

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, June 23, 2009
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Lisa Batey
Scott Churchill
Teresa Bresaw
Chris Wilson

STAFF PRESENT

Katie Mangle, Planning Director
Brett Kelper, Associate Planner
Bill Monahan, City Attorney

COMMISSIONERS ABSENT

Dick Newman, Vice Chair
Paulette Qutub

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes

2.1 April 28, 2009

Chair Klein corrected 2.1, page 4, line 127 to state, and “Chair Klein commented that though he was skeptical about the feasibility *report* of urban renewal in Milwaukie...”

- He explained that he knows urban renewal has some benefits, but was skeptical of a feasibility report that came from someone who does urban renewal planning.

Commissioner Bresaw moved to approve the April 28, 2009 Planning Commission minutes as corrected. Commissioner Wilson seconded the motion, which passed 4 to 0 to 1 with Commissioner Churchill abstaining.

3.0 Information Items

Chair Klein announced that the Portland Parks & Recreation Maintenance Building, which included applications CSU-09-02, TPR-09-02, WG-08-02, would be continued to July 28, 2009.

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

5.0 Public Hearings

5.1 Summary: Trolley Trail
Applicant/Owner: North Clackamas Parks & Recreation District
Address: Trolley Trail corridor between Kellogg Creek and Park Ave
File: CSU-08-03, WG-08-02, DR-08-02
Staff Person: Brett Kelper

Chair Klein called the public hearing to order at 6:42 p.m. and read the conduct of Minor Quasi-Judicial review format into the record.

Brett Kelper, Associate Planner, announced that the Milwaukie Municipal Code (MCC) criteria relevant to the application were listed on 5.1 page 8 of the packet.

Chair Klein asked if any Commissioners had any ex parte contacts to declare.

Commissioner Batey recused herself from participating in the hearing because although she did not have any direct interest in the application, she did believe the potential for bias existed because when she chaired her Neighborhood District Association (NDA) meetings, they did advocate the project. She had attended many meetings regarding the project over the past few years.

Commissioner Batey left the meeting at this time.

All the remaining Commissioners declared that they had visited the site, but no Commissioner declared a conflict of interest, bias, or conclusion from a site visit. No Commissioner's participation was challenged by any member of the audience.

Chair Klein called for the staff report.

Brett Kelper, Associate Planner, reviewed the staff report for the Trolley Trail project via PowerPoint. He responded to comments and questions from the Commission as follows:

- Regarding the 120-day land use clock, he confirmed that the deadline for decision-making was August 13. If the hearing on this application was continued and then appealed to City Council, it could not be presented to Council before August 15th, so a waiver would be needed.
- He deferred a question about whether dogwoods were native to Milwaukie to Design and Landmark Committee (DLC) Chair Becky Ives.

Chair Klein asked if any additional correspondence had been received other than what was included in the meeting packet.

- **Mr. Kelper** stated that the City had received several emails and letters expressing support for the Trolley Trail application, which were compiled and entered into the record as Exhibit 1. Printed copies of the correspondence were also distributed to the Commission and the Applicant.

Chair Klein called for comments from the Applicant.

Michelle Healey, North Clackamas Parks & Recreation District (Parks District) thanked City staff for helping the Parks District through the review process and the DLC for its thorough review of the Trolley Trail application. She overviewed the project with the following comments:

- Harper Houf Peterson Righellis, Inc. (HHPR) was the consulting firm hired by the Parks District to do the design work for the Trolley Trail Project.
- The Trolley Trail was a 6-mile, multiuse trail that would be part of the regional trail system and run from Milwaukie to Gladstone with a number of intersection crossings

and access points. The first, 1-mile long section of trail was in Milwaukie, with the remainder stretching into Clackamas County.

- Within the city of Milwaukie, the trail was generally 12 ft wide with shoulders, although some areas were narrower due to site conditions. To be consistent with the downtown look for the area north of the sewage treatment plant, scored concrete would be used from the section just past the railroad trestle, where it would convert to asphalt, the standard material used for the rest of the Trolley Trail.
- Improvements for the intersections included a new refuge island at 22nd Ave and McLoughlin Blvd. The consultants would provide further details because several questions existed about that improvement. Water quality treatment swales would also be installed to handle stormwater.
- The project was federally funded with a match from the Parks District. Therefore, the Parks District was required to go through the Oregon Department of Transportation (ODOT) and meet several federal and state permitting requirements to build the project.
- The project had been an idea for a long time. Historically, the street car service had run until 1968. From that point on, people discussed how the corridor could be used. Ultimately, a bicycle or running trail was the top choice and work had been done over the years to make the trail become a reality.
- In 2004, a master plan was completed that involved City staff and the community. She circulated a sizable document that included all the public involvement that was part of the master planning process.
 - Since the master plan was adopted, the Parks District had worked to get funding for the design. Many events were held to update how the project was progressing. Volunteers had cleaned up the corridor, so most of the entire 6-mile corridor was passable, though a mountain bike or sturdy shoes were required.
- Since active work had begun on the design in 2007, a website had been created and open houses were held as well as meetings with the Parks District's Board of Directors and area NDAs. Milwaukie staff had also shared information at the farmer's market.

Keith Jones, Harper Houf Peterson Righellis, Inc., provided additional detail regarding the application via PowerPoint with the following comments:

- The three applications included the Willamette Greenway (WG), Design Review (DR), and Community Service Use (CSU).
 - The Trolley Trail project did not directly impact the Willamette Greenway, which dealt with the setback and vegetation along the river. No views were being impacted.
 - For Design Review, the DLC recommended planting dogwood trees, to which the Applicant agreed. Scored concrete would be utilized in the downtown area, which met the public area requirements for downtown.
 - The CSU involved the public benefits test, essentially that the public benefits outweighed any potential adverse impacts.
 - Public benefits included: creating a public trail for recreation and commuting; converting an underutilized and unmaintained corridor; providing a safe and comfortable pedestrian/bicycle route as an alternative mode of transportation, thus reducing pollution; installing stormwater treatment throughout the corridor, meeting all ODOT and ASHTO design standards for a multi-use trail; highlighting the history and community identity provided by the corridor; providing an important link in the regional multiuse trail system, eventually

connecting with the Springwater Corridor; planting dogwood trees and using scored concrete downtown; and highlighting downtown Milwaukie as a destination.

- Two potential adverse impacts regarded general concerns about safety and security, as well as the 22nd Ave/Trolley Trail intersection, which would be addressed by Ken Ackerman of HHPR.
 - The corridor was already being utilized, so improving it would encourage more positive activity with more people using it legitimately.
 - The trail would be at grade without many additional grading improvements since the corridor was existing and mostly viewable from McLoughlin Blvd.
 - Where there are houses next to the trail there is a good grade separation between the trail and the houses, providing a good separation between the public and private spaces. It would be obvious to law enforcement if someone was not in the right area.

Ken Ackerman, HHPR, provided additional detail regarding existing conditions and proposed improvements to the 22nd Ave/Trolley Trail intersection via PowerPoint with the following additional comments:

- The Applicant proposed enlarging and shifting the pedestrian island, which was installed by ODOT last summer, 4 ft farther south to allow sight distance around the concrete bridge abutment. The improvements were based on a 50 mph roadway, though McLoughlin Blvd was currently posted at a 45 mph limit.
- Other route alternatives for the Trolley Trail included running up 22nd Ave and crossing along Bluebird St. However, safety issues existed because the traffic for Oak Grove Choppers motorcycle shop would be continually crossing the trail and additional crossing would be required. Placing the trail along Bluebird St was denied as an option because traffic from an additional parking area would also back out across the trail.
- He confirmed that signage, both on McLoughlin Blvd and the trail, would alert drivers and pedestrians about trail intersections. Clackamas County required that stop signs also be painted on the pavement of the trail. Truncated domes would also be installed as with a normal intersection.
- Bicycle and pedestrian right-of-way details were still being worked on. By State law, anyone in a crosswalk had the right-of-way, but stop signs would be installed on the trail, so that bicyclists and pedestrians would stop and look for traffic before crossing.
- The Applicant was coordinating with the Portland-Milwaukie Light Rail Project, which had a representative present. The largest area of impact would be from the railroad trestle crossing south of River Rd where light rail would be elevated and run parallel to the Trolley Trail, so coordination was required regarding where the light rail columns came down. The Applicant was staying in line with the light rail project's approved Locally Preferred Alternative (LPA).

Mr. Jones concluded by reiterating that planning for the Trolley Trail dated back to 1968 when the multiuse path was first considered. Extensive outreach had been done over the years. The project would meet all safety standards and incorporate light rail in the design. The design would meet the Downtown Design Guidelines and Standards.

- The Trolley Trail's benefits outweighed the impacts and would greatly benefit the community.

- The Applicant agreed with the staff report and its proposed conditions, including that any major changes return to the Planning Commission, and that minor changes could be approved by staff.
- He noted one change had been made in the design from the plans presented to the Commission. A wall was removed based on geotech information received about the area's stability being questionable in the section between Sparrow St and Park Ave.
- He distributed a Design Submittal labeled Sheet #9 from ODOT and HHPR.

Mr. Kelper entered the following exhibits into the record:

- Exhibit 2: Document submitted by Michelle Healey, Parks District, containing all the public involvement compiled as part of the Trolley Trail master planning process.
- Exhibit 3: ODOT/HHPR Design Submittal labeled Sheet #9 presented by the Applicant during testimony.

Commissioner Churchill:

- Noted that one of the Applicant's renderings did not show light rail and asked where light rail would approach grade and where it would be elevated.
 - **Mr. Jones** indicated that as proposed, light rail would be between the Trolley Trail and McLoughlin Blvd.
- Confirmed the displayed rendering section was south of River Rd, and it would be at grade at that point.
- Established that the trees would be removed and asked how close the trail would be to light rail at that point and if an overlay showing light rail was available.
 - **Mr. Jones** responded the trail would be shifted clear to the west in the right-of-way with a barrier or fence of some sort between the trail and where light rail would fit in, which was adopted in the LPA. Light rail would extend up to the highway.
- Stated that the rendering misrepresented the final result, should the light rail project come in.
 - **Ms. Healey** responded that Commissioner Churchill was correct about the uncertainty of light rail, but the drawings shown in the application represented the design for the Trolley Trail at present. Until it was certain that light rail funding was available, the rendering indicated what would be built.
 - The Applicant had commented about the different experience that would be created along that section of trail should light rail come in. The Parks District was working with the light rail project to determine how TriMet might be able to mitigate some of those things. When light rail came through, the Trolley Trail would shift farther to the west.
- Agreed that visibility to the trail provided security, but the buffer of two continuous 42-in chain link fences and two sets of tracks would isolate the trail, which was a different experience than that portrayed in the rendering.
- Understood trying to be realistic with and without light rail, but since it appeared light rail was coming, he asked how security in the isolated zone would be handled.
 - **Ms. Healey** replied that they were working with light rail, though not even 5% of the light rail design had been completed. She assured the Applicant was asking the same questions of light rail, which was why the condition to return to the Planning Commission with questions and concerns was included in the application. Additional items to be addressed were lighting, grading, vegetation,

- and fencing. The Applicant appreciated the condition because it provided direction and clarity about returning to work with the Commission.
- It was difficult because the Trolley Trail project was on a timeline. If light rail did not come, the Trolley Trail construction would begin next spring, and in order to proceed, the land use permit had to be completed.
 - Stated that it would have been helpful to know how the Trolley Trail and light rail footprints would marry in the long section between River Rd and Park Ave. A conceptual representation of the two projects would have been nice since it was such a significant impact.

Chair Klein:

- Asked where the property line was located for residents living to the south and west of an area of the trail (displayed via PowerPoint slide showing conceptual drawing with McLoughlin Blvd on one side of the current path and an upward slope on the opposite side).
 - **Mr. Jones** explained that the property line was part way up the hillside most of the way along McLoughlin Blvd. Bringing the trail away from the hillside was to minimize costs by keeping the trail on the flat where it was already graded and would require removal of fewer trees. Only minimal improvements and paving were needed to complete that trail section.
- Suggested bringing the trail closer to the hillside; it seemed a ways out in the conceptual drawing.
 - **Mr. Jones** responded that the trail ran along the hillside because of the drainage swale that picked up water off the hillside before it reached the trail. Though the conceptual drawing did not show the swale, the toe of the swale was right at the toe of the slope.
 - He confirmed the trail would be tucked as close to the hillside as comfortable, given the geotech report, which indicated that putting the swale any closer would cause the hill to be unstable. If light rail came in, there would be a wall. The swale would not be needed because the stormwater would be treated elsewhere.

Commissioner Bresaw inquired about future landscape maintenance plans, specifically regarding thistles.

- **Ms. Healey** responded that the Park District hired a natural resources coordinator to work with maintenance staff to address thistles and other issues. Volunteer groups had been trimming plants, but ivy and clematis on the trees would be challenging.

Commissioner Wilson:

- Asked if the State Historic Preservation Office (SHPO) had been consulted about the trail given the corridor's history.
 - **Mr. Jones** responded that part of the project's federal requirements included reviewing historic uses throughout the corridor, so archeological and historic reports had been completed for the entire length of the trail. The report was recorded with SHPO and an approval letter had been received.
- Asked about installing permanent safety bollards on the triangle refuge at 22nd Ave and McLoughlin Blvd.
 - **Mr. Jones** responded that the area was within ODOT's right-of-way and ODOT did not allow steel bollards without a crash protection zone in front of it. They were working closely with ODOT and could take the recommendation to them. A

vertical 7-inch curb would be installed and the island would be much larger, allowing for a more raised area.

- Stated that 22nd Ave looked like it would be a bit narrower, adding he had seen cars rocketing up that street.
 - **Mr. Jones** replied that 22nd Ave was currently 16 ft wide and would remain that same width when the island was shifted south 4 ft to allow visibility past the bridge abutment. He used two PowerPoint slides to indicate how shifting the island's location would improve visibility.
 - The street was narrower than prior to last summer. A speed study indicated 34 mph was the 85th percentile speed. No hard historic numbers were available, but the City supplied numbers from past studies indicating the average speed was 34 to 38 mph. The Applicant believed the proposed changes would help calm traffic more, but it would be an ongoing issue.

Chair Klein noted that on the other side, when turning from River Rd north onto McLoughlin Blvd, a curb strip used to be in the middle of the road to channel vehicles turning onto 22nd Ave.

- **Mr. Jones** responded that the curb strip was removed during ODOT's improvements last summer. ODOT considered doing a full deceleration lane, but could not fit it in because of National Highway Standards.
- ODOT did a speed study through the area, and were looking at sending a letter to the State traffic engineer, recommending that the speed be reduced from 45 mph to 35 mph from Washington St to the McLoughlin Blvd intersection. The speed limit from River Rd to Park Ave would drop to 40 mph, which was consistent with the rest of the McLoughlin corridor. The City engineering staff was pushing for the change along with other people so he was hopeful the speed limits would change, but it was up to the State traffic engineer.

Commissioner Churchill asked if ODOT considered installing a rumble strip on the small deceleration lane. The City engineer might consider the idea to slow traffic down.

- **Mr. Jones** was uncertain whether ODOT had considered rumble strips. ODOT considered many design options that the Applicant was modifying slightly to allow the sight distance, which was not a concern when ODOT drew the design. He was willing to ask ODOT about rumble strips.

Commissioner Bresaw asked if any waste receptacles would be available for litter.

- **Ms. Healey** responded that nothing was identified specifically in the application regarding waste receptacles or dogs on the trail, but it was a concern that would likely be worked out in conjunction with Riverfront Park. She expected trash cans would be included. One element was how light rail would coordinate at Park Ave.

Commissioner Churchill:

- Noted the geotech report, Figure 6 of the Applicant's submission, showed the boring test at #4HA4. He questioned how the Trolley Trail, which was 12 ft wide in that section, would fit given the topography and proximity to private property lines. The trail was at grade at that point and light rail was to be squeezed in between. The contour lines were very tight and given the distance to the McLoughlin right-of-way, it seemed difficult to proceed without an indication of how the general footprints would be integrated.

- **Ms. Healey** stated the light rail representative could discuss the issue further. Some right-of-way acquisition would probably be necessary for light rail and part of that was to make sure the trail was included. Light rail understood that the trail had to be completed, which was identified as a core issue in their environmental documentation.
- Stated many unknowns existed and light rail was a very big caveat attached to the application. Even 5% engineering would provide some idea as an overlay and he was surprised no slide was presented depicting that information.
- Supported the project, which was an essential reuse of the old Trolley Trail, but some major issues were not addressed.

Chair Klein responded that while the light rail project was still up in the air, the Trolley Trail project was not. Light rail was yet to have funding or 95% of its design, and the community outreach and support necessary for light rail did not yet exist. The timeline for light rail was for it to open in 2015 or 2017.

- A decision had to be made about the project before the Commission, not on what could be potentially in the future. If light rail did come, then light rail could address any potential problems at that point in time.

Commissioner Churchill stated that his comments were to the Applicant and that he would have liked to see a better integration, even showing the 5% engineering that was available regarding where light rail would sit on McLoughlin Blvd.

- **Ms. Healey** responded the Applicant understood, but agreed with Chair Klein that the Trolley Trail was the project before the Commission tonight. The Parks District was trying to work with light rail staff who could perhaps talk about what was being done on their end to address the Trolley Trail. The Parks District was still waiting for topography and survey maps from light rail. She did not believe that providing a false sense of the design would have been as accurate as what would be provided in a few more months.
- The Parks District was advocating for and proceeding with the Trolley Trail project as proposed, whether light rail came or not. Some elements were beyond the Applicant's control right now. More information could be shared with the Commission as it became available.

Commissioner Bresaw suggested writing a condition requiring that portion of the trail to be reviewed when light rail funding was approved in the future.

Commissioner Churchill:

- Reiterated that the 5% engineering was known and relatively well evolved, but not having an overlay made it difficult to imagine doing effective design work on the trail.
 - **Mr. Jones** stated the project had moved forward without considering light rail. If light rail came through, it would impact the trail and change things, but because of federal funding, the Trolley Trail project had to move forward. Waiting a year would be great, but money had to be spent by specific dates.
- Understood it was a federal funding issue, but to redo the trail a second time would not be good.

Chair Klein called for public testimony in favor of, opposed, and neutral to the application.

JoAnn Herrigel, Community Services Director, City of Milwaukie, 10722 SE Main St spoke in support of the Trolley Trail project. She commended Ms. Healey for her work and dedication to the project. She understood that issues existed with fitting the trail in with light rail, but she believed the Parks District was dedicated to that.

- The Trolley Trail Master Plan process began in 2002. She had been part of the working group that guided the design development. There was a lot of community interest and involvement in the project with people either loving or hating the project. The Master Plan was adopted in 2004, after a thorough and inclusive public process, and reflected input received throughout the master planning and design processes.
- The Parks District remained firm in their commitment to completing the project while accommodating the interests of other projects, including the Portland-Milwaukie Light Rail Project. The Trolley Trail was a major component in the regional trail system and would enhance the county's trail system. The Trolley Trail would connect trails proposed for the Riverfront Park and provide a vital link to the Springwater Corridor for bikers and walkers coming from the city of Gladstone.
- She strongly encouraged approval of the application. On behalf of the City of Milwaukie Parks and Recreation Board, she commended Ms. Healy, her consultants, and the Parks District for their perseverance over the past 10 years.

Commissioner Churchill asked Ms. Herrigel to expand on her comments regarding light rail because from earlier comments, it was essentially being ignored at present.

- **Ms. Herrigel** responded that she did not think light rail was being ignored. The Parks District had met often with planners and designers of the light rail project and Metro on the Supplemental Draft Environmental Impact Statement (SDEIS) and Final Environmental Impact Statement (FEIS). However, as Ms. Healey noted, firm plans were not yet in place for the exact alignment to be shown.
- She knew from experience that as soon as a possible alternative was shown, it would be locked in place. She did not know if they were far enough into the discussions to share complete designs, but they were very integrated into the discussion.

Commissioner Bresaw asked about if a need existed for a condition regarding maintenance. Apparently volunteers would take care of some maintenance.

- **Ms. Herrigel** replied that the Parks District had a maintenance group and staff who were very responsive to the City of Milwaukie. They were maintaining the Trolley Trail and she believed they would work with the natural resources person and the existing league of volunteers.

Becky Ives, Chair, DLC, 12223 SE 41st Ct thanked the Applicant for their presentation at last month's DLC meeting. A good discussion had ensued about the DLC's concerns.

- She was glad to hear that the maples in front of Kellogg Creek treatment plant were being removed because they were actually sweet gum trees with very invasive roots that would have physically damaged the trail.
- Two dogwood trees were located at the entrance to City Hall, but there were not many others located in Milwaukie, which is promoted as the City of Dogwoods. Few dogwoods were found in town, so the DLC asked that dogwood trees be planted along the downtown trail section.

Commissioner Bresaw responded that there were many dogwoods in the Pennywood neighborhood, where two dogwoods were required in each yard when the subdivision was constructed 18 years ago.

Chair Klein:

- Added that 100 dogwoods were distributed around the city for the centennial.
 - **Ms. Ives** understood that those were *Eddie's White Wonder* dogwoods. She explained that the genus *Cornus* was native to the entire United States. *Cornus nuttallii* was native to the northwest and *Cornus florida* was native to the East Coast. Fungi decimated both species in the late 1970s and early 1980s. Leaf blight and anthracnose also attacked those species.
 - The *Cornus kousa* species was discovered in Maryland and was not as susceptible to fungi as *nuttallii* and *florida*.
- Commented that native plants were desirable so they could survive droughts as well as heavy rains.
 - **Ms. Ives** replied dogwoods were native to the United States, and would do well in the locations proposed along the Trolley Trail. Many plants considered native to Oregon were not actually native, but arrived with the pioneers. *Cornus nuttallii*, including *Eddie's White Wonder*, was considered native to Oregon, but was very susceptible to disease and those trees had since died off. New dogwoods were currently being developed for disease resistance.
 - Much of the discussion she spearheaded at the DLC meeting regarded the fact that applicants were directed to achieve immediate landscaping results. Even the Applicant's plans had plantings 18 in to 3 ft apart with plants that grow to 6 to 8 ft in circumference. It was a waste of money on plants, labor, maintenance, and water, so it was not a sustainable practice.
 - Not many plantings were included along the Trolley Trail section currently before the Commission, but the Applicant was open to such discussions about the plantings along the entire trail.
 - She had been approached by people in town regarding how over-planted McLoughlin Blvd was with inappropriate vegetation, which resulted in a maintenance nightmare after only one year.

Commissioner Churchill asked if the DLC specified the size of the dogwood trees.

- **Ms. Ives** replied that the DLC stated that 1½ in caliper was the smallest to be planted, though a 2-in caliper was typical. She was not certain 2-in caliper was readily available. Several varieties were available at those sizes, but the DLC required that straight *nuttallii* or *florida* not be planted to be sure the varieties were disease resistant.

Leah Robbins, TriMet East Segment Director, Portland and Milwaukie Light Rail Project provided copies of the LPA plans for the section from the Lake Road Station to downtown Milwaukie, and the alignment to Park Ave. The two attached plan sheets labeled, "Portland to Milwaukie LRT Base Preliminary Engineering" were entered into the record as Exhibit 4. Utilizing PowerPoint slides from both the Applicant and staff, she made the following comments:

- The SDEIS was published in 2008 that included alternatives through the corridor. A LPA was selected last summer by all the jurisdictions, including City of Milwaukie, Clackamas County, TriMet, Metro, and ODOT. Currently, the project was in the preliminary engineering phase, running concurrently with the FEIS. During this phase

of the project, they were moving from 5% to 30% engineering design. Preliminary engineering would be completed in March 2010.

- On that timeline, through the FEIS process, TriMet had to document impacts and mitigation requirements for a number of issues related to the project, including Section 4F, which applied to the Trolley Trail. At the time of the light rail project's construction, the Trolley Trail will be considered an existing resource. Based on the National Environmental Policy Act (NEPA) process, TriMet had to look at the light rail's de minimus impact to the currently proposed Trolley Trail and mitigate any impact to the park resource. TriMet's project team was coordinating the progress of the light rail design with City and Clackamas County staff and the Parks District's staff and consultants.
- She referred to the area south of River Rd where the elevated light rail structure transitioned to an embankment. The Trolley Trail at that location was on the west side of that embankment. The light rail alignment was elevated and started to go to retained fill at one point in order to cross over River Rd. Once over River Rd, the structural elevation could be decreased to return to grade and light rail would be catching the rising grade of McLoughlin Blvd.
- Approximately 500 ft of light rail alignment was just west of McLoughlin Blvd and the section was 34 ft from fence to fence. The transition from retained fill returning to grade was north of Sparrow St.
 - The project team was working to improve this section in relation to the Trolley Trail experience adjacent to the light rail. The LPA drawings showed the Trolley Trail at grade per its plan, adjacent to a wall up the embankment and then adjacent to the LRT structure coming down to grade.
- The next submittal in August 2009 would have 15% engineering design. Unfortunately, as a work in progress, the final drawings were not yet available. A shaded line might be seen on Sheet 15PED-107 of Exhibit 4 where the light rail line was still elevated. TriMet was trying to bring the Trolley Trail up to grade, so its users would be at a similar grade as light rail, reducing the effect of that separation.
- While working through the 4F resolution and identifying mitigations that reduced the impact to the Trolley Trail, they would incorporate that technical grade change into the preliminary engineering documentation. Those mitigations were planned for inclusion in the 25% submittal in December 2009.

Chair Klein:

- Asked the proximity between TriMet's Green Line on I-205 and the multi-use Springwater Corridor. How was fencing used in that situation?
 - **Ms. Robbins** replied that the distance varied and that the Green Line crossed over the Springwater Corridor. Fencing would be installed between the multiuse path and light rail facility.
 - **Commissioner Churchill** commented that most of the Green Line was grade-separated from Johnson Creek Blvd to the south.
- Responded that he used to see the bike trail in some areas, but now he saw light rail. He was sure it was grade-separated in some areas, but sections of the bike path were visible from the freeway. He explained that he was looking for an example of what had been done, but none seemed available.
- Confirmed that the path in the conceptual rendering slide showing McLoughlin Blvd on one side and the upward slope on the opposite side was 12 ft wide. He noted that the very large person in the drawing was misleading because the actual distance in

the drawing was a much wider area. In looking at the drawing, trying to fit light rail in would be a concern.

Commissioner Churchill:

- Commented that the retaining wall from Sparrow St to Park St had a significant grade differential, so a significant amount of retaining would need to occur on the west side of the trail.
 - **Ms. Robbins** agreed. The light rail alignment and Trolley Trail were at the same grade from Sparrow St south to Park St. To the west of the Trolley Trail's relocated alignment, it was adjacent to a retaining wall not yet designed that would grow from 0 to 12 ft high according to the conceptual plan. They were trying to determine what type of wall to construct. It would likely not look like the one on the I-205 project per se.
- Said that in Exhibit 4 on Sheet 15PED-109, starting at Sparrow St, he could see the Trolley Trail was adjacent to McLoughlin Blvd at that point.
 - **Ms. Robbins** replied that the Trolley Trail was shown overlaid as currently designed and as such, was transitioning to be adjacent to McLoughlin Blvd. However, the light rail alignment proposal through that section would be adjacent to McLoughlin Blvd with the Trolley Trail to the west, adjacent to the neighboring slope.
- Understood that following to the south from Sparrow St to Park St, light rail would run to the east into the right-of-way of McLoughlin Blvd and that the shaded area of the drawing indicated the current design of the Trolley Trail.
 - **Ms. Robbins** clarified that Exhibit 4 showed the overlay of the light rail alignment and the proposed Trolley Trail, versus the Trolley Trail's existing planned alignment.
- Noted the light rail station stop stayed east of the Trolley Trail at Park St and continued out into the McLoughlin Corridor. He noted a buffer would be needed between McLoughlin Blvd and the 34-ft fence.
 - **Ms. Robbins** replied that the plan currently called for a Jersey barrier, part of which existed today. The alignment of the Trolley Trail to the west of light rail was important because the Trolley Trail alignment diverged to Gladstone. TriMet did not want forced crossings of the light rail alignment.

Chair Klein understood that the Trolley Trail had to be viewed as an existing thing, so any impact to it would have to be mitigated by light rail. He asked if light rail was prepared to mitigate and if a budget contingency existed for making adjustments.

- **Ms. Robbins** confirmed that light rail expected there would be a number of adjustments. For instance, some right-of-way would need to be purchased from the Parks District for the light rail project. As described, the mitigation that became part of the FEIS was incorporated into the preliminary engineering design, which became part of the project's capital cost and budget for construction. The assumption for the analysis of the mitigation was that the project team and jurisdictions involved would come to an understandable plan without spending excess public money and before the Trolley Trail was built. However, TriMet was prepared to make any needed future adjustments.

Commissioner Churchill asked about the cross section of McLoughlin Blvd that appeared to be a very tight bottleneck because of limited space. It would be good to update the Commission, even with 10-15% engineering to understand how it would

work. Either the Trolley Trail would be greatly elevated at that point, or a significant retaining wall would have to be installed.

- **Ms. Robbins** responded that TriMet was also coordinating with ODOT to assure their future cross section compatibility for the project. They were actually in the midst of working through a cross section with ODOT staff.

There was no further public testimony.

Chair Klein called for additional comments from staff.

Ms. Mangle explained that they were up against the 120-day clock because going through DLC and Design Review took more time. Two extra weeks were also taken to prepare and ensure the implications of the future light rail project were understood.

- Condition 2 on 5.1 page 28 was staff's best effort to make sense of the light rail project's impact, which Mr. Kelter would explain further.
- The Trolley Trail had funds to move forward and be implemented, so from the light rail project's point of view, it was an existing trail. Whatever changes the light rail project design would make, it would have to mitigate any impacts to the Trolley Trail.
- Ongoing discussions would occur about how to best coordinate the two projects, which was important, but the Trolley Trail could not move forward without the land use approval. Mr. Kelter would provide details to give as much certainty as possible regarding what the Commission was approving tonight and when further review would be required.

Mr. Kelter explained that when land use applications that involve construction came to the Planning Commission, one standard boilerplate condition addressed substantial conformance with the plans reviewed by the Commission. The Planning Commission decision was made on the plans submitted. The "substantial conformance" condition locked that decision in so everyone was clear about what was presented, approved, and expected after construction.

- A CSU as a land use application was special because the Code allowed for minor modifications without Planning Commission review, but major modifications required Planning Commission review. Staff tried to clearly outline examples of the types and degree of changes that would be considered minor or major should the final construction plans received be different than those approved.
- Examples of major modification reviews by the Planning Commission include significantly changing the width of the trail, or if the Trolley Trail alignment did not continue to be on the west side of light rail as proposed.
- Minor modifications that would be reviewed by staff and approved by the Planning Director included small elevation or accessibility changes.

Commissioner Churchill:

- Commented that he wished there was some graphic representation of the possibilities along the trail, especially at the bottleneck along McLoughlin Blvd. He hoped planners at TriMet understood that and took it into consideration. It could devastate the experience from the artist's rendering to perhaps a canyon effect where both projects met. Security issues were also an issue.
- Supported the project 100%, but would hate to see public money spent twice.
 - **Mr. Kelter** stated that the Commissioners needed to be comfortable with how Condition 2 was expressed and the outline of the types of changes and their

categories. He agreed with the desire for a graphic representation, but the light rail project was not ready to commit at this time, so staff was in the position of trying to figure out how to get approval for the Trolley Trail and cover all the bases in the future.

- Believed that more visibility to the Commission would be helpful because changes were inevitable and would be quite substantial when the two projects merged.

Ms. Mangle noted that for North Clackamas Park, some minor modifications were discussed in a worksession, which would also be appropriate in this case. A 3-month preparation process was typically required for a public hearing setting; a worksession was more doable.

Chair Klein called for the applicant's rebuttal.

Ms. Healey supported the idea of returning in a worksession because she shared many of Commissioner Churchill's questions. She looked forward to working with staff to sort through the issues as more information became available.

- She confirmed that the dogwood trees requested by DLC were available.

Commissioner Churchill assured that he was supportive of the project, but critical of the Green Line light rail extension, which was squeezed between retaining walls. He wanted something different along the Trolley Trail because it was a very special place to walk and ride.

- **Ms. Healey** responded that they would go to the Green Line to get a sense of his concerns as they worked with TriMet.

Chair Klein closed the public testimony portion for CSU-08-03, WG-08-02, and DR-08-02.

Planning Commission Discussion

Commissioner Bresaw reiterated that the community has wanted the Trolley Trail for a very long time. Some trust in the engineers was needed, but local opinion was important. She believed the Parks District would do the best it could, although money was always an issue. There were obstacles with light rail, but even if part of the trail was not the best, other parts would be very nice. She supported approval of the application.

Chair Klein agreed, adding that he looked at the Trolley Trail as part of the whole Springwater Corridor. He utilized the corridor from Three Bridges down to Oaks Park and up into downtown. He viewed the Trolley Trail as a connection so people living south of Milwaukie could also access what the Springwater Corridor had to offer. The trail would help with pedestrian issues and encourage people to bicycle rather than drive to the farmer's market. He was concerned about spending money twice, but hoped it could be worked out. He supported approval of the application.

- He confirmed that a worksession would be held in the future if there were substantial changes. The Commission would likely receive updates about the project's progress.

Commissioner Churchill believed it was a great project, but its integration with light rail was a primary and critical concern. He was not impressed with the integration of the multiuse path along the Green Line, which would not be well landscaped or well located

in the transportation corridor. The experience of that multiuse path was not well thought through.

- The Trolley Trail could be done well and he hated to think that it could end up looking similar to the Green Line. He encouraged the Applicant to push TriMet and its design team to look at alternatives to protect the true public path along the edges of these transportation corridors. He also encouraged the Applicant to return to the City of Milwaukie and its Planning Commission for support if needed. However, he did support the project.

Chair Klein confirmed that Condition 2 was already part of the integrated findings and conditions and that a vote for approval included everything discussed tonight.

Commissioner Bresaw moved to approve CSU-08-03, WG-08-02, and DR-08-02, adopting the recommended findings and conditions and allowing North Clackamas Parks and Recreation District to construct a multiuse pedestrian and bicycle path in the Trolley Trail corridor. Commissioner Wilson seconded the motion, which passed unanimously.

Chair Klein read the rules of appeal into the record.

- 5.2 Summary: Portland Parks Maintenance Building
Applicant/Owner: Portland Parks & Recreation Department
Address: 8545 SE McLoughlin
File: CSU-09-02, TPR-09-02,
Staff Person: Li Alligood

Chair Klein called the public hearing to order at 8:26 p.m.

Katie Mangle, Planning Director, explained that the Applicant had requested postponement of the hearing to allow a knowledgeable representative to be present to address questions that had been emailed ahead of time. She recommended continuing the hearing to a date certain of July 28, 2009. All interested parties would be notified of the change.

Commissioner Churchill moved to continue CSU-09-02 and TPR-09-02 to the July 28, 2009 Planning Commission meeting date certain. Commissioner Wilson seconded the motion, which passed unanimously.

6.0 Worksession Items – None

7.0 Planning Department Other Business/Updates

- 7.1 Worksession with City Council – Scheduled for July 7

Katie Mangle, Planning Director, stated that no unanimous decision had been reached about the suggested July 7 and July 21 dates for the joint worksession with City Council, so she chose July 7 at 5:30 p.m. The Code required an annual meeting of the Planning Commission and City Council, which was not done in 2008 because the City Council agenda was full. This was an opportunity to discuss the working relationship between the Planning Commission and City Council, which were two important groups with very little formal interaction. She did not intend for a confrontational meeting, but a team

building conversation. However, she was open to other ideas.

Chair Klein believed it had the potential to be confrontational because when applications from the Planning Commission were appealed, the Commission tended to not win. He was leery of asking questions about what the Planning Commission was doing wrong because he did not think the Commission was doing wrong.

- **Ms. Mangle** replied that she did not see it as a 'who's right/who's wrong' situation.

Commissioner Bresaw commented that it was just checks and balances and different perspectives.

Ms. Mangle suggested the Commission could discuss issues such as when the City Council had questions about Code amendments. Would the Commission like City Council to invite the Planning Commission to discuss them?

- She sensed some frustration with the Transportation Code Amendment (TCA) project because City Council was making changes. While City Council was the ultimate decision-maker and could make changes, it might be helpful to discuss whether City Council should be involved earlier.

Chair Klein said it would be nice to have a deeper conversation because both bodies came from different perspectives regarding decision-making. However, it would not necessarily change what the Commission did.

Ms. Mangle suggested that the Commission communicate what they actually did to City Council because Council may not be aware of the enormous amount of time and energy spent reviewing issues and applications. The same group of Councilors would be in office for a while because they held office for two and three years. She would introduce the Planning Commission and share what the Commission did and how hard it worked, and then they could take the worksession in the direction they desired.

8.0 Planning Commission Discussion Items

Commissioner Bresaw asked about the Main Street Sewer Main Project.

- **Ms. Mangle** clarified that the contractor was disputing the conditions of the underground situation, which had resulted in cost overruns.

Chair Klein reported that Music in the Park on Wednesday nights would start in August at Ball Michel Park with a performance by Stolen Sweets, who would be featured at The Schnitzer the week prior. The picnic was planned for August 8.

Ms. Mangle stated that Howard Dietrich's building would need some kind of Design Review and permits, although the work had already begun. She did not know if it would be minor quasijudicial or Type II permits for Design Review. Staff was in contact with the owner to ensure they went through the proper permitting and Design Review.

- Exterior improvements were being done, but the Code was clear that even replacing materials in kind required some Design Review. She did not believe the improvements would trigger public area improvements.

Chair Klein confirmed that Mr. Dietrich would not have as many hoops to jump through as Ed Parecki did for his Main and Monroe building because the building usage was

already in line with City Code. A recent article in *The Clackamas Review* did not state that the usage of Mr. Parecki's building had changed, which had actually triggered public area improvements requirements.

Commissioner Bresaw stated that the Jackson St building appeared to be finished, but the canopy awning looked completely different than what was presented to the Planning Commission for approval. The metal awning did not look as good as what was originally presented.

Commissioner Churchill:

- Replied that a 3D representation would make it easier to read the depth of the elevations.
- Reported that someone in the neighborhood asked about the hydroplane races and the impact on traffic. The company requesting the permit was a nonprofit but was actually an LLC. He thought staff might want to reconsider the idea of letting a charity versus an LLC create traffic issues downtown.
 - **Ms. Mangle** replied she was not sure if being a nonprofit was part of the criteria.
- Asked about the upcoming traffic analysis concerning traffic issues surrounding light rail at the Harrison St, Washington St, and Monroe St crossings.
 - **Ms. Mangle** replied that Wendy Hemmen, Light Rail Design Coordinator, attended the Historic Milwaukie Neighborhood District Association (NDA) meeting and discussed many aspects of the light rail project. Metro's traffic engineering consultants were working on the Final Environmental Impact Statement (FEIS), which included another round of traffic engineering.
- Stated the local NDA was left with the impression that the study was just looking at McLoughlin Blvd impacts, as opposed to through the historic neighborhood. He believed understanding the scope of study would be good to quiet fast growing rumors.
 - **Ms. Mangle** believed the traffic analysis was almost to Hwy 224. The City has been hosting monthly light rail project update meetings on the 3rd Monday of each month, which were also televised on cable access. The Metro traffic engineer responsible for that study was at the last meeting and discussed all the locations of the traffic study.
 - The City was deeply involved with a number of major projects and decisions over the next year would affect the community for a long time. Staff was trying to find the best way to get people involved. She recommended attending the meetings or watching them on TV and following up with questions or suggestions for staff.
- Could not tell from reviewing video what the scope of the work was, so he requested that Ms. Mangle circle back to the Commission to be sure.

Chair Klein emphasized that if Commissioners had questions, or wanted to see anything important that wasn't included in a proposal such as a drawing, they should request it ahead of time so that the applicant could provide it.

9.0 Forecast for Future Meetings:

- July 14, 2009
1. Public Hearing: VR-09-01 Milwaukie High School Parking Variance
 2. Worksession: Title 13 Nature in Neighborhoods briefing
 3. Worksession: Code Assessment project briefing

Ms. Mangle briefly reviewed the upcoming meetings with the following additional comments:

- She noted the Code Assessment project briefing was a Transportation Growth Management (TGM) funded project that included residential design, downtown standards, and administrative code. Mary Dorman did the Code assessment and would provide her memo outlining the problems and inconsistencies, along with good suggestions about different approaches to residential design standards and cities with similar standards that could be studied. Ms. Dorman was providing just an assessment, so there were no proposals at this time. It was important that enough time was available for discussion on July 14 because of funding limitations that came with the grant.
- The July 28, 2009 agenda included the Portland Parks and Recreation Building hearing and more discussion regarding the Title 13 project.
- She believed Portland Parks and Recreation had extended the 120-day clock as requested.

Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription, Inc. for
Alicia Stoutenburg, Administrative Specialist II



Jeff Klein, Chair