

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, NOVEMBER 8, 1994

COMMISSIONERS PRESENT

Carolyn Tomei, Chair
Gordon Jones
Debi Linn
Scott McClure
Bill Johnson
Don Trotter

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Dave Krogh,
Associate Planner
Jim Crumley,
Associate Planner
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Tomei called the meeting to order at 6:34 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES -- October 25, 1994

Bill Johnson moved to approve the minutes of October 25, 1994, as corrected. **Scott McClure** seconded. MOTION CARRIED 5-0 with one abstention. Debi Linn was not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Tom Fowler
Property Owner: Tom Fowler
Location: 11226 SE 21st
Proposal: C-G Zone (CU-94-01)

Chair Tomei explained the public hearing format. She then opened the public hearing on a conditional use request for high-impact commercial use (arcade) in a C-G Zone. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none.

She asked if there were any Commissioners who visited the site since the last hearing; one had was raised. None of the Commissioners who raised their hands noticed anything different from what is stated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

Jim Crumley explained that as mentioned in the Staff Report, Tom Fowler has contacted Staff and informed them that he has closed his arcade and has no plans to reopen it. Staff requested a written request formally withdrawing this Application, but as of yet, that has not been received. The premises have been vacated and is being sublet to someone else. Staff recommends that the Planning Commission accept the withdrawal of CU-94-01 and terminate further action.

TESTIMONY IN FAVOR OF THE APPLICATION -- None

QUESTIONS OR COMMENTS -- None

TESTIMONY IN OPPOSITION TO THE APPLICATION -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Tomei closed the public portion of the hearing and opened the hearing to deliberations by the Commissioners.

Don Trotter moved to accept withdrawal of CU-94-01 as proposed in the Staff Report. **Debi Linn** seconded. MOTION CARRIED 6-0.

5.2 Applicant: Terry Martin and Erv Maddox
Property Owner: Duane Coyne
Location: Behind 9916 SE 43rd
Proposal: Partition tax lots 11400 and 11401 into 3 parcels; access width variance and variance to public street frontage requirement (MLP-94-09 and VR-94-06)

Chair Tomei opened the public hearing on an access variance and minor land partition in the R-7 Zone. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site since the last hearing; one hand was raised. None of the Commissioners who raised their hand noticed anything different from what is stated in the Staff Report. No one in the

audience challenged the impartiality of any Commission Member or the jurisdiction of the Planning Commission to hear this matter.

Dave Krogh reviewed the Staff Report with the Commission. He explained that this was a proposal to allow creation of three properties on the Coyne property, 11400 and 11401, of which parcels 2 and 3 would be utilizing by easement the existing flag lot access strips off of Mr. Maddox's property.

At the Planning Commission hearing on October 11th for this Application, concerns were raised about the number of flag lots, the capacity of the access strip (24-foot paved width private drive on Mr. Maddox's property), and concerns about potential access extension into adjacent properties to the east. There was also a discussion about the row of trees that are adjacent to the access strip. Because of these concerns, this Application was continued to this evening to allow Staff and the Applicant to do more research into this Application.

Staff has met with the Applicant and discussed alternatives to the Application. **Dave Krogh** reviewed these alternatives with the Commission. Exhibit 1 shows the existing situation, and Exhibits 2 shows the current proposal. Exhibit 3 is a combination of two alternatives: Alternative #1, dedication of 3 ten-foot wide access strips that currently exist on Mr. Maddox's property combined with Alternative #2, the existing ten-foot access strip on Mr. Coyne's property. This total footage produces a 40-foot wide area proposed as dedicated right-of-way.

Proposal 1 includes retaining the row of mature fir trees with the possibility of making that a planter strip with a sidewalk on one side and the street on the other side. Alternative 2 removes all of the trees with the possibility of a planter strip or a sidewalk directly adjacent to the curb.

Exhibit 3 shows the potential 40-foot right-of-way ending at both parcels 3 of Mr. Maddox's and Mr. Coyne's properties. Parcels 1, 2, and 3 of each of those partitions will then access the 40-foot strip. This 40-foot wide strip causes the need to change some of the configurations of the lots in Exhibits 1 and 2. The configuration in Exhibit 3 would cause the proposal to be a subdivision request. A Minor Land Partition does not include the creation of a public street; it would be a Major Land Partition. Although the proposal would create three new parcels, it would also modify the creation of three other parcels for a total of six lots. This would be best addressed as a subdivision request.

Exhibit 8 shows the open space beyond the Coyne and Maddox properties. There are four deep lots with the houses fronting Logus. These lots have the potential for infill only if they get access. Exhibit 5 shows how the extended street might look.

Currently there are two variances requested; with the changes in configuration of the site, four variances may be needed to make the situation work. Staff favors the extended street alternative, Exhibit 5. If it were to be acted upon, the Applicant would have to re-submit as a subdivision.

Greg Dreschler, City Engineer, has reviewed the street extension option and a memo will be coming with his opinion. The access strip put in by Mr. Maddox is up to City street standards. Staff requested that the Commission either modify and approve the existing Application or deny the request with the understanding that a new application may be forthcoming. If the decision is to deny and re-submit, Staff asked that the Application fees be waived.

QUESTIONS FROM THE COMMISSIONERS

Don Trotter asked if the Fire Department approval is on the road and turn-around shown in Exhibit 5. **Dave Krogh** stated that the Fire Marshall remarks pertain to Alternatives #1 and #2 on Exhibit 3.

Scott McClure asked if there were proposals in the past that involved street extensions. **Dave Krogh** stated that the last extension was south of Lake Road, where two developments were involved. In 1991, there was a subdivision proposal on Logus Road which reviewed a public street extension at that time. This street would have been built into the same area of the subject sites. The neighbors were in opposition to that proposed extension.

Don Trotter asked which road alternative meets the requirements of Paul Roeger's letter. **Dave Krogh** stated that much of the letter deals with improvements that would go along with a dedication. The alternatives in Exhibits 3 and 5 are feasible street improvements for the proposed parcels.

Gordon Jones asked if lots 11401 and lot #2 on the Coyne parcel would allow for a different right-of-way to save the trees by the addition of more right-of-way from these lots. **Dave Krogh** stated that Staff does not know exactly how close the Coyne rental is to the trees.

Don Trotter stated that the hearing that was continued was on a Variance and Minor Land Partition. There are several possible options for road design. He hopes that the

Commission remembers that the reason for continuation was to see if there were alternatives. Staff has reported that there are feasible alternatives. **Dave Krogh** stated that if an approval is based on an alternative, new findings would have to be prepared.

APPLICANT'S PRESENTATION

Speaking: Terry Martin, 710 NW Front Avenue, Portland

Mr. Martin stated that he is not in favor of the street extension. He has talked to the adjacent property owner and he is not interested in a street; he is planning to plant an orchard on this part of his property.

Mr. Martin stated that his only intent is to divide one lot into two parcels. He reported that in regards to the safety concerns expressed at the last meeting, the road width, capacity, and quality of the road is the same as provided in a public street. City Staff has found that the road is adequate.

Mr. Martin explained that this will be a private drive; thus reducing the tax payer's liability for maintaining this road. A fire hydrant will be placed in the turn-around. He will carry the expense of all the road construction and maintenance. He then cited several examples of private roads in Milwaukie. He is only asking to be allowed to use the road that he has constructed for two additional lots.

He asked that the Commission accept what was originally proposed, Exhibit 2. He has met the criteria and feels the application should be approved. The present road is adequate to handle the two proposed homes.

QUESTIONS FROM THE COMMISSIONERS

Don Trotter asked Mr. Martin what he meant by, "...no feasible options." **Mr. Martin** stated that financially, there are no other feasible options for him. He does not have the funds to go through the process of providing a public street.

TESTIMONY IN FAVOR OF APPLICATION -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION TO THE APPLICATION -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Tomei closed the public hearing portion of the meeting and opened the meeting to deliberations by the Commissioners.

Don Trotter moved to deny Variance Request VR-94-06 because the variance criteria have not been met. Staff has indicated three alternative road schemes that the Public Works Department have deemed feasible. **Debi Linn** seconded. MOTION CARRIED 5-1. Bill Johnson was in opposition.

Don Trotter moved to deny Minor Land Partition MLP-94-08 since it is illegal to create land-locked parcels. Since the variance was denied, there would be landlocked parcels. **Debi Linn** seconded. MOTION CARRIED 6-0.

Don Trotter left the meeting at this time.

5.3 Applicant: City of Milwaukie
 Property Owner: City of Portland
 Location: Elk Rock Island
 Proposal: Elk Rock Island Natural Area Management Plan (CPA-94-05)

Chair Tomei opened the public hearing on the Draft Elk Rock Island Natural Area Management Plan, CPA-94-05. She explained that this was a legislative hearing and asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. No one in the audience challenged the impartiality of any Commission Member or the jurisdiction of the Planning Commission to hear this matter.

Dave Krogh reviewed the updated Elk Rock Island Natural Area Management Plan with the Commission. He explained that there had been two worksessions on this Application. Several meetings have been held on this issue. Both the City of Portland Parks and Recreation Bureau and North Clackamas Park and Recreation District have been involved in these talks. Staff feels that all of the issues have been addressed, corrections have been made, and the public has been duly notified of this hearing. Included in the Staff Report is a memo from the Milwaukie Police Department.

Speaking: Jim Sjulín, City of Portland Parks and Recreation, Natural Resources Program, 120 SW Fifth, Portland, Room 1302 97204

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 8, 1994
PAGE 7

Mr. Sjulín stated that there is one correction that is not included tonight. The implementation schedule should have pages 35 to 39 deleted. This will require renumbering of pages 40 - 46 to pages 35 - 41.

Speaking: Thom Kaffun, Park Services Manager, North Clackamas Parks and Recreation District

Mr. Kaffun thanked Mr. Sjulín and the City of Milwaukie for their help on this Plan. He feels that this document will benefit all in the future. The district is in support of the Plan, the Regional Board is in support of the concept and once it is adopted by the City of Milwaukie, it will be taken to the Regional Board for their approval.

TESTIMONY IN FAVOR OF APPLICATION - None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION TO THE APPLICATION -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Tomei closed the public hearing portion of the meeting and opened discussion among the Commissioners.

Scott McClure moved to recommend to City Council approval of the Elk Rock Island Natural Area Management Plan as corrected. **Gordon Jones** seconded. MOTION CARRIED 5-0.

6.0 WORKSESSIONS

6.1 County Rezone Project

Chair Tomei opened discussion on the County Rezone Project. **Maggie Collins** reported that at the last worksession on this issue, it was requested that a map be prepared which identifies the adjacent County zoning to the east of the project area. The map is in the packet. She reported that the areas in the darker gray are the areas that are also under consideration for conversion from County zoning to City zoning. The major portion of this area are County R-10 or R-7 zoning classifications.

A full size display map will be prepared prior to the public hearing on November 22, 1994 and ready for display and review that meeting. A list of properties will also be ready for

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 8, 1994
PAGE 8

that hearing. Public notice was sent to 908 property owners; one notice was returned. Out of the 908, twenty telephone calls have been received requesting information on the project.

7.0 CONSIDERATION ITEMS -- None.

8.0 OLD BUSINESS

8.1 Commission Letter to City Council Regarding Downtown Milwaukie Planning

Bill Johnson moved to accept the letter drafted by Gordon Jones to the City Council. Staff was asked to put the letter on City letterhead and forward it on to City Council. **Debi Linn** seconded. MOTION CARRIED 5-0.

9.0 OTHER BUSINESS

9.1 Community Development Report

Maggie Collins reminded the Commissioners of the plaque award that will be presented by the City Council to Patricia Lent for her service on the Commission. This is scheduled for November 15th.

Maggie Collins reported that the City Attorney had reviewed the 120 day rule and by memo submitted comments. After reviewing the Attorney comments, Staff has decided to change the process to determine when an Application is complete. Staff is in the process of drafting a form.

Maggie Collins reported that City Council drafted a letter to be sent to Metro based on the recommendations for the 2040 Project that were discussed by the Commission. The Council also requested further study on the concept of having more green spaces designated on the Regional Growth Concept map.

Chair Tomei announced that Dave Krogh would be leaving the City of Milwaukie to take another position. She commended him on his work with the Commission.

10.0 NEXT MEETING - November 22, 1994

10.1 Stevens (MLP-94-10/VR-94-08)

10.2 County Rezone Project Hearing

10.3 Community Development Report

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF NOVEMBER 8, 1994
PAGE 9

Bill Johnson moved to adjourn the meeting of November 8, 1994. **Gordon Jones** seconded.
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 7:55 p.m.



Carolyn Tomei, Chair



Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie City Hall, 10722 SE Main Street
Tuesday, November 8, 1994
6:30 p.m.

*Packet
Notebook*

- 1.0 Call to Order**
- 2.0 Procedural Questions**
- 3.0 Consent Agenda**
 - 3.1 Planning Commission Minutes: October 25, 1994
 - City Council Minutes: October 4, 1994 (upon approval by Council)
- 4.0 Public Comment**

This is an opportunity for the public to comment on any item not on the agenda.
- 5.0 Public Hearings**
 - 5.1 Applicant: Tom Fowler
Property Owner: Tom Fowler
Location: 11226 SE 21st
Proposal: Conditional Use for high-impact commercial use (arcade) in C-G Zone.
 - 5.2 Continued from October 11, 1994 Planning Commission Meeting
Applicant: Terry Martin and Erv Maddox
Property Owner: Duane Coyne
Location: Behind 9916 SE 43rd
Proposal: Partition tax lots 11400 and 11401 into 3 parcels; access width variance and variance to public street frontage requirement (MLP-94-09 and VR-94-06)
 - 5.3 Applicant: City of Milwaukie
Owner: City of Portland
Location: Elk Rock Island
Proposal: Elk Rock Island Natural Area Management Plan (CPA-94-05)
- 6.0 Worksessions**
 - 6.1 County Rezone Project
- 7.0 Consideration Items - None**
- 8.0 Old Business - None**
- 9.0 Other Business**
 - 9.2 CD Report
- 10.0 Next Meeting - November 22, 1994**
 - 10.1 Stevens (MLP-94-10/VR-94-08) (DK)
 - 10.2 County Rezone Project Public Hearing
 - 10.3 CD Report

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Mission 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.

Public Hearing Procedure

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested person who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 652-4410.

Milwaukie Planning Commissioners

Carolyn Tomei, Chair
Scott McClure, Vice-Chair
Don Trotter
Gordon Jones
Bill Johnson
Debi Linn

Community Development Department Staff

Maggie Collins, Community Development Director
Debbie Bischoff, Senior Transportation Planner
Dave Krogh, AICP, Associate Planner
Jim Crumley, Associate Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary
Mark Jonson, Intern
Diana Myrvang, Intern

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

FILE NO.: CU-94-01
DATE: November 8, 1994

APPLICATION: **CONDITIONAL USE**
 HIGH IMPACT COMMERCIAL USE IN C-G ZONE

APPLICANT: **TOM FOWLER**

PROPERTY OWNER: **WILLIAM HORTON**

SITE LOCATION: **11214 SE 21st AVENUE**
 1 1E 36BC Tax Lot 3000 (Por) - See Exhibit #1

BACKGROUND/DISCUSSION

At a regularly scheduled public hearing on May 10, 1994, the Planning Commission approved CU-94-01. At that time a condition was imposed requiring the staff to prepare a status report for the consideration of the Planning Commission at the end of a six month period. (See Exhibit #2)

On July 1, 1994 the Community Development Department received a letter from Mr. Fowler requesting a change in his hours of operation. (Exhibit #3) The staff responded to the letter on July 7, 1994 (Exhibit #4), informing Mr. Fowler that the hours of operation had been set by the Planning Commission and could only be altered at a duly advertised public hearing. As a consequence of Mr. Fowler's request, the staff set the matter as a public hearing, in the event that the Planning Commission determined that a change in operational hours would be warranted.

Subsequent to the issuance of the notice of public hearing, staff was contacted by Mr. Fowler and informed that he has closed his arcade and has no plans reopen it. Staff has requested a letter from Mr. Fowler formally withdrawing his request.

RECOMMENDATION

Staff recommends that the Planning Commission accept the withdrawal of CU-94-01 and terminate further action.



-2

C-G

R-1

R-1-B

R-2

MC

SITE

R-2

R-1-B

C-L

R-1

R-3

EXHIBIT # 1
 DATE 11/8/94
 SUBMITTED BY: Staff
 # OF PAGES 1
 FILE # Cu-94-01

CONDITIONS OF APPROVAL CU-94-01

1. The proposed facility fully conforms with the requirements of the Uniform Building Code and receives a "Certificate of Occupancy" from the City Building Official prior to the occupancy of the premises.
2. The arcade operations shall be limited to the hours from 4 p.m. to one-half hour before curfew seven days a week.
3. The arcade shall be limited to a maximum of 16 arcade devises, e.g. billiard tables, air hockey tables, or video games.
4. The Applicant shall have sufficient adult employees to monitor and control both the arcade and the parking lot.
5. Community Development Staff shall prepare a written status report for the consideration of the Planning Commission at the end of a six month period of operation. This report shall include referrals from the Milwaukie Police Department, Milwaukie High School and immediate property owners and tenants. Additional reports may be required from the Community Development Department as directed by the Planning Commission.
6. This conditional use permit shall be reconsidered by the Planning Commission, pursuant to Section 601.5, at any time it has received written complaint(s) relative to the compliance with the above conditions or is otherwise informed that "Incidents which have occurred as a direct result of the conditional use that are detrimental to the health, safety, property or general welfare of the public".

EXHIBIT #	<u>2</u>
DATE	<u>11/8/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>CU-94-01</u>

FAX to:
Jim Crumley
774-8236

MEMORANDUM

TO: Jim Crumley, Associate Planner
City of Milwaukie
FROM: Tom Fowler, Owner/President
Moments In Time Video Productions, Inc.
SUBJECT: Hours of Operation
DATE: July 1, 1994

As we discussed during our telephone conversation today, I would like to amend the hours of operation that was previously approved for my Video Arcade business by the Planning Commission. During the initial hearing process on May 10, 1994, it was decided the hours of operation would be 4:00 p.m. until one-half hour before curfew.

I am finding it increasingly difficult to make my business work with the limited hours that were previously agreed upon by all concerned during the hearing. Since the only concerns about my hours were for student truancy I think if I stay within the parameters of the guidelines we agreed upon for that, I would like an amendment to the hours of operation to be as follows:

In keeping with my original agreement, I will continue to stay closed at anytime the high school is in session and will open on those days at 2:30 p.m. rather than 4:00 p.m. to capture the business I am loosing right after school. This shouldn't pose any problem with regard to the truancy issue the high school was concerned about. On any other day (vacations/weekends) I will have full discretion as to my hours.

Just to let you know how things have been going since I have opened, I have had the opportunity to meet a few of the students in the area along with some Milwaukie families. Everyone that has come in to my place of business is pleased with the wholesome atmosphere and have enjoyed their time spent. There has not been any graffiti on the building walls since I have been open and there has not been a problem with parking in the area since most of my customers are walk-in's.

It is my opinion if you make any inquires of fellow Milwaukians, you will find that my business has been an asset to the community and particularly in the area of 21st and Adams. It would be a shame if I needed to close down due to a low customer base.

As we discussed during our telephone conversation you told me there would probably be a \$500.00 fee assessed for reviewing this request. As I told you, I am not in the position to pay this fee and would appreciate it if this could be waived. Since this is actually an amendment to the original application, I am hopeful that the Planning Commission could review this based upon the fee I have already paid.

I am available for any additional information you need and appreciate all of your help. I can be reached at my office 653-3577 or my digital pager number is 778-4019.

Sincerely,

EXHIBIT #	3
DATE	11/8/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	Cu-94-01

Cu 94-01

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

July 7, 1994

Tom Fowler
11214 SE 21st Ave.
Milwaukie, OR 97222

Dear Mr. Fowler,

The Director of Community Development, Maggie Collins, and I discussed your requests outlined in your letter of July 1, 1994 at some length. Unfortunately, it was determined that it was not within the purview of this Department to grant your request for an amendment to the conditions of your Conditional Use Permit (CU-94-01). This decision is in large part due to the significant amount of testimony and deliberation surrounding the Commissions decision to impose the restrictions on your hours of operation as condition #2 to your permit.

Furthermore, there are no statutory provisions to request a hearing before the Planning Commission without the payment of the fees prescribed by the Zoning Ordinance.

I have tentatively scheduled your required six-month review for October 25, 1994. You will be permitted to request a change in the hours of operation at that time. If you find that this date will not satisfy your needs you will need to make a formal application, complete with the required fees, to modify the conditions of your existing permit. A public hearing can generally be scheduled within six weeks of receipt of the application.

Sincerely,

Jim Crumley
Associate Planner

*CTR Returned to
REMANUED 7/15 to
12023 SE wood
JW*

EXHIBIT #	21
DATE	11/8/94
SUBMITTED BY:	Small
# OF PAGES	1
FILE #	cu94-01

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: November 8, 1994
FILE: VR-94-06/MLP-94-08

APPLICATION: Access Variance and Minor and Partition in R-7

APPLICANT: Terry Martin

PROPERTY OWNER: Erv Maddox and Duane Coyne

LOCATION: 9916 SE 43rd Ave.
(Tax Lot 11400 and 11401 of Tax Map 12E30CB)

PROPOSAL

To allow creation of two buildable lots behind 9916 SE 43rd utilizing a pre-existing access strip created as part of a Minor Land Partition on adjacent property (MLP-93-07). An existing house on site (9916 SE 43rd) would be separated from these two parcels and continue to access SE 43rd by an existing 10 foot wide access strip (see Exhibits 1 and 2).

BACKGROUND

On October 11, 1994, the Planning Commission held a public hearing on these applications. Application was delayed until November 8, 1994, to allow staff and the Applicant to analyze a possible alternative which creates public right-of-way, and access safety. To address these issues, planning staff met with the Applicant, the Fire Marshal, and Public Works staff. Discussion at the meeting included the identification of alternative designs, public right-of-way dedication, traffic capacity, emergency vehicle access, tree preservation potential, and utility extensions.

Site plans discussed in this report include: status quo (Exhibit 1), current proposal (Exhibit 2), alternative #1-public right-of-way dedication with trees saved (Exhibit 3), and alternative #2-public right-of-way dedication with trees removed (Exhibit 3).

Status Quo

Status Quo means the existing parcel configurations would not change. The three flag lots currently owned by Mr. Maddox (Parcels 1, 2, and 3 on Exhibit 1) would remain as is, resulting in three buildable lots. Mr. Coyne's two tax lots, 11400 and 11401, would remain as a single entity which includes one house and a large vacant property. Without legal access, Mr. Coyne's property cannot be divided even though it has infill potential for two additional R-7 sized lots.

Applicant's Proposal

As previously described, the Applicant's proposal would create two new parcels out of tax lot 11400 (Exhibit 2). These parcels would be landlocked and would obtain access to SE 43rd by easement. The easement would allow access to occur through the flag access strips which currently exist for Mr. Maddox's partition (MLP-93-07). The 10 foot access strip of Mr. Coyne's ownership (tax lots 11400 and 11401) would be combined to only serve tax lot 11401 where Mr. Coyne's rental house is located. This proposal requires two variances: access strip width for the existing rental house (10 feet instead of the normal 15 feet) and a waiver to create two new lots which have zero street frontage instead of the normal minimum frontage of 35 feet for new lots.

The common access drive currently serving Mr. Maddox's 3 flag lots has a required paved width of 24 feet. This same width would have to be extended to serve the additional 2 parcels proposed by Mr. Martin. The result would be 5 houses accessing a 400 foot long 24 foot wide paved private roadway with a pre-existing paved fire access turnaround at the 275 foot mark. Currently, a 24 foot width is the minimum paved public right-of-way width that the City will accept as a local or neighborhood street. Capacities for local streets generally range from 500 to 2000 trips per day, depending upon the street width and onstreet parking. The estimated number of vehicular trips per day for the 5 houses on this 24 foot wide paved private road would be an average figure of 48, according to the International Traffic Engineers Traffic Generation Manual (5th Edition). City Public Works engineering staff have indicated a 24 foot wide paved street width with parking permitted on one side only should be able to accommodate as much as ten times the traffic generation proposed by these 5 houses. Therefore, the safe capacity limit for the access road would not be compromised by having 5 houses access it.

The primary issues for this proposal really appear to be whether the City wants to allow creation of landlocked parcels served by access easements instead of the public street frontage norm; and whether or not the City wants to accept a short, minimum width dead end street into its public street system. The City has allowed creation of landlocked parcels before when public frontage options were not feasible. An example includes Lots 22 and 23, Block 6, of the Tarrybrooks Subdivision (4958 and 4964 SE Mason Lane). In this manner otherwise unbuildable vacant area can provide useful infill. The issue of public dedication will be discussed as part of the Alternative #1 discussion and in the "Other Issues" section.

CITY OF MILWAUKIE COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT - Terry Martin/Erv Maddox and Duane Coyne (VR-94-06/MLP-d94-08)
November 8, 1994
Page 3

In summation, the Applicant's proposal would not create safety access capacity problems and would potentially be in keeping with past City practice to occasionally provide access for areas where public street frontage is not feasible.

Alternative #1

Alternative #1 would combine the 3 flag lot access strips of Mr. Maddox and the 1 access strip of Mr. Coyne into a 40 foot wide public right-of-way containing a 24 foot wide minimum width public street. This proposal, which is shown on Exhibit 3, would dead end at Parcel 3 of MLP-93-07. Curbing would be required on both sides of the street pavement and a 4-5 foot wide sidewalk could be provided on the south side of the tree row, where the gravel driveway currently accesses Mr. Coyne's rental house on tax lot 11401. The tree row would be retained as a planter strip.

This alternative would leave the turnaround on Parcel 2 intact. The Fire Marshal has indicated this is acceptable as long as the turnaround and one side of the street is posted as a no parking/tow away zone. In addition, the proposed boundaries of the two parcels proposed out of tax lot 11400 are altered to preserve a 7000 square foot lot size. Parcels 2 and 3 of MLP-93-07 lose lot width and, because they would cease to be flag lots because of the new dedicated right-of-way area, they would in effect become nonconforming lots regarding lot depth.

Public Works staff has indicated that retaining the row of trees may be a problem in that a public water main (probably 6") would have to be extended to serve these Applicant's lots and a proposed fire hydrant would need to be placed near the end of that line. The trenching work required for the water line might be harmful to the tree roots if the water line is located on the south side of the existing 24 foot roadway. Digging up the roadway would also not be cost effective because Mr. Maddox indicates that the construction of the private access road actually meets minimum City street construction standards (8 inches of rock and 3 inches of pavement).

The two parcels at the end of the road (Parcel 3 of MLP-93-07 and new Parcel 3 of MLP-94-08) would both not meet public street frontage requirements. Section 17.28.050.B requires 35 feet minimum public street frontage for new lots that are not a flag or interior lot. Parcel 3 of MLP-93-07 would front for 30 feet and Parcel 3 of MLP-94-08 would front for 26 feet. Part of the decision here is to review the frontage requirement more closely.

By converting the four 10-foot access strips into a public right-of-way and reconfiguring and dividing new parcels, staff feels Alternative #1 evolves from a minor land partition into a subdivision. Creation of 3 parcels where one previously existed (the Coyne ownership), 3 and alteration of 3 other parcels (Mr. Maddox's) result in serious questions about a new public street. By definition, a minor land partition only involves a maximum of 3 parcels and does not include the creation of a public street.

Public Works would be reluctant to accept this as a new public street since it is both narrow and short (dead ended). This will be discussed further under the "Other Issues" section of this report. In summation, Alternative #1 would attempt to create a public right-of-way rather than allow a shared private access concept. This proposal also attempts to preserve the existing row of mature fir trees on the south side of the existing 24 foot paved access road. Adversely, water line extension may require removal of the row of trees since a larger public water line would have to be extended within the right-of-way. The 40 foot right-of-way extension would also: cause 2 lots to be nonconforming and require variances of lot depth (Parcels 1 and 2 of MLP-93-07), and, require variances of public street frontage standards for both Parcel 3's (of MLP-93-07 and MLP-94-08).

Alternative Proposal #2

This proposal is the same as #1 except that the row of fir trees would be removed. Sidewalk would still be provided on at least one side of the street. Water line extension would not be of concern with the tree row removed. The line extension could occur where the tree row is now located with minimal disruption to the existing paved street. If located on the south side of the street there would be room for a planter strip between the street and a 4-5 foot wide sidewalk. The same variances as mentioned for #1 would still exist under #2.

Other Issues

Street Maintenance-If a public street dedication is required in this case (40 foot right-of-way), the City would be required to provide maintenance and upkeep. If the Applicant's proposal is adopted, maintenance and upkeep would be the responsibility of the 5 homeowners who access the paved roadway.

Street Extension-The Planning Commission asked if there was a possibility a 40 foot right-of-way could be extended to the end of the Maddox property to provide future access to adjacent properties to the east that have infill potential. This could only occur if: one of the Applicant's buildable lots is lost, or, the 40 foot right-of-way is angled to the south, and, lot size and depth variances are allowed for both lots at the east end of the right-of-way (Exhibit 5). Several properties to the east of the Maddox and Coyne properties are deep lots with infill potential. An extension of the 40 foot wide right-of-way into those rear lot areas could encourage meaningful infill and reduce the potential for additional flag lotting. Such an extension would have to ultimately be connected to another public street since the Subdivision Ordinance currently limits dead end streets to a 400 foot length (to cul-de-sac). Exhibit 8 shows one possible extension with a connection to Logus Road. This particular extension would allow creation of 7-8 additional lots beyond those on the Maddox and Coyne properties.

Cost of Street/Utility Improvements-The Applicant has obtained estimates for the 6" water line extension and curb/gutter installation if the design on Exhibit 3 is adopted. The water line

installation would cost approximately \$5000 and the curb/gutters \$11,000. The Applicant feels this is cost prohibitive unless he is allowed to remove the tree row and sell the timber.

Easements for Access-Section 17.24.020 in the Subdivision Ordinance authorizes the use of easements for access when public street access or dedication is not feasible. This authorization may be approved by the Planning Commission.

SUMMATION

Staff feels that the primary issues involved for this application are the issues of access and infill. Although staff and the Planning Commission both have attempted to encourage developers to retain mature trees wherever possible, this appears to be one situation where such is not feasible if public street dedication is desirable. Public Works has indicated a reluctance to request dedication for short dead end streets. However, Exhibit 8 shows a potential street extension that would result in a connection to Logus Road and provide infill development potential for approximately 7-8 additional lots beyond the Coyne/Maddox properties. This is the type of street network that is desirable in an infill situation as opposed to short dead ended streets and flag lots.

Section 17.24.020 of the Subdivision Ordinance would allow the use of easements for access if public street dedication is not feasible. In this case, public street dedication appears feasible as long as variances are provided to the new lots affected. In this case, each of the three Maddox flag lots would suddenly need lot depth variances because their previous frontage was to a private access strip, not a public street. The easterly Maddox and Coyne lots would require lot size variances of 10 and 7 percent respectively, and the Coyne Parcels 2 and 3 would require lot depth variances (R-7 requires 80 feet average depth).

The minor land partition (MLP-94-08) would have to be converted to a subdivision application if a street dedication is involved. This will require the Applicant to submit a preliminary plat showing the proposal as shown (for example) in Exhibit 5. The necessary variances to accommodate such a proposal could be addressed at that time.

Because the ultimate number of homes expected to be served off of this street extension is low (perhaps 12 to 14) the minimum pavement width (24 feet) and right-of-way width (40 feet) is acceptable. Staff realizes the ultimate extension of this street would require the participation of those property owners east of the Maddox/Coyne site, and therefore, actual street extension may be slow in occurring. Since this extension may occur incrementally, concerns over turnarounds and fire hydrant placement will occur at such time. At present, the Fire Marshal is satisfied that the existing turnaround is adequate for this stretch of street proposal and a new fire hydrant will probably have to be provided near the end of this street section.

CONCLUSION/RECOMMENDATION

Staff concurs with the Planning Commission that public street dedication is the appropriate method to serve the new lots proposed over the use of flag lotting and easements. Staff, therefore, recommends the following:

1. That the Planning Commission continue the public hearing to a nonspecific date pending submission of a subdivision preliminary plat following the example in Exhibit 5. The fee for the subdivision submittal shall be waived since the deviation from a minor partition to a subdivision application was not made by the Applicant. A new public notice would be issued once the Applicant has made the submission.
2. That at the same time the Applicant submits a preliminary plat the Applicant shall also submit new variance findings to address the new variance needs imposed by a right-of-way dedication and extension.
3. That a one year time period is imposed for purposes of submission of the preliminary plat. If no submission has occurred at the end of one year, both VR-94-06 and MLP-94-08 shall be considered withdrawn.

EXHIBITS

1. Existing lot configurations
2. Applicant's proposal
3. Alternatives 1 and 2
4. Civil Engineer's original memo
5. Potential street extension
6. Vicinity map
7. Civil Engineer's updated memo (pending receipt)
8. Potential street extension/connection map

DK:jpg

EXISTING

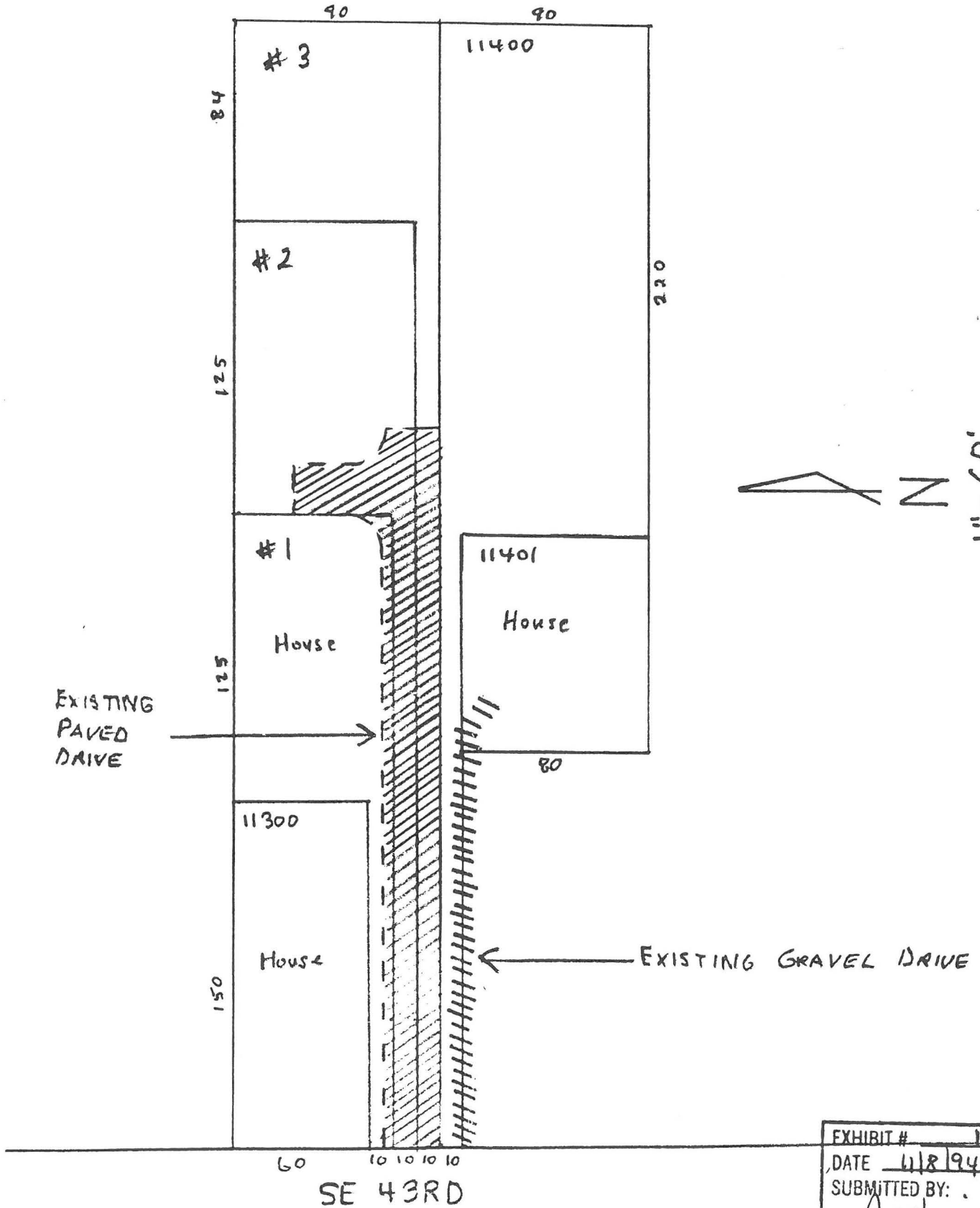


EXHIBIT #	1
DATE	4/18/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-94-061
	MJP-04-08

PROPOSED

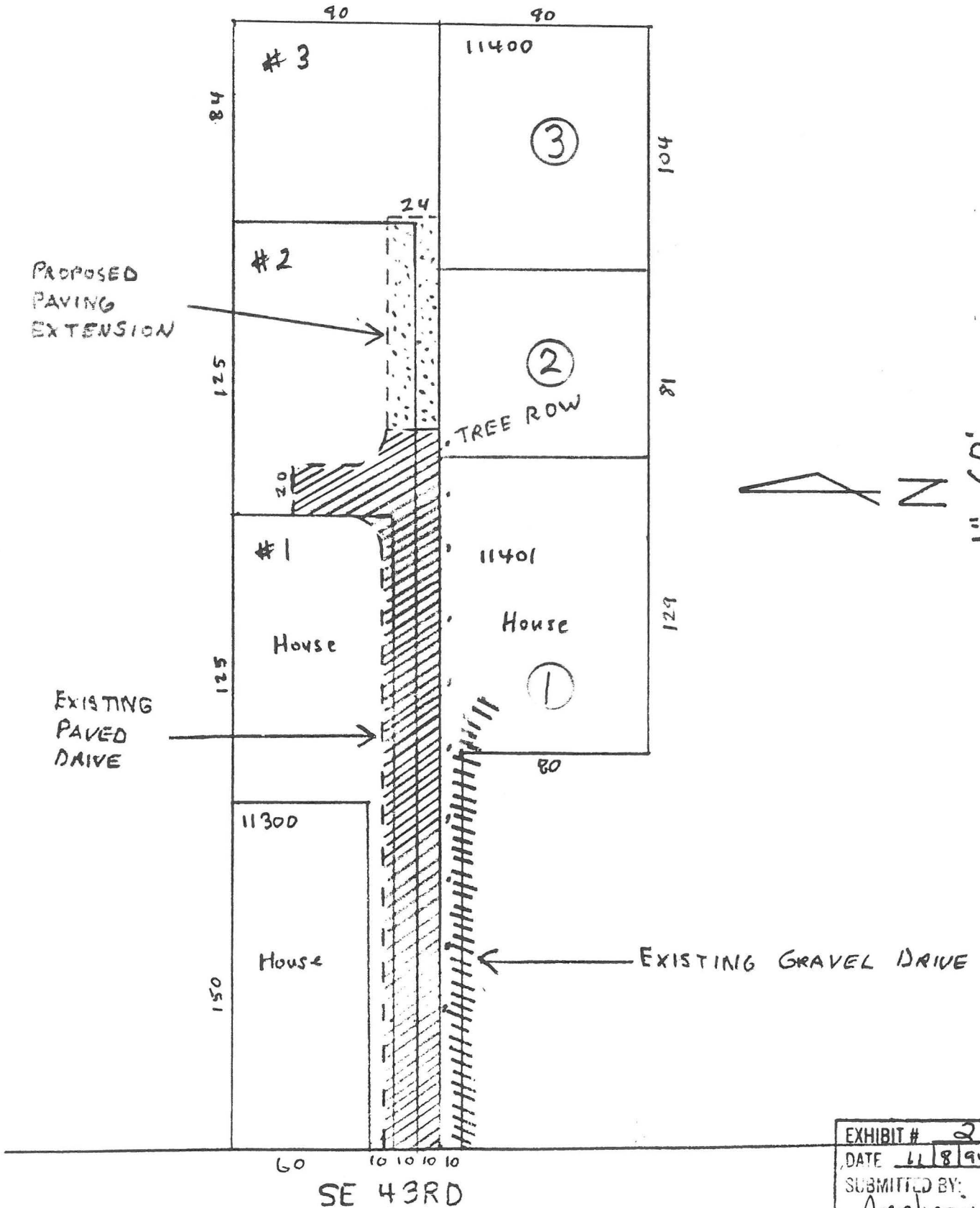
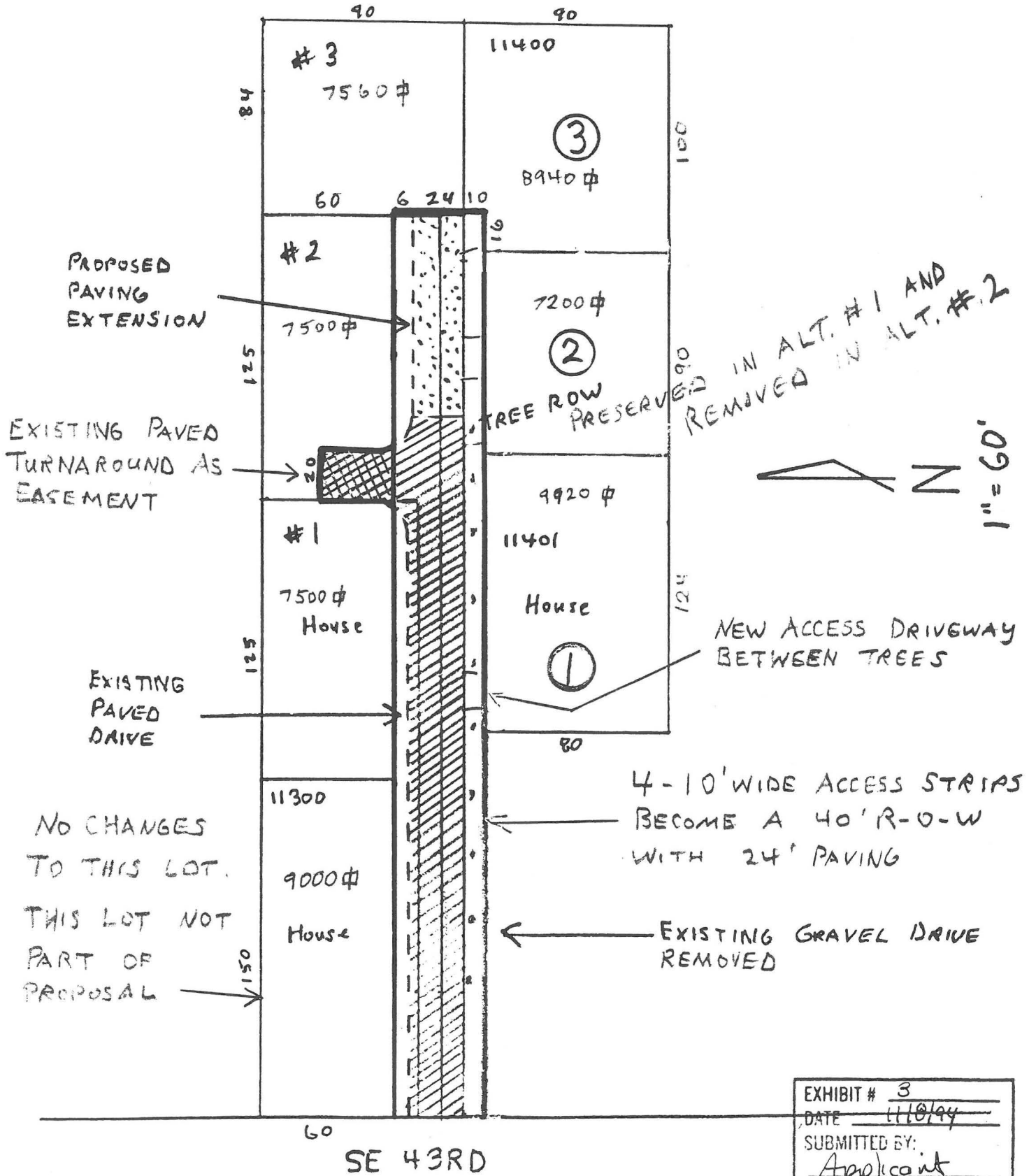


EXHIBIT #	2
DATE	11/8/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-94-06a

MLP-94-08

ALTERNATIVE PROPOSALS 1 & 2

INCLUDES 40' WIDE PUBLIC RIGHT-OF-WAY



NO CHANGES TO THIS LOT. THIS LOT NOT PART OF PROPOSAL

4-10' WIDE ACCESS STRIPS BECOME A 40' R-O-W WITH 24' PAVING

EXISTING GRAVEL DRIVE REMOVED

EXHIBIT #	3
DATE	11/10/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-94-06d

MEMORANDUM

TO: COMMUNITY DEVELOPMENT
FROM: Paul Roeger *JHR*
Civil Engineer
RE: MLP-94-08/VR-94-06
9916 S.E. 43rd Avenue
DATE: September 16, 1994

City sanitary sewer currently serves the three lots to the north on an easement. It is a 6-inch line and is adequate to serve the proposed additional lots. The easement does not extend to the south line of the driveway, therefore, an easement must be provided for each of the lots to the south across the property between the sewer easement and the new lots.

City water is provided to the three lots to the north from water meters installed in the 43rd Avenue right-of-way. Private service lines are installed along the south side of the paved driveway to serve each lot. This development also proposes to serve their lots from meters installed in 43rd Avenue with service lines on the 10-foot strip currently a part of TL 11400. The Fire Marshall's office should look into the possibility of requiring a fire hydrant, since there will now be six homes on the flag. The Plumbing Code will restrict the number of fixtures installed on the end lot because of the current length of the water service that would be required to serve the lot. If a hydrant were installed part way back on the flag and an easement were deeded to the City, meters could be installed near the hydrant and service lines would be shorter, thus eliminating the limit on fixture units.

The only street frontage for these parcels is the 10-feet of frontage provided by TL 11400. TL 11401 is land locked. There is currently a row of fairly large trees along the north line of TL 11400. If the trees are to remain the 10-foot strip cannot be used for access to the two new lots. There must be an easement across the access strip to the north. If the 10-foot strip were combined with the 30-foot strip of the parcel to the north, a street could be built with some kind of hammerhead turnaround. However, the trees would need to be removed. The current driveway would need to be reconstructed to become a street with a proper crown along with curb and sidewalk.

Therefore, I do not believe it would be in the City's best interest to have the trees removed to require a full street improvement.

Storm drainage for the existing driveway is provided by a drywell. Individual drywells will be required for the roof drains on each house, including the existing house on TL 11401. Size of the drywells will be determined at the time the building permit is reviewed.

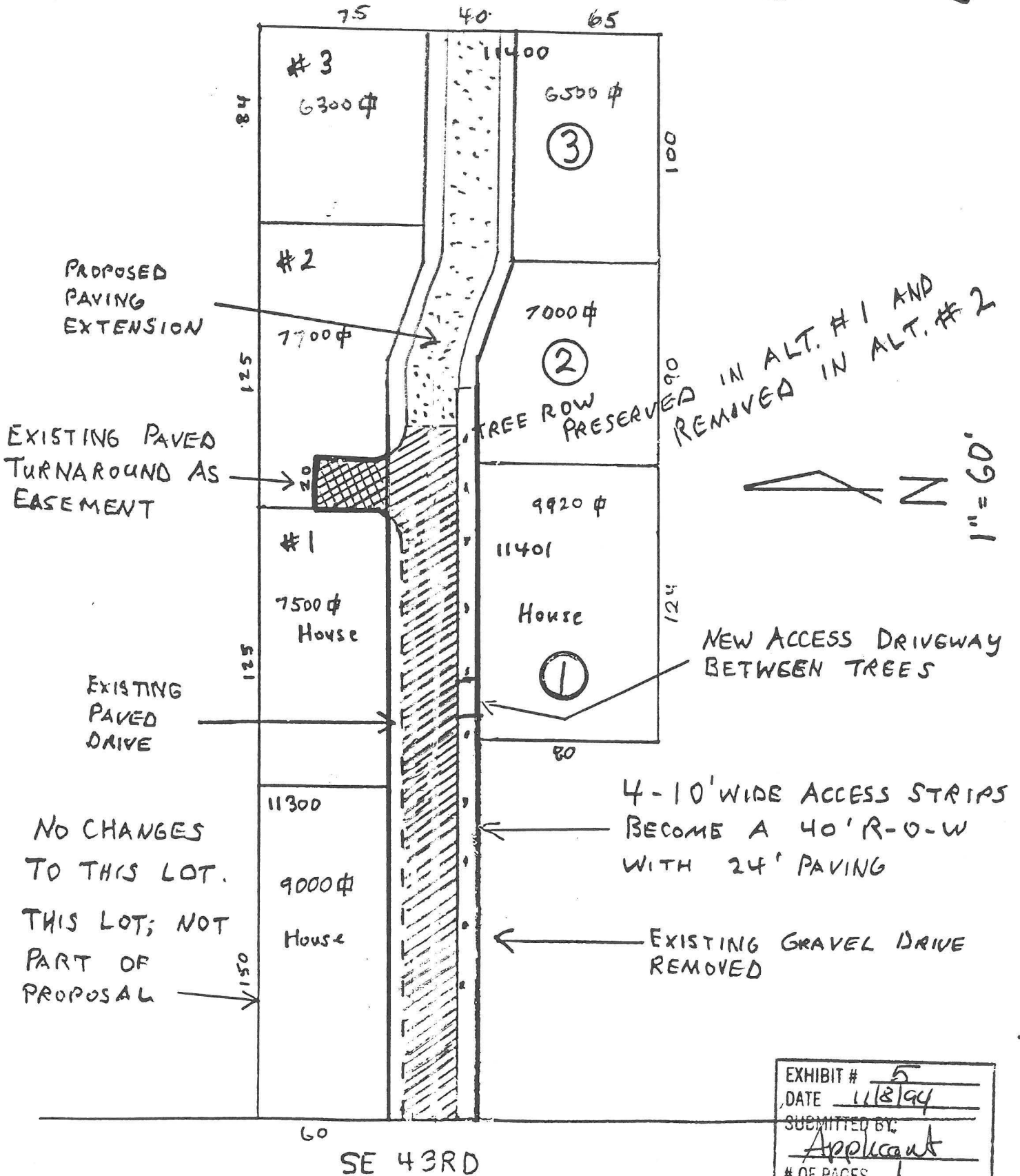
System Development Charges must be paid for sanitary sewer, water, and storm drainage at the time the building permit is issued. SDC for sanitary sewer is approximately \$965, water is approximately \$335, and storm drainage is approximately \$475.

EXHIBIT #	<u>4</u>
DATE	<u>11/18/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>VR-94-06 a1</u>

MLP-94-08

EXTENDED STREET

INCLUDES 40'
WIDE PUBLIC
RIGHT-OF-WAY



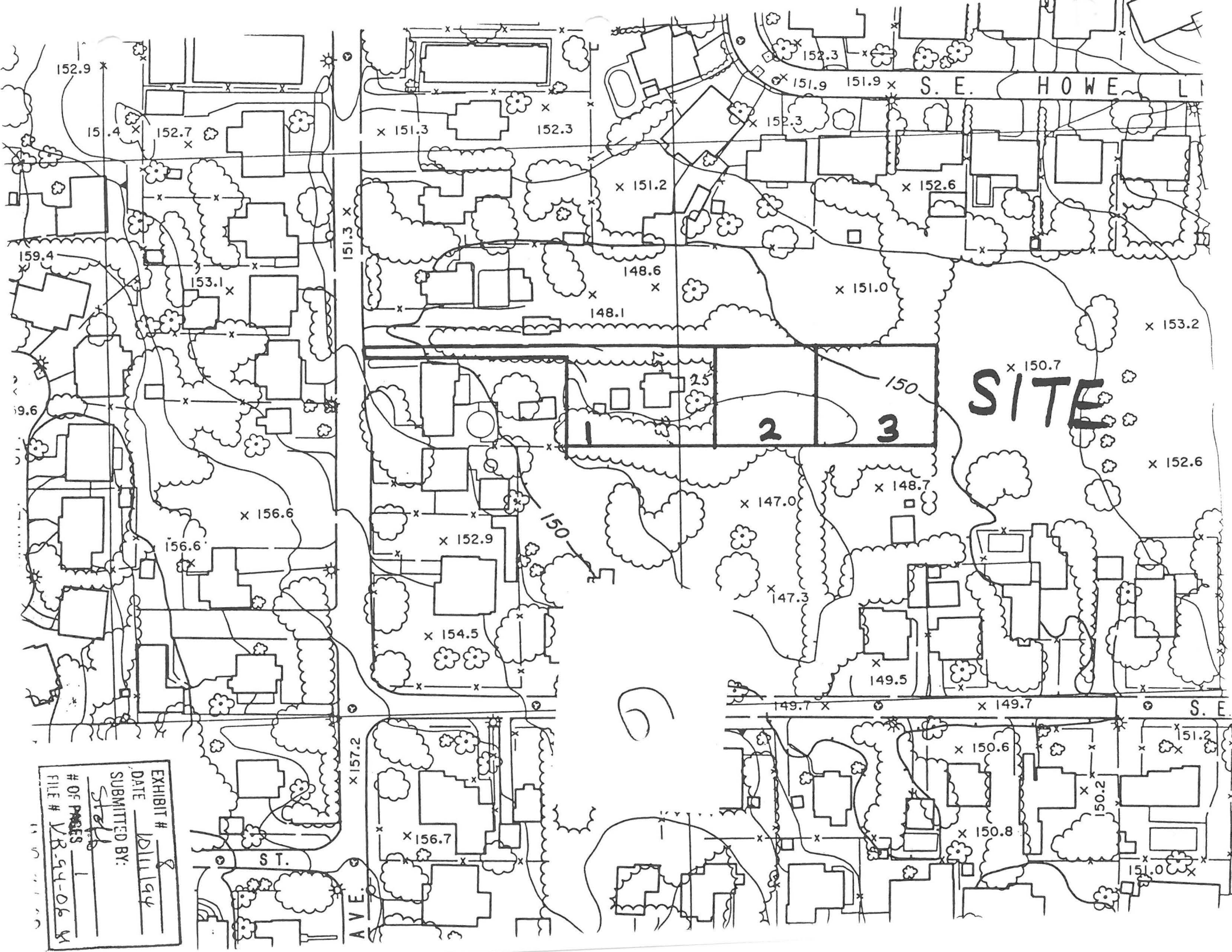
NO CHANGES
TO THIS LOT.
THIS LOT; NOT
PART OF
PROPOSAL

REMOVED IN ALT. #1 AND
REMOVED IN ALT. #2



EXHIBIT #	5
DATE	11/8/94
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	VR-94-064

MWP-94-08



SITE

EXHIBIT #	DATE
SUBMITTED BY:	1/11/94
# OF PAGES	1
FILE #	VR-94-06 X

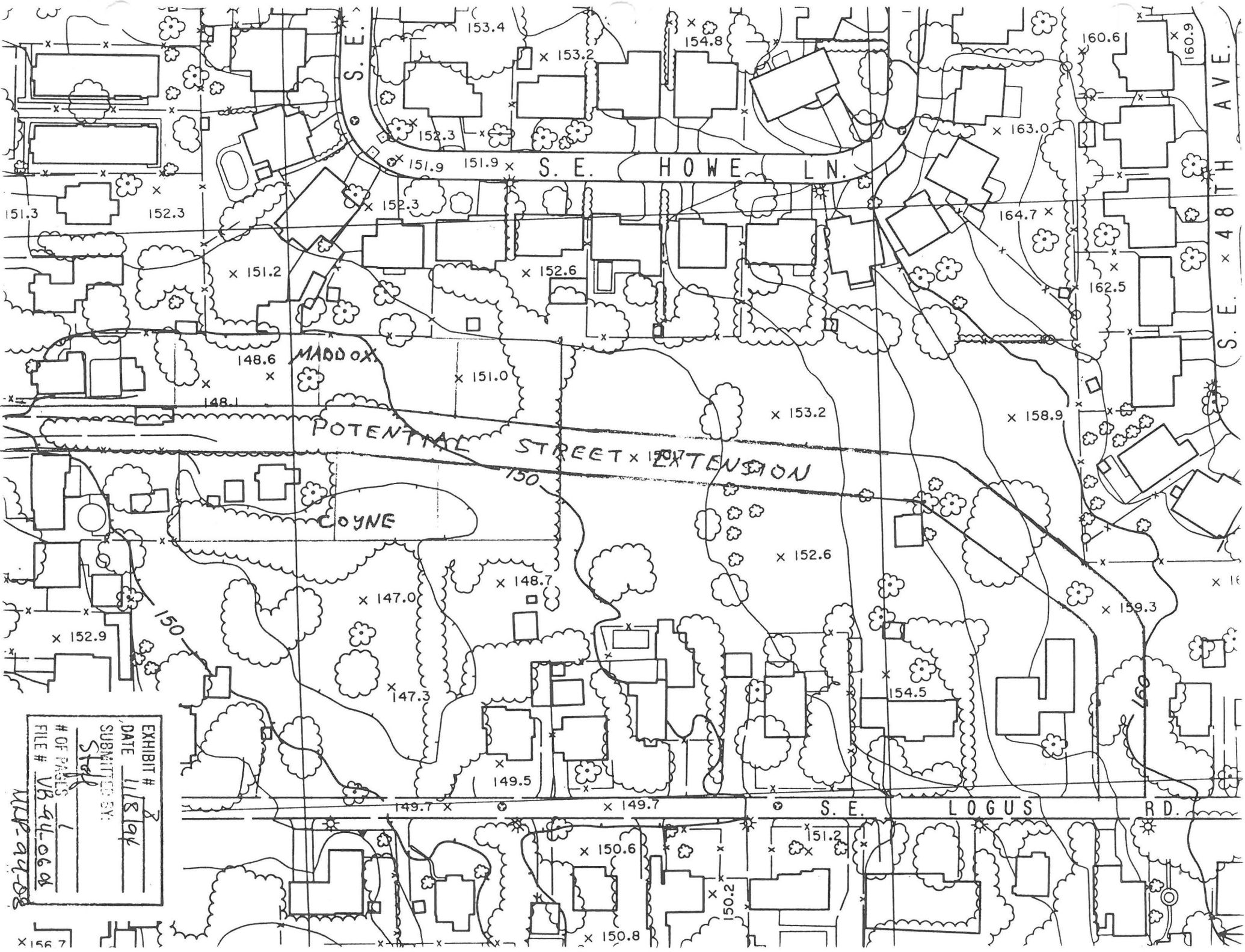
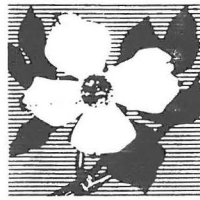


EXHIBIT #	118
DATE	1/8/94
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	VB-94-064
	MP-94-08

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

November 8, 1994

TO: Milwaukie Planning Commission

THRU: *MC* Maggie Collins, Community Development Director

FROM: Dave Krogh, AICP, Associate Planner *Dave*

RE: Recommendation for Draft Elk Rock Island Natural Area Management Plan; CPA-94-05 (Public Hearing)

BACKGROUND

Elk Rock Island currently is owned by the City of Portland, is located within unincorporated Clackamas County, but is accessed through Spring Park within the City of Milwaukie. To protect and enhance the natural features of the island, the City of Portland Parks and Recreation Bureau has prepared a draft management plan to be implemented by Portland, the City of Milwaukie, and the North Clackamas Parks and Recreation District. This draft management plan covers the areas included by Spring Park, Elk Rock Island, and Elk Rock (which is opposite Elk Rock Island on the west side of the Willamette River). Milwaukie would only be involved with the portions including Spring Park and Elk Rock Island.

The draft management plan encourages the development of a master plan for Spring Park and Elk Rock Island, certain improvements and vegetative enhancements. Elk Rock Island would be used for passive recreational uses (primarily for natural resource preservation and observation activities). Spring Park would be upgraded to include a neighborhood oriented playground area, improved parking, and improved access to Elk Rock Island. The Cities of Portland and Milwaukie and the North Clackamas Parks and Recreation District would be asked to adopt the management plan. The City of Portland would then initiate an annexation for Elk Rock Island into the City of Milwaukie so that ongoing service issues are addressed. All three jurisdictions would cooperate in the upgrade of park facilities.

MEMORANDUM TO PLANNING COMMISSION
Recommendation for Draft Elk Rock Island Natural Area Management Plan
CPA-94-05 Public Hearing
November 8, 1994
Page 2

The Planning Commission has already had an introduction to the Elk Rock Island Management Plan at a worksession on June 28, 1994. Since that time, two agency staff meetings have been held on August 17 and September 6, to identify issues and mitigate concerns. Minor corrections were made to the draft management plan document as a result of these meetings (attached).

On October 13, 1994, the North Clackamas Parks and Recreation District Board held a worksession on this management plan. Staff from Portland Parks and Milwaukie Community Development were on hand to explain the plan and address specific issues of the Board. In general, the NCPRD Board agreed with the concept but indicated it preferred to schedule its public hearing for plan adoption after the City of Milwaukie adoption. City staff agreed to keep the NCPRD informed as to the City adoption status.

The Planning Commission held an additional public worksession on October 25, 1994, and authorized this matter for public hearing. The required newspaper notice for this legislative public hearing has been issued. Additional mailed notifications to selected groups have also been made as per the Commission's request.

Staff has heard from Milwaukie City Police (attached) indicating adequate service capacity for providing law enforcement if the Management Plan is adopted and implemented. The City Attorney's Office has also indicated that the legislative review process now underway is the correct method to adopt the Management Plan.

PROCESS

The Elk Rock Island Management Plan will ultimately become an ancillary document to the City of Milwaukie Comprehensive Plan, similar to the Scott Park Master Plan. The adoption process is legislative and will require a public hearing by both the City Planning Commission and City Council. The Planning Commission will provide a recommendation (if for approval) to the City Council. The City Council would then adopt the Plan by Ordinance. The North Clackamas Parks and Recreation District and the City of Portland would then schedule their own public hearings for Plan adoption. Implementation agreements would be resolved after the Plan adoption as would the initiation of the annexation of Elk Rock Island by City or Portland to City of Milwaukie.

MEMORANDUM TO PLANNING COMMISSION
Recommendation for Draft Elk Rock Island Natural Area Management Plan
CPA-94-05 Public Hearing
November 8, 1994
Page 3

RECOMMENDATION

That the Planning Commission recommend adoption of the Elk Rock Island Natural Area Management Plan to the City Council as per findings within the attached Ordinance.

EXHIBITS

1. Updated Draft Elk Rock Island Natural Area Management Plan
2. Draft Ordinance and Findings
3. Milwaukie City Police Memo

DK:jpg

Chapter 1: Background

Location and General Description

Elk Rock Island Natural Area consists of three publicly owned parcels and adjacent private land located along the Willamette River in Clackamas and Multnomah Counties. Elk Rock Island and Spring Park are located on the east side of the main channel of the river. Elk Rock is on the west side of the river.

Elk Rock Island is owned by the City of Portland and managed by Portland Parks and Recreation. The island is fifteen acres in size and is managed as a natural area, available for appropriate passive recreation uses. The island lies within unincorporated Clackamas County, south of the city limits of Portland and abutting the City of Milwaukie. The island is accessible by boat and by foot from the Milwaukie side except during high water periods.

Spring Park is owned by the City of Milwaukie and is managed by the North Clackamas Park District (NCPD). Spring Park is 6.87 acres in size and, like Elk Rock Island, is currently managed as a natural area. Spring Park also lies within Clackamas County but is within Milwaukie city limits.

Elk Rock is a prominent feature on the lower Willamette directly west of Elk Rock Island. A steep rock face, Elk Rock rises from the river at about 10 feet above sea level to nearly 270 feet at SW Riverside Drive (State Highway 43). The park portion of this feature is 3.08 acres. Elk Rock is in unincorporated Multnomah County south of Portland city limits. The park is owned by the City of Portland and managed as a natural area. A substantial portion of a 1,200 foot long railroad tunnel built through Elk Rock is within the park ownership.

Legal Description and Zoning

Elk Rock Island

Legal description as found on deed to the City of Portland is as follows:

That certain island in the Willamette River above the town of Milwaukie, Oregon, formerly known as Whitcomb Island, now called Rock Island, lying near the Southwest corner of the Lot Whitcomb's Donation Land Claim No. 38 in Township one (1) South of Range One (1) East of Willamette Meridian, containing fifteen (15) acres of land more or less.

Elk Rock Island is shown on Clackamas County maps as: 1S 1E 35, 100.

EXHIBIT #	1
DATE	11/8/94
SUBMITTED BY:	Staff
# OF PAGES	47
FILE #	CPA-94-05

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

Elk Rock Island is zoned **OSM** (Open Space Management) by Clackamas County. This zone is applied to parks, public and private recreation areas including golf courses and school playgrounds, cemeteries, and unique natural areas dedicated to the public or preserved by easement.

Spring Park

Spring Park is composed of all of blocks 24, 25, and 27 (Robertson Addition); portions of lots 2, 4, 6, and 8 of block 16 (Robertson Addition); certain adjoining vacated streets; and a lot partitioned from private property and added to the park's southwest corner. Also described as tax lots 5900, 6000, 6100, 6200, 6300, 6400, 6500, and 6601, quarter corner DD, section 35, 1S, 1E.

Spring Park is zoned **R5** with a **NR (natural resource)** overlay. In addition, the Milwaukie Comprehensive Plan includes Spring Park in the Willamette Greenway.

Elk Rock

Tax lot 10, Section 35, 1S, 1E. Quarter section map 4231. Tax account 99135-0100.

Elk Rock is zoned by Multnomah County as **R-30** (30,000 sq. ft. minimum single family residential) with **CS** (Community Service), **WRG** (Willamette River Greenway), and partial **FW** (Floodway) overlay zones.

Private Property

Adjacent private property to the north and south of Spring Park also have significant natural resource value. These areas are functionally part of the Elk Rock Island Natural Area. The property includes portions of tax lot 3100, quarter corner DA, section 35, 1S, 1E; portions of tax lots 2800, 2900, 3000, 3100, 3200, 3300, 6600, 6700, and 6800 (outside Milwaukie city limits), quarter corner DD, section 35, 1S, 1E. Of these lots that are inside Milwaukie city limits, all are zoned **R5** with a **NR** overlay.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

Park History

The Peter Kerr family gave Elk Rock Island to the City of Portland in 1940, with the requirement that the island "be used solely as a public park or playground, or for public park or public playground purposes, for the use and enjoyment of the public generally". A deed transferring Elk Rock Island from the Kerr family to the City of Portland was executed on November 30, 1940. Portland City Council authorized the acceptance of the island by ordinance 74751, passed on December 27, 1940. Deed was recorded on January 8, 1941. Both the deed and the ordinance designated the island as Peter Kerr Park. The Kerr family formally dedicated the island on Peter Kerr's 93rd birthday, October 29, 1954.

A history of Elk Rock Island was written by Milwaukie resident Esther K. Watson in 1984. Ms. Watson's document provides a pre-park history for the island.

Spring Park was purchased by the City of Milwaukie from Hilda Keller in 1971. In 1980, the City of Milwaukie vacated much of Lark St. (aka 6th St.) on the south edge of Spring Park. In 1980, to correct an encroachment problem, Milwaukie traded a .25 acre portion of the vacated street to the property owner to the south, with the City acquiring approximately .36 acres adjacent to the Willamette River. The south boundary, as adjusted, was re-surveyed in 1988-89 (Gaylord) and iron rods were found at all corners.

Elk Rock, on the west side of the Willamette, was also given to the City of Portland by the Peter Kerr family. The deed transferring the property was executed on June 2, 1955, and recorded on June 28, 1955 (book 1730, pages 251-252). The deed conditioned that the property "shall be used solely as a public park... and that (it) shall be known as 'Peter Kerr Park'." The deed also references an earlier conveyance of a portion of Elk Rock to The Oregon and California Railroad Co. (recorded July 21, 1922; book 886, page 210).

Development of Management Plan

In 1989, an effort was made by interested citizens and by parks department staff from the cities of Portland and Milwaukie to develop a management plan for Spring Park and Elk Rock Island. The management plan was to address park problems and to establish policy direction ensuring adequate protection of natural resources. Public meetings were held in Milwaukie City Hall to collect citizen input, and a plan was drafted in early 1990. The draft management plan was submitted for review to the Milwaukie Planning Commission. Staffing shortages forced a delay in finalization and approval of the plan until 1994.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

The management plan addresses important issues related to natural resource protection, public use, and provision of public safety services.

The draft plan was revised slightly in content and form in early 1994, and is scheduled for review by the North Clackamas Park District, the Milwaukie Planning Commission and City Council, and Portland City Council.

NOTE. To avoid confusion between the island and the steep rock escarpment on the west side of the river, both of which are officially named "Peter Kerr Park", this document generally refers to the island area as Elk Rock Island and the escarpment as "Elk Rock".

Chapter 2: Natural Resources

Natural resources existing in the Elk Rock Island natural area are significant. This chapter provides an overview of natural resources and identifies issues related to each resource area. Chapter 2 reviews geology, vegetation communities and habitat, and rare and unusual plant resources.

Geology

The predominant bedrock geology of the Elk Rock Island and Spring Park consists of Waverly Heights Basalt which is describe fully on the *Geologic Map of the Lake Oswego Quadrangle* (GMS-59, Oregon State Dept. of Geology).

Waverly Heights Basalt is particularly interesting due to its age. Formed in the mid and late Eocene Period (between 36.6 and 52 million years ago), the rock substantially predates the more common Columbia River Basalts of the Miocene Period (10 to 25 million years ago). Elk Rock Island is of particular interest to geologist because the Waverly Heights Basalt is well exposed. It should be noted that Waverly Heights Basalt does exist in a substantial way in the Lake Oswego/Tryon Creek area, but there it is largely overtopped with mineral soils.

The relative hardness of the Waverly Heights Basalt explains why Elk Rock Island exists. The later and softer basalts were more easily eroded by the Willamette River, leaving the intrusion of Waverly Heights Basalt in the line of the river, creating the island and the narrows to the west.

Spring Park is part Waverly Heights Basalt and part mixed alluvium deposits of a relatively recent period.

The Elk Rock escarpment is composed of two mid-Miocene Period basalts.

Management Implications

The geology is unique in the Portland area and offers a significant opportunity for interpretation and education. Because of its unique character, the exposed rock areas should be protected from undue human impacts. Public information produced for the site and for distribution should include, at minimum, geological highlights and suggestions for use that avoid impacts.

Soils overtopping the bedrock are relatively thin. Erosion problems should be prevented or controlled as soon as they appear.

Vegetation Communities and Habitat

Vegetative community and structural diversity are the key to Elk Rock Island's importance as a wildlife habitat area. Seven habitat associations (vegetative communities) have been identified.

1. **Basalt Floodplain.**
2. **Emergent Wetland.** *An area inundated or saturated by surface or ground water that under normal conditions supports wetland obligate vegetation dominated by grasses and forbs.*
3. **Mesic Upland Forest.** *A forest dominated by upland plants requiring moderate soil moisture, being poorly adapted to either drought or waterlogged conditions.*
4. **Riparian.** *The "interface (zone) between terrestrial and aquatic ecosystems". Also, of or pertaining to riverbanks, streambanks, or lakeshore.*
5. **Rock Face.**
6. **Willamette Valley Grassland.**
7. **Xeric Upland Forest.** *A forest dominated by upland plants with some drought tolerance.*

Each of these associations provide food, cover, roosting, wintering, and summer breeding habitat for numerous species of birds, mammals, reptiles, amphibians, and invertebrates. It is the combination of these communities (habitat types) in addition to proximity to the Willamette River, adjacent riparian areas along the river, Lake Oswego uplands, and isolation from major development, that contribute to the richness and diversity of plant and animal species. Monthly bird surveys have been conducted since August of 1985; 61 different species of birds have been observed. (Michael Kay, 1985-89, Appendix A). Plant surveys have been conducted for the past ten years (Mart Hughes). Several endemic (*generally found in a certain geographic area*) and threatened plant species are known to grow on the island.

The vegetation communities are located on the Vegetation Community Map, figure 1.

- **Basalt Floodplain**

This large expanse of Waverly basalt is seasonally flooded, with little to no vegetation present during the dry times of the year. However, small wet season pools provide habitat for some aquatic plants and invertebrates. The exposed rocks provide habitat for killdeer and other shorebird species.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

- **Emergent Wetland**

The portions of Spring Park north of the trail form a wetland basin surrounded by a riparian forest. The soils have been heavily compacted and adjacent land use has probably altered the hydrology, limiting water level fluctuations. *Phalaris arundinacea* (reed canarygrass), an exotic species, is the dominant plant species. It out-competes many of the native wetland plant species such as *Iris sp.* (water iris), *Typha latifolia* (cattail), *Juncus spp.* (rushes) *Carex spp.* (sedges), and *Salix lasiandra* (willow). *Lythrum salicaria* (purple loosestrife), determined to be a noxious weed by the Oregon Department of Agriculture, is starting to establish within the wetland basin. Because it quickly dominates native emergent vegetation communities, and substantially reduces habitat diversity, it is considered very detrimental.

The emergent wetland, particularly the reed canarygrass, is excellent mosquito habitat.

There are two wetland areas on the west side of Elk Rock Island. The larger of the two, to the south, adjacent to the old boat slip, is vegetated with *Juncus effusus* (soft rush), *Mentha sp.* (pennyroyal), *Bidens repens* (beggar's tick), and *Chenopodium sp.* (lamb's quarters) along the river silt littoral, with *Salix lasiandra* (willow) and *Phalaris arundinacea* (reed canarygrass) occupying the higher slopes. *Lythrum salicaria* (purple loosestrife), an invasive exotic plant, is a problem in this area.

- **Mesic Upland Forest**

The interior of Elk Rock Island is dominated by *Pseudotsuga menziesii* (Douglas fir) and *Acer macrophyllum* (bigleaf maple) with an understory of *Symphoricarpos albus* (snowberry), *Gaultheria shallon* (salal), and *Berberis aquifolium* (tall Oregon grape). *Lilium columbianum* (Columbia lily), *Trillium ovatum* (trillium), and *Smilacina racemosa* (false solomon's seal) are typical groundcover species of the forested area.

There are five major exotic plants that grow within the forested interior of Elk Rock Island that warrant mention: *Hedera helix* (English ivy), *Rubus discolor* (Himalayan blackberry), *Ilex aquafolium* (English holly), *Vinca major* (periwinkle) and *Clematis* (Virgin's bower). All five are in great density, especially the English ivy, and warrant special management, as they appear to be replacing native vegetation.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

The forest composition on the northeastern end of Elk Rock Island changes slightly from that of the interior. *Populus trichocarpa* (black cottonwood), *Fraxinus latifolia* (Oregon white ash), *Crataegus douglasii* (Douglas hawthorn), and *Rosa sp.* (rose) are the dominant plant species.

- **Riparian**

This is a *Populus trichocarpa* (black cottonwood) dominated community with *Salix lasiandra* (willow) and *Fraxinus latifolia* (Oregon ash) of secondary importance. *Rubus discolor* (Himalayan blackberry), *Equisetum spp.* (horsetail), *Urtica dioica* (stinging nettle), and *Symphoricarpos albus* (common snowberry) are the major components of the understory.

- **Rock Face**

The rock faces of Elk Rock on the west side of the Willamette River and the northwest corner and south end of Elk Rock Island are sparsely vegetated with a combination of mosses, lichens, ferns, and other shallow-rooted plant species. Here, *Sedum spathulifolium* (stonecrop) and *Spiraea betulifolia* (birch-leaf spirea), plants that generally grow in warm, dry habitats, are found growing with *Polypodium glycyrrhiza* (polypody) and several moss species indicative of moister shadier environments. This combination of plants is unusual within the Portland Metropolitan area. *Cytisus scoparius* (Scot's broom) and *Populus trichocarpa* (black cottonwood) are establishing.

- **Willamette Valley Grassland**

The grasslands located on the western portion of Spring Park and the south and southwest portions of Elk Rock Island are remnants of the once common Willamette Valley Grassland. *Bromus carinatus*, *Festuca magulana*, and *Agrostis alba* are native grass species found growing within the Park. Human disturbance has impacted the vegetative community, affecting the plant species composition. Plant species are predominantly exotic (not originally from this area, often out-competing native plants) rather than native. Exotics are frequently indicative of disturbance. *Senecio jacobaea* (tansy ragwort) and *Daucus carota* (Queen Anne's Lace) are exotics found here.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

- **Xeric Upland Forest**

The xeric upland forest, found on the southern and northwestern portions of the island, is dominated by *Quercus garryana* (Oregon white oak) and *Arbutus menziesii* (Pacific madrone) with some *Acer macrophyllum* (big leaf maple), and *Rhus diversiloba* (poison oak). *Brodiaea congesta* and *Brodiaea hyacinthina* (brodiaea), *Iris tenax* (iris) are flowering plants found in the understory. Some *Cytisus scoparius* (Scot's broom) an exotic species is beginning to establish. This vegetative community is uncommon in the Portland Metropolitan area, more commonly found in Southwestern Oregon.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

Rare and Unusual Plants

Several plants rare or unusual in the Portland metropolitan area can be found in the Elk Rock Island Natural Area. In particular, several native wildflower species grow on Elk Rock Island. Little is known about vegetation on the Elk Rock escarpment on the west side of the river. What has been observed is discussed below.

Several plants not rare or threatened, but no longer commonly seen in the Portland-Vancouver landscape, grow on the island. These include *Taxus brevifolia* (Western or Pacific yew), *Lilium columbianum* (Tiger lily), *Brodiaea* sp. (cluster lily), *Goodyera oblongifolia* (Rattlesnake plantain).

Delphinium leucophaeum, the White Rock Larkspur, was reported to have been observed on the Elk Rock escarpment on the west side of the Willamette River. This species is considered threatened throughout its range and is a candidate for federal and state protection. Currently it has "Category 2" status with for federal listing which means more information is needed by US Fish & Wildlife. Its preferred habitat is on moist rocky cliffs.

The above delphinium was also reported to possibly be *Delphinium pavonaceum*, a Willamette Valley species and also a candidate species for federal and state protection. It has "Category 1" status, meaning there is sufficient information for the federal list.

A plant of the Saxifrage Family has also been reportedly observed on Elk Rock Island. It is described as having yellow flowers. It is not known if it is a *Saxifraga* species or if it is a related genera. Possibilities include *Sullivantia oregana* and *Bolandra oregana*. Both are yellow flowering members of the Saxifrage Family. *Sullivantia* has "Category 2" status for the federal list, and both are candidate for the state list.

One *Pinus ponderosa* (Ponderosa pine) has been observed on the island. It is unknown whether it occurred naturally or if it was planted.

The unusual and rare wildflower species found on the island are relatively small populations and are exposed to human impacts (e.g., trampling, digging, picking). English ivy also poses a threat as it is approaching the south end of the island where the Tiger lilies and *Goodyera* are located. The northwest corner of the island provides a rock face which should be protected for its plant habitat value.

Because of its inaccessibility and unique conditions, the Elk Rock escarpment on the west side of the river may have value for growing managed populations of rare plant species.

Chapter 3: Public Use

Chapter 3 consists of a description of the existing uses and facilities of Elk Rock Island Natural Area, a discussion about what types and levels of use are appropriate, and an itemization of opportunities and needs which help define what could be done to facilitate appropriate public use.

Current Uses

Existing uses include hiking, exploration and play, observation of nature, bicycling, camping, dog exercising, fishing, picnicking, relaxation or escape from the urban environment, enjoyment of river related scenery, pleasure boating, and social gatherings (parties).

All uses are very evident during the spring and summer months and decrease by varying degrees during fall and winter. Hiking, observation of nature, dog exercising, fishing, and escape from the urban environment tend to be more year-round in nature.

Organized or programmed use is relatively light. The site is used for adult education by the Portland Parks Bureau (summer tours only), Portland Audubon Society, the John Inskeep Environmental Learning Center, and the Washington Park Zoo.

There is also some use of the island by elementary and secondary education programs. Notable in this regard are classroom tours by the North Clackamas School District and tours and work parties by Catlin Gable Middle School.

Regular non-programmed users tend to come from the immediate neighborhood. Occasionally visitors come from elsewhere in the Portland-Vancouver region to enjoy the river setting or to appreciate the island's natural resources. Some visitors from outside the immediate neighborhood adopt the island as their favorite place to escape the urban environment and make relatively frequent return visits.

Current Use Issues

Uses that degrade or threaten natural resources, that conflict with more appropriate uses, or that conflict with the surrounding neighborhood include the following:

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

- **Bicycling.** A problem both in Spring Park and on Elk Rock Island due to the resulting trail system damage and erosion. Mountain bikes have also been observed off trails and pose a serious threat to exposed rocky areas and vegetation.
- **Camping.** As observed at Peter Kerr Park (island), the problems associated with camping include litter, public health due to lack of toilet facilities, threat from fire, negative visual impacts, concern for personal safety, and damaged vegetation.
- **Child's Play.** The island is attractive to youngsters of upper elementary and middle school age as a place to explore and play on an unsupervised basis. Many play activities can impact natural resources. For example, off-trail traffic may cause erosion, disturb wildlife, or damage vegetation; fort building often involves cutting or breaking of woody vegetation. Occasionally impact from play is substantial. In 1994, several sizable trees were cut down for no apparent reason. The majority of child's play likely originates from the local neighborhood.
- **Dogs.** The park area is used as an exercise area for dogs to some extent. Uncontrolled or unleashed dogs are a significant threat to wildlife. This form of use should be discouraged.
- **Gang Activity.** Gang activity has been observed since 1991. It has been sporadic but it has serious effects. Gang presence has been marked by graffiti which is unsightly and frequently includes anti-social or racial-cultural bias. Evidence or reputation of gang activity, even on a sporadic basis, makes most other visitors uncomfortable. Gang activity can easily displace other more appropriate uses. Already mentioned as a problem associated with social gatherings, graffiti has been and is potentially a very serious problem on the island. Efforts by volunteers since 1988-89 to remove graffiti have thus far successfully dealt with this problem.
- **Gunfire.** Gunfire occurs on a sporadic basis. This activity is threatening to other visitors, is unsafe due to proximity of development, and disturbs wildlife.
- **Horses.** Horses are sometimes ridden to Elk Rock Island. The trail system is too easily damaged by horses and the natural area is too small for horseback riding. Horses often go off trail and when this happens vegetation damage can occur.
- **Off-Trail Traffic.** Off-trail use by pedestrians and bicyclists is evident by visible impacts to the exposed rock areas. This impact is gradual but quite serious in that once damaged, exposed rock outcroppings will not recover. In addition, an increasing number

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

of small trails are developing in the forested area. This results in additional erosion and additional disturbance to wildlife.

- **Parties.** A problem especially during the summer months beginning in evenings and continuing late at night, parties create problems with litter, broken glass, graffiti, and disturbance of wildlife and nearby residents. Typically, underage consumption of alcohol occurs. Related is a fire threat problem due to bonfires and use of fireworks.
- **River Litter.** Actually a "given" with the site rather than a problem created by park users, substantial amounts of river-borne litter are regularly deposited onto riverbanks and beaches. Plastics, styrofoam, and natural and dimension wood are major components of the river-borne litter.
- **Trespass.** More a potential problem than a reported one at this stage. No information is available and no fences are present to let park visitors know when they are on public property rather than private.

Current Facilities

Provided at Spring Park and Elk Rock Island is a largely unimproved trail system which provides access to and through Spring Park from S.E. 19th and Sparrow and to and around Elk Rock Island.

Parking consists of available street-side parking near the 19th and Sparrow St. entrance. A "no parking/tow zone" has been established immediately next to the entrance.

The entrance itself is undeveloped and marked only by a rough sign, a garbage can, and bollards and chain to deter horses, bicycles, and motorized vehicles.

On the west side of Elk Rock Island there is an inlet suitable for boat landing. Concrete steps provide convenient access to the island from watercraft, but the facility is otherwise unimproved.

There are no benches, rest-rooms, or other improvements of any kind. No on-site interpretive information is provided.

Current Facility Issues

- **Trail System.** The trail system through Spring Park is wet and steep in places making access difficult. This alignment also impacts the wetland area in Spring Park. The route across the basalt floodplain between Spring Park and Elk Rock Island is unclear and difficult which results in impacts over a wider than needed portion of this crossing area. Although improved in 1989, some sensitive rock and vegetation areas at Elk Rock Island are impacted by existing trail routes. Several unofficial routes stem from the main trail system to beach areas, to overlooks, and to fishing spots. These unofficial routes are not maintained and are not well defined, resulting in a wider area of impact.
- **Overhead Powerlines.** An easement for overhead utility lines crosses through Spring Park and creates what may be an avoidable aesthetic detraction. An alternate route should be found which would provide the needed utility service and eliminate what is primarily an aesthetic liability.

Appropriate Uses

The physical, biological, and scenic resources at Elk Rock Island Natural Area are exceptional. These are the assets that offer the greatest opportunity for appropriate recreational and educational uses. Only those uses that do not conflict with or degrade these resources should be allowed. Generally this means that uses should be passive, causing little impact to sensitive resources and requiring few facilities.

Examples of appropriate use at Elk Rock Island Natural Area are escaping the urban environment, enjoying scenic views, observing nature, hiking, fishing, informal picnicking, and education. Given the site's limited size and facilities provided, these forms of use are appropriate for individuals and small groups. The area is not well suited to large groups due to parking limitations and the condition of the trail system.

Some canoeing occurs in the vicinity. Although impacts are acceptable and light, canoeing should not be encouraged at this location, nor should facilities for canoeing be developed. River traffic (commercial and recreational) is heavy and canoeists should be encouraged to recreate elsewhere.

A significant issue for the area is level of use. Even if all occurring uses were appropriately passive, high numbers of users could degrade natural resources. How much use is too much is

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

difficult to define. For this reason it is important to determine and monitor types and levels of use, and to monitor sensitive resources that may be impacted by use. If a relationship between unacceptable impact and type or level of use is found, then use should be controlled or curtailed.

An exception to the above is the upland area at east end of Spring Park. This area is adjacent to a residential area and would be suitable for development for neighborhood park uses. For example, a neighborhood park landscape and small playground could be developed. Such development should be supportive of management objectives for the adjoining natural area. A native plant buffer should be planted between the upland and wetland areas. A trailhead with an interpretive sign and trail improvements into the natural area should be part of the development plan.

Appropriate Use Opportunities

The location is quickly accessible from all of Milwaukie, from southeast and much of southwest Portland, and from northern Clackamas County. Except for intermittent high water in late winter and early spring, one can walk to the island at any time. It is clear that there are opportunities to attract more users and to better accommodate desired uses while protecting natural resources.

It should be noted that the promotion of appropriate use is a helpful strategy for the discouragement of other, more destructive, uses. Opportunities for increasing uses with little or no impact on resources are discussed below.

- **Active Recreation.** An earlier assessment done by the City of Milwaukie had determined that there was a local neighborhood need for a children's playground at Spring Park. A small playground could be developed at the east end of Spring Park without negatively impacting natural resource values. If developed, the playground should be easily visible from the right-of-way, should be separated by a fence from the railroad, and should be designed to blend with the site using natural materials (e.g., boulders, timbers). This area is not large enough to support active sports, nor would such use be compatible with the education and passive recreation opportunities noted above. It is recommended that North Clackamas Park District consider this opportunity, perhaps within the context of a new Master Plan for Spring Park.
- **Botanical Resource Sanctuary.** The unique plant habitat offered by the Elk Rock escarpment on the west side of the Willamette provides an opportunity for the development of a botanical sanctuary for appropriate threatened and endangered plant

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

species. The inaccessible nature of the site is a significant supportive factor due to the low probability of human disturbance. The Berry Botanic Garden is a participating organization in the Center for Plant Conservation, and is responsible for developing and carrying out strategies for the preservation of threatened and endangered (T & E) plant species in the Pacific Northwest. These strategies include managing cultivated populations of T & E species and reintroduction of species to the wild. Since the Berry Botanic Garden is located in Dunthorpe not far from the escarpment, the development of a sanctuary for managed populations or as a reintroduction site may be feasible.

- **Environmental Education.** The quality, diversity, and unique character of the natural resources present a significant opportunity for environmental education. Other possibilities include the interesting historic aspects of the island and the scarcity of high quality natural resource sites in the region due to their elimination and degradation.

The distinct vegetation communities, the range of topography, and the wetland and riparian resources, provide one of the most varied wildlife habitats on a single site in the Portland metropolitan region.

The relatively small size of the site would support presentation of interpretive information similar to constructed displays at zoos and botanic gardens. A significant amount and broad range of interpretive information could be developed to support the use of the site as an outdoor classroom.

- **Passive Recreation.** To date the levels of use from passive forms of recreation have not been problematic and it is believed that the area could support additional passive use. Hiking, observing nature, scenic viewing, and fishing are generally very low impact uses. Participants are at least somewhat aware of impacts they may be creating and generally take care to minimize those impacts. Even these low impact forms of recreation should be monitored.

The site provides an outstanding opportunity for interpretation of natural resources. Resource interpretation could be done in a variety of non-intrusive ways and could substantially enrich the passive recreation experience.

Appropriate Use Needs

The following list of needs has been developed to identify what could be done to encourage appropriate uses (and to discourage inappropriate uses). Generally these are ideas for improvements in public information, facilities, services, and citizen involvement.

- **Consistent regulations.** Enforcement of a consistent set of codes for both Elk Rock Island and Spring Park.
- **Citizen Involvement.** Active citizen involvement through the Friends of Elk Rock Island Natural Area and through other means.
- **Curriculum Development.** Curriculum development for featuring important natural resource elements.
- **Facilities and Furnishings.** Carefully designed and well placed park facilities and furnishings (e.g., trails, signs, benches, bicycle racks, parking). Facilities that support inappropriate uses or inappropriate levels of use should not be provided (e.g., picnic tables, highway signs).
- **Interpretive Tours.** Regular organized tours which introduce the public to the parks' functions and values.
- **On Site Information.** On-site interpretive information that provides orientation, explains natural resources, and encourages appropriate use.
- **Outreach.** Regular outreach to local school districts, community colleges, universities, and environmental education providers within the Portland metro region.
- **Printed Information.** Publications featuring information on the natural resource assets (brochures, interpretive guides).

Specific recommendations are included in Chapter 5.

Chapter 4: Public Services

Chapter 4 analyzes services provided by North Clackamas Parks District and by Portland Parks and Recreation, and services provided by Police and Fire agencies from Portland, Milwaukie, Oak Grove, and Clackamas County.

Parks and Recreation

- **Current Parks and Recreation Services**

The North Clackamas Parks District has limited staff time available for management of Spring Park. The Parks District provides custodial maintenance (e.g., litter removal) through a scheduled "route stop" during the spring and summer and on a request basis at other times of the year.

The Portland Parks and Recreation also has limited staff time available for management of Peter Kerr Park. The park is included as a "route stop" by personnel assigned to the Westmoreland District in Southeast Portland. Frequency of visits increase during the summer when the Westmoreland District has more personnel available. Duties are limited to litter and garbage removal and some vegetation control. In addition, Natural Resources Program staff address specific problems and work with volunteers on organized work parties that do thorough clean-ups or remove invasive exotic vegetation (e.g., English ivy, Scot's broom, purple loosestrife, and English holly).

During recent years, an Oregon Youth Conservation Corps (OYCC) crew has worked part time at Peter Kerr Park. The crew removed litter, reconstructed trails, and worked at controlling unwanted vegetation (English ivy and purple loosestrife). The OYCC crews have been supervised by Portland Parks.

Both parks agencies have also taken good advantage of Alternative Community Service labor available to public agencies from local court systems.

Volunteers have provided assistance since the summer of 1988. Work parties draw a small crew for 2 to 4 hour periods. Typical tasks are litter removal, graffiti removal, and vegetation control. An informal citizen volunteer group known as "The Friends of Elk Rock Island Natural Area" has been active since 1988, and has been responsible for organizing volunteer work parties.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

With the current level of assistance from neighborhood volunteers, parks staff is able to provide adequate routine property and resource management services.

- **Parks and Recreation Service Issues**

Management areas not well addressed by parks agencies are inter-agency coordination, natural resource monitoring, natural resource enhancement, and environmental education and resource interpretation.

Interagency Coordination and Public Involvement. The management of Spring Park and Peter Kerr Park should be guided by an adopted management plan. The plan should be kept current. The Natural Resource Program at the Portland Parks and Recreation and the North Clackamas Parks District should share the lead in subsequent revisions of the Plan.

The management process should continue as an open process where policies and specific management actions are deliberated with public input. Both parks agencies should recognize and support the activities of the Friends of Elk Rock Island Natural Area.

Monitoring. A comprehensive monitoring program should be developed which establishes base line information on the status (well-being) of the natural resource inventory. The monitoring program would periodically check the condition of those resources, providing a means for identifying problems and a basis for future management recommendations.

Special attention should be given to the impacts noted on the natural resources resulting from human use of the parks. Identification of problems and recommendations for their correction should be made quickly through the monitoring program.

Resource Enhancement. An active program of natural resource enhancement program should be established. This program should be guided by resource enhancement recommendation made by the management plan.

In recent years, matching grants for resource enhancement projects have been available from the US Fish and Wildlife Service through Metro Greenspaces. This source can be combined with summer youth employment programs to accomplish small scale restoration efforts.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

When technical advice is needed, the Wetlands Technical Advisory Committee (WTAC), a volunteer committee made up of natural resource technicians and specialists, could advise on resource management issues, and could assist with the location of funding sources to accomplish resource enhancement projects.

Environmental Education/Resource Interpretation. An interpretive program should be supported by the parks agencies with assistance from small grants and volunteers. For example, interpretive signs can be placed if funding is shared among parks agencies and grant or gift sources. With encouragement and support from parks agencies, guided walks could be lead by volunteers. Organizations such as Portland Audubon should be encouraged to continue to provide guided tours.

Generally, environmental education programs should be facilitated rather than delivered directly by parks agencies. Local schools should be provided basic information about natural resources at the park, and teachers should be invited to use the site as an outdoor classroom.

Park Facility Planning. Even though park facilities needs are relatively modest, there is no plan or program to make improvements. A facility improvement plan is especially needed at Spring Park. An updated master plan, consistent with management plan recommendations, is needed to specify improvements and spur implementation.

Police and Fire

- **Current Police and Fire Services**

Milwaukie Police and Fire provide adequate services to Spring Park which is located within the City of Milwaukie. Nearby residents simply call "911" to access these services.

Elk Rock Island, since it is in unincorporated Clackamas County, is outside the service area of the City of Milwaukie. In addition, since the City of Portland owns the island, the City of Milwaukie expects that Portland Police should provide police services. Oregon Revised Statute 226.010 provides that Portland Police may enforce Portland City Codes on Portland Park property outside Portland City Limits.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

As a practical matter, 911 calls for police from the local neighborhood go to Milwaukie's 911. Callers are then referred to a Portland Police number. When callers honestly report typical problems (e.g., a teenage party on the island) as a non-emergency, service is not provided within a reasonable time-frame. Generally, service response time from Portland for this kind of call is a matter of hours. There have been instances of no response at all. At other times, Milwaukie Police have responded after checking with Portland. Sometimes both Portland and Milwaukie respond. Clackamas County River Patrol will respond if requested by either Milwaukie or Portland Police.

Delays in police response are a serious problem. Late responses made after darkness are more hazardous and less effective. Late response to situations involving alcohol provide an opportunity for problems to become more difficult to deal with.

Fire protection services to Spring Park are provided by Milwaukie. Fire protection to Elk Rock Island are provided by both Milwaukie and Portland. The Portland fire boat and the Oak Grove Fire District fire boat are available to respond to Elk Rock Island, and to portions of Spring Park.

- **Police and Fire Service Issues**

Police Response to Elk Rock Island. Police services are adequate for Spring Park, but are very inadequate for Elk Rock Island. Police response to Elk Rock Island needs to be quicker and more reliable. Neighboring residents need a single 911 service number that works for both Spring Park and Elk Rock Island.

Jurisdiction problems aside, Elk Rock Island is a difficult location to provide police services. The island can only be reached on foot and the walk is nearly 1/4 mile in length. After dark, police service is hazardous and less effective. Back-up from nearby police agencies should be available and provided when needed.

Consistent Regulations. Park regulations established for use in Clackamas County and approved by North Clackamas Park District and the City of Milwaukie should apply at both Spring Park and Elk Rock Island. Portland Parks and Recreation should continue to be involved in park regulation issues involving Elk Rock Island. Police agencies should not need to be familiar with differing regulations.

*Elk Rock Island Natural Area
Management Plan
October 13, 1994*

Fire Protection. Fire protection services appear to be adequate for both Spring Park and for Elk Rock Island. However, response plans or memos of understanding among agencies should be developed and kept current at all times.

Chapter 5: Recommendations

Implementation Schedule

This chapter consolidates management recommendations that protect and enhance natural resources with recommendations that ensure and support appropriate use. The recommendations are provided in two forms. First, policies are recommended that, if approved by Milwaukie, Portland, and NCPD, will provide consistent and efficient management. The policies will also protect natural resources, reduce conflicts between user groups, and between users and the local neighborhood. Second, specific management actions are recommended that will protect and enhance natural resources. Other recommended actions will support appropriate uses. Finally, the recommended policies and actions are summarized in an implementation plan that indicates one or more responsible parties and relative priority.

The management plan recognizes that before policies or actions can be implemented, adoption is required by City of Milwaukie, North Clackamas Parks District, and by City of Portland.

Policies

The following policies are recommended for all of Elk Rock Island Natural Area, defined as Spring Park, Elk Rock Island, and Elk Rock on the west side of the Willamette River.

Policy 1. Elk Rock Island Natural Area. In order to readily and obviously communicate an essential part of the overall goal and to promote appropriate uses, Spring Park and Peter Kerr Park shall retain their names but, together with Elk Rock on the west side of the Willamette River, shall be collectively known as and promoted as "Elk Rock Island Natural Area". The names Spring Park, Peter Kerr Park, and Elk Rock may continue to be used on park maps and other published information, and should be used when referring to discrete areas within Elk Rock Island Natural Area.

Policy 2. Prohibited Traffic. Horses, bicycles, and motorized vehicles (except as needed by parks maintenance and emergency services personnel) shall not be permitted within Elk Rock Island Natural Area except at designated

Implementation Schedule

parking areas. A possible exception could be made for horses and bicycles on a Willamette Greenway Trail located on or through Elk Rock on the west side of the Willamette River.

- Policy 3. Fires and Fireworks.** Fireworks and unauthorized fires shall not be permitted in the Elk Rock Island Natural Area.
- Policy 4. Alcohol.** Possession and/or consumption of alcoholic beverages shall not be permitted in Elk Rock Island Natural Area.
- Policy 5. Pets.** Pets should be discouraged, but when present must be leashed at all times. Pet wastes must be removed.
- Policy 6. Park Hours.** Hours for public use of Elk Rock Island Natural Area shall be from 5 a.m. to dusk.
- Policy 7. Park Development.** All development (including trails, signs) in the Elk Rock Island Natural Area shall be constrained by appropriate local land use regulations which provide an appropriate and adequate level of protection for natural resources and natural resource values identified at Spring Park, Peter Kerr Park (Elk Rock Island), and Elk Rock (on the west side of the Willamette River). Additional development should not occur in wetland areas and in the sensitive area on the southwest corner of Peter Kerr Park (Elk Rock Island). With the possible exception of a Willamette Greenway Trail (through the railroad tunnel), development should not occur on Elk Rock. The upland portion at the east end of Spring Park may be developed, but a 50 foot buffer is needed at the west end of the upland to protect the adjacent wetland to the west.
- Policy 8. Incorporation of Elk Rock Island.** Elk Rock Island (Peter Kerr Park) should be incorporated into the City of Milwaukie in order to provide efficient Police and Fire protection services. City of Portland shall continue to own and manage Peter Kerr Park. Until a more appropriate "open space" or "community use" base zone is developed by the City of Milwaukie, the **R10** base zone should be applied with a **nr** (natural resource) overlay zone. The Milwaukie comprehensive plan should indicate that Elk Rock Island is within the Willamette Greenway.

Implementation Schedule

Management Actions

Upon adoption of the Management Plan, the following recommended actions should be pursued by City of Milwaukie, City of Portland Parks and Recreation, and the North Clackamas Parks District. Due to financial and staffing limitations, the parks agencies should be assisted by citizen volunteers and by grant sources.

Recommended management actions are organized in the following way:

- Natural Resource
- Public Facilities
- Public Information
- Public Service

Natural Resource Management Actions

General and specific management actions are recommended to protect and enhance natural resources. Specific recommendations are organized by area and habitat type.

- **General Recommendations**

NR-1. Resource Monitoring. A comprehensive inventory of natural resources and natural resource values should be developed and maintained. Tracking quantity and quality of resources provides critical information needed for development of effective policies and actions intended to protect and enhance resources.

NR-2. Geographic Information System (GIS). Computerized mapping and information systems are in place at Metro and under development in Portland. GIS should be used to record and track information related to property ownership, land use, topography, vegetation, and other natural resources.

Implementation Schedule

- **Elk Rock Island (Peter Kerr Park)**

Emergent Wetland

NR-3. Plant native plants and eradicate loosestrife. Introduce *Sagittaria latifolia* (wapato) at the two wetlands adjacent to the Willamette River. These areas are good potential wapato habitat. Introduce other wetland plant species (rush and sedge species) to promote diversification of wetland system. Eradicate *Lythrum salicaria* (purple loosestrife).

Mesic Forest

NR-4. Burn understory. Burning the understory of this forest component will remove or repress English ivy, blackberry, English holly, clematis, and other weedy growth, and promote growth of native understory currently being suppressed by these weedy species. Vines on trees will have to be hand cut near the base of trees. Native shrubs and trees will need to be planted in the understory after burning.

Riparian

NR-5. Remove blackberries. Remove Himalayan blackberries from riparian areas and promote growth of native plants having higher wildlife habitat value (e.g., Douglas hawthorne, rose).

Rockface

NR-6. Eradicate Scot's broom and reduce cottonwood. Eradicate (by hand) Scot's broom and reduce cottonwood along west end of Elk Rock Island. Some cottonwood are okay, but too many will shade out more xeric species growing on the rocks.

Implementation Schedule

Willamette Valley Grassland

- NR-7. Burn grassland.** A controlled burn will suppress shrub growth in grassland. Maintaining the grassland community promotes structural and species diversity in conjunction with other vegetative communities and open space values. Until burn program is established, Scot's broom and Himalayan blackberries should be controlled by other methods.
- NR-8. Seed with native grasses and forbs.** Plant a "butterfly meadow" to enhance invertebrate and butterfly populations that will, in turn, provide feeding opportunities for higher organisms (e.g., birds and mammals). This will also increase aesthetic value of this area. (Seeding must be coordinated with controlled burning recommended above.)

Xeric Forest

- NR-9. Reroute Elk Rock Island trail.** Reroute Elk Island trail to avoid the southwestern point where large Pacific madrone is growing. Obliterate small, unauthorized trails. Trail system of island is otherwise adequate, spreading out visitors and impacts.
- NR-10. Eradicate Scot's broom.** Eradicate (by hand) Scot's broom from the xeric forest area.

Implementation Schedule

- **Spring Park**

Emergent Wetland

- NR-11. Eradicate reed canarygrass and purple loosestrife in wetland area.** Purple loosestrife is listed by the Oregon Department of Agriculture as a noxious weed. It is known to form dense stands within wetlands, limiting native species diversity. While the purple loosestrife population is small, manual removal would be feasible, but delay may require other methods of eradication. Several methods of eradication are being researched (burning, flooding, black plastic, hand application of water soluble Rodeo).
- NR-12. Fluctuate water levels in wetland area.** Seasonal fluctuations of water levels may be a method to discourage growth and dominance of reed canarygrass, purple loosestrife, and other undesirable exotic plant species, and encourage native plant and animal diversity. If compatible with aforementioned objectives, managed water level fluctuation could also suppress mosquito populations. Fluctuations in water levels may be achieved by creating and maintaining a hole in the berm between the channel and the wetland area. Tidal fluctuations within the Willamette River and the channel need to be checked to determine whether there is sufficient water.
- NR-13. Plant native wetland species.** After eradication of undesired species within wetland, re-vegetate with native wetland grass, sedge, and forb species.

Riparian

- NR-14. Remove blackberries.** Remove Himalayan blackberries from alongside trail to Elk Rock Island and replace with native plants (e.g., Douglas hawthorne, rose).
- NR-15. Reroute or boardwalk the trail to Elk Rock Island.** Reroute trail to avoid passing through wetland area. Or, construct a boardwalk across the edge of the wetland. The current trail through the wetland significantly impacts the wetland community.

Implementation Schedule

Public Facilities Management Actions

To accommodate appropriate uses at desired levels, some facility improvements would be appropriate. The importance and relatively fragile nature of the natural resources at Spring Park and Elk Rock Island require that facility improvements have low resource impact. Since many of the recommendations are for Spring Park, the development of a *Spring Park Master Plan* is recommended. It is envisioned that the Master Plan will provide more precise guidance regarding the exact number and location of facilities suggested by this management plan.

- PF-1.** **Spring Park Master Plan.** A *Spring Park Master Plan* should be developed prior to making any of the following permanent improvements at Spring Park. The Master Plan process should allow additional public input. The Master Plan should conform with the general recommendations of this Management Plan which are intended to protect natural resources. The Master Plan should be jointly funded by NCPD, Milwaukie, and Portland.

- PF-2.** **Access.** Improvements to enable appropriate access to Spring Park and Elk Rock Island are needed. No improvements for public access to the Elk Rock escarpment on the west side of the Willamette River are proposed, but access for its use as a botanical sanctuary would need to be arranged.

- PF-3.** **Parking.** Parking is needed to accommodate typical high season use levels and to avoid impacts to the residential neighborhood. Parking should include accommodation for visitors in wheelchairs. Parking should be situated to accommodate enforcement.

- PF-4.** **Entrance.** An entrance that is attractive and informative is needed to invite visitors onto the site and encourage them to use the park area in an appropriate manner. Should be unambiguous for the first-time visitor and visible from the parking area or right-of-way.

- PF-5.** **Trails.** A trail system that enables visitors to use the park in the appropriate manner except during high water is needed. Trails at Spring Park should be of sufficient width and easy grade (5% maximum) to accommodate

Implementation Schedule

visitors confined to wheelchairs. Trails at Peter Kerr Park should be no greater than moderate grade (12% maximum). Re-routing or redesign of trails to minimize impacts to sensitive areas (wetlands, exposed rock face, and xeric forest) should be completed. No bridge is needed between Spring Park and Elk Rock Island.

- PF-6. Park Furnishings.** Park furnishings such as benches and garbage cans should be available in minimal numbers and in appropriate locations at Spring Park. Public rest-rooms, picnic tables and drinking fountains are not needed.
- PF-7. Playground.** An earlier assessment done by the City of Milwaukie had determined that there was a local neighborhood need for a children's playground at Spring Park. If alternate locations cannot be found, a small playground could be developed at the east end of Spring Park without negatively impacting natural resource values. If developed, the playground should be easily visible from the right-of-way, should be separated by a fence from the railroad, and should be designed to blend with the site using natural materials (e.g., boulders, timbers).
- PF-8. Fencing/Screening.** Fencing along the south edge of Spring Park is needed to indicate the property line between park and adjoining private property. To minimize visual impact, the western portion of the south property line should be indicated by a post-and-cable system rather than fencing. And as just mentioned, fencing would be needed between Spring Park and the railroad line if a playground is developed. Native plants should be planted next to fencing to screen fences from view.

Implementation Schedule

Public Information Management Actions

As with the needed facility improvements, information about the site is recommended to encourage appropriate uses. Information provided should assist with orientation, provide positive cues for appropriate use, and provide natural resource information including information on wildlife, wildlife habitat, geology, plants, and riparian factors. Information on the Willamette River Greenway is also recommended.

Information presented should be consistent with information that is presented for other Portland area natural resource sites. This can be accomplished through the use of similar graphic styles and materials. Where possible maps should be used that provide a greater context and a connection with other resources.

Some on-site information should be developed which will enrich visitors who may not have encountered any other information about the site.

- PI-1. Kiosk.** A general information kiosk should be located near the entrance to the natural resource area. Should include a map, cues for behavior, greenway information, and general information about the natural resources at the site.
- PI-2. Trail Signs.** Small directional signs at some trail junctions should be provided which indicate the name of the trail and/or a destination. Trail signs might also remind users that trails are for pedestrians only.
- PI-3. Points of Interest.** Signs at key points of interest could be provided which call the visitors attention to significant natural resource features. These signs could also be related to other information available about the resource.

In addition to on-site information, other information pieces could be developed for distribution. This would provide the means for more in-depth information and the means for reaching potential park users.

Implementation Schedule

- PI-4. Brochure.** A brochure could be developed which describes Spring Park and Peter Kerr Park, provides access information, and a map. It could also provide information about the Friends organization and volunteer opportunities.
- PI-5. Map.** A map should be developed which clearly indicates the access points, trails (with length and accessibility noted), and major points of interest.
- PI-6. Self-Guided Tour.** A self-guided tour could be developed which would enrich the experience of the unaccompanied visitor. The self-guided tour could take the form of either a booklet or a tape or both. Tapes could be available from the local library.
- PI-7. Study Guide.** Study guides could be developed for Spring Park and Peter Kerr Park to assist teachers as the site is used for outdoor classroom purposes.

Implementation Schedule

Public Service Management Actions

- PS-1. Park Agency Cooperation.** Continued cooperation between NCPD and Portland Parks and Recreation is recommended. The management plan should be used by both agencies to provide consistent policies and efficient services. The management plan's implementation schedule should be updated annually and the plan itself should be reviewed on a periodic basis.
- PS-2. Volunteer Participation.** Citizen participation should be encouraged as a means to accomplish many of the recommendations included in the management plan. Appropriate roles for volunteer and related non-profit organizations such as the Friends of Elk Rock Island Natural Area, the Portland Audubon Society, and scouting and school groups should continue and, if possible, expand. Volunteers should be encouraged to provide interpretive services; to assist with clean-ups, trail maintenance, and vegetation management; to assist with resource monitoring; and, if possible, to assist with fundraising for improvements recommended by the management plan.
- PS-3. Police Response.** Improved response by police agencies is recommended. Until Elk Rock Island is incorporated into the City of Milwaukie, a memo of understanding among Portland, Milwaukie, and Clackamas County police and 911 agencies should be developed to increase the speed and certainty of response. Should Elk Rock Island be incorporated into Milwaukie, cooperation among agencies should continue by memo of understanding.
- PS-4. Fire Protection.** Continued cooperation among fire protection agencies is encouraged. Response plans should be reviewed to ensure that all of Elk Rock Island Natural Area is adequately covered. The feasibility of prescribed burns should be pursued in conjunction with natural resource management recommendations.
- PS-5. Park Codes.** A park code system that can be efficiently enforced is recommended. Park rules established for use in Clackamas County and adopted by NCPD and City of Milwaukie should be applied to both Spring Park and Elk Rock Island. If feasible, a schedule of fines or bail system should be considered and implemented in order to avoid the costly and ineffective current system requiring arraignment and charge by the District Attorney in the District Court.

Implementation Schedule

IMPLEMENTATION PLAN

(Unless otherwise noted Portland means Portland Parks and Recreation. NCPD means North Clackamas Park District. Friends means Friends of Elk Rock Island and Spring Park. OYCC means Oregon Youth Conservation Corp or other summer youth program.)

<u>Item</u>	<u>Responsible Party</u>	<u>Priority</u>
-------------	--------------------------	-----------------

PROBLEMS (INAPPROPRIATE USE)

- | | | | |
|----|-------------------------------|--|----------|
| 1. | Consistent policies and rules | Portland, Milwaukie
NCPD | high (1) |
| 2. | Enforcement of park rules | Portland Police,
Milwaukie, Friends,
neighbors | high |

PROBLEMS and NEEDS (PHYSICAL)

- | | | | |
|----|------------------------------------|------------------|----------|
| 3. | Fencing (Spring Park) | NCPD | medium |
| 4. | Trail re-routing (Spring Park) | NCPD
OYCC | high (2) |
| 5. | Trail re-routing (Elk Rock Island) | Portland
OYCC | high (2) |

Implementation Schedule

6.	Addition of amenities	NCPD	medium (2)
7.	Overhead powerline removal request	Milwaukie, NCPD	medium
8.	Parking, Entrance, & access improvements	NCPD, Portland Friends (grants)	medium (2)

PROGRAM NEEDS

9.	Monitoring program	Portland, NCPD Friends	high
10.	Management Plan (review, update)	Portland, NCPD	high
11.	Interpretive program	Friends, NCPD & Portland through other established programs (ELC, Zoo, Audubon, etc.)	high

INFORMATION NEEDS

12.	On-site information	Portland, NCPD Audubon, Friends, PSU Geology, River City Program	high (2)
-----	---------------------	--	----------

Implementation Schedule

Implementation Schedule

19.	Burn mesic forest for vegetation control; replace with natives (Elk Rock Island)	Portland Milwaukie & Portland Fire Dept., Oregon DEQ	medium (3)
20.	Eradicate Scot's broom from Xeric Forest. (Elk Rock Island)	Portland, Friends	high
21.	Eradicate Scot's broom & reduce cottonwoods from rockface area (Elk Rock Island)	Portland, Friends	high
22.	Remove blackberries; replace with natives. (Spring Park)	NCPD, OYCC Friends	medium
23.	Eradicate Reed Canary-grass in wetland; replace with natives. (Spring Park)	NCPD, OYCC Friends	medium
24.	Eradicate Purple Loose-strife in wetland; replace with natives. (Spring Park)	NCPD, OYCC, Friends	high

Implementation Schedule

25.	Survey rock face areas for rare plants (Elk Rock Island)	Portland	high
-----	--	----------	------

OPPORTUNITIES

26.	Botanical Sanctuary	Portland, Berry Botanic Garden	medium
-----	---------------------	-----------------------------------	--------

27.	Passive Recreation (supporting policies)	Portland, NCPD	high (1)
-----	---	----------------	----------

28.	Passive Recreation (programs, citizen involvement, supportive facilities)	Portland, NCPD Friends	high (2)
-----	--	---------------------------	----------

29.	Environmental Education (develop program plan)	Portland	high
-----	---	----------	------

30.	Playground need assessment	NCPD	low
-----	-------------------------------	------	-----

(1) Item is implemented through the Management Plan adoption process.

Implementation Schedule

- (2) Item can only be implemented when needed funding is secured.
- (3) Item is subject to securing needed permits.

Policy No.	POLICIES	Responsible Party	Priority	Schedule
1	Elk Rock Island Natural Area	Portland Parks, Milwaukie, NCPD	High	Effective upon plan adoption
2	Prohibited Traffic	"	"	"
3	Fire and Fireworks	"	"	"
4	Alcohol	"	"	"
5	Pets	"	"	"
6	Park Hours	"	"	"
7	Park Development	"	"	"
8	Incorporation of Elk Rock Island	Portland Parks, Milwaukie	"	1994-95

Implementation Schedule

Action No.	NATURAL RESOURCE MANAGEMENT ACTIONS	Responsible Party	Priority	Schedule
------------	-------------------------------------	-------------------	----------	----------

<i>General Recommendations</i>				
NR-1	Resource Monitoring	Portland Parks, NCPD	High	1995 and ongoing
NR-2	Geographic Information System (GIS)	Portland Parks, NCPD, Metro	High	1995

<i>Elk Rock Island (Peter Kerr Park)</i>				
EMERGENT WETLAND				
NR-3	Plant Native Plants & Eradicate Loosestrife.	Portland Parks	High	
MESIC FOREST				
NR-4	Burn Understory	P Parks, Milwaukie Fire Dept.	Med.	
RIPARIAN				
NR-5	Remove Blackberries	Portland Parks	Med.	
ROCKFACE				
NR-6	Eradicate Scot's Broom & Reduce Cottonwood	Portland Parks	High	
WILLAMETTE VALLEY GRASSLAND				

Implementation Schedule

Action No.	NATURAL RESOURCE MANAGEMENT ACTIONS	Responsible Party	Priority	Schedule
------------	-------------------------------------	-------------------	----------	----------

NR-7	Burn Grassland	P Parks, Milwaukie Fire Dept.	Med.	June 1995, 98, 01
NR-8	Seed with Native Grasses and Forbs	Portland Parks	Med.	Fall 1995, 98, 01

Elk Rock Island (Continued)

XERIC FOREST

NR-9	Reroute Elk Rock Island Trail	Portland Parks	Med.	
NR-10	Eradicate Scot's Broom	Portland Parks, Friends	High	1995 and ongoing

Spring Park

EMERGENT WETLAND

NR-11	Eradicate reed canarygrass and purple loosestrife in wetland area	NCPD	High	
NR-12	Fluctuate water levels in wetland area	NCPD	Med.	
NR-13	Plant native wetland species	NCPD	Med.	

RIPARIAN

Implementation Schedule

Action No.	NATURAL RESOURCE MANAGEMENT ACTIONS	Responsible Party	Priority	Schedule
NR-14	Remove blackberries	NCPD	Med.	
NR-15	Reroute or boardwalk the trail to Elk Rock Island	NCPD	High	After Spring Park Master Plan

Implementation Schedule

Action No.	PUBLIC FACILITIES MANAGEMENT ACTIONS	Responsible Party	Priority	Schedule
------------	--------------------------------------	-------------------	----------	----------

PF-1	Spring Park Master Plan	NCPD	High	1995-97
PF-2	Access	NCPD	Medium	After completion of Master Plan and within 10 years.
PF-3	Parking	NCPD, Portland Parks	Medium	"
PF-4	Entrance	NCPD	Medium	"
PF-5	Trails	NCPD, Portland Parks	Medium	"
PF-6	Park Furnishings	NCPD	Medium	"
PF-7	Playground	NCPD	Medium	"
PF-8	Fencing/Screening	NCPD	Medium	"

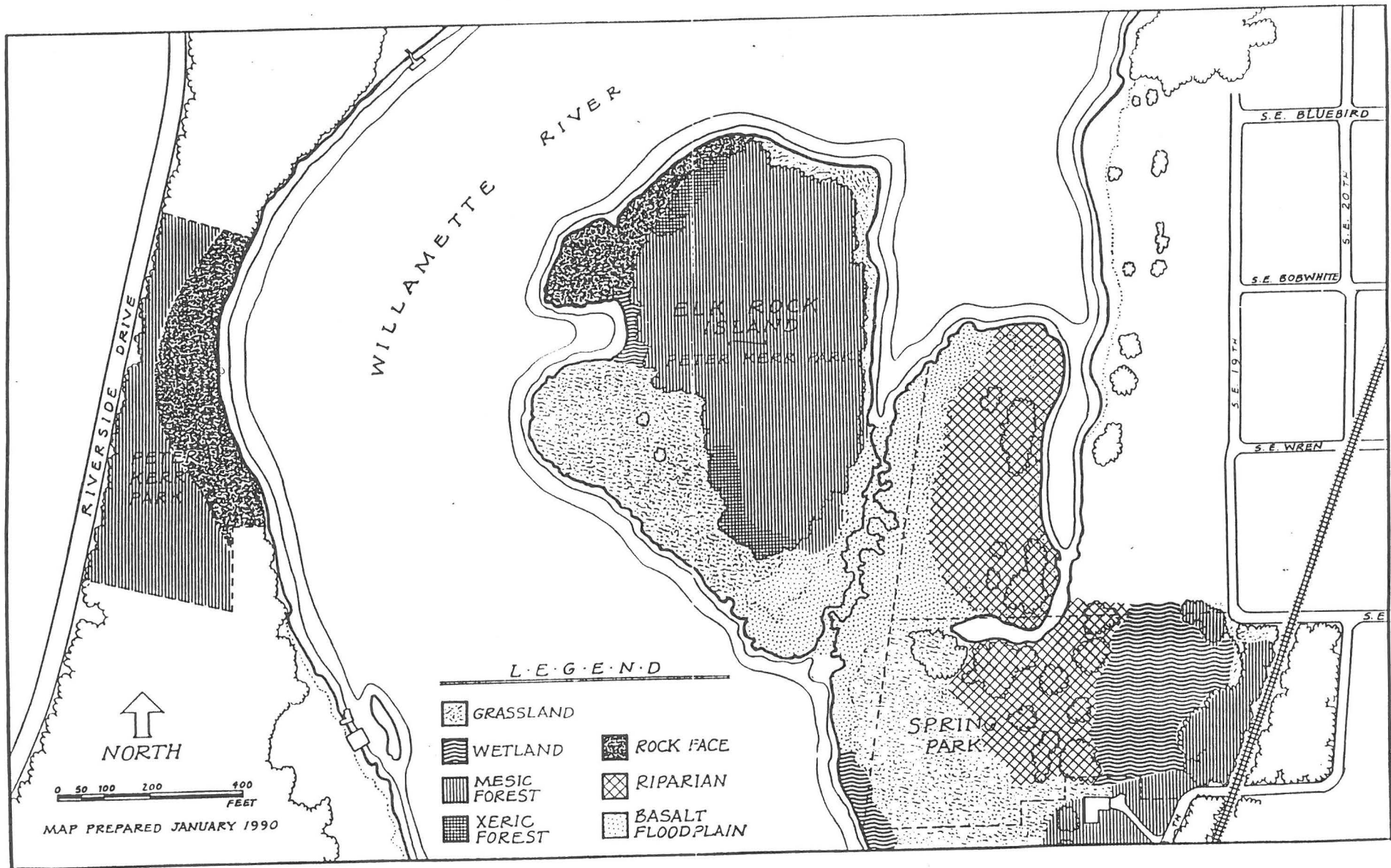
Implementation Schedule

Action No.	PUBLIC INFORMATION MANAGEMENT ACTIONS	Responsible Party	Priority	Schedule
PI-1	Kiosk	NCPD, Portland Parks	Medium	1995-97 After completion of Master Plan
PI-2	Trail Signs	NCPD, Portland Parks	Medium	1995-97 After completion of Master Plan
PI-3	Points of Interest	NCPD, Portland Parks	Medium	2000-2010 After Completion of Master Plan
PI-4/5	Brochure/Map	NCPD, Portland Parks	High	1995-96
PI-6	Self-Guided Tour	NCPD, Portland Parks	Med.	1996-98
PI-7	Study Guide	Portland Parks, NCPD, North Clackamas School District	Med.	1998-2000

Implementation Schedule

Acti on No.	PUBLIC SERVICE MANAGEMENT ACTIONS	Responsible Party	Prior ity	Schedule
-------------------	--------------------------------------	----------------------	--------------	----------

PS-1	Park Agency Cooperation		High	
PS-2	Volunteer Participation		High	
PS-3	Police Response		High	
PS-4	Fire Protection		High	
PS-5	Park Codes		High	



AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE ELK ROCK ISLAND NATURAL AREA MANAGEMENT PLAN AS AN ANCILLARY DOCUMENT TO ORDINANCE NUMBER 1666, THE COMPREHENSIVE PLAN (CPA-94-05).

WHEREAS, the Comprehensive Plan includes an objective of maximizing the use of existing City parks consistent with their natural features and carrying capacity; and

WHEREAS, the City has undertaken a coordinated public review process with the City of Portland and the North Clackamas Parks and Recreation District to examine the use of Spring Park and its relationship with Elk Rock Island; and

WHEREAS, this review process has resulted in a proposal to improve law enforcement and natural resource management for Spring Park and Elk Rock Island and allow annexation of Elk Rock Island; and

WHEREAS, this Comprehensive Plan amendment was considered at public hearings before the Planning Commission on November 8, 1994, and the City Council on December , 1994,

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

Section 1. Findings. The following Findings of Fact are provided in support of the proposed amendments:

- a. Chapter 2-Plan Review and Amendment Process (Objective 1, Policy 7) of the Comprehensive Plan requires all plan amendments be evaluated based on the following five criteria:

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

Chapter 2, Objective 1, Policy 1 requires the Plan be monitored and updated to maintain a factual data base. The Elk Rock Island Natural Area Management Plan provides inventory and management data for both Elk Rock Island and Spring Park. This data will be further refined upon development of the Spring Park Master Plan as proposed by this Management Plan. The above is consistent with the Planning Concepts of Objective 2 of the Open Spaces, Scenic Areas, and Natural Resources Element. The concepts therein call for a coordinated effort to preserve the natural values of Elk Rock Island.

2. Public need for the change.

As stated in 1. above, and implied in the Goal Statement and Planning Concepts for the Open Spaces, Scenic Areas, and Natural Resources Element, designating natural resources and accurately

EXHIBIT #	<u>2</u>
DATE	<u>11/8/94</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>3</u>
FILE #	<u>020.011.05</u>

depicting those resources by the Comprehensive Plan will serve a public need for enhanced natural and scenic resources "in order to create an aesthetically pleasing urban environment".

In addition to the above, the Elk Rock Island Natural Area Management Plan will solve an ongoing law enforcement jurisdictional problem by providing a mechanism for the annexation of Elk Rock Island to the City of Milwaukie. This would place Milwaukie as the primary emergency responder to the Island.

3. Public need is best satisfied by this particular change.

This Management Plan will set up a mechanism for cooperation between the City of Milwaukie, the City of Portland, and the North Clackamas Parks and Recreation District for the management and improvement of Spring Park and Elk Rock Island. The Management Plan will require annexation of Elk Rock Island to the City of Milwaukie to solve jurisdictional problems. A Master Plan will also be required to be developed for Spring Park so as to address access, improvements, parking, enforcement and other issues. Long standing problems associated with both Spring Park and Elk Rock Island will be addressed and resolved as part of the implementation of this Management Plan. Therefore, public need for problem resolution will be satisfied. In follow-up, once Elk Rock Island is annexed, appropriate Comprehensive Plan designation and zoning would be applied by the City of Milwaukie to reflect the open space and resource character of the site.

4. The change will not adversely affect the health, safety, and welfare of the community.

Implementation of the Elk Rock Island Natural Area Management Plan will promote the health, safety, and welfare of the community by setting up mechanisms to: solve jurisdictional problems, improve Spring Park, foster neighborhood involvement and community policing for the Spring Park area, and improve law enforcement for the area.

5. The change is in conformance with applicable Statewide Planning Goals.

Statewide Goal 5 (Open Space/Natural Resources) promotes the identification and preservation of open

spaces and natural resources. When Milwaukie's Comprehensive Plan was first acknowledged by the State Land Conservation and Development Commission in 1980, several areas were designated for public and open space purposes. These designations were expanded and new Comprehensive Plan language and zones created (/NR and /HP) as part of the Periodic Review Process which was adopted by the City in 1989. Although the State has not as yet acknowledged Milwaukie's Periodic Review submittal, the City Council adopted the current Comprehensive Plan by Ordinance 1666, including findings that address local and Statewide goals and policies. Refinements to the Comprehensive Plan, such as the adoption of ancillary documents that serve to implement the Plan, are consistent with the intent of Goal 5.

Section 2. Adoption. The document titled "Elk Rock Island Natural Area Management Plan" and dated _____, 1994, is hereby adopted as an implementing document of the Open Spaced, Scenic Areas and Natural Resources Element, and the Recreational Needs Element, of the City of Milwaukie Comprehensive Plan.

Read the first time on _____, 1994, and moved to a second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1994.

Craig Lomnicki, Mayor

ATTEST:

City Recorder

Approved as to form:

O'Donnell Ramis Crew Corrigan & Bachrach
City Attorney



Memorandum

RC

To: Chief Brent W. Collier / Dave Krogh Community Development
From: CRAIG STENSRUD
Date: October 25, 1994
Subject: ELK ROCK ISLAND MANAGEMENT PLAN

This position Paper is in response to the questions outlined in the October 14th memo from Dave Krogh on policing issues linked to the Elk Rock Island Park.

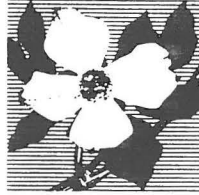
The Clackamas county Sheriff's Office is the primary law enforcement provider to Elk Rock Island. When a call for service to Elk Rock Island is made to the Milwaukie City dispatch, it is referred to Clackamas County for a Sheriff's response. If the Sheriff's Office request that the City handle the call, we do. If they request a cover car for a call, we respond. The Milwaukie Police Department is more capable to respond to the calls for service than the Clackamas County Sheriff's Office or Portland Police Bureau.

The peak call load time is during the summer, then the fall. During the winter and spring when the water blocks foot access to the island there are no calls. During the summer and fall we average a call every other week.

I see a drop in the call load upon annexation if two things happen. If the Island receives limited patrol and some much needed minor improvements to the entrance to Spring Park were made. The Milwaukie Police Department is in a better position to provide a limited patrol than any other agency. If the neighborhood association starts and supports a Citizen Patrol Program for the area it would future reduce the problems with the park.

EXHIBIT #	3
DATE	11/8/94
SUBMITTED BY:	Stoff
# OF PAGES	1
FILE #	CPA-94-05

CITY OF MILWAUKIE



**COMMUNITY DEVELOPMENT
PUBLIC WORKS**

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

*****MEMORANDUM*****

COMMUNITY DEVELOPMENT DEPARTMENT

TO: MILWAUKIE PLANNING COMMISSION

THRU: MAGGIE COLLINS, COMMUNITY DEVELOPMENT DIRECTOR

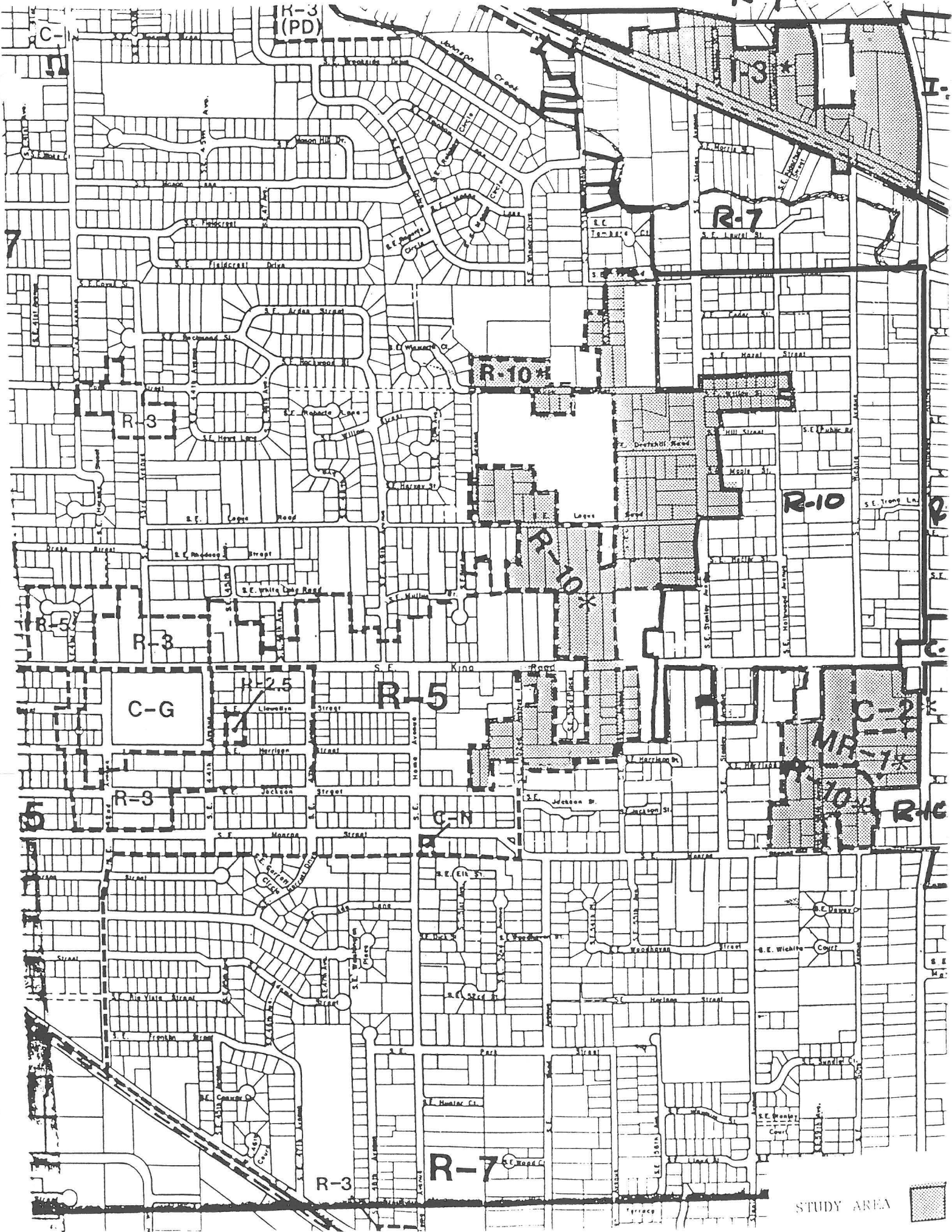
FROM: JIM CRUMLEY, ASSOCIATE PLANNER

**RE: COUNTY REZONE PROJECT
CPA-94-04/ZA-94-01**

At the worksession on October 25, 1994, Commissioner Trotter requested that a map be prepared which identifies the adjacent County zoning to the east of the project area. Attached is a rough map indicating the surrounding zoning. A full size display map will be prepared prior to the public hearing on November 22, 1994.

JC:jpg

R-7



STUDY AREA

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF MILWAUKIE

October 31, 1994

To: Milwaukie Planning Commission
From: Maggie Collins, Community Development Director
Re: Community Development Department Report for November
8, 1994 Meeting.

Action Requested

For your information.

Discussion

LEGAL ADVICE. Please review the attached memo from the City Attorney's office regarding the 120-day "clock." Staff has reviewed it and in the main, we believe that we comply; however, we probably will do a bit of fine-tuning on the application form.

CITY-COUNTY NETWORKING. Beginning next Monday, C.D. staff will be attending part of the Clackamas County Planning Staff meeting. The following Monday, Clackamas planners will come visit us. We are trying this as a way to exchange information at the appropriate level, and to get a better idea of the range of issues that each staff works with.

PERSONNEL. Diana Myrvang has been hired to serve as the Department's Public Involvement Coordinator on a full-time basis for a period of about 18 months. She is funded mostly by S/N Light Rail Study monies allocated to Milwaukie. Shirley Hamilton has been hired as the full-time reception and counter person at the Johnson Creek Facility. She comes from Medford, and this is her first experience working in the public sector. She is already learning Planning Commissioners' names.

NEW TELEPHONE NUMBER. The Community Development Department's number is 786-7650. Direct dial lines to C.D. staff are as follows:

786-7651: Maggie Collins
786-7652: Debbie Bischoff
786-7653: Dave Krogh
786-7654: Jim Crumley
786-7655: Jeanne Garst
786-7656: Marcia Hamley
786-7657: Diana Myrvang
786-7658: Temporary/Intern.

This system is programmed to go to voice-mail if the staff person is not available. You can also get back to the reception desk. Please let us know how this system works--we're open to feedback!

cc: Dan Bartlett
C.D. Staff

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH

ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

DATE: September 30, 1994
TO: Dan Bartlett, City Manager
FROM: Pamela J. Beery, City Attorney's Office *PJB*
RE: 120 Days Versus the Writ of Mandamus

Local governments lost a land use tool recently when the state's highest court held that the legislature really meant it when it said a land use decision is required within 120 days of a completed application. There is no longer a "grace period."

In other words, if you make your decision after an applicant has filed in circuit court for a writ of mandamus, the court now retains the authority to issue the writ and compel approval of the application, by order of the state Supreme Court.¹

BACKGROUND

A decision is required within 120 days after certain land use applications are deemed complete. The requirement applies to an application for a permit, a limited land use decision, or zone change. ORS 227.178(1) If the government fails to decide within the 120 days, an applicant may apply in circuit court for a writ of mandamus to compel the government to approve the application. ORS 227.178(7)

In the past, local governments have been able to maintain control over an application as long they issued a decision before the court orders the mandamus. That is no longer true. The Oregon rule now is that if a decision has not been made within 120 days, and if the applicant has requested a writ of mandamus, then the court has the authority to issue it, regardless of any action taken on the application by the government before the court issues the writ.

¹ State ex rel Compass Corporation v. City of Lake Oswego, 319 Or 537, P2d ____ (1994). The court said, "If a city could avoid the mandamus remedy by denying the application on the eve of a court hearing, the incentive to make a timely decision within 120 days would disappear." Id. at 545. In addition, the City was required to pay attorneys' fees in this case.

Memo re: 120 Days Versus the Writ of Mandamus
September 30, 1994
Page 2

Of course, the writ of mandamus is not automatic. The applicant must ask for it, and the city can defend itself. However, the court must issue the writ unless the city can "show that the approval would violate a substantive provision of the city comprehensive plan or land use regulations." ORS 227.178(7) The "showing" required to deny the writ is not explained. The Supreme Court's opinion does not address it. Because the standard is vague, you are much better off making your decision within 120 days, and avoiding circuit court.

PLAN OF ACTION

- A. Keep a close watch on the 120 day clock, and make your decisions on time.
1. The first step is to set a date for your determination that an application is complete. A clear statement should be sent to the applicant.
 2. Count out the 120 days and write the date on the application file.
 3. Some events can stop the clock. The person responsible for the case file should keep track of each time out, and calculate a new 120 day date.
 - a. The applicant can request an extension for a reasonable length of time. ORS 227.178(4).
 - b. The clock can be stopped temporarily, i.e., if there is a continuance pursuant to ORS 197.763(4)(b) or the record is held open in a quasi judicial hearing pursuant to ORS 197.763(6). This statute does not apply to limited land use decisions.
- B. The 120 day clock does not apply to all land use decisions.
1. The 120 day clock applies to an application for a permit, a limited land use decision, or zone change. ORS 227.178(1) A "limited land use decision" is defined in the statutes as approval or denial of a subdivision, partition, or an application based on a discretionary standard for a use that is generally permitted outright. ORS 197.015(12)

Memo re: 120 Days Versus the Writ of Mandamus
September 30, 1994
Page 3

2. The 120 day period does not apply to comprehensive plan or land use regulation amendments or new regulations. ORS 227.178(6)

C. Ask for a written waiver.

Ask for a written waiver from the applicant of the 120 day rule in cases where they request continuances or additional time to perform certain tasks.

If you have any questions regarding the decision or this memorandum, please call.

jlh\70003\120DAYS.ME1