

MINUTES

MILWAUKIE CITY COUNCIL MAY 18, 2004

CALL TO ORDER

Mayor Bernard called the 1934th meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Lancaster
Councilor Joe Loomis

Councilor Deborah Barnes
Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development/Public
Works Director
Larry Kanzler,
Police Chief

John Gessner,
Planning Director
Paul Shirey,
Engineering Director
Grady Wheeler,
Information Coordinator

Jason Wachs,
Program Coordinator

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda that consisted of:

- A. City Council Minutes of May 4, 2004; and
- B. Resolution 8-2004 – A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Police Chief to Sign an Intergovernmental Agreement with the Portland Police Bureau, Beaverton Police Department, Bellevue Police Department, Clark County Sheriff's Office, Eugene Police Department, Lake Oswego Police Department, Marion County Sheriff's Department, Medford Police Department, Multnomah County Sheriff's Office, the Salem Police Department and the West Linn Police Department, and Federal Executive Agencies to Include – Federal Bureau of Investigation (FBI), Federal Trade Commission, U.S. Postal Service, U.S. Secret Service, and

the U.S. Attorney – Department of Justice to Investigative Fraud and Identity Theft through the Formation of a Regional Economic Crime Investigation Center (RECIC).

Motion passed unanimously.

AUDIENCE PARTICIPATION

Anneliese Hummel, 2802 SE Monroe Street, Milwaukie. Hummel discussed traffic on Monroe Street and the rest of the neighborhood. Noise pollution and volumes are increasing daily. She does not want to spend time on studies as she has done that several times. The elected City Council needs to protect its citizens before any new development takes place. The neighborhoods need to be protected, and Stone has done that on her street. Dividers with plantings like those on 32nd are needed at the intersection of Monroe Street and 28th and 29th Avenues. This might slow or eliminate some of the traffic. Hummel has lived in that house for 15 years and nothing in the way traffic or repairs has been done. She has asked for new curbs on the west side of her house on 28th because they are in need of replacement. The traffic and volume are the most important and vital. She cannot stay for the Kellogg Lake hearing, but she put her vote on the record as "no." She is not opposed to public transportation and a new transit center, but this is not in her opinion the right place to put it.

Hummel urged the City Council to do something about the traffic on Monroe Street and possible Washington and Harrison. With building left and right, one section of cars has to wait for the other to pass because of parked cars. It is a daily occurrence now. There are more and more trucks using Monroe between Hwy. 224 and downtown. She described a huge truck trying to turn left on Monroe to get downtown. She saw no decrease in that type of activity.

PUBLIC HEARING

Mayor Bernard read ground rules for the conduct of the hearing:

- Please fill out the testimony form before you come to the podium. That is the green registration card available on the information table in the hall. It ensures that we both have correct spellings for the record and have included everyone who wishes to speak;
- Please state your name and address before you begin your testimony so that they can be entered into the record--and please speak directly into the microphone;
- I will limit the presentation time for speakers to give as many people a chance to be heard as possible--10 minutes for groups and 5 minutes for individuals;
- Please make sure that your remarks are about the issues we are going to decide;
- Please avoid repetitive testimony--we want to make sure that you get to say what you want to say, but we also want to make sure that we include everyone; and

- Please do not engage in personal attacks--we are interested in hearing about the issues.
- The order of speakers was proponents, opponents, and neutral.
- Council will evaluate its progress later in the evening. If it appears there is substantial number of people yet to testify, he will call for an adjournment at approximately 9:00 p.m. Another date will be set to continue the meeting if adjourned. If he believes all have the opportunity to speak within a reasonable period of time, the hearing will continue.

Proposed Recommendation Regarding Transit Center Siting and Light Rail Alignment and Station Siting

Mayor Bernard called the hearing to order at 6:18 p.m. The purpose of the hearing was to consider public comment on the proposed transit center siting and light rail alignment and station siting.

This is not a land use decision and is not subject to any existing land use standards or criteria. He reviewed the order of business.

Conflicts of Interest

Mayor Bernard declared he had a potential conflict of interest and asked the city attorney to discuss it.

Firestone clarified the difference between a potential and actual conflict of interest. It is a potential conflict of interest if the outcome of the decision could affect the financial interest of the decision maker, anyone in the decision maker's family, or a business with which the decision maker is associated. It is an actual if the decision would affect the financial interests of the decision maker, decision maker's family, or business. The difference is between "would" and "could." The difference is essentially the certainty. If it will affect it is an actual conflict. If the interest is only potential and other things could happen and intervene, then it is potential.

Mayor Bernard said his potential conflict is that he is a downtown property owner. He owns about a block of land located at 21st and Washington Street, Main Street and Washington Street, and Adams Street and 21st Avenue. The transit center location is not on his property but is near his property. One could assume a potential benefit. The business on the property owned business has been there for 79 years and is an automotive repair business. It has been in that location through many changes in Milwaukie. The business is currently operating, and he intends to operate for many years to come. For the record, he does not see any potential benefit to the transit center relocation. It may offer some potential benefit in the future should light rail come by his property. According to the current plan, light rail would be on the other side of the tracks from his property. At this point any potential would be far into the future and would more likely be in increasing the potential value of his land in the future.

Mayor Bernard asked if there were any challenges to any Council members ability to participate in the decision.

Councilor Lancaster asked for clarification if the participant would have to recuse himself if there were an actual conflict of interest.

Firestone said that was correct. If the conflict of interest is actual, that means it would affect the business rather than could affect the business, then the decision maker must recuse himself, step down, and not participate. If it were a potential, then the decision maker can participate in the decision.

Councilor Lancaster asked if there were any legal guidelines where one crosses the line or is it subjective:

Firestone believed there were reasonable guidelines of immediacy and direct relationship. For example, a contract with the decision maker's company or spouse or self is an actual conflict of interest. Siting in the future appears to be potential particularly when there is an intervening decision as in this case. If there is an intervening decision and the only action is a recommendation, then it is typically considered potential than actual.

Challenges

Jeff Kleinman, Attorney, 1207 SW 6th Avenue, Portland. He represented Citizens for Milwaukie Greenspace who participated before the Planning Commission and consist largely of property owners and others in the Kellogg Lake area who are opposed to this application. He apologized in advance to the Mayor and other members of the Council because what he was going to do would be very uncomfortable for all concerned. This is his job, so he does it. He believed there was a conflict and that Mayor Bernard should recuse. One reason for this is that it appears it would be far less likely that the MAX line would be extended through downtown and on south unless the locally preferred alternative (LPA) for the transit center were relocated from north industrial to the proposed site on Kellogg Lake or somewhere else further south. He sees an actual conflict arising out of the fact that, as he understands it, a substantial part of his property is undeveloped. Therefore, any extension of the light rail line would result in greatly increasing the value of the property. To the extent it is already developed, there would be the potential for redeveloping the site into something more commercially valuable than the business currently operating. Third, he thought the current contemplated location of the MAX line on the far side of what is now the UP main line actually is not carved in stone. There is a real likelihood the line could move to the other side resulting in a taking of all or part of Mayor Bernard's property. This would, one would hope, result in substantial compensation for Bernard and any other owners of the property. Second, and even less comfortable from his standpoint, he understands in his current race for County Board of Commissioners that Bernard has a billboard or sign located on the Goodwill property as one enters Portland on Grand Avenue coming off the McLoughlin viaduct. He asked Mayor Bernard if that were correct.

Mayor Bernard responded that was correct.

Kleinman asked what rental was being paid to have that sign at that location.

Mayor Bernard responded that is information would be available on his C&E's, and no rental is being paid.

Kleinman said, as he understood it, the owner of that particular property is Howard Dietrich who also owns significant property at the north industrial alternative – the current locally preferred alternative or in that immediate area. According to the owners up there would be benefited by getting rid of the original alternative at Southgate and moving it south. He saw a conflict in Bernard's receiving that benefit from Dietrich, albeit over the line in Multnomah County, at a time when he has a great stake in the financial outcome of this decision. For those two major reasons, Kleinman respectfully requested the Mayor recuse himself and is not legally qualified to serve in this case.

Mayor Bernard discussed Kleinman's comment about "should light rail come." We are a long way from that, and it will have to be voted on. The fact is that it may never happen definitely puts it in the potential area. He understood TriMet already bought the property at Southgate and that Howard Dietrich no longer owns that property. The donation of the sign on McLoughlin Boulevard and the fact that light rail may never come and would require a vote he believes fits the definition of potential. This is not a light rail recommendation; it is a transit center relocation recommendation. He understood the fact that should light rail come is in the future. The fact that it may never happen puts it in the potential. This is not light rail it is transit center. He understands that TriMet owns that property rather than Dietrich. Based on those facts, he believes there is no actual.

Kleinman believed Dietrich continues to own properties in that immediate area on McLoughlin Boulevard in that immediate area including the Mill End store and would prefer to see this transit center relocated to the south. His objection to the Mayor's participation does stand.

Mayor Bernard believes it is still a potential conflict and will participate in the hearing.

Firestone said the Mayor has made the necessary statements.

Councilor Stone commented this was news to her about who owns the property where Bernard's billboard is and the potential for this business owner to be benefited by moving the preferred alternative from the Southgate site to the Kellogg Creek site. She saw this as having a potential for being an actual conflict of interest for the Mayor in the future. For those two reasons, she agreed Mayor Bernard should recuse himself from participating in the final vote.

Mayor Bernard personally believes this is potential conflict and will participate.

Staff Report: **City Manager Mike Swanson** provided the initial staff report with some brief general comments. The City Council has had the staff report for a week, so he would not read that. Phil Selinger, TriMet, John Gessner, Planning Director, and Donald Hammang, Planning Commission Chair will add their comments.

The issues arose after a long journey that began with the South Corridor process.

Recognition of Outstanding Milwaukie High School Student

Councilor Barnes said the City of Milwaukie began a program several months ago to have a better connection with its high school. There is wonderful work going on at that high school along with a wonderful principal and some incredible kids and teachers. Once a month, the City Council honors a student that shows promise and is part of the community. This month Kristine Juohola is graduating this year 11th in her class with a 3.95 GPA. She is in honors classes including AP calculus and English and is a member of the National Honor Society. She has worked with incoming freshmen, participated in the Annie Ross fundraising events as well as other community outreach programs. All of this is combined with athletics that includes varsity golf and soccer. Kristine plans to go to collect and major in biology.

Swanson resumed the staff report on the proposed transit center relocation. The issue before the City Council at this meeting began with the South Corridor process that began after the defeat of the South/North Light Rail proposal. Many of Milwaukie's leaders of today emerged from that experience and determined they had changed things. A number of those people he talked to speak to two major issues. One is the alignment and its negative impact on the neighborhoods in 1998. The other is the way the decisions were made. The South Corridor process originally sought a non-light rail solution to transportation issues facing Clackamas County and the region. It resulted in a two-phase project. Phase 1 was the construction of the I-205 corridor and phase 2 in the future was the line between downtown Portland and Milwaukie.

What brought the City Council to this point was a decision that was made about phase 1 which was the relocation of the downtown Milwaukie transit center. This was provided for in the locally preferred alternative (LPA) decision. Why was that provision put in there? Those engaged in the South Corridor process felt that the City needed something tangible – a tangible success early on. Milwaukie citizens, governmental leaders, and staff were very engaged in the process. What the City sought and got was relocation of the temporary facility that was located in the early 1980's from its current site outside City Hall. That was one change. Another change was the alignment sought specifically not to impact in a negative way the neighborhoods. There was a change in the way the neighborhoods were dealt with. The neighborhoods and the leadership were engaged. Another change was the way the City does business; it attempts to engage a broad array of the public in making its decisions. Thus, the working group. The working group was a creation of TriMet, not a body that was appointed or given its charge by the City Council. The City's relationship with the north industrial area has also changed. Swanson spoke with one of the company presidents from that area a couple of years ago and was told that was the first time he had talked to anyone from

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 6 of 32

the City in his 31 years with company. A new relationship was established. The changes that many people sought in 1998 have happened.

He thought often of President Reagan's question in the 1980 election, "Are you better off now than you were four years ago?" President Clinton said governing is really about the future. That is why the City Council was there at the meeting. Does the decision best affect the future? Can people years from now look back on what was done and say their lives were better because of what was done in 2004. It is hard work. What the City Council will hear are conflicting positions. Traffic impacts will/won't affect the neighborhood. Development will/won't occur if the City does something. The environment will/won't be degraded. Everyone is trying to predict the future. What we all bring to it is our best intentions, but none of us bring a monopoly on the ability to predict that future.

It is all about how we handle change. The City is in a unique position. It is right in the middle of a region that is constantly changing and experiencing incredible pressures. Can Milwaukie ignore the change? No. We would do that out our peril. Whatever the City does, it is about a transit center – but it is more about the future. It is about what we are leaving – the legacy – to people like the young lady from Milwaukie High School.

Phil Selinger, Project Planning Director, TriMet. He introduced several associates who worked with him on this effort: Alonzo Wertz (TriMet), Dave Unsworth (Metro), Bud Roberts (ODOT), Randy McCourt (DKS), and Michelle Gregory (Soapbox Enterprises). He acknowledges the excellent integration and coordination with Milwaukie staff throughout the effort. This group has been excellent to work with and will be in the future. He acknowledged how agency staff appreciated the excellent community involvement in the City of Milwaukie. The quality of that participation indicates an involved community that is concerned about its future.

His comments were contained in the May 16, 2004 memo forwarded to the City Council and represent the interagency effort. Some years ago efforts were being made to locate an off street transit center even before the South Corridor Study got underway that led to the LPA. The site once considered was the old Safeway site, but there were problems with making it work. They were appropriate and good issues. The funds that were actually designated for that site were diverted to the Southgate project. The funds were diverted to Southgate because as the LPA was emerging it would be a location where something would be happening for this work program. The LPA called for a transit center and 600 parking spaces to be located at that site.

The LPA recommendation called for a working group to be established to work out some issues that were addressed in the process of getting to the LPA recommendation. The working group that was formed in consultation with Milwaukie staff consisted of 23 members of the community including north Milwaukie industrial, downtown, and neighborhood representatives. There were also nine staff and two consultants. There were other folks from the downtown community, the various neighborhoods, and north industrial who sat in on some of those sessions. He believed the process was fairly extensive. There were six meetings over a five month period that ended in February.

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 7 of 32

Parallel to that, there were four Milwaukie only meetings that were set to allow a community discussion in the absence of the various agencies. The working group discussion prepared 21 evaluation factors, and each option was evaluated extensively and included a wide range of factors. As the working group moved toward its recommendation, there was an open house where the output of the working group was presented to the community and comments received. This was very important in preparing the final recommendation.

He described the purpose of a transit center that could be summarized in three areas:

1. Provides connections between local and regional transit services and provides access to the system in which the region has invested;
2. Provides a visible and convenient connection for the community which are generally located in town centers and offers a collection of services to allow the maximum number of people, in this case, to get to downtown Milwaukie facilities and as more people live in downtown Milwaukie provides access to those folks as well; and
3. Provides an important operational component for the transit system itself. It is a place where routes can terminate, operators can take break, bus schedules can recover if they fall behind, and is part of the machine needed to run the system.

Adjacent but a little contrasted to a transit center is a park-and-ride lot. It is a place for people who do not live on transit service to get to that transit service using their cars. That is critical as part of the trunk line high capacity services that include light rail and some of the bus routes. TriMet tries to locate park-and-ride lots on those major services but out of town center downtowns because they do generate traffic. The purpose is to intercept trips at the park-and-ride lots before they get to town centers and core areas.

Discussions were entered into with the working group with no preconceptions other than the baseline of trying to make the Southgate LPA selection to work. There were some issues related to the recommendation that came out of the LPA.

Selinger briefly reviewed the options considered four of which were focused on getting the Southgate location to work for the transit center and park-and-ride.

- Option 1 series was what came out of South Corridor work and the Draft Environmental Impact Statement (DEIS). The issues related to the main Milport intersection is challenged because it is a compound intersection with McLoughlin Boulevard. At least in the future it would be difficult to make the intersection work effectively. The other concern with this option was the fact that light rail followed Main Street, and there were real or perceived impacts of that alignment on the businesses on that street in the north industrial area. Overall there were concerns about if and how the transit center and park-and-ride would impair truck and commerce in that district. Options to deal with that was to wrap Main Street around the transit center to create additional stacking room at the intersection and effectively separating those two intersections with the transit center in the middle of the loop. Another scenario was created with working group input that reduced business impacts by sending the alignment under Hwy. 224 at a more oblique

angle. The final scenario in this grouping put the park-and-ride over the intersection that had a more compact arrangement. Light rail was elevated in that area, but all in all this scenario was quite expensive. While these options were technically feasible, they did not address the issues primarily coming out of the north Milwaukie industrial district in the working group.

- This led to a widening of the field – or series 2 options. All of these alternatives moved the alignment from Main Street to the Tillamook Branch freight rail line. This immediately eliminated the Main Street impacts.
 - 2.1 consolidated the transit center at the planned Tacoma Street station. This would eliminate the Southgate station.
 - 2.2 placed the transit center at the ODOT property with a tight s-curve arrangement following Main Street for a short distance. It would have provided a small park-and-ride and transit center. All of these options came down to Kellogg Lake with a park-and-ride but not a transit center.
 - 2.3 located the transit center at what is now the Heiberg site to the rear of the Southgate site. This option was workable but it had very poor access that translated into safety concerns because it was far removed from the main road and any 24-hour activity. It would be isolated and difficult for emergency services to monitor the location. It would also have been difficult for busses to access.
 - 2.4 and 2.5 were somewhat similar in this grouping. 2.4 took the transit center into the south end of downtown Milwaukie at the post office site near Lake Road. It was a very compact arrangement with a walking connection to a park-and-ride lot on the Kellogg Lake site.
 - These were the options that were worked with going into the recommendation. Just prior to making the recommendation an additional option was considered which was to pull the transit center across to join the park-and-ride on the other side of Kellogg Lake. That became the recommendation of the working group.

From the agencies' standpoint the most promising options were likely 2.4 and 2.5. From the working group's standpoint, there was continuing interest up to the end of making the ODOT site work. Part of the concern of the participating agencies, mainly TriMet, was that bus operations would be impaired at the proposed transit center locations to the north at Tacoma and ODOT. There is bus service from the north along McLoughlin Boulevard, from the east to Milwaukie, and some from the south. The services from the north, once it gets to the Milwaukie town center, would come into downtown Milwaukie then have to back track and lay over to make connections to the north. That movement had extraordinary operating costs associated with it. In the case of Tacoma Street, it would be about \$800,000 annually, and ODOT would be \$600,000 annually. The alternative to those additional costs would be to truncate the service without coming into downtown Milwaukie and forcing riders from the north and northeast to other services to get to the downtown area. This was not a desirable scenario.

Selinger described the working group recommendation for Option 2.5. The first phase would be a bus only transit center on south side of Kellogg Lake. It would require reconstruction SE 22nd Avenue and River Road to provide access to the transit center.

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 9 of 32

It would also establish an improved bus stop on Main Street in front of City Hall. In this scenario, the passenger movement in downtown from the bus layover function that would be contained at the south end of Kellogg Lake. The idea was to get the best of both worlds – preserve the transit center for riders and citizens but maintain the operational requirements of the system. The second phase of this option would be construction a parking structure over the transit center. Light rail would be extended over Kellogg Lake with an elevated light rail station adjacent to the parking structure. There would be a walk connection from downtown Milwaukie to the transit center and across to the Island Station Neighborhood with pedestrian connectivity to the waterfront.

Some of the issues that emerged as the recommendation came forward was the scale of the garage proposed to be 585 spaces. He believed using sensitive materials, landscaping, and stepping back the top level could mitigate the scale. There was concern about building a transit center in a landfill, and Selinger indicated conventional techniques like piling could be used. There were concerns that this option would reduce downtown bus circulation, particularly at the Planning Commission meetings. By locating a single, primary bus stop at City Hall, busses circulating through the downtown area would be eliminated. There would be no downtown layovers. The City Hall bus stop improvement could help implement the Main Street streetscape plan and help complement the work on the Safeway site. Another important consideration is how this project might coordinate with projects taking place in and around Milwaukie. These include Kellogg Creek restoration, Trolley Trail, Treatment Plant relocation, ODOT preservation project on McLoughlin Boulevard, and the McLoughlin Boulevard improvement project. All of these projects would be coordinated with the transit center.

Selinger believed the working group recommendation met the objectives going into the review. The Southgate site as mitigated in Options 1 technically does work, and the needs could be met. The working group has come up with a very attractive recommendation that perhaps better works for transit and the needs for providing connections to downtown Milwaukie.

Planning Director John Gessner made three points. The \$600,000 estimate of increased costs was revised downward to \$400,000. He had previously reported to City Council that the parking lot count was reduced to 525. In an effort to reduce the height, ½ of the upper deck was removed to help with the view impacts for the neighbors living on the north side of the Lake. Although the agencies to agree they can go back to the LPA as mitigated, it would be substantial conflict many of the concerns particularly relating to the loss of business and tax base. He provided highlights of the Planning Commission decision. One was in the findings had to do with the process. The Commission document the scope of work taken over by the working group, the length and inclusiveness and overall quality of the process. It showed Milwaukie how projects like this ought to be conducted, and he was proud to be a part of it. The Commission articulated 12 or 13 reasons for adopting option 2.5, and he identified the three most important:

1. It results in the timely relocation of the transit center as requested by the City Council. It does not involve property acquisition because it is already owned by the City;

2. It has the fewest impacts and most benefits to the City of the alternatives; and
3. Many of the problems identified in the LPA by the Planning Commission and City Council have been resolved.

There are still a number of concerns that were identified in the working group process that need to be resolved – traffic, environmental impacts, and views. There are means to get there. The conditions the Planning Commission forwarded include the creation of an advisory group to help guide the design of the process so that environmental, public safety, traffic, and other issues can be resolved. There are a number of additional steps that will ensure environmental and other community site development issues are addressed.

Planning Commission Chair Donald Hammang said the Commission realized this is a decision that on the face of it does not appear to be the best choice. However, it is the only decision that came out of the process that had neighborhood support and driven by this support that meets the needs identified time and time again. These were bringing transportation into Milwaukie without tearing up the neighborhoods, comes the closest to meeting the 14 Points articulated by the neighborhood associations in their early dealings with the return of South/North Rail. It is a product of the working group – not of any staff project. The working group was made up of the neighborhood association chairs and businesses from the City of Milwaukie which are both valid constituents in such a process. It was approved by consensus with a few dissenting votes to be the best of all the alternatives. It will help get the busses of the streets of Milwaukie which is something people have been striving to attain for years. It looks disorderly and probably impedes the healthy development of the City. Hammang said he had a background in public involvement being a recall member. The process did seem fair to him from his position although he could not be involved as a Planning Commission member. He understands it was a difficult decision, and it is important to consider “out-of-the-box” solutions. Combining the transit center and light rail site on Kellogg Lake was a result of neighborhood leaders brainstorming. It was not a staff idea. Carlotta Collette from Ardenwald and David Aschenbrenner from Hector Campbell put that process together, so it does have grass roots support.

Councilor Stone understood the working group was made up of people from neighborhoods and business leaders and that there were about 20 people. She asked if that were accurate.

Hammang believed there were 10 people from the neighborhood associations and 13 people representing businesses. He understood each neighborhood had a representative.

Gessner believed the final vote was about 18 to 3. Staff tallied the people attending and could better address the numbers attending.

Councilor Stone said when Gessner first sat down, he threw out a figure of \$400,000 instead of \$600,000. Was that the amount of money Selinger talked about?

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 11 of 32

Gessner replied Selinger was talking about a \$600,000 annual cost to locate the transit center at the ODOT site. That was a preliminary number that was subsequently revised to \$400,000, and this was reported to the working group and the Commission elsewhere.

Councilor Stone wondered if that was an annual figure and how those numbers were arrived at.

Selinger said these types of calculations are done all the time to efficiently configure service. It looks at the average bus travel time on the street that is about 13-14 mph, distances, number of busses per hour, and hourly operating costs. TriMet looks at that as a differential – one location versus another. The agency is continually trying to optimize the system so money is well spent.

Councilor Stone was surprised there was a \$200,000 discrepancy. She wondered how Selinger was getting his figures.

Selinger did not do the calculations himself, so he was not sure. People in the scheduling department did the rough work, and one of his staff did the summary.

Councilor Stone asked if they were available.

Selinger said scheduling staff could be available but not at this meeting. Michael Fisher, who recently retired from TriMet, was the project lead and prepared the summary.

Councilor Stone asked if Selinger could get these calculations to the City Council.

Selinger said he would.

Program Coordinator Jason Wachs said the list of people invited to the group at its inception included 10 Neighborhood District Association (NDA) leaders, 13 north industrial representatives, 9 local and regional staff, and 2 consultants. As various options came up, new members were recruited. As of January there was a list of those involved in one way or another. At that time, about 13 downtown interest holders, 5 more NDA leaders and other citizens, and 5 more north industrial representatives. Updates were provided during the process. Others have come into the process as Planning Commission meetings took place.

Mayor Bernard understood the actual voters were the original committee.

Wachs said that was correct.

Councilor Stone understood this process went for about 5-6 months. In the course of this process, were some of these members kind of coming sometimes and not coming at other times, or was there a pretty solid group in terms of numbers at each meeting?

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 12 of 32

Wachs replied there was a solid group. There was definitely consistent attendance. There were two process taking place at the same time: the working group and the Milwaukie only group that opened up the process even more particularly to those in the downtown and Kellogg Lake areas. More or less, the attendance was consistent. The Milwaukie only group was everyone on the working group but without regional staff. City of Milwaukie staff was there.

Councilor Stone understood Wachs to say there were 9 local and regional staff, 2 consultants, 13 downtown business leaders, 5 NDA leaders, and 5 people from the north industrial land.

Wachs said the initial group was 10 NDA leaders. Over the 5 months there was a lot more outreach to find more participants particularly in the downtown and Kellogg Lake area.

Councilor Stone understood there were roughly 10.

Wachs said overall the NDA and citizen participants totaled 15.

Councilor Barnes requested the names of those involved with this decision be read into the record.

Michelle Gregory, Soapbox Enterprises, read the list of people from Milwaukie:

1. Gary Hunt
2. Keith Bell
3. Mark Hendricks
4. Norm Unrein
5. Bill Munson
6. Brian Heiberg
7. George Anderson
8. Chuck Willie
9. Howard Dietrich
10. David Aschenbrenner
11. Dolly Macken-Hambrigh
12. Peter Koonce
13. Ed Zumwalt
14. Roger Cornell

Councilor Stone was trying to clarify the actual citizens living in Milwaukie versus the business owner versus staff. The list just read was a combination of citizens living here and business owners. Of that list, there were more business owners listed than residents.

Gregory said that was the initial list. It is important to stress, that as part of both the Milwaukie only process and the working group process as things moved forward and new options considered there was an effort to expand and include more people. There

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 13 of 32

are other who did participate at other working group meetings as well as Milwaukie only meetings, and those people were either business owners in the downtown area or residents of Milwaukie who were concerned about the downtown area. There were residents of the Island Station and Lake Road neighborhoods that came occasionally. A comprehensive list could be compiled from the sign-in sheets.

Mayor Bernard understood these were business owners, property taxpayers, and residents.

Gregory said the staff did its best to get a balance.

Councilor Loomis asked for a description of the voting process, and who was eligible to vote. It was 18 – 3; was that the original committee or whoever was there.

Gregory said the vote for the recommendation was taken at the last working group meeting. That meeting was attended by staff resourcing the project all along, the original members of the working group, some additional citizens and interested business owners who started coming to the meetings at the end of the process. The effort was made to expand the number of people for input. When the actual vote was taken, staff and paid resource people literally backed away from the table. Anyone who was a member of the community as a stakeholder, business and resident, was part of that vote. At the time there were 18 plus 3 of those individual.

Councilor Loomis asked if this was the only option voted upon during the entire working group process.

Gregory said throughout the process there were periodic rankings to get a consensus of direction. That was the only official vote the working group took. She believed there was some straw polling in the Milwaukie only process.

Gessner said there was a deliberate narrowing process. By the time the group was midway through the process there were 8 separate alternatives that were contending against each other. There were a lot of different values expressed about the different options – what impacts might affect different people differently. The working group was brought to the process of reducing the options. It was a non-vote process, but it was collaborative and consensus based process of selecting options 2.4 and 2.5 for final consideration. The next meeting resulted in the final decision to go to 2.5 in preparation of the working group's final recommendation that the City Council has in its packet. He referred to the February 4, 2004 recommendation from the working group to the Planning Commission. He wanted to respond to some of the concerns about stakeholder involvement and processes by getting the names of all the participants to construct how that process went and forward the information to the City Council.

Councilor Lancaster asked for clarification if there were members who were not part of the working group that were part of that vote.

Gessner did not believe there was ever an eligibility criteria for the working group. It was a pretty organic group, and the membership would change depending on who was able to attend the meetings. It became a little bit fuzzy when the Milwaukie only group was created. That was in part due to the working group's strong desire to do problem solving without the agencies being present. Secondly, as indicated by Gregory and Wachs, as the downtown locations were identified as prospects a lot of effort went into getting additional stakeholders in. The working group was a loose term for a large group of persons who were involved at one point or another. He used a liberal interpretation when reporting to the Planning Commission. Basically, if you show up at the meeting, you are a working group member. Not everyone was there for the vote. The number of people he identified as attending at least one meeting was as high as 30. He will provide more information.

Mayor Bernard attended several meetings but did not vote at the last meeting. Often one person from a business could not attend, so someone attended for him/her.

Councilor Loomis asked if everyone comfortable with that process of voting, talking, and coming in.

Gessner indicated he had a very strong sense that the working group was comfortable with that. He did not recall any discussion about discomfort in the way it was being managed.

Public Testimony -- Proponents

Debbie Cronk, 11863 SE 28th Avenue, Milwaukie. She owns multiple properties in the City of Milwaukie and has for many years. The thought of having light rail in Milwaukie was very exciting for her. Having the downtown revitalized and having the building in the Safeway area is wonderful. The 2.5 area, to her makes the most sense. It leaves the downtown for further redevelopment. She understands the corridor for the bus will be very nice and much like downtown Portland. The housing at the other end of Main Street will make it very interesting. She also has worked with the Trolley Trail group, and the bridge to the waterfront to connect to the Trolley Trail so people can take their bikes on light rail. One of the big things for the City is that there will be no loss of tax base with this site, which she believes is very important. Many people are concerned about the Kellogg Lake area. It was never a lake in the very beginning; it was a creek. She thought people like the Master Gardeners and the Corps of Engineers could turn it into a very beautiful park area with foot and bike paths as well as a better wildlife area. The fish ladder has not moved fish through there for quite a long time. She supported the 2.5 option and liked the idea of being able to take light rail to the airport.

Lisa Batey, 11912 SE 19th Avenue, Milwaukie. She has been a resident for two years. Although she is a relative newcomer, she is excited about the transit center option on Kellogg Lake from a couple of perspectives. As a potential transit rider, she find the current set up confusing, and she finds it does not make her feel safe. Having a consolidated stop on Main Street where all the busses stop, people would not have to worry about being at the wrong stop and missing their bus. The critical mass of people

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 15 of 32

waiting makes for a more user-friendly system. More importantly, as a member of the Island Station neighborhood where she has been involved in the NDA for the past two years, she knows improvements to the intersection of River Road and McLoughlin Boulevard have been a target of the neighborhood for over a decade. It has worked with ODOT to get improved sidewalks and crossing. She did not know how many people had been killed trying to get across McLoughlin Boulevard. The NDA voted readily to support this option when it was presented. Lastly as someone who has been active in her NDA and member of the Citizens Utility Advisory Board, she said this was a process that engaged everybody and all had the opportunity to participate. It was announce in The Pilot and was not a closed-door, hidden process. It was open and Batey hoped the City Council would respect the process. It would send a poor message to those contemplating participation in civic life if the process were not respected. She encouraged the City Council to endorse the option.

Councilor Lancaster asked Batey if she was currently a transit rider.

Batey said she did not as she works from home.

Jeanne Searls, works at 4120 SE International Way and lives on King Road, Milwaukie, read a written statement into the record.

"Her family has had a Milwaukie address since 1955. I live and work in the Milwaukie area as do many of my children, including three grandchildren attending Milwaukie High School. I, also, spent much of my career participating, organizing, and staffing voluntary citizens' committees.

I support the recommendations of the Working Group and the Planning Commission.

*During the past 49 years, I saw the City of Milwaukie lose much of its identity to inevitable growth. However, during recent years there is new energy and vision. With the waterfront construction and the relocation of the transit center to the Kellogg Lake location, the City can **redefine itself as vibrant city and an oasis** from the hustle bustle of commuters, traffic, and shopping malls.*

I attended the presentation of the options under consideration by the very broad-based Working Group. The backup data, which was available, demonstrated the obvious painstaking hours of the staff and citizen's work and deliberation. Each option showed, not only the effects for the Milwaukie community but how it fit into the planning for the whole of North Clackamas.

After review and testimony, the Planning Commission adopted the Kellogg Lake site. It is obvious that no choice will please everyone.

*Now it is your decision whether to have the courage to be leaders with vision or reactionaries, whether to support recommendations of **your** volunteer citizen groups and staff or to react to individual complainants. Please continue with vision. Don't lose the energy."*

James Stilwell, Comptroller for Harder Mechanical Contractors, 2148 NE Martin Luther King, Jr. Boulevard, Portland, Oregon 97212. The building is located on Hanna Harvester Drive. He provided background on the company's situation. The building was purchased in 2000. During negotiations, Harder inquired about the potential of light rail coming to Milwaukie. The realtor showed a plan of light rail coming down McLoughlin Boulevard, so Harder determined it would be fine and would probably add to the value of the property. Some time ago, he got a phone call that a new route had been chosen and would go right through the middle of the Harder building. The company has spent 1-1/2 years renovating an old building and spent a lot of money. The building is about 46,000 square feet. Harder installed a pipe fabrication shop and a clean room fabrication area used for high tech businesses such as Intel and computer companies. Harder has about 4,500 square feet of Class 10 clean room which is probably the largest facility of its kind in Oregon and Washington. The company invested a lot of time, effort and money, and the building turned out well for Harder. It is in an industrial area, so there are no problems with neighborhoods. There are currently 43 full time employees that are mostly in the Pipe Fitter's Union. The average hourly wage is \$33.00, and fringe benefits are an additional \$14.27 an hour. Obviously these are fairly high-paying jobs with considerable overtime. The average weekly gross pay is about \$1,800 with another \$700 in fringe benefits. The total payroll at that location is about \$70,000 per week and \$4 million annually. Harder paid \$24,733 in property taxes last year. TriMet tax is about \$25,000 a year from that location. Harder is one of the 100 largest privately held companies in Oregon with about 650 employees total with another company in Vancouver. Harder originally moved the shop from Vancouver to Milwaukie. If light rail goes through the building, the company would probably conservatively cost Harder about \$1 million. It would be a difficult operation to move because of the ongoing work with tight schedules. Harder would have to create a brand new building because it would have to move equipment. The company has a lot to lose. If it must move, Harder has property in Vancouver, WA where its other company is located. If these jobs are lost, they will not only be lost to the City of Milwaukie and the County, but also the state. He thought there were a couple of things the City Council should consider. If the City is going to have light rail, use must be maximized by the people. One needs to look at the overall effect on the area. If light rail is built, there will be less traffic. Some are against this option for various reasons and may be looking at the top of a parking garage. On the other hand, if Harder moves, 43 jobs will be lost along with the tax money. He did not see a lot of people in opposition and urged the City Council to choose this option. Without jobs, the quality of life will not be that good.

Mayor Bernard asked Stilwell how much was invested in the remodel.

Stilwell responded Harder spent about \$1.4 million and has no intentions of leaving Milwaukie.

Dave Green, 5431 SE Willow Street, Milwaukie. Those who know him and the property he owns know that he is a Greenspace advocate and is here in support of the Kellogg Lake site. In his day job, he does water and wastewater planning work, and he frequently looks forward 20, 40, 50 years. He asked that the Mayor and Council to do the same when it considers the transit center. It sets the stage for what happens in

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 17 of 32

Milwaukie's downtown for a long time to come. Green is a current member of the Milwaukie Riverfront Board but spoke as an individual. With this transit center, he believed Milwaukie had a great opportunity to work with the region to return some vitality to the downtown. He was involved from the Riverfront Board's perspective in helping move the downtown plan forward. This transit center will help make that vision a reality. A downtown transit facility is critical to a healthy, thriving downtown and will bring in people and businesses to help provide some resurgence to what he thinks is a dying downtown. In addition to the benefits to downtown, the Kellogg Lake location provides a great opportunity to relocate some parking out of the riverfront park and allow users to have not only replacement but also additional parking. Another big service to the riverfront is that the transit center with its crosswalk will provide some additional connectivity between the park and the downtown. Connectivity to the riverfront park has been a big priority for those who have set through all the board meetings. Lastly, the mitigation for the environmental impacts coming out of the construction can be used to enhance Kellogg Creek and return it more to its original condition. He also sees opportunity for those mitigation funds to be used to enhance the natural areas that are currently in the plan for the Milwaukie riverfront. He noted the Planning Commission recommended that funds from the sale of the property for the transit center could be used at least in part for the Riverfront Park. He certainly supported that. He asked the City Council to look with a long term vision and urged support of the transit center at the Kellogg Lake site.

David Aschenbrenner 11505 SE Home Avenue, Milwaukie. He wears several different hats. He is chair of the Hector Campbell NDA, and the group voted in favor of option 2.5. He spoke representing the neighborhood, himself, and the working group. The NDA voted in favor of this option. It had several meetings and discussions, and several members of the NDA were involved with the open houses and working group. As a member of the working group he thanked the City staff, TriMet and Metro for getting citizen involvement and hopefully listening. This is a unique opportunity for citizens to get involved and look at the issues in depth. After looking at the technical data, the working group agreed the option 1.0 series would not work for Milwaukie in the future. That is what we are looking at – the future. City Council heard that the parking facility could be used for more than just park-and-ride. It can be used for riverfront events and provide connectivity to the riverfront. He thought this was nice and discussed the lack of parking at last summer's fireworks event. The city manager and staff provided an excellent report that contains a lot of information. This has been going on for a while. He was involved with this back when the other light rail option was on the table. He voted against it because of what it did to the neighborhoods and because there was no citizen involvement in the process. This was a complete turnaround with a lot of citizen involvement. It has options he feels are best for Milwaukie in the long term and in the vision for the future. By putting the one block transit center in the downtown and realigning the current parking lot, the size of the Farmers' Market could almost double by closing Jackson Street on those days. There is also the potential for fixing the brown water drainage issues for the vendors as well as fixing the electrical outlets. During the Centennial, there were all kinds of issues related to rain and power. This is another chance to fix those little problems. There will have to be mitigation on a lot of different levels. Planting trees on the site to camouflage the parking structure as well as

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 18 of 32

providing wildlife habitat that is not there now. Conditions may be added to this recommendation such as a walkway, a viewing platform that extends out over the lake to make the site, and picnic tables to make that site more user friendly in the future. He left it with the staff recommendation, the Planning Commission report, and the working group report. This is visionary and looks into the future. It does not solve things over night, and it will not happen over night. This is a long process. There will be a vote. The site has to be studied and mitigation issues laid out. This is just one of the first steps on the process. It is a recommendation that says, "go take a look at this site – tell us if it is feasible – tell us if it will work – here are our concerns, can you address them in the process?" Then bring it back to the City for the planning, zoning, and Comprehensive Plan, and building permit processes. That all has to happen. This is just a recommendation.

Carolyn Tomei, 11909 SE 19th Avenue, Milwaukie, State Representative for the citizens of Milwaukie. Tonight the City Council has an awesome responsibility ahead of it. This is a difficult decision and may be the hardest one people make while on Council. Tonight Council will hear a lot of testimony both for and against the study to move the transit center to the McLoughlin/Kellogg site. She encouraged the Council to vote "yes." As a past member of the Milwaukie Downtown Development Association (MDDA), a City Councilor and Mayor, she continues to bring businesses into Milwaukie. She worked for that for years. When she moved to Milwaukie 38 years ago, the City had a thriving business community. That has changed over the years just as it has in most small cities throughout the country. Now we must work to retain the businesses we do have and recruit new business. The City Council heard from a business owner tonight who has wonderful, family wage jobs and pays a lot of property taxes. We need to do this to maintain the City's viability. Without new business revenue, without increasing value and tax receipts through new development and redevelopment and family wage jobs, this City will have difficult time, if not impossible, to continue the services now being provided to its citizens. Recent Budget Committee meetings are likely convincing the City Council of that. Milwaukie has a reputation in the development community and the region for being inconsistent, unpredictable, and difficult to work with. The City needs to re-establish its credibility. The City Council asked to relocate the transit center – not to remove it. Milwaukie needs to demonstrate to its regional partners including not just TriMet and Metro but also Oregon City, Portland, Clackamas County and Multnomah County and the development community that the City will keep its commitments. If we do not keep our commitments, why would investors in the City expect anything different? When you set up the working group to study the re-siting of the transit center, the expectation was that after five months and hundreds of hours of deliberation and information gathering in a process that was open to all who expressed an interest. The recommendation dictated by the neighborhood members was to be given a great deal of weight in the process. The development community and regional partners are watching closely. The City needs to let the development community and federal, state, and regional partners know that Milwaukie is open for business and is willing to work with them. We are going to retain our industrial tax base and encourage new industries and businesses. Our City has changed since Tomei moved here in 1966, and it will continue to change. We have an opportunity here tonight to help design and direct change that change. The Downtown and Riverfront Plan developed

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 19 of 32

while she was mayor called for improvements along Milwaukie's bay and riverfront. She has been working for over 20 years to get rid of the sewage treatment plant. Location of the transit center in close proximity of that plant and the potential for a bridge over McLoughlin Boulevard to the riverfront provides yet another argument for the removal of "Old Stinky." We need to show our regional partners we need to support us that in the endeavor to remove the Kellogg Treatment Plant that Milwaukie is and will continue to be good and credible and reliable partners. The City also needs to ensure that all those affected by the transit center move will be involved in the mitigation of any negative effects the move will have on their properties.

Chuck Willie, WW Metal Fab, 2200 SE Mailwell, Milwaukie. The company employs up to 100 people when business is good and is located in the north industrial area. He was a member of the committee, and in the course of five months examined a significant number of alternatives. Many of these alternatives were creations of the group. With the help of TriMet, ODOT, and City of Milwaukie, the committee examined all the aspects, impacts and possible mitigating factors relating to these options. This was done, in his opinion, while holding the highest banner of what was best for Milwaukie in the long term. Each subgroup had the opportunity to delineate the effects on their represented parties and vote on which alternatives moved forward. He was quite surprised and pleased that this group could grapple successfully with a difficult and complex array of alternatives and issues without disintegrating into factions that could never achieve a conclusion or recommendation. He commended City staff on keeping focus and for maintaining the necessary time constraints. Milwaukie has a tremendous commercial and industrial area. Many of these businesses have been here for years. They contribute significantly to tax base and require relatively little in services. There are some retail businesses but in the main provide transportation, manufacturing, warehousing, construction and community support services to not only Milwaukie but also the region and the nation. These companies provide a lot of very good jobs to workers who live for the most part in the southeast area from Portland to Canby. These companies may not be glamorous nor do they toot their horn, but they are the financial heart and blood of the City. Willie believed they were also the City's future. When these jobs are lost, they do not just go down the street. They are usually lost to the entire state and sometimes to the nation. Several of the alternatives examined presented the potential for significant damage to businesses in the north industrial area. For example, most of these businesses require egress with truck and trailer combos up to 53-feet in length multiple times an hour. Turning radiuses and intersection crossings are a major concern. Cross traffic, light rail, and car volumes are a major deterrent to the long-term success of these businesses. Egress to the north industrial area is already somewhat compromised with the current Hwy. 224/McLoughlin Boulevard juncture at Milport and Ochoco. Light rail down Main Street just exacerbates the situation and eliminates businesses, parking, and increases car traffic across these intersections. That is why no alternative with the Main Street alignment was acceptable. The whole group concurred after studying the alternatives and possible mitigations. What has been put before the City Council represents, in his opinion, the best solution this group could offer. It is an opportunity for this City to achieve a major objective – namely moving the transit center out of the middle of town quickly and positions to City to take full advantage of light rail or commuter rail in the future. All this without

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 20 of 32

compromising the development of other projects such as the Trolley Trail, moving the treatment, or development of the waterfront. If light rail comes, its path through Milwaukie will not solve many of the issues that face City planners and decision makers. One should expect development in an urban area to make life more complex and contentious, but the City needs to be engaged and make the best possible choices for the City. He heartily endorsed the plan before the City Council and judged the City Council should do also.

Mayor Bernard understood there were 100 ± employees and asked the wages. He recalled this was an old warehouse before Willie's company moved in and asked how much was spent to renovate the building.

Willie said these were good paying jobs for the most part with a wide range of wages. The company spent close to \$1 million renovating and moving into that building. The average hourly salary is \$10 - \$20. When business is good, employees have the opportunity to work as much overtime as they can handle. Over the past few years, the business has had to be restructured to some extent because high tech customers have disappeared.

Councilor Lancaster asked if the truck traffic Willie mentioned truck traffic 50-feet and greater three times an hour. He asked if that was an average.

Willie believed he said multiple times per hour. The traffic consultant can speak to that more accurately, but he knows standing in front of his building there is a significant amount of truck trips per hour down Mailwell. He spoke in terms of daylight hours. He was referring to traffic in general not just his business.

Mayor Bernard added should some of those currently empty buildings have more jobs in trucking, that intersection would be substantially impacted.

Willie said there were significant questions whether long truck and trailer combos could make the turn if light rail was aligned down Main Street in the area of Mailwell and other intersecting streets.

Mayor Bernard said trucks back up to a door at WW Metal Fab then goes across Main Street at that point. If light rail goes that way, the company would have to shift the trucking to another side of the building.

Willie said the company would lose all the parking on that side of the building as well as the egress out that door.

Dorothy Snowhill, 10218 SE 36th Avenue, Milwaukie. Ms. Snowhill had to leave the meeting, so Mary King read her written testimony into the record.

"I have been following this only by what I read in the papers. However, I know that a committee has been working long and hard to come to a consensus. It would seem appropriate to accept their decision.

I wonder whether the Uniform Land Acquisition and Relocation Assistance Act (PL 91-646) has been addressed in the various site analyses. Whenever Federal Funds are involved in any phase of a project, this law applies. Oregon has a similar law which applies to funding by state and local agencies.

My problem is, and yours should be also, the net cost of the various proposals when relocation of a business or home is involved, costs and time escalate dramatically. The appraisal comes first, and is frequently deemed too low by the owner. Unless compensation can be increased considerably, litigation (condemnation/eminent domain) is the recourse. Leaving this up to a jury is pretty "chancy" for the agency, and the juries usually allow more monies than the appraisal has indicated. This also creates a time element with today's crowded court dockets.

To conform to the Federal regulations, interviews must be conducted and documented of all parties in the proposed taking. For a business, this means finding another location with all the amenities of their present location, including floor space, parking, customer availability, traffic patterns, access to the railroad, and any thing that has made the business flourish at that location. After [an] agreeable location is found, you will have to move the business at your expense. All existing codes must be met, even if the business has been grandfathered in its current location. The acquiring agency will need to spearhead this also, getting bids and making certain that the move goes well.

For taking a residence, the same applies, but is even more detailed with regard to accessibility of jobs, schools, churches, shopping, transportation, number of bedrooms, etc. A Decent, Safe, and Sanitary replacement home must be provided, even if the old one was not up to standard. All of the owner's needs must be met. All relocation costs must be paid by the displacing agency, also including all costs associated with purchasing a new home, obtaining a loan, modifying the home to meet owner's needs, and moving costs.

If you don't have a qualified Relocation Agent on the staff, a professional must be hired. This is costly, but would avoid some of the pit falls. The current cost would approach \$75 an hour. This would include hours of interviews, market research for replacement business locations or housing for the owners to consider until an agreeable solution is secured. Relocation Assistance for a simple, uncomplicated residence move involves at least 80 hours of relocation time and rarely costs less than \$10,000. A more complex move involving the disabled, elderly, tenants with pets, tenants who smoke, low income, credit risks, etc., can quickly reach \$50,000 per displacement.

Relocation can double the costs of any residential acquisition, and can far exceed the site costs in the case of a business. Although the law required that any environmental assessment include a relocation plan documenting these estimated costs, there is no real way to ascertain the exact cost until displacement is at hand.

Another consideration if businesses are to be displaced is the fact that businesses can (and often do) move to another city, county, or state in an effort

to improve their situation. Not only would the displacing agency have to pay for the move, but the city, county, state would suffer a reduced tax base as well.

Using the vacant land owned by the City for Option 2.5, the transition is almost pain free, and is quick to resolve. No matter what the objection is to this location, the Option 2.5 is economically prudent. We don't need extra taxes at this juncture. It gives us a solution now when we need it the most, instead of 5 to 10 years from now with a bond issue to pass to pay for the other locations.

Please stick to Option 2.5 to save years of possible litigation over money we don't need to spend and don't have either. Thank you."

Peter George, President Holman Distribution 2300 SE Beta Street, Milwaukie. The company has been in business in Milwaukie for 45 years and for the last 20 years has been the headquarters. He got involved in the process of the working group because of light rail concerns. The initial work of the working group was quickly in their benefit. The neighborhood people he got to know during the process were remarkably considerate of the situation and recognized those things being discussed as impediments to continuing business if the light rail were aligned along Main Street. For many that was almost the end of the necessity of being involved, but they got caught up in it. There was an investment of time and interest that carried over and for many to a point of looking at what was best for the City even though they were past what was best for the businesses. He thought it was important to consider the validity of the process and how the City intends to do things like this in the future. This will send a message to those who come after of either validation or frustration. What has happened during all the working group deliberations, all of the Milwaukie only deliberations, the Planning Commission which did an excellent job in conducting its hearings has been impressive so far. George understood there were people who are disappointed in the outcome. That is inevitable, but they had every opportunity to participate. The staff and City of Milwaukie went out of their way to contact people to try to get them involved and let them know what was going on. No one was ever turned away from participation. This is a great situation and potentially as good an outcome as could be hoped for. He encouraged the City Council to acknowledge the validity of the process and looked forward to participating in the future.

The City Council hearing recessed for 5 minutes.

Mark Hendricks (testifying via speaker phone from Atlanta, GA), Rudie Wilhelm Warehouse Company, 2400 SE Mailwell, Milwaukie. He was a member of transit center working group. He brought attention to part of his written testimony where he described how his company and the others in the north industrial district got involved. They felt as though they had been blindsided by the original LPA because it would have made a mess of the Milport/Main/99E intersection. It would have harmed those businesses. At the working group level they took the time to explain how their businesses operate. Virtually everything one sees in a major grocery store such as Safeway or Albertson's spends a little bit of time in our neighborhood. Every bottle of liquor in Oregon is there, and a lot of it goes through that 99E and Milport intersection. Pendleton has a distribution center there also. What was gratifying to him was that he felt that the

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 23 of 32

planners, neighborhood representatives and city officials understood and wanted to help the businesses in this process. The businesses reciprocated by staying involved and trying to find alternatives. Several of those were okay with the businesses but not with other interests such as the high school with option 2.4. He had a lot of respect for those involved in the process, but he had to praise the process itself. The group came up with options, debated them, put them out for public scrutiny, and did what the City asked. He hoped the Council was proud of the results. He hoped those who find fault with the conclusion would act in the spirit of the north industrial folks. Don't just say "no." Don't hide behind that word, because north industrial did not. Tell us what you would do. If anyone prefers the Southgate site and an eventual light rail line down Main Street, you have to know the damage that will result to the industrial and jobs base. He hoped someone in the group has gone into detail on that and noted he had done so in his written testimony. As for Kellogg Creek, he thought a transit center can be constructed there that can be more visually appealing and environmentally desirable than what exists now. He appreciated the City Council for taking his testimony from Atlanta and also allowing him to participate in the process. He was proud to have done it and would answer any questions the City Council might have.

Councilor Barnes noted both she and Hendricks were in the media at about the same time. She saw he moved on and so had she. She asked how many jobs are at his business and what kind of wages are they paid.

Hendricks said Rudie Wilhelm directly employs about 50 people in the company's three buildings in that area. There is about 7 acres behind the Southgate and another one across Milport near Waverley Golf Course. There are a lot of others who derive income because his company contracts with various trucking companies and vendors to move the merchandise that comes to Rudie Wilhelm throughout the region. Did you know that every Tootsie Roll that comes into the region all the way from Anchorage, AK south to northern California spends time in Milwaukie? Every Junior Mint sits about 20 yards from his office. That 50 is kind of a soft number, and Hendricks wished he could provide a better number in terms of all the economic impact. He has heard somewhere in the neighborhood of 1,300 jobs. The warehouse employs Teamsters, as does the trucking company Wilhelm uses, so these are family wage jobs employed at the site.

Brian Newman, Metro Councilor, 600 NE Grand Avenue, Portland 97232. He did not envy the position the City Council is in and the difficult decision before it and realized it is often caught between conflicting advise from the neighborhood and stakeholder business groups. It is often a thankless job with no pay. Being someone formerly in Council's shoes he had the utmost respect for the process and appreciated seeing democracy in action in Milwaukie. He is a member of the Metro Council representing most of urban Clackamas County, a Milwaukie resident, former member of the Milwaukie City Council, and Chair of the South Corridor Policy Committee. He testified in support of the working group recommendation. This is not an easy decision. If it were easy, it would have been made 20 years ago. In fact moving the transit center has been discussed for almost 20 years. There are no easy alternatives, and there are no decisions that will not have impacts. If there were not impacts, the decision would have been made to put it at the Safeway site. That decision was changed when the impacts

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 24 of 32

to the Masonic Lodge and Ledding Library surfaced. The Council is learning about the impacts to the north industrial area with more being learned from tonight's testimony. There are no easy choices, and Newman will respect whatever choice the City Council needs to make. He supported the working group recommendation because when he looks at all the alternatives, it has the least impacts and those can be mitigated. It will not be easy, and he would look to the City Council for direction and insights on how to further mitigate the impacts if the working group recommendation is selected. He was not there to talk about the details of option 2.5; there are people who know it better than he. He was not a member of the working group because he wanted to respect the process by not adding more politicians in the room during deliberations. He did want to discuss some of the larger issues and dispel some myths he hears from those opposed to the recommendation. It is patently false that Metro and TriMet are directing the process. Those involved with the history of the process know that. When the Milwaukie City Council adopted its downtown plan, the transit center was identified at the Safeway site. Although probably flawed, it was the original decision. As a matter of fact, there was a ceremony on the Safeway site with U.S. Senator Gordon Smith because TriMet and Metro, taking instruction from the Milwaukie City Council, got \$3.5 million in federal funds. Just about every mayor in the region was in that parking lot when Smith showed up with a giant check for the City. Within a month, that decision was changed. TriMet and Metro followed Milwaukie's lead and went out and got the money. When the neighborhood leaders first came up with the 14 Points even before Southgate, the location they identified was at Milwaukie Jr. High, now the Waldorf School site. No one at Metro or TriMet said, "you're crazy" or "no, we're not going to do it." A councilor at the time, Newman walked by the site when 5 – 6 Metro and TriMet employees were taking measurements and making drawings to figure out how to make it work. That decision never had to be made because the School District sold the property to the Waldorf School. When that happened, neighborhood leaders said, "let's move it to Southgate." No one at Metro and TriMet complained. TriMet went so far as to condemn the site, and now TriMet owns the site. It can ultimately be used as a park-and-ride, so that is not really a problem. He wanted to impress upon the City Council that Metro and TriMet have at every step followed the City's lead and listened to what the City Council had to say. That will continue in the future. This recommendation for Kellogg Lake did not come from Metro – he first read about it in the newspaper from one of the citizen leaders. No one laughed – no one said "no." People got busy and did the schematics for a design Newman thought worked and mitigated some of the impacts people were concerned about. It is not perfect, but there are no easy alternatives. The worst-case scenario from his perspective is that nothing is done with the transit center staying exactly where it is. That is what Newman is afraid of if consensus is not reached. We are committed to making South Corridor work. Some people say this will never happen, so why bother. The fact is that since the City Council adopted the LPA, there has been polling, focus groups, and business roundtables on how to fund phase 2 of the South Corridor. The finishing touches are being put on the phase 1 financing plan. He was absolutely confident that given a good year or two, phase 2 financing will be there. This is a reality and is moving forward. He did not want the City Council to think Milwaukie has been forgotten. He spends almost every day in a meeting talking about how to make this work and finance implementation of the vision.

Councilor Barnes said some of the strongest opponents of this proposal come from Newman's neighborhood. She asked him to explain this since he has been a neighborhood leader.

Newman and his wife decided to purchase their house in Historic Milwaukie. They own one car and do so consciously because on most days they can take transit. One of the reasons they like the location of their home is that they can walk to the existing service. The light rail line goes right behind his house and when he looks out his window while washing dishes and see the train go by every 15 minutes. He realizes this is best for Milwaukie, and he has no idea what the impact will be on his property. He does support this decision because it takes the transit center out of the downtown and avoids some of the biggest impacts. It is not so far from the downtown that it does not support the vision of business growth, residential growth, and all the things Milwaukie wants to see downtown. That is why he supports the proposal. He respects those on the other side, but that is how democracy works. This process adds value and there will be a better decision at the end.

Mary King, 9877 SE 33rd Avenue, Milwaukie. She was a former City Council member for almost five years. She was not going to say anything about why she felt the City Council should support this location because that was in her letter. King spoke of her disappointment in the demeaning of the public process that has gone on to get us to this point. When she was elected to Council it was at a very fractious time in the City. That Council spent all the years she was on Council shoring up and shaping up the public process to ensure citizens were heard. She knew this Council felt the same way. She knew the public process the Council gave to the citizens has been done impeccably and to the highest standards. When she hears the public process was flawed it makes her sad because we cannot get anywhere in this City if we go through six months of public process that is very well done and then turn it on its nose and say "no it was flawed so now we have to start all over again." We have struggled in the City of Milwaukie to move forward because of this kind of thing. She asked the City Council to have faith in the public process and the Planning Commission. She wanted to say to the citizens who were not supporting 2.5 that she knew this City Council will listen to them and take their ideas for how to mitigate any environmental or traffic impacts. In ten years this will be a fabulous project for all of the people in Milwaukie. The City Council should not turn its back on the members of the Committee who put in so many hours of their personal time. She knew the City Council would not turn its back on the concerns of the Milwaukie neighbors who will be impacted. She hoped the City Council would not turn its back on the future of the City.

Art Ball, 4960 SE Harvey Street, Milwaukie. He was a member of the working group since its initiation. He started about four years ago when light rail discussions began. From light rail, discussion went to the working group and into the transit center to move the busses out of the City. Although this was discussed many times at the Lewelling Neighborhood meeting, Ball was speaking for himself. He read written comments from Jean Michel into the record.

"Honorable Mayor and Council Members,

I regret I am unable to address you in person and thank Art for delivering my thoughts to you.

As a representative of the Lewelling Neighborhood I served as alternate to the Milwaukie Transit Center Working Group. As such I participated in the Milwaukie only sessions and represented the Lewelling neighborhood in the voting at the final group meeting. As representative of our neighborhood I voted in favor of option 2.5. I maintain that position. I was very pleased that the process supported the mandate of the MILWAUKIE NEIGHBORHOODS 14 POINTS, that is: Preserve our neighborhoods and help us to grow the way we want to. Plan for future projects and extensions of projects so they don't take Milwaukie down in the process of achieving regional transportation objectives. Acknowledge Milwaukie's situation as an inevitable transportation hub and help achieve the things we cannot do on our own.

The 2.5 Option can bring to us the funds and the opportunity to deal with several of our needs: Traffic Calming in the Historic Neighborhood, Realignment of the River Road and 22nd Avenue intersections with McLoughlin Blvd, and funds for the Riverfront Park to name a few.

I realize change brings a down side also. We must be able to minimize the negative impacts to those affected. We can do it if we work together.

Ball then read his statement into the record:

"The 2.5 alternative recommendation that's before you tonight for your approval was not arrived at in haste. The Advisory Group composed of Metro staff, Tri-Met staff, Milwaukie City staff, representatives from the Industrial area and community Leaders spent countless hours studying, evaluating and discussing numerous alternatives before concluding the 2.5 was by far the best choice. The process consumed thousands of hours with each alternative receiving maximum consideration.

It should also be noted that included in this process and prior to presentation of the recommendations an open house was held for the public to review and comment on all the options. Residents of Milwaukie who were interested were there to view and discuss all the alternatives, comment and register their vote for the option they favored. The 2.5 option received overwhelming approval. Why? Because after discussing all the pro's and con's of each option it was apparent to them the 2.5 had the least detrimental affect on the City and the entire community. One thing that must be mentioned is, with each alternative considered it was always done with one thought in mind – WE MUST DO WHAT'S BEST FOR THE CITY OF MILWAUKIE!!

The Kellogg Lake site being proposed provides many advantages to the City of Milwaukie. Its location assures quick and easy access to the business section of

town and yet doesn't intrude on the business community or the North industrial area. It seems to be a perfectly good use for this parcel of undeveloped property without having to invest in developed land to build a transit center. Also, included in this plan, which is a plus will be the reconfiguration of the intersection at River Road and McLoughlin Blvd., what is now a very dangerous intersection. Adverse affects to the immediate neighborhood, if any, should be negligible.

Approval of this recommendation would be an asset to the City of Milwaukie and a positive step in the right direction."

Ball encouraged the City Council to vote in favor of the 2.5 recommendation.

Carlotta Collette, 3905 SE Johnson Creek Boulevard, Milwaukie. She has been a resident for 12 years. She is president of the Ardenwald-Johnson Creek NDA. Since that group has not voted, she spoke on behalf of herself. Her response to everything that has been said is, "thank you." She appreciated that people have taken so much time to participate in the process. She has heard some of the criticisms, so she responded to those. There was a lot of response tonight to the criticism that the process was flawed, so she did not feel she needed to address that. People gave willingly huge amounts of time and explored options that were very difficult and complex. They worked terrifically as a team. There were times when the group was so excited by the process and how creative things felt to discredit that process and those engaged in it was really a shame and does the City a disfavor. This City should be proud of processes like that. She was not one of the first working group members. Peter Koonce was because of his knowledge in transportation, but she offered to be there. She ended up covering the last half or two-thirds of the meetings. Another criticism the City Council will hear is that the mandate was merely to mitigate for the LPA; not come up with a new alternative. The group worked really hard to just mitigate in place for the bad consequences for the industrial community. The group could not do it. There was no way to put a transit and light rail through the heart of the north industrial community without damaging no matter what alternative they came up with. The group went outside the box and got creative and came up with option 2.5. It is not just the least damaging of the alternative; it is a really creative option. She thinks the City has the opportunity to gain a lot from putting a transit center and eventually in many years light rail and a park-and-ride at that site. She provided a copy of here thoughts about what could be done with the site. She believed it could be terrific with pedestrian bridges over the road that serve as gateways to Milwaukie, integrated design at the bus stops, and a lot of really exciting positive things. Option 2.5 gives the City safe, convenient ways to reduce traffic on our streets. That is ultimately what we are about. Whether we live in Hector Campbell, Ardenwald, Historic Milwaukie, we are trying to reduce traffic in our community. The only successful way to do that is with public transportation and alternative modes like bikes and pedestrians. 2.5 gives this City safe, convenient ways to reduce traffic on our streets. It provides money from a number of sources including the sale of the Kellogg site to help us move forward with revitalizing our City. It creates the opportunity to restore Kellogg Creek and purchase and restore additional high quality open space for our community. One of her neighbors called her this week out of the blue and said he had two acres – one acre on which the neighbor

wanted to build a house and might be willing to donate the other acre. It turns out that acre is a wetlands and connects to Roswell Pond. Milwaukie has high quality open space that is available if it can get some money from the sale of the Kellogg site to buy it, or in this case donated. The land is out there; this is not the only piece of open space in Milwaukie. Option 2.5 also helps design and create an attractive gateway for the City in terms of walking bridges over McLoughlin. 2.5 does all this faster and cheaper than any of the alternatives and with the fewest impacts to our neighborhoods - all of our neighborhoods. For a long time Milwaukie has neglected its industrial neighborhood. No businesses and no homes would be lost with option 2.5. We lose no jobs, no tax revenues with option 2.5. What we gain is opportunity; local, state, and federal partners with whom to grow our community to be the town we want it to be. She hoped the Council decision helps us move forward, because there is still a lot of work to do to make our dreams come true.

Gary Hunt, Chief Financial Officer, Oregon Transfer, 9304 SE Main, Milwaukie. As an active participant in the Milwaukie Transit Center Working Group, he continued to feel that the recommendations reached by the group and supported by City staff and advisors from other public agencies present the best solution in meeting the City's and region's transit needs. He felt it was important it was a super majority of this working group to endorse that proposal. He discussed Oregon Transfer, the process, and the option. Oregon Transfer has been a corporate citizen of Milwaukie for over 40 years. It operates in excess of 300,000 square feet of warehouse space in the North Industrial area serving local and regional distribution needs. As Mark Hendricks of Rudie Wilhelm mentioned, many things you find in your grocery store come through these Milwaukie facilities such as Sun Maid raisins, C&H sugar, Hershey bars, Dole fruit cups, and Henry Weinhart products. Oregon Transfer provides about 100 family wage jobs directly in the Portland metropolitan area with over half of the employees working and headquartered in Milwaukie. Approximately 30 employees live in Clackamas County. Oregon Transfer pays almost \$150,000 in property taxes, and in the last year invested over \$200,000 in its Milwaukie facility. The company began its participation in the working group only in opposition to what was presented in terms of where the transit center would be and the light rail alignment. The concern was the exacerbation of already problematic intersections at McLoughlin and Milport and Mailwell and Main and the potential for additional Main Street traffic and the loss of business property and employee parking. The safety issues regarding train, truck, bus, auto, and pedestrian mobility all in one place was of great concern. What started out as an anti-position did turn into a positive desire to assist in trying to find the best solution for the area. The process that lead to the conclusions outline was extensive, exhaustive and inclusive. The system was organic and seemed to grow with each meeting. Hunt was one of the original members and attended all of the meetings. Each time a new stakeholder was involved representatives from that area were invited to participate. A tremendous amount of time was spent by various individuals and groups in this process. Compromises and refinements were a part of the continuing process. In fact, balancing the competing interests and conflicting objectives was the reason for the existence of the group. He provided examples to illustrate that. Option 2.4 was gaining a lot of interest. There was a visit from some of the Milwaukie High administrators and some people from the downtown business area and neighborhoods. They presented their

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 29 of 32

concerns, and the working group listened carefully and ultimately rejected that option. By same token, not everything is perfect in the north industrial area with option 2.5. There is one person who had a business in that area for many years, whose business will in fact be impacted. He voted for the proposal because he realized that it was the best option for the City. At the time, at least, even those who voted against the proposal said they could "live with it" under certain mitigating factors. He re-emphasized, if similar issues are to be resolved by similar processes in the future honoring the credibility of this group's deliberations and decisions is very important. All the time and energy that has been expended, and if a relatively few loud voices undo the thoughtful and careful considerations of the working group it will be challenging for many to justify providing resources to this kind of a project again. Finally, no siting or plan would be perfect. However, the 2.5 option seems to provide the greatest good for the greatest number.

Councilor Barnes understood Hunt said he attended all the working group meetings. She asked Hunt if he would be available to come back if there were additional questions.

Hunt did attend all the working group meetings and would be available to come back.

Carlotta Collette read **Bill Monson's** testimony into the record. She explained he wanted to attend but is on-call that evening.

"Dear Mayor and City Council of Milwaukie,

I am a land owner on the north side industrial district and active participant in the working group that recommended the 2.5 plan. It is an excellent plan, the product of many hours of cooperative work between the neighborhoods, businesses, City of Milwaukie, TriMet, and Metro. The process was respectful and inclusive. We will not be able to duplicate this process nor should we have to. This is as good as it gets. This mass transit plan will take Milwaukie into the next century. We are proud of this intelligent urban plan. I was stunned to hear of recent dissention from neighborhood participants who were involved in the working group. Had concerns been voiced during our meetings, they would have been respectfully addressed. To object now after the fact destroys the good faith and trust all the participants placed in the process. Such objections should be viewed in this light. The LPA was deeply flawed, detrimental to north side businesses and the City of Milwaukie. It is not a workable plan and will meet strong-willed opposition if it is once again advanced. In my opinion, we either back 2.5 or Milwaukie will have no light rail. Of course the process will need to remain open to modification as unforeseen circumstances dictate and further opportunities for sensitive development arise. But the basic structure of 2.5 is sound. It accomplished many worthy goals with a minimal footprint. I urge you to support 2.5 for the greater good of all.

*William Monson
Owner Iridio Property"*

Howard Steward read his comments into the record:

CITY COUNCIL REGULAR SESSION – MAY 18, 2004

APPROVED MINUTES

Page 30 of 32

Along with Jeanne Searls, over the past decade, I have established and operated Bio-Safe Skin Products at 4120 SE International Way, Milwaukie. I also am the business rep on the Milwaukie Planning Commission.

In recent months, your Planning Commission has heard nine hours of public testimony on three separate nights from Milwaukie residents plus a couple, three business people. We were provided copies of the minutes of the study group's meetings, which were well worth reading. He got a good feel of what was happening by reading those minutes. In the last part of the Seventies and throughout the Eighties, Ms. Searls and I owned a hands on community relations firm. Throughout those years, we provided consultative services to corporate clients, several of whom were Fortune 500 companies, in 37 U.S. communities.

I mention that background to affirm that never have I seen a purer community listening process than that which your staff designed and conducted throughout the six months which were required for the working group to come to consensus.

Additionally, under the balanced hand of Donald Hammang following the Planning Commission's listing to the testimony of citizens relative to the Milwaukie Working Group's 18 - 3 vote in favor of the Kellogg site for a transit center, your Planning Commission voted 6 - 1 to recommend the Kellogg site to you - our Council.

In all my nearly 40 years of working toward a decision with citizen groups, I don't recall a single time when there was a cleaner decision than that of the Milwaukie working group and/or your Planning Commission. In my opinion you have every right to feel proud of your staff, of the citizens who worked so steadfastly to reach consensus, and of your Planning Commission Chair if not the rest of the Commission. We hope against hope that you will adopt the Planning Commission recommendation for the Lake Kellogg Site."

Mayor Bernard said that finished the list of all those wishing to speak in support, and no one else present indicated a desire to speak. He asked if City Council wanted to continue this evening or set a continuance date in the near future.

Neutral Testimony

The City Council agreed to hear those three who had requested time to speak from a neutral position or to ask questions. He called upon Stan Link, Matthew Bristow, and Les Poole; however, they had apparently left the meeting.

The group concurred this would be a good break point.

Firestone said the City Council could pick a date and let everyone present know. The minimum notice for a special meeting is 24 hours.

The group agreed to continue the hearing at a special meeting on May 25, 2004 at 6:00 p.m. at City Hall.

There were none present who wished to testify that could not attend the May 25 special meeting.

OTHER BUSINESS

Board and Commission Appointments

Mayor Bernard, with concurrence from the Council members, re-appointed Tom Hogan to Library Board. The group agreed to interview Joan Staley and Sharon Phillips for re-appointment to the Center/Community Advisory Board.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the regular session at 9:12 p.m.

Pat DuVal

Pat DuVal, Recorder

Date: 5/18/04

I wish to address City Council on Agenda Item # Transit Center Location

Name: Anneliese Hummel

Organization: _____

Address: 2802^{SE} Monroe

Phone: _____

E-mail: _____

Speaking in support _____

Speaking in opposition written

Raising questions _____

Providing information _____

Comments:

Placing new transit center north of Milwaukie serves both Milwaukie, Sellwood and both morelands much better and effectively. We also need as many "green spaces" as possible, just to remedy air pollution somewhat. Oreg. City can be served with a new bridge ~~to~~ across the river to hwy. 43. Build max line on 43 into PDX.

Date: 5/18/04

I wish to address City Council on Agenda Item # _____

Name: Howard Steward

Organization: Bio Safe SKIN Products

Address: 4020 SE International Way

Phone: 503 653 8937

E-mail: HSteward@biosafe-inc.com

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information

Comments:

Date: May 18, 2004

I wish to address City Council on Agenda Item # 5

Name: Bill Monson (Carlotta Collette Readinghis
Organization: Iridis (testimony)

Address: _____

Phone: _____

E-mail: _____

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Mr. Monson is an on-call physician at
work tonight.

Date: 5/18/04

I wish to address City Council on Agenda Item #
Transit Center

Name: Gary Hunt
Organization: Oregon Transfer Co.
Address: 9304 SE Main
Phone: 503.786.3310
E-mail: garyhunt@oregontransfer.com

Speaking in support X
Raising questions

Speaking in opposition
Providing information

Comments:

Date: May 18, 2004

I wish to address City Council on Agenda Item #

V-Transit Center

Name Carlotta Collette

Organization _____

Address 3905 SE Johnson Creek Blvd.

Phone 503-653-5771

Speaking in support Speaking in opposition _____

Raising questions _____ Providing information _____

Comments

Date: 5-18-04

I wish to address City Council on Agenda Item # 5

Name Arthur L. Ball

Organization _____

Address 4960 S.E. Harvey

Phone 786-4014

Speaking in support Speaking in opposition _____

Raising questions _____ Providing information _____

Comments

I'm reading two statements tonight.
One for Jean Michel & one for
myself.

Date: 5/18/04

I wish to address City Council on Agenda Item #

#5 2.5 Transit Center option

Name MARY R HOWE

Organization Citizen

Address 987 SE 33rd

Phone 654-2969

Speaking in support Speaking in opposition

Raising questions Providing information

Comments

Date: 5/18/04

I wish to address City Council on Agenda Item #

Transit Center Relocation

Name: James Stilwell

Organization: Harber Mechanical Contractor

Address: 2148 NE McLang Jr Blvd Portland OR

Phone: 503-281-1112 97212

E-mail: _____

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Planning on striking } 43 Personal taxes 24,733 25,000 Trimet
46,000 sq. ft.
\$33 hr. } \$1,000 wk
14 Fringe benefit } \$70,000 wk initial

Date: 5/18/04

I wish to address City Council on Agenda Item #
TRANSIT CENTER

Name: DAVE GREEN

Organization: _____

Address: 5431 SE WILLOW

Phone: 503 513-5587

E-mail: _____

Speaking in support X

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5-18-2004

I wish to address City Council on Agenda Item # V

Name: DAVID ASCHER BRENNER

Organization: HECTER CAMPBELL NDA CHAIR BUDGET CHAIR WOLBY COUNCILMAN

Address: 11505 SE HOME AVE

Phone: _____

E-mail: _____

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5-18-04

I wish to address City Council on Agenda Item # Transit Center

Name: Carolyn Tomer

Organization: _____

Address: 11907 AE19

Phone: 659-9114

E-mail: _____

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5/18/04

I wish to address City Council on Agenda Item #

V TRANSIT CTR Relocation

Name Chuck Willie

Organization Ww Metal Fab - North Ind. Area

Address _____

Phone 503 513-0590

Speaking in support Speaking in opposition _____

Raising questions _____ Providing information _____

Comments

Date: 5-18-04

I wish to address City Council on Agenda Item # ✓

Name: Peter George

Organization: Holman Distribution Center

Address: 2300 SE Beta St, Milwaukee

Phone: 503-652-1912

E-mail: george@holmandc.com

Speaking in support X

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5-18-04

I wish to address City Council on Agenda Item #

5

Name Kerethy Brownhill

Organization _____

Address 10218 SE 36

Phone 654-0734

Speaking in support Speaking in opposition _____

Raising questions _____ Providing information _____

Comments

100 people

Date: 5/18/04

I wish to address City Council on Agenda Item #

Transit Center

Name Brian Newman

Organization Metro Council

Address 600 NE Grand Ave Portland 97232

Phone 503 ~~503~~ - 797-1887

Speaking in support Speaking in opposition

Raising questions Providing information

Comments

Date: _____

I wish to address City Council on Agenda Item # _____

Light Rail Housing units in downtown Area

Name: Debbie Cronk

Organization: _____

Address: 11863 S.E. 28th Ave.

Phone: 653-7125

E-mail: debbyc7@aol.com

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5/19/04

I wish to address City Council on Agenda Item #

Name: Lisa Batey

Organization: _____

Address: 11912 SE 19th Ave

Phone: 503-353-1825

E-mail: lisabatey@prodigy.net

Speaking in support

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5/18/04

I wish to address City Council on Agenda Item # _____

Relocation of Transit Center

Name: Jeanne Searls Jean Searls ?

Organization: _____

Address: 4120 SE International Way

Phone: 503-654-8392

E-mail: jsearls@biosafe-inc.com

Speaking in support _____
Raising questions _____

Speaking in opposition _____
Providing information _____

Comments:

Date: _____

I wish to address City Council on Agenda Item #

V. Transit Center

Name: Catherine Brinkman

Organization: _____

Address: 2513 SE Lake Rd

Phone: 503 653 0278

E-mail: cb-brinkman@yahoo.com

Speaking in support _____

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Might not be able to stick around to speak —

No to Kellogg Lane! Move it to warehouse district -
concrete jungle - don't destroy the lake! Milwaukee
doesn't have enough beauty as it is! Lake Road can't
bear more traffic, and more speeding.

Date: 5-18-04

I wish to address City Council on Agenda Item #

Transit Center

Name: Ray Bryan

Organization: _____

Address: _____

Phone: _____

E-mail: _____

Speaking in support _____

Speaking in opposition X

Raising questions _____

Providing information _____

Comments:

Date: 5-18-04

I wish to address City Council on Agenda Item #
Transit center

Name: Karen Cornell

Organization: none

Address: 2708 SE Monroe

Phone: 634-0060

E-mail: _____

Speaking in support _____

Speaking in opposition X

Raising questions _____

Providing information _____

Comments:

Date: May 18

I wish to address City Council on Agenda Item # Transit Center

Name: Roger Cornell

Organization: _____

Address: _____

Phone: _____

E-mail: _____

Speaking in support _____

Speaking in opposition X

Raising questions _____

Providing information _____

Comments:

Date: _____

I wish to address City Council on Agenda Item # 5

Name: SEANNE M. DOWD

Organization: _____

Address: 503 12250 S.E. 81st Pl, MILWAUKIE

Phone: 503 653 9011

E-mail: _____

Speaking in support _____

Speaking in opposition

Raising questions _____

Providing information _____

Comments:

Protect environment - wet land & lake - no pollution
too small an area
Environmental Protection Agency

Date: 5/18/04

I wish to address City Council on Agenda Item #

V - Transit Center

Name Brett D. Hesper, Margaret Hesper

Organization _____

Address 11584 SE 32nd Ave.

Phone 503-659-2428

Speaking in support _____ Speaking in opposition X

Raising questions _____ Providing information _____

Comments

Date: 5-18-04

I wish to address City Council on Agenda Item #

"Locally Preferred" Alternative Transit Center

Name: Jeffrey Kleinman, Atty for

Organization: Citizens for Milwaukee GreenSpace

Address: 1207 S. 6th Portland 97204

Phone: 503-278-0808

E-mail: Kleinmanj1@aol.com

Speaking in support _____

Speaking in opposition 2 _____

Raising questions _____

Providing information _____

Comments:

Date: May 18 04

I wish to address City Council on Agenda Item # _____

Name: Susanna Lundgren

Organization: _____

Address: 2734 Lakeside 97222

Phone: 503 659-2888

E-mail: _____

Speaking in support _____

Speaking in opposition ✓

Raising questions _____

Providing information _____

Comments:

Date: 5-18

I wish to address City Council on Agenda Item # 5

Name: Jeanie Lunsford

Organization: Citizens for Milwaukee Greenspace

Address: 12006 McLaughlin Blvd.

Phone: 503-794-8197

E-mail: jllunsford@mac.com

Speaking in support

Speaking in opposition

Raising questions

Providing information

Comments:

Date: 5-18-04

I wish to address City Council on Agenda Item #

Name: LES POOLE
Organization: _____
Address: 14932 SE LEE MILWAUKEE
Phone: 503-786-7296
E-mail: _____

Speaking in support _____
Raising questions ✓

Speaking in opposition _____
Providing information _____

Comments: 3 MINUTES IS ALL I NEED

Date: May 18 04

I wish to address City Council on Agenda Item # _____

Name: RON RASCH

Organization: _____

Address: 2734 Lakeside 97222

Phone: 503 659 2888

E-mail: _____

Speaking in support _____

Speaking in opposition _____

Raising questions _____

Providing information _____

Comments:

Date: 5/18/04

I wish to address City Council on Agenda Item # 5

Name Dion Shepard

Organization _____

Address 2130 SE LAKE ROAD

Phone 503-653-6207

Speaking in support _____ Speaking in opposition

Raising questions _____ Providing information _____

Comments

Date: _____

I wish to address City Council on Agenda Item # 5 - Kellogg Lake

Name: Monroe Sweetland

Organization: _____

Address: _____

Phone: _____

E-mail: _____

Speaking in support _____

Speaking in opposition X

Raising questions _____

Providing information _____

Comments:

Date: _____

I wish to address City Council on Agenda Item #

Name: Marie Watkins

Organization: _____

Address: 1200w SE McLoughlin

Phone: 7948197

E-mail: _____

Speaking in support _____

Speaking in opposition X

Raising questions _____

Providing information _____

Comments:

Date: 5/28/04

I wish to address City Council on Agenda Item #
TRANSIT

Name: BO ZUM
Organization: NLST MIL NDA
Address: 10888 S.E. 29
Phone: 654-2493
E-mail: _____

Speaking in support _____
Raising questions _____

Speaking in opposition ✓
Providing information _____

Comments:

Date: 5-18-04

I wish to address City Council on Agenda Item #

Name: Matthew Bristow

Organization: _____

Address: 2802 SE Monroe

Phone: 503/659-4757

E-mail: _____

Speaking in support _____

Speaking in opposition _____

Raising questions _____

Providing information X

Comments:

Improvements need to be made on Monroe Street
regarding traffic flow. A calming device at the intersection
of 28th & Monroe, such as a large oval planter, is an idea. The
Commercial truck traffic, from Milwaukee Lumber, must not go up,
(and other businesses) and down ...

(Please
turn
over)

Monroe, which has a "No Truck" sign. There are, of course, alternatives to cutting through on residential streets. The commercial traffic must travel via McLaughlin, 99E, and 224.

A transit center on Kellogg Lake is not the best legacy to leave.

Date: 5.14

I wish to address City Council on Agenda Item #

~~5~~ 5

Name STAN LIN

Organization _____

Address _____

Phone _____

Speaking in support _____ Speaking in opposition _____

Raising questions ~~_____~~ Providing information _____

Comments

ATTENDANCE SIGN-UP SHEET

If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing.

HEARING ON PROPOSED RECOMMENDATION REGARDING TRANSIT CENTER SITING AND LIGHT RAIL ALIGNMENT AND STATION SITING.

Hearing Date: May 18, 2004

Name	Address	Phone and/or e-mail (optional)
x Gary Hunt	Oregon Transfer 9304 SE Main	503.786.3310
x Chuck Willie	WW Metal Fab	503-513-0590
DWIGHT LIMBERGER	16940 SE Shadybrook Dr Milw	503-653-7751
Louise	" " "	" " "
Dion Shepard	2136 SE Lake Road 4	503-653-6207
Allison & Jim Allison	10955 SE 28th Milwaukee	503-786-1043
Jeanne Downing	12250 SE 31st Pl "	503-553-9011
x Jeanie Lunsford	12006 McLoughlin, Milwaukee	503-794-8197
Tim Clouse	10501 SE Main, Milw	tclouse@electracn.org
Nancy Matich	4144 SE Filbert Milw.	654-7245
x Marie Watkins	12004 SE McLoughlin	659 8FD
	13409 SE River Rd Milw	

Marcel Sweetland marcel Sweetland

ATTENDANCE SIGN-UP SHEET

If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing.

HEARING ON PROPOSED RECOMMENDATION REGARDING TRANSIT CENTER SITING AND LIGHT RAIL ALIGNMENT AND STATION SITING.

Hearing Date: May 18, 2004

Name	Address	Phone and/or e-mail (optional)
Marie LN Watkins	43 Ladd Lake Oswego OR	
Jan Phillips	4456 SE Rio Vista	
X Susanna M. Lundgren	2734 SE Lakeside Milw 97222	
X Jeanne Searls	4120 SE International Way 97227	503-654-8392
Ray Bryan	11416 SE 27th Ave	
Laurie LeFors	11480 SE 27th Ave. Mil 97222	503-6
X Terrie Darling	10987 SE 28th Ave Mil 97222	503-6590590

ATTENDANCE SIGN-UP SHEET

If you wish to have standing and/or to be on the mailing list for Council information from tonight's hearing.

HEARING ON PROPOSED RECOMMENDATION REGARDING TRANSIT CENTER SITING AND LIGHT RAIL ALIGNMENT AND STATION SITING.

Hearing Date: May 18, 2004

Name	Address	Phone and/or e-mail (optional)
x BRIAN NAFF	17216 SE RIVER RD	503 654 6432
Debbie Cronk	11863 S.E. 28 th Ave	503-653-7125
Howard Steward	4120 SE International Way	503 653 8937
Ruth Burkett	4512 SE Ryan Ct	653-8844
James E Stilwell	2148 NE ML King Portland OR	503-281-1112
Dave Green	5431 SE WILLOW 97212	513-5587
x Catherine Brineman	2513 SE Lake Rd	503 653 6278. <small>cb-brineman@yahoo.com</small>
x Matthew Bristow	2802 SE Monroe	
Brian Lacy	11917 SE HOME AVE ^{Willow} 97222	653 1342
LES POOLE	15115 SE LEE MILWAUKIE 97267	—

EXHIBIT

5/18/04

May, 18 2004

To: Milwaukie City Council

Subject: 2.5 Recommendation

Honorable Mayor and Council Members,

The 2.5 alternative recommendation that's before you tonight for your approval was not arrived at in haste. The Advisory Group composed of Metro staff, Tri-Met staff, Milwaukie City staff, representatives from the Industrial area and community Leaders spent countless hours studying, evaluating and discussing numerous alternatives before concluding the 2.5 was by far the best choice. This process consumed thousands of hours with each alternative receiving maximum consideration.

It should also be noted that included in this process and prior to presentation of this recommendation an open house was held for the public to review and comment on all the options. Residents of Milwaukie who were interested were there to view and discuss all the alternatives, comment and register their vote for the option they favored. The 2.5 option received overwhelming approval. Why? Because after discussing all the pro's and con's of each option it was apparent to them the 2.5 had the least detrimental affect on the City and entire community. One thing that must be mentioned is, with each alternative considered it was always done with the thought in mind—WE MUST DO WHAT'S BEST FOR THE CITY OF MILWAUKIE!!

The Kellogg Lake site being proposed provides many advantages to the City of Milwaukie. It's location assures quick and easy access to the business section of town and yet doesn't intrude on the business community or the North industrial area. It seems to be a perfectly good use for this parcel of undeveloped property without having to invest in developed land to build a transit center. Also, included in this plan, which is a plus will be the reconfiguration of the intersection at Riverroad and McLaughlin Blvd., what is now a very dangerous intersection. Adverse affects to the immediate neighborhood, if any, should be negligible.

Approval of this recommendation would be an asset to the City of Milwaukie and a positive step in the right direction.

Respectfully submitted,



Arthur J. Ball

DuVal, Pat

From: Catherine Brinkman [cb_brinkman@yahoo.com]
Sent: Tuesday, May 18, 2004 2:47 PM
To: bernardj@ci.milwaukie.or.us; stones@ci.milwaukie.or.us; lancasterl@ci.milwaukie.or.us; swansonm@ci.milwaukie.or.us; loomisj@ci.milwaukie.or.us; barnesd@ci.milwaukie.or.us; duvalp@ci.milwaukie.or.us
Subject: Transit Center on Kellogg Lake

Dear Mayor, City Councilors and Mr. Swanson:

I am writing regarding the proposed transit center on Kellogg Lake. Due to a schedule conflict, I am unable to attend the council meeting today, but I hope that you will give this email the same level of attention you would give me, were I speaking. Additionally, please make this email a part of the public record on this matter.

Somehow, in the push of life, I failed to recognize the decision making process that was in the works, for the relocation of the transit center.

After speaking with my neighbors and reviewing the information available on the City's website, I have the following comments:

1. No decision should be made, based upon the excuse that "so much time has been dedicated" to reaching the conclusion that the transit center should be relocated to Kellogg Lake. If it takes six years to make the decision that is best for the City, then so be it. The hard work of the different focus groups will not be wasted, simply because the City chooses to adopt a plan that is different than what was recommended.
2. We would all be operating under an illusion if we believe that the City of Milwaukie has a lot to offer, aesthetically. The Riverfront Project is going to change that, thankfully. But for now, Kellogg Lake and the Historic District are two of the very few gems Milwaukie has. Moving the transit center to Kellogg Lake unjustifiably jeopardizes both. The lakeside becomes a parking lot, with all of its litter, pavement runoff and crime, and the historic district becomes a main thoroughfare. As it stands now, people speed down Lake Road without regard for the speed limit and without regard for the children who walk down the road to attend school. I have never, in 3 and half years, seen one cop pull anyone over. Moving the transit center to Kellogg Lake will only make the traffic worse and jeopardize the safety of the many pedestrians along Lake Road.
3. There exists, between the beautiful Eastmoreland Park, and the town of Milwaukie, a concrete wasteland, replete with a strip club, an adult bookstore, and blocks and blocks and blocks of warehouses. It seems to me a perfect location for a transit center, and the renewal that will eventually follow the MAX line. Why would we put a 5 story parking garage on a beautiful lake, when the pavement and infrastructure already exists in the warehouse area? For the life of me, I cannot understand that choice.
4. I believe that the City underestimates the time and expense that will be required to place the transit center on Kellogg Lake. Environmental impact assessment, permitting, wetland mitigation, water quality issues, potential visual subordination are only a few of the many hurdles the City will have to overcome to put a transit center there. Oregon is known for its environmentalists, and surely the City will be doing battle with more than a few in implementing this plan. Additionally, the coordination between local, state and federal environmental agencies will eat up time and expense. Most of this

05/18/2004

could be avoided by moving the transit center to the warehouse district, where asphalt already dominates.

5. Milwaukie's most expensive real estate will suffer a reduction in value, if the lake is jeopardized with a transit center. This will eventually affect Milwaukie's tax base, and the residential market as well.

I have always supported ideas intended to spark business growth in Milwaukie. And the plan to move the transit center to Kellogg Lake might or might not benefit Milwaukie's businesses, but it will certainly be a destructive detriment to the residents and the livability of the surrounding neighborhood. It's a bad idea. Please vote against adopting it.

Thank you for your time,
Catherine Brinkman
Lake Road resident

Do you Yahoo!?
SBC Yahoo! - Internet access at a great low price.

DuVal, Pat

From: Carlotta Collette
Sent: Tuesday, May 18, 2004 12:13 AM
To: Pat Duval; Mike Swanson
Subject: Fw: City Council

Pat and Mike, Bill Monson sent me this comment letter. He said he cannot attend the Council Meeting, but would appreciate having his comment presented to council Members.

I told him I would find out who to deliver it to so that can be accomplished.

Thanks for your help.

Carlotta Collette

3905 SE Johnson Creek Boulevard

Milwaukie, OR 97222

Phone: 503-653-5771

Fax: 503-654-7497

Cell: 503-704-8237

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

From: Bill Monson

To: carlottacollette@comcast.net

Sent: Monday, May 17, 2004 7:35 PM

Subject: City Council

May 17, 2004

Dear mayor and city council of Milwaukie,

I am a landowner in the Northside industrial district and an active participant in the working group that recommended the 2.5 plan. It is excellent plan; the product of many hours of cooperative work between the neighborhoods, businesses, City of Milwaukie, Trimet, and Metro. The process was respectful and inclusive. We will not be able to duplicate this process, nor should we have to- this is as good as it gets. This mass transit plan will take Milwaukie into the next century. We are proud of this intelligent urban plan.

I was stunned to hear of recent dissension from neighborhood participants involved in the Working Group. Had concerns been voiced during our meetings, they would have been respectfully addressed. To object now, after the fact, destroys the good faith and trust all participants placed in the process. Such objections should be viewed in this light.

The LPA was deeply flawed, detrimental to Northside businesses, and the City of Milwaukie. It is not a workable plan, and will meet strong-willed opposition if it is once again advanced. In my opinion, either we back 2.5 or Milwaukie will have no light rail.

Of course, the process will need to remain open to modification as unforeseen circumstances dictate, and further opportunities for sensitive development arise, but the basic structure of 2.5 is sound. It accomplishes many worthy goals with a minimal footprint. I urge you to support 2.5 for the greater good

05/18/2004

of all.

William Monson
Owner Iridio Property
(503) 370-0007
monson.b@comcast.net

05/18/2004

Carlotta Collette

3905 SE Johnson Creek Blvd.

Portland, Oregon 97222

collette@teleport.com
carlotta.collette@comcast.net
phone 503.653.5771

fax 503.654.7497



May 18, 2004

Mayor Bernard and

To Milwaukie City Council Members:

Over the past several weeks, and I suspect over the next couple, you will hear many arguments for and against the Milwaukie Transit Center Working Group's recommendation to site a new regional bus transit center on the vacant lot above the Kellogg Creek Impoundment.

You will hear that the working group wasn't an open process because businesses were unfairly represented. In fact it was possibly the first public involvement process in Milwaukie where the most affected community, the North Industrial Neighborhood, was actually at the table to discuss its own fate. I sat through those long meetings and I can tell you it was not only the best, most inclusive public involvement process I've seen, it was also the most creative. People at those tables rolled up their sleeves, studied the data, and made very difficult choices. Had you been able to join us, you would have a much better appreciation of how deeply committed we all were and still are to finding the best possible solution for the city of Milwaukie.

a tribute to our love for this city.

You will hear that the working group went beyond its mandate to "mitigate" for the potential harm to businesses from the previously approved and fallback option known as the "Locally Preferred Alternative." In fact, the group looked at ~~seven~~ other ways to attempt to mitigate the damage to businesses that would be displaced by the LPA. None of those options was as effective at mitigating potential harm as Option 2.5. Do you want to go on record saying that you won't accept a working group recommendation because the group did not stop at ineffective half measures? Would you prefer to send the message that Milwaukie doesn't want real solutions, creative options that add enormous benefits to this city while at the same time mitigating potential harm? I sincerely hope that's not how you feel. I sincerely hope you welcome the creativity and openness that led to a recommendation that is an enormous improvement over the LPA.

One detail about the working group is that the open process didn't set us back. People got up to speed fast.

You will hear that Option 2.5 violates the Downtown Plan by taking open space that could be used as a public park. In fact, if you have ever walked on that vacant lot you have experienced the deafening roar of traffic that should make it obvious it's no place for quiet reflection. If Option 2.5 makes it through the necessary review processes, that lot will be landscaped, planted with large evergreen trees to enhance the view for homeowners across the creek. Noise from the site will be mitigated as part of the design process. That will almost certainly make the backyards of residents near the site much quieter than they are today. Walkways and benches will be added. Eventually, if the region votes to move forward with Phase 2 of the light rail package, that site could also include a carefully designed building, screened by evergreens, that more thoroughly blocks the noise of traffic on McLoughlin Boulevard. The finished facilities will use only about half the open space. Money from Milwaukie's sale of the property to TriMet can be used to

potential donation of wetland by residents

Collette
1
Communications

purchase higher quality open space like available wetlands in the Ardenwald Johnson Creek Neighborhood, as well as to develop Riverfront Park – one of our highest and least affordable visions for this city.

You will hear concerns about draining Kellogg Lake. In fact, the draining of Kellogg Lake is not related to the siting of a transit center on the lot above the lake. Milwaukie's own downtown plan, as well as salmon recovery efforts regionwide, call for the removal of the dam on Kellogg Creek so the creek and its watershed can be restored as salmon habitat. If light rail is approved and all the environmental criteria are met, the creek's restoration and the creation of a beautiful wetland park along its banks will be partially paid for with federal funds. Milwaukie will end up with much higher quality fish and wildlife habitat and a more usable public park than is there today.

You will hear fears about cut-through traffic streaming into Historic Milwaukie and the Lake Road Neighborhoods when and if a light rail park and ride is built on the Kellogg lot. The fact is, Option 2.5 will result in less cut-through traffic than the other alternatives, because a park and ride at that location will intercept Portland-bound traffic before it even enters Milwaukie. Traffic heading west along 224 (already reduced by those people east of I 205 who will likely get on that light rail line for a quicker trip downtown) will stay on 224, merging with McLoughlin Boulevard. They will use the Tacoma Street Park and Ride below my house. It doesn't make sense to assume drivers would take the longer journey to a smaller parking facility that takes them farther from their destination. Why would anyone trying to go to downtown Portland get off a 50 mph route, cut through a residential neighborhood, turn left at a traffic signal, drive along McLoughlin in the opposite direction of downtown Portland, have to deal with additional traffic signals and then make another left turn at a traffic signal, against rush-hour traffic to park at a garage that's more likely to be already full? It doesn't make sense. The only real way to reduce traffic is to provide safe, accessible and attractive public transportation so fewer people need to drive everywhere they want to go.

The bottom line is, you will hear a lot about the process and its good and bad points. I want to make sure you hear as well about the promise of that site, because unlike the other alternatives we studied, Option 2.5 delivers many benefits to this city.

When I visualize a transit center on that lot, I think of transit centers I've visited recently in Laguna Beach, California and Eugene, Oregon. I was sitting in one of Laguna Beach's most trendy coffee shops in March when I met up with others from my family to visit my aunt who lives there. I noticed a bus go by on this very skinny street. It pulled in next door, behind a tall hedge and beautifully painted wall. Another bus followed. After a few minutes I got up to see what was going on next door. It was a transit center, right in the middle of some of the most valuable real-estate in America. Why? "Because it beats having another hundred or so cars on our streets," replied my cousin, a very active member of the Laguna Beach Community. The Laguna transit center featured local art (Laguna is an artists colony historically) and simple but elegant gardens. There was only room for a few buses, but there was no objection from the restaurant next door. In fact, the transit center was considered an attraction. People waiting for

buses often wait at the café. They also stop at the café for their morning and afternoon coffee fixes before and after boarding their buses for work.

In Eugene, the bus transit center is also downtown. Beautiful arches span the center's entrances. Long rows of benches provide places for people to relax and wait for buses. When Eugene was looking for a place to build its new downtown public library, the city chose the transit center site and matched the library's design to that of the transit center. There are dry cleaning services, cafes, newsstands and a little grocery store around the periphery of the transit center to serve bus riders.

So when I visualize a transit center and eventual light rail station and park and ride on the Kellogg lot, I see a facility that includes attractive walkways arching over McLoughlin Boulevard connecting pedestrians to the Island Station Neighborhood and Riverfront Park. The arches are the gateway to Milwaukie.

I see a similar bridge spanning Kellogg Creek, which is restored and includes floating paths and view spots to observe herons and other wildlife. The bridge over the creek carries light rail to its terminus, and pedestrians and bicyclists use it to cross back and forth between downtown and the transit center or the Trolley Trail or the Riverfront Park. I see people walking to these parks, leaving their cars at home or in the park and ride garage that Milwaukie badly needs. This project would pay for that garage.

When I look back toward downtown, I see revitalized properties. Maybe a newsstand or coffee shop near the Washington Street Station, from which an open promenade lined with successful small businesses, now leads down to the Riverfront. To improve ridership on light rail projects, federal "transit oriented development" money is available. This money helps support new small businesses and the development of housing close to transit options. Milwaukie will be in line for that funding to help bring our downtown dreams to reality.

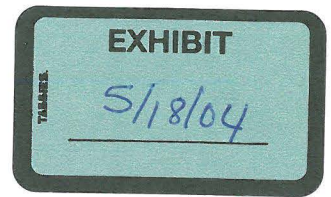
If I look from the Washington Street Station across the street and over toward City Hall, I see ^{set} a set of state-of-the-art bus stops. They look similar to the bridges and transit center south of town, but also match the architecture of City Hall and the nearby North Main development. These bus stops are centrally located for easy access to the Library, the new townhouses and businesses, City Hall, the Farmers Market and more.

I could go on, but I think you get the picture.

Option 2.5 gives this city safe, convenient ways to reduce traffic on our streets. It provides money from a number of sources to help us move forward with revitalizing our city. It creates the opportunity to restore Kellogg Creek and purchase and restore additional high-quality open space for our community. It helps us design and build an attractive gateway for our city.

It does all this faster and cheaper than any of the alternatives and with the fewest impacts to our neighborhoods, all of our neighborhoods, than any of the alternatives. We lose no businesses and

no homes with Option 2.5. We lose no jobs, no tax revenues with Option 2.5. What we gain is opportunity; local state and federal partners with whom to grow our community to be the town we want it to be. I hope your decision helps us all move forward, because there's still a lot of work to do to make our dreams come true.



Mr Mayor

Members of Council

My name is Howard Steward.

Along with Jeanne Searls, over the past decade, I have established and operated Bio-Safe Skin Products at 4120 S E International Way, Milwaukie. I also serve on Milwaukie's Planning Commission.

In recent months, your Planning Commission has heard nine hours of public testimony from Milwaukie residents plus a couple - ^{and a few} ~~three~~ business people. ^{well} ~~We have been~~ ^{well worth reading} provided copies of minutes of the Study Group's meetings. In the last part of the Seventies and throughout the Eighties, Ms Searls and I owned a hands on community relations firm. Throughout those years, we provided consultative services to corporate clients in 37 U S communities.

I mention that background to affirm that never have I seen a purer community listening process than that which your staff designed and conducted throughout the six months which were required for the Working group to come to consensus.

Additionally, under the balanced hand of Donald Hamung, following the Commission's listening to the testimony of citizens relative to the Milwaukie Working Group's 18 - 3 vote in favor of the Kellogg site for a Transit Center, your Planning Commission voted 6 - 1 to

*Carolotta Collette, Chair of the Citizens would
Least Negative of any of the options*

recommend the Kellogg site to you – our Council.

In all my nearly 40 years of working toward a decision with citizen groups, I don't recall a single time when there was a cleaner decision than that of the Milwaukie Working Group and/or your Planning Commission. In my opinion, you have every right to feel proud of your staff, of the citizens who worked so steadfastly to reach consensus, and of your Planning Commission Chair. We hope against hope that you will adopt the Planning Commission recommendation for the Lake Kellogg Transit Site.

MAY 18, 2004

TRANSIT CENTER

TO THE CITY COUNCIL

I have been following this only by what I read in the papers. However, I know that a committee has been working long and hard to come to a consensus. It would seem appropriate to accept their decision.

I wonder whether the Uniform Land Acquisition and Relocation Assistance Act (PL 91-646) has been addressed in the various site analyses. Whenever Federal Funds are involved in any phase of a project, this law applies. Oregon has a similar law which applies to funding by state and local agencies.

My problem is, and yours should be also, the net cost of the various proposals when relocation of a business or home is involved, costs and time escalate dramatically. The appraisal comes first, and is frequently deemed too low by the owner. Unless compensation can be increased considerably, litigation (condemnation/eminent domain) is the recourse. Leaving this up to a jury is pretty "chancy" for the agency, and the juries usually allow more monies than the appraisal has indicated. This also creates a time element with today's crowded court dockets.

To conform to the Federal regulations, interviews must be conducted and documented of all parties in the proposed taking. For a business, this means finding another location with all the amenities of their present location, including floor space, parking, customer availability, traffic patterns, access to the railroad, and any thing that has made the business flourish at that location. After agreeable location is found, you will have to move the business at your expense. All existing codes must be met, even if the business has been grandfathered in its current location. The acquiring agency will need to spearhead this also, getting bids and making certain that the move goes well.

For taking a residence, the same applies, but is even more detailed with regard to accessibility of jobs, schools, churches, shopping, transportation, number of bedrooms, etc. A Decent, Safe, and Sanitary replacement home must be provided, even if the old one was not up to standard. All of the owner's needs must be met. All relocation costs must be paid by the displacing agency, also including all costs associated with purchasing a new home, obtaining a loan, modifying the home to meet owner's needs, and moving costs.

If you don't have a qualified Relocation Agent on the staff, a professional must be hired. This is costly, but would avoid some of the pit falls. The current cost would approach \$75 an hour. This would include hours of interviews, market research for replacement business locations or housing for the owners to consider until an agreeable solution is secured. Relocation Assistance for a simple, uncomplicated residence move involves at least 80 hours of relocation time and rarely costs less than \$10,000. A more complex

move involving the disabled, elderly, tenants with pets, tenants who smoke, low income, credit risks, etc., can quickly reach \$50,000 per displacement.

Relocation can double the costs of any residential acquisition, and can far exceed the site costs in the case of a business. Although the law required that any environmental assessment include a relocation plan documenting these estimated costs, there is no real way to ascertain the exact cost until displacement is at hand.

Another consideration if businesses are to be displaced is the fact that businesses can (and often do) move to another city, county, or state in an effort to improve their situation. Not only would the displacing agency have to pay for the move, but the city, county, state would suffer a reduced tax base as well.

Using the vacant land owned by the City for Option 2.5, the transition is almost pain free, and is quick to resolve. No matter what the objection is to this location, the Option 2.5 is economically prudent. We don't need extra taxes at this juncture. It gives us a solution now when we need it the most, instead of 5 to 10 years from now with a bond issue to pass to pay for the other locations.

Please stick to Option 2.5 to save years of possible litigation over money we don't need to spend and don't have either. Thank you.

Respectfully submitted by:

Dorothy Snowhill
10128 SE 36th Avenue
Milwaukie, OR 97222

May 18, 2004

Milwaukie City Council
Milwaukie, Oregon

Sirs:

I am writing to provide testimony for the public hearing concerning siting of the new light rail project to Milwaukie. For the last eight months I have participated in the Milwaukie Transit Center Working Group as a representative of my company, Harder Mechanical Contractors, Inc. Harder currently has a building located in the north industrial area of Milwaukie at 2323 SE Hanna Harvester Drive. We purchased the building in 2000 and have spent a great deal of money to create fabrication shops for both steel pipe and for high tech cleanroom fabrications. We have 46,000 square feet of space including the shops and office space. I joined the working group after being notified that the Locally Preferred Alternative for the light rail would eliminate our building.

My purpose in writing this letter is to provide you with some facts about our building and operation for your consideration in the light rail decision. We currently employ 43 people in our facility at Hanna Harvester Drive. The majority are union pipefitters whose average hourly wage is \$33.00 with additional fringe benefits of \$14.27 per hour worked. The men work 50-60 hours per week resulting in weekly gross pay averaging \$1800.00 plus \$700.00 in fringe benefits. The gross payroll each week is approximately \$70,000.00 or \$4,000,000.00 annually. Based on this payroll we will pay approximately \$25,000 this year in Tri Met tax. Our property taxes were \$24,733.00 last November on this property. We anticipate that as the economy recovers, we could eventually reach a total of 70 to 80 employees at this location. We have also been approached about renting out some of our excess office space to another company.

As I mentioned, we have spent a large amount of money to renovate this building, especially the cleanroom fabrication area which at 4500 square feet is the largest facility of its kind in Oregon or Washington. In addition to the valuable building and jobs which would be lost, we estimate a cost to Harder of \$750,000 to \$1,000,000 to move our equipment and set up a comparable facility should our building be taken for light rail. It should also be pointed out that if we are forced out, our shops will be moved back to a Vancouver property where they were previously located. There is no possibility that the jobs we provide and taxes we pay will stay in Milwaukie or even in the state of Oregon.

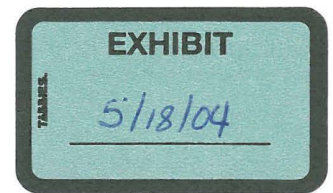
In closing, I would say that I took part in the working committee in trying to save our building and the hard work and expense, which we put into it. I was somewhat sceptical that my participation would do any good but I was pleasantly surprised when this diverse group of citizens and business people came up with a much better routing (Option 2.5), which the TriMet authorities felt was a good plan. The Planning Commission voted 6-1 in favor of the new plan. Why have a planning commission if their judgment is rejected for no substantial reason? I am sure that there will be objections to this new alternative, just as there will be objections to any new construction. Someone is always impacted negatively by anything new. As members of the City Council, I believe you need to make decisions based on what is best for Milwaukie and a majority of its people, and not be swayed by the complaints of a small, vocal minority who are concerned with annoyances to themselves and will never look at the bigger picture. I would urge you to approve Option 2.5.

Thank you,

Very Truly Yours,

HARDER MECHANICAL CONTRACTORS, INC.

James E. Stilwell,
Controller



JEANNE SEARLS
4120 SE International Way
Milwaukie, Oregon 97222

May 18, 2004

Milwaukie City Council
City Hall
10722 SE Main St.
Milwaukie, OR 97222

Re: Relocation of Transit Center at Site near Kellogg Lake

My family has had a Milwaukie address since 1955. I live and work in the Milwaukie area as do many of my children, including three grandchildren attending Milwaukie High School. I, also, spent much of my career participating, organizing, and staffing voluntary citizens' committees.

I support the recommendations of the Working Group and the Planning Commission.


During the past 49 years, I saw the City of Milwaukie lose much of its identity to inevitable growth. However, during recent years there is new energy and vision. With the waterfront construction and the relocation of the transit center to the Kellogg Lake location, the City can **redefine itself as vibrant city and an oasis** from the hustle bustle of commuters, traffic, and shopping malls.

I attended the presentation of the options under consideration by the very broad-based Working Group. The backup data, which was available, demonstrated the obvious painstaking hours of the staff and citizen's work and deliberation. Each option showed, not only the effects for the Milwaukie community but how it fit into the planning for the whole of North Clackamas.

After review and testimony, the Planning Commission adopted the Kellogg Lake site. It is obvious that no choice will please everyone.

Now it is your decision whether to have the courage to be leaders with vision or reactionaries, whether to support recommendations of **your** volunteer citizen groups and staff or to react to individual complainants. Please continue with vision. Don't lose the energy.

Sincerely,


Jeanne Searls

5/18/04

Statement for the record: Milwaukie City Council

Ronald J. Rasch

2734 SE Lakeside Drive / Milwaukie OR 97222-7780

503-659-2888

To Members of Milwaukie City Council,

I wish to thank you for the chance to expand briefly some of my thoughts on tonight's topic. I speak not only as a homeowner on Kellogg Lake of some 33 years, but also may reflect my neighbors' views collected over the past weeks since first official notice arrived in the mail. I wish to consider those most directly impacted by any change suggested to the lake. Yet importantly, a broader community view must be addressed.

First, I stand as ever an advocate of light rail and I respectfully appreciate the work of those who made studies to give it legs – nevertheless, I must oppose the choice of a site at Kellogg Lake. Surely, a less destructive outlet can be found – some place not threatening to wreck such an ecosystem evolved over a hundred years where species of fish coexist, which offers a sanctuary for numerous other forms of wetland life. C'mon folks, this is our home and we are bound to protect the wildlife sharing it with us!

For lake dwellers, the lake stands as a way of life – thus a given, an investment that specifically depends on water. Its reflected light, as at the beach, brightens even the darkest days – indispensably keeping together family life, health, nutrition, harmony and prosperity: a seder that celebrates water's daily healing sights, scents and sounds.

Conversely, without the lake, security would fail, the land left open to the undesirables moved from the Jackson Street corner to our backyards, leaving by night a chronic police crime problem roaming unseen.

To my way of thinking, speaking as a lifetime art professional, it would be wrong to plant a big-box parking structure on the edge of the lake next to McLoughlin Boulevard. It would be to urban planning what the sewage disposal plant is to the Clean Air Act. Outsized and unseemly.

Instead, consider making a park there for everyone. The space cries for use as a public retreat, any traffic noise easily fixed with judicious plantings of noise-buffer foliage. The plan even might include an information access, a restaurant, or room for outdoor exhibits such as enjoyed in Lake Oswego's George Rogers Park. The assembly area could become a community center, sorely lacking now – an amenity that in Europe even the smallest towns require.

I do appreciate the challenge of your position, from perspective of years ago as member of the Portland Art Director's Club, working with the downtown planners, witnessing the opposition to restoration of the Downtown Riverfront. Strangled by the old Journal Building, a planning mistake from the outset, it now loomed a forbidding presence on the waterfront. Also outsized and unseemly, ultimately it had to go. It ruined the career of its architect, was finally abandoned, and turned into a parking garage before demolition. Let's not go that route.

In another instance, the commission, led by Douglas Lynch, prevailed over opposition to the handsome, arching Fremont Bridge design now in place – originally set to go as a cheaper, erector-set version of the Marquam Bridge. Finally, we won over contentious protest against painting the bridges in the tones we enjoy today, which in fact are more in keeping with the natural landscape.

In closing, thank you for your patient attention. Please save Kellogg Lake, nurture it, honor it for generations to come – it will make you proud!





Date: May 18, 2004

To: Milwaukie City Council

From: Jean Michel, Citizen

Subject: Transit Center, Option 2.5

Honorable Mayor and Council Members,

I regret I am unable to address you in person and thank Art for delivering my thoughts to you.

As a representative of the Lewelling Neighborhood I served as alternate to the Milwaukie Transit Center Working Group. As such I participated in the Milwaukie only sessions and represented the Lewelling neighborhood in the voting at the final group meeting. As representative of our neighborhood I voted in favor of option 2.5. I maintain that position. I was very pleased that the process supported the mandate of the MILWAUKIE NEIGHBORHOODS 14 POINTS, that is: *Preserve our neighborhoods and help us to grow the way we want to. Plan for future projects and extensions of projects so they don't take Milwaukie down in the process of achieving regional transportation objectives. Acknowledge Milwaukie's situation as an inevitable transportation hub and help achieve the things we cannot do on our own.*

The 2.5 Option can bring to us the funds and the opportunity to deal with several of our needs: Traffic Calming in the Historic Neighborhood, Realignment of the River Road and 22nd Ave intersections with McLoughlin Blvd, and funds for the Riverfront Park to name a few.

I realize change brings a down side also. We must be able to minimize the negative impacts to those affected. We can do it if we work together.

5/18/04

Statement for the record: Milwaukie City Council

Susanna M. Lundgren 2734 SE Lakeside Drive / Milwaukie OR 97222-7780

What is the greater issue at stake? What do we expect of our city and county leaders? We are looking to them for true leadership; we are looking for fair representation of citizens' greater interest, for a vision to build community, balancing several first-order needs. And we are trusting our leaders not to set up false oppositions among them. We need convenient, safe, efficient and well-designed urban services, one of the most important yet problematic of which is public transportation. But this must not exact an unnecessary high cost, neglecting an equally important need - the intelligent protection of open greenspace: valuable resource which provides air purification, climate control, wildlife habitat, and natural beauty for the public to contemplate and enjoy.

In the late 19th and early 20th centuries, in a climate of unbridled consumption and overdevelopment, a few daring mavericks with power saved us from the irretrievable loss of important natural treasure. Without urban designer Frederick Law Olmstead, there would be no Central Park at the heart of New York City. Without the bold action of president Theodore Roosevelt, there would be no Yellowstone, nor indeed a national parks system. We must see that we are facing a similar challenge in miniature. In a township such as ours, Kellogg Lake plays the rôle of a small but vital Yellowstone, a water feature which has developed over the last century-and-a-half into a fully realized urban ecosystem, watershed and wildlife preserve. The essential character of the lake has proven itself remarkably durable against human disturbance, in particular, the silting-up of the eastern end over the last two decades from construction in Happy Valley. It has survived even the shock of overbuilding its boulevard side, recovering beyond expectation with a score of bird species populating its shores - even the rarely seen varied thrush and blue heron have returned.

In view of the facts, why are we allowing the subversion of language to confuse this urgent debate, giving in to cloudy, seductive terms such as *mitigation*, *enhancement*, and *restoration* offered by parties whose intent belies the apparent meaning of their well-chosen words? Even the more altruistic-sounding arguments promoting 'restoration' prove, upon closer inspection, ill-advised at best, at worst a masquerade disguising the pathway to a financially and environmentally ruinous boondoggle. To test the advisability of, for example, draining the lake to 'restore' the creek as habitat for cold-water fish, I sought an informed and impartial opinion by consulting Chère DeForest Schwindt, environmental wastewater specialist, formerly of Concordia University and the Department of Environmental Quality at Portland State. She concurred with the benefits to be gained from restoration programs employed in favor of mountain lakes and other large wilderness areas. But with small inner-urban greenspaces, she says, such efforts may expend a great deal of time and money destroying the successful warm-water system which has developed so gradually as to become virtually 'native,' while failing to replace it with a viable new cold-water system. Hardly the picture of 'restoration.'

Lake residents are understandably alarmed over this threat to their property, as well by the cavalier dismissal of their justifiable concerns from the governing bodies. Any characterization of residents as truculent and selfish, therefore, would be unwarranted, but in any case, a much deeper issue is at work here: residents have seen for themselves the lake's unique beauty and its value to the whole community so far beyond the monetary. Residents have been called upon as protectors of the region, never more than at this time of greatest peril to its integrity. They are forced to a level of stewardship belonging properly among the duties of our civic leaders. Is it right or wise that the local defenders should stand alone?

Will we let one of our chief natural treasures fall prey to community apathy and the kind of leadership that resorts to statistical manipulation to attain its ends, to backroom deals and secret alliances, to jargon, catchwords and demagoguery? We still have time not to make a tragic mistake. We have the opportunity to exercise true leadership. Let's not seal our reputation for shortsightedness, nor be known in the future as the outliers of Metro South who 'didn't know what we had 'til it was gone,' who couldn't wait to choose the worst location in the region to 'pave paradise and put up a parking lot.'

Susanna M. Lundgren

April 19, 2004

City Council

City of Milwaukie

10722 SE Main Street

Milwaukie, Oregon 97222

Dear Council:

I would like to voice my opposition to the proposed Transit Center site along the NE corner of Kellogg Lake on McLoughlin Boulevard.

As a life long resident of the Milwaukie area, a daily user of the transit system and a graduate in the field of urban planning,

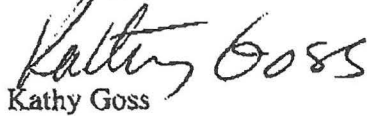
I believe the location is not a good choice based on the following observations:

- The site has been used as a dump for fill (a mix of soil, concrete slabs, misc. etc.) which accounts for over 2/3 of the "land". Please see attached US Army Corpsof Engineers aerial photos for historical verification. I have very serious reservations that the land could support the weight of busses or be seismically sound to support a four-story structure.
- The environmental impact on a natural resource area – I thought part of the property had been purchased by Metro under the Greenspace program. The proposed development along that section of Kellogg Lake would mar the natural beauty and negatively affect wildlife and the riparian habitat in that area. Would this action be in violation to current regulations regarding wetlands and riparian buffer zones? And additionally, the Oregon Department of Fish and Wildlife contacted me a few years ago concerning removal of the dam that makes the lake- has this agency been notified of the proposed change in land use?
- I believe the proposed site would also have a negative impact on traffic and safety in the area due to increased bus traffic – lines 33, 70 and 75 run north / south every 15 minutes during the week. Even with the proposed change to the intersection, I believe rush hour traffic in that stretch of McLoughlin would be a nightmare. I am also concerned about having pedestrians, i.e., children, be in close proximity to the existing railroad trestle and tracks, what kind of barriers would be used to close off access to that?

- And finally, I also believe that the site would not aid in economic development of downtown Milwaukie – remove the foot traffic provided by transit users from Main Street and you will ~~lose~~ economic benefit as well.

I do believe that consideration of this site needs to be discarded and more discussion needs to take place to find a suitable future site that meets the above criteria.

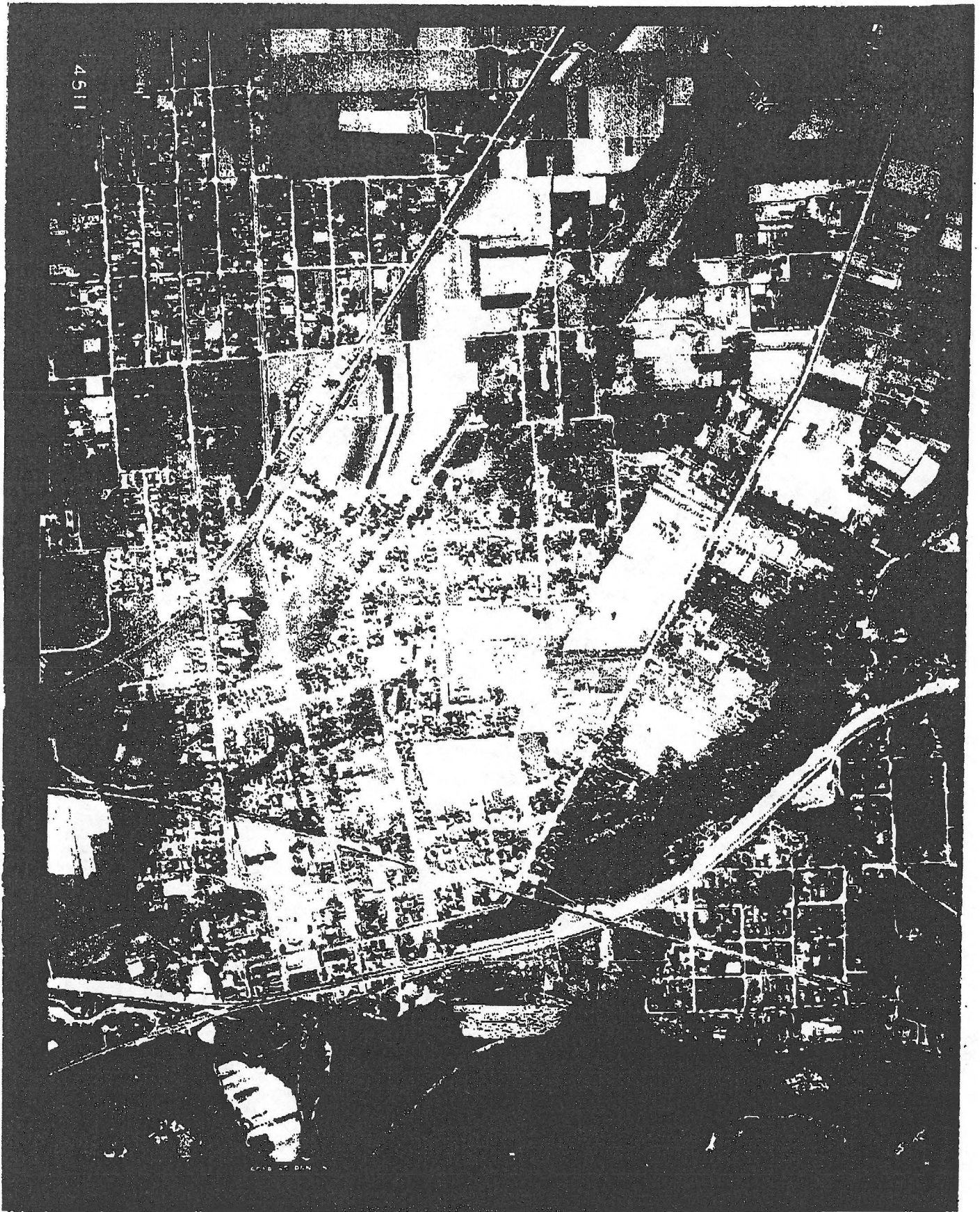
Sincerely,



Kathy Goss

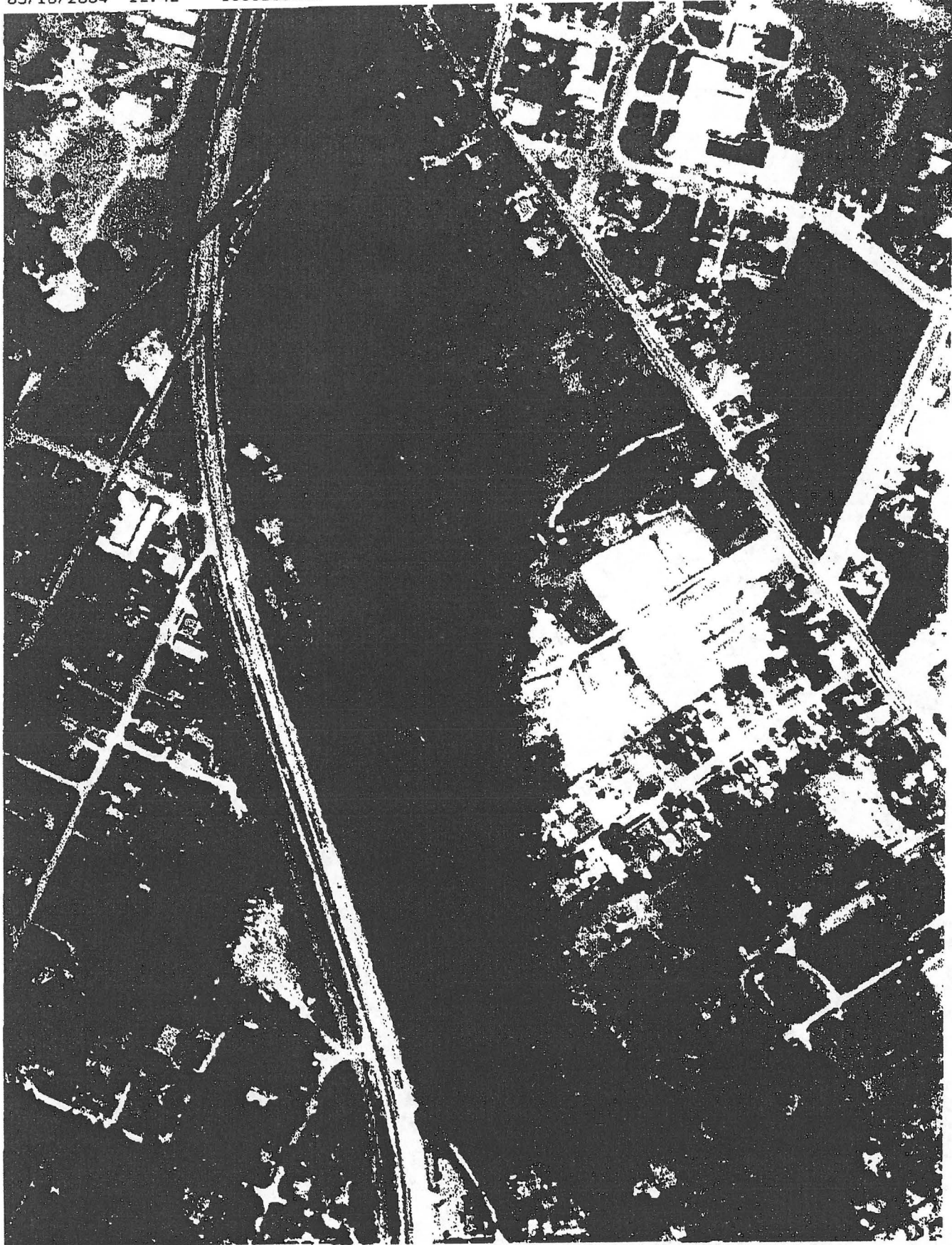
12200 SE McLoughlin 15301

Milwaukie, Oregon 97222



1939

Fig. 1



MAY 1953

Fig. 2

N ↑

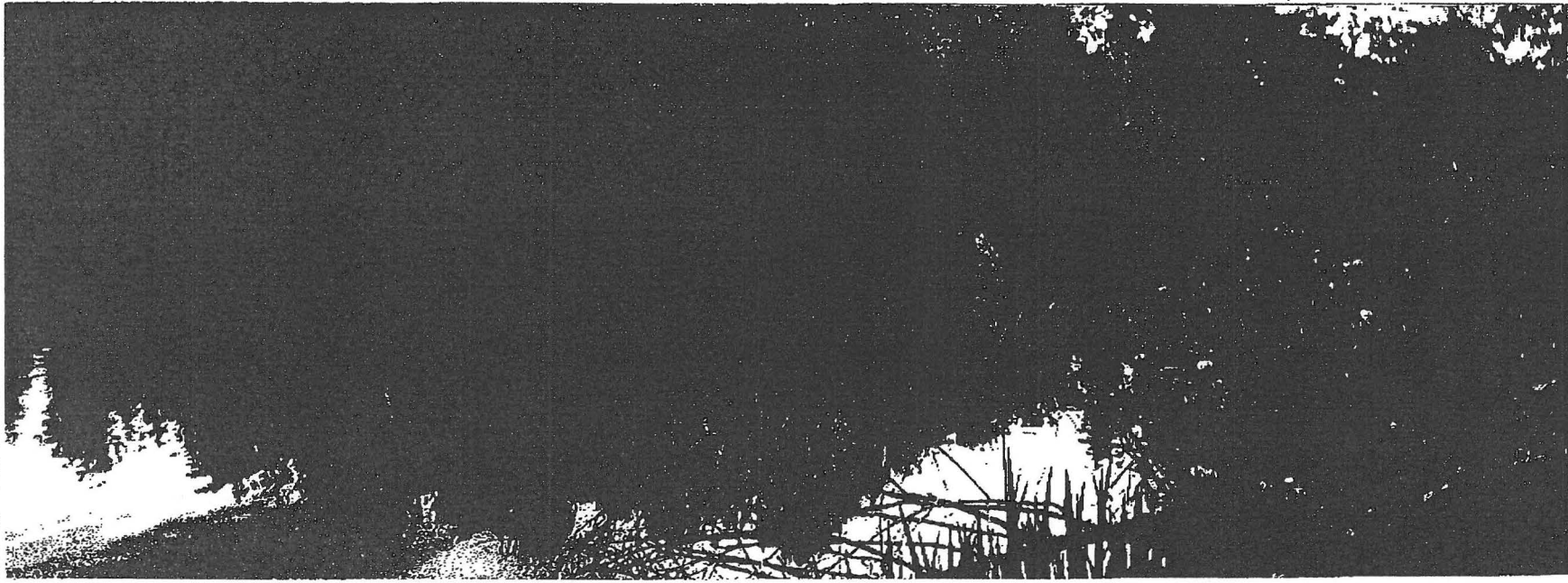


March 1961

NA



August 1972



Ke Hogg Lake - adjacent to proposed TC site

WILDLIFE/PLANT DIVERSITY: For a residential area, the lake and creek area does attract a wide diversity of birds, in particular. Some are year round residents, some are seasonal and others are occassional.

Permanent Residents include the following:

Red-tailed Hawk	Mallards
Great Blue Heron	Wood Ducks
American Crow	Belted Kingfisher
Stellar's Jay	Ring-necked Pheasant
Killdeer	Pygmy Owl
Northern Flicker	Robin
Redwinged Blackbird	Scrub Jay
Brewer's Blackbird	European Starling
Downy Woodpecker	
Hairy Woodpecker	
Mourning Dove	
Black-capped Chickadee	
Chestnut-backed Chickadee	
Bushtit	
Redbreasted Nuthatch	
Rufous-sided Towhee	
Dark-eyed Junco	
Song sparrow	
House Sparrow	
Pine Siskin	
House Finch	
Bewick's Wren	

Seasonal/ Occassionals:

Bandtailed Pigeon	Varied Thrush
Rufous Hummingbird	Ruby crowned Kinglet
Violet-green Swallow	Olive sided Flycatcher
Barn Swallow	Vaux Swifts
American Goldfinch	Townsend's Warbler
White-crowned Sparrow	Ringed turtle Doves
Cedar Waxing	Townsend's Solitaire
Green-backed Heron	Brownheaded Cowbird
Canadian Geese	Winter Wren

Osprey

Turkey Vulture

Double-crested Cormorant

Sharp-shinned Hawk

These have been sighted at the Willametta-Kellogg Creek confluence.

Mammals/Herptiles:

Nutia (introduced)
Opposum (Virginia-introduced)
Raccoon
Voles, Moles
Fox Squirrel (introduced)
Bats sp. unknown
Skunks and Eastern cottontails used to be in the area.

Tree frogs
Bull frogs
Garter snakes

Western pond turtles used to be present in the lake.

PLANTS:

The forested upland area is a mixed deciduous/coniferous forest

dominated by: Douglas fir
Big Leaf maple
Garry oak
Western hemlock
Western cedar

also present in abundance is Red elderberry, Sword fern, Trillium and Piggy back plant.

The riparian area along the lake (100' sample by apartment recreation area-westbank) consists predominately of the following:

Reed canary grass
Willow - *Salix sessilifolia*, *S. scouleriana* and *S. lasiandra*
Hazel
Red alder
Creek dogwood
Snowberry
Spirea
Oregon ash
Rose - *Rosa nutkana* and *R. pisocarpa*
Salmonberry
Black cottonwood saplings
Carex sp.
Juncus sp.

Himalyan blackberry, evergreen blackberry and native blackberry
Common vetch
Thistle



RUDIE WILHELM WAREHOUSE CO.

P.O. BOX 22226
PHONE 503-850-5100

MILWAUKIE, OREGON 97269-2226
FAX 503-850-5101

May 18, 2004

Members of the Milwaukie City Council:

I am grateful for the opportunity to serve the City of Milwaukie as a member of the Transit Center Working Group.

I strongly believe in the process that led to the Working Group's selection of the Kellogg Creek site for the new transit center. The site emerged as the clear favorite after a lengthy and extraordinarily thorough process. It represents the best thinking of a very committed group of civic and business leaders.

As I noted to the Planning Commission, representatives of my company (Rudie Wilhelm Warehouse Company) and other distribution firms in the North Industrial area entered the Working Group process with skepticism and suspicion. Initial plans for the so-called Locally Preferred Alternative (LPA) for light rail and the transit center threatened to bring tremendous harm to one of this region's preeminent distribution districts. Rather than boycott or otherwise undermine the siting process, business leaders in the North Industrial area chose to participate fully in it. We explained how our companies (and, by extension, the industrial tax and employment base in Milwaukie) could be imperiled by the LPA and its derivatives. Indeed, under several scenarios Harder Mechanical would be compelled to relocate, possibly out of state. I cannot understand why any community would want to force the departure of a good corporate citizen that employs highly skilled, family-wage workers.

As you are aware, the Working Group developed seven alternatives to the LPA. All were deeply problematic. When the Kellogg Creek option emerged, we evaluated it carefully against the others. It eventually won the overwhelming approval of the Working Group.

I do understand that some people are opposed to construction of a transit center on this site. Some would have the Council rule against the site to “save Kellogg Lake,” despite testimony that the lake is, in effect, a crematorium for salmon fingerlings and likely is to be restored as a free-flowing natural creek. I believe a transit center can be built that is both visually appealing and more environmentally desirable than what exists today.

It was a pleasure for me to hear the Planning Commission testimony of Monroe Sweetland, a great civic and business leader. I was not aware that he had lived in a home in the Kellogg Creek area. I’d suggest that the transit center be named for him, and developed in an environmentally sensitive way that honors his legacy.

Again, I thank you for the opportunity to serve the City of Milwaukie, and I urge you to look to the people you hired and appointed to make difficult planning decisions such as this one. The Kellogg Creek site was the clear choice of the Transit Center Working Group – only two members voted against it and even they were willing to have it go forward as the consensus choice. Milwaukie’s Planning Commission voted in favor of the site. Its members noted, among other things, the importance of access to public transportation. Finally, your own planning department staff and city manager have shown the severe negative impact of a “no” vote by the Council.

I urge you to base your decision on all of this very good, carefully considered advice.

Mark Hendricks
Director, Business Development
Rudie Wilhelm Warehouse Company
2400 SE Mailwell
Milwaukie, OR 97222
503.850.5235
m.hendricks@rudie.com



May 18, 2004

City Council
Milwaukie City Hall
10722 SE Main Street
Milwaukie, Oregon

Re: Transit Center

Dear Mayor Bernard and Councilors Lancaster, Loomis, Stone and Barnes:

As an active participant in the Milwaukie Transit Center Working Group, I continue to feel that the recommendations reached by this group and supported by the City of Milwaukie staff and advisors from the other public agencies that are articulated in the various and voluminous reports on this project present the best solution in meeting the City's and the region's transit needs. It is important to note that a super majority of the various interest groups participating in the process supported Option 2.5.

Oregon Transfer Company has been a corporate citizen of Milwaukie for over forty years. The Company operates in excess of 300,000 square feet of warehouse space in the North Industrial area, serving local and regional distribution needs. Oregon Transfer provides about 100 family wage jobs in the metropolitan area with over half of its employees working or headquartered in Milwaukie. Approximately thirty of our employees live in Clackamas County. We pay almost \$150,000 in property taxes annually and have invested well over \$200,000 in the last year for improvements in our Milwaukie facilities.

9304 S.E. MAIN ST.
MILWAUKIE, OR 97222
503/653-2660 FAX: 503/659-0741
MAILING ADDRESS:
POST OFFICE BOX 2804
PORTLAND, OR 97208

Oregon Transfer began its participation in the Working Group only in opposition to the Southgate Transit Center Park and Ride location and the light rail alignment included in the Locally Preferred Alternative. Our concerns included the exacerbation of already problematic intersections at Milport and McLoughlin and Main and Mailwell, additional north Main Street traffic and the losses of business property and employee parking. Truck, train, bus, automobile and pedestrian safety and mobility were major issues. However, what started as an “anti” position evolved into a positive desire to assist in defining a better solution for Milwaukie’s and the region’s transit needs.

The process that led to the conclusions outlined in the reports you have received was extensive, exhaustive and inclusive. The Working Group seemed to grow with each meeting as new stakeholders were identified and invited to the table. Several “Milwaukie Only” meetings, numerous neighborhood association meetings, additional North Industrial meetings, internal Company meetings, small group meetings with staff and at least one meeting between some neighborhood representatives and businessmen supplemented the process of the Working Group. Multiple options were reviewed multiple times.

Compromises and refinements were a part of the continuing process. In fact, the balancing of competing interests and conflicting objectives are the reasons for the existence of the Working Group. Examples of that spirit of compromise and balancing of concerns can be illustrated by the fate of Option 2.4 and the support for Option 2.5. When Option 2.4 seemed to be gaining much favor, the Group listened carefully to the issues raised by administrators from Milwaukie High and impacted businesses and neighborhoods and ultimately rejected that option. Even Option 2.5 has some negative impacts on some North Industrial businesses, but one member of the Working Group who will be directly affected voted for the option because it is the best overall solution for the City and the region.

The conclusions of the Working Group were overwhelming approved by its members. Even the few who voted against the recommendation indicated (at that time) that they could “live with” the decision if appropriate mitigation proposals were implemented.

If similar issues are to be resolved by similar processes in the future, honoring the credibility of this group’s deliberations and decisions is important. The tens of hours that I dedicated to this process during the normal workday (and additional time after work) represents an investment by Oregon Transfer in the region’s future. If a relatively few loud voices are to undo the thoughtful and fair conclusions reached after all of the effort and goodwill contributed to the Working Group, it may be challenging for businesses to justify dedicating their resources to future task forces.

No siting or plan would be perfect. However, many of the arguments raised in opposition to Option 2.5 seem to be met by recommended mitigation efforts (e.g., tree planting, signage, traffic calming) and/or are actually problems that already exist with little or no relation to the Transit Center siting. Much as we may like to solve multiple problems with one solution, the Transit Center siting decision is not meant to alleviate every traffic issue that currently exists in Milwaukie residential neighborhoods or in the industrial area. The adoption of Option 2.5 as recommended by the Working Group and supported by Staff:

- Accelerates and optimizes the relocation of the transit center from downtown;
- Improves the safety and access at McLoughlin and River Road and 22nd Avenue;
- Limits commuter traffic through the City's neighborhoods;
- Can provide funds to the City for Riverfront uses;
- Appears to be the least costly option;
- Does not make critical intersections in the North Industrial area less safe and less accessible;
- Minimizes the impact on property owners;
- In short, provides the most benefit and results in the least negative consequences.

Oregon Transfer Company urges you to consider carefully the counsel of the Working Group, the staff professionals from the City, Metro, TriMet and ODOT and the Planning Commission. For the best interests of the City of Milwaukie and (at least the vast majority of) its interested parties, Oregon Transfer strongly recommends the City Council's endorsement of Option 2.5. This is clearly the greatest good for the greatest number.

If you have any questions, please call me at (503) 786-3310.

Very truly yours,
OREGON TRANSFER COMPANY



Gary H. Hunt
Chief Financial Officer

cc: Mike Swanson, City Manager
John Gessner, Planning Director
Gary Eichman, President - Oregon Transfer Company

May 18, 2004
Mary K. King
9877 SE 33rd Avenue
Milwaukie, Oregon 97222
City Council Member, 1998-2002

To Milwaukie City Council
Re: In support of 2.5

As a former City Councilor who spent my entire almost 5 year tenure on Council mending old and building new bridges of communication and trust not only between our citizens and their government, but with other communities and governmental agencies as well, I am deeply saddened and worried about what I perceive as a backwards slide into the "We/They" attitudes and last-second program scuttling that has given Milwaukie such a bad reputation both locally and nationally.

While I was on Council, I had the opportunity to visit with the aides of several of our Congress Members and Senators in Washington DC. In EVERY meeting, the first thing that was discussed was Milwaukie's reputation as a city mired in political turmoil, an unstable city into which it would be very difficult to send federal funds. At the time I was JOYFULLY able to say, with absolute certainty, that Milwaukie was no longer a city in turmoil, that our Council and our citizens had spent years working together to establish a base of many varied voices speaking and working as one for a progressive future: compromising, building consensus and having long term vision.

I made a promise to those Congressmen. I promised our city was solidly together and would continue in a forward manner. It was a very hard sell because of the rancor that had been such a part of our political history. Today I could not make that promise.

Building confidence and trust within the citizens of a community and with regional, state and federal partners, is a difficult and fragile job. Destroying this fragile relationship is relatively easy.

The Working Group's well studied recommendation of Option 2.5, after all other alternatives were exhausted, must be honored if Milwaukie is to maintain any kind of reputation as a dependable player in the future of our region. I disagree with the idea that the working group exceeded their charge, rather commend them for taking the time and effort to look for new solutions. From my experience on Council, I know how easy it is to shoot at public process because it is not easily quantified. The fact is the process was not flawed, it was a complete, open public process, which will continue throughout the completion of the project.

I am asking you to vote yes on the 2.5 option for the siting of the transit center, moving forward the Kellogg Lake site and the Tillamook Branch Design Option to Tri-Met and the South Corridor Policy Committee.

* Milwaukie simply cannot afford to lose the North Industrial tax revenue and family wage jobs that would be lost by other options. The industrial area is located as a perfect distribution hub. It is a keystone to our future industrial growth.

* Option 2.5 will provide more opportunity for the financial growth of downtown Milwaukie by bring the future rail into our business area and connecting us with the rest of the region.

* Option 2.5 provides money to fund the long awaited real solutions to the very dangerous traffic problems existing at McLoughlin and River Road.

*Milwaukie has a terrible parking problem. The parking structure proposed in Option 2.5 is desperately needed. It will benefit all citizens of Milwaukie, providing much needed parking for not only daily transit trips, but for future downtown and river front events. As a city, we will never be able to afford this on our own.

* Option 2.5 will provide a southern gateway to and from Milwaukie. It will keep McLoughlin traffic on McLoughlin and provide a jumping off spot to the pedestrian trails currently being developed and future transit options across the river.

*Written in the 2.5 option are funds for traffic and environmental mitigation in Milwaukie neighborhoods. Citizens will have input during the entire process.

*The 2.5 option was the option chosen by the working group after months of research and discussion. Council cannot turn its back on the members of that committee who put hours of personal time and effort into making a decision that provides long term positive solutions for everyone involved. Milwaukie has not turned it's back on the concerns of the citizens of Historic Milwaukie Neighborhood and we absolutely cannot turn our backs on the future.

Sincerely,

AGENDA

MILWAUKIE CITY COUNCIL
MAY 18, 2004

MILWAUKIE CITY HALL
10722 SE Main Street

1934TH MEETING

REGULAR SESSION - 6:00 p.m.

I. **CALL TO ORDER**
Pledge of Allegiance

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

Outstanding Milwaukie High School Student Recognition

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

A. **City Council Minutes of May 4, 2004**

B. **Intergovernmental Agreement Between The City of Milwaukie and State, County, and Local Law Enforcement Agencies to Investigate Identity Theft and Fraud -- Resolution**

IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*

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

Transit Center Relocation

VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

None

VII. INFORMATION

- A. Center/Community Advisory Board Minutes, March 12, 2004**
- B. Planning Commission Minutes, December 9, 2003, January 27, 2004, and February 10, 2004**

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment of the regular session pursuant to ORS 192.660(1).

All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

MINUTES

MILWAUKIE CITY COUNCIL MAY 4, 2004

CALL TO ORDER

Mayor Bernard called the 1933rd meeting of the Milwaukie City Council to order at 6:35 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes
Councilor Joe Loomis

Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development/Public
Works Director
John Gessner,
Planning Director

JoAnn Herrigel,
Community Services Director
Lindsey Nesbitt,
Associate Planner
Brion Barnett,
Civil Engineer
Keith Jones,
Associate Planner

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Mike Miller for Service to the Community on the Planning Commission

Donald Hammang, Planning Commission Chair, was present to make several comments about Miller. The first time he worked with Miller was on the Tree Committee in 1994. Miller was always concerned about two things: what will the City look like, and would this be a place people would like to live? The questions he asked on the Planning Commission were: if I were the neighbor would I be willing to live there and like it and how does it maintain Milwaukie's environment. Miller has always been concerned about Milwaukie and keeping it a livable place.

Miller started on the Tree Committee in 1994 and worked under four planning directors. It was a pleasure to serve the City and be a part of watching it grow. His major concern was to see the City grow in a way that protects both the environment and livability. It has been a pleasure to work with the City, and he will now join Ed Zumwalt in the back corner.

Mayor Bernard expressed appreciation on behalf of the City Council and presented Miller with a certificate.

Mental Health Awareness Month

Councilor Barnes read a proclamation naming May 2004 as *Mental Health Awareness Month*.

Workplace Safety Awareness Day

Mayor Bernard read a proclamation naming May 12, 2004 as *Workplace Safety Awareness Day* in Milwaukie.

Library Board Interview

The City Council interviewed Tom Hogan for reappointment to his position on the Library Board.

It was moved by Mayor Bernard and seconded by Councilor Barnes to move agenda item VI.C – Parks System Development Charge – Resolution to the Consent Agenda. Motion passed unanimously among the members present.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Loomis to approve the Consent Agenda that consisted of:

- A. City Council Minutes of April 20, 2004;**
- B. Eton Lane Sewer Contract Award;**
- C. OLCC Application for Pietro's, 10300 SE Main Street; and**
- D. Resolution 6-2004 – A Resolution of the City Council of the City of Milwaukie, Oregon, Establishing the City of Milwaukie as the Agent on Behalf of the North Clackamas Parks and Recreation District for the purposes of Collection of System Development Charges within the Corporate Limits of the City of Milwaukie.**

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Sharrell Puckett, 10515 SE 29th Avenue. She purchased a house in the City in January, and there is a severe problem with basketball hoops. She lives on a dead-end street that is very narrow. The hoop is set up directly across the street from her driveway, and she has two dogs in the backyard that are kept in a kennel or on a rope in the front. When the basketball rolls up her driveway, the dogs get very upset.

Puckett's concern was that one of her dogs might attack a child and who would be liable. Her other concern was that on weekends, friends go to the neighbors house. They are full-grown men weighing about 200 pounds. Eight to ten people are standing around in the street, leaning on vehicles and playing hard basketball. They are very aggressive, cussing, and doing their talk between the men thing. Who will be liable for dents to her car? Is the City liable? She wanted the basketball hoop removed. It is an inadequate place to have it, and it is very dangerous for the children.

Puckett has been dealing with Code Compliance Coordinator Steve Campbell, but his hands are tied because the code is so outdated. The neighbors try to abide by the rules but the hoop is still in front of her driveway. She would like to see the radius extended to 50 feet. She suggested an annual \$10 permit so people know where they are and get liability. She is afraid she will run over a child backing out of her driveway. The police have been there twice because the neighbors just yell. They are renters who live in a low-income duplex. They have no money, so if her vehicle is damaged she knows she will not be paid.

Councilor Loomis understood talking to the neighbors has done no good.

Puckett said It is a low-income duplex, and the police have been called twice. It is a mess. She would like the code amended. Their pit bulls have attacked the mailman twice, and they can't do anything about that. She just wants the City to update the basketball hoop code and address liabilities.

Mayor Bernard asked the Planning Department to look into this issue.

Mayor Bernard asked to move item 6.B – proposed agreements regarding the Milwaukie Pioneer Cemetery -- forward

Proposed Agreements to Amend the Cooperative Intergovernmental Agreement Proposed between the City and the North Clackamas Parks and Recreation District (District) Transferring the Milwaukie Pioneer Cemetery (Cemetery) to the City and between the City and the Milwaukie Pioneer Cemetery Association, Inc. (Association) Regarding Use of the Funds from the Knutson Trust for Maintenance of the Cemetery

Swanson said this action has two agreements for the Council to authorize. One is between the City and the North Clackamas Parks and Recreation District (NCPRD). It essentially removes the Pioneer Cemetery from the list of properties transferred in 1992 for maintenance. The second agreement is between the City and the Milwaukie Pioneer Cemetery Association. That agreement will govern the future relationship with regard to the expenditure of the Leona Knutson Fund. Ms. Knutson left \$36,000 to the City some years ago for maintenance of the Cemetery. Until recently, the interest of the fund has been transferred to the District pursuant the 1992 agreement. The changes will be to essentially take back the Cemetery from the District and delegate use of the Knutson funds to the Association.

Swanson discussed the background. Dolly Macken-Hambright asked that a newly forming non-profit be given authority to maintain the Cemetery. In the course of looking into the request, it was discovered there was only a small interest on the part of the City. The Cemetery was created in 1869 when the Eddy and Meek families donated the property, and at that time appointed three trustees, Joseph Lambert, Jacob Wills, and Seth Luelling. The trustees were also charged with appointing successors, and that continued until the last trustee passed away. No successors remained. In 1977, there was an informal agreement between the trustees and the City when the balance of funds was turned over and the City took over maintenance. In 1977, the Cemetery was formally annexed to the City, and maintenance was done with the help of scouts and other volunteers.

When Macken-Hambright approached Swanson, the Cemetery had no formal leadership as envisioned by the Eddy and Meek families in the 1800's. The City Council directed that court action be initiated to appoint new trustees. On April 19, 2004 the Circuit Court appointed three individuals and the Association as trustees. The group has done a lot over the past few months to make the grounds look better. The agreements will become effective upon the County's execution. He also had a certified copy of the order appointing the trustees.

Association President Mark Neubauer and **Secretary/Treasurer Dolly Macken-Hambright** thanked Swanson for his work on getting the request in order. The first cleanup was in January, and people are impressed with its appearance. Another cleanup is scheduled for May 22 prior to Memorial Day activities that will include a flag raising and flag lowering by the Boy Scouts. Neubauer discussed the May 14 Milwaukie Museum and cemetery open house. The Association received a \$150 grant from the state to do some utility repairs. A newsletter is being published, and there have been visits by the Audubon Society and the Oregon Historical Cemetery Association.

Councilor Barnes was very proud of Neubauer's efforts.

Councilor Loomis appreciated the Association's efforts and noted the Cemetery looks a lot better.

Neubauer said the Museum would hold an open house on May 14 from 3:00 p.m. to 8:00 p.m. In conjunction with that, Association members will be at the Cemetery from 4:00 p.m. to 6:00 p.m. for visitors. The cleanup on May 22 will be from 9:00 a.m. to 3:00 p.m., and a light lunch will be served. Annual memberships are \$10, and the money will be used for maintenance. Membership forms are available at the Museum, Library, and City Hall.

Councilor Stone appreciated the group's taking on this significant project during the Centennial Year.

Mayor Bernard understood there would be a new book available about the Pioneer Cemetery at the Museum open house.

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the two agreements and authorize the Mayor to execute them on behalf of the City of Milwaukie. Motion passed unanimously among the members present.

At Mayor Bernard's suggestion, City Council agreed to move consideration of the Lake Road Neighborhood welcome sign forward on the agenda.

Lake Road Neighborhood District Association Welcome Sign

Councilor Barnes announced she had an actual conflict of interest regarding this agenda item because her spouse is the sales associate involved with designing the sign and working the neighborhood. She will not be voting.

Associate Planner Lindsey Nesbitt presented the staff report in which the City Council was requested to approve the Lake Road Neighborhood District Association (NDA) request to place a welcome sign on City property near the pump station on Lake Road. Lake Road Neighborhood Association members Debby Patten and Cami Waner joined her.

The sign is proposed to be located on City property on Lake Road near Hwy. 224. The sign would be 3 feet high and 5 feet wide and supported by two 4-foot stone columns and 18-inches wide. If the City Council approves the proposal, staff recommends several conditions:

1. The Lake Road NDA will locate utilities prior to construction.
2. The Lake Road NDA is responsible for long-term maintenance.
3. The sign shall be installed in such a way that it can be relocated if required as needed for other City uses of the property.
4. The Lake Road NDA will work with Jay Saatkamp of the water department to determine appropriate location.

Cami Waner, who submitted the application on behalf of the NDA, said the main purpose of the sign was to make people aware they are entering a neighborhood as they come off the freeway. There are four schools in the area with many children walking, biking, and skateboarding. People walk to work or to the numerous busstops along Lake Road, so there is a lot of non-vehicular traffic. It is not a slow down sign but rather a friendly subliminal reminder to people that they are entering a neighborhood. The stone columns were selected for longevity. The NDA agrees to maintain the sign and landscaping twice annually. The membership hopes to use the sign in the Riverfest parade.

Councilor Stone asked if the sign was in the process of being made and if grant funds were being used.

Waner said the NDA is waiting for approval and using neighborhood grant funds for the project.

Councilor Stone suggested the sign be larger if it was set that far back on the property. It looks a little small for the area. The Lake Road Multimodal Project has received some funding, and she asked if there was consideration of putting a sign within that? She commented the sign in Ardenwald is in an island in the middle of 32nd Avenue, and it has not been damaged.

Patten said there were several meetings about the sign location since there are numerous entrances into the Lake Road Neighborhood. This is the site the membership voted for because people coming off Hwy 224 and from the Town Center will see this sign and slow down because it is a neighborhood. The Association would eventually like to have several of these signs installed.

Councilor Stone agreed it would be good idea to have a sign on either end.

It was moved by Mayor Bernard and seconded by Councilor Loomis to approve the Lake Road Neighborhood District Association's request to place a welcome sign on City property near the pump station on Lake Road and closer to the road if possible.

Motion passed 3 – 0 among the members present.

PUBLIC HEARING

Proposed Resolution Requesting Annexation to Clackamas County Fire District No. 1

Mayor Bernard called the hearing to order at 7:15 p.m. The purpose of the hearing was to consider public comment on the proposed annexation.

Staff Report: **City Manager Mike Swanson** provided the staff report and was joined by Clackamas County Fire District #1 (CCFD#1) Chief Norm Whiteley. Swanson said this was the first statutory step of the process that will hopefully result in annexation of the City to the District. In 1997, after several years of study, the City entered in a 10-year agreement with CCFD#1 to provide fire suppression, prevention, education, and emergency medical services. That agreement is in effect at this time. The cost of the agreement was anticipated to slowly increase over the life of the point where the amount paid by the City was roughly equivalent to the amount of the District's permanent rate. That level has nearly been reached. From his point of view, Swanson is happy with the relationship as well as the services. Twenty-three positions were transferred to the District in 1998, and many of them are still with the District. Many of them have been promoted.

The proposed action would tell the District Board that the City of Milwaukie is interested in annexing. The District would then get back with the City with an election date of September 21, 2004. The City Council would then certify the matter for the ballot. The action this evening begins the process, and in a short period of time, the City Council will certify the ballot question for the September 2004 election.

CITY COUNCIL REGULAR SESSION – MAY 4, 2004

DRAFT MINUTES

Page 6 of 20

Swanson said over the years he has had a close association with CCFD#1. Problems are rare, but when they do come up they are taken care of rapidly. There are a couple things that are missing that can only be captured by annexation. Milwaukie residents are not eligible to serve on the elected District because it is only a contractual arrangement. Milwaukie residents cannot vote on money measures because the City only purchases services. He discussed the need for the District to be able to plan in a permanent sense for emergency service provision within the City of Milwaukie. Assuming the District Board approves the proposal, the City Council will see this matter again soon. Voters will have the ultimate authority on September 21 at the election.

Whiteley said the District is excited about this next step. It is important to plan for long-term apparatus replacement. Governance is also important in that annexation would allow Milwaukie residents to run for board positions and vote on money measures that affect service. Some of the Milwaukie employees who transferred to the District are now high-ranking officers. Four stations respond to Milwaukie calls for service and each has a response time of less than four minutes.

Councilor Stone commented that when this process was first discussed in 1998, several fire fighters were not very excited about the idea of transferring to the District. How is morale now in terms of accepting the annexation?

Whiteley said morale is very high. The work force is excellent and stands side-by-side in working on this endeavor. The employees transferred from Milwaukie are happy, and many have been promoted. He added that Oregon City is also considering annexation.

Correspondence: There was no additional correspondence on this matter that was not included with the staff report.

Audience Testimony: None

Additional Staff Comments: None.

Questions of Clarification: **Mayor Bernard** asked if the September election would require a double majority.

Swanson said the attorney has advised the City that a double majority is not necessary.

Councilor Stone asked how much a September election would cost the City.

Swanson said it depends on how many measures are on the ballot. The City will have to pay that portion that is within the City. The District has the option of not submitting it to the District voters, which only has to happen if the population of the city being annexed is 10% or more of the population of the District. In a sense the Board is in the drivers seat on this one. At this time it looks like it will be a local election. The costs vary based on other measures on the ballot, but the cost will probably not be that great.

Mayor Bernard closed the public testimony portion of the hearing at 7:30 p.m.

It was moved by Mayor Bernard and seconded by Councilor Stone to adopt the resolution proposing annexation of the City of Milwaukie to Clackamas County Fire District No. 1. Motion passed unanimously among the members present.

RESOLUTION NO. 6-2004

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PROPOSING ANNEXATION OF THE ENTIRE CITY TO CLACKAMAS COUNTY FIRE DISTRICT NO. 1 (DISTRICT), FOR THE PURPOSE OF RECEIVING SERVICES FROM THE DISTRICT.

OTHER BUSINESS

McLoughlin Boulevard Improvement Project, Council Endorsement of Preferred Roadway Alternative

Civil Engineer Brion Barnett provided the staff report in which the City Council was requested to endorse a preferred design alternative. He introduced the project team: Walt Bartel of David Evans & Associates, Project Manager, and Michelle Gregory, Soapbox Enterprises who handled public involvement. He reviewed the points of this evening's presentation

- Why are we here? The project is being designed, and the team is seeking Council endorsement of the roadway to the west/river side or the east/business side. The City Council is being asked to make a decision that will allow the project to proceed. He noted the memo from the Riverfront Board and the need to accommodate Metro, Oregon Department of Transportation (ODOT), general boating community, Kellogg Treatment Plant, and other projects that are being planned in the general area.
- Project Goals
 - Overall roadway safety for vehicles, pedestrians, and all modes of transportation.
 - Enhance access between the riverfront and the business district for all modes of transportation.
 - Give the boulevard a new identity so people know they have reached Milwaukie rather than wondering if they have just gone through it. The new features would potentially have a calming effect on traffic and give a better sense of identity.
- Design Constraints
 - Consistency with the adopted Downtown and Riverfront Plan in the Comprehensive Plan.

- Consistency with ODOT standards because it is ODOT's right-of-way and will remain so when the project is done.
- Consistency with Metro standards for regional boulevards as the body providing about \$1.9 million federal dollars to fund the project.
- The needs of everyone on the boulevard including access to the east side businesses, the boating community, and the Kellogg Treatment Plant.

He provided an artist's rendering of what the boulevard might look like that featured textured concrete, pedestrian refuge, bike lanes, street trees, and other amenities that give the boulevard a new identity and feel.

- Public Involvement

Gregory discussed three components of the public involvement process:

- The Project Advisory Committee's (PAC) role and composition.
She reviewed the "organizational chart" of the project structure with a description of the stakeholders and the associated staff resources. The agencies included TriMet, ODOT, City of Milwaukie, Metro, the project team consultants, members of the public and stakeholder groups – Riverfront Board, Kellogg Treatment Plant Operations, Marine Board, the boating community, east side business owners and occupants, Historic Milwaukie Neighborhood, and representatives for future park users.
- Characterize the needs of all the stakeholders.
The role of the PAC was to represent stakeholder's needs and to make recommendations to the project team and ultimately the City Council. Some of the main issues were connectivity between the downtown and the riverfront, maintain the viability of the businesses, pedestrian friendly aspirations, vehicular safety, access to the boat ramp and Kellogg Treatment Plant, enhancing community character, resolving traffic conflicts and confusion, capitalize on creating physical improvements in the area, ensuring good public involvement in the process, ensuring robust interagency coordination, neighborhood livability, overall traffic safety and efficiency, and working within the budget and maximizing available public funds.
- Public Involvement Activities to date and those in the future.
There were preliminary stakeholder interviews fall 2003 to develop a base list of issues and concerns. There was a partnering session with all the members of the PAC, so they could discuss roles and decision making. The PAC had four meetings spaced about one month apart to receive updates from the technical team and to discuss issues. In March there was an open house, and responses were largely positive about seeing some improvements made. Individual business owners had concerns about access. The Riverfront Board and future park users brought some issues forward. The agencies met to coordinate all the different projects going on in that area including the proposed transit center relocation,

ODOT preservation project, Trolley Trail, and the Kellogg Creek restoration. There were regular updates in *The Pilot* and City website. There were one-on-one conversations and correspondence with stakeholders as needed. The PAC will continue to meet on a monthly basis, and another open house is planned for fall. Problem-solving meetings will be called as needed, and access management meetings will be schedule.

Councilor Loomis asked how the group dealt with the transit center relocation since there are still several options and no decision has been reached. **Gregory** said most of it had to do with where one project ends and another starts, right-of-way connections, and signal timing. There was also discussion of when the Kellogg Creek restoration would take place and the associated costs. The best characterization is to say this group wanted to avoid making improvements that would have to be torn out later for the next project.

Councilor Loomis asked if all the transit center sites were considered and not just the Kellogg site. **Gregory** said Option 2.4 was considered but the other sites did not have an immediate impact on the McLoughlin Boulevard project.

Barnett said in addition to the ODOT preservation project that starts at the Kellogg Creek Bridge and goes south to Naef Road there is the River Road intersection improvement.

Councilor Stone asked who was on the PAC and how many were Milwaukie residents. **Gregory** said there were about 20 PAC members. Roger Cornell, Ed Zumwalt, Jim Bernard, Dave Green, Alice Rouyer, and Brady Tobias of Quiktime Signs represented the City.

- Expansion Alternatives

Bartel said the original intent was to build the improvements to full standards as far as lane widths were concerned. The City was instrumental in working with ODOT to get a designation change for McLoughlin Boulevard into a special transportation area. This allowed less than full-design standards, so the project was ultimately developed with narrower lanes and closer spacing for the driveways than one would normally see on a state highway facility.

There were two alternatives:

- Shift to the west – this would hold the easterly property line between the state highway property line and the adjacent property owners. There would be a right-of-way impact to the Bank of the West's landscaping. There are also a couple of other areas at the intersections where the new traffic signals are going in at Monroe and Washington to allow for turning radii. Vic's Tavern and the Antique Mall on the west side would be entire takings. Access to the Kellogg Treatment Plant would be at Washington.

There is right in/right out access to the boat ramp along the current alignment. By doing those improvements, the team was able to avoid any impacts to the parking area or the boat ramp circulation. The treatment plant access requirements would also be met without getting into a lot of impacts in that sensitive riverfront corridor. By splitting the access to the boat ramp and sewage treatment plant, the team was able to obliterate some of the existing pavement on the access road between Jefferson and Washington Streets. There are two pedestrian sidewalks in that area. One is parallel to the highway plus a 5-foot sidewalk from Jefferson Street south that were combined into one sidewalk feature. The only thing that is unique is that there are planter strips on both sides, 10-foot sidewalks that are consistent with Metro's design guidelines for an urban boulevard treatment, and ODOT's special transportation area. The intent of those amenities is to encourage people to walk and enjoy the corridor rather than just traveling through the downtown.

Barnett showed a cross section of the design as recommended by the PAC. It is approximately 103 to 105 feet from the right-of-way on the east side of the roadway to the west. He also showed a cross section from the adopted Downtown/Riverfront Plan that showed a width of 100 feet. The proposed project adds 3 – 5 additional feet by having wider sidewalks. The Downtown Plan has 6-foot sidewalks with 6- and 8-foot planter strips. The proposal is 10-foot sidewalks and 6-1/2-foot planters. The vehicle lanes are narrower, and bike lanes were added. It illustrated the typical net difference.

Bartel explained that section holds whether the alignment is shifted to the east or the west. These are the design parameters established through the PAC and by the agencies.

- The second alternative shows the alignment shift to the east and totally avoiding any of the City-owned property on the west side. The right-of-way line is at the front of the Kroll Building and the Antique Mall. Almost every business would be impacted. The Astro station and Shear Perfection would be entire takings.

Councilor Stone asked if the traffic signals were the same on alternative 2. **Bartel** responded the signal spacing and location were established as part of earlier work on the Transportation Growth Management Study commissioned by ODOT and the City of Milwaukie. This is the next phase of implementing that plan along with the Downtown Plan.

Bartel continued. All of the features are relatively the same on both sides, and it is an issue of where the property line is located and the resulting impacts. He discussed businesses access from McLoughlin.

Mayor Bernard asked if moving the alignment to the east would result in a shortage of funds. **Bartel** said right-of-way acquisition and building improvements for alternative #2 would cost about \$2.6 million. The Bank of the West would lose about 25 feet of its building. The building could be cut along the right-of-way line, so a portion of it could be salvaged. Therefore, that structure was not completely damaged out. By shifting the alignment to the west, only two properties are impacted. Vic's Tavern and the Antique Mall were appraised at a total of about \$900,000. Metro owns the Trolley Trail, and the team assumes since it was successful in building a 12-foot sidewalk from Jefferson Street south that Metro would probably abandon the Trolley Trail and make it part of the future park. **Barnett** said Bernard was correct and that the project would be about \$1 million short if the alignment were shifted to the east.

Bartel reviewed the cross section associated with this alternative. There would be smaller trees in the planter strip and a row of red oak on the other side of the sidewalk to create more of a park setting. The team is also looking at what to do with the cement marker that is directly in the way of the improvements so must be relocated. As a result, the team is contemplating a plaza treatment at Monroe Street that could serve as a gateway into the park. He showed a plan view and cross sectional view. There has not been approval for a stairway yet, but it could be done in the future. **Barnett** said there are funds available for mitigation, and at least a portion of the promenade could be covered in project costs.

Mayor Bernard said since the entire roadway does not need to be rebuilt, there should be a significant saving. Maybe funds could go into that type of amenity. **Barnett** responded it is an issue of whether or not the government considers it a participating cost.

Councilor Barnes did not see anything on these plans that would allow southbound drivers to turn left into the downtown. **Bartel** said there are left turn refuges at Harrison and Washington Streets with adequate storage. **Barnett** added there is basically dedicated left turn movement at each end of town for southbound traffic.

Councilor Barnes discussed the four-way stop at the treatment plant entrance. Everyone is hopeful the plant will be decommissioned so there would be no need for that entrance. Will that intersection accommodate riverfront plans when that facility is gone? **Barnett** said the intent is to have a fully signalized intersection. Because it is still the state's right-of-way, it will have to be revisited to make sure the intersection accommodates turning radii and timing. The location will be fixed as part of the downtown plan.

Councilor Stone commented if alternative #1 is chosen, the Antique Mall and Vic's Tavern will be taken. **Bartel** said that was correct, and the businesses would be relocated. **Councilor Stone** asked how the property owners felt about the plan. **Barnett** said the project contacted the property owners over two years' ago during the planning phase. The owner of the Antique Mall is not happy about leaving because it is a prime location, but he has been given regular updates and would like to relocate as soon as possible. ODOT will act as the City's right-of-way agent. Federal funds will be released after a series of events beginning with the City Council's endorsement of an alignment alternative. Once there is federal approval of the environmental impacts, firm offers can be made to the owners of these two properties. The owners of Vic's Tavern have also been contacted, and for them it is a business decision. The changes have been happening around them for several years, and they want to know when the City will actively engage them with an offer.

Councilor Stone asked if the City would be responsible for any of the costs to relocate these businesses. **Barnett** replied that ODOT as the right-of-way agent appraises the properties, tenders the offers, and seeks to help the businesses relocate by giving them money. **Bartel** said the only possible cost to the City would be to pay for a remnant from the project. **Barnett** explained a remnant would be any strip of land left over and does not include the structure. Funds have been budgeted for this and would cost a couple of thousand at the most.

Councilor Stone understood from the staff report that the Kroll Building does not meet historic registry criteria. She asked why it did not and if there are any options for offering it up for someone to move. There has been discussion of trying to save this old building. **Barnett** said previous to David Evans and Associates coming to work on this project, there was a separate consultant who looked at the building for historical significance. The consultant deemed it was not historically significant because there were a number of improvements that were not consistent with the period in which it was built. Neither did the consultant find any period artifacts that indicated a significant underlying site. That was discussed earlier in an earlier memo when staff came to Council for approval of the right-of-way agreement. Though the building is not on the local historic inventory, the City can consider options to offer relocation as part of the project.

Councilor Stone said it sounded like if renovation to the building had been done in the era it was built, it might have classified on the historic registry. That might be possible if a preservationist restored the Kroll Building to its historical significant. **Bartel** said probably not during this phase of the project. The group discussed removing vintage fixtures and other items from Vic's.

- The PAC's Decision
The PAC endorsed shifting the roadway to the west because it was the only alternative that met the project goals of being consistent with the Downtown Plan.
- Council's Decision Making Alternatives
Staff's request was that the City Council endorse the PAC's recommendation that was to move the roadway to the west.

Gary Klein, Riverfront Board member, referred to the memo from the Board to the City Council. The Board has concerns about the large take going 30 feet into the park.

Councilor Barnes did not see anyone at the March 10 open house that was upset about the alternative. How did we get from a public meeting to the Riverfront Board's being upset and a member quitting.

Klein said he made a comment about the right in/right out design and the treatment plant access. He did not know if the resignation was connected to this.

Councilor Barnes asked from Klein's perspective what might need to be done to tweak the recommendation.

Klein said the Board believes it was given the task of following the Master Plan. This alternative went 30 feet into the park and covered the green area with pavement. The bike lanes are doubling on both sides of the street, there is the Trolley Trail involvement, and possibly another bike lane closer to the water. All this adds up to property that is asphalt or concrete. This is the Board's concern. It wants a nice park area. If this alternative were chosen, the Board would want other improvements that would benefit the park such as the entrance at Monroe Street.

Councilor Barnes said if the Board needs something, the City Council would see what it could do.

Mayor Bernard was on the PAC along with Dave Green of the Riverfront Board. The sidewalk width was the last discussion and is now his biggest concern.

Bartel said the sidewalk on the east side is already 10 feet; this adds the planter strip.

Barnett added the Downtown Plan proposed a 6-foot sidewalk even though the existing sidewalk is 10 feet wide.

Councilor Barnes asked how people biked from Milwaukie to downtown Portland on McLoughlin Boulevard.

Bartel said ODOT has designated McLoughlin Boulevard as a bike route. Even though it is not developed that way today, overtime the intention is to build the elements so it can be done in the future.

Barnett discussed the difference between recreational users and commuter cyclists. ODOT is trying to accommodate the different types of bikers with an eye to future connectivity.

Mayor Bernard would tend to endorse alternative #1 and he probably voted for it in the PAC. He would like to see the east sidewalk back at 6 feet with the planter strip. That would add 4 feet to the other side.

Klein said the Riverfront Board sees the width as an extra blockage to the park, so whichever side it is coming off would be a benefit.

Barnett said the PAC endorsed the 10-foot sidewalk because it wanted it to be more inviting. This project wants to accommodate multiple modes, and the intent of the Congestion Mitigation Air Quality funding is to have wider areas and promote business activity. The Riverfront Maser Plan has not been adopted yet. There are riverfront concepts within the Downtown Plan, and the project is trying to balance the needs of all the users. One of the reasons the sidewalks was proposed wider on the west side was because the project team decided to integrate the Trolley Trail to promote more greenspace. It begs the question of what people consider a park.

It was moved by Mayor Bernard and seconded by Councilor Barnes to endorse alternative # 1.

Mayor Bernard said then he would go 8-feet on the east side. He did not believe walking in front of gas stations was something people wanted to do. He suggested adding more sidewalk on the east side after some of those gas stations moved. He endorsed alternative #1 but recommended reducing the sidewalk on the east side to 8 feet.

Councilor Stone commented this was a big issue, and she would feel better if there were a full City Council to discuss it before coming to a decision. The City Council agreed to do that recently on another decision. She has always advocated sinking the highway for the European concept of nothing but pedestrian access without cars. As far as alternative #1 goes, she has concerns about taking up frontage for the greenspace and for displacing businesses and destroying the Kroll building. She wanted any damage to be mitigated and at least put the building out there for preservation and moving. She was not 100% confident that alternative #1 was the best.

Mayor Bernard talked to Councilor Lancaster, and he verbally endorsed alternative #1. He asked if the sidewalk width would come back to the City Council.

Barnett said the City Council would be endorsing a shift to the west that de facto endorses the cross section the PAC recommended. It could be reviewed if the City

Council directs. The team is looking to the future with this width that sets a stage. Widening it in the future would be difficult, and the likely outcome would be taking up part of the planter strip.

Councilor Barnes was concerned that 5 of 20 PAC members were from Milwaukie. She agreed with Bernard on the sidewalk widths. She would go with the Riverfront Board if it says it wants more space. She wanted to ensure that she and Project Manager Jeff King were part of the Development Team going to both of these businesses and helping them relocate in Milwaukie. She does not want to get into the nightmare of the City's negotiating the move of the Kroll building.

Councilor Loomis asked if the PAC vote was unanimously.

Barnett said everyone was in favor of alternative #1 with the exception of Riverfront Board member Dave Green. The discussion was plentiful and had not changed. The team did hear the Board and its concerns about the greenspace, and in the end the recommendation from the collective group was to go wider.

Mayor Bernard wanted to change the east side if possible to give the Riverfront Board as much as possible.

Barnett said that would be taken back to the PAC to reconsider as the City Council has directed. Some design work would have to be redone, but it is not insurmountable. He understood the message was leave the sidewalk widths on the west side and reduce the east side.

Swanson reminded the group that there is \$4 million destined for this project, and it is not money that is generated within the City. The opportunity for that money was created to satisfy some policy considerations. In this case, at least half of the money is targeted toward congestion mitigation and specifically that caused by gas-guzzling automobiles. This means that sidewalks are an integral part. The money is meant to get people out of their cars and use other modes of transportation. There are policy considerations that underlie the release of those funds.

Mayor Bernard was on the PAC, and it was not an issue of getting the money. He will endorse #1 and recommend to the PAC reducing the east sidewalk to 8 feet unless there is a problem with ODOT and the federal government.

Barnett said the PAC could look at the policy considerations and the intent to get people out of their cars.

Bartel added when the project is complete, the City will have to certify that the project met all the requirements for CMAQ. If the criteria are not met, some of the project may not be eligible. These criteria are written in the Metro funding agreement.

Mayor Bernard understood and hoped the PAC would consider reducing the sidewalk while still meeting federal requirements. He is just trying to save the Riverfront Board two feet.

Barnett said the project team would come back with its findings.

Councilor Stone asked how wide the sidewalks are at Waterfront Park.

Bartel said the sidewalks in Tom McCall Park are 15 feet and the East Bank Esplanade sidewalks are 15 feet plus to incorporate the art. There are no sidewalks on the river side of Front Street. The sidewalks are on the other side of the street next to the businesses.

Councilor Stone raised another concern about the bike path as part of the project, and she understood it was part of Metro's boulevard design. She believed it was a good idea to separate any conflict between a cyclist and a car. The Trolley Trail is an alternative, and she would advocate for that rather than the boulevard bike lane. The sidewalks then would not have to be made narrower.

Bartel said the bike lanes came from ODOT. Metro was looking at not just the multi-use but also connection to the Springwater Corridor via 17th Avenue. It would not be limited to McLoughlin Boulevard.

Barnett said the literal requirement for on-street bike lanes are in ODOT special transportation area standards. One is not actually required to install them, but in the absence of bike lanes the shoulder has to be wider. On-street bike lanes are desirable, but the literal requirement is if there is not a bike lane, then there would have to be a 3-foot widened shoulder. The PAC did endorse the on-street bike lanes.

Mayor Bernard endorsed the bike lanes also because of the connection to the Springwater Corridor. This keeps the bikes from popping up on the sidewalks and going down by the waterfront.

Barnett said the ODOT preservation project does have on-street bike lanes planned from Kellogg Street to the south. The PAC weighed in on making connections to planned improvements, and Metro was also supportive.

Mayor Bernard said another issue was the meeting of the sidewalk and the Trolley Trail and the design to make it look and function correctly.

Councilor Stone asked what the current posted speed through Milwaukie was and would the speed be lowered to accommodate bicycles.

Barnett said the posted speed is 30 mph, and there is no proposal to change that speed because of the signal timing. The hope is the new identity will have a net traffic calming effect.

Councilor Loomis asked if the Riverfront Board had understood the sidewalk width during early talks.

Bartel explained the typical section was already settled when the team met with the Riverfront Board, so the sidewalk presented at that time was 10 feet on both sides with 5-foot bike lanes. It was later widened to 12 feet south of Jefferson Street.

Herrigel said everything was presented except the sidewalk width on the west side of the project, and the preference was discussed. Dave Green said the preference was 8 feet on McLoughlin Boulevard with a 10- to 12-foot path through the park. This was her recollection of the meeting.

Barnett said that was correct. There was a Riverfront Board meeting on February 10 between the February and March PAC meetings. Dave Green and Herrigel presented the Riverfront Board recommendation at the March PAC meeting. The PAC voted as he indicated.

Councilor Loomis understood the Riverfront Board's recommendation was a 10- to 12-foot path on the riverfront side.

Barnett said the Board recommended an 8-foot sidewalk on the west side with the hopes of doing a future trail near the river.

Councilor Loomis asked what these two additional feet of greenspace would cost the City in terms of money and project delay.

Bartel said that would be difficult to answer at this point without looking at the proposal in more detail.

Barnett said there would be some hours involved in going back and reworking some of the issues. He believed there would be funds to do this, and there would likely be a one to two month delay. The team would go back to the PAC, reopen the issue and return to the City Council for the endorsement. As far as the project schedule goes, it means it would probably not go to bid until spring or summer of the following year. The critical path item in the project is right-of-way acquisition on the west side. The west edge needs to be determined before the federal government releases the right-of-way funds. There would probably a two to three month impact.

Councilor Loomis understood this was a recommendation. If the funding were jeopardized, the width would go back to 10 feet.

Barnett said the team would take the 8-foot recommendation back to the PAC and get a clear answer about the reimbursable portion of the money.

Mayor Bernard called for the vote on the motion to endorse alternative #1. Motion passed 3 – 1 with the following vote: Mayor Bernard, Councilor Barnes, and Councilor Loomis aye; Councilor Stone nay.

CITY COUNCIL REGULAR SESSION – MAY 4, 2004

DRAFT MINUTES

Page 18 of 20

Progress Report on the Metro Affordable Housing Report

Planning Director John Gessner provided an update on the Metro Affordable Housing Report. He introduced **Associate Planner Keith Jones** who will manage the completion of this project.

This project was not completed as originally planned because of other major work tasks including the transit center relocation. The department is eager to complete this project by the end of June. Staff is seeking endorsement of the proposed strategy if all the technical work is not completed by the end of June. Metro indicated it would accept City Council's acknowledgement of a completion strategy. Staff believes about 2/3 of the work is done to satisfy the Title 7 requirements. However, that additional 1/3 may take longer than June 30. As long as the City can provide Metro with a report of what has been completed to date and an adopted strategy, then Milwaukie will be in good standing with regards to Functional Plan compliance. This is important in that a new round of transportation funding is about to begin, and the City has projects for which it is seeking Metro and federal assistance. The City does not want to prejudice its ability to compete for those dollars by not having shown a good faith effort and progress on the Title 7 report.

Endorsing the strategy will put Milwaukie in a much better position. The Planning Commission supported the proposed strategy. It also commented that after going through the technical analysis, it would likely be found that Milwaukie is already serving affordable housing interests. Staff suspects this also, but the City must go through the planning analysis to demonstrate that.

Mayor Bernard endorsed the strategy.

Councilor Barnes asked how much the consultant would cost.

Gessner has not scoped the work. If staff cannot meet the deadline because of staffing constraints, then other options need to be considered. The work would involve looking at housing characteristics and population changes over about the past 10 years. He would estimate the consultant would cost about \$1,000.

Councilor Stone asked why the City was doing this if it already knew it was in compliance. Milwaukie is already doing its share and is probably doing more than surrounding communities. Why are we spending money to do this?

Gessner explained staff believes that to be the case, but it must be documented. All cities and counties must comply with Metro Functional Plan, so this is being done as a regional effort. Staff may find it can do the work internally, but he does not want the City to be in the position of not being able to compete for transportation money.

Mayor Bernard hears Milwaukie's name on the Metro's list occasionally, so it would be nice to get the City off the list.

The City Council believed the planning department was going in the right direction.

Other

Councilor Barnes invited everyone to the Annie Ross Dedication on Saturday at noon.

Councilor Loomis asked when the sewer rates would be on the agenda. **Rouyer** said there would be a discussion of wastewater consolidation on June 1 with the rate discussion at the following meeting.

ADJOURNMENT

It was moved by Councilor Stone and seconded by Councilor Barnes to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Bernard adjourned the regular session at 8:50 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry R. Kanzler, Chief of Police

Subject: Intergovernmental Agreement Between The City of Milwaukie and State, County, and Local Law Enforcement Agencies to Investigate Identity Theft and Fraud

Date: April 20, 2004

Action Requested

Adopt a resolution authorizing the Police Chief to sign an intergovernmental agreement (IGA) between the Milwaukie Police Department, the Portland Police Bureau, Beaverton Police Department, Bellevue Police Department, Clark County Sheriff's Office, Eugene Police Department, Lake Oswego Police Department, Marion County Sheriff's Office, Medford Police Department, Multnomah County Sheriff's Office, the Salem Police Department, and the West Linn Police Department, and Federal Executive Agencies to include - Federal Bureau of Investigation (FBI), Federal Trade Commission, U. S. Postal Service, U. S. Secret Service, and the U.S. Attorney – Department of Justice to investigate fraud and identity theft through the formation of a Regional Economic Crime Investigation Center (RECIC).

Background

Economic crime is the fastest growing sector of crime in the nation and in the region. Across the nation, the combination of check fraud, credit card fraud, bank fraud, loan fraud, insurance fraud, identity theft and money laundering results in economic losses of over \$300 billion annually. The Milwaukie Police Department alone receives over 25 identity theft reports a month, and the average victim loses at least \$1,000 and at least 75 hours of personal time is spent investigating these losses. The U.S. General Accounting Office reports an average cost of up to \$20,000 for investigation of a case and up to \$11,443 for prosecution of a case. Local agencies working independently report insufficient resources to effectively investigate and prosecute reported crimes.

Because perpetrators strike in multiple jurisdictions, several jurisdictions might be working on one case at a time unknowingly duplicating efforts and inefficiently using scarce resources. For these reasons, the above agencies agree that a multi-jurisdictional collaborative approach will both reduce the occurrence of economic crime and improve the efficiency of investigation and prosecution by eliminating duplication of services and maximizing resources.

The purpose of RECIC is to provide a centralized location for local, state and federal law enforcement agencies to combine information and resources to provide the following coordinated services:

- Receive crime reports and prioritize cases for investigation
- Investigate cases and conduct crime analysis
- Identify and prosecute appropriate cases, and
- Provide public education, prevention and victim assistance.

Concurrence

- City Attorney
- Police Department Staff
- Supporting and Supported Agencies

Fiscal Impact

Staff currently assigned the responsibility of investigating identity theft and fraud will be assigned to work collaboratively with other agencies working in the RECIC partnership. A “weed and seed” budget in excess of \$800,000 has gone forward to our congressional delegation in support of this project. Congresswoman Hooley and Senator Smith are sponsoring a bill to fund these initial startup costs.

Work Load Impacts

The workload associated with investigating identity theft and fraud is extensive. Any collaboration will reduce the length of time any one investigator spends developing probable cause to arrest and prosecute.

Alternatives

None. This is the first program of its kind in the nation, a program that will eventually incorporate the banking and insurance industries.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE POLICE CHIEF TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE PORTLAND POLICE BUREAU, BEAVERTON POLICE DEPARTMENT, BELLEVUE POLICE DEPARTMENT, CLARK COUNTY SHERIFF'S OFFICE, EUGENE POLICE DEPARTMENT, LAKE OSWEGO POLICE DEPARTMENT, MARION COUNTY SHERIFF'S OFFICE, MEDFORD POLICE DEPARTMENT, MULTNOMAH COUNTY SHERIFF'S OFFICE, THE SALEM POLICE DEPARTMENT, AND THE WEST LINN POLICE DEPARTMENT, AND FEDERAL EXECUTIVE AGENCIES TO INCLUDE - FEDERAL BUREAU OF INVESTIGATION (FBI), FEDERAL TRADE COMMISSION, U. S. POSTAL SERVICE, U. S. SECRET SERVICE, AND THE U.S. ATTORNEY – DEPARTMENT OF JUSTICE TO INVESTIGATIVE FRAUD AND IDENTITY THEFT THROUGH THE FORMATION OF A REGIONAL ECONOMIC CRIME INVESTIGATION CENTER (RECIC).

WHEREAS, the City of Milwaukie is developing strategies to provide high quality livable communities ; and

WHEREAS, the City Council has directed city staff to develop cost effective programs to improve community livability; and

WHEREAS, identity theft and fraud negatively impacts businesses and citizens alike and is the fastest growing crime in our City;

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the Police Chief to sign an intergovernmental agreement to collaboratively create a Regional Economic Crime Investigation Center with other participating police agencies.

Introduced and adopted by the City Council on May 18, 2004.

This resolution is effective on June 18, 2004.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised)

**INTERGOVERNMENTAL AGREEMENT
And
MEMORANDUM OF UNDERSTANDING
REGIONAL ECONOMIC CRIME INVESTIGATION CENTER**

1. PARTICIPATING AGENCIES

THIS AGREEMENT to form the Regional Economic Crime Investigation Center (RECIC) is made and entered into pursuant to Oregon Revised Statute Chapter 190.010 and 31 U.S. Code §6305 by and between the law enforcement “Executive Agencies” of the United States Government (“Federal Executive Agencies” – FEA) and State and local law enforcement executive agencies (“State Executive Agencies” – SEA), collectively referred to herein as “Participating Agencies” who are signatories hereto and or signatories to any amendment or modification hereto, specifically:

A. State Executive Agencies:

1. Beaverton Police Department
2. Bellevue Police Department
3. Clark County Sheriff’s Office
4. Eugene Police Department
5. Lake Oswego Police Department
6. Marion County Sheriff’s Office
7. Medford Police Department
8. Milwaukie Police Department
9. Multnomah County Sheriff’s Office
10. Portland Police Bureau
11. Salem Police Department

12. West Linn Police Department

B. Federal Executive Agencies:

1. Federal Bureau of Investigation (FBI)
2. Federal Trade Commission
3. U. S. Postal Service
4. U. S. Secret Service
5. U.S. Attorney – Department of Justice

THE PARTICIPATING AGENCIES HEREBY AGREE AS FOLLOWS:

2. PURPOSE AND MISSION

A. Mission. The Regional Economic Crime Investigation Center (RECIC) provides a centralized location for local, state and federal law enforcement agencies to reduce economic crime through coordinated information collection, investigation, prosecution, and public education.

B. Justification. Economic crime is the fastest growing sector of crime in the nation and in the region. Across the nation, the combination of check fraud, credit card fraud, bank fraud, loan fraud, insurance fraud, identity theft and money laundering results in economic losses of over \$300 billion annually. The Portland Police Bureau alone receives over 500 identity theft reports a month, and the average victim loses at least \$1,000 and at least 175 hours of personal time. The U.S. General Accounting Office reports an average cost of up to \$20,000 for investigation of a case and up to \$11,443 for prosecution of a case. Local agencies working independently report insufficient resources to effectively investigate and prosecute reported crimes. Because

perpetrators strike in multiple jurisdictions, several jurisdictions might be working on one case at a time unknowingly duplicating efforts and inefficiently using scarce resources.

For these reasons, the above agencies agree that a multi-jurisdictional collaborative approach will both reduce the occurrence of economic crime and improve the efficiency of investigation and prosecution by eliminating duplication of services and maximizing resources.

C. Purpose. The purpose of RECIC is to provide a centralized location for local, state and federal law enforcement agencies to combine information and resources to provide the following coordinated services:

1. Receive crime reports and prioritize cases for investigation
2. Investigate cases and conduct crime analysis
3. Identify and prosecute appropriate cases, and
4. Provide public education, prevention and victim assistance.

3. TERMS AND CONDITIONS

A. Power and Authority. The RECIC is vested with all powers, rights, and duties, including expenditure of appropriated funds and retaining of personnel, necessary for performing those functions in the coordinated investigation and prosecution of economic crime and permitted by applicable law. Those functions include, but are not limited to, coordinated criminal investigations, surveillances, arrests, and prosecutions of individuals and organizations involved in economic crime; coordinated seizure and forfeiture of property used or derived from illegal activity as may be allowed by applicable law; application for and receipt of funds to be used in the enforcement of criminal law; and coordinating investigative efforts with private sector representatives to the extent allowed by law.

B. Governing Body.

1. RECIC shall be managed by an Operations Manager and Management Team, consisting of the District Attorney or designee from each participating county and one law enforcement representative from each participating jurisdiction. Each participating jurisdiction shall appoint, at its pleasure, one primary representative and one alternative representative who may attend all management team meetings and participate in the absence of the participating jurisdiction's primary representative.

2. The RECIC Center will be governed by a Governing Board consisting of the chiefs, sheriffs, or designated representatives of all the participating jurisdictions. The Operations Manager and Management Team, in coordination with the RECIC Governing Board, shall be responsible for the appointment and establishment of employment terms and conditions, including compensation, and such terms shall be consistent with those of the represented jurisdictions, and adoption of RECIC's annual operating budget. The RECIC Center and Governing Board are distinct and separate from the RECIC Foundation, which is an Oregon Public Benefit Non-Profit Corporation incorporated under ORS 65.001(37). The purpose of the Foundation is to support RECIC through soliciting funds from public and private agencies, identifying policies and procedures for dissemination of funds to support the Center, public education, and evaluation. The RECIC Foundation Board may work collaboratively with the Management Team of RECIC according to its Articles of Incorporation and Bylaws.

3. All meetings of the management team and the RECIC Governing Board shall be held in accordance with Oregon Public Meeting laws, ORS 192.610 *et.seq.*

C. RECIC Operations Manager.

1. The Governing Board of the RECIC Center shall select and appoint a RECIC Operations Manager.

2. The RECIC Operations Manager shall be the chief operational and administrative officer of RECIC and shall be responsible for:

- a. RECIC administration, personnel, purchasing, and budget functions
- b. Identification, prioritization and coordination of RECIC operations, including but not limited to expenditure of money consistent with the adopted RECIC budget
- c. Retaining personal services necessary to the RECIC operation
- d. Entering into application agreements and obligations on behalf of RECIC
- e. Hiring, training, discipline, and/or discharge of all subordinate RECIC personnel
- f. Attending and providing executive staffing of the RECIC Governing Board and RECIC Management Team meetings, and
- g. Preparing and presenting the RECIC Annual Budget.

D. RECIC Funding. It is intended that RECIC will be self-supported in its operation. Costs of operating and maintaining RECIC will be borne through grants and contributions provided from participating agencies, contributions from the RECIC Foundation, and assets forfeited as a result of the RECIC's efforts to the extent allowed by applicable law. In entering into this Agreement, no participating jurisdiction is committing to any funding of RECIC except as explained below.

E. Staffing and Other Contributions. Each participating jurisdiction, through its appropriate law enforcement agency, commits to providing either staffing for RECIC efforts, materials and supplies, consultation and guidance, or other support as determined by that organization in accordance with its policies and ability. In no event shall any participating jurisdiction's law

enforcement agency or office be compelled to provide staffing of a RECIC effort that would result, in the opinion of that agency or office's chief law enforcement officer, in placing the agency office or its personnel at unnecessary risk. Participating jurisdictions' employees shall remain employees of their agencies, be assigned to RECIC as determined by their agencies, and while under such assignment, be under the control and direction of the RECIC Operations Manager or his or her designee.

F. Duration, Withdrawal, and Termination. This Agreement is perpetual and RECIC shall continue from year-to-year, provided, however:

1. Any participating jurisdiction may withdraw from RECIC upon providing not less than 30 days written notice to the Operations Manager and the President of the RECIC Foundation, and
2. RECIC may be dissolved upon mutual agreement of all participating jurisdictions. A participating jurisdiction may withdraw from RECIC without written notice required herein only if agreed to by all remaining participating jurisdictions' Board members.

G. Division of RECIC Property Upon Dissolution.

1. Participating jurisdictions terminating their participation in this Agreement waive all right to RECIC-owned personal property so long as RECIC continues to function as a multi-jurisdictional entity. If and when termination of all participating jurisdictions occurs, the withdrawing agency shall share in the disposition of all property owned by RECIC at the time of their withdrawal. All property acquired by RECIC after withdrawal of the party will not be considered for distribution to the withdrawing party even though the funds for purchase (forfeiture, grant, or otherwise) were acquired prior to withdrawal.

2. Possession of any shared and/or loaned equipment shall revert to the original participating jurisdiction that owns it.
3. Assets purchased by RECIC from grant, forfeiture, or other funds shall, at the termination of RECIC, be disbursed as follows:
 - a. The participating jurisdictions at the time of the termination can, by not less than three-fourths ($\frac{3}{4}$) vote, agree to disbursement of specific assets to member agencies to be used exclusively for law enforcement and prosecution purposes.
 - b. In the event a $\frac{3}{4}$ vote agreement cannot be reached as to any specific asset(s), the parties to this Agreement shall jointly request from the American Arbitration Association a list of qualified arbitrators. The parties shall select an arbitrator from the list by mutual agreement. If the parties are unable to agree on an arbitrator, the arbitrator will be chosen by the method of alternate striking of names from a list of five provided by the Association. The arbitrator's decision shall be binding on all parties to this Agreement.
 - c. Notwithstanding any other provision of this Agreement, upon recommendation of the Management Team, and upon approval of the Governing Board of RECIC, the Operations Manager may make a disbursement of funds not needed for continuing operation of RECIC to participating jurisdictions.

H. Liability and Indemnification. Pursuant to ORS 190.080(3), the debts, liabilities and obligations of the intergovernmental entity shall not be, jointly and severally, the debts, liabilities

and obligations of the parties to the intergovernmental agreement, but shall be allocated according to the provisions in this section.

For purposes of this partnership it is understood that each participating agency is responsible for liability issues resulting from the actions of its own officers and employees.¹ The participating federal agencies acknowledge that the United States is liable for the negligent or wrongful acts or omissions of its agents and employees, while acting within the scope of their federal employment to the extent permitted by the Federal Tort Claims Act.²

Each participating agency is responsible to provide workers' compensation insurance coverage or self-insurance for its own employees.³ Each party hereto shall obtain and maintain in full force and effect adequate public third party liability insurance or self-insurance with respect to bodily injury and property damage to cover claims for injury to persons or damage to property arising from the performance duties authorized by this Agreement.⁴

To the extent permitted by Article XI, Sections 7 and 9 of the Oregon Constitution and by the Oregon Tort Claims Act, and subject to the Anti Deficiency Act, 31 U.S.C. §§1341 *et seq.*, and the Adequacy of Appropriations Act, 41 U.S.C. §11, and the availability of relevant Federal funds, each party, as the employing agency, shall defend, save, hold harmless and indemnify each other party and such parties' officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever arising

¹ See HIDTA agreement at 4.

² *Id.*

³ *Id.*

⁴ See Master Interlocal Mutual Law Enforcement Assistance Agreement at 11.

from, arising out of, or relating to activities of the indemnifying party or its officers, employees, subcontractors or agents under this Agreement,⁵ subject to the following provisions and limitations:

1. Generally. Except as provided herein, liability for any and all loss, damages, injury, liability suits and proceedings however caused, arising directly or indirectly from the performance of duties under this Agreement shall be allocated in accordance with ORS 190.476.⁶
2. Claims Involving Unauthorized Intentional Conduct. The duty to defend or indemnify, established herein, shall not extend to liability alleged or found to have arisen out of bodily injury to persons or damage to property caused by or resulting from the unauthorized intentional conduct of personnel of any other party.

⁵ HIDTA at 4.

⁶ **190.476 Delegation of supervision of police officers; agency liability.** (1) An officer exercising authority under ORS 190.472 is subject to the supervisory control of and limitations imposed by the commissioning agency. However, the commissioning agency may temporarily delegate supervision of the officer to another law enforcement agency.

(2) Any liability or claim of liability that arises out of the exercise of authority under ORS 190.472 by an officer acting within the course and scope of the officer's duties under ORS 190.472 is the responsibility of the commissioning agency unless:

- (a) The officer acts under the direction and control of another agency; or
 - (b) The liability or claim of liability is otherwise allocated under a written agreement between the commissioning agency and another agency.
- (3) All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, relief, disability, workers' compensation insurance and other benefits that apply to the activities of officers when performing their duties within the territorial limits of their commissioning agencies apply to them and to their commissioning agencies to the same degree and extent while the officers exercise authority under ORS 190.472.

(4) As used in this section, "commissioning agency" means the agency for whom the officer is employed full-time and by whom the officer is compensated. [1997 c.855 §3]

3. Claims Involving Sole Conduct of Person or Party. The duty to defend or indemnify, established herein, shall not extend to liability alleged or found to have arisen out of bodily injury to persons or damage to property caused by or resulting from the sole acts, omissions or negligence of personnel of any other party.

4. Claims Involving Concurrent Conduct. The duty to defend or indemnify, established herein, shall extend to liability for damages alleged or found to have arisen out of bodily injury to persons or damage to property caused by or resulting from the concurrent acts, omissions or negligence of personnel of the parties only to the extent of the actual negligence of such personnel. Notwithstanding the existence of related liability claims against other parties, as to claims of concurrent liability, the duty to defend and indemnify shall extend to the party whose personnel's actual conduct, act or omission is agreed by the parties or later determined to have been the direct cause of the injury to persons or damage to property which is the subject matter of the claim.

5. Property of the Parties. No party to this Agreement shall be obligated to reimburse any other party for use of personnel or equipment, except that, in the event of emergency assistance in a major incident, the requesting agency shall retain responsibility for all extraordinary equipment, materials and supplies, including reasonable subsistence expenses.

6. Notice of Claims or Actions. If any party receives notice of claim, suit or action arising from the exercise or alleged exercise of authority under this Agreement, such party shall immediately (within twenty-four hours) notify in writing the Operations Manager of the RECIC Center and all other known parties who are or may be affected by such notice of claim, suit or action.

7. Limitations. The indemnification requirements contained herein are subject to the limitations contained in the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260-300).

I. Amendments. This Agreement may be modified in writing upon three-fourths (3/4) or more vote of all participating jurisdictions.

J. Effective Date. This Agreement shall be effective when the governing bodies of two (2) or more participating jurisdictions have properly authorized it.

K. Severability. The terms of this Agreement are severable and a determination by an appropriate body having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part shall not affect the remainder of this Agreement.

L. Interpretation. The terms and conditions shall be liberally construed in accordance with the general purposes of this Agreement.

M. Dispute Resolution. In the event of a dispute between any parties to this Agreement regarding the terms of this Agreement, the dispute and options for its resolution shall be reviewed, first, by chief law enforcement officers and second, by the designee of the governing body of the affected agencies. Any decision of the affected parties regarding the dispute shall be final as between those parties and shall be communicated in writing to the designated Operations Manager of RECIC. Any dispute, controversy or claim of breach arising out of or related to this Agreement which cannot be resolved by the affected parties shall be referred, first, to the Operations Manager and second to the RECIC Foundation Board for mediation. The designated administrator or mediator(s) appointed by a majority of the Board shall review the dispute, controversy or claim and options for its resolution. Any action taken or decision made in informal consultation or mediation shall be subject to ratification by the governing bodies of the

affected public agencies. Any dispute, controversy or claim of breach which cannot be resolved by mediation shall be submitted to binding arbitration in accordance with the rules and procedures set forth in ORS Chapter 36, and the judgment or award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

N. Signatures to this Agreement. The parties shall sign this Agreement as follows:

1. Beaverton Police Department at page 14
2. Bellevue Police Department at page 15
3. Clark County Sheriff's Office at page 16
4. Eugene Police Department at page 17
5. Lake Oswego Police Department at page 18
6. Marion County Sheriff's Office at page 19
7. Medford Police Department at page 20
8. Milwaukie Police Department at page 21
9. Multnomah County Sheriff's Office at page 22
10. Portland Police Bureau at page 23
11. Salem Police Department at page 24
12. West Linn Police Department at page 25
13. Federal Bureau of Investigation at page 26
14. Federal Trade Commission at page 27
15. U.S. Postal Service at page 28
16. U.S. Secret Service at page 29
17. U.S. Attorney at page 30

IN WITNESS WHEREOF, the parties hereto have caused this Intergovernmental Agreement forming the Regional Economic Crime Investigation Center (RECIC) to be duly executed on the day and year provided below.

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Milwaukie City Attorney

Date: _____

Chief of Police, Milwaukie

Date: _____



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: May 11, 2004
RE: May 18, 2004 Hearing on Transit Center Location¹

ACTION REQUESTED

The action requested is a Council decision on the following:

1. Which site should the City recommend as the preferred location for the Milwaukie Transit Center?
2. Should the City recommend the Southgate Crossover or Tillamook Branch light rail design option?

Unlike, for example, an appeal of a land use decision, this matter is not before Council pursuant to a requirement of the Municipal Code. Rather, the action requested is a recommendation to TriMet and Metro on relocation of the transit center and to the South Corridor Policy Committee on the Southgate Crossover or Tillamook Branch alignments. Though each will set broad scale implications for the future project, neither recommendation is final. (See Tab 13.)

Relocation of the transit center will eventually require a more detailed analysis than is required during this phase of the process. For example, final action will require TriMet, as applicant, to submit a City land use application. At a minimum, this will require more detailed analyses of soils conditions as well as environmental and traffic impacts. It will also give rise to further public notices and public input opportunities afforded by the land use process. A final decision will in all likelihood condition approval on the mitigation of adverse impacts.

¹ This report refers to material that is identified by tab numbers. The page numbers used in this report are to be found at the top of a document. Each page number is preceded by the tab number. An index listing the contents of each tab is included at the end of this report. This report together with the supporting material and corresponding tab numbers may be found on the City's web page—www.cityofmilwaukie.org.

An amendment of the existing locally preferred alternative (LPA) to reflect a change in the alignment of the Milwaukie light rail project will require, at a minimum, an environmental analysis that will likewise present opportunities for public input.

The decision before Council on May 18 is a recommendation only and does not foreclose either opportunities for extensive public participation or consideration of design alternatives in the future. Rather, the decision seeks to give focus to current planning efforts.

BACKGROUND

In February 2003, after extensive study and public process, the South Corridor Policy Committee recommended a two-phase South Corridor project strategy. Phase 1 envisions light rail from the Gateway District to the Clackamas Town Center with extensions along Southwest Fifth and Sixth Avenues in downtown Portland. Phase 2 calls for a light rail connection from Milwaukie and Southeast Portland to downtown Portland.

The Policy Committee included relocation of the on-street Milwaukie Transit Center concurrent with Phase 1 of the project. This action arose from the belief that the City should receive an early, tangible benefit in light of its active participation and leadership role in the South Corridor process. Relocation of the transit center is consistent with the City's emphasis on revitalization of its downtown and is defined in the Downtown and Riverfront Land Use Framework Plan (Downtown Plan) as one of the "Priority Projects."² (See Tab 20, page 20-26.)

The Milwaukie Planning Commission recommended adoption of the Policy Committee's recommendation on March 11, 2003. In its action recommending approval, the Commission added "Recommended Findings, Observations, and Considerations for Future Design and Mitigation." (See Tab 2, Exhibit A.) Among the Commission's recommendations are:

1. Relocate the transit center from downtown Milwaukie as soon as possible.
2. A public involvement strategy that includes affected property owners and business operators that ensure (sic) adequate and thorough participation should be implemented.
3. The light rail project should be designed to minimize adverse impacts on area businesses.

² The Downtown Plan targeted that relocation for the site formerly occupied by Safeway. However, the site was later rejected. The Downtown Plan itself notes that the ". . . Framework is not a regulatory document. Any part of the Framework that is intended to have a binding effect will have to be adopted as part of, or pursuant to, a code to have regulatory effect." (See Tab 20, page 20-5.)

4. TriMet and Metro should form a Milwaukie working group for the Transit Center and Park & Ride relocation effort, so that representatives of the community, its residential neighborhoods and its industrial/commercial districts, can be involved in the interim and final designs of this transit center.

On April 1, 2003 the Council adopted the LPA recommended by the Policy Committee and Planning Commission. (See Tabs 1 and 2.) In approving the recommendation, the City Council requested that the Metro Council adopt the Planning Commission's additional design and mitigation measures.³ Portland, Oregon City, Multnomah County, Clackamas County, TriMet, and the Oregon Department of Transportation also supported adoption of the Policy Committee's LPA recommendation.

On April 17, 2003, the Metro Council approved the locally preferred alternative recommended by the Policy Committee.⁴ The Metro Council's action includes "relocation of the existing on-street Milwaukie transit center to the Southgate area pending resolution of design and environmental issues" (See Tab 3, page 3-6.)

The Metro Council action noted that two design options were considered for the Milwaukie LRT alignment—namely, the Tillamook Branch and Southgate Crossover options. The selection of the Southgate Crossover Design Option as the preferred alignment drew the following concern from the Planning Commission in its March 11, 2003 recommendation (See Tab 2, Exhibit A.):

The Main Street alignment has potentially significant impacts to area businesses and therefore may not be the best alignment considering that the Tillamook alignment has far fewer potential impacts. Successful mitigation efforts . . . must be implemented in order to address the strong North Industrial Area business concerns expressed about the Crossover alignment.

The Metro Council's decision recognizes the need for further work by including the following among the issues to be addressed by staff (See Page 3-24.):

Work to address traffic and truck access issues along the Southgate Crossover, especially on SE Main Street, SE Milport Street and SE Mailwell Drive and the SE Milport intersection with SE McLoughlin Boulevard.

³ The Metro Council did not adopt the Planning Commission's additional issues, but TriMet was encouraged to pursue the recommendations. (See Tab 4.)

⁴ The Metro Council would take further action on the South Corridor project on January 15, 2004 with adoption of the land use final order (LUFO) and approval of the Portland Mall LPA. The LUFO identifies and confirms the light rail routes and creates a study area between Tacoma Street and downtown Milwaukie.

Upon adoption of the LPA TriMet and the City began discussions on the next steps, and in August 2003, staff submitted a plan to the Council for creation of the Milwaukie Transit Center Working Group (Working Group). The objectives of the Working Group were set forth in a draft work program dated August 5, 2003 (See Tab 5.)⁵:

- Develop a mitigation plan for the Locally Preferred Alternative that minimizes impacts to access, circulation and parking within the North Milwaukie Industrial Area.
- Seek consensus within the Working Group for a mitigation plan that can become a recommendation for consideration by the Milwaukie Planning Commission and Milwaukie City Council.
- Ensure that the mitigation plan meets the functional requirements for transit-related facilities in Milwaukie and allows for phased implementation.

The Working Group began its process in September 2003 and concluded its work in February 2004. During that time it met as the full Working Group six times. In addition, Working Group members who were Milwaukie stakeholders and Milwaukie staff met apart from the Working Group four times to ensure that the City's interests were protected. This became known as the "Milwaukie Only Group."

After a great deal of discussion, it became obvious to the group that modification of the original LPA would not meet the needs of the community and the affected businesses. With this in mind, the Working Group identified eight alternatives for consideration, later adding a ninth—the Kellogg Lake site. As working group members suggested alternate sites for the Transit Center, new stakeholders were identified and recruited to join the Working Group. (See Tab 9 and Tab 14, pages 14-8 to 14-10, 14-28 to 14-32, and 14-97 to 14-106.)⁶ Six of the original alternatives were located in the North Industrial Area.

On January 22, 2004 the Milwaukie Only Group completed its work after four meetings. That process narrowed the nine alternatives to two—the ODOT (Alternative 2.2) and Kellogg Lake (Alternative 2.5) sites. (See Tab 12.) Proponents of Alternative 2.2 cited the following as reasons for support:

- Adverse traffic impacts within the Historic Milwaukie neighborhood will be exacerbated with the Kellogg Lake alternative;

⁵ A list of the original working group members and staff support is included on Tab 7, page 7-3. As options expanded to include other areas and interests, stakeholders were identified and added.

⁶ For a more complete description of the Working Group and Milwaukie Only Group processes, see Tabs 5 through 12 and attachments to Tab 14. The alternatives and accompanying maps are set forth in Tab 14, pages 14-97 to 14-106.

- A transit center draws negative activity such as crime and loitering, resulting in adverse impacts in the downtown; and
- Location of a transit center in close proximity to the downtown will deter development.

Proponents of Alternative 2.5 cited the following as reasons for support:

- Results in a more timely relocation of both the present transit center and correction of McLoughlin, River Road, and 22nd Avenue intersections;
- Results in better traffic flow, especially if combined with a park and ride at ODOT. Traffic from the south uses the transit center and its adjacent park and ride, and traffic from 224 uses the ODOT park and ride;
- Creates opportunities for an infusion of money into the downtown; and
- Reduces the footprint needed for a transit center and presents an opportunity to integrate with Kellogg Lake initiatives.

The Milwaukie Only Group cited the following areas of agreement:

- The transit center must be removed from the downtown by 2006;
- Milwaukie stakeholders share common interests in protecting the City's livability, economy, and environmental quality;
- All Milwaukie stakeholders have valid concerns. The varied stakeholder opinions represent differing but legitimate values and differences in how each alternative performs based on its location and design;
- There will be impacts regardless of the location of the transit center and related light rail facilities. The better these are described the better able will the City be in minimizing impacts, securing mitigation, and maximizing benefits;
- Alternatives 2.2 and 2.5, and a possible hybrid of the two, are the final alternatives, subject to concerns about crime, traffic, loss of open space, and the impact on the viability of both downtown and north industrial business development. Identification of specific mitigation measures prior to adoption is essential if the issues are to be adequately addressed;
- Because the City owns the property the transit center is sited on under Alternative 2.5, it appears better able to meet the 2006 target. There are concerns about the feasibility of acquiring either the Southgate or ODOT sites⁷; and
- By participating in the site selection and design process for transit center relocation, Milwaukie stakeholders and the City will be best able to influence its quality of development. By not participating, important decisions will be made by others.

⁷ The question of the feasibility of acquiring the Southgate site was resolved in April 2004 when the property owner and TriMet came to terms.

On January 29, 2004 an Open House displaying the nine options was held. Approximately 130 people attended, and those who filled out comment cards (55) overwhelmingly supported Alternative 2.5 (40).

On February 4, 2004 the Working Group convened its final meeting and recommended the following (See Tab 14, pages 14-150 to 14-154):

The Kellogg Lake site was preferred by the majority of the group. Those in the minority were asked if they could live with this option under certain conditions, and they indicated that they might be able to, pending further solidification of mitigation and design standards.⁸

The group also decided to recommend a light rail alignment that follows the Tillamook Branch (TB) rail line from a light rail station, bus connection, and 600 space parking structure at Tacoma; all the way down the TB line to a light rail station and drop-off zone at Washington St. near the current Milwaukie Lumber site; that would then continue south to an elevated light rail stop across Kellogg Lake via a light rail and pedestrian bridge; where it would be joined by a bus transit center and associated 660 space parking structure just west of Kellogg Lake, but east of McLaughlin Blvd. A footbridge would continue across McLoughlin Blvd to secure a pedestrian connection to Milwaukie's riverfront and the Island Station neighborhood. There would be two high-capacity bus stops in front of City Hall on Main Street, accompanied by several improvements to that block area.⁹

The project features have been proposed in two phases. Generally, the first phase would relocate the transit center to the Kellogg site and include two major intersection and pedestrian improvements to McLoughlin Blvd in that area, as well as the bus shelters and related street improvements at Main Street in front of, and around City Hall. The second phase would include the Tacoma facility, the light rail line, the Washington St. station, the Kellogg station, the train, two footbridges, and the Kellogg area parking structure.¹⁰

If approved by the City and Region, the transit center project will occur in two phases. Phase 1 is relocation of the on-street transit center to the Kellogg Lake

⁸ The following footnote was inserted at this point in the text: "Some of the Working Group members within the minority on this decision have since expressed an additional concern that the ensuing siting process not be rushed for the sake of political expediency. They have also urged that property owners adjacent to the newly recommended site need fair and timely access to the design and development process going forward. Generally this view is supported by all of the Working Group members, as well as the project staff team."

⁹ The actual number of spaces proposed was reduced to 525.

¹⁰ The Working Group also recommended a series of mitigation and design recommendations that are included at Tab 14, pages 14-150 to 14-154.

site and construction of related bus stops and parking improvements on Main and Jackson Streets. Included in Phase 1 are the following:

- Construction of a transit center, including layover bays, an operators' building, and passenger waiting areas;
- Reconstruction of the McLoughlin intersections at River Road and 22nd Avenue, including new traffic signals and pedestrian crossings;
- Construction of two bus shelters on Main Street in front of City Hall;
- An increase in on-street parking with removal of standing busses from 21st, Jackson, and Main; and
- The improvement of sections of Jackson and Main Streets around City Hall in accordance with downtown street design standards. Construction of Phase 1 is projected for 2006.

Construction of Phase 2, which is projected for 2010 subject to funding, includes the following:

- Construction of a 660 car, 4-story parking garage at the Kellogg Lake site (now reduced to 525 spaces);
- Construction of a light rail station at the Kellogg Lake site;
- Construction of a pedestrian bridge connecting the Kellogg Lake site to Lake Road and a pedestrian bridge connecting the site to the west side of McLoughlin; and
- Construction of a walk on light rail station on existing railroad property located behind Milwaukie Lumber.

The Planning Commission opened hearings on the Working Group recommendation on February 24, 2004 and recommended approval of the Kellogg Lake alternative on April 8, 2004, as follows (See Tabs 15 through 18 and the attached May 10, 2004 memorandum from Planning Director John Gessner.)¹¹:

- Adopt the working group recommendation to relocate the transit center, park and ride garage and rail platform to the Kellogg Lake site;
- Adopt the Tillamook Branch design option as the locally preferred alternative;
- Adopt the Park and Recreation Board's recommendation including at least a portion of the proceeds from the sale of the property for development of Milwaukie Riverfront Park, minimize environmental impacts, include a connection to the Trolley Trail, and provide arrangements for shared parking with park users;
- Adopt the findings and conditions as stated in the staff report (See Tab 17, pages 17-10 to 17-12.); and
- Adopt the following additional conditions:

¹¹ The April 8, 2004 Planning Commission minutes are draft and have not been approved by the Commission as of this writing.

- ✓ Minimize the impact on the Farmer's Market;
- ✓ Investigate the option of moving the busses away from the front of City Hall in order to minimize impacts on City Hall, including the use of facilities by transit users; and
- ✓ Planning Commission understands that the proposed architecture is conceptual only and does not represent an actual design.

RECOMMENDATION

The staff recommends that Council adopt the following by resolution:

- That the Tillamook Branch Design Option be recommended as the locally preferred alternative.
- That the Kellogg Lake (Alternative 2.5) site be recommended as the preferred site for relocation of the existing on-street Milwaukie transit center, including the following mitigation and design considerations and direction to staff:
 - ✓ Mitigation and design options address adverse traffic impacts within the Milwaukie Historic and Ardenwald/Johnson Creek neighborhoods and that the options be developed with participation of the neighborhoods' representatives and residents and City staff;
 - ✓ Mitigation and design options, including but not limited to architecture, noise, landscaping, and lighting, address adverse impacts upon the homes adjacent to Kellogg Lake and in close proximity to the proposed site and that the options be developed with participation of homeowners and/or residents and City staff;
 - ✓ Mitigation and design options address environmental concerns, including the loss of open space and environmental impacts along Kellogg Lake, and that the options be developed with participation of the City's Riverfront Board, Parks and Recreation Board, interested citizens, and City staff;
 - ✓ Mitigation and design options address law enforcement and public safety concerns of the Milwaukie Police Department, neighboring residents, and Milwaukie High School;
 - ✓ That staff explore the potential adverse impacts, if any, on City Hall and Farmers' Market operations, and that mitigation and design options be developed as appropriate;
 - ✓ That staff initiate amendments, as appropriate, to the Comprehensive Plan and Downtown and Riverfront Plans; and
 - ✓ That staff submit a monthly report at the Council's second meeting of the month commencing with July 2004 on all of the above.

Support for the recommendation arises from the following:

1. The Working Group and Milwaukie Only Group processes were extensive and exhaustive, occupying a five-month period of time. The participants invested a great deal of time and energy in arriving at a recommendation. The meetings were designed to elicit the opinions of the participants and to fully respond to questions and concerns. The criticism of past processes as being “staff driven” and “top down” were consciously avoided by staff. The goal was to create a “participant driven” process. As the options expanded to include the sites at the south end, additional stakeholders from within the new area who would speak to their issues were sought and added. Process is easy to criticize. There is always one person who did not receive notification, and there is always one person who could not fit the meetings into his/her schedule. This process was undertaken with the intention of ensuring a result that was well considered. It is a process that consciously sought to reach a result dictated by the members. The result deserves to be accorded a great weight in arriving at a final recommendation for a number of reasons. First, the Working Group invested a great deal of time in fashioning its recommendation. Second, by virtue of the time it invested and the open nature of the process, it has considered the issues at a greater level of detail than any other public body. Third, participation in the processes was by those who were most directly affected. Fourth, given the extensive work done by the Working Group and the Planning Commission, it would be challenging to recruit members to consider future issues if this recommendation is rejected for anything other than clear and compelling reasons. The Working Group does not possess a veto over this decision, but its decision does deserve to be accorded great weight in the deliberations.
2. This decision has a direct impact on the City’s reputation among its regional partners and the development community. The reputation that the City has gained among those interests has been one of inconsistency and instability when faced with competing demands. Regional partners hold the key to funding for issues like transportation. They look for recipients who can deliver on commitments. The development community holds the key to the development that is needed for the City to achieve financial stability. Without a substantial increase in the value of this community, the City’s property tax revenues will not keep pace with the costs for services. Absent a change in value, the City will have to erode its support for all but one or two of the many services the City currently provides. It is doubtful that its identity as a viable city will survive. Like our regional partners, the development community is looking for stability and commitment. The City’s willingness to support the conclusions of the South Corridor and Working Group processes is an important indication of the City’s commitment and stability. This is not a call for ratification regardless of

the merits of a recommendation. Again, the Kellogg Lake recommendation was the rational product of an exhaustive process.

3. The Kellogg Lake site is a logical extension of the City's vision in the area and complements major projects planned for the area. There are numerous major initiatives currently underway in the City's downtown and riverfront. Development of the riverfront and the active use of it during the City's Centennial year demonstrate renewed commitment to its place as the City's "living room." (See Tab 20, page 20-10.) Simultaneously, the Trolley Trail and boulevard treatments that will soon be constructed on McLoughlin Boulevard demonstrate a commitment to foot and bicycle traffic. The continuing efforts to eliminate the Kellogg Sewage Treatment Plant, now entering a more active phase with publication of the joint Clackamas County-Oak Lodge Sanitary District consolidation study, demonstrate a commitment to expanding opportunities in the downtown. The North Main project is further, tangible evidence of that commitment. For far too long the City has been accused of a commitment to the development of expensive plans that went nowhere. The above projects evidence plans that are in action. The Kellogg Lake site anchors the south end of our Downtown and our Riverfront, and it is a logical addition to the area's current activity.
4. Relocation as recommended eliminates problems created by the LPA in the North Industrial Area. There is a great deal of commerce that flows through the North Industrial Area to Oregon, Washington, California, Alaska, and western Canada. An industrial tax base is a healthy element of any city's financial future. In addition, the jobs produced by this area are well paying and difficult to replace. A Southgate transit center and the Southgate Crossover light rail alignment present numerous problems to the existing businesses. Our goal should be to enhance opportunities within the North Industrial Area and not to impair the ability to operate. The Kellogg Lake solution eliminates the problems caused by the LPA and preserves the City's industrial tax base. In fact, the Kellogg Lake site presents no harm to any existing businesses.
5. The Kellogg Lake site reduces commuter traffic through the City. Northbound traffic will have an alternative that provides a parking facility and transit option before it reaches the downtown.
6. The Kellogg Lake site optimizes the potential for a timely solution to the present on-street Milwaukie Transit Center. Timely elimination of lengthy bus layovers and a reduction of bus circulation through the downtown go to the heart of the transit center relocation effort and supports the guiding principles of the City's Downtown Plan-namely, "[c]reating a livable community" and "[e]nsuring economic success." (See Tab 20, page 20-11.)
7. The second phase of a Kellogg Lake project includes the construction of two bridges from the site to the City's downtown and riverfront. This

opens riverfront access and provides ample parking for events, thus facilitating a major goal of the Downtown and Riverfront Plan by enhancing development of the riverfront.

8. Transit service to the City is sustained, and transit operating needs are met.

During this process one question arose which should be addresses in this memo—namely, why do we need a transit center in this City? The problem that arises is that question is misstated. The question should be: What is it about this City that it should be able to avoid regional responsibility that others have accepted? Why is it different? Transit centers are currently located in Oregon City, Lake Oswego, Tigard, and Portland. Milwaukie is fortunate to have public transportation services that link it to the region. The City will isolate itself from the region and connections to its various employment centers by rejecting cooperation on this issue. The City’s location between Clackamas County and the City of Portland places it in the position of feeling every pressure caused by growth. The better course is to actively participate in solving the challenges we face because of our location and to welcome the benefits that will accrue from that response.

A major challenge presented by issues like the one before Council is the inability to craft a decision that produces a “win” for all stakeholders. The result is all too often two or more parties vying for a decision that endorses an individual, mutually exclusive position. No decision in this matter will fill the room with elation on all sides.

In a sense, no action is as important as that which follows. If, as recommended, Council elects to forward the Kellogg Lake site and Tillamook Branch Design Option to TriMet and the South Corridor Policy Committee, and if that recommended course of action were to survive local land use processes and federal environmental scrutiny, then we will all need to work toward the goal of addressing every concern that has been voiced. Thus, once a decision emerges from this process, the City, TriMet, Metro, and ODOT should focus a great deal of attention on developing mitigation and design options to reduce identified adverse impacts. The staff recommendation recognizes this need.

Attachments:

1. Index
2. May 10, 2004 Memorandum re “Planning Commission’s Action on Transit Center Relocation” from John Gessner
3. May 6, 2004 Memorandum re Recommendation for Milwaukie Transit Center at Kellogg Lake from Phil Selinger, Project Planning Director, TriMet

INDEX

- 1** City Council Minutes -- April 1, 2003 pages 6 – 25
- 2** Milwaukie City Council Resolution 12-2003
- 3** South Corridor Project: Locally Preferred Alternative Report, Adopted by the Metro Council -- April 17, 2003
- 4** Letter from Brian Newman to Fred Hansen regarding LPA -- May 19, 2003
- 5** Milwaukie Light Rail Working Group Staff Memo – August 19, 2003
- 6** City Council Work Session Minutes pages 12-14 -- August 19, 2003
- 7** Milwaukie Light Rail Working Group Status Report -- Staff Memo October 20, 2003
- 8** City Council Work Session Minutes pages 2-3 -- October 20, 2003
- 9** Milwaukie Transit Center Working Group Status Report -- Staff Memo December 5, 2003
- 10** City Council Minutes pages 23-26 -- December 16, 2003
- 11** Working Group Charge Letter from Michelle Gregory -- March 31, 2004
- 12** Transit Center Relocation Position Paper -- January 26, 2004
- 13** City Attorney Opinion regarding Land Use Issue -- March 2, 2004
- 14** Transit Center Relocation Recommendation for Option 2.5 Staff Memo - - February 17, 2004
- 15** Planning Commission Draft Minutes -- February 24, 2004
- 16** Planning Commission Draft Minutes -- March 9, 2004
- 17** Transit Center Relocation Recommendation for Option 2.5 Staff Memo -- April 8, 2004
- 18** Planning Commission Draft Minutes -- April 8, 2004

- 19** South Corridor and Milwaukie Neighborhoods' 14 Points
- 20** Milwaukie Downtown Plan
- 21** Correspondence



**To: Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director**

From: John Gessner, Planning Director

Date: May 10, 2004

Subject: Planning Commission's Action on Transit Center Relocation

On April 8, 2004, the Planning Commission adopted a resolution selecting Alternative 2.5 for relocation of the Transit Center and selecting the Tillamook Branch as the locally preferred alternative alignment and adopted the following findings and conditions.

Findings in Support of Alternative 2.5

1. On April 1, 2003, the City Council adopted Resolution 12-2003 in support of the South Corridor Steering Committee selected Locally Preferred Alternative. The Council's resolution includes the Planning Commission's March 11, 2003 recommendation for the following:
 - a. A. request to convene a working group to examine concerns about the proposal's impact on the north industrial area and to ensure broad public participation.
 - b. Concerns that the Main Street alignment may have potentially significant impacts and that the Tillamook Branch may more suitable.¹
2. TriMet convened a working group of the north industrial businesses, neighborhood, and downtown representatives, property owners, and the School District. The group met many times over a five-month period to examine alternative designs and locations, considered a broad range of policy concerns, advantages and disadvantages of each alternative.
3. On February 4, 2004 after fair and inclusive consideration of numerous alternatives, the Working Group recommended Alternative 2.5. The Milwaukie Transit Center Working Group Decision and Recommendation to the Planning Commission is hereby adopted.²

¹ See City Council Resolution 12-2003.

² See February 4, 2004 Working Group Decision and Recommendation to the Planning Commission.

4. Public information and outreach efforts included numerous direct mailings, media reports and notices, an open house, and updates to the community, Planning Commission, and City Council.
5. The Planning Commission conducted televised public hearings on, February 24, March 9, and April 8, 2004, at which public testimony was heard and considered.
6. Alternative 2.5 is preferred for the following reasons:
 - a. It optimizes the potential for a timely relocation of the transit center as requested by the City Council.
 - b. Many problems of the LPA that were identified by the Planning Commission and City Council including impacts to businesses and tax base are resolved.
 - c. Commuter traffic through the City is reduced.
 - d. The historically deficient McLoughlin intersections at River Road and 22nd Avenue on McLoughlin are corrected.
 - e. Pedestrian and vehicle access for Island Station is improved.
 - f. Long-term access to the sewage treat plant site is improved.
 - g. New access created by the Trolley Trail project is complemented.
 - h. The City's industrial tax base is preserved.
 - i. No businesses are harmed.
 - j. The City's, economic, land use, and transit policies are supported.
 - k. Remaining federal and regional process includes additional environmental reviews require that proper environmental design and mitigation is considered including endangered species and storm water run-off.
 - l. Mitigation of open space open space maybe mitigated through use of the proceeds from the sale of the property to improve Riverfront Park or other means.
 - m. Visual impacts to northerly neighbors can be mitigated through targeted site design, architecture, and landscaping.
 - n. The alternative has the fewest adverse consequences and it is the one site that benefits the City.
 - o. Transit service is sustained and operating needs are met.
 - p. Concerns about public safety can be addressed through a subsequent community involvement process to ensure that site design and intergovernmental agreements adequately address related issues.
 - q. The Milwaukie Park and Recreation Board supports the Alternative as indicated in its January 12,2004 correspondence to Milwaukie Planning Director.
7. The proposal may result in the loss of up to 2 of approximately 25 acres of open space that were set aside under the Downtown and Riverfront Land Use Framework Plan. The reduction of open space will be mitigated through future actions including but not

limited to use of proceeds from the sale of the property for improvements to Milwaukee Riverfront Park.

8. TriMet has agreed to create community-based committees to ensure continuing public participation in site design to address environmental, visual, and public safety considerations.
9. Future analysis and environmental impacts review will ensure identification and mitigation of traffic, stormwater, habitat, and traffic impacts. The public review of these works will ensure city concerns are represented in future design and mitigation actions.
10. The City will initiate Comprehensive Plan and zoning amendments as needed to expedite and facilitate relocation of the transit center from the downtown.

Conditions of Approval³

It is requested that TriMet consider the following:

1. Minimize land needs for the project.
2. Evaluate alternatives for mitigation of natural resource impacts.
3. Consider landscaping, lighting, and architectural design features for the purpose of minimizing visual, noise, and lighting impacts on northerly adjacent properties.
4. Create citizen committees to guide resolution of design and public safety concerns.
5. Coordinate transit center relocation and light rail improvements with Kellogg Lake restoration efforts and planned improvements to McLoughlin Boulevard to leverage design, mitigation, and funding opportunities.
6. Design the downtown bus shelters in accordance with the historic character of downtown and minimize parking, noise, and visual impacts to the Farmer's Market and City Hall.

³ See also recommendations contained in the Working Group decision and Recommendation to the Planning Commission.

RECEIVED
Memo

DocC #CP017915

MAY 10 2004
**CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT**

Date: May 6, 2004
To: Milwaukie City Council
From: Phil Selinger, Project Planning Director
Subject: Recommendation for Milwaukie Transit Center at Kellogg Lake

TriMet supports the Working Group's recommended Option 2.5 for a Kellogg Lake transit center and future light rail station with park-and-ride garage. While a planning process of this nature necessarily involves a balance of competing goals and interests, this recommendation, which evolved from extensive collaboration, study and community involvement, supports a number of local and regional priorities:

- Efficient, convenient transit service for residents of Milwaukie, Clackamas County and other parts of the region.
- Timely relocation of the dispersed collection of downtown bus stops and layover locations that currently function as a transit center.
- Inter-jurisdictional collaboration to advance streetscape enhancements, transportation plans and environmental restoration projects such as the Kellogg Creek restoration, waterfront reclamation, McLoughlin Boulevard and Trolley Trail projects and the Downtown Milwaukie Plan.
- Minimal impacts to Milwaukie's businesses, tax base and traffic operations.

If the City Council agrees that Option 2.5 should move forward, TriMet is committed to working with Milwaukie's citizens, staff and leadership to develop a design that is sensitive to local needs and minimizes visual, environmental and community impacts.

Background

The City of Milwaukie lies at the convergence of several principal roadways and is designated as a Town Center under the Metro 2040 Framework Plan. Milwaukie has historical significance and continuing prominence in the metropolitan area as a residential, riverfront community and a place of commercial and industrial business. For these reasons it is a local employment center and critical hub of public transportation for Portland and Clackamas County.

This importance was recognized through the South/North Transit Corridor Study and the more recent South Corridor Study. Based on this study, in April 2003 the participating jurisdictions adopted a Locally Preferred Alternative (LPA) for bringing high capacity transit in the form of light rail to the McLoughlin Corridor, with a terminus in Milwaukie. This plan included an improved transit center to provide continuing bus service to the south and local bus service in and around Milwaukie. The transit center would replace the existing on-street collection of bus stops occupying several block faces in downtown Milwaukie, thus achieving a local goal of improving and relocating this facility.

The LPA, however, was preceded by an effort to secure Federal funding and construct an off-street transit center that could meet near-term needs and eliminate on-street bus layovers from downtown, while also anticipating future high capacity transit. Funds were secured and proposals advanced for an off-street transit center at the former Safeway site; however this site was found to be unworkable, even after numerous variations were considered. Meanwhile the Federal funds had to be committed

Because the site of the former Southgate Theater appeared as the best location compatible with all alignment and facility options under consideration within the South Corridor Study at the time, TriMet assigned the funds for the construction of a park-and-ride lot at Southgate, on the basis that this site would serve much needed near-term park-and-ride demand and could later be converted for purposes determined by the South Corridor Study.

The South Corridor LPA indeed calls for the construction of a light rail alignment to Milwaukie, with a multi-modal transit center and park-and-ride garage at the Southgate site. To the north, the alignment would include a station with a 600-space park-and-ride at Tacoma Street. The alignment would extend along Main Street through the North Industrial area and cross east to the Tillamook Branch of the Portland and Western Railroad at the Southgate site, where a park-and-ride and bus and rail transit center would be located. The alignment would then extend on to downtown Milwaukie, with a station at Harrison Street and a station with a 275-space park-and-ride at Lake Road.

In the spring of 2003, the Milwaukie City Council adopted the LPA, but their resolution included an Exhibit A, which defined a list of issues that the community wanted to see addressed as the process moved forward. Exhibit A calls for the creation of a "working group," which would address impacts related to the transit center and concerns regarding the Main Street light rail alignment. These issues were the basis for the creation of the Milwaukie Transit Center Working Group, which after several months of discussion and alternatives analysis have forwarded their recommendation to the Planning Commission and the City Council.

The Working Group Process

Responding to the community recommendation that became the mandate of the LPA, TriMet, along with technical staff from the City of Milwaukie, Metro, ODOT and consultants, formed the Milwaukie Transit Center Working Group. These 21 representatives from Milwaukie's North Industrial area, downtown, and each of Milwaukie's Neighborhood District Associations were invited to propose options and challenge staff with their concerns and ideas. Six Working Group meetings took place over five months from September 2003 to February 2004. These meetings were enhanced by another tier of four locally-based public meetings that sought feedback from the broader community. These "Milwaukie only" meetings were facilitated by City staff, providing a caucus of sorts, with open discussion away from the regional agencies.

Through extensive collaboration with staff, the Working Group developed and studied nine transit center options in two series. Options in the "1" series utilized the light rail alignment specified in the LPA; options in the "2" series shifted light rail east to the Tillamook Branch alignment farther north. (Option 2.5 was the ninth option to be developed, as a result of discussions in the "Milwaukie only" meeting process.) Each of the nine options was put through an extensive evaluation process using 21 evaluation factors. These factors broadly addressed Stakeholder Impacts, Local Concerns regarding traffic circulation, parking and public safety, Transit Operations, Environmental Issues and Cost.

Two options were selected as semi-finalists after a Community Open House provided additional local comment. Staff addressed detailed questions regarding these final selections, and the Working Group's consensus recommendation (an 18-3 vote) supporting Option 2.5 was ultimately delivered to the Milwaukie Planning Commission. The participating agencies and consultants support the Working Group's recommendation.

The Options Considered

The Working Group asked the participating agencies to coordinate and communicate which of the nine options appeared most feasible. From the agencies' perspectives, the most promising options included Options 1.2, 1.3, and 1.4 which proposed mitigation measures for the LPA alignment and a transit center at Southgate, plus Options 2.4 and 2.5 which proposed a Tillamook Branch alignment and a transit center on the Post Office site (Option 2.4) or on the Kellogg site (Option 2.5).

The other options were not considered viable by agency standards for a number of reasons:

- Option 1.1, the unmitigated LPA, was not supported because it impacts the Millport intersection, removes parking on Main Street, and impacts truck access and loading.
- Option 2.1, proposing a Tillamook alignment for light rail and a transit center at Tacoma Street, was not supported because it would add excessive operating costs or require a reduction in service. TriMet would have to either absorb an additional \$800,000 in annual operating costs or terminate several bus lines at Tacoma Street (rather than continuing service on to downtown Milwaukie), thus eliminating about one-third of Milwaukie's bus service and impacting about 460 riders.
- Option 2.2, proposing a Tillamook alignment for light rail and a transit center on the ODOT site, was not supported because again it would add excessive operating costs (\$600,000 per year) or require a reduction in service (about one-third of Milwaukie's service, with impacts to about 460 riders). Option 2.2 would also require the relocation of ODOT's operations center, which would be difficult to replace in a similar central location.
- Option 2.3, proposing a Tillamook alignment for light rail and a transit center on the Heiberg Garbage and Recycling site was not supported because the site is isolated from activity and would create problems of transit user safety and security. Emergency access to the site is severely limited. The site's owner has indicated that the transit center would impact his business to such a degree that a full purchase would be required. Option 2.3 requires that the light rail tracks be located on the west side of the freight track, thus increasing impacts to industrial spur tracks, to the Waldorf School parking lot, and to Milwaukie Lumber.

Description of Proposed Option 2.5

The Working Group's recommended Option 2.5 proposes a multi-modal transit center on the City of Milwaukie-owned site south of Kellogg Lake. The transit center would be developed in two phases as illustrated in the attached conceptual drawings.

The complete project in Phase 2 would include a light rail station, a bus layover facility, and a park-and-ride garage. Provision for a future commuter rail station adjacent to the light rail platform is also possible in the concept design. The transit center would be connected to downtown Milwaukie with a pedestrian bridge adjacent to a light rail bridge over the Kellogg Lake, and would be connected to the Island Neighborhood and envisioned riverfront park by a pedestrian bridge over McLoughlin Boulevard. These two bridges would provide an elevated link between the Island Neighborhood, the riverfront and downtown Milwaukie. Securing this connection across McLoughlin Boulevard has been a high priority goal for the City of Milwaukie, albeit difficult to fund and implement.

The light rail station would be elevated and directly connected to the upper floor of the park-and-ride garage. Access to the elevated light rail station would occur via stairs and elevators that would also serve each floor of the garage. The ground floor of the garage would function as a bus transfer and layover facility. Upon entering the site from a new signal on McLoughlin Boulevard, bus and park-and-ride traffic would be segregated within the structure, and rejoined before entering McLoughlin Boulevard.

Vehicular access to the garage and the bus transit center would occur from a new signalized intersection of 22nd Avenue and McLoughlin Boulevard. The new signal would also accommodate left turns from McLoughlin Boulevard to the 22nd Avenue/River Road couplet. Access to McLoughlin Boulevard from River Road would continue to occur at a revamped signal at River Road. At both signals, new crosswalks would improve pedestrian access, a longtime goal of the Island Station Neighborhood.

Option 2.5 also proposes that the Harrison Street light rail station identified in the LPA be located instead at Washington Street, on the east side of existing freight track. The station would occupy a parking lot currently leased by the City from the Union Pacific Railroad.

Phase 1 of Option 2.5 would consist of a bus transit center at the Kellogg site and a pair of high-capacity bus stops on Main Street at City Hall. With downtown bus stops consolidated into one pair, buses would be able to serve the downtown using more direct, efficient routing. All layovers would occur at the Kellogg site, which would include bus stops adjacent to McLoughlin Boulevard, separate layover bays, and a small bus operators' building. Phase 1 would also include reconstruction of the River Road and 22nd Avenue intersections on McLoughlin Boulevard.

Option 2.5 would add to TriMet's bus operating costs (almost \$200,000 per year), but unlike other options it would bring new service to the area south of Downtown.

Kellogg Lake Transit Center Considerations

In the Planning Commission hearings, some questions were raised about Option 2.5, which can be addressed as follows. However, it should be noted that all design features and mitigation strategies would be subject to extensive environmental assessment processes, which would include additional opportunities for public involvement.

- **Visual Impact.** The location of the transit center across Kellogg Lake from downtown Milwaukie and the homes along Lake Road calls to question the quality of the visual backdrop for this open space resource. Visual simulations show that 5-year establishment of landscaping (including evergreens) can screen buses and shelters as part of the bus transit center, but that the necessary mass of a parking structure is a greater challenge. Continued growth of that landscaping would provide additional visual softening, and other design steps can further compensate for some of this impact:
 - **Placement:** As reflected in the attached drawings, the parking garage can be located as close to McLoughlin Boulevard as possible, creating a distance between the access road and the lake of about 80 feet (or 60 feet to the top of bank). This design would allow for about 600 parking spaces in the structure.
 - **Finishes:** Exterior finish materials on the parking structure could complement the surrounding landscape. Planter boxes on the roof and along the perimeter would visually soften the edges of the structure.
 - **Terraced Top Level:** One bay of parking on the top level could be eliminated, creating a terraced structure and reducing the height on the lakeside edge from about 49 feet to 39 feet. This design would allow for about 525 parking spaces.
- **Constructability of a Parking Structure.** Although fill material makes up much of the near-surface soil in the area of the proposed garage, pilings could support the structure. Fifty- to sixty-foot end bearing pilings would provide an effective, reliable and economical method to support the proposed structure. Similar foundations with footings supported by piling are fairly common in the Portland area since soils at or near the surface are frequently unable to support the loads that would be imposed by a spread footing scheme.

- Alternative Park & Ride Locations. All of the options that follow the Tillamook alignment (i.e., options in the "2" series) propose a park-and-ride garage on the Kellogg site. (Note: All nine options include the 600-space park-and-ride garage at Tacoma Street.) Options for a park-and-ride at locations other than the Kellogg site were considered but found to be inadequate:
 - Under Option 2.2, a larger park and ride facility was considered for the ODOT site, but traffic impacts to the Ochoco/McLoughlin intersection were found to be problematic.
 - A site on the west side of McLoughlin Boulevard, bounded by Bluebird Street, 22nd Avenue and the Tillamook Branch was recently considered by staff, but was found unworkable because of its inadequate size and narrow shape, traffic impact on SE Bluebird, and loss of business property.
 - The park-and-ride garage originally proposed in the LPA at Washington Street and Main Street, to be served by the Lake Road Station, provides only 275 spaces. This park-and-ride site would be about a 1,200-foot walk from the Kellogg station, which is farther than typically acceptable.
- Bus activity in downtown. Option 2.5 includes a pair of bus stops at City Hall to provide downtown service and facilitate transfer activity. Survey data indicate that about 13% of riders waiting for buses at the existing transit center arrived as pedestrians. The majority of transit center patrons are transferring between buses (78%), but over one-third of the riders in this group reside in the 97222 zip code. The City Hall location would allow buses to continue to serve the downtown neighborhoods and businesses, while traveling a more direct route with fewer stops. The transfer function in downtown provides a broad range of efficient bus connections for transit riders from the Milwaukie area and other parts of Clackamas County. With the layover function occurring at a separate site, buses would stop downtown only long enough to drop off and pick up passengers. The two consolidated bus stops could be designed and maintained as an attractive feature of the downtown streetscape, thus advancing the City's efforts to improve the look and feel of Main St.
- Environmental impacts. Conceptual plans indicate that the transit center project would cause some disruptions to upland and riparian habitats, fill in the 100-year floodplain, and new impervious surfaces near Kellogg Creek. However, the project would be held to federal standards for environmental review and mitigation measures. As this early stage in the planning process, specific impacts and mitigation strategies have not yet been defined. As the project moves forward into the design process, detailed environmental analyses would be performed in accordance with the National Environmental Protection Act (NEPA), to determine specific impacts, alternatives, and mitigation requirements. This process, as well as any applicable state and local environmental reviews, would include extensive opportunities for public involvement in designing a facility that minimizes environmental impacts.

Opportunities

The City of Milwaukie has two immediate transit facility needs. Work continues toward replacement of the popular Southgate Park & Ride with a dedicated lot at that site. The City also needs a permanent off-street transit center that will eliminate bus layovers in downtown Milwaukie and allow security concerns to be addressed, while continuing to provide service for its community of transit users. The proposed transit center at Kellogg Lake makes it possible to meet these needs in the near-term, and creates larger opportunities:

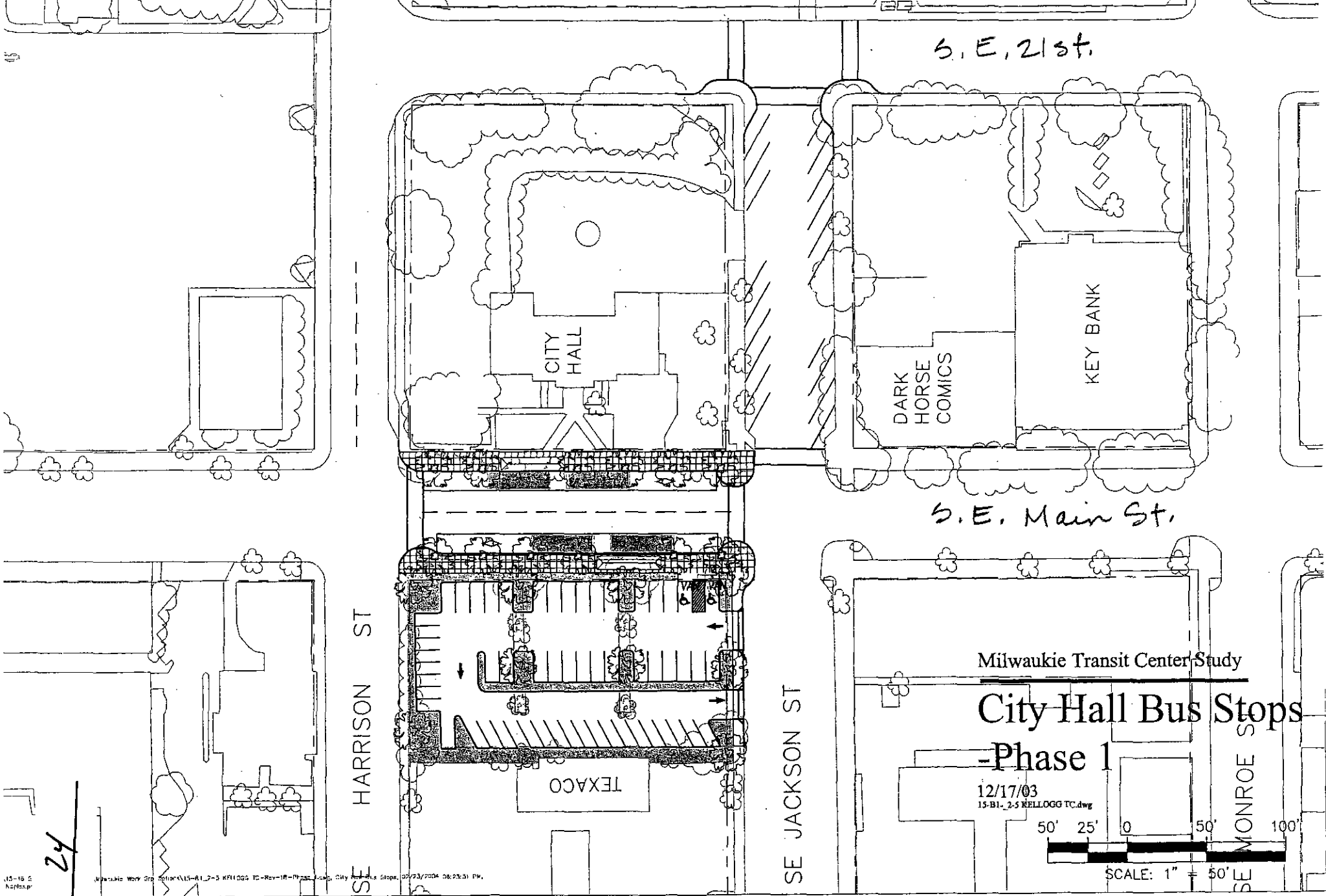
- The Army Corps of Engineers, Clackamas County, Metro and the City of Milwaukie have a collective goal of restoring the Kellogg Creek basin as an open space and fish habitat resource. The transit center project, while mitigating some direct open space impacts, could actually advance these restoration efforts and bring needed resources in a time when the project is stalled over lack of funds to proceed.

- The Downtown Milwaukie Plan calls for a streetscape facelift of Main Street, in part to encourage redevelopment. A pair of consolidated bus stops on Main Street (without the bus layover function) could provide an attractive transit connection for downtown employees, shoppers and residents, while bringing resources for the facelift of two Main Street block faces.
- Improved transit facilities in central Milwaukie would continue to support the provision of transit services to Milwaukie residents and make transit an asset rather than a liability for the City.
- The transit center project would trigger improvements to two chronically problematic intersections at 22nd Avenue and River Road, thus increasing access and safety for residents of the Island Neighborhood and pedestrians accessing the riverfront.
- In addition to the restoration of Kellogg Creek, the transit center project would compliment and be coordinated with the McLoughlin Boulevard preservation project, the Trolley Trail Project and the City's long-pursued waterfront reclamation effort.
- The Kellogg Lake Transit Center would define the terminus of the planned light rail extension to the City of Milwaukie. Phase 1 of the transit center would begin to lay the foundation for the long term facility, thus creating both symbolic and real value for local community members, private investors and regional service providers who are seeking certainty regarding the public investment benefits that accompany this major capital project.

Next Steps

The pending City Council decision is still closer to the beginning than to the end of the project development process. The designs presented with this decision are conceptual and are still dependent on planning code revisions, design and engineering, extensive environmental review processes, refined traffic analysis, continuing community outreach, the City's land development review and identification of funds for Phase 1 development.

The same partners who worked closely with the Milwaukie Transit Center Working Group are prepared to follow through to make this proposed project a success. TriMet is committed to working with the community to develop a facility that is safe, aesthetically compatible within Milwaukie, and operationally functional within the regional transportation system. To this end, TriMet supports the Working Group's recommendation for the formation of a local advisory group to provide recommendations on public safety and design features for the new facility.



S. E. 21st.

CITY HALL

DARK HORSE COMICS

KEY BANK

S. E. Main St.

HARRISON ST

SE JACKSON ST

TEXACO

Milwaukee Transit Center Study

City Hall Bus Stops -Phase 1

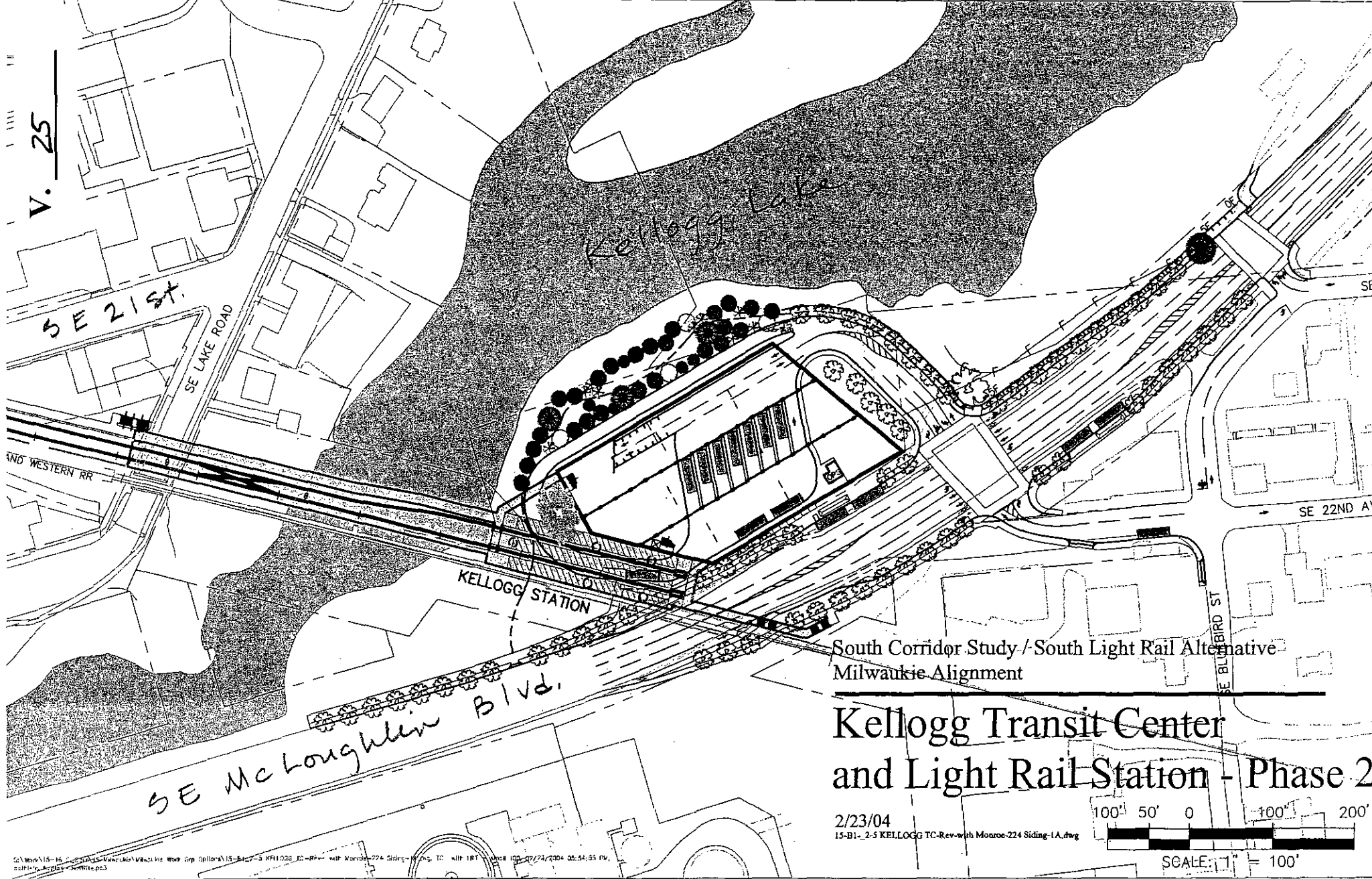
12/17/03
15-B1_2-5 KELLOGG TC.dwg



SCALE: 1" = 50'

SE MONROE ST

V. 24



V. 25

SE 21st

SE LAKE ROAD

Kellogg Lake

AND WESTERN RR

KELLOGG STATION

SE McLaughlin Blvd.

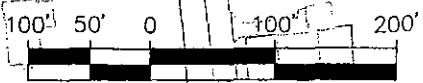
SE 22ND AV

SE BLÜBIRD ST

South Corridor Study / South Light Rail Alternative
Milwaukee Alignment

Kellogg Transit Center and Light Rail Station - Phase 2

2/23/04
15-B1- 2-5 KELLOGG TC-Rev-with Monroe-224 Siding-1A.dwg



SCALE: 1" = 100'

Small text at the bottom left corner containing file path and metadata: C:\Work\15-16... 15-B1- 2-5 KELLOGG TC-Rev-with Monroe-224 Siding-1A.dwg, 2/23/04 09:54:55 PM, acplfrc\acplfrc\acplfrc.dwg

**North Clackamas Parks and Recreation District
Milwaukie Center/Community Advisory Board
Minutes of March 12, 2004**

Members present: Joan Staley, Jim McCready, Janet Witter, Sharon Phillips, Molly Hanthorn, Jane Hanno, Katie Rudfelt, Ben Tabler, Eleanor Johnson, Chuck Petersen, Joan Newman

Member excused: Kim Buchholz

Guest present: Abi Croisant

Staff present: Joan Young, Cheryl Nally, Marty Hanley, Roy Wall, Charlie Ciecko

Call to Order: Joan Staley called the meeting to order at 10:03 am. Jim McCready moved and Chuck Petersen seconded approval of the minutes as printed.

Correspondence: None

Action Item: Jim McCready presented the most recent changes in the proposed budget. Joan Young presented a document summarizing the 03-04 changes and the 04-05 changes. After some discussion, Marty and Cheryl commented that the combination of Transportation and Social Services has had a successful transition. There is continued concern about the Nutrition & Transportation funding. Jim McCready moved to send the budget on to the Parks Board and Janet Witter seconded his motion. The motion passed. Janet expressed thanks to Joan and staff for all their hard work in preparing this budget. Chuck Petersen volunteered to serve on the Budget Committee. He was immediately appointed by Vice Chair Joan Staley. Joan Young announced that Eleanor Johnson has agreed to reconsider and will continue to be this Board's representative on the Parks Board.

Board/Committee Reports

Executive Committee: no meeting

NCPRD Board: Eleanor reminded members to try to attend the upcoming budget meetings. The proposed increase in rental fees for the Center, N Clackamas Park and the Rose Garden were discussed and approved by the Board. JoAnne Herrigel presented the Spring Park Master Plan which was approved. The Board approved action to proceed with an easement to provide parking at Mt. Talbot and access to Sunnyside Road for Miramont Pointe. The Board discussed the fee and cost for services study.

Programs and Services: Molly reported that the Travel Group was without a Chair but the members are working hard to provide services. They still need volunteers for the desk. Because of the ice, Winter classes started one week late. Students are being credited with the cost of one week for a future class. The Friends will be responsible for sponsoring the Housing Fair on April 22. The Client Assistance Program ran out of funds in February but the Friends generously provided an additional \$250.

VII. A 2

Nutrition/Transportation: Ben reported that Clackamas County Friends of Extension Service would like to partner with the Nutrition Program for a pancake breakfast to serve about 600 people. Scheduling issues are being looked at. Marty will be selling Easter Candy and has sold one bus ad which will earn \$1000 a year. There is no news on the new bus. The annual Rummage Sale will be April 1, 2, 3.

Building Review: No meeting

Friends of the Milwaukie Center: Eleanor reported feeding 425 people at the Spaghetti Dinner. With this success, the Friends continue pursuing more co-sponsors for events. Casino Night is coming up. The first annual Pool Tournament will be April 22.

Director's Report: Joan reported that the new phone system was installed and staff and volunteers were learning to use it. Cheryl remarked that now it was much easier to hear. The Quilt Show is coming up and they have around 100 community quilts to display plus all the special events. The Community Garden has been taken over by the Master Gardeners. They are working with the Clackamas High students to complete the electrical and plumbing hook-up in time for spring planting. The Milwaukie Rotary Club will meet at the Center on Tuesday, March 23. They will eat lunch and tour the building. Cheryl is still looking for a new database to serve the demographic and statistical needs of staff.

Information/Announcements: Chuck Petersen announced the arrival of his fourth great-grandson, Ryan Jeffrey Petersen. Sharon suggested putting the Center announcements on Milwaukie's public access TV channel. The group thanked Katie for providing a celebration of Joan Young's birthday.

Meeting adjourned at 11:20 am.

m. hanthorn, secretary

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, DECEMBER 9, 2003

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice-Chair
Brent Carter
Rosemary Crites
Mike Miller
Howard Steward

STAFF PRESENT

John Gessner,
Planning Dir.
Lindsey Nesbitt,
Associate Planner
Shirley Richardson,
Hearings Recorder

COMMISSIONERS ABSENT

Teresa Bresaw

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA - None.

4.0 INFORMATION ITEMS - City Council Minutes
City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT - None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Hector Campbell Neighborhood Association
Owner: City of Milwaukie
Location: 10821 SE Home Avenue
Proposal: Create a neighborhood park (Homewood Park) that maintains the natural elements of the site while adding passive and active recreational facilities. The plan includes a playground for children age 7 and younger, a path through the natural area, picnic tables, and park benches
File Numbers: CSO-03-06
NDA: Hector Campbell

Chair Hammang opened the minor quasi-judicial hearing for Community Service Overlay CSO-03-06 to consider approval of the Homewood Park Improvement Plan. Since he lives in this neighborhood and he has worked on this park for three years, he will be stepping down from voting on this application. He turned the chair over to Vice-Chair Borden.

Vice-Chair Borden stated that the purpose of the application is to allow the finalization of the plans for this park on the property located at 10821 SE Home Avenue. The criteria to be addressed can be found in Milwaukie Zoning Ordinance Section 19.302 - Residential R-7; Section 19.303 - Residential R-5; Section 19.321 - Community Service Overlay Zone; and Section 19.1011.3 - Minor Quasi Judicial Review.

Vice-Chair Borden asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. She asked if any member of the Planning Commission visited the site; 2 hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. The proposed improvements include:

- Pathway and park access
- Restoration and enhancement of native vegetation
- Picnic tables, benches, and bike racks
- Playground equipment
- Park maintenance

In June 2002, the Planning Commission approved the site for park use and adopted the Homewood Park Master Plan. This proposal is consistent with the Homewood Park Master Plan. As a condition of that approval the applicant was required to submit a Community Service Overlay application prior to improving the park.

Staff has identified that the benefits to the public will exceed any negative adverse impacts that may be associated with the use and the park will benefit the community by providing an improvement to the previous use as well as a place for active and passive recreation in a relaxed park setting, visual enhancement of the site and open space in the area.

Some negative impacts that have been expressed include:

- Noise from people using the park
- Potential for vandalism to the park, vegetation, and equipment

- Potential of gatherings that may disturb neighbors
- Potential of overnight activity from vagrant individuals

The applicant is proposing to provide landscaping to mitigate some of the negative impacts and landscaping will be designed to provide a physical screen to residential neighbors.

Staff feels that the applicant has demonstrated that the proposal is consistent with the public benefits test of the Community Service Overlay Zone and the proposal is consistent with the Homewood Park Master Plan. Staff recommends approval of the application.

Lindsey Nesbit introduced JoAnn Herrigel, City of Milwaukie, she is here tonight to answer any questions from the Commission.

QUESTIONS FROM THE COMMISSIONERS - None.

CORRESPONDENCE - None.

APPLICANT PRESENTATION

Speaking: Joann Herrigel, City of Milwaukie

Ms. Herrigel introduced Sarah Smith, who designed the Homewood Park Master Plan. The Plan being approved tonight is the final design plan done by a volunteer from the neighborhood, Peter Gray.

The City purchased the four properties that make up this site in 2000. The existing house that was on the southeast portion was removed in 2001. The Planning Commission approved the master plan and the zoning change in 2002. The last portion of the process is the Community Service Overlay.

The only major modification to the finished version of the master plan is the previous suggestion of an orchard in the northwest section of the park. After discussion and research of the area, it was not feasible or practical for the City to maintain an orchard. More detail has been given to what types of plants should be put in, where the plants should be located, and where the play structure will be located and what types of equipment will be used.

The path has been placed towards the center of the property to maximize the natural experience of the users and decrease the impact on the surrounding neighborhood. A planting plan has been provided for the southeastern edge of the site where the closest abutter is located to minimize the impact.

Following the approval of the Community Service Overlay, they expect to build the path through the park using Metro local share funds (\$10,000) to this project.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Miller asked if there were standard city hours for parks? **Ms. Herrigel** stated that the City does not have any rules that are adopted into the code. However, in the next couple of months, the North Clackamas Park District will adopt park rules and at that point she will adopt them into the City code. They will then be enforceable by the district and city staff; their parks close at half hour after dusk and open half hour before sunrise.

Mike Miller asked if the maintenance will be done by volunteers and neighbors? **Ms. Herrigel** stated that for the short-term maintenance will be done by volunteers. In the event it is added to the Intergovernmental Agreement with North Clackamas Park District, they would be agreeable to maintaining it.

Commissioner Crites asked how they plan to police the park from the homeless? **Ms. Herrigel** stated that the City has a number of policemen who will canvass the site. When an neighbor identifies a problem, the police department will note this as an area to watch. If there becomes a problem, security will be heightened. Neighbors will be notified as to whom to call in the event they see something that needs to be investigated.

Commissioner Carter noted that the soils report indicates quite a slope. He asked if there was any natural drainage provided in that area. **Ms. Drake** stated that she has never seen any standing water in that area. A lots of saplings have been planted; there is possibly one tree that may have to be removed.

Commissioner Carter asked for the percentage of deciduous versus evergreens. **Ms. Drake** stated that most of the trees are in the natural area. There is approximately 20% coniferous, 10% evergreen, an Oregon grape and evergreens. The path goes through a natural area, which will not be groomed or maintained. The northeast section, where the play structure is located, will need grooming. In addition to the neighborhood volunteers, the City facilities department will provide maintenance on a regular basis. They will make sure that it is safe and clean.

TESTIMONY IN FAVOR

Dave Aschenbrenner, 11505 SE Home Avenue, Milwaukie

Mr. Aschenbrenner stated that he is the Chair of the Hector Campbell Neighborhood Association. He has been working on this park along with others for several years now. Staff has done a wonderful job; there is a dedicated group of people who have consistently worked on this project that have done a wonderful job. He is in favor of this

project; it is a wonderful addition to the City. This is a walk-to park, not a destination park (no basketball hoops, organized sports, etc.).

QUESTIONS FROM THE COMMISSIONERS

Commissioner Miller asked Mr. Aschenbrenner if he was the one to call with maintenance issues. **Mr. Aschenbrenner** stated that he is the one to call and he will call the others in the group and they will go and deal with it. They are anxious to get started on this project. A lot of the parents are looking forward for a place their kids can go.

Commissioner Steward asked how long it will take to achieve the park objective? **Mr. Aschenbrenner** stated that they are hoping to have a couple of parts of the objective done relatively soon. They would like to get started on the play structure soon. By this time next year, the park will be open and completed; however, maintenance and some improvements will be ongoing.

Commissioner Miller asked what material will be used for the path? **Mr. Aschenbrenner** stated that the pathway will be woodchips and the pathway from the street to the play structure will be concrete.

QUESTIONS OR COMMENTS- None.

TESTIMONY IN OPPOSITION - None.

ADDITIONAL COMMENTS FROM STAFF - None.

QUESTIONS REGARDING CLARITY - None.

APPLICANT'S CLOSING COMMENTS - None.

DISCUSSION AMONG THE COMMISSIONERS

Vice-Chair Borden closed the public testimony portion of the hearing and opened it up to discussion among the Commissioners.

Commissioner Miller moved to approve application CSO-03-06, Homewood Park Improvement Plan and adopt recommended findings and conditions in support of approval. Commissioner Carter seconded the motion. MOTION CARRIED 5-0. Ayes: Carter, Crites, Miller, Steward, Borden; Nays: None.

Chair Hammang returned to the deices.

7.0 WORKSESSION ITEMS

8.0 DISCUSSION ITEMS - None.

9.0 OLD BUSINESS

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

John Gessner reported that Tri-Met has withdrawn their application for the park-and-ride at the Southgate Theatre site pending resolution of condemnation issues. Staff is not sure when the application will be formally resubmitted; possibly a couple of months. Staff will continue to work with Tri-Met on some of the technical problems identified during the review to date to make it a better application when it is resubmitted.

John Gessner updated the Commission on the transit center relocation project. A new alternative is being discussed which involves moving the transit center onto the Kellogg Lake site. There would be no standing buses on the downtown streets.

The working group has been spending a great deal of effort on this option. At the next meeting there will be discussion about refining the field of alternatives on the table and taking a closer look at the Kellogg Lake site.

There will be a city-wide open house on January 15, 2004. Staff will keep the Commission up to date on the progress of this group.

10.2 Design and Landmark Commission Report

Commissioner Carter reported that a year-end meeting will be held Wednesday, December 10th to have an overall discussion of what was achieved this year and forecast for next year. Other issues to discuss will be policies in regards to houses (i.e., Marino House) and future worksession discussions.

11.0 NEXT MEETING - January 13, 2003

11.1 Continuation of Discussion on Code Amendments

Commissioner Miller moved to adjourn the meeting of December 9, 2003. **Commissioner Carter** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:10 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

CITY OF MILWAULKIE PLANNING COMMISSION

Minutes of December 9, 2002

Page 7

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JANUARY 27, 2004

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice Chair
Teresa Bresaw
Brent Carter
Rosemary Crites
Mike Miller
Howard Steward

STAFF PRESENT

John Gessner,
Planning Director
Lindsey Nesbitt,
Associate Planer
Shirley Richardson,
Hearings Recorder

COMMISSIONERS ABSENT

None.

DESIGN AND LANDMARKS COMMISSION

Brent Carter
Barbara Cartmill
Patty Wisner

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA - November 25, 2003 and December 9, 2003 M

Commissioner Bresaw moved to approve the minutes of November 25, 2003 as revised. **Commissioner Miller** seconded the motion. MOTION CARRIED 6-0 with one abstention. Donald Hammang was not at that meeting.

Ayes: Borden, Bresaw, Carter, Crites, Miller, Steward; Abstentions: Hammang;
Nays: None.

Commissioner Miller moved to approve the minutes of December 9, 2003 as presented. **Commissioner Carter** seconded the motion. MOTION CARRIED 7-0.

Ayes: Borden, Bresaw, Carter, Crites, Miller, Steward; Abstentions: Hammang;
Nays: None.

4.0 INFORMATION ITEMS - City Council Minutes
City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT - None.

6.0 PUBLIC HEARINGS - None.

7.0 WORKSESSION ITEMS

7.1 Joint Work Session: Reorganization of the Design & Landmarks Commission

John Gessner reported that a couple of months ago the Design and Landmarks Commission was told that the Planning budget could not support both the Planning Commission (PC) and the Design Landmarks Commission (DLC). It was suggested that the DLC become a committee and as such would make recommendations to the Planning Commission. The Planning Commission could then use the recommendation for hearing decisions. The work that the DLC is currently working on will continue; the present membership would remain and the committee would play an active role in architectural/urban design issues. The joint meeting tonight is to collect ideas on how the Committee is to be composed and what relationship it will have with the Planning Commission.

Barbara Cartmill voiced concern about the transfer from a commission to a committee. She doesn't want to lose their current relationship of commission to commission and questions what the relationship will be from committee to commission. She hopes they will be able to continue to review issues and make recommendations that will carry importance before the Planning Commission.

Suggestions for transition from Commission to Committee:

- Balancing the work load.
- Separate issues and agendas for DLC and PC
- Discussion on developing a work plan that balances needs of DLC and PC.
- The Committee would like to continue further development of design guidelines.
- Understands that PC comes first, but they want PC to increase its capacity to accommodate the shift in weight.
- The DLC could make hard copy recommendations.
- Possibly make presentation on recommendation before the PC at the time of application.

- PC decision takes into consideration the recommendation of the DLC.
- Joint meetings to address issues of concern understanding that the PC has the final word.

Another issue of concern is the Marino house. The Committee would like to continue working on these types of issues so that it will help resolve similar type issues in the future.

Patty Wisner stated that she is a little concerned and disappointed with the situation and would like to help be part of the solution. There is a sense of loss that they will not have public hearings and the same decision-making authority they had before. She will miss the impact that they had on the community, i.e., the Milwaukie High Gym and the Emmert Housing applications. She would like to still be able to look at these kinds of issues and keep the design issues as high as possible for the future of the city. The Commission was very serious about their role and took careful consideration doing the background work and understanding the entire subject matter when making decisions on the applications that were before them. Many of the Commissioners have architectural design backgrounds and their decisions were coming from people who work in the architectural field professionally. They want to see the PC working in concert with their goals for design standards and to continually improve the design standards of the city.

The DLC is very valuable. Housing styles needs to be addressed in Milwaukie. She asked if PC can sit in on this proposed committee to see what is going on?

Brent Carter stated that he would like to see the downtown guidelines apply to not only the downtown area, but the King Road area as well. He would like to the design standards apply to all of Milwaukie and encompass multi-family housing, the back side of Albertsons, the King Road construction, and the industrial area on 37th. He would like to see the DLC continue to research and initiate design standards and bring their suggestions before the PC. It is an important goal to him to have design guidelines for the City of Milwaukie, not just downtown.

Discussion followed on suggestions for the proposed Committee. **Mike Miller** stated that the committee could maintain the same function with reporting responsibilities much like the PC functions for Council. The Council is not bound to following recommendations from the Planning Commission. He sees no problem with the proposed Committee.

The DLC will no longer meet on a monthly basis, nor will they hold public hearings. The Committee will not have staff support and most of their communication with each other will be email. The DLC can meet with the PC to discuss findings. **Barbara Cartmill** suggested that staff draft documentation of what is expected of this Committee so that the members can be aware of their

capacity. **John Gessner** explained that the Committee would have to re-write their by-laws, possibly create a joint resolution explaining their relationship and expectations.

Howard Steward asked if design standards were used for the King Road Center? **Commissioner Carter** stated that there were no design guidelines, the application went through staff. It would only come before the Planning Commission if there are variances requested. There is no design authority beyond the downtown area.

Chair Hammang stated that there needs to be a collective understanding of how this committee is going to interact with the PC on a functional operational daily basis, code basis, and what force in law does their opinion have when their recommendations are used in hearing cases. The review process would have to include copies of drawings with the recommendation and there should be a meeting/process with the PC to show how the project does not serve the building well. **John Gessner** stated that the DLC would meet, on the record, on any application before the Planning Commission with historic or design guidelines with the intent to forward a recommendation to PC. The DLC will continue to be strongly involved. Staff would set up administrative provisions to allow DLC to review the application. Any deviation would be grounds for denial.

- The work plan should be based on issues that are priorities in the community.
- Staff was asked to review Section 210, Organization and Operation (C) to determine the legal issues for a Committee. The only other committee that would have these same legal procedures would be the Budget Committee.
- Staff was asked to determine the differences between the legal procedures of a Committee and a Commission.
- Staff will define what is the function or relationship of city staff to commissions and committees.
- The DLC is carrying a current work program; will this program be incorporated into the PC work program that is sanctioned by City Council's help to set up priorities?
- What staff support will be available to the committee since there will be no public hearings and no decision-making process? What is staff's function to support/help with committee projects?

John Gessner reported that the city did not feel it was feasible to eliminate the DLC altogether. As a committee, the DLC could keep the same personnel, continue the pursuit of their work program items, etc.

- Could the DLC meet with the PC once a month at 6:00 p.m. before the Commission meeting so that the DLC could keep in tune with what PC is doing and be able to advise them on issues?

- Could the DLC receive PC packets to keep up on what's going on, possible quarterly meetings to touch base?
- The work plan should include a meeting schedule to accommodate meeting the goals of the work plan.
- Do committee meetings need to have staff presence? Will they take their own minutes, and will those minutes be reviewed by city staff?
- Staff can be available for a meeting when there are issues of code change, design guideline changes, etc.
- Have a joint worksession again after the work plan is developed.
- What are Council's goals for the DL Committee idea?
- Be careful that design guidelines don't become CC&R's.

John Gessner stated that at tonight's meeting he hoped to achieve some agreement on the committee idea for acceptance by Council and how the committee will function. He reported that Collotta is ill and could not make it tonight. He has talked with her and she is in support of the committee idea. Based on comments tonight the DLC is collectively in favor of the committee idea.

7.2 Cell Tower Review

Lindsey Nesbitt reviewed the staff report with the Commission. Slides were shown.

Reasons for Improvements

- Prescriptive Regulations
- May not meet community values
- Needed flexibility in decision making process
- Additional design standards and submission requirements

Regulations were adopted in 2002 and recognized need for improvements. A recent example of co-location is on Wister and 32nd. This type II regulation was appealed to the Commission. Many applications did not meet community values. Based on Planning Commission discussion, regulations should help to create more of a decision-making process with additional design standards and submission requirements.

Alternative Design Process

- Mitigation of adverse impacts
- Need for alternative design
- No feasible alternatives
- Meets/exceeds outcome of standards

There should be an ability to propose something different that meets or exceeds the current code and adopt additional design criteria for review and decisions. The Planning Commission should review, approve or deny on code, and establish conditions.

Submission Requirements

- Photo simulations
- Alternatives analysis
- Drive tests
- Narrative descriptions
- Service area maps

Design Standards

- Equipment cabinet size and height
- Limit size of conduit

Additional Code Revisions

- Use of community service buildings
- Change review process of co-locations

Ms. Lindsey stated that staff would like to get feedback on using schools and churches in residential zones. Currently they are reviewed at a Type II application and cell towers will always be a concern to neighbors. This should be decided by Commission or staff.

Discussion followed on suggestions for staff:

- Alternative design opposed to a different location.
- Why doesn't the code meet neighborhood expectations.
- There should be written material that can be handed out that details the standards for cell tower projects. Take neighborhood comments and incorporate in standards. Force the standards to meet city/neighborhood regulations.
- Possible underground facilities for neighborhood towers; minimal above-ground facilities.
- Change regulations to businesses or houses.

7.3 Metro "Sense of Place" Survey

John Gessner submitted copies of the Metro "Sense of Place" survey to the Commissioners for review and comments. Metro is asking for qualities that help define sense of place. What does the commission see as part of the organization and qualities that help define sense of place. He asked the Commissioners to

comment on what qualities make Milwaukie special and give it individuality.
Comments included:

- Environmental issues
- Scenic issues
- Trees
- Diversity of housing style
- Affordable housing
- Physical attributes
- Large treed communities
- Historical buildings
- Riverfront
- Waterways
- Watershed
- Wildlife
- Natural areas
- How can regional polices be crafted so they do not compromise what is important to the city.

Commissioner Miller announced that there will be an open house on the 29th to address environmental improvements that will take place relating to open spaces and downtown as a livable place to work.

Hopefully this survey will help to determine what Metro can do for Milwaukie that would cure some of their problems. Policy improvements in transportation can help with downtown development. A policy is needed that will put Milwaukie in a better situation to take advantage of transportation infrastructure with emphasis on natural features.

It was the consensus of the Commission that John Gessner write a letter to Metro detailing the suggestions made tonight.

8.0 DISCUSSION ITEMS - None.

9.0 OLD BUSINESS

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

John Gessner stated that at the next meeting he would have information on the terms of officers. Elections can be held at the next meeting.

10.2 Design and Landmark Commission Report - None.

11.0 NEXT MEEETINGS

11.1 February 24, 2004 - Discussion on the relocation of transit center

11.2 March 9, 2004, Transit center deliberation and recommendation to City Council

Rosemary Crites moved to adjourn the meeting of January 27, 2004. **Brent Carter** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:05 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 10, 2004

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice Chair
Teresa Bresaw
Brent Carter
Rosemary Crites
Mike Miller
Howard Steward

STAFF PRESENT

John Gessner,
Planning Dir.
Lindsey Nesbitt,
Associate Planner
Gary Firestone,
Legal Counsel
Shirley Richardson,
Hearings Recorder

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA - None.

4.0 INFORMATION ITEMS - City Council Minutes
City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT - None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Dieringer's Properties, Inc.
Owner: Dieringer's Properties, Inc.
Location: 4350 SE King Road #A
Proposal: The applicant is requesting approval of a Transitional Area Review to modify a condition of approval for TAR-03-03, requiring sound buffering of rooftop mechanical units; and a Variance to allow the reconfiguration of sidewalks, planter strips, curbs, parking stall depth, and the elimination of wheel stops in certain areas

File Numbers: TAR-03-03 and VR-03-07
NDA: Hector Campbell

Chair Hammang opened the minor quasi-judicial hearing for TAR-03-03 and VR-03-07. The purpose of this application is to consider a transitional area review requiring sound buffering of rooftop mechanical units and a variance allowing the reconfiguration of sidewalks, planter strips, curbs, parking stall depth and elimination of wheel stops in certain areas. The criteria to be addressed can be found in Milwaukie Zoning Ordinance Section 19.313 - General Commercial Zone; Section 19.416 - Transition Area Review; Section 19.500 - Off-Street Parking and Loading; Section 19.700 - Variances, Exceptions and Home Improvement Exceptions; and Section 19.1011.3 - Minor Quasi Judicial Review.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? **Commissioner Carter** stated that he worked for Benner Stangie Associates, the architectural firm that is involved on this project. There were no other abstentions.

Chair Hammang asked if any member of the Planning Commission visited the site; Six hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the staff report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. Staff recommends that the Commission approves a modified condition regarding noise limits of rooftop mechanical units and adopts the finding in support of the modification and revised condition of approval as proposed in the staff report.

In September, 2003, a Transitional Area Review application was approved. A condition of approval was adopted which required the applicant to take noise readings before construction of the new building. The new mechanical units were required to be at the noise level of the existing units back in 2000. The units in 2000 have been removed so the applicant suggested that staff use the Woodstock store as a comparable site. Staff took noise readings at the existing Woodstock Safeway Store, however, due to weather conditions they were unable to come up with readings that were similar to those submitted by the applicant. No suggested condition could be drawn based upon the Woodstock store readings.

Staff took noise readings on Harrison Street, Jackson Street, and Monroe to get a sense of the neighborhood noise levels. The ambient noise in the neighborhood is 53 decibels. The Code permits an evening night-time noise of residential properties of 50 decibels, commercial properties 60 decibels. Staff is recommending that the construction noise not exceed 53 decibels.

The applicant is also requesting a variance to eliminate required wheel stops and reduce the stall depth. The wheel stops are required to prevent vehicles from encroaching on walkways and vegetative areas. The applicant is proposing using the curb as a wheel stop resulting in a shorter stall depth from 19-feet to 17-feet. Staff is recommending that the Commission deny the variance request to eliminate the wheel stops and reduce the stall depth for failure to demonstrate compliance with the criteria.

The applicant did not cite any unusual site conditions or characteristics; staff believes there are no unusual circumstances or site characteristics that would support granting the variance request to eliminate wheel stops and reduce the stall depth. The applicant's original approval demonstrated compliance with wheel stop and parking stall depth requirements; staff believes the alternative design is not a feasible substitute for wheel stop and stall depth standards because adverse impacts will occur onsite. The intent of the code (to prevent damage to vegetation and the encroachment on pedestrian walkways) is lost when stall depth is reduced by 2 feet.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Crites asked why the applicant did not want to do wheel stops? **Ms. Nesbitt** stated that the applicant has stated that the wheel stops are tripping hazards and they collect debris, which can be unsightly.

Commissioner Miller asked what can be done at some point down the road in case the noise level is higher than the approved noise level specified? **Ms. Nesbitt** stated that there is a requirement that the mechanical units be sound buffered to 53 decibels. **John Gessner** noted that the condition of approval would be a continuing responsibility of the applicant to maintain the decibel levels. If it was found on inspection that the applicant exceeded the night-time noise levels, they would be subject to a compliance request to keep noise within the original condition, on a voluntary basis. If that request failed, the City could take enforcement action to compel compliance.

Chair Hammang asked how the noise from the site, in general (traffic, normal use from occupancy, etc.), would be handled. **Mr. Gessner** stated that the condition was limited to controlling the mechanical units. The other noise would become part of the natural environment created from occupancy of the site. **Ms. Nesbitt** stated that if the applicant exceeded the commercial noise code (60 decibels), there would be enforcement measures.

CORRESPONDENCE -- None.

APPLICANT PRESENTATION

Speaking: Gene Dieringer, Dieringer Properties, 4350 SE King Road, Milwaukie
Pat Dieringer, Dieringer Properties, 4350 SE King Road, Milwaukie
Scott Rider, Rider Design Group, Architects, Beaverton OR

Mr. Gene Dieringer stated that they were here tonight on behalf of Safeway. He does not feel that the readings taken by staff were far out of line; however Safeway had a large concern about using the 2000 noise level readings as a basis for the proposed equipment. The store has not been in operation for a number of years; to compare it to a similar use today would not be relevant. The applicant is requesting rewording of the condition of approval. After reviewing the staff report, the applicant is asking that maximum decibel level be increased to 55. Considering that 60 decibels is for the commercial zone and 50 for residential areas, the compromise down the middle is 55 decibels. The residents that live across the street understand that they are close to a commercial area and the applicant should not be held to the same standards as the residential zone. He suggested that they be held to the 55 decibel night-time reading and in six months, after opening of the development, if there were issues from the neighbors, the applicant can come back and address those issues at that time. Safeway has requested that if the 55 decibels is not agreeable, they would like a postponement of the March hearing for this decision. This will allow them more time of to discuss whether it is practical to go forward with the project.

Mr. Pat Dieringer stated that he feels that the readings in 2000 were higher than 55 decibels and there were no noise concerns raised at that time. They do not know what that reading was so there is nothing to compare.

Mr. Gene Dieringer stated that with this variance request they are trying to achieve a more aesthetically pleasing and safe shopping center for the community. No one has disputed their claim that wheel stops are tripping hazards and garbage collectors. They asked the Commission why this code is enforced when it is really against public sentiment and potentially against public safety? They have demonstrated meeting the intent of the code without the wheel stops.

The staff report did not address the fact that there is no vegetation proposed in the first 2-foot overhang where they are planning to extend the landscape island. The mitigation would be that there would be no damage to the vegetation.

Mr. Dieringer stated that they don't agree with the staff report that reducing stall depth will create encroachment in the drive isles. The wheel stop as called for in the current code will stop the vehicle at the same point as their design; the wheel stop per code would create the same encroachment problem. Wheel stops can be purchased in all sizes (higher than 4-inches) and people are used to parking in all conditions.

It was asked if the parking stall reduction would result in more fender-benders? He feels that a better question would be to ask if a study shows the City of Milwaukie's parking stall code, or a design like it, shows that the city has a lower fender-bender rate than other jurisdictions that don't require wheel stops and allow for shorter stalls? Any fender-benders are clearly accidents or are from careless drivers not caused by the parking stall code being discussed here.

All public feedback from the staff report is in support or has no issue with the request or has no negative comments.

The applicant is asking that the Planning Commission consider the reasonableness of their request given the fact that they believe they have demonstrated that the intent of the code was being met in addition to enhancing public safety and the aesthetics of the center and the community.

Mr. Dieringer stated that staff has done a reasonable job of protecting the code; however the applicant contends that the variance criteria is overly strict and doesn't allow for the creativity and imagination of developers to better meet the intent of the code by utilizing other means of achieving the same objective. Other jurisdictions are not so restrictive. If a developer can demonstrate that they can meet the intent of the code through alternate design, the jurisdiction allows for such a variance request while giving it the same public hearing and input. Variances are most often granted when property use demonstrated by the developer and there is no negative public feedback, especially if the variance is for public safety. It is felt that city staff, if asked, would agree that there is room for improvement to the parking code. If they had more time they would better address the issue of revising the code; however, because of time limitations, the variance request is their best option to achieve their objective.

Mr. Rider stated that he has worked in more than 30 jurisdictions of various sizes. Milwaukie is unique in their code where there is a planting strip. The proposed curb gives the same impact; the car doesn't change it's position, it doesn't impact the drive isle, etc. It really is a better look.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Bresaw asked what other jurisdictions are doing in terms of wheel stops?

Mr. Rider stated that most jurisdictions provide for some form of curb or wheel stops. He has not come across a code that is like Milwaukie's code.

Commissioner Miller asked what type of landscaping is proposed that will not be impacted by vehicles going over the top of this curb? **Mr. Dieringer** stated that there would be no vegetation; just bark dust for the first few feet. There is a landscape plan but the landscape architect is not here. This is easily something that could be conditioned.

Mr. Rider stated that in the drawings in the packet there is a design to eliminate the wheel stop and extend the sidewalk or the landscaping curb to that distance.

Chair Hammang stated that he is uncomfortable with the idea of choosing numbers about sound. He asked why the curb issue is being dealt with after the proposal has been approved? **Mr. Dieringer** stated that he agreed with the noise issue. On the parking issue, in the early stages they had brought up with the planner's issues about wheel stops. One of the comments made from the City Traffic Consultant raised the issue that the wheel stops should be eliminated. There were comments that this was a design issue. The applicant decided to let it go through so they could get their approval thinking that it was be something that could be worked on after the fact.

Commissioner Steward asked if the air conditioning units have specs posted on the exterior to give an expectation of the decibels? **Mr. Dieringer** stated that he was not aware of that; that is why Safeway wants to come back after opening to address noise issues.

Commissioner Crites asked if there were any complaints in the neighborhood about the noise when the store was open? **Mr. Dieringer** stated that there were no complaints that he is aware of. At the Woodstock site the mechanical box was put in an insulated room on the roof.

TESTIMONY IN FAVOR

Dave Aschenbrenner, 11505 SE Home Avenue, Milwaukie

Mr. Aschenbrenner stated that he is the Chair of the Hector Campbell Neighborhood Association. He stated that there is a letter in the Commissioner's packets from his neighborhood along with a couple other neighborhoods. He agrees that there should be more sound numbers to address the sound issue. Most of the people in the neighborhood like the change in the design for parking; taking out the wheel stops is a safety issue and a trash collecting issue. The new design is nice and does work.

The neighborhood generally supports this new design. He asked when the parking bumps came into affect? Albertson's and the Public Safety Building don't have these standards. Landscaping was addressed in the plan. **Mr. Aschenbrenner** asked if staff is considering changing this part of the code regarding wheel stops?

QUESTIONS FROM THE COMMISSIONERS- None.

QUESTIONS OR COMMENTS- None.

TESTIMONY IN OPPOSITION

Speaking: Lorette Sligel, 4342 SE Harrison Street, Milwaukie

Ms. Sligel read a letter into the record; people in the neighborhood have signed the letter. The letter voiced opposition to the modification of condition of the previously agreed upon conditions of approval for the Safeway Shopping Center at 42nd Avenue. The purpose is to preserve the neighborhood livability by limiting the store generated decibel levels to not more than the pre-construction decibels level. Safeway claims the need to modify condition #2 because of the need for more rooftop machinery than what is presently in use at the existing Woodstock store. Decibel readings are on a log₁₀ rhythm scale; any difference of 10 decibels is an increase of two times the loudness. A 50 decibel reading is twice as loud as a 40 decibel reading.

The reason for opposing the approval of the requested modification is that with property planning now of the rooftop design with the buffered insulated mechanical room, there is no need to modify the original agreement. The decibel level on February 5, 2004, at 9:00 p.m. with no traffic, wind or rain was an impressive decibel level of less than 50 decibels. The neighborhood decibel reading on the same day at 9:30 p.m. under the same conditions was 47 decibels. Staff is recommending increasing the allowable decibels reading to 53 decibels. They suggest a compromise to a reading of less than 50 decibels between 9:30 p.m. and 7:00 a.m.

Ms. Sligel brought a tape recording of what 53 decibels sound like. She asked to play the tape to the Commission. **Ms. Sligel** stated that she had all the neighbors she was able to contact to sign this letter. The noise from the machinery is what the neighbors are concerned about.

Mr. Sligel stated that they purchased their home on Harrison Street about nine years ago. Before they made the deal, they parked in the parking lot at night and listened to the noise. The grocery store was in operation at the time. There was a little bit of a purr that was not offensive. The machinery now should be more efficient. With the insulated room, this shouldn't be an issue.

Ms. Sligel stated there was a problem with noise from one of the older compressors on top of the roof. They dealt directly with the storeowners and they tried to insulate it better.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Miller asked how much closer the new store will be to her residence than the present store? **Ms. Sligel** stated that the original equipment at the old store was in the middle of the property. This new equipment will be on the roof very close to the back wall of the building at the sidewalk. This will be quite a bit closer.

Commissioner Crites asked if pitch is considered when determining decibels? **Ms. Nesbitt** stated that the code only allows noise readings on the A scale. If pitch is picked up by the A scale it is included.

Mr. Sligel played the tape. She feels 53 decibels is too much.

QUESTIONS FROM THE COMMISSIONERS- None.

Speaking: Kate Foster, 4214 SE SE Harrison Street, Milwaukie

Ms. Foster stated that she lives next door to the Sligels. She is for the Safeway store. The thing about the decibels is that now that they have talked with the neighbors and have them in their pocket, Safeway is trying to change the rules. The readings on Jackson Street and Monroe Street, Page 6.14, were pretty quiet.

Ms. Foster voiced concern that staff went over to the Woodstock store and could not get a reading to substantiate Safeway's reading. She feels that Safeway should be given a month to get the numbers accurate; she doesn't want to give Safeway the extra decibels that they want. They knew what the code was when they investigated the property and now they are trying to make changes after their original request was approved. **Ms. Nesbitt** stated that she took readings on King Road and they were quite a bit louder; however she does not have that information in front of her.

QUESTIONS FROM THE COMMISSIONERS- None.

ADDITIONAL COMMENTS FROM STAFF

Ms. Nesbitt stated that she pulled up her noise readings and on King Road the decibels were 53-58. When a vehicle was passing the decibels were 67-69.

Chair Hammang asked if there were a postponement for 30 days to allow Safeway to conduct further investigations, is the entire process postponed or only the noise portion? **Gary Firestone** stated that the hearing could be continued if the applicant is the one making that request. The hearing could be continued to a date certain, March 23rd. If the applicant wants to postpone he should so state for the record during closing remarks. If the applicant doesn't want action on the variance tonight he should also state that.

Ms. Nesbitt passed out a page from the code to demonstrate the intent. The code was changed in 1996, which previously allowed what the applicant is proposing. The code was changed in the mid 90's and restructured to read that you must have a wheel stop to prevent encroachment on walkways and vegetative areas. The Albertsons was constructed before this change. This proposal does not meet the criteria.

Mr. Gessner stated that when the application was first received staff was trying to find a way to support the applicant's request. They looked for definitions that would help them. This code has been interpreted this way for the past several years. He read the code to the audience, "Parking bumpers or wheel stops, a minimum of 4-inches in height, shall be provided at parking spaces to prevent vehicles from encroaching on street right-of-ways, adjacent landscape areas, or pedestrian walkways." Staff would advise the Commission

that at this point without having done more research, they are not confident with recommending to the Commission that they interpret the curb line as being the same thing as a wheel stop if it has the affect of reducing the length of the parking stall. Other codes that did not have the wheel stop and the minimum length of the parking stall was 17-1/2 feet to 19-feet or more.

The Commission has the option of interpreting the code such that the express provision for a wheel stop can be interpreted as a curb line as opposed to the wheel stop. The city could not require that the two-feet be landscaped, it would have to be interpreted that it was not part of the landscape.

Commissioner Bresaw stated that bark dust is not a good idea for landscaping adjacent to wheel stops to prevent the damage to the ground cover.

Commissioner Miller asked if there could be a guarantee that the stall length will be 19-feet? He has concerns about cars scraping over the curb and maintaining the landscape so that it does not grow into the area and being destroyed by car bumpers.

Commissioner Steward stated that he did not feel there was adequate information on the sound issue to make a decision.

QUESTIONS REGARDIN CLARITY - None.

APPLICANT'S CLOSING COMMENTS

Speaking: Gene Dieringer, Dieringer Properties, 4350 SE King Road, Milwaukie
Pat Dieringer, Dieringer Properties, 4350 SE King Road, Milwaukie

Mr. Dieringer stated that he is in agreement, for the record, that they would sign the necessary paperwork to waive the time restraints to extend the hearing to the March 23rd meeting. Hopefully, they will have more professional expertise on the issues.

Wheel stops can be installed that are 6-inches. This would prevent encroachment onto the landscape area. Hardscape is allowed in the landscape area; he asked if the Commission wanted asphalt or bark dust. The two-feet being requested is not part of the landscape requirement; it increases the landscaping, but does not affect their requirement. What they do with that two feet would be an aesthetic issue. The area in question is along the west side of the Safeway Store.

Commissioner Miller asked how long the parking stalls will be with the proposed curb instead of the wheel stop? **Mr. Dieringer** stated that the parking stall will be 17-feet, curb, and two feet of bark dust/river rock totaling roughly 19-feet. **Mr. Rider** stated that the issue is getting rid of the duplication of the curb and the wheel stop. This proposed curb application is very common.

Mr. Gessner advised the Commission that a decision needs to be made based upon their interpretation of whether or not the applicant has met the variance criteria. Staff can be directed to come back with an interpretation of the code so that it can be used in the future in the administration of the zoning ordinance.

Commissioner Borden stated that she believes that the proposed curb is functionally a wheel stop. **Commissioner Crites** agreed.

Commissioner Bresaw stated that she likes the idea of having more space for trees in the median strip.

Commissioner Miller stated that he is concerned about the length of the stalls and that the length is adequate so that the cars are not encroaching on the driving portion of the parking lot. He would like to see a good landscape plan around the building so that it is aesthetically pleasing to the neighborhood and community. He does not have a problem with the project; it will be here for a long time so let's make sure that it looks good.

Mr. Dieringer stated for the record that they withdraw the variance application.

Commissioner Borden moved to approve VR-03-07 defacto with the requested modification to the site plan and direct staff to develop specific guidelines to apply at the time of development the distance between the curb and some forward overhang to be considered part of the overall length of the parking space allowing for a continuous curb line to serve the function of a wheel stop. Adequate stall length will be considered. **Commissioner Steward** seconded the motion.

Commissioner Miller asked for a friendly amendment to the motion that "The stall length shall meet the code with an acceptable parking stall length." **Commissioner Borden and Commissioner Steward** agreed.

Ayes: Borden, Bresaw, Crites, Miller, Steward, Hammang; Nays: None.
Motion carried 6-0.

Commissioner Miller moved to continue TAR-03-03 to a date certain of March 23, 2004 to allow the applicant to provide more information on the decibel levels required for this development. **Commissioner Bresaw** seconded the motion.

Ayes: Borden, Bresaw, Crites, Miller, Steward, Hammang; Nays: None.
Motion Carried 6-0.

Recess was taken at 8:45 p.m. and the meeting reconvened at 8:54 p.m.

7.0 WORKSESSION ITEMS - None.

8.0 DISCUSSION ITEMS - None.

9.0 OLD BUSINESS - None.

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

The Commissioners were reminded that staff, chairs of the commission and Design Landmarks Commission (DLC) would be going to City Council to discuss the conversion of the Design Landmarks Commission to a committee.

John Gessner updated the Commission that the working group has forwarded the 2.5 Option on moving the transit center onto the Kellogg Lake site. Staff is supporting recommendation to the Planning Commission on February 24, 2004. The platforms to be discussed will be transit center, construction parking lot, and light rail.

Commissioners Steward and Miller stated that they will not be able to attend the February 24th meeting. Discussion followed on video taping the meeting so that all the Commissioners would get a chance to see it.

11.0 NEXT MEETING - February 24, 2004

11.1 Transit Center Relocation Public Hearing

Commissioner Miller moved to adjourn the meeting of February 10, 2004. **Commissioner Bresaw** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:08 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter