

AGENDA

Parks & Recreation Commission

Monday, Jan. 26, 1987

CITY HALL

7:00 p.m.

- I CALL TO ORDER**
- II APPROVAL OF MINUTES**
- III COMMISSION ITEMS**
 - a) Request from Holy Order of Mans**
- IV DISCUSSION ITEMS**
 - a) Dogwood Lodge**
 - b) Down to Earth Day**
- V ADJOURNMENT**



HOLY ORDER OF MANS

January 13, 1987

Don Robertson
Parks & Recreation Coordinator
City of Milwaukie
10722 S.E. Main
Milwaukie OR 97222

Re: Request for Easements

Dear Don,

I appreciated our conversation on Monday January 5 regarding our request for easements in the North Clackamas Central Park. As you are aware, the Holy Order of MANS has recently acquired and moved the Crystal Lake Cathedral of the Pines Church buildings. Many people who were interested in seeing this beautiful log building preserved assisted us. The Schnitzer Investment Corporation gave us the use of a vacant lot at International Way and 37th to temporarily "park" the church while a new permanent location could be found. In the last week of December, we purchased a 6.7 acre property abutting the North Clackamas County Park (Tax Lot #22E 06 DB 00400 at 13515 S.E. Rusk Road) to serve as the new permanent church site.

In addition to moving the church and fellowship hall to the North Clackamas Park area, we are planning to construct a school building for our church's school. The proximity to the park makes our property the perfect location for a small school, and we are hoping to be able to use some of the park facilities for supervised activities. We also see that by not duplicating facilities we will be able to preserve as much of the natural environment as possible.

In order to move and construct our church and school, and to develop our property in a way that is in keeping with the surroundings, we are requesting the following from the North Clackamas Central Park.

1). A temporary easement through the park to move the church buildings.

The biggest hurdle to successfully saving the Cathedral of the Pines Church was the fact that due to it's size, access onto any property could be difficult if not impossible. The property we have purchased was in part chosen because of it's ease of access by way of SR 224, Rusk Road, Kellogg Road and ultimately a 300 foot passage over park property --- the most likely via the parking lot south of the Senior Center.

Our building mover is Swanson Movers, a highly skilled and qualified company, so the impact to the park will be minimal. Of course, any cost incurred for this move would be assumed by us.

2). A 10' horse gate easement.

The strip of land immediately adjacent to the southern boundary and behind the temporary outfield fences for the ball diamonds (designated as the route of passage for horses traveling to the arena) would be accessed by this gate.

3). A 5' pedestrian gate easement.

Located in the northwest corner of our property, this would provide an orderly route of passage for supervised outings from the school. It avoids the area of the parking lot and potential traffic.

4). A 20' wide emergency vehicle easement.

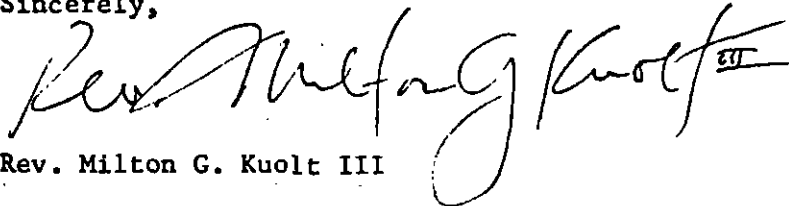
This would extend between the south edge of the parking lot and our property line. This will be paved with 6" of gravel and 2" asphalt. The county fire department has stated this to be preferable for life safety.

5). Approval to use park facilities for supervised activities of the St. Michael's School.

The primary consideration to date would be for use of athletic fields and for nature hikes both of which would be supervised.

Thank you for consideration of our request. Please feel free to contact me if you have any questions. It is our hope that you are able to review and decide on these requests at your January meeting due to their affect on our Conditional Use Hearing with the county in February.

Sincerely,



Rev. Milton G. Kuolt III

226-2888

PARKS & RECREATION COMMISSION

Minutes - October 27, 1986

A meeting of the Milwaukie Parks & Recreation Commission was held on October 27, 1986 with the following members present:

Susan Wagner	Absent:
Bobbie Lapeyre	Jim Schuld
Lynn Roy	
Larry Spencer	
Rudy Dinger	

Also Present: Don Robertson, Parks & Recreation Coordinator

The meeting was called to order at 7:05 p.m.

RESIGNATION OF COMMISSIONER

The Commission accepted the resignation of Vice-Chairman Jim Schuld.

PARK RULES

The Commission discussed drinking in North Clackamas Park. There was a suggestion made to allow drinking only on the north side of the road in the park. The subject of City liability was brought up, and staff was directed to check with the City Attorney regarding this. The Commission decided that Park Rule No. 15 should be reworded to give park employees authority to expel violators.

DOGWOOD LODGE

There was discussion re Dogwood Lodge and its use by the Junior Chamber of Commerce.

ELECTION OF VICE PRESIDENT

A motion was made to elect Lynn Roy as Vice President. The motion was **SECONDED** and **APPROVED** unanimously.

The meeting was adjourned at 8:40 p.m.

Rudy Dinger, Secretary

PARKS & RECREATION COMMISSION

Minutes - November 24, 1986

A meeting of the Milwaukie Parks & Recreation Commission was held on November 24, 1986 with the following members present:

Susan Wagner
Bobbie Lapeyre
Lynn Roy
Larry Spencer
Rudy Dinger

Also present:

Don Robertson, Parks & Recreation Coordinator

APPROVAL OF MINUTES

The minutes of the October 27, 1986 meeting were read, and approved with one amendment (to include the resignation of Jim Schuld).

PARK RULES

There was discussion regarding drinking in North Clackamas Park. The Commission read a memo from City Attorney Greg Eades regarding City liability for injuries sustained in a City park by or from a person consuming alcohol. Larry Deming **MOVED** to allow drinking on the north side of the road in the park only. Alcohol to be prohibited on the south side of the road within the ballfield areas. Motion **SECONDED** by Lynn Roy. Motion **PASSED** with 4 in favor, 1 against.

FEE SCHEDULES

Don Robertson gave a presentation regarding fee schedules for North Clackamas Park. Discussion followed. Bobbie Lapeyre **MOVED** to forward the recommendations made by staff to City Council. Motion **PASSED** unanimously.

Bobbie Lapeyre **MOVED** to adjourn the meeting. **SECONDED** by Lynn Roy. Motion **PASSED** unanimously. The meeting was adjourned at 8:12 p.m.

Rudy Dinger

MEMORANDUM

TO: PARKS & RECREATION COMMISSION
FROM: DON ROBERTSON, ^{DR} PARKS & RECREATION COORDINATOR
SUBJECT: HOLY ORDER OF MANS REQUEST
DATE: JANUARY 26, 1987

ACTION REQUESTED:

That the Commission make a recommendation regarding the request of the Holy Order of MANS Church for three permanent easements into North Clackamas Park from their property which adjoins the southeast corner of the park and their request to regularly use the park for supervised activities.

Background

By letter dated January 13, the Holy Order of MANS requested permission to move the church buildings across park property, a permanent 10' horse gate easement, a permanent 5' pedestrian gate easement, a permanent 20' emergency vehicle easement through the parking lot and approval to regularly use park facilities for supervised activities. Along with this letter of request a proposed site plan was provided.

The PARC is being asked to review the Church's request for the three permanent easements and approval to use park facilities for supervised activities. Since the request to have the church buildings moved across park property does not involve meeting the community's park and recreation needs, staff will make that decision based upon the probable impact upon the property.

The letter of request and plan were circulated among the Police, Fire, Public Works and Community Development departments for their comments. The City Attorney was also contacted for his comments regarding the request. Concerns raised by the other departments included:

- 1) Both the Police and Fire departments agreed that it would be inappropriate for an emergency vehicle access for private property to be through the park and in particular through the parking lot. Normal vehicle use of the parking lot does not allow for accepted access and clearance distances. In addition, the park gate is locked at night thus not allowing free access for emergency responses. Also, concern was expressed about the access leading into what is to be only a foot path.

2) The Community Development Department raised a question about the proposed school meeting the state required area/pupil ratio. Park staff contacted the North Clackamas School District and was informed that the ratio is a minimum of 5 acres plus 1 acre per 100 students. The church projects 45-50 students during its first years of operation. However, it was hoping for increased growth of students. Reverend Kuolt indicated that if they outgrew the state standards, they hoped to get an exception granted due to the proximity of the park.

3) The City Attorney expressed concern about increased liability for the City if the Church intended to use the park property and facilities on a regular basis. He indicated that such regular access should only be approved with the requirement that the Church carry sufficient liability insurance indemnifying the City against any claims arising out of the use of park facilities.

When asked about the intended use of park facilities for school purposes Reverend Kuolt indicated to staff that the Church did not intend for the park to be used for recess activities of the students but for supervised nature walks, ballfield activities and horse area activities such as would occur during P.E. or gym classes. He stated that the school would probably use the park on a regular basis.

As you are aware, limited access to the park for agricultural and personal use has been granted to the other neighbors bordering the southern side of the park. This limited use does not compare to the regular use which the Church has requested.

Staff believes this Church should have the same rights and requirements as any other church, school, family or organization regarding the use of these park facilities. They should follow the same permit procedures for structured, scheduled activities and pay whatever fee amounts are required by the fee schedule.

4) The Public Works department expressed concern about the increased vehicle traffic on Kellogg Creek Drive. It will relay the concerns regarding traffic to Clackamas County during the county's review of this proposal. Public Works will ask the County to require the south side of Kellogg Creek Drive to be upgraded to current city standards as part of their requirements if the proposed use as a church and school is approved by the County.

The Commission is asked to review the proposal to determine what if any effect it has on our ability to meet the community's park and recreation needs and to make a recommendation regarding the request which the City will consider in responding to it.

Staff Recommendation

- 1) The request for permanent emergency vehicle easement should not be approved based on the reasons stated above.
- 2) The request for a permanent pedestrian access gate and a permanent horse access gate should not be approved. Instead one access gate could be approved for limited use.
- 3) Approval to use park facilities for regular supervised activities of St. Michael's School should not be approved unless:
a) the school provides sufficient liability insurance which indemnifies the City against potential liability resulting from such use and b) the school pays the City for the costs of increased maintenance caused by such regular use. As an alternative the Church could use the park on a limited basis by meeting the requirements of any other group for scheduled use of park facilities. In addition, the City does not agree to the school using the park facilities as a method of meeting state requirements for space/pupil.



J&F

INDUSTRIES, INC.

2200 S.E. Mailwell Drive
Portland, Oregon 97222
(503) 659-8121

January 26, 1987

City of Milwaukie
City Hall
10722 S.E. Main Street
Milwaukie, Oregon 97222

Attn: Don Robertson,
Parks & Recreation Coordinator

Re: The Holy Order of Mans
DR-163

Dear Mr. Robertson:

Thank you for your memorandum regarding the Holy Order of Mans request for special privileged use of North Clackamas Park.

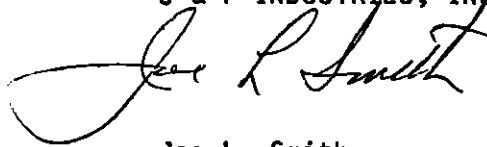
I feel this would be in violation of the state and federal law and is not in keeping with the original plans for the park.

I also am of the opinion Rusk Road is not capable of handling any increased traffic.

If Holy Order of Mans request is granted I will have counsel file legal action against the City of Milwaukie.

Sincerely,

J & F INDUSTRIES, INC.



Joe L. Smith
President

JLS/srt

cc: American Civil Liberties Union

CITY OF MILWAUKIE



MEMORANDUM

TO: NEIGHBORS OF NORTH CLACKAMAS PARK
FROM: DON ROBERTSON, ^(DR) PARKS & RECREATION COORDINATOR
SUBJECT: REQUEST FOR PARK USAGE
DATE: JANUARY 19, 1987

As many of you are aware, the Holy Order of Mans has purchased 6.7 acres abutting North Clackamas Park at 13515 SE Rusk Road.

The Holy Order of Mans has informed us that they intend to locate a church and school on this property. Furthermore they have requested three access points into the park along with approval to use park facilities for supervised activities of the school.

On Monday, January 26 at 7:00 p.m. in City Hall the Park and Recreation Commission will be considering the above request. You are invited to attend the meeting to find out more about the request and provide comments for the Commission's consideration. If you are unable to attend, you may submit written comments to me at City Hall before 4:00 p.m., Monday, January 26.

Reference: DR-163

1-23-87

We have no objection to the church using the park facilities. The Park is for the use of all people. As far as three access points into the park, we do not understand why they need three. We can understand if children are using the present park road it could be dangerous for them & hinder vehicle traffic but (still do) not understand why they need 3 access points. Would one would be sufficient. We would hope that their request would not be turned down just because they are not what you call a traditional main stream church.

CITY HALL • 10722 S.E. MAIN STREET • MILWAUKIE, OREGON 97222 • TELEPHONE (503) 659-5171

Sincerely,
Mr. & Mrs. D.L. Fowler

January 25, 1987

Don Robertson, Parks & Recreation Coordinator
City of Milwaukie
Milwaukie, Oregon 97222

Dear Mr. Robertson,

We would like to submit this written comment to you regarding the letter of January 19, 1987 in which The Holy Order of Mans would like to locate a church and school on 6.7 acres abutting the North Clackamas Park at 13515 S.E. Rusk Road.

We highly oppose to this due to the following reasons:

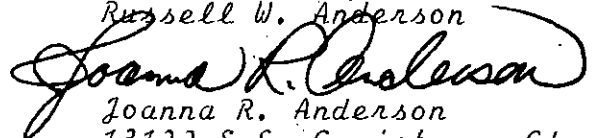
1. We do not need another church and school to congest traffic in the area of another church and the park.
2. We do not want a cultist communtiy living situation to be anywhere near that park where our children go.
3. The park has population problems during the summer months and a church adding to it's numbers with their activities should not be allowed.
4. A church, not paying taxes, should not be allowed to benefit from our park facilities as they want to do.

We are sorry we can not be to your meeting on January 26, but hope this letter will help in the decision making of the usage of the property and that we are highly against the church moving in there.

Sincerely,



Russell W. Anderson



Joanna R. Anderson
13132 S.E. Capistrano Ct.
Milwaukie, Oregon 97222