# REGULAR SESSION

# REVISED
# AGENDA

**MILWAUKIE CITY COUNCIL**
**MARCH 15, 2011**

**MILWAUKIE CITY HALL** **2098th MEETING**
10722 SE Main Street

**REGULAR SESSION – 7:00 p.m.**

**1. CALL TO ORDER** **Page #**
**Pledge of Allegiance**

**2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**3. CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)* **1**

- **A. Appoint Chantelle Gamba to the Design and Landmarks Committee – Resolution** **2**
- **B. Reappoint Greg Hemer to the Design and Landmarks Committee – Resolution** **3**
- **C. Reappoint Jim Perrault to the Design and Landmarks Committee – Resolution** **4**
- **D. Contract Approval for 42nd Avenue Water System Improvements – Resolution** **5**
- **E. Tacoma Station Area Planning: Transportation Growth Management (TGM) Application – Resolution** **11**
- **F. Library Fine Amnesty for the Week of April 10 through April 16, 2011 in Recognition of National Library Week – Resolution** **15**
- ~~**G. Support Legislative Ban on Single-Use Plastic and Non-Recycled Content Paper Checkout Bags – Resolution**~~ ~~**17**~~
- **H. City Council Meeting Minutes:** **23**
  1. **January 4, 2011 Work Session**
  2. **January 18, 2011 Work Session**
  3. **January 18, 2011 Regular Session**

**4. AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360,*

*Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

**5. PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)* **37**

**A. Finalization of the NE Sewer Extension Reimbursement District** **38**
**1. Finalize Reimbursement District by Modifying Resolution 78-2010 – Resolution**
**2. Clarify Deadlines and Applicability of Discounts and Incentives – Resolution**
**Staff: Jason Rice, Civil Engineer**

**B. Continue Milwaukie Municipal Code Amendments 19.321.7 and 19.321.3 – Ordinance**
**Staff: Bill Monahan, City Manager**

**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.)* **53**

**A. Land Use and Development Review Tune-Up Project: Code Amendment – Ordinance, 2nd reading** **54**
**Staff: Susan Shanks, Senior Planner**

**B. Expedited Annexation of 5715 SE Maple Street and 5951 SE Maple Street, File A-11-01 – Ordinance** **56**
**Staff: Li Alligood, Assistant Planner**

**C. Expedited Annexation of 9527 SE Wichita Avenue, File A-11-02 – Ordinance** **87**
**Staff: Brett Kelver, Associate Planner**

**D. Grant Agreement and Program Design for Downtown Milwaukie Storefront/Façade Improvement Program – Resolution** **120**
**Staff: Alex Campbell, Resource and Economic Development Specialist**

**E. Amend Lengths of Terms for Budget Committee and Public Safety Advisory Committee Members – Ordinance** **138**
**Staff: Bill Monahan, City Manager**

**F. Establish Library Expansion Task Force – Resolution** **144**
**Staff: Bill Monahan, City Manager**

**G. Regional Committee Assignment -- Appoint Clackamas County Coordinating Committee (C4) Alternate**

**H. City Council Goals Discussion**
**Staff: Bill Monahan, City Manager**

**I. Council Reports**

## 7. INFORMATION

## 8. ADJOURNMENT

**Public Information**

- **Executive Session**: The Milwaukie City Council will meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations and ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and.
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

# 3.
# CONSENT AGENDA

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING CHANTELLE GAMBA TO THE DESIGN AND LANDMARKS COMMITTEE**

**WHEREAS,** a vacancy exists on the Milwaukie Design and Landmarks Committee; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS**, Chantelle Gamba possesses the necessary qualifications to serve on the Milwaukie Design and Landmarks Committee.

**NOW, THEREFORE, THE CITY OF MILWAUKIE, OREGON RESOLVES AS FOLLOWS:**

SECTION 1: That Chantelle Gamba is appointed to the Milwaukie Design and Landmarks Committee.

SECTION 2: That her term of appointment shall commence immediately and shall expire on March 31, 2012.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RE-APPOINTING GREG HEMER TO THE DESIGN AND LANDMARKS COMMITTEE**

**WHEREAS,** a vacancy exists on the Design and Landmarks Committee; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS**, Greg Hemer possesses the necessary qualifications to serve on the Design and Landmarks Committee.

**NOW, THEREFORE, THE CITY OF MILWAUKIE, OREGON RESOLVES AS FOLLOWS:**

SECTION 1: That Greg Hemer is re-appointed to the Design and Landmarks Committee.

SECTION 2: That his term of appointment shall commence March 31, 2011 and shall expire on March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
City Attorney

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RE-APPOINTING JIM PERRAULT TO THE DESIGN AND LANDMARKS COMMITTEE**

**WHEREAS,** a vacancy exists on the Design and Landmarks Committee; and

**WHEREAS,** Milwaukie Charter Section 26 provides that, "the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body," and

**WHEREAS**, Jim Perrault possesses the necessary qualifications to serve on the Design and Landmarks Committee.

**NOW, THEREFORE, THE CITY OF MILWAUKIE, OREGON RESOLVES AS FOLLOWS:**

SECTION 1: That Jim Perrault is re-appointed to the Design and Landmarks Committee.

SECTION 2: That his term of appointment shall commence March 31, 2011 and shall expire on March 31, 2015.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
City Attorney

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager**
**Kenny Asher, Community Development and Public Works Director**
**Gary Parkin, Engineering Director**

**From:** **Zachary Weigel, Civil Engineer**

**Subject:** **Contract Approval for 42nd Avenue Water System Improvements**

**Date:** **February 11, 2011 for March 15th Regular Session**

## Action Requested

Authorize the City Manager to sign a contract for the construction of 42nd Avenue Water System Improvements Project (between King Road and Franklin Street) with David Roberts Contracting, in the amount of $154,744.00.

## History of Prior Actions and Discussions

**June 2010:** City Council adopts 2010/2011 Budget, including funding for the 42nd Avenue Water System Improvement project.

## Background

The draft 2011-2015 Capital Improvement Plan identifies the 42nd Ave Water System Improvements as a project to be completed in the 2010/11 fiscal year. The project includes the work shown on the Project Vicinity Map (Attachment 2) and as described below:

A. Replace approximately 360 lineal feet of existing 4" water main on 42nd Ave with 8" ductile iron water line.
B. Abandon approximately 2600 lineal feet of an existing 4" water main on King Rd between 42nd Ave & 43rd Ave, and on 42nd Ave between King Rd and Franklin St.

C. Transfer 10 water services connected to the 4" water main to an existing 8" water main. One of these services is located on King Rd near the intersection of 43rd Ave as indicated on the Project Vicinity Map (Attachment 2).

Abandonment of the existing 4" water line and transfer of water services to an existing 8" water line on 42nd Ave is listed as a high priority water service transfer project in the Milwaukie Water System Master Plan. Water transfer projects occur where there are two active, parallel water mains providing service along a street. One water main is abandoned (typically older) and the water services are transferred over to the other water main (typically newer). A high priority transfer project is when one of the two water mains has exceeded its design life and requires ongoing maintenance due to leaks. The existing 4" water main on 42nd Ave has required this type of ongoing maintenance, including breaks in the main that have been isolated by the installation of valves. Operation of these valves can cause major leakages and possible flooding. As a result, the 4" water main needs to be properly abandoned and all water services transferred to the new 8" water main.

The 42nd Ave Water System Improvement project went through a competitive bidding process in accordance with Chapter 30 of the City's Public Contracting Rules. The City received 11 bids before the March 1, 2011 2:00 PM bid opening. The following table is a summary of all bid amounts as well as the engineer's estimate.

| | Contractor | Bid Amount |
|---|---|---|
| 1. | David Roberts Contracting | $154,744.00 |
| 2. | Columbia Paving & Excavation | $161,237.65 |
| 3. | GVS Contracting | $161,977.00 |
| 4. | Crestview Construction | $167,297.00 |
| 5. | Paul Lambson Contracting | $168,100.00 |
| 6. | Dunn Construction | $169,037.00 |
| 7. | GT Excavating | $178,558.50 |
| 8. | Lauzon Contracting | $187,079.97 |
| 9. | Jim Smith Excavating | $222,222.00 |
| 10. | D.M. Excavating | $225,290.00 |
| 11. | Eagle Elsner | $262,500.00 |
| ** | Engineers Estimate | $149,010.00 |

Selection of the Contractor was based on the lowest bid submitted in conformance with the Contract Documents. The lowest responsible bid was submitted by David Roberts Contracting, a construction firm from Bay City, Oregon. Although David Roberts Contracting does not have recent experience working with the City of Milwaukie, the

firm has experience with similar construction projects in nearby municipalities, such as West Linn and Hillsboro.

Construction is expected to begin the first week of April. The project should last 45 days, with an expected completion date at the end of May. During construction, the Contractor will maintain local access to properties within the construction limits at all times. Two-way traffic on 42nd Avenue will be maintained throughout construction and traffic disruptions will be minimized as much as possible.

There will be interruptions of water service for short periods during service connections and water service transfers. For this reason, water service interruptions for businesses on 42nd Ave between King Rd and Harrison St will only be allowed during evening hours when businesses are closed.

## Concurrence

Engineering staff coordinated with Operations staff on both the concept and design phases of the project. The budget for this project was discussed with the Finance Director. He agreed that if the Water Capital and Reserve fund has sufficient funding for this project (see the next paragraph). Subsequent budget action is not be required.

## Fiscal Impact

This project is part of the 2010-11 Budget. The approved Water Fund budget includes $80,000 in Water Capital and Reserve funds for construction. The recommended bid for total construction cost for this project is $154,744.00, $74,744 more than the budgeted amount. The original budget for the 42nd Ave Water System Improvement project was based on recently completed water system transfer projects. However, the interties between the two water mains on 42nd Avenue are much more complicated than in the previous water transfer projects. Also, a section of the 8” water main on 42nd Ave between King Rd and Llewellyn St was found to have never been constructed and had to be added to the project. Once the design was completed, the updated engineer’s estimate increased to $149,000.

Engineering staff has identified additional Water Capital and Reserve funds available to cover the difference between the original budget and the lowest bid amount. The additional funds are available through construction savings on the 43rd Avenue Water System Improvements, a project constructed in the summer of 2010, and by reducing the trench paving depth on the upcoming Harrison Street Phase I Water System Improvement Project. The trench paving depth reduction is possible because an SSMP pavement reconstruction project is scheduled to follow the water project. The total

savings from the two projects is approximately $85,000, enough to cover the cost difference in the 42nd Ave Water System Improvement project.

## Work Load Impacts

Engineering staff will provide "in-house" inspections on this project. This will reduce the cost of the project and slightly increase the workload of the Engineering Staff.

## Alternatives

1. Do not award project (defer indefinitely)
    - If council wishes not to award the project and remove it from the CIP list.
2. Re-bid project without amendments
    - If council approves of the project need and design but thinks the project should be re-bid for any reason.
3. Direct staff to modify project and re-bid
    - If council does not approved of the project design and/or thinks that re-bidding could reduce cost.

## Attachments

1. Resolution
2. Project Vicinity Map

ATTACHMENT 1

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF 42ND AVE (KING RD TO FRANKLIN ST) WATER SYSTEM IMPROVEMENTS.**

**WHEREAS,** the existing 4" waterline on 42nd Ave between King Rd and Franklin St is deficient in structure and service reliability; and

**WHEREAS,** water system improvements were approved for funding in the 2010-2011 budget and draft 2011-2015 Capital Improvement Plan; and

**WHEREAS,** David Roberts Contracting is the lowest responsive and responsible bidder;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to sign a contract for the construction of 42nd Ave Water System Improvements with David Roberts Contracting, in the amount of $154,744.00.

Introduced and adopted by the City Council on March 15, 2011.

This resolution is effective on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

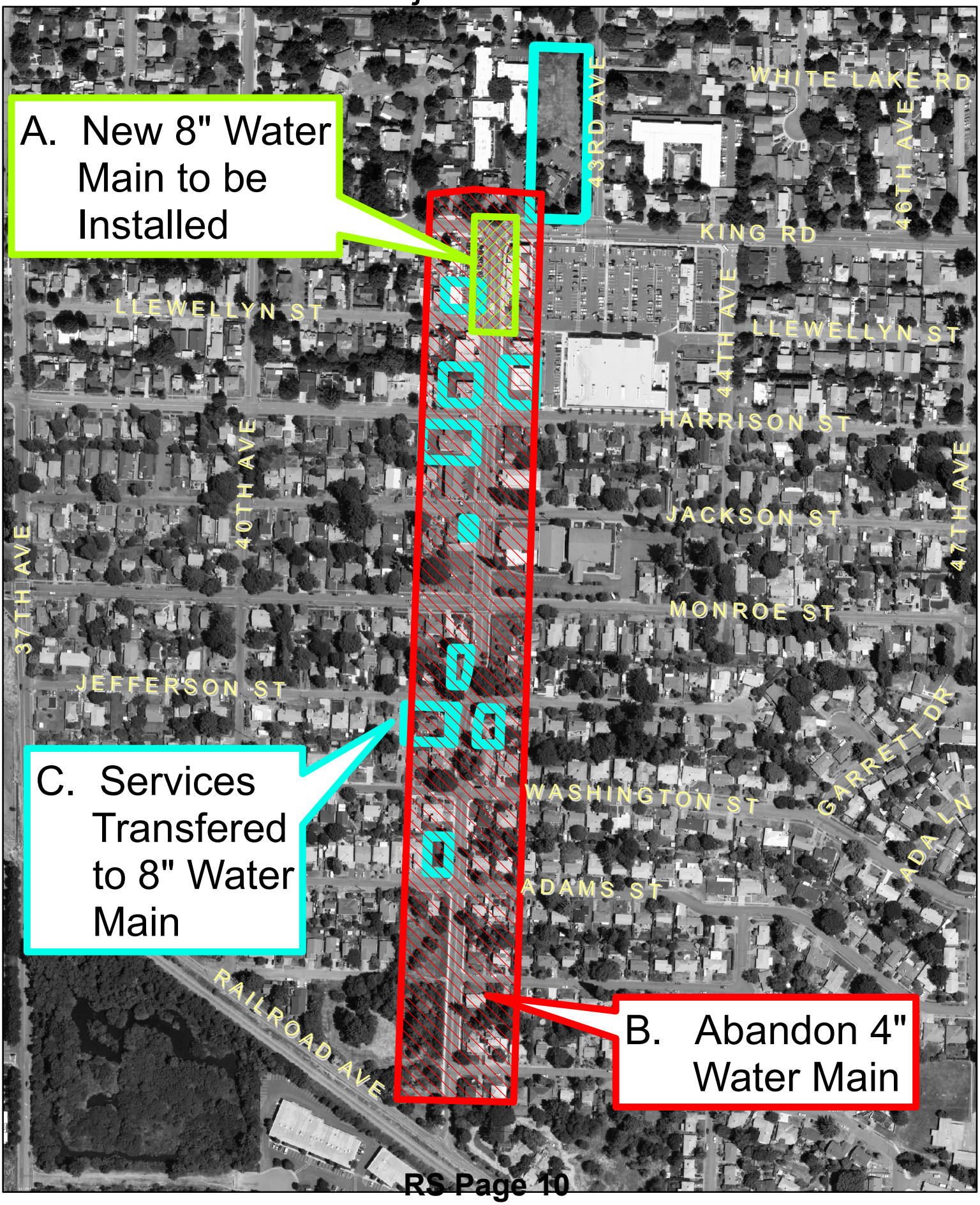
_____
Pat DuVal, City Recorder

_____
City Attorney

Document7 (Last revised 09/18/07)

# 42nd Ave. Waterline Improvements
# Project Overview

Attachment 2



**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager, and**
**Kenneth Asher, Community Development and Public Works Director**

**From:** **Alex Campbell, Resource and Economic Development Specialist**

**Subject:** **Tacoma Station Area Planning: Transportation Growth Management (TGM) Application Resolution**

**Date:** **March 1 for March 15, 2011 Regular Session**

## Action Requested

Formally endorse the City's application for Transportation Growth Management (TGM) funding to prepare a station area plan for the Tacoma light rail station area.

## History of Prior Actions and Discussions

**February 2011:** Council directed staff to apply for TGM funds to complete an area plan for Tacoma station.

**November 2006:** Resolution 51-2006, accepted TGM grant to support TSP update.

**March 2003:** Council discussed the NILUS study – a TGM-funded effort that examined transportation and land use issues in the North Industrial area.

## Background

TGM is a state program, sponsored jointly by the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT). The program is administered by ODOT and is intended to support integrated local land use and transportation planning. At Council's direction, staff is developing an application that will request funds to prepare a station area plan for the Tacoma light rail station area. Applications for TGM grants funds are due March 11. Funding agreements would be developed this summer with the goal of completing all work by the end of FY 2012-13.

Station area planning for Tacoma Station: Title 6, recently adopted by Metro, provides direction for how to plan (and select) high capacity transit station areas. Milwaukie's existing zoning and comprehensive plan designations around the future Tacoma light rail station do not take account of light rail. There remain a number of access challenges for multiple modes of travel, both to the station itself and to the adjacent areas where development patterns will be influenced by light rail. Expected outcomes of the planning process would be the adoption of a Station Area Plan, which would be adopted as an ancillary document to the City's Comprehensive Plan. In addition, the planning process could be expected to lead to the establishment of a new land use designation for the City (possibly a station area overlay or transit-supported employment zone). Some specific projects would also be identified through the process; these would be appended or amended into the City' adopted Transportation System Plan.

The City's proposal would be greatly strengthened by a Council resolution of support identifying expected outcomes. The resolution is due April 1. (See attachment 1.)

## Concurrence

The Planning, Engineering, and Community Development directors concurred on the approach developed in the application. Staff is seeking letters of support from private property owners, TriMet, and City of Portland.

## Fiscal Impact

None. Staff anticipates requesting $100,000 to $125,000. The local match will be covered by in-kind contributions of staff time in support of the effort.

## Work Load Impacts

No additional staffing is anticipated or requested. The project would require significant staff report from both the Planning and Community Development Departments through its completion.

## Alternatives

The City's request would still compete without a formal resolution; however, full points for local support can only be received with a formal action.

## Attachments

1. Resolution

ATTACHMENT 1

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE CITY'S APPLICATION FOR TRANSPORTATION GROWTH MANAGEMENT FUNDING TO DEVELOP A TACOMA STATION AREA PLAN.**

**WHEREAS,** the City is an active partner in the development of Portland to Milwaukie light rail project, which will construct a light rail station immediately north of the Milwaukie North Industrial Area at the City's northern boundary; and

**WHEREAS,** the City's current industrial zoning for this area does not anticipate or allow numerous uses that could support transit-oriented development; and

**WHEREAS,** there remain numerous transportation challenges in terms of multi-modal access to the station itself and the surrounding area; and

**WHEREAS,** the Transportation Growth Management (TGM) grant program is ideally supported to address these kinds of planning challenges; and

**WHEREAS,** the completion of a station area plan without external support is beyond the City's fiscal capacity; and

**WHEREAS**, completion of such a planning effort in 2013 would put the City in a much stronger position to anticipate, guide, and encourage development in the area; and

**WHEREAS**, completion of such an effort would assist the City and region in implementing the policies recently adopted as amendments to Title 6 of the Urban Growth Management Functional Plan;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Milwaukie, that the Council endorses the City's application for TGM funds to establish a Station Area Plan for the Tacoma Station. Anticipated outcomes of such an effort would be the establishment of a station area boundary and changes to the City's Comprehensive Plan and zoning ordinances to implement the Station Area Plan.

Introduced and adopted by the City Council on March 15, 2011.

This resolution is effective on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

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Pat DuVal, City Recorder

_____
City Attorney

To: Mayor and City Council

Through: Bill Monahan, City Manager

From: Joe Sandfort, Library Director

Subject: Resolution amending resolution No. 89-2010 establishing a fee schedule for the City of Milwaukie by approving a library fine amnesty for the week of April 10 through April 16, 2011 in recognition of National Library Week

Date: February 10, 2011

Action Requested

The action requested is adoption of the proposed resolution.

Background

The City Council annually adopts a resolution establishing a fee schedule for various City services. Included in the resolution are various fees and charges for the Library, including fines for overdue material. Resolution No. 89-2010, adopted on December 21, 2010 set the overdue fine for adult material at $0.25 per day with a maximum of $3.00 and for children's material at $.10 per day with a maximum of $1.00. In recognition of National Library Week the Library proposes to waive $0.50 of a patron's fine for each can or package of food that they donate. The food collected would then be sent to the Oregon Food Bank for local distribution.

Fiscal Impact

It is not possible to accurately predict the financial impact of the proposed fine amnesty. For the year ended June 30, 2010 the total fines collected amounted to $56,480, or approximately $1,086 per week. The amount budgeted for library fine revenue during FY2010-11 is $56,000.

Recommendation

Joe Sandfort, Library Director, recommends this action. It is a visible way in which to both recognize the City's Ledding Library and the contributions of the Library and its patrons to the community.

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING RESOLUTION NO. 89-2010 BY ESTABLISHING A LIBRARY FINE AMNESTY WEEK FROM APRIL 10, 2011 THROUGH APRIL 16, 2011 IN RECOGNITION OF NATIONAL LIBRARY WEEK**

**WHEREAS,** the City Council adopted Resolution No. 89-2010 on December 21, 2010; and

**WHEREAS,** Resolution No. 89-2010 established a schedule of fees and charges for all City services, including an overdue library fine for adult material at $0.25 per day with a maximum of $3.00 and for children's material at $0.10 per day with a maximum of $1.00; and

**WHEREAS,** April 10, 2011 through April 16, 2011 is National Library Week, and in recognition thereof the Library Director has proposed a waiver of a patron's accumulated library fines in the amount of $0.50 for each can or package of food donated; and

**WHEREAS,** the food collected will be distributed to the Oregon Food Bank for distribution to those in need; and

**WHEREAS,** the fine waiver is for a limited period of time and is a visible way in which to demonstrate and recognize the Ledding Library's contributions to the community during National Library Week.

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

**Section 1.** That Resolution No. 89-2010 be amended to permit a waiver of a patron's accumulated overdue library fines in the amount of $0.50 for each can or package of consumable food donated by the patron during the week of April 16, 2011 through April 16, 2011 in recognition of National Library Week.

**Section 2.** This Resolution is effective immediately.

Introduced and adopted by the City Council on March 15, 2011.

_____

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jordan Schrader Ramis PC

_____

Pat DuVal, City Recorder

_____

City Attorney

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager**

**From:** **JoAnn Herrigel, Community Services Director**

**Subject:** **Resolution to Support State Bag Ban Legislation**

**Date:** **March 8, 2011**

**Action Requested**
Approve a resolution supporting legislation regulating the use of single-use plastic bags and non-recycled paper check out bags at retail stores.

**History of Prior Actions and Discussions**
None

**Background**
Senators Mark Hass and Jason Atkinson, introduced a bill in the 2010 Legislative Session (SB 1009) to ban plastic checkout bags in Oregon. Although the proposed legislation was not adopted, it led to significant discussion by stakeholder groups across the state, including the Northwest Grocery Association, Environment Oregon, and representatives of local and state government. That discussion has led to draft legislation that will be considered by the 2011 Legislative Assembly to ban the use of plastic and non-recycled content checkout bags throughout the state.

The Northwest Grocery Association and Environment Oregon strongly support local adoption of a resolution calling on the Oregon Legislative Assembly to enact a statewide solution to the proliferation of single-use plastic checkout bags in 2011. Both organizations encourage Milwaukie to join other jurisdictions across Oregon calling for a uniform approach to most effectively address plastic bag pollution and the associated environmental and economic impacts, and providing ease of implementation by retailers across the state, rather than on a jurisdiction by jurisdiction basis.

The proposed resolution is based on a model resolution provided by the Northwest Grocery Association and is similar to resolutions adopted by the Cities of Lake Oswego, Portland, Newport, and Beaverton as well as Metro. Council approval would express Milwaukie's support for statewide action to address single-use checkout bags, with consideration of a local plastic bag ban and associated elements if the Legislative Assembly does not act by the end of 2011.

**Concurrence**
Mayor Ferguson requested that staff bring forward the attached resolution. The Community Services Director and the City Manager support the approval of this resolution.

**Fiscal Impact**
No fiscal impact is expected for the City.

**Work Load Impacts**
None.

**Alternatives**
Deny approval of the resolution pending action on proposed state legislation.

**Attachments**
1. Resolution
2. Text of SB 1009

# ATTACHMENT 1

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING LEGISLATION REGULATING THE USE OF SINGLE-USE PLASTIC BAGS AND NON-RECYCLED PAPER CHECK OUT BAGS AT RETAIL STORES.**

**WHEREAS,** single-use plastic bags are difficult to recycle and frequently contaminate material that is collected in the City's curbside recycling program; and

**WHEREAS,** recycled content paper checkout bags are a high value recyclable material collected in the City's curbside recycling program and are made in paper mills located in the region and while papermaking has notable environmental impacts, paper bags that are made with forty percent or more recycled fiber provide a positive alternative to plastic bags; and

**WHEREAS,** reusable bags are the best option to reduce waste and litter, protect wildlife, and conserve resources; and

**WHEREAS,** the use of single-use checkout bags has environmental impacts resulting from their production and disposal, including greenhouse gas emissions, litter and ocean pollution, harm to wildlife and marine resources, ground-level ozone formation, atmospheric acidification, water consumption and solid waste generation; and

**WHEREAS,** it is in the public interest for the 76th Oregon Legislative Assembly to provide statewide regulation of single-use checkout bags; and

**WHEREAS,** it is anticipated that a bill will be introduced in the 2011 Legislative Assembly banning the use of single-use plastic and non-recycled paper checkout bags, and allowing use of paper bags containing at least forty percent recycled fiber for a five-cent minimum charge; and

**WHEREAS,** enactment of this proposed legislation will reduce waste and promote sustainability in Oregon; and

**WHEREAS,** if the Oregon Legislative Assembly does not act to regulate single-use checkout bags, the Milwaukie City Council may find it necessary to enact such regulations within the City of Milwaukie.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON:**

**Section 1:** The City Council supports passage of a bill by the 2011 Oregon Legislative Assembly to prohibit the use of single-use plastic and non-recycled content paper checkout bags at all retail stores, allowing retail stores to use

paper checkout bags containing at least forty percent recycled fiber for a minimum charge to the customer of five cents per bag and allowing retail stores to provide reusable bags to the customer either at no cost or for sale.

**Section 2:** In the event that the 2011 Oregon Legislative Assembly does not adopt legislation with provisions substantially similar to those listed in Section 1 of this resolution, the City Council may consider enacting a local ordinance regulating single-use plastic and non-recycled content paper checkout bags.

**Section 3:** The City will provide a copy of this resolution to Senator Mark Hass, Senator Jason Atkinson, Senator Diane Rosenbaum and Representative Carolyn Tomei.

**Section 4:** This resolution shall take effect immediately upon passage.

Introduced and adopted by the City Council on _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:

Jordan Schrader Ramis PC

_____
City Attorney

# ATTACHMENT 2

75th OREGON LEGISLATIVE ASSEMBLY--2010 Special Session

# Senate Bill 1009

Sponsored by Senator HASS; Senator ATKINSON (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Prohibits use of plastic bags as checkout bags. Allows Department of Environmental Quality to impose civil penalty. Repeals statute requiring retail establishments that offer plastic bags to customers to also offer paper bags.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to plastic bags; creating new provisions; amending ORS 459.235 and 459A.115; repealing ORS 459A.695; and declaring an emergency.

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

**SECTION 1. (1) As used in this section:**

**(a) "Checkout bag" means a bag that is provided by a retail establishment to a customer at the cash register.**

**(b) "Retail establishment" means any store in Oregon that sells or offers for sale goods at retail.**

**(c) "Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of:**

**(A) Cloth or other machine washable fabric; or**

**(B) Durable plastic that is at least 2.25 mils thick.**

**(2)(a) The use of plastic bags as checkout bags in Oregon is prohibited.**

**(b) Paragraph (a) of this subsection does not preclude a retail establishment from:**

**(A) Making reusable bags available for sale to customers.**

**(B) Offering paper bags, or any other bag as specified by rule by the Environmental Quality Commission, as checkout bags to customers for purchases made at the retail establishment.**

**(3) The Environmental Quality Commission may adopt rules necessary to implement this section.**

**SECTION 2. (1) The Department of Environmental Quality may impose a civil penalty on a person for a violation of section 1 of this 2010 Act.**

**(2) A civil penalty imposed under this section may not exceed $_____.**

**(3) Civil penalties described in this section shall be imposed in the manner provided in ORS 183.745.**

**SECTION 3. ORS 459A.695 is repealed.**

**SECTION 4.** ORS 459.235 is amended to read:

459.235. (1) Applications for permits shall be on forms prescribed by the Department of Environmental Quality. An application shall contain a description of the existing and proposed operation

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

and the existing and proposed facilities at the site, with detailed plans and specifications for any facilities to be constructed. The application shall include a recommendation by each local government unit having jurisdiction and such other information the department deems necessary in order to determine whether the site and solid waste disposal facilities located thereon and the operation will comply with applicable requirements.

(2) The Environmental Quality Commission shall establish a schedule of fees for disposal site permits. The permit fees contained in the schedule shall be based on the anticipated cost of filing and investigating the application, of issuing or denying the requested permit and of an inspection program to determine compliance or noncompliance with the permit.

(3) In addition to the fees imposed under subsection (2) of this section, the commission shall establish a schedule of permit fees for the purpose of implementing this section and ORS 90.318, 182.375, 279A.125, 279A.155, 279B.025, 279B.240, 279B.270, 279B.280, 459.005, 459.015, 459.247, 459.418, 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.115, 459A.475, 459A.480, 459A.500 to 459A.685[, *459A.695*] and 459A.750. The fees shall be based on the amount of solid waste received at the disposal site.

(4) Notwithstanding any other fee or surcharge imposed under ORS 459.005 to 459.437 or 459A.005 to 459A.120, for the disposal of solid waste, in order to encourage the use of suitable material other than virgin material for daily cover at a disposal site, the only fee that may be charged for the disposal of substitute material that is also used for daily cover is the permit fee established under this section.

**SECTION 5.** ORS 459A.115 is amended to read:

459A.115. (1) From January 1, 1992, to December 31, 1993, the schedule of fees as established by the Environmental Quality Commission under ORS 459A.110 (1) is increased by 35 cents per ton. The portion of the fees attributable to the 35 cents per ton increase shall be deposited into the General Fund and credited to an account of the Department of Environmental Quality. Such moneys are continuously appropriated to the department to implement the provisions of this section and ORS 459.005, 459.015, 459.235, 459.247, 459.418, 459.995, 459A.005, 459A.010, 459A.020, 459A.030 to 459A.055, 459A.070, 459A.110, 459A.500 to 459A.685[, *459A.695*] and 459A.750.

(2) Beginning January 1, 1994, the schedule of fees as established by the commission under ORS 459A.110 is increased by 31 cents per ton and shall be deposited into the General Fund and credited to an account of the department. Such moneys are continuously appropriated to the department to implement the provisions described in subsection (1) of this section, excluding ORS 459.418.

**SECTION 6. (1) Except as provided in subsection (2) of this section, sections 1 and 2 of this 2010 Act, the repeal of ORS 459A.695 by section 3 of this 2010 Act and the amendments to ORS 459.235 and 459A.115 by sections 4 and 5 of this 2010 Act become operative on January 1, 2012.**

**(2) The Environmental Quality Commission may adopt rules before the operative date specified in subsection (1) of this section, or take any other action before the operative date specified in subsection (1) of this section, that is necessary to implement, on or after the operative date specified in subsection (1) of this section, sections 1 and 2 of this 2010 Act, the repeal of ORS 459A.695 by section 3 of this 2010 Act and the amendments to ORS 459.235 and 459A.115 by sections 4 and 5 of this 2010 Act.**

**SECTION 7. This 2010 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect on its passage.**

# MINUTES

## MILWAUKIE CITY COUNCIL WORK SESSION

## JANUARY 4, 2010

**Mayor Ferguson** called the work session to order at 5:30 p.m. in the City Hall Council Chambers.

Council Present: Mayor Jeremy Ferguson, Council President Greg Chaimov, and Councilors-elect Dave Hedges and Mike Miller

Staff Present: City Manager Bill Monahan, Senior Planner Susan Shanks, Planning Director Katie Mangle, Engineering Director Gary Parkin, and Community Development and Public Works Director Kenny Asher

**City Manager's Report**

**Mayor/Council Communication Agreement:**

**Mr. Monahan** distributed the previously-adopted 2003 agreement and asked that Council review it. **Councilor Hedges** summarized his proposed changes. The Mayor and Councilors supported these amendments and directed staff to prepare a resolution for the January 18, 2011 regular Council session agenda.

**Mayor Ferguson** said that would give Councilor Loomis a chance to review the changes as he was excused from tonight's meeting.

**Board, committee, and commission vacancies:**

**Mayor Ferguson** reviewed current and upcoming board vacancies and discussed actively recruiting volunteers.

**Mr. Monahan** reviewed the reappointment process and term limits. According to the City code Council could only extend terms beyond the two-full term limits if it was determined to be in the public's interest.

**Mayor Ferguson** said there were instances when Council had approved extending term limits. He wanted Council to be aware that there were a number of vacancies and terms expiring. He proposed a new interview process that would include Mr. Monahan, staff liaison, and the Mayor.

**Councilor Miller** supported the decision and felt it would shorten the process.

**Councilor Chaimov** supported trying the new process.

**Councilor Hedges** had some reservations but supported trying the new process.

**Mayor Ferguson** did not feel it was necessary for to put incumbents through the interview process.

**Councilor Chaimov** felt there was little reason to do so, and **Councilor Hedges** agreed.

**Mr. Monahan** added participation by the staff liaison offered more input to the process.

**Regional Committee Assignments:**

**Mayor Ferguson** briefly reviewed the current list of assignments and his recommendations for filing vacancies.

**Mayor Ferguson** proposed that the City Council continue to meet in regular session at 7 p.m. but modify the work session start time to 5 p.m. for Mr. Monahan's report and begin the video portion at 5:30 p.m. He further proposed an optional 4th Tuesday study

session. The intent would be to schedule it off camera, but minutes would be taken. The Councilors agreed to the new schedule.

**Land Use and Development Review Tune-Up Code Amendment Project Pre-Hearing Briefing**

**Ms. Shanks** provided background on Land Use and Development Review. She explained the City Council's role and the differences between current planning, long-range planning, and Land Use and Development. This project was considered current planning. This process gave staff the opportunity to apply Milwaukie zoning regulations to specific development proposals. They also guide how sites are developed and buildings designed. This kind of work made up 30-70% of the staff workload. In some cases the City Council saw some of the process in appeals or when considering code amendments. Generally, Council did not see the work of the Planning Commission or the Planning Department. The zoning code impacted the community, and the community regularly asked what they could do on their property. All of those questions had a process to them, and that was one of the reasons for wanting to improve the process. She referred to attachment 2, the existing table of contents of code they were proposing to reorganize so it is easier to understand and follow. She gave an overview of what was in Title 19, Zoning Ordinance and reviewed some of the proposed amendments.

**Councilor Hedges** heard complaints from his neighborhood association that there was not enough notice given on applications to solicit opinions from neighbors and report back. He asked if any of the changes would address that concern.

**Ms. Shanks** said their processes were bound by statute, and Neighborhood District Associations (NDAs) were given as much notice as possible. Although the 120-day clock cannot be changed staff was trying work with the allotted time to allow more review.

**Ms. Mangle** added that as soon as staff determines thane application is complete they will be sending it to the neighborhoods as one of the first steps.

**Mr. Miller** asked when citizens had the opportunity to meet and discuss an application prior to Type 1 and 2 decisions being made.

**Ms. Shanks** replied that Type 1 applications were decided by Planning Director, and there was no notice. It is between staff and applicant. The standards are clear and objective so there would be no questions of approval regardless of comments. She said on Type 2 application they were now codifying the way applications were referred to the neighborhoods including improved signage to better inform the general public. Applicants are required to submit an affidavit stating the signage was posted and maintained per the City's instructions. If the applicant failed to post the signage his hearing would have to be extended or continued. It depended on where the applicant was in the process. They may be required to sign a waiver of the 120-day clock.

**Ms. Shanks** explained changes in purpose statements and approval criteria, and what the amendments would mean to the average home owner, staff, and Council. The homeowner will find a more streamlined process if they have to go through a land use application. A common application was a home improvement exception, which is a variance. Staff consolidated applications and modified the variance chapter to make it clearer. For developers doing larger projects staff believed the procedures and updates would streamline the process. The NDAs will get applications as soon as they are complete and will see more signage. They are codifying practices for outreach for legislative projects. A better code would make staff better public servants and improve effectiveness and efficiency. Decision makers would have better tools.

**Councilor Miller** was concerned there was not an avenue for citizens to appeal a Planning Commission decision to the City Council.

**Ms. Shanks** said the less discretionary applications are decided by the Planning Director. Those decisions can be appealed to Planning Commission but not City Council. Those decisions are not discretionary and in land use actions the Planning Commission is the appropriate body. A Planning Commission decision could be appealed to City Council. There is always one appeal process available on any application. It made better use of City Council time and utilized the Planning Commission as the land use decision making body more effectively.

**Councilor Hedges** was not convinced appealing to Planning Commission was a good idea. What was the legal status of the members of Planning Commission in coming to its decision? If Council heard an appeal, then it was held to a standard by state law. He was concerned the Planning Commission was not held accountable to a particular standard.

**Ms. Shanks** replied the Planning Commission was bound to implement the code.

**Mr. Monahan** added they are held to the same obligation as City Council and must apply the code and follow public meeting laws, avoid conflicts of interest, and things of that nature. He added that Ms. Mangle did a good job of educating the Planning Commission on the state and local laws.

**Mr. Miller** said he was familiar with the process. He wanted citizens to be able to move forward if they were not satisfied.

**Ms. Shanks** explained the document was still in draft form and could be modified now or at the hearing. She reviewed the next steps which included going to Planning Commission, visiting NDAs, and a City Council public hearing in March. She encouraged Council feedback.

**Councilor Hedges** said the old wording in Comprehensive Plan was specific, and the new wording seemed open to interpretation.

**Ms. Mangle** said they moved specific things into the code since the Comprehensive Plan was a very board document.

**Councilor Hedges** said he was not pleased this matter had not gone to the NDAs yet. A big criticism from the NDAs was that they did not see anything until it is a done deal. He would have liked a presentation done at the nda level to include their input.

**Ms. Mangle** replied staff held a special land use training session for the for NDAs, and they spoke about this project at that time. Staff had also requested time on the NDA Leadership's agenda but had not been scheduled yet. An email was sent out to NDA chairs and the land use committees.

**Councilor Hedges** felt the Planning Commission should visit the NDAs as well.

**Mayor Ferguson** adjourned the work session at 6:55 p.m.

_____

Juli Howard, Deputy City Recorder

# MINUTES

## MILWAUKIE CITY COUNCIL WORK SESSION
## JANUARY 18, 2011

**Mayor Ferguson** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov and Councilors Joe Loomis, Dave Hedges, and Mike Miller

Library Board: Chair Mark Docken, Vice Chair Tom Hogan, Kay Sweetland Bower, and Colleen Schacht

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, and Library Director Joe Sandfort

**Library Board Presentation of Long-Range Plan**

**Mr. Docken** recapped some of their work in the past year. The Friends of the Ledding Library had done a good job raising money, the Pond House was coming together, and the Poetry Series was very popular. He reviewed the Library circulation statistics which showed steady increases. The Library was doing well given the amount of space. The Board's recommendation was to expand the facility to better serve patrons, for efficiency, and to meet State Library Standards.

It was determined as early as 2001 that the Ledding Library needed more space. The County was redrawing the district lines, and Milwaukie will gain 12,000 more people in its service area with related service demand increases. Services have far surpassed what the existing building can sufficiently support. Although staff worked well in the current space there were certain inefficiencies. The demand for services would continue to grow, breaking new records every month. He added that the current data could be understated due to the inability to offer programs and services that a larger library would allow. The Ledding Library cannot offer adult or teen programs due to a shortage of space for which Mr. Docken believed there was a need. The space needs to be more than doubled, and the Board recommend that the City fund and undertake a survey regarding library services and location, a feasibility study of an expansion on the existing site, and a survey and cost analysis of other possible sites in the City limits to construct a new library or remodel an existing building. The Board also recommended that Council members take a tour of the Library. It was impressive how much could be done in such limited space.

**Councilor Chaimov** thanked the Library Board for its work and ongoing support. Milwaukie needed a bigger library, and residents were not well served when wedged into a place which no longer offered a constructive learning environment. The survey was terrific, but he thought only 1 in 20 people would fill it out due its comprehensive nature. He did not think it would receive a broad base of support for the amount of funds that were needed to expand the facility. He would appreciate ideas from the Board on how the City could get the money to build a better library. He felt the Council wanted to help but was not sure how.

**Mr. Docken** thought there was some money earmarked for a library expansion. Using those funds for the feasibility study would seem appropriate. Because of the Board's bylaws it was not its function to take a construction project forward.

**Mr. Monahan** attended the last Library Board meeting and related his experiences from his work at the City of Tigard. They had a similar issue in Tigard so formed a committee of 11 people made up of representatives chosen by the City Council that included a member of the City Council, Library Board members, Friends, and citizens at large. The committee was charged with a specific task of identifying the best options for the City. Staff gave input to library needs and community issues that impacted location. The process involved bringing in professional help to look at the library standards, the system at the time, and space allocation. Milwaukie's study would look at using the current facility, expanding the current facility, or building a new facility.

**Mr. Docken** added the issue of meeting standards and providing services needed to be addressed. A lot of ideas had been put forward, but the decision fell upon the City Council. He felt Mr. Monahan's experience from Tigard would be beneficial.

**Councilor Chaimov** suggested looking at the Zanon bequest to determine if it could be used to pay for the study.

**Councilor Hedges** noted outside of Historic Milwaukie, the Neighborhood District Associations (NDA) had not been visited by members of the Library Board. If the Board wanted money for studies and surveys, then it probably needed buy-in from the NDAs based on the number of complaints he had heard about spending money on consultants and studies for projects that never get done. He appreciated the work and volunteer time involved. He questioned the Board's being made up of 7 members. The Board should have member-at- large positions to carry the opinion from the citizens. In the City's current financial situation he must justify why he votes to spend money. He liked the detail in the report but wanted to know how much a study or survey would cost. He thought people would give up on the survey half way through because it was so long.

**Mr. Sandfort** developed the survey and understood it needed to be edited.

**Councilor Hedges** thought it was important to get a survey to people that did not use the Library and to find out why. The City needed to convince those people why they should be paying for it. He was concerned to find out the City was looking into Mrs. Ledding's bequest and felt the family needed to be involved.

**Councilor Loomis** agreed with that. He saw some value in restructuring the Board but felt it was important to have passionate people involved. He has some concerns about negative publicity related to the Ledding bequest and wanted the heirs involved once there was a plan. He appreciated the survey and thought it was a great starting point. He also supported a Council tour of the Library.

**Mr. Miller** said it may be legal to do something else with the Ledding property, but in his mind it was not ethical. He felt it might set a bad precedent for future bequests. He would like to see every opportunity or possibility of expanding the present library before looking elsewhere. He did not support breaking the Ledding will.

**Mr. Docken** apologized for the wording regarding the Ledding property and said he thought the City would like to know what it would take to have a clear title on the property. The property assessment would likely be expensive, and the cost to find other facilities within the City would be minor in comparison. If it was not

feasible to remain on that site, then the City would have to determine what to do with it. He felt the City had lived up to the agreement for over 40 years. He did not want to circumvent Mrs. Ledding's will.

**Councilor Loomis** understood people did not like studies, but that was how things got built.

**Mayor Ferguson** felt the City Council needed more substance in order to have a good conversation. The survey needed to be refined and a plan put in place on how to execute it. In addition there needed to be some ideas on costs and a timeline for the property assessment followed by a communication plan. Connecting with the NDAs and civic organizations was a good idea.

**Mr. Monahan** asked if it would make sense to focus the assessment of the opportunity for expansion on the current site as opposed to designing a study of how best to deliver service to the community.

**Mayor Ferguson** thought it seemed best to find out what would benefit the community the most. He noted his family travels to a different library because it was easier for them to get to, but they did not offer the same events and activities as the Ledding Library. Milwaukie might find it needs a satellite branch.

**Mr. Sandfort** noted he had copies of the 2001 study available.

**Mr. Docken** added there were some architectural drawings as well.

**Councilor Hedges** thought everyone loved the present site, but he did not think it was expandable to the size of library we were hoping to see. He questioned spending money and time looking at something that was not feasible.

**Mr. Docken** said they brought this in as a 3-part issue to move the process forward. He thought the cost of a survey would be modest, but the cost of the assessment would be the greater. They wanted to look at the funding to take the first step to move forward. He had friends in the construction industry that could do an analysis.

**Mayor Ferguson** said that would need to be coordinated through Mr. Monahan and Mr. Sandfort and thanked the entire Library Board for its hard work.

## Monthly Neighborhood District Association Dialogue

In attendance were Jeff Klein and Art Ball, Lewelling; Linda Hedges and Mary Weaver, Hector Campbell; Bryan Dorr and Matt Rinker, Ardenwald; Debby Patten, Lake Road; and Beth Kelland, Linwood.

**Ms. Hedges** said one of the things they wanted to discuss was the interface of neighborhood goals and City Council goals.

**Ms. Weaver** said her neighborhood goal was increased attendance. They have had an August picnic for the last 2 years which had doubled in size. Hector Campbell was considering holding 2 events. They have designed cards to send out personal notes on behalf of the neighborhood and have placed lawn signs advertising their meetings. Two new people attended the most recent monthly meeting. They were working on the Walk Safely Milwaukie Program (WSMP) with a new volunteer. They would also like to improve emergency preparedness and encouraged people to take Community Emergency Response Team (CERT) training.

**Ms. Patten** noted attendance had increased at the Lake Road neighborhood meetings, and there were more regulars. She appreciated the information she received at the City Council work sessions.

**Mr. Dorr** reported Ardenwald was holding steady with an email list of 158 subscribers. Their average monthly attendance was 17 people. They had gotten 400 unique visitors to their website over a 3-month period.

**Mr. Rinker** added Ardenwald's goals were defined by what they have been tackling with their monthly agendas. He added the goal of engaging in the joint sessions with the City Council and being involved in the process. Issues they were currently tracking were light rail, the Tacoma park-and-ride, the Murphy site development, and Hillside Park development.

**Ms. Kelland** said Linwood hoped to harness the energy of its movie nights which 200 people were attending and getting people more involved with the monthly meetings. The Linwood NDA is involved with the Walk Safely Milwaukie Program and became life members of the Pioneer Cemetery Association and the Milwaukie Museum. They continue to oppose the Sunnybrook Extension and hoped other NDAs and the City Council would support that position.

**Mr. Klein** said the Lewelling goals were to work towards connectivity through the neighborhoods and safe passage through neighborhood for pedestrians and bicyclists focusing on Stanley Avenue, Logus Road, and 43rd Avenue.

**Councilor Chaimov** asked what could be done to create the connectivity that Mr. Klein envisioned.

**Mr. Klein** responded pedestrian access would require sidewalks in that area along with some bike boulevards and better access to the Springwater Corridor. He thanked Chief Jordan for addressing some speeding issues on Stanley Avenue.

**Councilor Miller** asked if a sidewalk survey had been done in the Lewelling Neighborhood.

**Mr. Klein** responded "no" but they would be looking at that with the new Walk Safely Milwaukie Program. He commented that they had waited for 40+ years for sidewalks on Logus Road.

**Councilor Miller** asked Mr. Klein how he would prioritize projects to enhance livability.

**Mr. Klein** replied speeding on Stanley Avenue, 43rd Avenue, and Logus Road. There were 3 big projects and 20 smaller one. One of the Neighborhood goals was to reach out to the Dual Interest Area. They passed a rule that citizens in that area could come to their meetings and vote as if they were annexed into the City. He would be working with Mr. Wheeler on more outreach to that area.

**Mayor Ferguson** asked if the NDA leadership had a retreat in December.

**Ms. Hedges** replied they had not had a retreat and felt they were doing well with their regular meetings. They were getting a lot accomplished and had identified a lot of common goals and interests.

**Mr. Klein** observed the first Council goal setting session was a big boost to the current group because it showed that concerns were similar.

**Ms. Weaver** said the Hector Campbell Neighborhood put together a survey using Survey Monkey that indicated a significant number of people in the area between

Monroe Street and King Road were not active in the Neighborhood. It was something the Neighborhood wanted to explore more.

**Councilor Hedges** commented a lot of the people in that area had attended the picnic.

**Ms. Hedges** noted there was a comment from a respondent they did not attend meetings because the did not want to feel pressured into volunteering.

**Mr. Ball** said there was a dividing line in the Lewelling neighborhood, in the Brookside area, where people believed they were part of the Ardenwald neighborhood.

**Mr. Klein** said that was another reason why Lewelling wanted to do more outreach to the Dual Interest Area.

**Ms. Weaver** discussed neighborhood boundaries based on school attendance areas and the possible closure of Hector Campbell Elementary.

**Mr. Klein** hoped that Council could look at the NDA leadership group as a resource that could help represent Milwaukie.

**Mayor Ferguson** appreciated that and encouraged any of the NDA leadership interested in attending meetings to go.

**Mayor Ferguson** adjourned work session at 6:38 p.m.

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Pat Duval, City Recorder

**CITY OF MILWAUKIE**
**CITY COUNCIL MEETING**
**JANUARY 18, 2011**

## CALL TO ORDER

**Mayor Ferguson** called the 2094th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor Ferguson, Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, City Recorder Pat DuVal, Planning Director Katie Mangle, Associate Planner Brett Kelver, Associate Planner Ryan Marquardt, Community Services Director JoAnn Herrigel, Interim Finance Director Andy Parks, Operations Director Paul Shirey, and Engineering Director Gary Parkin

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

### A. Natural Resource Overlay Project Update

**Ms. Mangle** and **Mr. Kelver** reviewed the Natural Resources Overlay Project and its timelines. The project had to do with protecting water quality and natural resources, updating the existing zoning code and maps, and keeping Milwaukie compliant with state and regional rules. This project addresses 2 of the 19 statewide planning goals. These were Goal 5, natural resources, habitat, and habitat conservation and Goal 6, water quality protections.

Those protections are already in the current Zoning Code §19.322 which speaks to buffers along streams, lakes, and wetlands and development review. The proposed amendments would keep Milwaukie compliant with Goal 6 by adopting a local version of Metro's Habitat Conservation Area (HCA) maps and developing new regulations based on Metro's Title 13 Model Code integrated with the City's existing Water Quality Resource (WQR) areas. He showed a map of the areas and gave an overview of public outreach efforts including 6 group meetings and an open house on January 6 attended by 35-40 people. He reviewed the list of advisory group members that included land owners, Blount, the Portland Waldorf School, and the North Clackamas School District.

**Mr. Kelver** summarized the changes to: clarify approval criteria, simplify the review process for minor impact projects, establish two separate tracks for development within HCAs, require a construction management plan within 100-feet of the resource, provide incentives to avoid or minimize impacts, and encourage restoration and enhancement projects. He provided an overview of the types of activities allowed in WQR and HCA areas. The intent was make daily activities such as removal of invasive species and maintaining landscaping exempt from the rules. He summarized the types of reviews based on three categories of disturbance.

**Mr. Kelver** reviewed the project timeline which began nearly two years ago. Staff was now in the Planning Commission and City Council briefing phase prior to adoption hearings. He asked if City Council had any questions prior to the public hearings.

**Councilor Hedges** commented on the presentation and appreciated the commentary. He would like to see a strikethrough version of the actual proposed code amendments.

**B. Milwaukie Mustang Youth Basketball Association**

**Elisa Young**, Milwaukie High School, invited the City Council and community to a pancake breakfast fundraiser to help purchase new jerseys.

## CONSENT AGENDA

**It was moved by Councilor Miller and seconded by Councilor Loomis to approve the consent agenda consisting of:**

**A. Regional Committee Assignments;**
**B. Resolution 4-2011: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing City Staff to Partner with the Johnson Creek Watershed Council on an Application to Metro's Nature in the Neighborhoods Grant Program to Construct Klein Point Interpretive Overlook; and**
**C. City Council Minutes:**
1. **August 31, 2010 Special Meeting**
2. **September 21, 2010 Regular Meeting**
3. **October 5, 2010 Regular Meeting**
4. **October 19, 2010 Regular Meeting**
5. **November 2, 1020 Regular Meeting**

**Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

## AUDIENCE PARTICIPATION

**Mark Gamba**, Milwaukie, congratulated the new City Council members and hoped the group would keep a sharp eye on places to make a difference in sustainability through simple code changes.

## PUBLIC HEARING

**Proposed Procedural Amendments Regarding Issuance of Tree Permits (MMC 16.32)**

**Mayor Ferguson** called the public hearing on the proposed amendments to Milwaukie Municipal Code (MMC) Title 16 to order at 7:24 p.m.

The purpose of the hearing was to consider public comment on an ordinance amending portions of Chapter 16.08, Administration, and Chapter 16.32, Tree Cutting, regarding the processing of permits for tree cutting in the public right-of-way.

**Councilor Miller** announced that he had testified on this code amendment at the Planning Commission on December 4, 2010. He spoke with Mr. Marquardt regarding the changes he wanted to see in the amendment and things he felt were a little short. He believed he could look at the issue and make a fair judgment and concurred with the changes made.

**Mr. Marquardt** provided the report in which staff was seeking approval of limited amendments to the tree ordinance. He reviewed the prior actions and discussions. The tree cutting ordinance governed tree permits in the public right-of-way and not on private property. Anyone seeking to remove or do major pruning to a tree in the right-of-way needed to apply for and receive a permit from the City prior to doing the work. The intent was to make some minor changes to the administrative aspects of the tree cutting ordinance but not make any major policy changes.

He referred to attachment 2 of the staff report and briefly reviewed the proposed changes: interested parties can request a meeting at no cost with the City prior to issuance of the tree permit; criterion were added regarding removal for right-of-way improvements; added direction to City staff to consult an arborist when an assessment was needed to evaluate the permit; the City shall require replanting wherever practicable; and appeals of the administrative decision go directly to the City Council with notice to the Neighborhood District Association and properties within 300-feet of the site. There were no changes to triggers for when tree permits were required, basic notices, or the length of the public comment period. The objective of the proposed amendments was to fix procedures that did not work well.

No correspondence had been received on the matter after the City Council packet had been prepared for the public.

There was no audience testimony.

**Councilor Hedges** asked if the right-of-way upon which a tree might grow was owned by the City or the adjacent property owner.

**Mr. Marquardt** replied it was more owned by the City which was responsible for its management.

**Councilor Hedges** felt the permit application should be placed so it was clearly visible and readable to vehicles and pedestrians from the street.

**Mr. Marquardt** responded the intent was for the permit application to be posted as closely as possible to the tree itself.

**Councilor Hedges** thought the applicant should send letter to the NDA.

**Mr. Marquardt** replied staff sent notice to the NDA chair on behalf of the applicant.

As there were no further questions from the Council at this time Mayor Ferguson closed the public testimony portion on the hearing on the amendments to Title 16 at 7:35 p.m. He opened the matter up for City Council discussion.

**Councilor Hedges** felt an applicant could circumvent the intent of the code related to posting the application so that the permit could be unreadable.

**Mr. Monahan** said the proposed language could be amended to add clarity.

**Councilor Miller** felt most of the changes, including the direct appeal to the City Council, were very positive toward the citizens of Milwaukie. He was concerned, however, that the appeal to the City Council was $500 which he felt was a lot of money for an individual. He felt people might be shut out with that kind of price tag. He felt the fee for individuals and the NDAs needed to be reconsidered and suggested rolling it back to $250.

**Mr. Marquardt** clarified the fee in the current schedule was $500 for appeals to the Planning Commission and the City Council. Fees were based on the average cost of staff's providing the service.

**Ms. Mangle** explained many fees were related to development work and related to City expenses. Adoption of the code amendment would not affect the fee schedule. The City Council may direct staff to review that element of the fee schedule and do a cost benefit analysis during the budget process.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to modify 16.32.020(B)(2) to read, "The applicant shall post notice of the major pruning or removal permit application on the property in a location which is clearly visible to vehicles traveling on a public street and ~~to~~ <u>readable by</u>**

**pedestrians walking by the property." Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**It was moved by Councilor Chaimov and seconded by Councilor Loomis for the first and second readings by title only and adoption of the ordinance as amended by the previous motion amending portions of Chapter 16.08, Administration, and Chapter 16.32, Tree Cutting, regarding the processing of permits for tree cutting in the public right-of-way. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**Mr. Monahan** read the ordinance two times by title only.

**Ms. DuVal polled the Council: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

> **ORDINANCE 2022:**
>
> **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING PORTIONS OF CHAPTER 16.08, ADMINISTRATION, AND CHAPTER 16.32, TREE CUTTING, REGARDING THE PROCESSING OF PERMITS FOR TREE CUTTING IN THE PUBLIC RIGHT-OF-WAY.**

## OTHER BUSINESS

### A. Election of Council President

**It was moved by Councilor Miller and seconded by Councilor Hedges to elect Councilor Chaimov as Council President. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

### B. Adopt Mayor/Council Communication Agreement

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the resolution approving the Mayor/Council Communication Agreement and repealing Resolution 45-2003. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

> **RESOLUTION 5-2011:**
>
> **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE MAYOR/COUNCIL COMMUNICATION AGREEMENT AND REPEALING RESOLUTION NO. 45-2003.**

### C. Garbage Franchise Transfer

**Ms. Herrigel** provided the staff report in which the City Council was requested to adopt a resolution that approved the transfer of Deines Brothers Sanitary Service's franchise area to Hoodview Disposal and Recycling, transfer Deines Brothers Sanitary Service's 50% interest in the P. Deines franchise area to the owner of Mel Deines Sanitary Service, and amend Resolution 56-2005 and the Solid Waste Services area map to reflect these changes. She reviewed the background of the proposed changes and noted Deines Brothers had complied with the requirements of the Milwaukie Municipal Code (MMC) §13.24.130, transfer of franchise. All affected customers were notified by mail of this meeting, and no calls or communication was received.

**Councilor Loomis** commented Deines was his service provider and felt they had done a great job.

**It was moved by Councilor Hedges and seconded by Councilor Chaimov to adopt the resolution approving the transfer of the Deines Brothers Sanitary Service franchise area (Area 3) to Hoodview Disposal and Recycling; the proposed transfer of Deines Brothers Sanitary Service's 50% interest in the P. Deines franchise area (Area 4) to the owner of Mel Deines Sanitary Service and amending Resolution 56-2005 and the Garbage Zone map to reflect this change. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION 6-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE PROPOSED TRANSFER OF DEINES BROTHERS SANITARY SERVICE'S FRANCHISE AREA (AREA 3) TO HOODVIEW DISPOSAL AND RECYCLING; THE PROPOSED TRANSFER OF DEINES BROTHERS SANITARY SERVICE'S 50% INTEREST IN THE P. DEINES FRANCHISE AREA (AREA 4) TO THE OWNER OF MEL DEINES SANITARY SERVICE; AND AMENDING RESOLUTION 56-2005 AND THE GARBAGE ZONE MAP.**

## D. Adoption of Fiscal Polices

**Mr. Parks** provided the staff report in which the City Council was requested to adopt the fiscal policies for the City of Milwaukie for sound guidance for future planning. He reviewed the history of prior actions and discussions that included the Budget Review Board and department directors. He briefly discussed comments from the Budget Review Board and its concurrence on the policies. He expressed his appreciation to the Board members for the thoroughness of their work and commitment to the process.

**Councilor Miller** announced he had served on the Budget Review Board during this review prior to his election to the City Council so was quite familiar with its aspects.

**It was moved by Councilor Chaimov and seconded by Councilor Hedges to adopt the fiscal policies. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

## E. Intergovernmental Agreement with the City of West Linn for Finance Director Services

**Mr. Monahan** reported another element of Mr. Parks' contract was to analyze the work of the finance department. He engaged in an evaluation of the department and noted a number of inadequacies including being unable to provide strategic planning advice because of staffing issues. Mr. Monahan discussed some of the issues related to recruiting a finance director which resulted in his stepping back and seeking a more innovative approach. Through a series of events he began to look at an arrangement with the City of West Linn to outsource finance director services. The City of West Linn determined it had the capacity to enter into an agreement with the City of Milwaukie particularly since it is on a biennial budget. Mr. Monahan proposed a 29-month agreement with the City of West Linn during which time Richard Seals and Casey Camors would share the duties as Milwaukie's Finance Director. He discussed current vacancies in Milwaukie's Finance Department and two upcoming retirements. An agreement with West Linn would allow Milwaukie to get through budget cycles, auditing process, and provide higher levels of financial service the City departments. He briefly covered the scope of the proposed agreement which he would bring back for consideration the next City Council meeting if directed.

**It was moved by Mayor Ferguson and seconded by Councilor Chaimov to adopt the resolution authorizing the City Manager to execute an intergovernmental agreement with the City of West Linn for Finance Director services and return with the agreement at the February 1, 2011 Council meeting. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

### F. Logus Road Plant Establishment Contract and Low Impact Development Status Report

**Mr. Shirey** and **Mr. Parkin** provided the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to execute a 4-year contract with Fox Erosion Control to care for landscaping installed under the contract as part of the Logus Road Improvement Project. Logus Road was designed as a green street in 2007 and funding for the project was secured in grants from Clackamas County and the State of Oregon. Mr. Shirey and Mr. Parkin provided a history of prior actions and discussion related to the Logus Road Project as well as information on the purpose and need for low impact development (LID) projects such as this.

**It was moved by Councilor Miller and seconded by Councilor Loomis to adopt the resolution authorizing the City Manager to execute a contract with Fox Erosion Control to maintain plantings on Logus Road. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**RESOLUTION 7-2011:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FOX EROSION CONTROL TO MAINTAIN PLANTINGS ON LOGUS ROAD THROUGH A FOUR-YEAR EXTENDED ESTABLISHMENT PERIOD.**

### G. Council Reports

Mayor Ferguson and the Councilors reported on community meetings they had attended and made announcements of upcoming meetings and events.

## ADJOURNMENT

**It was moved by Mayor Ferguson and seconded by Councilor Chaimov to adjourn the meeting. Motion passed with the following vote: Councilors Hedges, Loomis, Miller, and Chaimov and Mayor Ferguson voting "aye." [5:0]**

**Mayor Ferguson** adjourned the regular session at 8:37 p.m.

_____

Pat DuVal, Recorder

# 5.
# PUBLIC HEARING

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager**
**Kenneth Asher, Community Development and Public Works Director**
**Gary Parkin, Engineering Director**

**From:** **Jason Rice, Civil Engineer**

**Subject:** **Finalization of the NE Sewer Extension Reimbursement District**

**Date:** **February 28, 2011 for the March 15th, 2011 Regular Session**

## Action Requested

Authorize, by resolution, finalization of the reimbursement district for the NE Sewer Extension project, based on the final cost estimate. Authorize, by resolution, clarifications of deadlines for connection incentive programs.

## History of Prior Actions and Discussions

**September 2010:** Council authorizes the creation of the NE Sewer Extension Reimbursement District (Res. 78-2010).

**May 2010:** Council approved installment payment incentive (Res. 37-2010) and an annexation incentive program (Res. 38-2010) and established a discount program structure (Res. 40-2010) for the repayment of the future reimbursement District.

**April 2010:** Work session on reimbursement approach and possible incentives.

**February 2010:** Council approved adding sewer work, replacing mains on King Road and Brookside Dr, to the contract for the NE Sewer Extension (NESE) project.

**January 2010:** Council annexed rights-of-way in the project area (Ord. 2010).

**December 2009:** Council awarded the contract for construction of the project to K & R Plumbing Construction Co. Inc., in the amount of $2,653,257.05 (Res. 78-2009).

**October 2009:** Council approved an IGA with Clackamas Development Agency for payment to the City of urban renewal contributions to the project (Res. 64-2009); and requested the County transfer jurisdiction of rights-of-way in the area (Res. 66-2009).

**September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Res.58-2009). Council approved an updated Clean Water State Revolving Fund Loan Agreement for the NESE Project (Res. 57-2009).

**August 2009:** Staff briefed Council on project status and need to annex rights-of-way.

**June 2009:** Council awarded a contract to Right-of-Way Associates Inc. for easement and appraisal services within the NESE Project Area. Council adopted an Ordinance allowing the City to extend the life of reimbursement districts beyond fifteen years.

**February 2009:** Council authorized the City Manager to enter into a contract with Century West for engineering services to design the project.

**December 2008:** Council approved a loan agreement from CWSRF (Res.94-2008).

**October 2008:** Council approved moving forward with the extension of the City's sewer system into Dual Interest Area "A" including: entering into an IGA with Clackamas County for engineering services; applying for a DEQ loan needed to fund the sewer extension; and moving forward with public information efforts (Res.81-2008).

**September 2008**: Staff briefed Council at a work session on the proposed sewer extension project. Council requested additional information prior to acting.

**May 2008**: Staff briefed Council specifically with regard to relevant City and County policies, State law regarding annexation, and service delivery and governance issues.

**March 2008**: Staff briefed Council on the need for sewer service in Dual Interest Area "A," discussions with Clackamas County, and outreach efforts to owners and residents.

**September 2006**: Staff briefed Council on state statute and City Comprehensive Plan policy regarding island annexations.

**November 2002**: Council directed the City Manager to sign a CDBG grant application to subsidize connection costs for low-income residents in Dual Interest Area "A".

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

## Background

The NE Sewer Extension (NESE) project was undertaken to provide wastewater sewer service to the City's Dual Interest Area "A", which was a priority as the lack of service caused the area to suffer economically and the environment to be adversely impacted.

The construction of the sewer system is substantially complete, making service available to 261 properties in the area.

It is in the best interest of the City and the environment that the 261 properties connect to the sewer system as soon as practicable. To allow the City to recover its costs and fund repayment of the Clean Water State Revolving Fund loan that financed construction, the City established a reimbursement district for the project in September 2010 by Resolution 78-2010 (attached, for reference as Exhibit B to the resolution updating costs and finalizing the district, attachment 1). Now that the project is complete and a final cost is known, another public hearing is required to modify the district in accordance with the final cost of the project.

The action proposed with this report is to complete the establishment of the reimbursement district, adopt a final Engineer's Report, and set the reimbursement fees for each property based on final cost of the project. The reimbursement district will then be recorded with the County. Simultaneously, City staff is working to expedite the first round of regular connections. (Sixteen emergency connections have already been permitted.) A public open house was held on March 4 to answer questions about the process.

Chapter 13.30 of the Milwaukie Municipal Code allows the constructor of a public improvement to establish a reimbursement district when city utility improvements are built to serve multiple properties. In this case, the City is the constructor and has created a district based on the information provided in the initial Engineering Director's Report. That report has now been updated based on final project costs (see Exhibit A to the resolution, Attachment 1). The report contains a description of how the project was financed, a map of the area included within the reimbursement district, the cost of the improvements, an explanation of the cost distribution methodology, a statement about administration fees, a statement about the period of time regarding rights to reimbursement, and a statement that the improvements meet all relevant City standards. The report also assigns a specific Reimbursement Fee to each "intervening property" (the properties served by the new collection system). For informational purposes, the report also defines what the net cost to connect will be for each property, after deducting City- and NCRA-established discounts.

Pursuant to Subsection 13.30.050.A, the City Council shall approve, reject, or modify the recommendations contained in the revised Engineering Director's report.

<u>Key Dates Associated with this Reimbursement District Formation</u>

*September 21, 2010*

Council formed preliminary reimbursement district (Resolution 78-2010).

*February 18, 2011*

Notice mailed to all owners within the reimbursement district boundary for March 15, 2011 public hearing regarding the finalization of the NE Sewer Extension Reimbursement District.

*Following this meeting:*

Staff shall notify all property owners within the district of the adoption of the reimbursement district resolution. The notice will include a copy of the resolution, the date it was adopted and an explanation of the fee schedule.

Key Dates Associated with Sewer Connection Incentives

In spring of 2010, City Council adopted several programs to incentivize early connection. The programs provide, for a limited term, very favorable financing terms and discounts that become less generous over time. In addition, Council provided for a time-limited annexation assistance program.

The project was formally accepted as substantially complete on March 1. The attached resolution (attachment 2) clarifies several dates, making certain that the incentives approved by Council shall be available for the full two years originally intended by Council. The complete schedule is proposed to operate as follows.

*November 2012 (per Resolution 38-2010)*

Deadline for inclusion in the last batch of “assisted annexations.”

*January 1, 2013 (per Resolution 40-2010)*

Deadline to lock in maximum “General Discount” by annexation.

*March 15, 2013 (per attached Resolution and Resolution 37-2010)*

A. City ceases offering “zero percent” financing.
B. “General discount” (federal stimulus funded discount) reduced to 75% of original value.

*March 15, 2016 (per attached Resolution and Resolution 37-2010)*

“General discount” reduced to 50% of its original value

*March 15, 2021 (per attached Resolution and Resolution 37-2010)*

*"General discount" reduced to 25% of its original value*

System Development Charge Financing

The City is required by statute to offer financing of System Development Charges (SDCs). It is within the Finance Director's authority to establish financing terms for System Development Charges. Given Council's direction to offer no interest financing of Reimbursement Fees, the City's Finance Director has set an interest rate of zero for sewer SDCs related to this project. The Resolution provided as Attachment 2 establishes clear Council authority for this additional incentive to connect.

## Concurrence

Community Development, Engineering, Planning, and Community Services have worked closely on this project and developed the assistance and financing programs in consultation with the Finance Director. The Finance Director concurred on the establishment of an annual fee adjustment as part of the Reimbursement District.

## Fiscal Impact

The project was funded with an ARRA loan that will be repaid over 20 years. It is assumed that the reimbursement district established for this project will pay for the entire cost of the project. Considering the high level of interest in connecting and the number of properties annexed or in the annexation process, the financial incentives being offered, and the zero-interest loan repayment schedule, this assumption seems to be solid.

In the event that the reimbursement district receipts do not cover the loan repayment, the City's sewer fund guarantees the loan repayment. The annual repayment of about $100,000 is within the ability of the fund to accommodate until the reimbursement district eventually completes the project repayment.

The annexation assistance program will help property owners connect sooner and reduce the likelihood that rate revenue from the sewer utility would be needed to assist with the debt service.

There were some legal costs incurred in developing finance agreements for properties that finance reimbursement fees and SDCs through the City's incentive program.

## Work Load Impacts

The Finance Department along with the Building Department will track reimbursement district payments and amounts owed using existing software maintained by the City. If a property owner chooses to finance their share under provisions set forth by Resolution

37-2010, the Finance Department will track these payments through the City's billing software.

The Planning Department has committed to providing assisted annexations until at least November 2012 by Resolution 38-2010. This workload has been mitigated somewhat through batching the annexation requests and is incorporated in the Planning work plan.

## Alternatives

1. Reduce the total cost of the reimbursement district, subsidizing some of the cost with City funds. This action would require finalizing the district at a later date.

## Attachments

1. Resolution Adopting Final NE Sewer Extension Reimbursement District Engineering Director's Report and Finalizing the Reimbursement District
2. Resolution Clarifying Deadlines and Applicability of Discounts and Incentives

ATTACHMENT 1

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, FINALIZING THE REIMBURSEMENT DISTRICT FOR THE NORTHEAST SEWER EXTENSION PROJECT BY MODIFYING MILWAUKIE RESOLUTION 78-2010.**

**WHEREAS,** the City wishes to finalize the reimbursement district for sanitary sewer improvements within the Dual Interest Area "A", originally adopted by Council in September 2010 under Resolution 78-2010; and

**WHEREAS,** Milwaukie Municipal Code Chapter 13.30 allows the formation of a reimbursement district to fund the cost of public improvements to serve one or more properties; and

**WHEREAS,** the area to be served by the district is currently located outside of City limits in Clackamas County, and requires annexation to the City to receive sanitary service; and

**WHEREAS,** the specific properties, improvements costs and assessments of proposed reimbursement district are included in the Engineering Director's Report; and

**WHEREAS,** costs presented within the Engineering Director's Report are deemed final; and

**WHEREAS,** notice of a public hearing was sent to the affected property owners pursuant to MMC 13.30.060, and the City Council held an informational public hearing concerning the reimbursement district on March 15, 2011.

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

**Section 1:** The final Engineering Directors Report dated March 15, 2011 (Exhibit "A") is approved.

**Section 2:** A reimbursement district is hereby formed as recommended in the final Engineering Director's Report.

**Section 3:** The reimbursement fee designated for each parcel in Exhibit "A" shall be paid prior to receiving City permits applicable to development of that parcel, pursuant to MMC 13.30.110.

Introduced and adopted by the City Council on March 15, 2011.

This resolution is effective on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

EXHIBIT A

ENGINEERING DIRECTOR'S REPORT

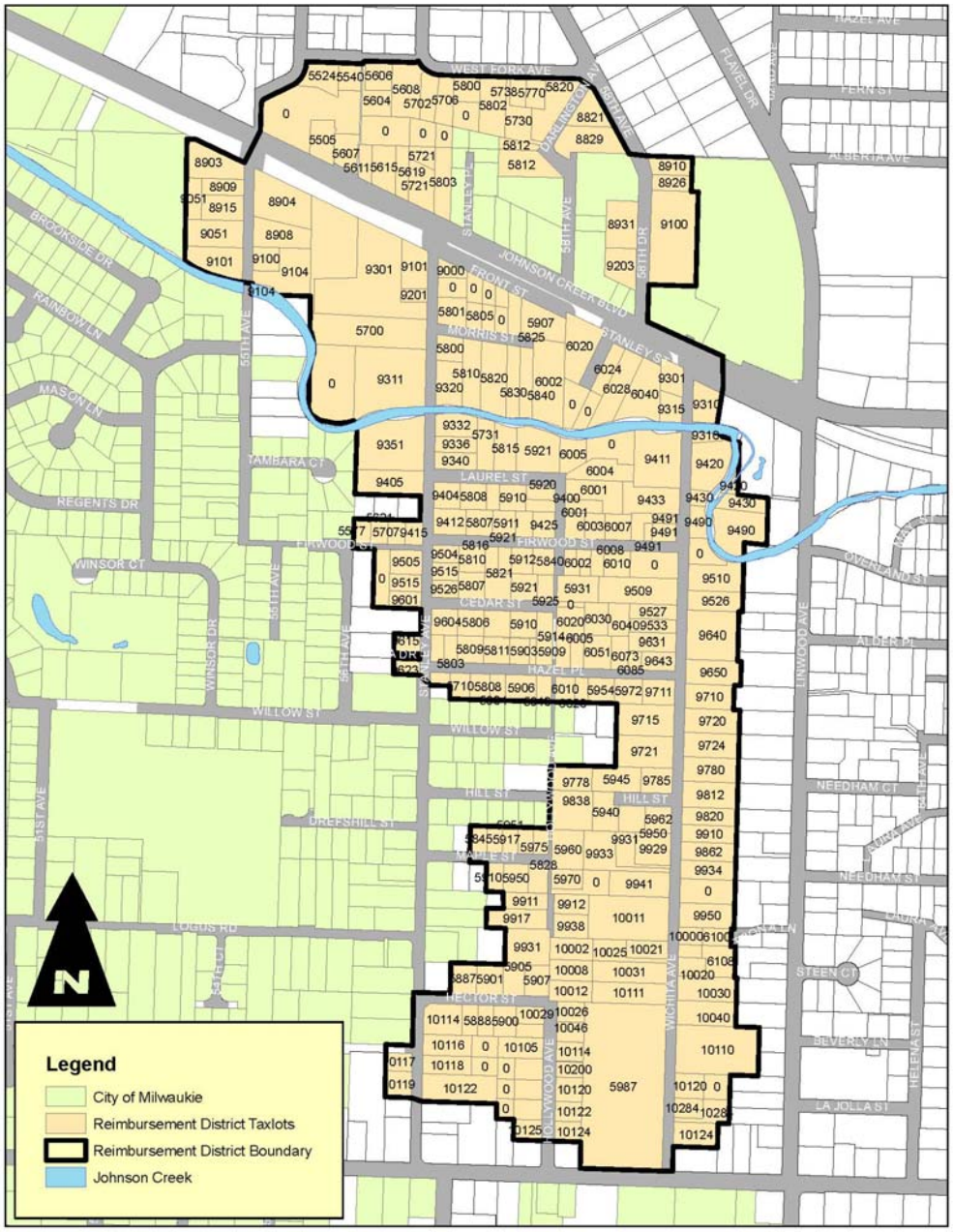
For Proposed

REIMBURSEMENT DISTRICT

# City of Milwaukie
## Northeast Sewer Extension Project
March 15, 2011

## Location and Description of Project Area

The Northeast Sewer Extension Reimbursement District is located just beyond the northeast boundary of the City of Milwaukie. This district is part of and completely within the area named “Dual Interest Area A” in a 1990 Urban Growth Management Agreement between the City and Clackamas County. In the agreement, the Dual Interest Areas are described as “areas in which Milwaukie assumes a lead role in providing urbanizing services whenever possible”. Based on this agreement, City Council elected to finance a capital improvement project that would provide sewer service in this neighborhood.




[1]The numbers shown above are addresses
[2]Lots with zeros do not have addresses

The average sized lot in this area is just under 15,000 square feet with Clackamas County Zoning designations of R-7, R-10 and I-3.

Description of Construction Project

With substantial completion occurring on March 1st, 2011 the Northeast Sewer Extension (NESE) Project installed 15,613 feet of sewer main, 4,804 feet of private sewer laterals within the public right-of-way, 66 manholes and 1 lift station. 186 of the 261 newly installed laterals flow to the Kellogg Treatment Plant, while the remaining 75 laterals flow into Portland's Lents Trunk line and ultimately to treatment at Portland's Columbia Blvd Wastewater Treatment Plant.

Major Contracts Necessary to Complete Project

*Century West Engineering*

Prior to hiring a design engineer, City staff and Clackamas County (Water Environment Services) staff met to discuss the possibility of teaming up to keep the engineering cost as low as possible. At the time it was believed that reducing the number of contracts between the two adjacent sewer projects was the easiest and least expensive solution possible. However, through the loan application process with DEQ's Clean Water State Revolving Fund (CWSRF), it became apparent that both projects would need to have separate contracts which could be billed separately. The City has signed contracts with the engineering firm in the amount of $520,723 for the NESE Project. This amount includes engineering, full time inspection, surveying and design.

*Right-of-Way Associates*

This firm was brought on the project to manage and obtain the 34 easements needed. These easements cost a total of $148,442.50. Six of these properties had personal property within the easement area which needed to be moved for the duration of the project. This required the Federal Relocation Housing Act to be used with an additional of $7,736. City contracts with Right-of-Way Associates total an additional $160,250.

*K&R Plumbing Construction Company*

K&R was awarded the construction contract for the project in December of 2009 and began work in January of 2010. The total itemized cost to complete the construction of the NESE Project is $2,565,095.

*Fees, Misc. Charges and Other Contracts*

Paul Roeger, PE was hired to legally describe the boundaries of right-of-way within the NESE annexation area complete this effort with a not-to-exceed contract of $3,000, $812.50 of this was spent.

Of the remaining $55,563.94 in miscellaneous fees this number includes:

| | |
|---|---|
| • City of Portland Parks Department (Permits) | $ 7,100.00 |
| • Clackamas County Planning and Building Department (Permits) | $ 13,547.60 |
| • Department of Environmental Quality (Permits) | $ 2,035.00 |
| • Bureau of Labor and Industries (Prevailing Wage Fee) | $ 2,653.26 |
| • Daily Journal of Commerce (Advertising) | $ 886.24 |
| • Clackamas River Water (Waterline relocate) | $ 27,719.84 |
| • City of Milwaukie Asphalt Repair | $ 1,082.00 |
| • American Sani-Can (Portable Toilet Service) | $ 540.00 |

Project Financing

The City was able to secure a $4 million loan through DEQ's CWSRF program in 2009, which was later converted into an American Reinvestment and Recovery Act (ARRA) subsidized loan. Half of the total project cost, up to $2 million, will be immediately forgiven upon completion of the project, while the remainder will be paid back to DEQ at zero percent interest over 20 years.

Final Costs

| | |
|---|---|
| Engineering | $ 520,723.00 |
| Easement Services | $ 160,250.00 |
| Easement Acquisitions | $ 156,178.50 |
| Construction | $2,565,095.00 |
| Fees, Misc. Charges and Other Contracts | $ 56,376.44 |
| Total | $3,458,622.94 |

Allocation Methodology

Individual Cost share = Main cost + Lateral cost + Area Cost

The "Main cost" for each property was determined by taking the average lot frontage in the project area (75 feet), then multiplying by the approximate cost to construct the main ($160 per foot). The total is then divided by two since properties on both sides of the main will connected to that portion of the main. This produces a Main cost of $6,000.

The "Lateral cost" for each property was determined by assuming an average lateral length of 25 feet from the main to the property line, and multiplying that length by the approximate cost to construct the lateral ($112 per foot). This produces a "Lateral" cost of $2,800.

| | |
|---|---|
| $3,458,622.94 | (Total Project Cost) |
| - $1,566,000.00 | ($6,000 x 261 properties connecting) "Main" Cost |
| - $ 730,800.00 | ($2,800 x 261 properties connecting) "Lateral" cost |
| $1,161,822.94 | Total Area Cost |

The "Area cost" was calculated by first deducting $6,000 and $2,800 x 261 (for the 261 laterals that were installed) from the total estimated cost. Then the total land area of the district, less right-of-way and any areas within the designated Water Quality Resource Area was calculated. The Water Quality Resource Area was used instead of the 100-year Floodplain because it imposes greater restrictions on land use. The total of the

remaining area comes to 3,882,408 square feet. Dividing $1,161,822.94 by 3,882,408 square feet results in a new cost of $0.299 per square foot of land.

The area cost accounts for the reality that (1) larger lots have more development potential and therefore benefit more from the improvement; and (2) larger lots costs more to serve (more pipe must be laid to get past the lot). The area cost is balanced with the fixed cost to ensure that larger lots are not unduly burdened. The area cost is based on the developable square feet of the lot area – total area minus any area with building restrictions because of Johnson Creek.

The resulting reimbursement fee per property is shown in the table below.

Shaded property groupings have a single lateral installed for future use. These groupings include secondary lots that are either too small to develop or are in areas that prevent development. These secondary lots are calculated solely as land area (without main and lateral costs) and their fees are attached to an adjacent common ownership. When any lot of a grouped property connects, the total cost for the group of properties must be paid.

The establishment of the reimbursement district sets the Reimbursement Fee. The following 4 columns are for informational purposes and list what the net cost to connect will be (net of annual feed adjustment—see below—and discounts established outside this reimbursement district) over time.

Tax lots with a designation of “NO SITUS” were not developed at the time of this document but have laterals installed for future connections and a cost per property assessed.

Administration Fees

No administration fees are attached to this reimbursement district.

Time Period

The Northeast Sewer Extension Reimbursement District shall exist for a minimum of ten years from its creation. City Council has an option, by resolution, to authorize ten-year extensions indefinitely.

Annual Fee Adjustment

Per Milwaukie Municipal Code section 13.30.050 (Annual Fee Adjustment), City Council sets the annual fee adjustment at two percent (2%). The 2% annual fee adjustment shall be applied on March 15, of each year. The annual adjustment shall be applied as simple interest and does not compound.

Statement Regarding Public Works Standards

This project has been constructed in accordance with all relevant City of Milwaukie Public Works Standards.

| Connections South of Johnson Creek | | | | | | |
|---|---|---|---|---|---|---|
| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30AC00700 | 9351 SE STANLEY AVE | $ 21,561.90 | $ 8,075.88 | $ 11,148.27 | $ 14,812.93 | $ 19,422.86 |
| 12E30AC00800 | 9405 SE STANLEY AVE | $ 16,075.20 | $ 5,142.97 | $ 7,433.55 | $ 10,165.69 | $ 13,602.57 |
| 12E30AC01000 | 9415 SE STANLEY AVE | $ 10,671.56 | $ 2,254.46 | $ 3,775.07 | $ 5,588.81 | $ 7,870.39 |
| 12E30AC01100 | 5707 SE FIRWOOD ST | $ 10,633.72 | $ 2,234.24 | $ 3,749.45 | $ 5,556.76 | $ 7,830.25 |
| 12E30AC01200 | 5621 SE FIRWOOD ST | $ 10,631.57 | $ 2,233.08 | $ 3,748.00 | $ 5,554.94 | $ 7,827.97 |
| 12E30AC01300 | 5577 SE FIRWOOD ST | $ 10,629.41 | $ 2,231.93 | $ 3,746.53 | $ 5,553.11 | $ 7,825.67 |
| 12E30AD04300 | 9336 SE STANLEY AVE | $ 11,673.01 | $ 2,789.79 | $ 4,453.09 | $ 6,437.04 | $ 8,932.73 |
| 12E30AD04301 | 9340 SE STANLEY AVE | $ 11,912.15 | $ 2,917.62 | $ 4,615.00 | $ 6,639.59 | $ 9,186.41 |
| 12E30AD04302 | 9332 SE STANLEY AVE | $ 10,752.40 | $ 2,297.68 | $ 3,829.80 | $ 5,657.28 | $ 7,956.15 |
| 12E30AD04400 | 5731 SE LAUREL ST | $ 11,710.98 | $ 2,810.08 | $ 4,478.80 | $ 6,469.20 | $ 8,973.01 |
| 12E30AD04500 | 5815 SE LAUREL ST | $ 12,321.38 | $ 3,136.37 | $ 4,892.06 | $ 6,986.21 | $ 9,620.52 |
| 12E30AD04600 | 5921 SE LAUREL ST | $ 14,736.34 | $ 4,427.29 | $ 6,527.09 | $ 9,031.68 | $ 12,182.31 |
| 12E30AD04700 | 5920 SE LAUREL ST | $ 10,651.49 | $ 2,243.74 | $ 3,761.49 | $ 5,571.82 | $ 7,849.11 |
| 12E30AD04800 | 9403 SE HOLLYWOOD AVE | $ 10,314.86 | $ 2,063.79 | $ 3,533.57 | $ 5,286.68 | $ 7,492.00 |
| 12E30AD04900 | 5910 SE LAUREL ST | $ 11,792.32 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30AD05000 | 5812 SE LAUREL ST | $ 10,296.16 | $ 2,053.79 | $ 3,520.91 | $ 5,270.85 | $ 7,472.16 |
| 12E30AD05100 | 5808 SE LAUREL ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30AD05200 | 9404 SE STANLEY AVE | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30AD05300 | 9412 SE STANLEY AVE | $ 12,540.40 | $ 3,253.45 | $ 5,040.35 | $ 7,171.71 | $ 9,852.85 |
| 12E30AD05400 | 5807 SE FIRWOOD ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30AD05500 | 5911 SE FIRWOOD ST | $ 11,418.27 | $ 2,653.62 | $ 4,280.63 | $ 6,221.28 | $ 8,662.50 |
| 12E30AD05600 | 5921 SE FIRWOOD ST | $ 10,759.97 | $ 2,301.72 | $ 3,834.93 | $ 5,663.69 | $ 7,964.17 |
| 12E30AD05601 | 9425 SE HOLLYWOOD AVE | $ 11,328.51 | $ 2,605.63 | $ 4,219.85 | $ 6,145.25 | $ 8,567.28 |
| 12E30AD05700 | 6001 SE FIRWOOD ST | $ 11,044.02 | $ 2,453.56 | $ 4,027.24 | $ 5,904.28 | $ 8,265.49 |
| 12E30AD05800 | 6003 SE FIRWOOD ST | $ 11,092.84 | $ 2,479.66 | $ 4,060.30 | $ 5,945.63 | $ 8,317.28 |
| 12E30AD05900 | 6007 SE FIRWOOD ST | $ 11,792.50 | $ 2,853.66 | $ 4,533.99 | $ 6,538.24 | $ 9,059.48 |
| 12E30AD06000 | 6001 SE LAUREL ST | $ 14,901.52 | $ 4,515.58 | $ 6,638.92 | $ 9,171.59 | $ 12,357.53 |
| 12E30AD06001 | 9400 SE HOLLYWOOD AVE | $ 10,895.75 | $ 2,374.30 | $ 3,926.86 | $ 5,778.70 | $ 8,108.21 |
| 12E30AD06100 | 6004 SE LAUREL ST | $ 13,935.95 | $ 3,999.44 | $ 5,985.20 | $ 8,353.75 | $ 11,333.26 |
| 12E30AD06200 | 6005 SE LAUREL ST | $ 11,388.77 | $ 2,637.85 | $ 4,260.65 | $ 6,196.29 | $ 8,631.21 |
| 12E30AD06300 | NO SITUS | $ 13,373.78 | $ 5,898.93 | $ 7,804.59 | $ 10,077.59 | $ 12,936.91 |
| 12E30AD07300 | 9411 SE WICHITA AVE | $ 18,409.38 | $ 6,390.70 | $ 9,013.89 | $ 12,142.74 | $ 16,078.67 |
| 12E30AD07400 | 9433 SE WICHITA AVE | $ 15,548.96 | $ 4,861.67 | $ 7,077.27 | $ 9,719.97 | $ 13,044.34 |
| 12E30AD07500 | | $ 11,740.08 | $ 2,825.64 | $ 4,498.50 | $ 6,493.85 | $ 9,003.87 |
| 12E30AD07600 | | $ 638.60 | $ 341.36 | $ 432.36 | $ 540.90 | $ 677.43 |
| 12E30AD07700 | 9491 SE WICHITA AVE | $ 1,915.81 | $ 1,024.09 | $ 1,297.08 | $ 1,622.69 | $ 2,032.29 |
| 12E30AD07800 | | $ 1,430.71 | $ 764.78 | $ 968.65 | $ 1,211.81 | $ 1,517.69 |
| 12E30DA02500 | | $ 5,453.38 | $ 2,915.10 | $ 3,692.16 | $ 4,619.02 | $ 5,784.95 |
| 12E30AD07801 | 9510 SE WICHITA AVE | $ 14,491.55 | $ 4,296.43 | $ 6,361.36 | $ 8,824.34 | $ 11,922.64 |
| 12E30AD07900 | 9490 SE WICHITA AVE | $ 15,444.54 | $ 4,805.85 | $ 7,006.57 | $ 9,631.53 | $ 12,933.57 |
| 12E30AD08100 | 9430 SE WICHITA AVE | $ 11,844.78 | $ 2,881.60 | $ 4,569.39 | $ 6,582.53 | $ 9,114.94 |
| 12E30AD08200 | 9420 SE WICHITA AVE | $ 13,216.01 | $ 3,614.60 | $ 5,497.77 | $ 7,743.96 | $ 10,569.55 |
| 12E30DA00800 | 9650 SE WICHITA AVE | $ 14,623.67 | $ 4,367.06 | $ 6,450.81 | $ 8,936.25 | $ 12,062.79 |
| 12E30DA01000 | 9640 SE WICHITA AVE | $ 19,697.41 | $ 7,079.21 | $ 9,885.93 | $ 13,233.71 | $ 17,445.01 |
| 12E30DA01100 | 9526 SE WICHITA AVE | $ 13,506.43 | $ 3,769.84 | $ 5,694.39 | $ 7,989.94 | $ 10,877.62 |
| 12E30DA01200 | 9509 SE WICHITA AVE | $ 17,764.52 | $ 6,045.99 | $ 8,577.29 | $ 11,596.55 | $ 15,394.60 |
| 12E30DA01300 | 9527 SE WICHITA AVE | $ 11,864.99 | $ 2,892.41 | $ 4,583.07 | $ 6,599.65 | $ 9,136.38 |

| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
|---|---|---|---|---|---|---|
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30DA01400 | 9533 SE WICHITA AVE | $ 11,542.36 | $ 2,719.95 | $ 4,364.64 | $ 6,326.38 | $ 8,794.14 |
| 12E30DA01500 | 9631 SE WICHITA AVE | $ 12,617.79 | $ 3,294.82 | $ 5,092.75 | $ 7,237.27 | $ 9,934.96 |
| 12E30DA01600 | 9643 SE WICHITA AVE | $ 11,556.96 | $ 2,727.75 | $ 4,374.53 | $ 6,338.75 | $ 8,809.63 |
| 12E30DA01700 | 6085 SE HAZEL PL | $ 9,860.84 | $ 1,821.09 | $ 3,226.18 | $ 4,902.13 | $ 7,010.37 |
| 12E30DA01800 | 6073 SE HAZEL PL | $ 11,228.65 | $ 2,552.26 | $ 4,152.25 | $ 6,060.67 | $ 8,461.35 |
| 12E30DA01900 | 6030 SE CEDAR ST | $ 12,207.24 | $ 3,075.36 | $ 4,814.79 | $ 6,889.53 | $ 9,499.44 |
| 12E30DA02300 | | $ 628.29 | $ 335.85 | $ 425.38 | $ 532.16 | $ 666.49 |
| 12E30DA01901 | 6051 SE HAZEL PL | $ 12,737.43 | $ 3,358.77 | $ 5,173.75 | $ 7,338.61 | $ 10,061.87 |
| 12E30DA01902 | 6040 SE CEDAR ST | $ 11,789.21 | $ 2,851.90 | $ 4,531.77 | $ 6,535.46 | $ 9,056.00 |
| 12E30DA02000 | 6011 SE HAZEL PL | $ 10,445.32 | $ 2,133.53 | $ 3,621.90 | $ 5,397.19 | $ 7,630.40 |
| 12E30DA02200 | | $ 149.62 | $ 79.98 | $ 101.30 | $ 126.73 | $ 158.72 |
| 12E30DA02100 | 6005 SE HAZEL PL | $ 10,610.32 | $ 2,221.73 | $ 3,733.61 | $ 5,536.94 | $ 7,805.43 |
| 12E30DA02201 | 6020 SE CEDAR ST | $ 12,420.15 | $ 3,189.17 | $ 4,958.94 | $ 7,069.87 | $ 9,725.29 |
| 12E30DA02400 | 5931 SE CEDAR ST | $ 13,493.10 | $ 3,762.71 | $ 5,685.37 | $ 7,978.66 | $ 10,863.48 |
| 12E30DA02600 | 6010 SE FIRWOOD ST | $ 11,792.83 | $ 2,853.84 | $ 4,534.22 | $ 6,538.53 | $ 9,059.84 |
| 12E30DA02700 | 6006 SE FIRWOOD ST | $ 10,270.28 | $ 2,039.96 | $ 3,503.39 | $ 5,248.93 | $ 7,444.71 |
| 12E30DA02701 | 6008 SE FIRWOOD ST | $ 10,296.38 | $ 2,053.91 | $ 3,521.06 | $ 5,271.04 | $ 7,472.40 |
| 12E30DA02800 | 6002 SE FIRWOOD ST | $ 10,335.22 | $ 2,074.67 | $ 3,547.36 | $ 5,303.93 | $ 7,513.60 |
| 12E30DA02900 | 5840 SE FIRWOOD ST | $ 11,223.77 | $ 2,549.65 | $ 4,148.94 | $ 6,056.54 | $ 8,456.18 |
| 12E30DA03000 | 5912 SE FIRWOOD ST | $ 11,238.73 | $ 2,557.65 | $ 4,159.07 | $ 6,069.21 | $ 8,472.05 |
| 12E30DA03100 | 5820 SE FIRWOOD ST | $ 10,296.16 | $ 2,053.79 | $ 3,520.91 | $ 5,270.84 | $ 7,472.16 |
| 12E30DA03200 | 5816 SE FIRWOOD ST | $ 10,296.16 | $ 2,053.79 | $ 3,520.91 | $ 5,270.85 | $ 7,472.16 |
| 12E30DA03300 | 5810 SE FIRWOOD ST | $ 11,792.32 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA03400 | 9504 SE STANLEY AVE | $ 10,794.98 | $ 2,320.44 | $ 3,858.63 | $ 5,693.35 | $ 8,001.31 |
| 12E30DA03500 | 9515 SE STANLEY AVE | $ 10,794.68 | $ 2,320.27 | $ 3,858.43 | $ 5,693.09 | $ 8,000.99 |
| 12E30DA03600 | 9526 SE STANLEY AVE | $ 10,794.98 | $ 2,320.44 | $ 3,858.63 | $ 5,693.35 | $ 8,001.31 |
| 12E30DA03700 | 5807 SE CEDAR ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA03800 | 5821 SE CEDAR ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA03900 | 5921 SE CEDAR ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA04000 | 5925 SE CEDAR ST | $ 10,670.20 | $ 2,253.73 | $ 3,774.15 | $ 5,587.66 | $ 7,868.94 |
| 12E30DA04100 | 5914 SE CEDAR ST | $ 10,670.20 | $ 2,253.74 | $ 3,774.15 | $ 5,587.66 | $ 7,868.95 |
| 12E30DA04200 | 5910 SE CEDAR ST | $ 11,792.32 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA04300 | 5820 SE CEDAR ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.28 |
| 12E30DA04400 | 5806 SE CEDAR ST | $ 11,792.31 | $ 2,853.56 | $ 4,533.86 | $ 6,538.09 | $ 9,059.28 |
| 12E30DA04500 | 9604 SE STANLEY AVE | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA04600 | 9616 SE STANLEY AVE | $ 10,296.16 | $ 2,053.79 | $ 3,520.91 | $ 5,270.85 | $ 7,472.16 |
| 12E30DA04700 | 5803 SE HAZEL PL | $ 10,296.16 | $ 4,253.79 | $ 5,720.91 | $ 7,470.84 | $ 9,672.16 |
| 12E30DA04800 | 5809 SE HAZEL PL | $ 11,792.31 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA04900 | 5811 SE HAZEL PL | $ 11,792.32 | $ 2,853.56 | $ 4,533.87 | $ 6,538.09 | $ 9,059.29 |
| 12E30DA05000 | 5903 SE HAZEL PL | $ 11,044.24 | $ 2,453.68 | $ 4,027.39 | $ 5,904.47 | $ 8,265.73 |
| 12E30DA05100 | 5905 SE HAZEL PL | $ 9,548.08 | $ 1,653.91 | $ 3,014.43 | $ 4,637.22 | $ 6,678.60 |
| 12E30DA05200 | 5909 SE HAZEL PL | $ 10,670.20 | $ 2,253.73 | $ 3,774.15 | $ 5,587.66 | $ 7,868.94 |
| 12E30DA05300 | 5910 SE HAZEL PL | $ 10,535.54 | $ 2,181.76 | $ 3,682.98 | $ 5,473.60 | $ 7,726.10 |
| 12E30DA05400 | 5906 SE HAZEL PL | $ 12,330.93 | $ 3,141.48 | $ 4,898.53 | $ 6,994.30 | $ 9,630.65 |
| 12E30DA05500 | 5904 SE HAZEL PL | $ 10,565.46 | $ 2,197.75 | $ 3,703.24 | $ 5,498.94 | $ 7,757.84 |
| 12E30DA05600 | 5808 SE HAZEL PL | $ 11,074.16 | $ 2,469.67 | $ 4,047.65 | $ 5,929.81 | $ 8,297.47 |
| 12E30DA05700 | 5710 SE HAZEL PL | $ 11,074.16 | $ 2,469.67 | $ 4,047.65 | $ 5,929.81 | $ 8,297.46 |
| 12E30DA05800 | 9770 SE STANLEY AVE | $ 9,929.60 | $ 1,857.85 | $ 3,272.74 | $ 4,960.37 | $ 7,083.32 |

| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
|---|---|---|---|---|---|---|
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30DA07901 | 5845 SE MAPLE ST | $ 10,707.60 | $ 2,273.73 | $ 3,799.47 | $ 5,619.34 | $ 7,908.62 |
| 12E30DA08000 | 5917 SE MAPLE ST | $ 10,565.46 | $ 2,197.75 | $ 3,703.24 | $ 5,498.95 | $ 7,757.84 |
| 12E30DA08100 | 5951 SE MAPLE ST | $ 10,565.47 | $ 2,197.75 | $ 3,703.24 | $ 5,498.95 | $ 7,757.85 |
| 12E30DA08200 | 5975 SE MAPLE ST | $ 10,565.46 | $ 2,197.75 | $ 3,703.24 | $ 5,498.95 | $ 7,757.84 |
| 12E30DA08300 | 5715 SE MAPLE ST | $ 10,535.54 | $ 2,181.76 | $ 3,682.98 | $ 5,473.60 | $ 7,726.10 |
| 12E30DA08600 | 5910 SE MAPLE ST | $ 10,939.50 | $ 2,397.69 | $ 3,956.48 | $ 5,815.76 | $ 8,154.62 |
| 12E30DA08700 | 5950 SE MAPLE ST | $ 11,926.97 | $ 2,925.54 | $ 4,625.04 | $ 6,652.14 | $ 9,202.13 |
| 12E30DA08800 | 5828 SE MAPLE ST | $ 11,268.66 | $ 2,573.64 | $ 4,179.33 | $ 6,094.56 | $ 8,503.80 |
| 12E30DA08900 | NO SITUS | $ 12,398.02 | $ 5,377.34 | $ 7,143.96 | $ 9,251.13 | $ 11,901.82 |
| 12E30DA09000 | 5970 SE MAPLE ST | $ 11,477.96 | $ 2,685.52 | $ 4,321.04 | $ 6,271.83 | $ 8,725.82 |
| 12E30DA09100 | 5960 SE MAPLE ST | $ 14,166.83 | $ 4,122.85 | $ 6,141.51 | $ 8,549.30 | $ 11,578.17 |
| 12E30DA09300 | 9838 SE HOLLYWOOD AVE | $ 15,617.51 | $ 4,898.31 | $ 7,123.68 | $ 9,778.03 | $ 13,117.05 |
| 12E30DA09400 | 9778 SE HOLLYWOOD AVE | $ 13,033.88 | $ 3,517.24 | $ 5,374.46 | $ 7,589.69 | $ 10,376.34 |
| 12E30DA09900 | 6010 SE HAZEL PL | $ 10,954.53 | $ 2,405.72 | $ 3,966.66 | $ 5,828.49 | $ 8,170.57 |
| 12E30DA10000 | 6020 SE HAZEL PL | $ 10,236.35 | $ 2,021.82 | $ 3,480.42 | $ 5,220.19 | $ 7,408.72 |
| 12E30DA10100 | 5954 SE HAZEL PL | $ 11,672.71 | $ 2,789.63 | $ 4,452.89 | $ 6,436.78 | $ 8,932.41 |
| 12E30DA10200 | 5972 SE HAZEL PL | $ 11,845.06 | $ 2,881.76 | $ 4,569.58 | $ 6,582.77 | $ 9,115.24 |
| 12E30DA10300 | 9711 SE WICHITA AVE | $ 12,344.85 | $ 3,148.92 | $ 4,907.96 | $ 7,006.09 | $ 9,645.42 |
| 12E30DA10400 | 9715 SE WICHITA AVE | $ 16,671.60 | $ 5,461.77 | $ 7,837.34 | $ 10,670.84 | $ 14,235.23 |
| 12E30DA10500 | 9721 SE WICHITA AVE | $ 16,675.31 | $ 5,463.76 | $ 7,839.85 | $ 10,673.99 | $ 14,239.17 |
| 12E30DA10600 | 9785 SE WICHITA AVE | $ 12,260.80 | $ 3,103.99 | $ 4,851.05 | $ 6,934.90 | $ 9,556.26 |
| 12E30DA10700 | 5945 SE HILL ST | $ 14,144.95 | $ 4,111.16 | $ 6,126.70 | $ 8,530.78 | $ 11,554.97 |
| 12E30DA10800 | 5940 SE HILL ST | $ 13,004.40 | $ 3,501.48 | $ 5,354.50 | $ 7,564.72 | $ 10,345.06 |
| 12E30DA10900 | 5950 SE HILL ST | $ 11,803.68 | $ 2,859.64 | $ 4,541.56 | $ 6,547.72 | $ 9,071.35 |
| 12E30DA11000 | 5962 SE HILL ST | $ 11,805.56 | $ 2,860.64 | $ 4,542.84 | $ 6,549.31 | $ 9,073.34 |
| 12E30DA11100 | 9929 SE WICHITA AVE | $ 13,780.59 | $ 3,916.39 | $ 5,880.01 | $ 8,222.16 | $ 11,168.45 |
| 12E30DA11200 | 9931 SE WICHITA AVE | $ 12,127.41 | $ 3,032.69 | $ 4,760.74 | $ 6,821.92 | $ 9,414.76 |
| 12E30DA11300 | 9933 SE WICHITA AVE | $ 15,284.24 | $ 4,720.16 | $ 6,898.04 | $ 9,495.75 | $ 12,763.52 |
| 12E30DA11400 | 9941 SE WICHITA AVE | $ 15,354.43 | $ 4,757.68 | $ 6,945.56 | $ 9,555.20 | $ 12,837.97 |
| 12E30DA11500 | 9934 SE WICHITA AVE | $ 13,192.94 | $ 3,602.26 | $ 5,482.15 | $ 7,724.42 | $ 10,545.07 |
| 12E30DA11600 | 9862 SE WICHITA AVE | $ 13,192.92 | $ 3,602.25 | $ 5,482.14 | $ 7,724.41 | $ 10,545.05 |
| 12E30DA11700 | 9910 SE WICHITA AVE | $ 12,917.08 | $ 3,454.80 | $ 5,295.38 | $ 7,490.77 | $ 10,252.44 |
| 12E30DA11800 | 9820 SE WICHITA AVE | $ 13,004.62 | $ 3,501.60 | $ 5,354.65 | $ 7,564.92 | $ 10,345.31 |
| 12E30DA11900 | 9812 SE WICHITA AVE | $ 14,987.96 | $ 4,561.79 | $ 6,697.45 | $ 9,244.80 | $ 12,449.23 |
| 12E30DA12000 | 9780 SE WICHITA AVE | $ 14,623.74 | $ 4,367.09 | $ 6,450.85 | $ 8,936.30 | $ 12,062.86 |
| 12E30DA12100 | 9724 SE WICHITA AVE | $ 14,623.84 | $ 4,367.15 | $ 6,450.93 | $ 8,936.39 | $ 12,062.97 |
| 12E30DA12200 | 9720 SE WICHITA AVE | $ 14,623.73 | $ 4,367.09 | $ 6,450.85 | $ 8,936.30 | $ 12,062.86 |
| 12E30DA12300 | 9710 SE WICHITA AVE | $ 13,951.63 | $ 4,007.82 | $ 5,995.81 | $ 8,367.03 | $ 11,349.89 |
| 12E30DB00200 | NO SITUS | $ 12,770.43 | $ 5,576.41 | $ 7,396.09 | $ 9,566.55 | $ 12,296.87 |
| 12E30DB00300 | 9505 SE STANLEY AVE | $ 12,175.29 | $ 3,058.28 | $ 4,793.16 | $ 6,862.47 | $ 9,465.55 |
| 12E30DB00400 | 9515 SE STANLEY AVE | $ 11,179.38 | $ 2,525.92 | $ 4,118.89 | $ 6,018.94 | $ 8,409.09 |
| 12E30DB00500 | 9601 SE STANLEY AVE | $ 11,187.11 | $ 2,530.05 | $ 4,124.12 | $ 6,025.48 | $ 8,417.29 |
| 12E30DB00800 | 9615 SE STANLEY AVE | $ 10,944.70 | $ 2,400.47 | $ 3,960.00 | $ 5,820.16 | $ 8,160.13 |
| 12E30DB00900 | 9623 SE STANLEY AVE | $ 10,601.49 | $ 2,217.01 | $ 3,727.64 | $ 5,529.47 | $ 7,796.06 |
| 12E30DC03200 | 10117 SE STANLEY AVE | $ 10,890.53 | $ 2,371.52 | $ 3,923.33 | $ 5,774.28 | $ 8,102.68 |
| 12E30DC03300 | 10119 SE STANLEY AVE | $ 11,781.00 | $ 2,847.51 | $ 4,526.21 | $ 6,528.50 | $ 9,047.28 |
| 12E30DD02000 | 10124 SE WICHITA AVE | $ 13,527.79 | $ 3,781.26 | $ 5,708.85 | $ 8,008.04 | $ 10,900.28 |
| 12E30DD02100 | 10284 SE WICHITA AVE | $ 12,023.41 | $ 5,177.09 | $ 6,890.33 | $ 8,933.83 | $ 11,504.44 |

| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
|---|---|---|---|---|---|---|
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30DD02200 | 10284 SE WICHITA AVE | $ 11,261.97 | $ 2,570.07 | $ 4,174.80 | $ 6,088.89 | $ 8,496.70 |
| 12E30DD02300 | 10120 SE WICHITA AVE | $ 11,927.00 | $ 2,925.55 | $ 4,625.05 | $ 6,652.17 | $ 9,202.16 |
| 12E30DD02101 | | $ 2,834.19 | $ 1,515.01 | $ 1,918.86 | $ 2,400.56 | $ 3,006.50 |
| 12E30DD02400 | 10110 SE WICHITA AVE | $ 26,261.59 | $ 10,588.08 | $ 14,330.15 | $ 18,793.56 | $ 24,408.29 |
| 12E30DD02500 | 10040 SE WICHITA AVE | $ 15,048.44 | $ 4,594.12 | $ 6,738.40 | $ 9,296.03 | $ 12,513.39 |
| 12E30DD02600 | 10030 SE WICHITA AVE | $ 15,048.42 | $ 4,594.10 | $ 6,738.38 | $ 9,296.01 | $ 12,513.36 |
| 12E30DD02700 | 10020 SE WICHITA AVE | $ 11,017.61 | $ 2,439.45 | $ 4,009.36 | $ 5,881.92 | $ 8,237.48 |
| 12E30DD02800 | 10010 SE WICHITA AVE | $ 10,111.06 | $ 1,954.85 | $ 3,395.59 | $ 5,114.06 | $ 7,275.81 |
| 12E30DD02900 | 10000 SE WICHITA AVE | $ 10,586.90 | $ 2,209.21 | $ 3,717.76 | $ 5,517.11 | $ 7,780.59 |
| 12E30DD03100 | 9950 SE WICHITA AVE | $ 14,623.54 | $ 4,366.99 | $ 6,450.72 | $ 8,936.14 | $ 12,062.65 |
| 12E30DD03200 | NO SITUS | $ 14,623.83 | $ 6,567.14 | $ 8,650.92 | $ 11,136.38 | $ 14,262.96 |
| 12E30DD03300 | 10011 SE WICHITA AVE | $ 24,054.96 | $ 9,408.54 | $ 12,836.17 | $ 16,924.55 | $ 22,067.50 |
| 12E30DD03400 | 10025 SE WICHITA AVE | $ 12,654.37 | $ 3,314.37 | $ 5,117.52 | $ 7,268.26 | $ 9,973.76 |
| 12E30DD03401 | 10021 SE WICHITA AVE | $ 12,025.49 | $ 2,978.20 | $ 4,691.74 | $ 6,735.59 | $ 9,306.64 |
| 12E30DD03500 | 10031 SE WICHITA AVE | $ 15,571.30 | $ 4,873.61 | $ 7,092.39 | $ 9,738.89 | $ 13,068.03 |
| 12E30DD03600 | 10111 SE WICHITA AVE | $ 15,561.47 | $ 4,868.35 | $ 7,085.73 | $ 9,730.56 | $ 13,057.60 |
| 12E30DD03700 | 10012 SE HOLLYWOOD AVE | $ 12,670.05 | $ 3,322.75 | $ 5,128.13 | $ 7,281.53 | $ 9,990.39 |
| 12E30DD03800 | 10008 SE HOLLYWOOD AVE | $ 12,672.53 | $ 3,324.08 | $ 5,129.81 | $ 7,283.63 | $ 9,993.02 |
| 12E30DD03900 | 10002 SE HOLLYWOOD AVE | $ 12,845.66 | $ 3,416.62 | $ 5,247.02 | $ 7,430.27 | $ 10,176.67 |
| 12E30DD04000 | 9938 SE HOLLYWOOD AVE | $ 12,367.00 | $ 3,160.76 | $ 4,922.95 | $ 7,024.85 | $ 9,668.91 |
| 12E30DD04100 | 9912 SE HOLLYWOOD AVE | $ 11,779.03 | $ 2,846.46 | $ 4,524.88 | $ 6,526.84 | $ 9,045.20 |
| 12E30DD04200 | 9911 SE HOLLYWOOD AVE | $ 11,892.33 | $ 2,907.02 | $ 4,601.58 | $ 6,622.80 | $ 9,165.38 |
| 12E30DD04300 | 9917 SE HOLLYWOOD AVE | $ 13,964.00 | $ 4,014.43 | $ 6,004.18 | $ 8,377.51 | $ 11,363.01 |
| 12E30DD04900 | 9931 SE HOLLYWOOD AVE | $ 15,824.27 | $ 5,008.84 | $ 7,263.67 | $ 9,953.16 | $ 13,336.39 |
| 12E30DD05000 | 5907 SE HECTOR ST | $ 12,091.01 | $ 3,013.23 | $ 4,736.10 | $ 6,791.09 | $ 9,376.15 |
| 12E30DD05100 | 5905 SE HECTOR ST | $ 11,700.16 | $ 2,804.30 | $ 4,471.48 | $ 6,460.03 | $ 8,961.53 |
| 12E30DD05201 | 5901 SE HECTOR ST | $ 12,334.76 | $ 3,143.52 | $ 4,901.13 | $ 6,997.54 | $ 9,634.71 |
| 12E30DD05300 | 5887 SE HECTOR ST | $ 12,315.77 | $ 3,133.37 | $ 4,888.27 | $ 6,981.46 | $ 9,614.57 |
| 12E30DD05500 | 10114 SE STANLEY AVE | $ 13,877.58 | $ 3,968.24 | $ 5,945.68 | $ 8,304.31 | $ 11,271.34 |
| 12E30DD05600 | 5880 SE HECTOR ST | $ 10,914.80 | $ 2,384.49 | $ 3,939.76 | $ 5,794.84 | $ 8,128.42 |
| 12E30DD05700 | 5888 SE HECTOR ST | $ 10,915.60 | $ 2,384.91 | $ 3,940.30 | $ 5,795.51 | $ 8,129.26 |
| 12E30DD05800 | 5900 SE HECTOR ST | $ 11,830.22 | $ 2,873.82 | $ 4,559.53 | $ 6,570.19 | $ 9,099.49 |
| 12E30DD05900 | 10029 SE HOLLYWOOD AVE | $ 10,905.60 | $ 2,379.57 | $ 3,933.53 | $ 5,787.04 | $ 8,118.66 |
| 12E30DD06000 | 10049 SE HOLLYWOOD AVE | $ 10,400.60 | $ 2,109.62 | $ 3,591.62 | $ 5,359.30 | $ 7,582.95 |
| 12E30DD06200 | 10116 SE STANLEY AVE | $ 2,373.80 | $ 1,268.91 | $ 1,607.16 | $ 2,010.61 | $ 2,518.13 |
| 12E30DD06300 | | $ 13,247.11 | $ 3,631.22 | $ 5,518.83 | $ 7,770.30 | $ 10,602.54 |
| 12E30DD06400 | 10118 SE STANLEY AVE | $ 12,744.73 | $ 3,362.68 | $ 5,178.70 | $ 7,344.79 | $ 10,069.61 |
| 12E30DD06500 | | $ 2,109.06 | $ 1,127.39 | $ 1,427.92 | $ 1,786.37 | $ 2,237.29 |
| 12E30DD07900 | 10117 SE HOLLYWOOD AVE | $ 11,180.38 | $ 2,526.45 | $ 4,119.56 | $ 6,019.78 | $ 8,410.14 |
| 12E30DD06700 | | $ 1,440.18 | $ 769.85 | $ 975.06 | $ 1,219.83 | $ 1,527.74 |
| 12E30DD07000 | 10122 SE STANLEY AVE | $ 17,838.47 | $ 6,085.52 | $ 8,627.36 | $ 11,659.19 | $ 15,473.05 |
| 12E30DD07700 | 10125 SE HOLLYWOOD AVE | $ 11,309.07 | $ 2,595.24 | $ 4,206.69 | $ 6,128.78 | $ 8,546.66 |
| 12E30DD07800 | 10121 SE HOLLYWOOD AVE | $ 11,309.06 | $ 4,795.24 | $ 6,406.69 | $ 8,328.78 | $ 10,746.65 |
| 12E30DD06800 | | $ 1,517.78 | $ 811.33 | $ 1,027.60 | $ 1,285.56 | $ 1,610.06 |
| 12E30DD08000 | 10113 SE HOLLYWOOD AVE | $ 11,437.72 | $ 2,664.01 | $ 4,293.80 | $ 6,237.75 | $ 8,683.14 |
| 12E30DD06600 | | $ 1,599.31 | $ 854.91 | $ 1,082.80 | $ 1,354.62 | $ 1,696.55 |
| 12E30DD08100 | 10105 SE HOLLYWOOD AVE | $ 12,944.38 | $ 3,469.39 | $ 5,313.86 | $ 7,513.89 | $ 10,281.39 |

| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
|---|---|---|---|---|---|---|
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30DD08200 | 10026 SE HOLLYWOOD AVE | $ 11,193.56 | $ 2,533.50 | $ 4,128.49 | $ 6,030.94 | $ 8,424.13 |
| 12E30DD08300 | 10046 SE HOLLYWOOD AVE | $ 11,136.95 | $ 2,503.24 | $ 4,090.16 | $ 5,983.00 | $ 8,364.08 |
| 12E30DD08400 | 10114 SE HOLLYWOOD AVE | $ 11,030.00 | $ 2,446.06 | $ 4,017.75 | $ 5,892.41 | $ 8,250.62 |
| 12E30DD08500 | 10200 SE HOLLYWOOD AVE | $ 91.34 | $ 48.83 | $ 61.84 | $ 77.36 | $ 96.89 |
| 12E30DD08600 | | $ 10,621.59 | $ 2,227.75 | $ 3,741.24 | $ 5,546.49 | $ 7,817.38 |
| 12E30DD08700 | 10120 SE HOLLYWOOD AVE | $ 11,574.25 | $ 2,736.99 | $ 4,386.23 | $ 6,353.39 | $ 8,827.96 |
| 12E30DD08800 | 10122 SE HOLLYWOOD AVE | $ 11,074.51 | $ 2,469.86 | $ 4,047.88 | $ 5,930.11 | $ 8,297.84 |
| 12E30DD08900 | 10124 SE HOLLYWOOD AVE | $ 11,058.91 | $ 2,461.52 | $ 4,037.32 | $ 5,916.89 | $ 8,281.29 |
| 12E30DD09100 | 5987 SE KING RD | $ 67,782.94 | $ 32,783.25 | $ 42,441.76 | $ 53,962.15 | $ 68,454.15 |
| | | | | | | |
| **Connections North of Johnson Creek (Lents Line Users)** | | | | | | |
| 12E30AB06900 | 8904 SE 55TH AVE | $ 19,105.24 | $ 6,762.67 | $ 9,485.01 | $ 12,732.14 | $ 16,816.84 |
| 12E30AB01700 | 5607 SE JOHNSON CREEK E | $ 12,383.42 | $ 3,169.54 | $ 4,934.07 | $ 7,038.76 | $ 9,686.33 |
| 12E30AB01600 | 5611 SE JOHNSON CREEK E | $ 10,846.33 | $ 2,347.88 | $ 3,893.40 | $ 5,736.84 | $ 8,055.78 |
| 12E30AB01500 | 5615 SE JOHNSON CREEK E | $ 13,312.57 | $ 3,666.21 | $ 5,563.14 | $ 7,825.75 | $ 10,671.98 |
| 12E30AD00900 | 8910 SE 58TH DR | $ 12,149.44 | $ 3,044.46 | $ 4,775.66 | $ 6,840.57 | $ 9,438.12 |
| 12E30AB00900 | 5606 SE WESTFORK ST | $ 12,139.00 | $ 3,038.88 | $ 4,768.59 | $ 6,831.73 | $ 9,427.05 |
| 12E30AA06201 | 5706 SE WESTFORK ST | $ 12,318.66 | $ 3,134.92 | $ 4,890.23 | $ 6,983.91 | $ 9,617.64 |
| 12E30AA06300 | | $ 11,917.69 | $ 2,920.58 | $ 4,618.75 | $ 6,644.28 | $ 9,192.28 |
| 12E30AD06600 | 6020 SE JOHNSON CREEK B | $ 16,485.94 | $ 5,362.53 | $ 7,711.64 | $ 10,513.59 | $ 14,038.29 |
| 12E30AD06500 | | $ 3,120.30 | $ 1,667.95 | $ 2,112.57 | $ 2,642.90 | $ 3,310.02 |
| 12E30AB07000 | 8908 SE 55TH AVE | $ 15,051.12 | $ 4,595.55 | $ 6,740.21 | $ 9,298.30 | $ 12,516.23 |
| 12E30AB01900 | 5505 SE JOHNSON CREEK E | $ 12,996.86 | $ 3,497.45 | $ 5,349.40 | $ 7,558.34 | $ 10,337.07 |
| 12E30AB01901 | 5524 SE WESTFORK ST | $ 13,206.01 | $ 3,609.25 | $ 5,491.00 | $ 7,735.49 | $ 10,558.93 |
| 12E30AB01902 | NO SITUS | $ 27,730.60 | $ 11,373.34 | $ 15,324.72 | $ 20,037.82 | $ 25,966.62 |
| 12E30DD03000 | 6100 SE TRONA LN | $ 10,955.75 | $ 2,406.37 | $ 3,967.48 | $ 5,829.52 | $ 8,171.86 |
| 12E30AD08300 | 9310 SE WICHITA AVE | $ 11,764.40 | $ 2,838.64 | $ 4,514.97 | $ 6,514.44 | $ 9,029.67 |
| 12E30AB01000 | 5604 SE WESTFORK ST | $ 12,426.73 | $ 3,192.69 | $ 4,963.40 | $ 7,075.44 | $ 9,732.28 |
| 12E30AB01100 | | $ 6,093.31 | $ 3,257.17 | $ 4,125.42 | $ 5,161.04 | $ 6,463.79 |
| 12E30AD01100 | 9100 SE 58TH DR | $ 27,897.01 | $ 11,462.30 | $ 15,437.39 | $ 20,178.77 | $ 26,143.15 |
| 12E30AD06900 | 6028 SE JOHNSON CREEK E | $ 14,550.50 | $ 4,327.94 | $ 6,401.27 | $ 8,874.27 | $ 11,985.17 |
| 12E30AD03000 | NO SITUS | $ 11,265.15 | $ 4,771.76 | $ 6,376.96 | $ 8,291.58 | $ 10,700.07 |
| 12E30AD01000 | 8926 SE 58TH DR | $ 11,493.74 | $ 2,693.96 | $ 4,331.72 | $ 6,285.19 | $ 8,742.55 |
| 12E30AA06800 | 5820 SE WESTFORK ST | $ 15,616.03 | $ 4,897.52 | $ 7,122.68 | $ 9,776.78 | $ 13,115.48 |
| 12E30AD06800 | 6024 SE JOHNSON CREEK B | $ 11,792.57 | $ 2,853.70 | $ 4,534.04 | $ 6,538.31 | $ 9,059.56 |
| 12E30AD06400 | | $ 1,464.91 | $ 783.06 | $ 991.80 | $ 1,240.78 | $ 1,553.97 |
| 12E30AD02900 | 9000 SE STANLEY AVE | $ 10,458.99 | $ 2,140.84 | $ 3,631.16 | $ 5,408.77 | $ 7,644.90 |
| 12E30AB01801 | 5540 SE WESTFORK ST | $ 11,471.11 | $ 2,681.86 | $ 4,316.40 | $ 6,266.03 | $ 8,718.55 |
| 12E30AC00400 | 5700 SE JOHNSON CREEK E | $ 37,584.39 | $ 16,640.67 | $ 21,996.14 | $ 28,383.98 | $ 36,419.52 |
| 12E30AC02600 | 9100 SE 55TH AVE | $ 11,493.00 | $ 2,693.56 | $ 4,331.22 | $ 6,284.57 | $ 8,741.77 |
| 12E30AB01300 | 5721 SE JOHNSON CREEK B | $ 10,752.08 | $ 2,297.51 | $ 3,829.59 | $ 5,657.01 | $ 7,955.81 |
| 12E30AB01200 | | $ 2,981.93 | $ 1,593.98 | $ 2,018.89 | $ 2,525.69 | $ 3,163.23 |
| 12E30AB01301 | 5721 SE JOHNSON CREEK E | $ 13,662.74 | $ 3,853.39 | $ 5,800.22 | $ 8,122.34 | $ 11,043.43 |
| 12E30AD03200 | 5805 SE MORRIS ST | $ 10,579.82 | $ 2,205.43 | $ 3,712.96 | $ 5,511.11 | $ 7,773.08 |
| 12E30AA06200 | 5702 SE WESTFORK ST | $ 12,289.64 | $ 3,119.40 | $ 4,870.57 | $ 6,959.32 | $ 9,586.85 |
| 12E30AD03100 | 5801 SE MORRIS ST | $ 12,324.75 | $ 3,138.18 | $ 4,894.35 | $ 6,989.07 | $ 9,624.10 |

| Reimbursement Fee | | | Cost Net of Annual Fee Adjustment & Discounts | | | |
|---|---|---|---|---|---|---|
| *Taxlot ID* | *Site Address* | *Reimbursement Fee* | *Year 1* | *As of March 15, 2013* | *As of March 15, 2016* | *As of March 15, 2021* |
| 12E30AA07990 | 5803 SE JOHNSON CREEK B | $ 13,828.49 | $ 3,941.99 | $ 5,912.44 | $ 8,262.73 | $ 11,219.26 |
| 12E30AA07900 | | $ 1,654.29 | $ 884.30 | $ 1,120.02 | $ 1,401.18 | $ 1,754.87 |
| 12E30AC02700 | 9101 SE 55TH AVE | $ 12,324.14 | $ 3,137.85 | $ 4,893.94 | $ 6,988.55 | $ 9,623.45 |
| 12E30AA06900 | 5812 SE WESTFORK ST | $ 1,598.73 | $ 854.60 | $ 1,082.41 | $ 1,354.13 | $ 1,695.94 |
| 12E30AA06990 | | $ 14,819.04 | $ 4,471.49 | $ 6,583.09 | $ 9,101.73 | $ 12,270.04 |
| 12E30AD03800 | 5820 SE MORRIS ST | $ 15,421.91 | $ 4,793.75 | $ 6,991.25 | $ 9,612.35 | $ 12,909.56 |
| 12E30AA04400 | 8829 SE 58TH DR | $ 16,286.60 | $ 5,255.98 | $ 7,576.68 | $ 10,344.75 | $ 13,826.83 |
| 12E30AD03700 | 5830 SE MORRIS ST | $ 12,144.61 | $ 3,041.88 | $ 4,772.39 | $ 6,836.48 | $ 9,433.00 |
| 12E30AB06300 | 8903 SE 55TH AVE | $ 16,275.35 | $ 5,249.96 | $ 7,569.06 | $ 10,335.22 | $ 13,814.89 |
| 12E30AA06400 | 5800 SE WESTFORK ST | $ 11,793.37 | $ 2,854.12 | $ 4,534.58 | $ 6,538.98 | $ 9,060.41 |
| 12E30AA06701 | 5738 SE WESTFORK ST | $ 10,807.69 | $ 2,327.23 | $ 3,867.24 | $ 5,704.11 | $ 8,014.80 |
| 12E30AB01400 | 5619 SE JOHNSON CREEK E | $ 11,764.36 | $ 2,838.62 | $ 4,514.94 | $ 6,514.41 | $ 9,029.63 |
| 12E30DD02701 | 6108 SE TRONA LN | $ 13,000.93 | $ 3,499.62 | $ 5,352.15 | $ 7,561.79 | $ 10,341.39 |
| 12E30AC00100 | 9101 SE STANLEY AVE | $ 13,795.05 | $ 3,924.12 | $ 5,889.80 | $ 8,234.40 | $ 11,183.79 |
| 12E30AD04200 | 9320 SE STANLEY AVE | $ 12,537.20 | $ 3,251.74 | $ 5,038.18 | $ 7,169.01 | $ 9,849.46 |
| 12E30AA06702 | 5770 SE WESTFORK ST | $ 11,341.45 | $ 2,612.55 | $ 4,228.62 | $ 6,156.21 | $ 8,581.01 |
| 12E30AB06500 | 8909 SE 55TH AVE | $ 11,768.42 | $ 2,840.79 | $ 4,517.69 | $ 6,517.85 | $ 9,033.94 |
| 12E30AB06600 | 8915 SE 55TH AVE | $ 13,383.10 | $ 3,703.91 | $ 5,610.90 | $ 7,885.49 | $ 10,746.80 |
| 12E30AD07000 | 6040 SE JOHNSON CREEK E | $ 15,215.29 | $ 4,683.31 | $ 6,851.36 | $ 9,437.35 | $ 12,690.38 |
| 12E30AB00800 | 5608 SE WESTFORK ST | $ 15,781.40 | $ 4,985.92 | $ 7,234.64 | $ 9,916.84 | $ 13,290.90 |
| 12E30AD02400 | 5907 SE MORRIS ST | $ 14,859.47 | $ 4,493.10 | $ 6,610.46 | $ 9,135.97 | $ 12,312.93 |
| 12E30AD07200 | 9315 SE WICHITA AVE | $ 10,524.25 | $ 2,175.72 | $ 3,675.34 | $ 5,464.04 | $ 7,714.13 |
| 12E30AC02500 | 9104 SE 55TH AVE | $ 14,965.03 | $ 4,549.53 | $ 6,681.92 | $ 9,225.38 | $ 12,424.90 |
| 12E30AD03300 | 5815 SE MORRIS ST | $ 10,280.57 | $ 2,045.46 | $ 3,510.36 | $ 5,257.65 | $ 7,455.63 |
| 12E30AD03400 | 5815 SE MORRIS ST | $ 9,852.66 | $ 4,016.72 | $ 5,420.64 | $ 7,095.20 | $ 9,201.70 |
| 12E30AD02700 | NO SITUS | $ 10,092.00 | $ 4,144.66 | $ 5,582.69 | $ 7,297.92 | $ 9,455.59 |
| 12E30AD02800 | NO SITUS | $ 10,669.93 | $ 4,453.59 | $ 5,973.97 | $ 7,787.43 | $ 10,068.66 |
| 12E30AD03401 | NO SITUS | $ 10,280.57 | $ 2,045.46 | $ 3,510.36 | $ 5,257.64 | $ 7,455.63 |
| 12E30AC00200 | 9201 SE STANLEY AVE | $ 10,296.34 | $ 2,053.89 | $ 3,521.03 | $ 5,271.00 | $ 7,472.35 |
| 12E30AD04100 | 5800 SE MORRIS ST | $ 11,689.99 | $ 2,798.86 | $ 4,464.59 | $ 6,451.42 | $ 8,950.74 |
| 12E30AD01900 | 8931 SE 58TH DR | $ 15,258.40 | $ 4,706.35 | $ 6,880.55 | $ 9,473.86 | $ 12,736.11 |
| 12E30AD03600 | 5840 SE MORRIS ST | $ 12,091.33 | $ 5,213.40 | $ 6,936.31 | $ 8,991.35 | $ 11,576.48 |
| 12E30AC00300 | 9301 SE STANLEY AVE | $ 34,312.07 | $ 14,891.46 | $ 19,780.65 | $ 25,612.33 | $ 32,948.25 |
| 12E30AD03500 | 6002 SE MORRIS ST | $ 18,409.09 | $ 6,390.55 | $ 9,013.69 | $ 12,142.50 | $ 16,078.36 |
| 12E30AD04000 | 5810 SE MORRIS ST | $ 13,164.00 | $ 3,586.79 | $ 5,462.56 | $ 7,699.91 | $ 10,514.37 |
| 12E30AA06500 | 5802 SE WESTFORK ST | $ 15,470.95 | $ 4,819.97 | $ 7,024.45 | $ 9,653.89 | $ 12,961.58 |
| 12E30AD01700 | 9203 SE 58TH DR | $ 13,590.70 | $ 3,814.89 | $ 5,751.45 | $ 8,061.32 | $ 10,967.02 |
| 12E30AA04500 | 8821 SE 58TH DR | $ 13,148.77 | $ 3,578.65 | $ 5,452.25 | $ 7,687.01 | $ 10,498.22 |
| 12E30AA06600 | 5730 SE WESTFORK ST | $ 13,363.43 | $ 3,693.40 | $ 5,597.58 | $ 7,868.83 | $ 10,725.93 |
| 12E30AC00600 | 9311 SE STANLEY AVE | $ 50,899.44 | $ 13,408.20 | $ 20,660.95 | $ 29,311.82 | $ 40,194.12 |
| 12E30AC00500 | | $ 9,983.67 | $ 5,336.76 | $ 6,759.35 | $ 8,456.17 | $ 10,590.68 |
| 12E30AD02500 | 5825 SE MORRIS ST | $ 11,093.89 | $ 2,480.22 | $ 4,061.01 | $ 5,946.53 | $ 8,318.40 |
| 12E30AB06800 | 9051 SE 55TH AVE. | $ 15,514.64 | $ 4,843.32 | $ 7,054.03 | $ 9,690.90 | $ 13,007.93 |
| 12E30AB06700 | | $ 2,831.83 | $ 1,513.75 | $ 1,917.26 | $ 2,398.56 | $ 3,004.01 |
| 12E30AD07100 | 9301 SE WICHITA AVE | $ 11,839.49 | $ 2,878.78 | $ 4,565.81 | $ 6,578.05 | $ 9,109.33 |

ATTACHMENT 2

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CLARIFYING DEADLINES AND APPLICABILITY OF DISCOUNTS AND INCENTIVES FOR THE NORTH EAST SEWER EXTENSION PROJECT.**

**WHEREAS,** the City has constructed a sanitary sewer collection system extension serving the area immediately east of the City known as Dual Interest Area "A"; and

**WHEREAS,** the City has established a Reimbursement District to collect costs for the project as provided for under Milwaukie Municipal Code Chapter 13.30, pre Resolution 78-2010; and

**WHEREAS,** the City Council believes it to be in the best interest of the City, the environmental health of the area, and the area residents to encourage early and timely connections to the new system; and

**WHEREAS,** the City has excellent financing terms from the Environmental Protection Agency, through the Oregon Clean Water State Revolving Fund; and

**WHEREAS,** the City has previously established sewer connection incentives under Resolution 37-2010 and Resolution 40-2010; and

**WHEREAS,** completion of the project occurred later than anticipated in the timeline given under those resolutions; and

**WHEREAS,** aligning all cost changes on one uniform date will make the discounts easier to administer and understand; and

**WHEREAS**, the City is also obligated to offer financing of System Development Charges;

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

**Section 1:** Sets the deadline for receiving "zero percent" financing for Reimbursement Fees available under Resolution 37-2010 to those properties that connect to the system by March 15, 2013.

**Section 2:** Extends the same "zero percent" financing terms available under Resolution 37-2010, for the same period of time, to applicable sanitary sewer System Development Charges for new sewer connections in the area.

**Section 3:** The initial reduction in discounts made available under Resolution 40-2010 shall be amended to follow the same schedule: the "general" and "limited" discounts shall be available in full to those that connect prior to March 15, 2013; those discounts shall be reduced to 75% of their original value as of March 15, 2013. Those discounts

shall be reduced to 50% of their original value as of March 15, 2016 and reduced to 25% of their original value on March 15, 2021.

Introduced and adopted by the City Council on March 15, 2011.
This resolution is effective on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

# 6.
# OTHER BUSINESS

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN CHAPTER 1 AND 2, AND THE MILWAUKIE MUNICIPAL CODE TITLE 2 ADMINISTRATION AND PERSONNEL; TITLE 3 REVENUE AND FINANCE; TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES; TITLE 13 PUBLIC SERVICES; TITLE 14 SIGN ORDINANCE; TITLE 17 LAND DIVISION ORDINANCE; TITLE 18 FLOOD HAZARD REGULATIONS; AND TITLE 19 ZONING ORDINANCE, TO REVISE AND IMPROVE THE PROCESS FOR REVIEW AND APPROVAL OF LAND USE APPLICATIONS AND DEVELOPMENT PERMITS. LAND USE FILE ZA-10-02 AND CPA-10-03.**

**WHEREAS,** the City of Milwaukie desires to maintain a clear, efficient, and modern process for the review of land use applications and development permits; and

**WHEREAS,** the City conducted a Smart Growth Code Assessment in 2009, which identified areas in the Milwaukie Municipal Code that prevent fair and timely review of development proposals, do not allow for meaningful public involvement, and do not facilitate quality development; and

**WHEREAS,** the City Council approved Resolution #27-2010 to execute an intergovernmental agreement with the State of Oregon's Transportation Growth Management Program providing resources to the City to address problems identified by the Smart Growth Code Assessment; and

**WHEREAS,** the City has prepared amendments to the Comprehensive Plan and Municipal Code that address problems identified by the Smart Growth Code Assessment; and

**WHEREAS,** all property owners were notified of the amendments and opportunity for public input has been provided at multiple Planning Commission and City Council meetings and through the City website; and

**WHEREAS,** the Planning Commission and City Council have held duly advertised public hearings on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes; and

**WHEREAS,** the City Council finds that the amendments will result in an improved land use application and development permit review process and in regulations that will provide fair and timely review of development proposals, allow for meaningful public involvement, and facilitate quality development; and

**WHEREAS,** the City Council finds that the amendments are extensive in scope and require 60 days from the date of adoption to put into effect.

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

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

Section 2. Reorganization. Chapters and sections within Title 19 Zoning Ordinance are renumbered as described in Exhibit B.

Section 3. Amendments. The Comprehensive Plan Chapter 1 and Chapter 2, and Milwaukie Municipal Code Title 2 Administration and Personnel; Title 3 Revenue and Finance; Title 12 Streets, Sidewalks, and Public Places; Title 13 Public Services; Title 14 Sign Ordinance; Title 17 Land Division Ordinance; Title 18 Flood Hazard Regulations; and Title 19 Zoning Ordinance are amended as decribed in Exhibit B (renumbering table for Title 19), Exhibit C (underline/striekout version), and Exhibit D (clean version).

Section 4. Effective Date. The amendments shall become effective 60 days from the date of adoption.

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

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

Signed by the Mayor on _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

Document6 (Last revised 09/18/07)

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager**
**Kenneth Asher, Community Development and Public Works Director**
**Katie Mangle, Planning Director**

**From:** **Li Alligood, Assistant Planner**

**Subject:** **File #A-11-01 – Expedited Annexation of 5715 SE Maple Street and 5951 SE Maple Street**

**Date:** **March 8, 2011, for March 15, 2011, Regular Session**

## Action Requested

Approve application A-11-01, 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 the properties at 5715 SE Maple Street and 5951 SE Maple Street (Tax Map 1S2E30DA Tax Lots 08300 and 08100) ("Annexation Properties") into the City.
- Application of a Low Density (LD) land use designation and a Residential (R-10) zoning designation to the Annexation Properties.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and land use and zoning designations.
- Withdrawal of the Annexation Properties from the following urban service providers and districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District No. 5 for Street Lights

## History of Prior Actions and Discussions

**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).

**September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

**August 2009:** Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.

**July 1990**: Clackamas County Order No 90-726 established an Urban Growth Management Agreement (UGMA) 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 property owner proposes an expedited annexation to the City in order to connect to the City's sewer system. The septic systems on both Annexation Properties are beginning to fail. As a result, sewer connections are desired at the earliest possible date. Since the City's next batch of assisted annexations is not scheduled to go to City Council before June 2011, the property owner is proceeding with the expedited annexation process, which will allow him to connect to sewer more quickly.

### Site and Vicinity

The Annexation Properties are contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Properties are also within the City's urban growth management area (UGMA) and the NESE project area.

The Annexation Properties are each currently developed with single-family dwellings, which are outright allowed uses in the City's R-10 Zone. The surrounding area consists of single-family residences.

### Annexation Petition

This is a regular expedited annexation petition (see Attachment 3), and is similar to other expedited annexations approved by City Council in the past two years. Any property that is within the UGMA and contiguous to the city limit 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.

The property owner has signed the petition for annexation. There are no registered voters residing at either of the Annexation Properties. The expedited annexation process automatically assigns City land use and zoning designations to the Annexation Properties based on the existing Clackamas County zoning designations. The existing County land use and zoning designation for the site are Low Density Residential (LDR) and Residential R10, respectively, and the City land use and zoning designations would be Low Density Residential (LD) and Residential Zone R-10.

Pursuant to City, Metro, 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. 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 Milwaukie Municipal Code (MMC) Subsection 19.1502.3. Compliance with the following criteria is detailed in Attachment 1 Exhibit A.

### Utilities, Service Providers, and Service Districts

The City is authorized by ORS Section 222.120 (5) to withdraw the Annexation Properties from non-City service providers and districts upon annexation of the properties to the City. This allows for a 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 Properties are within the City's sewer service area pursuant to the 1990 City-County Urban Growth Management Agreement and are served by the City's new sewer system.

Water: The Annexation Properties are currently served by Clackamas River Water (CRW) through CRW water lines in Maple Street and Hollywood Avenue. Pursuant to the City's IGA with CRW, the Annexation Properties should not be withdrawn from this district at this time.

Storm: The Annexation Properties are 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 Properties are currently served by Clackamas County 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 Properties are currently served by the Clackamas County Sheriff's Department and are 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

Annexation Properties. In order to avoid duplication of services, the Annexation Properties should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District"). There is a street light on Hollywood Avenue near the northeast corner of Tax Lot 8100 that is operated by the District; there are no street lights on Maple Street. The City recently took jurisdiction of the streets in the NESE Project Area, but not the lights, since none of the properties were in the city at the time (street lights are paid for by property owners). This, however, is expected to change as this and other annexations occur in this area. In anticipation of these changes, City and District staff are working on an IGA that would: (1) transfer the street lights in this area to the City; and (2) transfer the street light payments that will continue to be collected in this area by the District to the City.

It has been the City's practice to remove properties from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services. Staff believes that it is timely and appropriate to remove the Annexation Properties from the District at this time. Even though the street lights in this area are currently operated by the District, the District supports the City's removal of the Annexation Properties from the District with the understanding that a future IGA will resolve the transference of the street lights and payments in this area to the City.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the Annexation Properties upon annexation. The Annexation Properties 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, etc.

## Concurrence

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Properties were notified of these annexation proceedings as required by City, Metro, 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 any objection to the proposed annexation by any necessary party.

The Finance, Engineering, and Operations Directors agree with the approach currently under discussion with Clackamas County Service District No. 5 for Street Lights regarding the transference of the street lights in this area to the City.

## Fiscal Impact

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. The combined total assessed value of the Annexation Properties is currently $326,162.[1]

## 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 19.1500 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 Petition

[1] The assessed value of 5715 SE Maple St is $175,051; the assessed value of 5951 SE Maple St is $151,111.

**ATTACHMENT 1**

**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING TWO TRACTS OF LAND IDENTIFIED AS 5715 SE MAPLE STREET AND 5951 SE MAPLE STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. **(FILE #A-11-01).**

**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 a majority of electors and all owners of land in the territory proposed for annexation; and

**WHEREAS,** the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and 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 19.1504.1.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 Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

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-10.

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 _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
City Attorney

Document1 (Last revised 09/18/07)

**ATTACHMENT 1**
**Exhibit A**

## FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 5715 SE Maple Street and 5951 SE Maple Street ("Annexation Properties"), the Milwaukie City Council finds:

1. The Annexation Properties consist of two tax lots comprising 0.27 acres (Tax Map 1S2E30DA Tax Lots 08100 and 08300). They are contiguous to the existing city limits via the eastern border of 5715 SE Maple Street, Hollywood Avenue, and Maple Street. The Annexation Properties are also within the City's urban growth management area (UGMA).

   Both properties are developed with a single-family dwelling unit. The surrounding area consists primarily of single family-dwellings.

2. The property owner seeks annexation to the City to access City services, namely sewer service, to eliminate the use of failing septic systems on the properties.

3. The annexation petition was initiated by Consent of All Owners of Land on January 20, 2011. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1502.2.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 Section 19.1504.

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 Section 19.1504.

6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Properties based on their existing zoning designation in the County, which is Residential R10. Pursuant to MMC Table 19.1504.1.E, the automatic City zoning and Comprehensive Plan land use designations for the Annexation Properties are Residential Zone R-10 and Low Density Residential, respectively.

7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1502.3. 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 Properties are within the City's UGMA.*

   B. The subject site must be contiguous to the existing city limits;

*The Annexation Properties are contiguous to the existing city limits along the eastern border of 5715 SE Maple Street, Hollywood Avenue, and the Maple Street right of way.*

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

*Both of the Annexation Properties are owned by John Saban, Trustee of the John S. Saban and Marion L. Saban Revocable Living Trust, who has initiated the annexation petition. There are no registered voters in residence at either 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 residing at the Annexation Properties.*

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. The proposed annexation is in anticipation of the requirement for properties to annex to the City in order to connect to the City's new sewer line. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

E. The proposal must comply with the criteria of Metro code Sections 3.09.050 (d) and, if applicable, (e).

*The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as described below.*

8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045 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. The City, however, 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 is in the*

*process of extending City sewer service to this area. The proposed annexation is in anticipation of the requirement for properties to annex to the City in order to connect to the City's 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:*

   *<u>Sewer:</u> The City is the identified sewer service provider in the area of the proposed annexation and is in the process of constructing a public sewer system that can adequately serve the Annexation Properties.*

   *<u>Storm Drainage:</u> The City will require on-site management of storm water runoff at the time of development.*

   *<u>Transportation:</u> The City will require public street improvements along the frontage of each Annexation Property at the time of development.*

   *<u>Water:</u> 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 is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible service provision changes with CRW. In the meantime, CRW will continue to provide water*

*service to the Annexation Properties.*

5) Any applicable comprehensive plan.

   *The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described in the previous pages. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, 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 Maple Street and Hollywood Avenue, which are adjacent to the Annexation Properties.*

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 Properties.*

   *The area currently contains a public sewer system. The proposed annexation is in anticipation of the requirement for properties to annex to the City in order to connect to the City's new sewer system.*

   *The area is currently served by CRW, and the City does not propose to duplicate CRW's water system in order to serve the Annexation Properties.*

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

   *Annexation of the Annexation Properties, two tax lots developed with single family dwellings, 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 Properties will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the Annexation Properties will be withdrawn*

*from the Clackamas County Service District for Enhanced Law Enforcement.*

*CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between the City and CRW is renegotiated, the City does not intend to duplicate CRW's existing water supply system or withdraw private properties being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.*

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 Properties are within the City's sewer service area and will be served by the City's new sewer lines in the northeast sewer extension area.

   Water: The Annexation Properties are currently served by CRW through a CRW water line. Pursuant to the City's IGA with CRW, the Annexation Properties should not be withdrawn from this district at this time.

   Storm: The Annexation Properties are not currently developed or connected to a public storm water system. Treatment and management of on-site storm water will be required at the time of development.

   Fire: The Annexation Properties are currently served by Clackamas County 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 Properties are currently served by the Clackamas County Sheriff's Department and are 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 sites. In order to avoid duplication of services, the Annexation Properties should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

   Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District"). There is a street light on Hollywood Avenue near the northeast corner of Tax Lot 8100 that is operated by the District; there are no street lights on Maple Street. The Annexation Property should be withdrawn from the District upon annexation to the City, as the City provides street lighting for properties within the city as part of its package of city

services. The District supports the City's removal of the Annexation Property from the District with the understanding that a future IGA will resolve the transference of street lights and street light payments in this area to the City.

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

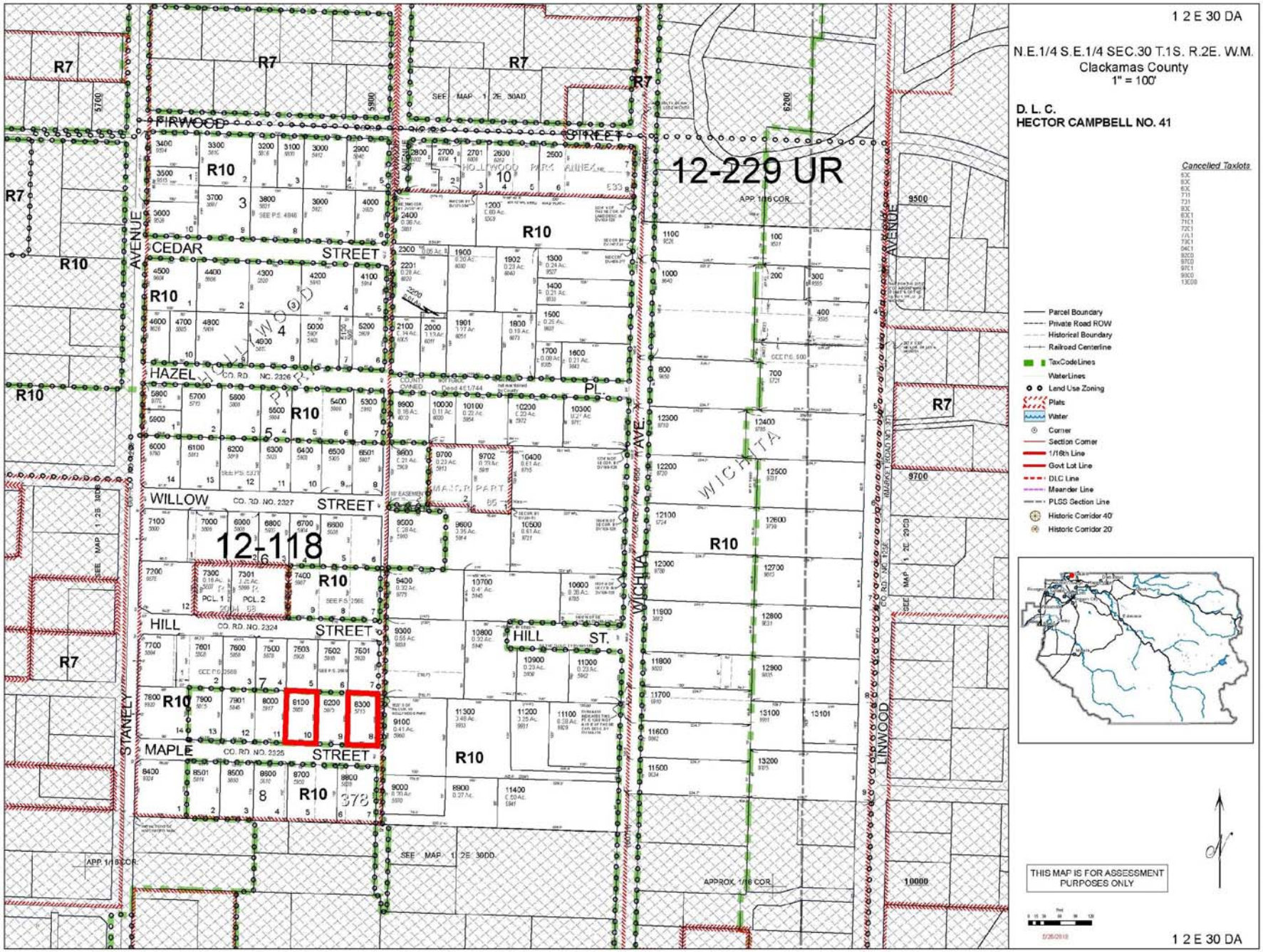
**ATTACHMENT 1**
**Exhibit B**

LEGAL DESCRIPTION AND TAX MAP

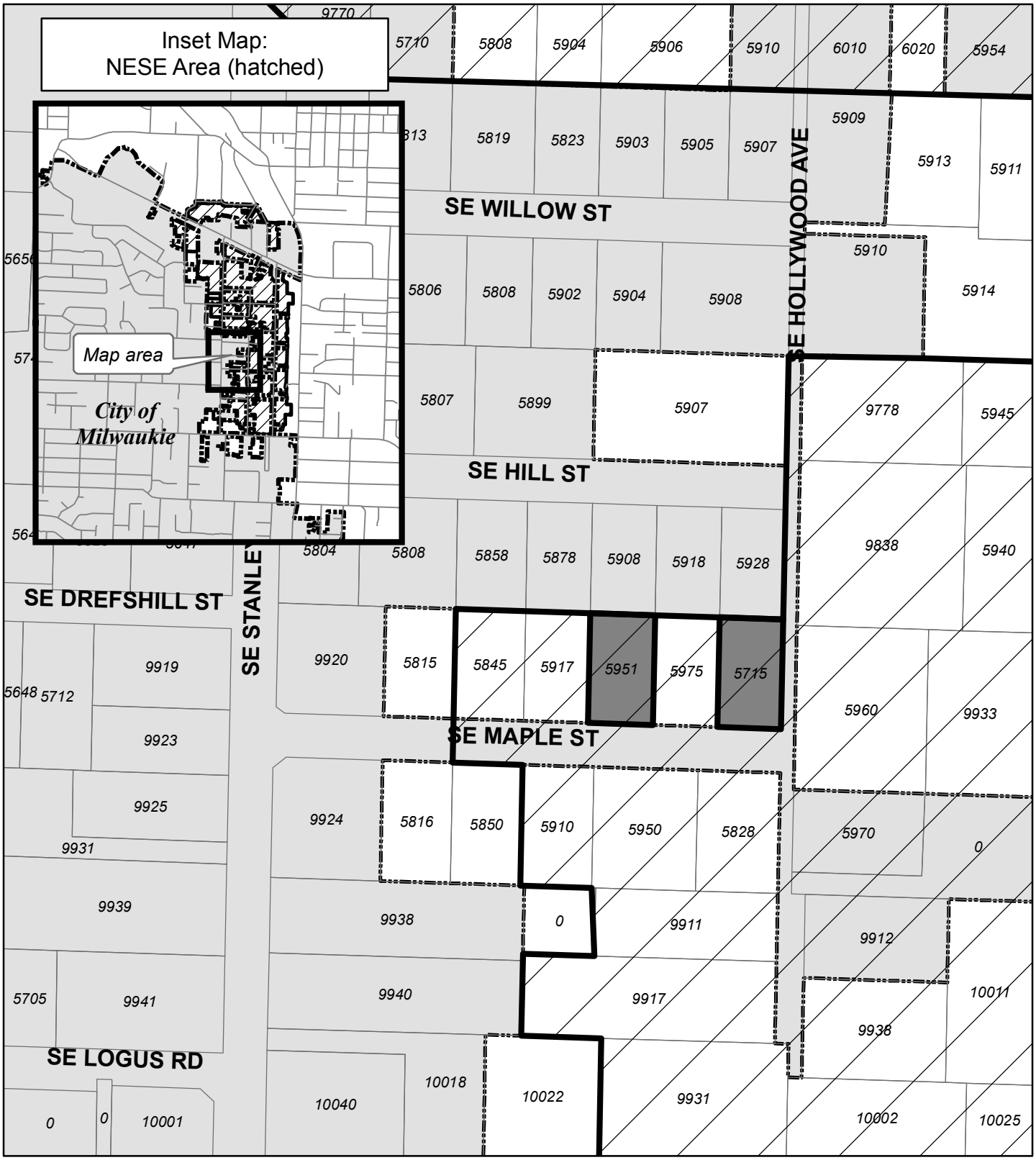
Milwaukie Annexation File No. A-11-01

| | |
|---|---|
| Property Address: | 5715 SE Maple Street, Milwaukie, OR 97222 |
| Tax Lot Description: | 12E30DA08300 |
| Legal Description: | Lot 8, Block 7, HOLLYWOOD PARK (Clackamas County Plat #378) |
| County: | Clackamas |

| | |
|---|---|
| Property Address: | 5951 SE Maple Street, Milwaukie, OR 97222 |
| Tax Lot Description: | 12E30DA08100 |
| Legal Description: | Lot 10, Block 7, HOLLYWOOD PARK (Clackamas County Plat #378) |
| County: | Clackamas |


1 2 E 30 DA
N.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
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
WaterLines
Land Use Zoning
Plats
Water
Corner
Section Corner
1/16th Line
Govt Lot Line
D.L.C. Line
Meander Line
PLSS Section Line
Historic Corridor 40'
Historic Corridor 20'
THIS MAP IS FOR ASSESSMENT PURPOSES ONLY
12-229 UR
12-118
FIRWOOD
CEDAR
STREET
HAZEL
WILLOW
HILL
MAPLE
STANLEY
AVENUE
WICHITA
LINWOOD
R7
R10
SEE MAP 1 2E 30AD
SEE MAP 1 2E 30DD
APPROX. 1/16 COR.
1 2 E 30 DA

ATTACHMENT 2




**Site Map**
**5715 SE Maple St & 5951 SE Maple St**
**(1S 2E 30DA 8300 & 8100)**
**File# A-11-01**

North

0 60 120 240 360 480 Feet

**Legend**

- NE Sewer Extension Project Boundary
- A-11-01 Sites
- Tax Lots
- City Limit

PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@ci.milwaukie.or.us
WEB: www.cityofmilwaukie.org

# Expedited Annexation Application

**RESPONSIBLE PARTIES:** (Please print or type, add additional sheets if needed)

| | | | |
|---|---|---|---|
| **APPLICANT(S):** SABAN JOHN | E-mail: | | |
| Mailing address: 20020 SE CHITWOOD RD DAMA | Zip: 97089 | Phone: 503 658 3615 | |
| **PROPERTY OWNER(S):** SABAN REVOCABLE LIVING TRUST | E-mail: | | |
| Mailing address: 20020 SE CHITWOOD RD DAMAS | Zip: 97089 | Phone: 503 658 3615 | |
| **PROPERTY OWNER(S):** SAME | E-mail: | | |
| Mailing address: | Zip: | Phone: | |
| **PROPERTY OWNER(S):** | E-mail: | | |
| Mailing address: | Zip: | Phone: | |

**SITE INFORMATION:**

| | | |
|---|---|---|
| Address(es): 5715 AND 5951 SE MAPLE | Map & Tax Lot(s): 12E30DA08100 12E30DA08300 | Property size: .28 ACRES |
| Existing County zoning: R-10 | Proposed City zoning: R-10 | |
| Existing County land use designation: URBAN | Proposed City land use designation: LOW DENSITY RES | |

**PROPOSAL (describe briefly):**

ANNEX

ATTEST: I am the property owner or 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: ~~[illegible]~~ X John Saban Date: 1/14/2011

**THIS SECTION FOR OFFICE USE ONLY:**

File# = A-11-01

Fee: $150
- 50 (pre-app)
- 15 (Senior discount)
$85

RECEIVED
JAN 20 2011
CITY OF MILWAUKIE
PLANNING DEPARTMENT

RCVD by: LIA

# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

### 19.1504.1 Expedited Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

5. Approval criteria for annexations are found in subsection 19.1502.3.

**19.1502.3 Annexation Approval Criteria.** The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

A. The subject site must be located within the city urban growth boundary;

B. The subject site must be contiguous to the existing city limits;

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

D. The proposal must be consistent with Milwaukie comprehensive plan policies;

E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

## METRO CODE SECTIONS

### 3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

## MILWAUKIE COMPREHENSIVE PLAN

### Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

The application meets all applicable criteria.

X John Saban

**THIRD AMENDMENT**

**TO**

**THE JOHN S. SABAN AND MARION L. SABAN REVOCABLE LIVING TRUST**

**AGREEMENT**

This Amendment is made this 14th day of March, 2004, between John S. Saban, as Surviving Trustor and John S. Saban, Trustee.

WHEREAS, John S. Saban and Marion L. Saban heretofore entered into that certain trust agreement named The John S. Saban and Marion L. Saban Revocable Living Trust Agreement, dated January 12, 1996 (the "Agreement");

WHEREAS, John S. Saban, as the Surviving Trustor, desires to exercise his retained authority under Section 1.7 to amend the Agreement with respect to those portions of the Agreement over which the Surviving Trustor has power to amend;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. Section 9.1 is hereby amended in its entirety to provide as follows:

**Section 9.1 Trustees**

First: **JOHN S. SABAN.**

Second: Upon the death, incapacity or resignation of **JOHN S. SABAN**, then **KEY TRUST COMPANY NATIONAL ASSOCIATION** and **FRED C. RATHBONE**, as Co-Trustees, shall be the First Successor Trustee; provided, however, that **KEY TRUST COMPANY NATIONAL ASSOCIATION** shall have exclusive authority and discretion over all distributions to beneficiaries to be made in the Trustee's discretion under this instrument, and **KEY TRUST COMPANY NATIONAL ASSOCIATION** and **FRED C. RATHBONE** shall share authority and discretion with respect to investment decisions and other trust administration matters. Upon the death, incapacity or resignation of **FRED C. RATHBONE**, then **PHILLIP J. WILBER** shall serve jointly with **KEY TRUST COMPANY NATIONAL ASSOCIATION**, as Successor Trustee, in which event **KEY TRUST COMPANY**

**NATIONAL ASSOCIATION** shall have exclusive authority and discretion over all distributions to beneficiaries to be made in the Trustee's discretion under this instrument, and **KEY TRUST COMPANY NATIONAL ASSOCIATION** and **PHILLIP J. WILBER** shall share authority and discretion with respect to investment decisions and other trust administration matters. **FRED C. RATHBONE** is hereby granted the authority to designate, in a written instrument that refers to this provision, a successor to **PHILLIP J. WILBER**, who, upon the death, incapacity or resignation of **PHILLIP J. WILBER**, shall serve jointly with **KEY TRUST COMPANY NATIONAL ASSOCIATION**, and in the event such successor is appointed by **FRED C. RATHBONE**, then **KEY TRUST COMPANY NATIONAL ASSOCIATION** shall have exclusive authority and discretion over all distributions to beneficiaries to be made in the Trustee's discretion under this instrument, and **KEY TRUST COMPANY NATIONAL ASSOCIATION** and such successor shall share authority and discretion with respect to investment decisions and other trust administration matters.

SECOND: Should all of the parties named above fail or decline to serve as Successor Trustee, a Successor Trustee shall be chosen by a majority of the beneficiaries, with a parent or legal guardian voting for minor beneficiaries; provided, however, that the issue of any deceased beneficiary shall be collectively have only one vote; and provided further, however, that such successor Trustee shall only be a nationally chartered bank or trust company having trust powers and with minimum assets under trust administration of $1,000,000,000 (adjusted in proportion to any increase in the national consumers prices index occurring after the date hereof).

2. In all other respects, the Surviving Trustor hereby ratifies and confirms the Agreement.

IN WITNESS WHEREOF, the parties have signed this Amendment the date hereinabove first written.

John Saban

John S. Saban, Surviving Trustor/Trustee

John Saban

John S. Saban, Surviving Trustor/Trustee

## SERVICE PROVIDERS

5951 SE Maple and 5715 SE Maple

Milwaukie, OR

Electricity: Portland General Electric

Natural Gas: Northwest Natural Gas

Cable: Comcast of Oregon, II, Inc.

Garbage: M Deines Sanitary

12455 SE Boss lane Milwaukie, OR

Telephone: Qwest

AFTER RECORDING RETURN TO:
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

*This Space For County Recording Use Only*

JAN 2011
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CLACKAMAS COUNTY ASSESSOR

**FOR OFFICE USE ONLY**

**Annexation File No.**

**Date Received**

# CITY OF MILWAUKIE
# CONSENT TO ANNEXATION &
# AGREEMENT NOT TO CONTEST ANNEXATION

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

## PROPERTY DESCRIPTION

Street Address: 5951 SE MAPLE ST LOT 10 BLOCK 7 HOLLYWOOD PARK

5715 SE MAPLE ST LOT 8 BLOCK 7 HOLLYWOOD PARK

**I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.**

Property Owner _____ Date: 1-14-11
Signature

JOHN L SABAN
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Printed Name

**Each property owner's signature must be notarized. Submit additional sheets as necessary.**

STATE OF OREGON )
) ss.

Personally appeared the above named John L. Saban
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
14 day of January, 2011.

OFFICIAL SEAL
ALEXANDER J CAMPBELL
NOTARY PUBLIC – OREGON
COMMISSION NO. 426969
MY COMMISSION EXPIRES MARCH 16, 2012

Notary Public of Oregon

My Commission Expires: Mar. 16, 2012

STATE OF OREGON )
) ss.

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
_____ day of _____, 20____.

Notary Public of Oregon

My Commission Expires: _____

STATE OF OREGON )
) ss.

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
_____ day of _____, 20____.

## CERTIFICATION OF REGISTERED VOTERS

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

Name FLOYD THOMAS

Title DEPUTY CLERK

Department ELECTIONS

County of CLACKAMAS

Date 1-14-11

Floyd Thomas

COUNTY OF CLACKAMAS 43 STATE OF OREGON

CLACKAMAS COUNTY ELECTIONS
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<br>Mailing City/State/Zip | Property Address<br>Property Description (township, range, ¼ section, and tax lot) |
|---|---|---|---|
| 1 | — NONE — | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

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

I hereby certify that the attached petition contains the names of the owners[1] (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** Ben Blessing

**Title** GIS Cartographer II

**Department** Assessor

**County of** Clackamas

**Date** 1/13/11

JAN 2011
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# 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 | |
| W.J. Hoerly for John Saban | SABAN J SAM RV LTRUST | | | | Jan 13, 2011 |
| **PROPERTY ADDRESS** | **PROPERTY DESCRIPTION** | | | | **VOTER PRECINCT #** |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 5715 SE MAPLE ST | 1S | 2E | DA | 8300 | |

| SIGNATURE | PRINTED NAME | I AM A:* | | | DATE |
|---|---|---|---|---|---|
| | | PO | RV | OV | |
| W.J. Hoerly for John Saban | SABAN JOHN S TRUSTEE | | | | Jan 13, 2011 |
| **PROPERTY ADDRESS** | **PROPERTY DESCRIPTION** | | | | **VOTER PRECINCT #** |
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 5951 SE MAPLE ST | 1S | 2E | DA | 8100 | |

| 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) | |
| | | | | | |

JAN 2011
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CLACKAMAS COUNTY

## 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 30DA) 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** Ben Blessing

**Title** ~~Gr~~ GIS Cartographer II

**Department** Assesor

**County of** Clackamas

**Date** 1/13/11

JAN 2011
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CLACKAMAS COUNTY ASSESSOR

# EXPEDITED ANNEXATION
# PETITION OF OWNERS OF 100% OF LAND AREA
# AND PETITION OF A MAJORITY OF REGISTERED VOTERS

**TO:** **The Council of the City of Milwaukie, Oregon**

**RE:** **Petition for Annexation to the City of Milwaukie, Oregon**

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

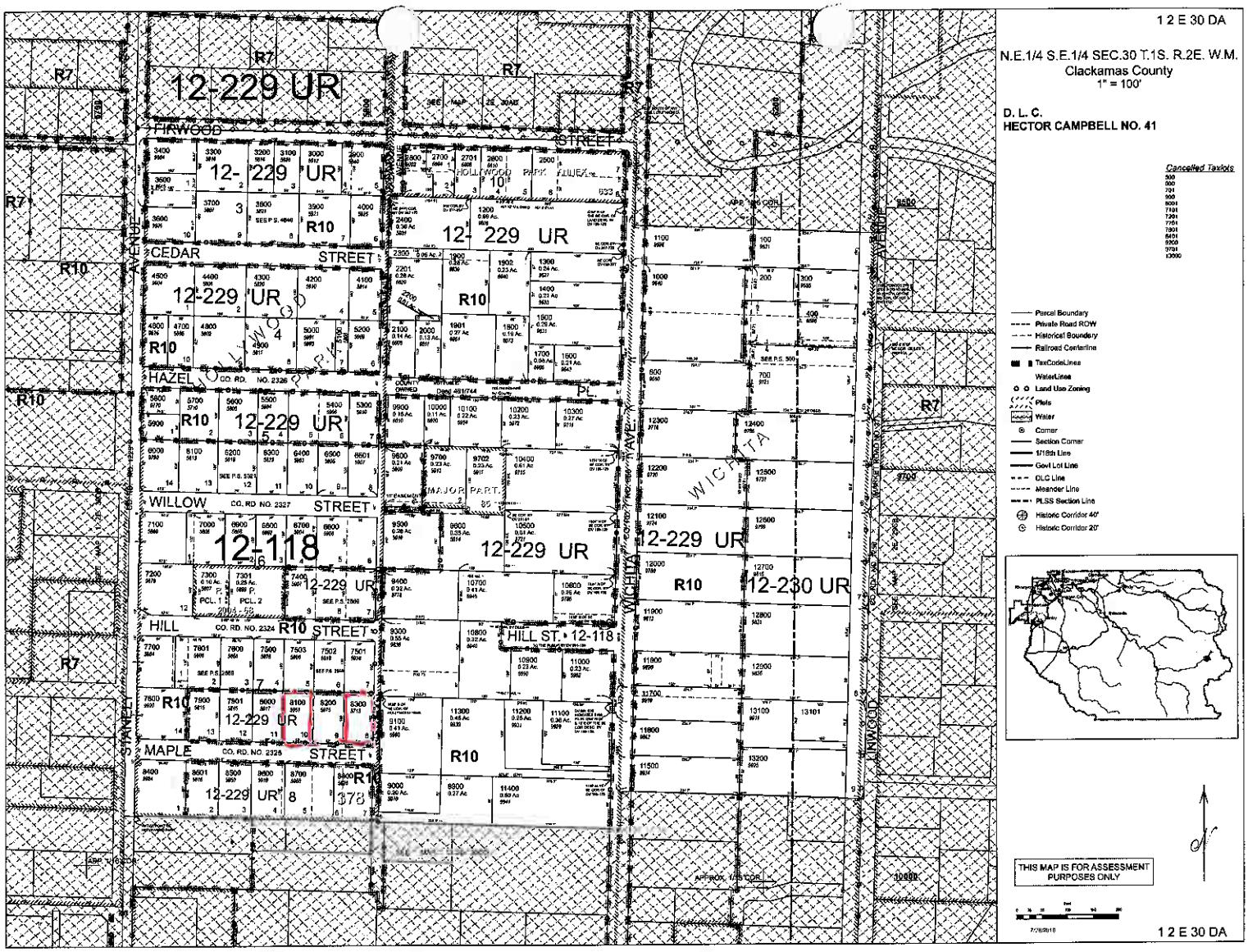
This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

***(Insert legal description below OR attach it as Exhibit "A")***

5715 SE MAPLE ST MILW OR 97222
378 HOLLYWOOD PARK LT 8 BLOCK 7

5951 SE MAPLE ST MILW OR 97222
378 HOLLYWOOD PARK LOT 10 BLOCK 7


1 2 E 30 DA
N.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
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
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
12-229 UR
12-118
12-230 UR
R7
R10
FIRWOOD
CEDAR
HAZEL
WILLOW
HILL
MAPLE
STREET
AVENUE
WICHITA
HILL ST. 12-118
HOLLYWOOD PARK
MAJOR PARK
1 2 E 30 DA

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager**
**Kenneth Asher, Community Development and Public Works Director**
**Katie Mangle, Planning Director**

**From:** **Brett Kelver, Associate Planner**

**Subject:** **File #A-11-02 – Expedited Annexation of 9527 SE Wichita Ave**

**Date:** **March 8, 2011 for March 15, 2011 Regular Session**

## Action Requested

Approve application A-11-02, 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 9527 SE Wichita Avenue (the "Annexation Property") into the City (Tax Map 1S2E30DA Tax Lot 1300).
- Application of a Low Density (LD) land use designation and a Residential (R-10) zoning designation to the Annexation Property.
- Amendments to the City's 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 providers and districts:
  - Clackamas County Service District for Enhanced Law Enforcement
  - Clackamas County Service District No. 5 for Street Lights

## History of Prior Actions and Discussions

**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).

**September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

**August 2009:** Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.

**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 septic tank on the Annexation Property failed in January 2011. The City authorized an emergency connection to the City's sewer system in January 2011 upon submission of an annexation application and a Consent to Annex form. The Consent to Annex form obligates the property owner to complete the annexation process. This is necessary so as to avoid extraterritorial provision of City services, which is contrary to City policy. The property owner proposes an expedited annexation to the City in order to fulfill her contractual obligation to annex following emergency sewer connection earlier this year.

### 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. The Annexation Property is within the City's urban growth management area (UGMA) and the NESE project area.

The Annexation Property is currently developed with one single-family house, which is outright allowed in the City's Residential R-10 Zone. The Annexation Property is located on the west side of Wichita Ave in the middle of the block between SE Firwood Street to the north and SE Hazel Place to the south. The surrounding area consists of single-family residences.

### Annexation Petition

This is a regular expedited annexation petition (see Attachment 3), and is similar to other expedited annexations approved by City Council in the past two years. Any property that is within the UGMA and contiguous to the city limit 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.

The property owner, who is the only registered voter residing at the Annexation Property, has signed the petition for annexation. 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 land use and zoning designations for the Annexation Property are Low Density Residential (LDR) and Residential R10, respectively, and the City land use and zoning designations would be Low Density Residential (LD) and Residential Zone R-10.

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. 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 Milwaukie Municipal Code (MMC) Subsection 19.1502.3. Compliance with the applicable criteria is detailed in Attachment 1 Exhibit A.

**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 of the site to the City. This allows for a 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-inch sewer line in Wichita Ave.

Water: The Annexation Property is currently served by Clackamas River Water (CRW) through a CRW water line in Wichita Ave. 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 currently 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 County 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 Annexation Property. In order to avoid duplication of services, the Annexation Property should 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"). There are several street lights on Wichita Ave, including one in front of the Annexation Property, that are operated by the District. The City recently took jurisdiction of the streets in the Northeast Sewer Extension (NESE) Project Area, but not the lights, since none of the properties were in the city at this time and because the street lights are paid for by property owners. This, however, is expected to change as this and other annexations occur in this area. In anticipation of these changes, City and District staff are working on an IGA that would: (1) transfer the street lights in this area to the City; and (2) transfer the street light payments that will continue to be collected in this area by the District to the City.

It has been the City's practice to remove properties from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services. Staff believes that it is timely and appropriate to remove the Annexation Property from the District at this time. Even though the street lights in this area are currently operated by the District, the District supports the City's removal of the Annexation Property from the District with the understanding that a future IGA will resolve the transference of the street lights and payments in this area to the City.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the Annexation Property 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, etc.

## Concurrence

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Sites 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 any objection to the proposed annexation by any necessary party.

The Finance, Engineering, and Operations Directors agree with the approach currently under discussion with Clackamas County Service District No. 5 for Street Lights regarding the transference of the street lights in this area to the City.

## Fiscal Impact

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. The total assessed value of the Annexation Property is currently $161,070. City property tax collections in the range of $2700 are anticipated in FY 2011-12 for the Annexation Property.

## 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 19.1500 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 Petition
4. Applicant's Consent to Annex Form

**ATTACHMENT 1**

**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A TRACT OF LAND IDENTIFIED AS 9527 SE WICHITA AVENUE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. **(FILE #A-11-02).**

**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 a majority of electors and all owners of land in the territory proposed for annexation; and

**WHEREAS,** the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and 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 19.1504.1.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 tract 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 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-10.

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 _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

_____
Pat DuVal, City Recorder

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
City Attorney

Document1 (Last revised 09/18/07)

**ATTACHMENT 1**
**Exhibit A**

## FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9527 SE Wichita Ave (the "Annexation Property"), the Milwaukie City Council finds:

1. The Annexation Property consists of one tax lot comprising 0.24 acres (Tax Map 1S2E30DA Tax Lot 1300). The eastern border of the site is contiguous to the existing city limits via SE Wichita Avenue. The Annexation Property is also within the City's urban growth management area (UGMA).

   The Annexation Property is developed with a single-family dwelling unit. The surrounding area consists primarily of single-family dwellings.

2. The property owner seeks annexation to the City to access City services, namely sewer service. The Annexation Property was allowed to make an emergency connection to the City's sewer system after the septic system on the property failed. Since City policy does not allow extraterritorial connections to City services, the property owner submitted an annexation application and Consent to Annex form prior to making the sewer connection, which obligated her to complete the annexation process.

3. The annexation petition was initiated by Consent of All Owners of Land on January 14, 2011. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1502.2.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 Section 19.1504.

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 Section 19.1504.

6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Property based on its existing land use designation in the County, which is Residential R10. Pursuant to MMC Table 19.1504.1.E, the automatic City Comprehensive Plan land useand zoning designations for the Annexation Property are Low Density Residential and Residential Zone R-10, respectively.

7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1502.3. 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 along its eastern edge.*

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

*Kimberlee Burk, owner of the Annexation Property and a registered voter, consented to the annexation by signing the petition. There are no additional 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 residing at the Annexation Property.*

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 along Wichita Ave. The property owner is pursuing expedited annexation because the City allowed an emergency connection to the City sewer due to the failure of the existing septic system on the Annexation Property. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.*

E. The proposal must comply with the criteria of Metro code Sections 3.09.050(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. The City, however, 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 is in the process of extending City sewer service to 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 recently completed construction of 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 will 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 is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible service provision changes with CRW. In the meantime, 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 page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, 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 Ave right-of-way adjacent to the proposed 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 recently expanded City sewer service into this area via Wichita Ave. The proposed annexation is requested because the City allowed the Annexation Property to make an emergency connection to the City's new sewer system due to the failure of the existing septic system on the Annexation Property.*

*The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Property.*

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

*The Annexation Property is a 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.*

*CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between*

*the City and CRW is renegotiated, the City does not intend to duplicate CRW's existing water supply system or withdraw private properties being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.*

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-inch sewer line in Wichita Ave.

   Water: The Annexation Property is currently served by CRW through a CRW water line in Wichita Ave. Pursuant to the City's IGA with CRW, the site 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 County 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 should 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"). There are several street lights on Wichita Ave, including one in front of the Annexation Property, that are operated by the District. The Annexation Property should be withdrawn from the District upon annexation to the City, as the City provides street lighting for properties within the city as part of its package of city services. The District supports the City's removal of the Annexation Property from the District with the understanding that a future IGA will resolve the transference of street lights and street light payments in this area to the City.

   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, etc.

**ATTACHMENT 1**
**Exhibit B**

LEGAL DESCRIPTION

Milwaukie Annexation File No. A-11-02

Property Address: 9527 SE Wichita Ave, Milwaukie, OR 97222

Tax Lot: 1S2E30DA01300

Legal Description: The following described real property situate [sic] in the City of Milwaukie, County of Clackamas, and State of Oregon, to wit:

Part of the Hector Campbell Donation Land Claim, Section 30, Township 1 South, Range 2 East of the Willamette Meridian, described as follows:

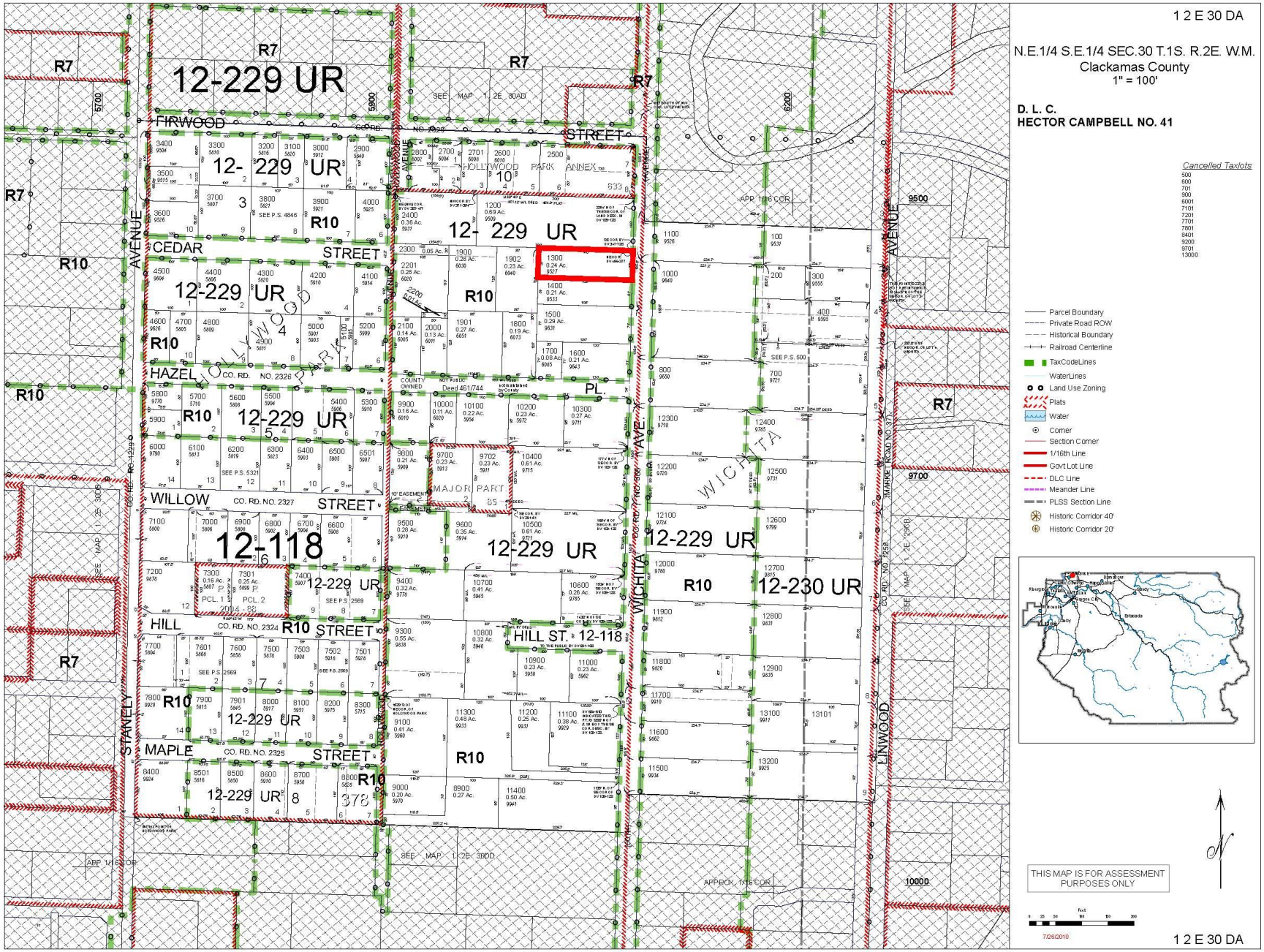
Beginning at the southeasterly corner of that certain tract of land in deed from T.S. Mullen and wife to School District No. 119, recorded in Book 109, Page 128, deed records; thence running northerly along the westerly line of Wichita Road, 2154 feet to the southeast corner of a tract of land conveyed to Marcus Rands and Janet B. Rands, by deed recorded July 19, 1945, in Book 347, Page 728, deed records, and the true point of beginning of that tract herein described; thence westerly tracing the south line of Rands tract 180 feet; thence south parallel with the west line of said Wichita Road, 57 feet; thence easterly parallel with the south line of said Rands tract, 180 feet to the west line of Wichita Road; thence north tracing the west lie [sic] of Wichita Road, 57 feet to the point of beginning.

Tax ID #: 00080628

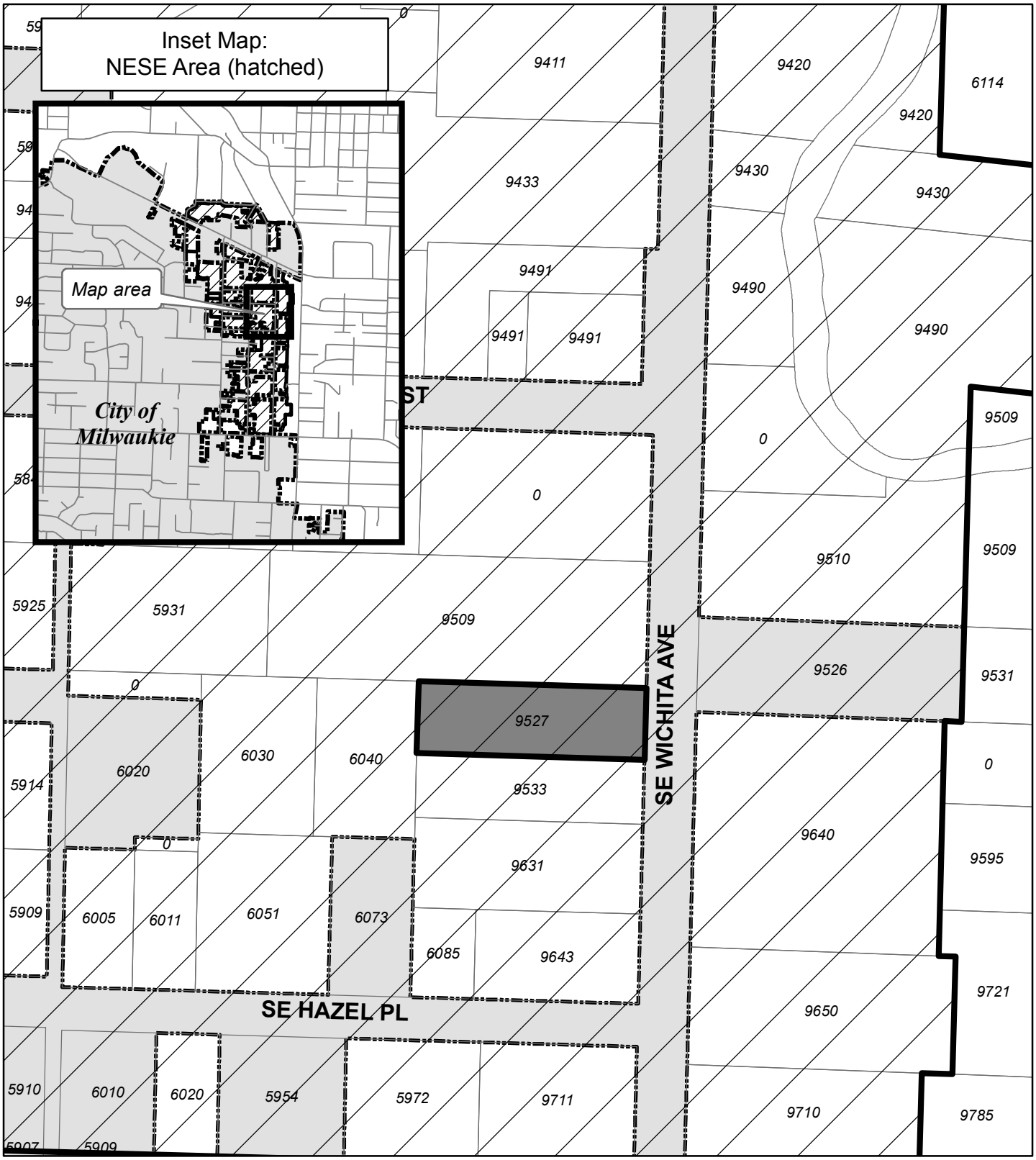
By fee simple deed from Burl L. Mostul and Jennifer L. Wilson as set forth in deed instrument No. 94 03874 and recorded on 1/13/1994, Clackamas County Records.

The source deed as stated above is the last record of vesting filed for this property. There have been no vesting changes since the date of the above referenced source.

County: Clackamas


1 2 E 30 DA
N.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
500
600
701
900
6001
7101
7201
7701
7801
8401
9200
9701
13000
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
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
7/26/2010
12-229 UR
12-118
12-230 UR
R7
R10
FIRWOOD
CEDAR
HAZEL
WILLOW
HILL
MAPLE
STREET
AVENUE
STANLEY
WICHITA
LINWOOD
HOLLYWOOD PARK ANNEX
HOLLYWOOD PARK
MAJOR PART
HILL ST.
CO. RD. NO. 2326
CO. RD. NO. 2327
CO. RD. NO. 2324
CO. RD. NO. 2325
SEE MAP 1 2E 30AD
SEE MAP 1 2E 30DD
APPROX. 1/16 COR
APP. 1/16 COR
1 2 E 30 DA

ATTACHMENT 2




**Site Map**
**9527 SE Wichita Ave**
**(1S 2E 30DA 1300)**
**File# A-11-02**

North

0 50 100 200 300 400 Feet

**Legend**

- NE Sewer Extension Project Boundary
- A-11-02 Site
- Tax Lots
- City Limit

PLANNING DEPARTMENT
*6101 SE Johnson Creek Blvd*
*Milwaukie OR 97206*

PHONE: *503-786-7630*
FAX: *503-774-8236*
E-MAIL: *planning@ci.milwaukie.or.us*
WEB: *www.cityofmilwaukie.org*

# Expedited Annexation Application

**RESPONSIBLE PARTIES:** (Please print or type, add additional sheets if needed)

| | | |
|---|---|---|
| **APPLICANT(S):** KIMBERLEE BURK | E-mail: KBGLASS@HOTMAIL.COM | |
| Mailing address: 9527 SE WICHITA AVE. | Zip: 97222 | Phone: 503-754-3971 |
| **PROPERTY OWNER(S):** | E-mail: | |
| Mailing address: | Zip: | Phone: |
| **PROPERTY OWNER(S):** | E-mail: | |
| Mailing address: | Zip: | Phone: |
| **PROPERTY OWNER(S):** | E-mail: | |
| Mailing address: | Zip: | Phone: |

**SITE INFORMATION:**

| | | |
|---|---|---|
| Address(es): 9527 SE WICHITA AVE. MILWAUKIE | Map & Tax Lot(s): 1S2E30DA01300 | Property size: 0.24 acres |
| Existing County zoning: R-10 | Proposed City zoning: R-10 | |
| Existing County land use designation: LDR | Proposed City land use designation: LD | |

**PROPOSAL (describe briefly):**

ANNEXATION FOR EMERGENCY HOOKUP TO SEWER

**ATTEST:** I am the property owner or 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: [signature] Date: 1/14/11

**THIS SECTION FOR OFFICE USE ONLY:**

File #: A-11-02 Fee: $ 100 Rcd. by: bk

Notes: ($50 from Pre-App Meeting fee is applied to the regular $150 annexation fee.)

Emergency connection.
Consent to annex form has been signed and recorded.
Full payment for reimbursement district has been made.

Date stamp:

RECEIVED
JAN 14 2011
CITY OF MILWAUKIE
PLANNING DEPARTMENT

# EXPEDITED ANNEXATION
# PETITION OF OWNERS OF 100% OF LAND AREA
# AND PETITION OF A MAJORITY OF REGISTERED VOTERS

**TO:** **The Council of the City of Milwaukie, Oregon**

**RE:** **Petition for Annexation to the City of Milwaukie, Oregon**

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

***(Insert legal description below OR attach it as Exhibit "A")***

SEE EXHIBIT A

# EXHIBIT A

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS, AND STATE OF OREGON, TO WIT: 12E 30 DA 01300

PART OF THE HECTOR CAMPBELL DONATION LAND CLAIM, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND IN DEED FROM T.S. MULLEN AND WIFE TO SCHOOL DISTRICT NO. 119. RECORDED IN BOOK 109, PAGE 128, DEED RECORDS; THENCE RUNNING NORTHERLY ALONG THE WESTERLY LINE OF WICHITA ROAD, 2154 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MARCUS RANDS AND JANET B. RANDS, BY DEED RECORDED JULY 19, 1945, IN BOOK 347, PAGE 728, DEED RECORDS, AND THE TRUE POINT OF BEGINNING OF THAT TRACT HEREIN DESCRIBED; THENCE WESTERLY TRACING THE SOUTH LINE OF RANDS TRACT 180 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID WICHITA ROAD, 57 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF SAID RANDS TRACT, 180 FEET TO THE WEST LINE OF WICHITA ROAD; THENCE NORTH TRACING THE WEST LIE OF WICHITA ROAD, 57 FEET TO THE POINT OF BEGINNING.

TAX ID #: 00080628

BY FEE SIMPLE DEED FROM BURL L. MOSTUL AND JENNIFER L. WILSON AS SET FORTH IN DEED INSTRUMENT NO. 94 03874 AND RECORDED ON 1/13/1994, CLACKAMAS COUNTY RECORDS.

THE SOURCE DEED AS STATED ABOVE IS THE LAST RECORD OF VESTING FILED FOR THIS PROPERTY. THERE HAVE BEEN NO VESTING CHANGES SINCE THE DATE OF THE ABOVE REFERENCED SOURCE.

U39784865-020P04
WARRANTY DEED
LOAN# L8711321-BURK
US Recordings

JAN 2011
RECEIVED
CLACKAMAS COUNTY ASSESSOR

4

# 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 | |
| | KIMBERLEE BURK | | | X | 1/13/11 |

| PROPERTY ADDRESS | PROPERTY DESCRIPTION | | | | VOTER PRECINCT # |
|---|---|---|---|---|---|
| | TOWNSHIP | RANGE | ¼ SEC. | LOT #(S) | |
| 9527 SE WICHITA AVE., MILW. OR 97222 | 1S | 2E | 30DA | 01300 | |

| 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) | |
| | | | | | |

| 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

## 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 30DA) 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.

JAN 2011
RECEIVED
CLACKAMAS COUNTY
ASSESSOR

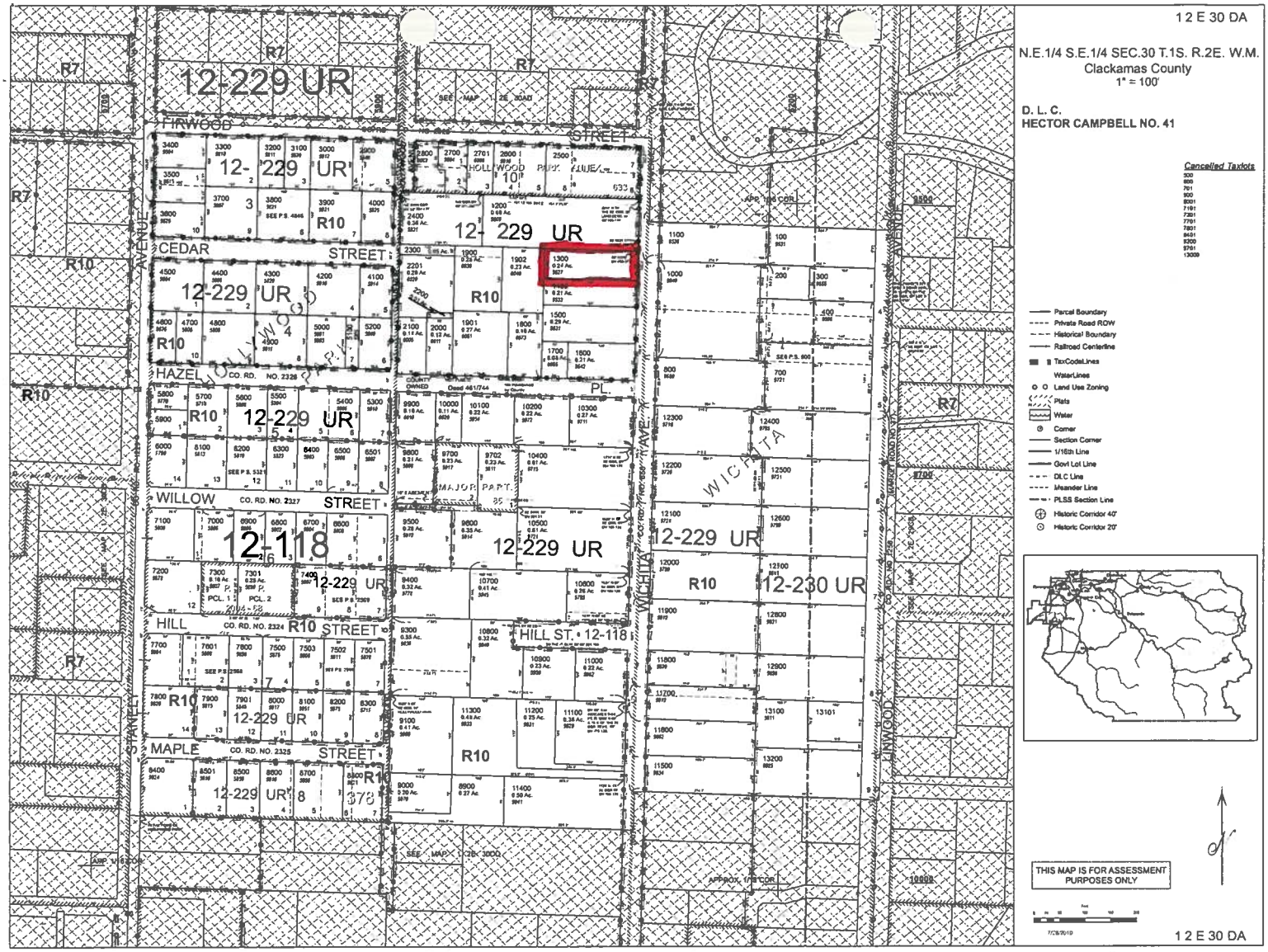
Name CRAIG FERRIS Craig Ferris

Title CARTOGRAPHER III

Department CLACKAMAS COUNTY ASSESSMENT &T

County of CLACKAMAS

Date 1-13-11


12 E 30 DA
N.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
Parcel Boundary
Private Road ROW
Historical Boundary
Railroad Centerline
TaxCodeLines
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
12-229 UR
FIRWOOD
STREET
CEDAR
HAZEL
WILLOW
HILL
MAPLE
HOLLYWOOD
WICHITA
12-118
12-230 UR
R10
R7
HILL ST. 12-118

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

I hereby certify that the attached petition contains the names of the owners[1] (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.

JAN 2011
RECEIVED
CLACKAMAS COUNTY ASSESSOR

Name CRAIG FERRIS Craig Ferris

Title CARTOGRAPHER III

Department ASSESSMENT & TAX

County of CLACKAMAS

Date 1-13-11

[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 a majority of the electors registered in the territory proposed for annexation as described in the attached petition.

**Name** MICHAEL DION

**Title** DEPUTY CLERK

**Department** ELECTIONS

**County of** CLACKAMAS

**Date** JAN. 14, 2011

## 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<br>Mailing City/State/Zip | Property Address<br>Property Description (township, range, ¼ section, and tax lot) |
|---|---|---|---|
| 1 | KIMBERLEE BURK | 9527 SE WICHITA AVE<br>MILWAUKIE, OR 9722 | 1S 2E 30DA 01300 |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

## List of Current and Proposed Urban Service Provider Districts for 9527 SE Wichita Ave (including addresses)

| CURRENT | PROPOSED |
|---|---|
| Sanitary Sewer:<br>None | Milwaukie Public Works<br>6101 SE Johnson Creek Blvd.<br>Milwaukie, OR 97206 |
| Water:<br>Clackamas River Water<br>16770 SE 82nd Dr.<br>Clackamas, OR 97015 | SAME |
| Fire Protection:<br>Clackamas County Fire District #1<br>11300 SE Fuller Rd.<br>Milwaukie, OR 97222 | SAME |
| Law Enforcement:<br>Clackamas County Enhanced Law Enforcement District<br>12800 SE 82nd Ave.<br>Clackamas, OR 97015 | Milwaukie Police Department<br>3200 SE Harrison St.<br>Milwaukie, OR 97222 |
| Parks and Recreation:<br>North Clackamas Parks District<br>150 Beavercreek Rd.<br>Oregon City, OR 97045 | SAME |
| Open Space:<br>Metro Service District<br>600 NE Grand Ave.<br>Portland, OR 97232 | SAME |
| Vector Control:<br>Vector Control<br>1102 Abernathy Rd.<br>Oregon City, OR 97045 | SAME |
| Transit:<br>TriMet<br>4012 SE 17th Ave.<br>Portland, OR 97202 | SAME |

Urban Renewal:

| | |
|---|---|
| Clackamas County Urban Renewal Agency<br>150 Beavercreek Rd.<br>Oregon City, OR 97045 | SAME |

Port District:

| | |
|---|---|
| Port of Portland<br>121 NW Everett St.<br>Portland, OR 97209 | SAME |

Soil:

| | |
|---|---|
| Clackamas County Soil Conservation Dist.<br>221 Molalla Ave. #102<br>Oregon City, OR 97045 | SAME |

County:

| | |
|---|---|
| Clackamas County Service Dist. #1<br>WES<br>150 Beavercreek Rd.<br>Oregon City, OR 97045 | SAME |

Schools:

| | |
|---|---|
| North Clackamas School District #12<br>4444 SE Lake Rd.<br>Milwaukie, OR 97222 | SAME |
| Clackamas ESD<br>13455 SE 97th Ave.<br>Clackamas, OR 97045 | SAME |
| Clackamas Community College<br>19600 Molalla Ave.<br>Oregon City, OR 97045 | SAME |

Street Lights:

| | |
|---|---|
| Clackamas County Service District #5<br>150 Beavercreek Rd.<br>Oregon City, OR 97045 | (to be removed from the District) |

Finance:

| | |
|---|---|
| Clackamas County Finance<br>2051 Kaen Rd.<br>Oregon City, OR 97045 | SAME |

Library:

| | |
|---|---|
| Libraries in Clackamas County (LINCC)<br>16239 SE McLoughlin Blvd. #208<br>Oak Grove, OR 97267 | SAME |

# Urban Service Provider Franchises for 9527 SE Wichita Ave

Comcast
9605 SW Nimbus Avenue, Building 12
Beaverton, OR 97008

NW Natural
Account Services
Attn: Annexation Coordinator
220 NW 2nd Avenue
Portland, OR 97209

PGE
121 SW Salmon Street
Portland, OR 97204

M. Deines Sanitary
P.O. Box 22265
Milwaukie, OR 97269

# EXPEDITED ANNEXATION CODE EXCERPTS

## MILWAUKIE MUNICIPAL CODE SECTIONS

### 19.1504.1 Expedited Process

A. A petition for any type of minor boundary change may be processed through an expedited process as provided by Metro Code Chapter 3.09.

5. Approval criteria for annexations are found in subsection 19.1502.3.

**19.1502.3 Annexation Approval Criteria.** The city council shall approve or deny an annexation proposal based on findings and conclusions addressing the following criteria.

A. The subject site must be located within the city urban growth boundary;

B. The subject site must be contiguous to the existing city limits;

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

D. The proposal must be consistent with Milwaukie comprehensive plan policies;

E. The proposal must comply with the criteria of Metro Code Sections 3.09.050(d) and, if applicable, (e).

## METRO CODE SECTIONS

### 3.09.050 Hearing & Decision Requirements for Decisions Other Than Expedited Decisions.

(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.

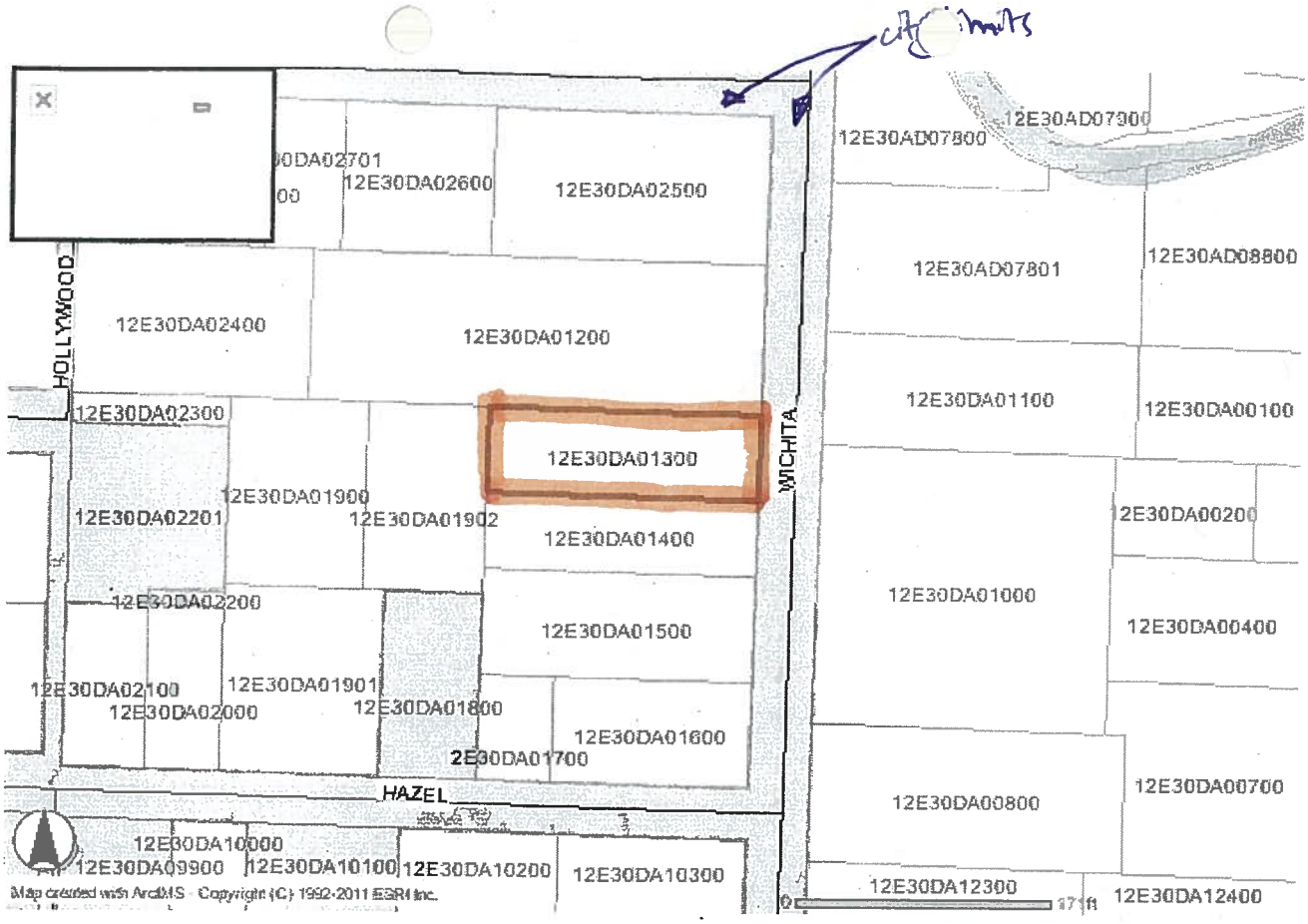
## MILWAUKIE COMPREHENSIVE PLAN

### Chapter 6: City Growth and Governmental Relationships; City Growth Element

Goal Statement: To identify the City's future planning and service area, establish the respective responsibilities for reviewing and coordinating land use regulations and actions within the area, and determine the most cost-effective means to provide the full range of urban services within the area.

THE PROPOSAL MEETS ALL OF THE REQUIREMENTS ABOVE.

KIMBERLEE BURK


city limits
12E30AD07300
12E30AD07800
12E30DA02701
12E30DA02600
12E30DA02500
12E30AD07801
12E30AD08800
HOLLYWOOD
12E30DA02400
12E30DA01200
12E30DA01100
12E30DA00100
12E30DA02300
12E30DA01300
WICHITA
12E30DA01900
12E30DA02201
12E30DA01902
12E30DA01400
12E30DA00200
12E30DA02200
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2E30DA01700
HAZEL
12E30DA00800
12E30DA00700
12E30DA10000
12E30DA09900
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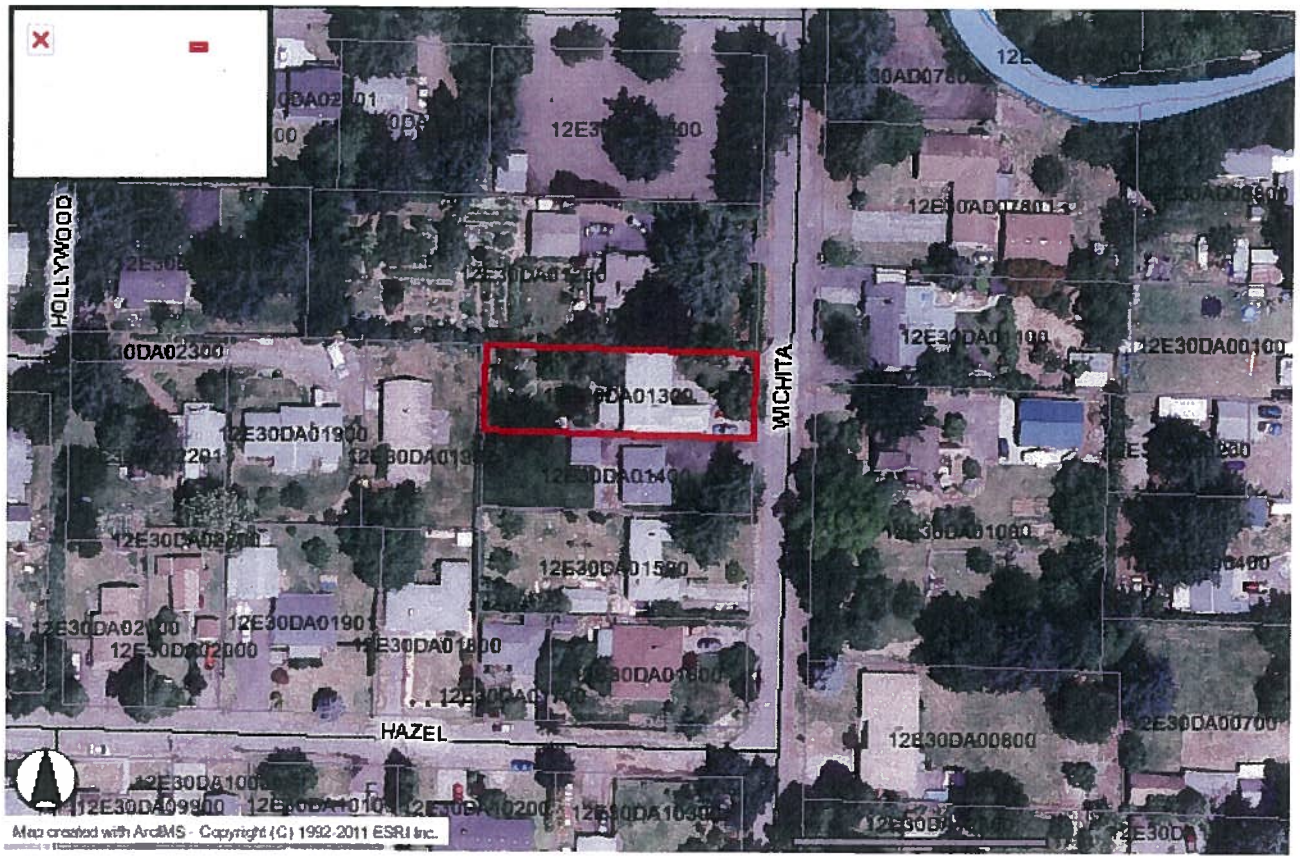
Map created with ArcIMS - Copyright (C) 1992-2011 ESRI Inc.


HOLLYWOOD
WICHITA
HAZEL
Map created with ArcIMS - Copyright (C) 1992-2011 ESRI Inc.

4P
2011
3

**AFTER RECORDING RETURN TO:**
**Planning Director** KIMBERLEE BURK
**City of Milwaukie**
**6101 SE Johnson Creek Blvd.**
**Milwaukie, OR 97206**

*This Space For County Recording Use Only*

**Clackamas County Official Records**
**Sherry Hall, County Clerk**

**2011-003524**

**$82.00**

01467071201100035240040048

**01/14/2011 01:31:30 PM**

D-MUNDOC Cnt=1 Stn=1 JANISKEL
$20.00 $16.00 $16.00 $10.00 $20.00

**FOR OFFICE USE ONLY**

**Annexation File No.** _____

**Date Received** _____

# CITY OF MILWAUKIE
# CONSENT TO ANNEXATION &
# AGREEMENT NOT TO CONTEST ANNEXATION

---

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

## PROPERTY DESCRIPTION

Street Address: 9527 SE WICHITA AVE.

City: MILWAUKIE State: OR Zip Code: 97222

Tax Map ID: Township 1S Range 2E Section 30DA Tax Lot(s) 01300

**********

**Each property owner's signature must be notarized. Submit additional sheets as necessary.**

STATE OF OREGON )
) ss.

Personally appeared the above named Kimberlee J Burke
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
14th day of January, 2010.

Notary Public of Oregon

My Commission Expires: 3/11/2013

OFFICIAL SEAL
JULIE CHAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 437389
MY COMMISSION EXPIRES MAR 11, 2013

STATE OF OREGON )
) ss.

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
_____ day of _____, 20____.

Notary Public of Oregon

My Commission Expires: _____

STATE OF OREGON )
) ss.

Personally appeared the above named _____
and acknowledged the foregoing instrument to be their voluntary act and deed, before me this
_____ day of _____, 20____.

Notary Public of Oregon

My Commission Expires: _____

**I/WE, THE UNDERSIGNED PROPERTY OWNER(S), AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THIS DOCUMENT AND ASSOCIATED SUBMISSIONS IS TRUE AND CORRECT.**

Property Owner _____ Date: 1/13/11
Signature

KIMBERLEE BURK
Printed Name

Property Owner _____ Date: 1/14/11
Signature

KIMBERLEE BURK
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

Property Owner _____ Date: _____
Signature

_____
Printed Name

# EXHIBIT A

THE FOLLOWING DESCRIBED REAL PROPERTY SITUATE IN THE CITY OF MILWAUKIE, COUNTY OF CLACKAMAS, AND STATE OF OREGON, TO WIT: 12E 30 DA 01300

PART OF THE HECTOR CAMPBELL DONATION LAND CLAIM, SECTION 30, TOWNSHIP 1 SOUTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN TRACT OF LAND IN DEED FROM T.S. MULLEN AND WIFE TO SCHOOL DISTRICT NO. 119. RECORDED IN BOOK 109, PAGE 128, DEED RECORDS; THENCE RUNNING NORTHERLY ALONG THE WESTERLY LINE OF WICHITA ROAD, 2154 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO MARCUS RANDS AND JANET B. RANDS, BY DEED RECORDED JULY 19, 1945, IN BOOK 347, PAGE 728, DEED RECORDS, AND THE TRUE POINT OF BEGINNING OF THAT TRACT HEREIN DESCRIBED; THENCE WESTERLY TRACING THE SOUTH LINE OF RANDS TRACT 180 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID WICHITA ROAD, 57 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF SAID RANDS TRACT, 180 FEET TO THE WEST LINE OF WICHITA ROAD; THENCE NORTH TRACING THE WEST LIE OF WICHITA ROAD, 57 FEET TO THE POINT OF BEGINNING.

TAX ID #: 00080628

BY FEE SIMPLE DEED FROM BURL L. MOSTUL AND JENNIFER L. WILSON AS SET FORTH IN DEED INSTRUMENT NO. 94 03874 AND RECORDED ON 1/13/1994, CLACKAMAS COUNTY RECORDS.

THE SOURCE DEED AS STATED ABOVE IS THE LAST RECORD OF VESTING FILED FOR THIS PROPERTY. THERE HAVE BEEN NO VESTING CHANGES SINCE THE DATE OF THE ABOVE REFERENCED SOURCE.

U39784865-020P04
WARRANTY DEED
LOAN# L8711321-BURK
US Recordings

JAN 2011
RECEIVED
CLACKAMAS COUNTY
ASSESSOR

4

4

**To:** **Mayor and City Council**

**Through:** **Bill Monahan, City Manager, and**
**Kenneth Asher, Community Development and Public Works Director**

**From:** **Alex Campbell, Resource and Economic Development Specialist**

**Subject:** **Grant Agreement and Program Design for Downtown Milwaukie Storefront/Façade Improvement Program**

**Date:** **February 25 for March 15, 2011 Regular Session**

## Action Requested

Authorize the City Manager to execute an agreement with Metro to accept funds to share the cost of a pilot Downtown Milwaukie Façade Improvement Program. Provide direction on program design and implementation.

## History of Prior Actions and Discussions

**February 2011:** Council directed staff to proceed with developing an agreement with Metro to implement a program.

## Background

Storefront or façade improvement programs are widely used to improve the appearance and curb appeal of buildings in business districts, thereby improving marketability and economic vitality and increasing their attractiveness as a location for investment.

The attached resolution would establish the Council's intent to create a façade improvement program and authorize the City Manager to sign a grant agreement whereby the program would partially funded by Metro. Metro's contribution would be $25,000 and would be matched equally by City funds. Metro's offer of a funding contribution is a one-time offer to assist the City in establishing a pilot project.

The agreement specifies several things of importance to Metro:

- The program would be structured on a reimbursement basis.
- The public funds would be leveraged, at a minimum, 1:1 by private investment..
- The program will pay for exterior improvements only.
- The program would be focused on downtown.
- The City would seek Metro's concurrence on the program design.
- The program will encourage high-quality design in conformance with the goals of Milwaukie's Design Guidelines.
- Staff shall provide a report to Council on program results and outcomes.

Outreach

Council directed staff, on February 1, to reach out to the downtown business community and to involve the DLC in the program design discussion. Staff provided a report on the proposed program to a meeting of the Greater Milwaukie Business Alliance. Feedback from that group included: don't have a minimum grant size, focus on retail establishments, include fences in possible expenses, and spread the money by having a smaller maximum (such as $5,000) and don't allow double-dipping (i.e., an application by a business and a property owner for two projects at one building).

A short survey on the City's website was set up; members of the Alliance, North Clackamas Chamber of Commerce members, Main Street Milwaukie members, property owners, and interested businesses were encouraged to fill out the survey. Approximately twenty downtown business or property owners responded to the survey. The complete results of all respondents are attached as Attachment 1. Key findings from business or property owners include:

- No clear consensus on whether the grants should be made on a first-come, first-served basis, or awarded through a competitive process.
- Almost all of the respondents said the program would encourage them to consider new investments.
- A clear majority felt there should not be a minimum project size.
- Responses on the appropriate grant maximum were mixed.

Staff provided a briefing to the DLC at their regular meeting on February 23. The DLC membership was enthused by the program and pleased to play a role in project selection. Staff reported that Council wanted to involve them in the program and suggested a likely structure would be for DLC to review applications and make awards. DLC members suggested efforts be made to connect local contractors and design professionals with potential grantees.

Staff also conducted informal interviews with several practitioners who have worked with these types of programs in the past. Practitioners emphasized the importance of

keeping barriers to entry low. These kinds of programs are often under-subscribed, and a first-come, first-served program will make it more approachable.

Staff will also likely need to work to actively promote the program to property and business owners. This will be accomplished, in part, through mailings. In addition, staff is exploring with Metro the possibility of setting up a launch event making some technical assistance available and introducing local designers and contractors who provide this kind of work.

Proposed Program Design (See Attachment 3 for a more detailed description.)

Process: Applicants would be approved on a first-come, first-served basis. Grant applications would include a verbal description of the improvements, a sketch, color/material samples, and a budget. DLC would approve the grants at their regular monthly meeting, reviewing proposals for compliance with grant guidelines, including general conformance with the Downtown Design Guidelines where applicable.

Grant eligibility: Maximum grant value would be $10,000, with no minimum. Grants would be paid on a reimbursement basis, with the program reimbursing no more than 50% of total project expense. Improvements could be made to any building in the downtown zones, east of Highway 99-E. “Soft costs” (permit fees and design costs) would be eligible for reimbursement. Eligible improvements would include replacement and rehabilitation of building façade elements visible from public streets, such as:

- Exterior painting
- Siding replacement
- Window and door replacement
- New cornices, gutters and downspouts
- Signs and graphics
- Exterior lighting
- Canopies and awnings.

## Concurrence

The Planning Director was consulted and emphasized that the importance and requirement for design review be included in the program description and eligibility criteria. Many or most of these types of projects will be subject to staff-level design review.

## Fiscal Impact

The proposed program design assumes use of budgeted funds in the current fiscal year from the economic development line item in the General Fund, budgeted at $35,000 (of

which less than one thousand dollars has been spent or obligated). The City has paid for economic development association memberships and studies from this line (e.g., the urban renewal feasibility study mentioned above) in prior years. Staff anticipates a significant portion of the local share of funds could be expended this fiscal year. However, this program will be structured to reimburse costs after completion to protect the City's fiscal interest. Therefore, it is possible (even likely) that some City funding would be required beyond the current fiscal year to complete the proposed program. To protect against this reality, staff will seek appropriation of the unexpended funds in fiscal year 2011-12.

## Work Load Impacts

The project could be accomplished within existing workloads, but would be a primary focus of the Resource and Economic Development Specialist for the next several months.

## Alternatives

The design of this program must balance the City's interest in focusing these funds in a way that will have the greatest results, and establishing a program that is user-friendly and responsive to the interests of existing businesses and property owners. Staff has proposed a program that is generally quite flexible, though it does include DLC review. Council may wish to add additional restrictions, such as focusing on a narrower geographic area (the DS zone only, for example) or limiting the funds to active "storefronts" only (i.e., exclude office uses). In addition, Council may wish to consider the maximum grant amount. The proposed maximum of $10,000 would assure that, at a minimum, five businesses or properties would be able to take advantage of the program.

## Attachments

1. Survey Results
2. Resolution with Grant Agreement as an Exhibit
3. Proposed Program Design

ATTACHMENT 1

| D-town prop. owner? | D-town biz owner? | Real estate pro or developer? | First-come, first-serve? | Would a program encourage you to invest? | Should there be a min project size? | What should be the max grant? | If you chose other, please explain | Should tenant signs be eligible? | Other thoughts |
|---|---|---|---|---|---|---|---|---|---|
| X | X | X | Yes | Yes | No | $5K | | Yes | |
| X | X | | Yes | Yes | No | $10K | | No | |
| X | X | | Yes | Yes | Yes | Case-by-case. | It would seem that the size of the grant should be tied to the linear feet of the improvement - 100 ft vs 50 ft vs 25. | Yes | |
| X | X | | No | No | No | Case-by-case. | That would have to depend on what the value of the remodel would be as well as the return on investment. | Yes | |
| X | X | | No | Yes | No | No maximum | | Yes | |
| X | X | | No | Yes | No | Case-by-case. | Each case should be looked at individually. | Yes | |
| X | X | | Yes | Yes | Yes | No maximum | | No | |
| X | X | | No | Yes | No | $5K | | | |
| X | | | No | Yes | No | Case-by-case. | I think there should be flexibility based on merits of proposals | Yes | |
| X | | | No | Yes | Yes | $10K | This would be based on the total amount of grant money available. I would not want one company to take it all. | No | I would say yes only if the city had a "look" they were going for and had to change out all signage. |
| | X | | No | Yes | No | $10K | | No | |
| | X | | No | Yes | No | $5K | More than 5K would be a lot of improvement. Maybe add categories with grant caps? | Yes | |
| | X | | Yes | Yes | No | No maximum | | Yes | |

| D-town prop. owner? | D-town biz owner? | Real estate pro or developer? | First-come, first-serve? | Would a program encourage you to invest? | Should there be a min project size? | What should be the max grant? | If you chose other, please explain | Should tenant signs be eligible? | Other thoughts |
|---|---|---|---|---|---|---|---|---|---|
| | X | | Yes | Yes | No | No maximum | | No | |
| | X | | Yes | Yes | Yes | Other | Economically enough to make a change. Sometimes a change does not mean high priced! | Yes | Im sure they all have thoughts in mind about downtown milwaukie and how they see the possibilities of this downtown. |
| | X | | No | Yes | No | $5K | well, if there's only 50K available . . . . 10 projects ? . . . . | No | seems like a really great idea |
| | X | | Yes | Yes | No | Case-by-case. | Depends on what is wanting and needing to be done. Depends on size of improvement and its cost. | Yes | I think help for tenant and business owners is a must. It only helps everyone. |
| | | X | Yes | Yes | No | Other | we find most retail facade improvements that require skin upgrades or replacement run between 50K - 100K | Yes | singage and lighting should be included upgrades if part of a major facelift. |
| | | X | Yes | Yes | No | $20K | | Yes | I am an Architect and have been involved in the Portland Storefront Improvement program for many years |

| D-town prop. owner? | D-town biz owner? | Real estate pro or developer? | First-come, first-serve? | Would a program encourage you to invest? | Should there be a min project size? | What should be the max grant? | If you chose other, please explain | Should tenant signs be eligible? | Other thoughts |
|---|---|---|---|---|---|---|---|---|---|
| | | | No | | No | Other | it depends, some facade improvements, may be really maintenance, but yet may be really necessary and make a big impact | Yes | As long as the signage has high standards and is classy looking! |
| | | | No | Yes | Yes | No maximum | | Yes | |
| | | | No | | | $0 | The city should not be wasting tax payers money this way | No | A mis-use of tax payers money. These are business and should not be city subsidized |
| | | | No | | No | $20K | | No | As a resident, I would love a charming downtown area. Close to the city, but with small town feel. |
| | | | No | Yes | No | $10K | | No | |

ATTACHMENT 2

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A GRANT AGREEMENT WITH METRO TO ASSIST THE CITY IN ESTABLISHING A FAÇADE IMPROVEMENT PROGRAM.**

**WHEREAS,** the City has an interest in encouraging new investment in the downtown area in ways that support positive economic development, strengthen the retail core, and bring additional civic pride to the community; and

**WHEREAS,** the City intends to establish a Façade Improvement program to provide matching public funds to encourage investments that improve the aesthetic appearance of facades and storefronts in the historic downtown core; and

**WHEREAS,** Metro, through its Transit Oriented Development group, is willing to contribute $25,000 to assist the City in this effort;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Milwaukie that the City Manager is authorized to sign a grant agreement with Metro to assist the City in establishing a façade improvement program, the grant agreement is attached as Exhibit A.

Introduced and adopted by the City Council on March 15, 2011.

This resolution is effective on March 15, 2011.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Metro Grant Agreement No. _____
STOREFRONT FACADE IMPROVEMENTS PROGRAM GRANT AGREEMENT
DEVELOPMENT OPPORTUNITY FUND

This Storefront Facade Improvements Program Grant Agreement (the "Grant Agreement"), is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon 97232-2736, and the City of Milwaukie, whose address 10722 SE Main Street, Milwaukie, OR 97222, hereinafter referred to as the "Grant Recipient." In consideration for the mutual covenants and promises contained herein, including monetary and other consideration, hereby acknowledged, the parties hereby agree as follows:

ARTICLE I
GRANT AWARD

Metro agrees to pay Grant Recipient up to $25,000.00 (the "Grant Funds") for design, implementation, administration and reporting of the Facade Improvements Program set forth in the Project Scope attached as Exhibit "A." In return, the Grant Recipient agrees to use Grant Funds solely for the purposes of performing the Storefront Facade Improvements Program described in the Project Scope, and promises to fully perform and complete the Project Scope set forth therein.

ARTICLE II
TERM OF GRANT AGREEMENT

This Grant Agreement is effective the last date of signature affixed below (the "Effective Date"). The term of this Grant Agreement shall be for a period commencing upon the Effective Date through and including June 30, 2012, unless earlier terminated by Metro as provided herein, or extended by mutual written agreement of Metro and Grant Recipient.

ARTICLE III
PAYMENT SCHEDULE

Metro shall remit the Grant Funds to the Grant Recipient in the amounts and on the schedule set forth in Exhibit "A." Grant Recipient acknowledges and agrees that Metro has final and sole discretion to determine whether Grant Recipient has fully and successfully completed the Project Scope.

ARTICLE IV
NO CONSTRUCTION CONTRACT, PARTNERSHIP, EMPLOYER STATUS

Notwithstanding any extra-contractual statements or inferences to the contrary (if any), Metro neither intends nor accepts any direct involvement in these projects, any supervisory responsibilities with respect to the projects or services funded, or any sponsorship or responsibilities for care and custody of the tangible products which result from the Storefront Façade Improvements Program. Grant Recipient is solely responsible for its performance under the Grant Agreement and the quality of its work, for obtaining and maintaining all licenses and certifications necessary to carry out its obligations hereunder, for payment of any fees, taxes, royalties or other expenses necessary to complete the work except as otherwise specified in Exhibit "A," and for meeting all other legal requirements in carrying out its obligations hereunder. Metro has established this grant with the sole purpose of encouraging the establishment of the

City of Milwaukie Storefront Facade Improvements Program. Nothing in this Grant Agreement or the acts of the parties resulting therefrom shall be deemed or construed by the parties, or by any third person, to create the relationship of principal and agent, employer to employee, partnership, joint venture or any other fiduciary association between Metro and Grant Recipient. Metro is not the operator or contractor for the Facade Improvements Program set forth in the Project Scope. This Grant Agreement is not intended to be a contract that provides for the construction of façade improvements, either in whole or in part. The rights and duties of any contractors are the subject of a separate contract or contracts to which Metro is not a party.

ARTICLE V
LIABILITY AND INDEMNITY

Grant Recipient is an independent contractor and assumes full responsibility for the performance of the Project Scope and the content of its work and performance of Grant Recipient's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Grant Agreement. Grant Recipient agrees to indemnify and defend Metro and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses, and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Grant Agreement. Grant Recipient is solely responsible for paying Grant Recipient's subcontractors, suppliers and employees. Nothing in this Grant Agreement shall create any contractual relationship between any subcontractor, supplier or employee and Metro.

ARTICLE VI
TERMINATION

Metro may unilaterally terminate this Grant Agreement upon giving Grant Recipient seven (7) days' written notice. In the event of termination, Grant Recipient shall be entitled to payment for eligible costs of façade improvement grants awards approved prior to the date of termination. Metro shall not be liable for indirect or consequential damages. Termination by Metro will not waive any claim or remedies it may have against the Grant Recipient.

ARTICLE VII
INSURANCE

A. Grant Recipient shall purchase and maintain at the Grant Recipient's expense, the following types of insurance, covering the Grant Recipient, its employees, and agents:

(1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and

(2) Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of $500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than $1,000,000. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro thirty (30) days prior to the change or cancellation.

B. Grant Recipient, its subcontractors, if any, and all employers working under this Grant Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Grant Recipient shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Grant Recipient has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

C. If required by the Scope of Work, Grant Recipient shall maintain for the duration of this Grant Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of $500,000. Grant Recipient shall provide to Metro a certificate of this insurance, and thirty (30) days' advance notice of material change or cancellation.

ARTICLE VIII
ATTORNEY'S FEES

In the event of any litigation concerning this Grant Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to any appellate courts.

ARTICLE IX
SUBCONTRACTORS

All contracts between Grant Recipient and subcontractors related to this Grant Agreement shall include the terms and conditions of this Grant Agreement. Grant Recipient shall be fully responsible for all of its subcontractors as provided in Article IV.

ARTICLE X
DEFAULT REMEDIES - RIGHT TO WITHHOLD PAYMENTS

If Grant Recipient fails or refuses to fulfill any obligation or carry out any provision of this Grant Agreement within the time allowed for said performance, Metro shall give written notice of said failure of compliance, specifically describing the failure to perform. Grant Recipient shall cure any failure to perform within thirty (30) days of receipt of the notice given by Metro; provided that, if the failure cannot reasonably be cured within such 30-day period, Grant Recipient shall not be deemed in default if Grant Recipient undertakes curative action within such 30-day period and diligently pursues the same to completion. Metro may extend the period for cure for ninety (90) days, or a longer reasonable period of time, at its sole discretion. If Metro determines not to grant said extension, Metro shall declare a Default. Upon Default, Metro may choose to both withhold future payments and pursue specific performance of this Grant Agreement, or terminate it. Metro shall have the right to withhold from payments due Grant Recipient such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage or claim which may result from Grant Recipient's performance or failure to perform under this Grant Agreement or the failure of Grant Recipient to make proper payment to any suppliers or subcontractors. If Metro notifies Grant Recipient in writing that it elects to terminate this Grant Agreement, then this Grant Agreement shall terminate effective upon receipt by Grant Recipient of said notice. Upon termination, Grant Recipient shall promptly return all disbursements of the Grant Funds to Metro, with interest from the

date of disbursement at the statutory rate set forth in ORS 82.010. Grant Recipient shall pay damages to Metro, in an amount equal to Metro's out-of-pocket costs, which shall include all consulting fees paid and due diligence reports produced for Metro by third parties to pursue and arrange this transaction, and reasonable reimbursement for Metro staff time in an amount not to exceed $5,000.00.

ARTICLE XI
SAFETY

If services of any nature are to be performed pursuant to this Grant Agreement, Grant Recipient shall take all necessary precautions for the safety of employees and others in the vicinity of the services being performed and shall comply with all applicable provisions of federal, state and local safety laws and building codes, including the acquisition of any required permits.

ARTICLE XII
INTEGRATION OF GRANT AGREEMENT DOCUMENTS

This Grant Agreement and attachments hereto represents the entire and integrated Agreement between Metro and Grant Recipient and superseded all prior negotiations, representations or agreements, either written or oral. This Grant Agreement may be amended only by written instrument signed by both Metro and Grant Recipient. The law of the state of Oregon shall govern the construction and interpretation of this Grant Agreement.

ARTICLE XIII
MISCELLANEOUS TERMS

A. Assignment. Grant Recipient shall not assign any rights or obligations under or arising from this Grant Agreement without prior written consent from Metro.

B. Waiver. No waiver made by Metro with respect to the performance, or manner or time thereof, of any obligation of Grant Recipient shall be considered a waiver of any of Metro's other rights hereunder. No waiver by Metro of any provision of this Grant Agreement, or of any breach thereof, shall be of any force or effect unless in writing; and no such waiver shall be construed to be a continuing waiver.

C. Choice of Law and Forum. This Grant Agreement shall be interpreted under the laws of the State of Oregon. Any litigation between the parties arising under or regarding this Grant Agreement shall occur, if in the state courts, in the Multnomah County Circuit Court in Portland, Oregon, and if in the federal courts, in the United States District Court for the District of Oregon in Portland, Oregon.

D. Severability. If any clause, sentence or any other portion of the terms and conditions of this Grant Agreement becomes illegal, null or void for any reason, the remaining portions will remain in full force and effect to the fullest extent permitted by law.

E. <u>No Special or Consequential Damages</u>. Metro makes no warranties, express or implied, regarding the Façade Improvements or their potential benefits. Grant Recipient expressly waives any claims against Metro regarding the Facade Improvements Program scope, practices and features. Metro's liability under this Grant Agreement shall be limited to payment of the Grant Funds, to the extent that Grantee has fully and completely complied with all terms and conditions of this Grant Agreement. In no event shall Metro be liable for and Grant Recipient specifically releases Metro from any liability for

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

special, punitive, exemplary, consequential, incidental or indirect losses or damages (in tort, contract or otherwise) under or in respect of this Grant Agreement or for any failure of performance related to the Project Scope or this Grant Agreement, however caused, whether or not arising from Metro's sole, joint or concurrent negligence.

F. Access to Records. Metro shall have access to the books, documents, papers and records of Grant Recipient that are directly related to this Grant Agreement, the Grant Funds provided hereunder, or the Project Scope for the purpose of making audits and examinations. Grantee shall retain and keep accessible all books, documents, papers, and records that are directly related to this Grant Agreement, the Grant Funds or the Project for a minimum of three (3) years, or such longer period as may be required by other provisions of this Grant Agreement or applicable law, following termination or expiration of this Grant Agreement. If there are unresolved audit questions at the end of the 3-year period, Grantee shall retain the records until the questions are resolved. Grant Recipient shall document the expenditure of all Grant Funds disbursed by Metro under this Grant Agreement. Grant Recipient shall create and maintain all expenditure records in accordance with generally accepted accounting principles and in sufficient detail to permit Metro to verify how the Grant Funds were expended.

| CITY OF MILWAUKIE | METRO |
|---|---|
| _____ | _____ |
| Signature | Signature |
| Bill Monahan<br>City Manager | Robin McArthur<br>Director, Planning and Development |
| _____ | _____ |
| Date | Date |

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

Metro Grant Agreement No. _____

EXHIBIT "A"
PROJECT SCOPE

PROJECT TITLE: Milwaukie Storefront Façade Improvements Program

GRANT RECIPIENT: City of Milwaukie, 10722 SE Main Street, Milwaukie, OR 97222

PROJECT COORDINATOR: Alex Campbell, Resource Development Specialist

GRANT AGREEMENT TERMS: Upon Grant Agreement execution through June 30, 2012

MAXIMUM GRANT AMOUNT: $25,000.00

PROJECT SCOPE
The City of Milwaukie ("and/or "Grant Recipient") will use Metro's grant award to design, implement, administer and evaluate a facade improvements program in historic downtown Milwaukie consistent with the following program objectives:

1. Design a pilot program based upon best practices and lessons learned from other local jurisdictions that have successfully implemented storefront façade improvement programs.
2. Educate, inspire and provide financial incentives for owners and/or tenants to make storefront facade improvements that enhance downtown and pay-back through increased sales and/or rents.
3. Extend benefits to the public and surrounding businesses by funding exterior façade improvements visible from the sidewalk/street.
4. Benefit multiple business entities by limiting the maximum grant amounts per building, per owner/tenant, and per time period.
5. Directly leverage private investment by requiring businesses to match the public contribution, dollar per dollar.
6. Catalyze other private investments by concentrating façade improvements geographically in order to establish the impression the area is improving.
7. Support economic revitalization of Milwaukie's core downtown area by making grants available to businesses located in downtown zones.
8. Support quality design by requiring compliance with the City's design recommendations, as well as applicable design requirements.
9. Minimize administrative costs by designing streamlined processes that minimize paperwork and avoid redundancy.
10. Control financial risk by releasing grant funds on a reimbursement basis only.
11. Routinely monitor program processes and results, take corrective actions to make program improvements during the pilot period

12. Present a summary program evaluation report, with staff recommendations regarding program continuation, to the Milwaukie City Council.

## PROGRAM DESIGN

The City of Milwaukie shall have lead responsibility for designing a Storefront Façade Improvements Program consistent with the program objectives stated above, and subject to Metro approval. City staff will secure concurrence from Metro regarding the eligibility criteria, program procedures and other requirements before requesting Milwaukie City Council approval or implementing the program design. City staff will routinely assess the strengths and weaknesses of program design and operation, and may periodically decide to recommend program adjustments. City staff will secure concurrence from Metro staff before requesting City Council approval of or implementing changes to the program.

## GRANT APPROVALS

The City of Milwaukie shall have full responsibility for review and approval of Storefront Façade Improvement Program grant requests within the approved program design. Metro's funding commitment is to reimburse the City for up to 50% of the expense of grant payments, provided the City has adhered to the approved program design.

## PROJECT ACKNOWLEDGEMENT

The City of Milwaukie is responsible for requiring the grant program participants to acknowledge Metro's support for each project. Metro's name shall be included in project signage during construction and any promotional materials where the City's grant program is mentioned.

## PROGRAM ADMINISTRATION

The City of Milwaukie shall have full responsibility for program and financial administration.

## PROJECT REPORTING AND EVALUATION

The Grant Recipient's project coordinator will provide quarterly program activity and financial reports during the term of the grant, in a form acceptable to Metro.

## APPROVED PROJECT COSTS

Metro shall reimburse the City for up to 50% of the funds it disburses within the approved program guidelines for Storefront Façade Improvement grants, not to exceed the $25,000 total grant amount. City

METRO
600 NE Grand Ave.
Portland, OR 97232-2736
(503) 797-1700

expenditures for program administration are not eligible for reimbursement. Metro funding is exclusively for the façade improvement expenses eligible under the approved program guidelines.

## PAYMENT

Metro will provide grant funding to the City of Milwaukie within 30 days of receipt of an approved invoice. Grant Recipient's billing statements will include appropriate documentation such as the grant award, description of improvements and costs, before and after photographs, invoices and receipts. Attention: Meganne Steele, Development Center, 600 NE Grand Avenue, Portland, Oregon, 97232-2736.

**Façade Improvement Program**

**Proposed Program Design**

**Process:**

I. Required informational meeting with City staff
   a. Review eligible activities and expenses
   b. Describe applicable design guidelines and permit requirements

II. Application Submission
   a. Required application elements: project description; photo of existing building; sketch of project (if applicable); materials/colors; budget
   b. Projects will be reviewed in order; order to be established based on date and time at which a complete application is received

III. Staff Review
   a. Confirm eligibility (see items below)
   b. Review budget/recommend award amount
   c. Highlight key Design Guidelines for DLC to consider

IV. DLC Review
   a. Review for consistency with Design Guidelines
   b. Set project award, if approved

V. Design Review / Building Permit (If necessary)
   a. Permits could be pursued on whatever timeline applicant chose (i.e., process could be handled concurrently with grant application)
   b. Process and requirements unchanged

VI. Construct Improvements
   a. For work elements over $5,000, a minimum of 2 competitive bids must be sought
   b. Work must be performed by appropriately licensed contractors

VII. Reimbursement
   a. Reimbursement will be for no more than grant award, and no more than 50% of eligible costs.
   b. Request for reimbursement shall include itemized invoices for costs incurred, proof of payment, and photos of the completed improvements.

**Area of eligibility:**

Downtown zones, east of McLoughlin Boulevard

**Eligible buildings:**

Retail/commerical, office, and multi-family residential.

**Eligible participants:**

Property owners and business lessees with written authorization of property owner. Applicant must not have any outstanding debt to the City, unpaid property tax, or unresolved Code Enforcement issue.

**Eligible activities:**

Rehabilitation of building facades visible to the street including storefronts; doors and windows; cornices; gutters and downspouts; signs and graphics; exterior lighting; canopies and awnings; painting and masonry cleaning; new wall surfaces. Permit costs are eligible.

Eligible costs are “out-of-pocket” expenses for design, permits, and construction; “in-kind” contributions such as administrative staff time by grantees would not be eligible costs; if the applicant is a licensed contractor and wishes to perform the work themselves, eligible cost would be set at 75% of the lower of at least 2 competitive bids.

**Grant maximum:**

$10,000. Only one grant shall be awarded under this program to any individual property. Multiple lessees of one property owner shall be eligible, if all work compensated under the program is dedicated to the façade of the leased space.

**To:** **Mayor and City Council**

**From:** **Bill Monahan, City Manager**

**Subject:** **Modification of Terms for Members of the Budget and Public Safety Advisory Committees**

**Date:** **March 8, 2011**

## Action Requested

Approve the attached ordinances amending Chapter 2. 14 and 2.24 of the Milwaukie Municipal Code to change the expiration date of member terms from the last day of March to the last day of June.

## Background

At its January 18, 2011 Work Session meeting City Council discussed the need for modifications to the interview process for boards, commissions, or committees. In addition, the Council, based upon received input from the present Budget Committee Chair, David Aschenbrenner, identified a problem created by the present language of Chapter 2.10 that specifies that appointments expire the last day of March. A March 31 expiration date for members of the Budget Committee could be disruptive during the City budget process that typically extends past March 31 in any year. City Council directed City staff to review the Municipal Code and return with a recommendation for action to amend the terms of those boards, commission, or committee where modification is needed.

Staff reviewed the Municipal Code language that addresses membership in Chapter 2.10 as well as the language that applies to each City board, commission, or committee and concluded that the terms of Budget Committee members and those of the Public Safety Advisory Committee should be extended to the last day of June. Typically the city budget process extends past March 31 in any year.

As noted by the Budget Committee Chair, David Aschenbrenner, the loss of members who are term limited by code at the end of March and the introduction of new members midway through a budget process is not conducive to preparation of a budget.

In June, 2009, the Public Safety Advisory Committee proposed amendments to its by-laws that were adopted by the City Council, in accordance with Section 2.10.050 A. The justification given by the Committee for the change in terms was to allow neighborhood associations to elect their officers as well as their nominees to the Committee at the May meeting of each association. As a result, the latest amendments to the by-laws included a change of the expiration of terms from the end of March to the end of June. In order to be in compliance with Chapter 2.10.030 G. the change should be reflected in the ordinance that established the committee. Amending Milwaukie Municipal Code Section 2.24 by ordinance will accomplish this purpose.

Mayor Jeremy Ferguson reviewed the code provisions with the city manager. Together they concluded that the other boards, commissions, and committees do not have an operational need to change the expiration of terms from March to June. As a result, only changes to the terms of Budget Committee and Public Safety Committee members are proposed. During the City Council's annual meetings with each board, commission, and committee each entity will have the opportunity to review its by-laws and, if it deems it appropriate, recommend a change to its by-laws (to be followed by an ordinance amendment) if a change is needed.

Attached are the two adopting ordinances to modify the terms of the committees. The first ordinance modifies Chapter 2.14 to change the terms of Budget Committee members and the second ordinance would change Chapter 2.24, the terms of Public Safety Advisory Committee members. Included within the modification of Chapter 2.24 is a language change to remove reference to terms of the original committee members since the language is no longer applicable.

**Concurrence**

The Mayor concurs with the proposed changes as well as the Budget Committee Chair. Earlier action by the Public Safety Advisory Committee through it revised by-laws adopted on June 16, 2009 indicate its concurrence.

**Fiscal Impact**

None at this time.

**Work Load Impacts**

None at this time.

**Alternatives**

1. Accept the attached ordinances as written to modify the terms of the Budget and Public safety Advisory Committees.
2. Direct staff to modify the attached ordinances.
3. Deny approval of the attached ordinances and direct staff on further action.
4. Take no action.

**Attachments**

1. Adopting Ordinances

Attachment 1

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.24.020 B. SPECIFYING THE EXPIRATION DATE OF TERMS OF MEMBERSHIP FOR PERSONS APPOINTED TO THE PUBLIC SAFETY ADVISORY COMMITTEE.**

**WHEREAS,** Milwaukie Municipal Code Chapter 2.10 states that terms of all boards, commissions and committees of the City expire on the last day of March unless mandated by State statute or by the City ordinance that established it, and

**WHEREAS,** Milwaukie Municipal Code Chapter 2.24 established the Public Safety Advisory Committee, and

**WHEREAS,** Section 2.24.020 B. specifies the membership qualification of Public Safety Advisory Committee members but does not specify a date for the expiration of terms, and

**WHEREAS,** the City Council has earlier agreed with the recommendation of the Public Safety Advisory Committee to modify the committee by-laws to have member terms expire on the last day of June, and

**WHEREAS,** the City Council desires to conform the Municipal Code to the Public Safety Advisory Committee by-laws and have member terms expire on the last day of June, and

**WHEREAS,** Section 2.24.020 B. requires minor housekeeping of the ordinance to remove reference to initial terms of appointment that are a holdover from the creation of the committee;

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

Section 1.

Chapter 2.24.020 of the Milwaukie Municipal Code is amended to include

<u>B. Members will be appointed to the Public Safety Advisory Committee by the City Council for two (2)-year terms. Appointments will expire the last day of June. Up to two (2) additional two (2)-year terms for a total of four (4) additional years past the member's original appointment may be approved by the City Council. The members representing the neighborhood associations shall be appointed by the Council after nomination by the neighborhood association that the person will represent. The Council shall have discretion whether to appoint any person nominated by a neighborhood association. At-large members shall be appointed by the Council. The Council shall consider the recommendation of the Police Chief in making appointments to the Committee.</u>

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 _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

**ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE CHAPTER 2.14.020 SPECIFYING THE EXPIRATION DATE OF TERMS OF MEMBERSHIP FOR PERSONS APPOINTED TO THE BUDGET COMMITTEE.**

**WHEREAS,** Milwaukie Municipal Code Chapter 2.10 states that terms of all boards, commissions and committees of the City expire on the last day of March unless mandated by State statute or by the City ordinance that established it, and

**WHEREAS,** Milwaukie Municipal Code Chapter 2.14 established the Budget Committee, and

**WHEREAS,** Section 2.14.020 specifies the membership qualification of Budget Committee members but does not specify a date for the expiration of terms, and

**WHEREAS,** the City Council has determined that the responsibilities of the Budget Committee to assist the City Council in the review and recommendation of the City budget typically extend beyond the last day of March in any year, and

**WHEREAS,** the City Council desires to provide for continuity of Budget Committee membership throughout the city budget process;

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

Section 1.

Chapter 2.14.020 of the Milwaukie Municipal Code is amended to include

<u>The Committee shall consist of the members of the governing body and an equal number of members appointed from the electors of the municipal corporation. The appointed members shall be appointed for terms of three (3) years. Appointments will expire the last day of June.</u> .

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 _____.

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney

**To:** **Mayor and City Council**

**From:** **Bill Monahan, City Manager**
**Joe Sandfort, Library Director**

**Subject:** **Creation of Library Expansion Task Force**

**Date:** **March 8, 2011**

**Action Requested**
Approve the attached resolution creating the Library Expansion Task Force.

**Background**
At its February 1, 2011 Work Session meeting, City Council met with the Ledding Library Board and discussed the space needs of the library as well as the process that is necessary in order to evaluate options for enlarging the library. The availability of one million dollars of capital funds from the Library District of Clackamas County in 2012 requires that the city undertake an analysis of how to use the funds and develop a plan to address space needs. The Council and Board discussion focused on the benefits of creating a new task force to assist the staff and Board to stimulate a broad based discussion of the community need for library facilities, the options available, and the process needed to pursue locations and funding.

On February 18, 2011, the Ledding Library Board discussed the expansion project. The Board discussed five tasks involved in the expansion or relocation of the Library. It refined the tasks associated with the goal and assigned completion dates.

The first goal identified was the evaluation of the creation of a Library Expansion Task Force to assist the Board and Director to evaluate options. The Board determined that a task force should be created by May 1.

Composition of the task force could include:

Two Citizens at large
Two Neighborhood District Association representatives

Two Ledding Library board members
A member of the City Council
A local business person
A Library Foundation member
A Planning Commissioner
A Budget Committee member

The Library Director should be ex officio and serve as the primary staff representative to assist the Task Force. It should also have available to it resources from various city departments including designated staff resources from the Planning Department and Finance Department as ex officio members. Once the task force is in place, it will address the other four tasks identified by the Board at its February 18 meeting. Those tasks are:

- Develop a scope of work to evaluate options to either expand the Ledding Library or to pursue additional library facilities within the city that deliver services in association with the Ledding library (to be completed by July 1, 2011).
- Evaluate the impact of assuming responsibility for delivering services to the unincorporated areas of Clackamas County (to be completed by July 1, 2011).
- Cost out the options and present preliminary estimates to the City Council for direction (to be completed by September 1, 2011).
- Follow Council direction and obtain necessary consultant services to develop detailed plans to present to Council of the alternative funding options (to be completed by January 1, 2012).

Attached is a resolution that outlines the details of the purpose and function of the task force.

**Concurrence**
The Ledding Library Board supports creation of the task force,

**Fiscal Impact**
None at this time.

**Work Load Impacts**
Workload impacts will be moderate at the beginning of the task force but are expected to increase as task force activities and the evaluation of options take shape. Library Director Joe Sandfort has been identified as the staff liaison to this new task force and will provide basic assistance and guidance.

**Alternatives**
1. Accept the attached resolution as written to create the Library Expansion task Force.

2. Direct staff to modify the attached resolution.
3. Deny approval of the attached resolution and direct staff on further action.
4. Take no action.

**Attachments**

1. Adopting Resolution

# ATTACHMENT 1

**RESOLUTION NO. _____**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CREATING THE LIBABRY EXPANSION TASK FORCE.**

**WHEREAS,** the Ledding Library (Library) has served the Milwaukie community for many years at its present location; and

**WHEREAS,** in 2010 the City entered into a Cooperative Intergovernmental Agreement between the Library District of Clackamas County and Library Cities; and

**WHEREAS,** the Library has been found to have insufficient size to house all facilities needed to serve the City of Milwaukie and the service area assigned to the City through the Cooperative Intergovernmental Agreement; and

**WHEREAS,** under the Cooperative Intergovernmental Agreement the City will receive $1 million in 2012 to be used for capital facilities associated with the library, and

**WHEREAS,** the City lacks a long term facility plan that identifies options for expanding or relocating some facilities of the Ledding Library; and

**WHEREAS,** the Ledding Library Board (Board) and the City Council met in February, 2011 and discussed the need for undertaking an analysis of the needs and opportunities for expanding the library

**WHEREAS,** the Board has recommended the formation of a Library Expansion task Force to assist the Board and Council to assist in evaluation and development of alternatives**;** and

**WHEREAS,** the Board has recommended that the Task Force be comprised of representatives from the citizens at large, the neighborhood district associations, the Library Board, the Council, the Planning Commission, the Budget Committee and the local business community, with the assistance of the Library Director and staff from the Planning Department and Finance department as ex officio members,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council:

1. Creates the Library Expansion Task Force.
2. Authorizes the Mayor to bring forth names of representatives for approval by Council to fill the positions on the Task Force from the following:
    a. Two Citizens at large
    b. Two Neighborhood District Association representatives
    c. Two Ledding Library board members

d. A member of the City Council

e. A local business person

f. A Library Foundation member

g. A Planning Commissioner

h. A Budget Committee member

3. Designates that the Task Force will cease to function upon the completion of the following tasks:

   a. Develop a scope of work to evaluate options to either expand the Ledding Library or to pursue additional library facilities within the city that deliver services in association with the Ledding library (to be completed by July 1, 2011).

   b. Evaluate the impact of assuming responsibility for delivering services to the unincorporated areas of Clackamas County (to be completed by July 1, 2011).

   c. Cost out the options and present preliminary estimates to the City Council for direction (to be completed by September 1, 2011).

   d. Follow Council direction and obtain necessary consultant services to develop detailed plans to present to Council of the alternative funding options (to be completed by January 1, 2012).

Introduced and adopted by the City Council on .

This resolution is effective on .

_____
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

_____
Pat DuVal, City Recorder

_____
City Attorney