



AGENDA

MILWAUKIE PLANNING COMMISSION Tuesday July 27, 2010, 6:30 PM

**MILWAUKIE CITY HALL
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
 - 2.1 May 25, 2010
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: North Clackamas Park North Side Master Plan
Applicant/Owner: North Clackamas Parks & Recreation District/City of Milwaukie
Address: 5440 SE Kellogg Creek Dr
File: CPA-10-01
Staff Person: Li Alligood
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - August 10, 2010
 - 1. Worksession: Natural Resources Overlay project update
 - 2. Worksession: Training and discussion on holding effective public hearings
 - August 24, 2010
 - 1. Worksession: Review Procedures Code Amendment project briefing #3
 - 2. Worksession: Briefing on CET grant – long range planning *tentative*

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@ci.milwaukie.or.us. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.cityofmilwaukie.org
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.cityofmilwaukie.org
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

1. **STAFF REPORT.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, *any person* may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson
Mark Gamba

Planning Department Staff:

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Brett Kelter, Associate Planner
Ryan Marquardt, Associate Planner
Li Alligood, Assistant Planner
Alicia Stoutenburg, Administrative Specialist II
Paula Pinyerd, Hearings Reporter

**CITY OF MILWAUKIE
PLANNING COMMISSION
MINUTES
Milwaukie City Hall
10722 SE Main Street
TUESDAY, May 25, 2010
6:30 PM**

COMMISSIONERS PRESENT

Jeff Klein, Chair
Nick Harris, Vice Chair
Lisa Batey
Teresa Bresaw
Scott Churchill
Chris Wilson

STAFF PRESENT

Katie Mangle, Planning Director
Susan Shanks, Senior Planner
Ryan Marquardt, Associate Planner
Brad Albert, Civil Engineer
Bill Monahan, City Attorney

1.0 Call to Order – Procedural Matters

Chair Klein called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

2.0 Planning Commission Minutes – None**3.0 Information Items – None**

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

5.1 Summary: Riverfront Park *cont'd from 5/11/10*

Applicant/Owner: City of Milwaukie

File: DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, VR-09-03

Staff Person: Ryan Marquardt

Chair Klein called the hearing to order and read the conduct of minor quasi-judicial hearing format into the record.

Bill Monahan, City Attorney, advised that at the close of the last meeting the Planning Commission decided to reopen the public hearing and accept input on the complete application as well as new information. He advised that the Commission go into hearing format, starting with the staff's or applicant's presentation.

Commissioner Wilson stated that he had read the rough draft of the minutes from the prior meeting along with all the material, and talked with Ryan Marquardt. He believed he had enough information to take part in the meeting.

Chair Klein asked if any Commissioners had a conflict of interest or any ex parte contacts to declare.

Commissioner Batey declared that she received a call from Ed Zumwalt of the Historic Milwaukie Neighborhood District Association (NDA) who was concerned about the lack of non-motorized boat access. They spoke briefly on the phone. He said he might testify, but was not present at tonight's meeting.

Commissioner Churchill stated he also received a similar call from Mr. Zumwalt regarding non-motorized boat access. Someone else left a voice message on the same subject but did not state their name.

Each Commissioner had visited the site. No Commissioner, however, declared a conflict of interest, bias, or conclusion from their site visit. No Commissioner's participation was challenged by any member of the audience, nor was the jurisdiction of the Planning Commission to hear the application.

Ryan Marquardt, Associate Planner, presented the staff report via Power Point, stating that the bulk of staff's analysis, findings, and conditions of approval from the May 11th staff report were still in place because there were not many changes from the last hearing. He addressed questions the Commission asked at the May 11th meeting as follows:

- Additional materials submitted by the Applicant and sent to the Planning Commission on Friday addressed non-motorized boat access for the park. The Applicant would provide additional comments during their testimony.
- The left-hand turn pocket off Hwy 99E/McLoughlin Blvd to enter the Riverfront Park area was 140 ft long and would accommodate about 7 standard automobiles or 3, 50-ft long vehicles, such as a vehicle with a boat trailer.
- City engineering staff measured the existing right-of-way on McLoughlin Blvd and found that the curb on the west side would need to extend west about 4 ft toward the river to accommodate the cross-section on McLoughlin Blvd. No changes would be needed to

the east side of McLoughlin Blvd.

Commissioner Churchill asked if engineering staff believed the 3 vehicles with boat trailer combination pocket length was adequate considering the volume of traffic and how that determination was made.

- **Brad Albert, Civil Engineer**, stated that the left-turn pocket capacity of 3 trucks with boat trailers was adequate for the volume entering and exiting the facility, and designed to meet ODOT standards for the designed speed of, peak capacity, and trip generation forecasts for the highway. He deferred to the Applicant for more information.

Commissioner Batey asked if the 4-ft shift on the west side of McLoughlin Blvd would impact the Trolley Trail.

- **Mr. Albert** responded that the Trolley Trail was designed far enough away that the 4-ft shift would not impact it. The existing center turn lane at Washington St was 14-ft wide and could be re-stripped to 11-ft wide, so moving the curb may not be required. After his cursory review of the site, the proposed shift would be a maximum of 4 ft, if needed.

JoAnn Herrigel, Community Services Director, thanked the Commission for hearing the application again and noted that more Riverfront Park Board (Board) members were present who would testify. She had provided some material in response to the Commissioners' questions at the last meeting about the non-motorized boat launch. She updated the Commission with information from further research with these comments:

- She found that 2007 open house renditions showed non-motorized boat access at Jefferson St and so had been viewed by the Commissioners and the public. It was also included in the 70% design details provided by David Evans and Associates (DEA) and used in the pre-application meeting with the Army Corps of Engineers (Corps), National Oceanic and Atmospheric Administration (NOAA) Fisheries, National Marine Fisheries Service (NMFS), and other regulators in July 2008.
- At that time, a NMFS representative indicated to the design team that if multiple things were along the edge as well as out into the water of the Willamette River, the application might not receive as positive a review as it otherwise might. There was now a new NMFS project manager.
- The Board believed it was advisable, given that non-motorized boats could be accommodated with the existing structures and current development, to remove non-

motorized boat access from the plans submitted to the Corps in January 2008 and the Commission in March 2009. At that time, the Board assumed that non-motorized boats could be accommodated with the transient dock or the boat ramp. Her personal idea was to lower a fork of the transient dock or add something to the edge of it to accommodate non-motorized boats. She never considered not allowing non-motorized boats and wanted to accommodate as many boaters as possible with the proposed design.

- The Board was prepared to offer 4 options to the Corps and NMFS staff reviewing the Corps application within the next couple of weeks. She asked for feedback from the Commission regarding which would be preferable and receive the most positive review. The proposed options were:

- Option 1: Use the proposed boat launch and transient dock for non-motorized boat launch. These structures were 12 to 18 inches above the water and less convenient, but could be used to access a non-motorized boat.

- Option 2: Lower part or all of one fork of the transient dock to a 6-inch height, making it easier for non-motorized boat access. This was similar to a dock that non-motorized boats could use on the east side of the Willamette River, north of OMSI. It was also a similar distance from automobile parking as the proposed access in the Riverfront Park plan.

- Option 3: Put smaller gravel along the top of the boulders along one side of the planned boat ramp to create a non-motorized boat launch alongside the dock next to the boat launch. To avoid conflicts with motorized and non-motorized boats unloading in the same area, a ready lane could be installed for non-motorized boat users to park, unload their vessel, and then move their vehicle to the parking area. This option was not yet designed, but being discussed.

- Option 4: Reintegrate the access path and launch proposed in the 70% design. This option had not been designed in detail.

- She proposed that Mr. Williams and DEA develop more details regarding these options and send them to the Corps and NMFS to discuss which options were preferable.

- The Board's considerations regarding the 4 options included:

- They wanted to accommodate non-motorized boaters. They believed they already were, but needed to explore other options.

- They wanted to allow a timely approval of the joint permit application, which had already been in review for more than one year. The total review process would take 2 years, so they did not want that time extended. The Corps had not indicated that it would delay the

review process.

- Any option considered had to work for both motorized and non-motorized boats with no conflict.
- The closest parking lot was some distance from the non-motorized boat launch proposed in the 70% design. The walk down to the transient dock was fairly steep, although not as steep as the launch by OMSI, which had a 25% incline. She proposed that while the design team was considering the access, non-motorized boat groups could be contacted to ask about their preferences.
- After meeting with the head of Water Environment Services (WES), it appeared that a full traffic light would be needed for accessing the riverfront, regardless of the entrance's location. The sewage trucks were mostly going north, so the proposed entrance may need to be modified, or remain at Washington St, which would not have a major impact on the design.
- Further information was also available about the survey in response to Commissioner Batey's inquiry.

Commissioner Batey:

- Asked if the Board consulted the public through Willamette Riverkeepers or any other groups representing the rowing community before removing non-motorized boat access.
 - **Ms. Herrigel** responded that the focus was primarily to get the application in and make sure it was positively reviewed, so it was not taken out to other organizations.
 - **Gil Williams, David Evans & Associates**, noted that preliminary conversations were held with Travis Williams of Willamette Riverkeepers, who indicated that non-motorized boat access was desired. The notes from those conversations were limited, but there were preliminary conversations about the same time as the pre-application meeting with the Corps.
- Asked if the dock gangplanks were wide enough for 2 people to carry a canoe and pass each other.
 - **Ms. Herrigel** believed the gangplanks were about 6-ft wide.
 - **Mr. Williams** added that the 6-inch height from the water was the primary consideration for easy boarding of non-motorized boats. The regulators look at the footprint on the water, so if the facilities were widened, extended, or added to it was looked at negatively. Maintaining and providing non-motorized access using the existing footprint by lowering the height of one dock would be the way to do it.

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179 **Commissioner Churchill** stated that the traffic bottleneck did not exist at the water's edge, but
180 at the single point coming from the old log dump down the single path on the transient dock. He
181 understood the footprint on the water was important, but the congestion point appeared to be
182 the narrower part of the ramp.

- 183 • **Ms. Herrigel** replied that as designed, the transient dock was 6-ft wide with no railings.
- 184 • **Mr. Williams** stated there were railings on the ramp going down to the transient dock, but
185 the width was 6 ft clear inside the railings.

186

187 **Chair Klein** clarified that nothing restricted him driving his 4-Runner with a kayak on top down
188 the boat ramp and unloading the kayak and tying it to the dock, and then parking his vehicle.

189

190 **Commissioner Churchill:**

- 191 • Noted comments in Ms. Herrigel's letter about speaking with John Holm of the Army Corps
192 of Engineers, who has been reviewing the Riverfront Park application through the Corps'
193 Joint Permit Application process.
- 194 • **Ms. Herrigel** stated that the Board did speak with Mr. Holm about the 4 options for non-
195 motorized boats and his interpretation was that they would not be a major modification to
196 the original application. Mr. Williams would confer with the other agencies about the
197 options. She wanted to push a little further because several options were being
198 considered, and ask Mr. Holm if there were any options he would not recommend.
- 199 • **Mr. Williams** clarified that the applications went through the Corps and were reviewed
200 by NMFS, who would render a biological assessment. Presenting an addition or revision
201 to the design was not problematic, but had to be justified. If the change did more harm or
202 presented a liability of exposure for NMFS, then a conditioned opinion would be
203 rendered. The access could be included and defined with design drawing and an
204 explanation for the need. Mishka Konine, the NMFS project manager, would render an
205 opinion based on that material.
- 206 • He clarified that the goal of NMFS was to protect the fish.
- 207 • Verified that the project started in 1998 and asked if all versions up to 2007 had non-
208 motorized boat access.
- 209 • **Ms. Herrigel** clarified that the option shown tonight was from the 2007 open house,
210 which was the only drawing she could find with a specifically dedicated non-motorized
211 boat ramp.

- **Mr. Williams** noted it was not actually identified as a non-motorized boat launch but as a secondary path to the water's edge.

- Asked if non-motorized boat access was addressed in preliminary discussions between 1998 and 2007.

- **Mr. Williams** responded that the original 1998 plans did not have any launching facilities at all. The Downtown and Riverfront Land Use Framework Plan showed a scheme for the riverfront that did not have a boat ramp or any boat access. Limited pedestrian access was available for viewing using steps down the bank.

- Confirmed that the 2007 version at 70% design included the boat ramp, but that was removed in the July 2008 version.

Chair Klein clarified the Applicant had testified that the boat ramp in the 70% plans was not necessarily designated as a non-motorized boat access, but was primarily a pedestrian access for viewing the water only.

Mr. Williams asked if it had been labeled as non-motorized boat access in prior versions of the plans.

Commissioner Churchill stated that he did not have a copy of previous plans, but he recalled discussions where that path was explained as the way to get kayaks down to the water. He wanted to understand the history of the project.

- **Mr. Williams** said there was this plan, but the ones that went out with the survey did not include the access.
- **Ms. Herrigel** agreed that non-motorized boat access needed to be accommodated. Kayak and canoe users in the community wanted to use the riverfront and she wanted to accommodate them whether or not a specific dedicated ramp was shown in the past. She emphasized that there was no intent to excise it from the plan and she believed it needed to be included again. Removing it had been an oversight while trying to juggle all the balls with the federal, state, and local regulators.

Commissioner Bresaw remembered that a past City Council wanted to remove the motorized boat ramp because there was no room for it.

Ms. Herrigel said she was interested in the Commission's opinions regarding the 4 proposed

246 options.

247

248 **Commissioner Churchill** reiterated that he wanted to understand the history because what the
249 Board did in the meantime was very helpful. He asked if the Board would go to the various
250 kayak and river keeper groups for feedback.

- 251 • **Ms. Herrigel** replied that it would be good to check in with kayakers, canoe owners, and the
252 Willamette Riverkeepers, etc., for input and suggestions about what they have seen
253 elsewhere.

254

255 **Chair Klein** called for public testimony in favor of, opposed, and neutral to the application.

256

257 **Gary Klein, 10795 SE Riverway Ln**, stated that he researched the Riverfront Park project at
258 the Ledding Library and found 72 newspaper articles about the project dating back to 1917. He
259 read statements from the newspaper articles, commenting that they sounded similar to what
260 was happening today. He hoped that the plan would move forward.

261

262 **Mike Stacey, 2740 SE Kelvin St**, had been on the Riverfront Board for 7 to 8 years. He was an
263 avid boater and kayaker who had always just used boat ramps, if available, for river access. He
264 suspected that the Marine Board would be licensing kayaks before too long, giving kayakers
265 legal access to everything. The project needed to get going. Dual access at the boat ramp was
266 the best option and close access with a low dock was perfect. He believed the ready lane was a
267 good idea.

268

269 **Commissioner Batey** clarified that the motorized boat ramp could only be used by one vehicle
270 at a time to load and unload motorized or non-motorized boats.

271

272 The Commission took a brief recess and reconvened at 7:20 p.m.

273

274 **Mr. Marquardt** noted that the materials gathered by Gary Klein were distributed to the
275 Commissioners

- 276 • He explained that the staff report covered the first 3 options presented by Ms. Herrigel, but
277 the current language would not accommodate reintegrating another access point because of
278 other impacts to the Water Quality Resource (WQR) area that would require modified plans
279 from the Applicant and another review.

- He clarified that staff did not know the range of options the Applicant was considering when the staff report was drafted, so it was drafted with a little flexibility to allow smaller changes in the park plans. However, the fourth option would not be covered under the proposal.

Ms. Mangle added that the findings were crafted to address the concerns raised by the Commissioners, but did not include the 4 proposals presented tonight. She clarified that the first 3 options could be accommodated through findings and conditions. The fourth option required further analysis because staff did not know what that option would look like, how much was impervious surface, what the disturbance would be, and what additional mitigation might be required.

Commissioner Batey confirmed if it was not possible to address the fourth proposal with the separate access point through a new condition, but word it so staff could review it without returning to the Commission.

Chair Klein read staff's recommended additional Condition of Approval 3 (5.1 page 3), and stated that he believed the Commission's questions were being addressed. He asked if any Commissioner had questions regarding clarification of testimony at this point.

Commissioner Churchill:

- Reiterated that one proposal did not match staff's language in their report, so the Commission could not effectively choose one of the 4 options.
 - **Mr. Marquardt** clarified that there were two parts to the analysis of the conditions. One part was that the Commission clearly expressed a concern about non-motorized boat launch access in the park. The findings in the Willamette Greenway (WG) section of the staff report clearly expressed that non-motorized boat access should be accommodated. The second part was how non-motorized boat access should be accommodated. When the staff report was written, staff did not know if the Commission would find it adequate that small portions of the existing proposal could be modified to adequately address their concerns or whether a large change was needed to satisfy the Commission's concerns.
 - **Ms. Mangle** believed that the WQR analysis asked applicants to avoid, minimize, and mitigate any impacts into the WQR area. Option 4 was a new access to the river and staff did not know what mitigation was required without analysis, and the Commission was always the final decision maker. The findings were crafted to guide approval of and

substantial conformance with the submitted plan. Options 1, 2, and 3 were tweaks to the plan, while Option 4 was a new element that had not been analyzed yet. She did not believe that staff's recommended findings and conditions addressed Option 4 sufficiently.

- Appreciated Ms. Herrigel's effort to bring options to the Commission. Due to timing issues, the Commission was being asked to not consider Option 4 without a continuance of the hearing, but no one wanted to continue the hearing longer than necessary. He also heard that the Applicant wanted to review the options with the non-motorized boat community.
- **Ms. Mangle** said that throughout the conditions many statements acknowledge that other agencies are involved in permitting the application and if any changes were required to react to the other agencies, then in many cases it would return to the Commission.
- She clarified that the Applicant was still at 70% design with the plans submitted in 2009. Staff had been preparing for the hearing since, so the design was still at 70%. Any changes to the plans during the last 30% of the design had to be in substantial conformance with the subject plans. If substantially different, the plans would have to go through a WQR analysis and review by the various regulatory agencies, including the Commission.
- She confirmed this was the last time the application would come to the Commission unless changes were required because of the Corps permit or other requirements.

Commissioner Churchill:

- Asked why the plans were at 70% before addressing the non-motorized boating community.
- **Mr. Marquardt** replied that the WG criteria had to be considered regarding the types of accesses and users. The Applicant made the case that there was access for a variety of different users. The Commission had to decide if the 3 options were enough to accommodate non-motorized boat access. If a greater change was needed, it could return to the Commission.
- Pointed out that the options for non-motorized boats had not been vetted against the non-motorized boating community.

Chair Klein believed that the question had been answered that non-motorized boat access was included in the current set of plans under review. The Commission would determine if it was adequate or not during deliberations.

- **Ms. Mangle** commented that if the Commission believed Option 4 was the right one or very important to consider and fully develop, then it required further analysis that was not fully reflected in the findings to support approval tonight. More time was required if the Commission chose to develop Option 4.

Commissioner Bresaw asked if Option 4 could be considered in the future. The Commission could approve tonight to get it going, and if there was a conflict between motorized and non-motorized boats, it could be addressed in the future.

- **Chair Klein** noted that the added Condition 3 allowed for that potential.
- **Ms. Mangle** added that as a new element in the park, it would come back to the Commission in the future.

Mr. Monahan commented that if the application could be approved with one of the first 3 alternatives, a modification and new application could come back at a later time if the Applicant found that the approval authorities could grant Option 4, which the Commission could then review. This was the only way to get Option 4.

Ms. Mangle clarified that the Applicant had waived the 120-day clock, but there was a final 1-year deadline from submittal of application, at which point the application would have to start over.

Mr. Marquardt added that September 11, 2010, was the 1-year deadline for the application cycle. The absolute last timeframe for Planning Commission approval was late July/early August to allow appeal time to City Council.

Chair Klein asked what the Commission hoped to find by extending the review process.

Commissioner Churchill hoped that the non-motorized boat community received notice and had the opportunity to provide input into the process. Non-motorized boat access was removed July 2008 with little notification, although not intentionally. The Commission determined there was a lot of missing detail about consideration of non-motorized boat access and the Applicant had apologized for removing it from the plans.

Ms. Herrigel clarified that while there were 4 options, the Applicant requested that the

382 Commission consider the 3 options that did not modify the original application.

383

384 **Chair Klein** asked how many people from the non-motorized boating community had come
385 forward to look at the plans during the past 12 years.

386 • **Ms. Herrigel** said that in reviewing some of the survey results, the predominant comments
387 were from people that wanted to drive to the park to look at the water from their car in the
388 parking lot, put their motorized boats in the water, and that were advocates for parking lots.
389 There were no kayaker comments, but that question was not directly addressed necessarily.
390 The conversation she had with the Board and interested persons predominantly regarded
391 open space and motorized boat access. People have asked if they could launch kayaks, but
392 it was not the predominant discussion.

393 • After non-motorized boat access was removed from the plans, no one had commented
394 about it until the Commission meeting. Since the prior Commission meeting, Mr. Zumwalt
395 only made comments to her and the 2 Commissioners. He asked her if non-motorized boats
396 could be accommodated with the facilities currently in the plan and if some other access
397 had, in fact, been removed at some point.

398 • The existing boat launch was currently used for non-motorized boat launching. People
399 walked all the way up and down the side of the river and put in where they wanted to. The
400 proposed boat launch could also be used by both motorized and non-motorized boaters.
401 She hoped that the boat launch, dock, and transient dock would prevent people from making
402 goat trails by walking up and down the edge of the water to launch non-motorized boats.

403

404 **Commissioner Churchill:**

- 405 • Noted that the Applicant's consultant mentioned he had contacted the Riverkeepers.
- 406 • **Ms. Herrigel** replied she was not aware of that contact, so the consultant would have to
407 speak about it.
- 408 • Believed the Riverkeepers group was a very important non-motorized boat community. He
409 believed that was the kind of community the Board needed to contact.
- 410 • Asked how recently they had been contacted because they were active in discussions with
411 all applications regarding access to the water. He appreciated the larger effort to make
412 contact with them, because they represented a large number of people who have access to
413 the Willamette River.
- 414 • Understood that currently non-motorized boat access was done via the boat ramp or the
415 waterfront edge, but asked what was used mostly now, because he had a feeling it might

not be the boat ramp.

- **Ms. Herrigel** stated that she had never seen anyone launch a non-motorized boat there, adding that Mr. Stacey did say he used the boat ramp.

Commissioner Bresaw asked if any grant deadlines were coming up for funding the project. Even if approved tonight, it would be years before the project started.

- **Ms. Herrigel** replied she planned to submit grant applications in April 2011, and though optimistic, construction would begin in Summer 2011.

Commissioner Churchill asked if the Board was contacting other non-motorized boat communities for input to the next 30% of design.

- **Ms. Herrigel** clarified that specifically, she would take the options presented as access alternatives to the non-motorized boat community for their feedback. She understood that 70% designs were basically in pencil and had not been hardened in pen. Pretty much everything was set down on the ground and dimensions were known at 70% design. Generally things were not necessarily moved around when going from 70% to 100%, but details were confirmed and materials specified. The process tonight and also at the Corps would establish what would be hard lined in before the next 30% design was completed.

Chair Klein closed the public hearing at 7:44 p.m.

Planning Commission Discussion

Vice Chair Harris believed that river access was important and non-motorized access was as equally important as motorized access. The existing access provided for both, but could probably be improved. Staff's recommendations clearly required the Applicant to seek ways to improve the access. He saw no reason to not approve the application.

Commissioner Bresaw said she basically agreed and wanted to see construction begin. There could be some conflict between types of boats with the current design, but it could be changed in the future. She agreed there could be goat trails to the river. She wanted the project to move forward.

Commissioner Batey stated that the Board had done a lovely job and the plan was beautiful.

She liked the cars all on one end and that the road did not go through the whole park. She loved the fountain and the amphitheater. She did not want the Board to think that the focus on the non-motorized boat access was criticism of the overall plan, but it was a huge mistake to not include it in the application.

- It would have been better to document the goat trail phenomenon that existed now because people would find a way to get their canoe in the water whether access was built or not. She was concerned that the alternatives appeared like an afterthought and were not documented as something that the community wanted from square one. If it had been in the plans from the first with NOAA and the Corps, it would be easier for the City to push for it now.
- She did not own a canoe, but Ms. Herrigel's suggestion to consult with the non-motorized boat community was the right way to go. However, they may consider Option 4 best, so she was concerned that the Commission could not craft findings and conclusions tonight to allow pursuing of Option 4. Although removing non-motorized boat access was a mistake, she would vote to approve the application with the changed conditions drafted by staff.

Commissioner Churchill appreciated the Board's presentation of alternatives and the effort required in developing it. He seconded Commissioner Batey's comments, stating it was a beautiful riverfront plan with great lawn experience, great amphitheater space, and many good attributes. The motorboat access was appropriately located to the south, out of the way of the main thrust of the park.

- Options 1, 2, and 3 had various strengths and weaknesses, but as a kayak user, he would choose Option 4. Concrete or gravel on boulders was hard on boat hulls and not good for launching nice boats. The best surface was a small gravel beach, similar to the current launch south of the boat ramp.
- He understood the challenges with the regulatory agencies that did not want to allow access to the waterfront. A small population would use Option 1, the transient dock, but that may not survive the final design, in which case gravel on boulders or the motorized ramp were the only options.
- Sharing non-motorized boat access with motorboats was not safe because non-motorized boats were very low in the water and motorboats on trailers were very high off the ground, with near misses happening often. Very few people launch non-motorized boats at the boat ramp in Willamette Park, which was a 6-lane ramp. A non-motorized boat could tuck off to one side to launch, but there was fast activity back and forth loading motorboats in and out of the water.

- He liked Option 4 to avoid goat trails that destroyed the native vegetation. He did not believe people would share the ramp and the transient dock was a long distance from parking, so they would come through the native vegetation to access the river.

Commissioner Wilson agreed with Commissioner Churchill regarding access issues.

Chair Klein said he favored the application and complimented the Board for doing a great job.

Vice Chair Harris moved to approve DR-09-01, TPR-09-03, WG-09-01, WQR-09-01, VR-09-03 including the findings and conditions in the staff reports dated May 11, 2010 and May 25, 2010. Commissioner Bresaw seconded the motion.

Commissioner Batey asked if Option 4 was removed from the motion.

- **Ms. Mangle** responded that Option 4 was conceptually part of the project, but was a new element, so when designed and built, it had to return to the Commission for approval as a modification to the approved plan.

Chair Klein clarified that Ms. Herrigel was pursuing the 4 options and other regulatory agencies would review the project. If needed, it would return to the Commission for approval or denial of the 70% reintegration launch proposed design.

Commissioner Churchill asked if the Commission would receive feedback from the Applicant regarding discussions with the non-motorized boat community.

- **Ms. Mangle** responded that the Applicant would be happy to update the Commission at the right time.
- **Mr. Monahan** advised it would not be appropriate as a condition, but was something between the Commission and Applicant.

Motion passed 4 to 2, with Commissioners Wilson and Churchill opposing.

Commissioner Churchill noted for the record that his vote against the application was not for the work done by the Board, but was due to the lack of community input with the non-motorized boating community.

518 **Chair Klein** read the rules of appeal into the record.

519

520 The Commission took a brief recess and reconvened at approximately 8:05 p.m.

521

522 **6.0 Worksession Items**

523 6.1 Summary: Review Procedures Code Amendment project briefing

524 Staff Person: Susan Shanks

525 **Katie Mangle, Planning Director**, stated that the Review Procedures Code project resulted
526 from the Smart Development Code Audit project completed over the past year, which addressed
527 Milwaukie Municipal Code (MMC) Residential Standards and Procedures updates. This
528 worksession would address changes to the structural part of the MCC. The City had not done a
529 good job addressing some of the foundational processes of the MMC, which had not been
530 updated since the 1960s.

- 531 • Areas of the Code are not fully compliant with the Oregon Revised Statutes (ORS), are not
532 efficient in terms of using City and public resources, and not as effective, which in many
533 ways is more important than efficiency.
- 534 • Commissioner Batey had acted as a sounding board for specific Code issues. Other
535 Commissioners interested in being more involved with the Code project were invited to
536 contact staff. The issues needed to be thought through because they involved processes
537 and choices that underpin the work done by Planning staff.

538

539 **Susan Shanks, Senior Planner**, presented the staff report, which included these key
540 comments:

- 541 • The Code project addresses structural problems and gaps in the basic structure of the Code
542 and land use process, including noncompliance with the ORS, and rendering certain Code
543 provisions unenforceable. Review procedures regard the structure for how land use and
544 development review are done in the City, such as who the appropriate decision-making
545 person or body is, who is to be notified, the timeframe within which decisions are made, and
546 time limits on land use approvals, including conditional uses.
- 547 • Having clear direction and process for land use procedures is critical for staff, the City,
548 and applicants.
- 549 • Specific goals of the Review Procedures project are:
- 550 • Make the review procedures section consistent with the ORS.
- 551 • Consolidate procedures into one place.

- 552 • Develop a new Development Review Chapter that would be a repository for land use
553 procedures and applications and would also outline the procedure for development
554 review.
- 555 • Currently, applicants have to read the whole Code to determine what applications
556 are required, which is not an effective way to do business for staff or applicants.
- 557 • At present, a review process existed that was just associated with building permits,
558 but the line was blurred between the two. Staff wanted to be very clear where the line
559 was and whether a land use review or building permit review was required, which
560 should just be based on objective criteria.
- 561 • The goal was to make it easier for staff to apply and for the public to use and
562 understand.
- 563 • Address approval criteria for Conditional Uses, Variances, and nonconforming uses and
564 structures, which make up three chapters of the current Code.
- 565 • Along with looking at review procedures in general, the project would consider
566 whether the level of review was appropriate. For example, were more levels of
567 review needed for Conditional Use, or should just one type of Conditional Use
568 always come before the Planning Commission; were more than two types of
569 variances needed for a level of review, and did the approval criteria make sense for
570 the level of review applied.
- 571 • Time limits for Conditional Use and Variances would also be reviewed. Currently
572 substantial construction had a 6-month time limitation. Generally, applications did not
573 have a time limit, but other cities did so staff wanted to review what made sense for
574 Milwaukie.
- 575 • This is a technical Code update as opposed to a policy update.
- 576 • While some policy aspects were involved, it was much more limited relative to other
577 Code projects like the Parking or Transportation Chapter projects.
- 578 • Staff was not doing a lot of public outreach, but instead relying on ORS requirements,
579 the City's consultant, other cities' practices, staff's knowledge of the Code, as well as the
580 Planning Commission's experience. Some targeted outreach would be done, but not like
581 with other Code projects in the past because staff believed this to be mostly a technical,
582 legal update with some key questions about some key policy issues.
- 583 • She briefly reviewed the timeline for the Review Procedures project, noting that three rounds
584 of draft Codes were expected for the different sections being edited. Two worksessions

were planned with the Planning Commission, on July 13th with the consultant, and then again in late August. The adoption process would start in September.

- She explained that staff identified the work as two separate projects, not by the grant, which was for both Code update projects. This Review Procedures project would overlap with and be followed by the Residential Design Standards project in August.
- She highlighted the staff report's attachments, which went beyond this particular project and briefing, but she encouraged the Commission to read them.
 - Attachment 1 Overview and Assessment of Planning Code
 - Originally developed as an overview and staff's assessment of the Code, staff hoped to use the table during the Code update projects to track progress. The table indicated bigger problems, such as legal or best practices issues where the Code was not kept current or structural problems, not Code maintenance work. The table also enabled staff to highlight what the Code included to determine if certain provisions were still needed; some were quite outdated.
 - Though changes may be needed at the Comprehensive Plan level that would need to be reflected in the Zoning Code, the table also indicated staff's assessment of how well the Code implements the current Comprehensive Plan.
 - Attachment 2 Chapter 4 from *A Better Way to Zone* by Donald Elliott
 - The book talked about the best way to govern from a zoning perspective. The chapter was applicable to the Code projects and work done by the Planning Commission. The author listed very specific things that made for a good Zoning Code, such as effectiveness, responsiveness, fairness, efficiency, understandability, and predictable flexibility. Staff had used these terms when discussing the goals of the Code update projects, so it was interesting to see similar language in the author's discussion. The terms related to words in the Zoning Code but especially to the practices undertaken during land use review.
 - Attachment 3 Code History Memo by Li Alligood
 - When undertaking Code update projects, staff reviews the history of the Code sections being updated to understand what previous issues were addressed and the goals of previous updates/revisions. The memo summarized the history of the particular sections under review for the Code update project. It showed how little these Code sections were touched over time, which was why the review needed to occur.

Discussion from the Commission about the project and Code issues to address was as follows:

- The purpose of Conditional Uses (CU) was questioned because anything should be able to be on a site; desirable uses could overlap. CUs and Community Service Uses (CSUs) had to be ratcheted down, particularly CSUs, because open-ended time limits did not work.
- Projects should have sunsets, requiring the applicant to go through the process again if a project is not built within a certain time.
 - Sunsets on CUs have caused issues. Timelines were needed, as well as a clear definition of percentage of completed building and the process for returning to the Commission.
 - Putting a sunset on the SweetPea Daycare, a CSU, was a very good decision.
 - The relationship between CUs and CSUs and how they are treated differently was one issue staff would address to determine if both were really needed, what overlaps existed, etc.
- More time limits were also needed on projects because after so many years, the area is completely different.
 - An applicant could not have 2 years to build a mini-storage, but an infinite time period was allowed to build the high school sign.
 - Other jurisdictions have time limits associated with certain kinds of applications.
- Having no time limit is also problematic for many reasons.
 - Staff also suffers the consequences of no time limits on projects. Building permits were recently finished on the Ukrainian Bible Church, which was a land use hearing years ago.
 - If an approved project was dragged out over a long period of time, the applicant could deal with new staff with no previous knowledge about how to implement the wishes of the Commission or City Council.
- Residential properties were addressed differently. Staff had no jurisdiction over them and as long as they were properly boarded up according to the Building Code, the project could continue.
- Solar access protection was marked for deletion because the chapter was written for large subdivisions. The chapter consisted of a model code that was very long, technical, and confusing. Milwaukie did not have large subdivisions, so that chapter was not relevant for the City.
 - A more practical tool could be found to address Milwaukie's issues.
 - Perhaps solar access was better related to the massing standards.

- 653 • Solar access regarded small single-family conditions where a 30-ft height limit might
654 exist, but block solar access for passive and active design. There was a need for the
655 protection.
- 656 • While the chapter was proposed for deletion, staff was not necessarily proposing to
657 eliminate that kind of design consideration altogether. Staff hoped to put what was
658 salvageable from the chapter into Title 17 Land Division as it was more appropriate
659 during division of property and considering lot configuration to maximize solar access for
660 individual properties.
- 661 • The aircraft landing facility section was in the Code because 42nd Ave used to be a landing
662 strip.
- 663 • If proposed, a helipad at Providence Milwaukie Hospital would be a use; the aircraft
664 landing facilities section would not apply because it was about a zone. The Zoning Map
665 did not show an Aircraft Landing Zone, although it was part of the Code. A helipad
666 would be a CSU permit and staff could come up with an appropriate tool for addressing
667 it. The City would not be likely rezoned for an Aircraft Landing Zone.

668
669 **Ms. Mangle** said that as done with the Parking Code updates, a website would be created for
670 this project providing another way to track the project's progress.

671
672 **7.0 Planning Department Other Business/Updates – None**

673
674 **8.0 Planning Commission Discussion Items**

675 **Chair Klein** reported that 150 people attended the Milwaukie Run for Daze last weekend,
676 including several Commissioners and Ms. Mangle. The breakfast went well, and the Chief of
677 Police was very well received. Approximately \$2,000 to \$2,500 was raised for the Milwaukie
678 Daze Festival.

679
680 **Commissioner Bresaw** said that she met the owners of the big house on the corner of Verne
681 Ave, who said they were fully occupied and that the adults living there had mental disabilities.
682 They received funds from the State for caring for people, but not specifically for elderly citizens.
683 The owners had another house in Happy Valley.

Commissioner Batey asked if the school district was coming back regarding the Lake Rd mobile building application.

- **Ms. Mangle** responded that staff did not know, but heard the school district was not planning to return, although the district had not withdrawn the application. The Commission did not like the mobile units, so the school district returned with stick-built buildings. The hearing was then continued due to grading, height, and some questions from the Commission. Then the district had budget problems, which likely related more to the delay than the project itself. She did tell the applicant that they could finish the permitting process and then decide whether to build it or not.
- The Northside Clackamas Park Master Plan application was in and would be coming to the Commission and City Council this summer. The Master Plan would be proposed for adoption by the City into the Comprehensive Plan.

Ms. Shanks reported that two, very well attended open houses were recently held in the Northeast Sewer Extension project area. Staff had already received 3 annexation applications because people needed to annex before they connect to City sewer. The project had definitely turned a corner and a much more positive response was being heard about connecting to sewer and going through annexation.

- Upon learning how quickly neighbors received a notice of annexation, she explained that an applicant did a pre-application conference months ago. It was a vacant lot and the owner wanted to build a house but could not do so without sewer. The property butted up against Johnson Creek so a new septic system was not allowed. He was in process of doing the expedited annexation process and hoped to build a house over the summer and be ready to connect to sewer in November.
- Staff created an assisted annexation program to make it easier for people to go through the process. All were considered expedited annexations, which would go to City Council for approval. The Commission might see some non-expedited annexations because there were some non-conforming uses and zoning change requests.

Ms. Mangle clarified that staff had not heard anything about the annexation at the south end of Island Station.

- She updated that the Lake Road Improvement Project was in the right-of-way acquisition phase. She did not know when construction would start, but properties along Lake Rd had

been notified. She was uncertain whether contracting had been done yet, but she would look into it.

9.0 Forecast for Future Meetings:

June 8, 2010 1. Joint Session with Advisory Group: Natural Resources Project

June 22, 2010 1. Public Hearing: WG-10-01 19th Ave replat & duplex *tentative*

Ms. Mangle reviewed the upcoming future meetings with these added comments:

- She would remind the Commission by email that the June 8th meeting would be at the Public Safety Building with the Natural Resources Overlay Advisory Group. The meeting was designed as the handoff between the two groups. She hoped to have a casual, facilitated conversation where the Commission and Advisory Group could exchange ideas and ask and respond to questions. Commission worksessions for the Natural Resources Overlay project maps and Code would begin soon. The Commissioners would receive a staff report before the meeting and possibly the new draft of the Code. However, the meeting was about the bigger issues, not the Code itself.
- She asked if the Commission had any points they wished addressed in particular.

Commissioner Bresaw said it would be nice to encourage the owners along Spring Creek to remove the concrete to return it to its natural state. Maybe there was a way to make it easier or provide some funding to help them.

- **Ms. Mangle** agreed that could be discussed. One big issue for Milwaukie's version of the project was being very clear about how restoration projects were handled. The Natural Resources Code was not the only tool available and was not how the City encouraged people to do certain things, but regarded what else the City should be doing.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

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Paula Pinyerd, ABC Transcription Services, Inc. for

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Alicia Stoutenburg, Administrative Specialist II

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Jeff Klein, Chair



To: Planning Commission
Through: Katie Mangle, Planning Director *KM*
From: Li Alligood, Assistant Planner
Date: July 20, 2010, for July 27, 2010, Public Hearing
Subject: **File:** CPA-10-01
Applicant: North Clackamas Parks and Recreation District and the City of Milwaukie
Owner(s): City of Milwaukie
Address: 5440 SE Kellogg Creek Dr
Legal Description (Map & Taxlot): 2S2E06 Tax Lots 0100, 1000, 0417, 0617, 0716
NDA: Lake Road

ACTION REQUESTED

Recommend adoption of the North Clackamas Park North Side Master Plan to City Council. This action would result in a recommendation to amend the Comprehensive Plan to include the North Clackamas Park North Side Master Plan as an ancillary document.

BACKGROUND INFORMATION

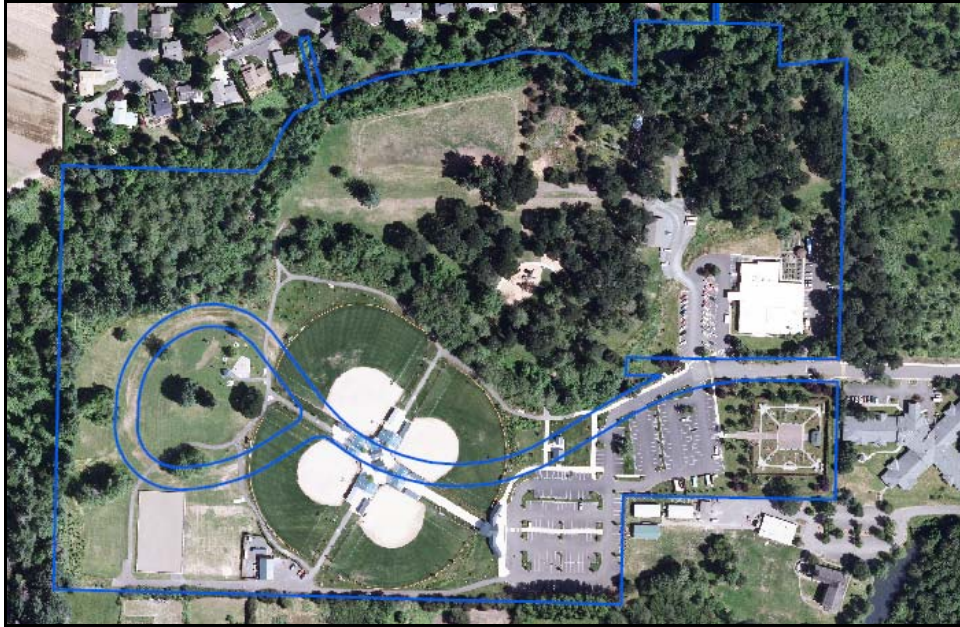
A. Site and Vicinity

North Clackamas Park (NCP) is a 47-acre site composed of multiple tax lots owned by the City of Milwaukie, and one tax lot owned by NCPRD and located in unincorporated Clackamas County. The site is zoned Residential Zone R-10 and has a Comprehensive Plan designation of Public. It is located south of SE Lake Rd, west of Hwy 224/Rusk Rd, and east of SE Kuehn Rd. Surrounding properties to the north, west, and south are under the jurisdiction of Clackamas County.

NCP is partially developed with recreational and natural areas. The north and south halves of the park are divided by Camas Creek. The northern half of the park contains a play structure, dog run area, picnic shelter, restrooms, unpaved parking area, and wetland and

wooded natural areas (see Attachment 3B). The southern half of the park contains the Milwaukie Center, multiple sports fields, an equestrian facility, the Sara Hite Rose Garden, a walking path, and paved parking areas containing 325 parking spaces.

Figure 1. Subject Site



Source: Metro RLIS 2010

The primary entrance to the park is located on the east side of the site at the intersection of SE Kellogg Creek Dr and SE Rusk Rd. The park is surrounded by residential and institutional properties under private ownership.

B. Zoning Designation

Residential Zone R-10. The majority of the site is located within the FEMA 100-year flood plain, and the park contains several mapped Water Quality Resource (WQR) areas. The entire north side of the park is a regionally-designated Habitat Conservation Area (HCA). See Attachments 3C, 3D, and 3E for details.

C. Comprehensive Plan Designation

The park is designated as Public (P). The Comprehensive Plan identifies the site as a Community Park.

D. Land Use History

Due to the large volume of files associated with park since its annexation to the City in 1981, staff has not summarized all land use information for the site. The relevant land use applications with respect to the proposed Plan are:

- **AP-05-02:** In response to an appeal by the Friends of North Clackamas Park, City Council adopted revisions to the site plans and conditions of approval of CSO-05-02,

including: creation of a shared soccer and ball field; reduction of the new parking area from 230 to 196 spaces; creation of an entry pavilion and information center; modification to the layout of the trail along the western portion of the park; construction of a tot-lot play area in the western portion of the park; replacement of stormwater detention in the parking lot with a swale adjacent to the parking lot; and widening of the access drive to the horse arena.

- **CSO-05-02:** Approval of land use application for development of the south side of the park, including: four youth ball fields; one full-sized soccer field; a new 230-space parking area; water quality resource enhancements; walking trails; improvements to Kellogg Creek Drive; and picnic facilities, restrooms, and concession stands.
- **CSO-04-09:** Approval of installation of playground equipment on the site of a former volleyball court on the north side of the park.
- **CSU-92-04:** Approval of the construction of the Sara Hite Memorial Rose Garden south of the Milwaukie Center.
- **NR-92-03:** As part of an expansion of the Milwaukie Center, the applicant was required to identify wetland areas for inclusion in the Natural Resources Overlay (NRO) zone. This zone was replaced with the Water Quality Resource (WQR) overlay in 2002 and a previously mapped wetland in the northeast corner of the park was not included in the new map.
- **A-80-07:** North Clackamas Park annexed to the City of Milwaukie.

E. Proposal

The applicants are seeking adoption of the North Clackamas Park (NCP) North Side Master Plan (“the Plan”) as an ancillary document to the Comprehensive Plan. The proposed Plan is conceptual in nature and will be implemented incrementally as funding becomes available. Implementation of the plan will comply with all applicable zoning and land use regulations.

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

Step 1—Master Plan Adoption. Master plan adoption, a legislative action, is the process by which a publicly owned property is formally identified as a park. A master plan provides the conceptual framework for future development and investment and is the first step toward implementing the community’s vision for specific park improvements. Park development, which occurs in the second step, occurs after the City has adopted a master plan.

Step 2—Master Plan Implementation. Master plan implementation occurs after master plan adoption. It is common for some aspects to require minor quasi-judicial review by the Planning Commission. Development plans submitted during this step must substantially conform to the adopted master plan.

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

A demonstrates that the proposed Plan conforms to the City's adopted policies and meets all relevant approval criteria.

Having an adopted plan provides a shared community vision for the future of the park and strengthens the ability of the City and NCPRD to apply for grants, obtain public funding, and leverage resources from public and private sources to improve the park.

The proposed Plan was created to address community desires, needs, and concerns by providing for the protection and restoration of the wetland in the northeast corner of the park; riparian and wetland enhancements within existing water quality resource areas; and relocation of the dog park and other structures outside of the riparian buffer. See Attachment 2 for details.

Figure 2. Planning Focus Area



Source: Metro RLIS 2010

The Plan includes the following:

Upgrades to Existing Features

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

- Relocate and replace restrooms, maintenance building, and caretaker site further from riparian buffer.

Habitat Protection and Restoration

- Removal of invasive species from wetlands and improvement to Mt. Scott Creek.
- Establishment of two protected wildlife areas.
- Enhancement of Mt. Scott Creek and Camas Creek through native plantings and physical changes.
- Replacement and maintenance of trees in the Oak-Ash Woodland area.

New Features

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

The proposal requires approval of the following applications:

1. CPA-10-01

F. Public and Agency Involvement

NCPRD developed the concept plan with the community to integrate the desires, needs, and concerns of many stakeholders with varying opinions on how the park should be developed. The proposed Plan is an outgrowth of earlier development of the park and previous master plans prepared by NCPRD¹. The sports fields in the south side of the park were constructed in 2006-2007. At the time, funding for north side park improvements was not available and planning activity was focused exclusively on the south side of the park. During the south side development process, several stakeholder groups² requested the preparation and adoption of a north side master plan to protect the existing natural areas and identify protection measures for an unmapped wetland in the northeast corner of the park.

NCPRD began the concept planning process for the north side of the park in spring 2007. There was an extensive public input process, and NCPRD worked closely with the North Clackamas Park Stewardship Committee, Milwaukie Parks and Recreation Board, North Clackamas Park District Advisory Board (DAB), Milwaukie Center Community Advisory Board, Friends of the Milwaukie Center, Lake Road Neighborhood District Association (NDA), Oak Grove Community Council Community Planning Organization (CPO), and a

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

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

Project Advisory Committee (PAC) composed of representatives from stakeholder groups to craft the proposed plan.

The draft Plan was presented to the Board of County Commissioners (BCC) during a study session on April 22, 2008. The City of Milwaukie and the North Clackamas Park District Advisory Board (DAB) have worked in the meantime to complete the application and submit it to the City. The application for adoption was delayed for several reasons including: the adoption of Metro's Title 13 regulations (Nature in Neighborhoods) in December 2007, which required revisions to the plan; and NCPRD funding and staffing issues.

The Plan has not been formally adopted by other agencies or boards, though it has been endorsed by many of the groups listed above. Per comments submitted, the Milwaukie Center Community Advisory Board and Friends of the Milwaukie Center support the Plan with the exception of the proposed parking area, which is proposed to utilize the Milwaukie Center parking lot for access.

Generally, the City implements federal, state, and regional regulations through land use review. Land use review will happen at the local level and generally occurs prior to obtaining permits from the City or other regulatory agencies (e.g. from the US Army Corps of Engineers or the Department of State Lands for removal/fill or development in resource areas such as a creek crossing, culvert removal, or wetland fill). When amendments to the Comprehensive Plan are proposed, the City is required to notify Metro and the Department of Land Conservation and Development (DLCD) and demonstrate compliance with the 13 titles of the Metro Urban Growth Management Functional Plan ("Functional Plan") and Oregon's 19 Statewide Planning Goals (see Attachment 1 Exhibit A for this analysis).

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

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings in Support of Approval (see Attachment 1 Exhibit A) and generally require less analysis and discretion by the Commission.

- A. Does the proposed *NCP North Side Master Plan* further the goals, objectives, and policies of the Comprehensive Plan?
- B. Is the level of planned development appropriate for this site?

Analysis

A. Does the proposed *NCP North Side Master Plan* further the goals, objectives, and policies of the Comprehensive Plan?

The proposal is to amend the City's Comprehensive Plan to adopt the Plan as an ancillary document. Unlike a land use permit approval, the adoption of the Plan does not permit specific components of the plan, but, rather, formally recognizes the overall concept for the north side of the park and provides a framework for future activities in the area.

Comprehensive Plan amendments are subject to approval criteria found in Policy 7 of Objective 1 of Chapter 2 of the Comprehensive Plan and in Milwaukie Municipal Code (MMC) Section 19.905 Approval Criteria for All Amendments. In general, all amendments must conform to the goals, policies, and objectives of the Comprehensive Plan and be consistent with all applicable portions of the Milwaukie Municipal Code, Metro Functional Plan, and Statewide Planning Goals. As demonstrated by Attachment 1 Exhibit A, the proposed amendment meets all applicable approval criteria.

Generally, the goals, objectives, and policies of the Comprehensive Plan seek to provide a high quality of life for City residents, including the provision and protection of recreational opportunities; protection and enhancement of cultural, historic, and natural resources; and protection of neighborhood identity and quality.

The following four elements of the Comprehensive Plan are most relevant to the analysis of whether or not the proposed *NCP North Side Master Plan* would further the goals, objective, and policies of the Comprehensive Plan.

Natural Hazards Element

The goal of the Natural Hazards Element of Chapter 3 of the Comprehensive Plan is to prohibit development in known areas of natural disasters and hazards without appropriate safeguards.

Objective #1—Flood Plain

Approximately 70% of the north side of the park is located within the FEMA 100-year flood plain.³ It is the City's policy that whenever possible, flood plain areas will be retained as open space and used for recreation, wildlife areas, or trails. This policy recognizes the scarcity of undeveloped areas that are dedicated to these uses.

The Plan proposes maintaining the north side primarily as natural woodland and wetland areas. Additional proposed development includes walking trails and the enhancement and/or renovation of existing recreational uses already in the park. The Plan also proposes construction of new buildings for restrooms and maintenance activities, as well as covered picnic shelters and a paved parking area. Any development within the flood plain will be subject to MMC Title 18 Flood Hazard Regulations, which comply with all federal regulations.

³ Map 3 of the Comprehensive Plan

Figure 3. 100-Year Flood Plain

Source: Metro RLIS 2010

In summary, the proposed Plan partially meets the goals, policies, and objectives of the Comprehensive Plan by enhancing the north side of the park for passive recreation, wildlife areas, and trails. However, the proposed structures in the north side of the park will require review to verify that there is no impact to habitat or that any impact is fully mitigated. As an alternative to this verification process, alternatives to new structures in the flood plain could be explored, such as refurbishing existing buildings for new or upgraded uses.

Open Spaces, Scenic Areas, and Natural Resources Element

The goal of the Open Spaces, Scenic Areas, and Natural Resources Element of Chapter 3 of the Comprehensive Plan is to conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

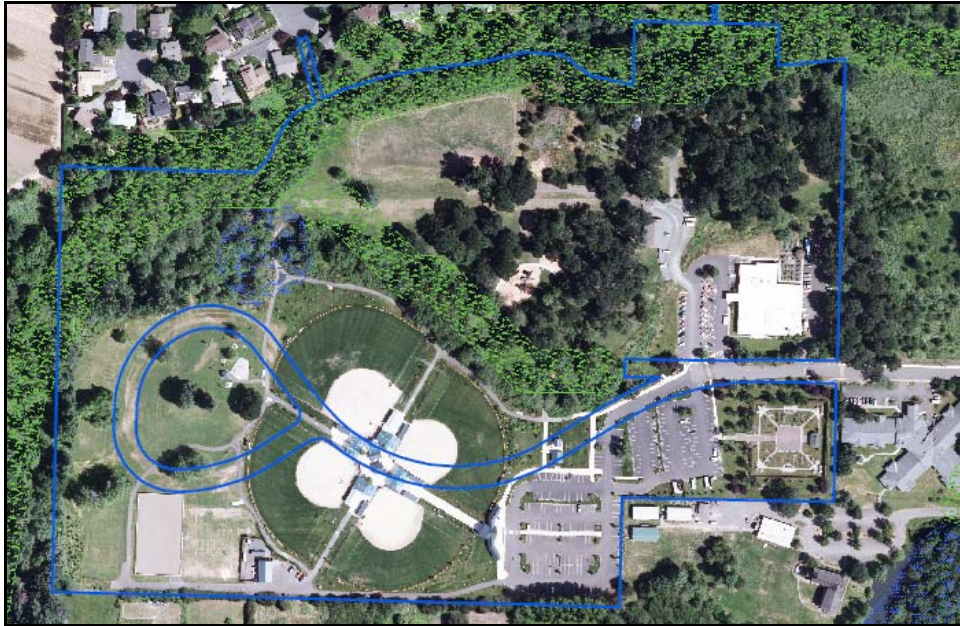
Objective #2—Natural Resources

It is the City's policy to preserve and maintain important natural habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas, water bodies, and significant tree and vegetative cover. The north side of the park contains a number of protected wetlands, watercourses, and riparian buffers, an unmapped wetland, and forested areas. In 1987, the City identified NCP as a significant natural resource area in the Comprehensive Plan. The north side of the park is identified on the Natural Resource Sites Map⁴ as Site #20 ("riparian and habitat") and on the Land Use Map⁵ as Public. While these listings and designations are important, they do not provide enough specific direction as to how to protect this significant natural resource.

⁴ Map 5 of the Comprehensive Plan

⁵ Map 7 of the Comprehensive Plan

Figure 4. Water Quality Resource Areas



Source: Metro RLIS 2010

The proposed Plan outlines specific actions to meet the objective of preserving and maintaining natural habitats, vegetation, and riparian areas. These actions include:

- Delineation of enhancement of existing riparian and wetland areas. This action will formalize the unmapped wetland in the northeast corner of the park and enhance the existing riparian and wooded areas.
- Expansion of Mt. Scott Creek's riparian buffer from 50 ft to 70 ft. The expanded riparian buffer will be planted with native trees and shrubs to shade the water surface. The combination of increased stream shade and proposed habitat improvements are expected to benefit fish and other water-dependent wildlife.
- Removal of crushed culverts at the confluence of Mt. Scott and Camas creeks and at the east end of Camas Creek. This action will permit the free flow of the watercourse and provide a more appropriate habitat for fish.
- Relocation of several uses and structures outside of the expanded Mt. Scott Creek riparian buffer. This action will reduce runoff and other negative impacts to the creek and buffer area.
- Installation of educational overlooks and interpretive signage. This action will educate users about the fragility of the natural resource area; reduce human impact immediately adjacent to the streams; and allow a denser growth of vegetation along stream channels.
- Removal of invasive and exotic species and replacement with native species. This action includes the planting of native vegetation within the riparian areas, as well as a native grass meadow.

The Conceptual Plan (Attachment 2A) shows some sections of the proposed walking trail, fencing, and other improvements within the wetland and riparian buffer areas. The final location of these improvements will be adjusted to avoid wetlands and mitigate any impacts at the time of development.

In summary, the proposed Plan meets the goals, policies, and objectives of the Comprehensive Plan through the proposed protection and enhancement actions.

Recreational Needs Element

The goal of the Recreational Needs Element of Chapter 4 of the Comprehensive Plan is to provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, developing parks according to their classification, and maximizing the use of existing parks.

Objective #1—Park Classifications

North Clackamas Park is identified in this element as a community park, a large city-wide facility located on arterials or other major routes that provides active recreational opportunities and structured recreational facilities to serve all areas of the City. NCP is the only community park in the City and one of three community parks in Clackamas County. Structured recreational facilities are provided in the south side of the park; the proposed plan would provide passive recreational opportunities in the north side of the park.

Objective #6—Maximization of Existing Parks

It is the City's policy to maximize the use of existing parks consistent with their carrying capacity and natural features. The development of the south side of the park has been maximized to meet the active recreational needs of the community; the north side of the park provides opportunities to maximize passive recreational opportunities with an emphasis on the enhancement and enjoyment of the park's natural resources.

The proposed Plan respects the existing character of the park by maximizing the passive recreational use of the park while enhancing or renovating existing uses. Additional proposed recreational elements include a walking trail; exercise stations; educational overlooks; and playground equipment. Proposed enhancements to existing uses include the horseshoe pits; covered picnic shelters; play area; family picnic areas; and natural resource areas. Proposed renovations include the off-leash dog run; improved restrooms; wildlife viewing opportunities; and maintenance and caretaker facilities.

In summary, adoption of the Plan would further the goals, objectives, and policies of the Comprehensive Plan by responding to the Comprehensive Plan designation and maximizing the passive recreational use of this publicly-owned community park.

Neighborhood Element

The goal of the Neighborhood Element of Chapter 4 of the Comprehensive Plan is to preserve and reinforce the stability and diversity of the City's neighborhoods to ensure the City's residential quality and livability; maintain the predominately single family character of the Lake Road neighborhood; and provide increased recreational opportunities. This element designates the Lake Road neighborhood as Neighborhood 5.

Neighborhood 5, Guideline #1—Single Family Character

It is the City's policy to maintain the predominately single family character within the Lake Road neighborhood. The adoption of the Plan would not impact the single family character within the neighborhood and would enhance the existing natural environment in the park.

The passive recreational opportunities in the north side of the park will be an amenity for nearby residents as well as those from other areas.

Neighborhood 5, Guideline #5—Recreation

It is the City's policy to provide increased recreational opportunities in neighborhoods. The adoption of the Plan would provide additional passive recreational opportunities for neighborhood residents and the City as a whole. The proposed walking trail and exercise stations will be easily accessible to Milwaukie Center visitors, among others; the expanded play area will provide additional recreational opportunities for children of various ages; and the proposed covered picnic shelters and uncovered picnic areas will provide additional sites for social gatherings.

In summary, adoption of the Plan would further the goals, objectives, and policies of the Comprehensive Plan by preserving the single family character of the surrounding neighborhood while providing additional passive recreational opportunities for City and County residents.

C. Is the level of planned development appropriate for this site?

North Clackamas Park is designated in the City's Comprehensive Plan as a Community Park, which is a regional recreational area designed to serve the needs of many people. The park also contains environmentally sensitive lands, and future development within the park must balance the region's recreational needs with protection and enhancement of the park's natural areas.

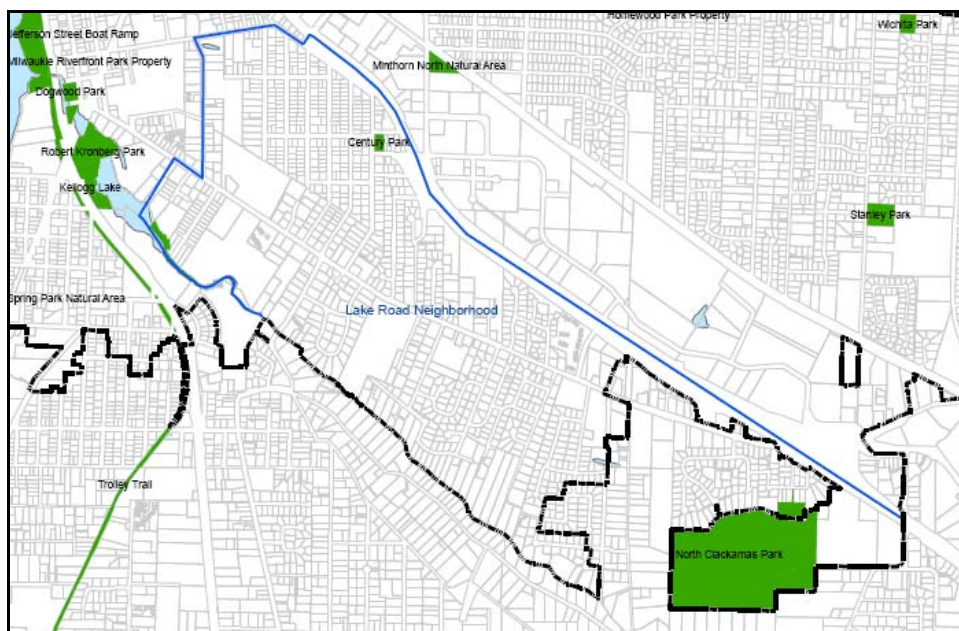
Recreational Needs

Recreational opportunities in Milwaukie are limited, due to the scarcity of undeveloped land suitable for recreational development. City policy encourages the acquisition of parks and the maximization of existing parks according to their capacity. The 47-acre NCP is the largest park in the Parks District, and provides active recreational activities that are unique within the district. NCP was designated as the only Community Park in the City.

Community Parks are intended to serve all City residents (within a 2 mile radius) for fairly intensive activity; they are further defined in the Comprehensive Plan as large City-wide facilities, which serve a special function, or take advantage of unique locational characteristics (i.e. location near arterials or highways, such as Hwy 224 and Lake Rd). During the Comprehensive Plan update in 1988, City residents identified a need for parks and facilities for adults wanting active recreational opportunities such as baseball and soccer. North Clackamas Park was identified as the park that satisfied many of those needs.

According to the Comprehensive Plan Land Use map, NCP is the only park in the southeast quadrant of the City as well as one of a few in the Lake Road neighborhood. NCP is designed to provide both active and passive recreational opportunities. The south side of the park has been fully developed with active recreational opportunities; the Plan proposes to protect and enhance the unique environmental assets of the north side of the park while providing educational, fitness, and passive recreational opportunities.

Figure 5. Lake Road Neighborhood Parks



Source: Metro RLIS 2010

Currently, the north side of the park contains a number of heavily used passive recreation activities, including:

- Off-leash dog area. The Plan proposes to relocate and improve this area.
- Children's play areas. The Plan proposes to add bouldering equipment for children to play on.
- Large group picnic shelter. The Plan proposes to replace the large group shelter with two smaller covered shelters, and install 3 open picnic areas.
- Bridges across Mt. Scott and Camas creeks; although the bridges connect to the walking path in the south side of the park, they do not currently connect to walking trails in the north side of the park. The Plan proposes to continue the trail around the north side of the park.
- The Milwaukie Center, while not included in the planning area, is heavily used by senior citizens and volunteers. The Plan proposes to install exercise stations for use by Milwaukie Center visitors, among others.

NCP fills a unique role within the City and the County; as the City's largest park and only community park, it has been designated as a significant recreational resource. The scarcity of current and potential recreational resources requires the full utilization of the passive and active recreational opportunities provided within the park.

Protection and Enhancement of Natural Areas

The Plan's passive recreational programming integrates wildlife viewing areas, educational opportunities, and the enjoyment of natural areas within the park. This is appropriate, as the north side of the park contains a number of significant natural resources: designated

riparian corridors and wetlands; regionally-designated habitat; and federally-designated floodplain areas. Protection of natural resources is implemented through Metro regional policy (Functional Plan Titles 3 and 13), and local regulation at the time of development.

The existing habitat is degraded by unrestricted human access to riparian areas; the proximity of structures and existing off-leash dog area to the Mt. Scott Creek riparian buffer; lack of creek shading; the presence of invasive species; two crushed culverts across Camas Creek; concrete within Mt. Scott Creek; and current maintenance practices such as mowing near the wetlands and within the Oak-Ash Woodland. The Plan includes significant restoration and enhancement activities within the locally and regionally designated natural resource areas, including an unmapped wetland.

The Plan also proposes development within the floodplain, Title 3 riparian corridors, and Title 13 habitat conservation areas. Neither Title 3 nor Title 13 regulations prohibit development within WQR or HCA areas, but both policies encourage low-impact development and mitigation of any disturbance. Development within the floodplain is permitted in accordance with the regulations of MMC Title 18. The restoration described above is planned to mitigate the impacts of the proposed development.

The Comprehensive Plan encourages protection and enhancement of significant natural resources, while encouraging the provision of recreational opportunities. The proposed Plan balances the community's needs for passive recreational opportunities and the desire to enjoy a unique natural area with the preservation and enhancement of the existing degraded resource areas. Although development is proposed within the resource areas of the park, the mitigation and natural area enhancements provide a balanced development program and adequately address Comprehensive Plan policies.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Recommend approval of the application to adopt the North Clackamas Park North Side Master Plan as an ancillary document of the Comprehensive Plan.
2. Recommend adoption of the attached Ordinance and Findings in Support of Approval.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code (MMC), and the City of Milwaukie Comprehensive Plan.

- Chapter 19.900 Amendments
- Subsection 19.1011.5 Legislative Actions

The application is subject to legislative review, which requires the Planning Commission to conduct a public hearing and either deny the application or recommend approval of the application to City Council based on compliance with all applicable code provisions and regulations listed above.

The Commission has 3 decision-making options as follows:

- A. Forward a recommendation for adoption of the proposed amendment and draft ordinance.
- B. Forward a recommendation for adoption of the proposed amendment and draft ordinance with modifications.
- C. Deny the proposed amendment and draft ordinance.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering; City of Milwaukie Building; Clackamas County Fire District #1; Lake Road Neighborhood District Association (NDA); Clackamas County; Metro; North Clackamas Citizens Association; Oak Lodge Community Council; and property owners within 400 feet of the park. The following is a summary of the comments received by the City. See Attachment 5 for further details.

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

Staff Response: Staff is aware of the recent settlement of a lawsuit brought against FEMA. The City is investigating its impact on current and future floodplain development, and will follow up with FEMA and NMFS to obtain guidance on the City's current floodplain development code and the inclusion of appropriate protective measures to ensure the

City's compliance with the ESA. Any future development that occurs as a result of adoption of the Plan will be required to comply with the regulations and protective measures in place at the time of development.

ATTACHMENTS

1. Draft Ordinance
 - A. Recommended Findings in Support of Approval
2. Applicant's Narrative and Supporting Documentation dated April 20, 2010.
 - A. North Clackamas Community Park Conceptual Park Plan
 - B. North Clackamas Park North Side Master Plan Final Draft
3. Maps
 - A. Location Map
 - B. Existing Conditions Map
 - C. Water Quality Resources (WQR) Map
 - D. Habitat Conservation Area (HCA) Map
 - E. FEMA Flood Plain Map
4. North Clackamas Park History
5. Comments Received
6. Exhibits List

ORDINANCE NO. _____

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

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

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

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

WHEREAS, the City Council held a duly advertised Public Hearing on August 17, 2010.

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

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

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

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

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

Signed by the Mayor on _____.

Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC

Pat DuVal, City Recorder

City Attorney

Recommended Findings in Support of Approval

Casefile# CPA-10-01, North Clackamas Park North Side Master Plan

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

1. North Clackamas Parks and Recreation District (NCPRD) and the City of Milwaukie (“the applicants”) have submitted a joint application for approval of a Comprehensive Plan amendment to adopt the North Clackamas Park North Side Master Plan (“the Plan”) as an ancillary document to the Milwaukie Comprehensive Plan. The property is located at 5440 SE Kellogg Creek Dr (Map 2S2E06; TLID 100, 1000, 417, 617, and 716). The 47-acre site is currently zoned Residential zone R-10; the Comprehensive Plan designation is Public. The City is the site owner, and the park is planned and managed by NCPRD.
2. A Comprehensive Plan amendment is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - A. Subsection 19.1011.5 Legislative Review
 - B. Chapter 19.900 Amendments
3. Public notice has been provided in accordance with MMC Subsection 19.1011.5 Legislative Review. In addition to these requirements, notification was sent to property owners within 400 feet of the subject property at least 20 days in advance of the required public hearing. The Planning Commission held a duly advertised public hearing on July 27, 2010, and passed a motion recommending that the City Council approve the Comprehensive Plan amendment.
4. MMC Chapter 19.900 Amendments sets out the procedures and requirements for Comprehensive Plan amendments. The proposed Comprehensive Plan amendment is consistent with this chapter as follows:
 - A. MMC 19.902 governs the procedures for processing amendments. The application is a Comprehensive Plan amendment and has been processed in accordance with MMC 19.1011.5 Legislative Review. Notice was provided to the Oregon Department of Land Conservation and Development on June 9, 2010. Notice was provided to Metro on July 2, 2010, and a Functional Plan analysis was provided to Metro at least 15 days prior to the final hearing on the proposed change.
 - B. MMC 19.905 states the approval criteria for all amendments. The Planning Commission finds that the proposed amendment complies with these criteria as follows:
 - i. MMC 19.905.1.A requires the proposed amendment to conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro urban growth management functional plan, and applicable regional policies.
 - (a) Milwaukie Comprehensive Plan
Plan Review and Amendment Process
 - (1) Objective #1, Policy 7
All Plan amendments will be evaluated based on the following criteria:
 - (i) Conformance with the Comprehensive Plan, its goals, policies, and spirit

Relevant Comprehensive Plan goals, policies, and objectives are found in Chapter 3—Environmental and Natural Resources and Chapter 4—Land Use.

Chapter 3 – Environmental and Natural Resources: Natural Hazards Element

1. Objective #1—Flood Plain, Policy 4

It is the City's policy that whenever possible, floodplain areas will be retained as open space and used for recreation, wildlife areas, or trails.

The proposed Master Plan supports this objective. Approximately 70% of the north side of the park is located within the FEMA 100-year flood plain.¹ As proposed, much of the north side will be retained as natural woodland and wetland areas; additional development will focus on the enhancement or renovation of existing uses already in the park. New developments include passive recreational uses, including a walking trail and two protected wildlife areas. New buildings will comply with applicable building codes, MMC Title 18, and applicable federal regulations.

Chapter 3 – Environmental and Natural Resources: Open Spaces, Scenic Areas, and Natural Resources Element

1. Objective #2—Natural Resource Areas

It is the City's policy to preserve and maintain important natural habitats and vegetation through protection and enhancement, and to regulate development within designated water bodies, riparian areas, wetlands, uplands, and draining areas.

The proposed Plan supports this objective. As a result of a natural resources inventory in 1987, the City identified North Clackamas Park as a significant natural resource area in the Comprehensive Plan. The north side of the park is identified on the Natural Resource Sites Map² as Site #20 ("riparian and habitat") and on the Land Use Map³ as Public. While these listings and designations are important, they do not provide enough specific direction as to how to protect this significant natural resource.

The City regulates development within important natural areas through the Water Quality Resource Overlay and the Title 13 Model Ordinance. The north side of the park contains a number of protected wetlands, watercourses, and riparian buffers. A wetland delineation report completed in 2004 identified an unmapped wetland, identified as Wetland 5 in the northeast corner of the park. This delineation expired in February 2010; although the wetland and buffer area have not been added to the City's zoning map, the Plan proposes restoration and protection of this area.

¹ Map 3 of the Comprehensive Plan

² Map 5 of the Comprehensive Plan

³ Map 7 of the Comprehensive Plan

The Plan would conserve the north side of the park as passive recreational and open space. Implementation of the Plan provides specific direction for protecting and conserving the park's natural resources through the following actions:

- *Delineation and enhancement of existing riparian and wetland areas, including Wetland 5.*
- *Expansion of Mt. Scott Creek's riparian buffer from 50 ft to 70 ft.*
- *Removal of a crushed culvert at the confluence of Mt. Scott and Camas creeks.*
- *Relocation of the existing off-leash dog park outside of the riparian buffer.*
- *Installation of interpretive signage educating users about the fragility of the natural resource area.*
- *Removal of invasive and exotic species and planting of native species.*
- *Removal of hazardous and/or diseased vegetation.*
- *Establishment of two protected wildlife areas.*

The Conceptual Plan (Attachment 2A) shows the proposed walking trail, fence, and other improvements within the wetland and riparian buffer areas; the final location of these improvements will be adjusted to avoid wetlands and mitigate any impacts at the time of development.

Chapter 4—Land Use: Recreational Needs Element

1. Objective #5—Neighborhood and Community Parks

North Clackamas Park is identified in this element as a community park, a large city-wide facility located on arterials or other major routes that provides active recreational opportunities and structured recreational facilities to serve all areas of the City.

The Plan supports this designation. Structured recreational facilities are provided in the south side of the park; the proposed plan would provide passive recreational opportunities in the north side of the park.

2. Objective #6—Maximization of Existing Parks

It is the City's policy to maximize the use of existing parks consistent with their carrying capacity and natural features.

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

The proposed Plan maximizes the passive recreational use of the park by including additional elements such as a walking trail, exercise

stations, educational overlooks, and playground equipment. Many of the improvements also enhance or renovate existing uses such as the off-leash dog run, picnic shelters, horseshoe pits, and natural areas.

Chapter 4—Land Use: Neighborhood Element

1. Neighborhood Area 5

This area includes the Lake Road neighborhood. The predominant land use in this area is single family residential.

a. Guideline #1—Single Family Character

It is the City's policy to retain the predominately single family character within the neighborhood by limiting the location of high density apartments while allowing other housing types as long as the single family character is not significantly altered.

Although this guideline does not specifically apply to North Clackamas Park, the proposed Plan would not impact the predominately single family character within the neighborhood and would enhance the existing natural environment in the park. The passive recreational opportunities in the north side of the park will be an amenity for nearby residents as well as those from other areas.

b. Guideline #5—Recreation

It is the City's policy to provide increased recreational opportunities by implementing the Parks and Recreation Master Plan sub-area recommendations.

The Parks and Recreation Master Plan and sub-area recommendations referenced in this guideline have never been adopted by the City. In lieu of an adopted Parks and Recreation Master Plan, the City adopts individual park master plans as ancillary documents to the Comprehensive Plan.

The proposed Plan would formalize the community's goals for the north side of the park and would provide guidance for its development that is currently lacking.

(i) Public need for the change

The proposed Plan meets a public need. As a community park, North Clackamas Park serves the recreational needs of the entire community. North Clackamas Park has been in use as a park for more than 40 years; over the years, the park use has evolved and changed. The Milwaukie Comprehensive Plan does not currently contain a master plan for the north side of North Clackamas Park. The adoption of the plan will provide specific direction for redevelopment of this portion of the park and enable the community to move forward with plans to: 1) upgrade existing features, including but not limited to the children's play area, picnic area, restroom facilities, and dog park; 2) restore, protect, and enhance the site's natural resource areas; and 3) provide for improved environmental education and passive recreation opportunities.

(ii) Public need is best satisfied by this particular change

The proposed Plan was developed by and with the community and integrates the desires, needs, and concerns of many stakeholders with varying opinions on how the park should be developed. The proposed Plan addresses community desires, needs, and concerns by providing for the protection and restoration of the unmapped wetland in the northeast corner, riparian and wetland enhancements within existing water quality resource areas, and relocation of the dog park and other structures outside of the riparian buffer.

- (iii) The change will not adversely affect the health, safety, and welfare of the community

The proposed Plan will not adversely affect the health, safety, or welfare of the community and will likely enhance it. The proposed Plan formalizes the existing uses at North Clackamas Park and provides protections for fragile natural resource areas and provides for educational and passive recreational opportunities.

- (iv) The change is in conformance with applicable Statewide Planning Goals

The proposed amendment meets the following Statewide Planning Goals:

Goal 1—Citizen Involvement

This goal directs local governments to develop citizen involvement programs that insure the opportunity for citizens to be involved in all phases of the planning process.

Citizen involvement was instrumental in developing the Plan; stakeholder groups, advisory committees, park neighbors, and park users played a major role in developing it. The North Clackamas Park Stewardship Committee served as Project Advisory Committee (PAC) and provided input during the Plan's development. NCPRD organized three public meetings to obtain input and ideas for park improvements. The first meeting focused on the goals of the master plan, presentation of the site analysis and allowed the public to provide feedback to the design team. The second meeting focused on presentation of the two preliminary concepts and determined the public preference for a final design. The third meeting was a presentation of the final preferred master plan and natural resource recommendations. Following each public meeting plans were posted to an online project Web site. NCPRD held an open house for the community to view the final plan and draft report.

The project was also discussed and shared with the Milwaukie Park and Recreation Board, the Milwaukie Center Community Advisory Board, the Friends of the Milwaukie Center, and the NCPRD District Advisory Board. In addition to public meetings, neighbors, park users, and committee members were encouraged to voice their comments and concerns throughout the design process. Many comments were received via phone conversation, e-mail, surveys (by mail and onsite), and comment cards and incorporated into the plan whenever possible. The key goal of the planning process was to develop a plan that minimizes environmental and property impacts and provides for ease of maintenance and longevity, while providing a safe and enjoyable experience for the community.

Goal 2—Land Use Planning

This goal directs local governments to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land, and assure an adequate factual base for such decisions and actions.

The Milwaukie Comprehensive Plan does not contain a master plan for the north side of North Clackamas Park. The proposed Plan will provide a framework for future development of the north side of the park and provide for consistent decision-making and future implementation.

Goal 5—Natural Resources, Scenic and Historic Areas, and Open Spaces

This goal directs local governments to protect natural resources and conserve scenic and historic areas and open spaces.

The goal of the proposed Plan is to formalize the protection of natural resources on the site. Future improvements on the site will be subject to floodplain, water quality resource, and habitat conservation area regulations, among others.

Goal 8—Recreational Needs

This goal directs local governments to satisfy the recreational needs of the citizens of the state and visitors.

The proposed Plan provides for current and future passive recreational needs of area residents by maximizing the recreational use of this community park while protecting its significant natural resources.

- (v) The change is consistent with Metro Growth Management Functional Plan and applicable regional policies.

See responses B.1(c) and B.1(d) below.

(b) City Ordinances

As described in Findings 3 and 4, the proposed Comprehensive Plan amendment complies with all applicable City ordinances.

Prior to the implementation of the proposed Plan, the applicant will submit the appropriate land use applications and building permit applications, showing compliance with all applicable city regulations.

Required applications may include, but are not limited to, the following: Water Quality Resource and Habitat Conservation Area Review (the City is in the process of combining these two sets of regulations into one integrated set of regulations); Community Service Use; and a Zoning Map Amendment (for addition of an unmapped water quality feature to the zoning map).

(c) Metro Functional Plan

The proposed Comprehensive Plan amendment complies with all applicable Functional Plan regulations.

- (1) Title 3: Water Quality and Flood Management

This title establishes requirements for protecting water quality resource areas and flood management areas.

The City's comprehensive plan and land use regulations comply with these requirements. Any future development required to implement the plan will comply with the City's zoning ordinance, comprehensive plan, and applicable Federal regulations.

(2) Title 13: Habitat Conservation Areas (Nature in Neighborhoods)

This title establishes requirements for the protection of regionally designated Habitat Conservation Areas (HCA). The purpose of the title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

On June 1, 2009, the City began applying the Metro Model Ordinance implementing Title 13. Until the City adopts local regulations that comply with Title 13, it will directly apply a limited version of the Model Ordinance to land use decisions that affect regionally mapped HCAs. Any future development required to implement the Plan will comply with the City-applied Title 13 Model Ordinance, the City's zoning ordinance, and the Comprehensive Plan.

The north side of the park is entirely covered with regionally-designated HCAs. Per Title 13, "HCAs within publicly-owned parks and open spaces that have been designated as natural areas and are not intended for future urban development shall be protected and managed so that the quality of fish and wildlife habitat that they provide is maintained and enhanced, and that habitat-friendly best management practices, such as integrated pest management programs, are used in such areas."⁴ NCPRD has an adopted integrated pest management program designed to help restore the salmonids in Mt. Scott Creek, and to encourage the growth of native plant species.

Title 13 contains the following performance objectives:

- a. *Preserve and improve streamside, wetland, and floodplain habitat and connectivity.*

The Plan proposes to enhance streamside, wetland, and floodplain habitat connectivity through the removal of crushed culverts at the confluence of Mt. Scott and Camas creeks and the east end of Camas Creek; planting native trees to the north and south of Camas Creek; planting native trees on the south side of Mt. Scott Creek within the enlarged riparian buffer; wetland enhancement; and minimizing development within the floodplain.

- b. *Preserve large areas of contiguous habitat and avoid habitat fragmentation.*

The Plan preserves and enhances the riparian habitat along Mt. Scott Creek, which is the largest contiguous woodland community within the park. The Plan also proposes enhancement of the Oak-Ash Woodland areas between Mt. Scott and Camas creeks, which provides a

⁴ Metro Code 3.07.1340.A.5.

contiguous, wooded corridor between the riparian woodlands associated with the two streams.

- c. *Preserve and improve connectivity for wildlife between riparian corridors and upland wildlife habitat.*

Per the Natural Resources Review prepared by Pacific Habitat Services (PHS), Inc. (see page 22 of Attachment 2B), NCP provides habitat for a variety of wildlife species adapted to suburban landscapes. The wildlife observed by PHS include: aquatic and semi-aquatic species, including various species of fish, amphibians, and benthic macroinvertebrates; 29 species of birds, including the declining white-breasted nuthatch; and eastern fox squirrels. Other species not observed but likely present in the park are raccoons; black-tailed deer; Pacific chorus frog; red-legged frog; roughskin newt; and garter snakes.

The Plan proposes to establish two protected wildlife areas; preserve and improve connectivity between the Mt. Scott and Camas creek riparian corridors by planting native trees and vegetation; and enhancement of both the riparian areas and the Oak-Ash Woodlands that connect them.

- d. *Preserve and improve special habitats of concern such as native oak habitats, native grasslands, wetlands, bottomland hardwood forests, and riverine islands.*

The north side of NCP contains native oak habitats and wetlands, and a native grass meadow will be introduced. The Plan proposes a number of habitat enhancements in these areas, including:

1. *Native Oak Habitats*

Per the Natural Resources Review prepared by PHS, the Oak-Ash Woodlands found in the north side of NCP are reminiscent of oak savanna habitat, which is becoming increasingly rare in the Willamette Valley. The Plan proposes to preserve and improve the Oak-Ash Woodland through: alternating picnic table use and moving tables so that only one picnic site is in use at a time; mowing only the picnic area in use; replacing older trees; and planting native understory shrubs.

2. *Native Grasslands*

The north side of the park does not contain native grasslands. However, the Plan proposes the planting of native forbs within areas to the south of Mt. Scott Creek; this native meadow would provide more diverse habitat for insects and birds while protecting the Mt. Scott Creek riparian buffer from mowing and human activity..

3. *Wetlands*

The Plan proposes enhancement of the wetlands in the northwestern portion of the site through: removal of invasive species and replacement with small woody shrubs; opening the discharge to Mt. Scott Creek near the west end of the park; excavation of the present outflow channel to allow high flows of Mt. Scott Creek to enter the wetlands during flood episodes; and installation of a log structure immediately downstream from the wetland orifice to raise water levels

at the refugia entrance during large flows and increase the likelihood of fish passage into the wetland.

(d) Regional Policies

No regional policies are anticipated to apply to the proposed amendment. Therefore, the proposed amendment complies with this criterion.

- ii. MMC 19.905.1.B requires that the anticipated development meet the intent of the proposed zone, taking into consideration the following factors: a) site location and character of the area; b) the predominant land use pattern and density of the area; c) the potential for mitigation measures adequately addressing development effects; d) any expected changes in the development pattern for the area; e) the need for uses allowed by the proposed zone amendment; and f) the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The planning commission and city council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

Not applicable. North Clackamas Park is an existing park. The site is zoned R-10 with a Comprehensive Plan designation of Public. The City uses its community service use (CSU) regulations to site park uses, as it does not have a Parks or Open Space zone. NCPRD and the City will seek approval of improvements to North Clackamas Park as modifications to an existing CSU or as a new CSU (as necessary); consequently, no zone change is requested or required.

- iii. MMC 19.905.1.C requires that the proposed amendment will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.

The proposed enhancements outlined in the Plan will comply with all applicable regional, state, and federal regulations prior to and during any construction activity. Any work performed in the floodplain will comply with the City's flood hazard regulations and all applicable FEMA regulations.

Any work performed within or adjacent to Camas Creek, Mt. Scott Creek, or any wetlands will comply with all applicable City regulations and the State's Division of State Lands (DSL) and the Army Corps of Engineers regulations. Any work performed in designated regional Habitat Conservation Areas (HCAs) will comply with all applicable City regulations in effect at the time of land use application.

- iv. MMC 19.905.1.D requires that the proposed amendment demonstrate that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area. A transportation impact study (TIS) may be required subject to the provisions of MMC Chapter 19.1400.

Based on the park's size, classification, and nature of the proposed improvements, the Engineering Department has determined that the improvements outlined in the plan, with the possible exception of the new parking lot, would not trigger a TIS or street improvements. The proposed parking lot will be evaluated by the Engineering Department at the time of land use application.

Utility connections already exist in the park; no additional facilities are proposed. The proposed park improvements will not restrict delivery of public services to any existing or future development in the area.

- v. MMC 19.905.1.E requires that the proposed amendment be consistent with the functional classification, capacity, and level of service of the transportation system.

Kellogg Creek Dr is not assigned a functional classification in the City's Transportation System Plan (TSP); Rusk Rd is classified as a local street. The proposed Plan provides for minimal intensification of the uses on the site due to the addition of a new ½ mile loop trail and an enlarged and paved parking area. The proposed amendment will not affect the functional classification, capacity, and level of service of the transportation system.

The Planning Commission finds that the criteria of MMC 19.900 are met.

5. Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering; City of Milwaukie Building; Clackamas County Fire District #1; Lake Road Neighborhood District Association (NDA); Clackamas County; Metro; North Clackamas Citizens Association; Oak Lodge Community Council; and property owners within 400 feet of the park. The following is a summary of the comments received by the City. See Attachment 5 for further details.
 - **Paul Hawkins, Chair, Lake Road NDA Land Use Committee:** The thoroughness of the North Clackamas Park North Side Master Plan is impressive. Kudos to the many individuals who put their creative vision together for the community's benefit.
 - **Steve Brown, Chair, Friends of the Milwaukie Center:** Expressed concerns about the proposed access to the north side parking area, which is proposed to pass in front of the Milwaukie Center. Requested rerouting of the parking area access.
 - **Eleanor Johnson, Chair, Milwaukie Center Community Advisory Board:** Expressed concerns about the proposed access to the north side parking area, which is proposed to pass in front of the Milwaukie Center. Suggested construction of an access road to the west of the existing Milwaukie Center parking lot.
 - **Samual Saenz, 5550 SE Campanario Rd, Milwaukie, OR 97222 (via phone):** Concerns about whether community input was considered in the master plan.
 - **Anonymous, Campanario Rd, Milwaukie, OR 97222 (via phone):** Felt insufficient information was provided in the public notice mailing about what would be done at the park. Expressed a great deal of frustration about the development of the south side of the park and a preference to see the north side of the park remain as it is.
 - **Mary Jean O'Leary, 5440 SE Camapnario Rd, Milwaukie, OR 97222 (via phone):** Opposes moving off-leash dog area to the east due to noise concerns. Prefers a) removal of the off-leash dog area; b) relocation of the off-leash dog area to the south side of the park below the ball fields; or c) retaining its current location. Concerned that the current off-leash dog rule is not enforced or complied with. Would like to see the north side of the park remain as it is.
 - **Pat Russell, 16358 SE Hearthwood Drive, Clackamas, OR 97015:** Concerns about proposed development within the 100-year flood plain in light of the recent settlement of a lawsuit against FEMA; the Plan's compliance with Metro's Title 13 regulations; existing flooding within the Park; and fish and wildlife habitat in the north side of the park.

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



PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

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

Application for Land Use Action

Application Type:

☐ Admin. I ☐ Minor QJ ☒ Leg.
☐ Admin. II ☐ Major QJ

RESPONSIBLE PARTIES: Michelle Healy and JoAnn Herrigel

(Please print or type)

APPLICANT(S): North Clackamas Parks and Recreation District and City of Milwaukie Phone: 503-742-4357

Address: 150 Beaver Creek Road, Oregon City, Oregon Zip: 97045

PROPERTY OWNER(S): City of Milwaukie Phone: (503) 786-7508

Address: 10722 SE Main Street Milwaukie, OR Zip: 97222

SITE INFORMATION:

Address: 5440 SE Kellogg dr. Milwaukie, Oregon

Map & Tax Lot(s): five tax lots – Lot 100, Lot 1000
(Rose Garden), Lot 417, Lot 617 and 716

Comprehensive Plan Designation: Zoning: R10 Size of property: 47 acres

PROPOSAL (describe briefly):

Master Plan for the enhancement of the north side of North Clackamas Park to be adopted as an ancillary document to the City of Milwaukie's comprehensive plan.

PLEASE NOTE: The Land Use Committee (LUC) of your Neighborhood District Association (NDA) will receive a review copy of this application. They may contact you and/or you may wish to contact them:

NDA: Lake Road NDA

LUC Chair: Beth Wasco

Phone: 503-653-5340

ATTEST: I am the property owner or I have attached the owner's authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Pat Dwyer

Date: 4/20/10

THIS SECTION FOR OFFICE USE ONLY:

File #: CPA-10-01

Fee: \$ —

Rcd. by: PWM

Date stamp:

Notes:

no fee - city is co-applicant

RECEIVED

APR 20 2010

CITY OF MILWAUKIE
PLANNING DEPARTMENT

SEE REVERSE SIDE FOR APPLICATION CHECKLIST

Application Type: _____

APPLICATION CHECKLIST

THE FOLLOWING REQUIRED ATTACHMENTS ARE TO BE PROVIDED AT COUNTER:

General requirements:

- ☐ Submission Requirements checklist (please note that additional submission requirements may be contained in applicable code sections below)
- ☐ Site Plan Checklist
- ☐ Submission Requirements for Fire Protection & Access

Application-specific requirements:

- | | |
|---|---|
| <input type="checkbox"/> Review Procedures: <ul style="list-style-type: none"> <input type="checkbox"/> Type I Administrative (Section 19.1011.1) <input type="checkbox"/> Type II Administrative (Section 19.1011.2) <input type="checkbox"/> Minor Quasi-Judicial (Section 19.1011.3) <input type="checkbox"/> Major Quasi-Judicial (Section 19.1011.4) <input type="checkbox"/> Legislative (Section 19.1011.5) | <input type="checkbox"/> Applicable Code sections: <ul style="list-style-type: none"> <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ |
|---|---|

Underlying zone requirements:

- ☐ Code section for applicable zone: _____
- ☐ Minimum Vegetation worksheet
- ☐ Lot Coverage worksheet
- ☐ Floor Area worksheet

Preapplication conference:

A preapplication conference may be desirable or required for this action. Please discuss with Planning staff.

Public notification (by City of Milwaukie):

- ☐ Administrative process:
 - ☐ Type I: No notification required
 - ☐ Type II: Notify property owners and/or residents within 300 feet of site. (If a public hearing is requested, follow notification for Minor Quasi-Judicial below.)
- ☐ Minor/Major Quasi-Judicial process:
 - ☐ Notify property owners and/or residents within 300 feet (Minor) or 400 feet (Major) of site.
 - ☐ Advertise public hearing in local newspaper.
 - ☐ Post sign at site 10 or more days prior to public hearing.
- ☐ Legislative process
 - ☐ Advertise public hearing in local newspaper.
- ☐ Other notifications as may be required.

Other requirements:

CITY OF MILWAUKIE

Application for the Adoption of the North Clackamas Park North Side Master Plan as an Ancillary Document to the City of Milwaukie Comprehensive Plan

Date: April 20, 2010

Applicant: North Clackamas Parks and Recreation District
150 Beaver Creek Road
Oregon City, Oregon 97045

Contact: Tonia Burns – 503-742-4357; tburns@co.clackamas.or.us
Michelle Healy – 503-742-4356; michellehea@co.clackamas.or.us

Property Owner: City of Milwaukie

Property Address: North Clackamas Park
5440 SE Kellogg Creek Drive
Milwaukie, Oregon 97222

MAP& Tax lot #s: Township 2 South, Range 2 East, Section 6, Tax Lot 100, 1000, 417, 617 and 716; Latitude 45° 25' 33", Longitude 122° 36' 33" W

Comprehensive Plan Designation: Public Use

Zoning Designation: R-10

Property Size: 47 acres

Request: Adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan

INTRODUCTION

Action Requested

Adoption of the North Clackamas Park - North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan

Background and Site Description

North Clackamas Community Park is the largest community park maintained by the North Clackamas Parks and Recreation District (NCPRD). The 47-acre park provides a unique recreational experience for all visitors. Camas Creek divides the park into north and south halves. The northern half of the park is home to a play structure, dog run area, picnic facilities and stands of large Oak and Ash trees. A maintenance storage area has recently been cleaned up, the former caretaker's home has been removed and an additional 1.5 acre piece of property north of Mt. Scott Creek was donated to the park. The southern half of the park includes multiple sports fields, an equestrian facility, a rose garden, and a parking lot. Mt. Scott Creek flows west along the northern and western boundaries of the park, forming a forested edge of Oregon Ash and Oregon White Oak. The park is bordered by Residential and institutional properties. North Clackamas Community Park is owned by the City of Milwaukie and managed by the NCPRD in accordance with an intergovernmental agreement.

Public Involvement and Planning Process

Following the completion of the sports fields and associated improvements on the south side of the park, the North Clackamas Parks and Recreation District began a concept planning process for the north side of North Clackamas Park in spring, 2007. The park north of Camas Creek is an opportunity to create a passive recreation setting with an emphasis on environmental enhancement and education to balance the intensively active recreation facility south of Camas Creek. Through an intensive public process, NCPRD built consensus among all interested parties around a common vision for the north side of the park.

Over the course of a year, staff worked with the community to develop the concept plan. Four public meetings devoted exclusively to this subject were held on June 20, August 22, October 24 and December 20, 2007. NCPRD also worked closely with the North Clackamas Park Stewardship Committee (a citizen-led committee comprised of park stakeholders with varying interests) throughout the planning process. Furthermore, the project was discussed numerous times with the Milwaukie Park and Recreation Board, the North Clackamas Park District Advisory Board, Milwaukie Center Community Advisory Board, Friends of the Milwaukie Center, Lake Road Neighborhood District Association and Oak Grove Community Council (County Planning Organization). The public process is further described in the response to Chapter 2, Objective 1.7, A.1 within this document.

Proposal

The key goal of the concept planning process for the north side of North Clackamas Park was to develop a plan that minimizes environmental and property impacts, provides for ease of maintenance and longevity, while providing a safe and enjoyable experience for the community. Based on field observations, site analysis, background data collection, and input from NCPRD, the City of Milwaukie, NCP stewardship committee, community groups and public at-large, the concept plan was developed and refined to achieve this goal. There was clear support for keeping the existing character of the park

intact, developing a half mile (½) accessible loop trail, improving the Camas Creek pedestrian crossing, creek buffer enhancements, enhancing the wetland buffers, developing informational, educational, and native plant signage, and improving the off-leash dog park area.

Elements of the plan are described in the table below:

Park Features	Existing/New	Proposal/Description
Parking Area	Existing	Reorient and pave with a hard surface, generally in the same location as existing gravel lot
Vehicle bridge to parking area	Existing	Replace culvert with bridge
Covered Group Picnic Shelter	Existing	Remove large picnic shelter (200 person) and replace with two smaller shelters, providing same capacity
Pedestrian Crossing at Camas Creek and Mt. Scott Creek Confluence	Existing	Replace crushed culvert with pedestrian bridge with weight capacity sufficient for a lawn mower
Picnic Areas	Existing	Alternate picnic areas that utilize moveable picnic tables so that only one of these sites is in use at a time. Minimizes impact to mature trees.
Horseshoes	Existing	Relocate outside of Camas Creek riparian buffer. Oriented north-south.
Playground	Existing	Add new bouldering equipment adjacent to existing playground to expand play area; improve drainage at existing play area and extend existing sidewalk to the pedestrian bridge over Camas Creek
Off –leash Dog Run	Existing	Relocate away from Mt. Scott Creek riparian buffer; enhance with new fencing, benches, kiosk, divided use areas, entrance gates, additional vegetated screening.
Restrooms	Existing	Relocate and replace
Maintenance Buildings	Existing	Relocate outside of Mt. Scott Creek buffer, size of footprint to remain the same
Caretaker Site	Existing	Relocate away from buffers and to a more centrally located area
Walking Trail	New	Provide ½ mile, 8-foot wide loop walking trail with hard surface
Exercise Stations	New	Provide 3 areas for exercise stations along the new walking trail

Wetland Preservation	On-going/New	Removal of invasive species. Improvements to Mt. Scott Creek to improve fish passage.
Creek Overlooks (2)	New	Provide overlooks with benches to Mt. Scott Creek to reduce impact to creek banks and riparian habitat
Protected Wildlife Areas (2)	On-going/New	Provide areas exclusively for wildlife habitat, including a native meadow
Mt. Scott Creek Enhancement	On-going/New	Expand riparian buffer from 50 ft to 70ft; remove concrete within creek, native meadow plantings along trail; remove human access along the creek; add woody debris
Camas Creek Enhancement	On-going/New	Improve condition of riparian habitat, remove crushed culvert and replace with bridge
Signage\Storyboards	New	Install new educational, interpretive, regulatory and health and fitness signage in the park.
Fencing	New	Provide fencing at select locations to protect natural resources
Oak-Ash Woodland	On-going/New	Replace and maintain trees. Alternate picnic areas. Reduce mowing.

Additional details about proposed improvements are included in the attached master plan document submitted as part of this application.

Plan Adoption Process

Since the City does not have a “Parks” or “Open Space” zone, the City employs the following two-step process to designate and develop publicly-owned parks.

Step 1—Master Plan Adoption. Master plan adoption, a legislative action requiring approval from City Council, is the process by which the City formally identifies a long range plan for a park. A master plan provides the conceptual framework for future development and investment and is the first step toward implementing the community’s vision for specific park improvements. Park development, which occurs in the second step, generally does not occur until the City has adopted a master plan.

Step 2—Master Plan Implementation. Master plan implementation generally occurs after master plan adoption and requires minor quasi-judicial review by the Planning Commission. Development plans submitted during this step must conform to the adopted master plan.

The requested action only relates to Step 1 of this two-step process, namely the adoption of the *North Clackamas Park North Side Master Plan*. Since the north side of North Clackamas Park has already been in use as a park for many years, this master plan adoption process is to affirm the public’s use of the site as a park and to guide future development and investment.

In order to adopt the proposed master plan, the plan must conform to the City's existing adopted policies and meets all relevant approval criteria contained in the Milwaukie Comprehensive Plan (MCP) and the Milwaukie Municipal Code (MMC).

The applicable MCP and MMC criteria are contained in the following sections and addressed below:

- MCP Chapter 2 Plan Review and Amendment Process – Objective 1.7
- MMC Chapter 19.900 Amendments – Section 19.905 Approval Criteria for All Amendments

CITY OF MILWAUKIE COMPREHENSIVE PLAN GOALS AND POLICIES

NCPRD is seeking adoption of the North Clackamas North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan (MCP). As such, the application must show conformance with Chapter 2, Objective 7 of the MCP.

Milwaukie Comprehensive plan (MCP) Chapter 2 – Plan Review and Amendment Process. GOAL STATEMENT: Establish a Plan review and amendment process as a basis for land use decisions, provide for participation by citizens and affected governmental units, and ensure a factual base for decisions and actions.

Objective 1.7 – All Plan amendments will be evaluated based on the following Criteria:

A. Conformance with the Comprehensive Plan, its goals, policies, and spirit.

Response: North Clackamas Park is designated a community park in the City of Milwaukie's Comprehensive Plan. The improvements presented in the NCPRD's concept plan for the north side of the park are consistent with the requirements of the City's Comprehensive Plan as explained below:

1. MCP Chapter 1: Citizen Involvement.

Citizen involvement was instrumental in developing the North Clackamas Park (NCP) North Side Enhancement Plan (the Plan). Stakeholder groups, advisory committees, park neighbors, and park users played a major role in developing the North Side Plan for North Clackamas Park. The North Clackamas Park Stewardship Committee served as Project Advisory Committee (PAC) and provided input during the Plan's development. NCPRD organized three public meetings to obtain input and ideas for park improvements. The first meeting focused on the goals of the plan, presentation of the site analysis and allowed the public to provide feedback to the design team. The second meeting focused on presentation of the two preliminary concepts and determined the public preference for a final design. The third meeting was a presentation of the final preferred master plan and natural resource recommendations. Following each public meeting plans were posted to an online project Web site. NCPRD held an open house for the community to view the final plan and draft report. The project was also discussed and shared with the Milwaukie Park and Recreation Board, the Milwaukie Center Community Advisory Board, the Friends of the Milwaukie Center, and the NCPRD District Advisory Board. In addition to public meetings, neighbors, park users, and committee members were encouraged to voice their comments and concerns throughout the design process. Many comments were received via phone conversation, e-mail, (mail and onsite) surveys, comment cards and incorporated into the plan whenever possible. The key goal of the planning process was to develop a plan that minimizes environmental and property impacts, provides for ease of maintenance and longevity, while providing a safe and enjoyable experience for the community.

2. MCP Chapter 3- Environmental and Natural Resources

a. Natural Hazards Element.

A majority of the north side of NCP is within the 100 year flood plain. As such, all development will comply with MMC Title 18, the City's flood hazard regulation. Policy 4 of this section of the MCP states that "Whenever possible, the floodplain will be retained as open space and used for recreation, wildlife areas, or trails". The north side plan retains the area for open space that allows for recreational uses including trails, and wildlife habitat preservation and enhancement.

Development proposal will also comply with seismic building code requirements (if applicable) and requirements related to soil stability (including submittal of geotechnical reports).

b. Water Quality Resource Areas (WQR) and Habitat Conservation Area (HCA).

All development will comply with MMC WQR area code regulations and with MMC title 13, Habitat conservation Area regulations.

The City has adopted WQR regulations (MMC Section 19.322) and Flood Management regulations (MMC Title 18). Currently the City is directly implementing Metro policy for HCA protection by applying a version of the Metro Title 13 model code. However, the City is in the process of developing Title 13 compliant code, which is expected to be adopted later this year. Specific elements within this plan may fall under the exempt uses or fall outside of the WQR and HCA zones. However, for elements that do require WQR and HCA land use process, NCPRD is committed to finding the most balanced options to improve park assets while also taking into consideration the impacts to the environment and providing the City and community with a healthy and safe park. For example, it is understood that adjustments to some elements of the master plan may be required as a result of these codes (e.g. trail surfacing material and width).

c. Historic Resources Element.

No specific archeological sites are currently identified in NCP area. If any are discovered in the course of the parks enhancement, appropriate measures will be taken.

d. Open Space, Scenic Areas, and Natural Resources Elements.

The proposed North Side Master Plan will serve to conserve NCP as open space and preserve and enhance it as a park. Implementation of the master plan will protect this site's riparian and wildlife habitat values through the following actions: enhancement of the existing riparian and wetland areas; expansion of Mt. Scott Creeks riparian buffer to 70 feet; removal of a crushed culvert at the confluence of Mt. Scott and Camas creeks; relocation of the existing dog park outside of the riparian buffers; installation of interpretive signage educating users about the

fragility of the natural resource area; planting of native species; removal of invasive and exotic species; and removal of hazardous and/or diseased vegetation.

3. MCP Chapter 4- Land Use

a. Recreational Needs Element.

This Plan will allow for the enhancement of the north side of the park and provide for a variety of recreational opportunities for the community. During the public process there was clear support for keeping the existing character of the park intact, developing a half mile (½) loop trail, improving the Camas Creek pedestrian crossing, creek buffer enhancements, enhancing the wetland buffers, developing informational, educational, and native plant signage, and improving the off-leash dog park area. The north side plan focuses more on passive recreation with an emphasis on preservation of natural resources and existing uses. The plan complements the south side improvements, which are more active, in terms of recreational opportunities.

The Plan is specifically consistent with the MCP Recreation Needs Elements, objectives #5 and #6. NCP is identified in the MCP as a community park (Objective #5) - *“Community parks will be large City-wide facilities, will serve a special function, or will take advantage of unique locational characteristics. They should preferably be located on arterials or other major routes for easy accessibility from all parts of the City. North Clackamas Park is designated a community park.”* Furthermore, Objective #6 of the MCP states that it is the City’s policy *“to maximize the use of existing parks consistent with their carrying capacity and natural features.”* The park is a community park with various uses and amenities. The proposed north side plan maximizes the use of the park to include some additional recreational elements to serve the community (e.g. trail, exercise stations, overlooks, and playground equipment); however, respecting the character of the park, many of the improvements included are an enhancement or renovation of existing uses already in the park.

b. Neighborhood Element: Neighborhood Area 5.

The plan will serve to enhance the north side of NCP as open space, provide the larger regional community with active and passive recreational opportunities and provide educational opportunities to learn more about the natural resources elements within the park. Neighborhood Area 5 has two relevant guidelines that are addressed below:

Guideline #1) Protect/maintain single-family character. This proposal will not negatively impact the quality and livability of the adjacent neighborhoods, in fact this project will most likely enhance value of the homes by improving the natural elements of the park (aesthetics), wildlife viewing opportunities, increased recreational opportunities, updated restrooms and picnic facilities.

Guideline #5) Provides increased recreational opportunities. This proposal will increase/improve recreational opportunities for this neighborhood and for the City as a whole by adding more trail miles within the park, additional play structure space, horseshoes and provide exercise stations.

B. Public need for change

Response: North Clackamas Park has been a park in the Milwaukie community for over 40 years. Over the years, park use has evolved and changed. Significant improvements were completed to the south side of the park in 2006. As an outcome of that work, the community recommended that NCPRD develop a plan for the remaining land on the north side of the park. Responding to that recommendation, NCPRD went through a lengthy planning process with the community to identify how the north side of the park should develop in the future.

The MCP does not currently contain a master plan for the north side of North Clackamas Park. The adoption of the plan will provide specific direction for redevelopment of this portion of the park and enable the community to move forward with its plans to: 1) upgrade existing features, including but not limited to the children's play area, picnic area, restroom facilities, and dog park; 2) restore, protect, and enhance the site's natural resource areas; and 3) provide for improved environmental education and passive recreation opportunities.

C. Public need is best satisfied by this particular change

Response: The proposed enhancements outlined in the plan will improve the health and well being of community members, provide educational opportunities for both passive and active recreational opportunities (including ADA), and restore valuable habitat areas. This plan was developed by and with the community and coordinates and integrates the desires, needs, and concerns of many stakeholders with varying opinions on how the park would be developed. Elements of the plan that satisfy public need include:

- Trail - New trail will be added and will increase the total miles of trail within the park for walking.
- Camas Creek Pedestrian and Maintenance Crossing - Two crossings will be upgraded over Camas Creek for aesthetics and environmental health.
- Wetland and Creek Buffer Enhancements - Increase wildlife viewing opportunities; increase the health of the plant community diversity, structure and function; increase water quality.
- Signage/Storyboards - Informational signage, relevant educational signage and native Plant Tags will be added to educate visitors about the unique park assets and goals and objectives of restoring habitat for wildlife.
- Fencing - Fencing will be added to help protect park assets including the newly enhanced riparian buffers.
- Off Leash Dog Area - Refurbishment and relocation of the dog park will improve the facility for users. While the overall size remains the same, the area will be divided providing separate areas for small, (or more timid dogs), and large (or more aggressive dogs). In addition, the dog run

will be relocated further to the east and south away from the creek. New fencing, double gates and vegetated screening, around the off leash area are proposed.

- Restrooms - Renovation/relocation of the existing restrooms will enhance the visitors experience and improve universal access. The restrooms will be move to a more central location in the park.
- Group Picnic Shelters - The existing large picnic shelter will be removed and two smaller picnic areas will be built. The two new picnic shelters will provide the opportunity for two separate groups to rent the shelters on the same day. The total area of picnic area under the shelters will equal that of the one large shelter.
- Maintenance and Storage Buildings - Replacement and relocated of the same size/area buildings, however, the new buildings will be further away from the creek.
- Caretaker Site - The site will be relocated with no change in size. The caretaker is centrally located to provide “eyes – on” the park for security.
- Vehicle Bridge over Camas Creek - The bridge will replace a crushed culvert to enhance Camas Creek.
- Parking - The gravel parking lot will be replaced with a new 40 space paved parking area.
- Creek Overlooks - Two overlooks will be added to provide opportunities for visitors to view the creek and wildlife while protecting the banks. Currently, there is uncontrolled access to the creek, resulting in compacted soil and vegetation and eroded stream banks.
- New Boulderling Playground Equipment - Equipment will be added so that older children will have a more natural feature to play on.
- Individual Picnic Sites - Some sites will be relocated due to other features getting moved around on the site and to shorten the walk between the parking lot and picnic sites.
- Exercise Stations - Stations will be added to stimulate visitors to exercise and be more educated about the benefits and ways to exercise. These will provide information specifically geared toward the older adult population that visits the Milwaukie Center.
- Horseshoes - The horseshoe pits will be relocated out of the riparian buffer zone of Camas Creek.

D. The change will not have adversely affected the health, safety, and welfare of the community.

Response: The proposed enhancements will improve the health and well being of community members by providing additional features and elements that enhance the park and provide additional experiences for visitors.

Elements of the plan that will improve the health and safety and welfare of the community include:

- Trail- New trail will be added and will provide the community more opportunities to exercise and keep fit.
- Camas Creek Pedestrian and Maintenance Crossing-Two crossings will be upgraded over Camas Creek which will improve the health of Camas Creek riparian buffer zone.
- Wetland and Creek Buffer Enhancements-These enhancements will increase wildlife viewing opportunities; increase the health of the plant community diversity, structure and function; increase water quality.
- Informational Signage, relevant Educational Signage and Native Plant Tags-Signs will be added to educate visitors about the unique park assets and goals and objectives of restoring habitat for wildlife.
- Fencing- Fencing will be added to help protect park assets including the newly enhanced riparian buffers.
- Off Leash Dog Area- Improvement and relocation of the dog park will move the off leash area away from the creek and help protect the health of the riparian system.
- Renovated Restrooms- Renovation of the old restrooms will improve the welfare of the park and improve accessibility.
- Group Picnic Shelters- The existing large picnic shelter will be removed and two smaller picnic areas will be built. The two new picnic shelters will provide the opportunity for two separate groups to rent the shelters on the same day. This will provide additional opportunities for more groups of people to come together and to have birthday parties, family gatherings, work events, etc. which will improve the welfare of the community.
- Maintenance and Storage Buildings- Replacement and relocated of the same size/area buildings, however, the new buildings will be further away from the creek providing further protection of the riparian habitat.
- Caretaker Site- The site will be relocated with no change in size. The caretaker facility provides eyes and ears for the increased safety for the park. This person locks and unlocks gates, cleans the bathrooms, reports illegal incidents and helps to keep the park safer.

- Vehicle Bridge over Camas Creek- There is an existing small culvert under the road. Upgrading with a bridge will open up the riparian zone to improve the health of the system.
- Creek Overlooks- Overlooks will be added to provide opportunities for visitors to view the creek and wildlife.
- New Bouldering Playground Equipment- This equipment will be added so that older children will have a more natural feature to play on. This will increase opportunities for children to get more exercise and be healthy.
- Exercise Stations- Stations will be added to stimulate visitors to exercise and be more educated about the benefits and ways to exercise.
- Horseshoes- The horseshoe pits will be relocated out of the riparian buffer zones to improve the health of the riparian systems while still providing an opportunity to visitors to get exercise and play games.

E. The change is in conformance with applicable Statewide planning goals

Response: The plan is consistent with the following applicable statewide planning goals:

- Goal 1: Citizen Involvement. See response to A.1 above
- Goal 2: Land Use planning. See response to A.3 above.
- Goal 5: Open Space, Scenic and Historic Spaces, and Natural Resources. See response to A.2 (a, c, d) above.
- Goal 8: Recreational Needs. See response to A.3.a above

F. The change is consistent with Metro Growth Management Functional Plan and applicable regional policies.

Response: The plan conforms to the Metro Growth Management Functional Plan including Title 3 and Title 13.

- Title 3 – Water Quality and Flood Management- See response A.2.b above.
- Title 13- Habitat Conservation Areas- See response A.2.b above.

MILWAUKIE MUNICIPAL CODE (MMC) CHAPTER 19.900–AMENDMENT.

The North Clackamas North Side Master Plan is requesting an amendment to the City of Milwaukie Comprehensive Plan. Per city staff, the applicable code criteria are found in MMC Chapter 19.900, Section 19.905 -Approval Criteria for all Amendments.

Section 19.905 Approval Criteria for all amendments.

19.905.1 – Burden of Proof.

For all proposals, the applicant shall have the burden of proof regarding the following criteria:

- A. The proposed amendment must conform to applicable comprehensive plan (MCP) goals, policies, and objectives and be consistent with the provisions of city ordinances (MMC), Metro urban growth management functional plan and applicable regional policies.***

Response: The north side proposal is consistent with the MMC, Metro urban growth management function plan and regional policies as described below:

MMC: Prior to the proposed North Clackamas Park (NCP) North Side Enhancement Plan (the Plan) enhancements, NCPRD and the City will submit the appropriate land use applications and building permit applications, showing compliance with all applicable city regulations. Required applications include, but are not limited to, the following: Water Quality Resource and Habitat Conservation Area Review (the City is in the process of combining these two sets of regulations into one integrated set of regulations); Community Service Use; Zoning Map Amendment (for the addition of a protected water quality feature—i.e., wetland—to the water quality resource map).

MCP: See responses to MCP Chapter 2 Plan Review and Amendment Process above.

Metro: See response to Section F of MCP Chapter 2 Plan Review and Amendment Process above.

- B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The planning commission and city council shall use its discretion to weigh these factors in determining the intent of the proposed zones.***

Response: Not applicable. NCP is an existing public park. The site is zoned R10 with a Comprehensive Plan designation of Public. The City uses its community service use regulations to site park uses, as it does not have a Parks or Open Space zone. NCPRD and the City will seek approval of improvements to

NCP as modifications to an existing community service use; consequently no zone change is requested or required.

C. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.

Response: The proposed enhancements outlined in the Plan will comply with all applicable regional, state and federal regulations prior to and during any construction activity. Any work performed in the floodplain will comply with the City's flood hazard regulations and all applicable FEMA regulations. Any work performed within or adjacent to Camas Creek, Mount Scott Creek, or any wetlands will comply with all applicable City regulations and the State's Division of State Lands and the Army Corps of Engineers. Any work performed in designated Habitat Conservation Areas will comply with all applicable City regulations in effect at the time of land use application.

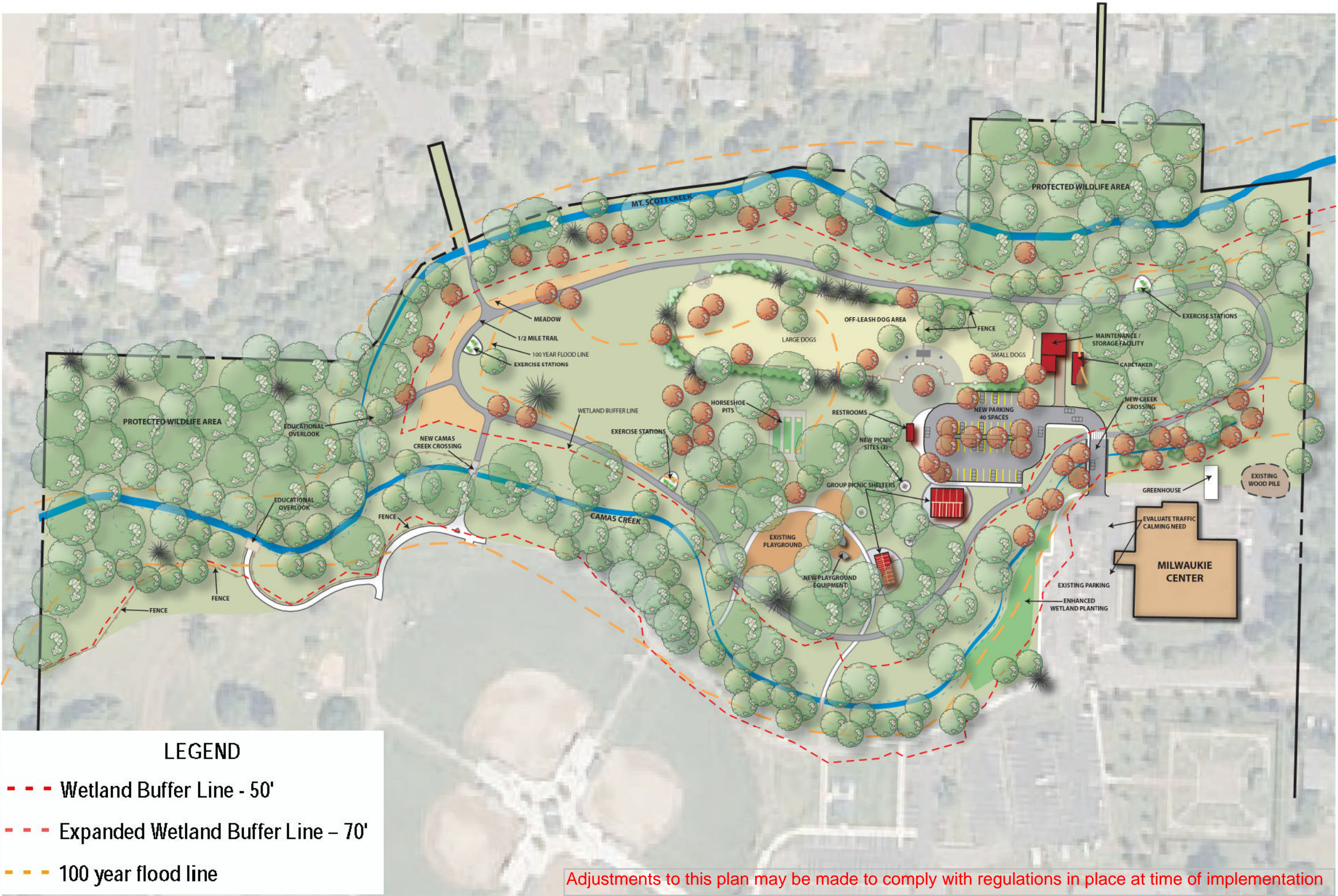
D. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

Response: The Plan provides for a minimal intensification of use on the site in the form of the addition of a 1/2-mile loop trail and relocation and expansion of the existing parking lot. Designs will include water quality facilities to handle stormwater runoff from all new impervious surfaces. The rest of the improvements are generally upgrades of existing facilities in the park (e.g. relocation of the dog run away from Mt. Scott Creek, reconfiguration of the picnic shelter area, etc.). Utility connections already exist in the park; no additional facilities such as water or sewer are proposed. The proposed park improvements will not restrict delivery of public services to any existing or future development in the area.

E. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.14000. (Ord. 1893 (part), 2001: Ord. 1854 (part), 1999)

Response: Based on the park's size, classification, and nature of the proposed improvements, the City's Engineering Department has preliminarily determined that the improvements outlined in the Plan will most likely not trigger a traffic impact study or street improvements. However, if during the land use process with the City it is determined that a transportation impact study needs to be performed; NCPRD will follow all requirements in the MMC. Many of the proposed enhancements are upgrading the current elements already in the park.

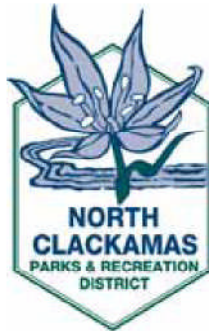
North Clackamas Community Park
Conceptual Park Plan



North Clackamas Parks
& Recreation District
9101 SE Sunnybrook Blvd., Clackamas, OR 97015
<http://www.clackamas.us/ncprd/>



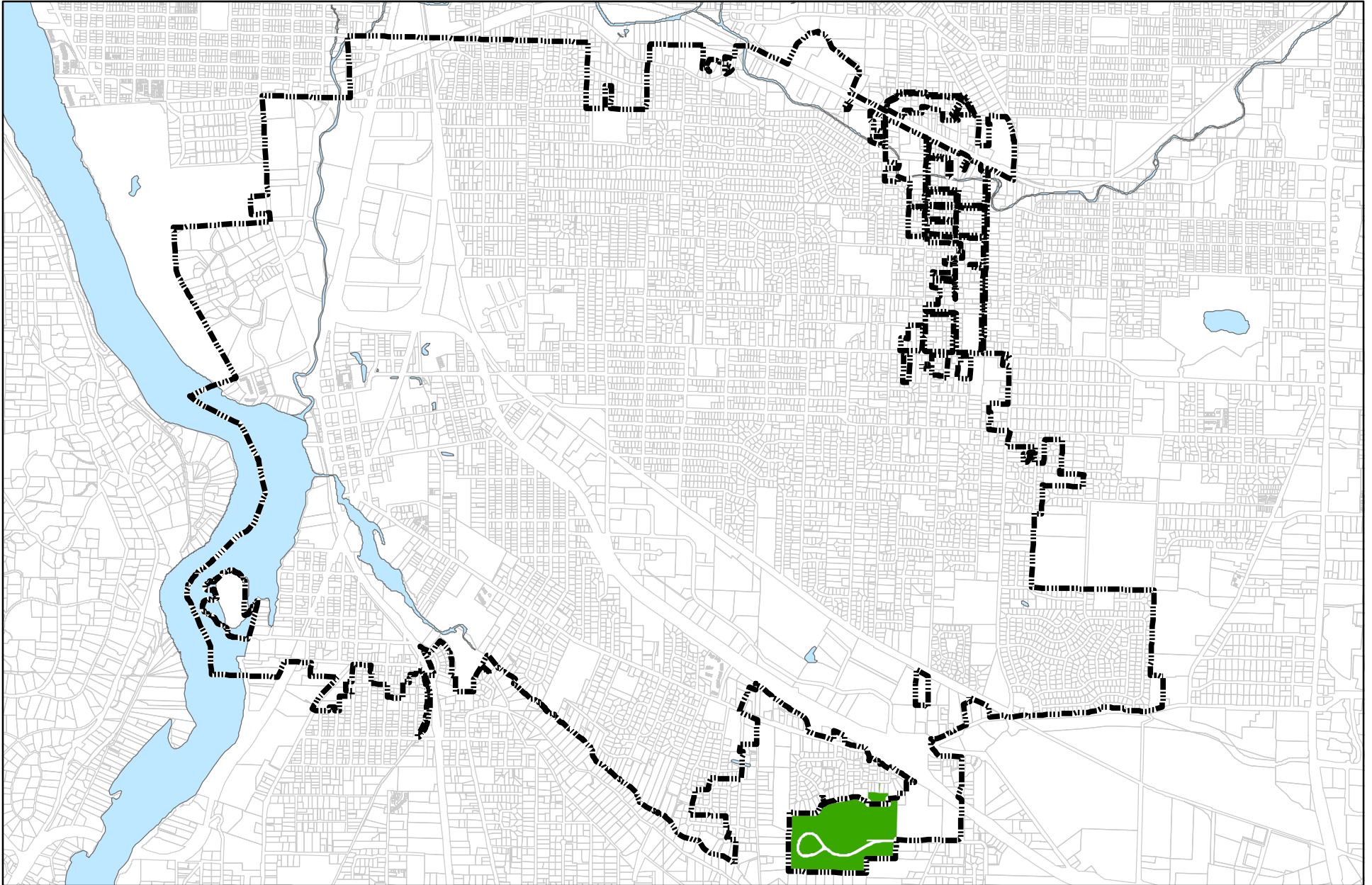
1.10.2008



North Clackamas Park

North Side Master Plan

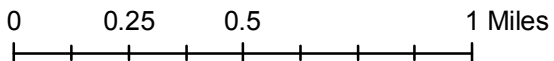
October 2009



Location



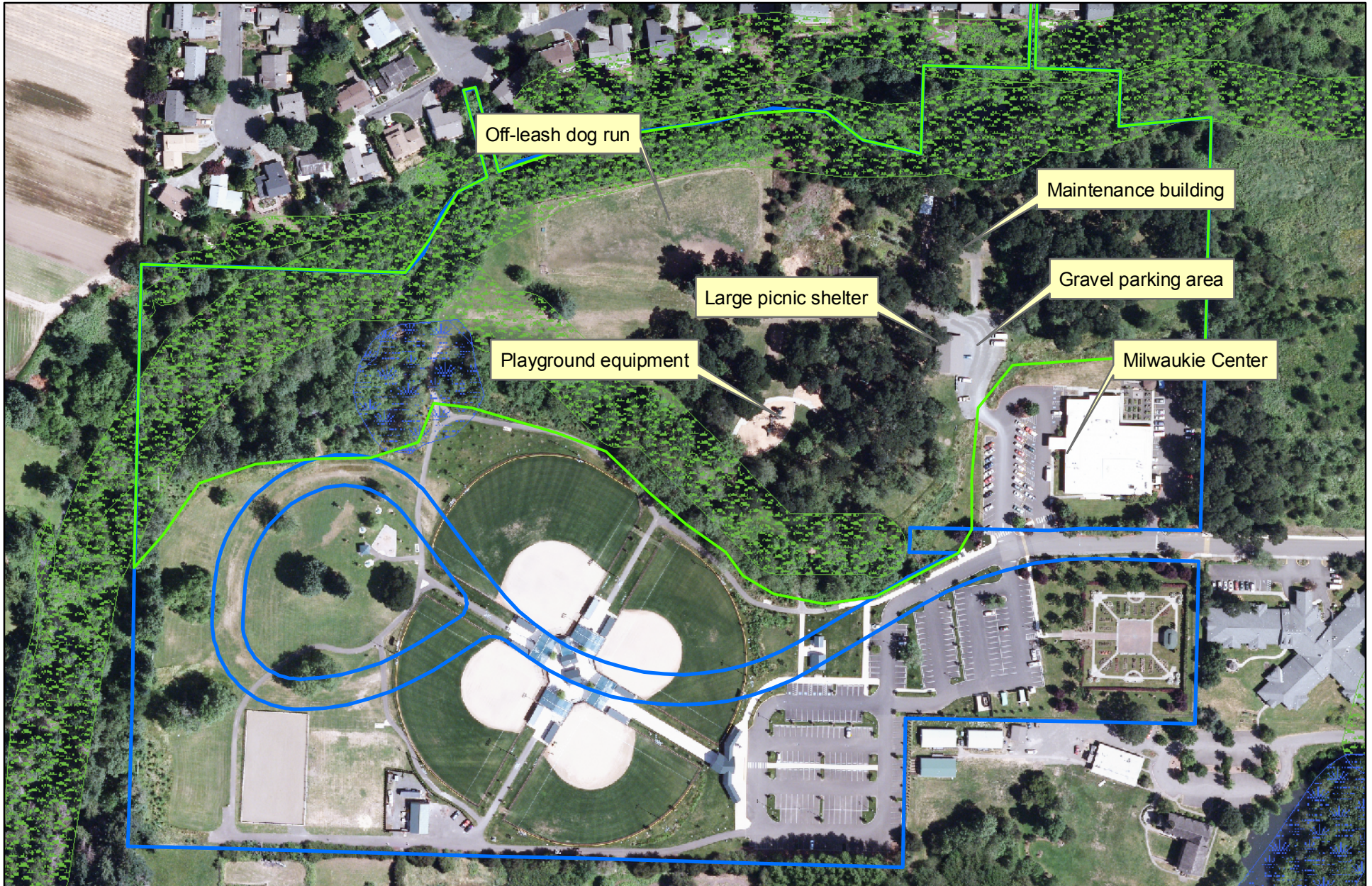
1 inch equals 2,213.687704 feet



Author: City of Milwaukie Planning Department, April 2010
 Source: City of Milwaukie GIS, Clackamas County GIS,
 Metro Data Resource Center
 All data depicted is approximate.
 Not suitable for building or engineering purposes.



MILWAUKIE
Dogwood City of the West



Existing Conditions



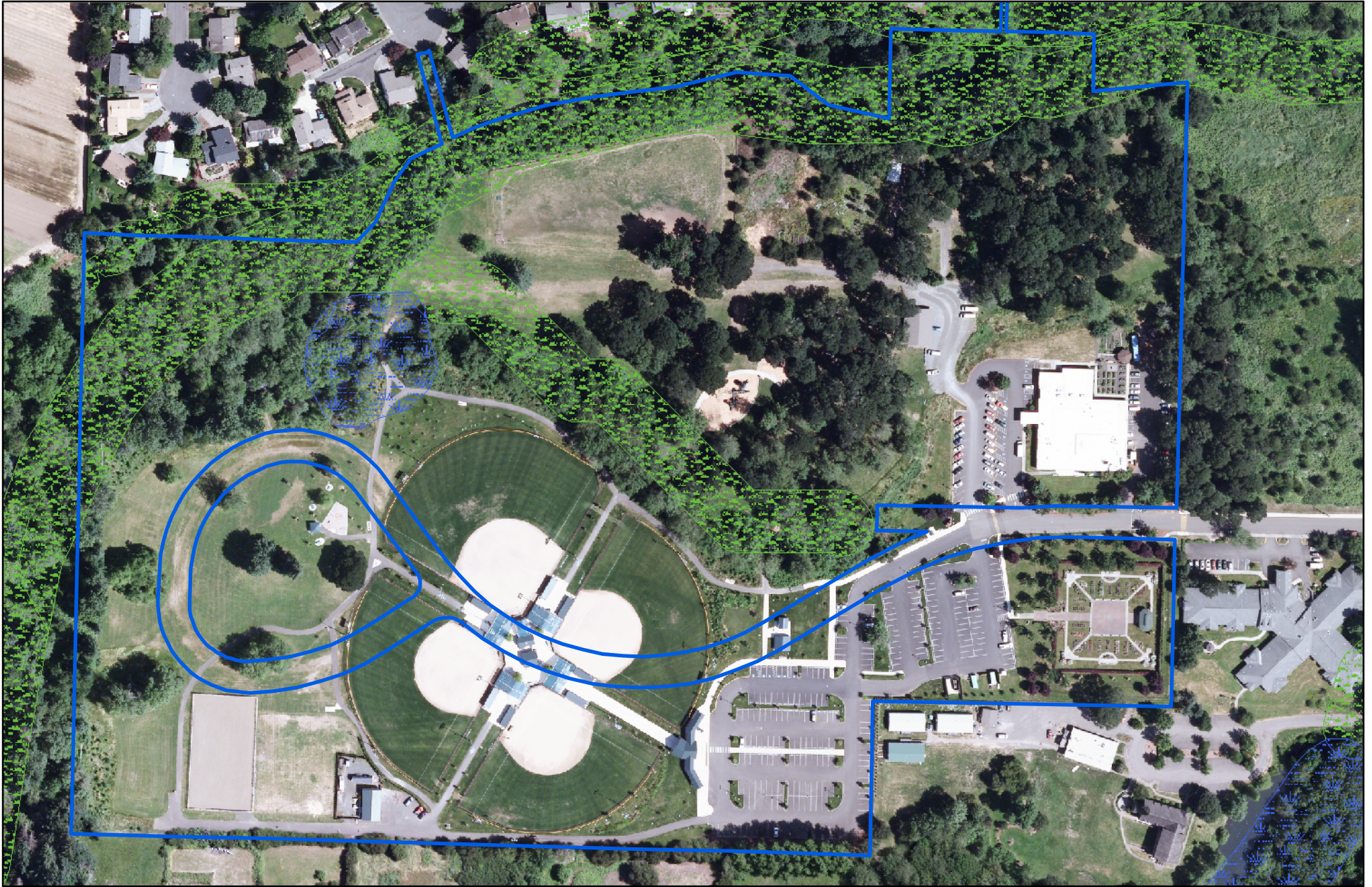
1 inch equals 223.536294 feet

0 100 200 400 Feet

Author: City of Milwaukie Planning Department, April 2010
 Source: City of Milwaukie GIS, Clackamas County GIS,
 Metro Data Resource Center
 All data depicted is approximate.
 Not suitable for building or engineering purposes.



MILWAUKIE
Dogwood City of the West



Water Quality Resource Areas



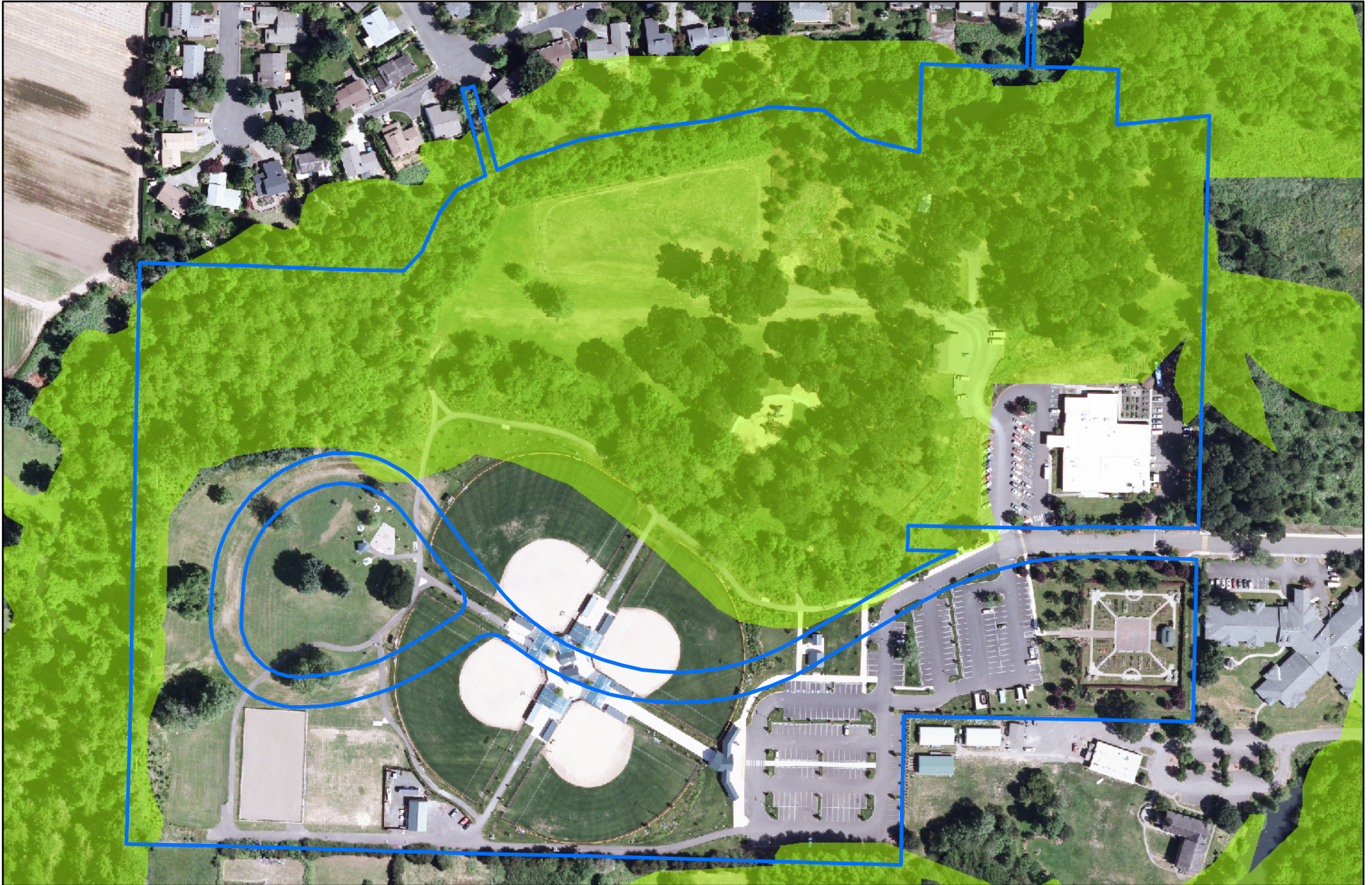
1 inch equals 216.666667 feet

0 100 200 400 Feet

Author: City of Milwaukie Planning Department, April 2010
 Source: City of Milwaukie GIS, Clackamas County GIS,
 Metro Data Resource Center
 All data depicted is approximate.
 Not suitable for building or engineering purposes.



MILWAUKIE
Dogwood City of the West



Habitat Conservation Areas



1 inch equals 223.536294 feet

0 100 200 400 Feet

Author: City of Milwaukie Planning Department, April 2010
 Source: City of Milwaukie GIS, Clackamas County GIS,
 Metro Data Resource Center
 All data depicted is approximate.
 Not suitable for building or engineering purposes.



MILWAUKIE
Dogwood City of the West



Floodplain



1 inch equals 216.666667 feet

0 100 200 400 Feet

Author: City of Milwaukie Planning Department, April 2010
 Source: City of Milwaukie GIS, Clackamas County GIS,
 Metro Data Resource Center
 All data depicted is approximate.
 Not suitable for building or engineering purposes.



MILWAUKIE
Dogwood City of the West

North Clackamas Park History

Casefile# CPA-10-01, North Clackamas Park North Side Master Plan

North Clackamas Park was established in unincorporated Clackamas County in 1961. The land for the park was deeded to the North Clackamas Central Park Association by Omark Industries and the North Clackamas Chamber of Commerce.

In 1968, the North Clackamas Central Park Association deeded the park to Clackamas County. In 1977, Clackamas County deeded the park to the City of Milwaukie. The park was annexed to the City in 1981. In 1985, the Clackamas County Board of Commissioners transferred jurisdiction of Kellogg Creek Rd to the City of Milwaukie. When the North Clackamas Parks and Recreation District (NCPRD) was created in 1990, the City of Milwaukie transferred management of the park to NCPRD, which continues to manage the park today.

The south side of the park is largely developed: the Milwaukie Center was constructed in 1980; the Sara Hite Rose Garden was constructed in 1992-93; and the south side sports fields and related improvements were constructed in 2006-2007. The Milwaukie Center is a de facto Community Service Use (CSU);¹ the Sara Hite Rose Garden,² sports fields, equestrian facility, walking path, and parking areas³ have received CSU approval from the Planning Commission.

North Clackamas Park is unusual within the City's park system because it does not have a master plan that has been adopted by the City. Although NCPRD prepared a master plan for the park in 1994 and updated the plan in 2004, the NCPRD Advisory Board never formally adopted the 1994 plan. In the absence of a master plan, past development in the park has been fragmentary and, at times, controversial.

The 1994 plan identified the north side of the park as a "passive recreation" area, suitable for uses such as picnic areas, trails, environmental, and other passive uses, and the south side of the park as an "active recreation" area. The south side of the park is largely developed with multiple sports fields, the Sara Hite Rose Garden, a walking path, an equestrian facility, and a parking lot. For that reason, the proposed master plan focuses on the north side of the park.

¹ Though the original permit for the site was not reviewed as a formal community service use (CSU), the City considers facilities that were otherwise properly permitted and meet the definition of CSU provided in MMC 19.321.2.A to be de facto CSUs. Modifications may be allowed without requiring a new CSU review.

² CSU-92-04

³ CSU-05-02, TPR-05-01, WQR-05-01

Comments Received**Casefile# CPA-10-01, North Clackamas Park North Side Master Plan****RECEIVED BY PHONE****July 9, 2010**

- Samual Saenz, 5550 SE Campanario Rd, Milwaukie, OR 97222: Concerns about whether community input was considered in the master plan.

July 13, 2010

- Anonymous, Campanario Rd, Milwaukie, OR 97222: Felt insufficient information was provided in the public notice mailing about what would be done at the park. Expressed a great deal of frustration about the development of the south side of the park and a preference to see the north side of the park remain as it is.
- Mary Jean O'Leary, 5440 SE Campanario Rd, Milwaukie, OR 97222: Opposes moving off-leash dog area to the east due to noise concerns. Prefers a) removal of the off-leash dog area; b) relocation of the off-leash dog area to the south side of the park below the ball fields; or c) retaining its current location. Concerned that the current off-leash dog rule is not enforced or complied with. Would like to see the north side of the park remain as it is.

ATTACHMENTS

1. Paul Hawkins, Chair, Lake Road NDA Land Use Committee
2. Friends of the Milwaukie Center
3. Milwaukie Center Citizens Advisory Board
4. Pat Russell, Oak Lodge Community Council CPO

From: paul.hawkins@daimler.com
Sent: Tuesday, May 11, 2010 6:51 AM
To: Alligood, Li
Subject: CPA-10-01 (N.C. Park)

The thoroughness of the North Clackamas Park North Side Master Plan is impressive. Kudos to the many individuals who put their creative vision together for the communities benefit.

Paul Hawkins,
Lake Road Neighborhood.

If you are not the intended addressee, please inform us immediately that you have received this e-mail in error, and delete it. We thank you for your cooperation.



A Non-Profit Organization

RECEIVED
JUL 15 2010
CITY OF MILWAUKIE
PLANNING DEPARTMENT

July 6, 2010

Katie Mangle
Planning Director
6101 SE Johnson Creek Blvd
Milwaukie, OR 97267

The Friends of Milwaukie Center Board of Directors want to express our concerns regarding an issue related to the proposed plans to improve North Clackamas Park. Although we support the majority of improvements planned for the north side of the park, the configuration of the new parking lot, requiring traffic to pass by the front door of the Milwaukie Center, is problematic. The Milwaukie Center has hundreds of people come through our door on a daily basis to access programs and services. Although many active people come to the Milwaukie Center, a majority of our patrons move at a slower pace and some use walkers or wheelchairs. In addition, many patrons may have issues with sight and/or hearing. An additional visual barrier is created by the Milwaukie Center's passenger busses which stop in front of the Center throughout the day, along with several stops by TriMet busses. When the busses are loading or unloading patrons, there is less room for traffic to pass by and a dangerous situation is created with people crossing to the parking lot and stepping out from behind a bus.

We feel that access to the new parking lot should be rerouted in some way so that the additional traffic will not be passing directly through the Milwaukie Center's parking lot, especially in front of the door. Although this solution will obviously add cost to the project, we feel it far outweighs the cost of just one pedestrian accident, injury or fatality.

Thank you for your time and consideration.

Sincerely,

Steve Brown, Chairperson and
The Friends of Milwaukie Center Board of Directors:

Art Hanson	Jean Schreiber	Jerry Griffith	Jim McBee
Andy Couckuyt	Michele Johnson	Bill McDonald	Shirley Possehl
Matt Green-Hite	Albert Crompton	Janet Peschka	Al Wolf
Maxine Soules	Carolyn Dickman		





Milwaukie Center

RECEIVED
JUL 13 2010
CITY OF MILWAUKIE
PLANNING DEPARTMENT

July 9, 2010

To: City of Milwaukie
Katie Mangle, Planning Director
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97267

From: Milwaukie Center/Community Advisory Board
Eleanor Johnson, Chair *Eleanor Johnson*
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222

Cc: Michelle Healy, North Clackamas Parks and Recreation District

Re: North Clackamas Park North Side Plan

It is our understanding that the City of Milwaukie Planning Commission will review the North Clackamas Park north side concept plan, presented by North Clackamas Parks and Recreation District, and make recommendations to the City Council for final approval.

Milwaukie Center is a division of North Clackamas Parks and Recreation District, located in North Clackamas Park (NCP). Milwaukie Center provides a myriad of programs and services to assist older adults and people with disabilities in North Clackamas County to remain independent for as long as possible. Seniors will comprise a larger percentage of the population in the coming years – statistics show that by the year 2030, 1 in 5 people will be 65 years or older, and about 1 in 20 people will be older than 85. The Center is already a hub of activity, with hundreds of people utilizing the Center on a daily basis. The numbers of people accessing the Center will continue to grow due to the changing demographics.

During the public comment opportunities for the NCP north side planning process, concerns were voiced both about parking issues and traffic safety issues. Our board agrees with the need for more parking, especially as amenities are added to the park, which will attract more use. Our concern is that the concept plan for the NCP north side moves traffic through the Center's parking lot to get to the new parking area. This design causes greatly increased volume of vehicular traffic to go immediately past the front doors of the Center. Safety of pedestrians is compromised with this design. Patrons cross the parking lot at many different angles and directions to enter and exit the Center. The Center and TriMet buses stop at the Center's front doors, creating more congestion and obstructed visibility for pedestrians and drivers.

The NCP north side concept plan does have stated “evaluate traffic calming need” for the Center’s parking lot. This is a current need with the current parking configuration. However, no amount of traffic calming will resolve an increased volume of traffic when vehicles are required to go through the Center’s parking lot to access another parking lot. Increasing the volume of traffic in an already busy parking lot where the predominant users are older adults and people with disabilities is, in our opinion, a recipe for potential disaster.

The Milwaukie Center/Community Advisory Board believes a separate access road needs to be provided to the new parking lot that is not through the Center’s parking lot. One area we suggest as a possibility is due west of the Milwaukie Center parking lot. We understand there may be concerns about impact on environmentally sensitive areas, however we hope that a balance between environmental concerns and public safety concerns can be reached.

Thank you.

From: Mangle, Katie
Sent: Thursday, July 15, 2010 1:07 PM
To: Alligood, Li
Subject: FW: Recent FEMA ruling and NCP "Master Plan"
[I'll respond to him, but in the meantime please include this as a comment on the application.](#)

From: Pat Russell [mailto:flanagan112@hotmail.com]
Sent: Thursday, July 15, 2010 10:36 AM
To: Mangle, Katie
Cc: Herrigel, JoAnn; Michelle (County Parks) Healy; Ann Lininger; Cam DTD, Gilmour; Mike (WES Director) Kuenzi
Subject: Recent FEMA ruling and NCP "Master Plan"

Katie,

It would be appropriate for the city to examine the recent court ruling regarding decisions made about use of the floodplain. Although no clear mandate is stated (that I know of), it is clear that consultation with federal agencies regarding fish impacts would be a high priority.

With regard to North Clackamas Park's planning effort for the northerly portion of the park, it's clear that the majority of the planning area is within the 100 year floodplain according to NCPRD's own engineering consultant delineations. I have a copy of that map.

Considering the capital improvements proposed in the draft Master Plan prepared by a consultant of the NCPRD, I have seriously questioned whether the NCPRD and city have aggressively consulted with the federal agencies with regard to fisheries, salmon recovery, in particular. So far, no written documentation has been furnished as evidence of consultation regarding fish needs, and certainly not in light of the recent FEMA case.

Prior to recommending the Planning Commission and City Council approval of the proposed City of Milwaukie Comprehensive Plan amendment, I suggest that you make an effort to get "buy-off" from the groups that sued FEMA.

As you know, I have been vigorously opposing the "Master Plan" and, instead, have been recommending a more natural open space design approach with enhancements to the Mt. Scott Creek floodplain to provide a more complex stream system, including modifications of the floodplain as least southerly to the Camas Creek corridor.

Recent naturally-occurring tree fallings within the stream (one near the mouth of Camas Creek with Mt. Scott Creek and another remaining group of fallen trees next to the old equipment shed near the seasonal caretaker parking space) has caused flooding of this north half of the park over the last two seasons.

The shallow flooding has covered the graveled parking area next to the northerly edge of the Senior Center Parking Lot, the equipment shed, restrooms, volleyball court, children's play area, and the district vehicle maintenance trail across Camas Creek at its mouth.

With a few fallen trees (many more will eventually fall along the riparian corridor), the creek--during modest storm events causing upstream flash runoff from Phillips Creek and the Happy Valley area--has created shallow side-channels, seeking its own course. The presence of mature oaks and ash trees in the north half of the park also lend a history to this off course flow.

If these side channels were developed as they were historically, fish habitat in this area would be significantly increased. Residents have witnessed salmon trying to spawn in this section of the creek, along with Heron removing fish out of the creek routinely.

As the Comprehensive Plan amendment process is a legislative action, please ask the Planning Commission and City Council to delay a final decision until all the analysis is complete. This would be advisable, considering, also, that the "master plan" prepared by the NCRPD administration and consultant did not take into consideration the ramifications of the already-adopted Metro Nature in Neighborhood Title 13. It's clear that Title 13 has clouded the issue of CIP planning in the north half of the park over the last two years. This Comp Plan amendment is an attempt to supercede Title 13 questions and leverage direction toward further non-natural development of the park. Not considering works already completed by Metro (from about 1999 to 2006), the consultant's work was incomplete and was a major oversight on the part of NCRPD administration and their consultants. I think the records pretty well reflect that fact. The NCRPD district has never demanded the consultant to make good on that oversight.

It's time that both the city and NCRPD "do the right thing..." in the eyes of the public. Failure to address fish and wildlife habitat needs in this large public land holding will cast further doubt by the environmental community that neither the county, nor the NCRPD, nor the city care about fish recovery in the KMS watershed or has basically written off the ability of fish to repopulate KMS, once access to the watershed is established.

I would like to believe that that is not the case, considering the city's efforts with its KFC Initiative (Kellogg-for-Coho Initiative) to reopen the Kellogg Mouth and restore its estuary to Oatfield Road Bridge (approx.). This effort entails the expense of reconstructing an ODOT roadway crossing at the mouth, and a local accessway for the Kellogg Wastewater Treatment facility and access to city-owned waterfront, south of the Kellogg Mouth.

To date, I have not seen any official documents by Clackamas County recognizing the federal designation of Kellogg Creek and its watershed as a salmon recovery habitat, requiring protection and planning under the 4(d) Rule of the Endangered Species Act for salmon. Metro's Title 13 and its programs are only a partial, compromised effort to address the recovery of salmon in the urban region. To my knowledge Metro has not submitted, nor has their plans been recognized by NOAA/NMFS for 4(d) compliance. Therefore, the issue of "taking" is still on the court's table. Nor has the county undertaken (nor funded) any "recovery plan" for fisheries in the watershed. For the record, the CCSD#1 Watershed Action Plan (WAP) prepared by CCSD#1 administration during the spring of 2009 is NOT a salmon recovery plan and was never intended to address the needs of salmon in the watershed. It was part of an ongoing strategy to achieve favor of the feds under the federal Clean Water Act under the DEQ promulgations. These WAPs are popping up all over the country as the next "latest and greatest" strategy to clean up

America's waters. However, it is a good step forward.

Regardless, an agency of Clackamas County needs to step up to the plate and be designated the salmon recovery responsibility.

To assist the county in its federal mandate, the ODFW administration has recently completed a draft Willamette River Basin Salmon Recovery Plan (released early June 2010). This plan has been presented to their Oregon Fish and Wildlife Commission for review. It is not clear what their next step will be, but we understand that the agency is generating a list of "projects" worthy for planning, development, implementation and funding throughout the Willamette basin (including the Upper and Lower basin to the Columbia River). Many of us have noted an absence of county involvement in the preparation of this plan, along with METRO. Conversely, the City of Portland, has been intimately involved in developing strategies. It shows because many of their waters are included in the "plan" discussion and tables--such as the Johnson Creek and Tyron Creek watershed. The City of Portland has also been actively involved with the LCREP group (Lower Columbia River Estuary Partnership) which is the federally recognized entity to prepare and implement a recovery plan for the Oregon side of the Lower Columbia River basin (which includes the Willamette Basin). Unfortunately, both Clackamas County and Metro have been absent.

There is a lot of planning to do in the KMS watershed and no agency can expect a non-profit, such as the North Clackamas Urban Watersheds Council, to take up the slack. Restoring the Kellogg Mouth and its estuary needs funding commitments from the County and its various special districts (NCPRD, CCSD#1, CCSWCD, Urban Renewal Districts, Mosquito Abatement District, CRW, South Fork, Milwaukie Water, OLWD, Sunrise Water, etc.) and funding sources that promote/encourage urban development within the watershed. For example, the county is considering new funding streams for contributions toward the reconstruction of the Sellwood Bridge and the PDX-Milwaukie/Oak Grove LRT. It is also seeking major funding for the development of the Sunrise Corridor System, much of which (including the largest interchange in the plan) impacts the KMS watershed.

This is not easy planning, but it needs to be done.

Here's the article in the Oregonian, in case you missed it (my emphasis):

FEMA lawsuit settlement could make building in Oregon floodplains tougher

Published: Wednesday, July 14, 2010, 5:17 PM Updated: Wednesday, July 14, 2010, 5:31 PM

Scott Learn, The Oregonian

Building near Oregon's rivers could get much tougher under a federal court settlement that forces the Federal Emergency Management Agency to consider the damage its flood insurance ends up doing to wild salmon and steelhead.

The Audubon Society of Portland, Northwest Environmental Defense Center and other environmental groups sued FEMA last year over its issuance of flood insurance in Oregon. The suit said the agency encourages floodplain development by providing coverage without considering the effect on fish listed under the Endangered Species Act.

The settlement, approved in U.S. District Court Monday, requires FEMA to run its Oregon flood insurance program past federal fisheries biologists with the National Oceanic and Atmospheric Administration. A similar lawsuit-fueled requirement in Washington led to findings that the flood insurance program threatened wild salmon and Puget Sound orcas. FEMA has since proposed stiffer minimum standards for building in floodplains along Puget Sound.

FEMA provides flood insurance that is generally not available from private insurers. The agency concedes it does so without addressing floodplain concerns other than protecting buildings, though intact floodplains also protect water quality and provide habitat for fish and wildlife.

Andrew Hawley, an attorney with the environmental defense center, said requirements stemming from the settlement would likely focus on new development in floodplains, not on existing buildings. In addition to the biological review, the settlement requires FEMA to immediately begin endorsing "manmade alterations" only if developers show they won't harm listed fish.

"The focus really is the next project, what's that going to look like, how's it going to change the landscape?" Hawley said. "We've done what we've done, but let's not keep on making the same mistakes."

Some communities probably have tough enough floodplain development standards already and won't be affected if FEMA tightens up, Hawley said.

But the settlement's consequences could still be significant: Oregonians currently hold nearly 33,000 individual flood insurance policies providing \$6.8 billion of coverage in 259 local communities, the environmental groups said, with a 17 percent increase in policies from September 2004 to October 2007. In the last four years, about 250 new acres of floodplain were developed in the Portland area, the groups said.

Bob Sallinger, the Audubon Society of Portland's conservation director, said the settlement could affect the Port of Portland plans to develop West Hayden Island and the city of Portland's proposed development regulations in its "north reach" plan along the Willamette River. "It could have some very significant impacts on some very high-profile projects," he said.

Any Oregon changes are still a matter of conjecture. In Washington, where the changes along Puget Sound are nearly final, builders worry that they will add more uncertainty and stymie economic development, said Mike Pattison, government affairs manager for the Master Builders Association of King and Snohomish Counties.

"Tell us where we can build, not just where we can't," Pattison said. "That's something regulatory agencies lose sight of."

Scott Learn

Pat Russell
16358 SE Hearthwood Drive
Clackamas, OR 97015
(503) 656-9681
Email: flanagan112@hotmail.com

Exhibits**Casefile #CPA-10-01, North Clackamas Park North Side Master Plan**

The following documents are part of the official record for this application. They are being provided to the Planning Commission for review with the staff report, unless indicated below.

A. Application:

1. Current application: CPA-10-01
2. Completeness letter dated May 3, 2010

B. Notification information (not attached):

1. Referral sheets dated May 5, 2010, and May 28, 2010
2. DLCD Notice dated June 3, 2010
3. Metro Notice dated July 2, 2010
4. Notice mailed to adjacent property owners on July 15, 2010
5. Mailing list for adjacent property notification
6. Returned notice envelopes from adjacent properties
7. Notice published in the Clackamas Review

C. Agency Responses: None received**D. Comments Received:**

1. Paul Hawkins, Chair, Lake Road NDA Land Use Committee, dated May 11, 2010
2. Eleanor Johnson, Chair, Milwaukie Center Community Advisory Board, dated July 13, 2010
3. Steve Brown, Chair, Friends of the Milwaukie Center, dated July 15, 2010
4. Pat Russell, 16358 SE Hearthwood Drive, Clackamas, OR 97015, dated July 15, 2010

E. Materials Received at the Hearing (not attached):

1. Staff Presentation dated July 27, 2010

F. Materials from City Staff:

1. Staff Report dated July 20, 2010, for the July 27, 2010, hearing
2. Recommended Findings in Support of Approval

G. Notice of Decision dated: _____