

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION OCTOBER 20, 2003

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

Councilors present: Barnes, Lancaster, and Loomis.

Staff present: City Manager Mike Swanson, Community Development and Public Works Director Alice Rouyer, Planning Director John Gessner, Fleet & Facilities Manager Kelly Somers, and Program Specialist Jason Wachs.

Information Sharing

The City Council discussed the Design and Landmarks Commission's responsibilities in the downtown zone related to signs. The Council members present selected a design for the Rotary "Welcome to Milwaukie" sign.

Rouyer provided a brief update on regional transportation project funding and reported Milwaukie had come in second after Beaverton for Metro's center project funding.

Swanson announced the session on public records scheduled for this work session was postponed until a full Council was present. He also recommended a Council motion to delay adoption of the Mayor/Council Communication Agreements. He shared email from Milwaukie Building Official Tom Larsen relaying how pleased the Bob's Red Mill contractor was with his interaction with City staff during the construction project.

Open Public Forum

None.

Public Works Operations Building

Somers discussed construction of the operations building that would house the water, sewer, streets, and storm water divisions. These divisions have been housed in a temporary trailer for the past 5 years, and the funds for construction a new building were approved in the FY 2003/2004 budget. The estimated cost is \$160,000, and each division will share that cost equally. To ensure cost effectiveness, the facilities division proposes act as the general contractor, and Somers is confident the project will come in under budget. The proposed structure will be 2 stories with the second floor will being used for storage until such time as and elevator is installed and finished for office space. The

operations building will be adjacent to the new wash area, so water, sewer, and electrical if readily available. The City will purchase the building shell, and an architect will do the interior design.

Mayor Bernard asked where the money is coming from if the City has a budget shortfall.

Somers responded each of the 4 utilities would put \$40,000 into the project. He feels building a 2-story building is a good approach, and an elevator can be added in the future for about \$60,000. Council will be asked to approve any purchase orders in a dollar amount exceeding staff signature authority.

Mayor Bernard asked Somers about his experience in this type of project and how long he has worked for the City.

Somers has been with the City for 15 years and worked in various areas of construction since he was 14.

It was City Council consensus that the City would act as its own contractor in the public works operations building project and directed Somers to move forward.

Tri-Met Light Rail Working Group

Gessner said staff came before the City Council in August 2003 to identify the Tri-Met process that responds to the Council's concerns with the transit center relocation and site specific traffic and business impacts associated with the South Corridor locally preferred alternative (LPA). The working group, that included business and property owners in the North Industrial area, neighborhood leaders, TriMet, ODOT, and City staff, has met 4 times.

About 8 alternatives have identified for dealing with potential impacts. The group is working toward a process of refining issues, identifying mitigation efforts, and determining generally what works for the community. Gessner discussed the project schedule that includes a Milwaukie-only meeting on October 28 to come to a consensus platform. He noted the summary of work-to-date in the staff report.

Councilor Barnes asked if there have been any changes to the Council's directive.

Gessner said the working group has embraced the Council's concerns, and the agencies are taking the matters seriously. A number of the issues are being addressed specifically in the 8 alternatives. He feels all participants are working toward answers to the Council's concerns through an open and democratic process.

Mayor Bernard met with staff and several property owners. He wanted to make sure the working group addresses property owners' issues. He feels there are some potential win-win solutions to protect current business interests and to promote future development opportunities. Harder Mechanical, for instance, must remain to protect the business investment and jobs. ODOT and the governor have indicated a desire to improve access to industrial lands, and the Mayor feels there will be great opportunities in the future. He discussed the potential for opening Mailwell as a street and restricting Milport.

Metro Regionally Significant Industrial Lands

Gessner sought preliminary Council direction on Metro's recent changes related to employment and industrial lands protection. He briefly reviewed the 1998 Functional Plan Compliance process. Currently, preservation of industrial lands is a statewide issue. Based on Metro's 20-year projection, the region is about 4,300 acres short of industrial lands. There was a discussion at the Metro level about preserving existing industrial lands in response to the projected shortage. Title 4 has been more restrictive through the designation of regionally significant industrial areas. Milwaukie does not have any such land on Metro's map due for adoption in December. Gessner understands when Metro did the mapping for Milwaukie in 1998, it was assuming light rail might be converting land uses away from industrial in the North Industrial area. After talking with people involved at the time, there does not seem to be a good explanation as to why so few acres of the manufacturing areas did not get those designations. There was a prohibition against big box retail of 60,000 square feet or more that was adopted into the Zoning Ordinance with some supporting polices in the Comprehensive Plan.

In elevating the importance of industrial lands, staff is looking for direction on whether or not the City should pursue the regionally significant industrial area and comply with new restrictions on employment and industrial lands. The most important change would be reducing the retail prohibition to 20,000 square feet. Based on current Comprehensive Plan policies, there would be no conflict with zoning or future land use. It is a way of protecting industrial and employment lands from retail use. Sites along McLoughlin Boulevard and Hwy. 224 are very attractive to retailers. Having spoken with Metro, City staff does not believe the business industrial zone would, at this point, qualify for the Metro designation because is very permissive regarding office uses. Metro most recently indicated it is looking to preserve regionally significant industrial areas for manufacturing, warehousing, distribution, and production. City staff does not believe the Johnson Creek Boulevard manufacturing area offers a great deal in terms of manufacturing potential.

Councilor Lancaster asked how Metro arrived at the 20,000 square feet and thought a range might be more logical.

Gessner responded there is also a percentage limitation of 20,000 square feet or 5% of the area. He will provide more information in future updates.

Councilor Lancaster believes there needs to be some flexibility to reach a desirable mix of businesses.

Gessner replied that is reflected in the business industrial zone where retail elements support office and industrial efforts.

Mayor Bernard commented on Bob's Red Mill and the allowance for a retail showroom. One of the advantages to this designation is funding, and he asked staff to look at the manufacturing zone. He discussed Milwaukie's having a seat at the table when Clackamas County considers land uses in the City's urban growth boundary.

Gessner added staff would come back with a more detailed analysis of advantages and disadvantages in preparation for a Council action that would be forwarded to Metro.

Proposed House Move Regulations

Gessner said a lot was learned from the Marinos house experience. Parties struggled with the conflict surrounding the problem. There are opportunities to amend the City's house moving regulations to minimize the likelihood of this type of conflict happening again. From a policy perspective, the major issue is allowing the temporary placement of moved buildings on any property in the City. Staff proposes it be prohibited.

To protect against future conflict resulting the planning department's rejection of applications, staff recommends making it clear in the code what has to be done to demonstrate zoning compliance. He discussed a certification process in which the applicant demonstrates the donor site complies with historic regulations and the receiving site is adequate or can be adequate with a variance.

Conflicts can easily be resolved by amending the code. There would be more process for the applicant, but conflict would be managed. The City issues about 1 house-moving permit annually, so the burden of a certification process will not be felt by a great number of applications. Some of the policy questions include violation penalties, which he noted as \$1,000 per day in the staff report, temporary placement, zoning certification prior to moving, and administrative requirements. Applicants generally want to know what they have to do and are happy to do so once they know the rules of the game. There is also a proposal that Council hear appeal of house moving decisions.

Councilor Barnes commented she does not feel knowledgeable enough to make decisions about house moving and engineering and counts on City staff to

make those decisions. Her preference would be to rely on community development to make the decision. She also has a concern with how the word "temporary" is interpreted. To her, the \$1,000 per day is too little, but \$10,000 might make people listen. Donor and receiving site compliance should be a given.

Councilor Lancaster said Barnes made some very good points. His concern with the penalty is not one of how much, but is it reasonable and is it consistent with how other fines are adjudicated. He has no problem with additional front-end process if it offers the applicant greater understanding before he starts. He suggested managing people's expectations in the appeal provision because he would not anticipate turning over a staff decision unless there were a gross error.

Gessner said staff, with the city attorney, could set criteria that would minimize the opportunity for frivolous appeals. He understood Council agreed to taking appeals.

Councilor Lancaster understood the engineering director would be responsible for making decisions on the project. He asked how staff arrived at the insurance values.

Gessner asked the city risk manager and city attorney. The question is what is the proper insurance amount and should those amounts be in the code.

Councilor Lancaster thought these limits are too low and should be analyzed annually based on market and business conditions. He felt the verbiage should be general.

Park and Recreation Board Applicant Interview

Council interviewed Harold "Sonny" Newson for a vacant position on the Park and Recreation Board.

Other

Rosemary Crites announced an event November 7 – 9 honoring Native American History Month. The event will include an artists reception at Windhorse, fine art sale, music, storytelling, dancing, and other entertainment.

Mayor Bernard adjourned the meeting at 6:55 p.m.



 Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION OCTOBER 20, 2003

WORK SESSION – 5:30 p.m.
Second Floor Conference Room

MILWAUKIE CITY HALL
10722 SE Main Street

Discussion Items

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Dinner and Information Sharing <ul style="list-style-type: none">• Council questions and comments on October 21 Agenda Items – these questions and/or comments can only be on those items that are legislative and not on those that are quasi-judicial, like land use or liquor license hearings	Group
2.	6:00 p.m.	Advisory Board Interview – Park and Recreation Board	Group
3.	6:10 p.m.	Open Public Forum	Group
4.	6:30 p.m.	Public Works Operations Building	Kelly Somers
5.	6:45 p.m.	Update on Tri-Met Light Rail Working Group	John Gessner
6.	7:00 p.m.	Regionally Significant Industrial Lands Designation	John Gessner
7.	7:15 p.m.	Proposed House Move Regulations	John Gessner
8.	7:30 p.m.	Public Records Law	Gary Firestone
9.	8:00 p.m.	Adjourn	

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the preceding items.
- Executive Session: The Milwaukie City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Director of Public Works/Community Development

From: Kelly Somers, Fleet/Facilities Manager

Subject: Public Works Operations Building Project

Date: October 8, 2003 for the October 20, 2003 Council Work Session

Action Requested

Review and discuss the most cost effective method for construction of a new Public Works Operations building. The building is in the 2003/2004 fiscal year budget.

Background

The Public Works Operation division has been functioning out of a temporary office trailer for the past 5 years. The trailer was always intended to be a temporary home for the Public Works Operations offices. The trailer has no indoor plumbing conveniences. Public Works Operations have outgrown this facility. Larger office space, meeting space, locker rooms, and restrooms are needed to accommodate the needs of Public Works Operations.

Facilities is proposing to act as the general contractor, and subcontract all construction phases to the different trades. We believe this would be the most cost effective method of construction.

Concurrence

The City Manager, Director of Community Development, and Public Works, and Operations Supervisors all concur with this proposal.

Fiscal Impact

This project is budgeted in the 2003/2004 fiscal year in the amount of \$160,000. The Water, Street, Sewer, and Storm funds are contributing to this project. The estimated cost for this project is unknown at this time. Staff's best guess is that the City will be able to complete the project within the allowed budget. Once a set of construction drawings is completed staff will be able to put together an accurate cost estimate.

By the City acting as the general contractor on this project the projected savings is approximately 15% of the total construction cost. This is also a good use of existing staff, skills, and resources.

Work Load Impacts

This project is included in the Facilities Department's work program for this fiscal year.

Alternatives

- 1) Accept the proposal as requested
- 2) Modify the proposal
- 3) Deny the proposal



To: Mayor and City Council

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

From: John Gessner, Planning Director

Date: October 10 for the October 20, 2003 Meeting

Subject: Milwaukie Light Rail Working Group

Action Requested

None. This report is for information only.

Background

On August 19, 2003, staff reported to the Council on Tri-Met's proposed work program for examining issues related to relocating the transit center and addressing city concerns about light rail impacts in the North Industrial Area. Since then, three meetings have been held with neighborhood leaders, North Industrial business representatives, and staff from Milwaukie, Tri-Met, and ODOT.¹

A summary of the work conducted at each of the working group meetings to-date is shown below. (See *Attachment 2 for Working Group Meeting Notes.*)

Meeting #1, September 5, 2003

- Introductions, Project Descriptions, Discussion of Stakeholder Concerns.

Meeting #2, September 17, 2003 Presentations

- Brion Ray of Kittelson Associates, on behalf of the North Industrial Land Owners Committee in the north industrial area. He detailed long-range access and circulation issues, the need for coordination between highway

¹ See Attachment 1 for a list of participants.

and light rail projects, and described transportation requirements of the trucking industry in Milwaukie.

- Mark Hendricks of Rudie Wilhelm, described the area's warehouse industry and truck movements on behalf of the trucking and distribution firms.
- Dave Unsworth of Metro described the Regional Transportation Plan and the history of light rail and transit center projects in Milwaukie.
- Bill Adams of ODOT, described the policies of the Oregon Highway Plan that support freight movements and through-movements of vehicles along highways.

Meeting #3, October 2, 2003 Presentation & Work Groups

- John Gessner, Planning Director, explained the Locally Preferred Alternative considerations for future light rail design and mitigation as recommended by the Planning Commission and adopted by the City Council on April 1, 2003.
- The participants broke into four groups and marked up maps with ideas for possible design alternatives and mitigation. Ideas and suggestions from the group were varied and ranged widely in an attempt to address concerns raised by the original proposal. These included looking at alternate sites for the transit center and rail alignment.

Next Steps

The next working group meeting will be held on October 15, 2003, at which TriMet will present the work from the October 2, 2003 meeting and discuss the site selection criteria and light rail design needs. This will be an important meeting for narrowing the ideas and options that were raised on October 2. Staff will provide a verbal report to the Council on October 20, 2003 regarding the outcome of the October 15 meeting.

Additional working group meetings are scheduled for October 30, and November 13, 2003. The process will conclude with TriMet presentation to the Planning Commission and City Council later in the year.

Attachments

1. List of Working Group Participants
2. Working Group Meeting Notes September 4, 2003 (Prepared by TriMet)
3. Working Group Meeting Notes October 2, 2003, 2003 (Prepared by TriMet)

Attachment 1 Working Group Participants

Person	Affiliation
Gary Hunt	Oregon Transfer
Keith Bell	Rudie Wilhelm
Mark Hendricks	Rudie Wilhelm
Norm Unrein	Rudie Wilhelm
Bill Munson	Munson Ventures
Brian Heiberg	Heiberg Garbage & Recycling
George Anderson	Anderson Die & Manufacturing
Chuck Willie	WW Metal Fab
Howard Dietrich	Oregon Worsted
David Aschenbrenner	Hector Campbell NDA
Dolly Macken Hambright	Linwood NDA
Peter Koonce	Ardenwald NDA
Ed Zumwalt	Historic Milwaukie NDA
Roger Cornell	Historic Milwaukie NDA
Alice Rouyer	Milwaukie
Paul Shirey	Milwaukie
Jason Wachs	Milwaukie
Grady Wheeler	Milwaukie
John Gessner	Milwaukie
Dave Unsworth	Metro
Bill Adams	ODOT
Bud Roberts	ODOT
Michael Fisher	TriMet
Jennifer Koozer	TriMet
Randy McCourt, DKS Associates	TriMet
Michelle Gregory, Soapbox Enterprises	TriMet'

Attachment 2

Milwaukie Transit Center Working Group Meeting #1 September 4th, 2003

Welcome and Overview:

Michelle Gregory:

Introduces herself as facilitator. Discusses group charge and purpose, ground rules, and housekeeping. Familiarizes group with workbook. Emphasizes that each person in the room has a piece of the answer in making the project become a success.

Dave Unsworth, Metro:

Power Point presentation on the history of Milwaukie transit projects and what brought us to the point we are at now. (Refer to handout in workbook with Power Point slides.)

Dave Aschenbrenner, Hector Campbell Neighborhood and Peter Koonce, Ardenwald Neighborhood:

Review 14 points developed by Neighborhood Associations and supported by the Milwaukie City Council.

Michael Fisher, Trimet:

Explains the relationship between various transit projects and a rough timeline, funding stream> There are really have three projects here.

- The Milwaukie Transit Center: Will have about 600 park and ride spaces and be funded with 5309 funds, which are dedicated for bus and bus infrastructure.
- The South Light Rail Project: Will be contingent on future funding and most likely a vote..
- And the Southgate Park and Ride: Will have about 400 parking spaces, funded.

Since the Milwaukie Transit Center will be located off the street Trimet must work out and integrate the plans for light rail and Southgate park and ride in conjunction with the Milwaukie Transit Center (MTC) planning, which is the focus of this group.

Michael points out that business leaders helped draft the City Council resolutions. Also points out that Milwaukie is the only Metro region without a large Park and Ride Center.

Questions and Comments:

Q: Is there a connection between the plans for the Southgate Transit Center and the other projects?

A: No dependent relationship, the SG Transit Center is going in first and is not contingent on light rail or MTC.

Q: Has Southgate Property been acquired yet?

A: No, still in process.

Introductions:

Michelle asks that everyone introduce themselves and state what has brought them here and what they hope and expect to achieve in the working group. There was a question about the balance of N'hood leaders, North Industrial Business representatives and public employees who would be a part of the working group. Michelle requested a show of hands from each group and reminded the group that some people are here as observers.

Beth Ragel, PSU Intern:

Here to observe, learn, and take notes.

Bill Adams, ODOT, Planning and Growth Management:

Wants to protect public investment dollars in highway. Wants the group to succeed and wants to support the process.

Dolly Macken Hambright, Linwood Neighborhood Association:

Hopes for consensus. Hopes project will make sense for years to come and serve future generations...after all we are adults.

Paul Shirey, City of Milwaukie Director of Engineering:

Hopes for success that serves all parties.

John Gessner, City of Milwaukie, Director of Planning:

Wants to support the City Council Resolutions that were decided upon.

David Aschenbrenner, Neighborhood Association:

Wants Milwaukie to thrive and hopes plans will support that and not harm that.

Gary Hunt, Oregon Transfer:

Here to represent interests of business and property owners, specifically Oregon Transfer.

Michael Pratt, Trammell Crow/Commerce Park:

Hopes group will address impact on businesses in north industrial area.

Norm Unrein, Rudie Wilhelm

Is concerned about traffic flow/congestion at Millport and McLoughlin.

Mark Hendricks, Rudie Wilhelm

Comments made later in the meeting.

Keith Bell, Rudie Wilhelm

Concerned about increased number of cars/commuters and wants intersection of Millport and McLoughlin to be safe for cars and pedestrians.

Chuck Willie, WW MetalFab

Wants to retain parking for businesses and their employees and shares concerns about access and egress.

George Anderson, Anderson Tool & Die

Does not want to move his business and wants to be able to expand it in the future while Milwaukie becomes a more perfect place.

Howard Dietrich, Mill End Store:

Has 40 acres in the area and wants to maintain the community of north industrial area, the jobs, and the viability of the north industrial area. Has a strong concern about the safety of highway interface.

Bill Monson, Irrido property owner:

Concerned about momentum of project and that too much is already set for the project. Also concerned that plan has too much going on Main St. Happy that the process is including him and that the group is taking a new look at the situation.

Brian Heiberg, HBD Enterprises:

Primarily just wants to keep up on what is happening and learn about the process. Concerned about zoning changes and how that will impact businesses. Also concerned about the future of ODOT properties in close proximity to his property.

Peter Koonce, Ardenwald Neighborhood association:

Recognizes complexity of the project and is also concerned about congestion at Millport. Originally concerned about traffic impact to his neighborhood and transit service improvement for downtown Milwaukie.

Ed Zumwalt, Historic Milwaukie Neighborhood Association

Values community and validates the concerns of the north industrial property owners. Believes a solution can be worked out and a certain amount of fear and uncertainty is healthy because we will arrive at the best solution within our grasp.

Jason Wachs, Milwaukie Neighborhood Services:

Here to keep the neighborhoods at large informed, and happy to be a part of the discussions between the residential neighborhoods and the North Industrial area.

Dave Unsworth, Metro:

Recognizes some problems in the plan and is optimistic that any problems can be solved.

Conclusion:

Concluding questions and comments:

Mark Hendricks, with Rudie Wilhelm emphasizes that businesses in the north industrial area are thriving and many serve not just the Milwaukie area but serve the entire Pacific Northwest. Also notes that the businesses provide significant numbers of union-wage jobs.

Needs for next meeting:

- Statistics on number of accidents & citations at Millport/McLoughlin.
- Metro and OOT will clarify the RFP and what it says about access management.
- Business owners, led by Mark Hendricks, will report usage of the intersections, number & size of trucks, busiest times, etc.
- John will bring aerial photos and description of proposed zoning changes and we'll discuss the planning commission findings in detail.

NEXT MEETING DATES:

All meetings at ODS building from 2:00-4:00pm:

- Wednesday, September 17th
- Thursday, October 2nd
- Wednesday, October 15th
- Thursday, October 30th
- Thursday, November 13th has been set as a placeholder if we need it.

Open House:

Likely be the last week of October at St. Johns Church - to be discussed at meeting #3.

Attachment 3

Milwaukie Transit Center Working Group

Workshop/Meeting #3

October 2, 2003

DRAFT group report notes

TC: Transit Center
P/R: Park and Ride
LRT: Light rail

Prior to the breakout session John Gessner gave a brief explanation of the planning commission findings. The presentation was difficult to hear because we were sharing the room with ODS employees on their lunch break.

After John's presentation Michelle Gregory began to explain the framework for the breakout sessions. During the explanation Howard Dietrich posed the question of why we needed to do the breakout sessions at all if everyone agreed that the Tillamook Branch should replace the current LPA. Michelle polled the group for consensus on this point. All of the North Industrial stakeholders and one neighborhood stakeholder agreed that it was a better option, even with little information about how it would work. Zero staff members raised their hand during the poll...and Dave Unsworth of Metro voiced disagreement with the idea of ditching the LPA at this juncture, but held his comment.

Michael Fisher intervened to explain the procedural importance of developing a mitigated LPA scenario, since that is the option currently 'on the books'. Michelle stressed the need to fulfill our charge from the planning commission before exploring other alternatives and even as a way to start exploring other alternatives.

Michelle and Michael explained that what NI stakeholders want is within the "realm of the possible" but the exercise of turning over every rock with the current LPA had to happen before we as a group make a case for a different alternative. Michelle reminded that group that the community and the policy makers will need an explanation of whatever recommendation they formulate. The NI stakeholders were skeptical of this, but after a discussion about the value of documenting the potential mitigation strategies, the group agreed to engage in the exercise as a means to an end that may serve them well.

The NI stakeholders emphasized their need for an alternative that does not cut through their district, disrupting their essential operations. They distributed a position statement for use during the breakout session. They also emphasized that they are not opposed to light rail per se, they want a win-win, but they are opposed to the impacts of the current LPA. With that, the group was back on track to begin the exercises.

Flip chart notes for each group have been written up word for word at the end of each group summary. The bullet points summarize the way they presented their work in the report back session. Two sets of maps were also given to each group: one of the LPA outline over an aerial photo of the district, and one that provided a plain aerial of the district and downtown Milwaukie.

Michelle explained the two phase exercise, with one segment devoted to solving for the problems created by the LPA and one devoted to complete free-form brainstorming. She provided a model for the brainstorming sessions that used the acronym WIW to stand for key perspectives for brainstorming. Wild-ass Ideas Welcome, We're all In it to Win, Wise Investments Work, and Where is What's Her Face. She also asked the groups to consider some very broad criteria, which were based on an accumulation of much more technical and detailed criteria that the staff will use during their evaluation of ideas. These included: Traffic, Parking, Transit Service, Circulation, Business Viability, Community Livability and Regional Sustainability.

Group 1

LPA (Locally Preferred Alternative)

- No objection to P&R or TC in North Milwaukie Industrial area if traffic can be managed without impacting truck operations
- Truck turns at Main/ Mailwell and Main/Milport are big problem – not enough turning radius. One possible approach is to widen Mailwell to the north at Main to create more space for truck turns.
- Improve Milport intersection by moving Main and LRT to east to create queue space for the east leg of the Milport/McLoughlin intersection.
- Elevating tracks (or building LRT underground) would solve lots of problems but would be expensive.
- Create protected left turn at Ochoco for truck traffic

WIW (Wild Ideas)

- Water taxi
- Locate the TC and P/R to area adjacent to 224 on the Hannah South site, add new exit off 224 into parking structure and expand TC to commuter and amtrack use eventually..
- Using the Tillamook Branch alignment for LRT, locate TC & LRT station on Harder property – also pull Main back at Milport
- Elevate McLoughlin over Milport allowing turns at grade.
- McBrod – widen, and connect north end to McLoughlin and south end to 224 as alternative traffic flow route.
- Locate P/R on site south of Kellogg Lake with pedestrian connection to Lake Road LRT Station on the north side of the lake.

Flip chart Notes from Group 1:

LPA:

Parking: 30 trucks per hour – protected left at Ochoco (a possible solution) plus move parking to S. WW Metal Fab & W. Rudy Wilhelm for more street room for turns & parking.

Commuter: Above design accommodates buses better (along w/ more room for trucks).

Business Viability: Ease of Access

Community Livability: Ease of Access & removing threat traffic to neighborhoods by simplicity of design.

Regional Sustainability:

Traffic: Consensus on light rail may be very viable. No major objection to Southgate park & ride.

26 ft. width Main Street may not afford ability to make turns @ Mailwell Drive. “Auto Turn” to study for space. Same for Intersection of Main @ Milport Rd.

Realign Main thru park & ride in “U” shape. Realign light rail alongside. May be solution for Main and Milport.

Elevate Light Rail over Main to mitigate crossing conflict (from north of Mailwell to south of Milport.)

WIW:

(If \$ were no object) – build underground. Revisit Water taxi service (there is a historical precedence w/ Ferry Service in the area.)

(Use) Hannah back to the tracks & encompass park & ride, train & bus station (including Amtrack), taxi service. Access into Park & Ride off 224 on an upper level)

Follow the Tillamook Branch

Elevate 99E over intersections for unimpeded crossover @ Milport & Mailwell.

McBrod improvements w/ no turn onto 99 (cross only) @ Millport & turn N or S (to Ochoco or 17th)

Move S. Milw. Park & ride S. of Kellogg Lake w/ ped bridge @ Kellogg into Lt. Rail Connection.

Group 2

LPA

- To replace lost parking construct new parking lots on the ODOT property and near Milport
- Elevating LRT would retain existing parking and access on Main Street. Begin the elevated near Ochoco and remain elevated through the industrial area.
- Improve Milport intersection by moving Main and LRT to east to create queue space for the east leg of the Milport/McLoughlin intersection.
- Institute one-way northbound traffic on Frontage Road, west of McLoughlin, to create queue space for the west leg of the Milport/McLoughlin intersection.
- Locate the TC on vacant land between Hannah North and Harder Mechanical including an alternative alignment between Heiberg and Hannah South that avoids displacing Harder. Do TOD development in this area.

WIW

- Locate TC under an elevated Springwater Corridor with access from Main extended to the site. Locate the P/R on the Pendleton or Goodwill site. Use the Tillamook alignment into downtown Milwaukie.
- Locate P/R on site south of Kellogg Lake with pedestrian connection to Lake Road LRT Station on the north side of the lake. Keep the downtown Washington P/R proposed in the LPA.
- Locate the TC on the Post Office block downtown and deal with parking issues, security and bus circulation issues.
- Provide a walk-on station for Ardenwald neighborhood (but how to cross RR tracks?)
- Locate the LRT crossover from Main to Tillamook through the ODOT property just south of Ochoco.

Group 2 did not use flip chartonly maps.

Group 3

LPA

- Elevate LRT on Main.
- Reconfigure the street to connect Main Street to Milport into a hook-shape that creates queue space for the east leg of the Milport/McLoughlin intersection.
- Provide a new road connecting Mailwell to Hannah Harvester (behind Oregon Transfer) parallel to the Tillamook Branch.
- Avoid displacing Iridio. Hannah North likely to be developed before LTR is funded
- Since people don't understand how to get use the west Frontage Road to access Milport, provide a new southbound slip ramp closer to Milport.
- No solution found to stacking problem at Milport on the west side of McLoughlin.

- At Main and Mailwell provide a traffic signal that allows truck turns to swing onto LRT tracks to make turns.
- No solution found to employee parking problems; can't find place to locate parking structure

WIW

- Locate P/R on site south of Kellogg Lake with pedestrian connection to Lake Road LRT Station on the north side of the lake. P&R at south end best because people won't drive through town. Don't locate P/R in the industrial area.
- Locate the LRT crossover from Main to Tillamook through the ODOT property just south of Ochoco.
- Locate TC on Pendleton site next to Springwater Corridor. Use the Tillamook alignment into downtown.

Flip Chart Notes for Group 3 –

Elevate line immediately after Tacoma

Maintain Elevation through Milport and through the park & ride facility.

Removing interaction between light rail and industrial area traffic by shifting main street west after Irridio, preserving Irridio, and through the proposed park & ride, and then back to main to create sufficient stacking distances for trucks.

Need to find different place for the parking structure.

Constructing road from Mailwell, along tracks to Hannah Harvester Drive, to create better stacking distance, and avoid light rail intersection conflict.

Of at grade level, signal @ Mailwell to allow turns over light rail tracks.

Group 4

LPA

- Elevate LRT would be attractive since it separates LRT from truck traffic
- Locate TC on vacant land between Hannah South and Heiberg property.
- Pull back Main/Milport intersection to create queue space for the east leg of the Milport/McLoughlin intersection.
- Southgate P&R ok for now but this land will be needed in the future to fix Milport intersection
- Accuracy of cross section – is there really enough space to fit LRT and road? Don't want to agree to a concept and then have it not work out result in a business being eliminated

WIW

- Using the Tillamook Branch alignment, locate TC and P/R on Harder site with direct access to Hwy 224.
- Fix Milport – pull intersection back onto Southgate property
- Locate P/R on site south of Kellogg Lake with pedestrian connection to Lake Road LRT Station on the north side of the lake. This site has good access to and from McLoughlin.
- Maybe don't need 3 P/Rs (Tacoma, Harder, Kellogg) – better spacing between if no P&R in North Indust area. Maybe split up combinations of TC/P&R/LRT functions between 3 sites, but still need to fix Milport
- Reconfigure the street to connect Main Street to Milport into a hook-shape that creates queue space for the east leg of the Milport/McLoughlin intersection. Need to maintain same green time as today.

Flip chart Notes for Group 4

LPA -

Elevated track

Move transit center & parking structure

Fix Milport – pull back split rail/street

Prove xsection on Main.

Con's – business losses, complicated intersections, parking?

WIW –

Use Tillamook Line, put parking/transit Center at Harder Mech. Vacant Lot.

Use Tillamook line, put parking and transit center at Kellogg Lake with walkway to and from parking.

Group Configurations:

Group 1: Dolly Macken Hambright, Mark Hendricks, Bud Roberts, Chris Tobin

Group 2: David Aschenbrenner, George Anderson, Gary Hunt, Bill Adams, Alice Rouyer

Group 3: Ed Zumwalt, Howard Dietrich, Keith Bell, Grady Wheeler.

Group 4: Paul Shirey, Chuck Willie, Brian Heiberg, Roger Cornell, Pete Holman

Floating Resource People: Randy McCourt, Dave Unsworth, John Gessner, Michael Fisher, Jennifer Koozer, Michelle Gregory, Beth Ragel.

Observer: Xavier Falconi.



To: Mayor and City Council

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

From: John Gessner, Planning Director

Date: October 10 for the October 20, 2003

Subject: Metro Regionally Significant Industrial Lands
Amendments to Milwaukie Employment and Industrial Land Policies

Action Requested

Provide direction on the following:

- Expansion of Milwaukie's Industrial and Employment lands.
- Whether the City should pursue Regionally Significant Industrial Land designations for Milwaukie industrial areas.

Background

Industrial development has become a major topic of policy discussion. The creation of new industrial lands and preservation of existing sites has been declared a matter of statewide importance by the Governor. Under House Bill 3557, the Legislature created a special committee to look at the state's industrial land supply. Recently, the Governor's office has been seeking means by which to ensure a ready supply of land for industrial uses.

In 1999, the City adopted a new land use policy for the protection of certain portions of the City's Manufacturing and Industrial zones including prohibition of large-scale retail uses.¹ These areas are located in the north industrial area, along Johnson Creek Boulevard, and between Highway 224 and Railroad Avenue. See Attachment

¹ As required by Metro Urban Growth Management Functional Plan Title 4.

1 for an area map. The purpose of the policy is to preserve industrially zoned lands for manufacturing and industrial uses.

In response to concerns about a shortfall of industrial land supply Metro has recently amended Title 4 by strengthening protections for industrial and employment areas and by adoption of the Regionally Significant Industrial Area designation. The latest round of urban growth boundary amendments resulted in a shortfall of industrial lands. Metro estimates that there is an unmet need for an additional 4,300 acres to meet future industrial demand.

Expansion of Milwaukie's Industrial and Employment lands.

Only a fraction of Milwaukie's industrial areas have the Metro Industrial and Employment designation. City and Metro records are inconclusive regarding this matter. It is believed that many areas were omitted due to past expectations and assumptions about light rail that are probably not valid today.

Staff suggests that extending the Industrial and Employment designation to all portions of the Manufacturing and Business Industrial zones would be consistent with existing city industrial policies. It is believed that designation of the industrial and manufacturing areas would also position Milwaukie to take advantage of economic development opportunities and possible but yet unknown transportation funding opportunities that may arise in the future.

Metro amendments require each city to adopt planning policies and codes to meet new concerns about regional industrial needs including:

- Limiting land uses to industry and offices for research and development.
- Restrict retail uses to no more than 20,000 square feet.

These requirements are more restrictive than today's zoning restrictions that prohibit retail uses greater than 60,000 square feet. However, Metro Title 4 would not have an adverse affect on existing or future businesses allowed under present zoning.

It is noted that Metro requires city code be changed to meet the 20,000 square foot retail limitation (from 60,000) regardless of whether the industrial and employment designations are expanded.

Regionally Significant Industrial Land Designations

The Regionally Significant Industrial Land designation was created to protect new industrial lands brought into the urban growth boundary as well as some already developed industrial lands from converting to non-industrial uses.

City Council Staff Report, Title Amendments
October 14, 2003
Page 3 of 3

Metro Council will be adopting a map of regionally significant areas in December. Milwaukie's industrial areas have not been identified on Metro's preliminary map due largely to these areas not having Title 4 Employment and Industrial designations.

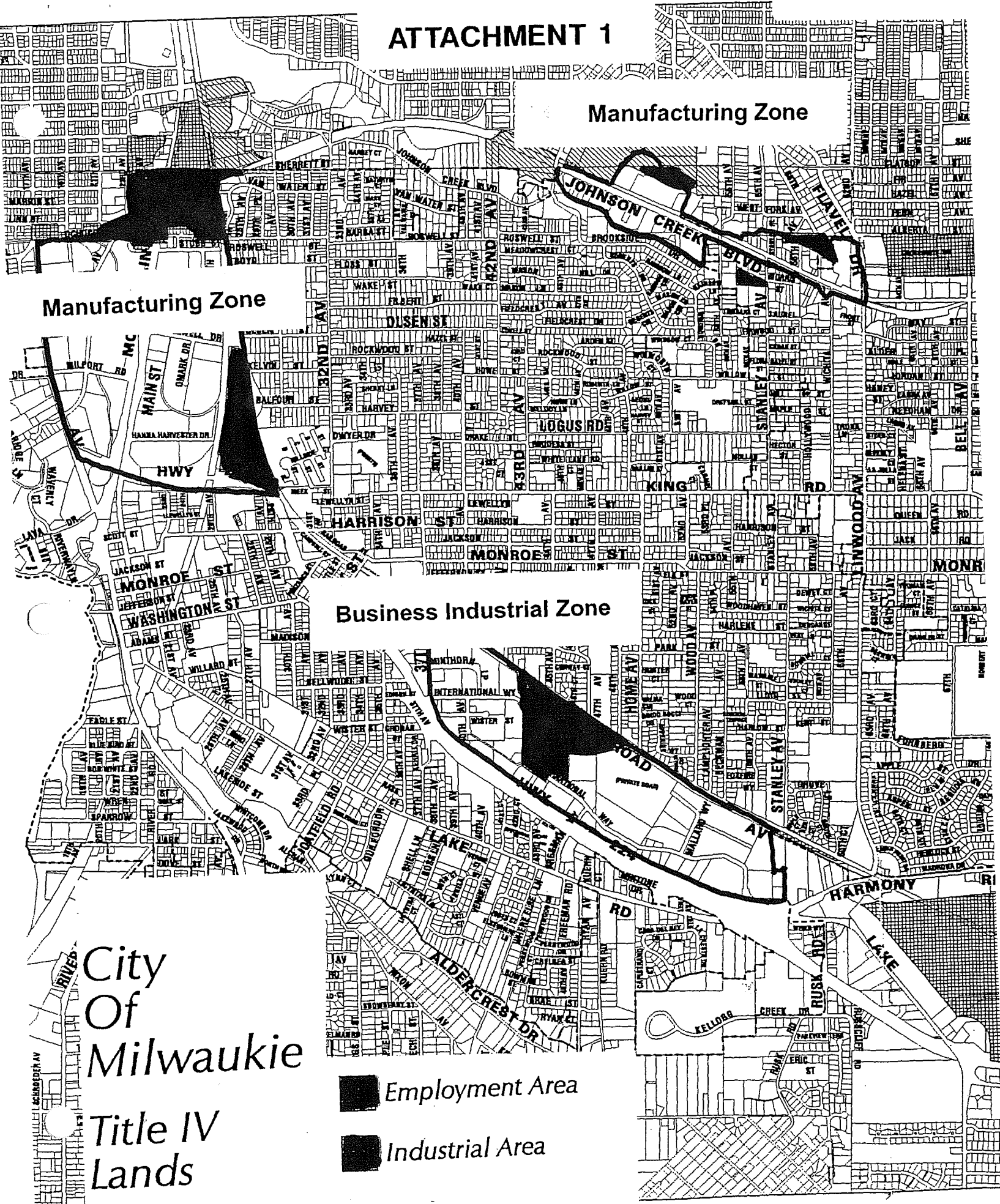
It is expected that the Business Industrial and McLoughlin Manufacturing zones would have been designated by Metro if the Employment and Industrial designations were in place. The Johnson Creek manufacturing zone most likely does not qualify for the regionally significant designation due to its small size, and prevalence of nonconforming uses. Staff believes that the regionally significant designation may elevate the importance of the areas in future discussions about transportation funding. This is an important issue, considering future transportation improvements that will be needed in the north industrial area.

See Attachment 2 for additional information on how Metro is looking at the industrial lands issue. Metro's definition of industrial uses is an important outstanding issue that would affect a staff recommendation. If defined narrowly, the designation may not be appropriate to the Business Industrial zone due to the many office uses located there. Staff hopes to have this matter resolved and be prepared to report at the for the October 20 worksession.

Attachments

1. Milwaukie Title 4 Map
2. Lydia Neil, Metro Principal Planner to David Bragdon, Metro Council President, May 7, 2003.

ATTACHMENT 1



City
Of
Milwaukee

Title IV
Lands

- Employment Area
- Industrial Area

M E M O R A N D U M

600 Northeast Grand Avenue | Portland, Oregon 97232-2736
(tel) 503-797-1700 | (fax) 503-797-1797



METRO

Date: May 7, 2003
To: David Bragdon, Metro Council President
From: Lydia Neill, Principal Regional Planner
Subject: Industrial Land Locational and Siting Criteria

Purpose:

Development of locational and siting criteria will inform land studied in the 2002 and 2003 Alternatives Analysis. Land will be evaluated for suitability for industrial purposes by applying the criteria developed for warehouse/distribution, general industrial and tech flex.

Background:

The Governor has declared the importance of stimulating the economy and providing Oregon with the necessary tools and land supply to be ready for the economic recovery. Specifically he has issued an executive order that is aimed at providing more shovel ready land for industrial users through the streamlining of regulations. He has also has Our region is uniquely positioned due to port access, location of two intercontinental railroad and an international airport for the movement of goods and services. These activities generate economic activity on their own but they also act to support industries that manufacture products that are exported from our region. A key component of the regions economic growth is based on supply chain management and productivity gains realized through transportation investments. Industrial competitiveness is now focused on logistics rather than obtaining gains through manufacturing innovation or pure sales growth of products.

The Port of Portland has developed a presentation to highlight the tenants of Smart Industrial Growth. Smart industrial growth centers depend upon the preservation of access to transportation and efficient development of land for both residential and employment purposes. Transportation is a key tenant of the new economy because transportation costs often represent 20% of the cost of a product. Since both uses share some of the same transportation facilities it is paramount the both residential and non-residential development use land efficiently.

One of the keys to economic success is a vibrant urban core that contributes to a high quality of life and reinforces branding of the region. This also serves as an attractor of intellectual talent for companies located both inside the core of the region and employment areas on the edge.

Keys to Smart Industrial Growth:

- Develop in areas to maximize existing or planned transportation investments
- Maintain an adequate supply of quality land that is located close-in to the central core rather than located at the edge of the region
- Provide multiple modes of transportation to move products efficiently to maintain a competitive edge for the region
- Cluster industry for supplier access, access to transportation improvements and taking advantage of the synergy of like firms located in key areas

One of the challenges in providing land for industrial purposes is to resist the temptation of allowing land to be used for the highest but not necessarily the most strategic use for job generation. Commercial development can bid up price of land but often offers a lower wage potential, less opportunities to provide export opportunities or value added manufacture that has spin off effects. Commercial activity has a need to locate near population centers because of the services that they provide. The need for commercial space must be balanced against the requirements for industry. Industrial users have more location specific and access dependent decisions than either residential or commercial users and this must be factored into discussions regarding satisfying the demand for land.

Determining potential locations for industrial lands needs to be focused on evaluation of lands based around existing locations of industrial employment. A four-step approach has been outlined to determine which land to study to fulfill the industrial land shortfall. This research approach should focus on defining key employment areas, clusters of economic activity, location and accessibility to land from existing transportation investments, parcel size and location constraints of key industrial sectors.

Examination of existing industries and economic activity clearly points to specific geographic areas of the region that specialize in the high tech industry. The Westside economy accounts for one fourth of all economic activity in the Oregon portion of the Portland region. The high tech cluster has reached a critical mass, primarily located in the western portion of the region.¹ The high tech industry is a knowledge based industry that is clustered in an area that extends from the Hillsboro airport, SE along Sunset highway, along HWY 217 and I-5 to Wilsonville. The growth trend within the high tech industry in these areas is to export the lowered skilled manufacturing jobs off-shore and keep the research intensive jobs in our region. One example is that the number of patents that are filed by Intel from its Oregon campus exceeds the rest of its US operations combined. Intel uses an exact copy manufacturing process that is develop in Oregon and then replicated in other manufacturing facilities both in the US and around the world.

Clusters

The concept of clustering like employers in different parts of the region results from geographic advantages, location of suppliers that are attracted to these companies, complimentary firms that produce related products and the base of intellectual talent necessary to continue to innovate. Although many of these companies are classified as manufacturers they are unlike the manufacturers of decades past that relied on business advantages gained from access to raw materials, cheaper shipping or labor for increased profitability. Different parts of the region will play different roles in the regional economy based on natural features, infrastructure investments and location of existing industries. Four key industry clusters have been identified²:

- Hi-tech
- Apparel/Sporting goods
- Nursery products
- Metals, some of which support the hi-tech industry

This crescent of activity was propelled by Intel and Tektronics and has produced a number of spin-offs, suppliers and related activity to serve this growing segment of the economy. The high tech industry is a knowledge based industry that requires constant innovation because of short product lifecycles. Processes and products are often outdated in a very short period of time requiring constant re-tooling of facilities and changes in manufacturing processes. Spin-off activity has spurred growth in this industry through software development, instrumentation and development of

¹ A cluster is defined as a geographic concentration of competing, complementary or interdependent firms with common needs for talent, technical support and infrastructure.

² Source:

specialized production equipment. Spin-offs were fed from venture capital investment of over 1 billion dollars in 2000³.

Besides the concentration of high tech located primarily on the west side of the region our region is beginning to cultivate a sporting goods and apparel presence due to the location of Nike, Columbia Sportswear, Addidas, Soloflex and other equipment manufacturers. Like the high tech cluster this industries rely on changes in design and innovation to stay at the top of their industry and continue to generate increased sales of their products. The bulk of the actual manufacturing of atheletics products occurs off-shore although these manufacturers design prototypes here and manufacture keep key components in this region. These jobs are typically high wage jobs in a fast growing industry segment.

The nursery industry needs access to transportation for shipping products and fulfills some local market demand within the UGB. On the west side of the region this is the fastest growing component of agriculture with a 3.6% growth rate. There is a substantial cluster of nursery producers located on the east side of the region located both inside of the UGB and outside of the UGB (both on Exclusive Farm Use (EFU) and exception land).

New Global Economy

The new global economy relies on regions to define the unit of competitiveness. Knowledge is the currency that purchases economic viability in competing regions. Successful companies generate new ideas that have economic value. The traditional model for economic success was predicated on access to raw materials and production efficiencies will continue to be less important. This accounts for a decline in manufacturing jobs nationally and an export of low skilled manufacturing and assembly jobs overseas.

Even though we have made technological advances in the exchange of information place and the physical exchange of information still matters. Regions have become more important than states for massing companies and institutions that encourage entrepreneurship and innovation. Attracting and retaining talent is fostered by maintenance of a high quality of life and a vibrant urban core because of the mobility of the age cohort that is fulfilling this function.

How Do We Assess the Utility of Land for Industrial Purposes?

Identify Key Employment Areas

By examining available census, building permit and MetroScope data we can assess which employment areas are generating the highest demand for land. Industrial growth is concentrated in five main locations within the region. These areas are: 1) Portland, 2) Sunrise, 3) South Metro 4) Westside and 5) East Metro (Attachment A). These locations are clearly indicated by MetroScope data shown in Attachment B that indicates Industrial employment gains in terms of employees per gross acre over the 20-year period. Firms make location choices based on the ability to maximize revenues either from growth or a minimization of costs if the demand for goods is held constant. Indirect factors that influence location choices include agglomerative economies, amenities available at a particular location an innovative capacity draw from a particular location. Each of these areas have comparative advantages based on accessibility to transportation facilities that are key to business, location of intellectual talent, access to specialized suppliers and existing locations of similar firms.

Assess Site Characteristics of Industrial Sectors

The following industrial sectors have specific site characteristics based on the requirements of the businesses that locate in buildings types for Warehouse and Distribution (W/D), General Industrial (GI) and Tech-Flex (TF) that have been identified in the adopted Regional Economic and Population Forecast and the Employment Urban Growth Report for the period from 2000-2022.

³ Source:

In order to identify the characteristics that allow land to be suitable for WD, GI, TF a number of interviews were conducted with industry professionals that specialize in land acquisition, site development and facility management (Attachment C).

Warehouse and Distribution: Access is king to the warehouse and distribution industry. Warehouse and Distribution (W/D) needs freeway access via an arterial or collectors street system. Since transportation of goods is the primary purpose of these businesses ease of access and the ability to move goods on-site is of primary concern. Businesses relying on freight movement choose I-5, 84 and I-205 locations to maximize the movement of goods. The value or premium that a business places on access is somewhat dependent upon whether the movement of goods is in bulk or results from primary manufacturing or results from the type of products manufactured. Bulk suppliers and users tend to locate as close to Port facilities that utilize rail, barge and container facilities. Local distributors place a higher premium on sites that are centrally located and as a result are willing to trade off congestion for a location that can reach a number of places in the region. Manufacturers that manufacture precision products that are small in nature may require access to the airport for shipping. In terms of air freight shipments the top five companies are Electro Science, Hewlett Packard, Intel, Nike and Sequent.⁴

The region is situated between several transportation corridors that provide relative advantages for the movement of goods. I-5 is key for intra-state travel and the movement of containers. I-84 provides access to the eastern portion of the region and access to airport facilities. Highway 26 provides access to the western portion of the region as well as the Hillsboro airport. Highway 26 is not a desirable location for businesses relying on moving goods unless these businesses are servicing the industries that are already located in this corridor. These sites need to be reasonably close or at a minimum have good access to Port facilities. Time is a greater determinant than actual distance for these types of businesses. Congestion and intervening non-compatible land uses impede the ability of these businesses to distribute products. Some firms stagger trips to avoid peak travel times when congestion is heaviest to mitigate some of the negative consequences. Ideally, access to a freeway interchange would not occur through a residential or commercial area.

Typically these buildings are single story, concrete tilt up structures that are located on relatively flat sites accessed by trucks. Buildings range from ___ sq ft to ___ sq ft and have FAR's of _____. Some of these sites handle container traffic as well. Sites suitable for WD use should contain the following site characteristics:

- Freeway access at an interchange or via an arterial within three to five miles
- Net parcel size greater than ___ acres
- Agglomeration of available parcels suitable for WD use of at least ___ acres for development of new WD locations
- Slope of less than 10%, preferably a slope of less than 5%, the larger the building the more difficult to accommodate greater slopes
- Routes available are key: I-5, HWY 84, I-205
- HWY 26 is not desirable due to congestion

General Industrial: General industrial building types can accommodate light to heavy manufacturing activities. The buildings may be specific build projects for larger company operations or more general spaces that are built on spec. Heavy manufacturing activities that require bulk materials for manufacturing need to locate adjacent to rail and port facilities to take advantage of cost savings from these type of transportation facilities. If these buildings are used for high-tech use they require stable soils due to reduce vibration and specialized public facilities like specialty gases, triple redundant power, high volume water and fire/emergency response units. High-tech firms are knowledge based industries tend to rely on agglomeration as a resource for intellectual talent, supplies and supportive technology available from like firms.

- Freeway access at an interchange or via an arterial within one half mile
- Net parcel size greater than ___ acres

⁴ Source: Port of Portland

- Agglomeration of available parcels suitable for WD use of at least ___ acres
- Location near other like firms
- Stable soils, flat sites with buildable areas that do not have a rolling topography i.e. no fill
- Manufacturing sites greater than 20 acres can have slopes of no more than 2 to 3%, the larger the building the less likely to be able to accommodate greater slopes
- Manufacturing sites between 1-5 acres, slopes can be no more than 3 to 5%
- Access to the airport within 45 minutes, Hillsboro airport can provide some passenger service and meet limited cargo needs of the high tech industry

Tech Flex: As the name implies these buildings are constructed to be flexible in nature and be easily configured to meet different space requirements. They can accommodate light assembly, product or material storage, some research activities and may contain a limited office use component. These buildings are typically not constructed to meet the specialized needs of a single firm. They fulfill a space need for smaller firms, start-ups and sometimes growing companies. Generally, the site requirements are not as restrictive as the requirements of WD or GI sites. A site that is developed for tech flex use can tolerate greater variations in slope by breaking up buildings to accommodate topographic constraints.

- Freeway access at an interchange or via an arterial within 3-5 miles, congestion is not as great an issue as for WD uses
- Net parcel size greater than ___ acres
- Agglomeration of available parcels suitable for tech-flex use of at least ___ acres
- Slopes of less than 5%
- Availability of specialized utilities such as specialty gases, triple redundant power, abundant water, dedicated fire response services
- Located within close proximity of existing high tech companies and suppliers
- Must have access to airport, no more than 45 minute travel time for passenger purposes
- Can tolerate some rolling topography within a site sloped no more than 5%, as slopes approach 5% meeting ADA requirements will be difficult

How Will this Information be Used to Complete Periodic Review?

Apply to Lands Studied

The 2002 Alternatives Analysis evaluated approximately 88,000 acres of land for possible inclusion into the urban growth boundary. Of these lands that were studied approximately ___ acres were evaluated for industrial uses. After the expansion of the UGB in December 2002 approximately ___ acres are left for further evaluation and possible inclusion in the UGB. The parcel size demand information and locational siting criteria must be applied to the remaining study area lands as well as lands studied in supplemental work conducted in 2003.

- Apply criteria developed to remaining lands from the 2002 Alternatives Analysis
- Re-evaluate lands in remaining study areas to assess whether they could be converted from a commercial or residential use to meet industrial demand
- Apply lands to areas identified for study in 2003 to supplement the Alternative Analysis

Conclusions

A number of common themes resulted from the interviews and the subsequent analysis. Industrial sites need land that is sloped no more than 5% (3-5% is preferable). Access is a critical component for warehouse and distribution industries although it is also important for general industrial and tech flex but access is more focused on the movement of people rather than the movement of goods. It is clear that industries desire to be located near similar uses due to underlying common site characteristics, the need for access to suppliers and access to a workforce.

Next Steps

- Incorporate elements from a Regional Economic Strategy
- Develop an Aggregation Strategy
- Identify demand for industrial land in short-term (1-5 years)

- Attachment A-** Industrial Concentrations
- Attachment B-** MetroScope Industrial Land Gains
- Attachment C-** Matrix of Interview Comments

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To: Mayor and City Council

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

From: John Gessner, Planning Director

Date: October 10 for the October 20, 2003 meeting

Subject: Proposed House Move Regulations

Action Requested

Review the proposed revisions to the City's house moving regulations and provide comment and direction.

Background

Milwaukie has regulated house moves since adoption of the first of three related ordinances in 1945, which sought to avoid nuisances and protect the public welfare. Amendments in 1954 strengthened the first ordinance by requiring insurance and requiring Council approval for moves of large buildings. In 1974 the requirement for Council approval was reversed.

Today's regulations have four basic parts as follows:¹

1. All structures to be moved over city streets require a permit.
2. Identification of the route over which the house will be moved and specification of traffic controls and escorts.
3. Insurance requirements.
4. Application fee.

¹ See Attachment 1, Milwaukie Municipal Code 15.20.

Staff believes that the existing code can be improved upon to help provide certainty and reduce conflict. A revised code has been prepared for discussion purposes. A summary of key elements is shown below. Council comment and direction is requested. (See Attachment 2 for the full text.)

Code Provision	Policy Explanation
Prohibit the temporary placement of moved structures.	Avoid conflicts that arise when buildings are left on a site beyond the time permitted.
Require certification to confirm that both the donor site and receiving site comply with zoning before the house is moved. ²	Ensure compliance with city code. Provide direction and certainty to house movers regarding zoning needs. Reduce conflict over selection of the receiving site.
Specify full details of move-route, timing, coordination with utilities, and obstructions that need to be moved.	Make sure that there are no surprises that result in public cost or inconvenience.
Authorize the Engineering Director to decide permits.	Provides a strong link to street operations and engineering staff.
Allow appeals of decision on house moves to City Council.	Helps manage conflicts and disputes.
Specify submission requirements and approval criteria.	Facilitates good decisions and minimizes risk of public expense and inconvenience.
Provide \$1,000 penalty for violations.	Encourages good behavior and code compliance.

Next Steps

If the Council directs staff to proceed, the code will be presented to the Planning and Design & Landmarks Commissions for their comments. The matter will then be brought back to Council for final review before preparing an adoption ordinance.

² Donor sites should be checked to determine if the house to be moved is a historic structure under city code.

Concurrence

The draft regulations have been developed with the assistance of the following staff: City Attorney, Community Development and Public Works Director, Engineering Director, Building Official, and Streets Operations Supervisor.

Fiscal Impact

Code preparation and adoption will not affect budgeted expenditures or revenues. If directed to proceed, a fee will be proposed to ensure cost recovery for application review, inspections, and related city work.

Work Load Impacts

It is estimated that an additional 10 to 15 hours would be required for adoption.

Alternatives

The Council has the following decision-making alternatives:

1. Advise staff to proceed with direction.
2. Refer the matter back to staff for additional work with direction.
3. Take no action.

ATTACHMENT 1

Milwaukie House Move Regulations

Section 15.20.010 Permit required.

It shall be unlawful for any person to move any structure, which is ordinarily attached to real property, in or through the city, or to occupy any street or any portion of any street, either temporarily or permanently without first obtaining a permit therefore, as provided in this chapter. (Ord. 592 § 2, 1954)

Section 15.20.020 Application requirements--Insurance policy.

The required permit shall be issued by the city manager, upon application made to the city manager, which application shall specify the time in which such structure will be moved; the streets over which the same shall move; the overall length, width and height of such structure; that a proper escort will be provided in front of and behind the structure; and with the application shall be tendered the permit fees as specified in this chapter; and an insurance policy, approved by the city attorney, in an amount of fifty thousand dollars or more for public liability insurance of injury to one person, one hundred thousand dollars or more for public liability insurance in case of all personal injuries from one accident, and fifty thousand dollars or more for property damage; such insurance to be for the protection of any person sustaining personal injury or property damage due to any operation pursuant to the permit; provided, that if the applicant for such permit already has a policy meeting the requirements of this section as to amount, a certificate of such insurance or a certified copy of such policy may be furnished; provided a rider or other provision is applied making such insurance available to the city, or until such person shall have made such deposit of cash as may be the equivalent of such insurance; that such person shall agree to fulfill, provided for in any public utility franchise with the city. (Ord. 1298 § 1, 1974; Ord. 592 § 3, 1954)

Section 15.20.030 Fees.

The fees for such permit shall be set by resolution of the city council. (Ord. 1592 § 3, 1986)

ATTACHMENT 2

Discussion Draft Moving Structures Over City Streets 10/7/03

Move Permit Required.

A Move Permit is required prior to moving any structure over city streets.

Site Occupancy Prohibited

1. Occupation of a moved structure on any lot, tract, or other real property without first obtaining zoning certification in accordance with this chapter, required building permits, and payment of all fees is prohibited.
2. Temporary storage of moved structures is prohibited.

Applicant's Burden

The applicant bears the burden of demonstrating compliance with all provisions of these regulations prior to issuance of approvals.

Authority to Decide Move Permit

The Engineering Director shall interpret, apply, and enforce provisions of this chapter.

Date Approved Work May Proceed

No work authorized under an approved move permit may commence until expiration of the appeal period.

Appeals

- A. The City Council shall decide appeals of decisions on Move Permits.
- B. The appeal fee, as adopted by the City Council, is required at the time the appeal is submitted. Appeal applications that are not submitted with the proper fee shall not be accepted. .
- C. Appeals on Move Permits must be received by the Engineering Director within 5 workdays of the date it is issued.

Certification of Zoning Compliance

- A. The applicant shall demonstrate consistency with Title 19 – Zoning Ordinance for the donor and receiving sites prior to issuance of a Move Permit.

B. Zoning Certification.

1. The move permit application shall include information necessary for determination of zoning compliance including:
 - a. Receiving Sites: Details demonstrating compliance with all applicable City Codes, and other information deemed necessary by the Planning Director.
 - b. Identification of the structure's Historic Preservation landmark status.
2. Planning Director shall determine whether the applicant has demonstrated compliance with Title 19 within 7 workdays of receipt of the structure-move application, and upon receipt of all information deemed necessary by the Planning Director to make the determination.

Application Fee

The application fee, as adopted by of City Council, is required at the time of application submission. Applications that are not accompanied by an application fee shall not be accepted.

Insurance and Bonding

(To be resolved in future draft by City Attorney and City Risk Manager.)

Approval Criteria

The Engineering Director may approve, approve with conditions, or deny move permit applications. Applications for Move Permit shall be approved only when the following items have been submitted or otherwise resolved to the Director's satisfaction. The Engineering Director may consider recommendations of Building Official, Planning Director, Streets Supervisor, Fire District, Police Chief, Emergency Service Providers, and others.

1. Complete Move Permit Application and Fee.
2. Insurance certificate, bond, or cash deposit necessary to ensure repair of damage to public property or facilities.
3. Certification of Zoning Compliance.
4. Determination that the proposed time and route of the move is safe, minimizes disruption to traffic, and public convenience.
5. Required building permits for receiving site have been approved.

6. The demolition permit for donor site, including the proper disconnection of site utilities has been approved.

Conditions

A Move Permit may be conditioned to specify the following:

1. Time of move.
2. Route of move.
3. Overall length, width, and height of structure to be moved.
4. Axle weight or wheel weight in pounds per square inch of tire.
5. Number and location of vehicle escorts.
6. Required traffic controls.

Submission Requirements.

The following items must be submitted with all applications unless waived in writing by the Engineering Director. Incomplete applications shall not be approved.

1. Completed application forms prescribed by Engineering Director.
2. Application Fee.
3. Copy of the city business registration.
4. Insurance certificate with the following minimum coverages.
5. *(Bonding requirements to be determined.)*
6. Proposed route date(s).
7. Demonstration of zoning compliance.
8. Specification of height, width, and length of structure to be moved and all escort and other vehicles.
9. Specification of wheel weight in pounds per square inch.
10. Identification of all obstructions within in public right-of-way and private property to be moved.
11. Identification of all traffic controls affected.
12. Traffic Control Plan.
13. Certification from applicable utility providers, county, and state agencies noting acceptability of the proposed move and any conditions that have been imposed.

14. Authorization by owners of the donor and receiving sites to make application for the move.

Violations

Violations of this chapter are declared a nuisance. The penalty for violation of this chapter shall not be less than \$1,000 per day. Each infraction constitutes a separate violation for each day the violation occurs.