



PLANNING DEPARTMENT  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206

PHONE: 503-786-7630  
FAX: 503-774-8236  
E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)

# Appeal of Land Use Decision

File #AP- 2018-001

## RESPONSIBLE PARTIES:

<b>APPELLANT:</b> <i>TOM MADDEN for HISTORIC MILWAUKIE NDA</i>	
Mailing address: <i>10550 SE MAIN ST., MILWAUKIE, OR.</i>	Zip: <i>97222</i>
Phone(s): <i>916-799-5798</i>	E-mail: <i>tmadden@protonmail.com</i>
<b>APPELLANT'S REPRESENTATIVE (if different than above):</b>	
Mailing address:	Zip:
Phone(s):	E-mail:

## APPEAL INFORMATION:

Appeal of File #: <i>CSW-2018-002</i>	Review Type of Appealed Decision: <input type="checkbox"/> I <input type="checkbox"/> II <input checked="" type="checkbox"/> III
Site Address: <i>10660 S.E. 21ST, MILWAUKIE, OR</i>	Map & Tax Lot(s): <i>11E36BB01800</i>
Comprehensive Plan Designation: ...	Zoning: ... <i>DMU</i> Size of property: <i>1.77 AC</i> ...

## STANDING FOR APPEAL (check applicable box):

Applicant or applicant's representative from Type I, II, or III decision

Person or organization adversely affected or aggrieved by Type II decision

Person or organization that participated or provided testimony or evidence on the record for Type III decision. List the date and briefly describe the form of participation, testimony, or evidence:

*I submitted HISTORIC MILWAUKIE NDA RESPONSE TO THE CITY PLANNING COMMISSION*

## BASIS OF APPEAL (attach a detailed statement describing the basis of the appeal):

Identify which approval criterion or development standard is believed to have been overlooked or incorrectly interpreted or applied and/or which aspect of the proposal is believed to have been overlooked or incorrectly evaluated.

For appeal of a Type II decision, identify either an error as described above or the manner in which the person filing the appeal was adversely impacted or aggrieved by the decision.

## SIGNATURE:

**ATTEST:** I have standing to appeal the land use decision identified on this application and have provided the necessary items and information for filing an appeal per Milwaukie Municipal Code (MMC) Subsection 19.1010.1. To the best of my knowledge, the information provided within this appeal package is complete and accurate.

Submitted by: *Thomas C. Madden Jr.* Date: *April 30, 2018*

RECEIVED

## IMPORTANT INFORMATION ON REVERSE SIDE 2018

**SUBMIT**

Attach required statement describing basis of appeal.

**RESET**  
CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT

**APPEAL HEARINGS** (excerpted from MMC Subsections 19.1001.5 and 19.1010.3) :

**Appeals of Type I and II decisions:**

Appeals of Type I and II decisions are heard by the Planning Commission. The appeal hearing is an unrestricted de novo hearing, which means that new evidence, testimony, and argument that were not introduced in the original decision can be introduced in the appeal. The standard of review for the Planning Commission is whether the initial decision has findings and/or conditions that are in error as a matter of fact or law. The Planning Commission's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

**Appeals of Type III decisions:**

Appeals of Type III decisions are heard by the City Council. The appeal hearing is an on-the-record de novo hearing, which means that new evidence that was not introduced in the original decision cannot be introduced in the appeal. New testimony is allowed. New argument is also allowed that is based on evidence already in the record and on testimony that is new or already in the record. The standard of review for the City Council is a new evaluation of existing evidence, new and existing testimony, and new and existing arguments. The City Council's decision on the appeal is the City's final decision on the initial land use application per ORS 227.178. Further appeals of the application may be made to the Oregon Land Use Board of Appeals or other court.

**DECISIONS NOT SUBJECT TO LOCAL APPEAL:**

The initial hearing for Type IV and V decisions is held by the Planning Commission. The Planning Commission does not issue a decision on these types of review and, instead, issues a recommendation to the City Council. This recommendation is not a final decision and is not appealable.

The review authority for Type IV and V decisions is the City Council. Since there is no higher authority within the City, the City Council's decisions on these types of reviews are the City's final decision on the land use application. Appeals of these types of applications may be made to the Oregon Land Use Board of Appeals or other court.

Downtown Design Review applications are considered at a public meeting by the Design and Landmarks Committee. The Design and Landmarks Committee does not issue a decision on these types of review and, instead, issues a recommendation to the Planning Commission. This recommendation is not a final decision and is not appealable.

**THIS SECTION FOR OFFICE USE ONLY:**

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		\$			\$	RECEIVED APR 30 2018 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		\$			\$	
		\$			\$	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$			RECEIPT #:		RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s): <i>HST</i>						
Notes:						

\*After discount (if any)

City of Milwaukie – Land Use Appeal CSU-2018-002 (DR-2018-001; NR-2018-001; P-2018-002)

**Basis for Appeal:**

The appellant bases this appeal on the formally submitted Historic Downtown Milwaukie (NDA's) Response dated March 13, 2018 to the Land Use Planning Department as well as the specific language of City of Milwaukie Ballot Measure 3-477 on the Official Ballot, May 17, 2016, Clackamas County Oregon. Appellant submits that the City does not have authority under Ballot Measure 3-477 to proceed with the demolition of the current Ledding Library building located at 10660 S.E. 21<sup>st</sup>. Avenue, Milwaukie, Oregon, nor to build a replacement library building on the same land.

The Land Use Planning Commission's Staff Report dated April 3, 2018, for the April 10, 2018, Public Hearing, Page 3. E. Proposal, begins with the following statement, "In 2016, the City of Milwaukie passed a bond measure to fund improvements and expand the Ledding Library, and as a result, the City proposes to replace the existing library with a new, larger library building." However, the Planning Commission never considered whether the proposal meets the plain language of Ballot Measure 3-477. This is despite the fact that the NDA's Response specifically raised this issue, "The proposal isn't for a modernization and expansion of the current structure to better serve the community, as was advertised during the Bond campaign, but a complete teardown and rebuild of the library."

The Question on the Ballot stated, "Shall Milwaukie Be Authorized To Issue Up To \$9,200,000 General Obligation Bonds For Library REPAIRS, IMPROVEMENTS AND UPDATED TECHNOLOGY (emphasis added)?" In the SUMMARY and EXPLANATORY SUMMARY below the Question on the Ballot, several specific repairs and installations were cited as well as stating that these improvements were both for the "Library and Pond House." The voters were not asked to vote on the Replacement of the Library building(s) in lieu of Repairing, Improving, and Updating Technology in them. See Clackamas County, Measure 3-476 in the Voters' Pamphlet for the May 17, 2016 Primary Election.

The Planning Commission's decision to approve the proposal is contrary to the plain meaning of Ballot Measure 3-477. The decision approves the demolition and replacement of the current library rather than repairs, improvements and updates as approved by voters. It reads words into the measure that do not exist.<sup>1</sup> The City is only allowed to implement the plain meaning of the Ballot Measure Question and not add or subtract words or meaning.

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<sup>1</sup> The City Planning Commission's Report also fails to mention any improvements in the "Pond House."



# CLACKAMAS C O U N T Y

**VOTERS'  
PAMPHLET  
MAY 17, 2016  
PRIMARY  
ELECTION**

**Clackamas County  
Elections Division  
1710 Red Soils Ct., Ste. 100  
Oregon City, OR 97045**

[www.clackamas.us/elections](http://www.clackamas.us/elections)

**503.655.8510**

**SHERRY HALL,  
County Clerk**

## COUNTY VOTER

All information contained in this pamphlet has been assembled and printed by Clackamas County's Elections Division.

You will not vote on everything in this pamphlet, only those races and measures appearing on the Official Ballot in your Vote-By-Mail packet.

Candidate Statements, Measure Text, Explanatory Statements and Arguments are printed as filed – no spelling or grammatical corrections are made.

Your voted ballot must be received in our office, or in an official ballot drop box, by 8:00 p.m. on Election Day, **May 17, 2016**

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Please recycle this pamphlet.

# City of Milwaukie

## Measure 3-477

### BALLOT TITLE

#### **AUTHORIZES GENERAL OBLIGATION BONDS FOR MILWAUKIE LIBRARY REPAIRS AND IMPROVEMENTS**

**QUESTION:** Shall Milwaukie Be Authorized To Issue Up To \$9,200,000 Of General Obligation Bonds For Library Repairs, Improvements, and Updated Technology?

If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**SUMMARY:** The Ledding Library has served as the Milwaukie city library since December 16, 1964. At the library's dedication, the city's population was just over 12,000. Currently Milwaukie has a population of over 20,500. This measure would authorize the City to issue up to \$9,200,000 of general obligation bonds to pay for capital costs and finance issuance costs. Library and Pond House improvements include:

Providing a larger designated area for children and teen programming and learning;  
Installing security cameras in the parking lot and building exterior;  
Installing modern toilets and restroom facilities;  
Installing modern wiring, technology, and additional printers and computers;  
Replacing heating and cooling systems, with energy efficient modern systems; and  
Installing structural components to meet city earthquake standards.

This measure is estimated to result in a tax of \$0.35 per \$1,000 of assessed value per year, or approximately \$62 per year on a home assessed at \$175,000.

The bonds may be issued in multiple series and each series may mature over no more than 20 years. Property taxes are assessed after bonds are issued.

This measure, if approved, would require an oversight committee and annual audits.

This measure, if approved, is estimated to result in a tax of \$0.35 per \$1,000 of assessed value per year, or approximately \$62 per year on a home assessed at \$175,000.

The bonds may be issued in multiple series and each series may mature over no more than 20 years. Property taxes are assessed after bonds are issued.

Submitted by  
Bill Monahan  
City Manager  
City of Milwaukie

### EXPLANATORY STATEMENT

The Ledding Library ("Library") has served as the Milwaukie city library since December 16, 1964. At the Library's dedication, the city's population was just over 12,000. Currently, Milwaukie has a population of over 20,500. This measure would authorize the city to issue up to \$9,200,000 of general obligation bonds to pay for capital costs and finance issuance costs for improvements and updates to the Ledding Library and Pond House. If this measure passes, the Library and Pond House improvements include:

Expanding the size of the Library, including providing a larger area for children and teen programming and learning;

Installing shorter shelving units and wider aisles, as well as additional audio books and large print materials, to increase accessibility;

Installing security cameras, and other safety features, in the parking lot and building exterior;

Fixing current plumbing issues by installing modern toilets and restroom facilities;

Installing modern wiring and technology upgrades, as well as additional printers, computers and outlets for laptops and other technology, to increase capacity for access to library technology;

Replacing heating and cooling systems with more cost-effective, energy-efficient modern systems; and

Installing structural components necessary to bring the Library and Pond House into compliance with current earthquake safety standards.

**NO ARGUMENTS IN OPPOSITION TO THIS MEASURE WERE FILED**

For complete filing of this measure visit our website at [www.clackamas.us/elections/May2016.html](http://www.clackamas.us/elections/May2016.html) or visit us at 1710 Red Soils Ct, Suite 100, Oregon City, OR 97045

*The above information has not been verified for accuracy by the county.*

*The above information has not been verified for accuracy by the county.*

## City of Milwaukie Measure 3-477

### ARGUMENT IN FAVOR

Vote YES for our Library!

For more than 50 years, the Ledding Library has served as a cornerstone of our Milwaukie community.

Florence Ledding gifted the people of Milwaukie her property to build a library, writing in her will that she intended it to be: "**a free public library for ... the furtherance and advancement of education, learning ... open to the public and for the use and benefit of all people, regardless of race, age, station in life, color, sex or religious faith[.]**"

When the Ledding Library first opened in 1965, Milwaukie had only 10,000 residents. Today, the city has more than 20,000 residents. **Last year, the library offered 663 programs for children, adults, seniors, and local businesses with over 19,000 people in attendance**—nearly the entire population of the City of Milwaukie. Our Library also provides early reading programs for over 4,000 kids and parents each year, and works with 17 area schools.

In our Fall 2015 public survey, more than 700 people responded that they love the Ledding Library location overlooking the pond and have enjoyed bringing their families to the Library over the years. However, as our city grows, community demand for additional space for educational programming in the library is outpacing its ability to supply it. Critical library infrastructure is outdated and equipment is reaching the end of its useful life.

**This measure will fund needed improvements, repairs, updates, and additional space to the existing Ledding Library and Pond House.**

Please join us in investing in our Library's future by voting YES on Measure 3-477. Together, let's make sure that the Ledding Library continues to be a place where our community can gather, learn, and grow.

Mark Gamba, Mayor of Milwaukie  
Lisa Batey, Milwaukie Council President  
Scott Churchill, Milwaukie City Councilor  
Wilda Parks, Milwaukie City Councilor  
Karin Power, Milwaukie City Councilor

With the support and endorsement of: NW Oregon Labor Council, AFL-CIO and AFSCME

*(This information furnished by the above-signed individuals)*

*The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.*

## City of Milwaukie Measure 3-477

### ARGUMENT IN FAVOR

VOTE YES on 3-477 for OUR LIBRARY

As President of Milwaukie Friends of Ledding Library, I am a strong supporter of Measure 3-477 to renovate and remodel Milwaukie's Ledding Library. Additionally, the Friends membership join me in actively supporting YES on Measure 3-477. We are dedicated to assisting our Library in their efforts to enhance community services such as increased computer access and adult and children's programming.

A meeting place that is capable of bringing the community together for common interests, education and entertainment is an investment Milwaukie needs to make NOW! Expanded meeting space and updated computers will be provided by Measure 3-477; supporting the commitment to quality of life in Milwaukie and continued interest in learning.

The Friends support the efforts of the Library administration and staff working toward increasing library services that will be possible within an expanded building.

These enhanced services are necessary to meet our growing community demand.

I am voting YES on Measure 3-477 because of my personal experience working with the Ledding Library as President of the Friends. I am also voting YES because as a resident of the City of Milwaukie, I value the Ledding Library as an important resource in my city.

**Please VOTE YES on 3-477**

Nikki Hoff, President, Milwaukie Friends of Ledding Library  
MEASURE 3-477

*(This information furnished by Milwaukie Friends of Ledding Library)*

*The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.*

**CITY OF MILWAUKIE, OREGON**  
**MILWAUKIE CITY COUNCIL**  
**RESOLUTION No. 18-2016**

A RESOLUTION OF THE MILWAUKIE CITY COUNCIL SUBMITTING TO THE VOTERS A REFERRAL TO BE CONSIDERED AT THE MAY 17, 2016 ELECTION, TO AUTHORIZE THE CITY TO ISSUE UP TO \$9,200,000 OF GENERAL OBLIGATION BONDS FOR LIBRARY IMPROVEMENTS

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WHEREAS, after due consideration, the Milwaukie City Council has decided to forward a referral to the voters.

NOW, THEREFORE, BE IT RESOLVED by the Milwaukie City Council that:

- SECTION 1: An election is hereby called in and for the City of Milwaukie, Clackamas County, Oregon, for the purpose of submitting to the legal voters the question of whether Milwaukie should be authorized to issue up to \$9,200,000 of general obligation bonds for library improvements.
- SECTION 2: The measure election hereby called shall be held in the City of Milwaukie on the 17<sup>th</sup> day of May, 2016. The election shall be conducted by mail pursuant to ORS 254.465 and 254.470.
- SECTION 3: The Milwaukie City Council authorizes the mayor, the city manager (each an "authorized representative") or a designee of the authorized representative to act on behalf of the City of Milwaukie and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.
- SECTION 4: Pursuant to ORS 250.285 and ORS 254.095, the Milwaukie City Council directs the city elections officer to file a Notice of City Measure Election in substantially the form of Exhibit A with the Clackamas County Elections Office, unless, pursuant to a valid ballot title challenge, a Clackamas County Circuit Court Judge certifies a different Notice of City Measure Election be filed, such filing shall occur no earlier than the eighth business day after the date on which Exhibit A is filed with the city elections officer and not later than March 17, 2016.
- SECTION 5: The city elections officer is further instructed to publish notice of receipt of the ballot title in a newspaper of general distribution in compliance with ORS 250.275(5).
- SECTION 6: Pursuant to ORS 251.345, the Milwaukie City Council directs the city manager to prepare a Measure Explanatory Statement for publication in the county voters' pamphlet; said statement shall be filed with the Clackamas County Elections Office at the same time the Notice of City Measure Election is filed by the city elections officer.

SECTION 7: If this referral is approved at the May 17, 2016 election, the City Council will be authorized to adopt a resolution to formally authorize the sale of the bonds, and the City may take whatever other actions are necessary to issue up to \$9,200,000 of general obligation bonds to pay for capital costs for library improvements, repairs and technology upgrades, and to finance issuance costs.


SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 16th day of February, 2016.

  
\_\_\_\_\_  
Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

  
\_\_\_\_\_  
Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney



**EXHIBIT A  
NOTICE OF CITY MEASURE ELECTION**

**Notice of Measure Election**  
City

**SEL 802**

rev 1-14; ORS 250.035, 250.041,  
250.275, 250.285, 254.005, 254.065

<b>Notice</b>		
Date of Notice	Name of City or Cities City of Milwaukie	Date of Election May 17, 2016

The following is the final ballot title of the measure to be submitted to the city's voters.

**Final Ballot Title** Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

**Caption** 10 words which reasonably identifies the subject of the measure

Authorizes General Obligation Bonds For Milwaukie Library Repairs and Improvements.

**Question** 20 words which plainly phrases the chief purpose of the measure

Shall Milwaukie Be Authorized To Issue Up To \$9,200,000 Of General Obligation Bonds For Library Repairs, Improvements, and Updated Technology?

If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**Summary** 175 words which concisely and impartially summarizes the measure and its major effect

The Ledding Library has served as the Milwaukie city library since December 16, 1964. At the library's dedication, the city's population was just over 12,000. Currently Milwaukie has a population of over 20,500. This measure would authorize the City to issue up to \$9,200,000 of general obligation bonds to pay for capital costs and finance issuance costs. Library and Pond House improvements include:

- Providing a larger designated area for children and teen programming and learning;
- Installing security cameras in the parking lot and building exterior;
- Installing modern toilets and restroom facilities;
- Installing modern wiring, technology, and additional printers and computers;
- Replacing heating and cooling systems, with energy efficient modern systems; and
- Installing structural components to meet city earthquake standards.

This measure is estimated to result in a tax of \$0.35 per \$1,000 of assessed value per year, or approximately \$62 per year on a home assessed at \$175,000.

The bonds may be issued in multiple series and each series may mature over no more than 20 years. Property taxes are assessed after bonds are issued.

**Explanatory Statement** 500 words that impartially explains the measure and its effect, if required attach to this form

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input checked="" type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

<input type="checkbox"/> Initiative	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

**Authorized City Official** Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

<b>Name</b> <i>Patricia A. DuVal</i>	<b>Title</b> <i>City Recorder</i>	<b>Work Phone</b> <i>503 786-7502</i>
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<b>Signature</b> <i>Patricia A. DuVal</i>	<b>Date Signed</b> <i>2/17/16</i>
--	--------------------------------------

March 13, 2018

Review from the Historic Downtown Milwaukie NDA Land Use Committee  
on the Ledding Library Construction.

The Historic Milwaukie NDA thanks the City of Milwaukie Planning Department for the opportunity to comment on the proposed construction of the New Ledding Library in downtown Milwaukie. Our Land Use Committee reviewed the various reports and documents provided by the City Planning Department and some City Ordinances pertaining to construction within the City.

First, it would appear, based on the artists renderings, that the proposed new building could be an appealing structure, however, the design doesn't comport with the design of the surrounding structures (Masonic Temple, City Hall, Waldorf School, Townhomes on Harrison, and Condos on Main) within one block of the proposed building site. Therefore, whatever potential beauty this design might have is lost in its surroundings and only makes it an outlier to the otherwise perceived quaintness that Milwaukie citizens see in surrounding downtown structures.

Beyond the design, the proposed structure will consume too much of the property on which it will sit and visually diminishes both the park and wetlands area. This property is bordered by a sensitive wetland and natural area which will require, if the area is to be preserved, extensive site preparation and stabilization of the surface and sub-surface according to the GeoDesign, Inc. report.

The NDA's committee also considered the immediate neighborhood and its inhabitants (neighbors) in reviewing the impacts of the new structure. Our review includes the proposed size of the building, traffic impacts, noise, parking, length and breadth of construction, normal operations of the Library, safety, and potential structural impacts on other structures which may create a liability concern for the City (Library.) Therefore, our first recommendation is that the City/Library leaders call a meeting specifically for these neighbors at a time and meeting space convenient to both groups to fully discuss this proposed project. Inclusive in this recommendation is that the City/Library will enter into a Good Neighbor Agreement which addresses the issues brought up in the meeting with neighbors.

Serious consideration should be given not only to the short-term issues of construction, but the long-term impacts on the neighborhood such as inadequate parking when considering the use of the adjacent park by the larger community. The building plan might eventually comply with the technical requirements for construction, which isn't currently the case, yet it very well

might not fit into the overall nature of the surrounding downtown community. The proposal isn't for a modernization and expansion of the current structure to better serve the community, as was advertised during the Bond campaign, but a complete teardown and rebuild of the library.

In terms of the construction period, no matter how the plan moves forward, the committee requests that the following issues be given serious consideration: (Not in Priority Order)

1. **Noise:** The abatement of noise from equipment used in demolition and construction creates a potential dilemma considering the proximity of the building site to a school as well as to living quarters for citizens. A city ordinance on the one hand calls for the use of such equipment during night hours if the property on which the building is to be built is on an adjacent street to a school, which at least part of this project will be because it only has a partial natural area between it and the Waldorf School. On the other hand, such use of equipment at night will seriously disturb the peaceful living conditions of immediate neighbors either across the street (parking lot) or pond from the site. We believe this potential conflict must be resolved prior to the approval of the plan.
2. **Wetlands and Natural Environment:** The condition of the Wetlands, as found in the ESA environmental consultants report and the GeoDesign, Inc. report require serious consideration in terms of construction in a sensitive environmental area. Eventual potential approval must take the impact of construction on current building foundations and the integrity of those structures (Townhomes, Condos, and Apartments) adjacent to the site, do to demolition and construction on sensitive and unstable soils to significant depths.
3. **Scott Park:** The Master Plan for Scott Park needs to be seriously considered in coordinating with construction on the site.
4. **Size of Building:** The footprint for the proposed building, appears to the committee, to overwhelm the site, and encroaches on the wetland beyond the area recommended by the ESA report. There is little doubt that mitigation of this impact will require years of growth of new plantings to rebuild the damage done to the environment. There is concern that the construction process will do damage beyond what has been considered to date. Common sense makes this a potential reality because of the nature of construction.
5. **Safety:** There is a fire hydrant at the end of the proposed street/parking area which may very well be much more difficult to access due to the narrowing of the street, especially during hours of operation of the library.
6. **Traffic During Construction:** The driveways for the Townhouses and Condos parking lot and garages must remain open and usable by the residents throughout construction.
7. **Construction Staging:** The size of the planned building will potentially cause the placement of building materials that will negatively affect the peaceful living conditions of immediate/adjacent residents.

8. Dust, Debris, and Litter Control: There needs to be a specific plan for control of dust, debris, and litter during the construction so as not to negatively impact the peaceful living conditions of immediate/adjacent residents.
9. Inspections: Constant and thorough inspection of this potential construction is more critical than most considering the sensitivity of the soils and the potential damage to the necessary integrity of the new and adjacent building(s).
10. Liability: Seriously consider the potential liability to the City/Library for damage done to nearby buildings due to unanticipated effects of construction. Environmentally sensitive areas with soft soils such as the one in question, once disturbed by construction, have the potential for future erosion. Such erosion could have unanticipated adverse affects on surrounding buildings adjacent to the site. Owners of current adjacent homes and buildings should be given fair warning of this potential so they can document the current condition of their property in case there is future damage. The City/Library could be held liable for any such damage.

Respectfully submitted, Historic Downtown Milwaukie NDA Land Use Committee

## Vera Kolias

---

**From:** Ray Bryan <ray1bryan2@gmail.com>  
**Sent:** Thursday, May 03, 2018 6:49 AM  
**To:** Vera Kolias  
**Cc:** Tom Madden; k1ein23; Mike Park  
**Subject:** Re: AP-2018-001

Hi Vera,

Thank you for the information. The Historic Milwaukie Land Use Committee met and voted to appeal. We met April 29th at 10:30 am. Those in favor were Gary Klein, Tom Madden, and Ray Bryan. Mike Park was not able to attend.

We did not vote at a regular NDA meeting.

Thank you,  
Ray

On Wed, May 2, 2018 at 11:26 AM, Vera Kolias <[KoliasV@milwaukieoregon.gov](mailto:KoliasV@milwaukieoregon.gov)> wrote:

Hello Tom and Ray,

The appeal hearing of the land use application for the Ledding Library (CSU-2018-002) has been scheduled for **Tuesday, June 5, 2018**. This allows the hearing to be held within the required 120-day time frame of the land use application.

The 20-day notices will go out as required.

Although you told me that the NDA met to discuss and vote on submitting the appeal, I neglected to ask for documentation of the NDA's meeting date and vote. Please email me with the date of the meeting and the vote that was taken to submit the appeal application. I need that for the land use file.

Thanks very much,

Vera

**VERA KOLIAS, AICP**

Associate Planner

503.786.7653

City of Milwaukie

6101 SE Johnson Creek Blvd • [Milwaukie, OR 97206](#)

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