



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday July 28, 2009, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 **Call to Order - Procedural Matters**
- 2.0 **Planning Commission Minutes** – Motion Needed
  - 2.1 June 23, 2009
- 3.0 **Information Items**
- 4.0 **Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 **Public Hearings** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Portland Parks Maintenance Building – ***continued from June 23, 2009***  
Applicant/Owner: Portland Parks & Recreation Department  
Address: 8545 SE McLoughlin  
File: CSU-09-02, TPR-09-02 WG-08-02  
Staff Person: Li Alligood
- 6.0 **Worksession Items**
  - 6.1 Summary: Title 13 Habitat Conservation Areas project discussion– ***continued from July 14, 2009***  
Staff Persons: Katie Mangle and Brett Kelper
- 7.0 **Planning Department Other Business/Updates**
- 8.0 **Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 **Forecast for Future Meetings:**
  - August 11, 2009 1. Worksession: Smart Development Code Assessment project briefing part 2
  - August 25, 2009 1. Public Hearing: A-09-01 5885 SE Harmony Rd Office

### Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email [planning@ci.milwaukie.or.us](mailto:planning@ci.milwaukie.or.us). Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at [www.cityofmilwaukie.org](http://www.cityofmilwaukie.org)
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

#### Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

*The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.*

#### **Milwaukie Planning Commission:**

Jeff Klein, Chair  
Dick Newman, Vice Chair  
Lisa Batey  
Teresa Bresaw  
Scott Churchill  
Paulette Qutub  
Chris Wilson

#### **Planning Department Staff:**

Katie Mangle, Planning Director  
Susan Shanks, Senior Planner  
Brett Kelter, Associate Planner  
Ryan Marquardt, Associate Planner  
Li Alligood, Assistant Planner  
Alicia Stoutenburg, Administrative Specialist II  
Paula Pinyerd, Hearings Reporter

**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

42 item not on the agenda. There was none.

43

44 **5.0 Public Hearings**

45 5.1 Summary: Trolley Trail

46 Applicant/Owner: North Clackamas Parks & Recreation District

47 Address: Trolley Trail corridor between Kellogg Creek and Park Ave

48 File: CSU-08-03, WG-08-02, DR-08-02

49 Staff Person: Brett Kolver

50

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

53

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

56

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

58

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

64

65 Commissioner Batey left the meeting at this time.

66

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

70

71 **Chair Klein** called for the staff report.

72

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

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

82

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

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

89

90 **Chair Klein** called for comments from the Applicant.

91

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

- 96 • Harper Houf Peterson Righellis, Inc. (HHPR) was the consulting firm hired by the  
97 Parks District to do the design work for the Trolley Trail Project.
- 98 • The Trolley Trail was a 6-mile, multiuse trail that would be part of the regional trail  
99 system and run from Milwaukie to Gladstone with a number of intersection crossings  
100 and access points. The first, 1-mile long section of trail was in Milwaukie, with the  
101 remainder stretching into Clackamas County.
- 102 • Within the city of Milwaukie, the trail was generally 12 ft wide with shoulders,  
103 although some areas were narrower due to site conditions. To be consistent with the  
104 downtown look for the area north of the sewage treatment plant, scored concrete  
105 would be used from the section just past the railroad trestle, where it would convert  
106 to asphalt, the standard material used for the rest of the Trolley Trail.
- 107 • Improvements for the intersections included a new refuge island at 22<sup>nd</sup> Ave and  
108 McLoughlin Blvd. The consultants would provide further details because several

- 109 questions existed about that improvement. Water quality treatment swales would  
110 also be installed to handle stormwater.
- 111 • The project was federally funded with a match from the Parks District. Therefore, the  
112 Parks District was required to go through the Oregon Department of Transportation  
113 (ODOT) and meet several federal and state permitting requirements to build the  
114 project.
  - 115 • The project had been an idea for a long time. Historically, the street car service had  
116 run until 1968. From that point on, people discussed how the corridor could be used.  
117 Ultimately, a bicycle or running trail was the top choice and work had been done over  
118 the years to make the trail become a reality.
  - 119 • In 2004, a master plan was completed that involved City staff and the community.  
120 She circulated a sizable document that included all the public involvement that was  
121 part of the master planning process.
  - 122 • Since the master plan was adopted, the Parks District had worked to get funding  
123 for the design. Many events were held to update how the project was  
124 progressing. Volunteers had cleaned up the corridor, so most of the entire 6-mile  
125 corridor was passable, though a mountain bike or sturdy shoes were required.
  - 126 • Since active work had begun on the design in 2007, a website had been created and  
127 open houses were held as well as meetings with the Parks District's Board of  
128 Directors and area NDAs. Milwaukie staff had also shared information at the farmer's  
129 market.

130

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

- 133 • The three applications included the Willamette Greenway (WG), Design Review  
134 (DR), and Community Service Use (CSU).
- 135 • The Trolley Trail project did not directly impact the Willamette Greenway, which  
136 dealt with the setback and vegetation along the river. No views were being  
137 impacted.
- 138 • For Design Review, the DLC recommended planting dogwood trees, to which the  
139 Applicant agreed. Scored concrete would be utilized in the downtown area, which  
140 met the public area requirements for downtown.
- 141 • The CSU involved the public benefits test, essentially that the public benefits  
142 outweighed any potential adverse impacts.

- 143           • Public benefits included: creating a public trail for recreation and commuting;  
144           converting an underutilized and unmaintained corridor; providing a safe and  
145           comfortable pedestrian/bicycle route as an alternative mode of transportation,  
146           thus reducing pollution; installing stormwater treatment throughout the  
147           corridor, meeting all ODOT and ASHTO design standards for a multi-use trail;  
148           highlighting the history and community identity provided by the corridor;  
149           providing an important link in the regional multiuse trail system, eventually  
150           connecting with the Springwater Corridor; planting dogwood trees and using  
151           scored concrete downtown; and highlighting downtown Milwaukie as a  
152           destination.
- 153           • Two potential adverse impacts regarded general concerns about safety and  
154           security, as well as the 22<sup>nd</sup> Ave/Trolley Trail intersection, which would be  
155           addressed by Ken Ackerman of HHPR.
- 156           • The corridor was already being utilized, so improving it would encourage  
157           more positive activity with more people using it legitimately.
- 158           • The trail would be at grade without many additional grading  
159           improvements since the corridor was existing and mostly viewable from  
160           McLoughlin Blvd.
- 161           • Where there are houses next to the trail there is a good grade separation  
162           between the trail and the houses, providing a good separation between  
163           the public and private spaces. It would be obvious to law enforcement if  
164           someone was not in the right area.

165

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

- 169           • The Applicant proposed enlarging and shifting the pedestrian island, which was  
170           installed by ODOT last summer, 4 ft farther south to allow sight distance around the  
171           concrete bridge abutment. The improvements were based on a 50 mph roadway,  
172           though McLoughlin Blvd was currently posted at a 45 mph limit.
- 173           • Other route alternatives for the Trolley Trail included running up 22<sup>nd</sup> Ave and  
174           crossing along Bluebird St. However, safety issues existed because the traffic for  
175           Oak Grove Choppers motorcycle shop would be continually crossing the trail and  
176           additional crossing would be required. Placing the trail along Bluebird St was denied

- 177 as an option because traffic from an additional parking area would also back out  
178 across the trail.
- 179 • He confirmed that signage, both on McLoughlin Blvd and the trail, would alert drivers  
180 and pedestrians about trail intersections. Clackamas County required that stop signs  
181 also be painted on the pavement of the trail. Truncated domes would also be  
182 installed as with a normal intersection.
  - 183 • Bicycle and pedestrian right-of-way details were still being worked on. By State law,  
184 anyone in a crosswalk had the right-of-way, but stop signs would be installed on the  
185 trail, so that bicyclists and pedestrians would stop and look for traffic before crossing.
  - 186 • The Applicant was coordinating with the Portland-Milwaukie Light Rail Project, which  
187 had a representative present. The largest area of impact would be from the railroad  
188 trestle crossing south of River Rd where light rail would be elevated and run parallel  
189 to the Trolley Trail, so coordination was required regarding where the light rail  
190 columns came down. The Applicant was staying in line with the light rail project's  
191 approved Locally Preferred Alternative (LPA).

192

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

- 197 • The Trolley Trail's benefits outweighed the impacts and would greatly benefit the  
198 community.
- 199 • The Applicant agreed with the staff report and its proposed conditions, including that  
200 any major changes return to the Planning Commission, and that minor changes  
201 could be approved by staff.
- 202 • He noted one change had been made in the design from the plans presented to the  
203 Commission. A wall was removed based on geotech information received about the  
204 area's stability being questionable in the section between Sparrow St and Park Ave.
- 205 • He distributed a Design Submittal labeled Sheet #9 from ODOT and HHPR.

206

207 **Mr. Kelter** entered the following exhibits into the record:

- 208 • Exhibit 2: Document submitted by Michelle Healey, Parks District, containing all the  
209 public involvement compiled as part of the Trolley Trail master planning  
210 process.

- 211 • Exhibit 3: ODOT/HHPR Design Submittal labeled Sheet #9 presented by the  
212 Applicant during testimony.

213

214 **Commissioner Churchill:**

- 215 • Noted that one of the Applicant's renderings did not show light rail and asked where  
216 light rail would approach grade and where it would be elevated.
- 217 • **Mr. Jones** indicated that as proposed, light rail would be between the Trolley  
218 Trail and McLoughlin Blvd.
- 219 • Confirmed the displayed rendering section was south of River Rd, and it would be at  
220 grade at that point.
- 221 • Established that the trees would be removed and asked how close the trail would be  
222 to light rail at that point and if an overlay showing light rail was available.
- 223 • **Mr. Jones** responded the trail would be shifted clear to the west in the right-of-  
224 way with a barrier or fence of some sort between the trail and where light rail  
225 would fit in, which was adopted in the LPA. Light rail would extend up to the  
226 highway.
- 227 • Stated that the rendering misrepresented the final result, should the light rail project  
228 come in.
- 229 • **Ms. Healey** responded that Commissioner Churchill was correct about the  
230 uncertainty of light rail, but the drawings shown in the application represented the  
231 design for the Trolley Trail at present. Until it was certain that light rail funding  
232 was available, the rendering indicated what would be built.
- 233 • The Applicant had commented about the different experience that would be  
234 created along that section of trail should light rail come in. The Parks District was  
235 working with the light rail project to determine how TriMet might be able to  
236 mitigate some of those things. When light rail came through, the Trolley Trail  
237 would shift farther to the west.
- 238 • Agreed that visibility to the trail provided security, but the buffer of two continuous 42-  
239 in chain link fences and two sets of tracks would isolate the trail, which was a  
240 different experience than that portrayed in the rendering.
- 241 • Understood trying to be realistic with and without light rail, but since it appeared light  
242 rail was coming, he asked how security in the isolated zone would be handled.
- 243 • **Ms. Healey** replied that they were working with light rail, though not even 5% of  
244 the light rail design had been completed. She assured the Applicant was asking

245 the same questions of light rail, which was why the condition to return to the  
246 Planning Commission with questions and concerns was included in the  
247 application. Additional items to be addressed were lighting, grading, vegetation,  
248 and fencing. The Applicant appreciated the condition because it provided  
249 direction and clarity about returning to work with the Commission.

- 250 • It was difficult because the Trolley Trail project was on a timeline. If light rail did  
251 not come, the Trolley Trail construction would begin next spring, and in order to  
252 proceed, the land use permit had to be completed.
- 253 • Stated that it would have been helpful to know how the Trolley Trail and light rail  
254 footprints would marry in the long section between River Rd and Park Ave. A  
255 conceptual representation of the two projects would have been nice since it was  
256 such a significant impact.

257

258 **Chair Klein:**

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

278

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

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

284

285 **Commissioner Wilson:**

- 286 • Asked if the State Historic Preservation Office (SHPO) had been consulted about the  
287 trail given the corridor's history.
  - 288 • **Mr. Jones** responded that part of the project's federal requirements included  
289 reviewing historic uses throughout the corridor, so archeological and historic  
290 reports had been completed for the entire length of the trail. The report was  
291 recorded with SHPO and an approval letter had been received.
- 292 • Asked about installing permanent safety bollards on the triangle refuge at 22<sup>nd</sup> Ave  
293 and McLoughlin Blvd.
  - 294 • **Mr. Jones** responded that the area was within ODOT's right-of-way and ODOT  
295 did not allow steel bollards without a crash protection zone in front of it. They  
296 were working closely with ODOT and could take the recommendation to them. A  
297 vertical 7-inch curb would be installed and the island would be much larger,  
298 allowing for a more raised area.
- 299 • Stated that 22<sup>nd</sup> Ave looked like it would be a bit narrower, adding he had seen cars  
300 rocketing up that street.
  - 301 • **Mr. Jones** replied that 22<sup>nd</sup> Ave was currently 16 ft wide and would remain that  
302 same width when the island was shifted south 4 ft to allow visibility past the  
303 bridge abutment. He used two PowerPoint slides to indicate how shifting the  
304 island's location would improve visibility.
  - 305 • The street was narrower than prior to last summer. A speed study indicated 34  
306 mph was the 85th percentile speed. No hard historic numbers were available, but  
307 the City supplied numbers from past studies indicating the average speed was 34  
308 to 38 mph. The Applicant believed the proposed changes would help calm traffic  
309 more, but it would be an ongoing issue.

310

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

- 314 • **Mr. Jones** responded that the curb strip was removed during ODOT's improvements  
315 last summer. ODOT considered doing a full deceleration lane, but could not fit it in  
316 because of National Highway Standards.
- 317 • ODOT did a speed study through the area, and were looking at sending a letter to  
318 the State traffic engineer, recommending that the speed be reduced from 45 mph to  
319 35 mph from Washington St to the McLoughlin Blvd intersection. The speed limit  
320 from River Rd to Park Ave would drop to 40 mph, which was consistent with the rest  
321 of the McLoughlin corridor. The City engineering staff was pushing for the change  
322 along with other people so he was hopeful the speed limits would change, but it was  
323 up to the State traffic engineer.

324

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

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

331

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

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

337

338 **Commissioner Churchill:**

- 339 • Noted the geotech report, Figure 6 of the Applicant's submission, showed the boring  
340 test at #4HA4. He questioned how the Trolley Trail, which was 12 ft wide in that  
341 section, would fit given the topography and proximity to private property lines. The  
342 trail was at grade at that point and light rail was to be squeezed in between. The  
343 contour lines were very tight and given the distance to the McLoughlin right-of-way, it

344       seemed difficult to proceed without an indication of how the general footprints would  
345       be integrated.

346       • **Ms. Healey** stated the light rail representative could discuss the issue further.  
347       Some right-of-way acquisition would probably be necessary for light rail and part  
348       of that was to make sure the trail was included. Light rail understood that the trail  
349       had to be completed, which was identified as a core issue in their environmental  
350       documentation.

351       • Stated many unknowns existed and light rail was a very big caveat attached to the  
352       application. Even 5% engineering would provide some idea as an overlay and he  
353       was surprised no slide was presented depicting that information.

354       • Supported the project, which was an essential reuse of the old Trolley Trail, but  
355       some major issues were not addressed.

356

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

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

364

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

368       • **Ms. Healey** responded the Applicant understood, but agreed with Chair Klein that  
369       the Trolley Trail was the project before the Commission tonight. The Parks District  
370       was trying to work with light rail staff who could perhaps talk about what was being  
371       done on their end to address the Trolley Trail. The Parks District was still waiting for  
372       topography and survey maps from light rail. She did not believe that providing a  
373       false sense of the design would have been as accurate as what would be provided in  
374       a few more months.

375       • The Parks District was advocating for and proceeding with the Trolley Trail project as  
376       proposed, whether light rail came or not. Some elements were beyond the

377 Applicant's control right now. More information could be shared with the  
378 Commission as it became available.

379

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

382

383 **Commissioner Churchill:**

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

392

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

395

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

- 400 • The Trolley Trail Master Plan process began in 2002. She had been part of the  
401 working group that guided the design development. There was a lot of community  
402 interest and involvement in the project with people either loving or hating the project.  
403 The Master Plan was adopted in 2004, after a thorough and inclusive public process,  
404 and reflected input received throughout the master planning and design processes.
- 405 • The Parks District remained firm in their commitment to completing the project while  
406 accommodating the interests of other projects, including the Portland-Milwaukie Light  
407 Rail Project. The Trolley Trail was a major component in the regional trail system and  
408 would enhance the county's trail system. The Trolley Trail would connect trails  
409 proposed for the Riverfront Park and provide a vital link to the Springwater Corridor  
410 for bikers and walkers coming from the city of Gladstone.

- 411 • She strongly encouraged approval of the application. On behalf of the City of  
412 Milwaukie Parks and Recreation Board, she commended Ms. Healy, her consultants,  
413 and the Parks District for their perseverance over the past 10 years.

414

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

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

426

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

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

433

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

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

443

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

447

448 **Chair Klein:**

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

476

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

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

483

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

- 490 • The SDEIS was published in 2008 that included alternatives through the corridor. A  
491 LPA was selected last summer by all the jurisdictions, including City of Milwaukie,  
492 Clackamas County, TriMet, Metro, and ODOT. Currently, the project was in the  
493 preliminary engineering phase, running concurrently with the FEIS. During this phase  
494 of the project, they were moving from 5% to 30% engineering design. Preliminary  
495 engineering would be completed in March 2010.
- 496 • On that timeline, through the FEIS process, TriMet had to document impacts and  
497 mitigation requirements for a number of issues related to the project, including  
498 Section 4F, which applied to the Trolley Trail. At the time of the light rail project's  
499 construction, the Trolley Trail will be considered an existing resource. Based on the  
500 National Environmental Policy Act (NEPA) process, TriMet had to look at the light  
501 rail's de minimus impact to the currently proposed Trolley Trail and mitigate any  
502 impact to the park resource. TriMet's project team was coordinating the progress of  
503 the light rail design with City and Clackamas County staff and the Parks District's  
504 staff and consultants.
- 505 • She referred to the area south of River Rd where the elevated light rail structure  
506 transitioned to an embankment. The Trolley Trail at that location was on the west  
507 side of that embankment. The light rail alignment was elevated and started to go to  
508 retained fill at one point in order to cross over River Rd. Once over River Rd, the  
509 structural elevation could be decreased to return to grade and light rail would be  
510 catching the rising grade of McLoughlin Blvd.

- 511 • Approximately 500 ft of light rail alignment was just west of McLoughlin Blvd and the  
512 section was 34 ft from fence to fence. The transition from retained fill returning to  
513 grade was north of Sparrow St.
- 514 • The project team was working to improve this section in relation to the Trolley  
515 Trail experience adjacent to the light rail. The LPA drawings showed the Trolley  
516 Trail at grade per its plan, adjacent to a wall up the embankment and then  
517 adjacent to the LRT structure coming down to grade.
- 518 • The next submittal in August 2009 would have 15% engineering design.  
519 Unfortunately, as a work in progress, the final drawings were not yet available. A  
520 shaded line might be seen on Sheet 15PED-107 of Exhibit 4 where the light rail line  
521 was still elevated. TriMet was trying to bring the Trolley Trail up to grade, so its users  
522 would be at a similar grade as light rail, reducing the effect of that separation.
- 523 • While working through the 4F resolution and identifying mitigations that reduced the  
524 impact to the Trolley Trail, they would incorporate that technical grade change into  
525 the preliminary engineering documentation. Those mitigations were planned for  
526 inclusion in the 25% submittal in December 2009.

527

528 **Chair Klein:**

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

545

546 **Commissioner Churchill:**

- 547 • Commented that the retaining wall from Sparrow St to Park St had a significant  
548 grade differential, so a significant amount of retaining would need to occur on the  
549 west side of the trail.
- 550 • **Ms. Robbins** agreed. The light rail alignment and Trolley Trail were at the same  
551 grade from Sparrow St south to Park St. To the west of the Trolley Trail's  
552 relocated alignment, it was adjacent to a retaining wall not yet designed that  
553 would grow from 0 to 12 ft high according to the conceptual plan. They were  
554 trying to determine what type of wall to construct. It would likely not look like the  
555 one on the I-205 project per se.
- 556 • Said that in Exhibit 4 on Sheet 15PED-109, starting at Sparrow St, he could see the  
557 Trolley Trail was adjacent to McLoughlin Blvd at that point.
- 558 • **Ms. Robbins** replied that the Trolley Trail was shown overlaid as currently  
559 designed and as such, was transitioning to be adjacent to McLoughlin Blvd.  
560 However, the light rail alignment proposal through that section would be adjacent  
561 to McLoughlin Blvd with the Trolley Trail to the west, adjacent to the neighboring  
562 slope.
- 563 • Understood that following to the south from Sparrow St to Park St, light rail would run  
564 to the east into the right-of-way of McLoughlin Blvd and that the shaded area of the  
565 drawing indicated the current design of the Trolley Trail.
- 566 • **Ms. Robbins** clarified that Exhibit 4 showed the overlay of the light rail alignment  
567 and the proposed Trolley Trail, versus the Trolley Trail's existing planned  
568 alignment.
- 569 • Noted the light rail station stop stayed east of the Trolley Trail at Park St and  
570 continued out into the McLoughlin Corridor. He noted a buffer would be needed  
571 between McLoughlin Blvd and the 34-ft fence.
- 572 • **Ms. Robbins** replied that the plan currently called for a Jersey barrier, part of  
573 which existed today. The alignment of the Trolley Trail to the west of light rail was  
574 important because the Trolley Trail alignment diverged to Gladstone. TriMet did  
575 not want forced crossings of the light rail alignment.
- 576

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

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

589

590 **Commissioner Churchill** asked about the cross section of McLoughlin Blvd that  
591 appeared to be a very tight bottleneck because of limited space. It would be good to  
592 update the Commission, even with 10-15% engineering to understand how it would  
593 work. Either the Trolley Trail would be greatly elevated at that point, or a significant  
594 retaining wall would have to be installed.

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

598

599 There was no further public testimony.

600

601 **Chair Klein** called for additional comments from staff.

602

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

606 • Condition 2 on 5.1 page 28 was staff's best effort to make sense of the light rail  
607 project's impact, which Mr. Kelter would explain further.

608 • The Trolley Trail had funds to move forward and be implemented, so from the light  
609 rail project's point of view, it was an existing trail. Whatever changes the light rail  
610 project design would make, it would have to mitigate any impacts to the Trolley Trail.

611 • Ongoing discussions would occur about how to best coordinate the two projects,  
612 which was important, but the Trolley Trail could not move forward without the land  
613 use approval. Mr. Kelder would provide details to give as much certainty as possible  
614 regarding what the Commission was approving tonight and when further review  
615 would be required.

616

617 **Mr. Kelder** explained that when land use applications that involve construction came to  
618 the Planning Commission, one standard boilerplate condition addressed substantial  
619 conformance with the plans reviewed by the Commission. The Planning Commission  
620 decision was made on the plans submitted. The “substantial conformance” condition  
621 locked that decision in so everyone was clear about what was presented, approved, and  
622 expected after construction.

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

633

634 **Commissioner Churchill:**

- 635 • Commented that he wished there was some graphic representation of the  
636 possibilities along the trail, especially at the bottleneck along McLoughlin Blvd. He  
637 hoped planners at TriMet understood that and took it into consideration. It could  
638 devastate the experience from the artist’s rendering to perhaps a canyon effect  
639 where both projects met. Security issues were also an issue.
- 640 • Supported the project 100%, but would hate to see public money spent twice.
- 641 • **Mr. Kelder** stated that the Commissioners needed to be comfortable with how  
642 Condition 2 was expressed and the outline of the types of changes and their  
643 categories. He agreed with the desire for a graphic representation, but the light  
644 rail project was not ready to commit at this time, so staff was in the position of

645           trying to figure out how to get approval for the Trolley Trail and cover all the  
646           bases in the future.

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

649

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

654

655       **Chair Klein** called for the applicant's rebuttal.

656

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

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

661

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

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

668

669       **Chair Klein** closed the public testimony portion for CSU-08-03, WG-08-02, and DR-08-  
670       02.

671

## 672       **Planning Commission Discussion**

673

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

679

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

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

689

690 **Commissioner Churchill** believed it was a great project, but its integration with light rail  
691 was a primary and critical concern. He was not impressed with the integration of the  
692 multiuse path along the Green Line, which would not be well landscaped or well located  
693 in the transportation corridor. The experience of that multiuse path was not well thought  
694 through.

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

701

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

704

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

710

711 **Chair Klein** read the rules of appeal into the record.

712

713           5.2     Summary: Portland Parks Maintenance Building  
714                     Applicant/Owner: Portland Parks & Recreation Department  
715                     Address: 8545 SE McLoughlin  
716                     File: CSU-09-02, TPR-09-02,  
717                     Staff Person: Li Alligood

718

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

720

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

726

727     **Commissioner Churchill moved to continue CSU-09-02 and TPR-09-02 to the July**  
728     **28, 2009 Planning Commission meeting date certain. Commissioner Wilson**  
729     **seconded the motion, which passed unanimously.**

730

731     **6.0     Worksession Items – None**

732

733     **7.0     Planning Department Other Business/Updates**

734           7.1     Worksession with City Council – Scheduled for July 7

735

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

744

745     **Chair Klein** believed it had the potential to be confrontational because when  
746     applications from the Planning Commission were appealed, the Commission tended to

747 not win. He was leery of asking questions about what the Planning Commission was  
748 doing wrong because he did not think the Commission was doing wrong.

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

750

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

753

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

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

761

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

765

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

772

## 773 **8.0 Planning Commission Discussion Items**

774

775 **Commissioner Bresaw** asked about the Main Street Sewer Main Project.

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

778

779 **Chair Klein** reported that Music in the Park on Wednesday nights would start in August  
780 at Ball Michel Park with a performance by Stolen Sweets, who would be featured at The

781 Schnitzer the week prior. The picnic was planned for August 8.

782

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

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

790

791 **Chair Klein** confirmed that Mr. Dietrich would not have as many hoops to jump through  
792 as Ed Parecki did for his Main and Monroe building because the building usage was  
793 already in line with City Code. A recent article in *The Clackamas Review* did not state  
794 that the usage of Mr. Parecki's building had changed, which had actually triggered public  
795 area improvements requirements.

796

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

801

802 **Commissioner Churchill:**

803 • Replied that a 3D representation would make it easier to read the depth of the  
804 elevations.  
805 • Reported that someone in the neighborhood asked about the hydroplane races and  
806 the impact on traffic. The company requesting the permit was a nonprofit but was  
807 actually an LLC. He thought staff might want to reconsider the idea of letting a charity  
808 versus an LLC create traffic issues downtown.

809 • **Ms. Mangle** replied she was not sure if being a nonprofit was part of the criteria.

810 • Asked about the upcoming traffic analysis concerning traffic issues surrounding light  
811 rail at the Harrison St, Washington St, and Monroe St crossings.

812 • **Ms. Mangle** replied that Wendy Hemmen, Light Rail Design Coordinator,  
813 attended the Historic Milwaukie Neighborhood District Association (NDA)  
814 meeting and discussed many aspects of the light rail project. Metro's traffic

- 815 engineering consultants were working on the Final Environmental Impact  
 816 Statement (FEIS), which included another round of traffic engineering.
- 817 • Stated the local NDA was left with the impression that the study was just looking at  
 818 McLoughlin Blvd impacts, as opposed to through the historic neighborhood. He  
 819 believed understanding the scope of study would be good to quiet fast growing  
 820 rumors.
  - 821 • **Ms. Mangle** believed the traffic analysis was almost to Hwy 224. The City has  
 822 been hosting monthly light rail project update meetings on the 3<sup>rd</sup> Monday of  
 823 each month, which were also televised on cable access. The Metro traffic  
 824 engineer responsible for that study was at the last meeting and discussed all the  
 825 locations of the traffic study.
  - 826 • The City was deeply involved with a number of major projects and decisions over  
 827 the next year would affect the community for a long time. Staff was trying to find  
 828 the best way to get people involved. She recommended attending the meetings  
 829 or watching them on TV and following up with questions or suggestions for staff.
  - 830 • Could not tell from reviewing video what the scope of the work was, so he requested  
 831 that Ms. Mangle circle back to the Commission to be sure.

832

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

836

### 837 **9.0 Forecast for Future Meetings:**

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

842

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

- 845 • She noted the Code Assessment project briefing was a Transportation Growth  
 846 Management (TGM) funded project that included residential design, downtown  
 847 standards, and administrative code. Mary Dorman did the Code assessment and  
 848 would provide her memo outlining the problems and inconsistencies, along with good

849 suggestions about different approaches to residential design standards and cities  
850 with similar standards that could be studied. Ms. Dorman was providing just an  
851 assessment, so there were no proposals at this time. It was important that enough  
852 time was available for discussion on July 14 because of funding limitations that came  
853 with the grant.

- 854 • The July 28, 2009 agenda included the Portland Parks and Recreation Building  
855 hearing and more discussion regarding the Title 13 project.
- 856 • She believed Portland Parks and Recreation had extended the 120-day clock as  
857 requested.

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859 Meeting adjourned at 8:47 p.m.

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Respectfully submitted,

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

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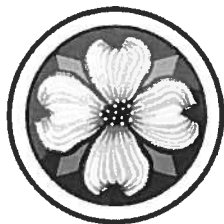
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873 Jeff Klein, Chair

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# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director *KM*

**From:** Li Alligood, Assistant Planner

**Date:** July 21, 2009, for July 28, 2009, Public Hearing

**Subject:** Addendum to Staff Report for 8545 SE McLoughlin Blvd  
CSU-09-02/TPR-09-02

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## **Staff Report**

This hearing is a continuation of the June 23, 2009, hearing. Please refer to the June 23<sup>rd</sup> packet for public hearing information.

## **Background**

Several Planning Commissioners have requested additional background information about the site and its location in Milwaukie's North Industrial Area. The remainder of this addendum is in response to these requests.

The subject site is located within the Manufacturing zone in the North Industrial Area of Milwaukie. The City of Portland is a tax-exempt organization, and the tax exemption is passed through to the property owner. The site has not been assessed property taxes since 2006. The value of the exempted taxes for 2008 was about \$16,000. The total tax assessment for the North Industrial District in 2008 was \$1,551,986.

There are other tax-exempt sites in the North Industrial Area that are owned by the OLCC, State of Oregon, TriMet, Clackamas County, and other governmental agencies. There are few sites with tax-exempt tenants: the Goodwill site at 17<sup>th</sup> Ave and Ochoco St, and the Portland Parks and Recreation Maintenance site at 8545 SE McLoughlin Blvd. Tax exempt properties make up about 30.5 percent of the developable square footage in the North Industrial Area.

## **Public Benefits**

The broad question at hand is whether losing private employment area to public agencies is a negative impact, or whether the siting of necessary governmental, social, and maintenance functions in the industrial area provides a benefit for residents of the community.

Although the loss of property tax revenue is a result of this public agency concentration, these sites still provide employment opportunities. Additionally, the value of the proposed site and frontage improvements is approximately \$52,000. These improvements will be permanent and will not alter the site in such a way that it cannot be used for industrial purposes in the future.

Additionally, staff believes that the specific types of Community Service Uses (CSUs) located in the North Industrial Area—such as Clackamas County Corrections, Goodwill Industries warehousing and shipping facilities, the TriMet park and ride site, and the subject site—are best suited for location in an industrial area. Therefore, there is a benefit realized by other neighborhoods in the City due to the concentration of these particular CSUs in the North Industrial Area.

In summary, staff continues to believe that the benefits of the proposed CSU outweigh the potential impacts, and recommends that the Commission approve the application.

### **Comments Received**

Since the June 23 hearing, staff has received a comment from Michael Scheiss, 2405 SE Clatsop St, Portland, OR 97202. See **Attachment 1** for the full text of the comment.

**From:** Michael Schiess [michaelschiess@gmail.com]

**Sent:** Tuesday, June 23, 2009 5:13 PM

**To:** Alligood, Li

**Subject:** CSU-09-02, TPR-09-02

Dear Li Alligood,

Thank you for calling me today and letting me know the planning commission meeting had been continued to July 28th. It is my understanding from our conversation that I can submit written comments on July 28th. My concerns are the same as the ones we discussed on the phone;

-I need the commission to be aware that there is a residence back here.

-I'm particularly concerned about the lighting of the parking lot. That the lights are not bright, or buzz, or shining at my house. Ideally the lights would be on a timer so that they are not on too far outside of the hours the building is used. For instance, it does not make sense to me that the lights be on at 11 pm if the building has closed at 3 pm.

-That any landscaping done on the west side and northwest corner of the parking lot is done in a way where it doesn't extend beyond the property line of 8545 S.E. McLoughlin Blvd.

-Currently the fire escape door on the north side of the building swings out onto my property and a concrete landing that is part of the door is on my property. I would like that as part of this project the door is moved or recessed into the building. Of concern to me, is that on numerous occasions I have found employees from the building smoking cigarettes in my backyard.

I am happy to work with the planning commission about these relatively small concerns.

I will see you on the 28th.

Thank you,

Michael Schiess  
2405 Se Clatsop st.  
Portland, OR. 97202  
Tel. 503-933-9816



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission  
**Through:** Katie Mangle, Planning Director *KM*  
**From:** Brett Kolver, Associate Planner  
**Date:** July 20, 2009, for July 28, 2009, Worksession  
**Subject:** Continuance of Habitat Conservation Areas – Title 13 Compliance Project

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## **ACTION REQUESTED**

None. This is a briefing for discussion only. This is a continuation of the July 14, 2009, worksession. Please refer to the July 14<sup>th</sup> packet for worksession information.