

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 18, 1997**

The one thousand seven hundred and sixty-third meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki, Mayor Jean Schreiber	Carolyn Tomei Rob Kappa Don Trotter
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Also present:

Dan Bartlett, City Manager Charlene Richards, Assistant to the City Manager Pam Beery, City Attorney Angus Anderson, Finance Director	Maggie Collins, Community Development Director Jim Brink, City Engineer Dan Pava, Senior Planner Ruthanne Bennett, Civil Engineering Assistant
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PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Senator Verne Duncan -- District 12 -- Senator Duncan was unable to attend, and his presentation will be re-scheduled.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda which consisted of the City Council minutes of March 4, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION -- None.

PUBLIC HEARING

Supplemental Budget

Mayor Lomnicki opened the public hearing on the proposed 1996 - 1997 supplemental budget at 7:08 p.m.

He explained the purpose of the hearing was to consider adoption of a 1996 - 1997 supplement budget resolution for the City of Milwaukie. He reviewed the conduct of the hearing.

Staff Report: **Anderson** presented the staff report. The City of Milwaukie adopted the 1996 - 1997 fiscal budget on June 18, 1996. Since the budget was adopted, Council approved these amendments: \$45,000 increase in the Police Services appropriation in the Public Safety Fund to purchase CAD hardware; \$90,000 increase appropriation in the Water Fund to call the 1968 General Obligation Water System Improvement Bonds; and \$2,500 increase to the City Council appropriations category of the Administrative Services Fund for education and training. Contingency funds were moved to certain line items by Council action.

In addition to the previous actions, two changes were made to accounting procedures which resulted in an equal increase both in revenues and expenditures. These accounting changes were in the areas of municipal court and fleet services.

The supplemental budget also recognized the following: \$490,000 transfer from Contingency to Police Services in the General Fund; \$70,000 transfer from General Fund Contingency to Community Development for professional and contractual services; and \$22,500 transfer from Contingency to the Facilities Management Fund.

Correspondence: None.

Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close of Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the adoption of the 1996 - 1997 supplemental budget at 7:17 p.m.

Discussion among Councilmembers and Vote: **It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution approving a 1996 - 1997 supplemental budget. Motion passed unanimously.**

RESOLUTION NO. 10-1997:

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, APPROVING A SUPPLEMENTAL BUDGET.**

Appeal of Planning Commission Decision on CU-96-01

Mayor Lomnicki called the public hearing on the appeal of the Planning Commission decision on CU-96-01 to order at 7:19 p.m.

The purpose of the hearing was to consider the Milwaukie Planning Commission's January 29, 1997, decision. Mr. Michael filed an appeal challenging the Planning Commission's approval and articulated several reasons for the appeal.

Mayor Lomnicki reviewed the order of business and the conduct of the hearing.

Conflicts of Interest and Site Visits: **Mayor Lomnicki** asked if any members of the Council had visited the site.

Mayor Lomnicki said he has driven by the site many times but did not stop.

Councilmember Kappa announced he had walked the site and noticed deterioration at the north end of the walkway which may or may not have been a result of the tree removal.

Councilmember Kappa said he contacted Pava to clarify map symbols and referred to page 61 of the staff report.

Mayor Lomnicki said, after it came to Council's and staff's attention that the 120-day limitation had been exceeded, he contacted ODOT. He asked the ODOT Director if it would be possible to waive the 120-day rule. He did not discuss any of the merits of the case with the Director. The Director said she would look into the issue. He noted correspondence dated March 18, 1997, from Karla Keller, District 2B Manager, indicating that ODOT had decided to waive the 120-day limitation for land use applications to include the City Council appeal hearing.

Beery said the letter from ODOT was now part of the record, and the applicant would address the terms of the letter in its presentation.

Jurisdictional Issues: **Mayor Lomnicki** asked if there were any objections to the Council's jurisdiction to consider the matter. No objections were voiced.

Councilmember Tomei said she wished to step down at this point to avoid any appearance of bias.

Staff Presentation: **Pava** presented the staff report. He presented several points about the appeal and discussed the Planning Commission's conditions. He also introduced Karla Keller, representing the applicant ODOT, and referenced the March 18, 1997, letter waiving the 120-day limitation for land use applications. He noted a minor typographical error in the notice of final decision. It should have stated the final determination was made by the Planning Commission on January 28, 1997, which was its regular public hearing date.

Pava discussed the four conditions imposed by the Planning Commission when approving the conditional use application. These were: (1) the proposed plan shall be re-examined to assure all plantings are appropriately placed and located as close to the bank as possible; (2) ODOT shall guarantee an 80% survival rate of all new plant materials; (3) ODOT staff will continue to work with City staff and interested parties to provide riparian restoration plantings using a phased approach that could be incorporated into the McLoughlin Blvd. redesign project. Within six months of the conditional use approval, an implementation plan for a long-term maintenance strategy, species diversity, and multi-story vegetation canopy would be completed; and (4) The guardrail anchor will be moved to reduce foot traffic problems. **Pava** noted that Condition #4 had already been met.

Councilmember Kappa asked if the plantings done at this time would be removed when the McLoughlin redesign was accomplished. **Pava** said there may be additional plantings when the redesign takes place, but that is not known at this time. He pointed out this phase addressed the riparian area, and the plantings will probably remain since they are some distance from the pavement.

Correspondence: None.

Applicant's Testimony: **Karla Keller**, Oregon Department of Transportation, 9200 SE Lawnfield Rd., Clackamas. ODOT went through the Planning Commission hearing process and was directed to work with City staff to develop a vegetation plan that would be consistent with upcoming design changes. The result was a two-phased approach. Slope stability was ODOT's major area of concern. She indicated there had been meetings with concerned citizens to develop a revised plan and noted the pedestrian improvements were already completed. ODOT plans to continue work with City staff and citizens to determine the locations and types of plants for the site. She discussed the 120-day limitation waiver and ODOT's intent to continue working with City staff on the issue. She felt the Planning Commission approved a plan that would benefit the City and accomplish the mitigation for the trees that were cut in the area.

Councilmember Trotter said he felt it was unclear as to the number of trees to be planted and asked Keller to elaborate on the tree planting program. **Keller** said the site plan proposed 23 trees that included 10 Oregon ash, 5 Douglas hawthorn, 3 western cedar, and 5 red alder.

Councilmember Trotter noted the considerable discussion on the size and caliper of trees, the 80% survival rate, and the existing ivy and blackberries. He asked for comments on these items. **Keller** said the replacement trees should not be of such a large that they are difficult to move to the site and plant. The existing ivy and blackberries related to ODOT's concerns about the stability of the slope and potential damage to the highway. She did not know at this time how great a problem the existing plants would be to the replacement trees.

Councilmember Kappa asked if there was a maintenance concern with the proposed red alder and elderberry plantings. He was concerned about adding debris to the lake. **Keller** said she did not believe these plants would present debris problems for Kellogg Lake and added ODOT has used these types of earth-friendly trees in a number of projects. The citizen group was involved in selecting the plants. She pointed out the phased approach would be appropriate because of the McLoughlin Blvd. redesign project.

Councilmember Trotter asked for a discussion of Condition #3 regarding continued work with City staff and interested parties on riparian restoration. **Keller** said the riparian area is closest to Kellogg Lake, and slope monitoring is necessary during the extensive redesign phase. **Councilmember Trotter** asked if she was referring to another conditional use application. **Keller** replied there will be a process to determine what McLoughlin Blvd. will look like and directly involve the project. When the City adopts the McLoughlin Blvd. plans, there needs to be a public process. Until that happens, ODOT wants to perform this part of the work and be a partner in the rest of the planning effort. **Councilmember Trotter** said the riparian restoration would be a part of the McLoughlin Blvd. improvement process, and **Keller** responded that was a correct statement.

Other Testimony in Support: None.

Appellant's Testimony: **Gary L. Michael**, 11907 SE 19th, Milwaukie. He felt strongly there was an outrageous blunder in Milwaukie, and work must be done to restore the damage that was done. It becomes easy to put on blinders to environmental degradation when gradual changes are made. He noted over 100 trees have been lost during the McLoughlin Blvd. improvement between Milwaukie and the Tacoma Overpass. When trees are lost, one senses an immediate loss and then becomes numbed. We accept these changes as progress over which we have no control.

In this case, there is control over tree replacement in the Willamette Greenway. He felt it was reasonable to expect more than what was approved by the Planning Commission. What are the acceptable definitions of such terms as "mitigation", "restoration", and "to maintain and enhance" as they are used in the Zoning Ordinance?

The City Council must decide if it is satisfactory to replace a 24-inch tree with a 1-inch tree. He counted at least 30 trees that were 6 inches to 24 inches in diameter at the stump and freshly cut on the site. ODOT also admitted to cutting trees eight years ago. Both actions were Greenway violations. It is a difficult issue, but it comes down to the meaning of mitigation.

Michael said about two years ago the Planning Commission established a committee to draft a tree ordinance which was recommended to the City Council for consideration and adoption. He noted the Community Development Department's 1997 goal of establishing noticeable City gateways using tree plantings. He advocated a tree ordinance similar to that of the City of Tigard calling for replacement on a total caliper-inches-lost basis. The formula was easily understood, and it was a compromise from cross-sectional loss replanting. He believed it was sufficient disincentive to discourage people from removing trees without acceptable reasons. There are some good reasons for cutting trees, but there were none in the situation before the City Council at this hearing. He believed the City Council would be setting a precedent for what will take place both on public and private lands. He referred to the tree replacement condition relating to the variance for the Logus Road subdivision.

Michael provided photographs he took at the site to indicate the inaccuracies of ODOT's drawing. The drawing of the existing conditions shows trees that do not exist. It is not to scale, and the configuration of the lake edge is not accurate. The length of the guardrail is not correct. It appeared to him the landscape architect did not visit the site. The new trees in the proposed plan appear to be 18 - 20 feet in canopy, but they will not actually reach that size for many years. The original drawing also shows only six trees cut when actually at least 30 were lost. The photographs indicate the large number of stumps with major portions of the trees growing toward Kellogg Lake rather than the guardrail. It is not an easily-planted area and is covered with ivy and blackberries. He provided a larger scale drawing to better illustrate the sizes and locations of the trees to be planted. He felt there could be many more trees planted in the area. It seemed clear to him that ODOT should not proceed with the proposed plantings until the long-range plan was in place.

Michael presented copies of his presentation which included the following recommendations: delay planting until fall for a better chance of survival; complete the long-range plan within six months; require community involvement in the planning process; require a licensed landscape architect or arborist to review the plan; provide City staff and ODOT guidance regarding the acceptable level of quantitative and qualitative mitigation; and require Planning Commission approval of the long-range plan and each phase. Condition #3 discusses riparian planting but does not address developing a visual entrance to the Milwaukie downtown. Additionally, he recommended the City Council request that the Planning Commission and City staff prepare amendments to the Greenway and Natural Resource Overlay sections of the

Zoning Ordinance to make them more clear and enforceable. He also recommended reviewing the fee waiver policy based on the fact that ODOT's conditional use application fee was waived. This is not equitable to private applicants and tax payers. He and other professional and interested persons did not feel the ODOT mitigation plan was adequate.

Councilmember Kappa asked Michael to expand on his comments on postponing planting until the bank was stabilized. **Michael** recommended a fall planting to assure the longest period of time for the trees to adapt to their environment. Survivability will be a real problem particularly with the potential for being overgrown by the existing ivy and blackberries. He suggested planting more and larger trees to create a meaningful planting in a shorter period of time.

Councilmember Trotter asked Michael if he had noticed if the understory was removed when he walked the site. **Michael** said there was still some brush, but almost everything had been removed from the site. A large crew worked for two days, and it looked as if the site had been clear cut. Only a few small trees, ivy, and blackberries remained.

Councilmember Trotter asked what part or parts of ODOT's mitigation plan was inadequate. **Michael** said in addition to trees, the understory is important to both the wildlife habitat and riparian aspect of the site. The trees and shrubs need to create shade over the water, and none of the plantings are close enough to do this for many years. His other concern was the visual impact along McLoughlin Blvd. as an entrance to downtown. That element is lacking in phase 1 and is not tied in enough to the Planning Commission's conditions to assure adequate planting along the street.

Councilmember Trotter referred to page 96 of the staff report and asked what the City Council could do to require more and larger plant materials and how ODOT showed a willingness to do this. **Michael** said in the one stakeholders meetings, ODOT representatives seemed willing to put in larger plant materials. He felt City staff had led them to believe that was not necessary. He understood there could be problems planting very large trees.

Mayor Lomnicki asked Michael if he wanted conditions based on the Regional Center Master Plan and improvements along McLoughlin Blvd. which may or may not take place within six months. He was not clear why the two issues should be connected. **Michael** said the Planning Commission condition was six months and was arrived at by City staff with, perhaps, ODOT's concurrence at the second Planning Commission hearing. It was his impression from the hearing that enough direction will have been established regarding the future of McLoughlin Blvd. that a long-range plan including implementation will be done. He felt it was reasonable not to plant until the long-range plan was available and to delay planting until fall. He urged that no planting be done until fall when the long-range plan was complete. He expressed his appreciation for ODOT's remedying the guardrail problem so quickly.

Councilmember Kappa said he noticed evidence of littering and other human activities when he walked the site and asked if this would be a problem for plant survival.

Michael agreed there was a lot of litter on the site, and his only suggestion for that problem was adequate maintenance. He did not feel the plants would be endangered unless they were very delicate.

Councilmember Kappa referred to Michael's third recommendation which was requiring community involvement in the planning process. He asked if the City Council was being asked to make appointments. **Michael** said he felt ODOT had agreed to involve the community, and there are interested parties who have expressed a definite interest. He also suggested involving the MDDA, Historic Milwaukie NDA, and Island Station NDA. It will be important to have an adequate number of meetings to allow key people to reach consensus. He added he did not feel the one stakeholder meeting that was held offered sufficient opportunity for community involvement. Also, some key decisions seemed to have been made prior to that meeting.

Councilmember Schreiber asked Michael why he proposed planting many trees when the site has no master plan and is a small part of a larger planning area. She then asked him if it was his intention that each tree being planted now should remain after the redesign was completed. **Michael** agreed the trees that were cut were not street trees, but they did provide a visual impact to the street and the entrance to the City's downtown area. He felt the new trees should be sufficiently large and colorful enough to make an impact. He was hopeful that enough decisions would be made on that area in a six-month period that the new plantings would not have to be removed. Expanding McLoughlin Blvd. to the east would be costly and destroy Willamette Greenway area. There would have to be immense retaining walls or cantilevers to expand in that direction. If McLoughlin Blvd. does have to expand, it could go west where it is flat and there are no trees. It did not seem sensible to delay the project because we do not know what will happen with McLoughlin Blvd. He felt some substantial trees needed to be planted by next fall. He did not feel plantings done now could possibly conflict with the park area to the south or the riverfront development.

Other Testimony in Opposition: None.

Neutral Testimony: **Donald Hammang**, 11104 SE Home, Milwaukie. He and Mart Hughes had offered a simplified river-up approach with street trees on the top and riparian restoration on the bottom. He and Hughes both offered their services to City staff, ODOT, and the City Council on the project. He testified in opposition to the ODOT plan in two hearings before the Planning Commission because he felt the selection of trees and number of plants was meager at best.

Mayor Lomnicki asked Hammang if he wanted to be part of the community involvement process. **Hammang** said he and Hughes were stakeholders from the beginning, and he wanted to remain involved with the project. Hughes has professional standing as a biologist.

Councilmember Trotter referred to page 53 of the staff report, Attachment 8, notes from the interested parties meeting, in which it was stated "there was some discussion and a difference of opinion about the placement and selection of trees, and they deferred to Donald Hammang and Mart Hughes to work with Paul Edgecomb on the planting plan details." On the same page, it later states "a revised planting plan incorporating the comments of the above mentioned individuals is being prepared for Planning Commission consideration at the January 28 meeting." He asked Hammang if he noted any differences in the plans based on Hughes' conversation with landscape architect Edgecomb. **Hammang** noted there were fewer shrubs. He thought Hughes had given testimony based on the view that the plan was an improvement over the initial one. He indicated the revised plan did not match the one he and Hughes presented to the Planning Commission, and it was not a full restoration of the site. Hughes had indicated a feeling that there were political constraints, and the City had probably gotten all that it could get.

Councilmember Trotter noted on page 42 of the staff report, the minutes mention a paper Hammang presented to the Planning Commission entitled "To Interested Parties in Response to This Conditional Use." It discussed a cross section of the bank and proposed plants and/or attributes that might benefit the habitat of the bank and accentuate the visual appeal of the bank from the opposite side of the river. **Hammang** provided the City Council with a copy of the paper since it was not included in the Council's agenda packet material.

Monroe Sweetland, 12006 SE McLoughlin Blvd. He asked how long it would take to prepare a master plan and commented on the serious need for a walkway or bikepath. The downtown area can only be accessed by car since the current path is unsatisfactory, and the existing path is precarious for all users including the children walking to school. The area is important to both the Island Station and Historic Milwaukie neighborhoods. He stressed the importance of focusing on development of the waterfront area.

Mayor Lomnicki responded the City Council does not intend to have a plan that takes two years to complete. The City has been working on the Riverfront Concept Plan and the City Center Master Plan which is scheduled for a hearing in June. An element of that plan will be McLoughlin Blvd. improvements. He indicated there would be a concept plan for that area in several months.

Sweetland asked if any construction would take place in 1997. **Mayor Lomnicki** responded the plans could be adopted, but only planning funds have been budgeted. **Sweetland** commented there may be substantial new highway funds and expressed the hope that fiscal constraints could be addressed.

Staff Report and Recommendation: **Pava** said staff recommended upholding the Planning Commission's denial of the appeal based on the findings and subject to the conditions of approval contained in the January 29, 1997, *Notice of Decision*.

Pava said the planting proposal that included 10 Oregon ash and 15 shrubs was based on input from interested parties. The January stakeholder meeting was called to meet the Planning Commission's direction to build consensus. The elderberry and hawthorn plants were recommended by interested parties. The participants had varying opinions and could not come to an agreement in the short meeting. He reviewed staff's activities to meet the intent of the Planning Commission's direction to come up with a more acceptable plan. He pointed out that Hammang's cross section of the slope was noted in the Planning Commission minutes.

Councilmember Schreiber asked if the mitigation plan forwarded by the Planning Commission was compatible with the long-term view City staff had for the use of that area. Is this a short-term response or a long-term solution for that area and its use? **Pava** said the reason the planting plan does not show a great number of trees in phase 1 is because the longer-term design and boulevard treatment will probably include provisions for a walkway on the east side of McLoughlin Blvd. Staff recommends an initial phase of short-term mitigation and replacement with provisions for a longer-term community involvement phase.

Councilmember Schreiber asked if the phased-in approach would be accepted and supported by those who brought the issue forward. **Pava** said staff will work to involve all citizens in looking at McLoughlin Blvd. improvements in addition to the bigger issue of replacing trees throughout the City.

Councilmember Trotter referred the Michael's recommendations and asked Pava if he agreed there should be a review and approval of the future six-month plan. **Pava** said that was the intent of the second phase, and the Community Development Department was committed to any necessary citizen involvement.

Councilmember Trotter said he felt Michael was saying there should be some kind of approval by the Planning Commission of the second phase. **Collins** said she assumed there would be subsequent public hearings on phase 2 of the plan.

Councilmember Trotter referred to page 93 of the staff report in which Michael outlined his reasons for appeal. He indicated a difference of opinion with staff's and Planning Commission's findings. **Councilmember Trotter** referred to finding 5.H.A-D in which Michael stated his reasons for believing this is not a correct finding. **Pava** said, in a general sense, Section 320 deals with Willamette Greenway review criteria. Finding 5 addresses those criteria point-by-point and concludes it meets the Willamette Greenway criteria. There could certainly be an honest difference of opinion.

Councilmember Trotter said Michael contends in 5.H.B a narrative describing the natural resources being removed or affected was not submitted. He also notes in 5.H.D that a narrative describing proposed mitigation or enhancement activity was not submitted. **Pava** said there was an opportunity for brief description on the original application submittal. That document was not in the packet.

Councilmember Trotter referred to page 95 of the staff report regarding final review of the plan. Collins indicated there may be additional hearings, and he asked for clarification on the process. **Collins** indicated there may be additional hearings and discussed to the process. The intent of phase 2 was to build a public process and program with ODOT and interested parties. She suggested plan review sessions with subsequent Planning Commission work sessions. At a point where agreement was apparent, the 5.H conditions would be addressed more completely. It would be advertised as a second conditional use and approval under this plan using the same file number.

Councilmember Trotter again referred to page 95 in which Michael stated he felt there was a discrepancy between what the City requires of private developers and public agencies regarding mitigation. Michael used the example of the recent decision on VR-96-07 in which replacement trees were required to meet a 3" - 4" caliper minimum. He asked if staff felt this was an accurate indication as to how the City would treat tree replacement in the future. **Collins** said there was no adopted tree replacement policy, and she did not see this action as a precedent. A case-by-case decision on tree replacement or landscaping could not be considered a City policy. The decision regarding the conditional use has to do with wildlife habitat and riparian restoration. She felt it was an issue of mitigation.

Councilmember Kappa asked how a design review committee, if there were one in place, might deal with this issue. **Collins** the design review committee would probably address tree plantings in the City and commented the enhancement and restoration of natural resource areas is often significantly different than built-environment issues. If the design work were there, it could include some guidance for an area such as the one under discussion at this hearing. It would not, however, automatically solve the problem. **Councilmember Kappa** commented trees and shrubs could actually be considered riparian or landscape components and be part of a transition area.

Councilmember Kappa asked for comment on Michael's being required to pay a fee while ODOT was not. **Collins** said she made that decision, and she understood the City Manager would rectify the discrepancy.

Rebuttal Testimony -- Appellant: **Michael** said the Mayor stated the burden of proof in this public hearing was on the appellant. He felt the applicant failed to provide evidence that Zoning Ordinance criteria were met. The decision must be based on reliable evidence in the record, and the quantity of that evidence must be substantial. The proponent of change has the burden of proving that all elements necessary to grant that change are met. He did not believe ODOT had met the criteria. Findings must be based on facts and not conclusions or opinions; however, these findings were based on staff opinion.

Michael commented on Councilmember Trotter's question regarding the review plan and who would be responsible. In the packet, was a statement that the Community Development Director would be responsible for reviewing phase 1 of the plan. Since Collins was neither a landscape architect or an arborist, he did not feel making her responsible was appropriate.

Michael reiterated his belief that there would be no harm in delaying the planting because of the lateness of the season. His main recommendation was to postpone planting for six months until a long-range plan could be completed. He discussed one-for-one replacement and said it was unreasonable to replace a 24-inch tree with a one-inch tree. Staff needs direction on acceptable mitigation levels. He added his belief that City Council was establishing precedent with this decision, and developers would refer to this situation. Design review can accomplish a lot; however, some criteria must be established. If the Greenway Ordinance is unclear and difficult to enforce as staff maintains, then it should be amended. Many parties have worked for over a year on an urban forestry ordinance, and he believed a stated policy would help avoid future problems and disputes.

Councilmember Trotter asked Michael to elaborate on his reference to "one-for-one" replacement. **Michael** referred to page 96 of the staff report in which he quoted one-for-one replacement with comparable species language from the Natural Resources Overlay, Section 322.7.B.2.

Rebuttal Testimony -- Applicant: **Keller** commented on the difficulty the stakeholder group had in reaching consensus. ODOT wants to help develop a plan to provide Milwaukie with a workable City entrance.

Councilmember Trotter asked Keller to comment on the number and sizes of the proposed tree plantings. **Keller** said the perception of the number of trees was correct in the number of trees and commented on the difficulty of moving and planting large trees on the site. The number of trees is something with which ODOT could work. She felt this proposed plan would provide the City with what it needed.

Councilmember Trotter asked Keller for her opinion on delaying tree planting until fall. **Keller** said the water level was still high, and ODOT feels planting could be successfully accomplished at this time. She pointed out that ODOT agreed to an 80% survival rate. ODOT would prefer to finish the project this spring.

Councilmember Kappa said he was concerned about the tree selection since some trees do not grow well on hillsides. **Keller** said she had to rely on the landscape architect who developed the plan. She believed he had visited the site and met with staff and concerned citizens.

Councilmember Schreiber said it was her understanding the main concern was a restoration project of the riparian area as it approaches the highway. She would rather the mitigation deal with the concept of stabilizing the bank until some other use, such as a walkway, can be implemented. **Keller** said she did not believe a lot of the riparian area was disturbed. The trees that were removed were higher on the bank. The further down the bank you go with planting, the greater the chance of disturbing that area. To ensure the land is stable and make sure that nothing happens to 99E will take a much larger project. She felt it would be most appropriate to wait until the master plan was completed since the future of the boulevard is not known.

Questions of Clarification: **Councilmember Trotter** said there was a lot of discussion about mitigation and riparian restoration. He asked Collins what she felt was appropriate mitigation for this site. Why is riparian restoration appropriate? **Collins** said riparian mitigation is important because of the loss of wildlife habitat and vegetation. The bank and lake should be the focus. Replacing the vegetative canopy and stabilizing the bank is essential, and she felt this plan was a good start. We do not yet know if more will have to be done and how the riparian area might be disturbed.

Councilmember Kappa said prior to the tree cutting, the bank was stable with trees and blackberries. He was concerned about the ivy and blackberries taking over the newly-planted, small caliper trees. Would those trees have an 80% chance of survival without a lot of maintenance? **Collins** said larger caliper trees require more care in the first years. The smaller ones do not take hold as fast, but they have a better chance of survival.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the appeal of the Planning Commission decision CU-96-01 at 9:21 p.m.

Discussion and Decision: **Mayor Lomnicki** reviewed the options before the City Council for decision. These were: concur with the Planning Commission' findings and deny the appeal; reverse the Planning Commission decision and uphold the appeal; or take either of those actions with findings and conditions based on public testimony.

Councilmember Kappa said he was concerned about the caliper and height of the trees. He recommended trees 7 - 8 feet high with at least a 4-inch caliper. To provide stability, he recommended the number of replacement trees, mainly conifers, be increased to 30. He also stressed the importance of the public involvement process.

Councilmember Trotter asked Councilmember Kappa the basis of his recommendation for planing 30 trees instead of 25 and the determining factor for suggesting 4- to 5-inch caliper trees. **Councilmember Kappa** said his main concern was survivability. He was concerned about ivy and blackberries taking over young trees in addition to the site's proximity to McLoughlin Blvd. and carbon dioxide emissions. The probability of survival would increase if ODOT waited until fall to do the planting.

Councilmember Trotter said he was concerned with the more basic issue of the applicant's meeting the appropriate zoning requirements of the conditional use. Based on the letter of the law, he did not believe they were met. Testimony indicated the site plan was not accurate. He did feel, however, the spirit of the Zoning Ordinance was met in that there were plans prepared and reviewed by the Planning Commission and interested citizens. Long-range planning issues make the phasing of the process important. He was pleased to hear that ODOT agreed to continue to work with the City. He was concerned that there was nothing in the documentation to support Collins' comments about future hearings and approval of phase 2 planning and beyond. The number of trees was a difficult issue. He viewed the Planning Commission findings and site restoration as a start and not a completion of the project. He urged continued work and cooperation between the City and its citizens on forthcoming phases. He did not agree with Councilmember Kappa's comments on tree sizes. He considered the findings staff prepared for the City Council were appropriate, but he felt Condition #3 should be revised to include an approval process.

Mayor Lomnicki said his concerns were similar to Councilmember Trotter's. It is a sensitive area, and testimony indicated planting too many trees might do more harm than good to the site. He felt the proposed plan was a good start, but it was only the beginning. There is no assurance at this time what phase 2 will look like. There needs to be trust and sincerity between the parties to accomplish both bank maintenance and an attractive entrance to the City. He agreed with Councilmember Trotter that there needed to be a public process in the second phase to assure the plantings will be appropriate.

Councilmember Schreiber said she did not feel the issue was about trees. She felt it was two jurisdictional staffs playing loose with an opportunity presented to them. The other issue is how the community responded to the devastation. The citizens saw what was happening and expressed their concerns to staff. The damage has been done, and mitigation is necessary. Both jurisdictions need to work together to make the best of a bad situation. This has been a learning process and will likely result in a positive outcome. The problem is dealing with these issues in a jurisdictional manner.

Councilmember Kappa said common sense would say vegetation removed from a sensitive area needs to be replaced. From his personal experience, he knew some trees might be too small to survive, so he recommended trees 5 - 8 feet in height.

Councilmember Trotter responded to Councilmember Kappa's concerns about survivability. The Planning Commission made a condition requiring an 80% survival rate. This will be ODOT's two-year responsibility, and it would be to that agency's benefit that the survival rate is met early in the process.

Councilmember Trotter asked the City Attorney for clarification of the three possible City Council actions outlined in the staff report. **Beery** said the action would depend on the extent of modifications to the conditions. The City Council could generally uphold the Planning Commission's decision while revising the findings.

Councilmember Schreiber said, at this time, her concerns were with the planning process. At this point, she felt it was more important to sustain the viability of the site than to think long-term. She was not comfortable voting on the number or sizes of trees. It was important that ODOT commit to working with the City on refurbishing that area for a more viable use in the future.

Councilmember Kappa said he wanted to enhance the Planning Commission's decision. He felt it was important to make a decision on the number and sizes of trees. The trees in that area did enhance the view, and now they are gone. There comes a time when it is important to get on with the work. He also urged re-planting conifers.

Mayor Lomnicki felt Michael's recommendations on the Zoning Ordinance and Urban Forestry Ordinance should be handled. He did not agree with the recommendation to postpone planting until the fall if ODOT believes it can start now. Bank stabilization is important to ODOT in order to maintain the infrastructure. He commented on the number of interests coming to bear on this small piece of property. He felt with the exception of a few minor modifications, the City Council should support the Planning Commission's findings.

Councilmember Trotter generally agreed. One of the difficulties Milwaukie has in the natural resources arena is the lack of an arborist or landscape architect on staff to provide expertise on applicants' proposals. He concurred with Michael's proposal that phase 2 should be reviewed by a licensed landscape architect so all the expertise does not come solely from the applicant.

Councilmember Kappa agreed with Michael on the planting seasons and the need to hire a landscape architect.

Councilmember Trotter agreed staff should consult with a licensed landscape architect or arborist in phase 2 as referred to in the draft urban forestry ordinance.

Mayor Lomnicki said it was his understanding that as the parties enter into phase 2, ODOT would have that kind of expertise on the planning staff and be part of the consultation. It is in ODOT's interest that the right plantings are in place.

Councilmember Schreiber said, at some future time, City Council needs to return to consideration of the tree ordinance. She was also concerned about a more extensive dialogue on the pedestrian walkway.

Councilmember Trotter said his understanding of the phasing concept was that it would be based on the McLoughlin Blvd. Study. Within six months, there would be more work done on the site in addition to a more coordinated effort.

Councilmember Schreiber recommended the mitigation process be tied to the activity sequence.

Councilmember Trotter said it seemed Councilmember Schreiber was suggesting the phase 2 mitigation plan be submitted for approval to Planning Commission after preliminary design of the McLoughlin Corridor was prepared.

Councilmember Kappa recommended using the expertise of citizens before hiring someone to review proposals.

Councilmember Trotter suggested changing Condition "3 to incorporate language regarding a licensed landscape architect's approval of the McLoughlin Corridor preliminary design work. Interested people in the City would be able to be part of the review process and make comments on the plan. He also recommended more closely adhering to the letter of the Natural Resource Overlay Zone requirements for site surveys. He concurred with Planning Commission's decision with a modification to Condition #3.

Councilmember Kappa said he felt the timing of the planting was important and commented on ODOT's responsibility for 80% survival.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to concur with Planning Commission's decision with Condition #3 amended to add the following language: "prepared and submitted by a registered landscape architect on behalf of ODOT. This plan is due concurrent with completion of preliminary engineering of the McLoughlin Corridor project improvements."

Councilmember Trotter said this was the least detailed application of its kind he had seen, and he hoped the next one would be more in character. This has been a very difficult situation. The tree cutting was a system failure, and ODOT has worked with the City to mitigate the damage and has demonstrated a willingness to correct the situation.

Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; Councilmember Tomei abstained.

Staff was also directed, but not part of the condition, to implement a public process to develop phase 2 plan and to improve application submittal and more closely track the City's code requirements.

OTHER BUSINESS

Bid Award for Storm Line Projects

Bennett presented the staff report in which the City Council was requested to award a bid for two storm line projects. The apparent low bidder was Les Brown Excavating, Inc., in the amount of \$214,235. She reviewed changes to the initial estimate of \$190,000 for both projects. There were sufficient funds to award the bid in this amount. The additional elements included replacing deteriorated and substandard catchbasins and increasing pipe sizes. She discussed the public outreach element of the project.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to authorize the City Manager to sign a contract with Les Brown Excavating, Inc., for the bid amount of \$214,235 for the 34th and 35th Storm Line and 40th Avenue Extension Storm Line construction projects. Motion passed unanimously.

Building Official Services

Brink presented the staff report in which the City Council was requested to amend an existing purchase order with the City of Happy Valley for Building Official service by adding \$20,000. The current amount of the purchase order is \$25,000. The request was based on seasonal increases in building activities, and **Brink** reported funds were available.

Councilmember Schreiber requested a report on the number and types of inspections being done. **Bartlett** said staff would supply City Council with the number of permits processed. He noted the size and complexity of the Providence Milwaukie Hospital expansion project.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to increase the amount of the purchase order with Happy Valley for Building Official services by \$20,000. Motion passed unanimously.

McLoughlin Boulevard Improvements -- Resolution

Collins presented the staff report in which the City Council was requested to adopt a resolution to move into the next phase of the McLoughlin Blvd. improvements. This was a request for a review and consideration of a resolution itemizing the activity level and process. The Steering Committee has reviewed the recommended boulevard treatment option from Harrison Street to the railroad trestle. She discussed the remaining funding.

Councilmember Kappa asked if the design option addressed streetscaping. **Collins** said it did.

Councilmember Kappa observed that wider sidewalks were being used in some areas of Portland instead of raised medians. **Dan Layden**, ODOT Senior Project Manager, said this was based on different needs. In Milwaukie's case, there is a need for pedestrian refuge and an increase in the number of pedestrian-crossing opportunities in an hour.

Councilmember Kappa asked the amount of right-of-way on McLoughlin Blvd. **Collins** said there was at least 80-feet of right-of-way to the Kellogg Treatment Plant site.

Councilmember Schreiber asked if there would be a pedway. **Layden** said sidewalks are a major element of the boulevard treatment.

Councilmember Trotter asked the beginning and ending points of the project. **Collins** responded the project runs between the 17th/Harrison intersection and the railroad trestle.

Bartlett discussed NCPRD's preparing a master plan for the Kronberg property.

Councilmember Trotter discussed the proposed bike path in the railroad right-of-way. He asked if that space could be for other uses. **Collins** said there is no answer at this time, but the bike path is on the list of things to be considered.

Councilmember Tomei asked for clarification of the term "phase signals." **Layden** said that refers to the number of setting.

Councilmember Tomei discussed the signal at Jackson and the available space to make a turn and commented on the sight constraints for drivers in the northbound lanes. She asked if a signal would be combined with access to the Kellogg Treatment Plant. **Layden** said that is on the list of things to be studied.

Councilmember Kappa commented on access to the Jefferson Street Boat Ramp. **Collins** said consideration will be given to Riverfront Plan impact when determining final signal placement.

Councilmember Trotter asked when preliminary engineering would be complete. **Collins** said there is a March deadline to bring forth a program and continue funding the project. **Councilmember Trotter** asked if the process would be resolved at the beginning of 1998, and **Collins** commented on the public review process schedule.

It was moved by Councilmember Tomei and seconded by Councilmember Kappa to adopt the resolution authorizing further design and preliminary engineering for McLoughlin Blvd.

Councilmember Trotter asked if the River Road intersection would be included as part of the design process. **Collins** said that intersection was included.

Motion passed unanimously.

RESOLUTION NO. 11-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE INITIATION OF FURTHER DESIGN AND PRELIMINARY ENGINEERING FOR A SEGMENT OF McLOUGHLIN BOULEVARD (HWY 99E).

City Council Communications Agreement

Mayor Lomnicki discussed the proposed communications agreement that would provide a guidance document to others including citizen boards and commissions and staff when conducting City business. He read the agreement.

Suspend Council Rules

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to suspend City Council rules to continue the meeting beyond 11:00 p.m. Motion passed unanimously.

The group continued its discussion of the proposed agreement.

Councilmember Kappa said he would not support the agreement. He did not agree with items 5 and 7. The agreement should not be imposed on board and commission members.

Councilmember Tomei and **Councilmember Kappa** did not feel the document from North Clackamas #12 School District was appropriate and removed it from their packets.

Councilmember Kappa said he needed more flexibility when communicating with his constituents and could not always bring issues before the full Council. Citizens may request him to provide information to the Council. **Mayor Lomnicki** said item #7 addresses new and additional information. **Councilmember Kappa** said he would not vote in favor of the agreement.

Councilmember Trotter asked Councilmember Kappa to clarify his concern with item #5. **Councilmember Kappa** said there are occasions when he did not have time to bring information to a work session or introduce it under "other business." **Councilmember Trotter** felt the phrase "when possible" dealt with that concern. **Councilmember Kappa** said it was his interpretation.

Councilmember Trotter said communication agreements act as a guidance document for many groups. He felt it was appropriate to develop a document that would stimulate participants to think about working together more effectively. The nine items in the proposed agreement could be applied to any group in the City.

It was moved by Councilmember Trotter and seconded by Councilmember Schreiber to accept the agreement as a guidance document for the City Council, citizen boards and commissions, and City staff.

Councilmember Tomei was very concerned that all members of City Council could not support the agreement. She felt the group had worked through the issues.

Councilmember Kappa said he agreed to work through the process and consider the finished document. He felt a political issue was being turned into policy. Councils have state statutes as guidelines. He did not feel the document should be put on the boards and commissions.

Councilmember Schreiber expressed her disappointment based on the many hours spent developing it. One person is not accepting the standards accepted by the other members.

Councilmember Kappa said he felt Councilmember Schreiber was setting up a barrier to working together based on his position. A difference of opinion was not a difference in policy.

Councilmember Trotter concurred with Councilmember Schreiber's comments. The agreement was a guidance document and did not legislate behavior. It states how the Council and others wish to communicate and work together. Unfortunately, there seemed to be a literal or legalistic reading of the words in the document. He felt it was appropriate for the City Council to guide boards and commissions and staff in working together.

Mayor Lomnicki said he was also disappointed because of the time spent trying to accommodate Councilmember Kappa's concerns. We still have to all work together whether the agreement is adopted or not. It was drafted as a guidance document, and he did not feel the City boards and commissions would have a problem with it.

Councilmember Tomei told Councilmember Kappa he was an honorable person, but she felt frustrated based on the amount of time spent on the document. She was disappointed that this would not be a unanimous decision after dozens of hours were spent developing the agreement.

Councilmember Kappa said he felt the same frustration, but his main concern was his role as an elected representative of his constituency. He had to do what he felt was proper. Others have his word that he would work together on all the issues to develop solutions.

Councilmember Trotter suggested proceeding with the motion on the floor, and, if it is adopted, the group should focus on item #7 and move on.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Tomei, Councilmember Schreiber, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions.

Board and Commission Appointments

Based on a slate of nominations provided by **Mayor Lomnicki** the following motions were made:

1. It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to appoint Natalina Carbone to Budget Committee Position #2. Motion passed unanimously.
2. It was moved by Councilmember Tomei and seconded by Councilmember Kappa to re-appoint Doris Burton to Center/Community Advisory Board Position #3 and Alice Snyder to Position #9. Motion passed unanimously.
3. It was moved by Councilmember Kappa and seconded by Councilmember Tomei to appoint Sandy Peckover to Park and Recreation Board Position #4. Motion passed unanimously.

4. It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to re-appoint Tim Havel to Planning Commission Position #4 and Chuck Stoudt to Position #5. Motion passed unanimously.

Mayor Lomnicki reviewed the remaining vacancies. He suggested seeking Planning Commission applications from citizens living within the City's urban growth boundary since all current commissioners are Milwaukie residents. Staff was directed to notify those boards or commissions unable to achieve a quorum that it would not be necessary to meet at this time. He discussed the possibility of integrating some of the citizen Budget Committee members with the Citizens Utility Advisory Board.

INFORMATION

1. **Councilmember Tomei** noted the memorandum regarding the Clackamas County Urban Services project and the April 16, 1997, Elected Officials Workshop. **Councilmember Trotter** commented on the request to review the draft planning agreement.
2. **Councilmember Kappa** said he has not received anything from the Regional Water Providers, and **Bartlett** said minutes were available from the technical committee meeting.

Mayor Lomnicki announced an executive session to consult with legal counsel pursuant to ORS 192.660 immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 11:20 p.m.



Pat DuVal, Recorder/Secretary

CITY OF MILWAUKIE
CITY COUNCIL AGENDA
MARCH 18, 1997

MILWAUKIE CITY HALL
10722 SE Main Street

1763rd MEETING

WORK SESSION

4:45 - Council Information Sharing
5:00 - Board & Commission Interview

EXECUTIVE SESSION -- 6:15 p.m.

The City Council will hold an executive session pursuant to ORS 192.660 to consult with legal counsel.

REGULAR SESSION
7:00 p.m.

794-8016

I. CALL TO ORDER
Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Senator Verne Duncan -- District 12

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

City Council Minutes of March 4, 1997

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

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

- A. **Supplemental Budget -- Resolution (Angus Anderson)**
- B. **Appeal of Planning Commission Decision on CU-96-01 (Dan Pava)**

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

- A. **Bid Award for Storm Line Projects (Ruthanne Bennett)**
- B. **Building Official Services (Jim Brink)**
- C. **McLoughlin Boulevard Improvements -- Resolution (Maggie Collins)**
- D. **City Council Communications Agreement (Mayor Lomnicki)**
- E. **Board and Commission Appointments (Mayor Lomnicki)**

VII. **INFORMATION**

- A. **Citizens Utility Advisory Board Minutes February 5, 1997**
- B. **Planning Commission Minutes of February 11 and 25, 1997 (drafts)**
- C. **Traffic Safety and Transportation Board Minutes of February 20, 1997**
- D. **Clackamas Regional Center Area Plan**
- E. **Police Department COPS Plan**

VIII. **ADJOURNMENT**

EXECUTIVE SESSION

At the end of the regular meeting, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.

For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
MARCH 4, 1997**

Mayor Lomnicki called the work session to order at 6:00 p.m. in the second floor conference room at City Hall.

Present were Councilmembers Schreiber, Kappa and Trotter.

Also present: City Manager Dan Bartlett; Assistant to the City Manager Charlene Richards; Community Development Director Maggie Collins; and City Attorney Pam Beery.

Information Sharing

1. **Mayor Lomnicki** discussed rescheduling the City Council goal setting work session from March 10 to March 19 or 20 depending on the Budget Committee schedule.
2. **Mayor Lomnicki** discussed the potential impacts of HB 2047 and the proposed rewriting of the property tax laws.
3. The group discussed the upcoming Budget Committee meeting on March 11. **Bartlett** said he would present a balanced budget with a range of cuts between \$1 and \$1.7 million. He reviewed the decision package process undertaken by the department heads and noted some of the major cuts being proposed. **Mayor Lomnicki** said the most visible service level reduction will be at the Ledding Library. **Councilmember Schreiber** said all the public can be told at this time is that things are uncertain, and the City is being cautious. The real problems will come in the future. **Bartlett** said the City was advised to prepare one budget as if Measure 47 did not pass and a second budget with cuts. **Councilmember Schreiber** noted that she was telling the public that the City of Milwaukie is currently stable and has planned well financially. **Mayor Lomnicki** discussed impacts on other jurisdictions such as the City of Portland.
4. **Councilmember Trotter** announced upcoming sewerage facility meetings and a work session with the Clackamas County Board of Commissioners.
5. **Councilmember Kappa** discussed the upcoming Battalion Oversight Committee meeting and asked how the City Council planned to proceed. **Mayor Lomnicki** and **Councilmember Trotter** indicated the first meeting would probably be informational. **Bartlett** said staff would work with a consultant to develop a strategy beneficial to City and present that information

to the Council. **Councilmember Kappa** felt the Battalion Chief Oversight Committee was the place to raise concerns about the City's merging with District #1. **Bartlett** said staff was directed to follow through with two-year agreements. He discussed a recent retirement and resignation in the Fire Department.

Councilmember Kappa asked when the Council was going to discuss service delivery. **Bartlett** said he had contracted with a firm to study service delivery models and prepare a report and recommendation. Council can compare this with its own fire service policies and goals. **Councilmember Schreiber** said she felt the representative appointed to the Battalion Chief Oversight Committee was to provide public input. **Mayor Lomnicki** agreed with Councilmember Kappa's comments that the City Council needed to address service delivery.

Councilmember Schreiber said all the parties will be more clear on their roles as the SB 122 process continues. **Councilmember Kappa** said he was not convinced the SB 122 process should be complete before the City of Milwaukie decided what kind of services it should provide. **Bartlett** pointed out the Comprehensive Plan was the City's guiding document.

Councilmember Trotter said there seemed to be three questions to answer: (1) What services should be provided? (2) What services should the City pay for? (3) What services does the City not want to provide at all, and who, then, would provide them?

Councilmember Schreiber suggested a day-long City Council retreat to work through this issue. **Mayor Lomnicki** agreed and recommended late summer or early fall. He felt it could also be discussed during goal setting, but until the Measure 47 situation is stabilized, it would be difficult to finalize plans.

Councilmember Trotter said local control is an important constant to maintain.

Televising City Council Work Sessions

Bartlett said staff was seeking direction on whether or not it should arrange to have City Council work sessions televised. He reviewed information on vending machine vs. barnraising government. The cost was estimated to be about \$2,400 which included wiring the conference room and hiring an audio/video technician to operate the camera.

Councilmember Schreiber said she was not in favor of televising work sessions. In addition to the casual nature of the session, she felt the public's expectations would be raised that all Council meetings would be broadcast on cable.

Councilmember Kappa said although the cost was nominal, he did not feel the expenditure was appropriate in light of potential Measure 47 impacts. He recommended not televising work sessions at this time but to remain open to the idea.

Councilmember Trotter expressed his disappointment that more people did not attend the work session. He was in favor of televising the sessions to reach more people and increase involvement. He recommended broadcasting only those work sessions held prior to regular sessions.

Mayor Lomnicki agreed with Councilmember Schreiber's comments. The City has many different avenues for public involvement, and those who are informed and have a particular interest in a work session topic do attend. Work sessions have a different dynamic than the regular sessions, and he was not convinced any greater public value would be added.

The group agreed not to pursue televising Council work sessions and to reconsider the option in one year.

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

Pat DuVal, City Recorder



Name: Alice Snyder Date: 2-10-97
 Street Address: 2743 SE Kelvin St. Milwaukie 97222
 Business Phone: 655-8847 Home Phone: 786-8217

How long have you been a Milwaukie resident? 2 years
 Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission no
 Are you a registered voter in Milwaukie? yes
 How did you learn about this position? Clackamas Review

Current Position: Eligibility Specialist Employer: Clackamas County
 Employer's Address: P.O. Box 68369 Oak Grove 97268 Phone: 655-8847

Please list any prior civic or professional activities. Served meals at Wilsonville Senior Ctr., past member of Vermont National Assn of Social Workers

Why would you like to be appointed to this commission? I would like to start getting involved in my local community focusing in my professional area of expertise - social work especially with aging + disabled populations.

What special training, skills, or experience have you had which would be pertinent to this application? Bachelors degree in social work, work history past + present with aging + disabled populations, have volunteered in past at various senior centers

Boards or Commissions in which you are interested. Center/Community Advisory Board

Please complete this form fully so City Council can evaluate your application.
 Thank you for the extra time and effort.

 Received at City Hall _____ Information Sent _____
 Interviewed _____ Appointed _____
 Commission _____ Term Expires _____

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**CITY OF MILWAUKIE
CITY COUNCIL MEETING
MARCH 4, 1997**

The one thousand seven hundred and sixty-second meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,
Mayor
Jean Schreiber

Rob Kappa
Don Trotter

Absent: Carolyn Tomei

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Pam Beery,
City Attorney

Maggie Collins,
Community Development Director
Jim Brink,
City Engineer
Susan Heiser,
Senior Planner
JoAnn Herrigel,
Program Services Coordinator

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Clackamas Basin River Council

Lowell Hanna addressed the City Council as Milwaukie's representative to the Clackamas River Basin Council. He discussed current projects and upcoming meetings.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Consent Agenda which consisted of the City Council minutes of February 18, 1997. Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Cole Addition Local Improvement District -- Ordinance

Mayor Lomnicki opened the public hearing on the formation of a local improvement district for sanitary sewer improvements in the Cole Addition at 7:08 p.m.

He explained the purpose of the hearing was to consider formation of a local improvement district. On January 21, 1997, the City Council adopted Resolution 3-1997 declaring its intention to form a local improvement district for sanitary sewer improvements in the area of Sherrett Street in the Cole Addition of the City. Notice of the public hearing on the proposed district was mailed to owners of property benefited by the proposed improvement on February 19, 1997.

The purpose of the public hearing was to provide an opportunity for the owners of benefited property to present oral and written testimony on the proposed district to the City Council for consideration. Property owners could submit or withdraw oral or written remonstrances prior to the close of the public hearing. A benefiting property owner not remonstrating prior to the close of the public hearing was considered to have waived any objections to the district's forming. Oral or written remonstrances by the owners of two-thirds of the property to be assessed for the proposed improvement would suspend formation of the district for at least six months. If insufficient remonstrances were received to suspend formation of the district, the Council would consider adoption of a proposed ordinance establishing the local improvement district.

Staff Report: **Brink** presented the staff report. The scope of work included 820 feet of sanitary sewer line and associated manholes. The current cost estimate was \$153,986. There are seventeen affected properties in the City of Milwaukee.

He reviewed information provided at previous City Council work sessions and discussed meetings with affected property owners. Staff recommended the interest rate for previously paid sewer assessments be established at 5.1% based on the Consumer Price Index (CPI).

Councilmember Kappa asked Brink if he had met with affected property owners since the last work session. **Brink** said he had not met with the property owners, but he did provide each with a letter based on Council direction.

Correspondence: **Mayor Lomnicki** entered a letter from **Larry Mingo**, 8551 SE 34th Street, Milwaukie, OR 97222, into the record. L. Mingo was opposed to the formation of the Cole Addition Local Improvement District. He indicated he did not understand why cesspools had to be replaced if they were not failing and felt the City should pay more of the cost. L. Mingo contended the City of Milwaukie made an error in a 1960's project making it impossible for the residents to hook up to the sanitary sewer at a time when costs were less.

Questions: **Don Mingo**, 3330 SE Sherrett, Cole Addition Lot 1, Block 2. He paid sewer fees for 33 years, but he was not actually hooked up to the system. When he purchased the property in 1964, Mingo said he paid the sewer assessment liens. He also received and paid water bills that included monthly sewer charges. At the time he purchased the property, the Realtor told him the property was not hooked up to the sewer, but City Hall assured him that it was. It was not until 1994 that a Public Works crew doing a smoke test determined he was indeed not on the system. At that time, he had the choice of either hooking up to the system immediately or waiting until his cesspool failed. He bought and paid for something he was never able to use. **Mingo** requested the City Council factor-in an additional 3% based on the interest he would have earned if he had invested in treasury bills instead of paying the sewer assessment and charges. He requested the City Council to provide him with a workable sewer system, and he would hook up and call it a draw.

Mayor Lomnicki said there seemed to be a question about the interest rate and asked Mingo if he was seeking a higher credit for his property. **Mingo** said he would call it even if the City of Milwaukie provided him with a sewer system.

Councilmember Kappa asked Mingo to be more specific. **Mingo** said he was supposed to be on the City's sanitary system. He wanted the City to run a lateral from the street in front of his house, and he would run a line to that.

Anton Klobertanz, 8616 SE 34th. He expressed concern about the engineering error that made it impossible for some residents to hook up to the system in the 1960's. He provided the City Council with copies of receipts issued in 1975 to show a comparison with today's costs. He felt he was being penalized twice: once for construction costs and then with increased property taxes.

Councilmember Schreiber noted the receipts were under the name of Feser. **Klobertanz** said the 1975 receipt was issues to his next-door neighbor, Mr. Feser.

Councilmember Schreiber asked Klobertanz what he expected of the City Council. **Klobertanz** said he would like the City Council to reduce the cost.

Mayor Lomnicki asked the basis for that request. **Klobertanz** said he felt property owners were being penalized for not being able to hook up to the system in 1975.

Councilmember Trotter asked what the \$94.60 payment was for. **Klobertanz** said it was for a sewer assessment in Ardenwald, and, as far as he knew, it was a one-time payment.

Councilmember Kappa asked for clarification of the connection between Feser and Klobertanz. **Klobertanz** responded the receipt indicated the payment made by Feser, the adjacent property owner, to connect to the system in 1975.

Mayor Lomnicki said the receipt establishes a relationship between 1975 and today's costs. **Klobertanz** added the project would cause a hardship because most of the property owners were either retired and on fixed incomes or young people raising families.

Ralph Johnson, 3426 Kathryn Court, supported the comments of the previous property owners. He also made a one-time payment of \$94.60. He was concerned that one month ago the property owners' shares were to be reduced by the amount of the Systems Develop Charge, \$893, but now the reduction was only \$327 per property. **Johnson** said one Councilor stated the entire amount should be credited to the property owners, and he agreed that was appropriate. This is an area of established homes not a new development.

Gerald Huntley, 3464 SE Sherrett, addressed Council with issues similar to Johnson's. The affected properties were developed many years ago, and the homes are still occupied by the original owners. He maintained the SDC fees came into effect because of Ballot Measure 5, and he believed these fees should not be retroactive. SDCs are appropriate only to new development. Property owners are being penalized for an engineering error made many years ago. **Huntley** addressed the Council's concern that a precedent would be set. Brink previously indicated this was the largest unsewered area in the City of Milwaukie. Other unsewered areas consisted of only one or two properties. He urged Council to waive the entire SDC fee.

Mayor Lomnicki asked, for clarification, if these comments were to be considered by the City Council as remonstrances.

Mingo said he did not wish to remonstrate against the formation of the LID. He was, however, interested in fairness and equity.

Klobertanz said his comments were not a remonstrance.

Johnson said he did not intend to remonstrate against the LID. Property owners would have been able to hook up to the system if there had not been an engineering error.

Huntley said he did not intend to remonstrate.

Blase Heller, 3415 SE Kathryn Court, expressed his concerns about the project. He suggested the City develop better financial incentives for the affected property owners. He indicated his comments were not intended as a remonstrance.

Testimony in Support: None.

Testimony in Opposition: None.

There were no further remonstrances or testimony.

Staff Comments: **Brink** said the suggestion to waive the SDC was a premature recommendation by staff. The municipal code does not allow the Council to waive SDC fees. He summarized staff's proposal to apply a credit for the infrastructure. Many of the homes have existing and functioning cesspools, but he felt it was a matter of time until these began to fail. There was no connection between the cesspools and the drinking water quality. He discussed the earlier sanitary sewer development and indicated staff was confident that no earlier assessment payments had been overlooked. He addressed the additional 3% requested by D. Mingo. He felt the percentage based on the CPI was a more appropriate guideline than an investment rate.

Brink agreed it was unfortunate the property owners could not have connected to the system in 1975. He discussed the potential for water, sewer, and street improvements in the area. He felt these combined projects would be a major benefit to the neighborhood.

Councilmember Schreiber suggested other utilities go underground since the street would be open. **Brink** said the property owners would have to be willing.

Councilmember Kappa asked if the amount of the credit was based on the CPI. **Brink** said it was the rate for the existing infrastructure.

Mayor Lomnicki made a final request for remonstrances.

Questions from the Council: **Councilmember Kappa** asked if the comments in L. Mingo's letter regarding neighborhood greenspaces were legally valid. **Beery** said the comments were not relevant to forming this LID.

Close of Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the formation of the Cole Addition Local Improvement District at 8:10 p.m.

Remonstrance Calculations: **Mayor Lomnicki** said there was one written remonstrance from Mr. Larry Mingo. This was not a sufficient number of remonstrances to suspend formation of the LID.

Bartlett referred to the sixth "Whereas" paragraph of the proposed ordinance in which figures should be added to read as follows: *"there are 17 benefited properties, and there was a total of one remonstrance representing .05938 of the land area."*

Beery said the assessment would not be spread at this time. The City Council determines at this session whether or not to form the LID. There will be another hearing scheduled after the work is completed to establish the assessment amounts.

Deliberation and Vote: **Councilmember Kappa** asked if the equity questions would be addressed at a later hearing. **Beery** said that was correct.

Mayor Lomnicki said the City will begin the work and return to the affected property owners with a dollar amount. **Beery** said the property owners may contest the benefit of the assessment amount at a subsequent hearing during which the City Council will consider an ordinance spreading the assessment among affected properties.

Mayor Lomnicki said at that time the property owners can address the City Council regarding the equity of the assessment. **Beery** added, by going forward with this decision, the City Council forms the LID and also recognizes there will be a City share of the costs.

Councilmember Schreiber wanted it to be clear that if the City Council adopted the ordinance, the project would be done. Property owners will be assessed, but the amount is yet to be determined. **Beery** indicated a preliminary process outline on page eight of the staff report.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements. Motion passed unanimously among the members present.

ORDINANCE NO. 1815:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE COLE ADDITION LOCAL IMPROVEMENT
DISTRICT FOR SANITARY SEWER IMPROVEMENTS.**

Furnberg Park Master Plan -- File CPA-96-02 -- Ordinance

Mayor Lomnicki called the public hearing on the proposed Comprehensive Plan amendment to order at 8:25 p.m.

The purpose of the hearing was to consider adopting the Furnberg Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan. He reviewed the order of business and the conduct of the hearing.

Staff Report: **Heiser** presented the staff report in which the City Council was requested to consider an ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. Furnberg Park is a 2.64 acre site in the Cedarcrest subdivision of the Linwood Neighborhood. She summarized the proposed improvements. The Planning Commission held a public hearing on the matter on January 28, 1997, and unanimously recommended the Master Plan to the City Council for adoption. Staff concluded the Planning Commission findings met the criteria for amendments to the Comprehensive Plan.

Councilmember Kappa asked if the Walker & Macy report would be the ancillary document. **Heiser** said that was correct.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the Comprehensive Plan amendment at 8:32 p.m.

Discussion among Councilmembers: **Councilmember Schreiber** said she represented the City Council during the planning process and felt, based on public input, the park was designed to meet the needs of the neighborhood.

Councilmember Kappa said this was an excellent use of tax dollars.

Councilmember Schreiber added for clarification that the Master Plan was being approved now, and the improvements will be made later.

Councilmember Trotter added the Planning Commission findings were accurate from the standpoint that the proposed Master Plan meets the goals of the Comprehensive Plan.

Mayor Lomnicki said he felt this was a very good ancillary document and expressed his appreciation to all who worked on the project.

Determination Findings and Decision:

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to read the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to read the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to adopt the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. Motion passed unanimously among the members present.

ORDINANCE NO. 1816:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE
PLAN (CPA-96-02) BY ADOPTING THE FURNBERG PARK MASTER
PLAN AS AN ANCILLARY DOCUMENT.**

OTHER BUSINESS

Accept Transfer of Cable System from Jones Intercable to TCI-- Resolution

Herrigel presented the staff report in which the City Council was requested to adopt a resolution giving the City's consent, with conditions, to the transfer of Milwaukie's cable television system from Jones Intercable to TCI - Georgia. The action would include authorization for the City Manager to sign an Assumption Agreement in which TCI agrees to comply with and perform in accordance with the existing franchise agreement. She discussed sections 6, cable hook-ups for City facilities; 7, institutional facilities; and 11, phone answering system. TCI has agreed to provide at least 1.5 people to operate the cable access studio. An audit indicated equipment met or exceeded franchise agreement requirements.

Councilmember Trotter asked for confirmation that the Sabin Skill Center was part of the institutional network. **Herrigel** said she believed the Skill Center was already hooked up, but she would confirm that.

Councilmember Trotter referred to the assumption agreement. The language referred to a good faith effort to complete certain elements by September 1, 1997. He asked if these would be outstanding items if not completed by that time. **Beery** said that was correct and indicated she was confident the City would have adequate leverage in the franchise renewal process.

Councilmember Schreiber said there is a concern in the community about fees and asked if there was any information on that subject. **Herrigel** responded that rates are set in compliance with FCC rules, and the City would have an opportunity to challenge charges in the future.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution approving the transfer of the cable television franchise with staff's recommendations and authorize the City Manager to sign the assumption agreement.

Neal Sullivan, Jones Intercable, and **Bill Tierny**, TCI, thanked General Manager Mike O'Leary and his staff for sustaining a quality system in the City of Milwaukie.

Motion passed unanimously among those members present.

RESOLUTION NO. 9-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE.

Bid Awards for Storm Projects

This item was withdrawn to be continued to the regular City Council session on March 18, 1997.

Amend Purchase Order to City of Portland for Sewage Treatment Costs

Bartlett presented the staff report in which the City Council was requested to authorize the interim Public Works Director to increase purchase order #970303 by \$100,000 for the purchase of sewage treatment services from the City of Portland. The causes appear to be an increase in the City of Portland's treatment rates, an increase in commercial usage, and the temporary decommissioning of the Brookside lift station.

Councilmember Schreiber asked if there were funds for this action. **Bartlett** said the amount was budgeted.

Mayor Lomnicki asked what the effect would be since the City of Milwaukie is more dependent on Portland. **Bartlett** said a financial consulting firm is looking at the potential for a split-rate system. The Citizens Utility Advisory Board will review the findings and make a recommendation to the City Council.

Councilmember Kappa said he would like to know the percentage of Milwaukie residences served by the City of Portland. **Bartlett** said he would ask the Finance Department to respond to that question.

Councilmember Schreiber asked if there would be an impact on next year's budget. **Bartlett** responded there is a certain amount of money budgeted for sewage treatment whether it is paid to the City of Portland or the Clackamas Service District. Information from the rate study, he added, should be available by May or June.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the interim Public Works Director to increase purchase order #970303 by \$100,000 for the purchase of sewage treatment services from the City of Portland. Motion passed unanimously among the members present.

Bid Award for Public Safety Building Remodel

Bartlett presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with DGS General Contracting, Inc., in the amount of \$46,100 for the Public Safety Building remodel project. There are funds available in the budget for this project. The project includes relocation of the reception area and interior offices to improve traffic flow.

Councilmember Kappa asked if there would be any protective glass for the reception area. **Bartlett** said there would not.

Councilmember Kappa felt it was important to make it clear that these funds could not be transferred. **Bartlett** said these funds are from the contingency of the bond sale. The contingency has lasted over three years and has been drawn from to make these types of improvements.

Councilmember Kappa asked what would take the place of the old reception area. **Bartlett** said that would become the waiting area.

Councilmember Schreiber referred to discussions in the past about re-routing vehicular traffic and asked if anything action would take place on that issue. **Bartlett** said there had been no further discussions of that issue.

It was moved by **Councilmember Kappa** and seconded **Councilmember Trotter** to authorize the **City Manager** to sign a contract with **DGS General Contracting, Inc.**, in the amount of **\$46,100** for the **Public Safety Building remodel project**. Motion passed unanimously among the members present.

INFORMATION

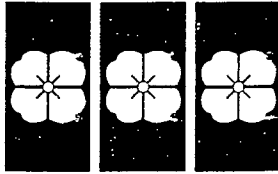
Councilmember Trotter announced the **Parks District budget process** would begin **March 13, 1997**.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at **9:15 p.m.**

Pat DuVal, Recorder/Secretary

CITY OF



MILWAUKIE

MEMORANDUM

TO: Mayor and City Council
THROUGH: Dan R. Bartlett, City Manager *DB*
FROM: Angus M. Anderson, Finance Director *AA*
DATE: February 25, 1997
RE: Supplemental Budget

RECOMMENDATION:

Consider the attached Supplemental Budget Resolution including transfer of Contingency Appropriations.

BACKGROUND INFORMATION:

The City Council adopted the FY 1996-97 budget on June 18, 1996. Since that time there have been three amendments requiring Council approval. The first was on July 16, 1996 to increase the Police Services appropriation in the Public Safety Fund by \$45,000 to provide funding for acquisition of CAD hardware from Clackamas County. The second amendment was on September 3, 1996 to increase appropriations in the Water Fund by \$90,000 to call the 1968 General Obligation Water System Improvement Bonds. The third was on November 5, 1996 to increase appropriations in the City Council appropriation category of the Administrative Services Fund by \$2,500 to allow for Council education/training accounts. In each of these cases, the transfer has been from the contingency appropriation category in the applicable fund.

In addition to these prior amendments, since adoption of the budget there have been two changes in accounting procedures that necessitate a Supplemental Budget. These accounting procedure changes result in an equal increase in both resources and expenditures in both the General Fund and the Fleet Services Fund. In the General Fund, Municipal Court within the Finance appropriation category, submits delinquent fines to the designated collection agent for collection activity. The collection agent retains fifty percent of the amount collected as commission. Prior to the change in accounting procedures the City recognized only the net collections to the City. In other words, we only input the amount received by the City from the collection agency. With the change in procedures we now input the entire amount collected by the collection agency as revenue. Then we enter the commission amount as an expense to the Municipal Court. The net impact is the same as under the previous procedures, however this process allows us to recognize the actual total payments received by the

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In Fleet Services, the change in accounting procedures also produced an increase in resources and expenditures but no change in the actual net amount realized. Prior to the change in procedures, Fleet Services obtained parts and outside services from time to time. To keep from showing these as expenditures twice, we placed the cost into an "inventory" account when acquired by Fleet. When the part or service was used on a vehicle, the work order was charged to the receiving department. If we had first shown it as an expense to fleet and then as an expense to the receiving department, it would have shown as an expense twice. For the current year, we have continued our move to a total "motor pool" concept. As Council is aware, Fleet Services now buys and owns all vehicles. With the change in procedures, Fleet now incurs these charges as an expense. Then Fleet "rents" the vehicles to using departments at a fixed per-mile charge. This per-mile charge is calculated to recover the costs to operate and maintain the vehicles. The impact is to increase the revenues of Fleet by the amount of the total per-mile charges and increase the expenditures by the amount of the parts costs and purchased outside services.

In addition to these changes in accounting procedures, there are three other situations that require a transfer of appropriations authority and are, therefore, included in the Supplemental Budget process. Both Council and the Budget Committee have been briefed on the error that occurred in development of the Police Department personnel budget. That error, as well as overtime charges significantly in excess of budget, has resulted in the need to request a transfer of Contingency appropriation to the Police Services appropriation category in the General Fund. The amount of the transfer request is \$490,000. In addition, significant increases in Community Development professional and contractual services expenditures result in an overexpenditure situation in those line items. To rectify that situation, a request is also presented to transfer \$70,000 from the General Fund Contingency appropriation to the Community Development appropriation category. Finally, the City is considering entering into a lease agreement that requires the expenditure of \$22,500 in the Facilities Management Fund for the remainder of the fiscal year. Therefore, a transfer of Contingency in that amount is requested. The transfer will be from Contingency into Transfers within the General Fund. This amount will then be shown within the Facilities Management Fund as both a resource (Transfer from General Fund) and an expenditure (Public Works Appropriation Category).

Approval of the Supplemental Budget will provide adequate appropriation authority for each appropriation category within each fund.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING A SUPPLEMENTAL BUDGET

WHEREAS, in accordance with ORS 294.305 to 294.565 on June 18, 1996, the City Council of the City of Milwaukie adopted Resolution 22-1996. By this resolution the budget of the City of Milwaukie for fiscal year 1996-97 was adopted, budgeted funds appropriated and ad valorem taxes declared and categorized; and

WHEREAS, the City Council, on July 16, 1996 approved Resolution 33-1996 and on September 3, 1996 approved Resolution 37-1996 and on November 5, 1996 approved Resolution 39-1996 which amended the adopted budget, and

WHEREAS, changes in the method of cost accounting for two separate functions, municipal court and fleet services, has resulted in equal increases in both revenues and expenses in both functions, and

WHEREAS, discrepancies in budget development as well as unforeseen situations resulting in expenditures being greater than that budgeted necessitate a Supplemental Budget to assure expenditures are within appropriation authority limits.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Milwaukie, Oregon approves a SUPPLEMENTAL BUDGET as follows:

<u>FUND</u>	<u>APPROPRIATION CATEGORY</u>	<u>ORIGINAL APPROPRIATION</u>	<u>INCREASE/ DECREASE</u>	<u>REVISED APPROPRIATION</u>
GENERAL FUND	REVENUE	\$8,811,649	\$90,000	\$8,901,649
	Administration/Community Service	\$279,616		\$279,616
	Police Services	2,961,320	\$490,000	3,451,320
	Community Development	641,902	\$70,000	711,902
	Public Works	468,785		468,785
	Finance	118,222	\$90,000	208,222
	Transfers	3,591,804	\$22,500	3,614,304
	Contingency	750,000	-\$582,500	167,500
	TOTAL GENERAL FUND	\$8,811,649	\$90,000	\$8,901,649
CODE ENFORCEMENT	Public Works	\$50,000		\$50,000
ABATEMENT FUND	Contingency	12,000		12,000
	CODE ENFORCMENT ABATMNT	\$62,000	\$0	\$62,000
STATE GAS TAX/STREET	Public Works	\$1,478,916		\$1,478,916
REPAIR FUND	Contingency	31,208		31,208
	TOTAL STATE GAS TAX FUND	\$1,510,124	\$0	\$1,510,124
BIKE PATH FUND	Public Works	\$3,151		\$3,151
	Contingency	36,342		36,342
	TOTAL BIKE PATH FUND	\$39,493	\$0	\$39,493

<i>STORM SEWER SDC FND</i>	Public Works	\$1,440		\$1,440
	Contingency	77,971		77,971
	TOTAL STORM SEWER SDC FND	\$79,411	\$0	\$79,411
<i>WATER SDC FUND</i>	Public Works	\$3,272		\$3,272
	Contingency	271,944		271,944
	TOTAL WATER SDC FND	\$275,216	\$0	\$275,216
<i>SEWER SDC FUND</i>	Public Works	\$8,192		\$8,192
	Contingency	781,377		781,377
	TOTAL SEWER SDC FUND	\$789,569	\$0	\$789,569
<i>PARK ACQUISITION FND</i>	Administration/Community Service	\$1,626,554	\$0	\$1,626,554
<i>LIBRARY SERVICES FND</i>	Administration/Community Service	\$1,187,792		\$1,187,792
	Contingency	149,312		149,312
	TOTAL LIBRARY SRVCS FUND	\$1,337,104	\$0	\$1,337,104
<i>PUBLIC SAFETY FUND</i>	Police Services	\$138,753		\$138,753
	Fire-Rescue Services	2,952,995		2,952,995
	Contingency	556,085		556,085
	TOTAL PUBLIC SAFETY FUND	\$3,647,833	\$0	\$3,647,833
<i>WATER FUND</i>	Public Works	\$2,164,091		\$2,164,091
	Debt Service	148,043		148,043
	Contingency	1,251,224		1,251,224
	TOTAL WATER FUND	\$3,563,358	\$0	\$3,563,358
<i>SEWER FUND</i>	Public Works	\$2,646,489		\$2,646,489
	Contingency	418,093		418,093
	TOTAL SEWER FUND	\$3,064,582	\$0	\$3,064,582
<i>STORM SEWER FUND</i>	Public Works	\$883,638		\$883,638
	Contingency	261,560		261,560
	TOTAL STORM SEWER FUND	\$1,145,198	\$0	\$1,145,198
<i>PUBLIC SAFETY FAC DEBT SERVICE FUND</i>	Debt Service	\$455,315		\$455,315
	Reserves	540,454		540,454
	TOTAL PUBLIC SAFETY FAC DEBT SRV	\$995,769	\$0	\$995,769
<i>CAPITAL PROJECTS</i>	Capital outlay	\$152,255	\$0	\$152,255
<i>FLEET SERVICES</i>	REVENUE	\$398,595	\$155,000	\$553,595
	Public Works	\$398,595	\$155,000	\$553,595
<i>FACILITIES MGMNT</i>	REVENUE	\$520,810	\$22,500	\$543,310
	Public Works	\$520,810	\$22,500	\$543,310

ADMINISTRATIVE SRVCS	Legislative	\$38,310		\$38,310
	Administration/Community Service	832,539		832,539
	Public Works	756,202		756,202
	Finance	842,514		842,514
	Contingency	37,822		37,822
	TOTAL ADMIN SERVICES FUND	\$2,507,387	\$0	\$2,507,387
KNUTSON CEMETERY TRST	Public Works	\$40,714	\$0	\$40,714
FORFEITURE TRUST	Transfers	\$5,000	\$0	\$5,000
	TOTAL APPROPRIATIONS	\$30,572,621	\$267,500	\$30,840,121

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on March 18, 1997

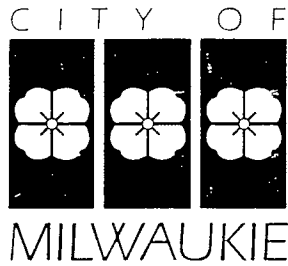
ATTEST:

Pat DuVal, City Recorder

Craig Lomnicki, Mayor

APPROVED AS TO FORM:
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney



*****MEMORANDUM*****

**Community Development Director
City of Milwaukie
March 8, 1997**

TO: Milwaukie City Council

THRU: Dan Bartlett, City Manager

**FROM: Maggie Collins, Community Development Director
Daniel Pava, Senior Planner**

SUBJECT: Appeal of File No. CU-96-01

Action Requested

The Community Development Department staff requests that the City Council consider the appeal application of Gary Michael and render a decision in accordance with section 1002 of the Milwaukie Zoning Ordinance (Appeals).

Background

On January 28, 1997, the Planning Commission approved on a conditional use to permit the Oregon Department of Transportation to replace trees along McLoughlin Boulevard that had been cut on ODOT right-of-way within the Willamette Greenway Overlay Zone. Responding to Mr. Gary Michael's concerns about the tree cutting, the Community Development staff determined that ODOT should retroactively apply for the conditional use permit so that the Planning Commission could review ODOT's revegetation plan in accordance with Sections 320 and 600 of the Zoning Ordinance.

Staff Recommendation

Staff recommends that the City Council uphold the decision of the Planning Commission and deny the appeal of CU-96-01, based on the findings and subject to the conditions of approval contained in the January 29, 1997 Notice of Decision.

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CITY OF MILWAUKIE MEMORANDUM

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: March 8, 1997
File No.: CU-96-01

Application: Appeal of Planning Commission Approval of Case No. 96-01, Conditional Use for Development in the Willamette Greenway

Applicant: Gary Michael

Property Owners: Oregon Department of Transportation

Location: Highway 99E right-of-way, east of Highway 99E (McLoughlin Boulevard) generally located between the Kellogg Lake Outfall and the Railroad Bridge

Action Requested:

That the City Council consider this appeal in accordance with Section 1002 of the Milwaukie Zoning Ordinance (Appeals) and uphold the decision of the Planning Commission by denying the appeal of CU-96-01, based on the findings and subject to the conditions of approval contained in the January 29, 1997 *Notice of Decision* (see Attachment 1). The *appellant's submittal* is included as Attachments 11 and 12.

Background:

On January 28, 1997, the Planning Commission approved a conditional use to permit the Oregon Department of Transportation to replace trees that had been cut on ODOT right-of-way within the Willamette Greenway Overlay Zone. Responding to Mr. Gary Michael's concerns about the tree cutting last year, the Community Development staff had determined that ODOT should retroactively apply for a conditional use permit so the Planning Commission could review ODOT's revegetation plan. Here is a summary chronology:

May 15-16, 1996: The Oregon Department of Transportation (ODOT) clears brush and trees for approximately 600 feet along the eastern edge of ODOT right-of-way on 99W adjacent to Kellogg Lake.

May 31, 1996: City holds a pre-application conference with Mark Thomas of ODOT, and determines ODOT should have applied for and obtained a Willamette Greenway conditional use permit prior to the "removal of substantial vegetation" per Zoning Ordinance Section 320.4.

July 22, 1996: City of Milwaukie staff conduct site visit and count approximately 21 stumps within the ODOT right-of-way that would meet the "large trees" definition of Zoning Ordinance Section 320.4(F).

August 13, 1996: Planning Commission receives briefing and memo with a summary chronology of the situation from Maggie Collins.

August 27, 1996: ODOT submits application package. ODOT maps show seven trees were removed. There is a discrepancy between the ODOT "count" of trees removed and the City staff's site survey taken on July 22, 1996. ODOT is notified on September 16, 1996 that the application is incomplete.

October 7, 1996: ODOT submits supplemental information in response to the City's September 16th letter of incompleteness. Revised site plans submitted by ODOT provide for two alternative planting plans. Option "A" shows planting 10 Oregon Ash trees in three areas of the site. Option "B" shows scattered planting of 50 Willows and 100 Douglas Spirea throughout the area, without removal of the existing ivy and blackberries.

October 22, 1996: Planning Commission work session includes discussion of issues applicable to the ODOT conditional use application (see **Attachment 2 draft work session minutes**).

November 12, 1996: The Planning Commission holds duly advertised public hearing on CU-96-01 (see **Attachment 3 staff report**). Gary Michael and others submit testimony in opposition of the proposed plan. The Planning Commission directs staff to work with ODOT to bring back a more beneficial plan based upon the public testimony, and continues the hearing until January 28, 1997 (see **Attachment 4 public hearing minutes**).

December 17, 1996: Dan Pava and Maggie Collins of the Community Development staff meet with ODOT District 2B manager Karla Keller, assistant manager Shane Ottosen, landscape architect Paul Edgecomb, and maintenance supervisor Mark Thomas. ODOT agrees that a phased replanting approach is most appropriate because of need to coordinate replanting with future City projects such as the Riverfront Concept Plan and

the Regional Center Plan with the future design of McLoughlin Boulevard. ODOT agrees that twenty-five trees should be replanted as soon as feasible to replace the trees cut last summer and that ODOT would also commit to a riparian restoration plan subject to future McLoughlin Boulevard redesign (refer to **Attachment 5 letter from Karla Keller to Maggie Collins**).

December 20, 1996: Community Development sends letter to Gary Michael, Mart Hughes, Mike Miller, Monroe Sweetland, Gordon Jones, and Donald Hammang requesting that they meet with staff and ODOT personnel to work on “a more beneficial plan” (see **Attachment 6 meeting letter**).

January 8, 1997: Karla Keller and Paul Edgecomb meet with Dan Pava, Gary Michael, Mike Miller, and Monroe Sweetland to discuss ways to improve the ODOT proposed planting plan and to listen to concerns about related issues (see **Attachment 7 meeting agenda**). Staff briefs interested parties about the agreement to plant 25 trees and the phased approach. Mr. Michael, Mr. Miller and Mr. Sweetland emphasize the need for additional trees and a more complete remediation effort that would occur later. There is a difference of opinion among the three stakeholders about the placement and selection of trees but some general guiding principles are determined. The trees would not be planted where the foot path is most constricted. There was a request made to move the guardrail anchorage away from the Kellogg culvert abutment in order to lessen impediments to foot traffic and Karla Keller agrees to investigate. There is agreement that the ivy would not be removed at this time because the steep slope would become more susceptible to erosion. Karla Keller commits ODOT to a continuing working relationship with the City of Milwaukie and other stakeholders to define necessary mitigation measures for this area (see **Attachment 8 meeting notes**).

January 9, 1997: Mart Hughes visits with Dan Pava to discuss his opinions and those of Donald Hammang about the tree replanting plan. He makes several observations about tree selection and suggests planting some shrubs. He also requests that ODOT commit to a guaranteed survivability rate for the new trees, and he points out that long term cost-effective maintenance would best be assured by providing species diversity and a multistory vegetative canopy on the site. Later Mr. Hughes and Mr. Edgecomb talk by telephone. ODOT landscape architect Paul Edgecomb prepares a revised plan showing 18 trees and additional shrubs, based upon this conversation.

January 28, 1997: The Planning Commission continues the hearing on CU-96-01 (See **Attachment 9 staff report addendum** and **Attachment 10 continued public hearing minutes**) and approves a revised proposed planting plan that has been prepared by ODOT and submitted as Exhibit I. This plan features 10 Oregon Ash trees, five Red Alder trees, 3 Western Red Cedar trees, 5 Douglas Hawthorne, and 10 Red Elderberry.

February 3, 1997: 120 days since completed ODOT application accepted on October 7, 1996.

February 11, 1997: 15 day appeal period ends. Gary Michael files appeal of CU-96-01.

Discussion of Appeal:

The appeal application lists 7 reasons for consideration. These are listed below in italicized print and discussed in turn. Mr. Michael's *appeal application* is found in **Attachment 11** while **Attachment 12** is *supporting materials* subsequently submitted to Community Development on February 25, 1997.

1. Many of the "findings" in the staff report are inaccurate, misleading or farfetched.

A copy of the findings and the complete staff report upon which they are based is included as attachments to this report. The Planning Commission discussed and modified the findings after considering public comment, including that of Mr. Michael, in two public hearings on November 12, 1996 and January 28, 1997. The Notice of Decision includes these findings.

2. ODOT drawings of previous and existing conditions are extremely inaccurate and misleading.

All four of the Planning Commissioners present at the January 28, 1996 public hearing had visited the site when asked by Chair Smith. Exhibit 1 Sheet 3 accurately portrays the Vegetative Buffer Plan as approved by the Planning Commission. The Commission carefully reviewed Exhibit 1 Sheet 3 when considering CU-96-01.

The Planning Commission approved CU-96-01 based on Finding 5 and subject to Condition 1, both of which they modified during their discussion following the public testimony presented at the January 28, 1997 public hearing . Finding 5 states: "The applicant (ODOT) submitted a vegetation planting plan on October 7, 1996, for consideration by the Milwaukie Planning Commission. Subsequently, the applicant met with Community Development Department staff on December 17, 1996, and on January 8, 1997 with those who offered testimony at the November 12, 1996 Planning Commission hearing. A revised plan was prepared incorporating the guidance from these meetings. The applicant's proposal is consistent with the Milwaukie Comprehensive Plan, with the conditions included in this report." Condition 1 states: "The proposed plan (Exhibit 1 Sheet 3, dated January 10, 1997), shall be reexamined to assure all proposed plantings are appropriately placed, and located as close to the lake bank as feasible pursuant to applicable safety and soil disturbance criteria."

3. *Little attempt was made by the City to determine the true amount of the ODOT damage.*

City staff met with ODOT maintenance supervisor Mark Thomas on May 31, 1996 and advised him that ODOT should have applied for and obtained a Willamette Greenway conditional use permit prior to the "removal of substantial vegetation" per Zoning Ordinance Section 320.4. On July 22, 1996 City staff met Mr. Michael at the site and counted approximately 21 stumps within the ODOT right-of-way that would meet the "large trees" definition of Zoning Ordinance Section 320.4(F). On August 27, 1996 ODOT submitted a conditional use application that Community Development staff deemed to be incomplete for several reasons, including the discrepancy between the ODOT "count" of trees removed and the City staff's site survey taken on July 22, 1996. Community Development staff met with ODOT staff, including District 2B Manager Karla Keller on December 17, 1996 pursuant to the Planning Commission's November 12, 1996 motion directing staff to work with ODOT to bring them a more beneficial plan based on the public testimony. At this meeting ODOT agreed to plant 25 trees as soon as feasible. They also agreed to commit to a riparian restoration plan subject to future McLoughlin Boulevard redesign.

4. *The Planning Commission on November 12, 1996 instructed ODOT to work with city staff and the community to develop a more beneficial plan. Community involvement was a token gesture, at best. Decisions had been made between city staff and ODOT prior to the one meeting with community "stakeholders".*

The minutes of November 12, 1996 state that, "Michael Smith moved to continue the public hearing to January 28, 1997, and direct staff to work with ODOT to bring a more beneficial plan based on the public testimony that was heard tonight..." Subsequently, Community Development staff met with ODOT management on December 17, 1996. Agreements were reached at this meeting that ODOT would consent to meet with interested citizens at the City's Johnson Creek Facility, and that ODOT would replant more trees than were shown removed on their previous submittals. ODOT also agreed to remain committed to a public involvement process after the initial replanting to assure that City goals and plans for McLoughlin Boulevard would be consistent with ODOT planning for the roadway; and to consider alternatives for Kellogg Lake bank restoration during subsequent planning for McLoughlin design. On December 20, 1996 staff sent letters and invited all who testified at the public hearing to a meeting with ODOT management to discuss their concerns so that a more beneficial plan could be brought to the Planning Commission on January 28, 1997. Staff prepared a meeting summary that was sent to each person who testified in opposition at the November 12, 1996 public hearing on January 14, 1996. and requested their comments by January 21, 1996.

5. The conditions of approval require ODOT to "reexamine" the plan with regard to material placement, but requires no review by anyone of this "final plan".

The Planning Commission attached conditions of approval in accordance with Section 601.3 of the Zoning Ordinance because the applicant is requesting a conditional use within the Willamette Greenway. The accepted procedure in Milwaukie and other planning departments is that the director is responsible for assuring that conditions of approval are implemented. Planning Commission Condition 1 states: "The proposed plan (Exhibit 1 Sheet 3, dated January 10, 1997), shall be reexamined to assure all proposed plantings are appropriately placed, and located as close to the lake bank as feasible pursuant to applicable safety and soil disturbance criteria." ODOT District 2B manager Karla Keller has requested that City staff work with ODOT to establish a process to assure appropriate placement that also includes other interested parties.

6. The Planning Commission has approved a plan that is unknown at this time, and the size and quantities of materials proposed are so limited as to make very questionable whether any meaningful mitigation of ODOT's damage can occur, even after many years.

The Planning Commission approved Exhibit 1 Sheet 3 to address the vegetative buffer requirements of the Willamette Greenway zone. The plan (Exhibit 1 Page 3 revised January 10, 1997) shows planting of 18 trees - 10 Oregon Ash, 5 Red Alders and 3 Western Red Cedars; and removal and treatment of stumps as necessary to allow for mitigation; removing the dirt mound from below guardrail as necessary for drainage; leaving all ivy and blackberry plants between the guardrail and the water's edge; and randomly clumping and scattering 10 containers of Red Elderberry and 5 Douglas Hawthorne. The plan recognizes that existing large trees were removed, but proposes to restore and enhance native vegetation in a phased approach consistent with future ODOT and City of Milwaukie plans for improvements to McLoughlin Boulevard. The applicant proposes not to remove existing ivy and blackberries because of some concern over the slope stability without this ground cover.

The Planning Commission imposed two conditions to address concerns about longer-term mitigation. Condition 2 states that, "ODOT shall guarantee an 80 percent survival rate for all new plant materials listed in the proposed plan (Exhibit 1 sheet 3, dated January 10, 1997) in the next two years." Condition 3 states that the, "Oregon Department of Transportation (ODOT) planning staff will continue to work with City staff and interested stakeholders to provide riparian restoration plantings using a phased approach incorporated into future McLoughlin Boulevard redesign options. A phasing and implementation strategy plan emphasizing a long-term cost-effective maintenance strategy, species diversity, and a multistory vegetation canopy shall be prepared within six months of the approval of CU-96-01."

7. *There appears to be a huge discrepancy between what the City requires of private developers and a public agency with regard to tree cutting mitigation.*

The Willamette Greenway zone regulations do not stipulate specific policy with regards to tree cutting mitigation and replacement. Section 601.3 vests the Planning Commission with the authority to condition the application for a conditional use. In this particular case, and after considerable deliberation, the Commission found that the plan submitted by ODOT, and conditioned by the Commission, provides adequate tree cutting mitigation.

Council Action:

The Council may decide to take one of the following actions, pursuant to section 1002 (Appeals) of the Zoning Ordinance:

1. Concur with the Planning Commission findings and deny the appeal of CU-96-01.
2. Concur with the appellant and uphold the appeal of CU-96-01, thereby reversing the Planning Commission approval of CU-96-01.
3. Take either action (1) or (2) above, with further findings and conditions, based upon the testimony and materials presented at this public hearing.

Staff Recommendation:

That the City Council uphold the decision of the Planning Commission and deny the appeal of CU-96-01, based on the findings and subject to the conditions of approval contained in the January 29, 1997 *Notice of Decision* (see **Attachment 1**).

Attachments:

1. Notice of Decision dated January 29, 1997 *4pp*
2. Draft work session minutes, October 22, 1996 *4pp*
3. Staff report for November 12, 1996 public hearing *15pp*
4. Public hearing minutes of November 12, 1996 *12pp*
5. Letter from Karla Keller to Maggie Collins dated January 20, 1997 *1p*
6. Meeting Letter from Dan Pava to Gary Michael, dated December 20, 1996 *1p*
7. Meeting agenda for January 8, 1997 *1p*
8. Meeting notes dated January 14, 1997 *1p*
9. Staff report addendum for January 28, 1997 public hearing *8pp*
10. Continued public hearing minutes from January 28, 1997 *12pp*
11. Appeal application submitted by Gary Michael on February 11, 1997 *2pp*
12. Supporting appeal materials addressed to Mayor Lomnicki and the City Council submitted on February 25, 1997 to the Community Development Department by Gary Michael *22pp*



Date: January 29, 1997

File # CU-96-01

NOTICE OF DECISION

This is the official notice of action taken by the Milwaukie Planning Commission at a public hearing on January 29, 1997, with regard to an application by the Oregon Department of Transportation for a conditional use permit for development in the Willamette Greenway. The subject property is right-of-way located generally east of Highway 99E (McLoughlin Boulevard) adjacent to Kellogg Lake between the lake outfall and the railroad overcrossing in Milwaukie, Oregon. The proposal area is in the C-L/MC zone.

At the public hearing, the Planning Commission formally approved the subject application based upon findings included within the Staff Report, and included with this notice. Conditions of approval were also adopted and are included with this notice. Copies of the Staff Report are available upon request.

Any action or ruling of the Planning Commission may be appealed to the City Council within 15 calendar days in accordance with Section 1002 of the City of Milwaukie Zoning Ordinance. Accordingly, any appeal of the approval of CU-96-01 must be filed no later than February 11, 1997. City Community Development Staff (786-7650) can provide information regarding forms, fees, and the appeal process. If no appeal is filed by February 11, 1997, at 5:00 p.m. this approval shall be final.



 Maggie Collins, Community Development Director

MC:dsp

cc: Interested Persons
 Planning Commission Members
 File # CU-96-01

COMMUNITY DEVELOPMENT • PUBLIC WORKS
 6101 SE JOHNSON CREEK BLVD.
 MILWAUKIE, OREGON 97206
 PHONE: (503) 786-7600 • FAX: (503) 774-8236

ATTACHMENT 1

FINDINGS FOR CU-96-01 AS APPROVED BY THE PLANNING COMMISSION ON 1/28/97

1. In the spring of 1996, Oregon Department of Transportation (ODOT) removed a substantial amount of vegetation from a portion of state-owned right-of-way located in the Willamette Greenway.
2. The Willamette Greenway regulations in the Milwaukie Comprehensive Plan and Zoning Ordinance reflect both state land use goals and local concerns about protection of natural areas and views of Kellogg Lake and the Willamette River.
3. ODOT removed twenty-one trees from the bank adjacent to Kellogg Lake in an effort to increase safety for pedestrians and vehicles traveling northbound on Highway 99E.
4. Removal of substantial amounts of vegetation in the Willamette Greenway is considered a "development" in the Zoning Ordinance and requires a Conditional Use Permit.
5. The applicant (ODOT) submitted a vegetation planting plan on October 7, 1996, for consideration by the Milwaukie Planning Commission. Subsequently, the applicant met with Community Development Department staff on December 17, 1996, and on January 8, 1997 with those who offered testimony at the November 12, 1996 Planning Commission hearing. A revised plan was prepared incorporating the guidance from these meetings. The applicant's proposal is consistent with the Milwaukie Comprehensive Plan, with the conditions included in this report. The planting plan meets the requirements of Section 320 in the Milwaukie Zoning Ordinance as follows:

A. Whether the land to be developed has been committed to an urban use, as defined under the State Willamette Greenway Plan.

Not applicable to this proposal.

B. Compatibility with the scenic, natural, historic, economic, and recreational character of the River.

Kellogg Lake is a tributary to the Willamette River. Riparian vegetation along this tributary is an important piece of the natural system of the Willamette River, hence its inclusion as part of the Willamette Greenway. Restoration of this riparian vegetation is important to insure compatibility of the scenic and natural character of the River.

C. Protection of views both toward and away from the River.

View is difficult to judge in this situation. One could argue that the view of the River has been enhanced by removal of trees (e.g. the view towards the Willamette from Dogwood Park, or the view from the river away from the River and towards the natural area of Kellogg Lake). Restoration of vegetation along Kellogg Lake will protect the views by increasing the natural state surrounding Kellogg Lake by providing a buffer from the traffic on Highway 99E.

D. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the River, to the maximum extent practicable.

The applicant has proposed planting native trees and shrubs (Oregon Ash, Douglas Spirea and Willow) to protect the riparian functions of the right-of-way bank. Existing ivy on the bank may pose a problem for good results and long-term survival rates of the plantings. City staff feels that the "maximum extent practicable" means that the applicant attempt the plantings shown on Proposal "B" (with the attached conditions).

E. Public access to and along the River to the greatest possible degree, by appropriate legal means.

The proposal area does not offer access to the water because of the steep slope.

F. Emphasis on water-oriented and recreational uses.

Not applicable to this proposal.

G. Maintain or increase views between the Willamette River and downtown.

The proposed planting plan will maintain the prior views from the Willamette River towards Downtown. Although the trees will take time to mature, the view of Kellogg Lake in the meantime will add to the view of Downtown.

H. Protection of the natural environment according to regulations in the Natural Resource Zone.

The proposed vegetation buffer plan meets the development standards listed in Section 322.7 of the Natural Resource Overlay.

I. Advice and recommendations of the Design Review Committee.
There is no such committee.

J. Conformance to applicable Comprehensive Plan policies.
The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.

K. The request is consistent with applicable plans and programs of the Division of State Lands.
Staff is not aware of existing DSL plans for Kellogg Lake.

L. A Vegetation Buffer Plan meeting the conditions of subsection 320.8 A.-C.
The plan (Exhibit 1 Page 3 revised January 10, 1997) shows planting of 10 one and one-half inch caliper Oregon Ash trees); removal and treatment of stumps as necessary to allow for mitigation; removing the dirt mound from below guardrail as necessary for drainage; leaving all ivy and blackberry plants between the guardrail and the water's edge; and randomly clumping and scattering 10 containers of red elderberry. The plan recognizes that existing large trees were removed, but proposes to restore and enhance native vegetation in a phased approach consistent with future ODOT and City of Milwaukie plans for improvements to McLoughlin Boulevard. The applicant proposes not to remove existing ivy and blackberries because of some concern over the slope stability without this groundcover.

6. The proposal meets the requirements of Section 600 of the zoning code as follows:

A. The use meets the requirements of a conditional use in the zone currently applied to the site.
Not applicable to this application.

B. The use meets the standards for the underlying zone.
Not applicable to this application.

C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.
The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.

D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
The proposed planting is necessary to maintain the riparian vegetation that used to exist along this steep bank area. The trees to be planted along and at the top of the bank will provide shade for Kellogg Lake in the summer and the shrub plantings will provide shade, habitat and leaf matter that are all a part of the Kellogg Lake ecosystem.

E. The proposed use is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected for the use.
The proposed planting is timely in two ways. 1) It will replace vegetation removed in the recent past. 2) the Riverfront Master Plan conceptual plans for this part of Milwaukie calls for natural areas to be maintained in the downtown area. Vegetation planted by the applicant will show the state's willingness to be a partner in Milwaukie's implementation of that planning process.

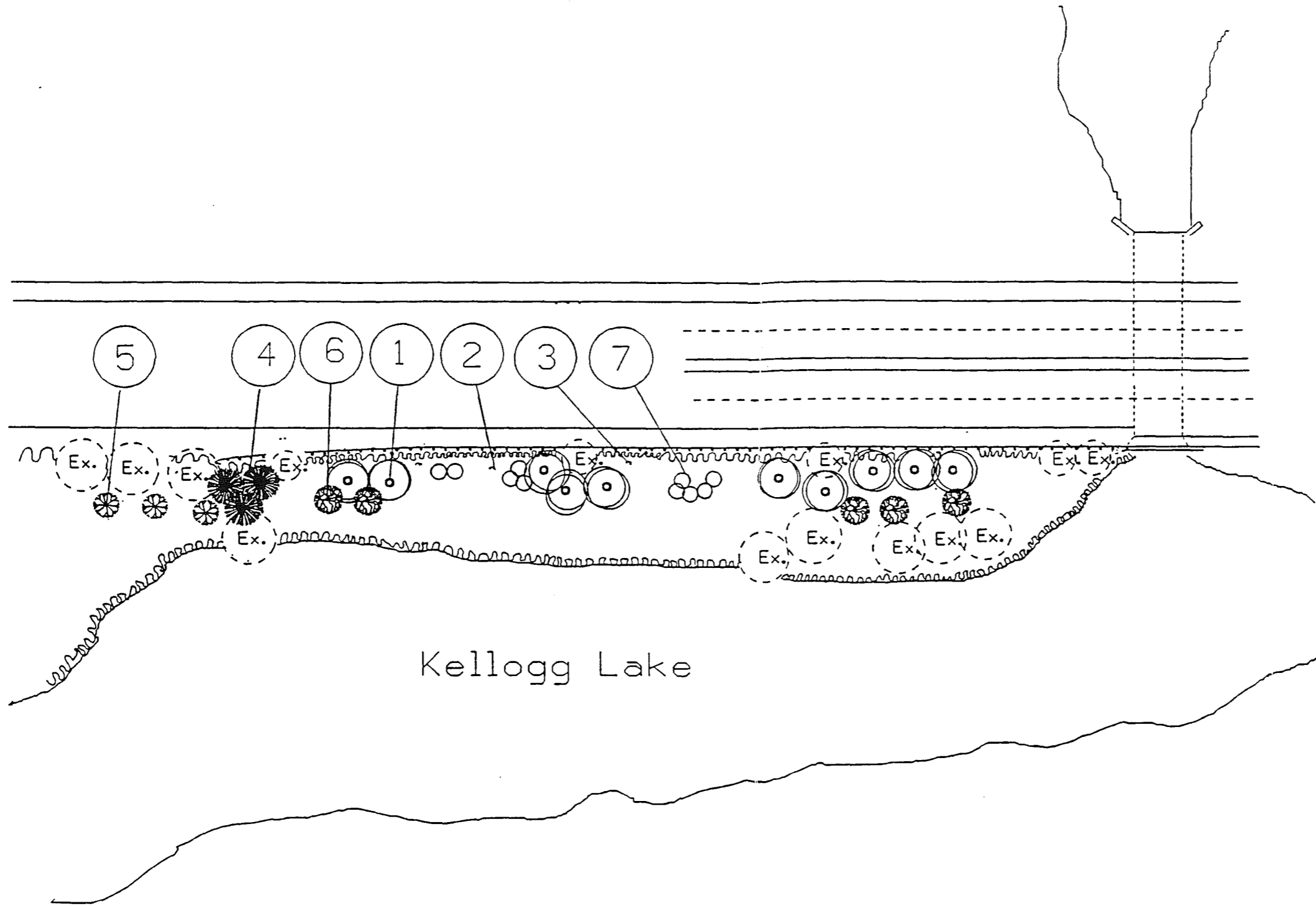
The other standards listed in Section 600 of the Zoning Ordinance do not apply to a Willamette Greenway conditional use permit.

7. Conditional Use 96-01 requires review through a Minor Quasi-Judicial process as per Section 1011.3 of the City's Zoning Ordinance. Public Notice has been issued. Notice was sent to property owners within 250 feet of the proposal on October 23, 1996, sent to ODOT by certified mail, advertised in the local paper on November 1 and November 8, 1996, and posted at the site on November 6, 1996. The Planning Commission held a public hearing on November 12, 1996 and continued the public hearing until January 28, 1997 so that staff could work with ODOT to bring back a more beneficial plan based upon the public testimony.

8. ODOT has been working with the City to develop a better understanding of the City's regulations, especially those protecting natural resources such as the Willamette Greenway.

CONDITIONS OF APPROVAL MADE BY THE PLANNING COMMISSION
CU 96-01 JANUARY 28, 1997

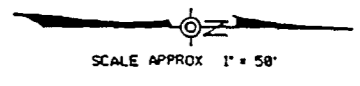
1. The proposed plan (Exhibit 1 Sheet 3, dated January 10, 1997), shall be reexamined to assure all proposed plantings are appropriately placed, and located as close to the lake bank as feasible pursuant to applicable safety and soil disturbance criteria.
2. ODOT shall guarantee an 80 percent survival rate for all new plant materials listed in the proposed plan (Exhibit 1 sheet 3, dated January 10, 1997) in the next two years.
3. Oregon Department of Transportation (ODOT) planning staff will continue to work with City staff and interested stakeholders to provide riparian restoration plantings using a phased approach incorporated into future McLoughlin Boulevard redesign options. A phasing and implementation strategy plan emphasizing a long-term cost-effective maintenance strategy, species diversity, and a multistory vegetation canopy shall be prepared within six months of the approval of CU-96-01.
4. Region 1, District 2B of Oregon Department of Transportation will commit to moving the guardrail anchorage away from the Kellogg culvert abutment in order to lessen impediments to foot traffic this year.



CONSTRUCTION NOTES

- 1 Plant 10 1-11/2 , B&B Oregon Ash Trees
- 2 Remove & Treat Stumps Only Near Guardrail
- 3 Remove Dirt Mound From Below Guardrail As Necessary for Drainage
- 4 Plant 5 Douglas Hawthorne 4'-5' Size, B&B
- 5 Plant 3 Western Red Cedar 4'-5' Size, B&B
- 6 Plant 5 Red Alder 3/4-1' Size, Bare Root
- 7 Plant 10 Red Elderberry Randomly Clump

Ex. Existing Tree to Remain



PROPOSED PLAN

LANDSCAPE ARCH. UNIT- ROADWAY ENGINEERING SECTION REGISTERED 53 PAL OF ED GECCOMB OREGON LANDSCAPE ARCHITECT		EDGECCOMB DESIGNED BY DATE 3-8-96	REVISED 1-10-97 DATE 3-8-96	OREGON DEPARTMENT OF TRANSPORTATION	KELLOGG LAKE McLoughlin Blvd City of Milwaukie		
EDGECCOMB DRAFTED BY		1-10-97	FEDERAL HIGHWAY ADMINISTRATION		PROJECT NUMBER	SHEET NO. 3	
REGION 10		OREGON DIVISION					

After the three designs were presented to the residents, the final comments were to move the restrooms away from the adjacent neighbors property line; saving as many of the existing trees as possible, not planting shrubbery along the property line to keep views open, opening the edge of the wetlands and clearing out the debris, protecting the bird nesting, provide drinking fountains, gravel walkway instead of boardwalk, re-establishing the horseshoe pits, and reworking of the hilly area adjacent to play area. The designs were revised and the resulting Master Plan is what is being proposed tonight.

Calvin Walter voiced concern that with only two parking spaces available, it gives the impression that this is a private park, or only used by the neighbors. If there is going to be a park of this size and type, it should be open to the general public. He feels the two spaces will be inadequate. **Mike Zilis** explained that the park was based on the Standard of not providing any parking spaces; there is neighborhood on-street parking for the general public. The cul-de-sac is not intended for parking. Other commissioners agreed with Zilis.

Tim Havel asked about the grading plan and how it will expand the transition zones? **Mike Zilis** stated that Laura Herbon, staff biologist, and Maria Smithe, biologist, did the grading plan. The next step is to define how much grading will be done to increase the transition zones. There will be a second-year planting to secure the quality of the wetlands. These areas revert naturally into more of a marsh and less open water over time. Inorganic materials will be removed and logs will be removed and/or replaced.

Michael Smith asked who will be responsible for the maintenance of the park? **Diane Campbell** stated that maintenance of the park will be a part of the District's standard maintenance operations. As a part of this Master Plan process, wetland management guidelines will be provided and this will help keep the wetlands viable and will help to provide program volunteer activity. **Tim Havel** asked about the wetland management practices. **Diane Campbell** stated that practices would include recommendations for chemical use, fertilizers, etc. The management plan will include controls on herbicides and insecticides. Also addressed is what will happen to the wetland if the farm to the north is developed.

X 6.2 CU-96-01, ODOT Willamette Greenway Tree Mitigation

Chair Tomei opened discussion on the ODOT Willamette Greenway Tree Mitigation Program. **Chris Eaton** asked that the Commission review the ODOT proposal and provide discussion and input to Community Development Staff and ODOT Staff present tonight. She reviewed the Staff Report with the Commissioners. Trees were cut in April of this year by ODOT Maintenance Staff, along 600 feet of Highway 99E right-of-way adjacent to Kellogg Lake. The intent was to provide increased visual safety for autos on Highway 99E and pedestrians that walk along the shoulder of McLoughlin at

that point. Community Development Staff met with ODOT in May and discussed the violation of the Zoning Ordinance. Since this area is in the Willamette Greenway, this Application should have gone through a Conditional Use process prior to substantial vegetation removal. A Vegetation Buffer Plan would have been included in that process.

Staff toured of the area in July, and noted approximately 21 stumps of large trees. These stumps would have had trees over 6 inches in diameter at about 5 feet high; the Zoning Ordinance definition of a large tree. Staff worked with ODOT to submit a land use application which they did in late August. A letter was sent to ODOT in September by the Community Development Staff that there was a discrepancy in the number of trees removed and what was presented in their materials in addition to other items missing from the Application.

In October, ODOT submitted additional administrative information (revised site plans with alternatives. This Conditional Use Application is scheduled for the November 12, 1996, Planning Commission meeting. Notices and referrals will go out this week to neighborhood groups, surrounding property owners, and state agencies that need to be notified when an action occurs in the Willamette Greenway. This review will cover the Conditional Use permit under both the conditional use sections of the Code and the criteria in the Willamette Greenway section.

The memo submitted by the Community Development Staff specifically addresses the Comprehensive Plan policies about maintenance of the vegetation in the Greenway and the views of Kellogg Lake from downtown Milwaukie. ODOT is being asked to show the old existing conditions, what the proposed action is, and what the mitigation will be to come into compliance with the Willamette Greenway section of the Vegetation Buffer Plan.

Speaking: Mark Thomas, ODOT District 2B Team Leader

Mark Thomas stated that he is the Team Leader of the maintenance crew that cut the trees down. He apologized to the Commission for not going through the Conditional Use process. He was not aware that this was required. He did not plan beforehand to take the large trees down, so he gave no thought to a possible process.

Speaking: Shane Ottosen, ODOT Assisstant District Manager, District 2B

Shane Ottosen stated that it was his crew that did the tree cutting. He is not here to make excuses, but rather to mitigate the resulting problem and move on. ODOT's working relationship with the City is very important to them.

Chair Tomei cautioned the Commissioners to listen to the facts, but not make any decision on the Application until the formal hearing in November. **Michael Smith** asked for a presentation of Plan A and Plan B. **Shane Ottosen** stated that Sheet # 1 and 2 in the Staff Report show the existing condition: identification of the trees on the site, Blackberries and English Ivy, trees removed and stumps remaining. The Proposed Plan A is to leave the area as it is and replace the cut trees with ten Oregon Ash trees throughout the site. There is a drainage problem with the site in that dirt needs to be removed from along the guard rail. The existing landscape will enhance itself in time. This grubbing was scheduled for May or June and because of the pending Application, it has not yet been done.

Plan B would include the grubbing , plant the ten 1-1/2-inch caliper Oregon Ash trees, remove the tree stumps, remove dirt from below guardrail, leave all Blackberry and Ivy, put in 50 Willows and 100 Douglas Spirea. The replacement trees will be 1-gallon containers. He voiced some concern that the Blackberries and Ivy would overtake the small replacement trees.

Maggie Collins stated that there have been comments of the need for a better walking path along that area where the guardrail goes all the way up to Kellogg Lake. Is there is a possibility, before this mitigation is completed, to move the guardrail further east, thus reserving the area for the potential of a sidewalk along McLoughlin? This would move the landscaping down the slope to allow for pedestrian travel. **Shane Ottosen** stated that the guardrail could not be moved back; the present location is the way it is designed. There is a possibility of having the brush cut back. However, he has put in a request for Federal Funds for sidewalk installation from Park Street down to the Lake Apartments, and then from Sweetland's residence to behind the railroad structure pier, and then hook up with the bridge. If this project is approved, the guardrail will be updated. This project is in line with many other projects within the Portland Metropolitan area. **Maggie Collins** said it seemed that they were saying that there would be no ability to upgrade the area for pedestrians for a possible three to five years.

Chair Tomei asked if they had considered any mitigation in another area since they feel the replanting of ten small trees will be overtaken by berries and Ivy? **Mr. Ottosen** stated that anything that is planted on this site will be competing with the berries and Ivy. No, he has not considered alternate site mitigation, but they are open to options.

Chris Eaton noted that in Plan B the landscape architect's initial recommendation was to remove all Ivy and Blackberry plants. **Mr. Ottosen** stated that the original recommendation was to spray out the Ivy and Blackberries. He did not think this was a good option at all because of the impact of herbicides on Kellogg Lake. **Chair Tomei** asked what Paul Edgecomb's position was? **Mr. Ottosen** stated that Paul Edgecomb is the Landscape Architect for ODOT, and Mr. Edgecomb is the signer on the site plans.

Terry LaRocque asked if the site couldn't be hydro-axed, using a machine that can reduce the size of a tree to mulch in no time. It is used for clearing jungle. **Mr. Ottosen** stated that he was not familiar with the machinery.

Maggie Collins stated that the areas of concern are:

- Move guardrail to deal with safety issue and the possibility of a walking path
- All proposed mitigation plans are competing with Ivy?
- Is there any other mitigation area available?
- Some mitigation sub-plan to rid the area of Ivy.
- If the smaller trees are planned, are the landscaping plans adequate?
- Address the function of Ivy and vegetation along riparian area and its value to the area, both as a stabilizer and impacts of removing it and how it does not provide insurance of survivability of the mitigation materials. These are existing conditions.

Calvin Walter asked for clarification of the term "walkway" and "path" as described in the land use Application, (Attachment #3). **Mark Thomas** stated that this was his job description for the work done on the site when the trees were cut. The ivy and the brush were encroaching on what is the shoulder and forcing pedestrians too close to traffic. Taking this brush out, would improve the walkway. The latter part of this information was added after they had been contacted by the City.

Chair Tomei asked how ODOT knows that they must meet certain City requirements such as this Conditional Use Permit? **Mr. Ottosen** stated that it is up to the supervisor to keep abreast of the City requirements by past experience. The Construction Department deals more with permits and code requirements. **Maggie Collins** stated that Shane Ottosen had called to set up meetings with Public Works and Planning Department to get an understanding of what is needed by the City. She suggested that he wait to hold these meetings until after the public hearing in November.

6.3 North Industrial Land Use Study (NILUS) Report

Chair Tomei opened the meeting to discussion on the NILUS Report. **Chris Eaton** presented the Commissioners with a draft of the Technical Report. It is out now for public review. It is the beginning of the public involvement process. This presentation was made last week to the Neighborhood LUC chairs and their input is being compiled. This presentation will be made to property owners and adjacent NDA's, including City of Portland neighborhoods.

NILUS is a two-part study. This is the technical portion and will be followed by a policy analysis. This will then be used as a springboard for policy-based discussions. She asked that the Commissioners review the information tonight for questions, comments, or input on the draft. An executive summary will be coming later.

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: November 12, 1996
File No.: CU-96-01

Application: Conditional Use Permit for development in the Willamette Greenway
Applicant: Oregon Department of Transportation
Representative: Mark Thomas, Oregon Department of Transportation, Maintenance Supervisor
Property Owners: Oregon Department of Transportation
Location: Highway 99E right-of-way, east of Highway 99E, adjacent to Kellogg Lake, south of Washington Street and North of the Southern Pacific Railroad (See Exhibit 1)

RECOMMENDATION:

That the Planning Commission Approve the Conditional Use Permit for development in the Willamette Greenway CU-96-01, subject to the conditions included in this report.

PROPOSAL:

Oregon Department of Transportation cleared trees and brush from an area within the Willamette Greenway without obtaining the approval mandated in the Milwaukie Zoning Ordinance, Section 320. They are submitting a Vegetation Buffer plan for approval through the conditional use process in order to remedy this violation of the City's ordinance. The proposal area is the eastern portion of Highway 99E right-of-way adjacent to Kellogg Lake, (Exhibit 1). The tree removal intended to remove brush, select Maple and Hawthorne, trim dead lower limbs, and ivy, and grade the dirt away from the guardrail. The reason for this clearing was to improve vertical and horizontal sight distance for northbound 99E traffic, provide an area for emergency pulloff for motorists, improve the pedestrian walkway and improve drainage from the road surface of Highway 99E. They are proposing to replant with native vegetation to meet the criteria in Section 320.6 of the Zoning Ordinance.

BACKGROUND:

In April or May 1996, the Oregon Department of Transportation (ODOT) cleared brush and trees over 600 feet along the eastern edge of ODOT right-of-way on 99W adjacent to Kellogg Lake. As shown on the attached map (Exhibit 1), the tree clearing occurred within the Willamette Greenway, and is subject to the provisions of the Section 320 of the Zoning Ordinance (Willamette Greenway Zone. As Section 320 states, in 320.5, ODOT should have applied for and obtained a Greenway conditional use permit (CUP) prior to the "removal of substantial vegetation" (320.4). Section 320.6 lists the criteria the planning commission uses to evaluate such a proposal. The Community Development staff determined

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - ODOT Tree Mitigation
Conditional Use Permit, CU-96-01
November 12, 1996
Page 2

that ODOT should apply for a Greenway CUP retroactively, allowing the Planning Commission a chance to review ODOT's revegetation plan

On July 22, 1996, City of Milwaukie staff conducted site visit and counted approximately 21 stumps within the ODOT right-of-way that would meet the "large trees" definition of section 320.4(F).

On August 27, 1996, ODOT submitted an application package, including a description of the proposal, and a set of site maps showing views of the area adjacent to Kellogg Lake including: 1) Previous conditions, 2) Existing conditions. On these maps, ODOT staff shows that seven trees were removed. There is a discrepancy between the ODOT "count" of trees removed and the City staff's site survey taken on July 22, 1996. On October 7, 1996, ODOT submitted supplemental information in response to the City's letter of incompleteness. The revised site plans submitted by ODOT provide for two alternative planting plans. Option "A" shows planting 10 Oregon Ash Trees in three areas of the site. Option "B" shows scattered planting of 50 Willows and 100 Douglas Spirea throughout the area, without removal of the existing ivy and blackberries.(Exhibit 3-1, 3-2, 3-3 and 3-4).

The item is now before the commission for a decision on the proposed land use action, a Conditional Use Permit for development in the Willamette Greenway.

DISCUSSION:

Compliance With The Comprehensive Plan

The subject property is designated Commercial in the City's Comprehensive Plan. The right-of-way is not part of the City's natural resources map or list, although it is within the Willamette Greenway.

Open Spaces, Scenic Areas and Natural Resource Element. Objectives 1 and 2, Open Space and Natural Resource Areas (including Policies 1 and 2)

This proposal is covered by policies in the Open Spaces portion of the Comprehensive Plan and the Land Use section. Under the Open Spaces objective, the Kellogg Creek/Kellogg Lake area is identified in Chapter 3 of the Comprehensive Plan as an area of "special importance to all City residents" (page 3OS-3 Policy #3). Also, the Kellogg Lake area is featured in the discussion of Scenic Areas objective, which reads as follows: Significant scenic and view sites will be preserved for the enjoyment of present and future City residents as well as for visitors to the City.

The following objectives apply to the proposal:

Scenic Area Objective: Future plans for the Milwaukie riverfront area will include consideration of viewing opportunities between downtown and the Willamette River, as well as special places on the riverfront for enjoying views of the river and its activities. Development plans for Dogwood Park will include maintenance of public access and opportunities for viewing Kellogg Lake.

This language in the Comprehensive Plan provides the basis for the policies in Section 322 of the Zoning Ordinance which require vegetation buffer zones in riparian areas within the Greenway. The natural places and views in downtown such as Dogwood Park and Kellogg Lake are mentioned specifically as important resources.

Evaluate all proposals within the vicinity of the Greenway for their effect on access to the visual corridors to the Willamette River and Kellogg Lake." (Policy #3, under Objective #5, page 4WG-4)

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The tree removal adjacent to Kellogg Lake should be mitigated with plantings to approximate the same level of riparian vegetation and natural views as existed prior to the tree removal. The applicant makes the case that the tree removal was important for protection of pedestrian safety along Highway 99E, where there is no sidewalk connection from the south to Downtown. Tree removal and trimming of branches for safety reasons is part of ODOT's mission to deliver safe and efficient transportation for both vehicle drivers and pedestrians. The safety issues must be balanced with the visual, aesthetic and natural functions mentioned in the Comprehensive Plan.

The proposed Conditional Use Permit proposal is consistent with the goals, objectives and policies in the Milwaukie Comprehensive Plan, with the conditions included in this report.

Compliance With Development Standards of the Willamette Greenway Conditional User Permit Standards

The proposal area is zoned Limited Commercial with McLoughlin Corridor overlay (CL-MC). Section 320 and 600 apply to the proposal.

Compliance with Section 320
Section 320.6 provides the criteria by which all conditional use permits shall be evaluated:

- A. **Whether the land to be developed has been committed to an urban use, as defined under the State Willamette Greenway Plan.**
Not applicable to this proposal.
- B. **Compatibility with the scenic, natural, historic, economic, and recreational character of the River.**
Kellogg Lake is a tributary to the Willamette River. Riparian vegetation along this tributary is an important piece of the natural system of the Willamette River, hence its inclusion as part of the Willamette Greenway. Restoration of this riparian vegetation is important to insure compatibility of the scenic and natural character of the River.
- C. **Protection of views both toward and away from the River.**
View is difficult to judge in this situation. One could argue that the view of the River has been enhanced by removal of trees (e.g. the view towards the Willamette from Dogwood Park, or the view from the river away from the River and towards the natural area of Kellogg Lake). Restoration of vegetation along Kellogg Lake will protect the views by increasing the natural state surrounding Kellogg Lake by providing a buffer from the traffic on Highway 99E.
- D. **Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the River, to the maximum extent practicable.**
The applicant has proposed planting native trees and shrubs (Oregon Ash, Douglas Spirea and Willow) to protect the riparian functions of the right-of-way bank. Existing ivy on the bank may pose a problem for good results and long-term survival rates of the plantings. City staff feels that the "maximum extent practicable" means that the applicant attempt the plantings shown on Proposal "B" (with the attached conditions).
- E. **Public access to and along the River to the greatest possible degree, by appropriate legal means.**
The proposal area does not offer access to the water because of the steep slope.
- F. **Emphasis on water-oriented and recreational uses.**

Not applicable to this proposal.

- G. **Maintain or increase views between the Willamette River and downtown.**
The proposed planting plan will maintain the prior views from the Willamette River towards Downtown. Although the trees will take time to mature, the view of Kellogg Lake in the meantime will add to the view of Downtown.
- H. **Protection of the natural environment according to regulations in the Natural Resource Zone.**
The proposed vegetation buffer plan meets the development standards listed in Section 322.7 of the Natural Resource Overlay.
- I. **Advice and recommendations of the Design Review Committee.**
There is no such committee.
- J. **Conformance to applicable Comprehensive Plan policies.**
The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.
- K. **The request is consistent with applicable plans and programs of the Division of State Lands.**
Staff is not aware of existing DSL plans for Kellogg Lake.
- L. **A Vegetation Buffer Plan meeting the conditions of subsection 320.8 A.-C.**
Two vegetation buffer plans were submitted by the applicant. Proposal "B" meets the requirements of these sections with the conditions included in this report. The plan (Exhibit 3-4) shows planting of 10 one and one-half inch caliper Oregon Ash (staff recommends 21); removal and treatment of stumps; remove dirt mound from below guardrail; leave all ivy and blackberry plants between guardrail and water's edge; and randomly clump and scatter 50 containers of willow and 100 containers of Douglas Spirea. The plan recognizes that existing large trees were removed, but proposes to restore and enhance native vegetation. The applicant proposes not to remove existing ivy and blackberries because of concerns of using herbicides along the water's edge, inability to completely remove these plants, and some concern over the slope stability without these groundcovers.

Compliance with criteria in Section 600

Section 601.2 provides the criteria by which all conditional use permits shall be evaluated:

- A. **The use meets the requirements of a conditional use in the zone currently applied to the site.**
Not applicable to this application.
- B. **The use meets the standards for the underlying zone.**
Not applicable to this application.
- C. **The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.**
The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.

D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features. The proposed planting is necessary to maintain the riparian vegetation that used to exist along this steep bank area. The trees to be planted along and at the top of the bank will provide shade for Kellogg Lake in the summer and the shrub plantings will provide shade, habitat and leaf matter that are all a part of the Kellogg Lake ecosystem.

E. The proposed use is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected for the use. The proposed planting is timely in tow ways. 1) It will replace vegetation removed in the recent past. 2) the Riverfront Master Plan conceptual plans for this part of Milwaukie calls for natural areas to be maintained in the downtown area. Vegetation planted by the applicant will show the state's willingness to be a partner in Milwaukie's implementation of that planning process.

The other standards listed in Section 600 of the Zoning Ordinance do not apply to a Willamette Greenway conditional use permit.

REFERRALS:

Neighborhood Association Comments

On October 17, 1996, a referral was sent to the Island Station and Historic Milwaukie Neighborhood Associations. On November 4, 1996, staff contacted the Land Use Chair of the Historic Milwaukie Neighborhood Association regarding the applications, and he had no comments. The City did not receive written comments from the Neighborhood District Associations (NDA).

Public Comments

During the summer, city staff received several calls from Gary Michael, a concerned citizen regarding the vegetation removal. Mr. Michael submitted a copy of a letter written to Bruce Warner, Regional Manager for ODOT, Region 1. That letter included concerns regarding the decision-making process within ODOT about the tree removal, and requested a response about how ODOT would prevent such an occurrence in the future. Mr. Michael also accompanied staff on a site visit on July 22, 1996, and provided some assistance in identifying the trees that were cut.

ODOT submitted a letter from an adjacent business who supported the tree removal since it opened up the view of Kellogg Lake.

Referrals to public agencies

Referrals were sent to the Milwaukie building official, Department of Public Works, Clackamas County Fire District #1. Oregon Department of Transportation,

Clackamas County Fire District #1 responded and had no concerns. As of November 4, 1996, no other concerns have been received.

FINDINGS FOR CU-96-01:

- 1. In the spring of 1996, Oregon Department of Transportation (ODOT) removed a substantial amount of vegetation from a portion of state-owned right-of-way located in the Willamette Greenway.

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2. The Willamette Greenway regulations in the Milwaukie Comprehensive Plan and Zoning Ordinance reflect both state land use goals and local concerns about protection of natural areas and views of Kellogg Lake and the Willamette River.
3. ODOT removed twenty-one trees from the bank adjacent to Kellogg Lake in an effort to increase safety for pedestrians and vehicles traveling northbound on Highway 99E.
4. Removal of substantial amounts of vegetation in the Willamette Greenway is considered a "development" in the Zoning Ordinance and requires a Conditional Use Permit.
5. The applicant (ODOT) submitted a vegetation planting plan on October 7, 1996, for consideration by the Milwaukie Planning Commission. With the conditions included in this report, the applicant's proposal is consistent with the Milwaukie Comprehensive Plan. With the conditions included in this report, that planting plan meets the requirements of Section 320 in the Milwaukie Zoning Ordinance as follows:
 - A. **Whether the land to be developed has been committed to an urban use, as defined under the State Willamette Greenway Plan.**
Not applicable to this proposal.
 - B. **Compatibility with the scenic, natural, historic, economic, and recreational character of the River.**
Kellogg Lake is a tributary to the Willamette River. Riparian vegetation along this tributary is an important piece of the natural system of the Willamette River, hence its inclusion as part of the Willamette Greenway. Restoration of this riparian vegetation is important to insure compatibility of the scenic and natural character of the River.
 - C. **Protection of views both toward and away from the River.**
View is difficult to judge in this situation. One could argue that the view of the River has been enhanced by removal of trees (e.g. the view towards the Willamette from Dogwood Park, or the view from the river away from the River and towards the natural area of Kellogg Lake). Restoration of vegetation along Kellogg Lake will protect the views by increasing the natural state surrounding Kellogg Lake by providing a buffer from the traffic on Highway 99E.
 - D. **Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the River, to the maximum extent practicable.**
The applicant has proposed planting native trees and shrubs (Oregon Ash, Douglas Spirea and Willow) to protect the riparian functions of the right-of-way bank. Existing ivy on the bank may pose a problem for good results and long-term survival rates of the plantings. City staff feels that the "maximum extent practicable" means that the applicant attempt the plantings shown on Proposal "B" (with the attached conditions).
 - E. **Public access to and along the River to the greatest possible degree, by appropriate legal means.**
The proposal area does not offer access to the water because of the steep slope.
 - F. **Emphasis on water-oriented and recreational uses.**
Not applicable to this proposal.
 - G. **Maintain or increase views between the Willamette River and downtown.**

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The proposed planting plan will maintain the prior views from the Willamette River towards Downtown. Although the trees will take time to mature, the view of Kellogg Lake in the meantime will add to the view of Downtown.

H. Protection of the natural environment according to regulations in the Natural Resource Zone.

The proposed vegetation buffer plan meets the development standards listed in Section 322.7 of the Natural Resource Overlay.

I. Advice and recommendations of the Design Review Committee.

There is no such committee.

J. Conformance to applicable Comprehensive Plan policies.

The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.

K. The request is consistent with applicable plans and programs of the Division of State Lands.

Staff is not aware of existing DSL plans for Kellogg Lake.

L. A Vegetation Buffer Plan meeting the conditions of subsection 320.8 A.-C.

Two vegetation buffer plans were submitted by the applicant. Proposal "B" meets the requirements of these sections with the conditions included in this report. The plan (Exhibit 3-4) shows planting of 10 one and one-half inch caliper Oregon Ash (staff recommends 21); removal and treatment of stumps; remove dirt mound from below guardrail; leave all ivy and blackberry plants between guardrail and water's edge; and randomly clump and scatter 50 containers of willow and 100 containers of Douglas Spirea. The plan recognizes that existing large trees were removed, but proposes to restore and enhance native vegetation. The applicant proposes not to remove existing ivy and blackberries because of concerns of using herbicides along the water's edge, inability to completely remove these plants, and some concern over the slope stability without these groundcovers.

6. The proposal meets the requirements of Section 600 of the zoning code as follows:

A. The use meets the requirements of a conditional use in the zone currently applied to the site.

Not applicable to this application.

B. The use meets the standards for the underlying zone.

Not applicable to this application.

C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.

The proposal meets the goals, objectives and policies of the Comprehensive Plan as detailed above.

D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.

The proposed planting is necessary to maintain the riparian vegetation that used to exist along this steep bank area. The trees to be planted along and at the top of the bank will provide shade

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for Kellogg Lake in the summer and the shrub plantings will provide shade, habitat and leaf matter that are all a part of the Kellogg Lake ecosystem.

E. The proposed use is timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected for the use. The proposed planting is timely in tow ways. 1) It will replace vegetation removed in the recent past. 2) the Riverfront Master Plan conceptual plans for this part of Milwaukie calls for natural areas to be maintained in the downtown area. Vegetation planted by the applicant will show the state's willingness to be a partner in Milwaukie's implementation of that planning process.

The other standards listed in Section 600 of the Zoning Ordinance do not apply to a Willamette Greenway conditional use permit.

- 7. Conditional Use 96-01 requires review through a Minor Quasi-Judicial process as per Section 1011.3 of the City's Zoning Ordinance. Public Notice has been issued. Notice was sent to property owners within 250 feet of the proposal on October 23, 1996, sent to ODOT by certified mail, advertised in the local paper on November 1 and November 8, 1996, and posted at the site on November 6, 1996.

CONCLUSION:

This application is consistent with the Objectives and Policies of the Comprehensive Plan, and meets the requirements of the Willamette Greenway and Conditional Use sections of the Zoning Ordinance. A vegetation buffer plan was submitted that meets the above requirements with the conditions included in this report .

RECOMMENDATIONS:

Staff recommends approval of Conditional Use permit for development in the Willamette Greenway CU-96-01, based on the previous conclusion and findings, and subject to the following conditions:

CONDITIONS OF APPROVAL FOR CU-96-01:

- 1. ODOT shall submit a revised planting plan (using Proposed Plan "B" as a base plan) that shows the following items:
 - a. 21 Oregon Ash Trees (1 1/2" caliper) planted throughout the area;
 - b. Identifies that the Douglas Spirea and willow plants will be 1 gallon containers and that ivy and blackberries will be cleared from the new plants by 1 meter radius; and
 - c. States that ODOT will guarantee a 60 percent survival rate for the Douglas Spirea and willow in the next two years and an 80 percent survival rate for the Oregon ash trees in the next two years.
- 2. Region 1, district 2B of Oregon Department of Transportation will continue to work with City staff to develop a better understanding of the City's regulations, especially those protecting natural resources such as the Willamette Greenway.

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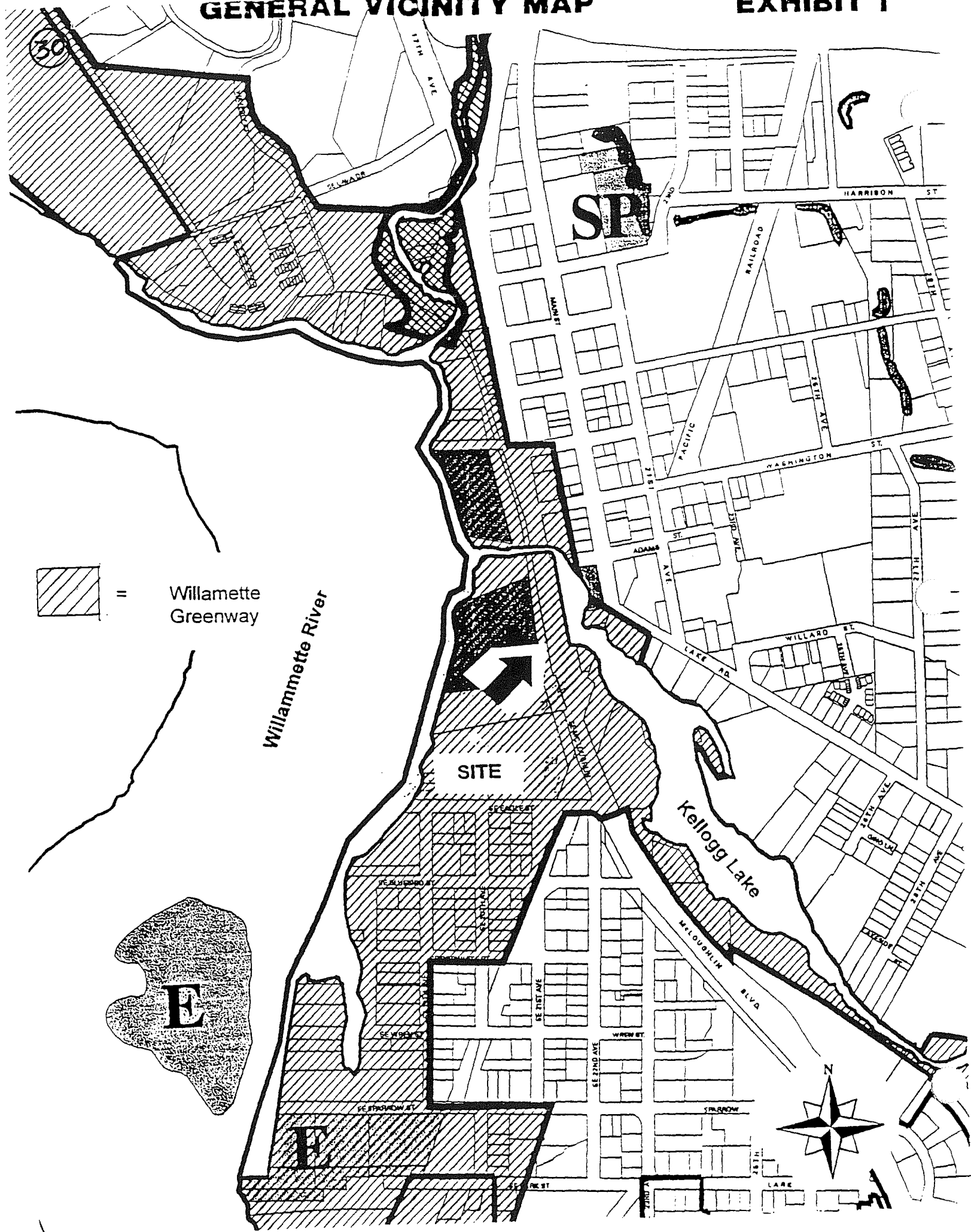
EXHIBITS:

- 1. Vicinity Map
- 2. Map of Site Visit July 1996
- 3. Site Plans
 - 3-1 Previous Conditions
 - 3-2 Existing Conditions
 - 3-3 Proposed Plan "A"
 - 3-4 Proposed Plan "B"

d:\chris\lu_apps\cu9601.doc

GENERAL VICINITY MAP

EXHIBIT 1



PROJECT NUMBER	1	97
PROJECT NAME	CLACKA	
STATE	OREGON	
DATE		
BY		
FOR		

MAP OF SITE VISIT JULY 1996

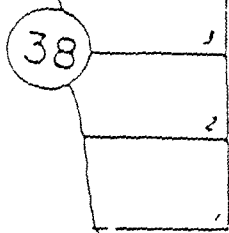
WASHINGTON

EXHIBIT 2

SKETCH MAP

WILLAMETTE RIVER

Bridge on sidewalk
Guardrail



ADAMS ST

- Maple clump (12", 9", 6", 4")
- Maple, 23"
- Cedar, 32" (with rot)
- Maple, 8"
- 8"
- 6"
- Plum, 3"
- Cedar, 8"
- Maple (10", 14")
- Maple clump (6", 10", 12", 12")
- Maple, 24"
- Maple (8", 18")
- Maple 12"

KELLOGG LAKE

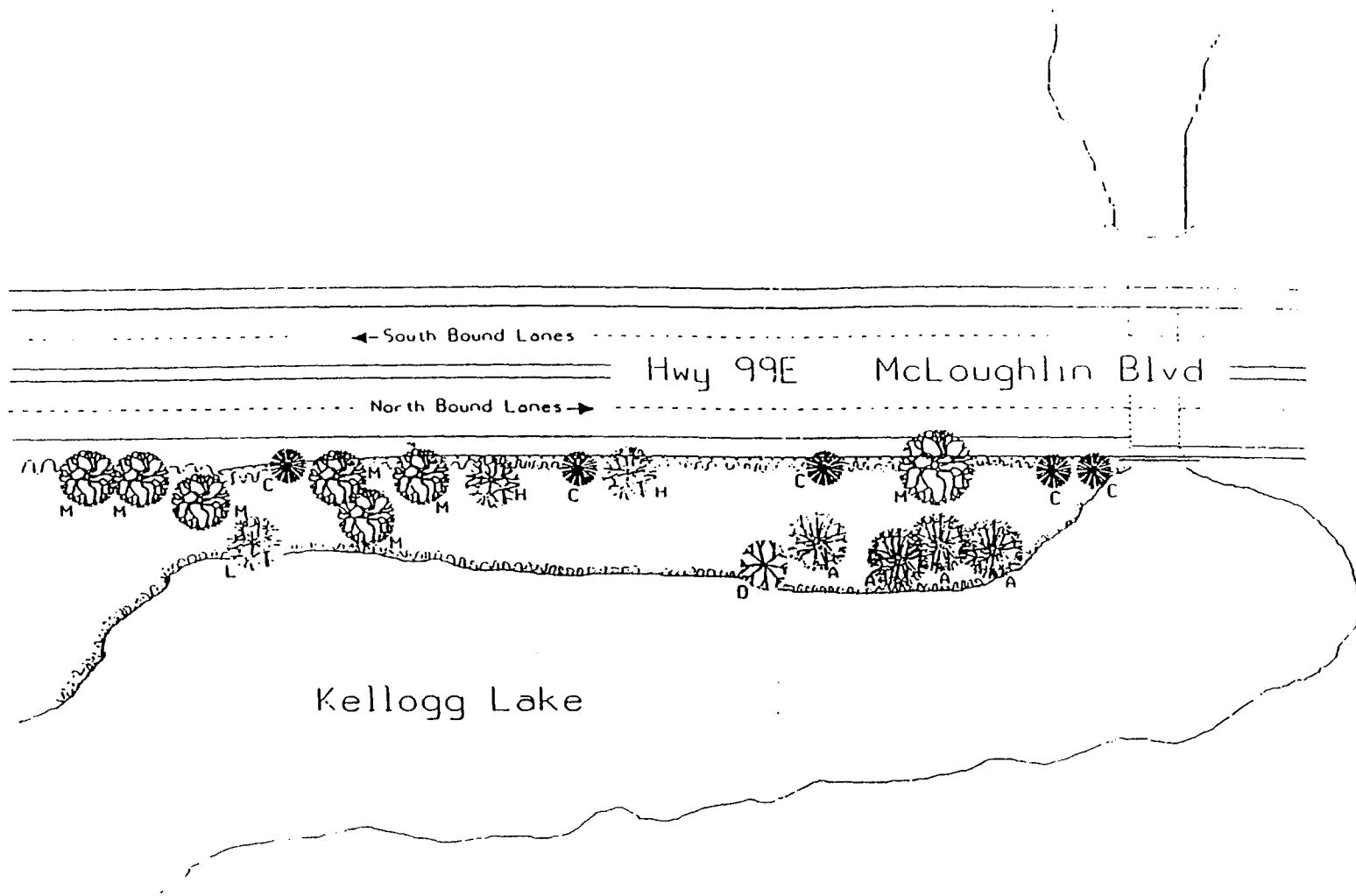
RECEIVED
AUG 27 1996
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Notes

1. Stumps noted on July 1996 tour of area by Chris Eaton City of Milwaukie.
2. Some trees in area also had branches trimmed to height of approximately 20'
3. "Large Trees" defined in Milwaukie Zoning Ordinance as 6" in diameter at 5' high

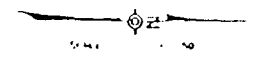
SPR

35 36



LEGEND

- M Bigleaf Maple (acer macrophyllum)
- L Locust (robinia pseudoacacia)
- C Western Red Cedar (thuja plicata)
- A Alder (alnus rubra)
- H Douglas Hawthorne (crataegus punctata)
- D Pacific Dogwood (cornus nuttallii)
- S Blackberries and English Ivy



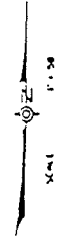
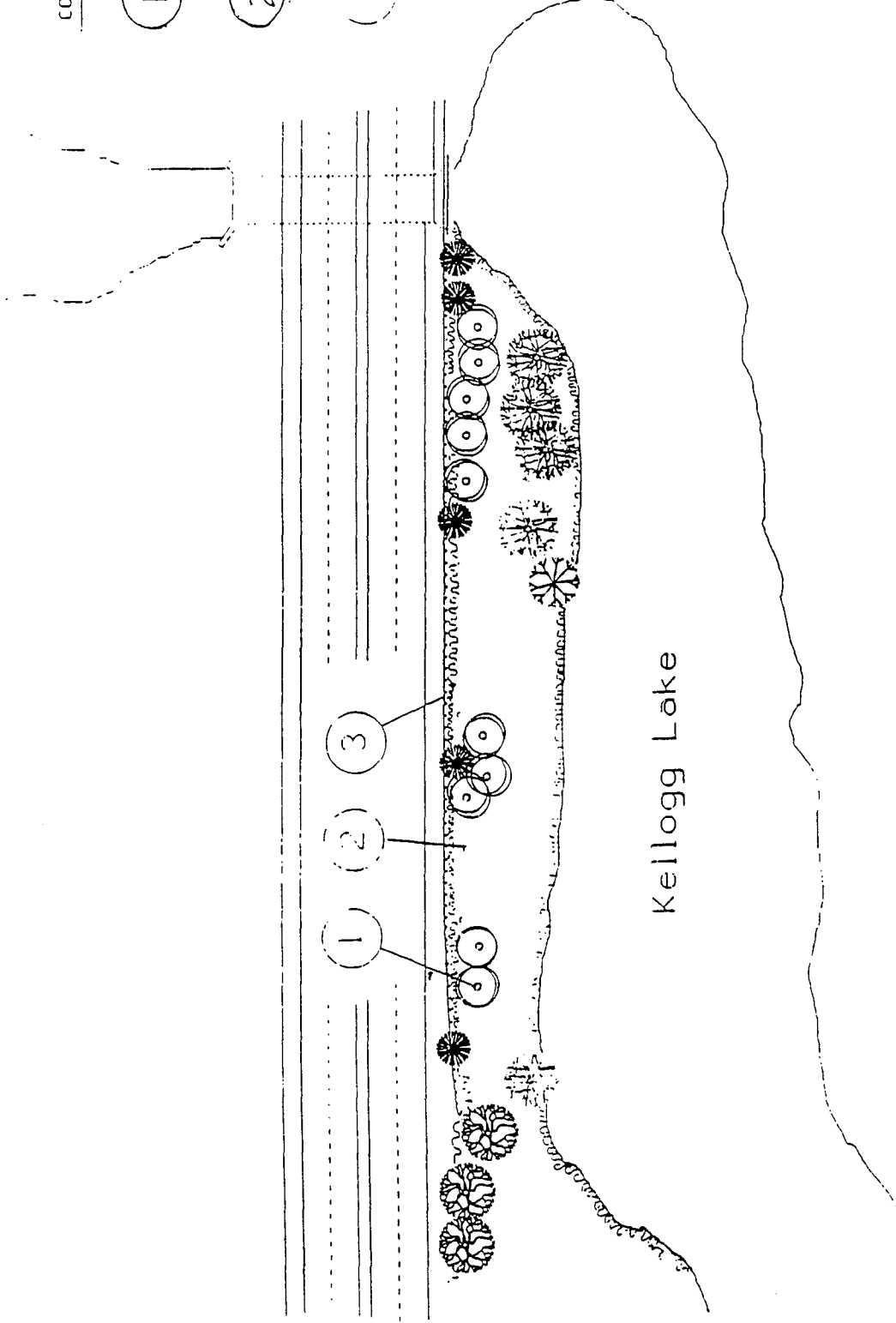
PREVIOUS CONDITIONS

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 OCT 07 1996
 CITY OF MILWAUKEE
 COMMUNITY DEVELOPMENT

		KELLOGG LAKE McLoughlin Blvd PLANTING PLAN
		DESIGN: 10/1/96

CONSTRUCTION NOTES

- ① Plant 10 1-1/2" B&B Oregon Ash Trees
- ② Remove & Treat Stumps
- ③ Remove Dirt Mound From Below Guardrail



PROPOSED PLAN "A"

RECEIVED
 OCT 07 1996
 CITY OF MILWAUKEE
 MUNICIPALITY OF MILWAUKEE

LANDSCAPE ARCHITECT: PETERSON ARCHITECTS, INC. 1100
 KELLOGG LAKE
 MILWAUKEE, WI 53211
 PROJECT NUMBER: 96-001
 DATE: 10/1/96

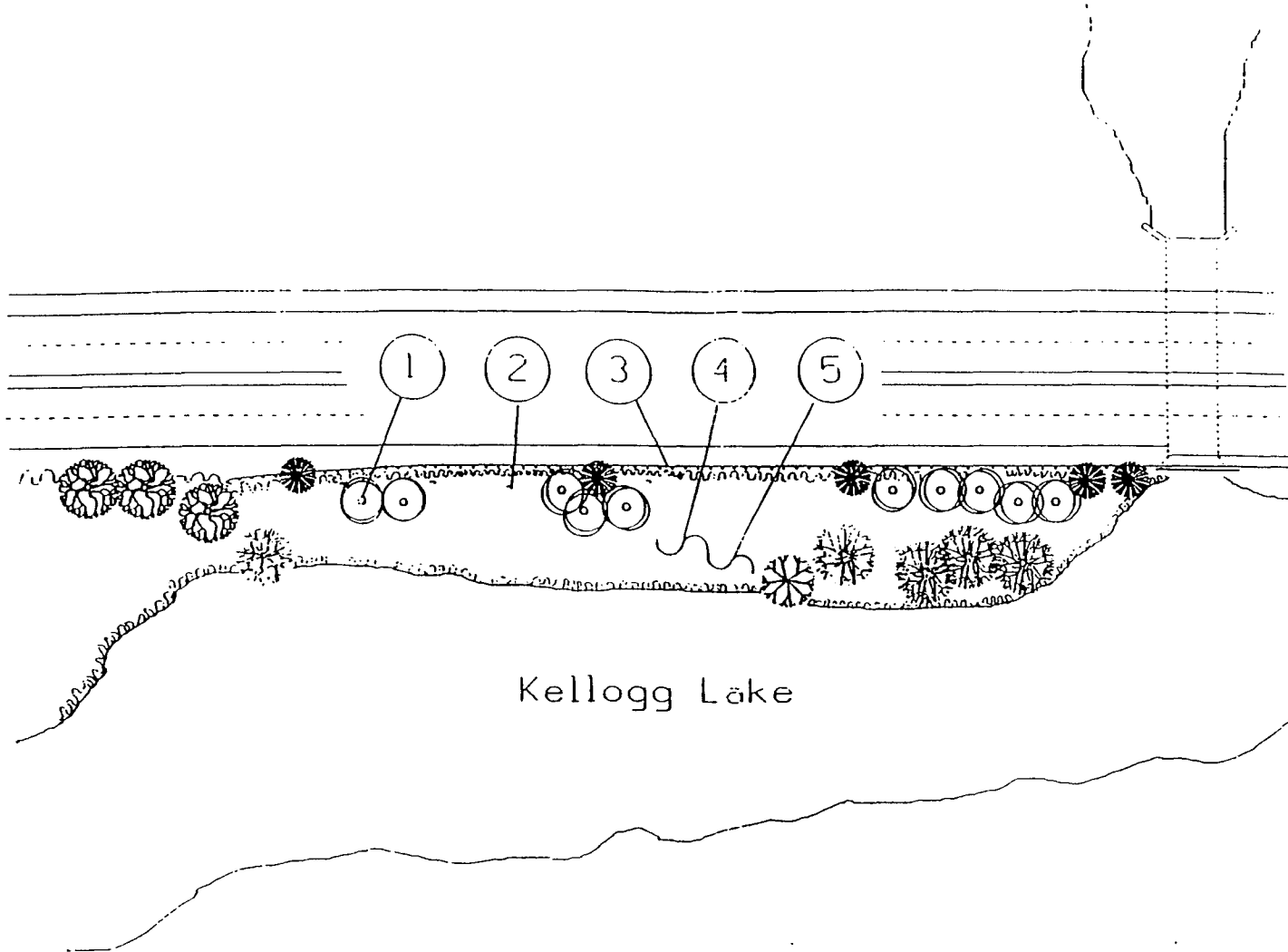
[Signature]

REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
 STATE OF WISCONSIN
 NO. 10000

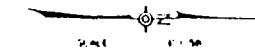
3

CONSTRUCTION NOTES

- (1) Plant 10 1 1/2" E&B Oregon Ash Trees
- (2) Remove & Treat Stumps
- (3) Remove Dirt Mounds From Below Guardrail
- (4) Leave all Ivy & Blackberry Plants between Guardrail and waters edge.
- (5) Randomly Clump and Scatter the Following:
 - *1 Cont. Willows 50
 - *1 Cont. Douglas Spirea -100



Kellogg Lake



PROPOSED PLAN "B"

RECEIVED

CT 07 1996

CITY OF MILWAUKEE
UNITY DEVELOPMENT

LANDSCAPE ARCHITECT	DATE	UNIT	ROADWAY	OFFICE	SECTION
<i>[Signature]</i>					
					KELLOGG LAKE 1414 Douglas St. Milwaukee, WI 53233
					DEPARTMENT OF PUBLIC WORKS PLANNING & DESIGN DIVISION



- 5.3 Applicant: Oregon Department of Transportation (ODOT)
- Property Owner: Oregon Department of Transportation
- Location: Right-of-Way along 99E (McLoughlin Blvd.) in Milwaukie
- Proposal: Conditional Use for Willamette Greenway tree mitigation (CU-96-01)

Chair Tomei explained that she would be stepping down and turning the meeting over to Michael Smith, Vice-Chair, in order to avoid the appearance of bias. **Michael Smith** opened the public hearing on Conditional Use, CU-96-01, for Willamette Greenway tree mitigation. He then explained the hearing format. He asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. **Michael Smith** asked if there were any Commissioners who visited the site; four hands were raised. None of the Commissioners who raised their hands noticed anything different from what is stated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Chris Eaton showed slides of the proposed development and surrounding area. She then handed out referral responses that she has received since the Staff Report was delivered. The Public Works Department supports the Conditional Use approval because it improves drainage and site visibility along Highway 99E for safety of motorists and pedestrians.

At the October 22, 1996, Planning Commission worksession time was spent going through the proposal with the Applicant. The Staff Report recommends approval of the proposed Plan "B" Conditional Use permit with two conditions. **Chris Eaton** did not speak directly with the ODOT landscape architect, Carl Edgecomb, but he left a voice mail message that in his opinion, the Spirea and Willow would not survive unless ivy and blackberries were removed. He did not specifically recommend a particular clearance area, he just noted that the plants would not survive if they were planted in the ivy and blackberries.

QUESTIONS OF STAFF

Terry LaRocque asked what are the caliper of the trees being replaced? **Chris Eaton** stated that they will be 1-1/2 inches.

Pat Lent asked what kind of foliage the Oregon Ash tree has? **Chris Eaton** stated that they have small golden foliage.

Tim Havel asked if this Application follows the Zoning Ordinance requirements for replacing vegetation on this bank? **Chris Eaton** stated that Ordinance just calls for native species within the buffer zone.

Michael Smith asked if there was any other correspondence received since the Staff Report? **Chris Eaton** stated that there were some phone calls from adjacent property owners inquiring about the type of action that was taking place. There were no written comments received.

APPLICANT PRESENTATION

Speaking: Shane Ottasen, Assistant District Manager, ODOT, 9200 SE Lawnfield,
Clackamas

Mr. Ottasen stated that Plan B is the proposed mitigation. The reason for the difference between ODOT and CD Staff in the number of trees cut was because CD Staff counted some newly cut trees. Some of the trees were cut prior to this year (five or ten years ago) and this year ODOT cut the stumps from those removed trees. ODOT is not here to argue with the quantities; they have no problem with planting 21 trees instead of 10.

It is their proposal to remove/treat the stumps. ODOT proposes to leave the blackberries and ivy for water quality requirement and concerns about using spray to remove those invasive ground covers.

TESTIMONY IN FAVOR OF THE APPLICANT -- None.

QUESTIONS OR COMMENTS ON THE APPLICATION -- None.

TESTIMONY IN OPPOSITION TO THE APPLICATION

Speaking: Gary Michael, 11907 SE 19th, Milwaukie

Gary Michael handed out a document entitled ODOT Hearing at the Planning Commission meeting dated November 12, 1996, which included a letter and a drawing showing how the guardrail curves away from Kellogg Lake out toward the street as you approach the bridge. He stated that he is Chair of the Island Station Neighborhood Association, the closest neighborhood south of the tree cutting site. He stated that he is also a member of the Riverfront Planning Committee whose planning area includes the site and Kellogg Lake. He and other residents have served on a committee for over a year writing a new Tree Protection Ordinance for the City. He stated that he is also a member of the

Milwaukie Downtown Development Design Committee which is very interested in preserving trees and planting new trees in downtown. Tonight he is speaking only as an individual who is very concerned about the quality of our community and believes we must be constantly vigilant with regard to actions which degrade our environment and our quality of life.

Mr. Michael stated that he is the one who blew the whistle on the tree cutting. He is dishearted that one of the state agencies in violation of state mandated local regulations, comes in and cuts 30-40 trees in an area which is our south entrance to downtown. He wrote a letter to Bruce Warner, Manager of ODOT Region I, regarding this matter.

Mr. Michael stated that he has been concerned about the loss of trees, but how this could happen, and how over-zealous tree cutting can be prevented in other parts of the state, not just designated greenways, but all along the state highways.

He walked the length of the bank measuring all of the freshly cut stumps. In the information passed out is a list of these new stumps. He found 36; 30 of which ranged from 6 inches to 24 inches at the base. There are four multi-trunked trees which environmentally and esthetically are like individual trees. The cross sectional area of the new stumps totaled 3,529 square inches. This is the equivalent of 281 4-inch trees, 499 3-inch trees or 1,994 1-1/2 inch trees. This does not include the brush cut. Most of the vegetation was hauled off but some of the debris was left on the bank. There was a big crew and they had a lot of equipment out there for two days. The few Cedar tree they left were limbed up 15-20 feet, much higher than necessary.

Mr. Michael stated that he gave his tree stump calculations to Chris Eaton; he met with her at the site and showed her the most obvious stumps.

In his letter to ODOT he stated that more than "token" mitigation plan must be negotiated. He thought that City Staff would also take this position. What is proposed here tonight is the most pitiful mitigation plan he has ever heard. He does not agree with CD staff's recommendation condition to add on 11 more 1-1/2 trees. **Chris Eaton**, who wrote the Staff Report, and was the City's representative in meeting with ODOT, is not a City employee but works for W & H Pacific, a private engineering firm. The City pays her firm for the hours she spends helping Milwaukie. He stated that one of W & H Pacific's public client contracts as are ODOT contracts. Is this a conflict of interest situation? ODOT's Application is one paragraph and a few drawings. Why was their fee waived?

ODOT has never acknowledged the extent of the destruction that they did. Their drawings of previous and existing conditions shows only 6 trees cut. He feels there are at least 30 6-inch or larger new stumps and probably another 10 from eight years ago, nor have they given one good reason for what they did. He feels that all of the safety issues could have been resolved by judicious trimming. Only one tree was really close to the guardrail. Many tree trunks cut were growing towards the Lake, away from the highway.

ODOT has admitted overzealousness and miscommunication, but it appears they have no intention of really mitigating the damage. If pedestrian and cyclists safety is an ODOT concern, they would have done something about the guardrail years ago. **Mr. Michael** thinks that the traffic is 60 miles per hour, plus at this site. Pedestrians walk on the shoulder next to the guardrail. At the north end, the rail curves out into the street choking down the pedestrian path to a narrow width. Pedestrians either walk within a few feet of whizzing trucks and cars or climb over the guardrail to seek more safety, walking in the dirt and mud, or getting into their cars and adding to the 40,000 cars a day that flood McLoughlin.

Just straightening out the last 50 feet of rail or cutting a gap in it would help, along with a little gravel where people walk in the dirt and Ivy. There are over a thousand people in the apartment complex near the Lake who could easily walk into downtown if it were more safe.

Trees help control wind, reduce erosion, and enhance water quality by absorbing and filtering storm water in roots before getting into waterways. They also reduce noise pollution and provide wildlife habitat. It has also been shown that trees increase the value of property and nearby properties.

The Greenway regulations were created to stop degradation of natural resources along our waterways. There has to be a very good reason to cut significant trees in the Greenway. Mistakes are not an acceptable reason. **Mr. Michael** stated that he has not seen or heard anything convincing that those trees had to be cut for pedestrian safety.

If a private developer applied for approval in the Greenway to cut 30 trees from 6-24 inches and limb up others as high as 20 feet, and replace them with 21 1-1/2-inch trees and some Willow and Spirea plants, would the Staff recommend approval? Would they have allowed all the cutting ODOT did had they asked for prior approval. In the worksession the Commission had with ODOT, several important issues were brought out, such as pedestrian safety brought out by the guardrail, off-site mitigation, and whether or not new small trees and other plantings will survive. None of these seemed to be addressed in this proposal.

Mr. Michael stated that some things are essential:

- Restore the tree and shrub bio-mass within a reasonable time period.
- Make a visual impact along the top of the bank with lots of trees which have fall colors similar to the Sweet Gums across McLoughlin. Ash trees have little fall color.
- Increase plant diversity with more varieties of native plants.
- Improve the pedestrian way near the bridge over Kellogg Creek.
- Guarantee that new plant materials will survive.

City Staff , “Attempt the plantings shown on proposal B with the attached conditions” is not good enough. A private developer would not get off the hook that easily. What the Commission decides on this issue establishes precedent for both public and private development.

Mr. Michael stated that he has other ideas for off-site mitigation, such as adding new Sequoia trees to fill in gaps created by old ODOT projects along McLoughlin, adding trees at 17th & McLoughlin Blvd. or around the Highway 224 ramps. Any new trees planted off-site or on-site should be at least three inches or four-inch caliper, not 1-1/2 inches. There needs to be time to determine what meaningful mitigation should be in a case like this. Many cities have formulas for calculating mitigation written into their Ordinances. Some simply charge the tree-cutting Applicant the value of the trees and then use the money to plant trees where ever in the City they think best.

Mr. Michael asked that the Commission require ODOT to do the responsible thing. They do not deserve special treatment. Included in this packet of information are pictures, tree cut calculations, as well as his original letter to Bruce Warner.

QUESTIONS FROM THE COMMISSIONERS

Terry LaRocque asked how the pedestrian right-of-way applies to the tree mitigation process? **Mr. Michael** stated that it applies not necessarily to tree mitigation but because ODOT has tried to justify this on the basis of safety considerations. If they want to do something to improve the safety, they should deal with the guardrail.

Pat Lent asked Mr. Michael if he is suggesting that the guardrail be a part of the mitigation process? Mr. Michael stated that something needs to be done there. At the worksession on this Application, an ODOT representative made a statement that they have applied for some federal money to run a sidewalk down in the

neighborhood of the apartments and also north from Mr. Sweetland's house. They have no way of knowing when this money would be available; possibly 3-5 years. We don't have that long to improve this dangerous situation. It needs to be dealt with, whether it is part of this or something else.

Speaking: Donald Hammang, 11104 SE Home Avenue, Milwaukie

Mr. Hammang presented to the Commissioners a paper titled "To Interested Parties In Response to This Conditional Use," dated November 12, 1996, done with Mart Hughes on their review of the mitigation plan and their opinion of the site. The only other issue is that after the series of cuttings, the site is now more the site in need of restoration than a tree cutting at this point. It is essentially an Ivy monoculture now. Riparian and Lake front habitat is so scarce in this community, that the Commission should review a more complex restoration plan than what was proposed by the Applicant.

As an attachment to the document, he has provided a cross section of the bank and proposed plants and/or attributes that might benefit the habitat of the bank, and accentuate the visual appeal of the bank from the opposite side of the river.

QUESTIONS FROM THE COMMISSIONERS

Pat Lent asked Mr. Hammang for his background for making these comments? **Mr. Hammang** stated that he is a geographer by training, steward for the Wetlands Conservancy at two sites here in Milwaukie, and is here tonight as a concerned citizen. The practices in this document are ones that he carries out in his stewardship with the Wetlands Conservancy.

Speaking: Mike Miller, 5923 SE Dewey Court, Milwaukie

Mr. Miller stated that he is a retired school director with Portland Public Schools. He was a director and teacher there for 27 years. He has served on the Milwaukie Visioning Committee. He has served on the Tree Ordinance Committee, President of the Riverfront Development Commission, and have been for years, a member of the Oregon Nursery Association.

Mr. Miller stated that he has reviewed the mitigation Proposal. He is very familiar with Oregon Ash, a fast-growing tree. He noted it has little color in the fall. A light yellow color with small leaves, which will not enhance the McLoughlin Blvd access to the City of Milwaukie. He has a problem with other items of mitigation. In his opinion, the Ivy and blackberries cannot be removed without damaging the quality of the Lake. The only way to do it would be with

chemicals and chemicals are not compatible with the Lake. Oregon Willow would do an adequate job of providing shade for the Lake and for wildlife in that area.

One of the goals of the Milwaukie Visioning Committee was to develop a tree-lined boulevard into the City, which would be identifiable to outsiders as well as the citizens of Milwaukie as they entered the City. He thinks a tree-lined area covering that 500 feet would be excellent, which would be compatible with the riverfront development at some point as a corridor to the City.

Mr. Miller stated that a proposal should be submitted to ODOT from this City which would correct this problem with plant materials which will enhance the area. We cannot put back what was already there. This problem should be mitigated now.

QUESTIONS FROM THE COMMISSIONERS

Terry LaRocque asked if the only way to get rid of the blackberries is with chemicals? **Mr. Miller** stated that the only way to remove blackberry effectively would be with chemicals because, he feels, the root systems are impossible to remove with the slope into the lake. If they are not all removed, the berries will come back. The Spirea, as proposed from ODOT, without removal of the blackberries and ivy, which only grows 48 feet in height, will totally over-run those plants within a very short period of time. He does not think this is an acceptable plan. Hand grubbing will not be effective to remove the root system. It cannot be done with the slope that exists without destroying the water quality.

Speaking: Mart Hughes, 3006 SE Washington Street, Milwaukie

Mr. Hughes stated that he is a biologist with an expertise in riparian and wetland systems and planned vegetation. He served on the Goal Five Task Force for the Comprehensive Plan some years ago. He has done work doing wetland restoration. He encouraged the Planning Commission to reject the present plan and have Staff and ODOT come up with a better mitigation and restoration plan.

We all recognize the extreme resource value of this site, in the Willamette Greenway and Natural Resource Overlay Zone. He noted that when McLoughlin Blvd. was put in to its present state, an unmitigated wetland fill was done. The City of Milwaukie has the opportunity to set right some of our past losses.

He is familiar with the site, having lived in Milwaukie over 20 years. He enjoyed the Hawthorne, although it is not native Hawthorne. He remember some large

flowing trees on the site this spring. He is unhappy to see these trees go. This mitigation gives the City an opportunity to think native. Almost all of the Douglas Hawthorne trees have been cut. He submitted a list of potential native plantings.

The blackberries can be controlled effectively by shading and competing for soil moisture. Spirea is a very tough plant and it does compete with blackberries. It keeps the blackberries off the ground and from re-rooting. Red Elderberry plants are toxic to blackberries. It produces acids and effectively suppresses it. Willow also effectively suppresses blackberries. It is important to do a replacement where there is very good high density aerial coverage of a shrub layer. This layer should include Elderberry, Spirea, Willow, Hawthorne, Red Stem Dogwood, and native trees, Ash and Maple.

Mr. Hughes asked that the Planning Commission send this proposal back to ODOT and have them consider a mitigation plan that does Milwaukie proud. This is an important and key area in terms of the Milwaukie Visioning process. This is our front door. Lets not set a minimal standard, what we want to see done, but a high standard, let's make a statement. This mitigation enhances and contributes to the natural resources in the Willamette Greenway and along Kellogg Lake.

QUESTIONS FROM THE COMMISSIONERS

It was asked if the Willow and Spirea proposed by the Applicant competes with ivy? **Mr. Hughes** stated that as he mentioned, these plants may be able to compete with blackberry and ivy if planted densely. Ivy is a tough plant. Leaf litter does; there needs to be a good leaf litter structure in there. The site is a difficult site. Ivy and blackberry do not enhance water quality by filtering storm water runoff. They do not provide for wildlife habitat, except in some very marginal ways. Blackberries are good for keeping people out of an area. It usually takes about three years to successfully reclaim an area. It is not easy, but it can be done.

Chris Eaton asked for the numbers of "high density shrub plantings" needed for this area. Mr. Hughes stated that Red Elderberry will put on six feet a year with a canopy of about 3-6 feet radius. There should be an overlying structure, interspersed with ground cover shrubs such as Thimble Berry, Creeping Oregon Grape, tall Oregon Grape, and Native Blackberry. These lower-level shrubs in addition to some high shrubs, small trees, and large trees. Structural diversity is needed. Large trees should be on 15-25 foot centers, interplanted with medium shrubs on a half that radius, and then the lower shrubs should be 1-2 foot

plantings. There needs to be a lot of plants in now because you can't wait for the five to ten year growth period for the plants to fill out.

Speaking: Gordon Jones, 11895 SE Kehrli Drive, Milwaukie

Mr. Jones stated that his background is in real estate development and the sand and gravel industry. He is currently employed with TMT Development in Vancouver, Washington. Mr. Ottasen stated that he did not want to get into why they cut the trees and vegetation down. When you read the report there are a number of things that come out. One statement was the desire to improve drainage. You can't get better drainage than that slope, which is about a 1-1/2 to 1 slope. There were also concerns expressed about safety, both for pedestrian and motorists.

There may have been some reason to trim some vegetation back from the road that was encroaching into the right-of-way, but that is a weak statement. Buried in the Staff Report is a comment that ODOT submitted a letter from an adjacent business who supported the removal since it opened up the view of Kellogg Lake. This may be the reason for the tree removal. He has not seen the letter, nor does he know which business it is. It may be the business that sits on the corner as you are coming north; one of the ugliest structures he has seen; some sort of pawn shop. It would be ironic if the reason the trees were cut was to accommodate the business so they could have a better view from the passing motorists into that commercial site. The statement says that ODOT submitted a letter from that adjacent business in support to having tree removal since it opened up the view of Kellogg Lake.

In regards to the pedestrian safety issue, there is an opportunity to do an additional mitigation, to do a nice, aesthetically pleasing walkway along that area. It used to be that the State Highway systems built nice looking bridges and pathways. Instead, now they put up ugly metal guardrails, providing no access for pedestrians to get from point A to point B, and then going in and whacking out all the vegetation is not right.

Mr. Jones summarized that he hopes ODOT does what's right and build a real nice walkway across the roadway, maybe a masonry structure on the slope. This along with the restoration and vegetation, will make a nice looking area.

QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: Monroe Sweetland, 12006 SE McLoughlin Blvd.

Mr. Sweetland stated that he lives just south of the subject site. He lives in the Birkenmeier house. His lot extends to the Kellogg Lake Apartment lot. When the apartments were put in, Milwaukie required that the developer furnish sidewalks. There is an adequate sidewalk, still in good condition, that extends all along the apartment house area until you get near the gun store. Many people use this sidewalk; many more would use it if they could.

Mr. Sweetland stated that he has tried to clear off the blackberries. He had three conversations with the ODOT people, about the tree cutting. The response was that they cooperated with Milwaukie prior to cutting the trees, so he did not question it. Several of the trimming occurred at a point other than the area being discussed. There are about 1,000 people living on that side of the freeway and go back and forth every day at great risk. Maybe what ODOT has done will enable Milwaukie to focus on the attention that needs to be given to tree cutting. The foot traffic should be as important an issue as the tree cutting violation.

QUESTIONS FROM THE COMMISSIONERS -- None.

STAFF COMMENTS

Chris Eaton stated that the criteria in the Willamette Greenway section in the Code is not very specific about the level or type of restoration. There have been good ideas from the public. Staff's recommendation looked to that criteria and felt the proposal was adequate.

CLARIFICATION OF TESTIMONY -- None.

APPLICANT CLOSING COMMENTS -- None.

DELIBERATION AMONG THE COMMISSIONERS

Vice-Chair Smith closed the public testimony portion of the hearing and opened it up to discussion among the Commissioners. **Tim Havel** stated that even though there is a dangerous condition, the pedestrian walkway needs to be discussed at another time. It should be taken up separately. This hearing is to address riparian zone restoration, not pedestrian improvements.

Terry LaRocque stated that the issues here are vegetation and habitat. There is a scenic value and water quality value that has been lost. To restore it would be appropriate.

Pat Lent stated that she agrees that the mitigation issues are very important. She also agrees with the opponents that this mitigation plan is very slim. She feels it would be appropriate to ask ODOT to do a broader study of what has been done on this site.

Vice-Chair Smith stated that he feels there is too much special interest in the plans that were submitted. There is not enough input by other professional biologists and restoration individuals. Restoration takes time; not just planting a few hundred trees. There should be a variety of trees planted. Mitigation should consider choking out what is there and replacing it with more indigenous species.

Pat Lent stated that the aesthetic value is very important and part of the riverfront planning and part of the Gateway. **Vice-Chair Smith** stated he would like to see a condition of approval that the ODOT plan not be used and that a landscape architect take a look at the situation and recommend a plan that has a better sense of unity. ODOT's landscape architect is somewhat biased. Off-site mitigation at 17th and McLoughlin or farther up McLoughlin may be a part of mitigating this problem. He agrees that the safety issues do not necessarily tie into this Application.

Pat Lent suggested that the City look outside Chris Eaton for a consultant that cannot be viewed as biased. ODOT has said that they don't want to argue the why of this, but we need to know the why to keep this from happening in the future.

Maggie Collins stated that the Commission could continue the Application with instructions to review the testimony presented tonight and come back at another time with an alternative proposal.

Maggie Collins stated that she wanted to address the statement in regards to Chris' bias and that the Community Development Department has not done a proper job with this application. Through time, planning consultants have worked for the City during short staff times. These planners are professional planners who have service contracts and get their assignments directly from her. When she assigned this project to Chris, she was to work with ODOT as she would any other client. The Client is responsible for bringing in the proposal, once the alleged violation occurred. Chris Eaton was not assigned to go out and do a full-fledged landscape review and biological assessment. They talked several times about how to present the proposal in front of the Commissioners tonight. The fact that it was a disappointment to some of the members of the public because it is not a full-blown biological assessment is not the Milwaukie Staff's responsibility. The

Department has tried to treat this as an application just like any other application that might come in.

If the Commission is finding the mitigation plan wanting, **Maggie Collins** stated that Staff have direction of what is preferred rather than assume that the work done was erroneous in its context.

Pat Lent stated that she was just noting that the public obviously had the perception and the City would be better off getting around that perception. **Vice-Chair Smith** stated that Staff has done a good and thorough job in presenting discussion about the Comprehensive Plan and Willamette Greenway conditional use permits. Because of the Greenway, the standards are vague as to what needs to be addressed and mitigated. Tonight's discussion gave a better understanding of what is being restored, how to restore it, and what the guarantees are that it won't revert back to a condition that is not beneficial for the Greenway.

Vice-Chair Smith asked staff and ODOT to review the proposal as if it is a landscaping project, take the input of the community and public testimony tonight, and bring back to the Commission a more detailed proposal.

Terry LaRocque stated that in the Comprehensive Plan, Page 4, WG-2, reference is made to resource values discussed in detail in the background ESEE Analysis. **Maggie Collins** stated that there may not be an ESEE Analysis for this site. This is not part of the natural resource inventory. It was left out because it is a public right-of-way. It was included in the Willamette Greenway. Staff will check to see if there is a similar habitat value that can be used.

Michael Smith moved to continue the public hearing to January 28, 1997, and direct Staff to work with ODOT to bring a more beneficial plan based on the public testimony that was heard tonight. Further that review of the environmental inventory that pre-exists along that section of Kellogg Lake. **Pat Lent** seconded. MOTION CARRIED 4-0.

Chair Tomei then returned to the dais.

- 5.2 Applicant: North Clackamas Park and Recreation District
- Property Owner: City of Milwaukie
- Location: Community Service Overlay and Natural Resource Review for Furnberg Park (CSO-96-04/NR-96-02)

RECEIVED

JAN 28 1997

CITY OF MILWAUKIE
PLANNING DEPARTMENT

Oregon⁴⁹

DEPARTMENT OF
TRANSPORTATION

District 2B

File Code

January 20, 1997

Maggie Collins, Community Development Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie OR, 97206

Dear Ms. Collins,

Oregon Department of Transportation (ODOT) has been working with The City of Milwaukie to mitigate trees that were removed through ODOT maintenance operations. ODOT and the City met with local concerned citizens and reached a 2-Phase plan acceptable by all parties. The 2-Phase approach will provide the most cost effective response to mitigate the area.

In the first phase ODOT will re-establish trees and shrubs as described in the proposed landscape plan prepared by ODOT Landscape Architect Paul Edgecomb, dated 8-8-96 and revised on 1-10-97.

The second phase will be a broader mitigation that will rely on incorporating future McLoughlin Boulevard redesign options as part of the implementation phase of the Town Center Master Plan and the River Front Plan.

Also, I checked on the ability to remove the guardrail connection at the bridge in the northbound lane to more easily accommodate pedestrians along the shoulder of McLoughlin Boulevard and found that this can be done within current ODOT specifications. ODOT will work to secure funding to perform this work as soon as possible.

Thank you for you and your staff's cooperation in this matter. Please let me know if there is anything else ODOT can do to bring resolution to this mitigation work.

Sincerely,



Karla Keller
District 2B Manager

cc: Tom Lauer, ODOT Region 1 Maintenance Manager
Walt Bartel, ODOT Project Delivery Manager
Dave Williams, ODOT Planning Manager
Mark Thomas, ODOT Milwaukie Section Supervisor



9200 SE Lawnfield Rd
PO Box 1339
Clackamas OR 97015
(503) 653-3086
FAX (503) 653-5655

ATTACHMENT 5



December 20, 1996

RE: File # CU-96-01

Gary Michael
11907 SE 19th Avenue
Milwaukie, OR 97222

Dear Mr. Michael:

I am writing to you about the tree replacement matter on McLoughlin Blvd. near Kellog Lake.

Last Tuesday, I met with representatives from ODOT to discuss, "a more beneficial plan" as specified by the Planning Commission when they continued this matter until the January 28, 1997 public hearing.

During the December 17th meeting, ODOT agreed to meet with citizens to review the revised mitigation plan on which they are now working. This letter is to invite you to this meeting which is to be scheduled during the first week of January.

Would you please call me at 786-7652 to discuss preferred dates and times, and to confirm your attendance.

Sincerely,

Daniel Pava
Senior Planner

cc Maggie Collins

CDDept. DSP ODOTtree.

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

ATTACHMENT 6

AGENDA

McLoughlin Blvd. Tree Replacement and Related Issues

Wednesday January 8, 1997

Purpose of Meeting: To work towards a "more beneficial plan" as requested by the Planning Commission on November 12 when this matter was continued until January 28.

Meeting Goal: To achieve consensus on near-term tree planting/replacement along McLoughlin Blvd. To determine the scope of future restoration efforts in this area that must be coordinated with future roadway projects.

1. Introductions and opening comments - Around the table
2. Ground rules for meeting - Dan Pava
3. Affirmation of meeting purpose and goal - Dan Pava
4. Discussion of suitable alternatives for near term tree replacement - 25 trees.
5. Discussion of future restoration plan elements.
6. Summary of points of agreement - Dan
7. Adjournment 10:30 or sooner

"Every difference of opinion is not necessarily a difference of principle" Thomas Jefferson

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DRAFT - please submit any comments to Dan Pava by COB January 21. You can call Dan at 786-7652, or fax to 774-8236.

To: Distribution (attached)

Subject: McLoughlin Boulevard Tree Replacement in the Willamette Greenway

Two meetings were held pursuant to the Planning Commission motion on November 12, 1996, that a more beneficial planting plan be submitted for CUP-96-01.

Dan Pava and Maggie Collins of the Community Development staff met with ODOT District 2B manager Karla Keller, assistant manager Shane Ottosen, landscape architect Paul Edgecomb, and maintenance supervisor Mark Thomas on December 17, 1996. They agreed that a phased replanting approach was most desirable. Twenty-five trees will be replanted as soon as feasible to replace the trees that were cut last summer. There was agreement that ODOT would also commit to a riparian restoration plan subject to future McLoughlin Boulevard redesign.

Karla Keller and Paul Edgecomb subsequently met with Dan Pava, Gary Michael, Mike Miller, and Monroe Sweetland on January 8, 1997. A copy of the meeting agenda is included as *Attachment A*. There was consensus that a two phased approach was most appropriate. Mr. Michael, Mr. Miller and Mr. Sweetland accepted planting 25 trees as part of phase one. They also emphasized the need for additional trees and a more complete remediation effort that would occur later. There was some discussion and a difference of opinion about the placement and selection of trees, and they deferred to Donald Hammang and Mart Hughes to work with Paul Edgecomb on the planting plan details.

The group concurred that trees planted as part of the first phase need to provide room for existing foot traffic that uses the shoulder of McLoughlin. The trees would not be planted where the foot path is most constricted. There was also a desire to move the guardrail anchorage away from the Kellogg culvert abutment in order to lessen impediments to foot traffic. Karla Keller agreed to investigate the possibility of relocating the guardrail anchorage this year. There was agreement that the ivy would not be removed at this time because the steep slope would become more susceptible to erosion. Karla Keller committed to continuing working relationship with the City of Milwaukie and other stakeholders to define necessary mitigation measures for this area. Future restoration plan elements could include various walkway options such as a Kellogg Lake foot bridge, or a walkway located on the north side of McLoughlin.

Mr. Hughes met with Dan Pava on January 9, and he made several observations about the tree selection and suggested planting some shrubs when the first trees are planted. Mr. Hughes also requested that ODOT commit to a guaranteed survivability rate for the new trees, and he pointed out that long term cost-effective maintenance would best be assured by providing species diversity and a multistory vegetative canopy on the site. Later Mr. Hughes and Mr. Edgecomb talked by telephone. A revised planting plan incorporating the comments of the above mentioned individuals is being prepared for Planning Commission consideration at the January 28 meeting.

ADDENDUM TO STAFF REPORT FOR FILE CU-96-01

RECOMMENDATION:

That the Planning Commission approve the conditional use permit for development in the Willamette Greenway CU-96-01, subject to the conditions included in this report.

PROPOSAL/BACKGROUND:

On November 12, 1996 the Planning Commission continued this conditional use permit public hearing until January 28, 1997. The Commission directed staff to work with ODOT to bring back a more beneficial plan based upon the public testimony.

Dan Pava and Maggie Collins of the Community Development staff met with ODOT District 2B manager Karla Keller, assistant manager Shane Ottosen, landscape architect Paul Edgecomb, and maintenance supervisor Mark Thomas on December 17, 1996. They agreed that a phased replanting approach was most desirable. They agreed that twenty-five trees should be replanted as soon as feasible to replace the trees were cut last summer. ODOT would also commit to a riparian restoration plan subject to future McLoughlin Boulevard redesign.

Karla Keller and Paul Edgecomb subsequently met with Dan Pava, Gary Michael, Mike Miller, and Monroe Sweetland on January 8, 1997. A copy of the meeting agenda is included as *Attachment A*. There was consensus that a two phased approach was most appropriate. Mr. Michael, Mr. Miller and Mr. Sweetland accepted planting 25 trees as part of phase one. They also emphasized the need for additional trees and a more complete re-mediation effort that would occur later. There was some discussion and a difference of opinion about the placement and selection of trees, and they deferred to Donald Hammang and Mart Hughes to work with Paul Edgecomb on the planting plan details.

The group concurred that trees planted as part of the first phase need to provide room for existing foot traffic that uses the shoulder of McLoughlin. The trees would not be planted where the foot path is most constricted. There was also a desire to move the guardrail anchorage away from the Kellogg culvert abutment in order to lessen impediments to foot traffic. Karla Keller agreed to investigate the possibility of relocating the guardrail anchorage this year. There was agreement that the ivy would not be removed at this time because the steep slope would become more susceptible to erosion. Karla Keller committed to continuing working relationship with the City of Milwaukie and other stakeholders to define necessary mitigation measures for this area. Future restoration plan elements could include various walkway options such as a Kellogg Lake foot bridge, or a walkway located on the north side of McLoughlin.

Mr. Hughes met with Dan Pava on January 9, and he made several observations about the tree selection and suggested planting some shrubs when the first trees are planted. Mr. Hughes also requested that ODOT commit to a guaranteed survivability rate for the new trees, and he pointed out that long term cost-effective maintenance would best be assured by providing species diversity and a multistory vegetative canopy on the site. Later Mr. Hughes and Mr. Edgecomb talked by telephone.

Exhibit 1 is a revised proposed planting plan dated January 19, 1997, that has been prepared by ODOT based upon the guidance of Community Development staff and the above mentioned individuals. This plan features 10 Oregon ash trees, five red alder trees, 3 western red cedar trees, 5 Douglas Hawthorn, and 10 red elderberry. These will be planted where the site is least constricted.

DISCUSSION:

The November 12 staff report includes a thorough discussion applicable to this conditional use permit request. A copy of the report is included as attachment B.

FINDINGS:

Seven findings were previously included in the November 12 staff report. These remain applicable. Findings 5 and 7 are reworded as follows:

- 5. The applicant (ODOT) submitted a vegetation planting plan on October 7, 1996, for consideration by the Milwaukie Planning Commission. Subsequently, the applicant met with Community Development Department staff on December 17, 1996, and on January 8, 1997, with those who offered testimony at the November 12, 1996 Planning Commission hearing. A revised plan was prepared incorporating the guidance from these meetings. The applicant's proposal is consistent with the Milwaukie Comprehensive Plan, with the conditions included in this report. The planting plan meets the requirements of Section 320 in the Milwaukie Zoning Ordinance as follows:

(A. through K remain as written)

- L. A Vegetation Buffer Plan meeting the conditions of subsection 320.8 A.-C.** ~~Two vegetation buffer plans were submitted by the applicant. Proposal "B" meets the requirements of these sections with the conditions included in this report. The plan (Exhibit 3-4) shows planting of 10 one and one-half inch caliper Oregon Ash (staff recommends 21); removal and treatment of stumps; remove dirt mound~~

from below guardrail *as necessary for drainage*; leaving all ivy and blackberry plants between guardrail and water's edge; and randomly clumping and scattering 50 10 containers of willow and 100 containers of Douglas Spirea red elderberry. The plan recognizes that existing large trees were removed, but proposes to restore and enhance native vegetation *in a phased approach consistent with future ODOT and City of Milwaukie plans for improvements to McGloughlin Boulevard*. The applicant proposes not to remove existing ivy and blackberries because of concerns of using herbicides along the water's edge, inability to completely remove these plants, and some concern over the slope stability without these groundcovers.

- 7. Conditional Use 96-01 requires review through a Minor Quasi-Judicial process as per Section 1011.3 of the City's Zoning Ordinance. Public Notice has been issued. Notice was sent to property owners within 250 feet of the proposal on October 23, 1996, sent to ODOT by certified mail, advertised in the local paper on November 1 and November 8, 1996, and posted at the site on November 6, 1996. *The Planning Commission held a public hearing on November 12, 1996 and continued the public hearing until January 28, 1997 so that staff could work with ODOT to bring back a more beneficial plan based upon the public testimony.*
- 8. ODOT has been working with the City to develop a better understanding of the City's regulations, especially those protecting natural resources such as the Willamette Greenway.

CONCLUSION:

This application is consistent with the Objectives and Policies of the Comprehensive Plan, and meets the requirements of the Willamette Greenway and Conditional Use sections of the Zoning Ordinance. A vegetation buffer plan was submitted that meets the above requirements with the conditions included in this report .

RECOMMENDATION:

Staff recommends approval of Conditional Use permit for development in the Willamette Greenway CU 96-01, based on the previous conclusion and findings, and subject to the following conditions:

REVISED CONDITIONS OF APPROVAL FOR CU 96-01:

1. ODOT shall guarantee an 80 percent survival rate for the Oregon ash trees in the next two years.
2. Region 1, district 2B of Oregon Department of Transportation (ODOT) will continue to work with City staff and interested stakeholders to provide riparian restoration plantings using a phased approach incorporated into future McLoughlin Boulevard redesign options. A long-term cost-effective maintenance strategy that emphasizes species diversity and a multistory vegetative canopy on the site will be used.
3. Region 1, district 2B of Oregon Department of Transportation will commit to moving the guardrail anchorage away from the Kellogg culvert abutment in order to lessen impediments to foot traffic this year.

EXHIBITS:

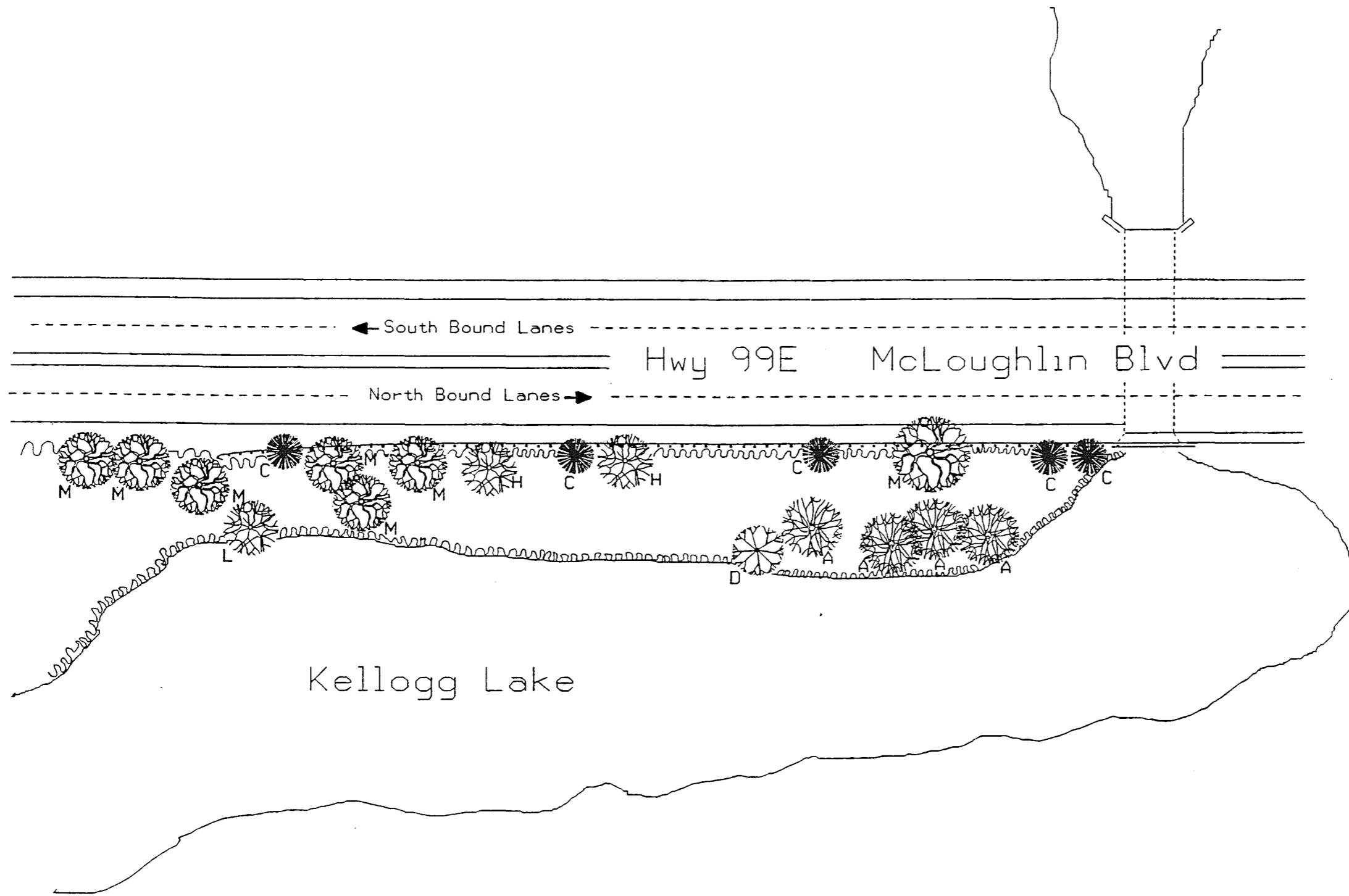
1. Proposed Plan dated January 10, 1997. *Refer to Sheet 3*

Attachments:

- A. Meeting agenda from January 8, 1997.
- B. November 12, 1997 staff report for CU-96-01 (refer to copy distributed at previous meeting)

EXHIBIT # 1
 DATE 1/28/97
 SUBMITTED BY:
ODOT
 # OF PAGES 3
 FILE # CU-96-01

59

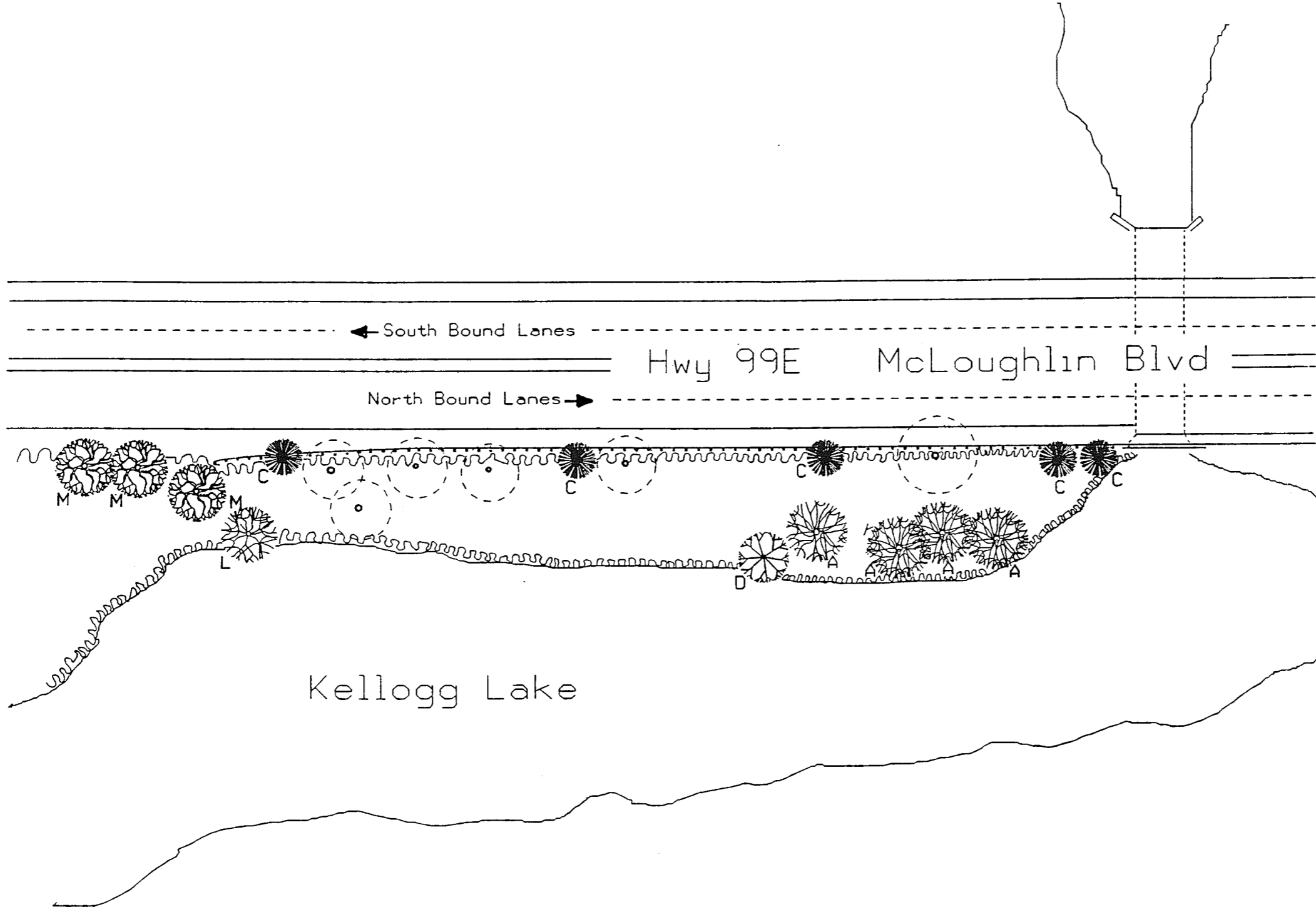


- LEGEND
- M Bigleaf Maple
 - L Locust
 - C Western Red Cedar
 - A Alder
 - H Douglas Hawthorne
 - D Pacific Dogwood
 - Blackberries and English Ivy

PREVIOUS CONDITIONS

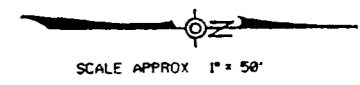
LANDSCAPE ARCH. UNIT- ROADWAY ENGINEERING SECTION		KELLOGG LAKE McLoughlin Blvd City of Milwaukie		
REGISTERED 53 PAUL GARD EDGECOMB OREGON LANDSCAPE ARCHITECT	EDGECOMB DESIGNED BY	8-8-96	FEDERAL HIGHWAY ADMINISTRATION PROJECT NUMBER	
	EDGECOMB DRAFTED BY	8-8-96	SHEET NO.	
		REGION 10	OREGON DIVISION	1

kellogg.m(554,182730a) edgecomb@k2730a. Fri Jan 10 15:39:31 PST 1997



LEGEND

- M Bigleaf Maple
- L Locust
- C Western Red Cedar
- A Alder
- H Douglas Hawthorne
- D Pacific Dogwood
- Blackberries and English Ivy
- Exis. Tree Removed Stump Remaining

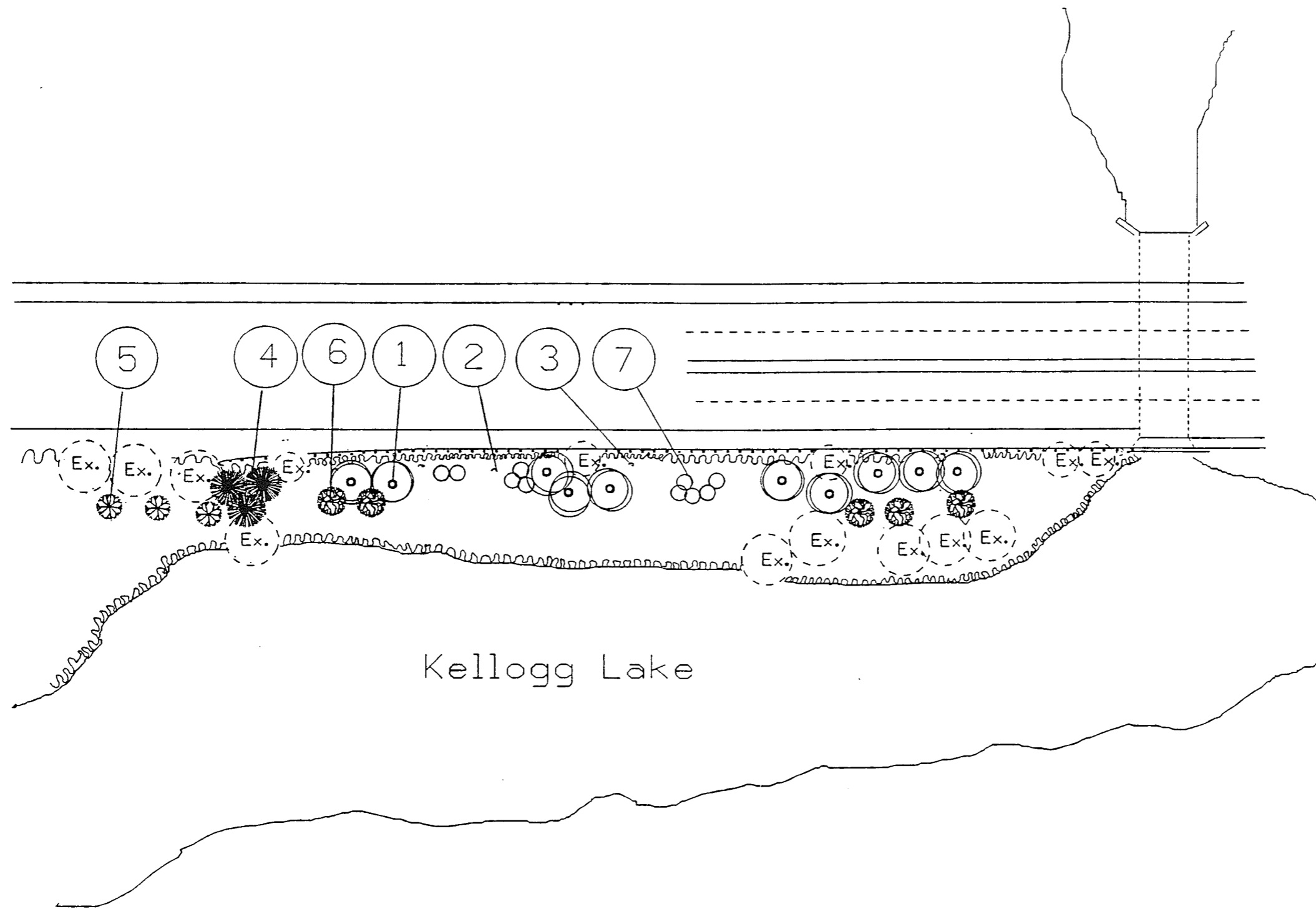


EXISTING CONDITIONS

LANDSCAPE ARCH. UNIT- ROADWAY ENGINEERING SECTION 		KELLOGG LAKE McLoughlin Blvd City of Milwaukie	
EDGECOMB DESIGNED BY	8-8-95 DATE	FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER
EDGECOMB DRAFTED BY	8-8-95 DATE	REGION 10	OREGON DIVISION
			SHEET NO. 2

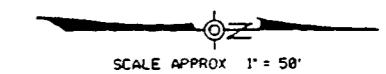
DD-MMM-YYY edgecomb omb/kellogg.dgn /usr/lands/

kellogg.mt(5.3.is2730a) edgecomb@is2730a. Fri Jan 10 15:37:46 PST 1997



CONSTRUCTION NOTES

- 1 Plant 10 1-11/2 , B&B Oregon Ash Trees
- 2 Remove & Treat Stumps Only Near Guardrail
- 3 Remove Dirt Mound From Below Guardrail As Necessary for Drainage
- 4 Plant 5 Douglas Hawthorne 4'-5' Size, B&B
- 5 Plant 3 Western Red Cedar 4'-5' Size, B&B
- 6 Plant 5 Red Alder 3/4-1" Size, Bare Root
- 7 Plant 10 Red Elderberry Randomly Clump
- Ex. Existing Tree to Remain



PROPOSED PLAN

LANDSCAPE ARCH. UNIT - ROADWAY ENGINEERING SECTION		KELLOGG LAKE McLoughlin Blvd City of Milwaukie	
	EDGECOMB DESIGNED BY	REVISED 1-10-97 DATE 3-8-96	
	EDGECOMB DRAFTED BY	1-10-97	
FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER	SHEET NO.	
REGION 10 OREGON DIVISION		3	

AGENDA

McLoughlin Blvd. Tree Replacement and Related Issues

Wednesday January 8, 1997

Purpose of Meeting: To work towards a "more beneficial plan" as requested by the Planning Commission on November 12 when this matter was continued until January 28.

Meeting Goal: To achieve consensus on near-term tree planting/replacement along McLoughlin Blvd. To determine the scope of future restoration efforts in this area that must be coordinated with future roadway projects.

1. Introductions and opening comments - Around the table
2. Ground rules for meeting - Dan Pava
3. Affirmation of meeting purpose and goal - Dan Pava
4. Discussion of suitable alternatives for near term tree replacement - 25 trees.
5. Discussion of future restoration plan elements.
6. Summary of points of agreement - Dan
7. Adjournment 10:30 or sooner

"Every difference of opinion is not necessarily a difference of principle" Thomas Jefferson

DRAFT

PLANNING COMMISSION MINUTES TUESDAY, JANUARY 28, 1997

COMMISSIONERS PRESENT

Mike Smith, Chair
Bryan Cosgrove
Terry Havel
Pat Lent

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Dan Pava,
Senior Planner
Susan Heiser,
Senior Planner
Shirley Richardson,
Hearings Recorder

COMMISSIONERS ABSENT

Tim LaRocque

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:39 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- January 14, 1997

Pat Lent moved to approve the minutes of the January 14, 1996, as amended. **Bryan Cosgrove** seconded. MOTION CARRIED 4-0.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

5.1 Applicant:	Oregon Department of Transportation
Property Owner:	Oregon Department of Transportation
Location:	Right-of-Way along McLoughlin Blvd. south of downtown Milwaukie
Proposal:	Tree mitigation for trees removed by ODOT (Continued from November 12, 1996)
File Number:	CU-96-01

Chair Smith opened the public hearing on the tree mitigation for trees removed by ODOT (CU-96-01). He then explained the hearing format. He asked if there were any conflicts of interest or ex-parte contacts to declare. **Pat Lent** stated that after the last hearing, she talked to Mr. Michael, Mr. Sweetland, and Mr. Miller. The conversation had nothing to do with the hearing. She does not feel that this will prevent her from voting on this Application. There were no other conflicts of interest or ex-parte contacts declared. He asked if there were any Commissioners who visited the site; four hands were raised. None of the Commissioners who raised their hands noticed anything different from what is stated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Dan Pava reviewed the Staff Report with the Commissioners. This Application is for a Conditional Use Permit, CU-96-01. This hearing is continued from the November 12, 1996, public hearing. It was determined at that meeting, that time be given to the applicant to come up with a more beneficial plan. This hearing tonight is to consider this revised plan for mitigation along McLoughlin Blvd.

Last spring trees were cut by ODOT along McLoughlin Blvd. across from the sewerage treatment plant here in Milwaukie. Subsequently, concerns were expressed by citizens and business owners. In late May, a pre-application conference was held with representatives from ODOT to provide guidance from City Staff about the Willamette River Greenway Overlay Zone Conditional Use process and mitigation required to correct the cutting of trees along McLoughlin Blvd.

In October, an application was officially received by the Community Development Department. A public hearing was scheduled with the Planning Commission. At that hearing there was discussion and a motion was made to continue the hearing until a more beneficial plan could be prepared.

The Applicant met with City Staff on December 17th. It was determined that 25 trees would be an acceptable replacement for the trees that had been cut in the past by ODOT. A two-phased approach was proposed to addressing this mitigation. The first phase includes replacing trees similar to those that had been removed. Since the future of McLoughlin's alignment and cross-section design is unknown at this time, placing any kind of street trees should be postponed.

Another meeting was held with ODOT representatives, interested citizens, and Community Development Staff on January 8, 1997. Community Development

Staff facilitated a discussion between Mr. Michael, Mr. Miller, Mr. Sweetland, and Karla Keller of ODOT, and Paul Edgecomb, ODOT's landscape architect. The two-phased approach was explained and accepted as a logical approach to the tree mitigation. There was considerable discussion about the appropriate types of trees; however, definitive decisions were not made. The guardrail problem was discussed and ODOT agreed to explore ways to modify the current situation as part of the mitigation effort.

Mr. Hammang and Mr. Hughes did not attend the meeting, but were later involved in the process and their suggestions were incorporated by ODOT's landscape architect to create the plan that is being presented tonight as Exhibit 1.

Two alternative approaches were discussed at the January 8th meeting. One approach is to use this mitigation as an opportunity to implement street tree plantings along the eastern frontage of McLoughlin Blvd. in keeping with the proposed draft Street Tree Ordinance and in concert with Milwaukie's Visioning exercise. The other approach is to recognize that this is a riparian area, different in character from the sewerage treatment plant frontage across the street, where there are street trees and sidewalk.

The revised Plan emphasizes a riparian mitigation approach. The east side of the street is an engineered bank adjacent to Kellogg Lake. The treatment should be to replace the kinds of trees that will give the kind of environment that was there previously. The proposed plan has 18 replacement trees; 10 Oregon Ash Trees, 3 Western Red Cedars, and 5 Red Alders. Additionally, 5 Douglas Hawthorne and 10 Red Elderberry are shown on the planting plan.

Dan Pava noted that the seven findings in the original Staff Report are still applicable with minor modifications. Finding 5 has been modified and documents the meetings that occurred on December 17th and January 8th. Finding 5-L refers to a vegetation buffer meeting a condition of Subsection 320.8a-c. Language has been revised, which more accurately describes the proposed planting plan as indicated on Exhibit 1.

Finding 7 now references the November 12, 1996 public hearing and the continuation to tonight's hearing. A new finding 8 was added, "ODOT has been working with the City to develop a better understanding of the City's regulations. Especially those protecting natural resources, such as the Willamette River Greenway Overlay Zone."

Dan Pava noted that the recently acquired land south of the site will ultimately be developed as public park land, at which time there will be a Master Plan process

and an opportunity to address street tree frontage along that portion of McLoughlin. He re-emphasized that the trees that were removed from this site were not street trees and Staff concludes that the most appropriate trees at this time in phase one of this mitigation would be riparian and similar species. Street trees can be considered later as part of the redesign of McLoughlin Blvd. in this area. This two-phase approach takes action now by instigating mitigation, and guarantees a continuing commitment by ODOT to work with the City of Milwaukie and interested citizens to improve the current situation. Every effort will be made in a planning process to foster better bicycle and pedestrian connections from the south and the Island Station Neighborhood, and downtown Milwaukie.

Dan Pava pointed out that the letter from Karla Keller dated January 20, 1997, includes a reference about realignment of the existing guardrail. "...the ability to remove the guardrail connection at the bridge in the northbound lane to more easily accommodate pedestrians along the shoulder of McLoughlin Boulevard ...can be done within current ODOT specifications. ODOT will work to secure funding to perform this work as soon as possible."

Dan Pava noted a change in Condition 1, reworded to "ODOT shall guarantee 80% survival rate for all plant materials listed in Exhibit 1, dated January 19, 1997."

There was no other correspondence received by Staff since the distribution of the packets. There were phone calls from the interested parties in attendance this evening in reference to the project.

QUESTIONS FROM THE COMMISSIONERS

Pat Lent asked where this Application was in regards to the 120-day process. **Maggie Collins** stated that there should be a decision tonight as the time is getting close.

Pat Lent cited different references made to the number of replacement trees throughout the Staff Report. She asked how many trees will be replaced. **Dan Pava** stated that there are 18 trees, as depicted on the proposed Plan, to be planted. The other vegetation proposed is shrubbery and is not counted as trees.

Discussion followed on other typographical revisions to the Staff Report and the clarification that "Town Center Master Plan" in Karla Keller's letter was in reference to the Milwaukie Regional Center Master Plan.

DRAFT

APPLICANT PRESENTATION

Speaking: Karla Keller, District 2B Manager, 9200 SE Lawnfield Road, Clackamas OR 97015.

Ms. Keller stated that at the last meeting ODOT was represented by Mark Thomas and Shane Ottosen. She is District 2B Manager, and supervises both of these individuals.

The relocation of the guardrail abutment can be done. In regards to the drainage along the guardrail, ODOT is nervous about the steepness of the slope and stability there. They would rather focus the tree planting on mitigation of the top of the slope along the guardrail. They are trying to minimize the amount of water that is held on the roadway surface and, where pedestrians walk.

Due to the uncertainty of the future design of McLoughlin, the two phased approach is appropriate. In Condition 2, it indicates that District 2B would be following through with the land-use actions, permits, and access issues. She clarified that ODOT Planning Staff will be working with the City in those land-use issues. **Ms. Keller** stated that she has talked with Tom Lauer, Walt Bartel, Dave Williams, and Mark Thomas of ODOT and let them know that commitments are being made to work towards phase two as part of ODOT's involvement with the Regional Center and Riverfront Concept Planning efforts and implementing future changes to 99E.

ODOT is trying to negotiate in good faith to get closure on this mitigation. Currently there is a difference of opinion on the full approach of the mitigation, but she hopes this will be worked out in phase two. She has enjoyed working with the City and the citizens on the development of 99E.

QUESTIONS FROM THE COMMISSIONERS

Chair Smith asked if erosion will be a problem, steepness of the slope on the bank, in planting of the proposed trees and vegetation? **Ms. Keller** stated that ODOT will be careful to focus their efforts so that erosion does not occur. If there is erosion, appropriate action will be taken as necessary. Right now, there is a lot of water on the roadway and it is traveling quite a distance before it is going down the bank.

Pat Lent asked Ms. Keller to comment on Condition 3 regarding the guardrail. **Ms. Keller** stated that she is hoping to have this guardrail abutment done by early summer at the latest. This improvement must be done within a \$4,000 budget.

TESTIMONY IN FAVOR OF THE APPLICATION -- None.

QUESTIONS OR COMMENTS ABOUT THE APPLICATION -- None.

TESTIMONY IN OPPOSITION

Speaking: Gary Michael, 11907 SE 19th, Milwaukie

Mr. Michael complimented ODOT for making a commitment to changing the guardrail. This is a key pedestrian issue as far as the neighborhood is concerned. He attended the meetings held on this issue. He stated that he was glad to see someone present at the hearing from ODOT who is in a decision-making capacity.

It was ODOT's charge to bring back a modified plan and work with the Community Development Staff. At the meeting, **Mr. Michael** stated that he did not agree to 25 trees and does not remember anyone agreeing to the 25 trees. Especially when he did not know the size of the trees, species of the trees, or location of the trees.

The process has been skewed a little. Dan Pava stated that he and Maggie Collins met with ODOT after the hearing and they made the decision that 25 replacement trees was acceptable. This was before community involvement. To him, this is not an acceptable process.

There are two main issues, and they are not the issue of street trees versus riparian natural environment. Everyone agrees the bank needs to be restored in a naturalistic way. He counted 30+ trees, 30" in diameter, were cut. What is proposed is 3/4" and 1-1/2" trees, 4-5' tall. They will be planted so far down the bank that they will never be seen from the highway.

A plan needs to be developed that has impact on the Lake, but also creates some visual impact as an entrance to downtown. The previous big-leaf Maples were not "street trees" but they had a tremendous impact in terms of the visual entrance into downtown.

To him, mitigation means no net loss or being made whole again. This Plan is a long way from making it whole again. He would like to see the size of the material increased to a 2-1/2" caliper on deciduous trees and 9-10' on the conifers. The Ash trees should be moved down on the slope a little bit. None of the plants are close enough to the lake to ever create shade. Shade is the one of the objectives of having natural plantings along the lake. This will make room for

street trees up along the guardrail that would have an immediate impact visually and aesthetically on McLoughlin and the entrance into downtown.

Mr. Michael suggested 10 good-sized trees with some color; Maple, Sweet Gum, like across the street planted approximately 30' on center. They can be planted outside the guardrail and would not have impact on pedestrian travel. The idea to hold off on street trees until the design of McLoughlin is complete is unnecessary. McLoughlin Blvd. cannot move farther to the east. If it has to be wider, it can easily go west. There is no danger planting the street trees now. If the tree planting is delayed, Milwaukie will have lost a tremendous opportunity.

He would plant street trees, and require guarantees that there be a meaningful phase two. There was discussion about a phased process at the meeting, but very few of the citizens are willing to go on blind faith that there is going to be a phase two. He would require survival on all of the plant materials, and require more improvements to the design plan. He would like to see a time period attached to phase two. He suggests that vegetation only be removed to facilitate drainage from the street.

Everyone went into the meeting with a positive spirit, but he feels there was not enough time to work out a consensus of what the revised plan should be. There is no acknowledgment of the number of trees actually cut. The plans are deceiving.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked if it would be an easy change to move the proposed trees closer to the bank? **Mr. Michael** stated that it would be easy to change the plan. This plan is not much better than the original plan; they are proposing a lot less shrubbery, for example. 100 Spirea were proposed in the first plan and this plan allows for 10 Elderberry and 21 trees.

Pat Lent asked if Mr. Michael had any suggestions on what the time frame should be for the starting of phase two? **Mr. Michael** stated he would not like to see the second phase dragged on; his point is that he does not feel he can trust the City or ODOT to follow through on phase two. It has been said that the decision on McLoughlin Blvd. improvements will be made in a year or two. If that is the case, phase two should proceed within that two-year period.

Pat Lent asked Staff if Mr. Michael's time period is reasonable? **Maggie Collins** stated that Mr. Michael wants something done ahead of the proposed schedule. It is the Planning Commission's decision to decide whether the time period is reasonable.

Chair Smith moved back to the Questions or Comments Testimony in response to an audience member who had a question on the Application.

Speaking: Monroe Sweetland, 12006 SE McLoughlin, Milwaukie

Mr. Sweetland asked if there were any photographs available that show the portion of the roadway that is being discussed. **Gary Michael** submitted three pictures that were entered into the record previously. **Chair Smith** explained that the three photos submitted were part of Mr. Michael's original submittal on November 12, 1996.

After looking at the photographs, **Mr. Sweetland** stated that the guardrail impedes pedestrian access into downtown, at the Kellogg Lake bridgehead. (this site was shown on the pictures; the guardrail and the bridge and the way they connect). The distance between the curb and fog line is roughly 12" for 10-12 feet. This is a very dangerous spot. There must be some safety regulation of ODOT that prohibits this situation. It is a peril to walk this section. An improvement needs to be made in this section of road and it should be a part of this mitigation.

Chair Smith explained that under the revised conditions of approval, ODOT will commit to removing the guardrail anchors away from the Kellogg Lake Bridge in order to lessen impediments to foot traffic. **Ms. Keller** stated that this improvement should be completed by early summer. The concrete abutment will be removed and realigned. She explained that this roadway was built to ODOT standards at that time. It did not consider pedestrian traffic. This will be retrofitted to improve pedestrian safety.

Chair Smith then moved back into the Opposition Testimony.

Speaking: Mike Miller, 5923 SE Dewey Court, Milwaukie

Mr. Miller stated that he is not opposed to the mitigation, only opposed to the plan. Mitigation is something that needs to be done and done soon. The Plan as proposed does not provide appropriate mitigation that will enhance the City or meet the goals of the visioning process. He stated that he worked a year and a half on the City of Milwaukie's visioning process, whereby a part of that process was to enhance the City by providing tree-lined corridors, north, south and east, which would allow people to know when they arrive in Milwaukie.

This mitigation has opened up an opportunity to do this on the east side of McLoughlin, south of the City. In order to do this, the plan as proposed must be altered now. The current plan will place Oregon Ash trees directly in the path of the tree-lined corridor for street trees. Why plant these now and decide five years from now to implement the visioning plan and come back and remove these trees to put in appropriate trees as dictated by the Visioning plan.

He, too, feels that McLoughlin Blvd. can only be widened on the west, so these trees will always remain. The proposed Plan calls for 10 Oregon Ash trees. Most of the Plan could be retained by moving the trees closer to the Lake and still provide a tree-lined corridor of 15 street trees, placed 30' apart along the east side of the guardrail. This will be the beginning of the Visioning process, enhance the City, and begin the mitigation process.

The riparian area and the trees shown on this Plan are appropriate for this area. All of the plantings proposed can be moved closer to the water. It would then provide shade for that portion of the Lake. The Plan should include both a street-tree component and riparian component.

Pat Lent asked if the trees he proposed were red in color? **Mr. Miller** stated that when street trees are being considered, Red Maple or Sweet Gum are the most compatible tree to this area and they require very low maintenance. These trees will be green in the summer and red/orange in the fall. The Sweet Gum will retain their color up to 6-8 weeks depending on the frost. Both trees grow upright about 40 feet and spread about 20 feet wide at full growth. There is enough room along the guardrail to place these trees.

Chair Smith asked what trees are planted on the opposite side of the street? **Mr. Miller** stated that there are some Sweet Gums and some Cherry.

Speaking: Donald Hammang, 11104 SE Home Avenue, Milwaukie

Mr. Hammang stated that the tree plan that Mart Hughes accepted was, in fact, based on what he thought was a political constraint of what City staff could get from ODOT. A more comprehensive plan was proposed where it addressed a street level scenic treatment, a mid-hill treatment, and riparian treatment. What is presented here is better than what we started with. This doesn't mean that they feel this is a full mitigation; it clearly is not. The roadway does need a scenic treatment and the hillside needs more shrubs. ODOT removed the Willow and Spirea, it is not cost effective to replace.

DRAFT

ADDITIONAL COMMENTS FROM STAFF

Dan Pava stated that Staff has worked with stakeholders and ODOT and attempted to create a more beneficial plan given that there are two different approaches as to how ODOT can mitigate this site. The proposed phasing benefits ongoing City planning efforts in this area. Modifications to conditions have been drafted for Planning Commission deliberations.

QUESTIONS FROM THE COMMISSIONERS

Bryan Cosgrove asked if the mitigation needed to be so specific; 25 trees. It's obvious that the citizens want more. **Maggie Collins** stated that this is a maintenance issue that has branched off into many other issues. These concerns would not be addressed until the Kellogg Lake master park planning was underway. ODOT does own this property. The Greenway requirements are not very specific and helpful regarding mitigation. In the original hearing, it was decided that trees are the most important vegetative replacement that needed to be done. The City is encouraged by the fact that ODOT has entered into this long-term planning in this area and are starting to commit time, energy and effort to work with the City of Milwaukie. The conditions could be worded to allow phasing and completion of a long-term plan within six months.

Chair Smith asked how many stumps were left after the cutting? **Maggie Collins** stated that Chris was the one who went out and counted the stumps. Her number is disputed by Mr. Michael. At this point 23-25 trees is the starting point for mitigation.

Mr. Miller asked if the replacement trees will be put in this winter? **Maggie Collins** explained that the planting season is almost over, there is one planting month left.

APPLICANT'S CLOSING REMARKS

Speaking: Karla Keller, 9200 SE Lawnfield, Clackamas 97015

Ms. Keller stated that in regards to moving the trees down the slope, the landscape architect was nervous about dealing with this bank. They would like to get done with the mitigation so efforts can be made in other areas.

DRAFT

DISCUSSION AMONG COMMISSIONERS

Chair Smith closed the public testimony portion of the hearing and opened it to discussion among the Commissioners.

Pat Lent stated that she was impressed with what Mr. Hammang's previous testimony and she is in favor of moving the plantings down closer to the water. **Ms. Keller** stated that it is probably possible to move the tree level, but ODOT does not know how much disturbance it means to Kellogg Lake. This is a liability issue for ODOT. **Maggie Collins** stated that if the Planning Commission is leaning towards moving the tree level, a direction should be given to Staff to examine the possibility of moving the tree level and how far down it is safe to move the trees.

Tim Havel asked what the limit is to working within the waterway? **Ms. Keller** stated that there is a requirement of what happens with the sediment. If a person were to go down there and start digging holes, it would impact the stability of the road and the water quality because the ground is very saturated.

Dan Pava suggested rewording the last sentence in Condition 2 to read, "...A plan emphasizing long-term, cost effective, maintenance strategy, species diversity, and multi-story vegetation canopy shall be prepared within six months of the approval of CU-96-01."

It was asked what was the deciding factor in determining whether to plant smaller caliper trees and larger caliper trees? **Maggie Collins** stated that in most cases, the larger the caliper, the more quickly the planting stock will grow, but more watering and maintenance is also necessary for the larger caliper.

Dan Pava read new Condition 1, "The Plan called Exhibit 1, Sheet 3, dated January 10, 1997, shall be re-examined to assure all proposed plantings are appropriately placed and located as close to the lake bank as feasible, pursuant to the applicable safety and soils disturbance criteria."

Condition 2, "ODOT shall guarantee an 80% survival rate for all new plant materials, listed in the proposed plan, Exhibit 1, Sheet 3, dated January 10, 1997" in the next two years.

Condition 3, "Oregon Department of Transportation Planning Staff will continue to work with City Staff and interested stakeholders to provide riparian restoration plantings using a phased approach incorporated into future McLoughlin Blvd. design options. A phasing and implementation strategy plan emphasizing a long-

term, cost effective maintenance strategy, species diversity, and multi-story vegetation canopy shall be prepared within six months of the approval of Conditional Use, CU-96-01."

Condition 4, "Old Condition 3."

Reword Finding L, "..Removal of stumps as necessary to allow for mitigation"

Bryan Cosgrove moved to approve Conditional Use, CU-96-01 with the findings and conditions as amended tonight. **Tim Havel** seconded. MOTION CARRIED 4-0.

Recess was taken at 8:50 p.m. and the meeting reconvened at 8:55 p.m.

- 5.2 Applicant: City of Milwaukie
- Property Owner: City of Milwaukie
- Location: Furnberg Park
- Proposal: Furnberg Park Master Plan
- File Number: CPA-96-02

Chair Smith opened the quasi-judicial public hearing for legislative action on CPA-96-02, Furnberg Park Master Plan. He then explained the hearing format. He asked if there were any conflicts of interest or ex-parte contacts to declare. **Chair Smith** stated that his firm uses Walker Macey for most of their landscape designs. He does not feel this will impair his ability to vote on this issue. There were no other conflicts of interest or ex-parte contacts to declare. He asked if there were any Commissioners who visited the site; two hands were raised. None of the Commissioners who raised their hands noticed anything different from what is stated in the Staff Report. There was no audience present to challenge the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Susan Heiser reviewed the Staff Report with the Commissioners. Staff is recommending that the Planning Commission adopt the Furnberg Park Master Plan as an ancillary document to the Comprehensive Plan. This 2.64 acre neighborhood park is located in the Cedar Crest Subdivision off Harmony Road. It is bounded on the south, west, and east by single-family residences. The property to the north is located in Clackamas County and is currently used for agriculture. Approximately 1/2 of the land area is jurisdictional wetlands. The

75

Applicant request
March 18th hearing
will submit additional
materials by 2/28
8/11/97

City of Milwaukie
Appeal Application

Date: February 11, 1997

Milwaukie Community Development Department
City Hall
10722 SE Main St.
Milwaukie OR 97222

RECEIVED

FEB 11 1997

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Re: File No.(s): CU-96-01

The undersigned hereby appeal(s) the decision of (check one): Community Development Director, Planning Commission, concerning the action to (check one): approve, deny the above referenced file(s) on the following date: January 29, 1997.

Please set a date for the required public hearing for review of this appeal. I have enclosed the appeal filing fee of \$120.

The reasons for this appeal are identified as follows:

1. Many of the "findings" in the Staff Report are inaccurate, misleading or farfetched.
2. ODOT drawings of previous and existing conditions are extremely inaccurate and misleading.
3. Little attempt was made by the City to determine the true amount of the ODOT damage.
4. The Planning Commission on Nov. 12, 1996 instructed ODOT to work with city staff and the community to develop a more beneficial plan. Community involvement was a token gesture, at best. Decisions had been made between city staff and ODOT prior to the one meeting with community "stakeholders".
5. The Conditions of Approval require ODOT to "reexamine" the plan with regard to material placement, but requires no review by anyone of this "final plan."

I will ^{6. cover}, will not (check one) be providing additional written materials prior to the public hearing.

Sincerely,

Gary L. Michael

11907 S.E. 19th Ave, Milwaukie 97222

Signature(s)

Address(es)

6. The Planning Commission has approved a plan that is unknown at this time, and the size and quantities of materials proposed are so limited as to make very questionable whether any meaningful mitigation of ODOT's damage can occur, even after many years.
7. There appears to be a huge discrepancy between what the City requires of private developers and a public agency with regard to tree cutting mitigation.

February 25, 1997

Mayor and City Council
City of Milwaukie
Milwaukie, OR 97222

Dear Mayor Lomnicki and Members of the City Council:


It was only after many days of thought and soul-searching that I decided to appeal the decision of the Planning Commission regarding the ODOT tree cutting next to Kellogg Lake. I normally am supportive of planning staff recommendations and Planning Commission decisions. They have a hard job to do and I do not envy them. As with your roles as Mayor and City Councilors nearly every decision they make will cause at least a few persons to be unhappy.

But I feel very strongly that the right thing has not been done.

Enclosed herewith are my original letter to ODOT, ODOT's reply, my November 12th testimony to the Planning Commission, an outline of my January 28th testimony, an elaboration of my reasons to appeal (from the appeal application) and three options under the heading, "What Can The City Council Do?"

Thank you for your consideration in this important matter.

Sincerely,


Gary L. Michael

RECEIVED

FEB 26 1997

CITY OF MILWAUKIE
BUILDING DIV.

July 8, 1996

11907 SE 19th Avenue
Milwaukie, OR 97222
(503)659-9116

Bruce A. Warner, PE
Manager, Region 1
Oregon Department of Transportation
123 NW Flanders
Portland, OR 97209-4037

Dear Mr. Warner:

I am writing as a Milwaukie resident and state taxpayer to protest the recent tree cutting by ODOT crews in downtown Milwaukie.

On May 15 and 16, ODOT crews were in Milwaukie doing what at first appeared to be some routine trimming of tree branches overhanging McLoughlin Boulevard. Later I was appalled to see that they were cutting down large trees which were outside the guardrail. This area is adjacent to Kellogg Lake and in the Willamette Greenway.

In this 500 foot strip of land which slopes steeply down to Kellogg Lake more than 30 trees were cut ranging from six to 24 inches in diameter at the stump and others which were smaller. Very few trees remain and these have been limbed up to a ridiculous height.

I called Carolyn Tomei, Chair of the Milwaukie Planning Commission to express my concern and to ask if she knew if they were violating the Greenway regulations. She went to the site, got some rude comments from some of the workmen and an inadequate explanation from the man in charge.

Milwaukie is trying very hard to improve itself through the efforts of the City Council, City staff, Planning Commission, Downtown Development Association, planning task forces and neighborhood associations. I happen to be on a committee charged with writing a Tree Ordinance. For over a year this committee has spent many hours crafting regulations which will help to protect trees and encourage the planting of new trees. I am also on a Riverfront Planning Committee which will determine the future of the riverfront and areas adjacent to Kellogg Lake. Additionally, I am a member of the Design Committee of the Milwaukie Downtown Development Association which has as one of its goals a street tree program. So it is very disheartening when one of our state agencies, for apparently no good reason, and in violation of state-mandated local regulations, comes in and cuts 30 to 40 trees in an area which is our south entrance into downtown.

I have spoken to Dan Bartlett, Milwaukie City Manager, and Maggie Collins, Community Development Director about this. I have also talked to Jim Sitzman of LCDC. They all have assured me that they will pursue the matter. I have been told that ODOT intends to gain approval, after the fact, from the city.

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Many Milwaukie residents are concerned, not only about Milwaukie's loss of trees (and our loss of the big Sequoias to ODOT projects is still fresh in our minds). We are also concerned that this kind of careless, insensitive, and uncooperative action can occur again in Milwaukie and other towns around the state.

We would like answers to the following questions:

1. Who made the decision to cut the trees and how was this decision made?
2. Will he/she continue to make these kinds of decisions in the future?
3. If the tree-cutting decision resulted from ODOT policies, will these policies be changed to prevent similar occurrences?
4. If not, why not?

The Willamette Greenway is not our only concern. There are large important trees along McLoughlin farther south which contribute greatly to Milwaukie's environment and sense of place.

Finally, I believe that more than some token mitigation plan must be negotiated. ODOT still has a reputation of being environmentally and aesthetically destructive, arrogant, dictatorial, and unresponsive to communities. Here is an opportunity to demonstrate that this reputation is no longer deserved.

Sincerely,


GARY L. MICHAEL

- CC: Governor Kitzhaber
Representative Jane Lokan
Senator Ken Baker
Senator Bill Kennemer
Mayor Craig Lomnicki
Milwaukie City Council Members
Milwaukie City Planning Commissioners
City Manager Dan Bartlett
Community Development Director Maggie Collins
Milwaukie Downtown Development Director Karen O'Dowd
Jim Sitzman, LCDC

July 17, 1996

Gary L. Michael
11907 SE 19th Avenue
Milwaukie, OR 97222

Dear Mr. Michael,

I am responding on behalf of Bruce Warner, Oregon Department of Transportation (ODOT) Region 1 Manager in response to your July 8, 1996 letter regarding removal of trees adjacent to State Highway 99 East near Kellogg Lake.

I have reviewed the area and ODOT's maintenance crew's actions. I agree with your assessment that not all of the trees that were removed were safety issues which would require removal.

The maintenance crews intent was to remove the vegetation that was unsafe and prevented proper drainage. The material had become up to 12 inches deep under the guardrail, which would not drain, therefore water was ponding into the travel lane of Highway 99 East. The overgrown vegetation and tree branches were hanging onto the shoulder of Highway 99 East and were unsafe obstacles for pedestrians and bicyclists. To avoid the overgrowth, pedestrians and bicyclists were walking within a few feet of the north bound vehicles on Highway 99 East.

The volunteer elm trees were also removed if they had poor trunk growth opportunity. The branches of the cedars were trimmed up to remove dead growth, due to ivy choking.

Any trees that were removed that could not be included with the above listed safety reasons, should not have been removed. I ensure you that appropriate action has been and will be taken to educate our employee's understanding of only removing vegetation that is essential for safety reasons.

The number of cut trunks in this area is slightly misleading. Nine trees and/or multiple tree trunks were recently cut by the maintenance crew. This is using the 6 inch at chest high definition of a tree. The prior cuttings occurred approximately 8 years ago.

I have asked ODOT's planning staff to review the Willamette Greenway and City of Milwaukie regulations to determine if there were applicable regulations that our maintenance crew was unaware of and also to educate ODOT's workforce as to what are the regulations.

ODOT will perform mitigation within this area to replace the trees removed. ODOT will work with the City of Milwaukie staff and the community to develop a mitigation plan that is within the current funding availability.



9200 SE Lawnfield Rd
PO Box 1339
Clackamas OR 97015
(503) 653-3086
FAX (503) 653-5655

Gary Michael
Page 2

ODOT has done some very successful environmental and aesthetically appealing projects within the past few years and it is unfortunate that this action has overshadowed our attempts to improve our right-of-ways along state highways. The recent joint venture with the Parkrose Business Association at the triangle in the Sandy Boulevard and Columbia intersection. The opening of the view sheds along I-84 to see the Columbia River again was done with local environmental groups participating. The planned planting of grass at the Jantzen Beach I-5 Interchange to prepare the area for a "Oregon Thanks You" signing. Along with all the landscaping and wetland mitigations of our new construction projects are recent successes that indicate ODOT has been very proactive to promote the environment and make Oregon more livable

ODOT thanks you for taking the time to write and tell us your concerns regarding Oregon's environment and the removal of these trees. ODOT shares your concerns and will, as mentioned earlier, remediate the area. ODOT will use this incident as a learning and teaching opportunity to prevent any further occurrences. I look forward to hearing your input about the mitigation of this area and will invite you to attend a future public meeting about a mitigation plan. Please give me a call if I can be of further assistance regarding this matter.

Sincerely,



Karla Keller
District 2B Manager

- cc: Bruce Warner, Region 1 Manager
- Mark Thomas, Milwaukie Section Supervisor
- Representative Jane Lokan
- Senator Ken Baker
- Senator Bill Kennemer
- Mayor Craig Lomnicki
- Milwaukie City Council Members
- Milwaukie City Planning Commissioners
- Dan Bartlett, Milwaukie City Manager
- Maggie Collins, Milw. Community Development Director
- Karen O'Dowd, Milwaukie Downtown Development
- Jim Sitzman LCDC

November 12, 1996

ODOT HEARING AT PLANNING COMMISSION
STATEMENT BY GARY MICHAEL

Good evening! My name is Gary Michael and I live at 11907 SE 19th in Milwaukie. I am Chair of the Island Station Neighborhood Association, the closest neighborhood south of the tree cutting site. I am also a member of the Riverfront Planning Committee, whose planning area includes the site and Kellogg Lake, and I and others here tonight have served on a committee for over a year writing a new tree protection ordinance for the city. Finally, I am a member of the Milwaukie Downtown Development Association Design Committee, which is very interested in preserving trees and planting new trees in downtown. I am not representing any of these groups tonight, but I am speaking as an individual who is very highly concerned about the quality of our community and who believes we must be constantly vigilant with regard to actions which degrade our environment and our quality of life.

I was the one who blew the whistle on this outrageous, insensitive, act of destruction. It is very disheartening, especially given all the work we are doing to improve our city, when one of our state agencies, for apparently no good reason, and in violation of state-mandated local regulations, comes in and cuts 30 to 40 trees in an area which is our south entrance into downtown. So I wrote a letter to Bruce Warner, manager of ODOT Region 1 with copies to lots of people, including those of you who were on the Planning Commission at the time. I have been concerned not only about the loss of our trees but how this could happen and how this kind of over-zealous tree-cutting can be prevented in other parts of the state — not just in designated greenways but all along our state highways. We are all state taxpayers as well as Milwaukie taxpayers.

One of the first things I did after the tree-cutting was to walk the length of the bank, measuring all the freshly-cut stumps. In the information I have given you is my list of new stumps. I found 36, 30 of which ranged from 6 inches to 24 inches. There are four multi-trunked trees which, environmentally and aesthetically are like groves of individual trees. The cross-sectional area of the new stumps totaled 3,529 square inches. This is the equivalent of 281 four inch trees, 499 three inch trees, or 1,994 1-1/2 inch trees. And this does not include the brush cut. Most of this the ODOT crews hauled off but some of the debris was just left on the bank. They had a big crew and lots of equipment out there for at least two days. The few cedar trees they left were limbed up 15-20 feet, much higher than necessary.

I gave my tree stump calculations to Chris Eaton, consulting staff person for the City, and met with her at the site and showed her the most obvious stumps. Since she was running late and was not dressed to dig around in the ivy, I suggested that she or someone else from the City do a complete survey of the area, if she did not want to rely on my measurements and calculations. Apparently, neither she nor anyone else

checked it out for the City because she has been using 21 as the number of trees cut, which was the number she noted from west of the guardrail in our cursory inspection on July 22.

Just before I met with Chris at the site I received a letter from ODOT's Karla Keller, in which she stated that "nine trees and/or multiple tree trunks were recently cut". She also stated that "prior cuttings occurred approximately eight (8) years ago". The Greenway ordinance has been in effect far longer than eight (8) years, so they violated it then, and therefore should be required to mitigate that damage as well. I have not counted or measured the old stumps, but there are some big ones. Karla Keller agreed "that not all of the trees that were removed were safety issues which would require removal". She further stated that "ODOT will perform mitigation within this area to replace the trees removed".

In my letter to ODOT I said that "more than some token mitigation plan must be negotiated". I have said this to Chris Eaton and to Maggie Collins. In my naive way I guess I expected that our city staff would also take this position, but apparently I was mistaken. What we have before us tonight is the most pitiful mitigation proposal I have ever heard of and the staff's recommended condition to add only 11 more 1-1/2 inch trees is absurd! The whole staff report reads as though written by an ODOT employee. This, actually, is not a far-fetched accusation. Chris Eaton, who wrote the staff report and was the City's representative in meetings with ODOT, is not a city employee but works for W & H Pacific, a large private engineering firm. The city apparently pays her firm for the hours she spends helping Maggie. I just learned that Chris' firm's largest public client contracts, by far, are ODOT contracts. If this isn't a conflict of interest situation, I don't know what is! ODOT's application was one paragraph. And why was their fee waived? When my clients are required to go through the Conditional Use approval process for architectural projects, my staff is required by planning agencies to address in detail all the zoning and other applicable regulations, taking many pages. This staff report lists the regulatory requirements and then states many times that the proposal meets the development standards or the goals, objectives, and policies of the Comprehensive Plan but does not even attempt to explain how these standards, goals, etc., are met.

ODOT has never acknowledged the extent of the destruction which they did. Their drawings of previous and existing conditions show only six trees cut. I know that there are at least 30 six inches and larger new stumps and probably at least another ten from eight years ago. Nor have they given us even one good reason for what they did. I and others who have looked closely at the site believe that all safety issues could have been resolved by judicious trimming. Only one tree was really close to the guardrail. Many of the tree trunks cut were growing toward the lake, away from the highway. They have admitted over-zealousness and mis-communication, but it appears they have no intention of really mitigating the damage.

If pedestrian and cyclist safety were really an ODOT concern, they would have done

something about the guardrail years ago. If you have visited the site, you know how fast traffic is there (60 mph plus) and that pedestrians walk on the shoulder next to the guardrail. At the north end the rail curves out further west onto the street, choking down the pedestrian path to a terrifyingly narrow width. So pedestrians either walk within very few feet of whizzing trucks and cars, or climb over the guardrail to seek more safety walking in the ivy, dirt, and mud, or choose not to be pedestrians at all, and get in their cars and drive down McLoughlin, probably south down the strip, rather than to downtown Milwaukie, adding to the 40,000 cars per day that flood McLoughlin. Just straightening out the last 50 feet of rail or cutting a gap in it would help, along with a little gravel where people walk in the dirt and ivy. There are over 1,000 people in the apartment complex near the lake who could easily walk into downtown if it were more safe.

There are many environmental, aesthetic, and economic reasons for preserving trees in urban areas, especially along heavy traffic ways. China, a country with terrible air pollution, has been planting millions of trees, especially in cities and along roads. Trees cool the environment through evapotranspiration, they absorb carbon dioxide and return oxygen to the atmosphere, they remove particulates and absorb nitrous oxides, ammonia, sulphur dioxide, and ozone through their leaves. Trees help control wind, reduce erosion, and enhance water quality by absorbing and filtering storm water in roots before getting into waterways. They also reduce noise pollution and provide wildlife habitat. It has also been shown that trees increase the value of nearby properties. You would think that ODOT would want as many trees as possible on their rights-of-way!

The Greenway regulations were created to stop degradation of natural resources along out waterways. You have to have very good reasons to cut significant trees in the greenway. Mistakes are not an acceptable reason. Milwaukie should be made whole, if not immediately, at least within a few growing seasons.

Before ending this statement, I would like to point out a few inconsistencies and questionable statements in the staff report. The first sentence on Page 3 is good – it states “the tree removal adjacent to Kellogg Lake should be mitigated with plantings to approximate the same level of riparian vegetation and natural views as existed prior to the tree removal”. Then the second sentence states “the applicant makes the case that the tree removal was important for protection of pedestrian safety”, etc. Where, I ask, did they make the case? I have neither seen nor heard anything convincing that those trees had to be cut for pedestrian safety, That’s hog wash! In numerous places in the discussion and findings there are statements that the “proposal meets the development standards” or the “proposal meets the goals, objectives and policies of the Comprehensive Plan”. How do they come to that conclusion when throughout the report words such as restore, enhance, maintain, replace, protect, etc., are used to describe what is required. My dictionary says restore means “to bring back to a former, original, or normal condition” or “to give back; make return or restitution of anything taken away or lost”. To enhance means to make better. Yet ODOT is proposing to

plant one-half of one percent of the cross-sectional area of the trees cut, and staff is saying increase that to one percent and you will comply! What is going on here – am I missing something?

If a private developer applied for approval in the Greenway to cut 30 trees from six inches to 24 inches and limb up others as high as 20 feet, and replace with 21 1-1/2 inch trees and some willow and spirea plants, would the staff recommend approval? I doubt it very much! Would you have allowed all the cutting ODOT did, had they asked for prior approval?

In the work session you had with ODOT several important issues were brought out such as pedestrian safety as affected by the guardrail, the possibility of off-site mitigation, and whether or not new small trees and other plantings will survive. None of these have been addressed in this proposal. It appears ODOT has done nothing since the work session. Why have a work session? It only gave ODOT a chance to tell their side of the story without letting the public, or other story be heard. I think procedurally this is highly questionable, if not illegal.

There are lots of good mitigation ideas, some of which will be suggested by others. For me several things are essential:

1. Restore the tree and shrub bio-mass within a reasonable time period.
2. Make a visual impact along the top of the bank with lots of trees which have fall color, similar to the sweet gums across McLoughlin. Ash trees have little fall color.
3. Increase plant diversity with more varieties of native plants.
4. Improve the pedestrian way near the bridge over Kellogg Creek.
5. Guarantees that the new plant materials will survive. Our Greenway ordinance requires “security that the plan will be carried out. The approved vegetation buffer shall be established or secured, prior to the issuance of any permit for development.” City staff recommends that the applicant merely “attempt the plantings shown on proposal ‘B’ (with the attached conditions)”. Not nearly good enough! Would they let a private developer off the hook that easily? What you decide on this issue establishes precedent for both public and private development.

I have some other ideas for off-site mitigation such as adding new sequoia trees to fill in gaps created by old ODOT projects along McLoughlin, or adding trees at 17th and McLoughlin, or around the 224 ramps. Any new trees planted on-site or off-site should be at least three (3) or four (4) inch caliper, not 1-1/2 inch or the little twigs ODOT planted at 17th and McLoughlin, most of which have not survived.

We need time to determine what meaningful mitigation should be in a case like this. Many cities have formulas for calculating mitigation written into their ordinances. Some simply charge the tree cutting applicant the value of the trees, then use the money to

plant trees wherever in the city they think best.

Finally, I ask that you require ODOT to do the responsible thing – they do not deserve special treatment. It is ironic to me that Milwaukie, with its annual budget of \$18,500,000, is trying to educate and, in my opinion, appease a state agency, with an annual budget of \$800 million. We have wasted a lot of time and City money so far!

This is a very unfortunate situation. We in Milwaukie lose at least four ways!

1. As state taxpayers, we helped pay the ODOT managers and crews to cut down our trees – a good example of more government than we want!
2. As Milwaukie taxpayers we pay our city staff and consultants to spend time pursuing this issue. And their work to date has been very disappointing.
3. As state taxpayers, we will help pay for any mitigation work that ODOT does.
4. Most seriously, we have lost the trees – a least 30 to 40 big trees, and others disfigured. And this at an import location in our city – an entrance to downtown and in the Willamette Greenway.

Thank you for your attention. If you have any questions now or later I will be happy to answer them.

Trees cut by UDOT in Greenway Area Near Kellogg Lake, May 1996

Survey by Gary Michael
655-9116

(87)

Diameter	Area
.11 in.	95 sq. in.
5	20
12	113
17	227
24	452
7	38
11	95
6	28
6	28
16	201
12	113
10	79
9	64
6	28
7	38
4	13
2	3
8	50
8	50
4	13
6	28
12	113
3	7
9	64
6	28
9	64
8	50
7	38
24	452
23	415
18	254
12	113
9	64
6	28
8	50
4	13

(clump)

(clump)

(clump)

(clump)

Equivalent cross-sectional area in new trees:

3" caliper = 7.07 sq. in.

4" caliper = 12.57 sq. in.

① 3" trees:

$$3,529 \div 7.07 = 499 \text{ trees}$$

② 4" trees:

$$3,529 \div 12.57 = 281 \text{ trees}$$

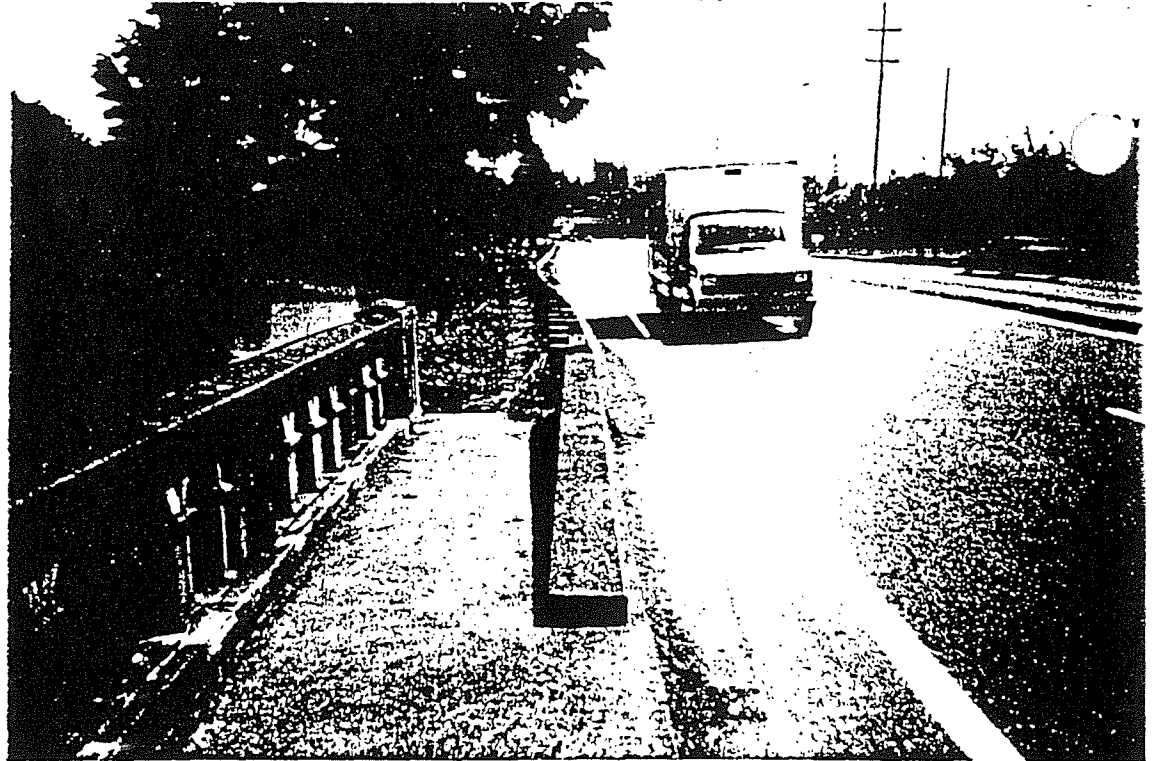
Notes:

1. Trees were measured moving south to north.
2. One clump stump had considerable rot - the rest of the trees appeared to have been healthy.
3. Many trees cut were growing toward the lake, not the highway.
4. Only one big tree was close to the guardrail.
5. Trees cut were maples, cedars, etc.
6. Most of the limbing up on the remaining trees was unnecessary.

36 total
30 6" and over
17 6" and over if a "clump" is one tree
3,529 sq. in.

88

guardrail forces pedestrians to walk very close to high-speed traffic - or they climb over guardrail and walk in ivy and dirt. →



Typical stumps - but some are much farther from the guardrail down the slope ↓

Unnecessary limbing up ↓



dangerous constriction
of pedestrian space

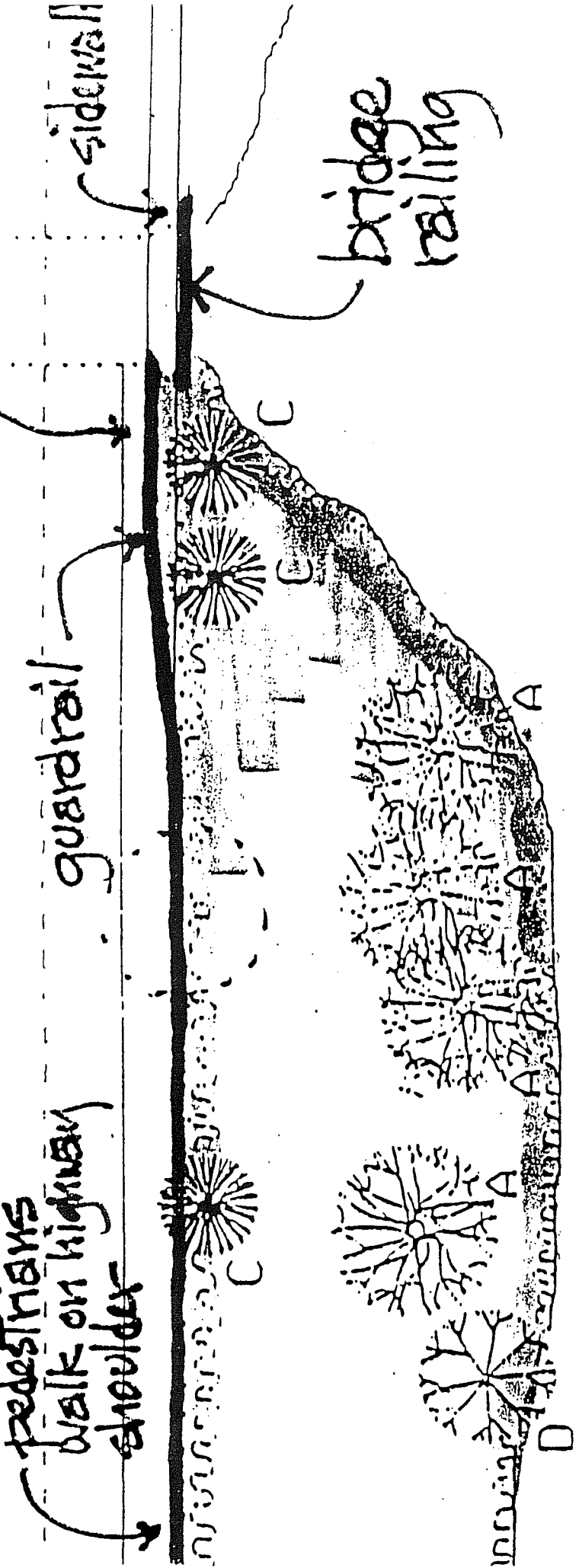
4 99E McLoughlin Blvd

pedestrians
walk on highway
shoulder

guardrail

sidewalk

bridge
railing



OUTLINE OF TESTIMONY AT PLANNING COMMISSION HEARING,
JANUARY 28, 1997

- I. Some progress has been made:
 - A. ODOT commitment to move the unsafe guardrail.
 - B. Had one meeting (3 "stakeholders", City Staff and ODOT)
 - C. Dan Pava was sincerely interested in developing consensus among community representatives, ODOT and the City.

- II. However:
 - A. The consensus was not reached.
 1. We had only one meeting (not enough).
 2. Donald Hammang, Mart Hughes and Gordon Jones could not attend.
 - B. Your direction (from the last hearing) was to:
 1. Come back with a more beneficial plan.
 2. Work with the "community".
 - C. The process has been skewed:
 1. Maggie apparently proposed to ODOT that 25 new trees would be okay in her first meeting with them after the previous hearing. This was before meeting with the "community". Not an acceptable process!
 2. I did not agree to 25 trees nor did any of the stakeholders, especially not knowing tree size, species or location.
 - D. Two main issues:
 1. Riparian natural environment and
 2. Impact on McLoughlin as an entrance to downtown.
 - E. I have counted 30 new stumps, 6" to 24" in diameter. Proposed are 18 3/4" and 1-1/2" and 4'-5' tall trees, planted so far down the bank that they will not be seen from the highway.
 - F. A plan needs to be developed that will benefit the lake and also create visual impact at this entrance to downtown.
 - G. To me, mitigation means no net loss or being made whole again. This plan is a long way from making it whole again.
 - H. Suggestions for Phase I:
 1. Increase size of deciduous trees to 2-1/2" or more.
 2. Increase size of evergreens to 9-10'.
 3. Move ash trees down slope a little to make room for street trees.
 4. Concerned that none of the proposed plantings will create much shade on the lake -- an important objective.

- 5. Design plan should be improved – big gaps should be filled in.
- 6. Plant at least 10 street trees, good size (3-1/2" or more), with color, like maple or sweet gum, 30 feet apart, just east of the guardrail. McLoughlin can't be widened to the east.
- 7. Require guarantees of survival on all plant materials.
- 8. Require guarantees for a meaningful Phase 2 within a specific time period.
- 9. Try to quantify the Phase 2 work.

III. I do not want to waste ODOT or City money:

- A. I was the one who suggested removing as few stumps as possible.
- B. I was the one who suggested removing the built-up earth berm under the guardrail only where needed to facilitate drainage.

IV. Still bothered by the lack of acknowledgment of the number of trees cut. ODOT's drawings are very deceiving.

V. Summary:

- A. Not enough community involvement in the plan (only one meeting after key decisions made).
- B. Plan needs improvement, both qualitatively and quantitatively.
- C. Phase 2 need to be assured to have any chance of meaningful mitigation of the ODOT damage.

REASONS FOR APPEAL

(elaboration of the seven reasons stated in Appeal Application)

1. Many of the "findings" in the Staff Report are inaccurate, misleading or farfetched. They consist in great part of opinions and conclusions not based on evidence in the record. The applicant (ODOT) has not substantial evidence that all relevant criteria are being met.
 - A. Finding 3 states "ODOT removed twenty-one trees." This is not true. Many more than 21 were cut. I counted 36 fresh stumps and several old ones (also a Greenway violation). Maggie Collins stated at the January 28th Planning Commission Hearing that she did not know how many trees were cut.
 - B. Finding 5 has many problems:
 - > Only three of the six persons who testified at the first Planning Commission hearing were able to attend the one "stakeholder" meeting. One other met with Dan Pava the next day, but he was led to believe that trees sizes and quantities were no longer negotiable. The ODOT proposal largely ignored the recommendations of the three stakeholders who attended the January 8, 1997, meeting, except with regard to the unsafe guardrail situation.
 - > Finding 5.B states "Restoration of this riparian vegetation is important...", the proposal does not "restore", which means "to bring back to a former, original, or normal condition" or "to give back, make return or restitution of anything taken away or lost".
 - > Finding 5.C states "One could argue that the view of the River has been enhanced by removal of trees...". I would call this farfetched. The last sentence in this finding states "Restoration of vegetation along Kellogg Lake will protect the views..." You cannot argue both ways!
 - > Finding 5.D inaccurately describes the plant materials (Spirea and Willow are not in the plan).
 - > Finding 5.G states "The proposed planting plan will maintain the prior views from the Willamette River toward downtown. Although the trees will take time to mature, the new of Kellogg Lake in the meantime will add to the view of

downtown". I strongly disagree with both these assertions. The only view enhanced is that of a pawn shop and its parking lot and this, in my opinion, is not a benefit.

- > Finding 5.H states " The proposed vegetation buffer plan meets the development standard listed in Section 322.7 of the Natural Resources Overlay." I believe that the proposal violates the intent of 322.7.B.2 and the letter of 322.7.B.5. Also, 322.7.B.11 requires a mitigation plan as per 322.10, which must include: "A) The site survey with affected natural resource locations clearly located; B) A narrative describing the natural resources being removed or affected; C) A site plan indicating new natural resource locations to be created as part of mitigation or existing natural resource locations to be enhanced; and D) A narrative describing the proposed mitigation or enhancement activity." The ODOT "survey" showed only six trees cut, which grossly misrepresents the previous and existing condition. And I am not aware of any narrative by ODOT describing the "natural resources being removed or affected" or "describing the proposed mitigation or enhancement activity".
- > Finding 5.J states "The proposal meets the goals, objectives, and policies of the Comprehensive Plan as detailed above." I believe that this assertion is based upon an incorrect understanding of the terms "mitigate", "restore", and "enhance".
- > Finding 5.L addresses the requirements of 320.8A-C and asserts, that these requirements have been met. I disagree. It apparently depends upon one's definition of the terms "restore" and "enhance". I believe that the proposal, even assuming a substantial Phase 2, falls far short of the intent of 320.8A-C and any reasoned definition of "restore" and "enhance".

C. Findings No. 6 contains many opinions and conclusions and few facts.

- > Finding 6.C refers to the Comprehensive Plan. See comment on Finding 5.J above.
- > Finding 6.D states "The proposed planting is necessary to maintain the riparian vegetation that used to exist along this

steep bank area". I believe that the proposal falls far short of maintaining the original riparian vegetation.

- > Finding 6.E asserts that the proposal "will replace vegetation removed" and "maintain" this natural area. I cannot agree.

D. Finding 7 relates that the Planning Commission continued the public hearing from November 12, 1996, to "January 28, 1997, so that staff could work with ODOT to bring back a more beneficial plan based on the public testimony". I believe that the intention of the Planning Commission was for staff and ODOT to work with the community to develop a more beneficial plan and that this was not done. See my first comment on Finding 5., above. There should have been plenty of time between November 12th and January 18th for meaningful public involvement but only the one meeting (January 8) was held and by then staff and ODOT had "agreed" that only 25 trees would be required. Only 18 trees show on the plan. I believe that the public testimony and recommendations by the stakeholders at the January 8th meeting were largely ignored. The exception is ODOT's response to our request to change the guardrail which created a very unsafe condition for pedestrians. ODOT has already made the change and we are deeply grateful for that.

2. ODOT drawings of previous and existing condition are extremely inaccurate and misleading. They show only six trees cut. I have counted 30 ranging from 6 inches to 24 inches at the stump, plus several older stumps. Karla Keller admitted to ODOT cutting nine trees in her letter to me dated July 17, 1996. She also stated that ODOT had cut trees eight years earlier.
3. Little attempt was made by the City to determine the true amount of the ODOT damage. Apparently I have been the only one to look carefully at the situation. Chris Eaton, Planning Staff Consultant, walked the length of the area with me and I showed her the most obvious stumps. She took notes from the highway side of the guardrail and evidently used that cursory survey to determine that 21 trees were cut. How can we determine appropriate mitigation if the City does not believe my numbers and does not have an accurate count of their own?
4. The Planning Commission on November 12, 1996, instructed ODOT to work with city staff and the community to develop a more beneficial plan. Please refer to my first comment on Finding 5 and my comment on Finding 7.

5. The Conditions of Approval require ODOT to "re-examine" the plan with regard to material placement, but require no review by anyone of this "final plan". This is highly irregular. I believe that if the final plan is not reviewed by the Planning Commission then it should be reviewed by an independent landscape architect.
6. The Planning Commission has, in effect, approved a plan which they have not seen nor will see. Additionally, the proposed trees (18) are so small (3/4" - 1" bare root Red Alders, 4' - 5' Western Red Cedars, and 1-1/2" Oregon Ash) and are guaranteed only an 80% survival for two years, that it is very questionable whether any meaningful mitigation of ODOT's damage can occur, even after many years. We are asked to have faith that more will be done in Phase 2. If it is at all similar to the proposed Phase I, it will not be nearly enough. The Condition of Approval addressing future phases refers to "riparian restoration plantings" and does not mention plantings which would have any visual impact as seen from McLoughlin, our main entrance into downtown from the south.
7. There appears to be a huge discrepancy between what the City requires of private developers and a public agency with regard to tree cutting mitigation. One recent example: The City Council's order granting an appeal of the Planning Commission's denial of a variance for reduced lot size for six lots (VR-96-07) contained a condition describing trees to be preserved and included the following language: "Any of the trees identified to be preserved which is removed or substantially damaged without prior approval of the Community Development Director shall be replaced by three (3) trees per each tree damaged. Replacement trees shall be a minimum of 3 to 4 inch caliper". The trees to be preserved are large trees and are important to the neighborhood, I am sure. But can they be more important than 24" big-leaf maple trees in the Willamette Greenway and at a gateway to downtown? How can we ask more of private land owners and developers than we do of public agencies who are supposed to have out best interests at heart? Finally, it disturbs me that ODOT's Land Use Application Fee was waived by the City. I had to pay the fee for this appeal. To the extend that public agencies do not pay these fees, then private applicants and taxpayers are subsidizing the staff time spent by the City on issues like this. This is an especially sore point on this ODOT tree cutting issue. ODOT is, after all, the offender and we, the residents of our City, are the victims. In a fair world, ODOT would be required to reimburse the City for expenses, including staff time, in dealing with this unfortunate occurrence. None of these trees really needed to be cut. Judicious pruning would have taken care of any pedestrian safety problems.

WHAT CAN THE CITY COUNCIL DO?

1. You can deny this appeal. This would, I think set a precedent which would make it difficult to require more mitigation from a private developer or landowner than from ODOT. Planting a 3/4" or 1-1/2" tree is not much of a disincentive for cutting a large mature tree which may limit someone's view of the river. City staff have commented that the Greenway Ordinance is unclear and that other city ordinances are unenforceable. If this is so, the ordinances should be changed to make them clear and enforceable. Adopting the tree ordinance recommended by the Planning Commission would help a lot in situations like this. I can't believe that the persons who wrote and adopted the language in the Natural Resources Overlay 322.7.B.2 when talking about "one-for-one replacement with comparable species" meant one 3/4" tree for a 24" tree. Denying this appeal puts a tremendous burden on the future phase or phases of this plan. I don't want to go through all this again if we get more inadequate proposals for future phases.

2. You can require more and larger plant materials. ODOT has shown a willingness to consider this. You can require review of a better plan by an independent landscape architect. How much mitigation can you require? There are apparent differences of opinion on the meaning of "mitigate", "restore", "enhance" and "maintain". To most persons these terms mean to make whole or replace what was lost -- if not immediately, at least within a few growing seasons (not 40-50 years). If you want to remove a wetland, you must replace it with double or triple the area in new wetland. If you cut someone else's tree, treble damages are allowed by law.

The Urban Forestry Program Code Provisions recommended by the Planning Commission, in the Section XX.XX.110C.1 Removal Mitigation state, "A) Replacement with one or more trees, of a type and size approved by the City, resulting in the same or higher value of the removed tree, except that the value can be no less than the cost of the tree replacement as specified by the ISA's 'Guide for Plant Appraisal'. B) The replacement value of the removed tree to be paid to the City. Such funds shall be used by the City to plant new trees on public property. C) One or more trees of a species acceptable to the City, in which the caliper size cumulative inches of the replacement trees equal the caliper size cumulative inches of the removed tree(s). D) Mitigation shall be completed within one year. The owner shall be responsible for the continued health of the new tree(s) including regular watering". This is very similar to Tigard's Municipal Code, which reads "If a replacement tree of the size cut is not reasonably available on the local market or would not be viable, the Director shall require replacement with more than one tree in accordance with the following formula: The number of

replacement trees required shall be determined by dividing the estimated caliper size of the tree removed or damaged by the caliper size of the largest reasonably available replacement trees. If this number of trees cannot be viably located on the subject property, the Director may require one or more replacement trees to be planted on other property within the City, either public property or, with the consent of the owner, private property". This is a good, easily understood formula. From my survey of the freshly cut trees there were 349 total caliper inches, necessarily measured at the stump. Using this formula with 4 inch caliper new trees results in 87 trees required. Three inch trees result in 116 new trees required. If these are too many for the site, some could be planted on other ODOT rights-of-way. Some can be saved for later phases, such as along the top of the bank.

The reason stated for a multi-phased mitigation plan is that we don't know whether McLoughlin will be widened eastward, encroaching even more upon Kellogg Lake and its steep but very important bank. I have argued that: 1) McLoughlin should not be widened; 2) If it must be widened, it can be widened westward, toward the sewage treatment plant where it is flat, there is plenty of room, and no big trees are in the way; and 3) No sensible plan would widen McLoughlin eastward – therefore there is no risk in planting street trees along the top of the bank, say four feet east of the guardrail, where they will have a visual impact within a few years, as the sweet gums across the street have had.

3. Whether or not you believe McLoughlin may be widened to the east, you can delay the first phase until next fall and make it a single phase project. ODOT has been given six months to work with the City to develop the "phasing and implementation strategy plan", "incorporating future McLoughlin Boulevard redesign options". I think that the Planning Commission felt pressured into approving something so that trees could be planted this winter but primarily because Maggie stated that there "should be a decision tonight as the time is getting close" in regard to the 120-day process. Maggie stated months earlier that the 120-day rule didn't apply in this case since it was an after-the-fact situation.

In my opinion, it will be far better to wait until next fall to plant bigger trees, more trees and in an acceptable, approvable configuration. If you believe, as I do, that eighteen (18) 3/4" and 1-1/2" deciduous trees and 4 foot evergreens are not adequate mitigation, then I hope you will give some guidance to ODOT and city staff to that effect. A final comment about tree size: Trees as small as 3/4" and 1-1/2" are much more likely to be overwhelmed by the ivy and blackberries that exist on that bank and which can't be removed without more poisons going into the lake and also making the bank more susceptible to erosion. Trees this size are not

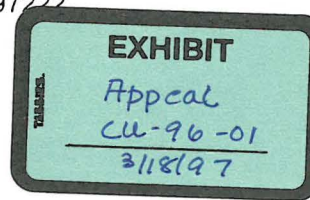
even allowed by Portland to meet landscaping requirements. Finally, I suggest you require survival of all required trees, and not just for two years. Any trees, big or small, will need adequate maintenance to insure survival. This should include watering, cutting away ivy and blackberries, and protection from insects and disease.

In summary, ODOT submitted a very poor and incomplete application and proposal, with little evidence that their proposal would meet the relevant criteria. Staff findings are not based upon evidence in the record, but consist mainly of opinions and conclusions. The community involvement process was not adequate. I believe the Planning Commission was pressured into approving a plan they didn't really like because they thought time was running out. It has been over nine months since the trees were cut. Surely we can wait until next fall to plant trees and between now and then we can develop a much better plan. But whenever the trees are planted, you must decide what "mitigation" means — not just for this incident, but for others in the future. A published Community Development Department Goal for 1997 is to "...establish noticeable city gateways using tree plantings...". A big step toward that goal will be to require reasonable and appropriate mitigation of the lost trees along Kellogg Lake.

Donald Hammang

11104 SE Home Ave. Milwaukie OR 97222
503 652 0968

Pager 948-0511



November 12, 1996

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NOV 12 1996

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

TO: Interested Parties

RE: CU-96-01

The staff report is correct in that the site is recognized by the City of Milwaukie as possessing a significant community resource. The Milwaukie comprehensive plan provides a clear set of guidelines. The site is in both the Willamette Greenway and Kellogg Lake natural resource zone. It is important that all of the public lands in this zone define a minimum, but high standard of natural resource stewardship. The state highway right of way is a necessary and important public road. This highway is however, an unmitigated fill into the waters of the State of Oregon. For this reason we believe that Milwaukie and the Oregon Department of Transportation (ODOT) should strive to develop a site mitigation plan that complements the importance of the natural resource areas.

The current Community Development staff recommendation and the proposed ODOT mitigation plan are not adequate to restore this site. The proposals lack sufficient quantity, size, and species diversity for this hillside. This lakefront is valuable and needs a more systematic approach to a mitigation plan.

This site is an overly steep engineered bank structure situated on the Western edge of Kellogg Lake. Currently, the hillside is covered by Blackberry and English Ivy. Previously, the site had some canopy coverage which was effectively removed in the last ODOT cutting. Although this site is degraded, it has potential for scenic and wildlife improvements.

The latest ODOT tree cutting was the most severe in a series of trimmings. I suggest the site is now more in need of a restoration project rather than a tree planting. The canopy is in effect gone and the vegetation growing there will continue to be a maintenance problem.

I suggest we look at this hillside (bank) as having three distinct zones, each with a unique value and opportunity: (See attached drawing and possible plant list).

Zone 1: Ten to fifteen feet from the highway is a visual corridor at highway level and within the area viewed from Downtown Milwaukie and Dogwood Park.

Zone 2: Mid-slope along the bank area is a part of the lake landscape when viewed from Dogwood Park and a potential wildlife habitat area.

Zone 3: Ten feet up from the water's edge is a degraded riparian zone which has wildlife potential

- **Zone 1** should be planted in native plants that are hardy and provide some seasonal color. In addition, the trees planted should provide a pleasant view for the driver and accent the skyline from the city. These plants will soften the edge of the highway for the walker and add a more human scale to the roadway.
- **Zone 2** is mid-slope with an accent on long term sustainability and competition with Blackberry. This area would be planted with a variety of native trees and shrubs to enhance the visual and wildlife values. The plants would have good fall color along with striking flowers and summer fruit. When viewed from the East this site would change with the seasons. Trees planted here would be able to grow to full height without interfering with the highway use. This mid-section would allow Big-leaf Maple and Western Red Cedar to grow to a mature size.
- **Zone 3** is the water edge, and design should emphasize restoration of the shoreline. This restoration would place Willows and shrubs above the water's edge to create a tight interwoven root network holding the bank in place. This overhanging structure will lower water temperature and provide shelter for water fowl, while suppressing Blackberry.

We ask the Planning Commission to consider these principles and explore with ODOT a mitigation plan that seeks to enhance the values of each of these zones. This investment will help restore the Kellogg Creek basin, improve the view from the city, and create a more pleasant, pedestrian friendly roadway.

Sincerely,
Donald Hammang
Mart Hughes

Bank cross section East side 99E

Highway 99 E

Waters Edge

Zone 3

Zone 2

Zone 1

- Trees
— Cascara
— Oregon Ash
— Red Alder
— Scouler's Willow

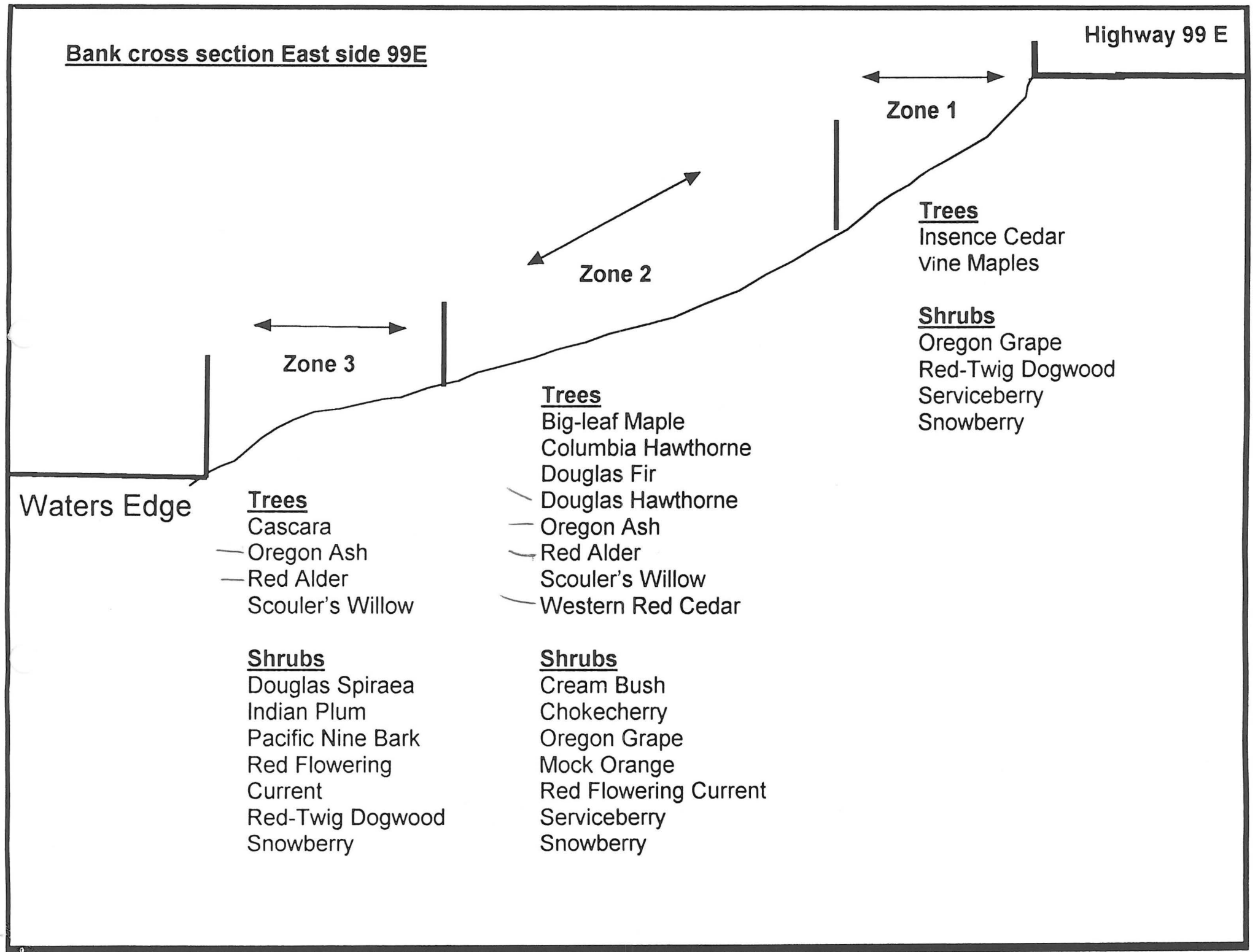
- Shrubs
— Douglas Spiraea
— Indian Plum
— Pacific Nine Bark
— Red Flowering Current
— Red-Twig Dogwood
— Snowberry

- Trees
— Big-leaf Maple
— Columbia Hawthorne
— Douglas Fir
— Douglas Hawthorne
— Oregon Ash
— Red Alder
— Scouler's Willow
— Western Red Cedar

- Shrubs
— Cream Bush
— Chokecherry
— Oregon Grape
— Mock Orange
— Red Flowering Current
— Serviceberry
— Snowberry

- Trees
— Insence Cedar
— Vine Maples

- Shrubs
— Oregon Grape
— Red-Twig Dogwood
— Serviceberry
— Snowberry



Planting Goals and Suggested Plant List

Zone 1: Provide a vegetative border at the highway edge that is visually pleasing and low maintenance. The plants should be hardy and compete against Blackberry.

TREES	ATTRIBUTES
Incense Cedars	Tall narrow form, drought and heat hardy
Vine Maples	Fall color and low growing form
SHRUBS	
Oregon Grape	Hardy, evergreen with yellow flowers
Red-Twig Dogwood	Hardy, Fall Color, bright red stems
Serviceberry	Hardy, Fall Color, Spring white flowers
Snowberry	White Fall berries, hardy

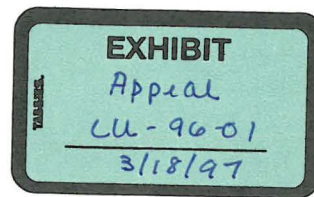
Zone 2: Provide valuable wildlife habitat and a low maintenance native landscape with a variety of shapes, forms, and colors.

TREES	ATTRIBUTES
Big-leaf Maple	Fall color, large tree
Columbia Hawthorne	Spring flowers, bright red berries
Douglas Fir	The Oregon tree
Douglas Hawthorne	Spring flowers and fruit
Oregon Ash	Native wetland Ash, hardy
Red Alder	Hardy, strong roots
Scouler's Willow	Hardy upland Willow, the Winter "pussy willow"
Western Red Cedar	Long lived evergreen tree
SHRUBS	
Cream Bush	Hardy, great Summer flowers
Chokecherry	Fruit, pretty foliage
Oregon Grape	Hardy, evergreen bright yellow flowers
Mock Orange	Hardy, great Summer flowers
Red Flowering Current	Hardy, great Spring flowers
Red-Twig Dogwood	Hardy, great color
Serviceberry	Hardy, great color and fruit, white Spring flowers

Zone 3: Provide habitat and water quality improvement. The creation of an over hanging tree bank structure will lower water temperature, provide cover for water fowl and hold the bank in place with a network of roots. In addition, the overhanging trees and the shrubs will offer competition for light and water to slow the growth of Blackberry.

TREES	ATTRIBUTES
Cascara	Spring fruit, pretty leaves
Oregon Ash	Native wetland Ash, hardy and water tolerant
Red Alder	Hardy tree, good roots
Scouler's Willow	Hardy upland Willow, strong root system
SHRUBS	
Douglas Spiraea	Forms dense hedges, strong roots and pink plume flowers
Indian Plum	Pretty early Spring flowers and fruit
Pacific Nine Bark	Strong, hardy wet area shrub, white flowers
Red Flowering Current	Pretty Spring pink and red flowers
Red-Twig Dogwood	Hardy plant, bright red stems

Trees	Botanical Name	Shrubs	Botanical Name
Big-leaf Maple	<i>Acer Macrophyllum</i>	Chokecherry	<i>Prunus virginiana</i>
Cascara	<i>Rhamnus purshiana</i>	Cream Bush	<i>Holodiscus discolor</i>
Columbia Hawthorne	<i>Crataegus columbiana</i>	Douglas Spiraea	<i>Spiraea douglasii</i>
Douglas Fir	<i>Pseudotsuga menziesii</i>	Indian Plum	<i>Oemleria cerasiformis</i>
Douglas Hawthorne	<i>Crataegus douglasii</i>	Mock Orange	<i>Philadelphus lewisii</i>
Incense Cedar	<i>Calocedrus decurrens</i>	Oregon Grape	<i>Mahonia aquifolium</i>
Oregon Ash	<i>Fraxinus latifolia</i>	Pacific Nine Bark	<i>Physocarpus capitatus</i>
Red Alder	<i>Alnus rubus</i>	Red Elderberry	<i>Sambucus racemosa</i>
Scouler's Willow	<i>Salix scouleriana</i>	Red Flowering Current	<i>Ribes sanguineum</i>
Western Red Cedar	<i>Thuja plicata</i>	Red-Twig Dogwood	<i>Cornus stolonifera</i>
Vine Maple	<i>Acer circinatum</i>	Serviceberry	<i>Amalanchier alnifolia</i>
		Snowberry	<i>Symphoricarpos albus</i>



PRESENTATION TO CITY COUNCIL, MARCH 18, 1997

SUBJECT: Appeal of File No. CU-96-01

Good Evening! My name is Gary Michael, and I live at 11907 SE 19th Avenue in Milwaukie.

You know from reading my letter to ODOT and my testimony at the two Planning Commission Hearings that I care deeply that an outrageous blunder has been committed in our city and that meaningful actions must be taken to minimize the damage that was done.

It is so easy for us all to put on blinders to the environmental degradation which is happening all around us day by day, year by year. We quickly forget that a new subdivision was once a beautiful farm or forested hillside, or that a four lane arterial with ugly strip development was once a tree-lined country road. We lost over 100 trees to the McLoughlin project just a few years ago. When trees are cut down for new buildings or highway projects, we feel the loss at first and then usually numbly accept the increased ugliness as "progress" or as inevitable change.

Much of this loss of the natural environment is perhaps beyond our control. And so it is all the more important to restore the lost trees on this public property which is not only at our south entry into downtown but in the Willamette Greenway area. Among Milwaukie's Community Development Department Goals for 1997 is to "...establish noticeable city gateways using tree plantings..." Given this goal, it is extremely ironic that city staff and the planning commission have gone along with ODOT's proposal, which leaves us with a huge net loss in tree resource at an important site.

What this issue boils down to is this: the definitions of the words "mitigate", "restore", "maintain" and "enhance". Our zoning ordinance, uses these words a lot in describing what must be done when significant vegetation is removed from a natural resource area. You will have to decide whether "mitigate" and "restore" mean planting a 3/4-inch or 1-inch tree to replace a 24-inch tree -- in the hope that in 40 or 50 years the tiny tree will become as big as the one that was cut -- or a larger tree or several larger trees which will much more quickly replace the lost tree canopy and bio-mass.

The Planning Commission created a committee to write an ordinance which will help protect significant trees and encourage the planting of new trees. We researched many ordinances from near and far. A lot of thought and experience by others has been incorporated into our proposed ordinance, which the Planning Commission has recommended for adoption. Our mitigation section

basically calls for replacement on a total caliper inches lost basis, similar to Tigard's, both of which are quoted in the material I previously submitted. It means that if you cut a 12-inch tree, you replace it with two 6-inch trees, or three 4-inch trees, or four 3-inch or six 2-inch trees, and if there isn't room enough on the site for all the new little trees you can plant them on other public property, or pay to the city the value of the trees cut, which can then plant trees where they wish. This is an easily understood formula and one which, while a compromise from replacing cross-sectional area cut, should provide enough disincentive to most persons to not cut trees without acceptable reasons. I believe that what you decide here will affect more than just this one tree-cutting incident. You will be setting a precedent for private developers and property owners as well as public agencies like ODOT. I think you have already set a precedent in the Lleweling Neighborhood lot size issue you dealt with recently.

I would like to take a minute to show you how inaccurate and misleading the ODOT drawings are:

Look at the "Existing Conditions" map. It shows existing trees where there are none. It shows only six trees cut. The whole drawing is not accurately to scale. The shape of the lake edge is not correct. And the guardrail goes much farther south. On their "Proposed Plan" drawing the proposed new trees are drawn much larger than they will be for many years. They should have done a much larger drawing. This is, after all, an area over 500 feet long! The notes say plant five Hawthorne but the drawing shows only three. And after all this talk about an "agreement" to plant 25 trees, the plan only proposes 18! With only 80% guaranteed survival for two years, we will have 14 trees in two years, maybe 10 in five years and even less by the time these trees reach any appreciable size!

I have enlarged ODOT's drawing to a larger scale and shown their trees at the sizes proposed and where they show them. You can see these are too high to help the lake much and are too low or not the right species and size to have any visual impact from McLoughlin. I have shown the few existing remaining trees where I think they really are.

It seems clear to me that we should not proceed with any phase one planting until we know what the long range plan is.

My request to you tonight is as follows:

1. Delay any tree planting until this fall, which will be a much better time to plant trees. More will be likely to survive.
2. Require the completion of the long-range plan (Condition 3 of the Planning Commission approval) within six months and before planting begins.
3. Require that the Community be involved throughout the planning process.
4. Require that an experienced licensed landscape architect or arborist be involved in the review of the plan, paying for such consultation if appropriate.
5. Provide guidance to city staff and ODOT as to the acceptable level of mitigation, both quantitatively and qualitatively.
6. Require approval by the Planning Commission of the long-range plan and of each phase, if multiple phases are deemed necessary.

Additionally, I ask that you request the Planning Commission and city staff to prepare for your approval amendments to the Zoning Ordinance, specifically the Greenway regulations and the Natural Resource Overlay to make them clear and enforceable, especially with regard to mitigation.

Finally, I would appreciate if you could establish a policy on application fees, or re-state it if there is one. I was told recently that the city never waived fees for anyone. If this is the policy, why was ODOT's Conditional Use Application Fee waived? This is not fair to private applicants and city taxpayers.

Many persons I have spoken to about this situation agree with me that ODOT's mitigation proposals are far from adequate. These persons include landscape architects Bob Perron and Bob Gardner, and arborist Bill Owen, who first suggested Tigard's ordinance as a reasonable, workable approach to mitigation. Mike Miller, who has testified at the two planning commission hearings, wanted to be here tonight to support this appeal, but family medical problems have prevented him from doing so in person. Mike is a very knowledgeable landscape person who was on your Visioning Committee, the Riverfront Planning Committee, and the committee which prepared the proposed Urban Forestry Program ordinance.

Thank you for considering this important and difficult issue. I will be happy to answer any questions and I look forward to your discussion and decisions.

Oregon

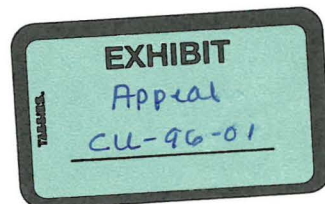
DEPARTMENT OF
TRANSPORTATION

District 2B

File Code

March 18, 1997

Dan Pava, Senior Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206



Dear Mr. Pava,

Oregon Department of Transportation (ODOT) has reviewed our options regarding the 120 day limitation for land use application. The City of Milwaukie is currently in noncompliance with the 120 day land use application approval process. Although the City of Milwaukie Planning Commission has made a decision to accept ODOT's Two-Phase Tree Mitigation Plan. This decision is currently being appealed by a local citizen to the City of Milwaukie City Council.

ODOT has continually worked with the City of Milwaukie and the local citizens throughout the course of this application. ODOT believes that we have bargained in good faith and have made every effort to accommodate the concerns of all involved in the process, both City staff and the local citizens, through numerous meetings and developing mitigation plans with ODOT's Landscape Architect, Paul Edgecomb.

ODOT's desire is to bring resolution to this process as soon as possible. Therefore, ODOT has decided to waive the 120 day approval process limit and extend the 120 day limit to include a the appeal hearing with the City of Milwaukie City Council for a hearing on the Planning Commission's decision. ODOT's goal is to have the City Council approve the Planning Commission's decision and for ODOT to begin the Two-Phase mitigation process.

Thank you for your assistance throughout this process. I look forward to the City Council meeting and resolution of this application.

Sincerely,


Karla Keller
District 2B Manager

cc: Maggie Collins, City of Milwaukie
Mark Thomas, ODOT Milwaukie Section Supervisor



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PO Box 1339
Clackamas OR 97015
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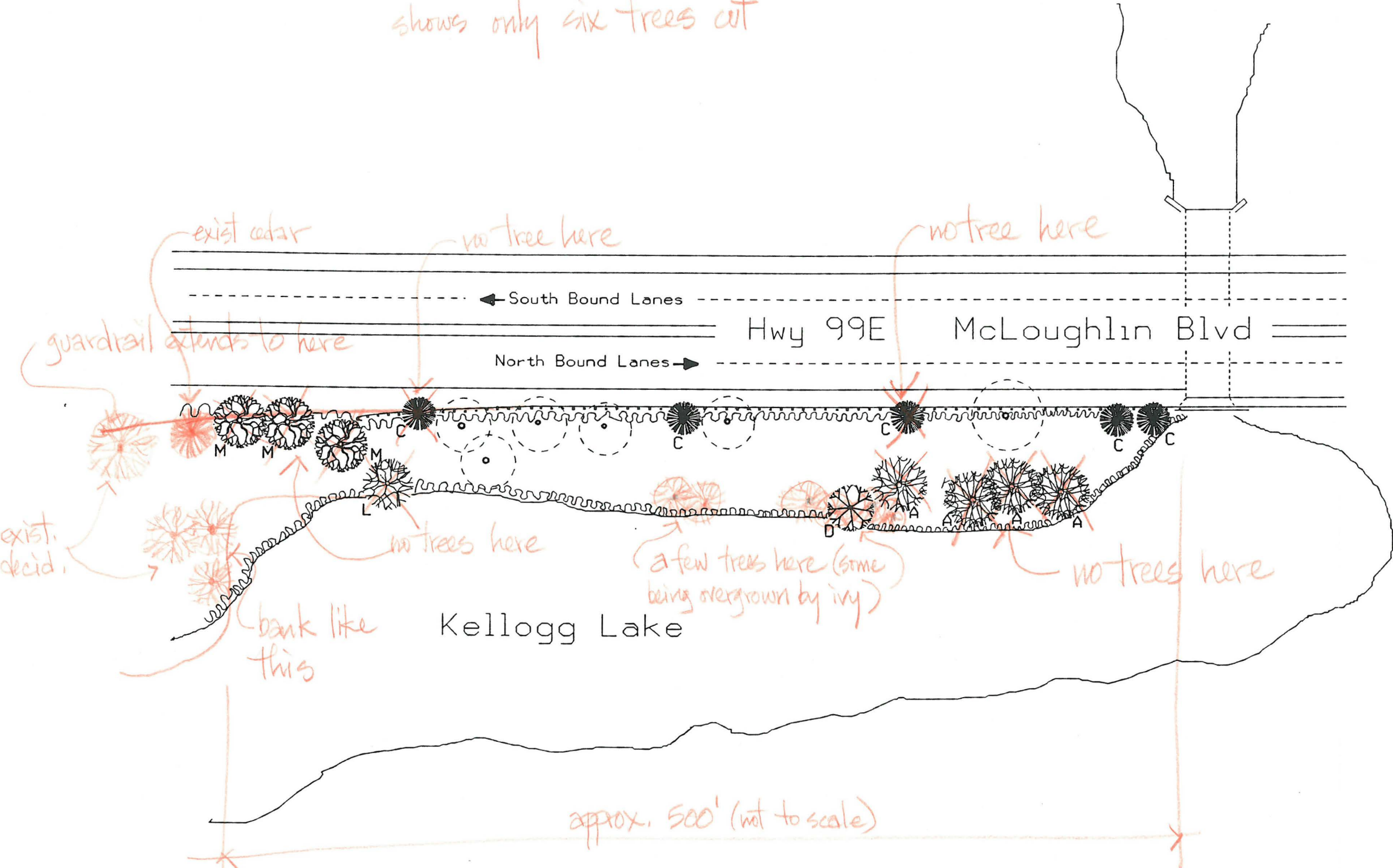
CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

EXHIBIT
 Appcal
 CU-96-01
 3/18/97

shows only six trees cut

LEGEND

- M Bigleaf Maple
- L Locust
- C Western Red Cedar
- A Alder
- H Douglas Hawthorne
- D Pacific Dogwood
- Blackberries and English Ivy
- Exis. Tree Removed Stump Remaining



approx. 500' (not to scale)

EXISTING CONDITIONS

LANDSCAPE ARCH. UNIT- ROADWAY ENGINEERING SECTION				KELLOGG LAKE McLoughlin Blvd City of Milwaukie	
	EDGEComb	8-8-96		FEDERAL HIGHWAY ADMINISTRATION	PROJECT NUMBER
	DESIGNED BY	DATE		REGION 10	OREGON DIVISION
	EDGEComb	8-8-96			
	DRAFTED BY	DATE			

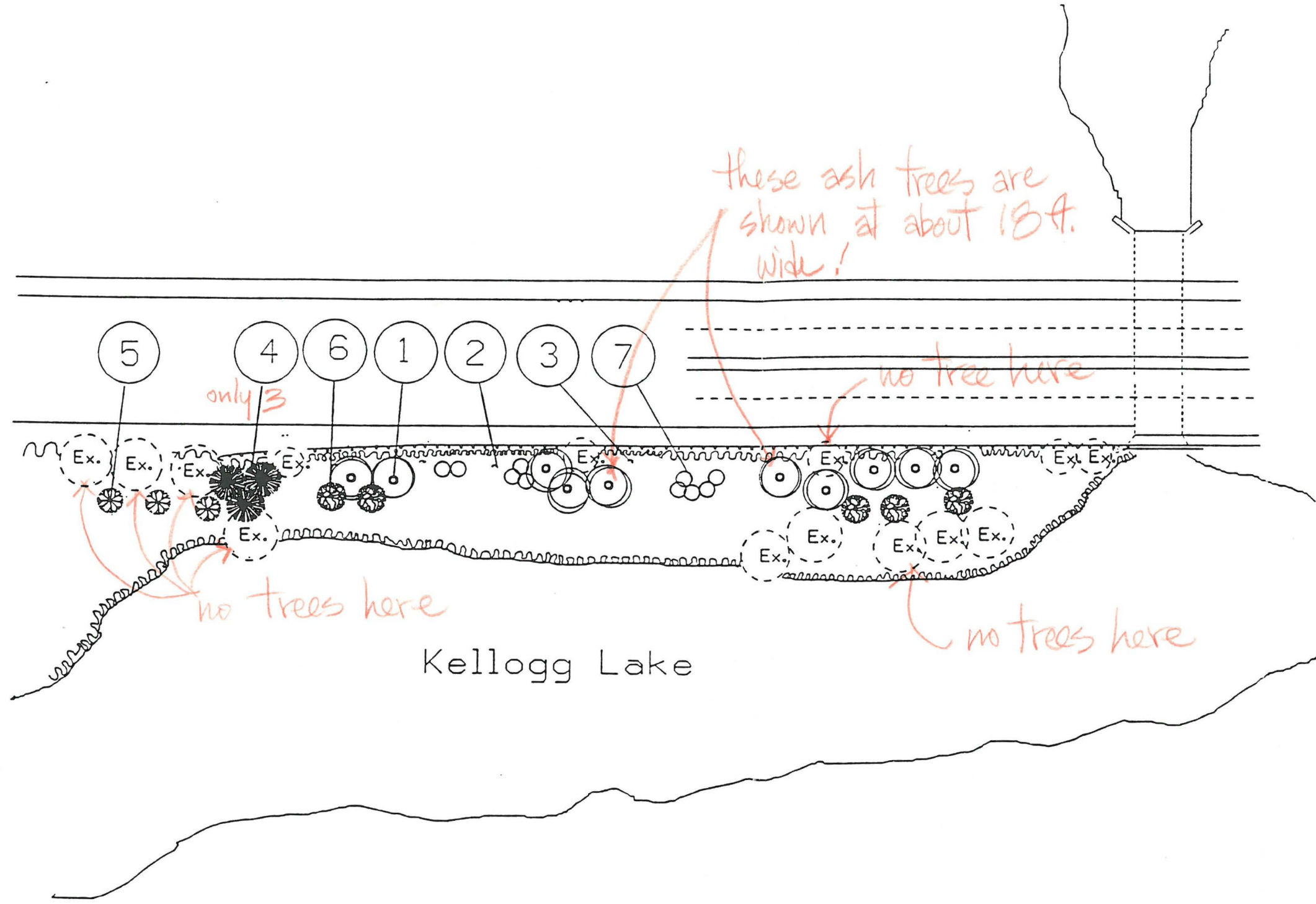
DD-MMM-YYYY edgecomb /usr/lands/edgecomb/kellogg.dgn

kellogg.m(553.ls2730a) edgecomb@ls2730a. Fri Jan 10 15:37:46 PST 1997

CONSTRUCTION NOTES

- ① Plant 10 1-11/2" B&B Oregon Ash Trees
- ② Remove & Treat Stumps Only Near Guardrail
- ③ Remove Dirt Mound From Below Guardrail As Necessary for Drainage
- ④ Plant 5 Douglas Hawthorne 4'-5' Size, B&B
- ⑤ Plant 3 Western Red Cedar 4'-5' Size, B&B
- ⑥ Plant 5 Red Alder 3/4-1" Size, Bare Root
- ⑦ Plant 10 Red Elderberry Randomly Clump

Ex. Existing Tree to Remain



PROPOSED PLAN

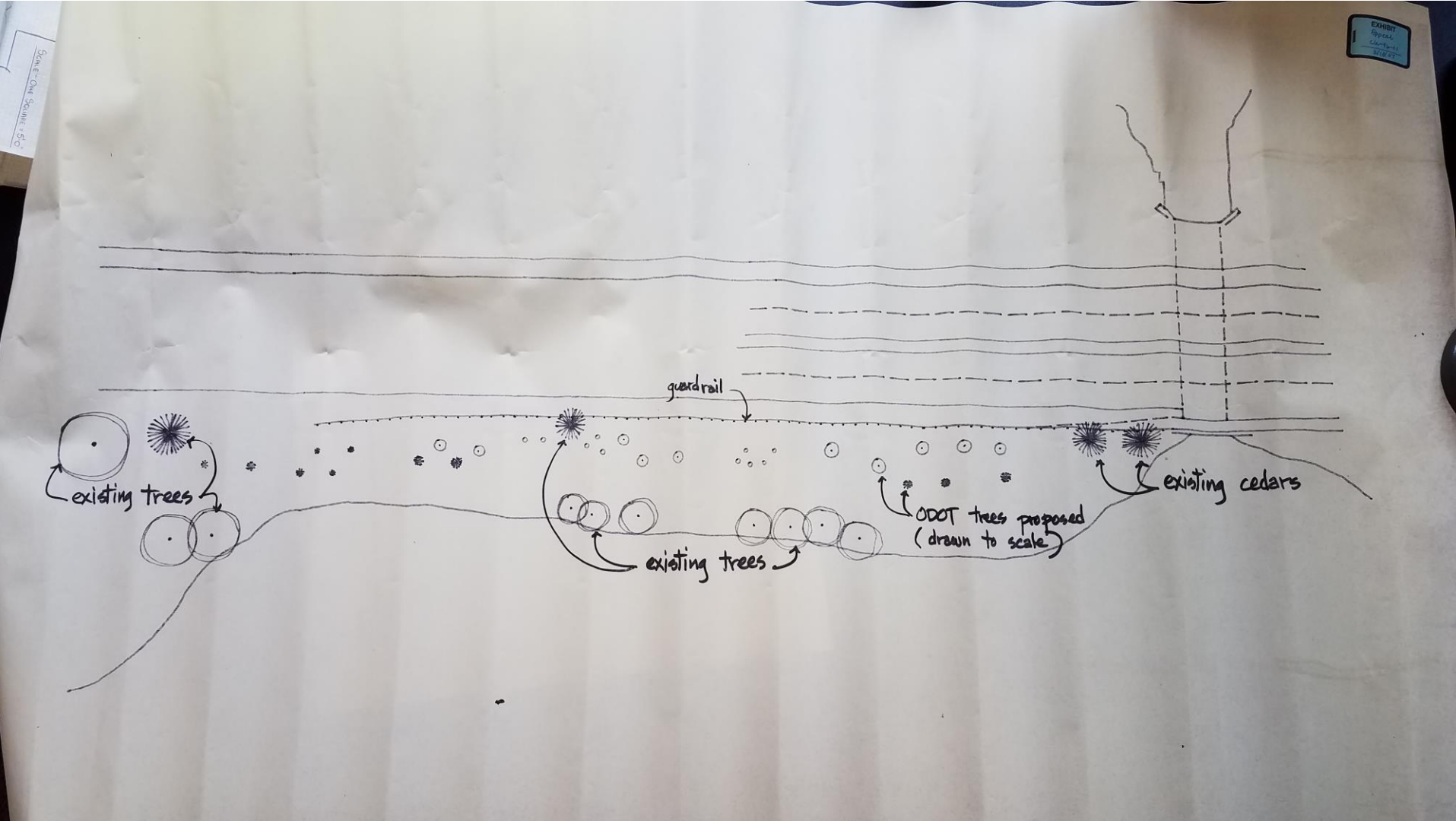
LANDSCAPE ARCH. UNIT- ROADWAY ENGINEERING SECTION REGISTERED 53 PAUL OF-NO EDGE-COMB OREGON LANDSCAPE ARCHITECT		EDGE-COMB DESIGNED BY DATE 3-8-96 REVISED 1-10-97 DATE 1-10-97 DRAFTED BY	OREGON DEPARTMENT OF TRANSPORTATION 	KELLOGG LAKE McLoughlin Blvd City of Milwaukie	FEDERAL HIGHWAY ADMINISTRATION PROJECT NUMBER SHEET NO. 3
REGION 10 OREGON DIVISION					

RS Packet – 3/18/1997 – Appeal of CU-96-01 – Oversized Exhibit



EXHIBIT
Page 1
3/18/97

RS Packet – 3/18/1997 – Appeal of CU-96-01 – Oversized Exhibit



The construction of additional storage facilities, however, could be a good short-term solution that would provide the additional capacity without impairing the City's ability to choose another option in the future.

Current interties with other providers were then considered. The tie with Portland Water is not a viable source due to Portland's inability to provide large amounts to any areas further south than already established. We have an emergency intertie with Oak Lodge, and they would be agreeable to provide peak demand water on a stand-by basis at a higher rate. Oak Lodge Water plans to construct a slow-sand filter that could not provide any water during the high-turbidity winter months, and they will continue to purchase water from Clackamas River Water for their own use during those months. The intertie with Clackamas River Water could be used to provide peak demand water, but that agency expressed a preference to sell water to Milwaukie on an on-going basis. The "spot market" price to meet peak demand would be high. Improvements to connections between the two entities would be required to provide peak-demand quantities.

Benefit analysis of the options showed that connections with Clackamas River Water appeared to be the best option, and that drilling a new well rated lowest. Council must decide whether it is best to expand Milwaukie's groundwater source or purchase surface water. Due to the potential that contamination will continue to plague Milwaukie's aquifer, purchased water would be the less risky direction, but that does not preclude short-term options such as construction of additional storage.

Brink asked for comments regarding the groundwater vs. surface water option. Hatz wondered if winter turbidity in surface water could be a point for "trading" well water in winter for surface water in summer with another provider. Fletcher explained that he works for Clackamas River Water, but is present at this meeting as a Milwaukie citizen concerned only with the benefits to Milwaukie. He feels that future Milwaukie water should not be groundwater due to the contaminated aquifer; current reports across the nation confirm that groundwater in heavily populated areas is suspect at best and that situation cannot be expected to improve in the near future. He cautioned against links with entities that do not own their own treatment plants (such as Oak Lodge), and would prefer that only those entities that use higher technology for treatment be considered. He offered the opinion that the existing wells and treatment towers be used as long as possible, in order to get the use out of them and pay off the bonds that were sold to construct them.

Brink asked for the Board's comments about near-term options - should the City plan to construct a line to the Clackamas River, or should more storage be constructed? Saatkamp commented that the Water Department has the funds to build additional storage without the need for a bond measure. Potential locations for a new reservoir were discussed; it was established that a new reservoir would be on-grade rather than elevated, and recent problems that West Linn experienced trying to site a new elevated tank were reviewed. Saatkamp noted that it is possible that additional storage could be constructed on the existing Stanley Avenue reservoir site, although the fit would be tight.

Fletcher commented that in decades past the policy to maintain the status-quo in order to “hold the rates” proved disastrous in the long-run; eventually huge increases in rates were required to catch-up on maintenance and needed improvements. He expressed a hope that Milwaukie will take a long-term stance, taking into consideration that a lot of land lies to the east in Milwaukie’s Urban Growth Boundary (UGB).

SURFACE WATER MASTER PLAN

Brink explained that the copies that the CUAB members received earlier are preliminary drafts; the final plan will be completed in March. He displayed a map indicating future infrastructure improvements that have been proposed by the plan, and indicated that a new configuration had been determined that may save 1-1/2 to 2 million dollars by running stormline from the Stanley-Beckman-Home area along Railroad Avenue to the Washington Street line, and from there straight out to the Willamette River. This new option eliminates a proposed detention pond as well as keeping additional water from entering the Kellogg Creek system.

Brink stated that in excess of \$10 million will be needed to accomplish the identified storm improvements; the central “bowl” portion of the City alone will require \$7 million of that. A work session with Council established that the City does want to abandon the use of drywells, as well as a concern about any additional impacts on Johnson and Kellogg creeks.

Fletcher commented that the storm needs were well known several years ago when the Storm utility was established. Record flooding in the past two years and expectations of a decade or more of record rainfall may help “sell” a bond measure to citizens now. Hatz stated that education will be vital to getting a bond passed; he reminded the group that more than 50% of the voters will have to approve to ensure success. Further discussion about how to obtain voter interest in the storm needs ensued.

OTHER

Hatz asked when the Board will be able to elect officers; Brink replied that a quorum is required. What constitutes a quorum when the Board is not fully seated was then discussed. Brink will get an opinion and update the members at the next meeting.

After establishing that the next meeting will be held March 5th, the meeting was adjourned at 7:37 pm.

DRAFT

PLANNING COMMISSION MINUTES TUESDAY, FEBRUARY 11, 1997

COMMISSIONERS PRESENT

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque

COMMISSIONERS ABSENT

Pat Lent

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Dan Pava,
Senior Planner
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:37 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- January 28, 1997

Tim Havel moved to approve the minutes of the January 28, 1997, as corrected. Bryan Cosgrove seconded. MOTION CARRIED 3-0 with one abstention. Terry LaRocque was not at that meeting.

4.0 PUBLIC COMMENT -- There were no members of the public in attendance at the work session.

5.0 PUBLIC HEARINGS -- None.

The following item was heard out of agenda order:

9.2 Town Center Area Task Force Report -- Guest Speaker, Maggie Dickerson

Clackamas Regional Center Area Plan Report

Chair Smith introduced Maggie Dickerson, Clackamas County Planner, who was here tonight to give the Commissioners an update on the Clackamas Regional Center Area Plan.

Ms. Dickerson posted maps of the Clackamas Regional Center area. The area is bounded by the County line, 82nd Avenue, and I-205 Freeway. Most of the area is zoned high density. The boundary of the Regional Center has not yet been defined.

Page 5 of the Plan document shows a map of the Metro 2040 geography. Two concepts are being reviewed, the Regional Center and a Transit Corridor. The Corridor is narrow with a lot of general commercial zoning.

The target of the County is to achieve a change to the Comprehensive Plan and Zoning Ordinance for the study area that is consistent with Metro 2040. The Urban Renewal District in this area may also be modified along with the Capital Improvements Plan which is tied into the Comprehensive Plan. All of these plans get changed as a result of this process.

Currently the County is going out to the public with a series of choices, which are alternatives and preliminary recommendations. They are looking for feedback from the public on a range of concepts. In terms of land use, the draft plan themes were purposely different so the public could see something different between the three alternatives. The final plan will reflect public input.

The Regional Center area currently has 19,000 jobs; the target is to increase this figure by 17,000 jobs. There are about 4,000 housing units; the target is to add 3,500 housing units. With increases in transit ridership, it translates to about a 40% increase in auto trips.

The plan includes a series of land use alternatives and recommendations. Major issues are summarized in this area that is dealing with retail, housing, and office.

Preserving low and moderate housing stock is a unique issue to the study area. There is a lot of low and moderate housing stock just off the 82nd Avenue corridor. There are about 15 mobile home parks. There is pressure on the County to expand the depth of the retail zoning into that area. The retail will reduce the housing stock.

Special study areas were reviewed. These areas had particular problems or opportunities. The Clackamas Town Center is about a 100-acre site, and 69 acres of this site is circulation system and parking lot. The County is assuming that 69 acres is available for redevelopment, assuming the parking is replaced with structures. This is a key-opportunity site.

The Top of Scott golf course has recently changed ownership. There has been a lot of pressure for many years on the County to change the zoning. A special study was done of office and it was determined that the chances of expanding the office market is better if they start with development of existing office areas.

The Fuller Road triangle was reviewed. A consultant was hired to do some site planning. Because of the light-rail alignment, this location has been looked at as a real developable site. It has previously been looked at as low and moderate income housing. The area is about 75% owner-occupied. A special study was done and one of the key things that was found was that these houses (cinder block, ranch-style houses) are market valued at \$135,000 each. At \$8 or \$9 a square foot, the only thing that this residential property can convert to is general commercial or retail commercial. Retail commercial is not what was planned for this sector. In the alternatives, a lot of R-10 was left in the plan. In the areas of change, mixed use with a high percentage of retail was recommended.

The golf course area and the Fuller Road area are two of three areas that will provide for about half of the housing and employment goals. The third area is located around Sunnybrook Road and is currently zoned office. This will continue to develop as an office area. There is a portion of this land that is owned by the County Development Agency which is an urban renewal agency in the area.

Poor access around the Johnson Creek interchange offers little opportunity for change. There are about 40 houses there that were built in the 50's. Again, land prices are high so redevelopment to commercial is difficult.

There are several related transportation projects currently in the process of acquiring land and completing final engineering. The projects are the I-205 frontage road which connects into an expanded 92nd Avenue, Sunnyside Interchange, extension of Sunnybrook, widening Sunnyside out to 122nd, and a series of parallel roads. After 50% development, transportation changes will include Johnson Creek Interchange, Causey overcrossing, Monterey overcrossing and an increase to five lanes, a Sunnybrook Road extension, and the increase to 7 lanes on 82nd Avenue.

Ms. Dickerson was asked to get more information on what will happen at the Harmony Road/Lake Road Intersection. The Commissioners thanked Maggie Dickerson for the informative presentation.

6.0 WORKSESSIONS

6.1 Video: Back from the Brink--Saving America Cities by Design

Maggie Collins stated that on October 18, 1996, the Oregon Architectural Foundation, Portland AIA Chapter, aired a video on OPBS that focused on urban renewal strategies

Three cities are highlighted in this video, Portland being one of these cities. The film shows some local sites. **Maggie Collins** noted that this video will help the Commissioners in their worksessions on urban design and planning.

This video addressed some of the promising ideas and strategies in three very different places. These places prove it is possible to begin to get at the some of the most intractable problems facing cities. Two of the cities highlighted; Chattanooga, Tennessee, and Suisun City, California, had to come back from near death. The third, Portland, Oregon, had to figure out how to deal with success. Visiting these three cities, two seeking growth and the third trying to manage it, all struggling for the quality of life, ultimately turned to the community. Each place seemed to know they had to re-establish a sense of community and then restore pride. This is being done with good design, solid planning, and active citizen involvement.

Portland learned from the start that "place" matters and "downtown" matters. In the late sixties, parking lots were sprouting up all over downtown. Historic buildings were being lost. The connection between the downtown and the neighborhoods was ending. With the help of citizens, the private sector and the public sector, decisions were made: to stop tearing down historic homes; get people out of their cars; to put a lid on the number of parking spaces in the downtown; to tear up a freeway close to the waterfront; and bring the City back to the waterfront. Highway dollars were used to fund light rail. Pedestrian use was first, public transportation second, and the car third. Portland has become a more compact city, maintaining the quality of life, and a desirable urban place.

To make the downtown more pedestrian friendly, it was landscaped with trees, transit shelters, and public art. There are improved connections between sidewalks and buildings and between the buildings and pedestrians. Streets are more hospitable. Amenities were installed; brick on the transit mall, granite curb cuts, nice shelters to stand under while waiting for the bus. This is the human infrastructure needed in order to have people want to be downtown. Design guidelines were developed. Values were defined. The Planning Commission reviews all buildings in the downtown for consistency with the guidelines. The government created an environment where business could thrive. The Portland Development Commission has laid out a 20-year plan to redo part of the riverfront. This development has occurred including housing, corporate headquarters, hotels, restaurants, etc. This effort was done in cooperation with private business developers and the community as a whole.

The goal was to create neighborhoods with a sense of community, place, and belonging. This was a key to economic vitality, not only downtown, but throughout the City. Portland actively encouraged development of more interesting and diverse communities through mixed-use. A full spectrum of housing was built, with attention to great urban amenities and practical amenities. A good city neighborhood is a variety of uses and housing types; single-family residences, apartment buildings, schools, grocery store, and

the corner bus stop. You don't need a car in order to get what you need. With a strong downtown comes strong neighborhoods.

Six years ago Suisun City was a small town (25,000 people), with economic, social, and environmental problems; very much on the brink of disaster. The channel in the center of town was severely polluted, filled with silt. The waterfront was inaccessible, crowded with dilapidated warehouses. A residential apartment complex was overrun by drug dealers. City Hall was in a trailer. In 1986, Suisun City was voted the worst place to live in the San Francisco Bay Area. Part of the town was like a war zone and the rest was a dilapidated old town decaying at a tremendous rate.

Suisun City decided they had to change, had to bring themselves back. They replaced the trailer that housed city services with a new City Hall. It would be in the historic downtown, right in the heart of the city's troubled neighborhoods, looking out on crumbling docks and dying channel. A structure was built that they could be proud of, something that the community could build on.

City Hall could have been placed on the other side of Suisun City, but it would not deal with the cancer in the community and develop the potential of their waterfront. A comprehensive city-wide redevelopment plan was developed. A director of redevelopment was hired to deal with the apartment complex and the waterfront asset. Suisun City realized that quality design was the key in restoring the sense of place. They wanted to make the town center the heart of the whole community. The waterfront area was the unique opportunity to focus the energy of the entire district.

In 1989, Suisun City bought the apartment complex. With the cooperation and consent of the tenants, they offered to subsidize their rent for four years anywhere in northern California. The way was then cleared to tear down the Crescent Apartments and sell the land to a developer willing to build a totally new residential community based on design guidelines that would help to create a renewed sense of community. The developer built a neighborhood with front-yard orientation including front porches to bring people out to the front of the house. There were pockets for parking; no streets lined with cars. The architecture goes with the old town, so as they transitioned into that part of town, it is very consistent with the overall plan.

The City, committed to having a true mixed-income community, redesigned and revitalized low income housing next door to the new development. The goal was to keep a low to moderate income project in the middle of the showcase project, blending so that new buyers are confident that the neighborhoods will not deteriorate. This was done by design. Features were built in so that residents have taken pride of ownership. Crime was reduced by 34%.

Residential redevelopment and a new City Hall was not enough to save Suisun City. They needed businesses and jobs. The City became its own redevelopment agency, building on its strength. It bought substantial amounts of land on the waterfront. To encourage small business, a shopping and trade complex was built. The shopping mall atmosphere matched the historic atmosphere of the downtown. The buildings were oriented towards the water. The City provided design services and incentives for main-street businesses to improve their storefronts. To rehabilitate the waterfront, the City ripped out the old warehouses, dredged the harbor and cleaned up the park that divided the streets. A marina was built along with a City plaza, and a waterfront promenade and rehabilitated a historic train station.

The City prepared the land for new businesses. They offered architectural design services, low-interest loans, infrastructure, and reduced red tape. Changes in zoning and other incentives encouraged entrepreneurs to live above their stores like the old days.

In 1969, Chattanooga, Tennessee, was dying economically and environmentally. It was named the most polluted city in America. People had to turn their headlights on at mid-day to cut through the murk. The death rate in Chattanooga from bronchitis and other respiratory illnesses was more than 20% higher than the national average for metropolitan areas.

Chattanooga knew they had to begin by cleaning up. Environmental controls and the decline of manufacturing industries helped clear the air. Once the pollution was controlled, a host of fundamental problems remained; a dying downtown, a stagnant economy, and a social fabric long torn by race and class. In the mid seventies, concerned business and community leaders formed a new organization dedicated to the rebirth of the City; it was called Chattanooga Venture. By 1984, the Venture had organized Vision 2000 which involved thousands of citizens in the process of deciding what they wanted Chattanooga to be. Everyone was invited to the table, many for the first time to become part of the total community decision making process.

The Vision 2000 process resulted in 40 ambitious goals for the City. Many of the goals reflected an understanding that Chattanooga would have to marry the resources of the public and private sector. Riverfront downtown planning and design created a physical vision for the City and the development agency helped to build it. A unique combination of government, corporate, and foundation money paid the bills.

The idea was to reconnect people with the Tennessee River. Chattanooga was born on the waterfront as a river trading post. The community history and manufacturing area started here. In revitalizing the community, the riverfront was one of the areas they focused on first. The return to the River has helped reunite the City with its past and helped insure its future. The redevelopment of the waterfront has become the engine for economic rebirth.

The Tennessee aquarium attracts more than a million visitors a year, making Chattanooga one of the best places to visit in the South. The aquarium was built with private money and the surrounding plaza was largely public, and the land was assembled by River Valley Partners. This was a catalytic project to bring other private investment into the area. These improvements extend four or five blocks beyond the project.

The 100-year old Walnut Street Bridge gave the City a way to reach back to recapture an important link with its past. It connects downtown with the City's isolated north shore. Once derelict and ready to be torn down, Chattanooga rallied to save it. It is the longest pedestrian bridge in the world. The public participation was overwhelmingly supportive of the restoration project and convinced the City to put up the sub-cost.

Economically, shops were drawn to the north end of the bridge. People responded to stores with soul. By focusing on design elements that reinforce a sense of community, Vision 2000 made it possible for Chattanooga citizens to be actively engaged in their City's design and planning process. It brought ordinary citizens together with architects, planners, business, and civic leaders to lead Chattanooga back from the brink. They designed a couple of parks/open spaces rather than designing a city. The City is back on its feet and confident it will grow.

Growth can bring challenges. Portland because it has become one of the best places in the country to live, expects more than 500,000 more people in the next 20 years. There may be another half million by the year 2040. The question is how to manage such growth without repeating the mistakes of the past: sprawl, gridlock, loss of community. Growth management is regional and designed to promote city/suburb cooperation and long-range planning. Urban growth management creates areas where development is allowed and encouraged.

6.2 Basic Components of a Mixed Use Zone

Maggie Collins passed out a set of parameters that has been put together by Metro. It is a model of a Mixed-Use Zone and the key elements of a Mixed-Use Ordinance. She asked that the Planning Commission review the document for discussion and input.

Dan Pava posted a Regional Center concept map of the proposed redevelopment areas, based on criteria including: building to land assessed valuation; proximity to major transportation facilities; existing land use patterns and zoning; Metro Functional Plan considerations and designations; the Milwaukie Comprehensive Plan land use map; and vacant lands. Three of the key RCMP planning principles are:

- Save and expand the grid system
- Connect people to the water

- Keep stability of the neighborhoods

The Commissioners suggested:

- Make use of the river as a planning asset per the Riverfront Concept Plan
- Tie river access to and from the downtown
- Boulevard treatment of McLoughlin
- Diversity in uses and housing options
- Provide bonuses --child care, inclusionary housing, social housing for the elderly, health facilities, etc. in new developments
- Establish parking maximums and explore ways to create shared parking

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- Storefronts need to be interesting and open to public at street level
- There should be maximum setbacks
- Two to three story building maximum height in CBD area
- Recesses, offsets, interesting facades should be encouraged to create pedestrian friendly places.
- Plant the proper size and species of street trees and related street furniture and accessories to create a pedestrian link between the waterfront and downtown.
- Visual Perception Survey for downtown.

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- Create higher quality accessible open spaces using massing of buildings; courtyards, alleyways, plaza entrances, mix trees with art
- Keep on-street parking in the CBD
- Consider lower parking requirements for downtown residential parking

7.0 DISCUSSION ITEMS -- None

8.0 OLD BUSINESS

8.1 Light Rail Study Update -- No Report

8.2 2040 Study Update -- No Report

9.0 OTHER BUSINESS/UPDATES

9.1 Historic Resources Commission Report -- No Report.

9.2 See beginning of minutes for this item.

9.3 Community Development Report

Maggie Collins informed the Commissioners that an appeal had been filed on the ODOT Application/Mitigation case CU-96-01.

10.0 Next Meeting -- February 25, 1997

10.1 Community Development Report

Terry LaRocque moved to adjourn the meeting of February 11, 1997. **Tim Havel** seconded. MOTION PASSED UNANIMOUSLY. The meeting was adjourned at approximately 10:00 p.m.

Michael Smith, Chair

Shirley Richardson, Hearings Reporter

DRAFT

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, FEBRUARY 25, 1997

COMMISSIONERS PRESENT

Michael Smith, Chair
Tim Havel
Terry LaRocque

COMMISSIONERS ABSENT

Bryan Cosgrove
Pat Lent

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir.
Susan Heiser,
Senior Planner
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:40 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- February 11, 1997

Tim Havel moved to approve the minutes of February 11, 1997, as corrected. **Mike Smith** seconded. MOTION CARRIED 3-0.

Maggie Collins will draft a memo to the Commissioners detailing the three transportation connections referred to in Ms. Dickerson's presentation.

4.0 PUBLIC COMMENT -- There were no members of the public in attendance at this worksession.

5.0 PUBLIC HEARINGS -- None.

6.0 WORKSESSIONS -- None.

7.0 DISCUSSION ITEMS

Chair Smith commented that the Steering Committee on February 24, 1997, was quite lengthy. He stated he would like these meetings to stay closer to the times indicated on the Agenda.

8.0 OLD BUSINESS

8.1 Lake Road Multi Modal Plan

Susan Heiser passed out the draft report on this project that was presented at the open house. Staff is waiting for comments back from the public on the text of the report.

There were several comments made at the open house. These comments were detailed on the Comment Summary. Primary subjects were:

- A reduced road width throughout the roadway where there is a 12-foot wide lane standard to an 11-foot roadway with no or limited median for turn areas.
- 6-foot wide bike lanes on either side of the road and sidewalks on both sides of the road near the school. It is preferred that project priorities be identified.
- Priorities on getting pavement continued near the school as soon as possible.
- Maintain existing transit services.
- Neighborhood traffic management; more traffic control near the school entrance. A reduction in road width was suggested as a means to reduce through traffic speed.
- Distinct landscape medians at either end to provide an entrance to the neighborhood.
- The issue, "Comments on the proposed new connections" brought most of the residents to the open house. As part of reviewing the area plan, Staff is required to look at alternative connections and alignments.

- Residents did not like the idea of opening 32nd and 33rd Avenues until improvements on Highway 224 eliminate or change the flow of through traffic. There were additional comments about changing the alignment of 27th Avenue and closing 34th Avenue to make it more difficult for trucks to use the road.

- A lot of residents would like to see the speed signs moved so that the 30-mph speed zone starts further east when headed west. It was an overall consensus that photo radar be used on Lake Road.

The Plan will be reviewed once again by the Advisory Committee and the Traffic Safety and Transportation Board. Following incorporation of their comments, Staff will revise the Plan for review by the Planning Commission in March.

There were 47 residents on 33rd Avenue who signed a petition saying they did not want 33rd Avenue open at Lake Road. Staff is drafting a letter to be sent explaining the public input process and to inform them that there will be another open house to allow additional comments.

Terry LaRocque stated that he disagrees with the idea that narrowing the roadway will slow down traffic; he feels it may cause some safety issues, increase conflicts. He suggested maximizing the medians where they are used. **Maggie Collins** stated that in other areas one solution suggested is to curve the road, slightly weaving it, to slow down the traffic. Some statistics indicate that the worst speeding time for Lake Road is around 4:00 a.m. when night shifts are leaving the industrial area to the east.

Maggie Collins stated that another controversy about 33rd Avenue is that without 33rd Avenue as a possible diversion of traffic, the Oatfield/34th Avenue corridor increases in congestion. This brings back the issues associated with Washington/34th Avenue/Highway 224.

Terry LaRocque asked if the decision or possibility of traffic signals for a future connection at 33rd Avenue to Lake Road has been discussed. **Susan Heiser** stated that this has not, but she believes there would be some restrictions for turning so as not to conflict with the intersection at 34th and Oatfield.

Susan Heiser stated that March 27 or April 3rd are scheduled for the next open house. There will be a Planning Commission worksession, before the open house, on March 25, 1997. **Maggie Collins** stated that the Transportation and Growth Management (TGM) Grant has two conditions. One part is the guidelines and prioritizations, and the other part is a write-up on the unique way this project has

been developed (methodology). It will be used as an example for other jurisdictions to follow as to how to come to an agreement on a multi-modal project.

8.2 Light Rail Study Update

Maggie Collins reported that in December the South/North Study Steering Group recommended that the loop alignment in downtown Milwaukie be included for review in the DEIS. Public review has stopped because of the issues of funding and cost. An official decision will be made by the partners in the Study next month as to whether to work on a DEIS that continues to carry Monroe Street alignments.

Chair Smith asked about the timing for the next federal funding from ISTEAA. **Maggie Collins** explained that the deadline for Tri-Met to submit an Allocation Request was today.

8.3 2040 Study Update -- No Report.

8.4 Town Center Area Task Force Report

The Commissioners requested that Staff prepare a memo summarizing the transportation issues discussed at the February 11, 1997, worksession.

9.0 OTHER BUSINESS

9.1 **Historical Resources Commission Report** -- **Maggie Collins** reported that the meeting scheduled for February 24 was cancelled and they will be holding two meetings in March, March 24 and March 31. At the March 31st meeting, several requests for alterations to historical structures will be considered.

9.2 **Town Center Area Task Force Report** -- **Chair Smith** reported that there has not been a meeting since the last Planning Commission meeting. The next meeting will be after public comments have been received regarding the transportation issues.

9.3 **Community Development Report** -- **Maggie Collins** passed out a draft summary of the Parameters of a Mixed Use Zone as discussed at the February 11th Planning Commission Worksession. She reported that the Commercial Working Group was pleased that so many of their ideas and recommendations fall in line with these suggestions.

She asked that the Commissioners review the draft for comments and input. The following suggestions were made:

- Delete second asterisk under Mixed Use-Street Treatments
- Add, "Height of structure in relationship with street (1.5:1)
- Restoration of historic facades -- similar treatments: brick, stone
- Preamble with planning principals

There is a small grant available to gather public information regarding economic analysis of the hospital area or downtown area. It was the consensus that the downtown area is a commercial, and civic heart of the community and deserves special treatment; whereas, the Providence Hospital area is more of a housing, social opportunity for the City. The downtown area is identified as Subarea 1 in the analysis.

Terry LaRocque asked about the design review process and structure. Will the design review be led by professionals, citizens, landscape architects? It was the consensus of the Commission that it would be good to set parameters for certain areas and uses and let the residents know what they are and how they are reviewed. Areas for potential reviewed are: commercial, multi-family, residential, historic, and industrial.

In the transition time to the final document of mixed use zones, there is concern that the design components will not be properly addressed. Staff was asked to investigate other jurisdictions to find some way to address interim design review processes and criteria.

Terry LaRocque asked about the status of new commissioners. He voiced concern that during the summer months when vacations are taken, there may not be enough members for a quorum on an important hearing. **Maggie Collins** stated that at this point, City Council has had discussions about recruiting qualified people to serve on boards and commissions. It may be a while before the Council comes to a decision about finding new Commissioners.

Discussion followed on the timing involved in the 120-day rule. Staff is currently updating their review system and application procedures. Currently no fees are charged for pre-application meetings.

- 10.0 Next Meeting -- March 11, 1997
- 10.1 Transportation System Plan (TSP)

DRAFT

- 10.2 Zoning Ordinance Review Worksession
- 10.3 Mixed Use Zone Parameters Worksession

Tim Havel moved to adjourn the meeting of February 25, 1997. **Terry LaRocque** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:25 p.m.

Michael Smith, Chair

Shirley Richardson, Hearings Reporter

COMMUNITY DEVELOPMENT DEPARTMENT

PARAMETERS OF A MIXED USE ZONE

DRAFT

2/11/97 PLANNING COMMISSION WORKSESSION

REVISED 2/25/97 PLANNING COMMISSION WORKSESSION

Mixed Use Planning Objectives: Save and expand grid systems; connect people to the water through access to and from downtown Milwaukie; make use of the Willamette as a planning asset per the Riverfront Concept Plan; maintain stability of residential areas.

MIXED USE--STREET TREATMENTS

- *IMPLEMENT A BOULEVARD TREATMENT FOR MCLOUGHLIN BLVD.
- *PROPER SIZE AND SPECIES OF STREET TREES AND RELATED STREET FURNITURE AND ACCESSORIES TO CREATE UNITY AND TO LINK PEDESTRIAN CROSSING BETWEEN RIVERFRONT AND DOWNTOWN
- *CREATE ACCESSIBLE OPEN SPACES SUCH AS COURTYARDS, ALLEYS, AND PLAZA ENTRANCES
- *MIX STREET TREES WITH PUBLIC ART

MIXED USE--PARKING

- *CONTINUE ON-STREET PARKING IN CBD
- *ESTABLISH PARKING MAXIMUMS AND EXPLORE WAYS TO CREATE SHARED PARKING

MIXED USE--STRUCTURE REQUIREMENTS

- *INCENTIVE BONUSES FOR CHILD CARE, INCLUSIVE HOUSING, ELDERLY HOUSING, RESTORATION OF HISTORIC FACADES, ETC.
- *STOREFRONTS OPEN TO THE PUBLIC AT STREET LEVEL
- *ESTABLISH MAXIMUM SETBACKS
- *REQUIRE 2-3 STORY AS MAXIMUM HEIGHT IN DOWNTOWN MILWAUKIE
- *DOWNTOWN HOUSING WITH VARIED DESIGNS
- *ESTABLISH HEIGHT OF STRUCTURE IN RELATIONSHIP TO WIDTH OF STREET (1:1.5)

MIXED USE--STRUCTURE DESIGN

- *ENCOURAGE RECESSES, OFFSETS, AND INTERESTING FACADES TO CREATE PEDESTRIAN-FRIENDLY PLACES
- *TIE VISUAL PREFERENCE SURVEY RESULTS TO ACTUAL DESIGN OPTIONS
- *ESTABLISH A DESIGN REVIEW PROCESS:
Suggestions: three and no more than five people; informal meetings; restrict reviews to commercial, multi-family, industrial and historic resource

TRAFFIC SAFETY AND TRANSPORTATION BOARD

Regular Session

February 10, 1997

7:00 pm

City Council Chambers

I Call to Order

Vice-Chair Faber called the meeting to order at 7:33 pm. Present were:

Nancy Faber, Vice-Chair
Dick Baker

Julie Wisner
Chuck Stoudt

Absent:

Susan Stone, Chair
Sandy Peckover
Sarah Foy, Milw. High student
NCSD#12 Transportation Representative

Staff present:

Jim Brink, City Engineer
Rafael Cruz, Civil Engineer
Connie Ware, Staff Assistant

II CONSENT AGENDA

The minutes for January 13th, 1997 were considered for approval; Stoudt MOVED and Baker SECONDED a motion to approve the minutes, which passed unanimously. Baker noted a minor typo on page 3 - "roject" should be "project".

III DISCUSSION

A. Audience Participation

None.

B. Adoption of Neighborhood Traffic Management Program Process

Brink explained that the NTMP will be presented to the City Council on March 18th (this was changed to April 1st the next day), and discussed the process. After further discussion, the group approved the process flow chart.

Continuing with the guidelines, the group began with the NTMP goals. Wisner questioned item C, which discusses funding. Wisner expressed her feeling that \$30,000 is too low a figure, and asked why that figure was chosen. Brink explained that \$30,000 amounts to approximately 3.3 percent of the annual City share of gas tax revenues (FY96-97 revenues = \$909,321), and that this was a feasible amount that was enough to finance at least one project per year without unduly draining the street budget. Stoudt commented that the gas tax revenue distribution is up for discussion in the legislature this year; due to this unknown,

Faber suggested that perhaps it would be better to state the amount allocated as "3.3 percent or \$30,000, whichever is greater". This met with general approval.

Continuing on with the objectives, the group agreed that item A should say "selected streets" rather than "a selected street". A great deal of discussion ensued regarding the objectives for "local", "neighborhood", and "collector" streets. It was eventually determined that the biggest objections are to which streets in Milwaukee have those labels, rather than the NTMP objectives themselves.

A suggestion was made to change "truck traffic" in item C to "truck through traffic". Additionally, it was suggested that truck length be reduced from 40' to 30'. There was some discussion about whether the NTMP should be held consistent with the Transportation System Plan; Brink pointed out that staff must maintain consistency between the two documents, but some board members disagree with definitions and street classifications listed in the TSP. This issue remains unresolved. Faber suggested adding an item "G" that states that accident rates will meet or exceed MUTCD standards. Brink agreed that this was a good idea.

There was some further miscellaneous discussion regarding definitions, as well as how some of the objectives can be met or proven to have not been met following a NTMP program on a particular street. Wisner asked Brink if he could use a "real street" such as Monroe, 32nd, etc. and apply the formulas to the known traffic figures on that street to give her a more concrete picture as to how the formulas will work in a real situation. Brink said that he could, but he would prefer not to, as he could do a great deal of work on hypothetical situations that would be better used to work on a real situation

The group agreed to continue with the ranking section of this document at the next meeting, a special session scheduled for February 24th. Baker and Cruz both announced that they will not be available on that evening.

V. ADJOURNMENT

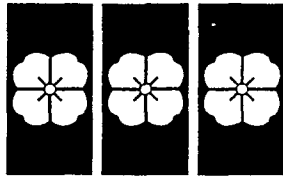
As there was no further business, the meeting was adjourned at 8:54 pm.

Nancy Faber, Vice-Chair

Connie Ware, Staff Assistant

/cjw

C I T Y O F



MILWAUKIE

****MEMORANDUM****

Community Development Department

February 28, 1997

TO: Maggie Dickerson, Clackamas County Senior Planner
FROM: *MC* Maggie Collins, Community Development Director
**RE: February 11, 1997 Worksession on the Clackamas Regional
Center Area Plan**

Thank you for the update you provided the Planning Commission on February 11th. On behalf of the Planning Commission, I was asked to note again the three traffic-related concerns the Planning Commission had:

1. Impacts of proposed land uses on the Boyer-Monroe connection, traveling east to west;
2. Impacts of proposed land uses at the Sunnybrook/Harmony Intersection; and
3. Impacts of proposed land uses at the Harmony/Lake/Railroad Avenue Intersection.

Please call Jeanne Garst at 786-7655 if you wish a copy of the final approved minutes from the Worksession. We look forward to continuing to work with you.

Cc: Planning Commission
C.D. Staff
✓ Dan Bartlett, City Manager

pcmisc.97

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236



Memorandum

To: All Personnel
From: Chief Collier
Date: February 18, 1997
Subject: **Success Story Due to *Your* Efforts**

Background:

I had the opportunity this week to participate as a Public Safety panelist at a Livable Community Forum. The focus of my presentation was our COPS Plan and the City of Milwaukee Vision, Mission and Goals. I concluded my presentation with an overview of the Milwaukee Police Department Statistics for the month of October 1996. As we know, there are many factors that influence our statistics. However, the rationale behind the presentation was to give Congressman Blumenauer and the audience a feel for Pre-Cop Plan vs. Post-Cop Plan statistics. I also wanted Congressman Blumenauer to understand the significance of our Vision, Mission, Goals and our Neighborhood Service Delivery Program.

Overview of Pre-COP Plan vs. Post COP Plan Stats:

	Jan - Oct 95	Jan-Oct 96	Reduction/Increase
Offense Activity	9626	7839	-1787
Clearances	677	710	+33
Adult Arrests	747	800	+53
Juvenile Arrests	194	403	+209
DUII Arrests	64	138	+74
Traffic Citations	3161	4548	+1387
Reported Accidents	230	195	-35

Summary:

Your efforts are making a difference! Other factors aside, *arrests and citations are up*. Curiously enough, *reported offenses and accidents are down*. We are making progress on our COPS Plan and it shows!

I have included an overview of my Livable Community Forum presentation for your information.

Community Policing

- Is a collaborative effort between law enforcement and the community that identifies problems of concern to communities and works to solve them.
- It is founded on close, mutually-beneficial ties between officers and community members that allow for expanded crime-control activities.
- Recognizes the community as an active ally in law enforcement efforts to safe-guard and enhance our neighborhoods.
- Community members help define how future priorities are established and how resources are allocated.

COPS Plan

- Designed by Milwaukie Police personnel, *not the Chief of Police*. Presented to Milwaukie City Council in March 1995. Implementation in April 1995.

Milwaukie City Council Vision, Mission & Goals

- By the year 2015....Residents and visitors alike enjoy the vibrancy of healthy commercial districts, high quality schools, innovative urban design, and *safe* and attractive public spaces.
- "Maintain Milwaukie as a good place to work, which is clean, *safe*, responsive and provides quality services".
- 1995-1997 Implement Community Oriented Police Services Plan, with *emphasis on drug-related crimes, bias crimes and vehicle speeding*.

City of Milwaukie Neighborhood Service Delivery Program

- The City of Milwaukie takes a positive, proactive stance toward neighborhood service delivery. Every department plays a role in working with our neighbors to provide quality customer service, opportunities for citizen input in program and service development, and timely information about projects affecting neighbors.

Federal Crime Bill

- COPS Fast Grant award. One Milwaukie officer hired. 1/4 local match.
- COPS More Grant award. Overtime for community policing. No local match.
- COPS Ahead Grant award. Two additional Milwaukie officers. 1/4 local match.

CC: Dan Bartlett

C I T Y O F

MILWAUKIE
MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*
Jim Brink, City Engineer *JEB*

FROM: Ruthanne Bennett, Civil Engineering Assistant *R. B.*

RE: 34th and 35th Stormline Construction - Project A
40th Avenue Extension Stormline Construction - Project B

DATE: March 13, 1997

RECOMMENDATION

At the March 18th City Council Meeting we will be requesting that Council authorize the City Manager to sign a contract with Les Brown Excavating, Inc. for the bid amount of \$214,235.00 for the 34th and 35th Stormline and the 40th Avenue Extension Stormline Construction Projects.

BACKGROUND

The City Council gave the Public Works Department approval to advertise for bids on these projects November 19, 1996. Copies of the memos from that City Council meeting are attached and provide additional information on the layout of these projects. Advertising was done as required. Seventeen sets of plans went out to contractors for bidding and nine bids were received prior to bid opening at 2:00pm, March 7, 1997 at the Johnson Creek Facility. The bid summary of all bids is attached including the engineer's estimate. Public Works has verified the bidders extensions. The low bidder was Les Brown Excavating, Inc.

DISCUSSION

On November 19, 1996 the City Council approved \$190,000 total for both projects. Since that time the Public Works Department has determined that it would be necessary to replace some deteriorated and substandard catch basins and increase the size of the pipes from the catch basins which increased the cost for both projects to \$214,235.00.

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6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7600 • FAX: (503) 774-8236



MEMORANDUM

To: Mayor and City Council

From: Pat DuVal, City Recorder *Pat*

Subject: March 18, 1997, City Council Agenda Material

Date: March 13, 1997

The following items are to be included as March 18 agenda packet material:

- Item VI.A Staff Report: Bid Award for Storm Line Projects
Project A -- 34th & 35th Storm Line Construction
Project B -- 40th Avenue Extension
- Item VI.C Staff Report and Proposed Resolution, McLoughlin
Blvd. Improvements (material was inadvertently omitted
from original staff report, please use attached).
- Item VI.E Board and Commission Appointments -- supporting
documentation

Attached is also the agenda for the March 19, 1997, City Council Goal Setting work session.

Please call if you have any questions, 786-7502.

1997 STORMLINE PROJECT	
BID DATE: MARCH 7, 1997	
2:00PM	
4 Rivers Construction	A. \$167,911.00
14760 S. Clackamas River Drive	B. \$ 51,990.26
Oregon City, Oregon 97045 TOTAL	\$219,901.26
Marshall Associated Contractors	
PO Box 278, Tualatin, OR 97062	
Moore Excavation	A. \$179,654.00
PO Box 30569, Portland, OR 97230	B. \$ 64,778.00
TOTAL	\$244,432.00
CEMS	A. \$230,438.00
1308 NE 134th, Suite F	B. \$ 89,272.00
Vancouver, WA 98685 TOTAL	\$319,710.00
Werbin West Construction	A. \$188,181.00
8383 NE Sandy Blvd.	B. \$ 64,846.00
Portland, OR 97220 TOTAL	\$253,027.00
Les Brown Excavating	A. \$162,210.00
PO Box 1019, Gresham, OR 97030	B. \$ 52,025.00
TOTAL	\$214,235.00
Banzer Construction	A. NO BID
3702 Emerald Drive, NW	B. \$ 71,736.00
Salem, Oregon 97304 TOTAL	NO TOTAL
Ken Hood Construction	A. \$165,422.00
16740 SE Vinyard Ave.	B. \$ 65,040.00
Portland, OR 97267 TOTAL	\$230,462.00
DM Excavating	A. \$231,130.09
14300 SE King Rd.	B. \$ 78,022.50
Portland, OR 97236 TOTAL	\$309,152.59
Engineer's Estimate	A. \$174,889.61
	B. \$ 56,759.65
TOTAL	\$231,649.26



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager
Dave Wheaton, Public Works Director
Jim Brink, City Engineer *JB*

FROM: Ruthanne Bennett, Civil Engineering Assistant *RB*

RE: 34th and 35th Stormline Construction

DATE: November 8, 1996

RECOMMENDATION/ACTION REQUESTED

Authorize the Public Works Department to advertise for bids to replace the stormline on Washington Street east of 32nd Avenue, and to replace and extend the stormline on 33rd, 34th and 35th Avenues south of Washington Street

BACKGROUND

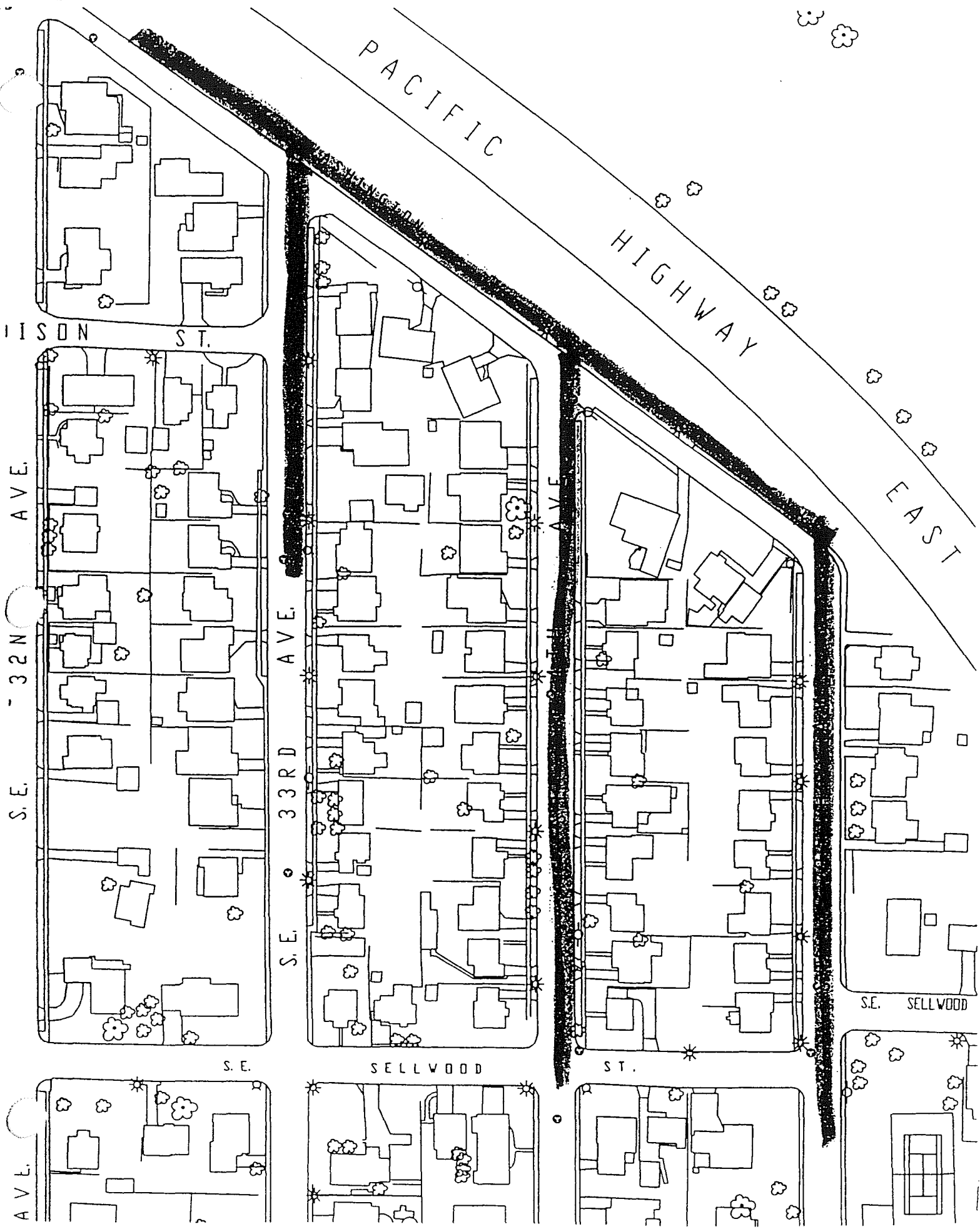
Replacement of 2400 feet and construction of 400 feet of stormline with catch basins and manholes on Washington Street and 33rd, 34th and 35th Avenues will collect surface water on those streets so the water will not contribute to local flooding of yards, garages and sidewalks. Field investigations have been made and plans are being drawn by the Engineering Department. Our intent is to advertise for bids in the latter part of November with the bid opening in December. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in late December. Construction could begin in early January.

DISCUSSION

Initially \$20,000 was budgeted to extend the existing stormline 300 feet. During field investigations it was determined that the pipe size of 2400 feet of existing stormline is inadequate and replacement is needed, increasing the cost estimate to \$130,000. In the General Storm Projects Budget line item there are enough dollars to cover the cost of this project with Council approval. This project is consistent with the proposed Surface Water Master Plan.

FISCAL IMPACT

\$130,000 from General Storm Projects Budget



PACIFIC
HIGHWAY

HIGHWAY

EAST

MILSON ST.

S.E. 32ND AVE.

S.E. 33RD AVE.

AVE

S.E.

SELLWOOD

ST.

S.E. SELLWOOD

AVE.



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager
Dave Wheaton, Public Works Director
Jim Brink, City Engineer *JEB*

FROM: Ruthanne Bennett, Civil Engineering Assistant *R.B.*

RE: 40th Avenue Extension Stormline Construction

DATE: November 8, 1996

RECOMMENDATION/ACTION REQUESTED

Authorize the Public Works Department to advertise for bids to construct a stormline on Monroe Street from 40th Avenue to 37th Avenue.

BACKGROUND

Construction of 800 feet of stormline with catch basins will provide initial storm drainage on Monroe Street between 40th Avenue and 37th Avenue. This stormline will collect surface water on Monroe Street so the water will not contribute to local flooding of yards and will not damage the sidewalk, curbs or retaining walls. Also, less ice will form on this steep street and sidewalk. Field investigations have been made and plans are being drawn by the Engineering Department. Our intent is to advertise for bids in the latter part of November with the bid opening in December. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in late December. Construction could begin in early January.

DISCUSSION

Citizens have provided information regarding the need for a stormline at this location. The project, with an estimated cost of \$60,000, was not initially budgeted for this fiscal year. In the General Storm Projects Budget line item there are enough dollars to cover the cost of this project with Council approval. This project is consistent with the proposed Surface Water Master Plan.

FISCAL IMPACT

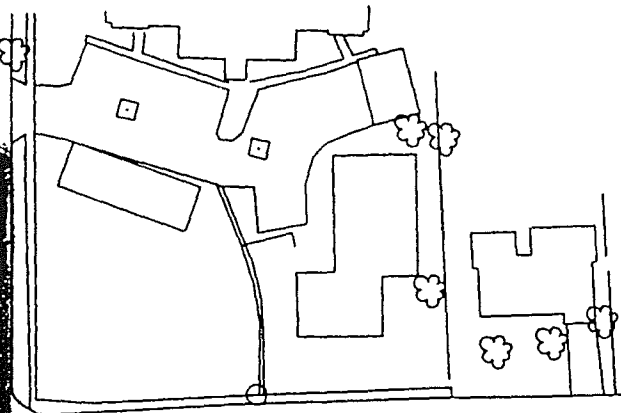
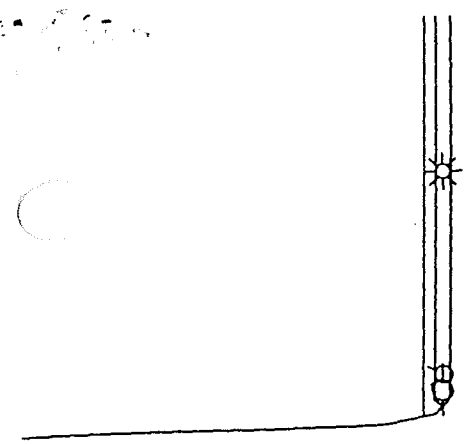
\$60,000 from General Storm Projects Budget

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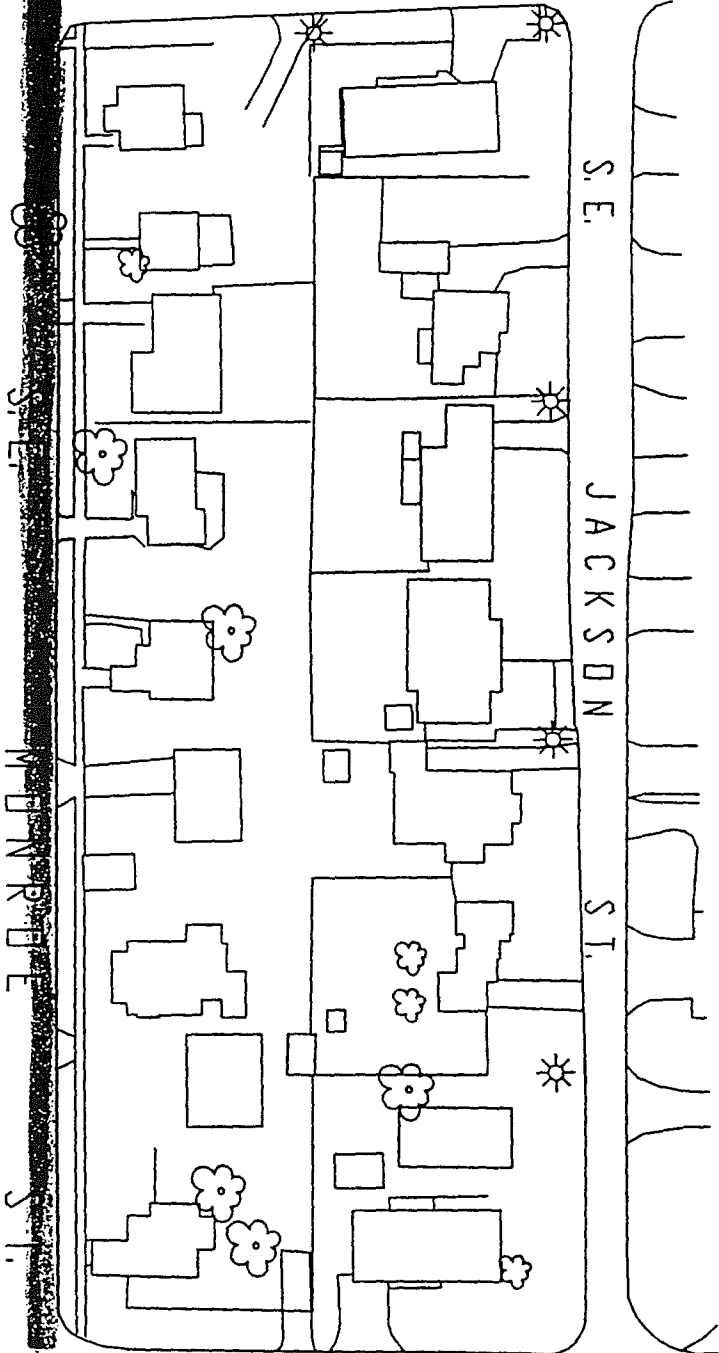
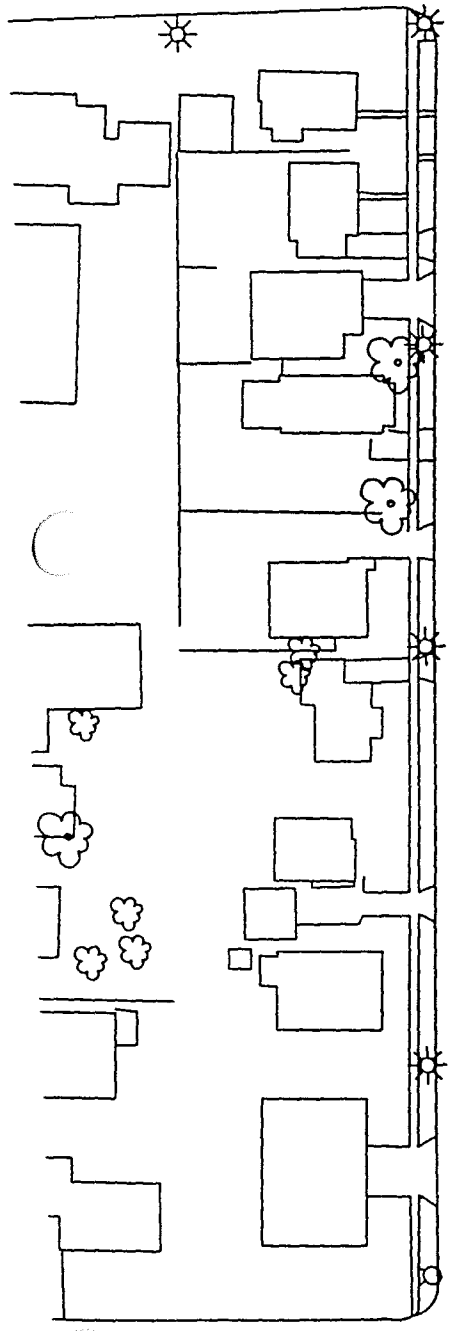
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MILWAUKIE, OREGON 97206

PHONE: (503) 786-7600 • FAX: (503) 774-8236



S. E. 37TH



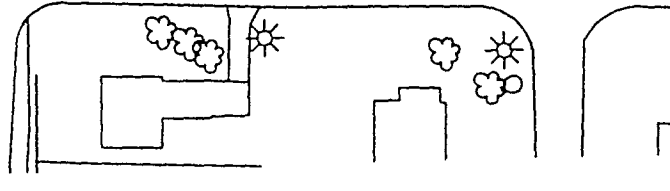
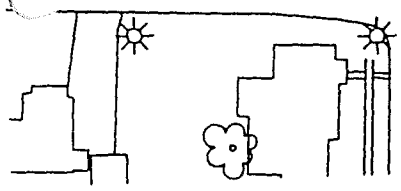
S. E.

JACKSON

ST.

S. E. 40TH

AVE.





TO: Mayor & City Council
THRU: Dan Bartlett, City Manager
FROM: Jim Brink, City Engineer
RE: Happy Valley Building Official Services
DATE: March 4, 1997

ACTION REQUESTED

Amend existing purchase order to Happy Valley for Building Official services to add \$20,000.

BACKGROUND

In July 1996, acting Building Official James Kenworthy of Linhart Petersen Powers Associates (LP2A) authorized a Purchase Order to the City of Happy Valley for A-level building inspection services estimated at that time to be approximately \$1,000 per month. This amount calculates out to provide approximately 18 hours of service per month at \$56.00 per hour.

From the beginning, Happy Valley provided services that far exceeded this estimate. July 1996 invoice was for 31.75 hours, and invoices averaged between 41 and 67 hours for the following months. The original amount on Purchase Order #970360B was nearly exhausted by November 1996.

In January 1997, City Manager Dan Bartlett authorized an increase in the PO to \$25,000. This allowed invoices through December '96 to be paid, leaving slightly more than \$10,000 remaining on the PO. The invoice we have recently received for January '97 services will take \$3,522.30 of that remaining amount. The seasonal increase in building activity is expected to result in higher billings through the end of this fiscal year.

In order to address this anticipated shortfall, Council is requested to authorize an additional \$20,000 to bring the total PO amount for fiscal year 96/97 to \$45,000.00.

	Invoice	Total T-D	Average	Y-T-D
Jul-96	\$1,880.66	\$1,880.66	2596	31147
Aug-96		\$1,880.66		
Sep-96	\$2,458.01	\$4,338.67		
Oct-96	\$3,894.76	\$8,233.43		
Nov-96	\$2,771.07	\$11,004.50		
Dec-96	\$3,642.10	\$14,646.60		
Jan-97	\$3,522.30	\$18,168.90		
Feb-97		\$18,168.90		
Mar-97		\$18,168.90		
Apr-97		\$18,168.90		
May-97		\$18,168.90		
Jun-97		\$18,168.90		



****MEMORANDUM****
Community Development Department

March 18, 1997

TO: Mayor and City Council
THROUGH: Dan Bartlett, City Manager *Dan*
FROM: *MC* Maggie Collins, Community Development Director
RE: Staff Report and Proposed Resolution, McLoughlin Blvd. Improvements

Attached is the staff report and recommended resolution for moving into the next stage of design and engineering work on McLoughlin Boulevard. Dan Layden, Senior Project Manager from ODOT, will be available at the Council meeting to answer questions and provide additional information.

Cc: Dan Layden, ODOT
Jim Brink, Milwaukie
Dan Pava, Milwaukie
Mike Clark, Milwaukie
Jeff Tashman, Regional Center Project

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON AUTHORIZING THE INITIATION OF FURTHER DESIGN AND PRELIMINARY ENGINEERING FOR A SEGMENT OF MCLOUGHLIN BOULEVARD (HWY 99E).

WHEREAS, the Metro Unified Work Program has allocated design and engineering funds for a McLoughlin Boulevard improvement project from the intersection of SE Harrison and SE 17th Avenues south to the Southern Pacific Railroad Trestle; and

WHEREAS, City and Oregon Department of Transportation staff have undertaken an assessment of various design options for said roadway segment, with review and comment by appropriate public advisory groups; and

WHEREAS, the staff recommendation is to pursue design and preliminary engineering for multimodal improvements, a three-signal configuration, and boulevard landscaping treatment of said segment;

NOW, THEREFORE, BE IT RESOLVED that City staff is authorized to take all steps in conjunction with Oregon Department of Transportation staff to initiate further design and preliminary engineering work as outlined in the Milwaukie Community Development Department Staff Report to Council dated March 18, 1997.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on March 18, 1997.

Craig J. Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:
O'DONNELL, RAMIS, CREW & CORRIGAN

Pat DuVal, City Recorder

City Attorney

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: March 18, 1997

Subject: Results of McLoughlin Boulevard Improvement Options Study

Property Owner: Oregon Department of Transportation (ODOT)

Location: McLoughlin Blvd. (Hwy 99E) Segment from the Intersection of SE Harrison and S.E. 17th Avenues south to the Southern Pacific Railroad Trestle (.05 mile)

Proposal: Initiate Preliminary Engineering for McLoughlin Blvd. Improvements Featuring a Raised Median-Three Signal System

Recommendation: Staff recommends acceptance of the February 3, 1997 report from ODOT; and adoption of the attached Resolution.

Background:

In April of 1995, Andy Cotugno of the Metro Transportation Planning staff requested that the City prepare a timetable for the use of the remaining Metro Reserve Fund monies still designated for McLoughlin Boulevard improvements. City staff met with Metro staff and it was agreed that preliminary engineering or feasibility studies could be better timed with initial work from the City's upcoming Regional center Master Plan project. The designated allocation was therefore retained in Metro's 96-97 Unified Work Program.

Additionally, Milwaukie's designation as one of the Governor's Community Solutions Team cities last year included a focused approach to several problems or tasks involving the Oregon Department of Transportation (ODOT). One of these was to work with ODOT staff to prepare a local review and recommendation so that the Metro reserve fund could be expeditiously spent.

Meanwhile in January, 1997, City and ODOT staff asked Metro to include the \$100,000 regional allocation for McLoughlin Boulevard in Metro's 97-98 Unified Work Program (see attached).

Discussion of Proposal:

ODOT and City staff formed a team in November, 1996. ODOT staff were briefed on past Council worksessions and discussions about McLoughlin Blvd. Improvements. Criteria were developed (see pages 2 and 3 "Evaluation Methodology" of ODOT report). It was determined that designs (or redesigns) previously discussed by the public, the Planning Commission and the Council should be reviewed again as a starting point.

Four design options were reviewed by ODOT staff: (1) Depressed McLoughlin with Pedestrian Bridges; (2) Depressed McLoughlin Blvd. with Lid; (3) Relocated McLoughlin; and (4) Boulevard Treatment. An options report and presentation was presented by Dan Layden, ODOT staff manager of this project. This included initial estimates of construction costs and pro's and con's of each design. Mr. Layden presented this material to the Regional Center Steering Committee on November 18, 1996; and to the Regional Center Transportation Working Group on December 11, 1996 and February 12, 1997.

ODOT staff were also asked to review the Boulevard-Six Signal design proposed by the Riverfront Planning Committee on the Concept Plan Map in its December Final Report.

Major points made in these review meetings were concerns about pedestrian crossings of McLoughlin; preservation of the City's existing grid system; need for reasonable travel through Milwaukie to points north or south; and cost of improvements. Although some Working Group members desired additional information, there was general consensus that the Boulevard Treatment with a maximum of three signals served most concerns the best. The Working Group was particularly concerned with limiting new signals along McLoughlin so that good traffic flow could be maintained while improving McLoughlin Boulevard pedestrian crossings.

As a result of these review sessions, and with additional travel data from ODOT engineers, City and ODOT staff determined that an assessment which combined engineering/construction estimated costs with pedestrian crossing needs should form the assessment framework. The results are the McLoughlin Blvd. Pedestrian Crossings Draft attached to this report.

Community Development Department Staff Report
McLoughlin Boulevard Improvement Options Report
March 18, 1997
Page 3

Design Options Summary

In order to understand the basis of the ODOT recommendation, it is important to summarize major points about the four design options studied.

Depressed McLoughlin with Pedestrian Bridges. Estimated cost of \$16,000,000, does not include right-of-way acquisition; temporary detour cost approximate \$1,500,000; requires closure of several streets; provides pedestrian access to riverfront without conflict with cars; subgrade construction could affect water table or Kellogg Creek; requires a full Environmental Impact Statement process.

Depressed McLoughlin with Lid. Estimated cost of \$22,000,000, does not include right-of-way acquisition; construction detour route cost approximately \$1,500,000; downtown grid system limited by shutting off McLoughlin; would promote extensive pedestrian circulation; subgrade construction could affect water table or Kellogg Creek; requires a full Environmental Impact Statement process.

Relocated McLoughlin. Estimated cost of \$2,600,000; does not include right-of-way acquisition or environmental remediation; requires displacement of most businesses approximately 100 feet east of existing roadway; would bring through traffic closer to grid blocks; would significantly increase developable riverfront property.

Boulevard Treatment. Estimated cost of \$1,400,000; softens but does not eliminate impact of through traffic; possible increase in traffic congestion by slowing of through traffic; requires minimal right-of-way acquisition; displacement of businesses unlikely; does not require Environmental Impact Statement or Environmental Analysis documents.

ODOT Recommendation

1. A raised median design is recommended as a way to allow for easier pedestrian crossings.
2. A three-signal design is currently being pursued as part of the traffic circulation report for the Regional Center Master Plan. This is recommended for further design work.

6

Community Development Department Staff Report
McLoughlin Boulevard Improvement Options Report
March 18, 1997
Page 4

Staff Conclusion:

Emphasis on safe and convenient crossings of McLoughlin has been part of every public discussion about McLoughlin Boulevard improvements. Staff's major issue has been to assure that if a boulevard design is selected, that it be a recognizable boulevard treatment, consistent with Regional Transportation Plan designations and with the City's Draft Transportation System Plan.

The Boulevard Treatment is the McLoughlin Boulevard option that most successfully meets the criteria of enhanced pedestrian safety while remaining cost-effective. This approach is endorsed in the City's Draft Transportation System Plan for McLoughlin as it traverses Milwaukie's downtown. The intent is to allow McLoughlin to function as a major regional traffic carrier while incorporating multimodal design elements to improve pedestrian and bicycle safety and usability.

While the other options would provide great benefits by enhancing pedestrian safety and possibly creating more expansive linkages to the Riverfront area, they would be unrealistically costly. Depressing McLoughlin Boulevard would create expensive retrofitting to access downtown streets. Both depressed options would effectively hide downtown businesses from the view of passing traffic.

Relocating McLoughlin approximately 100 feet east creates a broader riverfront area while carving out parcels in the downtown grid that could play important roles in regional center redevelopment. In contrast, the boulevard treatment upgrades an existing roadway with wider sidewalks and pedestrian crossing aides. Proper signalization assures that McLoughlin takes on an "urban feel" for this segment.

Staff recommends adoption of the Resolution which serves to initiate further design and preliminary engineering work.

Attachments:

1. Draft Resolution
2. McLoughlin Blvd. Pedestrian Crossings Options Analysis, ODOT, 2/3/97
3. Metro FY 1997-98 Unified Work Program, page 58

February 3, 1997

DEPARTMENT OF
TRANSPORTATION

Maggie Collins
Community Development Director
City of Milwaukie
6101 SE Johnson Cr. Blvd.
Milwaukie, OR 97206

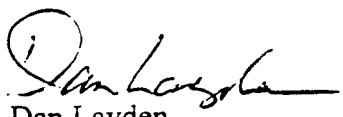
Region 1

FILE CODE:

Dear Ms. Collins.

Enclosed with this letter is our analysis of pedestrian crossing options for the downtown Milwaukie section of McLoughlin Blvd. (OR Hwy. 99E) As the analysis reflects, I recommend further investigation of a raised median which would improve access control and facilitate pedestrian crossing. In addition, I recommend further analysis of a three signal system. However, it should be noted that our traffic engineering section would have significant concern with the safety and capacity of a three signal system. While the other alternatives considered may have some merit, their cost and environmental impacts probably outweigh the potential benefit.

I look forward to working with the City Council and Planning Commission to identify improvements that will be mutually beneficial to the city and the state. I'm happy to attend any meetings for citizens or elected officials, if you have any questions please call me at 731-8565



Dan Layden
Senior Transportation Planner

- cc: Bill Ciz, Traffic Manager
- Leo Huff, Planning Manager
- Lidwien Rahman, TGM Program



123 NW Flanders
Portland, OR 97209-4037
(503) 731-8200
FAX (503) 731-8259

**McLoughlin Blvd. Pedestrian Crossings
Options Analysis
DRAFT**

Existing Conditions (Section: Harrison St. to south of Washington St.)

McLoughlin Blvd. (ORE Hwy. 99E) carries four continuous travel lanes through this section with a painted median that functions as a left turn lane in certain locations. There are 6-8 foot sidewalks on both sides of the street with no bicycle lanes. Traffic is controlled with a four phase signal at Harrison St. and a two phase signal at Jefferson St.

The following table describes the location of signals and access points to Hwy. 99E in this section. The left turns are accommodated with left turn pockets and protected phases at Harrison St. The sections between the left turn refuges are painted medians. The southbound left from McLoughlin to Harrison St. connects with the 17th Ave intersection and Hwy. 224. The large movement from Hwy. 99E southbound to the 17th Ave jug handle is accommodated by a 350' left turn storage lane which continues through the intersection of Jackson St., restricting it to right in/right out access.

Intersection	Signal	Southbound LT	Northbound LT	Sidestreet Access
Harrison	yes	yes	yes	full
Jackson	no	no	no	rt. only
Monroe	no	yes	no	rt. only
Jefferson	yes	no	yes	full
Washington	no	yes	no	rt. only

Traffic Volumes

ODOT has a permanent counter located .01 mile south of Jefferson St. In 1994 the Average Daily Traffic was 39,600 vehicles. The accident rate for the section between SE 17th Ave and Jefferson St. varied between 4.43 to 8.43 accidents per million vehicle miles between 1990 and 1994. Construction of the Harrison St. connection and associated improvements, completed in 1994, improved the safety of the facility and will probably reduce the accident rate.

Bicycle/Pedestrian Access

There are no bike lanes on McLoughlin Blvd. through this section although there are bike lanes south of Milwaukie and on 17th Ave. McLoughlin is identified as a primary corridor in the draft Regional Bicycle Plan.

Pedestrians: Pedestrian access along McLoughlin is accommodated with sidewalks. Access across McLoughlin at unsignalized locations is difficult as the signalized

crossings are 850 feet apart limiting pedestrian access to the waterfront. The streetscape does not present an appealing environment for pedestrians. Between 1993 and 1996 there was one reported accident involving a pedestrian. The intent of this analysis is to evaluate options for improving pedestrian crossings and the overall streetscape.

Crossing Options

These options have been suggested by the City of Milwaukee as possible treatments to McLoughlin Blvd. to improve pedestrian access and lessen the issues of McLoughlin Blvd. on the downtown and the waterfront.

- **Depressed McLoughlin Blvd. with Pedestrian Bridges:** This option would remove the existing McLoughlin Blvd. and reconstruct the street approximately 21' below the existing grade. In this option the roadway would be open except for two bridges that would carry pedestrian traffic.
- **Depressed McLoughlin Blvd. with Lids:** This option would reconstruct the existing street approximately 21' below the existing grade. The option would provide for pedestrian access through the use of lids constructed at grade with the existing side streets.
- **Relocated McLoughlin:** This option would remove the existing highway and re-locate the street centerline approximately 100' east of the existing roadway.
- **Boulevard Treatment:** This option would reconstruct the existing McLoughlin Blvd. to provide wider sidewalks, bike lanes and pedestrian crossing enhancements that could include either a modified signal system or raised medians. This report will examine three possible boulevard/signal system treatments:
 - 6 Signal System
 - 3 Signal System
 - 2 Signal System with Raised Median

Evaluation Methodology

Staff from the City of Milwaukee and the Oregon Department of Transportation developed a series of criteria to evaluate the options.

- **Land Use Issues:** How each option affects existing and proposed land uses.
- **Urban Form Issues:** How each option addresses future plans for land use including waterfront development, continuation of a strong mainstreet downtown and compatibility with land use in the corridor.
- **Circulation Issues:** How each option will affect traffic circulation.
- **Through Traffic Issues:** How each option will affect through traffic on Hwy. 99E.
- **Pedestrian Issues:** How each option will affect pedestrian access and ambiance.

- **Bicycle Access:** How each option will affect bicycle access.
- **Right-of-Way Issues:** Relative estimate of the potential right-of-way needs for each option.
- **Environmental/Engineering Issues:** How each option will affect the natural environment. Engineering issues that could affect construction feasibility.
- **Cost Estimate:** This estimate represents a very preliminary order of magnitude estimate. the estimates **do not** include right-of-way.

The options were then developed to a preliminary level by ODOT staff with preliminary alignments and cost estimates. It should be noted that this work is very preliminary and is only useful to compare options and provide preliminary recommendations. Developing a project in this corridor will require considerably more work. Following is a summary of the critical issues associated with each option.

Option One: Depressed McLoughlin with Pedestrian Bridges:

Advantages

This option would provide opportunity for commercial development along McLoughlin and the Milwaukie waterfront by providing a street environment that is not impacted by through traffic. The option would provide a high level of pedestrian and bicycle access with limited interaction with automobiles.

Disadvantages

The preliminary cost estimate for this option is \$16 million, making this a very high cost solution. It is unlikely that funding for this option would be available in a reasonable time frame. With this option, traffic traveling through Milwaukie would effectively be in a tunnel from north of Harrison St. to south of Washington St. All of the existing intersections would no longer function, making it necessary to construct a new entrance/exit to access downtown Milwaukie. Construction of this option would require preparation of an Environmental Impact Statement to comply with the National Environmental Policy Act. Construction would significantly affect local business sites and probably require significant right-of-way acquisition.

Recommendation:

The cost and impacts of this option far outweigh the benefits of improved pedestrian access and streetscape. This option is not recommended for further analysis.



Option Two: Depressed with Lids: This option would depress McLoughlin Blvd. and provide structures that would accommodate both bicycle, pedestrian and limited motor vehicle traffic.

Advantages:

This option provides the highest level of pedestrian ambiance by providing a large area with very limited interaction with autos. The type of structure generally associated with this type of approach would allow for construction of small buildings and accommodate some traffic. However the space would generally not accommodate large buildings.

Disadvantages:

The disadvantages of this option are similar to those for the other depressed option with the added disbenefit of additional cost. The cost estimate for this option is approximately \$22 million.

Recommendation

The advantages of this option, while significant, probably do not justify the cost and impacts. It is very unlikely that financial resources would be available to complete this option given limited resources and extensive needs. This option is not recommended for further study.

Option Three: Relocated McLoughlin: This option would remove the existing highway and re-locate the street centerline approximately 100' east of the existing roadway.

Advantages:

This option would provide a significant parcel of developable land near the Milwaukie waterfront.

Disadvantages:

This option would move the impacts of through traffic 100' closer to the existing downtown area and would not significantly change the pedestrian environment. The option would require relocation of businesses on the east side of McLoughlin. The preliminary cost estimate for this option is \$2.6 million. However, right-of-way for this option would significantly increase this estimate.

Recommendation:

This option would probably degrade the existing situation by moving the impacts of through traffic closer to the downtown area. This option is not recommended for further consideration.

Option 4: Boulevard Treatment

This option would reconstruct the existing McLoughlin Blvd. to provide wider sidewalks, bike lanes and a raised median for access control and pedestrian refuge. Cost estimates for the boulevard treatment cannot be prepared without further refinement: however the cost will probably be substantially less than the other options. This report examines three possible suboptions:

- 6 Signal System
- 3 Signal System
- Existing Signals with raised median

Note: See attached memo for further discussion of these options.

Six Signal System:

The six signal system, recommended by the Milwaukie Riverfront Concept Plan in November 1996, would place pedestrian crossing signals at all five downtown intersections, including new signals at Jackson St., Monroe St., Washington St. and new access for the Kellogg Creek Wastewater Treatment Plant south of Washington St.

Advantages:

A six signal system would provide for protected pedestrian crossing at all possible locations along McLoughlin Blvd. The system would slow traffic and lessen the impact of through traffic.

Disadvantages:

A six signal system would inevitably lead to severe congestion on McLoughlin Blvd. which would affect the overall function of the facility. It is virtually impossible to coordinate six traffic signals placed close together on a two way street. A spacing scheme that benefits travel in one direction inevitably interrupts flow in the opposite direction. The spacing between the signals would not allow enough queuing space for vehicles waiting for red lights. A signal at Jackson St. would require removal of the existing left turn at Harrison St. affecting regional traffic patterns. A new signal for

the Wastewater Treatment plant would probably have very constrained sight distance for northbound vehicles. This is a particularly serious problem for the first signal in a system.

Recommendation:

The six signal system would provide improved pedestrian access. However, it would severely impact traffic safety and flow. The congestion associated with the system would discourage business activity in Milwaukie and be unacceptable on a roadway of regional significance. The safety implications of such a system would probably lead ODOT to reject a six signal system. The six signal system is not recommended for further analysis.

Three Signal System:

This option modifies the six signal system option to provide spacing for traffic queues. This option would retain the existing signal at Harrison St. add new signals at Monroe and Washington Streets and remove the existing signal at Jefferson St. This option would provide two block spacing between traffic signals.

Advantages:

This option would provide for protected pedestrian crossings at three locations along the waterfront area spaced no more than 500' apart. It is likely that the impacts to through traffic will be less than the six signal option. Kittleson and Associates is currently conducting an analysis of traffic operations with a three signal system.

Disadvantages:

This system would likely lead to some increase in congestion although it is not possible to determine the impacts until further analysis is complete. It is unlikely that both of the new traffic signals would meet existing traffic signal warrants for pedestrians or vehicle volumes. The traffic signals would be closer than ODOT's standard signal spacing on this type of facility.

Recommendations:

While there are clearly some technical issues with this approach, it does provide significant benefit to pedestrian crossings. This options is recommended for further analysis.

Raised Median Option:

This option would place a raised median from south of the Jefferson St. intersection to south of the Monroe St. intersection. The Monroe St. intersection would allow only right turn movements. It may be possible to adjust the existing traffic signals to provide additional pedestrian crossing time. This option could also include curb extensions at the Jefferson St. intersection to reduce pedestrian crossing distances.

Advantages:

This option would assist pedestrian crossing but would not provide additional protected crossings. A raised median assists pedestrians crossing a two-way street by providing a mid-street refuge to allow pedestrians to cross the street in two stages. While this will not provide as high a level of protection it will allow for easier pedestrian crossings. Placing the median through the Monroe St. intersection will increase traffic safety by eliminating a left turn maneuver. There were 4 accidents in the last three years at the Monroe St. intersection which may have been prevented by a median.

Disadvantages:

This option would not provide additional protected crossings of McLoughlin Blvd. The option may limit accessibility to downtown Milwaukie by eliminating the left turns to Monroe St.

Recommendation:

This option would provide substantial benefit with minimal cost and effect on traffic operations. The option should be studied further.

OTHER PROJECTS OF REGIONAL SIGNIFICANCE

MILWAUKIE

McLoughlin Boulevard (ORE 99E) Feasibility Study

Review design options for improvements to a .5 mile segment of McLoughlin Boulevard in downtown Milwaukie; part of the integrated Milwaukie Regional Center Arterial/Street Improvement Program. The initial improvement draft was completed in January, 1997. Final design selection was in March, 1997. The Regional Center Master Plan is scheduled for completion in August, 1997.

Federal Share:	\$100,000 STP
Total:	\$125,000



*** MEMORANDUM ***
March 10, 1997

To: Mayor and City Council
From: Dan Bartlett, City Manager
Re: Communications Agreement

Action Requested

Council directed staff to present the attached Communications Agreement at the March 18, 1997, City Council meeting for adoption.

Background

The City Council has met in several work sessions with Kent Layden to set Council Goals and draft a Communications Agreement. Many well-run organizations have adopted communications agreements to help groups within the organization function.

This proposed agreement incorporates language from similar agreements developed by the City of McMinnville, City of Grants Pass, and the State of Oregon Department of Forestry. Council has modified the original language to suit Milwaukie's needs.

In the North Clackamas School District, this type of behavioral guideline is evident in the Character Traits document (see attached grades sheet), the peer mediation programs, and the problem-solving models posted in school rooms. At Hector Campbell, I noted the following posted in the room used by Neighborhood Association:

Campbell Problem Solving

1. Hey, Wait . . . *What's the problem?*
2. Think . . . *What might work to solve the problem?*
3. Do . . . *Try the plan*
4. Check . . . *How did my plan workout? . . . What do I do next?*

This agreement, if adopted by Council, will serve as guidance document for the whole organization, boards and commissions, and staff. Council will be setting the performance standard it expects everyone to follow.

cc: File
cm1063/hd

MILWAUKIE CITY HALL
10722 SE MAIN STREET
MILWAUKIE, OREGON 97222
PHONE: (503) 786-7555 • FAX: (503) 652-4433

MilwaukieCity Council
Communication Agreement

March 18, 1997

The purpose of this Communication Agreement is to promote a more effective working relationship among group members.

1. I will respect other members of the group, be tactfully honest, and actively participate in the group.
2. I will listen earnestly to other members during deliberations. I will check out facts and feelings, and work toward understanding, acceptance and support. I will seek to finish discussion on ideas and issues before going on. I will move from generalities to specifics, and reserve the right to correct major misinformation.
3. I speak for myself and will avoid saying "we" or "you" when I mean "I." I agree to use "we" by permission or when using the collective "we."
4. I appreciate different points of view and take responsibility to tell other members not only what I think and feel, but why. I recognize that what I permit to occur, I accept. If I do not speak out I am likely to be viewed as in support. I will present my views in a forthright, positive manner and respond to questions clearly-and directly.
5. I will bring issues to the group first before taking a public position. I will seek to avoid surprising others by giving advance notice (with sufficient time to review data) of significant matters to be introduced at meetings, when possible.
6. I will work toward consensus. I will accept the collective decision-making process of the group. If I disagree with a particular decision made by the group, I will voice my opinion without personalizing the issue.
7. I will focus on the present and future and use the past only as data for the present and the future. Without new or additional information, I will not bring up old issues, and once a group decision is made, I will accept it and move on.
8. I will look for and acknowledge things that go right I will praise in public and criticize in private. If I have a concern or issue with another member, I will go to that individual first in an appropriate, private, and timely manner and share that concern.
9. I will endeavor to enjoy our work together and will celebrate our successes.

Intermediate grades are based on the District and State Content and Performance Standards

- A - Exceeds Standards**
Work at this level exceeds the standards. It is both exceptional and memorable. It is often characterized by distinctive and unusually sophisticated problem-solving approaches and solutions.
- B - Meets Standards**
Work at this level meets the standards consistently. It is thorough and portrays control of content, skills, and problem-solving strategies.
- C - Meets Standards Inconsistently/Partially**
Work at this level meets standards at the assigned grade level only partially or in an inconsistent pattern.
- D - Does Not Yet Meet Standards**
Work at this level is below the standards at the assigned grade level.
- I - Incomplete Evidence Produced by Student**
Work cannot be evaluated due to missing or partially completed assignments.

- The Reading grade includes decoding skills, vocabulary development, comprehension, and appreciation of literature.
- The Writing grade includes composition, grammar, spelling, handwriting, use of language, and the writing process.
- The Speaking grade includes using language to deliver presentations, ask and answer questions, and communicate ideas effectively.
- The Math grade includes mathematical calculations/estimation, measurement, statistics/probability, algebraic relationships, geometry, and problem solving.
- The Social Sciences grade includes history, geography, civics, economics, and social studies analysis.
- The Science/Health grade is integrated and includes unifying concepts, life science, physical science, earth and space science, and scientific inquiry.

The following are descriptions of the characteristics of a successful learner, based on the North Clackamas School District Character Education Program.

- Courtesy - *The student demonstrates behaviors that are polite, kind, civil, and thoughtful of others.*
- Respect - *The student shows appropriate consideration and regard toward others.*
- Self-discipline - *The student knows own responsibilities and carries them through without supervision.*
- Responsibility - *The student meets an obligation, duty, or trust.*
- Patience - *The student demonstrates a calm endurance in a trying or difficult situation.*
- Cooperation - *The student works with others toward a common purpose.*
- Effort/Work Ethic - *The student demonstrates work habits to accomplish tasks, duties, and assignments (for example, completes classroom assignments and homework).*



MEMORANDUM

To: Mayor and City Council

Through: Dan Bartlett, City Manager *Dan*

From: Pat DuVal, City Recorder *pat*

Subject: March 18, 1997, City Council Agenda Material

Date: March 13, 1997

Action Requested

Information only for advisory board and commission appointments.

Background

The following is a summary of board and commission vacancies and applications. Those applicants interviewed previously have not been re-scheduled for an interview, and their original applications are attached. A current roster is also attached.

Advisory Group	Current Vacancies	Total Vacancies on 3/31/97	Remarks
Budget Committee	1	2	Natalina Carbone, current Library Board member, seeking appointment to Budget Committee No new applications
Center/Community Advisory Board	1	3	Doris Burton re-applied Lillie Moore declined Alice Snyder, new applicant; interview 3/18/97
Citizens Utility Advisory Board	4	4	No new applications

Advisory Group	Current Vacancies	Total Vacancies on 3/31/97	Remarks
Historic Resources Commission	0	0	No new applications
Library Board	0	1	Mildred Bozich declined re-appointment No new applications
Park & Recreation Board	2	2	Sandy Peckover, recently resigned from TSTB, seeking appointment to PARB No new applications
Planning Commission	2	3	Tim Havel, appointed 8/96, is seeking re-appointment Jeff Marshall, current PARB member, seeking appointment to Planning Commission Chuck Stoudt, current TSTB member, seeking appointment to Planning Commission Christopher Browning, interviewed 8/5/96, but not appointed No new applications
Traffic Safety and Transportation Board	2	3	Susan Stone is eligible for re-appointment, but has not responded to staff inquiry No new applications



Name: Natalina Carbone Date: June 6, 1996
 Street Address: 4441 SE Brae Milwaukie
 Business Phone: _____ Home Phone: 503-786-9725

How long have you been a Milwaukie resident? 6 yrs.
 Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission No
 Are you a registered voter in Milwaukie? Yes
 How did you learn about this position? The Milwaukie Pilot

Current Position: Retired Employer: Self Employed ARTIST + Teacher of
 Employer's Address: _____ Phone: Fiber Arts

Please list any prior civic or professional activities. see Attached

Why would you like to be appointed to this commission? _____

What special training, skills, or experience have you had which would be pertinent to this application? _____

Boards or Commissions in which you are interested. Library

Please complete this form fully so City Council can evaluate your application.

Thank you for the extra time and effort.

Received at City Hall 6/7/96 Information Sent 7/19/96
 Interviewed 7/27/96 Appointed 8/13/96
 Commission Library Board Term Expires Position #3 - 3/98

CITY OF MILWAUKIE

7 JUN 2 1996

Natalina Carbone
4441 SE Brae St.
Milwaukie, OR 97222

I have no prior Civic activities because for the 20 years before moving to Portland I lived overseas with my sister who was a U. S. diplomat.

I would like to be appointed to this commission because I have very strong feelings about the importance of libraries in our communities. Having lived where libraries were either very poor or non-existent I know the difference a good library can make to a community. I find the Ledding Library to be an excellent library for a small town and I would like to help in maintaining this standard of excellence.

Before I moved overseas I worked as a bookkeeper, accountant, office manager for a small food import business and raised a family. While at the Embassy in Brasilia, Brazil I was general manager for all of the on-site employee facilities- the commissary, the restaurant, and the club. While living in Hawaii I served on the board of directors of our condominium and filled in as Manager during the times we were between managers. My only experience with libraries comes from being a lifetime user and observer of libraries around the world.

MILWAUKIE CENTER

5440 SE KELLOGG CREEK DRIVE

MILWAUKIE, OR 97222

(503) 653-8100

APPLICATION - CENTER/COMMUNITY ADVISORY BOARD

NAME: Doris Burton

ADDRESS: 4902 S.E. Rio Vista St - Milwaukie, Ore 97222

TELEPHONE: (HOME) 554-5194 (WORK) _____

AREA RESIDENT SINCE: 1957

RESIDENT OF: City of Milwaukie Park District Outside City _____

PREVIOUS APPOINTMENTS, OFFICES, BOARD EXPERIENCE: Center/Community

Advisory Board - Bookkeeper For Gift Shop - Building Board 2004

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: None

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: None

ARE YOU AVAILABLE FOR REGULAR MEETINGS: Yes

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR THE CENTER: Keep The Center running efficiently, friendly & helpful to the people who need the center's services

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS COMMITTEE OR COMMITTEES: I work in ^{Kitchen} on Meals on Wheels, Gift Shop, & wherever else in the center I can assist

This information will be kept on file. Please feel free to attach any additional background information you think would be of value.

Thank you.

Doris Burton

Signature

2-18-97

Date



Name: Sandy Peckover Date: 6-25-96
Street Address: 12600 S.E. Freeman Way, #40, Milwaukie, Oregon 97222
Business Phone: (503) 288-7303 Home Phone: 654-4519

How long have you been a Milwaukie resident? 5 years
Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission no
Are you a registered voter in Milwaukie? yes
How did you learn about this position? Survey regarding traffic safety Lake Rd Oregonian

Current Position: Administrative Assistant Employer: The Urology Clinic, P.C.
Employer's Address: 501 N. Graham, Suite 420 Phone: 288-7303
Portland, Oregon 97227

Please list any prior civic or professional activities. none

Why would you like to be appointed to this commission? Give back to the community

What special training, skills, or experience have you had which would be pertinent to this application? Worked in health care all of my career, worked with people in reception, collections, space planning, facility maintenance, operations

Boards or Commissions in which you are interested. Traffic Safety Park & Recreation

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort.

Received at City Hall 7/1/96 Information Sent 7/19/96
Interviewed 7/27/96 Appointed 8/13/96
Commission TSTB Term Expires Position #3 - 3/00

CITY OF MILWAUKIE

96 JUL 1 9 11 AM '96

CURRENT CIVIC ACTIVITY

Serving on a technical work group for development of risk-based corrective action rules being promulgated by the Department of Environmental Quality for the State of Oregon.

CURRENT PROFESSIONAL ACTIVITY

Working as a hydrogeologist for a Portland Area environmental engineering firm. Involved in subsurface site investigations, waste management, permitting, reviewing land use restrictions and allowances, site cleanups (remedial action), remedy selection, and interpretation of Oregon's environmental rules and regulations.

PLANNING COMMISSION APPOINTMENT OBJECTIVE

Being a resident of Milwaukie and having an understanding of the current environmental laws regarding brownfields which incorporates the redevelopment of urban property, I feel that I can be of useful assistance to the planning needs of the City. My primary objective, if appointed to the Planning Commission, would be to assist in the continued beautification and betterment of the community for which I live. On a more global thought, I have been a resident of Oregon since 1975 and cherish the quality of life we all share here, but also realizing that in order to keep the quality for which we all cherish, we must be and aware of our surroundings and active in our communities.

PERTINENT EXPERIENCE TO APPLICATION

I hold about 11 years of experience in the realm of environmental science and the management of toxic and hazardous materials. Throughout my career I have been trained in the area toxicology and the application of institutional or engineering controls that are protective to human health and the ecological environment. I am currently involved in the redevelopment of rules which govern the way Oregon will manage the reduction of brownfields and the cleanup of contaminated sites (HB 3352). I am familiar with Oregon's land use laws and have a complete understanding of Oregon's Prospective Purchaser's Agreement for the control of land use with respect to impacted sites. I feel that with my experience, I can enhance the Planning Commission's ability in recommending and/or making suggestions to the City Council and staff on the matters of planning and zoning. Additionally I feel that there is a special need in the Planning Commission to make cognizant recommendations with respect to the beautification of the business district with the proposed river front park and the proposed metro light rail.



Name: Jeffrey Martin Marshall Date: 3/13/96

Street Address: 9901 SE 53rd Ave., Milwaukie, OR 97222

Business Phone: ~~799-8788~~ 704-1007 Home Phone: 654-5143

How long have you been a Milwaukie resident? 14 years

Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission NO

Are you a registered voter in Milwaukie? YES

How did you learn about this position? Neighborhood Assoc. Meeting - Councilor

Current Position: Superintendent Employer: Yorke & Curtis General Contractors

Employer's Address: 10125 SW Bvtn Hillsdale Hwy Phone: 646-2123
Beaverton, OR 97005

Please list any prior civic or professional activities. Chairman TSP Roads Working Group,
Chairman Lewelling Neighborhood Assoc. Land Use Committee, Member Riverfront
Planning Committee.

Why would you like to be appointed to this commission? To add to the positive
leadership and decision making role of land use planning, for current and
future needs.

What special training, skills, or experience have you had which would be pertinent to this application? City "Landuse", Training. The ability to see the "big picture", the
patience to let things develop, the objectivity to look at all the opinions before
making a decision, and the leadership to get things done.

Boards or Commissions in which you are interested. PLANNING COMMISSION

Please complete this form fully so City Council can evaluate your application.

Thank you for the extra time and effort.

Received at City Hall 03/18/96 ^{4:25 PM} Information Sent 7/19/96
Interviewed 8/5/96 Appointed 8/13/96
Commission PAR B Term Expires Position #5 - 3/98



Name: Charles Stout Date: 3/6/96
Street Address: 2171A SE Moores
Business Phone: 654-8577 Home Phone: 654-8577

How long have you been a Milwaukie resident? 6 in City, 20 in N
Are any members of your household currently serving on a City of Milwaukie Board or Commission? If so, which Commission check.
Are you a registered voter in Milwaukie? No
How did you learn about this position? After a meeting

Current Position: Dwarf Employer: Stout Consulting
Employer's Address: Same Phone: 654-8577
+ Adjunct Faculty - Concordia U.

Please list any prior civic or professional activities.
Civil Service Comm, Chamber,
RODP,

Why would you like to be appointed to this commission? Many many
reasons, biggest? — the huge
agenda!

What special training, skills, or experience have you had which would be pertinent to this application? Ph.D. (ARD) Public Admin.
Intern @ Multi. Planning, Metro
Exec. Assistant. B.S. in Pol. Sci.

Boards or Commissions in which you are interested. Planning?

Please complete this form fully so City Council can evaluate your application.
Thank you for the extra time and effort.

Received at City Hall 3/7/96 11:05 AM ckw Information Sent 7/19/96
Interviewed 7/27/96 Appointed 8/13/96
Commission TSTB Term Expires Position # 7 - 3/00



Name: CHRISTOPHER M. BROWNING Date: JUNE 26, 1996
Street Address: 7254 SE THIESSEN RD MILWAU 97267
Business Phone: 940-2562 Home Phone: 786-4709

How long have you been a Milwaukee resident? 20 YEARS
Are any members of your household currently serving on a City of Milwaukee Board or Commission? If so, which Commission NONE
Are you a registered voter in Milwaukee? YES
How did you learn about this position? NEWS PAPER

Current Position: PROJECT MANAGER Employer: P.A. BROWNING CONST
Employer's Address: 1453 SE CAWLER WAY MILWAU Phone: 653-2589

Please list any prior civic or professional activities. BEEN PART OF STREET OF DREAMS 1994, 1996 I HAVE EXPERIENCE WITH THE SYSTEMS AND THE PEOPLE THAT KEEP THE CITY LIVING AND GROWING

Why would you like to be appointed to this commission? I WISH TO GIVE BACK TO THE CITY THAT HAS GIVEN SO MUCH TO ME. I WOULD LIKE TO SEE THE CITY GROW IN A POSITIVE DIRECTION

What special training, skills, or experience have you had which would be pertinent to this application? I HAVE 15 YEARS OF EXPERIENCE IN CONSTRUCTION 7 YEARS IN PLANNING AND IMPLEMENTING COMPREHENSIVE AND FORWARD REACHING LAND USE IN THE PRIVATE SECTOR

Boards or Commissions in which you are interested. PLANNING, HISTORIC RESOURCES, SAFETY AND TRANSPORTATION, BUDGET COMMITTEE

Please complete this form fully so City Council can evaluate your application.
Thank you for the extra time and effort.

CITY OF MILWAUKEE
JUN 26 1996
5 07 PM

Received at City Hall 7/1/96 Information Sent 7/19/96
Interviewed 8/5/96 Appointed _____
Commission _____ Term Expires _____

**ADVISORY BOARDS & COMMISSIONS ROSTER
CITY OF MILWAUKIE 02-25-97**

BUDGET COMMITTEE

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Susanna Pai 12251 SE 42nd Ct. Milwaukie, OR 97222	243-4706 (pager) 654-8693 (home)	8-13-96 1-3-95	3/99
2				3/97
3	Dave Delestatious 5278 SE Brookside Drive Milwaukie, OR 97222	256-0969 (work) 786-2134 (home)	8-13-96	3/98
4	Clyde Ruby 11004 SE Stanley Avenue Milwaukie, OR 97222	654-0040 (home)	10-4-94 4-7-92	3/97
5	Virginia Michel 12006 SE Redwood Milwaukie, OR 97222	654-1659 (home)	8-13-96	3/98
Staff Liaison	DAN BARTLETT	786-7501		

CENTER/COMMUNITY ADVISORY BOARD

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Alice M. Neely 5925 SE Kent Milwaukie, OR 97222	654-7178 (home) 653-8100 (work)	8-13-96 11-5-91 5-1-90	3/98
2	Molly Jo Hanthorn 12014 SE 19th Milwaukie, OR 97222	654-3587 (home)	8-13-96 12-5-95	3/99
3	Doris Burton 4302 SE Rio Vista Milwaukie, OR 97222	654-5194 (home)	11/15/94 11-5-91 3-21-89	3/97
4	Alan E. Brunk 4304 SE Rio Vista Milwaukie, OR 97222	659-0126 (home)	8-13-96 11-2-93 9-18-90 2-2-88	3/98
5	Dolly Macken-Hambright 12258 SE Grove Loop Milwaukie, OR 97222	659-7582 (home) 659-8908 (work)	10-15-96	3/99
6	Audrey Parsons 4335 SE Monroe Milwaukie, OR 97222	659-0671 (home) 635-9137 (work)	2-4-97	3/31/2001
7				3/98
8	Janet W. Witter 4515 SE Adams Milwaukie, OR 97222	654-0342 (home)	8-13-96 11-5-91 3-21-89	3/99
9	Lillie Moore 4001 SE Johnson Creek Blvd. Milwaukie, OR 97222	654-6401 (home)	11-15-94 11-5-91 3-21-89	3/97
Staff Liaisons	CHARLENE RICHARDS JOAN YOUNG	786-7506 653-8100		

CITIZENS UTILITY ADVISORY BOARD

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1			8-13-96	3/99
2	Jim Backenstos 3626 SE Harrison Milwaukie, OR 97222	659-0153 (home)	8-13-96 10-18-94 7-10-90	3/98
3	Bob Hatz 5656 SE Harlene Street Milwaukie, OR 97222	654-8608 (home)	8-13-96	3/00
4				3/99
5				3/97
6	Alan Fletcher 11509 SE 48th Milwaukie, OR 97222	659-9928 (home) 656-7834 (work)	8-13-96 7-19-94 7-10-90	3/98
7	Betty Chandler 12600 SE Freeman Way, #38 Milwaukie, OR 97222	653-2159 (home)	10-15-96	3/00
Staff Liaison	DAN BARTLETT	786-7601		

HISTORIC RESOURCES COMMISSION

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Irene Bowers 2020 SE Silversprings Road Milwaukie, OR 97222	654-9419 (home) 242-1477 (work)	8-13-96 2-6-96	3/00
2	Jean Johnson 3635 SE Johnson Creek Blvd. Milwaukie, OR 97222	654-6684 (home)	8-13-96 11-2-93	3/99
3	Margaret Parsons 3235 SE Harrison Street Milwaukie, OR 97222	653-0057 (home) 238-4870 (work)	8-13-96 11-2-93	3/00
4	Patty Wisner 3325 SE Wister Street Milwaukie, OR 97222	654-7468 (home)	8-13-96	3/98
5	Planning Commission Representative			
Staff Liaison	STACY LAWSON	786-7653		

LIBRARY BOARD

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Mary Churnside 4792 SE Allen Road Milwaukie, OR 97267	654-0515 (home)	8-13-96 3-3-92	3/99
2	Kim Wilber 11010 SE 54th Place Milwaukie, OR 97222	659-8034 (home)	8-13-96 9-15-92	3/00
3	Natalina Carbone 4441 SE Brae Milwaukie, OR 97222	786-9725 (home)	8-13-96	3/98
4	Pam Meredith 3729 Se Spaulding Avenue Milwaukie, OR 97267	653-6425 (home) 653-4669 (work)	8-13-96 11-5-91	3/99
5	Mildred Bozich 1400 SE Lava Drive, #28 Milwaukie, OR 97222	654-4215 (home)	7-20-93 7-20-93 3-3-92	3/97
6	Mary Zell 5273 SE Jackson Milwaukie, OR 97222	786-8218 (home) 266-2751 (work)	8-13-96	3/98
7	Ted Cafourek 11988 SE 37th Avenue Milwaukie, OR 97222	786-8023 (home) 226-4801 (work)	8-13-96	3/00
Staff Liaison	CYNTHIA STURGIS	786-7584		

PARK & RECREATION BOARD

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Dave Murray 4055 SE Washington Street Milwaukie, OR 97267	659-5105 (home) 691-4965 (work)	8-13-96	3/98
2	Rob Curtis 8802 SE 41st Milwaukie, OR 97222	653-8446 (home) 777-7495 (work)	8-13-96 7-20-93 6-2-92	3/99
3	Jonathan Newman 10994 SE Garrett Drive Milwaukie, OR 97222	794-1007 (home) 644-8125 x202 (work)	8-13-96 7-19-94 2-5-91	3/00
4				3/97
5	Jeff Marshall 9901 SE 53rd Avenue Milwaukie, OR 97222	654-4834 (home) 704-1007 (work)	8-13-96	3/98
6	Tracy Cook 5651 SE Harlene Milwaukie, OR 97222	654-2946 (home) 280-2877 (work)	8-13-96	3/99
7				3/00
Staff Liaison	CHARLENE RICHARDS	786-7506		

PLANNING COMMISSION

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Michael Smith 1660 SE Waverley Milwaukie, OR 97222	794-0824 (home) 224-4032 (work)	8-13-96 1-3-95	3/99
2				3/98
3	Bryan Cosgrove 10712 SE Stanley Avenue Milwaukie, OR 97222	659-4542 (home) 657-0891 x166 (work)	8-13-96	3/98
4	Tim Havel 10623 SE 52nd Avenue Milwaukie, OR 97222	654-5181 (home) 691-2030 (work)	8-13-96	3/97
5				3/97
6	Pat Lent 11355 SE 27th Milwaukie, OR 97222	654-6826 (home)	8-13-96 11-15-94 3-5-91 2-17-87	3/00
7	Terry LaRocque 4605 SE Adams Street Milwaukie, OR 97222	654-5271 (home) 968-1605 (work)	8-13-96 1-3-95	3/00
Staff Liaison	MAGGIE COLLINS	786-7651		

TRAFFIC SAFETY & TRANSPORTATION BOARD

<i>Position #</i>	<i>Name and Address</i>	<i>Telephone Numbers</i>	<i>Appointment date</i>	<i>Expiration date</i>
1	Dick Baker 10702 SE 28th Milwaukie, OR 97222	659-6249 (home) 655-8218 (work)	8-13-96 7-19-94 5-21-91	3/98
2	Nancy Faber 12109 SE 22nd Avenue Milwaukie, OR 97222	652-0945 (home) 230-7414 (work)	8-13-96 8-2-94	3/99
3				3/00
4	Susan Stone 9212 SE 32nd Avenue Milwaukie, OR 97222	654-7209 (home) 413-7421 (work)	8-13-96 11-2-93	3/97
5	Julie Wisner 3325 SE Wister Milwaukie, OR 97222	654-7468 (home) 654-3212 (work)	8-13-96 11-2-93	3/98
6				3/99
7	Chuck Stoudt 2171 A SE Moores Milwaukie, OR 97222	654-8577 (home/work)	8-13-96	3/00
8	Ex Officio North Clackamas District Representative Jeff Gibson (North Clackamas School District) Transportation Department 4444 SE Lake Road Milwaukie, OR 97222	653-3652 (work)	9/96	
9	Ex Officio Milwaukie High School Representative Sarah Foy		9/96	
Staff Liaisons	RAFAEL CRUZ	786-7608		