicated in the Applicant's Narrative (Exhibit #3) the proposal includes the dedication and construction of the continuation of 64th Avenue. However, at this time there will be a gap at the north and to the south. The proposed section of 64th Avenue will have a right-of-way of 50 feet with full street improvements; 32-foot pavement width curb to curb and 4-foot sidewalks along both sides. The same requirements apply to the proposed Pennsylvania Avenue. The applicants are also proposing to dedicate a 40-foot right-of-way along Pennsylvania Avenue for the future development of Tax Lot 6300.

The sanitary sewer and storm drainage design must include how the 63rd Court cul-de-sac will be served. The waterline in Pennsylvania Avenue should be on the north side of the street so it crosses the sanitary sewer at a right angle. All water services and sewer laterals must be run to the property lines.

Five-foot utility easements must be dedicated on both sides of 63rd Court for underground power, telephone and gas.

Four-foot sidewalks are required along all street frontages except Linwood Avenue and the 40-foot future street to Tax Lot 6300.

A Street Lighting Plan and Street Tree Plan are required at the time the Final Plat is submitted.

The number and placement of fire hydrants shall be installed according to the specifications of the Fire Department (Exhibit #6).

The Final Plat shall indicate all easements and utilities.

Each of the 17 lots meet or exceed the minimum requirements for the R-7 Zone with the exception of Lot 1 Block 1. A 15-foot street side yard variance is requested. In addition, a 10-foot street side yard setback is requested for the west property line of Lot 2 Block 2 and

the east property line of Lot 3 Block 2. Staff concurs with the applicant's justification for the variances. Please see Exhibit #4.

The request is in compliance with the Comprehensive Plan as adequate public facilities will be provided. In addition, 17 housing units will be available to help meet the housing needs of the community. Staff believes that the development will be compatible with similar developments in the area as all of the R-7 Zone standards will be met except for three street yard setbacks.

PROPOSED FINDINGS:

1. The request is in compliance with the R-7 uses and standards in that the lot size, lot width and depth requirements are met. The applicants have indicated compliance with the variance criteria for the requested street side yard setback variances.
2. The request is in compliance with the Subdivision ordinance criteria in that adequate public facilities and improvements are proposed.
3. The request is in compliance with the Comprehensive Plan in that:
  - a. The development will provide for sound adequate new housing to meet the needs of the city, while preserving and enhancing the local neighborhood.
  - b. The density of this development is consistent with the surrounding area allowing for a continuation of single-family houses at the R-7 Density.

RECOMMENDATION:

Staff recommends approval of this request subject to the following Conditions:

1. That street trees be provided. The size, species and spacing shall be reviewed and approved by Staff.
2. That the fir trees be preserved. If feasible the holly trees shall be preserved.
3. Pennsylvania and 64th Avenue shall be constructed with full street improvements including curbs and sidewalks as per the specifications of the Public Works Department and their memorandum Exhibit #5.
4. That the applicants dedicate the 40-foot right-of-way strip between Lots 2 and 3 of Block 2, for future access to Tax Lot 6300. In addition, the sanitary sewer and storm drainage design shall include how the 63rd Court cul-de-sac will be served.

5. Utilities including water, sanitary sewer, storm sewer, street lights and fire hydrants shall be constructed as per the specifications of the Public Works Department and their memorandum Exhibit #5.
6. Centerline monumentation is required after the street is paved.
7. The Final Plat shall illustrate all easements and utilities.

EXHIBITS:

1. Zoning Map
2. Preliminary Plat
3. Applicant's Narrative Regarding Subdivision
4. Applicant's Narrative Regarding Variance Application
5. Public Works Memorandum Dated January 14, 1985
6. Fire Department Memorandum Dated January 4, 1985
7. Vicinity Map

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

SUBDIVISION  
APPLICATION

FILE NO. 5-85-1  
SIGN DEPOSIT \$ 35.00  
APPL. FEE \$ 380.00  
**III 18**

APPLICATION IS TO BE SUBMITTED  
IN BLACK PEN OR TYPEWRITTEN ONLY

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

I HEREBY REQUEST SUBDIVISION of a parcel of land or contiguous parcels under single ownership. All subdivision plats, all streets or rights-of-way created for the purpose of partitioning land and changes in property boundary lines shall be approved by the Planning Commission in accordance with Subdivision Ordinance regulations and State Law. On the ATTACHED SHEETS of this application please demonstrate compliance with the Subdivision Ordinance, appropriate Comprehensive Plan Policies, a Project Description, and proper public notice.

APPLICANT(S): (Print) James R. Dierking  
Edking Development Date: 4/19/85

Mailing Address: 802 SE 47th, Portland, Oregon ZIP 97223 Phone: 235-3626

PROPERTY OWNER(S): (Print) George & Pauline Deering Phone: 659-5071

Mailing Address: 11408 SE Linwood Ave Milwaukie, Ore ZIP 97222

Signature of Property Owner: X George Deering

ENGINEER OR SURVEYOR DiLoreto & Assoc. Phone: 771-8475

Mailing Address: 3736 SE 70th Portland, Ore ZIP 97206

Date of Survey: \_\_\_\_\_ Approximate Acreage 4.66 acres approx.

Proposed Name of Subdivision Montgomery Estates Phase II

Property Location: 11408 SE Linwood Ave. near (cross street) Monroe

Legal Description: Township 1S Range 2E Section 32BC Tax Lot(s) T1#2400, 2300, 2200  
(Submit metes and bounds description upon request)

Any Easements existing on site? Yes \_\_\_\_\_ What kind and where located: sewer on easterly portion of property running north and south.

Present Zone: R7 Zoning of Adjacent Property: Milw.R-7/Cl.Cty R-10

Number of Total Lots Proposed 19 Minimum lot size proposed 7000

Minimum lot width proposed 60 Minimum lot depth proposed 80

Existing use of property Residential

Proposed use of property:  Single Family Detached  Single Family Attached one pre-existing unit.  
 Townhouse  Multi family  Other:

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.

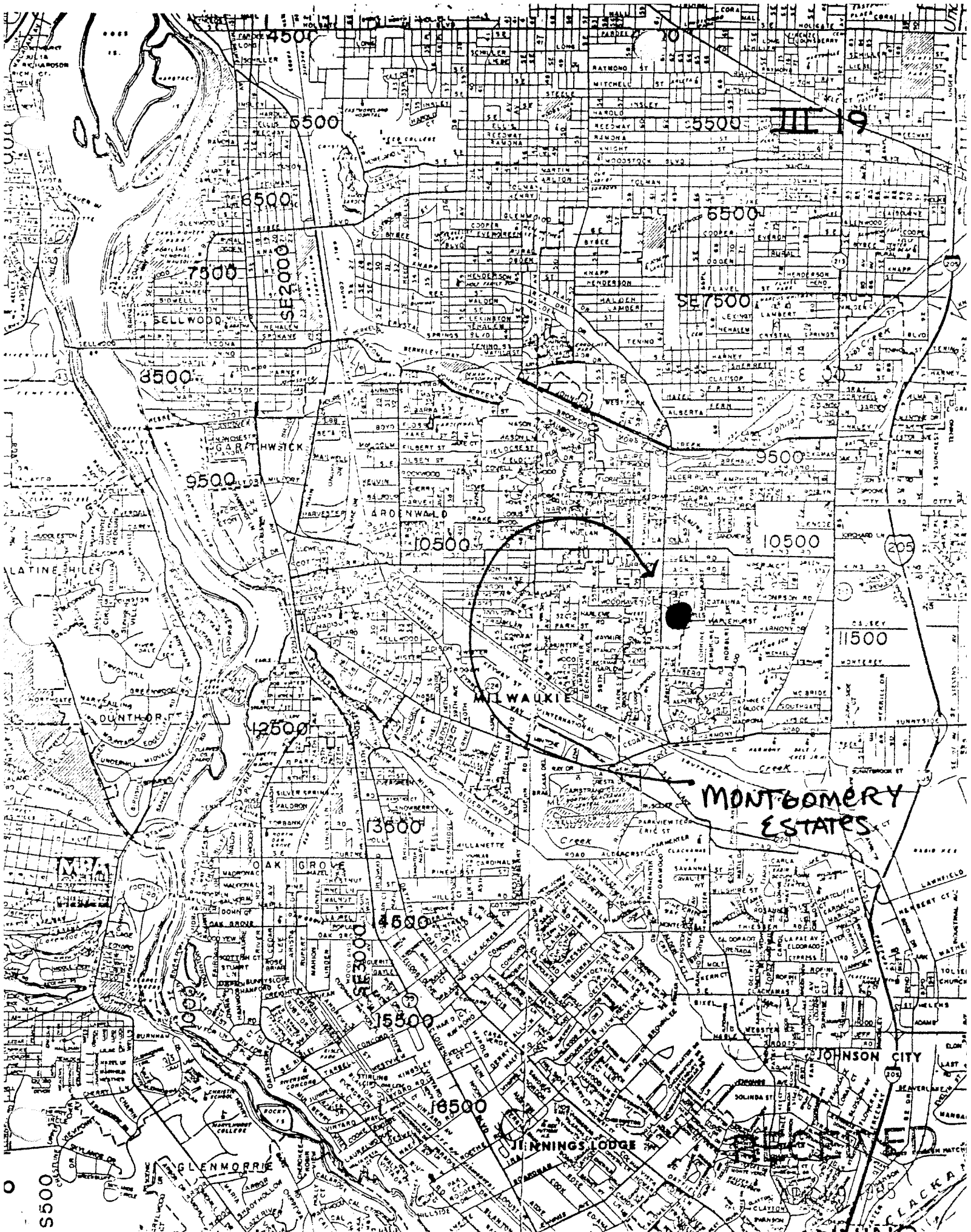
Signature [Signature] Date: 4/19/85

FOR OFFICE USE

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_ Continued: \_\_\_\_\_ Appealed: \_\_\_\_\_

APR 19 1985

PLANNING



III 19

**MONTGOMERY  
ESTATES**

**PLANNING**

9-76

Date May 23, 1985

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

Subject: Montgomery Estate Subdivision Phase II.

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 May 14, 1985.

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:

*See Attached Letter*

Sincerely,

(signatures)

*Frederick W. Johnston*  
*Irene M. Johnston*

(addresses)

*11424 S.E. Linwood Ave  
Milwaukie, Oregon  
97222*

11424 S.E. Linwood  
Milwaukie, Oregon  
May 21, 1985  
654-1639

Milwaukie Planning Commission  
City Hall  
10722 S.E. Main Street  
Milwaukie, Oregon

Dear Members:

As owners of property tax lot 2500, just south of Montgomery Estates Phase II development for George and Pauline Deering which was approved at the public hearing held Tuesday, May 14, at the City Hall Council Chambers, we wish to appeal that decision. We wish to appeal to the extent that it disregards our ability to sub-divide our property in the near future. It also completely disregards an agreement among property owners along the east side of Linwood Ave. to work together so no one would be left out when the time would come to sub-divide and sell our properties.

An agreement was signed by property owners on the east side of Linwood from just north of the Montgomery Estates Phase I and running south through the Walker property as far as Furnberg. This was put on file at the City Hall in mid 1950's. This agreement was considered in 1976 during development of Walker Park. Why has it been disregarded by The Planning Commission at this time? We request that this plan be found in the files and be honored.

We know that 64th Avenue is proposed to run all the way from Monroe Street to Furnberg. This is fine and when it happens will give access to the most eastern boundary of our property. However, the land east of our property is now farm land and provides the livelihood of the family living there. Because of this we expect the family does not want 64th Avenue to continue past the Deering property at this time. When the Walker property was developed permission was given to put in a half street at the southern end of 64th Avenue where it runs north off of Furnberg. It is our understanding that the city will no longer permit half streets to be built so that option is not open to us. The development of this farm land will not happen for a long time.

RECEIVED

MAY 21 1985

PLANNING

We strongly object to no consideration being given to the development of 63rd Avenue. The city already owns a strip of land designated for 63rd Avenue east of the Guinn property, tax lot 2604. We understand it may be a long time before 63rd Avenue will open up from that point south therefore hindering our development and the development of Tye Johnson's property which is just east of the Guinn property. Therefore we request that 63rd Avenue be finished running north from the Guinn property through our property and continue on into the Deering property connecting with the proposed Deering Court. This would allow access for property owned by Tye Johnson, the Guinn property, access to the middle of our property and provide an outlet to 64th Avenue.

The secrecy with which Phase II was planned is particularly disturbing to us. When we received the notice of the May 14 hearing we were shocked to read that the developer had submitted "a Future Street and Development Plan for the property south of the site", OUR property! WHY were we not contacted before this was drawn on the proposed plan? This proposed plan provides for a street running east and west along the south side of our property. We will NOT permit a street to be built between Linwood and 64th Avenue which would take most of our side yard. It should be noted that Mr. Guinn is equally opposed to this plan. We request that this proposed street be removed from all plans. The existing driveway giving access to Linwood Avenue for Mr. Guinn at the present time is to revert to tax lots 2604 and 2605 according to Plat approval at a public hearing held August 28, 1979 whenever Mr. Guinn has access to 63rd Avenue.

We will appreciate your earnest consideration of our concerns and requests as herein stated. Refer to enclosed sketch.

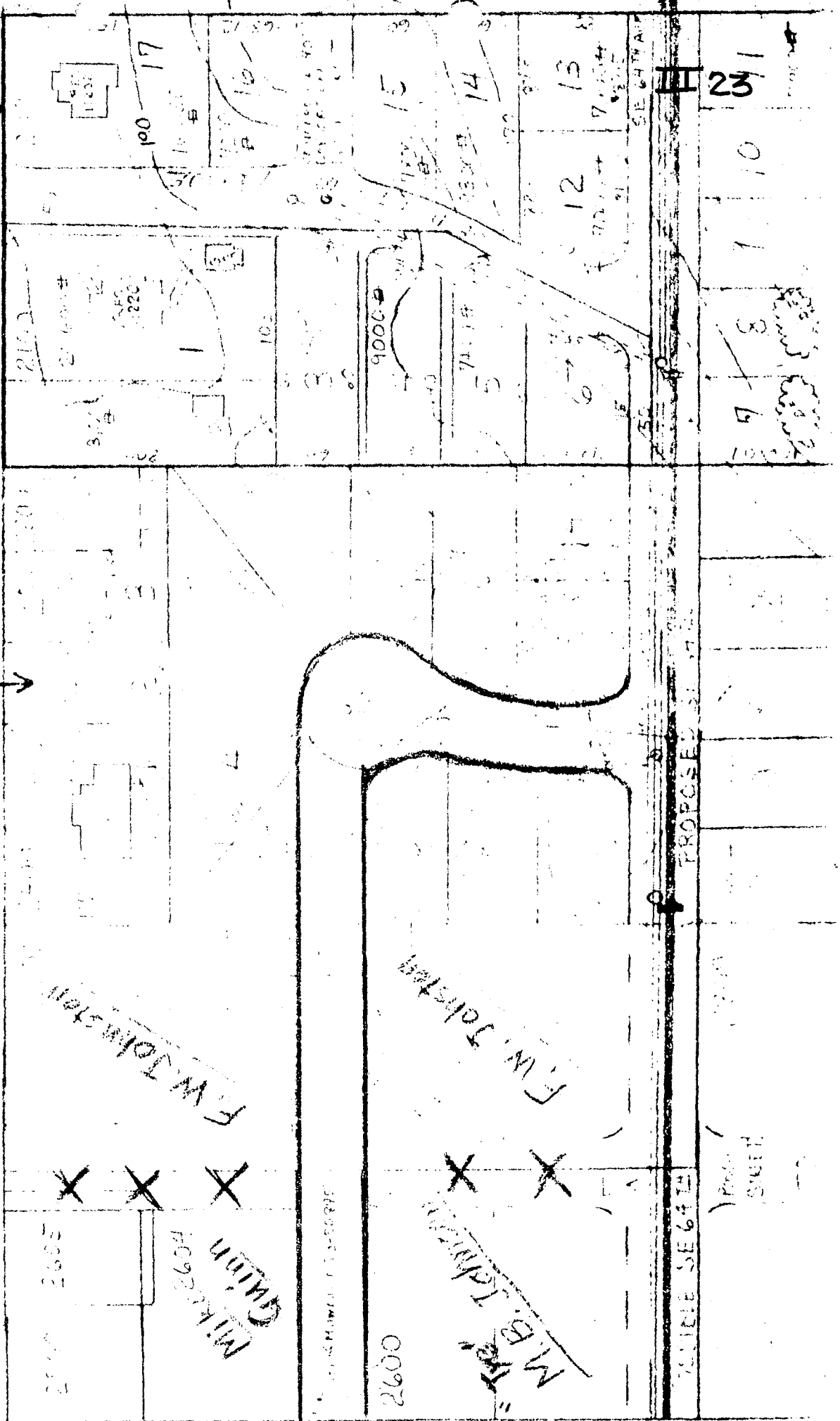
Sincerely,

*Frederick W. Johnston*  
*Irene M. Johnston*

Enclosure

PROPOSED  
PHASE II

EXISTING SANITARY SEWERS



(Page)  
SOUTH

SECTION SE 64TH

PROPOSED SEWER

EXISTING SANITARY SEWERS

ES 2

23

10

8

7

6

5

4

3

2

1

17

16

15

14

13

12

11

10

9

TO: PLANNING

FROM: Paul Roeger *P.H.R.*  
Office Engineer *by cjr*

RE: A-S-85-01  
Montgomery Estates Phase II

S-75-04  
Walker Park

DATE: May 29, 1985

III 24

This is in answer to the letter your department received from Frederick and Irene Johnston appealing the Planning Commission's approval of Montgomery Estates Phase II.

In paragraph 1, the Johnstons state that this subdivision disregards their ability to subdivide their property in the near future; and on page 2, they are disturbed about the developer submitting a future street and development plan for their property without consulting them. In talking with the Johnstons, we explained that this was only a proposal, and not necessarily the way it had to be done. We are open to other proposals.

The Johnstons also refer to an agreement among property owners on the east side of Linwood Avenue from just north of Montgomery Estates Phase I south to Furnberg Street; which was supposedly put on file at City Hall back in the mid 1950's. However, my reasearch shows that the property was not annexed to the City until March of 1962. Perhaps the agreement was filed with the County.

Walker Park subdivision (S-75-04) was approved in September 1976. In the file was a set of maps made up by Wayne Daigle, showing a straight grid layout of the property from just north of Montgomery Estates Phase I south to Furnberg Street. There were two streets running east and west from proposed 64th Avenue to Linwood Avenue on the plan. One was a half lot south of the new Montgomery Drive, and the other was one and a half lots south of the Johnston's property through the middle of an existing duplex.

The Linwood Avenue frontage of the lots to the south of Johnston's range from 70 feet to 100 feet, none of which is wide enough by themselves to have a street through it and still have legal depth lots fronting on the new streets.

Johnston's lot has a frontage of 180 feet on Linwood Avenue, and with the 30 foot driveway already existing to the south, it could be possible to get a road out to Linwood Avenue along their south property line with minimum additional dedication.

Partial streets, such as would be needed on Johnston's east property line are permitted with a minimum of 24 feet of paving and curbs, gutters and sidewalk on the street side abutting the property. Minimum right-of-way width needed is 30 feet with a 5 foot utility easement adjacent to the right-of-way.

III 25

11620 S.E. Linwood Ave.  
Milwaukie, Oregon 97222  
May 25, 1985

RECEIVED

MAY 28 1985

PLANNING

Milwaukie Planning Commission  
City Hall  
10722 S.E. Main Street  
Milwaukie, Oregon 97222

Dear Members:

The preliminary plat approved for the Deering property development (Phase II of Montgomery Estates) at the Planning Commission meeting of May 14, 1985 contains several flaws. The purpose of this letter is to clarify and extend my comments expressed at that meeting and to offer constructive alternatives for your consideration.

Cul-de-sacs, in general, should be avoided where viable alternatives exist for the following reasons:

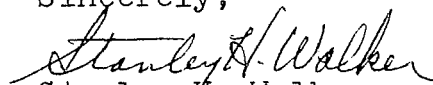
- . They complicate fire protection - if a fire truck makes a wrong turn into one a life could be lost while the truck is trying to extract itself.
- . They make it more difficult for a citizen to find a new address.
- . They do not provide adequate parking for the residents.
- . The odd shape of the lots often makes siting of nice homes difficult.

Furthur, in this instance, the use of a cul-de-sac has additional disadvantages such as:

- . Tax Lot #2500 (the adjacent property to the south) is 180 feet in width, this dimension does not lend itself to economical development unless 63rd is available to the north.
- . If economic development of Tax Lot #2500 is adversely impacted it will furthur delay and complicate other property development to the south.
- . It ignors long standing plans for the ultimate development of the neighborhood, which can be verified by looking at the records for the Walker Park development. This includes proper alignment of both 63rd and 64th.

The above difficulties could be avoided with little adverse impact on the developers of the Deering property by changing proposed Deering Court into an access street to 63rd. There are two sketches showing how this could be done. The first has minimal changes from the proposed plat while the second has greater changes but produces more valuable and desirable lots.

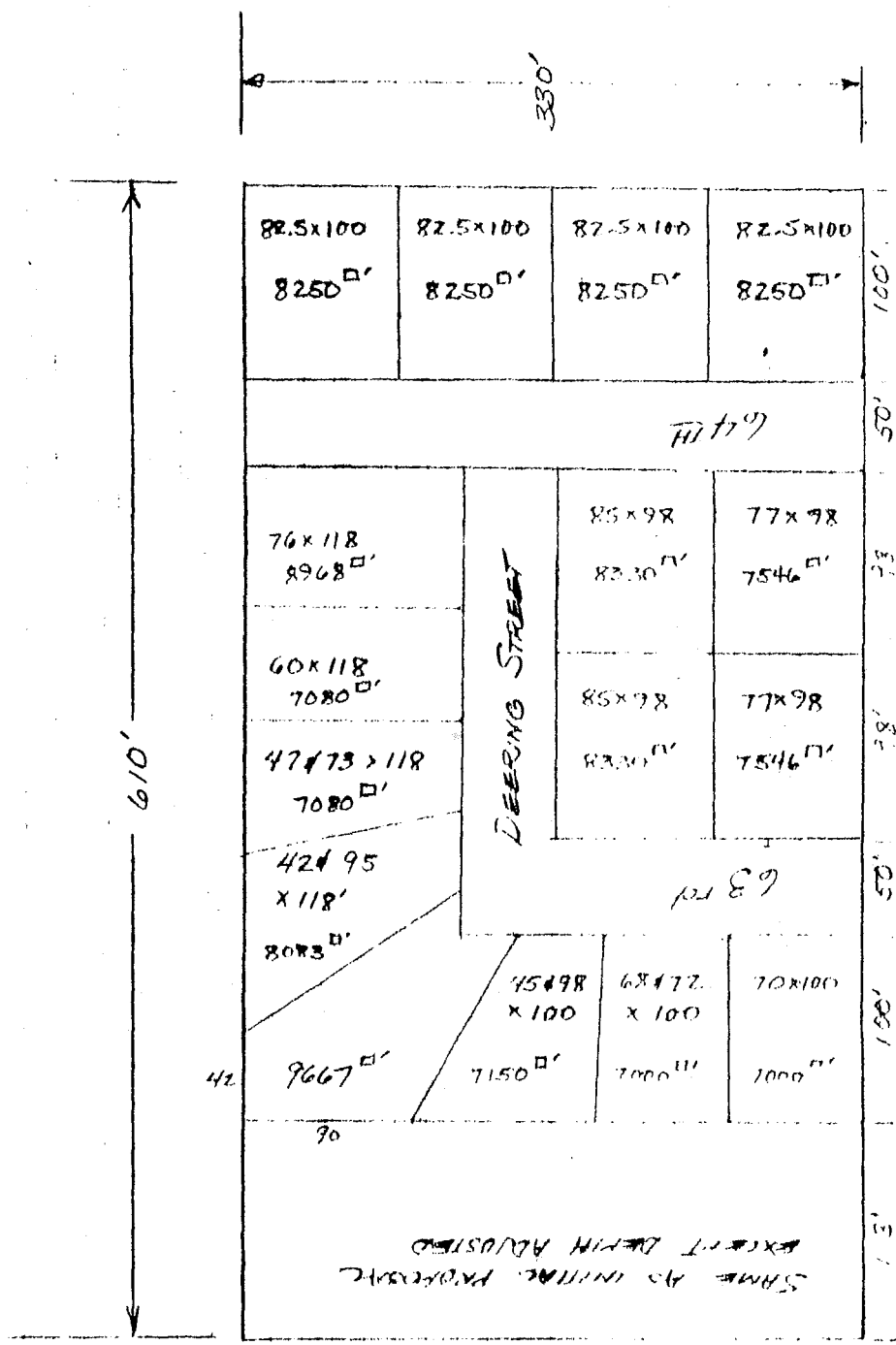
Sincerely,

  
Stanley H. Walker

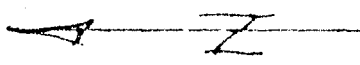
Enclosures

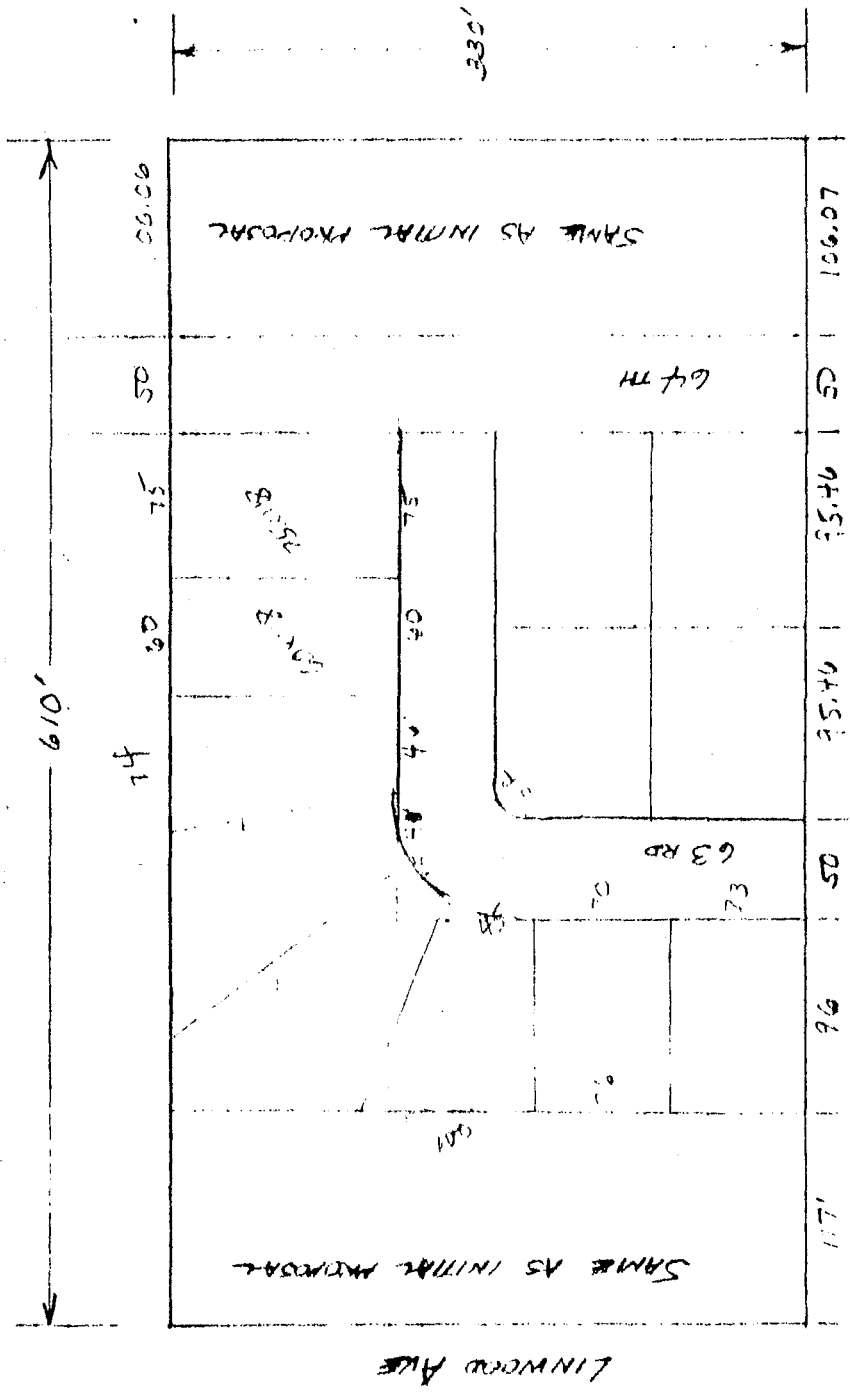
III 26  
 RECEIVED  
 MAY 28 1985  
 PLANNING

APPAR SCALE 1" = 10 FEET



PREFERRED ALTERNATIVE  
 PHASE II MONTGOMERY ESTATES





MINOR ADJUSTMENTS TO  
 PHASE II, MONTECMEY ESTATES



May 20, 1985

III 29  
RECEIVED

MAY 24 1985

PLANNING

Milwaukie City Council Members & Planning Department  
City Hall  
10722 SE Main  
Milwaukie, OR 97222

Dear Sirs:

This letter is an appeal in regard to the preliminary plat approval of a 19-lot subdivision located east of Linwood Avenue and west of Charles Street which was approved at the meeting on Tuesday, May 14.

We feel that it would be more advantageous for the construction of 63rd Street to be a through street, instead of a cul-do-sac, for the purpose of fire protection and also to alleviate the heavy traffic flow currently experienced on Linwood Avenue.

We also object to the 19-lots. We feel the lot sizes should be larger. The homes currently surrounding this area are larger with considerably larger lots. A development such as the one proposed, with smaller homes and lower income-type housing, will decrease the market value of the existing homes around it.

This proposal appears to be only advantageous to a few citizens and not to the existing homes and community as a whole.

Our tax lot (2604) is not directly affected by this present proposal. However, in future development of 63rd Street it will be affected and we would like to express in this letter our vehement objection to any proposal for a street to go through from Linwood to 64th, which would pass by the north portion of our property. We would appreciate being contacted when proposed plans begin on that phase of the project.

Thank you in advance for your consideration in this matter.

Sincerely,

*Michael W. Guinn*  
*Nancy J. Guinn*

MICHAEL W. & NANCY J. GUINN  
11452 SE Linwood  
Milwaukie, OR 97222  
659-8442

TO: Hugh Brown  
City Manager

FROM: Steven Hall  
Public Works Director *A.M.Z.*

RE: Clackamas Coordinating Transportation Committee  
Project recommendation

DATE: May 23, 1985

### ACTION REQUESTED

City Council approve resolution endorsing the document titled "Recommendations on Transportation Priorities Regarding Clackamas County Projects on the Interstate System, the State Highway System, and Local Economic Development Projects".

### BACKGROUND

On 2 April 1985 the City Council adopted a resolution authorizing City participation in the Clackamas County/Cities Transportation Committee as noted above. Steve Hall, Public Works Director was appointed as staff representative to that committee with Paul Roeger, Office Engineer as alternate.

Through a series of several meetings, the staffs of the individual divisions have reduced an initial large list of projects to the list in the attached document, which we feel has the needs of the entire area in mind. That same list of projects has the best chance of meeting the criteria of the State and Federal government for successful funding in the future.

The list of recommended projects begin on page 3 of the report, and include seven Federal Aid Interstate (FAI) projects. FAI projects must be related to Interstate freeways only. Projects 1 and 2 are the most closely related projects to Milwaukie. Interstate 205 is the only FAI route near Milwaukie, and therefore all projects within the area are proposed for I-205.

The recommended State Federal Aid Primary (FAP) list begins on page 4. Three projects are listed within that system. Federal Aid Primary systems include McLoughlin Blvd. and Highway 224 in the Milwaukie area. The project includes the improvement of McLoughlin Blvd. and the City Council may wish to include the current resolution of the Council on this project to clarify the City's stance in support of this project.

The other project, which is listed on page 6, deals with a study of the Milwaukie expressway to investigate the possibility of future grade-separation interchanges on that highway. As staff representative for Milwaukie, I noted to the Committee that the

City of Milwaukie would require a thorough Traffic Impact Analysis on the internal system of the City of Milwaukie as it would relate to any future potential grant applications for specific grade-separation interchanges.

The third segment of projects are on Federal Aid Urban routes (FAU) and have to be tied directly to economic development. A total of nine projects are listed within that classification. Project 16 on page 9 relates directly to the City of Milwaukie and I believe it is a good, strong candidate for these fundings. The proposal would improve 37th Avenue from Highway 224 to Monroe Street. With the potential development of the Industrial zoned land located particularly between Railroad Avenue and Highway 224, this project has a high potential for generating industrial development. My initial comments indicated to the Committee that the City would work with adjacent property owners to see if the local match for the project could be made up of property owner and City contributions.

The second project of interest to the City is #15 on page 8 on Johnson Creek Blvd. This would complete the Lester Road Interchange by constructing a widened roadway between 82nd Ave. and the I-205/Lester Interchange. Initially this project was proposed from S.E. 45th Avenue to the I-205 interchange. I indicated to the Committee that the City of Milwaukie had a strong objection to the entire proposal, and would not support it until such time as an alternative from S.E. 45th to McLoughlin Blvd. was being considered.

The Committee will continue in an active role in an attempt to coordinate the transportation needs and grant applications of Clackamas County in other areas of grants as they become available. The staff of Milwaukie will keep you apprised of any future considerations and proposals as they are considered by this committee.

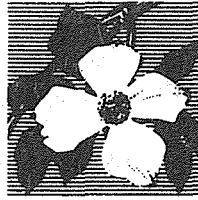
**SUMMARY**

1. City Council endorsed the Transportation Committee.
2. Projects listed are in the best interest of the City of Milwaukie and other jurisdictions.
3. Staff recommends approval of the attached document.

enclosure: proposed resolution  
report

SMH/cjl

# CITY OF MILWAUKIE



IVD I

FINANCE DEPARTMENT  
in the City Hall • phone 659-5171

## MEMORANDUM

TO: HUGH H. BROWN, CITY MANAGER  
FROM: MARGARET A. POST, FINANCE DIRECTOR  
DATE: MAY 29, 1985  
RE: BUDGET TRANSFERS

*Marge Post*

Attached is a resolution transferring appropriations within the general fund to ensure adequate appropriations through June 30th. Additional transfers may also be required at the June 18th meeting.

The City Council transfer is due to slightly higher than projected expenditures, and the City Hall transfer is due to additional unforeseen costs in telephone and repairs. Also included is the appropriation for the Development Coordinator.

If additional information is required, please advise me.

Attachment

MAP:cds

Approval Recommended

*Hugh H. Brown*

Hugh H. Brown  
City Manager

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AUTHORIZING TRANSFER OF APPROPRIATIONS

WHEREAS, the City of Milwaukie has added the position of Development Coordinator in Planning; and

WHEREAS, appropriation adjustments are required for unforeseen expenditures at time of Budget preparation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, that the following appropriations are transferred as set forth below:

<u>Transfer From:</u>	<u>Transfer To:</u>
1. General Fund, General Government \$8,225	General Fund, Community Services, Planning \$8,225
2. General Fund, Personnel \$500	General Fund, City Council \$500
3. General Fund, Finance \$4,000	General Fund, Community Services, City Hall \$4,000

Introduced and adopted by the City Council of the City of Milwaukie on June 4, 1985.

Ronald D. Kinsella, Mayor

ATTEST:  
Margaret A. Post  
Margaret A. Post, Finance Director

Approved as to form:  
Greg Eades, City Attorney

MILWAUKIE  
CITY COUNCIL MEETING  
MAY 21, 1985

VAI

COUNCIL CHAMBERS

1480TH MEETING

THE ONE THOUSAND FOUR HUNDRED EIGHTIETH MEETING OF THE MILWAUKIE CITY COUNCIL WAS HELD ON MAY, 21, 1985, WITH THE FOLLOWING COUNCILORS PRESENT:

MAYOR RON KINSELLA  
CRAIG LOMNICKI

ROGER HALL  
MIKE RICHMOND

ALSO PRESENT:

HUGH BROWN, CITY MANAGER  
GREG EADES, CITY ATTORNEY  
SANDY MILLER, ASST. TO THE  
CITY MANAGER

STEVE HALL, PUBLIC WRKS DIR.  
MARY NEWELL, HEARINGS REPORTER

AUDIENCE PARTICIPATION

GOOD NEWS

- 1) A THANK YOU CARD WAS RECEIVED FROM THE MILWAUKIE SENIOR CENTER FOR COUNCIL'S PRESENCE AT THE OLDER AMERICAN'S CELEBRATION ON MAY 14TH.
- 2) JOHN KING, A VICTIM OF TURET'S SYNDROME (PHONETIC), WILL BE ABLE TO ATTEND CAMP IN OKLAHOMA THANKS TO THE FUND-RAISING ACTIVITIES OF AND CONTRIBUTIONS FROM THE MILWAUKIE JAYCEES AND MEMBERS OF THE COMMUNITY.
- 3) COUNCILMEMBER HALL REPORTED THAT DOGWOOD PARK WAS 'COMING ALONG', WITH SOME PEOPLE GETTING OUT TO ENJOY IT ALREADY.

RECEIPT OF BEQUEST FROM KING FAMILY

GEORGE VAN BERGEN REPORTED THAT MR. CLARK KING'S BEQUEST TO THE CITY OF MILWAUKIE FOR LIBRARY IMPROVEMENTS AMOUNTED TO \$113,000 AND EXPRESSED HOPE FOR ADDITIONAL MATCHING FUNDS. PROPOSED PLANS FOR EXPANSION BEING CONSIDERED BY THE LIBRARY BOARD WERE PRESENTED. CAROL SWEDBURG, THE REPRESENTATIVE FOR THE ESTATE, FEELS THAT THE GIFT WILL BENEFIT THE CITY AND GIVE PLEASURE TO MANY PEOPLE.

RECESS WAS CALLED AT 7:15 P.M.

AT THIS TIME, MAYOR KINSELLA PROCLAIMED CHUCK LIMBAUGH HONORARY MAYOR FOR THE DAY AND PRESENTED HIM WITH AN AWARD FOR HAVING THE TALLEST DOGWOOD TREE IN MILWAUKIE. IN CELEBRATION OF MILWAUKIE'S 82ND BIRTHDAY AND MAY 21ST HAVING BEEN PROCLAIMED 'DOGWOOD DAY,' CAKE AND REFRESHMENTS WERE SERVED WITH MR. LIMBAUGH CUTTING THE CAKE.

COUNCIL RECONVENED AT 7:30 P.M. WITH HONORARY MAYOR CALLING THE MEETING TO ORDER.

JOHNSON CREEK BLVD-ARDENWALD NEIGHBORHOOD ASSOCIATION

RICHARD CAYO, REPRESENTING THE JOHNSON CREEK-ARDENWALD NEIGHBORHOOD ASSOCIATION, REQUESTED THAT COUNCIL AUTHORIZE THE INSTALLATION OF TWO STOP SIGNS AT THE INTERSECTIONS OF JOHNSON CREEK BLVD. AND 36TH AND 42ND STREETS. CITED WERE THE VOLUME OF TRAFFIC, EXCESSIVE SPEEDING OF VEHICLES, AND VIBRATION DAMAGE DUE TO LARGE TRUCKS AND BUSES USING JOHNSON CREEK. PRESENTED AS SUPPORT WERE PETITIONS CONTAINING SIGNATURES OF RESIDENTS LIVING IN THE JOHNSON CREEK AREA.

MAYOR KINSELLA INDICATED THE REASON THAT THE SIGNS HAD NOT BEEN ERECTED WAS BECAUSE THE TRAFFIC SAFETY COMMISSION FELT THE SIGNS WOULD CREATE AN UNSAFE SITUATION DUE TO THE TRAFFIC FLOW ALONG JOHNSON CREEK.

THE CITY MANAGER STATED THAT THEY HAD BEEN MONITORING THE SITUATION FOR A LENGTH OF TIME AND WERE ATTEMPTING TO RESOLVE IT BY WAY OF A LONG-TERM SOLUTION IN CONJUNCTION WITH EFFORTS BY CLACKAMAS COUNTY AND THE CITY OF PORTLAND.

ARNOLD HATLELID QUESTIONED THE POLICY THAT NO CITATIONS WERE BEING ISSUED FOR SPEEDERS GOING 30-35 MPH AND SUGGESTED THAT IF THE INTERSECTION AT 36TH WAS WITHIN THE CITY OF PORTLAND IT WOULD BE NECESSARY TO CONTACT THEM REGARDING THE STOP SIGN FOR THAT INTERSECTION. MAYOR KINSELLA VERIFIED THAT 36TH WAS WITHIN PORTLAND BOUNDARIES.

LILLY MOORE, 4001 SE JOHNSON CREEK BLVD., INDICATED THAT DUE TO EXCESSIVE TRAFFIC ALONG THE STREET IT WAS UNSAFE FOR PEDESTRIANS TO CROSS. SHE STATED THAT IN YEARS PAST THERE HAD BEEN CROSSWALKS IN THE AREA AND SUGGESTED THAT THEY MIGHT BE OF USE.

MARION BRUMHEE, A RESIDENT ON JOHNSON CREEK BLVD., TESTIFIED THAT SEVERAL ACCIDENTS HAD OCCURED IN HER OWN FRONT YARD.

JIM BACKENSTOS, 3626 SE HARRISON, EXPRESSED AGREEMENT WITH THE REQUEST OF JOHNSON CREEK RESIDENTS AND ENCOURAGED THE COUNCIL TO APPROVE THE REQUEST.

JON EGGE, REPRESENTING HIMSELF AND THE CHAMBER OF COMMERCE, VOICED SYMPATHY WITH THE RESIDENTS OF THE JOHNSON CREEK AREA, BUT EXPRESSED CONCERN THAT THE STOP SIGNS WOULD NOT BE THE SOLUTION TO THEIR PROBLEMS. HE ADDRESSED THE BROADER ISSUE OF THE TACOMA STREET INTERCHANGE AND THE BYPASS DOWN THE GULLY. HE STATED THAT THE CHAMBER OF COMMERCE AGREED WITH THE LONG-TERM PLAN BUT SUGGESTED THAT IMPROVEMENTS TO JOHNSON CREEK COULD ONLY FORESTALL CARRYING OUT THE BYPASS IMPROVEMENT AND SUGGESTED THAT IT WOULD BE NECESSARY TO LISTEN TO THE EXPERTS ON THE STOP SIGNS BEFORE A DECISION COULD BE MADE.

COUNCILMEMBER LOMNICKI SUBMITTED DATA TO COUNCIL REFUTING A REPORT SUBMITTED BY THE TRAFFIC SAFETY COMMISSION REGARDING THE NEED FOR SIGNS ALONG JOHNSON CREEK BLVD. CITING THIS

JOHNSON CREEK BLVD- ARDENWALD. . . .  
DATA AND NEIGHBORHOOD SUPPORT, HE MOVED THAT COUNCIL APPROVE  
THE PLACING OF A SIGN ON JOHNSON CREEK BLVD. AND 42ND AVE.  
COUNCILMEMBER HALL SECONDED THE MOTION.

STEVE HALL CORRECTED COUNCILMEMBER LOMNICKI'S ASSUMPTION  
ON THE POINT REGARDING THE 85 PERCENTILE SPEED. DISCUSSION  
FOLLOWED; HALL SUGGESTED THAT THIS MATTER BE REFERRED TO THE  
TRAFFIC SAFETY COMMISSION SO THEY COULD VERIFY THE DETAILS,  
SPEAK WITH JOHNSON CREEK RESIDENTS AND COME BACK WITH AN  
ALTERNATIVE PLAN. THE MOTION WAS VOTED UPON WITH COUNCILMEMBER  
LOMNICKI AND COUNCILMEMBER HALL IN SUPPORT, AND MAYOR KINSELLA  
AND COUNCILMEMBER RICHMOND OPPOSING. A RECOMMENDATION WAS MADE  
TO SEND THE MATTER BACK TO THE TRAFFIC SAFETY COMMISSION,  
TOGETHER WITH COUNCILMEMBER LOMNICKI'S REPORT AND TESTIMONY  
FROM NEIGHBORHOOD RESIDENTS, FOR RECONSIDERATION. THE  
MATTER WAS HELD OVER TO THE NEXT COUNCIL MEETING PENDING  
REFERRAL TO THE TRAFFIC SAFETY COMMISSION.

RECESS AT 9:00 P.M.

COUNCIL RECONVENED AT 9:10 P.M.

IRV KRIEGLER, A RESIDENT ON HARRISON STREET, BROUGHT TO THE  
ATTENTION OF THE CITY COUNCIL, PROBLEMS WHICH MAY BE CREATED  
BY A RE-ROUTING OF TRI-MET BUSES. ACCORDING TO STEVE HALL  
THERE SEEMED TO BE A CONFLICT WITH HIS UNDERSTANDING OF TRI-  
MET'S PLANS AND MR. KRIEGLER'S UNDERSTANDING OF THOSE SAME PLANS.  
COUNCIL SUGGESTED THAT HALL CLARIFY WITH TRI-MET THE PROPOSED  
ROUTE CHANGES AND REPORT TO MR. KRIEGLER HIS FINDINGS.

OTHER BUSINESS

DISCUSSION OF DOWNTOWN PARKING

MR. JOE BERNARD PRESENTED HIS REPORT ON THE SURVEY OF DOWNTOWN  
PARKING TIME LIMITS INDICATING THAT THE DOWNTOWN MERCHANTS  
RECOMMENDED POSTING 1 HOUR LIMITS ON PARKING FROM 9 TO 5,  
MONDAY THROUGH FRIDAY IN THE DOWNTOWN CORE AREA, WITH THE  
EXCEPTION OF THE AREA FROM MAIN TO JEFFERSON. THE MERCHANTS  
EXTENDED THAT PARKING LIMITATION THROUGH SATURDAY FOR THE AREA  
BETWEEN MAIN AND JEFFERSON TO RESPOND TO THE COMPLAINTS FROM  
MERCHANTS REGARDING THEATER PARKING DURING THE MATINEE. MR.  
BERNARD SUGGESTED APPROVAL OF THESE LIMITS WITH THE FOLLOWING  
RECOMMENDATIONS. EMPHASIZE FREE PARKING IN THE SOUTHERN PACIFIC  
LOT, ISSUE COURTESY PARKING TICKETS DURING THE FIRST TWO  
WEEKS OF ENFORCEMENT AND REVIEW CHANGES AFTER 90 DAYS.  
COUNCILMEMBER LOMNICKI MOVED THAT RECOMMENDATIONS BE APPROVED  
AS STATED AND MAYOR KINSELLA SECONDED THE MOTION.

DISCUSSION OF SEWER RATE INCREASE REQUEST - RESOLUTION

STEVE HALL PRESENTED A SLIDE PROGRAM TO SHOW HOW SEWER FUNDS  
ARE UTILIZED FOR MAINTENANCE, REPAIR AND CONSTRUCTION OF

DISCUSSION OF SEWER RATE INCREASE REQUEST-RESOLUTION (CONT'D)  
MILWAUKIE'S SEWER SYSTEM. MAYOR KINSELLA NOTED THAT THERE HAD BEEN A WORKSESSION PRIOR TO THE CITY COUNCIL MEETING REGARDING THE SEWER RATE INCREASE AND THAT COUNCIL HAD PRESENTED THEIR QUESTIONS AT THAT TIME. COUNCILMEMBER RICHMOND MOVED TO ADOPT THE RESOLUTION AUTHORIZING THE SEWER RATE INCREASE AS OUTLINED IN THE RESOLUTION AND COUNCILMEMBER LOMNICKI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY AND RESOLUTION NO. 9-1985 WAS ADOPTED.

DISCUSSION OF JOB DESCRIPTIONS AND CIVIL SERVICE  
COUNCILMEMBER SANDUSKY ARRIVED AT 10:10 P.M. JUST AFTER THE START OF THE TESTIMONY ON THIS MATTER.

THE CITY MANAGER INDICATED THAT THE MATTER FOR CONSIDERATION WAS BROUGHT BEFORE CITY COUNCIL IN ORDER TO CLARIFY THE INTERPRETATION OF ONE OF THE CIVIL SERVICE RULES REGARDING JOB DESCRIPTIONS. HE SUGGESTED THAT THE ADMINISTRATION SHOULD BE ALLOWED TO REQUIRE EMPLOYEES TO PERFORM TASKS NOT IDENTIFIED IN THEIR JOB DESCRIPTION IF THE REQUESTS WERE NOT FREQUENT. CITY ATTORNEY EADES INDICATED THAT THE LANGUAGE COULD BE CONSTRUED AS CONTRADICTORY AND SHOULD BE CLARIFIED. GORDON MORTERUD, CHAIRMAN OF THE CIVIL SERVICE COMMISSION, STATED THAT JOB DESCRIPTIONS WOULD BE USELESS IF THEY COULD NOT BE ENFORCED. DISCUSSION FOLLOWED, COUNCIL DETERMINED BY CONSENSUS TO REFER THE ISSUE BACK TO THE CIVIL SERVICE COMMISSION WITH A REQUEST TO CONSIDER A RULE CHANGE TO BE PROPOSED BY THE STAFF.

COUNCILMEMBER SANDUSKY REQUESTED FIGURES ON HOW MANY EMPLOYEES HAD BEEN ASKED TO PERFORM WORK OUTSIDE THEIR JOB DESCRIPTION IN ORDER TO DETERMINE THE DEGREE OF THE COMPLAINT.

CONSENT AGENDA

COUNCILMEMBER LOMNICKI MOVED TO APPROVE THE CITY COUNCIL MINUTES OF MAY 7, 1985, AND COUNCILMEMBER SANDUSKY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

INFORMATION

CITY MANAGER HUGH BROWN REMINDED COUNCIL OF THE TOWN HALL MEETINGS TO DISCUSS THE PROPOSED STREET IMPROVEMENTS.

COUNCILMEMBER LOMNICKI ASKED WHETHER THE CABLE COMPANY HAD NOTIFIED ITS CUSTOMERS OF THE RATE INCREASE. THE CITY MANAGER INDICATED THAT A NOTICE WAS ON CABLE CHANNELS AND WOULD BE INCLUDED WITH THE JUNE CABLE BILLING.

CITY COUNCIL MINUTES  
MAY 21, 1985  
PAGE FIVE

VAS

ADJOURNMENT

COUNCILMEMBER HALL MOVED TO ADJOURN AND COUNCILMEMBER RICHMOND  
SECONDED TO MOTION.

THE MOTION CARRIED UNANIMOUSLY. THE MEETING WAS ADJOURNED  
AT 11:10 P.M.

M E M O R A N D U M

VBI

TO: Hugh H. Brown, City Manager  
FROM: Ronald D. Goodpaster, Chief of Police  
DATE: May 29, 1985  
SUBJECT: APPLICATION FOR LIQUOR LICENSE

RD

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 requested license.

La Coz, Ltd.  
dba JOE'S WAREHOUSE RESTAURANT  
12300 SE Mallard Way  
Milwaukie, Oregon 97222

RDG:ck

CITY OF MILWAUKIE  
 BILLS PAYABLE JUNE 4, 1985

1.	A. Beeper Company Associates	153.00	1-53	101.00
			1-91	26.00
			4-	8.66
			20-	8.67
			30-	8.67
2.	A.T. & T. Information Systems	112.61	1-32	87.81
			1-36	15.99
			1-53	8.81
3.	Alexander's Chrysler/Plymouth	66.00	1-52	66.00
4.	Apollo Pools, Inc.	32.50	4-	32.50
5.	Associated Janitor Supplies	45.65	1-32	10.45
			1-52	35.20
6.	BS Rental Center	141.00	1-36	141.00
7.	Baker & Taylor	2,596.50	1-34	2,596.50
8.	Bartel, Raymond J. AIA	3,000.00	1-34	3,000.00
9.	Ben-Ko-Matic	517.00	7-	517.00
10.	Benskin, Don F.	180.00	1-93	180.00
11.	Board of Medical Examiners	80.00	1-62	80.00
12.	Bob Nagel Distributing Co.	24.44	1-52	24.44
13.	Boise Cascade Office Products	187.76	1-24	22.99
			1-26	40.51
			1-34	54.30
			1-62	69.96
14.	Bound to Stay Bound Books, Inc.	19.68	1-34	19.68
15.	Brookhouse, Joy A.	25.70	1-21	25.70
16.	Brownell Sound & Hi Fi	76.22	1-21	76.22
17.	The Business Journal	36.00	1-34	36.00
18.	Chevron U.S.A. Inc.	105.60	4-	105.60
19.	Clackamas Steel Fabricating	19.55	1-36	19.55
20.	Clumpner, W.H.	25.40	1-32	25.40
21.	The Comet Handbook	11.50	1-34	11.50
22.	Clackamas Cty. Animal Control	390.00	1-52	390.00
23.	" " Environmental Svcs.	475.57	4-	475.57
24.	" " Finance	275.64	3-	275.64
25.	" " Fire Dist. #1	37.50	1-62	37.50
26.	" " Service Dist. #1	38,492.34	20-	38,492.34
27.	" " Sheriff's Dept.	4.20	1-52	4.20
28.	Dick's Pump & Equipment	46.30	7-	46.30
29.	Dralle International Trucks, Inc.	9.30	7-	9.30
30.	F & M Plumbing	23.00	30-	23.00
31.	Finzer Business Systems	289.00	1-23	289.00
32.	Fire Chief Magazine	18.00	1-61	18.00
33.	H.D. Fowler Company	133.88	4-	133.88
34.	G.I. Joe's	139.98	4-	46.66
			20	46.66
			30-	46.66
35.	Gaylord Industries, Inc.	259.37	1-32	259.37
36.	Graham's Book & Stationery	46.48	1-23	7.11
			1-52	39.37

CITY OF MILWAUKIE  
 BILLS PAYABLE JUNE 4, 1985

37.	Graphic Products, Inc.	91.20	1-92	91.20
38.	Haddix, Yvonne	59.00	1-32	59.00
39.	Harris Uniforms	34.50	1-52	34.50
40.	Harshman, Clifford	22.09	1-91	22.09
41.	Higgins Signs	68.00	1-52	68.00
42.	Hopp's Upholstery	68.50	1-51	68.50
43.	Horton Electric	174.85	1-34	123.65
			30-	51.20
44.	International Conference of Building Officials	120.00	1-62	120.00
45.	John W. Negus Company	51.00	1-32	51.00
46.	Keller Supply	21.74	1-36	5.93
			30-	15.81
47.	Kelly Services, Inc.	220.16	1-23	220.16
48.	Knosalla, Blanche	2.20	1-32	2.20
49.	Labor Law Publishing	120.00	1-22	120.00
50.	Langley, Kathleen	11.20	1-32	11.20
51.	Langlitz Leathers	40.00	1-52	40.00
52.	Link Pontiac, Inc.	31.00	7-	31.00
53.	Mather & Sons Pump Service	1,019.50	30-	1,019.50
54.	Main Street Cleaners	415.70	1-52	415.70
55.	Miller, Sandra	202.76	1-28	202.76
56.	Milwaukie Floral	134.44	1-36	134.44
57.	Milwaukie Glass	109.80	1-37	109.80
58.	Mobile Radio Communications	51.25	1-62	51.25
59.	Motorola	711.50	1-52	208.50
			1-62	150.25
			4-	117.58
			20-	117.58
			30-	117.59
60.	Motor Vehicle MFGS Association	3.00	1-52	3.00
61.	NCR Credit Corporation	1,820.19	12-	1,820.19
62.	Newell, Mary E.	68.25	1-35	68.25
63.	Northwest Outdoor Equipment	55.90	1-23	21.35
			1-36	34.55
64.	Nudelman's	818.00	1-52	619.00
			1-61	199.00
65.	OSU Extension Service	92.00	1-35	92.00
66.	Olson Bros. Service, Inc.	26.55	7-	26.55
67.	Oregon Fire Equipment Co.	65.00	1-62	65.00
68.	Oregon, Dept. Motor Vehicles	20.00	1-26	20.00
69.	Oregonian (Subscription)	9.00	1-21	9.00
70.	Oregonian Publishing Co. (Ad)	156.20	1-52	156.20
71.	P. G. E.	20,593.92	1-41	20,256.05
			1-53	337.87
72.	P.M. Printing	47.50	1-31	22.50
			1-53	25.00
73.	Pacific Northwest Bell	474.52	1-21	47.98
			1-32	234.26
			1-36	65.68
			1-53	126.60

CITY OF MILWAUKIE  
BILLS PAYABLE JUNE 4, 1985

VIA 3

74.	Pacific Rock Products	230.96		230.96
75.	Pacific Western Bank	218.45	4-	218.45
76.	Park, Irene J.	9.80	1-23	9.80
77.	Petty Cash	427.82	1-32	12.99
			1-10	15.15
			1-21	29.90
			1-23	1.75
			1-26	38.71
			1-34	10.33
			1-35	29.85
			1-36	8.62
			1-37	11.65
			1-51	54.25
			1-52	7.21
			1-53	36.15
			1-61	81.41
			1-62	28.93
			1-63	17.00
			1-91	8.68
			4-	25.09
			7-	10.15
			30-	212.40
78.	Port, Richard F.	212.40	4-	212.40
79.	Portland, City of	57.50	1-52	57.50
80.	Portland Observer	42.00	1-53	42.00
81.	Queen Pump Company	4,354.50	30-	4,354.50
82.	Quinlan Publishing Co., Inc.	36.00	1-52	36.00
83.	Radio Shack	69.95	1-52	69.95
84.	Recker, Yvonne	27.80	1-32	27.80
85.	Rehabco Pipe Service, Inc.	4,608.39	20-	4,608.39
86.	Rao, Rishinath L.	120.00	1-35	120.00
87.	Robbin Oil Company	188.67	1-37	188.67
88.	Rock Creek Sand & Gravel	214.50	4-	214.50
89.	Safety-Kleen Corp.	44.25	4-	14.75
			20-	14.75
			30-	14.75
90.	Salem, City of	22.75	1-28	22.75
91.	Southgate Animal Clinic	4.00	1-52	4.00
92.	Spielmann, Dana M.	255.50	1-21	255.50
93.	Supplyways Paper Co.	73.22	1-24	73.22
94.	U.S. Pipe & Foundry	597.42	30-	597.42
95.	Valley River Inn	143.10	1-61	143.10
96.	Vancouver, Washington, City of	2,000.00	1-52	2,000.00
97.	Water Metrics	1,851.56	30-	1,851.56
98.	Western Pacific Construction Materials	217.07	4-	217.07
99.	Wiens, Arthur N. Ph.D.	275.00	1-52	275.00
100.	Willamette Dog & Cat Hospital	20.00	1-52	20.00
101.	Woodroof, Jacqueline	9.00	1-32	9.00
102.	Xerox Corporation	210.00	1-62	210.00
103.	Bernard's Garage	143.06	1-52	143.06
		\$92,811.76		\$92,811.76

CHART OF ACCOUNTS  
FUNDS & DEPARTMENTS

VIA 4

- 01 General Fund
  - 10 City Council
  - 21 City Administration
  - 22 City Attorney
  - 23 Finance
  - 24 Purchasing
  - 26 Court
  - 27 Cable Franchise
  - 28 Personnel
  - 31 Community Services Administration
  - 32 Milwaukee Center
  - 34 Library
  - 35 Planning
  - 36 Parks & Recreation
  - 37 City Hall
  - 41 General Government
  - 51 Police Administration
  - 52 Field Services
  - 53 Support Services
  - 61 Fire Administration
  - 62 Fire Suppression
  - 63 Fire Prevention
  - 91 Public Works Administration
  - 92 Public Works Engineering
  - 93 Public Work Building
- 03 Equipment Reserve Fund
- 04 State Tax Street Fund
- 05 Improvement Bond Sinking Fund
- 06 Street Improvement Fund
- 07 Equipment Repair Fund
- 09 Bike Path Fund
- 10 Fixed Asset Account Group
- 12 Federal Revenue Sharing Fund
- 13 Community Development Fund
- 20 Sewer Fund
- 30 Water Fund

PLANNING COMMISSION MINUTES

VIBI

REGULAR MEETING

APRIL 9, 1985

MEMBERS PRESENT

JOHN LITTLEHALES  
DON TROTTER  
BOB BROWN  
BETTY ROHOLT  
BOB KNUDSON  
AL LIANE

STAFF PRESENT

TOPAZ FAULKNER, PLANNING  
DIRECTOR  
STEVE HALL, PUBLIC WORKS  
DIRECTOR  
ISABEL WHEATLEY  
SUBSTITUTE STENOGRAPHER

EXCUSED ABSENCES

JOHN FOSTER  
LORI MASTRANTONIO-MEUSER,  
ASSOCIATE PLANNER

1.0 Mr. Littlehales called the meeting to order at 6:35 PM.

3.1 Mr. John Kaufman, Solar Specialist with the Oregon Department of Energy (ODOE), made a presentation regarding a Metropolitan Area Solar Access Project to be funded by a Bonneville Power Administration (BPA) grant program. ODOE is encouraging Multnomah, Washington, Clackamas and Clark County to join in a single grant proposal submitted to BPA, for a joint project to study solar access for the region and develop a single set of guidelines. ODOE and the Washington State Energy Office (WSEO), are offering to prepare the grant proposal at no cost to the local governments.

The benefits include: Only one proposal submitted for BPA to fund, review and administer; technical assistance from both Washington and Oregon Offices of Energy; sharing of resources and information by local governments; funding to defray cost of consultant and offset any nominal staff time that might be involved; offers a consistent set of standards with which builders and developers can work. The end result would be a model set of regulations.

Mr. Kaufman explained that solar access is providing and protecting a direct line of path to the sun. Both providing and protecting are necessary. Solar access saves money, reduces home energy cost, preserves opportunities to use solar energy in the future, costs little or nothing, enjoys wide public support, and encourages use of solar energy.

Mr. Kaufman went on to report that seventeen Oregon communities have adopted solar access regulations. Oregon is considered the leader in the nation in solar access. Ashland's solar access ordinances are used as a model across the nation.

Mr. Kaufman stressed the need for some formal recognition of the proposal from cities willing to participate.

Ms. Roholt made a Motion to recommend to City Council that we adopt the resolution of the Portland Metropolitan Area Solar Access Project. Mr. Brown seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

CITY OF MILWAUKIE PLANNING COMMISSION  
PLANNING COMMISSION MINUTES  
REGULAR MEETING APRIL 09, 1985

VIB 2

- 4.1 APPLICANT - PURPLE UNICORN CERAMICS  
PROPERTY OWNER - KATHERINE BAKER  
LOCATION - 3926 SE ADAMS  
PROPOSAL - THE APPLICANT IS APPEALING THE ADMINISTRATIVE DECISION  
DENYING A BUSINESS LICENSE FOR WHOLESALE AND RETAIL SALES &  
CLASSES FOR CERAMICS IN A RESIDENTIAL ZONE. (A-BL-85-1)  
(TAX LOT 3500 of TAX MAP 1 1E 36AD).

There was no conflict of interest on the part of the Planning Commission members.

Topaz presented the Staff Report.

Mr. Littlehales asked if Staff was specifying a limit to the size of the classes except for the limits in the Home Occupation Standards. Topaz said no, since the standards limit classes to a maximum of five students.

Mr. Trotter asked how it was determined that there should be classes only three nights a week. Topaz responded that it was a subjective determination. She felt that the one class per evening, not more than three evenings a week, would be a level which she could accept in her neighborhood where parking is a difficult situation.

Ms. Baker indicated that the Staff Report met her needs.

Mr. Trotter asked Ms. Baker if she were willing to accept only one class, three nights a week. Ms. Baker explained that she wouldn't have time to run more than one class in the evening since a class runs from 1-3 hours.

Mr. Littlehales questioned Ms. Baker about her answer to #9 on the Home Occupation Application where it asks, "Will there be more than 5 people enrolled for instruction", and Ms. Baker had written in the answer "yes". Ms. Baker explained that at the time, she thought she would have more students, but she now realizes she wouldn't have room for more than five students. Ms. Baker would now answer "no" to that question.

Mr. Knudson asked on what street the entrance to the garage is located. Ms. Baker said it was on Adams.

TESTIMONY IN FAVOR

None

NO QUESTIONS ABOUT APPLICATION

NO OPPOSITION

Mr. Littlehales closed that portion of the public hearing.

Ms. Roholt observed that since the Staff had opened up a way by setting

out some standards so that it could be accepted, then she was in favor of it. She felt that the community and neighborhood could live with the standards, and she couldn't see any problems with it.

Mr. Littlehales asked if any phone calls or correspondence had been received concerning it. Topaz said that nothing had been received.

Mr. Brown noted that it sounded like a group of people getting together to play cards in a garage and that it didn't change the residential character of the neighborhood.

Mr. Littlehales then expressed a concern on how to enforce the standards for Home Occupation and wondered if a condition should be added that it would be subject to review in six months should there be objections by the neighbors. Topaz said that the Commission has applied that condition in the past and it has been effective. It allows an opportunity for neighbors to have input later.

Mr. Brown made a Motion that the Administrative denial of the Home Occupation be upheld; and that a Home Occupation for a ceramic studio be approved with the conditions:

1. Limit of one class per evening, three times per week.
2. Sales of greenware and finished ware be limited to students or special orders.
3. That no business-related signs be erected on the site.
4. That the use comply with all Home Occupation Standards.
5. That it be subject to Planning Commission review if there are any complaints received from neighboring residents within six months.

Mr. Littlehales seconded the Motion.

#### DISCUSSION

Mr. Trotter said that the Commission needed to vote on them as two separate motions. Upholding Administration's denial of the original application is one issue and approving an application of modified appeal is a separate issue.

Ms. Roholt agreed.

Mr. Littlehales asked Ms. Baker if the revised modifications met with her approval. Ms. Baker said they did.

Mr. Littlehales asked for a vote of all those in favor of the Motion to uphold the Administrative denial. THE MOTION CARRIED UNANIMOUSLY.

Mr. Littlehales asked for a vote of all those in favor of approving the modified original request with the conditions as stated. THE MOTION CARRIED UNANIMOUSLY.

5.0 NO PUBLIC COMMENT

- 6.1 APPLICANT - JAMES DIERKING/ ED MARCKX  
PROPERTY OWNER - WINNIE PUGH, TRUSTEE  
LOCATION - EAST OF LINWOOD AVENUE AND SOUTH OF 64TH COURT  
PROPOSAL - FINAL PLAT APPROVAL OF A 17-LOT SUBDIVISION  
(S-84-5, VR-84-19) (TAX LOTS 2000/2100 of TAX  
MAP 1 2E 32BC).

Topaz presented the Staff Report. She indicated that Public Works requested recommendation #2 be amended as follows: Utilities, including street, sewer, storm and water will either be constructed under City Permit System as per Public Work Memo of January 14, 1985, or money placed in an escrow account for construction costs.

APPLICANT'S RESPONSE

SPEAKING: JAMES DIERKING, 122 SE 136th, Portland

Mr. Dierking said that the Staff Report was totally acceptable. He indicated that he had enjoyed working with the Staff of Planning and Public Works. He said they had facilitated things and not at the expense of any quality in the subdivision. He is looking forward to doing more development in Milwaukie.

NO TESTIMONY IN FAVOR OF APPLICATION

NO TESTIMONY IN OPPOSITION TO APPLICATION

CLOSING REMARKS

Mr. Dierking asked if, in order to facilitate the processing of the plat, it could be signed-off tonight as a part of the Hearing.

Mr. Littlehales said that if it is appropriate, he would be happy to sign it.

Steve Hall said he would not be able to sign the plat until the City had the financial guaranty or the developer had gone through the permit system, and completed all improvements. He said it couldn't be recorded until one of the options was completed.

The public hearing was closed.

Mr. Brown said that it looked like the plat met the conditions that had been set.

Mr. Littlehales moved to approve S-84-5, VR-84-19, subject to the two conditions as proposed by Staff, the first as written and the second as amended to add the works after the word "constructed" on the second line "under City Permit System as designated in the January 14, 1985, memo". Mr. Brown seconded the Motion. MOTION CARRIED UNANIMOUSLY.

A recess was taken at 7:30 PM and the meeting was reconvened at 7:35PM.

6.2 Consideration of revisions to the M-L and M-G Zones.

Topaz introduced the draft of a manufacturing zone that deletes the current two-zone system and modifies it. A dozen businesses in the industrial area have received copies of the draft and have been asked for their comments.

Topaz introduced Mr. Schuck, who is the plant manager of Proto Tool. He had given Topaz some input on the draft and had come tonight to offer additional comments. A letter has also been received from Dave Douthit, a partner with Lincoln Properties.

Topaz said this is an opportunity to consider a variety of issues that have been brought to her attention by both current businesses and others interested in moving to Milwaukie. Some points included in the draft are there to generate Commission discussion, others have been developed from suggestions made by people in the industrial area and from review of other industrial zones around the state.

Mr. Schuck had brought up Section 1 (d.), indicated that there was no definition for nuisance. He had suggested instead of a "period" after nuisance, add a "comma" and say "as defined by DEQ". Topaz suggested in addition to that add "and the City Noise Ordinance".

Under Prohibited Uses, Mr. Schuck brought up the question of "what is hazardous material". Topaz has already contacted the Fire Department and asked them to outline what they consider hazardous material. This information is lengthy but could be included as a footnote to the page. Mr. Littlehales suggested saying "as defined by ICC Regulations", instead of the Fire Department definition.

Topaz suggested that the terms Limited and General be dropped from the Manufacturing Zone title, since there really is no difference between the uses allowed. A look at the zoning map shows that Milwaukie has limited manufacturing, then general manufacturing, and then a bit of limited manufacturing tacked on and there is no reason why these lines are drawn between Omark in the General Manufacturing Zone and OECO, which would be right across in the zone line.

Mr. Littlehales asked if item 1(c) would be more appropriate as a Conditional Use. Topaz responded that she was suggesting it in Permitted Uses because of the type of requests that the City has had. Koll, for instance, came before the Commission requesting a mix of commercial, retail, and office along with the industrial in their area. PS Business Park came in for the same kind of mix.

Mr. Trotter said that as he compared this to the two old ordinances, M-L and M-G, it seemed to him they are abolishing the majority of the definitions of M-G. He also noted that the draft limits durable goods to "small", and suggested that the work "small" should be eliminated along with "small trans-shipment of goods".

Mr. Brown asked why it is such a specific definition in the first part of Section 1 (a). "Permitted Uses, a use which involves the collection and assembly of goods from products which have been primarily processed elsewhere, general manufacturing and production, warehousing and distribution". He observed that the first 3½ lines are specific and the last 1½ lines are general. Mr. Trotter agreed and said they were in conflict. Mr. Brown asked what the City was trying to keep out. Topaz said an example would be the current request for an M-G site for an auto body site.

Mr. Trotter observed that we are coming up with an office complex. He said that an industrial park is not a place for retail businesses, service businesses, or offices. It is primarily for manufacturing and a limited amount for warehousing. He pointed out that manufacturing produced employment for Milwaukie citizens and that warehousing offered very little employment. Topaz asked the Commission members to think about a business like COSCO that has a huge warehousing area plus a retail store in one building. They need to site in an industrial area for ease of delivery of goods and yet they may not fit in the City's current ordinance. She asked if Milwaukie really wanted to discourage them since they have a lot of employees.

Mr. Brown said that high tech businesses such as Floating Point have 2/3 of their space as office space. The product is manufactured there too, but it doesn't take up that much space.

Mr. Trotter questioned having a warehousing facility in an industrial zone. Manufacturing and warehousing in conjunction are fine, but the way it is worded, a company could come in and warehouse goods manufactured elsewhere. He thought that the last three words of Section 1(a). "Permitted Uses, a use which involves the collection and assembly of goods from products which have been primarily processed elsewhere, general manufacturing and production, warehousing and distribution", should be deleted.

Mr. Schuck asked if warehousing could be established in a commercial zone. Topaz explained that it wouldn't fit there either and that it may not fit anywhere if it is deleted from the manufacturing.

Mr. Trotter suggested that if there is a need for some warehousing within the City, the Planning Commission could establish a maximum percentage of the manufacturing zone that could be used for warehousing and distribution. The issue was discussed and the Commission asked Staff to provide data regarding the number and square footage of existing warehouses located in the Manufacturing Zones. DRAFT SECTION. "Permitted Uses, Administrative offices associated with the use, up to a maximum 50% of the floor area"

Topaz said that companies are saying they need a mix of uses, including offices in the Manufacturing Zone.

Mr. Brown observed that it may be preferable for this zone to be an employment center, high density employment.

Mr. Trotter said that he sees too much office space without manufacturing. He suggested that the new ordinance could state that manufacturing uses which have more than 30% in office use would become a conditional use and would have to come before the Commission. He further stated that the offices should be tied to the manufacturing use. He suggested deleting the word "administrative" and leaving the words "offices associated with the use".

DRAFT SECTION 1 (c). "Permitted Uses, Retail/commercial uses, up to a maximum of 3000 square feet, that provide supporting activities for manufacturing uses".

Mr. Trotter said that the first problem is that we have a 3,000 square foot limit without any regard to size of site and the second problem is what is a "supporting activity". He thought that examples of supporting activities needed to be included. He further suggested that 10% of the site be for supporting activities; anything over that would be a conditional use. After discussing the matter, the Commission members suggested that a maximum of 5% be used for supporting activities.

DRAFT SECTION 1(d). "Permitted Uses, May produce small amounts of noise, dust, vibration or glare, but may not produce off-site impacts that create a nuisance.

Mr. Littlehales said that "as defined by DEQ and City Noise Ordinances" should be added.

DRAFT SECTION 1(e). "Permitted Uses, Has access to a collector or arterial street".

No comment

DRAFT SECTION 1(f). "Permitted Uses, Provision for sidewalks and mass transit facilities (i.e. bus stop shelter, trash receptacles, benches) shall be made, if appropriate."

Mr. Trotter said it should stop with "shall be made". He said if Staff makes the determination that it is not necessary, the decision on appropriateness has already been made.

DRAFT SECTION 1(g). "Permitted Uses, A permitted use may require limited outside storage areas. These storage areas shall be screened with a sight-obscuring fence or dense plantings from any adjoining residential uses or public streets.

Mr. Littlehales said that the word "limited" should be struck since we have no definition of what limited means.

DRAFT SECTION 1(h). "Permitted Uses, Temporary uses of limited duration not to exceed one year."

Topaz said that the current ordinance allows only temporary residential structures.

Mr. Trotter said the decision is whether or not a use is acceptable for a site. It has to meet the criteria; if it doesn't, it is not acceptable or it is coming before the Commission. He didn't agree with having a different category for temporary use.

Mr. Brown said that if the use has been approved and they elect to come in with a temporary office while they are constructing a building, and if temporary structures are a concern, then they should be addressed in a more generalized fashion.

Mr. Trotter said that if there is concern about temporary structures and how long a manufactured trailer can be used as an office, it should be addressed in another section.

DRAFT SECTION 1(i.) "Permitted Uses, Examples of Industrial uses."

Mr. Trotter said that there is not a lot of difference between 1(i.), and 1(a). If the definition in 1(a) is good enough, the last paragraph on the page is not needed. If the definition is good, we should not need specific examples.

DRAFT SECTIONS 2(a) & 2(b) - No comment

DRAFT SECTION 3. "Authority - If the Planning Director has any questions regarding the applicant's ability to meet the criteria (a-i), the request may be scheduled for review by the Planning Commission."

Mr. Trotter said that an appeals clause was needed stating that the Planning Director can approve some things and disapprove others, with the public having the right to appeal these decisions to the Planning Commission.

DRAFT SECTION 4. "Conditional Uses"

Mr. Trotter said we should add the previously discussed limitation on the percent of office (30%) and commercial retail space (5%). He also suggested adding industrial development adjacent to the residential zones as conditional use, based on the Comprehensive Plan, Objective 5, pgs. 36 & 37. After discussing the matter, Staff was asked to prepare criteria on which Conditional Uses could be approved or denied.

DRAFT SECTION 4(a). No Comment

DRAFT SECTION 4(b). "Waste Disposal"

Mr. Littlehales mentioned to Topaz that she had used the term "clean landfill" earlier and if it were a recognized term, he requested it be substituted for "waste disposal".

DRAFT SECTION 4(c). "High impact Commercial uses (i.e. Adult Entertainment Businesses)".

Mr. Littlehales said we need to define the location characteristics.  
(pg. 49)

Referring to all of Section 4, Mr. Trotter asked on what criteria the conditional uses were to be judged to determine acceptability. Topaz said that she would go back and develop standards.

DRAFT SECTION 5. "Site Development Requirements"

Mr. Trotter said lot coverage should be deleted because of the restrictions already imposed by 4(d) and 4(e).

DRAFT SECTION 5(e). "Landscaping. 15% landscaping of the site is required. A variety of trees, shrubbery and ground cover is encouraged. Street trees are required along street frontages and within parking lots to help delineate entrances, provide shade and permeable areas for storm water runoff. Landscaped islands are required within parking lots to discourage large masses of impermeable surfaces."

Mr. Trotter said the last sentence under landscaping should be placed in the parking requirements, instead, by adding a sentence that says "this landscaping may be part of the total site landscaping required for each zone." If it is placed there, all the zones will be covered.

Mr. Littlehales referred back to Section 5(e) and said that right after "Street trees are required", he suggested adding the words "a bond or a financial guaranty of performance will be required."

6.3 Review of Draft Ordinance regarding Park Land Dedication and Fees-in-lieu-of .

Topaz stated that the draft was included simply to generate a discussion, and that several changes would be made to it before it came before the Commission in a public hearing. She wanted the Planning Commission members to have plenty of time to read and think about it, and Staff would be bringing more information to the Commission on the subject.

Mr. Littlehales said that he would like to see the Commission give this draft a lower priority than the Zoning Ordinance and the Comprehensive Plan Review, and deal with it at a later time.

There was concensus that Staff tell the City Council that the Planning Commission agrees on the need for park development, but would like to know the time frame for the development of a Park Master Plan, as called for in the Comp Plan, since without such a park plan the ordinance would be premature.

GUIDELINES FOR PLANNING COMMISSION MEMBERS

Mr. Trotter said that he had no problem with the guidelines. He said that 1 through 5 expresses how he has felt for a long time.

Mr. Liane said that once a decision by the Planning Commission has passed the appeals deadline, that he felt the Commission members should have the freedom to comment pro or con on a decision. He felt the last sentence of #5 would rob the members of that freedom.

Mr. Littlehales said that the Commission members have a responsibility to make sure the comments they make are objective comments. He suggested saying, "I did not vote for it" or "I did not quite see it that way, but that was the decision of the Planning Commission based on the evidence presented". Mr. Littlehales stressed that the Commission members should not go out and "sharpshoot" the Planning Commission and the work it does.

Mr. Laine suggested waiting until there was a full Commission present before voting on it so that all the members could comment on it. He advised that this can be added at the beginning of the meeting as an agenda item when a full quorum was present. There was a concensus to wait until the full Commission was present at a meeting.

REQUEST FOR INTERPRETATION OF HOME OCCUPATION STANDARDS.

Topaz asked the Commissions interpretation of "No outward appearance of a business", with regards to signs. The Commission agreed that no outward appearance of business, means no signs. Topaz also asked about customers coming to the home, because of the traffic and parking. There are no standards for parking related to Home Occupations.

Mr. Littlehales pointed out there is a difference between a home occupation and a business. The standards required for the former imply a small office with no customers arriving.

ITEM - MINUTES OF MARCH 12, 1985

Mr. Littlehales listed his corrections to the minutes:

Page 5, fourth line up from the bottom, "eve" should be "eave".

Page 7, after Ms. Roholt seconded the Motion, we had another motion. Mr. Foster moved to amend the motion for landscaping. Motion failed for lack of a second.

Page 8, the middle of the page "SPEAKING BOB KAISER", the address should be on "Interlochen Lane" not "Interlocking Lane".

Page 8, bottom line, "Mr. Kaiser thought perhaps the architect had made a mistake showing more landscaping", this should say "less" landscaping.

Page 9, last line, second paragraph, "The applicant indicated they believe they are, but are hiring a constructional engineer." "Constructional" should be "structural".

Mr. Knudson moved to approve the minutes as amended. Mr. Littlehales seconded the Motion. MOTION PASSED with Mr. Brown abstaining because he was not present at the meeting.

CITY OF MILWAUKIE PLANNING DIVISION  
PLANNING COMMISSION MINUTES  
REGULAR MEETING - APRIL 09, 1985


VI B II

OTHER BUSINESS

Bob Brown announced his resignation from the Planning Commission, to become a member of a Pastor Search committee at his church. Bob expressed how much he had enjoyed working on the Commission and the other Planning Commission members expressed their concern at seeing him leave the Commission.

Ms. Roholt moved to adjourn the meeting. Mr. Littlehailes seconded the Motion. The meeting was adjourned at 9:50 PM.

  
\_\_\_\_\_  
JOHN LITTLEHAILES, CHAIRMAN

  
\_\_\_\_\_  
ISABELLA WHEATLEY, STENOGRAPHER

## PLANNING COMMISSION MINUTES

REGULAR MEETING

APRIL 23, 1985

MEMBERS PRESENT

JOHN LITTLEHALES  
 JOHN FOSTER  
 BETTY ROHOLT  
 BOB KNUDSON  
 AL LIANE

STAFF PRESENT

TOPAZ FAULKNER,  
 PLANNING DIRECTOR  
 DEANNA ROBINSON,  
 STENOGRAPHER

EXCUSED ABSENCE

DON TROTTER

Mr. Littlehales called the meeting to order at 6:30 PM and introduced Anne Nickel, who is the new Development Coordinator.

## 3.1 APPLICANT - DAVID &amp; ANETA HAKOLA

PROPERTY OWNER - SAME

LOCATION - 11122 SE 30th

PROPOSAL - THE APPLICANT IS REQUESTING APPROVAL OF THE FOLLOWING -(1) A VARIANCE TO REDUCE THE REQUIRED LOT WIDTH FROM 50' TO 40' (2) A VARIANCE TO REDUCE THE REQUIRED LOT AREA FROM 5000 SQUARE FEET TO 4000 SQUARE FEET. (3) LOT LINE ADJUSTMENT WHICH WOULD RELOCATE NORTH PROPERTY LINE OF TAX LOT 1200 A DISTANCE OF 10 FEET TO THE SOUTH.

Topaz presented the staff report, pointing out the following changes: That there are sidewalks existing; no developer's agreement is required. Therefore, staff's recommendation No. 2 should be deleted.

## APPLICANT'S RESPONSE

SPEAKING: DAVE HAKOLA, 11122 SE 30th, Milwaukie

Mr. Hakola stated that the reason the applicant is asking for a variance is that when they originally bought the house they were given the opportunity to buy the tax lot next door to it with the idea of selling it sometime in the future. Since that time, Mr. Hakola has found the lot line is not fifty foot wide as was earlier believed, so he is now requesting a variance to make it into a four thousand square foot lot instead of five thousand square foot. Mr. Hakola added that if he sells the lot, he will eventually sell the house also.

Mr. Foster asked the applicant if there are two fifty-foot lots on his property. Mr. Hakola affirmed and added that both are taxed as fifty-foot wide lots. Mr. Foster asked if the requested additional five feet was for simply getting past the garage to the rear yard. Mr. Hakola agreed that it was, and added that it was also so as to not crowd the houses too close together, for the walkway, and to enable them to get equipment such as the lawnmower through the area.

CITY OF MILWAUKIE PLANNING COMMISSION  
PLANNING COMMISSION MINUTES  
REGULAR MEETING  
APRIL 23, 1985

Mr. Liane noted that there would not be very much side lot clearance allowed because of the narrow lot and suggested possibly building the house in another direction, i.e., lengthways instead of crossways.

COMMENTS/QUESTIONS

SPEAKING: BRAD MARSHALL, new owner of property at 1175 SE 30th.

Mr. Marshall asked if there is a hundred feet from the sidewalk to the back fence, or from the street to the back fence. Mr. Littlehales responded it would be from the front property line which would be the center line from thirtieth. Mr. Marshall expressed concern about overcrowding the area with houses.

SPEAKING: ELEANOR MARSHALL, new owner of property at 1175 SE 30th.

Mrs. Marshall asked if there is any type of criteria as to how close the homes can be to each other. Mr. Littlehales explained the setback requirements.

TESTIMONY IN OPPOSITION

There was no testimony offered in opposition.

APPLICANT'S CLOSING STATEMENT

SPEAKING: DAVID HAKOLA

Mr. Hakola added that he and his neighbor had recently measured from the neighbor's fence to his sidewalk and came up with one hundred one feet.

The public portion of the hearing was closed at 6:55 PM.

Mr. Littlehales expressed a concern about retaining the trees. Mr. Liane expressed concern about having only thirty feet left after allowing a five-foot side yard variance.

Mr. Littlehales Made a Motion to Approve the variance request with the finding that the requests comply with the variance criteria as the existing house and garage limit the alternatives for the development of an additional lot and the benefits of providing new and affordable housing in the community outweigh any potential adverse impacts.

And the following conditions:

1. That the Lot Line Adjustment be recorded at the County Recorder's Office without creating a new Tax Lot within the next 60 days.
2. That the large fir tree on Lot 2 be preserved.

CITY OF MILWAUKIE PLANNING COMMISSION  
 PLANNING COMMISSION MINUTES  
 REGULAR MEETING  
 APRIL 23, 1985

Ms. Roholt seconded the Motion. THE MOTION CARRIED 4-1, Mr. Laine opposing.

Mr. Littlehales moved the public comment portion up on the agenda as Jim Backenstos had earlier requested.

SPEAKING: JIM BACKENSTOS

Mr. Backenstos shared an article from the April 22 issue of the Enterprise Courier concerning the Adult Business Ordinance and expressed his opinion that the City is not properly enforcing the Ordinance. He felt the Commission should ask the City Council to enforce the Ordinance. In the discussion that followed it was clear a majority of the Commission did not agree with Mr. Backenstos.

3.2 CONSIDERATION OF REVISIONS TO THE M-L (LIMITED MANUFACTURING-INDUSTRIAL) AND M-G (GENERAL MANUFACTURING-INDUSTRIAL) ZONES, CONTINUED FROM THE APRIL 09, 1985 PLANNING COMMISSION HEARING.

The Commissioners discussed the Draft with staff. Topaz shared concerns expressed by the Fire Chief regarding the hazardous materials definition. Topaz suggested that the Planning Commission needs to adopt a philosophy about what is appropriate activity in a Manufacturing Zone. Commissioners expressed agreement. Topaz distributed examples from Clackamas County Zoning.

6.1 PLANNING COMMISSION MINUTES, APRIL 9, 1985

Ms. Roholt suggested waiting on approving the minutes until Mr. Trotter is present because much of the minutes is concerning him.

Mr. Laine pointed out an error on page 10, second paragraph: Mr. Laine made the suggestion to wait until all Commissioners were present instead of Mr. Trotter.

Mr. Knudson noted an error on page 10: the first motion to approve with no second was an error and should be omitted. Mr. Littlehales added that the corrections that he had pointed out for the minutes of March 12, 1985 should have been referred to as corrections and not amendments.

7.1 PARK MANDATORY DEDICATION ORDINANCE - RESPONSE FROM CITY COUNCIL

Topaz announced that a memo was sent to City Council as had been requested at the last Planning Commission meeting. Council discussed it at their last meeting and decided that they agreed with the Commission's statement that a Park Plan was necessary prior to creating a mandatory dedication ordinance.

Mr. Laine moved to adjourn. Ms. Roholt seconded the motion. The meeting was adjourned at 8:10 PM.

Deanna Robinson/ckv  
 Deanna Robinson, Stenographer

John Littlehales  
 John Littlehales, Chairman

VIC 1

TO: Hugh Brown  
City Manager

FROM: Steve Hall  
Public Works Director *J.M.H.*

RE: Clackamas County Housing Authority  
Hillside Park

DATE: May 24, 1985

**ACTION REQUESTED**

No action requested, informational item for City Council.

**BACKGROUND**

Over the past year, the Clackamas County Housing Authority and City of Milwaukie have discussed the potential of the City assuming maintenance and operation of the street, storm drain, sanitary sewer and water facilities currently serving the Hillside Park residences. City staff has indicated throughout the discussions that all those facilities would have to be brought up to City of Milwaukie minimum standards before assumption could be recommended by staff to City Council.

The Housing Authority has received approval of grants to upgrade the buildings and facilities, and have recently completed plans and specifications for the upgrading of the proposed public facilities. Public Works staff has worked with the Housing Authority and their engineer, and approve of the proposals. It is anticipated that the construction and upgrading of the streets, storm drains, water and sanitary systems will occur within the next few months. At the completion of those improvements and acceptance by City staff, a recommendation will be made to the City Council requesting the City to assume the maintenance and operation of those upgraded facilities.

Since the City of Milwaukie is a full-service city and should be providing services to all of it's citizens, staff will be recommending acceptance of those upgraded facilities as would be the case in a new subdivision.

This information is being provided to you and the City Council to formalize those comments which have been made verbally both to you and to the Council through the past months.

I will be available for comments or questions at the next City Council meeting on this subject.

SMH/cjl

TO: Hugh Brown  
City Manager

FROM: Steven Hall  
Public Works Director *J.M.H.*

RE: Clackamas Service District #1  
1985-86 Budget  
Staff Report

DATE: May 24, 1985

VID 1

**ACTION REQUESTED**

Informational item, no action required.

**BACKGROUND**

At the regular Council meeting on 4 September 1984, the City Council ratified a new contract with Clackamas County Sewer District #1 for sewage treatment. Within that agreement, Clackamas County had allowed the City of Milwaukie an ex-officio non-voting member of the budget committee. Steve Hall, Public Works Director was appointed as that representative with Marge Post, Finance Director, as alternate.

The Clackamas Service District #1 Budget Committee met on 1 May 1985 in which I represented the City of Milwaukie. The budget appears to be in line with the operational needs of the Service District, although I posed a specific question as to their salaries for Utility Workers as compared to that of Milwaukie. They seem quite a bit higher as a general rule. The County Commissioners indicated that all of their positions require an Associate of Engineering degree and thus require a higher salary.

I am including pages one through fifteen of the detailed budget for Council information. These pages will give you a good overview of the Service District, it's operations and policies and detailed budget.

I wish to call your attention particularly to page 9 of that document, and the line item State and Federal Grants in the revenue portion. The \$4,049,700 figure includes the cost of constructing the digestors at the Treatment plant. The District indicated they hope to have a firm commitment from the Federal government on that grant by late June of this year. In conjunction with our current agreement with the Service District, the City of Milwaukie will be responsible for 40% of the local match. Assuming the grant will be in 85% of the total cost, the City of Milwaukie's local match for that project would be approximately \$243,000. The District has indicated a willingness to work with the City and potentially finance that with their portion at a reasonable rate based on the current bond market. As information is confirmed, I will be presenting it to you and the Council.

On page 15, you will notice a change in labor and other allocated

VID 2

costs. The District had been charging sick leave and annual leave to the other allocated costs line item, and have changed that to the utilities labor line item. Thus there is no effective change in the budget, merely a transfer of those monies.

The overall service area operating budget is about 10% higher than it was last year, and the sewage treatment budget plant budget is about 7% above last year's budget.

I hope that I have represented the City to your satisfaction.

enclosure: budget (in part)

SMH/cjl

## INTRODUCTION

PURPOSE

This document is intended to provide the Budget Committee members and citizens of the three county service districts with sufficient detailed information to make reasonable judgments leading to their discussion and subsequent approval of their respective service district's budget. Secondly, the document is intended to provide the reader with a general understanding of the functioning of the Department of Utilities and the interrelationship of each of the three service districts and the County within the departmental structure.

BUDGET REPORT FORMAT

The budget report is organized as noted in the Table of Contents to first provide an overview of the Department of Utilities. Thereafter, the report depicts detailed line item summaries of each service district's budget makeup. Where applicable within each service district, the report summarizes expenditures in significant service areas or cost centers, and in one instance summarizes separate district funds. Finally, the report contains in the appendix the State budget forms which make up each district's official budget in a more summarized format.

It should be noted that the budget report for each separate service district is presented on separate colored sheets within the report. This is done for ease of reference. All information needed to review an individual district's budget is contained within the material presented on the assigned colored pages.

## DEPARTMENT OF UTILITIES

ORGANIZATION

The Department of Utilities was created by the Board of County Commissioners in August, 1984. It was a decision reached by the Board in the process of considering a reorganization of the Department of Environmental Services and the appointment of a successor to John C. McIntyre who passed away unexpectedly in June of 1984. Prior to that regretful and sad event, Utilities was a division of the Department of Environmental Services. Since that time that department was renamed the Department of Transportation & Development.

The Department of Utilities is responsible for the general management and operation of the three separate county service districts whose budgets constitute the bulk of this document. Two of the service districts provide sanitary sewer service in varying degrees within their service boundaries. This service includes sewage collection and treatment. The third district provides street lighting services in many unincorporated areas of the County.

Providing the services outlined in the table on page 3, the Department operates and maintains six sewage treatment facilities, over 140 miles of sanitary sewer mains, 32 sewage pumping stations, and administers the street lighting services to over 8,500 residential, commercial and industrial properties in the unincorporated areas of the County. Well over 100,000 people within Clackamas County receive in some degree or another utility services managed by the Department of Utilities.

A staff of 48 employees is proposed to carry out the functions of the Department during the 1985-1986 fiscal year. The wide range of managerial, professional, technical and clerical staff positions necessary to fulfill these functions are organized as indicated in the chart on page 4. Currently, the Department of Utilities staff is 45 employees. The additional three positions will be added over the period covered by the 1985-1986 fiscal year budget.

BUDGET

Although the three service districts are separate entities of government, the personnel of the Department of Utilities are County employees. This necessitates the personal services expenditures of the Department to be included in the Clackamas County budget. The personal services expenses incurred by each of the three service districts appears as Department of Utilities labor under the Materials and Services expenditure item in each of the district's budgets. Those elements of the Department of Utilities' budget that appear in the County budget are shown on pages 5 and 6.

BOARD OF COUNTY COMMISSIONERS

DEPARTMENT OF UTILITIES

CLACKAMAS COUNTY SERVICE DISTRICT #5

CLACKAMAS COUNTY SERVICE DISTRICT #1

TRI-CITY SERVICE DISTRICT

ADMINISTRATION

OPERATIONS

PROGRAM MANAGEMENT

PROJECT MANAGEMENT

ADMINISTRATIVE SERVICES

TREATMENT PLANTS

SEWAGE COLLECTION SYSTEMS

TRI-CITY SERVICE DISTRICT

SERVICE DISTRICTS & COUNTY PROJECTS

TECHNICAL SERVICES

CUSTOMER SERVICES

ACCOUNTING SERVICES

SUPPORT SERVICES

Outside Consultant will provide major management services

Consultant Selection  
Prequalifications  
Engineer Agreements  
Contract Specifications  
Project Time Schedule Control  
Project Cost Control  
Project Design Review

Permit Review  
Subdivision Plan Review  
Inspections  
LID & Assessment Dist.  
Technical Support  
Service Agreements  
Petition Processing  
Maps & Records  
Construction Standards

Billing  
Collection  
Customer Accounts

General Accounts  
Payables  
Receivables  
Payroll  
Investments  
Budget Control  
Cash Flow

Typing  
Files  
Budgets  
Insurance Control

Equipment Operation & Repair  
Process Control  
Sludge Disposal  
Records  
Preventive Maintenance  
Building & Grounds Maintenance  
Lab Tests  
Industrial Pretreatment Monitoring

Preventive Maintenance  
Pump Station Operation & Maintenance  
Sewer Line Maintenance & Repair  
Flushing  
Rodding  
Inspection  
Flow Metering  
Records  
Equipment Repair

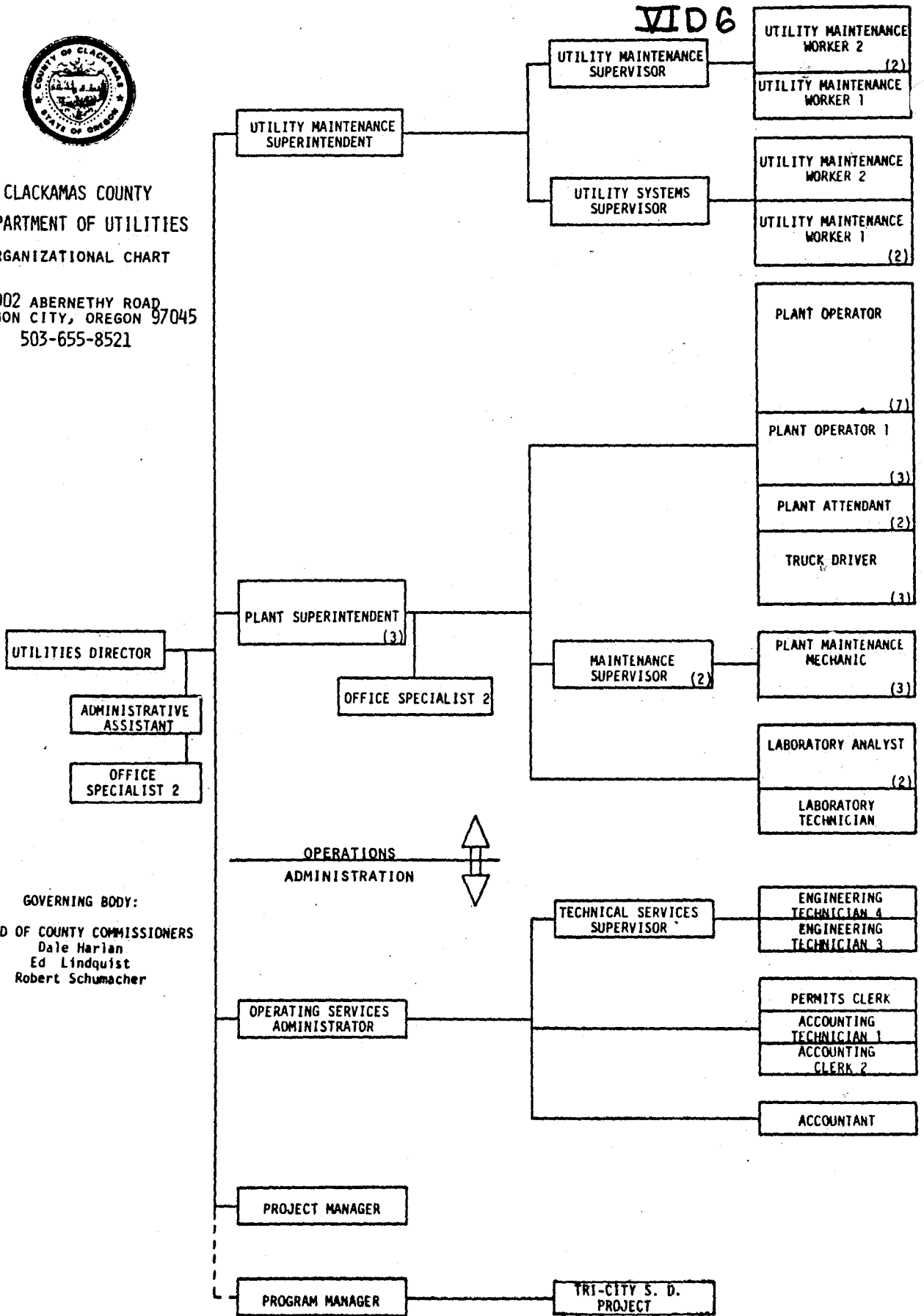
VID 5



CLACKAMAS COUNTY  
DEPARTMENT OF UTILITIES  
ORGANIZATIONAL CHART

902 ABERNETHY ROAD  
OREGON CITY, OREGON 97045  
503-655-8521

GOVERNING BODY:  
BOARD OF COUNTY COMMISSIONERS  
Dale Harlan  
Ed Lindquist  
Robert Schumacher



VID 6

DEPARTMENT OF UTILITIES

PERSONNEL DETAIL

CLASSIFICATION	PROPOSED NO. OF EMPLOYEES	PROPOSED EXPENDITURES
Accountant	1	\$ 25,812
Accounting Clerk 2	1	19,992
Accounting Technician 1	1	21,312
Administrative Assistant 1	1	22,806
Engineering Technician 3	1	26,820
Engineering Technician 4	1	29,424
Laboratory Analyst	2	55,932
Laboratory Technician	1	22,818
Office Specialist 2	2	26,748
Operating Services Administrator	1	41,064
Permits Clerk	1	18,012
Plant Attendant	2	33,638
Plant Maintenance Mechanic	3	59,256
Plant Maintenance Supervisor	2	52,128
Plant Operator	7	176,005
Plant Operator 1	3	67,274
Project Manager	1	39,708
Technical Services Supervisor	1	34,572
Treatment Plant Superintendent	3	103,704
Truck Driver	3	72,648
Utilities Director	1	51,843
Utility Maintenance Superintendent	1	33,912
Utility Maintenance Supervisor	1	28,315
Utility Maintenance Worker 1	3	64,815
Utility Maintenance Worker 2	3	76,116
Utility System Supervisor	1	29,006
<b>TOTAL</b>	<b>48</b>	<b>\$1,233,680</b>
Permanent Salaries		1,233,680
Temporary		5,539
Overtime		21,580
Fringe Benefits		465,469
<b>TOTAL</b>		<b>\$1,726,268</b>

DEPARTMENT OF UTILITIES BUDGET

	83/84 ACTUAL	84/85 BUDGET	84/85 ESTIMATE	85/86 BUDGET
<b>REVENUE:</b>				
SERVICE DISTRICT 1				
NORTH CLACKAMAS	892,939	1,002,111	700,000	880,2
HOODLAND	52,964	45,750	43,700	65,2
FISHER FOREST PARK	1,163	700	1,000	1,2
BORING				7,1
<b>TOTAL CCSD1</b>	<b>947,066</b>	<b>1,048,561</b>	<b>744,700</b>	<b>953,8</b>
TRI-CITIES SD	508,665	531,242	467,000	691,7
SERVICE DISTRICT 5	16,204	19,132	16,900	21,2
LID'S	31,697	46,900	0	51,7
DES FUND SERVICE	5,911	11,132	0	7,5
OTHER/MISC REVENUE	15,410	5,000	2,037	
<b>TOTAL REVENUE</b>	<b>1,524,953</b>	<b>1,661,967</b>	<b>1,230,637</b>	<b>1,726,2</b>
<b>EXPENSE:</b>				
PAYROLL	1,108,145	1,234,703	910,671	1,26
FRINGE BENEFITS	397,414	427,264	319,966	45,2
<b>TOTAL EXPENSE</b>	<b>1,505,559</b>	<b>1,661,967</b>	<b>1,230,637</b>	<b>1,726,2</b>

## CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

### OVERVIEW

With the 1983 merger with the Hoodland Service District and Clackamas County Service District No. 6 and the annexation of the Boring business community, Clackamas County Service District No. 1 is now comprised of four separate noncontiguous service areas which are identified as follows:

- North Clackamas Service Area
- Hoodland Service Area
- Fischer Forest Park Service Area
- Boring Service Area

Each service area is or will be served by completely separate sewerage collection and treatment works. As such, each service area constitutes a separate cost center, wherein it is projected the revenue collected in one cost center will offset the operating expenses within that cost center. This is not always possible in the initial years of a new system's operations; consequently, operational costs in those initial years are offset with moneys from other funds.

The Budget Report format followed herein provides the detailed line item summaries for the composite CCSD#1 budget. This is followed by the same detail of information related to the operating expenditures of each service area and significant cost center.

CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

COMPOSITE BUDGET LINE ITEM SUMMARIES

The composite budget for CCSD#1 includes all revenue and expenditures that will be experienced in each of the District's separate service areas. Elements related to significant expenditure line item variations may best be explained in the comments related to each service area.

Budget Comments

- ° Significant revenue increase is due to
  - Increase in beginning fund balance
  - Increase in monthly service charge revenue
  - Bond sale proceeds
  - Federal grants
- ° Department of Utilities Labor line item increase results from a shift of sick leave and vacation pay from the Other Allocated Cost line item. Net change is 4.8%
- ° Materials and Services represent the annual recurring cost of administration, operations and maintenance. Overall increase over the current year is 10%.

**SERVICE DISTRICT BUDGETS**

**CLACKAMAS COUNTY  
SERVICE DISTRICT 1**

	83/84 ACTUAL	84/85 BUDGET	84/85 ESTIMATE	85/86 BUDGET
<b>REVENUE</b>				
BEGINNING FUND BALANCE	2,601,059	2,531,000	2,573,123	2,983,383
INTEREST	255,724	160,350	211,150	81,600
MONTHLY SERVICE CHARGE	1,079,072	1,213,832	1,133,096	1,326,552
OPERATING PAYMENT CITIES	515,149	500,000	490,000	563,725
RENTAL INCOME	4,700	4,800	4,800	4,800
EQUIPMENT POOL REVENUE	72,012	50,000	69,300	61,300
MISC INCOME	1,222	1,000	1,000	1,000
SEWER CONNECTION CHARGES	350,592	150,000	300,000	230,000
SPECIAL CONNECTION CHARGE	24,459	10,000	15,100	12,000
CAP OUTLAY PMT FROM CITIE	114,248	114,370	114,370	114,149
PRIN. NON-BONDED INSTALL.	10,072	5,500	31,800	42,674
INT. NON-BONDED INSTALL.	10,591	7,000	6,172	6,000
BOND SALE PROCEEDS	0	0	244,000	645,300
STATE AND FEDERAL GRANTS	93,937	1,312,500	50,000	4,049,700
<b>TOTAL REVENUE</b>	<b>5,132,837</b>	<b>6,060,352</b>	<b>5,243,911</b>	<b>10,122,183</b>
<b>EXPENDITURES</b>				
<b>MATERIALS AND SERVICES</b>				
DEPT OF UTILITIES LABOR	687,239	696,100	744,700	953,869
DES LABOR	31,813	31,200	2,550	4,000
CONSULTING	35,010	48,000	7,000	40,000
LEGAL	11,536	7,300	29,500	22,000
DATA PROCESSING	17,827	21,000	18,000	21,000
ANNUAL AUDIT	14,650	11,000	13,250	11,000
MISC SERVICES	12,148	14,700	16,800	14,700
POSTAGE	9,086	10,000	9,100	10,500
RENTAL PROPERTY	1,463	2,000	1,700	2,000
OFFICE SUPPLIES	259	10,000	50	10,000
EQUIPMENT POOL	28,796	5,110	37,595	44,800
FACILITIES SUPPLIES	102,169	131,150	97,050	124,025
EQUIPMENT SUPPLIES	29,987	41,700	51,500	50,500
EQUIPMENT MAINTENANCE	35,703	37,800	45,500	41,900
SLUDGE MONITORING	0	0	0	1500
SLUDGE DISPOSAL	181,745	200,000	180,000	210,000
ELECTRICITY	174,277	219,200	221,300	238,900
TELEPHONE	8,920	3,320	3,300	3,800
WATER	1,774	3,200	1,910	3,650
CONF AND TRAIN	9,578	5,200	4,000	8,200
INSURANCE	17,766	23,100	13,509	20,700
RENTAL EQUIPMENT	0	2,600	1,850	2,650
TRANS ALLOWANCE	104	200	1,400	1,700
OTHER ALLOCATED COST	264,325	238,620	289,331	129,465
<b>TOTAL M &amp; S</b>	<b>1,676,175</b>	<b>1,762,500</b>	<b>1,790,895</b>	<b>1,970,859</b>

Budget Comments Continued

• Significant Capital Outlays for the North Clackamas Service Area include:

- Digesters for the Kellogg Plant
- New sludge hauling truck
- Replacement trucks for equipment pool
- Participation in new gravity sewer main construction

• Significant capital outlays for the Hoodland Service Area include:

- Sewerage systems to serve Rhododendron area and Golf Club Terrace plant abandonment. Partially funded with EPA and Community Block Grants and property assessments.

• Significant capital outlays for the Boring Service Area include:

- New collection and treatment works serving the commercial center. Funded by property assessments and Community Block Grant funds.

• General Obligation Bond obligations in FY 1985-1986, as in the current fiscal year, will be funded by property taxes. Estimated tax rate is \$.50/\$1,000 of property value.

	83/84 ACTUAL	84/85 BUDGET	84/85 ESTIMATE	85/86 BUDGET
<b>CAPITAL OUTLAY</b>				
LAND	9,730	0	0	0
BUILDINGS	0	0	0	110,000
TREATMENT PLANT CONST	160,809	2,068,000	336,880	4,512,000
EQUIPMENT	(38,423)	127,750	19,201	206,000
PUMP STATIONS	1,747	82,474	82,474	0
FORCE MAIN CONST	16,717	0	0	0
INTERCEPTORS	162,124	257,300	2,000	100,000
GRAVITY SEWERS CONST	0	0	25,000	1,240,000
LATERAL SEWER CONST	37,755	111,600	4,078	100,000
<b>TOTAL CAPITAL OUTLAY</b>	<b>350,459</b>	<b>2,647,124</b>	<b>469,633</b>	<b>6,268,000</b>
<b>SPECIAL EXPENDITURES</b>				
LOAN REPAYMENT	0	1,932	0	0
LOAN	41,185	0	0	0
CONTINGENCY	0	23,050	0	43,532
RESERVE FOR CAP IMP	0	1,621,950	0	1,839,792
TO G.O. BOND FUND	491,895	0	0	0
<b>TOTAL SPEC EXPEND</b>	<b>533,080</b>	<b>1,646,932</b>	<b>0</b>	<b>1,883,324</b>
<b>TOTAL EXPENDITURES</b>	<b>2,559,714</b>	<b>6,056,556</b>	<b>2,260,528</b>	<b>10,122,183</b>
<b>ENDING FUND BALANCE</b>	<b>2,573,123</b>	<b>3,796</b>	<b>2,983,383</b>	<b>0</b>

## NORTH CLACKAMAS SERVICE AREA

### OPERATING EXPENDITURES

The North Clackamas Service Area comprises the boundaries of the original Clackamas County Service District #1 before the 1983 merger. The Service Area lies generally north of the Clackamas River and east of the cities of Milwaukie and Gladstone. The Kellogg Creek Plant located on the Willamette River serves the entire area, as well as the City of Milwaukie, Johnson City and portions of the City of Gladstone. The cities pay proportionally their share of the plant's operations.

#### Budget Comments

- ° Overall service area cost increase of approximately 9% results from
  - Approximate 3% increase in assigned labor
  - Increases in sludge disposal and energy cost
  - Increase in insurance premiums

User Charges. During the 11 years of operation, expenditures for operating the North Clackamas Service Area were derived from both user charges and connection charges for new services. The expected EPA grant for the Kellogg Plant digesters will by grant requirements mandate that all expenditures for operation and maintenance be derived exclusively from user charges. This has always been the goal of the District but now must be accomplished in a shorter period of time. The actual budget figures reflect a monthly user fee of \$7.38 per Equivalent Dwelling Unit (EDU). However, we expect the cost of operation to reduce somewhat after the digesters become operational; therefore, we are proposing the lower charge of \$7.00 per EDU.

SERVICE AREA OPERATING BUDGET

NORTH CLACKAMAS SERVICE AREA

	83/84 ACTUAL	84/85 BUDGET	84/85 ESTIMATE	85/86 BUDGET
<b>EXPENDITURES</b>				
<b>MATERIALS AND SERVICES</b>				
DEPT OF UTILITIES LABOR	637,830	653,000	700,000	880,285
DES LABOR	31,790	31,000	2,550	4,000
CONSULTING	34,920	48,000	7,000	40,000
LEGAL	4,191	7,000	25,000	20,000
DATA PROCESSING	17,827	21,000	18,000	21,000
ANNUAL AUDIT	10,700	11,000	13,250	11,000
MISC SERVICES	11,346	14,500	11,200	14,500
POSTAGE	9,086	9,200	9,100	9,500
RENTAL PROPERTY	1,463	2,000	1,700	2,000
OFFICE SUPPLIES	259	10,000	50	10,000
EQUIPMENT POOL	23,226	0	33,000	39,000
FACILITIES SUPPLIES	98,915	126,200	94,000	117,000
EQUIPMENT SUPPLIES	29,475	40,500	51,000	50,000
EQUIPMENT MAINTENANCE	35,591	37,300	45,500	41,500
SLUDGE DISPOSAL	181,745	200,000	180,000	210,000
ELECTRICITY	144,985	185,000	187,000	203,000
TELEPHONE	8,427	2,600	2,800	3,300
WATER	1,054	2,400	1,200	2,500
CONF AND TRAIN	9,578	5,000	4,000	8,000
INSURANCE	14,685	20,000	12,000	18,000
RENTAL EQUIPMENT	0	2,500	1,850	2,500
TRANS ALLOWANCE	86	200	1,400	1,700
OTHER ALLOCATED COST	243,174	222,000	271,000	120,249
<b>TOTAL M &amp; S</b>	<b>1,550,353</b>	<b>1,650,400</b>	<b>1,672,600</b>	<b>1,829,034</b>
ACCOUNTS SERVED (EDU'S)	12,438	14,236	13,125	13,417
MONTHLY SERVICE CHARGE/EDU	6.00	6.00	6.00	7.00
MONTHLY O&M COST/EDU	6.45	6.28	7.02	7.38

**KELLOGG CREEK PLANT**

**OPERATING BUDGET**

The Kellogg Creek Plant serves the North Clackamas Service Area, as well as the City of Milwaukie, Johnson City and portions of Gladstone. Contractual agreements with the cities require the District to maintain separate operating costs on the Kellogg Plant. Portions of the plant's operating costs are paid by the cities based on a cost per million gallons of sewage flow from the cities of Milwaukie and Johnson City. Gladstone is billed on a graduated cost per EDU.

Budget Comments

- ° Overall plant cost increase of approximately 7% results from:
  - Increased Facilities Supplies cost expected from increased sewage flows to the plant
  - Sludge disposal cost increases
  - Electricity power cost increases
  - Slight increases in various other line items, including less than 0.5% in labor cost
- ° Cities' share of cost for operating the Kellogg Plant are based on a percentage of the expected total plant flows estimated from past years' records.

**SECTION LEVEL OPERATING BUDGET**

	83/84 ACTUAL	84/85 BUDGET	84/85 ESTIMATE	85/86 BUDGET
<b>SERVICE DISTRICT 1</b>				
<b>NORTH CLACKAMAS:</b>				
<b>KELLOGG TREATMENT PLANT</b>				
CONSULTING	140	0	47	
DES LABOR	3,537	0	1,300	
DEPT OF UTILITIES LABOR	405,527	380,000	400,000	475,181
EQUIPMENT POOL	5,738	0	4,500	5,000
FACILITIES SUPPLIES	86,993	107,200	80,000	100,000
EQUIPMENT SUPPLIES	6,273	10,000	22,400	20,000
EQUIPMENT MAINTENANCE	16,134	15,000	20,000	20,000
SLUDGE DISPOSAL	181,745	200,000	180,000	210,000
ELECTRICITY	140,408	180,000	182,000	198,000
TELEPHONE	2,206	2,600	2,080	2,600
WATER	977	2,000	950	2,000
CONF AND TRAIN	4,391	5,000	2,200	5,000
INSURANCE	14,685	20,000	12,000	18,000
RENTAL EQUIPMENT	0	500		500
TRANS ALLOWANCE	86	200	1,400	1,700
OTHER ALLOCATED COST	137,973	114,000	137,000	64,280
<b>TOTAL TREATMENT M &amp; S</b>	<b>1,006,813</b>	<b>1,036,500</b>	<b>1,045,877</b>	<b>1,122,261</b>
<b>CITIES SHARE OF COSTS</b>				
MILWAUKIE		50.0 % OF FLOW		523,630
JOHNSON CITY		0.2 % OF FLOW		2,095
GLADSTONE				38,000
<b>TOTAL PAYMENTS FROM CITIES</b>				<b>563,725</b>

## M E M O R A N D U M

VIE 1

TO: Hugh H. Brown, City Administrator  
FROM: Ronald D. Goodpaster, Chief of Police *RDG*  
DATE: May 30, 1985  
SUBJECT: MILWAUKIE FESTIVAL DAZE

This year the streets around City Hall will be blocked on Tuesday, 6-18-85, at 6:30PM. All the craft sellers that in previous years have been around City Hall have been moved to the parking lot across from City Hall and the beer tent activity has been moved to the south end of Main Street adjacent to the Post Office.

There will be carnival rides and vendors on 21st Street and on Jackson Street, super star competition on the school grounds, a talent show at the corner of 21st and Jackson, and an ice cream social at Scott Park.

The carnival hours will be from 12 Noon until 11:00PM Thursday through Saturday and 12 Noon until 5:00PM on Sunday. The craft sellers will be open Friday at 6:30PM until 11:00PM, all day Saturday and from about 12:00Noon on Sunday until 5:00PM.

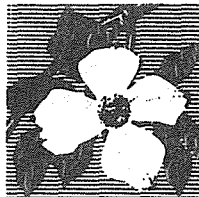
The beer tent will be on Main Street requiring the blocking of Main just south of Adams. It will be open on Friday from 5:00PM until 12 Midnight; on Saturday from 12 Noon until 12 Midnight; and maybe open on Sunday from 12 Noon until 5:00PM. There will also be a variety of live band entertainment that will be playing Friday between 8:00PM and 12 Midnight and on Saturday from 12 Noon to 12 Midnight.

The parade, featuring Barney Keep as the Grand Marshal, will start at Rowe Junior High on Saturday at 10:00AM and end at Southgate Cinema.

The 10K run will start at Rowe Junior High at 9:00AM on Saturday and end at Southgate Cinema.

RDG:ck

# CITY OF MILWAUKIE



VIF 1

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

## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: HUGH H. BROWN, CITY MANAGER

SUBJECT: SENIOR CITIZEN ADVISORY COMMISSION CONCERN

DATE: MAY 30, 1985

As the attached memorandum indicates, there is some concern on the part of the Senior Citizen Advisory Commission as to the inability of our senior community to dispose of yard debris.

At Council's direction, staff is already involved in the compilation of a proposal for city-wide clean-up which would address this concern. We are planning a clean-up day in the fall. We will keep the Senior City Advisory Commission aware of our planning efforts and encourage their assistance where ever possible.

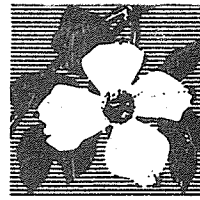
A report will be provided to Council when the proposal has been developed.

A handwritten signature in cursive script that reads "Hugh H. Brown".

Hugh H. Brown  
City Manager

Attachment

Reference: HB-136



## MEMORANDUM

TO: MILWAUKIE CITY COUNCIL  
FROM: SENIOR CITIZENS ADVISORY COMMISSION  
SUBJECT: YARD DEBRIS DISPOSAL  
DATE: MAY 17, 1985

The Senior Commission is concerned that the needs of the frail elderly who are physically unable to cope with the problem of yard debris disposal are not being met since the burning ban. It is hoped that some workable plan can be reached to serve this underprivileged group. The Commission would further recommend that an agreement be reached whereby at least a semi-annual free clean up and pick up day can be instituted by the City in cooperation with the Sanitary services of the area.

TO: Hugh Brown  
City Manager

VIGI

FROM: Steven Hall  
Public Works Director

*SMH*

RE: TriMet proposal  
Harrison Street

DATE: May 24, 1985

At the last City Council meeting, Mr. Erv Kriegel of 3637 S.E. Harrison Street expressed concern to the City Council in reference to the TriMet proposal to re-route buses from S.E. Monroe to S.E. Harrison between 32nd and 42nd.

The information which Mr. Kriegel had received and that I had received from TriMet seemed to be in conflict, and the City Council requested me to further confirm the information on their proposals for Harrison Street.

I spoke with Mr. Bill Coffel, a TriMet Transportation Planner, and asked him what lines would be running on Harrison Street in Milwaukie between S.E. 32nd and S.E. 42nd, and how often would those buses be running. Mr. Coffel indicated to me that beginning with their new scheduling in September of this year, the route #31 bus to Estacada would be the only route operating on Harrison as proposed. The scheduling of buses on that route are tentatively set at 20 minute intervals during the rush hour, and one hour intervals during the mid-day.

There are other buses that operate on Harrison between the Time Transfer station and S.E. 32nd. These two lines include the Route 75, which follows S.E. 39th through Portland to the Lloyd Center, and the current Ardenwald route, which follows 32nd to Harvey and then through the residential area of Milwaukie.

I believe that the proposal with TriMet can be dealt with and allowed to operate on Harrison if the bus stops are located in proper areas which will not obstruct traffic.

With the current two routes operating through the intersection of Harrison and 32nd, we have received no complaints about obstruction of traffic due to those buses, and the route #31 will have considerably lower frequency of travel than those two existing lines.

If Council wishes to discuss this further, or give staff additional directions, I will be available at the next Council meeting.

cc: Mr. Kriegel

SMH/cjl

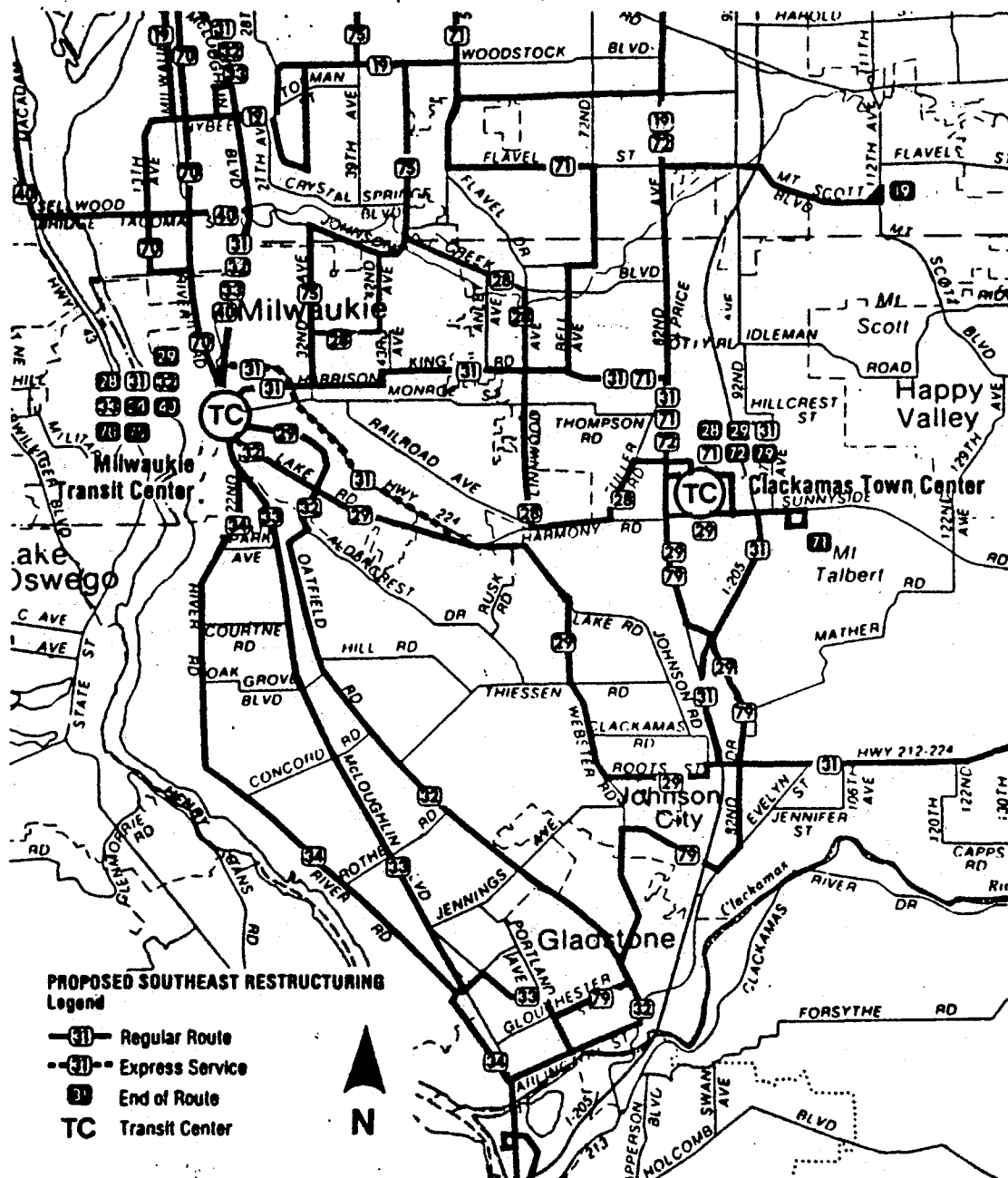
# SOUTHEAST TRANSIT IMPROVEMENT PLAN

SEPTEMBER 1, 1985

VIG 2

## Features of the Proposal Include:

- Direct service between the Portland Mall and Clackamas Town Center
- Express rush hour commuter service from the Clackamas Town Center park-and-ride lot to Portland Mall
- Retention of current express service between Estacada and Downtown Portland
- Direct service between Estacada and Clackamas Town Center
- Extension of line 71-Killingsworth/60th Ave. to Clackamas Town Center and Kaiser Sunnyside Hospital
- Direct service between the Portland Mall and Mt. Scott
- Service on Duke Street between 72nd and 82nd Avenues
- 15-minute midday service on line 75 to Milwaukie TC
- New service on Bell Ave., SE 42nd, Johnson Creek Blvd., and Linwood north of King
- More direct route between Milwaukie TC and Clackamas Town Center
- Establishment of an Estacada park-and-ride lot



**Routes:****VIG 3**

**19-Woodstock** -- From Portland Mall via current route to 72nd and Duke, then via Duke, 82nd, Flavel to Lincoln Memorial. Service on 72nd north of Duke, and Woodstock between 72nd and 82nd would be discontinued. Current frequencies of service would be maintained. On Sunday, trips would operate via Union Manor.

**28-Linwood** -- Current #78 route from Milwaukie Transit Center to 42nd and Howe, then via 42nd to Johnson Creek Boulevard, Linwood, Harmony, Price Fuller, Causey, 82nd to Clackamas Town Center. Current frequency of service would be maintained.

**29-Lake/Webster** -- New line that would replace part of current line 31-Estacada route. From Milwaukie Transit Center via Washington, 34th, Lake, Webster, Roots Road to Clackamas Junction, 82nd Drive, Sunnyside Road to Clackamas Town Center. Service would operate every 20 minutes during rush hours, every 60 minutes during weekday midday/evening and Saturday. Hours of operation would be generally the same as the current line 31-Estacada.

**31-Clackamas/Estacada** -- From Portland Mall via McLoughlin to Milwaukie Transit Center, then via Harrison, 42nd, King, 82nd to Clackamas Town Center, I-205, 82nd Drive, and current route on Highway 224 to Estacada. Would replace line 76 on King Road between 42nd and 82nd Avenues. Trips would alternate with line 33-McLoughlin in order to provide service between Portland and Milwaukie Transit Center. Some rush hour express trips would operate between Portland and Clackamas Town Center via McLoughlin and Highway 224. Service between Estacada and Portland Mall will operate approximately every 40 minutes during rush hours, every 60 minutes during weekday midday and on Saturday. Service between Clackamas Town Center and Portland would operate every 20 minutes during rush hours, every 60 minutes during weekday midday, every 60 minutes on Saturday, and every 120 minutes on Sunday. Two morning express trips would begin in Estacada in order to serve 7:00 and 8:00am work shifts in Downtown Portland. The existing outbound express to Estacada would be retained.

**32-Outfield** -- From Milwaukie Transit Center via current route to Clackamas Community College. Rush hour trips would continue to operate to Portland Mall via McLoughlin. The current frequency of service would be maintained.

**33-McLoughlin** -- No change.

**34-River Road** -- The current route to Oregon City Shopping Center, then via McLoughlin to 11th, Main, Singer Hill Road, 7th, John Adams, to 5th. Current frequency of service would be maintained.

**40-Johns Landing** -- No change.

**70-12th Avenue** -- No change.

**71-Killingsworth/60th Ave.** -- From Swan Island via current route to 72nd and Flavel, then via 72nd, Alberta, Bell, King Road, 82nd, Causey, 90th, Monterey, Clackamas Town Center, Sunnyside Road to Kaiser Sunnyside Hospital. Service to Mt. Scott would be replaced by line 19-Woodstock. The current frequency of service would be maintained.

**72-82nd Avenue** -- No change.

**75-39th Ave/Lombard** -- All weekday trips before 10pm would operate to Milwaukie Transit Center. All Saturday trips would operate to Milwaukie Transit Center between 6:00am and 8:30pm. No change to Sunday service. Service on Harney, 52nd Avenue, Flavel Drive, and Clatsop Street would be eliminated. Alternate service would be provided on 72nd and Alberta by line 71. Current frequency of service would be maintained.

**76-King Road** -- Would be replaced by lines 31, 32 and 78. Service on 42nd (south of Harrison), on Monroe and Oak Street would be eliminated. Alternate service would be provided on Harrison west of 42nd by line 31. Service to Kaiser Sunnyside Hospital would be provided by line 71.

**78-Linwood** -- Would be partially replaced by line #28. Service on Howe, Rockwood, 49th, Logus, Stanley, and Harmony between 82nd and Price Fuller Road would be eliminated.

**79-Canby** -- Service from Clackamas Town Center to Kaiser would be replaced by line 71.

- Marlene Brandt, who had presented a petition requesting removal of service at the February community meetings, reiterated her position at the hearing. She suggested using 43rd to King to 49th to Logus as an alternate route.
  - Steve Hall, Public Works Director for the City of Milwaukie, testified that the City feels that Rockwood is **not** suitable for bus traffic. He requested that Tri-Met find an alternate way to serve the area.
5. Three people spoke about the proposal to move bus service from Monroe to Harrison Street.
    - Two residents of Harrison Street were concerned that bus traffic will add to an already bad congestion problem at 32nd and Harrison, as well as cause damaging vibrations.
    - Steve Hall, Milwaukie Public Works Director, stated that the City is concerned about potential bus/auto conflicts on Harrison and would like to work with Tri-Met regarding this issue.
  6. One woman stated that the schedule for line 34-River Road is too tight, and inbound meets at Milwaukie are being missed. She suggested that the route be shortened to end at the Oregon City Shopping Center.
  7. Residents of the King Bell apartments on Bell Road are strongly in favor of the plan to provide new service on Bell via line 71. The manager of the complex presented a letter signed by 30 residents who support the plan. She noted that it would be especially helpful if the line could be extended to Kaiser Sunnyside instead of ending at the Clackamas Town Center.
  8. One woman testified against the removal of line 71 from Flavel between 72nd and 92nd. She said that her elderly neighbor depends on the bus to get to Mt. Scott.
  9. A man who lives at 78th and Flavel stated that he needs radial service.
  10. One person spoke against the proposal to switch service on Lake Road between the Milwaukie Transit Center and Oatfield from line 32 to line 30.
  11. Three persons from Estacada testified against the proposal to operate the first 31-Estacada express trip through the Clackamas Town Center. A petition signed by 80 current Estacada express riders who oppose the plan was also presented. The concern of the commuters from Estacada is that the proposed route will be 20-30 minutes longer than the current route.
  12. One person spoke in favor of providing radial service (via line 31) along King Road.
  13. Six persons requested that better service be provided to Kaiser Sunnyside. The speakers objected to having to transfer at Clackamas Town Center to a Kaiser Sunnyside bus.

May 29, 1985

From: John Littlehales, Chairman, Milwaukie Planning Commission  
To: Mayor Ron Kinsella and Members of the Milwaukie City  
Council

Subject: Standards of Conduct and Guidelines for Planning  
Commission Members

Attached are the guidelines for the Planning Commission members which were adopted at our meeting last night. A very thorough, open discussion about the guidelines and our roles as Planning Commissioners was held. I think we reached a general consensus that these guidelines are a responsible statement of that role in the community.

I would like to commend my fellow members of the Planning Commission for their willingness to review the guidelines, to discuss them openly, resolve our differences and present a finished statement to you. I believe this is an example of the positive spirit you have worked so hard to cultivate in the City.

If you have questions about these guidelines, I would be pleased to discuss them with you.

  
John Littlehales

cc: Hugh Brown  
Topaz Faulkner

May 28, 1985

From: John Littlehales, Chairman, Milwaukie Planning Commission  
To: Milwaukie Planning Commission Members

Subject: Standards of Conduct and Guidelines for Planning  
Commission Members

During the past several weeks I have had discussions with several members of City staff relating to the role of the Planning Commissioner and the conduct of Commission members in carrying out our official duties. While a Planning Commissioner retains his rights and obligations as a citizen, I believe there are certain responsibilities we assume and standards of conduct to which we must adhere in our public role as Planning Commissioners.

There are several purposes for this memorandum. First, as Chairman of the Planning Commission, I would like to propose a set of standards of conduct and guidelines for Commission members. I have reviewed the guidelines with the City Attorney and I think we concur that the guidelines are reasonable, responsible and do not restrict a Commissioner's right to free speech. Second, I ask for your review and discussion of these guidelines so that the Planning Commission may adopt and implement them for our use. After adoption, the guidelines will be forwarded to the City Council.

The guidelines are as follows:

1. In General

Whenever a Commissioner makes a public statement as a representative of the Milwaukie Planning Commission, the Commissioner shall announce whether the statement is a personal, individual opinion or the Commission's decision or position on the subject.

2. Media Contacts

Media representatives may attend any Commission meeting. In order to insure accurate reporting of the proceedings, media representatives are encouraged to ask questions through the Chairperson. Media representatives should be discouraged from contacting members outside of meetings. If a member is approached by the media outside of meetings, the Commissioner shall refrain from offering any opinions about subjects or applications which are currently or about to be under discussion by the Commission. At no time shall Commissioners initiate contact with the media, while representing themselves as speaking for the Commission.

3. Milwaukie City Council

The Planning Commission serves at the pleasure of the City Council and should be considered a resource to the City Council on land

use matters. However, since the Council is the appellate body for Planning Commission actions, any ex parte contact on matters under appeal or potentially under appeal must be avoided from the time the application is received until the appeal is concluded. For appeal hearings before the City Council, the Commission may designate a member to attend the hearing as a representative of the Commission. The Commission may be asked to contribute its expertise and background on land use issues facing the City or other matters before the Council, during a Commission meeting or through the Chairperson.

#### 4. Other Governmental Bodies

On occasion, a representative of the Planning Commission may be asked to appear before another local or regional governmental body or agency. Examples of these bodies are Clackamas County Board of Commissioners or Tri-Met. Any such appearance must be made with the full knowledge and concurrence of the Planning Commission. A Planning Commissioner may not represent himself as a Planning Commissioner before other governmental bodies without first having secured the above authority. Testimony before other bodies as a delegated Planning Commissioner must be confined to appropriate land use issues. A Commissioner may, of course, appear as a citizen in an individual capacity before any body without approval.

#### 5. Members of the Public

Planning Commission members will often have contact with persons who have come before the Commission as applicants, proponents or opponents. Ex parte contact for matters before the Commission or still under appeal must be avoided. Discussion with residents about completed matters should be limited to comments offered in a manner as would be expected of a representative of the City Government.