

Study Session

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Milwaukie City Council

COUNCIL STUDY SESSION

City Hall Council Chambers, 10722 SE Main Street
& Zoom Video Conference (www.milwaukieoregon.gov)

AGENDA

August 9, 2022

Council will hold this meeting in-person and through video conference. The public may attend the meeting at the library or by joining the Zoom webinar. The meeting will be recorded and broadcast later.

To participate in this meeting by phone dial 1-253-215-8782 and enter Webinar ID 837 5111 0754 and Passcode: 107967. To raise hand by phone dial *9.

Written comments may be submitted by email to ocr@milwaukieoregon.gov. Council may take limited verbal comments. **For Zoom webinar login information** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-study-session-132>.

Note: agenda item times are estimates and are subject to change.

Page #

1. **Climate Goal Update - Discussion** (5:15 p.m.) 1
Staff: Natalie Rogers, Climate and Natural Resources Manager

2. **Parks Update - Discussion** (6:15 p.m.) 10
Staff: Ann Ober, City Manager

3. **Adjourn** (7:15 p.m.)

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COUNCIL STAFF REPORT

To: Mayor and City Council
Ann Ober, City Manager

Reviewed: Peter Passarelli, Public Works Director

From: Natalie Rogers, Climate & Natural Resource Manager

Subject: **Climate Action Plan Update**

Date Written: July 28, 2022

ACTION REQUESTED

Council is asked to receive an update on the Climate Action Plan (CAP), including a 2020 Milwaukie Community Greenhouse Gas Inventory, Portland General Electric (PGE) green tariff, urban forest programming and permit updates.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

[March 3, 2020](#): Council received an update on the CAP implementation with a focus on the 2030 energy goal, PGE programs, and energy product opportunities.

[May 12, 2020](#): Council received an informational presentation on a potentially carbon-free electricity product being explored by PGE.

[August 11, 2020](#): Council received an update on carbon-free electricity product development from PGE.

[December 8, 2020](#): Council received an update on the CAP and provided direction for future energy discussions.

[December 15, 2020](#): Council adopted a resolution authorizing a memorandum of understanding (MOU) between PGE and the city to address climate and resiliency goals.

[March 9, 2021](#): Council received an update on the Climate Collaborative Campaign, 2021 legislation, and the PGE community green tariff product.

[June 8, 2021](#): Council received an update on the Home Energy Score program, 2021 legislation, and the private tree code development.

[October 12, 2021](#): Council received an update on the PGE green tariff, developing tree code, and the Climate Collaborative Campaign for 2021

ANALYSIS

The city's [Climate Action Plan](#) (CAP) and [climate emergency declaration](#) call for carbon-free electricity by 2030, zero-emissions from fossil fuels by 2035, and community carbon neutrality by 2045. Even with the current regulatory efforts to decarbonize the electrical mix, there is still a [gap to close in order to reach the 2030 goal](#). Staff continues to collaborate with PGE and regional stakeholders to close this gap through community outreach and engagement and development of new residential and small commercial renewable energy products.

Another focus of the city's climate work has been on the promotion and expansion of natural resources and conservation efforts. The CAP includes a goal of achieving a 40% canopy cover by

2040. Public and private tree code for canopy preservation is a key strategy to achieve this goal and protect the community benefits that trees provide. Starting in May 2022, the city's natural resource team has been collecting public tree permits and private tree permits for residential properties.

Greenhouse Gas Inventory

Greenhouse gas emissions inventories (GHG Inventories) use utility, demographic, and community data to calculate the total emissions of greenhouse gases represented as their equivalent volume of carbon dioxide emissions. City GHG inventories are calculated for both operational inventories (emissions from city operations) and inventories (community-wide emissions). The inventories include emissions for a variety of sectors or common emissions sources, including energy generation, transportation, industry, refrigerants, land use, and commerce. Data for these topics are gathered and analyzed for data quality from reporting agencies and organizations before release, leading to a delay in access and reporting in inventory form. The CAP, adopted in 2018, included a [community greenhouse gas emissions inventory using data from 2016](#), and called for recurring future inventories to be completed for tracking and comparison. In spring 2022, Milwaukie worked with the Good Company to complete a greenhouse gas inventory using 2020 data to fulfill these requirements.

GHG inventories can provide communities perspective on emission sources to prioritize mitigation strategies for the greatest carbon reduction potential. As GHG inventories compare data with varying spatial scopes (such as census blocks, city limits, per capita equivalency, etc.) emission for smaller cities can decrease in accuracy due to the number of assumptions and estimates required for all sectors. In addition, revisions of data sets and data collection methodology may impact sector-based emissions results along with actual community behavior change. GHG inventories are still valuable tools and serve as a guidepost on goal progress and action prioritization, particularly as the inventories are replicated over time.

A detailed memo on the 2020 GHG inventory is attached to this staff report (Attachment 1). The 2020 GHG inventory for Milwaukie showed a decrease in building energy sector emissions compared to the 2016 GHG inventory. The 2020 inventory saw an increase in transportation related emissions, which aligns with national trends but is partially due to new data reporting methodology by the state. Emissions for community consumables like food and goods also increased when compared to 2016 values. Other sectors like waste disposal and refrigerants remained comparable to 2016 emissions.

It should be noted that 2020 was an unprecedented year for communities around the world, and the impacts of the global pandemic and resulting economic and community behavior changes have yet to be fully comprehended at the municipal scale.

The building energy emissions trends shown by the 2016 inventory (before the CAP) and 2020 inventory (after CAP implementation) appear to align with the climate policy and programming work that city staff have been able to accomplish since the CAP was adopted. While direct reductions cannot be tied to particular CAP actions or municipal initiatives, the intense advocacy, policy and programming efforts Milwaukie has taken towards building energy reduction and electricity decarbonization seems to correlate with the building energy sector emission decrease. The transportation sector has many unique challenges for municipal influence on emissions, including jurisdictional scope, need for action at the individual resident level, and other characteristics that require more resource-intensive programming and climate work. Movement

at the state level for the electrification of transportation and continued efforts to increase the walkability of the community may help reduce emissions, along with continued outreach and education.

Climate Collaborative Update

The Climate Collaborative is returning in 2022 for a second year. The Climate Collaborative is a joint initiative to increase awareness of Milwaukie's CAP and feature actions from PGE, the Energy Trust of Oregon, and community-based organizations that community members can take to help achieve Milwaukie's climate goals. Community members can visit www.climatecollaborativenw.com to sign a climate pledge and learn of high-impact actions to take in their community.

PGE and city staff will be coordinating on community events for outreach and education, including CareFree Sunday in early August, Arbor Day in late October, and other tabling opportunities in-between.

Community Green Tariff Update

Staff are continuing to meet with PGE to develop the community green tariff product after the passing of HB 2021. PGE and Milwaukie staff are in discussion on a tariff proposal for the Oregon Public Utility Commission which defines the program structure and supply. PGE and Milwaukie staff are continuing discussions on rates, low-income assistance, community base resource options, contingency plans and essential program elements to include in a participation agreement which would need to be signed by Council for program participation. Support for and passage of the tariff at the OPUC would not commit cities to participate but would provide structure for participation agreements in the future. While the process is taking longer than originally expected, PGE is aware of the urgency of the city's goals and the impacts that delaying programs could have on emission targets and program costs. PGE and city staff are coordinating on an outreach plan to inform residents and address concerns, and city staff will present a more detailed update later in 2022.

Tree Code Update

Adopting private and public tree codes are key strategies in meeting the city's 40% tree canopy goal by 2040. City staff have been implementing the new public and private tree code through a new permitting process. While the city works with GovBuilt, a permitting system contractor, to develop an online permitting process, temporary permits are available for resident use. The city's natural resource staff have worked with EnviroIssues to develop a suite of outreach materials on the new code, common tree care questions, and plan to continue outreach and education at upcoming community events. Outreach materials, permits, and other supportive documentation can be found at www.milwaukieoregon.gov/trees.

The natural resource staff have received only a small number of public tree permits and type-1 private tree permits for removals meeting the approved removal criteria. Staff have discussed type-2 'elective' tree permits with residents and the application process, but as of 7/28/22, no type-2 permits have been submitted. Staff spend a significant amount of time talking to residents about tree permits and tree care solutions, utilizing the urban forest email, phone line, and in-person tree counter hours at the Johnson Creek Campus. More information can be found at www.milwaukieoregon.gov/trees.

BUDGET IMPACT

None.

WORKLOAD IMPACT

The workload for development and coordination of PGE programs and products is already accounted for in the public works staff workplans. Tree code programming and implementation is included in the public works natural resource team workload. Any new program development and implementation for the reduction of carbon emissions will increase workload for the public works sustainability staff.

CLIMATE IMPACT

GHG inventories track the progress of climate initiatives and can be used to tailor programming to maximize carbon reduction potential. Efforts to coordinate with PGE on electricity decarbonization and continued efforts to expand climate and urban forest programming should have a significant impact on the mitigation, adaptation and sequestration of Milwaukie's GHG emissions.

COORDINATION, CONCURRENCE, OR DISSENT

Staff are continuing to coordinate with PGE and other cities on climate legislation and development of the green tariff product. Tree code implementation requires close coordination with Tree Board, planning department staff, code compliance and Milwaukie residents and businesses.

STAFF RECOMMENDATION

Staff recommends that Council receive the update and provide direction to staff if needed.

ALTERNATIVES

None.

ATTACHMENTS

1. 2020 Milwaukie Community Greenhouse Gas Emissions Inventory



2020 Community Greenhouse Gas Inventory

Date: April 2022

INTRODUCTION

This memo summarizes the results of the City of Milwaukie's 2020 Community Greenhouse Gas (GHG) Emissions Inventory as well as a brief comparison to the 2016 Community GHG Inventory with updated results. A community emissions inventory considers many sources of emissions generated by the activities of residents, businesses, and government operations within Milwaukie's city limits, including:

- **Building energy** use by residential, commercial, and industrial buildings and facilities represents a large source of community emissions. These emissions come from "tailpipes" during combustion of fossil fuels and to generate electricity outside of Milwaukie imported for use in the community. Milwaukie community members are already taking action to reduce these sources of emissions by purchasing additional renewable electricity.
- **Transportation**, and particularly on-road vehicle transportation, of passengers and freight also represents a large fraction of community emissions. Like building energy, transportation emissions are generated at the tailpipe. Milwaukie community members are already taking action to reduce fossil gasoline and diesel emissions by purchasing renewable and biofuels as a substitute for fossil diesel and transitioning from fossil gasoline to battery and hybrid electric vehicles.
- **Refrigerants** are lost from transportation and building cooling systems. Refrigerants are powerful global warming gases; therefore, relatively small losses have a large climate impact.
- **Solid waste & wastewater** including solid waste disposal in landfills produces methane, most of which is collected and used for energy, but a fraction leaks out to the atmosphere having a negative climate impact. The Waste sector includes wastewater process emissions during treatment. Milwaukie community members are already taking action to reduce the tons of waste sent to the landfill.

The 2020 inventory is an update of a similar study conducted for calendar year 2016. It is a report on how Milwaukie has been progressing on its emissions reduction goals, set forth in a previous document. There has been a significant update to the data sources used for Milwaukie's inventory since 2016 as new data became available. Oregon Department of Transportation (ODOT) recently began providing fuel sales data for specific geographic territories. This new, and improved ODOT data system was used for 2020 along with an update to 2016 fuel data using this same system to improve accuracy and ensure an apples-to-apples, year-over-year comparison. The updated fuel sales data is similar to what was used in the previous inventory, but ODOT has significantly improved reporting abilities and accuracy, while reducing data collection time requirements. This change resulted in a significant increase in reported transportation-related emissions overall but will improve future reports with more accurate data.

2020 COMMUNITY GREENHOUSE GAS (GHG) EMISSIONS INVENTORY

In 2020, Milwaukie generated 264,870 MT CO₂e¹ of local emissions, about 12.9 MT CO₂e per person. For sense of scale, this quantity of emissions is equivalent to the carbon sequestered annually by 325,000 acres of average U.S. forest – a land area about 100 times the size of the City of Milwaukie.

¹ Metric tons of carbon dioxide equivalent (MT CO₂e) is the conventional unit for reporting greenhouse gas emissions.



CITY OF MILWAUKIE Climate Action Plan

Milwaukie’s local emissions² are similar in many ways to other communities around Oregon. These emissions shown in Figure 1 come primarily from gasoline and diesel combustion in vehicles to move people and goods (green segment) as well as combustion of natural gas and electricity use in buildings (blue segment). Relatively small sources of emissions come from refrigerant usage³ and waste disposal.

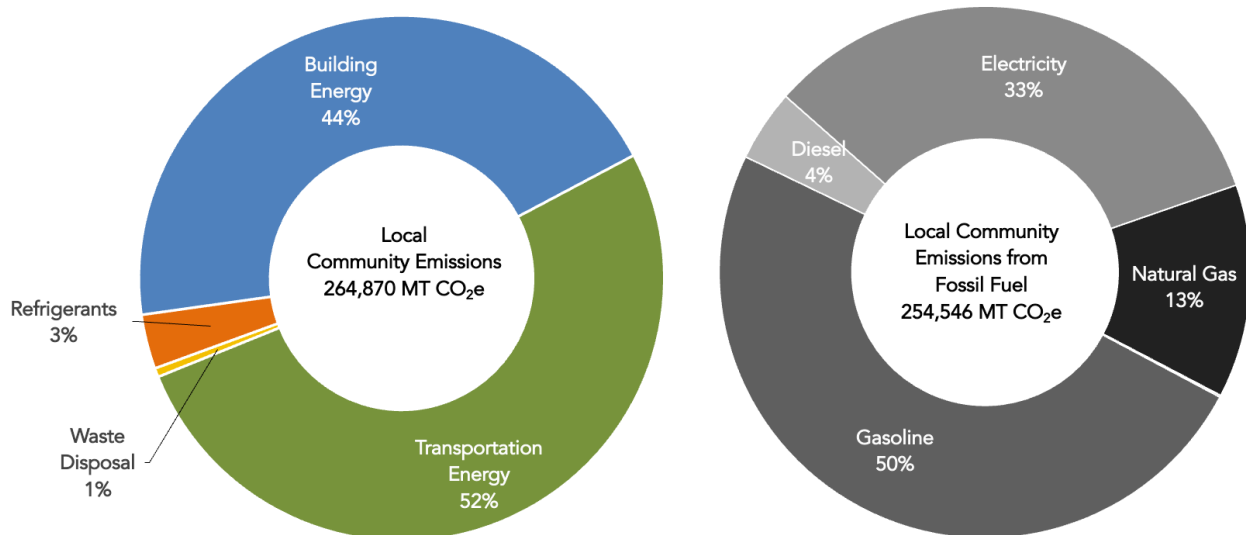
Transportation made up the largest category of local emissions in 2020, representing more than half of the local emissions (Figure 1). These emissions total roughly 137,000 MT CO₂e. Nearly half of all the fossil fuel emissions attributable to Milwaukie are from gasoline (126,000 MT CO₂e), almost exclusively for on road use. Diesel emissions (11,000 MT CO₂e) make up the rest of the transportation category.

Building energy emissions include electricity and natural gas and make up the second largest source of local emissions at nearly 118,000 MT CO₂e. Emissions from the generation of electricity (the coal and natural gas burned in power plants for electricity generation) make up the largest share at 85,000 MT CO₂e, and emissions from natural gas make up the remaining 33,000 MT CO₂e. These emissions also make up roughly half of all the fossil fuel emissions attributable to Milwaukie.

Community Refrigerant use makes up roughly 3% or 9,000 MT CO₂e, this category also includes industrial processes that emit greenhouse gases, but such industrial processes are negligible in Milwaukie.

Waste, including wastewater processing and solid waste disposal is the smallest category with 1,500 MT CO₂e.

Figure 1: Local Emissions. Proportion of emissions attributable to a given source (including non-fossil greenhouse gasses such as refrigerants) is given on the left and proportion fossil fuel sources is given on the right.



² Local emissions inventories (or sector-based inventories, in official terms) include emissions within the City’s boundaries from energy use by homes, businesses, and vehicles as well as emissions from landfilling solid waste and wastewater treatment. It also includes emissions associated with energy consumed within the geographic boundary such as electricity. They do not include any emissions from the production of goods consumed but not produced within the city, or from the usage or disposal of goods produced within the city but not used or consumed there.

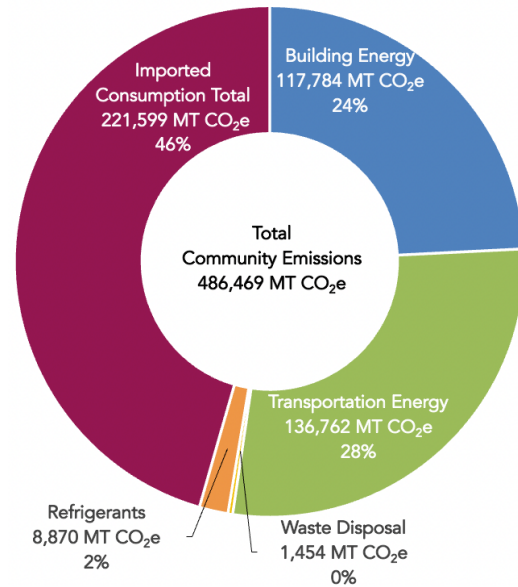
³ The official IPCC protocol term is Industrial Processes and Product Use which covers a variety of non-energy related greenhouse gasses. In Milwaukie’s case, refrigerants are the only emissions source in this category.



EMISSIONS FROM IMPORTED GOODS, FOOD, AND ENERGY

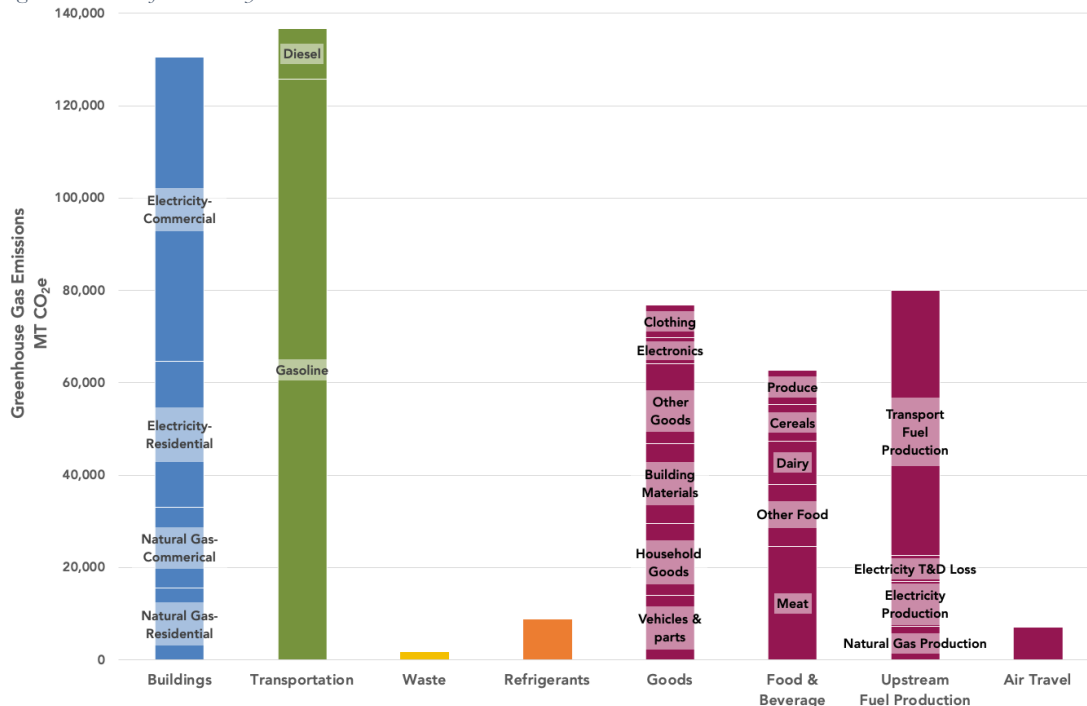
In addition to accounting for local emissions, Milwaukie’s Community GHG Inventory also considers emissions that are generated outside of the community during the production of goods, food, energy, and services that are consumed by residents of Milwaukie. These emissions total 221,599 MT CO₂e, nearly equal to sources of local emissions. Goods consumption, therefore, is a critical component when considering sources of community GHG emissions. Both sources put together total about 23.6 MT CO₂e per person in the city of Milwaukie. Figure 2 compares the scale of local emissions versus emissions from household consumption and upstream fuels production⁴. Consumption emissions are estimated based on a 2015 survey of Oregon household consumption and census estimates of household income.

Figure 2: Total Community Emissions, Local and Imported



Household consumption of imported goods, food, and services is a significant source of community emissions. Within this category, emissions from the production of fuel, meat, household goods and building materials, air travel, other foods, and a variety of other goods (Figure 3). While household consumption represents a significant source of emissions – these emissions are imported and therefore the community has less control over the energy sources and efficiency of production. That said – the community does control demand for various types of products which presents mitigation opportunities related to purchasing choices for Milwaukie households and businesses.

Figure 3: Sources of Community Emissions



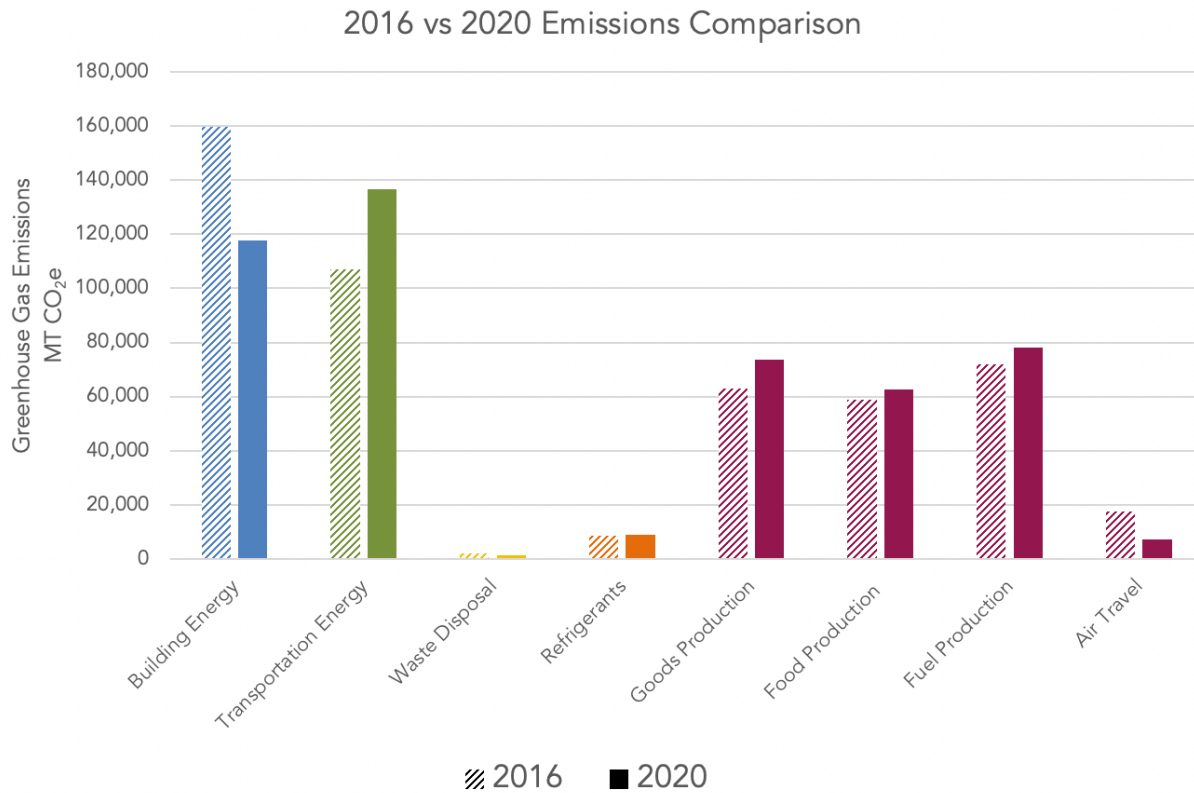
⁴ Local emissions account for “tailpipe” emissions from the combustion of fuels. There are also “upstream” emissions that account for the energy and process emissions during extraction and refinement of fuels.



2020 vs 2016 COMPARISON

Overall, local emissions have decreased slightly in 2020 relative to 2016 (a decrease of 12,514 MT CO₂e, ~5%). The overall trend is mainly due to a decrease in building emissions partially offset by an increase in transportation emissions. Consumption emissions have also increased (by 10,000 MT CO₂e, ~5%) despite a decrease in air travel emissions due mostly to the COVID-19 pandemic. Figure 3 gives a graphical representation of the differences between 2020 and 2016 emissions.

Figure 3: 2016 vs 2020 Emissions Detail



Building Energy

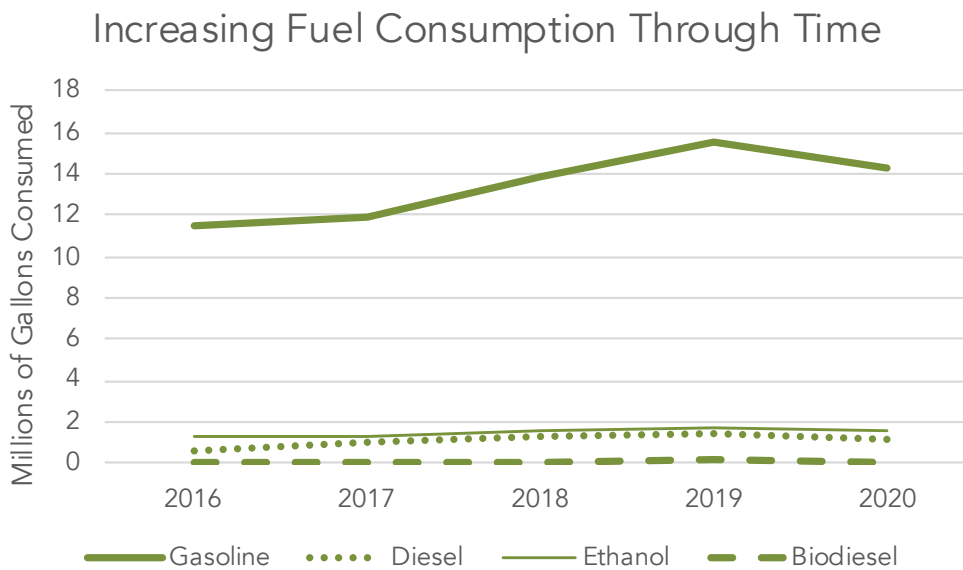
Compared to 2016, electricity usage has decreased by 53 million kWh (19%), and the associated energy emissions also declined by nearly 21,000 MT (20%). The emissions associated with a kWh of electricity vary from year to year depending on the energy source used to generate that electricity. In 2020, PGE took one of their coal powered plants offline decreasing electricity emissions. Milwaukians also voluntarily purchased 35 million kWh in renewable energy (15.3% of usage), avoiding 13,000 MT CO₂e of emissions. 3.2 million kWh were purchased by the city for their operations usage. Natural gas usage also decreased by 38% between 2016 and 2020 (from 10 million therms and 53,000 MT CO₂e in 2016 to 6 million therms and 33,000 MT CO₂e in 2020). In addition, Milwaukie community members purchased carbon offsets for the equivalent of 240,000 therms, leading to a further 1,300 MT CO₂e reduction in emissions. Overall, decreased energy usage combined with purchased renewables and offsets led to a reduction in emissions from the building sector.



Transportation

Milwaukie’s transportation emissions also increased between 2016 and 2020 by ~30,000⁵ MT CO₂e. Note that this represents an upward revision of a previous inventory’s estimate of 2016 fuel usage data, which is likely due to improved data collection methods by ODOT, increased fuel sales, or both. Improved data systems since 2016 have increased the previous estimate, but there was still a substantial increase in transportation emissions between 2016 and 2020 using the identical data source and reporting system for both years. Any electricity used for electric vehicles is included in the building energy electricity section. Figure 4 shows a time series for transportation fuel sales for 2016 – 2020. Sales of all fuel types increased steadily between 2016 and 2019 and then dipped slightly in 2020. Gasoline makes up by far the largest proportion of sales and therefore emissions (as seen in Figure 1).

Figure 4: Changes in transportation fuel consumption through time



Waste and Refrigerants

Waste related emissions decreased by 36%, from roughly 2,300 MT CO₂e in 2016 to roughly 1,500 MT CO₂e in 2020. This resulted mainly from sending 450,000 fewer tons of waste to the landfill. Community refrigerant usage stayed fairly constant.

Imported Goods

Imported goods emissions increased by 5% between 2016 and 2020, based on income modeling and consumer spending patterns. Emissions from goods production increased from 63,000 MT CO₂e to 74,000 MT CO₂e, food emissions increased from 59,000 MT CO₂e to 63,000 MT CO₂e, fuel production (coupled to fuel and electricity sales) increased from 72,000 MT CO₂e to 78,000 MT CO₂e, and air travel decreased from 18,000 MT CO₂e to 7,000 MT CO₂e. Even though in general consumer consumption decreased between 2019 and 2020 due to the Covid-19 pandemic, the years previous saw large increases in consumption and so the decrease in 2020 still resulted in an increase relative to the last inventory in 2016. Air travel, on the other hand decreased relative to 2016, but it was insufficient to compensate for other consumption increases. Changes in consumer spending between 2016 and 2020 were estimated based on nationwide changes in consumer spending.

⁵ The transportation emissions for 2016 were estimated from population models, we have revised this estimation using the more accurate fuel sales data provided now by ODOT. This change resulted in a roughly 30% upward adjustment of 2016 transportation emissions.

Milwaukie Community Climate Action Update



August 9, 2022

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Overview

- GHG Inventory Overview
 - PGE Green Tariff
- CAP Update
- Tree Permit Update



Updated Climate Goals



2030

Net zero electricity

By becoming more energy efficient and using renewable electricity sources, Milwaukie's net emissions from electricity are zero.

2035

Net zero building energy

By sourcing renewable natural gas and offsetting gas emissions, Milwaukie's net building energy emissions are zero.

2045

Carbon neutral city

By changing our habits, switching to lower-emission fuels and offsetting emissions, Milwaukie's net CO₂ emissions are zero.

Increasing canopy cover to 40%

Expanding our urban forest from 26% to 40% by planting, protecting, and promoting healthy trees in Milwaukie



2040

Greenhouse Gas Inventory Update



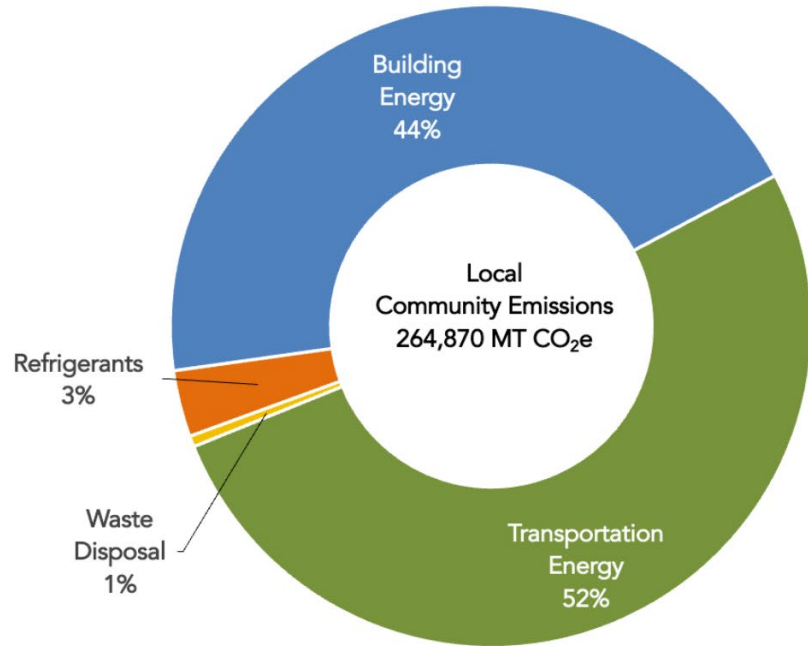
Takeaway message:

- **Building energy emissions are down**
 - City has big focus on this sector, seeing results
- **Transportation emissions are up**
 - 2016 transportation emissions may have been higher than originally presented
 - Consistent with regional trends
 - Individual community member behavior key to reducing emissions
- **Community consumption-related emissions are up**
- **2020 was a weird year, will take time to see data impacts**

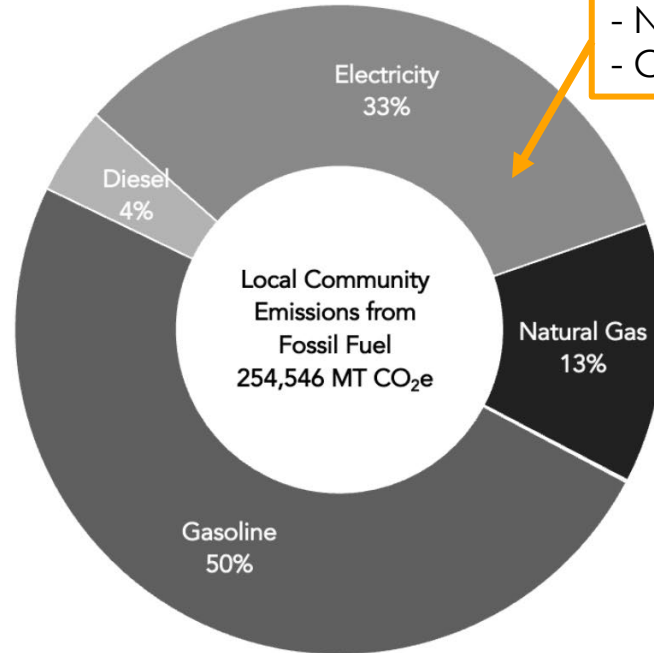
2020 GHG Summary



Sector Emissions

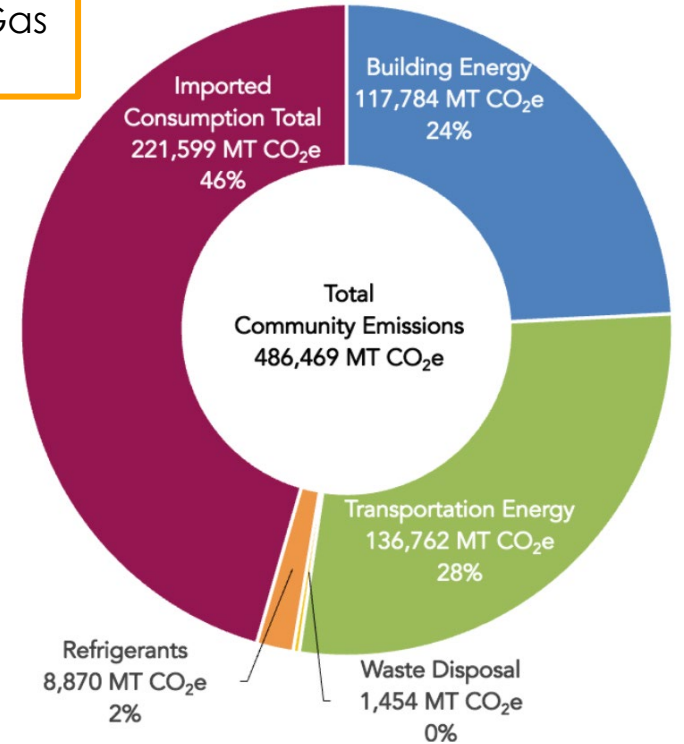


Fossil Fuel Emission Sources



- Natural Gas
- Coal

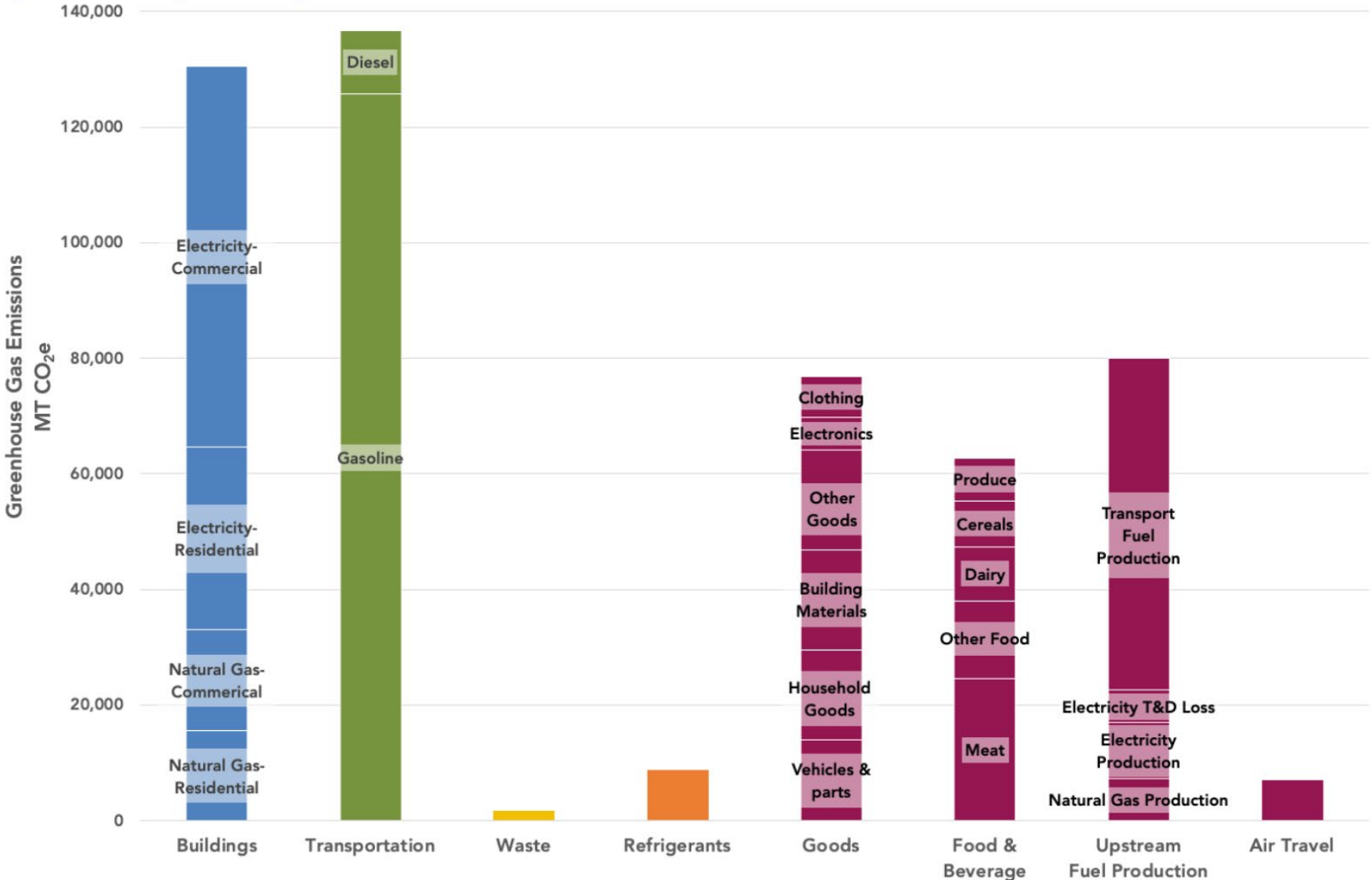
Local and Imported Community Emissions



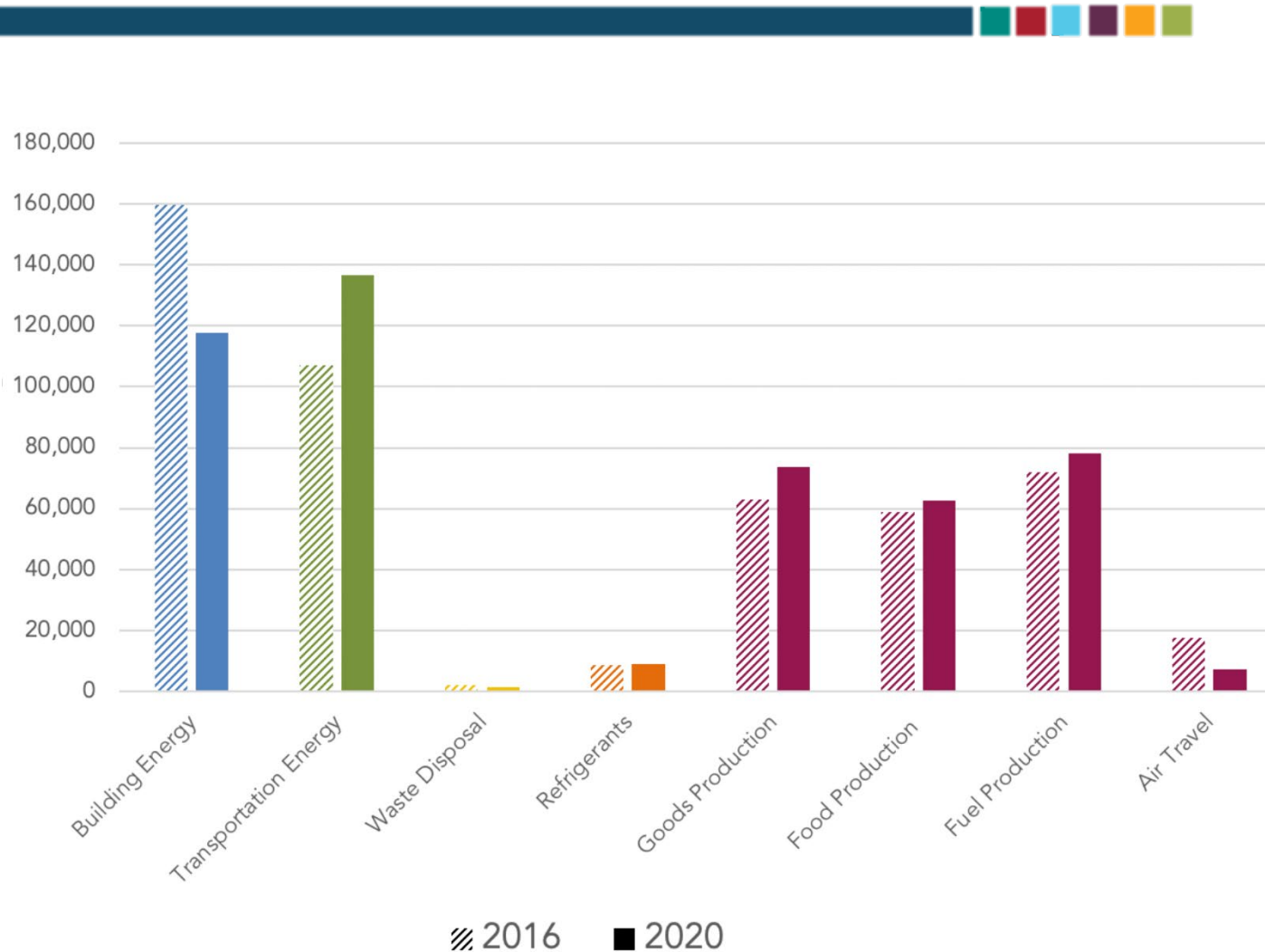
Local Emission Total: 264,870 MT CO₂e
Carbon-intensive electricity generation: 85,000 MT CO₂e
Natural Gas: 33,000 MT CO₂e

Emissions Sources

Figure 3: Sources of Community Emissions



2016 vs 2020 Emissions



Energy emission reduction efforts

- Voluntary renewables
 - Community Green Tariff
- City 100% clean
- Green power challenge
- SEM programs
- Home Energy Score
- HB 2021

Transportation emission reduction efforts

- State reporting changes
- Alternative transportation infrastructure
 - Short term vs long term
- City vehicle electrification
- Renewable diesel

Consumption emissions

- 2020 pandemic influence

2020 CAP Update

- **5 year periodic update on CAP actions**
- Focus on community narrative
 - What has been done?
 - What results are we seeing in the community?
 - What barriers exist for implementation?
 - Where do we need more help from stakeholders?

Fall/Winter 2022 Deliverable



CAP ACTION: Adopt a commercial and residential building energy score program based off of the City of Portland

Why this action matters:

2018 ACTION IMPACT GRAPHIC:



Residential energy scores provide information about home asset specifications, energy efficiency of homes, estimated utility costs and carbon emissions on home sale listings. The program increases transparency for consumers and provides community insights for building energy stakeholders. Commercial programs increase transparency for community emission profiles and provide stakeholder education opportunities.

How far has Milwaukie gotten:



ACTION STATUS: IMPLEMENTED AND REFINING

In February 2020, Milwaukie adopted a residential Home Energy Score program. Over 320 homes in Milwaukie have been scored through private assessment companies. Milwaukie has an average score of 4.3, which is comparable to regional averages. By adapting HES for small community implementation and sharing learnings, Milwaukie has assisted other communities in implementing their own HES programs, including Hillsboro (implemented 2021), Corvallis and Bend (in council discussions).

Current compliance is estimated at 40% before outreach by staff is performed. After outreach to property owners and real estate agents, compliance reaches upwards of 90-100% for monitored home listings. While notice of violations have been delivered, no citations have been required. No low-income assistance has been required as of August 2022.

Regional commercial building energy score programs were evaluated internally, and staff determined that the resources required would not justify the value gained through the program due to small numbers of participating buildings and businesses not already participating in energy efficiency programs.

LEARN MORE ABOUT MILWAUKIE'S HES PROGRAM:

milwaukieoregon.gov/sustainability

homeenergyscore@milwaukieoregon.gov

HES Hotline: 503-786-7688

Thoughts for the future:



Expanding the program to rental properties could help a larger number of Milwaukians

More compliance checks are needed, potentially through a city internship.

HES reports provide insight to residents looking to purchase a home and use energy asset and costs in their decision making. **Milwaukie and other regional communities are looking at HES programs for renters, tying HES scores to utility incentives and innovative technology, and incorporating other hard-to-find home information like wildfire safety.**

Compliance with program requirements can be challenging to increase due to the fast-paced housing market, limited regulatory oversight for home listing processes and frequency of monitoring required. Milwaukie could explore increasing monitoring through a city internship along with more robust outreach and education to stakeholders through the city website and HES hotline and email.

Lifting Community CAPs



Thanks to the city of Milwaukie

We want to thank Milwaukie City Mayor Mark Gamba for permission to use Milwaukie's climate action plan as a template for the development of our Lincoln County climate action plan. The city of Milwaukie has saved us much time and money, and we are quite grateful for their help. We used a number of their sections nearly verbatim, such as the greenhouse effect and causes of the rise in emissions and the science behind our goals. We used their general structure for our climate plan, but we tailored our plan for Lincoln County.



	Adopted CAP Scores												
	Ashland	Beaverton	Bellingham	Bend	Boulder	Corvallis	Eugene	Evanston	Fort Collins	Milwaukie	Portland	Tacoma*	Salem **
Total Actions and Policies Score	77	71	99	62	71	43	86	82	83	88	94	48	31
Total Possible Actions and Policies Score	117	117	117	117	117	117	117	117	117	117	117	117	117
Plan Actions and Policies Score (%)	66%	61%	85%	53%	61%	37%	74%	70%	71%	75%	80%	41%	26%
Total Overall Score	108	98	128	90	102	67	115	114	113	118	127	77	34
Total Possible Overall Score	154	154	154	154	154	154	154	154	154	154	154	154	154
Plan Score (%)	70%	64%	83%	58%	66%	44%	75%	74%	73%	77%	82%	50%	22%



* Denotes Tacoma having two other plans that feed into their CAP significantly. Much of the content is located within the other plans, reflecting a lower score for Tacoma.

** Salem does not have a CAP, therefore it lacks many plan specific elements such as: goals, implementation strategy, public participation and organizational coordination.



2022 Climate Collaborative



Español

**COMING
TOGETHER
FOR THE
CLIMATE**



JOIN THE MOVEMENT

Climate Collaborative is based on Milwaukie's [Climate Action Plan](#) adopted in 2018 and designed to give everyone in Milwaukie the tools and knowledge to keep building a brighter, cleaner future for the community we love. There are lots of ways to get involved – from small changes at home to big energy upgrades – but it all starts with one simple action: pledging to make a difference.

I'm a proud Milwaukian and by signing this pledge, I'm committing to doing my part for a sustainable and completely carbon-neutral Milwaukie.

First Name*

Last Name*

Email*

Learn more and sign the pledge at www.climatecollaborativenw.com!

August Events:

- 8/8 CareFree Sunday – Ball Michel Park!

September Events:

- 9/17 2pm – 6pm MESH Sustainability Fair
- TBD PGE/Dark Horse Comic – Comic Release!

October Events:

- 8/22 Arbor Day Celebration Extravaganza
 - Friends of Trees Planting
 - Electric Tool Exchange
 - All-electric tiny home
 - Spooky Halloween theme!

Tree Permit Update

2022 Permits Approved:

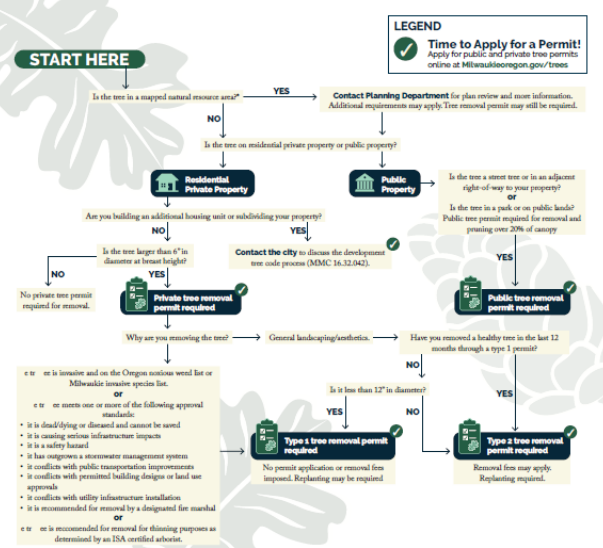
- **7 Public Tree Permits**
 - 6 replantings, 1 fee in lieu
 - 1 denied (insufficient proof)
- **17 Private Type 1 Permits**
 - No opted fee in lieu
 - 1.5 denied (insufficient info/partial denial)
- **1 Private Type 2 Permits**
 - Pending
- **4 Pre-development meetings**
- **0 Submitted Development Permits**
 - Application submitted with building permits unless variance pursued



Outreach Materials

Need to remove a tree?

Follow this decision tree to determine what is required for a tree removal in Milwaukee



WHAT IS A MAPPED NATURAL RESOURCE AREA?
A mapped natural resource area is a zone of environmental importance and has additional approval requirements due to natural resource impacts. Visit milwaukeeonline.org/maps or contact the Milwaukee planning department to determine if a tree is located in these areas.

HOW TO DETERMINE IF A TREE IS ON PUBLIC OR PRIVATE PROPERTY:
• Do an initial search using the Milwaukee property and utility search map: milwaukeeonline.org/maps
• Contact the city for confirmation of tree location

HOW TO DETERMINE TREE DIAMETER:
For single stemmed trees, diameter at breast height can be measured by taking a measurement of the circumference of a tree trunk 4.5 feet up from the ground and dividing by 3.14. For more instructions and tips on measuring a slanted tree or multi-stemmed tree, visit milwaukeeonline.org/trees

HELPING MILWAUKIE'S CANOPY:
The city is working to preserve tree canopy as trees are proven to improve property values, provide community health benefits and mental health. Contact Milwaukee's urban forest to talk about what can be done to help you and your tree.

FOR QUESTIONS OR MORE INFORMATION, CONTACT:

 (414) 794-7445
urbanforest@milwaukeeonline.org
milwaukeeonline.org/trees

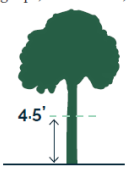


Diameter at breast height, or DBH, is the standard for measuring trees. DBH refers to the tree diameter measured at 4.5 feet above the ground.

Measuring Single Trunk Trees on Level Ground

DBH can be measured quickly with a specially calibrated diameter tape, often referred to as a d-tape, that displays the diameter measurement when wrapped around the circumference of a tree. Simply wrap the d-tape around the tree at 4.5 feet above the ground. One side of the tape automatically converts the circumference to tree diameter. This is the side labeled "diameter equivalents of circumference." The other side of the tape does not convert the measurement. You will need to divide the value by π (~3.14) if using this side to convert to diameter. If you don't have access to a d-tape, you can find the diameter of the tree using a string, a measuring tape, a thumbtack, and a calculator.

1. With the measuring tape, measure 4.5 feet up the trunk of the tree from the ground. Use a thumbtack to mark the height on the tree.
2. Wrap your string around the tree trunk at 4.5 feet. Make sure the string is straight and tight around the trunk, and mark or cut the circumference on the string.
3. Measure the length of string to get the circumference of the tree.
4. Convert the circumference measurement to diameter by dividing the circumference by π (~3.14).

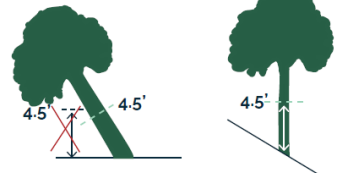


How to Measure Tree Diameter Factsheet

2022

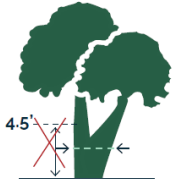
Measuring Trees at an Angle or on a Slope

When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk.



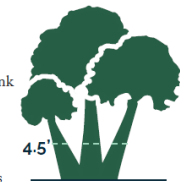
Measuring Trees with a Split Trunk

When the trunk branches or splits less than 4.5 feet from the ground, measure the smallest circumference below the lowest branch. If the tree has a branch or a bump at 4.5 feet, it is better to measure the diameter slightly below or above the branch/bump.



Measuring Multi-stemmed Trees

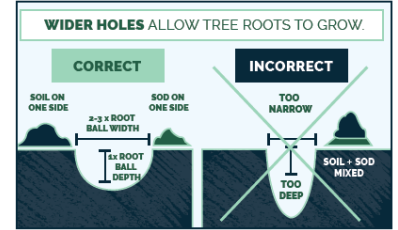
For multi-stemmed trees, the size is determined by measuring all the trunks, and then adding the total diameter of the largest trunk to one-half the diameter of each additional trunk. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common rootstock that do not have trunks connected above the ground.



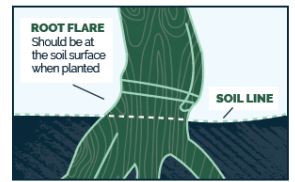
How to Plant a Tree

Planting trees properly will ensure their long-term success. The following is a guide on how to plant a new tree. The best time to plant trees is fall-spring. Trees planted outside of this window may require additional care.

- Ensure that a utility locate has been performed before digging. Be mindful of utility marks on the ground while planting a tree.
- Start by digging a hole that is 2-3 times the width of the tree's root ball. Wider holes allow tree roots to grow!



Proper planting depth should be determined after removing excess soil from the trunk to expose the root collar and find the highest major root. Be sure that the top-most root is level with the soil surface. The number one cause of tree mortality is planting a tree too deeply.

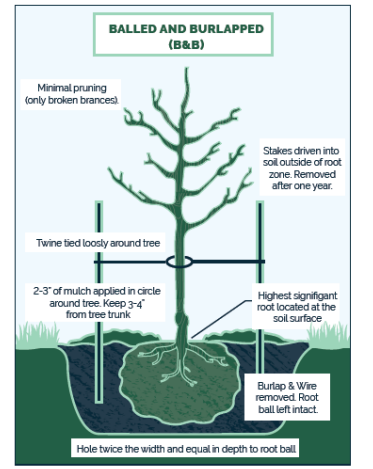


Planting Balled & Burlapped (B&B) Trees

- Remove any wire baskets and unwrap the tree's burlap
- Gently remove extra soil from around the tip of the root ball to locate the root flare of the highest major root
- Dig the planting hole the same depth as the root ball but 2-3 times the width
- Gently lift the tree and lower it into the hole. The root flare should be level with the soil surface

MAKE SURE TO:

- Stabilize and straighten the tree with backfill and double check to ensure the highest major root is even with the soil surface
- Add the rest of the soil back into the hole and gently press down to avoid air pockets
- After planting, water the tree thoroughly
- Apply a 2-3" layer of mulch around the tree. Be sure to keep it 3-4" away from the trunk of the tree. Organic wood chip mulch is ideal for newly planted trees. It slowly decomposes and improves soil structure over time
- Install two stakes on either side of the tree trunk. Tie twine loosely around the tree and the stakes for support. These can be removed after one year



Questions?

Milwaukieoregon.gov/sustainability

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CITY OF MILWAUKIE

Milwaukie Community
Climate Action Plan



CITY OF MILWAUKIE

March 6, 2019

2019 Urban Forest Management Plan



CITY OF MILWAUKIE

Milwaukie Community
Climate Action Plan



Household Strategies

CITY OF MILWAUKIE

Milwaukie Community
Climate Action Plan



Business and Organization
Strategies



CITY OF MILWAUKIE

COUNCIL STAFF REPORT**To:** Mayor and City Council**Date Written:** Aug 5, 2022**Reviewed:** Kelly Brooks, Assistant City Manager
Peter Passarelli, Public Works Director
Adam Moore, Parks Development Coordinator
Justin Gericke, City Attorney**From:** Ann Ober, City Manager**Subject:** **Parks History and Funding Measure**

ACTION REQUESTED

City Council has asked staff to investigate the path to departing North Clackamas Parks and Recreation District (NCPRD) as the city's park provider. This staff report provides the history and background of the city's relationship with NCPRD. It also addresses potential avenues to leave the district and investigates future funding options to fund a city parks department. Due to existing litigation and questions relating to the departure process, staff will not request a final decision at this meeting about leaving the district. The purpose of today's discussion, however, is to determine council's interest in advancing a funding measure to fund future parks services in the city. It is also to determine the Council's opinion on the current SDC process underway at NCPRD.

Council Direction

On May 10, 2022, Council directed staff to investigate leaving the district. That direction required staff to take the following actions:

- 1) Determine city's legal path for leaving the district.
- 2) Investigate the feasibility for the city to again provide parks services.
 - a. Determine the current park needs
 - b. Determine the cost to provide maintenance and operation services to the current standard.
 - c. Investigate programming partnerships with NCPRD and alternative agencies.

HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

In 1990, the City and Clackamas County worked together to create a new Parks and Recreation entity – NCPRD. The district is “governed by Clackamas County’s Board of County Commissioners. NCPRD is the only parks and recreation district structured as a county service district in the state of Oregon. Other urban parks districts are structured as independent districts under ORS 266, which was created specifically for parks and recreation districts.”(NCPRD Website, 2022)

Since its inception, the city's relationship with NCPRD has been governed by an Intergovernmental Agreement (IGA). The original agreement was signed in 1990 and subsequent amendments were adopted in 1992, 1995, 2008 and 2020. Throughout that time, the

entities have also adopted several project specific agreements. The city's ability to withdraw was an important consideration in participating in the district and always understood to be a decision of council.

Milwaukie Parks

Prior to and since joining the District, the city has been the primary developer of park spaces within the city. Currently, the city is constructing Balfour, Bowman Brea and Scott Parks. The city's 2023-2027 adopted capital improvement plan includes funding for Dogwood Park (2024) and realignment of the Trolley Trail at Milwaukie Bay Park (2027).

Milwaukie currently offers 87 acres of parks and natural open spaces, not including trails or linear parks. 82.8 acres is dedicated as park land. The remaining acreage is public right of way, natural areas, and detention ponds. Given Milwaukie's current population based on the US Census's American Community Survey for 2021, Milwaukie currently offers 3.93 acres of dedicated parkland per 1000 residents. Oregon's Statewide Comprehensive Outdoor Recreation Plan (SCORP) recommends between 6.25 acres and 13.5 acres of public parkland per 1,000 residents. Both before and since creating the district, these parks have largely been constructed by the city (instead of NCPRD), utilizing grants and city resources. The exceptions to this have been early investments in North Clackamas Park, construction of Wichita Park in 2019 and the unpaved natural trails in Spring Park and Kornberg Park.

Milwaukie Bay Park

Planning for Milwaukie Bay Park—previously named Riverfront Park—began in earnest in 1998 with the establishment of the Milwaukie Riverfront Task Force by the City Council with a mission to advance the development of the park. Subsequently, the Downtown and Riverfront Land Use Framework Plan adopted in 2000 (and updated in 2015) identified development of the Riverfront Park as a high priority project. The plan recognized the park as the City's "living room," established it as a location for special events, and called for strengthened connections to the north and south and to downtown.

Master planning began in 2005 with a survey to determine what components the community would like to see included in the park. City Council approved of the preliminary plan in 2006; the Milwaukie Design and Landmarks Committee and Milwaukie Planning Commission approved the master plan in 2010. The park's planned amenities represented the core values of the community: promoting health and quality of life, and creating new opportunities for fitness, recreation, social and civic engagement. The plan included new parking areas north and south of Kellogg Creek, a play area for children, two restroom facilities, a performance venue for cultural arts, a festival lawn, pathways for pedestrians and bikers, improved pedestrian crossings from downtown to the park and two overlooks for river viewing including improvements located near the Kellogg Waste Treatment Plant. Because full funding of the master plan with an estimated cost of \$8.7 million was not secured, civic leaders anticipated the improvements would be built in phases.

In November 2012, the city took on the initial construction of the park, starting with the overlook at Klein Point. That phase was quickly followed by Phase 2, the parking and boat ramp area of the park. In July 2013, the city was awarded two grants for the development of the next phase of the park. For Phase 2, the city secured and funded a total of \$2.5 million dollars in project development. This phase brought a new boat launch and boarding float, a riverside pathway and plantings, a small restroom, parking areas north and south of Kellogg Creek and

vehicle access improvements along McLoughlin Blvd. This portion of the project was dedicated on May 1, 2015.

In 2016, the space experienced significant flooding, which damaged the waterfront of the property. With funds largely contributed by the Federal Emergency Management Aid office, the city reconstructed Kellogg Bridge (located inside the park) and completed the designed work for the waterfront portion of the park including stone stairs to the waterfront and Milwaukie Bay beach. In 2017, we also renamed the park Milwaukie Bay Park (previously known as Riverfront Park).

Following a verbal agreement between the City Manager and Executive Director of NCPRD in 2017, the County initiated what was intended to be a modest update to the master plan but transitioned to a full redesign of Milwaukie Bay Park. According to the bid documents at the time Phase 3 was started, a majority of the Master Plan elements had been accomplished. With these items completed and with removal of the park concepts located next to the Kellogg Treatment Plant, the city evaluated the remaining costs for the park to be approximately \$3.5 million as assessed by the city engineer in 2017. Since the park was regional in nature and current use, the city asked NCPRD to partner in the funding and construction of Phase 3.

Since that initial agreement, NCPRD has done a complete overhaul of the design. After the robust planning and design process, the total cost of Phase 3 is now being priced at \$7.869 million for construction without contingency costs or soft costs (approximately \$1.5 million). The majority of these new costs stem from increased cost of construction.

Procedural Delays and Failed Negotiations (2020-2022)

Over the past several years, council has grown increasingly frustrated with the governance of NCPRD. During meetings specific to the creation of the District Advisory Committee (DAC) and subsequently as the city and county have met to discuss Milwaukie Bay Park, there has been a shift at the board level to reduce services and capital funding provided to the city for shared amenities and services.

In 2019 and 2020, NCPRD created the new DAC to replace the previous District Advisory Board. As the construct of the Council was outlined in the City's IGA, the city was included as a stakeholder. Though we reached agreement, the process was long and involved regular pointed attacks at city leadership.

In 2020, city staff met with NCPRD to negotiate a financial contribution from the city to the Milwaukie Bay Park construction project. The city approved that IGA promptly and forwarded it to the County. Though making no written financial commitments themselves, the County Commission pulled the agreement on November 17 from their commission meeting. The city had to again engage to move the agenda item forward on December 3. The process caused further issues within the relationship.

In 2021, Commissioner Savas proposed, and the Commission approved placing a hold on budget line items for Milwaukie Bay Park until the county had "a Cooperative IGA with the City of Milwaukie" and "SDC funding [is] discussed with the District Advisory Committee." To meet the named cooperative agreement, Mayor Gamba and Commissioner Savas held subsequent negotiations to fund the construction of Milwaukie Bay Park, beginning on July 7 and lasting until October 7, 2021. Just after the negotiations started, the commission again removed a Milwaukie Bay Park agreement (July 22) from their agenda – this time the

construction contract. City Councilors individually testified at the commission meetings and the Commission approved the contract in August 2021.

Negotiations between Commissioner Savas and Mayor Gamba were completed in October 2021. Those negotiations produced two agreements – an IGA to construct Milwaukie Bay Park and an amended finance IGA outlining a financial commitment from both parties to fund the park. The city quickly adopted both agreements in November 2021, with a June 2022 sunset clause to allow for the project to continue without further price escalations. The Commission approved the construction IGA that November but did not approve the financial IGA.

On Oct 7, NCPRD staff provided Milwaukie staff with an overview of next steps for the NCPRD process to approve the Finance agreement. The email outlined that NCPRD staff would provide an overview of the agreement to the DAC and that the commission would take up the agreement before December 8, when the DAC would receive the approved agreement. On October 27, the Commission removed the items from their agenda and directed NCPRD staff to return the item to the DAC for their recommendation. On Jan 12, the item was heard by the DAC and unanimously approved by the Commission. It was then sent to the NCPRD Board. On January 20, February 15 and February 17, the item was again removed from the Commission agenda.

On March 31, 2022, the Commission allowed the financing IGA item to remain on their agenda. At that meeting, they approved the agreement and added the stipulation that the funds could not be spent until a third IGA (known as the updated Master IGA) was negotiated and approved. The draft provided to the city removed prior language allowing the city to leave the district at any time.

ANALYSIS

As was stated above, there are two components to leaving the district – process and availability of funds. Specific to this process, there are two statutes in the Oregon law that specifically outline the process for leaving a district. The city’s Master IGA with NCPRD states the city will use ORS 222, which would require public noticing, followed by a vote of the city council. The second, ORS 198, would require County Commission action. This section provides an overview of both, plus an alternative path that may become available to the city at a future date.

ORS 222 - Mediation and Validation Process

On May 18, the city contacted NCPRD Director Michael Bork to affirm the city’s ability to leave the district using language included in our IGA:

The city may choose at any time to withdraw entirely from the District pursuant to ORS 222.524 or its successor statute (attached).

County Counsel Jeff Munns contested our assertion in a May 19 letter(attached). According to the IGA, the initial step in a contested provision is mediation and on July 6, 2022, the city and NCPRD met through a mediator. Mediation did not resolve the issues.

NCPRD’s position is that the ORS 222.524 process is not available, and the withdrawal process of Chapter 198 is applicable. As stated during mediation, the City thereafter filed a Validation Petition pursuant to ORS 33.710 and 33.720 (Clackamas County Circuit Court Case No. 22CV22550) for a declaration as to the withdrawal provisions of the Agreement. The City also

agreed to provide preliminary concepts on City withdrawal and provision of park and recreation services. The county's response to date has been to request to extend mediation.

ORS 198

As discussed above, NCPRD believes the city's path to leaving the district is codified under ORS 198. That process provides that owners of land included in a district or electors of an area within a district may petition the county board for withdrawal of the property from the district. Notice of the petition for withdrawal must be in writing and within five days after the petition is filed, petitioners shall furnish the secretary with a copy of the petition as filed. The county board may approve the petition as presented or it may adjust the boundaries and approve the petition. The petition shall be denied if it appears that it is, or would be, feasible for the territory described in the petition to receive service from the district.

Opt out of the New District

In 2014, NCPRD placed Ballot Measure 3-451 on the ballot. The measure would have re-formed NCPRD as an independent district, separate from county government. The measure failed. However, conversations have again started at NCPRD about the possibility of reintroducing the measure to voters in May 2023.

According to the statute, the new district would need to gather permission from all cities included in its boundaries. The city could, at that time, decline to participate in the new district and would then be independent should the vote pass in the rest of the district.

Current Needs

The second component to Council's request is understanding the city's ability to provide these services if we do leave. This request has required city staff to evaluate and analyze our current assets, service levels and programs.

Deferred Maintenance

Staff's first step was to review Milwaukie's parkland and park amenities. Based on estimated age and condition of infrastructure, the inventory was adjusted, and an updated replacement schedule was developed. This assessment concluded that there was at least \$941,000 in deferred maintenance and replacements costs in Milwaukie parks.

Staff also compared the inventory of Milwaukie's parkland and amenities to State of Oregon guidelines and recommendations for park and recreation service that come from the SCORP. The SCORP guidelines make recommendations for the number of acres of park land and number of amenities offered to the public based population size. Based on this analysis, Milwaukie is currently deficient in several areas.

As stated above, Oregon's SCORP recommends between 6.25 acres and 13.5 acres of public parkland per 1,000 residents. Other organizations such as the Trust for Public Land (6 acres per 1,000 residents) and National Recreation and Park Association (10 acres per 1,000 residents) also make recommendations on park acreage. Based on these recommendations, Milwaukie, with its current population, needs between 44 and 181 acres of additional dedicated parkland. Through the master planning process, it will be up the City of Milwaukie to determine how much parkland it feels is appropriate for it to offer. For example, the City of Happy Valley recently determined that it should provide 4 acres of parkland per 1,000 residents.

Source*	Standard Acres per 1,000	Acres Needed to Meet Standard
<i>City of Milwaukie - Current Conditions**</i>	3.93	
National Recreation & Parks Association	10	128
State of Oregon - Low	6.5	49
Trust for Public Lands	6	44
City of Happy Valley	4	2

Amenities and capital needs

Using these same tools, staff also determined that Milwaukie is currently deficient in several amenities within our current park assets. As an example, the city does not have any pickleball courts, basketball courts, soccer fields or lacrosse fields. To determine the future level of service, the city would need to undertake a robust community engagement and master planning process, which could take at least 18 months and would be initiated following a decision to leave the district. This information would be incorporated into Milwaukie’s parks capital improvement future funding strategies.

Programming

Ongoing programming – namely at the Milwaukie Center (a city facility) and Aquatic Center (a NCPRD facility) – have been top priorities in conversations with local residents about a potential departure from NCPRD. Currently the Milwaukie Center provides a significant number of senior and aging services, funded using federally granted aging services dollars. The Milwaukie Center is one of 10 centers providing aging services in Clackamas County (CANBY Adult Center, ESTACADA Community Center, GLADSTONE Senior Center, HOODLAND Senior Center, LAKE OSWEGO Adult Center, MOLALLA Community Adult Center, PIONEER Community Center, SANDY Senior & Community Center and WILSONVILLE Senior Center). The city has communicated to NCPRD an openness to continue using the site for these and related services. If the services are not provided at this site, the County would need to find an alternative location in this general area to provide these services.

Youth and recreational programs are different. Those services are funded primarily using property tax and fees collected by individual and team users. Many of these services are provided on constructed fields using contracted fields and North Clackamas Park, as well as at the Aquatic Center. A limited number utilize facilities within the Milwaukie Community Center. The city is currently in conversations with NCPRD to see if there is a mutually beneficial partnership that would allow residents their current or similar access, using the revenue collected by NCPRD at our sites to offset costs and those services.

Cost to operate and maintain

City staff conducted several budget analyses to determine operational and maintenance costs for parks. Using several sources of data, discussions with other park providers and some reasonable assumptions, Milwaukie staff developed estimates for park operation and maintenance. Preliminary estimates using the methodology developed by the consulting firm ECONorthwest for the Oak Lodge Governance Project suggested that the \$1,271,000 Milwaukie would receive from a similar property tax would be sufficient for our initial operations, maintenance, and programming.

Using these as a starting point, staff developed a preliminary budget and six-year forecast for parks operations and maintenance. With the addition of the current parks development coordinator personnel costs reflected as a transfer to a “parks” fund, and funding from the Marine Board for dock removal this increased projected funding to \$1,445,000 in FY 23/24. The estimated operating expenses include personnel costs, contract services (landscaping and janitorial), professional services, repair and maintenance costs and transfers. The budget does not include programming costs, based on the paragraphs above in which the city would negotiate programming services to be provided by NCPRD. The table below forecasts revenues, O&M expenses and positive income through FY 2027. Staff is refining the budget forecast to also include projected capital expenses and the dedicated capital funding sources for current and future park projects.

	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Total Operating Revenues	\$ 1,455,155	\$1,501,273	\$1,548,672	\$1,596,479	\$1,646,490	\$1,697,639
Total Operating Expenses	\$1,373,167	\$1,430,055	\$1,466,349	\$1,547,344	\$1,633,350	\$1,724,704
Operating Income	\$ 81,988	\$71,218	\$82,323	\$49,135	\$13,139	-\$27,065
Cash Forward Beginning Year	0	\$81,988	\$153,206	\$235,529	\$284,664	\$297,803
Balance	\$ 81,988	\$153,206	\$235,529	\$284,664	\$297,803	\$270,738

Funding Mechanisms

To determine a department’s viability, city staff also investigated current funding sources and the associated processes to gain revenues.

Property Tax

60 percent of the funds NCPRD uses to pay for operating the parks and recreation services is derived from property taxes. NCPRD receives a property tax within the district of \$0.5382 per \$1,000 of assessed valued. Based on the average home taxable value in Milwaukie, that equates to \$108 per year in property tax. Should the city be interested in levying that rate on our taxpayers in place of NCPRD, the city will need to place a five-year levy request on the ballot and our voters will need to approve the rate. Collection of the rate by NCPRD would be discontinued at the time a city levy was collected, assuring that Milwaukians are not double charged.

Fee Based Financing

Neither NCPRD, nor the city currently utilize a monthly fee to fund parks and recreation services. However, as an alternative to a levy, the Council could consider the establishment of a parks fee. A parks utility fund could be setup as a special revenue fund that is used for maintenance and operation of city parks, trails, and green-spaces. This fee treats park services more like a utility. Several communities in Oregon have a parks fee, including West Linn, Tualatin, Tigard and Gresham. The revenue generated from these fees in these communities are generally allocated for parks maintenance, although in some instances communities have used the fee to pay for debt service on capital programs. A Parks utility fee would be charged to all utility customers and could include low-income assistance to eligible customers. The fee would also generate revenue from parcels that may be tax exempt

The table below provides a preliminary comparison for discussion purposes between a levy and a potential utility fee.

	Estimated Parks Levy vs Fee				
	FY23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Annual Levy Proceeds	\$1,271,000	\$1,309,000	\$1,349,000	\$1,389,000	\$1,431,000
Levy amount for Average Assessed Value (annual basis)	\$108	\$111	\$114	\$118	\$121
Levy amount for Average Assessed Value (monthly basis)	\$8.97	\$9.24	\$9.51	\$9.80	\$10.09
Levy amount for Highest Assessed Value (monthly basis)	\$2,272.29	\$2,340.46	\$2,410.68	\$2,483.00	\$2,557.49
Parks Fee Based on Utility Account (monthly basis)	\$15.46	\$15.92	\$16.41	\$16.90	\$17.41
Parks Fee Residential with Employee Fee (monthly basis)	\$8.00	\$8.24	\$8.49	\$8.74	\$9.00
Parks Fee Large Commercial/ Industrial with Employee Fee (monthly Basis)	\$2,901.44	\$2,988.48	\$3,078.14	\$3,170.48	\$3,265.60

Fees

A significant portion of NCPRD’s budget is collected through user fees. These fees are primarily collected through services provided at North Clackamas Park, the Milwaukie Community Center and the Aquatic Center. Should the city leave NCPRD, the city could choose to continue to provide services at North Clackamas Park and the Milwaukie Community Center. Alternatively, the city and NCPRD could partner as discussed above in the “Programming” section of this report, with those funds being used to offset city resident’s participation in NCPRD programming including pool access and recreational teams and classes. It is expected that in such a five-year scenario, NCPRD would retain collected fees to provide those services to our resident.

Grants

Over the past 15 years, most capital/construction dollars used to develop park amenities within the city have been secured through grants and earmarks secured by the city. Most recently, the city was provided \$2.25 million in funding through Oregon’s portion of the American Rescue Plan Act (ARPA) of 2021. These funds were allotted to the state’s senators and representatives. Senator Kathleen Taylor and Representative Karin Power each requested that a portion of their district funds be allocated towards the improvement and development of neighborhood parks. City staff will continue to apply for grants and earmarks in a similar fashion, whether or not the city leaves NCPRD.

SDCs

System Development Charges (SDCs) are one-time charges assessed on new development, additions and changes of use to pay for the costs of expanding public facilities. Growth creates additional infrastructure demands. SDCs provide a mechanism to fund new growth in a community along with the related demand placed on storm and sanitary sewer systems, parks and recreation facilities, water and street systems. Specific to parks, these funds are collected to

assure that there are sufficient park amenities for our growing community and can provide a significant amount of funding towards the development of new park services.

Currently, the city collects the park SDCs when other SDCs are collected for our utilities. However, the park SDCs are immediately transferred to NCPRD. A significant increase in the development occurring throughout the city has led to more SDCs being collected for parks over the past year. This past fiscal year, the city collected and transferred \$1.1 million in SDCs. If the city were to stay in NCPRD and collect SDCs at their current rate, we expect we would collect \$3.255 million in the coming three years.

Should the city council decide to proceed with leaving the district and/or place the levy on the ballot for community support, the city will need to engage with a consultant team to develop an interim Parks SDC methodology for the city. This interim or transitional methodology will allow for the city to engage in a robust engagement and master planning effort with community on parks at a future date and still capture parks SDC revenues. This methodology will be based on the capital project list developed from existing NCPRD documentation and modified with input from city staff. The work will include discussion of key policy choices that will frame the resulting SDC and SDC structure, within the constraints provided by Oregon SDC statutes and clarifying case law. The effort will ultimately result in a defensible Park SDC and supporting documentation and calculations. The SDC analysis will include both a reimbursement fee (as applicable) and an improvement fee. Upon completion of the master planning effort, the city will review the interim SDC methodology and update based on the outcomes of the master planning effort.

Because SDCs are a critical part of funding future parks and due to comments made at recent DAC meetings, council may want to consider revoking a resolution approved by the council on April 3, 2018. That resolution endorsed the process of eliminating zones, which could lead to city generated SDCs being spent in unincorporated county.

Milwaukie Bay Park Funding

Milwaukie Bay Park has been a long sought-after project in the Milwaukie downtown core. Currently, the staff of NCPRD have included a proposal for full funding to construct Milwaukie Bay Park. However, the County Commission refuses to use such funds unless the city makes concessions in the overarching IGA. In the initial draft, those changes include forgoing the city's long standing right to leave the district with a simple vote of the council. This would permanently lock the city into its relationship with NCPRD without an ability for recourse when the district does not provide deferred maintenance at existing sites or construct new parks, even as the district collects all the revenues from our residents to do so.

Should the city leave the district, the city will be solely responsible for funding the park improvements. Currently, the budget for construction sits at \$7.869 million with an additional \$1.5 in contingency and soft costs for a total of \$9.369 million. The city currently has allocated \$250,000 in General Fund, \$750,000 in Metro grant funding, and \$600,000 in Urban Renewal funding. Staff at NCPRD have secured approximately \$1,796,125 in project specific grants that the city would request remain in the project. Further, the district has approximately \$1.5 million in SDCs collected within the city boundaries and an additional \$3.255 million in SDCs are expected over the coming couple years. Should all of those funds be secured and applicable to this project, that would leave the city with \$8.151 million and a shortfall of approximately \$1.218 million. Staff cannot guarantee full construction of the park without identifying and securing all

the associated funds. However, staff does believe that a Phase 3 could be completed, at least partially, with available funds.

Council Questions

Should the Council want to leave NCPRD at a future date, the city would need a dedicated funding source. Staff recommends, as the current funding is derived from property taxes, a similar tax should be its replacement. To levy that tax, the city would need to place the levy on the ballot for consideration by the voters of Milwaukie.

- 1) Would council like to proceed with the levy (\$.5382 per \$1000 in assessed value)?
- 2) Further, would council be interested in a resolution rescinding the 2018 SDC resolution?

BUDGET IMPACT

Proceeding with a city parks levy would generate over \$1.2 million in revenues. Creating the fund would also require a budget adjustment to move existing park funding to a combined account.

COORDINATION, CONCURRENCE, OR DISSENT

This staff report has been developed in partnership with the city attorney, Public Works, and Strategic Engagement Team.

ALTERNATIVES

City Council could choose not to proceed with a levy or could choose to develop a fee, similar to a utility fee at the time members determined the city's future involvement in NCPRD.

ATTACHMENTS

1. NCPRD – City of Milwaukie Master IGA
2. May 19, 2022 Letter – Mr. Jeffry Munns

Amendment #1

**2008 Cooperative Intergovernmental Agreement
Between City of Milwaukie and North Clackamas
Parks and Recreation District**

1) The District shall maintain the areas of the Parks listed below as described in this amendment:

Riverfront Park - from McLoughlin Blvd to the River and between southern edge of Log dump property and Johnson Creek) - NOTE: Parking strip on west side of McLoughlin and lawn area adjacent must be maintained at a high level. All other areas can be moderate to low - unless there is a specific need or event preparation. As the Park or portions of the Park are improved, a high maintenance level will be applied to the improved portion(s). (The median strip in the center of McLoughlin Blvd will be maintained by the City of Milwaukie.)

Scott Park - from north edge of sidewalk along north end of library building. Includes natural area within split rail fence but excludes pond. City covers lawn area south of Library and front landscape

40th and Harvey - NCP areas only (NCP will maintain the grounds inside its fenced shop area including beds next to building. NCP will maintain the grounds inside the entire fenced area where the NCP vehicles are parked. NCP will maintain the unfenced grounds from the access road on the south of the building to the south property line and up to the west edge of the sidewalk on the east in front of the NCP shop.

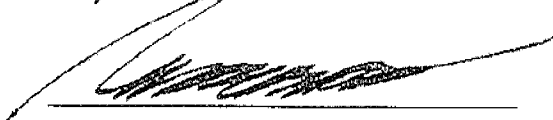
Robert Kronberg Park (including City-owned parcels to north and south)

2) "Minthorne North" shall be added to Attachment #1, under the header:

A. Milwaukie Parks to Be Maintained and Operated by the Service District

3) "Minthorne North" shall also be added to the list of sites in Attachment #2, listed under the header: "Natural Resource Areas"

City of Milwaukie



By:
Date:

North Clackamas Parks
And Recreation District



By: Lynn Peterson, Chair
Date: 1-21-2010 III, 1.

10/28/2008

COOPERATIVE INTERGOVERNMENTAL AGREEMENT

This Cooperative Intergovernmental Agreement (this "Agreement"), made this 21st day of October 2008, is entered by and between North Clackamas Parks and Recreation District, a county service district formed under ORS Chapter 451 hereinafter referred to as "District," and the City of Milwaukie, hereinafter referred to as "City," pursuant to the provisions of the Intergovernmental Cooperation Act, ORS 190.003-190.250.

WHEREAS, City is part of the District; and

WHEREAS, the District provides park services for the benefit of City residents; and

WHEREAS, the parties desire to revise that certain intergovernmental agreement dated August 20, 1992 to better clarify the roles and relationship of the parties regarding the provision of park and recreation services; and

WHEREAS, when the District was established in 1990 by a vote of the Clackamas County residents, the District agreed to acquire land and develop regional parks and recreation facilities for the North Clackamas area including:

- A State-of-the Art Aquatics Complex;
- 4 Lighted Softball Fields;
- 2 Lighted Soccer Fields;
- 2 Multi-purpose fields;
- 1 Riverfront Park in Oak Grove;
- Approximately 75 Acres of Natural Areas;
- Walking Trails Linking North Clackamas Park, the Southern Pacific Property (now called North Clackamas District Park), and Mount Talbert; and

WHEREAS, the City maintained and operated the Milwaukie Center through August 31, 1992; and

WHEREAS, during the fiscal year 1991-92, the District provided the City of Milwaukie with the funding to maintain and operate the Milwaukie Center; and

WHEREAS, this "pass-through" of funding was equivalent at a minimum to the 1990 City of Milwaukie budget allocation for the Milwaukie Center (\$165,955) plus a 6% annual increase for inflation. Upon transition the Milwaukie Center's budget increased each year by at least 6% per year until June 30, 1995; and

WHEREAS, the District also provided the Milwaukie Center's budget with an additional funding of \$98,000 to maintain and operate the Milwaukie Center upon completion of the Center's expansion by the City of Milwaukie. Subsequently, this sum was increased annually by at least 6% per year until June 30, 1995; and

WHEREAS, as of September 1, 1992, the City transferred maintenance and operations responsibility of the Milwaukie Center to the District and the District assumed responsibility for the maintenance and operation of the Milwaukie Center; and

WHEREAS, upon assuming maintenance and operation of the Milwaukie Center, the District accepted and assigned employees for the Milwaukie Center staff in accordance with ORS 236 under which employees were to perform to District standards and abide by District personnel regulations; and

WHEREAS, at the time of transfer (September 1, 1992) all Milwaukie Center policies developed by the Milwaukie Center Community Advisory Board ("C/CAB") were adopted by the District. This Board continues its role as primary policy advisor with regards to the activities and operations of the Milwaukie Center; and

WHEREAS, The Board of County Commissioners is the governing body (referred herein as the "BCC") of the District.

NOW THEREFORE, in consideration of the mutual promises, covenants and agreements set forth herein, the City and District hereby agree:

I. PARKS CAPITAL IMPROVEMENTS

A. DISTRICT

- 1) While the City continues to support the development of the parks and recreation facilities listed here it acknowledges that parks and recreation facility development priorities continue to grow and change. To this end, the District shall coordinate closely with City staff and its citizens when developing its annual budget, its capital improvement plan, when amending and reviewing its master plan and modifying its System Development Charges ("SDC"). Notices of all District Advisory Board (or subcommittees thereof) or BCC meetings pertaining to the District's budget, Capital Improvement Plan, Master Plan or SDC changes will be sent to the City Manager or his or her designee.
- 2) The District may undertake improvements to parks owned by the City. These improvements are subject to the approval of the Milwaukie City Council, or its designee.

B. CITY

- 1) The City will retain the deeds to all parks and facilities owned by the City and operated and maintained by the District as listed in Attachment #1 ("Joint Parks").

All proposed name changes to parks and facilities within the City of Milwaukie will be reviewed according to the City's naming policy.

All parks and facilities owned by the City, but maintained and operated by the District, will have signage explaining this dual relationship. Signs within these parks shall state: "This park owned by the City of Milwaukie and maintained by the North Clackamas Parks and Recreation District."

- 2) The City may, at any time, construct new parks or make improvements to parks currently under its jurisdiction. These improvements will be at the City's own expense unless the District agrees to provide funding for these improvements. The District shall have no obligation to maintain or operate such parks unless otherwise agreed in writing. City staff will coordinate with District staff on any proposed park modifications to ensure ease of maintenance and operation.
- 3) For any parks other than Joint Parks, the City and the District will negotiate a level of service to be provided and any additional compensation owed by the City to the District. In those cases where the District denies the City's request to enhance, operate or maintain parks or facilities, the City will have the exclusive right to the option to enhance, maintain and operate these facilities at the City's own expense.
- 4) The City's requests for District enhancement, maintenance or operation of new City facilities will be made in writing and addressed to the Director of the District. The District Director shall review the request with the District Advisory Board ("DAB") and respond to the City with a decision within two months of the City's request.

II. MAINTENANCE OF PARKS FACILITIES

A. DISTRICT

- 1) The District will maintain and operate all Joint Parks.
- 2) The District will maintain all Joint Parks at a level equal to or better than the Milwaukie maintenance standards as set forth on Attachment #2.
- 3) Joint Parks may be shifted among maintenance standard levels at the mutual agreement of the City and the District.

B. CITY

- 1) City shall maintain all parks owned by the City unless otherwise agreed to herein.

III. RECREATIONAL PROGRAMMING

A. DISTRICT

- 1) The District will provide aquatics and recreational programming including programs for all ages and differing abilities, coordination and scheduling of fields services, and summer youth recreation programs for the entire North Clackamas area.
- 2) Except for North Clackamas Park (and the Milwaukie Center), use of all City parks and recreation facilities will be on a first come, first served basis. The District will be responsible for scheduling and management of all North Clackamas Park and Milwaukie Center facilities.

B. CITY

- 1) The City may provide recreation programs in addition to those provided by the District. These programs will be at the City's own expense and will not be covered by District funds. The City will coordinate its recreational programs with the District in order to avoid scheduling or service conflicts.

IV. MILWAUKIE CENTER

A. DISTRICT

- 1) Under the jurisdiction of the District, the Milwaukie Center continues to administer and provide a combination of educational, recreational, and social services to the community. These programs shall be primarily geared towards the needs and interests of older residents in the North Clackamas area.

B. JOINTLY, CITY AND THE DISTRICT

- 1) The District and the City may use the Milwaukie Center facilities for such activities as public meetings consistent with building policies. All other governmental users will pay a fee consistent with building use policies approved by the BCC.
- 2) From September 1, 1992 to October 2008, half (9) of the C/CAB members were appointed by the BCC and half (9) were appointed by the Milwaukie City Council.
- 3) Effective on the signing of this agreement, the C/CAB will reorganize and consist of a minimum of twelve (12) members who live or work within the District boundaries.

Of the twelve C/CAB members, there will be representation of one member each appointed by the City and the City of Happy Valley. The C/CAB and DAB agree to recommend to the BCC for approval the individuals nominated by the City and City of Happy Valley city councils to fill the City representative seats. The BCC agrees to appoint the individuals nominated by the city councils unless there is good cause for rejecting the nomination. All other C/CAB applications for any of the remaining at-large board positions may be made directly to the C/CAB.

The C/CAB members will be recommended by the C/CAB and DAB and appointed by the BCC. C/CAB members will be appointed to staggered three-year terms with terms ending in October of each year. Current members will continue to serve until their term ends.

- 4) During the annual budget process the C/CAB will provide budget recommendations for the operation and maintenance of the Milwaukie Center, and in addition, the C/CAB will identify and prioritize necessary capital projects and provide project recommendations to the DAB. The recommendations for maintenance and operations, and capital improvements shall be reviewed by the DAB, who will then forward their recommendations to the District Budget Committee. The Budget Committee will then submit recommendations to the BCC for final decision.
- 5) The City will continue to retain the deed to the Milwaukie Center and all name changes made by the District to parks and facilities within the City must be approved by the City Council, under advisement of the C/CAB.

V. ADMINISTRATIVE ISSUES

A. DISTRICT ADVISORY BOARD

- 1) The DAB currently consists of an eleven-member board with representation allocated as follows:
 - 3 members from east of I-205 (one of which may reside in the City of Happy Valley), with one member term expiring in 2009;
 - 3 members from west of I-205 (one of which may reside in the City of Milwaukie), with one member term expiring in 2009;
 - 1 member from the City of Happy Valley;
 - 1 member from the City of Milwaukie;
 - 1 member from the Milwaukie Center; and
 - 2 members at large (one from east of I-205 and one from west of I-205).
- 2) District agrees to appoint the individual nominated by the City Councils to fill the City's representative seat unless there is good cause for rejecting the nomination.
- 3) DAB composition will be revisited and adjusted, in the event of significant District boundary changes or major population changes.
- 4) DAB members will be appointed to staggered four-year terms and may be removed at will by the BCC.
- 5) Effective July 1, 2009, representation on the DAB shall change to a nine member board. As of July 1, 2009, composition will include two members each from east and west of I-205, one member from the City of Happy Valley, one member from

the City of Milwaukie, one member from the Milwaukie Center and two members at large (one from east of I-205 and one from west of I-205).

- 6) Any subsequent substantive changes to the composition of the DAB will be reviewed by the City Council.

B. The District Director or their designee will provide the City Council with an annual report describing District operations and maintenance of facilities and programs within the City.

VI. REMOVAL OF CITY PARKS AND RECREATION FACILITIES FROM DISTRICT MAINTENANCE RESPONSIBILITY

- 1) The City may choose at any time to remove some or all of the Joint Parks or the Milwaukie Center from the District's maintenance responsibility.

If the City removes one or more of the Joint Parks and/or senior facilities, no reduction in the District tax rate will be provided to City residents. City residents will continue to receive all of the benefits of in-District residents (e.g., lower user fees, priority use of facilities). Further, District residents will continue to receive all of the benefits (e.g., scheduling, priority use of facilities, equal or lower fees) of the removed facilities and will be treated equally with residents of the City.

- 2) If the City chooses to remove those parks currently under its jurisdiction and/or the Milwaukie Center, a pass-through regarding operations and maintenance support will be negotiated at that time.
- 3) Employees of the District primarily responsible for the operations or maintenance of these facilities will be transferred to the City per ORS 236. Contracts entered into by the District for operations and maintenance support for the subject facilities will be assigned, either in part or in whole depending on the scope of project, to the City for the remainder of the contract term. The Parties agree to enter into any additional agreements or documents necessary to effectuate such transfers and/or assignments.
- 4) The City may choose at any time to withdraw entirely from the District pursuant to ORS 222.524 or its successor statute.

VII. ADDITIONAL PROVISIONS

A. HOLD HARMLESS

Each party agrees to release, defend, indemnify and/or hold harmless the other, its officers, commissioners, councilors, employees, and agents from and against all damages, claims, injuries, costs or judgments which may in any manner arise as a result of such party's performance under this Agreement, subject to Oregon Tort claims limitations.

B. DISPUTES

- 1) Disputes/Attorney Fees. If a dispute arises between the parties regarding breach of this Agreement or interpretation of any term of this Agreement, the parties shall first attempt to resolve the dispute by negotiation followed by mediation if negotiation fails to resolve the dispute.
 - a) Step One. The City Manager and the District Director, or other persons designated by the governing bodies, will negotiate on behalf of the entities they represent. The nature of the dispute shall be reduced to writing and shall be presented to each representative who shall then meet and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each party's representative and ratified by each governing body, which shall be binding upon the parties.
 - b) Step Two. If the dispute cannot be resolved within ten (10) days at step one, the parties shall submit the matter to non-binding mediation. The parties shall attempt to agree on a mediator. If they cannot agree, the parties shall request a list of five potential mediators from an entity or firm providing mediation services that is mutually acceptable to the parties. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, the parties shall submit the matter to the Presiding Court of Clackamas County and the Presiding Judge shall appoint such a mediator from the list of mediators submitted by the mediation entity or firm. The mediator's fees shall be borne equally by the parties and the parties shall each bear their own costs, attorney fees and fees associated with the mediation. If the issue is resolved at this step, a written determination of such resolution shall be signed by each representative and approved by the respective governing body.

C. GOVERNING LAWS

This Agreement shall be construed and governed in all respects in accordance with laws of the State of Oregon without giving effect to the conflict of law provisions thereof.

D. SEVERABILITY

Should any portion of this Agreement or amendment thereto be adjudged by a Court of appropriate final jurisdiction to be in violation of any local, state or federal law, then such portion or portions shall become null and void, and the balance of this Agreement shall remain in effect. Both parties agree to immediately renegotiate any part of this Agreement found to be in such violation by the Court and to bring it into compliance with said laws.

E. NOTICES

All notices required or permitted to be given shall be in writing and shall be deemed given and received upon personal service or deposit in the United States mail, certified or registered mail, postage prepaid, return receipt requested, addressed as follows:

To the City: City Manager
 10722 SE Main Street
 Milwaukie, OR 97222

To the District District Director
 150 Beaver Creek Road
 Oregon City, Oregon 97045

The foregoing addresses may be changed by written notice, given in the same manner. Notice given in any manner other than the manner set forth above shall be effective when received by the party for whom it is intended.

F. TERM

This Agreement shall remain in effect to the end of the fiscal year in which both parties have signed and will be automatically renewed for successive one (1) year periods effective on July 1 of each year unless written notice of cancellation is given by either party to the other at least 180 days prior to the beginning of the next fiscal year.

G. REVIEW

Formal review of this Agreement shall take place either:

- 1) At any time during the term of this Agreement, at the request of either party the Agreement may be formally reviewed by either or both parties and amended as agreed;
- 2) Beginning on July 1 of 2013, and each five years after that date, the City will formally review the IGA and meet with the DAB to discuss potential amendments; or
- 3) At such time as the District Master Plan is amended, the City will review the IGA and propose amendments to the District within one year of the effective date of the amended master plan.

H. CONSTITUTIONAL LIMITS

This Agreement is subject to any applicable constitutional debt limitations and is contingent upon funds being appropriated thereof.

I. ENTIRE AGREEMENT

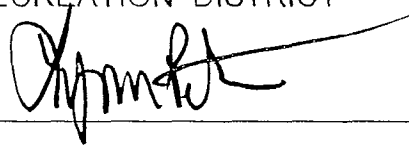
This Agreement contains the entire agreement between the parties and supersedes any and all other agreements, written or oral, expressed or implied, pertaining to the subject matter hereof.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by the duly authorized officers on the dates hereinafter written.

CITY OF MILWAUKIE

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Pat Duval / AIC



By: Pat Duval

By: Lynn Peterson

Date: 10/28/08

Date: December 18, 2008

ATTACHMENT #1

A. MILWAUKIE PARKS TO BE MAINTAINED AND OPERATED BY
THE SERVICE DISTRICT

SITE

Ardenwald Park
Jefferson Street Boat Ramp
Spring Park (enhanced)
Stanley Park (excluding well site)
Century Park
Water Tower Park (excluding well site and water tank)
Furnberg Park
North Clackamas Park
Dogwood Park
Wichita Park
Scott Park
Robert Kronberg Park (enhanced)
40th and Harvey – NCP areas only
Lewelling Community Park
Homewood Park
Riverfront Park (enhanced)
Balfour Property (local share 2008)
Lake Rd Property (local share 2008)
Monroe Street Triangle (at 37th Ave)

B. MILWAUKIE OPEN SPACES TO BE MAINTAINED AND OPERATED BY
THE CITY OF MILWAUKIE

Old Shop (40th & Harvey)
City Hall Grounds and Parking Lot
Well #8
New Century Player/Historic Society Building
Stanley Well area behind fence
Monroe/Washington Triangles
Water Tower Well areas behind fences and access road

If the City of Milwaukie so chooses, it may contract with the District to maintain some or all of the facilities listed above in Section B. If the City contracts with the District to maintain a facility listed in Section B, the District will charge the City a fee that will allow the District to cover (but not exceed) its maintenance costs.

ATTACHMENT #2

Park Maintenance Standards City of Milwaukie

The Milwaukie Parks facilities are divided into several categories. The categories include: High Maintenance, Moderate Maintenance, Basic Maintenance, Special Use Facilities, Infrastructure and Natural Resource Maintenance.

HIGH MAINTENANCE AREAS

High Maintenance Areas include: Ardenwald Park, Dogwood Park, Lewelling Community Park, the Milwaukie Center, North Clackamas Park, Riverfront Park, Scott Park and Water Tower Park.

High Maintenance areas are those associated with City buildings, located in the downtown area, located at an entry point into the City or are high use areas. These areas are mowed a minimum of once per week, edged twice per month and fertilized two times per year. Tree rings and flowerbeds are edged with string trimmers bi-weekly. Broadleaf weeds will be treated as needed. Flower beds are weeded and sprayed as needed. Trash and litter will be picked up weekly. All high maintenance areas are irrigated. Irrigation will be programmed, maintained and winterized. Trees and shrubs will be pruned as needed. Leaves will be removed annually in the fall. Picnic tables, playground equipment and signage will be monitored and repaired. Fencing will be repaired as needed. Mowing in these areas should be performed March through November as weather permits.

MODERATE MAINTENANCE AREAS

Moderate Maintenance areas include: Century Park, Furnberg Park, Homewood Park, Stanley Park, and 40th Avenue Maintenance Area.

Moderate maintenance areas are typically neighborhood parks. These facilities are mowed an average of once a week, trimmed and edged with a weed-eater monthly. Fertilizers are not applied. Trash and litter is collected on a weekly basis. Playgrounds are inspected on a weekly basis. Herbicides are applied as needed. Picnic tables, playground equipment and signage will be monitored and repaired when needed. Mowing in these areas should be performed March through November as weather permits.

BASIC MAINTENANCE

Basic Maintenance areas include: Balfour St, Jefferson Street Boat Ramp, Lake Rd, Robert Kronberg Park, Spring Park, Wichita Park and Balfour St.

Basic maintenance includes weekly litter and trash removal. Mowing will occur twice

yearly. Restrooms will be cleaned and stocked weekly. Parking lot islands will be string trimmed as needed. Signage and picnic tables will be monitored and repaired as needed. Herbicides will be applied as needed. Mowing in these areas should be performed March through November as weather permits.

SPECIAL USE FACILITIES

Special use facilities: There are a variety of special use facilities. The facilities are treated differently based on the activities that occur within them. These facilities range from the Cemetery to the Boat Ramp. Pieces of larger facilities are included within this category. An example of this would be the horse arena at North Clackamas Park. Although North Clackamas Park is listed as a High maintenance area, many of its amenities fit within the special use category. For the purpose of establishing a standard, Special use facilities will be listed independently and defined separately.

Boat Ramp: The boat ramp is primarily a parking lot. It does have some planting area between the upper and lower lots which are kept clear of vegetation. The vegetation removal is done both manually and chemically. To the southern end of the parking lot is a small grass area. This area is mowed on an as-needed basis. Litter and garbage is collected twice a week during the non-fishing season and three times a week during fishing season. The heaviest use time for this facility is during the Spring Chinook run. During this time of year, the ramp area is patrolled on a daily basis for litter.

North Clackamas Park (NCP) Horse Arena: The horse arena at NCP is offered on both a reservation and drop in basis. The critical elements of the arena include the fencing and the footing. Footing is replaced on an ongoing basis. Fencing is repaired as needed.

NCP Ballfields: The Softball fields are mowed on a weekly basis. This begins in late March or early April. Lighting maintenance is performed on an annual basis when the ground is firm enough to support the needed truck. Historically, these facilities are fertilized annually.

NCP Picnic areas: The three picnic areas in NCP are rented on a daily basis beginning the week after May 1st through September 30th. The shelter tables are washed before every picnic.

INFRASTRUCTURE

Infrastructure: This heading includes such items as roads, irrigation, and restrooms.

Restrooms: There are ten restrooms. The first eight restrooms are located at NCP. These block-constructed restrooms are washed and sanitized using a mixture of chlorine bleach on a weekly basis. During days of scheduled events they are inspected at regularly scheduled intervals depending on the size and type of the event. The other two restrooms are all steel and are located at the boat ramp. These restrooms are

cleaned at least once per week. During high use time, such as the spring Chinook run, the restrooms are cleaned and inspected on a daily basis.

Sidewalks and Parking Lots: All debris is blown from sidewalks on a weekly basis. Parking lots and roadways are swept and repaired on an as needed basis by City of Milwaukie Public Works. The city street sweeper will sweep NCP and Milwaukie Center parking lots twice monthly.

NATURAL RESOURCE AREAS

Natural areas are found in the following City parks: Furnberg Park, Homewood Park, Spring Park, Kronberg Park, Dogwood Park, Scott Park, North Clackamas Park and Riverfront Park.

Natural areas are characterized as being largely undeveloped landscapes, with relatively intact ecosystem structure and functions, and used primarily for passive recreation. Natural areas are considered to have limited or minimal human disturbance and provide habitat for Lower Willamette Valley biotic communities in an urban setting.

The District will provide staff, organize volunteers or coordinate contract workers to enhance park ecosystems utilizing methods such as removing invasive and/or dangerous plants and trees, litter collection on an as-needed basis, replacing or planting native plants and clearing pathways in a manner fitting natural areas. The use of chemicals shall be minimized in these areas.

Where practical and safe, the District will consider the impacts of maintenance to natural cycles of succession, disturbance, and wildlife habitat needs. For example, dead or declining trees in a natural area may create opportunities for standing snags, nurse logs and brush piles. Aquatic features like pools or in stream woody debris are maintained even if doing so decreases drainage. Every effort should be taken to retain or increase available enhancement resources on a given site while maintaining a safe environment for the public.

Natural and sensitive areas shall be monitored for the following:

- Public use, such as high impact, vandalism, graffiti, or illegal activity
- Silt or debris loading and drainage of wetlands, ponds, and streams
- Presence of invasive plants
- Water quality and upstream impacts
- Dog or other pet impacts to turf, trails and wetlands

Natural areas are subject to litter and dumping activity. Park visitors are less likely to dump or litter if a site is clean and appears well maintained. Maintenance activities may discourage this activity through these routine tasks:

- Weekly to semi-monthly inspection of trailheads and street ends
- Quick response clean-up when incidents are reported
- Inspection of dumped materials to identify the perpetrator
- Prompt removal of encampments (Milwaukie Code Enforcement staff should be contacted to assist with this)



OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

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Andrew Narus
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Assistants

May 19, 2022

Via email to GerickeJ@milwaukieoregon.gov

Mr. Justin Gericke
City Attorney
City of Milwaukie
10722 SE Mail St.
Milwaukie, OR 97222

Re: Withdrawal from NCPRD

Dear Justin:

We have received City Manager, Ann Ober's letter of May 18, 2022 to Michael Bork, Director of the North Clackamas Parks and Recreation District (NCPRD). This letter is written in the spirit of compromise pursuant to OEC 408. NCPRD respectfully disagrees that Section VI(4) of the current Cooperative Intergovernmental Agreement (IGA) is the proper method for the City to withdraw from NCPRD. We do agree to join the City in non-binding mediation. Who does the City request to serve as mediator?

NCPRD entered into this agreement in good faith and believed that ORS 222.524 was the appropriate method for the City to withdraw at the time, we have subsequently learned this statute does not apply to the present situation. This issue was litigated in the case, *Clackamas County Assessor, et al. v. City of Happy Valley*, Clackamas County Circuit Court Case No. 18CV30439. The Court found that ORS Chapter 222 does not apply to a situation where a city was annexed into a district.

The City of Milwaukie was not annexed to the district, it was included at the time of formation. However, the language of ORS 222.524 similarly does not apply to this situation. This statute only applies if authorized by ORS 222.520. That statute provides:

"Whenever a part less than the entire area of a district named in ORS 222.510 **becomes incorporated as or annexed to** a city in accordance with law and the city, **after the incorporation or annexation**, will provide for the service to the part of the district that the district provided before the incorporation or annexation, the city may cause the part to be withdrawn

from the district in the manner set forth in ORS 222.120 or at any time after the incorporation or annexation in the manner set forth in ORS 222.524.” ORS 222.520(1). (Emphases added.)

This statute contemplates a situation in which a city was wholly outside of a service district and then annexed property that was being served by the district. The city may then withdraw the territory from the district and provide the service. The statute also contemplates the situation in which previously unincorporated territory within a district incorporates, and the new city determines that it will provide the service and withdraws territory from the district.

Like the City of Happy Valley, the City of Milwaukie has neither annexed a portion of NCPRD, nor has it incorporated within NCPRD after district formation. In this situation the proper method for the City to withdraw from NCPRD is ORS 198.870. NCPRD is a County Service District formed under ORS Chapter 451. Boundary changes for a County Service District are governed by ORS Chapter 198. Pursuant to ORS 198.870 electors may present a Petition for withdrawal to the Board of County Commissioners for consideration.

I look forward to hearing from you with regards to your requested mediator. If NCPRD requests a different mediator we will forward names for your review promptly.

Very truly yours,



Jeffrey D. Munns
Assistant County Counsel



CITY OF MILWAUKIE

Parks Department Discussion



Context



On May 10 2022, Council directed staff to investigate leaving the district. That direction required staff to take the following actions:

- 1) Determine city's legal path for leaving the district.
- 2) Investigate the feasibility for the city to again provide parks services.
 - a. Determine the current park needs
 - b. Determine the cost to provide maintenance and operation services to the current standard.
 - c. Investigate programming partnerships with NCPRD and alternative agencies.

Roadmap



- Background
 - Current Growth
 - Intergovernmental Agreement
- General Funding avenues for a future Parks Department
- SDC process underway at NCPRD

Milwaukie's Growth



The City of Milwaukie is experiencing a significant period of growth.

In 2017, the city had **9,428** individual units.

By 2025, the city is projected to have **11,085** individual units.

This equates to an **18 percent increase** in the number of units in eight years.



Cooperative IGAs



- Formation of NCPRD
- Original IGA in 1990 and subsequent amendments were adopted in 1992, 1995, 2008 and 2020

“The city may choose at any time to withdraw entirely from the District pursuant to ORS 222.524 or its successor statute”

Departure Process



- ORS 222
 - Validation Process
- ORS 198
 - County Process
- Reformulation of NCPRD



Future Park Department Funding - Operations

Voter Approved Levy



- Maintain the previous rate imposed by the North Clackamas Parks and Recreation District (NCPRD), but directs the funds raised by the levy to the city
- 5 years
- \$0.5382 per \$1000
- If the city does not withdraw from the district, it will not collect this rate

Alternative - Utility Fee



	Estimated Parks Levy vs Fee				
	FY23/24	FY 24/25	FY 25/26	FY 26/27	FY 27/28
Annual Levy Proceeds	\$1,271,000	\$1,309,000	\$1,349,000	\$1,389,000	\$1,431,000
Levy amount for Average Assessed Value (annual basis)	\$108	\$111	\$114	\$118	\$121
Levy amount for Average Assessed Value (monthly basis)	\$8.97	\$9.24	\$9.51	\$9.80	\$10.09
Levy amount for Highest Assessed Value (monthly basis)	\$2,272.29	\$2,340.46	\$2,410.68	\$2,483.00	\$2,557.49
Parks Fee Based on Utility Account (monthly basis)	\$15.46	\$15.92	\$16.41	\$16.90	\$17.41
Parks Fee Residential with Employee Fee (monthly basis)	\$8.00	\$8.24	\$8.49	\$8.74	\$9.00
Parks Fee Large Commercial/ Industrial with Employee Fee (monthly Basis)	\$2,901.44	\$2,988.48	\$3,078.14	\$3,170.48	\$3,265.60




Future Park Department Funding - Construction

Capital Expenditures



- Grants
 - Balfour
 - Bowman Brae
 - Scott
- Urban Renewal and General Fund
 - Dogwood
 - Milwaukie Bay Park
- SDCs
 - Milwaukie Bay Park

SDCs



System Development Charges (SDCs) are one-time charges assessed on new development, additions and changes of use to pay for the costs of expanding public facilities. Growth creates additional infrastructure demands. SDCs provide a mechanism to fund new growth in a community along with the related demand placed on storm and sanitary sewer systems, parks and recreation facilities, water and street systems. Specific to parks, these funds are collected to assure that there are sufficient park amenities for our growing community and can provide a significant amount of funding towards the development of new park services.

SDC Growth



FY 2011	\$15,781
FY 2012	\$4,123
FY 2013	\$12,786
FY 2014	\$8,128
FY 2015	\$23,790
FY 2016	\$24,621
FY 2017	\$61,838
FY 2018	\$36,878
FY 2019	\$388,319
FY 2020	\$176,110
FY 2021	\$142,025
FY 2022	\$1,098,608
FY 2023 (Projected)	\$1,441,000
FY 2024 (Projected)	\$1,043,000
FY 2025 (Projected)	\$1,337,000
	\$ 1,993,007 (current)
	\$ 5,814,007 (w/ projected)



NCPRD SDC Process

2018 Council Resolution



COUNCIL RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN SUPPORT OF ELIMINATING ZONES WITHIN THE NORTH CLACKAMAS PARKS AND RECREATION DISTRICT FOR THE PURPOSES OF SYSTEM DEVELOPMENT CHARGE FUND

DISTRIBUTION.


WHEREAS, the North Clackamas Parks and Recreation District is considering revisions to its System Development Charge policies; and

WHEREAS, the city of Milwaukie is the charter member of the North Clackamas Parks and Recreation District and jointly involved with the district on priority projects within the city; and

WHEREAS, the existence of funding zones within the district is an outlier within the overall history of the district and prevent the distribution of funds to regional priority projects that are ready for development

Now, Therefore, be it Resolved that the Milwaukie City Council supports the immediate elimination of fund zones within the North Clackamas Parks and Recreation District.

Be it Further Resolved that Milwaukie City Council authorizes the Mayor, City Council and staff to advocate for the dissolution of funding zones within the district.

- 
- Would council like to proceed with the levy (\$.5382 per \$1000 in assessed value) at the Aug 16 meeting?
 - Further, would council be interested in a resolution rescinding the 2018 SDC resolution?

Questions?



- Ann Ober, City Manager
 - obera@milwaukieoregon.gov
- Peter Passarelli, Public Works Director
 - passarellip@milwaukieoregon.gov