

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION DECEMBER 15, 2003

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

Discussion Items:

| | <u>Time</u> | <u>Topic</u> | <u>Presenter</u> |
|----|-------------|---|------------------|
| 1. | 5:30 p.m. | Dinner and Information Sharing ➤ Council questions and comments on December 16 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. | Open Public Forum | |
| 3. | 6:30 p.m. | Transit Center Relocation Project | John Gessner |
| 4. | 7:00 p.m. | Public Safety Update | Larry Kanzler |
| 5. | 7:30 p.m. | Low Income Assistance for Tree Removal | Mike Swanson |
| 6. | 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.

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- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
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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 *JG*

Date: December 5 for the December 15, 2003 Work Session

Subject: Milwaukie Transit Center Working Group Status Report

Action Requested

None. This report is for information only.

Background

Staff provided the last working group status update on October 20, 2003. The group is reviewing eight alternatives, six of which have the transit center located in the north industrial area.

One option locates the transit center outside of the City, north of Tacoma Street and east of McLoughlin Boulevard. A downtown transit center option was identified in response to concerns about traffic and business impacts in the north industrial area. A summary of the alternatives follows; see maps in Attachment 1.

1.1 *South Corridor Locally Preferred Alternative*

This is the option that was recommend by the Council subject to resolving traffic and business impacts. The transit center and park and ride are located at the Southgate Theatre site with the rail line along Main Street in the north industrial area.

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1.2 *Milport "Hook" via Harder Alignment*

Same as 1.1 but with significant expansion of the site and street improvements as needed to correct problems with the Milport and Main Street intersection.

1.3 *Milport "Hook" via Hwy 224*

Same as 1.2 but with the rail line being routed under Highway 224 to avoid loss of Harder Mechanical and Heiberg Recycling and Hauling businesses at the end of Hanna Harvester Drive.

1.4 *Elevated Light Rail Transit with Milport "Fix"*

The transit center, rail line, and park and ride are located at Southgate but the rail line is elevated above Main Street to reduce impacts on parking. This alternative also includes realigning Main Street to correct the Milport and Main Street intersection.

2.1 *Tacoma Transit Center via Tillamook*

The transit center is located north of the City at the originally proposed Tacoma park and ride site. Light rail stays on the Union Pacific and Tillamook Branch lines.

2.2 *ODOT Transit Center via Tillamook*

The transit center is located on the ODOT property, with the rail line along Main Street but crossing over to the Tillamook Branch at Beta Street.

2.3 *Transit Center on Heiberg Site via Tillamook*

The transit center is located at the end of Hanna Harvester Drive on the Heiberg property using the Tillamook Branch.

2.4 *Downtown Transit Center on Post Office Site*

This new alternative is located on the block that contains the post office site on the south, and the vacant property on the north bounded by Main Street, Adams Street, 21st Avenue, and Lake Road. The alternative includes a 900 stall parking garage on the south side of Kellogg Creek, which is connected to the transit center site by a 650-foot pedestrian bridge over Kellogg Lake.

Progress Since Last Council Update

Since October 20, the following meetings have been conducted:

1. Neighborhood and North Industrial Leaders Meeting

On October 28, 2003, Milwaukie neighborhood and North Industrial business representatives met to identify basic concerns and interests that need to be

considered when evaluating the alternatives. (*See Attachment 2- Meeting notes attached.*)

2. Working Group Meeting.

On November 12, 2003, Milwaukie, TriMet, and Metro staff presented an evaluation of numerous factors for the comparison of each of the alternatives including the following:

- transit ridership
- traffic and neighborhood impacts
- land use policy
- loss of development opportunity
- public safety
- truck circulation
- impacts to businesses

The purpose of this effort was to provide a general sense of how the various alternatives compare to each other. The north industrial alternatives tended to score less well with regards to cost, business impacts, public safety, ridership, land use policy, and traffic. The downtown alternative scored better for most of these criteria but raised concerns about compatibility with downtown neighborhoods, business, traffic, and community fit. (*See Attachment 3 - Working Group Meeting Notes.*)

3. November 20, 2003 Downtown Stakeholder Meeting

With identification of a downtown alternative, it was necessary to expand the stakeholder group to include business and neighborhood interests in the working group. Milwaukie and TriMet staff explained the various alternatives to the group. A summary of concerns raised by the group include the following:¹

- Bus traffic, noise, and air pollution
- Proximity to the High School, student truancy, and unwelcome visitors
- Adverse business impacts
- Benefits of transit service to business

3. November 25, 2003 Planning Commission Update

Staff provided a verbal update to the Commission regarding the evaluation process and development of the downtown alternative. The Commission raised concerns as to whether or not a transit center could fit well in a downtown setting.

¹ See Attachment 4- Stakeholder List

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Working Group Process and Narrowing of Alternatives

To-date the working group has been a highly engaged and creative process taking into account many shared but sometimes divergent ideas. With the inclusion of downtown stakeholders, Island Station, and Lake Road representatives, a broad cross-section of the community is now weighing in on this important decision. A North Industrial business representative recently noted that this process has been the first of its kind in many years, bringing business and interests together with the neighborhood interests.

Within the last month, the group has focused on identifying possible alternatives and their respective strengths and weaknesses. As the process advances, greater attention will be given to finding solutions to design problems and mitigation of impacts. The goal of the process is to narrow the range of alternatives to a few that have a greater likelihood of working group and community support.

Each alternative has its own unique problems that may be weighed differently by different working group participants. The selection process will result in trade offs depending on where it is located, who it affects, and the type of impacts that result. The next steps in the problem solving process will be important to helping to make the alternatives better, reduce impacts, possibly find gains and ways to improve the way the transit center could fit into the community.

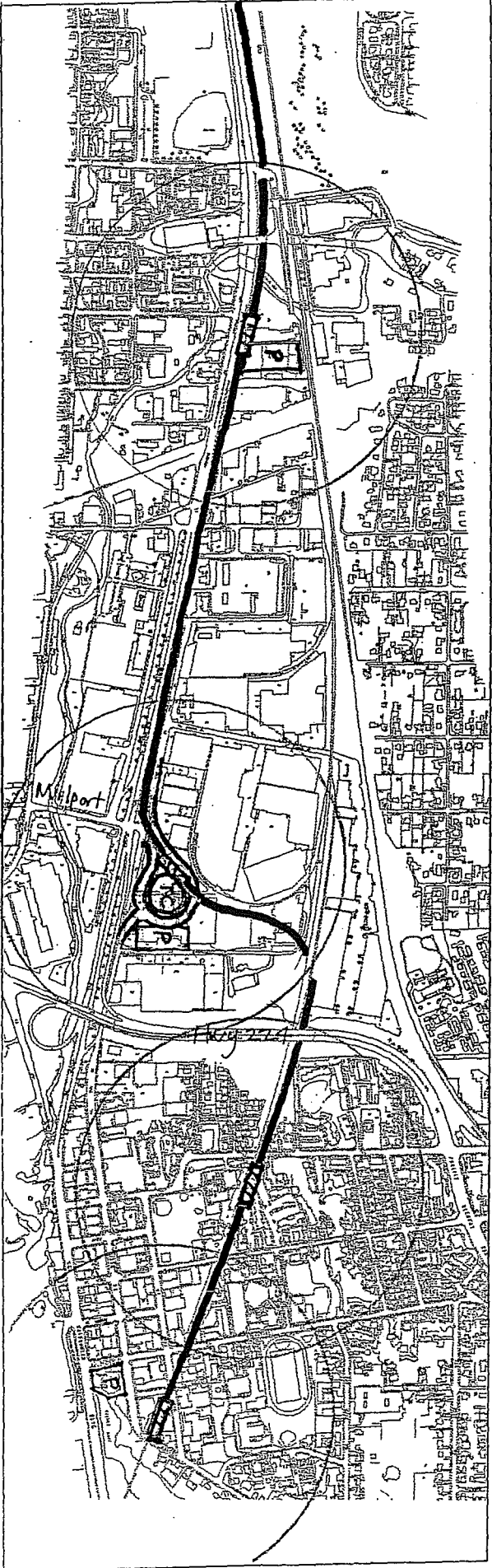
Next Steps

| | |
|--------------------|--|
| December 4, 2003 | Working Group Meeting (Staff will provide verbal update to the Council on December 15, 2003) |
| December 17, 2003 | Update to Riverfront and Parks & Recreation Board |
| January 8, 2004 | Milwaukie Only Stakeholder Meeting |
| January 15, 2004 | Citywide Open House |
| February, 24, 2004 | Planning Commission Public Hearing |
| April 6, 2004 | City Council Public Hearing to recommend an alternative to the South Corridor Policy Committee and TriMet Board. |

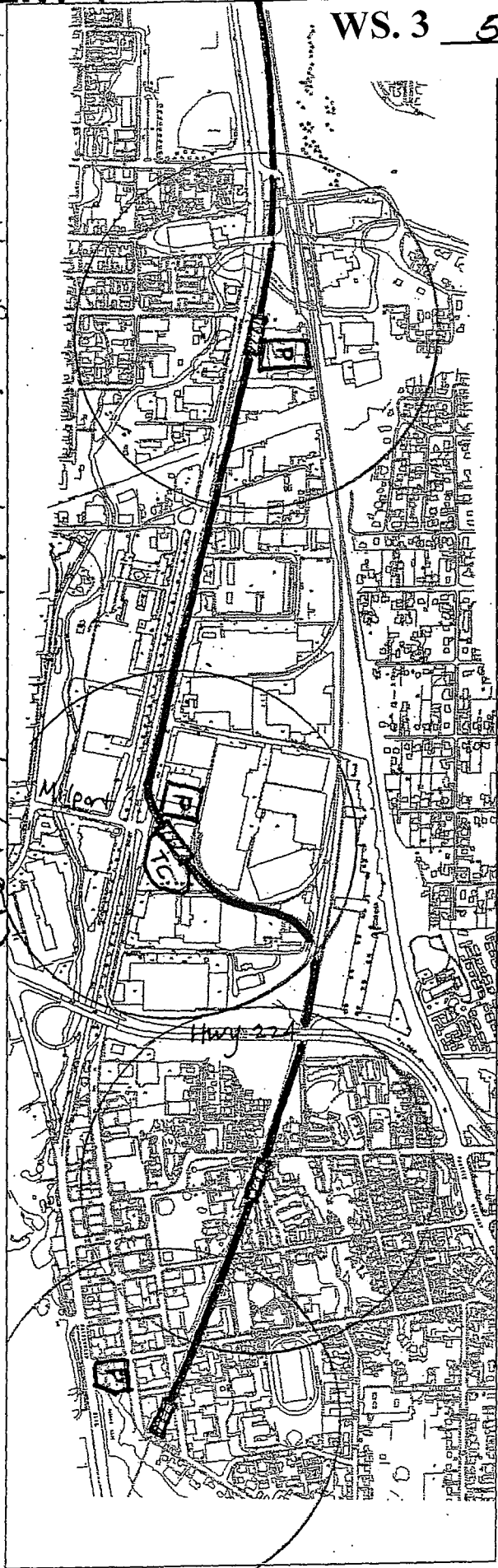
Attachments

1. Alternative Maps
2. October 28, Meeting Notes
3. November 12, 2003 Meeting Notes
4. Stakeholder List

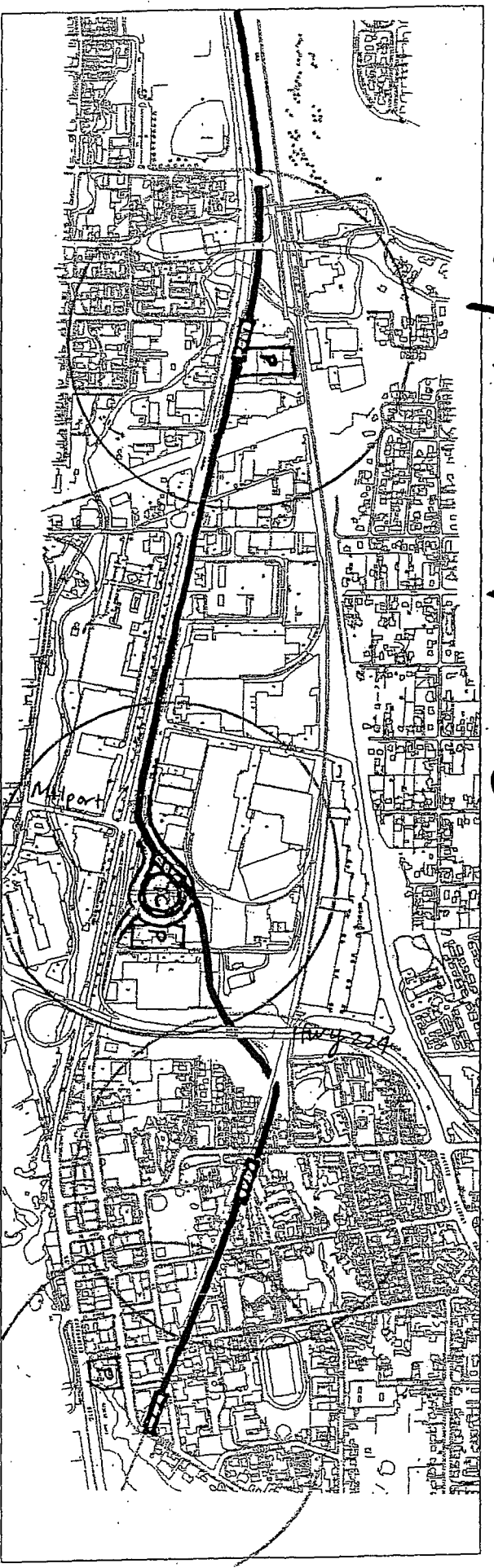
1.2 Milpport "Hook" via Harder Alignment



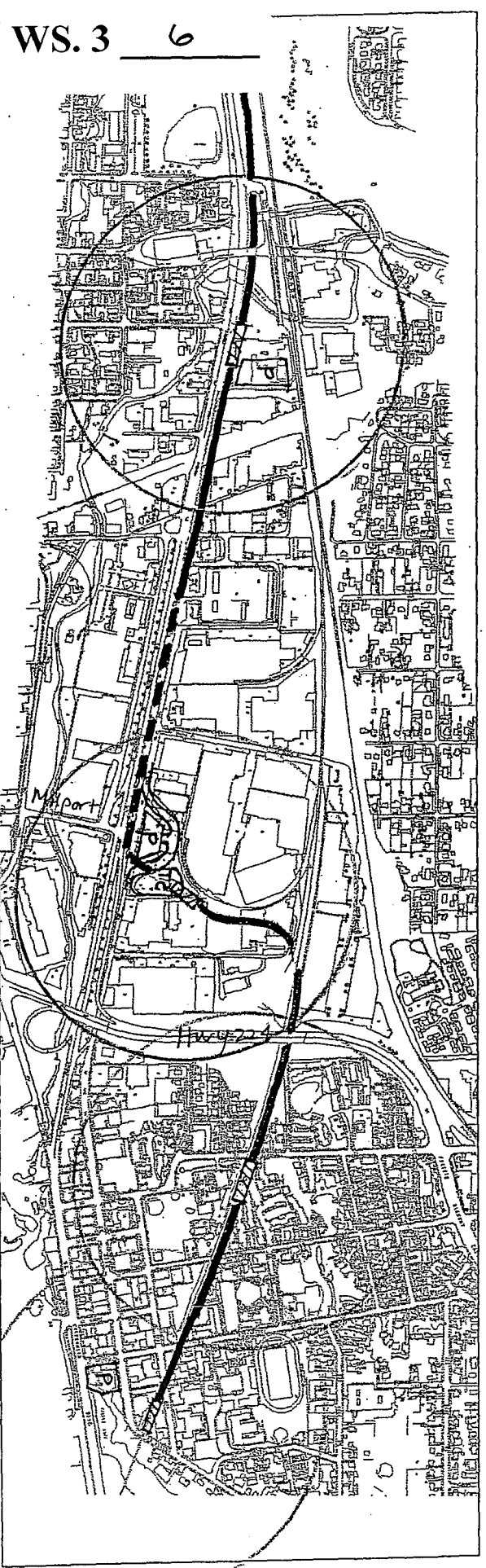
1.1 Locally Preferred Alignment (LPA)



Options For Discussion



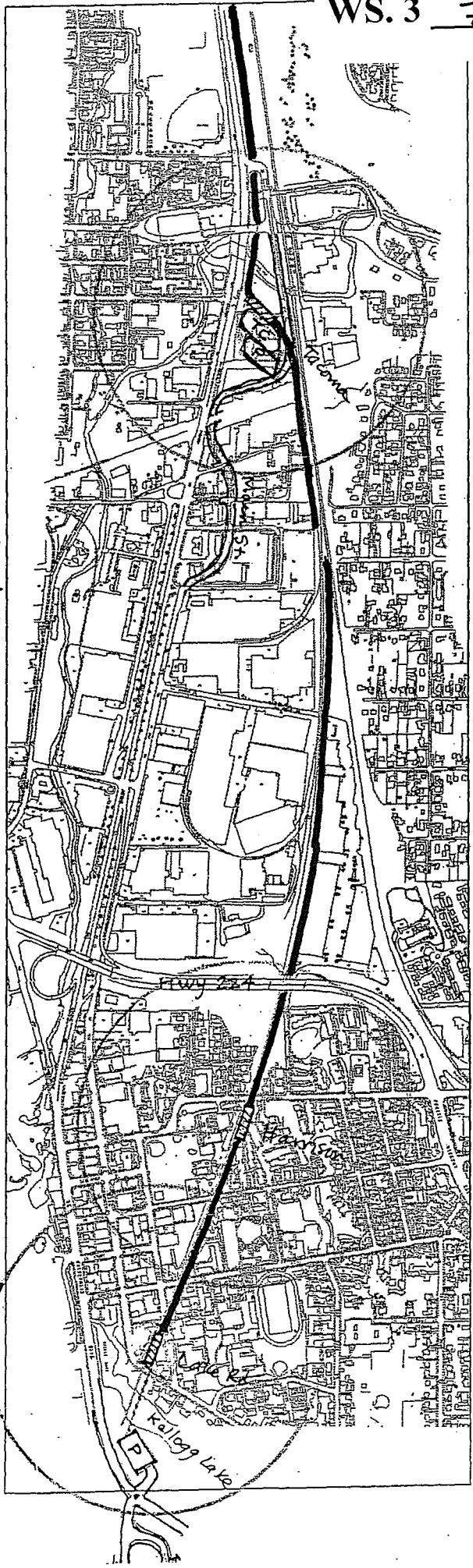
1.3 Millport "Hook" via Hwy 224



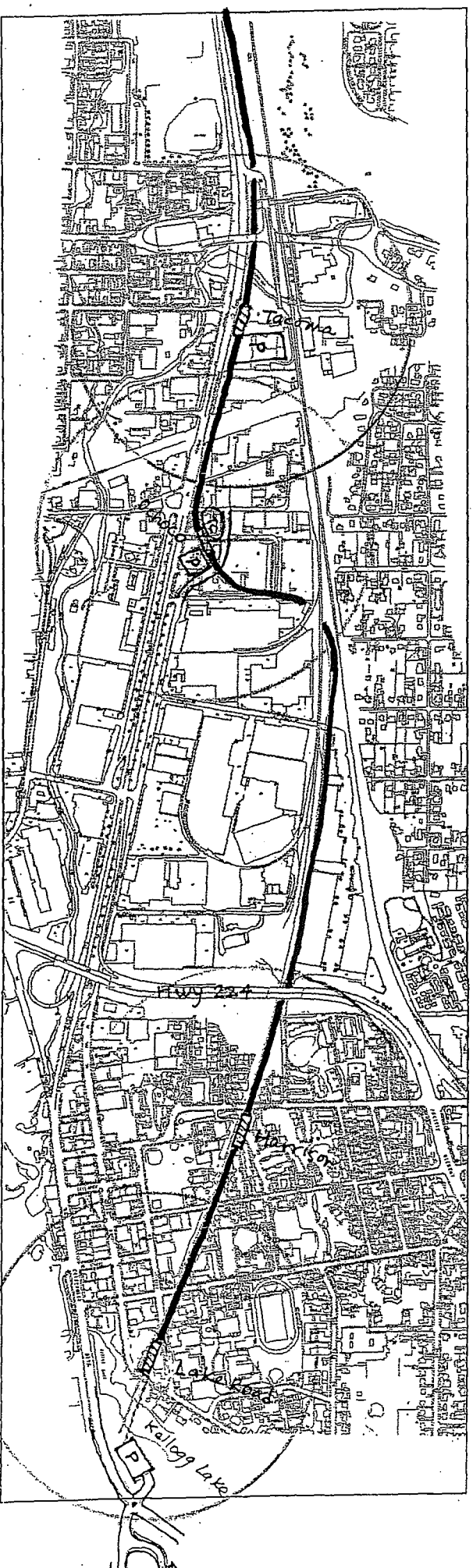
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1.4 Elevated LRT with Millport "fix"

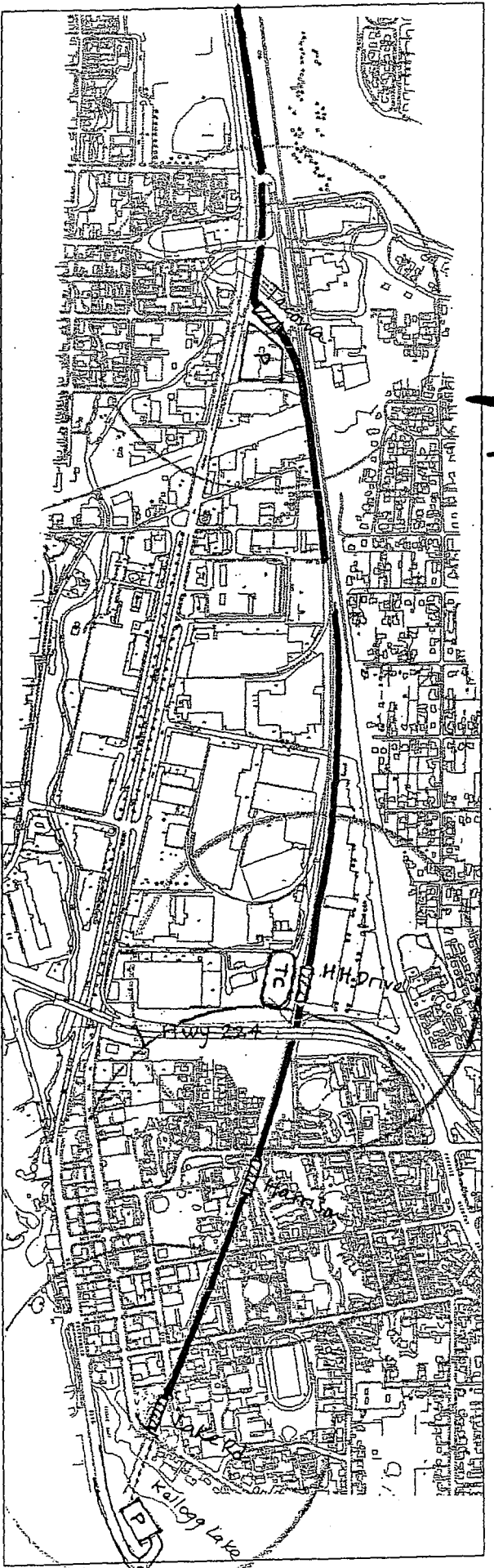


2.1 Tacoma TC via Tillamook

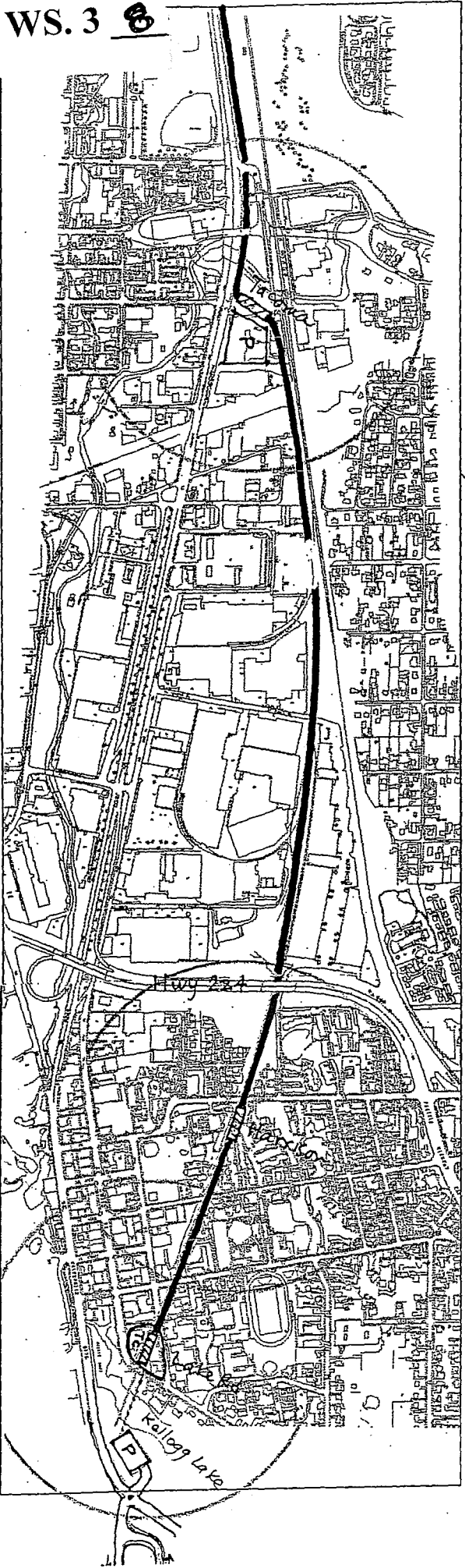


2.2 ODOT TC via Tillamook

Options For Discussion



2.3 TC on Heiberg site via Tillamook



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2.4 Downtown TC on PO site

**Meeting Summary: Milwaukie Transit Center Working Group
Neighborhood & North Industrial Leaders session
October 28, 2003**

Mutual Interests:

A transit center location (and light rail alignment) must:

- 1) Consider the effects of long-term issues that might impact Milwaukie's North Industrial and Historic Milwaukie areas. This includes issues that are currently identified as well as those that might reasonably be anticipated. Examples include but are not limited to Sunrise Corridor planning and the steady growth in cut-through traffic due to regional growth to the east.
- 2) Ensure that any solution is "meshed" with future transportation needs in the North Industrial and Historic Milwaukie neighborhood.
- 3) Resolve existing and future traffic/access problems in the North Industrial area in a timely manner, including but not limited to the Milport/McLoughlin and Ochoco/McLoughlin intersections.
- 4) Consider and resolve existing and future cut-through traffic conflicts on neighborhood streets between Highways 99E & 224, including but not limited to Harrison, Monroe, Washington and Lake Road.
- 5) Not make traffic and transportation matters worse in either the short- or long-terms in either the North Industrial area or adjacent neighborhoods. A solution will include mitigation that will protect both the future success and property values of industrial and downtown businesses as well as the livability of adjacent neighborhoods to ensure that they continue to be attractive, comfortable and marketable places in which to live.
- 6) Do not isolate a transit center in the North Industrial area without proper planning to ensure that transit users will feel safe and comfortable with proximity to convenient businesses.
- 7) Relocate and improve upon the existing negative conditions of the downtown transit center. Currently buses consume valuable on-street parking areas, and contribute to noise and air quality problems. The existing transit center also lacks design amenities such as comfortable waiting areas for transit users. Context-sensitive design for the transit center and proper bus route scheduling (avoiding long bus layovers) will ensure that the needs of buses, businesses, and transit users can be balanced.

- 8) Include downtown business and Lake Road NDA stakeholders in this conversation.
- 9) Protect existing jobs and enhance future job growth in the North Industrial area.
- 10) Contribute to the viability of downtown Milwaukie.
- 11) Make sense 30 years from now.

Comments on Alternatives:

- 1) Milwaukie stakeholders generally prefer the “2” series alternatives, utilizing the Tillamook branch alignment. They believe that these alternatives better protect existing north industrial business interests. In order to honor TriMet’s process, however, the group did offer comments on all alternatives.
- 2) Milwaukie stakeholders also noted that important stakeholders from the downtown business district and Lake Road NDA are currently not represented in this process. These groups need to have the opportunity to comment on their interests in the transit center location (and light rail alignment).

2.1: Tacoma TC via Tillamook

- A. The transit center location is a long way from downtown Milwaukie.
- B. Concerns about neighborhood traffic impacts on Johnson Creek Blvd.
- C. Involvement from Portland City and neighborhood stakeholders will be needed.
- D. This option doesn’t include a “fix” to Milport and Ochoco intersection, but also doesn’t preclude a fix in the future.
- E. A park & ride on the Kellogg Creek property rather than Washington property is preferred with this option.
- F. As noted by TriMet and city staff, this option reduces “crosstown” and local bus service to Milwaukie.

- G. This option will only work if the “end of the line” LRT station at Lake is preserved.

2.2: ODOT TC via Tillamook

- A. This is a desirable option, given that it is the only property that is currently not on the City’s tax rolls.
- B. As currently configured, the park & ride doesn’t fit into this option very well. It might be better to use more of the ODOT property east of Main Street, thus allowing a larger park & ride.
- C. Some believed that this option was positive because it focused the park & ride on the northern end of the industrial area and avoids impacts to the Main/Mailwell and Milport/McLoughlin intersections.
- D. Some believed that since the transit center was so far north of downtown, the design must include station area businesses and amenities on the ODOT property east of Main so that the transit center isn’t isolated and completely surrounded by the industrial area.
- E. Ochoco intersection improvements may be needed with this option

2.3: TC on Heiberg site via Tillamook

- A. This option was eliminated by the group. It is unsafe, difficult to access, and will not be popular with transit users.

2.4: Downtown TC on PO site

- A. One participant noted that this option has potential to shape the city’s growth for many years in the future, if designed in a way to balance neighborhood livability and business impact issues.
- B. The group generally liked this design, but believe that the post office site won’t be large enough to keep buses off-street and accommodate future growth in transit service in the coming years.
- C. Many believed that this option has great potential to build upon creating a nice “end of the line” light rail transit center facility. If designed in a context-sensitive manner, it could improve the viability of downtown and offer enhanced access to transit for Milwaukie residents. The design will need to fit into the overall “Downtown Plan” vision.

- D. This option may provide an opportunity to link transit users to the riverfront. Many were interested in seeking an option that would allow for a pedestrian overpass across McLoughlin to the riverfront from either the Kellogg Creek property or the Washington property.
- E. To address the concern that the post office site may not be large enough, the group suggested two approaches:
 - Move the entire transit center to the Kellogg South property (multi-level structure with the transit center at ground level and a park and ride above). Concern about the 650 foot Kellogg Creek crossing distance was noted. The Cedar Hills transit center and park & ride was noted as a good example of how to design a long pedestrian crossing in a successful way.
 - Find a way to expand the transit center footprint to keep buses off-street using both the post office site and the Washington property or some other variation of this idea.
 - Separate the transit centers into a local transit center and regional transit center. Local buses could be served on the post office site, with regional buses served on the Kellogg Creek property.
 - Other variations to this idea are welcome, provided they address the concerns outlined above.
- F. Neighborhood traffic mitigation for Harrison, Monroe, and Washington must be incorporated into this alternative.
- G. Residential/neighborhood parking impacts must be addressed with this alternative. A residential parking permit program will need to be implemented concurrent with the new transit center.
- H. Bus flow through neighborhoods east of 21st Avenue should not be increased by this option.
- I. Bus layover should not be permitted on the street with this alternative.
- J. A redesign and reconstruction of the “jug handle” to make its use more attractive to those accessing 224, thus reducing neighborhood cut-through traffic, is an option.

1.1 Locally Preferred Alignment (LPA)

- A. This design was acknowledged by the group to not be workable for all of the reasons identified in early working group meetings. It does not meet the interests identified above.

1.2: Milport “Hook” via Harder Alignment

- A. The group believed that this design was very creative but was concerned that the roundabout design might confuse traffic flow (at least in the short-term). The design—absent inclusion of the transit center—might provide a Milport solution.
- B. The group also expressed concern that the transit center design in the middle of the roundabout seemed isolated from other adjacent uses, rather than integrated into the North Industrial area.
- C. This option does not fully address business impact concerns associated with a Main Street alignment.
- D. There is concern about any option that removes the Harder Mechanical facility.

1.3: Milport “Hook” via Hwy 224

- A. The group was concerned that this design was prohibitive due to cost and environmental impacts.
- B. This option does not fully address business impact concerns associated with a Main Street alignment.

1.4: Elevated LRT with Milport “fix”

- A. The group believed that this option would be too cost-prohibitive to consider seriously.
- B. Many were not satisfied that the intersection design would fully address the Milport/McLoughlin intersection problems.
- C. The group was concerned that this option removes the Harder Mechanical facility.

**Milwaukie Transit Center Working Group
11/12/03 Meeting #5**

Introductions:

Michelle welcomes everyone. She explains that today the group will receive a summary presentation on the technical evaluation of the eight suggested options developed at the last working group meeting for the location of the transit center and light rail alignment. Michelle also points out that since some of the alternatives generated at the last meeting produce impacts on new stakeholders, that there are some new people at the meeting. She adds that there is much more information regarding the evaluation in the packets that have been distributed, in the interest of time the oral presentations will be brief. The new stakeholders follow:

Caroline Tomei: From Island Station neighborhood
Gary Michael: Island Station neighborhood
Jean Michel: Lewelling neighborhood
Art Ball: Lewelling neighborhood
Kathy Buss: Lake Road neighborhood
Molly Hanthorne: Island Station Neighborhood
Another woman from Island Station (didn't catch name)
James Stillwell: Harder Mechanic
Mike Brown: On Target Archery
Ron Landers: On Target Archery

Also in attendance: David Stroop Clackamas Review newspaper...left early in the meeting.

Michael Fisher (Trimet):

Michael first points out the eight maps displayed along the wall. These maps have the drawings of the eight layout alternatives. He also points out the evaluation matrix posted on the wall. He notes that everyone has copies of the eight layouts and the evaluation matrix at their seats.

Michael explains that the first set of four options (1.1-1.4) follows a Main Street alignment. The second set of four options (2.1-2.4) follows the Tillamook railroad to Lake Road with a station on Kellogg Island.

What the two sets have in common:

They all have a park and ride at Tacoma St.
All have 875 parking spaces (but differ in where those are located). Options 1.1-1.4 have two parking areas; one on Washington and another smaller lot on Main St.
Options 2.1-2.4 propose that all 875 spaces be located on the south side of Kellogg Lake.

Summary of eight options (refer to maps for greater detail):

Main St. Alignments (1.1-1.4):

- 1.1 The primary issue with 1.1 (the original LPA) was congestion at Millport/Main intersection.
- 1.2 Changes this intersection by connecting Main St. to Millport. Creates a “hamster wheel” design. The Transit Center would be located in the center of this loop with park & ride located next to it.
- 1.3 Is the same as 1.2 but includes idea of tunnel to get across 224, and it crosses south of the Hieberg property.
- 1.4 Extends Millport so vehicles have more queuing time. The park and ride is over Main St. with the transit center to the south. Light rail is elevated all along Main Street in this option.

Tillamook Options (2.1-2.4): All these options propose a park and ride on Kellogg Lake greenspace which would be connected to the transit center by a covered pedestrian bridge.

- 2.1 Transit Center is moved up to Tacoma and all combined into single complex.
- 2.2 Follows Main St. to Ochoco then crosses ODOT property. The transit center would be on ODOT property.
- 2.3 Transit center on east side of Heiberg business. Takes an acre of that property but does not include the park and ride.
- 2.4 Transit center would be located downtown Milwaukie around proposed Lake Rd Station. This would directly impact archery business and post office.

Question and comments:

Q. Can we fit the buses and the park and ride both on Kellogg Island?

A. That is possible. Dave (Metro) points out that this is something to consider but also refers to the environmental regs that are involved with that site and the need for connectivity between the light rail station and the bus transfer center. LRT would have to be there also.

Q. Would it be possible to make subtle changes to reduce the scale and size of the transit center so it has less impact to the neighborhood?

A. Dave responds that there may be some ways to accomplish this through design.

Q. Has 875 park and ride spaces always been the goal?

A. Yes, for light rail that has always been the goal.

Ed comments that a 600 foot pedestrian bridge is too long for elderly people. Tacoma station could be an option for elderly.

Michael: Important to understand how the Transit Center operates. There is a lot of service that connects downtown Milwaukie to other areas in very direct ways. If we change bus routes we will need to know what that this does to service that connects Milwaukie to the rest of the region.

Evaluation Matrix Report:

Michelle directs attention to the evaluation matrix. She points out that the highest score is 5 and lowest score is 1.

Criterion 1; Required level of stakeholder outreach:

Evaluated the degree of outreach/mitigation that would be needed by each option. In other words, the further the plan moves away from LPA the more outreach/mitigation will be needed to involve new stakeholders and respond to their concerns about how a TC develops.

Criterion 2; Support of land use goals and objectives:

John Gessner (City of Milwaukie) explains how each alternative supports the City's land use goals and objectives:

He explains that he used "cut and paste" to put the text of the policies in the matrix so we could see them.

As far as housing and neighborhood policies, all the options scored the same. However, there were significant differences in transportation policies. Locating the transit center in downtown is consistent with the current policy (this meets the housing density plan.)

The largest differences in scores were seen in the economic development area: John explains that the City has strong policies on retaining industrial lands. 2.4 received score of 5 because it met all criteria for economic policy.

Q. Heiberg asks if the goal has been to get the transit center out of downtown?

A: The goal is to improve the current transit center in a manner consistent with city policies that may or may not mean moving it from the downtown.

Criterion 3; Loss of developable land:

Michael Fisher (Trimet) explains that Main Street options result in the greatest loss of developable land. The Tillamook options are better in this regard with the ODOT option being the best. He explains that this might be a bit misleading since we are not counting ODOT property as developable land.

Criterion 4; Loss of businesses:

Main Street options result in loss of 6-7 businesses whereas Tillamook options result in loss of 2-4 businesses. Option 2.3 (Heiberg site) displaces 4 businesses including Milwaukie Lumber, US Post office, and Archery business. For this option, the tracks need to be located on the West side. Heiberg points out that this would create total displacement. Michael changes the rating from a 3 to a 2 as a result.

Criterion 5; Degredation of business sites:

Main Street options cause reduced access, loss of convenient parking, loss of landscaping, and increased traffic delays unless elevated. However, elevation of light rail would reduce visibility of businesses. Tillamook alignments do best under these criteria.

Criteria 6; Loss of Parking:

LPA (1.1) impacts 109 spaces so only rated a1.

Option 1.2 added some parking back (104 spaces) but none in front of WW Metal Fab so we gave it a 3. The elevated Main Street option does not impact parking except for 12 spaces (where columns would be) so that got a 4. All of Tillamook options don't impact parking (except for along Lake Rd, 21st, and Main St. downtown) so they got a 5.

Criteria 7

??? Was this the missing sheet?

Criteria 8; Traffic:

(Delays, vehicle trip generation, and intersection performance/operation)

Dave explains that Park and Rides are what impact traffic delays—not busses. Explains the evaluation of intersections. A grade of “A” is good and “F” is bad but D is acceptable. The reason that D is acceptable is that anything higher can require massive infrastructure which has negative impacts.

He points out that "Hamster Wheel" at Millport becomes compliant once changed. All options performed about the same except for 1.1 (the unchanged LPA).

Criteria 9; Access and Circulation /Trucks:

Out of direction travel, access spacing, queuing:

*See handout, ratings not given.

Criterion 10. Neighborhood Impact:

Traffic Infiltration: Projected how many more cars would be going through neighborhood. Projected out over next 20 years.

Notes that there may be ways to mitigate car flow/infiltration.

Notes that Kellogg Lake options have less increase of traffic through neighborhoods.

*See handout, options are not rated.

Criterion 11; Intersection at Millport and McLoughlin:

John Gessner explains that the City's traffic analysis noted that there were problems with Millport a while back. Any fix to Millport that does not include planning for light rail (and the Federal government funding associated with it) would take time and might not happen

Criterion 12; Amount of land use within 1/3 mile of transit center:

In other words, what options allow most population and employment within the area.

Option 2.4 (downtown transit center) performed best with a rating of 5. Option 2.2

(ODOT TC via Tillamook) performed the worst with rating of 3. All other options were rated a 4.

Criterion 13; Safety for customers:

Visibility from passing traffic is important to customer safety. Heiberg is most isolated and gets worst rating for visibility/safety. Option 2.4 (downtown transit center) performed the best for its proximity to pedestrian scale/commercial uses.

Criterion 14; Ease of Transfer:

The easier/fewer the transfers between rail and buses the higher the ridership is likely to be. All options performed pretty well.

Criterion 15; Meets transit center site selection criteria:

Overall, downtown site has best rating followed by mitigated 1.2-1.4.

Criterion 16; Emergency Access:

Basically all options perform fine except Heiberg option because it is so isolated.

Criterion 17; Ecosystem impacts:

All the Main Street options get a rating of 3 except 1.3 because a tunnel would have greater ecosystem impacts. All the Tillamook alignment options get a rating of 2 because the ped bridge goes through riparian habitat.

Criterion 18; Historic impacts:

All options scored a 3 except 2.2 and 2.3, which were given a rating of 2.

Criterion 19; Aesthetics:

Elevated Main Street option (1.4) gets the lowest score because it will have large visual impact. It was rated a 1.

Criterion 20; Costs

Both capital and operating costs (in future dollars) was ranked.

Downtown transit center option (2.4) is least expensive while elevated Main St. option (1.4) is most expensive.

Final comments:

Dave (Metro) reiterates that the staff evaluation of various factors should not be construed as a recommendation. The community will need to take this information and make their own decision regarding which option makes the most sense for them. This information represents a technical process, the community will conduct its own political process and the outcome will most likely be a balance of the two.

Upcoming Meetings:

Michelle asked the group to consider the following "roadmap" to the working group process culmination.

Downtown stakeholders meeting: 11/20/03, 8:30am-10:00am.

Milwaukie Only meeting: 12/4/03, 2:00pm-4:00pm at Mill End store.

Working Group: Next meeting will be 2/4/04, 1:00pm-4:00pm (Wednesday) at Public Safety Building. *Note that this is a three hour meeting.

Planning commission recommendation meeting (to present our findings): 2/24/04 (time?) at City Hall

Open house: The local stakeholders will discuss when to do the open house at the 12/4/03 meeting.

Jennifer Koozer notes that public hearing date for the Park & Ride may change. But wants all to be aware that it will be happening soon.

Sign-In Sheet
Downtown Stakeholder Meeting
November 20, 2003

- | Name | Address | Phone # | Email |
|----------------------------------|-------------------------------------|----------------------|-------------------------------------|
| 1. <u>Chynn Halling</u> | <u>10501 SE. Main</u> | <u>503-785-2441</u> | <u>Challing@electracu.org</u> |
| 2. <u>Braedie Tobias</u> | <u>10879 SE main St</u> | <u>503-652-0094</u> | <u>btobias49@yahoo.com</u> |
| 3. <u>Rick Wharlen</u> | <u>11380 SE 21st</u> | <u>654-1888</u> | <u>Rick@Roselandplanning.com</u> |
| 4. <u>Kelly Carlisle</u> | <u>Milwaukie H.S. 11300 SE 23rd</u> | <u>353-5832</u> | <u>Carlislek@clack.k12.or.us</u> |
| 5. <u>ED PARECKI</u> | <u>2300 SE HARRISON</u> | <u>(503)977-1517</u> | <u>ED@PAIDNORTHWEST.COM</u> |
| 6. <u>NEIL HANKESON</u> | <u>10956 MAIN</u> | <u>503-905-2320</u> | <u>neilh@darkhorse.com</u> |
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| 10. <u>Ed Zuhwart</u> | <u>10668 S.E. 29th</u> | <u>654-2493</u> | |
| 11. <u>Bob English</u> | <u>11138 SE Main</u> | <u>503-653-3381</u> | |
| 12. <u>Melip Meyer</u> | <u>11138 SE Main</u> | <u>503-653-2381</u> | |
| 13. <u>Carolyn Tornei</u> | <u>11907 SE 19th</u> | <u>503-653-9116</u> | <u>Carolyn.tornei@earthlink.net</u> |
| 14. <u>Dary Michael</u> | <u>" " "</u> | <u>" "</u> | |

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| To | John Gessner | From | Jason Kiachs | | |
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| Phone # | | Phone # | | | |
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TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: December 5, 2003
RE: Low Income Assistance for Tree Removal Pursuant to Proposed Changes to Milwaukie Municipal Code Chapter 8.04

At your December 3, 2003 regular meeting staff presented an amendment to Chapter 8.04 of the Municipal Code that would place responsibility for removal of dead or decaying trees. Removal of a tree is required only if it poses a threat to the public safety. Neither a tree's poor health nor its affect upon the community's aesthetic sensibilities permits the City to require its removal.

Council amended the proposed ordinance by adding language requiring the City to contribute fifty percent of the cost of removal if the tree was located in the right-of-way and if the adjacent property owner did not plant it.

An issue that arose after the Council vote was assistance for low-income residents faced with the expense of tree removal. Staff has looked for options external to the City to determine whether there are grant funds available to individuals, and none have been found to date. Therefore, I have looked to solutions within the City. There are two options that you might consider if you wish to implement a low-income assistance program.

OPTION 1

The City presently has two low-income programs within the Municipal Code. One is found at Milwaukie Municipal Code Chapter 13.20, which creates a lower rate for low-income utility customers. The other can be found at Milwaukie Municipal Code Section 3.08.125, which permits extended installment payments for low-income residents who are faced with local improvement district assessments.

Both programs require that the applicant occupy the property and that no other City assessment or charge be in arrears.

The qualifying income for the utility services program is the amount designated by the Clackamas County Housing Authority as the household income level qualifying for Section 8 Housing Assistance. It is set by resolution of the City Council and is currently \$23,050/year or \$1,921/month for one person living alone or \$26,300 per year or \$2,192/month for more than one person living in one residence. The utility program is funded by an annual appropriation in the General Fund. \$46,000 is budgeted in FY 2003-2004. The funds are transferred to each utility as low-income applications are approved.

The same or a similar standard to that used in the utility program could be established for a tree removal in the right-of-way. A direct expenditure could be established within the Code Enforcement budget and application made on forms similar to those now used for the utility program. If approved, Code Enforcement would have to budget one hundred percent of the cost of those removals that are projected as qualifying for low-income assistance.¹ The net result of a direct subsidy would be an outflow of funds over time from the City.

OPTION 2

Enforcement of the tree removal ordinance would be through exercise of the nuisance ordinance. Once a nuisance has been filed, the adjacent property owner would have a right to a hearing before City Council to question the staff determination. If a nuisance is found to exist, the adjacent property owner has an opportunity to abate the nuisance by removing the tree. If the nuisance has not been abated, the City Manager may do so after a waiting period.

The Council then determines the cost of the abatement, and that determination becomes a lien against the property. In making that determination the Council could exercise its discretion to adopt an amount different from that recommended by staff. Once a lien is entered, satisfaction of the lien may be negotiated with the property owner. For example, a partial payment schedule within the ability of the property owner could be arranged, or the City could choose to defer enforcement action until a sale or other disposition of the property. In other words, by following the established process the City—and the Council directly—possesses a great deal of flexibility in working with an individual situation while ultimately collecting on the debt. Unlike a direct cash payment, this option has the advantage of an eventual collection.

¹ This assumes that the ordinance as amended is adopted. The amendment added the provision requiring that the City pay one half of the cost of removal of trees in the right-of-way. Code Enforcement is a General Fund department, and, therefore, there would be a financial impact on that fund from both the amendment as well as from a direct subsidy to low-income families. However, the extent of that subsidy is unknown at this time. The number of required annual removals is not believed to be more than five.