

REGULAR SESSION

AGENDA

MILWAUKIE CITY COUNCIL AUGUST 7, 2012

MILWAUKIE CITY HALL
10722 SE Main Street

2131st MEETING

REGULAR SESSION – 7:00 p.m.

- | | Page
No. |
|---|-------------|
| 1. CALL TO ORDER
Pledge of Allegiance | |
| 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS | |
| A. Report on Phase Three Feasibility Findings Regarding the Minor League Baseball Project
Staff: Kenny Asher, Community Development/Public Works Director | 2 |
| 3. CONSENT AGENDA <i>(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)</i> | |
| A. Appoint Wilda Parks to Planning Commission – Resolution | 33 |
| B. City Council Minutes | 34 |
| 1. June 19, 2012 Work Session | |
| 2. July 3, 2012 Work Session | |
| 3. July 17, 2012 Work Session | |
| 4. July 17, 2012 Regular Session | |
| 4. AUDIENCE PARTICIPATION <i>(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, "all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)</i> | |
| 5. PUBLIC HEARING <i>(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)</i> | |
| A. Comprehensive Plan Amendment, North Clackamas Park North Side
Master Plan File CPA-10-01 – Ordinance
Staff: Li Alligood, Associate Planner | 48 |

6. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
- A. **Expedited Annexation of Property Located at 9950 SE Wichita File #A-12-02 – Ordinance** 112
Staff: Li Alligood, Associate Planner
 - B. **Bid Award for Construction of Phase 1 of Riverfront Park – Resolution** 142
Staff: JoAnn Herrigel, Community Services Director
 - C. **Council Reports**
7. **INFORMATION**
8. **ADJOURNMENT**

Public Information

- **Executive Session:** The Milwaukie City Council may meet in executive session immediately following adjournment of the regular session pursuant to ORS 192.660(2).
- All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

2.

PROCLAMATIONS,
COMMENDATIONS,
SPECIAL REPORTS,
AND AWARDS



Agenda Item: 2.A.
Meeting Date: 8/7/12

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Report on Phase Three Feasibility Findings Regarding the Minor League Baseball Project

Prepared By: Kenneth Asher, Director of Community Development and Public Works

Dept. Head Approval: Kenneth Asher

City Manager Approval: William Monahan

Reviewed by City Manager: July 30, 2012

ISSUES BEFORE THE COUNCIL

Staff is requesting Council accept findings from Phase Three of the minor league baseball feasibility study and provide direction to staff related to the fourth and final feasibility phase.

STAFF RECOMMENDATION

Based on three phases of study, staff finds that bringing minor league baseball to Milwaukie remains feasible, although not necessarily for the 2014 season.

KEY FACTS & INFORMATION SUMMARY

A few points for Council to consider:

- The City's negotiations with the NWL have been discontinued in part due to the City of Hillsboro obtaining an agreement with the NWL and the Yakima Bears to relocate there. The league was not able to meet the July 31st deadline to secure a commitment to place a team in Milwaukie.
- Staff has been in discussions with the West Coast League (WCL) to possibly bring a team to Milwaukie. The WCL features top college players from around the country who are aspiring to professional baseball careers. The league currently has nine teams and is expanding.
- Progress has been made toward finding a mutually agreeable property for the relocation of ODOT.

OTHER ALTERNATIVES CONSIDERED

- Plan for a November ballot measure and task staff with securing a team commitment without stating a deadline
- Plan for a November ballot measure and impose a September 6 deadline at which time a final decision would be made about proceeding with the election.
- Do not plan for a November ballot measure and direct staff to continue working on the feasibility study with WCL officials.

- Do not plan for a November ballot measure and stop the feasibility study.

CITY COUNCIL GOALS

Council Goal 2.e adopted by Resolution 22-2012: Continue to explore the opportunity to bring minor league baseball and secure the ODOT property.

ATTACHMENT LIST

Type here

FISCAL NOTES

The Community Development budget is funded to cover anticipated expenses in Phase Four.



To: Mayor and City Council

Through: Bill Monahan, City Manager

From: Kenneth Asher, Director of Community Development and Public Works

Date: July 31, 2012 for the August 7 Regular Session

Subject: Report on Phase Three Feasibility Findings Regarding the Minor League Baseball Project

ACTION REQUESTED

Accept findings from Phase Three of the minor league baseball feasibility study and provide direction to staff related to a fourth and final feasibility phase.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

May 2012: Council adopted Resolution 27-2012 accepting feasibility reports completed in Phase Two of the minor league baseball project and authorizing staff to commence Phase Three with associated tasks and objectives.

February 2012: Council adopted Resolution 07-2012 appointing a minor league exploratory task force.

January 2012: Council adopted Resolution 04-2012 accepting feasibility reports completed in Phase One of the minor league baseball project and authorizing staff to commence Phase Two with associated tasks and objectives.

October 2011: Council adopted Resolution 89-2011 launching Phase One of the “Bring It Back” project and authorizing the City Manager to execute contracts with professional advisors to assist with achieving the Council goal of attracting minor league baseball to the City of Milwaukie.

September 2011: Staff reviewed with Council a range of professional advisory services that the Council could consider engaging in support of the minor league baseball project.

August 2011: Staff updated Council on efforts undertaken between October 2010 and July 2011 related to Council’s goal of attracting minor league baseball to Milwaukie.

April 2011: The Council adopted Resolution 46-2011 identifying the pursuit of minor league baseball as a high-priority economic development initiative.

October 2010: Council engaged in a work session discussion on exploring minor league baseball as an attractor for Milwaukie's revitalization. Council directed staff to investigate the possibility of siting a Single A minor league ballpark in the City, and attracting a team.

BACKGROUND

In April 2011, the City Council established a goal of attracting destinations to Milwaukie, in support of economic development and livability goals. A minor league baseball stadium, if successfully built and leased in the City's North Industrial District, would achieve these goals while leveraging the City's investment in the Portland-Milwaukie light rail project.

In October 2011, City Council set out to assess the feasibility of the goal in four areas: Site Feasibility; Facility Feasibility; Team Feasibility; and Financing Feasibility. Staff agreed to brief Council on each feasibility element and to gain Council approval prior to advancing from one phase to the next. This report and resolution summarize findings from Phase Three and seeks Council direction regarding a fourth and final phase.

Resolution 27-2012 defined the Phase Three activities. The resolution directed staff to secure a commitment from a minor league team that would partner with the City on the facility, and to demonstrate progress with impacted property owners including ODOT. This report will summarize work accomplished on each of these fronts, and will conclude with a discussion of overall project feasibility based on the third feasibility phase.

Team Commitment

Since January 2012, City staff has been in discussions with the Northwest League (NWL) related to the possibility of relocating a NWL team to the City of Milwaukie. At the league's request, the City refrained from reaching out directly to NWL team owners, and instead communicated with a Relocation Committee designated to represent NWL interests in negotiations with Milwaukie.

Immediately after City Council adopted Resolution 27-2012 setting a deadline to secure a commitment from a minor league baseball team by July 31, staff began negotiating with the Relocation Committee on terms that would become the foundation for operating and development agreements. For approximately one month, the City and the NWL worked to create a term sheet that was agreeable to both parties. During this same time frame (May 15 – June 15), the NWL was also negotiating with the City of Hillsboro to relocate the Yakima Bears from Yakima to Hillsboro. The discussions in Hillsboro were much farther along than in Milwaukie, as Hillsboro had by this time already been in extensive negotiations with Bears officials, interviewed design/build teams, and lined up funding and council support for the project. By June 8, Hillsboro and the Yakima owners had signed a term sheet for the deal that would be finalized by the Hillsboro council on June 26.

In June, the City understood from the NWL that relocating a second NWL team to the Portland metro region was of interest to the league. By mid-June, the Relocation Committee and the City reached agreement on a basic term sheet. Additionally, the City provided the Relocation Committee with information about the viability of bringing a second NWL team to the Portland market (Attachment 1). However on June 22, the City received a letter from League President Bob Richmond notifying the City that the NWL would not be able to meet the City's July 30 (sic) deadline for securing a team commitment (Attachment 2). Discussions between the City and the NWL broke off at that point.

Resolution 27-2012 did not, however, limit Milwaukie's pursuit of a minor league baseball team to the NWL.

On May 17, the City was contacted by Ken Wilson, president of the college summer-ball West Coast League (WCL). The West Coast League features top college players from around the country who are aspiring to professional baseball careers (<http://www.wccbl.com>). A number of players in the NWL have played in the WCL, although WCL players tend to be younger than NWL players. The WCL utilizes wooden bats and markets itself as providing the same affordable family entertainment as the NWL. However WCL teams are not affiliated with major league teams like in the NWL.

The WCL was founded in 2005 and has grown to include nine teams (in Cowlitz, Bellingham, Bend, Corvallis, Kitsap, Kelowna, Klamath Falls, Walla Walla and Wenatchee). The teams play a 60-game schedule in the months of June, July and August (30 home games), in small ballparks (capacity 1,200 to 3,000), although some of these parks, like in Corvallis and Bellingham, are shared with universities and are well appointed. Constructing a new ballpark for a WCL team would be far less expensive than for a NWL team, although staff has not done extensive study in this area. A preliminary estimate for a WCL ballpark on the ODOT site in Milwaukie is \$5 million (excluding the real estate), with total development costs likely to be in the \$10-12 million range. 360 Architecture has sketched a very preliminary site plan showing how a small WCL ballpark could fit on the ODOT site (Attachment 3)

The WCL is expanding into Victoria BC and Medford, and planning on establishing teams in Medford, Chico, Yakima and Couer d'Alene. Milwaukie would be a sixteenth team in the WCL. Mr. Wilson has provided the City with a letter of interest about WCL expansion in Milwaukie. The WCL could not make a commitment to the City by July 31 because, despite the WCL's excitement about Milwaukie, an ownership group would still need to form to finance a team to play in Milwaukie. Only then would the City be in a position to negotiate with that ownership group on the development and operation of the facility. The league's correspondence to the City is included as Attachment 4.

Progress with Impacted Property Owners, including ODOT

The impacted property owners include Cash Brothers Drapery Services, DeBlock Landscaping, Anderson Die and Manufacturing Co., and of course ODOT. From work completed in Phase Two, all of these property owners shared concerns about the project taking their private property, interrupting their operations or base of business, disrupting vehicular access or parking or loading, and potentially closing streets or

rerouting truck traffic. ODOT has a unique set of concerns related to the necessary relocation of the maintenance yard that currently makes use of the site.

There are two issues that lead to private property impacts: the narrow north-south dimension of the proposed site, and the need to connect pedestrians from the Tacoma light rail station to the site. The narrowness of the site led to the selection of a ballpark size and orientation that takes additional property northwest of the ODOT yard (the Cash and DeBlock properties), along with portions of Stubb Street. This was important for the NWL, given the 5,000 seat planned capacity and the need for conventional fence distances in the outfield. The desire to improve pedestrian connectivity between the Tacoma station and the ballpark requires that improvements be made on or adjacent to Anderson Die properties.

During Phase Three, staff toured properties, met with property owners and convened a meeting of property owners with the project architect, 360 Architecture. The purpose of these meetings was to sharpen the focus on the issues of highest concern, seek a common understanding and purpose (if possible), and, with the architects, see if a less impactful scheme could be imagined. The largest issues to solve were the Cash brothers desire to keep their property and the Anderson's desire to keep access to all their buildings north of the stadium.¹ DeBlock Landscaping is willing to sell its property, provided replacement property can be found, preferably close to the existing location.

Fortunately, the session with 360 uncovered a compromise scheme that met the requirements of all parties. In the new scheme, entitled 2B (Attachment 5), the ballpark is oriented as in Option 3, however Cash's Drapery is left in place, the stadium takes over Stubb Street west of Main, DeBlock Landscaping is acquired, and access is rerouted from the ballpark to the MAX station using existing public streets and right-of-way created by the light rail project (Attachment 6). By making these adjustments, and canting the orientation of the field a small amount, the stadium is able to achieve conventional fence distances down both the left and right field lines. This scheme requires acquiring just one private property – DeBlock's. Cash's Drapery can then make use of the DeBlock's site for parking and turn-around, thereby eliminating the Cash's need for Stubb Street.

Although requiring more study, it is possible that impacts to the Cash Brothers and DeBlock's can be avoided altogether in the construction of a smaller facility for a WCL team.

Regarding the ODOT acquisition, staff has two milestones to report. First is a meeting that took place, under ODOT's leadership, with the Governor's Regional Solutions Team, comprised of state agency representatives who come together to assist on projects of local or regional significance. Representatives from Business Oregon, DEQ and other state agencies attended the June 28 meeting. The meeting resulted in a few progress points: Business Oregon has loan funds potentially available for environmental cleanup; DEQ offered to meet with Milwaukie about potential purchaser agreements for the relocation site; ODOT is going to continue to look for co-location opportunities with other state agencies to facilitate the maintenance yard relocation.

¹ For a visual description of the property impacts, see the Phase 2 Feasibility Report from May 15, 2012.

More significantly, ODOT staff visited more than 20 possible relocation sites and narrowed the list of candidates significantly. As a result of that process, the City identified a target relocation site and took the first steps toward acquisition. At the time of this writing, a Purchase and Sale Offer is being negotiated with the replacement site owner. It will not take effect without City Council review and authorization, which is sought in the resolution associated with this report.

Tasks and Objectives Planned for Phase Four

As initially presented to Council in October 2011, staff presented a four-phase feasibility study, wherein the first phase was Site Feasibility, the second was Facility Feasibility, the third was Team Feasibility, and the fourth was Financial Feasibility. The overall project is generally tracking with that initial plan. In prior reports, the City Council has heard that the site and facility can certainly support minor league baseball both dimensionally and economically. However, questions remain as to whether a team can be drawn to Milwaukie under business terms agreeable to the City, and whether enough funds can be raised to construct the facility. New information revealed in Phase Three that one league, the Northwest League, will not establish a franchise in Milwaukie, while another league, the West Coast League, would be happy to.

Phase Four, should Council elect to continue the study, would have the following components:

- Work with West Coast League officials to put together an ownership group that would finance and operate a new WCL team in Milwaukie.
- Negotiate development and operating agreement term sheets with the WCL ownership group describing the mutual obligations of the City and the team for constructing and operating the facility.
- Update the design, facility uses and cost estimates for developing the smaller facility required for the WCL.
- Update the economic impact analyses with adjusted attendance levels, home dates and other potential stadium uses.
- Prepare ballot measure language to raise general obligation bonds to finance the project.
- Execute the Purchase and Sale Agreement for the ODOT replacement site, conduct due diligence related to that site acquisition, and execute a Letter of Intent to Acquire and Exchange Property with ODOT.

Discussion of Overall Project Feasibility

Council's goal of bringing minor league baseball to Milwaukie remains possible. Progress toward the goal has slowed, however, due to the Northwest League's entry in the Portland market in Hillsboro. As a result of that action, and the continued uncertainty of Milwaukie's ability to fund the project, questions remain about the project's overall feasibility and more precisely, about the feasibility of accomplishing the project for the 2014 season.

The final two phases of the feasibility study, team feasibility and financial feasibility, are tightly coupled, with a “chicken and egg” quality about them. Communities that have already built ballparks, or which have the means to do so (read: Hillsboro), readily attract teams. Communities that do not have these means require help from team owners to finance stadium construction costs and demonstrate to the public that private dollars and a commitment to the community are in place. Because Milwaukie needs to raise public funds for its share of the project, it was deemed necessary to have a team commitment in place prior to the public vote. Council reaffirmed this strategy in Resolution 27-2012 which set July 31 as the deadline for securing a team commitment.

The City is still without a team commitment and the November election is drawing near. To qualify a ballot measure for the November 6 general election, City Council has until September 6 to adopt a resolution calling for the election and filing notice of the measure with Clackamas County Elections. September 10 is the last day to file arguments for the voters’ pamphlet. Among other things, the ballot measure will need to identify the amount of funding sought from the bond.

If Council is resolved to keep the project on schedule and ask the voters for funding in November, then staff would work with the aggressive schedule to try to assemble an ownership group that could acquire a WCL franchise and execute term sheets with the City. Accomplishing this by September 6 is challenging, but perhaps not impossible. Accomplishing it by the time of the vote, November 6, is more likely. In either event, Council’s decision to go to the voters will have an effect on the pace and likelihood of the deal getting done. Holding to the November election will send a strong signal to potential investors that the Council still stands behind its goal and that the project continues to be a high priority. The September and November deadlines could help the process move quickly. Slowing the process may make it more difficult to put the investor group together.

Council has several options to consider.

- Plan for a November ballot measure. Task staff with securing a team commitment without stating a deadline. Commit to sending the measure to the voters regardless of progress on any specific item. Direct staff to make as much progress as possible by November 6. Select the bond amount based on best information available by September 6.
- Plan for a November ballot measure. Impose a September 6 deadline at which time a final decision would be made about actually proceeding with the election, based on progress to date. Select the bond amount based on best information available by September 6.
- Do not plan for a November ballot measure. Direct staff to continue working on the feasibility study with West Coast League officials, and revisit the timing of the public vote and size of the bond at a later date.
- Do not plan for a November ballot measure and stop the feasibility study. The study can be restarted at a later date if conditions change, or the Council can amend its goals to eliminate minor league baseball from the list.

Staff would advise Council to consider a few points. First is to acknowledge that the switch from a NWL team target to a WCL team target comes with changed economic

and community impacts, and these have not been studied. The economic analysis completed in Phase Two was based on a set of assumptions built around NWL baseball metrics – everything from the type of facility to sponsorship opportunities. The findings of the economic impact analysis cannot be assumed for WCL baseball. That is not to say that the economic and community impacts of having a WCL team in Milwaukie wouldn't be positive, only that they haven't been studied.

Secondly, Council is advised that the decision to place a general obligation measure on the November ballot does not obligate the Council to actually sell the bonds authorized by the voters. Even if the ballot measure passes, Council would not be obligated to act on the authority granted by the vote. Proceeding with the ballot measure is not a commitment to raise property taxes for the project. That commitment would occur if and when the bonds are sold, assuming the voters provided that authority.

Finally, staff would point the Council back to the resolution that initiated the pursuit of minor league baseball in the first place. Resolution 46-2011 identified minor league baseball as a high-priority economic development initiative for the City. This goal was partially informed by the opportunity that Council rightly sensed when the metropolitan region was without professional baseball. That vacuum has now been filled with the Yakima Bears relocation to Hillsboro in 2013. The Council may wish to consider and deliberate on whether the return of professional baseball to the region alters Milwaukie's interest or intent, whether the timing of the project (2014 opening) is still important, and what other community development values (aside from baseball) are at stake in the decision to proceed with the study. These include the relocation of the ODOT maintenance yard out of town, the entrance of new voices and positive energy in City affairs, a raised profile for the City within the region, a healthy dialogue within the City about priorities and tax revenue, and a strong signal to the business community that Milwaukie is open for community-supported development.

Staff Recommendation

Based on three phases of study, staff finds that bringing minor league baseball to Milwaukie remains feasible. West Coast League baseball may in fact be more feasible than Northwest League Baseball because of the lower costs associated with stadium construction and franchise value/operations. Considerable progress has been made in relocating the ODOT maintenance yard out of town. The results from Phase Three suggest not that minor league baseball is infeasible for the City of Milwaukie, but that accomplishing the goal for the 2014 season is going to take considerable effort and in the end, might not be possible. The staff recommendation is captured in the resolution at the end of this report (Attachment 7).

CONCURRENCE

No concurrence has been sought or received on this action. The City's project team, however, led by J. Isaac, Chair of the Portland Business Alliance, concurs with the staff recommendation.

FISCAL IMPACT

The City has booked expenditures of \$163,000 on the feasibility study through July 2012. This is only slightly higher than expenditures reported at the end of Phase Two, primarily because of the shortness of the phase, the narrowness of the Phase Three scope, and the time lag between receiving services and invoices from advisors. Staff expects about \$40,000 in outstanding invoices still to come. Phase Three expenditures have been modest compared to earlier phases. Only Capital Project Consultants and J. Isaac Consulting (now a part of Conkling, Fiskum & McCormick) are billing for services at this point in time. Proceeding to a fourth phase will require the continued services of these two firms. The Community Development budget is funded to cover anticipated expenses in Phase Four.

WORK LOAD IMPACTS

Community Development staff is juggling the baseball project with South Downtown implementation, the Kellogg-for-Coho Initiative, Portland-Milwaukie Light Rail responsibilities and managerial functions over the Planning, Engineering, Community Development and Building departments. The action before the Council has significant workload impacts. Supporting the action will maintain the status quo juggling act. Should Council support the action and impose a deadline for certain milestones prior to the November election, CD staffing on the project will intensify. Rejecting the action will free approximately a quarter to one-third of the CD Director's time for other Council goals. Through the three phases, the baseball feasibility study has not had a significant work load impact on other departments. Finance and legal would become far more involved if Council authorizes a fourth phase.

ALTERNATIVES

Council may modify the requested action in numerous ways. Four options are included on page 6. There are others, and staff looks forward to hearing and supporting the Council's upcoming deliberation.

ATTACHMENTS

1. Report on merits of bringing minor league baseball to Milwaukie
2. Letter from Bob Richmond of the NWL
3. Site Plan of WLC ballpark design [this document will be available at meeting]
4. WCL correspondence to Milwaukie
5. Ballpark field orientation Option 2B
6. Preferred Bicycle/Pedestrian Access
7. Resolution



Let's Play Ball!

The Merits of Milwaukie, Oregon For Minor League Baseball

PREPARED FOR

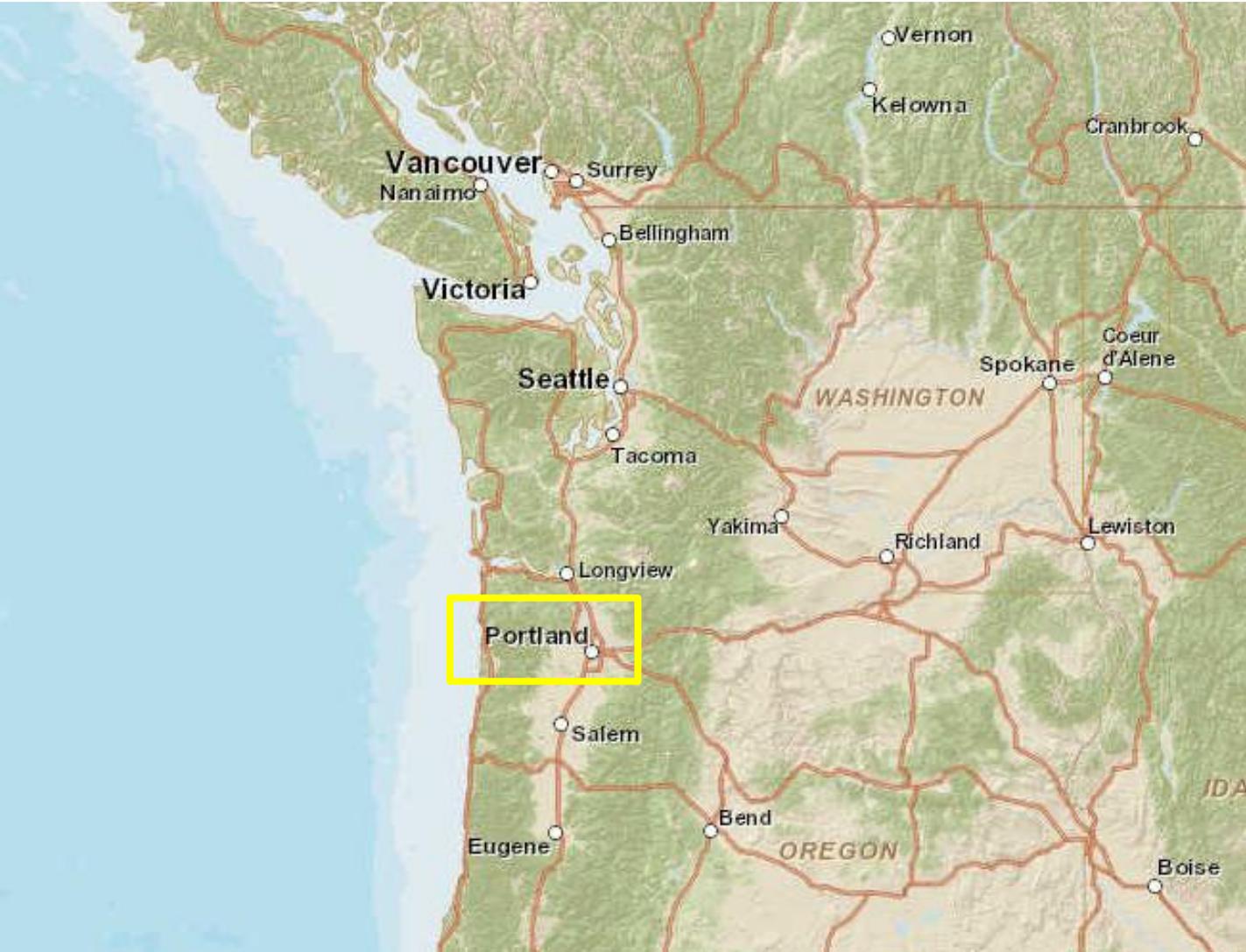


PREPARED BY



City of Milwaukie

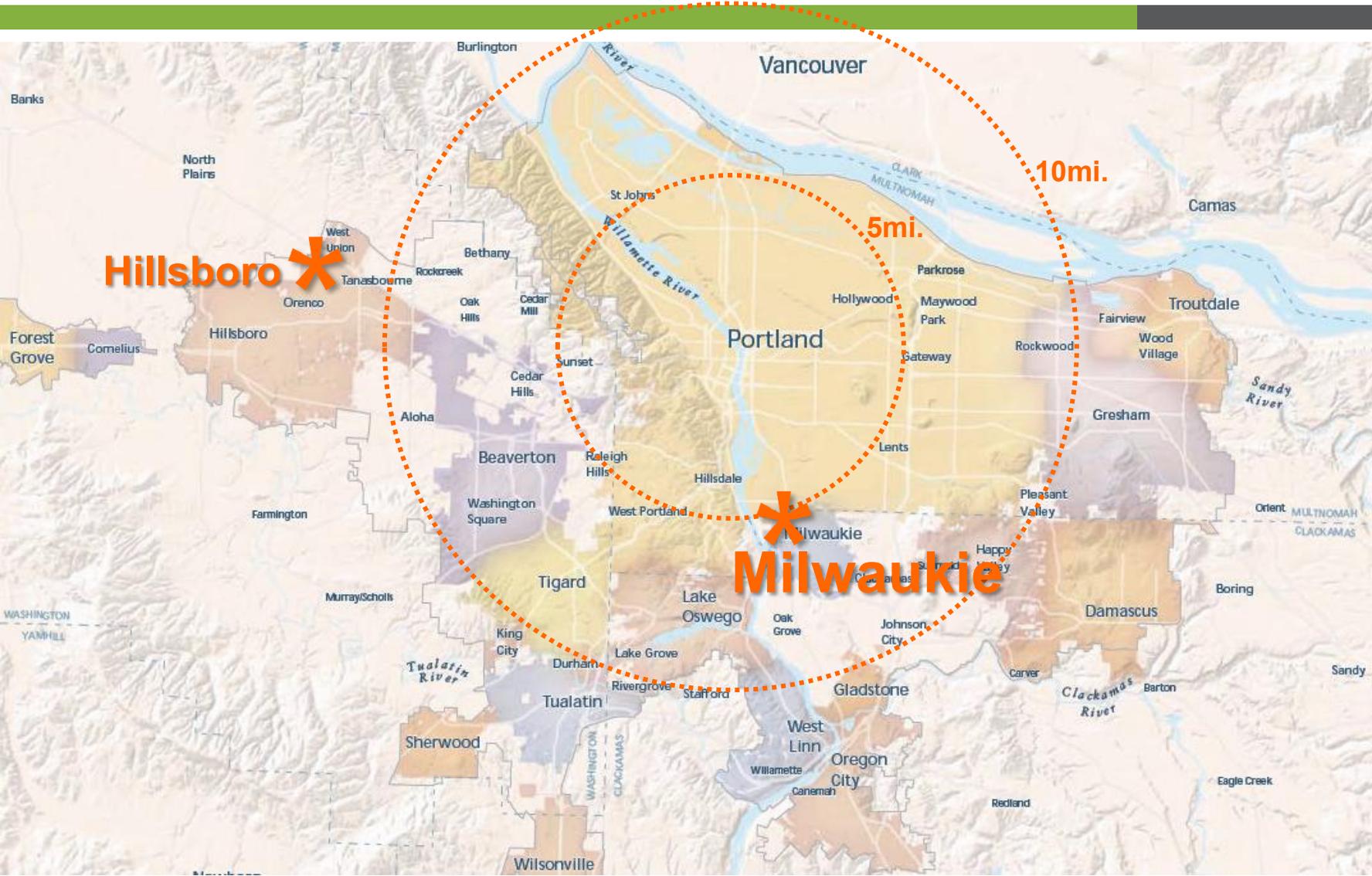
Northwest League Territory



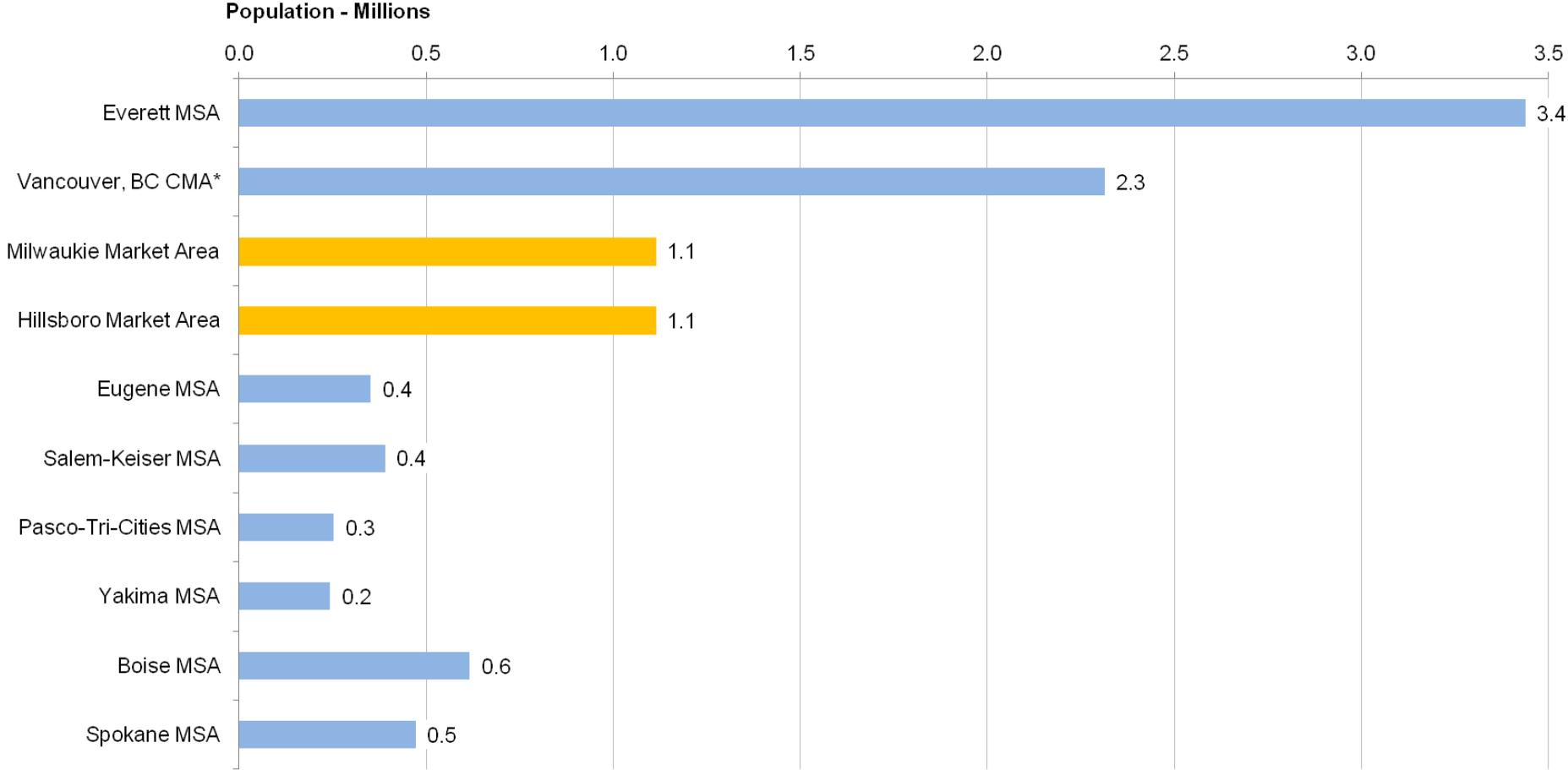
The Portland Metro Area



The Portland Metro Area



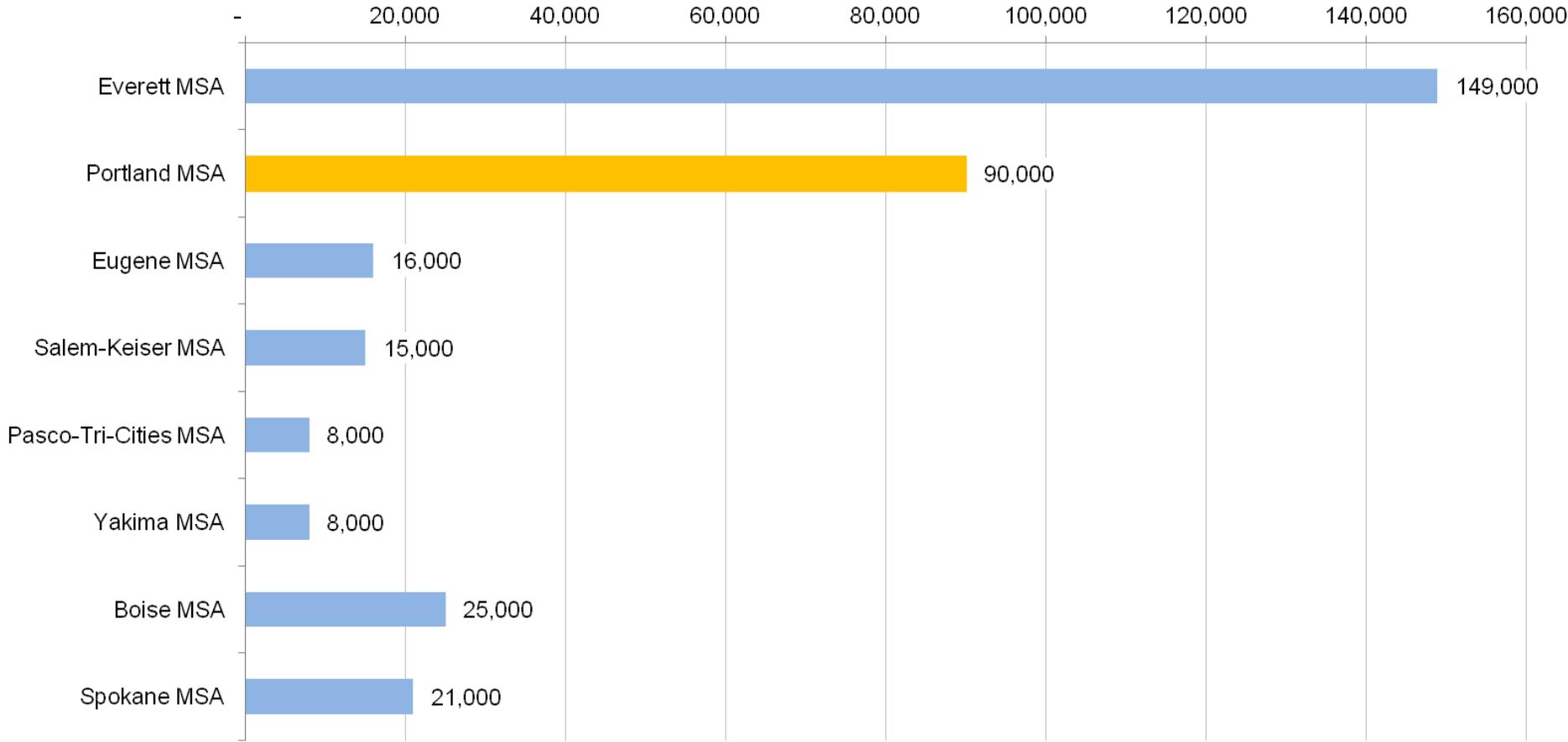
NW League Comparison: Population



Source: Leland Consulting Group, US Census, ESRI.
US data is for federally-designated Metropolitan Statistical Areas (MSA).
Vancouver BC data taken from 2011 Canadian Census, Vancouver Census Metropolitan Area (CMA).

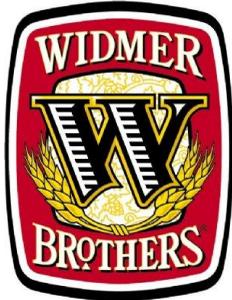
Businesses

Total Number of Businesses

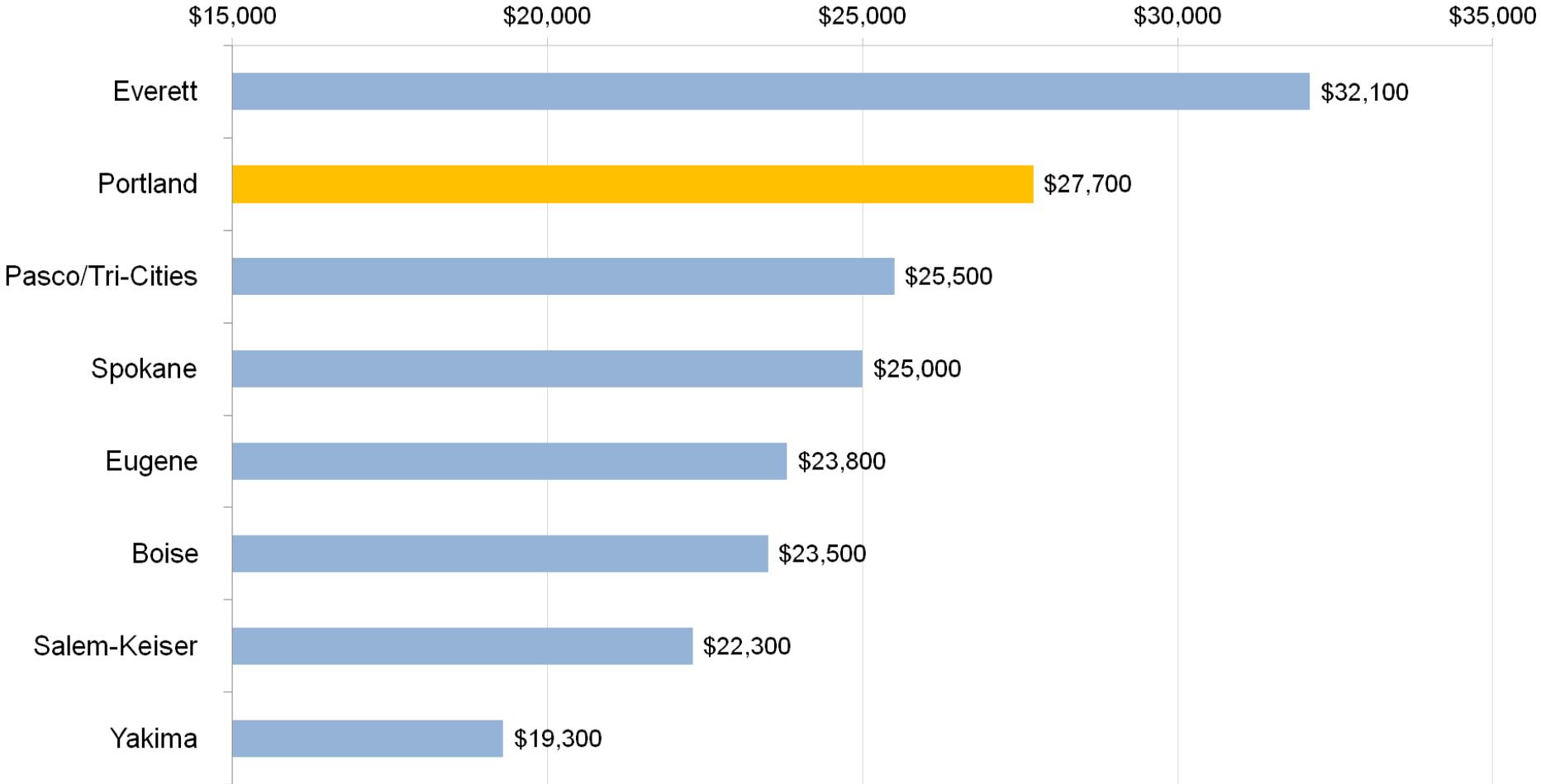


Source: 2012. Leland Consulting Group, ESRI; Data not available for Canada.

Businesses Based in Metro Portland

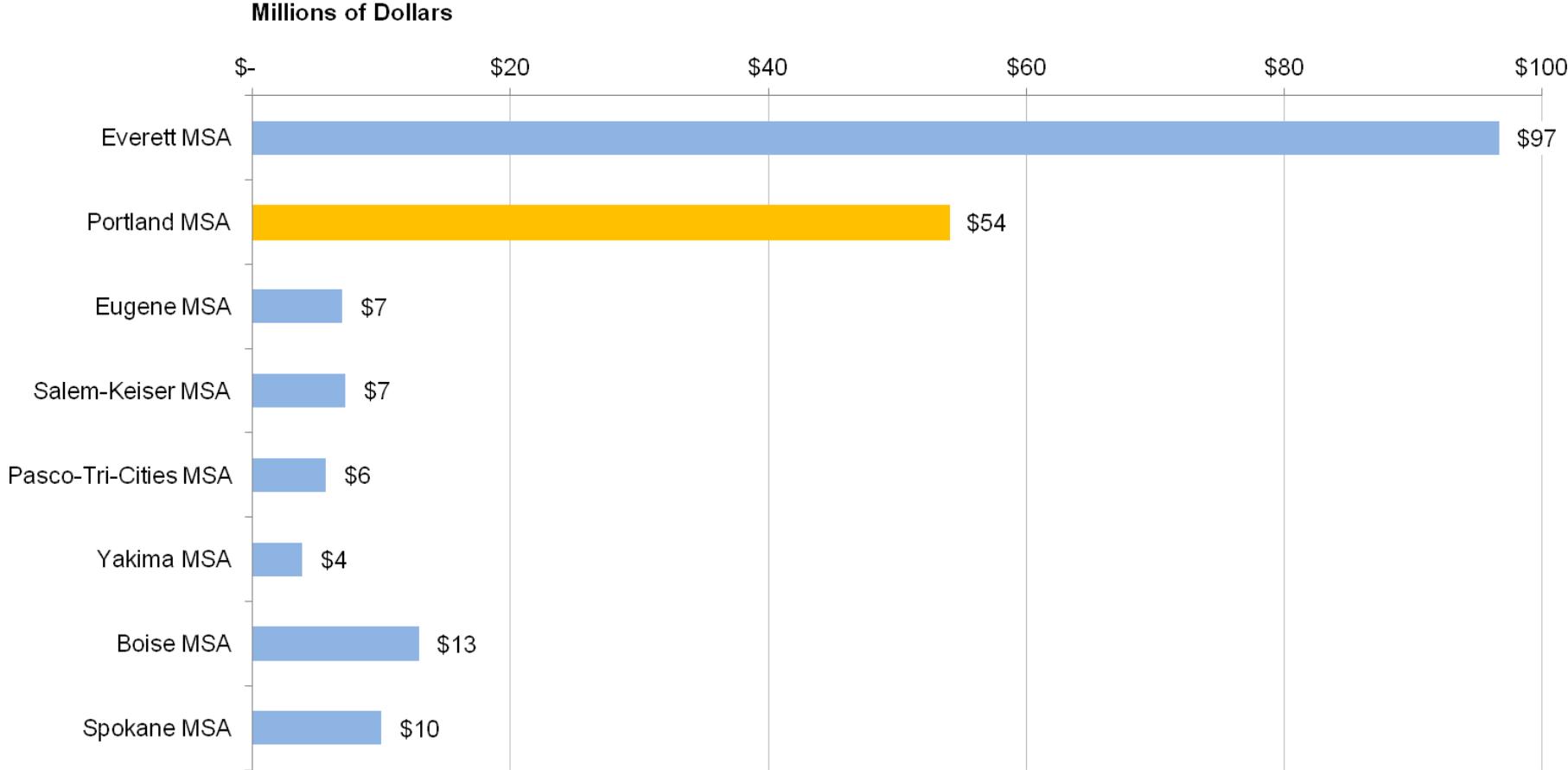


Per Capita Income



Median Per Capita Income, 2011. Source: Leland Consulting Group, US Census, ESRI. Data not available for Canada

Sports Events: Admissions Expenditures



Source: Leland Consulting Group, ESRI; Data not available for Canada

A Crosstown Rivalry



“It could turn into a glorious rivalry between eastside and westside”

*— Drew Mahalic,
Oregon Sports Authority*

Crosstown Rivalries



Chicago Cubs

VS.



Chicago White Sox



Brooklyn Cyclones

VS.



Staten Island Yankees



San Francisco Giants

VS.



Oakland Athletics

Single A
"Battle of the Boroughs"
13 miles apart
Usually a sell-out game

The Portland Metro Area





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Good Stuff

The Merits of Milwaukie, Oregon For Minor League Baseball

PREPARED FOR



PREPARED BY



City of Milwaukie



June 22, 2012

Mr. J. Isaac
 CFM Strategic Communications, Inc.
 1100 SW 6th Ave., Suite 1425
 Portland, OR 97204-1014

Re: Status of Milwaukie Ballpark Discussion

Mr. Isaac,

In an effort to keep you informed about the Northwest League's discussions relating to the proposed ballpark in Milwaukie, we remain in the stage of investigating the financial and other effects upon the League and its teams.

While we are working through this process, the League is not in a position to approve a team's commitment to execute a Facility Development and Use Agreement.

If the League should determine that a team and the League might benefit from this proposal, we have the next stage of obtaining the approvals required by baseball rules.

The Northwest League appreciates the interest the City of Milwaukie has shown and its efforts to obtain a franchise. However, at this time we do not see the possibility of any team committing to the Facility Development and Use Agreements by July 30, 2012 or signing these agreements by October 31, 2012. The League would like to make this point very clearly so as to avoid any misunderstandings.

Thank you for your attention to the above.

Very truly yours,

The Northwest League

A handwritten signature in black ink, appearing to read 'Bob', with a horizontal line extending to the right.

Robert D. Richmond, President

Cc: Andy Dunn

ATTACHMENT 4



July 27, 2012

Mayor and Council Members:

As president of the West Coast League, I'm pleased to express the strong interest of our owners in establishing a WCL franchise in a new ball park in the City of Milwaukie. Like the leadership and citizens of Milwaukie, we recognize the tremendous opportunity for a successful team and facility at the site you have selected.

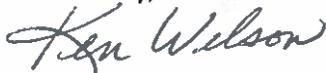
The WCL is one of the top summer college wood-bat leagues in North America, with nearly twenty players in the Major Leagues from our league, and over 100 players owned by Major League clubs in the affiliated Minor Leagues. We have recently added Victoria, British Columbia and Medford, Oregon to our league, and hope to soon add Yakima, Washington, which would give us 12-teams for the 2013 season. We continue in discussions with other markets interested in joining the WCL.

We feature solid ownership groups, including Phil and Penny Knight of Nike (Corvallis) and John Stanton a Seattle Mariners owner (Walla Walla). Our players come from top college programs, aspiring to become professional players, providing play that compares favorably with the Northwest League. Our league provides affordable family entertainment, just like professional minor leagues, such as the Northwest League. Not being under the governance of Minor League Baseball, allows our teams to play in facilities with far fewer amenities. This will allow the City of Milwaukie to minimize stadium construction costs.

We would very much like to continue the discussions we have begun with members of the Milwaukie stadium project team towards finalizing a WCL franchise ownership group and negotiating a stadium lease. We believe we can accomplish those tasks within the time line required for the City to present the opportunity to the people of Milwaukie for their decision in November. We have identified investors interested in being part of an ownership group that would own and manage a Milwaukie WCL team.

Should the City Council desire to work with us on this project, the WCL will do everything we can over the next several weeks to complete the ownership group, negotiate a ball park lease with the City, and to work with the City of make this fantastic opportunity a reality. I look forward to continuing the great start we have made.

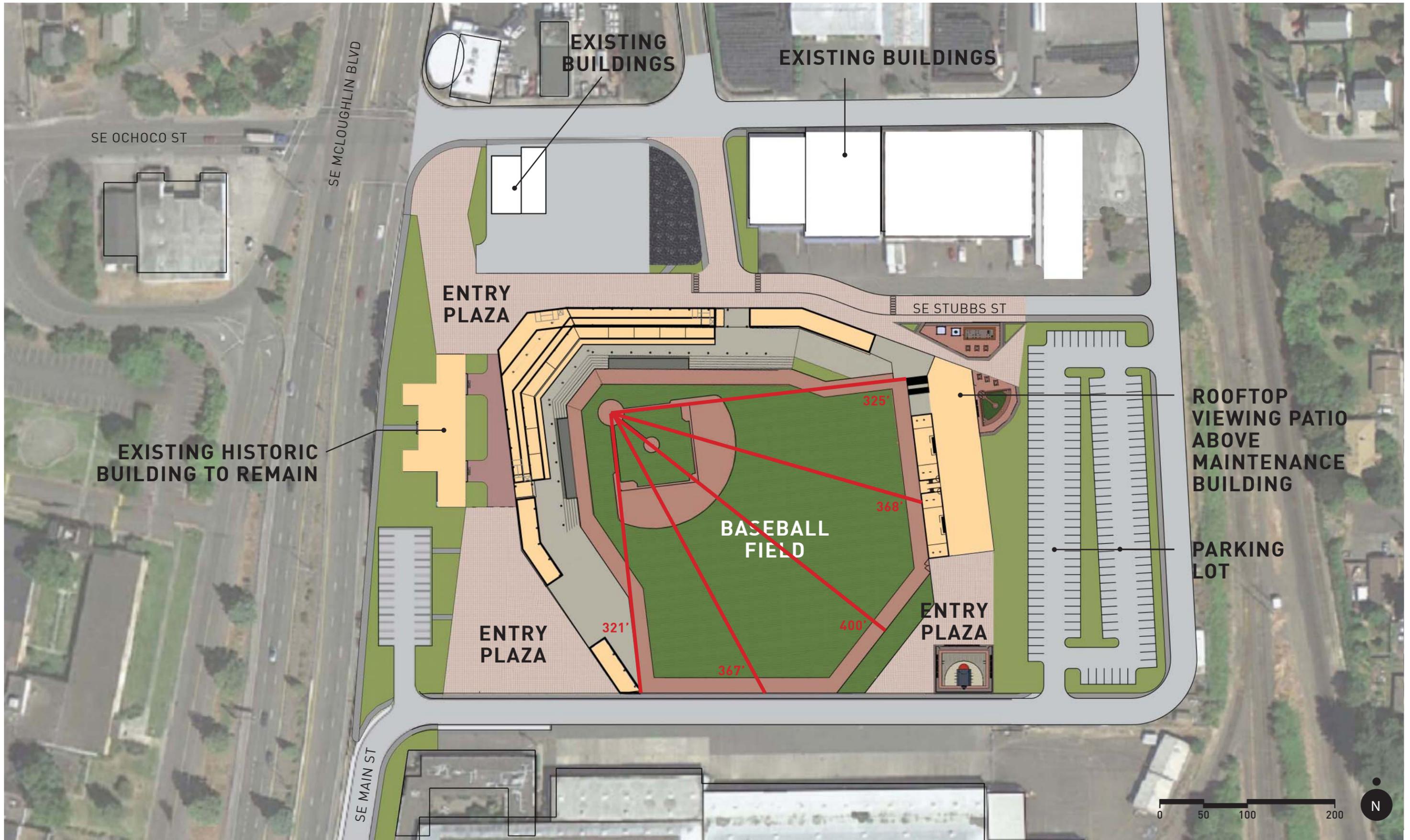
Sincerely,



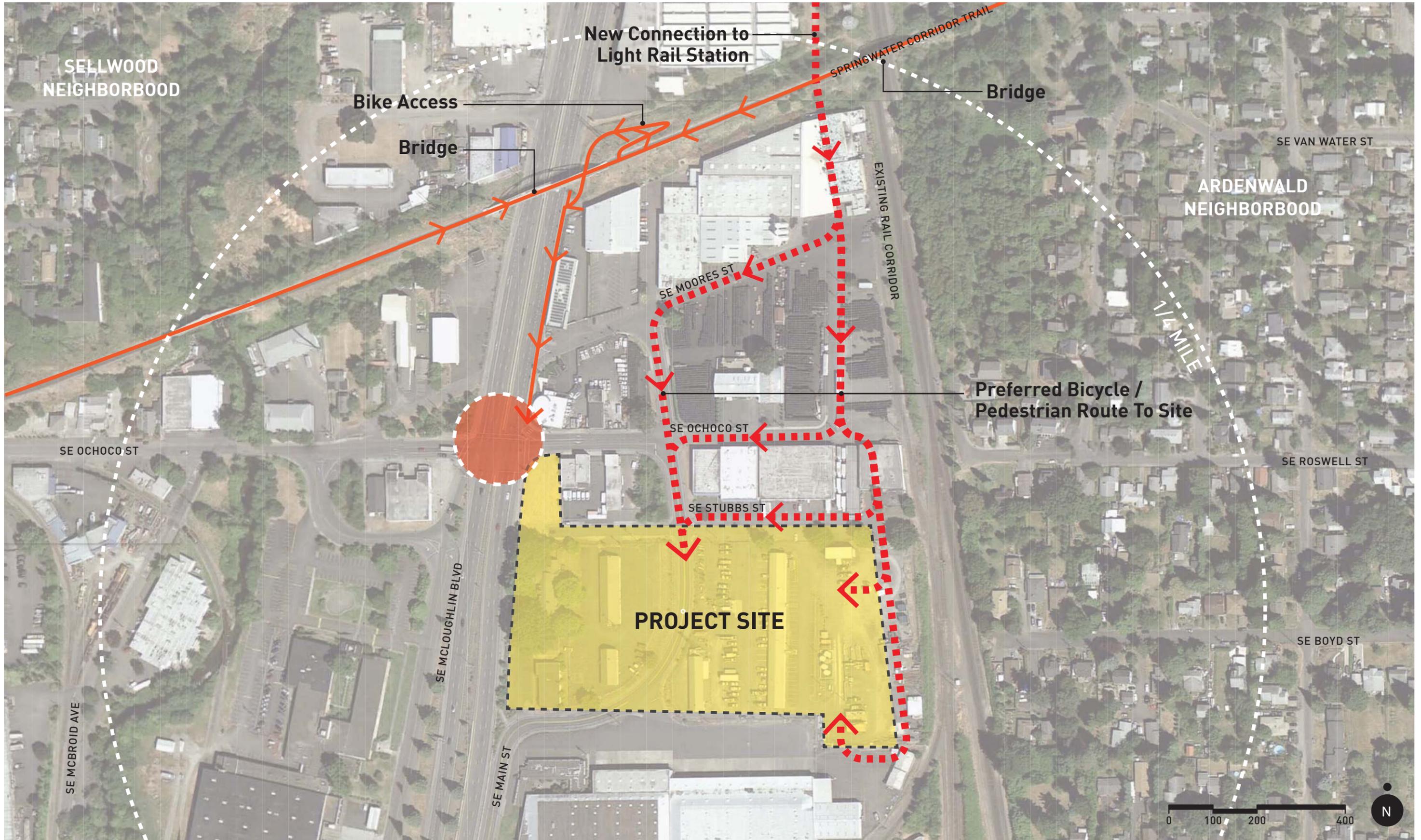
Ken Wilson

President – West Coast League
(office) 503-764-9510

ATTACHMENT 5



ATTACHMENT 6



ATTACHMENT 7

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, FINALIZING PHASE THREE OF THE MINOR LEAGUE BASEBALL FEASIBILITY STUDY AND DIRECTING STAFF TO UNDERTAKE ACTIVITIES COMPRISING A FOURTH FEASIBILITY PHASE.

WHEREAS, the City Council adopted Resolution 46-2011 establishing the goal to explore the opportunity of attracting minor league baseball to Milwaukie for economic development purposes; and

WHEREAS, the City Council adopted Resolutions 89-2011, 04-2012, 07-2012 and 27-2012 advancing a multi-phased feasibility study to assess economic and other viability aspects of a proposed minor league facility on the ODOT maintenance yard site in the North Industrial district; and

WHEREAS, Resolution 27-2012 directed staff to secure a team commitment by July 31 and demonstrate progress with property owners impacted by the project as proposed; and

WHEREAS, discussions with the Northwest League ceased shortly after the Yakima Bears and City of Hillsboro reached agreement on an operating agreement in mid-June; and

WHEREAS, the West Coast League is a growing minor league presence in the Pacific Northwest and has indicated a strong interest in locating a team in Milwaukie; and

WHEREAS, potential investors in a West Coast League franchise for Milwaukie have been identified and could create an entity to negotiate development and operating agreements with the City related to ballpark construction and operations; and

WHEREAS, impacts to neighboring property owners have been addressed and may be entirely mitigated by downsizing the proposed facility to accommodate West Coast League baseball; and

WHEREAS, the City and ODOT have agreed on a target replacement site for the Milwaukie maintenance yard, and the city has commenced a process that could lead to acquisition of the replacement site in exchange for the proposed baseball site; and

WHEREAS, the objectives of Phase Three, as presented to the Council at its business meeting on May 15, 2012, have been partially achieved through demonstrable progress with neighboring property owners and the identification of a minor league operation that supports placing a future team in the City of Milwaukie; and

WHEREAS, Phase Three expenditures are in line with the budget presented to the Council at its business meeting on October 4, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City of Milwaukie has finalized Phase Three of the minor league baseball feasibility study and authorizes proceeding to a fourth phase to:

- 1) Secure a commitment from an investor group sanctioned by the West Coast League to execute Development and Use Agreements for facility construction and operations, subject to necessary terms and conditions.
- 2) Update the facility design, size, program and alternate uses under West Coast League operating assumptions.
- 3) Update the economic impact analysis using West Coast League operating assumptions.
- 4) Gain Council approval of real estate agreements that will facilitate the exchange of property between the City and ODOT.

BE IT FURTHER RESOLVED that updates to the architectural and economic studies shall be conducted for an amount not to exceed \$5,000.

Introduced and adopted by the City Council on August 7, 2012.

This resolution is effective on August 7, 2012.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

3.

CONSENT AGENDA

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINTING WILDA PARKS TO THE MILWAUKIE PLANNING COMMISSION.

WHEREAS, a vacancy exists on the Milwaukie Planning Commission; and

WHEREAS, Milwaukie Charter Section 26 provides that, “the mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body,” and

WHEREAS, Wilda Parks has served as an alternate and possesses the necessary qualifications to serve on the Milwaukie Planning Commission.

Now, therefore, the City of Milwaukie, Oregon resolves as follows:

SECTION 1: That Wilda Parks is appointed to the Milwaukie Planning Commission.

SECTION 2: That her term of appointment shall commence August 7, 2012 and shall expire on March 31, 2014.

SECTION 3: This resolution takes effect immediately upon passage.

Introduced and adopted by the City Council on **August 7, 2012.**

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
JUNE 19, 2012

Council President Chaimov called the work session to order at 5:00 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov and Councilors Dave Hedges, Joe Loomis, and Mike Miller.

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, Finance Director Casey Camors, Program Coordinator Beth Ragel, Operations Director and City Engineer Gary Parkin, Community Services Director JoAnn Herrigel

City Manager's Report

Mr. Monahan reviewed the evening's agenda. He discussed a process for informing the City Council of staffing changes and provided an update on personnel actions. He discussed changes in the Planning Commission membership and potential Design and Landmarks Committee conflict of interest. Mr. Monahan reviewed a small claims court matter. There was a tentative agreement for the Milwaukie Police Employees Association (MPEA) that would go before the membership for a vote. Clackamas River Water (CRW) District and the Sunrise Water Authority were looking at entering into a 190 Agreement.

Mr. Ramis added the 2005 decision related to this water authority matter was a departure from the City's earlier position.

Mr. Monahan Milwaukie had its own groundwater source and capacity to sell more water but not for the entire Urban Growth Management Agreement (UGMA) area. He discussed the City's future relationship with CRW.

Mr. Monahan announced an agreement with Polar Systems to assist the Information Systems and Technology (IST) department in completing some of its projects.

Community Development and Planning Active Projects

Mr. Asher announced Dark Horse Comics was working through the process and expected to get its permit in about a month. In terms of baseball he reported on the agreement between the City of Hillsboro and the Yakima Bears and indicated he had met with the two property owners in the North Industrial Area as well as the Oregon Department of Transportation regarding relocation. The light rail project was moving forward, and Mr. Asher provided updates on the various elements. The Adams St connector was moving toward preliminary design, and staff was working with ODOT on the Kellogg Bridge Bike/Pedestrian facility. He was busy with Kellogg for Coho public meetings and reported the sediment analysis will begin shortly. On the Bertman House, he had contacted the North Clackamas Parks and Recreation District (NCPRD), and the New Century Players and the North Clackamas Urban Watershed Council (NCUWC).

Arts Committee Update

Arts Committee members present: Jennifer Finn, Kara Busick, Dizzy Lavery, and Zara Logue

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Ms. Ragel provided background on the group. Goals emerged connecting with artists who live in Milwaukie and getting the word out about the artMOB. They are currently working on a film project on teen parents using grant funds and plan to hold a premier this fall. The Milwaukie Mural Program will go to the Planning Commission in October to put the program in place. The ongoing project is the City Hall Sculpture Garden, and the annual scarecrow contest will continue.

Ms. Finn was excited to be on the Committee and working on the Milwaukie Center for the Arts.

Ms. Busick hoped to use her marketing skills to create a community presence.

Ms. Logue wanted to build relationships with her City and emerging culture of creative people.

Mr. Lavery was one of the people running the Milwaukie Art Market in the Masonic Lodge and hoped to integrate some of the high school students. His specific focus was on the Mural Program.

Councilor Miller was pleased to see this group working cohesively.

Councilor Hedges was interested in the video and noted Willamette Falls Cable was looking for programming ideas for the City Channel.

Councilor Loomis commented on positive work accomplished by the artMOB. He was excited about the film project and suggested contact be made with the Sabin Schellenberg Center.

Wastewater Rate Discussion with Citizens Utility Advisory Board

Citizens Utility Advisory Board members present: Vince Alvarez and Mike Sclar.

Mr. Parkin was working with StepWise who assisted the Citizens Utility Advisory Board (CUAB) with processing some of the early ideas for passing along the treatment costs. He provided copies of the three options being considered. He said the existing rate was based on a fixed portion and a volume based portion, which is what the CUAB wanted. Option #1 was the City rate plus the Clackamas County Service District #1 (CCSD#1) for treatment costs with a high-strength surcharge. He discussed how the high strength surcharge customers would be identified. The City had quite a few industrial users, and it was noted that CCSD#1 did not distinctly charge that surcharge. Option #2 was the City rate plus CCSD#1 treatment costs as an average flow-based charge. This option would never be completely accurate.

Ms. Camors said this option was based on an estimate rather than an actual flow and included surcharges, and it had no component for operations and treatment. She said the numbers were preliminary and a more extensive study would still need to be done.

Councilor Hedges said it seemed strange Milwaukie had a variable cost.

Mr. Parkin said we could say what was actually fixed and materials and services along with the capital outlay portion.

Mr. Parkin reviewed Option #3. This was the City rate and basic monthly infrastructure charges plus CCSD#1 treatment.

Ms. Camors said the Budget Committee had suggested breaking out the infrastructure costs so customers would understand how the funds were used.

Councilor Miller said the problem with Options 1 and 2 was that they did not include infrastructure charges.

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Council President Chaimov said in terms of transparency for the public the more information in the form of showing the components and how they related to each person's bill would be helpful.

Councilor Hedges liked the conservation element and infrastructure charge that went toward repair of pipes. He did not wish to confuse people with too much information.

Councilor Loomis appreciated the transparency.

Council President Chaimov said what mattered most to him was that the CUAB had provided its best recommendation and looked at what was valuable in the community.

Mr. Alvarez discussed rewards and penalties for usage. He added that CCSD#1 would charge for empty houses, so the City Council needed to be mindful of that.

Ms. Camors added that there was also the element of the winter average when people can be more conservative.

Mr. Monahan said the direction for Mr. Mumm was whether to go forward and apply each of these options to determine the impacts.

Mr. Parkin understood the favored option was 3 and that the CUAB would work on the high strength surcharge issue.

Allocation of PGE Refund to Riverfront Park

Riverfront Task Force members present: Gary Klein and Dave Green

Consultant: Mark Sherman, C3 Strategies

Ms. Herrigel provided copies of a promotional piece and project prospectus and timeline. The project was moving forward rapidly, and Klein Point should open October 31, 2012. The capital campaign was slow in taking off, but she continued to be optimistic. They currently have \$7,000 in donations and hope to have \$100,000 by December and \$900,000 by end of 2013.

Council President Chaimov observed this was a high priority project, but he did not know what tangible form that would come in to make the campaign successful.

Councilor Miller asked how you access the north side of the park.

Ms. Herrigel replied general public access would be on the south side. The rest was being built to withstand heavy-duty vehicles. There will be bollards where keys would be necessary for access.

Ms. Herrigel discussed the PGE refund of \$100,000 that was to be used for relocating the utility poles. The grantor from Metro said the money would be lost if it did not go toward the project, so she asked Council if the money could be reallocated and put toward Klein Point.

Councilor Miller was in favor of doing rather than giving the money back.

Ms. Herrigel said the \$100,000 was actually a match and would increase what could be done on the Klein Point Project. Without those funds the project would have to be scaled back and some of the amenities eliminated. The project was turning into an onsite construction project, which was outside of her expertise, so she put together a team to assist her in moving things forward. She was using money within the project and should only cost \$5,000-\$6,000. She would also be consulting with Mr. Rice from engineering and asking him to help with the request for proposals (RFP).

MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
JULY 3, 2012

Mayor Ferguson called the work session to order at 5:09 p.m. in the City Hall Conference Room.

Council Present: Councilors Dave Hedges, Joe Loomis, and Mike Miller.

Staff Present: City Manager Bill Monahan, City Attorney Tim Ramis, Deputy City Recorder Juli Howard, Assistant Finance Director Rina Byrne, Civil Engineer Jason Rice, Civil Engineer Brad Albert and Associate Engineer Matt Palmer, Interim Operations Director Gary Parkin

City Manager's Report

Mr. Monahan said he had received a notice from Michelle Healy from North Clackamas Parks and Recreation District that they were invited to go on a tour of parks on the east side of the district. The tour includes visiting 9 different facilities and the tour leaves from the aquatic park.

Mr. Monahan said his review was scheduled on July 31, but he will have to go out of town. It has been moved to August 7 meeting.

Mr. Monahan discussed the ordinance establishing term limits from the Public Safety Advisory Committee NDA Representatives. He said he received correspondence from David Aschenbrenner recommending one-year term limits, but he didn't find anyone in favor of that.

Ms. Bankhead provided an updated ordinance with new language to Council.

Light Rail Construction Summer Update

Ms. Herrigel provided an update on the construction. She passed out a handout that showed a construction schedule. The area of Main Street that connects to Lake Road going under the train trestle will be closed for some time during construction. The post office will be relocating their mailboxes for the public drop off. She said the best way for the public to get information is to attend the monthly light rail meeting on July 16. She discussed tree removal and said that the wood would be recycled or donated to the Milwaukie Center. There would also be a light rail safety outreach campaign to schools along the alignment. She encouraged everyone to visit the light rail page on the website or call the light rail hotline with questions.

Councilor Miller asked if anything has been firmed up regarding the night noise variance.

Mr. Monahan replied that Chief Jordan was working on an application along with the City Attorney and they would be putting in a request with TriMet for noise mitigation. They are requesting more information before reviewing the application.

Councilor Miller asked if there was a neighborhood process to discuss the noise ordinance.

Mr. Monahan said there would not be a hearing, but he understands that Council has expressed an interest to involve the public.

Councilor Hedges said that Chief Jordan has been very informative at the NDA meetings but there is no formal process.

Year-end summary of the 2012 Capital Improvement Plan

Mr. Parkin introduced the Engineering team Brad Albert, Jason Rice and Matt Palmer. He said that the engineering department had a lot of experience and are able to complete a number of projects in-house without the use of consultants. His role with the Engineering Department has changed, as he is now overseeing Operations. Mr. Asher would be overseeing the Engineering department. City code required a City Engineer so he would consult as the City Engineer until a new Engineering Director was hired.. He appreciated working with such a fine Engineering Department.

Mr. Rice updated Council on his projects. The Lake Road project was wrapping up. They were in the process of getting the punch list done, which included replacing the dead plants. They will be able to complete the two additional blocks that were not included in the original bid because weren't sure they would have enough funding, but found out they do. That construction would start April 1, and be completed during that fiscal year. He thanked the police department who had vital role in keeping the site safe for the workers. The Harrison Street project schedule had shifted a bit to meet the requirements of the Quiet Zone. They were on track to start construction August 1. International Way was under the same contract and it had been paved and the striping should be wrapped up next week and would be under budget. He talked about the Pavement Assessment Study, which was a key piece of information for the SSMP Study which will help them for the future in modifying the plan to include different streets. Lastly, he talked about the Transportation SDC Study and how a group of students at PSU were looking at pedestrian traffic impacts relating to fast food restaurants. The study proved that Portland is different and that Milwaukie would have fewer trips by cars, which would lower the SDC rate and he is working on putting an RFP together to look at the SDC rates and he would return to Council in the fall with more information.

Mr. Rice reported on the Water Master Plan for Mr. Weigel. He said Mr. Weigel felt confident in the projects they are doing and that are in the plan. He reported that the reason why the Harrison St. Phase I water pipe replacement project was done in the winter was due to the Quiet Zone Project. He added that the project also came in under budget.

Mr. Palmer reported on the Light Rail Wastewater Crossing. He said the city was not constructing the project, but are providing technical information. Construction would begin in summer. Wastewater Main Repair Program – they were replacing a damaged line on 99E under Hannah Harvester, and an easement issue delayed the project so he had to redesign the line. Work would be starting on that project soon. He discussed the School Zone Implementation and explained that Oregon changed the regulations and engineering coordinated with the operations department to implement the changes. Rowe would be done after the Lake Road project was completed, and the downtown schools would be done after light rail was completed. Lastly, he talked about the Harrison Street Quiet Zone and said they designed the plans in-house to save money. He discussed the reviews that had to be done by different agencies and said the project should be wrapped up by July 27.

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Mr. Albert reported on the Stormwater Master Plan. They need a significant amount of time to get the RFP done for the master plan. There was a permit issue so they had to wait for that before the RFP went out. The State of Oregon changed the contracting rules that didn't include pricing and was based on qualifications. Once they chose the bid, it took a lot of additional time to reach a price agreement. The review of the system started in the spring and they have received their permit and underground injection control permit. He talked about the Walk Safely Milwaukie Program project list that they got approval on at the end of June. They were looking at what they could get done this fiscal year and will be starting Home Ave and the Stanley project. They got good pricing and were under budget. Lastly, he reported on River Road. It was taking a long time to get the project going due to right-of-way negotiations and acquisitions. They finally received the right-of-ways and entry permits, and hopefully the project would go out to bid soon so it would be done during this construction season.

Mr. Parkin discussed lessons they learned along the way and added that Mr. Monahan had asked them to document lessons learned with all of their projects. They would take the time to document changes and issues they have had so they could use that information for future projects. Council would be hearing back from Mr. Rice on what they learned from the Lake Road project.

Mayor Ferguson asked about the paving of Monroe Street.

Mr. Rice replied that Monroe Street would be done in the next fiscal year and it is bundled with Harrison and International way. The construction schedule shows them starting July 17, but there is a potential issue with a sub-contractor, who is in high demand, which is controlling the calendar. They would use the same process as King Road and Roswell, and should be completed quickly.

Mr. Miller said he has been getting questions relating to the acceptance of the project. He wanted an explanation of the process with check offs and asked about the length of time a contractor has to replace the plants.

Mr. Rice replied that Lake Road was an ODOT project and so the City Engineering/Operations department put together a list of items that don't meet their expectations. They send the generated list to ODOT and their consultant does the same thing and the lists are then combined and handed over to the contractor to fix. He said the list should be taken care of by Friday. Regarding acceptance on a City project they include an 18 month warranty.

Councilor Hedges thanked the Engineering staff and said he hears from citizens that they are great to work with. He asked about the power poles in the middle of the sidewalk, and if they meet ADA requirements.

Mr. Rice replied that he has measured the sidewalks and they do meet ADA requirements. They would have preferred having the poles behind the sidewalk, but they would have to purchase more right-of-way for aesthetic purposes.

Mr. Parkin said they looked at undergrounding utilities and the cost was too high.

Councilor Loomis thanked staff and said it is great to show all of the projects that are being done in the City. He wanted to make sure the information on Phase II of Lake Road gets out to the public. He knows there will be comments as to why it wasn't done at the same time as Phase I.

Mr. Rice said Mr. Wheeler was working on getting all of the projects in one area on the website. He would make sure that stands out on the website and that it is communicated to the public.

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Mayor Ferguson thanked the engineering staff for their good work.

Budget Over-expenditures in FY 2011

Ms. Byrne discussed the audit from 2011. The audit reported over-expenditures in several funds, which was noted by the finance department in the footnotes. She looked back 5 years and there were over-expenditures all of those years. In 2005 an ORS was enacted that required where deficiencies are shown Council needs to pass a resolution with a plan to correct deficiencies in the future. She prepared a resolution detailing how they are addressing the over-expenditures. There is a 30-day time limit to pass a resolution, but it has never been enforced until now. If there are any future over-expenditures they would make sure to get the resolution to Council within 30 days.

Mayor Ferguson adjourned the work session at 6:00 p.m.

Respectfully submitted,

Juli Howard, Deputy City Recorder

MINUTES
MILWAUKIE CITY COUNCIL WORK SESSION
JULY 17, 2012

Mayor Ferguson called the work session to order at 5:00 p.m. in the City Hall Conference Room.

Council Present: Councilors Dave Hedges and Mike Miller; Joe Loomis (arrived 5:10 p.m.)

Excused: Council President Chaimov

Staff Present: City Manager Bill Monahan, Associate Planner Ryan Marquardt, Interim Planning Director Scot Siegel, Assistant to the City Manager Teri Bankhead, Finance Director Casey Camors, Community Development and Public Works Director Kenny Asher, Assistant Finance Director Rina Byrne

Media: Victoria Edwards, *The Oregonian* and Alex Blum, *Clackamas Review*.

City Manager's Report

Mr. Monahan reviewed the evening's agenda. He distributed the Riverfront Capital Campaign materials, announced the Human Resource Director position was posted, and updated the City Council on recent urban growth management area (UGMA) meetings with the City of Happy Valley.

Ms. Camors discussed changes to utility customers' winter averages and the impacts to their billings. Staff planned to contact those customers whose bills would spike and give them an opportunity to re-evaluate and reset the winter average. Ms. Camors discussed standard practice for those with high winter averages and how new customers were given an initial average upon which wastewater rates were established. It was agreed staff should continue to provide any advice and help possible to residents.

Mr. Monahan discussed upcoming community events including the Unified Grocers celebration and the League of Oregon Cities Conference.

Community Development and Planning Active Projects

Mr. Asher reported the Oregon Transportation Commission would likely approve \$1 million in Transportation Enhancement funds for the Kellogg Lake bike/pedestrian bridge. Design alternatives for the Adams Street Connector in South Downtown would be considered next week. A private funder was undertaking feasibility work to determine the viability of banking the Kellogg for Coho project. The lease for the Bertman House was being drafted, and North Clackamas Urban Watershed was interested in subletting space.

Residential Development Standards Project Update

Mr. Marquardt provided a brief update and asked if the Mayor and Councilors had any questions or concerns about the proposed code amendments to help staff prepare for the upcoming August 21 hearing. The Planning Commission recommended approval of the Residential Development Standards code amendments at its June 20, 2012 hearing. Major components included multifamily standards, single-family standards,

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multifamily housing types, and accessory dwelling units. He briefly commented on cottage clusters and rowhouses.

Key feedback had to do with requiring quality multifamily development, not over-regulating accessory structure materials, and keeping single-family design standards in line with other cities. The Made in USA option was discussed, but the Planning Commission determined it was not appropriate in the zoning code.

Overall support for the elements of the project was good. The Planning Commission had a number of work sessions where the details were discussed extensively before the body came to a unanimous decision. The project had strong Steering Committee support, and public outreach had been thorough.

Councilor Hedges asked that the 4 consecutive rowhouse matter be well explained. He had a personal concern that accessory dwelling units might impede upon adjacent properties. He asked for additional information on the rights of the abutting neighbors.

Councilor Loomis asked for additional information on temporary structures and noted he had issues with restrictions to materials, color, and things of that nature. He was concerned these standards might add to the cost of potential development.

Councilor Miller stated his biggest concern had to do with the number of accessory dwelling units allowed. He did not want these units right next to the neighbor's house. This seemed like a backdoor way for Metro to get the density it wanted. He suggested bringing the charts and graphs that Ms. Allgood showed at the Lewelling meeting. He asked what standards the accessory dwelling units had to meet in terms of electrical and plumbing.

Mr. Marquardt responded that only one accessory dwelling unit would be allowed. Smaller dwelling units may be closer to the property line, but larger structures would have to go through a public review. He added that the Planning Commission grappled with many of the same issues and concerns. Attached accessory dwelling units were limited to 800 square feet and detached to 600 square feet, and all plumbing and electrical codes were applicable. Yurts were allowed as a detached structure subject to building official approval.

Tacoma Station Area Plan

Mr. Siegel, joined by Sara Briggstone of Angelo Planning, provided a briefing on the process. He had been working with the Planning Commission, stakeholder advisory group (SAG), and technical advisory committee (TAC). The key objective of the project was to understand how much and what kinds of land uses could reasonably occur without triggering transportation improvements as well as adding capacity through transportation efficiencies or non-vehicular transportation modes. The goal was to develop better connections and safer ways to move between the downtown and the employment area to help knit together the fabric of the community. An additional element was the City's pursuit of baseball. There were three development opportunities: the Pendleton site, Oregon Department of Transportation (ODOT) yards, and the property between Ochoco and Stubb Streets. The goal was to increase the economic viability of the City as a whole in terms property values and jobs.

Ms. Briggstone briefly reviewed the updated goals and objectives and evaluation measures.

Councilor Hedges understood there were concerns about detracting from the downtown and expressed concern that a supermarket might do that.

Mr. Siegel agreed there was a tension in that area that needed to be resolved and noted people would like to see that area active.

Mayor Ferguson hoped to have a better connection to the Springwater Corridor.

Councilor Loomis felt the goals and objectives were well done and early communication was helpful to flesh everything out.

Mr. Siegel observed it was important for the planning processes to be in sync. The next touchdown with the SAG would be in September with notification going to all business and property owners. He added the project was on schedule and on budget.

League of Oregon Cities (LOC) Legislative Agenda

Ms. Bankhead reviewed the departmental input related to the League of Oregon Cities Legislative Survey and asked the Mayor and Council to select four items for the Legislative Policy Committee to carry forward. The City Council identified:

- Telecommunications K – pass legislation renewing the 9-1-1 tax;
- Transportation M - defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax;
- Transportation P – support legislation to supplement and perhaps eventually replace the gas tax as the principle (sic) road user fee funding the state's road and highway system; and
- Water/wastewater Q – recapitalize the Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program, and the Clean Water State Revolving Fund.

Board, Commission, and Committee Matters

It was the consensus of Council to appoint Wilda Parks to the Planning Commission to fill a current vacancy. The group discussed the role of alternates to advisory bodies and requested a work session to address the matter in more detail.

Additionally, the group discussed the coal train issue and Mayor Ferguson suggested a work session to better understand the situation before Council took a position. Mr. Monahan suggested an August 7 work session with action tentatively scheduled for August 21.

Mayor Ferguson adjourned the work session at 6:48 p.m.

Pat DuVal, Recorder

CITY OF MILWAUKIE
CITY COUNCIL REGULAR SESSION
JULY 17, 2012

Agenda Item: 3.B.4.
Meeting Date: 8/7/12

CALL TO ORDER

Mayor Ferguson called the 2130th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Councilors Dave Hedges, Joe Loomis, and Mike Miller

Excused: Council President Chaimov

Staff present: City Manager Bill Monahan, City Attorney Tim Ramis, Assistant to the City Manager Teri Bankhead, City Recorder Pat DuVal, Finance Director Casey Camors, and Assistant Finance Director Rina Byrne

Media: Victoria Edwards, *The Oregonian* and Alex Blum, *The Clackamas Review*

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

A. Metro Update

Metro Councilor Carlotta Collette provided an update on current Metro programs and projects. Three newly elected Metro Councilors, elected in May, will take office in January. In recent decisions, the Land Conservation and Development Commission (LCDC) unanimously approved the Metro Council's Urban Growth Boundary Expansion, and the Court of Appeals ruled in favor of the Construction Excise Tax. The full funding grant agreement for the Portland-Milwaukie light rail was signed. She discussed the vision for the Blue Heron site in Oregon City and access to the Willamette Locks. She provided updates on the East Metro Connection project and the Southwest Corridor Plan. The Joint Policy Advisory Committee on Transportation (JAPCT) unanimously approved adding the Kellogg Lake Multi-Use Bridge Project to the 2012 – 2015 Metropolitan Transportation Improvement Program (MTIP). Other projects include Climate Smart Communities, Nature in the Neighborhood Grants, the Conversation Project, and looking at the feasibility of a regional natural areas levy. Visitor venues continue to be successful, and she discussed public engagement review efforts.

There was Council consensus that staff prepare a letter to the Metro Council supporting the Kellogg Lake Multi-Use Bridge prior to its vote on July 19.

B. Government Finance Officer's Association (GFOA) Award for the City of Milwaukie Comprehensive Annual Financial Report

Ms. Camors discussed the award and presented it to the City Council. The Mayor and Council expressed their appreciation to staff for providing a strong financial presence in the City of Milwaukie.

C. North Clackamas Parks and Recreation District (NCPRD)

Katie Dunham and **Dave Miletich** provided information on the upcoming year-long process of updating the District Master Plan that will include goals and priorities that will help meet parks and recreation needs for the next 15 years. Ms. Dunham reviewed the history of the district and development of current strategic and cost recovery plans. She announced upcoming involvement opportunities, and Councilor Loomis pointed out this

was a good opportunity for Milwaukie residents to participate and get some of the City's projects done.

CONSENT AGENDA

It was moved by Councilor Hedges and seconded by Councilor Miller to adopt the consent agenda as presented.

- A. **Resolution 45-2012**: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Ray Bryan as a Representative of the Historic Milwaukie Neighborhood District Association (NDA) to the Public Safety Advisory Committee;
- B. **Resolution 46-2012**: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Margaret "Pepi" Anderson as a Representative of the Lewelling Neighborhood District Association (NDA) to the Public Safety Advisory Committee; and
- C. **Resolution 47-2012**: A Resolution of the City Council of the City of Milwaukie, Oregon, Reappointing Mary Weaver as a Representative of the Hector Campbell Neighborhood District Association (NDA) to the Public Safety Advisory Committee

Motion passed with the following vote: Councilors Hedges, Loomis, and Miller and Mayor Ferguson voting "aye." [4:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None schedule.

OTHER BUSINESS

A. Police Services Intergovernmental Agreement (IGA) Contract #1-0812, Amendment #1

Mayor Ferguson announced that although he was no longer a TriMet employee that he would recuse himself from voting on this matter.

Mr. Ramis provided background on the agreement for police services with TriMet and requested that the City Council approve an amended agreement so that TriMet might apply for Homeland Security funding.

Councilor Hedges led the discussion and called for a motion as Council President Chaimov was excused and Mayor Ferguson had recused himself.

It was moved by Councilor Loomis and seconded by Councilor Miller to approve the amended contract language related to a program funded in part by US Homeland Security. Motion passed with the following vote: Councilors Hedges, Loomis, and Miller voting "aye." [3:0]

B. Council Reports

Mayor Ferguson and Councilors reported on meetings they had attended on behalf of the City and announced upcoming events.

ADJOURNMENT

It was moved by Councilor Miller and seconded by Councilor Hedges to adjourn the meeting. Motion passed with the following vote: Councilors Hedges, Loomis, and Miller and Mayor Ferguson voting “aye.” [4:0]

Mayor Ferguson adjourned the regular session at 8:08 p.m.

Respectfully submitted,

Pat DuVal, Recorder

5.
PUBLIC HEARING



Agenda Item: 5.A.
Meeting Date: 8/7/2012

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: North Clackamas Park North Side Master Plan (File #CPA-10-01)

Prepared By: Li Alligood, Associate Planner

Dept. Head Approval: Kenny Asher, Community Development & Public Works Director

City Manager Approval: Bill Monahan, City Manager

Reviewed by City Manager: 7/27/12

ISSUES BEFORE THE COUNCIL

Amend the Milwaukie Comprehensive Plan by adopting the North Clackamas Park North Side Master Plan as an ancillary document.

STAFF RECOMMENDATION

Approval

KEY FACTS & INFORMATION SUMMARY

If adopted, land use applications for development in the park would be reviewed against the goals and policies of the master plan.

OTHER ALTERNATIVES CONSIDERED

1. Continue the hearing to request revisions to the master plan.
2. Adopt the plan by resolution rather than ordinance
3. Deny the master plan. Staff would continue to review individual applications for development in the park without guidance from a master plan.

CITY COUNCIL GOALS

Goal #4: Parks District Master Plan

FISCAL NOTES

No fiscal impact is anticipated.

ATTACHMENT LIST

1. Draft Ordinance
 - A. Exhibit A: Findings in Support of Approval
 - B. Exhibit B: North Clackamas Park North Side Master Plan
2. Letter from NCPRD to City Council dated July 19, 2012
3. Comments Received



To: Mayor and City Council

**Through: Bill Monahan, City Manager
Kenny Asher, Community Development & Public Works Director
Scot Siegel, Interim Planning Director**

From: Li Alligood, Associate Planner

**Subject: Comprehensive Plan Amendment, North Clackamas Park North Side
Master Plan (File #CPA-10-01)**

Date: July 31, 2012, for August 7, 2012, Regular Session

ACTION REQUESTED

Approve application CPA-10-01 with the Ordinance and Findings of Approval found in Attachment 1. This action would amend the Milwaukie Comprehensive Plan to include the North Clackamas Park North Side Master Plan as an ancillary document.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

This application was submitted in July 2010. The final adoption hearing on the application has been delayed for several reasons, including District and City workload and Planning Commission requests for revisions to the Plan.

- **May 22, 2012:** Second Planning Commission public hearing on adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. The Commission took public testimony and recommended approval of the application with clarification that the plan, in combination with development on the south side of the park, represents a master plan for the entire park.
- **April 10, 2012:** Worksession to discuss Planning Commission questions and concerns raised at the February 22, 2011, worksession. The Commission directed staff to schedule a recommendation hearing on the application.
- **February 22, 2011:** Worksession to discuss Planning Commission questions and concerns raised at the July 27, 2010, hearing. The Commission requested additional information prior to scheduling a second hearing on the application.
- **July 27, 2010:** First public hearing on adoption of North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive

Plan. The hearing was continued to a date uncertain in order to provide an opportunity for the applicant to respond to Planning Commission questions and concerns about the scope of the project.

BACKGROUND

The application was submitted jointly by the North Clackamas Parks and Recreation District (~~–NCPRD” or –the District”~~) and the City of Milwaukie (~~–the City”~~). The application is for adoption of the North Clackamas Park (~~–NCP”~~) North Side Master Plan (~~–Master Plan”~~) as an ancillary document to the Milwaukie Comprehensive Plan.

North Clackamas Park (NCP) is a 47-acre site composed of multiple tax lots owned by the City of Milwaukie, and one tax lot owned by NCPRD and located in unincorporated Clackamas County. The site is zoned Residential Zone R-10 and has a Comprehensive Plan designation of Public. NCP is partially developed with recreational and natural areas, and the north and south halves of the park are divided by Camas Creek. The northern half of the park contains an off-leash dog area; children’s play structures; horseshoe courts; a large picnic shelter; four creek crossings; unpaved parking area; restrooms; caretaker residence; and a maintenance/storage facility. The southern half of the park contains the Milwaukie Center; multiple sports fields; picnic shelters; an equestrian facility; the Sara Hite Rose Garden; a walking path; children’s play area; an unprogrammed/open play area; maintenance building; and paved parking areas containing 325 parking spaces.

The north side of the park is subject to a number of local, regional, and federal regulations regarding natural resource protection, waterways, flood plain development, and habitat conservation. The majority of the site is located within the FEMA 100-year flood plain, and the park contains several mapped Water Quality Resource (WQR) areas. The entire north side of the park is a mapped Habitat Conservation Area (HCA).

In the absence of a park master plan, City staff review each land use application for the park individually. An adopted master plan provides certainty to the community, District staff, and City staff regarding the type of development that is anticipated for the park, and allows City staff to consider land use applications in the context of the entire park rather than as individual projects.

Park Master Plan Adoption Process

1. Legislative Amendment Process

Amendments to the City’s Comprehensive Plan are adopted through a legislative amendment process and require recommendation of approval by the Planning Commission, and City Council adoption of the final amendment and ordinance.

2. Park Planning Process

The NCP property is publicly owned and is zoned Residential R-10 on the City’s Zoning Map. The City generally employs the following two-step process to designate and develop publicly owned parks.

- Step 1—Master Plan Adoption. Master plan adoption is the process by which a publicly owned property is formally identified as a park. A master plan provides the conceptual framework for future development and investment and is the first step toward implementing the community’s vision for specific park improvements. Park final design, which occurs in the second step, occurs after the City has adopted a master plan.
- Step 2—Master Plan Implementation. Master plan implementation occurs after master plan adoption. It is common for some aspects to require Type III review by the Planning Commission. Development plans submitted during this step must substantially conform to the adopted Master Plan. Due to the existence of Water Quality Resource (WQR) and Habitat Conservation Areas (HCA) on the site, many of the individual elements of the plan will be subject to minor quasi-judicial review and approval by the Planning Commission.

The requested action only relates to Step 1 of this two-step process, namely the adoption of the North Clackamas Park North Side Master Plan. In order for the City to adopt the proposed Master Plan, the applicants must demonstrate that the Master Plan conforms to the City’s existing adopted policies and meets all relevant approval criteria contained in the Milwaukie Comprehensive Plan. Attachment 1 Exhibit A demonstrates that the proposed Master Plan conforms to the City’s adopted policies and meets all relevant approval criteria.

Essentially, the adoption of the Master Plan establishes a policy to allow limited development in the north side of the park within the parameters established by the Master Plan and subject to relevant federal, State, regional, and local regulations.

North Side Master Planning Process

NCPRD developed the concept plan with the community to integrate the desires, needs, and concerns of many stakeholders with varying opinions on how the park should be developed. The proposed Plan is an outgrowth of earlier development of the park and previous master plans prepared by NCPRD.¹ The sports fields in the south side of the park were constructed in 2006-2007. At the time, funding for north side park improvements was not available and planning activity was focused exclusively on the south side of the park.

During the south side development process, several stakeholder groups² requested the preparation and adoption of a North Side Master Plan to protect the existing natural areas and identify protection measures for an unmapped wetland in the northeast

¹ Master Plans were prepared for North Clackamas Park in 1994 and 2004. The 1994 NCP Master Plan identified the north side of the park as appropriate for activities such as picnic areas, trails, environmental education, and other passive uses.

² City of Milwaukie Parks and Recreation Board, North Clackamas Park Stewardship Group, Friends of North Clackamas Park, and the North Clackamas Park Citizens Advisory Board.

corner of the park. NCPRD developed the North Clackamas Park North Side Master Plan with the community to integrate the desires, needs, and concerns of many stakeholders with varying opinions on how the park should be developed.

NCPRD began the concept planning process for the north side of the park in spring 2007. There was an extensive public input process, and NCPRD worked closely with the North Clackamas Park Stewardship Committee; Milwaukie Parks and Recreation Board; North Clackamas Park District Advisory Board; Milwaukie Center Community Advisory Board; Friends of the Milwaukie Center; Lake Road Neighborhood District Association; Oak Grove Community Council Community Planning Organization; and a Project Advisory Committee composed of representatives from stakeholder groups to craft the proposed plan.

Summary of the Proposal

The applicants are seeking adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. No text revisions to the Comprehensive Plan are proposed.

The proposed plan is conceptual in nature and will be implemented incrementally as funding becomes available. Generally, the proposed plan allows for limited development of the north side of the park; the continuation and upgrading of existing uses; and substantial restoration of the natural areas in the north side of the park.

Key aspects of the proposed plan include:

Upgrades to existing features

- Reorient and pave the existing gravel parking area to the northwest of the Milwaukie Center.
- Replace the crushed culvert crossings of Camas Creek.
- Remove large reservable picnic shelter and replace with two smaller reservable shelters.
- Relocate horseshoe courts outside of Camas Creek riparian buffer.
- Add new bouldering equipment to the east of existing playground.
- Relocate off-leash dog run away from the expanded Mt. Scott Creek riparian buffer.
- Relocate and replace restrooms, maintenance building, and caretaker site further from riparian buffer.

Habitat Protection and Restoration

- Expansion of Mt. Scott Creek riparian buffer to 70 ft (this exceeds the minimum buffer area of 50 ft required by the zoning ordinance).
- Removal of invasive species from wetlands and improvement to Mt. Scott Creek.
- Establishment of two protected wildlife areas.

- Enhancement of Mt. Scott Creek and Camas Creek through native plantings and physical changes.³
- Replacement and maintenance of trees in the Oak-Ash Woodland area.

New Features

- Provide ½ mile walking trail with hard surface and three exercise stations around perimeter of north side.
- Installation of two overlooks of Mt. Scott Creek with benches.³
- Installation of new signage and storyboards throughout the park to educate users about the fragile natural areas.
- Installation of fencing at select locations to protect natural resources.

As a community park, North Clackamas Park serves the recreational needs of the entire community. Adoption of the plan will provide specific direction for redevelopment of this portion of the park and enable the community to move forward with plans to: 1) upgrade existing features, including but not limited to the children’s play area, picnic area, restroom facilities, and dog park; 2) restore, protect, and enhance the site’s natural resource areas; and 3) provide for improved environmental education and passive recreation opportunities.

CONCURRENCE

The Planning Department and Community Services Department concur with the proposed plan. The Milwaukie Parks and Recreation Board submitted a comment in support of the plan. The Milwaukie Planning Commission held a hearing on May 22, 2012, and voted to recommend that the City Council adopt the plan with minor revisions.

FISCAL IMPACTS

No fiscal impacts are anticipated as a result of adoption. An adopted master plan would make the City and District more competitive when applying for grants for Plan implementation.

WORK LOAD IMPACTS

No additional work load is anticipated as a result of adopting this document.

ALTERNATIVES

1. Approve application CPA-10-01, amending the Comprehensive Plan to include the North Clackamas Park North Side Master Plan as an ancillary document.
2. Continue the hearing to further evaluate the proposed amendment and ordinance.

³ The Planning Commission is scheduled to review a Type III application (CSU-12-06) on July 24 and July 31, 2012, for restoration of the confluence of Mt. Scott and Camas creeks, construction of a universally accessible bridge across Camas Creek, installation of fencing near the confluence of the creeks, and installation of two overlooks.

3. Continue the hearing and direct District staff to modify the proposal.

If Council suggests specific modifications, District staff could make the appropriate changes, and bring the revised proposal back to Council at a future date for adoption. The amount of time before coming back to Council would depend on the scope of the changes requested.

The District may also choose to withdraw the application rather than revise the plan.

4. Deny the proposed amendment and ordinance.

North Clackamas Park would not have a master plan, and City staff and review bodies would continue to review developments in the north side of the park individually.

ATTACHMENTS

1. Draft Ordinance
 - A. Exhibit A: Findings in Support of Approval
 - B. Exhibit B: North Clackamas Park North Side Master Plan
2. Letter from NCPRD to City Council dated July 19, 2012
3. Comments Received

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN BY ADOPTING THE NORTH CLACKAMAS PARK NORTH SIDE MASTER PLAN AS AN ANCILLARY DOCUMENT (FILE #CPA-10-01).

WHEREAS, the City of Milwaukie desires to review, amend, and revise its Comprehensive Plan on a regular basis; and

WHEREAS, the *North Clackamas Park North Side Master Plan* has been reviewed by the Lake Road Neighborhood District Association, Milwaukie Parks and Recreation Board, North Clackamas Parks and Recreation District, and other affected agencies; and

WHEREAS, the *North Clackamas Park North Side Master Plan* has been reviewed at duly advertised Public Hearings on July 27, 2010, and May 22, 2012, and recommended for adoption by the Planning Commission; and

WHEREAS, the City Council held a duly advertised Public Hearing on August 7, 2012.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. Findings of fact in support of the proposed amendment(s) are attached as Exhibit A.

Section 2. Comprehensive Plan Amendment. The North Clackamas Park North Side Master Plan, as shown in Exhibit B, is adopted as an Ancillary Document to the Comprehensive Plan.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

ATTACHMENT 1
Exhibit A

RECOMMENDED FINDINGS IN SUPPORT OF APPROVAL

Sections of the Milwaukie Municipal Code that are not addressed in these findings are found to not be applicable to the proposal.

1. North Clackamas Parks and Recreation District (NCPRD) and the City of Milwaukie (“the applicants”) have submitted a joint application for approval of a Comprehensive Plan amendment to adopt the North Clackamas Park North Side Master Plan (“the Plan”) as an ancillary document to the Milwaukie Comprehensive Plan (MCP). The property is located at 5440 SE Kellogg Creek Dr (Map 2S2E06; TLID 100, 1000, 417, 617, and 716). The 47-acre site is currently zoned Residential zone R-10; the Comprehensive Plan designation is Public. The City is the site owner, and the park is planned and managed by NCPRD.
2. A Comprehensive Plan amendment is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - A. Section 19.902 Amendments to Maps and Ordinances
 - B. Subsection 19.1008 Type V Review
3. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.
4. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. City Council finds that the requirements are met as follows.
 - A. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments are proposed by the applicants and were initiated by the Planning Commission on July 27, 2010.

- B. MMC Section 19.1008 establishes requirements for Type V review.

- i) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. The Planning Commission has held two public hearings and two public worksessions about the proposed amendments. Public comments received, including any City responses, are summarized in a separate attachment.

- ii) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission’s May 22, 2012, hearing was posted as required on April 20, 2012, at City Hall, Ledding Library, the Public Safety Building, and the Johnson Creek Facility. A notice of the City Council’s August 7, 2012, hearing was posted as required on July 6, 2012, in the same locations.

- iii) Subsection 19.1008.3.A.2 requires notice to property owners if, in the Planning Director’s opinion, the proposed amendments involves a discrete geographic area or specific properties in the City.

The Planning Director finds that the proposed amendments would affect a discrete geographical area. The City sent notification to property owners within 400 feet of the subject property summarizing the proposal and announcing the date of the scheduled public hearing on April 20, 2012.

- iv) Subsection 19.1008.3.B and C require notice of a Type V application be sent to Metro and the Department of Land Conservation and Development (DLCD) at least 45 days prior to the first evidentiary hearing.

The first evidentiary hearing was held on July 27, 2010. Notice of the proposed amendments was sent to Metro and to DLCD on July 2, 2010.

- v) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The Planning Director finds that the proposed amendments would not affect the admissible uses of land for property owners in the City, and notice is not required.

- vi) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held duly advertised public hearings on July 27, 2010, and May 22, 2012, and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on August 7, 2012, and approved the proposed amendments.

5. MMC Chapter 19.902 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan and the Milwaukie Municipal Code. City Council finds that these requirements are met as follows.

- A. MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a public hearing on the proposed amendments on May 22, 2012. City Council held a public hearing on the proposed amendments on August 7, 2012. Public notice for both hearings was provided in accordance with MMC Subsection 19.1008.3.

- B. MMC Subsection 19.902.3.B contains approval criteria for text amendments to the Milwaukie Comprehensive Plan. City Council finds that these criteria are met as follows.

- i) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

No amendments are proposed to the goals and policies of the Comprehensive Plan. The proposed amendments are consistent with the relevant goals and policies of the MCP, which are contained in Chapter 3 – Environmental and Natural Resources and Chapter 4 – Land Use.

- a) Chapter 3 – Environmental and Natural Resources

- *Natural Hazards Element, Objective #1, Policy 4*

The Plan addresses the natural hazards on the site, namely the flood plain.

- *Open Spaces, Scenic Areas, and Natural Resources Element, Objective #2*

The Plan strikes a balance between public use of the north side of the park and protection of the natural resources on site.

- b) Chapter 4 – Land Use

- *Recreational Needs Element, Objective #5, Policy 3*

North Clackamas Park is identified in this element as a community park, designed to serve residents within 2 miles of the park. The Plan identifies the recreational facilities that can be developed within the north side of the park in the future, and identifies those facilities that will not.

- *Recreational Needs Element, Objective #6, Policy 1*

The development of the south side of the park has been maximized to meet the active recreational needs of the community; the north side of the park provides opportunities to maximize passive recreational opportunities with an emphasis on the protection and enhancement of natural resources.

- ii) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The proposed amendments reflect the community's desire for a formalized, shared vision to guide future development within the north side of the park.

- iii) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments are the result of several years of public outreach and discussion. The Plan formalizes the community's vision for future development in the north side of the park. The public need is satisfied by adopting a formal vision for the park, which will provide guidance for City and NCPRD staff in the future.

- iv) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendments were sent to Metro for comment. Metro did comment on the proposed amendments..

- v) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not comment on the proposed amendments.

- 6. Notice of the proposed changes was given to the following agencies and persons on July 7, 2010: City of Milwaukie Engineering; City of Milwaukie Building; Clackamas County Fire District #1; Lake Road Neighborhood District Association (NDA); Clackamas County; Metro; North Clackamas Community Planning Organization (CPO); Oak Lodge Community Council; and property owners within 400 feet of the park.

A second notice of the proposed changes was given to the following agencies and persons on April 20, 2012: Lake Road Neighborhood District Association (NDA); North Clackamas Community Planning Organization (CPO); property owners within 400 feet of the park; and interested persons. In addition, two notice signs were posted in the park on May 8, 2012.



NORTH CLACKAMAS
PARKS & RECREATION DISTRICT

North Clackamas Park

North Side Master Plan

August, 2012

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I. Introduction

North Clackamas Community Park, owned by the City of Milwaukie, is the largest community park maintained by the North Clackamas Parks and Recreation District (NCPRD). It is located at 5440 SE Kellogg Drive, in Milwaukie. Mt. Scott Creek flows west along the northern and western boundaries of the park, forming a forested edge of Oregon Ash and Oregon White Oak. The park is bordered by residential and institutional properties. The 47-acre park provides a unique recreational experience for all visitors. Camas Creek divides the park into north and south halves. The northern half of the park is home to the Milwaukie Center as well as a play structure, dog run area, picnic facilities and stands of large Oak and Ash trees. The southern half of the park includes multiple sports fields, an equestrian facility, a rose garden and parking areas. The Youth ball field improvements Land Use Application, 2005/08, CSO-05-02, TPR-05-01, WQR-05-01, and associated documents, as approved by the City of Milwaukie, acts as the Master Plan for the south side of the park. The south side of the park is complete, as shown in the North Clackamas Community Park – Conceptual Park Plan map exhibit, dated May 22, 2012 and included in this master plan.

Vision

The park north of Camas Creek is an opportunity to create a passive recreation setting with an emphasis on environmental enhancement and education to balance the intensively active recreation facility south of Camas Creek. During a seven month public input process in 2007, NCPRD built consensus among all interested parties around a common vision for the north side of the park.

The common vision articulated by the stakeholders of this plan was:

1. To provide recreational opportunities in a manner suitable for all users of the park and reduce the environmental impact of these uses.
2. To identify environmentally significant areas and develop suitable recommendations for those areas.
3. To develop a unifying design theme for new elements and interpretive signage to be added to the park.
4. Develop a cost-effective master plan for the future of the north side of the park that can be implemented through innovative design solutions, and is easily maintained by NCPRD and volunteers.

Public Involvement Process

Stakeholder groups, advisory committees, park neighbors, and park users played a major role in developing the North Side Plan for North Clackamas Park. The North Clackamas Park

Stewardship Committee served as Project Advisory Committee (PAC) and provided input during the Plan's development. PAC members included one representative each from the following groups:

- Friends of North Clackamas Park
- Milwaukie Center
- Dog Park
- Friends of Mt. Scott/Kellogg Creek
- Sports groups
- City of Milwaukie
- Institutional Neighbors
- Equestrians

The District contracted with Alta Planning + Design, Inc. (Alta) to develop the master plan for the north side. Alta staff toured the site on several occasions with stakeholders interested in sharing their knowledge of the park and expressing their desires for future park improvements. NCPRD also met with the Friends of the Milwaukie Center Community Advisory Board, Friends of the Milwaukie Center, the Milwaukie Park and Recreation Board and the NCPRD Advisory Board during the master planning process to provide project updates and solicit comments.

NCPRD organized three public meetings to obtain input and ideas for park improvements. The first meeting focused on the goals of the plan, presentation of the site analysis, and allowed the public to provide feedback to the design team. The second meeting focused on the two preliminary concepts and determined the public preference for a final design. The third meeting was a presentation of the final preferred master plan and natural resource recommendations. Following each public meeting, plans were posted to an online project Web site. NCPRD held an open house on December 20, 2007 for the community to view the final plan and draft report.

Neighbors, park users, and committee members were encouraged to voice their comments and concerns throughout the design process. In addition to public meetings, many comments were received via phone conversation, email, and surveys, and incorporated into the plan whenever possible.

II. Existing Conditions

Existing Facilities

North Clackamas Park is an established recreation facility enjoyed by citizens throughout the community year round. Existing facilities in the northern half of the park include:

- **Off-Leash Dog Area.** The 1.45 acre facility is heavily used year-round. During the public process, there was definite support for maintaining a dog run. A few park neighbors complain about noise of barking dogs and yelling owners and the District has been working with the City of Milwaukie to address these complaints. Users of the off-leash area feel the facility is in need of updates to improve safety for owners and dogs.
- **Play Area.** Play structures were added to the north side of the park several years ago to replace a swing set previously in the park. A large structure serves older children and a smaller structure serves children two and younger. The Master plan proposes that the structures remain in their current location.
- **Picnic Shelter.** A large group picnic shelter donated to the park by the local Rotary Club is located just west of the gravel parking area. The 2,400 square-foot, 200 person facility is one of the few shelters available for reservation in the Parks District and is occupied most weekends during warmer months for events. The existing foundation is cracking and other repairs are likely necessary in the near future. Smaller groups are unable to reserve only a portion of the shelter. Park users have requested additional smaller covered picnic areas with grills be added to the park to replace the large shelter.
- **Bridges.** One crossing of Mt. Scott Creek is located in the northwest corner of the park and provides access to the neighborhood north of the park. There are four existing crossings of Camas Creek. Two of the crossings are arched wooden bridges built by volunteers and were recently renovated. The western-most crossing, located at the confluence of Camas and Mt. Scott Creeks, is a crushed culvert primarily used by pedestrians and maintenance vehicles. The eastern-most crossing is used by vehicles to access an unpaved gravel parking area just east of the group picnic shelter. This culvert crossing is also crushed and in need of repair or replacement.
- **Parking.** The only parking located north of Camas Creek is an unpaved gravel lot with space for approximately 25 cars. The gravel lot extends into the buffer of Camas Creek. Additional parking is available in the adjacent Milwaukie Center paved lot and in lots shared with the Sara Hite Memorial Rose Garden and the softball fields.
- **Restrooms.** Existing restrooms are located east of the off-leash dog area and north of the group picnic pavilion. These facilities are outdated and in need of upgrades. Additional restrooms are located south of Camas Creek and are primarily used by walkers and by citizens using the ball fields. Both restrooms are open year round.
- **Caretaker.** A mobile home was recently removed from the park where a permanent caretaker lived for over twenty years. Another caretaker was living in a recreational vehicle parked on park property in place of the mobile home. The district is actively searching for a new caretaker to continue to provide a 24-hour presence in the park.
- **Maintenance/ Storage.** A storage facility, located near the existing restrooms, is shared by parks maintenance and the Milwaukie Center. Large equipment is stored in a fenced area east of the off-leash dog area. The Milwaukie Center also uses a storage container north of the Center near the community garden beds. Maintenance staff has expressed a need for an equipment wash area adjacent to the storage building.

As part of the planning process, NCPRD hired Pacific Habitat Services (PHS) to complete a natural resources review (Appendix A). This information was used in conjunction with public input to help develop the conceptual plan for the park.

The northern portion of North Clackamas Park lies on fine-grained alluvial sediments between Mt. Scott Creek and Camas Creek. Topography within the park is relatively flat. Mt. Scott Creek flows to the west along the northern border of the park. Camas Creek, a small tributary of Mt. Scott Creek, also flows westward, near the southern portion of the planning area.

Plant Communities

The northern portion of the park contains mown lawn, Oak and Ash woodland, the creeks, riparian areas and wetlands.

Mowed Lawn

The mowed lawns are vegetated with typical lawn grasses and weeds, with scattered trees in some areas. Predominant grasses in the lawns include Kentucky Bluegrass and Annual Bluegrass. A significant amount of weedy, non-native species such as White Clover, Hairy Cats Ear, English Daisy, Common Dandelion and Creeping Buttercup also occur within the lawns.

Riparian Woodland

The riparian woodland generally occurs as a narrow band of vegetation along Camas Creek and the south side of Mt. Scott Creek, with more extensive woodland communities to the north of Mt. Scott Creek. The riparian woodland adjacent to Mt. Scott Creek is the largest contiguous woodland community within the park, and in this area, the woodland contains both wetland and non-wetland riparian plant communities.

Riparian woodlands within the park provide important water quality and wildlife habitat functions. The riparian woodlands act as a buffer to the stream, filtering sediments and various pollutants from runoff before the water enters the stream. Trees and shrubs within these riparian woodlands also provide shade to the stream, and this shade aids in maintaining relatively low water temperatures. The buffer provided by the riparian plant communities along Mt. Scott Creek is generally wider on the north side of the stream than on the south side of the stream. The buffer provided by riparian plant communities along Camas Creek is generally narrow, though relatively recent plantings on the south side of Camas Creek have expanded the width of the buffer. The riparian woodlands, particularly those along Mt. Scott Creek, provide habitat for a number of wildlife species adapted to suburban woodland and edge habitats, and these woodlands are likely the most important terrestrial habitat within the park.

Narrow areas of riparian woodland occur along Mt. Scott Creek and Camas Creek. The riparian woodland along Mt. Scott Creek has canopy of mature second-growth hardwoods and conifers, including Red Alder, Big Leaf Maple, Douglas Fir, Oregon Ash, Black Cottonwood and Western red Cedar.

Oregon Ash is the dominant tree species along Camas Creek. Trees, shrubs and wood vines common in the under story of the riparian woodlands include Sitka Willow, Douglas Spiraea, Snowberry, Clustered Wild Rose, Indian Plum, Vine Maple, Red-Osier Dogwood, Beaked Hazelnut, Salmonberry, Himalayan Blackberry and English Ivy.

Restoration areas on the south bank of Mt. Scott Creek downstream from its confluence with Camas Creek and on the south side of Camas Creek, between the creek and the ball fields, have planted populations of native riparian species, including Red Alder, Western Red Cedar, Sitka Willow, Douglas Spiraea and Red-osier Dogwood.

Oak–Ash Woodland

A small wooded area dominated by mature Oregon White Oak and Oregon Ash is present in the north-central and eastern portions of the park, between Camas Creek and Mt. Scott Creek, and provides a contiguous, wooded corridor between the riparian woodlands associated with the two streams. The Oak-Ash woodland is frequently mowed to maintain an open, park-like setting for picnic facilities and recreation. Herbaceous vegetation within the Oak-Ash woodland consists almost entirely of mown grass, and this woodland generally lacks an under story of trees and shrubs, though a few scattered Common Hawthorn, Oregon Grape, and English Holly are present. The mature oaks, open forest structure and sparse under story within this community are reminiscent of oak savanna habitat, which is becoming increasingly rare in the Willamette Valley.

Invasive Species

A number of non-native invasive plant species occur throughout North Clackamas Park. These plants are especially prevalent within the riparian woodlands bordering Mt. Scott Creek. Himalayan Blackberry and large stands of English Ivy occur in the vicinity of the small pond north of Mt. Scott Creek, in the northeastern corner of the park, and along the south bank of Mt. Scott Creek near the western park boundary. Mature Common Hawthorns are scattered throughout the Oak-Ash woodland between Mt. Scott Creek and Camas Creek, and many small Common Hawthorns are present between the existing maintenance buildings and the off-leash dog area.

Although they don’t currently occur as dominant species, Multiflora Rose, Japanese Knotweed, English Holly and Common Laurel Cherry also occur along Mt. Scott Creek. Canada thistle occurs in un-maintained uplands in various locations, and Reed Canarygrass is common along Camas Creek. Bittersweet Nightshade occurs as a dominant species in the forested wetlands in the northwestern portion of the park.

Table 1 - Plant Species Observed in North Clackamas Park

	Botanical Name	Common Name
Trees, Shrubs and Woody Vines	<i>Abies grandis</i>	Grand Fir
	<i>Acer circinatum</i>	Vine Maple

	Botanical Name	Common Name
	<i>Acer macrophyllum</i>	Bigleaf Maple
	<i>Alnus rubra</i>	Red Alder
	<i>Betula papyrifera</i>	Paper Birch
	<i>Cornus sericea</i>	Red-osier Dogwood
	<i>Corylus cornuta</i>	Beaked Hazelnut
	<i>Crataegus monogyna</i>	Common Hawthorn
	<i>Fraxinus latifolia</i>	Oregon Ash
	<i>Hedera helix</i>	English Ivy
	<i>Ilex aquifolium</i>	English Holly
	<i>Mahonia aquifolium</i>	Oregon Grape
	<i>Oemleria cerasiformis</i>	Indian Plum
	<i>Pinus contorta</i>	Shore Pine
	<i>Pinus ponderosa</i>	Ponderosa Pine
	<i>Populus trichocarpa</i>	Black Cottonwood
	<i>Prunus avium</i>	Sweet Cherry
	<i>Prunus laurocerasus</i>	Common Laurelcherry
	<i>Pseudotsuga menziesii</i>	Douglas Fir
	<i>Quercus bicolor</i>	Wwamp White Oak
	<i>Quercus garryana</i>	Oregon White Aak
	<i>Rosa multiflora</i>	Multiflora Rose
	<i>Rosa pisocarpa</i>	Clustered Rose
	<i>Rubus discolor</i>	Himalayan Blackberry
	<i>Rubus spectabilis</i>	Salmonberry
	<i>Rubus ursinus</i>	California Dewberry
	<i>Salix sitchensis</i>	Sitka Willow
	<i>Solanum dulcamara</i>	Climbing Nightshade
	<i>Spiraea douglasii</i>	Douglas Spiraea
	<i>Symphoricarpos albus</i>	Snowberry
	<i>Thuja plicata</i>	Western Red Cedar
Herbaceous Plants	<i>Athyrium filix-femina</i>	Lady Fern
	<i>Bellis perennis</i>	English Daisy
	<i>Bidens frondosa</i>	Devil's Beggarstick
	<i>Centaurea cyanus</i>	Garden Cornflower
	<i>Cirsium arvense</i>	Canada Thistle
	<i>Dipsacus sylvestris</i>	Teasel
	<i>Epilobium watsonii</i>	Watson's Willow Herb
	<i>Equisetum telmateia</i>	Giant Horsetail
	<i>Hypochaeris radicata</i>	Hairy Cats Ear
	<i>Impatiens noli-tangere</i>	Western Touch-me-not

	Botanical Name	Common Name
	<i>Lapsana communis</i>	Nipplewort
	<i>Ludwigia palustris</i>	Marsh Seedbox
	<i>Lysichiton americanum</i>	Skunk Cabbage
	<i>Lygonum cuspidatum</i>	Japanese Knotweed
	<i>Polypodium glycyrrhiza</i>	Licorice Fern
	<i>Polystichum munitum</i>	Sword Fern
	<i>Prunella vulgaris</i>	Heal-all
	<i>Ranunculus repens</i>	Creeping Buttercup
	<i>Taraxacum officinale</i>	Common Dandelion
	<i>Tolmiea menziesii</i>	Piggy-back Plant
	<i>Trifolium repens</i>	White Clover
	<i>Veronica americana</i>	American Speedwell
Grasses, Sedges and Rushes	<i>Bromus sitchensis</i>	Alaska Brome
	<i>Carex obnupta</i>	Slough Sedge
	<i>Dactylis glomerata</i>	Orchard Grass
	<i>Eleocharis acicularis</i>	Needle Spikerush
	<i>Eleocharis palustris</i>	Common Spikerush
	<i>Eleocharis ovata</i>	Ovate Spikerush
	<i>Festuca arundinacea</i>	Tall Fescue
	<i>Glyceria elata</i>	Tall Mannagrass
	<i>Holcus lanatus</i>	Common Velvet Grass
	<i>Juncus effuses</i>	Soft Rush
	<i>Phalaris arundinacea</i>	Reed Canarygrass
	<i>Poa annua</i>	Annual Bluegrass
	<i>Poa pratensis</i>	Kentucky Bluegrass
	<i>Poa trivialis</i>	Rough Bluegrass
	<i>Scirpus microcarpus</i>	Small-fruited Bulrush

Wetlands and Waterways

Wetland Determination and Delineation for North Clackamas Park

PHS delineated wetlands and waterways within the southern portion of the park on June 5 and June 19, 2003, with an additional site visit on February 23, 2004 to review the jurisdictional status of wetlands and ditches on site. PHS wetland delineation results were described in a wetland delineation report dated March 10, 2004 (Appendix B). The Oregon Department of State Lands (DSL) approved the wetland delineation (DSL #2004-0153) on February 17, 2005. On October 19, 2006 PHS revisited North Clackamas Park to delineate the wetlands and waterways within the northern portion of the park. DSL approved the updated wetland delineation on April 16, 2007. Please see delineation map and concurrence letter in Appendix B.

Description of On-Site Wetlands and Waterways

Wetlands and other water resources at North Clackamas Park include Mt. Scott Creek, several palustrine forested wetlands associated with Mt. Scott Creek, Camas Creek and adjacent wetlands, and a small pond located to the north of Mt. Scott Creek.

Mt. Scott Creek and Associated Wetlands

Mt. Scott Creek, a perennial stream that flows westward along the northern boundary of North Clackamas Park, is the dominant hydrologic feature in the park. Mt. Scott Creek is 10 to 20 feet wide within the park. The stream banks are generally low and rise one to two feet above the stream bed. Small areas of erosion and undercutting are apparent on the banks, but the stream banks appear to be relatively stable. Within the park, Mt. Scott Creek has a relatively uniform gravel and cobble substrate.

PHS identified two palustrine forested wetlands associated with Mt. Scott Creek in the northwestern portion of the park. These wetlands have a forest canopy dominated by Western Red Cedar, Oregon Ash, and Red Alder with Red-Osier Dogwood, Indian Plum, Salmonberry, Clustered Wild Rose and Himalayan Blackberry occurring as dominant shrubs in the under story. Dominant herbaceous species in these wetlands include Slough Sedge, Skunk Cabbage, Reed Canarygrass, Lady Fern and Piggy-Back Plant.

Flows within Mt. Scott Creek vary seasonally, like most streams in the region, with significant groundwater inputs to base flow from the slope to the north. Large and steady fluxes of groundwater feed the wetland complex near the northwestern park boundary. Water discharged from these wetlands enters Mt. Scott Creek near the western park boundary.

Camas Creek

Camas Creek is a shallow seasonal tributary to Mt. Scott Creek that crosses the central portion of the park and flows into Mt. Scott Creek in the western portion of the park. Camas Creek originates in a palustrine emergent wetland in the northeastern portion of the park. Throughout its length, Camas Creek is a low-gradient, slow-flowing stream. The stream channel is approximately four to six feet. The stream banks are low and indistinct, and the stream channel is vegetated with Reed Canarygrass in some areas. The substrate of the Camas Creek stream channel is composed primarily of fine sediments.

A narrow wetland fringe borders the entire length of Camas Creek. The wetland has a tree canopy of Oregon Ash, and Willows, Red Alder, Red-Osier Dogwood, and Swamp White Oak. Other dominant species within the Camas Creek wetlands include Reed Canarygrass, Spike Rushes, Slough Sedge, Lady Fern and Marsh Seedbox. Groundwater inputs to Camas Creek occur throughout the stream length, but major inflows appear to be near the northeastern corner of the park and from the south in the vicinity of the upper end of the northwest-trending portion of the creek.

Pond

A small pond is present north of Mt. Scott Creek in the northeastern portion of the park. The pond was excavated and has relatively steep banks that rise approximately three feet above the surface of the water. The pond receives the majority of its water from groundwater inputs and runoff from the adjacent hillside to the north, as there is no apparent surface connection to Mt. Scott Creek.

Fish and Wildlife

With its mosaic of riparian woodlands, oak woodland, lawns, streams, and wetlands, North Clackamas Park provides habitat for a variety of wildlife species adapted to suburban landscapes. Additionally, the perennial waters of Mt. Scott Creek and the small pond in the northern portion of the site provide habitat for aquatic and semi-aquatic species, including various species of fish, amphibians and benthic macro invertebrates. Although wildlife surveys have not been conducted at North Clackamas Park specifically, PHS observed a number of wildlife species while conducting site visits at the park, and a reach of Mt. Scott Creek surveyed for fish by the Oregon Department of Fish and Wildlife (ODFW) includes the portion of Mt. Scott Creek within the park boundaries.

PHS observed 29 species of birds at North Clackamas Park during two site visits – one on the afternoon of July 13, 2007 and one on the morning of December 13, 2007. The bird species observed by PHS on each date are listed in Table 2, below.

Table 2 - Birds observed at North Clackamas Park

Common Name	Scientific Name	Date	
		7/13/07	12/13/07
American Crow	<i>Corvus brachyrhynchos</i>	X	X
American Goldfinch	<i>Carduelis tristis</i>	X	X
American Robin	<i>Turdus migratorius</i>	X	X
American Wigeon	<i>Anas americana</i>		X
Barn Swallow	<i>Hirunda rustica</i>	X	
Bewick's Wren	<i>Thryomanes bewickii</i>		X
Black-capped Chickadee	<i>Poecile atricapillus</i>	X	X
Black-headed Grosbeak	<i>Pheucticus melanocephalus</i>	X	
Bushtit	<i>Psaltriparus minimus</i>	X	X
Downy Woodpecker	<i>Picoides pubescens</i>	X	X
European Starling	<i>Sturnus vulgaris</i>	X	X
Golden-crowned Kinglet	<i>Regulus satrapa</i>		X
Green Heron	<i>Butorides virescens</i>	X	
House Finch	<i>Carpodacus mexicanus</i>	X	
House Sparrow	<i>Passer domesticus</i>	X	
Lazuli Bunting	<i>Passerina amoena</i>	X	
Lesser Goldfinch	<i>Carduelis psaltria</i>	X	
Mallard	<i>Anas platyrhynchos</i>	X	X
Northern Flicker	<i>Colaptes Auratus</i>	X	X
Pine Siskin	<i>Carduelis pinus</i>		X
Red-tailed Hawk	<i>Buteo jamaicensis</i>		X
Ruby-crowned Kinglet	<i>Regulus calendula</i>		X
Sharp-shinned Hawk	<i>Accipiter striatus</i>		X
Song Sparrow	<i>Melospiza melodia</i>	X	X
Spotted Towhee	<i>Pipilo maculatus</i>	X	
Steller's Jay	<i>Cyanocitta stelleri</i>	X	X

Common Name	Scientific Name	Date	
		7/13/07	12/13/07
Townsend's Warbler	<i>Dendroica townsendi</i>		X
Western Scrub-Jay	<i>Aphelocoma californica</i>	X	X
White-breasted Nuthatch	<i>Sitta carolinensis</i>		X

Water Quality

The following observations were taken from Environmental Protection Agency database collected further upstream, but are representative of those in the park.

- Water quality is generally good (stream likely supports a population of resident cutthroat trout though water quality generally deteriorates as water moves downstream through increasingly urbanized areas).
- Water temperatures were found to follow the local climate with maximum recorded summer temperatures reaching 20°C (68°F).
- Dissolved oxygen concentrations are below state water quality standards (greater than 90-95% saturation), falling as low as 63% saturation.
- The pH of the water was within state standard and ranged from 6.8-7.4 standard units.
- The alkalinities of the stream are high enough (>20 mg/L) to adequately buffer pH fluctuations.
- The bacteria standard was exceeded, likely reflecting the urbanized nature of the watershed and the high fecal bacteria levels generally associated with storm water runoff from urban areas.
- Suspended sediment fluxes have not been measured, but the bed material at low flows through the portion of Mt. Scott Creek along the northern border of the park suggest that a considerable flux of silt is moving through the stream.
- Overall, the water quality of Mt. Scott Creek is typical of water quality in similar urbanized streams.

Desired Future Condition

The desired future condition (DFC) for North Clackamas Park is a community park that provides recreational opportunities as well as forested riparian wetland and non-wetland habitats that consist of native plant species and contain good structural diversity. Plant communities will consist of natural associations and will contain a diversity of native species. The overstory canopy will remain much as it exists in the wooded portions of the park. Non-native invasive species such as Reed Canarygrass, Himalayan Blackberry, and English Ivy will be removed, and native trees, shrubs, grasses and forbs will be planted to augment the existing riparian communities. The implementation of the NCPRD Integrated Pest Management Program will help to prevent invasive species from becoming established and out-competing the native vegetation.

The riparian buffer along Mt. Scott Creek will be expanded up to 70 feet on the south sides of the stream, and this buffer will be planted with native trees and shrubs to shade the water surface. Supplemental shrub plantings within the existing wooded area on the south side of the east-west portion of Mt. Scott Creek downstream from Camas Creek confluence will provide additional stream shading. Reduced human impact immediately adjacent to the stream will allow a denser growth of vegetation along the stream channels. The riparian buffers will be allowed to undergo natural ecological succession to develop species diversity and vegetation structure to provide shelter, food, and reproduction opportunities for native fauna. Native grasses and wildflowers in a meadow community south of Mt. Scott Creek will provide habitat for bees, butterflies, and other insects as well as birds and small mammals.

The combination of increased stream shade and stream habitat improvements will benefit salmonids and other aquatic organisms. The proposed removal of the culvert near the mouth of Camas Creek and the restoration of the stream bed and banks will improve the connectivity of habitats between Mt. Scott Creek and the lower reaches of Camas Creek. Large woody debris in Mt. Scott Creek will diversify flows, vary sediment distribution, and provide substrate diversity, which will benefit aquatic macro invertebrates as well as fish. Minor excavation of the outflow channel of the wetland in the northwestern portion of the park will improve the hydrologic connection between the wetland and Mt. Scott Creek and allow water to back up into the wetland during high flows, providing low-velocity refugia for fish during flood events.

III. Constraints and Opportunities

Site constraints and opportunities were identified through a series of meetings and site visits with NCPRD staff, City of Milwaukie staff, members of the stewardship community, and the public. A site analysis map at the end of this section illustrates these points.

Constraints

Creek and Wetland Buffers

The north side of North Clackamas Park is bound by Mt. Scott Creek to the north and west and Camas Creek to the south. City of Milwaukie water quality resources regulations requires both of these creeks to have a fifty foot (50') buffer from the top-of-bank. No structures may be located in the buffer without approval and appropriate mitigation and plantings must be of the appropriate species and densities. Public trails and boardwalks may be allowed within the buffer limits with approval by the City of Milwaukie.

Flooding

Flooding is a concern in North Clackamas Park. Approximately 70% of the north side of North Clackamas Park is located within the 100 year floodplain. Improvements in the floodplain must meet special requirements. In addition, there are areas officially designated as out of the floodplain that are known to hold standing water during extended periods of rain. Any recommendations made for these areas will meet the requirements of the City of Milwaukie Municipal Code Chapter 18.04 – Flood Hazard Areas. Examples of some of the floodplain regulations include:

- Balanced cut and fill
- Crossing as close to perpendicular as possible
- New structures shall have the lowest floor at least one foot above base flood elevation or be flood-proofed

Existing Facilities

Many existing facilities on the north side of North Clackamas Park will remain in their current location. These include: the Milwaukie Center (including parking and all outdoor activities), the playground (including adjoining benches and sidewalks), the crossing of Mt. Scott Creek, and the two recently renovated crossings of Camas Creek.

Some existing facilities and uses will remain in the north side of North Clackamas Park, but new locations are proposed. These include: the off-leash dog area, maintenance equipment storage, caretaker housing, restrooms, parking, picnic shelters, horseshoe pits and a creek crossing near the confluence of Camas Creek and Mt. Scott Creek.

Opportunities

Property Acquisitions

North Clackamas Parks and Recreation District recently acquired two pieces of property along the northern border of North Clackamas Park.

One and a half acres were acquired south of Mt. Scott Creek between the off-leash dog area and the proposed caretaker's house. Currently, this area is used for equipment storage and a fence separates it from the rest of the park. Enhancement of this riparian area is needed to improve wildlife habitat.

An additional one and a half acres was donated to the District in 2006 north of the former caretaker's facility and north of Mt. Scott Creek. A small pond was dredged out of this area many years ago. This property is currently inaccessible from the park or the neighborhood due

to steep slopes on the north and the creek on the south. Enhancement of this riparian area is needed to improve wildlife habitat.

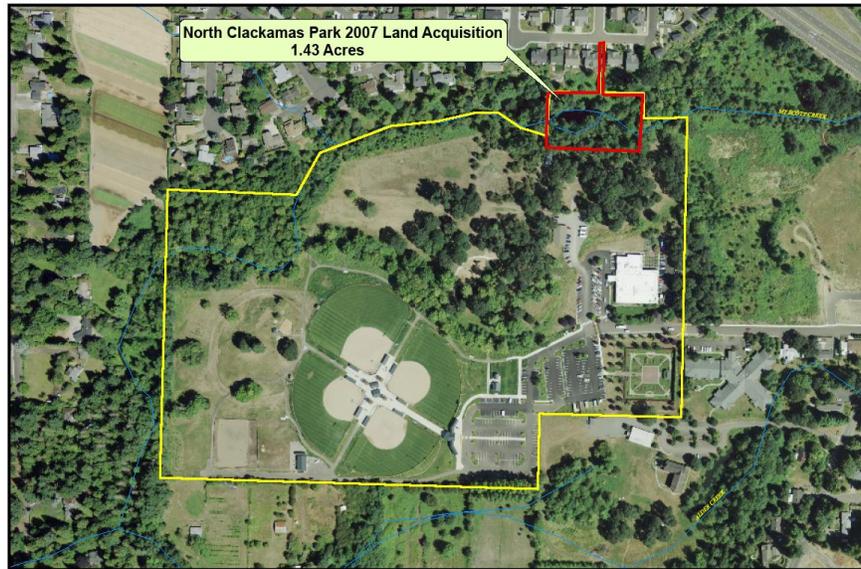


Figure 2: Map highlighting the property acquired in 2007 on the north side of the park.

Education

Few people understand the benefits watersheds and wetlands provide and fewer still understand how their actions affect sensitive wetland environments. Opportunities to educate park users about these sensitive areas exist throughout the park.

Community Partnerships

Numerous opportunities exist to bring the park community together during the process of updating facilities in North Clackamas Park. Some opportunities to consider include:

- Improvements to the off-leash dog area serve as an opportunity to welcome dog owners to the park. Dog owners provide watchful eyes during times when other users do not visit the park and their presence deters undesirable activities.
- The Milwaukie Center has many programs for senior citizens. One partnership is the pairing of a new walking trail in the park with the existing walking program at the Milwaukie Center. Further partnership opportunities should be explored.
- Community service groups have a history of organizing volunteer projects within the park and those partnerships should continue. The Boy Scouts previously repaired two of the foot bridges that cross Camas Creek. Other groups have held park trash clean up events, monitored and counted wildlife within the park and replaced invasive plants with native plants in wetland and creek buffer areas.

IV. Master Plan

Program Elements

Much of North Clackamas Park lies within the floodplain of Mt. Scott Creek. This plan recognizes that streams are dynamic geologic features that transform over time. Furthermore, it recognizes that streams' transformative processes create and sustain habitat for endangered fish and wildlife. As such, program elements will implement sustainable practices that integrate park use needs with natural stream processes. Proposed buildings shall be located outside the 100-year floodplain and meander corridor of Mt. Scott Creek. The built environment should take into account and allow for the frequent flooding. Permeable surfaces should be used whenever possible. The built environment should be flexible enough to allow for channel change or braiding of the creeks should that begin to occur. Operations and maintenance activities shall not impede channel migration processes of Mt. Scott Creek without mitigating for habitat loss and facilitating channel forming processes that create habitat within the meander corridor of Mt. Scott Creek. It is the intent of this master plan to integrate recreation and public education elements adjacent to this significant habitat resource. The location and function of the program elements will support and enhance the protection of this riparian corridor while meeting community needs for public recreation.

The master plan proposes renovating or adding a number of elements to the park, including renovation of the maintenance building, caretaker building, restrooms, fencing, parking, off-leash dog area, playground, picnic shelters, educational creek overlooks, trails, horseshoe courts, and signage. These are explained below. The proposed locations of all of the following program elements will make every effort to minimally impact oak habitat and ecosystem elements. The master plan does not propose any changes to the south side of the park, as developed pursuant to the Youth ball field improvements Land Use Application, 2005/08, CSO-05-02, TPR-05-01, WQR-05-01, as approved by the City of Milwaukie. Future maintenance and management of the following program elements will be in accordance with naturoscaping practices, for example, those promoted by the Oregon Department of Fish and Wildlife.

Maintenance Building

NCPRD maintenance staff needs an area for washing and storing equipment in the park that has utility connections. The Milwaukie Center needs additional storage for Meals on Wheels equipment, special event items and other program materials. The plan shows these facilities as a combined area north of the Milwaukie Center. This location was preferred by those who participated in the public planning process and by staff from Oregon Department of Fish and Wildlife who toured the site. An access drive is provided through the new parking lot and the building is located east of the proposed off-leash dog area.

Caretaker

The plan proposes a space for park caretaker housing just east of the off-leash dog area. This location utilizes existing utility connections and positions the caretaker in a centralized location. This area will be developed the goal of reducing the overall imperviousness of the area and focus on integrating the site within the habitat area.

Restrooms

Restrooms are located just west of the new parking lot halfway between the entrance to the off-leash dog area and the playground. This facility is to replace the current out of date structure. As the restroom is designed and created, sustainable practices will be implemented which take into account risk factors associated with natural system. Materials and colors chosen will focus on blending the restroom into the surrounding natural area.

Fencing

Split rail fencing will be located south of Mt. Scott Creek near the overlooks and crossing of Camas Creek and northeast of the walking path north of the proposed maintenance facility. The creek bank in these areas is eroded and fencing will help rejuvenate native plantings, protect wildlife in these areas, and reduce erosion. The remaining buffers are densely planted and will be signed as protected areas. Additional fencing will be added to protect plantings and sensitive areas as needed.

Parking

A new vehicle parking area and passenger drop-off is located in the approximate location of the existing gravel lot. The final design of the new parking area (including the number of spaces, surfacing and storm drainage) will comply with requirements from table 19.503.9 in the City of Milwaukie Municipal Code. NCPRD will continue to evaluate parking at North Clackamas Community Park and follow the event and management guidelines as outlined in the Parking Management Plan, City of Milwaukie Planning File AP-05-02, dated February 22, 2006.

The existing crossing of Camas Creek is removed and a new bridge is provided. Proposed location of the parking lot will make every effort to minimally impact oak habitat and ecosystem elements. Future maintenance and management of the parking lot will be balanced with conservation of the natural system. NCPRD will make every effort to design the parking lot to eliminate runoff through the use of pervious pavement systems or vegetated stormwater management facilities. The parking lot will be designed to blend within the surrounding oak forest and focus on reducing the overall imperviousness of the lot. As the parking lot is designed and created, sustainable practices will be implemented which take into account risk factors associated with natural system.

Off Leash Dog Area

The proposed off-leash dog area is shifted east of its existing location and is approximately the same size as the existing facility (1.45 acres). Relocating the dog park farther from homes will alleviate some of the noise impacts on park neighbors.

A new fence will delineate the off leash area and plantings will provide a buffer between dogs and other park users. Double gates with separate points of entry and exit are recommended to improve safety, and the space is divided between large and small dogs (or aggressive and passive dogs). Entry plazas with benches, kiosks, and water and shade structures make the off-leash area more pleasant for visitors and their dogs. Perimeter plantings provide a visual separation between the off leash area and the other park activity areas. As the dog park is designed and created, sustainable practices will be implemented which take into account risk factors associated with natural systems.

Playground

The existing playground will not be changed. A new play area with climbing boulders will be added to the north west of the existing playground.

Picnic Shelters

Two group shelters are proposed to replace the existing large shelter in the park. A larger shelter is proposed to be located south of the new parking lot and is proposed to be approximately two-thirds the size of the existing shelter. A smaller shelter is proposed near the playground. The total size of covered, group picnic facilities in the park is unchanged. As the picnic shelter is designed and created, sustainable practices will be implemented which take into account risk factors associated with natural systems. Runoff from the picnic shelter roofs will be guided into small vegetated rain gardens to eliminate impact of runoff to the creek system.

Educational Creek Overlooks

Two overlooks of Mt. Scott Creek with benches and educational signage provide wildlife viewing opportunities and allow visitors to access the creek without disturbing the buffers. The design of the overlooks will look to blend them with the surrounding native riparian corridor. Long lasting materials will be considered to reduce the long-term maintenance needs.

Trails

A half-mile (1/2) loop trail follows the southern and eastern buffers of Mt. Scott Creek, the northern buffer of Camas Creek and the eastern boundary of the park. Public input indicated a majority of park users want the trail to be paved to meet the needs of all users; however, City regulations may restrict use of impermeable surfaces in this area. In addition, exercise stations geared toward a senior walking program are shown in groups of three and are evenly spaced around the trail. Placement of the trails will make every effort to minimally impact Mt Scott and

Camas Creeks riparian areas, oak habitat and ecosystem elements. As the trail is designed and created, sustainable practices will be implemented which take into account risk factors associated with natural systems. Design of the trails will consider use of pervious pavement systems (pervious asphalt, pavers, or concrete) as well as natural materials such as crushed rock. A boardwalk may be considered. Specific material selections will be based on level of use and specific location of the trails.

Horseshoes

The existing horseshoe courts are relocated north of the existing playground. The courts are oriented north-south so players are never facing the sun. A low fence is proposed around the courts if safety concerns arise.

Signage

The need for appropriate signage in the park was mentioned numerous times during the public involvement process. The Conceptual Signage Plan shows four types of signs and where they should be placed in the park. The sign types are: Educational, Informational, Health and Fitness, and Plant Identification

Educational Signs

Educational signs will be about 3 feet high with angled panels. Each of these panels will include information about topics that pertain to that area of the park. For example, the signs at the overlooks could include information and graphics about the Mt Scott Creek. History of the creek, details about the larger river system, and ways to protect the health of the creek are all topics that could be covered. Other panels in the park should include graphics and information about native wildlife, plants, and natural history of the region. In addition, there is desire to have an interpretive sign near the art piece at the entrance to the park. This sign should be similar to the rest of the educational signs in the park.

Informational Signs

Informational signs will be placed at various locations along the trail. These signs will include basic information about the park such as hours of operation, park rules and a park map. In addition, there will be a sign at the entrance to the off-leash dog area. This sign will include rules pertaining specifically to the use of this area.

Health and Fitness signs

The proposed exercise stations are vertical with sides that display informational and educational sign panels. The manufacturer of these stations has a number of options for panels that include health and fitness information beyond just instructions for the specific exercise at that station. These include panels about preventing osteoporosis, healthy eating, and ideas for other exercise.

North Clackamas Community Park - Conceptual Park Plan

May 22, 2012



LEGEND

- - - Wetland Buffer Line - 50'
- - - Expanded Wetland Buffer Line - 70' at Mt. Scott Creek
- - - 100 year flood line

Plant Identification signs

Plant tags are an extension of the educational signs and will be no more than 1 foot high. They will be inconspicuous from a distance, but readable when a person is standing near the plant. These tags will identify key native species throughout the park and include the common plant name, the botanical name, and a short description about where the native habitat, growth habit, and any other interesting facts. Each type of plant will be identified no more than one time in the park and the tags will be located along the proposed pathway when possible. The Master Gardeners are a valuable resource and have shown interest in being responsible for the content of native plant tags.

Sign topic and content

NCPRD has been working with the Stewardship Committee to determine topics for the interpretive signs. This committee has done extensive research regarding signage options. Their recommendations are for durable signs made of metal with rounded corners. This committee also has generated lists of topics for consideration for the educational signs. These include: Watershed Map, Native Plants and Trees, Mammals (deer, squirrels, rabbits, etc.), Birds (owl, Blue Heron, hawk, etc.), Slithery creatures (snakes, snails, frogs, etc.), and Insects (crickets, ladybugs, dragonflies, etc.).

Restoration

This section includes short and long-term natural resource improvements that are recommended to be implemented by the Parks District.

Buffer Improvements

Mt. Scott Creek is not listed by DEQ as being "Water Quality Limited" for temperature. As such, it was not placed on the 303(d) list for this parameter. However, in 2006 Total Maximum Daily Loads (TMDLs) were issued by DEQ for all streams in the Willamette Sub-Basin. This means that Clackamas County needs to prepare an implementation plan describing how "system potential vegetation" (i.e. riparian vegetation that would historically have been found along the stream) will be planted along streams within their jurisdiction. DEQ has determined that planting "system potential vegetation" will adequately shade the creek and reduce water temperatures. Only a portion of riparian vegetation contributes to stream shading.

To determine the "system potential vegetation" width, Pacific Habitat Services (PHS) applied a model that it has used in other jurisdictions to Mt. Scott Creek. The reach of Mt. Scott Creek along the northern border of the park is dominated by blackberry thickets and has little tall vegetation providing shade to the stream surface. The stream surface will be shaded with a 70-foot wide riparian area along the south bank of the stream. The east-west portion of Mt. Scott Creek downstream from the Camas Creek confluence would also benefit from additional shading by planting tall shrubs beneath the existing trees along the south side of the stream.

The northeastern portion of Camas Creek is largely un-shaded and would greatly benefit from riparian vegetation along both sides of the stream, but especially along the entirely exposed south side. Planting was completed on the south side of Camas Creek when the new softball facilities were built. When these plants reach maturity Camas Creek will be further shaded. Suggested native trees and shrubs to be planted along the riparian areas of Mt. Scott Creek and Camas Creek are included in the table below.

IV-1 - Suggested Native Trees and Shrubs

Scientific Name	Common Name
Trees and Shrubs	
<i>Acer circinatum</i>	Vine Maple
<i>Acer macrophyllum</i>	Bigleaf Maple
<i>Alnus rubra</i>	Red Alder
<i>Corylus cornuta</i>	Beaked Hazelnut
<i>Crataegus douglasii</i>	Black Hawthorn
<i>Fraxinus latifolia</i>	Oregon Ash
<i>Lonicera involucrata</i>	Twinberry
<i>Oemleria cerasiformis</i>	Indian Plum
<i>Physocarpus capitatus</i>	Pacific Ninebark
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Quercus garryana</i>	Oregon White Oak
<i>Rhamnus purshiana</i>	Cascara
<i>Rosa nutkana</i>	Nootka Rose
<i>Salix lasiandra</i>	Pacific Willow
<i>Sambucus racemosa</i>	Red Elderberry
<i>Spiraea douglasii</i>	Douglas Spiraea
<i>Symphoricarpos albus</i>	Snowberry
<i>Thuja plicata</i>	Western Red Cedar

Habitat Improvements

Culvert removal

A culvert currently exists in Camas Creek at its confluence with Mt. Scott Creek. This culvert allows maintenance vehicles and foot traffic to cross the creek. This culvert is proposed to be removed and the confluence area restored. The bed of the stream may benefit from a shallow grade control structure (e.g. check dam) to ensure the bed of Camas Creek does not down-cut and start to erode upstream. This activity will likely require local, state and federal permits. The banks should be planted with selected species from Table VI-1.

Woody Debris

The park portion of Mt Scott Creek has flow regimes that do not vary greatly with channel distance. A few large woody debris placements within the channel might locally diversify flows and vary the sediment distribution. The portion of the channel between the footbridge to Casa Del Rey Drive and the confluence with Camas Creek might be best suited to such installations.

Human Access

Removal of the trail along Mt. Scott Creek to the west of the Camas Creek and Mt. Scott Creek confluence is recommended. The banks in these areas have been eroded and compacted, reducing the cover of native vegetation. Access will be limited to discrete points to ensure that wildlife-human interaction is minimal and that damage to stream banks can be repaired. Continued access to the creek will degrade the stream health and reduce the effectiveness of other restoration work proposed in this plan. Viewing platforms at the edge of the stream will be an attractive and functional alternative to direct creek access. Educational groups will be allowed direct creek access with prior approval from NCPRD on a limited basis.

Wetland Preservation

Enhancements of the wetlands in the northwestern portion of the site will entail removal of invasive species, including Reed Canarygrass and Himalaya Blackberry and replacement with small woody shrubs such as Twinberry, Spiraea, and Red-Osier Dogwood. The discharge to Mt. Scott Creek near the west end of the park may be opened to allow high-flow refugia without fish entrapment. The present outflow from the adjacent wetlands is situated several feet above the stream thalweg and probably rarely is overtopped to allow water to flow into the adjacent wetlands. A small excavation of the present outflow channel would allow high flows of Mt. Scott Creek to enter the wetlands and provide a lower-velocity environment for fish during flood episodes. A log structure immediately downstream from the wetland orifice would locally raise water levels at the refugia entrance during large flows and increase the likelihood of water surface elevations sufficient to allow fish passage into the wetland. The width of the channel at this point would require several anchored logs to achieve significant local elevation of storm flows.

Concrete Removal

Large pieces of concrete are currently located within the stream upstream of the confluence of Camas Creek and Mt. Scott Creek. These pieces of concrete should be removed and the large piece of wood located in this area cut in half to dissuade people from crossing the creek.

Oak-Ash Woodland

Staff should alternate picnic areas use and utilize moveable picnic tables so that only one of these sites is in use at a time. This will minimize the impact to mature trees from heavy use around the base and reduce hazards to park users caused by falling branches. Only the picnic area in use should be mowed by maintenance crews. This practice will help alleviate some of the compaction caused by heavy use and maintenance under the tree canopy.

NCPRD plans to provide for succession of the Oak-Ash Woodland. New Oak and Ash will be planted to replace the trees that die so that this sensitive habitat does not disappear. New Oregon White Oak and Oregon Ash will be clustered with native under story shrubs such as

Snowberry and Oregon Grape. Plantings should be coordinated with maintenance staff and managed so that over time the need to mow under these trees is significantly reduced or eliminated.

Native Meadow

Native forbs should be planted within areas to the south of Mt. Scott Creek. The south side of the meadow should be adjacent to the path that is proposed in this area. This will ensure that park maintenance activities do not extend into the native meadow. This native meadow will likely look unkempt compared to mowed areas of the park, but will provide more diverse habitat for insects and birds.

Management

Much of North Clackamas Park lies within the floodplain of Mt. Scott Creek. This plan recognizes that streams are dynamic geologic features that transform over time. Furthermore, it recognizes streams' transformative processes create and sustain habitat for endangered salmonids. As such, program elements will embrace sustainable practices that integrate park use needs with natural stream processes. Operations and maintenance activities shall not impede channel migration processes of Mt. Scott Creek without mitigating for habitat loss and facilitating channel forming processes that create habitat within the meander corridor of Mt. Scott Creek. Naturescaping, as promoted by Oregon Department of Fish and Wildlife, is the preferred maintenance alternative within and bordering natural areas located within the park.

The use of policies and measures contained in the NCPRD Integrated Pest Management Program adapted by NCPRD is proposed to control undesirable species within the park. As defined in the Oregon Statutes (ORS 262.1), Chapter 943, "integrated pest management" is "...a coordinated decision-making and action process that uses the most appropriate pest control methods and strategies in an environmentally and economically sound manner to meet pest management objectives. The elements of integrated pest management include: (a) preventing pest problems; (b) monitoring for the presence of pests and pest damage; (c) establishing the density of pest population, which may be set at zero, that can be tolerated or corrected with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic or aesthetic threshold; (d) treating pest problems to reduce population below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical and pesticide control methods and that shall consider human health, ecological impact, feasibility and cost effectiveness; and (e) evaluating the effects and efficacy of pest treatments."

As prescribed in the Integrated Pest Management Methodology contained in PP&R's Integrated Pest Management Program, various integrated pest management measures are evaluated and considered together so that the best overall solutions are chosen and implemented. The prevention of pest problems through good policy and planning are assessed first. Cultural practices, avoidance measures, and physical means of managing pests are assessed next.

Finally, mechanical practices, trapping, biological controls, and the use of natural and synthetic pesticides are assessed.

Incorporation of this integrated pest management policy into the maintenance activities at North Clackamas Park is recommended to ensure the protection of Mt. Scott Creek and Camas Creek and to help restore populations of salmonids in Mt. Scott Creek.

Mowing

Other maintenance methods include limiting mowing to areas outside of the riparian zones except for need to mitigate grass fires. Mowing within the Oak-Ash Woodland will be limited. The trees in the woodland may be damaged by mowing equipment allowing bacteria, fungi, viruses and insects to damage mature, valuable trees. To ensure that the trees are protected and that habitat is improved, native shrubs, such as Snowberry and Oregon grape should be planted around the base of selected tree groups.

V. Next Steps

Plan Implementation

NCPRD will make improvements to the park as funding is available. This plan will make it possible for NCPRD to apply for grants and solicit partnerships to help complete improvements.

This plan is conceptual in nature. Final decisions regarding dimensions, materials and precise locations of improvements will be determined per all applicable regulatory requirements and as funding is available.

NCPRD will coordinate improvements with the City of Milwaukie and will follow necessary land use processes to ensure elements are consistent with all City policies and codes. NCPRD is also committed to making sure all other regulatory permits have been acquired prior to project commencement (e.g. Army Corps of Engineers, Division of State Lands, etc).

VI. Appendix A- Natural Resources Review

North Clackamas Park North Side Planning Process

(Township 2 South, Range 2 East, Section 6, TL 100)

Prepared for
Alta Planning + Design, Inc.
Portland, Oregon

Prepared by
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December 19, 2007



1.0 INTRODUCTION

The North Clackamas Parks and Recreation District hired Alta Planning + Design, Inc. (Alta) to manage the North Side Planning Process for North Clackamas Park (Park) in Milwaukie, Oregon. The park is located on Kellogg Creek Drive (Township 2 South, Range 2 East, Section 6, Tax Lot 100; Latitude 45° 25' 33", Longitude 122° 36' 33" W). The general location of the park is illustrated on Figure 1. All figures are in Appendix A.

The goal of the planning process is to prepare a Master Plan for the northern half of the park. Planning for the southern half of the park, which is dominated by more active uses such as baseball diamonds, is essentially complete. Pacific Habitat Services, Inc. (PHS) was hired to address natural resource issues associated with the North Side Planning Process. Although the northern half of the park contains some active uses, such as play equipment, a dog park, and a picnic shelter, it also contains Mt. Scott Creek, Camas Creek, their riparian areas and an oak/ash woodland. As such, this portion of the park lends itself to more passive, natural resource-focused uses.

As part of the planning process, several meetings were held to understand the issues that were most important to the public. One theme commonly expressed was the desire to improve the quality of habitat within the northern portion of the park. This report describes the existing conditions within the park and reviews the natural resource issues associated with the proposed improvements.

2.0 EXISTING CONDITIONS

The northern portion of North Clackamas Park lies on fine-grained alluvial sediments between Mt. Scott Creek and Camas Creek. Topography within the park is relatively flat. Mt. Scott Creek flows to the west along the northern border of the study area. Camas Creek, a small tributary of Mt. Scott Creek, also flows westward, though near the southern portion of the planning area.

The northern portion of the park contains mown lawn, oak woodland, the creeks and their riparian areas, the Milwaukie Center, a dog park, and buildings. The following sections describe natural resources (including plant communities, wetlands, waterways, and fish and wildlife resources) within the northern portion of the park.

2.1 Plant Communities

Plant communities within North Clackamas Park include riparian woodland, oak woodland, and mowed lawns. Brief descriptions of each of the park's plant communities are provided below. A discussion of the prevalence of non-native, invasive species within the park is also provided below. Table 1, at the end of this section, is a list of plant species (native and non-native) observed within the park. This list is not intended to provide a complete inventory of plant

species that occur within the park; however, it does serve to characterize the dominant species within the park's plant communities.

Mowed Lawn

Vegetation within the area north of Camas Creek consists of intensively mown lawn. The mown lawns include an off-leash dog park, picnic areas, and other areas used for general recreational activities. The lawns are vegetated with typical lawn grasses and weeds, with scattered trees in some areas. Predominant grasses in the lawns include Kentucky bluegrass (*Poa pratensis*) and annual bluegrass (*Poa annua*). Significant amount of weedy, non-native species such as white clover (*Trifolium repens*), hairy cats-ear (*Hypochaeris radicata*), English daisy (*Bellis perennis*), common dandelion (*Taraxacum officinale*), and creeping buttercup (*Ranunculus repens*) also occur within the lawns.

Riparian Woodland

Narrow areas of riparian woodland occur along Mt. Scott Creek and Camas Creek. The riparian woodland along Mt. Scott Creek has canopy of mature second-growth hardwoods and conifers, with red alder (*Alnus rubra*), bigleaf maple (*Acer macrophyllum*), Douglas fir (*Pseudotsuga menziesii*), Oregon ash (*Fraxinus latifolia*), black cottonwood (*Populus trichocarpa*), and western red cedar (*Thuja plicata*). Oregon ash is the dominant tree species along Camas Creek. Trees, shrubs, and wood vines common in the understory of the riparian woodlands include Sitka willow (*Salix sitchensis*), Douglas spiraea (*Spiraea douglasii*), snowberry (*Symphoricarpos albus*), clustered wild rose (*Rosa pisocarpa*), Indian plum (*Oemleria cerasiformis*), vine maple (*Acer circinatum*), red-osier dogwood (*Cornus sericea*), beaked hazelnut (*Corylus cornutus*), salmonberry (*Rubus spectabilis*), Himalayan blackberry (*Rubus discolor*), and English ivy (*Hedera helix*). Restoration areas on the south bank of Mt. Scott Creek downstream from its confluence with Camas Creek and on the south side of Camas Creek, between the creek and the ball fields, have planted populations of native riparian species, including red alder, western red cedar, Sitka willow, Douglas spiraea, and red-osier dogwood.

The riparian woodland generally occurs as a narrow band of vegetation along Camas Creek and the south side of Mt. Scott Creek, with more extensive woodland communities to the north of Mt. Scott Creek. The riparian woodland adjacent to Mt. Scott Creek is the largest contiguous woodland community within the park, and in this area, the woodland contains both wetland and non-wetland riparian plant communities. Wetlands within North Clackamas Park are discussed further in Section 2.2 of this report.

Riparian woodlands within the park provide important water quality and wildlife habitat functions. The riparian woodlands act as a buffer to the stream, filtering sediments and various pollutants from runoff before the water enters the stream. Trees and shrubs within these riparian woodlands also provide shade to the stream, and this shade aids in maintaining

relatively low water temperatures. The buffer provided by the riparian plant communities along Mt. Scott Creek is generally wider on the north side of the stream than on the south side of the stream. The buffer provided by riparian plant communities along Camas Creek is generally very narrow, though relatively recent plantings on the south side of Camas Creek have expanded the width of the buffer. The riparian woodlands, particularly those along Mt. Scott Creek, provide habitat for a number of wildlife species adapted to suburban woodland and edge habitats, and these woodlands are likely the most important terrestrial habitat within the park. Fish and wildlife resources within the park are discussed in more detail in Section 2.3, below.

Oak – Ash Woodland

A small wooded area dominated by mature Oregon white oak (*Quercus garryana*) and Oregon ash is present in the north-central and eastern portions of the park, between Camas Creek and Mt. Scott Creek, and provides a contiguous, wooded corridor between the riparian woodlands associated with the two streams. Under existing conditions, the oak-ash woodland is frequently mowed to maintain an open, park-like setting for picnic facilities and playground equipment. Because of the frequent mowing, herbaceous vegetation within the oak-ash woodland consists almost entirely of mown grass, and this woodland generally lacks an understory of trees and shrubs, though a few scattered common hawthorn (*Crataegus monogyna*), Oregon grape (*Mahonia aquifolium*), and English holly (*Ilex aquifolium*) are present. The mature oaks, open forest structure and sparse understory within this community are reminiscent of oak savanna habitat, which is becoming increasingly rare in the Willamette Valley. Wildlife usage within this oak – ash woodland is described in Section 2.3, below.

Invasive Species

A number of non-native invasive plant species occur throughout North Clackamas Park. These plants are especially prevalent within the riparian woodlands bordering Mt. Scott Creek. Himalayan blackberry is prevalent throughout the riparian woodland bordering Mt. Scott Creek, and large stands of English ivy occur in the vicinity of the small pond north of Mt. Scott Creek, in the northeastern corner of the park, and along the south bank of Mt. Scott Creek near the western park boundary. Mature common hawthorns are scattered throughout the oak-ash woodland between Mt. Scott Creek and Camas Creek, and many small common hawthorns are present between the existing maintenance buildings and the off-leash dog area. Although they don't currently occur as dominant species, multiflora rose (*Rosa multiflora*), Japanese knotweed (*Polygonum cuspidatum*), English holly (*Ilex aquifolium*), and common laurelcherry (*Prunus laurocerasus*) also occur along Mt. Scott Creek. Canada thistle (*Cirsium arvense*) occurs in unmaintained uplands in various locations, and reed canarygrass (*Phalaris arundinacea*) is common along Camas Creek. Bittersweet nightshade (*Solanum dulcamara*), a non-native, invasive woody vine, occurs as a dominant species in the forested wetlands in the northwestern portion of the park.

Table 1 Plant Species Observed in North Clackamas Park

	BOTANICAL NAME	COMMON NAME
TREES, SHRUBS AND WOODY VINES	<i>Abies grandis</i>	grand fir
	<i>Acer circinatum</i>	vine maple
	<i>Acer macrophyllum</i>	bigleaf maple
	<i>Alnus rubra</i>	red alder
	<i>Betula papyrifera</i>	paper birch
	<i>Cornus sericea</i>	red-osier dogwood
	<i>Corylus cornuta</i>	beaked hazelnut
	<i>Crataegus monogyna</i>	common hawthorn
	<i>Fraxinus latifolia</i>	Oregon ash
	<i>Hedera helix</i>	English ivy
	<i>Ilex aquifolium</i>	English holly
	<i>Mahonia aquifolium</i>	Oregon grape
	<i>Oemleria cerasiformis</i>	Indian-plum
	<i>Pinus contorta</i>	shore pine
	<i>Pinus ponderosa</i>	ponderosa pine
	<i>Populus trichocarpa</i>	black cottonwood
	<i>Prunus avium</i>	sweet cherry
	<i>Prunus laurocerasus</i>	common laurelcherry
	<i>Pseudotsuga menziesii</i>	Douglas fir
	<i>Quercus bicolor</i>	swamp white oak
	<i>Quercus garryana</i>	Oregon white oak
	<i>Rosa multiflora</i>	multiflora rose
	<i>Rosa pisocarpa</i>	clustered rose
	<i>Rubus discolor</i>	Himalayan blackberry
	<i>Rubus spectabilis</i>	salmonberry
	<i>Rubus ursinus</i>	California dewberry
	<i>Salix sitchensis</i>	Sitka willow
	<i>Solanum dulcamara</i>	climbing nightshade
	<i>Spiraea douglasii</i>	Douglas spiraea
	<i>Symphoricarpos albus</i>	snowberry
<i>Thuja plicata</i>	Western red cedar	
FORBS	<i>Athyrium filix-femina</i>	lady fern
	<i>Bellis perennis</i>	English daisy
	<i>Bidens frondosa</i>	devil's beggarstick
	<i>Centaurea cyanus</i>	garden cornflower
	<i>Cirsium arvense</i>	Canada thistle
	<i>Dipsacus sylvestris</i>	teasel

	BOTANICAL NAME	COMMON NAME
	<i>Epilobium watsonii</i>	Watson's willow-herb
	<i>Equisetum telmateia</i>	giant horsetail
	<i>Hypochaeris radicata</i>	hairy cats-ear
	<i>Impatiens noli-tangere</i>	western touch-me-not
	<i>Lapsana communis</i>	nipplewort
	<i>Ludwigia palustris</i>	marsh seedbox
	<i>Lysichiton americanum</i>	skunk cabbage
	<i>Lygonum cuspidatum</i>	Japanese knotweed
	<i>Polypodium glycyrrhiza</i>	Licorice fern
	<i>Polystichum munitum</i>	sword fern
	<i>Prunella vulgaris</i>	heal-all
	<i>Ranunculus repens</i>	creeping buttercup
	<i>Taraxacum officinale</i>	common dandelion
	<i>Tolmiea menziesii</i>	piggy-back plant
	<i>Trifolium repens</i>	white clover
	<i>Veronica americana</i>	American speedwell
GRAMINOIDS	<i>Bromus sitchensis</i>	Alaska brome
	<i>Carex obnupta</i>	slough sedge
	<i>Dactylis glomerata</i>	orchard grass
	<i>Eleocharis acicularis</i>	needle spikerush
	<i>Eleocharis palustris</i>	common spikerush
	<i>Eleocharis ovata</i>	ovate spikerush
	<i>Festuca arundinacea</i>	tall fescue
	<i>Glyceria elata</i>	tall mannagrass
	<i>Holcus lanatus</i>	common velvet grass
	<i>Juncus effusus</i>	soft rush
	<i>Phalaris arundinacea</i>	reed canarygrass
	<i>Poa annua</i>	annual bluegrass
	<i>Poa pratensis</i>	Kentucky bluegrass
	<i>Poa trivialis</i>	rough bluegrass
	<i>Scirpus microcarpus</i>	small-fruited bulrush

2.2 Wetlands and Waterways

Regulatory Jurisdiction and Definitions

The Oregon Department of State Lands (DSL) regulates waters of the state under the Removal-Fill Law (ORS 196.800-196.990). Similarly, the US Army Corps of Engineers (COE) regulates waters of the U.S. through Section 404 of the Clean Water Act.

“Waters of the state” is defined as “natural waterways including all tidal and nontidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and nonnavigable...”. “Natural waterways” is further defined as waterways created naturally by geological and hydrological processes, waterways that would be natural but for human-caused disturbances (e.g. channelized or culverted streams, impounded waters, partially drained wetlands or ponds created in wetlands)...”(DSL, 1995). “Waters of the U.S.” is defined at 33 CFR 328.3(a) to include the following:

- waters used in interstate and foreign commerce;
- tidal waters;
- all interstate waters and wetlands;
- all other waters (including intrastate lakes, rivers, streams, wetlands, natural ponds, etc.), the use, degradation or destruction of which could affect interstate or foreign commerce;
- impoundments of waters; tributaries of waters;
- the territorial seas; and
- wetlands adjacent to waters (other than waters that are themselves wetlands).

Wetlands are defined by both the Oregon Removal-Fill Law (ORS 196.800(17)) and Federal (33 CFR 328.3(b)) regulations as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions”.

The primary source document for determining the jurisdictional extent of wetlands is the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (Environmental Laboratory 1987), which is recognized by both the DSL and the COE. This document, also known as the “1987 Manual”, defines criteria for three parameters (i.e., hydrophytic vegetation, wetland hydrology and hydric soils) that must be met for an area to be considered a wetland. The 1987 Manual also establishes procedures for evaluating indicators to determine if the wetland criteria are met.

Description of On-Site Wetlands and Waterways

PHS delineated wetlands and waterways within the southern portion of the park on June 5 and June 19, 2003, with an additional site visit on February 23, 2004 to review the jurisdictional status of wetlands and ditches on site. The results of PHS’s wetland delineation were described in a wetland delineation report dated March 10, 2004. The Oregon Department of State Lands (DSL) approved the wetland delineation (DSL #2004-0153) on February 17, 2005. On October 19, 2006 PHS revisited North Clackamas Park to delineate the wetlands and waterways within the northern portion of the park. DSL approved the updated wetland delineation on April 16, 2007.

Wetlands and other water resources at North Clackamas Park include Mt. Scott Creek, several palustrine forested wetlands associated with Mt. Scott Creek, Camas Creek and adjacent wetlands, and a small pond located to the north of Mt. Scott Creek. Brief descriptions of the on-site wetlands and other waters are provided below.

Mt. Scott Creek and Associated Wetlands

Mt. Scott Creek, a perennial stream that flows generally westward along the northern boundary of North Clackamas Park, is the dominant hydrologic feature in the park. Within the park, Mt. Scott Creek is generally 10 to 20 feet wide. The stream banks are generally low and rise one to two feet above the stream bed. Small areas of erosion and undercutting are apparent on the banks, but the stream banks appear to be relatively stable. Within the vicinity of the park, Mt. Scott Creek has a relatively uniform gravel and cobble substrate.

Within the park boundaries, much of Mt. Scott Creek is bordered by non-wetland riparian woodland communities, as described above. However, PHS identified two palustrine forested wetlands associated with Mt. Scott Creek in the northwestern portion of the park. These wetlands have a forest canopy dominated by western red cedar, Oregon ash, and red alder with red-osier dogwood, Indian plum, salmonberry, clustered wild rose, and Himalayan blackberry occurring as dominant shrubs in the understory. Dominant herbaceous species in these wetlands include slough sedge (*Carex obnupta*), skunk cabbage (*Lysichiton americanum*), reed canarygrass, lady fern (*Athyrium filix-femina*), and piggy-back plant (*Tolmiea menziesii*).

Flows within Mt. Scott Creek vary seasonally, like most streams in the region, with significant groundwater inputs to base flow from the slope to the north. Apparently large and steady fluxes of groundwater feed the wetland complex near the northwestern park boundary. Water discharged from these wetlands enters Mt. Scott Creek near the western park boundary.

Camas Creek

Camas Creek is a shallow seasonal tributary to Mt. Scott Creek that crosses the central portion of the park and flows into Mt. Scott Creek in the western portion of the park. Camas Creek originates in a palustrine emergent wetland in the northeastern portion of the park. Throughout its length, Camas Creek is a low-gradient, slow-flowing stream. The stream channel is approximately four to six feet. The stream banks are generally low and indistinct, and the stream channel is vegetated with reed canarygrass in some areas. The substrate of the Camas Creek stream channel is composed primarily of fine sediments.

A narrow wetland fringe borders the entire length of Camas Creek. The wetland has a tree canopy of Oregon ash, and willows (*Salix* sp.), red alder, red-osier dogwood, and swamp white oak (*Quercus bicolor*) has been recently planted within the wetland. Other dominant species within the Camas Creek wetlands include reed canarygrass, spikerushes (*Eleocharis acicularis* and *E. ovata*), slough sedge, lady fern, and marsh seedbox (*Ludwigia palustris*). Groundwater inputs to Camas Creek occur throughout the stream length, but major inflows appear to be

near the northeastern corner of the park and from the south in the vicinity of the upper end of the northwest-trending portion of the creek.

Pond

A small pond is present north of Mt. Scott Creek in the northeastern portion of the park. The pond appears to have been excavated and has relatively steep banks that rise approximately three feet above the surface of the water. The pond appears to receive the majority of its water from groundwater inputs and runoff from the adjacent hillside to the north, as there is no apparent surface connection to Mt. Scott Creek.

2.3 Fish and Wildlife

With its mosaic of riparian woodlands, oak woodland, lawns, streams, and wetlands, North Clackamas Park provides habitat for a variety of wildlife species adapted to suburban landscapes. Additionally, the perennial waters of Mt. Scott Creek and the small pond in the northern portion of the site provide habitat for aquatic and semi-aquatic species, including various species of fish, amphibians and benthic macroinvertebrates. Although wildlife surveys have not been conducted at North Clackamas Park specifically, PHS has observed a number of wildlife species while conducting site visits at the park, and a reach of Mt. Scott Creek surveyed for fish by the Oregon Department of Fish and Wildlife (ODFW) includes the portion of Mt. Scott Creek within the park boundaries. The following paragraphs describe observed and expected wildlife usage at North Clackamas Park.

PHS observed 29 species of birds at North Clackamas Park during two site visits – one on the afternoon of July 13, 2007 and one on the morning of December 13, 2007. The bird species observed by PHS on each date are listed in Table 2, below.

Table 2 - Birds observed at North Clackamas Park on July 13 and December 13, 2007

COMMON NAME	SCIENTIFIC NAME	DATE	
		7/13/07	12/13/07
American crow	<i>Corvus brachyrhynchos</i>	X	X
American goldfinch	<i>Carduelis tristis</i>	X	X
American robin	<i>Turdus migratorius</i>	X	X
American wigeon	<i>Anas americana</i>		X
Barn Swallow	<i>Hirunda rustica</i>	X	
Bewick's Wren	<i>Thryomanes bewickii</i>		X
Black-capped Chickadee	<i>Poecile atricapillus</i>	X	X
Black-headed grosbeak	<i>Pheucticus melanocephalus</i>	X	
Bushtit	<i>Psaltriparus minimus</i>	X	X

COMMON NAME	SCIENTIFIC NAME	DATE	
		7/13/07	12/13/07
Downy woodpecker	<i>Picoides pubescens</i>	X	X
European starling	<i>Sturnus vulgaris</i>	X	X
Golden-crowned kinglet	<i>Regulus satrapa</i>		X
Green heron	<i>Butorides virescens</i>	X	
House finch	<i>Carpodacus mexicanus</i>	X	
House sparrow	<i>Passer domesticus</i>	X	
Lazuli bunting	<i>Passerina amoena</i>	X	
Lesser goldfinch	<i>Carduelis psaltria</i>	X	
Mallard	<i>Anas platyrhynchos</i>	X	X
Northern flicker	<i>Colaptes Auratus</i>	X	X
Pine siskin	<i>Carduelis pinus</i>		X
Red-tailed hawk	<i>Buteo jamaicensis</i>		X
Ruby-crowned kinglet	<i>Regulus calendula</i>		X
Sharp-shinned hawk	<i>Accipiter striatus</i>		X
Song sparrow	<i>Melospiza melodia</i>	X	X
Spotted towhee	<i>Pipilo maculatus</i>	X	
Steller's Jay	<i>Cyanocitta stelleri</i>	X	X
Townsend's warbler	<i>Dendroica townsendi</i>		X
Western Scrub-Jay	<i>Aphelocoma californica</i>	X	X
White-breasted nuthatch	<i>Sitta carolinensis</i>		X

The majority of birds observed by PHS were encountered in the riparian woodlands bordering Mt. Scott Creek. Green herons (*Butorides virescens*) were observed foraging in the stream and likely nest in the stream-side trees. Some species, such as back-capped chickadee (*Poecile atricapillus*), bushtiti (*Psaltriparus minimus*), downy woodpecker (*Picoides pubescens*), song sparrow (*Melospiza melodia*), spotted towhee (*Pipilo maculatus*), and Steller's jay (*Cyanocitta stelleri*), likely nest in the riparian woodlands and remain to overwinter in the park. These permanent residents are joined in winter by species such as golden-crowned kinglet (*Regulus satrapa*), ruby-crowned kinglet (*Regulus calendula*), Townsend's warbler (*Dendroica townsendi*), which travel together in small foraging flocks. Other species such as black-headed grosbeak (*Pheucticus melanocephalus*) occur in the riparian woodlands during the breeding season, but spend the winter south of Oregon.

On December 13, 2007, PHS observed a male/female pair of white-breasted nuthatches (*Sitta carolinensis*) foraging with a foraging flock of small insectivorous birds in the oak-ash woodland in the northeastern portion of the park. The subspecies of white-breasted nuthatch found west of the Cascades, *S. c. aculeata* (sometimes referred to as "slender-billed nuthatch"), is strongly associated with oak savanna habitats with widely spaced, large-diameter oaks and little

understory, a habitat mimicked by the oak-ash woodland at North Clackamas Park. Breeding Bird Survey data indicate substantial declines in white-breasted nuthatch abundance in the Willamette Valley, and these declines have been attributed to habitat loss, both through the direct cutting of mature oaks and the suppression of fires, which prevent shade-tolerant species from invading oak savannas and eliminating the open understory favored by the nuthatches. Although it is not listed as threatened or endangered at the state or federal level, the Oregon Natural Heritage Information Center considers the white-breasted nuthatch population west of the Cascades to be of conservation concern. Although PHS did not observe white-breasted nuthatches at the park during the July 13, 2007 site visit, it is likely that this species occurs at the park year-round and that the oak-ash woodlands provide nesting habitat for this declining species.

In general, the bird species observed by PHS at North Clackamas Park are species that are typical of bird species expected to occur in suburban settings in the Portland metropolitan area. Species not observed by PHS, but which may be expected to occur at the park include mourning dove (*Zenaida macroura*), Anna's hummingbird (*Calypte anna*), rufous hummingbird (*Selasphorus rufus*), Vaux's swift (*Chaetura vauxi*), violet-green swallow (*Tachycineta thalassina*), varied thrush (*Ixoreus naevis*), yellow-rumped warbler (*Dendroica coronata*), fox sparrow (*Passerella iliaca*), golden-crowned sparrow (*Zonotrichia atricapilla*), and dark-eyed junco (*Junco hyemalis*). Many of these species are seasonal and would be expected to occur at North Clackamas Park during certain times of the year. Additionally, numerous other species may be encountered in the park during spring and fall migration when they stop to rest and feed during their journeys between breeding and wintering areas.

Although few mammals were observed during PHS's site visits, several mammal species adapted to small woodlands and edge habitats in suburban landscapes would be expected to occur within the park. Raccoons (*Procyon lotor*) and black-tailed deer (*Odocoileus hemionus columbianus*) likely occur in the riparian woodlands. Eastern fox squirrels (*Sciurus niger*) were observed by PHS in the riparian and oak-ash woodlands. Adaptable predators, such as coyote (*Canis latrans*), may occasionally be seen hunting squirrels, deer mice (*Peromyscus maniculatus*), and other small rodents within the park. Because North Clackamas Park is a popular place for local residents to walk and exercise their dogs, most mammals are likely to occur between dusk and dawn when few people are present.

No amphibians or reptiles were observed during PHS's site visits; however, certain species are likely to occur within the park. Amphibians such as Pacific chorus frog (*Pseudacris regilla*), red-legged frog (*Rana aurora*), and roughskin newt (*Taricha granulosa*) may occur in the riparian woodlands and breed in the small pond north in the northern portion of the park. Garter snakes (*Thamnophis* sp.), the most commonly encountered snakes in western Oregon, are likely to occur in the riparian habitats.

The Oregon Department of Fish and Wildlife conducted surveys conducted fish surveys along two reaches of Mt. Scott Creek between the summer of 1997 and the spring of 1998. The results of this survey effort are summarized in Table 3, below. One of the Mt. Scott Creek

survey reaches, “Reach 1”, extended from the mouth of Mt. Scott Creek upstream to its confluence with Phillips Creek and included the portion of Mt. Scott Creek that flows through the park. The most commonly encountered fish species within Reach 1 were reticulate sculpin (*Cottus perplexus*), redbside shiner (*Richardsonius balteatus*), western mosquitofish (*Gambusia affinis*), and speckled dace (*Rhinichthys osculus*). During the survey, cutthroat trout (*Oncorhynchus clarki*) were encountered in Reach 3, upstream of the park, but not within the portion of Mt. Scott Stream that flows through the park. The StreamNet database (www.streamnet.org) maps the lower portion of Mt. Scott Creek (including the portion of the stream that flows through the park) as coho salmon (*Oncorhynchus kisutch*) and steelhead (*Oncorhynchus mykiss*) spawning and rearing habitat; however, neither of these species were recorded during ODFW’s 1997-1998 survey effort on Mt. Scott Creek.

Table 3 Result of Fish Surveys Conducted in Mt. Scott Creek by the Oregon Department of Fish and Wildlife, summer 1997 – spring 1998

Species		Number Observed by Survey Date and Reach ¹							
		Summer 1997		Autumn 1997		Winter 1997		Spring 1998	
Common Name	Scientific Name	Reach 1	Reach 3	Reach 1	Reach 3	Reach 1	Reach 3	Reach 1	Reach 3
Pacific lamprey	<i>Lampetra tridentata</i>	0	0	0	0	0	1	0	0
Speckled dace	<i>Rhinichthys osculus</i>	22	0	5	0	5	0	0	0
Redside shiner	<i>Richardsonius balteatus</i>	45	0	17	0	13	0	3	0
Largescale sucker	<i>Catostomus macrocheilus</i>	0	0	0	0	1	0	0	0
Cutthroat trout	<i>Oncorhynchus clarki</i>	0	6	0	0	0	1	0	0
Western mosquitofish	<i>Gambusia affinis</i>	29	0	18	0	0	0	0	0
Prickly sculpin	<i>Cottus asper</i>	1	0	1	0	0	0	0	0
Reticulate sculpin	<i>Cottus perplexus</i>	249	76	299	21	239	15	120	30

1. Reach 1 - Mouth to Phillips Creek confluence; Reach 3 - Dean Creek confluence to small tributary 200m downstream of Sunnyside Road; Reach 2 of Mt. Scott Creek was not surveyed by ODFW because of the short length (Friesen and Zimmerman 1999)

Certain freshwater invertebrates are more tolerant of or sensitive to poor water quality conditions than others; therefore, the composition and relative abundance of a stream’s benthic macroinvertebrate community can be an important indicator of the stream’s health. PHS is not aware of any organized benthic macroinvertebrate sampling efforts in Mt. Scott Creek in the vicinity of North Clackamas Park; however, during a July 2007 site visit, PHS environmental scientists casually searched for benthic macroinvertebrates by examining the

stream's substrate. During this casual survey effort, PHS noted the presence of many common netspinner caddisflies (Family Hydropsychidae), prong-gilled mayflies (Family Leptophlebiidae), flat-headed mayflies (Family Heptageniidae), several blackflies (Family Simuliidae) numerous aquatic snails and dragonfly and damselfly larvae.

Common netspinner caddisflies are facultative water quality indicators, being found in both good-quality and degraded streams. Benthic macroinvertebrate communities dominated by them may indicate some level of nutrient enrichment, and the large number of common netspinner caddisflies and snails (relative to the other taxa) observed by PHS suggest there may be some nutrient enrichment in Mt. Scott Creek. Most of the prong-gilled and flat-headed mayflies are somewhat sensitive species (though some are very sensitive and some facultative), and their presence in Mt. Scott Creek suggests the water quality is relatively good. However, without on-going sampling using a standardized protocol, definitive conclusions about the stream's water quality should not be drawn.

2.4 Water quality

These observations were taken from data collected further upstream, though we believe representative of those in the park.

- Water quality is generally good (stream likely supports a population of resident cutthroat trout though water quality generally deteriorates as water moves downstream through increasingly urbanized areas).
- Water temperatures were found to follow the local climate with maximum recorded summer temperatures reaching 20°C (68°F).
- Dissolved oxygen concentrations may be an issue – they did not comply with state water quality standards (greater than 90-95% saturation), falling as low as 63% saturation.
- The pH of the water was within state standard and ranged from 6.8-7.4 standard units.
- The alkalinities of the stream are high enough (>20 mg/L) to adequately buffer pH fluctuations.
- The bacteria standard was exceeded, likely reflecting the urbanized nature of the watershed and the high fecal bacteria levels generally associated with storm water runoff from urban areas.
- Suspended sediment fluxes have not been measured, but the bed material at low flows through the portion of Mt. Scott Creek along the northern border of the park suggest that a considerable flux of silt is moving through the stream.
- Overall, the water quality of Mt. Scott Creek is typical of water quality in similar urbanized streams.

2.5 Desired Future Condition

The desired future condition (DFC) for North Clackamas Park is a neighborhood park that provides recreational opportunities as well as forested riparian wetland and non-wetland habitats that consist of native plant species and contain good structural diversity. Plant communities will consist of natural associations and will contain a diversity of native species. The overstory canopy will remain much as it exists in the wooded portions of the park. Non-native invasive species such as reed canarygrass, Himalayan blackberry, and English ivy will be removed, and native trees, shrubs, grasses and forbs will be planted to augment the existing riparian communities. The implementation of an Integrated Pest Management Program will prevent invasive species from becoming established and out-competing the native vegetation.

The riparian buffers along Mt. Scott Creek will be expanded up to 70 feet on the south sides of the streams, and these buffers will be planted with native trees and shrubs to shade the water surface. Supplemental shrub plantings within the existing wooded area on south side of the east-west portion of Mt. Scott Creek downstream from Camas Creek confluence will provide additional stream shading. Reduced human impact immediately adjacent to the stream will allow a denser growth of vegetation immediately along the stream channels. The riparian buffers will be allowed to undergo natural ecological succession to develop species diversity and vegetation structure to provide shelter, food, and reproduction opportunities for native fauna. Native grasses and wildflowers in a meadow community south of Mt. Scott Creek will provide habitat for bees, butterflies, and other insects as well as birds and small mammals.

The combination of increased stream shade and stream habitat improvements will benefit salmonids and other aquatic organisms. The removal of the culvert near the mouth of Camas Creek and the restoration of the stream bed and banks will improve the connectivity of habitats between Mt. Scott Creek and the lower reaches of Camas Creek. Large woody debris in Mt. Scott Creek will diversify flows, vary sediment distribution, and provide substrate diversity, which will benefit aquatic macroinvertebrates as well as fish. Minor excavation of the outflow channel of the wetland in the northwestern portion of the park will improve the hydrologic connection between the wetland and Mt. Scott Creek and allow water to back up into the wetland during high flows, providing low-velocity refugia for fish during flood events.

3.0 KNOWN ISSUES AND PROPOSED IMPROVEMENTS

The conceptual park plan prepared by Alta includes a number of improvements that will improve natural resources within the park. This section includes the improvements that are shown on the plan, plus others that do not lend themselves to a graphic, but that will nevertheless be implemented by the Parks District in the future.

Water Temperatures and Shading: Mt. Scott Creek is not listed by DEQ as being "Water Quality Limited" for temperature. As such, it was not placed on the 303(d) list for this parameter. However, in 2006 Total Maximum Daily Loads (TMDLs) were issued by DEQ for all streams in the Willamette Sub-Basin. This means that Clackamas County needs to prepare an implementation plan describing how "system potential vegetation" (i.e. riparian vegetation that

would historically have been found along the stream) will be planted along streams within their jurisdiction. DEQ has determined that planting “system potential vegetation” will adequately shade the creek and reduce water temperatures. However, only a certain width of riparian vegetation contributes to stream shading.

To determine this functional width, PHS applied a model that it has used in other jurisdictions to Mt. Scott Creek. The reach of Mt. Scott Creek along the northern border of the park is dominated by blackberry thickets and has very little taller vegetation providing shade to the stream surface. Because the direction of the stream through this reach is approximately 77° east of north and the south bank angle is approximately 7°, the stream surface could be effectively shaded (less than 1% increase in effective shade for a 5-foot increase in riparian width) at 62% with a 70-foot wide riparian area along the south bank of the stream. The east-west portion of Mt. Scott Creek downstream from the Camas Creek confluence would also benefit from additional shading by planting tall shrubs beneath the existing trees along the south side of the stream.

The northeastern portion of Camas Creek is largely unshaded and would greatly benefit from riparian vegetation along both sides of the stream, but especially along the entirely exposed south side. Additional riparian width along the south side of Camas Creek would further shade the stream without greatly affecting land use on the north side of the stream.

Suggested native trees and shrubs to be planted along the riparian areas of Mt. Scott Creek and Camas Creek are included in the table below.

Table 4 Suggested Native Trees and Shrubs

Scientific Name	Common Name
Trees and Shrubs	
<i>Acer circinatum</i>	vine maple
<i>Acer macrophyllum</i>	big leaf maple
<i>Alnus rubra</i>	red alder
<i>Corylus cornuta</i>	Beaked hazelnut
<i>Crataegus douglasii</i>	Black hawthorn
<i>Fraxinus latifolia</i>	Oregon ash
<i>Lonicera involucrata</i>	twinberry
<i>Oemleria cerasiformis</i>	Indian plum
<i>Physocarpus capitatus</i>	Pacific ninebark
<i>Pinus ponderosa</i>	Ponderosa pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Quercus garryana</i>	Oregon white oak
<i>Rhamnus purshiana</i>	cascara

<i>Rosa nutkana</i>	Nootka rose
<i>Salix lasiandra</i>	Pacific willow
<i>Sambucus racemosa</i>	Red elderberry
<i>Spiraea douglasii</i>	Douglas spiraea
<i>Symphoricarpos albus</i>	snowberry
<i>Thuja plicata</i>	Western red cedar

Habitat and stream improvements

Culvert removal: A culvert currently exists in Camas Creek at its confluence with Mt. Scott Creek. This culvert allows maintenance vehicles and foot traffic to cross the creek. This culvert is proposed to be removed and the confluence area restored. This activity may require state and federal permits; however, as the project is beneficial this should not be a problem. The banks should be planted with selected species from Table 4.

The bed of the stream may benefit from a shallow grade control structure (e.g. check dam) to ensure the bed of Camas Creek does not down cut and start to erode upstream.

Large wood: The park portion of Mt Scott Creek has flow regimes that do not vary greatly with channel distance. A few large woody debris placements within the channel might locally diversify flows and vary the sediment distribution. The portion of the channel between the footbridge to Casa Del Rey Drive and the confluence with Camas Creek might be best suited to such installations.

Human access: Removal of the trail along creek to the west of the Camas Creek and Mt. Scott Creek confluence should occur. The banks in these areas have been eroded and compacted, reducing the cover of native vegetation. Access will be limited to discrete points to ensure that wildlife-human interaction is minimal and that damage to stream banks can be repaired. Viewing platforms at the edge of the stream will be an attractive and functional alternative to the current condition.

Off-channel habitat in northwest corner of park: Enhancements of the wetlands in the northwestern portion of the site would entail removal of invasive species: reed canarygrass (*Phalaris arundinacea*) and brambles (*Rubus discolor*) and replacement with small woody shrubs: twinberry (*Lonicera involucrata*), spiraea (*Spiraea douglasii*), and red-osier dogwood (*Cornus sericea*). The discharge to Mt. Scott Creek near the west end of the park may be opened to allow high-flow refugia without fish entrapment. The present outflow from the adjacent wetlands is situated several feet above the stream thalweg and probably rarely is overtopped to allow water to flow into the adjacent wetlands. A small excavation of the present outflow channel would allow high flows of Mt. Scott Creek to enter the wetlands and provide a lower-velocity environment for fish during flood episodes. A log structure immediately downstream from the wetland orifice would locally raise water levels at the refugia entrance during large flows and increase the likelihood of water surface elevations

sufficient to allow fish passage into the wetland. The width of the channel at this point would require several anchored logs to achieve significant local elevation of storm flows.

Removal of concrete: Large pieces of concrete are currently located within the stream upstream of the confluence of Camas Creek and Mt. Scott Creek. These pieces of concrete should be removed and the large piece of wood located in this area cut in half to dissuade people from accessing the other side of the creek.

Planting of native meadow: Native forbs should be planted within areas to the south of Mt. Scott Creek. The south side of the meadow should be adjacent to the path that is proposed in this area. This will ensure that park maintenance activities do not extend into the native meadow. This native meadow will likely look unkempt compared to mowed areas of the park, but will provide more diverse habitat for insects and birds.

Control of Invasive Species through Integrated Pest Management: The use of policies and measures contained in the Integrated Pest Management Program developed by Portland Parks and Recreation (PP&R) is recommended to control invasive species within the park. As defined in the Oregon Statutes (ORS 262.1), Chapter 943, “integrated pest management” is “...a coordinated decision-making and action process that uses the most appropriate pest control methods and strategies in an environmentally and economically sound manner to meet pest management objectives. The elements of integrated pest management include: (a) preventing pest problems; (b) monitoring for the presence of pests and pest damage; (c) establishing the density of pest population, which may be set at zero, that can be tolerated or corrected with a damage level sufficient to warrant treatment of the problem based on health, public safety, economic or aesthetic threshold; (d) treating pest problems to reduce population below those levels established by damage thresholds using strategies that may include biological, cultural, mechanical and pesticidal control methods and that shall consider human health, ecological impact, feasibility and cost effectiveness; and (e) evaluating the effects and efficacy of pest treatments.”

As prescribed in the Integrated Pest Management Methodology contained in PP&R’s Integrated Pest Management Program, various integrated pest management measures are evaluated and considered together so that the best overall solutions are chosen and implemented. The prevention of pest problems through good policy and planning are assessed first. Cultural practices, avoidance measures, and physical means of managing pests are assessed next. Finally, mechanical practices, trapping, biological controls, and the use of natural and synthetic pesticides are assessed.

Incorporation of this integrated pest management policy into the maintenance activities at North Clackamas Park is recommended to ensure the protection of Mt. Scott Creek and Camas Creek and to help restore populations of salmonids in Mt. Scott Creek.

Other maintenance considerations include limiting mowing to areas outside of the riparian zones and within the oak woodland to the north of Camas Creek. The trees in the woodland

may be damaged by mowing equipment. To ensure that the bases of the trees are protected and that habitat is improved, shrubs, such as snowberry and Oregon grape (*Mahonia nervosa*) should be planted around the base of each tree.

5.0 CONCLUSION

North Clackamas Park is a valuable community resource and serves many functions. The south side of the park is dominated by more active uses. The north side of the park, with the presence of the two creeks and the woodland, lends itself to more passive uses. As such, improving wildlife habitat and increasing the diversity of native vegetation has been a priority for many of the citizens who have voiced their concerns over the future of the park. The measures briefly described above will ensure that the north side of North Clackamas Park will be focused on improving the natural environment. As funding becomes available, each of the proposals will have more detail. However, many are lower cost solutions and it is hoped that improvements to the habitat within the park can be achieved relatively quickly.

VII. Appendix B - Wetland Delineation Documents

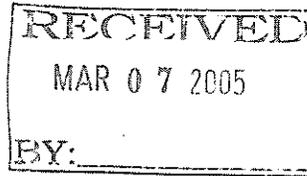


Oregon

Theodore R. Kulongoski, Governor

Department of State Lands
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February 17, 2005



State Land Board

Michelle Healy
North Clackamas Parks and Recreation District
11022 SE 37th St.
Milwaukie, OR 97222

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

RE: Wetland Delineation Report for North Clackamas Park Master Plan
In Milwaukie, Clackamas County; T2S R2E Sec. 6AC Tax lot 100;
WD #04-0153

Dear Ms. Healy:

I have reviewed the wetland delineation report prepared by Pacific Habitat Services for the above referenced site. Based on the information presented in the report and additional information, I concur with the wetland and waterway boundaries as mapped in the revised Figure 5 of the report. The study area covers part of the parcel, and within this area Mt. Scott Creek and four wetland units (identified as Wetlands 1, 2, 3, and 5 that total 1.57 acres) were identified. The wetlands and waterways are subject to the permit requirements of the state Removal-Fill Law.

Mt. Scott Creek is an essential salmonid stream; therefore, any amount of fill or removal within the OHWL requires a state permit. In addition, Wetland 2 is adjacent and connected to the creek and thus has the same requirements. Wetlands 1, 3, and 5 would require a state permit for fill or excavation of 50 cubic yards or more in the wetland areas.

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process. The permit coordinator for this site is Steve Morrow at extension 297.



NORTH CLACKAMAS
PARKS & RECREATION DISTRICT

Administration

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Oregon City, OR 97045
503.742.4348 phone 503.742.4349 fax
ncprd.com

Milwaukie City Council
c/o Li Alligood
Milwaukie Planning Department
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206

July 19, 2012

Re: North Clackamas Park North Side Master Plan

Dear Milwaukie City Council:

On July 27, 2010, the North Clackamas Parks and Recreation District (NCPRD or the District) and the City of Milwaukie, as joint applicants, presented to the Planning Commission an application for adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan. Subsequently, over a number of meetings, NCPRD and the Milwaukie Planning Commission discussed and made changes to the original plan. The Planning Commission held a public hearing on the adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan (land use file #CPA-10-01) on May 22, 2012, at 6:30pm. The Planning Commission recommended adoption of the Master Plan as proposed (including the Milwaukie Center Parking Concept Plan), with the following revision: Addition of language clarifying that the south side of the park is considered fully developed.

This letter is to confirm the addition of that language to the Introduction and Program Elements sections of the Master Plan and to request approval of the plan and adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan.

Context

The North Clackamas Park North Side Master Plan (Master Plan) exists within the context of the 47-acre park. North Clackamas Community Park is the largest community park maintained by NCPRD and has been in use as a park for more than 40 years. North Clackamas Community Park is owned by the City of Milwaukie and managed by NCPRD in accordance with an intergovernmental agreement. The park provides a unique recreational experience for all visitors. Camas Creek divides the park into north and south halves. Mt. Scott Creek flows west along the northern and western boundaries of the park, forming a forested edge of Oregon Ash and Oregon White Oak. The northern half of the park is home to a play structure, restrooms, horseshoe pits, a dog run area, picnic facilities, maintenance yard, and stands of large Oak and Ash trees. The southern half of the park includes four youth ball fields with restrooms and concessions building, a children's play area, picnic shelters, a horse arena, a maintenance building, the Sara Hite Memorial Rose Garden, and the Milwaukie Center.

Park Background and Land Use History

In 1977 the park was deeded to the City of Milwaukie by Clackamas County. The Milwaukie Center was built in 1979. The City of Milwaukie transferred management responsibility for the park and the Milwaukie Center to NCPRD in 1990 when the District was created. The City of Milwaukie has never adopted a master plan for North Clackamas Park. Development in the park has occurred in an incremental fashion through a number of land use approvals.

Approval of the proposed North Clackamas Park North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan will give guidance to NCPRD and the City of Milwaukie for future land use applications and changes to the north side of the park. The Youth ball field improvements Land Use Application, 2005/08, CSO-05-02, TPR-05-01, WQR-05-01, as approved by the City of Milwaukie, acts as the Master Plan for the south side of the park. The south side of the park is considered to be complete. These two documents together serve as the North Clackamas Park Master Plan.

Adoption of the proposed North Clackamas Park North Side Master Plan formalizes the community's goals for the north side of the park and will provide guidance for renovation of the park that is currently lacking. This application is only for approval of the Master Plan. NCPRD will be required to address the City of Milwaukie Planning Commission and/or City Council and apply for additional permits and land use applications as required for implementation of specific elements of the plan.

Thank you for your consideration.

Katie Dunham
Senior Planner
North Clackamas Parks and Recreation District

ATTACHMENT 3

COMMENTS RECEIVED

The following is a summary of the written comments received by the City between July 7, 2010, and July 31, 2012.

1. **Paul Hawkins, Chair, Lake Road NDA Land Use Committee, May 11, 2010:** The thoroughness of the North Clackamas Park North Side Master Plan is impressive. Kudos to the many individuals who put their creative vision together for the community's benefit.
2. **Samual Saenz, 5550 SE Campanario Rd, Milwaukie, OR 97222 (via phone), July 9, 2010:** Concerns about whether community input was considered in the master plan.
3. **Anonymous, Campanario Rd, Milwaukie, OR 97222 (via phone), July 13, 2010:** Felt insufficient information was provided in the public notice mailing about what would be done at the park. Expressed a great deal of frustration about the development of the south side of the park and a preference to see the north side of the park remain as it is.
4. **Mary Jean O'Leary, 5440 SE Campanario Rd, Milwaukie, OR 97222, July 13, 2010:** Opposes moving off-leash dog area to the east due to noise concerns. Prefers a) removal of the off-leash dog area; b) relocation of the off-leash dog area to the south side of the park below the ball fields; or c) retaining its current location. Concerned that the current off-leash dog rule is not enforced or complied with. Would like to see the north side of the park remain as it is.
5. **Eleanor Johnson, Chair, Milwaukie Center Community Advisory Board, July 13, 2010:** Expressed concerns about the proposed access to the north side parking area, which is proposed to pass in front of the Milwaukie Center. Suggested construction of an access road to the west of the existing Milwaukie Center parking lot.
6. **Steve Brown, Chair, Friends of the Milwaukie Center, July 15, 2010:** Expressed concerns about the proposed access to the north side parking area, which is proposed to pass in front of the Milwaukie Center. Requested rerouting of the parking area access.
7. **Pat Russell, 16358 SE Hearthwood Drive, Clackamas, OR 97015, July 15, 2010:** Concerns about proposed development within the 100-year flood plain in light of the recent settlement of a lawsuit against FEMA; the Plan's compliance with Metro's Title 13 regulations; existing flooding within the Park; and fish and wildlife habitat in the north side of the park.

Staff Response: Staff is aware of the recent settlement of a lawsuit brought against FEMA. The City is investigating its impact on current and future floodplain development, and will follow up with FEMA and NMFS to obtain guidance on the City's current floodplain development code and the inclusion of appropriate protective measures to ensure the City's compliance with the ESA. Any future development that occurs as a result of adoption of the Plan will be required to comply with the regulations and protective measures in place at the time of development.

8. **Pat Russell, 16358 SE Hearthwood Drive, Clackamas, OR 97015, July 27, 2010:** Concerns about salmon recovery within the watershed. Encourages allowing increasing complexity of water flow patterns.
9. **Eleanor Johnson, Chair, Milwaukie Center Community Advisory Board, February 17, 2011:** Expressed concerns about the proposed access to the north side parking area, which is proposed to pass in front of the Milwaukie Center.
10. **Pat Russell, 16358 SE Hearthwood Drive, Clackamas, OR 97015, February 22, 2011:** Concerns about allowing the creeks to seek their own flow patterns; opinion that Master

Plan is not a master plan because it does not include the entire park; opposition to building structures in the flood plain; and opposition to retention of off-leash dog area in the current location.

11. **David Potts, 4945 SE Casa Del Rey Dr, Milwaukie, OR 97267, April 6, 2012:** Proposal for an interim solution to divide the dog park into areas for small and large dogs.

Staff Response: The redevelopment of the dog park will be reviewed separately from the Master Plan adoption. Staff put Mr. Potts in contact with NCPRD staff to discuss his proposal.

12. **Sue McKenzie, 4875 SE Casa Del Rey Dr, Milwaukie, OR 97222, April 8, 2012:** Supports dog park area for small dogs.

13. **Julie Holland, via e-mail, April 9, 2012:** Supports dog park area for small dogs.

14. **Stephanie Holland, via e-mail, April 9, 2012:** Supports dog park area for small dogs.

15. **Sue Potts, 4945 SE Casa Del Rey Dr, Milwaukie, OR 97222, April 9, 2012:** Supports dog park area for small dogs.

Staff Response: The proposed master plan includes the establishment of an off-leash dog run area for small or timid dogs.

16. **Mart Hughes, 3006 SE Washington St, Milwaukie, OR 97222, April 10, 2012:** Feels that the plan as proposed does not meet the City's standards for protection of natural resources. Suggests that the Master Plan be adopted with condition that a natural resource inventory be prepared.

Staff Response: The proposed Comprehensive Plan amendment is a legislative application process, and is subject to the criteria for amendments to the Comprehensive Plan. As a legislative amendment, the Master Plan cannot be adopted with conditions. Individual elements of the plan will be subject to land use review, and many of the individual Master Plan elements will require Type III Natural Resources review; a more detailed analysis of the site will be required during that process. Natural resources review (per MMC 19.402.12) requires preparation and submittal of an impact evaluation and alternatives analysis, which includes: identification of ecological functions of the riparian habitat on the property; an inventory of vegetation; an assessment of the water quality impacts related to the development; an alternatives analysis; and a mitigation plan.

17. **Christine Larsen, 15701 SE Wills Way, Milwaukie, OR 97267, April 10, 2012:** Supports separate dog park areas for small and large dogs.

18. **Ralph McKenzie, 4875 SE Casa Del Rey Dr, Milwaukie, OR 97267, April 10, 2012:** Supports separate dog park areas for small and large dogs.

19. **David Potts, 4945 SE Casa Del Rey Dr, Milwaukie, OR 97267, May 10, 2012:** Supports adoption of the master plan, encourages an interim solution to divide the dog park into areas for small and large dogs.

20. **Susan Shawn, Friends of North Clackamas Park, May 13, 2012:** Supports adoption of the plan as written, and the addition of interpretive signage on the north side of the park.

21. **Siri Bernard, Milwaukie Center/Community Advisory Board, May 14, 2012:** Supports adoption of the master plan with amended Milwaukie Center parking concept plan.

22. **Eleanor Johnson, Chair, Milwaukie Center/Community Advisory Board, May 14, 2012:** Supports adoption of the plan with amended Milwaukie Center parking lot concept plan; specifically supports planned walking trails and exercise stations.

23. **Susan Shawn, Chair, Friends of North Clackamas Park, May 15, 2012:** Supports adoption of the plan; specifically supports the addition of interpretive signage on the north side of the park. Expressed concern about development within the floodplain and encouraged NCPRD to find an alternative off-site location for the dog park.
24. **Mart Hughes, Chair, Milwaukie Park and Recreation Board, May 16, 2012:** Supports adoption of the plan; encourages NCPRD staff to prepare a natural resource management plan and City staff to be vigilant in protecting natural areas.
25. **Cara Mico, Coordinator, and Nikkie West, Vice Chair, North Clackamas Urban Watersheds Council, May 18, 2012:** Requests removal of planned parking area from the plan, and restoration of existing gravel parking area to a natural area; containment of all paving related to the Milwaukie Center parking area within existing paved areas; and eventual relocation of the dog park to another site.
26. **Victor Tushner, 4812 SE Casa del Rey Dr, May 20, 2012:** Supports relocation of dog park; has concerns about current enforcement of off-leash dogs, noise, and after-hours use of the dog park.
27. **Dick Shook, 4815 SE Casa Del Rey Dr, May 22, 2012:** Supports adoption of the plan and relocation of the dog park outside of North Clackamas Park when possible.
28. **Rachel Brockman, via e-mail, July 9, 2012:** Supports adoption of the plan and relocation and improvement of the off-leash dog area.
29. **Eric Shawn, Board of Directors, Friends of North Clackamas Park, July 15, 2012:** Encourages approval of the North Clackamas Park North Side Master Plan as proposed.

In addition, the following verbal comments and comment cards were submitted at the public hearings on the application.

1. **Nancy Dollar, 5426 SE Campanario Rd, Milwaukie, OR, July 27, 2010:** Supports relocation of dog park to west side of the park, supportive of addition of walking trail on north side.
2. **Jeannie O’Leary, 5440 SE Campanario Rd, Milwaukie, OR, July 27, 2010:** Supports relocation of dog park to the southwest corner of the park or remaining where it is. Does not support relocation of the park within north side.
3. **Eleanor Johnson, Milwaukie Center/Community Advisory Board, July 27, 2010:** Concerns about increased traffic through the Milwaukie Center parking lot.
4. **Dick Shook, 4815 SE Casa Del Rey, Milwaukie, OR, July 27, 2010:** Supportive of the plan.
5. **Anthony Clark, North Clackamas Park Stewardship Committee, July 27, 2010:** Supportive of the plan, specific interest in the proposed upgrades to the off-leash dog area.
6. **Steve Berliner, North Clackamas Park Stewardship Committee, July 27, 2010:** Supportive of the plan.
7. **Michael Morrow, 16000 SE Misty Dr, Happy Valley, OR, May 22, 2012:** Supportive of plan.
8. **Dick Shook, 4815 SE Casa Del Rey Dr, Milwaukie, OR, May 22, 2012:** Supportive of plan.

9. **Mart Hughes, 3006 SE Washington St, Milwaukie, OR, May 22, 2012:** Supportive of plan.
10. **Sir Bernard, Milwaukie Center/Community Advisory Board, May 22, 2012:** Supportive of plan with the inclusion of the Milwaukie Center parking lot concept plan.
11. **Rachel Lukaszewski, 15638 SE Tidwells way, Milwaukie, OR, May 22, 2012:** Supportive of the plan, specifically retention of and improvements to the off-leash dog area.
12. **Gail Shaloum, Clackamas County Water Environment Services, May 22, 2012:** Provided further explanation about proposal for culvert removal and a path across Camas Creek.
13. **Chris Runyard, 3942 SE Salmon St, Portland, OR, May 22, 2012:** Opposed to the plan.
14. **Cara Mico, North Clackamas Urban Watersheds Council, May 22, 2012:** Opposed to the plan.
15. **Rosemary Crites, North Clackamas Park Stewardship Committee, May 22, 2012:** Neutral/supportive of the plan.

6.

OTHER BUSINESS



Agenda Item: 6.A.
Meeting Date: 8/7/12

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Expedited Annexation – 9950 SE Wichita St (File #A-12-02)

Prepared By: Li Alligood, Associate Planner

Dept. Head Approval: Kenny Asher, Community Development & Public Works Director

City Manager Approval: Bill Monahan, City Manager

Reviewed by City Manager: 7/27/12

ISSUE BEFORE THE COUNCIL

Approval of expedited annexation for 9950 SE Wichita St.

STAFF RECOMMENDATION

Approval

KEY FACTS & INFORMATION SUMMARY

The site is composed of two properties, which are under the same ownership. The owners would like to annex both properties to allow for sewer connection and future lot division.

OTHER ALTERNATIVES CONSIDERED

Council can approve or deny the requested annexation.

CITY COUNCIL GOALS

Not applicable.

ATTACHMENT LIST

1. Annexation Ordinance
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form
5. Comments Received

FISCAL NOTES

Minimal fiscal impact is expected. It is expected that property taxes received by the City for this property will be roughly offset by the cost of providing services to the property.



To: Mayor and City Council

Through: Bill Monahan, City Manager
Kenneth Asher, Community Development & Public Works Director
Scot Siegel, Interim Planning Director

From: Li Alligood, Associate Planner

Subject: File #A-12-02 – Expedited Annexation of 9950 SE Wichita St

Date: July 31, 2012, for August 7, 2012, Regular Session

ACTION REQUESTED

Approve application A-12-02, an expedited annexation petition, and adopt the attached ordinance and associated findings in support of approval (Attachment 1). Approval of this application would result in the following actions:

- Annexation of 9950 SE Wichita Street (Tax Map 1S2E30DD Tax Lots 03100 and 03200) (the "Annexation Properties") into the City.
- Application of a Low Density (LD) land use designation and a Residential (R-10) zoning designation to the Annexation Properties.
- Amendments to the City's Land Use Map and Zoning Map to reflect the City's new boundary and the Annexation Properties' new land use and zoning designations.
- Withdrawal of the Annexation Properties from the following urban service providers and districts:
 - Clackamas County Service District for Enhanced Law Enforcement
 - Clackamas County Service District No. 5 for Street Lights

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

- **June 2010:** Council approved the first annexation of property in the Northeast Sewer Extension (NESE) Project Area, at 5840 SE Morris St (file #A-10-01). Since then, Council has approved the annexation of 75 additional properties in the NESE area.
- **January 2010:** Council annexed the rights-of-way in the Northeast Sewer Extension (NESE) Project Area making all properties in this area contiguous to the City limits and eligible for annexation (Ordinance 2010).
- **September 2009:** Council initiated annexation of the rights-of-way in the NESE Project Area by resolution (Resolution No. 58-2009).

- **August 2009:** Staff briefed Council on the status of the NESE Project and the need to annex the rights-of-way in this area.
- **July 1990:** Clackamas County Order No 90-726 established an Urban Growth Management Agreement in which the City and County agreed to coordinate the future delivery of services to the unincorporated areas of North Clackamas County. With respect to Dual Interest Area “A,” the agreement states: “The City shall assume a lead role in providing urbanizing services.”

BACKGROUND

Proposal

The Annexation Properties are under the same ownership. An existing home is located on Tax Lot 03100, and Tax Lot 03200 is vacant. The property owner is interested in dividing the property to create two vacant lots, which are intended for sale and development by others. The property owner was also interested in connecting the existing house to the City’s sewer service in advance of septic system failure.

According to the intergovernmental agreement between the City and County regarding the NESE area, the County cannot approve a land division because City sewer service is available. On May 30, 2012, the City authorized connection to the City’s sewer system, upon submission of an annexation application and a Consent to Annex form. The existing house on the site has been connected to the City sewer system. The Consent to Annex form obligates the property owner to complete the annexation process. This is necessary so as to avoid extraterritorial provision of City services, which is contrary to City policy. The property owners propose an expedited annexation to the City in order to fulfill their contractual obligation to annex following the sewer connection earlier this year.

Site and Vicinity

The Annexation Properties are contiguous to the existing city limits as a result of the NESE right-of-way annexation in 2010. The Annexation Properties are within the City’s urban growth management area (UGMA) and the NESE project area. The northern property (Tax Lot 03200) is vacant, and the southern property (Tax Lot 03100) is developed with one single-family house, which is outright allowed in the City’s Residential R-10 Zone.

Annexation Petition

This is a regular expedited annexation petition (see Attachment 3), and is similar to other expedited annexations approved by City Council in the past 3 years. Any property that is within the UGMA and contiguous to the city limit may apply for an expedited annexation so long as all property owners of the area to be annexed and at least 50% of registered voters within the area to be annexed consent to the annexation.

Clackamas County has certified that these thresholds are met for the annexation properties. The expedited annexation process automatically assigns City land use and

zoning designations to the Annexation Property based on the existing Clackamas County land use and zoning designations. The existing County land use designation for the Annexation Properties is Low Density Residential (LDR), which would assign the city's Low Density Residential (LD) Comprehensive Plan designation to them upon annexation. The current county zoning designations are Residential R10, which would assign a city zoning designation of Residential zone R-10 upon annexation.

Pursuant to City, regional, and State regulations on expedited annexations, all necessary parties, interested persons, and residents and property owners within 400 feet of the sites were notified of these proceedings. A public hearing is not required for an expedited annexation; however, Council must adopt an ordinance to implement the annexation.

Expedited Annexation Approval Criteria

Expedited annexations must meet the approval criteria of Milwaukie Municipal Code (MMC) Subsection 19.1102.3. Compliance with the applicable criteria is detailed in Attachment 1 Exhibit A Findings.

Utilities, Service Providers, and Service Districts

The City is authorized by ORS Section 222.120 (5) to withdraw the Annexation Properties from non-City service providers and districts upon annexation to the City. This allows for a more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

- Wastewater: The Annexation Properties are within the City's sewer service area and served by the City's 8-inch sewer line in Wichita St.
- Water: The Annexation Properties are currently served by Clackamas River Water (CRW). Pursuant to the City's IGA with CRW, CRW will continue to serve these properties, and they should not be withdrawn from this district at this time.
- Storm: The Annexation Properties are not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.
- Fire: The Annexation Properties are currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.
- Police: The Annexation Properties are currently served by the Clackamas County Sheriff's Department and is within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the

area. The City has its own police department, and this department can adequately serve the sites. In order to avoid duplication of services, the sites should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

- Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the “District”). As of July 1, 2011, an intergovernmental agreement between the City and the District transferred operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Properties should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.
- Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the sites upon annexation. The Annexation Properties will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

CONCURRENCE

All City departments, necessary parties, interested persons, and residents and property owners within 400 feet of the Annexation Sites were notified of these annexation proceedings as required by City, regional, and State regulations. The Lewelling Neighborhood District Association and the Southgate Planning Association also received notice of the annexation petition and meeting.

The City did not receive comments from any necessary with objections to the proposed annexation.

FISCAL IMPACT

The annexation will have minimal fiscal impact on the City. Costs of providing governmental services will likely be off-set by the collection of property taxes. Per Clackamas County Assessor data, the total assessed value of Tax Lot 03100 in 2011 was \$101,106, and the total assessed value of Tax Lot 03200 in 2011 was \$47,776. Total property tax collections in the range of \$2,570 are anticipated for the Annexation Properties, and the City will receive approximately \$400 of this total.

WORK LOAD IMPACTS

Work load impacts will be minimal and will likely include, but are not limited to, the following: utility billing; provision of general governmental services; and the setting up and maintenance of property records.

ALTERNATIVES

The application is subject to Milwaukie Comprehensive Plan Chapter 6 City Growth and Governmental Relationships, Oregon Revised Statutes Chapter 222 City Boundary Changes, Metro Code Chapter 3.09 Local Government Boundary Changes, and MMC Chapter 19.1100 Annexations and Boundary Changes.

The City Council has two decision-making options:

1. Approve the application and adopt the ordinance and findings in support of approval.
2. Deny the application and adopt findings in support of denial. In this case, where the City has already allowed the applicant to connect to the City's sewer system, denial would result in the provision of extraterritorial sewer service to the Annexation Properties, which is counter to City policy.

ATTACHMENTS

1. Annexation Ordinance
 - Exhibit A. Findings in Support of Approval
 - Exhibit B. Legal Description and Tax Map
2. Annexation Site Map
3. Applicant's Annexation Application
4. Applicant's Consent to Annex Form
5. Comment Received

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ANNEXING TRACTS OF LAND IDENTIFIED AS 9950 SE WICHITA STREET INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACTS FROM THE TERRITORY OF CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS. (FILE #A-12-02).

WHEREAS, the territory proposed for annexation is contiguous to the City's boundary and is within the City's urban growth management area; and

WHEREAS, the requirements of the Oregon Revised Statutes for initiation of the annexation were met by providing written consent from a majority of electors and all owners of land in the territory proposed for annexation; and

WHEREAS, the territory proposed for annexation lies within the territory of Clackamas County Service District No. 5 for Street Lights and Clackamas County Service District for Enhanced Law Enforcement; and

WHEREAS, the annexation and withdrawals are not contested by any necessary party; and

WHEREAS, the annexation will promote the timely, orderly, and economic provision of public facilities and services; and

WHEREAS, Table 19.1104.1.E of the Milwaukie Municipal Code provides for the automatic application of City zoning and Comprehensive Plan land use designations; and

WHEREAS, the City conducted a public meeting and mailed notice of the public meeting as required by law; and

WHEREAS, the City prepared and made available an annexation report that addressed all applicable criteria, and, upon consideration of such report, the City Council favors annexation of the tracts of land and withdrawal from all applicable districts based on findings and conclusions attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The Findings in Support of Approval and attached as Exhibit A are hereby adopted.

Section 2. Property Descriptions. The tracts of land described and depicted in Exhibit B are hereby annexed to the City of Milwaukie.

Section 3. Withdrawal from Service Districts. The tracts of land annexed by this ordinance and described in Section 2 are hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement and Clackamas County Service District No. 5 for Street Lights.

Section 4. Zoning and Land Use Designations. The tracts of land annexed by this ordinance and described in Section 2 are hereby assigned a Comprehensive Plan land use designation of Low Density Residential and a Municipal Code zoning designation of Residential zone R-10.

Section 5. Effective Date of Annexation. The City shall immediately file a copy of this ordinance with Metro and other agencies required by Metro Code Chapter 3.09.030 and ORS 222.005 and 222.177. The annexation and withdrawals shall become effective upon filing of the annexation records with the Secretary of State as provided by ORS 222.180.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney

Document1 (Last revised 09/18/07)

FINDINGS IN SUPPORT OF APPROVAL

Based on the expedited annexation staff report for 9950 SE Wichita St (the “Annexation Properties”), the Milwaukie City Council finds:

1. The Annexation Properties consist of two tax lots comprising 0.89 acres (Tax Map 12E30DD Lots 03100 and 03200). The tax lots are contiguous to the existing city limits on Wichita Street. The Annexation Properties are also within the City’s urban growth management area (UGMA).

Tax Lot 03100 is developed with a single-family dwelling unit, and Tax Lot 03200 is vacant. The surrounding area consists primarily of single-family dwellings.
2. The property owners seek annexation to the City to access City services, namely sewer service, as well as to divide the properties. Tax Lot 03100 was allowed to make an emergency connection to the City’s sewer system. Since City policy does not allow extraterritorial connections to City services, the property owners submitted an annexation application and Consent to Annex form prior to making the sewer connection, which obligated them to complete the annexation process.
3. The annexation petition was initiated by Consent of All Owners of Land on May 30, 2012. It meets the requirements for initiation set forth in ORS 222.125, Metro Code Section 3.09.040, and Milwaukie Municipal Code (MMC) Subsection 19.1102.2.A.1.
4. The annexation petition was processed and public notice was provided in accordance with ORS Section 222.125, Metro Code Section 3.09.045, and MMC Section 19.1104.
5. The annexation petition is being processed as an expedited annexation at the request of the property owner. It meets the expedited annexation procedural requirements set forth in MMC Section 19.1104.
6. The expedited annexation process provides for automatic application of City land use and zoning designations to the Annexation Properties based on their existing land use designation in the County, which is Residential R10. Pursuant to MMC Table 19.1104.1.E, the automatic City Comprehensive Plan land use designation for the Annexation Properties is Low Density Residential, and the automatic zoning designation is Residential Zone R-10.
7. The applicable City approval criteria for expedited annexations are contained in MMC 19.1102.3. They are listed below with findings in italics.
 - A. The subject site must be located within the City’s urban growth management area (UGMA);
The Annexation Properties are within the City’s UGMA.
 - B. The subject site must be contiguous to the existing city limits;

The Annexation Properties are contiguous to the existing city limits along Wichita Street.

- C. The requirements of Oregon Revised Statutes for initiation of the annexation process must be met;

The Clackamas County Assessment and Tax Department and Clackamas County Elections Department have verified that that the annexation petition meets the Oregon Revised Statutes requirements for initiation pursuant to the "Consent of All Owners of Land" initiation method, which requires consent by all property owners and a majority of the electors residing at the Annexation Property.

- D. The proposal must be consistent with Milwaukie Comprehensive Plan Policies;

Chapter 6 of the Comprehensive Plan contains the City's annexation policies. Applicable annexation policies include: (1) delivery of City services to annexing areas where the City has adequate services and (2) requiring annexation in order to receive a City service. City sewer service is available to the Annexation Properties in Wichita St. The property owners are pursuing expedited annexation because the City allowed an emergency connection to the City sewer. As proposed, the annexation is consistent with Milwaukie Comprehensive Plan policies.

- E. The proposal must comply with the criteria of Metro code Sections 3.09.050(d) and, if applicable, (e).

The annexation proposal is consistent with applicable Metro Code sections for expedited annexations as detailed in Finding 8.

- 8. Prior to approving an expedited annexation, the City must apply the provisions contained in Section 3.09.045.D of the Metro Code. They are listed below with findings in italics.

- A. Find that the change is consistent with expressly applicable provisions in:

- (1) Any applicable urban service agreement adopted pursuant to ORS 195.205;

There are no applicable urban service agreements adopted pursuant to ORS 195 in the area of the proposed annexation. The City, however, has an UGMA agreement with Clackamas County that states that the City will take the lead in providing urban services in the area of the proposed annexation. Pursuant to this agreement, the City completed construction of a public sewer system in this area in 2010. The proposed annexation is in keeping with the City's policy of requiring properties to annex to the City in order to connect to City services such as the new sewer line.

- (2) Any applicable annexation plan adopted pursuant to ORS 195.205;

There are no applicable annexation plans adopted pursuant to ORS 195 in the area of the proposed annexation.

- (3) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

There are no applicable cooperative planning agreements adopted pursuant to ORS 195 in the area of the proposed annexation.

- (4) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Clackamas County completed a North Clackamas Urban Area Public Facilities Plan in 1989 in compliance with Goal 11 of the Land Conservation and Development Commission (LCD) for coordination of adequate public facilities and services. The City subsequently adopted this plan as an ancillary Comprehensive Plan document. The plan contains four elements:

- *Sanitary Sewerage Services*
- *Storm Drainage*
- *Transportation Element*
- *Water Systems*

The proposed annexation is consistent with the four elements of this plan as follows:

Sewer: *The City is the identified sewer service provider in the area of the proposed annexation and recently completed construction of a public sewer system that can adequately serve the Annexation Properties.*

Storm: *The Annexation Properties are not connected to a public stormwater system. Treatment and management of on-site stormwater will be required when new development occurs.*

Transportation: *The City will require public street improvements along the frontage of the Annexation Properties when new development occurs.*

Water: *Clackamas River Water (CRW) is the identified water service provider in this plan. However, the City's more recent UGMA agreement with the County identifies the City as the lead urban service provider in the area of the proposed annexation. The City is in the process of developing a water service master plan for all of the territory within its UGMA and discussing possible service provision changes with CRW. In the meantime, CRW will continue to provide water service to the Annexation Properties.*

- (5) Any applicable comprehensive plan.

The proposed annexation is consistent with the Milwaukie Comprehensive Plan, which is more fully described on the previous page. The Clackamas County Comprehensive Plan contains no specific language regarding City annexations. It does, however, contain the City-County UGMA agreement, which identifies the area of the proposed annexation as being within the City's UGMA. The UGMA agreement requires that the City notify the County of proposed annexations, which the City has done. The agreement also calls for City assumption of jurisdiction of local streets that are adjacent to newly annexed areas. The City has already annexed and taken jurisdiction of the Wichita Street right-of-way adjacent to the proposed Annexation Properties.

B. Consider whether the boundary change would:

- (1) Promote the timely, orderly and economic provision of public facilities and services;

The City is the identified urban service provider in the area of the proposed annexation, and the proposed annexation will facilitate the timely, orderly, and economic provision of urban services to the Annexation Properties.

The City has recently expanded City sewer service into this area via Wichita Street. The proposed annexation is requested because the City allowed the Annexation Properties to make an emergency connection to the City's new sewer.

The area is currently served by CRW, and the City does not propose to duplicate CRW's water system to serve the Annexation Properties.

- (2) Affect the quality and quantity of urban services; and

The Annexation Properties are composed of two tax lots; Tax Lot 03100 is developed with a single-family residence and Tax Lot 03200 is vacant. Annexation of the properties is not expected to affect the quality or quantity of urban services in this area, given the surrounding level of urban development and the existing level of urban service provision in this area.

- (3) Eliminate or avoid unnecessary duplication of facilities and services.

The Annexation Properties will be served by the Milwaukie Police Department upon annexation. In order to avoid duplication of law enforcement services, the site will be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

CRW is the current water service provider in the area of the proposed annexation. Until such time as the existing IGA between the City and CRW is renegotiated, the City does not intend to

duplicate CRW's existing water supply system or withdraw private properties being served by CRW from the CRW district. CRW will continue to be the water service provider in this area.

9. The City is authorized by ORS Section 222.120 (5) to withdraw annexed territory from non-City service providers and districts upon annexation of the territory to the City. This allows for more unified and efficient delivery of urban services to newly annexed properties and is in keeping with the City's Comprehensive Plan policies relating to annexation.

Wastewater: The Annexation Properties are within the City's sewer service area and are served by the City's 8-inch sewer line in Wichita Street.

Water: The Annexation Properties are currently served by CRW through a CRW water line in Wichita Street. Pursuant to the City's IGA with CRW, the sites should not be withdrawn from this district at this time.

Storm: The Annexation Properties are not connected to a public storm water system. Treatment and management of on-site storm water will be required when new development occurs.

Fire: The Annexation Properties are currently served by Clackamas County Fire District No. 1 and will continue to be served by this fire district upon annexation, since the entire City is within this district.

Police: The Annexation Properties are currently served by the Clackamas County Sheriff's Department and are within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The City has its own police department, and this department can adequately serve the site. In order to avoid duplication of services, the Annexation Properties should be withdrawn from Clackamas County Service District for Enhanced Law Enforcement upon annexation to the City.

Street Lights: The Annexation Properties are currently within Clackamas County Service District No. 5 for Street Lights (the "District"). As of July 1, 2011, an intergovernmental agreement between the City and the District transfers operational responsibility to the City for the street lights and street light payments in the NESE area, though the properties themselves remain in the District until they annex to the City. The Annexation Properties should be withdrawn from the District upon annexation, as the City provides street lighting for properties within the city as part of its package of city services.

Other Services: Planning, Building, Engineering, Code Enforcement, and other municipal services are available through the City and will be available to the sites upon annexation. The Annexation Properties will continue to receive services and remain within the boundaries of certain regional and county service providers, such as TriMet, North Clackamas School District, Vector Control District, etc.

ATTACHMENT 1
Exhibit B

**Annexation to the City Of Milwaukie
LEGAL DESCRIPTION**

Milwaukie Annexation File No. A-12-02

Property Address: 9950 SE Wichita Street, Milwaukie, OR 97222

Tax Lot Description: 1S2E30DD 03100

Legal Description: West half of Lot 10, Wichita, Clackamas County, State of Oregon. Excepting therefrom the North half of the West half of Lot 10, Wichita, in the County of Clackamas and State of Oregon, conveyed to Billie Mae Hill by deed recorded January 4, 1949, in Book 415, Page 378, of the deed records of Clackamas County, State of Oregon, except that portion thereof within road.

Property Address: None

Tax Lot Description: 1S2E30DD 03200

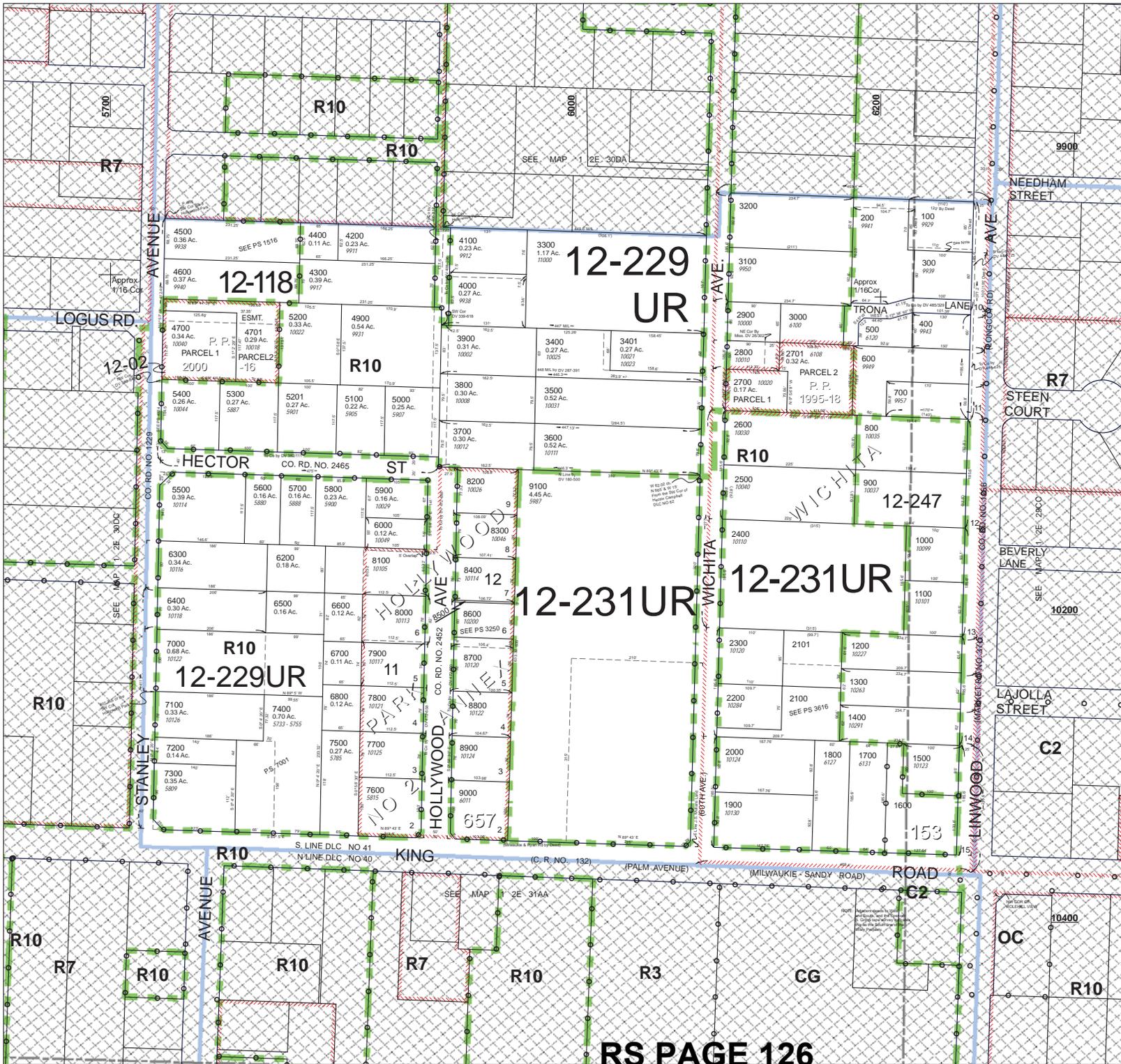
Legal Description: The North Half of the West half of Lot 10, Wichita, in the County of Clackamas and State of Oregon, except that portion thereof within road.

S.E. 1/4 S.E. 1/4 SEC.30 T.1S. R.2E. W.M.
Clackamas County
1" = 100'

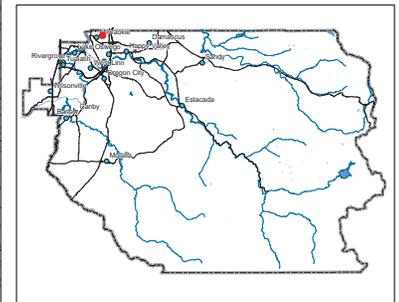
D. L. C.
HECTOR CAMPBELL NO. 41

Cancelled Taxlots

- 4800
- 5401
- 5501
- 6100
- 6900
- 7301



- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- TaxCodeLines
- Map Index
- WaterLines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'

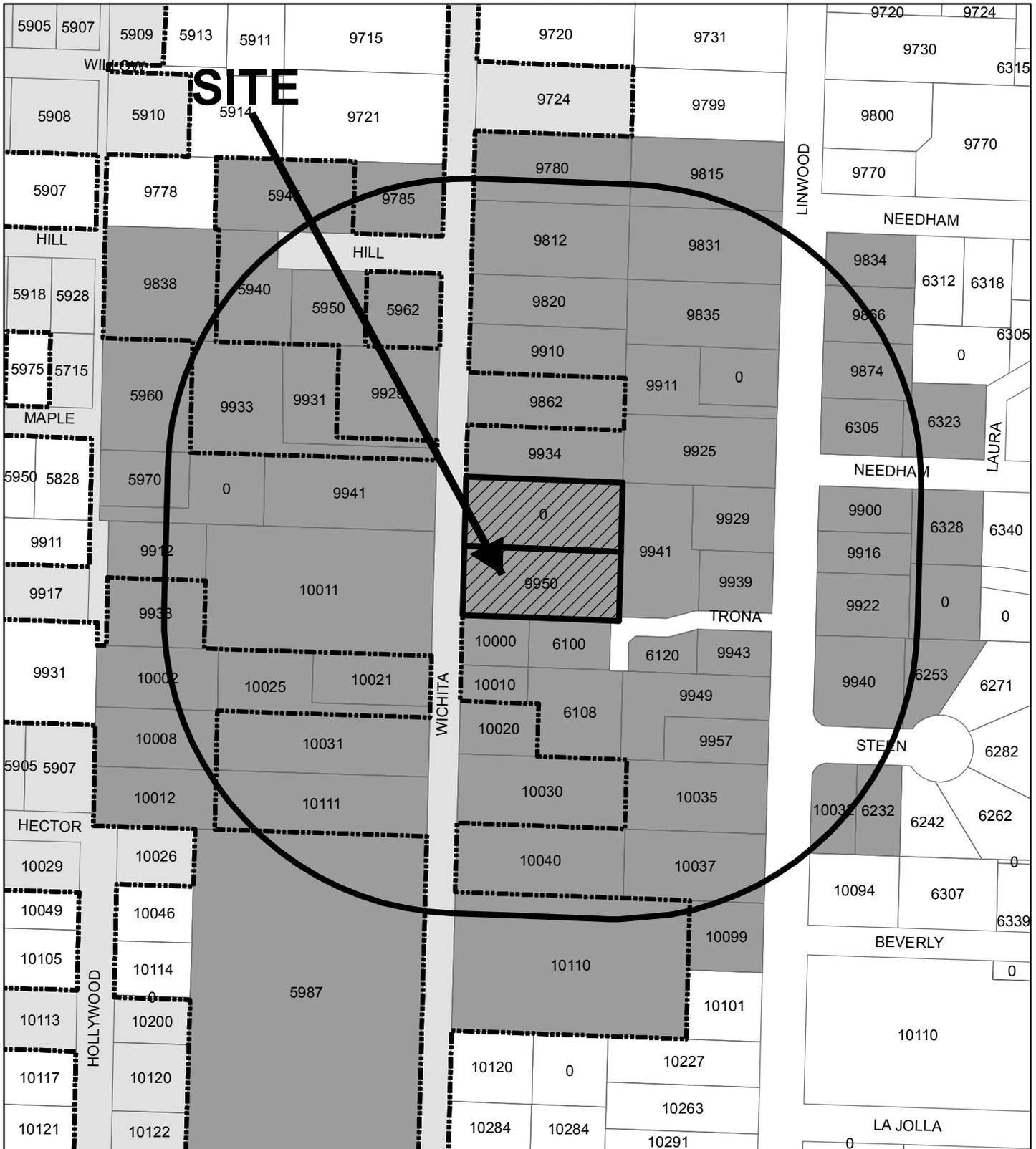


THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



12/14/2010





Site Map
9950 SE Wichita Ave
(12E30DD03100 & 3200)
File#A-12-02

Legend

-  Buffer
-  Annexation Site
-  City Limit
-  Tax Lots
-  Lots Receiving Notices
-  City Limit





PLANNING DEPARTMENT
 6101 SE Johnson Creek Blvd
 Milwaukie OR 97206

PHONE: 503-786-7630
 FAX: 503-774-8236
 E-MAIL: planning@ci.milwaukie.or.us
 WEB: www.cityofmilwaukie.org

Expedited Annexation Application

RESPONSIBLE PARTIES: (Please print or type, add additional sheets if needed)

APPLICANT(S): Mark Hettervig	E-mail: markh@pmc-g.com
Mailing address: PO Box 893, Clackamas OR	Zip: 97015 Phone: 503-806-1918
PROPERTY OWNER(S): Mark Hettervig	E-mail: markh@pmc-g.com
Mailing address: PO Box 893, Clackamas OR	Zip: 97015 Phone: 503-806-1918
PROPERTY OWNER(S): Cheryl Hettervig	E-mail: cherylh@pmc-g.com
Mailing address: PO Box 893, Clackamas OR	Zip: 97015 Phone: 503-804-6568
PROPERTY OWNER(S):	E-mail:
Mailing address:	Zip: Phone:

SITE INFORMATION: No Situs Address: 12E30DD03200 .45 acres

Address(es): 9950 SE Wichita Ave Map & Tax Lot(s): 12E30EE03100	Property size: .45 acres
Existing County zoning: R10 - Both Lots	Proposed City zoning: R10 - Both Lots
Existing County land use designation: Residential	Proposed City land use designation: Residential

PROPOSAL (describe briefly):

Annex both tax lots into the City of Milwaukie and connect to the City sewer system.

ATTEST: I am the property owner or I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by:  Date: 5-29-12

THIS SECTION FOR OFFICE USE ONLY:

File #: A-12-02	Fee: \$ 50	Rcd. by: RM	Date stamp:
Notes:			RECEIVED MAY 30 2012 CITY OF MILWAUKIE PLANNING DEPARTMENT

DESCRIPTION OF EXISTING USES/STRUCTURES:

Tell us the number and kinds of buildings on the property and how they are used
(e.g., 1 home, 2 sheds, 1 detached garage all used for residential purposes and 1 workshop for home occupation business)

Taxlot 12E30DD03200 - No Situs Address - NO structures.
Taxlot 12E30DD03100 - 9950 SE Wichita Avenue - (1) home.

LIST OF ALL CURRENT UTILITY PROVIDERS:

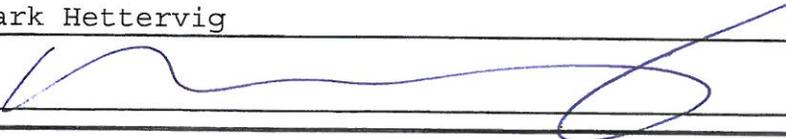
Check all that apply (do not list water or sewer service providers)

Cable, Internet, and/or Phone:	<input checked="" type="checkbox"/> Comcast	<input type="checkbox"/> Qwest		
Energy:	<input checked="" type="checkbox"/> PGE	<input type="checkbox"/> NW Natural Gas		
Garbage hauler:	<input type="checkbox"/> Waste Management	<input checked="" type="checkbox"/> Mel Deines	<input type="checkbox"/> Deines Brothers	<input type="checkbox"/> Pearl Deines
	<input type="checkbox"/> Wichita Sanitary	<input type="checkbox"/> Oak Grove Disposal	<input type="checkbox"/> Clackamas Garbage	
<input checked="" type="checkbox"/> Other (please list):	Phone - Century Link			

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. I have attached all owners' and voters' authorizations to submit this application. I understand that uses or structures that were not legally established in the County are not made legal upon annexation to the City. To the best of my knowledge, the information provided within this application package is complete and accurate.

Name: Mark Hettervig

Signature: 

Date: 5-29-10

THIS SECTION FOR OFFICE USE ONLY:

File #: <u>A-12-02</u>	Fee: \$0	Rcd. by: <u>pm</u>	Date stamp:
Existing County zoning: <u>R-10</u>	Automatic City zoning: <u>R-10</u>		
Existing County land use designation: <u>LDR</u>	Automatic City land use designation: <u>LDR</u>		
<input type="checkbox"/> Map and tax lot(s) verified	<input type="checkbox"/> ID checked		
Notes:			

City of Milwaukie -

REC#: 00459453 5/30/2012 12:12 PM
OPER: marst TERM: 301
REF#: CK 31687

TRAN: 110.0005 ANNEXATION (A) EXPED
FILE A12-02 * 9950 SE WICHITA
PD BY NORTHERN LIGHTS WREATH C
110-000-4480-0000
COMM DEV APPLICATIO 50.00CR

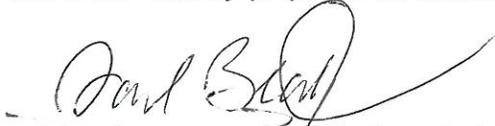
TRAN: 150.6210 MISCELLANEOUS
9950 SE STANLEY AVE
NESE SDC & REIMBURSEMENT FEE
110-000-2999-0000
CLEARING 5,416.33CR

TENDERED: 5,466.33 CHECK
APPLIED: 5,466.33-

CHANGE: 0.00

**CERTIFICATION OF PROPERTY OWNERSHIP OF
100% OF LAND AREA**

I hereby certify that the attached petition contains the names of the owners¹ (as shown on the last available complete assessment roll) of 100% of the land area of the territory proposed for annexation as described in the attached petition.



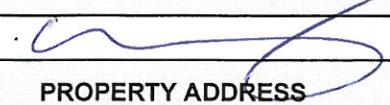
Name DAVID BEATTY
Title CARTOGRAPHER 2
Department ASSESSMENTS TAX
County of CLACKAMAS
Date 5-30-12

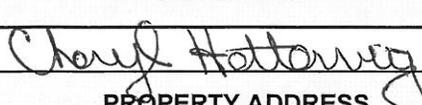


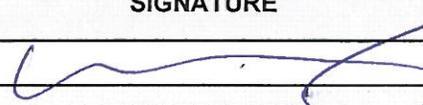
¹ Owner means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If a parcel of land has multiple owners, each consenting owner shall be counted as a percentage of their ownership interest in the land. That same percentage shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

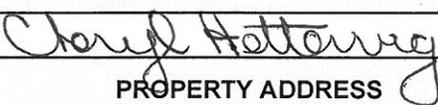
PETITION SIGNERS

NOTE: This petition may be signed by qualified persons even though they may not know their property description or voter precinct number.

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Mark Hettervig	X			5-29-12
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
9950 SE Wichita Avenue	12E	30DD	0	3100	481

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Cheryl Hettervig	X			5-29-12
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
9950 SE Wichita Avenue	12E	30DD	0	3100	481

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Mark Hettervig	X			5-29-12
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
No Situs Address	12E	30DD	0	3200	481

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
	Cheryl Hettervig	X			5-29-12
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	
No Situs Address	12E	30DD	0	3200	481

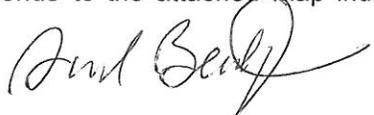
SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

SIGNATURE	PRINTED NAME	I AM A:*			DATE
		PO	RV	OV	
PROPERTY ADDRESS	PROPERTY DESCRIPTION				VOTER PRECINCT #
	TOWNSHIP	RANGE	¼ SEC.	LOT #(S)	

*PO = Property Owner RV = Registered Voter OV = Owner and Registered Voter

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the territory included within the attached petition (located on Assessor's Map 12E30 DD) has been checked by me. It is a true and exact description of the territory under consideration and corresponds to the attached map indicating the territory under consideration.


Name DAVID BEATTY
Title CARTOGRAPHER 2
Department ASSESSMENT & TAXATION
County of CLATSOP
Date 5-30-12



**EXPEDITED ANNEXATION
PETITION OF OWNERS OF 100% OF LAND AREA
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**

TO: The Council of the City of Milwaukie, Oregon

RE: Petition for Annexation to the City of Milwaukie, Oregon

We, the petitioners (listed on reverse), are property owners of and/or registered voters in the territory described below. We hereby petition for, and give our consent to, annexation of this territory to the City of Milwaukie.

This petition includes a request for the City to assign a zoning and land use designation to the territory that is based on the territory's current zoning designation in the County, pursuant to the City's expedited annexation process.

The territory to be annexed is described as follows:

(Insert legal description below OR attach it as Exhibit "A")

Parcel I: West half of lot 10, Wichita, Clackamas County, State of Oregon.
Excepting therefrom the North half of the West half of lot 10, Wichita,
in the County of Clackamas and State of Oregon, conveyed to Billie Mae Hill
by deed recorded January 4, 1949, in Book 415, Page 378, of the deed
records of Clackamas County, State of Oregon. Except that portion thereof
within road.

Parcel II: The North half of the West half of lot 10, Wichita, in the
County of Clackamas and State of Oregon, except that portion thereof
within road.

Note: This legal description was created prior to January 01, 2008 and
is more commonly known as: 9950 SE Wichita Ave., Milwaukie, OR 97222.

Tax Parcel Number: 00083778 and 00083787

CERTIFICATION OF REGISTERED VOTERS

I hereby certify that the attached petition contains the names of at least a majority of the electors registered in the territory proposed for annexation as described in the attached petition.

Name PAUL HANES
Paul J Hanes
Title DEPUTY CLERK
Department ELECTIONS
County of CLACKAMAS
Date 5/30/12



CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045

NOTICE LIST

(This form is NOT the petition)

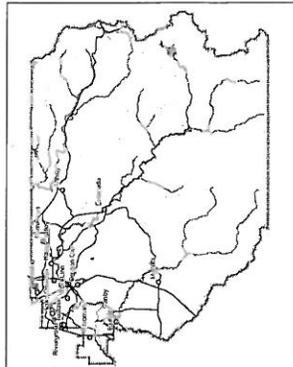
LIST THE NAMES AND ADDRESSES OF ALL PROPERTY OWNERS AND REGISTERED VOTERS IN THE TERRITORY PROPOSED FOR ANNEXATION.

	Name of Owner/Voter	Mailing Street Address	Property Address
		Mailing City/State/Zip	Property Description <small>(township, range, ¼ section, and tax lot)</small>
1	Mark Hettervig	PO Box 893	9950 SE Wichita Ave
		Clackamas OR 97015	12E30DD03100
2	Cheryl Hettervig	PO Box 893	9950 SE Wichita Ave
		Clackamas OR 97015	12E30DD03100
3	Mark Hettervig	PO Box 893	No Situs Address
		Clackamas OR 97015	12E30DD03200
4	Cheryl Hettervig	PO Box 893	No Situs Address
		Clackamas OR 97015	12E30DD03200
5			
6			
7			
8			
9			
10			

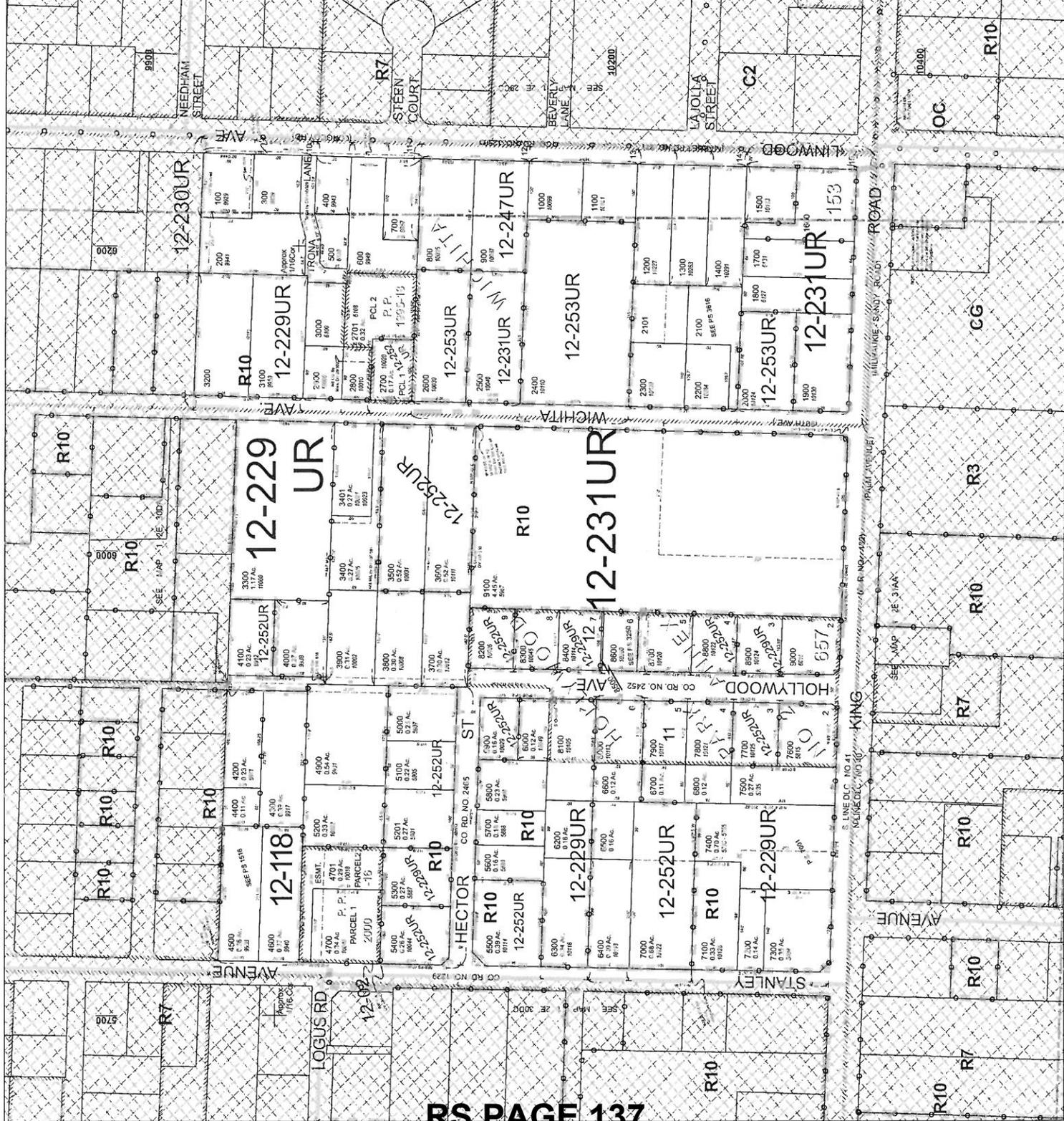
D.L.C.
 HECTOR CAMPBELL NO. 41

Cancelled Taxlots
 4800
 4900
 5000
 5100
 5200
 5300
 5400
 5500

- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tie-Cross Lines
- Map Index
- Valerlines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Gen. Loc. Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT PURPOSES ONLY



ATTACHMENT 4

AFTER RECORDING RETURN TO:
Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

This Space For County Recording Use Only

<u>FOR OFFICE USE ONLY</u>	
Annexation File No.	<u>A-12-02</u>
Date Received	<u>5/30/12</u>

**CITY OF MILWAUKIE
 CONSENT TO ANNEXATION &
 AGREEMENT NOT TO CONTEST ANNEXATION**

In consideration for the City of Milwaukie for the property described below:

All owners of the property listed below, and their successors and assigns, consent to annex the following described real property into the City of Milwaukie by preparing and signing all relevant annexation documents that the City of Milwaukie desires, including but not limited to a "Petition" for annexation and/or a "Covenant of Waiver of Rights and Remedies," so that the following described real property located in Clackamas County, Oregon, and within the Urban Growth Management Area of the City of Milwaukie, can be annexed into the City of Milwaukie.

All owners of the property listed below further agree that they, their successors and assigns, will not oppose, in any manner, requests or attempts to annex the following described real property into the City of Milwaukie:

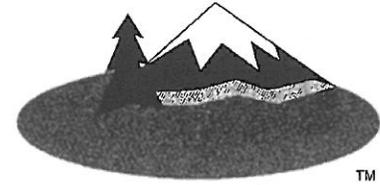
PROPERTY DESCRIPTION

Street Address: 9950 SE Wichita Ave & Adjacent Northern Lot

City: Milwaukie State: OR Zip Code: 97222

Tax Map ID: Township 12E Range 30DD Section 0 Tax Lot(s) 3100
 12E 30DD 0 3200

Clackamas River Water



P.O. Box 2439 (503) 722-9220 16770 SE 82nd Drive, Clackamas
Clackamas, Oregon 97015-2439 Fax (503) 656-7086 customerservice@crwater.com

July 27, 2012

VIA FACSIMILE AND MAIL

Li Alligood, Planner
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

Sent to Fax # 503-774-8236

RE: Proposed Expedited Process for Annexation:

- File No A-12-02
9950 SE Wichita Ave, Milwaukie - Tax Lots 03100 & 03200 of Tax Map 1S2E30DD

Dear Li Alligood

This is file notice of Clackamas River Water (CRW) having no objections to the expedited process relating to the above referenced proposed annexation. CRW as the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

For purposes of the record, we want to confirm our previous discussions with respect to the continued supply of domestic water by CRW in the affected right of way annexation for NE Milwaukie Sewer Extension Project area and per the Amended and Restated Agreement for Water Supply dated as of June 17, 2008 (paragraph 2). CRW will remain the domestic water service supplier for the term of the agreement or any extension, unless the parties agree otherwise as provided in the agreement. The confirmation of this understanding is the basis on which CRW will not object to the expedited process for the proposed annexation of the area right-of-ways and have no objection for the annexation for Tax Lots 03100 & 03200 of Tax Map 1S2E30DD.

Please let me know if there are any additional comments or questions concerning annexation issues. Once again, thank you and your staff for your willingness to discuss this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Lee E. Moore, Sr.', with a long horizontal flourish extending to the right.

Lee E. Moore, Sr.
General Manager



Agenda Item: 6.B.
Meeting Date: 8/7/2012

COUNCIL AGENDA ITEM SUMMARY

Issue/Agenda Title: Bid Award for Construction of Riverfront Park Phase 1

Prepared By: JoAnn Herrigel, Community Services Director
Dept. Head Approval: JoAnn Herrigel, Community Services Director
City Manager Approval: 7/30/12
Reviewed by City Manager: 7/30/12

ISSUE BEFORE THE COUNCIL

Approve a resolution authorizing the City Manager to sign an agreement with Subcom Excavation and Utilities LLC for the construction of Phase 1 of Milwaukie Riverfront Park (Klein Point) for the amount of \$272,435.50.

STAFF RECOMMENDATION

Approve the award of the bid for construction of Phase 1 of the Riverfront Park to Subcom Excavation and Utilities LLC.

KEY FACTS & INFORMATION SUMMARY

On July 5 City staff advertised a request for bids for construction of Phase 1 of Riverfront Park. Three bids were received, the lowest of which was submitted by Subcom Excavation. After review of the submittals, staff has determined that Subcom Excavation meets the City's needs in construction of this project.

OTHER ALTERNATIVES CONSIDERED

Two other bids were submitted but were higher in price than Subcom Excavation.

CITY COUNCIL GOALS

Construction of Riverfront Park is among Council's top goals.

ATTACHMENT LIST

Resolution

FISCAL NOTES

Grant funds from Metro of \$183,000, combined with \$100,000 authorized by Council to be allocated to this project, have been budgeted in FY 2012-13.



To: Mayor and City Council
Through: Bill Monahan, City Manager
From: JoAnn Herrigel, Community Services Director
Subject: Bid Award for Construction of Phase 1 of Riverfront Park
Date: August 7, 2012

ACTION REQUESTED

Approve a resolution authorizing the City Manager to sign an agreement with Subcom Excavation and Utilities LLC for the construction of Phase 1 of Milwaukie Riverfront Park (Klein Point) for the amount of \$272,435.50.

BACKGROUND

In August of 2011 Metro awarded the City of Milwaukie a grant for \$225,000 for construction of Phase 1 of the Riverfront Park and for in-water enhancements near the confluence of Johnson Creek with the Willamette River, constructed by the Johnson Creek Watershed Council.

In May 2012 City staff advertised a request for proposals (RFP) for construction of Phase 1 of Riverfront Park. On May 23, 2012 three bids were submitted but since they were all higher than the funding available for the project, staff rejected the bids and refined the bid documents. The addition of an upper entry plaza to the project seemed to have pushed costs up beyond available funds. In refining the bid request, staff separated the upper entry plaza from the base project and asked bidders to provide separate costs for each element.

On July 5, 2012 City staff advertised a new RFP, with the base bid and entry plaza listed separately, for construction of Phase 1 of Riverfront Park. Three bids were received, each showing only the base bid to be within the available funding levels. Staff then selected the lowest of the base bids.

The following bids were received:

<u>Contractor</u>	<u>Base Bid</u>
Subcom Excavation and Utilities LLC	\$ 272,435.50
Colf Construction LLC	\$ 273,312
JP Contractors Inc	\$ 336,821

Selection of the Contractor was based on the lowest responsive bid submitted in conformance with the Contract Documents. The lowest responsive bid was submitted by Subcom Excavation and Utilities, a construction firm from Hillsboro, OR owned by Joe Mallory. Although Subcom does not have recent experience working with the City of Milwaukie, the firm has experience with similar construction projects in nearby municipalities.

CONCURRENCE

The Riverfront Task Force, the DEA design team and consulting City Engineering staff concur with the recommendation of awarding this bid to Subcom.

FISCAL IMPACT

Grant funds of \$183,000 from Metro, combined with \$100,000 authorized by Council to be allocated to this project, have been budgeted in 2012-13.

WORK LOAD IMPACTS

The Community Services Director will manage the contract with Subcom. On site project coordination will be overseen by Dennis Everson, a Clackamas County employee contracting with Milwaukie for the Phase 1 Riverfront Project. Design guidance for the project will be monitored by David Evans and Associates, also under contract with the City.

ALTERNATIVES

Do not authorize the City Manager to sign a contract with Subcom and direct staff to take another action in awarding this bid.

ATTACHMENTS

1. Resolution

ATTACHMENT 1

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH SUBCOM EXCAVATION AND UTILITIES LLC FOR THE CONSTRUCTION OF PHASE 1 OF MILWAUKIE RIVERFRONT PARK (KLEIN POINT) FOR THE AMOUNT OF \$272,435.50.

WHEREAS, the City issued a Request for Bids for the construction of Phase 1 of Riverfront Park on July 5, 2012 and received three bids in response by the legal deadline; and

WHEREAS, the lowest responsive bid submitted in conformance with the contract documents was submitted by Subcom Excavation and Utilities; and

WHEREAS, Subcom Excavation and Utilities is qualified to perform the tasks according to the contract scope of work; and;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to sign an agreement with Subcom Excavation and Utilities LLC for the construction of Phase 1 of Milwaukie Riverfront Park (Klein Point) for the amount of \$272,435.50

Introduced and adopted by the City Council on August 7, 2012.

This resolution is effective on August 7, 2012.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC

Pat DuVal, City Recorder

City Attorney