

# **BOARD OF DIRECTORS MEETING AGENDA**

**Date:** December 7, 2022 **Time:** 6:00 p.m. – 8:30 p.m.

Location: Concord Property (3811 SE Concord Rd, Oak Grove, OR 97267) – Meeting Room

Or join virtually (via Zoom)

# 1. CALL TO ORDER

- a. Roll Call
- b. Pledge of Allegiance
- 2. PRESENTATION (Following are items of interest to the residents of the District)
  - a. Fiscal Year 2022-2023 First Quarter District Financial Report
  - b. Report of the Chair of the District Advisory Committee
- 3. <u>BOARD DISCUSSION ITEMS</u> (The following item will be individually presented by District staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the department or organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)
  - a. Status report on the Concord Building Project
  - b. Status report on land lease agreement between NCPRD and the Library District at the Concord site
  - Status report on the System Development Charge Methodology Update
  - Status report on the City of Milwaukie proposal to leave the district
  - e. Status report on the District Governance Change Project
- 4. CONSENT AGENDA (The following Items are considered routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Work Sessions. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)
  - a. Approval of Meeting Minutes from March 30, 2022 and June 29, 2022 NCPRD Board Meetings

# 5. DISTRICT ADMINISTRATOR & DISTRICT DIRECTOR UPDATE

- 6. PUBLIC COMMENTS (The Chair of the Board will call for statements from people regarding issues relating to District governance. It is the intention that this portion of the agenda shall be limited to items of District business which are properly the object of Board consideration and may not be of a personal nature. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)
- 7. BOARD COMMUNICATIONS
- 8. ADJOURN

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# North Clackamas Parks & Recreation District Quarterly Financial Report Summary – Quarter 1 July – September 2022

## General Fund – Fund 213

Beginning fund balance came in slightly lower than anticipated. This is due to an accounting correction for the American Rescue Plan Act revenue. We had originally included it in FY 21-22, which would affect the beginning fund balance of FY 22-23. However, we subsequently learned that we need to post this revenue at the same time as the expenditure (accounting principle of "matching"). Since these funds are being used to offset FY 22-23 payroll costs, they will be shown as current revenue in FY 22-23.

The majority of property tax revenue is received between November and January. As of September 30, 2022, we have received a small amount of property tax revenue. Other revenues during Q1 include Aquatic Park and Sports activities, the Clackamas Elementary lease, and donation and grant revenue for our Nutrition program. Expenditures should be about 25% of budget for Q1, but will fluctuate because of the nature of our programs.

General Fund – Fund 213	
Beginning Fund Balance	10,281,162
Current Revenues	1,364,046
Current Expenditures	(1,984,182)
Transfers to Other Funds	(17,022)
Ending Fund Balance (as of 9.30.22)	9,644,004

### SDC Funds – Fund 281, 282, 283

These are special revenue funds and account for the system development charges on new residential and commercial development in each Zone. Fund resources are transferred to the Capital Projects Fund on a reimbursement basis for construction of specific capital projects within each zone. Revenues include SDCs and interest. Through the end of September, transfers for capital projects totaling \$111,925 were completed: \$23,222 for work related to the SDC Methodology project and \$88,703 for work related to the Milwaukie Bay Park project. A 2% fee for the collection of SDCs is collected and expensed for quarterly. A total of \$825 was collected and expensed for that fee during Q1.

SDC Fund 281 (Zone 1)	
Beginning Fund Balance	
City of Milwaukie	1,943,689
UGMA	4,058,228
Current Revenues	
City of Milwaukie	-
UGMA	10,386
Current Expenditures	
City of Milwaukie	(3,728)
UGMA	(100,148)
Ending Fund Balance (as of 9.30.22)	
City of Milwaukie	1,939,961
UGMA	3,968,466

SDC Fund 282 (Zone 2)	
Beginning Fund Balance	2,420,725
Current Revenues	31,366
Current Expenditures	(5,979)
Ending Fund Balance (as of 9.30.22)	2,446,112

SDC Fund 283 (Zone 3)	
Beginning Fund Balance	2,480,457
Current Revenues	-
Current Expenditures	(2,895)
Ending Fund Balance (as of 9.30.22)	2,477,562

## Asset Development – Fund 480

The asset development fund accounts for capital projects and capital repair and replacement. Revenues include system development charges, grants, and transfers from other funds, which are designated for the construction of specific capital projects and/or capital asset repair and replacement. The beginning fund balance is comprised of remaining property disposition proceeds, balance of the capital repair & replacement account (formerly funded by a transfer from the general fund), and a grant specifically for a project at North Clackamas Park. Revenues include transfers in from SDC's. Expenditures include \$18,833 for the SDC Methodology project; \$19,090 for the Concord Property project; and \$99,943 for the Milwaukie Bay Park project. \$64,500 was spent on capital repair and replacement projects to add mulch to parks and replace safety chips at playgrounds.

Asset Development Fund	
Beginning Fund Balance	7,482,280
Current Revenues	118,788
Current Expenditures	(202,366)
Ending Fund Balance (as of 9.30.22)	7,398,702

<sup>\*</sup>amounts may not match corresponding reports due to rounding

# North Clackamas Parks & Recreation District Revenue & Expenditure Report July 1, 2022 - September 30, 2022 General Fund - Fund 213

Account	Description	Budget	1st Qtr	YTD Actuals	Balance	% Used
Revenues:						
30110	Restricted Beginning Fund Balance	11,792,505	10,281,162	10,281,162	1,511,343	87%
31110	Current Year RE Taxes & Penalties	6,865,900	11,015	11,015	6,854,885	0%
31120	Delinquent Taxes	131,000	8,242	8,242	122,758	6%
31130	Interest & Penalties-Property	20,000	2,982	2,982	17,018	15%
33140	Federal Operating Grants	4.750	606,399	606,399	(606,399)	n/a
33150	State Operating Grants	4,750	125 625	125 625	4,750	0%
33160	Local Operating Grants	223,900	125,625	125,625	98,275	56%
33170 33290	Program Income	8,500 1,000	1,712	1,712	6,788 1,000	20% 0%
34110	Payments In Lieu Of Taxes Admission Fees	542,640	92,142	92,142	450,498	17%
34110	Aquatic Park Fees	623,000	280,331	280,331	342,669	45%
34200	Charges for Services to Other	343,000	73,603	73,603	269,397	21%
34230	Concessions	10,000	2,121	2,121	7,879	21%
34440	Park and Recreation Fees	233,000	49,936	49,936	183,064	21%
34510	Registration Fees	35,250	4,877	4,877	30,373	14%
34530	Sales	15,000	6,524	6,524	8,476	43%
34610	User Fees	33,100	6,438	6,438	26,662	19%
36110	Interest Income	74,000	1,473	1,473	72,527	2%
38110	Contributions & Donations	161,000	27,080	27,080	133,920	17%
38150	Rent & Lease Income	161,550	53,387	53,387	108,163	33%
39110	Transfers In From Other Funds	549,020	10,159	10,159	538,861	2%
Total Reven	nue	21,828,115	11,645,208	11,645,208	10,182,907	53%
Expenditure		00.440	22.027	22.027	56 202	200/
42010	Advertising/Marketing	80,140	23,837	23,837	56,303	30%
42030	Banking & Merchant Fees	29,200	6,200	6,200	23,000	21%
42080	Dues & Memberships	14.000	1,510	1,510	(1,510)	00/
42100	Fees	14,000	- 111	- 111	14,000	0%
42110 42150	Fees - Permits Insurance - Liability	7,850	111	111	7,740	1%
42150	Office Supplies	65,480	16,370 2,703	16,370	49,110 8,597	25% 24%
42240	Postage/Shipping	11,300 12,300	2,703	2,703 9	12,291	0%
42240	Printing & Copies	48,850	9,150	9,150	39,700	19%
42230	Publications & Subscriptions	18,750	168	168	18,582	19%
42310	Telephone & Internet	78,680	21,071	21,071	57,609	27%
42310	Training & Development	38,780	12,997	12,997	25,783	34%
42320	Transportation - Mileage	12,970	519	519	12,451	4%
42340	Transportation - Wheage Transportation - Other	12,570	515	313	12,431	470
42350	Travel - Lodging Airfare Other	_ I	8,028	8,028	(8,028)	
42360	Travel - Per Diem	19,450	794	794	18,656	4%
42390	Utilities	32,610	6,683	6,683	25,927	20%
42400	Utilities - Electricty	163,900	26,615	26,615	137,285	16%
42410	Utilities - Gas	112,130	12,297	12,297	99,833	11%
42420	Utilities - Sewer	48,250	8,243	8,243	40,007	17%
42430	Utilities - Water	187,220	35,239	35,239	151,981	19%
42440	Uniforms Clothing Expense	12,900	5,700	5,700	7,200	44%
43100	Professional Services	283,500	16,095	16,095	267,405	6%
43130	Audit & Financial Services	29,500	665	665	28,835	2%
43140	Consulting Services	15,000	-	-	15,000	0%
43160	Contract Employees	7,216,889	1,372,273	1,372,273	5,844,616	19%
43240	Legal Services	15,000	8,290	8,290	6,710	55%
43280	Other Contracted Services	654,500	121,201	121,201	533,299	19%
43290	Preemployment Services	5,200	866	866	4,334	17%
44100	Supplies		-	-	´ -	
11200						
44110	Chemicals	42,000	15,476	15,476	26,524	37%
	Chemicals Computer < \$5K	42,000 36,870	15,476 585	15,476 585	26,524 36,285	37% 2%

# July 1 , 2022 - September 30, 2022 General Fund - Fund 213

160

9,858

28,206

5,062

160

9,858

28,206

5,062

11,990

30,842

89,494

35,688

1%

24%

24%

12%

12,150

40,700

117,700

40,750

9,644,004

Surplus/(Deficit)

Revenues

44140

44150

44160

44170

44200

Fuel

Equipment & Furnishings < \$5K

Food (Jail Housing Senior Cen

**Hospitality Event Supplies** 

Miscellaneous Supplies

(9,644,004)

9,644,004

<sup>\*</sup>numbers may not foot due to rounding

# North Clackamas Parks & Recreation District Revenue & Expenditure Report July 1, 2022 - September 30, 2022 SDC Zone 1 - Fund 281

Account	Description	Budget	1st Qtr	YTD Actuals	Balance	% Used
Revenues	:					
30110	Restricted Beginning Fund Balance					
	City of Milwaukie	1,783,690	1,943,689	1,943,689	(159,999)	109%
	UGMA	3,714,780	4,058,228	4,058,228	(343,448)	109%
34430	Miscellaneous Fees					
	City of Milwaukie	-	-	-	-	
	UGMA	15,000	203	203	14,797	1%
34590	System Development Charges			-	-	
	City of Milwaukie	93,490	-	-	93,490	0%
	UGMA	89,840	10,097	10,097	79,743	11%
36110	Interest Income	,	-	, -	-	
	City of Milwaukie	5,000	-	_	5,000	0%
	UGMA	20,000	86	86	19,914	0%
Total Reve	enue	5,721,800	6,012,303	6,012,303	(290,503)	105%
Expenditu	res:					
42100	Fees					
	City of Milwaukie	1,200	-	-	1,200	0%
	UGMA	19,800	203	203	19,597	1%
Operating	Budget	21,000	203	203	20,797	1%
47750	T ( T OIL 5 L					
47750	Transfers To Other Funds	405.000	0.700		-	201
	Zone 1 Milwaukie	135,860	3,728	3,728	132,132	3%
- (	Zone 1 UGMA	2,980,380	99,945	99,945	2,880,435	3%
Transfers		3,116,240	103,673	103,673	3,012,567	3%
49999	Reserve					
	Zone 1 Milwaukie	1,745,120	_	_	1,745,120	0%
	Zone 1 UGMA	839,440	_	_	839,440	0%
Reserve	20110 2 0 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2,584,560	-	-	2,584,560	0%
Total Expe	enditures	5,721,800	103,876	103,876	5,617,924	2%
	Surplus/(Deficit)		5,908,427	5,908,427	(5,908,427)	

 $<sup>\</sup>ensuremath{^{*}}$  numbers may not foot due to rounding

# North Clackamas Parks & Recreation District Revenue & Expenditure Report July 1, 2022 - September 30, 2022 SDC Zone 2 - Fund 282

Account	Description	Budget	1st Qtr	YTD Actuals	Balance	% Used
Revenues:						
30110	Restricted Beginning Fund Balance	2,348,750	2,420,725	2,420,725	(71,975)	103%
34430	Miscellaneous Fees	5,000	622	622	4,378	12%
34590	System Development Charges	350,340	30,656	30,656	319,684	9%
36110	Interest Income	12,000	88	88	11,912	1%
Total Revenue		2,716,090	2,452,091	2,452,091	263,999	90%
Expenditures:						
42100	Fees	8,000	622	622	7,378	8%
Operating Budget		8,000	622	622	7,378	8%
47750	Transfers To Other Funds	888,820	5,357	5,357	883,463	0.60%
Transfers		888,820	5,357	5,357	883,463	0.60%
49999	Reserve	1,819,270	-	_	1,819,270	
Reserve		1,819,270	-	-	1,819,270	0.00%
Total Expenditures		2,716,090	5,979	5,979	2,710,111	0.22%
	Surplus/(Deficit)	-	2,446,112	2,446,112	(2,446,112)	

<sup>\*</sup>numbers may not foot due to rounding

# North Clackamas Parks & Recreation District Revenue & Expenditure Report July 1, 2022 - September 30, 2022 SDC Zone 3 - Fund 283

Account	Description	Budget	1st Qtr	YTD Actuals	Balance	% Used
Revenues:						
30110	Restricted Beginning Fund Balance	2,441,120	2,480,457	2,480,457	(39,337)	102%
34430	Miscellaneous Fees	5,000	-	-	5,000	0%
34590	System Development Charges	123,640	-	-	123,640	0%
36110	Interest Income	12,000	-	-	12,000	0%
Total Revenue		2,581,760	2,480,457	2,480,457	101,303	96%
Expenditures: 42100	Fees	8,000	_	-	8,000	0%
Operating Budget		8,000	-	-	8,000	0%
47750	Transfers To Other Funds	99,160	2,895	2,895	96,265	2.92%
Transfers		99,160	2,895	2,895	96,265	2.92%
49999	Reserve	2,474,600	-	-	2,474,600	
Reserve		2,474,600	-	-	2,474,600	0.00%
Takal Faman dikuma		0.504.700	0.005	0.005	0.570.005	0.440/
Total Expenditures		2,581,760	2,895	2,895	2,578,865	0.11%
	Surplus/(Deficit)	-	2,477,562	2,477,562	(2,477,562)	

<sup>\*</sup>numbers may not foot due to rounding

# North Clackamas Parks & Recreation District Revenue & Expenditure Report July 1, 2022 - September 30, 2022 Asset Development - Fund 480

Account	Description	Budget	1st Qtr	YTD Actuals	Balance	% Used
Revenues:						
30110	Restricted Beginning Fund Balance	7,543,570	7,482,280	7,482,280	61,290	99%
33120	State Capital Grants	675,000	-	-	675,000	0%
33130	Local Capital Grants	1,000,000	-	-	1,000,000	0%
33140	Federal Operating Grants	275,000	-	-	275,000	0%
36110	Interest Income	41,000	-		41,000	0%
38110	Contributions & Donations	50,000	-		50,000	0%
39110	Transfers In From Other Funds	12,503,606	118,788	118,788	12,384,818	1%
Total Revenue		22,088,176	7,601,068	7,601,068	14,487,108	34%
Expenditures:						
42100	Fees	10,000	-	-	10,000	0%
44270	Signage	45,000	-	-	45,000	0%
44280	Small Tools & Equipment <\$5K	30,000	-	-	30,000	0%
48120	Building Improvements	193,000	-	-	193,000	0%
48150	Construction	14,089,904	137,866	137,866	13,952,038	1%
48190	Land Acquisition	47,000	-	-	47,000	0%
48200	Land Improvements	105,000	64,500	64,500	40,500	61%
48210	Leasehold Improvements		-	-		0%
48230	Vehicles	24,700	-	-	24,700	0%
Operating Budget		14,544,604	202,366	202,366	14,342,238	1%
49999	Reserve	7,543,572	-	-	7,543,572	0%
Reserve		7,543,572	-	-	7,543,572	0%
Contingency			-	_	_	0%
Containgoney						370
Total Expenditures		22,088,176	202,366	202,366	21,885,810	1%
	Surplus/(Deficit)	-	7,398,702	7,398,702	(7,398,702)	

<sup>\*</sup>numbers may not foot due to rounding

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## NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Development Services Building 150 Beavercreek Road, Oregon City, OR 97045

Michael Bork, NCPRD Director

December 7, 2022

Board of County Commissioners Sitting as the North Clackamas Parks and Recreation District Board of Directors

# **Status report on the Concord Building Project**

Purpose/Outcome	To bring the Board of Directors up to speed on the Concord Project
Dollar Amount	N/A
and Fiscal Impact	
Funding Source	NCPRD Asset Funds
Duration	N/A
Previous Board	Any previous Board discussion or action including date
Action/Review	
Strategic Plan	Build public trust through good government
Alignment	
Counsel Review	N/A
Procurement	1. Was the item processed through Procurement? yes ⊠ no □
Review	Procurement has been involved throughout the project.
Contact Person	Michael Bork, Director
Contract No.	N/A

**BACKGROUND**: The purpose of this report is to update the NCPRD Board of Directors on the status of the Concord Project. I have focused on three main topics, and will briefly cover each:

- The overall project
- Concord building Infrastructure repairs
- Administrative office relocation

# OVERALL OAK LODGE LIBRARY/PARK/COMMUNITY CENTER PROJECT

- Design for the new library, park, and playground have reached 50% design.
- There will be additional community engagement regarding specific elements of the park and playground, dates TBD.
- The design details, incorporating community feedback, will continue to be refined in the coming months.
- Staff is reviewing individual project components (shelter, spray ground, play equipment, etc.) for their potential eligibility for grants or other alternative funding.

# **CONCORD BUILDING INFRASTRUCTIRE REPAIRS**

- To review, this project is to make significant infrastructure repairs to the Concord building, now that the library will be a separate structure. This includes:
  - New peaked and flat roofing for the entire building

- New Air Handling (Heat/Cool) for the building
- Seismic Upgrades at the roof level
- New Elevator (in preparation for the new library) w/seismic improvements
- New Electrical Service panel to handle new demand
- The contract amendment to design the infrastructure components has just cleared Procurement, so no appreciable work has been done, other than refining the scope.
- Next step will be to get an estimate of project cost, timeframe TBD

# ADMINISTRATIVE OFFICE RELOCATION

While not part of the library/community center project, I wanted to give you an update on the Conditional Use Permit (CUP) we are seeking, to have our "administrative government offices" located at the Concord building.

- To review, NCPRD Administrative offices moved out of the Red Soils Campus offices as of July 1, 2022. This was in an effort to have the district main offices within the district.
- We discovered that we needed a CUP, as administrative offices are not an allowable use of the building, based on its zoning.
- At the time of writing this, the Conditional Use Hearing is imminent, being held on December 1<sup>st</sup>.
- I will be able to provide more details at the meeting, if any action came as a result of the hearing, or next steps.

Respectfully submitted,

Michael Bork, Director

North Clackamas Parks and Recreation District

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# OFFICE OF COUNTY COUNSEL

PUBLIC SERVICES BUILDING

2051 KAEN ROAD | OREGON CITY, OR 97045

Stephen L. Madkour County Counsel

December 7, 2022

Board of North Clackamas
Parks and Recreation District

Kathleen Rastetter
Scott C. Ciecko
Amanda Keller
Nathan K. Boderman
Shawn Lillegren
Jeffrey D. Munns
Andrew R. Naylor
Andrew Narus
Sarah Foreman
Assistants

# Staff report on land lease agreement between NCPRD and the Library District at the Concord site

Purpose/Outcome	Lease to allow County to construct the Oak Lodge Library at
	the Concord School Property.
Dollar Amount	\$1 per year paid by County for duration of lease.
and Fiscal Impact	
Funding Source	County General Funds or Library District revenue for the Oak
	Lodge Service Area
Duration	Useful life of Oak Lodge Library building.
Previous Board	N/A
Action/Review	
Strategic Plan	Build public trust through good government.
Alignment	
Counsel Review	Date of Counsel review: 11/29/2022
	Name of County Counsel performing review. Jeffrey Munns
Procurement	No, item is a lease not subject to procurement review.
Review	
<b>Contact Person</b>	Michael Bork, NCPRD Director, and Jeffrey Munns, Asst.
	County Counsel
Contract No.	N/A

# **BACKGROUND:**

The County has been working with community representatives to plan for the construction of a new Oak Lodge Library. As a result of this work the Concord School property has been selected as the preferred location to construct the new Oak Lodge Library. The Concord School property is owned by NCPRD. In order for the County to construct a library at this location NCPRD and the County must agree to terms for that arrangement.

# **GROUND LEASE:**

A long term ground lease is the preferred form of agreement between NCPRD and the County. The basic terms of the lease include minimal rent for the ground lease. The County would be responsible for all costs to construct and operate the library. The lease would remain in place for the useful life of the Oak Lodge Library which is anticipated to be twenty five to fifty years. At the termination of the lease term the building would be transferred to NCPRD. The exact terms of the lease will be effected depending upon the source of funds to construct the library.

A lease is the preferred form of this agreement instead of partitioning the property in order to maintain the integrity of this parcel. NCPRD is currently operating the Concord School as the administrative offices of the district and community meeting space. Future renovation of the building will include recreation spaces and additional community meeting space. The district also plans to develop the fields for better outdoor recreation. The existing parking and walkways will be shared between the future library and the NCPRD activities on site. NCPRD anticipates and an additional agreement, or an amendment to the lease, will be necessary after library design and anticipated usage is determined to fully cover these shared uses on the site.

Moving forward, NCPRD staff and County staff are reviewing a draft Ground Lease document, and we anticipate bringing this to the board for approval in early 2023.

Respectfully Submitted,

Jeffrey D. Munns

**Assistant County Counsel** 

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# NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Development Services Building 150 Beavercreek Road, Oregon City, OR 97045

Michael Bork, NCPRD Director

December 7, 2022

Board of County Commissioners Sitting as the North Clackamas Parks and Recreation District Board of Directors

# Staff report on the System Development Charge Methodology Update

Purpose/Outcome	Report on Status of NCPRD System Development Charges (SDC) Ordinance and Methodology
Dollar Amount and Fiscal Impact	\$51,235 is Total Contract Value (TCV) already supporting work underway to update methodology and ordinance.
	Annual collection for FY 22-23 is projected at \$657,310 based on current ordinance.
Funding Source	System Development Charges (SDCs)
Duration	N/A
Previous Board Action/Review	<ul> <li>Update, June 2022</li> <li>Amendment, Dec., 2017 (Ord. 2017-11)</li> <li>Amendment, Oct., 2014 (Ord. 06-2014)</li> <li>Amendment, Oct., 2007 (Ord. 09-2007)</li> <li>Amendment, Mar., 2004 (Ord. 02-2004)</li> <li>Adoption of System Development Charge Ordinance, Oct., 1994 (Ord. 94-1152).</li> </ul>
Strategic Plan Alignment	<ol> <li>How does this item align with your department's Strategic Business Plan goals?</li> <li>completing 33% of NCPRD project phases in the annual Capital Improvement Plan</li> <li>providing planning and development services to NCPRD residents so they can experience additional parks and facilities to meet needs.</li> <li>How does this item align with the County's Performance Clackamas goals?</li> <li>Build Public Trust through Good Government: engaging the public in latest policy update.</li> </ol>
Counsel Review	N/A
Procurement Review	N/A
Contact Person	Michael Bork, NCPRD Director, 971-610-1036

Heather Koch, NCPRD Planning & Development Manager, 971-337-6867	
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# **SUMMARY**

NCPRD staff began work in fall 2021 to update the SDC Ordinance and Methodology. Work has continued through October 2022, with the following highlights:

- NCPRD contracted with the consultant (FCS Group) in November 2021 to assist in this
  process.
- Staff gathered data, met with the DAC to introduce the update, and met with DAC to review the project list.
- Staff refined the data and reviewed the methodology as it was developed by FCS group.
- In August 2022, management made the decision to construct a 2<sup>nd</sup> methodology scenario for a District without the City of Milwaukie, as the City had confirmed its intent to establish its own parks and recreation service.
- In October 2022, FCS presented the original methodology to the DAC, with a 2<sup>nd</sup> scenario for a District without the City of Milwaukie. This was for information and discussion. There were some inputs used that still require further adjustment, particularly cost estimate updates since capital construction costs have increased significantly over the last several years.
- With the District boundary in question for the future while the City is determining
  potential departure from the District, NCPRD did not have sufficient certainty to move a
  final methodology forward through the public approval process. In addition, Milwaukie
  City Council recently passed a resolution withdrawing its support for the uniform
  methodology in place of the existing zonal approach. Given these circumstances,
  management put the SDC work on hold in October.
- These will provide a distinct point to pick up the work when the team is able to get clarity on potential changes to the NCPRD boundary.

Ultimately, FCS will make determinations and of a Maximum Allowable Rate that may be charged. Depending on the final revisions to one of these potential methodologies, the maximum allowable SDC rate may remain similar or increase/decrease from today's rate. In the public review and approval process, the Board makes a final decision on the rate up to the total allowed maximum determined by the methodology.

The next steps include:

# **Completion of methodology** (approx. 3 months)

- Updating cost estimates for project list
- Revising the methodology once there is clarity on the City of Milwaukie decision and process to potentially leave the District
- Present final SDC methodology to DAC for recommendation

# **SDC Ordinance – Notice Period & Hearing** (approx. 3 months)

- SDC ordinance Board presentation
- SDC 90-day notice period
- CIP to Board for adoption
- SDC ordinance to Public Hearing & for Board adoption

# **BACKGROUND**

North Clackamas Parks and Recreation District (NCPRD) collects system development charges (SDC) on new development within district boundaries so that future growth contributes a fair share to the cost of improvements and additions to parks and recreation facilities required to accommodate such growth.

NCPRD's current SDC Ordinance is a "zonal policy" because it is divided into three separate zones for purposes of collection and administration of SDC funds.

- Zone 1 City of Milwaukie and the City's Urban Growth Management Area (UGMA)
- Zone 2 unincorporated areas south of Zone 1
- Zone 3 unincorporated areas east of I-205 and any portions within the District boundary that are annexed into cities since boundary reset in 2020.

The last effort to revise the SDC policy was in 2018, when Happy Valley began steps to withdraw from the District. At that time, both the SDC Committee (composed of the membership of the District Advisory Board) and City of Milwaukie Council reached consensus that a District-wide policy should replace the zonal policy. The next step needed was to revise the methodology to determine a new uniform District rate of collection and eligibility rate for capital projects. The old zonal rates, being different in each of the three zones based on the data unique to each zone, could not be applied uniformly. This next step to develop the methodology for uniform rates was placed on indefinite hold as the Happy Valley withdrawal was rejected and Happy Valley was ordered to remain part of the District.

With the consensus to create a uniform rate established in 2018, and subsequent adoption of the NCPRD-Happy Valley settlement agreement in 2020 making the withdrawal official, the process to update the SDC ordinance could potentially restart. Options were to either wait to revise the methodology until we completed our long-range system planning efforts, or restart more immediately, with the goal to have an update sooner and revise as needed after completion of the long-range system plan. With direction from Board members, NCPRD developed a plan with the consultant to pick up where the work had left off rather than delay, and launched an update to the methodology in November 2021. This work has relied on gathering updated inputs such as population estimates and projections, approved future project lists and costs, and updated park and facilities inventories. These inputs are important factors that determine a uniform rate of collection and uniform eligibility rates for capital projects to utilize funds.

Annual collection for FY 22-23 is projected at \$657,310 based on current methodology. An adopted Ordinance to amend the policy will result in changes to collection and eligibility rates.

The beginning fund balance (BFB) of all SDCs for FY 22-23 is \$10.9 million. Funds that have been collected in a zone can only be spent in that zone under the current policy with narrow exception for Districtwide efforts such as comprehensive planning and this ordinance update. Under the current ordinance, Zone 1 BFB is approximately \$6.0 million. Approximately \$1.94 million was collected in Zone 1 Milwaukie and \$4.05 million was collected in Zone 1 UGMA. Zone 2 BFB is approximately \$2.4 million and Zone 3 BFB is approximately \$2.5 million. Funds are not transferred between zones. In 2014, an Ordinance amendment changed the boundaries of Zone 1, however the policy remained that only the funds collected in a zone could be spent in that zone.

# **RECOMMENDATION:**

N/A. Report for informational purposes.

# **ATTACHMENTS:**

1. Ordinance 2017-11 (for reference)

Respectfully submitted,

Mydel

Michael Bork. Director

North Clackamas Parks and Recreation District

# ORDINANCE NO. 11-2017

# An Ordinance Amending the North Clackamas Park and Recreation District's System Development Charge Ordinance

This matter coming before the Clackamas County Board of County Commissioners as the governing body of the North Clackamas Park and Recreation District at its regularly scheduled public meeting on December 21, 2017 to consider changes to the existing ordinance pertaining to the parks and recreations system development charge on new development and the administration of the funds collected for park acquisition and park road frontage construction in the Sunnyside Village area.

WHEREAS, the Board of Directors of North Clackamas Park and Recreation District adopted a system development charge ordinance in October, 1994, as subsequently amended (the "Ordinance"), authorized by ORS 223.297-223.314; and

WHEREAS, the Sunnyside Village includes all of that area that is depicted on Map X-SV-1 of the Clackamas County Comprehensive Plan as of the date of this Order; and

WHEREAS, Clackamas County Zoning and Development Ordinance (ZDO) Chapter 1011.06 contains general provisions related to the collection and administration of funds from development of property in the Sunnyside Village area that are to be used for park acquisition and park road frontage improvements; and

WHEREAS, all of the parkland in the Sunnyside Village area identified on Map X-SV-4 of the Clackamas County Comprehensive Plan, as of the date of this Order, has been acquired, eliminating the need for much of ZDO Chapter 1011.06; and

WHEREAS, Clackamas County desires to repeal ZDO Chapter 1011.06 to eliminate these unnecessary provisions from the County Code; and

WHEREAS, both Clackamas County and North Clackamas Parks and Recreation District acknowledge that it is appropriate to continue to collect funds from new development in the Sunnyside Village area and that there are funds left in the Park Acquisition Fund and the Park Road Frontage Construction Fund of Sunnyside Village and that the use of these funds are restricted and may be utilized only for the purpose of providing capital improvements in Zone 3, as that area is defined in the Ordinance and as provided in NCPRD's Parks and Recreation System Development Charges Updated Methodology Report, dated September 28, 2007; now, therefore;

The Board of Directors of North Clackamas Park and Recreation District ordains as follows:

Clackamas County Official Records Sherry Hall, County Clerk

2018-0038

Commissioners' Journals Agreements & Contracts

01/02/2018 2:49:10 PM

- Section 1: Sections 3 and 5 of the Ordinance are hereby amended as shown in Exhibit A, hereto attached.
- Section 2: The Board of Directors of North Clackamas Park and Recreation District finds that all of the parkland in the Sunnyside Village area identified on Map X-SV-4 of the Clackamas County Comprehensive Plan, as of the date of this Order, has been acquired. The funds currently held in the NCPRD Zone 3 SDC Fund and segregated as "Sunnyside Village Zone 3A" that were collected based on Sunnyside Village area Comprehensive Plan to be used for park acquisition and park road frontage improvements shall be unsegregated and used only for the purpose of providing capital improvements in Zone 3, as that area is defined in the Ordinance and as provided in NCPRD's Parks and Recreation System Development Charges Updated Methodology Report, dated September 28, 2007.
- Section 3: System Development Charges in the Sunnyside Village Plan Area shall be collected at the rate adopted by the Board of Directors of North Clackamas Park and Recreation District by resolution.
- **Section 4:** This ordinance shall be effective on January 20, 2018.

ADOPTED this 21st day of December, 2017

THE BOARD OF DIRECTORS OF NORTH CLACKAMAS PARK AND RECREATION DISTRICT

Jim Bernard, Chair

Recording Secretary

# EXHIBIT A

# AN ORDINANCE ESTABLISHING A PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGE ON NEW DEVELOPMENT

The Board of Directors of North Clackamas Park and Recreation District, Oregon finds, determines, and declares that:

# Section 1 - Short Title

This Ordinance shall be known as "An Ordinance Establishing a Parks and Recreation System Development Charge On New Development" and may be so pleaded.

[Adopted by Ord. 94-1152 (10/6/94)]

# Section 2 - Scope and Purpose

- A. Future growth within the North Clackamas Park and Recreation District should contribute its fair share to the cost of improvements and additions to parks and recreation facilities required to accommodate such growth.
- B. The imposition of system development charges will provide a source of revenue to fund the construction or improvement of the North Clackamas Park and Recreation District's facilities necessitated by growth.
- C. ORS 223.297-223.314, adopted in 1989, authorizes local governments to impose system development charges.
- D. The District includes land which is developed to urban densities and land which is in a rural or semi-rural level of development. The demand for new capital facilities throughout the district varies in part due to the availability of land for new development and the location of existing District facilities. The District Board, if it deems it advisable, may create SDC charges which apply by zone, and may be used, only in those limited geographic areas. If created such charges may vary between the zones, understanding that some facilities may be needed to meet a District-wide demand with some or all geographic areas of the District contributing to the growth related cost of such District- wide facilities.
- E. The SDC methodology document report adopted by subsection J of this section contains a calculation of the total maximum amount of money that may be imposed through the SDC charge to help recover the growth related cost component of new capital facilities as development

occurs in the District. The District Board may not impose a charge structure that recovers more than that total amount, adjusted over time as allowed by law, but may in its discretion impose a charge structure that recovers less than that total amount. In addition, the District Board may in its discretion impose a charge on classes of development types that is less than the maximum allowed by law or may exempt classes of development from the charge in order to promote other public policy considerations.

- F. System development charges are separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or other fee provided by law or imposed as a condition of development.
- G. System development charges are fees for services because they are based upon a development's receipt of services considering the specific nature of the development.
- H. System development charges are imposed on the activity of development, not on the land, owner, or property, and, therefore, are not taxes on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.
- I. This Ordinance is intended only to be a financing mechanism for needed extra capacity parks and recreation facilities associated with new development and does not represent the consideration of land use planning issues, funding for maintenance of existing facilities, or elimination of existing capacity deficiencies.
- J. The Board hereby adopts the methodology report entitled "Parks and Recreation System Development Charges Update Methodology Report; draft as of September 28, 2007". and incorporates by reference the assumptions, conclusions and findings in said report which refer to the determination of anticipated costs of capital improvements required to accommodate growth, and the rates for the parks and recreation system development charges to finance these capital improvements.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04); amended by Ord. 09-2007 (10/25/07)]

# Section 3 - Definitions

A. "Accessory Dwelling Unit" shall mean a secondary, self-contained dwelling unit that may be allowed only in conjunction with a single family detached dwelling unit. An accessory dwelling unit is subordinate in size, location, and appearance to the primary single family detached dwelling. An accessory dwelling unit generally has its own outside entrance and typically has separate living, sleeping, eating, cooking, and sanitation facilities. An accessory dwelling unit may be located within but distinct from, attached to or detached from the primary single family dwelling unit.

- B. "Applicant" shall mean the owner or other person who applies for a building permit within the boundaries of North Clackamas Park and Recreation District.
- C. "Board" shall mean the North Clackamas Park and Recreation District Board of Directors.
- D. "Building" shall mean any structure, either temporary or permanent, built for the support, shelter or enclosure of persons, chattels or property of any kind. This term shall include tents, trailers, mobile homes or any vehicles serving in any way the function of a building. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.
- E. "Building Permit" shall mean an official document or certificate authorizing the construction or siting of any building.
- F. "Capital Improvements" shall mean public facilities or assets intended for use for park and/or recreation purposes. "Capital Improvement" shall not include costs of the operation or routine maintenance of capital improvements.
- G. "Citizen or Other Interested Person" shall mean any person whose legal residence is within the boundaries of the North Clackamas Park and Recreation District, as evidenced by registration as a voter within the District, or by other proof of residency; or a person who owns, occupies, or otherwise has an interest in real property which is located within District boundaries or is otherwise subject to the imposition of system development charges, as outlined in Section 5 of this ordinance.
- H. "Director" shall mean the Director of the North Clackamas Park and Recreation District.
- I. "District" shall mean the North Clackamas Park and Recreation District, Oregon, a municipal corporation.
- J. "Development" shall mean a building or other land construction, or making a physical change in the use of a structure or land, in a manner which increases the usage of any capital improvements or which may contribute to the need for additional or enlarged capital improvements, as determined by the Board.
- K. "Development Permit" shall mean an official document or certificate, other than a building permit, authorizing development.
- L. "Dwelling Unit" shall mean a building or a portion of a building designed for residential occupancy, consisting of one or more rooms including permanent provisions for living, sleeping, eating, cooking, and sanitation; and which are arranged, designed or used as living quarters for one family only.
- M. "Employee" means any person who received remuneration for services, and whose services are directed and controlled either by the employee (self-

employed) or by another person or organization.

- N. "Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the District to expend the encumbered amount upon delivery of goods, the rendering of services, or the conveyance of real property provided by a vendor, supplier, contractor or Owner.
- O. "Improvement Fee" shall mean a fee for costs associated with capital improvements to be constructed after the effective date of this ordinance.
- P. "Lot" shall mean an area of land in one ownership with definitive boundaries ascertainable from a recorded deed or recorded plat.
- Q. "Manufactured Housing" shall mean a dwelling unit which is constructed primarily at one location and is then transported to another location for either permanent or temporary siting.
- R. "Multi-Family Dwelling Unit" shall mean a portion of a building consisting of one or more rooms including living, sleeping, eating, cooking, and sanitation facilities arranged and designed as permanent living quarters for one family or household; attached to two or more dwelling units by one or more common vertical walls; and with more than one dwelling unit on one lot. This term shall include, but is not limited to, triplex, quadraplex, condominium ownership, and apartment structures containing three (3) or more dwelling units.
- S. "Owner" shall mean the person holding legal title to the real property upon which development is to occur.
- T. "Person" shall mean an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- U. "Qualified Public Improvement" shall mean land and/or a capital improvement that:
  - 1. Is required as a condition of development approval; and
  - 2. Is identified in the plan and list adopted pursuant to Section 9 of the Ordinance; and
  - 3. If located in a Planned Unit Development, is not designated in the development approval order as Open Space required pursuant to ZDO Section 1013.06.A.4;

and, is either 1) not located on or contiguous to the property that is the subject of the development approval, or 2) if located in whole or in part on or

- contiguous to the property, is required to be larger or with greater capacity than is necessary for the particular development project as determined by District standards upon which the capital improvement plan is based.
- V. "Reimbursement Fee" shall mean a fee for costs associated with capital improvements already constructed or under construction when the fee is established for which the District determines that capacity exists.
- W. "Single-Family Dwelling Unit" shall mean a building or a portion of a building consisting of one or more rooms including living, sleeping, eating, cooking, and sanitation facilities arranged and designed as permanent living quarters for one family or household; may be attached to one or more than other dwelling units by one or more vertical walls and may have no more than one dwelling unit on any one lot. In addition to detached single family dwelling units, this definition also includes duplex, zero-lot-line, townhouse, rowhouse, and manufactured housing dwelling units designed for one family or household.
- X. "Single Room Occupancy Dwelling Unit" shall mean a portion of a building consisting of one or more rooms, including sleeping facilities, with a shared or private bath, shared cooking facilities, and shared living/activity area. This definition includes, but is not limited to "assisted living facility."
- Y. "System Development Charge" shall mean a reimbursement fee, an improvement fee, or a combination thereof assessed or collected at the time of issuance of a building permit. System development charges are separate from and in addition to any applicable tax, assessment, fee in lieu of assessment, or other fee or charge provided by law or the cost of complying with requirements or conditions imposed upon a land use decision, expedited land division or limited land use decision.
- Z. "System Development Charges Methodology" shall mean the methodology report adopted pursuant to Section 2J, as amended and supplemented pursuant to Section 9.
- AA. "ZDO" shall mean the Clackamas County Zoning and Development Ordinance.
- BB. "Zone" shall mean, as of November 29th, 2014, one of three zones for the collection of SDCs. Notwithstanding anything else to the contrary stated or adopted herein or elsewhere, such zones shall be constituted as set forth in Section 3.CC, DD, and EE herein.
- CC. "Zone 1" shall mean that area within the District containing the City of Milwaukie and all unincorporated areas within the City of Milwaukie's urban growth management area as defined by agreement between the City of Milwaukie and Clackamas County, as may be amended from time to time.
- DD. "Zone 2" shall mean all areas west of I-205 that are not part of Zone 1.
- EE. "Zone 3" shall mean the City of Happy Valley, all unincorporated areas within the City of Happy Valley's urban growth management area as defined by

agreement between the City of Happy Valley and Clackamas County, as may be amended from time to time, and that portion of the City of Damascus within the boundaries of the district.

FF. "Zone Projects" shall mean the expenditure of system development charges received by the District pursuant to this Ordinance within the zone in which it was generated, whether designated "zone" or "neighborhood" or "district" or "community" elsewhere in this Ordinance, a capital improvement plan or other document.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04); amended by Ord. 09-2007 (10/25/07); amended by Ord. 06-2014 (10/30/14)]

# Section 4 - Rules of Construction

- A. In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- B. The words "shall" and "must" are always mandatory and not discretionary; the word "may" is permissive.
- C. Words used in the present tense shall include the future; words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; and use of the masculine gender shall include the feminine gender.
- D. The phrase "used for" includes "arranged for", "designed for", "maintained for", or "occupied for".
- E. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" or "either...or", the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the connected terms, conditions, provisions or events shall apply.
  - 2. "Or" indicates that the connected items, conditions, or provisions or events may apply singly or in any combination.
  - 3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- F. The word "includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

# Section 5 - Application

- A. A Parks and Recreation System Development Charge (herein after referred to as the SDC Charge) is imposed upon all new development within the District for which a building permit is required (as defined below, "New Development"). This hall include new construction and alteration, expansion or replacement of a building or dwelling unit if such activity results in an increase in the number of residential dwelling units on the site or provides the opportunity for an increase in the number of employees reporting to work on the site. For alterations, expansions and replacements, the amount of the SDC Charge to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion or replacement.
- B. The amount of the SDC Charge shall be determined using the methodology set forth in the methodology report adopted by Section 2J of this ordinance. Accessory Dwelling Units shall be charged at one-half the Single-Family Dwelling Unit rate. Single Room Occupancy Dwelling Units shall be charged at one-half the Multi-Family Dwelling Unit rate.
- C. The SDC Charge shall be adopted and may from time to time be amended by resolution of the District Board so long as the adopted methodology is used. A change in methodology shall require an amendment to this ordinance to adopt the new methodology. The SDC charge may be adjusted by the periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:
  - 1. A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;
  - 2. Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and
  - 3. Incorporated as part of the established methodology or identified and adopted in a separate resolution.

The resolution that adopts the SDC Charge shall identify the cost indexes to be used.

E. The applicant shall at the time of application provide the information requested on a Parks SDC application form regarding the previous and proposed use(s) of the New Development, including a description of each of the previous and proposed uses for the property for which the building permit is being sought, with sufficient detail to enable the District to calculate the number of employees and residential dwelling units under the previous use and for the proposed use(s) of the New Development.

- 1. For residential uses: the number and type of residential dwelling units for the previous and proposed use(s) of the New Development.
- 2. For non-residential uses: the square footage for each type of non-residential use (i.e., office, warehouse, industrial, retail, etc.) for the previous and proposed use(s) of the New Development.
- F. The amount of the Parks SDC shall be determined by calculating the SDC amount that would have been imposed for the previous use(s) of the property and the SDC amount for the proposed use(s).
- G. Applicants may submit alternative rates for system development charges, subject to the following conditions:
  - 1. In the event an applicant believes that the impact on District capital improvements resulting from the development is less than the fee established in Section 5B, such applicant may submit a calculation of an alternative system development charge to the Director.
  - 2. The alternative system development charges rate calculations shall be based on data, information and assumptions contained in this ordinance and the adopted methodology or an independent source, provided that the independent source is:
    - a. a local study supported by a data base adequate for the conclusions contained in such study, and
    - b. the study is performed using a generally accepted methodology and is based upon generally accepted standard sources of information relating to facilities planning, cost analysis and demographics.
  - 3. If the Director determines that the data, information and assumptions utilized by the applicant to calculate the alternative system development charges rates comply with the requirements of this Section by using a generally accepted methodology, the alternative system development charges rates shall be paid in lieu of the rates set forth in Section (G)(2).
  - 4. If the Director determines that the date, information and assumptions utilized by the applicant to calculate the alternative system development charges rates do not comply with the requirements of this Section or were not calculated by a generally accepted methodology, then the Director shall provide to the Applicant (by Certified mail return receipt requested) written notification of the rejection of the alternative system development charges rates and the reason therefore. The decision of the Director shall be in 'Writing and issued within ten (10) working days from the date all data is received for review.

5. Any applicant who has submitted a proposed alternative system development charges rate pursuant to this Section and desires the immediate issuance of a building permit, development permit, or connection shall pay the applicable system development charges rates pursuant to Section SB. Said payment shall be deemed paid under "protest" and shall not be construed as a waiver of any right of review. Any difference between the amount paid and the amount due, as determined by the Director, shall be refunded to the applicant.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04); amended by Ord. 09-2007 (10/25/07)]

# Section 6 - Collection

- A. The Parks and Recreation System Development Charge is due and payable at the time of issuance of a building permit. The person paying the charge shall be notified of their right pursuant to Section 8 of this ordinance to appeal the calculation of the amount of the charge.
- B. Payment of the SDC Charge by a person who is also eligible for a credit certificate pursuant to Section 7 may be delayed until a date certain to be set by the Director at the time of building permit issuance, but not later than 10 days after the issuance of the credit certificate. A person eligible for delay of payment of the SDC Charge pursuant to this section shall make application to delay payment on a form provided by the Director prior to issuance of the building permit. Payment of the SDC Charge may only be delayed for the same development which is associated with the construction of the capital improvement for which credit is given. If a person applies for delay of payment of the SDC Charge pursuant to this section, the person shall provide the Director with security to secure payment of the Charge. The security shall be in an amount determined by the Director, and must be in a form approved by the County Counsel.
- C. When a SDC Charge is due and payable, the person may apply for payment in (20) semiannual installments, secured by a lien on the property upon which the development is to occur, to include interest on the unpaid balance, if that payment option is required to be made available to the person by ORS 223.207.
  - 1. The Director shall provide application forms for installment payments, which shall include a waiver of all rights to contest validity of the lien, except for the correction of computational errors. The application fee for this option shall be in an amount set by resolution of the District Board.

- 2. The applicable interest rate shall be fixed at the current prime lending rate plus three percentage points. Should the District exercise its option to issue long term financing for the amount owed, the interest rate charged the applicant shall be fixed at the interest rate on the bonds issued plus two percentage points (not to exceed the maximum interest rate allowed by State law).
- 3. An applicant requesting installment payments shall have the burden of demonstrating the authority to assent to the imposition of a lien on the property and that the interest of the permittee is adequate to secure payment of the lien.
- 4. The Director shall cause the lien to be recorded in the lien docket kept by the county Clerk. From that time the district shall have a lien upon the described parcel for the amount of the SDC Charge, together with interest on the unpaid balance at the rate established by the board. The lien shall be enforceable in the manner provided in ORS Chapter 223, and shall be superior to all other liens pursuant to ORS 223.230. Upon satisfaction of the obligation the Director shall request the County Clerk to release the lien.
- D. Notwithstanding Section 6A, the following development shall be exempt from payment of the Parks and Recreation System Development Charges:
  - 1. Alterations, expansion or replacement of an existing non-residential structure where no opportunity is created for the location of additional employees reporting to work at the site.
  - 2. Alterations, expansion or replacement of an existing dwelling unit where no additional dwelling units are created.
  - 3. The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the District's capital facilities.
  - 4. The issuance of a permit for a manufactured housing unit on which applicable system development charges have previously been made as documented by receipts issued by the District for such prior payment.
  - 5. Development with vested rights, determined as follows:
    - a. Any owner of land which was the subject of a building permit issued prior to October 11, 2007 for non-residential construction may petition the District for a vested rights determination which would determine the SDC Charge to be paid. Such

petition shall be evaluated by the Director and a decision made based on *all three* of the following criteria being met:

- i. The existence of a valid. unexpired building permit authorizing the specific development for which a determination is sought; and
- ii. Substantial expenditures or obligations made or incurred in reliance upon the authorizing governmental act; and
- iii. Other factors that demonstrate it is highly inequitable to deny the owner the opportunity to complete the previously approved development under the conditions of approval by requiring the owner to comply with the requirements of this Ordinance. For the purposes of this paragraph, the following factors shall be considered in determining whether it is highly inequitable to deny the owner the opportunity to complete the previously approved development without payment of the SDC Charge:
  - a. Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the system development charges required by this Ordinance; and
  - b. Whether the expenses or obligations for the development were made or incurred prior to October 11, 2007 for non-residential construction.
- b. The Director shall make a written determination as to whether the owner has established a vested right in the development and, if so, whether the development would exempt the owner from the provisions of this Ordinance.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

# Section 7 - Credit

- A. The person responsible for providing a qualified public improvement shall be entitled to receive a credit certificate that may be used to satisfy a SDC Charge obligation. A credit certificate may also be given for an off-site increased capacity facility which is not a qualified public improvement, if the facility is identified in the plan and list adopted pursuant to Section 9 of this Ordinance. An application for credit must be received no later than ninety (90) days after the date the improvement has been accepted by the District.
- B. The credit amount shall not exceed the portion of the actual cost of the project that is eligible for system development charge funding as shown in the methodology report adopted by Section 2(J).

- C. The "actual cost" of the project or improvement means the cost of materials, land and construction directly attributable to the construction of an increased capacity facility. These costs include design and engineering, construction materials and equipment, labor and land. Land value shall be calculated at a per square foot value using the then current real market value for the real property shown in the records of the County Tax Assessor.
- D. Any credit provided for by this section shall be applied only to the system development charge that applies to the geographic area zone in which the credit eligible improvement is located, unless the credit is for an increased capacity facility that is identified in the methodology report as a project with district wide impact.
- E. Credit will be given for the value of real property donated as a part of the increased capacity facility. The land value shall be calculated at a per square foot value using the then current real market value for the real property shown in the records of the County Tax Assessor.
- F. Any credit certificate provided for in this Ordinance is transferable to any person. No credit may be redeemed for cash. The District shall implement a system to insure the authenticity of the credit documents submitted.
- G. A credit certificate may not be redeemed more than seven (7) years after the date it was issued by the District.
- H. The person requesting the credit has the burden of establishing that the request meets the requirements of this Ordinance. The District may deny the credit provided for in this section if the District demonstrates:
  - 1. That the application does not meet the requirements of this Ordinance; or
  - 2. That the improvement for which credit is sought was not included in the plan and list adopted pursuant to Section 9.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

# Section 8 - Appeals and Review Hearings

- A. An applicant who is required to pay the SDC Charge shall have the right to request a hearing to review the denial of any of the following:
  - 1. An alternative rate calculation pursuant to Section 5(D).
  - 2. A petition for vested rights pursuant to Section 6(D)(5).
  - 3. A proposed credit for contribution of qualified public improvements pursuant to Section 7.

- 4. The calculation of the amount of the SDC Charge.
- B. Such hearing shall be requested by the applicant within thirty (30) days of the date of decision. Failure to request a hearing within the time provided shall be deemed a waiver of such right.
- C. The request for hearing shall be filed with the Board of Directors and shall contain the following:
  - 1. The name and address of applicant;
  - 2. The legal description of the property in question;
  - 3. If issued, the date of the building permit;
  - 4. A brief description of the nature of the development being undertaken pursuant to the building permit;
  - 5. If paid, the date the system development charges were paid; and
  - 6. A statement of the reasons why the applicant is requesting the hearing.
- D. Upon receipt of such request, the District shall schedule a hearing before the Board of Directors at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant written notice of the time and place of the hearing. Such hearing shall be held within forty-five (45) days of the date the request for hearing was filed.
- E. Such hearing shall be before the Board of Directors and shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedures and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.
- F. Any applicant who requests hearing pursuant to this Section and desires the immediate issuance of a building permit shall pay prior to or at the time the request for hearing is filed the applicable SDC Charges pursuant to Section S(B). Said payment shall be deemed paid under "protest" and shall not be construed as a waiver of any review rights.
- G. An applicant may request a hearing under this Section without paying the applicable SDC Charges, but no building permit shall be issued until such SDC Charges are paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.
- H. The decision of the District Board shall be reviewable solely under ORS 34.010 through 34.100. The person who has appealed a decision shall be notified of this right to review of the decision.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord. 04-2004, 3/24/04; amended by

#### Section 9 - Plan Adoption. Review of Rates and Plan

- A. The SDC Charge Rates and Plan shall be reviewed by the Board at least once every five years. The review shall consider new estimates of population and other socioeconomic data, changes in the cost of construction and land acquisition. The purpose of this review is to evaluate and revise the projects in the Plan and, if necessary, the rates of the SDC Charge to assure that they do not exceed the reasonably anticipated growth related costs of the District's planned capital improvements.
- B. In the event the review of the Ordinance or the methodology leads to alterations or changes the assumptions, conclusions and findings of the methodology the methodology adopted by reference in Section 2J shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews and Section 2J shall be amended to adopt by reference the updated document.
- C. Notice of the intention to modify the SDC Charge, if the change is based on modifications to the methodology, must be provided ninety (90) days prior to the first hearing to at least the list of persons who have made a written request for notification of such actions. The methodology supporting the charge must be available sixty (60) days prior to the first hearing. A change is not a modification to the SDC Charge, if the change is based on:
  - 1. A change in the cost of materials, labor or real property applied to projects or project capacity as set forth on the list adopted pursuant to this section; or
  - 2. The periodic application of one or more specific cost indexes or other periodic data sources.
- D. A person wishing to challenge the establishment or modification of the District's system development charge methodology may do so pursuant to ORS 34.010 to 34.100.
- E. Any capital improvement being funded wholly or in part with system development charge revenue must be included in the District's capital improvement plan. The plan shall be adopted by District Board resolution. The capital improvement plan may be modified by Board resolution at any time and shall:
  - 1. list the specific capital improvement projects, or portion of a project, that may be funded with system development charge revenue;
  - 2. provide the estimated cost of each capital improvement project and percentage of that cost that may be paid by system development charge revenues; and

- 3. provide the estimated timing of each capital improvement project.
- F. If the SDC Charge will be increased by a proposed modification of the plan list to include capacity increasing capital improvements:
  - 1. The District shall provide notice of the proposed modification at least thirty (30) days prior to the adoption of the modification.
  - 2. The District shall hold a public hearing if it receives a written request for a hearing on the proposed modification within seven (7) days of the date of adoption of the modification.
  - 3. Any person wishing to challenge the decision of the District to increase a system development charge by modifying the plan list may do so pursuant to ORS 34.010 to 34.100.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

#### Section 10- Receipt and Expenditure of System Development Charges

- A. The District hereby establishes a separate trust account to be designated as the "Parks and Recreation SDC Account," which must be maintained separate and apart from all other accounts of the District. A trust account shall also be established for each zone ("Zone Trust Accounts"). Funds in these Zone Trust Accounts, which shall include deposits of both zonespecific SDC charges and any District-wide SDC charges generated within that zone, may only be used for Zone Projects in the zone from which the money was collected except as provided below. Each Zone Trust Account shall be assessed annually, based on a pro rata percentage of collections for the prior fiscal year, a share of (i) the current year SDC-eligible debt service payment as of October 1, 2014, until the SDC-eligible portion of such debt is repaid and (ii) any SDC-eligible expenditures on district-wide planning efforts such as master planning, charges for collection, and other system costs relating to SDC administration. All system development charge payments must be deposited into the appropriate trust account immediately upon receipt.
- B. The monies deposited into the trust account must be used solely for the purpose of providing capital improvements which provide for the increased capacity necessitated by development, including, but not limited to:
  - 1. design and construction plan preparation;
  - 2. permitting and fees;
  - 3. land and materials acquisition, including any costs of acquisition or condemnation;
  - 4. construction of capital improvements;
  - 5. design and construction of new drainage facilities required by

the construction of capital improvements and structures;

- 6. relocating utilities required by the construction of improvements;
- 7. landscaping;
- 8. construction management and inspection;
- 9. surveying, soils and material testing;
- 10. acquisition of capital equipment;
- 11. repayment of monies transferred or borrowed from any budgetary fund of the District which were used to fund any of the capital improvements as herein provided;
- 12. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the District to fund capital improvements;
- 13. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the consulting, legal, and administrative costs required for developing and updating the system development charges methodology report, resolution/ordinance, and capital improvements plan; and the costs of collecting and accounting for system development charges expenditures.
- C. Funds on deposit in system development charge trust accounts must not be used for:
  - 1. any expenditures that would be classified as an operation, maintenance or repair expense; or
  - 2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.
- D. Any funds on deposit in system development charges trust accounts which are not immediately necessary for expenditure shall be invested by the District. All income derived from such investments shall be deposited in the system development charges trust accounts and used as provided herein.
- E. An applicant or owner shall be eligible to apply for a refund of the SDC Charge paid if the building permit has expired and work on the development authorized by such permit has not been commenced.
  - 1. The application for refund shall be filed with the District and contain the following:

- a. The name and address of the applicant;
- b. The location of the property which was the subject of the system development charges;
- c. A notarized sworn statement that the petitioner is the then current owner of the property on behalf of which the system development charges were paid, including proof of ownership, such as a certified copy of the latest recorded deed;
- d. The date the system development charges were paid;
- e. A copy of the receipt of payment for the system development charges; and, if appropriate,
- f. The date the building permit was issued and the date of expiration.
- 2. The application shall be filed within ninety (90) days of the expiration of the building permit. Failure to timely apply for a refund of the system development charges shall waive any right to a refund.
- 3. Within thirty (30) days from the date of receipt of a petition for refund, the District will advise the petitioner of the status of the request for refund, and if such request is valid, the system development charges shall be returned to the petitioner.
- 4. A building permit which is subsequently issued for a development on the same property which was the subject of a refund shall pay the systems development charges as required by Section 5.
- F. The District shall prepare an annual report, to be completed by January 1 of each year, showing the total amount of system development charges revenue collected in the trust accounts, and the capital improvement projects that were funded during the previous fiscal year, the amount spent on each project and the amount spent on the costs of complying with ORS 223.297 to 223.314.
- G. Any citizen or other interested person (as defined in Section 3F) may challenge an expenditure of system development charges revenues.
  - a. Such challenge shall be submitted, in writing, to the District for review within two years following the subject expenditure, and shall include the following information:
    - i. The name and address of the citizen or other interested person challenging the expenditure;
    - ii. The amount of the expenditure, the project, payee or purpose, and the approximate date on which it was made; and

- iii. The reason why the expenditure is being challenged.
- b. If the District determines that the expenditure was not made in accordance with the provisions of this ordinance and other relevant laws, a reimbursement of system development charges trust account revenues from other revenue sources shall be made within one year following the determination that the expenditures were not appropriate.
- c. The District shall make written notification of the results of the expenditure review to the citizen or other interested person who requested the review within ten (10) days of completion of the review.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04); amended by Ord. 06-2014 (10/30/14)]

#### Section 11- Severability

If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

#### Section 12- Implementing Regulations: Amendments

The District Director may adopt regulations to implement the provisions of this ordinance.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord.02-2004 (03/25/04)]

#### Section 13 - Effective Date

The charge authorized by This Ordinance shall take effect as of February 1, 2008; provided, however, that an application presented before that date, for which all necessary prior approvals have not been granted or other required predicates no met shall not be considered submitted for purposes of this section.

[Adopted by Ord. 94-1152 (10/6/94); amended by Ord. 04-2004, 3/24/04; amended by Ord. 09-2007 (10/25/07)]

# Status Update - SDC Methodology



## **SDC Methodology Timeline**



Data Gathering & SDC Project List Nov. '21 – June '22

DAC introduction to SDC update

DAC review and recommend SDC project list

SDC data gathering and refinement



Analysis, & Review June – Oct. '22

Develop draft SDC methodology and add a second methodology based on "No Milwaukie" scenario

Present SDC methodology and revised SDC Project List to DAC for review



SDC Ordinance – Recommendation and Approval 2023 TBD

Finalize methodology

Present to DAC for recommendation

Present SDC ordinance to Board

SDC 90-day notice period

SDC ordinance to Public Hearing & for Board adoption



## **SDC Methodology**

- Methodology scenario to be confirmed based on determination of City being in or out of District
- Final rates determined through methodology after revisions to cost estimates are completed
- The maximum allowable SDC rate determined by methodology may remain similar or increase/decrease from today's rate



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#### NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

Development Services Building 150 Beavercreek Road, Oregon City, OR 97045

Michael Bork, NCPRD Director

December 7, 2022

Board of County Commissioners Sitting as the North Clackamas Parks and Recreation District Board of Directors

#### **Staff report on the District Governance Change Project**

Purpose/Outcome	Report on the Status of District Governance Change Project		
Dollar Amount	Up to \$150,000 dependent on contractor selected and final scope of		
and Fiscal Impact	work. County General Funds are not involved.		
Funding Source	NCPRD General Fund		
Duration	Approximately 18-24 month timeline for scope of work		
Previous Board	Other than the 2014 rejected vote, there has been no further formal		
Action/Review	efforts to renew the governance change.		
Strategic Plan Alignment	Build Public Trust through Good Government: researching and assessing an appropriate governance structure for the future and giving the public an opportunity to adopt		
Counsel Review	12/1/2022 JM		
Procurement	1. Was the item processed through Procurement? yes □ no ⊠		
Review	Update is not processed through Procurement, however a Request for		
	Quotes to provide strategy and polling services for this work is being processed currently		
Contact Person	Michael Bork, NCPRD Director, 971-610-1036		
	Heather Koch, NCPRD Planning & Development Director, 971-337-6867		
Contract No.	N/A		

#### BACKGROUND:

Since its formation in 1990, the North Clackamas Parks and Recreation District ("NCPRD") has been a Service District of Clackamas County as defined under ORS Chapter 451 "County Service Facilities." It is governed by the Board of County Commissioners sitting as the NCPRD Board of Directors, with a District Advisory Committee to make recommendations to the Board.

NCPRD now seeks to gauge interest with district residents on whether NCPRD should be a Special District as described under ORS Chapter 266 "Park and Recreation Districts." The Special District is the standard structure for parks districts in Oregon, with NCPRD being an exception as the only 451 Park District in Oregon. The Special District governance structure aligns with three key opportunities for NCPRD:

- 1) the district is already independently funded, separate from County General Fund;
- 2) the district is a specific geographic subarea of the County and has the potential to be governed by a body specific to its boundary; and
- 3) the district focuses on providing parks and recreation services to residents and has the potential to be governed by a body that focuses only on parks and recreation services.

Separate ballot measures would be needed to approve a Special District and to elect Directors. To help determine the best process, strategy and timing of such measures, as well as to gauge voter support, NCPRD has solicited and received quotes for professional strategy and polling services. This also includes assessment of potential scenarios for including or excluding a modest increase in the permanent tax assessment rate. An initiative for NCPRD to establish a Special District, elect directors, and increase the permanent tax assessment rate was unsuccessful in 2014, so it is critical that the consultant provide guidance to NCPRD with validated research and polling, proven strategies, and the application of lessons learned from past measures.

The preliminary next steps to pursue this governance change are as shown below, and are subject to change based on contracting, initial research and assessment, strategy recommendations, and Board actions. In addition, work on polling and strategy may need to consider two scenarios: assuming a District with or without the City.

As soon as practical, the team will assess if and when the referral of a measure is feasible and recommended, whether in a regular election or a special election. NCPRD will keep the Board and the DAC updated as information becomes available.

TASKS
Gather data and conduct research
Develop initial recommendation to NCPRD
Assess voter support - conduct stakeholder interviews, polling and focus groups
Develop final recommendation to NCPRD
Refine messaging and conduct community surveys
Prepare draft measure for review and approval by elected officials
Prepare request to officials to refer 1 <sup>st</sup> measure
Provide information on measure (no advocacy)
Plan and refer for 2 <sup>nd</sup> measure (dependent on 1 <sup>st</sup> measure)

Respectfully submitted,

Michael Bork, Director

North Clackamas Parks and Recreation District

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## BOARD OF DIRECTORS MEETING SUMMARY

**Date:** Wednesday, March 30, 2022

**Time:** 6:00 p.m. – 8:00 p.m. **Location:** Virtually (via Zoom)

This meeting was recorded and the video is available on the Clackamas County website at

https://www.clackamas.us/meetings/bcc/business/2020-08-17

These minutes document action items approved at the meeting

#### PRESENT:

NCPRD Board Chair Tootie Smith,

NCPRD Board Director Sonya Fisher

NCPRD Board Director Paul Savas

NCPRD Board Director Martha Schrader

NCPRD Board Director Mark Shull

Clackamas County Administrator Gary Schmidt

Clackamas County Counsel Stephen Madkour

Clackamas County Counsel Jeffery Munns

NCPRD Director Michael Bork

#### I. CALL TO ORDER

Roll Call

Pledge of Allegiance

#### II. BOARD DISCUSSION ITEMS

1. NCPRD Overview Video

The NCPRD overview video was shared. It is currently featured on the NCPRD website at https://ncprd.com/about- us/district-information.

#### 2. A Year in Review

NCPRD Director Michael Bork gave an overview of the NCPRD year in review.

3. Update from the District Advisory Committee (DAC) Chair

DAC Chair Grover Bornefeld provided an update on the formation of the DAC, and the DAC member recruitment process.

#### 4. Updates:

i. SDC Methodology

Michael Bork provided an overview of the SDC Methodology Timeline.

ii. Milwaukie Bay Park Funding Update

Director Savas: "I move to approve the Milwaukie Bay Park funding intergovernmental agreement and add language that this agreement will only take effect after the master intergovernmental agreement



### BOARD OF DIRECTORS MEETING SUMMARY

between the City of Milwaukie and the North Clackamas Parks and

Recreation District is revised and approved."

Director Schrader: Second

Clerk Called the Poll Director Schrader: Aye Director Fischer: No Director Savas: Aye

Chair Smith: Aye. -motion passes 3-1

#### iii. Concord Project

#### III. ACTION ITEM

 Approval of Revised Milwaukie Community Center Advisory Board (MCCAB) Bylaws

Director Schrader: "I move to approve the revised Milwaukie Community

Center Advisory Board bylaws."

Director Savas: Second

Clerk Called the Poll Director Fischer: Aye Director Savas: Aye Director Schrader: Aye

Chair Smith: Aye. -motion passes 4-0

2. District Advisory Committee Recruitment

Director Savas: "I move to suspend the bylaws and temporarily adopt the special the special recruitment process for the District Advisory Committee

until the full DAC bylaws are amended."

Director Schrader: Second

Clerk Called the Poll Director Schrader: Aye Director Fischer: Aye Director Savas: Aye

Chair Smith: Aye. -motion passes 4-0

#### IV. PUBLIC COMMENT

- 1. Linda Neumann Jennings Lodge
- 2. Richard Nepon Oak Grove
- 3. Jan Carothers Jennings Lodge
- 4. Anatta Blackmarr Oak Grove
- 5. Lisa Batey Milwaukie City Councilor
- 6. Kathy Hyzy Milwaukie Council President
- 7. Gary Bokowski Jennings Lodge
- 8. Ben Johnson City of Milwaukie



## BOARD OF DIRECTORS MEETING SUMMARY

- 9. Jeanette DeCastro Happy Valley
- V. <u>DISTRICT ADMINISTRATOR UPDATE</u> <a href="https://ncprd.com/public-meetings/meeting-minutes">https://ncprd.com/public-meetings/meeting-minutes</a>
   1. Gary Schmidt thanked the NCPRD staff, DAC members.
- VI. BOARD COMMUNICATION https://ncprd.com/public-meetings/meeting-minutes





### BOARD OF DIRECTORS MEETING SUMMARY

**Date:** Wednesday, June 29, 2022

**Time:** 6:00 p.m. – 7:30 p.m.

Location: Clackamas County Public Services Building Hearing Room 409

2051 Kaen Rd, Oregon City, OR 97045 or virtually (via Zoom)

This meeting was recorded and the video is available on the NCPRD website at https://ncprd.com/public-meetings/meeting-minutes

These minutes document action items approved at the meeting

#### PRESENT:

NCPRD Board Chair Tootie Smith,

NCPRD Board Director Sonya Fisher

NCPRD Board Director Paul Savas

NCPRD Board Director Martha Schrader

NCPRD Board Director Mark Shull

Clackamas County Administrator Gary Schmidt

Clackamas County Counsel Jeffery Munns

NCPRD Director Michael Bork

#### 1. CALL TO ORDER

- a. Roll Call
- b. Pledge of Allegiance

#### 2. BOARD DISCUSSION ITEMS

- a. Concord Project Update and Next Steps
  - i. NCPRD Director Michael Bork gave an update on the Concord Project.
- b. Concord Facility Infrastructure Improvements
  - i. Michael Bork presented an overview of the proposed infrastructure improvements.
  - NCPRD Board gave staff the direction to move forward with improvements.
     This item will appear on a future Consent Agenda during a BCC Business Meeting.
- c. Elk Rock Island Intergovernmental Agreement and Funding
  - i. Michael Bork provided an overview of the Elk Rock Island. NCPRD recommendation was to not just stop maintaining the property, but to work on a transition to either get reimbursed for it and/or transition to the City of Milwaukie maintaining that property.
  - ii. NCPRD Board agreed with moving ahead with the staff recommendation.
- d. System Development Charge Zone Updates/Finalization
  - i. Michael Bork provided a report on SDC methodology progress and next steps.



## BOARD OF DIRECTORS MEETING SUMMARY

- 3. OTHER BUSINESS
  - a. Report from the District Advisory Committee (DAC) Chair (Grover Bornefeld)
- 4. <u>DISTRICT ADMINISTRATOR UPDATE https://ncprd.com/public-meetings/meeting-minutes</u>
- 5. PUBLIC COMMENT
  - a. Grover Bornefeld Subarea 1
  - b. Jeanette DeCastro Subarea 3
  - c. Thelma Haggenmiller Oak Grove Area
- 6. BOARD COMMUNICATION https://ncprd.com/public-meetings/meeting-minutes
- 7. ADJOURN

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#### **NCPRD Quarterly Division Report**

Prepared for the NCPRD Board of Director's Meeting REPORTING PERIOD: August-October 2022 NCPRD BOD MEETING DATE: December 7, 2022

#### **Asset Development**

The purpose of the Asset Development program is to coordinate and manage current and long-range planning, the acquisition of park land, all aspects of the District's Capital Improvement Plan (CIP), and the repair and replacement of capital assets in order to provide recreation facilities that serve District residents. (Capital repair and replace will be included in Division Report for Parks, Trails and Natural Areas).

#### **SIGNIFICANT ACCOMPLISHMENTS**

- **Job Openings Filled**: NCPRD has filled positions to enable NCPRD to conduct foundational Asset Development work. We couldn't be more thrilled!
  - Welcome Alex! In early September, Alexandra Gilbertson joined the NCPRD team as a Principal Planner focusing on capital projects and other key planning functions. She brings 16 years of experience and skills in capital project planning and development for parks in our region, landscape architecture, and capital project funding.
  - Welcome Katie! In late October, Katie Dunham joined the NCPRD team as a Principal Planner focusing on long-range planning and other key planning functions. She brings 15 years as a parks planner to the team, with recent in-depth efforts on level of service guidance and equitable access to parks.
- **Strategy and Polling solicitation:** A Request for Quotes was finalized to solicit strategy and polling services for potential governance and financing changes in the future.
- **SDC Methodology Update:** A methodology with two scenarios was prepared with support from the SDC experts at FCS Group and presented to the DAC in October. These will provide a distinct point to pick up the work when the team is able to get clarity on potential changes to the NCPRD boundary.
- Milwaukie Bay Park Project:
  - The Project Team reached the 50% completion milestone for construction documents, obtained an updated cost estimate to ensure the project stays on budget, and compiled comments to guide next steps. These documents have even greater detail, whether it pertains to planting plans, lighting plans, finishes, engineering, or other details.
  - The Metro Council approved NCPRD's grant request to support the Trolley Trail Multiuse Path at Milwaukie Bay Park. This is part of \$20 million approved for the Metro region from the Metro 2019 Parks and Nature Bond Trails grant program. The award is for \$658,027 with a required \$538,385 match. The Clackamas County Coordinating Committee was instrumental in supporting Clackamas County grant proposals.
  - The Milwaukie Planning Commission approved NCPRD's Land Use Application in August after the Project Team prepared a thorough submittal and met with the Commission to



answer questions. The team also submitted a plan set to Oregon Department of Transportation for review of work in the ODOT right-of-way along SE McLoughlin Blvd/OR99E.

#### PROJECTS/TASKS BEING WORKED ON

- Concord: Staff from Planning and other divisions are providing feedback to the Project Manager and design team on the 100% schematic design for the park and site (non-building elements). While this milestone does not include highly technical design details, it provides staff opportunities to ask questions, consider how the site will offer programs and activities to the public, and thread back to the 2021 Master Plan to see how the plans are evolving.
- **Concord:** A Conditional Use Permit application for use of the Concord building for NCPRD Administrative offices is awaiting a hearing on Dec 1.
- **Metro Local Share:** Staff is assessing a list of potential projects that can meet Metro local share criteria and a developing a plan for engaging the community on priorities.

#### **LOOKING AHEAD**

- Finalization of a Request for Proposals to solicit a design team this winter for the Jennings Lodge Elementary School Recreation Improvements project.
- Scoping and procurement for a consultant to support the long-range System Plan.
- Reorganizing planning work related to natural areas and trails due to staff changes.
- See also CIP FY 22-23 table.

#### **Capital Improvement Projects FY 22-23**

Item	<b>Current Activity</b>	Next Steps	Timeframe
System Plan and Capital Improvement Plan	Onboard long-range planner	System Plan Scoping & Procurement	Fall/Winter 2022
SDC Methodology	On hold	Pick up work when possible	Jan 2022
Milwaukie Bay Park	Design, engineering, and preconstruction phase of the Project is on hold for 90 days	Further evaluate the best possible project options based on available funds and partnerships	Jan 2022
Ball Fields Study	Begin scoping the work	Finalize a scope of work	Fall/Winter
Jennings Lodge ES Recreation Improvements	Finalize request for proposals	Solicit proposals	Dec 2022
Concord Property Design and Engineering – park and site	Ongoing design for	100% developed design	Jan 2023
Concord Property Design and Engineering - building	Conditional use permit under review for NCPRD admin office use; defining scope of building improvements	50% Schematic design	Feb 2023



Justice Property Master Plan	Review background information	Preparation of scope of work	TBD
New Urban HS	Preliminary meetings with school district	Outline potential agreement between NCPRD and school district	Winter/Spr

#### **Finance**

#### **SIGNIFICANT ACCOMPLISHMENTS**

- The FY 20-21 NCPRD Annual Comprehensive Finance Report (ACFR) received the Government Finance Officer Association (GFOA)'s Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting.
- We provided guidance and financial structural knowledge in the development of a new chart of accounts (required for separation from BCS) for FY 22-23.
- The NCPRD finance team completed the FY 21-22 Annual Comprehensive Financial Report (ACFR). This is a months-long process and takes much of the staff's time to complete.
- Staff developed a "Budget Request" form for online submission of budget requests/ideas
- Staff attended the Oregon Recreation & Park Association conference in November.

#### **CURRENT PROJECTS/TASKS**

- We are beginning work on FY 23-24 budget.
  - o Gathering year-end projections from staff (November).
  - o Discussing budget needs and anticipated revenue (December).

#### **LOOKING AHEAD**

- Continue to work on the FY 23-24 budget.
- Staff to attend the National GFOA conference in May (held in Portland this year).

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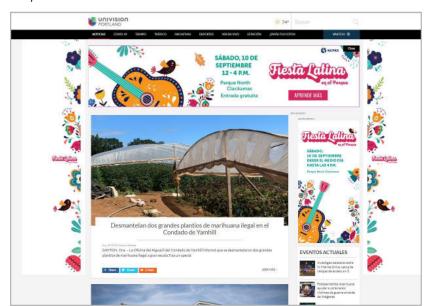


#### **Marketing and Communications**

#### SIGNIFICANT ACCOMPLISHMENTS

- Seed Packets NCPRD, in partnership with Clackamas County
  Business Community Services, distributed 1,000 native, locallysourced wildflower seed packets at select NCPRD and County
  facilities to promote pollinator friendly gardens.
- Alma Myra Park Engagement Concluded survey for the Alma Myra Park playground replacement project. A total of 591 residents completed the survey to select the design (Option B) and many more provided comments that helped to influence additional playground enhancements for increased accessibility.
- Adopt-a-Park: Coordinated with Maintenance and Natural Areas
  team to relaunch an Adopt-a-Park program, now online with a
  dedicated landing page on the website (ncprd.com/adopt-a-park) and online forms.
- Program and Event Promotion: Created promotional materials that increased awareness and drove attendance for Concerts in the Park, Fiesta Latina en el Parque, Adaptive and Inclusive Costume Dance, Shooting Stars, Hoopers Basketball, general recreation programs, and natural area volunteer opportunities.

Fiesta Latina: Homepage Takeover on kunptv.com



Fiesta Latina: Quarter Page Print Ad in Clackamas Review





#### PROJECTS/TASKS BEING WORKED ON

- Winter Programs Development of winter program promotional materials, in preparation for registration opening on December 6.
- Pocketalk Campaign: In the process of launching an informational campaign to promote NCPRD's new translation service using Pocketalk technology. The first outreach phase includes window graphics, signage, staff shirts and a landing page (ncprd.com/lets-talk).
- Gift Shop Rebranding Coordinating with Milwaukie Community
  Center Foundation to rebrand the gift shop, recently named Artisan
  Gifts, and to develop marketing materials.
- Year in Review: NCPRD has started the process of pulling together information, stats and performance measures for the 2021-2022 Year in Review.
- Vehicle Wraps: Wrapping two maintenance vehicles in custom designs, which will align with the existing fleet of NCPRD branded vehicles.



#### **LOOKING AHEAD**

- Awareness campaign NCPRD will be developing concepts for an awareness campaign, designed to increase engagement across all departments.
- **Trolley Trail Brochure** The Trolley Trail brochure will be getting a refresh, with additional copies printed for distribution.

#### **Older Adult Services**

The purpose of the Older Adult Services program is to provide coordinated nutritional, transportation, educational and social service programming to the communities' older adults and persons with disabilities; assisting them in remaining independent and helping them thrive in their later years.

#### **SIGNIFICANT ACCOMPLISHMENTS**

- The Milwaukie Community Center (MCC) social services team assists low-income seniors with their rising energy bills. Our staff helps people, who might otherwise have difficulty navigating the forms, with their Energy Assistance Program (LIEAP) applications. LIEAP is a federally funded program designed to assist low-income seniors with their energy bills.
- The Supplemental Firewood Program began in October for low-income district residents who use wood as a primary, or supplemental, heat source. The wood is donated and is cut, split and stacked by volunteers, enabling distribution for a suggested donation.





The Milwaukie Community Center's gift shop, now named "Artisans Gifts", completed its
remodel and redesign. Our NCPRD maintenance crew painted and spruced up the room and
Milwaukie Floors and More provided the new flooring. The MCC Foundation is excited to
operate this new shop as one of its cornerstones in fundraising.





- The MCC has hired a new Human Services Coordinator. Jamie Davie comes to us from the Pioneer Center in Oregon City where she held a similar role for the last 12 years. Jamie is our Lead Social Worker responsible for social service programming at the MCC.
- The Transportation Program received an "intent to award" for a Transportation Infrastructure Grant through Oregon Buys. This \$20,000 grant request will be used to install security fencing and cameras to protect the buses from theft and vandalism.
- The Nutrition Program also received an "intent to award" for a Congregate Meal Infrastructure Grant through Oregon Buys. This \$20,000 grant request will be used to replace the kitchen's double oven and the faulty door on the walk-in freezer.
- Our Nutrition Program hosted its annual Ice Cream Social on August 23. Attendees received an
  ice cream drumstick donated by Umpqua Bank. The National Charity League provided
  volunteers for the event and everyone enjoyed ice cream on a hot August day.





Volunteers for the Ice Cream Social

#### **PROJECTS/TASKS BEING WORKED ON**

 The MCC Nutrition Program is partnering with New Seasons Market to raise funds for Meals on Wheels. This is a Metro area-wide fundraiser event between New Seasons and the different Meals on Wheels providers. This event is called the 8 Days of Kindness and is held at each store. Donations are solicited from customers to support the local Meals provider during the eight days preceding Thanksgiving.

#### **LOOKING AHEAD**

• The Nutrition Program's annual Famous Thanksgiving Dinner was held on Sunday, November 20 at the MCC. This community meal is a great way to show your support for the Meals on Wheels Program. Tickets were \$15 for adults and \$5 for children with two seating times of 3 p.m. and 4:30 p.m.



The Building Review Committee continues to meet and discuss ways to optimize the spaces
within the Milwaukie Community Center. With the reimagine of the gift shop under their belt,
they will continue their work and explore how to better utilize storage for the building. Next,



they'll examine the pool room and library to devise a plan for more extensive and dynamic uses of these areas.

#### **Parks, Trails and Natural Areas**

The purpose of the Parks, Trails and Natural Areas program is to provide management, maintenance and ongoing stewardship services to NCPRD residents and visitors so they can access safe, clean and well maintained parks, trails and natural areas both now and into the future.

#### SIGNIFICANT ACCOMPLISHMENTS

#### • October:

- O NCPRD Natural Area staff partnered with Portland Parks and Recreation and the Native Plant Society of Oregon Portland Chapter (NPSO) to host a No-Ivy Day event on October 29. Seventeen people attended and helped pull ivy, remove invasive Hawthorn and other weeds at North Clackamas Park. Thank you volunteers for helping enhance this camas wetland!
- NCPRD staff and contractors worked on the loop trail at Alma Myra Park to replace the bark chip trail with a more accessible crushed fines trail. Weed control continues as we prepare the site for planting more native plants later this fall and winter.



- All Irrigation systems are off and winterized.
- Annual backflow device testing is district wide complete.
- o Staff attended the ORPA Invasive Pest Management Webinar Workshop on October 5.
- NCPRD is currently recruiting for a Building Maintenance Assistant.
- Mowing activities have shifted to leaf mulching and pruning.
- The 2022 seasonal mowing crews (photo below) final day was October 27. Park
   Maintenance staff says thank you to our seasonal worker David (front center) who made our lunch on his last day. Thank you, David!





#### September:

- The Milwaukie Community Center annual shutdown was September 5-9. NCPRD crews painted the gift shop and associated display shelving.
- 1,000 yards of engineered wood fiber playground safety surfacing was blown in to 20 playgrounds throughout the district September 6-9.
- The North Clackamas Aquatic Park was closed September 4-30 for the annual shutdown maintenance period. Accomplishments include tile and grout repair in all pools, plumbing repairs, boiler repairs, lighting repairs, and painting.
- The Milwaukie Community Center closed the week of September 5-9, and the North Clackamas Aquatic Park September 4-30 for their annual shutdown maintenance periods. Various shut down projects included painting, floor replacement, fire alarm system upgrades, pump repairs, tile and grout repair, plumbing repairs, and annual boiler services.

#### August:

NCPRD filled the Natural Area Program Coordinator position that opened in March when Matt Jordan left for a Parks Maintenance Supervisors position with Hood River Parks District. We are excited to welcome Lauren Cary to fill this position. Lauren comes with many years of experience in both natural area project management and trails work. She most recently held a position with Mosaic Ecology, a Portland based environmental assessment, design and construction company. As a contractor with Mosaic, Lauren has lead projects with NCPRD, Water Environment Service, and North Clackamas Watersheds Council. Lauren has experience not only working at many of the NCPRD



- sites but has positive relationships with many of NCPRD's partners. Please join us in welcoming Lauren to our team!
- NCPRD Natural Area staff partnered with Johnson Creek Watershed Council (JCWC) to host a Science in the Park event on September 18. Forty people attended and three other partners helped with tabling.
- Lead testing at CHCS was completed.
- o Addition of playground safety chip levels districtwide.
- o Repaired underground steam pipe rupture at Clackamas School.
- NCPRD Natural Areas staff partnered with Johnson Creek Watershed Council (JCWC) on the annual Johnsons Creek Cleanup on August 20. NCPRD hosted a cleanup event at the Luther Rd Property in partner with Northwest Family Services to pick up trash.
- o NCPRD lead a volunteer event at Alma Myra Park to enhance habitat on August 31.

#### PROJECTS/TASKS BEING WORKED ON

- Climate Action in partnership with Clackamas County Exchange.
- Partnership with WES and the 3-Creeks Project.
- Mill Park and Clackamas Development Agency Linwood Ave Project.
- Weed control and plant maintenance District wide.
- Weed control and native plant maintenance in the natural areas.
- Continued trail maintenance.
- Natural Areas team focused on controlling specific weeds where success is best mid-September through early-November, plus trail and trees work. Planting will begin later this fall.

#### **LOOKING AHEAD**

- NCPRD co-hosted a volunteer event at the Orchard Summit Property on November 12, along with Clackamas River Basin Council and Solve.
- Natural Areas team is continuing fall work focused on controlling specific weeds where success is best in the fall and early winter, trail work and tree work. Planting will begin in November and continue through March.

#### Recreation

The purpose of the NCPRD Recreation program is to provide a variety of recreational and educational opportunities directly and in partnership with other providers to enhance personal health and the quality of life for all residents of the District.

#### **SIGNIFICANT ACCOMPLISHMENTS**





- NCPRD's first Adaptive and Inclusive Costume Dance at the Concord School Property was a
  huge success with 52 participants and 34 chaperones attending. Compliments from those
  attending were as numerous as the awesome dance moves that were on display. Big thanks to
  Milwaukie Bowl for their prize donation, and to DJ Shawn Hinz for donating his time and talent
  to the event.
- Youth Sideout Volleyball teams put their practice skills into action when games began on Saturday, October 15.
- Clackamas County Special Olympics athletes honed their volleyball skills on Thursday evenings in the Concord School Property gymnasium.









• The first Community Game Day was a big success with 17 of our neighbors coming together to socialize and play board games. Community Game Day takes place on the third Sunday of each month from 2-6 p.m. at the Concord School Property.



 NCPRD's Pre-K Multi-Sport program was held in the Concord School Property gymnasium on Wednesday evenings. Participants learned fundamental skills for multiple sports including basketball, flag football and soccer. The program concluded with a challenging obstacle course the children enjoyed.





Fall Frenzy Men's Recreational Adult Softball League concluded its five-week season on
October 21 with the Jason for Justice Team taking home the league title with a 9-1 record. The
league season was shortened from nine weeks to five, due to conflicts with high school
programming.





• NCPRD's Fall Frenzy Coed Adult Softball had three divisions and was at capacity with 26 teams. The season ran from September through mid-November and served over 300 participants.





- North Clackamas Park ball fields were busy with senior softball games and youth baseball/softball practices and games. Mother Nature was kind this fall as we only had one cancelation due to rain. The fields closed for the season on October 31.
- The Aquatic Park had a very busy annual shutdown in September.
  - The facility received a new fire alarm system. This project had been in the works for over a year and was brought to fruition with an entire system replacement and upgrade.
  - Much like other businesses, the Aquatic Park is experiencing a shortage of available workers. During this year's shutdown, we utilized approximately 250 hours of part-time labor and six full-time employees. This is about 50% of the amount of part-time staffing that we would typically utilize during an annual shutdown. Unfortunately, this limited the number of tasks that we were able to complete.
  - Most small pools and spas are recommended to be drained every three months. With our pools being on the larger side, and having robust filter/chemical systems in place, we are lucky enough to stretch these timelines out a bit further to approximately 11



- months. For the Aquatic Park, that is 400,000 gallons of water to drain and replenish during each shutdown!
- Did you know the entire Aquatic Park was built in a hole? The facility is actually below street level. Consequently, all wastewater must be pumped up to street level. This creates the biggest constraint to our draining process. It takes six days to drain the water from the Aquatic Park. Filling, on the other hand, has the advantage of water pressure and gravity. We can fill the lap/dive pool in 15 hours and the wave pool in eight hours.
- Other items completed included over 2,500 sq. ft. of grouting, 100 bulbs replaced and many gallons of paint used to restore the facility.



- The Aquatic Park successfully accommodated all pre-season high school swim teams and private swim teams' requests. This totaled three local high schools and four private swim teams.
- The Aquatic Park hosted a free Big Surf recreational swim and photo shoot to assist the marketing department by creating stock photos for future advertising and social media posts. Over 300 patrons attended this event!
- The Aquatic Park hired Joey Amsberry as an Aquatic Supervisor. He joined our team as a full time employee in November. Joey most recently worked for Anderson Poolworks as a Regional Service Manager and he is familiar with our facility with nearly 15 years as a part-time employee.
- NCPRD's Monday/Wednesday session of swim lessons began in October. The entire session
  was full with many individuals on the waitlist. Unfortunately, on this round, we could not open
  any additional classes due to limited staff availability.
- The Create a Magical Sedum Garden workshop was held in October at the MCC. Thirteen children participated and a local master gardener volunteered to instruct.









• Halloween at the MCC included trick or treating, activities, jar guess and music by Jamie and Friends. Over 300 attendees enjoyed the event.







 On September 10, over 800 community members attended NCPRD's first ever Fiesta Latina en el Parque at North Clackamas Park to celebrate Latino culture and heritage through music, dancing, food, kids activities, arts and crafts.











• Fall recreation programs are serving over 600 registrants in adult classes held at the MCC and one class at the Concord School Property. Classes were offered in-person and via a hybrid configuration (Zoom of a live class).

#### Summer 2022

- NCPRD wrapped up another year of summer camps with 57 sports and enrichment camps that served 1,320 happy campers.
- NCPRD Adaptive and Inclusive Summer Camps were a hit! For the first time since the inception
  of the program, our Adaptive and Inclusive Camps filled to capacity. When a parent of an
  adaptive and inclusive camper was asked their opinion of the camp, she replied "It was
  fantastic! This is the most engaged my daughter has ever been. Thank you for offering this
  camp."





NCPRD Adaptive and Inclusive Summer Camps

- A big shout-out to our 26 college and high school summer camp staff who made our sport camps fun and memorable for our participants.
- NCPRD's Monday night men's recreational softball league and our Thursday night coed social
  division leagues finished on August 8 and 11, respectively. Average Joes weren't average this
  year as they took home the championship trophy. Clackamas County FD1 team, the Fireballers,
  took home the runner-up prize in the Men's Monday night recreational league. The Hangovers
  didn't show any signs of being hungover as they were crowned champions of the coed social
  division.





Average Joes



Fireballers - Men's recreational softball league





Hangovers – Coed Social Division

 After a two-year hiatus due to COVID, NCPRD was back hosting the Clackamas County Cornhole tournament at the annual Clackamas County Employees Picnic. Forty-two teams of two participated in this year's tournament.



Cornhole Tournament 2022

- Aquatic Staff provided a free lifeguard training course that concluded with seven participants graduating.
- The Aquatic Park offered six camps, ten water safety sessions and three foster family swim sessions free to our community this summer, thanks to a grant from the Oregon Association of Education Service Districts (OAESD).
- Recreation Programming at the MCC served 830 participants this summer with adult art, fitness, language and eight contracted children's camps. Fitness in the park classes had over 50 participants.



- The RecMobile team completed seven weeks of free, drop-in activities in the park for children ages 6 to 10. Staff visited two parks a day with two-hour visits at ten sites each week. A total of 900 children joined in the fun with the majority of participants attending Trillium Park, Wichita Park, Ball-Michel Park, and the Concord School Property.
- The last Concert in the Park was held on August 13 at Milwaukie Bay Park and featured BridgeCity Soul. Around 600 attendees came out to enjoy the music and dance. Food, drink and artisan vendors included Everybody Eats, Breakside Brewery, Siempreviva and Made in Milwaukie.





BridgeCity Soul Concert in the Park

 Movies in the Park wrapped up at Concord School Property on August 6 featuring Raya the Last Dragon. Prior to the movie, children made dragons and everyone enjoyed a special performance by the International Lion Dance Team. Approximately 1,300 residents attended Movies in the Park this year.





International Lion Dance Team

#### PROJECTS/TASKS BEING WORKED ON

- Winter Dance and Cheer registration is open. The cheering and dancing begins on January 16, 2023. Last season there were 30 participants, and so far there are 29 children registered!
- The new three-day Winter Dance and Tumbling Camp will take place over the winter holiday break December 28-30.
- Youth Hoopers Basketball season preparation continues, including permitting of gyms with the North Clackamas School and staff recruitment. There are currently 1,050 youth players registered to play, and we anticipate that number to grow to 1,500 by the time we roll the ball out onto the court on January 9, 2023.



- Shooting Stars Basketball, a league for persons with additional needs and cognitive disabilities, has 21 participants registered surpassing the 2022 total of 18. The season opens on January 9, 2023.
- The Aquatic Park's swim instructor academy is underway. Each staff member will participate in six hours of classroom/pool training sessions followed by co-instructing a session of lessons. Each program graduate will log 38 hours of experience before joining our instructor team.
- High School Swim Season began in November. We have successfully scheduled five high schools each with over 50 anticipated swimmers per squad and four private teams with a range of 10-120 members on each squad. This will be our busiest swim season to date both in bookings and the number of community members served.
- Staff is planning a Lunar New Year Celebration at the MCC that is scheduled to take place on Sunday, January 22, 2023.

#### **LOOKING AHEAD**

- Winter registration begins at 9 a.m. on December 6 for NCPRD residents and December 13 for non-residents.
- Budget production is right around the corner! Our goal is to produce creative ideas to deal with staffing challenges that will also allow for the expansion of programming.
- Sports staff continue to plan for the restart of our adult basketball and volleyball open gym. Open Gym sports were discontinued due to COVID. Open Gym will begin on Sunday, January 8, 2023, from 3-5 p.m.
- Sports staff are preparing for the annual field allocation meeting with our local youth baseball and softball teams.
- NCPRD's Spring Fever Adult Softball League will be impacted by Adrienne C. Nelson High School's baseball and softball programs. We are tentatively planning to play on Sundays to avoid conflicts.
- NCPRD staff is discussing and assessing the feasibility of offering a weekday pickleball program in the Concord School Property gymnasium.
- Aquatic staff are planning for winter programming in combination with balancing the community need of a record-large high school swim season.