

MILWAUKIE  
CITY COUNCIL MEETING  
August 2, 1983  
7 p.m.

THE MILWAUKIE CENTER

1437th Meeting

The one thousand four hundred and thirty seventh meeting of the Milwaukie City Council was held on August 2, 1983 with the following Councilors present:

Mayor Joy Burgess	Don Graf
Ron Kinsella	Roger Hall
Mike Richmond	

Also present:

Hugh Brown, City Manager	Steve Hall, P.W. Director
Greg Eades, City Attorney	Dick Bailey, Fire Chief
Topaz Faulkner, Community Services Director	Gordon Erickson, Finance Director
	Laurie Perkin, Secretary

The invocation was given by Mike Richmond and the pledge of allegiance was recited.

AUDIENCE PARTICIPATION

Jim Backenstos read a newspaper article dated July 13, 1983 criticizing Tri-Met.

Bill Hupp requested that discussion of Loaves & Fishes contract be moved up in the agenda.

Mayor Burgess announced that all items under Other Business would be moved up in the agenda.

Consideration of amendments to the Loaves & Fishes agreement

Mayor suggested the city negotiate further with Loaves & Fishes to more clearly define language regarding use of space, grievance procedure, responsibility for kitchen, etc. She suggested that Dick Mastbrook and another member of L & F Inc., Walt Hegg and another member of the Steering Committee, The City Manager, a Council member, and a secretary be involved in the negotiations. She read a letter from Dick Mastbrook, Executive Director of Loaves & Fishes Inc. suggesting that Council either adopt the proposed amendments to the agreement, reopen the negotiations, or hire a mediator. The grievance procedure was discussed. City Attorney said that the grievance procedure was not appropriate in the present case, that the grievance procedure was meant to be used for violations of the agreement.

Roger Hall said he saw no reason to amend the agreement, that the Center was a city facility and the city should have overall authority, and that the agreement should have a trial period. Graf said he was of the same opinion, the contract was negotiated in good faith by both parties, the advisory bodies have all suggested that the contract stand as is, and that if there are problems later, they can be dealt with at that time. He said he did not object to a mediator to help the two groups solve any possible misunderstandings.

Richmond suggested that the agreement be allowed to stand and that the City Manager be directed to clarify wording in present contract as to use of space, responsibility for kitchen, etc. and that the city express its willingness to cooperate with L & F regarding use of activity areas.

Kinsella said that so many people were concerned about the present situation and about the possibility of the Heggs leaving that if changing some wording would help, he thought it should be done.

It was MOVED by Burgess, SECONDED by Kinsella, that negotiations be reopened with the parties previously suggested. Under discussion, Hall again stated his objection to giving control of any part of the Center to L & F and said if the agreement was changed the situation would only become worse. Kinsella pointed out that L & F is responsible to the County for keeping health standards and therefore should have control of the kitchen. The following persons spoke on this issue:

Jean Baker, Al Liane, Bill Hupp, Jim Backenstos, Clinton Berle, Lorraine Williams, Georgia Brakeman, Blanche Manley, Cathy Helger, John Vannice.

On the MOTION to reopen negotiations MOTION FAILED with the following vote: AYES: Burgess, Kinsella. NO: Graf, Hall, Richmond.

It was MOVED by Richmond, SECONDED by Hall, to address the concerns of Loaves & Fishes as indicated in the proposed amendments by directing the City Manager to clarify the city's responsibility regarding training and clarify the city's intent regarding use of activity space. There was discussion on the wording of the motion. City Attorney asked if the motion was meant to indicate that City Manager should indicate which city staff should be trained in use of the kitchen and that city staff should guarantee that the kitchen be left in acceptable condition.

Graf said he thought the motion was inappropriate since it was assumed that the City Manager would do his best to facilitate the agreement. Hall suggested that the motion be withdrawn and that Council make a statement of support for the Loaves & Fishes program and indicate its willingness to work out the problems of all concerned. Richmond WITHDREW his MOTION.

The meeting recessed at 8:39 p.m.

The meeting reconvened at 8:52 p.m.

#### Garbage Rate Increase

City Manager said staff was prepared to make a presentation on the rate increase but that it could be postponed if Council chose to have a public hearing on this matter.

It was MOVED by Graf, SECONDED by Hall to set a public hearing at the next regular meeting on August 16. MOTION CARRIED with the following vote: AYES: Burgess, Richmond, Hall, Graf. NO: Kinsella. City Manager gave a brief summary of the request for a rate increase. He said in September of 1982 there was a request for an increase of 18% which was denied and that there had been no increase for three years. Dale Harlan, representing the garbage haulers, said he would be willing to wait two weeks if that was the wish of the Council.

Railroad/Harmony project- Lake Rd. alternative

City Manager said the county had completed the study of the Lake Road alternative as a bus trunk route line in response to the neighborhood request at the last Council meeting. The request before Council is whether they would like to include the Lake Road alternative in the environmental assessment study. Gary Spanovich from Clackamas County spoke of the study on Lake Road. He said they had considered zoning, population, park & ride potential, costs, time factor, and neighborhood impacts and recommended the inclusion of the Lake Road alternative in the environmental assessment. He said this would involve only a few more weeks study time and the cost would not be significant. Public Works Director has requested that Council approve memorandum of understanding and alter the third paragraph to read "It is proposed that the City and County pledge to commit local matching funds for preliminary engineering studies of Railroad Ave./Harmony Road and Lake Road/Harmony Road." It was MOVED by Graf, SECONDED by Hall, to approve the request as stated by P.W. Director. There was further discussion on express service, impact of the project on a future light rail system, the necessity of a bus trunk line, the timed transfer station connection. Richmond objected to the regional trunk line. Kinsella questioned the necessity of such a system. Public Works Director said that either party could pull out of the project at any time. There was further discussion on the impact of the project on light rail. Jean Baker submitted a letter to the Council from the neighborhood group responding to the Lake Road alternative study done by the county. She cited several objections which included insufficient financial data. Bill McConnell spoke in support of the project and suggested that more information was needed from Tri-Met. On the MOTION to approve the memorandum of understanding, MOTION CARRIED with the following vote: AYES: Burgess, Graf, Hall. NOES: Richmond, Kinsella. Kinsella asked for a detailed report on the cost of the project. It was suggested that a work session be held on this issue at a later date.

Cable Communications Commission

It was decided to interview applicants for the Cable Communications Commission on Monday, August 15 at 7 p.m. in the Council Chambers.

LEGISLATION

It was MOVED by Graf, SECONDED by Kinsella that the bills listed for August 2, 1983 be approved for payment. MOTION CARRIED unanimously.

There was some discussion on repair bills from the Police Department. The City Manager said he would check into the matter. Richmond requested information regarding services rendered by Metro and other organizations to which the city pays annual dues. It was MOVED by Hall, SECONDED by Kinsella to extend the meeting 1/2 hour. MOTION CARRIED unanimously. On the MOTION to approve the bills, MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Kinsella to read Ordinance 1546 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Kinsella to adopt Ordinance 1546 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438 BY ADDING ADULT ENTERTAINMENT PROVISIONS, ADOPTING STANDARDS FOR CONDITIONAL USES, RESTRICTING CERTAIN COMMERCIAL USES AND DECLARING AN EMERGENCY.) MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall. NOES: none.

It was MOVED by Graf, SECONDED by Kinsella to read ordinance 1547 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Kinsella to adopt Ordinance 1547 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR MANUFACTURED HOUSING, MANUFACTURED HOUSING SUBDIVISION, PRE-FABRICATED CONSTRUCTION (MODULAR UNITS). MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall. NOES: none.

Ordinance and resolution re city sanitary sewers

Public Works Director has requested adoption of ordinance revising sewer regulations and a resolution adopting storm drainage surcharge. This is in response to Council request that staff revise current city ordinance which does not provide options to property owners as to illegal connections. The resolution provides for effective cost recovery for illegal connections found within the city. It was MOVED by Hall, SECONDED by Graf, to read the ordinance the first time by title only. There was some discussion regarding the powers and authority of inspectors. City Attorney suggested adding the words "consistent with city ordinances" after the word regulation under Section 6 G. He said the most significant change is that all existing property is required to be connected. On the MOTION to read the ordinance the first time by title only, MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf, to adopt Ordinance 1548 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, PROVIDING FOR THE USE OF CITY SANITARY SEWERS AND STORM DRAINS AND DECLARING AN EMERGENCY) MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall.

Father John O'Hara addressed the Council objecting to adult businesses in the community. He was provided with a copy of the adult business ordinance which was just adopted.

It was MOVED by Hall, SECONDED by Graf, to adopt Resolution 12-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROVIDING A SEWER SURCHARGE AND AMENDING RESOLUTION NO. 4-1983) MOTION CARRIED unanimously.

Ordinance adopting building code

Public Works Director has requested approval of ordinance adopting 1983 State Building Code which is mandated by the state and recommended by the Building Official. It was MOVED by Graf, SECONDED by Hall to read the ordinance the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf, to extend the meeting another 15 minutes. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Kinsella, to adopt Ordinance No. 1549 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE STATE OF OREGON BUILDING CODES, 1983 EDITION, AND REPEALING ORDINANCE NO. 1469). MOTION CARRIED by the following roll call vote: AYES: Burgess, Richmond, Kinsella, Graf, Hall. NOES: none.

OTHER BUSINESS

It was the concurrence of Council to held a public hearing on the Rusk Road property on September 6 as recommended by the Planning Commission.

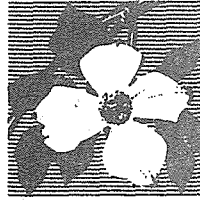
City Manager has recommended Council authorize use of Cogan and Associates at a cost not to exceed \$7100 for a study of the Oak Lodge area in response to a request by the Oak Lodge Community Council for information on cost of city services. There was discussion on the cost of such a study and the attitude of Oak Lodge residents. It was decided to delay a decision on this matter until more information was available.

City Manager assured the Council that he would be glad to work with the Milwaukie Loaves & Fishes representatives and city staff to work out problems at Milwaukie Center.

It was MOVED by Graf, SECONDED by Kinsella to extend the meeting as long as necessary. MOTION CARRIED unanimously.

City Manager announced his absence from the city on August 3 through the 5. Steve Hall will be City Manager Pro Tem. Rober Hall objected to the length of testimony from the audience and requested that some time limit be placed on it. It was decided that testimony from the audience be limited to 3 minutes.

The meeting was adjourned at 11:00 p.m.



## CITY COUNCIL AGENDA August 2, 1983

### THE MILWAUKIE CENTER

### REGULAR MEETING (1437th)

- 5:00 p.m. - WORK SESSION - Discussion of procedures for zoning amendments
- 6:00 p.m. - Interviews - Parks, SCAC/CAB, Traffic Safety
- 7:00 p.m. - Regular meeting

#### I CALL TO ORDER

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

#### II AUDIENCE PARTICIPATION

#### III LEGISLATION

- a) Payment of bills
- b) Ordinance re adult business regulation (2nd reading)  
ORDINANCE
- c) Ordinance adopting amendments to the zoning ordinance re manufactured housing (2nd reading)  
ORDINANCE
- d) Ordinance re use of city sanitary sewers  
ORDINANCE
- e) Resolution re sewer surcharge  
RESOLUTION
- f) Ordinance adopting 1983 Uniform Building Code  
ORDINANCE

#### IV CONSENT

- a) Approval of minutes, July 19, 1983 (regular meeting and work session)

#### V OTHER BUSINESS

- a) Consideration of amendments to agreement between City of Milwaukie and Loaves and Fishes, Inc. *set public hearing ?*
- b) Discussion of garbage rate analysis and request for rate increase. *set*
- c) Railroad/Harmony corridor project: consideration of Lake Road alternative.
- d) Memorandum of understanding with County re local match for Railroad/Harmony corridor project.

*Public hearing*

*Set hearing Sept. 16*

*done*

- e) Update on Cable TV and set Commission interviews

FID

VI

INFORMATION

- a) Minutes - Parks & Recreation Commission, 6/27/83
- b) Minutes - Planning Commission, 7/5/83
- c) Minutes - Joint Senior Citizens Advisory Commission and Center Advisory Board, 5/25 & 6/10/83
- d) Receipt of \$26,000 grant for Waterfront Park.
- e) Letter from Metro re meeting with Oregon Transportation Commission Chairman

VII

ADJOURNMENT

# MEMORANDUM



TO: STEVE HALL, PUBLIC WORKS DIRECTOR  
FROM: GARY SPANOVICH, PROJECT MANAGER  
DATE: JULY 25, 1983

JOHN C. McINTYRE Director  
THOMAS J. VANDERZANDEN Project Development Director  
WINSTON W. KURTH Deputy Director  
DAVID R. SEIGNEUR Development Agency Director  
BENJAMIN R. RAINBOLT Administrative Services Director

SUBJECT: RAILROAD/HARMONY IMPROVEMENT PROJECT - FEASIBILITY OF THE LAKE/HARMONY ALTERNATIVE

## INTRODUCTION

As requested by the Milwaukie City Council we have analyzed the feasibility of Lake/Harmony as an alternative to the Railroad/Harmony Improvement.

## SUMMARY AND CONCLUSIONS

<u>Criteria</u>	<u>Is Lake/Harmony Feasible?</u>
.Future Traffic Volumes	Yes
.Travel Time	Yes
.Cost Estimate	\$2.98 million - Yes
.Comp Plan Zoning	Partial - Majority of adjacent land use is single family residential
.Population	Yes
.Employment	Partial - Does not serve Omark Industrial Area
.Transit Ridership	Yes
.Park & Ride Lot Potential	Partial
.Over-all Project Goals & Objectives	Partial - Meets most objectives, does not meet all.

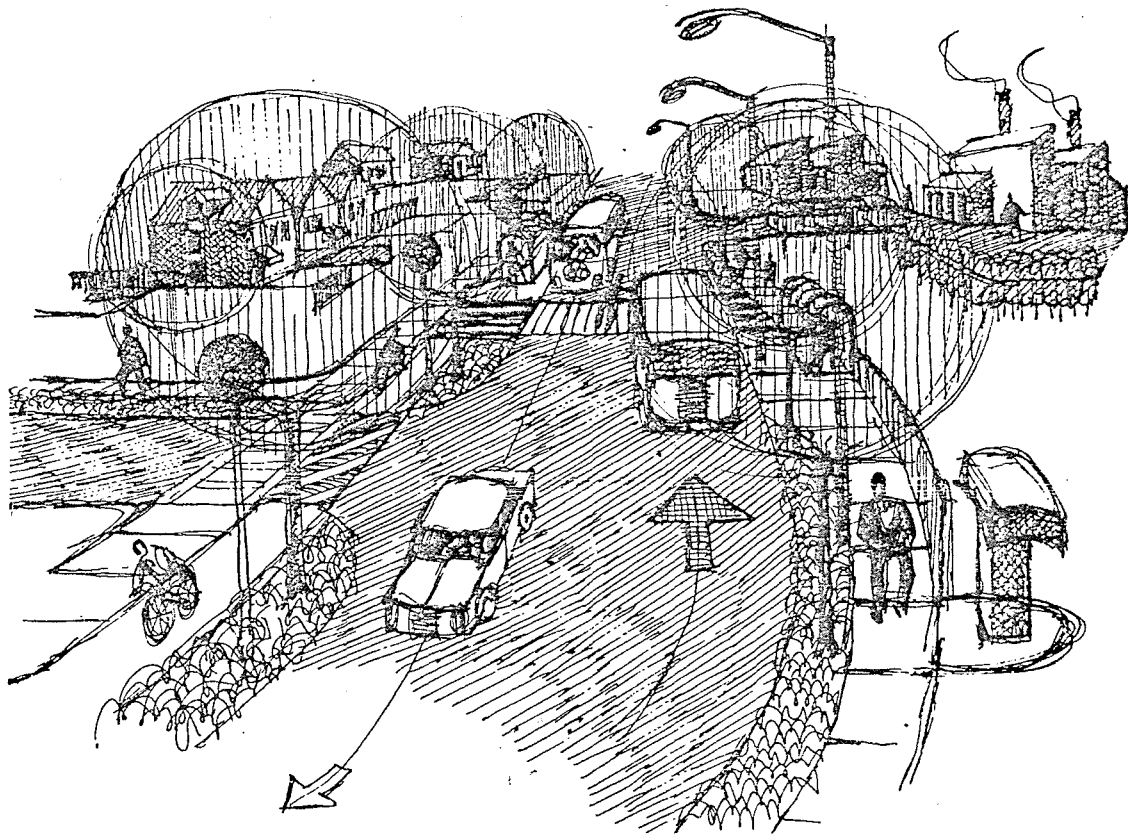
Over-all, the Lake/Harmony alternative is a feasible option. It is recommended that it be included in the environmental assessment for more detailed study.

This analysis has indicated that in some areas Lake may be a better alternative, while in other areas Lake is significantly worse than the Railroad alternative.

The environmental assessment will explore all of these areas in more detail and based on project effectiveness and environmental impacts; reach a technical conclusion on the preferred alternative. The environmental assessment will be complete in early October.

/hb

cc's: Railroad/Harmony Technical Advisory Committee.  
902 ABERNETHY ROAD \* OREGON CITY, OREGON 97045 \* (503) 655-8521



# IMPROVEMENT OF THE RAILROAD AVE./ HARMONY ROAD CORRIDOR

FEASIBILITY OF THE  
LAKE ROAD ALTERNATIVE

Clackamas County  
Department of Environmental Services  
Policy and Project Division  
902 Abernethy Road  
Oregon City, Oregon 97045

AUGUST, 1983

IMPROVEMENT OF THE  
RAILROAD AVENUE/HARMONY ROAD  
CORRIDOR

FEASIBILITY OF THE  
LAKE ROAD ALTERNATIVE

CLACKAMAS COUNTY

DEPARTMENT OF ENVIRONMENTAL SERVICES  
POLICY & PROJECT DEVELOPMENT DIVISION

902 Abernethy Road  
Oregon City, OR 97045  
(503) 655-8521

RAILROAD/HARMONY IMPROVEMENT PROJECT  
FEASIBILITY OF THE LAKE ROAD ALTERNATIVE

1. INTRODUCTION

On July 5, 1983, the Milwaukie City Council held a public hearing on the Railroad/Harmony Improvement Project. As a result of public testimony that Lake/Harmony was a feasible alternative, and had less environmental impacts than Railroad/Harmony; the Council asked for a feasibility study.

This report analyzes whether Lake/Harmony is a feasible alternative for the proposed transit trunk route service.

2. PROJECT PURPOSE

The purpose of the Improvement project is to improve an east/west arterial as a regional transit trunk route between the City of Milwaukie and the Clackamas Town Center. The intent of the development of the transit trunk route is to connect timed transfer transit stations in the Town Center with one in Milwaukie. Concurrently a transit trunk route would also provide a critical link between McLoughlin Boulevard and I-205.

It is critical to the operation of the transit trunk route that the following occur;

- .Provide a direct, non-circuitous connection between the transit centers.
- .Provide a connection between the transit centers which minimizes travel time.
- .Provide a connection which serves land use development along the route.

.Provide a connection which increases transit service by providing service to residential and employment areas not presently served.

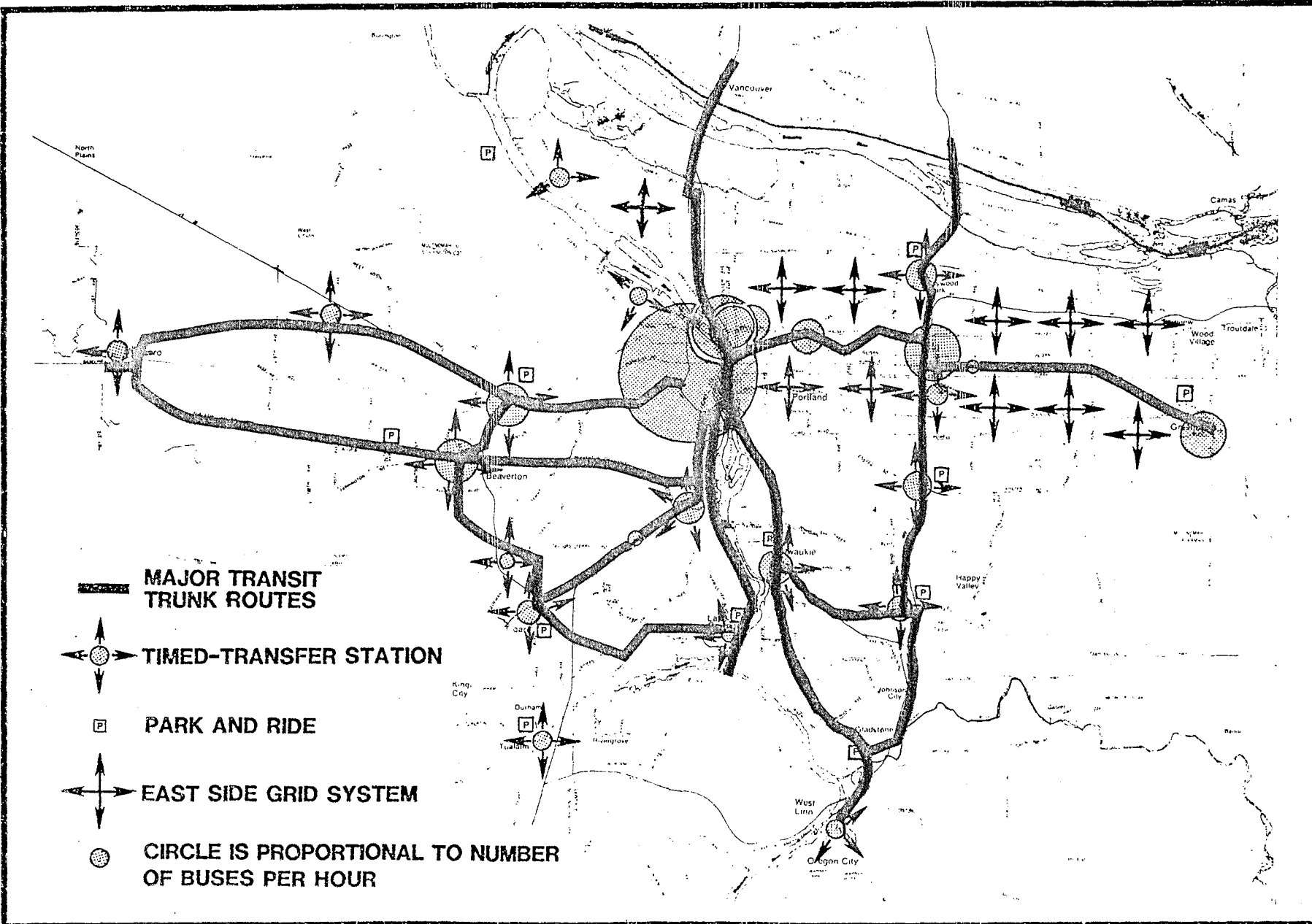
The Regional Transportation Plan proposes a timed-transfer concept for the southern corridor. The transit system developed under this concept would include a number of local feeder routes tied to major transit stations in Milwaukie, Oregon City, and the Clackamas Town Center. Timed transfers between routes at transit stations would provide minimal waiting time. These transit stations would be tied to each other and to other parts of the region by high-speed trunk routes. Figure 1 describes the concept.






Trunk routes are a necessary part of the concept in order to provide region-wide transit access within a reasonable travel time. Planned are a trunk route on McLoughlin Boulevard connecting Oregon City, Milwaukie and points north, and a trunk route on I-205 and/or 82nd Drive connecting Oregon City, the Clackamas Town Center and Milwaukie. The latter is not only important as part of the trunk route network, but would provide a badly needed east-west transit link within Clackamas County, and would serve three major market areas, downtown Milwaukie, the Omark Industrial Park, and the Clackamas Town Center.

3. DESCRIPTION OF PROPOSED LAKE ROAD ALTERNATIVE

21st Street-Oatfield Road

.The existing roadway consists of a deteriorating 29-foot roadway which is divided into two 11-foot travel lanes and a 7-foot parking lane on the north side; a 4-foot sidewalk on both sides; and a 7-foot planting strip on both sides. There is a bus shelter on the north side of Lake at 27th.



-  MAJOR TRANSIT TRUNK ROUTES
-  TIMED-TRANSFER STATION
-  PARK AND RIDE
-  EAST SIDE GRID SYSTEM
-  CIRCLE IS PROPORTIONAL TO NUMBER OF BUSES PER HOUR

.To provide an improvement consistent with the balance of Lake Road, the roadway needs to be upgraded to 34-foot wide, providing two 12-foot travel lanes and two 5-foot bikelanes. This will eliminate the on-street parking, and necessitate widening the road 2½-feet on either side and rebuilding it for a length of about 3,200 feet. Bus pull-offs are needed on both sides of Lake at about 27th Street, and at Oatfield. Additional bus shelters are needed on the south side of Lake at 27th and on both sides at Oatfield. Safety improvement are needed at the 21st and Lake intersection, and left turn lanes should be created at 27th, if feasible.

#### Oatfield-Highway #224 Bridge

.The existing roadway east of Oatfield to Kuehn Road consists of 38-feet of deteriorating roadway divided into two 12-foot travel lanes and two 7-foot bike-pedestrian lanes, except for a partially improved 300-foot section at the intersection with Freeman Way which consists of 46 feet of pavement divided into a 14-foot right turn refuge, two 12-foot travel lanes and a 7-foot bike-pedestrian lane on the south side. The north side also has a 5½-foot sidewalk adjacent to the street, and a bus shelter.

.East of Kuehn Road the roadway was improved by the Highway #224 project to a width of 60 feet, divided into essentially two 8-foot bike-pedestrian lanes, two 14-foot travel lanes, and a 16-foot median/left turn lane (the exact dimensions very somewhat).

.This project should rebuild the street surface between Oatfield and Kuehn Road to a width of 34 feet - (except for the 300 feet at Freeman Way), divided into two 12-foot travel lanes and two 5-foot bikelanes. The total length of this improvement would be 3,800 feet. In addition, a curb and 5-foot sidewalk should be constructed along the entire south side of this 6,000 foot long section, and about 4,400 feet on the north side to link already existing sidewalk sections. Planting strips should be included in the improvement cross section where feasible. The area is

estimated at about 3,000 feet on the south side and 2,200 feet on the north. Bus pull-offs and shelters should be provided on both sides of Lake in front of Rowe Junior High School, and on the south side at Freeman Way.

#224 Bridge-Linwood:

.The Highway #224 project improved the roadway section east of the Highway #224 bridge to a point approximately 800 feet from the Linwood intersection. It essentially has the same cross section as the roadway west of the bridge (60-foot wide). The easternmost 800 feet varies between 30 and 41 feet in roadway width, generally providing two 12-foot travel lanes and a 6-foot bike/pedestrian lane on the north side, and either nothing or a shoulder on the south. The embankment drops away steeply on the south side for most of this section.

.The roadway should be rebuilt in the eastern 800 feet to a 34-foot width, with two 12-foot travel lanes and two 5-foot bike lanes. The Linwood intersection should be rebuilt to a full 4-lane 58-foot width to provide adequate stacking and turning room for eastbound traffic. A 5-foot sidewalk and curb should be built between the end of the bridge and the Lake/Harmony/International intersection on the south side of Lake. A 6-foot sidewalk and curb should be provided from this intersection to the Linwood intersection on the north side of Harmony, for a length of about 1,200 feet. Where possible this sidewalk should be separated from the street by a planter (approximately 500 feet). Bus shelters should be provided at the Lake/Harmony/International intersection, and a pull-off and shelter just west of the Linwood intersection. A pull-off and shelter for eastbound bus traffic will also be provided on Harmony east of the Linwood intersection.

4. FEASIBILITY OF THE LAKE/HARMONY ALTERNATIVE

4.1 Traffic Volumes

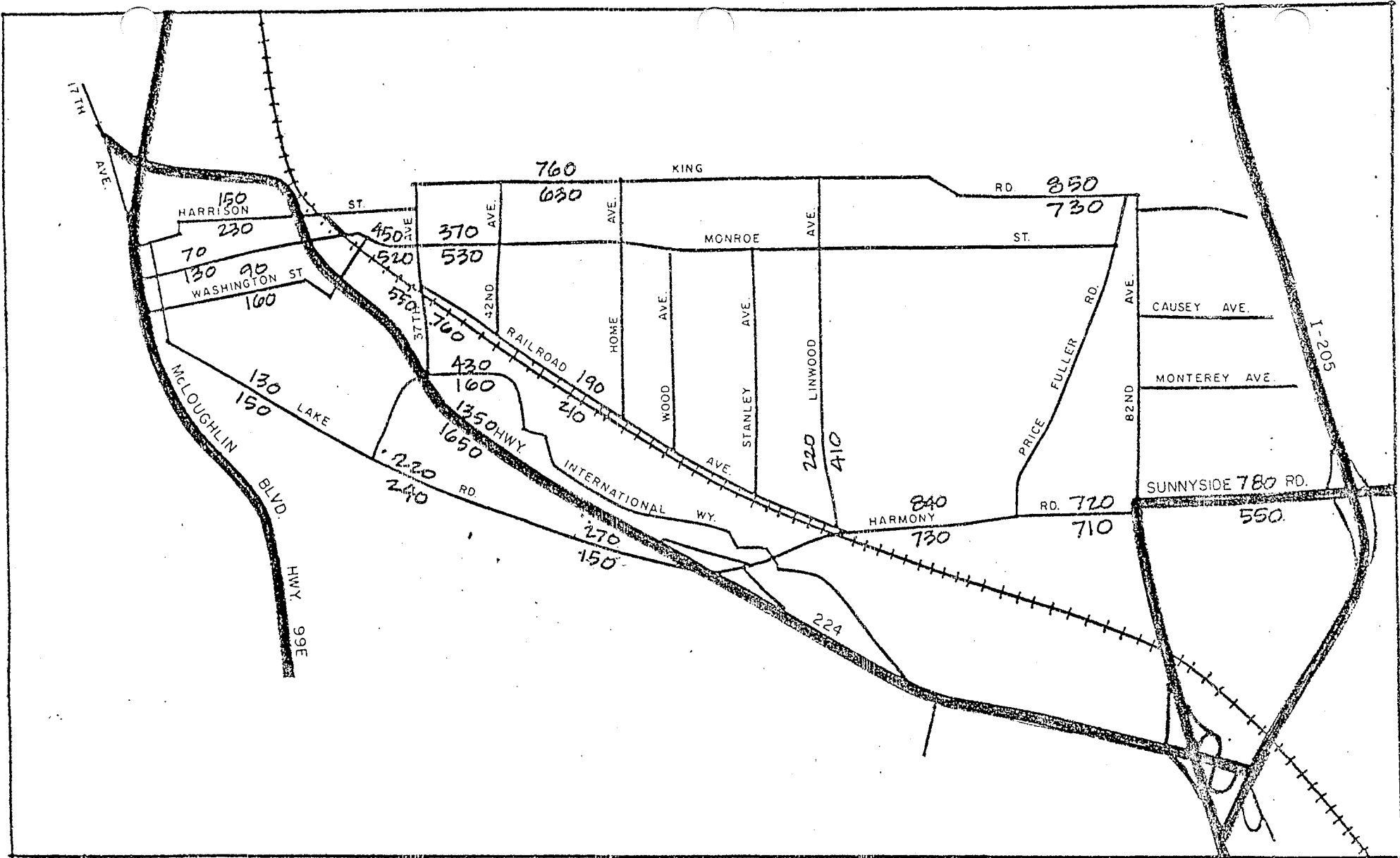
Figure 2 describes year 2000 peak hour traffic volumes assuming the Regional Transit Trunk Service. The volumes indicate only a two-lane improvement is required on Lake Road in the future. The traffic volumes also indicate that transit service on Lake Road in the future could operate with similar, although slightly worse, travel times given projected traffic volumes.

4.2 Existing Travel Time

A travel time and delay study was conducted on both Railroad/Harmony and on Lake/Harmony between 3 P.M. and 6 P.M. The following table summarizes the results of the study. Basically very little difference exists between the three alternatives, westbound or eastbound. The average trip takes roughly 13 to 14 minutes and the average speed is roughly 20 MPH during the peak hour. It should be noted that because of the recent improvements to Lake Road it drives significantly faster than Railroad at present, although more potential for delay exists because there are more signals. With a comparable improvement on Railroad, travel times would be somewhat improved for the Harrison, Railroad and Washington/Railroad sections.

Results of the Travel Time Study  
Westbound-Clackamas Town Center to Downtown Milwaukie

	<u>Average</u> <u>Trip</u>	<u>Distance</u>	<u>Average</u> <u>Speed</u>
Harrison/Railroad/Harmony	14 min.30 sec.	4.69 mi.	19.4 mph
Washington/Railroad/Harmony	14 min.35 sec.	4.79 mi.	19.8 mph.
Lake/Harmony	13 min.	4.68 mi.	21.6 mph.



CLACKAMAS CO  
DEPT. OF  
ENVIRONMENTAL  
SERVICES  
POLICY & PROJECT  
DIVISION

RAILROAD/  
HARMONY  
CORRIDOR  
IMPROVEMENT  
PROJECTS

YEAR 2000 - PEAK HOUR VOLUMES  
ASSUMING THE REGIONAL TRUNK  
ROUTE

FIG.  
2  
0 1/4  
MILES  
SCALE

Eastbound-Downtown Milwaukie to Clackamas Town Center

	<u>Average</u> <u>Trip</u>	<u>Distance</u>	<u>Average</u> <u>Speed</u>
Harrison/Railroad/Harmony	13 min.	4.69 mi.	21.6 mph
Washington/Railroad/Harmony	13 min.50 sec.	4.79 mi.	20.8 mph
Lake/Harmony	13 min.40 sec.	4.68 mi.	20.6 mph

4.3 Cost Estimates The basic design option along Lake consists of:

- .Two 12-foot travel lanes and curbs.
- .Two 5-foot bike lanes in the roadway.
- .Two 5-foot sidewalks.
- .Left turn bays and transit pull-outs at selected locations.
- .Lake/Harmony intersection to be improved to four travel lanes across the tracks.

The following sketch cost estimates have been developed for Lake from 21st to Linwood:

<u>Section</u>	<u>Cost</u>
21st-Oatfield	\$ 600,000
Oatfield-Highway #224 Bridge	\$ 900,000
Highway #224 BridgeLinwood	<u>\$ 200,000</u>
	\$1,700,000
Signalization Improvements	\$ 150,000
Main & 21st Improvement	\$ 100,000
Estimated ROW Costs	<u>\$ 60,000</u>
	\$2,010,000

The following compares the Lake/Harmony improvement with the Railroad/Harmony improvement:

<u>Alternative</u>	<u>Estimated ROW &amp; Construction Costs</u>
Harrison/Railroad/Harmony	\$ 200,000 + 2,337,000 + 970,000 = \$3,507,000
Washington/Railroad/Harmony	\$ 170,000 + 2,087,000 + 970,000 = \$3,227,000
Lake/Harmony	\$ 2,010,000 + 970,000 = \$2,980,000

The Lake/Harmony alternative is the least expensive option. This is a result of past improvements on Lake which mean less work has to be done to bring it up to standard. However, Railroad Avenue over the years has had very little improvement and as a result requires extensive rehabilitation.

#### 4.4 LAND USE CHARACTERISTICS

The following table describes adjacent Comprehensive Plan Zoning:

##### Lake Road - From 21st To Linwood

<u>Adjacent Land Use</u>	<u>Percentage</u>
Commercial	3
High Density Residential	15
Medium Density Residential	10
Low Density Residential	57
Public Land	2
Industrial	<u>13</u>
	100%

##### Railroad Avenue - From Hwy. 224 to Linwood

<u>Adjacent Land Use</u>	<u>Percentage</u>
Low Density Residential	31
Medium Density Residential	21
Industrial	<u>48</u>
	100%

The majority of Comprehensive Plan Zoning along Lake is single family residential which is currently undeveloped or in agricultural use. Also 25% of adjacent land use is either medium or high density residential.

Alternatively along Railroad only 31% of adjacent land use is low density residential while 21% is medium density residential and 48% is industrial.

Given that the Omark Industrial Area can be linked by pedestrian paths in the future, to Railroad Avenue, a significant number of jobs would have access to transit trunk service.

Overall from a land use perspective Lake is a feasible alternative, although clearly Railroad/Harmony is the better alternative, in terms of supporting the City and County Comprehensive Plans.

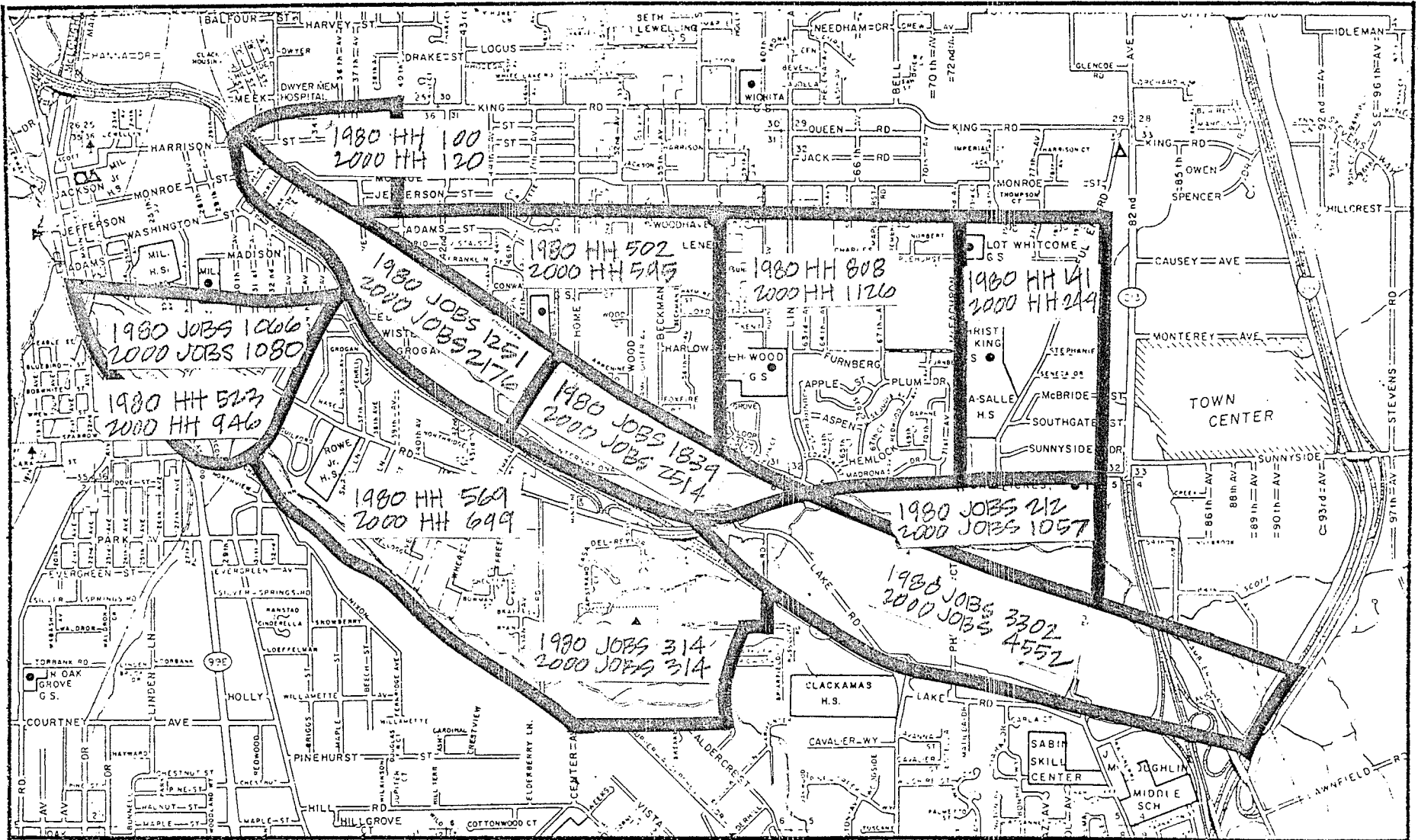
#### 4.5 POPULATION & EMPLOYMENT ESTIMATES

Figure 3 describes existing and projected population and employment along Lake, Railroad, and Harmony. The estimates were provided by Metro.

Considering only the travel zones identified on Figure 3 the following facts are relevant:

<u>Estimates</u>	<u>Lake</u>	<u>Railroad</u>
Households: 1980	1092	604
Households: 2000	1645	996
Jobs: 1980	1380	3090
Jobs: 2000	1394	4690

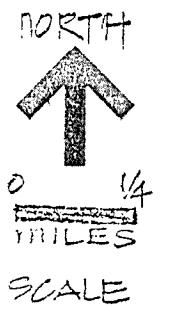
Currently trunk route service on Lake would serve more households than Railroad. However, the Railroad Avenue alternative has the potential of serving significantly more jobs.



CLACKAMAS CO.  
 DEPT. OF ENVIRONMENTAL SERVICES  
 POLICY & PROJECT DIVISION  
 FIG. 3

RAILROAD/HARMONY CORRIDOR IMPROVEMENT PROJECTS

COMPARISON OF POPULATION & EMPLOYMENT FOR 1980 & 2000 IN SELECTED TRANSIT ZONES



4.6 TRANSIT RIDERSHIP

More detailed analysis is required before the transit ridership issue can be determined. However, the following year 2000 transit ridership statistics were developed for the Railroad/Harmony trunk route service:

<u>Railroad/Harmony Service</u>	<u>Eastbound</u>	<u>Westbound</u>
Total All Day Ridership	880	1210
Total All Day Through Trips	680	720

Thus if trunk service occurs on Railroad Avenue, a total of 2,090 riders will be served of which 1400, or 67% are through trips travelling between Downtown Milwaukie and the Town Center. It can be assumed that, given similar travel times, that these 1400 riders would use the trunk service on Lake/Harmony.

The remaining 690 riders are generated by adjacent residential use along the Railroad/Harmony route. None of these 690 trips were assumed generated by the Omark industrial area. Pedestrian access to the industrial area will substantially increase this estimate.

Alternatively because more residential development occurs along Lake, it can be assumed more than 690 trips would be generated if the trunk service was on Lake Road. However, adjacent employment along Lake would not generate the same degree of ridership as the Omark Industrial Area potentially could.

In summary, assuming no pedestrian access to the Omark Industrial Area, the Lake/Harmony transit trunk route would generate the same or more ridership than the proposed Railroad/Harmony route. However, with pedestrian access to the Omark Industrial Area, the Railroad/Harmony route would generate more ridership than Lake/Harmony.

Addressing the issue of feasibility, the Lake/Harmony route is a feasible option.

#### 4.7 PARK AND RIDE LOT POTENTIAL

Previous analysis indicates that a Railroad/Harmony trunk service could support an extremely effective park and ride lot. All day vehicle trips are estimated to be 470 trips. Also an ideal location exists for a Park and Ride site at 37th and Monroe.

Given the expected catchment area, the Lake/Harmony alternative would probably not generate the same number of users. More significantly a quick review of the alternative indicates no readily accessible sites. Thus Lake/Harmony is less effective in terms of park and ride lot potential.

#### 4.8 RELATIONSHIP OF LAKE/HARMONY TO PROJECT GOALS AND OBJECTIVES

The following goals and objectives have been previously defined for the improvement project:

Goal 1: Provide a route for high speed reliable service between the Clackamas Town Center and the Milwaukie CBD.

Objectives:

- A. Ensure the route chosen is the most direct path.
- B. Ensure out-of-direction transit travel is minimized.
- C. Ensure the route has the minimum travel time between the two timed transfer centers.

Goal 2: Maximize the effectiveness of transit coverage and use of transit resources between the Milwaukie CBD and the Clackamas Town Center.

Objectives:

- A. Ensure the trunkline transit system serves dual functions by serving developments along the route.
- B. Give priority to routes which do not presently have existing transit service.

- C. Give priority to routes in southeast residential areas of the City of Milwaukie not presently serviced by transit.
- D. Give priority to routes in industrial areas of the City of Milwaukie not presently served by transit.
- E. Do not duplicate existing and planned local service.

Goal 3: Encourage the shifting of travel demand, both existing and future, from the private automobile to transit.

Objectives:

- A. Consider park and ride opportunities to support the transit trunk route.
- B. Provide for minimum travel times for transit vehicles.

Goal 4: Ensure that the transit route operates in a roadway environment which is conducive and supportive of transit usage.

Objectives:

- A. Improve the roadway environment structurally in order to support medium to heavy use by transit vehicles.
- B. Provide for a safe, pleasant, and convenient movement of pedestrians, bicyclists, and handicapped persons.
- C. Provide sidewalks on both sides of the street.
- D. Provide safe and conveniently spaced pedestrian pathways across barriers such as railroad tracks.
- E. Consider, where appropriate, priority treatment for transit vehicles if significant travel time savings can be realized.
- F. Discourage through traffic from using and being attracted to roadways which have been improved for increased transit usage.

The following compares Lake/Harmony to the project improvement goals:

<u>Goal</u>	<u>Objective</u>	<u>Does Lake/Harmony support the project objectives?</u>
1	A	Yes - 4.69 vs. 4.68 miles
	B	Yes
	C	yes - 21.1 mph vs. 20.3 mph
2	A	Yes
	B	Does not support this objective
	C	Does not support this objective
	D	Does not support this objective
	E	Does not support this objective
3	A	Partially supported
	B	Yes
4	A	Yes
	B	Yes
	C	Yes
	D	Yes
	E	Yes
	F	Roadway can be designed to support this objective

Overall the Lake/Harmony alternative meets most of the project objectives. However, it does not meet Goal 2 as it duplicates existing local service on Lake Road and does not serve new areas of S.E. Milwaukie or major industrial areas in the city. The Lake/Harmony alternatives thus does not make the most effective use of limited transit resources.

#### 5.0 SUMMARY & CONCLUSIONS

The purpose of this analysis has been to determine whether Lake/Harmony is a feasible alternative for the proposed transit trunk service. The following summarizes the analysis:

CriteriaIs Lake/Harmony Feasible?

. Future Traffic Volumes	Yes
. Travel Time	Yes
. Cost Estimate	\$2.98 million - Yes
. Comp. Plan Zoning	Partial - Major adjacent use is single family residential
. Population	Yes
. Employment	Partial - Does not serve Omark Industrial Area
. Transit Ridership	Yes
. Park & Ride Lot Potential	Partial
. Overall Project Goals & Objectives	Partial - meets most objectives, does not meet all

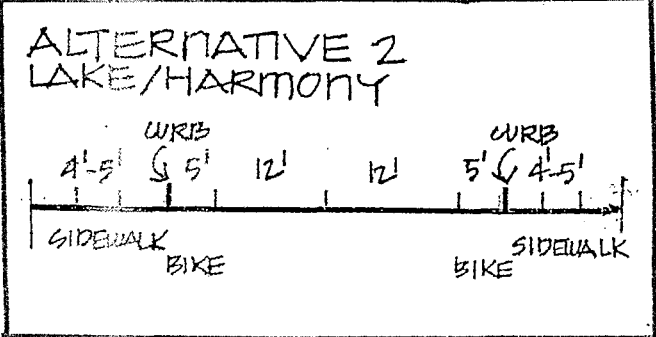
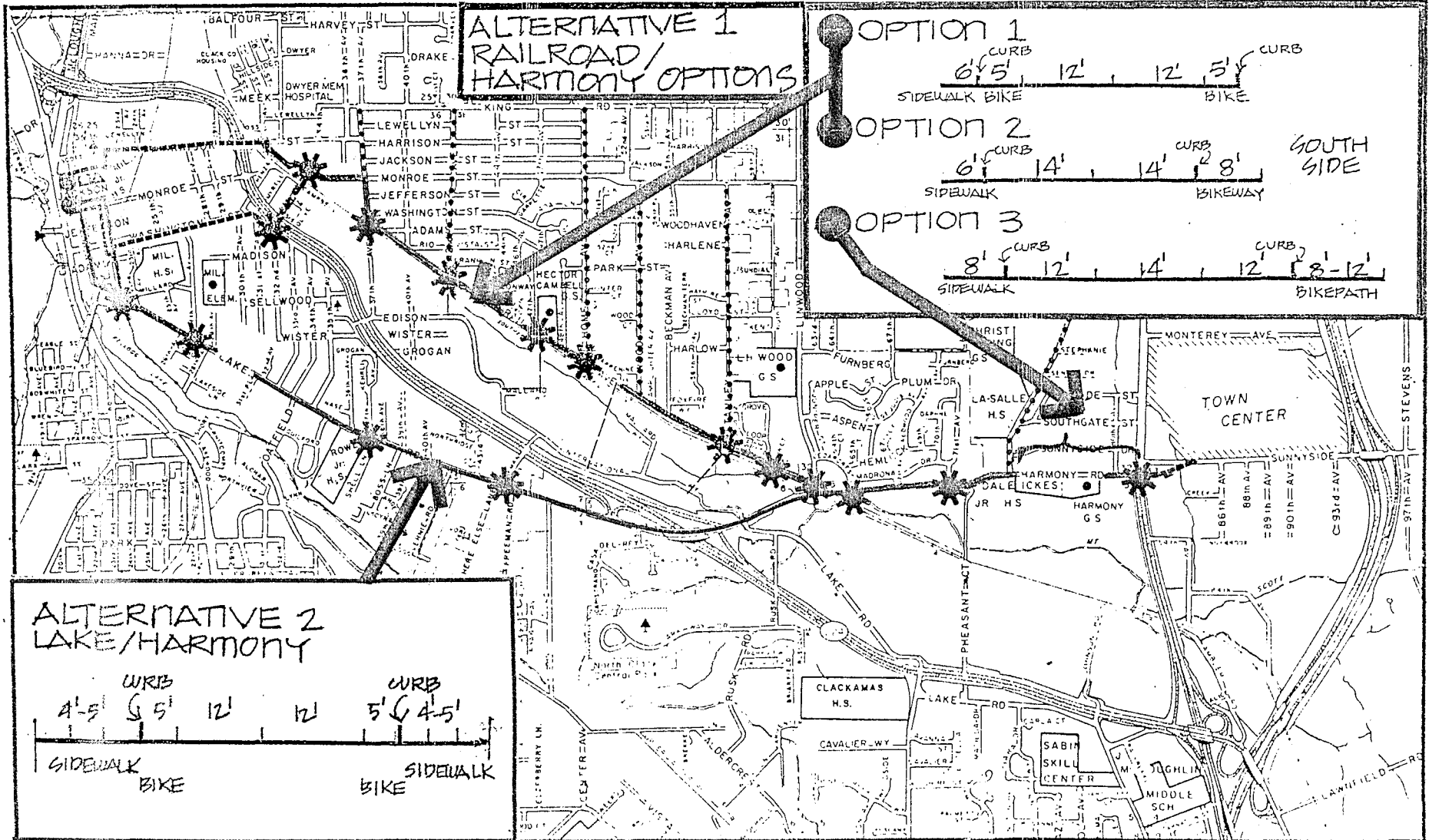
Overall the Lake/Harmony alternative is a feasible option. It is recommended that it be included in the environmental assessment for more detailed study (refer to Figure 4).

This analysis has indicated that in some areas Lake may be a better alternative, while in other areas Lake is significantly worse than the Railroad alternative.

The environmental assessment will explore all of these areas in more detail and based on project effectiveness and environmental impacts, reach a technical conclusion on the preferred alternative. The environmental assessment will be complete in early October.

GS:elk

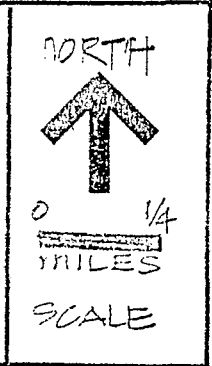
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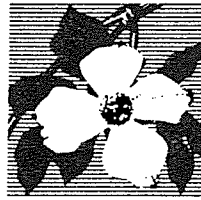


CLACKAMAS CO,  
DEPT. OF ENVIRONMENTAL SERVICES  
POLICY & PROJECT DIVISION  
FIG. 4

- LEGEND:**
- DOWNTOWN TRANSIT ROUTES
  - RAILROAD/HARMONY ROADWAY RECONSTRUCTION
  - ☼ INTERSECTION IMPROVEMENTS
  - PHASE 2
  - ..... N./S. RESIDENTIAL STREETS
  - SO. PACIFIC UNDERCROSSINGS
  - ||||| PARK & RIDE LOT; TIMED TRANSFER SITES.

RECOMMENDED ALTS. & DESIGN OPTIONS FOR THE RAILROAD/HARMONY - LAKE RD. / HARMONY IMPROVE. PROJECT





## MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: CITY COUNCIL MEETING AUGUST 2, 1983  
DATE: JULY 29, 1983

Tuesday's meeting will begin with a work session at 5:00 p.m. to discuss the upcoming process of rezoning certain properties around the city. This relates to adjustments necessary to conform with the city's comprehensive plan which staff has discussed previously with City Council. The proposed process will extend through September and include public hearings before both the Planning Commission and City Council. Additional material will be distributed to you Monday and the background and proposed process will be thoroughly described by staff at Tuesday's work session.

Between 6 and 6:45 several interviews are scheduled with prospective commission members.

A light dinner will be served during the work session.

Because of the planned discussion on the agenda regarding the Loaves and Fishes agreement and the desire for handicap access, both the work session and the meeting will be held at The Milwaukie Center.

See you Tuesday evening.

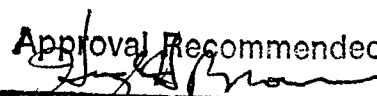
Hugh H. Brown  
City Manager

CITY OF MILWAUKIE  
BILLS PAYABLE AUGUST 2, 1983

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1.	A & B Automotive	36.75	1-52	36.75
2.	Alexander's Chrysler Plymouth	52.53	1-52	52.53
3.	All Electric Appliance Service Co.	136.95	1-37	136.95
4.	Audio Visual Supply Co.	94.65	1-52	94.65
5.	Ben-Ko-Matic Brush Co.	341.98	7-	341.98
6.	Boise Cascade Office Products	51.26	1-53	51.26
7.	Bud's Custom Upholstery	85.00	7-	85.00
8.	Clean One Janitor Supplies	144.90	1-36	119.00
			1-37	25.90
9.	Clothing Allowance (Police)	650.00	1-52	650.00
10.	Clackamas Cty. Animal Control	344.00	1-52	344.00
11.	" " Environmental Services	275.31	1-23	.54
			1-34	103.95
			4-	170.82
12.	Clackamas Fire District #1	4,525.65	1-62	4,525.65
13.	Clackamas County Printing	101.19	1-52	101.19
14.	Clackamas Review	159.28	1-10	64.27
			1-35	53.79
			20-	41.22
15.	Data Graphics Northwest, Inc.	99.64	1-24	99.64
16.	Dwyer Memorial Hospital	137.96	1-62	137.96
17.	Eades, Greg	11.50	1-22	11.50
18.	Executive Department	322.00	1-53	322.00
19.	Facts on File, Inc.	340.00	1-34	340.00
20.	Four Seasons Athletic Awards	150.00	1-36	150.00
21.	H.D. Fowler Company	84.00	30-	84.00
22.	Fred Meyer	120.48	1-52	120.48
23.	Gladstone Oregonian	54.00	1-32	54.00
24.	Goodyear Truck Tire Center	517.44	1-62	517.44
25.	Horton Electric	43.75	1-24	43.75
26.	IBM	158.75	1-32	96.00
			12-	62.75
27.	Inn of Seventh Mountain	62.00	1-21	62.00
28.	Kovac, Leonard J., Jr.	234.00	1-22	234.00
29.	LGPI	585.71	1-61	585.71
30.	League of Oregon Cities	4,907.00	1-21	34.00
			1-25	4,873.00
31.	Light Truck Parts	20.00	7-	20.00
32.	McFarlane's Bark, Inc.	40.00	1-36	4.00
			4-	36.00
33.	McGarvey, Len	36.97	1-52	36.97
34.	Martin & Olson Co.	3,547.94	1-36	3,547.94
35.	Marvac Products	90.00	30-	90.00
36.	Metro	8,863.50	1-25	8,863.50
37.	Metro Boundary Commission	1,772.00	1-25	1,772.00
38.	Milwaukie Automotive	2,643.00	3-	2,643.00
39.	Milwaukie Police Reserve	195.00	1-33	195.00
40.	Molalla Community School	380.00	1-36	380.00

Approval Recommended

  
Hugh H. Brown  
City Manager

CITY OF MILWAUKIE  
BILLS PAYABLE AUGUST 2, 1983

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41.	Northside Ford Truck Sales, Inc.	49.08	7-	49.08
42.	Northwest Natural Gas Company	177.91	1-32	177.91
43.	Northwest Outdoor Equipment	345.73	1-36	345.73
44.	Olinger Gladstone Dodge	69.30	1-52	69.30
45.	Olson Bros. Service	47.90	1-52	47.90
46.	Oregonian	162.40	1-35	162.40
47.	Oregon State University	65.00	1-91	65.00
48.	PGE	20,754.95	1-25	17,748.66
			1-37	423.68
			1-61	35.35
			4-	184.27
			6-	17.70
			20-	121.12
			30-	2,224.17
49.	Pacific Northwest Bell	477.30	1-21	70.59
			1-32	270.05
			1-36	53.63
			1-53	43.39
			30-	39.64
50.	Pacific Northwest Books	10.79	1-34	10.79
51.	Pacific Western Bank	414.69	12-	414.69
52.	The Parts Store	87.08	7-	87.08
53.	J.C. Penney	387.00	1-34	387.00
54.	Petty Cash	156.93	1-36	28.38
			1-37	19.35
			1-51	7.40
			1-52	36.55
			1-62	29.50
			1-91	6.95
			4-	1.57
			7-	11.73
			20-	6.00
			30-	9.50
55.	Publishers Telemarketing	204.60	1-34	204.60
56.	Rock Creek Sand & Gravel	290.00	4-	290.00
57.	Safety-Kleen Corporation	40.75	4-	13.58
			20-	13.58
			30-	13.59
58.	Schanaker, Ronald C.	300.00	1-52	300.00
59.	Short's Grinding & Machine Works	44.80	7-	44.80
60.	Standard Supply Company	14.48	1-36	14.48
61.	Stark Street Lawn & Garden, Inc.	33.00	1-36	33.00
62.	Steptoe's Auto Body	47.50	1-52	47.50
63.	Stevens Automotive	651.14	7-	651.14
64.	Target Boring & Tunneling	2,360.00	30-	2,360.00
65.	Union Oil Company	409.45	7-	409.45
66.	Valley Communications	105.00	1-52	105.00
67.	Franklin Watts, Inc.	261.28	1-34	261.28

CITY OF MILWAUKIE  
BILLS PAYABLE AUGUST 2, 1983

III  
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68. Water Metrics Co.	129.00	30-	129.00
69. Westate Tractor Company, Inc.	483.89	7-	483.89
70. Western Pacific Construction Materials	233.15	4	233.15
71. Willamette Valley Healthcare	36.00	1-62	36.00
72. City of Woodburn	180.00	1-36	180.00
73. Jacqueline Woodroof	65.09	1-32	65.09
	\$61,511.28		\$61,511.28

CHART OF ACCOUNTS  
FUNDS, DEPARTMENTS & DIVISIONS

Effective July 1, 1982

CITY COUNCIL	01-10 BONDED DEBT FUND	02
CITY ADMINISTRATION	01-21 EQUIPMENT RESERVE FUND	03
LEGAL	01-22 STATE TAX STREET FUND	04
COMPTROLLER	01-23 IMPROVEMENT BOND SINKING	
COMPTROLLER/PURCHASING	01-24 FUND	05
COMPTROLLER/GENERAL GOVERNMENT	01-25 STREET IMPROVEMENT FUND	06
	EQUIPMENT REPAIR FUND	07
COMMUNITY SERVICES ADMINISTRATION	01-31 BIKE AND FOOTPATH FUND	09
MILWAUKIE CENTER	01-32 FIXED ASSET ACCOUNT GROUP	10
MUNICIPAL COURT	01-33 REVENUE SHARING FUND	12
LIBRARY	01-34 COMMUNITY DEVELOPMENT GRANT	
PLANNING	01-35 FUND	13
PARKS & RECREATION	01-36 SEWER FUND	20
CITY HALL	01-37 WATER FUND	30
	GENERAL LEDGER/INVENTORY	GL
POLICE ADMINISTRATION	01-51	
FIELD SERVICES	01-52	
SUPPORT SERVICES	01-53	
FIRE ADMINISTRATION	01-61	
FIRE SUPPRESSION	01-62	
FIRE PREVENTION	01-63	
PUBLIC WORKS ADMINISTRATION	01-91	
PUBLIC WORKS ENGINEERING	01-92	
PUBLIC WORKS BUILDING	01-93	

ORDINANCE NUMBER \_\_\_\_\_

III 301

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438 BY ADDING ADULT ENTERTAINMENT PROVISIONS, ADOPTING STANDARDS FOR CONDITIONAL USES, RESTRICTING CERTAIN COMMERCIAL USES AND DECLARING AN EMERGENCY.

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

Section 1. Findings.

- A. Currently, Ordinance No. 1438 does not distinguish between adult entertainment businesses and other commercial uses, which are permitted outright in commercial zones and as conditional uses in certain industrial zones.
- B. The city has received testimony from city residents that adult entertainment businesses are not compatible with residential, church, public park and school uses.
- C. Experience in other communities has shown that the concentration of adult businesses contributes to blight and deterioration in commercial and residential areas.
- D. The City of Portland has documented complaints concerning existing adult entertainment businesses showing that these uses adversely affect the quality and stability of nearby residential and commercial areas and it is likely that the same effects would be experienced in Milwaukie if such businesses located here.
- E. It is in the best interest of the city to mitigate the adverse impacts of adult entertainment businesses by separating them from each other and from surrounding residential, church, public park and school uses and by excluding them from commercial areas.
- F. These uses can be adequately separated by prohibiting adult entertainment businesses with 400 feet of a residential zone, church, public park or school and within 500 feet of another adult entertainment business.
- G. Because many commercial uses often are incompatible with other surrounding commercial and industrial uses, it is desirable to restrict the location of certain commercial uses through the conditional use process.

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- H. The current procedures for consideration of conditional use applications are not adequate. Clearer standards should be adopted and all high impact commercial uses should be subject to the conditional use requirements.
- I. The proposed regulation supports the following elements of the city's Comprehensive Plan, Ordinance No. 1437:
1. Community Conservation and Development Division, Objective #4, Neighborhood Conservation, page 30.  
To maximize the opportunities to preserve, enhance and reinforce the identity, pride of existing well defined neighborhoods in order to encourage the long-term maintenance of the city's housing stock.
  2. Economic Base and Industrial/Commercial Land Use Element, Objective #1, Economic Development, page 35.  
The city will encourage an increase in the overall economic development activity within the city.
  3. Economic Base and Industrial/Commercial Land Use Element, Objective #8, Commercial Land Use: Convenience Centers, page 38(a).  
To limit intrusion of commercial uses into neighborhood areas, while providing easy accessibility for residents.
  4. Recreational Needs Element, Objective #4. Neighborhood and District Parks, page 45.  
To develop a city-wide park and recreation system which meets the needs of neighborhoods and the city as a whole.
  5. Neighborhood Area 1, Objective #1 - Single Family Character, page 54.  
To maintain the single family character of designated single family areas by encouraging maintenance and rehabilitation of older structures, and by improving the quality of new residential development.
  6. Transportation Element, Objective #8 - Pedestrian/Bikeway, page 72.  
To develop a pedestrian/bikeway system which connects local activity centers such as parks, schools and activity centers.

III B 3

7. Economic Base and Industrial/Commercial Land Use Element: Goal, page 34.  
To continue support and encourage the development of a broad industrial base in the city, and to encourage the expansion of service facilities in the community.
8. Objective #4 - Industrial Land Use, Policy 1, page 36.  
New industrial uses will be confined to the three major industrial areas in the city: Milwaukie Industrial Park, Omark Industrial area, and the Johnson Creek Industrial area, as shown on Figure 6.
9. Objective #9 - Downtown Office Center, Policy 1, page 39.  
Downtown Milwaukie will be considered a district commercial center, serving primarily the needs of nearby neighborhood residents.

Section 2. Definitions. Section 1.03 of Ordinance No. 1438 is amended by adding the following definitions in appropriate alphabetical order:

"Adult entertainment business" means an establishment which, for any form of consideration, provides or exhibits primarily products or performances characterized by an emphasis on the depiction or description of specified anatomical areas or specified sexual activities. "Adult entertainment business" includes, but is not limited to, adult arcades, adult bookstores, adult clubs, adult bars, adult motels or hotels and adult theaters.

"Church" means a structure used by a religious organization having a tax-exempt status.

"High-impact commercial businesses" means any such use that generates substantial traffic, or noise, or light, or irregular hours, or other negative impact on the community. Examples include, but are not limited to: drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels and motels.

"Public park" means a park, playground, swimming pool, reservoir, or athletic field within the city which is under the control, operation or management of the Milwaukie Community Services Department.

"Specified anatomical areas" means and includes any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following:

- a. The fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in (a) through (c) of this definition.

Section 3. Prohibited Uses. Sections 3.08 and 3.09 of Ordinance No. 1438 are amended by adding at the end:

- 4. Prohibited Uses. The following uses and their accessory uses are prohibited:
  - a. Adult entertainment business.

Section 4. Commercial Uses. Sections 3.10, 3.11 and 3.12 of Ordinance No. 1438 are amended as follows and renumbered accordingly:

Section 3.10 Limited Commercial Zone, C-L  
Delete from 3.10.2:

- d. Commercial recreation and motion picture theater, not including a drive-in theater.
- f. Eating or drinking establishment.
- g. Hotel or motel.

Add to 3.10.2:

High-Impact Commercial, except Adult Entertainment Businesses

Add at end:

4. Prohibited Uses. The following uses and their accessory uses are prohibited:

a. Adult entertainment businesses.

Section 3.11 Central Commercial Zone, C-C.  
Delete from 3.11.1:

i. Motion picture theater, not including a drive-in.

Delete from 3.11.2:

c. Commercial recreation.

f. Hotel and motel.

n. Drinking establishment.

Add to 3.11.2:

High-Impact Commercial, except Adult Entertainment Businesses.

Add at end:

4. Prohibited Uses. The following uses and their accessory uses are prohibited:

a. Adult entertainment business.

Section 3.12 General Commercial Zone, C-G.  
Delete from 3.12.1:

g. Commercial recreation and motion picture theater.

i. Hotel or motel.

v. Drive-in theater.

Add to 3.12.2:

High-Impact Commercial, except Adult Entertainment Businesses.

Any other uses similar to the above and not listed elsewhere.

Add at end:

4. Prohibited Uses. The following uses and their accessory uses are prohibited:

a. Adult entertainment business.

Section 5. Industrial Uses. Sections 3.13 and 3.14 of Ordinance No. 1438 are amended to read as follows:

Section 3.13 Limited Manufacturing/Industrial Zone, M-L.

1. USES PERMITTED OUTRIGHT ARE LIMITED TO Industrial Uses which meet the following criteria:

- A. A use which involves the collection and assembly of small durable goods, small trans-shipment of goods from other sources, and/or the assembly of goods from products which have been primarily processed elsewhere.
- B. Conforms with the Special Industrial Design Standards.
- C. May produce small amounts of noise, dust, vibration or glare, but may not produce a nuisance at the property line.
- D. Has access to a collector or arterial street.
- E. A permitted use may require limited outside storage areas. These storage areas shall be screened from any adjoining residential uses, or public streets.
- F. No single building may contain more than 40,000 sq. ft. of floor space on a single floor.
- G. Example of a Light-Industrial Use may include:  
  
Small scale warehousing and wholesale distribution; facilities for the manufacturing, assembling and processing of small scale durable goods; machine shops; administrative offices associated with the Light-Industrial Use, and other similar uses.

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H. Prohibited uses:

Any use which has a primary function of storing, utilizing or manufacturing explosive materials or other hazardous material is prohibited.

I. The Planning Director will review each application to establish a new use in a Limited Manufacturing/Industrial Zone, and will allow the new use, if the Director finds that it meets the provisions of Criteria A through I of this Section, and all other appropriate provisions of this ordinance.

2. GENERAL AND SPECIAL DESIGN STANDARDS

General and Special Design Standards shall be applied to all permitted uses when they are applicable.

3. PLANNING COMMISSION REVIEW

If the Planning Director has any question regarding the applicant's ability to meet the criteria (A-I), the request may be scheduled for review by the Planning Commission.

4. CONDITIONAL USES

A. Limited Commercial Uses that provide supporting activities for Limited Manufacturing/Industrial Uses. Examples of these activities include: A copy center; sandwich-deli shop; secretarial services; or trade school.

B. High-Impact Commercial Uses.

5. STANDARDS

In the M-L Zone the following Standards shall apply unless modified by a Special Design Standard, which applies in a particular case.

6. SETBACKS (WHEN APPLICABLE)

A. FRONT YARD SETBACK:

The front yard setback shall be the same as for the adjoining buildings, where such buildings exist. Where no such buildings exist, the setback shall be twenty (20) feet.

B. SIDE YARD SETBACK:

None except property abutting a residential or apartment district, in which case the yard on the adjacent side shall have the same setback as the abutting property. On a corner lot the side abutting the street will equal the front yard setback.

C. REAR YARD SETBACK:

None, except property abutting a residential or apartment district, in which case the rear yard shall have the same setback as the abutting property.

7. LOT COVERAGE

The maximum lot coverage shall be seventy-five (75%) percent.

8. FLOOR TO AREA RATIO

The Floor to Area Ratio (FAR) shall not exceed 2:1.

9. HEIGHT LIMIT

The maximum height for a building shall be forty-eight (48) feet, with provision for Solar Access, which shall not restrict a building to less than thirty (30) feet.

10. OFF-STREET PARKING

Off-Street Parking shall be provided as required in Section 5.

11. LANDSCAPING

A minimum of fifteen (15%) percent of the site area must be landscaped. Street trees shall be planted. Landscaping and screening shall be provided on each site, to meet the following requirements:

A. All areas of the site not occupied by paved roadways, walkways, patios or buildings shall be landscaped with ground cover, shrubs, and decorative or ornamental trees.

B. It shall be the owner's responsibility to maintain the landscaping installed on the site.

C. Screen planting, masonry walls or fencing shall be provided to screen objectionable view within five (5) months of occupancy of

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a related building. Views to be screened include garbage and trash collection stations and other similar uses.

12. SITE ACCESS (WHEN APPLICABLE)

No more than one forty-five (45) foot wide maximum curb-cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

13. ACCESS TO PUBLIC STREETS

All developments shall have access to public streets.

14. ADULT ENTERTAINMENT BUSINESS: The proposed location of an adult entertainment business shall not be within 500 feet of an existing or previously approved adult entertainment business or within 400 feet of either a public park, a church, a day care center, a primary, elementary, junior high or high school or any residentially zoned property, both of which distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

Section 3.14 General Manufacturing/Industrial Zone, M -G

1. USES PERMITTED OUTRIGHT ARE LIMITED TO:

Industrial Uses which meet the following criteria:

- A. A use which involves the primary or secondary processing of materials; the collection, assembly and processing of durable goods; warehousing, cold storage and transshipment of goods from other sources.
- B. Proper safety precautions shall be provided as part of any use which uses, stores or manufactured goods of an explosive or hazardous nature. Proof of these precautions shall be submitted along with a performance bond which is adequate to insure their installation.

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- C. Conforms with the Special Design Standards.
- D. May produce noise, odor, dust, glare, vibration or smoke, but this shall not exceed the standards set by this ordinance at the property line and shall not cause a nuisance at the property line.
- E. Must have access to a collector or arterial street.
- F. A permitted use may have outside storage of material. However, allowed outside storage, with the exception of a sales display area, shall be screened with a sight-obscuring fence or hedge.
- G. Example of a General Manufacturing Use may include:  
  
Large scale warehouses; trucking terminals; vehicle assembly plants; tool plants; industrial equipment sales and service; small foundaries or casting plants; large metal working plants and other similar uses.
- H. The Planning Director will review each request to establish a new use in a General Manufacturing/Industrial Zone, and will allow the new use, if the Director finds that it meets the provisions of Criteria A through G, of this Section, and all other appropriate provisions of this ordinance.

2. GENERAL AND SPECIAL DESIGN STANDARDS

General and Special Design Standards shall be applied to all permitted uses when they are applicable.

3. PLANNING COMMISSION REVIEW

If the Planning Director has any question regarding the applicant's ability to meet the criteria (A-G), the request may be scheduled for review by the Planning Commission.

4. CONDITIONAL USE

A. Limited Commercial Uses that provide supporting activities for General Manufacturing/Industrial Uses. Examples of these activities include: a copy center; sandwich-deli shop; secretarial services; or trade school.

B. High-Impact Commercial Uses.

~~III~~  
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5. STANDARDS

In the M-G Zone the following Standards shall apply unless modified by a Special Design Standard, which applies in a particular case.

6. SETBACKS (WHEN APPLICABLE)

A. FRONT YARD SETBACK:

The front yard setback shall be the same as for the adjoining buildings, where such buildings exist. Where no such buildings exist, the setback shall be twenty (20) feet.

B. SIDE YARD SETBACK:

None, except property abutting a residential or apartment district, in which case the yard on the adjacent side shall have the same setback as the abutting property. On a corner lot the side abutting the street will equal the front yard setback.

C. REAR YARD SETBACK:

None, except property abutting a residential or apartment district, in which case the rear yard shall have the same setback as the abutting property.

7. LOT COVERAGE

The maximum lot coverage shall not exceed eighty-five (85%) percent.

8. Floor to Area Ratio

The Floor to Area Ratio (FAR) shall not exceed 2:1.

9. HEIGHT LIMIT

The maximum height for a building shall be forty-eight (48) feet with provision for solar access, which shall not restrict a building to less than thirty (30) feet.

10. OFF-STREET PARKING:

Off-Street Parking shall be provided as required in Section 5.

11/2  
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11. LANDSCAPING

A minimum of ten (10%) percent of the site area must be landscaped. Street trees shall be planted. In addition, landscaping and screening will be provided on each site, to meet the following requirements:

- A. All areas of the site not occupied by paved roadway, walkways, patios or buildings shall be landscaped with ground cover, shrubs and decorative or ornamental trees.
- B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls or fencing shall be provided to screen objectionable view within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.

12. SITE ACCESS (WHEN APPLICABLE)

No more than one, forty-five (45) foot wide maximum curb-cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

13. ACCESS TO PUBLIC STREETS

All developments shall have access to public streets.

14. ADULT ENTERTAINMENT BUSINESS: The proposed location of an adult entertainment business shall not be within 500 feet of an existing or previously approved adult entertainment business or within 400 feet of either a public park, a church, a day care center, a primary, elementary, junior high or high school or any residentially zoned property, both of which distances shall be measured in a straight line, without regard to intervening structures, between the closest structural wall of the adult entertainment business and either the closest property line of the impacted property or the closest structural wall of any pre-existing or previously approved adult entertainment business.

11/8/13

Section 6. Conditional Use. Section 6 of Ordinance No. 1438 is amended to read as follows:

Section 6. Conditional Use  
Substitute for existing 6.01:

Section 6.01 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USE:

All applications for Conditional Uses shall be evaluated by the Planning Commission at a public hearing, under the specific criteria listed in Section 6.01 through Section 6.03. The Planning Commission may approve or deny the application. If the decision is to approve, the Planning Commission may impose any conditions deemed necessary to protect the public health, safety or general welfare from potentially deleterious effects resulting from approval of the permit, or to fulfill the public need for services created by approval of the request.

Approval of a Conditional Use shall not constitute a change of zoning classification and shall be granted only for the specific use requested subject to such modifications, conditions and restrictions as may be deemed appropriate by the Planning Commission, or as specifically provided herein.

1. EXISTING USE:

In the case of a use existing prior to the effective date of this ordinance and now classified as a Conditional Use, any alterations, including but not limited to: Change in use, lot area, or alteration of structure shall come before the Planning Commission to assure conformance with all current requirements for such a Conditional Use.

2. APPLICANT'S RESPONSIBILITIES:

At the public hearing the Applicant shall provide evidence that all requirements of this ordinance relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

- A. The use meets the requirements of a Conditional Use in the zone currently applied to the site.
- B. The use meets the standards for the underlying zone.
- C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

- D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- E. The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

3. CONDITIONS:

The Planning Commission may attach conditions and restrictions to any Conditional Use approved. The setbacks and limitations of the underlying district shall be applied to the Conditional Use, unless specifically varied by the Commission. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds and other conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon adjoining properties which may result by reason of a Conditional Use being allowed.

4. CONDITIONAL USE PERMIT:

When a Conditional Use Permit is approved by the Planning Commission, a written permit will be issued to the applicant, in the form of a letter from the Planning Staff, prior to development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Planning Commission, in addition to those specifically set forth in this ordinance. A "Notice of Conditions" will be recorded with the County Clerk in the Deed files. These conditions may be changed after the granting of a permit only by mutual agreement of the Planning Commission and the permit holder. A Conditional Use Permit runs with the land and is not affected by a change of ownership.

- A. The permit shall become void if construction has not begun within six months, or a request been made for a time extension.
- B. The Planning Commission may, upon receiving a written request from the applicant, extend the Conditional Use Permit for a period not to exceed one year.

## 5. RECONSIDERATION OF A CONDITIONAL USE PERMIT:

Approved Conditional Uses shall be reconsidered by the Planning Commission at a public hearing, after a complaint has been received by the Planning Staff, provided the following criteria have been met:

- A. The complaint(s) must be in writing, signed by the complainant, and the required fee must be paid.
- B. The complaint(s) must address one of the following:
  1. Violations of the standards listed in the Comprehensive Plan or implementing ordinances for the use involved;
  2. Failure to satisfy a condition or restriction imposed on the specific use when approval was granted;
  3. Incidents which have occurred as a direct result of the conditional use that are detrimental to the health, safety, property or general welfare of the public.

Reconsideration of a Conditional Use Permit may result in suspension or revocation of the approval under Section 6.01.6.

## 6. SUSPENSION OR REVOCATION OF A PERMIT:

A Conditional Use Permit may be suspended or revoked by the Planning Commission when any condition or restriction imposed is not satisfied.

- A. A Conditional Use Permit shall be suspended only after a hearing before the Planning Commission. Written notice of the hearing shall be given to the permit holder by certified mail at least ten (10) working days prior to the hearing.
- B. A suspended permit may be reinstated when, in the judgment of the Planning Commission, the conditions or restrictions imposed on the approval have been satisfied within a time frame set by the Planning Commission.
- C. A revoked permit shall not be reinstated. A new application must be made to the Planning Commission, and a public hearing held.

7. REVIEW OF A CONDITIONAL USE PERMIT UPON CHANGE IN OWNERSHIP, USE OR TENANT:

Upon first learning of the change in ownership, use or tenant, the Director shall conduct an Administrative Review of the status of the Conditional Use Permit. If the Director finds that the conditions attached to the Permit have not been met, the Director shall notify the new owner or tenant of the conditions and/or restrictions. If the Director deems it necessary to achieve compliance, a hearing before the Planning Commission may be scheduled to consider suspension or revocation of the Conditional Use Permit, in accordance with Section 6.01.6.

Substitute for existing 6.02.12:

12. HIGH-IMPACT COMMERCIAL USE:

In considering a Conditional Use application for a High-Impact Commercial Use the Planning Commission shall consider the following:

- A. Nearness to dwellings, churches, hospitals or other uses which require a quiet environment.
- B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- C. Parking vehicle and pedestrian access and circulation could contribute to noise or attract habitual assembly or unruly persons.
- D. Hours of operation.
- E. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.

ORDINANCE NO. \_\_\_\_\_

III B 17

Page 17

Section 7. Emergency. Because this ordinance is necessary for the immediate preservation of the safety, health, welfare and morals of the citizens of the city, an emergency is hereby declared and this ordinance shall be effective immediately upon the passage by the Council.

Read the first time on \_\_\_\_\_, 1983 and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 1983.

Signed by the Mayor on \_\_\_\_\_, 1983.

Joy Eurgess, Mayor

ATTEST:

Laurie Perkin, Recorder

Approved as to form:

Greg Eades, City Attorney

III c ①

ORDINANCE NUMBER \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR MANUFACTURED HOUSING, MANUFACTURED HOUSING SUBDIVISIONS, PRE-FABRICATED CONSTRUCTION (MODULAR UNITS).

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings.

A. Currently, Ordinance No. 1438 includes definitions for Mobile Home and Mobile Home Park, which do not conform to Oregon State Statutes. There is no definition for Modular Housing.

B. The current definition in Ordinance NO. 1438 for Mobile Home Park is not consistent with Section 4.06 of the same Ordinance.

C. The City has received requests from citizens to assure the manufactured units allowed within the City will, to the greatest extent possible, appear similar to "stick-built" residences.

D. The City has received requests from the Manufactured Housing Association and the State Housing Division, regarding manufactured housing, to bring our Ordinance into conformance with the State Statutes and to clarify the foundation requirement.

E. Manufactured and Modular Housing represents a low-cost alternative that will enable more families to live in Milwaukie.

F. It is in the best interests of the City to increase the City's housing stock.

G. The proposed amendments support the following elements of the City's Comprehensive Plan, Ordinance No. 1437:

1. Community Conservation & Development Division  
Objective #4, Neighborhood Conservation, Policy #3,  
Page 31.

Within Moderate and Medium Density areas, residential infill which maintains existing building heights, setbacks, yard areas and building mass will be encouraged. Of particular importance is the maintenance of existing residential scale when viewed from the street.

2. Objective #5, Housing Choice, Page 31  
To continue to encourage an adequate and diverse range of housing types and the optimum utilization of housing resources to meet the housing needs of all segments of the population.
  3. Objective #5, Policy #3, Page 32.  
Manufactured housing is encouraged in the city as long as building codes, density standards and other applicable policies are met. The City will encourage the provision of housing at types and densities indicated in the City's housing needs assessments summarized on Table 3-A.
- H. The Planning Commission considered these proposed Amendments at Public Hearings held on January 25, 1983; February 22, 1983; April 8, 1983; April 25, 1983; May 10, 1983; May 24, 1983, and recommended the Council adopt them.

Section 2. Definitions.

Section 1.03 of Ordinance #1438 is amended by deleting the current definitions for Mobile Home and Mobile Home Park, and by adding the following:

**MANUFACTURED HOUSING:**

A dwelling manufactured in a factory and transported to a site. Construction of the dwelling is in accordance with the National Manufactured Housing Construction and Safety Standards for 1974 (42 USC Sections 540 et. seq.). The dwelling is at least twenty-four (24) feet in width, has living space, has sleeping, plumbing, and cooking facilities; and is designed for permanent residential occupancy.

**MANUFACTURED HOUSING SUBDIVISION:**

A parcel of land intended for and designed principally to accommodate manufactured housing for single-family residential use. Other conventional (stick built) housing may be built on individual lots in a manufactured subdivision. The parcel shall meet all requirements of the Milwaukie Subdivision Ordinance.

**PREFABRICATED CONSTRUCTION (MODULAR UNITS):**

A structural unit, conforming to the Uniform Building Code, that has been wholly or in part prefabricated at an off-site location and brought by trailer to the site for assembly.

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Section 6.02 - STANDARDS FOR GOVERNING CONDITIONAL USES:

This Section shall be amended by deleting the following Subsections:

Section 6.02.7.a, b, and c - Mobile Home Park:

In its entirety, and renumbering the remaining Subsections appropriately.

Section 6.02.16. a, b, c, and d - Mobile Homes:

In its entirety.

THE SECTION SHALL BE FURTHER AMENDED BY ADDING THE FOLLOWING NEW SUBSECTIONS:

Section 6.02.15 - Manufactured Housing:

Manufactured housing shall be subject to the following requirements in all of the zoning districts in which they are allowed.

Section 6.02.15.a

The unit shall satisfy the requirements for manufactured housing as defined by this Ordinance (Section 1.03).

Section 6.02.15.b

The manufactured home will be permanently installed on a foundation system in conformance with the Oregon Department of Commerce Requirements; and recessed so the bottom of the home is a maximum of 18 inches above the exterior finish grade of the lot on which it is located.

Exterior siding will extend to the top of a non-structural perimeter wall surrounding the base of the manufactured home. The wall may consist of concrete block, cement or pressure-treated wood finished to appear similar to cement. The perimeter wall shall be constructed to appear similar to foundations found in the immediate area.

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Section 6.02.15.c

Any extension of or attachment to the manufactured home which is not part of the original factory manufactured/mobile home, and which is intended for use either as part of the dwelling unit or for storage purposes, shall not occur unless indicated as part of the application and is part of the approval. This application shall include plans for review and approval to insure the extension or attachment proposed is compatible; of like design and character to the existing manufactured home. A City Building Permit shall be obtained for such extensions or additions to manufactured homes, if so required by the appropriate Oregon Statutes and Regulations.

Section 6.02.15.d

The factory design of the manufactured home shall include a roof pitched at a minimum of two (2) inches in twelve (12) inches.

Section 6.02.15.e

Two paved parking spaces, one of which must be covered, shall be provided for each dwelling.

Section 6.02.15.f

The exterior of the manufactured home must be constructed of materials similar in appearance and quality to residential exterior found in the immediate area.

Section 6.02.16 - Manufactured Housing Subdivisions:

- A. The minimum area for a subdivision shall be three acres.
- B. Applications shall be accompanied by a plot plan drawn to scale of general layout of the entire subdivision. Mapping requirements for Preliminary Subdivision or Major Partition shall be used as a guide for the plot plan layout.
- C. The density of units shall be subject to the density requirements of the primary district.
- D. The average area of a manufactured home site within the subdivision shall not be less than 2,500 sq.ft., including roadways, recreation areas, and other accessory facilities. No site shall have an area less than 2,000 sq.ft.

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- E. Streets within the subdivision shall meet the standards established in the Subdivision Ordinance (#1438), except for inverted/rolled curbs.
- F. Off-street parking shall be two parking spaces, one of which must be covered, for each home.
- G. Storage and similar accessory structures may be located within any unit space, but shall not be attached to any manufactured home, and shall comply with the setback requirements and shall be subject to all of the applicable provisions of the appropriate Oregon Statutes and Regulations.
- H. All open areas, except as otherwise specified herein, shall be landscaped and maintained.
- I. No unit enlargements or expansions of any subdivision shall be permitted unless the existing one is made to conform with all the requirements for new construction.
- J. The entire subdivision or each phase of unit development shall comply with the aforesaid requirements prior to occupancy.
- K. Conventional (stick built) housing may be built on individual lots in the subdivision. Such housing must meet all standards of the applicable zone.

Read the first time on \_\_\_\_\_, 198\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 198\_\_.

Signed by the Mayor on \_\_\_\_\_, 198\_\_.

\_\_\_\_\_  
Joy Burgess, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Perkin, Recorder

Approved as to form:

  
\_\_\_\_\_  
Greg Eades, City Attorney

CITY OF MILWAUKIE  
M E M O R A N D U M  
PUBLIC WORKS DEPARTMENT

III D 1

DATE: July 22, 1983

TO: Hugh Brown  
City Manager

FROM: Steven Hall  
City Manager

*S. M. Hall*

SUBJECT: Sewer Regulations  
Revisions

Approval Recommended

*[Signature]*  
Hugh H. Brown  
City Manager

ACTION REQUESTED:

City Council adopt attached ordinance revising sewer regulations and resolution adding storm draining surcharge to sanitary sewage resolution.

BACKGROUND

At a regular council meeting of 15 February 1983, staff presented information as to the difficulties in enforcement of sewer regulations and particularly in reference to illegal connections or bad connections which were contributing storm drainage water into the sanitary sewage system. This in turn, causes a raise in flow into the sewage treatment plant during the winter months or high rain months which in turn increases our costs of processing that water.

The attached ordinance deals with the problems of the old ordinance and clarifies them.

Specific changes in the ordinance deal with:

1. Setting a definite connection requirement.
2. Providing for an alternative of charging an individual for storm water contributed to the sanitary sewer system if illegal connection is not corrected.
3. Clarifies responsibility of City and property owner. Property owner is responsible for maintaining the service lateral from the home to the City sewer main located in the street.
4. Clarifies some ambiguities in the definitions with reference to the body of the ordinance.

In conjunction with the option of the owner to be billed for storm water contributed to the sanitary sewer system, a proposed resolution is attached which adds a surcharge to the sanitary sewer billing. This will allow the City to at least cover the cost of processing that storm sewage if the owner opts not to disconnect storm water lines from the sanitary sewer system.

Memo  
Sewer regulations

-2-

July 22, 1983

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This allows the city the option of allowing the connection or requiring a disconnection. In the case where sewer lines may be at or near capacity, staff may require disconnection from the system due to that capacity deficiency. In other cases, the option of disconnecting an illegal storm water connection from the sanitary sewer or paying the surcharge is available to the owner.

The calculation for the surcharge is based on the average rain fall in the City of Milwaukee in conjunction with the surface area connected to the sanitary sewer system and allowing the rate as contained within the sewer resolution for individual property owners.

Greg has drawn up the ordinance and resolution and Public Works staff has thoroughly reviewed it and is recommending approval.

SUMMARY

1. Current City ordinance is vague and does not provide options to property owners as to illegal connections.
2. City Council on 15 February 1983 directed staff to draw up an ordinance correcting those deficiencies.
3. The attached ordinance meets the criteria of the City Council and staff for dealing with illegal connections.
4. The resolution provides for effective cost recovery of costs for those illegal connections found within the City.

Enclosure: Ordinance  
Resolution

cc: Greg Eades  
City Attorney

III  
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Section 3. Permits and Construction of Sanitary Sewers and Storm Sewers.

- A. No person, firm or corporation shall construct, or reconstruct any sanitary or storm drains within the city on private property or in public ways without first making application and securing a permit from the department.
- B. Applications for permits to construct, or reconstruct, sanitary sewers or storm drains shall be made in writing in a form prescribed by the Director, giving the location of the property, the name of the owner, the name of the person or firm engaged to construct, or reconstruct, the proposed sanitary sewer or storm drain and such other information and plans as may be prescribed by the Director.
- C. The applicant upon approval of permit shall pay all applicable fees established by Resolution of the City Council. If excavation work in the public right-of-way is required, the applicant shall deposit a cash bond in the amount designated by the Department.
- D. All costs and expense incidental to the installation of the building sewer connection shall be borne by the owner. The owner shall indemnify the City of Milwaukie from any loss or damage that may directly or indirectly be occasioned by the installation.
- E. A separate building sewer connection shall be provided for every building, unless otherwise authorized in writing by the Director.
- F. Existing building sewers may be used in connection with new buildings only when they are found, on examination and tests, to meet all the requirements of the Department.
- G. All design, construction and materials and repairs shall conform to the Department design and construction standards.
- H. Emergency repairs may be made without first obtaining a permit providing that the owner or his representative shall obtain a permit at the earliest time of the next normal business day of the city immediately following said repairs.
- I. The owner at all times shall at his own expense, operate and maintain the service lateral and building sewer in a sanitary manner to the collection, trunk or interceptor sewer at no expense to the city.

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Section 4. Powers and Authority of Inspectors.

- A. The Director and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, samplings and testing.
- B. It shall be the permittee's or his representative's responsibility to request inspection of the work and to allow reasonable time for the city to schedule said inspection. Inspections shall be requested for and made during the normal business hours of the city. Should inspections be required during non-business hours, the permittee shall reimburse the city for all overtime costs incurred.

Section 5. Business License Required for Sewer Contractors.

- A. No person shall receive compensation for the installation or repair of any sanitary sewer or storm drain unless he has a current city business license.
- B. This section shall not apply to employees and agents of the city.

Section 6. General Regulations.

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, cooling water or unpolluted industrial process waters to any sanitary sewer. In the event the property owner fails to comply with any order requiring disconnection or it is impractical to require the disconnection of any storm drain from the sewer system, the property owner shall be required to pay a surcharge for such use of the system as established by Resolution of the Council.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm drains to a natural outlet or into drywells as approved by the Director.
- C. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following waters or wastes to any public sewer:
  - 1. Any liquid or vapor having a temperature higher than 150° F.

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2. Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil or grease.
3. Any gasoline, benzine, naphtha, fuel oil or other flammable or other explosive liquid, solid or gas.
4. Any garbage that has not been properly shredded.
5. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system.
6. Any waters or wastes having pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
7. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or constitute a hazard in the receiving waters of the sewage treatment plant.
8. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.
10. Any material from septic tanks or recreational vehicle holding tanks.

D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director they are necessary for the handling of such wastes; except that such interceptors shall not be required for private living quarters. All interceptors shall be of a type and capacity approved by the Director and be located so as to be easily cleaned and inspected.

Where installed all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation. City may inspect facilities at any time for proper operation and maintenance.

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- E. No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the sewer system.
- F. Industrial and commercial sewage shall be monitored in accordance and must comply with the treatment regulations of Clackamas County Service District No. 1.
- G. The Director may adopt specifications and additional regulations to carry out the purpose of this ordinance. A copy of such additional material shall be maintained in the Department.

Section 7. Sewer Service Charges.

- A. Users of sanitary sewer service shall be charged such fees as are established by resolution of the City Council.
- B. In addition to other penalties prescribed by this ordinance, property owners who fail to connect to the sanitary sewer system as required by Section 2 shall be charged at the same rate as those connected.
- C. When an owner of property has industrial or commercial waste of unusual strength or character, the city reserves the right to reject the application for service, to require certain pretreatment of such waste or require the owner to pay such charges as may be fixed by the city for such waste disposal.
- D. There shall be charged a penalty of 10 percent per year on all delinquent accounts.
- E. All charges prescribed by the provisions of this ordinance shall be a lien on the real estate for which the sewer service is supplied or available from and after the date of the billing or entry on the city ledger records and such ledger record shall be made accessible for inspection by anyone interested in ascertaining the amount of such charges against the property.

Section 8. Penalties and Remedies.

- A. Any person convicted of violating any provision of this ordinance shall be subject to a fine of not to exceed \$500. Each day a violation is allowed to continue shall be considered a separate violation.

B. In the case of a violation which constitutes a health hazard, the city may make use of any legal means to eliminate the hazard, including but not limited to prosecution under this ordinance or state law and civil abatement.

Section 9. Repealer. Ordinance Nos. 981 and 1098 are repealed.

Section 10. Emergency Clause. This ordinance is necessary for the imediate preservation of public peace, health, and safety of the residents of the City of Milwaukie. An emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect immediately upon its passage.

Read the first time on \_\_\_\_\_, 198\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 198\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_, 198\_\_\_\_.

\_\_\_\_\_  
Joy Burgess, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Perkin, City Recorder

Approved as to form:

\_\_\_\_\_  
Greg Eades, City Attorney

RESOLUTION NUMBER \_\_\_\_\_

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROVIDING A SEWER SURCHARGE AND AMENDING RESOLUTION NO. 4-1983.

WHEREAS, Ordinance No. \_\_\_\_\_ provides that the Council may adopt a sewer surcharge for property discharging storm water into the sanitary sewer system, and

WHEREAS, the Council determines that the following surcharge should be assessed in the event the property owner fails to disconnect the storm drain when required to do so or it is impractical to require the disconnection,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Milwaukie that Resolution No. 4-1983 is amended by adding at the end:

7. Storm drainage surcharge: In addition to the base charge for sewer service, a bi-monthly charge of \$15.75 or \$0.55 per 100 square feet of area connected to or contributing storm drainage to the sanitary sewer system, which ever is greater.

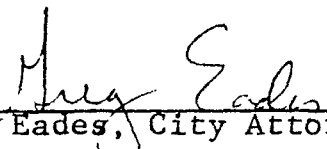
Introduced and adopted by the City Council on \_\_\_\_\_, 1983.

\_\_\_\_\_  
Joy Burgess, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Perkin, City Recorder

Approved as to form:

  
\_\_\_\_\_  
Greg Eades, City Attorney

CITY OF MILWAUKIE  
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PUBLIC WORKS DEPARTMENT

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DATE: JULY 21 1983

TO: Hugh Brown  
City Manager

FROM: Steven Hall  
Public Works Director

SUBJECT: Ordinance adopting 1983 edition of UBC

ACTION REQUESTED

City Council approve the ordinance adopting the State of Oregon Building Codes, 1983 Edition.

BACKGROUND

The 1983 edition of the State of Oregon Building Code, Specialty Code and Fire and Life Safety Regulations, Mechanical Specialty Code and Mechanical Fire and Life Safety Code, and the current editions of the Uniform Housing Code, Code for the Abatement of Dangerous Buildings, Uniform Sign Code, Uniform Building Code Standards along with the appurtenances attached have been adopted by the State of Oregon.

The new code will go into effect August 1983. The City is now working under the 1979 UBC as adopted by Ordinance 1469.

When the 1983 edition of the building code goes into effect on August 1, our building department will find it necessary to work under ORS 456.730-6.730-885, ORS 456.915-950, ORS 447.210-280, ORS 476.030 until the City approves the ordinance adopting the 1983 codes. Therefore we are requesting an emergency clause.

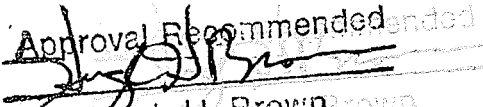
State regulations require the City to work under an approved building code.

SUMMARY

1. Adoption of an approved building code mandated by State of Oregon.
2. The 1983 editions of the State of Oregon Building Codes meets all requirements of the State and are recommended by the City Building Official.

Enclosure: Proposed ordinance

js

Approval Recommended  
  
Hugh H. Brown  
City Manager

ORDINANCE NUMBER \_\_\_\_\_

III  
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AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE STATE OF OREGON BUILDING CODES, 1983 EDITION, AND REPEALING ORDINANCE NO. 1469.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The city adopts the State of Oregon Building Code, Oregon State Specialty Code and Fire and Life Safety Regulations, Oregon State Mechanical Specialty Code and Mechanical Fire and Life Safety Code, 1983 Editions, as published by the State of Oregon, Dept. of Commerce, Building Codes Division, Salem, Oregon and current editions of the Uniform Housing Code, Code for the Abatement of Dangerous Buildings, Uniform Sign Code, Uniform Building Code Standards together with the appurtenances attached thereto, as copyrighted by ICBO. One copy of each is on file with the City Recorder. Fees under the code shall be established by resolution of the City Council.

Section 2. Uniform Building Code Appendix Chapters 1, 2, 7, 11, 32, 35, 55, 57, 59 and 70 are expressly adopted.

Section 3. Ordinance No. 1469 is hereby repealed.

Section 4. Because this ordinance is necessary for the immediate preservation of the safety, health and welfare of the citizens of the city, an emergency is hereby declared and this ordinance shall be effective immediately upon the passage by the Council.

Read the first time \_\_\_\_\_, 1983 and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 1983.

Signed by the Mayor on \_\_\_\_\_, 1983.

\_\_\_\_\_  
Joy Burgess, Mayor

ATTEST:

\_\_\_\_\_  
Laurie Perkin, City Recorder

Approved as to form:

\_\_\_\_\_  
Greg Eades, City Attorney

MILWAUKIE  
CITY COUNCIL MEETING  
July 19, 1983  
7 p.m.

TV  
a. ①

THE MILWAUKIE CENTER

1436TH MEETING

The one thousand four hundred and thirty sixth meeting of the Milwaukie City Council was held on July 19, 1983 with the following Councilors present:

Mayor Joy Burgess                      Don Graf  
Ron Kinsella                              Roger Hall

Absent: Mike Richmond (excused)

Also present:

Hugh Brown, City Manager                      Ron Schanaker, Police Chief  
Greg Eades, City Attorney                      Dick Bailey, Fire Chief  
Topaz Faulkner, Comm. Serv. Dir.              Gordon Erickson, Finance Dir.  
Steve Hall, P.W. Director                      Laurie Perkin, Secretary

Mayor Burgess gave the invocation and the pledge of allegiance was recited.

AUDIENCE PARTICIPATION

Don Broetje, Chairman of the Oak Lodge Community Council read a letter from his Council requesting the city's participation in supplying members of the Oak Lodge district with information regarding annexation to the city. He said the main concern was for the future quality and costs of services. Mayor Burgess said the city would be glad to cooperate in any meetings on this issue.

Diane Quick, 10100 SE Walnut Drive, addressed the Council regarding the upcoming North Clackamas School District budget election on August 9. She said there was a possibility the schools would have to close if the budget did not pass and asked for Council support. She provided information on the vote by mail process which will be used in this election. Don Graf said he did not feel the Council could take formal action to either support or oppose the budget since they had not been involved in the budget discussions.

Discussion of Contract with Loaves & Fishes Inc.

Kinsella read a letter from Councilor Richmond requesting that Council postpone a decision regarding the amendments to the contract between Loaves & Fishes and the City until all Councilors were present. It was MOVED by Kinsella, SECONDED by Burgess, to postpone a decision on this issue until a full Council is present. MOTION CARRIED unanimously. It was decided to discuss this issue at the next regular Council meeting on the 4th of August.

Public Hearing re mobile homes-manufactured housing

The public hearing opened at 7:25 p.m. Community Services Director gave the staff presentation. She said the Planning Commission has had several hearings involving both citizens and mobile home manufacturers and in the process of rewriting the zoning ordinance, tried to comply with requests that manufactured units within Milwaukie appear similar to

"stick built" residences. No correspondence has been received and no one appeared to speak in favor of or in opposition to the proposed amendments. The public hearing closed at 7:37 p.m. It was MOVED by Graf, SECONDED by Kinsella to read the ordinance the first time by title only. (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1438 BY ADDING PROVISIONS FOR MANUFACTURED HOUSING, MANUFACTURED HOUSING SUBDIVISION, PREFABRICATED CONSTRUCTION (MODULAR UNITS). MOTION CARRIED unanimously. There will be a second reading at the August 2 meeting.

LEGISLATION

It was MOVED by Hall, Seconded by Graf, that the bills listed for July 19, 1983 be approved for payment. MOTION CARRIED unanimously.

Resolution adopting salary schedules for Mgmt./Confidential employees.

City Manager said the only change in the resolution is an adjustment in benefits which provides employees access to a deferred compensation plan. Included in the resolution also is a clarification in the management structure regarding the position of Finance Director. This position is now designated as a department head. There was some discussion on merit increases. City Manager said these increases had been budgeted for this fiscal year and would amount to approximately \$20,000. It was MOVED by Hall, SECONDED by Graf, to adopt Resolution 8-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE RATIFYING AND ADOPTING SALARY SCHEDULES FOR CERTAIN EMPLOYEES OF THE CITY OF MILWAUKIE FOR THE PERIOD FROM July 1, 1983 THROUGH JUNE 30, 1984) MOTION CARRIED unanimously by those present.

Resolution adopting salaries for Council appointed employees.

Included in the proposed resolution are salaries listed for City Manager, City Attorney and Municipal Court Judge which remain unchanged from last year. It was MOVED by Graf, SECONDED by Kinsella to adopt Resolution 9-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE RATIFYING AND ADOPTING SALARIES FOR APPOINTIVE CITY OFFICERS FOR THE PERIOD FROM JULY 1, 1983 THROUGH JUNE 30, 1984) MOTION CARRIED unanimously.

Resolution re personnel rule change

This resolution provides for the establishment of one or more deferred compensation plans for employees in the management and confidential part time permanent classifications. It was MOVED by Kinsella, SECONDED by Hall, to adopt Resolution 10-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING THE PERSONNEL RULES) MOTION CARRIED unanimously.

IV  
a (3)

Ordinance re Adult Business Regulation

Community Services Director provided a map indicating where adult businesses would be allowed in the area. The ordinance before Council is the result of the meeting of the Council and the Planning Commission and restricts adult businesses to manufacturing zones. There were questions concerning boundaries and the use of the word "primary" on page 3 Section 2, first paragraph. City Attorney said being more specific would only cause more problems. It was MOVED by Graf, SECONDED by Kinsella, to read the ordinance the first time by title only. (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438 BY ADDING ADULT ENTERTAINMENT PROVISIONS, ADOPTING STANDARDS FOR CONDITIONAL USE, RESTRICTING CERTAIN COMMERCIAL USES AND DECLARING AN EMERGENCY) MOTION CARRIED unanimously. The Council will read the ordinance a second time at the August 2 meeting.

Ordinance re unclaimed property

The ordinance was read the first time on July 5. It was MOVED by Hall, SECONDED by Graf, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf, to adopt ordinance No. 1544 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RELATING TO THE DISPOSITION OF UNCLAIMED PROPERTY IN POSSESSION OF THE POLICE DEPARTMENT). MOTION CARRIED unanimously.

Ordinance relating to park rules

City Manager recommended tabling this ordinance indefinitely due to problems with police enforcement. It will be reviewed further by the Police Department and the Parks and Recreation Commission. It was MOVED by Graf, SECONDED by Kinsella to table consideration of this ordinance indefinitely. MOTION CARRIED unanimously.

Ordinance re withdrawal from Oak Lodge Water District

The ordinance was read the first time on July 5. It was MOVED by Graf, SECONDED by Kinsella, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Hall, to adopt Ordinance No. 1545 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, WITHDRAWING A PORTION OF THE OAK LODGE WATER DISTRICT FROM THE DISTRICT PURSUANT TO ORS 222.524). MOTION CARRIED unanimously.

B.P.A. Grant Application - Resolution

Community Services Director has requested Council authorization to apply for grant to develop and implement solar access ordinances and other methods of encouraging greater electric use efficiencies. It was MOVED by Graf, SECONDED by Kinsella to adopt Resolution No. 11-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE SUPPORTING THE CITY'S APPLICATION FOR A GRANT FROM THE BONNEVILLE POWER ADMINISTRATION TO DEVELOP ORDINANCES RELATED TO RENEWABLE RESOURCE USE). MOTION CARRIED unanimously.

IV  
a (4)

Consent Agenda

Approval of minutes, July 5, 1983.

Results of June 28, 1983 election.

It was MOVED by Kinsella, SECONDED by Hall, to adopt the consent agenda. MOTION CARRIED unanimously.

The meeting was adjourned at 9:50 p.m.

\_\_\_\_\_  
Joy Burgess, Mayor

\_\_\_\_\_  
Laurie Perkin, Secretary

MILWAUKIE  
CITY COUNCIL MEETING  
July 19, 1983  
5 p.m.

IV  
a5

THE MILWAUKIE CENTER

WORK SESSION

A work session of the Milwaukie City Council was held on July 19, 1983 at 5 p.m. with the following councilors present:

- Mayor Joy Burgess
- Don Graf
- Ron Kinsella
- Roger Hall (arrived at 5:45 p.m.)

Also present:

- Hugh Brown, City Manager
- Topaz Faulkner, Community Service Director
- Laurie Perkin, Secretary

Mayor Burgess announced the purpose of the meeting was to hear from representatives of The Milwaukie Center Advisory Board, Senior Citizens Advisory Commission, Friends of the Center, Loaves and Fishes, Inc., and Milwaukie Loaves and Fishes Steering Committee about problems that have been expressed regarding the present contract between Loaves and Fishes and the City. She, as Mayor, called this meeting so that everyone would have a chance to express their views. Dick Mastbrook, Executive Director of Loaves and Fishes, Inc., addressed the Council. He talked about the Loaves and Fishes concept. He said that the present contract was a compromise reached in an attempt to reduce conflict at the Center. Since there is still concern on the part of some users of the Center, he suggested that a mediator come in to work with the key persons to try to reach some level of cooperation. Walt Hegg, Chairman of the Milwaukie Loaves & Fishes Steering Committee, addressed the Council. He said that after the present contract was signed, he discovered that many people were not happy with the terms of the agreement particularly in the areas of kitchen control and control of activities in the "carpeted area". He said that the Mayor had been willing to give L & F a chance to air their grievances in a public meeting. Loaves & Fishes presented proposed amendments to the present contract to the city 7/15/83. He explained the rationale for the proposed amendments. Janet Witter, Chairman of the Center Advisory Board, provided Council with a statement supported by the Board, recommending that there be at least a year's trial period before decisions are made to amend it. If problems arise, provisions for orderly change are written into Article XI, XII, and XIII which deal with specific steps for grievance procedure. Katherine Stevens, Chairman of the Senior Citizens Advisory Commission, presented a statement dated 7/19/83 which stated that the present contract having only been in effect for 2½ weeks has not been given a chance to work. She said no complaints had been directed to the Commission. It is the Commission's recommendation that the contract remain in

effect for a year. If conflicts remain, the disagreements can be handled internally within the terms of the contract. She mentioned her long services with Loaves and Fishes.

Helen Kappler, Treasurer of Friends of The Milwaukie Center, read a statement dated 7/19/83 supporting the existing letter of agreement between the City and Loaves and Fishes as it was accepted and signed by both parties less than a month ago.

Others speaking on this issue:

Mel Paulson spoke of his involvement with the establishment of the Center and expressed his concern with the turmoil which has been going on.

Bill Hupp provided Council with a statement dated 7/19/83 stressing the importance that the city maintain control of the Center and recommending that no amendments be made at this time.

Elma Hall, 14212 SE Elderberry Lane, asked if the Center was a Senior center or a Center funded through HUD which is used for people other than seniors. She said that although she is a member she had not been contacted by the Friends regarding this issue. She spoke of problems that would arise if Loaves & Fishes did not have control of the kitchen.

Mayor Burgess said that the Center was designed primarily for seniors and that the grant stipulated that the Center be used primarily for seniors.

Jim Backenstos urged all seniors involved to try to cooperate with one another.

Kathy Helger, 15612 SE Oatfield, spoke in opposition to the amendments and urged people to stop complaining.

Jewel Osburn, 5915 SE Eric, presented a petition with 250 signatures requesting that Delora Hegg be kept as Director of Milwaukie Loaves & Fishes.

Kermit Radshaw said that things were going fine at the Center so there was no reason to change the previous contract. He said that the city should not be in control of the kitchen.

Gail Roach, 3500 SE Concord Road, who said she was on the Center Program Committee, stated she did not think it fair to the Director of the Center not to give her authority over the "carpeted area" and said the agreement should stand as it is.

Mel Paulson stressed the fact that the Center is predominantly for seniors and should be called the Milwaukie Senior Center.

Kinsella expressed dismay that 2% of all those involved in the Center were making things difficult for the other users of the Center. He said that many people who have called him have not even read the contract.

Mayor Burgess made a statement as to why she called this meeting. After hearing about the anxiety and dissatisfaction of many people who called her, she wanted to give everyone involved a chance to be heard. She, as Mayor, has the authority to call a special meeting.

11/19/83  
a (b)

IV a 7

Others speaking on the issue:

Ed Bain, 8525 Orchard Lane, agreed with Kinsella that 2% of the people were causing all the trouble.

Jon Vannice, 162 SE 84th, said the situation had been going on for some time and that it would not be resolved by mediation, that the cause should be eliminated.

Charles Fairbrass objected to the City wanting to know where Loaves and Fishes gets their money.

Kinsella said the city needed to know if Loaves and Fishes could afford the amount of money the city is asking of them.

The work session adjourned at 6:30 p.m.

MEMORANDUM

TO: HUGH BROWN  
CITY MANAGER

FROM: WILLIAM MC DONALD  
ADMINISTRATIVE ASSISTANT

DATE: JULY 21, 1983

SUBJECT: GARBAGE RATE ANALYSIS AND RECOMMENDATIONS.

A. INTRODUCTION

The City Council considered a request for a garbage rate increase in September 1982 and delayed action for two primary reasons: 1) to allow time to study requirements for a recycling program and 2) to get financial data from the franchisees for the period through September 30, 1982 (the end of their fiscal year). Both of these items have now been accomplished and the Solid Waste Task Force has additionally advised that a rate increase precede implementation of the city recycling program.

I have met with a small group during the past month to develop a rate analysis process and criteria which seeks to better define the manner in which the city will review rates. The results of that effort have been distributed to the Council and the criteria therein have been used for this analysis. The actual criteria which I have used are contained in Ordinance 1301, Section 20. I have attempted to organize that information in a more useful format. The following criteria in descending order of priority have been utilized:

- Prevailing rates in the region.
- Operating costs, particularly increased costs to the hauler.
- Rate of return or net profit.
- Required investment.
- New programs.

COMMENTS ON CRITERIA

1. Prevailing Rates

Milwaukie has the second lowest rates of a comparable city in the region. (Table 1) We are the lowest in the county. An 18% increase would put Milwaukie at \$5.96 for single can, weekly service. This rate would still keep the city below the average for cities in the region. I have assumed that Milwaukie's rate should be lower than Lake Oswego's because of topography and shorter distance to the transfer station.

2. Operating Costs

V B (2)

Table 2 highlights some of the major costs to haulers. Disposal, vehicle operation, and overhead have seen significant increases. The 18.3% increase in the consumer price index was considered as an indication of the net change in cost of operation. The dramatic increase in disposal costs is the single most obvious negative impact on the haulers. Table 3 shows the individual cost items, gross receipts and profit. Two of the six haulers report a loss. The consolidated numbers would indicate a loss if Oak Grove Disposal were removed (97% of their business is in the county where the rates are \$6.90). Table 4 shows the change in revenues, costs, and profits from 1981 to 1982. While revenues increased slightly, profit dropped by 50%.

3. Rate of Return

The figures in Table 5 give an indication that the actual after tax profit of the haulers is nil. Oak Grove Disposal with 97% of its business outside the city actually tends to make the consolidated statement look better than it is. The actual profit is more like 0% or a loss. It is important that these businesses demonstrate profitability. Their ability to borrow money for capital equipment at reasonable rates and to invest in new programs is directly related to profitability. The county uses a benchmark of 20% for gross profit to assure that net return is adequate. Using that standard and making an adjustment for the skewing effect of Oak Grove Disposal on the date, I have concluded that an 18% rate increase would approach the 20% benchmark.

4. Investment

Review of the vehicle depreciation numbers and the age of the equipment currently utilized indicates that their vehicle are "older". Not investing in capital equipment causes taxes and vehicle operation costs to increase.

5. New Programs

The City is going to require that the haulers provide a recycling option. This represents a negative cost impact for the immediate future.

IV B (3)

B. FRANCHISE FEE

I have included in Table 6 an estimate of the probable yield from a 3% franchise fee. The task force suggested implementation of such a fee. I have discussed this with the haulers and their attorney and there is concensus that this could be done. I am requesting data on the cost of services provided to the city currently. I recommend waiting until after the next rate analysis in March 1984 to actually implement the fee.

C. RECOMMENDATION

I believe the data does support an 18% rate increase as was proposed in September 1982. Milwaukie rates are 24% lower than the average for the region. Costs to the haulers have increased with labor up 20%, medical benefits 63%, disposal costs up 125% and the C.P.I. up 18.3% since the last rate increase in August 1980. The franchisees are receiving less than 5% gross profit and after taxes are paid are receiving little or no return on investment. Finally, with the pending new recycling program we must put the haulers in a financial position to absorb the short-term losses which recycling will most likely generate. I have reviewed the rate analysis report and its criteria and recommendations with Dale Harlan (the haulers attorney) and we have reached mutual agreement that the 18% rate increase is reasonable at this time. In keeping with the recommendation of the task force and the regulations which were distributed to the Council at the last meeting, the city will receive financial data from the haulers in January 1984. Staff will report to the Council in March 1984 on the status of the franchisees. This is particularly important next March because it is hoped that the recycling program will have commenced by that time.

TABLE 1

Regional Collection Rates  
 Rate for 1 can per week  
 pick up service as of 7/83

IV  
 B (4)

Portland	\$6.00	- \$7.25 (unregulated)
Gresham	\$5.90	
Oregon City	\$5.50	
Lake Oswego	\$6.05	(pending)
Gladstone	\$7.00	
West Linn	\$5.30	
Beaverton	\$5.00	
Hillsboro	\$5.95	
Tigard	\$6.75	
Forest Grove	\$6.35	
Clack. Co. Urban	<u>\$6.90</u>	
Average -	\$6.25	
Milwaukie	\$5.05	(proposed 5.96)

TABLE 2

IVB  
 (5)

Operating Costs  
 % change since last  
 rate increase.  
 (Aug. 80 - Aug. 83)

1. Labor	- Wage	20%
	- Medical	63%
	- Pension	10%
2. Disposal		125%
3. Costs of Money		Unstable*
4. Fuel	- Gas	No change
	- Diesel	9%
5. C.P.I.		18.3%

\* The prime rate has gone from 11% to 21½% and back down to 10¾ % in the past 3 years. A franchise trying to finance equipment would pay 3-4% over prime (if money was available).

TABLE 3  
FINANCIAL DATA  
As of October 1982

A. Inside City	98%	20%	33%	2.3%	23%	100%		
B. Firm	Wichita	Deines Bros.	Mel Deines	Oak Grove Disposal	P. Deines	SCA	Consolidated	
C. Gross Receipts	(907,447)	(165,303)	(90,916)	(917,261)	(73,018)	(461,000)	1,797,945	
1. Personnel	37,235	88,676	43,690	439,991	60,360	126,000	795,952	40%
2. Deprec.	6,461	5,551	2,331	42,278	750	33,000	90,371	5%
3. Disposal	10,023	22,514	13,382	127,262	2,600	118,000	293,682	17%
4. Dues, Mtg.	--	1,964	953	8,553	442	2,250	14,162	1%
5. Franch Fee	802	944	554	18,663	233	1,598	22,794	1%
6. Insurance	2,340	3,774	1,773	13,129	707	28,000	49,723	3%
7. Interest V. & E.	2,250	---	408	---	483	25,000	28,141	2%
8. Lease Exp.	---	---	---	20,625	---	---	20,625	1%
9. Office	4,117	5,828	2,929	31,275	3,743	33,152	81,044	5%
10. Professional Fees	2,305	4,615	1,395	11,092	650	8,700	28,752	2%
11. Promotion	---	35	76	9,074	---	300	9,485	1%
12. Subcontracts	---	---	10,798	---	---	---	10,798	1%
13. Utilities	542	398	100	6,879	---	4,000	11,919	1%
14. Fuel & Maint	9,021	24,147	7,935	103,169	2,505	91,000	237,777	14%
15. Miscellaneous *	11,182	815	724	27,752	2,906	10,000	53,379	3%
D. TOTAL COSTS	86,273	159,261	86,949	859,742	75,379	481,000	1,748,604	
E. PROFIT	3,174	6,042	3,967	57,519	(2,361)	(20,000)	49,341	

This table shows the % of the haulers business in the city, gross revenues, itemized cost summary and profit.

IV  
B  
C

Table 4

V B (7)

Comparison of Costs  
 Sept. 1981 - Sept 1982

	<u>Sept. 81</u>	<u>Sept. 82</u>
Revenue	<u>\$1,744,565</u>	<u>\$1,797,945</u>
Labor	\$898,552	\$795,952
Veh. Op.	\$209,821	\$237,777
Disposal	\$234,001	\$293,682
Subcontracts	\$18,305	\$10,798
Overhead	\$285,025	\$410,395
	<hr/>	<hr/>
Costs	\$1,645,704	\$1,748,604
Profit	\$98,494	\$49,341

IV  
B (8)

TABLE 5

RATE OF RETURN \*

	Wichita	Deines Bros	Mel Deines	Oak Grove Disposal	P. Deaines	SCA	Consolidated
Revenue	90,447	165,303	90,916	917,261	73,018	461,000	1,797,945
Costs	86,273	159,261	86,949	859,742	75,379	481,000	1,748,604
Profit	3,174	6,042	3,967	57,519	(2,361)	(20,000)	49,341
Amort	18,483	726	---	---	5,993	---	25,202
Interest	11,811	---	---	---	9,666	---	21,477
GROSS PROFIT							96,020

This table indicates how the haulers gross profit relates to the 20% benchmark for gross profit used by the county and adopted as a standard in our regulations.

Table 6

V  
B (9)

3% Franchise Fee  
Estimated Distribution  
and yield.

	% in City	Gross Rev.	Rev. In City	
SCA	100%	\$461,000	\$461,000	\$13,830
Witchita	99%	90,447	89,542	2,686
Mel Deines	33.4%	90,916	30,365	911
P. Deines	23%	73,018	16,794	504
Deines Bros.	20%	165,303	33,060	992
Oak Grove	2.3%	917,261	21,097	633
			651,858	
			x.03% =	
			\$19,555.74	

This table gives an indication what the city might receive if it charged a 3% franchise fee. It should be noted that I assume the city would pay for services currently received at no cost so the net would be lower.

EXHIBIT

V  
B(19)

TO RESOLUTION NO. \_\_\_\_\_ -198  
SOLID WASTE AND WASTE COLLECTION RATES IN  
THE CITY OF MILWAUKIE  
Effective the 1st day of \_\_\_\_\_, 198

I. 32 Gallon Can

Residential Rates

The Rate per 32 gallon can per month shall be:

One Collection Per Week	One Can	\$5.96 per month
One Collection Per Week	Two Cans	\$11.15 per month
One Collection Per Week	Each Add.Can	\$4.31 per month

Court Apartments

The Rate per 32 gallon can per month shall be:

One Collection Per Week	Per Can	\$5.07 per month
-------------------------	---------	------------------

Commercial Can Rates

The Rate per 32 gallon can, one stop per week:

One Collection Per Week	One Can	\$6.61 per month
One Collection Per Week	Two Cans	\$12.10 per month
One Collection Per Week	Each Add. Can	\$4.31 per month

Additional stops per week for 32 gallon cans shall be served at 100% of the first stop per week rate.

NOTE: Additional Residential Service: Occasional service on the regular route day in the area is available upon notification to your collector at least 24 hours prior, or personal contact with the driver ("Yoo-Hoo" Service) on the route as in the past. The rate shall be \$2.50 cash paid to the driver or \$3.50 if billed, on a per can basis.

II. Container Service

(a) Loose Material - one stop per week, first container:

One Yard	\$34.46 per month
One/One-half Yards	\$44.43 per month
Two Yards	\$58.65 per month
Three Yards	\$74.10 per month

Additional containers shall be served at 90% of the first container rate. Additional stops per week shall be served at 90% of the first stop per week rates. The collector shall furnish the containers.

(b) Compacted Material - one stop per week, first container:

One Yard	\$57.35 per month
Two Yards	\$97.94 per month
Three Yards	\$123.60 per month

VB (11)

Additional containers shall be served at 90% of the first container rate. Additional stops per week shall be served at 90% of the first stop per week rates. Compactors furnished by the customers shall be compatible with equipment of the collector. If the collector agrees to furnish the compactor, the collector may charge a reasonable rental fee based on the value of the compactor and the cost of repair and maintenance.

III. Drop Box Service

Open Drop Boxes:

\$2.64 per yard, plus the cost of dumping fees (including M.S.D. fees) for repeat customers.

An additional \$15.00 per drop box may be charged for one-stop service.

Compacted Drop Boxes:

\$4.18 per yard, plus the cost of dumping fees (including M.S.D. fees).

After 48 hours on location, a rental fee of \$2.30 per 10 yards of drop box capacity shall be chargeable per day.

IV. Any Other Type of Service

If, due to changes in technology or needs of residents and business people of Milwaukie, additional or other types of services are needed, the charge for the service shall not be discriminatory, shall be reasonable by being commensurate with the rates above, and shall not exceed the rates most generally applicable in the Portland Metropolitan Area.

MEMORANDUM

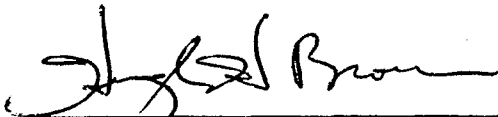
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TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: RAILROAD/HARMONY PROJECT: AGREEMENT AND  
LAKE ROAD ALTERNATIVE  
DATE: JULY 29, 1983

At Tuesday's meeting, county staff will review their findings regarding the Lake Road alternative. As indicated in the attached report, they conclude that the alternative is a feasible option at this stage and recommend that it be included in the environmental assessment for more detailed study. The only actions requested of City Council at this time are 1) general comments on the overall project and the two alternatives, and , specifically, whether or not to request inclusion of the Lake Road alternative (City staff recommends inclusion), and 2) approval of the agreement with the county regarding the division of preliminary engineering costs.

It is not necessary or advisable to indicate a preference of alternatives at this time. This will come in approximately two months (October) when the environmental assessment studies are completed and presented to the public and City Council.

Perhaps the most pertinent action upcoming is the Tri-Met proposal to locate the timed-transfer station at the former AG store. This proposal, along with the county studies, will provide considerable information to weigh regarding the ultimate location of transit trunk route improvements.



Hugh Brown, City Manager

HB/le

CITY OF MILWAUKIE  
M E M O R A N D U M  
PUBLIC WORKS DEPARTMENT

V C (2)

DATE: July 26, 1983

TO: Hugh Brown  
City Manager

FROM: Steven Hall  
Public Works Director

*S. M. Hall*

SUBJECT: Railroad/Harmony Project  
Agreement  
Lake Road Alternative

ACTION REQUESTED

Staff recommends City Council allow City Manager to enter into a memorandum of Understanding between Clackamas County, Oregon and the City of Milwaukie as attached.

Note: If Council wishes to include the Lake Road Alternative after consideration of the attached report, they should alter the third paragraph to read "It is proposed that the City and County pledge to commit local matching funds for preliminary engineering studies of Railroad Ave./Harmony Road and Lake Road/Harmony Road."

BACKGROUND

The City Council has received the bulk of the information as to the background on this project with their packet at the last regular Council meeting.

At that meeting, Mrs. Jean Baker, representing a neighborhood group, proposed the study of the Lake Road as an alternative to Railroad Ave. for a trunk transit line between the Milwaukie central business district and the Town Center.

Based on that request, City Council directed staff to return with a feasibility study of the Lake/Harmony alternative which is attached as prepared by Gary Spanovich, Project Manager.

Within that document it is noted that the Lake/Harmony Road alternative is feasible and recommends that it be carried along with the Railroad/Harmony alternative in the environmental assessment for a more detailed study.

It must be noted that the study of each of these alternatives will cost the City and County additional funds. At this point in time, the exact additional cost is not known although it will not exceed the total estimated preliminary engineering study for the Railroad/Harmony alternative for local match of \$33,000 of which \$13,860 is for the City's portion.

July 26, 1983

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BACKGROUND (continued)

Additional consideration must be given to the attached memo from Andy Cotugno, Metropolitan Service District, regarding the possible conversion of the bus route to LRT in the future as well as the route's compatability to the proposed major timed transfer stations for both bus and LRT.

SUMMARY

1. City Council has requested a review of the Lake/Harmony Road as an alternative transit trunk route to Railroad/Harmony.
2. The Lake/Harmony corridor is a feasible alternative.
3. Conversion and tie-in to LRT and major timed transfer facilities must be considered.

Enclosure: Letter/Agreement  
Feasibility Report  
Memo/Metropolitan Service District

SMH:js

July 14, 1983

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Mr. Steve Hall  
Public Works Director  
City of Milwaukie  
10722 S. E. Main Street  
Milwaukie, OR 97222

JOHN C. McINTYRE      THOMAS J. VANDERZANDEI  
Director                      Project Development Director  
WINSTON W. KURTH      DAVID R. SEIGNEUR  
Deputy Director              Development Agency Director  
BENJAMIN R. RAINBOLT  
Administrative Services Director

CLACKAMAS COUNTY/CITY OF MILWAUKIE INTER-GOVERNMENTAL AGREEMENT ON LOCAL MATCH COMMITMENT ON THE RAILROAD/HARMONY CORRIDOR PROJECT FOR PRELIMINARY ENGINEERING ONLY

Please find a copy of an agreement committing local match to the Railroad/Harmony Corridor Improvement Project for the preliminary engineering portion only.

Please add this as an agenda item for the August 2nd City Council Meeting. It is critical that we gain council endorsement of our preliminary engineering phase through a local match commitment. This agreement relates only to preliminary engineering, so we will return to the Council when right-of-way and construction are authorized.

The County feels it is necessary to gain a local match commitment for preliminary engineering only from the City Council if we are to continue to pursue PE. We feel the endorsement and sharing of the match cost is critical to the continued development of the project.

Over-all PE costs are estimated at \$187,000 Federal and \$220,000 total costs as a result of the Sunnyside Realignment being split out as a separate project. Thus local match on PE is estimated at \$33,000. Assuming our split of 58%/42% County/City match commitment, this comes to \$19,140 for the County and \$13,860 for the City. The 58%/42% split was calculated on estimated construction costs. However, if there are increased analysis for study efforts within the City we may request adjustment to reflect a 50/50 split on PE.

I have checked with ODOT and the Lake/Harmony feasibility study is an eligible expense for our Federal grant. I still anticipate presenting the results of the feasibility study to the City Council on August 2. If Lake/Harmony turns out to be a feasible technical alternative I will recommend it be included in our environmental assessment.

*Gary Spanovich*  
GARY SPANOVICH - Project Manager  
Policy & Project Development Division  
/hb 5/6  
cc's: Tom VanderZanden  
Bernie Straight





METROPOLITAN SERVICE DISTRICT  
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

IV  
c (5)

## MEMORANDUM

Date: July 25, 1983

To: Bill Lieberman  
Lee Hames  
Steve Hall  
Tom VanderZanden

From: Andy Cotugno *AC*

Re: Milwaukie Transit Station

Three different studies are underway that have an interrelated effect on LRT to Milwaukie and beyond to Clackamas Town Center:

1. The Railroad/Harmony project is being examined as a bus trunk route with the stated intent to convert in the future when LRT from Milwaukie to CTC is feasible. Recently, the question of Lake Road has been raised as an alternative to Railroad/Harmony. On the surface, this route appears to meet the regional objective of having an LRT route to CTC, leaving the selection between the two as a local issue dealing primarily with impacts. In either case, the decision on where to provide the trunk route should include a commitment that conversion to LRT is possible when an extension to CTC is feasible.
2. The McLoughlin LRT analysis is currently examining LRT alternatives entering Milwaukie from the north -- either via River Road or Main Street -- passing through downtown Milwaukie via either Main Street or McLoughlin Boulevard and terminating at a park-and-ride lot south of the railroad trestle on McLoughlin Boulevard. With these LRT route alternatives, a major timed-transfer station is also needed to provide bus transfers to LRT. Two sites are under consideration, one at the north end near City Hall and the second at the south end near Kellogg Lake. Either route appears acceptable from a bus/LRT operations point of view but are quite different in terms of future extension to CTC. The "City Hall" site is compatible with both a Harrison/Railroad/Harmony route to CTC and a Lake Road/Harmony route to CTC. The Kellogg Lake site, however, is only compatible with a Lake Road route since it would be unacceptable for a Portland to CTC route to bypass the main Milwaukie station.

Again, a Kellogg Lake station appears acceptable from a regional standpoint -- IF THE LAKE ROAD ROUTE IS AN ACCEPTABLE LRT ROUTE TO CTC.

Memo  
July 25, 1983  
Page 2

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3. The FY 82 Section 3 grant is in hand and decisions on the Milwaukie Transit Station need to be made to allow implementation as soon as possible. Again, all sites appear acceptable from a short-term bus operations standpoint but must be compatible with future extension to CTC.

CONCLUSION: If Lake Road is declared by Milwaukie as the appropriate route to Clackamas Town Center, the transit station location can be selected based on local criteria. If, however, Lake Road is not acceptable, the northern site is the only one capable of extending LRT to the Town Center. If LRT cannot be extended to CTC at some time in the future, there is no point considering LRT from Portland to Milwaukie. Because of the confusion (at least in my mind) over which study has what responsibility, I would like some assurance that the question of future extension is being adequately addressed.

ACC:lmk

MEMORANDUM OF UNDERSTANDING

Between

CLACKAMAS COUNTY, OREGON

And

CITY OF MILWAUKIE



This Memorandum of Understanding, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1983, between Clackamas County, State of Oregon (hereinafter referred to as the "County"), and the City of Milwaukie (hereinafter referred to as the "City") is to set forth the basic principles of the local match commitment for the Railroad/Harmony Corridor project.

It is understood between the County and the City that Railroad Avenue and Harmony Road have been identified as a Regional Transit Trunk Route connecting the City and Clackamas Town Center Transit Stations. However, in order to adequately serve the proposed Regional Transit Trunk Route function, both Railroad Avenue and Harmony Road must be substantially upgraded.

It is proposed that the City and County pledge to commit local matching funds for Preliminary Engineering studies of Railroad Avenue/Harmony Road and feasible alternatives.

The County and the City have been allocated \$229,500.00 in Federal Interstate Transfer 103(e)4 funds to conduct preliminary engineering studies on this upgrading and an additional \$2,720,000.00 in such funds has been reserved by the Metropolitan Service District for right-of-way acquisition and construction. The \$2,720,000.00 will be allocated to the projects identified at the completion of the preliminary engineering study. However, all Federal Interstate Transfer 103(e)4 funds provided require a 15% local match share from the recipients. Since the funds will be used to improve both City and County roads, the following pledges represent the mutual understanding of the County and the City with respect to local matching funds for Federal funds for the project:

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1. Both the County and the City pledge to commit local matching funds for Preliminary Engineering studies of the Improvement Project which is under the joint jurisdiction of the County and the City. The matching funds to be committed by the County and the City shall be in amount of 15% of the total cost provided that 85% of the total costs shall come from Federal Interstate Transfer Funds. Of the required match, the County will be responsible for 58%, and the City the remaining 42%.
2. The City and the County reserve for each other the right to review and approve all improvement plans and specifications.

CLACKAMAS COUNTY:

CITY OF MILWAUKIE:

\_\_\_\_\_  
Chairman Robert Schumacher

\_\_\_\_\_  
Approved as to Form

\_\_\_\_\_  
Commissioner Ralph Groener

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Commissioner Dale Harlan

# CITY OF MILWAUKIE



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

## MEMORANDUM

TO: HUGH BROWN, CITY MANAGER

FROM: JO DURAND, ADMINISTRATIVE ASSISTANT JD

SUBJECT: SUMMARY OF PROGRESS ON CABLE TV SYSTEM CONSTRUCTION

DATE: JULY 29, 1983

Good progress is being made in the development of Milwaukie's cable TV system. We have received 10 applications for the Cable Communications Advisory Commission. The City Council will need to schedule a meeting to conduct interviews as soon as possible in order to expedite establishment of the Commission in time for the Commission to have meaningful input into the development of the studio, cable access services, etc.

General Manager Steve Hubbard informs me that he has hired Tani Swan, a local resident, as office manager and Scott Streagel who has been working for Cablesystem Pacific in Portland as chief technician engineer. Mullen Company of Minnesota, a cable TV and telephone construction company with whom Tribune has worked on another system, will be responsible for both aerial and underground construction. Company officer Dick Mullen will be in town Monday, August 1, 1983 to meet with Steve and his staff, city staff, etc.

Other pre-construction work including establishment of a temporary office, pole attachment contracts, earth station order and make ready engineering are already complete. The first payment on the franchise fee has been submitted.

Steve has discussed with me his plan to select a local name, probably "Milwaukie Cablevision", to enhance the local identity of the city's cable system and improve marketing.

Greg and I have begun planning with Les Page and Steve regarding Les' role as the city's consultant during the construction phase. That plan should be completed and ready for approval in August.

Information regarding site selection for the office/studio/headend facility will most likely be available by Tuesday's Council meeting.

MILWAUKIE PARKS AND RECREATION COMMISSION

MINUTES

JUNE 27, 1983

VI  
A (1)

MEMBERS PRESENT

Estle Harlan  
Walt Haynes  
Wayne Logemann, Acting Chairman  
Susan Wagner

STAFF PRESENT

Randy Westrick

AUDIENCE PRESENT

None

MEMBERS EXCUSED

David Larson  
Larry Mura, Chairman

At 7:36PM on June 27, 1983 the meeting of the Milwaukie Parks and Recreation Commission was called to order by acting chairman, Wayne Logemann. A motion was made by Susan Wagner to approve the last meeting's minutes as written. The motion was seconded. The minutes were approved unanimously.

NEW BUSINESS

It was concluded that there was no new business to discuss.

OLD BUSINESS

PARC Strategies for Progress: Randy wanted to review the minutes of the last meeting regarding the strategies. He asked for comments from PARC members, now that a quorum was present.

Youth Sports: There was a discussion about the amount of the city's involvement with Tee-ball for youngsters. Randy said it was limited to the use of the city's parks and a clinic that had been provided for the coaches of Tee-ball.

Randy said he would like to have clinics for the coaches of baseball, soccer and basketball. The coaches could pay for the clinics to some extent. If the service clubs in the area were given an outline and a budget estimate for the clinic, they might be willing to sponsor the clinics.

Youth Activities: Susan Wagner suggested organizing some activities for the kids living in the housing authority apartments. She said there was some money available to work with. They do have a tenant services coordinator by the name of Joan Long. Randy said that he would contact her.

Randy said it would help if there were people to volunteer at the parks and buy some equipment. Perhaps something could be done weekly in the parks. It would help if there was some cooperation with the libraries. Betty Stephens suggested getting some retired women to help in the parks.

Wayne Logemann suggested visiting other parks and getting sponsors in the area to help. Susan Wagner suggested having events come to the parks, as Multnomah County's Parks program, such as ballets, Zoo-to-You and puppet shows. They could also have the high school drama classes in the parks for

OLD BUSINESSStrategies for Progress:  
(cont'd)VI  
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the children. Wayne suggested publicizing youth activities and having events for kids in the fall and winter.

Adult Sports: Randy said that Oregon City and Gladstone's softball leagues have combined to provide a better organization and competition. He suggested a panel of members from each league, with each city's rules modified to accomodate all three cities. There could be a league coordinator, to whom fees could be paid and who could handle organizing the games.

Adult Recreation: Randy thought adult recreation could be left alone as the schools and private enterprise fulfill this need.

Senior Recreation: Randy said that maybe we could try and encourage the seniors to get outside with some kind of organized activity. He suggested birdwatching or an exercise class that could go outside. Some of the elderly are unstable on their feet and maybe they could use chairs for their exercises outside. The city did start pool tournaments and the seniors have taken over managing their own pool tournaments. Susan Wagner suggested putting benches outside at the senior center. Wayne Logemann suggested activities such as lawn bowling and shuffleboard.

Special Events: It was suggested that maybe some activity could be held once a month. Estle Harlan asked that the main arteries in the city, not be blocked off by police barricades during Festival Daze. Randy said the road race is routed so that it does not run over the railroad tracks. They did not want to stop the runners for trains. It also was more expensive to run the race without roadblocks. It would require more policemen. Randy suggested maps could be given out by the police department. Betty Stephens said that events' could be publicized more, such as the kiddie parade at Ardenwald School. Betty Stephens suggested concerts in Scott Park or running silent films or concerts in the Junior High field.

Special Populations: Randy asked if there was anything we should be doing for this group. Estle Harlan suggested not spreading ourselves too thin, as we do not have the money or the staff.

OTHER BUSINESS:

Randy said that the Railroad and Harmony streets project was still being considered by the City Council. They will be having a mini-hearing at the July 5th, City Council meeting, on the project.

Betty Stephens asked about the Webber Park clean up. Randy said, a bike path is being put in place of the previous slide at the park.

Randy asked for committee reports. Walt Haynes from the Facilities Committee reported that he needed council direction on the Bike Path proposal. Under Public Relations and Development, Estle Harlan said that there was nothing to report. Under community relations there was nothing to report.

OTHER BUSINESS  
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Randy said that in the new Jobs Bill we got \$7600 for new landscaping around the center. It is to be implemented under a plan that Jerry Herman developed for us in 1981. About \$2100 will go to rehabilitating the front of the library. Randy said that we did not get the Land and Water Conservation Fund grant. He said we will be applying for state grants and aid for the lawn at Stanley Park. He said we will be able to have \$1500 in materials and we would be able to obtain a matching grant for labor.

Randy also mentioned that terms of office will be expiring for the following; Walt Haynes, Wayne Logemann, Betty Stephens and Larry Mura, as of June 30, 1983. He would like to know as soon as possible the names of members who wish to continue on the commission, so that they may be included on the July 5th, 1983 City Council agenda. The Parks and Recreation Rules and Regulations will also be reviewed at this time. The Police Department had expressed concern about enforcement of Parks Rules and Regulations that have not been approved by the City Council.

Randy reported that the Pioneer Cemetery Funds did not have to go through probate. He suggested putting the money into a certificate or into a separate account. Randy said that he would like a brass plaque for Virginia Hill on behalf of her work for the Pioneer Cemetery.

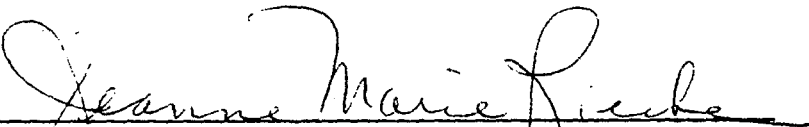
There was discussion on Mr. Hager's pond on 27th and Washington. Randy said it was the last refuge of old Milwaukie. He was interested in seeing it preserved.

question was raised about why there were no ducklings this year at the library duck pond. It seems a raccoon colony has raided the duck eggs.

Randy mentioned that maybe a Wildlife Bulletin Board could be put up at the center. If seniors saw wildlife, it could be reported there.

ADJOURNMENT

Susan Wagner moved that the meeting be adjourned. It was seconded by Estle Harlan. The meeting came to a close at 9:03PM.

  
JEANNE MARIE RIECKE, RECORDING SECRETARY

WAYNE LOGEMANN, ACTING CHAIRMAN

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PLANNING COMMISSION MINUTES

REGULAR MEETING

JULY 12, 1983

MEMBERS PRESENT

BOB BROWN  
BETTY ROHOLT  
AL LAINE  
REBECCA SWEETLAND  
JOHN FOSTER

STAFF PRESENT

TOPAZ FAULKNER, PLANNING DIRECTOR  
JERRY THELANDER, PLANNER  
STEVE HALL, PUBLIC WORKS DIRECTOR  
CAROL LEE, SECRETARY  
RANDY WESTRICK, PARKS & REC. SUP

EXCUSED ABSENCES:

GEORGE CATHEY  
JOHN LITTLEHALES

Bob Brown opened the meeting at 6:30 p.m.

3.1 CITY OF MILWAUKIE

C-83-11 Conditional Use Request  
LOCATION: West of McLoughlin Blvd.,  
South of Jefferson Street.

PROPOSAL: Phase II of the improvement program, the City now requests a Conditional Use to allow construction of a 140 sq.ft. metal rest room facility and a 1,600 sq.ft. (160' x 10') boarding float.

Jerry presented the Staff Report.

Mr. Brown asked Staff who owns the waterway rights along the Willamette River. Mr. Hall explained the State of Oregon owns the waterway rights of the Willamette with the exception of property within a certain distance from shore is leased by private property owners, and property along Jefferson Street is owned by the City of Milwaukie. In the past, Publishers Paper donated the park area to the City with certain Conditions, that the City could not acquire the lease rights to the Willamette River which had already been reserved for Caffal Brothers.

Mr. Brown asked Staff to clarify the Floodway Hazard Zone and Floodway Fringe. Jerry explained that according to the Comprehensive Plan the property is with the Flood Hazard Zone. Criteria regarding the Willamette Greenway have been addressed in the Staff Report.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
PLANNING COMMISSION MINTUES  
REGULAR MEETING - JULY 12, 1983

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C-83-11 CITY OF MILWAUKIE - Continued

Mr. Brown asked if there was anyone in the audience who wished to testify in favor or opposition to the request. There was no response from anyone in the audience.

Mr. Brown closed the public hearing at 6:40 p.m.

Mr. Foster suggested that a Condition be applied to the request requiring extension of the pavement to the loading dock. Topaz explained that the property that has not been paved is private property. Consideration has been given to extension of the loading dock area which would provide a wider fan-shaped apron for the loading dock. That work would require additional funding and further negotiations.

Mr. Foster also suggested that signing be provided indicating "Deep Water". Adequate parking-lot lighting should be provided for safety. Mr. Hall explained that currently the City has one light available on a lease program through PGE. The facility will not be open during the night-time hours, and current lighting is adequate for the proposed use.

SPEAKING: Randy Westrick, Milwaukie Parks and Recreation Sup't.

Randy said that the general boating public does not use the river after dark, with the exception of certain Holidays when there are fireworks displays on the river. He feels that current lighting is adequate.

Topaz said the Surf-Jet boat rental business does not operate after dark.

Mr. Hall said currently there is a street light on the site which provide minimal lighting for public safety.

Mr. Foster asked Staff if a fee could be charged for the facility. Randy explained that no fees could be charged for the use of this facility, because it is being funded through the Marine Board. The use will be explicitly for short-term tie-ups.

Ms. Sweetland asked Staff if the street light angle could be changed to provide more light toward the water. Mr. Hall said he could not recommend change in lighting. The light should shine on the ground of the site in use.

Mr. Brown made a Motion to approve C-83-11, with additional Finding #5: No adverse testimony recieved at the public hearing; and Conditions as listed in the Staff Report. Ms. Sweetland Seconded the Motion.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
PLANNING COMMISSION MINUTES  
REGULAR MEETING - JULY 12, 1983

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C-83-11 CITY OF MILWAUKIE - Continued

Mr. Foster made a Motion to amend the Main Motion, adding Condition #3: Adequate lighting for necessary safety to be provided. Mr. Laine Seconded the Motion. After careful consideration by the Commission, the Motion for Amendment regarding additional lighting failed 3-2, Ms. Sweetland, Mr. Brown, and Ms. Roholt opposing the Amendment.

The Main Motion carried unanimously.

FINDINGS: C-83-11

1. The proposal complies with the following elements of the Comprehensive Plan:

OBJECTIVE #2 - Open Space, Policy #3, Page 15.  
OBJECTIVE #3 - Scenic Areas, Policy #1, Page 16.  
OBJECTIVE #10 - McLoughlin Blvd., Policy #4, Page 40.  
OBJECTIVE #6 - Riverfront Recreation, Policies #2 & #6,  
Page 46 & 47.

WILLAMETTE GREENWAY ELEMENT:

OBJECTIVE #4 - Recreation, Policy #1, Page 52.  
OBJECTIVE #5 - Public Access, Policies #1, #2, #3, Page 52.  
OBJECTIVE #8 - Pedestrian/Bikeway, Policies #2 & #4, Page 72.

2. The proposal complies with the following Sections of the Zoning Ordinance:

Section 3.19.1 - Willamette Greenway Zone WG, Page 64.  
Section 3.17.5.b.1 - Flood Hazard Zone F-H, Page 55.

3. Opportunities for recreation will be increased with the improved access to the river.
4. The site is within the Floodway Fringe of the Flood Hazard Zone. The rest rooms are designed to withstand flood waters and not impede water flow. The boarding float can be removed when the Willamette River is in flood stage.
5. No adverse testimony was received at the public hearing.

CONDITIONS: C-83-11

1. Prior to construction of the boarding float, agreements between the City and Caffall Brothers regarding the removal of logs from the Jefferson Street right-of-way must be completed.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
PLANNING COMMISSION MINUTES  
REGULAR MEETING - JULY 12, 1983

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C-83-11 CITY OF MIWLAUKIE - Continued

CONDITIONS: C-82-11 Continued

2. Approval must be received from the Corps of Engineers and State agencies prior to construction.

After the public hearing had closed, Commission's discussion and approval Mr. Jim Cob expressed his concerns to the Commission.

SPEAKING: MR. JIM COB

Mr. Cob said he felt that the location of the rest room facilities would impair the view of the River from the downtown area. He suggested that something other than the rest room facility be placed at the entrance to the City's Waterfront Park. He does not want the floating dock to interfere with plans he has for his property. Topaz explained that the most difficult part of this project has been the decision of where to locate the rest rooms. The site chosen is the closest location outside the Floodway Fringe. Federal requirements must be met in order to locate a structure within that area. Funds for landscaping have been applied for from other sources. Randy told Mr. Cob that the City would be willing to work with him regarding future plans for the area.

5.1 INTERPRETATION FOR HANDICAPPED HOUSING IN RESIDENTIAL ZONE

Topaz explained that there had been a request for handicapped housing in a single-family residence. The Ordinance addresses this type of housing within multi-unit dwellings. The intention of the home owner is to place 5 handicapped children in the home on a permanent basis. Minor modifications to the home will provide handicapped access and added living space.

By consensus the Commission decided that the use would not cause negative impacts to the neighborhood, and should be considered as normal family occupancy of a single-family home.

5.2 ADDITIONAL EXTENSION FOR CONDITIONAL USE C-82-1

John W. Harris/PECK GRADY ASSOC. ARCHITECTS

LOCATION: North side of Harmony Rd., Southwest of the Southern Pacific Railroad tracks, west of Linwood and Railroad Avenues intersection.

PROPOSAL: Request consideration of additional 6-month extension for Conditional Use Permit to construct a 2-story 4,000 sq.ft. dental clinic and 18-space parking lot.

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5.2 Continued

After consideration, Mr. Laine made a Motion to approve extension of Conditional Use C-82-1 for an additional period of 6-months. Ms. Roholt Seconded the Motion, it carried unanimously.

6.0 CONSENT AGENDA:

The Commission decided to postpone review of the City Council and Planning Commission Meeting Minutes until July 26, 1983.

7.1 CONTINUED DISCUSSION REGARDING DENSITY BONUSES -  
EXCEPTIONAL SITE DESIGN

Jerry explained that at the last meeting the Commission adopted allowable densities for various districts. The Commission had requested Staff to develop criteria to determine allowable densities for exceptional site design. Staff has presented a list of proposed criteria to help the Commission establish adequate Guidelines for granting density bonuses. The Commission discussed the suitability to the criteria listed, and requested Staff to research Guidelines and Criteria used by other jurisdictions.

Topaz mentioned that the Comprehensive Plan currently addresses five different types of density bonuses, but is unclear as to whether or not they are accumulative or not, and how to grant the bonuses in a manner that will correspond with the Zoning Ordinance.

8.1 INTERPRETATION OF CHURCH USE/CONDITIONAL USE PERMIT

Topaz said that it had been brought to Staff's attention that a local church is conducting a counseling/rehabilitation program. There have been no complaints or negative impacts relating to the use. Staff requested interpretation as to whether or no this use requires a Conditional Use Permit. The Commission by consensus decided that counseling/rehabilitation programs are part of normal church functions, and do not require additional Conditional Use Permits.

Topaz announced that the new full-time Associate Planner will be Lori Masterantonio-Meuser, beginning August 8, 1983.

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
PLANNING COMMISSION - JULY 12, 1983

VI  
B (6)

Topaz mentioned the City has the opportunity to apply for a grant from the Bonneville Power Administration providing assistance for Solar Access Regulation.

SPEAKING: JERRY KLINE, 10795 S. Riverway Lane, Milwaukie

Mr. Kline said he was speaking for his father, Ralph Kline, and apologized for not being at the beginning of the meeting. Mr. Kline had questions regarding the City's application for Conditional Use to build rest room facilities and floating boat dock at the Jefferson Street Park area. They are concerned that the funding should be used to correct the angle of the boat launch instead of developing the area.

Topaz explained that the funds have been provided from the Marine Board, with certain conditions for certain uses. The Marine Board feels that the area should be improved with rest room facilities, parking area, and boat dock. The City is concerned about the angle of the boat dock, however there are no funds, at this time, to correct or extend the launch. Negotiations are under way with Caffal Brothers to clear the log boom at the launch area.

The meeting adjourned at 8:30 p.m.

MINUTES - JOINT MEETING  
SENIOR CITIZEN'S ADVISORY COMMISSION  
MILWAUKIE CENTER ADVISORY BOARD  
May 25, 1983

VI  
C (1)

The Milwaukie Center

1 p.m.

The meeting was called to order by Janet Witter.

Negotiations with Loaves & Fishes Centers, Inc. for Agreement.  
Jo Durand, Administrative Assistant, explained procedures in negotiation process.

Art Renner expressed concern for Loaves & Fishes' paying fair-share.

Pat Kennedy suggested that the contract be fairly long-term with only the money issues considered each year.

Main areas of concern:

1. Kitchen supervision.
2. Costs (utility)
3. Clear acknowledgement of city's jurisdiction over Center.
4. Ultimate decisions made by Center Director.

Other concerns:

1. Unified phone system - is it possible?
2. Discussing issues/background with City Council members to increase understanding of senior centers - education.

Janet will prepare a letter for Council, noting two meetings to discuss special concerns in negotiations/affirming positions city is taking as it was presented by Jo Durand.

Term expiration dates/CAB & SCAC

CAB & SCAC will work together to prepare statement following suggestions in Doris Olsen's letter dated 4/15/83 to City Council and proposed ordinance - (Ordinance No. 1451) - staggered terms, 3 members off each year, etc.

The two groups will meet jointly on June 10 after reviewing draft copy of Agreement with Loaves & Fishes Centers, Inc. to discuss and make in-put if necessary.

Meeting adjourned.

Submitted by Pat Kennedy, Acting Secretary

Pat Kennedy

Date

MINUTES - JOINT MEETING  
SENIOR CITIZEN'S ADVISORY COMMISSION  
MILWAUKIE CENTER ADVISORY BOARD  
June 10, 1983

VI  
C(2)

The Milwaukie Center

Present: Kay Stevens, Joe Keller, Gail Roach, Doris Olsen,  
Art Renner, Nick Knapp, Alice Measure, Helen Kappler,  
Irene Suchsland, Georgia Brakeman, Cathryn Boyles,  
Father O'Hara, Janet Witter.

Staff: Sara Hite, Yvonne Recker, Hugh Brown.

After a thorough discussion of the proposed agreement between the City of Milwaukie and Loaves & Fishes Centers, Inc., it was decided that Kay Stevens and Janet Witter would write a letter to be delivered to the City Council June 13, 1983 stating our views.

Terms of service for Art Renner, Doris Olsen and Nick Knapp were extended to June, 1985 if the City Council concurs.

Hugh Brown, City Manager, asked that all members and key communicators help in distributing information regarding the new, proposed city budget.

Minutes of May 13 meeting were approved as read.

Submitted by Alice Measure, Secretary.

\_\_\_\_\_  
Alice Measure Date

VI E



**METROPOLITAN SERVICE DISTRICT**

Providing Zoo, Transportation, Solid Waste and other Regional Services

July 22, 1983

Rick Gustafson  
*Executive Officer*

**Metro Council**

Cindy Banzer  
*Presiding Officer*  
District 9

Bob Oleson  
*Deputy Presiding Officer*  
District 1

Richard Waker  
District 2

Charlie Williamson  
District 3

Corky Kirkpatrick  
District 4

Jack Deines  
District 5

George Van Bergen  
District 6

harron Kelley  
District 7

Ernie Bonner  
District 8

Bruce Etlinger  
District 10

Marge Kafoury  
District 11

Gary Hansen  
District 12

The Honorable Joy Burgess  
Mayor of Milwaukie  
10722 S.E. Main Street  
Milwaukie, OR 97222

Dear Joy:

As you know, the State highway system is a critical element to the Portland metropolitan area. As such, we have arranged for Mr. Anthony Yturri, Chairman of the Oregon Transportation Commission, to meet with Portland area elected officials on August 17. You or a representative from your jurisdiction are invited to a two-hour working lunch for local elected officials and JPACT members to discuss the importance of our area to the State system.

11:30 a.m. - 1:45 p.m. Memorial Coliseum  
Fountain Room (lower level)

Following the day's activities, we have arranged a reception for all interested elected officials. Fred Miller, ODOT Director, will give a recap of the issues followed by a short question-and-answer period. Please notify other interested individuals from your jurisdiction of the reception.

5:00 p.m. Reception - Metro offices  
527 S. W. Hall Street

Please RSVP to Karen Thackston or Lois Kaplan at 221-1646 by August 5. The cost of the lunch is \$9. The full schedule for the Chairman is included for your information.

Sincerely,

Rick Gustafson  
Executive Officer

RG:gl/7338B/D3

Attachment

527 SW Hall St.  
Portland, OR  
97201  
503/221-1646

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Portland Metropolitan Area Discussion with  
Chairman of the Transportation Commission - Anthony Yturri  
Wednesday - August 17, 1983

1. 11:30 - 1:45 Working lunch at Memorial Coliseum - Fountain Room (lower level)\*  
  
Objective: Discuss the importance of the State Highway System to the Portland metropolitan area  
  
Program: Introduction by Rick Gustafson  
Overview by Andy Cotugno, Transportation Director, Metro  
Discussion between Chairman Yturri and local officials (answer questions and supplement overview)  
  
Invitees: Transportation Commission, ODOT Staff, JPACT, Cities and Counties (see list)
2. 2:00 - 4:30 OTC Helicopter tour of major project areas - leave from Coliseum  
  
Objective: Familiarize Chairman Yturri with location and purpose of key projects
3. 5:00 Reception for all interested local officials in Metro Council Chambers  
  
Program: Recap activities - Fred Miller  
Short question-and-answer period  
Informal conversation  
  
Invitees: City Councils, County Commissions, Metro Council, Tri-Met Board, Port of Portland Board

\*Parking entrance through gate 1 (northwest corner)

Luncheon Invitees

VI  
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Oregon Transportation Commission

Anthony Yturri - Chairman  
Peter J. Brix  
N.B. Giustina  
Robert Dwyer  
Samuel Naito

ODOT

Fred Miller - Director  
Scott Coulter - State Highway Engineer  
Ed Hardt - Metro Area Engineer  
Ted Spence - Planning and Programming Engineer

Metro

Rick Gustafson - Executive Officer  
Andy Cotugno - Transportation Director

Joint Policy Advisory Committee on Transportation

Charlie Williamson, Chairman - Metro Council  
Dick Waker - Metro Council  
Bruce Etlinger - Metro Council  
Mike Lindberg - Portland City Commissioner  
Dennis Buchanan - Multnomah County Executive  
Wes Myllenbeck - Washington County Commission Chairman  
Bob Schumacher - Clackamas County Commission Chairman  
Margaret Weil - Gresham Mayor representing Multnomah County Cities  
Robin Lindquist - Gladstone City Council representing Clackamas  
County Cities  
Larry Cole - Beaverton Council member representing Washington County  
Cities  
John Frewing - Tri-Met Board member  
Dick Pokornowski - Vancouver City Council  
Vern Veysey - Clark County Commission Chair  
Lloyd Anderson - Port of Portland Executive Director  
Bill Young - DEQ Director  
Ed Ferguson - Washington Department of Transportation

Other Invited Cities (not on JPACT)

Jim Larkins - Cornelius Mayor  
Karen Morgan - Durham Mayor  
Marvin Woidyla - Fairview Mayor  
W.G. Paterson - Forest Grove Mayor  
James Robnett - Happy Valley Mayor  
Jim Darr - Hillsboro Mayor  
LeRoy Glahn - Johnson City Mayor  
Jean Young - King City Mayor

Luncheon Invitees

(Continued)

C. Herald Campbell - Lake Oswego Mayor  
Donald Cobb - Maywood Park Mayor  
Joy Burgess - Milwaukie Mayor  
Ron Thom - Oregon City Mayor  
Michael Primiano - Rivergrove Mayor  
Mary Tobias - Sherwood Mayor  
Wilbur Bishop - Tigard Mayor  
Sam Cox - Troutdale Mayor  
Roy Rogers - Tualatin Mayor  
Larry McIntyre - West Linn Mayor  
William Lowrie - Wilsonville Mayor  
Bruce Boldt - Wood Village Mayor

# Inter-Office Memorandum



Date: August 1, 1983  
To: Andy Cotugno  
From: Bill Lieberman *WJL*  
Subject: Milwaukie Transit Center

---

In your memo of July 25 you raised some questions on the strategies for siting the Milwaukie Transit Center in the short term so as not to preclude a light rail extension to Clackamas Town Center in the long term. Let me clarify for you our approach on this issue.

We feel that both transit center sites are compatible with a future LRT extension to CTC via the Lake Road route. The question of Lake Road's acceptability consists of at least three parts: engineering feasibility, impacts on adjacent land uses, and local political acceptability.

The Lake Road route is at least as feasible as the Railroad/Harmony route from an engineering point of view. Adjacent land uses will be impacted by either route and are about equal in scale. A local political decision on the acceptability of a project who's DEIS is at least ten years off in the future cannot, and should not, be expected in the short term.

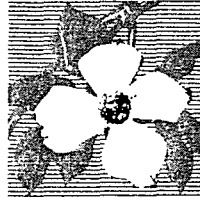
Indeed, it may not be correct to say that the southern short-term transit center site is incompatible with a future Railroad/Harmony LRT route. The unrecoverable costs of a transit center (minus land which can be resold) would approximate \$825,000. This \$825,000 would be less than one percent of the cost of a future LRT line from Portland to CTC, roughly estimated to cost \$84 million. Compare this to the \$15 million spent on the downtown mall in 1977; this is equivalent to about 18.9 million 1980 dollars, or more than eight percent of the Westside's projected \$227 million cost.

We should keep the scale of possible future reconstruction projects in perspective, and remember that the originally approved Milwaukie Transit Center site was selected with almost no consideration whatsoever of future LRT. Therefore, the extension of light rail to CTC should be considered only in designing the transit center, not in choosing between the two sites.

BL:js

cc: Tom Matoff  
Lee Hames  
Steve Hall  
Tom VanderZanden  
bcc: John Griffiths

# CITY OF MILWAUKIE



## Application for Appointment to City Advisory Bodies

NAME: LOW W. GERARD  
 ADDRESS: 8735 SE. 29<sup>th</sup> MILWAUKIE  
 TELEPHONE: (HOME) 653-2357 (WORK) 257-0335  
 MILWAUKIE RESIDENT SINCE: DEC. '79  
 REGISTERED VOTER: YES DATE OF BIRTH JUNE 16, 1948  
 PREVIOUS CITY APPOINTMENTS, OFFICES: NONE

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: MILWAUKIE LAUCOBS  
PAST PRESIDENT, HOME DESIGNER

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: OREGON STATE LAUREL  
LEAD DRAFTS MAN, SALES REPRESENTATION

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

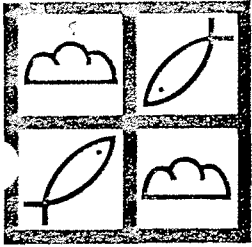
WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? I VIEW  
MILWAUKIE AS A CITY WITH AN IDENTITY PROBLEM  
BY WORKING WITH THE COMMISSION I HOPE TO  
LEARN MORE ABOUT MILW. & PERHAPS DO SOMETHING TO  
HELP

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS  
 COMMISSION OR COMMISSIONS WORKED WITH WAGLITENAW CO  
CANNABOR MICHIGAN) PLANNING COMM 1962R,  
DESIGN ORIENTED,

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



# LOAVES & FISHES CENTERS, INC.

MEALS-ON-WHEELS, MEALS AT NEIGHBORHOOD CENTERS  
AND SOCIAL SERVICES FOR OUR COMMUNITY'S ELDERS

6125 S.E. 52nd Avenue

Portland, Oregon 97206

(503) 777-2424

August 1, 1983

Dear Mayor Burgess and Members of the Milwaukie City Council:

Since I am on a one-week vacation out of state, I cannot attend your August 2nd meeting to speak to the issues concerning Loaves & Fishes. I would appreciate this letter becoming part of your deliberations at that meeting.

First, I appreciate Mayor Burgess' wanting the Council to respond to the concerns of many Loaves & Fishes volunteers relating to the new contract. I concur with the Mayor's desire to resolve these concerns in a fair and just fashion.


I suggest that the Council either adopt the amendments as presented, or negotiate them with the signators until agreement is reached.

I also suggest that the Council consider my written proposal presented to them on July 19th. That proposal suggested the use of a counselor skilled in conflict resolution to meet with the key individuals concerned. (I used the term "mediator" in my proposal, which confused many who thought I wanted to "mediate the amendments." That was not my intent. I actually meant a "counselor" who could assist individuals to resolve their conflicts with each other, and improve their working relationships. Such a counseling role is, in my mind, essential to restoring the morale of the center participants and staffs, and to the improvement of working relationships between many key leaders.

As I expressed to the Council and citizens on July 19th, I am saddened by the animosity between so many good people whose intent is to serve the senior citizens of the Milwaukie area. I also believe that these good people, if given the opportunities, will be forgiving of perceived wrongs to themselves and seek ways to work well together toward this common goal.

Thank you for your many effective efforts on behalf of senior citizens.

Sincerely,

  
Dick Mastbrook  
Executive Director

PS: Betty Kay Jacobs, Loaves & Fishes' Deputy Director, will attend the Council meetings to answer any questions concerning this matter.

EXECUTIVE COMMITTEE  
OF THE  
BOARD OF DIRECTORS

Lawrence Rennett  
President

Betty Hansen  
Vice President

Harold Rose  
Secretary

Este Morgan  
Treasurer

Frank Eiseman

Hugh Gallagher

J.J. Goetz

Walter Hegg

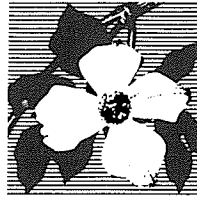
Cay Krieger

Vern Pearson

Russell Peyton

Randy Riggs

Richard Mastbrook  
Executive Director



MEMORANDUM

TO: HUGH BROWN, CITY MANAGER

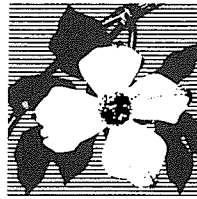
FROM: <sup>J.S.</sup> TOPAZ FAULKNER, DIRECTOR OF PLANNING  
AND COMMUNITY SERVICES

DATE: AUGUST 1, 1983

RE: HEARING DATE FOR RUSK ROAD PROPERTY

Although annexed to the City in 1981, the 18 acre site at Rusk Road and Highway 224 has remained under the Clackamas County Comprehensive Plan and Zoning Ordinance. At their June 14, 1983 Hearing on this site, the Milwaukie Planning Commission heard a City initiated request to amend Milwaukie's Comprehensive Plan Map to include the property as Low-Density Residential, and to apply the City's R-10 Zoning to the site. The Commission voted to approve the request, and to refer it to the City Council for the required Public Hearing before them.

I suggest the Council consider setting the Hearing date for September 6, 1983.



## MEMORANDUM

TO: HUGH BROWN, CITY MANAGER

FROM: TOPAZ FAULKNER, *TF*,  
DIRECTOR OF PLANNING AND COMMUNITY SERVICES

RE: CHANGE OF ZONING TO MATCH COMPREHENSIVE PLAN

DATE: AUGUST 1, 1983

Although the City's Comprehensive Plan requires that all serviced residential properties be zoned to match the Plan Designation, in many cases this has not been accomplished. The Staff's of both Planning and Public Works have spent the past year researching the question of which residential properties fall into the category of being serviced adequately for the Plan Designation but not Zoned to match the Plan.

The needed information has now been compiled. Based on the City's 1980 commitment to the Land Conservation and Development Commission that all serviced residential properties would be zoned in compliance with the Plan as soon as the information was available, I have notified all affected property owners of the need to change the zoning of their property. An informational meeting to answer questions has been scheduled at 7:00 PM, August 8, at the Milwaukie Presbyterian Church, Fellowship Hall, 2416 SE Lake Rd., Milwaukie. The following evening, August 9, and again on August 23, the Planning Commission will hold Public Hearings on the Zoning Changes. The Council could then hold hearings on September 6 and 20.

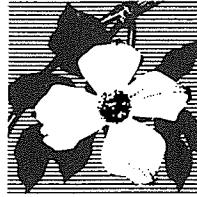
It is important to note that the change of Zoning will have no impact on the current use of the property. It will not force the property owners(s) to take any action; if they wish to continue living in a single dwelling on a one acre lot, they may do so.

The tax assessor has just finished the on-site assessment of Milwaukie, done every five years. He has indicated that the Zone Change will not immediately increase the taxes since these are based on market trends. If the owner continues the current use, the increase in value that will occur based on higher density zoning will be factored over the next five years. If the owner sells to someone interested in taking advantage of the new zoning

CITY OF MILWAUKIE - PLANNING DEPARTMENT  
MEMORANDUM - HUGH BROWN - ZONING TO MATCH  
AUGUST 1, 1983 - Page 2

to increase the number of dwellings on the lot, the new owner will be responsible for paying the additional taxes, based on the greater market value.

By acting as soon as possible to change the zoning to match the Comprehensive Plan, the City will be complying with its own Ordinance, and will achieve the additional benefit of avoiding an expensive court appearance on September 16, in the case brought by 1,000 Friends.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: August 2, 1983 COUNCIL MEETING  
DATE: AUGUST 1, 1983

Attached is some background information for tomorrow's work session regarding zoning.

Staff would also like to spend some time describing briefly the proposed plans of Tri-Met for a timed-transfer station on south Main Street.

An additional agenda item will be the setting of a public hearing for the zoning of Rusk Road property per the enclosed memo from Topaz Faulkner.

A reminder that the interviews will begin at 5 p.m., with the work session scheduled at 5:15, further interviews at 6 p.m., and the regular meeting at 7 p.m. All will be at The Milwaukie Center.

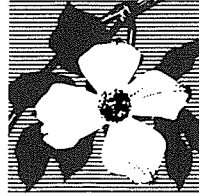
Hugh H. Brown  
City Manager

MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: LORRIE ECHOLS  
SUBJECT: COMMISSION INTERVIEWS  
DATE: AUGUST 1, 1983

Ottilie Girtler is applying for a position on the Center Advisory Board or the Senior Citizen Advisory Commission. Her application is attached.

Mrs. Girtler is only available for interview at 5 p.m. tomorrow evening so we have rescheduled the work session for 5:15 p.m.



## MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: HUGH H. BROWN, CITY MANAGER

SUBJECT: COGAN AND ASSOCIATES PROPOSAL TO ASSIST WITH  
OAK LODGE STUDY

DATE: AUGUST 1, 1983

After receiving the study request from Don Broetje of the Oak Lodge Community Council, I requested from Sumner Sharpe a proposal for completing a study for the Oak Lodge area similar to what was completed for the eastern border area. Sumner has submitted a proposed work program which would include the following:

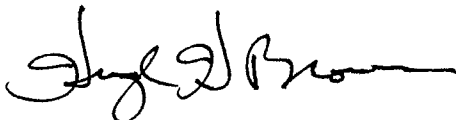
- 1) Financial data collection and analysis
  - a) tax lot maps and current property tax assessments.
  - b) identify current service providers and boundaries.
  - c) estimate total population.
  - d) prepare maps.
- 2) Estimate general fund revenues and costs
- 3) Estimate sewer and water revenues and costs
- 4) Determine overall financial feasibility.
- 5) Analyze advantages/disadvantages to the study area of annexation
- 6) Prepare final report and presentation to the Milwaukie City Council and Oak Lodge Community Council.

The maximum estimated cost of the proposal is \$7100 with a schedule of August to mid-October. It would be the intent of city staff to work closely with Cogan and Associates to reduce the cost of the study, understanding at the same time, that the city also does not want questions to arise about the validity of the data and analysis. City staff and Cogan would also work closely with Oak Lodge Community Council representatives to assure their objectives are also met.

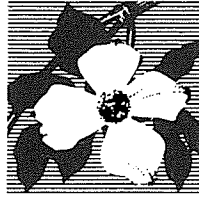
Memo to City Council  
August 1, 1983

Hugh H. Brown  
page 2

It is recommended that City Council authorize use of Cogan and Associates at a cost not to exceed \$7100 for a study of the Oak Lodge area.

A handwritten signature in cursive script, appearing to read "Hugh H. Brown".

Hugh H. Brown  
City Manager



## MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: CITY COUNCIL MEETING AUGUST 2, 1983  
DATE: JULY 29, 1983

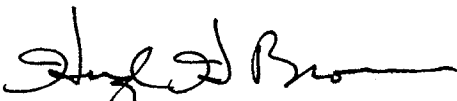
Tuesday's meeting will begin with a work session at 5:00 p.m. to discuss the upcoming process of rezoning certain properties around the city. This relates to adjustments necessary to conform with the city's comprehensive plan which staff has discussed previously with City Council. The proposed process will extend through September and include public hearings before both the Planning Commission and City Council. Additional material will be distributed to you Monday and the background and proposed process will be thoroughly described by staff at Tuesday's work session.

Between 6 and 6:45 several interviews are scheduled with prospective commission members.

A light dinner will be served during the work session.

Because of the planned discussion on the agenda regarding the Loaves and Fishes agreement and the desire for handicap access, both the work session and the meeting will be held at The Milwaukie Center.

See you Tuesday evening.

  
\_\_\_\_\_  
Hugh H. Brown  
City Manager

MEMORANDUM


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TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: RAILROAD/HARMONY PROJECT: AGREEMENT AND LAKE ROAD ALTERNATIVE  
DATE: JULY 29, 1983

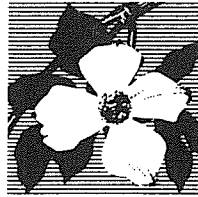
At Tuesday's meeting, county staff will review their findings regarding the Lake Road alternative. As indicated in the attached report, they conclude that the alternative is a feasible option at this stage and recommend that it be included in the environmental assessment for more detailed study. The only actions requested of City Council at this time are 1) general comments on the overall project and the two alternatives, and , specifically, whether or not to request inclusion of the Lake Road alternative (City staff recommends inclusion), and 2) approval of the agreement with the county regarding the division of preliminary engineering costs.

It is not necessary or advisable to indicate a preference of alternatives at this time. This will come in approximately two months (October) when the environmental assessment studies are completed and presented to the public and City Council.

Perhaps the most pertinent action upcoming is the Tri-Met proposal to locate the timed-transfer station at the former AG store. This proposal, along with the county studies, will provide considerable information to weigh regarding the ultimate location of transit trunk route improvements.

  
\_\_\_\_\_  
Hugh Brown, City Manager

HB/1e



MEMORANDUM

TO: MAYOR AND CITY COUNCIL  
FROM: HUGH H. BROWN, CITY MANAGER  
SUBJECT: RESIGNATION OF GORDON ERICKSON  
DATE: AUGUST 1, 1983

This is to inform you that I have received and accepted the resignation of Finance Director, Gordon Erickson. Gordon has served the City for over three years and I have indicated to him my appreciation for his significant contributions to the city's financial programs.

Gordon's resignation is effective September 15. Recruitment for filling the position of Finance Director will begin immediately.

Hugh H. Brown, City Manager