

**REVISED**

## **AGENDA**

**MILWAUKIE CITY COUNCIL  
JANUARY 15, 2008**

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**2022<sup>nd</sup> MEETING**

**REGULAR SESSION – 7:00 p.m.**

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

**Big Brothers Big Sisters Month Proclamation**

- 3. CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the “Consent” portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
  - A. City Council Minutes of the November 20, 2007 Regular Session**
  - B. Resolutions Awarding On-Call Contracts for Heating, Ventilation, and Air Conditioning, Electrical, and Plumbing Services**
  - C. A Resolution Approving the Purchase of Real Properties Located at 3039 and 3103 SE Balfour Street for a Local Park Using Metro Local Share Funds**
- 4. AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

5. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
  - A. **Milwaukie Municipal Ordinance Amendment ZA-07-02  
Proposed Amendment to the Milwaukie Municipal code  
(Title 14 – Signs and Title 19 – Zoning) – Ordinance (Katie Mangle)**
  - B. **Motion to Consider Continuation of Amendments to Milwaukie  
Municipal Code (MMC) Section 19.321.7 and 19.321.3 (Mike Swanson)**
  
6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
  - A. **Authorize the City Manager to Sign a Vendor Contract for Photo  
Traffic Enforcement – Resolution (Larry Kanzler)**
  - B. **Approval of an Amended Memorandum of Understanding with Metro  
and Main Street Partners regarding Redevelopment of the Town  
Center Site – Resolution (Kenny Asher)**
  - C. **Council Reports**
  
7. **INFORMATION**  
  
**Milwaukie Center/Community Advisory Board Minutes of November 9, 2007**
  
8. **ADJOURNMENT**

### **Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

# PROCLAMATION

## City of Milwaukie

**Whereas,** the City of Milwaukie draws its strength from the diversity of cultures, traditions, and experiences of its employees; and Big Brothers Big Sisters is open and inclusive with its children, families and volunteers; and

**Whereas,** the City of Milwaukie is fortunate to be the employer of valued and remarkable employees who recognize the need for positive interaction between our youth and adult, and Big Brothers Big Sisters is creating one-to-one relationships between caring adults and youth; and

**Whereas,** the worth of such interaction has been documented as an effective strategy to reduce crime and the fear of crime, reduce the high school drop out rate, reduce the use of alcohol and illegal drugs by youth, and reduce the overrepresentation of youth and especially minority youth in the criminal justice system; and

**Whereas,** Big Brothers Big Sisters Columbia Northwest represents a local organization that can facilitate increased involvement between the large potential cohort of adult volunteers employed by the City of Milwaukie; and

**Whereas,** Big Brothers Big Sisters Columbia Northwest has extended an opportunity to the Milwaukie Police Department, Fire District and all the City employees for volunteer activities that their workforce may participate in to enhance their lives and the lives of youth in their communities; and

**Whereas,** January 2008 Big Brothers Big Sisters Columbia Northwest will acknowledge these efforts publicly;

**Now, therefore,** I, Jim Bernard, Mayor of the City of Milwaukie, Oregon, do hereby proclaim January 2008 to be

### **Big Brothers Big Sisters Month**

in Milwaukie, and encourage all residents to observe this month.

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Mayor Jim Bernard

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
November 20, 2007**

**CALL TO ORDER**

**Mayor Bernard** called the 2018<sup>th</sup> meeting of the Milwaukie City Council to order at 7:05 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Joe Loomis, and Susan Stone

Staff present: City Manager Mike Swanson

**PLEDGE OF ALLEGIANCE**

**Mr. Swanson** announced the City Attorney was excused pursuant to Resolution 9-2003.

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Mayor Bernard** announced December community events including the Poetry Reading Series, the Umbrella Parade, and the Winter Solstice.

**Christmas Fleet Proclamation**

**Mr. Swanson** read a Proclamation honoring the Christmas Ships.

**CONSENT AGENDA**

- A. Resolution No. 67-2007:** A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute an Intergovernmental Agreement with North Clackamas School District to Collect a Construction Excise Tax and Remit Funds to North Clackamas School District on a Quarterly Basis.
- B. Resolution No. 68-2007:** A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the First Regular Council Session of January 2008 Will Be Called to Order on January 2, 2008 at 7:00 p.m. and the First Work Session of January 2008 Will Be Called to Order on January 2, 2008 at 5:30 p.m.

It was moved by Councilor Barnes and seconded by Councilor Loomis to adopt the consent agenda. Motion passed unanimously. [4:0]

**AUDIENCE PARTICIPATION**

- **Ed Parecki, Milwaukie business owner**

**Mr. Parecki** said the purpose of his being here was to find out if the Council was aware of Municipal Code 3.15.015 that related to the disposition and sale of property that the City owned. If not, he was there to make the Council aware of what the code said and to see what the intent of the Council was in that future. The code stated the proposed sale of any City property had to go through a hearing process through the Council. It also said at least 5 days prior to the hearing it had to be put into a newspaper and let people know it was happening. Notice should also be given to property owners within

**CITY COUNCIL REGULAR SESSION – NOVEMBER 20, 2007**

**DRAFT MINUTES**

Page 1 of 4

300 feet of such a property. The Council was to have public testimony regarding the sale of the property. Most important prior to the sale of real property is that an appraisal of the property shall be conducted. That appraisal was required to be available for the public to view to see what the appraised value of the property was. The highest bid on the sale of the property shall be accepted by the city manager or the designee. The purpose of his being there was to find out whether any of these conditions of the code had been met in regards to the Town Center property. He had not seen any of this happen as of yet. He would love to see the appraisal on that property and find out why we were offering a piece of property that was worth about \$2 million for sale for \$250,000. He would like to make sure the City abided by its own codes since he was being expected to do the same on his property and his project. He left it at that unless there were any questions.

- **Dave Aschenbrenner, Milwaukie**

**Mr. Aschenbrenner** was present at this meeting because he could not attend the next meeting. He wanted to express his support for the Transportation System Plan (TSP). The staff, consultants, and all the volunteers worked hard in putting the document together that was in his opinion a very good framework for where the City's transportation system needed to go. Like everyone there were probably 1 or 2 things he was not keen on, but overall it was an excellent document that involved a great number of citizens. Staff needed a big pat on the back for doing such a stellar job. He participated on several groups, and there were still some citizens working to this day on that document to make sure everything was clearly defined. The Planning Commission liked what it saw, and he hoped it would go through the City Council as well.

## **PUBLIC HEARING**

### **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Section 19.321.7 and 19.321.3**

**Mr. Swanson** reported these were the two code amendments first considered in June last year dealing with major utilities and spoke directly to the Kellogg Treatment Plant. It would be deemed to be nonconforming and removed or cease operations by December 31, 2015 or suffer major civil penalties if it continued to operate. The practice had been to consider it each month and enact the amendments if the process appeared to be going south. At this point there still appeared to be a process underway that hopefully would lead to a solution. He understood the Site Selection Committee had gotten the options down to 3. He attended a Board of County Commissioners (BCC) meeting where it talked about future wholesale agreements. Milwaukie would be the only city, should it choose to continue, with a wholesale agreement because annexation would be required. His recommendation was to continue the matter rather than sticking a stick in the hornet's nest.

**It was moved by Councilor Barnes and seconded by Councilor Stone to continue the hearing on the amendments to the Milwaukie Municipal Code Sections 19.321.7 and 19.321.3 to the regular City Council meeting of December 18, 2007. Motion passed unanimously. [4:0]**

## **OTHER BUSINESS**

### **Council Reports**

**Councilor Loomis** attended the Oregon Recreation and Park Association Conference where he accepted a design award for the North Clackamas Ball Fields. He attended a National American Softball Association Conference in Louisville and showed some pictures of interesting bike racks. He also worked the last Farmers' Market, was

**CITY COUNCIL REGULAR SESSION – NOVEMBER 20, 2007**

**DRAFT MINUTES**

**Page 2 of 4**

involved with the Milwaukie Rotary Historical Tour, and attended a meeting of people who wanted to improve Milwaukie High School athletics. He commented on the recent Ardenwald Neighborhood District Association Meeting attended by approximately 200 residents regarding the Balfour house. He commended NDA Chair Ronn Palmer on his handling of the meeting.

**Councilor Barnes** recommended a Council member attend each Milwaukie Poetry Series reading. She attended the Ardenwald NDA meeting which offered her good perspectives. She would meet with Linwood representative regarding the Harmony Road project and the Sunnybrook connection. She discussed the upcoming Willamette Reader Show that would feature Sen. Kate Brown and Mr. Swanson as the readers.

**Councilor Stone** attended the Ardenwald NDA meeting regarding the residential facility on Balfour Street. It had a good outcome. The City came forward and purchased the property with the intent to remarket it. She thought the City needed to look at its code and look at the broader picture along with the County about appropriate places to site these facilities. The Council heard from TriMet there was a lot of crime, and there were mentally ill walking amongst us. She could vouch for that as the emergency rooms were full of them. It was community problem and not just that of the City or County. People needed to work together to find more appropriate places than a neighborhood to site their facilities because they were needed.

**Mayor Bernard** attended the Ardenwald meeting. He felt the City really listened to the community, and he appreciated that the County was there to answer some tough questions. He spoke at the BCC meeting the next day and urged finding a solution to help the mentally ill.

**Mr. Swanson** updated the City Council on the Council vacancy applications.

**Mayor Bernard** understood there would be information on the Parecki appeal at the next work session.

**Councilor Stone** understood if there was no decision on filling the vacancy that the City Manager would call for an election, but there would be one anyway. The Council did not have to make its decision that night. She asked if there would be any time between the interview and regular meeting to have a discussion amongst the Council members.

**Mr. Swanson** did not see anything prohibiting the Council from making an appointment after 30-days were up. He would ask the City Attorney for clarification. The work session would recess and reconvene after the regular meeting, so the Council could recess the regular meeting and go back into it for a vote.

**Councilor Stone** asked Mr. Swanson to get back to the Council on Mr. Parecki's issues about the code.

**Councilor Loomis** asked about the length of time for the interviews.

**Mr. Swanson** thought the Council would have about an hour. The only item on the agenda that night was the TSP adoption, but if the Council needed more time for interviews it could start a little later.

**Councilor Loomis** thought an hour was adequate, but he wanted to ensure the process was fair.

The group agreed to e-mail each other questions.

**Mr. Swanson** suggested that if each member could come up with questions and ask each applicant the same question. He agreed to working out a process that was fair to all.

**ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously. [4:0]**

**Mayor Bernard** adjourned the regular session at 7:43 p.m.

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Pat DuVal, Recorder



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**  
**Kenny Asher, Community Development/Public Works Director**

**From: Paul Shirey, Public Works Operations Director**  
**Willie Miller, Facilities Coordinator**

**Subject: Award On-Call Contracts for Heating, Ventilation and Air Conditioning,  
Electrical and Plumbing Services**

**Date: December 26, 2007 for January 15, 2008 Council Meeting**

### **Action Requested**

Authorize the City Manager to execute a contract and issue a purchase order with Milwaukie Heating and Cooling in an amount not to exceed \$20,000 per year for a maximum of five years for **HVAC services**; and with Milwaukie Plumbing in an amount not to exceed \$20,000 per year for a period of five years for **plumbing services**; and with Dryer Electric in the amount not to exceed \$40,000 per year for a period of five years for **electrical services**.

### **Background**

The Facilities Department is staffed by 1.5 FTE. The workload on the Facilities Maintenance Coordinator (FMC) is so heavy that non-emergency facility requests take about 30 calendar days to process and complete. A copy of the most current Facilities Help log is attached. (Attachment 1)

Workload impacts on the Facilities Department are significant. The current workload for the FMC includes:

- Managing the janitorial contractor
- HVAC management
- Security system and building emergencies 24/7 on-call response
- Fire alarm and fire sprinkler management
- Responding to facility emergency requests
- Supervising outside contractors, part-time and summer employees
- Managing landscape contractor (parks and right of way landscaping)
- Facility budget management
- Bi-monthly facility and property inspections
- Contracting for outside services
- Purchasing and procurement of supplies and equipment

The Facilities Maintenance Coordinator also manages nine capital projects, including the security alarm system conversion, A/C replacement at the Library, Book Checkout System at the Library, Roof Repair of the Library, City Hall Basement Employee Restroom, Security System Installation and Upgrades at the Library and Library Pond House, Public Safety Building EOC HVAC Replacement, Public Safety Building EOC Uninterruptible Power Supply (UPS), Public Safety Building EOC Data, Phone and Switch Gear. In addition to the capital projects, the FMC manages the response to service requests from all city owned and occupied facilities. These requests are logged in daily (Attachment 1) and have been averaging about ten to fifteen requests per week.

The City recently awarded an on-call contract to a skilled carpenter, Steve Philips, who has been available since early November to assist with the workload in Facilities. Mr. Philips has been compensated about \$5,576 for 136 hours of work. He has worked on a variety of things that include, for example: replaced carpet tiles at City Hall, installed a keyboard tray, replaced fluorescent lamps at the Library and repaired a door lock at PSB. The addition of a skilled carpenter has reduced the backlog of requests by a small percentage. Staff has been careful to avoid using Mr. Philips to handle routine, low-skill requests.

The City has five (5) occupied building sites and several well sites, lift stations, and other small structures that require HVAC, electrical and plumbing repair and maintenance services. City staff is not licensed to do this type of skilled labor. The HVAC, electrical and plumbing services will be provided on an as-needed basis and will be scheduled throughout the year. Some examples of the type of work include responding to heating/cooling issues (too hot/too cold) preventive maintenance of HVAC units, repairs to the plumbing system, and a wide variety of electrical needs originating not only from city-owned buildings, but also from the Water system and Information Technology (IT) department.

The City recently advertised for bids for HVAC, plumbing and electrical services and received four proposals for HVAC, one proposal for electrical and one proposal for plumbing. The proposals are all based on several items: cost per hour, materials mark-up, response time, vehicle charges and manpower.

- For HVAC, the most qualified and responsive contractor, Milwaukie Heating and Cooling, proposed a price for labor of \$96.00 per hour for labor which translates into approximately 208 hours, call-back within one hour and a maximum response time of twenty-four hours, material mark-up of 10% and no vehicle charges
- For plumbing, the most qualified and responsive contractor, Milwaukie Plumbing, proposed a price for labor of \$96.00 per hour which translates into approximately 208 hours, a response time of twenty-four hours, material mark-up of 20%, and \$15 vehicle charges.
- For electrical, the most qualified and responsive contractor, Dryer Electric, proposed a price for labor of \$75.40 which translates into approximately 530 hours, a response time of 4 hours, material mark-up of 5% and no vehicle charge.

Normal response time is defined as 48 hours and emergency response time is four hours.

Absent on-call services contracts such as these proposed, the City would be required under state law to formally bid much of this kind of work annually. A Public Improvement Contract is required for any non-emergency repairs, replacements, or remodels that maintain or increase the value of the publicly owned building. Without this type of contract, the Facilities Maintenance Coordinator would need to solicit three individual bids to determine low bid for many types of repair requests. The processing time can take weeks and is very inefficient. For example, replacement of an electrical, plumbing or HVAC component would require specifying the exact details of the job, soliciting three bids from a variety of vendors. The work involved to solicit that much information would require six to eight hours of uninterrupted time.

Staff anticipates a need for all three of these services up to \$80,000 per year. There will be an option to renew the contract each fiscal year for up to a total of five years. The contract will be extended only if the previous year's projects were completed to the City's satisfaction.

This contract is the second, third and fourth of five contracts with outside vendors that are designed to meet the needs of the Facilities Department this year and presumably for the following four years. The remaining on-call contract is landscaping and should come before Council in March of this year. In the past the City has retained these services through non-competitive, direct awards to service providers that do not strictly conform to public contracts law in Oregon.

### **Concurrence**

The Public Works Operations Director and the Facilities Coordinator both support this action.

### **Fiscal Impact**

The fiscal impact to Facilities contract services is a maximum of \$80,000 per year. Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget. However, since less than half the fiscal year remains, we do not expect to use more than half of the maximum, or \$40,000 for the remainder of the 2007/2008 fiscal year. The Facilities Department will continue to make this a part of its budget request for the following four fiscal years.

The Facilities department is funded through an annual occupancy charge assessed to all city departments based upon total square footage occupied. Awarding the service contracts for on-call services will have little impact on the occupancy charge because cost of these services is already included in the Contract Services line item in the Facilities budget. This request addresses the process for awarding on-call services and has little if any impact on the actual cost of these services or the Facilities budget. Over the next four fiscal years, inflation will erode the buying power of these contracts and may require an increase to occupancy charges.

### **Work Load Impacts**

The Facility Maintenance Coordinator (FMC) will need to schedule the work requested, evaluate the impact of work to employees' work environments, and check the quality of work performed. The on-call contracts for these skilled trades will substantially reduce the time it takes to respond to the Facilities Help requests that pour in daily from each city owned building and will allow the FMC to devote a majority of his time to managing larger capital projects.

### **Alternatives**

1. Approve as recommended. This will result in improved response time to repair requests, small building remodels, and building maintenance.
2. Approve with modifications.
3. Deny request. The City could continue with the current limited resources to perform building maintenance and repairs.

### **Attachments**

1. Facilities Help Request Log
2. Resolution Awarding a Contract for Plumbing Services
3. Resolution Awarding a Contract for HVAC Services
4. Resolution Awarding a Contract for Electrical Services

## Attachment 1

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
Request #	Date	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-001	7/10/07	Pass through door sticks at reception	Aggie	PSB	11/13/07	x
08-002	7/11/07	Would like screens install on the upstairs bathroom window- Will not currently happen	Andrea	CH	N/A	
08-003	7/12/07	Doorstop on door between middle room and circ desk is broken	Nancy	LIB		x
08-004	7/13/07	Would like light tubes installed over Sandy R's desk	Sue	CH		x
08-005	7/14/07	Would like light tubes removed over Sandy R's desk - it is too bright	Sandy R	CH		x
08-006	7/15/07	Would like name plates removed from doors in ops bldg	Karin	JCB		x
08-007	7/16/07	Would like bush removed/trimmed in bump out on Main & Jackson	Barb	Other		x
08-008	7/17/07	Valerie would like a lock on a drawer installed	Valerie	CH		x
08-009	7/18/07	Need someone to paint over graffiti on A/C unit outside of the library	Joe	Lib		x
08-010	7/19/07	Chris Amick needs keys for the front door and IST dept door	Esther	PSB		x
08-011	7/20/07	The A/C is not working	Sandy H	PSB		x
08-012	7/24/07	Sprinkler system needs repaired on McLoughlin - Dead plants need examined	Paul	Other	95% Complete	
08-013	7/26/07	Need the "Reserve" print repainted in the parking spots	Sandy H	PSB		x
08-014	7/27/07	Ice Machine is not working	All	JCB	Need New	
08-015	7/30/07	Women's toilet is not flushing correctly	Andrea	CH		x
08-016	7/30/07	Michelle R needs a security badge	Jeanne	JCB		x
08-017	8/1/07	A new shower head is needed for the exercise room shower-	Jill	PSB		x
08-018	8/6/07	Upstairs windows aren't closing correctly - Ceiling tile needs straightened/Council Chamber	Pat D	CH	8/20/07	x
08-019		Tripping hazard on one of the sidewalks by city hall - transit mall - 1 Remove Tree, 1 Repair Sidewalk	Barb	Other	Winter	
08-020	8/8/07	Yard debris needs removed from the pond house	Nancy	Other	8/8/07	x
08-021	8/9/07	Police Records has a wall cabinet they would like mounted on the wall	Carla	PSB	8/21/07	x
08-022	8/9/07	Janna has an AV kit rack that needs stabilized	Janna	LIB	8/23/07	x
08-023	8/10/07	Need the HR/Payroll shelves adjust in the archives room	Andrea	CH	8/21/07	x
08-024	8/14/07	Need additional light fixtures in the archives room where HR stores items	Andrea	CH	Electrician	
08-025	8/14/07	Holding cell toilet is plugged	Carla	PSB	8/17/07	x
08-026	8/15/07	Ice maker in the fridge is not working - Need to call appliance repair person	Jill	PSB	11/5/07	x
08-027	8/15/07	Electrical problem from the building to the fire trucks	S Valence	PSB	8/17/07	x
08-028	8/15/07	Paul would like the condo's washed off located at 21st and Harrison- Will paint	Paul	Other	Need Paint	
08-029	8/16/07	Gravel is needed in a hole that a power pole was suppose to be located/tripping hazard	Nancy	LIB		x
08-030	8/16/07	Would like more lights installed in the library parking lot - NEED A CIP	Nancy	LIB		
08-031	8/16/07	Need quote for broken windows in pond house	Nancy	Other	8/31/07	x
08-032	8/16/07	Need quote for carpet being taken out and replaced in pond house	Nancy	Other	9/7/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
Request #	Date	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-033	8/16/07	Back porch light is not working - may be loose connection	Nancy	LIB	8/1/07	x
08-034	8/16/07	Molding behind circ desk is still loose	Nancy	LIB	11/9/07	x
08-035	8/16/07	Light in foyer by children's library (by bathrooms) is missing cover	Nancy	LIB	11/1/07	x
08-036	8/16/07	Need light bulb replacements for Peake Fountain	Nancy	LIB	10/23/07	x
08-037	8/16/07	Wall needs repaired due to roof leak between elevator and exit door	Nancy	LIB		
08-038	8/16/07	Wall above lockers has a large patch that needs painted	Nancy	LIB		
08-039	8/16/07	Molding needs replace behind display racks in foyer	Nancy	LIB	11/9/07	x
08-040	8/16/07	Order two garbage cans - one for 21st & Harrison and one for Harrison in front of PSB	Paul	Other	Speak to JoAnn	
08-041	8/17/07	Baseboard is loose outside of the elevator on the first floor	Annette	JCB	9/1/07	x
08-042	8/17/07	Water faucet stays on too long in the new restroom upstairs in the Ops Bldg	Annette	JCB	8/17/07	x
08-043	8/17/07	Hose bib is leaking in the men's locker room at PSB	Virginia	PSB	8/20/07	x
08-044	8/17/07	Light over sink in women's restroom is out	Virginia	CH	8/20/07	x
08-045	8/19/07	Need a railing at the end of the hallway going down the stairs - Pond House	Nancy	Other		
08-046	8/19/07	Gap by the back door on the landing that will be letting cold air in this winter - Pond House	Nancy	Other	No Prob Fnd	x
08-047	8/20/07	Vegetation needs removed along the railroad behind the post office on Main	Sarah	Other	8/20/07	x
08-048	8/17/07	Jeanne needs the upstairs ops room set up for a Wed 8/22/07 Meeting	Jeanne	JCB	8/22/07	x
08-049	8/21/07	Sprinkler head is broken by bus stop at PSB - spraying water on bus patrons	Mike C	PSB	8/22/07	x
08-050	8/21/07	Barb would like a good, used rolling chair from stock at 40th & Harvey	Barb	CH	8/22/07	x
08-051	8/1/07	Purchase book shelves for Don S's manuals to store upstairs in Ops Bldg-Temporarily	Willie	JCB		x
08-052	8/22/07	Replace light tube outside of upstairs bathroom	Barb	CH	8/24/07	x
08-053	8/22/07	Parking light light/south side/glass on north light is broken/glass is on grass	Nancy	Lib	8/28/07	x
08-054	8/22/07	Beth would like tables and chairs moved to Ardenwald for their Thur Night Concert	Beth	Other	8/23/07	x
08-055	8/1/07	Sprinkler system at Scott Park is not working Correctly	Nancy	Other	9/1/07	x
08-056	8/22/07	Nancy would like a long handled grabber and pool skimmer for retrieving debris from Scott Park	Nancy	Other	8/22/07	x
08-057	8/10/07	Someone vomited in the women's restroom - Diversified was called to clean it up	Andrea	CH	8/10/07	x
08-058	8/16/07	The windows need cleaned where the ivy was removed	Carla	PSB	10/1/07	x
08-059	8/16/07	Dust the tops of book shelves and window casements	Nancy	LIB		x
08-060	8/16/07	Need vacuuming and dusting of offices and circulation desk area	Nancy	Lib		x
08-061	8/24/07	IST Bathroom faucet is leaking - Ed believes it needs replaced	Chris	PSB	8/1/07	x
08-062	8/28/07	Ergonomic assessment for Michelle and a key board holder similar to Jeanne's.	Jeanne	JCB	9/1/07	x
08-063	8/30/07	Security code button not working properly to open door to records area.	Carla		9/1/07	x
08-064	8/30/07	Need's 2? Cans of paint and brushes for painting or Pond House garage ceiling, one wall, 2 doors and base boards.	Nancy	LIB	9/1/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
REQUEST	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request	Site	Anticipated	Done
#			Made By		Completion	Y N
					Date	
08-065	8/30/07	Have bark dust delivered near Labara Amphitheater have corrections crew/project payback spread	Nancy	LIB	09/01/07	x
08-066	8/30/07	Count tables& chairs at JCB, CH, PSB to see which ones belong to friends of Library	Nancy	LIB	09/01/07	x
08-067	8/30/07	Call corrections crew to pull up thistles and weeds	Nancy	LIB	09/01/07	x
08-068	8/30/07	Need solvent or lacquer thinner to attempt removing graffiti from Peake Memorial Fountain	Nancy	LIB	09/01/07	x
08-069	8/30/07	Cleaners need more green recycling bags for the Library and City Hall	Nancy	LIB	09/01/07	x
08-070	8/31/07	Purchase door and hang in opening between lunchroom & copy room, needs lock& no admittance sign.	Jeanne	JCB	On Order	
08-071	9/4/07	Replace lights in sgt's office and property room, almost all are out.	Carla	PSB	10/10/07	x
08-072	9/5/07	Need a bottle of Goof-Off to have on hand.	Nancy	LIB	10/23/07	x
08-073	9/5/07	Need someone to look at sealed stones on Peake Memorial Fountain.	Nancy	LIB	11/7/07	x
08-074	9/5/07	Ledding Library of Milw. sign in front of building needs repainting & possible reinforcement	Nancy	LIB		
08-075	9/5/07	Attach metal plaque to the teak bench on Library's front porch. Plaque arrives 9/10/07	Nancy	LIB	9/27/07	x
08-076	9/5/07	Install William B Perry plaque installed on the wall outside Lib. Circ. Supervisor's office.	Nancy	LIB		
08-077	9/10/07	Tree shield is sticking up & creating a trip hazard @ 10391 SE Main St. across from Pietro's	Sarah	Other	9/13/07	x
08-078	9/11/07	Set up PW Ops Mtg Room for Mtg on 9/17/07 at 2:00	Michelle	JCB	9/17/07	x
08-079	8/21/07	Install a dishwasher in the JCB Main Bldg Lunchroom	Jeanne	JCB	1/1/08	
08-080	9/11/07	Carpet squares are coming up in the PSB meeting room - center of the windows	Aggie	PSB	10/18/07	x
08-081	9/11/07	Secured area - Women's & Men's restroom door isn't closing all the way	Aggie	PSB	10/10/07	x
08-082	9/12/07	Window pane broken in one of the new windows installed in IST	Chris S	PSB		
08-083	9/12/07	110 Volt electrical outlet needs cover plate behind Chris' office entrance door	Chris S	PSB	10/8/07	x
08-084	9/12/07	Chris is waiting for a desktop segment to be manufactured and installed	Chris S	PSB	9/14/07	x
08-085	9/12/07	Need to finish installing ceiling tiles in Chris' area	Chris S	PSB	9/12/07	x
08-086	9/12/07	Need shelf modification in police storage area - Willie knows what needs to be done	Willie	PSB		
08-087	9/12/07	Grady needs 12 tables & 50 chairs delivered(9/25 4 pm) picked up (9/26 7-7:30 am)-Ardenwald	Grady	CH	WTR DEPT	x
08-088	9/13/07	Bolt or strap trophy case in lobby of PSB to wall, it is a fall hazard	Carla	PSB	9/14/07	x
08-089	9/13/07	Remove shelving and box of parts in the records scanning room	Carla	PSB	9/13/07	x
08-090	9/13/07	Women's restroom handicap stall door lock is sticking	Annette	JCB	9/25/07	x
08-091	9/13/07	Chairs in the Lib. Fiction room need gluing and/or reinforcement, they are very loose	Nancy	LIB	9/28/07	x
08-092	9/13/07	Pat Salvione needs an attached shelf moved and reattached in her office & a filing cabinet removed and taken to the Pond House or 40th and Harvey	Nancy	LIB	9/26/07	x
08-093	9/15/07	Repair blue shelving cart-top floor; turn right at top of stairs-has bolt sticking out	Nancy	LIB	9/26/07	x
08-094	11/13/06	Crack in sidewalk by flags that appears to be a trip Hazard	Annette	CH	10/30/07	
08-095	5/3/07	Blind has fallen down in conf room - needs mounting screw reinstalled	Annette	CH	9/28/07	x
08-096	5/3/07	Tree root is causing one of the sidewalks outside of City Hall to raise up	Annette	CH	See #19	x
08-097	6/4/07	Library has several toilet paper and paper towel dispensers that need new locks	Nancy	LIB	10/11/07	x

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008						
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y N
08-098	11/20/06	Purchase and install shelves in the men's locker room shower	Annette	PSB		
08-099	11/28/06	Repair/Seal gutter at the front entrance of PSB	Annette	PSB	11/9/07	x
08-100	1/26/07	Order a blind for Aggie's window and have it installed	Sandy	PSB		
08-101	4/12/07	Repair window blind in Brenda's office	Annette	JCB	11/7/07	x
08-102	4/2/07	Repair the "Insta Hot" water dispenser in the lunch room-main building	Annette	JCB	11/15/07	x
08-103	9/6/07	Baseboard in men's restroom, main building needs glued to wall	Annette	JCB	11/9/07	x
08-104	9/20/07	Carpet needs reattached in the elevator, it is loose and fraying	Annette	CH	11/9/07	x
08-105	9/20/07	Several ceiling tiles need replaced at the top of the stairs going to the children's library	Annette	LIB	10/11/07	x
08-106	9/20/07	The back of the library needs pressure washed, very cob webby, dirty and buggy	Annette	LIB	12/11/07	x
08-107	9/19/07	Outside book drop lock does not remain locked/latched	Nancy	LIB	9/28/07	x
08-108	9/25/07	Rehang calendar/wall poster in Ops Bldg - See Karin	Karin	Ops	9/26/07	x
08-109	9/26/07	Clean up and remove homeless camp at corner of JCB property, trim tree, remove debris	Kenny	JCB	9/26/07	x
08-110	9/26/07	Willie rec'd phone call 9/25, that records room door would not open/needed new batteries	Tom B	PSB	9/26/07	x
08-111	9/26/07	Remove and rehang fire extinguisher in Ops Bldg	Willie	Ops	9/26/07	x
08-112	9/26/07	Toilet paper holder is broken in the men's restroom, handicap stall, main bldg	Ed	JCB	10/10/07	x
08-113	9/27/07	Pat needs a desk top with file cabinets under it for the fax machine & pre ap's	Jeanne	JCB	9/28/07	x
08-114	9/20/07	Hand towel dispenser in men's restroom needs replaced or a new lock	Annette	LIB	9/21/07	x
08-115	9/20/07	Carpet tiles need replace in HR & the entrance to RIM - They have burn marks on them	Annette	CH	11/9/07	x
08-116	9/20/07	Floor seam needs repaired in the women's restroom	Willie	CH		
08-117	9/28/07	Flooring in women's bathroom is curling up, may need sealant	Nancy	LIB		
08-118	10/2/07	Peake Memorial fountain pump is acting up may need a new one	Nancy	LIB	10/23/07	x
08-119	10/2/07	Peake Memorial Fountain lights need replacing	Nancy	LIB	10/23/07	x
08-120	10/2/07	Permit needs updated at library - it still has Kelly's name on it as the contact	Nancy	LIB		
08-121	10/2/07	Need a fire extinguisher placed in the Ops building kitchen/lunchroom	Karin	Ops	10/23/07	x
08-122	10/4/07	Heating system is not working - furnace is not on	Joe	LIB	10/4/07	x
08-123	10/4/07	Light is out in the women's restroom - main building	Annette	JCB	10/10/07	x
08-124	10/4/07	Canned lights are out in the women's, & men's restroom by CR, men's rest room in secured area and side lights are out in the hallway	Annette	PSB	10/10/07	x
08-125	10/4/07	Need toilet paper and paper towel dispensers installed in upstairs restroom	Annette	Ops	10/23/07	x
08-126	10/4/07	More tar on the carpet in the new upstairs lunchroom/meeting room	Annette	Ops	10/6/07	x
08-127	10/4/07	Door latch sticks going into the men's locker room upstairs in police dept	Annette	PSB		
08-128	10/4/07	Carts from Rose City Moving are still in the IST lunchroom - they need called again	Annette	PSB	10/10/07	x
08-129	10/4/07	Install restroom sign on upstairs ops restroom door	Annette	Ops	10/4/07	x

08-130	10/5/07	Purchase and install hose hangar, hose, nozzle at back of Ops bldg in shoe wash off area	Paul	Ops		x	
<b>FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008</b>							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-131	10/5/07	Lower the flags at all buildings	Andrea	All	10/5/07	x	
08-132	10/5/07	Door lock is not working in the report writing room - Wiley has been called	Carla	PSB	10/5/07	x	
08-133	10/4/07	Check damage to Pond House cement ramp, cause by car. Estimate repair costs.	Joe	Pond	10/4/07	x	
08-134	10/5/07	Door bell to reception @ PSB does not work	Aggie	PSB	10/10/07	x	
08-135	10/9/07	Mount plywood on basement records room wall for new security system	Willie	CH	10/10/07	x	
08-136	10/9/07	Install finished cover on floor box in council work room and chambers - trim carpet	Willie	CH	10/11/07	x	
08-137	10/5/07	Replace door lock on report writing room	Carla	PSB	11/1/07	x	
08-138	10/9/07	Friends need a banner hung today or tomorrow at the Pond House	Nancy	Other	10/9/07	x	
08-139	10/9/07	Children's library needs 2 more panic buttons	Nancy	LIB			
08-140	10/8/07	Peake Fountain Light Bulb replacement #'s are Sylvania Capsylite 250W/120V/FL 30 Degree USA	Nancy	LIB	10/23/07	x	
08-141	10/8/07	Replace light bulb in mailroom - Today please, very dark in this area	Andrea	CH	10/8/07	x	
08-142	10/8/07	Raise flags at all buildings	Andrea	All	10/8/07	x	
08-143	10/11/07	Replace light bulbs in the exit signs	Ed	PSB	10/12/07	x	
08-144	10/11/07	Replace light tubes in exercise room	Ed	PSB	10/12/07	x	
08-145	10/12/07	Marcia would like a lock installed on her lower right desk drawer	Marcia	JCB			
08-146	10/12/07	Shorter water fountain at bottom of stairs is shooting water onto the carpet	Jana	LIB	10/12/07	x	
08-147	10/16/07	Tree by outside railing is dead and needs trimmed off or removed	Nancy	LIB			
08-148	10/16/07	Outside railing on N side of building outside of fiction room is extremely loose	Nancy	LIB	11/14/07	x	
08-149	10/12/07	Shorter water fountain is still shooting water on to the carpet	Nancy	LIB	10/23/07	x	
08-150	10/16/07	Garbage and yard debris needs emptied by Thursday for the Friends rummage sale	Nancy	LIB	10/18/07	x	
08-151	10/15/07	IST needs some electrical ports and data ports completed by our electrician	Chris S	PSB	11/1/07	x	
08-152	10/15/07	Janitors need to remove wax that was inadvertently placed on blue flooring	Andrea	CH	11/7/07	x	
08-153	10/15/07	Lights on the US and City flags are out	Andrea	CH	11/1/07	x	
08-154	10/15/07	Back porch light is only on intermittently in the morning, needs to come on earlier also	Andrea	CH	11/1/07	x	
08-155	10/12/07	CMR women's compact fixture ballast needs replaced	Willie	PSB	11/16/07	x	
08-156	10/12/07	Fluorescent ballasts in property room need replaced	Willie	PSB			
08-157	10/12/07	Replace exit sign fixture on 2nd floor - fire side	Willie	PSB	11/16/07	x	
08-158	10/12/07	Remove Chinese Sumac tree from JCB property	Willie	JCB			
08-159	10/12/07	Install weather station in/on Ops Bldg	Willie	JCB	11/14/07	x	
08-160	10/17/07	Paul would like Karin to have a Panic Button at her desk	Paul	JCB			
08-161	10/17/07	Toilet paper holder in small stall of women's restroom is broken	Carla	PSB	10/23/07	x	
08-162	10/18/07	Possibly need a fire/smoke detector in Katie Mangle's office	Karin	JCB			
08-163	10/19/07	Bertman House has a water leak from a water storage container	Kenny	Other	11/1/07	x	

08-164	10/19/07	Fire alarm panel batteries and wire are corroded	Willie	CH	10/19/07	x	
<b>FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008</b>							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-165	10/19/07	Replace water pump on heating system	Willie	CH	11/7/07	x	
08-166	10/20/07	2" gap between bottom of the front door - leaves and debris are coming through	Joe	Other			
08-167	10/22/07	Remove old locks and install new lock on exterior doors of Ops Bldg	Willie	Ops			
08-168	10/22/07	Remove old locks and install new lock on exterior doors of Pole Barn	Willie	Ops			
08-169	10/22/07	Remove old lock and install new lock on rear exterior door of the fleet shop	Willie	JCB			
08-170	10/23/07	Remove & install new door closer on rear fleet shop door	Willie	JCB	11/6/07	x	
08-171	10/23/07	Install new type Sharps container in building/Library	Willie	LIB	10/23/07	x	
08-172	10/23/07	Purchase and install awning over backdoor/CH	Willie	CH			
08-173	10/23/07	Sink hole has returned on S side of building/CH - fill it in	Willie	CH			
08-174	10/23/07	Install newer type Sharps container in building/CH	Willie	CH	10/23/07	x	
08-175	10/23/07	Install newer type Sharps container in building/PSB	Willie	PSB	10/23/07	x	
08-176	10/23/07	Install door bell on Ops Bldg (electrician will perform work)	Willie	Ops	11/1/07	x	
08-177	10/23/07	Have janitors work with Barb in cleaning the records room	Annette	CH			
08-178	10/23/07	Move 3 metal racks - 2 to the pond house - scrap the red and blue one, scrap paper cutter	Nancy	LIB	11/6/07	x	
08-179	10/24/07	Check on the Cash Spot - Front door is missing(?), windows are broken	Paul	Other	11/1/07	x	
08-180	10/24/07	Reception area hot (receiving hot air), rest of front office is receiving cool air	Pat/Jeanne	JCB	11/7/07	x	
08-181	10/25/07	Lights are out in the holding cells	Willie	PSB	11/7/07	x	
08-182	10/25/07	Loose rubber strip going into the holding cells between concrete and carpet	Willie	PSB	11/15/07	x	
08-183	10/26/07	Would like more lights installed in the front door foyer area	Nancy	LIB	11/6/07	x	
08-184	10/29/07	Strike is missing on the door in the interview room in the detectives area	Carla	PSB	11/8/07	x	
08-185	10/30/07	Turn outside water off for winter, get faucet covers-Library & Pond House	Nancy	LIB	11/9/07	x	
08-186	10/31/07	Need under shelf task light upstairs in Rim - See Barb	Andrea	CH	11/7/07	x	
08-187	11/1/07	Library foyer lights burnt out completely on side, other side needs new bulbs	Nancy	LIB	11/6/07	x	
08-188	11/2/07	Would like new blinds for Judy Serio's area	Judy	CH			
08-189	11/6/07	An electrical floor outlet does not have a cover, Bonnie is getting her heel caught in it	Annette	JCB	11/7/07	x	
08-190	11/6/07	Install keyboard under Karin's desk	Annette	JCB	11/6/07	x	
08-191	11/7/07	Parking lot lights timers need reset to come on at 4:00 pm & off at 5:00 am	Nancy	LIB	11/9/07	x	
08-192	11/7/07	Fountain lights need reset to come on at 4:00 pm & off at 11:00 pm	Nancy	LIB	11/9/07	x	
08-193	11/10/07	Help the Friends of the Library move books to 40th & Harvey	Nancy	LIB	11/15/07	x	
08-194	11/13/07	Heater not functioning in HR/Admin Office	Andrea	CH	11/13/07	x	
08-195	11/14/07	Install some type of barrier around the top of the shelves in the RIM cage	Barb	CH	11/15/07	x	
08-196	11/15/07	Remove Graffiti from 40th & Harvey Lower Bldg/NE Side, Water Storage NW Side	Ed	Other	11/16/07	x	
08-197	11/16/07	Install adjustable keyboard in scanning station at RIM	Barb	CH	12/1/07	x	

08-198	11/16/07	Replace burnt out lights over the sinks in men's locker room	Ed	PSB	11/16/07	x	
<b>FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007- 2008</b>							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-199	11/16/07	Clean gutters at Pond House, they are overflowing	Ed	Other	12/12/07	x	
08-200	11/16/07	Prep basement wall area for phone line and fire control termination boxes	Ed	Other	11/1/07	x	
08-201	11/8/07	Install dish cloth and towels bars upstairs in the Ops Bldg - See Karin	Karin	Ops			
08-202	11/19/07	Check external light schedule for building, lights aren't coming on when it is dark	Andrea	CH	12/12/07	x	
08-203	11/27/07	Old story time chair needs moved to 40th and Harvey	Nancy	LIB			
08-204	11/27/07	Leaves need blown off emergency exit area by children's library	Nancy	LIB	12/12/07	x	
08-205	11/27/07	Center light is out near the downstairs bathrooms	Nancy	LIB	11/28/07	x	
08-206	11/27/07	Hot water takes a long time to arrive to Men's and Women's restrooms	Nancy	LIB			
08-207	11/26/07	Too hot in one area and too cool in another area of Ops Bldg	Paul	Ops	11/27/07	x	
08-208	11/26/07	Elevator doors not opening	Barb	CH	11/26/07	x	
08-209	11/20/07	4-1/2" gap between 3rd cement step going from fire escape and the building	Barb	CH			
08-210	11/26/07	Reglue cork square in Katie M's office - it keeps falling off the wall	Katie	JCB	11/28/07	x	
08-211	11/26/07	Replace water stained ceiling tile in Katie M's office	Katie	JCB	12/3/07	x	
08-212	11/26/07	Shelf bracket is broken and needs replace in Katie M's office	Katie	JCB	12/13/07	x	
08-213	11/26/07	Please remove dry erase board from Katie M's office, she does not use it	Katie	JCB	11/28/07	x	
08-214	11/26/07	Do we have two nice & clean guest type chairs in storage-Katie would like newer ones	Katie	JCB			
08-215	11/27/07	Move HVAC intake to southern end of building away from shop & generators	Jeanne	JCB			
08-216	11/27/07	Replace flickering fluorescent tube in main bldg meeting room	Brett	JCB			
08-217	11/28/07	Check and/or repair the front door at CH, it does not appear to be latching properly	Andrea	CH	11/28/07	x	
08-218	11/27/07	Library would like a floodlight installed on the SE edge of the Library Pond House	Nancy	Other			
08-219	11/29/07	Window seal is broken in a window in the community room	Annette	PSB			
08-220	11/29/07	Replace carpet in elevator - stained and melted	Annette	PSB			
08-221	11/29/07	Replace shower curtain in exercise room- moldy and stained	Annette	PSB			
08-222	11/29/07	Replace counter top in men's locker etched by soap, unable to clean	Annette	PSB			
08-223	11/29/07	The basement has some sort of a water leak in it	Nancy	Other	11/28/07	x	
08-224	11/30/07	Hang photo in the main JCB building - See Jeanne/Hang photos in Ops Bldg - See Paul	Annette	JCB	12/3/07	x	
08-225	11/30/07	Hang wall clock in Bldg - See Bonnie L for location	Annette	JCB	12/3/07	x	
08-226	11/30/07	Hang Wreaths in Main & Ops Bldg's - See Jeanne for Main Bldg - See Paul/Karin for Ops	Annette	JCB	12/3/07	x	
08-227	11/30/07	Re-install panic buttons in front office. Provide a panic button for Ops admin.	Jeanne	JCB			
08-228	12/4/07	Ceiling is leaking in the council chambers, the projector area	Barb	CH	12/4/07	x	
08-229	12/5/07	Install MSDS books/holders in the Ops building	Barb	JCB			
08-230	12/4/07	Two gutter sections on wash out bay need repaired and/or replaced, they are leaking	Paul	JCB			
08-231	12/4/07	Plugged downspout in the secured parking area by back door	Matt G	PSB	12/6/07	x	

08-232	12/4/07	No heat in Aggie's reception area	Carla	PSB	12/4/07	x		
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N	
08-233	12/5/07	Mirror across the street from driveway at PSB is broken and needs replaced						
08-234	12/10/07	Elevator doors are not working again at City Hall	Andrea	CH	12/13/07	x		
08-235	12/11/07	Install an adjustable keyboard for Hannah in the RIM area	Andrea	CH				
08-236	12/11/07	Need truck and supplies for Winter Solstice event	JoAnn	CH	12/11/07	x		
08-237	12/17/07	Handrail is coming loose on the main stairway	Tim	CH				
08-238	12/17/07	Undershelf lighting needs new bulb(s) it is flickering	Barb	CH				
08-239	12/27/07	Nancy K needs lights replace in her office, and the downstairs copy room	Nancy	CH				
08-240	12/27/07	Reception has no heat	Sandy	PSB	12/27/07	x		
08-241	12/27/07	Steve Bartol's desk drawer needs repaired	Steve	PSB				
08-242	12/27/07	Handicap button on inside of building is not working	Andrea	CH				
08-243	12/31/07	TP dispenser in hanidcap stall, women's restroom, by community room is broken	Carla	PSB				
08-244	1/2/08	Cupboard door above dishwasher in lunchroom has fallen off	Carla	PSB				
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**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH MILWAUKIE PLUMBING ON-CALL PLUMBING SERVICES IN THE AMOUNT OF \$20,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.**

**WHEREAS,** the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

**WHEREAS,** The City recently advertised for proposals for Plumbing services and received proposals from Milwaukie Plumbing; and

**WHEREAS,** Milwaukie Plumbing was determined to be the most responsive proposer; and

**WHEREAS,** The contractor proposed a price for labor of \$96.00 which translates into approximately 210 hours, ; and

**WHEREAS,** The City has five (5) major building sites and several other habitable structures that require skilled plumbing services from time to time; and

**WHEREAS,** Staff anticipates a need for these services up to \$20,000 per year, with an option to renew the contract each fiscal year for up to a total of five years; and

**WHEREAS,** Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$20,000 per year for a period not to exceed five years for a maximum amount of \$100,000 with Milwaukie Plumbing and to sign a purchase order for \$20,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH MILWAUKIE HEATING AND COOLING FOR HVAC SERVICES IN THE AMOUNT OF \$20,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.**

**WHEREAS**, the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

**WHEREAS**, The City recently advertised for proposals for Heating Ventilation and Cooling (HVAC) services and received four proposals from Reitmeier Mechanical, Environmental Controls, E.W. Consulting and Milwaukie Heating and Cooling.; and

**WHEREAS**, Milwaukie Heating and Cooling was determined to be the most responsive proposer; and

**WHEREAS**, The contractor proposed a price for labor of \$96.00 which translates into approximately 210 hours, ; and

**WHEREAS**, The City has five (5) major building sites and other small habitable structures that require licensed HVAC services, and

**WHEREAS**, Staff anticipates a need for these services up to \$20,000 per year, with an option to renew the contract each fiscal year for up to a total of five years, and

**WHEREAS**, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$20,000 per year for a period not to exceed five years for a maximum amount of \$100,000 with Milwaukie Heating and Cooling and to sign a purchase order for \$20,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH DRYER ELECTRIC FOR ON-CALL ELECTRIC SERVICES IN THE AMOUNT OF \$40,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.**

**WHEREAS**, the Facilities Department is understaffed and the workload is so great and that additional licensed and skilled contractor resources must be retained to meet the needs of the department; and

**WHEREAS**, The City recently advertised for bids for electrical maintenance and services received proposal from Dryer Electric.; and

**WHEREAS**, the proposal of Dryer Electric was determined to be the most responsive; and

**WHEREAS**, The contractor proposed a price for labor of \$74.50 which translates into approximately 530 hours ; and

**WHEREAS**, The City has five (5) major building sites and several well sites, lift stations, and other small structures that require licensed electrical repair and service; and

**WHEREAS**, Staff anticipates a need for these services up to \$40,000 per year, with an option to renew the contract each fiscal year for up to a total of five years; and

**WHEREAS**, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$40,000 per year for a period not to exceed five years for a maximum amount of \$200,000 with Dryer Electric and to sign a purchase order for \$40,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Community Services Director

Subject: Local Share acquisition at 3039 and 3103 SE Balfour

Date: January 10, 2008

**Action Requested**

Approve a resolution approving the purchase of real properties located at 3039 and 3103 SE Balfour St.

**Background**

During the fall of 2007, staff met with Council to request permission to pursue the acquisition of two properties available on SE Balfour Street for a local park. Council had previously approved the expenditure of local share funds from the Metro parks bond measure, passed in November 2007, for acquiring sites west of 32<sup>nd</sup> Avenue and south of Lake Rd. When the Balfour properties became available, Council authorized staff to pursue the two lots pending the outcome of an independent appraisal and an environmental assessment of both properties.

Appraisals of 3039 and 3103 SE Balfour were conducted by Anderson and Assoc. in November 2007. The appraisal confirmed the market value of \$325,000 for the two properties. On January 7<sup>th</sup>, 2008 Assessment Associates Inc. conducted a Phase I Environmental Assessment on site. This assessment identified no obvious or historic environmental issues on either property. A Phase II Environmental Assessment was determined to be unnecessary.

City and Metro staff working on this acquisition are now prepared to recommend that Council approve a resolution to purchase these two properties.

**Concurrence**

No opposition has been presented to this acquisition.

**Fiscal Impact**

The City will expend \$325,000 and submit an invoice to Metro for reimbursement under the local share program.

**Work Load Impacts**

None.

**Alternatives**

Deny approval of the resolution.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PURCHASE OF REAL PROPERTIES LOCATED AT 3039 and 3103 SE BALFOUR ST. PURSUANT TO MILWAUKIE MUNICIPAL CODE SECTION 3.15.030**

**WHEREAS**, Council authorized staff to pursue acquisition of the real properties located at 3039 and 3103 SE Balfour St. in the City of Milwaukie; and

**WHEREAS**, an offer of \$325,000 has been made by the City and accepted by the seller; and

**WHEREAS**, Milwaukie Municipal Code Section 3.15.030 requires that a purchase of real property valued at more than \$25,000 requires the “approval of City Council;” and

**WHEREAS**, an appraisal of the property showed the City’s offer to be reasonable in the current market; and

**WHEREAS**, a Phase I Environmental Assessment of the property did not reveal evidence of recognized environmental conditions in connection with these properties; and

**WHEREAS**, the purchase will be financed with funding budgeted in fiscal year 2007 by the City for this purpose and reimbursement will be made by Metro with Metro Local Share funds;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Milwaukie, Oregon that:

**Section 1:** Pursuant to Milwaukie Municipal Code Section 3.15.030, the City Council approves the purchase of the real properties located at 3039 and 3103 Balfour St. and authorizes the City Manager to take all action necessary, including execution of all necessary documents, to complete said purchase.

**Section 2:** This Resolution becomes effective upon adoption.

Introduced and adopted by the City Council on January 15th, 2008.

SIGNED:

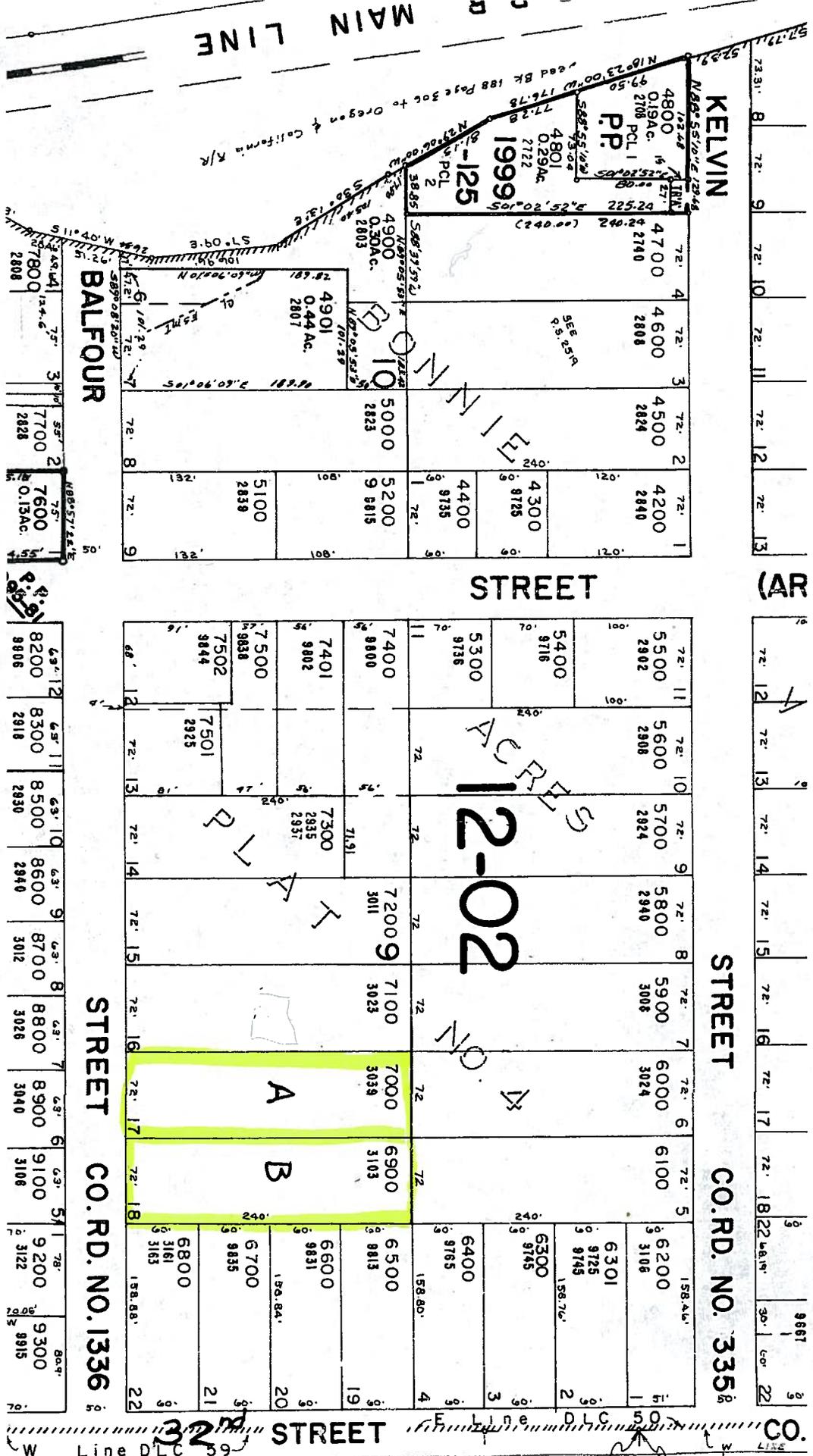
\_\_\_\_\_  
Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
Jordan, Schrader, & Ramis, P.C.



**KELVIN**

**BALFOUR**

**STREET**

**(AR)**

**STREET CO. RD. NO. 1336**

**STREET CO. RD. NO. 1336**

**STREET**

**CO.**

SEE MAP I E 25DB

SW Cor. DLC 58  
NW Cor. DLC 59  
970



W LINE REP. LOT OF VACATED ROSELAND



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Kenny Asher, Director of Community Development and Public Works

**From:** Katie Mangle, Planning Director

**Subject:** Milwaukie Municipal Ordinance Amendment ZA-07-02  
Proposed Amendments to the Milwaukie Municipal Code  
(Title 14 – Signs and Title 19 – Zoning)

**Date:** January 4, 2008 for January 15, 2008 Hearing

### **Action Requested**

Adopt proposed amendments to the Milwaukie Municipal Code (MMC) Title 14 – Signs and Title 19 – Zoning.

### **Background**

This is the first of several code amendment proposal packages that Planning staff will present to City Council in 2008. Due to limited staff resources during the Transportation System Plan project, this first package is limited to simple “housekeeping” changes.

On November 27, 2007, the Planning Commission recommended that Council approve amendments to the code that revise Title 14, the Sign Code, and Title 19, the Zoning Code. The proposed revisions are intended to correct and clarify miscellaneous subsections of the code to improve its administration without changing basic policy or intent. As part of the 2006 and 2007 Planning Commission Work Plan, Commissioners directed staff to prepare a list of "paramedic" code fixes to track needed changes to the code. Over the past year staff has been developing a list of these changes, which are categorized into three groups:

**Type A** – Code changes that are simple and do not affect the meaning or intent of existing regulations.

**Type B** – Code changes that may involve a minor policy change, but are basically consistent with the existing code and Comprehensive Plan.

**Type C** – Changes that introduce a new regulation or a change in regulation.

The Planning Commission has recommended that City Council consider the current package of code changes, which are limited to Type A changes.

***Revisions to Miscellaneous Code Sections***

The Planning Commission is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code (see Attachment 1, Exhibit B). All of the proposed changes:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

The proposed text amendments (see Attachment 1, Exhibit B) include sixteen general types of changes, as described in the following table:

<b>Issue</b>	<b>Change/Clarification</b>
Externally illuminated awning signs	Clarifies that such signs are subject to design review and approval by the planning commission through the Minor Quasi-Judicial procedure.
Adjustments to Sign Code	Clarifies that adjustments to the Sign Code may be considered and granted by the Planning Commission.
Front lot line definition	Revises the definition of “Front Lot Line” to include through lots in the same category as corner lots.
Rear yard definition	The definition of “Rear Yard” is revised to clarify that it is measured at right “angles” to the rear lot line.
Structured Parking and Temporary Transitional Facility	Correct the transposed language in both definitions so that the terms and definitions agree.
Use zone standards	Remove “average” from the lot depth requirements to eliminate redundancy with definition;  Change the Minimum Density standards to clarify that each residential district requires a minimum development density and a maximum permitted density based on lot area.

Major exterior alteration design review	Clarifies that the Planning Commission is the decision-maker for Minor Quasi-Judicial applications. Clarifies that the Design and Landmarks Commission (DLC) is a “committee” instead of a “commission.”
Water quality resource regulations	1) Corrects reference. 2) Clarifies that the corridor width is applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.
Historic Preservation Overlay Zone – “Committee” definition	Removes the definition of “Committee” (in reference to the Design and Landmarks Committee) from this section.
Demolition appeals process	Replaces the incorrect code section reference (19.323.6.F) with correct code section.
Clear vision standards	1) Changes this section to include the correct chapters and sections of the municipal and zoning code for clear vision standards. 2) Revise this section to specifically reference Chapter 12.24 of the municipal code and Section 19.1409.2.E of the zoning code.
Off-street commercial vehicle parking	Adds reference to the definition of “commercial vehicle” found in Chapter 10.04.090.
Height exception for conditional uses	Removes this section from the code.
Home improvement exceptions	1) Removes embedded language from the purpose statement creates a new subsection of Chapter 19.707.2. 2) Clarifies that either a single-family detached or single-family attached home qualify for a Home Improvement Exception. 3) Corrects review procedure as a Type II review.
Transportation standards	1) Corrects a reference to transportation facility adequacy requirements in 19.1408. 2) Corrects reference.

### *Commentary on Revisions*

To ensure the revisions and their intent are clear to those reviewing the proposal, staff developed a Commentary document to accompany to proposed code amendments (see Attachment 3). The Commentary explains the proposed revisions, including any resulting minor policy changes. This document should be reviewed side-by-side with the underline/strikeout documents included as Attachment 1, Exhibit B, and Attachment 3.

### **Key Issues**

1. Do the proposed amendments meet the approval criteria?
2. Do the proposed amendments affirm and clarify existing policy regarding Signs and Land Use, making the use of the Milwaukie Municipal Code more effective?

### **Analysis of Key Issues**

#### **Key Issue 1. Do the proposed Zoning Code amendments meet the approval criteria?**

Zoning Code amendments are subject to approval criteria found in 19.904.1 – Requirements for Zoning Text Amendments and 19.905 Approval criteria for all amendments. All amendments must be consistent with unamended portions of the Comprehensive Plan and with the statewide planning goals. As shown in Attachment 1, Zoning Amendment Criteria Checklist, the proposed amendments meet the approval criteria.

#### **Key Issue 2. Do the proposed amendments affirm and clarify existing policy regarding Signs and Land Use, making the use of the Milwaukie Municipal Code more effective?**

The proposed amendments to Milwaukie Municipal Code Titles 14 and 19 include many revisions to the MMC text. The revisions are intended to correct and clarify the code to improve its administration without changing basic policy or intent.

The proposed revisions will improve the effectiveness of Code by correcting mistakes and clarifying existing policy in Title 14 – Sign Code and Title 19 – Zoning Code will make these regulations easier to understand for both staff and applicants.

### **Concurrence**

The Planning Commission recommended approval at the November 27, 2007 hearing on the proposed amendments.

### **Fiscal Impact**

The requested action will have negligible fiscal impact. Clarifying language in the Sign and Zoning Code will correct and clarify the code to improve its administration without changing basic policy or intent.

### **Work Load Impacts**

These amendments are the first in a series of proposed code amendment packages that Planning staff will present to City Council in 2008. Planning staff and the Planning Commission have carefully crafted this package of amendments to minimize the need for staff research and outreach, while solving existing problems with the code. Staff has recently begun work on the higher priority code amendment projects listed in the Planning Commission's 2007-8 work plan. Therefore, should Council disagree with any section of this proposal, staff will recommend that Council exclude that one section from the adoption package instead of diverting staff time to perfecting this proposal.

### **Alternatives**

Revisions to the land use code are Legislative decisions, which do not have a time limit. The City Council has the following decision making options:

1. Approve the amendments.
2. Approve the amendments with modifications.
3. Continue the hearing to allow for more discussion.
4. Do not approve the proposal and return the amendments to Planning Commission for further discussion.

### **Attachments**

1. Ordinance
  - Exhibit A. Findings in Support of Adoption
  - Exhibit B. Amendments to Title 14 - Sign Ordinance and Title 19 – Zoning Ordinance (underline/strikeout version)
  - Exhibit C. Amendments to Title 14 - Sign Ordinance and Title 19 – Zoning Ordinance (clean version)
2. Commentary on revisions to Titles 14 and 19
3. Zoning Amendment Criteria Checklist

**Attachment 1**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING TITLE 14 SIGNS AND TITLE 19 ZONING, TO CORRECT AND CLARIFY THESE ORDINANCES TO MAKE THEM MORE EFFECTIVE (FILE #ZA-07-02).**

**WHEREAS**, the proposed amendments to Titles 14 and 19 make corrections and clarifications that will more effectively communicate and implement existing policy; and

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

**WHEREAS**, on November 27, 2007, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 19.1011.5, and adopted a motion in support of the amendment; 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 proposed amendment(s) are attached as Exhibit A.

Section 2. Title 14 Sign Ordinance Text Amendment. The Sign Ordinance text is amended as described in Exhibits B (strikeout version) and C (clean version).

Section 3. Title 19 Zoning Ordinance Text Amendment. The Zoning Ordinance text of is amended as described in Exhibits B (strikeout version) and C (clean version).

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 \_\_\_\_\_.

\_\_\_\_\_  
Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis, LLP

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

**Attachment 1, Exhibit A  
Findings in Support of Approval**

1. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections and 19.901, 19.902 (see Attachment 4, Code Compliance Report).
2. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5 (see Attachment 4, Code Compliance Report).
3. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).

**Exhibit B**

**Amendments to Milwaukie Municipal Code**

**Title 14 — Sign Ordinance and Title 19 — Zoning Ordinance (“strikeout” version)**

**Underlined text is to be inserted**

**Strikeout ~~text~~ is to be deleted**

**The following items are recommended minor text amendments to the City of Milwaukie Sign Ordinance (Title 14):**

**14.16.060 Downtown zones.**

- H. Illumination. Illuminated signs may be permitted subject to the following:
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the planning commission, **as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, and** according to the following criteria:
    - a. Sign lighting should be designed as an integral component of the building and sign composition.
    - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
    - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.

**14.32.020 ~~Variance~~ Adjustment procedure.**

The following procedures shall be followed in applying for and acting on ~~an variance~~ **adjustment**:

- A. A property owner may initiate a request for ~~an variance~~ **adjustment** by filing an application with the city manager, using forms required by the city manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be ~~varied~~ **adjusted** and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the ~~variance~~ **adjustment** request.
- B. The review authority shall hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, Section 19.1011.3, Minor Quasi-Judicial Review, for any ~~variance~~ **adjustment** request which is twenty-five percent (25%) or more of the required standard. ~~Variance~~ **Adjustment** requests of less than twenty-five percent (25%) from the standard required shall be reviewed by the community development director per the provisions outlined in Section 19.1011.2, Administrative Type II Review, of Ordinance 1712, the zoning ordinance. Within five (5) days after a decision has been rendered with reference to a request for ~~an variance~~ **adjustment**, the city manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

**14.32.030 Circumstances for granting ~~variance~~ adjustment.**

The review authority shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district;
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- D. That the granting of the ~~variance~~ adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- E. That the granting of the ~~variance~~ adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

**14.32.040 Time limit.**

- A. Authorization of an ~~an variance~~ adjustment shall be void if the building or work approved by such ~~variance~~ adjustment is not commenced within six (6) months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the ~~variance~~ adjustment expiration date, extend the ~~variance~~ adjustment for a period not to exceed one year. (Ord. 1917 § 3 (Exh. B) (part), 2003; Ord. 1916 § 3 (Exh. B) (part), 2003; Ord. 1733 § 1(1)(Exh. A) (part), 1993)

**The following items are recommended minor text amendments to the City of Milwaukee Zoning Ordinance (Title 19):**

**19.103 Definitions.**

Lot Line, Front. “Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; ~~and~~ in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face, **and in the case of a through lot, a line separating the lot from the street on which the contemplated development will face.**

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title:

1. Yard, Rear. “Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, and measured horizontally at right **angles** to the rear lot line from the rear lot line to the nearest point of a main building.

“Structured parking” means a covered structure, or portion of a covered structure, that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure **to a use, or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.**

“Temporary or transitional facility” means a facility which may provide temporary **or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.** parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of access and egress.

**19.301 Residential zone R-10**

**19.301.3 Standards.** In an R-10 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least ten thousand (10,000) square feet, and the lot area shall be not less than an average of seven thousand (7,000) square feet for dwelling of a single-family attached **dwelling complex**. Lot width shall be at least thirty (30) feet for an interior single-family attached unit. ~~Average~~ Lot depth shall be at least one hundred (100) feet. Lot width shall be at least seventy (70) feet.
- K. Minimum **and maximum** density: ~~Minimum~~ **Development** densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least three and five tenths (3.5) ~~to~~ **and not more than** four and four tenths (4.4) dwelling units per net acre.

### 19.302 Residential zone R-7

**19.302.3 Standards.** In an R-7 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached ~~dwelling complex~~ the lot area shall be an average of at least seven thousand (7,000) square feet per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- K. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 ~~to~~ and not more than 6.2 dwelling units per net acre.

### 19.303 Residential zone R-5

**19.303.3 Standards.** In an R-5 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 7.0 ~~to~~ and not more than 8.7 dwelling units per net acre.

### 19.304 Residential zone R-3

**19.304.3 Standards.** In an R-3 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least three thousand (3,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached units the lot width shall be at least thirty (30) feet. ~~Average~~ Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ and not more than 14.5 dwelling units per net acre.

### 19.305 Residential zone R-2.5

**19.305.3 Standards.** In an R-2.5 zone the following standards shall apply:

- J. Minimum and maximum density: ~~Minimum~~ Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission,

pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ **and not more than** 17.4 dwelling units per net acre.

### 19.306 Residential zone R-2

**19.306.3 Standards.** In an R-2 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than an average of two thousand five hundred (2500) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. For interior single-family attached and condominium units lot width shall be at least thirty (30) feet. ~~Average~~ **Lot** depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- L. Minimum **and maximum** density: ~~Minimum~~ **D**evelopment densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 ~~to~~ **and not more than** 17.4 dwelling units per net acre.

### 19.307 Residential—Business office—Commercial zone R-1-B.

**19.307.3 Standards.** In an R-1-B zone the following standards shall apply:

- L. Minimum **and maximum** density: ~~Minimum~~ **R**esidential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

### 19.308 Residential zone R-1

**19.308.3 Standards.** In an R-1 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than one thousand four hundred (1400) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. Lot width for single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ **Lot** depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- M. Minimum **and maximum** density: ~~Minimum~~ **R**esidential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

**19.309 Residential—Office—Commercial zone R-O-C**

**19.309.3 Standards. In an R-O-C zone the following standards shall apply:**

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand four hundred (1400) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ **L**ot depth shall be at least eighty (80) feet.
- M. Minimum **and maximum** density: ~~Minimum~~ **R**esidential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) ~~to~~ **and not more than** thirty-two (32) dwelling units per net acre.

**19.311 Limited Commercial zone C-L.**

**19.311.3 Standards. In a C-L zone the following standards shall apply:**

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand (1000) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. ~~Average~~ **L**ot depth shall be at least eighty (80) feet.

**19.312 .7 Design Review.**

- E. Application Procedure.
  - 3. Major exterior alterations, as defined in Section 19.312.6B.3 shall be processed as Minor Quasi-Judicial Review in accordance with the procedures in Section 19.1011.3. Applications for major exterior alterations shall be heard in a public hearing **by** and decided by the **planning commission** ~~design and landmarks committee~~, except as follows:
  - 4. Residential.
    - b. Mixed-use Buildings. The residential portion of mixed-use buildings shall be subject to the clear and objective standards under Section 19.312.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed-use building through design review.  
  
Any change in use of the residential portion of a mixed-use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the ~~design and landmarks~~ **planning** commission.
- H. Report and Recommendation by Design and Landmarks ~~Commission~~ **Committee**.  
When an application also requires planning commission approval, the planning director for Type II Reviews, or design and landmarks ~~commission~~ **committee** for Minor Quasi-Judicial Reviews,

shall make a written report of its recommendation concerning the design to the planning commission. After receiving the planning director’s or design and landmarks ~~commission’s~~ **committee’s** recommendation, the planning commission shall consider the design review recommendation and integrate it with the land use application process applicable to the project.

- I. Variances to Development Standards. The ~~design and landmarks~~ **planning** commission may authorize variances to the development standards under subsection 19.312.4 in accordance with procedures of Chapter 19.700.
- J. Modification of Design Standards. The ~~design and landmarks~~ **planning** commission may authorize modification of the design standards under subsection 19.312.6(C), in accordance with the following procedures.

**19.322 Water Quality Resource Regulations.**

**19.322.3 Applicability.**

Water quality resource area regulations apply to all properties containing protected water features as shown on the adopted Water Quality Resource and Flood Hazard Map. Application for development activity shall be made in accordance with Title 19, this chapter, and Sections ~~19.322.6~~ **19.322.9** Application Requirements and 19.322.10 Development Standards.

**19.322.12 Map Administration.**

Table 1

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor <sup>6</sup>
Primary Protected Water Features <sup>1</sup>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bank full flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
Primary Protected Water Features <sup>1</sup>	> 25% for 150 feet or more <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	200 feet
Primary Protected Water Features <sup>1</sup>	> 25% for less than 150 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	Distance from starting point of measurement to top of ravine (break in > 25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup>
Secondary Protected Water Features <sup>2</sup>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	15 feet

<b>Secondary Protected Water Features<sup>2</sup></b>	> 25% <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
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<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50—100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

<sup>5</sup> Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.

**6 Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.**

**19.323.3 Definitions.**

~~“Committee” means the city of Milwaukie design and landmarks committee.~~

**19.323.7 Demolition.**

E. Approval of Demolition Request/Appeals. The commission may approve the demolition request after considering the criteria under subsection D above. Action by the commission approving the issuance of permit for demolition may be appealed to the city council by any aggrieved party, by filing a notice of appeal, in the same manner as provided in subsection ~~19.323.6(F)~~ **19.323.5(F)**. If no appeal is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.

**19.402 Accessory structures, limitations**

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are ~~to be~~ provided by city public works as part of the **regulations in Chapter 12.24 and** clear vision determination process specified in Chapter ~~19.1400~~ 19.1409.2.E. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

**19.426.5 Protection of Adjoining Properties.**

A. Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. **Fencing and screening must conform to the clear vision**

standards of 19.1409.2.E and Chapter 12.24. Fencing shall conform to the standards of 19.402(B).

**19.503.19 Landscaping.** Parking area landscaping shall be required in all districts and for all uses other than single-family **detached** and duplex **single-family attached** residences. Landscaping shall be based on the following standards.

**19.503.21 Off-Street Vehicle Parking in Residential Zones.**

E. Commercial vehicles, **as defined in Chapter 10.04.090**, over one and one-half tons shall not be permitted to be parked or stored in residential zoning districts.

~~**19.602.2 Height Exception.** A church or public building may be built to exceed the height limitations of the zone in which it is located to a maximum height of fifty (50) feet, except as provided in an L-F zone, if the total floor area of the building does not exceed one and one half (1 1/2) times the area of the site and if the yard dimensions in each case are equal to at least two thirds (2/3) of the height of the principal structure.~~

**19.701 Variances.**

The planning commission, design and landmarks ~~commission~~ **committee** as provided in Section 19.312.7.H or planning director may authorize variances from the standards and requirements of this title within the limitations prescribed in Section 19.702. In granting a variance, the planning commission; ~~design and landmarks commission~~ or planning director may, in addition to the time limitations of Section 19.1013, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this title. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1849 (part), 1999)

**19.707.1 Purpose.** The purpose of a home improvement exception is to allow, under special circumstances, relief from the requirements of the zoning ordinance where it is desirable to sustain the integrity of or enhance an existing residential design concept or the neighborhood character. A home improvement exception may be approved to grant relief from the strict provisions of the zoning ordinance for yards and lot coverage. ~~The total floor area approved through home improvement exceptions on a given parcel shall not be more than two hundred fifty square feet and no more than one hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two hundred fifty square foot limit.~~ Home improvement exceptions may not be granted to allow a use, activity, or an increased number of dwelling units that are not permitted by the zoning ordinance.

**19.707.2 Conditions to Qualify for a Home Improvement Exception.** All of the following conditions must be met to make application for a home improvement exception:

A. The home improvement exception is for an addition to an existing single-family residential **detached** dwelling or attached garage in the R-10, R-7, R-5, or R-3 zones; **or for an addition to an existing two-family residential unit single-family attached dwelling or attached garage in the R-5, R-3, R-2, or R-1 zones;**

- B. The total floor area approved through home improvement exceptions on a given parcel shall not be more than two hundred fifty (250) square feet and no more than one hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two hundred fifty-square-foot limit.**
- ~~B. The home improvement exception is for an addition to an existing two-family residential unit or attached garage in the R-5, R-3, R-2, or R-1 zones;~~
- C. The date of the granting of a certificate of occupancy for the subject residential unit is five or more years before the date of application;
- D. At least seventy-five percent of the exterior walls (linear feet) will remain;
- E. A yard requirement will not be reduced by more than fifty percent, and the addition will be located no closer than five feet from the property line (including landings, overhangs, and eaves). (Ord. 1849 (part), 1998).

**19.709 Home improvement exception procedures.**

Home improvement exceptions may be reviewed and approved or denied by the planning director. Procedures per subsection 19.1011.2, Type ~~H~~ **II** Administrative Review, shall be followed. (Ord. 1849 (part), 1999)

**19.1011.2 Type II Administrative Review.** A type II procedure provides for an administrative decision with the option of a public hearing.

- A. Public notification. Within fifteen (15) days of the receipt of an application, the director will mail a notice of tentative decision. This notice shall contain a description of the request and shall describe the tentative decision made by the director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within three hundred (300) feet of the outer boundaries of the site. For applications in the downtown zones, notice shall also be given to the design and landmarks ~~commission~~ **committee**. The names and addresses used for this purpose shall be those shown on the current records of the county assessor. At least fourteen (14) days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.
- C. Public Hearing. If any interested person or notified property owner responds and requests an opportunity to testify at a public hearing, a hearing shall be scheduled according to the “Public Hearing Schedule” outlined by the community development department and shall follow procedures outlined in subsection 19.1001.3, Minor Quasi-Judicial Review. For applications in the downtown zones, a design and landmarks ~~commissioner~~ **committee member** may request the application be set for public hearing before the ~~design and landmarks commission~~ **planning commission**.
- E. Decision. The ~~planning commission or design and landmarks commission~~ shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable comprehensive plan goals and policies and other applicable implementing ordinances. Community development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within five (5) days after the final decision.

**19.1012 Recess of hearing**

The planning commission, city council or design and landmarks ~~commission~~ **committee** may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1762 (part), 1994)

**19.1409.1 General Provisions.**

- C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Section ~~19.1408~~ **19.1407**.

**19.1413.3 Number and Size of Driveways.**

- C. Driveway Size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (nine (9) feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians. This chapter does not apply to requirements for flag lots, which are found in ~~Title 17~~ **Section 19.426**.

**Exhibit C**

**Amendments to Milwaukie Municipal Code**

**Title 14 Sign Ordinance and Title 19 Zoning Ordinance (“clean” version)**

**Underlined text is to be inserted**

**Strikeout text is to be deleted**

**The following items are recommended minor text amendments to the City of Milwaukie Sign Ordinance (Title 14):**

**14.16.060 Downtown zones.**

- H. Illumination. Illuminated signs may be permitted subject to the following:
3. Awning signs shall not be internally illuminated. Features on an awning sign may be externally illuminated subject to review by the design and landmarks committee and approval by the planning commission, as provided in subsection 19.1011.3, Minor Quasi-Judicial Review, and according to the following criteria:
    - a. Sign lighting should be designed as an integral component of the building and sign composition.
    - b. Sign lighting should be designed primarily for the enhancement of the pedestrian environment along adjacent streets and open spaces.
    - c. Lighting should contribute to a sign that is architecturally compatible with the character of the area.

**14.32.020 Adjustment procedure.**

The following procedures shall be followed in applying for and acting on an adjustment:

- A. A property owner may initiate a request for an adjustment by filing an application with the city manager, using forms required by the city manager or duly authorized agent. The application shall be accompanied by a site plan drawn to approximate scale showing the condition to be adjusted and the dimensions and arrangement of the proposed sign, support structure, buildings and real property. The review authority may request other drawings or material essential to an understanding of the adjustment request.
- B. The review authority shall hold a public hearing per the provisions of Ordinance 1712, the zoning ordinance, Section 19.1011.3, Minor Quasi-Judicial Review, for any adjustment request which is twenty-five percent (25%) or more of the required standard. Adjustment requests of less than twenty-five percent (25%) from the standard required shall be reviewed by the community development director per the provisions outlined in Section 19.1011.2, Administrative Type II Review, of Ordinance 1712, the zoning ordinance. Within five (5) days after a decision has been rendered with reference to a request for an adjustment, the city manager or duly authorized representative shall provide the applicant with notice of the decision of the review authority.

**14.32.030 Circumstances for granting adjustment.**

The review authority shall consider and make findings with respect to each of the following:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the sign ordinance;
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district;
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district;
- D. That the granting of the adjustment will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and
- E. That the granting of the adjustment will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

**14.32.040 Time limit.**

- A. Authorization of an adjustment shall be void if the building or work approved by such adjustment is not commenced within six (6) months of the date of approval.
- B. The review authority may, upon receiving a written request from the applicant prior to the adjustment expiration date, extend the adjustment for a period not to exceed one year.

**The following items are recommended minor text amendments to the City of Milwaukee Zoning Ordinance (Title 19):**

**19.103 Definitions.**

Lot Line, Front. “Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street other than an alley; in the case of a corner lot, a line separating the lot from the street on which the contemplated development will face; and, in the case of a through lot, a line separating the lot from the street on which the contemplated development will face.

“Yard” means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this title:

1. Yard, Rear. “Rear yard” means a yard between side lot lines or between a street side yard and opposite side lot line, and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

“Structured parking” means a covered structure, or portion of a covered structure, that provides parking areas for motor vehicles. The structure can be part of a principal structure or can be an accessory structure to a use.

“Temporary or transitional facility” means a facility which may provide temporary or transitional services to families or individuals, including lodging where the average stay is sixty (60) days or less. Such facilities shall be classified as community service uses and may include shelters, community counseling centers, rehabilitation centers and detention and detoxification facilities.

**19.301 Residential zone R-10**

**19.301.3 Standards.** In an R-10 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least ten thousand (10,000) square feet, and the lot area shall be not less than an average of seven thousand (7,000) square feet for dwelling of a single-family attached dwelling. Lot width shall be at least thirty (30) feet for an interior single-family attached unit. Lot depth shall be at least one hundred (100) feet. Lot width shall be at least seventy (70) feet.
- K. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least three and five tenths (3.5) and not more than four and four tenths (4.4) dwelling units per net acre.

**19.302 Residential zone R-7**

**19.302.3 Standards.** In an R-7 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least seven thousand (7,000) square feet. For a single-family attached dwelling the lot area shall be an average of at least seven thousand (7,000) square feet

per unit. Lot width shall be at least sixty (60) feet. The minimum lot width shall be thirty (30) feet for interior single-family attached units. Lot depth shall be at least eighty (80) feet.

- K. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 5.0 and not more than 6.2 dwelling units per net acre.

### **19.303 Residential zone R-5**

**19.303.3 Standards.** In an R-5 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least five thousand (5,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached dwellings the lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 7.0 and not more than 8.7 dwelling units per net acre.

### **19.304 Residential zone R-3**

**19.304.3 Standards.** In an R-3 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5,000) square feet. For single-family attached dwellings the lot area shall be an average of at least three thousand (3,000) square feet per dwelling unit. Lot width shall be at least fifty (50) feet. For interior single-family attached units the lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 14.5 dwelling units per net acre.

### **19.305 Residential zone R-2.5**

**19.305.3 Standards.** In an R-2.5 zone the following standards shall apply:

- J. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 17.4 dwelling units per net acre.

### **19.306 Residential zone R-2**

**19.306.3 Standards.** In an R-2 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than an average

of two thousand five hundred (2500) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. For interior single-family attached and condominium units lot width shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.

- L. Minimum and maximum density: Development densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least 11.6 and not more than 17.4 dwelling units per net acre.

**19.307 Residential—Business office—Commercial zone R-1-B.**

**19.307.3 Standards.** In an R-1-B zone the following standards shall apply:

- L. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

**19.308 Residential zone R-1**

**19.308.3 Standards.** In an R-1 zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and there shall be not less than one thousand four hundred (1400) square feet for each dwelling unit over one. Lot width shall be at least fifty (50) feet. Lot width for single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet. Single-family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than three thousand (3000) square feet per unit provided that traffic does not move through adjacent lower density areas.
- M. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

**19.309 Residential—Office—Commercial zone R-O-C**

**19.309.3 Standards.** In an R-O-C zone the following standards shall apply:

- A. Lot size: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand four hundred (1400) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.
- M. Minimum and maximum density: Residential densities for subdivision, planned development, mixed use development, and other proposals reviewed by the planning commission, pursuant to

subsection 19.1011.3, Minor Quasi-Judicial Review, shall be at least twenty-five (25) and not more than thirty-two (32) dwelling units per net acre.

### **19.311 Limited Commercial zone C-L.**

#### **19.311.3 Standards.** In a C-L zone the following standards shall apply:

- A. Lot size: None, except as follows for dwelling: Lot area shall be at least five thousand (5000) square feet. Lot area for the first dwelling unit shall be at least five thousand (5000) square feet and for dwelling units over one there shall be not less than an average of one thousand (1000) square feet. Lot width shall be at least fifty (50) feet. Lot width for interior single-family attached and condominium units shall be at least thirty (30) feet. Lot depth shall be at least eighty (80) feet.

#### **19.312.7 Design Review.**

- E. Application Procedure.
  - 3. Major exterior alterations, as defined in Section 19.312.6B.3 shall be processed as Minor Quasi-Judicial Review in accordance with the procedures in Section 19.1011.3. Applications for major exterior alterations shall be heard in a public hearing by and decided by the planning commission, except as follows:
  - 4. Residential.
    - b. Mixed-use Buildings. The residential portion of mixed-use buildings shall be subject to the clear and objective standards under Section 19.312.6. The nonresidential portion of the building is subject to design review as provided in this section. Applicants may elect to process the entire mixed-use building through design review.

Any change in use of the residential portion of a mixed-use building that elected only to apply clear and objective standards, and where exterior changes to the building are proposed shall require approval by the planning commission.
- H. Report and Recommendation by Design and Landmarks Committee.

When an application also requires planning commission approval, the planning director for Type II Reviews, or design and landmarks committee for Minor Quasi-Judicial Reviews, shall make a written report of its recommendation concerning the design to the planning commission. After receiving the planning director's or design and landmarks committee's recommendation, the planning commission shall consider the design review recommendation and integrate it with the land use application process applicable to the project.
- I. Variances to Development Standards. The planning commission may authorize variances to the development standards under subsection 19.312.4 in accordance with procedures of Chapter 19.700.
- J. Modification of Design Standards. The planning commission may authorize modification of the design standards under subsection 19.312.6(C), in accordance with the following procedures.

**19.322 Water Quality Resource Regulations.**

**19.322.3 Applicability.**

Water quality resource area regulations apply to all properties containing protected water features as shown on the adopted Water Quality Resource and Flood Hazard Map. Application for development activity shall be made in accordance with Title 19, this chapter, and Sections 19.322.9 Application Requirements and 19.322.10 Development Standards.

**19.322.12 Map Administration.**

**Table 1**

<b>Protected Water Feature Type (see definitions)</b>	<b>Slope Adjacent to Protected Water Feature</b>	<b>Starting Point for Measurements from Water Feature</b>	<b>Width of Vegetated Corridor<sup>6</sup></b>
<b>Primary Protected Water Features<sup>1</sup></b>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bank full flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet
<b>Primary Protected Water Features<sup>1</sup></b>	> 25% for 150 feet or more <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	200 feet
<b>Primary Protected Water Features<sup>1</sup></b>	> 25% for less than 150 feet <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	Distance from starting point of measurement to top of ravine (break in > 25% slope) <sup>3</sup> , plus 50 feet. <sup>4</sup>
<b>Secondary Protected Water Features<sup>2</sup></b>	< 25%	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	15 feet
<b>Secondary Protected Water Features<sup>2</sup></b>	> 25% <sup>5</sup>	<ul style="list-style-type: none"> <li>• Edge of bankful flow or 2-year storm level;</li> <li>• Delineated edge of Title 3 wetland</li> </ul>	50 feet

<sup>1</sup> Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs.

<sup>2</sup> Secondary Protected Water Features include intermittent streams draining 50—100 acres.

<sup>3</sup> Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the > 25% slope (see slope measurement in Appendix).

<sup>4</sup> A maximum reduction of 25 feet may be permitted in the width of the vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

- <sup>5</sup> Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the uphill direction from the protected water feature.
- <sup>6</sup> Vegetated corridor width shall be applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

**19.323.7 Demolition.**

E. Approval of Demolition Request/Appeals. The commission may approve the demolition request after considering the criteria under subsection D above. Action by the commission approving the issuance of permit for demolition may be appealed to the city council by any aggrieved party, by filing a notice of appeal, in the same manner as provided in subsection 19.323.5(F). If no appeal is filed, the building official shall issue the permit in compliance with all other codes and ordinances of the city.

**19.402 Accessory structures, limitations**

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are provided as part of the regulations in Chapter 12.24 and clear vision determination process specified in Chapter 19.1409.2.E. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

**19.426.5 Protection of Adjoining Properties.**

A. Flag lots must be screened in accordance with this subsection to minimize potential adverse impacts to abutting properties. Fencing and screening must conform to the clear vision standards of 19.1409.2.E and Chapter 12.24. Fencing shall conform to the standards of 19.402(B).

**19.503.19 Landscaping.** Parking area landscaping shall be required in all districts and for all uses other than single-family detached and single-family attached residences. Landscaping shall be based on the following standards.

**19.503.21 Off-Street Vehicle Parking in Residential Zones.**

E. Commercial vehicles, as defined in Chapter 10.04.090, over one and one-half tons shall not be permitted to be parked or stored in residential zoning districts.

**19.602.2** Repealed by Ordinance # \_\_\_\_\_.

**19.701 Variances.**

The planning commission, design and landmarks committee as provided in Section 19.312.7.H or planning director may authorize variances from the standards and requirements of this title within the limitations prescribed in Section 19.702. In granting a variance, the planning commission, or planning

director may, in addition to the time limitations of Section 19.1013, attach conditions which it finds necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this title. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1849 (part), 1999)

**19.707.1 Purpose.** The purpose of a home improvement exception is to allow, under special circumstances, relief from the requirements of the zoning ordinance where it is desirable to sustain the integrity of or enhance an existing residential design concept or the neighborhood character. A home improvement exception may be approved to grant relief from the strict provisions of the zoning ordinance for yards and lot coverage. Home improvement exceptions may not be granted to allow a use, activity, or an increased number of dwelling units that are not permitted by the zoning ordinance.

**19.707.2 Conditions to Qualify for a Home Improvement Exception.** All of the following conditions must be met to make application for a home improvement exception:

- A. The home improvement exception is for an addition to an existing single-family detached dwelling or attached garage in the R-10, R-7, R-5, or R-3 zones; or for an addition to an existing single-family attached dwelling or attached garage in the R-5, R-3, R-2, or R-1 zones;
- B. The total floor area approved through home improvement exceptions on a given parcel shall not be more than two-hundred fifty (250) square feet, and no more than one-hundred square feet may extend into a side yard. If the addition will not result in a visible change to the exterior shape and size of the residential unit, exceptions may apply to projects that exceed the two-hundred fifty square-foot limit.
- C. The date of the granting of a certificate of occupancy for the subject residential unit is five or more years before the date of application;
- D. At least seventy-five percent of the exterior walls (linear feet) will remain;
- E. A yard requirement will not be reduced by more than fifty percent, and the addition will be located no closer than five feet from the property line (including landings, overhangs, and eaves). (Ord. 1849 (part), 1998).

**19.709 Home improvement exception procedures.**

Home improvement exceptions may be reviewed and approved or denied by the planning director. Procedures per subsection 19.1011.2, Type II Administrative Review, shall be followed. (Ord. 1849 (part), 1999)

**19.1011.2 Type II Administrative Review.** A type II procedure provides for an administrative decision with the option of a public hearing.

- A. **Public notification.** Within fifteen (15) days of the receipt of an application, the director will mail a notice of tentative decision. This notice shall contain a description of the request and shall describe the tentative decision made by the director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within three hundred (300) feet of the outer boundaries of the site. For applications in the downtown zones, notice shall also be given to the design and landmarks committee. The names and addresses used for this purpose shall be those shown on the

current records of the county assessor. At least fourteen (14) days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.

- C. Public Hearing. If any interested person or notified property owner responds and requests an opportunity to testify at a public hearing, a hearing shall be scheduled according to the “Public Hearing Schedule” outlined by the community development department and shall follow procedures outlined in subsection 19.1001.3, Minor Quasi-Judicial Review. For applications in the downtown zones, a design and landmarks committee member may request the application be set for public hearing before the planning commission.
- E. Decision. The planning commission shall conduct the public hearing and render a decision on the matter including findings, conclusions, and conditions, if necessary, based on compliance with the applicable comprehensive plan goals and policies and other applicable implementing ordinances. Community development staff shall notify the applicant, the property owner if different, and any individual who testified, either in person or in writing, at the hearing, within five (5) days after the final decision.

**19.1012 Recess of hearing**

The planning commission, city council or design and landmarks committee may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to resume shall be announced. (Ord. 1917 § 2 (Exh. A) (part), 2003; Ord. 1916 § 2 (Exh. A) (part), 2003; Ord. 1762 (part), 1994)

**19.1409.1 General Provisions.**

- C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Section 19.1407.

**19.1413.3 Number and Size of Driveways.**

- C. Driveway Size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (nine (9) feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians. This chapter does not apply to requirements for flag lots, which are found in Section 19.426.

**Title 14 — Sign Ordinance and Title 19 — Zoning Ordinance  
Commentary on the Proposed Amendments in Attachment 1**

**14.16 Sign Districts**

**14.16.060 Downtown zones.**

(H)(3). The December 2006 Sign Code revision permitted externally illuminated awning signs subject to review by the design landmarks committee. The proposed revision further clarifies that such signs are subject to design review and approval by the planning commission through the Minor Quasi-Judicial procedure under subsection 19.1011.3.

**14.32.020 Variance procedure.**

(A and B). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

**14.32.030 Circumstances for granting variance.**

(D and E). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

**14.32.040 Time limit.**

(A and B). Subsection 14.32.010 stipulates that adjustments, not variances, are authorized by the planning commission. In keeping with this subsection, the proposed revisions clarify that adjustments, not variances, to the Sign Code, may be considered and granted by the planning commission.

**Attachment 2  
Commentary**

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**CHAPTER 19.100 INTRODUCTORY PROVISIONS:**

**Section 19.103 Definitions.**

**"Front Lot Line"**

This amendment revises the definition of "Front Lot Line" to include through lots in the same category as corner lots. The definition is revised to include through lots, since their lot lines separate the lot from the public street on two sides (as with corner lots). Currently the definition does not include through lot ("double frontage") situations. Although through lots are discouraged by the Land Division process, they do exist and require guidelines for identifying lot lines.

**"Rear Yard"**

The definition of "Rear Yard" is revised to clarify that it is measured at right angles to the rear lot line. The new definition is revised to include "angles," a previously omitted word.

**"Structured Parking and Temporary Transitional Facility"**

The definition of "Structured Parking" has language clearly intended to be in the "Temporary or transitional facility" definition. The definition of "Temporary or transitional facility" contains language that defines a temporary parking or loading area. The purpose of this amendment is to correct the transposed language in both definitions so that the terms and definitions agree.

**CHAPTER 19.300 USE ZONES:**

**19.301.3-19.311.3 Standards**

Under Sections 19.301.3, 19.304.3, 19.306.3, 19.309.3, and 19.311.3, "average" lot depth is proposed to be revised to remove "average" from the lot depth requirements. Since "lot depth" is defined under Section 19.103 as "the average horizontal distance between the front lot line and the rear lot line" the current code language is redundant.

Proposed amendments to Sections 19.301.3 through 19.309.3 would change the Minimum Density standards subsection to clarify that each residential district requires a minimum development density and a maximum permitted density based on lot area. In keeping with these proposed changes, the proposed amendment revises the section heading from "Minimum density" to "Minimum and maximum density" to better capture the allowable range of developable density in each residential zoning district. Changes to these

## Attachment 2 Commentary

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subsections would clarify, not amend, existing policy related to lot depth and residential minimum and maximum density standards.

### **19.312.7 Design Review**

The proposed revisions clarify that the planning commission is the decision-maker for Minor Quasi-Judicial applications. The Design and Landmarks Committee advises the planning commission on these decisions. Amendments within each subsection also clarify that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

### **19.322.3 Applicability.**

This revision corrects a Scrivener's error, which incorrectly states that the application requirements in the Water Quality Resource Zone are listed as 19.322.6. Section 19.322.9 is the correct reference.

### **19.322.12 Map Administration.**

Table 1

Vegetated Corridor Width

Table 1 does not specify if width of a vegetated corridor is centered on a river, or applied on both sides of the outer banks of the river. Based on the map of the Water Quality Resource zones, it appears that the corridor is applied to the outer boundaries of a water feature (i.e. both sides of a stream have a 25-foot buffer). The proposed code revision would add a footnote to the table to clarify how width is measured to indicate that the corridor width is applied to the outer boundaries of water features, such as the edge of a wetland and both banks of a watercourse.

### **19.323.3 Definitions**

This amendment removes the definition of "Committee" (in reference to the Design and Landmarks Committee) from this section because it is not referenced in any other subsection in the Historic Preservation Overlay Zone.

### **19.323.7 Demolition**

(E) & (F)(3). The appeals process for demolition of an historic property is the same for appeals alteration, described in 19.323.5.F. These code sections reference 19.323.6.F. Revision of these code sections corrects the inaccurate reference.

**CHAPTER 19.400 SUPPLEMENTARY REGULATIONS:**

**19.402 Accessory Structures, Limitations.**

(B). Regulations for fences, walls and shrubs do not reference the section of the code where clear vision standards exist. The proposed text modification would change this section to include the correct chapters and sections of the municipal and zoning code for clear vision standards.

**19.426.5 Protection of Adjoining Properties**

(A). The standards for flag lot fencing and screening do not reference the clear vision standards of the municipal and zoning code. This amendment will revise this section to specifically reference Chapter 12.24 of the municipal code and Section 19.1409.2.E of the zoning code. Additionally, this revision adds a reference to Section 19.402.B to alert the reader to specific development standards for fencing and screening.

**CHAPTER 19.500 OFF-STREET PARKING AND LOADING:**

**19.503.19 Landscaping.**

This revision clarifies that single-family detached and attached residences are exempt from parking area landscaping requirements. The revision also replaces "duplexes" with "single-family attached" to better reflect the range of dwellings that may constitute single-family attached dwellings.

**19.503.21 Off-Street Vehicle Parking in Residential Zones.**

(E). This section prohibits parking or storing commercial vehicles over 1.5 tons in residential zones. This section, however, does not reference an existing definition of "commercial vehicle" in 10.04.090. The proposed code amendment would reference the definition of "commercial vehicle" found in Chapter 10.04.090.

**CHAPTER 19.600 CONDITIONAL USES:**

**19.602 Standards governing conditional uses.**

**19.602.2 Height Exception.**

This revision deletes this subsection from the code. This code section is a remnant of the time when such buildings were conditional uses. Churches and other public buildings used to be permitted as a conditional use, but are now governed by Chapter 19.321, which provides procedures and standards (including height) for Community Service Uses.

**Attachment 2  
Commentary**

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**CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS**

**19.701 Variances**

The proposed revision clarifies that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

**19.707.1 Purpose & 19.707.2 Conditions to Qualify for a Home Improvement Exception.**

This subsection contains an embedded standard for Home Improvement Exceptions (HIEs) within the purpose statement of Chapter 19.701.1. The standard is that no more than 250 square feet of floor area can be approved through a home improvement exception and no more than 100 square feet may extend into a side yard. The importance of this standard is diminished by its location. The proposed revision would remove the embedded language from the purpose statement to a newly created subsection of Chapter 19.707.2. The placement of this language under 19.707.2 would clarify the language as a code standard for Home Improvement Exceptions.

Home Improvement Exceptions (HIEs) are allowed for single-family detached dwellings and for two-family residential units in specified zoning districts. HIE applications must meet all conditions under subsection 19.707.2 in order to qualify for an exception. These conditions currently require that in order for an application to qualify for a home improvement exception, the application must be for both a single-family detached and single-family attached dwelling because the subsection splits out each type of dwelling as two separate conditions in Section 19.707.2. The proposed revision of this section would combine Section 19.707.2(B) with 19.707.2(A) to correct this discrepancy, thereby providing the option to applicants to qualify for a Home Improvement Exception for either a single-family detached or single-family attached home.

**19.709 Home Improvement Exception Procedures**

This revision corrects a discrepancy in the listed review procedure for a Home Improvement Exception. This correct review procedure should be listed as a Type II review.

**CHAPTER 19.1000 ADMINISTRATIVE PROVISIONS**

**19.1011.2 Type II Administrative Review**

(A, C, E) The proposed revisions of the above-listed sections of the Zoning Code correct multiple incorrect references to the Design and Landmarks Commission (DLC) as a "Commission" instead of a "Committee." The DLC is a committee and is a misleading designation because the code defines "Commission" as the Planning Commission.

## **Attachment 2 Commentary**

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Additionally, the design and landmarks committee is proposed to be removed from subsection 19.1011.2 (E), since the planning commission is the final decision making authority for Type II applications.

### **19.1012 Recess of hearing.**

The proposed revision clarifies that the Design and Landmarks Commission (DLC) is a "committee" instead of a "commission."

## **CHAPTER 19.1400 TRANSPORTATION PLANNING, DESIGN STANDARDS, PROCEDURES:**

### **19.1409.1 General Provisions**

(C) This revision corrects a reference to transportation facility adequacy requirements in 19.1408. These requirements are found in Section 19.1407.

### **19.1413.3 Number and Size of Driveways**

(C) This subsection incorrectly references flag lot standards. The proposed revision will correctly reference the flag lot standards found in Section 19.426.

**Attachment 3**  
**Zoning Amendment Criteria Checklist**  
ZA-07-02

This document sets out the applicable criteria for Zoning Text amendments and addresses how each criterion is met. Any provision not included is found to be not applicable to the proposed amendment.

**A. COMPLIANCE WITH MILWAUKIE MUNICIPAL CODE (MMC)**

**Section 19.901 Initiation of amendments**, requires that an amendment to the Milwaukie zoning text be initiated by the city council, planning commission, or by a property owner.

This text amendment is proposed by the City of Milwaukie, initiated by the Planning Commission.

**Section 19.902 Amendment procedure**, requires that proposed amendment applications be heard at a public hearing and follow the procedures outlined in subsection 19.1011.5, Legislative actions.

The Planning Commission held a public hearing at the earliest practicable meeting after the application was determined to be complete. The City Council is holding a public hearing within 40 days of the Commission's recommendation to approve.

**19.1011.5 Legislative Actions**, outlines the procedures for processing legislative land use policies and plans. Specifically, it requires the City to do the following:

*A. Public Notification. Publish a notice of a hearing once each week for two (2) consecutive weeks in a newspaper of general circulation in the city. The second publication shall not be less than five (5) days prior to the date of the hearing.*

The City has provided the required published notice. The amendments are posted on the City website. Property owner notifications required when zoning amendments change allowed uses in a zone will be mailed to properties in the Commercial and Downtown Zones, in compliance with ORS 215.503 and 227.186.

*B. Decision. The planning commission shall conduct a public hearing and shall make a decision based on compliance with the applicable goals and policies of the comprehensive plan. The planning commission shall prepare a recommendation to the city council. If the proposal is approved by the commission, a report and recommendation, including findings and conclusions, shall be forwarded to council. The city council shall conduct a public hearing.*

The Planning Commission conducted a public hearing and made a recommendation to the Council. The Council is holding a public hearing.

*B. Notice to Metro. The planning department shall provide notice to Metro of any proposed amendment to the comprehensive plan or zoning ordinance.*

Staff provided notice to Metro on September 7, 2007.

**19.904.1 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:**

*A. Applicable requirements of Section 19.1003, which specify the form of petitions, applications, and appeals.*

The City submitted an application on the prescribed form on August 29, 2007. Because the application is for a zoning code text amendment and no development is proposed, the other portions of MMC Section 19.1003 are not applicable. The application therefore complies with applicable requirements of Section 19.1003, and therefore satisfies Section 19.904.1. This criterion has been met.

*B. Reasons for requesting the proposed text amendments.*

The proposed code amendments focus on revisions to Title 14, the City of Milwaukie Sign Code, and Title 19, the City of Milwaukie Zoning Code. The proposed revisions are intended to correct and clarify miscellaneous subsections of the code to improve its administration without changing basic policy or intent. As part of the 2006 Planning Commission Work Plan, Commissioners directed staff to prepare a list of "paramedic" code fixes to track needed changes to the code. Over the past year staff developed a list of these fixes. Staff selected the proposed revisions for inclusion in this report because they:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

This criterion has been met.

*C. Explanation of how the proposed text amendment is consistent with other provisions of this title.*

The proposed text amendments are consistent with the provisions of Title 19 because they do not change the relationship between the land use zones and the sign districts. No policy changes are proposed that conflict with the intent or policy of Title 14, 17, or 19. Staff is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code that will in fact reduce conflict between regulations within the Zoning Code or other sections of the MMC. This criterion has been met.

*D. The approval criteria of Section 19.905.*

Applicant has submitted a narrative addressing the approval criteria of Section 19.905. As described in detail below, the approval criteria of Section 19.905 have been met.

**19.905.1 For all proposals, the applicant shall have the burden of proof regarding the following criteria:**

*A. The proposed amendment must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.*

The amendments are consistent with applicable comprehensive plan goals, policies and objectives. Specifically, the following Comprehensive Plan goals apply:

**Chapter 1 – Citizen Involvement, Objective 3 - Communication**

*Promote informed public participation in planning decisions by providing readily available publications and printed materials regarding current issues and proposed policies and providing for two-way communication between policy-makers and citizens.*

*Policy 1. Make planning documents available through City offices and public libraries. This includes, but is not limited to Plan inventories, planning background information, Staff reports and minutes of Planning Commission and Comprehensive Plan Review Committee meetings.*

The staff report and the proposed amendments are available through City offices and public libraries. The proposed amendments and staff reports have been posted on the City website.

*Policy 2. Advertise all public hearings regarding land use issues in the newspaper and on the local cable television station.*

Public hearings of the proposed amendments have been advertised in the newspaper and on the City website.

**Objective 2 – Implementing the Plan** *Implement this Plan through appropriate ordinances and action.*

*Policy 1. Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.*

The City is adopting text amendments to ensure that the City's Sign Code and Zoning Code are easier to understand and implement. Staff is recommending several revisions to clarify specific subsections of Title 14 and Title 19 of the Code (see Attachment 2). The proposed revisions for inclusion in this amendment will accomplish the following:

- Reduce conflict between regulations within the Zoning Code or with other sections of the MMC.
- Clarify language that makes understanding and implementing the regulation difficult.
- Change incorrect references to other sections of the MMC.

The amendments are consistent with applicable sections of Metro's Urban Growth Management Functional Plan. Cities are required to comply with policies in the Functional Plan, as required by Section 5(e) (2) of the Metro Charter. The City's Zoning Ordinance is currently in compliance with each of the following Titles in the Framework Plan. Specifically, the following titles apply:

***Title 1: Requirements for Housing and Employment Accommodation***

The proposed amendments will not change the City's housing or employment capacity.

***Title 2: Regional Parking Policy***

The proposed amendments will not change the City's parking standards. Proposed revisions to three subsections of MMC section 19.500 clarify existing standards or correct references to other standards (see Attachment 2).

***Title 6: Central City, Regional Centers, Town Centers, and Station Communities***

The proposed amendments will not change the City's regulation of land and development in downtown Milwaukie, which is a Town Center.

***Title 8: Compliance Procedures***

The City of Milwaukie's Comprehensive Plan and land use regulations are in compliance with the Functional Plan. The proposed amendments shall be deemed to comply with the Functional Plan if no appeal to the Land Use Board of Appeals is made within the 21-day period set forth in ORS 197.830(9). As required by MMC Section 3.07.820.A, the City of Milwaukie is providing notice of the proposed amendments to Metro's Chief Operating Officer at least 45 days prior to the City Council hearing on the proposed amendments.

In processing the proposed amendments, the City of Milwaukie is following its own requirements for Citizen Involvement. The proposed amendments have been reviewed at public Planning Commission work sessions, and will be referred to the City's Neighborhood District Associations for review. The City will conduct public hearings on the proposed amendments before the Planning Commission and City Council, and public notice will be published prior to each hearing.

This criterion has been met.

*C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.*

The City has complied with all applicable procedural and substantive standards imposed by the State and Metro, as discussed in other portions of this document. The primary

purpose of the proposed amendments is to clarify language and revise incorrect references to other sections of the MMC. The proposed code revisions to Title 14 and 19 will not change current City land use policy.

The Oregon Statewide Planning Goals apply to the proposed amendments as follows:

**Goal 1 – Citizen Involvement**

*To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

The City has an adopted and acknowledged amendment process and is following that process in making these amendments. The proposed amendments are part of the Planning Commission’s work plan. Public hearings on the proposed amendments will be held, and public notice was published twice prior to each hearing, as required by the Milwaukie Comprehensive Plan (Chapter 2, policy 1). The Planning Commission members are appointed by an elected City Council, following an open and public selection process.

**Goal 2 – Land Use Planning**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The proposed amendments to MMC Title 14 and Title 19 clarify language and revise incorrect references to other sections of the MMC. These changes strengthen the City’s existing policies that implement Goal 2.

**Guideline E.2: Minor Changes in the Plan and Implementation Measures**

Public notice was published prior to the hearing. The public need and justification for the change is addressed in the applicant’s narrative.

This criterion has been met.



## **MEMORANDUM**

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Resolution Authorizing the City Manager Sign Vendor Contract for Photo Traffic Enforcement

Date: January 15, 2008

### **Action Requested**

Adopt a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems, Inc. (ACS Inc.)

### **Background**

Milwaukie is bisected by two major arterials: Highway 224 and Highway 99E (McLoughlin Boulevard). More than 80,000 commuters travel through Milwaukie on their way to and from their destinations on these two roads every day. During rush hour periods, traffic diverts through the neighborhoods as drivers search for less congested routes to their destinations, and speed becomes an issue as motorists try to make up for lost time.

The most frequent complaint I receive from the community is speeding through our neighborhoods and school zones and traffic diverting from State Highways 99E and 224 into and through our Milwaukie neighborhoods. Our proximity to Portland extends traffic problems whereby Milwaukie residents experience the same traffic problems as Portland residents.

Milwaukie police officers have issued traffic citations on Highway 99E for speeds in excess of 100 miles per hour in posted 45 mile per hour speed zones. Highways 99E and 224 are also the primary routes for more than 50% of the accidents that occur in Milwaukie. The primary cause of these usually serious injury accidents is speed and failure to stop at red-light controlled intersections. There were more than 300 traffic crashes in Milwaukie in 2006 with 150 of those crashes occurring on Highways 99E and 224 with the majority of the serious injury crashes occurring on Highway 99E.

The Police Department has focused its efforts on trying to reduce the speeds drivers are traveling by deploying patrol cars to these major arterials. However, because of the narrow parking lanes and shoulders and the inability of drivers to merge to avoid police traffic enforcement stops, it places our officers in very dangerous positions. During the past year the Milwaukie Police Department has had three marked patrol cars struck by passing motorists while the officer was stopped on the shoulder of the highway with their emergency lights activated. The most recent accident occurred in April 2007, totaling the police car and injuring the officer. The lane design and the lack of sufficient highway shoulder makes working traffic enforcement very dangerous on either of these highways.

In 2001 I testified before the Oregon Legislature to amend the statute authorizing Milwaukie's use of photo traffic enforcement. Senator Kate Brown and Representative Carolyn Tomei supported the City's efforts through hearings and subcommittee meetings and testimony. Unfortunately, our initial efforts to pass amending photo traffic enforcement legislation were not successful. However, since then, concerned citizens, the Public Safety Advisory Committee, and the Milwaukie City Council have voiced strong support for the use of photo traffic enforcement.

The leadership of Milwaukie clearly supports the use of this technology. The Milwaukie City Council adopted Resolution 7-2007 on February 6, 2007 supporting the use of photo traffic enforcement. A copy of that resolution is attached. Milwaukie's Public Safety Advisory Committee, a committee comprised of representatives from each of Milwaukie's neighborhoods and sanctioned by the Milwaukie Municipal Code, also supports the use of this technology. On March 8, 2007 Milwaukie City Manager Mike Swanson, testified before the Senate Judiciary Committee supporting the use of photo traffic enforcement technology. Clearly the community and the leadership of Milwaukie have demonstrated their support for the use of technology to make our community safer.

With the help of State Senator Kate Brown and Representative Carolyn Tomei I actively continued to garner support during the 2006 and 2007 legislative session by testifying before State Senators and Legislators asking them to give Milwaukie the tools to slow traffic, reduce the effects of cut through commuter traffic, and enforce red-light compliance to make Milwaukie a safer community.

As a result, the Oregon State Legislature amended ORS 810.438 and 810.439 authorizing the City of Milwaukie to deploy photo traffic enforcement technology. The amendments to these statutes are authorized and effective January 2008.

Vendor Requirements:

The Police Department investigated the two primary types of technology used to record photo traffic enforcement: digital and wet film. The digital technology offers higher volume rates (pictures per second), but is compromised by the graininess of the picture. The statute requires picture quality that provides gender match and visual identification clarity. Digital photo technology operates in the 2-megapixel range resulting in gender match and visual identification in only about 40% of photos taken – day or night. Digital graininess is exacerbated when the photo is enlarged for facial recognition. Digital technology that approaches that of wet film technology is more than four-times more expensive than wet film equipment.

By comparison, wet film technology produces gender match and facial recognition at a much higher quality rate, approximately 70% day or night. Wet film equipment is well proven, and while it only produces at a volume of 2-pictures per second v. 5-pictures per second with digital equipment, the quality of the image is comparable to a 16,000-megapixel 35-mm film camera.

Advancements in technology suggest that digital images will be comparable for cost and quality in the future, but currently they are not. The objective is to reduce speeding and reduce red-light violations. Wet film technology will provide driver accountability at a cost that is affordable. As the price of technology goes down and the quality goes up, we can investigate digital equipment as a cost effective option for the future, but until then the only high quality technology that is cost effective is the wet-film equipment.

The addition of photo traffic enforcement will generate an estimated 10,000 more traffic citations per year of which approximately 8% of those cited will go to court. These citations will add an overwhelming workload on court staff if dockets continue to be created manually.

To resolve this problem we looked at the system currently being deployed in the City of Portland. Portland's vendor for its photo traffic enforcement program collects and processes the film and notifies violators by mail, provides notice of the fine amount and payment options through the court, and provides the option of in person or mail-in fines.

Additionally, Portland's vendor creates the court docket in accordance with instructions from the court as to day-date-time, and offers a "per citation" fee for this process. Portland then pays the vendor for this service based on a graduated scale from a low volume of \$27 per citation to a high volume of \$18 per citation. Payment to the vendor is based on the citation being adjudicated by the court with a guilty plea or finding. If the violator pleads not guilty and is found not guilty, then Portland does not pay the photo traffic enforcement vendor.

Automated Computer Systems (ACS) Inc. has provided photo traffic enforcement technology, violator notification, electronic docketing and billing for the City of Portland's Bureau of Police since the technology was authorized by the legislature. The City of Portland's contract for services with ACS Inc. provides for the adoption of Portland's service agreement with other units of government. Portland's service agreement and contract is adoptable by the City of Milwaukie.

ACS, Inc. is the single source vendor for wet-film high-resolution photo traffic enforcement, and although they also offer digital technology, the resolution is lower and the efficiency of the system is less than offered by wet-film technology.

The City of Milwaukie FY2007-08 budget approved funding a photo radar and photo traffic enforcement program.

Recommendation:

The staff recommends ACS, Inc. as the City's vendor for photo traffic enforcement for the following reasons:

- High quality wet-film technology
- 38% higher rate of gender and identification match over digital technology
- Cost effective technology – approximately four-times less expensive than comparable digital photo technology
- Docketing support and technology to reduce City court staff time
- Government to government adoptable vendor agreement
- ACS installs and repairs all technology and equipment – photo red-light and photo radar installations
- ACS is the single source wet-film vendor

Concurrence

- City of Milwaukie Court staff
- Police Department
- City Recorder
- City Attorney

Fiscal Impact

Fiscal impacts include the following:

Expenses - \$580,000

- 2.5 FTE in the Police Department to operate the photo & traffic enforcement program
- 1 FTE in court administration
- 1 additional traffic court session per month
- 3 Photo radar units – annual lease agreement to ACS \$ 72,000
- Graduated/citation fee to ACS up to 10,000 citations - \$189,000

Revenue - \$690,000

- A projected increase of approximately 10,000 traffic violations per year
- A projected “revenue neutral” traffic enforcement program

Work Load Impacts

The biggest impact will be on Court Administration. It will be impacted at a higher ratio per employee than the Police Department who will be generating the activity. There is a direct correlation between the enforcement activity of the Police Department and the impact on the size and frequency of the court docket and system.

We reviewed the impact of photo traffic enforcement on Portland's County based court system and found that the number of violators who sought resolution through the court

equaled only 8% of the total number of violators cited. The other 92% resolved the violation without going to court after receiving a photo of their violation in the mail.

#### Alternatives

- Option 1 - Continue to enforce traffic laws through a traditional non-technical approach of patrol cars and officers supervising traffic as time permits with no additional resources or staffing. The results are likely to remain the same with traffic complaints from the community being their biggest concern.
- Option 2 – Authorize the use of photo traffic enforcement technology to monitor red light and speed throughout the City of Milwaukie. The projected “revenue neutral” program is expected to pay for itself during the course of enforcement. Additionally, driver education is the goal. If drivers slow down and obey the posted speed limits they will avoid citations and fines, the same holds true if drivers stop for red lights, and the result is that our community will be safer.

#### Attachments:

1. Resolution 7-2007
2. Resolution proposed for adoption

**RESOLUTION NO. 7-2007**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING THE USE OF PHOTO TRAFFIC ENFORCEMENT AND PHOTO REDLIGHT ENFORCEMENT.**

**WHEREAS**, the number one complaint received by the Police Department is speeding and running red lights, Council understand the safety need for active and passive traffic enforcement throughout our City; and

**WHEREAS**, technology is available to monitor dangerous traffic locations with photo traffic enforcement equipment to obtain speed and red light compliance; and

**WHEREAS**, the cost of providing police supervision at all the most dangerous traffic locations is cost prohibitive ;

**NOW, THEREFORE, BE IT RESOLVED** that the Milwaukie City Council adopt a resolution supporting the use of photo traffic enforcement and recommends that the Oregon State Senate and Legislature adopt an amendment to ORS 810.434 - 810.439, and related subchapters, authorizing Milwaukie to use photo red light enforcement and photo radar enforcement

Introduced and adopted by the City Council on February 6, 2007.

This resolution is effective on February 6, 2007.

  
\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Ramis, Crew, Corrigan & Bachrach, LLP

  
\_\_\_\_\_  
Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney

# DRAFT

## SUMMARY

Permits use of photo red light enforcement and photo radar by City of Milwaukie.

### A BILL FOR AN ACT

Relating to traffic enforcement; amending ORS 810.434 and 810.438.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 810.434 is amended to read:

810.434. (1) Any city with a population of 30,000 or more may, at its own cost, operate cameras designed to photograph drivers who violate ORS 811.265 by failing to obey a traffic control device. Notwithstanding the population requirement of this section, the City of Newberg and the City of Milwaukie may operate cameras as provided for other cities in this section.

(2) Cameras operated under this section may be mounted on street lights or put in other suitable places.

(3) A city that chooses to operate a camera shall:

(a) Provide a public information campaign to inform local drivers about the use of cameras before citations are actually issued; and

(b) Once each biennium, conduct a process and outcome evaluation for the purposes of subsection (4) of this section that includes:

(A) The effect of the use of cameras on traffic safety;

(B) The degree of public acceptance of the use of cameras; and

(C) The process of administration of the use of cameras.

(4) By March 1 of the year of each regular session of the Legislative Assembly:

(a) The Department of Transportation shall provide to the Legislative

NOTE: Matter in boldfaced type in an amended section is new; matter *(italic and bracketed)* is existing law to be omitted. New sections are in boldfaced type.

1 (B) Between 100 and 400 yards before the location of the photo radar unit.

2 (3) A city that operates a photo radar system under this section shall,  
3 once each biennium, conduct a process and outcome evaluation for the pur-  
4 poses of subsection (4) of this section that includes:

5 (a) The effect of the use of the photo radar system on traffic safety;

6 (b) The degree of public acceptance of the use of the photo radar system;  
7 and

8 (c) The process of administration of the use of the photo radar system.

9 (4) By March 1 of the year of each regular session of the Legislative As-  
10 sembly:

11 (a) The Department of Transportation shall provide to the Legislative  
12 Assembly an executive summary of the process and outcome evaluations  
13 conducted under subsection (3) of this section; and

14 (b) Each city that operates a photo radar system under this section shall  
15 present to the Legislative Assembly the process and outcome evaluation  
16 conducted by the city under subsection (3) of this section.

17

1 Assembly an executive summary of the process and outcome evaluations  
2 conducted by cities under subsection (3) of this section; and

3 (b) Each city that operates a camera under this section shall present to  
4 the Legislative Assembly the process and outcome evaluation conducted by  
5 the city under subsection (3) of this section.

6 (5)(a) Except as otherwise provided in paragraph (b) of this subsection, a  
7 city authorized to operate cameras under this section may not operate the  
8 cameras at more than eight intersections in the city.

9 (b) A city with a population of 300,000 or more may not operate cameras  
10 at more than 12 intersections in the city.

11 **SECTION 2.** ORS 810.438 is amended to read:

12 810.438. (1) The following jurisdictions may, at their own cost, operate  
13 photo radar:

14 (a) Albany.

15 (b) Beaverton.

16 (c) Bend.

17 (d) Eugene.

18 (e) Medford.

19 (f) Portland.

20 (g) Tigard.

21 (h) **Milwaukie.**

22 (2) A photo radar system operated under this section:

23 (a) May be used on streets in residential areas or school zones.

24 (b) May be used in other areas if the governing body of the city makes  
25 a finding that speeding has had a negative impact on traffic safety in those  
26 areas.

27 (c) May not be used for more than four hours per day in any one location.

28 (d) May not be used on controlled access highways.

29 (e) May not be used unless a sign is posted announcing that photo radar  
30 is in use. The sign posted under this paragraph must be all of the following:

31 (A) On the street on which the photo radar unit is being used.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT FOR PHOTO TRAFFIC ENFORCEMENT.**

**WHEREAS**, the number one complaint received by the Police Department is speeding and running red lights, the Council understands the safety needs for active and passive traffic enforcement throughout our City; and

**WHEREAS**, technology is available to monitor dangerous traffic locations with photo traffic enforcement equipment to obtain speed and red light compliance; and

**WHEREAS**, the cost of providing police supervision at all the most dangerous traffic locations is cost prohibitive; and

**WHEREAS**, the Oregon State Legislature amended ORS 810.438 and 810.439 authorizing the City of Milwaukie to deploy traffic enforcement technology effective January 2008;

**NOW, THEREFORE, BE IT RESOLVED** that the Milwaukie City Council adopts a resolution authorizing the City Manager to sign a contract for photo traffic enforcement with Automated Computer Systems, Inc.

Introduced and adopted by the City Council on January 15, 2008.

This resolution is effective on January 15, 2008.

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**

**From: Kenneth Asher, Community Development & Public Works Director**

**Subject: Approval of an Amended Memorandum of Understanding with Metro and Main Street Partners regarding Redevelopment of the Town Center Site**

**Date: January 7, 2008 for the January 15 Meeting**

### **Action Requested**

Authorize the City Manager to execute an amended Memorandum of Understanding ("MOU") with Main Street Partners and Metro regarding the Town Center site (10700 SEE McLoughlin and 10721 Main Street).

The only change from the MOU approved by Council on August 21st is the schedule of performance and related milestone dates. The schedule from the original MOU is out of date.

### **Background**

Upon council authorization on August 21<sup>st</sup>, 2007, the City Manager signed an MOU with Main Street Partners and Metro describing the general terms under which the Town Center site would be developed.

Late in the summer of 2007, the regional (and national) condominium market took a downward turn, causing Main Street Partners to evaluate all of the projects in its portfolio and pipeline. As a result, the Town Center project was delayed and Milwaukie's' partners did not execute the MOU.

The Project Management Group (PMG) continued to meet during the fall of 2007 to discuss the project and strategies for moving the project forward within the realities of a slow housing market.

The PMG has reviewed the terms of the MOU with Main Street Partners. Metro and Main Street Partners have reevaluated the project and the housing market. Upon this deliberation, the partners have determined that the best way forward is to execute the MOU with a new set of dates, and to continue along the terms as exactly described in the original MOU (see Attachment 1 for the amended MOU and the staff report from August 21<sup>st</sup> for a summary of the MOU).

Main Street Partners has also indicated a readiness to pursue the code and comprehensive plan amendments required to construct the building as recommended by the Project Advisory Committee, and reviewed by the Planning Commission and Design and Landmarks Committee.

The amended MOU is attached with the new dates. The effect of the schedule change is a delay of construction of one year. The new schedule has Main Street Partners applying for code changes in early 2008, submitting its building permit application in the spring of 2009, and breaking ground in July 2009.

### **Concurrence**

Metro staff and Main Street Partners concur with these amendments. All of the parties agree that the dates in the original MOU are not achievable.

### **Fiscal Impact**

None.

### **Work Load Impacts**

None. The Planning Department will have significant workload in processing the code amendment package, however this is work that the department has anticipated.

### **Alternatives**

Council can recommend a different set of dates, or a different set of amendments, for project staff to take back to the PMG for discussion. Staff does not recommend other or additional amendments, as the proposed amendments do not change the structure of the agreement and have been agreed to by the project partners.

### **Attachments**

1. Amended MOU between Metro, Milwaukie and MSP re: Town Center site
2. Resolution

**AMENDED MEMORANDUM OF UNDERSTANDING**

**Between  
MAIN STREET PARTNERS, LLC,  
THE CITY OF MILWAUKIE, OREGON,  
AND METRO**

The parties to this Memorandum of Understanding (“MOU”) are the City of Milwaukie, Oregon, a municipal corporation (“Milwaukie”), Metro, a municipal corporation established pursuant to Oregon law and the Metro Charter (“Metro”) (together referred to herein as the “Agencies”), and Main Street Partners, LLC, an Oregon limited liability company (“MSP”), collectively referred to herein as the “Parties.”

RECITALS

A. In September of 2005, Milwaukie and Metro entered into an Intergovernmental Agreement providing for the acquisition and co-ownership of a Texaco filling station site located at 10700 SE McLoughlin Boulevard, Milwaukie, Oregon, as a Transit Oriented Development (“TOD”) Program Urban Centers Opportunity Site, and further providing for a joint offering of the filling station site with the adjacent Milwaukie property at 10721 SE Main Street, so that the entire block bounded by SE Harrison, Main, Jackson Streets and McLoughlin Boulevard, Milwaukie, Oregon (hereafter, the “Project Site”) may be sold for development into a landmark signature mixed-use TOD/Urban Centers project of 4-5 stories, with retail uses on the ground floor and residential uses on higher floors.

B. On December 6, 2006, Milwaukie and Metro issued a competitive Request for Proposals (the “RFP”), which solicited qualified development teams to design, and market a privately constructed owned and operated mixed use project for the Project Site, consistent with the aforesaid objectives. MSP submitted a development proposal for “Olson Point” that was responsive to the RFP on February 21, 2007, and further clarified that proposal with written and oral information presented at interviews conducted Wednesday, March 14, 2007.

C. MSP’s development team and proposal was selected by Metro’s TOD Steering Committee on April 16, 2007 and by Milwaukie’s City Council on April 17, 2007.

D. MSP desires to purchase the Project Site and design, construct and market a privately owned and operated Project that satisfies the public goals and objectives of the RFP, and is consistent with the MSP proposal selected by the Agencies; the Agencies desire to sell the Project Site to MSP for said purpose.

**1. Purpose.** The purpose of this MOU is to memorialize the Parties’ understanding regarding their respective roles and undertakings prior to the execution of a purchase and sale agreement between the Parties for the Project Site. The Agencies’ joint goal is to facilitate redevelopment of the Project Site in accord with the goals and objectives set forth in the RFP and MSP’s proposal, and the Agencies are willing to sell the Project Site to MSP provided that MSP develops the Project Site as set forth therein. This MOU provides a schedule for key project

milestones that will lead to a draft purchase and sale agreement by August 31, 2008 and execution of a ~~definitive, written final~~ purchase and sale agreement by ~~November 30, 2007~~ July 15, 2009. The Agencies acknowledge and agree that the transaction contemplated herein requires said further documentation and further approvals, including formal Milwaukie City Council and Metro TOD Steering Committee/Metro Council approval.

## **2. Milwaukie and Metro Undertakings.**

**2.1 Vertical Housing Tax Abatement.** Milwaukie will pursue creation of its downtown Vertical Housing Tax Abatement zone for the Project Site, to allow MSP to prepare and submit a State of Oregon Vertical Housing Property Tax Abatement application requesting a partial tax exemption for the project. Owners of condominiums built as part of the Project will benefit from a property tax reduction if the zone is created and the application is approved.

**2.2 #33 Bus Stop on McLoughlin.** The west side of the Project Site has been discussed as an option for a new #33 northbound bus stop. Due to its impacts to the Project Site, the Agencies will work to locate this stop south of the Project Site.

**2.3 Milwaukie Zoning Code Amendments.** MSP's proposal contains Project design elements that will require variances and/or amendments to existing City of Milwaukie Code and Public Area Requirements as follows:

- 2.3.1** Provision of a fifth story on McLoughlin Boulevard, and building height;
- 2.3.2** Cementitious and metal panels on the upper floors of the building exterior;
- 2.3.3** Parking structure space configuration and internal circulation;
- 2.3.4** Provision of angled parking along Jackson Street.

MSP will submit an application(s) for a variance and/or code amendments to the City of Milwaukie, to incorporate the aforementioned design elements in the Project.

Milwaukie will support and assist MSP in identifying and processing other like issues where Milwaukie agrees that the Project design meets or exceeds the intent of the Milwaukie Municipal Code. MSP will continue to work with Milwaukie staff to identify any additional development code conflicts as the design is further refined, and Milwaukie staff will act expeditiously and professionally in administering its zoning code and related minor quasi-judicial processes and procedures.

- 2.4 Parking.** In accordance with its Intergovernmental Agreement with Metro, Milwaukie will exert its best efforts to limit the required on-site parking ratio to no more than one parking space per residential unit. Milwaukie will also evaluate options for increasing the amount of on-street parking on Main and Jackson Streets to support MSP's proposed retail program. Milwaukie will also adopt an ordinance or otherwise obtain approval of an addition to its zoning code that will govern interior parking layout and design within structures. The City will consult with MSP before making these determinations.
- 2.5 Environmental.** Metro will deliver to MSP copies of all environmental reports, data and information relating to the former filling station that are currently in its possession and control. Metro will assist MSP in negotiating with the Oregon Department of Environmental Quality to obtain approval of the project design, such that the liability protection afforded by Metro's Prospective Purchaser Agreement with DEQ is preserved and properly assigned MSP at closing.
- 3. MSP Undertakings and Reservations.** MSP's undertakings and reservations are set forth in Exhibit A, attached.
- 4. Purchase and Sale Terms.**
- 4.1 Purchase Price:** \$250,000.00, subject to the terms of a Purchase and Sale Agreement between MSP and the Agencies, to include a look-back clause providing for the payment by MSP to the Agencies of 25% of the Project's net cash flow after deduction of operating expenses, reserves and developer's 10% profit, to be distributed equally between the City and Metro. The terms of the look-back provision and the method of calculation will be negotiated during the MOU period and will be fully set forth in the purchase and sale agreement.
- 4.2 Closing Date:** July 15, ~~2008~~2009
- 4.3 Conveyance:** Title to the Project Site will be conveyed by the Agencies to MSP via Statutory Special Warranty Deed, subject to a Declaration of Transit-Oriented Development/Centers Easement consisting of Conditions, Covenants and Restrictions, and other encumbrances of record to be agreed upon by the Agencies.
- 4.4 MSP's Conditions Precedent to Closing:** MSP will require normal conditions for a typical commercial real estate purchase, including title, environmental, fitness for particular purpose, and entitlements.
- 5. MSP Due Diligence.** MSP will require due diligence normal for a typical commercial real estate purchase, including title, environmental, fitness for particular purpose, and entitlements

6. **Schedule of Performance.** The following schedule of performance for the MOU is preliminary and will be updated and expanded in the Purchase and Sale Agreement:

<b>Date</b>	<b>Action</b>	<b>Responsibility</b>
<del>August, 2007</del> <del>February 2008</del>	Code Amendment Request(s) Submitted	Main Street Partners
<u>August 2008</u>	<u>Draft Purchase and Sale Agreement</u>	<u>Milwaukie, Metro, MSP</u>
<del>December, 2007</del> <del>October 2008</del>	<del>Design &amp; Landmarks Commission Application(s) Submitted</del> <u>Land Use Application Submitted</u>	Main Street Partners
April, 200 <u>9</u> <del>8</del>	Building Permit Application(s) Submitted	Main Street Partners
<del>July, 2008</del> <u>June 2009</u>	<del>Development Approvals Issued</del> <u>Building Permit Issued</u>	City of Milwaukie
July 15, 200 <u>9</u> <del>8</del>	Closing Date – <u>Execute Purchase and Sale Agreement</u>	Milwaukie, Metro, MSP
July 15 200 <u>9</u> <del>8</del>	Construction Started	Main Street Partners

7. **Project Team.** The following are the project team members:

Agencies' Project Team:

Milwaukie Project Managers: Mike Swanson, Kenny Asher  
 Metro Project Managers: Phil Whitmore, Meganne Steele  
 Consultant Project Coordinator: Kim Knox

MSP Project Team:

Principals in Charge: Thomas Kemper, Ron Skov  
 Architect: Myhre Group

8. **Term and Exclusivity.** This MOU shall be effective when executed by the Agencies and MSP. MSP, or its designated representative, hereby receives the exclusive right to negotiate a Purchase and Sale Agreement between MSP and the Agencies during the term hereof. The Agencies agree to refrain from negotiating with other third parties for development of the Property, through and until the Expiration Date set forth below (the "Exclusivity Period"). This date may be extended by mutual agreement, terminated in accordance with Paragraph 14 below, or superseded by the terms of the Purchase and Sale Agreement.

9. **Non-Binding Agreement.** Except as set forth in Section 8, this MOU is a statement of the current intent of the Agencies and MSP, does not create a binding agreement for the sale of real property between the Agencies and MSP, and may not be relied upon as a basis for a contract by estoppel or serve as the basis for a claim based on detrimental reliance or any other theory. The Agencies and MSP understand that no Party shall be committed to buy or sell until the Purchase and Sale Agreement has been negotiated, executed, delivered, and approved by MSP and the Agencies, through the Milwaukie City Council, the Metro TOD Steering Committee and the Metro Council. MSP and the Agencies will make a good faith effort to negotiate the draft Purchase and Sale Agreement on or before ~~October 1, 2007~~ August 31, 2008. If a final Purchase and Sale Agreement is not executed by ~~November 30, 2007~~ July 15, 2009, this MOU shall automatically terminate.
10. **Communications.** The Agencies and MSP agree that all public communications concerning the Property, e.g., press releases or information provided to the media and all substantive discussions with public agencies having jurisdiction over the Property, will be undertaken jointly by MSP and the Agencies and shall be subject to the prior approval of the Agencies.
11. **Notices.** All notices or other communications required by or relating to this MOU or the Property will be in writing, and sent by personal delivery, by overnight delivery, or by fax with a telephonic confirmation of receipt. Correspondence concerning the Property shall be addressed to:

For MSP: Tom Kemper  
KemperCo LLC  
1230 SW First Avenue, Penthouse  
Portland, OR 97204  
Phone: (503) 546-2787  
FAX: (503) 946-8913

For Milwaukie: Kenneth Asher  
Community Development Director  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206  
Phone: (503) 786-7654  
FAX: (503) 774-8236

For Metro: Office of the Metro Attorney  
Metro  
600 NE Grand Ave.  
Portland, OR 97232  
Phone: (503) 797-1534  
FAX: (503) 797-1792

13. **Authorization.** MSP and the Agencies have obtained all approvals required by law, bylaws, operating agreements, and pertinent corporate documents in order to enter into this MOU.
14. **Termination and Expiration Date.** Any Party may terminate this MOU (the “Terminating Party”) by notice in writing upon failure by any other party to materially comply with the terms set forth herein (hereinafter “Default”). However, the Terminating Party shall state in said notice the basis for such termination and the nonterminating Parties will be given a thirty (30) day opportunity to cure the Default. If the Default is not then cured within such 30-day period, this MOU shall terminate. Upon termination, all of the respective rights and obligations of the Parties hereunder shall be of no further force or effect. In the event of termination, each Party shall be solely responsible for its own expenses incurred during the term of the MOU. Unless terminated earlier in accordance with this Agreement or extended by mutual agreement by the Parties, this MOU shall automatically expire without any further action by either Party on ~~November 30, 2007~~ July 15, 2009 (the “Expiration Date”).
15. **Additional Terms.** MSP understands that the Agencies reserve the right to specify additional terms and conditions to the sale of the Project Site to MSP, and to request additional information and data from the MSP, and that the Agencies particularly reserve the right to obtain further information, data, and commitments to ascertain the depth of developer capabilities and ability to perform in accord with the development schedule. Adequate time for MSP to obtain and submit such additional matters will be provided by the Agencies.
16. **DISCLAIMER OF CONSEQUENTIAL DAMAGES.** IN NO EVENT SHALL ANY PARTY BE LIABLE TO THE OTHER PARTY HERETO FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT OR FOR ANY FAILURE OF PERFORMANCE RELATED HERETO HOWSOEVER CAUSED, WHETHER OR NOT ARISING FROM SUCH PARTY’S SOLE, JOINT OR CONCURRENT NEGLIGENCE.

IN WITNESS WHEREOF, the Agencies have executed this MOU effective this \_\_\_\_\_ day of \_\_\_\_\_ 2008~~7~~.

**METRO**

**MAIN STREET PARTNERS, LLC**

By: \_\_\_\_\_  
Michael J. Jordan  
Title: Chief Operating Officer

By: \_\_\_\_\_  
Name: Tom Kemper  
Title: \_\_\_\_\_

**CITY OF MILWAUKIE**

By: \_\_\_\_\_  
Name: Mike Swanson  
Title: City Manager

## EXHIBIT A

### Main Street Partners, LLC

August 7, 2007

City Council  
City of Milwaukie  
10722 SE Main Street  
Milwaukie, OR 97222

Metro TOD Steering Committee  
600 NE Grand Avenue  
Portland, OR 97232

Re: Milwaukie Town Center Project

Dear Members of the City Council and Steering Committee,

We wanted to bring you up to speed and set forth our undertaking and commitment with respect to the development of the Milwaukie Town Center Project, to be known as Olson Point. Subject to negotiating the terms of a mutually acceptable Purchase and Sale Agreement for the property and obtaining the necessary approvals of the project, we are agreeing to the following:

1. Sidewalk Area Design. We will meet the City's Public Area Requirements, except for: the inclusion of angle parking on Jackson. We hope to expand the sidewalk on Main Street.
2. Municipal Code Conflicts. The proposed project conflicts with Milwaukie municipal code in a number of ways, including the number of stories, the building height, and the exterior materials of the buildings. We will be responsible for preparing the necessary applications for the Code changes or adjustments necessary to allow construction of the project in accordance with the proposed design.
3. Building Height on McLoughlin. The building on McLoughlin is five stories and exceeds current height restrictions. If the approval is not obtained for the fifth story, we will pursue the four story building, but will require other economic concessions to achieve a viable project, which could include reduced balcony sizes, lower quality exterior finishes, less building articulation, elimination of art work and other architectural or finish elements, and/or a reduction to the purchase price.
4. Exterior Materials. We are proposing the use of cementitious or metal panels on the upper section of the building exterior, which conflicts with City Code. We understand that we will need to apply for variances or code amendments and that we will need to process the same through the Design and Landmarks Committee and the Planning Commission. Subject to approval of the Design and Landmarks Committee, we will prepare necessary applications for the Code changes or adjustments necessary to allow construction of the project in accordance with the proposed design.

5. Second Level Connection to Street. We are proposing a visual connection via landscape and art elements at key positions on the ground level: midway along Harrison, Jackson and Main Street. We will not provide a pedestrian access to the second level courtyard from the sidewalk.

6. Public Amenities. We have shown a recessed patio midway along Main Street to provide an opportunity for enhanced street activity along the retail street. We intend to seek a code amendment to allow this patio. If the patio is not included in the design, we will work with the City and Metro on the provision of another public amenity on Main Street, such as a public art installation.

7. Green Building. We are committed to providing green building elements consistent with our RFP response. We expect to engage a green building consultant as part of this process and will offer the City and Metro the opportunity to participate in that process.

8. Parking. We are participating in the review and updating of the City's Transportation System Plan. We are committed to building parking into the development consistent with best practices. We plan on two entrances on Jackson with double loaded parking along each two-way corridor. The sizing of the parking spaces is consistent with urban developments in the City of Portland.

9. Schedule. We are working to get the MOU approved by July and a purchase and sale agreement by October.

10. Vertical Housing Tax Abatement. We assume that we will receive the Vertical Housing Tax Abatement on the project. We will make the appropriate application for such status upon project completion.

11. Tree Preservation. We will not preserve trees on the site. We will provide considerable landscaping with much greenery on the second level courtyard to compensate for the loss of trees. We will provide street trees on the ground level consistent with the public area requirements. We will also provide opportunities for penthouse level patios with greenery on the fifth level of the McLoughlin side building.

12. Bus Pullout on McLoughlin. We will not support a bus pullout on this property. We will support a bus pullout on blocks further south on McLoughlin.

13. Business Terms. We will agree to pay \$250,000 for the property with an incentive payment to the City and Metro equal to 25% of the net profit over 10% of the net realized value of the project.

14. Environmental. Subject to the terms of the purchase agreement, we will comply with the terms of the Prospective Purchaser Agreement between DEQ and Metro.

We are excited to move forward with this very key project for downtown Milwaukee.

Very truly yours,

Thomas J. Kemper

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED MEMORANDUM OF UNDERSTANDING WITH METRO AND MAIN STREET PARTNERS FOR REDEVELOPMENT OF THE TOWN CENTER SITE**

**WHEREAS**, the Council authorized the City Manager to execute a Memorandum of Understanding (MOU) with Metro and Main Street partners for redevelopment of the Town Center site, substantially in the form reviewed by Council on August 21, 2007; and

**WHEREAS**, the City Manager signed the original MOU and forwarded it to Metro and Main Street Partners for signatures in September 2007; and

**WHEREAS**, a downturn in the housing market in late summer, 2007, caused Main Street Partners to reevaluate its portfolio and pipeline of projects, including the Town Center project; and

**WHEREAS**, the MOU that council approved was not executed by Metro or Main Street Partners; and

**WHEREAS**, the City, Metro and Main Street Partners have, upon reevaluation of the project, housing market and the MOU, have agreed to continue working toward the realization of Olson Point project as presented by Main Street Partners, and do wish to follow all of the terms in the original MOU as drafted; and

**WHEREAS**, the project partners recognize that the project delay has caused the performance schedule to become obsolete and the partners wish to update the schedule (and related milestone dates) and to continue working on the redevelopment project as described in the MOU; and

**WHEREAS**, Metro and Main Street Partners remain committed to the Milwaukie market and the Olson Point project and continue to view it as an architecturally and economically significant opportunity for Milwaukie.

**NOW, THEREFORE, BE IT RESOLVED** that the City Manager is authorized to execute an amended Memorandum of Understanding with Metro and Main Street partners, substantially in the form reviewed by Council on January 15, 2008; and

**BE IT FURTHER RESOLVED** that staff is authorized to commence negotiations with Metro and Main Street Partners on a draft Purchase and Sale Agreement that will establish the terms under which Main Street Partners will acquire the site from the public entities; and

**BE IT FURTHER RESOLVED** that staff will continue to apprise Council of progress on the real estate transaction and other necessary regulatory actions required to effect completion of the project, including zoning and comprehensive plan amendments required for the project to be constructed as presented.

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

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

North Clackamas Parks and Recreation District  
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD  
Minutes of November 9, 2007

MEMBERS PRESENT: Joan Staley, Carolyn Mills, Chuck Petersen, Molly Hanthorn, Joy Estes, Ben Horner-Johnson, Eleanor Johnson, Kim Buchholz

MEMBERS EXCUSED: Jane Hanno, Katie Rudolf, Ben Tabler

GUESTS: none

STAFF PRESENT: Joan Young, Cheryl Nally, Donna Lugibihl

CALL TO ORDER: Joan Staley called the meeting to order at 9:35. Chuck Petersen moved to approve the minutes and Ben Horner seconded. The motion was passed unanimously.

CORRESPONDENCE: none

DISCUSSION ITEM: Donna was introduced to the Board. She'll be coming to the monthly meetings to take the minutes.

BOARD MEMBER REAPPLICATIONS: Both Joy Estes and Carolyn Mills are up for reapplication to the board. Molly moved and Eleanor seconded the motion to approve their reapplication. It passed unanimously.

MILWAUKIE CENTER ANNUAL REPORT: Cheryl Nally, Human Services Coordinator, handed out a copy of the Annual Report to Board members and then thoroughly went through the report, pointing out details of interest, including the total operating expenditures and revenue for the Center, full time and part time staff positions at the Center, the breakdown for Nutrition and Transportation programs, as well as facts about services, programs and activities that the Center sponsors. Joan Young pointed out that this is not a balance sheet. She'll try to have a balance sheet available for the Nutrition and Transportation programs at the next meeting. Kim thought it would be helpful if on the Annual Report there could be comparison figures from previous years so you can see if there are any trends developing. He realizes it would take a lot of time as there is quite a bit of data to assimilate.

#### BOARD/COMMITTEE REPORTS

North Clackamas District Advisory Board: Molly reported that Robin Wilcox of Alta, who is the Planning Consultant for the north side of North Clackamas Park, presented and discussed a further refinement of the plan based public meetings and citizen input. Some of the issues to be addressed are the wood lot, location of the greenhouse, future of the Community Garden and parking for buses and the Center. Michelle Healy is planning for a December open house and then completion of initial planning will be in January.

The Firewood program was discussed and it was decided that it serves a real need in this community and should be continued. The community garden and greenhouse were also discussed. The Master Gardeners run the community garden and would be responsible for setting up and maintaining the greenhouse. This last year there were 22 garden plots rented out by Center participants. The Master Gardeners also puts on educational seminars a couple times per year. The board requested Joan Young to draft a letter acknowledging these concerns to be reviewed by this board and forwarded to the NCPRD District Advisory Board. The issue of secure parking for the 4 Center buses and additional parking by the covered area in N. Clackamas Park have not yet been resolved. Those concerns will also be addressed in the letter Joan is drafting.

Molly also reported that they're raising the dollar amount to acquire property near 162<sup>nd</sup> for a park. This property would be used in partnership with the school district to provide ball fields, a community center and other needs. Financing will come from bonds.

Molalla is drafting a master plan which they need to complete if they decide to join the Parks district.

Molly mentioned that The Oregon State Recreation and Parks Association awarded NCPRD the 2007 Design Award for the North Clackamas ball fields. She also said that Dan Zinzer, Joe Loomis and others went to Louisville, KY to promote the new ball fields for tournaments. They came away with hosting a Western National Softball tournament in July, 2009. We'll also be hosting between 50-90 teams at N. Clackamas Park fields and other fields around the county.

North Clackamas Park Stewardship Committee: Eleanor reported that the ball fields are still a key issue (noise concerns). She knows a gentleman who is doing research on being able to alleviate noise from neighborhood ball fields. The horse arena is at a standstill now because of it being so wet but work will start up again in the spring. Several groups are interested in using it.

Future Vision Task Force: Kim Buchholz reported that the Vision Task Force is meeting monthly and has quite a diverse group of people serving on the board. They've been brainstorming and coming up with lots of ideas. Now the focus needs to be on checking with the Center customer and potential customer. Work will begin on a survey of 4-5 key questions which will be brought to the C/CAB board for their input. This process will probably take until spring or summer of next year. Kim thought it might be advisable to start meeting twice a month.

## OTHER REPORTS

Friends of the Milwaukie Center: Eleanor reported that the Friends are planning a New Year's Eve Party which will include a band, breakfast at midnight and even motel accommodations.

Governor's Commission: Joan Staley handed out 4 reports received at the September

meetings. They were from: Caregivers Committee, Legislative Committee, Elder Abuse Committee and Mental Health Committee. Joan felt it was a very worthwhile and informative 2 days.

CENTER REPORT: Joan announced that Clackamas County Social Services has cut funding for the Older Americans Act Family Caregiving Assistance program effective 08-09 due to funding concerns at the state level. Joan reported that the Bazaar and Thanksgiving Dinner were very successful. The Bazaar tables sold out and there were over 300 people that came to the dinner. The Nutrition Program committee is now working on the 3<sup>rd</sup> Annual March for Meals event. March 1<sup>st</sup> will be the March for Mutts when dogs and their human friends can dress up for a parade in North Clackamas Park. Toby, the Marketing Director for the Parks, is going gangbusters getting businesses to support this cause. Also, the New Seasons Market, that just opened in Happy Valley, has promised to support Meals on Wheels with a \$1,000 donation plus 50 cents on each loaf of sourdough bread that they sell in a year.

The carpeting is almost complete, with the main hallway and Gift Shop getting finished this weekend. Upholstery and counter tops still need to be done.

Cheryl mentioned that the social service staff is quite busy helping seniors complete the LIEAP applications for energy assistance.

Information/Announcements: Eleanor inquired about why Miramont Pointe had advertisements on the table for the Thanksgiving Dinner. Joan said that they had given money to sponsor the dinner. Eleanor also asked about the Bazaar and whether only home-made items should be sold. Joan said that needed to be clarified in the letter that goes out to the vendors.

The meeting was adjourned at 11:08 am

Donna Lugibihl, Secretary.



North Clackamas Parks and Recreation District  
**Milwaukie Center**  
Monthly Report for November, 2007

***Programs/Services***

Senior Health Insurance Benefits Assistance Program through Clackamas County Social Services Division (CCSS) held two seminars at the Center this month. One seminar focused on the need to select a Medicare Advantage Plan by the end of the year for those enrolled in a plan that is ending in 2007. The other presentation was Medicare 101, information about enrollment in Medicare for those new to this national health insurance program. This program included what medical care is covered by Medicare and specifically how Medicare and the different plan options work.

Social Services staff at the Center has been in contact with over 100 low-income seniors and disabled persons in the community who qualify for the Low Income Energy Assistance Program, providing application information and assistance in completing the forms.

The need in our community for Meals on Wheels continues to rise, bringing our numbers to 230 meals a day. Sixteen routes are delivered Monday through Friday by stalwart volunteers.

Over 16 million steps were recorded by the Fall 2007 10-week "Keep on Trekking" walking program participants. A new program, sponsored by AARP and Providence, begins in February.

The Milwaukie Center said goodbye to a long standing volunteer group in November – the Newsletter Crew. Community Newspapers, who currently prints the newsletter, will now fold, sort, label and mail them as well.

***Fund-raising***

The Friends of the Milwaukie Center kicked off their Annual Campaign in November by mailing out the monthly newsletter with donation envelopes inserted. This year, contributors will receive tickets and/or invitations to Friends events based on their level of support. Have you sent in your annual donation to the Friends?

The Famous Thanksgiving Sunday Dinner, sponsored by Miramont Pointe, was well attended this year by 300 people. Everyone enjoyed great food and entertainment while supporting Meals on Wheels in North Clackamas County.

***Coming Up***

Adult Holiday Party, Thu, Dec. 13, 1 pm – 2:30 pm. Entertainment, door prizes and Santa!

New Year's Eve 50's Cocktail Party, Mon, Dec. 31, 8 pm, register by December 15.

Tax Issues for Seniors Seminar, Fri, Jan. 4, 10:30 am

Living With Arthritis Seminar, Fri, Jan. 25, 10:30 am

