



# MILWAUKIE

*Dogwood City of the West*

**To:** Design and Landmarks Committee  
**From:** Li Alligood, Assistant Planner and DLC Liaison  
**Date:** July 20, 2011  
**Subject:** Preparation for July 27, 2011, Meeting

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Greetings! We will be in the **Community Room at the Public Safety Building** for next Wednesday's meeting at **6:30 p.m.** The agenda is enclosed (see Enclosure 1).

### **Façade Improvement Program**

The Committee will review 6 Façade Improvement Program applications and approve or deny each request. Please review the applications thoroughly prior to the meeting. See Enclosure 3 for more information.

### **Design Review Meeting Procedures**

The Committee's role in the land use process is to conduct public design review meetings for Type III Design Review applications, and draft a recommendation to the Planning Commission. With DLC input, the City recently adopted a new code section that clarifies the DLC's role in Type III application review, and outlines procedures for public design review meetings. The Committee will review the design review meeting procedure and the preparation of a design review recommendation.

Let me know if you have any questions. See you next Wednesday at 6:30 p.m.!

### **Enclosures**

1. July 27, 2011, meeting agenda
2. June 22, 2011, meeting notes *to be sent by July 22, 2011*
3. Façade Improvement Program applications and staff recommendations
4. MMC Subsection 19.1000 Review Procedures



## **AGENDA**

### **MILWAUKIE DESIGN AND LANDMARKS COMMITTEE**

**Wednesday, July 27, 2011, 6:30 PM**

**PUBLIC SAFETY BUILDING  
3200 SE HARRISON ST**

**1.0 Call to Order - Procedural Matters**

**2.0 Meeting Minutes** – Motion Needed

2.1 June 22, 2011 *to be sent by July 22, 2011*

**3.0 Information Items**

**4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda

**5.0 Public Meetings** – Public meetings will follow the procedure listed on reverse

**6.0 Worksession Items**

6.1 Summary: Façade Improvement Program application review (45 min.)  
Presenter: Li Alligood, Assistant Planner

6.2 Summary: Design Review Meeting Procedures Overview (30 min.)  
Presenter: Li Alligood, Assistant Planner

**7.0 Other Business/Updates**

7.1 Joint DLC/City Council meeting debrief

**8.0 Design and Landmark Committee Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.

**9.0 Forecast for Future Meetings:**

August 24, 2011      1. Façade Improvement Program application review  
                                 2. Kellogg Bridge design review work session

September 28, 2011      1. Façade Improvement Program application review  
                                 2. Kellogg Bridge design review meeting (*tentative*)

### Milwaukie Design and Landmarks Committee Statement

The Design and Landmarks Committee is established to advise the Planning Commission on historic preservation activities, compliance with applicable design guidelines, and to review and recommend appropriate design guidelines and design review processes and procedures to the Planning Commission and City Council.

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email [planning@ci.milwaukie.or.us](mailto:planning@ci.milwaukie.or.us). Thank You.
2. **DESIGN AND LANDMARK COMMITTEE MEETING MINUTES.** Approved DLC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.

#### Public Meeting Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Committee members.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommendation with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Committee was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMITTEE MEMBERS.** The committee members will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the Committee will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC MEETING.** The Chairperson will close the public portion of the meeting. The Committee will then enter into deliberation. From this point in the hearing the Committee will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMITTEE DISCUSSION AND ACTION.** It is the Committee's intention to make a recommendation this evening on each issue on the agenda. Design and Landmark Committee recommendations are not appealable.
11. **MEETING CONTINUANCE.** Prior to the close of the first public meeting, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Design and Landmarks Committee will either continue the public meeting to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

#### **Milwaukie Design and Landmarks Committee:**

Greg Hemer, Chair  
Jim Perrault, Vice Chair  
Patty Wisner  
Becky Ives  
Chantelle Gamba

#### **Planning Department Staff:**

Katie Mangle, Planning Director  
Susan Shanks, Senior Planner  
Brett Kelter, Associate Planner  
Ryan Marquardt, Associate Planner  
Li Alligood, Assistant Planner  
Alicia Stoutenburg, Administrative Specialist II

**DESIGN AND LANDMARKS COMMITTEE  
MEETING NOTES  
WEDNESDAY, JUNE 22, 2011**

**MEMBERS PRESENT**

Greg Hemer, Chair  
Jim Perrault, Vice Chair  
Becky Ives  
Chantelle Gamba

**MEMBERS ABSENT**

Patty Wisner

**STAFF PRESENT**

Li Alligood, Assistant Planner (DLC Liaison)  
Katie Mangle, Planning Director  
Wendy Hemmen, Light Rail Design Coordinator

**TRIMET REPRESENTATIVES PRESENT**

Carol Mayer-Reed, Consultant  
Leah Robbins, TriMet  
Jeb Doran, TriMet  
Ron Hayden, Consultant  
Mark Mikalovich, Consultant  
Jeff Joslin, Consultant

**OTHERS PRESENT**

Meganne Steele, Metro

**1. Call to Order – Procedural Matters**

**Chair Greg Hemer** called the Design and Landmarks Committee (DLC) meeting to order at 6:43 p.m., with Chair Hemer and Vice Chair Jim Perrault present.

**2. Design and Landmarks Committee Meeting Minutes**

2.1 April 27, 2011

This item was taken out of order and addressed after Item 6.3.

**DLC Member Chantelle Gamba moved to approve the April 27, 2011, DLC meeting notes as presented. DLC Member Becky Ives seconded the motion. The motion passed unanimously.**

**3. Information Items – None**

**4. Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda. There was none.

**5. Public Meetings – None****6. Worksession Items**

6.1 Summary: Light rail project design update



Presenter: Carol Mayer-Reed, Mayer/Reed Landscape Architects

**Katie Mangle, Planning Director**, introduced **Carol Mayer-Reed, Mayer/Reed Landscape Architects** and **Jeb Doran, TriMet**. She described her own role with the light rail project in terms of urban design for the Milwaukie section of light rail. She noted the amount of work done so far and that Mayer/Reed had played a key role and been receptive to staff and the community input.

**DLC Member Chantelle Gamba** arrived at 6:45, establishing quorum.

**Ms. Mayer-Reed** introduced members of her team in attendance and thanked the DLC for their time.

- She reviewed the design workshops, monthly meetings, open houses, and other outreach that had occurred since November 2010.
- She presented the proposed design elements via PowerPoint, noting that the focus was on the design of walls, fences, and railings in the Milwaukie section of the alignment.
  - Wall types included: concrete safety walls; soil nail retaining walls, which were taller; mechanically stabilized earth (MSE) walls; gabion walls, which were 4 feet tall; concrete sound walls, which were about 6 feet tall; and poured-in-place walls, which were lower. The general specifications, uses, and proposed placement of each were noted.
    - Considerations when evaluating the various types of walls and their placement included: cost; structural integrity; non-climbable; scale; anti-graffiti elements; ability to clean; topography; overall project continuity; position reference for viewers, pattern and texture; place making and elements of distinction; and architectural context within the city.
    - Examples of form liners were considered. They included simulated stone, board form, fractured fin, MSE, and ashlar stone. Although simulated stone could be used for architectural style, repeat patterns were an issue and there was risk of graffiti. Board form and fractured fin were effective but not very distinctive, and the interlocking MSE pieces could be noticeable.

- 70           ▪ Proposed textures for the safety walls were horizontal board form with quiet  
71           texture; safety walls would be mostly viewed by train riders. Other walls  
72           could be ashlar stone.
- 73           ▪ Along the Trolley Trail, the community had requested retaining walls with a  
74           more “earthy” feel. Possibilities included a “piano keys” pattern, which was  
75           rectilinear but also had vertical and horizontal patterns. Board form concrete  
76           worked well with vegetation from the top and the ground and would be used  
77           along the Trolley Trail segment.
- 78       ○ Fencing would be on top of walls for safety of the tracks, as guardrails along the  
79       sides of tracks, along sloped walls where there were no safety walls, and along the  
80       perimeter in some areas.
  - 81           ▪ Considerations included level of opacity; maintenance requirements;  
82           sturdiness; non-climbable; and the safety and security of users.
  - 83           ▪ Preferred fencing was black-coated fencing rather than green-coated fencing.  
84           Black-coated fencing tended to blend into the landscape and shadows year-  
85           round, while green fencing could stand out visually.
  - 86           ▪ Welded wire fencing was preferred over chain-link fencing in pedestrian  
87           areas. Opaque screening would also be used near neighborhoods.
- 88       ○ Railings would be used to guide pedestrians near the stations, as handrails, and fall  
89       protection.
  - 90           ▪ Galvanized pipe was often used. The proposal was black panels with more  
91           details. Two options were presented: wire and “reed wall.”

92  
93 **Ms. Mayer-Reed** noted the importance of differentiating different places along the alignment,  
94 and that the design of the individual station areas would be community-specific.

95  
96 **Ms. Mangle** asked about the scale of the Lake Road walls. Because the walls were very tall,  
97 they were inherently not pedestrian-friendly. She asked how the wall treatment would approach  
98 the scale and sound.

99 • **Ms. Mayer-Reed** noted that the intention was to install concrete stonework along the  
100 pedestrian level, so the texture could help diffuse sound.

101 • **Mr. Doran** verified that the pedestrian treatments would be brought back to the DLC in the  
102 near future.

103

104 **The Committee** provided feedback on the presentation.105 • **Ms. Gamba** stated her preferences:

106 ○ She liked the “piano key” form liner design because it looking like weaving.

107 ○ She appreciated the ashlar stone form liner but felt it could be more natural looking.

108 ○ She emphasized that incorporating sustainable aspects were crucial.

109 ○ She was resistant to the vertical board form design for the safety walls because they  
110 did not look like real wood.111 ○ She preferred the gabion walls because they were natural and could be host to  
112 plants and wildlife. She noted that she had seen non-galvanized gabions that  
113 allowed the steel to weatherize, creating a more natural look.114 ○ She had no strong feelings about the fences and railings. She liked the “reed wall”  
115 railing design and thought it was appropriate for a wetland area.116 • **Mr. Perrault** applauded the design team for being so receptive to the community’s wishes.117 ○ He liked the ashlar stone form liner safety walls and the use of pilasters to break up  
118 the expanse of the Lake Rd wall.119 ○ He appreciated the idea of the “reed wall” railing, and separate designs for the  
120 different sides of the Kellogg Bridge.121 • **Chair Hemer** noted that he had been very apprehensive about the design, but his faith had  
122 been restored. He thanked the TriMet design team.123 ○ He looked forward to the art project and elements at the Lake Road station, and was  
124 excited to see how closely the TriMet design team had listened to community  
125 feedback and honed in on the requests of the neighborhoods in creating a natural  
126 textures and elements.127 ○ Specifically, he liked the ‘piano key’ form liner, gabion walls, the welded wire fencing,  
128 and ‘reed wall’ fencing.

129

130 **Chair Hemer** opened the meeting up to public comment, reminding attendees that the topics  
131 open for discussion tonight were walls, fencing, and railings.

132

133 **Mark Gamba, 10414 SE 24th Ave, Milwaukie**, noted the effects of sound walls and asked why  
134 there was one planned for the Island Station neighborhood, but sound walls were so far denied  
135 in other areas that may need them more, such as downtown.

- **Leah Robbins, TriMet, and Mr. Doran** confirmed that study results were still being collected, but that sound walls were only being installed where required by the U.S. Department of Transportation Federal Transit Administration (FTA), which did not include downtown. However, that issue and more details of sound walls would be discussed in future DLC meetings.

**David Aschenbrenner, 11505 SE Home Ave, Milwaukie**, stated that although he liked the concepts presented, he disliked the presented wood pattern design of safety walls. He asked if the medallion in the panel style railings could be something that designates Milwaukie, such as the City medallion or a dogwood medallion.

**Ray Bryan, 11416 SE 27th Ave, Milwaukie**, inquired if there was still going to be a chunk of barrier wall near the light rail platform and noted his concern with regard to potential security issues. He asked about the inconsistency between galvanized and black-painted catenary poles at the stations, throughout downtown, and on the bridge.

- **Mr. Doran** confirmed that the barrier wall was required by the FTA as there were strict guidelines regarding placement near the intersection; however, TriMet was still looking for some flexibility. He noted he was aware of the discrepancy with the catenary poles and would take another look at that.
- **Chair Hemer** suggested that the catenary poles could be rounded rather than H-shape.

**Bill Corti, 3963 SE Lake Rd, Milwaukie**, asked about an area of fencing on his property on Monroe St that had a high risk of damage from delivery trucks, and if there were plans for guardrails to protect that fencing and who was financially responsible if his fence was hit.

- **Mr. Doran** stated there were no current plans for guardrails but affirmed it should be taken into consideration. However, the design hadn't gotten to that level of detail yet.

**Dion Shepard, 2136 SE Lake Road, Milwaukie**, noted she liked the railings and faux stone, but still had concerns about noise bouncing off of the walls through downtown.

**Barb Anderson, Waldorf School, 2300 SE Harrison, Milwaukie**, liked the natural look of the stone wall treatment proposed for behind the Waldorf School as well as the squareness.

**The Committee** agreed that they were in favor of the direction the design team was going regarding the proposed design elements for the Milwaukie light rail section, but preferred not to give a formal endorsement because two DLC members were not in attendance.

**Chair Hemer** called for a 5 minute break.

**DLC Member Becky Ives** arrived at 7:55 p.m. and the group reconvened at 8:01 p.m.

## 6.2 Summary: Façade Improvement Program application review

Staff: Li Alligood, Assistant Planner

**Li Alligood, Assistant Planner**, introduced **Meganne Steele, Metro**. Ms. Steele had worked with staff to craft the Façade Improvement Program, which was funded jointly by the City and Metro.

**Ms. Steele** stated that Metro was pleased to initiate the program and extended compliments to staff and the City regarding the initial interest and thus success of the program.

- She encouraged the DLC to use discretion the use of the limited funds, and reminded the Committee that the program goal was “to encourage and fund high-quality façade improvement projects to make downtown Milwaukie a more attractive, pleasant, and vibrant place.”
- She understood that some proposals may have met minimal standards, but encouraged the Committee to use their best judgment on where the bar should be set and to keep in mind what kind of environment would make a difference for pedestrians, rather than auto-focused improvements.

**Ms. Alligood** explained that staff had done a preliminary review of the proposals to verify that they met the baseline downtown design standards before sending them on to the DLC.

- The review process was first come-first served rather than competitive. The proposals had been presented to the DLC in the order which they were received.
- Per the terms of the program, the DLC could make suggestions to the applicant but could not condition the approval of the grant.

A. Applicant: Troy Reichlein  
Owner: Kana, LLC  
Address: 11074 SE 21<sup>st</sup> Ave

**The Committee** discussed the application. They noted that the current office building felt uninviting because of the covered windows, and agreed with staff recommendations to provide greater transparency to offices.

**The Committee** approved the application unanimously in the amount of \$2,800.

B. Applicant: Troy Reichlein  
Owner: Kana, LLC  
Address: 11050 SE 21<sup>st</sup> Ave (Duffy's Pub)

**Chair Hemer** agreed with staff recommendations regarding the rooftop signage, exterior lighting, and handrails. He noted his appreciation for the improvements the owner had done to the building thus far.

**The Committee** discussed the application and agreed that they were not in favor of the proposed exterior lighting to the vinyl sign, preferring that there be a permanent sign. It was agreed that lighting of a temporary sign would not be approvable.

**The Committee** denied the application unanimously with a request for the applicant to revise and resubmit with the recommended changes.

C. Applicant: Milwaukie Masonic Lodge  
Owner: Milwaukie Lodge #109 AM & AM  
Address: 10636 SE Main St

**Chair Hemer** noted that although the request was only for exterior painting, the Masonic Lodge was a statement building of downtown and highly visible.

**Mr. Perrault** asked why window repairs were excluded from the proposed project, as he would prefer to suggest that the windows be included, although not funded through this project.

**Eric Hurt, Chairman of the Milwaukie Masonic Lodge**, addressed the DLC and agreed that his preference was for a complete restoration but that there was limited funding available.

- Although the window repairs were not ideal, the proposal would further the longevity of the windows and improve the pedestrian view on the south side of the building as those windows would have the most work done.
- He noted that the building was listed as a significant resource on Milwaukie's historic resource inventory.

**The Committee** agreed that although complete restoration of the windows would be ideal, the proposal would improve the aesthetics of the building as well as give the Masonic Lodge some time to raise money for a more thorough window restoration.

**The Committee** approved the application unanimously in the amount of \$10,000.

**Mr. Huth** thanked the DLC and the City for their time and the opportunity.

D. Applicant: Doug Naef  
Owner: Same  
Address: 2045 SE Washington St

**The Committee** discussed the proposed replacement window for the storefront portion of the building and expressed a desire to see a more architecturally pleasing window, perhaps a three-panel window. The two portions of the building lacked connectivity and having the proposed new window and awning would help. However, the proposal did not go far enough.

**The Committee** denied the application unanimously with a request for the applicant to revise and resubmit with the recommended changes.

E. Applicant: Bernard's Garage  
Owner: MDDA LLC

Address: 2036 SE Washington St

**The Committee** discussed the proposal and the current state of the property. Although the need for the proposed repairs was noted, it was agreed that there was a lack of interesting elements in the proposal and the proposed work would not enhance the downtown experience. Suggestions for an improved proposal included better lighting, installation of an awning on 21st, and perhaps different paint color options to help create a more inviting and pedestrian-friendly building.

**The Committee** denied the application unanimously with a request for the applicant to revise and resubmit with the recommended changes

F. Applicant: WSCO Petroleum (Arco Station)

Owner: Z-Eldest LLC

Address: 11010 SE McLoughlin Blvd

**The Committee** noted that the building seemed to have been recently painted. Since the building did not currently have a pedestrian draw, there would need to be more drastic improvements proposed to meet the standards of the program, like awnings, permanent planters, or different paint colors. However, most of those features were beyond the scope of the façade improvement program.

**The Committee** denied the application unanimously.

**The Committee** requested that **Ms. Alligood** provide information to applicants if they wished to revise and resubmit their applications.

6.3 Summary: Land use training

Presenter: Katie Mangle

**Ms. Mangle** noted that Damien Hall, City Attorney, had recently done land use training with the Planning Commission regarding their role in the light rail project, and upcoming land use hearings related to that project.



- The expectations around the light rail project would be the same for the DLC as the Planning Commission in terms of how to report outside communications and ex parte communications.
- She cautioned the group to be aware of involvement in conversations and contacts that may occur. The DLC would be reviewing the Kellogg Bridge, the downtown light rail station, utility buildings, and some stormwater management areas. Once those elements come to design review, members would need to declare any ex parte contacts that may have occurred.
- Consequences of not declaring ex parte contact could include exclusion from the decision-making process and a higher possibility of appeal of the Planning Commission decision.

## **7.0 Other Business/Updates**

### **7.1 Joint Meeting with City Council scheduled July 5**

**Ms. Alligood** stated the main topic for discussion with City Council would be the 2011-2012 DLC work plan. She noted that the draft work plan would be a framework for the discussion with Council, but was not final, and encouraged DLC members to contact her with any additional suggestions.

## **8.0 Design and Landmark Committee Discussion Items – None**

## **9.0 Forecast for Future Meetings**

- |                 |   |
|-----------------|---|
| July 27, 2011   | 1. Worksession: Façade Improvement Program application review |
|                 | 2. Worksession: Light rail design update                      |
| August 24, 2011 | 1. Worksession: Façade Improvement Program application review |
|                 | 2. Worksession: Light rail design update                      |

Meeting adjourned at 9:35 p.m.

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Greg Hemer, Chair



**To:** Design and Landmarks Committee

**From:** Li Alligood, Assistant Planner

**Date:** July 20, 2011 for July 27, 2011, Meeting

**Subject:** Downtown Façade Improvement Program application review

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## **ACTION REQUESTED**

Review Façade Improvement Program (FIP) applications and approve or deny based on the criteria and priorities established by the DLC, the City, and Metro.

## **BACKGROUND INFORMATION**

### **A. Façade Improvement Program**

The Façade Improvement Program (FIP) was established in March 2011, and began accepting applications in May 2011. All properties located in the downtown zones<sup>1</sup> east of McLoughlin Blvd are eligible.

The purpose of the FIP is to improve the pedestrian environment by encouraging business and property owners to make external improvements to their buildings. These improvements should enhance the character and aesthetics of downtown Milwaukie and create a more attractive and vibrant commercial district. See Attachment 1 for detailed program guidelines.

The matching grant program is funded jointly by Metro and the City. The maximum grant amount is \$10,000, which must be matched by the applicant and is reimbursed upon completion of the approved project.

### **B. Application Overview**

The program was funded at \$50,000. A grant in the amount of \$2,800 was approved at the June 22 DLC meeting, and there is \$47,200 remaining in the grant fund. Six applications have been submitted for consideration at the July meeting, requesting a total of \$43,802 (see Table 1 for details). Application 2A, for the building at 11008 SE Main St, received design assistance from Metro.

See Attachment 1 for a map of property locations.

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<sup>1</sup> Downtown Commercial Zone DC; Downtown Storefront Zone DS; Downtown Office Zone DO; and Downtown Residential Zone DR.

**Table 1. Applications to be reviewed at the July 27, 2011, meeting**

<b>Applicant</b>	<b>Address</b>	<b>Amount Requested</b>
A. Carmen and Brian Meyer (Cha Cha Cha)	11008 SE Main St	\$10,000
B. Main/Monroe Investors LLC	10883 SE Main St	\$10,000
C. Nelson's Nautilus	10466 SE Main St	\$2,100
D. Pietro's	10300 SE Main St	\$8,000
E. Milwaukie Masonic Lodge	10636 SE Main St	\$6,256
F. Siri Bernard (Bernard's Garage)	2036 SE Washington Ave	\$7,371
<b>Total</b>	<b>6 properties</b>	<b>\$43,802</b>

**C. Staff Review and Recommendation**

Staff has reviewed the applications to verify program eligibility and compliance with downtown design standards. Each staff recommendation includes the following information:

- A. Background: Information about the zoning and use of the site, as well as any other site characteristics of note.
- B. Proposal: The work proposed by the applicant.
- C. Narrative: Each applicant has provided a narrative as part of the application; the narrative is included verbatim in the staff recommendation.
- D. Eligibility: Staff has determined that each application meets the grant program eligibility requirements and downtown design standards. Where appropriate, staff has noted specific components of the project that will increase downtown liveliness and the pedestrian environment.
- E. Amount requested: Staff has evaluated the project estimates submitted with each application and determined if they are reasonable. Staff has recommended the funding amount based on the proposal and eligible costs. This is not a recommendation of approval, but of the funding level in the case of approval.
- F. Additional information: Where appropriate, staff has included suggestions for improving the aesthetic appearance of subject buildings.
- G. Next steps: Some projects may require additional land use approvals before they can move forward. This section identifies which approvals, if any, are needed.

See Attachment 3 for staff recommendations and full application materials.

**APPROVAL CRITERIA**

The DLC, the City, and Metro have identified the following approval criteria for DLC review of the façade improvement grant applications:

- Will the proposal result in a noticeable improvement in the storefront or building?
- Will the proposal enhance downtown character and aesthetics?

- Will the proposal enhance the pedestrian experience?
- Is the cost of project low relative to impact (“bang for the buck”)?

## **DECISION-MAKING PROCESS**

Keeping in mind that the purpose of the program is to encourage visual improvements to private properties in downtown Milwaukie while allowing flexibility, the DLC has the following options when reviewing the grant applications:

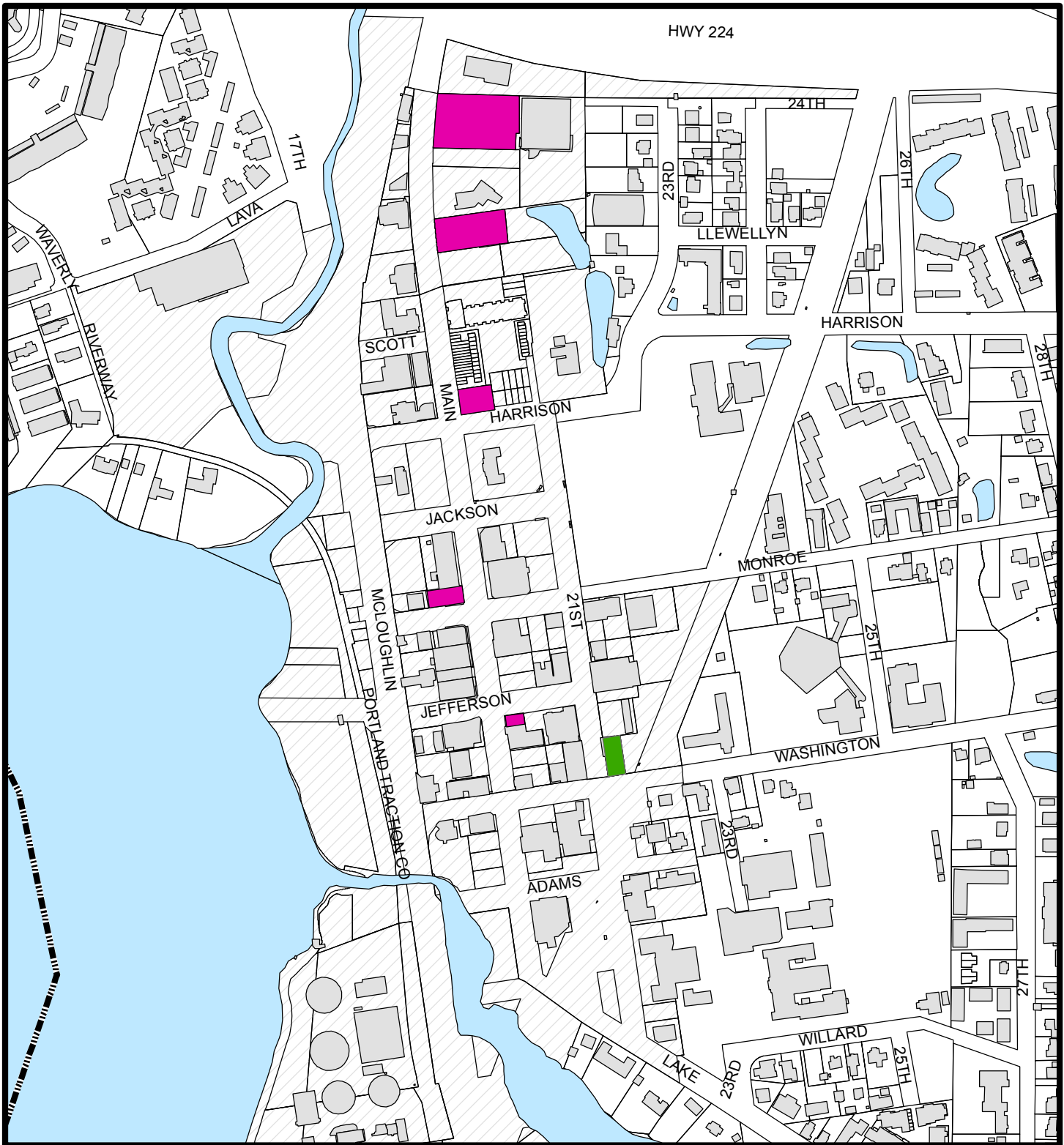
- Approve all applications.
- Review and decide on applications individually.
- Postpone a decision on individual applications to a later date.

The DLC may adjust the amount of the grant awarded and offer comments and suggestions to the applicant. Per the terms of the grant program, the DLC may not provide conditions of approval or adjust design details.

## **ATTACHMENTS**

Attachments are provided only to the Design and Landmarks Committee unless noted as being attached. All material is available for viewing upon request.

1. Map of property locations (attached)
2. Application materials and staff recommendations (attached)
  - A. 11008 SE Main St – Meyer/Cha Cha Cha
  - B. 10883 SE Main St – Main/Monroe Investors LLC
  - C. 10466 SE Main St – Nelson’s Nautilus
  - D. 10300 SE Main St – Pietro’s
  - E. 10636 SE Main St – Milwaukie Masonic Lodge
  - F. 2036 SE Washington Ave – Bernard/Bernard’s Garage



## Facade Improvement Program Applications July 27, 2011



0 250 500 1,000  
Feet

### Legend

- Current applications
- Approved applications
- Downtown Zones
- Buildings
- Tax Lots



**MILWAUKIE**  
*Dogwood City of the West*

**DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION  
STAFF RECOMMENDATION**

**Date:** July 27, 2011

**Applicant:** Carmen and Brian Meyer

**Owner(s):** Same

**Address:** 11008 SE Main St

**Grant Request:** \$10,000

**Funding Recommendation:** \$10,000

**APPLICATION SUMMARY**

**A. Background**

The site is located in the Downtown Storefront Zone DS. The building is a wood-frame two-story building constructed in 1905. The current occupant is Cha Cha Cha restaurant. The building is listed as a “significant” resource on the City’s historic resource inventory. The applicants received design assistance from Metro.

**B. Proposal**

The applicant proposes to construct a completely new storefront façade, including new windows, doors, etc.

**C. Narrative provided by applicant**

Dramatically improves the appearance of the building from Main St. Also will improve comfort for customers and greatly improve efficiency.

**D. Eligibility as determined by staff**

The proposal meets the grant program eligibility requirements and downtown design standards.

**E. Amount requested**

The applicant has requested a matching grant of \$10,000. Staff recommends funding the full amount.

**F. Additional information**

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing “eyes on the street” that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive

DLC Staff Recommendation—Downtown Façade Improvement Program  
11008 SE Main St

Page 2 of 2

window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

Staff suggests the applicant consider the following:

- Installing a blade sign with the name of the business for increased pedestrian visibility and appeal.

**G. Next Steps**

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.



## Downtown Façade Improvement Program Application Form

**RECEIVED**  
**MAY 11 2011**  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

An informational meeting with City staff is required prior to submission of this form.

Applicant:	Carmen + Brian Meyer
<small>(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)</small>	
Building location (address):	11008 SE Main St., Milwaukie, OR 97222
<small>(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a>)</small>	
Property Owner (corp/legal name):	Carmen + Brian Meyer
<small>(Attach copy of deed of trust or document establishing ownership.)</small>	
Name listed on applicant's business registration:	Cha Cha Cha Milwaukie Inc.
Applicant's Mailing Address:	3543 SE Wister St., Milwaukie, OR 97222
Contact name:	Carmen or Brian
Phone:	Carmen (971-563-3823) Brian (971-533-2699)
Email:	
Describe proposed work:	Construct a completely new storefront facade more in-line with the original character of the building. It includes all new windows + doors, etc. Please see attached plans.
<small>(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)</small>	
How does the project contribute to an attractive and vibrant downtown environment?	Dramatically improves the appearance of the building from Main St. Also will improve comfort and for customers + greatly improve efficiency.
<small>(Please refer, where applicable, to Downtown Design Guidelines.)</small>	
Total Project Cost Estimate and Grant Amount Requested	\$70,000 to \$110,000 - Requesting the full \$10,000 grant. Please see attached budget
<small>(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)</small>	



I, the undersigned, hereinafter "Applicant," submit this application for reimbursement of up to \$10,000 for façade improvement work described above under the City of Milwaukee's Downtown Façade Improvement Program.

I certify that the information provided above is accurate to the best of my knowledge. I understand that all costs for which I seek reimbursement must be documented. Under no circumstances will the reimbursement amount exceed \$10,000 or 50% of total applicant incurred costs directly related to the project.

I understand that any work must be carried out under all applicable local, state, and federal laws; and in substantial conformance with the proposal approved by the City of Milwaukee ("City"). I have reviewed the "Program Guidelines" and hereby acknowledge that no reimbursement shall be made for work that is not eligible under the guidelines or that was completed in a manner that does not comply with the guidelines. I agree to repay the City if any amounts reimbursed to me are found to have been reimbursed in error.

I hereby release the City and Metro from any liability and relinquish any claim against the City and Metro for additional compensation related to the façade improvements described above. Further, I agree to indemnify Metro and the City, and their respective officers, agents and employees, and hold the City and Metro harmless in relation to any claims related to work performed by me or on my behalf by any contractor or sub-contractors in relation to the façade improvements described above.

Carmen Meyer 

Brian A. Meyer  
Signed

7/10/11  
Date

Brian A. Meyer - President  
Printed Name & Title

\_\_\_\_\_  
Signed on behalf of

*This pilot program is being funded by the City of Milwaukee and Metro.*



# Transnation

Title Agency of Oregon

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-043685



\$31.00

01104325200700436850020024

05/21/2007 10:46:54 AM

D-D Cnt=1 Stn=6 KARLYNWUN  
\$10.00 \$11.00 \$10.00

After recording return to:  
Brian Meyer  
3543 SE Wister Street  
Milwaukie, OR 97222

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

Brian Meyer  
3543 SE Wister Street  
Milwaukie, OR 97222

## STATUTORY WARRANTY DEED

Atlas Construction Company, Inc., Grantor, conveys and warrants to Brian Meyer and Carmen Meyer, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcel 1, Partition Plat 2007-066, Clackamas County, Oregon

Tax Account No. 00027205

This property is free of encumbrances, EXCEPT:  
SEE EXHIBIT "A" WITH EXCEPTIONS

The true consideration for this conveyance is \$330,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY UNDER ORS 197.352. THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated 15 day of May, 2007

Atlas Construction Company, Inc.

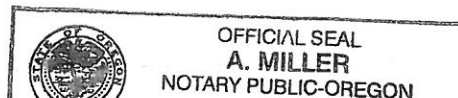
BY Michael D. Teeny  
ITS President

STATE OF OREGON  
COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me this 15 day of May, 2007 by Michael D. Teeny as the President of Atlas Construction Company, Inc. on its behalf.

Notary Public State of Oregon  
My commission expires: 07/05/2009

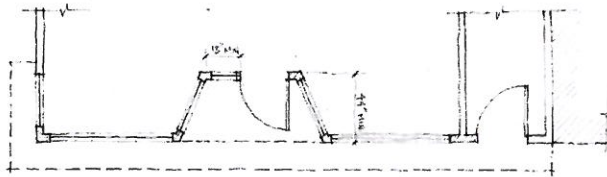
Order No. 22-0045057



# Metro Milwaukie Storefront Program

## Cha Cha Cha

11008 SE Main Street Milwaukie, OR 97222  
06.09.11



Center Entry Option  
scale: 1/4" = 1'-0"



Side Entry Option  
scale: 1/4" = 1'-0"



Existing Building



Historic Photo





## Cha Cha Cha Central Entry Option Scope-Budget: 06-24-11

### Great work

920 SE Caruthers St.  
Portland OR 97214

TEL 503.238.1112  
FAX 503.238.1113

estimates@willcopainting.com  
www.willcopainting.com

### Demolition:

- 1: Storefront system and window base (all areas covered with brick).
- 2: Removal of siding covering the area of the historic transom location.
- 3: Removal of the interior ceiling soffit at the storefront glazing.
- 4: Electrical fixtures in the ceiling would need to be removed where the suspended ceiling is being removed.

General demolition expense, including mobilization, staging, tear out, clean up: 10,000 +/-

### Proposed:

- 1: New storefront thin wood cornice to match historic photo – wood framed with metal or membrane roofing cap.  
9,000.00 +/-
- 2: New wood storefront system including transom windows, display glazing, wooden window bases, wood doors, painted metal flashing.  
11,500 +/-
- 3: New storefront windows – all wood sash w/low (e) insulated glazing.  
11,500 +/-
- 4: New lighting at the exterior
  - A: 1 surface mount light @ the entry door
  - B: 3 goosenecks above the storefront cornice.
 2,500 +/-
- 5: New interior lighting fixtures where the suspended ceiling is removed  
2,500 +/-
- 6: New signage – blade style or simple corner marquee with Cambria MR16 spotlighting.  
4,600 +/-
- 7: At the storefront, integrate new flooring, wall finishes, ceiling finishes with the existing.  
6,500 +/-
- 8: New exterior paint of the complete building – (repair wood siding and architectural detail as necessary).  
30,000 +/- Likely a minimum number, the building is in need of restoration & a lot of siding.



## Great work

920 SE Caruthers St.  
Portland OR 97214

TEL 503.238.1112  
FAX 503.238.1113

estimates@willcopainting.com  
www.willcopainting.com

9: New concrete repair especially at the entry landing.

2,500 +/-

10: New wood entry doors to retail and residential unit above

A: Paint grade doors with commercial grade locks & deadbolts – bronze finish

B: ADA thresholds at retail entry

6,200 +/-

11: Provide a budget allowance for Structural adjustments needed for accommodating the new load paths and footings.

12,000 +/-

12: Trim out interior ceiling where soffit was removed

3,500 +/-

## Budgetary Total:

\$112,300 +/-

## Cost Alternatives

1: New all wood double-hung windows on the 2nd floor. (west facing windows)

A: Demo upper windows on west façade

B: Raise (E) window headers

C: Replace small double-hung bathroom window with the same wood clad product

D: New painted casework

12,000 +/-

2: New fabric awnings on each of the 2 upper west windows.

1,500 +/-

3: Clad-wood Pella window units to compare with the all-wood windows.

Same/similar expense

## General conditions on budget:

All budgetary numbers stand alone but are also integral to the entire project, if one number is worked in a downwards or upwards direction it can affect other numbers at the same time. These should be used for budgeting only and once the final scope is determined a fixed lump sum budget will be provided.



**MILWAUKIE**  
*Dogwood City of the West*

**DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION  
STAFF RECOMMENDATION**

**Date:** July 27, 2011

**Applicant:** Main/Monroe Investors, LLC

**Owner(s):** Same

**Address:** 10883 SE Main St

**Grant Request:** \$10,000

**Funding Recommendation:** \$10,000

**APPLICATION SUMMARY**

**A. Background**

The site is located in the Downtown Storefront Zone DS. There are two buildings on this tax lot. The application includes two components: a façade renovation of the building to the west, a single-story building constructed in the 1910s; and signage and entrance improvements for the building to the east, a two-story brick building constructed in 1910 and renovated in 2007. Both buildings are currently vacant.

**B. Proposal**

The applicant proposes to renovate the Monroe St façade of the building to the west, add signage to the building to the east, and provide entrance improvements on Main St.

**C. Narrative provided by applicant**

The façade improvement for the west half of the building situated at 10883 Main Street that faces Monroe Street will restore some of the original charm that was destroyed by a 1960's era renovation that covered the beautiful brick façade and the two entrances that the building originally had. The new façade will recreate the original opening and entrances for the space and cover the exterior with stucco and add back some of the architectural highlights stripped away in the 1960's such as a cornice, sign board, visual depth using columns and window openings mimicking the original. The effect will be similar to the renovation performed on the façade that faces Main Street except that the brick work will be various shades of stucco.

**D. Eligibility as determined by staff**

The proposal meets the grant program eligibility requirements. Staff believes the concept drawing submitted with the application is likely to be consistent with the downtown design standards and design guidelines.

The following exceptions were noted by staff:

DLC Staff Recommendation—Downtown Façade Improvement Program  
10883 SE Main St

Page 2 of 2

- There was no information provided about the entrance improvements on Main St, and staff is unable to determine grant program eligibility for that portion of the work.
- The signs included in the grant request have already been installed and are not eligible for reimbursement.

**E. Amount requested**

The applicant has requested a matching grant of \$10,000. Staff recommends funding the full amount.

**F. Additional information**

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing “eyes on the street” that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

Staff suggests the applicant consider the following:

- Work with future tenants to install blade signage and sidewalk planters on the Monroe St façade for increased pedestrian visibility and appeal.

**G. Next Steps**

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.



RECEIVED  
JUN 08 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## Downtown Façade Improvement Program Application Form

An informational meeting with City staff is required prior to submission of this form.

Applicant:	Main/Monroe Investors, LLC
<i>(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)</i>	
Building location (address):	10883 SE Main Street
<i>(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a> )</i>	
Property Owner (corp/legal name):	Main/Monroe Investors, LLC
<i>(Attach copy of deed of trust or document establishing ownership.)</i>	
Name listed on applicant's business registration:	Main/Monroe Investors, LLC
Applicant's Mailing Address:	2027 SE Jefferson Street, #203, Milwaukie, OR 97222
Contact name:	Ed Aaron
Phone:	916-469-4438
Email:	caaron@ops99.com
Describe proposed work:	Signage improvement on Main and Monroe. Facade change on Monroe on unrenovated portion of the building. Entrance improvement on Main Street.
<i>(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)</i>	
How does the project contribute to an attractive and vibrant downtown environment?	Please refer to attachments.
<i>(Please refer, where applicable, to Downtown Design Guidelines.)</i>	
Total Project Cost Estimate and Grant Amount Requested	<del>\$45,680</del> 38,693.60 / REQUEST \$10,000
<i>(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)</i>	



I, the undersigned, hereinafter "Applicant," submit this application for reimbursement of up to \$ 10,000 for façade improvement work described above under the City of Milwaukie's Downtown Façade Improvement Program.

I certify that the information provided above is accurate to the best of my knowledge. I understand that all costs for which I seek reimbursement must be documented. Under no circumstances will the reimbursement amount exceed \$10,000 or 50% of total applicant incurred costs directly related to the project.

I understand that any work must be carried out under all applicable local, state, and federal laws. I have reviewed the "Program Guidelines" and hereby acknowledge that no reimbursement shall be made for work that is not eligible under the guidelines or that was completed in a manner that does not comply with the guidelines. I agree to repay the City if any amounts reimbursed to me are found to have been reimbursed in error.

I hereby release the City of Milwaukie ("City") and Metro from any liability and relinquish any claim against the City and Metro for additional compensation related to the façade improvements described above. Further, I agree to indemnify Metro and the City, and their respective officers, agents and employees, and hold the City and Metro harmless in relation to any claims related to work performed by me or on my behalf by any contractor or sub-contractors in relation to the façade improvements described above.



Signed

CHARLES E. AARON  
Printed Name & Title

6/7/2011  
Date

MAIN/MONROE INVESTORS, LLC  
Signed on behalf of

*This pilot program is being funded by the City of Milwaukie and Metro.*

**07/01/2010 to 06/30/2011 REAL PROPERTY TAX STATEMENT**

CLACKAMAS COUNTY, OREGON \* 150 BEAVERCREEK RD. \* OREGON CITY, OREGON 97045

6.1 Page 17

**PROPERTY DESCRIPTION**10883 SE MAIN ST  
MILWAUKIE OR 97222MAIN/MONROE INVESTORS LLC  
7677 SW 87TH AVE  
PORTLAND OR 97223**MAP: 11E35AA01400**

Code Area: 012-002

**ACCOUNT NO: 00018082****2010 - 2011 CURRENT TAX BY DISTRICT:**

COM COLL CLACK	191.31
ESD CLACKAMAS	127.06
SCH NORTH CLACK	1,602.72
<b>EDUCATION TOTAL:</b>	<b>1,921.09</b>
CITY MILWAUKIE	1,428.23
COUNTY CLACKAMAS	844.09
COUNTY EXTENSION & 4-H	17.31
COUNTY LIBRARY	137.03
COUNTY PUBLIC SFTY LOC OPT	87.07
COUNTY SOIL CONS	13.83
FD 1 CLACK CO	806.49
PARK N CLACKAMAS	177.19
PORT OF PTLD	24.19
SRV 2 METRO - OREGON ZOO	33.14
URBAN RENEWAL COUNTY	234.53
VECTOR CONTROL	2.25
VECTOR CONTROL LOC OPT	8.78
<b>GENERAL GOVERNMENT TOTAL:</b>	<b>3,814.13</b>
COM COLL CLACK BOND	54.77
FD 1 CLACK CO BOND	22.40
SCH NORTH CLACK BOND	708.66
SRV 2 METRO BOND	108.35
TRANS TRIMET BOND	30.09
<b>EXCLUDED FROM LIMIT TOTAL:</b>	<b>924.27</b>
<b>2010-2011 TAX BEFORE DISCOUNT</b>	<b>6,659.49</b>

<b>VALUES:</b>	<b>LAST YEAR</b>	<b>THIS YEAR</b>
<b>REAL MARKET VALUES (RMV):</b>		
RMV LAND	92,658	73,912
RMV BLDG	440,910	351,500
RMV TOTAL	533,568	425,412
<b>ASSESSED VALUE (AV):</b>		
	340,863	351,089
<b>PROPERTY TAXES:</b>		
	6,592.66	6,659.49

Please Make Payment To: CLACKAMAS COUNTY TAX COLLECTOR  
(Refer to back of statement and insert enclosed for more information)Questions about your property value or taxes?  
Please call 503-655-8671**DELINQUENT TAXES:**

0.00

**TOTAL** (after discount):**6,459.71**

Delinquent tax amount is included in payment options listed below.

(See back of statement for instructions)

**TAX PAYMENT OPTIONS**

<b>Payment Options</b>	<b>Date Due</b>	<b>Discount Allowed</b>	<b>Net Amount Due</b>
FULL PAYMENT	Nov 15, 2010	199.78 3% Discount.....	6,459.71
2/3 PAYMENT	Nov 15, 2010	88.79 2% Discount.....	4,350.87
1/3 PAYMENT	Nov 15, 2010	No Discount.....	2,219.83



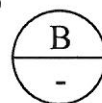








This option borrows elements from the corner building and rearranges them to fit this facade. Window headers are lower. The scale of the windows matches the corner building.



## MONROE ST. ELEVATION - OPT. 3

1/8" = 1'-0"

MARCH 24, 2011



[Click on Item For Color Options and Downloadable Specification](#)



**Ed Parecki, MBA****Construction Consultant**

7677 SW 87th Avenue

Portland, OR 97223

Cell: (503)977-9988 ed@parecki.com

CCB#192267

***Job Estimate***

<b>Date:</b>	July 5, 2011
<b>Customer order #:</b>	n/a
<b>Job Name:</b>	Monroe Façade
<b>Job Location:</b>	10883 SE Main Street

**TO: Main Monroe Investors, LLC**

2027 SE Jefferson

Milwaukie, OR 97222

**ATTN: Ed Aaron**

Description	Amount
<b>Monroe Street Façade Improvement</b>	
1 Permits:	\$900.00
2 Architectural drawings	\$1,500.00
3 Demolition: Remove existing fascia including glass panels, concrete cutting & hauling fees	\$1,850.00
4 Frame new entries (including transitions to existing sidewalk)	\$8,600.00
5 18 new Anderson windows and 2 new entry doors (See attached contractor bid)	\$4,576.00
6 Stucco reface (See attached sub-contractor bid)	\$9,770.00
7 Add rough electrical for outdoor signage	\$1,000.00
8 Electrical finish for outdoor signage lighting	\$1,590.00
9 Signage	\$2,390.00
10 Installation of doors and windows	\$2,100.00
11 Installation of door hardware	\$150.00
12 Main Street entries tiled (x2)	\$750.00
13 General contractor markup - 10%	\$3,517.60
<b>TOTAL DUE:</b>	<b>\$38,693.60</b>

**Terms:**

50% down upon acceptance of proposal

50% upon completion

**Note:** This proposal includes work only to the façade of the building based on the attached preliminary drawings.

Other interior work to the remainder of the building will be bid on a separate proposal.



5334 SW Beav-Hillsdale Hwy. Portland, OR 97221  
 Phone: (503) 245-6265 Fax: (503) 245-6357  
 700 NE 102nd Avenue, Portland, OR 97220  
 Phone: (503) 255-6552 Fax: (503) 255-2026

# EDELEN CUSTOM EXTERIORS

## DOORS

Customer Number:                     

PO Number:                     

SN#:                     

Customer: (use mailing address)

(Jobsite:)

OR CCB#70264/WA #EDELECE950K6

*Ed Peracki Coast*

Page: 1 of 1

Today's

Date:

Request

Date:

Phone:                     

Home

Cell

Work

Fax

Order Type:

☒ SUPPLY

☐ DELIVERY

☐ DROP SHIP

☐ INSTALL

W/C at:                     

Eastside

Copy Swing

Left Hand  
Inswing

☒

Rgh

☐

Left Hand  
Outswing

☐

Right Hand  
Outswing

☐

Left Active  
In

☐

Right  
Active In

☐

Left Active  
Out

☐

Right  
Active Out

☐

Please draw the door swing if yours isn't represented here.

SWING DEFINITION  
 L = Left R = Right  
 S = Stationary P = Passive  
 LARP = L = Active  
 R = Passive  
 RALP = R = Active  
 L = Passive  
 O = Out I = In

Description:

#	SUPPLIER	QTY	SIZE	MODEL	SWING	R/L	DRAW	SIZE	MTL	HINGE	SILL	#	Bset	PREP	SPECIES, OPTIONS AND MISCELLANEOUS	UNIT PRICE	TOTAL
1		2	CO: RO: 3'x6'8"	Fir 7002				4 9/16	Ham	100	<del>BR</del>	1	2 3/8	mo		460.	920.00
2			CO: RO:	LE Glass							Bronze BDA						
3			CO: RO:														
4			CO: RO:														
5			CO: RO:														
6			CO: RO:														
7			CO: RO:														
8			CO: RO:														

By initialling and signing this contract, the customer has acknowledged that all details described above and on any attached pages is accurate and fitting for their project. This includes but is not limited to color, handings, glass types, grid types, jamb sizes, window sizes, brands & models. This quote is good for 30 days. Please examine this estimate carefully as we agree to furnish only the articles named and described hereon. All agreements are contingent upon our supply source. No cancellations or returns on special order items. Any other product accepted for return by us must be in new condition and is subject to a 20% restocking charge. All product is to be received by the customer within 30 calendar days of receipt by Edelen. Any product not accepted by the customer within 30 days must be paid in full and a storage charge may apply. Weatherseal is designed to protect against air movement, not water infiltration. Therefore, unless specifically stated on the contract, there is no warranty available for water infiltration on entry doors.

Sub Total:

Customer Initial they have read Disclaimer

Deposit:

Signature

Date:

Sales Person

*Jay Martin*

Sales #

380

Net Total:

920.00



## Andersen Windows - Printed Quote/Long Form



---

QUOTE: 238 QUOTE DATE: 06/20/2011 PRINT DATE: 06/20/2011

CUSTOMER:

CELL:

PO#:

SALESREP: jay martin

PROJECT: ed parecki const

TERMS:

PICKUP/DELIVERY: Delivery

CSR Name:

---

**Billing Information**

CONTACT:

PHONE:

FAX:

ADDRESS:

---

**Shipping Information**

CONTACT:

PHONE:

FAX:

ADDRESS:

---

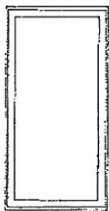
COMMENTS:

---

Line Item #: 0004      Line Item Qty: 8      Initial: \_\_\_\_\_

Location:

RO Size = 2' 0 5/8" W x 4' 0 1/2" H    Unit Size = 2' 0 1/8" W x 4' 0" H



400 Series, PSC Single Units  
Unit Code/Item Size: C14  
Operation/Handling: S  
Frame Option: Nailing Flange  
Exterior Color: Terratone  
Interior Color: Clear Pine  
Glass Type: High Performance SmartSun Low-E4 Tempered Glass

Comments:

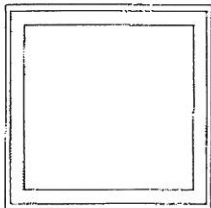
Qty	Part Num	Item Size	Description	Total Price	Extended Price
1	0000000	C14	Unit, Terratone/Clear Pine, S Handing, High Performance SmartSun Low-E4 Tempered Glass	\$ 308.83	\$ 2470.64
				<hr/>	<hr/>
				\$ 308.83	\$ 2,470.64

---

Line Item #: 0005      Line Item Qty: 8      Initial: \_\_\_\_\_

Location:

RO Size = 2' 0 5/8" W x 2' 0 5/8" H    Unit Size = 2' 0 1/8" W x 2' 0 1/8" H



400 Series, PSC Single Units  
Unit Code/Item Size: C12  
Operation/Handling: S  
Frame Option: Nailing Flange  
Exterior Color: Terratone  
Interior Color: Clear Pine  
Glass Type: High Performance SmartSun Low-E4 Glass

Comments:

Qty	Part Num	Item Size	Description	Total Price	Extended Price
1	0000000	C12	Unit, Terratone/Clear Pine, S Handing, High Performance SmartSun Low-E4 Glass	\$ 179.78	\$ 1438.24
				<hr/>	<hr/>
				\$ 179.78	\$ 1,438.24

Line Item #: 0006 Line Item Qty: 2 Initial: \_\_\_\_\_

Location:

RO Size = 5' 0 3/8" W x 2' 0 5/8" H Unit Size = 4' 11 7/8" W x 2' 0 1/8" H



400 Series, PSA Single Units  
Unit Code/Item Size: A51  
Operation/Handling: S  
Frame Option: Nailing Flange  
Exterior Color: Terratone  
Interior Color: Clear Pine  
Glass Type: High Performance SmartSun Low-E4 Glass

Comments:

Qty	Part Num	Item Size	Description	Total Price	Extended Price
1	0000000	A51	Unit, Terratone/Clear Pine, S Handling, High Performance SmartSun Low-E4 Glass	\$ 296.37	\$ 592.74
				\$ 296.37	\$ 592.74

SUBMITTED BY: _____	SUBTOTAL	\$	4,501.62
ACCEPTED BY: _____	TAXES( 0.000 %)	\$	0.00
DATE: _____	GRAND TOTAL	\$	4,501.62

\*\* All graphics as viewed from the exterior.

\*\* Rough opening dimensions are minimums and may need to be increased to allow for use of building wraps or flashings or sill panning or brackets or fasteners or other items.

*Del - 75.00*

*4576.00*

*The fixed windows in door  
frame, from previous job,  
net sizes - 4 13/16" frames*

*In stock 8 - 35 1/2" x 13"*

*1 - 37 3/8" x 13"*

*> 60.00 each*



# Stucco Systems, Inc.

P.O. Box 429 Tualatin, OR 97062 Ph: 503.692.7037 Fx: 503.691.7974 e-mail: hlstucco@exterior.cn hlstuccosystems.com

TO: Ed Parecki DATE: 06/14/11  
 ATTN: Ed RE: 10883 SE Main St, Milwaukie, OR

The following is our quote for the:

## DESCRIPTION OF SERVICES PROVIDED:

DEFS over existing stucco with cornice and decorative trim per plan.

This project will be supervised daily. H.L. Stucco Systems, Inc. to furnish labor and material for the following work; CLEAN AND ADEQUATE ACCESS TO THE BUILDING IS REQUIRED FOR NORMAL STOCKING AND SCAFFOLDING FEES. H.L. Stucco Systems, Inc. will not be liable for any extra fees incurred from Suppliers or Scaffolding erection crews.

Our bid is for the following scope of work:

Set up scaffold. Power wash wall. Install cornice and decorative trims per plan. Apply double acrylic base coat with fiber glass mesh. Apply acrylic finish coat. Apply caulking. Clean up.

Base Bid Price: DEFS  
 Labor and Material: \$ 9,770.00

**Inclusions: Scaffold, cornice, trims, clean up.**

**Exclusions: Permit, weather protection, temporary toilet.**

Note: This proposal may be withdrawn by H.L. Stucco Systems, Inc. if not accepted within 30 days. ( ALL PRICES SUBJECT TO CHANGE DUE TO UNSTABLE MARKET)

ALL MATERIAL IS GUARANTEED TO BE AS SPECIFIED. ALL WORK TO BE COMPLETED IN SUBSTANTIAL WORKMANSHIPLIKE MANNER, ACCORDING TO SPECIFICATIONS SUBMITTED, PER STANDARD PRACTICES. ALL ALTERATIONS OR DEVIATIONS FROM SPECIFICATIONS INVOLVING EXTRA COST WILL BE EXECUTED ONLY UPON WRITTEN ORDERS, AND WILL BECOME AN EXTRA CHANGE ORDER ABOVE THE ORIGINAL ESTIMATE. ALL AGREEMENTS ARE CONTINGENT UPON STRIKES, ACCIDENTS, OR DEALYS BEYOND OUR CONTROL. **OWNER IS TO CARRY FIRE, TORNADO and OTHER NECESSARY INSURANCE.** OUR WORKERS ARE FULLY COVERED BY WORKERS COMPENSATION INSURANCE.

Payment schedule is as follows: 30% due upon acceptance of the proposal, progress payments weekly and/or monthly with balance due within 10 day of substantial completion. The above price, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment to be made as outlined above. Attorney's fees: in the event of any default related to this agreement, purchaser agrees to pay all of H.L. Stucco Systems, Inc. attorney's fees, collection and court costs, including those on appeal, even if no action is filed. 1-1/2% finance charge per month for unpaid balance after 14 days.

## ACCEPTANCE OF PROPOSAL:

	H.L. STUCCO SYSTEMS, INC.		
			(Company Name)
By:		By:	
Name:	Henryk Lepis	Name:	
Title:	President	Title:	
Date:	06/14/11	Date:	
Cell #:	503-407-0588		

CLIENT FILE COPY



# MILWAUKIE

*Dogwood City of the West*

## DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION STAFF RECOMMENDATION

**Date:** July 27, 2011

**Applicant:** Johnny Ashy

**Owner(s):** Nelson's Nautilus Plus

**Address:** 10466 SE Main St

**Grant Request:** \$2,100

**Funding Recommendation:** \$2,100

### APPLICATION SUMMARY

#### A. Background

The site is located in the Downtown Residential Zone DR. The building was constructed in 1966.

#### B. Proposal

The applicant proposes to paint the exterior of the building in the current colors.

#### C. Narrative provided by applicant

The building structure is very unique and still has a pleasing appearance. Painting the building will give it a fresh and vibrant look, keeping in step with the goals of your committee.

#### D. Eligibility as determined by staff

The proposal meets the grant program eligibility requirements and the downtown design standards.

#### E. Amount requested

The applicant has requested a matching grant of \$2,100. Staff recommends funding the full amount.

#### F. Additional information

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing "eyes on the street" that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

#### G. Next Steps

DLC Staff Recommendation—Downtown Façade Improvement Program  
10466 SE Main St

Page 2 of 2

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.





RECEIVED  
JUN 08 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## Downtown Façade Improvement Program Application Form

An informational meeting with City staff is required prior to submission of this form.

Applicant:	Nelson's Nautilus Plus (Johnny Ashy)
(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)	
Building location (address):	10466 S.E. Main St. Milwaukie, Or. 97222
(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a> )	
Property Owner (corp/legal name):	MIL Athletic LLC
(Attach copy of deed of trust or document establishing ownership.)	
Name listed on applicant's business registration:	NELSON'S NAUTILUS PLUS MILWAUKIE -
Applicant's Mailing Address:	10466 S.E. Main St. Milwaukie, Or. 97222
Contact name:	Johnny Ashy
Phone:	(503) 659-4111
Email:	
Describe proposed work:	Painting of building exterior
(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)	
How does the project contribute to an attractive and vibrant downtown environment?	The Building structure is very unique and still has a pleasing appearance. Painting the building will give it a fresh and vibrant look, keeping in step with the goals of your committee.
(Please refer, where applicable, to Downtown Design Guidelines.)	
Total Project Cost	→ \$ 4200.00
Estimate and Grant Amount Requested	→ \$ 2100.00
(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)	



Milton O. Brown8320 NE Highway 99Vancouver, Washington 98665Grantor's Name and AddressMIL ATHLETIC LLC8320 NE Highway 99Vancouver, Washington 98665Grantee's Name and AddressUntil requested otherwise, send all tax statements to (Name, Address, Zip.)MIL ATHLETIC LLC8320 NE Highway 99Vancouver, Washington 98665Clackamas County Official Records  
Sherry Hall, County Clerk

2005-130268



\$41.00

00926463200501302680040048

12/30/2005 02:41:52 PM

D-D

Cnt=1 Stn=3 ELIZABETH

\$20.00 \$11.00 \$10.00

## BARGAIN AND SALE DEED - STATUTORY FORM

(Individual Grantor)

Milton O. Brown

Grantor:

conveys to MIL ATHLETIC LLC

Grantee,

the following real property situated in Clackamas County, Oregon, to-wit:

Known as 10466 SE Main Street, Milwaukie, Oregon. See Exhibit "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ None. (Here, comply with the requirements of ORS 93.030.)Change of identity. Grantor is sole member of Grantee.

DATED

12/27/05

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

Milton O. BrownSTATE OF Washington )

) ss.

County of Clark )BE IT REMEMBERED, that on this 29<sup>th</sup> day of December, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Milton O. Brown known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public in and for

the State of WashingtonResiding at Clark County, ORMy Commission Expires 8-9-09NOTARY PUBLIC  
STATE OF WASHINGTON  
JOHN M. STEIGER  
MY COMMISSION EXPIRES  
AUGUST 09, 2009

THIS SPACE RESERVED FOR SEAL

**MIL ATHLETIC LLC**  
**Administrative Offices**  
**8320 NE Highway 99**  
**Vancouver, Washington 98665**  
**Phone 360-566-8192 Fax 360-566-8197**

June 8, 2011

City of Milwaukie

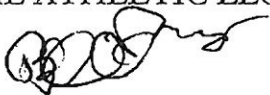
Gentlemen and Ladies,

Mil Athletic LLC is the owner of the property which is leased to Nautilus Mil LLC. Milton O. Brown is the sole member of both LLC's. See the enclosed deed from Milton O. Brown to Mil Athletic LLC.

Johnny Ashy is the Manager of Nelson's Nautilus Plus.

On behalf of both LLC's the undersigned is authorizing Johnny Ashy, the manager of Nelson's Nautilus Plus to complete and deliver to the City of Milwaukie the application for improvements which pertain to the painting of the exterior of the health club located at 10466 SE Main Street, Milwaukie, Oregon 97222.

MIL ATHLETIC LLC



By: Milton O. Brown  
Sole Member

**EXHIBIT A****Legal Description****PARCEL I:**

A part of the Donation Land Claim of Wm. Meek and wife in Township 1 South, Range 1 East of the Willamette Meridian, in the county of Clackamas and State of Oregon, bounded and described as follows to-wit:

Beginning at an iron pipe at a point that is North  $08^{\circ} 08' 00''$  West 50 feet distant from an iron pipe driven in North boundary of Lewelling Park, in the County of Clackamas and State of Oregon at a point that is South  $81^{\circ} 02' 00''$  West 140 feet distant from the Northeast corner of Lot 8, Block 3, LEWELLING PARK according to the official plat thereof as the same is duly recorded in Book 7, page 14, Records of Town. Plats of Clackamas County, Oregon; running thence North  $81^{\circ} 08' 00''$  East 482.55 feet to an iron pipe driven in the West boundary of Streib's First Addition to Milwaukie, Oregon; thence tracing the west boundary of said town plat North  $01^{\circ} 31' 00''$  West 100.85 feet to an iron pipe; thence South  $81^{\circ} 02' 00''$  West 495.5 feet to an iron pipe; thence South  $08^{\circ} 58' 00''$  East 100.00 feet to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Irwin Scott Adams, Jr., Priscilla Ann Davis and Carol Jane Yonker by Deed recorded August 22, 1989 as Fee No. 89 36577, described as follows:

Beginning at the Northeast corner of Lot 8, Block 3, LEWELLING PARK; thence South  $81^{\circ} 02' 00''$  West 140 feet; thence North  $08^{\circ} 58' 00''$  West 50 feet to the Southwest corner of the tract of land described in Deed from Annie B. Adams to Irwin S. Adams and Priscilla K. Adams recorded in Deed Book 192, Page 614; said point being in the centerline of Main Street; thence North  $81^{\circ} 02' 00''$  East 150 feet to an iron rod which point is the true point of beginning of the tract to be described; thence continuing North  $81^{\circ} 02' 00''$  East 223.30 feet to an iron rod; thence North  $01^{\circ} 17' 41''$  West 100.60 feet to an iron rod; thence South  $81^{\circ} 07' 45''$  West 242.61 feet to an iron rod; thence South  $06^{\circ} 38' 16''$  East 99.66 feet to the true point of beginning.

**PARCEL II:**

Beginning at the Northeast corner of Lot 8, Block 3, LEWELLING PARK, in the County of Clackamas and State of Oregon; thence South  $81^{\circ} 02' 00''$  West 140 feet; thence North  $08^{\circ} 58' 00''$  West 50 feet to the Southwest corner of the tract of land described in Deed from Annie B. Adams to Irwin S. Adams and Priscilla K. Adams recorded in Deed Book 192, Page 614; said point being in the centerline of Main Street; thence North  $82^{\circ} 02' 00''$  East 250 feet to an iron rod, which point is the true point of beginning of the tract to be described; thence continuing North  $82^{\circ} 02' 00''$  East 223.30 feet to an iron rod; thence North  $01^{\circ} 17' 41''$  West 100.60 feet to an iron rod; thence South  $81^{\circ} 07' 45''$  West 242.61 feet to an iron rod; thence South  $06^{\circ} 38' 16''$  East 99.66 feet to the true point of beginning.



PARCEL III:

Lot 8; Block 3, LEWELLING PARK, in the City of Milwaukie, County of Clackamas and State, of Oregon, and a tract of land in the Northeast quarter of the Northeast quarter of Section 35, Township 1 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of Lot 8, Block 3, LEWELLING PARK; thence South 08° 58' 00" East 54.6 feet to the Northwest corner of Lot 3, Block 3 said Town Plat of LEWELLING PARK; thence tracing the North boundary of Lot 3, Block 3, said Town Plat, North 80° 10' 00" East, 85.04 feet to an iron rod; thence North 08° 58' 00" West 103.32 feet to an iron rod; thence South 81° 02' 00" West 225 feet to an iron rod pipe; thence South 08° 58' 00" East 50 feet to an iron pipe driven in the North boundary of the Town Plat for LEWELLING PARK aforesaid; thence tracing the North boundary of said Town Plat North 81° 02' 00" East 140 feet to the point of beginning.

EXCEPTING that portion thereof conveyed to the City of Milwaukie by Deed recorded October 5, 1956 in Book 502, Page 104, Deed Records:

ALSO EXCEPTING THEREFROM that portion thereof conveyed to Safeway Stores, Incorporated by Deed Recorded September 2, 1966 in Book 679, Page 279, Deed Records.

DESCRIPTION:

All that part of the South one half of the South one half of the West one half of Southwest quarter of the Northwest quarter of Section 28, Township 1 North, Range 2 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, lying East of a line drawn parallel with and 400 feet Easterly of the East line of NE 82<sup>nd</sup> Avenue.

EXCEPTING THEREFROM the East 30 feet and the South 30 feet of said tract.

ALSO EXCEPTING THEREFROM that portion conveyed to the City of Portland by Deed recorded July 23, 1998, as Recorder's Fee No. 98-130029.

TOGETHER WITH all interests, estates, and rights that Grantor now has or may acquire in (1) the Real Property; (2) any and all options, agreements, and contracts for the purchase or sale of all or any part or parts of the Real Property or interests in the Real Property; (3) all easements, rights-of-way, and rights used in connection with the Real Property or as a means of access to the Real Property; and (4) all tenements, hereditaments, and appurtenances in any manner belonging, relating, or appertaining to the Real Property; and

TOGETHER WITH all interests, estates, and rights of Grantor, now owned or hereafter acquired, in and to any land lying within any streets, sidewalks, alleys, strips, and gores adjacent to or used in connection therewith; and

TOGETHER WITH all rights, titles, and interests of Grantor, now owned or hereafter acquired, in and to any and all buildings and other improvements of every nature now or hereafter located (all of the foregoing being collectively referred to below as the "Improvements"); and

TOGETHER WITH all personal property, except personal property owned by tenants occupying the Improvements of every kind and nature now owned or hereafter acquired and situated upon and/or used in connection with the operation, ownership, use, maintenance or enjoyment of the Real Property or derived from the operation of the Real Property, together with all renewals, replacements, substitutions, revenues, accessions, additions, products, proceeds and proceeds of proceeds from (of any generation) thereto and thereof (the "Personal Property"), including but not limited to the following:

All accounts, accounts receivable, chattel paper, rents, income, revenues from operations conducted on the Real Property, contracts for sale, leases, warranties, deposit accounts, documents, documents of title, equipment, fixtures, contract rights, general intangibles, goods, instruments, inventory, assumed business names of Grantor, and money;

TOGETHER WITH any and all mineral, oil and gas rights, air rights, development rights, water rights, water stock, and water service contracts, drainage rights, zoning rights, and other similar rights or interests that benefit or are appurtenant to the Real Property or the Improvements or both, and any of their proceeds; and

TOGETHER WITH all rights, interests, and claims that Grantor now has or may acquire with respect to any damage to or taking of all or any part of the Real Property or the Improvements, including without limitation any and all proceeds of insurance in effect with respect to the Improvements, any and all awards made for taking by eminent domain or by any proceeding or purchase in lieu thereof, of the whole or any part of the Real Property or the Improvements, and any and all awards resulting from any other damage to the Real Property or the Improvements, all of which are assigned to Grantee and Grantee is authorized to collect and receive such proceeds, to give proper receipts and acquittances for the proceeds.



# VERHAALEN PAINTING, INC.

*The Re-Paint Specialists*

P.O. Box 910 • Oregon City, OR 97045  
Office: 503-657-5570 • Fax 503-657-8828  
Email: verhaalenpainting@yahoo.com  
www.verhaalenpainting.com  
CHH # 85508



## EXTERIOR PROPOSAL

To: Johnny

6/24/2011  
503-659-4111

RE: Nelsons Nautilus Plus  
10466 SE Main Street  
Portland OR.97222

### Scope of work: wash, prep and paint front and right side of building

I, Ken Verhaalen, propose to furnish all materials and perform all labor necessary to complete the following:

#### Preparation to Include:

- Power wash exterior of building (front & right side) to remove loose dirt and fungus (kill fungus with bleach treatment).
- Replace cracked caulking around door frames, window frames, and along seams of siding.
- Scrape and sand peeling paint on siding and trim as needed.
- Primer bare wood with latex primer on siding and trim as needed.

#### Painting to Include:

- Spray all siding with two coats latex paint. Back roll weathered areas as needed.
- Roll and brush all trim with two coats latex paint.

All of the above work is to be completed in a substantial and workmanlike manner according to standard practices for the sum of:

Paint 25 gallons @ \$30.00 per gallon of Sherwin-William's Super paint (Retail \$45.50/gal)

Labor \$3600.00      Paint \$750.00

Total cost: \$4350.00 (metal rails not included in bid)

Full payment to be made upon completion.

Gary Wickham of Wickham Construction will pressure wash and paint west and south side of the Nautilus Milwaukie. Including trim, roundabout, walls around garbage area, and all trim. Job will be complete within one weeks' time.

Paint and supplies	\$2,220
With rental and delivery	\$600
OF man LIFT	
Labor	\$1,400
 Total	 \$4,200

Job location: 10466 SE Main St. Milwaukie, Oregon 97222







**MILWAUKIE**  
*Dogwood City of the West*

**DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION  
STAFF RECOMMENDATION**

**Date:** July 27, 2011

**Applicant:** Pietro's Restaurant Group, Inc.

**Owner(s):** Geraldine Willie

**Address:** 10300 SE Main St

**Grant Request:** \$8,000

**Funding Recommendation:** \$8,000

**APPLICATION SUMMARY**

**A. Background**

The site is located in the Downtown Residential Zone DR. The building was constructed in 1969.

**B. Proposal**

The applicant proposes to paint the exterior of the building in the current colors.

**C. Narrative provided by applicant**

Current paint is faded and worn. This will give building a brighter/cleaner appearance.

**D. Eligibility as determined by staff**

The proposal meets the grant program eligibility requirements and the downtown design standards.

**E. Amount requested**

The applicant has requested a matching grant of \$8,000. Staff recommends funding the full amount.

**F. Additional information**

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing "eyes on the street" that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

Staff suggests the applicant consider the following:

- Remove signage from windows facing Main St for "eyes on the street."

DLC Staff Recommendation—Downtown Façade Improvement Program  
10300 SE Main St

Page 2 of 2

- Consider installing planters or landscaping near the sidewalk and throughout the parking lot.

**G. Next Steps**

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.



RECEIVED  
JUN 21 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## Downtown Façade Improvement Program Application Form

An informational meeting with City staff is required prior to submission of this form.

Applicant:	Pietro's Restaurant Group, Inc.
(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)	
Building location (address):	10300 SE main
(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a> )	
Property Owner (corp/legal name):	Genaldine Willie
(Attach copy of deed of trust or document establishing ownership.)	
Name listed on applicant's business registration:	Pietro's Restaurant Group, Inc.
Applicant's Mailing Address:	10300 SE main
Contact name:	Ramon David
Phone:	503-753-5776
Email:	ray@pietrosrestaurants.com
Describe proposed work:	Re paint exterior of Building to match existing.
(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)	
How does the project contribute to an attractive and vibrant downtown environment?	Current paint is faded & worn. This will give building a brighter/cleaner appearance.
(Please refer, where applicable, to Downtown Design Guidelines.)	
Total Project Cost Estimate and Grant Amount Requested	Bids indicate Total Project Cost between \$12K and \$16K. Amount requested is \$8,000. Bids Attached.
(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)	



## Alligood, Li

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**From:** Ray David <ray@pietrosrestaurants.com>  
**Sent:** Wednesday, July 06, 2011 1:35 PM  
**To:** Alligood, Li  
**Subject:** FW: painting project  
**Attachments:** Pietros.docx

Please see attached approval from landlord

Ray David  
President  
Pietro's Restaurant Group, Inc.  
10300 SE Main  
Milwaukie, OR 97222  
503-753-5776  
Check us out on the Web:  
<http://pietrosrestaurants.com/>



**Pietro's Pizza**  
&  
Gallery of Games



---

**From:** OregonCarbideSaw@comcast.net [mailto:OregonCarbideSaw@comcast.net]  
**Sent:** Wednesday, July 06, 2011 11:16 AM  
**To:** Ray David Pietro's Pizza  
**Subject:** painting project

Good morning Ray,

Royce spoke with you last week concerning painting and possible grant money from the city. If the attached letter is not what you were wanting please give us a call. You can use this e-mail to contact us or call us at the number listed.

Thanks,  
Royce and Jan Dupree  
Oregon Carbide Saw  
1713 SE 7<sup>th</sup> Ave  
Portland, OR 97214  
503-235-8559  
Fax 503-235-8550  
[oregoncarbidesaw@comcast.net](mailto:oregoncarbidesaw@comcast.net)

July 6, 2011

Pietro Pizza  
Attn: Ray David  
10300 SE Main Street  
Milwaukie, OR 97222

To whom it may concern:

The landlord, Geraldine Wille, gives Ray David and Pietro's Pizza the authorization to obtain bids and or grants for painting of the building at 10300 SE Main Street Milwaukie, OR 97222.

If you should have any questions please feel free to give me a call.

Royce Dupree

503-235-8559

# Glacier Painting Inc.

17100 SE Stratford Ave

Milwaukie, OR 97267

503-680-9647

CCB#172004 WA GLACIPI928DO

## Estimate

Date

6/8/2011

Name / Address

Pietro's Restaurant Group  
10300 SE Main St  
Milwaukee OR 97222

Project

Description	Total
All exterior siding will be power washed to remove all loose dirt and debris. Once siding is completely dry, all loose and peeling paint will be scraped and bare wood will be primed using an exterior primer. All caulking that is cracking out and failing will be removed and recaulked using a polyurethane exterior caulk. Once siding is completely prepped one coat of Sherwin Williams Satin Super Paint will be applied. Sherwin Williams Super Paint will be tinted using Evirotone Colorants in order to promote longer color retention. Siding will be sprayed and back rolled to fill in voids and cracks in order to seal siding.	11,975.00
Prep and paint 3 outdoor light fixtures, 1 black railing and 1 bike rack	350.00
Subtotal:	12,325.00
Alternate: Paint back side of railing at lower roof line that has not been previously painted	1,155.00
<b>Total</b>	
	\$13,480.00





June 19, 2011

*Residential and Commercial Painting*

VIA E-MAIL: [ray@pietrosrestaurants.com](mailto:ray@pietrosrestaurants.com)

Ray David  
Pietros Pizza  
10300 SE Main St  
Milwaukie, Oregon 97222

RE: Bid for exterior painting at Pietros Pizza at 10300 SE Main St in Milwaukie

Dear Ray;

The general manager at Pietros wanted me to give you some options when I asked him about number of coats and kind of paint, so here is what I came up with:

We can paint one coat of red and two coats of white with Rodda's AC line of paint for \$9,681.00.

We can paint two coats of red and two coats of white with Rodda's AC line of paint for \$11,026.00.

We can paint one coat of red and two coats of white with Benjamin Moore Aura paint for \$10,691.00.

We can paint two coats of red and two coats of white with Benjamin Moore Aura paint for \$12,786.00.

I plan on spraying the red and rolling the white, so we will get red paint on the parts that should be white, so I want to apply two coats of white paint to make sure we get proper coverage.

If you want us to back brush the red paint we can do it for an additional \$580.00. In case you don't know what "back brushing" is, it is when someone with a paint brush follows the person spraying the paint onto the walls and he brushes the wet paint into the small cracks and grooves of the siding. The siding on your building looks good and may not need back brushing, but I recommend it and am giving it to you as an option.

The following will be done:

*Interior • Exterior • Staining   Licensed • Bonded • Insured*  
CCB# 162595  
12706 SE 27<sup>th</sup> Avenue • Milwaukie, Oregon 97222-7837  
Email: [info@postenpainting.com](mailto:info@postenpainting.com) • [www.postenpainting.com](http://www.postenpainting.com)  
Office: (503) 654-7161 • Fax: (503) 653-6851

Pressure wash the building to clean it up so the new paint has a clean surface to stick to.

Scrape off the loose paint and prime the bare wood.

There are a lot of cracks in the columns by the front entrance, so we will caulk these. We will also caulk any cracks around the doors and windows. We will not caulk the cracks between the flat siding and the vertical pieces of wood.

Mask the windows and other things, as needed, to keep paint off of them.

Spray either one or two coats of paint on the siding and red ceilings where they exist, such as by the front entrance. We will back brush one of the coats if you choose this option.

Brush and roll two coats of white paint on the white areas, such as the vertical stripes, fascia boards and beams, doors, windows, posts.

We will brush two coats of solid color decking stain on the steps and landing at the back of the building.

We will not prep, prime or paint anything other than what is listed above.

For the paint I want to use either Rodda AC paint or Benjamin Moore Aura paint. Aura paint is top of the line and also has very good color retention. I noticed that the red is fading, and if the Aura paint is used there should be less fading. On SE McLoughlin Blvd in Milwaukie there is a paint store called Dick's Color Center and it is painted with Aura red paint. If you want to look at it you will see that the red is very vivid and looks quite nice. You can find out more about these products by visiting the websites at [www.roddapaint.com](http://www.roddapaint.com) and [www.benjaminmoore.com](http://www.benjaminmoore.com).

I estimate using 35 gallons of primer and paint if we apply one coat of red and 60 gallons if we apply two coats of red. This is a good estimate, but if more is needed we will purchase it and charge you for each additional gallon.

Posten Painting will be paid a down payment of 25% of the overall cost of the job when the contract is signed, another 25% just before we start the job and the balance upon completion of the job. For your convenience Posten Painting now accepts major credit cards: VISA, MC and Discover.

Please check out our website at [www.postenpainting.com](http://www.postenpainting.com) to see examples of some of our work. There are pictures and also comments from some of our customers about our work. We are fully licensed, bonded and insured. All of our employees are legal and we do all of the work.

Thank you for giving us the opportunity to give you an estimate on your project. We pride ourselves in doing quality work and strive to ensure very happy customers. Please call me if you have any questions or if you want something changed on your estimate. We look forward to servicing you.

*Interior • Exterior • Staining    Licensed • Bonded • Insured*  
CCB# 162595

12706 SE 27<sup>th</sup> Avenue • Milwaukie, Oregon 97222-7837  
Email: [info@postenpainting.com](mailto:info@postenpainting.com) • [www.postenpainting.com](http://www.postenpainting.com)  
Office: (503) 654-7161 • Fax: (503) 653-6851



Proposal Date: 6-17-11

## PROPOSAL

PROPOSAL SUBMITTED TO	HOME PHONE	WORK PHONE	CELL PHONE
<b>Pietro's Restaurant Group, Inc. – Ray David</b>			<b>503-753-5776</b>
ADDRESS	ALT PHONE	FAX	EMAIL
<b>10300 SE Main St.</b>			<a href="mailto:ray@pietrosrestaurants.com">ray@pietrosrestaurants.com</a>
CITY, STATE, AND ZIP CODE	JOB NAME AND ADDRESS (if different)		
<b>Milwaukie, OR 97222</b>	<b>1030 Pietro's</b>		

**Re:** Proposal for painting the exterior of restaurant located at 10300 SE Main St. Milwaukie, OR 97222.

### Exterior Painting: \$16,700.00

Prep & Finish: Exterior siding, soffits, fascia, gutters, windows, door frames and doors, all architectural accent trim is included. Includes exterior steps and railings. Includes all paint, labor and necessary materials.

- Pressure wash exterior, allow 4 days to dry.
  - Pre-soak any moss, mildew or chalking paint that is present with a bleach and TSP solution.
- Remove all accessory items as needed for a complete paint job.
- Scrape and sand any loose or peeling paint.
- Brush prime all exposed wood and metal.
- Caulk seams where caulking has previously failed, as well as those crucial to preventing water from soaking into wood.
- Mask, apply two coats of Sherwin-Williams A-100 Satin Latex to siding and soffits (tinted with Enviro-Toner colorants for improved color retention).
  - First coat will be back brushed/rolled.
- Apply two coats of Sherwin-Williams 25 Year Superpaint Satin Latex to all roofline, window and door trim, architectural accent trim, posts and railings.
- Apply two coats of Sherwin-Williams Pro Industrial Zero VOC Semi-Gloss Enamel to exterior doors.
- Apply two coats of Sherwin-Williams Armorseal Tread Plex Gloss Enamel to exterior steps.
- Replace all accessory items that have been removed, touch up as necessary.

### Colors:

1. Siding and soffits, side steps: Red
2. Fascia, gutters, window frames, doors and door frames architectural accent trim: White

### Excluded:

- Repairs/carpentry.
- Interior of entry way, interior entry doors.
- All other surfaces or areas not specifically mentioned above.

### Included in our standard preparation procedures:

1. Areas not receiving paint will be kept clean.
2. Clean up all areas daily.
3. All left over paint will be labeled and left for future touch-ups.
4. At the completion, our trained project manager will carefully inspect all surfaces to insure our quality standard has been met.

Respectfully submitted: **Joshua Voigt**



## Sales Contract, Warranty and Terms

**Please carefully read the following important information before signing your job proposal. Customer signature of proposal acceptance implies agreement to all the terms, warranties and statements listed below.**

### Limited Warranty:

Sundeleaf Painting Inc. warrants labor and materials against defect for one full year from job **completion** date. Failure due to workmanship will be repaired at no cost to the owner. Should paint failure occur due to manufacturer defect the warranty of the manufacturer will be in effect. Any other warranty provided by another entity is not covered herein.

This warranty excludes and in no event will Sundeleaf Painting Inc. be held liable for consequential or incidental damages caused by accident or abuse, extreme weather conditions, temperature changes, settlement or moisture; i.e., cracks caused by expansion and/or contraction.

### Payment Term:

The listed proposal price is in effect for 30 days from the date of proposal, and cannot be guaranteed beyond that point due to labor and material price fluctuations. Should proposal agreement come after the listed 30 day please consult with your Sundeleaf sales representative to determine additional increases if necessary.

Please be aware that Sundeleaf Painting Inc. requires a 30% deposit by the start of the job and the balance due upon completion of proposal work order. Delinquent final payment will be assessed a 1.5 % per month finance charge after 30 days. Failure to provide the minimum 10% deposit could affect potential start date since priority will be given to those who leave a down payment.

### Arbitration:

All claims, disputes and other matters in question between Sundeleaf Painting Inc. and the owner arising out of or relating to the agreement documents or the breach thereof, except for claims which have been waived by the making or acceptance of final payment, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association in force unless the parties mutually agree in writing otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrator or arbitrators shall be final, and payment may be entered upon it in accordance with the applicable law in any court having jurisdiction

### General Term:

1) Sundeleaf Painting Inc. is a member in good standing with the PDCA (Painting and Decorating Contractors of America), As such; we use PDCA standards for quality control. All Sundeleaf work shall meet PDCA standards. PDCA standards can be viewed at Sundeleaf's office if desired, or at [www.pdca.org](http://www.pdca.org). (e.g. Quality standards, touch-up standards, color sample standards, etc.)

2) All areas to be painted are to be available at the job start time. Expensive pictures and furniture should be moved prior to painting. If you require help in moving furniture, etc, we will be happy to help, but Sundeleaf Painting Inc. will not be held liable for damage incurred as a result.

3) Colors and sheen are to be determined before work begins. We can provide up to three color draw downs at no extra cost, but extra draw downs will require an additional fee. Unless otherwise noted in your proposal we usually allow one trim color, one body color and one door color for exteriors, and one ceiling color, two wall colors, and one woodwork color for interiors. Additional colors or sheens will require a price negotiation.

4) Cost for testing, removing, or abatement of lead, asbestos, PCB's, or any hazardous material is not included. Any costs or potential costs associated with these issues or any potential issues surrounding these items are to be contracted and paid separate from this proposal.

5) Please initial for receipt of the following where applicable:

\_\_\_\_\_ **Consumer Protection Notification:** This information explains contractor licensing standards, bonds and insurance requirements, steps consumers take for successful construction projects, and what to do if problems occur.

\_\_\_\_\_ **Information Notice to Owner About Construction Liens:** Contractors must give homeowners this notice anytime the contract price is more than \$1,000.00. It is given at the time a written contract is signed or if a verbal contract within five working days. The notice explains the construction lien law. It includes steps homeowners can take to protect their property from a construction lien.

\_\_\_\_\_ **Notice of Procedure:** The notice explains what a homeowner must do before beginning an arbitration or court action against a contractor for construction defects. (This procedure is separate from the Construction Contractor's Board (CCB) Dispute Resolution process).

\_\_\_\_\_ **Lead Notification**

6) Please note that for work performed in Washington State our proposal does not include any sales tax. Sales tax will be added to the contract price on all invoices.

Should you require clarification on any items listed above please feel free to contact your Sundeleaf Painting Inc. sales representative. We want to make your painting experience as pleasant as possible.

**Acceptance of Proposal:**  
Listed price(s), specifications, and  
Conditions are satisfactory and hereby accepted

Signature: \_\_\_\_\_

Date: \_\_\_\_\_









**MILWAUKIE**  
*Dogwood City of the West*

**DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION  
STAFF RECOMMENDATION**

**Date:** July 27, 2011

**Applicant:** Milwaukie Masonic Lodge

**Owner(s):** Same

**Address:** 10636 SE Main St

**Grant Request:** \$6,355.50

**Funding Recommendation:** \$6,355.50

**APPLICATION SUMMARY**

**A. Background**

The site is located in the Downtown Storefront Zone DS. The building was constructed in 1925 and is listed as a “significant” historic resource in the City’s historic resource inventory.

**B. Proposal**

The applicant proposes the following:

- Wash and touch up the building
- Paint light fixtures
- Paint emblems
- Sand, caulk, reglaze, and paint windows
- Paint awnings

**C. Narrative provided by applicant**

Our building is one of Milwaukie’s best known landmarks. Improving the exterior only adds to the overall elegance of downtown.

**D. Eligibility as determined by staff**

The proposal meets the grant program eligibility requirements and the downtown design standards.

**E. Amount requested**

The applicant has requested a matching grant of \$6,355.50. Staff recommends funding the full amount.

**F. Additional information**



DLC Staff Recommendation—Downtown Façade Improvement Program  
10636 SE Main St

Page 2 of 2

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing “eyes on the street” that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

Staff suggests the applicant consider the following:

- Explore a 3-color scheme for future repainting, to highlight unique architectural details.

**G. Next Steps**

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.



RECEIVED  
JUL 07 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## Downtown Façade Improvement Program Application Form

**An informational meeting with City staff is required prior to submission of this form.**

Applicant:	Milwaukie Masonic Lodge
<i>(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)</i>	
Building location (address):	10636 SE Main St.
<i>(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a>)</i>	
Property Owner (corp/legal name):	Milwaukie Masonic Lodge
<i>(Attach copy of deed of trust or document establishing ownership.)</i>	
Name listed on applicant's business registration:	Milwaukie Masonic Lodge
Applicant's Mailing Address:	4185 Imperial Dr., West Linn OR 97068
Contact name:	Eric Huth
Phone:	360-601-6814
Email:	eric@erichuth.com
Describe proposed work:	Wash and touch-up building, paint light fixtures, paint emblems; sand, caulk, re-glaze and paint windows, paint awnings.
<i>(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)</i>	
How does the project contribute to an attractive and vibrant downtown environment?	Our building is one of Milwaukie best known landmarks. Improving the exterior only adds to the overall elegance of downtown
<i>(Please refer, where applicable, to Downtown Design Guidelines.)</i>	
Total Project Cost Estimate and Grant Amount Requested	\$12,711 ; \$6,355.50
<i>(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)</i>	

July 5, 2011

Members of the DLC-

We had (3) contractors bid our project. We selected the middle bid, EDI Finishes, as they are willing to sand the paint on the windows giving us a better finish. The low bid excluded sanding. We feel this bid will give us the best value.

Thank You,

A handwritten signature in dark ink, consisting of a stylized 'E' followed by a long horizontal stroke.

Eric Huth  
Chairman, Building Management Board  
Milwaukie Masonic Lodge







EDI Finishes Inc  
CCB# 189452  
9301 SE 55th Ave  
Milwaukie, Or 97222  
503.505.8484

## Estimate

Number E234

Date 5/19/2011

### BILL TO

Eric Huth  
Masonic Lodge  
SE Main St  
Milwaukie, Or

### SHIP TO

Gabe Stewart  
EDI Finishes Inc  
6065 West A St  
West Linn, Or , 97068

Description	Amount
WINDOWS A. LOOSE PAINT REMOVAL- Scrape sand and clean window sash, sills and casings.	\$2,420.00
WINDOWS B. SEALANT REMOVAL AND REPLACEMENT - Remove failing sealant and unpaintable silicone and replacing with VLM sealant(untextured sonolastic)	\$1,452.00
WINDOWS C. PRIMING- Prime all sashes, sills and casings with Permanizer Primer(recommended for wood restoration when the integrity of the wood has been compromised by water damage)	\$1,544.00
Painting awnings(same color)	\$300.00
	\$0.00
	\$0.00
WINDOWS G. PAINTING- Painting all window sashes, sills and casings with 2 coats of exterior paint(Miller Kril or equivalent. Color and finish of choice)	\$3,050.00
WINDOWS H. GLAZING- Removing failing glazing. Clean soiled areas to be re-glazed before priming with oil based primer, and applying glazing. (This is to be performed at time and materials for \$40 per hour, not to exceed \$2200)	\$2,200.00
Pressure washing-If washing the building without repainting in mind, there is a chance that paint could be knocked off of the stucco, in which time and materials would apply @ \$40 per hr.( Washing includes scrubbing with medium strength bristle brushes)	\$700.00
Touchup needed from pressure washing	\$1,000.00
	\$0.00
	\$0.00



---

*Residential and Commercial Painting*

May 20, 2011

VIA E-MAIL: [raganney@comcast.net](mailto:raganney@comcast.net)

Andy Andrews  
Milwaukie Masonic Lodge  
10636 SE Main St  
Milwaukie, Oregon 97222

RE: Revised bid for painting exterior of Masonic Lodge

Dear Andy;

Posten Painting can paint the exterior of the Milwaukie Masonic Lodge for \$23,614.00 if we paint two coats of Sherwin Williams Superpaint on all of the siding.

The cost will be \$21,825.00 if we paint two coats of Sherwin Williams Duration on the south and west sides and one coat on the north and east sides.

The cost of painting the windows (which is included in the above prices) is \$9,200.00.

We can pressure wash the building for \$420.00. Pressure washing the building, prepping & painting the windows will be \$9,620.00.

The following will be done:

Pressure wash the building so the new paint has a clean surface to stick to.

Scrape off the loose paint and prime any bare wood. We will do this for the windows as well as the rest of the building. We will not do any sanding since the paint is old and undoubtedly contains lead.

Caulk all of the cracks around the windows as well as other cracks in the building. We will use a high quality caulk for this; we will use Sonolastic 150 caulk.

Remove the glazing that is in bad shape. We will not remove any glazing that is in good shape, but will remove the glazing that is loose or broken. Prime the bare wood where the

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Office: (503) 654-7161 • Fax: (503) 653-6851



glazing is missing. After the primer is dry re-glaze any areas where we removed the old glazing or where there was no glazing in the first place. I want to use Sherwin Williams glazing compound or an equivalent glazing compound that is still of high quality.

After the glazing has set up we will paint the windows with Sherwin Williams Duration paint. This is high quality paint and will help protect the windows. Duration is self priming, so it will act as a primer over the glazing and wood of the windows. When we paint the windows we will get the paint a little onto the glass to fully seal the glazing and protect the windows. We will make sure the cut in lines around the window panes look really good.

As a note, Posten Painting will not do any stucco repairs.

Mask the windows and other things that shouldn't get painted.

Sand and prime the new downspouts and the unpainted gutter.

Spray either one or two coats of paint on the siding, back rolling one of the coats. We will not paint the flashing at the top of the walls.

Brush two coats of paint on the trim, which includes the windows, window frames and the accent pieces, such as the circles that are high on the building and the topmost stones in the brick arrangements. I want to use Duration paint for the windows and other trim since the windows are in such bad shape. Two coats of Duration will help protect the windows.

The metal awnings will be painted with two coats of paint suitable for metal in the trim color.

The soffet in front of the building (above the balcony) will be painted a creamy color.

Paint two coats of paint on the logo. The colors will match the existing colors.

In this bid I am assuming that the job is not a prevailing wage job. I am assuming that we will not do any stucco repairs, other than caulking cracks. When we walk on the roof tiles we will be very careful, but I can't guarantee that we won't break any tiles. If we break them we will let you know so you can have a professional roofer replace any damaged tiles, but we are not assuming liability for any broken tiles.

I estimate using 74 gallons of primer and paint if we use Superpaint for the siding and 66 gallons if we use Duration for the siding. This is a good estimate, but if more is needed we will purchase it and charge you for each additional gallon.

The job will take us about 2 ½ to 3 weeks to complete. The time it will take depends on how many painters I have working on the job, but I plan on having about 5 guys on the job and it will probably take about 2 ½ to 3 weeks to complete

Posten Painting will be paid a down payment of 25% of the overall cost of the job when the contract is signed, another 25% when 1/3 of the job is done, another 25% when the second 2/3 of the job is done and the final 25% upon completion of the job. We can re-work the payment schedule if you want, but I would like a down payment and some kind of progress payments.

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For your convenience Posten Painting now accepts major credit cards: VISA, MC and Discover.

Please check out our website at [www.postenpainting.com](http://www.postenpainting.com) to see examples of some of our work. There are pictures and also comments from some of our customers about our work. We are fully licensed, bonded and insured. All of our employees are legal and we do all of the work.

Thank you for giving us the opportunity to give you an estimate on your project. We pride ourselves in doing quality work and strive to ensure very happy customers. Please call me if you have any questions or if you want something changed on your estimate. We look forward to servicing you.

Sincerely,

Kevin L. Posten  
Painting Contractor

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*CCB# 162595*  
12706 SE 27<sup>th</sup> Avenue • Milwaukie, Oregon 97222-7837  
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Office: (503) 654-7161 • Fax: (503) 653-6851



Premier Custom Homes

CCB# 155585

18109 Waldow Road  
Oregon City, OR 97045ANDY STEVENS  
503-309-9852**Estimate**

Date	Estimate #
5/19/2011	87

Name / Address
Milwaukie Masonic Lodge 10636 SE Main Street Milwaukie, Oregon 97222

			Project
Description	Qty	Cost	Total
Labor and materials to clean exterior of building and all wood windows and doors. Cleaning will consist of a water and cleaning solution mix. We will pre soak the area to be cleaned and apply the solution with a brush and scrub and rinse.		4,500.00	4,500.00
Labor and materials to prep the wood windows to be painted. Prepping the building will consist of caulking, scraping, puttying, sanding were needed. Priming wood windows.		6,800.00	6,800.00
Labor and materials to paint just the windows. We will use Sherwin-Williams super paint.		5,100.00	5,100.00
Allowance to glaze necessary windows. This price is just an allowance. I based this figure on re glazing 40 window pains. \$25.00 dollars per pain and add \$5.00 dollars to repair any broken pains.		1,000.00	1,000.00
Labor to repair and paint 2 compass.		475.00	475.00
<b>Total</b>			\$17,875.00

FAX: 503-655-7329 • 18109 S. WALDOW ROAD • OREGON CITY, OR 97045  
 WWW.PREMIERCUSTOMHOMES.BIZ • ANDY@PREMIERCUSTOMHOMES.BIZ • CCB# 155585



**DOWNTOWN FAÇADE IMPROVEMENT PROGRAM APPLICATION  
STAFF RECOMMENDATION**

**Date:** July 27, 2011

**Applicant:** Bernard's Garage, Inc.

**Owner(s):** MDDA, Inc.

**Address:** 2036 SE Washington St

**Grant Request:** \$7,371

**Funding Recommendation:** \$7,371

**APPLICATION SUMMARY**

**A. Background**

The site is located in the Downtown Office Zone DO. The building consists of 2 separate sections: the northern portion of the building is a 1-story gas station and repair shop facing Washington St; the southern section of the building is a 2-story brick structure facing 21st Ave.

**B. Proposal**

The applicant proposes the following:

- Paint entire building
- Replace window trims that are rotted
- Patch concrete around building
- Construct metal awning over 21<sup>st</sup> St entrance
- Replace large windows at 21<sup>st</sup> St entrance with non-tinted/reflective windows
- Repair lighting and remove old piping

**C. Narrative provided by applicant**

The awning and windows will give the 21<sup>st</sup> St entrance a neat and professional look. The lighting and concrete repair will provide safety and a better look. The painting is needed and will be the same colors as now.

**D. Eligibility as determined by staff**



The proposal meets the grant program eligibility requirements and the downtown design standards. Replacement of the existing windows will remove a nonconforming window and provide transparency.

It is unclear whether the proposed awning and light fixtures would meet the downtown design guidelines.

**E. Amount requested**

The applicant has requested a matching grant of \$7,371. Staff recommends funding the full amount.

**F. Additional information**

The downtown design guidelines contain useful information and tips for making downtown buildings more attractive and pedestrian friendly. Pedestrian friendly buildings have transparent windows, providing “eyes on the street” that enhance pedestrian safety. They may also have canopies or awnings to protect pedestrians from the elements, attractive window displays to attract the eye, or sidewalk decor such as planters to add depth to the front facade. Small, inexpensive changes can make a big impact.

Staff suggests the applicant consider the following:

- Reversing the color scheme of the building facing 21<sup>st</sup> Ave, so that blue is an accent color rather than the primary color.
- Consider installing planters on the sidewalk.

**G. Next Steps**

If the grant is awarded, competitive bids will be expected for any project components over \$5,000.



RECEIVED  
JUL 13 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

## Downtown Façade Improvement Program Application Form

An informational meeting with City staff is required prior to submission of this form.

Applicant:	Bernard's Garage, Inc
(If applicant is not the building owner, attach either a lease specifying tenant's right to make improvements or letter from owner authorizing improvements.)	
Building location (address):	2036 SE Washington St.
(See <a href="http://www.ci.milwaukie.or.us/gis/planning-maps">http://www.ci.milwaukie.or.us/gis/planning-maps</a> )	
Property Owner (corp/legal name):	MDDA, LLC
(Attach copy of deed of trust or document establishing ownership.)	
Name listed on applicant's business registration:	Bernard's Garage Inc
Applicant's Mailing Address:	2036 SE Washington ST Milwaukie, OR 97222
Contact name:	Siri Bernard
Phone:	503-659-7722 or 503.515.4322
Email:	siri.bernard@comcast.net
Describe proposed work:	<ul style="list-style-type: none"> <li>• <del>Paint entire building</del></li> <li>• Replace window trims that are rotted. Patch concrete around building.</li> <li>• Construct metal awning over 21<sup>st</sup> street entrance include permits</li> <li>• Replace large windows at 21<sup>st</sup> street entrance for code compliance</li> <li>• Repair lighting - remove old piping - permits for 21<sup>st</sup> street.</li> </ul>
(Attach photo of existing building. Attach color/material samples and a sketch, if applicable.)	
How does the project contribute to an attractive and vibrant downtown environment?	<p>The awning and windows will give the 21<sup>st</sup> street entrance a neat + professional look. The lighting + concrete repair will provide safety + better look. The painting is needed + will be the same colors as now.</p>
(Please refer, where applicable, to Downtown Design Guidelines.)	
Total Project Cost Estimate and Grant Amount Requested	<p>Total project cost = \$147,420. Grant Request = \$73,710.00</p>
(Maximum grant is \$10,000 and no more than 50% of total cost. Attach a detailed budget or formal estimate for any project element exceeding \$1,000.)	

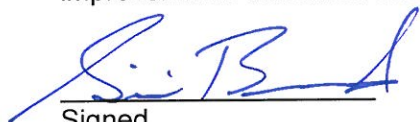


I, the undersigned, hereinafter "Applicant," submit this application for reimbursement of up to \$ 7371. for façade improvement work described above under the City of Milwaukie's Downtown Façade Improvement Program.

I certify that the information provided above is accurate to the best of my knowledge. I understand that all costs for which I seek reimbursement must be documented. Under no circumstances will the reimbursement amount exceed \$10,000 or 50% of total applicant incurred costs directly related to the project.

I understand that any work must be carried out under all applicable local, state, and federal laws; and in substantial conformance with the proposal approved by the City of Milwaukie ("City"). I have reviewed the "Program Guidelines" and hereby acknowledge that no reimbursement shall be made for work that is not eligible under the guidelines or that was completed in a manner that does not comply with the guidelines. I agree to repay the City if any amounts reimbursed to me are found to have been reimbursed in error.

I hereby release the City and Metro from any liability and relinquish any claim against the City and Metro for additional compensation related to the façade improvements described above. Further, I agree to indemnify Metro and the City, and their respective officers, agents and employees, and hold the City and Metro harmless in relation to any claims related to work performed by me or on my behalf by any contractor or sub-contractors in relation to the façade improvements described above.



Signed

Siri Bernard

Printed Name & Title

7/13/11

Date

Bernard's Garage, Inc

Signed on behalf of

*This pilot program is being funded by the City of Milwaukie and Metro.*

EO

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



THIS LEASE, entered into on February 1, 2011 between  
Milwaukie Downtown Development Association, LLC (MDDA, LLC)  
LANDLORD'S LEGAL TITLE  
 and Bernard's Garage, Inc.  
TENANT'S LEGAL TITLE, hereinafter called lessor,  
 and Bernard's Garage, Inc., hereinafter called lessee.

In consideration of the promises herein, lessor leases to lessee those certain premises, situated in the City of  
Milwaukie, Clackamas County, State of Oregon, described as  
 follows:

Real property located at 2036 SE Washington Street

The lease term begins at 12 o'clock A. M. on February 1, 2011  
 and ends at midnight on January 31, 2016.

**1. Base Rent.** 1.a. Lessee shall pay to lessor, at lessor's address as set forth herein, a base rent of \$ 91,200  
 for ☒ the first year of the term ☐ each year of the term (indicate which), to be paid in the monthly amount of \$ 7,600  
 on or before the 1st day of each month, commencing February 1, 2011.

1.b. Each party initial if applicable. The base rent shall be adjusted annually on the one year anniversary date of the commencement of this lease by the percentage increase, if any, in the Consumer Price Index for the last full month prior to the date on which rental adjustment is being computed, compared to the last full month prior to the same date during the previous year. The term "Consumer Price Index" shall, for the purposes of this lease, be the "Consumer Price Index for All Urban Consumers, Table 1" specified for "All Items" (U. S. City Average, 1982-84 = 100), and issued by the United States Department of Labor, Bureau of Labor Statistics.

1.c. Each party initial if applicable. If the base rent set forth in paragraph 1.a. is for the first year of the term, then with each succeeding year lessee shall pay to lessor base rents to be paid at the following times and in the following amounts:

The base rent shall increase by 3% annually on the anniversary date of this lease.

1.d. Each party initial if 1.d. and 1.e. apply As ☐ an additional rent ☐ its rent (indicate which), lessee shall each month pay to lessor \_\_\_\_\_ percent (\_\_\_\_ %) of lessee's prior month's gross sales, as defined in paragraph 1.e. In no case shall lessee pay less than the base rent stated in paragraph 1.a. above.

1.e. Statement of Gross Sales. On or before the tenth (10th) day of each month, lessee shall deliver to lessor a complete and correct statement showing in reasonable detail all gross sales for the immediately preceding calendar month, which statement shall be signed by an officer or authorized agent of lessee certifying it to be true and accurate. The term "gross sales" shall include all money and things of value received by, or paid to, lessee or to others for lessee's use and benefit, and all credit extended by lessee in connection with the business conducted by it on the premises, and less the amount of any actual refunds or credits made by lessee on returnable merchandise. Lessor may accept the statement without admission as to its accuracy, and may, upon reasonable notice, inspect and audit all of lessee's books and records relating to gross sales. Lessor shall bear all inspection and audit expenses, but lessee shall reimburse lessor for all such reasonable costs incurred in the event such audit reveals an understatement of gross sales by more than ten percent (10%). Audits may be conducted by any professional or agent selected by lessor, but lessee may require

to add to the building, and for that purpose at any time may erect scaffolding and any other necessary structures about or upon the premises; and for that purpose lessor and lessor's representatives, contractors and workers may enter in or about the premises with such materials as lessor may deem necessary to effect that purpose, and lessee hereby waives any claim against lessor for damages, including loss of business resulting from such alterations, repairs or improvements.

**15. Repairs and Improvements by Lessee.** By taking possession of the premises, lessee accepts the premises as being in the condition in which lessor is obligated to deliver them and otherwise in good order, condition and repair. Lessor has made no representations to lessee with respect to the condition of the premises, except as set forth in this lease. During the term of this lease, at its own expense lessee shall repair and maintain the premises, except as set forth in this lease, including but not limited to the storefront, all interior and exterior doors and windows, interior walls, heating, ventilating and cooling systems, interior wiring, plumbing and drain pipes to sewers or septic tank; and lessee shall at its own expense obtain all required permits for such repairs or maintenance. Lessee specifically agrees to replace all glass that may be broken or damaged during the term of this lease with glass of as good or better quality as that now in use.

**16. Fixtures.** Lessee shall make no alterations, additions or improvements to or upon the premises, including exterior color, without the prior written consent of lessor; lessor retains the right to approve plans for any and all such alterations, additions or improvements; and at the end of this lease lessor retains the right to require lessee to remove at lessee's own expense any alterations, additions or improvements made by lessee during the lease term, and to repair any damage to the premises resulting from such removal. Any and all alterations, additions or improvements, exterior awnings or projections, or any other addition to or improvement to the premises, whether installed by lessor or by lessee, shall be at the sole expense of lessee, shall at the time of installation become a part of the premises, and shall be the property of lessor, unless otherwise agreed between the parties in writing, and subject to any limitations set forth herein.

**17. Ice, Snow, Debris.** At all times lessee shall keep the sidewalks in front of the premises free and clear of ice, snow, rubbish, debris and obstructions of any nature. If lessee occupies the entire building, lessee will not permit ice, snow, rubbish, debris and obstructions of any nature to accumulate on the roof of the building so as to stop up or obstruct the gutters or the downspouts or cause any damage to the roof. Lessee will at its own expense fully reimburse and indemnify lessor against any injury, whether to lessor or lessor's property, or to any other person or property caused by any failure of lessee under this paragraph.

**18. Lessor's Right of Entry.** Lessor, its employees, agents or representatives may at any time enter into lessee's premises for the purpose of examining the condition of lessee's premises, to perform necessary services, maintenance and repairs or alterations to the building or the premises, to show the premises to any prospective tenant or purchasers, or for any other lawful purpose. Except in case of emergency such entry shall be at such times and in such a manner as to minimize interference with the business use of the premises by lessee.

**19. Lessee's Right of Access.** During times other than normal building hours, if the premises have no outside entry, lessee's officers and employees, or those having business with lessee, may be required to identify themselves or to show passes in order to gain access to the building. Lessor shall have no liability for permitting or refusing to permit access by anyone.

**20. Awnings and Window Treatments; Signage and Advertising.** 20.a. Lessee shall attach no awnings or other projections to the outside walls of the premises or of the building of which the premises are a part without the prior written consent of lessor. Lessee may place curtains or other window treatments in exterior windows of the premises only if those window treatments are in keeping with the standards adopted by lessor for the building. Lessee acknowledges that any permitted awnings or projections, as well as complying window treatments, may become property of lessor as fixtures placed upon the premises by lessee.

20.b. Lessee may not place signs or other advertising on the outside walls of the premises or in exterior windows without the prior written consent of lessor. If lessee does so, lessor may, without liability, remove such signage or other advertising at lessee's expense. Upon termination of this lease lessee shall remove all of its signage or other advertising from the premises, and shall at its own expense repair any damage caused by such signage or other advertising.

**21. Nonassignment.** Lessee shall not assign, transfer, pledge, hypothecate, surrender or dispose of this lease, or of any interest herein, sublet, or permit any other person or persons whomsoever to occupy the premises without the prior written consent of lessor; and lessor may withhold its consent if, in lessor's discretion, the proposed assignee or sublessee does not have sufficient net worth or a sufficiently established record of successful business operations, or proposes a use which is different from the use for which lessee has entered into this lease, pursuant to paragraph 8 hereof. The benefit of this lease is personal to lessee, and if lessee's interests under this lease are transferred to any other person or entity, in whole or in part, in any manner, including by operation of law, without the prior written consent of lessor, such transfer shall be an act of default whether or not rents or other liabilities are paid, and from the time of such transfer lessor shall have all rights to possession of the premises. In addition, lessee shall reimburse lessor for all of the professional and legal fees, as well as any other expenses incurred by lessor in evaluating any proposed assignee, regardless of whether lessor approves such assignee; and unless lessor specifically releases lessee therefrom, lessee shall after assignment or sublease remain primarily liable for payment of all base rent and other charges, as well as for the performance of all of lessee's duties under this lease.

**22. Liens.** Lessee shall not permit any lien of any kind to be placed upon any portion of the premises or the building in which the premises are situated, or upon the land on which it stands.

**23. Damage to Premises; Lessor's Duty to Repair; Abatement of Rent During Repair.** If the leased premises suffer major damage by fire or other casualty, lessor may terminate this lease as of the date of the loss. If damage to the premises exceeds fifty percent (50 %) of the value of the premises, but the premises are not totally destroyed, lessor may elect to repair the premises, and shall exercise that election by giving to lessee written notice of its election within thirty (30) days after the date of loss; if lessor fails to give that written notice, lessor shall be deemed to have elected not to repair the premises, and the lease shall terminate as of the date of the loss. If lessor elects to repair the premises, lessee shall comply with lessor's reasonable request to vacate all or any part of the premises during reconstruction, and lessor shall repair the premises promptly. For the period of time after the date of the loss and until necessary repairs have been substantially completed, there shall be an abatement of rent in proportion to lessee's loss of use of the premises. However, if the damage to the premises is minor, and no material disruption of lessee's business occurs as a result of such damage, there shall be no abatement of rent and lessor shall repair the damage promptly.



EA

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



## TRUST DEED

STATE OF OREGON, } ss.  
County of \_\_\_\_\_Milwaukie Downtown Dev Assoc LLC  
11843 SW Grenoble Street  
Wilsonville, OR 97070

Grantor's Name and Address

Bernard's Garage, Inc.  
2036 SE Washington Street  
Milwaukie, OR 97222

Beneficiary's Name and Address

After recording, return to (Name, Address, Zip):

Bernard's Garage, Inc.  
2036 SE Washington Street  
Milwaukie, OR 97222

Jim Bernard

Clackamas County Official Records  
Sherry Hall, County Clerk

2011-012565



\$52.00

01477251201100125650020027

02/24/2011 08:40:40 AM

M-TD Cnt=1 Stn=1 JANISKEL  
\$10.00 \$16.00 \$16.00 \$10.00

NAME

TITLE

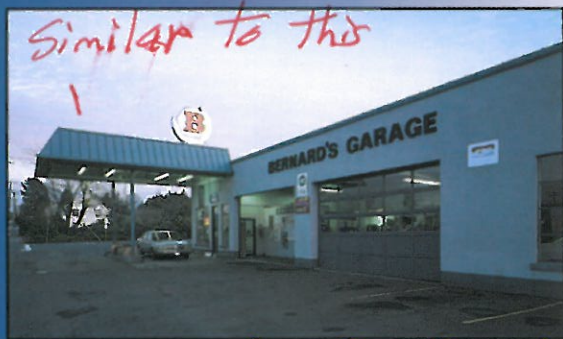
By \_\_\_\_\_, Deputy.

THIS TRUST DEED, made on February 1, 2011, between  
Milwaukie Downtown Development Association, LLC, as Grantor,  
Ticor Title, as Trustee, and  
Bernard's Garage, Inc., as Beneficiary,

## WITNESSETH:

Grantor irrevocably grants, bargains, sells and conveys to trustee, in trust, with power of sale, the property in  
Clackamas County, Oregon, described as:

Lots 2, 3, 4, 5, & 6: Block 37 in the City of Milwaukie.

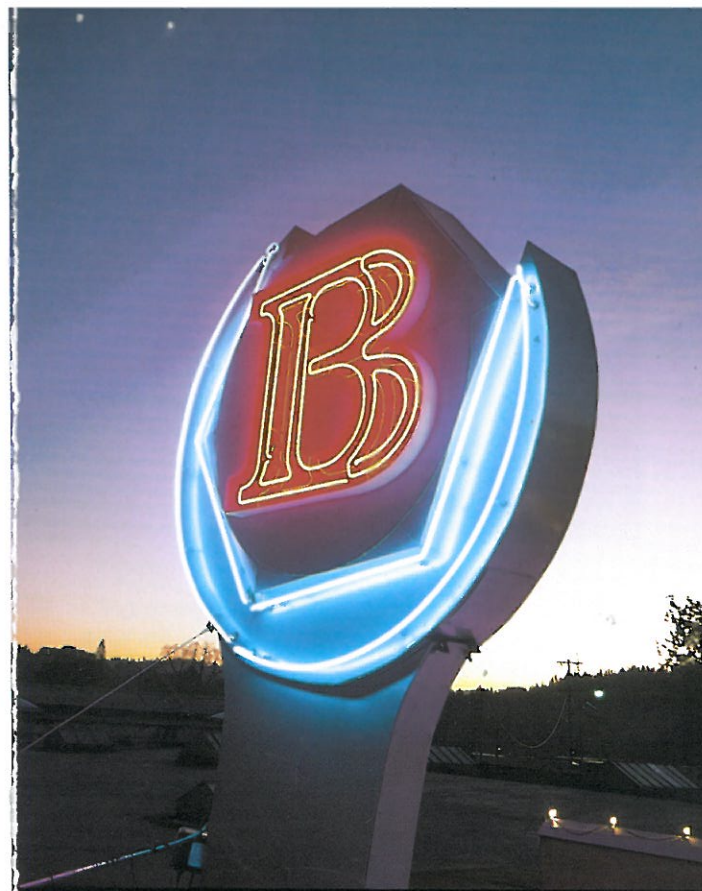


**Generations  
of Quality**  
*Since 1925*

**Q<sup>TM</sup>**  
**QUAKER  
STATE<sup>®</sup>**  
**The intelligent oil.**

**BERNARD'S GARAGE, INC**

2036 S.E. Washington Street  
Milwaukie, Oregon 97222



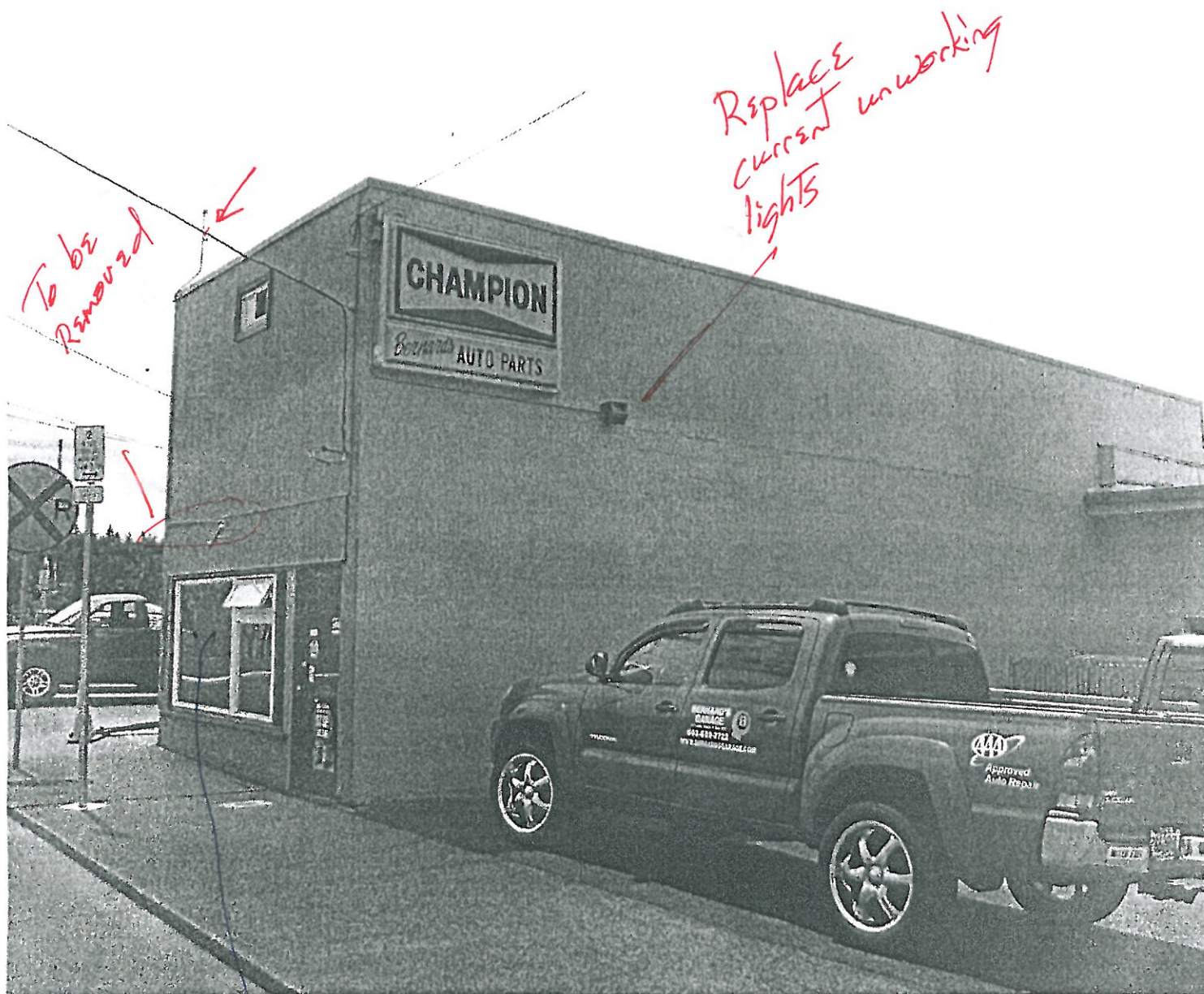
**BERNARD'S  
GARAGE, INC.**

*Generations of Quality  
Since 1925*

2036 S.E. Washington Street  
Milwaukie, Oregon 97222

(503) 659-7722 Parts (503) 659-7723





Replace  
Reflective windows





XFINITY Connect

siribernard@comcast.net

± Font Size ±

---

**FW: window bid for office, Everclear Windows and Doors**

---

**From :** Matt Kenaga <matt@everclearwindows.com>  
**Subject :** FW: window bid for office, Everclear Windows and Doors  
**To :** siribernard@comcast.net  
**Cc :** john@bernardsgarage.com

Wed, Jul 13, 2011 07:03 PM

📎 1 attachment

---

**From:** Matt Kenaga [mailto:matt@everclearwindows.com]  
**Sent:** Wednesday, July 13, 2011 12:02 PM  
**To:** 'siribernard@comcast.com'  
**Subject:** window bid for office, Everclear Windows and Doors  
**Importance:** High

Hello,

OK, replacing the window with a big picture window with 2 awning windows (like you have now) going across the top. It will be Milgard Tuscany white vinyl windows, with Low-E Argon glass. That big window unit will be \$1720 + \$900 labor to install. The small window next to the door will be \$250 installed.  
Total is \$2870

Replacing just the glass in the windows you already have will be \$2300 total including the small window.

I JUST got a price on the awning. It will be \$2200 installed. I've included a bad picture of the item (ignore the color). IF a permit has to be pulled for the awning, then we have to go to a much more expensive awning, since this one can't be engineered. Engineering costs \$90 hour if the city gets picky about anything on the awning.

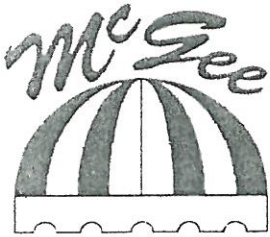
Thanks,

Matt Kenaga  
Everclear Windows and Doors  
17885 SE 82nd drive  
Gladstone, Or., 97027  
503-652-0592  
503-659-4808 fax  
everclearwindows.com



**Awning CAS.jpg**  
91 KB

*NO*



620 SE WATER AVENUE  
PORTLAND, OR 97214  
SHADES (503) 235-4111  
AWNINGS (503) 235-1188  
FAX (503) 736-0609

# PROPOSAL

SERVING OREGON FOR OVER 30 YEARS

EVERYTHING FOR THE WINDOW. BUT THE VIEW

SHADES - BLINDS - AWNINGS

CANVAS PRODUCTS

LINDS & AWNINGS, INC.

503-653-4173

CUSTOMERS NAME	PHONE	DELIVERY
Bernardo Canace	515 - 4322	<input checked="" type="checkbox"/> INSTALL <input type="checkbox"/> WILL CALL
ADDRESS	DATE	OTHER
2036 SE Washington	7/13/11	
CITY, STATE AND ZIP	TERMS	

Milwaukie, OR	1/2 deposit - Bal Net		
QUANTITY	DESCRIPTION	PRICE	AMOUNT

Hello - Come back by for correct office door + windows.			
1	Alum awning Complete	1795.00	
	Engineering + permits approx	2000.00	
Sincerely Colon Hardbrook			
1	Canvas awning complete if desired	964.00	
	Engineering + permits approx	1500.00	

THANK YOU FOR YOUR BUSINESS!		DEPOSIT
ACCEPT THIS PROPOSAL AS THE TERMS STATED ABOVE.		BALANCE
CUSTOMER SIGNATURE	DATE	DUE



**Siri Bernard**

**From:** DUANE PROUTY [Duanep@msn.com]  
**Sent:** Thursday, July 07, 2011 8:51 AM  
**To:** siri@bernardsgarage.com  
**Subject:** Fw: ESTIMATE  
**Attachments:** John Sciarra 7-5-11.doc

----- Original Message -----

**From:** DUANE PROUTY  
**To:** john@bernardsgarage.com  
**Sent:** Tuesday, July 05, 2011 9:36 AM  
**Subject:** Re: ESTIMATE

Hello John: I have attached the file for the bid. Just the proposal is copied below.

Thank you  
 Duane Prouty  
 Prouty's Electric Inc.  
 Cornerstone Electric LLC  
 360-798-3039

## CORNERSTONE ELECTRIC LLC

PMB 453, Clackamas OR 97015, CCB# 158917

John Sciarra  
 Bernards Auto parts  
 2036 Southeast Washington Street  
 Milwaukie, OR 97222  
 503-659-7722  
[john@bernardsgarage.com](mailto:john@bernardsgarage.com)

July 5, 201

I am pleased to submit the proposal for the electrical work. This is base on walk through done 7/2/20011 at the garage and photos.

1. Repair of the Electric sign to be done on a time and material bases \$85.00/hr
2. Remove old piping on out side of building on East side \$50.00
3. Replace 2 outside wall flood light with new 100 Watt Metal Halide wall packs and photo cells \$240.00 each
4. Repair weather head on power coming into Auto Part side \$100.00
5. Permit City of Milwaukie \$116.50

**Total \$746.50** plus repair of the sign.

Exclusion: Fire alarm, pulling phone and data cables, sheet rock cutting and patching, any correction to existing work required by the inspector.

7/7/2011

This bid is good for 30 days. To schedule this work we ask for a 1/3 down payment. If accepted please sign and return or call to discuss any questions. Final payment should be by check or cash at job completion.

Warranty is for one year from the installation of the product. Warranty is void if tamper or altered by other or other contractor.

Payment is due upon completion of work.

Collection and Attorney fees will be, added to the bill accord to the rate that the law allows for unpaid bills.

If you have, any questions please call.

Thank you,

Sign \_\_\_\_\_

*Duane Prouty*

Duane Prouty Superintendent

Cornerstone Electric LLC

Cell 360-798-3039

Enclosed Oregon Disclosure please sign and return

1. **Consumer Protection Notice**
2. **Information Notice to Owner About Construction Liens**
3. **Notice of Procedure**



JORGENSEN PAINTING, INC.  
9031 SE Hinkley, Happy Valley, OR 97086-3621  
Phone: 503-777-1413, Contractor's License No. 79178

May 24, 2011

John Sciarra  
Bernard's Garage, Inc.  
2036 SE Washington St.  
Milwaukie, OR 97222  
Phone: 503-659-7722  
email: john@bernardsgarage.com

Work to be performed at: same as address

We propose to complete the following work, furnishing all paint, labor and material:

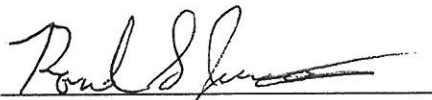
Exterior

Repairs to stucco on East side of building and window frames as needed. \$1100.00

1. Power wash building.
2. Scrap where necessary.
3. Patch any holes.
4. Patch West side of building.
5. Paint building 3 colors, 2 coats using Elastomeric paint.
6. Tape off letters attached to building.

Cost for items 1 through 6 is \$6,800.00. Additional charge for repairs on East side stucco is \$1,100.00 bringing cost for complete job to \$7,900.00 due and payable upon completion. Any alteration or deviation from above specifications will be completed at extra cost.

Respectfully submitted:

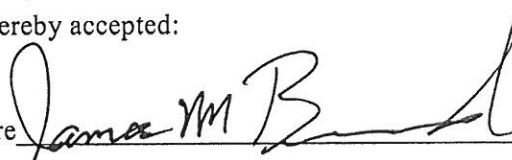
  
\_\_\_\_\_  
Ronald S. Jorgenson

ACCEPTANCE OF PROPOSAL

The above prices and conditions are satisfactory and are hereby accepted:

Signature

Date

  
5/31/11

## **CHAPTER 19.1000**

### **REVIEW PROCEDURES**

#### **SECTIONS:**

- 19.1001 General Provisions**
- 19.1002 Preapplication Conference**
- 19.1003 Application Submittal and Completeness Review**
- 19.1004 Type I Review**
- 19.1005 Type II Review**
- 19.1006 Type III Review**
- 19.1007 Type IV Review**
- 19.1008 Type V Review**
- 19.1009 Public Hearings**
- 19.1010 Appeals**
- 19.1011 Design Review Meetings**

#### **19.1001 GENERAL PROVISIONS**

##### **19.1001.1 Purpose**

The purpose of this chapter is to establish procedures for the review and processing of land use applications. This chapter is intended to make the land use review process clear and understandable, to facilitate timely review of land use applications by the City, and to enable the public to participate in the local land use decision-making process. The provisions contained in this chapter are intended to be consistent with Oregon law regulating land use review.

##### **19.1001.2 Applicability**

All land use applications shall be reviewed using the procedures contained in this chapter.

##### **19.1001.3 Consistency with Statute**

The processing of applications and permits authorized under Titles 14, 17, and 19 shall be consistent with the Oregon Revised Statutes (ORS). The City shall follow the provisions of the ORS in instances where following the provisions of this chapter alone would fail to meet State requirements for the processing or review of land use applications or permits.

##### **19.1001.4 Review Types**

All land use applications have both a review type and an application type. This chapter establishes the review procedures associated with each review type. Chapter 19.900 contains a list of application types and their associated review types.

##### **A. Review Types**

There are five types of review: Types I, II, III, IV, and V. Table 19.901 contains a list of the City's land use applications and their associated review types.

##### **B. Determination**

When a review type for a land use application is not specified in Table 19.901, or otherwise required by law, the Planning Director shall determine the review type. This determination is not applicable to the determination of whether a Comprehensive Plan map or Zoning Map

## 19.1001

amendment is a quasi-judicial or legislative matter, as described in Subsections 19.902.4 and 19.902.6. The Planning Director's determination shall favor the review type that provides the most appropriate public notice and opportunity for public comment. The Director's review type determination is not a land use decision per ORS 197.015 and is not subject to appeal.

## C. Notice

The notice requirements in this chapter shall be the minimum amount of notice required for each specific review type. The City may provide notice in excess of the minimum requirement.

**19.1001.5 Review and Appeal Authorities**

- A. The review authority for each review type is listed in Table 19.1001.5. The review authority is also the decision authority, except for Type IV and V reviews as described below.
- B. The appeal authority for each review type is listed in Table 19.1001.5. The decision of the appeal authority is the City of Milwaukie's final decision for a permit, land use action, or zone change. Parties with standing may appeal the City's final decision to the Oregon Land Use Board of Appeals or other court.

<b>Table 19.1001.5 Land Use Application Review and City Appeal Authorities</b>		
<b>Review Type</b>	<b>Review Authority</b>	<b>Appeal Authority</b>
Type I	Planning Director	Planning Commission
Type II	Planning Director	Planning Commission
Type III	Planning Commission	City Council
Type IV	City Council, with initial hearing and recommendation by Planning Commission	None
Type V	City Council, with initial hearing and recommendation by Planning Commission	None

**19.1001.6 Applications**

## A. Initiation

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct. Type III and IV applications involving map amendments may also be initiated by the Milwaukie City Council, Planning Commission, or Planning Director.

Type V applications may be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

## B. Review of Multiple Applications

When multiple land use applications are required for a single proposal, the applicant may request, or the City may require, that the applications be processed concurrently or individually.

The City shall generally allow applicants the choice of having multiple applications for a single proposal processed concurrently or individually. The City may require that applications be reviewed concurrently for proposals where a review of an application(s) would be difficult

without the context of the other applications related to the proposal. Alternatively, the City may require parts of an application to be processed separately in order to comply with the 120-day decision requirement or to allow decisions on parts of a proposal to be made with a lower level of review.

#### 1. Applications Processed Concurrently

A concurrent application review consolidates the review of multiple applications into a single review process. The applications shall be processed according to the highest numbered review type required for any part of the application. For example, a concurrent review of a Type II review and a Type III review would be processed through a Type III review. A single decision shall be issued that includes findings for all of the applications that are part of the concurrent review.

The applicant shall submit an application form and application fee for each application type being reviewed. The application shall contain the information and documentation required for each individual application type.

#### 2. Applications Processed Individually

Multiple applications related to a single proposal may be submitted individually at the same time or at different points in time. Each individual application, or group of concurrent applications, shall be processed according to their specified review type. Any concurrent applications shall be processed as specified in Subsection 19.1001.6.B.1. For each application or group of concurrent applications, the review authority will issue a separate decision.

The applicant shall submit an application form and application fee for each application type being reviewed. The application shall contain the information and documentation required for each individual application type.

### C. Notice Requirements

#### 1. Sign Notice

- a. Notice of Type II, III, and IV applications, and some Type V applications, shall be posted on the subject property by the applicant per Sections 19.1005-19.1008 respectively.
- b. Signs shall be posted in a location which is clearly visible to vehicles traveling on a public street and legible to pedestrians walking by the property. If the sign is providing notice of a public hearing, the sign shall include the date, time, and place of the hearing. The number and size of signs shall be appropriate given the size of the property, the number of street frontages, and the functional classification of surrounding streets. The City shall provide the applicant at least 1 sign and instructions for posting. An affidavit of posting shall be submitted by the applicant prior to the issuance of the decision and made part of the case file.
- c. If the affidavit of posting is not submitted on time or if the required number and type of notice signs are not posted for the required period of time, the City may require an extension of the 120-day decision requirement, delay the decision, and/or postpone or continue the public hearing on the application as necessary. The applicant will be required to repost the notice signs as necessary to meet the requirements of Sections 19.1005-19.1008 respectively.



- d. The Planning Director shall adopt administrative rules for sign postings. The rules shall ensure that sign postings are consistent in appearance, legible to the public, and appropriate for the type and location of development being proposed. They will also ensure that the applicant's affidavit contains all necessary information, including but not limited to photographic documentation, to confirm that the requirements of this subsection have been met.

2. Mailed Notice

Where a review type in this chapter specifies that mailed notice of an application or hearing is required, the notice is deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that notice to the required parties was deposited in the mail. Notice to surrounding property owners shall be provided using the most recent property ownership information from the County Assessor that is available to the City.

D. Additional Requirements

For applications where the subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations that simulate the proposed development, and photographic representations thereof, may be required prior to the public hearing.

**19.1001.7 Decisions**

A. Conditions of Approval

The review authority shall impose conditions of approval on an application as necessary to ensure conformance with relevant approval criteria and development standards.

B. Applicable Standards and Criteria

Approval or denial of all ministerial or quasi-judicial applications, as defined by the ORS, shall be based upon the development standards and approval criteria that were in effect at the time the application was first submitted.

C. 120-Day Decision Requirement

The City shall take final action on land use actions subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete, unless the applicant provides a written statement consenting to an extension of the 120-day decision requirement. The total of all extensions, except as provided for mediation per ORS 227.178(11), shall not exceed 245 days.

D. Effective Date of Decisions

Decisions on land use applications become effective as described below.

1. The day after the appeal period expires, if no appeal is filed.
2. The day the decision is issued by the City's final appeal authority, if an appeal is filed.

E. Expiration of Approved Decisions

1. Type I, II, III, and IV land use approvals granted pursuant to this chapter for land use applications submitted on or after May 14, 2011, the effective date of Ordinance #2025, shall expire and become void unless the following criteria are satisfied:

- a. For proposals requiring any kind of development permit, the development must complete both of the following steps:
      - (1) Obtain and pay for all necessary development permits and start construction within 2 years of land use approval.
      - (2) Pass final inspection and/or obtain a certificate of occupancy within 4 years of land use approval.
    - b. For proposals not requiring development permits, the development must utilize its approvals within 4 years of land use approval.
  - 2. Land use approvals shall expire as outlined above unless one of the following occurs:
    - a. An extension is granted pursuant to Section 19.908.
    - b. The review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.
    - c. The expiration period for an approval is specified in another section of the municipal code.
  - 3. The following land use approvals are exempt from expiration:
    - a. Amendments to Comprehensive Plan maps or text; amendments to Titles 14, 17, or 19; or any other amendment to a land use regulation per Section 19.902.
    - b. Code interpretations and Director determinations per Section 19.903.
    - c. Annexations per Chapter 19.1100.
- F. Extensions to Expiring Approvals
 

The time period during which a land use approval is valid may be extended per Section 19.908.
- G. Modifications to Existing Approvals
 

A valid land use approval may be modified per Section 19.909.
- H. Appeals of Decisions
 

Land use decisions may be appealed per Section 19.1010. An appeal of a final decision by the City may be made by any party with standing to other courts. (Ord. 2025 § 2, 2011)

## **19.1002 PREAPPLICATION CONFERENCE**

### **19.1002.1 Purpose**

The purpose of the preapplication conference is to acquaint the applicant or applicant's representative with the requirements of the municipal code in preparation for submission of a land use application, including relevant approval criteria, development standards, and procedures. The preapplication conference is not an exhaustive review of all potential issues or requirements. Furthermore, the information provided by the City is not binding, and it does not preclude the City from raising new issues or identifying additional requirements during the land use review process.

### **19.1002.2 Applicability**

- A. For Type I applications, a preapplication conference is optional.

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- B. For Type II, III, IV, and V applications, and expedited annexations per Section 19.1104, a preapplication conference is required, with the following exceptions:
1. The Planning Director may waive the preapplication conference requirement for proposals that are not complex or, for some other reason, would not benefit from a formal conference.
  2. A preapplication conference is not required for City-initiated Type IV or V applications.

**19.1002.3 Preapplication Conference Procedures**

The Planning Director shall adopt administrative rules for how the City processes preapplication conferences. The rules shall ensure that preapplication conferences are held in a timely fashion and provide a thorough explanation of all required City permits, fees, and approvals for any given development proposal. They shall include standards for scheduling, conducting, and communicating the outcomes of preapplication conferences.

**19.1002.4 Preapplication Conference Expiration**

- A. A preapplication conference is valid for 2 years. If a land use application or development permit has not been submitted within 2 years of the conference date, the applicant is required to schedule a new preapplication conference prior to submittal. This requirement may be waived per Subsection 19.1002.2.B.1.
- B. An applicant may request additional preapplication conferences at any time. There is no limit to the number of preapplication conferences that may be requested.
- C. If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference. The City may refuse to accept a land use application or development permit for a significantly altered development proposal until a new preapplication conference is held. (Ord. 2025 § 2, 2011)

**19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

**19.1003.1 Application Forms and Checklists**

- A. The City shall supply land use application forms pursuant to the standards contained in the applicable State law, Comprehensive Plan, and implementing ordinance provisions.
- B. The City shall supply checklists or information sheets that specify the information that must be contained in the application, including format and number of copies.

**19.1003.2 Application Submittal Requirements**

All application information must be sufficiently detailed and specific to the development being proposed to allow for adequate public review. The application submittal must include all of the items listed below for the City to accept the application and initiate completeness review. If the application requires a public hearing, additional items may be required per Subsections 19.1001.6.C and D prior to the public hearing.

- A. Application form, including signature(s) of the property owner or public agency initiating the application.
- B. Deed, title report, or other proof of ownership.
- C. Detailed and comprehensive description of all existing and proposed uses and structures, including a summary of all information contained in any site plans. The description may need to include both a written and graphic component such as elevation drawings, 3-D models, and

photo simulations, etc. For applications where the subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site “story pole” installations that simulate the proposed development, and photographic representations thereof, may be required at the time of application submittal.

- D. Detailed statement that demonstrates how the proposal meets all applicable approval criteria, zoning and land use regulations, and development standards.
- E. Site plan(s), preliminary plat, or final plat as applicable.
- F. All materials identified on the Submittal Requirements form, including the signature(s) of the applicant submitting the materials.
- G. Payment of all applicable land use application fee(s) and deposit(s), based on the fee schedule in effect on the date of application submittal.
- H. Copy of a valid preapplication conference report if one was required per Subsection 19.1002.2.

### **19.1003.3 Application Completeness Review**

All applications are subject to the provisions of Subsections 19.1003.3.A-D below. Type I, II, III, and IV applications are also subject to the provisions of Subsections 19.1003.3.E-G below.

- A. The City shall review the application submittal within 30 days of receipt of the application and advise the applicant in writing as to whether the application is complete or incomplete.
- B. The City may determine that an application is incomplete based on any of the following:
  - 1. Failure to pay the required fees or deposits.
  - 2. Failure to address the relevant approval criteria or development standards.
  - 3. Failure to supply the materials identified on the Submittal Requirements form.
- C. Incompleteness shall not be based on differences of opinion as to quality or accuracy.
- D. Determination that an application is complete indicates only that the application contains the information necessary to review it for compliance against applicable development standards and approval criteria.
- E. If an application is incomplete, the completeness notice shall identify the information that is missing. The applicant has 180 days from the date of first submittal to make the application complete.
- F. An application will be deemed complete by the City upon submission of any of the following:
  - 1. All of the missing information.
  - 2. Some of the missing information and written notice from the applicant that no other information will be provided.
  - 3. Written notice from the applicant that none of the missing information will be provided.
- G. An application will be deemed void if it has been on file with the City for more than 180 days and the applicant has not made the application complete per Subsection 19.1003.3.F. The City will not refund application fees for voided applications. The applicant may resubmit a voided application to the City; however, it will be treated as a new application and will be subject to all current fees, development standards, approval criteria, and submittal requirements.

#### **19.1003.4 Resubmittal of Applications Following Denial**

- A. If an application for a land use action has been denied, an application for the same or similar project on the same property may not be resubmitted unless one or more of the following occurs:
1. 2 years have passed since the denial became final.
  2. Substantial changes are made to the application. Substantial changes to an application have occurred only if the changes resolve all findings for denial of the original application.
  3. Standards and criteria relative to the findings of the original denial have changed and now support the application.
  4. For Type IV or V decisions, there has been a substantial change in the composition of the City Council and the Council was the final decision-maker. A substantial change in the composition of the Council occurs if fewer than 3 Council members who voted to deny the original application remain on the Council.
- B. For purposes of Subsection 19.1003.4, a land use approval is denied when the City's final decision of denial is not appealed or is upheld on appeal. An application that was denied solely on procedural grounds, or which was expressly denied without prejudice, is not subject to this subsection.

#### **19.1003.5 Withdrawal of Applications Under Review**

- A. An application may be withdrawn by the applicant at any time prior to issuance of the final decision with the written consent of the property owner or contract purchaser.
- B. If an application is withdrawn after the City has mailed the public notice, the City shall send another notice to all parties who received the original notice that the application has been withdrawn.
- C. The City may refund application fees if staff has, in writing, recommended withdrawal and an application is withdrawn prior to being referred for comment. In all other cases, the City will not refund application fees for withdrawn applications.

#### **19.1003.6 Modifications to Applications Under Review**

The procedures of this subsection shall apply if an applicant modifies an application after the City has deemed it complete but prior to a public hearing or issuance of a decision.

- A. Upon receipt of materials that modify an application, the Planning Director shall evaluate the modifications, determine which of the 3 categories listed below describes the modification, and follow the related procedures. This decision is not a land use decision and is not appealable.

1. Substantial Modification

A substantially modified application greatly differs from the application that was deemed complete. Such differences may include the land use; size, height, and/or design of proposed structures; location of uses and structures on the site; or other such characteristics of the proposal. Substantial modifications may alter which approval criteria and development standards apply to the development proposal.

The Planning Director shall notify the applicant of this determination and take one of the following actions, at the direction of the applicant:



- a. Allow the applicant to withdraw the original application and submit the modified proposal as a new application. The applicant shall submit all items required by Subsection 19.1003.2 for the new submittal.
- b. Reject the modifications and continue processing the original application. Rejecting a substantial modification does not preclude the applicant from submitting significant or minor modifications.

## 2. Significant Modification

Significant modifications change an application so that one or more aspects of the modified proposal differ from the original proposal, while the overall proposal remains similar to the proposal that was deemed complete. Significant modifications typically should not alter which approval criteria and development standards apply to the development proposal.

The Planning Director shall notify the applicant of this determination and take one of the following actions, at the direction of the applicant:

- a. Accept the modifications and proceed with the review of the modified application. The applicant shall pay the required fee for review of a modified application per the adopted fee schedule. The Planning Director may repeat any part of the public notice or referral process to provide appropriate opportunity for public review of the modifications. The applicant shall also extend the 120-day decision requirement in writing to a date that is sufficient to allow for additional review, public notice, or evaluation by the City.
- b. Reject the modifications and continue processing the original application. Rejecting a significant modification does not preclude the applicant from submitting minor modifications.

## 3. Minor Modification

Minor modifications change an application so that a limited number of aspects differ from the original proposal and the differences are small relative to the original proposal. The magnitude of a minor modification should be small enough that another review of the proposal by other agencies or the public is not warranted.

The Planning Director shall notify the applicant of this determination and take one of the following actions, at the direction of the applicant:

- a. Accept the modifications and proceed with the review of the modified application. The applicant shall extend the 120-day decision requirement in writing to a date that is sufficient to allow for additional review or evaluation by the City.
- b. Reject the modifications and continue processing the original application.

## B. In addition to the procedures of Subsection 19.1003.6.A, modifications received after the issuance of a staff report for a public hearing are subject to the following provisions:

- 1. If an applicant submits a substantial modification and chooses the option listed in Subsection 19.1003.6.A.1.a, the hearing shall be cancelled or suspended without the issuance of a decision by the review authority.
- 2. If an applicant submits a significant or minor modification and chooses the option listed in Subsection 19.1003.6.A.2.a or 3.a, the Planning Director may do any of the following:

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- a. If the hearing has been opened:
  - (1) Proceed with the hearing and allow a decision. The record may be left open at the request of any hearing participant to allow other parties a reasonable opportunity to respond.
  - (2) Continue the hearing to a future date to allow other parties a reasonable opportunity to respond.
- b. If the hearing has not been opened:
  - (1) Open the hearing as scheduled and proceed per Subsection 19.1003.6.B.2.a.
  - (2) Reschedule the hearing to open at a later date.

(Ord. 2025 § 2, 2011)

#### **19.1004 TYPE I REVIEW**

Type I applications involve permitted uses or development governed by clear and objective approval criteria and/or development standards that may require the exercise of professional judgment about technical issues. Type I review provides for ministerial review of an application by the Planning Director and does not include public notice.

##### **19.1004.1 Preapplication Conference**

A preapplication conference is not required for Type I applications.

##### **19.1004.2 Type I Application Requirements**

- A. Type I applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.
- B. Type I applications are subject to completeness review per Subsection 19.1003.3.

##### **19.1004.3 Type I Public Notice**

Public notice is not required for Type I applications.

##### **19.1004.4 Type I Review Authority**

- A. The review authority for all Type I applications shall be the Planning Director.
- B. The Planning Director shall approve, approve with conditions, or deny an application based on applicable approval criteria and development standards.

##### **19.1004.5 Type I Decision**

Written notice of the decision for Type I applications shall be provided to the applicant and property owner of record. The decision shall be issued with sufficient time to allow the appeal authority for a Type I application to issue a final decision within 120 days from when the application was deemed complete. The decision shall include the following information:

- A. A brief summary of the proposal.
- B. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.
- C. A statement of the facts upon which the review authority relied to determine whether the application satisfied or failed to satisfy each applicable approval criterion.

- D. The decision to approve or deny the application, and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
- E. The date the decision shall become final, unless appealed. The decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.
- F. A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The decision shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.

#### **19.1004.6 Appeal of a Type I Decision**

A Type I decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type I decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010. (Ord. 2025 § 2, 2011)

#### **19.1005 TYPE II REVIEW**

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning Director and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

##### **19.1005.1 Preapplication Conference**

A preapplication conference is required for all Type II applications per Section 19.1002. The Planning Director may waive this requirement.

##### **19.1005.2 Type II Application Requirements**

- A. Type II applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.
- B. Type II applications are subject to completeness review per Subsection 19.1003.3.

##### **19.1005.3 Type II Public Notice**

###### **A. Referral**

Within 7 days after the application has been deemed complete, the City shall provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.
3. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

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## B. Mailed Notice

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application and submit written comments concerning the application prior to issuance of the Type II decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. Within 7 days after the application has been deemed complete, public notice of the application shall be mailed to the following parties:
  - a. The applicant and/or the applicant's authorized representative.
  - b. The owner(s) of record of the subject property.
  - c. Owners of record of properties within 300 ft of the perimeter of the subject property.
  - d. Neighborhood district associations to which the application was referred.
2. The public notice shall include the following information:
  - a. The case file number and a brief summary of the proposal.
  - b. A brief description of the subject property, including street address, if available, map and tax lot number, and zoning designation.
  - c. A statement that the City will consider written comments submitted prior to the issuance of the decision, and that the decision may be issued as early as 14 days from the date of the public notice.
  - d. The place, date, and time that comments are due.
  - e. The applicable approval criteria and/or development standards against which the proposal will be evaluated.
  - f. A statement that all application materials and applicable approval criteria and development standards are available for review at the City, and that copies can be obtained at a reasonable cost.
  - g. The name and phone number of the City representative to contact for additional information.
  - h. The following statement: "Notice to mortgagee, lien holder, vendor or seller: The Milwaukie Municipal Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

## C. Sign Notice

No more than 7 days after the application has been deemed complete, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the decision is issued. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

**19.1005.4 Type II Review Authority**

- A. The review authority for Type II applications shall be the Planning Director.
- B. A decision will not be issued sooner than 14 days after mailing of the public notice and referral. Once issued, the decision is final and may only be reconsidered by appeal. Comments submitted within 14 days of the date of the public notice shall be considered.

Comments submitted after 14 days from the date of the public notice and prior to the issuance of the decision may be considered.

- C. The review authority shall approve, approve with conditions, or deny an application based on applicable approval criteria, development standards, and written comments received.

#### **19.1005.5 Type II Decision**

- A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete.
- B. Written notice of decision shall be mailed to the following parties. The date the notice is mailed shall be considered the date of the decision.
  - 1. The applicant and/or the applicant's authorized representative.
  - 2. The owner(s) of record of the subject property.
  - 3. Any group or individual who submitted written comments during the comment period.
  - 4. Any governmental agency that is entitled to notice by the municipal code or has requested notice of the decision.
  - 5. Any group or individual who requested notice of the decision.
- C. The notice of decision shall include the following information:
  - 1. A description of the proposal with sufficient detail to explain the applicant's proposal.
  - 2. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.
  - 3. A statement of the facts upon which the review authority relied to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.
  - 4. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
  - 5. The date the decision shall become final, unless appealed. The notice of decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.
  - 6. A statement that any person who is adversely affected or aggrieved by the decision may appeal the decision by filing a written appeal within the 15-day appeal period.
  - 7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.

#### **19.1005.6 Appeal of a Type II Decision**

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010. (Ord. 2025 § 2, 2011)



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**19.1006 TYPE III REVIEW**

Type III applications are quasi-judicial in nature and are subject to approval criteria that require the exercise of discretion and judgment and about which there may be broad public interest. Impacts may be significant and development issues complex. Extensive conditions of approval may be imposed to mitigate impacts or ensure compliance with applicable approval criteria and development standards. The review process requires notice to nearby property owners and at least one public hearing before the Planning Commission.

When the Design and Landmarks Committee is required to conduct a design review meeting for applications in the downtown zones per Section 19.907, the design review meeting shall be in addition to the public hearing before the Planning Commission. The procedures for a design review meeting are contained in Section 19.1011.

**19.1006.1 Preapplication Conference**

A preapplication conference is required for Type III applications per Section 19.1002.

**19.1006.2 Type III Application Requirements**

- A. Type III applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.
- B. Type III applications are subject to completeness review per Subsection 19.1003.3.

**19.1006.3 Type III Public Notice****A. DLCD Notice**

For Zoning Map amendments, the City shall provide notification to the Department of Land Conservation and Development at least 45 days prior to the first public hearing on adoption.

**B. Metro Notice**

For Zoning Map amendments, the City shall provide notification to Metro at least 45 days prior to the initial evidentiary hearing on adoption.

**C. Referral**

Within 7 days after the application has been deemed complete, the City shall provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.
3. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

**D. Mailed Notice**

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type III decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

1. At least 20 days prior to the first public hearing on the application, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1006.3.D.3.
  - a. The applicant and/or applicant's authorized representative.
  - b. The owner(s) of record of the subject property.
  - c. Owners of record of properties located within 300 ft of the perimeter of the subject property.
  - d. Neighborhood district associations to which the application was referred.
2. The public notice shall include the following information:
  - a. The case file number and a brief summary of the proposal.
  - b. A brief description of the subject property, including street address, if available, map and tax lot number, and zoning designation.
  - c. The date, time, and place of the hearing.
  - d. A statement that any member of the public may submit written comments prior to the hearing and may appear and provide written or oral testimony at the hearing.
  - e. A statement that only those who have submitted written comments prior to the hearing or participated at the hearing shall be entitled to appeal.
  - f. A general explanation of the requirements for submission of testimony and the procedure for conduct of public hearings.
  - g. A statement that a copy of the staff report will be available for review at no cost, and a copy will be provided at a reasonable cost, at least 7 days prior to the hearing.
  - h. The applicable approval criteria and/or development standards against which the proposal will be evaluated.
  - i. A statement that all application materials and applicable approval criteria and development standards are available for review at the City, and that copies can be obtained at a reasonable cost.
  - j. The name and phone number of the City representative to contact for additional information.
  - k. The following statement: "Notice to mortgagee, lien holder, vendor or seller: The Milwaukie Municipal Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
3. Notice requirements specific to Zoning Map amendments are as follows:
  - a. At least 20 days prior to the first public hearing on the application, public notice of an application that conforms to Subsection 19.1006.3.D.2 shall be mailed to the following parties:
    - (1) The applicant and/or applicant's authorized representative.
    - (2) The owner(s) of record of the subject property.
    - (3) Owners of record of properties located within 400 ft of the perimeter of the subject property.

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- (4) Neighborhood district associations to which the application was referred.
- b. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal.
- c. For applications that would change the zoning designation of a property that includes all or part of a mobile home or manufactured dwelling park, the City shall mail written notice to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days, but not more than 40 days, prior to the date of the first public hearing on the application. This notice shall conform to the requirements of Subsection 19.1008.3.D.
4. The City shall prepare an affidavit of mailing of notice for the file. The affidavit shall indicate the date that the public notice was mailed to the parties required by Subsection 19.1006.3.D.

E. Notice Sign

At least 14 days prior to the hearing, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

**19.1006.4 Type III Review Authority**

- A. The review authority for Type III applications shall be the Planning Commission.
- B. The review authority shall approve, approve with conditions, or deny an application subject to a Type III review after the public hearing.

**19.1006.5 Type III Decision**

- A. The decision shall be issued with sufficient time to allow the appeal authority for a Type III application to issue a final decision within 120 days from the date that the application was deemed complete.
- B. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:
  1. The applicant and/or the applicant's authorized representative.
  2. The owner(s) of record of the subject property.
  3. Any group or individual who submitted written comments at or prior to the public hearing.
  4. Any group or individual who submitted oral testimony during the public hearing.
  5. Any governmental agency which is entitled to receive notice per the municipal code or has requested notice of the decision.
  6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.
- C. The notice of decision shall include the following information:
  1. A description of the proposal with sufficient detail to explain the applicant's proposal.
  2. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.

3. A statement of the facts upon which the review authority relied to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.
  4. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
  5. The date the decision shall become final, unless appealed. The notice of decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.
  6. A statement that only persons who submitted comments or made an appearance of record at the public hearing have standing to appeal the decision by filing a written appeal within the 15-day appeal period.
  7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
- D. In addition to the requirements of Subsections 19.1006.5.A, B, and C, the following requirements apply to Zoning Map amendments evaluated through a Type III review process.
1. Following the close of the appeal period for a Zoning Map amendment for which no appeal was filed, the Planning Director shall prepare an ordinance to enact the approved Zoning Map amendment.
  2. The ordinance shall be publicized per Milwaukie Charter, Chapter VIII, Section 31, Subsection (c). The ordinance shall be brought before Council at the first meeting following the close of the appeal period that meets the notice requirements of Milwaukie Charter, Chapter VIII, Section 31, Subsection (c).
  3. The City Council shall enact the ordinance per the procedures of Milwaukie Charter, Chapter VIII, Section 31, Subsection (b), with the reading being by title only.

#### **19.1006.6 Appeal of a Type III Decision**

A Type III decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. Only the applicant or persons who submitted comments or made an appearance of record at the public hearing have standing to appeal a Type III decision. Appeal requirements and procedures are outlined in Section 19.1010. (Ord. 2025 § 2, 2011)

#### **19.1007 TYPE IV REVIEW**

Type IV applications involve amendments to the City's zoning or land use maps. They are quasi-judicial in nature and require an initial hearing by the Planning Commission and a final decision by the City Council. They typically require a great deal of professional analysis, are reviewed against subjective approval criteria, and have a broader impact on the City's overall land use pattern than Type III Zoning Map amendments. The review process requires notice to nearby property owners and at least 2 public hearings.

##### **19.1007.1 Preapplication Conference**

A preapplication conference is required for Type IV applications per Section 19.1002.

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### **19.1007.2 Type IV Application Requirements**

- A. Type IV applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.
- B. Type IV applications are subject to completeness review per Subsection 19.1003.3.

### **19.1007.3 Type IV Public Notice**

#### **A. DLCD Notice**

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to the Department of Land Conservation and Development at least 45 days prior to the first public hearing on adoption.

#### **B. Metro Notice**

For Zoning Map or Comprehensive Plan map amendments, the City shall provide notification to Metro at least 45 days prior to the initial evidentiary hearing on adoption.

#### **C. Referral**

Within 7 days after the application has been deemed complete, the City shall provide a copy of all application materials to the parties listed below for their review and comment. If no comments are received within 14 days from the date of the referral, the City will presume that no comments will be submitted.

- 1. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 400 ft of the subject property.
- 2. The Design and Landmarks Committee for applications in downtown zones or involving a designated historic resource.
- 3. Affected City departments and any governmental agency that is entitled to notice by the municipal code.

#### **D. Mailed Notice**

The purpose of the public notice is to provide nearby property owners and other interested parties with an opportunity to review the application, submit written comments, and participate in the proceedings concerning the Type IV decision. The goal of this notice is to invite relevant parties of interest to participate in the process.

- 1. At least 20 days prior to a public hearing on the application, public notice of the application shall be mailed to the parties listed below. Notice requirements specific to Zoning Map amendments are listed in Subsection 19.1007.3.D.3.
  - a. The applicant and/or applicant's authorized representative.
  - b. The owner(s) of record of the subject property.
  - c. Owners of record of properties located within 400 ft of the perimeter of the subject property.
  - d. Neighborhood district associations to which the application was referred.
- 2. The public notice shall include the following information:
  - a. The case file number and a brief summary of the proposal.



- b. A brief description of the subject property, including street address, if available, map and tax lot number, and zoning designation.
  - c. The date, time, and place of the hearing.
  - d. A statement that any member of the public may submit written comments prior to the hearing and may appear and provide written or oral testimony at the hearing.
  - e. A statement that only those who have submitted written comments prior to the hearing or participated at the hearing shall be entitled to appeal.
  - f. A general explanation of the requirements for submission of testimony and the procedure for conduct of public hearings.
  - g. A statement that a copy of the staff report will be available for review at no cost, and a copy will be provided at a reasonable cost, at least 7 days prior to the hearing.
  - h. The applicable approval criteria and/or development standards against which the proposal will be evaluated.
  - i. A statement that all application materials and applicable approval criteria and development standards are available for review at the City, and that copies can be obtained at a reasonable cost.
  - j. The name and phone number of the City representative to contact for additional information.
  - k. The following statement: "Notice to mortgagee, lien holder, vendor or seller: The Milwaukie Municipal Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
3. Notice requirements specific to Zoning Map amendments are as follows:
- a. A Measure 56 notice that conforms to Subsection 19.1008.3.D shall be mailed at least 20 days, but not more than 40 days, prior to the first public hearing on the application to all owners of property affected by the proposal.
  - b. For applications that would change the zoning designation of a property that includes all or part of a mobile home or manufactured dwelling park, the City shall mail written notice to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least 20 days, but not more than 40 days, prior to the date of the first public hearing on the application. This notice shall conform to the requirements of Subsection 19.1008.3.D.
4. The City shall prepare an affidavit of mailing of notice for the file. The affidavit shall indicate the date that the public notice was mailed to the parties required by Subsection 19.1007.3.D.

#### E. Sign Notice

At least 14 days prior to the hearing, notice of the application shall be posted on the subject property by the applicant and shall remain continuously posted until the hearing. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

#### **19.1007.4 Type IV Review Authority**

- A. The review authority for Type IV applications shall be the City Council.

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- B. The review authority shall approve, approve with conditions, or deny an application subject to a Type IV review after the public hearing.

**19.1007.5 Type IV Decision**

- A. The Planning Commission shall serve as the recommendation authority for Type IV applications.
- B. The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council with sufficient time to allow the City Council to issue a final decision within 120 days from the date that the application was deemed complete.
- C. The Planning Commission may recommend that the City Council approve or deny the application with or without changes. The Planning Commission shall provide a written justification for the recommendation.
- D. The City shall provide notice of the hearing before the City Council consistent with the public notice requirements in Subsections 19.1007.3.D and E, except that a second notice per Subsection 19.1007.3.D.3 is not required.
- E. At the conclusion of the first public hearing before City Council, the City Council shall take one of the following actions:
  - 1. Continue the matter to a date, time, and place certain.
  - 2. Approve the application, with or without changes. City staff, with review from the City Attorney, shall prepare written findings that demonstrate how the application meets all applicable approval criteria.
  - 3. Deny the application. City staff, with review from the City Attorney, shall prepare written findings that demonstrate how the application fails to meet any applicable approval criteria.
- F. Written notice of decision shall be mailed to the following parties within 7 days of the date of the decision:
  - 1. The applicant and/or the applicant's authorized representative.
  - 2. The owner(s) of record of the subject property.
  - 3. Any group or individual who submitted written comments at or prior to any public hearing.
  - 4. Any group or individual who submitted oral testimony during any public hearing.
  - 5. Any governmental agency which is entitled to receive notice per the municipal code or has requested notice of the decision.
  - 6. Any group or individual who requested notice of the decision, including those who signed the attendance sheet at any public hearing on the application.
- G. The notice of decision shall include the following:
  - 1. A description of the proposal with sufficient detail to explain the applicant's proposal.
  - 2. A description of the subject property reasonably sufficient to inform the reader of its location, including street address, if available, map and tax lot number, and zoning designation.
  - 3. A statement of the facts upon which the review authority relied to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion.

4. The decision to approve or deny the application and, if approved, any conditions of approval necessary to ensure compliance with the applicable criteria.
5. The date the decision shall become final, unless appealed. The notice of decision shall state in boldface type the date and time by which an appeal must be filed. The statement shall reference the requirements for filing an appeal of the decision.
6. A statement that only persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal the decision by filing a written appeal within the 15-day appeal period.
7. A statement that the complete case file is available for review, including findings, conclusions, and conditions of approval, if any. The notice shall list when and where the case file is available and the name and telephone number of the City representative to contact about reviewing the case file.
8. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

#### **19.1007.6 Appeal of a Type IV Decision**

The City Council decision on a Type IV application is the City's final decision. A Type IV decision may be appealed to the Land Use Board of Appeals consistent with ORS 197 and OAR 661, as may be amended. Only the applicant or persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal a Type IV decision. (Ord. 2025 § 2, 2011)

#### **19.1008 TYPE V REVIEW**

Type V applications are legislative in nature and involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and Comprehensive Plan amendments that apply to more than just one property). Type V review applications are evaluated by the Planning Commission at an initial evidentiary hearing and then forwarded to the City Council for a decision at a public hearing. The review process requires broader public notice than other types of applications and at least 2 public hearings.

The City Council, Planning Commission, Planning Director, or any individual may initiate a Type V application to amend the Milwaukie Comprehensive Plan or Zoning Ordinance.

##### **19.1008.1 Preapplication Conference**

A preapplication conference is required for Type V applications that are initiated by any individual or party other than the City.

##### **19.1008.2 Type V Application Requirements**

- A. Type V applications shall be made on forms provided by the Planning Director and shall include all of the information required by Subsection 19.1003.2.
- B. Type V applications are subject to completeness review per Subsection 19.1003.3.

##### **19.1008.3 Type V Public Notice**

###### **A. General Public Notice**

The purpose of general public notice for Type V applications is to allow the public, organizations, and other governmental agencies a meaningful opportunity to review and comment on legislative proposals.

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1. The Planning Director shall provide opportunities for public review and input on legislative proposals at an early stage in the adoption process. This may include the referral process for Type III or IV applications; open houses; discussions with neighborhood district associations; work sessions with the City Council, Planning Commission, and other City boards and commissions; and/or direct communication with parties that may be affected by the proposal. This subsection is not prescriptive with regard to the timing or manner of public notice.
2. At least 30 days prior to a public hearing on a Type V application, the City shall provide notice of the hearing. At a minimum, the notice shall be available on the City web site and at City facilities that are open to the public and that customarily display public information. At a minimum, the notice shall include:
  - a. The date, time, and place of the hearing.
  - b. The case file number and summary of the proposal.
  - c. A map showing the properties that will be impacted by the proposal if applicable.
3. Individual property owners shall be notified if the proposal involves a discrete geographic area or specific properties in the City. The Planning Director shall decide when individual property owner notification is warranted. The content of the notice shall be as described in Subsection 19.1008.3.A.2. The notice parties and timeline shall be as described in Subsection 19.1006.3.D.3.a and signage shall be provided as described in Subsection 19.1006.3.E.

B. DLCD Notice

Notice of a Type V application shall be mailed to the Department of Land Conservation and Development at least 45 days prior to the initial evidentiary hearing on adoption.

C. Metro Notice

Notice of a Type V application shall be mailed to Metro at least 45 days prior to the initial evidentiary hearing on adoption.

D. Property Owner Notice (Measure 56)

At least 20 days but not more than 40 days before the initial evidentiary hearing on a Type V application, the City shall mail notice to owners of property within the City for which the proposed ordinance, if adopted, may, in the Planning Director's opinion, affect the permissible uses of land for those property owners. The notice shall, at a minimum, include the following information:

1. A statement in bold type across the top of the first page of the notice that reads substantially as follows: "This is to notify you that the City of Milwaukie has proposed a land use regulation that may affect the permissible uses of your property or other properties."
2. The case file number and/or ordinance number.
3. A brief summary of the proposal, including how it may, if adopted, affect the permissible uses and value of property in the City.
4. The date, time, and place of the hearing.
5. A statement that a copy of the proposal is available for review at the City at no cost and that a copy can be obtained at a reasonable cost.

6. The name and phone number of the City representative to contact for additional information.
  7. If applicable, a statement that the proposal is a result of an order of the Land Conservation and Development Commission.
- E. The City shall prepare an affidavit of mailing of notice for the file. The affidavit shall indicate the date that the required property owner notice was mailed to the parties required by Subsection 19.1008.3.D.

#### **19.1008.4 Type V Decision Authority**

- A. The review authority for Type V applications shall be the City Council
- B. The review authority may approve, approve with conditions, amend, deny, or take no action on an application subject to a Type V review after the public hearing.

#### **19.1008.5 Type V Recommendation and Decision**

- A. The following procedures apply to applications evaluated through a Type V review.
  1. The Planning Commission shall serve as the recommendation authority for Type V applications.
  2. The Planning Commission shall conduct an initial evidentiary hearing and provide a recommendation to the City Council within 180 days from the date that the application was deemed complete.
  3. The Planning Commission may recommend that the City Council approve or deny the application with or without changes. The Planning Commission shall provide a written justification for the recommendation.
  4. The City shall provide notice of the hearing before the City Council consistent with the public notice requirements in Subsection 19.1008.3.A.
  5. At the conclusion of the first public hearing before City Council, the City Council shall take one of the following actions:
    - a. Continue the matter to a date, time, and place certain.
    - b. Remand the matter back to the recommendation authority for additional deliberation.
    - c. Approve the proposal, with or without changes. City staff, with review from the City Attorney, shall prepare the ordinance with written findings that demonstrate how the proposal meets all applicable approval criteria.
    - d. Deny the proposal.
    - e. Take no action on the proposal.
  6. Not more than 5 days after the date of the approval or denial of the proposal, the City shall provide the required notice to the Department of Land Conservation and Development.
  7. Within 7 days after the date of the approval or denial of the proposal, the City shall mail, or otherwise provide, notice to persons who testified orally or in writing to the recommendation or review authority while the public record was open regarding the proposal. The notice shall include the following information:
    - a. A brief summary of the decision.



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- b. If adopted:
  - (1) The date and number of the adopting ordinance.
  - (2) Where and when the adopting ordinance and related findings may be reviewed.
- c. A summary of the requirements for appealing the decision to the Land Use Board of Appeals.

**19.1008.6 Appeal of a Type V Decision**

The City Council decision on a Type V application is the City's final decision. A Type V decision may be appealed to the Land Use Board of Appeals consistent with ORS 197 and OAR 661, as may be amended. Only the applicant or persons who submitted comments or made an appearance of record at a public hearing on the application have standing to appeal a Type V decision. (Ord. 2025 § 2, 2011)

**19.1009 PUBLIC HEARINGS**

**19.1009.1 Responsibility of City for Public Hearings**

The City shall:

- A. Schedule land use applications for review and public hearing before the appropriate review authority as required per Table 19.1001.5.
- B. Provide public notice of the public hearing consistent with the requirements in this chapter.
- C. Prepare minutes for the public hearing that include the decision on the matter and the reasons for the decision.
- D. Provide a copy of the notice of decision to all parties, consistent with the requirements in this chapter.

**19.1009.2 General Public Notice Requirements**

- A. Notice of public hearings shall be provided as described in Sections 19.1006, 19.1007, 19.1008, and 19.1010.
- B. All public notices shall be deemed to have been provided or received upon the date they were deposited in the mail or personally delivered, whichever occurs first.

**19.1009.3 Rules of Procedure**

- A. Public hearings shall be conducted in accordance with the bylaws and rules of procedure adopted for the hearing body by City Council. Additionally, the provisions in Subsections 19.1009.4-13 below apply to all public hearings.
- B. At the commencement of a hearing, a statement shall be made to those in attendance that:
  - 1. Lists the applicable approval criteria.
  - 2. States that testimony and evidence must be directed toward the applicable approval criteria or other criteria in the Zoning Ordinance or Comprehensive Plan that the person testifying believes is applicable to the proposal.
  - 3. States that failure to raise an issue accompanied by testimony or evidence sufficient to afford the review authority an opportunity to respond to the issue precludes an appeal of the decision.

**19.1009.4 Challenges to Impartiality**

- A. Except for Type V hearings, any hearing participant or a member of the hearing body may challenge the qualifications of a member of the hearing body to participate in the hearing and decision on the proposal. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudice, personal interest, ex parte contact or other facts from which the challenger has concluded that the member of the hearing body cannot participate in an impartial manner.
- B. The challenged person shall have an opportunity to respond to the challenge. The challenge and any response to the challenge shall be incorporated into the record of the hearing.
- C. The hearing body shall deliberate and vote to decide whether or not the challenged person may remain a member of the hearing body for the decision on which their impartiality was challenged. The person who is the subject of the challenge may not vote on the motion.

**19.1009.5 Financial Interests and Conflicts of Interest**

An employee or elected or appointed official of the City who has a direct or substantial financial interest in a proposal may not give an official opinion to the hearing body on the proposal. An elected or appointed official of the City who has a conflict of interest shall refrain from participating as a public official in any discussion or debate on the proposal out of which the actual conflict arises or from voting on the proposal per ORS 244.

**19.1009.6 Ex Parte Contacts**

Except for Type V hearings, the general public has a right to have the hearing body members unbiased by prehearing or ex parte contacts on proposals heard by them. This must be balanced with the public's right to access public officials on any matter. Therefore, hearing body members shall reveal any relevant prehearing or ex parte contacts at the commencement of the public hearing on the proposal. If such contacts have impaired the member's impartiality or ability to vote on the proposal, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication at the commencement of the public hearing on the proposal.

**19.1009.7 Disqualification**

Except for Type V hearings, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

**19.1009.8 Rights of Abstaining or Disqualified Member of the Hearing Body**

- A. An abstaining or disqualified member of the hearing body shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only by making full disclosure to the hearing body, abstaining from voting on the proposal, vacating the seat on the hearing body, and physically joining the audience. A member representing a personal interest at a hearing shall not be counted for purposes of forming a quorum.
- B. If all members of a hearing body abstain or are disqualified, all members present after stating their reasons for abstention or disqualification shall be requalified and shall proceed with the hearing.

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### **19.1009.9 Absence of a Member of the Hearing Body**

Except for Type V hearings, a member absent during the presentation of evidence or testimony in a hearing may not participate in the deliberations or decision unless the member has reviewed all the evidence or testimony received.

### **19.1009.10 Burden and Nature of Proof**

Except for Type V applications, the applicant shall bear the burden of proof and persuasion that the proposal complies with applicable provisions of the municipal code. The applicant and any opponents may submit a set of written findings or statements of factual information which are intended to demonstrate that the proposal complies, or fails to comply, with any or all applicable development standards and approval criteria.

### **19.1009.11 Continuance of Hearing**

#### **A. Receipt of Additional Materials**

All evidence, testimony, or documents relied upon by the applicant shall be submitted to the City and made available to the public. If additional evidence, testimony, or documents is provided by any hearing participant, the hearing body may allow a continuance or leave the record open for at least 7 days to allow other parties a reasonable opportunity to respond. The hearing body may ask the applicant to consider granting an extension of the 120-day decision requirement if a delay in proceedings could impact the ability of the City to take final action on the application, including resolution of any local appeals.

#### **B. Request to Submit Additional Evidence or Testimony**

Prior to closing the initial evidentiary hearing, any hearing participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body shall grant such request by continuing the public hearing or leaving the record open for additional written evidence or testimony pursuant to Subsection 19.1009.11.C below.

#### **C. Granting of Continuance**

If the hearing body grants a continuance, the hearing shall be continued to a date, time, and place certain, at least 7 days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new evidence or testimony is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open to submit additional written evidence or testimony for the purpose of responding to the new written evidence or testimony.

#### **D. Leaving the Record Open**

If the hearing body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 7 days. Any participant may file a written request with the hearing body for an opportunity to respond to new evidence or testimony submitted during the period the record was left open. If such a request is filed, the hearing body shall reopen the record and any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making.

#### **E. 120-Day Decision Requirement**

Except for Type V applications, a continuance or extension granted pursuant to Subsection 19.1009.11 shall be subject to the limitations of the 120-day decision requirement unless the continuance or extension is requested or agreed to in writing by the applicant.

#### F. Final Arguments by Applicant

Unless waived by the applicant, the hearing body shall allow the applicant at least 7 days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant's final arguments shall be considered part of the record, but shall not include any new evidence. For purposes of Subsection 19.1009.11.F, "argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policies believed relevant by the applicant. "Argument" does not include facts. "Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the applicant to be relevant to the decision.

#### 19.1009.12 Decision

- A. Following the close of the public portion of the hearing, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal.
- B. A final local decision on a Type I, II, III, or IV land use application shall be made within 120 days from the date the application was deemed complete, except that, with the agreement of the hearing body and the applicant or appellant, the processing of a matter under consideration may be extended per Subsection 19.1001.7.C.
- C. Notice of decision shall be provided consistent with the requirements established for Type III, IV, and V applications and appeals in this chapter.
- D. The hearing body shall prepare written findings for the decision. The findings shall include:
  1. A statement of the applicable approval criteria against which the application was evaluated.
  2. A statement of the facts that the hearing body relied upon to determine whether the application satisfied, or failed to satisfy, each applicable approval criterion and development standard.
  3. The decision to approve, conditionally approve, or deny an application and the reasons for that decision.

#### 19.1009.13 Record of Proceedings

The City shall prepare and maintain minutes of all proceedings in accordance with the bylaws adopted by the City Council for the hearing body. (Ord. 2025 § 2, 2011)

#### 19.1010 APPEALS

A decision on the approval of a Type I, II, or III application may be appealed by filing a written appeal with the City within 15 days of the date on the notice of decision. If the 15th day falls upon a weekend or legal holiday, the end of the appeal period shall be extended to the end of the next day which is not a weekend or legal holiday. Table 19.1001.5 identifies the review authority and appeal authority for each review type.

##### 19.1010.1 Filing an Appeal

- A. An appeal application shall contain the following information:
  1. Date and case file number of the decision being appealed.
  2. Documentation that the person filing the application has standing to appeal per Subsections 19.1010.4.A, 5.A, and 6.A.

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3. Detailed statement describing the basis of the appeal.
  - a. For appeal of a Type I or III decision, the statement must identify which approval criterion or development standard is believed to have been overlooked or incorrectly interpreted or applied and/or which aspect of the proposal is believed to have been overlooked or incorrectly evaluated.
  - b. For appeal of a Type II decision, the statement must identify either an error described in Subsection 19.1010.1.A.3.a or the manner in which the person filing the appeal was adversely impacted or aggrieved by the decision.

- B. The appeal application fee shall be paid at the time of filing.
- C. If the appeal application and applicable fee are not submitted within the 15-day appeal period, or if the appeal application does not contain the required items specified in Subsections 19.1010.1.A.1-3 above, the application shall not be accepted by the City. A decision by the City to not accept an appeal within the specified appeal period shall be final.

**19.1010.2 General Procedures Applicable to All Appeals**

Appeal hearings before the appropriate appeal authority, as specified in Table 19.1001.5, shall be conducted in accordance with the public hearing provisions in Section 19.1009.

**19.1010.3 Types of Appeal Hearings**

The City has two types of hearings used for appeals of land use decisions. The general procedures for these hearings are as follows.

**A. Unrestricted De Novo Hearing**

An unrestricted de novo hearing allows for the presentation of new evidence, testimony, and argument by any party. The appeal authority shall consider all relevant evidence, testimony, and argument that are provided at the hearing by the appellant or any party. The scope of the hearing shall not be limited to the issues that were raised on appeal. The standard of review for an unrestricted de novo hearing is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law.

**B. On the Record De Novo Hearing**

An on the record de novo hearing does not allow for the presentation of new evidence by any party. New testimony is allowed. New arguments are allowed based on evidence already in the record and testimony that is new or already in the record. The scope of the hearing is not limited to the issues that were raised on appeal. The standard of review for an on the record de novo hearing is a new evaluation of existing evidence, new and existing testimony, and new and existing arguments.

**19.1010.4 Specific Provisions for Appeal of a Type I Decision**

- A. A Type I decision may only be appealed by the applicant or the applicant's representative.
- B. The City shall mail written notice of the appeal hearing to the applicant or the applicant's representative at least 20 days prior to the appeal hearing.
- C. The appeal hearing shall be an unrestricted de novo hearing.
- D. The decision of the designated appeal authority for appeals of Type I decisions shall be the final local decision.



**19.1010.5 Specific Provisions for Appeal of a Type II Decision**

- A. A Type II decision may be appealed by the applicant, the applicant's representative, or any other person or organization who is adversely affected or aggrieved by the decision.
- B. The City shall mail written notice of the appeal hearing to all parties who were entitled to Type II public notice per Subsection 19.1005.3.B.1 at least 20 days prior to the appeal hearing.
- C. The appeal hearing shall be an unrestricted de novo hearing.
- D. The decision of the designated appeal authority for appeals of Type II decisions shall be the final local decision.

**19.1010.6 Specific Provisions for Appeal of a Type III Decision**

- A. A Type III decision may be appealed by the applicant, applicant's representative, or any other person or organization who participated in the original decision by providing either testimony or evidence on the record leading to the decision by the review authority.
- B. The City shall mail written notice of the appeal hearing to all parties who were entitled to Type III public notice per Subsection 19.1006.3.D at least 20 days prior to the appeal hearing.
- C. The appeal hearing shall be an on the record de novo hearing.
- D. The record shall include:
  - 1. A factual report prepared by the Planning Director.
  - 2. All exhibits, materials, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under appeal.
  - 3. The minutes from the original hearing and a detailed summary of the evidence and testimony.
- E. The decision of the designated appeal authority for appeals of Type III decisions shall be the final local decision.

**19.1010.7 Remand from the Land Use Board of Appeals**

City of Milwaukie decisions remanded by the Land Use Board of Appeals shall be heard by the appeal authority following the procedures of Section 19.1009 and shall be decided within 90 days from the date of the remand. (Ord. 2025 § 2, 2011)

**19.1011 DESIGN REVIEW MEETINGS**

The Design and Landmarks Committee shall conduct a design review meeting when required by Section 19.907 for applications in the downtown zones. The meeting shall occur prior to the initial Planning Commission hearing on the application. Design review meetings provide an opportunity for the Design and Landmarks Committee to hear public comment, evaluate the proposal against relevant approval criteria, and vote on a recommendation to forward to the Planning Commission.

**19.1011.1 Responsibility of City for Design Review Meetings**

The City shall:

- A. Schedule land use applications for design review before the Design and Landmarks Committee at the earliest available scheduled meeting. If the Design and Landmarks Committee is unable to schedule a design review meeting with sufficient time for the Planning

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Commission to hold a public hearing in compliance with the 120-day decision requirement, one of the following shall occur:

1. The applicant may extend the 120-day decision requirement per Subsection 19.1001.7.C in order to accommodate Design and Landmarks Committee review of the application.
  2. If the applicant does not extend the 120-day decision requirement, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.8.
- B. Provide public notice of the design review meeting per Subsections 19.1011.2.A-C below.
- C. Prepare minutes for the design review meeting that include the Design and Landmarks Committee recommendation and the reasons for the recommendation.

**19.1011.2 Design Review Meeting Notice Requirements**

- A. When a design review meeting is required by Section 19.907, the City shall mail written notice of the design review meeting at least 10 days prior to the meeting. The written notice shall be mailed to:
1. The applicant and/or applicant's authorized representative.
  2. The owner(s) of record of the subject property.
  3. Owners of record of properties located within 300 ft of the perimeter of the subject property.
  4. Any City-recognized neighborhood district association whose boundaries include the subject property or are within 300 ft of the subject property.
- B. The public notice shall meet the requirements of Subsections 19.1006.3.D and E.
- C. At least 5 days prior to the design review meeting, notice of the application shall be posted on the subject property by the applicant and shall remain posted continuously until the meeting. Sign notice shall meet the requirements of Subsection 19.1001.6.C.1.b.

**19.1011.3 Rules of Procedure**

- A. Design review meetings shall be conducted in accordance with the bylaws and rules of procedure adopted for the Design and Landmarks Committee by City Council. Additionally, the provisions in Subsections 19.1011.4-11 below apply to all design review meetings.
- B. At the commencement of a design review meeting, a statement shall be made to those in attendance that:
1. Lists the applicable approval criteria.
  2. States that public comment must be directed toward the applicable approval criteria or other criteria in the Zoning Ordinance or Comprehensive Plan that the person commenting believes is applicable to the proposal.
- C. The design review meeting is not a public hearing, but shall be organized in the following manner:
1. The applicant shall have an opportunity to make a presentation on the application.
  2. The public shall be allowed to comment on the application.

3. The Design and Landmarks Committee shall deliberate on the application and presentation and shall make findings and a recommendation on the application per Subsection 19.1011.10.
- D. An abstaining or disqualified member of the committee shall be counted for purposes of forming a quorum. If all members of the committee abstain or are disqualified, the Planning Director shall prepare the design review recommendation in lieu of the Design and Landmarks Committee. The Planning Director's recommendation shall satisfy the requirement of Subsection 19.907.8.

#### **19.1011.4 Challenges to Impartiality**

- A. A meeting participant may challenge the qualifications of a member of the committee to participate in the recommendation. The challenge shall state the facts relied upon by the challenger relating to a person's bias, prejudgment, personal interest, or other facts from which the challenger has concluded that the member of the committee cannot participate in an impartial manner.
- B. The challenged person shall have an opportunity to respond to the challenge. The challenge and any response to the challenge shall be incorporated into the record of the meeting.

#### **19.1011.5 Financial Interests and Conflicts of Interest**

An employee or elected or appointed official of the City who has a direct or substantial financial interest in a proposal may not give an official opinion to the hearing body on the proposal. An elected or appointed official of the City who has a conflict of interest shall refrain from participating as a public official in any discussion or debate on the proposal out of which the actual conflict arises or from voting on the proposal per ORS 244.

#### **19.1011.6 Ex Parte Contacts**

Committee members shall reveal any relevant premeeting or ex parte contacts at the commencement of the design review meeting. If such contacts have impaired the member's impartiality or ability to vote on the proposal, the member shall so state and shall abstain from voting. In addition, parties who had the communication with the member have the right to rebut the substance of the communication at the commencement of the meeting on the proposal.

#### **19.1011.7 Disqualification**

Disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of the committee who are present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

#### **19.1011.8 Burden and Nature of Proof**

The applicant shall bear the burden of proof and persuasion that the proposal complies with all applicable approval criteria and development standards. The applicant and any opponents may submit a set of written findings or statements of factual information which are intended to demonstrate that the proposal complies, or fails to comply, with any or all applicable criteria and standards.

#### **19.1011.9 Continuance of Meeting**

- A. A design review meeting may be continued if the Planning Director determines that there is sufficient time to hold a continued meeting before the Design and Landmarks Committee and a public hearing before the Planning Commission within the required 120 days or if the applicant waives the 120-day decision requirement per Subsection 19.1001.7.C.

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B. Design review meeting continuance proceedings shall be per Subsection 19.1009.11.

**19.1011.10 Design Review Recommendation**

Following the close of the public portion of the design review meeting, the Design and Landmarks Committee shall prepare a written report to the Planning Commission that recommends either approval, approval with conditions, or denial of the application.

A. The written recommendation shall contain the following:

1. The applicable approval criteria against which the application was evaluated.
2. A statement of the facts that the committee relied upon to determine whether the application satisfied or failed to satisfy each applicable approval criterion and development standard.
3. The decision to recommend approval or denial of the application, and, if the recommendation is for approval, any recommended conditions of approval. Recommended conditions of approval shall ensure conformance with the applicable approval criteria and development standards and mitigate the anticipated impacts, if any, of the proposal.

B. The recommendation of the Design and Landmarks Committee shall be forwarded to the Planning Commission, which shall consider the recommendation and integrate it into the review process applicable to the proposal.

C. Design and Landmarks Committee recommendations are not appealable.

**19.1011.11 Record of Proceedings**

The City shall prepare and maintain minutes of all proceedings in accordance with the bylaws adopted by the City Council for the Design and Landmarks Committee. (Ord. 2025 § 2, 2011)