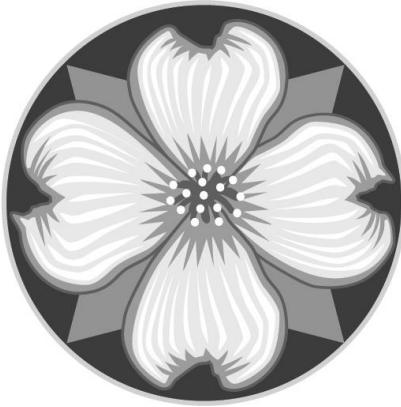




Regular Session

RS

Milwaukie City Council

COUNCIL REGULAR SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

2286th Meeting**AGENDA**

FEBRUARY 19, 2019

Note: times are estimates and are provided to help those attending meetings know when an agenda item will be discussed. Times are subject to change based on Council discussion. **Page #**

1. CALL TO ORDER (6:00 p.m.)**A. Pledge of Allegiance****2. PROCLAMATIONS AND SPECIAL REPORTS****A. Outstanding Milwaukie High School (MHS) Student for February 2019 – Award (6:01 p.m.)**

Presenter: Carmen Gelman, MHS Principal

B. Metro Council – Update (6:11 p.m.)

Presenter: Christine Lewis, Metro Councilor

C. Council Compensation Task Force – Update (6:31 p.m.)

Staff: Ann Ober, City Manager, and
Justin Gericke, City Attorney

3. CONSENT AGENDA (6:51 p.m.)

Consent items are routine matters that are not discussed during the meeting; they may be approved in one blanket motion and any Councilor may remove an item from the Consent Agenda for separate consideration.

A. Approval of Council Meeting Minutes of: 2

1. January 12, 2019, Council Retreat;
2. January 15, 2019, Work Session; and
3. January 15, 2019, Regular Session.

B. Infrastructure Financing Authority (IFA) Loan Application for the Meek Street Stormwater Pipe Installation, Phase 2 – Resolution 15**C. Well #2 Project Public Improvement Contract Award – Resolution 19****4. AUDIENCE PARTICIPATION (6:55 p.m.)**

To address Council, complete a comment card and submit it to staff. The Mayor will call for comments regarding City business. Per the Milwaukie Municipal Code (MMC) only issues that are “not on the agenda” may be raised; issues that await a Council decision and for which the record is closed may not be discussed; “all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition.” The presiding officer may limit the time permitted for comments and may request that a spokesperson be selected for a group of persons wishing to speak. **The public is also invited to make comments in writing and may submit comments before the meeting, by mail, e-mail, or in person to City staff.**

5. PUBLIC HEARING

Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

- A. Zoning and Comprehensive Plan Amendments – Railroad Avenue** **28**
(File #s ZA-2018-002, CPA-2018-002) – Ordinance (7:00 p.m.)
Staff: Mary Heberling, Associate Planner

6. OTHER BUSINESS

These items will be presented by staff or other individuals. A synopsis of each item together with a brief statement of the action requested shall be made by those appearing on behalf of an agenda item.

- A. E-Scooters - Discussion (7:45 p.m.)** **117**
Staff: Kelly Brooks, Assistant City Manager, and
Peter Passarelli, Public Works Director
- B. Clackamas Cities Association (CCA) Dinner – Discussion (8:15 p.m.)** **121**
Staff: Scott Stauffer, City Recorder
- C. Council Input on Legislative and Regional Issues – Discussion (9:00 p.m.)** **125**
Staff: Kelly Brooks, Assistant City Manager

7. INFORMATION (9:15 p.m.)

The Council and City Manager will provide reports on City events, projects, and programs.

8. ADJOURNMENT (9:20 p.m.)

Executive Session

Upon adjournment of the Regular Session, Council will meet in Executive Session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

Americans with Disabilities Act (ADA) Notice

The City of Milwaukie is committed to providing equal access to all public meetings and information per the requirements of the ADA and Oregon Revised Statutes (ORS). Milwaukie City Hall is wheelchair accessible and equipped with Assisted Listening Devices; if you require any service that furthers inclusivity please contact the Office of the City Recorder at least 48 hours prior to the meeting by email at ocr@milwaukieoregon.gov or phone at 503-786-7502 or 503-786-7555. Most Council meetings are streamed live on the City's website and cable-cast on Comcast Channel 30 within Milwaukie City Limits.

Executive Sessions

The City Council may meet in Executive Session pursuant to ORS 192.660(2); all discussions are confidential and may not be disclosed; news media representatives may attend but may not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and are closed to the public.

Meeting Information

Times listed for each Agenda Item are approximate; actual times for each item may vary. Council may not take formal action in Study or Work Sessions. Please silence mobile devices during the meeting.



COUNCIL REGULAR SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

2286th Meeting

MINUTES

FEBRUARY 19, 2019

Mayor Mark Gamba called the Council meeting to order at 6:01 p.m.

Present: Council President Angel Falconer; Councilors Lisa Batey Wilda Parks, Kathy Hyzy

Staff: Assistant City Manager Kelly Brooks City Attorney Justin Gericke City Manager Ann Ober City Recorder Scott Stauffer	Climate Action and Sustainability Coord. Natalie Rogers Community Development Director Alma Flores Planning Director Denny Egnor Public Works Director Peter Passarelli
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1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Milwaukie High School (MHS) Outstanding Student for February 2019 – Award
Carmen Gelman, MHS Principal, introduced the February Outstanding Student Max Penneck. Council congratulated him on his academic and extra-curricular accomplishments. **Ms. Gelman** provided a brief update on the MHS construction project, noting that the baseball and softball field renovation work had been completed.

B. Metro Council – Update

Christine Lewis, Metro Councilor, introduced herself and discussed her top priorities of transportation, housing, and community place making. She provided brief updates on Metro projects including a parks and nature renewal bond, garbage and recycling projects, transportation projects, and affordable housing work. **Councilor Batey** and **Ms. Lewis** noted Milwaukie's interest in working with Metro on the parks and nature bond measure. **Councilor Hyzy** and **Ms. Lewis** commented that Metro's waste stream work aligned with the city's Climate Action Plan.

C. Council Compensation Task Force – Update

Ms. Ober introduced Linn Davis, Program Manager at Healthy Democracy, and reported that Healthy Democracy had agreed to lead a community discussion on council compensation. **Mr. Davis** provided background information on Health Democracy and presented a community discussion outline developed with Portland State University.

Ms. Ober explained the need for an elected official's agreement to limit council's influence on the community members selected to participate in the discussion. She asked for feedback on the agreement and community discussion outline. It was noted that the group had no concerns about the presented outline.

Ms. Ober summarized that council would agree that any pay increases would affect future councils, which could affect individual council members at different times due to the staggered council terms, and council would agree to respect the recommendations of the community panel. The group agreed to abide by the agreements summarized by **Ms. Ober**. **Councilor Batey** suggested that some recommendations may need to go to the voters.

Ms. Ober provided an overview of previous council compensation increases. The group remarked on economic indicators that could trigger future increases. **Council President Falconer** remarked on the need to identify a threshold amount to determine if the increase should be approved by voters. **Ms. Ober** suggested that a threshold could be identified later in the process.

Mr. Davis asked for council feedback on the process for selecting the community discussion panel. He explained that panelists could be randomly selected from voter registrations or addresses. He asked for an age cut-off if addresses were used. **Council President Falconer** and **Ms. Ober** commented on age as a factor for contributing to the community. **Councilor Hyzy** and **Mr. Davis** remarked on the feasibility of the panel comprising both registered and non-registered voters. The group discussed the use of addresses and voter registration rolls in selecting panelists and noted the importance of pulling addresses from within city limits.

Mayor Gamba expressed support for including youths aged 16 or older in the process and noted he was agnostic about identifying registered voters. It was noted that council had no concerns about including youths aged 16 and older in the process.

Ms. Ober noted that council would discuss the topic again at a future meeting to consider a threshold amount to refer to voters. The group remarked on whether a threshold amount was needed or should be identified before the community discussions occurred. **Mr. Gericke**, **Ms. Ober**, and **Mr. Davis** noted that a possible threshold amount and the consideration of hiring an attorney to draft ballot measure language would be discussed at a future meeting.

Councilor Batey and **Ms. Ober** noted that possible compensation would include pay and health benefits. It was council consensus to not consider any other benefits besides pay and health benefits.

Councilor Hyzy asked how council could consider a compensation threshold in a public meeting without influencing the community discussion. **Ms. Ober** replied that council would be provided with options about setting a threshold amount. The group remarked on when in the discussion process council should reveal a threshold amount and whether the community panel should determine the threshold.

Ms. Ober noted that Healthy Democracy would be identifying funding sources for the process and the city was looking at possible attorney fees for drafting a ballot measure.

Mr. Davis reported that Healthy Democracy was excited to be part of the process. The group thanked Healthy Democracy for partnering with the city. **Mr. Davis** noted that funding had not yet been identified.

Councilor Batey and **Mr. Davis** noted that Healthy Democracy would publish a report on the process and recommendations once the community discussion was finished.

3. CONSENT AGENDA

It was moved by **Councilor Parks** and seconded by **Council President Falconer** to approve the consent agenda as presented.

A. City Council Meeting Minutes:

1. January 12, 2019, Council Retreat;
2. January 15, 2019, Work Session; and
3. January 15, 2019, Regular Session.

- B. Resolution 13-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the submittal of a loan application to the Infrastructure Financing Authority (IFA) for a Special Public Works Fund loan for Phase 2 of the Meek Street Stormwater Pipe Installation.
 - C. Resolution 14-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City Manager to approve a public improvement contract with Holt Services, Inc. in the amount of \$625,043 for the well drilling phase of the Well #2 Project located at 40th Avenue and Harvey Street and reject Additive Alternate A.1 (Well #2 Decommissioning).
- Motion passed with the following vote: Councilors Batey, Parks, Hyzy, and Falconer, and Mayor Gamba voting “aye.” [5:0]

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the audience participation procedures. **Ms. Ober** reported that there was no follow-up report from the February 5 audience participation.

Kiran Das Bala, Milwaukie resident, commented on her federal tax situation.

5. PUBLIC HEARING

A. Zoning and Comprehensive Plan Amendments – Railroad Avenue (File #s ZA-2018-002, CPA-2018-002) – Ordinance

Call to Order: **Mayor Gamba** called the public hearing on the Zoning and Comprehensive Plan Amendments for Railroad Avenue, File #s ZA-2018-002, CPA-2018-002, to order at 7:09 p.m.

Purpose: **Mayor Gamba** announced that the purpose of the hearing was to take public comment on the proposed amendments. **Ms. Heberling** noted the relevant criteria to be considered in Milwaukie Municipal Code (MMC) Sections 19.902 and 19.1008.

Conflict of Interest, Ex-Parte Contacts, and Jurisdiction: It was noted that no council member declared any conflicts of interest. It was noted that Council President Falconer and Councilors Batey and Hyzy had no ex-parte contacts to declare. **Councilor Parks** noted the topic had been discussed at a Linwood Neighborhood District Association meeting she had attended, but she had not participated in the discussion. **Mayor Gamba** noted he received an email on the subject, which he forwarded to council. It was noted that no audience member challenged council's jurisdiction over the topic.

Staff Presentation: **Ms. Heberling** noted the location of the properties involved and explained that the property owner had requested a zone change from R7 to R5 for four of the properties, which would result in an increase to moderate density. She reported that the planning commission held a hearing and had recommended that council approve the request. She reviewed the approval criteria and the key issues for council to consider, including the appropriateness of rezoning the site and the compatibility of R5 with the surrounding neighborhood. She reported that one piece of correspondence had been received from Milwaukie resident Ley Garnett expressing concern about the trees on the property. **Councilor Hyzy** and **Councilor Batey** noted they had recently visited the site and commented on location and types of trees on the property. **Ms. Heberling** and **Councilor Hyzy** noted there was a wetland on the property.

Ms. Heberling reported that the staff recommendation was for council to approve the rezone request. She noted council's decision-making options.

Mayor Gamba noted that the city's Housing Needs Analysis (HNA) was three years old and asked how the middle-housing section had done. **Ms. Heberling** remarked that prices for middle-housing had increased regionally.

Correspondence: It was noted that only Mr. Garnett's email had been received.

Conduct of Hearing: **Mayor Gamba** reviewed the hearing conduct procedures.

Proponent/Applicant Testimony: **Jeff Bolton**, with Multi/Tech Engineering and representing the property owner, provided a history of the plan to develop the site. He noted that the wetland areas and the requirement to extend 56th Avenue to Railroad Avenue would limit the developable area on the site. He reported that the subdivision application was also being submitted through the city.

Mayor Gamba remarked that the approval criteria addressed housing affordability and asked if there was a target house price for the development. **Mr. Bolton** explained that the developer was aware of the HNA and would have a better idea of pricing once a plat map was done. He suggested there could be six lots on the property.

Council President Falconer asked if a higher density zone than R5 had been considered. **Mr. Bolton** reported that only zoning to R5 had been discussed.

Councilor Hyzy asked if the presence of wetland on the site would lead the developer to build higher density homes. **Ms. Heberling** reported that the natural resource area allowance for higher density developments usually applied to larger properties. She and **Councilor Hyzy** noted that natural resource density triggers are considered during the subdivision application process.

Mayor Gamba asked if the developer had done cottage cluster developments before. **Mr. Bolton** reported that the developer had not yet done cottage clusters. He remarked on the residential projects the developer had done and could do in the future.

Councilor Hyzy asked if the developer was interested in acquiring adjacent properties, given the small size of the site. **Mr. Bolton** reported he was not aware of the developer's interest in the properties next to the site.

Councilors Parks and Batey and **Mayor Gamba** noted that they had watched the video of the planning commission's hearing on the rezone request.

Testimony in Support of the Applicant: It was noted that no audience member wished to speak in support of the applicant.

Testimony in Opposition of Application: It was noted that no audience member wished to speak in opposition to the application.

Neutral Testimony: It was noted that no audience member wished to speak from a neutral standpoint on the application.

Staff Response to Testimony: It was noted that there were no further staff comments.

Questions from Council to Staff: It was noted that council had no further questions.

Close Public Hearing: It was moved by **Councilor Parks** and seconded by **Council President Falconer** to close the public hearing. Motion passed with the following vote: **Councilors Batey, Parks, Hyzy, and Falconer, and Mayor Gamba** voting "aye." [5:0]

Mayor Gamba closed the public hearing at 7:32 p.m.

Council Discussion: **Councilor Batey** remarked that the planning commission and staff had done well answering questions about the application.

Council President Falconer remarked on the questions raised at the planning commission hearing about zoning the site to a higher density. She commented on the city's efforts to incentivize development of all types of housing and expressed discouragement that current requirements did not achieve council's housing goals. She noted she did not see any grounds to deny the request.

Councilor Hyzy and **Mayor Gamba** remarked on the lost opportunity to zone the site to a higher density that could accommodate more housing units. **Mayor Gamba** commented on the potential financial appeal of cottage cluster developments. **Council President Falconer** remarked on the need to creatively incentivize the development of different housing types to keep residents in the city. The group briefly noted the potential to increase the density on the site and nearby properties in the future.

Council Decision: It was moved by **Council President Falconer** and seconded by **Councilor Hyzy** to approve the Ordinance to amend the zoning map to rezone tax lots 12E31DD, Lots 2900, 3000, 3100, and 12E31DB01300 from residential R-7 to residential R-5; and to amend the Milwaukie Comprehensive Plan Land Use Map to designate tax lots 12E31DD, 2900, 3000, 3100, and 12E31DB01300 as moderate density rather than low density (File # ZA-2018-002, CPA-2018-002). Motion passed with the following vote: **Councilors Batey, Parks, Hyzy, and Falconer** voting "aye," and **Mayor Gamba** voting "nay." [4:1]

Ms. Ober read the ordinance once by title only.

Mr. Stauffer announced that the motion had been approved but was not unanimous.

Mayor Gamba announced that the second reading of the ordinance would be scheduled for March 5.

Mayor Gamba recessed the meeting at 7:44 p.m. and reconvened at 7:52 p.m.

6. OTHER BUSINESS

A. E-Scooters – Discussion

Ms. Ober reported that the e-scooters discussion would be rescheduled to March 5.

~~B. Clackamas Cities Association Dinner (moved to the February 19 work session)~~

C. Council Input on Legislative and Regional Issues – Discussion

Ms. Brooks provided updates on state legislation the city was tracking, including bills addressing rent control and a plastic bag ban. The group remarked on the potential impact of a statewide ban on the city's plastic bag and polystyrene ban.

Ms. Brooks noted the status of a property tax reform bill. She reported that the League of Oregon Cities (LOC) had asked for support to amend the bill to be fairer to cities. She asked if council wished to submit a letter on the bill. **Mayor Gamba, Ms. Brooks, and Ms. Ober** remarked on statements the letter should make. It was council consensus to send a letter in favor of supporting property tax bills in the legislature.

The group noted a bill addressing property tax exemption extensions for low income housing. Staff confirmed they would check on the bill and report back to council.

Ms. Brooks discussed bills that would affect municipal courts' abilities to pull drivers licenses. She reported that Milwaukie Municipal Court Judge Kimberly Graves had expressed concern about the bills' impact on the court's ability to get people to comply with local laws. She reported that Judge Graves asked council to consider opposing the legislation. The group discussed the status and intent of the bills and the importance of not creating an undue hardship for people. It was the group consensus to not take a stand on the legislation affecting courts pulling drivers licenses until they developed further.

Ms. Brooks provided an update on a bill affecting the qualification of contracted engineering and other services. The group noted that no action was needed now.

Ms. Brooks reported the status of a bill addressing the local control of traffic speeds. The group briefly noted a letter council had approved regarding the bill.

Councilor Batey noted the status of bills addressing oil trains and small cell towers.

Ms. Ober provided further information regarding the bill addressing property tax exemptions for low income housing. The group noted that the bill would alter the steps currently required to get other taxing jurisdictions' approval of such exemptions. **Ms. Brooks** suggested there was some council interest in writing a letter on the bill.

Ms. Brooks reported that the LOC was not opposed to green building regulations. She had not heard from the LOC regarding their position on proposed annexation legislation.

7. INFORMATION

Council President Falconer announced upcoming events, including the availability of local tourism grants, a city manager open door session, a Hillside Master Plan community design workshop, work events at Spring Park, Elk Rock Island, and the Three-Creek Nature Area, and a Coho Point at Kellogg Creek open house. She shared information about upcoming highway construction at I-205 and the Sunrise Corridor.

It was noted that Mayor Gamba left the meeting at 8:18 p.m.

8. ADJOURNMENT

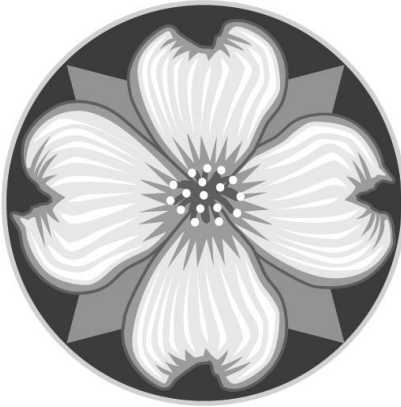
It was moved by **Councilor Parks** and seconded by **Councilor Batey** to adjourn the Regular Session. Motion passed with the following vote: Councilors Batey, Parks, Hyzy, and Falconer voting "aye." [4:0]

Council President Falconer adjourned the regular session at 8:19 p.m.

Respectfully submitted,



Scott Stauffer, City Recorder



RS Agenda Item

2

**Proclamations,
Commendations,
Special Reports,
& Awards**



District 2 Metro Update

Milwaukie City Council • Councilor Christine Lewis • February 19, 2019

New faces

Three new
councilors!



Parks and Nature

Welcome to the
new Oxbow
Regional Park!



Parks and Nature

The future of parks
funding



Garbage and recycling

- Food scraps
- Recycling
- 2030 Regional Waste Plan



Transportation

- A poll of the voters of the region
- People want solutions – that work for everyone
- It's time to invest in our system



Affordable housing

- Committee appointed
- Bonds could be issued soon
- 12,000 people into homes across greater Portland



Grants

- We have two planning grant programs this spring
- 2040 Planning and development grants
- Community placemaking grants



Oregon Convention Center

Fuel your hobbies and passions this season at the Oregon Convention Center, from the peculiar to familiar to familial.



Portland's 5 Centers for the Arts

Portland's 5 has a showcase of upcoming events to celebrate heritage, history, culture and faith.



Oregon Zoo

The Oregon Zoo has accessible rates on Second Tuesdays, monthly pub talks, the Rabbit Romp and Endangered Species Day coming up.



Expo Center

Hop on the MAX Yellow line to attend local community events that entertain the kids, acquire collectibles and maybe drive off with a brand new RV.

Without the car, Tequila and Tacos will be more fun also.



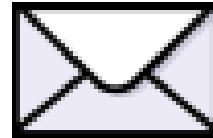
Your questions

Christine Lewis

Metro Councilor, District 2

503-797-1887

Christine.lewis@oregonmetro.gov



www.oregonmetro.gov/connect



Arts and conference centers

Garbage and recycling

Land and transportation

Oregon Zoo

Parks and nature

oregonmetro.gov

COUNCIL COMPENSATION – HEALTHY DEMOCRACY

Linn Davis

Ann Ober

Justin Gericke



HEALTHY DEMOCRACY

- Nonpartisan nonprofit based in Portland, working internationally
- Design innovative forms of democratic engagement
- Best known for award-winning Citizens' Initiative Review
 - Began in Oregon in 2008
 - Independent research backs up accuracy of citizen panelist findings & fairness of process
- Among our values: political neutrality, transparency & real-world impact



CITIZENS' POLICY JURY PROCESS

- **Selection: Through a civic lottery (or sortition) process**
 - Members of the public chosen at random from a certain population & mailed an invitation
 - From among the respondents, citizen panelists chosen through an anonymized & randomized process
 - Result: a panel reflective of the general population on a number of demographic factors
- **Deliberation: Through a structured & facilitated process**
 - This process contains four segments:
 - i. Introduction to the topic & process
 - ii. Research, questioning of experts & sorting of information
 - iii. Establishing the criteria to consider
 - iv. Deliberation on potential recommendations



ELECTED OFFICIAL AGREEMENT

- Elected officials shall have no contact with panelists at any point in the process – before, during, or after.
- Elected officials shall not willfully encourage campaigning by members of their supporters during the process, either within the venue or without, and they shall actively discourage any attempt by anyone other than Healthy Democracy's process team to have any contact with panelists.
- Due to the nature of this topic, elected officials shall not observe the proceedings in person due to its potentially disruptive and/or chilling effect on deliberations. The only exception to this is to come in person to the very end of the final day, to hear the panel's recommendations formally read out.



OUTCOMES AGREEMENT

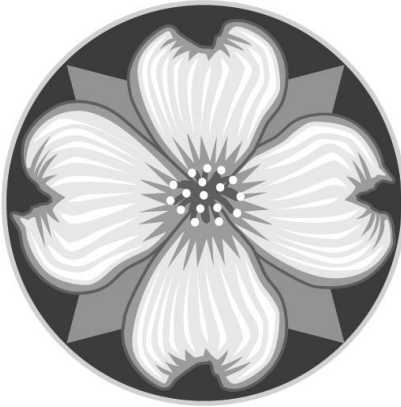
- Is Council in agreement that increases would apply only to councilors/mayor after that seat's next election?
- Healthy Democracy requests that the Council “respect the recommendations of the citizen panel.” That can be done by:
 - *Formally responding to the panel's recommendations with rationale as to why recommendations will or will not be followed*
 - *Adopting the recommendations with modifications*
 - *Adopting the recommendations in their entirety*

Is Council comfortable that they can do one of those three options?



- Previously, there was a Council conversation that \$1000 per month could be the threshold for whether or not a recommendation should go to the voters.
 - Is that still the threshold? Are benefits included as an option? Does total value need to remain below \$1000?





RS Agenda Item

3

Consent Agenda



COUNCIL RETREAT

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES

JANUARY 12, 2019

Mayor Mark Gamba called the Council retreat to order at 10:00 a.m.

Present: Council President Lisa Batey; Councilors Angel Falconer, Wilda Parks, Shane Abma

Staff: Assistant City Manager Kelly Brooks
City Attorney Justin Gericke

City Manager Ann Ober

Success Discussion

Staff reviewed City accomplishments for the past year. **Councilor Falconer** asked about staff workloads and **Ms. Ober** provided a general overview of workloads.

Council noted factors that had helped accomplish their goals, including community involvement, the Community Vision, being intentional and accountable, keeping a consistent eye on the goals, building the team, administrative leadership, and respect.

1. Mayor/Council Communication Agreement

The group reviewed and revised the Mayor/Council Communication Agreement. Staff proposed changes to the Council/staff interactions section that would limit communication with staff, outside of meeting packet materials, to department directors. It was noted that the changes would be adopted at an upcoming Regular Session.

2. Council Meeting Expectations

The group discussed logistical aspects of Council meetings, including safety protocols and Milwaukie Municipal Code (MMC) requirements for Regular Session end times. They discussed Council meals and alternative food options. **Ms. Ober** suggested the current primary provider of event treats would likely remain the same.

Mr. Gericke discussed concepts related to open meeting laws and email chains. He also discussed when issues slide from general community interest to policy in terms of quorum requirements.

3. Council Goal Setting

The group participated in a goal setting process to identify priorities and projects for the 2019-2020 biennium. It was the group consensus to retain the previous housing and climate action goals for the next 2-years. They agreed that although plans had been adopted for these goals, a significant amount of policy work remained.

Council discussed other possible goals and narrowed the list to completing Milwaukie Bay Park and focusing on community engagement. They discussed the role of the City and the North Clackamas Parks and Recreation District (NCPRD) in completing the park. Staff expressed concern about increasing expectations without additional resources for conducting community engagement work. It was noted that staff would return to Council with more information on both possible goals.

4. Adjourn

Mayor Gamba adjourned the Special Session at 3:55 p.m.

Respectfully submitted,

Ann Ober, City Manager

COUNCIL WORK SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES

JANUARY 15, 2019

Mayor Mark Gamba called the Council meeting to order at 4:00 p.m.

Present: Councilors Angel Falconer, Lisa Batey, Wilda Parks, Kathy Hyzy

Staff:	Administrative Specialist Christina Fadenrecht	Development Manager Leila Aman
	Assistant City Manager Kelly Brooks	Events Specialist Laura Kirk
	City Attorney Justin Gericke	Planning Director Denny Egner
	City Manager Ann Ober	Public Affairs Specialist Jordan Imlah
	City Recorder Scott Stauffer	Public Works Director Peter Passarelli
	Climate Action and Sustainability Coordinator Natalie Rogers	Senior Planner David Levitan
	Community Development Director Alma Flores	
	Community Program Coordinator Jason Wachs	

Carefree Sunday Event Announcement

The group watched a video that announced Moda Health as the presenting sponsor for the 2019 Carefree Sunday event. **Ms. Brooks** noted staff's work to secure the sponsor and introduced Events Specialist Laura Kirk. The group thanked the team for their work.

1. Hillside Master Plan Update – Discussion

Stephen McMurtrey, Director of Housing Development at Clackamas County, and **Chuck Robbins**, Executive Director at the Housing Authority of Clackamas County (HACC), introduced themselves. **Ms. Flores** noted Jill Smith, Deputy Director of the County's Health, Housing, and Human Services Department, was also present.

Mr. McMurtrey provided an overview of the Hillside site and reported that the Hillside Manor tower had recently received funding for rehabilitation and redevelopment work. He explained the master planning process for Hillside and the stakeholder engagement done to-date. He noted an upcoming community design charrette and provided an overview of the ongoing housing design conversations.

Mayor Gamba observed that the results from the internal design workshops included parking spaces and wide streets. He wondered if these workshops had been informed by the sustainability charrette which had prioritized reduced parking, car and scooter share services, and woonerf street concepts. **Mr. McMurtrey** said the intent had been to look at site layout configurations as currently allowed by the Milwaukie Municipal Code (MMC) and work with the City on options such as street layouts and zoning.

Mayor Gamba and **Councilor Batey** discussed the layout of the Hillside portion of 29th Avenue and whether the intent of the City's Transportation System Plan (TSP) was to have it open for automobile traffic. **Mr. McMurtrey** noted his desire to work with the City on the traffic requirement details. **Ms. Flores** noted that staff also wanted work on clarifying zoning requirements.

Councilor Batey observed that HACC was investigating the idea of selling the Lot C part of Hillside. **Mr. McMurtrey** said it was something that has always been an option and noted it could be potential income to help fund the project. He discussed possible private development on Lot C that could be mixed use with community and/or green

spaces. **Mr. Robbins** explained how the money from the sale of Lot C could help fund the project. **Mayor Gamba** and **Mr. McMurtrey** discussed how the Metro Housing Bond funds factored into the project.

Mayor Gamba asked if HACC had reached out to the intergenerational neighborhood support group Bridge Meadows. **Mr. Robbins** said they had not talked to that group recently, but would like to meet with them and discuss options.

Councilor Batey asked about Lot F. **Mr. McMurtrey** explained that currently Hillside Manor had to pump the sewer for the bottom two floors and he noted the difficulties with providing services to Lot F. He explained that HACC was not entertaining the idea for any permanent structures or housing on Lot F and suggested it could be a community park. He and **Councilor Batey** noted locations that could feature community gardens.

Mr. McMurtrey remarked on the purpose of the upcoming community design charrette.

Councilor Hyzy asked if woonerf streets were included as an option during the design charrette. **Mayor Gamba** asked if the map could be given as a blank canvas for participants to fill in during the charrettes. **Mr. McMurtrey** clarified that the layout given to participants did not specifically include the option for narrower streets or woonerfs. He explained that the street layout was based on current MMC standards and other requirements. The group discussed how the street layout included in the map could constrain how people imagined possibilities for the site. **Mr. McMurtrey** noted that he could talk with the design consultants and try to provide a blank canvas at the charrette. **Ms. Flores** noted the base map could be a starting point for additional creative options.

Mr. Robbins wanted to make sure fire engines and other vehicles could access the site, especially Hillside Manor. **Mayor Gamba** explained the design and concept of a woonerf. **Ms. Brooks** provided City standards for low-volume streets such as woonerfs. **Mayor Gamba** noted his desire for neighborhood streets to be locations where people should drive slowly. The group discussed fire truck access on woonerfs.

Councilor Falconer noted the public desire for people-oriented navigation. **Ms. Ober** remarked that City staff could discuss the approval process for a lower volume street. **Ms. Flores** said the project team did plan to meet and talk about MMC requirements.

2. E-Scooters and E-Bikes – Discussion

Mr. Passarelli explained that staff would provide information on e-scooters and e-bikes and ask for Council direction. He reported that the City of Portland had just released a finding report on their e-scooter pilot program.

Ms. Rogers reviewed state laws related to e-scooters and e-bikes. She explained that e-scooters are subject to the Oregon Vehicle Code, while e-bikes are not. The group discussed how fast bikes and scooters could travel and helmet requirements.

Ms. Rogers provided an overview of Portland's e-scooter pilot program. **Councilor Batey** asked about law and code enforcement. **Ms. Rogers** explained that Portland had not enforced a lot of the rules they set for themselves. She reported that three e-scooter operators had participated in Portland's program.

Mr. Passarelli noted the workload impact to Portland staff and the amount of outreach that had taken place. **Jacob Sherman**, Portland Bureau of Transportation (PBOT) employee and Milwaukie resident, introduced himself. He explained the staff workload of Portland's program and noted the interest in making the program successful. **Mayor Gamba** and **Mr. Sherman** discussed how Portland's staff workloads may differ between

the pilot program and a more permanent program. **Councilor Batey** and **Mr. Sherman** discussed how Portland dealt with improperly parked scooters.

Ms. Rogers provided statistics from Portland's program, including the total rides, positive reviews, rides that replaced local car trips, permits and fees collected, and administrative, outreach, and evaluation costs. She discussed how e-scooters and e-bikes could help the City meet community and Council goals. The group discussed environmental concerns and the estimated lifespan of e-scooters.

Ms. Rogers explained how an e-scooter and e-bike program related to the City's transportation connectivity, equity, and parking goals. The group discussed e-scooters as last-mile transportation options. The group discussed the use of e-scooters and e-bikes on the Springwater Trail and the Trolley Trail. **Mr. Sherman** and **Councilor Batey** discussed the need and capacity for reliable access to e-scooters and e-bikes.

Ms. Rogers noted potential concerns about a shared transportation program. She discussed the impact of improperly parked e-scooters and e-bikes with Americans with Disabilities Act (ADA) accessibility and general accessibility to walkways and roadways. She discussed the environmental impacts of e-scooters and noted the vandalism that occurred during Portland's pilot program. She provided an overview of the workload impacts Milwaukie would face with such a program. The group discussed how to hold users and the scooter and bike companies accountable for issues like parking violations. **Ms. Rogers** discussed injury reports from the Portland pilot program.

Ms. Rogers summarized that there were many unknowns as the impact on staff workloads in a city of Milwaukie's size. **Ms. Ober** reported that staff reached out to cities looking at similar programs and the smallest city had a population of 60,000 residents. The group discussed Metro's role and potential role in these discussions.

Councilor Batey asked about scooter operators' policies for banning individuals that repeatedly break user rules. The group was not sure about such policies.

Ms. Rogers provided an overview of climate goals and actions the City was hoping to implement and begin progress on in the next two years. She also provided a list of her actions and goals as the Climate Action Sustainability Coordinator. She presented questions to Council and asked for direction on a shared e-bike and e-scooter program.

Mayor Gamba asked when the new Portland pilot program would start, if there were plans to expand the fleet, and when PBOT's contract with Nike for Biketown would end. **Mr. Sherman** reported that Portland's new pilot program would start in spring 2019, PBOT staff was having discussions about fleet size, and the Nike contract would end in about two years. He reported that PBOT was looking into a separate e-bike program.

Mayor Gamba believed it made sense for Milwaukie to engage with the Portland's e-scooter program. He expressed support for moving forward with an e-bike program.

Councilor Hyzy wanted to explore how to make the program as revenue-neutral as possible. **Ms. Rogers** noted how program details could influence costs. **Councilors Parks and Batey** were interested in hearing what the City would have to give up if the program was pursued. **Ms. Ober** noted the City had received a \$70,000 grant to look at a shuttle system. She reported that the Clackamas Community College (CCC) Harmony Campus was also interested in e-bikes. The group noted the residents in Milwaukie's unincorporated area and commented on whether Clackamas County was interested in being a partner in an e-bike or e-scooter program.

Mayor Gamba discussed the concept of people changing their habits and moving towards using e-bikes and e-scooters. He suggested engaging with Portland's e-scooter program once it starts up again. **Ms. Ober** clarified that Portland has been a great partner and has also made it clear that Milwaukie would need to develop its own process. **Mayor Gamba** suggested the timing be similar for both cities. He discussed initial conversations Milwaukie had with the e-scooter company Lime.

Councilor Hyzy summarized that the conversation was exciting. She understood the staff time issues and the multiple goals the City wanted to pursue related to the Climate Action Plan (CAP). **Ms. Ober** summarized that Council wanted staff to continue considering these programs and report back to Council.

3. Adjourn

Mayor Gamba adjourned the Work Session at 5:50 p.m.

Respectfully submitted,

Amy Aschenbrenner, Administrative Specialist II

COUNCIL REGULAR SESSION

City Hall Council Chambers
10722 SE Main Street
www.milwaukieoregon.gov

MINUTES**JANUARY 15, 2019****Mayor Mark Gamba called the Council meeting to order at 6:16 p.m.**

Present: Council President Angel Falconer; Councilors Lisa Batey Wilda Parks, Kathy Hyzy

Staff: Accounting and Contract Specialist Kelli Tucker Climate Action and Sustainability Coord. Natalie Rogers
Assistant City Manager Kelly Brooks Community Development Director Alma Flores
Associate Planner Mary Heberling Finance Director Bonnie Dennis
City Attorney Justin Gericke Planning Director Denny Egner
City Manager Ann Ober Public Works Director Peter Passarelli
City Recorder Scott Stauffer Senior Planner David Levitan

1. CALL TO ORDER

Pledge of Allegiance.

2. PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**A. Outstanding Milwaukie High School (MHS) Student Achievement Awards for December 2018 and January 2019**

Carmen Gelman, MHS Principal, introduced Sienna Day, the December 2018 award recipient, and Nazrawit Berhe, the January 2019 award recipient. Council congratulated them on their academic and extra-curricular accomplishments.

3. CONSENT AGENDA

The group noted that Krista Downs was the recommended appointee to the Library District Advisory Board.

It was moved by Councilor Batey and seconded by Councilor Falconer to approve the consent agenda as presented.

A. City Council Meeting Minutes:

1. December 4, 2018, Regular Session;
2. December 18, 2018, Work Session; and
3. December 18, 2018, Regular Session.

B. Resolution 4-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, affirming the appointment of a Ledding Library Board Member to serve as the City of Milwaukie's representative on the Clackamas County Library District Advisory Board.

C. Resolution 5-2019: A Resolution of the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board, authorizing execution of Amendment #2 to the agreement with Global Payments Direct, Inc. for card services.

Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

4. AUDIENCE PARTICIPATION

Mayor Gamba reviewed the audience participation procedures. **Ms. Ober** reported that there was no follow-up from the January 2 audience participation.

Baldwin Vanderbijl, Chair of the Oak Grove Community Council, read a letter from Thelma Haggemiller, Oak Grove resident, objecting to the City of Happy Valley's withdrawal from the North Clackamas Parks and Recreation District (NCPRD). He submitted the letter for the record and expressed agreement with Ms. Haggemiller.

5. PUBLIC HEARING

A. None Scheduled.

6. OTHER BUSINESS

A. Selection of Council President – Motion

Mayor Gamba explained that according to the City Charter, a Council President needed to be selected since members of Council had been recently elected or re-elected.

Councilor Batey remarked on her tenure as Council President. It was moved by Councilor Batey to nominate Councilor Parks to serve as Council President.

Mayor Gamba commented on the opportunities that come with serving as Council President. He remarked that he would support Councilor Parks for the position and that he had considered nominating Councilor Falconer. **Councilor Hyzy** agreed with Mayor Gamba and suggested that Councilor Falconer would benefit from the experience of serving as Council President. She indicated she was not interested in the position.

Mayor Gamba noted Councilor Parks' experience and asked for her thoughts on Councilor Falconer serving as Council President. **Councilor Parks** commented on the role of the Council President and expressed support for Councilor Falconer or herself for the position. The group remarked on Council's reputation for working collaboratively.

Councilor Falconer expressed interest in serving as Council President. She and **Councilor Parks** noted that they had been in a similar position when they had been considered by Council to serve as interim mayor in 2015.

It was noted that Councilor Batey's motion to nominate Councilor Parks to serve as Council President had not been seconded.

Mayor Gamba and **Councilor Parks** remarked that if Councilor Falconer were to get experience as Council President, the Mayor would need to be absent.

It was moved by Councilor Hyzy and seconded by Mayor Gamba to nominate Councilor Falconer to serve as Council President. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy, and Mayor Gamba voting "aye." [5:0]

B. Comprehensive Plan Block 2 Policies – Resolution

Mr. Levitan explained that Council was asked to "pin down" the Comprehensive Plan Block 2 policies. He reviewed the proposed policies, described the community engagement process used to identify them, and noted changes made since the last Council discussion. He distributed handouts showing proposed revisions and the group noted that changes could be made during the synthesis stage or during block phases.

Councilor Batey agreed with the changes proposed by Councilor Hyzy. It was Council consensus to accept Councilor Hyzy's changes.

Mr. Levitan asked for feedback on the proposed changes to Section 7.4.1. **Mr. Egner** noted that the section addressed floodplain issues and impacted properties in the North Milwaukie Innovation Area (NMIA). **Mayor Gamba** remarked that the NMIA and transportation system plans should address flooding issues. **Mr. Egner** briefly noted an issue with the adopted plans related to flooding in the NMIA. He reported that the City of Portland wanted to work with Milwaukie to seek grant funding from the United States Geological Survey for a Johnson Creek channel migration study.

The group discussed the feasibility of proposed and possible projects in the NMIA floodplain under existing regulations. They commented on the need to balance development and the restoration of wetlands and riparian areas that can absorb and mitigate flood waters. They noted policy language changes and partners the City could work with to strengthen restoration requirements.

Mayor Gamba and **Mr. Egner** noted that some proposed changes needed to be reviewed by staff and brought back for Council consideration. They remarked on the restoration requirements Council was interested in adding to existing policies. **Ms. Ober** asked whether Council wanted to look at changing restoration requirements in just the NMIA or in Downtown Milwaukie as well. The group noted potential impacts of changing floodplain requirements on City-owned properties and discussed the feasibility of establishing a fund that could support restoration work along Kellogg Creek.

Mayor Gamba, **Mr. Egner**, and **Ms. Ober** noted that the floodplain policies would be discussed further in the natural resource block and the final synthesis stages.

Councilor Batey summarized that Council would adopt the resolution "pinning down" Block 2 policies as proposed, with Councilor Hyzy's amendments, and without Policy 7.4.1. changes. The group agreed with Councilor Batey's summary.

Councilor Parks noted that the reference to NCPRD in Section 4.4.4. should be revised to be generic. Staff confirmed the change would be made.

It was moved by Councilor Batey and seconded by Councilor Parks to approve the Resolution "pinning down" the proposed goals and policies in Block 2 of the Comprehensive Plan update, final versions of which will be adopted by ordinance during the synthesis stage of the project, with changes including the withholding of a decision on Section 7.4.1. for future discussion, amendments to Goal 4.2 and to Section 7.4.6. as Councilor Hyzy proposed, and the elimination of references to the NCPRD. Motion passed with the following vote: Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba voting "aye." [5:0]

Resolution 6-2019:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, "PINNING DOWN" THE PROPOSED GOALS AND POLICIES IN BLOCK 2 OF THE COMPREHENSIVE PLAN UPDATE, FINAL VERSIONS OF WHICH WILL BE ADOPTED BY ORDINANCE DURING THE SYNTHESIS STAGE OF THE PROJECT.

C. Draft Urban Forestry Management Plan (UFMP) – Discussion

Ms. Ober remarked that the policies included in the UFMP would be brought forward for Council consideration over the next several years.

Mr. Passarelli noted the cool room temperature and reported that staff was working to improve the facility's heating system. He and **Andrew Taylor**, Tree Board Chair, discussed the creation and intended use of the UFMP as drafted by the Tree Board and the consulting firm Enviroissues. They remarked on the integration of the City's Climate Action Plan (CAP), housing affordability, Safe Access for Everyone (SAFE) program, and development goals into the UFMP. **Mr. Passarelli** commented on the importance of creating a flexible UFMP that would allow development projects to proceed while providing mitigation alternatives to protect and promote the City's tree canopy.

Mr. Passarelli and **Mr. Taylor** reported that through a public outreach effort they had heard strong public support for the protection of trees on public and private property and support for protecting property owners' rights to maintain trees on their property. **Councilor Batey** remarked on the success of the Tree Board's public engagement and wondered if enough outreach had been done to businesses. She asked if there was a plan to collect additional public input on the UFMP. **Mr. Passarelli** noted ongoing staff actions to promote the UFMP. He remarked that there would be opportunities for additional input from the public and business groups as the policies proposed in the UFMP were brought forward for Council consideration.

Mr. Passarelli reviewed and discussed the UFMP's six focus areas: forest size, forest health, age and species diversity, street tree management, centralized urban forest management, and outreach and stewardship. The group noted the goal to increase the City's forest canopy from the current 26% to 40% by 2040. **Mayor Gamba**, **Ms. Ober**, and **Mr. Passarelli** remarked on how to set realistic, financially feasible, and equitable actions to achieve the goal. The group noted the importance of working with partners to achieve the goal and how the City's goal compared to tree canopy goals in the region.

Mayor Gamba, **Mr. Taylor**, and **Mr. Passarelli** noted the importance of promoting Arbor Day and moving the Arbor Day event to tree planting season in the fall.

Mr. Passarelli and **Mr. Taylor** discussed the importance of working with public and private partners to increase the City's forest size. **Councilor Hyzy** expressed concern about the long-term costs of maintaining trees for aging homeowners. The group remarked on the public support for property owners' rights to maintain trees on private property and the possibility of the City developing a program to help homeowners maintain and/or learn more about the trees on their property.

Mr. Passarelli remarked on the importance of promoting sustainable designs and noted the importance of considering the planting and maintenance of trees in the upcoming Hillside redevelopment project.

Councilor Batey remarked that the loss of trees due to developments on King Road had resulted in the utility lines being buried under ground that would allow for larger trees to be planted. She suggested that street designs for new neighborhoods be updated to promote traffic calming measures and to promote the planting of larger trees.

Council President Falconer noted the public's support for planting trees and urged caution in relying on the reported public support for regulating trees on private property. She suggested survey respondents often thought about developers and not their own backyards when considering the regulation of trees on private property. **Councilor Batey** commented on the value of the Tree Board's work. She and **Council President Falconer** and **Ms. Ober** remarked on the need to vet the policies proposed in the UFMP in the same way that policies in the Milwaukie Housing Affordability Study were being discussed and considered by the community and Council.

Mr. Passarelli reviewed the UFMP goals related to tree age and species diversity. **Mayor Gamba** noted that the Downtown Street Trees list had been updated by Council in about 2013. The group noted how the list had been adopted and which City document it was located in. Staff agreed to investigate where the list was located and noted that the Tree Board's workplan included revising the list.

Mr. Passarelli and **Mr. Taylor** remarked on the UFMP goals related to forest health and actions being taken to address tree care and watering issues.

Ms. Ober reported that staff had located the Downtown Street Trees list, which had been adopted in December 2014.

Mr. Passarelli explained that the purpose of the UFMP outreach section was to make sure the community knew about tree maintenance. He reviewed the street tree management section of the UFMP, noting the goal of maximizing the benefits of trees while minimizing tree conflicts with existing infrastructure. He noted recent efforts to plant new trees around the City. **Mr. Taylor** and **Mayor Gamba** remarked on the lack of public awareness about property owner responsibilities related to tree maintenance and structures in the right-of-way (ROW). The group noted that part of the promotion of UFMP policies would be to conduct public educational efforts on these topics. They remarked on private infrastructure often found in public ROWs and how aggressive the City should be in resolving difficult encroachment issues.

Mr. Passarelli discussed how the UFMP policies aimed to centralize the management of the urban forest. He noted steps the City had taken to streamline staff roles for forest, water, and stormwater facility management. **Councilor Batey** and **Council President Falconer** noted the ongoing need to water plants in stormwater facilities. They noted that City staff had planted new trees around the City.

Mr. Passarelli and **Mr. Taylor** continued to discuss the objectives of centralizing the management of the urban forest, including the development of sustainable funding mechanisms through existing funds and the creation of a tree mitigation fund. **Councilor Hyzy** noted the possibility of receiving support for mitigation work from the proposed State of Oregon carbon pricing initiative.

Mr. Passarelli explained that the centralized management of the urban forest could also include conflict resolution services and improving existing tree planting processes to enhance the canopy by getting the right tree in the right place. **Councilor Batey**, **Mr. Taylor**, and **Mr. Passarelli** noted concerns about how Portland General Electric crews often cut down large swaths of overhead tree limbs to make way for utility wires.

Mr. Passarelli reviewed the UFMP's outreach and stewardship policies, noting the Tree Board's interest in developing a heritage tree program. **Mr. Taylor** commented on the possibility of adopting a program like Portland's where the land owner has the ultimate say as to whether a tree is designated a heritage tree in the property deed. The group briefly remarked on how a heritage tree program could be set up.

Mr. Passarelli continued to review the UFMP's outreach policies, commenting on how stormwater management was linked to the City's Tree City USA status. He reported that the City had applied for Tree City USA recognition for the third year in a row and had raised per capita spending on trees from \$2 to \$6 in the last year. **Mr. Taylor** commented on the importance of empowering the public to engage in the type of tree programming the community wants.

Mr. Passarelli noted the UFMP had an implementation plan and asked for questions.

Mayor Gamba asked that in relation to new trees being planted, the word “consider” be replaced with “whenever possible.” **Ms. Ober** and **Council President Falconer** noted that the proposed policies would be reviewed and updated over time.

Mayor Gamba asked that as the UFMP policies were developed and costs begin to be associated with them, that staff consider the best model for the City and staff in 10 years, not necessarily as currently structured. **Ms. Ober** noted that the staff structure would always be the City Manager’s discretion. **Councilor Hyzy** suggested that the success of a program relied on how well it integrated into multiple departments.

Council President Falconer expressed appreciation for the notation that the UFMP public engagement efforts did not reach a representative mix of all Milwaukians. She suggested the City should continue to improve its public outreach efforts generally.

Mayor Gamba asked about the timeline for adopting a tree code. He expressed concern about the lack of a tree code while the number of development projects continued to increase. **Mr. Passarelli** reported on staff work to draft a tree code and planned steps to get feedback on proposed tree protection measures. He suggested Council could see one to two packages of tree code measures. **Mr. Taylor** remarked on existing tree protections in the Milwaukie Municipal Code and the feasibility of building on existing ROW permitting processes. **Mr. Passarelli** and **Ms. Ober** reported that staff would provide a better timeline once additional feedback was received and an engagement plan was outlined.

Ms. Ober reported that per previous Council discussions, staff had taken steps to separate the City’s Earth Day and Arbor Day events. She noted that the City was actively working to protect a heritage tree on the library construction site. She thanked Public Works staff for their efforts to protect the tree and noted that Council would likely receive follow-up reports as there may need to be some adjustments to the planned infrastructure around the tree.

Mayor Gamba recessed the Regular Session at 8:51 p.m. and reconvened the Regular Session at 8:58 p.m.

D. Council Committee Assignments – Discussion

Ms. Brooks presented the draft 2019 Council committee assignments and noted that Councilor Hyzy had largely replaced former Councilor Shane Abma’s roles.

The group reviewed and revised the committee assignments. They discussed and agreed that committees that Council members served on that are separate from their Council roles could be listed on the committee tracker.

Ms. Ober noted that Greg Geist, Clackamas County Water Environment Services Director, would provide an update to Council on a proposed rate increase at an upcoming meeting. The group remarked on the ongoing rate and system development charge discussions.

Ms. Brooks summarized that she would update the committee tracker and place it on an upcoming Council agenda for approval.

E. Council Compensation Task Force – Discussion

Ms. Ober reported that she and Mr. Gericke had met with Linn Davis, Program Manager with Healthy Democracy, a non-profit deliberative democracy group. She

explained that there were plans to meet again with Mr. Davis to determine if his group would be a good partner to lead a community discussion about Council compensation and other governance questions. **Mr. Gericke** remarked on the positive conversation they had with Mr. Davis and noted that details needed to be figured out before a partnership could proceed. **Ms. Ober** summarized that they would report back to Council after they met with Mr. Davis again.

7. INFORMATION

Mayor Gamba announced facility closures in observance of the Martin Luther King, Jr. Day holiday, that the City was accepting submissions for the 2018 Volunteer of the Year award, the annual Milwaukie Police Department Office of the Year dinner, the availability of Clackamas County tourism grants, and the upcoming the State of the City address. **Councilor Batey** noted upcoming planting events at the Three Creeks Natural Area, Spring Park, and Elk Rock Island.

Mayor Gamba, Ms. Brooks, and Ms. Ober discussed whether the City's Public Works Standards used American Association of State Highway and Transportation Officials (AASHTO) or National Association of City Transportation Officials (NACTO) guidelines, generally and in terms of sidewalks, pedestrian paths, and bicycle lane projects. **Mayor Gamba** expressed interest in using the NACTO standards and **Ms. Brooks** noted she and the Mayor would discuss the standards outside the meeting.

8. ADJOURNMENT

It was moved by **Councilor Parks** and seconded by **Council President Falconer** to adjourn the Regular Session. Motion passed with the following vote: **Councilors Falconer, Batey, Parks, and Hyzy and Mayor Gamba** voting "aye." [5:0]

Mayor Gamba adjourned the Regular Session at 9:44 p.m.

Respectfully submitted,

Scott Stauffer, City Recorder

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: February 1, 2019

Reviewed: Justin Gericke, City Attorney, Jennifer Garbely, Assistant City Engineer, Leila Aman, Development Manager, Bonnie Dennis, Finance Director, and Peter Passarelli, Public Works Director

From: Alma Flores, Community Development Director and Jennifer Garbely, Assistant City Engineer

Subject: **Submittal of Loan Application to the Infrastructure Financing Authority (IFA) for a Special Public Works Fund for the Meek Street Stormwater Pipe Installation: Phase 2**

ACTION REQUESTED

Authorize the city manager to submit a loan application to the IFA for a special public works fund for Phase 2 the Meek Street stormwater pipe installation. If awarded, council authorizes the city manager to execute the loan agreement.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[November 13, 2018](#): Council discussed the option of financing Phase 2 of the Meek Street stormwater pipe installation in order to catalyze the McFarland opportunity site.

ANALYSIS

Community development is unaware of any previous infrastructure projects at these locations; however, the Meek Street stormwater project has been identified and is currently in the 2017-2019 Capital Improvement Plan (CIP) (Page 100 of the 2017-2019 CIP; see Meek Street project map). The project is set to install a new 36" storm pipe from Boyd Street south to Monroe Street along two detention facilities. Under the current CIP, the project is set to begin Phase 1 in FY 2019-2020.

Phase 2 of the Meek Street project is scheduled for delivery in 2022. This delay limits the potential for redevelopment of the McFarland opportunity site. The McFarland opportunity site is a seven-acre site behind the central Milwaukie Marketplace. Two of the seven acres are contaminated and are currently monitored by the Department of Environmental Quality (DEQ). The site has been vacant for almost a decade. Currently, the infrastructure needs are a constraint to development as several development opportunities have pointed to the infrastructure needs and the environmental constraints as major barriers to development on the McFarland and Murphy sites (See Map of Opportunity Sites).

The McFarland and Murphy sites, both identified as opportunity sites from the Moving Forward Milwaukie work over three years ago, provide an opportunity to meet the city's goals under the recently adopted Housing Affordability Strategy (MHAS). Increasing supply is critical to reducing the costs of housing as per Goal 1 in the MHAS:

Goal 1: Develop New Units

Increase the amount of housing affordable to people across the income spectrum.

Increase the number of affordable units and the total amount of housing to better meet market demand through financing and direct development.

Discussions internally around financing options to complete the 2 phases in the current CIP have been occurring given the desire to have more available shovel-ready sites for housing development. Implementing Phase 1 and Phase 2 concurrently is both efficient and cost effective. According to the engineering department, by completing the project as one they would gain efficiency on one mobilization, one contract to manage internally, and save on the change in construction costs from now until 2022. Staff discussed this matter with the IFA, which is able to offer a loan through the Special Public Works Program at a 3.65 percent interest rate (project cost for Phase 2 is estimated at \$2,000,000).

At that interest rate, the city estimates paying roughly \$2,206,053 over a five-year period. However, it should be noted that the State does not charge on a straight amortization schedule; the city would only be charged interest on what it draws (e.g., if the city draws \$500,000 to pay the contractor during a six-month period, then the city would only pay interest on that draw rather than the entire loan authorization). Therefore, the amortization schedule for this project would be expected to be significantly less than a straight calculation. Factoring in the time value of money, staff estimates that the city will save money on this infrastructure project. The current project cost is estimated at \$2,000,000 to complete Phase 2 and we calculate savings of \$527,387 for doing the project two years ahead of schedule, based on the time value of money. However, given interest payments estimated at \$206,053, the net cost savings would be approximately \$321,334.

The attached resolution authorizes the city manager to submit a full loan application for \$2,000,000 to the IFA to finance Phase 2 of the Meek Street stormwater pipe installation project, and if awarded, authorizes the city manager to enter into a loan agreement.

BUDGET IMPACTS

The city will be taking out a loan in the amount of \$2,000,000 at an interest rate of 3.65 percent, necessitating an approximate interest payment over the five-year loan period of \$206,053. The city would be saving money given that the cost of constructing Phase 2 of the Meek Street stormwater project two years ahead of schedule would save the City over \$300,000 considering the time value of money.

WORKLOAD IMPACTS

Engineering staff would need to reprioritize a project manager's time, but the efficiency gained by doing the project ahead of schedule outweighs the impact over time. The community development director is committed to finding solutions to our housing situation and this falls within the work she needs to do to implement the Housing Affordability Strategy.

COORDINATION, CONCURRENCE, OR DISSENT

The assistant city engineer, community development director, city attorney, finance director, and public works director concur with this staff report.

STAFF RECOMMENDATION

Staff recommends that city council authorize the city manager to submit an application and further authorizes the city manager to have signing authority for a loan with state's Special Public Works Loan Program if the application is approved.

ATTACHMENTS

1. Resolution

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUBMITTAL OF LOAN APPLICATION TO THE INFRASTRUCTURE FINANCING AUTHORITY (IFA) FOR A SPECIAL PUBLIC WORKS FUND LOAN FOR THE MEEK STREET STORMWATER PIPE INSTALLATION: PHASE 2.

WHEREAS, in response to rapidly rising residential rents and a lack of affordable housing options for low income families, the Milwaukie City Council declared a housing emergency in the City of Milwaukie on April 19, 2016, and continues to explore opportunities to provide housing across a range of different income spectrums; and

WHEREAS, the City adopted a Milwaukie Housing Affordability Strategy in July 2018 with a goal of developing new units; and

WHEREAS, the McFarland opportunity site has potential to support the addition of a significant number of new housing units to the city's supply of housing; and

WHEREAS the McFarland opportunity site has not redeveloped due to environmental and infrastructure constraints; and

WHEREAS necessary infrastructure for the site to redevelop are not programmed until 2022; and

WHEREAS, the city council authorizes the city manager to apply for a Special Public Works Fund loan from the State of Oregon's Infrastructure Finance Authority to fund the Meek Street stormwater pipe installation.

Now, Therefore, be it Resolved as follows:

Section 1: The City of Milwaukie submits an application to the IFA Special Public Works Fund in the amount of \$2,000,000 for Phase 2 of the Meek Street stormwater pipe installation as identified in the Capital Improvement Plan 2019-2024.

Section 2: Council authorizes the city manager to sign on the loan from the IFA and any subsequent modifications to the loan application process.

Section 4: This resolution is to remain in effect until the project is complete.

Section 5: This resolution is effective upon adoption.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 4, 2019

Reviewed: Blanca Marston (as to form), Administrative Specialist

From: Peter Passarelli, Public Works Director

Subject: Well #2 Project Public Improvement Contract

ACTION REQUESTED

Authorize the city manager to approve a public improvement contract with Holt Services, Inc., (Holt) in the amount of \$625,043 for the well drilling phase of the Well #2 project located at 40th Avenue and Harvey Street and reject Additive Alternate A.1 (Well #2 Decommissioning).

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[August 15, 2017](#): Council authorized a professional services agreement with Tetra Tech in the amount not to exceed \$198,213 for design services related to the relocation of Well #2.

[September 4, 2018](#): Council authorized a professional services contract with Tetra Tech in the amount of \$219,900 to provide bid phase and construction engineering services for the Well #2 project located at 40th and Harvey.

ANALYSIS

On January 17, 2019, the city solicited and received one bid from Holt for the drilling phase of the Well #2 project. Holt's total bid (Base Bid plus Additive Alternate A.1 Bid) amounted to \$711,778 (Attachment 1). Staff reviewed Holt's bid for items required for a complete bid package, evaluated bid pricing, and reviewed Holt's qualifications, experience, and construction contracting history.

The Base Bid requested pricing for drilling one exploratory borehole; installation, development and testing of one new municipal supply well; and decommissioning the inactive Well #1. The Additive Alternate A.1 Bid requested pricing for decommissioning Well #2 after the replacement production well has been constructed and approved as a public drinking water supply source.

Contractor Responsiveness and Experience

The lone bid from Holt is deemed to be responsive and responsible. The reference projects, experience and qualifications establish that Holt has the ability to construct wells with similar dimensions and capacities as the planned replacement Well #2, and that Holt has done so in similar geologic settings. The reference projects include drilling large-diameter wells with dual rotary reverse circulation methods, as will be used for this project.

Below is the summary of Holt's stated experience and qualifications:

- A. Holt is a licensed and bonded company in the State of Oregon.
- B. Holt has extensive experience drilling and constructing large-diameter, large-capacity municipal supply wells in a variety of aquifer formations for approximately 12 years (and over 30 years under the previous company name of Holt Drilling/Boart Longyear). The depths and diameters of the wells referenced in Holt's bid submittal are comparable to the planned replacement Well #2 design.
- C. The lead driller(s) have between 10 and 30 years of dual-rotary drilling experience, which is the drilling method specified for this project.

Bid Pricing

No math errors were discovered on Holt's bid form and the total bid amount stated in both figures and words were found to be correct and consistent.

Holt's unit bid prices were compared to the engineer's estimate prices as part of the bid review process. The engineer's estimate was developed using a combination approach using historic cost data from recently awarded contracts with planning-level cost information from drilling contractors considering factors related to the actual performance of the work. Holt's prices for most items were consistently higher than the engineer's estimate. Approximately half of the bid item costs were greater than 30 percent more than the engineer's estimate (see attachment #1). Several of these bid items include material prices for steel products (well casing), cement grout (well seal material), and mined resources (silica sand). Material costs for these items have increased from 2 to 25 percent over the past year due to tariffs, growing demands, and rising production costs. The magnitude and timing of these increases were uncertain and not sufficiently accounted for in the engineer's estimate and had an effect on the bid unit prices.

In particular, costs for mobilization and demobilization (Base Bid Item No. 1), site preparation and management (Base Bid Item Nos. 2 and 3) and well decommissioning (Base Bid Item No. 24 and Additive Alternate Bid Item Nos. 1 and 2) were substantially greater than the engineer's estimate. The cost difference for these items totaled approximately \$188,000. GSI, the geotechnical consultant, interviewed Robert Stadel of Holt regarding the basis for the prices for these items to assess whether the prices reflect the work required per the specifications. Reasons for the cost differential are summarized below:

- Mobilization and demobilization (Base Bid Item No. 1) – The bid price for this item accounts for roughly 13 percent of the total base bid cost (which is within the typical 10 to 15 percent range), though higher than estimated because of an out-of-state contractor and staff requiring additional equipment travel costs and staff per diem expenses over the course of the project.
- Erosion and sediment control (Base Bid Item No. 2) – This cost is higher than initially estimated because drill cuttings containment, transport, and offsite disposal were initially intended to be provided by the city, but responsibility for this work was transferred to the contractor as described in Addendum No. 1. This work accounts for an additional \$10,000 in fees.
- Turbidity reduction and water management control (Base Bid Item No. 3) – The engineer's estimate did not adequately account for the cost to reduce turbidity and low-level volatile organic compounds concentrations for discharge of water generated during drilling, development, and pump testing pre-disposal to the city's stormwater system over the course of the project. Equipment rental fees for the treatment systems,

including bubble tank and blower, weir tank and filtration are estimated to cost \$42,000 based on discussions with a tank rental company.

- Well #1 (Base Bid Item No. 24) and Well #2 decommissioning (Additive Alternate A.1 Bid Item Nos. 1 and 2) – The bid price for these three items exceeded the engineer’s estimate by a total of \$90,000. Reasons for the cost difference are described below:
 - Well #1 – Site preparation and reclamation needs, and poor wellhead access, including (1) shrub and fencing removal and replacement, (2) wellhouse roof modifications and reconstruction, (3) heavy rubber matting to reduce impact to park greenspace from heavy machinery and equipment staging, and (4) water/grout containment and offsite transport and disposal.
 - Well #2 – The primary reason for the significant cost difference is an additional out-of-state mobilization/demobilization to the project site and speculation on labor rates and material pricing a year after the base bid work is completed. The mobilization and demobilization fee (Additive Alternate Bid Item No. 1) accounts for over 28 percent of the total cost to complete the Well #2 decommissioning work (Additive Alternate Bid Item Nos. 1 and 2), which exceeds the typical 10-15 percent range.

Labor rates also had a significant impact on the bid unit prices and total bid price. The engineer’s estimate was developed using unit prices that included private sector wage rates. The bid unit prices, however, used prevailing wage rates, accounting for an additional \$60,000 in overall project cost.

BUDGET IMPACTS

Because (1) the total cost to decommission Well #2 substantially exceeds the engineer’s estimate on the apparent basis of labor rates and material pricing speculation, and (2) the mobilization and demobilization fee exceeds the typical 10-15 percent range, Additive Alternate A.1 Well #2 decommissioning work will be eliminated from this project, and rebid after the replacement production well has been constructed and approved as a public drinking water supply source. This will open bidding to a larger contractor base and provide more competitive local pricing.

The impact from the increase will result in the deferral of equipment purchase and condition assessment programmed in the biennium budget. There is little impact to operating costs as this well will replace the current well with similar operational and maintenance costs.

WORKLOAD IMPACTS

Tetra Tech and GSI will be providing construction engineering services for the construction phase of the project. Public works staff (water quality coordinator) will supplement inspection needs of the project as necessary.

COORDINATION, CONCURRENCE, OR DISSENT

N/A

STAFF RECOMMENDATION

Authorize the city manager to approve a public improvement contract with Holt in the amount of \$625,043 for the well drilling phase of the Well #2 project located at 40th and Harvey, and reject Additive Alternate A.1 (Well #2 Decommissioning).

ALTERNATIVES

1. Award the project as presented in the amount of \$625,043.
2. Award the project to include Additive Alternate A.1 in the amount of \$711,778.
3. Reject the bid in the public interest and direct staff to revise and rebid the project during a more favorable period.

ATTACHMENTS

1. Base Bid Form – Holt
2. Tetra Tech and Holt Bid and Estimate Comparison
3. Resolution

BASE BID FORM – WELL 2 REPLACEMENT AND WELL DECOMMISSIONING

Bid Form Item No.	Items of Work and Materials	Approx. Quantity	Units	Unit Price	Extended Price
SECTION 33 21 13A MOBILIZATION/DEMOBILIZATION					
1	Mobilization and demobilization	1	Lump Sum	\$ 82,203.00	\$ 82,203.00
2	Erosion and sediment control	1	Lump Sum	\$ 19,899.00	\$ 19,899.00
3	Turbidity reduction and water management control	1	Lump Sum	\$ 50,911.00	\$ 50,911.00
4	Spill prevention and control	1	Lump Sum	\$ 2,500.00	\$ 2,500.00
SECTION 33 21 13B PUBLIC WATER SUPPLY WELLS					
5	Exploratory borehole drilling	1	Lump Sum	\$ 60,875.00	\$ 60,875.00
6	20-inch surface seal drilling/placement	100	Linear Feet	\$ 517.00	\$ 51,700.00
7	16-inch borehole drilling	275	Linear Feet	\$ 211.00	\$ 58,025.00
8	Drive shoe cut	2	Lump Sum	\$ 6,488.00	\$ 12,976.00
9	Furnish and install 16-inch casing	375	Linear Feet	\$ 119.00	\$ 44,625.00
10	Furnish and install 12-inch casing	110	Linear Feet	\$ 105.00	\$ 11,550.00
11	Furnish and install 12-inch pipe-size well screen	55	Linear Feet	\$ 339.00	\$ 18,645.00
12	Furnish and install filter pack envelope	165	Linear Feet	\$ 225.00	\$ 37,125.00
13	Well development (impulse generation and surging/pumping)	40	Hours	\$ 1,062.00	\$ 42,480.00
14	Well development (test pump)	8	Hours	\$ 450.00	\$ 3,600.00
15	Plumbness and alignment test	1	Lump Sum	\$ 4,907.00	\$ 4,907.00
16	Well disinfection	1	Lump Sum	\$ 3,209.00	\$ 3,209.00
17	Well video survey	1	Lump Sum	\$ 2,000.00	\$ 2,000.00
18	Well surface completion	1	Lump Sum	\$ 2,341.00	\$ 2,341.00
19	Standby time	8	Hours	\$ 555.00	\$ 4,440.00
20	Authorized hourly work	8	Hours	\$ 658.00	\$ 5,264.00
SECTION 33 21 13C PRODUCTION WELL AQUIFER TESTING					
21	Furnish, install, remove test pump	1	Lump Sum	\$ 30,619.00	\$ 30,619.00
22	Furnish, install, remove discharge pipe	1	Lump Sum	\$ 2,931.00	\$ 2,931.00
23	Test pumping	60	Hours	\$ 315.00	\$ 18,900.00
SECTION 33 29 00A WELL 1 DECOMMISSIONING					
24	Well 1 decommissioning	1	Lump Sum	\$ 53,318.00	\$ 53,318.00
TOTAL ESTIMATED COST - BASE BID PACKAGE (BID ITEM NO.'S 1 THROUGH 24) =					\$ 625,043.00

ADDITIVE ALTERNATIVE BID FORM – WELL 2 DECOMMISSIONING

Bid Form Item No.	Items of Work and Materials	Approx. Quantity	Units	Unit Price	Extended Price
SECTION A.1 WELL 2 DECOMMISSIONING					
1	Mobilization and demobilization	1	Lump Sum	\$ 19,121.00	\$ 19,121.00
2	Well 2 decommissioning	1	Lump Sum	\$ 67,614.00	\$ 67,614.00
TOTAL ESTIMATED COST - ADDITIVE ALTERNATIVE (BID ITEM NO.'S 1 THROUGH 2)					
=					\$ 86,735.00

TOTAL BID: BASE BID and ADDITIVE ALTERNATE (BASIS OF AWARD)

\$ 711,778.00
(figures)

Seven Hundred Eleven Thousand, Seven Hundred Seventy Eight Dollars
(words)

(The amount in words takes precedence.)

BID FORM - CITY OF MILWAUKIE
WELL 2 REPLACEMENT AND WELL DECOMMISSIONING

ENGINEER'S ESTIMATE

Bid Form Item No.	Items of Work and Materials	Approx. Quantity	Units	Unit Price	Extended Price
SECTION 33 21 13A MOBILIZATION/DEMOBILIZATION					
1	Mobilization and demobilization	1	Lump Sum	\$ 45,000	\$ 45,000
2	Erosion and sediment control	1	Lump Sum	\$ 5,000	\$ 5,000
3	Turbidity reduction and water management control	1	Lump Sum	\$ 5,000	\$ 5,000
4	Spill prevention and control	1	Lump Sum	\$ 2,500	\$ 5,000
SECTION 33 21 13B PUBLIC WATER SUPPLY WELLS					
5	Exploratory borehole drilling	1	Lump Sum	\$ 60,000	\$ 60,000
6	20-inch surface seal drilling and placement	100	Linear Feet	\$ 450	\$ 45,000
7	16-inch borehole drilling	275	Linear Feet	\$ 250	\$ 68,750
8	Drive shoe cut	2	Lump Sum	\$ 4,000	\$ 8,000
9	Furnish and install 16-inch casing	375	Linear Feet	\$ 75	\$ 28,125
10	Furnish and install 12-inch casing	110	Linear Feet	\$ 65	\$ 7,150
11	Furnish and install 12-inch pipe-size well screen	55	Linear Feet	\$ 225	\$ 12,375
12	Furnish and install filter pack envelope	165	Linear Feet	\$ 175	\$ 28,875
13	Well development (impulse generation and surging/pumping)	40	Hours	\$ 750	\$ 30,000
14	Well development (test pump)	8	Hours	\$ 375	\$ 3,000
15	Plumbness and alignment test	1	Lump Sum	\$ 2,500	\$ 2,500
16	Well disinfection	1	Lump Sum	\$ 2,500	\$ 2,500
17	Well video survey	1	Lump Sum	\$ 2,000	\$ 2,000
18	Well surface completion	1	Lump Sum	\$ 2,500	\$ 2,500
19	Standby time	8	Hours	\$ 450	\$ 3,600
20	Authorized hourly work	8	Hours	\$ 450	\$ 3,600
SECTION 33 21 13C PRODUCTION WELL AQUIFER TESTING					
21	Furnish, install, remove test pump	1	Lump Sum	\$ 15,000	\$ 15,000
22	Furnish, install, remove discharge pipe	1	Lump Sum	\$ 5,000	\$ 5,000
23	Test pumping	60	Hours	\$ 300	\$ 18,000
SECTION 33 29 00A WELL 1 DECOMMISSIONING					
24	Well 1 decommissioning	1	Lump Sum	\$ 20,000	\$ 20,000
Subtotal Base Bid (Item No.'s 1 through 24) =					\$ 425,975
SECTION 33 29 00B – ADDITIVE ALTERNATE A.1 WELL 2 DECOMMISSIONING					
1	Mobilization and demobilization	1	Lump Sum	\$ 5,000	\$ 5,000
2	Well 2 decommissioning	1	Lump Sum	\$ 25,000	\$ 25,000
Subtotal Additive Alternate A.1 Bid (Item No.'s 1 through 2) =					\$ 30,000
TOTAL BID ESTIMATE (BASE + A.1)					\$ 455,975

HOLT ESTIMATE

Approx. Quantity	Units	Unit Price	Extended Price	\$ Diff	% Diff
1	Lump Sum	\$ 82,203	\$ 82,203	\$ 37,203	82.7
1	Lump Sum	\$ 19,899	\$ 19,899	\$ 14,899	298.0
1	Lump Sum	\$ 50,911	\$ 50,911	\$ 45,911	918.2
1	Lump Sum	\$ 2,500	\$ 2,500	\$ (2,500)	-50.0
1	Lump Sum	\$ 60,875	\$ 60,875	\$ 875	1.5
100	Linear Feet	\$ 517	\$ 51,700	\$ 6,700	14.9
275	Linear Feet	\$ 211	\$ 58,025	\$ (10,725)	-15.6
2	Lump Sum	\$ 6,488	\$ 12,976	\$ 4,976	62.2
375	Linear Feet	\$ 119	\$ 44,625	\$ 16,500	58.7
110	Linear Feet	\$ 105	\$ 11,550	\$ 4,400	61.5
55	Linear Feet	\$ 339	\$ 18,645	\$ 6,270	50.7
165	Linear Feet	\$ 225	\$ 37,125	\$ 8,250	28.6
40	Hours	\$ 1,062	\$ 42,480	\$ 12,480	41.6
8	Hours	\$ 450	\$ 3,600	\$ 600	20.0
1	Lump Sum	\$ 4,907	\$ 4,907	\$ 2,407	96.3
1	Lump Sum	\$ 3,209	\$ 3,209	\$ 709	28.4
1	Lump Sum	\$ 2,000	\$ 2,000	\$ -	0.0
1	Lump Sum	\$ 2,341	\$ 2,341	\$ (159)	-6.4
8	Hours	\$ 555	\$ 4,440	\$ 840	23.3
8	Hours	\$ 658	\$ 5,264	\$ 1,664	46.2
1	Lump Sum	\$ 30,619	\$ 30,619	\$ 15,619	104.1
1	Lump Sum	\$ 2,931	\$ 2,931	\$ (2,069)	-41.4
60	Hours	\$ 315	\$ 18,900	\$ 900	5.0
1	Lump Sum	\$ 53,318	\$ 53,318	\$ 33,318	166.6
			\$ 625,043	\$ 199,068	46.7
1	Lump Sum	\$ 19,121	\$ 19,121	\$ 14,121	282.4
1	Lump Sum	\$ 67,614	\$ 67,614	\$ 42,614	170.5
			\$ 86,735	\$ 56,735	189.1
			\$ 711,778	\$ 255,803	56.1

COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO APPROVE A PUBLIC IMPROVEMENT CONTRACT WITH HOLT SERVICES, INC. IN THE AMOUNT OF \$625,043 FOR THE WELL DRILLING PHASE OF THE WELL #2 PROJECT LOCATED AT 40TH AVENUE AND HARVEY STREET AND REJECT ADDITIVE ALTERNATE A.1 (WELL #2 DECOMMISSIONING).

WHEREAS, Well #2 is an integral part of the city's public water supply source and is expected to deliver a minimum of 380 gallons per minute (about 10% of current total city capacity); and

WHEREAS, the public works staff solicited and received bids in January 2019 for the well drilling phase of the Well #2 project;

WHEREAS, Holt Services, Inc., the lone bidder, was deemed to be responsive and responsible.

Now, Therefore, be it Resolved that city council accepts the recommendation to authorize the city manager to approve a public improvement contract with Holt Services, Inc. in the amount of \$625,043 for the well drilling phase for the Well #2 project located at 40th Avenue and Harvey Street and rejecting Additive Alternate A.1 (Well #2 Decommissioning).

Introduced and adopted by the city council on _____.

This resolution is effective on _____.

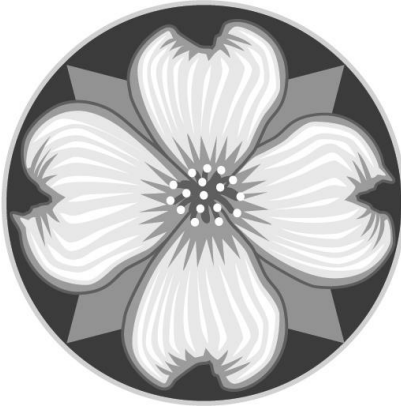
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

Scott Stauffer, City Recorder

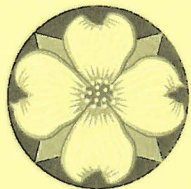
Justin D. Gericke, City Attorney



RS Agenda Item

4

Audience Participation



**CITY OF MILWAUKIE
CITY COUNCIL**

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: MS. KIRAN DAS BALA **Address:** 9725 S.E. 29th AVE
Organization: **Phone:** (503) 901-2596
Email:

Meeting Date: 2-19-2019 **Topic:** my Tax been send NO money
Agenda Item You Wish to Speak to: You are Speaking... It is over \$4759

☒ #4 Audience Participation

☐ #5 Public Hearing, Topic:

☐ #6 Other Business, Topic:

☐ in Support

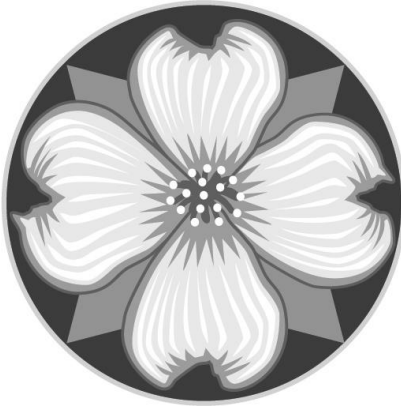
☐ in Opposition

☐ from a Neutral Position

☒ to ask a Question

Comments:

on 1-11-2019 or so



RS Agenda Item

5

Public Hearing

COUNCIL STAFF REPORT

To: Mayor and City Council

Date Written: February 11,
2019

Ann Ober, City Manager

Reviewed: Alma Flores, Community Development Director, and
Denny Egner, Planning Director

From: Mary Heberling, Assistant Planner

Subject: **Proposed Zoning and Comprehensive Plan Amendments – Railroad Ave**

ACTION REQUESTED

Hold a public hearing for applications ZA-2018-002 and CPA-2018-002 and adopt the Ordinance and Exhibits of Attachment 1 amending the Milwaukie Zoning Map and the Milwaukie Comprehensive Plan. Approval of the applications would rezone the subject properties to Residential R-5.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

January 22, 2019: The Planning Commission voted (5-0) to recommend approval of the proposed zoning and comprehensive plan amendments.

ANALYSIS**A. Site and Vicinity**

The subject property consists of four residential parcels zoned Residential R-7 in the Linwood neighborhood. Two lots are undeveloped and two lots are occupied by existing single-family dwellings (5517 and 5525 SE Railroad Avenue). The property is generally open grass area with some trees scattered throughout and is approximately 6.17 acres in size. The surrounding area consists of residential uses on three sides and a convalescent home to the northeast. To the south is Railroad Avenue, an active rail line, and the Business Industrial Zone.

B. Zoning Designation

Residential zone R-7

C. Comprehensive Plan Designation

Low Density Residential LD

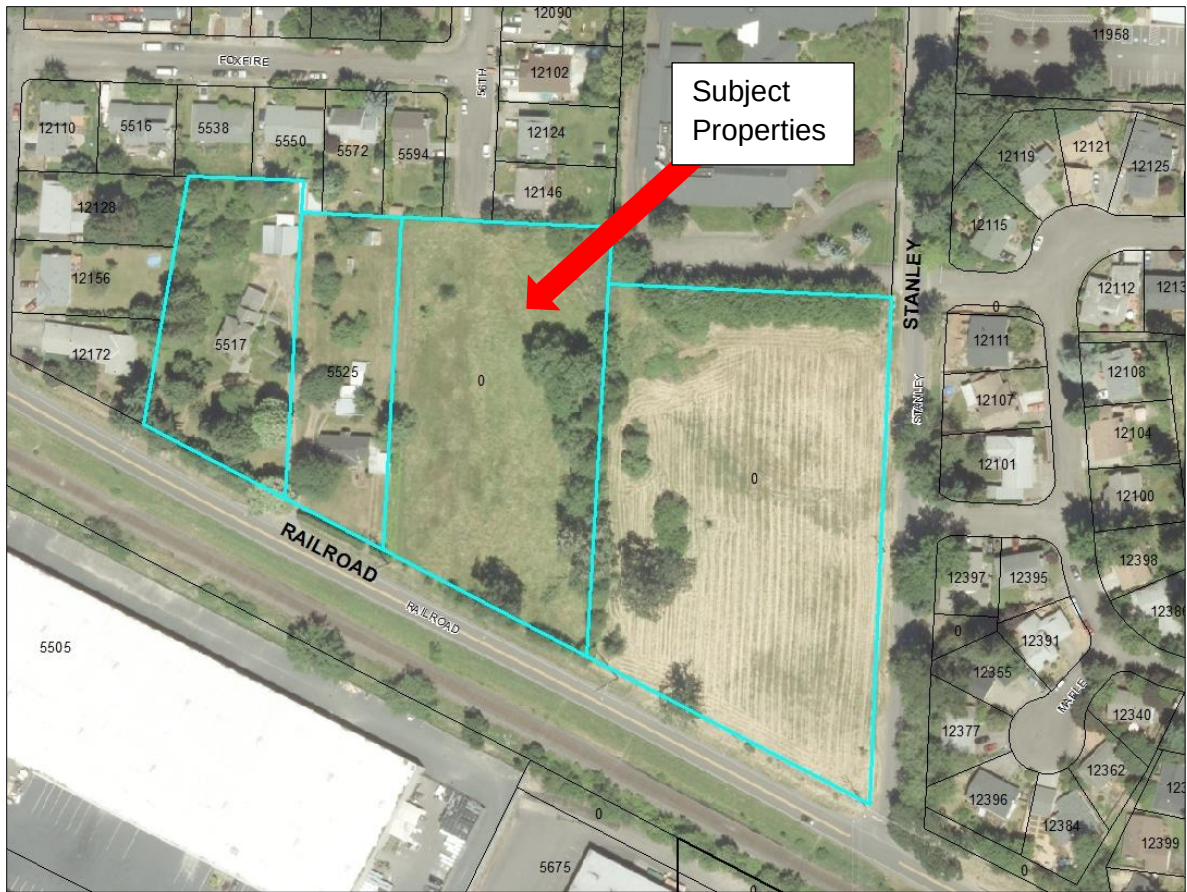


Figure 1. Site and Vicinity. Source: 2018 RLIS

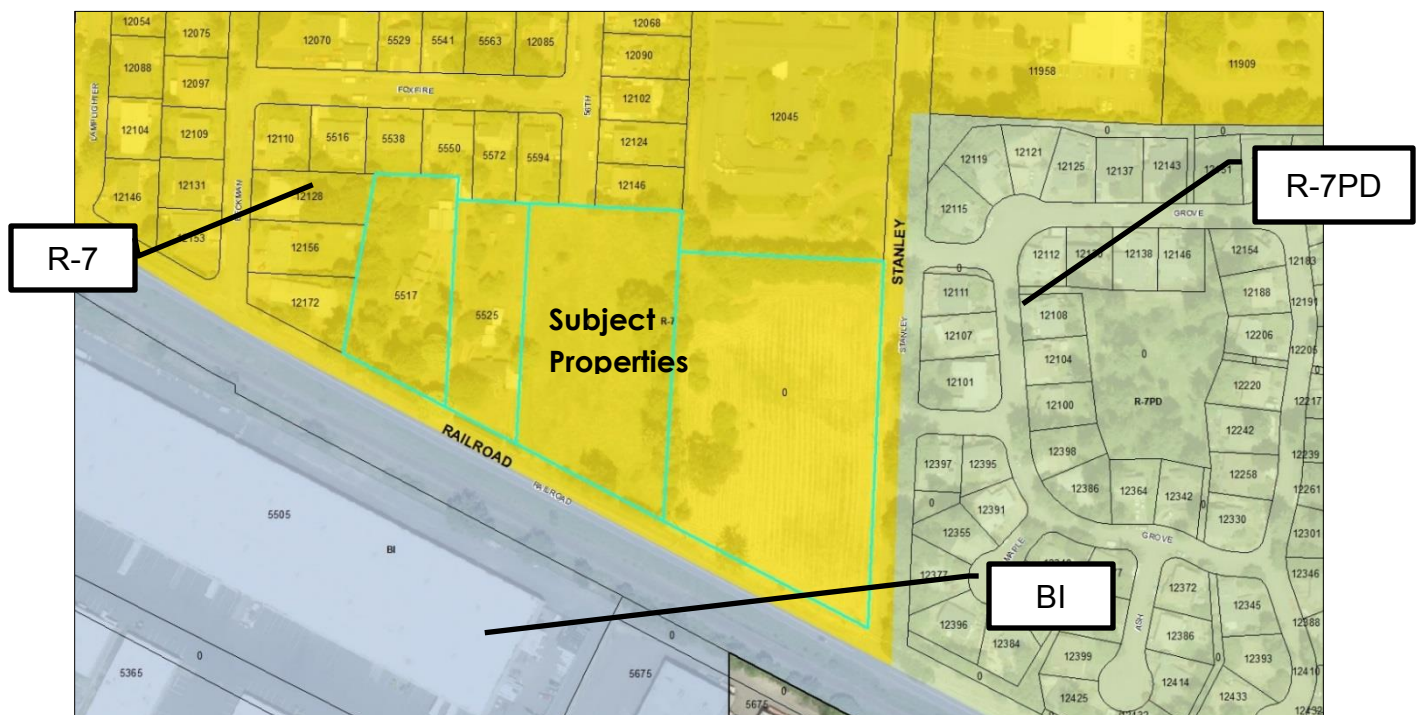


Figure 2. Zoning

D. Proposal

The application is for a zoning map amendment to rezone the subject properties from Residential R-7 to Residential R-5 and a Comprehensive Plan map amendment to change the land use designation of the subject properties from low density to moderate density.

See Attachment 2 for a list of the applicant's materials.

The proposal requires approval of the following applications:

1. Zoning Map Amendments (ZA-2018-002)
2. Comprehensive Plan Map and Text Amendments (CPA-2018-002)

E. Land Use Review Process

The review process for this is zoning map amendment and Comprehensive Plan map amendment (ZA-2018-002 and CPA-2018-002) is a Type V process. The Planning Commission reviews Type V applications and makes a recommendation to City Council, which is called with making the final decision.

KEY ISSUES

Introduction

Staff has identified the following key issue for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

Is rezoning the site from R-7 to R-5 (and the associated Comprehensive Plan map amendment) appropriate?

Analysis

The zone change proposal is appropriate given the characteristics of the surrounding area. The site is surrounded by residential development on three sides, with low density to the north, west, and east. Directly north and northeast is a convalescent home that is also zoned R-7. To the east across SE Stanley Avenue is an area zoned R-7 PD with a low density designation in the Comprehensive Plan. In the adjacent R-7 and R-7 PD zoned areas to the east and west, many of the lots are substandard for the R-7 zone and less than 7,000 sq ft. Although the R-5 zone and the moderate density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of additional housing over what would be allowed in the R-7 zone. The R-7 zone is also the largest zone in the City, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a low density residential zone in the zoning code, with the same permitted uses. There is a demonstrated need for additional housing in the City and in the greater region, illustrated by the Council's declaration of a housing emergency. Further, the

2016 Housing Needs Assessment (HNA), which assessed the City's 20-year housing and residential land needs, projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

BUDGET IMPACTS

None.

WORKLOAD IMPACTS

No impacts other than typical review and processing of a zoning and comprehensive plan amendment.

COORDINATION, CONCURRENCE, OR DISSENT

The Planning Commission held a public hearing on January 22 and recommended approval of the code amendments.

STAFF RECOMMENDATION

Staff recommends approval of the proposed amendments.

ALTERNATIVES

No alternatives are being presented. If there are significant issues, the Council could choose to continue the public hearing to a future date.

ATTACHMENTS

1. Draft Ordinance

Exhibit A. Recommended Findings in Support of Approval

Exhibit B. Proposed Zoning Map Amendments

Exhibit C. Proposed Comprehensive Map Amendment

2. Applicant's Materials



COUNCIL ORDINANCE No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE ZONING MAP TO REZONE TAXLOTS 12E31DD, LOTS 2900, 3000, 3100, AND 12E31DB01300 FROM RESIDENTIAL R-7 TO RESIDENTIAL R-5; AND TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN LAND USE MAP TO DESIGNATE TAXLOTS 12E31DD, 2900, 3000, 3100, AND 12E31DB01300 AS MODERATE DENSITY RATHER THAN LOW DENSITY (FILE # ZA-2018-002, CPA-2018-002).

WHEREAS, the proposed amendments to the zoning map and Comprehensive Plan will result in a residential development that is compatible with the surrounding neighborhood; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on January 22, 2019, the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1007.5 and adopted a motion in support of the amendments; and

WHEREAS, the Milwaukie City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie zoning map is amended as described in Exhibit B (Proposed Zoning Map Amendments) and Exhibit C (Comprehensive Plan Land Use Map Amendment).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

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

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

ATTEST:

Mark F. Gamba, Mayor

APPROVED AS TO FORM:

Scott S. Stauffer, City Recorder

Justin D. Gericke, City Attorney

Recommended Findings of Approval
File # ZA-2018-002, CPA-2018-002 (5517-5525 SE Railroad Ave)

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, I&E Construction, Inc, has applied for approval of a zone change from R-7 to R-5 at 5517-5525 SE Railroad Ave and a Comprehensive Plan map amendment from Low Density (LD) to Moderate Density (MD). The site is made up of 4 contiguous lots and is zoned Low Density Residential R-7, later this year, with the approval of this zone change and Comprehensive Plan map amendment, the applicant intends to submit a subdivision application for tax lot 1231DD03000, one of the 4 lots that is vacant.
2. The zone change and Comprehensive Plan map amendment application was submitted on May 17, 2018. It was deemed complete by City staff on November 6, 2018.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1008 Type V ReviewThe application has been processed and public notice provided in accordance Section 19.1008 Type V Review. A public hearing was held on January 22, 2019, as required by law.
10. MMC 19.902 Amendments to Maps and Ordinances

- A. MMC 19.902.4.B establishes the approval criteria for Comprehensive Plan Map Amendments

Changes to the maps of the Milwaukie Comprehensive Plan shall be evaluated against the approval criteria in Subsection 19.902.3.B. A Legislative map amendment shall be approved if these criteria are met.

Changes to the Milwaukie Comprehensive Plan may be approved if the following criteria are met:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan.

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density (LD) to Moderate Density (MD). This application would also change the zoning map from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots. The applicant proposes a future subdivision for taxlot 12E31DD03000 which will be developed with single family homes on lots ranging from 5,000 sq ft to 6,500 sq ft.

2. The proposed amendment is in the public interest with regard to neighborhood or community conditions.

The site is surrounded by residential development on 3 sides, with LD to the north, west, and east. Lot sizes in the neighborhood to the north are approximately 7,000 – 8,000 sq ft. To the north and northeast, there is a convalescent home. To the east and west of the site, lots are between 5,000 – 6,800 sq ft in size, less than the minimum 7,000 sq ft required in the Low Density, R-7 Zone. Industrial land is to the south across SE Railroad Ave as well as an active rail line. The MD land use designation reflects a slightly higher density single-family residential use that is still considered a low density residential zone in the zoning code. This change is consistent with the surrounding neighborhood as it contains predominantly single-family detached dwellings.

The Linwood NDA has provided comments and questions regarding the proposal, but has not recommended support or opposition to the proposal. Their questions have been answered in Section 11 below.

3. The public need is best satisfied by this particular proposed amendment.

The MD land use designation reflects a higher density single-family residential use that is consistent with existing lot sizes in the surrounding neighborhood. The proposed zoning will allow smaller minimum lot sizes on this site and will provide more opportunity for the development of additional housing. The rezoning of this Low Density area does not create compatibility conflicts given the surrounding land use pattern and density. Areas with a Low Density designation make up over 52% of the City (including right-of-way), the largest residential land use designation in the City. By comparison, Moderate Density comprises just over 10% of the land area.

Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs, projects the need for 1,150 new housing units by 2036. Designating the site for a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation. Although the HNA acknowledges no new need for housing in the middle of the pricing spectrum (\$240,000 - \$490,000), there can be an assumption that the homes built on R-5 lots will be smaller and less expensive than those built on R-7 lots. The proposal responds to an identified need for additional housing supply.

4. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation. This is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the

effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

5. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city’s 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development’s access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

As conditioned, the Planning Commission finds that this criterion is met.

B. MMC 19.902.6.B establishes the approval criteria for Zoning Map amendments.

The proposed zoning map amendment would rezone the site from Residential R-7 to Residential R-5.

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met:

1. The proposed amendment is compatible with the surrounding area based on the following factors:

- a. Site location and character of the area.
- b. Predominant land use pattern and density of the area.
- c. Expected changes in the development pattern for the area.

The zone change proposal is appropriate given the characteristics of the surrounding area. To the east across SE Stanley Avenue is an area zoned R-7 PD with a Low Density designation in the Comprehensive Plan. To the south across SE Railroad Avenue is an area zoned Business Industrial (BI) with an Industrial designation in the Comprehensive Plan. In the adjacent R-7 and R-7 PD zoned areas to the east and

west, many of the lots are sub-standard for the R-7 zone and less than 7,000 sq ft. Although the R-5 zone and the Moderate Density land use designation reflect a higher density single-family residential use, they are similar in density with the surrounding neighborhood. Further, smaller minimum lot sizes will provide more opportunity for the development of additional housing over the R-7 zone. The R-7 zone is also the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

The Linwood Neighborhood District Association had no objections to the proposal.

2. The need is demonstrated for uses allowed by the proposed amendment.

The R-5 zone will provide the opportunity to build additional single-family homes on the site. The R-5 zone is considered a Low Density Residential Zone in the zoning code, with the same permitted uses. There is demonstrated need for additional housing in the city and in the greater region, illustrated by the Council's declaration of a housing emergency. Further, the 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs, projects the need for 1,150 new housing units by 2036. Designating the site with a higher density land use and the accompanying zoning amendment, will provide the opportunity for more housing units than allowed under the current designation.

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

This criterion is intended to ensure that the proposed site is better suited for this proposed use than other properties with the same base zone designation. The R-7 zone is the largest zone in the city, comprising over 52% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area. The size of the parcels are between 0.71 acres to 2.88 acres. There is a scarcity of parcels of similar size in the R-5 zone. Only 11% of R-5 parcels in the City are 0.71 acres or above.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

This area is adequately served by public utilities and transportation infrastructure. There is a 15-inch sewer main and a 12-inch water line in SE Railroad Ave which are adequate to serve new homes. Within the public rights-of-way that will serve the proposed development, new water and sanitary sewer mains will be constructed as per City standards and will be maintained by the City.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

Both Railroad Ave and Stanley Ave are classified as collector streets and additional development in the area is not expected to have a negative impact on the existing

transportation network. A proposed subdivision on one of the vacant lots, tax lot 12E31DD03000, has not been reviewed yet, however, due to minimal increase in trips at peak time on collector streets (Railroad Ave and Stanley Ave) with the zone change, the Engineering Department will not require a transportation impact study.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

The proposed Comprehensive Plan map amendment would change the land use designation of the site from Low Density LD to Moderate Density MD. The application requests a zoning map amendment from Residential R-7 to Residential R-5; the new land use designation corresponds to that of the Residential R-5 Zone. This amendment is necessary to maintain consistency between the Comprehensive Plan and Zoning Map. Per Land Use Objective #2, Policy #3, areas may be designated Moderate Density if the predominant housing type will be single family detached on moderate to small lots.

Natural Resources Objective #2, Policy #1 states the City shall protect designated natural resources and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources. Policy #2 in the same objective states that the City shall provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities and restrict non-water depended development within the riparian buffer area. One of the vacant parcels has a wetland, water quality resources, and habitat conservation areas. The City has been working with the application to protect those natural resources and the zoning code protects those resources by preventing development in those areas and providing mitigation. Any development in those natural resource areas will trigger a natural resource review in the land use code.

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with the Metro Urban Growth Management Functional Plan. The MD land use designation reflects a slightly higher density single-family residential use as compared to the LD land use designation, which is consistent with Metro Urban Growth Management Functional Plan (UGMFP) and relevant regional policies. Title 1 of the UGMFP states that plan amendments and zone changes cannot have the effect of lowering density. This proposal increases density on the property, which is not in conflict with Title 1.

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed zoning map amendment from R-7 to R-5 is still within the City's low density residential zones and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed land use map amendment from LD to MD still identifies single-family home development as the predominant land use type and is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule. The proposal addresses Goal 10 – Housing, by proposing residential development at a higher density. The 2016 Housing Needs Assessment (HNA), which assesses the city's 20-year housing and residential land needs projects the need for 1,150 new housing units by 2036. Designating the sites with a higher density land use and the accompanying zoning amendment, will provide the opportunity for 12-15 more dwelling units than allowed under the current designation.

Goal 12 – Transportation is addressed as the number of new dwelling units and the associated trips will not impact the functional classification of SE Railroad Ave or SE Stanley Ave, both of which are collector streets. An additional 12-15 dwelling units with a zone change will have a minor impact on the local street system. Possible future development's access will connect to Stanley Ave, a collector street, which can accommodate 5,000-10,000 trips per day.

The City Council finds that this criterion is met.

11. As described in Finding 3, public notice of these applications was posted on site and mailed to parties as identified in the Milwaukie Municipal Code. The applications were referred for comment to the following: Milwaukie Building Division; Milwaukie Engineering Department; Clackamas Fire District #1; Clackamas County; Metro; and the Linwood Neighborhood District Association Chairperson and Land Use Committee. The responses received are summarized below. Agencies did not respond if a response is not listed below.

Milwaukie Building Department – no comment

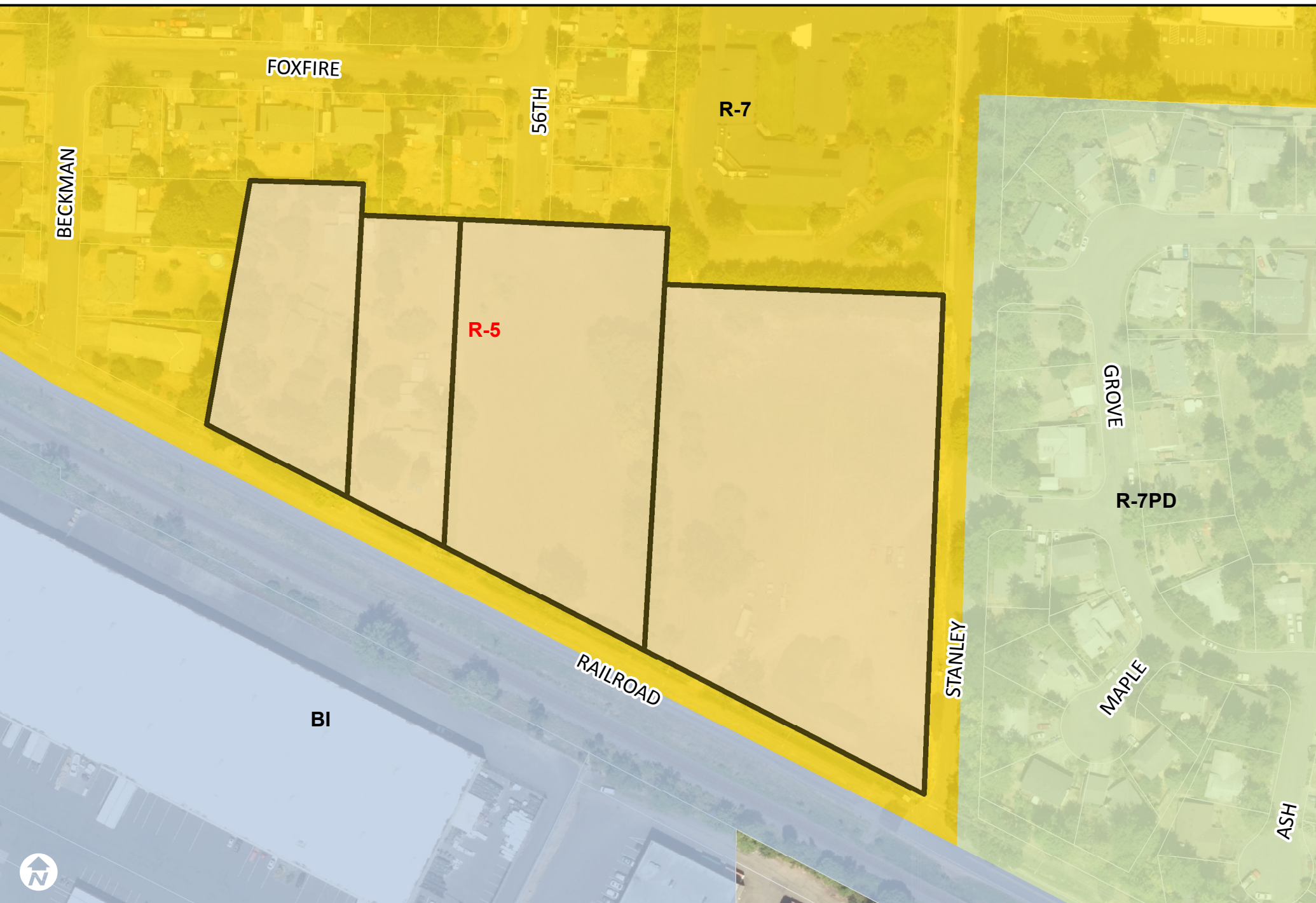
Milwaukie Engineering Department – “The zone change will provide for an additional 12 15 dwelling units. With the required right-of-way dedication, the net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. These trips will be accessing SE Stanley and Railroad Avenues, which are both Collector Streets. A traffic impact study is not required to analyze this minimal increase in trips. Existing sewer, storm and water systems do not have any identified deficiencies and can accommodate the increased demand.”

Metro – Felt the proposal was consistent with the Metro Functional Plan and did not have other comments to submit.

Linwood NDA – Questions were submitted on 1/14/2019, they are summarized below with a staff response:

1. Why was a Transportation Impact Study (TIS) not ordered for this proposal? How many new trips will be generated with this zone change?

Staff Comment: With the zone change, redevelopment of these lots would provide 12-15 more dwelling units when right-of-way dedication on these properties are not considered. The Engineering Department found that with right-of-way dedication, net increase will be closer to 10 dwelling units. This will result in an additional 10, pm peak trips. The Engineering Department found that this minimal increase in trips on collector streets Stanley Ave and Railroad Ave would not require a TIS.

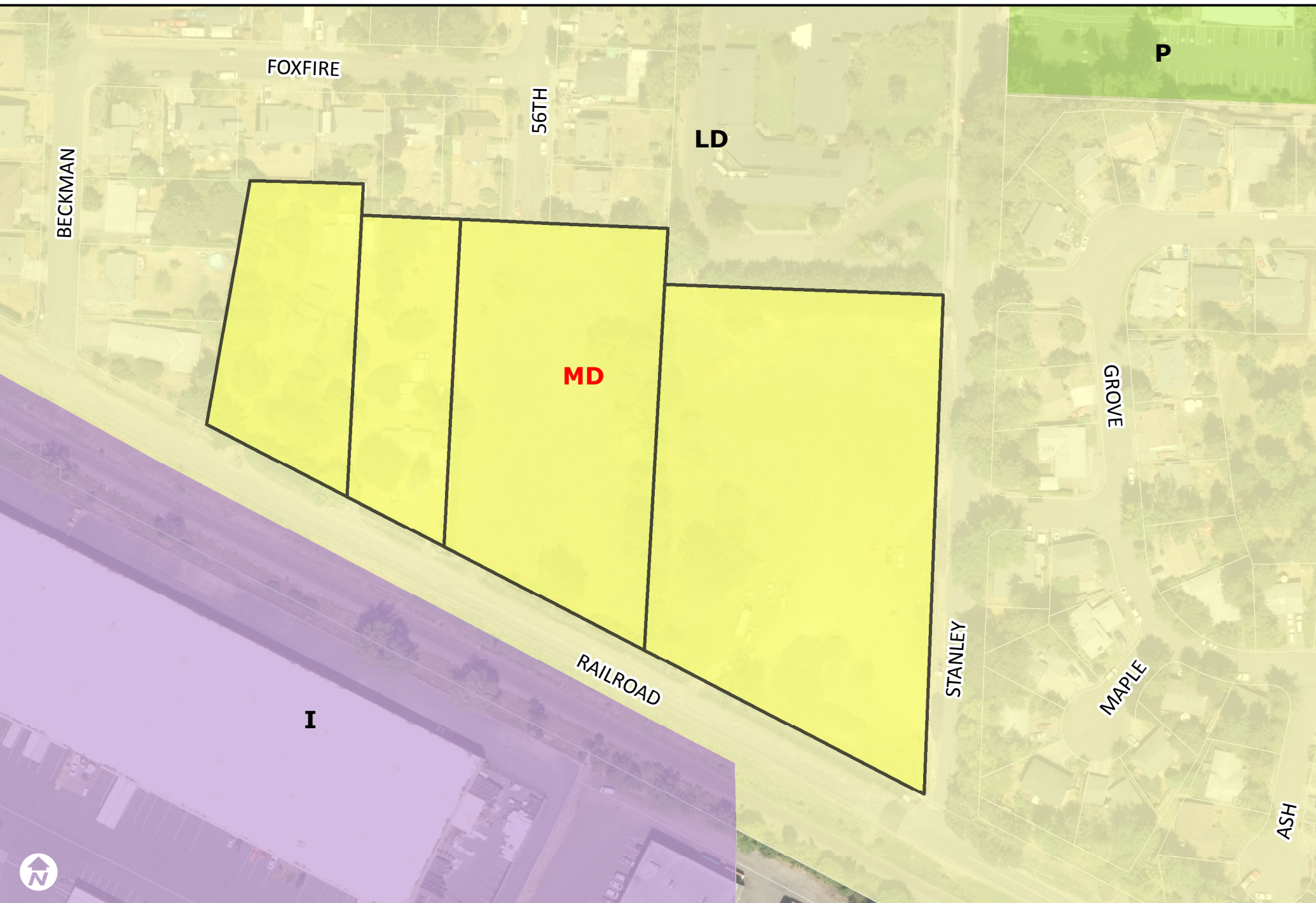


Proposed Zone Change

RS40



The information depicted on this map is for general reference only. The City of Milwaukee cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated. Data Sources: City of Milwaukee GIS, Clackamas County GIS, Metro Data Resource Center. Date: Thursday, January 31, 2019



Proposed Comprehensive Plan Designation

RS41



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TRANSMITTAL



ENGINEERING SERVICES, INC.

DATE: May 17, 2018

JOB #: 6423

To: Mary Heberling
Assistant Planner
City of Milwaukie

PROJECT: Milwaukie CPC/ZC

FROM: Brandie Dalton, Land Use Planner

RE: *RAILROAD AVENUE CPC/ZC APPLICATION*

☒ ENCLOSED	☐ PLANS	☐ FOR APPROVAL	☐ FOR VERIFICATION
☐ CHECKS INCLUDED	☐ DOCUMENTS	☐ FOR YOUR USE	☐ REVISE & RETURN
☐ PER YOUR REQUEST	☐ FOR SIGNATURE	☐ FOR FINAL DISTRIBUTION	☐ OTHER

COPIES	NO.	DESCRIPTION
5		Land Use Application

Mary,

Enclosed is a Comprehensive Plan Change/Zone Change Application for Properties located on Railroad Avenue and identified as 1 2E 31DD/Tax Lot 1300, 2900, 3000 & 3100.

If you have any questions or need additional information please let me know ASAP.

Thank you,

Brandie Dalton, Land-Use Planner



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V

CHOOSE APPLICATION TYPE(S):

...

...

...

...

...

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): I+E Construction, Inc.

Mailing address: 9550 SE Clackamas Rd Zip: 97015

Phone(s): _____ E-mail: _____

APPLICANT'S REPRESENTATIVE (if different than above): Jeff Bolton

Mailing address: 1155 SE 13th St., Salem, OR Zip: 97302

Phone(s): 503-363-9227 E-mail: jbolton@mtengineering.net

SITE INFORMATION:

Address: Railroad Ave. Map & Tax Lot(s): 12E3100/3000, 3100, 2900, 1300

Comprehensive Plan Designation: ... LD Zoning: ... R7 Size of property: 6.35 AC ...

PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5

SIGNATURE: Randy V. Myer / TTEE Julia E. Nunez / TTEE APRIL 4, 2018

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: _____ Date: MARCH 13, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
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Application for Land Use Action

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V

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Mailing address: 1155 SE 13th St, Salem, OR Zip: 97302

Phone(s): 503-363-9227 E-mail: jbolton@mtengineering.net

SITE INFORMATION:

Address: Railroad Ave Map & Tax Lot(s): 12E3100/3000, 3100, 2900, 1300

Comprehensive Plan Designation: ... LD Zoning: ... R-7 Size of property: 6.35 Ac ...

PROPOSAL (describe briefly):

Comp Plan / Zone Change from R-7 to R-5
Gregory J. Vislucky - President CARO INC. 4/33/18

SIGNATURE: Ray V. Myr / TEE Julia E. Nul / TEE APRIL 4, 2018

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: _____ Date: MARCH 13, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, _____, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: _____

Date: _____

Official Use Only

Date Received (date stamp below):

RESET

Comprehensive Plan Change/ Zone Change

BACKGROUND/PROPOSAL

The subject properties are located on SE Stanley Avenue and Railroad Avenue. There are 4 tax lots included in this application, 1 2E 31DD/Tax Lots 1300, 2900, 3000, and 3100. The properties are zoned R-7, with a Low Density Comprehensive Plan designation.

On February 16, 2017, the City held a pre-application conference with the applicant and the applicant's engineering representative, Multi/Tech Engineering, Inc., for the purpose of discussing code requirements for developing the site as multi-family.

A Neighborhood Meeting is scheduled with the Linwood Neighborhood on April 12, 2018 @ 7pm. The meeting will be held at the Linwood Elementary School.

Proposal: The subject properties total 6.35 acres in size. The applicant is proposing to rezone the subject properties from R-7 to R-5, and change the comp. plan designation from low density to moderate density.

Vicinity Information:

The subject properties are located on the west side of Stanley Street and the north side of Railroad Avenue. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: R-7 zoned; existing single-family dwellings

East: R-7PD zoned (Across Stanley Road); existing single-family dwellings

South: BI zoned (Across Railroad Avenue); existing industrial uses

West: R-7 zoned; existing single-family dwellings



SECTION 19.902.3(B) COMPREHENSIVE PLAN CRITERIA

1. *The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.*

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

2. *The proposed amendment is in the public interest with regard to neighborhood or community conditions.*

Applicant Findings: The development of this site as single-family dwellings is consistent with the existing current uses in the neighborhood. The rezone from R-7 to R-5 allows the site to be developed at a higher density because of allowed smaller lots sizes. The higher density will allow the site to be developed with 2 more lots than the R-7 zone would allow. Milwaukie has housing needs that need to be met. Smaller lot size help to make homes more affordable, which will help met housing and affordable housing needs. Therefore, this amendment is in the public's interest.

3. *The public need is best satisfied by this particular proposed amendment.*

Applicant Findings: The site was chosen due to its size, location, existing level of development and access to major streets

There is a lack of appropriately designated sites within this vicinity for moderate density. There is low density zoned property surrounding the site. The proposed R-5 zone designation will allow the site to be developed at a high density than the current R-7 zone.

As shown on the City land use map there is no property contiguous to the existing site that is designated R-5 for the proposed use. The most feasible process is to rezone the subject property to allow it to be developed at max density with direct access onto the surrounding street system.

This area of Milwaukie is lacking in R-5 zoned property. R-5 zoning helps to provide needed housing. This rezone will help to provide a public need for single-family dwellings. The rezone will not no impacts on the public, especially since the site is already zoned for single-family dwellings. The R-5 zone allows the site to be developed at a moderate density. Which will help provide additional housing and help meet the public need.

4. *The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.*

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

5. *The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

Applicant Findings: The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards

will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density

zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

SECTION 19.902.6(B) ZONE CHANGE CRITERIA

Changes to the Zoning Map shall be evaluated against the following approval criteria. A quasi-judicial map amendment shall be approved if the following criteria are met. A legislative map amendment may be approved if the following criteria are met:

1. *The proposed amendment is compatible with the surrounding area based on the following factors:*
 - a. *Site location and character of the area.*
 - b. *Predominant land use pattern and density of the area.*
 - c. *Expected changes in the development pattern for the area.*

Applicant Findings: The proposed comprehensive plan change/zone change fits the development pattern of the vicinity. The surrounding properties are zoned R-7 and/or developed as residential. However, the area is changing with recent rezoning of properties from R-7 to R-5. The R-5 zone allows the property to be developed with single family dwellings at a higher density than the R-7 zone.

The subject property gives the applicant the ability to provide a housing type consistent with the surrounding area and help Milwaukie meet their housing needs.

The subject property will not only be a site that will contribute to the residential housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed will provide street connections to adjacent properties for existing and future development.

In conclusion, the proposed CPC/ZC will allow the subject property to be developed with a needed housing type in the City of Milwaukie, while compatible with the existing housing in the neighborhood.

Therefore, the proposal satisfies this criterion has been met.

2. The need is demonstrated for uses allowed by the proposed amendment.

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

3. The availability is shown of suitable alternative areas with the same or similar zoning designation.

Applicant Findings: There is a lack of appropriately designated vacant R-5 sites within this vicinity. There is R-7 zoned property located along Railroad Avenue. However, these sites are either developed or available.

This rezone to R-5 gives the applicant the ability to provide housing at a higher density within this area and help Milwaukie meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned R-5 and vacant, and there is none in the necessary proximity. The only appropriately designated property

within the necessary proximity to the existing site to the far west is developed or under review for potential development.

In conclusion, there are no sites for the proposed use located along Railroad Avenue that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant

Therefore, the proposal satisfies this criterion has been met.

4. The subject property and adjacent properties presently have adequate public transportation facilities, public utilities, and services to support the use(s) allowed by the proposed amendment, or such facilities, utilities, and services are proposed or required as a condition of approval for the proposed amendment.

Applicant Findings: The City's adopted Comprehensive Plan Goal and Policies implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located in an area with major routes in place. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement public facilities and services by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

This criterion has been met.

5. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact study may be required subject to the provisions of Chapter 19.700.

Applicant Findings: See the above findings. A Traffic Impact Study was not required at this time.

6. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, including the Land Use Map.

Applicant Findings: The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The City's adopted Comprehensive Plan, Housing and Urban Growth Goals and Policies implement the Statewide Housing Goal by documenting population projections, land use

inventories and buildable lands. The proposal adds to the housing inventory of the City and meets the intent of the Goal and Policies.

7. The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

Applicant Findings: All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use and that meet the Metro Urban Growth Management Functional Plan.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

By providing adequate public facilities and services for the proposed use, this criterion has been met.

8. The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Applicant Findings: The proposed amendment is consistent with all State statutes, administrative rules, and zoning standards as identified on the site plan and the applicant's findings.

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the TSP. The proposal complies with the applicable intent statements of the Comprehensive Plan as addressed in this report.

The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing (if applicable), and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the zone change application. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands on the subject property. The City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create any significant additional air quality impact.

The site is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Therefore, the proposal complies with this Goal.

Goal 10 – Housing

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

At the time of development, sidewalks are or will be provided adjacent to and throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

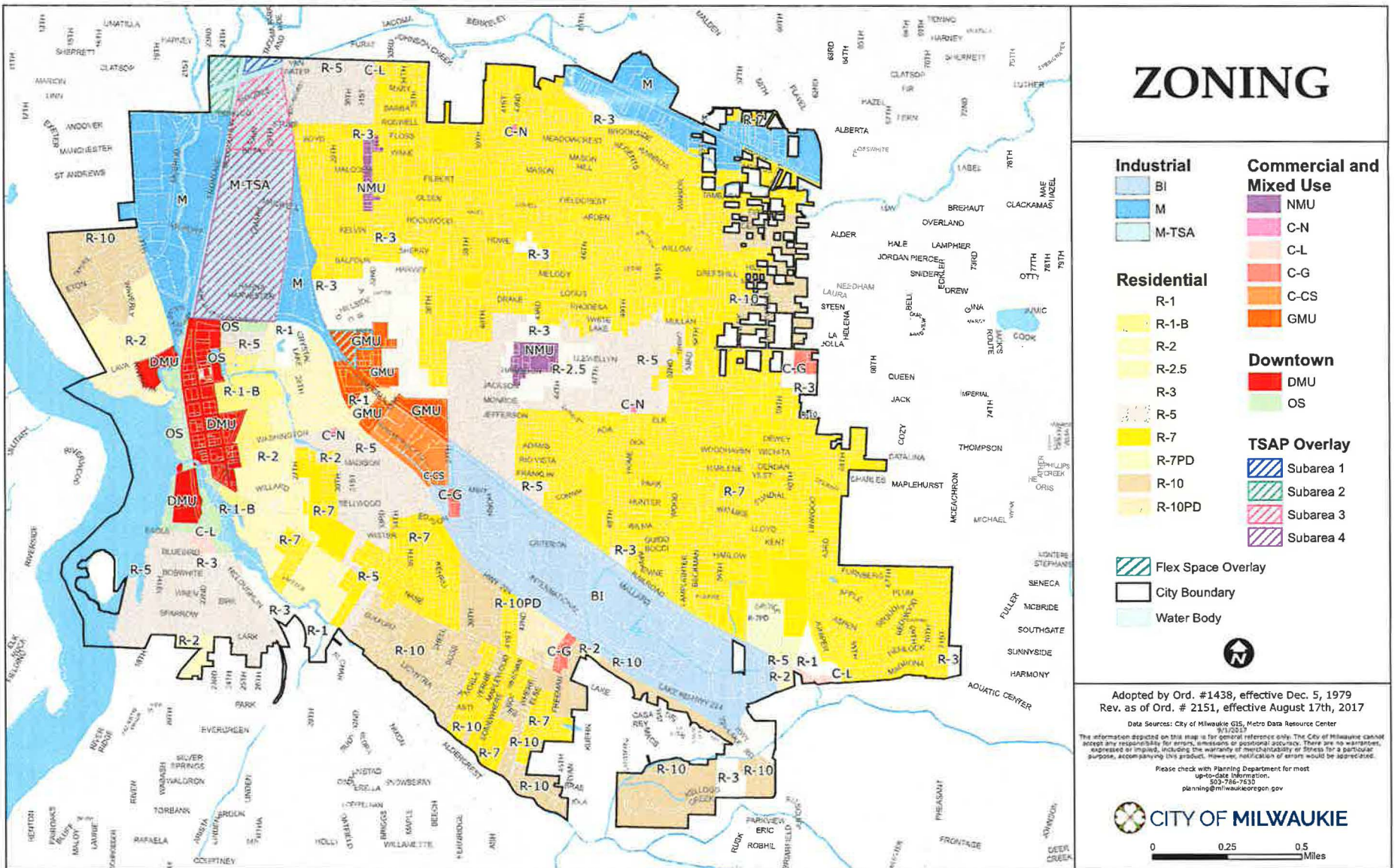
The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject properties are located along Stanley Avenue and Railroad Avenue, thus linking the site to existing and proposed transportation. The major streets are in place due to previous development.

CONCLUSION

We believe that requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance

with the current Comprehensive Plan designation. As demonstrated herein, the R-5 zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.



MAR 06 2017

Brandie
Jeff



March 3, 2017

Jeff Bolton
Multi/Tech Engineering
1155 SE 13th Ave
Salem OR 97302

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on February 16, 2017, concerning your proposal for action on property located at tax lot 3000 on SE Railroad Ave.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.
- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin
Administrative Specialist II

Enclosure

cc: Karl Ivanov
File

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 / F) 503-774-8236
www.milwaukieoregon.gov

RS58

MAR 06 2017

Lot 23
Brandie
Jeff

CITY OF MILWAUKIE

PreApp Project ID #: 17-003PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 2/16/2017 at 10:00AM

Applicant Name: JEFF BOLTON

Company: MULTITECH

Applicant 'Role': REPRESENTATIVE

Address Line 1: 1155 SE 13TH ST.

Address Line 2:

City, State Zip: SALEM OR 97302

Project Name:

Description:

ProjectAddress: RAILROAD AVE TAXLOT 3000 EAST OF 5525 SE RAILROAD

Zone: R-7; Natural Resource Overlay

Occupancy Group:

ConstructionType:

Use: Low Density (LD)

Occupant Load:

AppsPresent: Jeff Bolton, Karl Ivanov

Staff Attendance: Brett Kelter, Mary Heberling, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comments.

Dated Completed: 3/3/2017

City of Milwaukie DRT PA Report

Page 1 of 9

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Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: No comments.

PUBLIC WORKS ISSUES

Water:

A 6" ductile iron water main will be constructed to provide service to all properties within the subdivision. Milwaukie public works standards 4.0012 prohibits the construction of a permanent dead-end main greater than 250 feet in length. The 6" line will be connected to the main on Railroad Avenue and to the 6" main at the end of 56th Avenue to connect the two systems. 6" ductile iron water mains will also be constructed to any streets stubbed to the property line for adjacent property development. Fire hydrant requirements will be addressed by Clackamas County Fire.

The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer:

An 8" PVC sewer main will need to be extended to provide service to all newly constructed properties and to facilitate future development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of \$1,075 and the second component is the County's SDC for treatment of \$6,130 that the City collects and forwards to the County. Both SDC charges are per single family property. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm:

Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Public Works Standards.

The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The

City of Milwaukie has adopted the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.

All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings. Applicant may treat stormwater in the ditch between the walking path and Railroad Avenue, with approved planting and infiltration design.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently \$845 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the north side of SE Railroad Avenue, a collector route. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 60 feet and a paved width of 24 feet with undeveloped shoulders.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

Railroad Avenue

The Railroad Avenue cross-section includes the following:

- Two 10-foot travel lanes
- 4' shoulder
- Storm ditch separating the road from the walking path
- 12-foot asphalt path set 6" from north edge of right-of-way

Applicant will only be required to construct the walking path, and size the ditch to contain the water that it will carry. Railroad avenue was recently paved; so additional resurfacing requirements will be required. All cuts to the street will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc).

New Interior Roads

According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following:

- Two 9' travel lanes
- Two 6' parking lanes
- Two 4' landscape strips
- 5' setback sidewalk on both sides of the road

Applicant must provide justification to remove any components from this cross-section and/or reduce the right-of-way width according to MMC 19.708.2.B.

Right of Way:

The existing right-of-way on Railroad Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways:

Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards.

Erosion Control:

Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study:

Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, a TIS will not be required as proposed. Any other site plan will be reanalyzed.

PW Notes:

Proposed street layout precluded neighboring taxlot 2900 and 3100 from developing. Majority of meeting centered on a revised design that included a stubbed street to the east, and a narrow connection to the west at the north end of the site. Final road layout will have to be approved before application is approved.

TRANSPORTATION SDC

The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is \$1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC

The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is \$3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT

- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.
- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.
- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.
- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks:

Per Milwaukie Municipal Code (MMC) 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots).

Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right-of-way (ROW) centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback))

Landscape:

In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade.

The minimum landscaped area for the R-7 zone is 30% of lot area.

Parking:

As per the off-street parking standards of MMC Chapter 19.600, properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As per MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary. However, effective as of March 9, 2017, the driveway approach shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10 point at a ratio of 1:1 (driveway width: distance onto property), starting 2ft behind the front property line.

Transportation Review:

The proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for more information about the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Application Procedures:

1. Subdivision (Type III review)

The subject property is comprised of 1 large lot. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires replatting the subject property using the subdivision process. Standards and requirements for land division can be found Title 17 of Milwaukie Municipal Code: <http://www.qcode.us/codes/milwaukie/view.php?topic=17&frames=off>.

Preliminary and Final Plat checklists and procedures can be found at: <http://www.milwaukieoregon.gov/planning/plat-checklists>.

The current fee for subdivision applications (preliminary plat review) is \$4,400, plus \$100 for each lot over 4 lots.

2. Natural Resource Review – Boundary Verification (Type II review)

A boundary verification process is required for the designated Natural Resource areas on the lot and lot to the east (TL 2900). Corrections to mapped Water Quality Resources (WQRs) are subject to a Type II review. The applicant is advised to review this section carefully to be sure that all relevant steps are followed. The boundary verification application can be submitted with the application for natural resource review required for the subdivision (see Note 3, below). Review criteria can be found in MMC 19.402.15.A.2: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_15

3. Natural Resource Review – Subdivision (Type III review)

If any lots from the proposed subdivision will be in a designated Natural Resource area, the application is subject to Type III Natural Resource review. Standards for subdivisions within Natural Resource areas can be found in MMC 19.402.13.I: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_13

4. Zoning Map Amendment (Type III review)

The proposal includes rezoning the subject property from R-7 to R-5. The applicant is encouraged to include Tax Lots 02900, 03100, and 01300 in the zone change proposal as well, for a total of 4 lots to be re-zoned. Regardless, the City Attorney has determined that the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change (zoning map amendment) can be found in MMC 19.902.6: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

5. Comprehensive Plan Map Amendment (Type IV review)

As part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density).

The approval criteria for a quasi-judicial map amendment can be found in MMC 19.902.3.B: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

The application for the zone/comp plan change can be submitted concurrently with the subdivision/Natural resources application. The zone/comp plan change application could be the primary issue to be decided, then the subdivision.

The current fee for Type II review is \$1,000; the fee for Type III review is \$2,000. For Type III Natural Resource applications, a refundable deposit of \$2,750 is required at the time of submittal, to cover the actual costs of the City's review of the applicant's technical report for Natural Resource review.

The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the associated Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or participating in the public hearing process.

Following the appeal period, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, \$200). The final plat is subject to Type I administrative review. The application requirements are found in MMC 17.16.070 and MMC 17.24. The approval criteria are found in MMC 17.12.050. Because the final plat must follow the approval of the preliminary subdivision plat, it is not eligible for concurrent review.

Prior to submitting the subdivision application, the applicant is encouraged to present the project at the regular meetings of the Linwood NDA (7:00 p.m. on the second Thursday of every month at Linwood Elementary library, 11909 SE Linwood Ave): <http://www.milwaukieoregon.gov/citymanager/linwood-nda> Linwood NDA Chair: Zac Perry, Linwoodzp@gmail.com .

Natural Resource Review: The site for the proposed subdivision does have Water Quality Resource (WQR) and Habitat Conservation (HCA) areas on the east boundary line of the site. Per MMC Subsection 19.402.12.A, an Impact Evaluation and Alternatives Analysis will need to be done. Specific information about this Analysis and the approval criteria can be found at:
http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_12

With the evaluation and alternatives analysis, there may be a need for the applicant to apply for a boundary verification and natural resources subdivision standards. More information about those land use reviews are listed in the Application Procedures section.

Lot Geography: The subject property is comprised of 1 lot, with a total area of approximately 1.72 acres. The property has frontage on SE Railroad Ave to the south.

Minimum standards:

R-7 Zone: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage

R-5 Zone: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage

Lots in the subdivision are subject to the requirements of MMC Chapter 17.28, Design Standards. Flag lots are not allowed in newly platted subdivisions (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line can not exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.

The above lot design standards do not apply to areas for parks, tracts, or other areas that will not be developed.

Planning Notes: The Planning Department strongly suggests conferring with the Linwood Neighborhood District Association (NDA) about the proposal. The NDA Chair is Zac Perry, who can be reached at Linwoodzp@gmail.com. The City of Milwaukie refers all applications to NDAs for comments, and the Planning Commission and City Council give serious consideration to the views of the NDAs when

making decisions.

Staff's general response to the zone change proposal is that it seems appropriate given the request to provide street connections to the surrounding properties for potential future development. The zone change would allow the applicant to be more flexible with their subdivision plan. The loss of R-7 zone area does not raise concern for Planning staff. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

As noted previously, staff encourages the applicant to contact the owners of Tax Lots 02900, 03100, and 01300 and attempt to include them in the zone change proposal. This would result in a more consistent zone pattern in this area.

The applicant is encouraged to review MMC Chapter 19.1200 Solar Access Protection, as its provisions must be addressed in the application narrative.

For reference, the density range allowed in the R-7 zone is 5.0 – 6.2 dwelling units per net acre, and 7.0-8.7 dwelling units per net acre for the R-5 zone.

The full zoning code can be found here:
<http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off>.

The Comprehensive Plan can be found here:
http://www.qcode.us/codes/milwaukie/view.php?topic=comprehensive_plan&frames=off.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT

Samantha Vandagriff - Building Official - 503-786-7611

Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT

Chuck Eaton - Engineering Director - 503-786-7605

Geoff Nettleton - Civil Engineer - 503-786-760

Rick Buen - Engineering Tech II - 503-786-7610

Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT

Alma Flores - Comm. Dev. Director - 503-786-7652

Avery Pickard - Admin Specialist - 503-786-7656

Alicia Martin - Admin Specialist - 503-786-7600

Joyce Stahly - Admin Specialist - 503-786-7600

PLANNING DEPARTMENT

Dennis Egner - Planning Director - 503-786-7654

David Levitan - Senior Planner - 503-786-7627

Brett Kelter - Associate Planner - 503-786-7657

Vera Kolias - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT

Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673

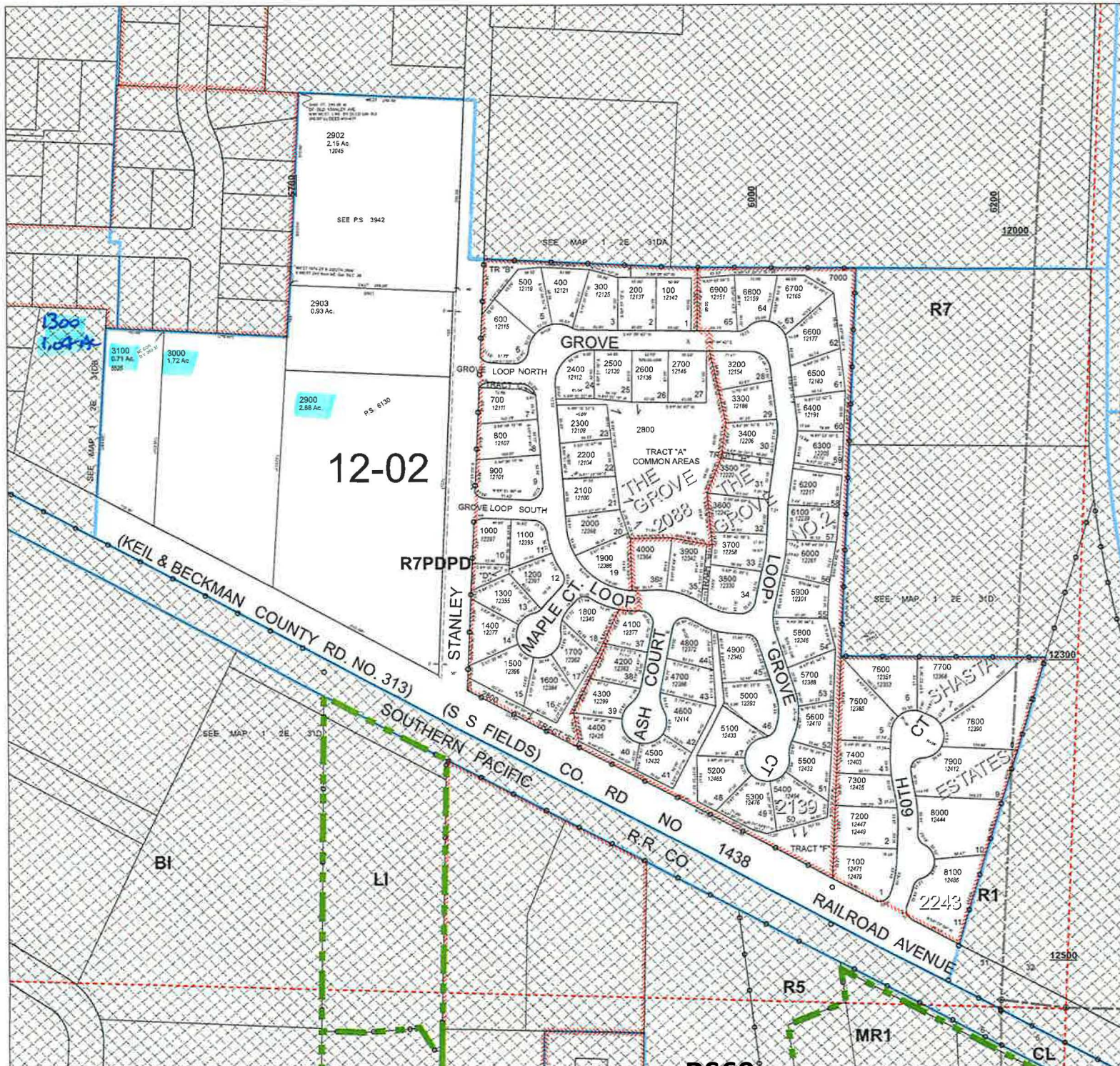
Matt Amos - Fire Inspector - 503-742-2661

12 E 31DD
MILWAUKIE

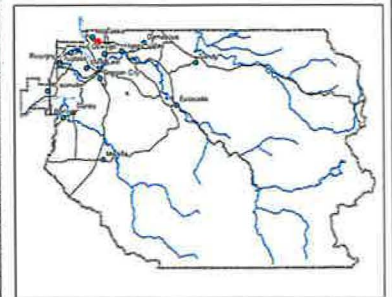
S.E.1/4 S.E.1/4 SEC.31 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
JOHN D. GARRETT NO. 38

Cancelled Taxlots
2901



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

11/15/2015

12 E 31DD
MILWAUKIE



Subdivision Guarantee

Subject Property: SE Railroad Rd
12E31DD 3000
Clackamas County

Compliments of: Land Development & Builder Services
5800 SW Meadows Rd #150
Lake Oswego, OR 97035
Phone: 503-219-1111
Email: Portland.Developer.Services@TicorTitle.com



Portland.Developer.Services@TicorTitle.com

This information was produced using data from private and government sources deemed to be reliable. The information herein is provided without representation or warranty and shall not be duplicated without the express written permission of Ticor Title Company.



TITLE REPORT & EXCEPTIONS

This information was produced using data from private and government sources deemed to be reliable.
The information herein is provided without representation or warranty and shall not be duplicated without
the express written permission of Ticor Title Company.

Ticor Title Company of Oregon
Order No. 36261700878



1433 SW 6th Avenue
(503)646-4444 FAX (503)219-9984

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Ivanov Investments LLC

Milwaukie, OR

Customer Ref.: _____
Order No.: 36261700878
Effective Date: February 13, 2017 at 08:00 AM
Charge:

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. The apparent vested owner of property ("the Property") as of the Effective Date is:

Ivanov Investments, LLC, an Oregon limited liability company

Premises. The Property is:

(a) Street Address:

APN/Parcel ID(s) 00099468 as well as Tax/Map ID(s) 12E31DD03000

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Informational Report of Ownership and Monetary and Non-Monetary Encumbrances
(Ver. 20161024)

RS72

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2016-2017
Amount: \$1,945.69
Levy Code: 012-002
Account No.: 00099468
Map No.: 12E31DD03000

-
1. City Liens, if any, in favor of the City of Milwaukie. None found as of February 21, 2017.
 2. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 1, 1907
Recording No: Book 98, Page 618
 3. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Adjacent property
Purpose: Access to Railroad Avenue, telephone, electric power and gas line
Recording Date: January 6, 1953
Recording No.: Book 464, Page 274
Affects: undefined location
 4. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
 5. Note: We find no Notice of Completion recorded on said Land.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Lori Guzman
503-219-1141
FAX 503-219-1000
Lori.Guzman@TitleGroup.FNTG.com

Ticor Title Company of Oregon
1433 SW 6th Avenue
Portland, OR 97201

EXHIBIT "A"
Legal Description

A part of the J. D. Garrott D.L.C. No. 38 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the Northeast corner of a tract of land described in Deed recorded in Book 260 at Page 27, wherein Herbert S. Pillsbury was grantee; running thence Southerly along the Easterly line of said Pillsbury tract, 402.66 feet to a point in S.P.R.R right of way, Northeasterly boundary; thence South 65° 16' East, 231.64 feet to the Southeast corner of a tract of land conveyed to C. R. Gorsline and Dora M. Gorsline by Deed recorded in Book 271 at Page 665 of the Deed Records of Clackamas County, Oregon; thence North on the East line of said Gorsline tract to a point where an extension of the North line of said Pillsbury tract Easterly would intersect the same; thence Westerly along the said extension of the Northerly line of said Pillsbury tract to the point of beginning.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Ticor Title Company of Oregon
Order No. 36261700878

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Ivanov Investments LLC
 CoOwner(s) :
 Site Address : SE Railroad Ave Milwaukie 97222
 Mail Address : SE Railroad Ave Milwaukie Or 97222

Parcel Number : 00099468
 Ref Parcel # : 12E31DD03000
 T: 01S R: 02E S: 31 Q: SE QQ: SE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block:
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : *unknown Improvement Code*
 Land Use : 100 Vacant, Residential Land
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03000
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$244,286
 Mkt Structure :
 Mkt Total : \$244,286
 %Improved :
 Assessed Total : \$98,824
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$1,945.69

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 1.72
Full Baths :	UpperFinSqFt :	Lot SqFt : 74,923
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Ivanov Investments LLC	:12/21/2016	016-087919	:\$262,500	:Warranty	:	:
:Milwaukie Conv Hospital Inc	:	000679-234	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



TICOR TITLE™

The RIGHT choice...*your* choice!

Customer Service

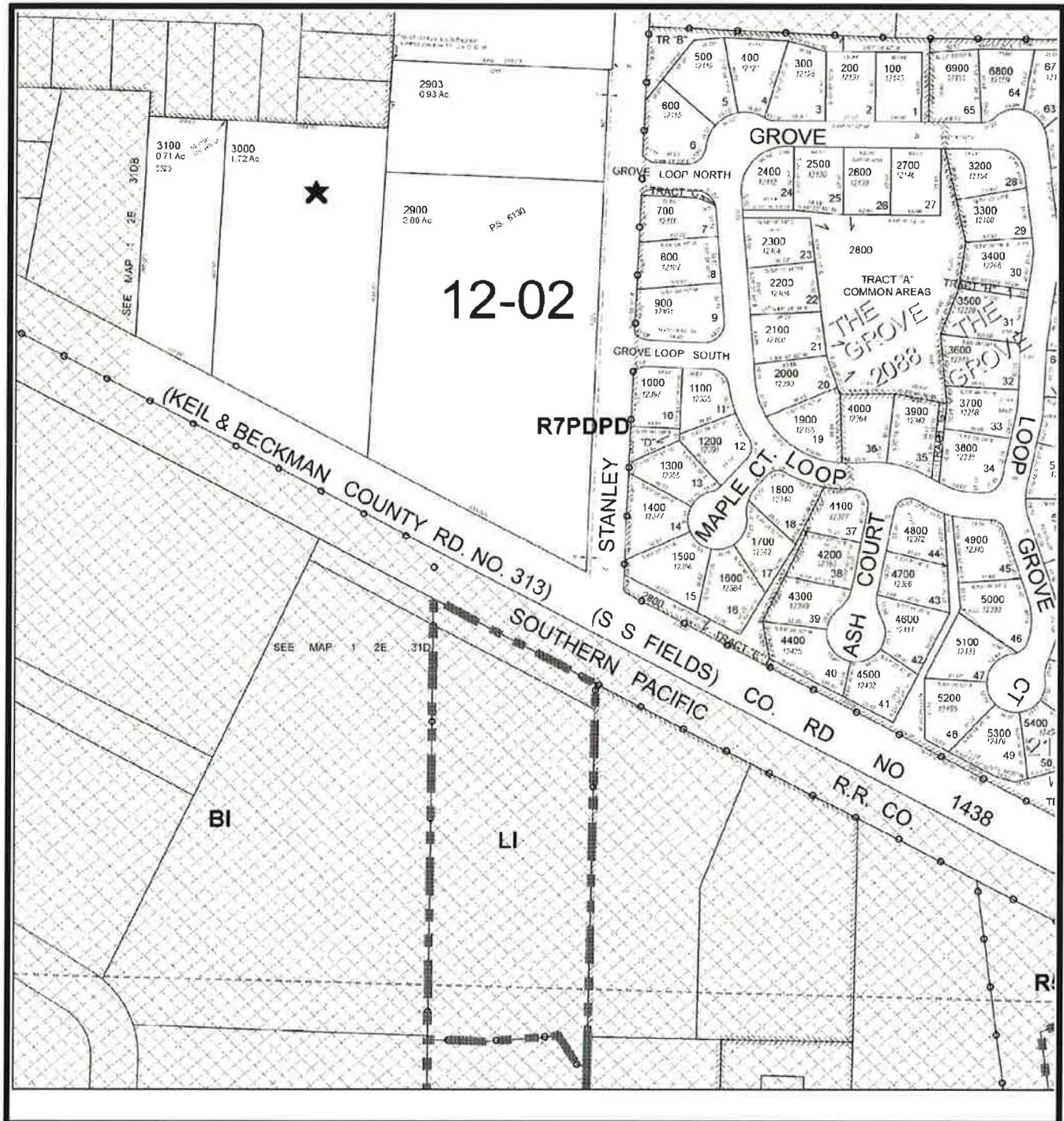
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel # : 00099468

Ref Parcel Number : 12E31DD03000



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

RS78



Email: Ticor.Resource@TicorTitle.com

RECORDING REQUESTED BY:



9200 SE Sunnybrook Blvd., Ste 130
Clackamas, OR 97015

Clackamas County Official Records
Sherry Hall, County Clerk

2016-087919

12/21/2016 01:40:35 PM

D-D Cnt=1 Str=0 CINDY
\$16.00 \$22.00 \$15.00 \$10.00

\$63.00

GRANTOR'S NAME:

Milwaukie Convalescent Hospital Inc., an Oregon corporation

GRANTEE'S NAME:

Ivanov Investments, LLC, an Oregon limited liability company

AFTER RECORDING RETURN TO:

Kiril Ivanov, Member
Ivanov Investments, LLC, an Oregon limited liability company
TL13000 off SE Railroad Ave.
Milwaukie, OR 97222

SEND TAX STATEMENTS TO:

Ivanov Investments, LLC, an Oregon limited liability company
TL13000 off SE Railroad Ave.
Milwaukie, OR 97222

00099468 and 12E31DD03000

TL13000 off SE Railroad Ave., Milwaukie, OR 97222

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Milwaukie Convalescent Hospital Inc., an Oregon corporation, Grantor, conveys and warrants to Ivanov Investments, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

A part of the J. D. Garrett D.L.C. No. 38 in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Beginning at a point which is the northeast corner of a tract of land described in deed recorded in Book 260 at page 27, wherein Herbert S. Pillsbury was grantee; running thence Southerly along, the easterly line of said Pillsbury tract, 402.66 feet to a point in S.P.R.R. right of way, northeasterly boundary; thence South 65° 16' East 231.84 feet to the southeast corner of a tract of land conveyed to C. R. Gorsline and Dora M. Gorsline by deed recorded in Book 271 at page 665 of the Deed Records of Clackamas County, Oregon; thence North on the East line of said Gorsline tract to a point where an extension of the North line of said Pillsbury tract easterly would intersect the same; thence Westerly along the said extension of the Northerly line of said Pillsbury tract to the point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED SIXTY-TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$262,500.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

RS80

EXHIBIT "A"
Exceptions

Subject to:

Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: April 1, 1907
Recording No: Book 98, Page 618

Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:

Entitled: Easement, including the terms and provisions thereof
In favor of: adjacent property
Purpose: access to Railroad Avenue, telephone, electric power and gas line
Recording Date: January 6, 1953
Recording No: Book 464, Page 274
Affects: undefined location

STATUTORY WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated Dec 14 2014; If a corporate grantor, it has caused its name to be signed by order of its board of directors.

Milwaukie Convalescent Hospital Inc., an Oregon corporation

BY: Timothy G. Elvers, Pres
Timothy G. Elvers, President

State of Oregon
County of Clackamas

This instrument was acknowledged before me on Dec 14 2014 by Timothy G. Elvers, President of Milwaukie Convalescent Hospital Inc., an Oregon corporation.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 7/1/19



State of Oregon.

In consideration of Seven Hundred twenty Dollars, paid to the State Land Board, the State of Oregon does hereby grant, bargain, sell and convey unto Nora A. Pillsbury and Herbert S. Pillsbury, the following described lands, to-wit: situated in Clackamas County, Oregon:

Commencing at the NE corner of the J. D. Garrett D. L. C., situated in sections thirty one and thirty-two, Township one south Range two east and sections five and six Township two south, Range two east; thence west along North line of the J. D. Garrett D. L. C. 1074.25 feet to an iron pipe; thence south 2904 feet to a point; thence west 290 feet to a point which is the North east corner of lot 9, the property to be described, said lot 9 being shown on Private Plat on file with the State Land Board; thence west 310 feet to a point, thence south 772.3 feet to the S. P. R. R. Right of way; thence south easterly along said right of way 342 feet; thence north 916.8 feet to the place of beginning, containing 5 acres in Section thirty-one Township one south, Range two east of Willamette Meridian.

It is expressly agreed and understood that no part of said tract shall be sold or leased to any person for the purpose of erecting any building or buildings for the storage of explosives.

To have and to hold the same, unto the said Nora A. Pillsbury and Herbert S. Pillsbury, their heirs and assigns forever.

Witness the seal of the State Land Board affirmed this 27th day of November, 1906.

Geo. E. Chamberlain, Governor.

(Seal of S. L. B.)

F. J. Dunbar, Secretary.

Chas. G. Kooro, Treasurer.

State Record of Deeds, Book 22, Page 279.

Filed and Recorded April 1st, 1907 at 10:40 A. M.

C. E. Ransby, County Recorder.

By *C. E. Ransby* Deputy.

Know all men by these presents, that Herbert S. Pillsbury, of Portland, State of Oregon, in consideration of Seven hundred and twenty Dollars, to me paid by Nora A. Pillsbury, of Portland, State of Oregon, with name and sole, and by these presents shall grant, bargain, sell and convey unto said Nora A. Pillsbury, her heirs and assigns, all the following bounded and described real property, situated in the County of Clackamas and State of Oregon:

Commencing at the NE corner of the J. D. Garrett D. L. C., situated in Sections thirty one and thirty-two, Township one south Range two east, and sections five and six Township two south, Range two east; thence west along north line of the J. D. Garrett D. L. C. 1074.25 feet to an iron pipe; thence south 2904 feet to a point; thence west 290 feet to a point which is the north east corner of lot 9, the property to be described, said lot 9 being shown on Private Plat on file with the State Land Board; thence west 310 feet to a point; thence south 772.3 feet to the S. P. R. R. Right of way; thence south easterly along said right of way 342 feet; thence north 916.8 feet to the place of beginning, containing 5 acres in

Section thirty-one Township one south Range two east of Willamette Meridian.

It is expressly agreed and understood that no part of said tract shall be sold or leased to any person for the purpose of erecting any building or buildings for the storage of explosives.

Together with all and singular the tenements, hereditaments and appurtenances thereunto in anywise appertaining, and also all my estate, right, title and interest in and to the same, including those and claim of same.

To have and to hold the above described and granted premises unto the said Nora A. Pillsbury, her heirs and assigns forever. And Herbert S. Pillsbury, grantor above named, do covenant

as well with Nora A. Pillsbury, the above stated grantees her heirs and assigns that I am lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, and that I will and my heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

In Witness Whereof, I have hereunto set my hand and seal this 16th day of March, 1907.

Signed, sealed and delivered in

presence of us as witnesses:

E. S. McCoy

Herbert S. Pillsbury (Seal)

G. H. Dummer

State of Oregon,

County of Multnomah,

In it remembered, that on this 16th day of March, A. D. 1907, before me, the undersigned,

a Notary Public, in and for said County and State, personally appeared the within named Herbert S. Pillsbury, known to me to be the identical person described in said who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

In Testimony Whereof, I have hereunto set my hand and Notarial seal the day and year last above written.

(Seal of Notary)

E. S. McCoy,

Notary Public for Oregon.

Filed and Recorded April 1st, 1907 at 10:40 A. M.

C. E. Ransby, County Recorder.

By *C. E. Ransby* Deputy.

Know all men by these presents that we, George and Sarah Mills Douceton and John Mills, his wife, of the County of Clackamas, State of Oregon, in consideration of Six Thousand One Hundred Dollars, to us paid by Albin Floss, of State of Oregon, have bargained and sold, and by these presents doth grant, bargain, sell and convey unto said Albin Floss, his heirs and assigns, all the following bounded and described real property, situated in the County of Clackamas and State of Oregon:

Being a part of the George and Sarah Mills Douceton land Claim No. 56 in T. 1 S. R. 1 E.



Subject Parcel

This information was produced using data from private and government sources deemed to be reliable.
The information herein is provided without representation or warranty and shall not be duplicated without
the express written permission of Ticor Title Company.



Adjacent Parcels

This information was produced using data from private and government sources deemed to be reliable.
The information herein is provided without representation or warranty and shall not be duplicated without
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 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Nuding Debra E Trustee**
 CoOwner(s) : **Nuding Raymond V Tru**
 Site Address : **5525 SE Railroad Ave Milwaukie 97222**
 Mail Address : **5517 SE Railroad Ave Milwaukie Or 97222**

Parcel Number : **00099477**
 Ref Parcel # : **12E31DD03100**
 T: 01S R: 02E S: 31 Q: SE QQ: SE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,192	BldgSqFt : 1,192
Bathrooms : 1.50	1st Floor SqFt : 1,192	Lot Acres : .71
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 30,928
Half Baths : 1	Finished SqFt : 1,192	Year Built : 1940
Fireplace : Single Fireplace	AbvGrdSqFt : 1,192	Foundation : Concrete
Heat Type : Forced Air-Gas	UpperTotSqFt :	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S :		:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty :		:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty :		:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

BLS

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



DEBRA E. NUDING and CYNTHIA M. SHEPPARD
5517 SE Railroad Avenue
Milwaukie, Oregon 97222-4474

Grantor's Name and Address
RAYMOND V. NUDING and DEBRA E. NUDING, Trustees
5517 SE Railroad Avenue
Milwaukie, Oregon 97222-4474

Grantee's Name and Address
After recording, return to (Name and Address):
RAYMOND V. NUDING, Trustee
5517 SE Railroad Ave
Milwaukie, OR 97222

Until requested otherwise, send all tax statements to (Name and Address):
RAYMOND V. NUDING, Trustee
5517 SE Railroad Ave
Milwaukie, OR 97222

Clackamas County Official Records
Sherry Hall, County Clerk

2015-079116



\$53.00

01905670201500791160010011

11/30/2015 02:35:24 PM

D-D Cnt=1 Stn=54 COUNTER2
\$5.00 \$10.00 \$18.00 \$22.00

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that DEBRA E. NUDING and CYNTHIA M. SHEPPARD,co-trustees of the Bowe Living Trust

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto RAYMOND V. NUDING
and DEBRA E. NUDING, Trustees, or their successors in trust, under the NUDING LIVING TRUST dated Aug. 2, 2001, and any amendments thereto, a revocable living trust,
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County,
State of Oregon, described as follows (legal description of property):

Commencing at the northeast corner of the J.D. Garrett D. L. C. situated in Sections 31 and 32, T. 1 S. R. 2 E. of the W. M., and Sections 5 and 6, T. 2 S. R. 2 E. of the W. M.; thence West along the north line of the J.D. Garrett D. L. C. 1074.25 feet to an iron pipe; thence South 2904 feet to a point; thence West 290 feet to a point which is the northeast corner of Lot 9 as shown on private Plat on file with the State Land Board; thence West 310 feet to a point; thence South 416.3 feet to a point which is the beginning point of the land to be described; from said beginning point thence East 100 feet to a point; thence South and parallel with the West boundary line of said Lot 9 to a point in the north boundary line of the County Road; thence in a Northwesterly direction along the North boundary line of the County Road a distance of 110.36 feet to a point; thence North and along the westerly boundary line of said Lot 9 to the place of beginning, said above described property being the Southwesterly corner of said Lot 9, in the County of Clackamas and State of Oregon.

NOTE: This legal description was created prior to January 1, 2008

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 135,000.00

① However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this instrument, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this instrument shall apply equally to businesses, other entities and to individuals.

IN WITNESS WHEREOF, grantor has executed this instrument on November 27, 2015; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

STATE OF OREGON, County of Hood River ss.This instrument was acknowledged before me on November 27, 2015by Debra Nuding, TrusteeThis instrument was acknowledged before me on November 27, 2015by Cynthia M. Sheppard, Trustee

as

of



Notary Public for Oregon

My commission expires 12/23/17

PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

RS88



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Anderson Rian G & Kori Lynn**
 CoOwner(s) :
 Site Address : **5594 SE Foxfire St Milwaukie 97222**
 Mail Address : 5594 SE Foxfire St Milwaukie Or 97222

Parcel Number : **00098067**
 Ref Parcel # : **12E31DA05702**
 T: 01S R: 02E S: 31 Q: SE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat : Foxfire
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2522 FOXFIRE LT 6
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$128,606
 Mkt Structure : \$108,630
 Mkt Total : **\$237,236**
 %Improved : 46
 Assessed Total : **\$160,997**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,169.77

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,182	BldgSqFt : 1,182
Bathrooms : 2.00	1st Floor SqFt : 832	Lot Acres : .17
Full Baths : 2	UpperFinSqFt : 350	Lot SqFt : 7,606
Half Baths :	Finished SqFt : 1,182	Year Built : 1983
Fireplace : Single Fireplace	AbvGrdSqFt : 1,182	Foundation : Concrete
Heat Type : Elec Wall Unit	UpperTotSqFt : 350	Roof Type : Composition
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Avg Plywood
Garage SF : 480	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Anderson Rian G;Kori Lynn	:04/04/2006	006-030092	:\$210,000	:Warranty	:\$210,000	:Convent
:Luallin James A/Venedi Trustees	:07/02/1999	099-066845	:\$148,000	:Warranty	:	:
:Howcroft Julia W	:09/14/1994	0094-72821	:\$110,500	:Warranty	:\$99,450	:Convent
:Kauffman Carole M	:05/01/1985	0085-18603	:\$59,900	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



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Email: Ticor.Resource@TicorTitle.com

Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Nuding Debra E Trustee**
 CoOwner(s) : **Nuding Raymond V Tru**
 Site Address : **5525 SE Railroad Ave Milwaukie 97222**
 Mail Address : **5517 SE Railroad Ave Milwaukie Or 97222**

Parcel Number : **00099477**
 Ref Parcel # : **12E31DD03100**
 T: 01S R: 02E S: 31 Q: SE QQ: SE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,192	BldgSqFt : 1,192
Bathrooms : 1.50	1st Floor SqFt : 1,192	Lot Acres : .71
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 30,928
Half Baths : 1	Finished SqFt : 1,192	Year Built : 1940
Fireplace : Single Fireplace	AbvGrdSqFt : 1,192	Foundation : Concrete
Heat Type : Forced Air-Gas	UpperTotSqFt :	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S :	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty :	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty :	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

10
10
11

JP

761365-SS

FATCO. NO.



After recording return to:
Rian G Anderson and Kori Lynn
Anderson
5594 SE Foxfire Street
Milwaukie, OR 97222

Until a change is requested all tax statements
shall be sent to the following address:
Rian G Anderson and Kori Lynn
Anderson
5594 SE Foxfire Street
Milwaukie, OR 97222
File No.: 7072-761365 (CJS)
Date: March 23, 2006

Clackamas County Official Records		2006-030092
Sherry Hall, County Clerk		
		\$36.00
00959435200600300920030031		04/04/2006 03:24:57 PM
D-D	Cnt=1	Stn=5 BEV L.
\$15.00	\$11.00	\$10.00

STATUTORY WARRANTY DEED

Venedi Luallin, Trustee of the Luallin Family Trust dated 6/29/95, Grantor, conveys and warrants to Rian G Anderson and Kori Lynn Anderson, husband and wife, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 6, FOXFIRE, in the City of Milwaukie, County of Clackamas and State of Oregon.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$210,000.00**. (Here comply with requirements of ORS 93.030)

Dated this 30 day of March, 2006

File No.: **7072-761365 (CJS)**
Date: **03/23/2006**

Luallin Family Trust

Venedi V. Luallin, Trustee
Venedi V. Luallin, Trustee

STATE OF Oregon)
)ss.
County of Clackamas)

This instrument was acknowledged before me on this 30 day of March, 2006
by **Luallin Family Trust**, by Venedi V. Luallin, trustee
Christine Smith

Notary Public for Oregon
My commission expires:

4-22-03

CERTIFICATION OF VITAL RECORD

TYPE OR
PRINT IN
PERMANENT
BLACK INK

405870

LD. TAG NO.

OREGON DEPARTMENT OF HUMAN SERVICES
CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

State File Number

1. DECEASED'S NAME First: James Middle: Alvin Last: LUALLIN		2. SEX M	3. DATE OF DEATH (Month, Day, Year) February 19, 2004
4. SOCIAL SECURITY NUMBER 561-34-0307	5a. AGE-Last Birthday (Month, Day, Year) 76	5b. Under 1 Year Months: 0 Days: 0	5c. Under 1 Day Hours: 0 Minutes: 0 Seconds: 0
6. PLACE OF DEATH (Check one only) ☒ HOSPITAL ☐ Inpatient ☐ Outpatient ☐ DCA ☐ OTHER ☐ Nursing Home ☐ Decedent's Home ☐ Other (Specify):		7. BIRTHPLACE (City and State or Foreign Country) San Diego, CA	
8. FACILITY NAME (If not as institution, give street and number) Providence Medical Center		9. CITY, TOWN, OR LOCATION OF DEATH Portland	
10a. DECEASED'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.) Highway Patrolman		10b. KIND OF BUSINESS/INDUSTRY Ca. Highway Patrol	
11. MARITAL STATUS- Married, Never Married, Widowed, Divorced, Separated, (Specify)		12. SPOUSE (If Married, Widowed) Venedi V. Luallin	
13a. RESIDENCE-STATE OR	13b. COUNTY Clackamas	13c. CITY, TOWN OR LOCATION Milwaukie	13d. STREET AND NUMBER 5594 SE Foxfire Way
13e. INSIDE CITY LIMITS ☒ Yes ☐ No	13f. ZIP CODE 97222	14. WAS DECEASED OF HISPANIC ORIGIN? (Specify race, ethnicity, and country of birth) ☒ No ☐ Yes	15. RACE American Indian, Black, White, etc. (Specify) White
16. DECEASED'S EDUCATION (Specify only highest grade completed) 12		17. INFORMANT'S NAME and relationship to decedent Venedi V. Luallin-Wife	
18. METHOD OF DISPOSITION ☐ Burial ☒ Cremation ☐ Autopsy ☐ Removal from State ☐ Donation ☐ Other (Specify)		19. PLACE OF DISPOSITION Oregon Crematory	
20. SIGNATURE OF OREGON FUNERAL SERVICE LICENSEE OR PERSON ACTING IN PLACE <i>[Signature]</i>		21. OREGON LICENSE NO. (If Licensed) CO3167	
22. DATE FILED (Month, Day, Year) FEB 26 2004		23. NAME, ADDRESS AND ZIP CODE OF FACILITY Mt. Scott Funeral Home 4205 SE 59th Portland, OR 97206	
24. REGISTRAR'S SIGNATURE <i>[Signature]</i>		25. DATE SIGNED (Month, Day, Year) 2/23/04	
RESERVED FOR REGISTRAR'S USE			
TO BE COMPLETED BY CERTIFYING PHYSICIAN			
27. TIME OF DEATH 0310		28. WAS MEDICAL EXAMINER NOTIFIED? (The Medical Examiner must be notified of all deaths and pending deaths.) ☒ Yes ☐ No	
29. On the basis of examination and/or investigation, in my opinion death occurred at the time, date, place, and due to the cause(s) and manner stated. (Signature) <i>[Signature]</i>		30. DATE SIGNED (Month, Day, Year) 2/23/04	
31. NAME, TITLE, ADDRESS AND ZIP CODE OF CERTIFYING PHYSICIAN (Type or Print) Gary Pape, M.D.		32. DATE SIGNED (Month, Day, Year) 2/23/04	
33. NAME OF ATTENDING PHYSICIAN OR OTHER THAN DECEASED (Type or Print)		34. DATE SIGNED (Month, Day, Year)	
35. BIRTHDATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c). Do not enter mode of dying (e.g., Cardiac or Respiratory Arrest).			
(a) Metastatic lung cancer		Interval between onset and death	
(b) DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
(c) DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
36. OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not resulting in the underlying cause given in PART I.			
37. Did tobacco use contribute to the death? ☒ Yes ☐ No ☐ Unknown		38. AUTOPSY ☒ Yes ☐ No	
39. If YES, were findings considered in determining cause of death? ☒ Yes ☐ No ☐ N/A		40. MANNER OF DEATH ☒ Natural ☐ Pending Investigation ☐ Accidents ☐ Undetermined Manner ☐ Suicide ☐ Legal Intervention ☐ Homicide	
41a. DATE OF INJURY (Month, Day, Year)		41b. TIME OF INJURY	
41c. PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)		41d. DESCRIBE HOW INJURY OCCURRED	
41e. LOCATION (Street and Number or Rural Route Number, City or Town, State)		41f. LOCATION (Street and Number or Rural Route Number, City or Town, State)	
RESERVED FOR REGISTRAR'S USE			

I CERTIFY THAT THIS IS A TRUE, FULL AND CORRECT COPY OF THE ORIGINAL CERTIFICATE ON FILE OR THE VITAL RECORD FACTS ON FILE IN THE VITAL RECORDS UNIT OF THE OREGON CENTER FOR HEALTH STATISTICS.

DATE ISSUED: **FEB 27 2004**

JENNIFER A. WOODWARD, PH.D.
STATE REGISTRAR

THIS COPY IS NOT VALID WITHOUT INTACT OREGON SEAL AND BORDER.

RS93



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Fogoros Terrie J**
 CoOwner(s) : **Fogoros John**
 Site Address : **12146 SE 56th Ave Milwaukie 97222**
 Mail Address : **12225 SE Sequoia Ave Milwaukie Or 97222**

Parcel Number : **00098076**
 Ref Parcel # : **12E31DA05703**
 T: 01S R: 02E S: 31 Q: SE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat : Foxfire
 Improvement : 132 Sgl Family,R1-3,1-Story (Basement)
 Land Use : 101 Res,Residential Land,Improved
 Legal : 2522 FOXFIRE LT 7
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$128,606
 Mkt Structure : \$124,280
 Mkt Total : **\$252,886**
 %Improved : 49
 Assessed Total : **\$170,889**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,364.53

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,450	BldgSqFt : 1,075
Bathrooms : 2.00	1st Floor SqFt : 951	Lot Acres : .17
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 7,197
Half Baths :	Finished SqFt : 1,075	Year Built : 1983
Fireplace : Single Fireplce	AbvGrdSqFt : 576	Foundation : Concrete
Heat Type : Elec Wall Unit	UpperTotSqFt :	Roof Type : Composition
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1 Story-Bsmt	Bsmt Fin SqFt : 499	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt : 375	
	Bsmt Total SqFt : 874	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Fogoros Terrie J	:11/24/2003	003-154474	:\$149,900	:Special War	:\$117,600	:Convent
:Deutsche Bk Natl Trust Company	:05/02/2003	003-055435	:\$147,500	:Trustees	:	:
:Hammer Danny C	:02/23/1993	0093-12218	:	:Warranty	:\$82,500	:Convent
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Nuding Debra E Trustee**
 CoOwner(s) : **Nuding Raymond V Tru**
 Site Address : **5525 SE Railroad Ave Milwaukie 97222**
 Mail Address : **5517 SE Railroad Ave Milwaukie Or 97222**

Parcel Number : **00099477**
 Ref Parcel # : **12E31DD03100**
 T: 01S R: 02E S: 31 Q: SE QQ: SE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,192	BldgSqFt : 1,192
Bathrooms : 1.50	1st Floor SqFt : 1,192	Lot Acres : .71
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 30,928
Half Baths : 1	Finished SqFt : 1,192	Year Built : 1940
Fireplace : Single Fireplace	AbvGrdSqFt : 1,192	Foundation : Concrete
Heat Type : Forced Air-Gas	UpperTotSqFt :	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S :	:	:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty :	:	:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty :	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

3P
15
10
11

Clackamas County Official Records
Sherry Hall, County Clerk

2003-154474



\$36.00

00605210200301544740030034

11/24/2003 11:04:00 AM

D-D Cnt=1 SIn=3 BEVERLY
\$15.00 \$11.00 \$10.00



After recording return to:
Terrie J. Fogoros and John Fogoros
12225 SE Sequoia Avenue
Milwaukie, OR 97222

Until a change is requested all tax statements
shall be sent to the following address:
Terrie J. Fogoros and John Fogoros
12225 SE Sequoia Avenue
Milwaukie, OR 97222

File No.: 7034-275213 (MLY)
Date: November 20, 2003

THIS SPACE RESERVED FOR RECORDER'S USE

FATCO. NO. 275213 Lt

STATUTORY SPECIAL WARRANTY DEED

Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing Agreement Series 2001-B, Grantor, conveys and specially warrants to **Terrie J. Fogoros and John Fogoros not as tenants in common, but with rights of survivorship**, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

Lot 7, FOXFIRE, In the City of Milwaukie, County of Clackamas and State of Oregon.

This property is free from liens and encumbrances, EXCEPT:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is **\$149,900.00**.

APN: 00098076

Statutory Special Warranty Deed
- continued

File No.: 7034-275213 (MLY)
Date: 11/20/2003

Deutsche Bank National Trust Company as
Trustee under the Pooling and Servicing
Agreement Series 2001-B

By: IndyMac Bank, F.S.B., As Attorney In Fact

By: By Bank Officer JOHN LAWRENCE
First VICE PRESIDENT

STATE OF California)
)ss.
County of)

This instrument was acknowledged before me on this ____ day of _____, 20____
by _____ as Bank Officer of Deutsche Bank National Trust Company as Trustee under the Pooling and Servicing
Agreement Series 2001-B, on behalf of the Trust Company.

Notary Public for California
My commission expires:

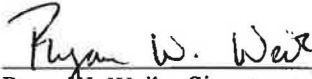
2

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On November 20, 2003 before me, Ryan W. Weik, appeared **John Lawrence**, and acknowledged that he is Vice President of IndyMac Bank, F.S.B., acting as Attorney-in-fact for Deutsche Bank National Trust Company, As Trustee proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Ryan W. Weik - Signature of Notary Public



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Capacity Claimed by Signer

Signer's Name: John Lawrence
Corporate Officer
Title: First Vice President

Signer is Representing: INDY MAC, BANK. As Attorney In Fact for Deutsche Bank National Trust Company, As Trustee

Statutory Special Warranty Deed
Loan No 1001356953

(3)



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Nuding Debra E Trustee**
 CoOwner(s) : **Nuding Raymond V Tru**
 Site Address : **5525 SE Railroad Ave Milwaukie 97222**
 Mail Address : **5517 SE Railroad Ave Milwaukie Or 97222**

Parcel Number : **00099477**
 Ref Parcel # : **12E31DD03100**
 T: 01S R: 02E S: 31 Q: SE QQ: SE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 211.00 Block: 4
 Neighborhood : City of Milwaukie
 Subdivision/Plat :
 Improvement : 131 Sgl Family,R1-3,1-Story
 Land Use : 101 Res,Residential Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 03100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$204,728
 Mkt Structure : \$114,260
 Mkt Total : **\$318,988**
 %Improved : 36
 Assessed Total : **\$164,195**
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$3,232.74

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,192	BldgSqFt : 1,192
Bathrooms : 1.50	1st Floor SqFt : 1,192	Lot Acres : .71
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 30,928
Half Baths : 1	Finished SqFt : 1,192	Year Built : 1940
Fireplace : Single Fireplce	AbvGrdSqFt : 1,192	Foundation : Concrete
Heat Type : Forced Air-Gas	UpperTotSqFt :	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Avg Plywood
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Nuding Debra E Trustee	:11/30/2015	015-079116	:\$135,000	:Bargain & S :		:
:Bowe Living Trust	:11/30/2015	015-079115	:	:Warranty :		:
:Bowe Trust	:08/09/2001	001-063430	:	:Warranty :		:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Milwaukie Ventures LLC
 CoOwner(s) :
 Site Address : *no Site Address*
 Mail Address : 7700 NE Parkway Dr #300 Vancouver Wa 98662

Parcel Number : 05029985
 Ref Parcel # : 12E31DD02903
 T: 01S R: 02E S: 31 Q: QQ:
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : Block:
 Neighborhood : Area 01 Commercial
 Subdivision/Plat :
 Improvement : *unknown Improvement Code*
 Land Use : 201 Com,Commercial Land,Improved
 Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
 : QUARTER DD TAX LOT 02903
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$169,671
 Mkt Structure : \$1,472,940
 Mkt Total : \$1,642,611
 %Improved : 90
 Assessed Total : \$1,313,342
 Mill Rate : 19.6884
 Levy Code : 012002
 16-17 Taxes : \$25,857.60

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : .93
Full Baths :	UpperFinSqFt :	Lot SqFt : 40,511
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Milwaukie Ventures LLC	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

CHICAGO TITLE 472515 5:39 5/62 KN 2750 (cmm)

Until a change is requested,
all tax statements shall be sent to:

Milwaukie Ventures, LLC
7700 NE Parkway Drive, Suite 300
Vancouver, WA 98662
Attn: Gregory J. Vislocky

After recording, return to:

Lane Powell PC
601 SW 2nd Ave., Suite 2100
Portland, OR 97204
Attn: Andrew J. Morrow, Jr.

Clackamas County Official Records
Sherry Hall, County Clerk

2015-073348

11/02/2015 10:17:11 AM

D-D Cnt=1 Stn=2 LESLIE
\$25.00 \$16.00 \$10.00 \$22.00

\$73.00

STATUTORY WARRANTY DEED

MILWAUKIE CONVALESCENT HOSPITAL, INC., an Oregon corporation, Grantor, conveys and warrants to MILWAUKIE VENTURES, LLC, Grantee, that certain real property situated in the City of Milwaukie, Clackamas County, Oregon, legally described on Exhibit A attached hereto and incorporated herein by this reference, free of encumbrances except as set forth on Exhibit B attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is \$7,425,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

[Signature on the following page.]

DATED this 30th day of October, 2015.

GRANTOR:

MILWAUKIE CONVALESCENT HOSPITAL, INC.
an Oregon corporation

By: Tim Eivers
Name: Tim Eivers
Its: Pres

STATE OF Oregon)
) ss.
County of Multnomah)

This instrument was acknowledged before me on the 29th day of October, ²⁰¹⁵~~2015~~ by
Tim Eivers as President of Milwaukie Convalescent
Hospital, Inc., an Oregon corporation.



Kelly M Norton
Notary Public for Oregon
My Commission Expires: 08/25/16

EXHIBIT "A"

PARCEL I:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East, of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.00 feet to a point; thence South 330.00 feet to a point; thence East 288.00 feet to a point; thence North 330.00 feet to the true point of beginning;

PARCEL II:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290.00 feet to a point; thence South 916.80 feet to a point on Southern Pacific Railroad right of way; thence Southeast along said right of way 320.00 feet; thence North 1052.00 feet to the point of beginning.

EXCEPTING THEREFROM the following described tract:

- A tract in the J.D. Garrett Donation Land Claim in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, in the City of Milwaukie, County of Clackamas and State of Oregon, described as follows:

Commencing at the Northeast corner of said Donation Land Claim; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.00 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.00 feet to a point; thence South 330.00 feet to a point; thence East 288.00 feet to a point; thence North 330.00 feet to the true point of beginning.

AND FURTHER EXCEPTING THEREFROM the East 5.00 feet as conveyed to the City of Milwaukie in Deed 89-027181 recorded June 23, 1989 and re-recorded in Deed 89-031741 recorded July 24, 1989 in Clackamas County Deed Records.

AND FURTHER EXCEPTING THEREFROM that portion lying within Railroad Avenue aka County Road No. 313.

EXHIBIT B

PERMITTED ENCUMBRANCES

1. Rights of the public to any portion of the Land lying within Stanley Avenue and Railroad Avenue, aka County Road 313.
2. Covenants, Conditions and Restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in Deed;

Recording Date: November 13, 1906

Book: 97

Page: 250

3. Terms and provisions, including obligations for maintenance of Easement as established by Oregon Law and by instrument;
Recording Date: March 1, 1962
Book: 599
Page: 353
4. Matters set forth in survey prepared by TERRAMARK for Bock & Clark's National Surveyors Network, dated May 7, 2015 and last revised on October 23, 2015 as Project No. 201501102/site 1, as follows:

- a. Neighboring wood fence encroaches up to 0.3' easterly into the subject property.
- b. Right-of-way improvement encroaches up to 2.9' westerly into the subject property.
- c. Public improvements of a dedicated right-of-way go over & across the Sly portion of Parcel II.
- d. Guy anchor encroaches up to 7.6' westerly into subject property without benefit of easement.
- e. Overhead power line(s) and power poles situated along and near the north property line without an easement.
- f. Chain link fence situated off of the north boundary line.

5. An easement created by instrument, including the terms and provisions thereof;
Dated: May 15, 1962
Recording Date: July 2, 1962
Book: 606
Page: 197
In Favor of: Portland General Electric Company
For: Anchor and guy wire(s)

Affects: The southeasterly portion of Parcel II

017180.0319/6465240.1



TICOR TITLE™

The RIGHT choice...*your* choice!

Customer Service

Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com

Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Eivers George
CoOwner(s) :
Site Address : *no Site Address*
Mail Address : 12045 SE Stanley Ave Milwaukie Or 97222

Parcel Number : 00099459
Ref Parcel # : 12E31DD02900
T: 01S R: 02E S: 31 Q: SE QQ: SE
Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 211.00 Block: 4
Neighborhood : City of Milwaukie
Subdivision/Plat :
Improvement : *unknown Improvement Code*
Land Use : 100 Vacant, Residential Land
Legal : SECTION 31 TOWNSHIP 1S RANGE 2E
: QUARTER DD TAX LOT 02900
:

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$354,094
Mkt Structure :
Mkt Total : \$354,094
%Improved :
Assessed Total : \$143,796
Mill Rate : 19.6884
Levy Code : 012002
16-17 Taxes : \$2,831.11

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 2.88
Full Baths :	UpperFinSqFt :	Lot SqFt : 125,453
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Eivers George	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That..... **GEORGE EIVERS**

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by **MILWAUKIE CONVALESCENT HOSPITAL, INC.**, an Oregon corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of **Clackamas** and State of Oregon, described as follows, to-wit:

See exhibit "A", attached hereto and made a part hereof

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ **-0-** However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this **10** day of **May**, 19 **88** if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

X **George Eivers**

STATE OF OREGON, }
County of **Clackamas** } ss.
May 10, 1988

STATE OF OREGON, County of _____, ss.
19 ____

Personally appeared the above named **George Eivers**

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____, a corporation,

and acknowledged the foregoing instrument to be his voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

(OFFICIAL SEAL) **Notary Public for Oregon**
My commission expires: **4-24-92**

(OFFICIAL SEAL) **Notary Public for Oregon**
My commission expires: _____
(If executed by a corporation, affix corporate seal)

George Eivers

STATE OF OREGON, } ss.

County of _____

GRANTOR'S NAME AND ADDRESS
Milwaukie Convalescent Hospital, Inc

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

GRANTEE'S NAME AND ADDRESS

SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Seaver Title
1800 SW Milwaukie
Ex 100, Clackamas, OR 97034
ADU 5/10/88 NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:
Milwaukie Convalescent Hospital
1301 S.E. Standby
Milwaukie, Oregon 97132 NAME, ADDRESS, ZIP

Witness my hand and seal of County affixed.

By _____ Deputy

88 18674

Order No. 88017577-C

2ND REVISED EXHIBIT "A"

PARCEL II:

A tract in the J.D. Garrett D.L.C. in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, County of Clackamas and State of Oregon, described as follows:

The North 145 feet, being equidistant and parallel to the North line of the following described tract, to wit:

COMMENCING at the Northeast corner of said D.L.C.; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board; thence West 290 feet to a point; thence South 916.8 feet to a point on Southern Pacific Railroad right of way; thence Southeast along said right of way 320 feet; thence North 1052 feet to the point of beginning.

EXCEPT the following described tract:

A tract in the J.D. Garrett D.L.C. in Section 31, Township 1 South, Range 2 East of the Willamette Meridian, County of Clackamas and State of Oregon, described as follows:

COMMENCING at the Northeast corner of said D.L.C.; thence West along the North line of said claim 1074.25 feet to an iron pipe; thence South 2904.0 feet to a stake, which is the Northeast corner of Lot 10 in a private plat on file with the State Land Board, this being the true point of beginning; thence West 288.0 feet to a point; thence South 330.0 feet to a point; thence East 288.0 feet to a point; thence North 330.0 feet to the true point of beginning.

EXCEPTING THEREFROM the East 5.0 feet which lies in Stanley Avenue.

STATE OF OREGON
County of Clackamas

I, John F. Kauffman, County Clerk for the County of Clackamas, do hereby certify that the instrument of record was received for recording in the records of said county at

1988 MAY 11 PM 3:16

Witness my hand and seal this day

John F. Kauffman
County Clerk

Recording Certificate

CO-94 (Rev. 12/80)

88 18674



TICOR TITLE™

The RIGHT choice...*your* choice!

Customer Service

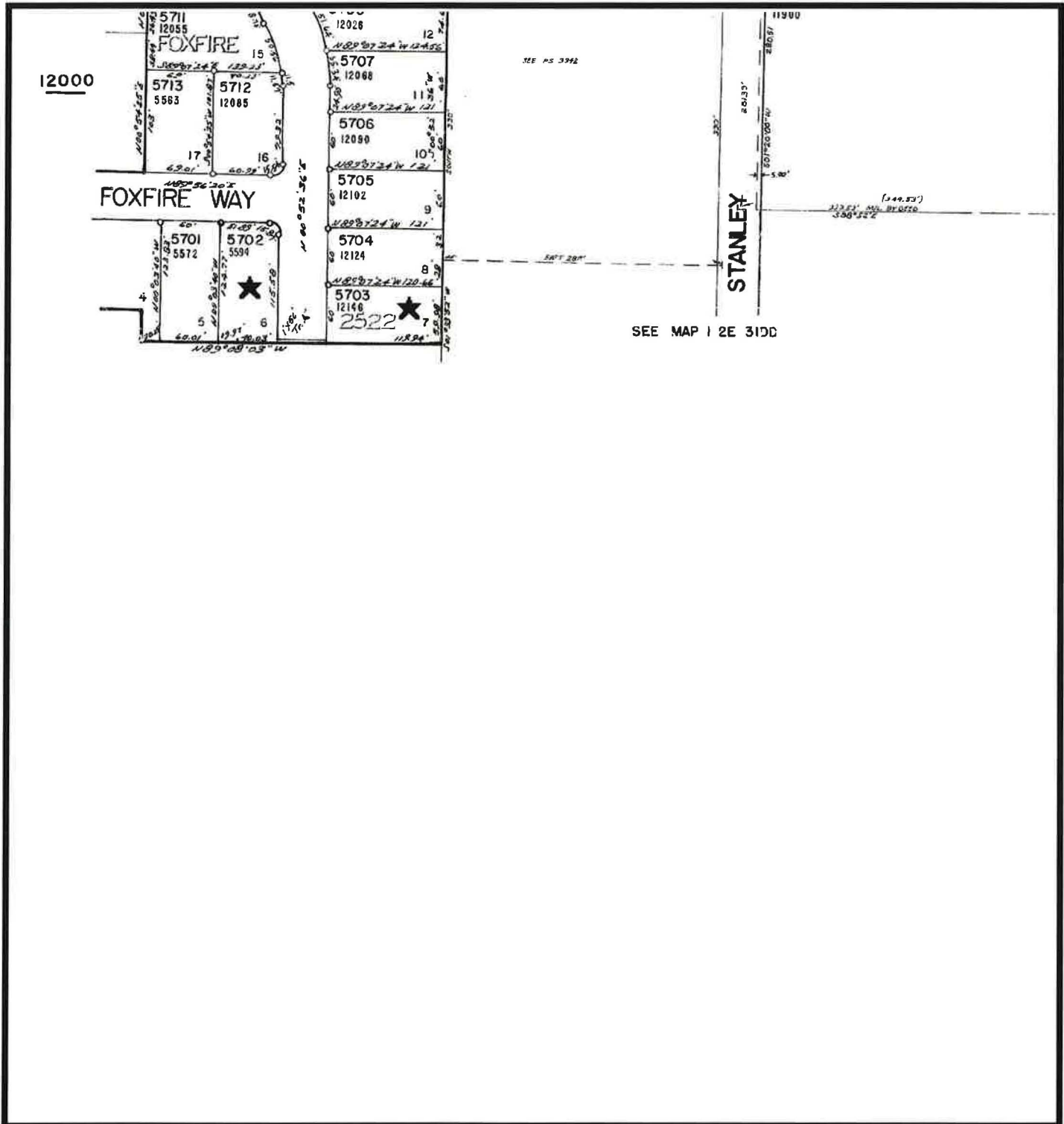
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel # : 00099459

Ref Parcel Number : 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

RS109



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Customer Service

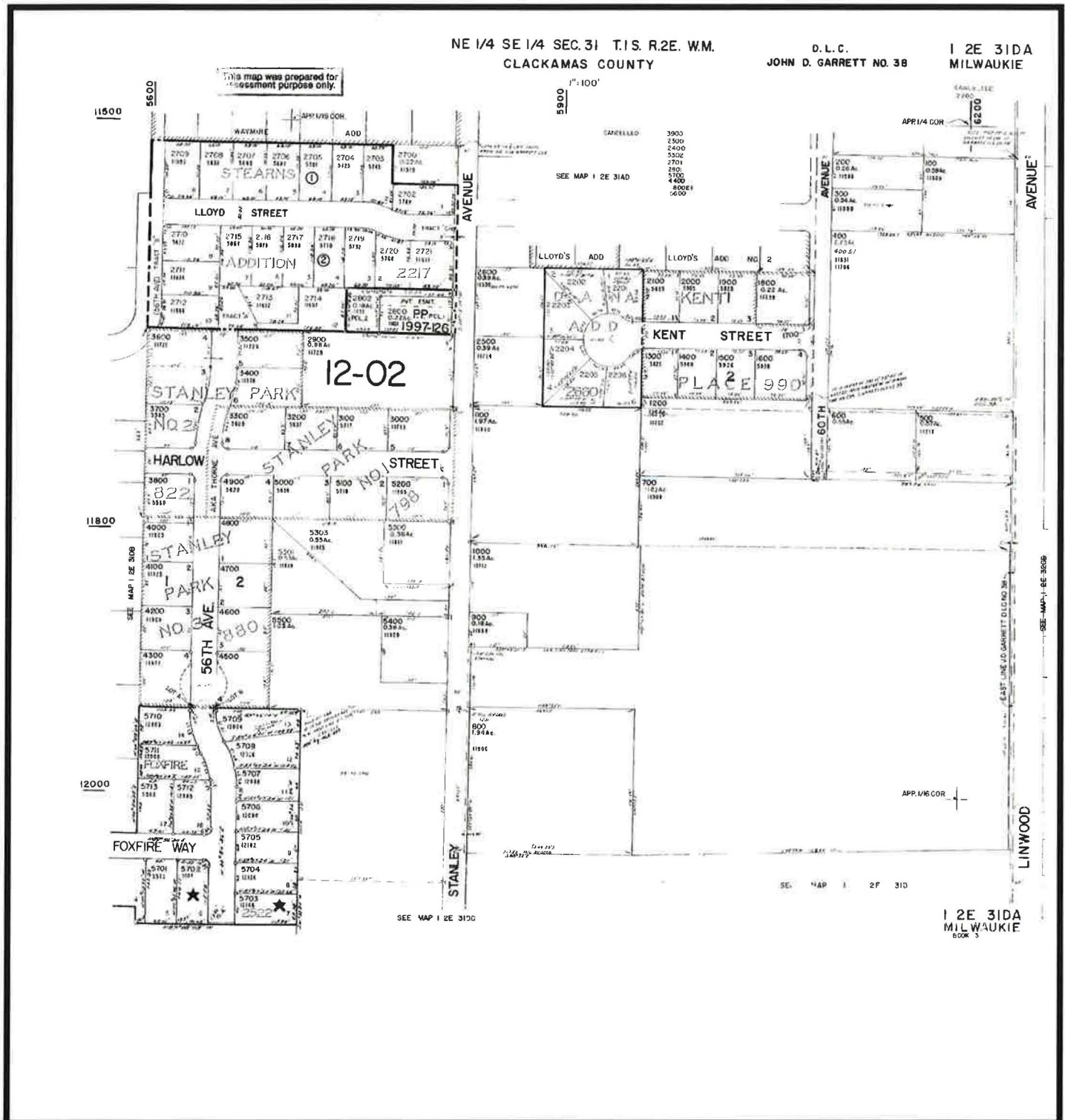
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099459

Ref Parcel Number : 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

RS110

**RS111**



TICOR TITLE™

The RIGHT choice...*your* choice!

Customer Service

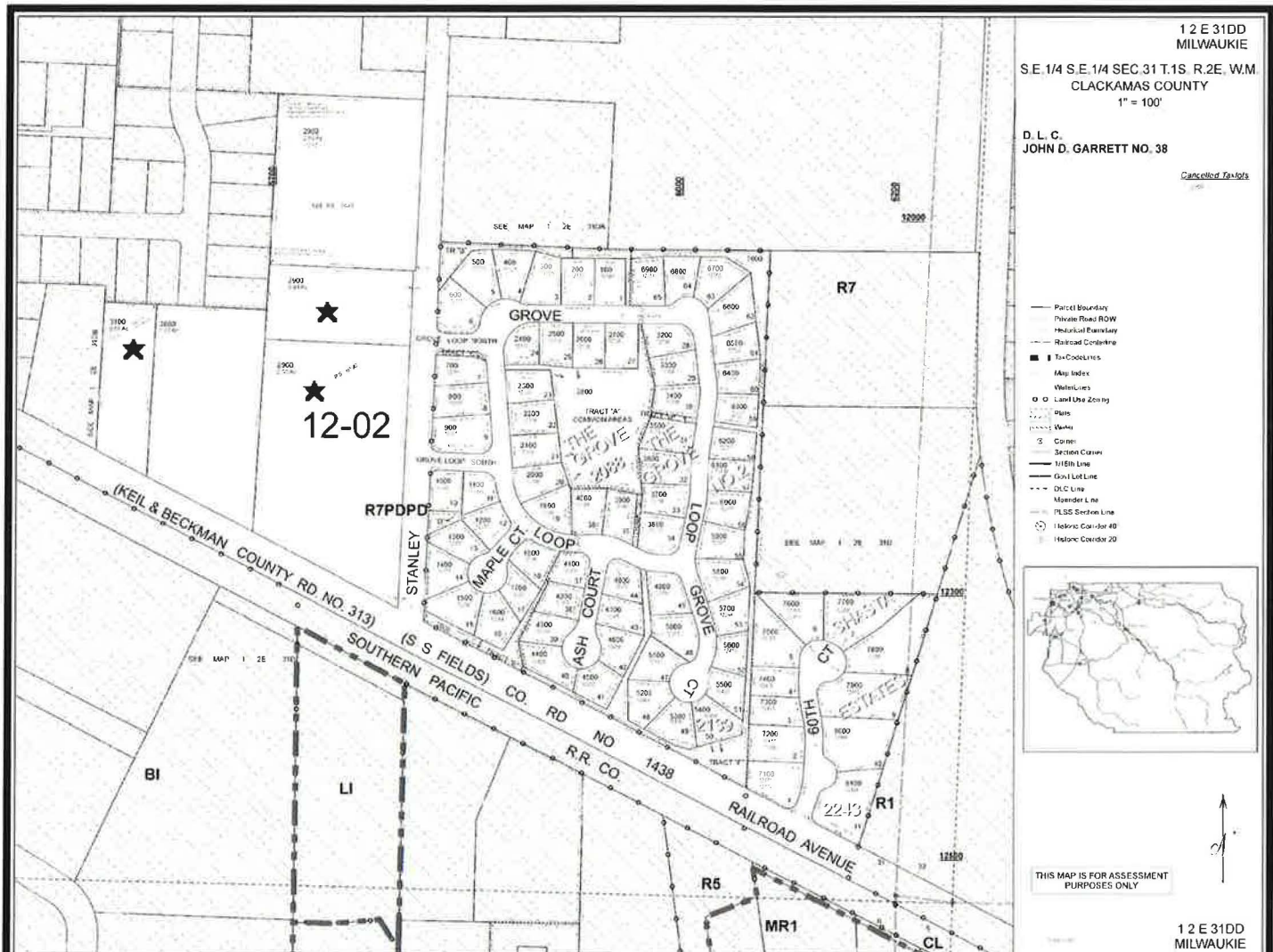
Phone: 503.219.1000

Email: Ticor.Resource@TicorTitle.com



Parcel #: 00099459

Ref Parcel Number : 12E31DD02900



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

RS112

FOX FIRE

A PART OF THE J.D. GARRET D.L.C. IN THE S.E. 1/4
SECTION 31, T.1S, R.2E., W.M.
CLACKAMAS COUNTY, OREGON
CITY OF MILWAUKIE

JULY, 1979

SCALE: 1" = 50'

SHEET OF 2

82/4

80 27517

STATE OF OREGON
I, James H. Adams, County Clerk, do hereby certify that the foregoing is a true and correct copy of the original as filed in my office.

80 JUL 28 10:05



LEGEND
9 DENOTES 1/8" x 30" HIGH ROD SET WITH YELLOW CAP STAINED "COMPASS CORN".
10 SINGLES MONUMENT FOUND AS NOTED.

(3) INDICATES CURVE NO. - REFER TO CHART FOR DATA.

COMPASS CORPORATION
MILWAUKIE, OREGON

REC. P.D. 16683 FOR BOUNDARY SURVEY.

N.E. CORNER
JOHN D. GARRET
D.L.C. NO. 38

CERTIFICATE

I, CARL R. CLINTON, SAY THAT "FOX FIRE" SUBDIVISION, SITUATED IN THE JOHN D. GARRET D.L.C. NO. 38 IN THE SOUTHEAST QUARTER OF SECTION 31, T.1S, R.2E., W.M., CLACKAMAS COUNTY, OREGON WAS CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS REPRESENTED IN THE ANNEXED MAP AND AT THE INITIAL POINT A 2" DIAMETER GALVANIZED IRON PIPE, 36" LONG, WAS DRIVEN 6" BELOW THE SURFACE OF THE GROUND OVER A 3/4" IRON PIPE FOUND AT THE NORTHEAST CORNER OF THE TRACT OF LAND DESCRIBED IN CONTRACT TO GEORGE EVERS RECORDED AUGUST 12, 1960 IN BOOK 575, PAGE 459, CLACKAMAS COUNTY DEED RECORDS. SAID INITIAL POINT ALSO BEING LOCATED SOUTH, 2504.00 FEET AND WEST 1506.25 FEET (DEED CALLS) FROM THE NORTHEAST CORNER OF SAID JOHN D. GARRET D.L.C. NO. 38. THENCE FROM SAID INITIAL POINT THE BOUNDARY RUNS ALONG THE WEST LINE OF SAID GEORGE EVERS TRACT, S. 60° 52' 36" W., 329.63 FEET TO A FOUND 1/2" IRON PIPE, THENCE S. 01° 33' 52" W., 87.98 FEET TO A FOUND 1/2" IRON PIPE. THENCE ALONG THE NORTH LINE OF THAT TRACT CONVEYED TO MILWAUKIE CONVALESCENT HOSPITAL, INC., BY DEED RECORDED SEPTEMBER 1, 1956 IN BOOK 679, PAGE 254, CLACKAMAS COUNTY DEED RECORDS, N. 89° 08' 03" W., 209.98 FEET TO A FOUND 1/2" IRON PIPE. THENCE ALONG THE NORTH LINE OF THAT TRACT CONVEYED TO HERBERT S. PILLSBURY BY DEED RECORDED JULY 20, 1939 IN BOOK 260, PAGE 27, CLACKAMAS COUNTY DEED RECORDS, N. 89° 05' 42" W., 100.13 FEET TO A FOUND 1/2" IRON PIPE. THENCE ALONG THE EAST LINE OF THAT TRACT CONVEYED TO LESTER M. DAVIS, ET UX, BY DEED RECORDED JUNE 17, 1943 IN BOOK 623, PAGE 348, CLACKAMAS COUNTY DEED RECORDS, N. 01° 24' 24" E., 32.10 FEET TO A FOUND 1/2" IRON PIPE. THENCE ALONG THE NORTH LINE OF SAID DAVIS TRACT AND THE NORTH LINE OF THAT TRACT CONVEYED TO RANDOLPH E. WILLIAMS, ET UX, BY DEED RECORDED JUNE 24, 1977 UNDER RECORDER'S FEE NO. 77-24602, CLACKAMAS COUNTY DEED RECORDS, S. 89° 56' 20" W., 284.54 FEET, THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BECKMAN AVENUE (20 FEET FROM CENTERLINE) N. 00° 48' 00" E., 141.44 FEET, THENCE ALONG THE SOUTH LINE OF THAT TRACT CONVEYED TO WILLIAM C. GORSLINE, ET UX, BY DEED RECORDED JANUARY 11, 1946 IN BOOK 358, PAGE 372, CLACKAMAS COUNTY DEED RECORDS, N. 89° 56' 20" E., 285.20 FEET; THENCE ALONG THE EAST LINE OF SAID GORSLINE TRACT N. 00° 54' 25" E., 141.44 FEET TO A FOUND 1/2" IRON PIPE. THENCE ALONG THE EAST LINE OF THAT TRACT CONVEYED TO WILLIAM E. KNOWLES, ET UX, BY DEED RECORDED OCTOBER 2, 1968 UNDER RECORDER'S FEE NO. 68-10336, CLACKAMAS COUNTY DEED RECORDS, N. 00° 58' 02" E., 101.49 FEET; THENCE ALONG THE SOUTH LINE OF "STANLEY PARK NO. 1", A SUBDIVISION OF RECORD IN SAID CLACKAMAS COUNTY, S. 89° 26' 14" E., 253.23 FEET TO THE SOUTHEAST CORNER THEREOF, THENCE S. 68° 59' 03" E., 57.36 FEET TO THE INITIAL POINT.

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 14th DAY OF August, 1979

Carl R. Clinton
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES July 22, 1980

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 22 1980
110

DEDICATION

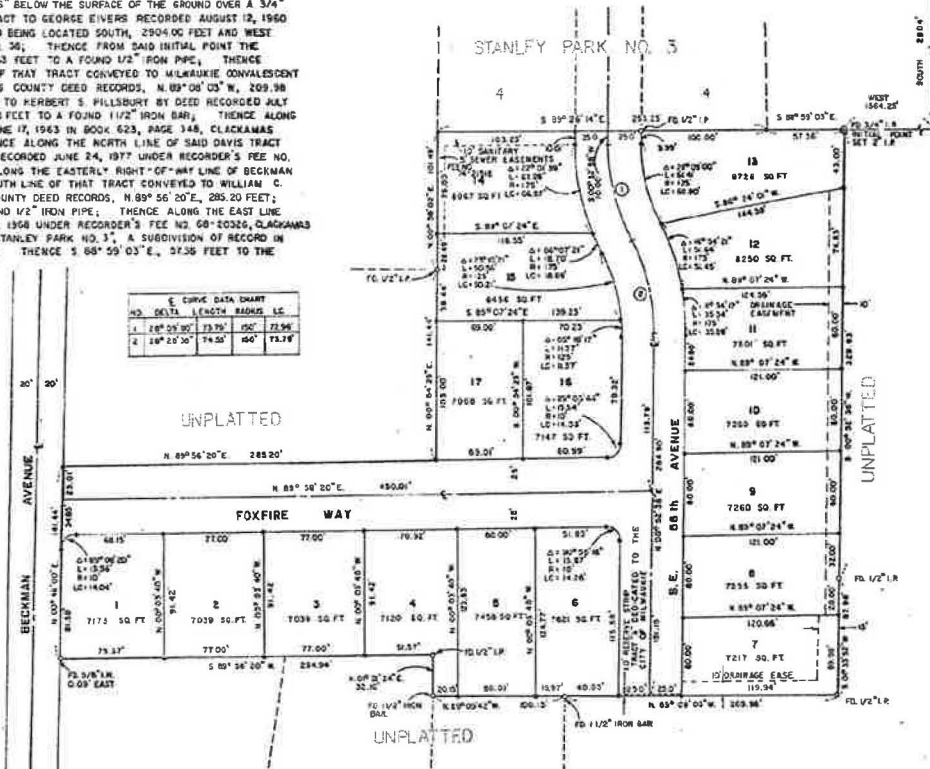
KNOW ALL MEN BY THESE PRESENTS THAT JACK ARMSTRONG, AND THOMAS W. COMBS, OWNERS OF THE LAND DESCRIBED IN THE ATTACHED SURVEYORS' CERTIFICATE HERON WRITTEN AND SHOWN ON THE ACCOMPANYING MAP OF "FOX FIRE" SUBDIVISION DO HEREBY PLAT AND LAYOUT SAID PARCEL OF LAND INTO LOTS AS SHOWN ON SAID MAP AND WE DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL STREET AND EASEMENTS SHOWN (OR NOTED) ON SAID MAP.

DATED THIS 10th DAY OF Sept., 1979

Jack Armstrong
JACK ARMSTRONG

DATED THIS 18th DAY OF June, 1980

Thomas W. Combs
THOMAS W. COMBS



2522

FOXFIRE

A PART OF THE J.D. GARRETT D.L.C. IN THE S.E. 1/4
SECTION 31, T.1S, R.2E, W.M.
CLACKAMAS COUNTY, OREGON

CITY OF MILWAUKIE

SHEET 2 OF 2

JULY, 1979

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF CLACKAMAS S.S.

BE IT REMEMBERED THAT ON THIS 10th DAY OF September, 1979, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE APPEARED JACK ARMSTRONG,
OWNER OF THE LAND, WHO IS KNOWN BY ME TO BE THE INDIVIDUAL DESCRIBED WITHIN AND WHO EXECUTED THE INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL.

Heberto A. Edwards
NOTARY PUBLIC FOR STATE OF OREGON
MY COMMISSION EXPIRES July 30, 1980



SECOND CERTIFICATE

STATE OF OREGON
COUNTY OF CLACKAMAS

I, CARL CLINTON, CERTIFY THAT I AM THE SURVEYOR OF THIS PLAT OF "FOXFIRE" A SUBDIVISION PLAT RECORDED IN BOOK PAGE , CLACKAMAS COUNTY PLAT RECORDS; THE INTERIOR DOCUMENTATION WHICH WAS DELAYED AT THE TIME OF SAID RECORDING IS NOW COMPLETED AND IN COMPLIANCE WITH RELEVANT STATUTES, THAT ALL INTERIOR MONUMENTS CONSIST OF 4" X 4" X 10" IRON RODS, EXCEPT WHERE OTHERWISE DESCRIBED UPON THE PLAT.

DATED THIS DAY OF , 1979
REGISTERED PROFESSIONAL LAND SURVEYOR
NO.

ENDORSEMENT

UPON NOTICE OF THE ABOVE MENTIONED INTERIOR MONUMENTATION, I HAVE DIRECTED A FIELD INSPECTION AND HAVE FOUND THEM TO BE PROPERLY PLACED.

CLACKAMAS COUNTY SURVEYOR

VOID

APPROVALS

se 03-1 6-11-80
CITY PLANNING COMMISSION, PRESIDENT
Don M. Hall 6-11-80
CITY ENGINEER
6-30-81
ALL TAXES PAID TO
COUNTY SHERIFF John R. Rife
DEPUTY SHERIFF Arthur R. Rife 7-25-80
COUNTY ASSESSOR Juanita Orc
DEPUTY ASSESSOR Pat Rife 7-25-80
COUNTY SURVEYOR Arthur E. Wilson 12-15-80
DEPUTY SURVEYOR George D. Pappas 7-25-80
COUNTY CLERK by Steve Bennett
COMMISSIONER Heberto A. Edwards
COMMISSIONER Alan J. Clark 7-17-80
COMMISSIONER

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF CLACKAMAS S.S.

BE IT REMEMBERED THAT ON THIS 18 DAY OF June, 1980, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE APPEARED THOMAS W. COMBS, OWNER OF THE LAND, WHO IS KNOWN BY ME TO BE THE INDIVIDUAL DESCRIBED WITHIN AND WHO EXECUTED THIS INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL.

Paul B. Zappa
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/30/82

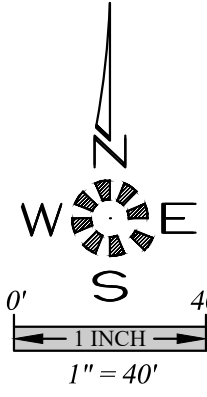
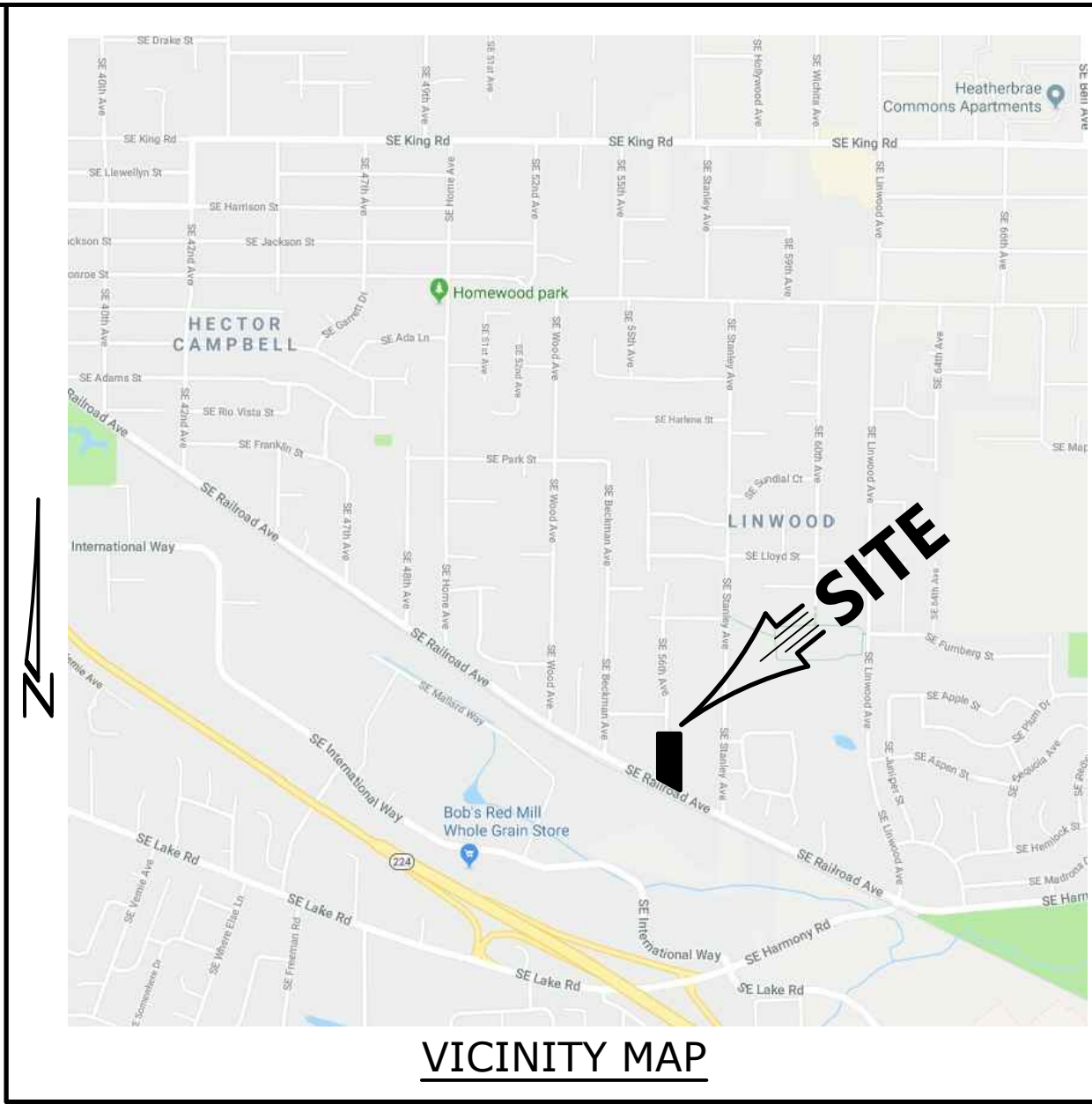
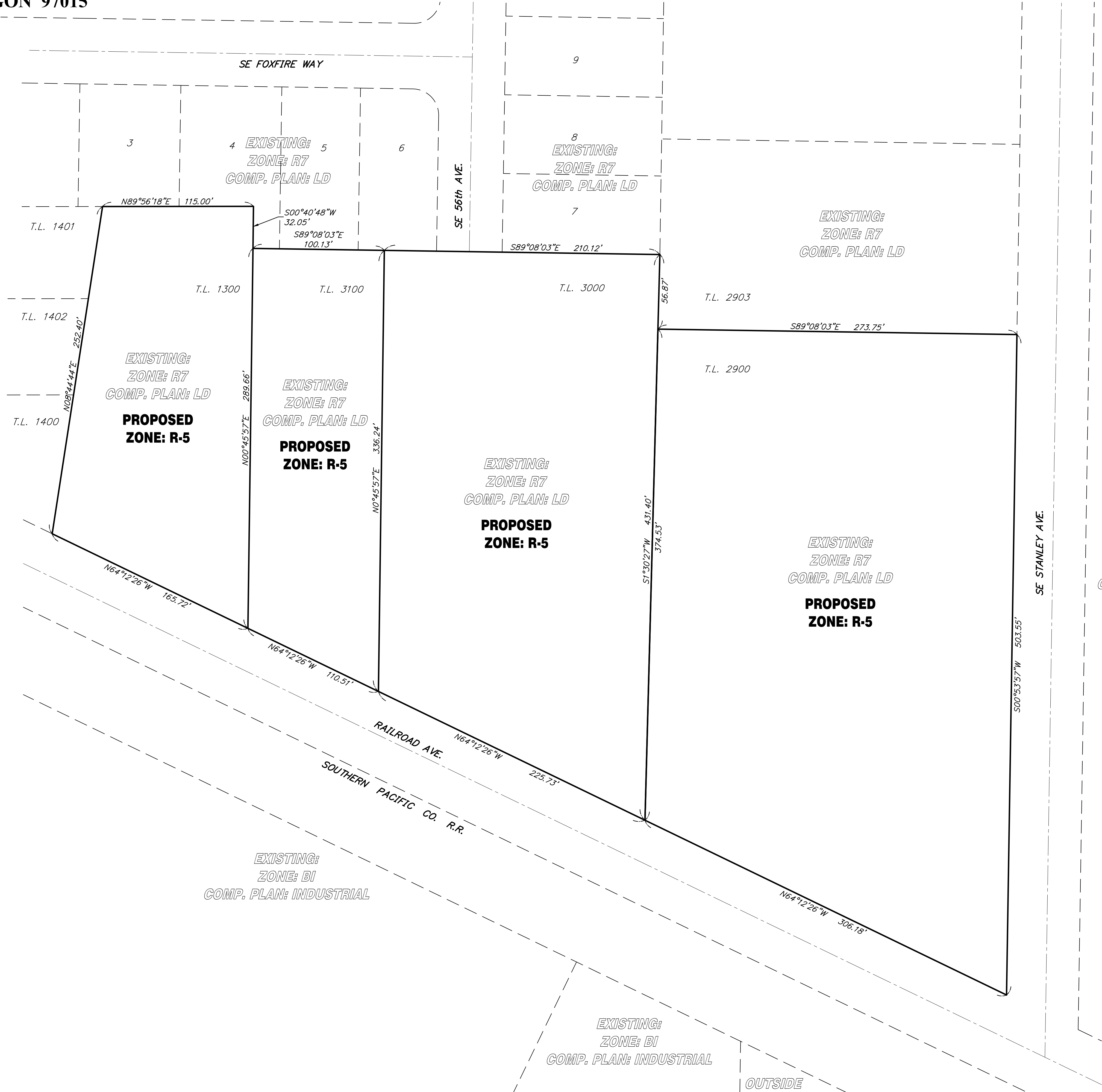


RS114

Owner/Developer:
I & E CONSTRUCTION
9550 SE CLACKAMAS RD.
CLACKAMAS, OREGON 97015

COMPREHENSIVE PLAN / ZONE CHANGE

SEC. 31, T. 1 S., R. 2 E., W.M.
CITY OF MILWAUKIE
CLACKAMAS COUNTY, OREGON



MULTI/TECH

ENGINEERING SERVICES, INC.
1155 13th St. S.E. Salem, OR 97302
PH: (503) 363 - 9227 FAX (503) 364-1260
www.intengineering.net office@intengineering.net

COMPREHENSIVE PLAN
ZONE CHANGE

RAILROAD AVENUE
ESTATES

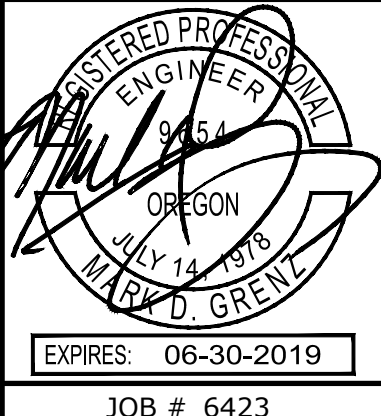
MULTI/TECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED

NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED HERE

NO CHANGES, MODIFICATIONS
OR REPRODUCTIONS TO BE
MADE TO THESE DRAWINGS
WITHOUT WRITTEN
AUTHORIZATION FROM THE
DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE
PRECEDENCE OVER
GRAPHICAL REPRESENTATION.

6423zone	ZONE
Design:	M.D.G.
Drawn:	D.G.G.
Checked:	J.C.B.
Date:	NOV. 2017
Scale:	AS SHOWN
As-Built:	----



EXPIRES: 06-30-2019

JOB # 6423

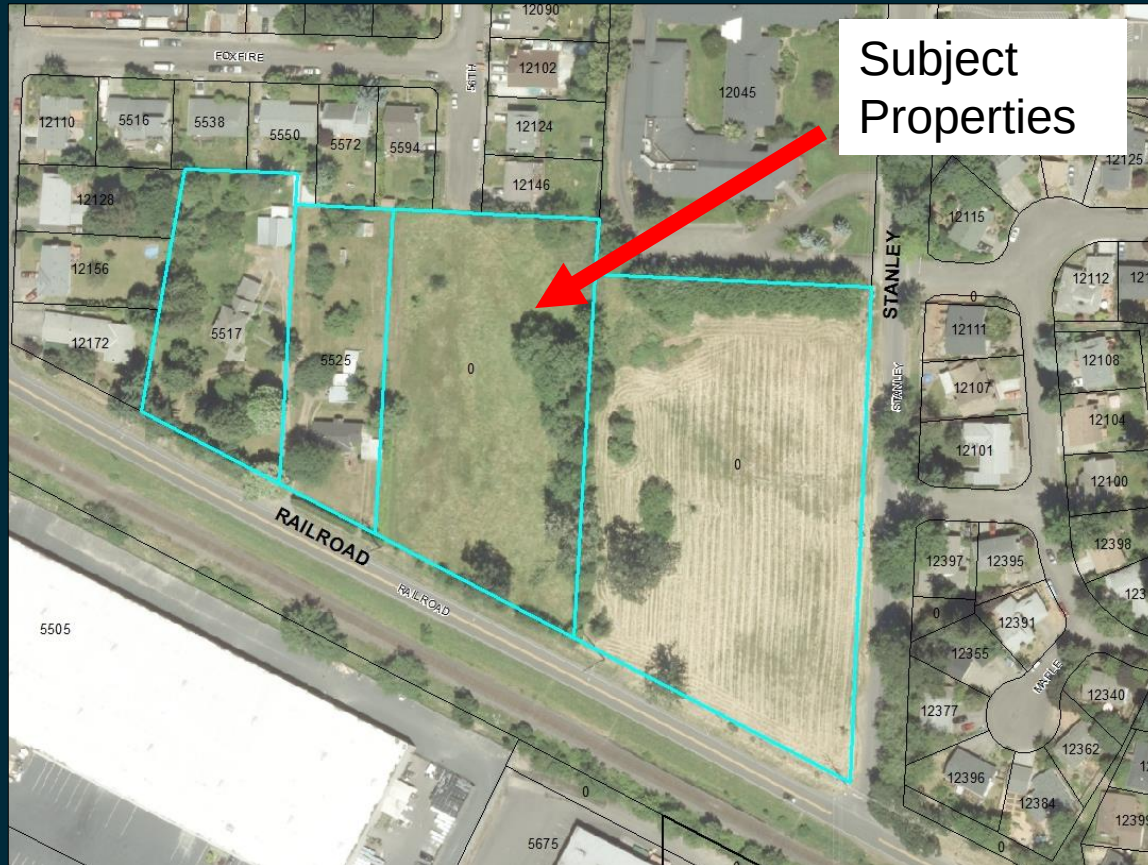
ZA-2018-002, CPA-2018-002 ZONE CHANGE AND COMPREHENSIVE PLAN AMENDMENT

Presentation to the Milwaukie
City Council

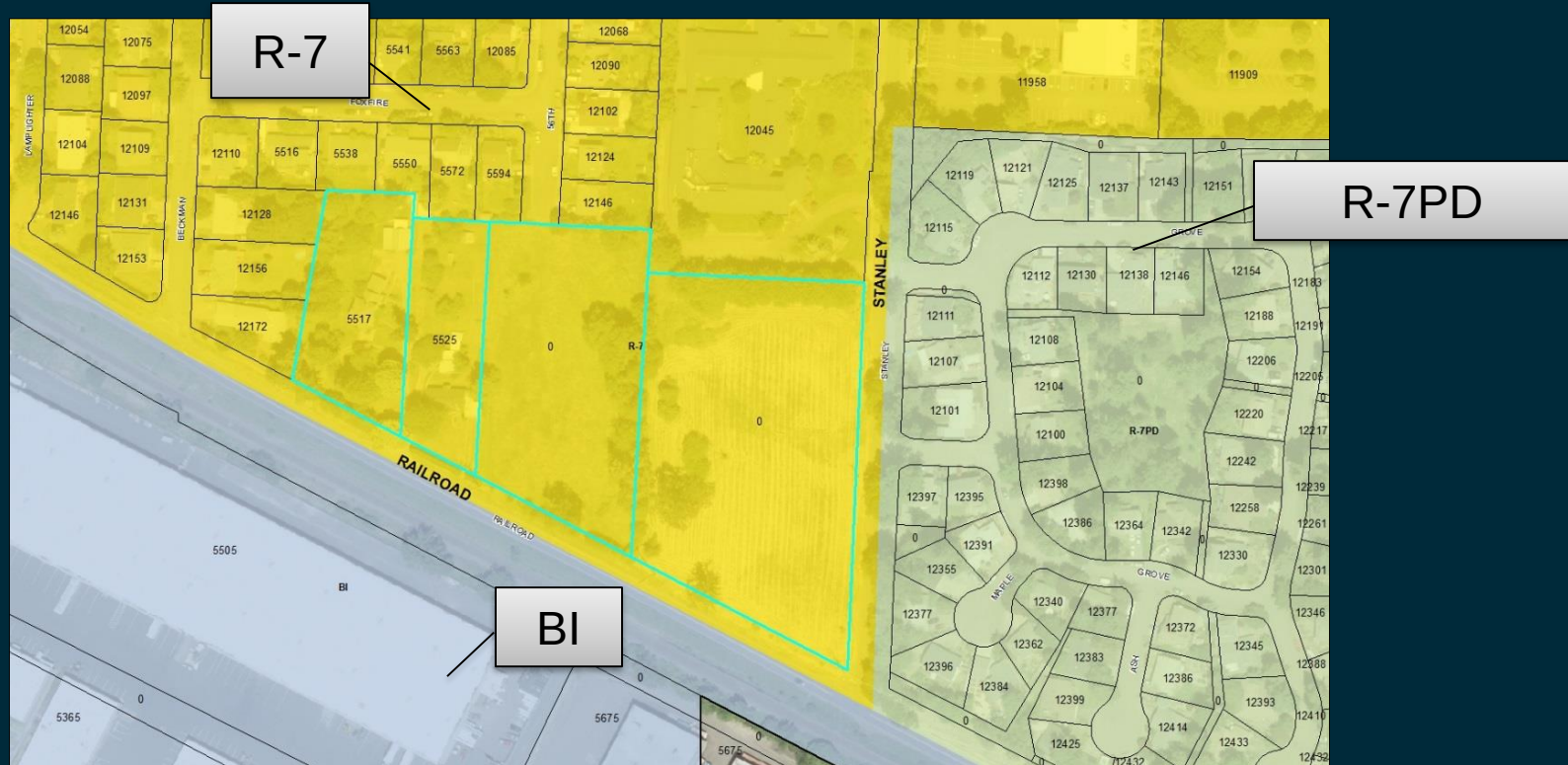
Mary Heberling, Assistant Planner
February 19, 2019

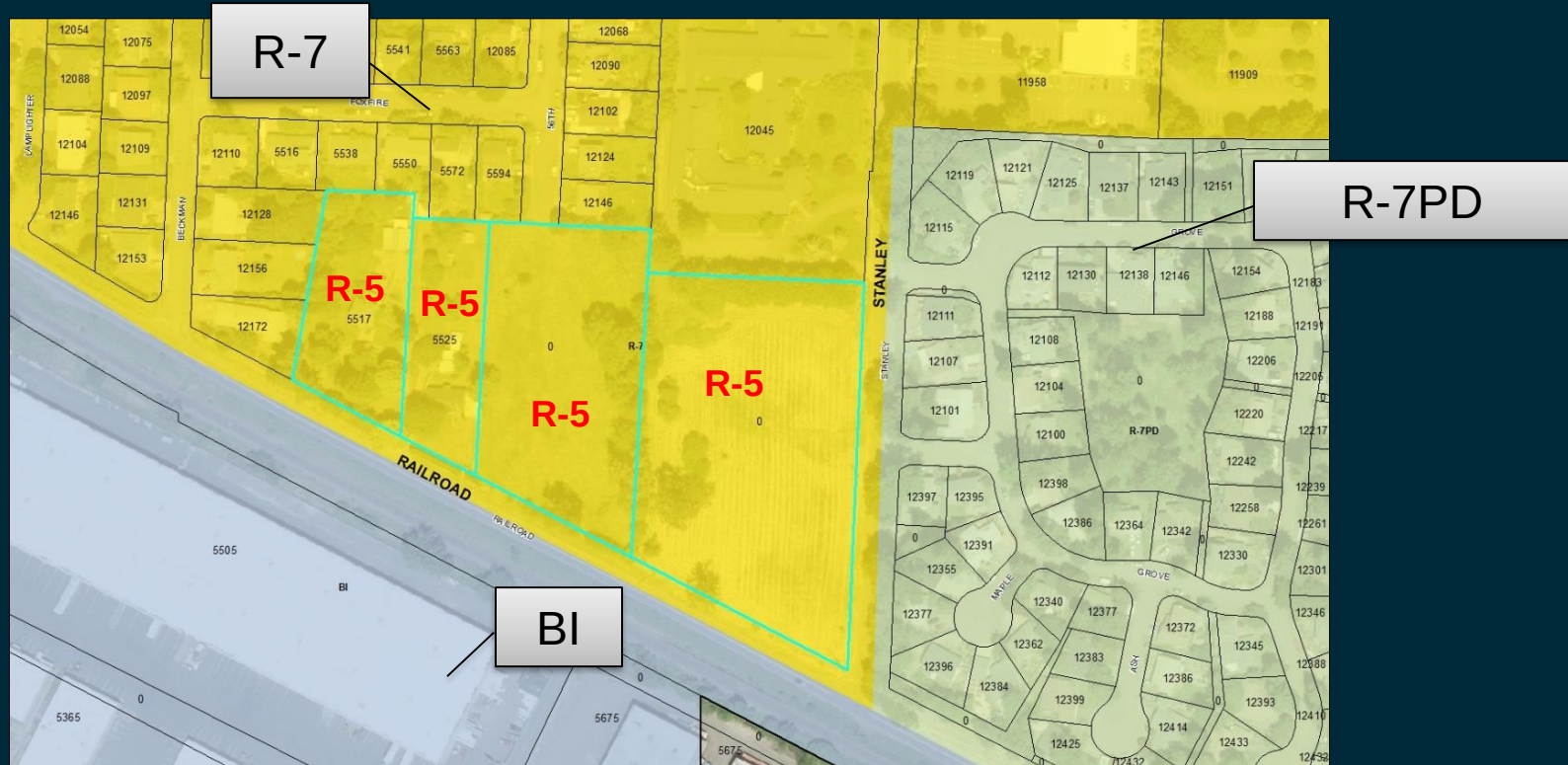


LOCATION



ZONING





REVIEW PROCESS

- Proposal requires review of:
 - Zoning Map Amendment (ZA-2018-002)
 - Comprehensive Plan Map Amendment (CPA-2018-002)
- Type V Process
 - Planning Commission made a recommendation of approval to City Council on January 22, 2019.



APPROVAL CRITERIA – ZONING MAP AMENDMENT

- Compatibility with surrounding neighborhood and predominant land use pattern
- Demonstrated need
- Adequate facilities
- Consistency with Comprehensive Plan, Metro, and State goals and policies



APPROVAL CRITERIA – COMPREHENSIVE PLAN AMENDMENTS

- Consistency with City goals and policies
- In the public interest and serves a public need
- Consistency with Metro and State goals and policies



KEY ISSUES

- Is re-zoning the site from R-7 to R-5 (and the associated Comprehensive Plan Map Amendment) appropriate?



KEY ISSUES – R-7 TO R-5

- Compatibility to surrounding neighborhood
 - Similar density to surrounding neighborhood
 - Same permitted uses as R-7
- More R-7 land than any other zone
 - R-7 - 52% of zoned land
 - R-5 - 10% of zoned land



KEY ISSUES – R-7 TO R-5

- Opportunity to build additional single-family homes – 12 – 15 more lots
- Demonstrated need in Housing Needs Analysis (HNA)
 - Projected need: 1,150 new housing units by 2036
 - 71% of that need: homeowner units



KEY ISSUES – R-7 TO R-5

Price Range	Estimated Current Need	Estimated Current Supply	Unmet (Need) or Surplus
\$0k - \$90k	233	194	(39)
\$90k - \$130k	452	52	(399)
\$130k - \$190k	339	194	(145)
\$190k - \$240k	838	341	(497)
\$240k - \$300k	1,029	1,200	172
\$300k - \$380k	1,016	1,939	923
\$380k - \$490k	606	918	313
\$490k - \$580k	260	373	114
\$580k - \$770k	323	111	(212)
\$770k +	123	95	(28)
Totals:	5,217	5,418	201

- **Unmet need** in houses ranging from \$0k - \$240k
- **Surplus in** houses ranging from \$240k - \$580k

Source: HNA



COMMENTS RECEIVED

- Ley Garnett – Concerns regarding large fir and White Oak trees on the properties.





STAFF RECOMMENDATION

- Approve land use applications ZA-2018-002 and CPA-2018-002 and the recommended Findings of Approval found in Attachment 1.



DECISION-MAKING OPTIONS

- A. Approve the Type V applications subject to the recommended Findings of Approval.
- B. Approve the Type V applications subject to modified Findings.
- C. Deny the Type V applications upon finding that they do not meet the approval criteria.
- D. Continue the hearing to March 5, 2019.



QUESTIONS?



FIGURE 8-4

PROPOSED STREET CONNECTIVITY PLAN

October 2013

LEGEND

Functional Classification

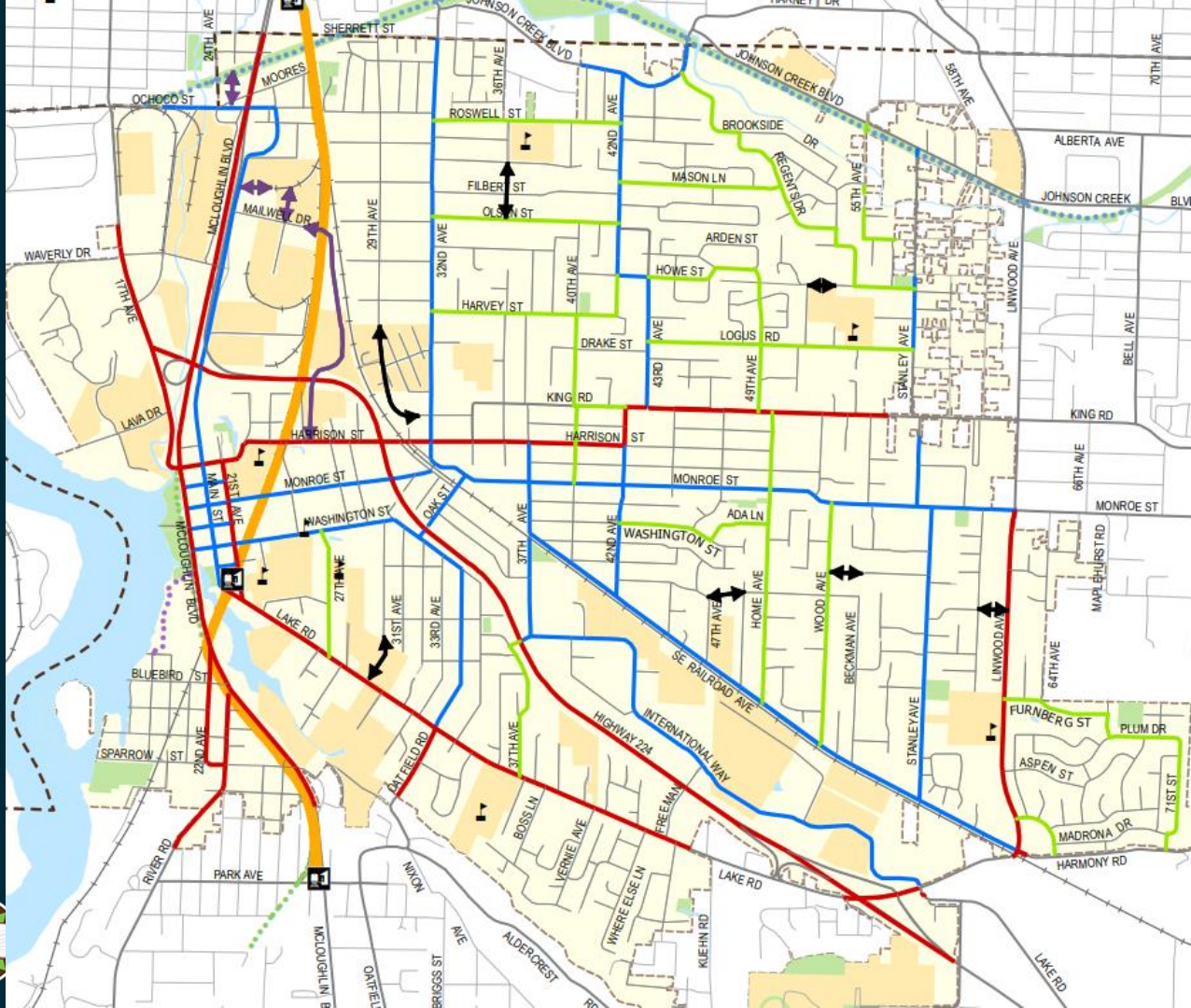
- Arterial
- Collector
- Neighborhood Route
- Local

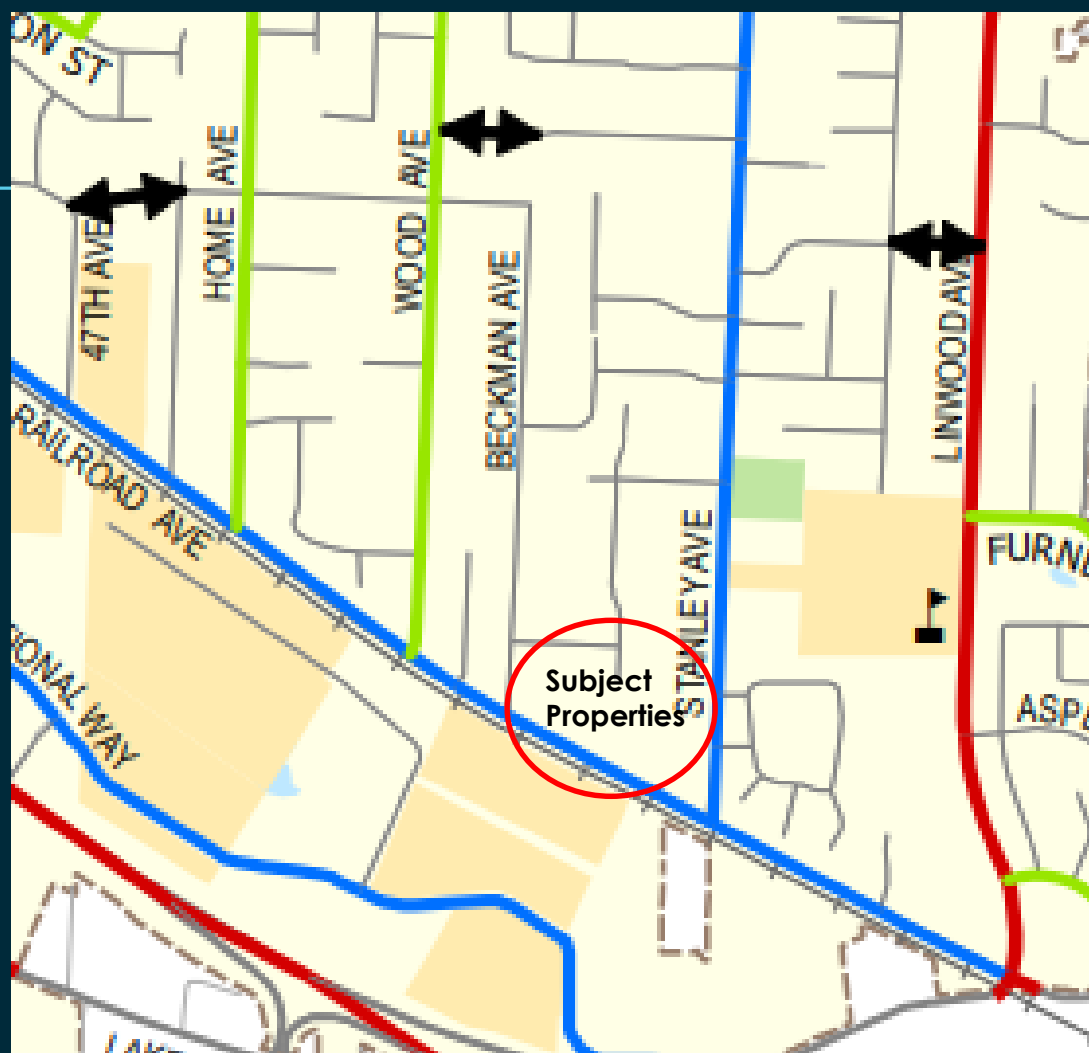
Street Connectivity

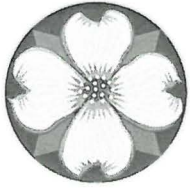
- Lots greater than 5 acres
- ↔ Proposed Street Extension
- ↔ Potential Future Street Extension (Tacoma Station Area Plan)

Other Map Features

- ▲ Schools
- LRS Light Rail Station
- Light Rail Transit
- ⋯ Kellogg Creek Trail
- ⋯ Springwater Trail
- ⋯ Trolley Trail
- Major Roads
- Railroad
- - - County Line
- Water
- Parks
- City Limits







PUBLIC HEARING ATTENDANCE SIGN-UP SHEET

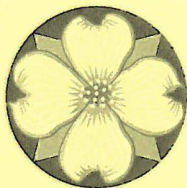
If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing, please sign-in below.

2/19/19

5. A. Zoning and Comprehensive Plan Amendments – Railroad Avenue

Land Use File No. ZA-2018-002, CPA-2018-002

NAME	ADDRESS	PHONE	EMAIL
Ray Nading	5517 SE Railroad Ave	503-307-9791	renaissancepress@juno.com
C. Neisnack	5516 SE Foxfire Way	503-793-9807	cnhiler@msn.com



**CITY OF MILWAUKIE
CITY COUNCIL**

10722 SE Main Street
P) 503-786-7502
F) 503-653-2444
ocr@milwaukieoregon.gov

Speaker Registration

The City of Milwaukie encourages all citizens to express their views to their city leaders in a **respectful** and **appropriate** manner. If you wish to speak before the City Council, fill out this card and hand it to the City Recorder. Note that this Speakers Registration card, once submitted to the City Recorder, becomes part of the public record.

Name: Jeff Bolton

Organization: MULTI/TECH ENG

Address: 1438 Pine Street, LAKE OSWEGO, OR 97034

Phone: (503) 363-9227

Email: JBolton@MTengineering.net

Meeting Date: 2/19/19

Topic: ZONING: COMP PLAN AMENDMENT

Agenda Item You Wish to Speak to:

- ☐ #4 Audience Participation
- ☒ #5 Public Hearing, Topic: S.A.
- ☐ #6 Other Business, Topic:

You are Speaking...

- ☒ in Support
- ☐ in Opposition
- ☐ from a Neutral Position
- ☐ to ask a Question

Comments:

Scott Stauffer

From: Mark Gamba
Sent: Monday, February 18, 2019 2:28 PM
To: _City Council
Subject: Fw: rezoning on Railroad Ave

Scott, please add this to the record for tomorrow night's hearing.

Sincerely,
Mark Gamba
Mayor of Milwaukie
971-404-5274

Working to make Milwaukie entirely equitable, delightfully livable, and completely sustainable.

From: Ley Garnett <leygarnett@comcast.net>
Sent: Monday, February 18, 2019 10:27 AM
To: Mark Gamba
Subject: rezoning on Railroad Ave

Hi Mark

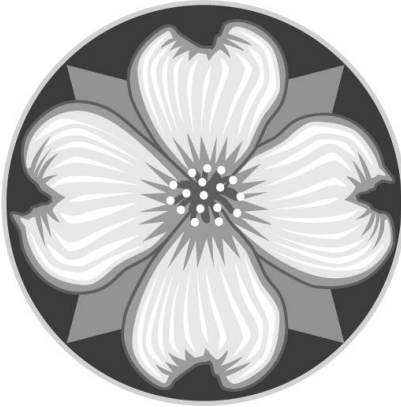
If you weren't aware, there are several dozen large fir and White Oak trees on the properties. The developer testified before the Planning Commission that 95% of the large trees are in a protected riparian area but that doesn't seem to conform with the maps provided. There are at least two old growth White Oaks that are visible from Railroad Ave. I would judge them to be among the top 25 valuable trees within Milwaukie.

I'm unaware if the Council has any power to make the zoning change conditional on saving the larger trees, but I hope you or someone will raise the issue and put the developer on the record again Tuesday night. I have a prior commitment and can't attend Tuesday night.

It would be a shame to see them mowed down like weeds just a few months before we have a tree code. I'm going to raise the issue at Wednesday's Tree Board meeting.

Thanks,

Ley Garnett



RS Agenda Item

6

Other Business

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 14, 2019

Reviewed: Natalie Rogers, Climate Action and Sustainability Coordinator
Peter Passarelli, Public Works Director
Steve Bartol, Police Chief
Bonnie Dennis, Finance Director
Leila Aman, Development Manager

From: Kelly Brooks, Assistant City Manager

Subject: **Electric Scooters**

ACTION REQUESTED

Provide direction to city staff regarding the allowance of electric scooter (e-scooter) and electric bike (e-bike) operators in Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[January 15, 2019](#) – Milwaukie staff provided information on the City of Portland’s e-scooter pilot project and how their findings and experiences would apply in Milwaukie. Staff also examined how e-scooters in Milwaukie would fit in with the city’s overall climate work.

ANALYSIS

Milwaukie’s small population limits the scope and scale of a shared e-bike and e-scooter program. The following staff analysis attempts to balance possible City Council interest in these shared mobility options while preserving capacity for ongoing work in support of active transportation and climate actions that will have the highest impact.

Staff has communicated with Portland about a possible partnership. In those conversations, Milwaukie staff asked if Portland would be able to manage their program beyond their boundaries. Such a move would require a legal agreement, granting them access to the program in Milwaukie. Portland has been reticent. The Mayor has met with Portland leadership to see if a partnership is possible.

Staff is conflicted about proceeding with a program at this time. There are not sufficient resources to create a program equal to or better than Portland without a significant increase in staffing for enforcement, program equity, American’s with Disabilities Act compliance, and guaranteed adequate coverage of devices. However, we recognize that based on Portland’s program, we will have more scooters in Milwaukie even without a program. The remainder of the staff report considers the creation of a program with lower staff time commitments, and outlines issues associated with proceeding outside a more holistic approach.

Consideration 1 - Operators and Business Licenses

Last year, a small number of e-scooters operated in Milwaukie without a permit. Since Portland will have an expanded pilot project again this year, we are certain that e-scooters will find their way to Milwaukie in 2019 as well.

Council can create a limited program that solely requires e-scooter and e-bike companies to obtain a business license, which could exist without additional oversight. Such a program would not allow the city to enforce safety protocols required of the companies or to revoke the business licenses. Participatory companies would also not be required to respond to city questions, complaints, or concerns.

In contrast, a robust program would allow staff to select operators through issuance of a right of way permit similar to Portland and other large cities. This would allow the city to further clarify its terms for operation, including our ability to dictate certain company actions (i.e. number of devices near affordable housing units, device parking, etc.). It would also allow the city to enforce on users for being out of compliance. Without data collection, however, it would be difficult to determine if the terms of the permit were being fully satisfied, which is why we have not recommended this option. Data collection will be discussed further below.

Consideration 2 - Customer Service and Vehicle Removal/Distribution

Council could recommend a program where e-scooter and e-bike companies are the only contact options for individuals asking questions or lodging complaints. E-scooters and e-bikes are highly visible and operate in shared rights-of-way. Based on Portland's pilot project, we should expect that the public will have questions, concerns, comments, and requests for service. If an e-scooter or e-bike were parked illegally, the provider, not the city, would relocate the vehicle to another location. Police would not enforce on poorly parked devices; nor would there be a fine for such issues.

Connecting the consumer directly with the operator could provide more expedient delivery of service while allowing the city to maintain existing staffing levels. The city would have little control over the quality and timeliness of responses. Portland received over 1000 complaints and responded to each complaint. Under a low-city involvement program, the city would do no marketing or complaint response. No space would be dedicated to the program on our website or in our printed materials.

Consideration 3 - Data Collection and Equity

Should Council choose a low-city involvement program, there would be limited data collection and no enforcement to manage equity concerns.

Staff believes that data collection is critical to determining if a service is being provided equitably across the city. Since we place a high value on providing equitable service, we identified data collection as an area of research early in this process. The data collection avenues available to the city included contracting with a private party, borrowing platforms from Portland, or working with Metro on a regional partnership. Under a shared data platform, some staff resources would be needed to process the information for use by the city.

There may be a partial solution in the coming months to work with Metro on a regional partnership. Metro staff are pursuing funding opportunities at the state and federal level and have excellent data analysis and mapping resources. With this partnership, the largest drawback that staff identified is the availability of the data on a timely basis. What we will give up in this approach is immediate access and certainty around when data will be available. Council should assume that we will not have data on operations for the first couple of years and therefore will not be able to assess how equitably the service is being delivered.

Consideration 4 - Enforcement

Police department staff have been enforcing helmet and sidewalk laws, but do not have sufficient resources to enforce if we see significant increases in violations. Without code amendments, police would enforce within their current means and would return to council for additional resources during a budget opening. Their request would be based on data collected by the department over the first six-nine months.

Both the police department and code enforcement do not have capacity to enforce on device parking that blocks sidewalks or businesses. Should the city create a more robust program, we would recommend full enforcement of helmet laws, sidewalk riding and device parking. Early enforcement would be especially helpful in creating a culture of compliance.

BUDGET IMPACTS

None if recommendation accepted.

WORKLOAD IMPACTS

Any program adoption that retains current ordinance rules would lead to an increase in workload for the police department and code enforcement. Adoption of any program would require significant community discussions with our Main Street businesses by staff. Adoption of a robust program could lead to the redirection of workload for 1.5-2 FTE for redirection of staff.

COORDINATION, CONCURRENCE, OR DISSENT

The topics in this report involve the police, finance, public works, climate change and sustainability, and community development departments. All associated staff have had an opportunity to review and weigh in on the staff recommendation.

STAFF RECOMMENDATION

As was stated above, staff is concerned about proceeding with a program at this time. If council would like a low-city involvement approach, staff recommends the following:

1. Require e-bike and e-scooter operators to obtain a business license. The appearance of an e-bike or e-scooter in Milwaukie would prompt city staff to reach out to the company to require a license or remove the vehicle from city limits.
2. Rely on the operators to handle all customer complaints and informational needs. Operators will also be responsible for moving any vehicles blocking the right of way. City staff will refer complaints directly to operators, but will not remove or relocate vehicles.
3. Rely on Metro for data collection and analysis when such a program comes online.

4. Conduct enforcement of helmet laws and sidewalk use, with a reassessment of needed city resources during a budget opening.

ALTERNATIVES

Council could direct staff to provide an alternative recommendation based on higher staffing and budget levels.

Scott Stauffer

From: Lisa Batey
Sent: Monday, February 18, 2019 10:33 PM
To: _City Council
Subject: RE: some recent activity on regulating scooters

Scott, please add the articles at these links to the record for the meeting. Thanks! --Lisa

From: Lisa Batey
Sent: Monday, February 18, 2019 10:24 PM
To: _City Council <CityCouncil@milwaukieoregon.gov>; Steve Bartol <bartols@milwaukieoregon.gov>; Peter Passarelli <PassarelliP@milwaukieoregon.gov>; Natalie Rogers <RogersN@milwaukieoregon.gov>; Bonnie Dennis <DennisB@milwaukieoregon.gov>; Luke Strait <straitl@milwaukieoregon.gov>
Subject: some recent activity on regulating scooters

All:

A little reading material for this item tomorrow — about what various cities have enacted in 2019:

In January 2019, San Jose imposed new rules on scooter operators — increased license fees and fines, but most notably requiring insurance and two-hour response time to move scooters after a call.

<http://www.thesanjoselog.com/2019/01/stringent-e-scooter-regulations-for-san.html>

In January 2019, Atlanta imposed new rules — including a licensing fee, but also: "When parked, scooters must be upright and allow five-foot-wide corridors on sidewalks for pedestrians. When in motion, they must stick to streets with motors designed not to exceed 15 miles an hour." Also notes some cities that have banned them outright: Seattle, Boston, Cambridge/Somerville (MA), Birmingham.

<https://www.ajc.com/news/local-govt--politics/atlanta-city-council-could-approve-electric-scooter-regulations-monday/CYSwC2v8TG3lJKCyX2ZaM/>

Atlanta also has a good webpage with their rules for both companies and

riders: <https://www.atlantaga.gov/government/departments/shareable-dockless-mobility-devices>

In January 2019, Charlotte imposed new rules: speed capped at 15mph; only one rider per scooter; not allowed where speed limits exceed 45mph (I have seen them on the bike lanes on 99E before); not on sidewalks in business districts; scooters have to shut down at 9pm:

<http://www.wbtv.com/2019/01/15/new-e-scooter-regulations-approved-charlotte/>

San Diego, which either Bird or Lime has said is their #1 market, is considering regulations, but it still remains to be seen what those will ultimately be:

<https://fox5sandiego.com/2019/02/07/new-scooter-regulations-proposed-for-san-diego/>

UCLA research on emergency room visits as well as spot-surveys of usage

violations: <https://www.sandiegoreader.com/news/2019/jan/26/ticker-scooter-riders-flooding-emergency-rooms/#>

Lisa Batey

Milwaukie City Councilor

Phone: 503-786-7512

Email: bateyl@milwaukieoregon.gov

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 7, 2019

Reviewed: Amy Aschenbrenner, Administrative Specialist II,
Christina Fadenrecht, Administrative Specialist II, and
Jason Wachs, Program Services Specialist

From: Scott Stauffer, City Recorder

Subject: Clackamas Cities Association (CCA) Dinner 2019 Planning

ACTION REQUESTED

Council asked to receive follow-up information from staff and provide direction on the 2019 CCA dinner hosted by Milwaukie.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The Clackamas Cities Association (CCA) is a loose affiliation of the 12 cities in Clackamas County. The primary function of the CCA is a monthly dinner series for local government leaders featuring different city and regional topics. Each dinner is hosted by a city based on a rotating schedule, with each city hosting a dinner at least once in any given two-year period.

Since 2014, Milwaukie has hosted the CCA dinner four times including in 2014 at Amadeus Manor restaurant, and in 2016, 2017, and 2018 at Bob's Red Mill. In 2014, the featured speakers were state economists who presented and discussed data on the regional economy. From 2016-2018, the dinner featured a panel of state legislators offering insight and comments on that year's upcoming legislative session. Although each city typically hosts once every two years, Milwaukie had requested an annual dinner, a trend that began in 2016 and is scheduled to continue through 2020.

In the past, the office of the city recorder (OCR) and the city manager staff began preparing for the annual event about four months before the event. Staff has worked with the mayor and select council members to extend invitations to be part of the legislative panel. Given the nature and purpose of the CCA, the event guest list is always the elected city and county leaders of Clackamas County, along with relevant regional and state leaders.

On [November 13, 2018](#), [December 4, 2018](#), and [December 11, 2018](#), council discussed the dinner and directed staff to look into alternate topics and dates for Milwaukie's 2019 CCA dinner. Members of council expressed interest in holding the event in downtown Milwaukie to highlight the ongoing development projects and plans for Milwaukie Bay Park.

ANALYSIS

In response to council's direction and request for information, staff researched details for two formats for hosting a CCA dinner in downtown Milwaukie in 2019. The two formats include an outdoor event at Milwaukie Bay Park and an indoor event at the Milwaukie Masonic Lodge.

Date: June 2019 (and June 2020)

Per council direction, staff requested that Milwaukie host the CCA dinners in June 2019 and June 2020. Milwaukie has received confirmation from City of Lake Oswego staff, who currently administer the CCA, that Milwaukie is scheduled to host the dinner in June 2019 and June 2020.

Location: The Park or the Lodge

A perennial challenge for hosting any event in Milwaukie is the lack of event venues. Within city limits there are no conference centers or hotels and few restaurants or public spaces large enough to handle 75-100 people. With the council direction to investigate event venues in downtown, staff looked at the feasibility of holding the CCA dinner at Milwaukie Bay Park and the Masonic Lodge.

There are logistical differences between hosting an outdoor and an indoor event. But, it largely comes down to significantly increased costs and staff time to put on an outdoor event. The table below reflects estimated costs of an outdoor event at the park and indoor event at the lodge:

Item	Cost at Milwaukie Bay Park	Cost at Milwaukie Masonic Lodge
Venue Rental	\$0	\$250
Caterer	\$2,500	\$2,500
Tent Rental	\$2,000	\$0
Chair and Table Rentals	\$980	\$0
Portable Restroom Rental	\$400	\$0
Small Stage Rental	\$240	\$0
TOTALS	\$6,120	\$2,710

It is also important to consider the increased staff time required to coordinate an outdoor event. Putting on an event in a park, with no built-in seating, restrooms, or shelter would mean staff would have to coordinate and monitor the rented tables, chairs, portable restrooms, and tents, which would not have to be done for an indoor event.

In addition to the impacts on staff, Milwaukie Bay Park is a popular and heavily used public facility. In the past, the Oregon Marine Board has expressed concern when the city has blocked-off major parts of the park for events, and it is likely that there would be public concern about the park being partially closed on a late June evening given the park's use during fishing season. It is undeniable that the park, as a place to show off Milwaukie, is an excellent vantage point. It does, however, present issues as an event venue.

Event Programming: A SoDo Walking Tour

Since 2016, Milwaukie's CCA dinner platform had been a legislative preview panel. Staff received council direction to change the topic to focus on current development and construction projects in downtown. Accordingly, the city's community development staff was consulted as to how to show off downtown projects and a walking tour was developed, based on routes used for other groups, that would highlight projects with a focus on the South Downtown (SoDo) area.

The staff-proposed program would include the usual CCA event social hour and dinner at the venue followed by a walking tour of SoDo projects led by the city's community development staff. The walk would feature these projects: Axletree Apartments, Coho Point at Kellogg Creek, Adams Street Plaza, public works improvements, Milwaukie High School, and the Northwest Housing Alternatives site, as well as the existing light rail Orange Line stop and Milwaukie Station food carts pod. Given the time of year, it is anticipated that there would be plenty of

sunlight for the tours that would likely begin around 7:30 p.m. and end around 8:30 p.m. See Attachment 1 for potential walking tour route map.

In considering the route of the walking tour, staff noted the difficulties imposed by McLoughlin Blvd/Hwy 99E in terms of tour groups crossing to Milwaukie Bay Park and back. If the event were to be held at the park, guests would need to park east of Hwy 99E, due to the lack of parking at the park and because the event would require existing parking to be blocked. There would be an initial need for guests to cross Hwy 99E to attend the park event, then cross Hwy 99E at least once more to go on the tour, and a third and fourth time if they were to return the venue after the tour. If the event were held at the Masonic Lodge, the challenge of crossing Hwy 99E would only need to be considered if the tour planned to visit the park. However, if the tour went along the east side of Hwy 99E, the tour guides could reference the park and not need to visit.

An option for showcasing the city's construction projects would be the opportunity in June 2020 to provide an update on these projects. It is also possible that the dinner could be held at the new Ledding Library in 2020.

BUDGET IMPACTS

Historically, CCA dinners have been subsidized by the council's budget, averaging about \$1,000 each fiscal year. As this is a pay-to-attend event, the city has historically spent around \$2,500 on the event location, dinner, and speaker, and has recouped about \$1,500 in event fees. Should council wish to hold the event in a park the financial impact would be significantly higher as outlined above. Staff anticipates that holding the event at an indoor location would be significantly more cost effective. Regardless of indoor or outdoor, the 2019 CCA dinner will cost the city more due to the need to rent both a venue and hire a caterer, something we have not had to do in several years as our previous venue (Bob's Red Mill) was able to provide a space and meal for a single combined price.

WORKLOAD IMPACTS

Should council wish to hold the event at the park, staff anticipates significantly increased staff workload to coordinate the event. As outlined above, there are more logistical details to be handled in a park. Should council decide to host the event at the indoor location, staff anticipates an event workload like those in the past, if slightly increased, given the new location and need to coordinate a caterer.

COORDINATION, CONCURRENCE, OR DISSENT

City staff consulted other CCA cities and service providers for cost and logistical estimates.

STAFF RECOMMENDATION

Based on the information conveyed above, it is the staff recommendation that the City's 2019 CCA dinner be held at the Milwaukie Masonic Lodge and feature a walking tour of the SoDo projects led by community development staff. Staff is asking for council direction to proceed with the recommended dinner program or provide further direction on the event details.

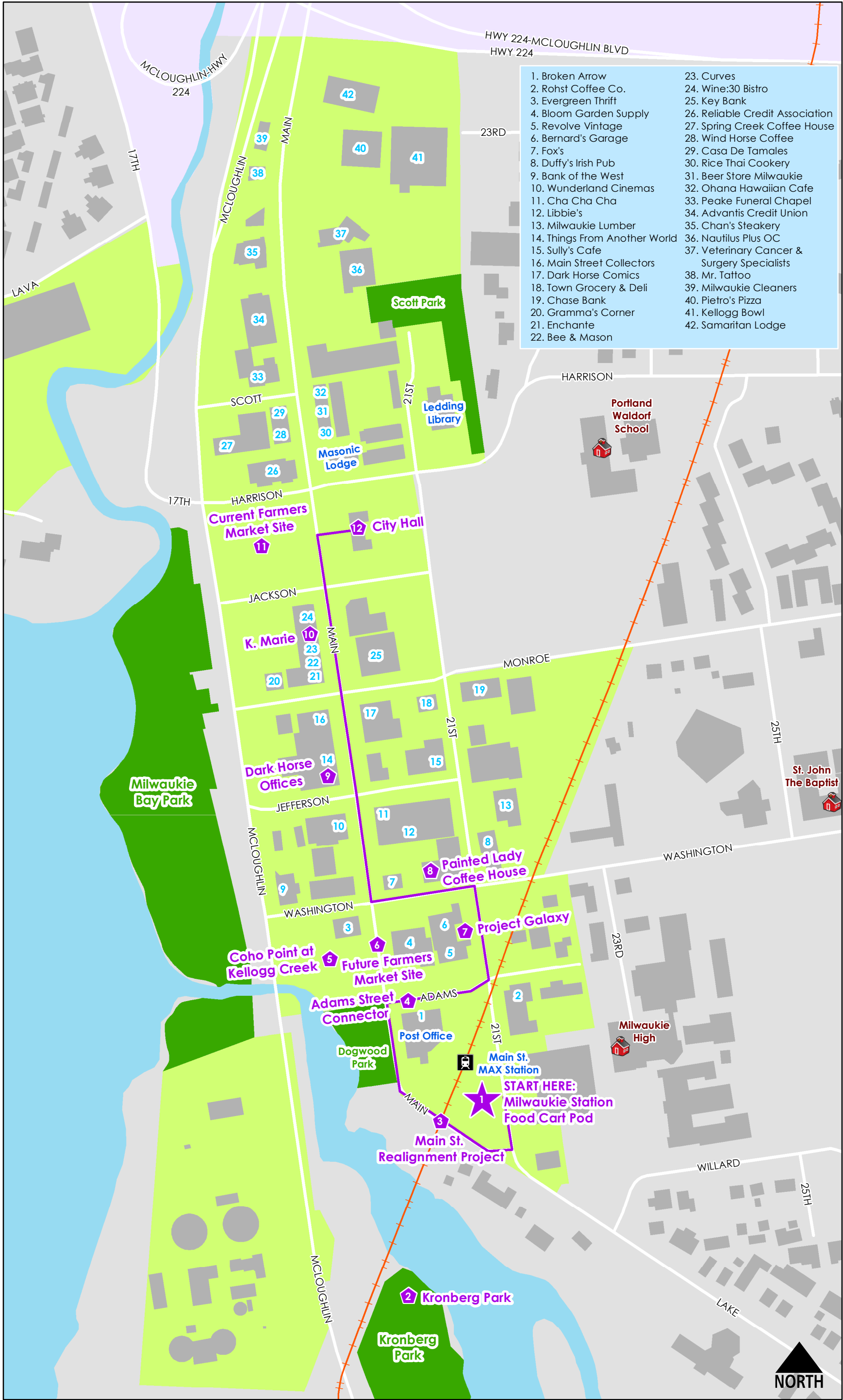
ALTERNATIVES

Council may choose to hold the event in Milwaukie Bay Park or may decline to host a CCA dinner in 2019.

ATTACHMENTS

1. Downtown Walking Tour Map

Downtown Milwaukie Walking Tour



- | | |
|-------------------------------|---|
| 1. Broken Arrow | 23. Curves |
| 2. Rohst Coffee Co. | 24. Wine:30 Bistro |
| 3. Evergreen Thrift | 25. Key Bank |
| 4. Bloom Garden Supply | 26. Reliable Credit Association |
| 5. Revolve Vintage | 27. Spring Creek Coffee House |
| 6. Bernard's Garage | 28. Wind Horse Coffee |
| 7. Fox's | 29. Casa De Tamales |
| 8. Duffy's Irish Pub | 30. Rice Thai Cookery |
| 9. Bank of the West | 31. Beer Store Milwaukie |
| 10. Wonderland Cinemas | 32. Ohana Hawaiian Cafe |
| 11. Cha Cha Cha | 33. Peake Funeral Chapel |
| 12. Libbie's | 34. Advantis Credit Union |
| 13. Milwaukie Lumber | 35. Chan's Steakery |
| 14. Things From Another World | 36. Nautilus Plus OC |
| 15. Sully's Cafe | 37. Veterinary Cancer & Surgery Specialists |
| 16. Main Street Collectors | 38. Mr. Tattoo |
| 17. Dark Horse Comics | 39. Milwaukie Cleaners |
| 18. Town Grocery & Deli | 40. Pietro's Pizza |
| 19. Chase Bank | 41. Kellogg Bowl |
| 20. Gramma's Corner | 42. Samaritan Lodge |
| 21. Enchante | |
| 22. Bee & Mason | |

COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Date Written: Feb. 14, 2019

Reviewed: Christina Fadenrecht (as to form), Administrative Specialist, II

From: Kelly Brooks, Assistant City Manager

Subject: **Legislative Check In**

ACTION REQUESTED

Review the League of Oregon Cities bill tracker and determine if council would like to adopt resolutions, send letters, or testify on bills.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[February 5, 2019](#): - Council voted to support HB 2001 (with amendments) and local control of speed limits.

UPDATES

- The city drafted and sent letter on HB 2001 for February 11 hearing on the bill. [Mayor Gamba also testified](#) at the hearing in support of the bill. Staff is following up with Rep. Keny-Guyer's office on the amendments requested in our letter.
- Council asked staff to reach out LOC staff to see if we could assist regarding annexation legislation heard in committee earlier this month. Staff reached out to LOC but no response was received. Mayor Gamba also reached out to league staff on the green building legislation and learned that LOC plans to be in support after a revision is made regarding green energy.
- The city's letter on speed limits will be sent the committee of jurisdiction prior to the council meeting on February 19. No hearing has been scheduled as of the drafting of this staff report.
- Here is a link to the [League of Oregon Cities bill tracker](#). Staff will provide an updated copy at our meeting on February 19.
- Kimberly Graves has asked the city to consider opposing [HB 2614](#) and [SB 776](#) which would eliminate the court's ability to suspend a driver's license for failure to comply with a payment plan.

Council will also consider any new resolutions, letters, etc., provided to staff by end of the day on Monday, **February 18**.

LOC Bills to Watch List

EXHIBIT
RS 6.C
2-19-19

LOC Priority Items

Priority/Topic	Goal?	Subcategory	Bill Numbers	Relating to/Description	Position?	In Committee?	Hearing Held?	Work Session Held?	Out of Committee?	Passed off of Floor?	Second Chamber Committee?	Out of Committee?	Passed off of floor?	Concurrence?
Mental Health Investment	Protect and enhance the investments made to Oregon's treatment of the mentally ill.		SB 707	Establishes Youth Suicide Intervention and Prevention Advisory Committee	Support	Senate Human Services Committee								
			HB 2667	Establishes Adult Suicide Intervention and Prevention Coordinator within Oregon Health Authority.	Support	House Healthcare Committee	Hearing held 2/7							
			HB 2814	Requires certain insurers to reimburse cost of specified services provided by local mental health authorities.	Monitor	House Healthcare Committee								
Revenue Reform/Cost Containment	Modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. And the property tax system should be constitutionally and statutorily reformed as part of the 2019 session	Property Tax	SJR 1	Requires legislature to ensure property taxes are equitable and fairly apportioned—delegates authority to legislature to make changes notwithstanding Measures 50)	Support	Senate Finance and Revenue Committee								
			SJR 2	Revises assessed value/real market value ratio and provides that ratio may not be lower than .75; provides 5 year ramp-up to get to .75; provides homestead exemption of lesser of \$25,000 or first 25% of RMV	Support with amendments	Senate Finance and Revenue Committee	Hearing Scheduled 2/20							
			SJR 21	Proposes amendment to Oregon Constitution repealing ad valorem property tax system created by House Joint Resolution 85 (1997) (Ballot Measure 50 (1997)) and requiring Legislative Assembly to enact such laws as may be necessary or appropriate to transfer repealed provisions to statute without substantive change.	Support	Senate Finance and Revenue Committee	Hearing Scheduled 2/20							
			SB 94	Brownfield property tax exemption program	Support	Senate Environment and Natural Resources								
			SB 191	Property tax exemption extensions	Need amendments	Senate Finance and Revenue Committee								
			SB 209	Provides homestead exemption of \$10,000 of RMV; amount is to be indexed annually	Support with amendments	Senate Finance and Revenue Committee								
			SB 210	Requires certain institutions seeking property tax exemption to file information return that states basis for exemption claim in terms derived from Oregon case law	Support	Senate Finance and Revenue Committee								
			SB 543	Creation of a children's district	Oppose	Senate Finance and Revenue Committee	Hearing held 2/14	Work session held 2/14; bill did not move						
			HJR 1	revises assessed value/real market value ratio and provides that ratio may not be lower than .75; provides 5 year ramp-up to get to .75; provides homestead exemption of lesser of \$25,000 or first 25% of RMV	Support with amendments	House Revenue Committee								
			HJR 2	residential property that is subject of sale or other transfer for which seller receives consideration of \$1 million or more shall have assessed value equal to residential property's real market value	Monitor	House Revenue Committee								
			HJR 3	maximum assessed value of commercial and industrial property shall equal real market value; provides for 4 year ramp-up to get to real market value	Support	House Revenue Committee								
			HJR 4	commercial and industrial property shall be assessed at real market value; commercial and industrial property shall not be subject to Measure 5 caps and thus are not subject to compression	Support	House Revenue Committee								
			HB 2104	Reduces discount for on-time payment of property taxes imposed on business property by 1 percent and uses portion of those funds to provide for funding for property tax administration; requires city planning division to notify assessor of building permits to improve property tax assessments	Support	House Revenue Committee								
			HB 2130	property tax exemption extensions	Need amendments	House Agriculture and Land Use	Held 2/5	Held 2/5	Referred to House Revenue without recommendation to passage					
			HB 2152	property tax exemption extensions	Need amendments	House Revenue Committee								
			HB 2157	removes the on-time payment discount (2-3%) for business property taxes	Support	House Revenue Committee								

Housing/Homelessness

	HB 2161	Requires hospitals and health clinics to include with claim for charitable property tax exemption report of amount spent on charitable care and all compensation paid to individual director, officer, employee or agent that exceeded \$1 million.	Support	House Revenue Committee								
	HB 2167	Companion to HJR 4; commercial and industrial property real market value to be determined by three year real market value average; revises assessed value/real market value ratio and uses 5 year ramp-up for property with ratio of .9 or less; provides new tax limit cap (blank); provides that first \$5 per thousand must go to schools; limits property tax exemptions	Support	House Revenue Committee								
	HB 2168	Gigabit exemption repeal.	Support	House Revenue Committee								
	HB 2700	property tax- exemption extension for multi-unit housing	Support	House Housing and Human Servicing Committee								
PERS	SB 641	Establishes retirement benefits payable under Oregon Public Service Retirement Plan to persons who establish membership in Public Employees Retirement System on or after effective date of Act. Provides that such persons do not become members of pension program of plan. Requires employers of such persons to make employer contributions to plan in amount equal to 10 percent of member's salary. Allows person to contribute additional two percent of salary, which is matched by employer. Provides break in service rules for persons who established membership in system before effective date of Act. Requires employer contribution rate set by Public Employees Retirement Board, including employer contributions to individual account program, to be at least 18 percent of salary. Directs Oregon Investment Council to offer risk options for investment of individual accounts established under system. Directs board to adopt rules allowing members to elect from risk options. Directs board to recalculate employer contribution rates to reflect savings attributable to Act. Provides for expedited review of Act by Supreme Court upon petition by adversely affected party.	Monitor	Senate Workforce Committee								
	SB 705	Directs Public Employees Retirement Board to allow participating employers making certain lump sum payments to Public Employees Retirement System to choose starting date for amortization period for use of lump sum payment to offset contributions to system.	Support	Senate Workforce Committee	Held 2/7							
	HB 2133	Extends sunset for tax credit for pension income.	Monitor	House Business and Labor	Hearing Scheduled 2/18							
	HB 2335	Provides that hours worked by school marshal providing security in school do not count for purposes of limitations on reemployment of retired member of Public Employees Retirement System.	Monitor	House Business and Labor								
	HB 2417	Establishes alternate death benefit for surviving spouse of member of Public Employees Retirement System who dies before retirement.	Support	House Business and Labor								
Housing/Homelessness	HB 2001	Requires cities with population greater than 10,000 to allow duplexes, triplexes, quadplexes and cottage clusters ("missing middle housing") in single-family zones within urban growth boundary by December 31, 2020. DLCD will create a model "missing middle housing" code that will be used if city fails to adopt own code. . Requires deferral of system development charges for "missing middle housing" until certificate of occupancy is granted.	Oppose	House Human Services and Housing	Hearing held 2/11							
	HB 2055	Establishes Workforce Housing Accelerator Program to assist local government efforts to increase workforce housing through technical assistance and direct funding. Establishes Greater Oregon Housing Account within Oregon Housing Fund to fund program.	Support	House Human Services and Housing	Hearing Held 2/4							
	HB 2075	Creates the Development Readiness Program to provide technical assistance grants for local governments working to increase economic development and housing development.	Support	House Agriculture and Land Use	Hearing held 1/29 (LOC testified)							
	HB 2228	Creates a Technical Assistance Program for local governments related to housing. This is joint bill drafted by LOC & AOC	Support	House Human Services and Housing	Hearing held 2/4							

			HB 2159	imposes 95% of wholesale tax on inhalants with nicotine, disposable cartridges, and inhalant delivery systems that include an inhalant product; distributes tax revenues to state General Fund; requires inhalant product distributors to obtain a license from the DOR	Needs amendment	House Health Care Committee	Hearing held 2/5	Held 2/5, bill refused to House Revenue without recommendation to passage							
			HB 2270	cigarette and other tobacco increase; new vaping tax (no city share in bill as is)	Needs amendment	House Health Care Committee	Hearing held 2/5	Held 2/5, bill refused to House Revenue without recommendation to passage							
Urban Renewal			SB 313	For urban renewal plan proposed on or after July 1, 2019, that includes public building project, requires concurrence of at least three of four taxing districts estimated to forgo most property tax revenue under proposed plan.	Support with amendment	Senate Finance and Revenue Committee									
			HB 2174	For urban renewal plan proposed on or after July 1, 2019, that includes public building project, requires concurrence of at least three of four taxing districts estimated to forgo most property tax revenue under proposed plan.	Support with amendment	House Economic Development Committee									
Waste Water Technical Assistance Program	Creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options.		No bill number yet - request in to legislative counsel	Creates third-party technical assistance program for wastewater providers.	Support	TBD									
Wetland Development Permitting	Work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.		HB 2436	Directs Department of State Lands to conduct study on potential changes to laws, or implementation of law, regulating removal or fill activities. Requires department to submit report regarding study.	Support	House Agriculture and Land Use									
			HB 2437	Authorizes maintenance activities in dry, traditionally maintained channels to be conducted without removal or fill permit subject to certain conditions. Requires Department of State Lands and State Department of Agriculture to enter memorandum of understanding for State Department of Agriculture to implement and enforce provisions for maintenance of dry, traditionally maintained channels. Requires Department of State Lands to adopt by rule general permit for maintenance activities in wet, traditionally maintained channels.	Monitor	House Agriculture and Land Use	Hearing held 1/31								
			HB 2438	Directs Department of State Lands to conduct study on issues related to wetlands mitigation	Support	House Agriculture and Land Use									
			HB 2439	Directs Department of State Lands, in consultation with State Department of Fish and Wildlife, to conduct study on developing general permit for certain removal fill activities by private landowners in eastern Oregon.	Monitor	House Agriculture and Land Use									
Wood Smoke Reduction Program Support	Increase funding to support local wood smoke reduction programs and efforts.		HB 5017/HB 5018 (DEQ Budget Bills)	DEQ agency request budget included request for \$500,000 in GF to increase funding to aid local programs to curtail wood smoke reduction (Policy Option Package 114). The request was not included in the governor's recommended budget. The legislature will make final determination.	Support funding for this program	Joint Ways & Means Subcommittee on Natural Resources	Hearing scheduled for 2/18, 2/19, 2/20, 2/21								