



Regular Session

RS

Milwaukie City Council



**MILWAUKIE CITY COUNCIL
REGULAR SESSION**

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

**AGENDA
NOVEMBER 1, 2016**

2,233rd Meeting

- | | Page # |
|--|---------------|
| 1. CALL TO ORDER | |
| Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Veterans Day Proclamation | 2 |
| Introduced By: Jerry Craig, American Legion Post 180 | |
| B. Planned Parenthood 100th Anniversary Commemoration – Resolution | 3 |
| Presented By: Karin Power, City Councilor | |
| 3. CONSENT AGENDA | |
| These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the “Consent” agenda for discussion by requesting such action prior to consideration of that part of the agenda. | |
| A. City Council Meeting Minutes | 6 |
| 1. October 4, 2016, Regular Session. | |
| 4. AUDIENCE PARTICIPATION | |
| The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, 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 submit it to the City Recorder. Pursuant to MMC Section 2.04.360, “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 under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony. | |
| A. Adoption of Contract Manager/General Contractor (CM/GC) Findings – Resolution | 12 |
| Staff: Charles Eaton, Engineering Director; and
Katie Newell, Library Director | |
| B. Safe Access For Everyone (SAFE) Fee Adoption – Resolution | 27 |
| Staff: Charles Eaton, Engineering Director | |

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. Expedited Annexation of the Property Located at 5802 SE Westfork Street (File #A-2016-004) – Ordinance 48

Staff: Denny Egner, Planning Director

B. Expedited Annexation of the Property Located at 10284 SE Wichita Avenue (File #A-2016-005) – Ordinance 73

Staff: Denny Egner, Planning Director

C. Council Reports

7. INFORMATION

8. ADJOURNMENT

Public Notice

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

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**Regular Session
Agenda Item No.**

2

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



CITY OF MILWAUKIE
"Dogwood City of the West"

PROCLAMATION

WHEREAS, President Woodrow Wilson first proclaimed November 11, 1919, in commemoration of the end of World War I, the "War to End All Wars"; and

WHEREAS, the United States of America has recognized November 11th as a national holiday "dedicated to the cause of world peace" since 1938; and

WHEREAS, Veterans Day continues to bring communities together to honor military veterans and their profound legacy of selfless services and sacrifice; and

WHEREAS, the City of Milwaukie is proud to partner with American Legion Post 180 to commemorate the 50th Anniversary of the Vietnam War, and to recognize the men and women who served our nation during in times of war and in times of peace; and

WHEREAS, the City of Milwaukie wishes to recognize the many known and silent sacrifices made by the men and women who have served our country, in the hope that all people may enjoy the fruits of justice and liberty today and in the future.

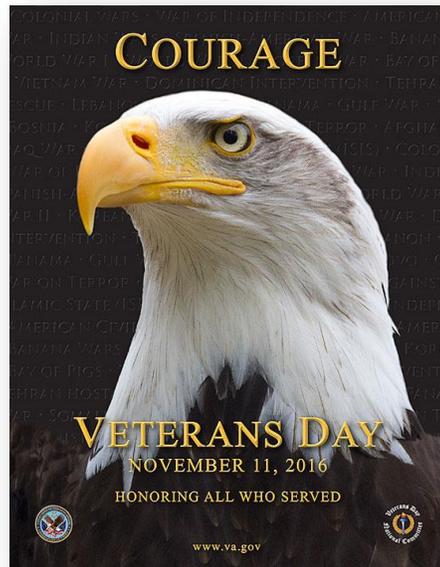
NOW, THEREFORE, I, Mark Gamba, Mayor of the City of Milwaukie, a municipal corporation in the County of Clackamas, in the State of Oregon, do hereby proclaim **November 11, 2016**, to be **Veterans Day** in the City of Milwaukie.

IN WITNESS WHEREOF, and with the consent of the City Council of the City of Milwaukie, I have hereunto set my hand on this 1st day of November, 2016.

Mark Gamba, Mayor

ATTEST:

Scott S. Stauffer, City Recorder





CITY OF MILWAUKIE
"Dogwood City of the West"

RS 2. B.
11/1/16

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, COMMEMORATING 100 YEARS OF HEALTH CARE SERVICES PROVIDED BY PLANNED PARENTHOOD.

Whereas, leading up to 1916, the two most common causes of death for women of childbearing age in the United States were tuberculosis and complications from pregnancy and childbirth;

Whereas, on October 16, 1916, Margaret Sanger, her sister Ethel Byrne, and their friend Fania Mindell opened the first birth control health clinic in the United States in Brooklyn, New York, founded on the idea that women should have the information and care they need to live strong, healthy lives and fulfill their dreams;

Whereas, in 1922, Margaret Sanger incorporated the American Birth Control League and in 1923 opened the first legal birth control center in the United States, the Birth Control Clinical Research Bureau, two organizations that would later merge to become Planned Parenthood Federation of America, with the expanded availability of birth control widely recognized as providing one of the biggest economic advancements for women in history;

Whereas, changes in women's access to reproductive health care have led to cultural shifts: in the United States, women are now nearly half the workforce, the sole or primary breadwinners in 40 percent of homes, and more than half of all college students;

Whereas, an estimated 1 in 5 women in the United States have been to a Planned Parenthood clinic for care at some point in their lives and, for many people, a Planned Parenthood clinic may be the only place they can turn to for health care;

Whereas, in the past 10 years, Planned Parenthood has nearly doubled services for male patients and expanded services for LGBTQ communities;

Whereas, Planned Parenthood Columbia Willamette is the largest provider of reproductive health care services in Oregon and Southwest Washington with more than 72,000 patient visits each year, 83 percent of whom are at or below the Federal poverty level; and

Whereas, Planned Parenthood's Milwaukie – Oak Grove Health Center opened on September 29, 2015, and has provided critically needed health services for as many as 7,000 patients in its first year of operation.

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the City of Milwaukie recognizes and commemorates the one-year anniversary of the Planned Parenthood Milwaukie – Oak Grove Health Center and the one hundred-year anniversary of Planned Parenthood, and supports the wide-ranging services provided by Planned Parenthood to assist the thousands of women, men, and young people in accessing the health care they need and deserve in Clackamas County.

Introduced and adopted by the City Council on **November 1, 2016**.

This resolution is effective on **November 1, 2016**.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney



**Regular Session
Agenda Item No.**

3

Consent Agenda



MINUTES
MILWAUKIE CITY COUNCIL
www.milwaukieoregon.gov

REGULAR SESSION
OCTOBER 4, 2016
City Hall Council Chambers

Mayor Mark Gamba called the 2,231st meeting of the Council to order at 6:02 p.m.

Council Present: Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power (arrived at 7:20 p.m.)

Staff Present: City Manager Bill Monahan, City Recorder Scott Stauffer, Planning Director Denny Egner, and Engineering Director Charles Eaton

CALL TO ORDER

Pledge of Allegiance.

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. National Archives Month Proclamation

Mr. Stauffer introduced the proclamation and **Mayor Gamba** proclaimed October 2016 to be *National Archives Month* in Milwaukie.

B. National Planning Month Proclamation

Mr. Egner introduced the proclamation and **Mayor Gamba** proclaimed October 2016 to be *National Planning Month* in Milwaukie.

CONSENT AGENDA

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

A. City Council Meeting Minutes:

1. September 6, 2016, Work Session;
2. September 6, 2016, Regular Session;
3. September 17, 2016, Special Session; and
4. September 20, 2016, Work Session.

B. Resolution 105-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, directing staff to execute a Personal Services Agreement with Shannon Kmetc, for City Municipal Court Judicial Services, Pro Tem Judge.

C. Appointments to Boards, Commissions, and Committees (BCCs):

1. Resolution 106-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, appointing Hamid Shibata Bennett to the Arts Committee; and
2. Resolution 107-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, appointing Serafine Lilien to the Arts Committee.

D. Oregon Liquor Control Commission (OLCC) Application for Amadeus Special Events, 2122 SE Sparrow Street – Change of Ownership.

E. OLCC Application for Kimmy's Market, 3141 SE Harrison Street – Change of Ownership.

F. OLCC Application for Milwaukie Café and Bottle Shop, LLC, 9401 SE 32nd Avenue – Change of Ownership.

G. Resolution No. 108-2016: A Resolution of the City Council of the City of Milwaukie, Oregon, Directing Staff to Amend the Personal Services Agreement with Kimberly M. Graves for Municipal Court Judge Services and Directing the Finance Director to Execute the Amendment.

Motion passed with the following vote: Councilors Parks, Churchill, and Batey, and Mayor Gamba voting “aye.” [4:0]

AUDIENCE PARTICIPATION

Mayor Gamba reviewed the Audience Participation procedures. **Mr. Monahan** reported that the inquiry regarding the use of the Wichita Park site raised by Eugene Zaharie at the September 20, 2016, Audience Participation had been answered at that meeting.

Mayor Gamba noted that this was Mr. Monahan’s last Council meeting as City Manager, and **Mr. Monahan** expressed gratitude for the opportunity to serve the City.

Greg Baartz-Bowman, Milwaukie resident, thanked Council for supporting the Sunday Parkways event. He thanked Mr. Monahan and Councilor Churchill for their service to the City. **Mayor Gamba** thanked Mr. Baartz-Bowman and the Bike Milwaukie group for supporting the Sunday Parkways event.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

A. Orange Line One-Year Look Back

Mr. Monahan introduced Dave Unsworth, Director of Project Development and Permitting at TriMet, and Jennifer Koozer, Community Affairs Manager at TriMet. He reported that the first year of light rail service to Milwaukie had been successful and that there had been no increase in criminal activity.

Council President Batey and **Ms. Koozer** commented on the recent Milwaukie-Portland Sunday Parkways event.

Mr. Unsworth reviewed the bus routes that connect to the light rail line and noted upcoming service changes. **Ms. Koozer** confirmed that bus line 99 express runs only at peak hours on weekdays. **Mr. Unsworth** provided ridership statistics for the light rail line’s first year of operation, noting that 3.5 million people had ridden the line and that the Park Avenue Station had been the busiest. He discussed the usage of park and ride lots along the line and suggested that the Main Street/Milport Road lot usage may increase when bus line 99 express connects to it.

Councilor Churchill and **Mr. Unsworth** discussed the possibility of TriMet running a shuttle bus down Main Street between the Tacoma Avenue and Park Avenue stations. **Mr. Unsworth** explained that TriMet would be preparing a second-year report to the Federal Government that would include ridership data, and remarked on likely causes of the lower-than-projected ridership numbers on the light rail line to-date.

Council President Batey, **Mr. Unsworth**, and **Mayor Gamba** noted that TriMet had partnered with other cities to provide shuttle services. **Mr. Unsworth** commented that TriMet would look at the Main Street/Milport Road lot usage after bus line 99 express begins to provide service there in December 2016.

Ms. Koozer reviewed TriMet’s light rail safety outreach work with local schools.

Councilor Churchill thanked TriMet for installing swing gates at dangerous intersections and reported that several of the gates had started to break. **Mr. Unsworth** noted that such repair work would be covered by the maintenance agreement being negotiated between the City and TriMet.

Mr. Unsworth reported that a new Oregon Department of Transportation (ODOT) Rail Section Crossing Order to minimize intersection wait times could be in place in the next few months, and remarked that TriMet and the City were ahead of the usual negotiation timeline for maintenance agreements. He explained that additional shelters were being installed and reviewed employment and contractor data related to the light rail project.

Ms. Koozer and **Mr. Unsworth** confirmed that the new shelters would include cameras.

Mr. Unsworth discussed the ongoing sale of the Triangle Site to the City, and TriMet's interest in determining the best use of a of property along the Trolley Trail near Sparrow Street. He reported that TriMet continued to promote Downtown Milwaukie with advertising on buses, trains, and on banners.

Council President Batey asked if more detailed crime statistics were available. **Mr. Monahan** explained that TriMet had provided a crime data report that had not been included in the Council packet and remarked that the anticipated increase in criminal activity had not occurred in the first year of the light rail line's operation. He noted that the Milwaukie Police Department (MPD) had worked with downtown businesses to address criminal activity and reported that the North Clackamas School District (NCSD) had not reported any concerns since the line had opened. He confirmed that he would send the crime data report to Council. **Mr. Unsworth** remarked on the City and TriMet's effort to encourage crime preventative designs of the station structures based on lessons learned from other light rail lines.

Councilor Churchill expressed appreciation for TriMet's work to preserve the historic oak tree in Kronberg Park. **Mr. Unsworth** congratulated the City on receiving the *ConnectOregon* grant for the Kronberg Park trail.

Mayor Gamba expressed appreciation to TriMet for working with the City through tough moments in the project and helping the City build the Kellogg Lake Bike and Pedestrian Bridge. He commented on the possibility of using the property along the Trolley Trail to address regional housing issues. **Mr. Unsworth** noted that TriMet had used similar project property in North Portland to develop housing and commented on the development of property located adjacent to the Orange Line in southwest Portland.

Mr. Unsworth thanked Mr. Monahan for his leadership during the light rail project.

Council President Batey, **Mr. Unsworth**, and **Councilor Churchill** discussed plans for adding additional parking at the Park Avenue station and the Main Street/Milport Road lot. **Mr. Unsworth** explained that TriMet had asked the Federal Government about using excess project funds to add parking and would not hear back until 2019.

B. Authorization for *ConnectOregon* Intergovernmental Agreement (IGA) for Kronberg Park Trail – Resolution

Mr. Eaton introduced the resolution, noted that the final IGA from ODOT was expected in the next week, and asked Council to authorize the Mayor to sign the IGA once received and approved by the City Attorney. He explained that the IGA would cover the entire cost of the Kronberg Park trail and that there was a 30% match requirement.

Mr. Monahan summarized that staff was asking Council to authorize the Mayor to sign the IGA, subject to City Attorney approval, and noted that any issues would be brought back for Council consideration.

It was moved by Council President Batey and seconded by Councilor Parks to approve the Resolution authorizing the Mayor to sign an intergovernmental agreement between the City of Milwaukie and the Oregon Department of Transportation (ODOT) for the Kronberg Park Multi-Use Trail subject to review of

the intergovernmental agreement (IGA) by the City Attorney. Motion passed with the following vote: Councilors Parks, Churchill, and Batey, and Mayor Gamba voting “aye.” [4:0]

RESOLUTION No. 109-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND THE OREGON DEPARTMENT OF TRANSPORTATION FOR THE KRONBERG PARK MULT-USE TRAIL.

Council President Batey asked for an update on when the 17th Avenue Multi-Use Trail project would be completed and **Mr. Eaton** reported that the City had heard that due to delays, the contractor asked ODOT for additional days to work.

Councilor Churchill asked for an update on the Americans with Disabilities Act (ADA) access ramp installation project on Washington Street. **Mr. Eaton** reported that the expected date of completion was the end of October 2016 and that there was a regional shortage of labor and materials causing delays on these types of projects. He added that the contractor wanted to finish all the ramps at the same time in order to limit the impacts on Milwaukie High School (MHS). He also confirmed that there would be an additional crosswalk blinker installed.

Mayor Gamba asked about the status of special permits for the Kronberg Park trail project. **Mr. Eaton** reported that staff would be working on the initial field investigation and surveying to identify the trail route, and discussed the required land use applications. He expected the path route to be developed over the next 6 to 9 months, with an official completion date in 2018. **Mayor Gamba** and **Council President Batey** reported receiving comments suggesting that the Kellogg Lake Bike and Pedestrian Bridge went nowhere.

C. Dedication of the Wichita Park Site at 5908 SE Monroe Street as Park Land – Resolution

Mr. Monahan provided an overview of the history of the Wichita site and reported that the Linwood Neighborhood District Association (NDA) had applied for a grant to build the park. He explained that a condition of the grant was that the site had to be formally dedicated by the City for park use, which had not officially been done. He asked Council to adopt the proposed resolution dedicating the Wichita site as a park.

It was moved by Councilor Parks and seconded by Councilor Churchill to approve the Resolution designating the parcel of land owned by the City of Milwaukie at 5908 SE Monroe Street for exclusive park use, as Wichita Park. Motion passed with the following vote: Councilors Parks, Churchill, and Batey, and Mayor Gamba voting “aye.” [4:0]

RESOLUTION No. 110-2016:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE PARCEL OF LAND OWNED BY THE CITY OF MILWAUKIE AT 5908 SE MONROE STREET FOR EXCLUSIVE PARK USE, AS WICHITA PARK.

D. Council Reports

Mayor Gamba thanked everyone who attended and organized the Sunday Parkways event, and announced upcoming events including the annual City Hall Scarecrow Contest, Davis Graveyard, last First Friday of 2016, Public Safety Advisory Committee (PSAC) zombie apocalypse disaster preparedness event, and the Safe Access For Everyone (SAFE) open house. He remarked on the anticipated benefits of the

proposed SAFE fee, explained that the projected monthly per-household fee would be \$4.60 and the projected fee for businesses would be \$.46 per trip. He noted that there would be a fee reduction for multi-family homes and a low-income fee waiver. He explained that the Federal Government required cities to have a plan to install and fund ADA infrastructure and expressed interest in the City completing the proposed SAFE projects as soon as possible. He also announced that there would be a special pre-Thanksgiving Milwaukie Sunday Farmers' Market and an open house at the Portland Waldorf School for the City's visioning process.

The Council acknowledged and thanked Mr. Monahan for his contributions to the City during his tenure as City Manager. **Mr. Monahan** expressed his appreciation for the opportunity to serve the City and work with the Council.

Council President Batey thanked staff for their work organizing the Sunday Parkways event and she noted upcoming Sunday Farmers' Market events and activities.

Councilor Parks announced details related to the memorial service of Joe Krumm, who was the Executive Director of Community and Government Relations for the NCSD.

It was noted that Councilor Power arrived at 7:20 p.m.

Councilor Power and **Mayor Gamba** expressed appreciation for Mr. Monahan's leadership and service to the City. **Mr. Monahan** thanked Council for their comments.

ADJOURNMENT

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

Mayor Gamba moved to adjourn the regular session at 7:30 p.m.

Respectfully submitted,

Scott S. Stauffer, City Recorder



**Regular Session
Agenda Item No.**

5

Public Hearing



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 5. A.**
Meeting Date: **11/1/16**

To: Mayor and City Council
Through: Bill Monahan, City Manager

Subject: **Resolution to Adopt CM/GC Findings**

From: Chuck Eaton, Engineering Director
Katie Newell, Library Director
Date: October 7, 2016

ACTION REQUESTED

The City Council, acting as the local contract review board, should conduct a public hearing to consider findings prepared by staff to conform to ORS 279C.335 (1) and (2) and Public Contracting Rule 10.105A.

Approve the attached resolution to Adopt CM/GC Findings

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

Bond Measure 3-477 was passed by the citizens of Milwaukie supporting a \$9.2 million bond to renovate and expand the current Ledding Library. The firm Shiels Oblatz Johnsen (SOJ) has been hired as the Project Managers and an architectural design team will be in place early December 2016. After careful consideration, the City has found the Alternative Contracting Method CM/GC more appropriate than a traditional design-build process to meet the overall project objectives.

BACKGROUND

The Construction Manager/General Contractor (CM/GC) process is a unique method used to accelerate project delivery. In the CM/GC process the project owner hires a contractor to provide feedback during the design phase before the start of construction. In order to utilize the process, the City must conform to ORS 279C.335 (1) and (2) and Public Contracting Rule 10.105A which allow a local contract review board to exempt certain contracts from traditional competitive bidding. To exempt a project, a local contract review board must show through findings that an alternative contracting process is unlikely to encourage favoritism or diminish competition resulting in cost savings.

The CM/GC process is broken down into two contract phases. The first contract phase, the design phase, allows the contractor to work with the designer and the project owner to identify risks, provide costs projections and refine the project schedule. Once the design phase is complete, the contractor and project owner negotiate on the price for the construction contract. If all parties are in agreement with costs then the second contract phase, the construction phase, is kicked off and construction begins.

There are advantages to using the CM/GC process. The contractor acts as the consultant in the design process and can offer new innovations, best practices and reduced costs and schedule

risks as a result of the contractor's years of proven experience doing the actual work. This process also allows the project owner to employ new innovations, assist in the design process, and make informed decisions regarding cost and schedule.

City staff, the city attorney, and SOJ have evaluated the project and determined that the provisions of ORS 279C.335 (1) and (2) and Public Contracting Rule 10.105A can be met. In order to proceed with this process, City Council is asked to adopt the findings in support of the alternative contracting method CM/GC for the Ledding Library of Milwaukie Renovation and Expansion Project.

CONCURRENCE

The Engineering Director and Library Director concur with the adoption of these findings.

FISCAL IMPACTS

This will not increase the amount budgeted for this project.

WORK LOAD IMPACTS

This will not affect the work load.

ALTERNATIVES

Not adopting the findings.

ATTACHMENTS

1. Exhibit A - ORS 279C.335 (1) and (2)
2. Exhibit B - Public Contracting Rule 10.105A
3. Exhibit C - Findings
4. Resolution

Attachment 1**Exhibit A****2015 ORS § 279C.335¹****Competitive bidding**

- exceptions
- exemptions

- (1) All public improvement contracts shall be based upon competitive bids except:
- (a) A public improvement contract with a qualified nonprofit agency that provides employment opportunities for individuals with disabilities under ORS 279.835 (Definitions for ORS 279.835 to 279.855) to 279.855 (Entities that may obtain goods and services through Oregon Department of Administrative Services).
 - (b) A public improvement contract that is exempt under subsection (2) of this section.
 - (c) A public improvement contract with a value of less than \$5,000.
 - (d) A public improvement contract with a contract price that does not exceed \$100,000 made under procedures for competitive quotes in ORS 279C.412 (Competitive quotes for intermediate procurements) and 279C.414 (Requirements for competitive quotes).
 - (e) A contract to repair, maintain, improve or protect property the Department of Veterans Affairs obtains under ORS 407.135 (Authority of department) and 407.145 (Purchase and control of property) (1).
 - (f) An energy savings performance contract that a contracting agency enters into in accordance with rules of procedure adopted under ORS 279A.065 (Model rules generally).
- (2) Subject to subsection (4)(b) and (c) of this section, the Director of the Oregon Department of Administrative Services, a local contract review board or, for contracts described in ORS 279A.050 (Procurement authority) (3)(b), the Director of Transportation may exempt a public improvement contract or a class of public improvement contracts from the competitive bidding requirement of subsection (1) of this section after the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board approves the following findings that the contracting agency submits or, if a state agency is not the contracting agency, that the state agency that is seeking the exemption submits:
- (a) The exemption is unlikely to encourage favoritism in awarding public improvement contracts or substantially diminish competition for public improvement contracts.
 - (b) Awarding a public improvement contract under the exemption will likely result in substantial cost savings and other substantial benefits to the contracting agency or the state agency that seeks the exemption or, if the contract is for a public improvement described in ORS 279A.050 (Procurement authority) (3)(b), to the contracting agency or the public. In approving a finding under this paragraph, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall consider the type, cost and amount of the contract and, to the extent applicable to the particular public improvement contract or class of public improvement contracts, the following:
 - (A) How many persons are available to bid;
 - (B) The construction budget and the projected operating costs for the completed public improvement;
 - (C) Public benefits that may result from granting the exemption;
 - (D) Whether value engineering techniques may decrease the cost of the public improvement;
 - (E) The cost and availability of specialized expertise that is necessary for the public improvement;
 - (F) Any likely increases in public safety;
 - (G) Whether granting the exemption may reduce risks to the contracting agency, the state agency or the public that are related to the public improvement;
 - (H) Whether granting the exemption will affect the sources of funding for the public improvement;
 - (I) Whether granting the exemption will better enable the contracting agency to control the impact that market conditions may have on the cost of and time necessary to complete the public improvement;
 - (J) Whether granting the exemption will better enable the contracting agency to address the size and technical complexity of the public improvement;
 - (K) Whether the public improvement involves new construction or renovates or remodels an existing structure;
 - (L) Whether the public improvement will be occupied or unoccupied during construction;

- (M) Whether the public improvement will require a single phase of construction work or multiple phases of construction work to address specific project conditions; **and**
- (N) Whether the contracting agency or state agency has, or has retained under contract, and will use contracting agency or state agency personnel, consultants and legal counsel that have necessary expertise and substantial experience in alternative contracting methods to assist in developing the alternative contracting method that the contracting agency or state agency will use to award the public improvement contract and to help negotiate, administer and enforce the terms of the public improvement contract.
- (c) As an alternative to the finding described in paragraph (b) of this subsection, if a contracting agency or state agency seeks an exemption that would allow the contracting agency or state agency to use an alternative contracting method that the contracting agency or state agency has not previously used, the contracting agency or state agency may make a finding that identifies the project as a pilot project for which the contracting agency or state agency intends to determine whether using the alternative contracting method actually results in substantial cost savings to the contracting agency, to the state agency or, if the contract is for a public improvement described in ORS 279A.050 (Procurement authority) (3)(b), to the contracting agency or the public. The contracting agency or state agency shall include an analysis and conclusion regarding actual cost savings, if any, in the evaluation required under ORS 279C.355 (Evaluation of public improvement projects not contracted by competitive bidding).
- (3) In making findings to support an exemption for a class of public improvement contracts, the contracting agency or state agency shall clearly identify the class using the class defining characteristics. The characteristics must include a combination of project descriptions or locations, time periods, contract values, methods of procurement or other factors that distinguish the limited and related class of public improvement contracts from the agency's overall construction program. The agency may not identify a class solely by funding source, such as a particular bond fund, or by the method of procurement, but shall identify the class using characteristics that reasonably relate to the exemption criteria set forth in subsection (2) of this section.
- (4) In granting exemptions under subsection (2) of this section, the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board shall:
- (a) If appropriate, direct the use of alternative contracting methods that take account of market realities and modern practices and are consistent with the public policy of encouraging competition.
- (b) Require and approve or disapprove written findings by the contracting agency or state agency that support awarding a particular public improvement contract or a class of public improvement contracts, without the competitive bidding requirement of subsection (1) of this section. The findings must show that the exemption of a contract or class of contracts complies with the requirements of subsection (2) of this section.
- (c) Require a contracting agency or state agency that procures construction manager/general contractor services to conduct the procurement in accordance with model rules the Attorney General adopts under ORS 279A.065 (Model rules generally) (3).
- (5) (a) A contracting agency or state agency shall hold a public hearing before approving the findings required by subsection (2) of this section and before the Director of the Oregon Department of Administrative Services, the Director of Transportation or the local contract review board grants an exemption from the competitive bidding requirement for a public improvement contract or a class of public improvement contracts.
- (b) Notification of the public hearing must be published in at least one trade newspaper of general statewide circulation a minimum of 14 days before the hearing.
- (c) The notice must state that the public hearing is for the purpose of taking comments on the draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings must be made available to the public. At the option of the contracting agency or state agency, the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for further public comment.
- (d) At the public hearing, the contracting agency or state agency shall offer an opportunity for any interested party to appear and comment.
- (e) If a contracting agency or state agency must act promptly because of circumstances beyond the agency's control that do not constitute an emergency, notification of the public hearing may be published simultaneously with the agency's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the hearing and approval of the findings.
- (6) The purpose of an exemption is to exempt one or more public improvement contracts from competitive bidding requirements. The representations in and the accuracy of the findings, including any general description of the resulting public improvement contract, are the bases for approving the findings and granting the exemption. The findings may describe anticipated features of the resulting public improvement contract, but the final parameters of the contract are those characteristics or specifics announced in the solicitation document.
- (7) A public improvement contract awarded under the competitive bidding requirement of subsection (1) of this section may be amended only in accordance with rules adopted under ORS 279A.065 (Model rules generally).
- (8) A public improvement contract that is excepted from the competitive bidding requirement under subsection (1)(a), (c), (d), (e) or (f)

of this section is not subject to the exemption requirements of subsection (2) of this section. [2003 c.794 §103; 2003 c.794 §§104,105a; 2005 c.103 §§12,13,14; 2005 c.625 §§58,59,60; 2007 c.70 §§69,70,71; 2007 c.764 §§14,15,17; 2013 c.522 §8]

...

(No annotations for this section.)

Related Statutes³

- 279C.300
Policy on competition
- 279C.330
Findings defined
- 279C.332
Definitions for ORS 279A.065, 279C.307, 279C.335, 279C.337 and 279C.380
- 279C.350
Exemption procedure
- 279C.355
Evaluation of public improvement projects not contracted by competitive bidding
- 279C.365
Requirements for solicitation documents and bids and proposals
- 279C.370
First-tier subcontractor disclosure
- 279C.375
Award and execution of contract
- 279C.400
Competitive proposals
- 279.840
Purpose
- 279.845
Duties of Oregon Department of Administrative Services
- 279.850
Procurement of product or service
- 279.855
Entities that may obtain goods and services through Oregon Department of Administrative Services

¹ Legislative Counsel Committee, *CHAPTER 279C—Public Contracting - Public Improvements and Related Contracts*, https://www.oregonlegislature.gov/bills_laws/ors/ors279C.html (2015) (last accessed Jul. 16, 2016).

² OregonLaws.org contains the contents of Volume 21 of the ORS, inserted alongside the pertinent statutes. See the preface to the ORS Annotations for more information.

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

by Robb Shecter, robb@oregonlaws.org
www.oregonlaws.org

Exhibit B

10.105 Public Improvement Contracts Involving Design or Construction Management

The City may enter into public improvement contracts without competitive bidding if the contracts involve design or construction management or require expertise beyond normal construction work. Unless exempt under some other exemption, a competitive proposal process must be used. One of the following specific processes shall be followed:

A. Construction Manager/General Contractor

The City may select a person or firm to act as a Construction Manager/General Contractor (CM/GC) to construct public improvements by means of a competitive proposal process.

1. A CM/GC performs specified Construction Manager services in addition to traditional General Contractor services. A CM/GC contract shall require full performance within a negotiated Guaranteed Maximum Price (GMP).

The basis for payment shall be reimbursable direct costs plus a fee constituting full payment for work and services rendered, which together shall not exceed the GMP.

2. The solicitation documents shall include:

a. A description of the evaluation process and criteria. The criteria may include cost, quality, experience, availability, commitment to timely completion, and other factors.

b. The process to be followed for establishing the guaranteed maximum price.

c. A description of the circumstances under which any of the following activities may be authorized and undertaken for compensation prior to establishing the GMP, but only after unit prices are established:

i. Early procurement of materials and supplies;

ii. Early release of bid packages for such things as site development; and

iii. Other advance work related to critical components of the project.

3. The contract documents shall include:

a. A description of the method by which the CM/GC shall competitively select contractors and subcontractors.

b. Either the maximum guaranteed price or a process for establishing a guaranteed maximum price.

c. A description of the situations in which the CM/GC may perform the work of the improvement without subcontracting, including any requirement that the CM/GC compete with others to do the work and the work that the CM/GC may perform directly without a competitive process.

d. The standards or factors under which changes or additional work that warrants an increase in the GMP, as well as criteria for decreasing the GMP. The GMP shall not be increased without a concomitant increase to the scope of the GMP. The disposition of any cost savings resulting from completion of the work below the GMP, including the CM/GC share, if any, in those cost savings. Normally, the cost savings

should accrue to the City.

e. The items or categories of items are eligible for cost reimbursement within the GMP.

f. A provision for a final audit adjustment and process.

g. A fee that is inclusive of profit, overhead and all other indirect or non-reimbursable costs. Costs determined to be included within the fee should be expressly defined wherever possible. The fee, first expressed as a proposed percentage of all reimbursable costs, shall be identified during and become an element of the selection process. It shall subsequently be expressed as a fixed amount when the GMP is established.

h. Any economic incentives, the specific criteria that apply and their relationship to other financial elements of the Contract (including the GMP).

Exhibit C

FINDINGS IN SUPPORT OF ALTERNATIVE CONTRACTING METHOD FOR THE LEDDING LIBRARY OF MILWAUKIE RENOVATION AND EXPANSION PROJECT

Introduction

Use of Alternative Contracting methods, such as CM/GC (Construction Manager/General Contractor), is made possible under ORS Chapter 279C, which permits certain contracts or classes of contracts to be exempt from competitive public bidding under strict procedural safeguards. Like other alternative contracting methods, CM/GC has significantly different legal requirements than a typical design-bid-build project delivery method.

Pursuant to ORS 279C.335, a local contract review board may exempt specific contracts from traditional, competitive bidding by showing that an alternative contracting process is unlikely to encourage favoritism or diminish competition and will result in cost savings and other substantial benefits to the public agency. The Oregon Attorney General's Model Public Contract Rules provide for public notice and opportunity for the public to comment on draft findings in favor of an exemption before their final adoption.

ORS 279C.330 provides that: "findings" means the justification for a contracting agency conclusion that includes, but is not limited to, information regarding:

- Operational, budget and financial data;
- Public benefits;
- Value engineering;
- Specialized expertise required;
- Public safety;
- Market conditions;
- Technical complexity; and
- Funding sources.

Findings

Operational, Budget, and Financial Data

History

The Ledding Library of Milwaukie was built in the early 1960s and has become a community focal point since that time. When the Ledding Library first opened, Milwaukie had only 10,000 residents, and the library has not been significantly improved since 1987. During the fall of

1999, the Ledding Library Board requested permission from the Milwaukie City Council to develop a long range plan for the Ledding Library. With the City Council's approval, the Ledding Library Long Range Planning Committee (LLRPC) was formed and subsequently began meeting in January 2000. As its work progressed, the Committee decided that a library consultant would be an asset in bringing its work to a successful conclusion. A plan, entitled Planning for the Future, was affirmed by the Ledding Library Board and presented to the Milwaukie City Council for adoption at its April 3, 2001 meeting. After reviewing the plan, the Council directed the Library Board and staff to move forward with the project outlined in the Long Range Plan. In regard to the Ledding Library facility, the 2001 long range plan document stated that the current facility would need to be expanded or relocated within three to seven years to meet Oregon Library Association Standards for Oregon Public Libraries minimum facility standards and that the library would be a viable linchpin of the Downtown Development Plan. In December 2003, the architectural firm of Dortinacq and Associates developed the Ledding Library Master Plan, which called for a Ledding Library on the current site expanded to 26,000 square feet. No funding for the project was identified or provided and the library expansion project came to a halt.

Today, the City has more than 20,000 residents, but the library has not expanded to meet demand that has more than doubled in the past 50 years. In May 2016, the citizens of Milwaukie passed a bond measure to fund improvements and expand the Ledding Library. Money raised from the approved bonds will be used in part to increase space for the popular children and teen learning programs, as well as an expansion of audiobooks and large print materials for the city's growing senior population. Shorter shelving and wider aisles will also be installed to increase accessibility for people with disabilities. The City has hired Shiels Oblatz Johnsen, Inc. (SOJ) as the Project Manager/Owner's Representative. SOJ will coordinate the full project, starting with assembling the Project Team (architectural design team and CM/GC), and then coordinating the design, public approvals and permits, construction, and occupancy in the completed project.. The Library plans to continue offering its services to the community during construction.

Budget and Financial Data

The bond funds made available to renovate and expand the library is \$9,200,000 dollars. An additional \$1,000,000 dollar contribution will be provided by the Library Information Network of Clackamas County (LINCC). The integration of the old and the new in an occupied space in a fast track manner with a limited budget will be a large challenge for this Project. The Project requires a fast track process as the expanded space is currently necessary to adequately service the needs of the community.

CM/GC provides opportunities for cost saving in a variety of ways. The inherent flexibility and openness of the process allows the City to more easily make appropriate changes as necessary to meet the project budget. The integration of the new spaces and systems into the existing building will present a large challenge.

The firm Guaranteed Maximum Price (GMP) contract amount to be negotiated includes the expected cost to construct the project, the CM/GC firm's fee, and a contingency amount that the CM/GC believes should be available to cover changes to the proposed scope.

Available Bidders

The number of available qualified and experienced bidders for a Project of this type is expected to be limited. The Project involves construction upon a special purpose building, a public library. The Project involves renovation of existing space in a 50 year old building and constructing a substantial expansion that is planned to integrate visually and architecturally into the existing details and forms. The integration of new and modern systems with the existing facility and materials in a manner that achieves the Project goals will be extremely challenging. The work will occur in and around an occupied space. The number of contractors who have past experience in work of this nature and adequate resources to successfully complete such a project is limited in number.

Construction Budget

The amount of funds available to plan, design and construct the needed improvement to the library is limited. The opportunity to get additional funds is not expected. The CM/GC process is viewed by the City and its consultant SOJ as the best procurement form to achieve the necessary construction within the limited funding available.

Public Benefit

The Project is needed to accommodate library services for the foreseeable future. This expansion is in fact well past due. There are numerous limitations with the current space that increasingly hamper the City's efforts to provide quality and efficient library services to the residents of the City. The capacity of the existing library facility has clearly been exceeded, and the library is not currently accessible to all the members of our community. The Project will provide improvements such as electrical, plumbing, heating and cooling, and seismic upgrades into the existing structure, and access to additional space for currently popular activities, as well as adding capacity to serve our aging and disabled residents. The additional areas will make the City's provision of library services more efficient and more widely available to the public.

Value Engineering

The CM/GC process provides many benefits and opportunities for cost savings, a process that will be necessary to achieve the desired improvements within the limits imposed by available funding. System options and real-time cost estimates provided by the CM/GC throughout the constructability reviews will aid the Project and allows the City to make an informed cost-benefit tradeoff. During the Preconstruction phase, the CM/GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM/GC will evaluate major systems and make design recommendations to the Project Team about which systems are most cost-effective both in purchase price and installation, and for long term maintenance and operations.

The CM/GC also identifies whether Project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM/GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

Specialized Expertise Required

Working in occupied buildings, integrating new systems into older building systems, renovating older buildings, constructing special purpose public buildings, and integrating a substantial expansion of area into an existing older building and style is a challenge. The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and/or private organizations under these challenging circumstances, and will be well qualified in the area of repairing and renovating older buildings and integrating newer construction and systems into exiting older systems, all while such is occupied.

The CM/GC selection process is based on qualifications, with price as factor. The fee is, however, less important than the overall qualifications and specialized expertise of the selected CM/GC. The City will benefit by acquiring a CM/GC which has established experience and specialized expertise to manage this Project. A low bid process does not provide an opportunity to obtain the most qualified contractor with the specialized expertise needed for the Project.

Public Safety

The Project will provide for safe public access and compliance with ADA requirements. All work during the construction will be done in accordance with Oregon Occupational Safety and Health Administration (OR-OSHA) safety regulations. The CM/GC selected will be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. The CM/GC's input into work and trade sequencing, and construction methodologies can reduce issues related to safety and provides for close controls and related risk reductions on the site.

The CM/GC method of delivery is a team approach and provides for a high level of responsibility and visible adherence to public safety. The contractor's performance on prior projects in satisfying these safety needs can be determined as part of the City's contractor selection process. This determination is not available under the low bid process.

Effect on Funding

The use of CM/GC will have no effect upon the availability of funding.

Market Conditions

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability, and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows "fast track" construction to start while detailing structures, interiors, and systems at the same time as awarding site work, foundations, and long-lead items. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on a schedule. These fast-track benefits are not available under the low bid process.

In addition, using the CM/GC process will allow trades to become involved earlier in the process. The current market for construction services is becoming increasingly tight with substantial increases in material and labor costs for public and private construction projects. By allowing the involvement of trades earlier in the process, the CM/GC will be able to acquire and involve higher quality subcontractors, which will lead to higher quality product for the City and its residents. Regardless, the CM/GC will be required to bid the major subcontracts for the project. These benefits are not available under the low bid process.

Technical Complexity

The project has significant technical complexities which will be best addressed by a full team approach, with the CM/GC firm working with the City and the Architect to solve specific challenges identified during the pre-construction phase.

The project is technically complex due to its integration with the 1960 era existing building. Certain land use and natural resource overlays and requirements will drive and affect the construction that will occur and will require the CM/GC's input to handle in a cost effective manner and stay within the available budget. The ability to coordinate and manage this Project, while working with the City and major stakeholders, is highly complex in nature. This complexity is especially challenging to an inexperienced firm.

This Project also requires technical expertise and experience in special purpose construction involving public entities. The CM/GC process enables the City to competitively select a prime contractor who has the necessary competence to deal with the technical complexities of this project and can provide quality workmanship, dependable performance, fair and reasonable pricing and efficient management as Project Team member. Under a low bid process the technical competence of the contractor is difficult to evaluate.

Funding Sources

Funding for this Project will come from the special purpose bond approved by the citizens of the City and an LINCC contribution. The City needs budget predictability and project efficiency. The CM/GC process, with its negotiated contract price, will provide the necessary predictability.

The CM/GC method of contracting provides the greatest cost controls for limited budgets and therefore benefits the City. The team approach, the schedule, the value analysis, and constructability reviews provides the ultimate in effective cost analysis. It is critical, and also consistent with the spirit of collaboration encouraged throughout the process that everyone on the Project Team works towards a budget of which they can take ownership.

Experienced Consultants

The City has retained Shields Oblatz Johnsen, Inc. (SOJ) as its Project Manager/Owner's Representative. SOJ will coordinate the full project, starting with assembling the Project Team (architectural design team and CM/GC), and then coordinating the design, public approvals and permits, construction, and occupancy of the completed project,. SOJ has substantial experience using CM/GC for project delivery. SOJ has recently successfully overseen the use of CM/GC to add a two-story, 14,500 square foot addition to the back of the 102 year old Carnegie Library located in Oregon City. SOJ advises that it believes CM/CG is the best available procurement method to achieve the City's desired goals for Ledding Library.

Competition and Cost Savings

Unlikely to Encourage Favoritism or Diminish Competition

It is unlikely that the process of selecting a CM/GC firm will encourage favoritism in the awarding of the public contract or substantially diminish competition for the public contract. Competition will not diminish because the CM/GC contract will be awarded based on a competitive process, the procurement will be advertised, competition will be encouraged, award will be made on specified criteria and an opportunity to protest will be available. In short, it is unlikely to encourage favoritism or diminish competition in the future. Again, the CM/GC will be required to bid all major subcontracts.

Cost Savings

During the design phase prior to material and subcontractor selection, the CM/GC will provide value engineering and update cost estimate information. This cost estimating will assist final decision-making about the project scope, product quality and material finish. Using a CM/GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. Substantial cost savings are anticipated from the Project Team approach that is utilized in the CM/GC method of delivery because decision-making is based on cost effective and informed solutions. Progress reviews are frequent and diligent, thus resulting in fewer design corrections and change orders during construction. Additionally, the use of value engineering through cooperation among the architect, engineer, contractor and City is essential to the project delivery on time and within budget. CM/GC value engineering will reduce bid addenda, contract change orders and progress delays to help meet the tight time schedule for the Project. These savings are not realized under a low bid process.

In addition, the CM/GC process has been recently used by Oregon City to renovate and expand its historic library on time and within the available funds. In short, CM/GC has a proven track record of achieving successful results in Projects of this nature.

Summary

After careful consideration, the City has found the Alternative Contracting Method CM/GC more appropriate than a traditional design-bid-build process to meet the overall project objectives for the Ledding Library renovation and expansion.

The project is technically complex due to its integration of a substantial expansion with the older building and the special purpose of this public building. The level of challenge, available budget and fast track nature will require a level of management and flexibility above that ordinarily available with traditional competitive low-bid public contracting. There are multiple firms with the experience and expertise in this type of work, so it is anticipated that there will be multiple proposals submitted on the project. The CM/GC process offers the best opportunity for successfully managing the construction on a budget and on time.



CITY OF MILWAUKIE

"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, ADOPTING FINDINGS TO ALLOW ALTERNATIVE CONTRACTING FOR THE LEDDING LIBRARY RENOVATION AND EXPANSION PROJECT.

WHEREAS, the City of Milwaukie adopted Public Contracting Rules by resolution 101-2011 and amended by resolution 82-2013; and

WHEREAS, The Construction Manager/General Contractor form of alternative contracting is allowed per Public Contracting Rule 10.105.A; and

WHEREAS, the use of Construction Manager/General Contractor for the Ledding Library Renovation and Expansion Project complies with Public Contracting Rule 10.105.A; and

Now, Therefore, be it Resolved that the City Council, acting as the local contract review board for the City of Milwaukie hereby adopts findings attached as Exhibit C pursuant to the authority granted the Board by Milwaukie City Code Chapter 3.05, local Contractor Review Board, to allow the use of the Construction Manager/General Contractor alternative contracting for the Ledding Library Renovation and Expansion project.

Introduced and adopted by the City Council on November 1, 2016.

This resolution is effective on November 1, 2016.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 5. B.**
Meeting Date: **11/1/16**

To: Mayor and City Council
Through: Ann Ober, City Manager
Alma Flores, Community Development Director
Subject: **Safe Access For Everyone (SAFE)
Bicycle and Pedestrian Accessibility Program
Fee Establishment**
From: Charles Eaton, Engineering Director
Date: October 19, 2016

ACTION REQUESTED

Hold a public hearing to solicit public testimony for a new fee for the Safe Access for Everyone (SAFE) program under MMC 13.26 Bicycle and Pedestrian Accessibility Program.

Adopt a resolution setting the SAFE fee amount for all uses.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The City council has been considering the state of pedestrian accessibility in Milwaukie since the initial discussion on October 23, 2014 where staff presented a summary proposal to gauge council's interest in increasing the City's current rate of completing sidewalk improvements under the Street Surface Maintenance Program (SSMP). Discussions centered on alternatives to sidewalk requirements, utility obstructions and funding options. Extensive discussions revolved around sidewalk width and placement requirements with the desire to analyze alternatives within the right-of-way. Additional discussion addressed local improvement districts and other funding options to accomplish the goal of increasing sidewalk construction. The following summarizes the discussions that have taken place following that first meeting.

September 17, 2015: Staff presented information on the American with Disabilities Act (ADA) transition plan and public sidewalk accessibility needs of the City with the concept of forming a new program similar to the city street program for sidewalk needs. Council directed staff to create a program to address these needs as well as the bicycle needs of the City. Council also designated the Public Safety Advisory Committee (PSAC) as the Community Planning Advisory Council to develop the program in compliance with the requirements of ADA.

February 2, 2016: PSAC presented a concept map establishing priority routes for the new Bicycle and Pedestrian Accessibility Program (BPAP) in accordance with ADA transition plan requirements. City Council gave additional direction on the need for connectivity within the plan and the desire to elevate areas as needed to Priority 1 to facilitate that connectivity.

April 21, 2016: Staff presented a Draft Corridor Plan and financial requirements to solicit council input on additions and/or changes desired. Council discussion centered on the level of corridor identification and the desire to increase the study to include safe routes to school corridors and include them within the overall plan. Staff also received direction on the desire to

have some of the specific project prioritization changed and for the inclusion of other specific corridors within the plan.

June 21, 2016: PSAC presented the draft Bicycle and Pedestrian Accessibility Plan together with the public comments received during the public outreach effort which consisted of meetings within each Neighborhood District Association (NDA), booths at the Farmers Market and First Friday events. Council discussed the draft plan, prioritization process, potential funding scenarios, and the next steps. PSAC and Staff received direction needed on basic program development for the proposed plan.

July 19, 2016: Staff presented the proposed Bicycle and Pedestrian Program recommended by PSAC, along with the implementing ordinance for public comment and council consideration. Staff also, presented the Citizens Utility Advisory Boards (CUAB) recommendation for a proposed funding level for the program presented. City Council took public testimony and adopted the proposed ordinance implementing the Bicycle and Pedestrian Accessibility Program. Council discussed the fee recommendation to be presented at a future council meeting and the desire to achieve more equity between institutional, commercial/industrial, and residential customers and the amounts paid by each of those uses.

September 6, 2016: Staff presented CUAB's recommendation for a proposed funding level for the program adjusted based on direction of City Council at the July 19th City Council meeting. City Council directed staff to solicit additional public input on the proposal and bring the proposal back to City Council.

BACKGROUND

The SAFE program has been developed by PSAC over the last twelve months. The process has involved 29 public meetings with PSAC, CUAB, Community outreach and City Council. Each NDA and it's representatives to PSAC were solicited and gave input on the identified corridors and facilities covered by ADA for inclusion in the plan. PSAC members discussed the identification of additional priority corridors, increased the priority of some corridors and compared all the corridors with the adopted master plans to facilitate the council's desire for better connectivity.

PSAC members also evaluated the corridors to include additional routes that function as Safe Routes to Schools (SRTS). They looked at both the distance from school, existing school boundaries and logical walking corridors during this process. Staff visited all the NDA's, and were at the Farmers Market and First Friday events to solicit input on the types of facilities that they would like to see prioritized and how to pay for the needed improvements. Staff developed a preliminary project prioritization based on the public input received. Staff finalized the Capital Improvement Plan based on PSAC and CUAB recommendations and presented the final draft Plan to PSAC. PSAC amended and approved the draft capital improvement plan and action plan with a recommendation to City Council to approve the proposed Bicycle and Pedestrian Accessibility Program.

Staff inspected and evaluated all routes identified by PSAC and developed estimated costs to bring these facilities in compliance with ADA and to provide for a safe pedestrian corridor. CUAB evaluated preliminary costs, funding options and made a formal recommendation to City Council on the appropriate action plan and funding for the program at their meeting on July 14, 2016. The recommended fee of \$0.46 per trip formally recommended to council by CUAB

included a cap of \$390.18 for commercial uses. CUAB determined this rate was an acceptable compromise to provide for the complete funding of the proposed action plan yet maintaining a rate comparable to other cities. This was done by extending the time period to complete the plan from 20 years to 25 years and having all the rates adjusted annually for inflation. Composite single family transportation utility rates for comparable cities are as follows:

Oregon City	\$12.26
West Linn	\$11.94
Lake Oswego	\$8.65
Milwaukie	\$7.95 (Proposed)
Happy Valley	\$7.64 (Proposed)
Canby	\$5.00

Staff presented CUAB's discussion and recommendation to City Council on July 19, 2016 as part of the program adoption.

The program was adopted by City Council on July 19, 2016 along with the implementing ordinance establishing the basis for a fee to be charged. The ordinance became effective August 18, 2016 and PSAC met in August and discussed the name of the proposed fee to differentiate it from the "Street Charge" currently being used for the Street Surface Maintenance Program (SSMP) and recommended S.A.F.E (Safe Access For Everyone).

PUBLIC INVOLVEMENT

As directed by City Council, the proposed fee has been announced in the October pilot, advertised on social media twice, included with all utility bills, emailed directly to the business community and electronic billing customers, handed out at two Farmer's markets and the Open House on October 10, 2016. A web site was developed to provide additional information on the proposed fee. The open house was held on October 10th to discuss all aspects of the plan, present the estimated rates for commercial and residential customers, provide the public and business community with the opportunity to ask questions, and provide an opportunity to provide additional feedback through questionnaires online and at the Open House.

We have received 93 responses to date with 65% of the responses in favor of the proposed SAFE Charge. All but one of the responses was from residential customers. Of the residential responses, 79% of responses would be in favor of selling bonds to complete the improvements sooner. 74% do not feel Milwaukie has adequate walkways. Only 51% feel safe walking or bicycling in their neighborhood, while 70% say they would walk more frequently if there were adequate facilities. 74% do not feel Milwaukie has adequate bicycle facilities but only 66% would bike more frequently with adequate facilities. The detailed results of the feedback and comments received and the information provided is attached.

Staff has prepared a resolution establishing the name, fee amounts and exclusions for Council's consideration. Based on the City Council discussions of July 19th and August 2nd staff has developed the proposed resolution without a cap on commercial uses, except for institutional uses which includes schools.

FISCAL IMPACTS

The proposed funding level will generate approximately \$880,000 per year and be dedicated to pedestrian safety projects identified within the adopted Capital Improvement Plan. This funding level is the minimum necessary to fund the Kronberg Park Multi-Use Path and Monroe Street Neighborhood Greenway projects as committed within each project's grant application.

WORK LOAD IMPACTS

Finance staff time will be needed to set up the required budget and accounting system to implement the new charge on monthly utility bills. An additional engineering FTE (Associate Engineer/Project Manager level) will be required for the department to develop and administer the projects identified within the program that will be funded by the new fee.

ALTERNATIVES

Council could choose to adopt the proposed resolution, adopt the proposed resolution with commercial maximum limits, adopt the proposed resolution with an alternative base rate, or not adopt any resolution at this time leaving the program unfunded.

ATTACHMENTS

1. Public outreach Memo
2. SAFE program materials
3. SAFE Charge Resolution



Memorandum

To: Mayor and City Council

Through: Ann Ober, City Manager

From: Charles Eaton, Engineering Director

Date: October 19th, 2016

Re: Safe Access For Everyone Feedback Results

The City has presented the Safe Access For Everyone (SAFE) charge and has requested public input from the residents and business owners within the City of Milwaukie.

The City has solicited this input from citizens through surveys conducted in person at the Farmers Market and the October 10th SAFE Open House, surveys were also conducted online as advertised in the October Pilot, on the SAFE website, twice on social media, and in every utility bill. Staff also received comments via mail, email, and telephone calls.

We received ninety (92) residential responses, and one (1) commercial response with the following results:

Safe Access For Everyone (SAFE) Residential Feedback Form				
	Strongly Disagree	Disagree	Agree	Strongly Agree
I feel safe walking and/or bicycling in my neighborhood	9	29	27	13
Milwaukie has adequate sidewalks and pedestrian pathways.	27	32	14	7
I would walk more frequently if there were more sidewalks in the community.	9	15	29	27
Milwaukie has adequate bicycle lanes and pathways for cyclists.	26	33	9	12
I would bicycle more frequently if there were more lanes and pathways for cyclists.	13	13	20	31
I am willing to pay the recommended \$4.60 per month utility charge for pedestrian and bicycle safety improvements.	18	11	11	44
I would be in favor of the city selling revenue bonds to complete the pedestrian and bicycle safety improvements to enable an accelerated timeline.	12	5	31	33

Safe Access For Everyone (SAFE) Commercial Feedback Form

	Strongly Disagree	Disagree	Agree	Strongly Agree
Pedestrian and bicycle access is important to my business.			1	
Milwaukie has adequate sidewalks and pedestrian pathways.				1
My customers and staff would say they feel safe walking and/or bicycling in the area around my business.	1			
Customers and staff would walk or bike to my place of business more frequently if improvements were made to the city's walkways and pathways.	1			
Customers would bicycle more frequently if there were more lanes and pathways for cyclists.	1			
Sidewalk and bicycle pathway improvements in the area around my business would make it more appealing to potential customers and employees.	1			
I am willing to pay the recommended monthly utility charge, based on my business type, for pedestrian and bicycle safety improvements.	1			

In addition, we received the following comments:

Other suggestions or comments? (Optional)

1. "I'm in absolute, full support of this. Was just almost backed into twice on one 10 min. jog through Ardenwald. We need less auto-focused streets now! Let's go! Also would like more bike infrastructure."
2. "We are very pleased with what has been accomplished by street surface maintenance program and look forward to the SAFE program to make walking and biking safer."
3. "Add a 1 cent gas tax."
4. "Add a gas tax of 1 cent."
5. "No sidewalks in Island Station neighborhood ever!"
6. "I agree that the city is in dire need of sidewalk improvements."
7. "I do not see connection to utilities. Water/sewer bill is already very high. This tax seems regressive."
8. "Please finish ones already started first."
9. "I can't help but think that if the older folks who were at the town hall had paid for & put in sidewalks 20 years ago when ADA was passed, and they weren't retired yet, that this would all be done. It probably would've been cheaper too! Do it now."
10. "I appreciate the SAFE program. I twill improve my access to all of the great resources Milwaukie has to offer and I am happy to contribute to paying this fee to support my community."
11. "Not everyone is a bicyclist nor does everyone want to be. Utility charge to everyone is fair. Rising property taxes are not. Burden unfair to seniors."
12. "Who pays for sidewalks where the city boundary is in the middle of the street?"
13. "Please pave the west side of 32nd!!! We pay pretty high taxes and our road (Olsen) SUCKS. We don't even have curbs, let alone sidewalks. Our roads in this little pocket are horrible. With the exception of Boyd. How did they get a paved road with curbs??"
14. "My water bill is already \$100.00 a month for one person. No lawn watering, little usage for 1 person. NO, NO, NO. Use other tax money you've wasted if you must or get it from cyclists who pay NOTHING. i.e., gas tax, etc., etc. So tired of Milwaukie's NEW government. BTW, water bill was only \$30 a month a few years back (before the new regime). I'm retired now on a fixed income. NO!!!"
15. "Don't need em. Don't sell bonds. Dumb city."
16. "A lot depends on what part of the city. Many neighborhoods have no sidewalks and that's part of Milwaukie's charm and country feel that appeals too many already living here. I also can appreciate the desire for safety when walking, biking and even driving in these more rural areas. I am on a fixed income and the price of everything continues to rise thus making the thought of one more increase a bit painful."

17. "If improvements are not made equally to all neighborhoods, I will be resenting the proposed fee."
18. "I am just concerned about our utility bill going up. I rent and our utility bill just went up by \$10 last month and is always due at the same time as rent. I walk everywhere and support the need for new sidewalks, but worry that even this slight increase is going to hit some residents and renters with extra hardship."
19. "We desperately need sidewalks. My kids are being robbed of one of the best parts of childhood – being able to roam their neighborhood without fear of being accidently run over. I honestly can't believe there are so few sidewalks."
20. "Your initial communication of this fee was very poor. I received several things in the mail at the same time and nothing told me what my expected monthly cost would be. What does 10 trips translate to and what is the frequency? It took me a lot of work to find the cost and then I was like, oh yes, I would pay \$5 a month for more sidewalks and bike paths. I doubt many people went to the effort to research the impact to them. Overall, this will contribute to a more livable community, which I support."
21. "Milwaukie needs to make sidewalks and bike lanes a priority now to ensure safe access for all before the population surges."
22. "Make it happen!"
23. "The bond idea is great!"
24. "The Max tax, library tax and high utilities are already killing us. Just stop for a while and let us catch our breath!"
25. "This is a safety as well as livability issue."
26. "This entire "SAFE" matter should be required to be voted on by the people—and not be proposed and implemented by the City, without a ballot measure vote!"
27. "The survey should make sure that those answering it are actually Milwaukie citizens. We've seen before that the Portland bicycle alliance floods forums and surveys with their opinions so they can impose their perspective here. This survey is inadequate and poorly designed."
28. "Milwaukie is in desperate needs of improvements to our streets and sidewalks to provide safe access to schools and other basic services. \$4.60 per month seems like such a reasonable amount to make this happen. I hope the city council will pass this measure to make our streets safer for us all."
29. "I don't believe it's fair to all concerned to wave the cap on businesses. I think ALL commercial customers should be eligible for the max-cap; non-profit & for-profit alike."
30. "Can't wait to see this program start but a bit concerned about the effect of the fee on our neighbors with low or fixed incomes. Will there be a variance of some kind for them?"
31. "I'd love to hear more details on the bond idea suggested in question #7 of this survey. Sounds like an interesting way to get long standing projects completed in a quick amount of time. How long would a bond last and at what interest rate?"
32. "It would be ideal to improve/create sidewalks in residential areas where some houses have them and some don't. It's dangerous to maneuver off and on the sidewalks when walking kids to/from school."
33. "At major intersections, it is important for bicycles to have a way to activate the light, such as ground sensors or having a cycle push button close to the curbside so a cyclist can reach it without having to ride up onto the sidewalk."
34. "Keep up the good work improving Milwaukie's infrastructure."
35. "The easterner neighborhoods in Milwaukie host the largest population of residents, but score the lowest in the entire city in walkability! Please see below:
<https://www.walkscore.com/OR/Milwaukie/Linwood>"
36. "Milwaukie has some excellent bike facilities. However, safe connections between them are lacking. Bicyclists are not just the spandex clad people blasting down the Springwater on weekends. A large percentage of us ride to get to work, to shop, and anywhere else we need to go."
37. "We already pay too much for water and pay for storm drains that we don't even have. Sidewalks and bike paths have absolutely nothing to do with the water/sewer utilities and should not be a source of funding."
38. "I currently feel that our utility bill is becoming excessive for residents on fixed incomes, therefore I feel cost of these projects should be accrued via our city tax base."
39. "I talked to you Wednesday morning in regard to the proposed "Safe" trip fee. I for one am against adding more fees on my utility bills or to my property tax. It seems as though govt is constantly adding more taxes and or fees to everything they touch and there are few items that escape them. If a fee needs to be added I wonder when it will expire or is this another forever. I can see this might become

a problem for retirees, almost like a twig on the apple tree. It can support on or two small fruits but when controlling powers add many more and they continue to grow, the twig breaks.

Such is the plight of my water bill. Remember when they said it will become a monthly rather than a bi-monthly but don't worry the fees won't increase. Well why then is my current monthly water bill more than twice what it was before and I use less water?

"When" this 'Safe' fee is applied I believe that older folks should not need to pay or at least get a reduced rate. There are many that cannot afford shelling out another \$1.09 a week, especially if their sole income is Social Security. Granted sometimes a small percentage is added to their income, but those are becoming rare and if they do occur, the price of Medicare goes up. The individual then ends with a net loss, another \$55 a year fee will definitely eliminate the chance of breaking even.

I have been in Milwaukie my entire 83 years except for my four years of military life. I was born here and if I can afford it I'll most likely die here. Sure isn't the city I used to know. In years past we even had several businesses downtown with most all our purchases being made on Main Street. Things have changed, I haven't been on Main Street for years, there is no one there but the fee takers.

Thanks for considering."

40. "I specifically bought this house in this neighborhood, because there were no sidewalks. Sidewalks are a waste of cement, in my opinion. Me personally, I avoid walking on cement at all costs. I walk in the grass or the gutter, cement is the hardest substance to walk on. We have so many feet, leg and hip problems, because we have cemented the earth! I understand that there are ADA requirements, AND that is a MINORITY of the people, what about creating an environment for the MAJORITY of the people who live here?

I DO NOT WANT SIDEWALKS in my neighborhood.

thanks!"

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE
I feel safe walking and/or bicycling in my neighborhood.	1	2	3	4
Milwaukie has adequate sidewalks and pedestrian pathways.	1	2	3	4
I would walk more frequently if there were more sidewalks in the community.	1	2	3	4
Milwaukie has adequate bicycle lanes and pathways for cyclists.	1	2	3	4
I would bicycle more frequently if there were more lanes and pathways for cyclists.	1	2	3	4
I am willing to pay the recommended \$4.60 per month utility charge for pedestrian and bicycle safety improvements.	1	2	3	4
I would be in favor of the city selling revenue bonds to complete the pedestrian and bicycle safety improvements to enable an accelerated timeline.	1	2	3	4

Other suggestions or comments? *(optional)*

Thank you for taking the time to complete this survey. For more information, please contact **Chuck Eaton at 503-786-7605 or eatonc@milwaukieoregon.gov**.

	STRONGLY DISAGREE	DISAGREE	AGREE	STRONGLY AGREE
Pedestrian and bicycle access is important to my business.	1	2	3	4
Milwaukie has adequate sidewalks and pedestrian pathways.	1	2	3	4
My customers and staff would say they feel safe walking and/or bicycling in the area around my business.	1	2	3	4
Customers and staff would walk or bike to my place of business more frequently if improvements were made to the city's walkways and pathways.	1	2	3	4
Customers would bicycle more frequently if there were more lanes and pathways for cyclists.	1	2	3	4
Sidewalk and bicycle pathway improvements in the area around my business would make it more appealing to potential customers and employees.	1	2	3	4
I am willing to pay the recommended monthly utility charge, based on my business type, for pedestrian and bicycle safety improvements.	1	2	3	4

Other suggestions or comments? *(optional)*

Thank you for taking the time to complete this survey. For more information, please contact **Chuck Eaton at 503-786-7605 or eatonc@milwaukieoregon.gov**.



Safe Access For Everyone (SAFE)

The SAFE program focuses on accessible pedestrian networks with the primary objective of achieving ADA compliance and safe routes to school while increasing connectivity and access in the City of Milwaukie.



WHAT IS SAFE?

Safe Access for Everyone (SAFE) is a plan to improve pedestrian and bicycle safety throughout Milwaukie, and identify possible funding sources to accomplish the plan. Working with the Public Safety Advisory Committee (PSAC), a citizen committee with representation from all neighborhood district associations, frequently-used corridors that provide access to critical facilities and facilitate routes to school were given priority.

WHY IS THIS PLAN NEEDED?

The city conducted an inventory of all city sidewalks and ramps to catalog Milwaukie’s pedestrian routes and their compliance with Americans with Disabilities Act (ADA) standards. The inventory highlighted that out of the existing 947 ADA ramps along the priority corridors, only about 21 percent comply with federal ADA standards. Furthermore, 298 new ramps need to be constructed along the priority corridors to provide safe and convenient access for people using mobility aids. This means a total of 1,245 ramps must be constructed to meet ADA standards within priority corridors to bring Milwaukie into compliance with federal requirements. In addition to the ADA ramps, 189,540 feet of walkways must be constructed to reach ADA standards within priority corridors.



BACKGROUND

Since 2010, the City of Milwaukie has actively worked on innovative ways to improve the pedestrian environment. In 2014, staff presented a proposal about the need for additional improvements, but the city lacked the financial resources. In 2015, staff presented additional information on the accessibility needs of Milwaukie with a concept for a new program.

City Council charged the PSAC with developing a new ADA Transition Plan. Council asked the group to think about more than just ADA compliance by also incorporating safe route to schools, alternate connections and bicycle needs into a city-wide accessibility plan.



Safe Access for Everyone

PSAC assessed travel corridors throughout Milwaukie, and evaluated the need for updates and improvements to the city-wide pedestrian network. Working closely with the Neighborhood District Associations, PSAC established the location and priority of local projects. Particular focus was given to corridors that facilitate safe routes to schools, connect high-use corridors, and facilities specifically covered by ADA regulations. After 28 public meetings, community feedback, and input from the Citizens Utility Advisory Board (CUAB) about funding options, the plan was developed and presented to Council to accomplish this over the next 25 years.

THE PLAN

SAFE, also known as the Bicycle and Pedestrian Program, and its proposed projects was formally adopted in July 2016, and includes a funding mechanism that is intended to accomplish its goals. Taking into account project requirements, necessary timeframes, multiple funding scenarios, and a comparison with neighboring cities, CUAB proposed a rate to the City Council.

To create a safe, connected pedestrian environment, the addition of \$0.46 per trip is being recommended to fund the plan. The SAFE charge will be indexed as it is in neighboring cities, which will reduce the initial cost to the customer and adjust for inflation. The charge is based on trips per unit, with the units and trips defined by the property use. For commercial properties, the unit is typically based on square footage; and residential units are the number of dwellings. The expected cost per unit is the product of trips per unit and the \$0.46 per trip SAFE charge. The recommended charge would result in an additional \$4.60 per month for a single family household. When combined with the current street surface maintenance program fee, which was not intended to fund sidewalk and ADA ramp improvements, the total cost for a single family would be \$7.95 per month. Commercial rates vary depending on use and square footage.



These photos show a corridor before and after improvements. The SAFE program is designed to be flexible in implementation, such that the beauty of our community is preserved while access is enhanced.



ADDITIONAL INFORMATION

For more information about Safe Access For Everyone please visit our SAFE web page:

www.milwaukieoregon.gov/engineering/SAFE

Or contact:

Engineering Department
 6101 SE Johnson Creek Blvd
 Milwaukie, OR 97206

503.786.7606
 engineering@milwaukieoregon.gov





SAFE Charge



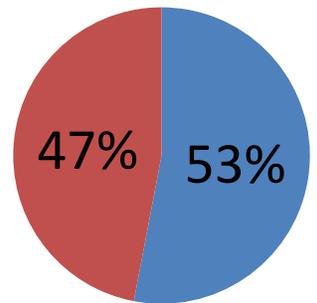
WHAT IS THE SAFE CHARGE?

Established in 2016, the SAFE charge is based on the average number of trips per unit for each type of developed property in Milwaukie. The rate recommended to City Council for approval is \$0.46 per trip. The units are determined by the property type and use—for commercial properties, a unit is typically 1,000 square feet, and for residential properties, a unit is typically per dwelling within the property.

It is estimated that 47 percent of the funds from the proposed SAFE charge will come from residential customers and 53 percent from commercial/industrial customers.

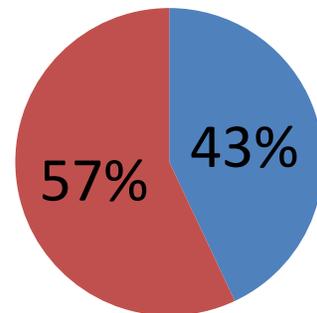
The planned improvements benefit both commercial/industrial and residential properties with 43 percent of the improvement costs benefiting commercial/industrial and 57 percent benefiting residential.

REVENUES



■ Commercial ■ Residential

EXPENDITURES



■ Commercial ■ Residential

SAFE Charge

Funds dedicated for the construction and/or reconstruction of bicycle and pedestrian facilities.

The Safe Rate Table indicates what the cost per unit would be for the proposed SAFE charge for each category currently billed in Milwaukie.

SAFE RATE TABLE

Category	Account Type	Trips per Unit	Charge	Cost per Unit per month	Unit
		A	x B	= C	
1	Elementary/Middle School	0.75	0.46	\$0.34	Per Student
	Lodge				Per Member
2	Long Term Care Facility	2.00	0.46	\$0.92	Per Bed
	Heavy Industrial				Per 1000 ft ²
	High School				Per Student
3	Manufacturing Warehouse	4.00	0.46	\$1.84	Per 1000 ft ²
	Retirement Community				Per Dwelling Unit
	Religious Institution				Per 1000 ft ²
4	Light Industrial, Office	8.00	0.46	\$3.68	Per 1000 ft ²
	PUD				Per Dwelling Unit
5	Hospital, Business Park, Auto Care	16.00	0.46	\$7.36	Per 1000 ft ²
6	Special Retail, Supermarket	32.00	0.46	\$14.72	Per 1000 ft ²
	Recreational Facility				
7	Govt Office, Restaurant	64.00	0.46	\$29.44	Per 1000 ft ²
	Gas Station				Per Fueling Position
8	Fast Food, Convenience Store, Bank	128.00	0.46	\$58.88	Per 1000 ft ²
11	Single Family Residential	10.00	0.46	\$4.60	Per Dwelling Unit
12	Multi-Family Residential, Apartment or Condo	6.00	0.46	\$2.76	Per Dwelling Unit

The SAFE charge is waived to those households included in the Low Income Utility Program. Fee waivers may be granted for properties within the City that become vacant and water service is discontinued.

Some uses have a maximum monthly limit set by City Council. The monthly minimum fee is equal to a Single Family Residence rate, except in the case of Multi-Family units being billed separately which will be billed at the Multi-Family Rate. Portions of the rates are indexed for inflation as set in MMC.

ADDITIONAL INFORMATION

For more information about the SAFE Charge, please visit our SAFE web page:

www.milwaukieoregon.gov/SAFE

Or contact:

Engineering Department

6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

engineering@milwaukieoregon.gov
503.786.7606



OTHER CITY COMPARISONS

ITE Code	Account Type	West Linn ¹	Canby ²	Oregon City	Lake Oswego	Milwaukie	Unit
		Street Maintenance Fee	Street Maintenance Fee	Street Maintenance Fee	Street Maintenance Fee	Transportation Utility Rate	
210	Single Family Residential	\$11.94	\$5.00	\$12.26	\$8.65	\$7.95	Dwelling Unit
220	Multi-Family Residential	\$11.32	\$3.34	\$8.61	\$6.18	\$4.86	Dwelling Unit
520	Elementary School	*	\$4.18 ³	\$0.97	\$5.29 ³	\$0.61	Students
522	Middle School	*	\$4.18 ³	\$1.23	\$5.29 ³	\$0.61	Students
591	Lodge	*	-	\$0.42	-	\$0.61	Members
120	Heavy Industrial	*	\$0.52	-	\$5.29	\$1.62	1000 sq feet
130	Industrial Park	*	\$2.09	\$2.10	\$5.29	\$1.62	1000 sq feet
530	High School	*	\$4.18 ³	\$1.29	\$5.29 ³	\$1.62	Students
253	Long Term Care Facility	*	\$1.04	\$2.75	-	\$1.62	Dwelling Unit
140/150	Manufacturing/Warehouse	*	\$2.09	\$0.42	\$5.29	\$3.24	1000 sq feet
560	Religious Institution	*	\$4.18	\$2.10	\$5.29	\$3.24	1000 sq feet
252/620	Retirement Community/Nursing Home	*	\$1.04 ³	-	-	\$3.24	Occupied Dwelling Unit
110	Light Industrial	*	\$2.09	\$2.10	\$5.29	\$6.48	1000 sq feet
710	Office	*	\$2.09	\$2.10	-	\$6.48	1000 sq feet
610	Hospital	*	\$4.18	-	\$11.91	\$12.96	1000 sq feet
770	Business Park	*	\$4.18	\$2.10	-	\$12.96	1000 sq feet
848	Auto Care/Tire Store	*	\$2.09	\$5.25	-	\$12.96	1000 sq feet
814	Specialty Retail	*	\$4.18	\$8.40	\$5.29	\$25.92	1000 sq feet
495	Recreational Community Center	*	-	\$5.25	-	\$25.92	1000 sq feet
850	Supermarket	*	\$2.09	\$5.25	\$11.91	\$25.92	1000 sq feet
730	Government Office	*	\$33.41	-	-	\$51.84	1000 sq feet
931	Quality Restaurant	*	\$4.18	\$5.25	\$44.49	\$51.84	1000 sq feet
944	Gas Station	*	\$4.18	\$8.40	-	\$51.84	Fueling Positions
933	Fast Food Without Drive-Thru	*	\$16.70	\$21.00	-	\$103.68	1000 sq feet
934	Fast Food With Drive-Thru	*	\$8.35	\$21.00	\$44.49	\$103.68	1000 sq feet
851	Convenience Store	*	\$8.35	\$21.00	\$44.49	\$103.68	1000 sq feet
911	Walk-In Bank	*	\$8.35	\$8.40	\$44.49	\$103.68	1000 sq feet
912	Drive-In Bank	*	\$8.35	\$8.40	\$44.49	\$103.68	1000 sq feet

¹ West Linn has public maximum of \$300, and Commercial maximum of \$948.

² Canby has a \$5.00 monthly minimum for commercial

³ Per 1000 sq feet per month, not listed unit

* West Linn charges based on square footage and trip value. Actual rate varies based on building size.



OTHER CITY COMPARISON EXAMPLES

Example		Cost Per Month				
Account Type	Unit Amount	Milwaukie	West Linn	Lake Oswego	Canby	Oregon City
Single Family Residence	Dwelling Units	\$7.95	\$11.94	\$8.65	\$5.00	\$12.26
Multi-Family Residence	Dwelling Units	\$4.86	\$11.32	\$6.18	\$3.34	\$8.61
High School	1,400 Students	\$687.06	\$300.00	\$1,061.11	\$274.53	\$473.41
Drive-In Bank	3,000 ft ²	\$311.04	\$739.47	\$133.47	\$25.05	\$25.20
Fast Food (With Drive-thru)	6,000 ft ²	\$622.08	\$948.00	\$266.94	\$50.00	\$126.00
Specialty Retail	7,000 ft ²	\$181.44	\$269.91	\$83.37	\$29.26	\$58.80
Supermarket	45,000 ft ²	\$959.28	\$948.00	\$535.95	\$94.05	\$236.25



MILWAUKIE
Dogwood City of the West

City of Milwaukie Action Plan

Projects

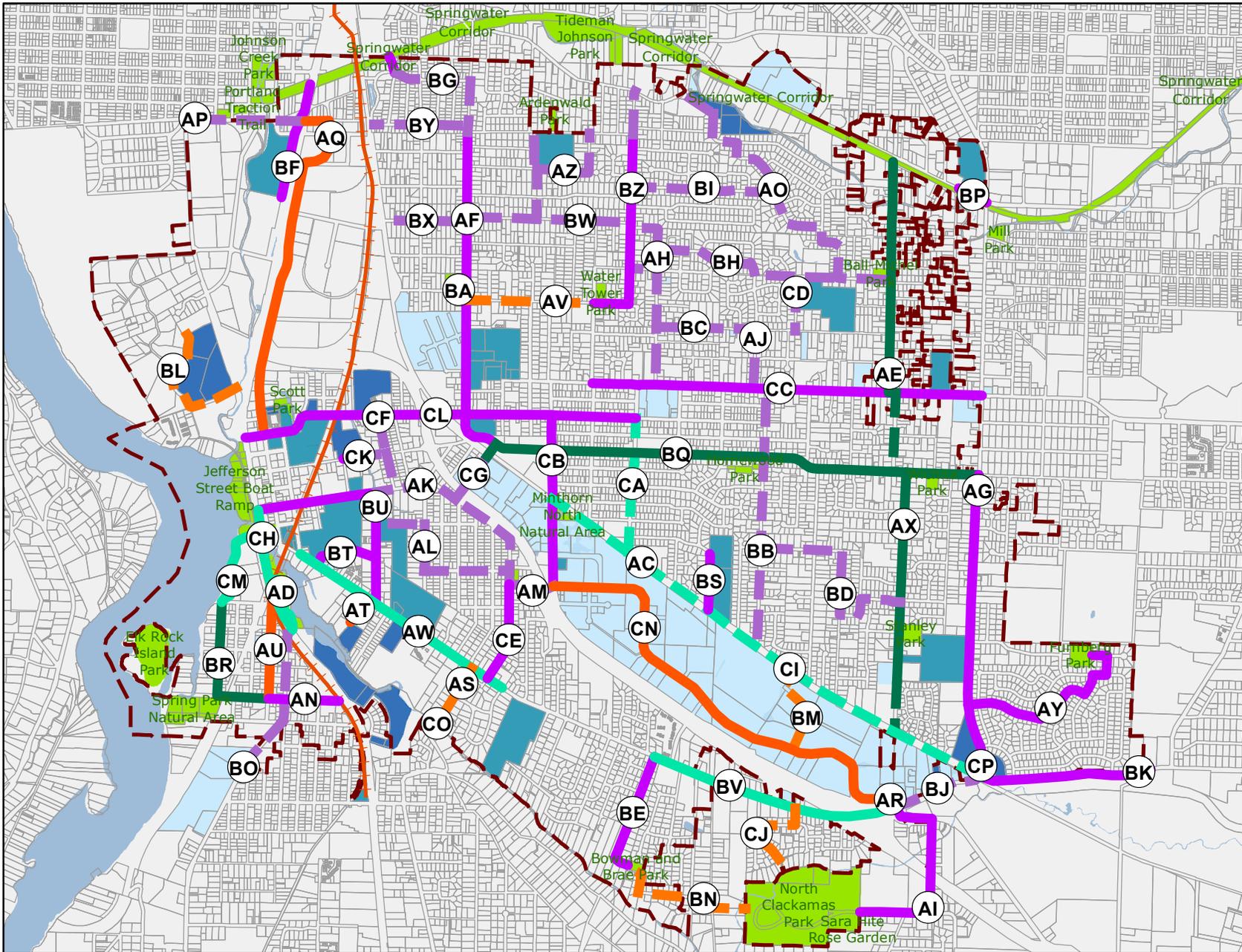
- Priority 1 - Required
- Greenway
- Multi-Use Path/Trail
- - - Priority 1 Recommended
- - - Greenway
- - - Multi-Use Path/Trail
- Priority 2 - Required
- - - Priority 2 - Recommended

Essential Facilities

- Priority 1
- Priority 2
- Priority 2 Large Complex

City of Milwaukie

- City Border
- - - Milwaukie Light Rail
- Milwaukie Parks



Data Source: City of Milwaukie, Metro Data Resource Center
 The information presented here is for informational purposes only. It is not intended to be used as a basis for any legal or financial decision. Consult your attorney for more information.
 Planning Department
 10000 SE Milwaukie Ave
 Milwaukie, OR 97138



ID #	Phase	Project Name	From	To	Description	Cost	Direct Funding or Grant Match
CQ	High	Accessible Pedestrian Signal Upgrades	Location Specific	Location Specific	Install accessible pedestrian signals and rapid flash beacons at specific intersections to improve pedestrian access and safety.	\$737,900	Direct
CR	High	Request for Service Program	Location Specific	Location Specific	Provide ADA accessible curb ramps on priority 3 facilities	\$1,000,000	Direct
AA	High	ADA Ramp Upgrades	City Wide	City Wide	Replace or add new ramps to comply with ADA standards.	\$150,636	Direct
AB	High	Remove Barriers Program	City Wide	City Wide	Remove or accommodate barriers by modifying sidewalk for ADA compliance.	\$1,379,603	Direct
AC	High	Railroad Ave Path	37th Ave	Linwood Ave	Add multi-use path on north side of Railroad.	\$492,960	Match
AD	High	Kronberg Park Trail	Kellogg Creek Bike/Ped Bridge	River Rd	Construct multiuse path to connect bike/ped bridge to safe crossing of HWY 99E	\$540,000	Match
AE	High	Stanley Neighborhood Greenway (North)	Johnson Creek Blvd	King Rd	Fill in sidewalk gaps on both sides of street, designate as a "neighborhood greenway" and install traffic-calming improvements.	\$195,130	Match
AG	High	Linwood Ave	Harmony Rd	Monroe St	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk.	\$708,235	Direct
AH	High	43rd Ave/Howe/Covell	42nd Ave	King Rd	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers. (Howe St, Covell St)	\$594,012	Direct
AI	High	Monroe St Neighborhood Greenway	Oak St	Linwood Ave	Designate as a "neighborhood greenway" and install traffic-calming improvements.	\$694,603	Match
AL	High	Sellwood St - Madison St	35th Ave	Milwaukee Elementary School	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers. (Sellwood St, 30th Ave, Madison St)	\$369,766	Direct
AM	High	Edison St	HWY 224	35th Ave	Fill in sidewalk gaps on both sides of street.	\$59,998	Direct
AQ	High	Main St - Ochocho St	Harrison St	Mcloughlin Blvd	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$595,870	Direct
AR	High	International Way	Freeman Way	Lake Rd	Fill in sidewalk gaps on both sides of street, remove barriers.	\$416,113	Direct
AS	High	Outfield Rd	Lake Rd	City Limits	Fill in sidewalk gaps on both sides of street, remove barriers.	\$154,130	Direct
AT	High	26th Ave	Lake Rd	Lake Village Apartments	Fill in sidewalk gaps on both sides of street.	\$62,224	Direct
AU	High	22nd Ave	Mcloughlin Blvd	Sparrow St	Fill sidewalk gaps on both sides of street.	\$228,051	Direct
AV	High	Harvey St	32nd Ave	42nd Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$422,653	Direct
BB	High	Home Ave	King Rd	Railroad Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers.	\$608,227	Direct
AI	Medium	Rusk Rd - Kellogg Creek Dr	Lake Rd	North Clackamas Park	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers. (Lake Rd, Rusk Rd, Kellogg Creek Dr)	\$306,242	Direct
AJ	Medium	49th Ave	King Rd	Logus Rd	Fill in sidewalk gaps on both sides of street and remove barriers.	\$142,711	Direct
AK	Medium	Washington St/35th Ave	Mcloughlin Blvd	Edison St	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers.	\$452,829	Direct
AN	Medium	Sparrow St	22nd Ave	Trolley Trail	Add sidewalk, add pedestrian and bike crossing between River Rd and 25th Ave.	\$96,442	Direct
AD	Medium	Brookside Dr - Winsor Dr	Johnson Creek Blvd	Willow St	Fill in sidewalk gaps on both sides of street, remove barriers. (Brookside Dr, Regents Dr, Winsor Dr)	\$706,907	Direct
AP	Medium	Ochocho St	Mcloughlin Blvd	17th Ave	Fill in sidewalk gaps on both sides of street, remove barriers, replace portions of existing sidewalk.	\$212,546	Direct
AW	Medium	Lake Road	21st Ave	Guilford Dr	Widen road, add new sidewalks, and fill in gaps in existing bicycle network with bike lanes.	\$831,870	Match
AX	Medium	Stanley Neighborhood Greenway (South)	King Rd	Railroad Ave	Fill in sidewalk gaps on both sides of street, designate as a "neighborhood greenway" and install traffic-calming improvements.	\$287,560	Match
AY	Medium	Aspen - Furnberg St	Linwood Ave	Furnberg Park	Fill in sidewalk gaps on both sides of street. (Aspen St, Sequoia Ave, Redwood Ave, Plum Dr, 70th Ave, Furnberg St.)	\$553,938	Direct
AZ	Medium	Ardenwald Elementary School Routes	Roswell St	Olsen St	Fill in sidewalk gaps. (36th Ave, 39th Ave, Wake St, Ardenwald Path)	\$271,510	Direct
BA	Medium	Balfour St	32nd Ave	Balfour Park	Add sidewalk.	\$34,992	Direct
BC	Medium	Logus Rd	43rd Ave	49th Ave	Fill in sidewalk gaps, replace portions of existing sidewalk, remove barriers.	\$142,295	Direct
BD	Medium	Park St - Lloyd St	Home Ave	Stanley Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, remove barriers. (Park St, Beckman Ave, Beckman Terrace, 56th Ave, Lloyd St)	\$546,915	Direct
BE	Medium	Where Else Ln	Lake Rd	Bowman and Brae Park	Fill in sidewalk gaps on both sides of street, remove barriers.	\$218,373	Direct
BF	Medium	Frontage Rd	Springwater Corridor	End of OLCC Building	Fill in sidewalk gaps on both sides, replace portions of existing sidewalk.	\$80,402	Direct
BG	Medium	28th Ave - Van Water St	Springwater Corridor	32nd Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk.	\$209,980	Direct
BH	Medium	Rockwood St - Willow St	43rd Ave	Stanley Ave	Fill in sidewalk gaps on both sides of street, pave willow path, remove barriers.	\$406,311	Direct
BI	Medium	Mason Ln	42nd Ave	Regents Dr	Add new sidewalk.	\$455,125	Direct
BJ	Medium	Harmony Rd	International Way	Linwood Ave	Fill in sidewalk gaps on both sides of street, remove barriers.	\$106,459	Direct
BK	Medium	Harmony Rd	Linwood Ave	City Limits	Fill in sidewalk gaps, remove barriers, replace portions of existing sidewalk.	\$173,279	Direct
BL	Medium	Lava Dr - Waverly Ct	17th Ave	Highlands Apartments Entrance	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk.	\$119,737	Direct
BM	Medium	Mallard Way	International Way	Mallard Bridge	Add sidewalk.	\$124,029	Direct
BN	Medium	Bowman St - Brae St	Bowman and Brae Park	North Clackamas Park	Fill sidewalk gaps on both sides of street.	\$196,489	Direct
BO	Medium	River Rd	Mcloughlin Blvd	City Limits	Add sidewalk.	\$370,403	Direct
BP	Medium	Johnson Creek Blvd	Public Works Property	City Limits (east)	Fill sidewalk gaps on north side of street.	\$33,280	Direct
BV	Medium	Lake Rd	Where Else Ln	International Way	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$59,111	Match
CD	Medium	51st Ave	Logus Rd	Winworth Ct	Add new sidewalk.	\$106,011	Direct
CI	Medium	Mallard Bridge	Mallard Way	Railroad Ave	Establish a dedicated bicycle and pedestrian connection across Railroad Ave and the railroad tracks.	\$225,940	Match
AF	Low	32nd Ave & Railroad Ave	Van Water St	Oak St	Replace portions of existing sidewalk and remove barriers.	\$828,705	Direct
BR	Low	19th/Sparrow Neighborhood Greenway	Eagle St	22nd Ave	Designate as a "neighborhood greenway" and create a woonerf by implementing traffic-calming measures and adding pedestrian and bicycle facilities.	\$218,648	Match
BS	Low	47th Ave	Franklin St	Railroad Ave	Fill in sidewalk gaps on both sides of street.	\$63,150	Direct
BT	Low	23rd & Willard	Lake Rd	27th Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$90,495	Direct
BU	Low	27th Ave	Lake Rd	Washington St	Replace portions of existing sidewalk and remove barriers.	\$218,079	Direct
BW	Low	Olsen St	42nd Ave	32nd Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$305,948	Direct
BX	Low	Olsen St	32nd Ave	End of West Olsen St	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk.	\$229,596	Direct
BY	Low	Roswell St	32nd Ave	Rockworst St	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$225,489	Direct
BZ	Low	42nd Ave	Johnson Creek Blvd	Harvey St	Replace portions of existing sidewalk and remove barriers.	\$164,003	Direct
CA	Low	42nd Ave	Harrison St	Railroad Ave	Replace portions of existing sidewalk and remove barriers.	\$0	Match
CB	Low	37th Ave	Harrison St	International Way	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$211,993	Direct
CC	Low	King Rd	40th Ave	Linwood Ave	Fill in sidewalk gaps on both sides of street, replace portions of existing sidewalk, and remove barriers.	\$816,433	Direct
CE	Low	35th Ave	Washington St	Edison St	Replace portions of existing sidewalk, remove barriers.	\$110,950	Direct
CF	Low	28th Ave	Washington St	Harrison St	Replace portions of existing sidewalk, remove barriers.	\$209,521	Direct
CG	Low	Oak St	Washington St	Monroe St	Replace portions of existing sidewalk.	\$89,281	Direct
CH	Low	Mcloughlin Blvd	Washington St	River Rd	Fill in sidewalk gaps.	\$0	Match
CJ	Low	51st Ave - Casa Del Rey St	Lake Rd	North Clackamas Park	Replace portions of existing sidewalk, remove barriers.	\$186,711	Direct
CK	Low	Monroe St	25th Ave	28th Ave	Replace portions of existing sidewalk, remove barriers.	\$73,295	Direct
CL	Low	Harrison	Mcloughlin Blvd	42nd Ave	Bicycle facility improvements.	\$310,000	Direct
CM	Low	Kellogg Creek Trail	Eagle St	Trolley Trail	Upgrade trail to ADA compliance.	\$0	Match
CN	Low	International Way	37th Ave	Lake Rd	Bicycle facility improvements.	\$400,000	Direct
CO	Low	Outfield Rd	Lake Rd	City Limits	Bicycle facility improvements.	\$39,026	Match
CP	Low	Linwood Ave	Aspen St	Harmony Rd	Bicycle facility improvements.	\$320,000	Direct

SAFE ACCESS FOR EVERYONE PROPOSED RATE TABLE

Category	Account Type	Trips per Unit ¹	Charge	Cost per Unit per Month	Unit
		A	x B =	C	
1	Elementary School	0.75	\$0.46	\$0.34	Per Student
	Middle School				Per Student
	Lodge				Per Member
2	Long Term Care Facility	2.00	\$0.46	\$0.92	Per Bed
	Heavy Industrial				Per 1000 ft ²
	High School				Per Student
3	Manufacturing Warehouse	4.00	\$0.46	\$1.84	Per 1000 ft ²
	Retirement Community				Per Dwelling Unit
	Religious Institution				Per 1000 ft ²
4	Light Industrial	8.00	\$0.46	\$3.68	Per 1000 ft ²
	Office				Per 1000 ft ²
	PUD				Per Dwelling Unit
5	Hospital	16.00	\$0.46	\$7.36	Per 1000 ft ²
	Business Park				
	Auto Care				
6	Specialty Retail	32.00	\$0.46	\$14.72	Per 1000 ft ²
	Supermarket				
	Recreational Facility				
7	Government Office	64.00	\$0.46	\$29.44	Per 1000 ft ²
	Restaurant				Per 1000 ft ²
	Gas Station				Per Fueling Position
8	Fast Food	128.00	\$0.46	\$58.88	Per 1000 ft ²
	Convenience Store				
	Bank				
11	Single Family Residential	10.00	\$0.46	\$4.60	Per Dwelling Unit
12	Multi-Family Residential	6.00	\$0.46	\$2.76	Per Dwelling Unit
	Apartment or Condo				

¹Units determined by the Institute of Traffic Engineers' Trip Generation Manual.

Note: The SAFE charge has a proposed monthly maximum for some uses of \$390.18, adjusted annually for inflation.



MILWAUKIE
Dogwood City of the West



CITY OF MILWAUKIE
"Dogwood City of the West"

Resolution No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR THE BICYCLE AND PEDESTRIAN ACCESSIBILITY PROGRAM AND UPDATING THE MASTER FEES SCHEDULE OF THE CITY OF MILWAUKIE.

WHEREAS, the City Council passed Ordinance 2123 on July 19, 2016, establishing a Bicycle and Pedestrian Accessibility Program; and

WHEREAS, Ordinance 2123 provides for the establishment of a fee by resolution of the City Council; and

WHEREAS, the City Council desires to set a fee and amend the City of Milwaukie "Master Fee Schedule"; and

Now, Therefore, be it Resolved that the City of Milwaukie "Master Fees" documents is amended as follows.

Section 1 The Transportation Utility, included in Exhibit A to this resolution, is hereby adopted and included in the City of Milwaukie "Master Fees" document..

Section 2 The S.A.F.E charge for Commercial uses, excluding public institution uses, will not be capped.

Section 3 The S.A.F.E charge for Public Institution uses, including schools shall be capped at \$390.18, and indexed yearly per MMC 3.26.070.

Section 4 The fees established by this resolution will become effective January 1, 2017.

Introduced and adopted by the City Council on _____.

This resolution is effective on _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

Exhibit A

UTILITIES

Transportation Fees

Categories Account Type	Street Charge Rates	S.A.F.E Charge Rates ⁵
Base Rate per Trip Generation	\$ 0.35	\$ 0.46
Single Family Residential	\$ 3.35	\$ 4.60
Low Income	Exempt	Exempt
Multi-Family Residential	\$ 2.10 per unit	\$ 2.76 per unit
Elderly Housing/Mobile Homes	\$ 1.40 per unit	\$ 1.84 per unit
Congregate Care	\$ 0.70 per unit	\$ 0.92 per unit
Commercial	per daily trip generated ⁴	per daily trip generated ⁶
Public Institution		per daily trip generated ⁷

¹ The Citizens Utility Advisory Board reviews the existing rate structure and capital improvement plan to advise City Council on utility rates.

² Customers participating in the City’s Low Income Utility Assistance program are exempt from the monthly fixed charge.

³ Residential wastewater volume charges are determined by the average monthly water usage from November to February (winter average). The winter average is adjusted annually on March 31st.

⁴ Commercial daily trip generated is calculated based on type of use and building square feet. Monthly bill is capped at \$250 indexed annually for CPI published by the Bureau of Labor Statistics. Current maximum is \$296.88 (Municipal Code Section 3.25.060).

⁵ All rates are indexed annually for CPI published by the Bureau of Labor Statistics.

⁶ Commercial daily trip generated is calculated based on type of use and building square feet.

⁷ Public Institution daily trip generated is calculated based on type of use and building square feet. Monthly bill is capped and indexed annually for CPI published by the Bureau of Labor Statistics. Current maximum is \$390.18 (Resolution _____).

Stauffer, Scott

From: Jamie June <jamiejune@gmail.com>
Sent: Monday, October 24, 2016 1:19 PM
To: _City Council
Subject: public testimony for SAFE proposal

Unfortunately, I cannot be there in person. Can you please add this to the notes of public testimony on the SAFE proposal to be discussed at next week's City Council meeting?

Thanks,
Jamie June

We noticed the slip in our water bill last month regarding the SAFE proposal and read through the planning documents that are available online. We are definitely in support of the proposal. However, we would prefer to see it extended even further to serve more streets and neighborhoods that completely lack sidewalks. And do it sooner than the extended plan timeline. We are concerned that it does not go far enough and there will not be many options for paying to extend the work in the coming years. As homeowners, we are happy to pay for services that will benefit safe access (sidewalks, ramps, crossings) for everyone in our community.

We have lived in Milwaukie for the past 7 years and have made a significant investment in making our neighborhood our home. We moved here knowing we would be giving up some of the city services we had in our previous home. However, we did not realize that our street, without sidewalks and lacking much of a shoulder to walk, would be as dangerous as it is, particularly with a child and an aging parent in our household. Cars travel too fast in our residential area and there simply is no place to walk but the narrow street.

We have inquired with the City's Engineering department about traffic signal options, such as a stop sign or speed control bumps, but have been told our street is not a good choice for this because these options have not been proven effective for our location. We have also inquired about what it would take to fund a sidewalk on our street, but have been told it isn't possible, financially.

We understand there are limitations, but we sure do grow nervous about the speed of vehicles on our tiny road. We are keen to help fund a safer place to walk. The SAFE proposal is a great place to start. We urge you to approve it.

Jamie June



**Regular Session
Agenda Item No.**

6

Other Business



**MILWAUKIE CITY COUNCIL
AGENDA ITEM SUMMARY**

Agenda Item: **RS 6. A.**

Meeting Date: **11/01/16**

Title: **Expedited Annexation of 5802 SE Westfork Street**

Prepared By: Brett Kelper, Associate Planner

Department Approval: Denny Egner, Planning Director

City Manager Approval: Ann Ober, City Manager

Approval Date: 10/21/16

ISSUES BEFORE COUNCIL

Consideration of an expedited annexation for the property at 5802 SE Westfork Street (File #A-2016-004)

STAFF RECOMMENDATION

Approval of application #A-2016-004

KEY FACTS & INFORMATION SUMMARY

The property at 5802 SE Westfork St has recently connected to the public sewer in Westfork Street, which is owned and maintained by the City of Portland and feeds into Portland's larger system in the area. The immediate vicinity is in unincorporated Clackamas County, though the southern half of the Westfork Street right-of-way is within the Milwaukie city limits and Urban Growth Management Area (UGMA). The working agreement between the City of Milwaukie and the City of Portland is that properties on the south side of Westfork Street are required to annex into Milwaukie when they connect to the Portland sewer system. For such properties, Milwaukie will collect wastewater payments and pass them through to Portland.

Upon annexation, the subject property will be zoned Residential R-7. The existing residential structure on the site is a single-family home, which is allowed outright in the R-7 zone. Staff does not believe there are any adverse impacts to annexing this property into the City.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

n/a

FISCAL NOTES

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. A.**
Meeting Date: **11/01/16**

To: Mayor and City Council
Through: Ann Ober, City Manager

Subject: **Expedited Annexation of 5802 SE Westfork Ave**

From: Brett Kelper, Associate Planner

Date: 10/25/16

ACTION REQUESTED

Approve application A-2016-004, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 5802 SE Westfork Street (Tax Lot 1S2E30AA06500), the “Annexation Property,” into the City.
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-7) zoning designation to the Annexation Property.
- Amendments to the City’s Comprehensive Plan Land Use Map and Zoning Map to reflect the City’s new boundary and the Annexation Property’s new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

July 2016: The property owner at 5802 SE Westfork St approached the City’s Community Development Department to pay the required Systems Development Charge (SDC) for wastewater, following the Annexation Property’s connection to the public sewer in Westfork Street. The property owner signed a “Consent to Annex” form and later submitted the necessary application for expedited annexation.

June 2010: Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (Ordinance #2016, Land use file #A-10-01). Since then, Council has approved the annexation of approximately 150 additional properties in the NESE area.

January 2010: Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance #2010).

July 1990: Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to

the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

BACKGROUND

Proposal

The owner of the Annexation Property has applied to annex to the City, following the Annexation Property’s recent connection to the public sewer in Westfork Street. The vicinity is in unincorporated Clackamas County, but the sewer system in Westfork Street is owned and maintained by the City of Portland. The City of Milwaukie and City of Portland have a working agreement that properties on the south side of Westfork Street are required to annex into Milwaukie when they connect to the Portland sewer system, since the area is within Milwaukie’s Urban Growth Management Area (UGMA). For such properties, Milwaukie will collect wastewater payments and pass them through to Portland.

When the owner approached the City to pay the required Systems Development Charge (SDC) for wastewater, City staff noted that the property had not been annexed into Milwaukie, as required by the current agreement with Portland. The property owner signed a Consent to Annex form, paid the wastewater SDC (which was passed on to the City of Portland), and later submitted the necessary application for expedited annexation.

The Annexation Property has residential County land use and zoning designations and will receive equivalent residential City land use and zoning designations. The Annexation Property is currently developed with a single-family home. Upon annexation, the existing residential use of the site will be a conforming use, subject to the City’s zoning ordinance for review and approval of any proposed alterations.

Site and Vicinity

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010, which included the southern half of the right-of-way in Westfork Street. The Annexation Property is within the City’s UGMA and the NESE project area. The surrounding area consists primarily of single-family dwellings, with some commercial mini-storage and miscellaneous light industrial uses to the south.

Annexation Petition

The petition is being processed as an expedited annexation at the request of the Annexation Property’s owner. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Property upon annexation. Any property that is within the UGMA and contiguous to the city boundary may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation. Clackamas County has certified that these thresholds are met for the Annexation Property.

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County Comprehensive Plan land use designation for the Annexation Property is Urban Low Density Residential (LDR), which would assign the City’s Low Density Residential (LD) Comprehensive Plan designation upon annexation. The current County zoning designation for

the Annexation Property is Residential R7, which would assign a City zoning designation of Residential Zone R-7 upon annexation.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings, under MMC Subsection 19.1103.4.1.C. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

Expedited Annexation Approval Criteria

Expedited annexations must meet the approval criteria of MMC Subsection 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 (Exhibit A, Findings).

Utilities, Service Providers, and Service Districts

The City is authorized by ORS Section 222.120(5) to withdraw the Annexation Property from non-City service providers and districts upon annexation to the City. This allows for a more unified and efficient delivery of urban services to newly annexed property and is in keeping with the City's Comprehensive Plan policies relating to annexation.

- Wastewater: The Annexation Property is within the City of Portland's sewer service area and served by Portland's sewer line accessible in Westfork Street.
- Water: The Annexation Property is currently served by Clackamas River Water (CRW) through CRW's water line in Westfork Street adjacent to the Annexation Property. Pursuant to the City's intergovernmental agreement (IGA) with CRW, the Annexation Property should not be withdrawn from this district at this time.
- Storm: The Annexation Property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an IGA between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. The Annexation Property will be withdrawn from the District upon annexation.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the

boundaries of certain regional and county service providers, including TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Property were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary parties with objections to the proposed annexation.

FISCAL IMPACTS

The annexation of the Annexation Property will have minimal fiscal impact on the City. As with most annexations of residential properties, the costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the total assessed value of the Annexation Property in 2016 was \$199,153. Based on the latest information available (from the Clackamas County Rate Book for 2015), total property tax collection of approximately \$3,250 is anticipated for the Annexation Property; the City will receive approximately \$852 of this total.

WORK LOAD IMPACTS

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

ALTERNATIVES

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



CITY OF MILWAUKIE

"Dogwood City of the West"

Ordinance No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AA06500 AND LOCATED AT 5802 SE WESTFORK ST INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-004)

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from all owners of land in the territory proposed for annexation; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation are further satisfied in that written consent from a majority of electors is not required given that there are no electors residing on the property; and

WHEREAS, the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A;

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

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tract of land described and depicted in Exhibit B is hereby annexed to the City of Milwaukie.

Section 3. The tract of land annexed by this ordinance and described in Section 2 is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. The tract of land annexed by this ordinance and described in Section 2 is hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-7.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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 _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5802 SE Westfork Street, the “Annexation Property,” the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.51 acres (Tax Lot 1S2E30AA06500). The Annexation Property is contiguous to the existing City limits via the adjacent public right-of-way in Westfork Street to the north. The Annexation Property is within the regional urban growth boundary and also within the City’s urban growth management area (UGMA).

The Annexation Property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings, with some commercial mini-storage and miscellaneous light industrial uses to the south.
2. The property owner seeks annexation to the City to comply with the requirement that properties along the southern half of Westfork Street shall annex into Milwaukie upon connecting to the City of Portland’s public sewer line in Westfork Street.
3. The annexation petition was initiated by Consent of All Owners of Land on September 14, 2016, with an application for annexation submitted to the City on the same day (September 14, 2016). It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC 19.1104.
6. The expedited annexation process provides for automatic application of City Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in the County, which are Low Density Residential and Residential R7, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-7, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);

The Annexation Property is within the City’s UGMA.

- B. The subject site must be contiguous to the existing city limits;
The Annexation Property is contiguous to the existing city limits via the adjacent public right-of-way in Westfork Street to the north.
- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;
Eric and Kelly Tremper, owners of the Annexation Property, consented to the annexation by signing the petition. There are no registered voters residing at the Annexation Property. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the Annexation Area.
- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;
Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City of Portland sewer service is available to the Annexation Property in Westfork Street. The working agreement between the City of Milwaukie and City of Portland for properties on the southern side of Westfork Street, which is within Milwaukie's Urban Growth Management Area (UGMA), requires annexation into Milwaukie upon connection to the Portland sewer. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.
- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).
The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:
 - (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;
There is one applicable urban service agreement adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding #9, Street lights). In addition, the City has a working agreement with the City of Portland that Milwaukie will annex properties on the southern side of Westfork Street, which is within Milwaukie's UGMA, when such properties connect to the Portland sewer. The proposed annexation is in keeping with the City's

policy of requiring properties to annex to the City in order to connect to City services.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: The City of Portland is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the Annexation Property. The working agreement between the City of Milwaukie and City of Portland for properties on the southern side of Westfork Street, which is within Milwaukie's Urban Growth Management Area (UGMA), requires annexation into Milwaukie upon connection to the Portland sewer. For such properties, Milwaukie will collect wastewater payments and pass them through to Portland.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Transportation: The City may require public street improvements along the Annexation Property's frontage when new development

occurs.

Water: Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. As per the City's intergovernmental agreement (IGA) with CRW, CRW will continue to provide water service to the Annexation Property.

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. The comprehensive plans, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has annexed the southern half of the Westfork Street right-of-way adjacent to the Annexation Property, though taken maintenance authority of the street remains with Clackamas County.

- B. Consider whether the boundary change would:

- (1) Promote the timely, orderly, and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.

The City of Portland has public sewer service in this area via Westfork Street. The working agreement between the City of Milwaukie and City of Portland for properties on the southern side of Westfork Street, which is within Milwaukie's Urban Growth Management Area (UGMA), requires annexation into Milwaukie upon connection to the Portland sewer. For such properties, Milwaukie will collect wastewater payments and pass them through to Portland.

- (2) Affect the quality and quantity of urban services; and

The Annexation Property consists of one tax lot developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given

the surrounding level of urban development and the existing level of urban service provision in this area.

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

The Annexation Property will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City of Portland's sewer service area and is served by the City of Portland's sewer line accessible in Westfork Street.

Water: The Annexation Property is currently served by CRW through CRW's water line in Westfork Street adjacent to the Annexation Property. Pursuant to the City's IGA with CRW, the Annexation Property should not be withdrawn from this district at this time.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an IGA between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area. The Annexation Property will be withdrawn from the District upon annexation.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers,

such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

Exhibit B

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2016-004

Property Address: 5802 SE Westfork St, Milwaukie OR 97206

Tax Lot Description: 1S2E30AA06500

Legal Description: Lot 16, Block 28, DARLINGTON PLAT 4, in the County of Clackamas and State of Oregon.

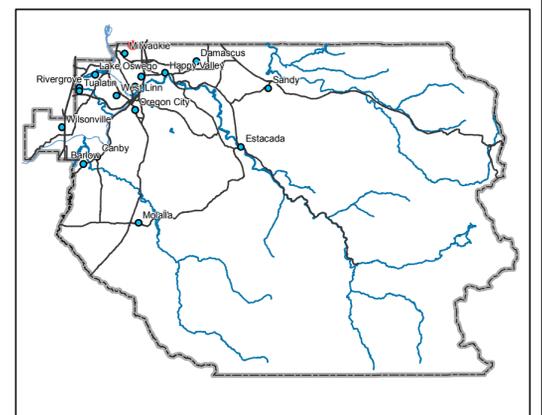
N.E. 1/4 N.E. 1/4 SEC. 30 T. 1S. R. 2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41

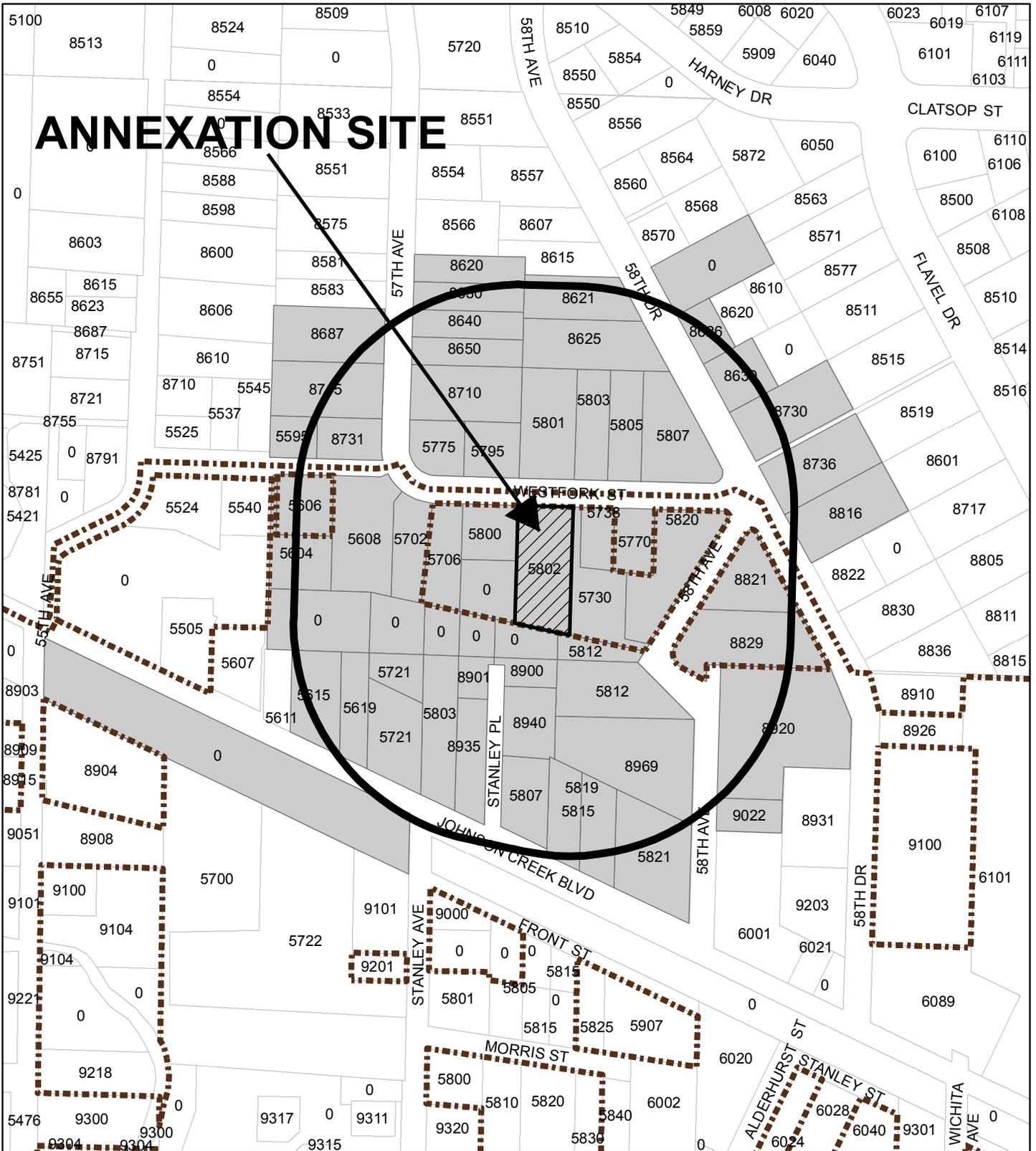
Cancelled Taxlots
6700



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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY

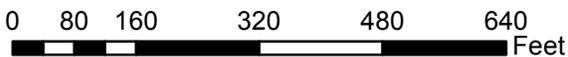


ANNEXATION SITE

Public Notice Map
5802 SE Westfork St
(Tax Lot ID 1S2E30AA06500)
File# A-2016-004

Legend

-  A-2016-004 site
-  400-ft public notice boundary
-  Properties receiving notice
-  Other tax lots
-  Milwaukie City Limits



RS63

601-16-000072 PLNG



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Expedited Annexation Application

RESPONSIBLE PARTIES:

File #: A-2016-004

APPLICANT (owner or other eligible applicant): <u>Eric Tremper</u>	
Mailing address: <u>5800 SE Westfork St Portland</u>	Zip: <u>97206</u>
Phone(s): <u>503-753-8894</u>	E-mail: <u>eric.tremper.25@gmail.com</u>
APPLICANT'S REPRESENTATIVE (if different than above):	
Mailing address:	Zip:
Phone(s):	E-mail:

SITE INFORMATION:

Address(es): <u>5802 SE Westfork St</u>	Map & Tax Lot(s): <u>1S2E30AA06500</u>	Property size: <u>0.51 acres</u>
Existing County zoning: <u>R-7</u>	Proposed City zoning: <u>R-7</u>	
Existing County land use designation: <u>LDR</u>	Proposed City land use designation: <u>LD</u>	

PROPOSAL (describe briefly):

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone:	<input type="checkbox"/> Comcast	<input type="checkbox"/> CenturyLink (formerly Qwest)
Energy:	<input checked="" type="checkbox"/> PGE	<input type="checkbox"/> NW Natural Gas
Garbage hauler:	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Mel Deines
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal
	<input type="checkbox"/> Hoodview Disposal and Recycling	<input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):		

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.	
Submitted by: <u>Eric Tremper</u>	Date: <u>9-14-16</u>

CONTINUED ON REVERSE

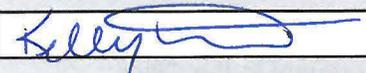
THIS SECTION FOR OFFICE USE ONLY:

File #:	Fee: \$ <u>\$150-</u>	Receipt #:	Rcd. by:	Date stamp:
Associated application file #'s:				RECEIVED SEP 14 2016 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):				
Notes (include discount if any): <u>Area = 0.51 acres</u> <u>Tax code - 012-229</u>				

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	ERIC TREMPER	<input checked="" type="checkbox"/>			9-14-16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5802 SE Westfork St.	15	2E	30AA	6500	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Kelly Tremper	<input checked="" type="checkbox"/>			
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
5802 SE Westfork St.	15	2E	30AA	6500	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter



After recording return to:
Kelly E. Tremper and Eric J. Tremper
5800 SE Westfork Street
Portland, OR 97206

Until a change is requested all tax
statements shall be sent to the
following address:
Kelly E. Tremper and Eric J. Tremper
5800 SE Westfork Street
Portland, OR 97206

File No.: 7013-2626657 (TN)
Date: June 05, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records Sherry Hall, County Clerk	2016-042473
	06/28/2016 10:57:58 AM
D-D Cnt=1 Stn=6 KARLYN	
\$10.00 \$16.00 \$10.00 \$22.00	\$58.00

STATUTORY WARRANTY DEED

Janice Collins, Grantor, conveys and warrants to **Kelly E. Tremper and Eric J. Tremper, wife and husband**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

LOT 16, BLOCK 28, DARLINGTON PLAT 4, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON
12E30AA06500 00068045

Subject to:

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

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

FIRST AMERICAN 2626657 - HW



AT

RS68

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 1ZE30AA) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name DJ Storm
Title BIS Cartographer II
Department A&T
County of Clackamas
Date 9-8-16



**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name DS Storm
Title BIS Cartographer II
Department A&T
County of Clark
Date 9-8-16



¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name PAUL HANES
Title DEPUTY CLERK
Department CLERK/ELECTIONS
County of CLACKAMA
Date 9/8/16



CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description <small>(township, range, ¼ section, and tax lot)</small>
1	ERIC TREMPER	5800 SE West fork st	5802 SE West fork St.
		Portland, OR 97206	152E30AA 06500
2	Kelly Tremper	5800 SE Westfork St.	5802 SE Westfork St.
		Portland, OR 97206	152E30AA 06500
3			
4			
5			
6			
7			
8			
9			
10			



**MILWAUKIE CITY COUNCIL
AGENDA ITEM SUMMARY**

Agenda Item: **RS 6. B.**

Meeting Date: **11/01/16**

Title: **Expedited Annexation of 10284 SE Wichita Avenue**

Prepared By: Brett Kelper, Associate Planner

Department Approval: Denny Egner, Planning Director

City Manager Approval: Ann Ober, City Manager

Approval Date: 10/21/16

ISSUES BEFORE COUNCIL

Consideration of an expedited annexation for the property at 10284 SE Wichita Avenue (File #A-2016-005)

STAFF RECOMMENDATION

Approval of application #A-2016-005

KEY FACTS & INFORMATION SUMMARY

The property at 10284 SE Wichita Ave is within the Northeast Sewer Extension (NESE) area. The site consists of two legal lots of record under the same ownership and is developed with a single-family house and several detached accessory structures. The existing house is served by a private septic system, and the owner is not interested in connecting to the City's sewer system at this time.

Upon annexation, the subject property will be zoned Residential R-7. The existing primary structure on the site is a single-family home, which is allowed outright in the R-7 zone. Staff does not believe there are any adverse impacts to annexing this property into the City.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

n/a

FISCAL NOTES

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



MILWAUKIE CITY COUNCIL
STAFF REPORT

Agenda Item: **RS 6. B.**
Meeting Date: **11/01/16**

To: Mayor and City Council
Through: Ann Ober, City Manager

Subject: **Expedited Annexation of 10284 SE Wichita Ave**

From: Brett Kelter, Associate Planner

Date: 10/25/16

ACTION REQUESTED

Approve application A-2016-005, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 10284 SE Wichita Avenue (Tax Lots 1S2E30DD 02100 and 02200), the “Annexation Property,” into the City.
- Application of a Low Density (LD) Comprehensive Plan land use designation and a Residential (R-7) zoning designation to the Annexation Property.
- Amendments to the City’s Comprehensive Plan Land Use Map and Zoning Map to reflect the City’s new boundary and the Annexation Property’s new land use and zoning designations.
- Withdrawal of the Annexation Property from the following urban service districts:
 - Clackamas County Service District for Enhanced Law Enforcement

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

August 2016: The property owner at 10284 SE Wichita Ave approached the City’s Community Development Department to initiate the expedited annexation process.

June 2010: Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (Ordinance #2016, Land use file #A-10-01). Since then, Council has approved the annexation of approximately 150 additional properties in the NESE area.

January 2010: Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance #2010).

July 1990: Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: *“The City shall assume a lead role in providing urbanizing services.”*

BACKGROUND

Proposal

The owner of the Annexation Property has applied to annex to the City. The Annexation Property consists of two developable legal lots of record that are under the same ownership and are currently utilized as a single property, which is developed with a single-family house served by a private septic system and includes several detached accessory structures.

The Annexation Property has residential County land use and zoning designations and will receive equivalent residential City land use and zoning designations. Upon annexation, the existing residential use of the site will be a conforming use, subject to the City's zoning ordinance for review and approval of any proposed alterations.

Site and Vicinity

The Annexation Property is contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010, which included the right-of-way in Wichita Avenue. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area. The surrounding area consists primarily of single-family dwellings, with the Wichita Center for Family and Community (formerly Wichita Elementary School) across Wichita Avenue to the west.

Annexation Petition

The petition is being processed as an expedited annexation at the request of the Annexation Property's owner. Under the expedited process, a City land use and zoning designation is automatically applied to the Annexation Property upon annexation. Any property that is within the UGMA and contiguous to the city boundary may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation. Clackamas County has certified that these thresholds are met for the Annexation Property.

As set forth in Milwaukie Municipal Code (MMC) Table 19.1104.1.E, the expedited annexation process automatically assigns City land use and zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County Comprehensive Plan land use designation for the Annexation Property is Urban Low Density Residential (LDR), which would assign the City's Low Density Residential (LD) Comprehensive Plan designation upon annexation. The current County zoning designation for the Annexation Property is Residential R7, which would assign a City zoning designation of Residential Zone R-7 upon annexation.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the site were notified of these proceedings, under MMC Subsection 19.1103.4.1.C. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

Expedited Annexation Approval Criteria

Expedited annexations must meet the approval criteria of MMC Subsection 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 (Exhibit A, Findings).

Utilities, Service Providers, and Service Districts

The City is authorized by ORS Section 222.120(5) to withdraw the Annexation Property from non-City service providers and districts upon annexation to the City. This allows for a more unified and efficient delivery of urban services to newly annexed property and is in keeping with the City's Comprehensive Plan policies relating to annexation.

- Wastewater: The Annexation Property is within the City's sewer service area and served by the City's 8-in sewer line accessible in Wichita Avenue.
- Water: The Annexation Property is currently served by the City through a 1.25-in City water line in Wichita Avenue adjacent to the Annexation Property.
- Storm: The Annexation Property is not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.
- Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.
- Street Lights: The Annexation Property is not within a special service district for street lights. The City has operational responsibility for the street lights and street light payments.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, including TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Property were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary parties with objections to the proposed annexation.

FISCAL IMPACTS

The annexation of the Annexation Property will have minimal fiscal impact on the City. As with most annexations of residential properties, the costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the

total assessed value of the Annexation Property in 2016 was \$221,400. Based on the latest information available (from the Clackamas County Rate Book for 2015), total property tax collection of approximately \$3,613 is anticipated for the Annexation Property; the City will receive approximately \$947 of this total.

WORK LOAD IMPACTS

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing, provision of general governmental services, and the setting up and maintenance of property records.

ALTERNATIVES

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application



CITY OF MILWAUKIE
"Dogwood City of the West"

Ordinance No.

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS TAX LOTS 1S2E30DD 02100 AND 02200 AND LOCATED AT 10284 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2016-005)

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from all owners of land in the territory proposed for annexation; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation are further satisfied in that written consent from a majority of electors is not required given that there are no electors residing on the property; and

WHEREAS, the territory proposed for annexation lies within the territory of the Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A;

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

Section 1. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. The tracts of land described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 4. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned a Comprehensive Plan land use designation of Low Density

Residential and a Municipal Code zoning designation of Residential zone R-7.

Section 5. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawal shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

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 _____.

Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Scott S. Stauffer, City Recorder

City Attorney

EXHIBIT A

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 10284 SE Wichita Avenue, the “Annexation Property,” the Milwaukie City Council finds:

1. The Annexation Property consists of two tax lots comprising a total of 0.44 acres (Tax Lots 1S2E30DD 02100 and 02200). The Annexation Property is contiguous to the existing City limits via the adjacent public right-of-way in Wichita Avenue to the west. The Annexation Property is within the regional urban growth boundary and also within the City’s urban growth management area (UGMA).

The Annexation Property is developed with a single-family detached dwelling unit. The surrounding area consists primarily of single-family dwellings, with the Wichita Center for Family and Community (formerly Wichita Elementary School) across Wichita Avenue to the west.
2. The property owner seeks annexation to the City to access City services for future development.
3. The annexation petition was initiated by Consent of All Owners of Land on September 19, 2016, with an application for annexation submitted to the City on the same day (September 19, 2016). It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC 19.1104.
6. The expedited annexation process provides for automatic application of City Comprehensive Plan land use and zoning designations to the Annexation Property based on its existing Comprehensive Plan land use and zoning designations in the County, which are Low Density Residential and Residential R7, respectively. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use and zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-7, respectively.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);

The Annexation Property is within the City’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;

The Annexation Property is contiguous to the existing city limits via the adjacent public right-of-way in Wichita Avenue to the west.

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

Don Stoll, owner of the Annexation Property, consented to the annexation by signing the petition. There are a total of three registered voters for the Annexation Property, and two of them signed the petition. As submitted, the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors, if any, residing in the Annexation Area.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Property in Wichita Avenue. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro Code Sections 3.09.045(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation (see Finding #9, Street lights). The City has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: *The City is the identified sewer service provider in the area of the proposed annexation and maintains a public sewer system that can adequately serve the Annexation Property.*

Storm: *The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.*

Transportation: *The City may require public street improvements along the Annexation Property's frontage when new development occurs.*

Water: *Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation, and the Annexation Property is already connected to a City water line. The City's water service master plan for all of the territory within its UGMA addresses the need to prepare for future demand and coordinate service provision changes with CRW. The City will continue to provide water service to the Annexation Property.*

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. The comprehensive plans, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Wichita Avenue right-of-way adjacent to the Annexation Property.

B. Consider whether the boundary change would:

- (1) Promote the timely, orderly, and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Property.

The City has public sewer service in this area via Wichita Avenue.

- (2) Affect the quality and quantity of urban services; and

The Annexation Property consists of two tax lots under the same ownership. The site is developed with a single-family residence. Annexation of the site is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

The Annexation Property will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Property is within the City's sewer service area and is served by the City's 8-in sewer line accessible in Wichita Avenue.

Water: The Annexation Property is currently served by the City through a 1.25-in City water line in Wichita Avenue adjacent to the Annexation Property.

Storm: The Annexation Property is not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Property is currently served by Clackamas Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Property is currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the site will be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Property is not within a special service district for street lights (the "District"). The City has operational responsibility for the street lights and street light payments.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the site upon annexation. The Annexation Property will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, and North Clackamas Parks and Recreation District.

Exhibit B

Annexation to the City Of Milwaukie
LEGAL DESCRIPTION

Milwaukie Annexation File No. A-2016-005

Property Address: 10284 SE Wichita Ave, Milwaukie OR 97222
Tax Lot Description: 1S2E30DD02200 and 02100
Legal Description: The West 209.7 feet of Lot 14, Wichita, the West line thereof being common with the East line of Wichita Avenue (40-ft road width), in the County of Clackamas and State of Oregon.

EXCEPTING therefrom those portions thereof described in Deeds to Thomas A. Wood, et ux, recorded April 18, 1969, as Recording No. 69-6761; recorded February 8, 1977, as Recording No. 77-4841; and recorded October 10, 1983, as Recording No. 83-33583.

Recording No. 69-6761:

Part of Lot 14, WICHITA, described as follows: Beginning at a point of intersection of the north line of said Lot 14 (POB #1), with the easterly right of way line of Wichita Avenue; thence East along the north line of said Lot 14, a distance of 110 feet; thence South parallel with the easterly right of way line of said Wichita Avenue, 95 feet; thence West parallel with the north line of said Lot 14, a distance of 110 feet to a point on the easterly right of way line of said Wichita Avenue; thence North along said easterly right of way line, 95 feet to the place of beginning.

Recording No. 77-4841:

The North 57 feet of the East 99.7 feet of the West 209.7 feet of Lot 14 WICHITA, Clackamas County, State of Oregon.

Recording No. 83-33583:

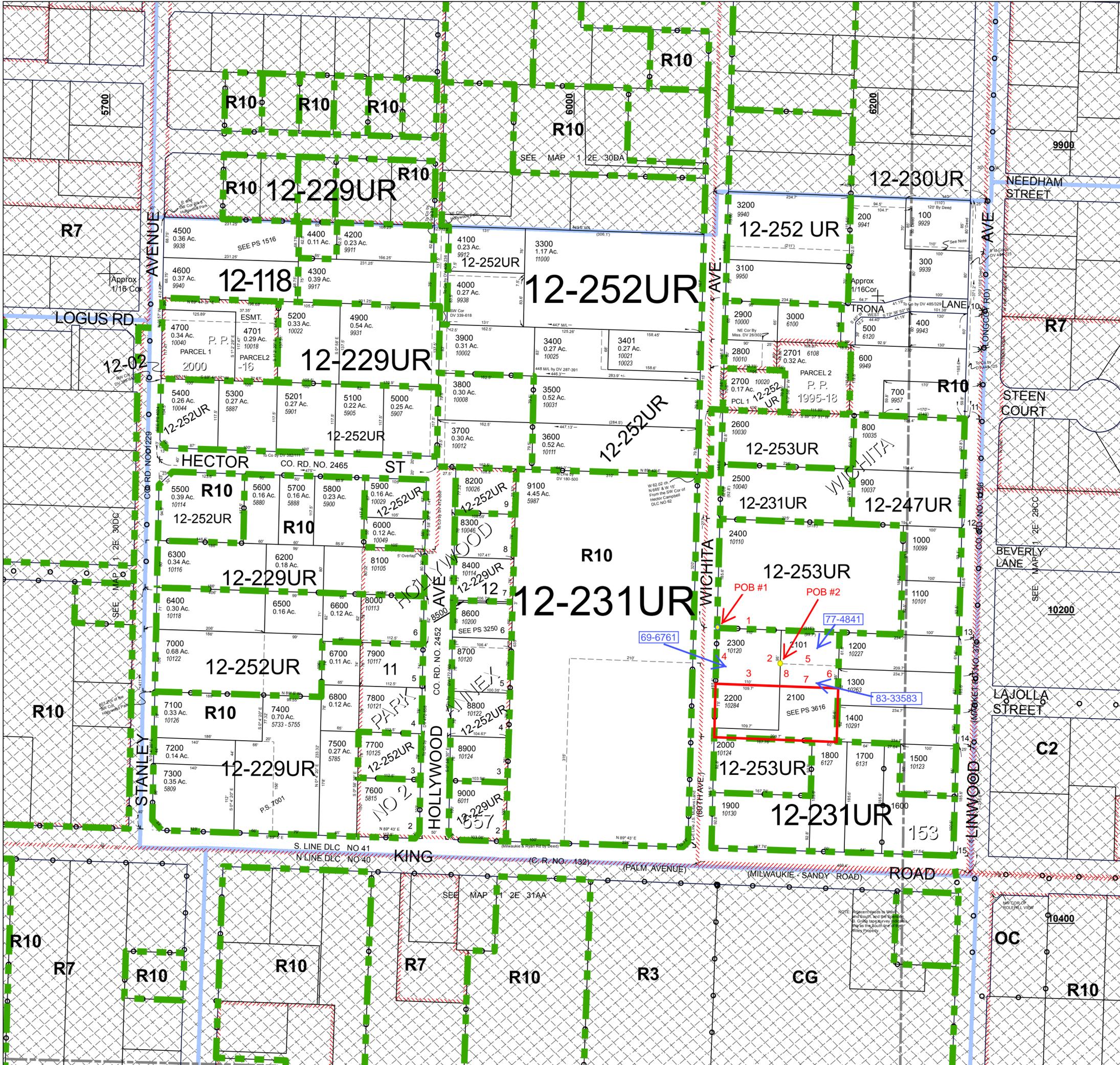
Beginning at the intersection of the Northwest corner of said Lot 14, WICHITA, with the Easterly right of way line of Wichita Avenue; thence East along the North line of said Lot 14, a distance of 110 feet; thence South parallel with the Easterly right of way line of said Wichita Avenue; 57 feet to the point of beginning (POB #2), said point being also the Southwest corner of that tract of land deeded to Thomas A. Wood, et ux, recorded February 8, 1977, Fee No. 77-4841; thence East following the South line of said Wood tract, 99.7 feet to a point also being the Southeast corner of said Wood tract; thence South, parallel with the Easterly right of way line of said Wichita Avenue, 38 feet to a point on the West line of that tract of land deeded to John W. Seltmen, et ux, recorded June 10, 1964, book 641, page 307; thence West 99.7 feet to the Southeast corner of a tract of land deeded to Thomas A. Wood, Jr., recorded April 18, 1969, Fee No. 69-6761; thence following the East line of said Wood tract North 38 feet to the point of beginning.

S.E. 1/4 S.E. 1/4 SEC. 30 T.1S. R.2E. W.M.
CLACKAMAS COUNTY
1" = 100'

D. L. C.
HECTOR CAMPBELL NO. 41

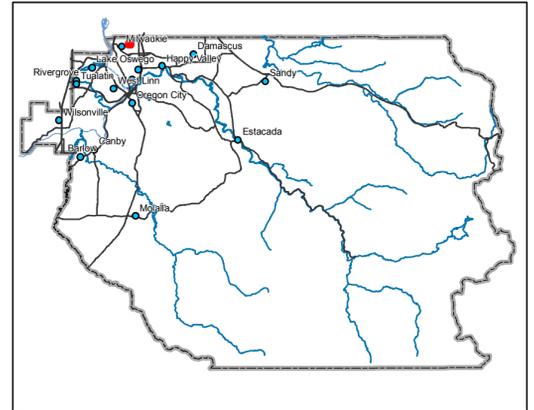
Cancelled Taxlots

- 4800
- 5401
- 5501
- 6100
- 6900
- 7301

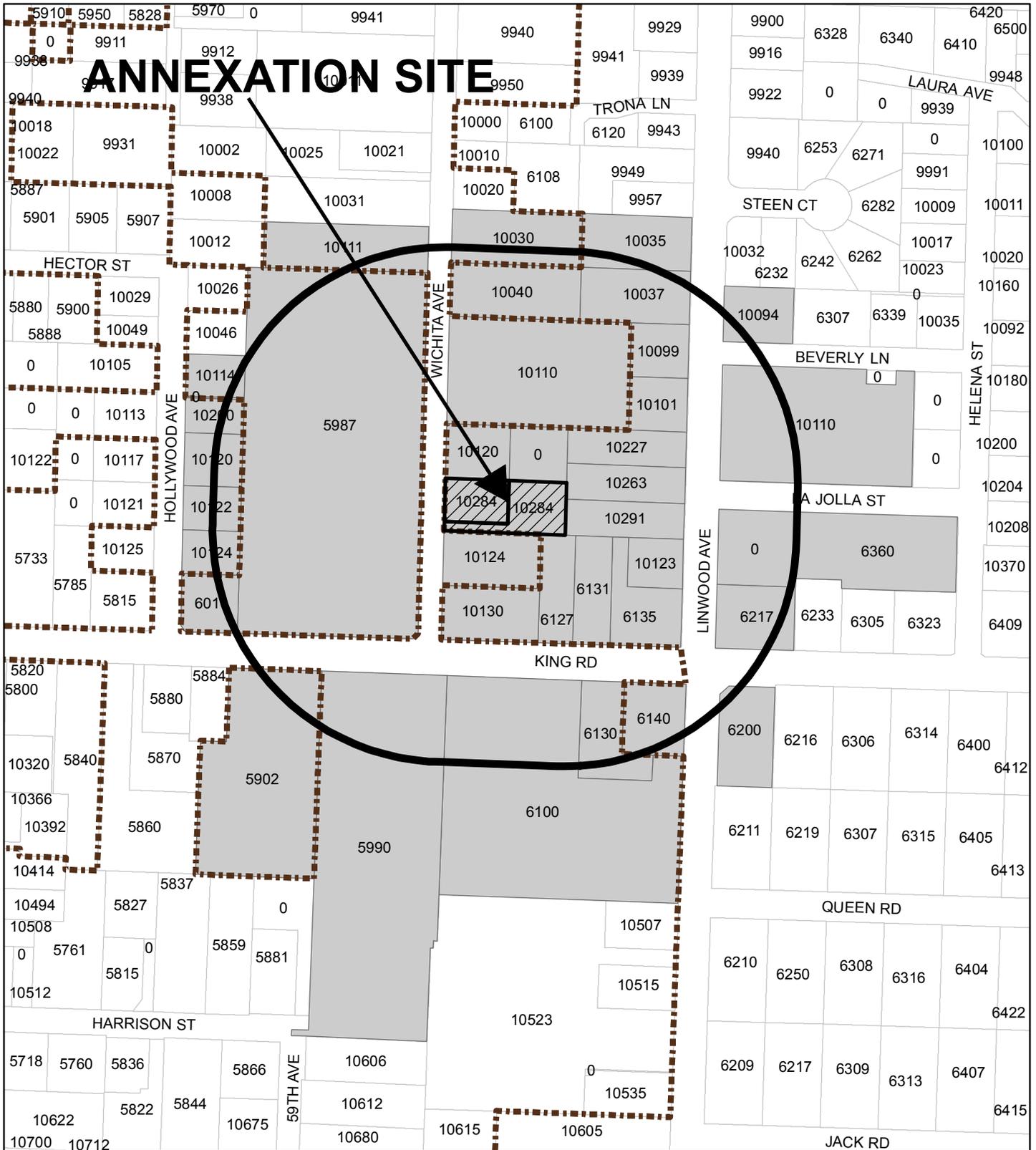


Key to legal description:
 1 = (from POB #1) East along North line of Lot 14, 110'
 2 = South, parallel with ESTLY right of way line of Wichita Avenue, 95'
 3 = West, parallel with North line of Lot 14, 110'
 4 = North along ESTLY right of way line of Wichita Avenue, 95' to POB #1
 5 = (from POB #2) East following South line of Wood tract (Fee No. 77-4841) to SE corner of said tract (Fee No. 77-4841), 99.7'
 6 = South, parallel with ESTLY right of way line of Wichita Ave, 38' to a point on West line of Seltman tract (Book 641, Page 307)
 7 = West to SE corner of Wood Jr. tract (Fee No. 69-6761), 99.7'
 8 = North along East line of Wood Jr. tract (Fee No. 69-6761), 38' to POB #2

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



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



Public Notice Map
10284 SE Wichita Ave
(Tax Lot ID 1S2E30DD, lots 2100 and 2200)
File# A-2016-005

Legend

-  A-2016-005_site
-  400-ft public notice boundary
-  Properties receiving notice
-  Other tax lots
-  Milwaukie City Limits



RS87



PLANNING DEPARTMENT

6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Expedited Annexation Application

RESPONSIBLE PARTIES:

File #: A-2016-005

APPLICANT (owner or other eligible applicant):	<u>Don F. Stoll</u>	<u>601-16000075</u> PLNG
Mailing address:	<u>10284 SE Wichita Ave, Milwaukie Ore.</u> Zip: <u>97222</u>	
Phone(s):	<u>503-724-3791</u>	E-mail:
APPLICANT'S REPRESENTATIVE (if different than above):		
Mailing address:	Zip:	
Phone(s):	E-mail:	

SITE INFORMATION:

Address(es):	<u>10284 SE Wichita^{Av.}</u>	Map & Tax Lot(s):	<u>1S2E30DD02200⁺²¹⁰⁰</u>	Property size:	<u>0.43</u> acres
Existing County zoning:	<u>R-10</u>	Proposed City zoning:	<u>R-10</u>		
Existing County land use designation:	<u>LDR</u>	Proposed City land use designation:	<u>LD</u>		

PROPOSAL (describe briefly):

<u>Annex to connect to sewer.</u>

LIST OF ALL CURRENT UTILITY PROVIDERS:

Check all that apply (do not list water or sewer service providers)

Cable, internet, and/or phone:	<input checked="" type="checkbox"/> Comcast	<input checked="" type="checkbox"/> CenturyLink (formerly Qwest)	
Energy:	<input checked="" type="checkbox"/> PGE	<input type="checkbox"/> NW Natural Gas	
Garbage hauler:	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Mel Deines	<input type="checkbox"/> Hoodview Disposal and Recycling
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal	<input type="checkbox"/> Clackamas Garbage
<input type="checkbox"/> Other (please list):			

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.	
Submitted by: <u>Don F. Stoll</u>	Date: <u>9-12-16</u>

CONTINUED ON REVERSE

RS88

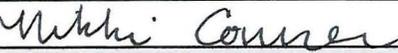
THIS SECTION FOR OFFICE USE ONLY:

File #:	Fee: \$ 150. ⁰⁰	Receipt #:	Rcd. by:	Date stamp:
Associated application file #'s:				RECEIVED SEP 19 2016 CITY OF MILWAUKIE PLANNING DEPARTMENT
Neighborhood District Association(s):				
Notes (include discount if any): Area = 0.44 acres tax code = 012-231				

PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Don F. Stoll	PO		<input checked="" type="checkbox"/>	9/19/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
10284 SE Wichita Ave.	1S	2E	30DD	2200 + 2100	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Nikki Conner		<input checked="" type="checkbox"/>		9/19/16
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
10284 SE Wichita Ave.	1S	2E	30DD	2200 + 2100	420

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

File No. 15013621

Clackamas County Official Records **2015-066248**
Sherry Hall, County Clerk
09/30/2015 03:19:49 PM
D-D Cnt=1 Stn=6 KARLYN
\$10.00 \$16.00 \$10.00 \$22.00 \$58.00

Grantor	
Waymire Estate Christopher M. Waymire 920 SE 33rd Avenue Portland, OR 97214	
Grantee	
Don Stoll 3425 SE Barba Street Milwaukie, OR 97222	
After recording return to	
Don Stoll 3425 SE Barba Street Milwaukie, OR 97222	
Until requested, all tax statements shall be sent to	
Don Stoll 3425 SE Barba Street Milwaukie, OR 97222 Tax Acct No(s): 00083689	

Reserved for Recorder's Use

WFG Title 15013621

PERSONAL REPRESENTATIVE DEED

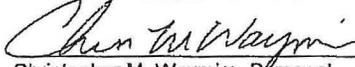
Christopher M. Waymire, Personal Representative of the Estate of James Leonard Waymire, County Circuit Court Case No.P1506064, Grantor, conveys to Don Stoll, Grantee, the following described real property:

SEE ATTACHED EXHIBIT "A"

The true consideration for this conveyance is \$295,000.00 (Here comply with requirements of ORS 93.030.)

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

Executed this 30 day of September, 2015


Christopher M. Waymire, Personal Representative

State of Oregon
County of MULTNOMAH ss.

This instrument was acknowledged before me on this 30th day of September 2015 by Christopher M. Waymire, as Personal Representative of the Estate of James Leonard Waymire.


Notary Public for Oregon
My commission expires: 4/15/16



EXHIBIT "A"

The West 209.7 feet of Lot 14, Wichita, the West line thereof being common with the East line of Wichita Avenue, in the County of Clackamas and State of Oregon.
EXCEPTING therefrom those portions thereof described in Deeds to Thomas A. Wood, et ux, recorded April 18, 1969 as Recording No. 69-6761 and Recorded October 10, 1983 as Recording No. 83 33583.

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E 30 DD ^{tax lots} 2100 & 2200) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 06.23.16



**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.

Name Mary Neigel
Title Cartographer II
Department Assessment & Tax
County of Clackamas
Date 06.23.16

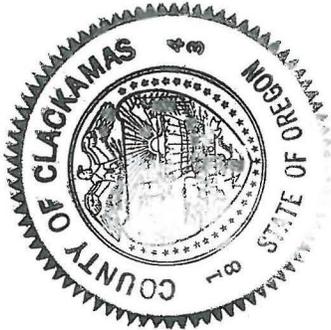


¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least 50% of the electors registered in the territory proposed for annexation as described in the attached petition.

Name PAUL HANES
Title DEPUTY CLERK
Department CLERK/ELECTIONS
County of CLACKAMAS
Date 8/25/16



CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Mailing Street Address		Property Address
	Name of Owner/Voter	Mailing City/State/Zip	Property Description (township, range, ¼ section, and tax lot)
1	Nikki A. Conner Nikki Conner	10284 SE Wichita Ave. Milwaukie, OR 97222	10284 SE Wichita Ave. 1S2E30DD02200 +2100
2	Don F. Stoll Don Stoll	10284 SE Wichita Ave Milwaukie, Oregon 97222	10284 SE Wichita Ave 1S2E30DD02200 +02100
3	Cecelia Philbrook		10284 SE Wichita Ave. 1S2E30DD02200 +02100
4			
5			
6			
7			
8			
9			
10			