

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, February 22, 2011  
7:00 PM**

**COMMISSIONERS PRESENT**

Nick Harris, Vice Chair  
Scott Churchill  
Lisa Batey  
Chris Wilson  
Mark Gamba

**STAFF PRESENT**

Katie Mangle, Planning Director  
Li Alligood, Assistant Planner  
Damien Hall, City Attorney

**COMMISSIONERS ABSENT**

Jeff Klein, Chair

**1.0 Call to Order – Procedural Matters**

Vice Chair Harris called the meeting to order at 7:02 p.m. and read the conduct of meeting format into the record.

**2.0 Planning Commission Minutes – None**

**3.0 Information Items – None**

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

**5.0 Public Hearings – None**

**6.0 Worksession Items**

- 6.1 Summary: North Clackamas Park North Side Master Plan Discussion  
Staff Person: Li Alligood

**Li Alligood, Assistant Planner**, provided a brief staff report, noting that the worksession was to address questions raised by the Planning Commission at the public hearing on July 27, 2010.

She briefly reviewed the Commission's requests as follows:

1. Present the North Side Master Plan in the context of the entire park.
2. Explain the timing of the proposal and the time lapse between the final plan and the City's legislative application.
3. Discuss how parking functioned throughout the park.
4. Describe the alternatives considered when deciding where to locate different uses, specifically with regard to the southwest corner of the park.
5. Consider adding language to the plan to ensure that the creek was allowed to adapt over time.
6. Provide information about potential grants and the impact of a Master Plan adoption on eligibility for the grants.
7. Explain how what was finally adopted by City Council differed from what was adopted by the Commission regarding the ball fields application CSO-05-02.
  - She noted the staff report for the CSO-05-02 appeal outlined those differences and

was included in the meeting packet.

**Michelle Healey, Manager, North Clackamas Parks and Recreational District (Parks District)**, introduced Katie Dunham, a planner with the Parks District who had been working on the park master plan project all along.

**Katie Dunham, Planner II, Parks District**, reviewed the North Clackamas North Side Master Plan Map and its key features via PowerPoint, providing background about the Parks District and North Clackamas Park (park), and addressing the questions posed by the Commission in July 2010, all of which was included in the meeting packet. She noted that adoption of the Master Plan would formalize the community's vision for the North Side of the park and provide guidance for future improvements, which does not currently exist in the City's Comprehensive Plan.

**Ms. Dunham** and **Ms. Healey** responded to clarifying questions and comments from the Commission as follows:

- While the staff report noted a shared use of the ball fields for soccer, no soccer was taking place due to how busy the fields were currently; however, the fields were available for soccer or ball field use when scheduled events were not occurring.
  - Soccer could be played during available open time at the fields. Club teams or a group of people wanting to play soccer would be directed to certain times to use the field. The field could also be used spontaneously if no tournament or game was occurring at the time. The fields were youth size, so would not be used formally by an adult team, though pick-up games were possible.
  - There was no formalized use or scheduling for the fields. Field maintenance was an issue due to the current high usage. Soccer use was encouraged where more space existed, such as at Alder Creek, Hood View, or at the high schools.
- The equestrian arena facility has been at the park for a long time, but over the years the scheduled events of the past have died off. There was some infrequent use, but it was not being used to its maximum capacity. The Stewardship Committee for the park has been discussing how to promote the facility.
- The parking management plan, developed when the ball fields were completed, did include a shared parking agreement with Turning Point Church. The Parks District found that parking was not an issue on a regular basis; the existing parking was sufficient for all the uses within the park.
  - The additional area shown on the map indicated a reconfiguration of the existing gravel parking that currently accommodated about 25 vehicles. The number of parking spaces and details would be part of a future land use application.
  - One reason for changing the parking regards a crushed culvert on Mt. Scott Creek.
  - The uppermost parking shown was partially located where the picnic structures are currently located.
- The project timeline shown for the Mt. Scott Creek Restoration Project was pretty aggressive. The project had been presented to the community, but it was unlikely that the application would be presented in June. The Parks District just wanted to make the Commission aware of the project.
  - Each piece of the Master Plan would come before the Commission for review and further adjustments could be made.
  - The project had survived the first cut from Metro in the grant award process. If it was grant-funded, this project would likely come to the Commission first and addresses a lot

of the natural resource improvements proposed in the park. Currently, the Parks District does not have any funding budgeted to do any park improvements, so grant funding would be necessary.

- The new restrooms on the north part of the park would be on sewer service.
- Provisions for telecommunication facilities had not been considered in the Plan.
  - Such areas were ideal to install a telecommunications facility which would be incredibly income-generating.
- The Parks District was trying to comply with the County's Sustainability Plan and had looked at some sustainability improvements in some other parks. If the parking lot was permitted, they wanted to look at best practices for stormwater management and water quality treatment. Natural Resource Coordinator Tonia Burns has been working at the park specifically with the stream and creek.
  - Other communities might be good resources for specific practices or new ideas, like using alternative pest management, keeping the green waste on site, etc.
  - The Parks District does pay attention to available sustainability options.
- Was there a timeline for the equestrian arena facility where an alternative would be considered due to inactivity? Removing the "keep out" signs was suggested.
  - There had been talk over the years about the arena having to stay in the park because it was restricted in the deed. An attorney was currently reviewing the matter. No timeline for changes was proposed for the arena, but steps were being taken to get information as to what it might take if that discussion were to happen.
  - Part of the arena redevelopment was partially funded by a grant through the Oregon Parks and Recreation Department, which was something to consider if that part of the park were to be replanned or redeveloped.
- Over the years, the Parks District had talked to a variety of different park agencies and had visited many different dog parks during the planning process. Ultimately, having more facilities throughout the district was the goal. More space was needed because the park was popular. Ms. Healey would prefer buying additional land for a dog park rather than doing such improvements at the park. In talking to other agencies, they found dog parks were a challenge for everyone in some form or fashion.

**Commissioner Churchill:**

- Advised that the Parks District to talk with the Gabriel Park manager, as it was one of the better managed parks. One thing Portland Parks and Recreation did was give the summer dog park a rest by closing it and opening the winter dog park, which was primarily sand and acts as a bioswale of sorts.
- Suggested using the arena as a multi-use facility since not a lot of equestrian activity occurred in the winter. The arena could be reconditioned. Equestrians have complained that the arena turf was pretty horrible, and they would not bring their worst horse to the arena. Closing it for winter dog use and getting it back in better shape for equestrian use in the spring might make better use of the same space without having a deed restriction challenge. This would also allow the dog park used for summer to recover during the winter.
  - **Ms. Healey** agreed being able to alter the dog use areas was a great option. She noted the arena footing had been improved quite a bit and had much better drainage. The Parks District would need to do some public outreach before implementing the multi-use plan suggested. It was something to consider, and it would be great to reduce some of the demand in the existing dog park.
- Added if it was not in the arena, some other portion of the southwest corner of the park would be a good spot to consider. This would enable the dog park to recover since it was so

heavily used.

**Commissioner Batey** commented she was probably the most supportive of the Master Plan back in July. Her biggest concern was that she did not want any more pavement in the north side than necessary. She would be watching the wording in the findings of the staff report regarding the new parking lot on the north portion.

- Parking lots should not be built for the worst day. The parking stress was coming from the ball fields. Instead of the ball field overflow being channeled to the church, it was going into the Milwaukie Center lot. She wanted to see compliance with the ball field parking overflow going to the church so parking could be preserved for other uses in the area without laying a lot of new pavement.
- Otherwise, the Master Plan looked great.

**Commissioner Gamba:**

- Agreed with Commissioner Batey on the parking lot issue.
- Stated the subject area naturally would be a flood plain. To be the best habitat possible, the area needs to be able to flood where it wanted. He understood it had flooded quite a ways into the park even without having 100-year flood events.
  - **Ms. Healey** replied the park does experience flooding during high rain events.
- Asked if the flooding issue had been considered in this Plan and had they looked into extending the riparian area to allow braiding so that the creek flows naturally.
  - **Ms. Dunham** responded the initial plan is to expand the wetland buffer outside of the 50-ft line to 70 ft. This began when the south side of the park was developed.
  - **Tonia Burns, Natural Resource Coordinator**, agreed a natural flood plain would have a lot of braiding. The issue was balancing uses in the park and the City needed to decide what to use the land for. There was probably a braid that went from Mt. Scott to Camas Creek in the upper area and another one a bit lower that connected the two more often and possibly with wetlands in between which might still exist. Currently, a picnic area was located there which was popular in the summer when it was dry. If the area was to become more natural, decisions needed to be made, such as moving the picnic area or limiting access to certain areas. It was a matter of balancing what the community desired and what nature needed and desired.
  - **Ms. Healey** stated that the park was identified as an important resource in the watershed planning for the whole Mt. Scott area. The Parks District was working to do the best improvements possible while still making it available for citizens to use as a park. Oregon Department of Fish and Wildlife (ODFW) and other regulatory agencies had offered some best practices and best ideas. Within the grant application, they were trying to do things to improve the creek, such as taking out the crushed culvert to improve the creek's natural flow. There were constraints up and down the creek that had an impact on how flooding occurred in the park. It was a big watershed-wide effort. The Parks District would do their best to work with the regulatory people and Clackamas County Water Environment Services (WES) to be the best stewards they could for the park, while still allowing access to it.
- Suggested looking at the natural flow of the creek and then determining where to place the picnic area instead of the other way around.
  - **Ms. Healey** stated they tried to look at how the flooding occurred, which varied in the wintertime versus summer. They did not want to disturb more of the park than necessary and were trying to provide the best access possible, which involved making choices and balancing. The Parks District was always willing to consider doing things differently and

was open to suggestions.

- They have worked to protect some areas, like the Camas Creek area behind the Milwaukie Center (Center), as well as create some reserved areas for wildlife and expand the buffers. The Parks District recognizes the need to protect natural resources, but also wants to let people access the facility.

**Elizabeth Young, 10232 SE 37<sup>th</sup> Ave, Milwaukie**, stated that she served on the Friends of Milwaukie Center Board of Directors. She was concerned about the traffic pattern in front of the Center where 12 ADA spaces exist. It was important for the Commission to understand what occurs when events take place at the Center, which was two, three, or more times per week. People parking in the ADA spaces had trouble moving around. One or more busses are often parked in front of the Center to load and unload visitors, which served not only senior citizens, but those who with Alzheimer's or are paralyzed. The buses could be parked there for an hour or so, making it difficult for those parking in the ADA spaces to access the building. Those in the ADA parking spaces have to cross through that same, very narrow space where active families and others pass through, hurrying to get to the dog park or other areas. This did not make sense and was not a safe situation. She believed that area should be just for patrons of the Center and indicated that those going to the dog park should use a different route.

- She clarified that the Board of Directors had sent the Commission the letter in the packet; she was speaking personally tonight.

**Commissioner Batey** noted the letter that came from the Board had photos attached and also showed the busses sitting there. She asked why the busses stayed there instead of offloading and moving so they were not a visual obstruction.

- **Ms. Young** replied she did not know and had wondered the same thing. She agreed moving after offloading would alleviate the congestion a bit, but it was not the complete answer.

**Dick Shook, 4815 SE Casa Del Rey Dr, Clackamas County**, stated he has been a neighbor of the park since 1976. He agreed the congestion in front of the Center was a problem. Many of the people arriving needed the hydraulic lifts on the bus and each individual took a while to load and unload.

- He noted there used to be some great events at the horse arena, such as equestrian shows, dressage, and even small jumping events. After the arena was rebuilt, the access had not been advertised, and it had been confusing to get back there. He had sat in on a lot of the Stewardship Committee meetings, which included an equestrian representative and the arena is being used and had been picking up a bit this winter.
- One thing proposed at a recent Stewardship Committee meeting was to install a handicap mounting facility to bring in some programs that used horses and horseback riding with handicapped individuals. He heard that Clackamas County had one of the largest equestrian populations in Oregon. Use could increase with marketing and promotion. The person representing the equestrian people on the Stewardship Committee was working with the 4-H program and hoped to develop a summer program for a horse show. When it rained during winter, the whole park was wet. It was a flood plain, so reduced use should be expected during the winter.

**Commissioner Wilson:**

- Asked if the low use of the equestrian area could be caused by the fact that it had been very popular, underwent renovation, and then was forgotten; but now it was starting to pick up again.

- **Mr. Shook** believed that was true. The arena was virtually closed for almost 2 years right after the ball parks opened. This was partly due to renovation, but also because the gate to the access road that came down the south side was locked and there was no signage to direct equestrians how to access the facility. With marketing and promotion, use at the arena would increase, but it was not like ball games where tournaments were more frequent and long lasting.
- He agreed that maybe a timeline was needed if the deed restrictions were lifted. He suggested keeping track of the usage over the next 5 to 10 years rather than arbitrarily removing the arena.

**Vice Chair Harris** stated that in light of the citizens' comments, when the Applicant returned with the Master Plan, it was important to look at the traffic flow past the Center. He suggested designing a holding zone for buses so they would not have to stay parked in front of the Center, possibly on the north side of the parking lot. Perhaps, it could be turned into 2-way traffic along the east side of the aisle.

- **Ms. Healey** stated the Parks District was concerned about the patrons of the Center as well as park users in general, and wanted the parking lot to be as safe as possible. Different configurations were considered when planning for the park, and they were open to conditions being required when the parking lot was discussed. She did not know the level of design work that was possible right now, but they could come up with different ideas for when the parking lot design took place.
- Asked how much maintenance was done on the footing for the arena currently.
- **Ms. Healey** replied that did not know the answer, but would find out.

**Katie Mangle, Planning Director**, reiterated that this was a worksession, noting the public hearing would be reopened and that all the material and minutes would be included in the record. She asked if the Commission received the answers they needed for the questions asked in July, and if they were comfortable reopening the public hearing to discuss the Master Plan. This was a legislative application, not minor quasi-judicial. The Commission had the chance to help craft the Master Plan and add suggested language into the document of specific things that would need to be included or considered for further development applications.

**Commissioner Gamba:**

- Asked whether staff wanted the information the Commission wanted to see in the Master Plan now, so it was already included when it returned for the public hearing.
  - **Ms. Mangle** replied specific things could be addressed now, but the Master Plan also was going to City Council, so did not need to be completely final at the Commission hearing.
- Stated the parking lot was problematic in several ways including: traffic issues in front of the Center, paving something that was currently permeable, adding parking that might not be needed, and paving something in a flood zone area that might be unnecessary. He would welcome the removal of the parking lot.
- Would like to see how the Master Plan could be adjusted to allow for braiding. The interconnection between Camas and Mt. Scott Creeks was pretty basic.
- Believed that addressing the arena was pointless due to legal restrictions.

**Commissioner Churchill** stated that he would like that to be explored further. Because the dog park was in a flood plain, extra care of the site was needed. The impact on Gabriel Park from dog walkers and their dogs caused a lot of harm, and it needed a break. Especially since it was a flat site, he strongly suggested that a winter park designation be considered. This would help

drive maintenance costs down and could be combined with or adjacent to the arena. He would like to see this as part of the revised application and public hearing discussion.

**Vice Chair Harris** stated that one issue he had last year was a Master Plan for a site that really only encompassed half the site. However, the Parks District had done what staff asked them to do: develop a Master Plan for the north half of the site. It looked like that precluded considering a dog park in the southern portion of the park. He asked if the Master Plan could be expanded to include the south side.

**Commissioner Batey** asked if the fact that this was a Master Plan about the north side precluded the Commission from having findings that addressed the arena or other uses in the south side of the park.

- **Ms. Mangle** responded that all the work that went into the Master Plan over the last several years needed to be considered. Many community meetings and discussions were held, and she believed some did include looking at the southwest corner of the park with the parks group. She was not sure what parameters were put on the project or participants. It was important to not change the rules this late in the process if it changed some of the assumptions of those who worked to develop the Master Plan.

**Commissioner Churchill:**

- Was concerned that a section of the park was being ruled out. At the last hearing they discussed looking at the southwest corner. He appreciated the work done through the multiple public hearings, but not addressing the southwest corner of the park was a missed portion of the Master Plan and it deserved some attention. Not that all the public hearings needed to be revisited, but some of the Commission's concerns should be addressed since the Parks District was requesting the Commission's support. The issue would be raised, and they should be prepared to discuss it.
- **Ms. Dunham** noted that a lot of public involvement was done throughout the process for the north side of the park, which included looking at the south side of the park as well as the dog park and whether it would be best planned to be at the arena or in the southwest section of the park. A large group of community citizens spoke out to say that would not be a good location for the dog park at this time. If the south side of the park were brought in at the next Commission meeting, and moving the dog park or changing the use of the horse arena were discussed, the Parks District would have to go back through an entire public involvement process to make that type of change.
- Stated the fact that the southwest corner of the park was discussed in those public hearings, but now the Parks District was coming to the Commission with the request not to discuss that area was inconsistent. The Commission wanted to discuss that area.
- **Ms. Healey** stated that during the planning for the north side of the park, the Parks District discussed moving specific elements to the southwest corner. Through that public process, the majority opinion was that was not where they wanted to go as a community. The Parks District was bringing the outcome of the whole process to the Commission. Because it had been discussed, they would need to go back out into the community and reopen the issue to let them know they wanted to revisit it and make changes. The Parks District did not want to make changes after the public had clearly said no in the planning process. There was so much history in the park. The goal in bringing this concept to the Commission was to present an overall picture, because the park had been piecemealed to date. They agreed to bring some concept for the north half which people were really concerned about. If the Commission wanted to reopen and revisit the issue, they would probably need to talk collectively about whether to invest in redoing a public process or

not; however, that funding was currently not available. The work that had already been done had cost \$50,000. Not to discredit the Commissioner's comments, but public process was indeed an issue.

- Stated he was frustrated. At the last hearing, the Commission had asked the Parks District to look back at the southwest corner of the park, as it was an important part that was not being studied. A Master Plan should address all portions of the park. Now the Commission was being advised that this had been discussed at public hearings before, but it was not part of the Plan and sort of an untouchable zone.
  - **Ms. Healey** stated that it was basically left as unprogrammed area that was open for things such as kicking a soccer ball around or equestrian use. Through the public process, that was what was left. If that were to be changed, there would need to be a public discussion. What was there was pending some future decision by the Commission or the City to do something differently. There was no capital funding available to change the south side nor was there anything in the Master Plan or Comprehensive Plan to change the south side.
- Noted some Commissioners would like to reduce hardscape, which would be a way to transfer capital funds and address some of the questions raised about the southwest corner of the park. He understood there were hearings that expressed a desire not to discuss the southwest corner of the park, but this body did not want to rule out that area.

**Commissioner Batey** confirmed that a lawyer was looking at the deed restriction issue. If one existed, the City was stuck for a portion of this. If no deed restriction existed, the question became whether there should be some kind of measure of an existing amenity that could be put to better use. Could something be done in this Master Plan, even though it was nominally the north side, to put some timeline on the arena, etc., for example?

**Vice Chair Harris** stated that beyond the arena, it looked like there was a lot of room for an off-season dog park in the unprogrammed play area.

- **Ms. Dunham** stated on 6.1 Page 4, under #7, part of the original application CSO-05-02 approved by the Commission for the south side of the park did include a soccer field in the southwest section of the park, north of the arena. During the 2005 appeal process, the decision was made and the final decision designated the soccer field as a youth soccer field, moving it to softball field #4 and leaving the area north of the arena as unprogrammed play area so it could be used however people needed or wanted. In 2005 and throughout the north side planning, the Parks District looked back upon that land use decision, and decided that the area would become unprogrammed play space. This was a piece of the history that is the south side that became part of the planning for the north side of the park.

**Commissioner Gamba** asked if the main concern was creating an off-season dog park in that corner of the park or that it appeared to be an unplanned portion of the park.

**Commissioner Churchill:**

- Responded it was both. He strongly encouraged discussions with the managers of Gabriel Park and to look at the damage on that property, which was not even in a flood zone but on a fairly hilly site with good drainage. In the interest of protecting County dollars and keeping maintenance as low as possible, the Parks District should give the dog park a chance to recover. The southwest corner provided a perfect opportunity. Even if it was just to the west of the arena, there was enough area to put in a winter dog park. The cost was miniscule and would help long-term maintenance costs and help the summer dog park recover so there



was no long-term reseeding or reparations. He wanted the overall use to be considered. This area was an eighth of the park that really had not been addressed. Given they were going to be looking at the legal implications of the deed restriction around the arena, he asked they also look at the southwest area.

- **Ms. Healey** suggested a condition of approval would be to do a public process to consider doing a seasonal dog run or something in the Master Plan for the north side, stating the Parks District needed to look at how the dog run was operated. Providing that direction would help the Parks District go back to the public without stopping the current process. Also, some considered unprogrammed space to be a programmed use. While a lot could be done in that space, the Parks District heard loud and clear during the south side process that a lot was being crammed in and some space that was open was desired. The unprogrammed space was used and considered an amenity; discussions would need to occur if they wanted to change and develop the unprogrammed use.
- Stated that in looking at the footprint of the large dog off leash area and the unprogrammed area, there would be minimal impact to the overall unprogrammed area in the southwest corner. Something even 3/4 the size of the large dog off leash area could fit easily within the unprogrammed areas and still leave a lot of unprogrammed area north of the arena. He encouraged the winter dog park option be considered. Not much maintenance was required, which would save money.
- **Ms. Healey** stated the Parks District would certainly consider the arena.
- **Ms. Burns** presented a diagram and stated the idea was to revegetate that whole area and have a trail that would connect to the loop trail for walkers. She also noted mitigation areas for swales.

**Vice Chair Harris** commented that the displayed diagram showed planning for the southwest corner that the Parks District did not want to put in the Master Plan for the park.

- **Ms. Burns** responded the diagram showed the plan WES was putting together. Currently two wetland mitigation areas were planned.
- **Ms. Healey** noted the Parks District clarified with the consultants that the trail was not in the plan for the south side. No plan existed to return with a paved, improved trail. The vegetation within the riparian area and wetland mitigation area was already part of the south side work being done.

**Commissioner Churchill** clarified he was not recommending putting a winter dog park in a riparian area; maybe it needed to go on the east side of the arena. He asked that the Parks District consider conceptual ideas. If they were not going to at least put it in the Master Plan on the north side, they should address the southwest corner of the park.

**Commissioner Batey** stated the fact that the Gabriel Park winter park was sand could make it possible to have a shared use for the arena, which seemed to be sand; in winter a dog park and in summer a horse arena.

- **Ms. Healey** stated the Parks District could talk to people about using the arena in the winter. They respected the public process and had learned from experience the importance of making sure they respected the public process.

**Commissioner Gamba:**

- Noted the material he read stated no additional parking was needed, so asked why additional parking was planned.
- **Ms. Healey** responded that part of that parking lot was an existing gravel lot used by Center patrons, people picnicking on weekends, etc. When the south side was finished,

there were concerns about more parking being needed and better, improved parking closer to the Center was requested. The Parks District was open to leaving the gravel lot as is or doing some improvements to it without expanding the parking. Parking had been able to be managed within the current uses. If the park was improved, more people could be coming which needed to be taken into consideration; however, the proposal was not for more intensive uses that would draw that many more people.

- Supported getting rid of damaged culvert and improving the water or fish passage and leaving the parking lot gravel for the time being.
  - **Ms. Dunham** explained that at this time, a larger parking lot was not being presented, but at some point, that parking lot could be improved to improve the creek and the surface of the parking lot. At this time, no funding was available to do this project, and that would be a future land use application. The Parks District did want to maintain the approximately 25 parking spaces that existed. Four spaces were saved for Center busses that parked there on a regular basis.

**Commissioner Churchill:**

- Commented it looked like a larger footprint was being shown on the plan.
  - **Ms. Dunham** responded that the plan was conceptual. Before it had been presented as 40 parking spaces; at this time they just wanted to continue having parking in that location for the Center and dog park.
- Noted that conceptually, they were doubling the square footage of the parked area.

**Commissioner Batey** stated the proof in the pudding would be what the findings and conditions said and how the Commission could condition it.

- **Ms. Healey** stated they heard those concerns at the last hearing and had actually pulled back on the size, because they did have 40 spaces and a larger area. The Parks District also wanted to change the language in the document to recognize that they should take a closer look at really how much parking was needed. Although they had not changed the drawing, they had changed the text.

**Commissioner Wilson** stated Mr. Shook had a great point about why the equestrian area use had waned. Mr. Shook's suggestion about waiting 5 or 10 years raised the concern that something would be created that would really inhibit the use such as a shared use. It seemed to be a great thing in the past and it could be a good thing in the future given the right amount of publicity and maybe some signage. Leaving the dog park fallow in one area and using it in another area such as the east side was a very good idea. The equestrian area should continue to be supported and more so with signage and publicity.

**Ms. Mangle** stated staff would work with the Parks District to see what kinds of changes could be made to the actual Master Plan. The continued public hearing would be scheduled and renoticed, because it had not been continued to a date certain. A sign would be posted on the site and notice mailed to everyone within 300 ft and those on the interested persons list. Everything from this meeting would be in the record and available to anyone who wanted it at the hearing. They would bring back the best shot for the Commission to decide what to do at that point.

## **7.0 Planning Department Other Business/Updates**

### **7.1 Summary: Planning Commission Notebooks and Code Binders**

The Commission proceeded to Items 7.2 and 7.3, which were added to the agenda.

## 7.2 Summary: Electronic Sign Code Amendments

**Ms. Mangle** explained this update was intended as a follow-up to discussion at the last meeting; not of the Code amendments themselves, but just the project management side. Because this specific project was driven by the Commission and staff's workload currently encompassed several large projects, she wanted to be clear about the Commission's direction and schedule regarding these Sign Code amendments.

- Milwaukie Code amendment procedures were distributed to the Commission, including an 11x17 sheet illustrating the detailed adoption schedule for updating the Sign Code in downtown only, and also regarding electronic billboards citywide.
- Staff sought feedback from the Commission about whether to focus only on the downtown-only aspect of the Sign Code, which would address the '76 Station, or also deal with the larger citywide problem of electronic signs.
- She wanted to acknowledge that even if moving either project along at a pretty good pace, neither would be effective probably until August because of the work that would need to be done; the larger citywide project would certainly not be effective until September at the earliest.
- A third option would be having the applicant submit an application on their own timeline and take on more responsibility themselves. They would still have to go through all the steps noted in red in the procedures, but it would probably put a little bit more of the burden on them to craft the findings and conditions and take responsibility for some of the public involvement.

**Commissioner Wilson** stated his frustration during the first hearing was if the Commission made a choice to go ahead with the application, it would create a way for other applicants to come in and do the exact same thing all the way down Hwy 99E.

- **Ms. Mangle** clarified that was an appeal of the Planning Director's interpretation of the existing Code. Upholding that interpretation kept the door closed on reader boards in downtown. During the decision, it was agreed the Planning Director was interpreting the Code correctly, but some Commissioners also wanted to change the Code so there would be some reasonable allowance for these kinds of signs. The applicant did a really good job of crafting what that could look like, but it did not take them all the way there.

**Commissioner Batey** stated if they were going to do it, why not just amend the whole Sign Code.

**Commissioner Churchill** stated if it would only take an additional month, they should go citywide.

**Commissioner Wilson** understood that Option 3, the private initiation of a legislative application, would not create the same problem, because that was specifically the Director's interpretation, etc.

- **Ms. Mangle** responded yes, this would be their application to amend the Code which was different than an interpretation of the Code; this would be new Code.
- She confirmed that Option 3 targeted their specific issue and so would be downtown. With the legislative application, the Commission would get to tinker with it and craft it, but it would not be opened to address other issues.

**Commissioner Batey:**

- Asked what the City had heard from citizens on the readerboard sign. Commissioner Gamba had received four calls, and she talked to one Neighborhood District Association (NDA)

leader who was just appalled by it.

- **Ms. Mangle** stated staff had not heard that much from citizens, but it had not been turned on very much. The sign permit had not been issued yet, but when it was staff would probably get more calls.
- Stated her concern was not just the readerboard aspect of that sign, but the sign was completely too big. Even if it were a sign for the business that it was sitting on, the sign was way too big for that building; it was completely disproportionate. If the Sign Code allowed for signs that big on the buildings, the Sign Code was really broken. She believed the Commission needed to prioritize.

**James Crawford, 12620 SW Foothill Dr, Portland**, stated the reason they were considering Option 3 was to move things along. They had an appointment with a judge in May. A fourth option would be for the Commission to direct the Planning Department to give this a higher priority, move it to the top of their workload, and get this resolved by April which would allow for the required 45-day notice to the State. If the City was looking at this as an issue, and the Commission saw it as a favorable recommendation to go forward to Council, they did not want to get fined by the judge in May only to have this all legal 2 or 3 months later. Option 3 was being considered in order to expedite this for an approval prior to seeing the judge.

**Ms. Mangle** confirmed it was not possible to have an effective date in April or even mid May with Option 3.

**Commissioner Gamba** believed the better option was to do whatever the Commission decided, whether downtown or citywide.

**Vice Chair Harris** took a straw poll about whether the Commission should focus the Sign Code amendments citywide or only downtown with Commissioners Churchill, Batey, Gamba, and Harris voting to go citywide, and Commissioner Wilson voting for Option 3 to allow the applicant to move forward.

**Commissioner Gamba** asked if the City could write a letter to the judge to say the amendments were moving favorably, would probably be resolved but probably not until September/October if the Commission decided to go citywide.

- **Ms. Mangle** advised that would be more appropriate coming from the Commission and not staff.

**Commissioner Wilson** noted staff had a huge load on their plate over the next months, and this was yet another huge project they were being given.

**Ms. Mangle** stated the conversation had not gone outside the Commission; staff had not yet talked to Council, Historic Milwaukie, etc. She noted that what might seem like a good idea in the room, might not have support to adoption. The legislative process had not been started yet. If the interested Commissioners and Applicant helped with those conversations, the process would go faster; if it was only she and Mr. Marquardt, the timeline would go beyond September.

**Commissioner Batey** confirmed that if it was citywide, the City would need to do outreach to all the NDAs in addition to the other groups mentioned no matter which scenario was chosen, except for Option 3.

**Commissioner Gamba** asked if staff expected pushback if the Commission was attempting to

make the '76 Station sign legal, and prevent signs like that on North Industrial from happening anymore in the city.

- **Ms. Mangle** answered yes, from property owners and sign companies. Four people showed up to the Code Tune-Up project hearing, and one was from Clear Channel. Every building owner had the right to have Clear Channel rent that capacity from them. In some ways, writing the Code could be the easy part on some of these projects. With the citywide project, she did not believe they would address sign size, but would focus on technology, and on some things the Code was silent on; or mimic some of ODOT's existing regulations, so they could say they were not actually changing anyone's rights because it was already not allowed by ODOT. Being strategic would minimize a lot of discussions.

**Vice Chair Harris** asked when the Sign Code would fit in the Planning Department's schedule if they went with Option 3. He did not want to delay working on the Sign Code too long.

- **Ms. Mangle** stated it would be one of the next projects on the list. Staff was planning to discuss this at the joint meeting with Council on March 1. In terms of staff availability, they were finishing up two big projects currently, the Natural Resource Amendments and the Code Tune-up Project, which was going to Council for adoption on March 1. The Natural Resource Project was scheduled to go to Council at the end of April. The bigger Sign Code project would be a 1-1 ½ years starting this summer.

**Commissioner Wilson** reiterated Option 3 was still a choice.

**Commissioner Batey** stated the Applicant could always do Option 3, so if staff was doing it, she preferred going citywide.

**Commissioner Wilson** noted the Commission was now directing staff to take this on and it was huge.

**Commissioner Churchill:**

- Understood it was an infill of the current Sign Code in respect to electronic media.
  - **Ms. Mangle** added the citywide option was not the citywide whole Sign Code. The citywide option would include the downtown reader board issue and addressing large illuminated outdoor advertising signs around the highways citywide, but in a very targeted, minimal way. It was doable although it would not be perfect. The timeline would not solve the Applicant's problem with the judge. Option 3 could result in a resolution closer to the timeline.

**Commissioner Churchill** commented that sending a follow up letter to the judge saying the Commission was still working on it would leave the applicant an option to say they were going to go with Option 3.

**Mr. Crawford** noted that part of the reason the judge did not look at the last letter was because it arrived the day of the hearing. Having the letter arrive next week would help them to know what the judge's thought was well before so they could start Option 3.

**Commissioner Batey** confirmed there would not be a problem sending a letter to the judge sooner rather than later. She agreed to write the first draft of the letter.

**Ms. Mangle** stated if the Commission wanted to proceed, she would need the Commission's

help talking to Historic Milwaukie as they were pretty skeptical about the original application. She asked what aspects of the project the Commissioners were willing to help on, such as the letter to the judge, talking to the Downtown Business Association, etc. She noted this was something the Commission should discuss with Council on March 1 as well. She agreed the letter to the judge should wait until after March 1.

Commissioners Churchill and Gamba offered to help out with Historic Milwaukie.

The Commission consented to proceed with Option 2, citywide, and send a letter to the judge as soon as reasonably feasible.

### 7.3 Summary: Kellogg Bridge design

**Ms. Mangle** stated staff wanted to set up a special meeting between the Design and Landmarks Committee (DLC) and Commission to discuss the design of the light rail bridge over Kellogg Lake. The City would be looked to for recommendations on the design of that bridge within the next month; some very important decisions needed to be made. This was a big project that would be going through Design Review and through Willamette Greenway Review. The Commission needed to discuss how they should be thinking about their role in the permitting process.

**Kenny Asher, Community Development and Public Works Director**, offered some context for the light rail project, the bridge, and what would be asked of the Commission. The bridge was the largest element and the biggest visual change that would happen in Milwaukie because of the project, which would change views, remove trees, add new gates, etc. The light rail project was on a fast track to get from 30% to 100% design within the next 9 months so a full funding grant agreement could be in hand for TriMet next summer. The design process was linked to the grant application process. Staff has encouraged TriMet to take their design process public; open houses would be held March 7, early April, and early May. At the March joint meeting, there would be a couple of options available, but by early April, they would be down to one preferred option. Now was the time for the DLC and Commission to see the work and get clear about the overall design and their role in and permitting the work. Tomorrow night, staff would have the same conversation with the DLC.

**Commissioner Gamba** said he attended the meeting a month or two ago with the two artists assigned to make the bridge pretty, better, or interesting. Someone from TriMet told him at that time that the actual design of the bridge was set in stone and all that could be done was add frick frack.

- **Ms. Mangle** replied they had not discussed that with staff yet. They were still working within a box in terms of type, size, and location, so it would not be a magnificent visual structure; however, the City was pushing for higher design quality with materials, lines, railings, etc. A lot of progress had been made since Commissioner Gamba had spoken to the artists, and there was still a long way to go.
- **Mr. Asher** described the baseline design of the bridge. Staff was focusing on whether the bridge should be concrete and steel and if the superstructure had to use trapezoidal tubs. The columns and underside of the bridge were important, as well as how it looked in the landscape and went over the lake. The Commission and the community were invited to start thinking through all those elements along with the design team and staff. A public design charrette would not be held for the bridge. As a functional bridge, it needed a certain number of columns in certain locations of a certain size that fit within a

certain budget and provided a certain functionality for light rail. Staff wanted to ensure that each element was properly thought through and if the whole thing worked as a composition. This was the type of input the community and the Commission should be providing.

**Commissioner Churchill** added the engineering of the structure or superstructure was already set. The profile and form work was pretty much engineered with the exception of a couple of options. He understood there was not much flexibility.

- **Ms. Mangle** stated that a presentation would be made at the PC/DLC joint session by the TriMet design team: the bridge designers, architects, and hopefully the artists. The designers would show what had been explored, what they currently had, what was in the budget, etc. They would be looking for early design feedback from the Commission's perspective as permittees, not only concerning Design Review, but also the Willamette Greenway, aesthetics, and views. This was a crucial time to provide early feedback. The application would probably not return until late summer and at that time the City would be looking to hold TriMet to what they had said, however, with less of an opportunity to influence the choices. She reminded that Milwaukie would be strongest when speaking more as one voice. The more they could avoid surprises at the hearing the better, and the more staff could more effectively advocate on behalf of the Commission.
- **Mr. Asher** added part of what was happening was that the Commission was getting a nice preview, but the really important subtext to remember was that TriMet needed to get this permitted on schedule and would be reading very carefully the Commission and DLC to see whether or not this would be easy, hard, unpredictable, or tough-minded and fair. The City wanted to be in the last category: tough-minded and fair, to ensure Milwaukie was getting the best possible bridge while still being a good partner on the project. They did not want to see the project run into long-term permitting risk, because it would cost the project more which would reduce funding available for other improvements in Milwaukie somewhere along the line.

**Commissioner Gamba** asked if the Commission could see what staff had seen so far.

- **Ms. Mangle** replied that staff did not have copies, but was seeing it on the screen in meetings. It was evolving every day. Probably the first point would be the March 7 meeting; friends, family, and others should be encouraged to come. Those not able to attend the joint session with the DLC should at least try to make it to the open house to convey their comments.
- She clarified that a few different packages would be coming before the Commission. The bridge would be its own package and probably the first because of the in-water work window and involved the Natural Resource review as well.

**Commissioner Gamba** stated they should definitely try to have the artists there.

## **8.0 Planning Commission Discussion Items**

**Commissioner Wilson** said he posed the question to his NDA with regard to how best to communicate to the public. There was a ton of responses, but no one great answer. Many people did stress *The Pilot*. Three individuals who were not online did notice *The Pilot* had not come out one month and was electronic only; however, they were able to achieve access to the information from their neighbors.

## **9.0 Forecast for Future Meetings:**

- |                |   |
|----------------|---|
| March 8, 2011  | 1. Public Hearing: Water Quality & Natural Resource Overlay Code Amendments |
| March 22, 2011 | 1. Public Hearing: Johnson Creek Confluence Project                         |

**Ms. Mangle** stated that the March 1 joint meeting with City Council did not make it on the list. The worksession would be held at 5:30 p.m. and would take about 30 to 40 minutes. She would also share the staff report she had submitted to help frame that conversation. March 8 could be cancelled if the Commission wanted as she had nothing for that agenda. On March 22, two public hearings were scheduled: the Johnson Creek Confluence Project and the first hearing on the Natural Resources Code.

The Commission consented to cancel the March 8 Planning Commission meeting.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Paula Pinyerd, ABC Transcription Services, Inc. for  
Alicia Stoutenburg, Administrative Specialist II

  
\_\_\_\_\_  
Lisa Batey, Chair





## **AGENDA**

### **MILWAUKIE PLANNING COMMISSION Tuesday February 22, 2011, 7:00 PM**

**\*\* Note later starting time\*\***

**MILWAUKIE CITY HALL  
10722 SE MAIN STREET**

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
- 6.0 Worksession Items**
  - 6.1 Summary: North Clackamas Park North Side Master Plan discussion  
Staff Person: Li Alligood
- 7.0 Planning Department Other Business/Updates**
  - 7.1 Summary: Planning Commission Notebooks and Code Binders
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - March 8, 2011
    - 1. Public Hearing: Water Quality & Natural Resource Overlay Code Amendment
  - March 22, 2011
    - 1. Public Hearing: Johnson Creek Confluence Project

### Milwaukie Planning Commission Statement

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

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

### Public Hearing Procedure

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

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

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

### **Milwaukie Planning Commission:**

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

### **Planning Department Staff:**

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



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Katie Mangle, Planning Director

**From:** Li Alligood, Assistant Planner

**Date:** February 15, 2011, for February 22, 2011, Worksession

**Subject:** North Clackamas Park North Side Master Plan

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## **ACTION REQUESTED**

None. This is a briefing to provide additional information as requested by the Planning Commission at the July 27, 2010, public hearing, which was continued to an uncertain future date. This worksession will be an informal venue for discussion of some of the questions that arose during the hearing, and for the Commission to provide direction to the applicant prior to resuming the hearing. After this discussion, staff will set a date for a second Planning Commission hearing on this application.

## **BACKGROUND INFORMATION**

### **A. History of Prior Actions and Discussions**

- **July 27, 2010:** Public hearing on adoption of North Clackamas Park North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. The hearing was continued to a date uncertain in order to provide an opportunity for the applicant to respond to Planning Commission questions and concerns about the scope of the project.

### **B. Park Master Plan Adoption Process**

#### **1. Legislative Amendment Process**

The North Clackamas Parks and Recreation District and the City of Milwaukie (“the applicants”) have requested that the City adopt the North Clackamas Park North Side Master Plan (“NCP Master Plan”) as an ancillary document to the City of Milwaukie Comprehensive Plan. Amendments to the City’s Comprehensive Plan are adopted through a legislative amendment process and require recommendation of approval by the Planning Commission, and City Council adoption of the final amendment and ordinance.

The legislative process provides an opportunity for the Commission to participate in shaping the final master document through comments, questions, and specific suggestions for modifications to the plan.

## 2. Park Planning Process

Currently, 15 City-owned sites are designated as public parks. The City generally employs the following two-step process to designate and develop publicly owned parks:

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

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

Exceptions to this process are parks with the "Public" Comprehensive Plan designation located within the Downtown Open Space Zone DOS. The DOS zone allows very limited uses including parks, plazas, open space, marinas, and boat ramps. Parks in the DOS zone are:

- Riverfront Park
- Dogwood Park
- Kronberg Park

To date, the City has adopted master plans for eight of the 12 community parks outside of downtown as ancillary documents to the Comprehensive Plan:

- Scott Park, located to the north of the Ledding Library.<sup>1</sup>
- Ardenwald Park, located near the intersection of 36<sup>th</sup> Ave and Roswell St.<sup>2</sup>
- Furnberg Park, located near the intersection of 70<sup>th</sup> Ave and Furnberg St.<sup>3</sup>
- Water Tower Park, located at the intersection of 40<sup>th</sup> Ave and Harvey St.<sup>4</sup>
- Wichita Park, located near the intersection of Monroe St and 60<sup>th</sup> Ave.<sup>5</sup>
- Lewelling Community Park (since renamed Ball-Michel Park), located at the intersection of Stanley Ave and Willow St.<sup>6</sup>
- Homewood Park, located near the intersection of Home Ave and Monroe St.<sup>7</sup>

<sup>1</sup> Adopted November 6, 1990, by Ord. 1692.

<sup>2</sup> Adopted March 19, 1992, by Ord. 1700.

<sup>3</sup> Adopted March 4, 1997, by Ord. 1816.

<sup>4</sup> Adopted December 2, 1997, by Ord. 1825.

<sup>5</sup> Adopted January 19, 1999, by Ord. 1851.

<sup>6</sup> Adopted May 2001, by Ord. 1888.

<sup>7</sup> Adopted June 2002, by Ord. 1904.

- Spring Park, located at the intersection of Lark St and 18<sup>th</sup> Ave.<sup>8</sup>

There are four community parks that do not have adopted master plans:

- Century Park, located near the intersection of Wister and 37<sup>th</sup>.
- Stanley Park, located at the intersection of Stanley Ave and Harlow St.
- Balfour Park, located on Balfour St between 29<sup>th</sup> and 32<sup>nd</sup> Ave.
- North Clackamas Park.

Although adoption of a park master plan as an ancillary document of the Comprehensive Plan is a high bar to meet, there is a reason for this approach. Unlike many other communities, Milwaukie does not have a Parks Department, a “Park” zone, or an adopted master plan for City parks. In absence of these tools, staff looks to the adopted park master plan to provide a framework within which to review land use applications for compliance with the shared community vision contained in the document.

### C. Overview of Proposed Revisions

The attached letter from the North Clackamas Parks and Recreation District, dated February 7, 2011, and included as Attachment 1, proposes the following revisions to the Concept Plan and the master plan document:

- Change the Concept Plan and the master plan document to provide for future review of the proposed parking lot and discussion of the appropriate number of spaces.
- Clarify that riparian restoration in the park will remain current with best practices and that the master plan will not limit the approach of future restoration efforts.

### D. Information Requested

At the July 27, 2010, public hearing, the Planning Commission requested additional information on the following items before making a decision on the application:

1. Present the North Side Plan in the context of the whole park by describing how the District considered connections to the rest of the park, showing the North Side Plan in the context of the rest of the park, and identifying how the North Side Plan is related to overall management of the park. Include a brief summary of how elements of the south side of the park are working.

*See pages 1-2 of Attachment 1 and Attachment 2.*

2. Explain the timing of this adoption proposal with respect to the public planning process and ongoing and future project implementation.

*See pages 4-6 of Attachment 1 and the Public Involvement Notebook (PIN) submitted as Exhibit 4 at the July 27, 2010, hearing. The PIN can also be viewed online at [http://www.ci.milwaukie.or.us/sites/default/files/fileattachments/ncp\\_northside\\_pin.pdf](http://www.ci.milwaukie.or.us/sites/default/files/fileattachments/ncp_northside_pin.pdf).*

3. Present information on how parking functions throughout the park. Consider limitations to the new parking lot planned for the north side.

*See pages 6-8 of Attachment 1.*

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<sup>8</sup> Adopted November 9, 2006, by Ord. 1964.

4. Explain the alternatives considered, particularly with regard to use of the SW corner of the site and the mix of uses on the north side.

*See page 8 of Attachment 1.*

5. Consider adding language to the Plan to ensure that the creek is allowed to adapt over time within the floodplain.

*See page 9 of Attachment 1.*

6. Provide information about potential grants and the impact of master plan adoption on those grants.

*See page 9 of Attachment 1 and Attachment 3.*

7. Explain how the decision on the ball fields application [File #CSO-05-02] evolved during the appeal.

*After Planning Commission approval of File #CSO-05-02, the Friends of North Clackamas Park filed an appeal of the decision. A week later, NCPRD joined the appeal and jointly withdrew the concerns listed by the Friends of North Clackamas Park. The joint letter requested City Council approval of modifications to the plan and findings of approval approved by the Planning Commission.*

*Those modifications included:*

1. *Creation of shared soccer and ball field.*
2. *Reduced parking area (from 203 to 196 spaces).*
3. *Creation of an entry pavilion and information center.*
4. *Modification to the layout of walking paths.*
5. *Construction of a tot-lot play area in the western portion of the park near the knoll.*
6. *Relocation of stormwater detention facility from the parking lot to a swale adjacent to the parking area.*
7. *Widening of the access drive to the horse arena to accommodate vehicle and horse trailer parking.*

*See Attachment 4 for the staff report and attachments detailing the appeal process and resulting modifications adopted as part of File #AP-05-02.*

## **KEY QUESTIONS**

- A. Are there specific changes that you would like to see included in the North Side Master Plan before recommending approval?

## **DECISION-MAKING OPTIONS**

*At the next public hearing, the Commission will have 3 decision-making options as follows:*

- A. Forward a recommendation that Council adopt the proposed amendment and ordinance as ancillary documents to the Comprehensive Plan.
- B. Forward a recommendation that Council adopt the proposed amendment and ordinance, with modifications, as ancillary documents to the Comprehensive Plan.

- C. Deny the proposed amendment and draft ordinance. The Commission would need to revise the draft findings to support denial of the application. If the Commission chose this option, it could also prepare a letter to recommend that Council adopt the Master Plan by resolution, which would have the effect of confirming City support for the Plan without adding the Plan into the Comprehensive Plan.

## **ATTACHMENTS**

Attachments are provided only to the Planning Commission unless noted as being attached. All material is available for viewing upon request.

1. Letter from the North Clackamas Parks and Recreation District to the Commission, dated February 7, 2011. (attached)
2. Revised North Side Conceptual Park Plan. (attached)
3. Flyer for the January 26, 2011, public meeting for the Mt. Scott Creek Restoration Project.
4. Staff report for File #AP-05-02, an appeal of the Planning Commission decision on File #CSO-05-02.



February 7, 2011

Milwaukie Planning Commission  
c/o Katie Mangle  
Director, Milwaukie Planning Department  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206

Re: North Clackamas Park North Side Master Plan

Dear City of Milwaukie Planning Commission:

On July 27, 2010, the North Clackamas Parks and Recreation District (NCPRD or the District) and the City of Milwaukie presented to the Planning Commission an application for adoption of the North Clackamas Park North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan. The Planning Commission had questions pertaining to the plan and requested additional information from NCPRD. The following is our attempt to provide additional information and answer questions brought up in the meeting. NCPRD requests an additional opportunity to speak with the Planning Commission at a work session on February 22, 2011.

### **Summary**

This memorandum addresses concerns raised at the July 27, 2010 Planning Commission meeting regarding the North Clackamas Park - North Side Master Plan (Master Plan). This letter develops the context of the Master Plan within the park and describes the park background and land use history, explains why NCPRD is applying for approval of a Master Plan for only the north side of the park, clarifies the time gap between the NCP North Side Planning process in 2007 and land use application submittal in 2010, and summarizes how elements of the south side of the park are working, including the ball fields and parking. This memorandum also discusses alternatives that were considered during the Master Plan process, including the dog park, and introduces the proposed Mt. Scott Creek Restoration Project, which will be the first opportunity to submit a project for implementation of natural resources elements within the Master Plan.

### **Context**

The North Clackamas Park North Side Master Plan (Master Plan) exists within the context of the 47-acre park. North Clackamas Community Park is the largest community park maintained by NCPRD and has been in use as a park for more than 40 years. North Clackamas Community Park is owned by the City of Milwaukie and managed by NCPRD in accordance with an intergovernmental agreement. The park provides a unique recreational experience for all



visitors. Camas Creek divides the park into north and south halves. Mt. Scott Creek flows west along the northern and western boundaries of the park, forming a forested edge of Oregon Ash and Oregon White Oak. The northern half of the park is home to a play structure, restrooms, horseshoe pits, a dog run area, picnic facilities, maintenance yard, and stands of large Oak and Ash trees. The southern half of the park includes four youth ball fields with restrooms and concessions building, a children's play area, picnic shelters, a horse arena, a maintenance building, the Sara Hite Memorial Rose Garden, and the Milwaukie Center.

### **Park Background and Land Use History**

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

1992/06	Milwaukie Center Building Addition	CSO-92-04
1996/03	Sara Hite Memorial Rose Garden	Minor Modification to a CSO
2004/12	Playground equipment NCP	CSO-04-09
2005/08	Youth ball field improvements	CSO-05-02, TPR-05-01, WQR-05-01
2006/01	Lighting	Variance and amendment to conditions for CSO-05-02
2007/10	Maintenance Area expansion	Minor Modification to a CSU
2007/06	Caretaker RV/Trailer	Minor Modification to a CSU
2007	Horse arena renovation	Minor Modification to a CSU
2009/02	Electronic reader board sign	Minor Modification to a CSU
2010	Milwaukie Center building expansion	Minor Modification to a CSU
2010/02	Wood splitting structure	Minor Modification to a CSU

Approval of the proposed North Clackamas Park North Side Master Plan as an ancillary document to the City of Milwaukie Comprehensive Plan will give guidance to NCPRD and the City of Milwaukie for future land use applications and changes to the north side of the park. The Youth ball field improvements Land Use Application, as approved by the City of Milwaukie, acts as the Master Plan for the south side of the park. These two documents together serve as the NCP Master Plan.

### ***Why is NCPRD applying for approval of a Master Plan for only the north side of NCP?***

#### **1. Direction by City of Milwaukie**

The City of Milwaukie Planning staff recommended that NCPRD apply for adoption of the North Clackamas Park North Side Master Plan (Master Plan) as an Ancillary Document to the City of Milwaukie Comprehensive Plan. Master plan adoption is the process by which the City formally identifies a long range plan for a park. Staff suggested that a master plan would provide a conceptual framework for future development and investment in the north side of the park.

The Milwaukie Comprehensive Plan does not currently contain a master plan for the north side or the south side of North Clackamas Park. Since the north side of North Clackamas Park has already been in use as a park for many years, this master plan adoption process is to affirm the public's use of the site as a park and to guide future development and investment. The adoption of the plan will provide specific direction for redevelopment of this portion of the park and enable the community to move forward with plans to: 1) upgrade existing features, including but not limited to the children's play area, picnic area, restroom facilities, and dog park; 2) restore, protect, and enhance the site's natural resource areas; and 3) provide for improved environmental education and recreation opportunities. Adoption of the proposed plan would formalize the community's vision for the north side of the park and would provide guidance for improvements to the north side of the park that is currently lacking. It also clarifies uses that will not be located in the north side of the park (e.g. ball fields).

This application is only for approval of the Master Plan. This application does not include detailed design or construction elements. Approval of this application does not authorize NCPRD or the City to proceed with any construction. Prior to the implementation of the proposed Master Plan, NCPRD is required to submit the appropriate land use and building permit applications, showing compliance with all applicable City regulations. Future improvements on the site may be subject to floodplain, water quality resource, and habitat conservation area regulations, among others. NCPRD will be required to address the City of Milwaukie Planning Commission and/or City Council and apply for additional permits and land use applications as required for implementation of the plan. The Planning Commission will have additional opportunities to comment on individual applications at that time.

## **2. PARB and community requested NCPRD complete a North Side plan**

In a letter to the NCPRD Advisory Board, dated February 8, 2005, the Milwaukie Park and Recreation Board (PARB) requested "that the District complete a master plan for the portion of North Clackamas Park located north of the entrance drive and bioswales you have proposed on the sports field proposal". The 2005 Youth ball field improvements land use application (CSO-05-02, TPR-05-01, WQR-05-01) as approved acts as the master plan for improvements for the south side of the park. There are no plans for additional improvements to the south side of the park. The PARB stated in the letter that they "do not want to slow down the progress of the ball field project with this request". NCPRD did not have the staff availability to start a park master plan while implementing the south side improvements. North side master planning was delayed until additional staff time and resources were available to dedicate to this effort.

Following completion of the sports fields and associated improvements on the south side of the park, the community reiterated the desire to see plans for future development of the north side of the park. NCPRD began a concept planning process for the north side of North Clackamas Park in spring, 2007. Over the course of a year, staff worked with the community to develop the public involvement plan and ultimately the conceptual plan. Four public meetings devoted exclusively to this subject were held. Through an intensive public process, NCPRD built consensus among all interested parties around a common vision for the north side of the park.

NCPRD worked closely with the North Clackamas Park Stewardship Committee (NCP Stewardship Committee) throughout the planning process and they served as the Project Advisory Committee, and represented a variety of stakeholders. The initiative to form the NCP Stewardship Committee came after the south side development and was meant to reunite people, as well as get different stakeholders together to discuss park issues and consider the park as a whole. The committee members describe themselves as ombudsmen to help with problems in and around the park and to guide the development and implementation of the Master Plan as presented in the land use application. The project was discussed numerous times with many interested community groups. The public process is further described within the land use application and in the Public Involvement Notebook that has been presented to the Planning Commission.

The key goal of the concept planning process for the north side of NCP was to develop a plan that minimizes environmental and property impacts, provides for ease of maintenance and longevity, while providing a safe and enjoyable experience for the community. The park north of Camas Creek is an opportunity to create a passive recreation setting with an emphasis on environmental enhancement and education to balance the intensively active recreation facility south of Camas Creek. Based on field observations, site analysis, background data collection, and input from NCPRD, the City of Milwaukie, the NCP Stewardship Committee (which includes Friends of North Clackamas Park members), community groups and public at-large, the concept plan was developed and refined to achieve this goal.

Throughout the public involvement process there was clear support for keeping the existing character of the park intact, developing a half mile (½) accessible loop trail, improving the Camas Creek pedestrian crossing, creek buffer enhancements, enhancing the wetland buffers, developing informational, educational, and native plant signage, and improving the off-leash dog park area. The overall management and feel of the park will remain the same, with active recreational opportunities in the south side of the park, and passive recreational pursuits located in the north side of the park, providing opportunities for everyone. The improved creek buffer and plantings will provide a buffer and habitat area between the youth ball fields on the south side and the trail and dog park in the north side of the park.

***Please explain the time gap between completion of the Master Plan and Land Use Submittal:***

The Planning Commission has requested additional information to explain the time gap between Master Plan completion and land use application submittal. The following is a timeline to explain work completed between December 20, 2007 and April 20, 2010:

December 20, 2007	Final Master Plan Open House at the Milwaukie Center
January 10, 2008	NCPRD Advisory Board approval of the Master Plan
February 26, 2008	Milwaukie Park and Recreation Board (PARB) approves concept plan
April 22, 2008	NCPRD Board of Directors (Clackamas County Board of County Commissioners) update
	NCP Stewardship Committee reviewed and approved the Master Plan

Summer/Fall 2008	NCPRD began work with Alta Planning and Design to further define the Phase One natural resources improvements and prepare land use applications.
January, 2009	City and NCPRD staff reviewed the proposed land use application and determined that in light of the history of the site, and pending Title 13 implementation that it might be beneficial to adopt the North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan before moving forward with specific site modification land use applications.
	This shift in approach to the land use process caused a lengthy delay in the park planning process while discussions between the City and the NCPRD took place and application materials were revised and submitted by NCPRD and reviewed by City planning staff.
May, 2009	The City of Milwaukie established interim rules for Title 13 implementation.
	The entire north side of NCP is now regulated by Title 13. The Title 13 of the Metro Urban Growth Management Functional Plan (Nature in Neighborhoods) was approved by the Oregon Department of Land Conservation and Development (DLCD) in January, 2007. Title 13 includes provisions that encourage habitat-friendly development practices while also regulating development activity within designated Habitat Conservation Areas.
	During this time Milwaukie Staff helped provide guidance to NCPRD and reviewed the prepared Master Plan in light of the new Title 13 rules.
December, 2009	NCPRD submitted a draft "Application for the adoption of the North Clackamas Park North Side Master Plan as an Ancillary Document to the City of Milwaukie Comprehensive Plan" to Milwaukie staff for review.
April 20, 2010	The land use application for adoption of the NCP North Side Master Plan as an ancillary document to the Milwaukie Comprehensive Plan (File #CPA-10-01) was completed by NCPRD staff in early 2010 and submitted to Milwaukie staff

Meanwhile, NCPRD staff continued to meet with numerous community advisory boards to discuss the Master Plan (28 meetings overall since the initial NCPRD Master Plan approval in 2008), including the Friends of North Clackamas Park, Milwaukie Park and Recreation Board, the District Advisory Board, and the North Clackamas Park Stewardship Committee. NCPRD has not held any additional open houses since the completion of the Master Plan in 2007/2008 because the elements of the Master Plan have not changed.

Other efforts have also been ongoing in the park consistent with the vision laid out in the North Clackamas Park North Side Master Plan. Recently, NCPRD has been working with our partners to secure grants and funding to complete work within the north side of NCP that may or may not require additional permitting and approval of the master plan. Tonia Burns, NCPRD Natural Resources Coordinator, has also done work within the riparian area that does not require

permitting or land use approval, including native plantings and removal of invasive species. The NCPRD Natural Resources team facilitated 1,416 volunteer hours in over 33 events in NCP during the 2009-2010 fiscal year. NCPRD has successfully partnered with the North Clackamas Urban Watersheds Council (NCUWC) and Clackamas County Water Environment Services (WES) to receive a \$24,000 Nature in Neighborhoods Grant from Metro to do riparian enhancements within Camas Creek. Over 2,177 plants have been installed at the park. NCPRD also partnered with Clackamas County Water Environment Services (WES) to apply for a January 2011 Metro Nature in Neighborhoods Capital Grant to improve riparian habitat along Mt. Scott Creek within North Clackamas Park.

***Include a brief summary of how elements of the south side of the park are performing***

**1. Activities**

The southern half of the park includes multiple youth sports fields, an equestrian facility, a children's play area, the Sara Hite Rose Garden, and parking. The southern half of the park was completed in 2008 after an extensive public involvement process in 2004 and 2005 and land use process in 2005. Since its completion, the southern half of the park has had much use and has become an even more important part of active recreation within NCPRD and the City of Milwaukie.

NCP hosted the ASA Girls' Fastpitch 12B Western National Championship July 27 through August 2, 2009. 58 teams from 9 western states competed at both NCP and the new Hood View Park in Happy Valley. The summer is busy with games and the fields are full hosting tournaments, and parents and children both enjoy the park. The 2010 softball and baseball season was over seven months long (mid-March through October), and accommodates seven sports leagues. Fourteen tournaments were held and approximately 85,000 players and fans visited the ball fields in 2010. All games are scheduled to end at or before 10:00pm, and the lights go off at that time. Joe Loomis, NCPRD Recreation Supervisor for Sports and Fields reports that "NCPRD residents and guests continue to give the ball fields rave reviews" The park and ball fields also host the annual March for Mutts, a fundraiser for Meals on Wheels and FIDO, and other community events, including Movies in the Park.

The Rose Garden is available to reserve and rent for wedding receptions, meetings, family gatherings and special events. There were 21 events held at the Rose Garden between July 2009 and June 2010. The picnic facilities throughout the park hosted 137 rentals during the 2009-2010 fiscal year. The south side elements of the park balance the current and planned more natural north side of the park.

Enhancements to the horse arena, located in the southwestern portion of the park, were completed in September, 2008. The facility is open to the public on a drop-in and reserved basis. Improvements to the horse arena, along with the youth ball fields and associated improvements were partially funded by the Oregon Parks and Recreation Department Local Government Grant. Advocacy for the improvements of the arena has been championed by the very active local equestrian group.

NCPRD has been successful in not exceeding the noise decibel levels in activities put forward in the south side land use application. Adjustments to lights have also been made after specific neighbors raised issues. The park is used year-round by walkers of all ages, and the increased year-round activity from the ballfields and south-side improvements has decreased crime and vandalism within the park. NCPRD regularly meets with the Stewardship Committee and neighbors to address concerns.

## **2. Parking**

Parking is not a major problem in the park. Events are generally scheduled in a manner that is consistent with parking available onsite. Parking is coordinated with a park neighbor, Turning Point Church, when overflow parking is necessary. Anthony Clarke testified at the July 27th Planning Commission that “there was a need for parking at times. If there was a big event, or several events, parking could be difficult. . . [but] he had never had a problem parking there”. NCPRD will continue to work with the Milwaukie Center and the community to manage parking throughout the park, and assess parking as an entire park.

NCPRD is proposing to renovate and improve the North Side parking lot as part of the Master Plan. The intent is to pave the parking lot in the area where the gravel lot and large picnic shelter are currently located and improve the crossing of Camas Creek. The actual configuration and size of the lot is yet to be determined. During the south side planning a parking analysis was completed and the NCP Parking Management Plan was approved by the City of Milwaukie. Use of the parking areas within the park will continue to comply with this plan.

Some Milwaukie Center staff and users have voiced concerns that the Center does not have enough parking. Parking is challenging because of the many uses occurring at the Center. The proposed Master Plan would provide additional spaces that would be shared by all users of the park, and it would provide closer access to the center and north side of the park. City of Milwaukie staff explained at the July 27th Planning Commission meeting that the Center is under-parked because many spaces had been combined into ADA spaces, resulting in a net loss over the years.

There are currently 356 parking spaces available at North Clackamas Park. This includes approximately 25 parking spaces within the gravel lot and 42 spaces to the west of the Milwaukie Center. The Master Plan proposes to create 40 parking spaces, including four spaces that will be set aside for the Milwaukie Center buses, in the new lot to the north of the creek, which would provide approximately 11 new park visitor spaces to help serve the Milwaukie Center, which was the greatest need identified during the planning process. However, NCPRD suggests that the Master Plan be amended as shown on the Master Plan conceptual map presented to you today. The number of spaces will remain indefinite until a more detailed design is completed. This proposed design would then be reviewed by City Planning staff and the Planning Commission as appropriate.

The Friends of the Milwaukie Center and the Milwaukie Center Community Advisory Board expressed concerns during the July Master Plan application hearing about the proposed access to

the north side parking area, which is proposed to pass in front of the Milwaukie Center and requested rerouting of the parking area access. These issues would be considered as part of any future land use application for parking area modification.

Recently additional traffic calming humps have been installed at the driveway to North Clackamas Park. NCPRD is amenable to providing additional traffic calming measures and driveway changes to accommodate users of the Milwaukie Center if necessary. Development of the parking lot would require land use approvals and permits which would further dictate the size and functionality of the parking lot and any changes to the current parking. The proposed parking lot will be evaluated by the Milwaukie Engineering and Planning Departments, Milwaukie Center, and the Planning Commission when a land use application is submitted.

***Alternatives considered during the planning process, including Dog Park planning:***

The Milwaukie Planning Commission has requested additional information regarding alternatives considered during the Master Plan process, particularly with regard to the use of the SW corner of the park and mix of uses on the site. Of considerable interest during the July 27<sup>th</sup> Planning Commission was the location and plan for the dog park. This section addresses the current off-leash dog run, previous planning, and proposed improvements to the dog run.

The current 1.45 acre facility is heavily accessed year-round. During the public process, there was definite support for maintaining a dog run at NCP for the local community. A Dog Park Working Committee was established during the process as a subset of the Project Advisory and Stewardship Committee to help collect and provide information to guide the planning process regarding the dog park. Several different options were considered: one entailed eliminating the dog park altogether; moving it to the south side, making changes to the enclosed area itself, making the dog park bigger; and moving the dog park to the east and closer to the parking lot. Concerns were expressed about dog owners letting their dogs off leash outside the off leash area, and having the park closer to the parking lot would provide a more direct route. Relocation of the off-leash dog area to the south side of the park was reviewed at length by the community, the NCP Stewardship Committee, and NCPRD. However, support for the equestrian arena has been high, and neighbors of that section of the park expressed strong opposition to moving the dog park to that southwest location.

The Dog Park Working Committee discussed the dog park at length, investigating which amenities would improve it to make it a better experience for people. Ultimately, the Dog Park Working Committee, NCP Stewardship Committee, and general public feedback recommended that the dog park should remain in the park, remain the same size and not any bigger, but perhaps split so smaller dogs could be separated from larger dogs. This is reflected in the Master Plan.

The existing dog park is within the riparian buffer for Mt Scott Creek. A goal of the Master Plan is to move the dog park further away from the creek. Creating a bigger buffer of about seventy feet in width is proposed, which is beyond that required for the regulatory processes. The Master Plan proposes relocating the dog park further to the east and south, away from the Mt. Scott Creek riparian buffer; enhancing the park with new fencing, benches, a kiosk, divided use areas,



double entrance gates, and additional vegetated screening. Refurbishment and relocation of the dog park will improve the facility for users. While the overall size remains the same, the area will be divided to provide separate areas for small, (or more timid dogs), and large (or more confident dogs). Improvement and relocation of the dog park will move the off leash area away from the creek and help protect the health of the riparian system.

NCPRD has been working with the City of Milwaukie to address complaints from neighbors regarding the noise of barking dogs and yelling of their owners. Milwaukie code enforcement officers provide the primary enforcement for dog related concerns and complaints. Users of the off-leash area feel the facility is in need of updates to improve safety for owners and dogs.

***The Planning Commission requested additional information regarding possible grants.***

NCPRD has been working with the City of Milwaukie, Clackamas County Service District No. 1 (CCSD #1), the North Clackamas Urban Watershed Council, the Friends of Kellogg and Mt. Scott Creeks, the Friends of Milwaukie Center, and other partners to develop the proposed Mt. Scott Creek Restoration Project within the north side of North Clackamas Park. Mt. Scott Creek is part of a watershed that is important to the entire region. The project is also identified within the 2009 WES Watershed Action Plans for the Kellogg/Mt. Scott Creeks. The project goals include improving four to six in stream and riparian areas along and within the creek for fish and wildlife health and to enhance ecological functions and diversity and providing watershed health awareness, community stewardship, educational opportunities and improving public access to nature. This project will include implementation of some of the natural resource enhancements proposed in the Master Plan, such as culvert removal and the new Camas Creek crossing, an educational overlook east of the Mt. Scott Creek and Camas Creek confluence, and stream bank restoration. The project goals are consistent with the Master Plan as presented in City of Milwaukie land use application CPA-10-01.

CCSD #1, on behalf of the project partners, is applying for a Metro Nature in Neighborhoods Capital Grant (NIN) to implement the proposed natural resource improvements. The partners have provided over \$300,000 in matching funds, staff time, and materials for the project. The project partners hosted a project open house on January 26, 2011. The project meeting flier is attached to this memo. The project design will be completed in June 2011 and subject to appropriate City of Milwaukie permitting approval, implementation of restoration measures could occur as early as summer, 2011. Riparian restoration as planned within this project and presented within the Master Plan will remain current with best practices. NCPRD is flexible in our approach to habitat and creek restoration. The Master Plan does not lock NCPRD into a specific way of approaching restoration activities.

***Conclusion***

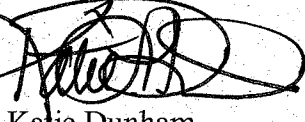
NCPRD has continued through the last four years to work closely with the North Clackamas Park Stewardship Committee and continues to discuss the North Side Master Plan and related projects with the community and multiple advisory boards. NCPRD also continues to develop partnerships with valuable organizations including Clackamas County Service District No. 1 (CCSD #1) and the North Clackamas Urban Watersheds Council (NCUWC). NCPRD has



coordinated with several schools to perform natural resource projects at the park, and educated students about natural resources program goals and objectives. Approval of the Master Plan will enable NCPRD to continue to improve opportunities for learning within the park.

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

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Katie Dunham', enclosed within a large, loopy oval shape.

Katie Dunham

Planner II

North Clackamas Parks and Recreation District



# North Clackamas Community Park - Conceptual Park Plan

City of Milwaukie Planning Commission - 2/11

ATTACHMENT 2



## LEGEND

- Wetland Buffer Line - 50'
- Expanded Wetland Buffer Line - 70'
- - - 100 year flood line



# Please Join Us for a Public Meeting

## Mt. Scott Creek Restoration Project

January 26th, 2011 from 6-7:30pm at the Milwaukie Center 5440 SE Kellogg Creek Drive Milwaukie OR in the Trillium Room

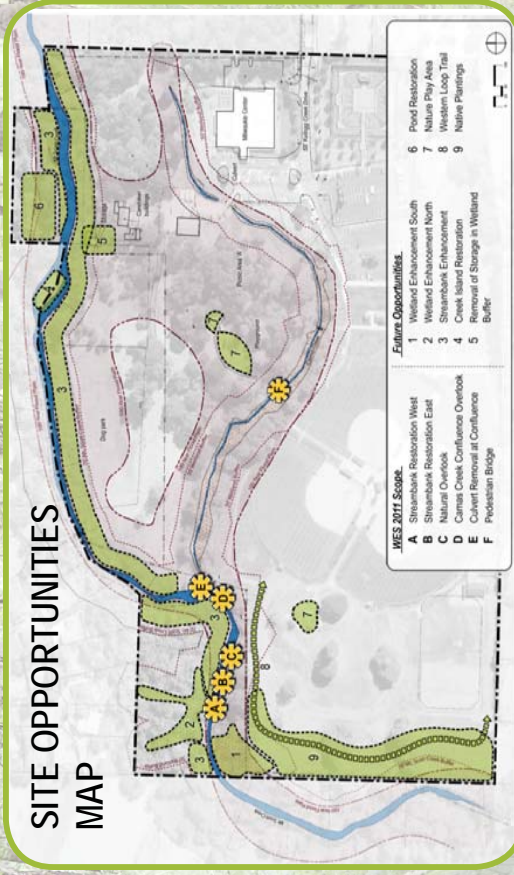
Please join us to review the proposed restoration and habitat improvement projects for the section of Mt. Scott Creek that runs through North Clackamas Park.

### PROJECT GOALS

- 1) Improve four to six instream and riparian areas along the creek for fish and wildlife health and to enhance ecological functions and diversity.
- 2) Provide watershed health awareness, community stewardship, educational opportunities and improve public access to nature.

### PROJECT BACKGROUND

Mt. Scott Creek joins Kellogg Creek southwest of North Clackamas Park. The 47-acre park is owned by the City of Milwaukie and maintained by the North Clackamas Parks and Recreation District (NCPRD). In 2009, Clackamas County Service District No. 1 (CCSD#1) completed a watershed action plan identifying the reach of Mt. Scott Creek flowing through North Clackamas Park as one of the highest priority areas for habitat improvements. CCSD #1 is applying for grant funding to implement the proposed natural resource improvements. The projects are in response to the watershed action plan and Oregon Department of Fish and Wildlife's habitat assessments of the creek. Separately, NCPRD has developed a concept plan for the north side of the park that includes additional park developments and natural resources improvements which are outside the scope of this project.



For more information go to:  
<http://www.riverhealth.org/>

### PROJECT TIMELINE

Dec 2010 - Jan 2011 Preliminary Design  
Late Jan 2011 Submit Metro Grant Application  
Jun 2011 Complete final design and permitting  
Jul-Sept 2011 Implement restoration measures  
Oct 2011- Mar 2012 Conduct volunteer restoration events in riparian areas





To: Mayor and City Council

Through: Mike Swanson, City Manager, Kenny Asher Community Development Director, John Gessner, Planning Director

From: Lindsey Nesbitt, Associate Planner

Subject: Appeal (AP-05-02) of Planning Commission decision on North Clackamas Park Ball field Project

Date: August 3, 2005 for the August 16, 2005 City Council meeting

#### Action Requested

Uphold the Planning Commission's decision on applications CSO-05-02, TPR-05-01, and WQR-05-01, authorizing construction of improvements to North Clackamas Park, and the adopt modified site plan and revisions to the Findings and Conditions in support of approval as identified in the appeal.

#### Background Information and Project History

Planning Commission hearings were held on April 26, May 10, May 24, June 14 and July 12, 2005. On July 12, 2005, the Commission approved the applications and adopted findings and conditions in support of approval. The Commission's approval authorized the following development at North Clackamas Park (See Attachment 5- Plan Approved by the Planning Commission):

- Four youth baseball/softball fields with irrigation.
- One full-size soccer field.
- 230-space parking area.
- Water quality resource area enhancements.
- Walking trails.



- Improvements to Kellogg Creek Drive that include construction of a sidewalk and intersection improvements at Rusk Road and Kellogg Creek Drive.
- New picnic tables, concession stand, and restroom facilities.

The Friends of North Clackamas Park submitted an appeal on July 27, 2005. Concerns with the Planning Commission's decision can be found in Attachment 2.

Parks District staff conducted a number of meetings with Friends of North Clackamas park to discuss their concerns. Through these meetings the parties agreed to changes that modify the site plan approved by the Planning Commission. The revised plan differs from the plan approved by the Planning Commission as follows:

1. Creation of shared soccer and ball field.

The revised plan proposes a flex baseball/soccer field by reducing the size of the soccer field and relocating it to ball field #4. Due to the decrease in size of the soccer field, use of the soccer field will be limited to youth 8 years of age and younger. The relocation of the soccer field will create a larger open area on the west side of the park and will provide a buffer between the park and residential areas.

2. Reduced parking area.

The 230-space parking area will be reduced to 196 spaces. The Planning Commission approved a parking ratio of 43 spaces per field. With the creation of the flex baseball/soccer field, only 4 fields can be used at the same time, which supports the reduction in parking spaces. The reduced parking aids with traffic concerns. The amount of impervious surface in the park will also be reduced, resulting in less stormwater run-off.

3. Creation of an entry pavilion and information center.

The reduction in parking spaces allows for the creation of a covered entry pavilion and information center, which will give the park a greater focus on community and park events.

4. Modification to the layout of walking paths.

The trail along the western portion of the site will be modified and will circle around the ball fields.

5. A tot-lot play area will be constructed in the western portion of the park near the knoll.

6. The plan has been revised to eliminate stormwater detention in the parking lot. Detention will be provided in a swale adjacent to the parking area.

7. The access drive to the horse arena will be widened to accommodate vehicle and horse trailer parking.

At it's August 1, 2005, meeting the North Clackamas Parks and Recreation District Advisory Board voted unanimously to approve the modifications to the development plan at North Clackamas Park. On August 2, 2005, the Friends of North Clackamas Park submitted a joint letter with the North Clackamas Park District that withdrew concerns listed in the July 27, 2005 appeal. The letter also requested the City Council approve the proposed modifications to the plan and modifications to findings and conditions adopted by the Planning Commission that reflect the changes on the site plan.

Staff has reviewed the proposed modifications of the site plan and believes they are consistent with applicable sections of the Milwaukie Municipal Code (See Attachment 1 Findings and Conditions). Staff recommends the City Council uphold the Planning Commission decision and adopt the modifications to the site plan as identified in the revised appeal materials submitted August 2, 2005, by the Parks District and Friends of North Clackamas Park.

### Key Issues

On July 12, 2005, after roughly 18 hours of public hearings, the Planning Commission approved the proposed development to North Clackamas Park upon finding the applicant demonstrated compliance with applicable code criteria. The following summarizes the Planning Commission's findings:

1. Community Service Overlay (CSO) Criteria

- a. Public benefits test

A key component of the CSO section is the public benefits test, where the applicant has the burden of demonstrating that the proposal is in the interest of the general public and that benefits to the public outweigh any potential negative impacts.

The Planning Commission found that the proposed development and street improvements will be an improvement to the existing park, thus providing a greater public benefit. Attachment 1 provides findings that list public benefits and potential negative impacts. Attachment 1 also provides conditions deemed necessary to mitigate potential negative impacts.

The revised joint appeal indicates that the modified plan provides additional public benefit with the relocation of the soccer field by creating more open space along the western portion of the park site. The open space will also act as a buffer for the residential properties that abut the western portion of the site. The revised plan includes a reduction of parking spaces, which result in a reduction of impervious area and may potentially reduce flooding impacts. The reduced parking area allows for the creation of an entry pavilion and construction of a bio-swale that will detain and filter storm water before draining into the natural system.

b. Criteria for citing and improving parks

The Planning Commission found, as conditioned, the proposal complies with applicable CSO development standards (See Attachment 1, Findings and Conditions in Support of Approval).

2. Traffic and Transportation

The applicant submitted a transportation impact study (TIS) for the proposed park development which documented the adequacy of the transportation system to serve the proposed use and the expected impact of the proposal on the surrounding transportation system. The Planning Commission found that the data and methodology used in the applicant's TIS are adequate.

The TIS demonstrates that the proposed project will increase through vehicle trips on Kellogg Creek Drive. The Planning Commission adopted a condition requiring the applicant to construct improvements on Kellogg Creek Drive to improve safety for vehicles and pedestrians. The street improvements will mitigate traffic impacts associated with the proposed development. The proposed improvements include:

- Widening Kellogg Creek Drive to 28 feet to create two 14-foot travel lanes.
- Construct a pedestrian sidewalk along the north side of Kellogg Creek Drive.
- Create a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

The applicant is required to provide mitigation of traffic impacts that are proportional to the estimated impact the development will have on the existing transportation system. The applicant indicated they will pay for the full cost of the above-mentioned improvements, thereby exceeding the proportional mitigation requirement.

3. Water Quality Resource (WQR) Review

The property contains 3 identified water quality resource areas: Mt Scott Creek to the north and west of the site, a wetland located in the northwest corner, and a drainage swale that bisects the park from east to west and drains into Mt. Scott Creek.<sup>1</sup>

The Commission reviewed the applicant's development plan and WQR enhancement mitigation plan and found as conditioned, the proposal complies with applicable criteria of the WQR standards (See Attachment 1 – Findings and Conditions).

The Commission reviewed and approved the following permitted activities to be constructed within the WQR area.

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<sup>1</sup> The wetland to the north of the creek does not fall within the development area.

- Construction of paved and gravel walking trails.
- Buffer enhancements and vegetative plantings.
- Storm treatment facilities in the form of detention bio-swales.
- A portion of the existing roadway falls within the buffer area. The drive will be resurfaced and a sidewalk will be constructed.

To ensure consistency with development requirements of WQR criteria conditions were adopted requiring tree preservation, tree and vegetative protection and special construction measures.

The applicant will provide voluntary and required mitigation within and adjacent to the WQR areas for filling two pocket wetlands, and for the construction of walking trails and the bio-swales.

Attachment 1 – Findings and Conditions provides further analysis.

## 5. Stormwater Management

The WQR code states that storm flows within and to natural drainage courses shall not exceed pre-development flows. The city hired a consultant, LDC Design Group, to review the applicant's hydrological report. LDC Design Group reviewed the report and concluded the following:

- Calculations presented in the report adequately model stormwater run-off for preliminary design level analysis.
- The estimated post development flows are slightly less than predevelopment flows. A change in the curve number (CN) can alter post development flows.<sup>2</sup> A change in the CN value from 77 to 76 would result in a post development flow that slightly exceeds predevelopment flow.

The preliminary hydrological report proposed detention of stormwater within the parking area and in a bio-swale adjacent to the parking area. Concerns were raised regarding the parking lot detention.

Based upon consultant review and recommendations and the concerns raised regarding parking lot detention, the Commission adopted the following conditions:

- a. The applicant must submit a final hydrological report that details the CN value to ensure accuracy.
- b. The revised final hydrological report must be revised to omit parking lot detention and provide detention elsewhere on the site.<sup>3</sup>

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<sup>2</sup> The CN value is a way of calculating run-off by classifying land use and soil type.

<sup>3</sup> The modified plan calls for fewer parking spaces, which creates space for storm water detention. The new plan shows a larger bio-swale and omits parking area detention. A



6. Flood Plain

A portion of the site lies within the 100-year flood plain. The code requires demonstration of balanced cut and fill for development within the flood plain areas. The Planning Commission approved the application, finding the applicant demonstrated compliance with balance cut and fill. The Parks District will have to resubmit balance cut and fill calculations to reflect the proposed changes identified in the appeal materials.

Concurrence

Not applicable.

Fiscal Impact

None.

Work Load Impacts

None.

Alternatives

Milwaukie Zoning Ordinance Sections:

1. 19.301 – Residential R-10 Zone
2. 19.321 – Community Service Overlay
3. 19.322 – Water Quality Resource
4. 19.500 – Off-street Parking and Loading
5. 19.1011.3 - Minor Quasi-Judicial Review
6. 19.1400 – Transportation Planning, Design Standards, and Procedures

This application is subject to minor quasi-judicial review, which requires the City Council to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony and evidence received at the public hearing.

The final decision on this application, which includes any appeals to the City Council, must be made by August 16, 2005, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

The City Council has the following decision making alternatives:

1. Approve the appeal which modifies the plan in accordance with the agreement reached between the North Clackamas Parks District and the Friends of North Clackamas Park.

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hydrological report demonstrating how the swale will function and the volume of water it is design to handle needs to accompany the revised plan.

2. Deny the appeal, which would uphold the Planning Commission approved plan, but with no changes.
3. Remand the matter to the Planning Commission with direction.

#### Attachments

Attachment 1	Findings and Conditions of Approval
Attachment 2	July 27, 2005, Friends of North Clackamas Park appeal materials
Attachment 3	August 2, 2005, revised appeal materials submitted jointly by Friends of North Clackamas Parks and the Parks District
Attachment 4	Revised Site Plan
Attachment 5	Site Plan approved by the Planning Commission

Planning Commission staff reports for the April 26, May 10, May 24, June 14, and July 12, 2005, Planning Commission meetings can be obtained by contacting Lindsey Nesbitt at 503-786-7658.

The following application materials may be viewed at the Johnson Creek office: Applicant's Narrative, Wetland Report, Traffic Report, Stormwater Report, and full size site plans. Contact Lindsey Nesbitt at 503-786-7658 to view materials.

The Planning Commission meetings were televised. Tapes of the broadcast can be viewed at the Ledding Library.

## Attachment 1

The following are the Findings and Conditions in support of approval adopted by the Planning Commission on July 12, 2005. The revisions of appeal submitted by the Friends of North Clackamas Park and the North Clackamas Parks District (revisions submitted August 2, 2005) are shown below to reflect the requested amendments of the site plan. The changes are identified using strike out and underline. The modifications are underlined.

### Findings in Support of Approval

1. The majority of the proposed development area is located within the southern portion of the site. Application materials submitted February 24, 2005 and revised materials submitted March 21, 2005, describe a proposal to construct the following:
  - a. Four youth softball/baseball fields.

Fields 1 and 3 will each have a 225-foot foul line with a 225-foot radius outfield fence. Field #2 will have a 200- to 210-foot foul line and outfield radius to reduce impacts to the natural resource area and prevent encroachment into a required 50-foot buffer around the WQR area. Field #4 will have a 250-foot foul line and a 280-foot radius. Due to the proposed size all fields will accommodate youth softball and lower levels of youth baseball. Field #4 will accommodate youth baseball for ages up to 13-14 years.

The fields will include the following:

    - Full back stops
    - Perimeter fencing (6 feet on field 1 and 2, and 10 feet on field 3 and 4)
    - Option for foul ball netting
    - Maintenance access gates
    - Bleachers (mobile 5 rows accommodating 35 persons per field)
    - Dugouts
    - Bicycle parking and drinking fountains at the inner concourse
    - Skinned infields and turf outfields
    - Optional electronic scoreboards
    - Pole mounted lighting
    - Irrigation
  - b. A drop-off plaza located at the walkway entrance into the 4 fields.

- c. Pedestrian concourse with bulletin board and signage between fields with concession and restroom facilities. Additional restroom facilities will be constructed at the east side of the park.
- d. ~~Full-size~~ An youth soccer field accommodating youth play for ages 8 years and younger (~~360 90~~ feet by ~~230 60~~ feet). ~~to be relocated near the west end of the site.~~ The soccer field will act as a flex baseball/soccer field with field #4. ~~A trail system will connect the soccer field to the parking area and the ball fields.~~
- e. New ~~230~~ 196-space, landscaped parking area that will bring the total on-site parking spaces to ~~352~~ 318.<sup>4</sup> The parking area will also accommodate truck and horse-trailer parking.
- f. Enhanced pedestrian crossing from the existing parking area (adjacent to Rose Garden) to the Milwaukie Center. The crosswalk will be raised to allow for better delineation of pedestrian areas and to slow vehicles entering and exiting the park.
- g. Water quality resource area enhancements. Vegetation will be planted to create and enhance a 50-foot buffer around an existing drainage swale.<sup>5</sup> All enhancement areas will be planted with native plant species and seed mixes as shown on the applicant's site plan and vegetation plan in Attachment 2 Development Plans.
- h. The horse arena will remain, however, the dimensions of the arena may be reduced.
- i. The picnic area near the west end of the site will be enhanced with new picnic tables on concrete pads.
- j. Construction of maintenance facility shed.
- k. Other park amenities such as trash receptacles, benches, environmental education "storyboards", and fencing will be provided.
- l. Tot lot playground structure located in the western portion of the park.
- m. Improvements to Kellogg Creek Drive that include widening the street and the construction of a sidewalk along the north side of the street. The applicant will also reconstruct the intersection of Kellogg Creek Drive and Rusk Road to increase vehicle safety.
- n. An eight-to-twelve-foot-wide paved and ADA compliant perimeter trail system.

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<sup>4</sup> The March 21, 2005, Development Plans demonstrate a 233-space parking lot. The applicant indicated at the May 10, 2005, hearing that in order to preserve an existing tree, 3 spaces will need to be removed.

<sup>5</sup> The drainage swale is identified on the City's water quality resource map.

- 2 The applicant has submitted the following technical studies:
  - a. Traffic Impact Study prepared by Lancaster Engineering, submitted February 24, 2005.
  - b. Two traffic addendums prepared by Lancaster Engineering, submitted April 4, 2005, and April 11, 2005.
  - c. Wetland delineation report prepared by Pacific Habitat Services, submitted February 24, 2005.
  - d. Hydrology Analysis Report prepared by W&H Pacific, submitted April 15, 2005.
  - e. Revised Hydrological Analysis Report prepared by W&H Pacific and submitted May 6, 2005.
3. Applications CSO-05-02, WQR-05-01, and TPR-05-01 have been processed and public notice has been provided in accordance with requirements of Milwaukie Municipal Code Section 19.1011.3 Minor Quasi-Judicial Review. Public hearings were held on April 26, 2005, May 10, 2005, May 24, 2005, June 14, 2005, and July 12, 2005. A City Council appeal hearing was held August 16, 2005.
4. The Planning Commission approved applications CSO-05-02, TPR-05-01, and WQR-05-01 on July 12, 2005. The appeal period closed at 5:00 p.m. Friday, July 29, 2005. A group by the name of Friends of North Clackamas Park filed an appeal on Wednesday July 27, 2005. On August 2, 2005 the Friends of North Clackamas Park amended their appeal by submission of a letter to withdraw points of concerns listed in the July 27, 2005 appeal. The amended appeal included a signed letter by the Friends of North Clackamas Park and the North Clackamas Parks District requesting the City Council to uphold the Planning Commission's July 12, 2005 decision of approval and adopt modifications to the site plan approved at the July 12, 2005 public hearing.
5. The North Clackamas Park has a comprehensive plan designation of Public. The proposed development for North Clackamas Park is consistent with the Comprehensive Plan. The plan designates North Clackamas Park as a community park and states that a community park should be as follows:
  - a. A large citywide facility.
  - b. Serve a special function.
  - c. Located on arterials or other major routes.
  - d. Have major structured recreational facilities such as lighted baseball and soccer fields.

The Comprehensive Plan also states that the City will strive to develop appropriate facilities, improve access to the existing parks, and enlarge existing parks when feasible.

6. The site is located in the Residential R-10 Zone. Parks are listed as Community Service Overlay uses (CSO) and are permitted in residential zones subject to CSO review and approval. Parks are subject to development standards of MMC Section 19.301 – Residential R-10 Zone and MMC Section 19.321 – Community Service Overlay Zone. The proposal is consistent with MMC Section 19.301- Residential R-10 Zone.

7. MMC Section 19.321.4 (D) Public Benefits Test

The applicant has demonstrated that the proposal is in the interest of the general public and that, as conditioned, benefits to the public outweigh any potential negative impacts.

- a. Public Benefits

The applicant identified the following public benefits:

- 1) The horse arena will remain.
    - 2) The large oak tree and knoll, located at the west end of the park ~~near the loop drive~~, will be preserved.
    - 3) A new ~~full-size~~ youth soccer field for children 8 years of age and under soccer field will be provided. The field will be a shared flex field with ball field #4.
    - 4) Access to adjacent properties will be preserved.
    - 5) The North Clackamas Park is the District's largest community park. Community parks are intended to serve the entire community with a variety of recreational uses and are specifically intended to be utilized for sport field purposes.<sup>6</sup>
    - 6) New ~~230-196~~-space parking area that will also accommodate horse trailer parking.
    - 7) Improvements to pedestrian crossing will be provided.
    - 8) Approximately 57,760 square feet of environmental enhancements and mitigation will be provided, including the establishment of a 50-foot buffer around the drainage swale, as shown in the Development Plans submitted March 21, 2005. Approximately 10,300 square feet of upland oak and ash plantings will be provided adjacent to the vegetative buffer.
    - 9) The development will provide needed sports facilities. Currently, the NCPD only provides 3 baseball fields and 3 soccer fields (2 of which are not regular size). Approximately 2,500 youth play organized baseball or softball in the North Clackamas area and there are currently more than 62 youth soccer teams. As population of the area increases, it is anticipated that participation levels in youth sports will also rise, creating the need for additional facilities.

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<sup>6</sup> Milwaukie Comprehensive Plan Objective 5, Policy #4.

- 10) The proposed project will create new and safe ball fields. It has been noted by users of the current ball fields that the existing condition of the fields are unsafe for play due to poor drainage and lack of irrigation. It has been stated by some park users that the existing fields have outlived their lives.
- 11) The proposed fields will provide opportunities for youth sports. Public schools have had to scale back on sports programs due to budget constraints. The ability to provide needed facilities for youth is a key component of providing constructive opportunities for leisure time, promoting a sense of community, development of “team” skills, and a foundation for the development of healthy lifestyles.
- 12) The existing picnic area on the knoll in the western portion of the park will be enhanced.
- 13) A new integrated, accessible trail system will enhance recreational walking, jogging, and environmental learning opportunities for all ages.
- 14) New restroom facilities will replace existing portable restrooms.
- 15) Currently vehicular traffic has unrestricted access to the entire project area. Each year hundreds of vehicles park on turf areas where leaking petroleum products are either absorbed into the soil or washed away into adjacent water resources. The proposed plan creates a parking area that includes oil and sediment traps and a bio-swale system to clean the stormwater.
- 16) The proposal includes the creation of a 50-foot buffer along the drainage swale. Currently the turf extends to the edge of the resource area.
- 17) The applicant notes that the proposed uses are consistent with the intended purpose of a “community park” and collectively provide countless public benefits that include:
  - a. Efficient use of limited land and financial resources.
  - b. Provision of desperately needed facilities that promote constructive use of leisure time and healthy lifestyles.
  - c. Improved player safety, park maintenance, park aesthetics.
  - d. Maintenance/enhancement of existing uses and addition of new recreation opportunities and facilities.
  - e. Improved stormwater and parking management.
  - f. Improved habitat value.
  - g. Improved park security.

- 18) At the April 26, 2005, hearing, the Planning Commission heard testimony about shortage of adequate facilities and the community need for the ball fields.

b. Potential Negative Impacts

The applicant modified the proposed plan, where practicable, to mitigate potential negative impacts. Impacts that were identified during the public meeting process are addressed below. The following demonstrates how the applicant modified the proposal to limit potential negative impacts.

- 1) Increased traffic.

To mitigate traffic impacts, the applicant will improve Kellogg Creek Drive by widening the road and providing a sidewalk along the north side of the roadway. The applicant will provide improvements to the Kellogg Creek/Rusk Road intersection by widening Kellogg Creek drive to 28 feet, constructing a sidewalk along the northern side of the road, and reconfiguring the intersection of Kellogg Creek Drive and Rusk Road (see also Section 1400 Recommended Findings).

- 2) Noise from sound system and ball field use.

To mitigate noise impacts, the applicant revised the proposal to omit the permanent sound system and drafted an amplified sound policy. The MMC 8.08.10 exempts sounds caused by organized sporting events. Applicant believes this applies to all sound (amplified and unamplified) created by organized athletic events. The opponents believe the exemption of sound for organized athletic events only applies to unamplified sound. The code does not specify whether or not amplified sound is exempt from the noise ordinance per MMC 8.08.100. The Planning Commission may interpret the code and condition the application based upon their interpretation.

- 3) Ball field and parking lot lighting impacts to adjacent properties.

MMC Section 321.4 authorizes the Planning Commission to adopt conditions to limit hours and levels of operation. The Commission has adopted a condition requiring the following:

- a) A photometric plan, demonstrating .5 foot-candles at the property line, shall be submitted.
- b) A lighting test shall be conducted between the hours of 9:00 p.m. and 10:30 p.m. to ensure that there is no light trespass from the ball field and parking lot lighting onto adjacent residential properties.
- c) If the lighting test does not demonstrate .5 foot-candles at the property line, measures such as adjusting cut-off lighting



fixtures shall be taken to prevent light trespass onto adjacent properties.

- 4) Public concerns were raised that the proposed plan will create a single-use ball field park.

This is not a Municipal Code issue, but rather a Parks District issue. In response to this concern, the applicant reduced ball field size and reorganized the proposed layout to keep the horse arena and dog run. The soccer field will be relocated. A walking trail around the site, existing picnic facilities, and new playground equipment will accommodate passive recreation.

- 5) Concerns were expressed about impacts to environmental areas.

Two wetlands will be filled to construct a drive and one of the ball fields will be constructed adjacent to another; however, these 2 wetlands are not subject to water quality resource review. Identified water quality resource (WQR) are Mt. Scott Creek, drainage swale bisecting the site, and a wetland located in the northern portion of the site. A 50-foot buffer will be established around all three resources and approximately 57,760 square feet of resource enhancement will be provided.

- 6) Concerns were raised about adequacy of on-site parking.

The proposal includes construction of a ~~230~~196–space parking area, bringing the total on-site parking spaces to ~~352~~ 318. The proposal will provide 43 spaces per field, which is comparable to similar facilities within the region. The City's traffic consultant, DKS Associates, has reviewed the proposed parking ratio and has advised the city that it is adequate.

As conditioned, benefits to the public exceed potential negative impacts, and the application complies with MMC Section 19.321.4 (D) Public Benefits Test.

8. MMC Section 19.321.10 establishes specific standards for public/private institutions and other facilities not covered by other standards. This section addresses development standards such as setback, height, lighting, noise limitations, and hours and level of operation. The maximum height limitation for all structures under CSO criteria is 50 feet. The applicant's proposal includes lighting poles for the ball fields that are 70 to 80 feet in height. Prior to erecting the lighting poles, the applicant must:
  - a. Revise the application to reduce the lighting poles to 50 feet.
  - b. Apply for a zoning text amendment to permit structures such as lighting poles to exceed the 50-foot height limitation.
  - c. Apply for a variance to exceed the 50-foot height limitation.

As conditioned, the application complies with MMC Section 19.321 Community Service Overlay Criteria.

9. MMC 19.500 – Off-street parking and loading. As conditioned, the application complies with MMC 19.500 Off-Street Parking and Loading.

- a. 19.503.3 Minimum and maximum number of required parking spaces. Community parks are not listed in Table 503.9, which provides minimum and maximum number of required off-street parking spaces; therefore, community parks are classified as unlisted uses.
- b. 19.503.6 states that the Planning Commission shall determine the minimum required parking spaces for all uses not listed in table 503.9. The applicant submitted technical information about the park use, parking demand, and traffic generation. The applicant proposes to provide 43 spaces per field and will construct a ~~230~~ 196-space parking area to accommodate parking demand of the proposed development.

The City's traffic consultant, DKS Associates, reviewed the technical data provided by the applicant and found that the proposed ratio of 43 spaces per field will adequately accommodate parking demands of the proposed development. The Planning Commission approved the proposed ratio of 43 spaces per field. To ensure the parking will function at the site, a condition was adopted requiring the applicant to provide a detailed management plan that includes schedule management, signing, and remote parking management.

- c. 19.502 states that the standards and procedures apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or a change in use occurs.

The existing parking facilities are nonconforming in regards to landscaping and drainage. The applicant will provide a new ~~230~~ 196-space parking area to accommodate the proposed development. The Commission has approved the applicant's parking ratio of 43 spaces per field; therefore, parking demand for the development is satisfied with the construction of the ~~230~~ 196-space parking lot. Existing parking areas are not needed to accommodate parking for the proposed development; therefore are not required to be brought into conformance with development standards of MMC Section 19.500.

- d. 19.503.2 Shared parking is permitted when required parking cannot be provided on the site, when the shared parking is located within 300 feet of the principal structure or use, and when there is no conflict of use between the two uses. The Planning Commission

approved the applicant's proposed ratio of 43-spaces per field. With the construction of the ~~230~~ 196-space parking area, required parking for the development is provided on-site and shared parking is not required, therefore, the provisions of 19.503.2 are not applicable. The applicant's parking management plan includes use of the Clackamas Christian Center's parking lot to accommodate over-flow parking.

- e. 19.503.4, the applicant is not requesting special exemption from maximum allowable parking standards.
- f. 19.503.5, the site is classified as Zone B.
- g. 19.503.7, the applicant is not requesting a reduction of required parking.
- h. 19.503.8, the applicant is not requesting a modification of minimum and maximum parking.
- i. As conditioned, the application is consistent with MMC 19.503.10 parking space standards.
- j. As conditioned, the new parking facility complies with MMC 19.503.11 paving and striping standards.
- k. The applicant is not proposing to create additional curb cuts into the public right-of-way. The application complies with MMC 19.503.12.
- l. As conditioned, the application complies with MMC 19.503.13 minimum width requirements of drive aisles.
- m. The applicant's proposal provides on site vehicular connections as shown on the development plans and complies with MMC 19.503.14.
- n. MMC 19.503.16 – Drainage Standards. Staff consultant LDC Design Group has reviewed the proposed stormwater management plan and found the calculations presented in the report adequately model stormwater run off preliminary design level analysis. The site plan demonstrates a natural stormwater detention area to the east of Field #1. As conditioned, the application complies with parking area drainage standards.
- o. The applicant has proposed on-site pedestrian walkways through the parking areas that are separate from vehicular circulation and parking. The application complies with MMC 19.503.17 pedestrian access.
- p. MMC 19.503.18 is not applicable, the application does not include a park-and-ride facility.
- q. MMC 503.19 establishes provisions for landscaping and screening. The applicant will provide parking area landscaping as required per

MMC Section 19.503.19. As conditioned the proposal is consistent with MMC Section 19.503.19 – Landscaping.

~~MMC Section 19.503.19(G) authorizes alternative landscaping plans. The applicant has requested to omit 4 landscape islands in the southern portion of the parking area. The omission of the 4 landscape islands results in the loss of approximately 528 square feet of landscaping. The landscaping along the southern property line exceeds the minimum width required by 17 feet creating a total of 4,930 square feet of additional area of landscaping. (This section has been omitted as a result of the revised parking area and the enlarge horse arena access drive. The original plan provided vehicle and horse trailer parking in the parking area, which required the omission of landscaping islands. The revised plan includes a larger access drive to the horse arena, which will accommodate vehicle and horse trailer parking. The revised parking lot complies with landscaping requirements of the off-street parking code.)~~

- r. The applicant submitted a parking plan consistent with MMC 19.503.20.
  - s. MMC Section 19.503.21 off-street parking in residential zones is applicable for residential development, such as construction of residential dwellings and home based businesses. This section is not applicable to the proposed development of a community service use.
  - t. MMC 19.504, off-street loading is not applicable.
  - u. 19.505, bicycle parking requires the applicant to provide on-site bicycle parking. As conditioned the proposal is consistent with MMC Section 19.505.
  - v. MMC 19.506, carpool and vanpool parking is not required.
  - w. MMC 19.507, Structure parking is not proposed or required.
10. MMC Section 19.322 Water Quality Resource Review
- a. The application includes the construction of 2 bio-swales/storm detention facilities, paved ~~and gravel~~ walking trails, repaving of an existing drive, and water quality resource (WQR) area enhancements within the WQR. All other activity will take place outside of the WQR area. All proposed activity within the WQR area is permitted per MMC Section 19.322.7. As conditioned, the application is consistent with MMC 19.322.7 – Activities Permitted Under Minor Quasi-Judicial Review.
  - b. MMC Section 19.322.9 specifies application requirements which include the submission of an alternatives analysis. Only development within the WQR area is subject to the alternatives analysis requirement. The proposed bio-swales are permitted per

Section 19.322.10 (E) provided an equal area to the WQR is replaced. The applicant will replace resource area for the bio-swales at a 1.4 to 1 mitigation ratio. The applicant will also provide enhancements to off-set the walking trails at a 1.4 to 1 ratio. Total enhancements for the bio-swales and walking trails will be approximately 10,320 square feet. Walking trails will localize foot traffic and reduce trampling associated with foot traffic within the WQR areas. As conditioned, the application is consistent with 19.322.9 – Application Materials.

- c. 19.322.9 (I) requires submission of a WQR area mitigation plan addressing adverse impacts and ways in which impacts will be minimized. Adverse impacts may occur during the construction phase of the walking trails and bio-swales. The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities.
11. MMC 19.322.10 – Water Quality Resource Development Standards
- a. Restoration of WQR area  

The applicant has submitted a preliminary WQR restoration/enhancement plan. A condition has been adopted requiring submission of a WQR planting plan that demonstrates location, type, and quantity of plant materials to be reviewed by the City's environmental consultant.

The mitigation plan must also address how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation, and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain intact.

As conditioned the proposal is consistent with MMC Section 19.322.10 (A).
  - b. Protection of existing vegetation.  

Existing vegetation within the WQR area will not be removed. A condition has been adopted requiring construction fencing around existing vegetation and areas to be preserved. As conditioned, the proposal is consistent with MMC Section 19.322.10 (B).

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

- c. Removal of existing vegetation shall be replanted.

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.

- d. WQR area shall be marked prior to construction.

The applicant will provide sediment and erosion control and construction fencing around WQR areas prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (D).

- e. Stormwater pretreatment facilities.

The applicant will construct 2 bio-swales within the WQR area. The bio-swales will encroach no more than 25 feet into the required 50-foot buffer. The approximate area of the bio-swales is 4,440 square feet. The applicant will provide approximately 6,250 square feet of WQR enhancements to mitigate the bio-swales.

Staff consultant LDC Design Group reviewed the storm water report and found that placement of water quality facilities in a buffer area is consistent with similar practices around the region. As conditioned, the proposed facilities will be designed to integrate in the WQR area in such a way that the habitat structure will not be negatively impacted.

- f. The applicant is not proposing additions or alterations to existing structures within the WQR area. Section 19.322.10 (F) is not applicable.

- g. Off-site mitigation.

The proposal does not include off-site mitigation. Section 19.322.10 (G) is not applicable.

- h. Site preparation and construction practices.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth

disturbing activities. As conditioned, the application complies with MMC Section 19.322.10 (H).

- i. Lights shall be placed so that they do not shine directly into the natural resource locations.

Where practicable the types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations. The applicant has demonstrated the need to provide safe lighting for ball fields. A condition has been adopted requiring the applicant to where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location. As conditioned, the application complies with MMC Section 19.322.10 (I).

- j. Trails must be placed in locations to reduce impacts to WQR areas.

The applicant will install erosion and sediment controls to prevent run off into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (J).

- k. Trees and vegetation must remain and connected along drainage courses.

The applicant will provide approximately 57,760 square feet of enhancements to WQR areas. Existing vegetation will remain. As conditioned, the application complies with MMC Section 19.322.10 (K).

- l. MMC 19.322.10 (I) - Stormwater flows as a result of proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Site stormwater will be collected and piped to bio-swales within WQR areas. Staff consultant LDC Design group found that the calculations adequately model the storm water runoff for a preliminary design level analysis and found the post development flows for Basin 1 will be at predevelopment rates and the estimated post development flows for Basin 2 will be released at slightly less than predevelopment flows. The runoff curve number (CN) value affects the rate of post development flows. A slight alteration in the CN value can alter stormwater flows. A condition has been adopted requiring staff review of the final hydrological report. The report shall specifically address the CN value to ensure adequacy.

- m. 19.322.10 (m) - Drainage course crossings.

New drainage course crossings are not proposed. MMC Section 19.322.10 (M) is not applicable.

- n. MMC 19.322.10(N) - Construction must be done in such a manner as to safeguard resources that have not been approved for development.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities. As conditioned the proposal is consistent with 19.322.10(N).

- 12. The applicant submitted a Transportation Plan Review application.

- a. MMC Section 19.1406 requires that any non-residential development adding more than 25 trips per day to an adjacent residential local street requires mitigation of impacts.

The traffic study, prepared by Lancaster Engineering, demonstrates conservative trip generation estimates that the new site will add approximately 400 weekday and 850 weekend daily trips (depending upon activity) and 70 trips during the weekday evening peak hour and weekend peak hour. The trip generation data, as provided by the applicant's amended traffic impact study, is an adequate representation of the proposed park development. The development will increase trips on Kellogg Creek Drive, which is a local street. The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- b. MMC Section 19.1407 ensures that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate impacts of the new development. Rights-of-way shall be made adequate at time of development, but are moderated by proportional mitigation.

The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.



- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- c. MMC Section 19.1408.1 requires the submission of a transportation impact analysis (TIA) that demonstrates the impact of development on the surrounding transportation system. The TIA provides a framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts.

A transportation impact analysis was prepared by Lancaster Engineering and submitted by the applicant. The City's traffic consultant, DKS Associates, reviewed the TIA. The data and methodology used in Lancaster's TIA are adequate, based on comparison to standard traffic engineering practices.

- d. 1408.3 (B) requires the applicant to demonstrate proportional impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal. The applicant has demonstrated their proportionality of providing improvements to mitigate traffic impacts of the development. The applicant has stated they will pay for and build 100% of the improvements along Kellogg Creek Drive and the intersection of Rusk Road and Kellogg Creek Drive. As conditioned, the application complies with 19.1408.3(B).

- 1) Widening of Kellogg Creek Drive to obtain an overall width of 28 feet. Cost estimate \$90,000. Applicant's proportional share, 24% (\$9,100).
- 2) Constructing a pedestrian walkway along northern portion of Kellogg Creek Drive. Cost estimate \$50,000. Applicant's proportional share, 24% (\$12,000).
- 3) Reconfiguration of Rusk Road/Kellogg Creek Drive intersection to improve safety. Cost estimate \$70,000. Applicant's proportional share 13% (\$9,000).

The applicant's traffic memorandum states that the improvements are planned to be constructed, rather than providing a monetary contribution based upon proportional share.<sup>7</sup>

- e. MMC Section 1409 requires that all streets and necessary rights-of-way shall be dedicated to the public for street purposes in accordance with Table 1409.3.

The North Clackamas Park is located at the end of Kellogg Creek Drive and abuts the road for approximately 58 feet. It is not practicable for the applicant to obtain (purchase) needed right-of-

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<sup>7</sup> Lancaster Engineering Addendum dated April 11, 2005.

way along Kellogg Creek Drive. The applicant will provide improvements within the existing right-of-way.

- f. MMC Section 19.1410 establishes standards for pedestrian facilities. As conditioned, the application complies with 19.1410 – Pedestrian Requirements and Standards.
- g. MMC Section 19.1411 establishes standards for bicycle requirements. As conditioned, the application complies with 19.1411 Bicycle Requirements.
- h. MMC Section 19.1412 – establishes transit requirements and standards. The proposal does not include development of a multifamily, commercial, office, or industrial use; therefore, MMC 19.1412 is not applicable.

13. Flood Hazard Regulations

Staff reviewed the park location and elevation data in conjunction with the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community-Panel #415588 0036A dated August 4, 1987, and the March 1, 2001, revision. The applicant's submitted plans appear to reflect the 1987 FEMA map and do not appear to reflect the 2001 revision of the FEMA maps. The net difference in the two FEMA maps results in a very small section of the 100-year flood boundary (about 100 square feet) is present in the middle of the south side of the park boundary. This is just outside of the ball field #2 area. Staff relies on industry standards based on conclusive evidence, such as the March 1, 2001, FEMA map.

The modification to the FEMA map based on the March 1, 2001, data affects a small portion of the development. MMC 19.18.04.150 (F) requires balanced cut-and-fill for development within the flood plain. The applicant must submit revised cut-and-fill calculations demonstrating balanced cut-and-fill.

MMC 18.04.100 (B) states that proposed structures within the 100-year flood plain will require certification by a professional engineer or architect verifying adequate flood proofing.

As conditioned, the application complies with MMC Title 18, Flood Hazard Regulations.

- 14 Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth-disturbing activities. As conditioned, the application complies with MMC Title 16 – Erosion Control.
- 15. The City and Clackamas County have an intergovernmental agreement (IGA) stating that the North Clackamas Park shall be maintained and operated by North Clackamas Parks District. Testimony regarding poor maintenance of the park or concerns regarding future maintenance is not

applicable to relevant code criteria and is therefore not part of the decision-making process for the proposed development.

15. The Planning Commission expresses its concern about the use of chemical pesticides and herbicides and encourages the district to avoid their use in a manner that limits adverse and environmental health impacts, and further encourages the Parks District to provide on-site notice when these chemicals are in use.

## Conditions of Approval

1. Final site and architectural plans shall be in substantial conformance with the plans approved by this action. Reference is made to plans submitted with the application submission materials dated February 24, 2005, and March 21, 2005, and revised City Council appeal materials submitted August 2, 2005; technical reports listed in Recommended Findings; and minutes of the Planning Commission's public hearings held April 26, 2005, May 10, 2005, and May 24, 2005. Any inconsistency must comply with the most recently submitted application materials.
2. Grading, erosion control, and plumbing permits shall be obtained prior to commencement of any earth-disturbing activities.
3. An electrical permit shall be obtained from Clackamas County prior to conducting any electrical work on site.
4. Prior to issuance of an erosion control or grading permit, and prior to commencement of any earth-disturbing activity, the applicant shall submit to the City or complete the following:
  - a. A narrative of all actions taken to comply with these conditions of approval.
  - b. A narrative description of all changes made to the plans but not required by these conditions or approval.
  - c. Water quality resource areas shall be flagged and construction fencing shall be installed around all protected areas. Construction fencing shall be inspected by the City and shall remain erected until all activity on the site has been completed.
  - d. Erosion and sediment controls shall be installed around water quality resource areas and shall be inspected by the City.
  - e. The applicant shall submit a revised photometric plan demonstrating .5 foot-candles measured at the south side of the existing tree line along the south property line, Where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location.
  - f. Submit a water quality resource mitigation planting plan that demonstrates plant type, quantity, and location.
  - g. Provide a vegetation and tree preservation plan to ensure that the water quality resource buffer areas and proposed trees to be preserved will not be disturbed during construction. Tree and vegetation preservation measures shall be installed prior to commencement of any earth-disturbing activity. The vegetation and tree preservation measures shall be inspected by the city.

- h. Request and receive approval from U.S. Army Corps of Engineers and DSL to fill the two unmapped wetlands.
  - i. Submit a parking management plan to the satisfaction of the Engineering Planning Director.
  - j. Submit revised cut-and-fill calculations for all development within the 100-year floodplain. The calculations shall reflect the March 2001 FEMA map and shall demonstrate balanced cut-and-fill.
  - k. A final hydrological report shall be submitted to the Engineering Director for review and approval. The report shall specifically address the CN value to ensure accuracy.
  - l. Submit a vegetative mitigation plan that addresses how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain.
  - m. The applicant shall submit for City review a revised hydrological report demonstrating the omission of parking lot stormwater retention. The revised report must also demonstrate that post development stormwater flows do not exceed predevelopment stormwater flows.
- 5. Prior to erecting lighting poles for the ball fields, the applicant shall complete one of the following:
  - a. Reduce lighting pole height to 50 feet.
  - b. Apply for a variance to increase pole height to exceed the maximum 50-foot height limitation.
  - c. Apply for a zone text amendment to allow structures such as ball field lighting poles to exceed the maximum height limitation of the Community Service Overlay zone, subject to limitations.
- 6. Prior to commencement of any recreational activity of the proposed development, the applicant shall complete the following:
  - a. The ~~230~~ 196 space parking area shall be constructed and landscaping shall be installed. Staff shall conduct an inspection of the parking area and landscaping.
  - b. Improvements along Kellogg Creek Drive shall be completed. The roadway shall be widened to create two 14-foot travel lanes and intersection improvements to create a 90-degree intersection at Kellogg Creek Drive and Rusk Road per MMC Section 19.1400.

- c. All Water Quality Resource vegetative planting and mitigation shall be completed and inspected by the City.
  - d. Bicycle parking shall be installed per MMC Section 19.505.
- 7. Building permits are required for all structures including the concession stand, restrooms, bleachers, dugouts, maintenance shed, and picnic shelter. Accessible route is required from the parking lot to all structures (as mentioned above) on the site. At the time of building permit submittal, the applicant shall show sufficient detail (slope, surface materials, striping, etc.) to show compliance with Chapter 11 of the Oregon Structural Specialty Code. The proposed drop-off area must comply with Section 1105 - Passenger Loading Zones.
- 8. For all proposed structures to be located within the 100-year floodplain, submit certification by a professional engineer or architect verifying adequate flood-proofing (MMC 18.04.100 (B)). All proposed work in the 100-year floodplain will require calculations that demonstrate balanced cut-and-fill (18.04.150 (F)).
- 9. Per MMC Section 19.322.10(L), stormwater flows shall not exceed predevelopment flows.
- 10. The applicant must complete the following activities as part of Phase 1 construction. The site cannot be used until all activities listed below have been completed and inspected to the satisfaction of the Planning Director.
  - a. Development of environmental enhancements, including implementing and planting the vegetation plan.
  - b. Construction of public improvements along Kellogg Creek Drive (sidewalk construction, repaving Kellogg Creek Drive, and the realignment of the Kellogg Creek Drive/Rusk Road intersection).
  - c. Construction of the proposed trail/walkway system.
  - d. Construction of the stormwater treatment facilities and bio-swales.
  - e. The Planning Commission has approved a parking ratio of 43 spaces per field and the construction of ~~230~~ 196 space parking area. If the applicant phases the construction of the ball fields, parking must be provided in proportion to the number of fields developed. For example, if three fields are constructed the applicant must provide a 129 space parking area. The remaining parking spaces must be provided when each subsequent field is constructed.



**FRIENDS OF NORTH CLACKAMAS PARK**  
P.O. Box 220263, Milwaukie, Oregon 97269

**RECEIVED**

**JUL 27 2005**

**CITY OF MILWAUKIE  
PLANNING DEPARTMENT**

July 27, 2005

John Gessner, Planning Director  
City of Milwaukie  
6101 SE Johnson Creek Blvd.  
Milwaukie, OR 97206

Dear John:

This letter appeals the decision of the Milwaukie Planning Commission on new development at North Clackamas Park located at 5440 SE Kellogg Creek Drive to the Milwaukie City Council. The Milwaukie planning case file is CSO 05-02, TPR 05-01, WQR 05-01.

The commission took action on the case on July 12, 2005. Notice of the Planning Commission's final decision in this case was mailed on July 14, 2005.

The appellants in this case are the organization Friends of North Clackamas Park, and its individual members, including but not limited to Eric and Susan Shawn, who reside within sight and sound of the subject property and will be adversely affected by this decision.

We believe there are a number of errors in the final Planning Commission decision, because of incorrect or inadequate information provided to the city, or because of incorrect interpretations of city code. The following issues will be raised during this appeal:

- Incorrect evaluation of public benefits and adverse impacts
- Improper deferral of storm water management plan
- Incorrect definition of 100 year flood plain
- Fill in flood plain requires greater cut volume
- Incorrect identification of site and scope of approval
- Inadequate alternatives analysis for development in Water Quality Resource Area
- No replacement of lost WQRA area
- Feasibility of wetland mitigation not shown
- Feasibility of compliance with ADA access requirement not shown
- Inadequate pedestrian lighting on proposed walkways
- Insufficient restriction on light shining into WQRA
- Non-conforming upgrades for existing site parking
- Noise impacts from amplified system exceed code standards

- Insufficient parking for site use

Finally, the Friends of North Clackamas Park and the Parks District continue to work together on a compromise solution that would satisfy all parties. We sincerely hope that this process will come to fruition by the time of the appeal hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'ES', followed by a horizontal line.

Eric Shawn  
Representative, Friends of North Clackamas Park





**NORTH  
CLACKAMAS**  
PARKS & RECREATION  
DISTRICT

August 1, 2005

Mr. John Gessner, Planning Director  
City of Milwaukie  
6101 SE Johnson Creek Boulevard  
Milwaukie, OR 97206

RECEIVED  
AUG 2 2005  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

RECEIVED  
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CITY OF MILWAUKIE  
PLANNING DEPARTMENT

Dear Mr. Gessner:

This letter is intended to provide notice that North Clackamas Parks and Recreation District (NCPRD) desires to join the appeal filed by Eric Shawn and Friends of the North Clackamas Park, et al, and that both parties propose to modify the appeal dated July 27, 2005.

More specifically, the Friends of North Clackamas Park, including but not limited to Eric and Susan Shawn, hereby withdraw complaints enumerated in their appeal dated July 27, 2005. Furthermore, NCPRD and the Friends of North Clackamas Park, et al, wish to offer a "modified concept plan" for North Clackamas Park which fully resolves the concerns previously raised by or on behalf of the Friends of North Clackamas Park and/or Eric and Susan Shawn.

In addition to the "modified concept plan", NCPRD and the Friends of North Clackamas Park, et al, respectfully offer the attached proposed modifications to the Findings and Conditions of the Milwaukie Planning Commission dated July 14, 2005.

The "modified concept plan" and modified Findings and Conditions together offer resolution of all previously raised issues and, if approved, will eliminate the potential of further appeals of this matter by the Friends of North Clackamas Park, Eric and Susan Shawn and NCPRD.

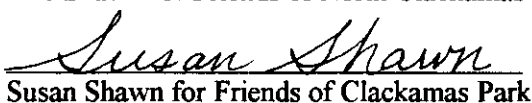
Respectfully submitted,

  
Charles Ciecko, Director NCPRD

8/1/05  
Date

  
Eric Shawn for Friends of North Clackamas Park

8/1/05  
Date

  
Susan Shawn for Friends of Clackamas Park

8/1/05  
Date

[www.co.clackamas.or.us/ncprd](http://www.co.clackamas.or.us/ncprd)

Administration Office  
1101 SE Sunnybrook Blvd  
Clackamas, OR 97015  
tel: 503-794-8002  
fax: 503-794-8005

Aquatic & Recreation Services  
7300 SE Harmony Road  
Milwaukie, OR 97222  
503-794-8080  
fax: 503-794-8085

Milwaukie Center  
5440 SE Kellogg Creek Drive  
Milwaukie, OR 97222  
503-653-8100  
fax: 503-794-8016

Parks Maintenance Office  
9909 SE 40th Avenue  
Milwaukie, OR 97222  
503-794-8030  
fax: 503-794-8087

**A service district  
of Clackamas County**



**RECEIVED**

AUG 2 2005

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT

July 14, 2005

File(s): CSO-05-02, TPR-05-01, &amp; WQR-05-01

**NOTICE OF DECISION**

This is official notice of action taken by the Milwaukie Planning Commission on July 12, 2005.

**Applicant(s):** North Clackamas Parks and Recreation District

**Location(s):** 5440 SE Kellogg Creek Drive

**Tax Lot(s):** 22E06AC00100

**Application Type(s):** Community Service Overlay  
Transportation Plan Review  
Water Quality Resource Review

**Decision:** Approved

**Review Criteria:** Milwaukie Zoning Ordinance:

- 19.301 Residential R-10 Zone
- 19.321 Community Service Overlay
- 19.322 Water Quality Resources
- 19.500 Off-street Parking and Loading
- 1011.3 Minor Quasi Judicial Review
- 19.1400 Transportation Planning, Design Standards, and Procedures

**Neighborhood(s):** Lake Road

**RECEIVED**

AUG 2 2005

CITY OF MILWAUKIE  
PLANNING DEPARTMENT

The Planning Commission's decision on this matter may be appealed to the Milwaukie City Council. An appeal of this action must be filed within 15 days of the date of this notice, as shown below.

**Appeal period closes: 5:00 p.m., July 29, 2005**

Appeals to the City Council must be accompanied by the appeal fee, be submitted in the proper format, address applicable criteria, and be made on forms provided by the Planning Department. Milwaukie Planning staff (503-786-7630) can provide information regarding forms, fees, and the appeal process.

**Findings in Support of Approval**

1. The majority of the proposed development area is located within the southern portion of the site. Application materials submitted February 24, 2005 and revised materials submitted March 21, 2005, describe a proposal to construct the following:

- a. Four youth softball/baseball fields.

Fields 1 and 3 will each have a 225-foot foul line with a 225-foot radius outfield fence. Field #2 will have a 200- to 210-foot foul line and outfield radius to reduce impacts to the natural resource area and prevent encroachment into a required 50-foot buffer around the WQR area. Field #4 will have a 250-foot foul line and a 280-foot radius. Due to the proposed size all fields will accommodate youth softball and lower levels of youth baseball. Field #4 will accommodate youth baseball for ages up to 13-14 years.

The fields will include the following:

- Full back stops
- Perimeter fencing (6' on fields 1&2; 10' on fields 3 &4)
- Option for foul ball netting
- Maintenance access gates
- Bleachers (mobile 5 rows accommodating 35 persons per field)
- Dugouts
- Bicycle parking and drinking fountains at the inner concourse
- Skinned infields and turf outfields
- Optional electronic scoreboards
- Pole mounted lighting
- Irrigation

- b. A drop-off plaza located at the walkway entrance into the 4 fields.
- c. Pedestrian concourse with bulletin board and signage between fields with concession and restroom facilities. Additional restroom facilities will be constructed at the East side of the park.
- d. An 8-U soccer field (90 feet by 60 feet) to be located in field #4.
- e. New 196-space, landscaped parking area that will bring the total on-site parking spaces to 318.<sup>1</sup> The parking area will also accommodate truck and horse-trailer parking.
- f. Enhanced pedestrian crossing from the existing parking area (adjacent to Rose Garden) to the Milwaukie Center. The crosswalk will be raised to allow for better delineation of pedestrian areas and to slow vehicles entering and exiting the park.
- g. Water quality resource area enhancements. Vegetation will be planted to create and enhance a 50-foot buffer around an existing drainage swale.<sup>2</sup>

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<sup>1</sup> The March 21, 2005, Development Plans demonstrate a 233-space parking lot. The applicant indicated at the May 10, 2005, hearing that in order to preserve an existing tree, 3 spaces will need to be removed.

<sup>2</sup> The drainage swale is identified on the City's water quality resource map.

All enhancement areas will be planted with native plant species and seed mixes as shown on the applicant's site plan and vegetation plan in Attachment 2 Development Plans.

- h. The horse arena will remain; however, its dimensions may be reduced.
  - i. The picnic area near the west end of the site will be enhanced with new picnic tables on concrete pads.
  - j. Construction of maintenance facility shed.
  - k. Other park amenities such as trash receptacles, benches, environmental education "storyboards" and fencing will be provided.
  - l. Tot lot playground structure located in the western portion of the park.
  - m. Improvements to Kellogg Creek Drive that include widening the street and the construction of a sidewalk along the north side of the street. The applicant will also reconstruct the intersection of Kellogg Creek Drive and Rusk Road to increase vehicle safety.
  - n. An eight-to-twelve-foot-wide paved and ADA compliant perimeter trail system.
2. The applicant has submitted the following technical studies:
- a. Traffic Impact Study prepared by Lancaster Engineering, submitted February 24, 2005.
  - b. Two traffic addendums prepared by Lancaster Engineering, submitted April 4, 2005, and April 11, 2005.
  - c. Wetland delineation report prepared by Pacific Habitat Services, submitted February 24, 2005.
  - d. Hydrology Analysis Report prepared by W&H Pacific, submitted April 15, 2005.
  - e. Revised Hydrological Analysis Report prepared by W&H Pacific and submitted May 6, 2005.
3. Applications CSO-05-02, WQR-05-01, and TPR-05-01 have been processed and public notice has been provided in accordance with requirements of Milwaukie Municipal Code Section 19.1011.3 Minor Quasi-Judicial Review. Public hearings were held on April 26, 2005, May 10, 2005, May 24, 2005, June 14, 2005, and July 12, 2005.
4. The North Clackamas Park has a comprehensive plan designation of Public. The proposed development for North Clackamas Park is consistent with the Comprehensive Plan. The plan designates North Clackamas Park as a community park and states that a community park should be as follows:
- a. A large citywide facility.
  - b. Serve a special function.
  - c. Located on arterials or other major routes.
  - d. Have major structured recreational facilities such as lighted baseball and soccer fields.

The Comprehensive Plan also states that the City will strive to develop appropriate facilities, improve access to the existing parks, and enlarge existing parks when feasible.

5. The site is located in the Residential R-10 Zone. Parks are listed as Community Service Overlay uses (CSO) and are permitted in residential zones subject to CSO review and approval. Parks are subject to development standards of MMC Section 19.301 – Residential R-10 Zone and MMC Section 19.321 – Community Service Overlay Zone. The proposal is consistent with MMC Section 19.301-Residential R-10 Zone.
6. MMC Section 19.321.4 (D) Public Benefits Test

The applicant has demonstrated that the proposal is in the interest of the general public and that, as conditioned, benefits to the public outweigh any potential negative impacts.

a. Public Benefits

The applicant identified the following public benefits:

- 1) The horse arena will remain; however, its dimensions may be reduced.
- 2) The large oak tree and knoll, located at the west end of the park will be preserved.
- 3) An 8-U soccer field will be provided.
- 4) Access to adjacent properties will be preserved.
- 5) The North Clackamas Park is the District's largest community park. Community parks are intended to serve the entire community with a variety of recreational uses and are specifically intended to be utilized for sport field purposes.<sup>3</sup>
- 6) New 196-space parking area that will also accommodate horse trailer parking.
- 7) Improvements to pedestrian crossing will be provided.
- 8) Approximately 57,760 square feet of environmental enhancements and mitigation will be provided, including the establishment of a 50-foot buffer around the drainage swale, as shown in the Development Plans submitted March 21, 2005. Approximately 10,300 square feet of upland oak and ash plantings will be provided adjacent to the vegetative buffer.
- 9) The development will provide needed sports facilities. Currently, the NCPD only provides 3 baseball fields and 3 soccer fields (2 of which are not regular size). Approximately 2,500 youth play organized baseball or softball in the North Clackamas area and there are currently more than 62 youth soccer teams. As population of the area increases, it is anticipated that participation levels in youth sports will also rise, creating the need for additional facilities.
- 10) The proposed project will create new and safe ball fields. It has been noted by users of the current ball fields that the existing condition of the

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<sup>3</sup> Milwaukie Comprehensive Plan Objective 5, Policy #4.

fields are unsafe for play due to poor drainage and lack of irrigation. It has been stated by some park users that the existing fields have outlived their lives.

- 11) The proposed fields will provide opportunities for youth sports. Public schools have had to scale back on sports programs due to budget constraints. The ability to provide needed facilities for youth is a key component of providing constructive opportunities for leisure time, promoting a sense of community, development of "team" skills, and a foundation for the development of healthy lifestyles.
- 12) The existing picnic area on the knoll in the western portion of the park will be enhanced.
- 13) A new integrated, accessible trail system will enhance recreational walking, jogging, and environmental learning opportunities for all ages.
- 14) New restroom facilities will replace existing portable restrooms.
- 15) Currently vehicular traffic has unrestricted access to the entire project area. Each year hundreds of vehicles park on turf areas where leaking petroleum products are either absorbed into the soil or washed away into adjacent water resources. The proposed plan creates a parking area that includes oil and sediment traps and a bio-swale system to clean the stormwater.
- 16) The proposal includes the creation of a 50-foot buffer along the drainage swale. Currently the turf extends to the edge of the resource area.
- 17) The applicant notes that the proposed uses are consistent with the intended purpose of a "community park" and collectively provide countless public benefits that include:
  - a. Efficient use of limited land and financial resources.
  - b. Provision of desperately needed facilities that promote constructive use of leisure time and healthy lifestyles.
  - c. Improved player safety, park maintenance, park aesthetics.
  - d. Maintenance/enhancement of existing uses and addition of new recreation opportunities and facilities.
  - e. Improved stormwater and parking management.
  - f. Improved habitat value.
  - g. Improved park security.
- 18) At the April 26, 2005, hearing, the Planning Commission heard testimony about shortage of adequate facilities and the community need for the ball fields.

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#### b. Potential Negative Impacts

The applicant modified the proposed plan, where practicable, to mitigate potential negative impacts. Impacts that were identified during the public meeting process are addressed below. The following demonstrates how the applicant modified the proposal to limit potential negative impacts.

## 1) Increased traffic.

To mitigate traffic impacts, the applicant will improve Kellogg Creek Drive by widening the road and providing a sidewalk along the north side of the roadway. The applicant will provide improvements to the Kellogg Creek/Rusk Road intersection by widening Kellogg Creek drive to 28 feet, constructing a sidewalk along the northern side of the road, and reconfiguring the intersection of Kellogg Creek Drive and Rusk Road (see also Section 1400 Recommended Findings).

## 2) Noise from sound system and ball field use.

To mitigate noise impacts, the applicant revised the proposal to omit the permanent sound system and drafted an amplified sound policy. The MMC 8.08.10 exempts sounds caused by organized sporting events. Applicant believes this applies to all sound (amplified and unamplified) created by organized athletic events. The opponents believe the exemption of sound for organized athletic events only applies to unamplified sound. The code does not specify whether or not amplified sound is exempt from the noise ordinance per MMC 8.08.100. The Planning Commission may interpret the code and condition the application based upon their interpretation.

## 3) Ball field and parking lot lighting impacts to adjacent properties.

MMC Section 321.4 authorizes the Planning Commission to adopt conditions to limit hours and levels of operation. The Commission has adopted a condition requiring the following:

- a) A photometric plan, demonstrating .5 foot-candles at the property line, shall be submitted.
- b) A lighting test shall be conducted between the hours of 9:00 p.m. and 10:30 p.m. to ensure that there is no light trespass from the ball field and parking lot lighting onto adjacent residential properties.
- c) If the lighting test does not demonstrate .5 foot-candles at the property line, measures such as adjusting cut-off lighting fixtures shall be taken to prevent light trespass onto adjacent properties.

## 4) Public concerns were raised that the proposed plan will create a single-use ball field park.

This is not a Municipal Code issue, but rather a Parks District issue. In response to this concern, the applicant reduced ball field size and reorganized the proposed layout to keep the horse arena and dog run. The soccer field will be relocated. A walking trail around the site, existing picnic facilities, and new playground equipment will accommodate passive recreation.

## 5) Concerns were expressed about impacts to environmental areas.

Two wetlands will be filled to construct a drive and one of the ball fields will be constructed adjacent to another; however, these 2 wetlands are not subject to water quality resource review. Identified water quality resource (WQR) are Mt. Scott Creek, drainage swale bisecting the site, and a



wetland located in the northern portion of the site. A 50-foot buffer will be established around all three resources and approximately 57,760 square feet of resource enhancement will be provided.

- 6) Concerns were raised about adequacy of on-site parking.

The proposal includes construction of a 196-space parking area, bringing the total on-site parking spaces to 318. The proposal will provide 43 spaces per field, which is comparable to similar facilities within the region. The City's traffic consultant, DKS Associates, has reviewed the proposed parking ratio and has advised the city that it is adequate.

As conditioned, benefits to the public exceed potential negative impacts, and the application complies with MMC Section 19.321.4 (D) Public Benefits Test.

7. MMC Section 19.321.10 establishes specific standards for public/private institutions and other facilities not covered by other standards. This section addresses development standards such as setback, height, lighting, noise limitations, and hours and level of operation. The maximum height limitation for all structures under CSO criteria is 50 feet. The applicant's proposal includes lighting poles for the ball fields that are 70 to 80 feet in height. Prior to erecting the lighting poles, the applicant must:

- a. Revise the application to reduce the lighting poles to 50 feet.
- b. Apply for a zoning text amendment to permit structures such as lighting poles to exceed the 50-foot height limitation.
- c. Apply for a variance to exceed the 50-foot height limitation.

As conditioned, the application complies with MMC Section 19.321 Community Service Overlay Criteria.

8. MMC 19.500 – Off-street parking and loading. As conditioned, the application complies with MMC 19.500 Off-Street Parking and Loading.

- a. 19.503.3 Minimum and maximum number of required parking spaces. Community parks are not listed in Table 503.9, which provides minimum and maximum number of required off-street parking spaces; therefore, community parks are classified as unlisted uses.
- b. 19.503.6 states that the Planning Commission shall determine the minimum required parking spaces for all uses not listed in table 503.9. The applicant submitted technical information about the park use, parking demand, and traffic generation. The applicant proposes to provide 43 spaces per field and will construct a 196-space parking area to accommodate parking demand of the proposed development.

The City's traffic consultant, DKS Associates, reviewed the technical data provided by the applicant and found that the proposed ratio of 43 spaces per field will adequately accommodate parking demands of the proposed development. The Planning Commission approved the proposed ratio of 43 spaces per field. To ensure the parking will function at the site, a condition was adopted requiring the applicant to provide a detailed

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management plan that includes schedule management, signing, and remote parking management.

- c. 19.502 states that the standards and procedures apply to uses with nonconforming parking and loading facilities, in an attempt to bring them into conformance with current standards when remodeling or a change in use occurs.

The existing parking facilities are nonconforming in regards to landscaping and drainage. The applicant will provide a new 196-space parking area to accommodate the proposed development. The Commission has approved the applicant's parking ratio of 43 spaces per field; therefore, parking demand for the development is satisfied with the construction of the 196-space parking lot. Existing parking areas are not needed to accommodate parking for the proposed development; therefore are not required to be brought into conformance with development standards of MMC Section 19.500.

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- d. 19.503.2 Shared parking is permitted when required parking cannot be provided on the site, when the shared parking is located within 300 feet of the principal structure or use, and when there is no conflict of use between the two uses. The Planning Commission approved the applicant's proposed ratio of 43-spaces per field. With the construction of the 196-space parking area, required parking for the development is provided on-site and shared parking is not required, therefore, the provisions of 19.503.2 are not applicable. The applicant's parking management plan includes use of the Clackamas Christian Center's parking lot to accommodate over-flow parking.
- e. 19.503.4, the applicant is not requesting special exemption from maximum allowable parking standards.
- f. 19.503.5, the site is classified as Zone B.
- g. 19.503.7, the applicant is not requesting a reduction of required parking.
- h. 19.503.8, the applicant is not requesting a modification of minimum and maximum parking.
- i. As conditioned, the application is consistent with MMC 19.503.10 parking space standards.
- j. As conditioned, the new parking facility complies with MMC 19.503.11 paving and striping standards.
- k. The applicant is not proposing to create additional curb cuts into the public right-of-way. The application complies with MMC 19.503.12.
- l. As conditioned, the application complies with MMC 19.503.13 minimum width requirements of drive aisles.
- m. The applicant's proposal provides on site vehicular connections as shown on the development plans and complies with MMC 19.503.14.
- n. MMC 19.503.16 – Drainage Standards. Staff consultant LDC Design Group has reviewed the proposed stormwater management plan and

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found the calculations presented in the report adequately model stormwater run off preliminary design level analysis. As conditioned, the application complies with parking area drainage standards and includes an additional natural stormwater detention area to the east of Field #1.

- o. The applicant has proposed on-site pedestrian walkways through the parking areas that are separate from vehicular circulation and parking. The application complies with MMC 19.503.17 pedestrian access.
- p. MMC 19.503.18 is not applicable, the application does not include a park-and-ride facility.
- q. MMC 503.19 establishes provisions for landscaping and screening. The applicant will provide parking area landscaping as required per MMC Section 19.503.19. As conditioned the proposal is consistent with MMC Section 19.503.19 – Landscaping.
- j. The applicant submitted a parking plan consistent with MMC 19.503.20.
- s. MMC Section 19.503.21 off-street parking in residential zones is applicable for residential development, such as construction of residential dwellings and home based businesses. This section is not applicable to the proposed development of a community service use.
- t. MMC 19.504, off-street loading is not applicable.
- u. 19.505, bicycle parking requires the applicant to provide on-site bicycle parking. As conditioned the proposal is consistent with MMC Section 19.505.
- v. MMC 19.506, carpool and vanpool parking is not required.
- w. MMC 19.507, Structure parking is not proposed or required.

**Deleted:** MMC Section 19.503.19(G) authorizes alternative landscaping plans. The applicant has requested to omit 4 landscape islands in the southern portion of the parking area. The omission of the 4 landscape islands results in the loss of approximately 528 square feet of landscaping. The landscaping along the southern property line exceeds the minimum width required by 17 feet creating a total of 4,930 square feet of additional area of landscaping.

9. MMC Section 19.322 Water Quality Resource Review

- a. The application includes the construction of 2 bio-swales/storm detention facilities, paved walking trails, repaving of an existing drive, and water quality resource (WQR) area enhancements within the WQR. All other activity will take place outside of the WQR area. All proposed activity within the WQR area is permitted per MMC Section 19.322.7. As conditioned, the application is consistent with MMC 19.322.7 – Activities Permitted Under Minor Quasi-Judicial Review.
- b. MMC Section 19.322.9 specifies application requirements which include the submission of an alternatives analysis. Only development within the WQR area is subject to the alternatives analysis requirement. The proposed bio-swales are permitted per Section 19.322.10 (E) provided an equal area to the WQR is replaced. The applicant will replace resource area for the bio-swales at a 1.4 to 1 mitigation ratio. The applicant will also provide enhancements to off-set the walking trails at a 1.4 to 1 ratio. Total enhancements for the bio-swales and walking trails will be approximately 10,320 square feet. Walking trails will localize foot traffic and reduce trampling associated with foot traffic within the WQR areas.

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As conditioned, the application is consistent with 19.322.9 – Application Materials.

- c. 19.322.9 (I) requires submission of a WQR area mitigation plan addressing adverse impacts and ways in which impacts will be minimized. Adverse impacts may occur during the construction phase of the walking trails and bio-swales. The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities.
10. MMC 19.322.10 – Water Quality Resource Development Standards
- a. Restoration of WQR area

The applicant has submitted a preliminary WQR restoration/enhancement plan. A condition has been adopted requiring submission of a WQR planting plan that demonstrates location, type, and quantity of plant materials to be reviewed by the City's environmental consultant.

The mitigation plan must also address how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation, and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain intact.

As conditioned the proposal is consistent with MMC Section 19.322.10 (A).
  - b. Protection of existing vegetation.

Existing vegetation within the WQR area will not be removed. A condition has been adopted requiring construction fencing around existing vegetation and areas to be preserved. As conditioned, the proposal is consistent with MMC Section 19.322.10 (B).

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.
  - c. Removal of existing vegetation shall be replanted.

Removal of some vegetation for the walking trails will occur, but significant vegetation, such as mature trees, will not be disturbed. The applicant will provide native plantings within the WQR area at a 1.4 (plantings) to 1 (trails) ratio to offset the vegetation to be removed for the walking trails.
  - d. WQR area shall be marked prior to construction.

The applicant will provide sediment and erosion control and construction fencing around WQR areas prior to commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (D).

e. Stormwater pretreatment facilities.

The applicant will construct 2 bio-swales within the WQR area. The bio-swales will encroach no more than 25 feet into the required 50-foot buffer. The approximate area of the bio-swales is 4,440 square feet. The applicant will provide approximately 6,250 square feet of WQR enhancements to mitigate the bio-swales.

Staff consultant LDC Design Group reviewed the storm water report and found that placement of water quality facilities in a buffer area is consistent with similar practices around the region. As conditioned, the proposed facilities will be designed to integrate in the WQR area in such a way that the habitat structure will not be negatively impacted.

f. The applicant is not proposing additions or alterations to existing structures within the WQR area. Section 19.322.10 (F) is not applicable.

g. Off-site mitigation.

The proposal does not include off-site mitigation. Section 19.322.10 (G) is not applicable.

h. Site preparation and construction practices.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to commencement of any earth disturbing activities. As conditioned, the application complies with MMC Section 19.322.10 (H).

i. Lights shall be placed so that they do not shine directly into the natural resource locations.

Where practicable the types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations. The applicant has demonstrated the need to provide safe lighting for ball fields. A condition has been adopted requiring the applicant to where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location. As conditioned, the application complies with MMC Section 19.322.10 (I).

j. Trails must be placed in locations to reduce impacts to WQR areas.

The applicant will install erosion and sediment controls to prevent run off into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls, prior to

commencement of any earth-disturbing activities. As conditioned, the application is consistent with MMC Section 19.322.10 (J).

- k. Trees and vegetation must remain and connected along drainage courses.

The applicant will provide approximately 57,760 square feet of enhancements to WQR areas. Existing vegetation will remain. As conditioned, the application complies with MMC Section 19.322.10 (K).

- l. MMC 19.322.10 (I) - Stormwater flows as a result of proposed development within and to natural drainage courses shall not exceed predevelopment flows.

Site stormwater will be collected and piped to bio-swales within WQR areas. Staff consultant LDC Design group found that the calculations adequately model the storm water runoff for a preliminary design level analysis and found the post development flows for Basin 1 will be at predevelopment rates and the estimated post development flows for Basin 2 will be released at slightly less than predevelopment flows. The runoff curve number (CN) value affects the rate of post development flows. A slight alteration in the CN value can alter stormwater flows. A condition has been adopted requiring staff review of the final hydrological report. The report shall specifically address the CN value to ensure adequacy.

- m. 19.322.10 (m) - Drainage course crossings.

New drainage course crossings are not proposed. MMC Section 19.322.10 (M) is not applicable.

- n. MMC 19.322.10(N) - Construction must be done in such a manner as to safeguard resources that have not been approved for development.

The applicant will install erosion and sediment controls to prevent runoff into WQR areas and construction fencing around protected areas to prevent damage to natural areas. The fencing and erosion controls must remain installed until all on-site construction work has been completed. City staff must inspect construction fencing and erosion controls prior to commencement of any earth-disturbing activities. As conditioned the proposal is consistent with 19.322.10(N).

- 11. The applicant submitted a Transportation Plan Review application.

- a. MMC Section 19.1406 requires that any non-residential development adding more than 25 trips per day to an adjacent residential local street requires mitigation of impacts.

The traffic study, prepared by Lancaster Engineering, demonstrates conservative trip generation estimates that the new site will add approximately 400 weekday and 850 weekend daily trips (depending upon activity) and 70 trips during the weekday evening peak hour and weekend peak hour. The trip generation data, as provided by the applicant's amended traffic impact study, is an adequate representation of the proposed park development. The development will increase trips on Kellogg Creek Drive, which is a local street. The applicant will provide

improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of a 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- b. MMC Section 19.1407 ensures that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate impacts of the new development. Rights-of-way shall be made adequate at time of development, but are moderated by proportional mitigation.

The applicant will provide improvements to Kellogg Creek Drive to improve safety for vehicles and pedestrians. The improvements include:

- 1) Widening Kellogg Creek Drive to 28 feet.
- 2) Pedestrian sidewalk along northern side of Kellogg Creek Drive.
- 3) Creation of 90-degree intersection at Kellogg Creek Drive and Rusk Road.

- c. MMC Section 19.1408.1 requires the submission of a transportation impact analysis (TIA) that demonstrates the impact of development on the surrounding transportation system. The TIA provides a framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts.

A transportation impact analysis was prepared by Lancaster Engineering and submitted by the applicant. The City's traffic consultant, DKS Associates, reviewed the TIA. The data and methodology used in Lancaster's TIA are adequate, based on comparison to standard traffic engineering practices.

- d. 1408.3 (B) requires the applicant to demonstrate proportional impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal. The applicant has demonstrated their proportionality of providing improvements to mitigate traffic impacts of the development. The applicant has stated they will pay for and build 100% of the improvements along Kellogg Creek Drive and the intersection of Rusk Road and Kellogg Creek Drive. As conditioned, the application complies with 19.1408.3(B).

- 1) Widening of Kellogg Creek Drive to obtain an overall width of 28 feet. Cost estimate \$90,000. Applicant's proportional share, 24% (\$9,100).
- 2) Constructing a pedestrian walkway along northern portion of Kellogg Creek Drive. Cost estimate \$50,000. Applicant's proportional share, 24% (\$12,000).
- 3) Reconfiguration of Rusk Road/Kellogg Creek Drive intersection to improve safety. Cost estimate \$70,000. Applicant's proportional share 13% (\$9,000).

The applicant's traffic memorandum states that the improvements are planned to be constructed, rather than providing a monetary contribution based upon proportional share.<sup>4</sup>

- e. MMC Section 1409 requires that all streets and necessary rights-of-way shall be dedicated to the public for street purposes in accordance with Table 1409.3.

The North Clackamas Park is located at the end of Kellogg Creek Drive and abuts the road for approximately 58 feet. It is not practicable for the applicant to obtain (purchase) needed right-of-way along Kellogg Creek Drive. The applicant will provide improvements within the existing right-of-way.

- f. MMC Section 19.1410 establishes standards for pedestrian facilities. As conditioned, the application complies with 19.1410 – Pedestrian Requirements and Standards.
- g. MMC Section 19.1411 establishes standards for bicycle requirements. As conditioned, the application complies with 19.1411 Bicycle Requirements.
- h. MMC Section 19.1412 – establishes transit requirements and standards. The proposal does not include development of a multifamily, commercial, office, or industrial use; therefore, MMC 19.1412 is not applicable.

## 12. Flood Hazard Regulations

Staff reviewed the park location and elevation data in conjunction with the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community-Panel #415588 0036A dated August 4, 1987, and the March 1, 2001, revision. The applicant's submitted plans appear to reflect the 1987 FEMA map and do not appear to reflect the 2001 revision of the FEMA maps. The net difference in the two FEMA maps results in a very small section of the 100-year flood boundary (about 100 square feet) is present in the middle of the south side of the park boundary. This is just outside of the ball field #2 area. Staff relies on industry standards based on conclusive evidence, such as the March 1, 2001, FEMA map.

The modification to the FEMA map based on the March 1, 2001, data affects a small portion of the development. MMC 19.18.04.150 (F) requires balanced cut-and-fill for development within the flood plain. The applicant must submit revised cut-and-fill calculations demonstrating balanced cut-and-fill.

MMC 18.04.100 (B) states that proposed structures within the 100-year flood plain will require certification by a professional engineer or architect verifying adequate flood proofing.

As conditioned, the application complies with MMC Title 18, Flood Hazard Regulations.

- 13 Title 16 of the Milwaukie Municipal Code requires that the applicant obtain an erosion control permit prior to construction or commencement of any earth-

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<sup>4</sup> Lancaster Engineering Addendum dated April 11, 2005.



disturbing activities. As conditioned, the application complies with MMC Title 16 – Erosion Control.

14. The City and Clackamas County have an intergovernmental agreement (IGA) stating that the North Clackamas Park shall be maintained and operated by North Clackamas Parks District. Testimony regarding poor maintenance of the park or concerns regarding future maintenance is not applicable to relevant code criteria and is therefore not part of the decision-making process for the proposed development.
15. The Planning Commission expresses its concern about the use of chemical pesticides and herbicides and encourages the district to avoid their use in a manner that limits adverse and environmental health impacts, and further encourages the Parks District to provide on-site notice when these chemicals are in use.

**Conditions of Approval**

1. Final site and architectural plans shall be in substantial conformance with the plans approved by this action. Reference is made to plans submitted with the application submission materials dated February 24, 2005, and March 21, 2005; technical reports listed in Recommended Findings; and minutes of the Planning Commission's public hearings held April 26, 2005, May 10, 2005, and May 24, 2005. Any inconsistency must comply with the most recently submitted application materials.
2. Grading, erosion control, and plumbing permits shall be obtained prior to commencement of any earth-disturbing activities.
3. An electrical permit shall be obtained from Clackamas County prior to conducting any electrical work on site.
4. Prior to issuance of an erosion control or grading permit, and prior to commencement of any earth-disturbing activity, the applicant shall submit to the City or complete the following:
  - a. A narrative of all actions taken to comply with these conditions of approval.
  - b. A narrative description of all changes made to the plans but not required by these conditions or approval.
  - c. Water quality resource areas shall be flagged and construction fencing shall be installed around all protected areas. Construction fencing shall be inspected by the City and shall remain erected until all activity on the site has been completed.
  - d. Erosion and sediment controls shall be installed around water quality resource areas and shall be inspected by the City.
  - e. The applicant shall submit a revised photometric plan demonstrating .5 foot-candles measured at the south side of the existing tree line along the south property line. Where practicable limit lighting within the WQR area so that lighting will not shine directly into the natural resource location.
  - f. Submit a water quality resource mitigation planting plan that demonstrates plant type, quantity, and location.
  - g. Provide a vegetation and tree preservation plan to ensure that the water quality resource buffer areas and proposed trees to be preserved will not be disturbed during construction. Tree and vegetation preservation measures shall be installed prior to commencement of any earth-disturbing activity. The vegetation and tree preservation measures shall be inspected by the city.
  - h. Request and receive approval from U.S. Army Corps of Engineers and DSL to fill the two unmapped wetlands.
  - i. Submit a parking management plan to the satisfaction of the Planning Director.

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- j. Submit revised cut-and-fill calculations for all development within the 100-year floodplain. The calculations shall reflect the March 2001 FEMA map and shall demonstrate balanced cut-and-fill.
  - k. A final hydrological report shall be submitted to the Engineering Director for review and approval. The report shall specifically address the CN value to ensure accuracy.
  - l. Submit a vegetative mitigation plan that addresses how the bio-swales have been designed to integrate the WQR area in such a way that the habitat structure will not be negatively impacted. Design considerations should include planting the swale with diverse native vegetation and creating an alignment that assimilates with the existing terrain and trees. The design should demonstrate how riparian area enhancements have been incorporated into the final swale design to ensure that functions of the WQR area remain.
  - m. The applicant shall submit for City review a revised hydrological report demonstrating the omission of parking lot stormwater retention. The revised report must also demonstrate that post development stormwater flows do not exceed predevelopment stormwater flows.
5. Prior to erecting lighting poles for the ball fields, the applicant shall complete one of the following:
- a. Reduce lighting pole height to 50 feet.
  - b. Apply for a variance to increase pole height to exceed the maximum 50-foot height limitation.
  - c. Apply for a zone text amendment to allow structures such as ball field lighting poles to exceed the maximum height limitation of the Community Service Overlay zone, subject to limitations.
6. Prior to commencement of any recreational activity of the proposed development, the applicant shall complete the following:
- a. The 196 space parking area shall be constructed and landscaping shall be installed. Staff shall conduct an inspection of the parking area and landscaping.
  - b. Improvements along Kellogg Creek Drive shall be completed. The roadway shall be widened to create two 14-foot travel lanes and intersection improvements to create a 90-degree intersection at Kellogg Creek Drive and Rusk Road per MMC Section 19.1400.
  - c. All Water Quality Resource vegetative planting and mitigation shall be completed and inspected by the City.
  - d. Bicycle parking shall be installed per MMC Section 19.505.
7. Building permits are required for structures including the concession stand, restrooms (2), bleachers, dugouts, maintenance shed, and picnic shelter. Accessible route is required from the parking lot to all structures (as mentioned above) on the site. At the time of building permit submittal, the applicant shall show sufficient detail (slope, surface materials, striping, etc.) to show compliance

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with Chapter 11 of the Oregon Structural Specialty Code. The proposed dropoff area must comply with Section 1105 - Passenger Loading Zones.

8. For all proposed structures to be located within the 100-year floodplain, submit certification by a professional engineer or architect verifying adequate flood-proofing (MMC 18.04.100 (B)). All proposed work in the 100-year floodplain will require calculations that demonstrate balanced cut-and-fill (18.04.150 (F)).
9. Per MMC Section 19.322.10(L), stormwater flows shall not exceed predevelopment flows.
10. The applicant must complete the following activities as part of Phase 1 construction. The site cannot be used until all activities listed below have been completed and inspected to the satisfaction of the Planning Director.
  - a. Development of environmental enhancements, including implementing and planting the vegetation plan.
  - b. Construction of public improvements along Kellogg Creek Drive (sidewalk construction, repaving Kellogg Creek Drive, and the realignment of the Kellogg Creek Drive/Rusk Road intersection).
  - c. Construction of the proposed trail/walkway system.
  - d. Construction of the stormwater treatment facilities and bio-swales.
  - e. The Planning Commission has approved a parking ratio of 43 spaces per field and the construction of 196 space parking area. If the applicant phases the construction of the ball fields, parking must be provided in proportion to the number of fields developed. For example, if three fields are constructed the applicant must provide a 129 space parking area. The remaining parking spaces must be provided when each subsequent field is constructed.

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John Gessner  
Planning Director

copy: Applicant  
Planning Commission  
Paul Shirey, Engineering Director  
Tom Larsen, Building Official  
Bonnie Lanz, Permit Specialist  
Ron Schumacher, Deputy Fire Marshal  
NDA(s): Lake Road  
Interested Persons  
File(s): CSO-05-02

3 AUG 2 2005  
CITY OF MILWAUKEE  
PLANNING DEPARTMENT



# Youth Sports Fields at North Clackamas Community Park

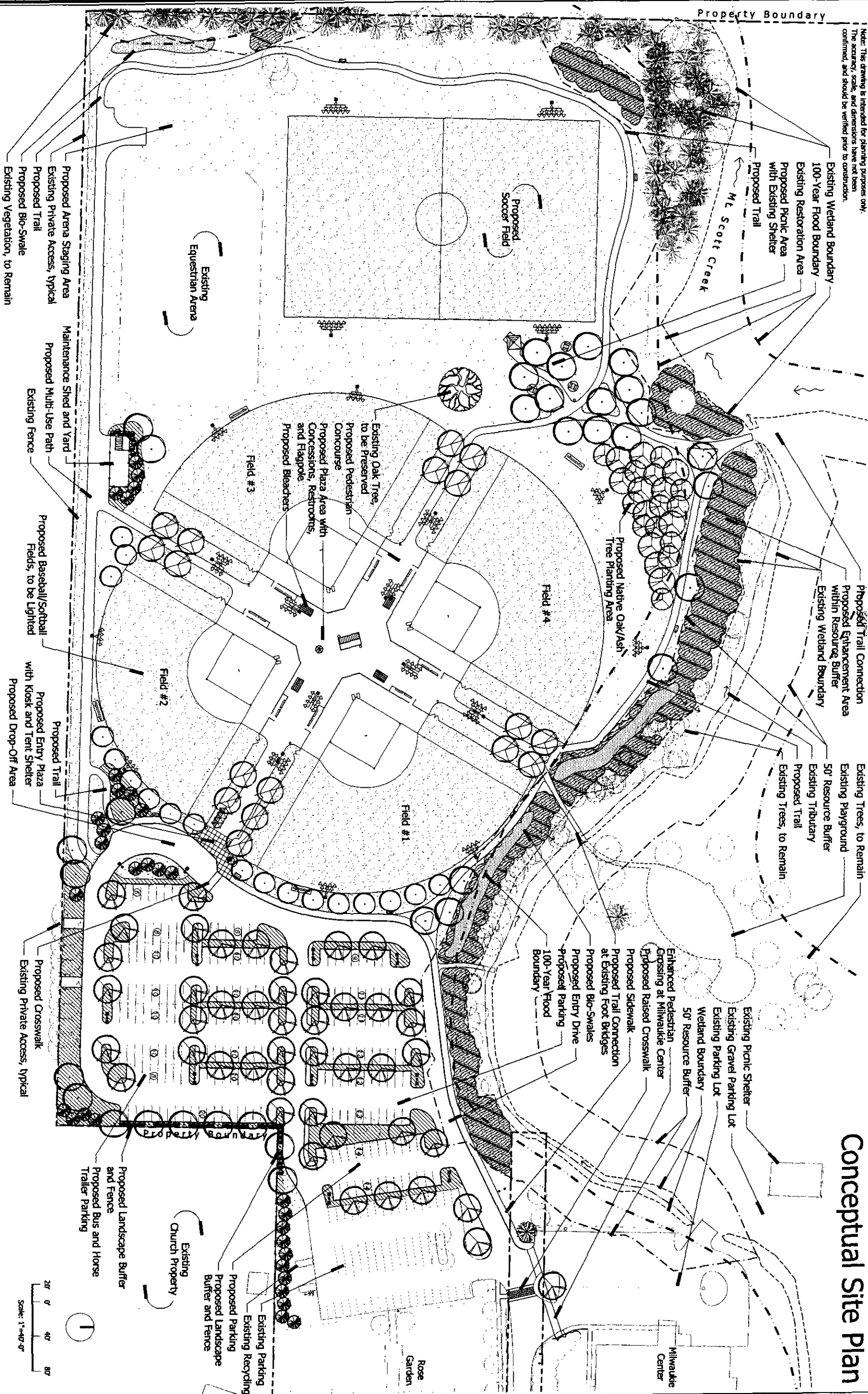
**August 2005**



FEB 24 2005

RECEIVED

North Clackamas Parks and Recreation\2002\Sports Field Complex\Access\2002\0207\plan-0207.dwg



# Youth Sports Fields at North Clackamas Parks & Recreation District

February 2005





RECEIVED  
FEB 17 2011  
CITY OF MILWAUKIE  
PLANNING DEPARTMENT

February 14, 2011

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

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

Cc: Michelle Healy, North Clackamas Parks and Recreation District

Re: North Clackamas Park North Side Plan

In July, 2010, the Milwaukie Center/Community Advisory Board sent a letter to the City of Milwaukie Planning staff and Planning Commission members regarding the adoption of the North Clackamas Park North Side Master Plan into the City of Milwaukie Comprehensive Plan. At that time we expressed our significant concern about the plan locating a new parking lot to be accessed through the existing Milwaukie Center parking lot.

We understand that the City of Milwaukie Planning Commission is meeting with North Clackamas Parks and Recreation District staff for a work session regarding the North Clackamas Park North Side Master Plan on February 22. On behalf of the entire Milwaukie Center/Community Advisory Board, I want to share our unremitting and serious concern about adding greater amount of traffic to an area where a high percentage of the pedestrians are older adults and people with disabilities. We feel it is inappropriate to plan the access of a new parking lot through the Milwaukie Center parking lot.

On a daily basis, more than 500 people come to the Milwaukie Center. Attached are several photos showing the limited scope of the parking lot, which accommodates public busses, private vehicles and significant foot traffic of primarily older adults and people with disabilities. When busses or cars are parked in front of the Milwaukie Center front entry, visibility is greatly impaired for pedestrians, who are stepping in front of traffic, going to and from the parking lot. Moving more vehicles past the front door of the Milwaukie Center to access the new parking lot will considerably increase the potential of vehicle-pedestrian accidents.

The Center/Community Advisory Board urges your careful consideration of the siting of a new parking lot in the North Clackamas Park north side. A parking area is needed for the north side, but it should NOT be accessed through the Milwaukie Center parking lot.



## Milwaukie Center Parking Lot



View from the south, toward Milwaukie Center front entry



Main entrance to the parking lot which goes directly by the Milwaukie Center front entry. This would also be the main entrance for the new north side parking lot.



Bus passing front entry of Milwaukie Center



# **North Clackamas Park North Side Master Plan**



**MILWAUKIE PLANNING COMMISSION  
TUESDAY, FEBRUARY 22, 2011**

**NORTH CLACKAMAS PARKS  
AND RECREATION DISTRICT**

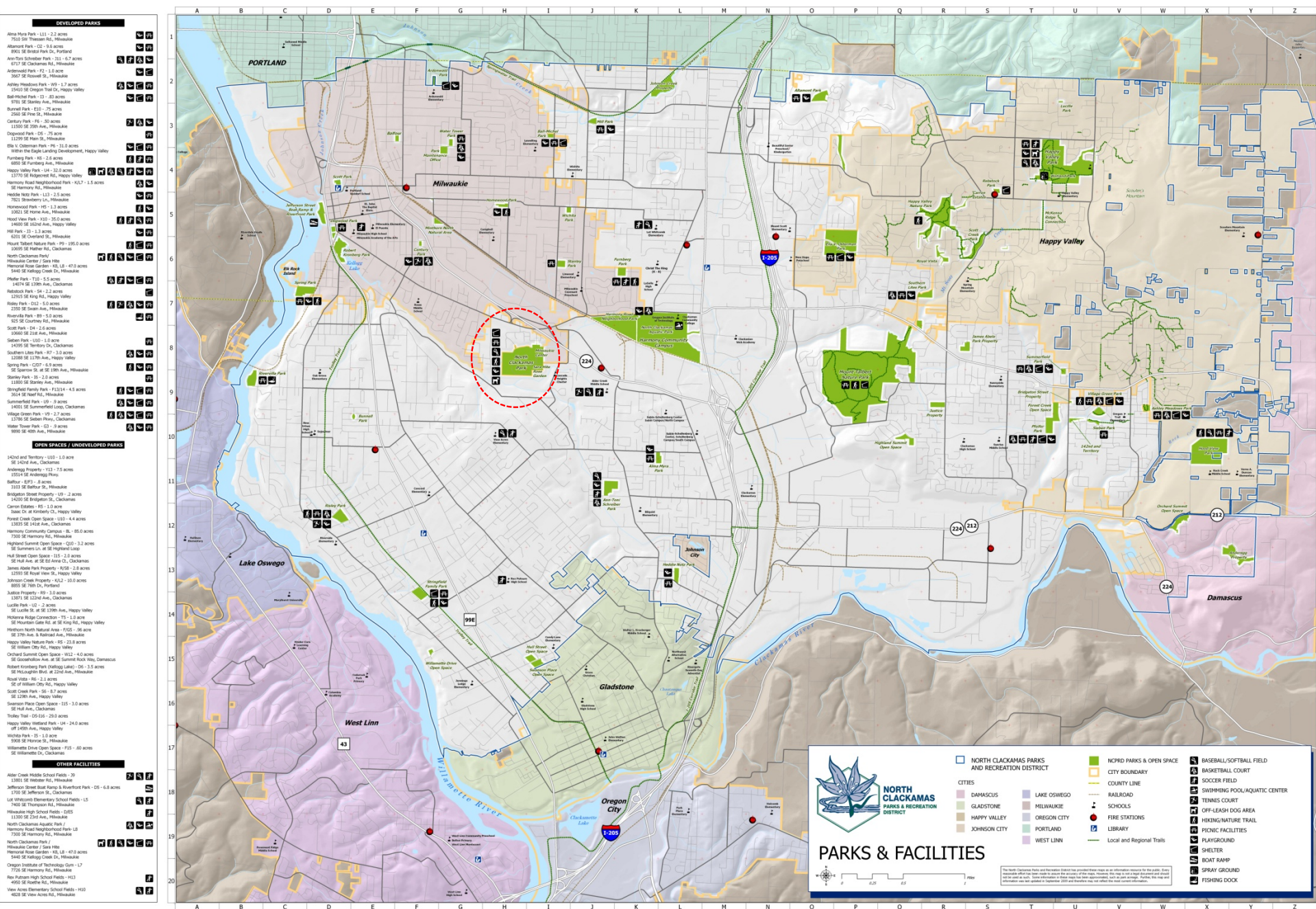
# Context - NCPRD



- Formed in 1990
- 114,000 residents
- Includes cities of Milwaukie and Happy Valley
- Numerous parks and facilities including;
  - North Clackamas Park and Milwaukie Center
  - Aquatic Park
- There are a variety of recreation and educational programs provided by the many divisions at NCPRD







# North Clackamas Park **Context**



- 47-acre park
- Largest community park in NCPRD
- In use for over 40 years
- Owned by Milwaukie, managed by NCPRD
- Camas Creek divides the park
  
- Background and Land Use History
  - July 27, 2010 Planning Commission Meeting

# North Clackamas Park South Side



- **Park elements:**
  - youth sports fields
  - equestrian facility
  - children's play area
  - Sara Hite Rose Garden
  - Milwaukie Center
  - parking
- **Completed in 2007/2008**
- **85,000 players and fans visited the park in 2010**
- **2009 ASA Girls' Fast pitch 12B Western National Championship**
- **Community events include weddings, March for Mutts, Movies in the park**





# North Clackamas Community Park - Conceptual Park Plan

City of Milwaukie Planning Commission - 2/11



## LEGEND

- Wetland Buffer Line - 50'
- Expanded Wetland Buffer Line - 70'
- 100 year flood line

# Why apply for approval of the Master Plan for the North Side of NCP?



- South side of park complete
- PARB and community requested NCPRD complete a North Side plan
- Direction by the City of Milwaukie



# Project Timing



## Public Involvement Notebook

- 12/07 – Final Master Plan Open House
- 1/08 – District Advisory Board review and support
- 2/08 – PARB review and support
- 5/09 – Milwaukie Title 13 interim rules established
- 4/10 – Application submitted to Milwaukie



# North Clackamas Park parking



## **Proposal:**

- **renovation and improvement of the North Side parking lot**

**NCP Parking Management Plan will remain in place**

**Details considered as part of any future land use application**

# Alternatives



- Mix of uses in the park
- Dog Park Planning
  - 1.45 acre facility, size will remain the same
  - Dog Park Working Committee
  - Move outside of riparian buffer of Mt. Scott Creek
  - Enhance with:
    - ✦ New fencing
    - ✦ Benches
    - ✦ Kiosk
    - ✦ Divided use areas
    - ✦ Double entrance gates
    - ✦ Additional vegetated screening
  - Code enforcement addresses concerns
- Southwest corner of the park





# Please Join Us for a Public Meeting

## Mt. Scott Creek Restoration Project

January 26th, 2011 from 6-7:30pm at the Milwaukie Center 5440 SE Kellogg Creek Drive Milwaukie OR in the Trillium Room

*Please join us to review the proposed restoration and habitat improvement projects for the section of Mt. Scott Creek that runs through North Clackamas Park.*

### PROJECT GOALS

- 1) Improve four to six instream and riparian areas along the creek for fish and wildlife health and to enhance ecological functions and diversity.
- 2) Provide watershed health awareness, community stewardship, educational opportunities and improve public access to nature.

### PROJECT BACKGROUND

Mt. Scott Creek joins Kellogg Creek southwest of North Clackamas Park. The 47-acre park is owned by the City of Milwaukie and maintained by the North Clackamas Parks and Recreation District (NCPRD). In 2009, Clackamas County Service District No. 1 (CCSD#1) completed a watershed action plan identifying the reach of Mt. Scott Creek flowing through North Clackamas Park as one of the highest priority areas for habitat improvements. CCSD #1 is applying for grant funding to implement the proposed natural resource improvements. The projects are in response to the watershed action plan and Oregon Department of Fish and Wildlife's habitat assessments of the creek. Separately, NCPRD has developed a concept plan for the north side of the park that includes additional park developments and natural resources improvements which are outside the scope of this project.

### SITE OPPORTUNITIES MAP



For more information go to:  
<http://www.riverhealth.org/>

### PROJECT TIMELINE

- Dec 2010 -Jan 2011 Preliminary Design
- Late Jan 2011 Submit Metro Grant Application
- Jun 2011 Complete final design and permitting
- Jul-Sept 2011 Implement restoration measures
- Oct 2011- Mar 2012 Conduct volunteer restoration events in riparian areas





# North Clackamas Community Park - Conceptual Park Plan

City of Milwaukie Planning Commission - 2/11



## LEGEND

- Wetland Buffer Line - 50'
- Expanded Wetland Buffer Line - 70'
- 100 year flood line