

## Kelver, Brett

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**From:** Kelver, Brett  
**Sent:** Thursday, May 11, 2017 10:48 AM  
**To:** 'aargo23@gmail.com'; 'grau@nwhousing.org'; 'grehemermilw@gmail.com'; 'kim.travis75@gmail.com'; 'scott.jns@gmail.com'; 'shannahanderson@gmail.com'  
**Cc:** Egner, Dennis; 'john.henry.burns@gmail.com'  
**Subject:** Forward of response to Commissioner Burns (re: Rusk Rd project)

Planning Commissioners,

Below is a response I sent to Commissioner Burns regarding some specific questions he asked in regards to the Rusk Road Planned Development you'll be holding a hearing on May 23.

As staff, we do appreciate hearing from you in advance if you have questions about upcoming hearings. As a reminder of the general protocol for those communications with us, you should e-mail your questions directly to staff without copying the other Commissioners; staff will respond to the questions and copy the entire Commission. You should keep your communications one-on-one with staff and not "Reply All" or copy all Commissioners, in order to avoid the appearance or actuality of getting into deliberations outside of the hearing. Questions should be informational or clarifying in nature—since all Commissioners will see your questions as part of staff's response, you should refrain from sharing opinions or comments that would compromise your ability to be impartial in your decision-making at the hearing. Commissioner Burns' questions are a good example of an appropriate approach.

-Brett Kelver  
Associate Planner

**From:** Kelver, Brett  
**Sent:** Wednesday, May 10, 2017 5:52 PM  
**To:** 'John Henry Burns' <john.henry.burns@gmail.com>  
**Cc:** Roller, Alex <RollerA@milwaukieoregon.gov>; Egner, Dennis <EgnerD@milwaukieoregon.gov>; 'd.egner@comcast.net' <d.egner@comcast.net>  
**Subject:** RE: Rusk Rd comments from Clackamas County

John,

Thanks for the note. Here are some quick replies to your good questions:

1. As long as Kellogg Creek Drive is under the County's jurisdiction and an applicant would be going to the County for the permits to construct improvements, I believe the County would not allow a bike lane to be striped, as that would not be in line with their current standard for a local street. (To be fair, I don't believe bike lanes are considered standard on Milwaukie's local streets either.) The City would prefer to have a bike lane, I think because of the proximity to the park. We're still talking internally about whether and/or how we could or would require a bike lane there as long as the County still has jurisdiction.
2. There is a process for transferring jurisdiction of streets from the County to the City. The proposal itself does not trigger a requirement for jurisdictional transfer, but I think we could request it and initiate the process, and I'm not sure at the moment whether the Engineering Director is considering that option. I may have to get back to you on this one if I learn more about it before the hearing—or it may end up being something you raise at the hearing for us to answer there, depending on the timing.

-Brett Kever  
Associate Planner

**From:** John Henry Burns [<mailto:john.henry.burns@gmail.com>]

**Sent:** Wednesday, May 10, 2017 10:20 AM

**To:** Kever, Brett <[KeverB@milwaukieoregon.gov](mailto:KeverB@milwaukieoregon.gov)>

**Subject:** Re: Rusk Rd comments from Clackamas County

Thanks Brett. A couple questions after a quick read-through:

1) The county notes: "The preliminary plans identify a striped bike lane along the frontage of SE Kellogg Creek Drive. The county does not provide bike lanes on local roads". Does this imply the county would prohibit a bike lane in this location, or simply not require one? If the county would not require one, can the city?

2) Rusk Rd and Kellogg Creek Dr are in county jurisdiction. Is there a process by which these roads would come in to Milwaukie jurisdiction? If so what would trigger that? Or can Milwaukie request to take jurisdiction as part of this application? A primer on how road jurisdiction are shared between county and city would be helpful for me.

Thank you, - John