

# **FRIDAY MEMO**

September 22, 2006

1. Sorry for the delay in getting this out, but a number of things demanded time otherwise spent in getting it done. There will be no Friday Memo on Friday, September 29, 2006 as I will be at the League of Oregon Cities' Annual Conference in Portland. The Memo will resume on Friday, October 6, 2006.
2. Qwest originally filed the lawsuit against the City of Portland challenging its franchise fee. It claimed that the Telecommunications Act of 1965 preempts ordinances, charter provisions, and franchise requirements that govern Qwest's use of the City's public rights of way. Additional cities intervened. Milwaukie did not do so, but the Defendant's franchise provisions are similar enough that the resulting decision can be applied. Barring an appeal by Qwest, the company's lawsuit challenging the franchise fees levied by the cities has been dismissed and a judgment in favor of the Defendant City of Portland and the Defendants in Intervention has been granted. When we last visited this issue United States Magistrate Judge John Jelderks had granted the cities' motions for summary judgment. Qwest appealed to the Ninth Circuit Court of Appeals, who affirmed in part and reversed in part. The Ninth Circuit remanded the case to Judge Jelderks and instructed him to "delineate its findings with regard to each city's challenged franchise requirements." Judge Jelderk's fifty-one page Opinion and Order on remand reviews each city's franchise provisions in granting the motions for summary judgment. During the lawsuit Qwest had elected to continue paying the fees, and we elected to reserve them pending resolution of the lawsuit. During our last budget process, on the advise of the City Attorney, we did not continue to fund the Qwest Contingency. A portion of that balance was made available in order to create an Unappropriated Fund Balance, and the remainder was used to fund two projects, both of which will be reimbursed. Judge Jelderk's decision provides a further level of comfort for the City. (If anyone wishes to read the decision, I can provide a copy upon request.)
3. If you have not yet seen it, the City was given a US flag that includes the names of each person who lost his/her life in the 9/11 attacks on the World Trade Center and the Pentagon. It is in the display case on the first floor at City Hall.
4. Robert Russell has been hired as the City's new Code Compliance Assistant, a position formerly held by Tim Salyers. Robert has been working in construction for a few years and is looking forward to his new responsibilities for Milwaukie. So when you are walking around downtown and you see someone chalking tires.... say "Hi" to Robert!

5. On September 28 at 5 pm, the Riverfront Board will meet with David Evans for a kick off meeting for the Riverfront design. The meeting will start with a walking tour of the site and then move back to City Hall for the conclusion of the meeting.
6. Lewelling Community Park is nearing completion. A fence and some bollards are being installed. The expected opening date is October 1. An opening event will be held at the site as soon as Art Ball is ready to attend!
7. The Planning Commission at its October 10th meeting will consider the Master Plan and CSO applications for Spring Park.
8. David Aschenbrenner and Beth Ragel will be attending a League of Oregon Cities award ceremony on Saturday, September 30, 2006. The City's Community Booth has been nominated for a Good Governance Award. Keep your fingers crossed that they win. Whether we win or not, Beth and David deserve great praise for their work on the booth. Thanks both of you for your hard work!!!
9. On Wednesday, October 4, 2006 Ardenwald School children, adults, teachers, a fire truck, police escort, Milwaukie and Portland City officials, Ardenwald-Johnson Creek and neighbors will meet at Lisac's Stove on 32nd Ave. between Wake and Roswell at 7:30am and walk to school at 7:35am. This is part of the annual Walk Your Children to School campaign, and it is a wonderful annual event. There will be fruit and snacks for the children at the Cafeteria, and the new Principal, Sheila Shaw, will have a meet and greet for adults in the library.
10. I have attached a list of questions that have been raised with regard to the intergovernmental agreement between the City and Metro regarding the Texaco/City Hall Parking Lot site. My answers to the questions are in italics.

## **Council Activities Week of September 22, 2006**

**Mayor James Bernard**

### **“Sheila’s Five Monkey’s Story”**

Start with a cage containing five monkeys. Inside the cage, hang a banana on a string and place a set of stairs under it.

Before long, a monkey will go to the stairs and start to climb towards a banana. As soon as he touches the stairs, spray all of the monkeys with cold water.

After a while, another monkey makes an attempt with the same result-all the monkeys are sprayed with cold water.

Pretty soon, when another monkey tries to climb the stairs, the other monkeys try to prevent it.

Now, turn off the cold water. Remove one monkey from the cage and replace it with a new one.

The new monkey sees the banana and wants to climb the stairs. To his surprise and horror, all of the monkeys attack him. After another attempt and attack, he knows that if he tries to climb the stairs, he will be assaulted.

Next, remove another monkey of the original five monkeys and replace it with a new one. The newcomer goes to the stairs and is attacked. The previous newcomer takes part in the punishment with enthusiasm.

Again, replace a third original monkey with a new one. The new one makes it to the stairs and is attacked as well.

Two of the four monkeys that beat him have no idea why they were not permitted to climb the stairs, or why they participated in the beating of the newest monkey.

After replacing the fourth and fifth original monkeys, all the monkeys that have been sprayed with cold water have been replaced. Nevertheless, no monkey ever again approaches the stairs. Why not? Because as far as they know that’s the way it has always been around here.

**And that’s why it is so difficult to be creative.....**

**I won’t be one of those monkeys are you?**

**Mayor Jim Bernard  
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## **Councilor Deborah Barnes**

What a busy week in Milwaukie with the opening of the new Sav-A-Lot (which brought hundreds of local folks together to check out the new grocery store), the dedication at the North Clackamas Parks site, a candidate's forum that included great folks and great questions, and the state of the city address by the Mayor. Thanks for the Milwaukie Rotary organization for hosting the event.

This coming week I will be attending the CAC meeting on Monday night. I have submitted a letter to the editor on the wastewater treatment site debate and was informed it will be published in the Oregonian this coming Thursday. Thanks to so many of our city residents for stepping up and working with us to get a just solution to this challenge.

The League of Oregon cities annual meeting is Thursday through Saturday. We have many out-of-towners making a special trip to Milwaukie to tour our development activities. Thanks to a great staff for putting the program together to show us off.

I enjoyed working with Mike Swanson last Sunday at the Farmers Market.

## **Councilor Carlotta Collette**

The week of September 11: I arranged and met with Tom Kemper, Kim from Shields/Oblitz and city staff to view and talk about the storefront at North Main Village for the LOC tour local artists show and wine reception. I've arranged for several high quality local artists to hang their work in the space along with a wall display of Dark Horse artwork. I attended the Farmers Market protest meeting at Spring Creek coffee house, the Ardenwald NDA meeting, the library fountain dedication and the community college board meeting representing Milwaukie. On Thursday, Friday, Saturday and Sunday I was in Vancouver for the Get Centered tour and am creating a slide show to help our various design teams visualize potential new opportunities. I already sent the Texaco site team a series of photographs and some notes about design lessons from Vancouver. Among the tour participants was Brad Malson from Beam Development, one of the companies that has shown some interest in Milwaukie. Brad and I spoke at some length about potential projects in Milwaukie.

I met with board members of the New Century Players to look at the city's vacant house and am helping put together a proposal for the city to make the house available to local art groups through an arts commission I am helping organize. I've had conversations with several local artists and arts representatives on the potential for projects, facilities and grants to fund it. Also discussed with Madeline and Dave Aschenbrenner the idea for a cultural and historic "center" combining the Milwaukie Museum and vacant house with similar paint treatment and landscaping (donated, of course).

This week, in addition to the CAC, Save-a-lot, NCParks ribbon-cutting and council meeting, I attended the Clackamas Community College annual school year kick-off on behalf of Milwaukie and the board. I also attended the first Texaco Site meeting, the candidates' forum at St. Johns and a fundraiser for the County Children's Center. In addition, I arranged to have our almost new sectional sofa donated to the Pond House at the library for the new bookstore reading area instead of returned to Dania (longer story there). Dania and I are now in a discussion about their possibly contributing additional furniture -- bookshelves for example -- to the new library house and/or art house. It's amazing what people will donate if you just ask them. I'd like them to furnish the place and we can put up a plaque about them for their help.

I also took Ed's advice and spent part of every day this week downtown. I dropped in on or ran into all sorts of folks -- Neil Hankerson at Dark Horse. Tom Kemper in front of his new building (the Former Gay Blade), Kim at the candy shop (am getting addicted to their white cheddar popcorn), dropped off books for the library book sale and got to visit with Nancy Wittig and Joe, etc.

I am working with city staff, commissioner Schrader, and members of the management team at Clackamas Community College to open their planning process for the Harmony Campus expansion to a broader public, particularly in Milwaukie. It's been a pretty intense couple of weeks.

### **Councilor Susan Stone**

I attended the following meetings/events this week: CAC meeting Monday, Grand opening Sav-a-lot and North Clackamas Park ribbon cutting ceremony, City Council meeting, Candidates Forum & North Clackamas Chamber Gubernatorial luncheon.

## A Weekly Update on What's Developing in the City of Milwaukie

for the week of September 15, 2006

DEPT	TOPIC	LAST UPDATE	INFORMATION	NEW UPDATE	INFORMATION
Community Development	Texaco Site / Milwaukie Town Center Project	9/14/06	Approximately 40 citizens met on Wednesday night to discuss the project, and especially its impact on the Farmers Market. The city is working to respond to many of the questions asked, and project staff will take more input from the public at the kickoff committee meeting on 9/20.	9/21/06	The Advisory Committee met for the first time on 9/20 and discussed the committee's charge and function. Audience members were invited to talk about the project also. The project management group is reviewing the schedule and next week, will notify committee members and interested persons of upcoming meetings.
Community Development	Milwaukie Light Rail Transit Planning	9/14/06	Interagency meeting scheduled for 9/22. A project management group is being formed, to begin meeting in October.		
Community Development	MTIP Funding Requests			9/21/06	Staff is tracking the review process for the Kellogg Creek Restoration request (\$860k) and the 17 <sup>th</sup> Ave. Bike/Ped Connector request (\$1.65m). Public comment period will be opening in October.
Community Development	Street Maintenance Program Development	9/14/06	Staff is doing research on utility fee options and preparing to engage a consultant to review staff work to date.		
Community Development	Sellwood Bridge Planning	9/14/06	City of Milwaukie staff participating in advisory group. First Open House to be held on October 25, 2006, 5:00 p.m. to 8:00 p.m. at the Oaks Park Dance Pavilion just north of the bridge at 7100 SE Oaks Park Way.		
Community Development	Business Visitation Program			9/21/06	Recent visits: Johnson Controls, OLCC, Blount (Oregon Cutting Systems), MacKay Envelope, Beaver Heat Treating, Hughes Supply
Community Development	Regional Freight Planning			9/21/06	Staff is participating in update of regional list of freight facilities and freight-intensive industrial areas.
Community	Records Project	9/15/06	Department representatives have met with an		

<b>Development Admin</b>			Administrative staff member to review file process in the department. The Admin staff will be preparing reports to submit to the project managers this next week.		
<b>Building</b>	<b>North Main</b>	9/5/06	Building A (Large mixed use building) and Buildings C, D and F (rowhouses) have passed framing inspections. Contractors are currently installing sheetrock. Buildings B and E should be ready for framing inspections within a week or two. The contractor is still projecting to be complete by mid-November, although that seems a bit ambitious.		
<b>Building</b>	<b>Safeway</b>	9/5/06	Work is progressing rapidly. Two exterior walls are nearly at full height and plumbing groundwork has begun. Expected completion, February of 2007.		
<b>Building</b>	<b>Save-A-Lot</b>			9/20/06	The Save-A-Lot grocery store at 6100 SE King Road has completed its 16,000 square foot tenant improvement and is open for business.
<b>Building</b>	<b>Lleywlling Park</b>			9/20/06	The contractor has completed the grading, irrigation, landscaping, and on-site structures. The park received final approval from the Planning and Building Departments this week.
<b>Building</b>	<b>Oak Street Square</b>			9/20/06	The walls are up, the roof is on and interior work has begun on the Walgreen's store. Walls are up on the two shell buildings and roof work should begin soon.
<b>Street Department</b>	<b>42<sup>nd</sup> Ave Sidewalk project</b>	9/15/06	The Street Department has been working on the crack sealing program for the season. All of the school zones signage and markings are completed. We are on schedule with our sweeping.	9/20/06	Several infra-red and shoulder repairs. Cleanup of graffiti on signs. Several sign repairs and replacements. Sweeping on schedule.
<b>Water Department</b>	<b>Lake Rd. Phase II</b>	9/15/06	The Water Department has installed a new 2" service for Sentry Market and repaired several service leaks. Water sales are still in a declining trend.	9/20/06	General maintenance on our wells and distribution system this week. Working on our high consumption list and locates. Filled the hole where the Kiwanis building was.
<b>Engineering</b>	<b>Sanitary Sewer connection project</b>	9/15/06	Working with seven property owners within the City who are water customers but are not connected to city wastewater service. Code requires connection of any property within 200		

			feet of sanitary sewer.		
<b>Engineering</b>	<b>42<sup>nd</sup>/King intersection</b>	9/15/06	Working with concerned neighbors and exploring ways to improve pedestrian crossing safety.		
<b>Engineering</b>	<b>21<sup>st</sup>/Harrison intersection</b>	9/15/06	Working with the Library to explore options to improve pedestrian crossing safety at this intersection. Meeting with the Library Board on Sept 25 <sup>th</sup> regarding options.		
<b>Engineering</b>	<b>Well 8</b>	9/6/06	City Council approved two Resolutions on September 5: one authorizing Engineering to proceed with the design to replace Well 8; the second Resolution directs the City to re-negotiate it's 1998 agreement with Clackamas River Water. Construction of the replacement well is expected to be in 4 <sup>th</sup> quarter '07.		
<b>Engineering</b>	<b>N. Main Streetscape</b>	9/15/06	The contractor has started the sidewalk work on the east side of Main St. between Harrison and the north end of the Main St. Village project. Depending on weather, work should be completed by the end of the month. The so-called "Milwaukie Medallions" will be installed on Main street at each block face before the end of the year. Medallions are 4'x4' and are currently being fabricated by a local artist.		
<b>Engineering</b>	<b>Lake Rd Multimodal project</b>	9/6/06	The first step in securing federal funds approval for design of mutlimodal improvements on Lake Rd between 21 <sup>st</sup> Ave and Kehun Rd is complete. Approval to start the design process is anticipated late this year. Design of the project should be complete by the end of '07 and construction started by 1st quarter of '08.		
<b>Engineering</b>	<b>37<sup>th</sup> RR crossing and Oak St RR crossing impvt's</b>	9/6/06	CDBG funds have been committed to finish the design of sidewalk improvements at these two railroad grade crossings. Construction of these improvements is expected in 3rd quarter '07.		
<b>Planning</b>	<b>Transportation System Plan (TSP)</b>			9/22/06	Staff is working the ODOT and DKS, the project consultant, to prepare the scope of work and contract for the TSP. We are gathering names of interested persons and planning to begin public outreach in October.
<b>Planning</b>	<b>Spring Park</b>	9/7/06	Planning worked with Community Services to		

	<b>Master Plan</b>		complete the final Master Plan document. Staff will present to Planning Commission during public hearing on 10/10.		
<b>Planning</b>	<b>Planning Commission</b>	9/14/06	On 9/27, the Planning Commission will continue the public hearing on the proposed illuminated reader board sign at Milwaukie High School. The Commission will also hold the first public hearing on proposed revisions to the City's Sign Code.	9/22/06	On 9/27, the Planning Commission will hold a public hearing on proposed revisions to the Sign Code. While most revisions either correct inconsistencies or address legal problems, there are a few proposed minor policy changes too. The proposed amendments are available online at <a href="http://www.ci.milwaukie.or.us/planning">www.ci.milwaukie.or.us/planning</a> .
<b>Planning</b>	<b>Applications for Staff –Level Review (Type I)</b>	9/7/06	Property line adjustment application for a lot on Harlene Street.	9/22/06	Staff has approved a property line adjustment application on Harlene Street. The proposal moves a line between two lots, with the effect of changing a landlocked parcel into a flag lot.  Staff is reviewing a property line adjustment application for a lot on Cambridge Lane. The proposal moves a line between two large lots.
<b>Planning</b>	<b>Applications for Planning Commission Review (Type III)</b>			9/22/06	The Community Services Department submitted an application for approval of a neighborhood park playground at Spring Park in Island Station. The improvements would implement the first phase of the Spring Park Master Plan.
<b>Planning</b>	<b>Design &amp; Landmarks Committee</b>	9/7/06	On 8/29 the DLC reviewed and approved the artwork and site lighting for the North Main Project.		No current activity.
<b>Facilities</b>	<b>Library Pond House</b>	9/15/06	The Library pond house is 90% painted with some exterior trim to be completed. Staff is making some minor repairs to the exterior so painting can be completed. Staff is requesting quotes for the handrail for the ramp. Estimated schedule for handrail completion is the middle of Oct. Once this is done the house will be approved for use.	9/20/06	We have contracted with Wright Mfg, to build and install handrails on the ADA ramp. Estimated time of completion is 4-weeks. The remainder of the painting should be completed in the next two weeks.
<b>Facilities</b>	<b>Library Parking lot expansion</b>	9/15/06	The concrete contractor is preparing to place the remained of curb and sidewalk, he expects to be done by 9/22. Next step is paving.	9/20/06	The concrete contractor is on schedule and plans to pour the remaining sidewalk Thurs 9/21/06, weather permitting.
<b>Facilities</b>	<b>Library Fountain</b>			9/20/06	Staff is dealing with vandalism in the fountain, in the form of soap being placed in the water, which is creating foam. Staff has found an anti foam



## **Milwaukie-Metro IGA Issues**

(The issue that is posed is stated in bold followed by the answer/response in italics.)

1. **The Farmers' Market is going to be closed.** *The City has not made nor will it be making plans to close the Farmers' Market. Past and present Mayors and City Councilors as well as City staff believe that the Market is an invaluable, vibrant piece of Milwaukie's past, present, and future. The Market has grown, and as it has grown it has been a major contributor to the growth of community in the City. The only change that has been discussed is a future Market location. The decision will be made with input from Market stakeholders, and it will be made with the goal of ensuring the success that the Market currently enjoys.*
2. **The City indemnifies Metro pursuant to the IGA, thereby exposing the City to possible liability from future impacts.** *Underlying this comment is a belief that potential liability was accepted without consideration of the risks. The site was a filling station for years. Old tanks were removed and new ones recently installed. A major issue considered by Metro when deciding whether to purchase the Texaco site was the possibility of contamination that would limit use of the site. Metro spent \$39,750 for environmental consultants to analyze contamination issues, including migration of any contamination. It also spent \$9,545 to demolish the existing building and \$19,050 to decommission and remove the underground tanks. At each step of that process Metro coordinated with and informed the City of the findings. In recent discussions with Metro representatives, they informed the City that they would remove contaminated soil before the property is redeveloped. It appears that most, if not all, of the contamination occurred at the pumps, probably from gasoline spilling from nozzles as they were inserted into cars or into the pumps. DEQ was consulted, and they determined that the level of contamination would not prohibit a mixed-use commercial-residential development. Paragraph (1)(L) of DEQ's Prospective Purchaser Agreement states that "DEQ has further determined that the proposed development activities at the Property will not contribute to or exacerbate existing contamination, increase health risks, or interfere with remedial measures necessary at the property." Paragraph (2)(C) of DEQ's Prospective Purchase Agreement outlines possible remedial action, including the requirement of a separate HVAC system for the residential units. Metro policy is not to accept liability resulting from environmental contamination. Rather, they will purchase property only when another party assumes that responsibility. In the purchase before us Metro was spending \$750,000 for the Texaco site, and the City was not required to contribute anything toward the purchase price. We undertook an analysis*

of the risk involved. Gary Firestone, City Attorney, who has worked on similar transactions, participated. It was determined that the risk of future action was low, taking into account (1) that the risk of contamination appears to be limited to on-site and City-owned property; and (2) the Prospective Purchase Agreement. If remediation was required it might be soil removal, and the cost was estimated at approximately \$40,000. This was compared to Metro's investment of \$750,000 and found to be acceptable.

3. **The City supports a building height of more than five stories according to the IGA.** Paragraph 3.6 of the IGA states that the "City will exert its **best efforts** to amend its zoning and development ordinance and regulations to permit a project to be developed on Block 14 consisting of residential over ground floor retail, a minimum of 5 stories . . ." (Emphasis mine.) The IGA does not require a 5-story building. Rather, it requires that the City "exert its best efforts" to modify its Code. The IGA does not (nor could it) require a unilateral Code change. Rather, any proposed change in height requirements must be considered pursuant to the amendment process, which includes notice, public hearings, and public input. The citizen committee will consider this issue.
  
4. **The IGA was considered and made in a non-public process.** The IGA was discussed and considered at two regular meetings of the City Council—August 16, 2005 and September 20, 2005. Both meetings were regular public meetings of the City Council, and the item was included on the published agenda. At the August 16, 2005 Council meeting the City Manager presented the draft IGA for Council consideration, but he recommended adoption only after two matters were further discussed with Metro. Given deadlines that were approaching, it appeared that it would be necessary to execute the IGA before the next scheduled Council meeting. Therefore, the Council delegated authority to the City Manager to "negotiate and execute" the IGA. The outstanding issues were resolved, and a new draft was prepared. Even though the August 15, 2006 action permitted execution of the IGA without further Council consideration, because the timing issues that had given rise to the delegation of authority to the City Manager were no longer an issue, the new draft was submitted to the Council for consideration, discussion, and action at its September 20, 2006 regular business meeting. Technically, the IGA could have been executed at the staff level. However, owing to the importance of the agreement as well as the public interest in the transaction, it was brought before the Council for final action in a public forum.

5. **The IGA permits the City and Metro to select a developer without public notice and without a public process.** *Paragraph 3.2 of the IGA provides that a “Joint Offering may be made either through an open competitive process or an unsolicited proposal process, upon mutual written agreement of the Parties.” During the past year the City was presented with an unsolicited proposal that it rejected because of its commitment to an open, competitive process. A competitive, open RFP has always been the preferred process, and it will be used for this project.*
  
6. **The City’s only motivation for this project was tax revenues.** *The motivation for any project of this magnitude is more complex than simply increased tax revenue. Revenue growth without new revenues from additional development will not allow the City to keep up with increasing costs, and General Fund departments like the Library and Police Department are placed in jeopardy. New development and the additional taxes they provide enable us to continue to operate those functions at the level demanded by the community. (Moreover, the new resources provide services throughout the community. For example, the Police Department does not limit its patrol function to only the area that generated the new revenue. The City’s easternmost NDA—Linwood—benefits as much from Downtown development as Historic Milwaukie.) However, there are additional reasons for a project on this site. For example, if the Downtown is to recapture its vitality and potential it needs people willing to support Downtown businesses. The addition of new housing adds people who can easily access those businesses. They also contribute to the creation of a vibrant space. Much has been said about retaining Milwaukie’s small town character, and new development and the new residents are seen as threatening it. The character of a place is defined by its people. For example, the Lower East Side of New York remained a “small” community for decades amidst the towering buildings and traffic of New York City. It lost that character when the old population moved to the suburbs and others moved in.. Individuals create a community by engaging in the hard work of relating to others as valued community members with whom they share common goals and interests. Attributing alienation to new buildings and traffic plans misses the fact that community flows from human interaction.*
  
7. **The City began with ownership of half of the block (the parking lot), but it now has ownership of only five percent after the Metro purchase of the Texaco site.** *Contrary to the above claim, the City owns 52.5% of the block. Before Metro purchased the Texaco site the City owned the parking lot—one half of the block. The Texaco transaction did not affect the City’s ownership of the lot. The IGA grants the City a 5% interest in the Texaco site. Paragraph 2.2 states: “At closing, the City shall*

*take an undivided 5% interest in title to the Property, and Metro shall take an undivided 95% interest in title to the Property as tenants-in-common.” Paragraph C of the IGA defines “Property” as the “Texaco filling station site located at 10700 SE McLoughlin Boulevard.” The IGA resulted in a net gain of the City’s ownership in the block.*

8. **This is the only successful space for the Farmer’s Market, and a decision to move it places the Market in a compromised position that will not be supported by the people. The Market was not consulted before anything happened.** *There is no proof to a claim that this is the “only successful space for the Farmer’s Market.” (I suspect that similar arguments were made when the Portland Farmer’s Market moved from the Albers Mills site to the PSU Parks Blocks.) The block is roughly valued at between \$1,250,000 and \$1,500,000, which is an expensive investment for a use that occupies twenty-five days a year. The Market is an important piece of life in Milwaukie. It is one of those events that helps to create community. But the success of the past few years can be repeated at other sites like the Riverfront or Main Street.*
  
9. **What was the process of developing the downtown plan, and how much public process was involved? Why is it not strictly followed? Why not change the plans for this site?** *The Plan, at page 5, states: “[t]his Land Use Framework represents the leadership of a skilled volunteer Riverfront Board and the input of the more than 2000 community members who have attended meetings, returned surveys, provided focus and ideas, and directed the plan.” At page 1 the Plan states: “This document serves as an ancillary document to the Milwaukie Comprehensive Plan. On its own, this Framework is not a regulatory document. Any part of the Framework that is intended to have a binding effect will have to be adopted as part of, or pursuant to, a code to have regulatory effect. . . . This Framework establishes and guides the development of publicly and privately owned parcels of land, and outlines specific land uses.” At page 7 of the Plan two major guiding principles are stated: (1) “Creating a livable community;” and (2) “Ensuring economic success.” “Priority Projects” are listed at page 22 and include a “Bus Transit Center” on the old Safeway site. When a transit center was further considered the site was found to be too small, as projections showed buses staging on Main and Harrison. The Plan’s designation of a transit center at the old Safeway site was abandoned, and alternative uses that would meet the twin goals identified above were sought.*
  
10. **The North Main project was changed after approval. How can anyone be assured that this project will not also be changed once approved?** *Elements of the North Main project were changed to meet challenges*

posed by increasing costs stemming from both Hurricane Katrina and the demand for building materials from China. No one anticipated the impacts on construction costs arising from these two events. Any changes that were made were done so in order to bring the costs in line with available funds, but changes were not made to items required by the Code. Many changes were made to tenant finish items that do not affect external appearance. The major change in North Main was elimination of the basement. The basement was to be used for tenant and owner storage, and its elimination represented a loss of a major marketing tool. Design changes were focused on the area facing the courtyard (e.g. window “eyebrows”) so as not to impact the external appearance of the buildings.

11. **The trees should be saved.** *It remains to be seen how designs submitted through an RFP process will propose to affect the existing trees. If it is necessary to eliminate some or all of trees, the developer could be required to plant trees elsewhere in the City as mitigation.*
  
12. **Why has the 2000 traffic study not been finished, and how will parking problems from, for example, North Main be addressed?** *The City required the developers of North Main Village to submit a traffic study as part of the land use application. This was completed in 2004 and demonstrated that the project would not create more than 25 trips per day on surrounding residential streets. Neither the City nor ODOT required mitigation of traffic impacts as a result of that study. The City is fully aware, however, of the concerns expressed by the Historic Milwaukie NDA and others about increased traffic in Milwaukie generally and specifically on residential streets. The City secured a \$138,000 grant in 2006 to update its Transportation System Plan. The work will begin this fall and will allow us to study the situation carefully and make any necessary or desired policy changes, based on what we learn. A Downtown Parking and Traffic Management Plan was completed in 2003. Staff has been and will continue to implement the suggestions from this Plan, both through traffic calming measures and the management of downtown parking. Because the North Main project is building angled parking where parallel parking existed before, it will add 16 short-term Main Street parking spaces. On-street parking time limits will be enforced, so the parking spaces will be available to patrons of downtown offices and businesses. The City is selling permits to employees of downtown businesses for the temporary parking lot on the Texaco site. We can conclude that for now based on the fact that eighty percent of the available spaces have been sold, that there is more supply than demand for permitted parking spaces downtown. Over time the City will stop selling parking permits to people park-and-riding from downtown Milwaukie to Portland. On-street parking in the downtown will be prioritized for shoppers and visitors. Downtown employees and*

*residents will park in designated lots or in areas where the on-street parking is less used. Though parking areas between Scott Street and Monroe Street are well-used, only approximately fifty percent of all downtown spaces are currently used on a regular basis. Parking demands from new development projects will be managed using all of these principles, and location-specific issues will be tackled if and when they arise.*