

# COMMENT FORM



\*\*\*PLEASE PRINT CLEARLY\*\*\*

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 11-13-17  
Item Number From Agenda 3C 3C covenant trail.

NAME: James F Justice

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS: Street: 128 S McLoughlin

City, State, Zip: Oregon City, Oregon 97045

PHONE NUMBER: ~~503-819-3329~~

E-MAIL ADDRESS: JJusticeRanch@gmail.com

SIGNATURE:

# COMMENT FORM



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Date of Meeting

11/13/17

Item Number From Agenda

3c

NAME:

Danielle Leckband

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street: 320 Tumwater Drive

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

503 593 2246

E-MAIL ADDRESS:

mrsoregon@hotmail.com

SIGNATURE:

Danielle Leckband

# COMMENT FORM



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Date of Meeting

11/13/17

Item Number From Agenda

23c Public Comment

NAME:

Melissa Erlbaum

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

128 Canemah Rd

City, State, Zip:

Oregon City OR 97045

PHONE NUMBER:

503-341-7115

E-MAIL ADDRESS:

melissae@wswr.org

SIGNATURE:

Melissa Erlbaum

# COMMENT FORM



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Date of Meeting 11-13-17

Item Number From Agenda — 3C, LE 17-02

NAME: Steven Liday, Miller Nash, on behalf of Bud's Towing

**\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS: Street: 126 S. McLoughlin Rd

City, State, Zip: Oregon City

PHONE NUMBER: 503-739-2535

E-MAIL ADDRESS: steven.liday@miller-nash.com

SIGNATURE: [Signature]



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Date of Meeting

11-13-17

Item Number From Agenda

- 30 Canemah Trail

NAME:

Shawn Dachtler

**\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS:

Street:

City, State, Zip:

Oregon City 97045

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Handwritten Signature]

# COMMENT FORM



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Date of Meeting

10/13/17

Item Number From Agenda

3C

NAME:

Bill Trumbert

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street: 20180 Wood Glen Way

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-758-9043

E-MAIL ADDRESS:

Bill.Trumbert@Yaltr.com

SIGNATURE:

Bill Trumbert

# COMMENT FORM



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Date of Meeting

11/13/17

Item Number From Agenda

30 McLOUGHLIN TO CASEYAN TRAIL

NAME:

PAUL EDWARDS

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

211 5TH AVE

City, State, Zip:

CASEYAN

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

# COMMENT FORM



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Date of Meeting

11-13-2017

Item Number From Agenda

McLaughlin-Canemah Trail

NAME:

James S. Nicita

**\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS:

Street:

302 Bluff

City, State, Zip:

OC 97045

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

[Handwritten Signature]

# COMMENT FORM



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Date of Meeting

10/13/2017

Item Number From Agenda

     McL Coneriah Trail

NAME:

Doug Hooley

**\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS:

Street: 1161 + Parrish Road

City, State, Zip: Oregon City

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

# COMMENT FORM



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Date of Meeting

11/13/17

Item Number From Agenda

  —  

NAME:

Matthew Carlson

**\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).**

ADDRESS:

Street:

324 Tumwater Dr.

City, State, Zip:

Oregon City, OR

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

# COMMENT FORM



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Date of Meeting

11/13/17

Item Number From Agenda

- Oregon City River Trail Plan

NAME:

DR. Michael Secor

\*\*\*Please provide complete contact information in order to receive notice of a land use decision as required by OCMC 17.50.130(C).

ADDRESS:

Street:

Oregon City, Highland Stillhouse

City, State, Zip:

PHONE NUMBER:

503-201-2255

E-MAIL ADDRESS:

SIGNATURE:

[Signature]

**William L. Rasmussen, P.C.**  
william.rasmussen@millernash.com  
503.205.2308 direct line

November 13, 2017

**BY FIRST CLASS MAIL AND  
ELECTRONIC MAIL**  
***kreid@orcify.org***

Oregon City Planning Commission  
c/o Ms. Kelly Reid, Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

**Subject: LE 17-02, Amendment to the Comprehensive Plan for the McLoughlin-  
Canemah Trail—Public Comment**

Dear Commissioners:

As we mentioned on the phone to Ms. Reid last week, this law firm represents Delbert and Mary Bullock, owners of Bud's Towing, Inc., which is located at 126 S. McLoughlin Blvd. Please include this comment in the record for the subject land use review.

Bud's Towing has been a fixture in Oregon City since 1968 and is currently being run by the third generation of the Bullock family. It employs seven people. The current recommended path alignment would split Bud's Towing's property in half. Splitting the property would force this long-time, locally family owned business to close and would substantially devalue the property. Bud's Towing has contracts with the City of Oregon City Police Department and other jurisdictions that require the continued existence of the buildings and parking on the property.

The Bullocks are in support of a new shared-use path to help connect the Canemah Bluff Natural Area with the Willamette Falls Legacy Project. We provide this comment, however, to respectfully request that the Planning Commission immediately adjust the proposed segment of the trail that would run from the end of Tumwater Drive through at least three private properties (including the Bullock's business).



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As explained below, this portion of the proposed permanent trail—through an industrial area and along Highway 99—is, unsightly, inefficient, and dangerous. There are at least two alternatives that would be better suited to accomplish the City's goals. Furthermore, this proposed segment will be the most expensive part of the trail as it will require three condemnation proceedings for land that has greatly appreciated due to the Willamette Falls Legacy Project. Alternatively, if the City tried to force landowners to split their properties through exactions in future permit processes, the City will face substantial takings claims.

The severing of this private property would also hinder and constrain its redevelopment. Accordingly, the current design does not comport with project goals or the Oregon City Comprehensive Plan. We respectfully ask the Planning Commission to reroute the trail as described below.

**1. The problematic segment through Bud's Towing is the least attractive and most dangerous portion of the proposed trail.**

The subject application proposes that the McLoughlin-Canemah Trail run from the end of Tumwater Drive through at least three private properties, cut over to Highway 99 in front of the PGE substation, and continue along the basalt cliffs over the busy highway for around 1,000 feet, before finally entering the northwest corner of Old Canemah Park:



This design places the trail in the midst of industrial businesses (along with a couple taverns), which is not only unattractive for trail users, but also hinders the redevelopment of this land.

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On July 29, 2017, the planning staff held the "Greenway for a Day" public event to evaluate the McLoughlin-Canemah Trail options. As part of its evaluation, the City asked participants a series of survey questions, including "What was your least favorite part?" The respondents overwhelmingly identified this segment along Highway 99 and the PGE substation as the worst component of the trail.<sup>1</sup> Conversely, numerous survey respondents identified Old Canemah Park as their favorite potential trail route.<sup>2</sup>

Inexplicably, the route in the subject application does not heed these comments, but places the proposed trail along the least favorite location—missing much of the preferred Old Canemah Park. Given the uniform opposition to this placement by the general public, the proposed design threatens the long term public adoption and use of the trail. This segment will place trail users directly next to the speeding traffic on Highway 99, along with the concomitant noise, pollution, and danger. The route down Tumwater Drive across South Second Street also creates a dangerous crossing for path users because of the intersection's proximity to Highway 99. Accordingly, this placement violates several of the project goals adopted by the Community Advisory Group and planning staff, including:

- Minimize risk and conflicts between automobile traffic, bicycle traffic, and pedestrians.
  - Celebrate experiences of nature while protecting and enhancing native vegetation and habitat within the corridor.
  - Discourage criminal activity and provide a secure environment for all users.
  - Responsibly utilize public funds to provide a high-quality trail experience both now and into the future.
- 2. The alternative route on South End Road (High Street) is safer and more attractive.**

The Community Advisory Group strongly considered an alternative route along South End Road into Old Canemah Park above the PGE substation. In fact, in a

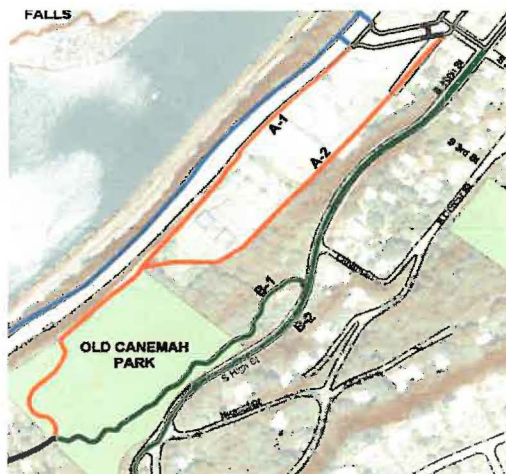
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<sup>1</sup> Greenway for a Day Event | July 29, 2017; Report and Results, at 4; *see also* Ex. 1 at 17 and 57.

<sup>2</sup> *Id.* at 3.

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public comment (Ex.<sup>3</sup> 3 at 5-6), one member of the advisory group explains that the group was evenly split between the South End Road (High Street) route and the segment advanced and ultimately proposed by the City.



The South End Road (High Street) trail route shown above (B-1)<sup>4</sup> is vastly superior because (a) it is not on Highway 99 or along the PGE substation, (b) the street is in a heavily-wooded area that provides pleasant scenery and shade, (c) the route would run the entire length of Old Canemah Park, and (d) the crossing of South Second Street could occur at a safer location for pedestrians (at High Street and South End Road). In fact, there is already a trail into Old Canemah Park from South End Road:

<sup>3</sup> All references to Exhibits are to the attachments submitted by the City for LE 17-02, file # PC 17-136.

<sup>4</sup> In the feasibility evaluation (Ex. 1), the City included this segment in Alternative C, but did not place the trail through Old Canemah Park, instead using B-2 above)—which is far inferior.



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Of course, South End Road is not without some drawbacks. There can be traffic at times, but South End Road could have wide shoulders in most places, and speed dampers could be utilized to limit conflict between trail users and cars.

**3. The proposed condemnation of private property or exaction effort will be very expensive.**

It appears that the McLoughlin-Canemah Trail Plan Community Advisory Group did not prefer (or more accurately split the preference) for the current design along Highway 99 and the PGE substation until they were told that the South End route would present geotechnical difficulties and thus would cost substantially more to construct.<sup>5</sup> The final evaluation show, however, that even by the City's own estimates, the cost of the two trail routes would be very similar. (Ex. 1 at 75.)

But, the City's estimate for the cost of constructing the currently proposed route is based on flawed assumptions. The planning-level cost estimates for the proposed route, does not show any cost for the taking of private property. (Ex. 1 at 75, 77-80.) It appears that the City believes it can avoid this cost by making the property owners dedicate land and construct the trail as part of any future redevelopment. See Ex. 1 at 62 ("improvements packaged into re-development."). But the City cannot reasonably force the property owners to provide land or force them to build a trail as a

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<sup>5</sup> See minutes from McLoughlin-Canemah Trail Plan Community Advisory Group Meeting #2, August 15, 2017, and Meeting #3, September 21, 2017.

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condition of development because the trail is not related to the impact from the development. *Kountz v. St. Johns River Water Management District*, 133 S. Ct. 2586, 2595 (2013)<sup>6</sup>.

The cost to condemn or take private property through unconstitutional exactions from at least three owners—destroying several buildings—will be substantial. In addition to the legal costs, the property owners will be entitled to the fair market value of the land taken and the reduction of the remaining property values. *State By & Through Dep't of Transp. v. Lundberg*, 312 Or 568, 574, 825 P2d 641, cert den, 506 US 975 (1992). This fair market value is not based on the current use of the property, but its highest and best use. *State By & Through State Highway Comm'n v. Assembly of God, Pentecostal, of Albany*, 230 Or 167, 176, 368 P2d 937 (1962). Future land regulations or public projects—such as the Willamette Falls Legacy Project—are relevant considerations for determining the fair market value of the fairest and best use of the property. *Unified Sewerage Agency of Washington Cnty. v. Duyck*, 33 Or App 375, 377, 576 P2d 816 (1978). Furthermore, if the severance of the property by the trail leaves too small of remnant for future development, the property owners will be entitled to full value for that land too. *City of Lake Oswego v. Babson*, 97 Or App 408, 776 P2d 870, rev den, 308 Or 465 (1989).

In short, this segment of trail over private property will cost far more than the other portions, even if they require greater construction costs.

**4. As presently designed, the proposed Trail Plan is not in compliance with the Comprehensive Plan.**

Because of the cost and safety issues identified above, the current design of the McLoughlin-Canemah Trail in the proposed amendments to the Oregon City Transportation System Plan, Parks Master Plan, and Trails Master Plan does not comply with the City's comprehensive plan. Among other criteria that are not met, the current trail design through private property and along Highway 99 and the PGE substation does not comply with the following criteria:

*Goal 2.1. Efficient Use of Land. Ensure that property planned for residential, commercial, office, and industrial*

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<sup>6</sup> "the government may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, but it may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts."



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*uses is used efficiently and that land is developed following principles of sustainable development.*

The placement of the trail directly through private property that would force closure of a longtime business is not an efficient use of land. Likewise, splitting properties in a way that leaves small remainder properties that are difficult to impossible to use violates Goal 2.1.

*Policy 11.1.1. Ensure adequate public funding for the following public facilities and services, if feasible: \* \* \*  
Transportation infrastructure \* \* \**

*Policy 11.1.5. Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.*

Unnecessarily placing the trail so as to split private property will result in much higher costs and less funding for other transportation infrastructure, including other development related to the McLoughlin-Canemah Trail. This condemnation or attempted exaction of private property for a trail does not complement the current use of surrounding land.

*Policy 11.1.7. Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.*

The cost estimates included in the proposed amendments for this section of the trail are not reasonable and lacks a factual basis.

*Goal 12.5. Safety. Develop and maintain a transportation system that is safe.*

*Policy 12.5.2. Identify and implement ways to minimize conflict points between different modes of travel.*

As repeatedly stated in survey responses, the placement of the trail along Highway 99 is not safe and is undesirable. Furthermore, the location of the trail across South Second Street at Tumwater Drive is dangerous (as evidenced by the \$80,000 in

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safety improvements planned for this intersection). The current design violates these criteria because safer routes are available.

*Policy 12.8.1. Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.*

The placement of the trail to split private property (necessitating expensive condemnation proceedings or takings litigation), over dangerous intersections, and along busy highways does not maximize the efficiency of the transportation system, nor minimize the required financial investment.

## **5. Conclusion.**

Our client supports the construction of a McLoughlin-Canemah Trail, but asks the Planning Commission to alter the present design so that it does not needlessly bisect private property owners, waste City funds, and result in a less desirable trail.

The South End Road (High Street) trail route is far superior to the segment proposed by the City across private property and along Highway 99. This route offers a wooded setting, greater safety, and possible future expansion as reliance on cars is diminished. Placing the trail route on or even near Highway 99 threatens the long-term public adoption and use of the entire shared-use path, potentially wasting the substantial public investment in the McLoughlin-Canemah Trail project.

Please contact me with any questions or concerns.

Very truly yours,



William L. Rasmussen, P.C.



## McLOUGHLIN-CANEMAH TRAIL—BUD'S TOWING COMMENT

### Deficiencies of the Tumwater Drive – Highway 99 Segment:



1. Least attractive portion of the proposed trail (based on survey responses);
2. Placement along Highway 99—especially interim trail—undermines safety, beauty, and likely use of trail;
3. Fails to optimize forest setting by not running deeper into Old Canemah Park;
4. Requires dangerous and inefficient crossing of South 2nd Street at Tumwater Drive; and
5. Placement over private property will impact local businesses, possibly hinder redevelopment, and may necessitate condemnation (or takings) litigation.

### Advantages of the High Street/South End Road Alternative (B-1):



1. Pleasant forested setting along South End Road;
2. Avoids route along Highway 99;
3. Incorporates more of Old Canemah Park into the trail route;
4. Allows for safe and efficient crossing of South 2nd Street at High Street; and
5. Does not negatively impact local businesses or take private property, thus avoiding expense of condemnation or takings litigation.





### MEMORANDUM

To: Planning Commission  
From: Kelly Reid, AICP, Planner  
Re: LE 17-02 Additional Findings and Response to Public Comments  
Date: November 13, 2017

---

The McLoughlin-Canemah Trail Plan recommendation for permanent alignment includes a trail segment through privately-owned properties on McLoughlin Boulevard. The alignment is recommended to be located behind future new development on these properties, rather than in front of them along the McLoughlin Blvd frontage, where traffic speeds and driveway curb cuts create a less-than-ideal environment for pedestrians and bicyclists. The alignment of this segment retains the existing shared used path alignment shown in the adopted Transportation System Plan (Project #S36).

Public input gathered during the trail planning process included a strong desire to use the Old Canemah Park trail and to avoid McLoughlin Blvd as much as possible. To accomplish these goals, the final recommendation is for Alignment option B, with the permanent trail behind future development and away from the street, where users can be more protected from traffic, noise, and exhaust.

Recognizing the existing businesses along this segment of McLoughlin Blvd, the City does not propose to utilize condemnation to obtain land for a new trail. Instead, the plan includes an interim alignment along McLoughlin Blvd until such future time when these properties redevelop. A vast majority of the parcels along the segment of McLoughlin are zoned Mixed Use Corridor (MUC-1). Currently, the properties include a tavern, a one-story 13-unit apartment building, a towing business, and an auto repair business. There is also a single family home on a property zoned R-6 (low density residential) in the area. This property may be a good candidate to consider for future rezoning. On the whole, these sites are underdeveloped, and therefore represent future development opportunities. In recognition of the likelihood of redevelopment in the future, the City intends to place conditions of approval on future developers to integrate the trail into their redevelopment plans. The trail would be conveyed to the City either through an easement or dedication.

In order to have the least impact on redevelopment plans for these sites, the trail is shown in the plan just below a steep slope, where the grade of these properties becomes 35% and greater (see figure 1). The trail could hug the bottom of this hillside and potentially be integrated into a future alley or rear parking lot. If developers have alternative ideas for how to integrate the trail into their sites, the planning division would be happy to consider variations. Most importantly, however, the development should not turn its back on the trail. Having windows, entrances, open space, and potentially even outdoor patio seating areas located adjacent to the trail would create a safe trail for users and provide a pleasant setting at the rear of the properties.

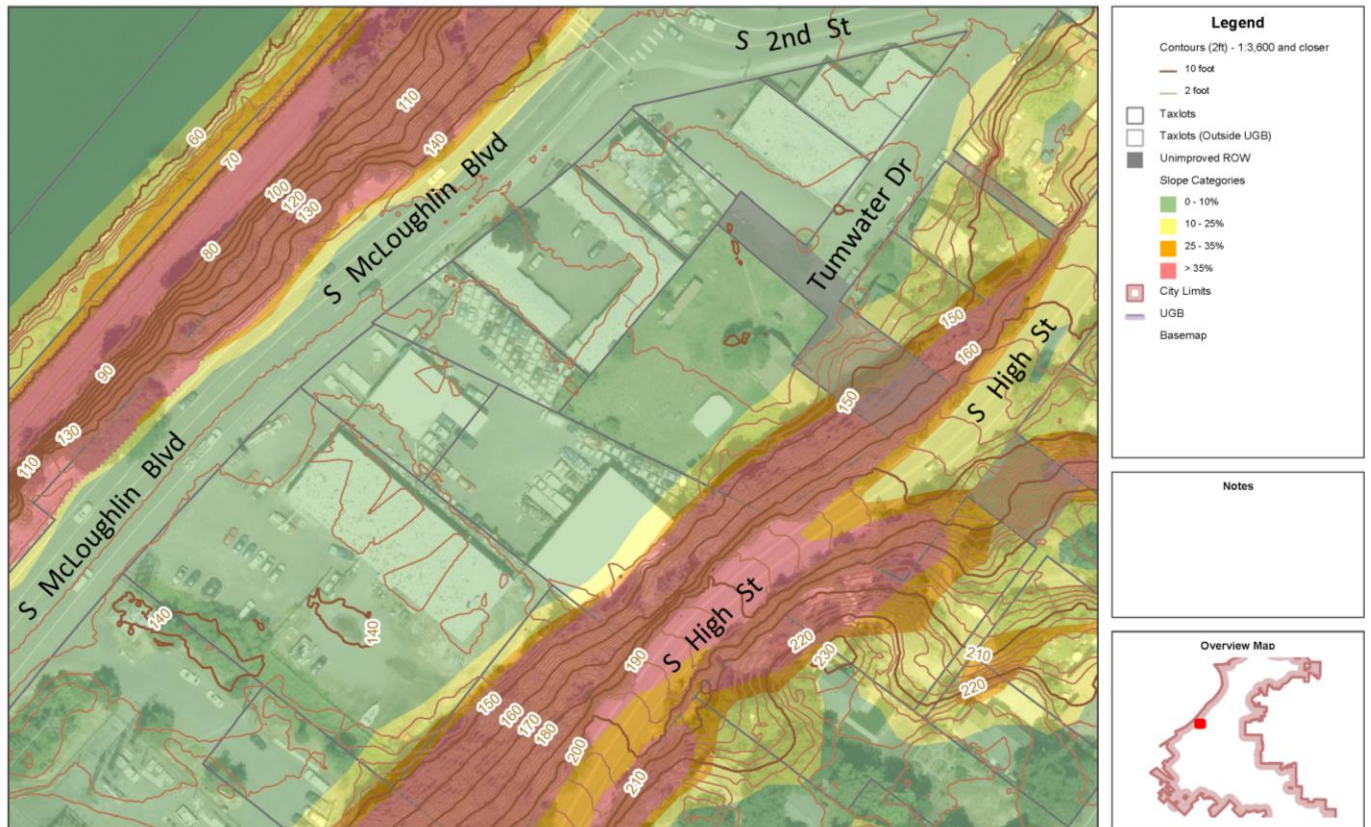


Figure 1: Steep slopes in trail area behind the businesses on McLoughlin Blvd.

The community advisory group considered alignments behind the neighboring PGE substation as well. However, the PGE substation includes a barbed-wire fence and a building along the back edge, which reduces visibility and creates places for people to hide. The advisory group found that security concerns outweighed the desire to be farther away from vehicle traffic on McLoughlin Blvd, and instead recommended that the trail jog back up to the street frontage for the length of the PGE property.

On Monday, November 13<sup>th</sup> at 3:00 p.m. the Planning Division received a letter from attorneys representing a property owner on McLoughlin Blvd. The Planning Division also received an email from Paul Edgar, Canemah resident and member of the Community Advisory Group for the trail plan. Both of these letters are added to the record, along with this memorandum. These letters raised several concerns, for which I wish to provide more context for the Planning Commission. I also propose a condition of approval to address some of the concerns, which is discussed below.

**Concern:** The trail “bisects” private property, which hinders the redevelopment of the site.

**Response:** As shown on the alignment map, the trail is proposed to run along the back of the property along the hillside. Oregon City code discourages development on slopes greater than 35%, and it is not expected that this hillside would be part of any redevelopment. Also,



the City intends to work collaboratively with developers to determine a trail alignment that integrates with development. The trail plan, as written, does not make this intention explicit. Thus, staff recommends adding a condition of approval to revise the trail plan to say explicitly that exact trail location through private properties is flexible and will be determined through coordination with future developers or owners.

Concern: A trail through industrial businesses is unattractive.

Response: With mixed-use zoning, the properties may develop with residential uses, commercial uses, and/or offices. These types of uses are complementary to a trail that provides bicycle and pedestrian connections from neighborhood areas. The City does not intend to construct a trail through the existing businesses.

Concern: Public input largely desired a trail away from Mcloughlin Blvd.

Response: The permanent alignment aims to provide as much of the trail area behind development rather than on the street, in direct response to this public input.

Concern: The recommendation misses much of the preferred Old Canemah Park.

Response: The recommendation fully utilizes Old Canemah Park from end to end. It is the only alignment of the three options considered that is able to use the park.

Concern: The crossing at South 2<sup>nd</sup> Street is dangerous and violates the goals of the Community Advisory Group.

Response: The advisory group was in fact uncomfortable with all of the existing options for crossing at South 2<sup>nd</sup>. Currently, the safest option was identified as South 2<sup>nd</sup> and High Street where there is a four way stop and an eventual signal planned (unfunded TSP project D31). There was not full consensus on which intersection could offer the safest crossing in the future. Staff and consultants shared a crossing design concept for South 2<sup>nd</sup> and Tumwater at the end of the third advisory group meeting, and continued to refine it after hearing positive feedback from group members and Public Works officials. This crossing design concept is included in the final trail plan report and is a necessary project for the permanent alignment to be feasible. The City proposes to add this project to the Transportation System Plan Project list as Project C37.

Concern: The South End Road option (Option C) should have been recommended over Option B. There is already a trail into Old Canemah Park from South End Road.

Response: There is not an existing trail into Old Canemah Park; the aerial photo provided in the letter shows a small clearing that is not connected to the park and is not easily accessible due to steep slopes around it. Staff has visited the area. The High Street/South End Road option was supported by several of the advisory group members, but was ultimately not selected by the group.



Concern: Exacting the trail from developers will constitute a taking because the trail is not related to the impact from the development.

Response: Development of mixed use sites with residential, commercial or offices uses is related to the trail. Bicycle and pedestrian access to properties is required by city codes, and the Comprehensive Plan and Transportation System Plan both include multiple goals and policies to create safe and convenient pedestrian routes, connect neighborhood areas to commercial areas with shared use paths, and encourage travel using non-vehicular modes. Staff and the City's attorneys believe there will be a proportional nexus for exaction in this instance.

Concern: The trail is not compliant with the Comprehensive Plan.

Response: See findings in the staff report.

In conclusion, staff recommends adding the following condition of approval in order to clarify the intent of the plan:

The applicant shall revise the trail plan to say explicitly that exact trail location through private properties is flexible and will be determined through coordination with future developers or owners.

**From:** [Paul Edgar](#)  
**To:** [Kelly Reid](#)  
**Subject:** : McLoughlin to Canemah Trail report , I would like to talk to you about this. (Please print this for tonight's Planning Commission meeting)  
**Date:** Monday, November 13, 2017 5:14:47 PM

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The Trail Committee did not agree to this! **In bold font.**  
This is what I and others understood is in **(In Red)!**

PERMANENT (Long Term) ALIGNMENT  
RECOMMENDATION for the McLoughlin to  
Canemah Trail

**The Permanent trail alignment  
recommendation begins at the McLoughlin  
Promenade and connects to Tumwater  
Drive via the Three Rivers VFW Post 1324  
parking lot and a dedicated non-motorized  
path down the existing driveway.**

**From there, the trail follows Tumwater  
Drive, crosses at S. 2nd Street, and  
continues south/southwest on Tumwater  
Drive through re-developed parcels, turning  
toward McLoughlin Blvd/Hwy 99E just north  
of the Portland General Electric (PGE)  
substation property.**

From the PGE entrance, the Interim and  
Permanent trail recommended alignments are  
identical.

The trail connects between the PGE substation  
and McLoughlin Blvd/Hwy 99E, enters Old



Canemah Park, and connects to the Canemah National Register District neighborhood.

The route through the neighborhood follows Marshall Street and 3rd Avenue west/southwest , turns onto Ganong Street, and follows 4th Avenue until reaching the Canemah Neighborhood Children's Park.

[https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/lowres\\_final\\_report\\_with\\_corrections.pdf](https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/lowres_final_report_with_corrections.pdf)

We recommended for what is in this wording of the: INTERIM ALIGNMENT RECOMMENDATION

The Interim trail alignment recommendation begins at the McLoughlin Promenade and connects via 2nd Street going east to High Street.

Travels south on the west side of High Street to 2nd Avenue and crosses 2nd Avenue at a new cross walk light (that will be part of replacing the Stop and Go light, with a timed Stop Light), where the alignment follows the south side of 2nd Avenue to McLoughlin Blvd.

The trail continues on the east side of McLoughlin Blvd/Hwy 99E until reaching the Portland General Electric (PGE) substation entrance.

| *Paul*





BAR LEASING CO. INC  
503-658-8403

BAR LEASING CO. INC  
503-658-8403

MANITOWOC

TACOMA

DODGE  
4x4









TRD 4X4  
OFF ROAD

TACOMA





# Oregon

Kate Brown, Governor

## Department of Transportation

Region 1 Headquarters  
123 NW Flanders Street  
Portland, Oregon 97209  
(503) 731.8200  
FAX (503) 731.8259

November 2<sup>nd</sup>, 2017

ODOT #8009

## ODOT Response

<b>Project Name:</b> McLoughlin-Canemah Trail Plan	<b>Applicant:</b> Oregon City
<b>Jurisdiction:</b> Oregon City	<b>Jurisdiction Case #:</b> 008-17
<b>State Highway:</b> OR 99E	

The site of this proposed land use action is adjacent to McLoughlin Blvd (OR 99E). ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation. ODOT appreciated the opportunity to participate in the development of the McLoughlin-Canemah Trail Plan and generally support the proposed alignment. We are currently working with the City on closure of the Tumwater/McLoughlin intersection relating to the trail plan. We are looking forward to continuing to work with the City as you move forward on developing and refining the cross section for the trail.

**Please continue to work directly with Jessica Horning, ODOT R1 Transit and Active Transportation Liaison. Ms. Horning can be reached at [Jessica.horning@odot.state.or.us](mailto:Jessica.horning@odot.state.or.us) and 503-7341-3359.**

**Please send a copy of the Notice of Decision including conditions of approval to:**

ODOT Region 1 Planning  
Development Review  
123 NW Flanders St  
Portland, OR 97209

[Region1\\_DEVREV\\_Applications@odot.state.or.us](mailto:Region1_DEVREV_Applications@odot.state.or.us)

Development Review Planner: Marah Danielson	503.731.8258, <a href="mailto:marah.b.danielson@odot.state.or.us">marah.b.danielson@odot.state.or.us</a>
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November 2, 2017

City of Oregon City Planning Commission  
625 Center Street  
Oregon City, OR 97045

Members of the Oregon City Planning Commission,

I am writing to provide Portland General Electric Company's (PGE) comments related to the McLoughlin-Canemah Trail (MCT) Project, File LE-17-02. We understand that trails are an important component of communities and seek to be a supportive partner. PGE staff appreciated the opportunity to participate on the MCT Advisory Group. Additionally, we need to ensure the continued safety, reliability, security, operations, and maintenance of the PGE Canemah Substation Property located at 152 S. McLoughlin Blvd, Oregon City, OR and the related property interests.

PGE respectfully brings the Commission's attention to items that will be necessary as part of our continued work together including:

- To the extent the proposed trail and any public (non-PGE) access impacts any PGE property interests, PGE's "consent" to the MCT Project and proposed pathway will be subject to and conditioned upon PGE granting a non-exclusive License to the City for the use on terms and conditions acceptable to PGE. Due to current and future operational needs, PGE will not be granting an easement or any permanent or exclusive rights associated with the MCT project.
- The City of Oregon City shall bear the entire cost and expense incurred with respect to all of City's activities on or associated with the PGE Property or potential License Area.
- PGE specifically retains the right to use the Property, including the License Area, for expansion of its substation facilities, and any future utility needs or operations.

Again, PGE seeks to be supportive while also maintaining the safety and operations of the PGE Canemah Substation Property.

Thank you for your time and we look forward to continued collaborative work together. Please feel free to contact me for further information.

Sincerely,

Mark Lindley  
Manager, Property Services

cc: Kristin Ingram, PGE Attorney

324 Tumwater Drive  
Oregon City, Oregon 97045

11/1/17

Oregon City Planning Commission  
Kelly Reid, AICP, Planner

Ref. File Number LE-17-02

Applicant: City of Oregon City Public Works  
625 Center Street  
Oregon City, OR 97045

Request: Amend the Oregon City Transportation System Plan, Parks Master Plan, and Trails Master Plan to include a plan for the McLoughlin-Canemah Trail.

Members of the planning commission:

We own property located at 324 Tumwater Drive, Oregon City, OR. The “Long Term Trail Recommendation” shows the route of the proposed McLoughlin-Canemah Trail crossing our property.

Although we are in general support of the idea of a McLoughlin-Canemah Trail, we are strongly opposed to the City of Oregon City engaging in any taking, transfer, or development of our property without our involvement and explicit consent.

Sincerely,

Matthew Carlson  
Tiffany Carlson  
Dr. Carl Michael Secor  
Tamara Secor

**From:** [Paul Edgar](#)  
**To:** [Kelly Reid](#)  
**Subject:** Re: Proposed Comprehensive Plan changes for Trail Alignment - McLoughlin to Canemah  
**Date:** Wednesday, November 01, 2017 4:28:43 PM

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Yes and it is more than just the "Interim Plan" discussion. It was not an agreed to option to go up and down 2nd Avenue on the north side of the street and cross at McLoughlin Blvd.

We also did not agree to the crossing at 2nd and Tumwater in your proposed "Permanent (Long Term) Plan". If I remember correct, we talked about the implications of going south on Tumwater from 2nd Avenue to PGE, but got input that PGE that they did not want people walking on that blind side of their property. There was no agreement on making that the long term route to and behind PGE facilities and putting an additional obligation on to the property owners as to a future requirement to provide infrastructure for walking path improvements should they choose to redevelop their properties.

Both of the proposed walking path crossing: at McLoughlin Blvd at 2nd Avenue and 2nd and Tumwater have major impacts on transportation and ripple in every direction with far reaching negative consequences.

We talked long and hard about the ADA consequences and safety of the narrow passage/driveway up to the VFW and parking lot as not ideal, and with the limited things that can be done to mitigate physical negative aspects. The only thing I can remember is that we all did agreed with was that the vehicle entrance off of McLoughlin Blvd should be closed no-matter what. Equal to and greater McLoughlin Blvd vehicle entrance in problems is this blind passage/driveway of car and people going in and out to the VFW and Parking lot.

We were so close in all voting for a completely different Long Term choice and that should be noted. Remember most all of those from Canemah wanted some other choice rather than having people walking on Ganong and than 4th Avenue.

Paul

On 11/1/2017 3:31 PM, Kelly Reid wrote:

Hi Paul,

I wanted to follow up on this –

We are adding a note to the interim plan to indicate that users can cross at High Street or at 99E. The reason the trail is shown on the north side of South 2<sup>nd</sup> and crossing at 99E is due to our ability to widen the sidewalk on that side, and our thought that it would be safer for bikes to stay on that side. But you are correct that people may want to cross at High Street with the 4-way stop, so we are adding that to the interim plan.

Should I consider your email a public comment on LE 17-02 and add it to the public record?

I will send out the final report on Friday, which includes a drawing for the crossing at

South 2<sup>nd</sup> and Tumwater – I think the concept design will be a huge improvement and will make a crossing a possibility there. Of course, details would be worked out at a later date.

Thank you,

Kelly Reid, AICP  
Planner, City of Oregon City  
(503) 496-1540  
[kreid@orc.org](mailto:kreid@orc.org)

---

**From:** Paul Edgar [<mailto:pauloedgar@q.com>]  
**Sent:** Tuesday, October 24, 2017 10:01 AM  
**Subject:** Fwd: Proposed Comprehensive Plan changes for Trail Alignment - McLoughlin to Canemah

FYI, correction in bold font.

----- Forwarded Message -----

**From:** 57 2017 <>  
**X-Mozilla-Status:** 0001  
**X-Mozilla-Status2:** 00800000  
**X-Mozilla-Keys:**  
**Reply-To:** [pauloedgar@q.com](mailto:pauloedgar@q.com)  
**From:** Paul Edgar <[pauloedgar@q.com](mailto:pauloedgar@q.com)>  
**Subject:** Proposed Comprehensive Plan changes for Trail Alignment - McLoughlin to Canemah  
**To:** Kelly Reid - OC PLANNING <[kreid@orc.org](mailto:kreid@orc.org)>  
**Message-ID:** <[7a7b6fc9-dd98-b06e-38bd-d7f51aa46716@q.com](mailto:7a7b6fc9-dd98-b06e-38bd-d7f51aa46716@q.com)>  
**Date:** Mon, 23 Oct 2017 17:22:56 -0700  
**User-Agent:** Mozilla/5.0 (Windows NT 10.0; WOW64; rv:52.0) Gecko/20100101 Thunderbird/52.4.0  
**MIME-Version:** 1.0  
**Content-Type:** text/plain; charset=utf-8; format=flowed  
**Content-Transfer-Encoding:** 8bit  
**Content-Language:** en-US

I got the Notice of Public Hearings to enact the changes to the areas of the Comprehensive Plan to reflect the Trails Committee Recommendations.

The votes were so close (one vote between a split) between the Interim Trail Alignment Recommendation and with that of going up High Street and cutting across through Old Canemah Park to using 5th Avenue.

When we got to what is represented as the Long-Term Trail Alignment Recommendation, where it is reflected going by the VFW and the Oregon Territorial Museum and across 2nd at Tumwater, direct on Tumwater to the PGE Property, I did not hear that agreement.

I think that there was more votes to continue going from the McLoughlin Promenade to High Street and going across 2nd Avenue at the light and than down 2nd Avenue on the **(correction - left hand side)** to McLoughlin Blvd.

I also think that there was within a comparison of buying and taking properties to enable trail alignment on Tumwater to PGE as equal or less in votes to that of if we were to take property why not continue up High Street and get a more scenic as well as more environmentally sensitive trail that would take us a little cross country and below South End Road to 5th Avenue and then along unimproved 5th Avenue ROW to Blanchard Street.

Going across 2nd Avenue on Tumwater is a hyper-congestion nightmare that ripples. It screws up McLoughlin Blvd past Main Street.

I would love to see another meeting of the committee.

Paul



**From:** [Paul Edgar](#)  
**To:** [Kelly Reid](#)  
**Subject:** : McLoughlin to Canemah Trail report , I would like to talk to you about this. (Please print this for tonight's Planning Commission meeting)  
**Date:** Monday, November 13, 2017 5:14:47 PM

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The Trail Committee did not agree to this! **In bold font.**  
This is what I and others understood is in **(In Red)!**

PERMANENT (Long Term) ALIGNMENT  
RECOMMENDATION for the McLoughlin to  
Canemah Trail

**The Permanent trail alignment  
recommendation begins at the McLoughlin  
Promenade and connects to Tumwater  
Drive via the Three Rivers VFW Post 1324  
parking lot and a dedicated non-motorized  
path down the existing driveway.**

**From there, the trail follows Tumwater  
Drive, crosses at S. 2nd Street, and  
continues south/southwest on Tumwater  
Drive through re-developed parcels, turning  
toward McLoughlin Blvd/Hwy 99E just north  
of the Portland General Electric (PGE)  
substation property.**

From the PGE entrance, the Interim and  
Permanent trail recommended alignments are  
identical.

The trail connects between the PGE substation  
and McLoughlin Blvd/Hwy 99E, enters Old

Canemah Park, and connects to the Canemah National Register District neighborhood.

The route through the neighborhood follows Marshall Street and 3rd Avenue west/southwest , turns onto Ganong Street, and follows 4th Avenue until reaching the Canemah Neighborhood Children's Park.

[https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/lowres\\_final\\_report\\_with\\_corrections.pdf](https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/lowres_final_report_with_corrections.pdf)

We recommended for what is in this wording of the: INTERIM ALIGNMENT RECOMMENDATION

The Interim trail alignment recommendation begins at the McLoughlin Promenade and connects via 2nd Street going east to High Street.

Travels south on the west side of High Street to 2nd Avenue and crosses 2nd Avenue at a new cross walk light (that will be part of replacing the Stop and Go light, with a timed Stop Light), where the alignment follows the south side of 2nd Avenue to McLoughlin Blvd.

The trail continues on the east side of McLoughlin Blvd/Hwy 99E until reaching the Portland General Electric (PGE) substation entrance.

| *Paul*

**William L. Rasmussen, P.C.**  
william.rasmussen@millernash.com  
503.205.2308 direct line

November 13, 2017

**BY FIRST CLASS MAIL AND  
ELECTRONIC MAIL**  
***kreid@orcify.org***

Oregon City Planning Commission  
c/o Ms. Kelly Reid, Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

**Subject: LE 17-02, Amendment to the Comprehensive Plan for the McLoughlin-  
Canemah Trail—Public Comment**

Dear Commissioners:

As we mentioned on the phone to Ms. Reid last week, this law firm represents Delbert and Mary Bullock, owners of Bud's Towing, Inc., which is located at 126 S. McLoughlin Blvd. Please include this comment in the record for the subject land use review.

Bud's Towing has been a fixture in Oregon City since 1968 and is currently being run by the third generation of the Bullock family. It employs seven people. The current recommended path alignment would split Bud's Towing's property in half. Splitting the property would force this long-time, locally family owned business to close and would substantially devalue the property. Bud's Towing has contracts with the City of Oregon City Police Department and other jurisdictions that require the continued existence of the buildings and parking on the property.

The Bullocks are in support of a new shared-use path to help connect the Canemah Bluff Natural Area with the Willamette Falls Legacy Project. We provide this comment, however, to respectfully request that the Planning Commission immediately adjust the proposed segment of the trail that would run from the end of Tumwater Drive through at least three private properties (including the Bullock's business).

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As explained below, this portion of the proposed permanent trail—through an industrial area and along Highway 99—is, unsightly, inefficient, and dangerous. There are at least two alternatives that would be better suited to accomplish the City's goals. Furthermore, this proposed segment will be the most expensive part of the trail as it will require three condemnation proceedings for land that has greatly appreciated due to the Willamette Falls Legacy Project. Alternatively, if the City tried to force landowners to split their properties through exactions in future permit processes, the City will face substantial takings claims.

The severing of this private property would also hinder and constrain its redevelopment. Accordingly, the current design does not comport with project goals or the Oregon City Comprehensive Plan. We respectfully ask the Planning Commission to reroute the trail as described below.

**1. The problematic segment through Bud's Towing is the least attractive and most dangerous portion of the proposed trail.**

The subject application proposes that the McLoughlin-Canemah Trail run from the end of Tumwater Drive through at least three private properties, cut over to Highway 99 in front of the PGE substation, and continue along the basalt cliffs over the busy highway for around 1,000 feet, before finally entering the northwest corner of Old Canemah Park:



This design places the trail in the midst of industrial businesses (along with a couple taverns), which is not only unattractive for trail users, but also hinders the redevelopment of this land.



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On July 29, 2017, the planning staff held the "Greenway for a Day" public event to evaluate the McLoughlin-Canemah Trail options. As part of its evaluation, the City asked participants a series of survey questions, including "What was your least favorite part?" The respondents overwhelmingly identified this segment along Highway 99 and the PGE substation as the worst component of the trail.<sup>1</sup> Conversely, numerous survey respondents identified Old Canemah Park as their favorite potential trail route.<sup>2</sup>

Inexplicably, the route in the subject application does not heed these comments, but places the proposed trail along the least favorite location—missing much of the preferred Old Canemah Park. Given the uniform opposition to this placement by the general public, the proposed design threatens the long term public adoption and use of the trail. This segment will place trail users directly next to the speeding traffic on Highway 99, along with the concomitant noise, pollution, and danger. The route down Tumwater Drive across South Second Street also creates a dangerous crossing for path users because of the intersection's proximity to Highway 99. Accordingly, this placement violates several of the project goals adopted by the Community Advisory Group and planning staff, including:

- Minimize risk and conflicts between automobile traffic, bicycle traffic, and pedestrians.
  - Celebrate experiences of nature while protecting and enhancing native vegetation and habitat within the corridor.
  - Discourage criminal activity and provide a secure environment for all users.
  - Responsibly utilize public funds to provide a high-quality trail experience both now and into the future.
- 2. The alternative route on South End Road (High Street) is safer and more attractive.**

The Community Advisory Group strongly considered an alternative route along South End Road into Old Canemah Park above the PGE substation. In fact, in a

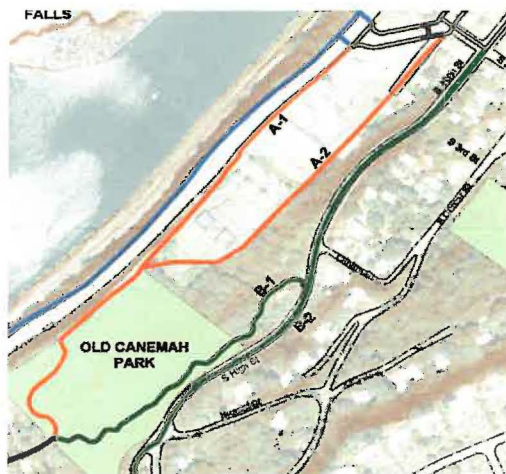
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<sup>1</sup> Greenway for a Day Event | July 29, 2017; Report and Results, at 4; *see also* Ex. 1 at 17 and 57.

<sup>2</sup> *Id.* at 3.

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public comment (Ex.<sup>3</sup> 3 at 5-6), one member of the advisory group explains that the group was evenly split between the South End Road (High Street) route and the segment advanced and ultimately proposed by the City.



The South End Road (High Street) trail route shown above (B-1)<sup>4</sup> is vastly superior because (a) it is not on Highway 99 or along the PGE substation, (b) the street is in a heavily-wooded area that provides pleasant scenery and shade, (c) the route would run the entire length of Old Canemah Park, and (d) the crossing of South Second Street could occur at a safer location for pedestrians (at High Street and South End Road). In fact, there is already a trail into Old Canemah Park from South End Road:

<sup>3</sup> All references to Exhibits are to the attachments submitted by the City for LE 17-02, file # PC 17-136.

<sup>4</sup> In the feasibility evaluation (Ex. 1), the City included this segment in Alternative C, but did not place the trail through Old Canemah Park, instead using B-2 above)—which is far inferior.

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Of course, South End Road is not without some drawbacks. There can be traffic at times, but South End Road could have wide shoulders in most places, and speed dampers could be utilized to limit conflict between trail users and cars.

**3. The proposed condemnation of private property or exaction effort will be very expensive.**

It appears that the McLoughlin-Canemah Trail Plan Community Advisory Group did not prefer (or more accurately split the preference) for the current design along Highway 99 and the PGE substation until they were told that the South End route would present geotechnical difficulties and thus would cost substantially more to construct.<sup>5</sup> The final evaluation show, however, that even by the City's own estimates, the cost of the two trail routes would be very similar. (Ex. 1 at 75.)

But, the City's estimate for the cost of constructing the currently proposed route is based on flawed assumptions. The planning-level cost estimates for the proposed route, does not show any cost for the taking of private property. (Ex. 1 at 75, 77-80.) It appears that the City believes it can avoid this cost by making the property owners dedicate land and construct the trail as part of any future redevelopment. See Ex. 1 at 62 ("improvements packaged into re-development."). But the City cannot reasonably force the property owners to provide land or force them to build a trail as a

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<sup>5</sup> See minutes from McLoughlin-Canemah Trail Plan Community Advisory Group Meeting #2, August 15, 2017, and Meeting #3, September 21, 2017.



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condition of development because the trail is not related to the impact from the development. *Kountz v. St. Johns River Water Management District*, 133 S. Ct. 2586, 2595 (2013)<sup>6</sup>.

The cost to condemn or take private property through unconstitutional exactions from at least three owners—destroying several buildings—will be substantial. In addition to the legal costs, the property owners will be entitled to the fair market value of the land taken and the reduction of the remaining property values. *State By & Through Dep't of Transp. v. Lundberg*, 312 Or 568, 574, 825 P2d 641, cert den, 506 US 975 (1992). This fair market value is not based on the current use of the property, but its highest and best use. *State By & Through State Highway Comm'n v. Assembly of God, Pentecostal, of Albany*, 230 Or 167, 176, 368 P2d 937 (1962). Future land regulations or public projects—such as the Willamette Falls Legacy Project—are relevant considerations for determining the fair market value of the fairest and best use of the property. *Unified Sewerage Agency of Washington Cnty. v. Duyck*, 33 Or App 375, 377, 576 P2d 816 (1978). Furthermore, if the severance of the property by the trail leaves too small of remnant for future development, the property owners will be entitled to full value for that land too. *City of Lake Oswego v. Babson*, 97 Or App 408, 776 P2d 870, rev den, 308 Or 465 (1989).

In short, this segment of trail over private property will cost far more than the other portions, even if they require greater construction costs.

**4. As presently designed, the proposed Trail Plan is not in compliance with the Comprehensive Plan.**

Because of the cost and safety issues identified above, the current design of the McLoughlin-Canemah Trail in the proposed amendments to the Oregon City Transportation System Plan, Parks Master Plan, and Trails Master Plan does not comply with the City's comprehensive plan. Among other criteria that are not met, the current trail design through private property and along Highway 99 and the PGE substation does not comply with the following criteria:

*Goal 2.1. Efficient Use of Land. Ensure that property planned for residential, commercial, office, and industrial*

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<sup>6</sup> "the government may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, but it may not leverage its legitimate interest in mitigation to pursue governmental ends that lack an essential nexus and rough proportionality to those impacts."

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*uses is used efficiently and that land is developed following principles of sustainable development.*

The placement of the trail directly through private property that would force closure of a longtime business is not an efficient use of land. Likewise, splitting properties in a way that leaves small remainder properties that are difficult to impossible to use violates Goal 2.1.

*Policy 11.1.1. Ensure adequate public funding for the following public facilities and services, if feasible: \* \* \*  
Transportation infrastructure \* \* \**

*Policy 11.1.5. Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.*

Unnecessarily placing the trail so as to split private property will result in much higher costs and less funding for other transportation infrastructure, including other development related to the McLoughlin-Canemah Trail. This condemnation or attempted exaction of private property for a trail does not complement the current use of surrounding land.

*Policy 11.1.7. Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.*

The cost estimates included in the proposed amendments for this section of the trail are not reasonable and lacks a factual basis.

*Goal 12.5. Safety. Develop and maintain a transportation system that is safe.*

*Policy 12.5.2. Identify and implement ways to minimize conflict points between different modes of travel.*

As repeatedly stated in survey responses, the placement of the trail along Highway 99 is not safe and is undesirable. Furthermore, the location of the trail across South Second Street at Tumwater Drive is dangerous (as evidenced by the \$80,000 in

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safety improvements planned for this intersection). The current design violates these criteria because safer routes are available.

*Policy 12.8.1. Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.*

The placement of the trail to split private property (necessitating expensive condemnation proceedings or takings litigation), over dangerous intersections, and along busy highways does not maximize the efficiency of the transportation system, nor minimize the required financial investment.

## **5. Conclusion.**

Our client supports the construction of a McLoughlin-Canemah Trail, but asks the Planning Commission to alter the present design so that it does not needlessly bisect private property owners, waste City funds, and result in a less desirable trail.

The South End Road (High Street) trail route is far superior to the segment proposed by the City across private property and along Highway 99. This route offers a wooded setting, greater safety, and possible future expansion as reliance on cars is diminished. Placing the trail route on or even near Highway 99 threatens the long-term public adoption and use of the entire shared-use path, potentially wasting the substantial public investment in the McLoughlin-Canemah Trail project.

Please contact me with any questions or concerns.

Very truly yours,



William L. Rasmussen, P.C.





600 NE Grand Ave.  
Portland, OR 97232-2736  
oregonmetro.gov

January 16, 2018

Mr. Phil Lewis  
Community Services Director  
City of Oregon City  
625 Center St.  
Oregon City, OR 97045

**RE: McLoughlin to Canemah Trail Plan**

Dear Phil:

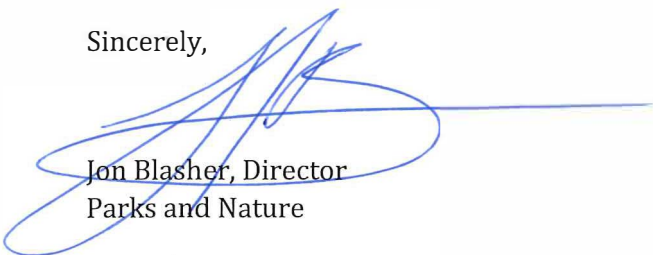
Congratulations on completing the McLoughlin to Canemah Trail Plan and recommending it for the City of Oregon City's review and approval. We understand this trail plan is providing a recommendation for a preferred alignment from the site of the Willamette Falls Legacy Project to the Canemah Children's Park located adjacent to Metro's Canemah Bluff Natural Area. This future trail will complement many key projects Metro and the City are working on: Willamette Falls River Walk, Canemah Bluff Natural Area, Newell Creek Canyon Nature Park, and the Oregon City Trail Loop/Newell Creek Canyon Trail. Once completed, the trail will allow people to connect with the river and the Willamette River Greenway. This concept has been a city, regional and state goal for more than 50 years with the Oregon State Legislature endorsing the idea in 1967.

Mel Huie, Metro's regional trails coordinator, served on the technical advisory committee for the plan and reports that the process was fair and open, with broad representation from key stakeholders. He found the research, analysis and public engagement efforts to be thoughtful and well conducted. We are particularly glad to see a cooperative planning effort with ODOT to plan the trail along Hwy. 99E.

Following up on the recent trail and overlook improvements completed in Canemah Bluff Natural Area, Metro continues to be interested in future planning for this regionally significant nature park. In the coming years we hope to identify funding that would allow us to develop a master plan for this site. This study would address among other things, the natural resource and conservation goals, level of access and if the conceptual "Oregon City Loop Trail" should continue through the natural area. Working with the City will be critical to establishing this vision. Once funding is secured, we look forward to working with you on this effort.

Congratulations once again on your progress and I look forward to continuing conversations about how Metro Parks and Nature can work with you and the City on your natural areas and trail projects.

Sincerely,



Jon Blasher, Director  
Parks and Nature

cc: Dan Moeller, Lisa Goorjian, Rod Wojtanik, Mel Huie – Metro  
Kelly Reid – Oregon City

**From:** [james nicita](#)  
**To:** [Kelly Reid](#)  
**Subject:** Re: McLoughlin-Canemah Trail Plan update  
**Date:** Saturday, January 13, 2018 2:18:49 PM  
**Attachments:** [2010-11-17\\_City\\_Commission\\_Budwin\\_Property\\_Purchase\).PDF](#)

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Kelly,

At the last Planning Commission meeting addressing the McLoughlin-Canemah Trail Plan, Commissioner Espe requested that I supply information regarding the City Commission's 2010 purchase of a large parcel in Canemah, known as the Budwin property, for park purposes.

I have assembled the attached package, and respectfully request that it be included in the record of each of the meetings on the McLoughlin-Canemah Trail Plan described below.

Thank you.

Jim Nicita  
Oregon City

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**From:** Kelly Reid <kreid@orcite.org>  
**Sent:** Thursday, January 11, 2018 5:17:08 PM  
**Subject:** McLoughlin-Canemah Trail Plan update

Good Morning all,

The purpose of this email is to provide an update to interested parties regarding the McLoughlin-Canemah Trail Plan. The Advisory Group met for a fourth meeting last month, and the final alignment has been slightly revised.

The revised draft plan has been posted on the City website – you can download it here:

[https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/2018mct\\_finalreport\\_january\\_reduced.pdf](https://www.orcity.org/sites/default/files/fileattachments/planning/page/11196/2018mct_finalreport_january_reduced.pdf)

If you want more in depth explanation of why the changes were made, meeting notes have been posted on the project webpage here: <https://www.orcity.org/planning/mcloughlin-canemah-trail-plan>

Upcoming meetings and presentations include:

Transportation Advisory Committee: **Tuesday January 16<sup>th</sup>** at 6PM, City Hall  
Clackamas County Historical Society: **Monday January 22<sup>nd</sup>** 5PM at the museum  
Parks and Rec Advisory Committee: **Thursday January 25<sup>th</sup>** 7PM, City Hall  
Planning Commission public hearing: **Monday February 12<sup>th</sup>** 7PM, City Hall

You are welcome to attend any of the City Hall meetings. If you can only attend one, I would suggest the Planning Commission on February 12<sup>th</sup>. The other meetings are more informational with the aim to seek feedback and endorsement from those groups.

Public comments are always encouraged and welcome and will be added to the record for the Planning Commission. Feel free to email, write a letter, or testify at the meeting.

Thank you!

Kelly Reid, AICP  
Planner, City of Oregon City  
(503) 496-1540



[kreid@orc.org](mailto:kreid@orc.org)

**AGENDA**  
**City of Oregon City, Oregon**  
**WEDNESDAY, NOVEMBER 17, 2010**

**REGULAR MEETING OF THE CITY COMMISSION**  
**7:00 P.M.**

**City Commission:**

Alice Norris, Mayor  
Doug Neeley, Commission President  
James Nicita  
Rocky Smith, Jr.  
Daphne Wuest

**Meeting held at:**

City Hall  
Commission Chambers  
625 Center Street  
Oregon City, OR 97045  
503-657-0891

1. Convene Regular Meeting of November 17, 2010, and Roll Call
2. Flag Salute
3. Ceremonies, Proclamations, Presentations
  - a. Oath of Office - Oregon City Police Department  
Officer Tracy Weiland  
Officer Jo Robinson
4. Citizen Comments

This section of the agenda allows citizens up to 3 minutes to present information relevant to the City, not related to items on the agenda. As a general practice, the City Commission does not engage in discussion with those making comments. Prior to speaking, citizens should fill out a form (available in the back of the Chambers) and hand it to the City Recorder. Begin speaking by stating your name and residing city.
5. Adoption of the Agenda
6. Public Hearings
7. General Business
  - a. Decision regarding Eastham School Purchase for the Oregon City Library  
Staff: Maureen Cole, Library Director
  - b. Resolution No. 10-30, Oregon City Garbage, B&B Leasing, Proposed Solid Waste Rate Adjustment  
Staff: David Wimmer, Finance Director
  - c. Purchase of Property for Park and Open Space Purposes  
Staff: Scott Archer, Community Service Director
  - d. Amendment Number 01 Local Agency Agreement No. 25,074, Between ODOT and Oregon City, For Construction and Addition of 2009 Oregon Jobs and Transportation (JTA) Funds for OR 213: I-205 - Redland Road O'xing (Oregon City) (aka Jughandle) Project  
Staff: Nancy Kraushaar, City Engineer and Public Works Director
  - e. Purchase of Wetland Credits from Foster Creek Wetland Mitigation Bank and Mud Slough Wetland Mitigation Bank to Comply with Department of State Lands (DSL) Permit #0044900 for Wetlands Mitigation Relating to OR 213: I-205 - Redland Road O'xing (Oregon City)

7. General Business

Project and in Accordance with Local Agency Agreement No. 25,074 Amendment Number 01  
For Construction and Expenditure of JTA Funds  
Staff: Nancy Kraushaar, City Engineer and Public Works Director

- f. Resolution No. 10-31, Adoption of the Manual for Boards and Commission  
Staff: Nancy Ide, City Recorder
- g. Minutes of the November 3, 2010 Regular Meeting  
Staff: Nancy Ide, City Recorder

8. Consent Agenda

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

9. Communications

- a. City Manager
- b. Mayor
- c. Commissioners

10. Adjournment

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**ORDER OF THE VOTE NO. 3**  
**Wuest, Smith, Nicita, Neeley, Norris**

**Citizen Comments:** The following guidelines are given for citizens presenting information or raising issues relevant to the City but **not listed on the agenda.**

- Complete a Comment Card **prior to the meeting** and submit it to the City Recorder.
- When the Mayor calls your name, proceed to the speaker table and state your name and city of residence into the microphone.
- Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.
- As a general practice, the City Commission does not engage in discussion with those making comments.

If you wish to speak to an item **on the agenda**, complete the Comment Card, submit it to the City Recorder, and the Mayor will call your name when the item is addressed on the agenda.

**Agenda Posted November 10, 2010** at City Hall, Pioneer Community Center, Library, [City Web site.](#)

**Video Streaming & Broadcasts:** The meeting is streamed live on Internet on the Oregon City's Web site at [www.orcity.org](http://www.orcity.org) and available on demand following the meeting. The meeting can be viewed live on [Willamette Falls Television](#) on Channels 23 and 28 for Oregon City and Gladstone residents; Channel 18 for Redland residents; and Channel 30 for West Linn residents. The meetings are also rebroadcast on WFTV. Please contact WFTV at 503-650-0275 for a programming schedule.

City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City Recorder prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

**CITY OF OREGON CITY  
CITY COMMISSION  
MEETING MINUTES**

**November 17, 2010**

1. [Convene Regular Meeting of November 17, 2010, and Roll Call](#)

**Roll Call:** Mayor Alice Norris; Commissioner Doug Neeley; Commissioner Rocky Smith, Jr.; and Commissioner James Nicita.

**Staff Present:** David Frasher, City Manager; Nancy Ide, City Recorder; Nancy Kraushaar, City Engineer and Public Works Director; Scott Archer, Community Services Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources Director; Mike Conrad, Police Chief and Public Safety Director; Maureen Cole, Library Director; Teri Bankhead, Assistant to the City Manager; Tony Konkol, Community Development Director; and Dan Drentlaw, Economic Development Manager; Ed Sullivan, City Attorney.

Mayor Norris called the meeting to order at 7:00 p.m.

2. [Flag Salute](#)

3. [Ceremonies, Proclamations, Presentations](#)

a. [Oath of Office -Oregon City Police Department Officer Tracy Weiland Officer Jo Robinson](#)

Mike Conrad, Police Chief and Public Safety Director, introduced the new officers.

Mayor Norris administered the Oath of Office for Officer Tracy Weiland and Officer Jo Robinson.

4. [Citizen Comments](#)

There were no citizen comments.

5. [Adoption of the Agenda](#)

The agenda was adopted as presented.

6. [Public Hearings](#)

7. [General Business](#)

a. [Decision regarding Eastham School Purchase for the Oregon City Library](#)

Mike McCoy of B&B Leasing discussed the reasons for the rate increase.

Commissioner Nicita requested a public hearing regarding the increase before a decision was made.

The Commission would hold a public hearing at their next meeting and make a decision after the hearing.

c. [Purchase of Property for Park and Open Space Purposes](#)

Scott Archer explained the proposed real estate agreement for the purchase of 7.2 acres in the Canemah area for park and open space purposes. The price was \$120,000 plus shared closing costs. The funds came from the Metro local share allocation from the 2006 open spaces bond measure. There was a due diligence period and the City had until December 31 to close on the property. The Parks and Recreation Advisory Committee would review the purchase at their meeting on December 2. Mr. Archer recommended the Commission approve the purchase and he would bring back the input from the Committee. The Council would still have the option to stop the transaction if need be.

Paul Edgar of Oregon City expressed the Canemah Neighborhood Association's support for the purchase.

Motion by Commissioner James Nicita, second by Commissioner Rocky Smith, Jr. to approve the real estate agreement for a purchase in the amount of \$120,000 plus closing costs for approximately 7.2 acres of property in the Canemah area for park and open space purposes and to direct Mr. Archer to bring this item before the Parks and Recreation Advisory Committee during the due diligence phase.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., and Commissioner James Nicita voting aye. [4:0:0]

d. [Amendment Number 01 Local Agency Agreement No. 25,074, Between ODOT and Oregon City, For Construction and Addition of 2009 Oregon Jobs and Transportation \(JTA\) Funds for OR 213: I-205 -Redland Road O'xing \(Oregon City\) \(aka Jughandle\) Project](#)

Nancy Kraushaar, City Engineer and Public Works Director, said there had been a thorough review of the Local Agency Agreement by ODOT, Oregon City staff, and the City Attorney's office and staff was recommending approval.

Motion by Commissioner James Nicita, second by Commissioner Doug Neeley to approve Amendment No. 01 to the Local Agency Agreement between ODOT and Oregon City for the Jughandle project.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., and Commissioner James Nicita voting aye. [4:0:0]

e. [Purchase of Wetland Credits from Foster Creek Wetland Mitigation Bank and Mud Slough Wetland Mitigation Bank to Comply with Department of State Lands \(DSL\) Permit #0044900 for Wetlands Mitigation Relating to OR 213: I-205 -Redland Road](#)



Commissioner Neeley said he wanted citizens to have the opportunity to comment on issues that were on the agenda. A sentence would be added to address the concern.

William Gifford of Oregon City asked how the manual would be distributed and if there would be an established review period for the document. Ms. Ide explained the manual would be distributed to all current and new board and commission members and be posted to the City's Web site. There could be an annual review.

Due to the addition regarding public comment, this item would be placed on the Consent Agenda for the next Commission meeting.

g. [Minutes of the November 3, 2010 Regular Meeting](#)

Motion by Commissioner Rocky Smith, Jr., second by Commissioner James Nicita to approve the minutes of the November 3, 2010 Regular Meeting.

A roll call was taken and the motion passed with Mayor Alice Norris, Commissioner Doug Neeley, Commissioner Rocky Smith, Jr., and Commissioner James Nicita voting aye. [4:0:0]

8. [Consent Agenda](#)

9. [Communications](#)

a. [City Manager](#)

Mr. Frasher had been doing performance evaluations of senior staff. He was also working on changing the business license process, working with the Chamber to encourage businesses who wanted to expand to come to Oregon City, and would be attending the Oregon Business Plan meeting. Regarding Commissioner Nicita's concern about traffic safety on Highway 99E and the Canemah neighborhood, Ms. Kraushaar wrote a letter to ODOT expressing the concern. The Commission would be notified when a response came back.

b. [Mayor](#)

Mayor Norris appointed Dan Holladay to the Clackamas Cable Access Board for a term to expire on December 31, 2012. She also announced a bridge event on January 15.

Mayor Norris left the meeting at 8:15 p.m.

c. [Commissioners](#)

Commissioner Smith appreciated the fact there were now 39 City police officers and the windows in the Ermatinger House were being replaced.

Commissioner Nicita attended an educational seminar on economic development sponsored by the League of Oregon Cities. He thought the City's web site should be more robust regarding economic development and business information.

Commissioner Neeley said he was working on the Boards and Committees liaison spreadsheet and talking to various advisory boards regarding appointments to the boards.

10. **Adjournment**

Commission President Neeley adjourned the meeting at 8:24 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Nancy Ide, City Recorder



## COMMISSION REPORT: CITY OF OREGON CITY

TO:	Honorable Mayor and City Commission
FROM:	Scott Archer, Community Services Director
PRESENTER:	Scott Archer, Community Services Director
SUBJECT:	Purchase of Property for Park and Open Space Purposes
Agenda Heading: General Business	
Approved by: David Frasher, City Manager	

### RECOMMENDED ACTION (Motion):

Staff recommends City Commission approval of the Real Estate Agreement for a purchase in the amount of \$120,00 plus closing costs for approximately 7.2 acres of property in the Canemah area for park and open spaces purposes.

### BACKGROUND:

The City Commission previously identified the Canemah area as a targeted priority for acquiring open spaces with the available funding from the Metro Natural Areas regional bond measure (2006) Local Legacy Share Allocation. Oregon City's allocation from the Local Share program is \$988,728. To date, Oregon City has utilized \$525,000 of its Local Legacy Share Allocation funding towards the Glen Oak Road park property purchase. This property acquisition proposes to make use of a portion of the City's remaining balance of \$463,728 from the local share funding.

The parcel proposed to be purchased is ideally located within the identified area, and meets the criteria of the Local Legacy Share Allocation program. It is directly adjacent to the existing Metro regional open spaces within Canemah. The owner of the property is a willing seller, which is a requirement of the use of the Metro bond funds. The City and the seller believe the purchase price is well below market value, in part because the seller is motivated to have the property become park land. The major terms of the proposed purchase agreement are as follows:

- Purchase price is \$120,000.
- City and seller to each pay half of closing costs.
- Seller to pay all real estate commission fees.
- The agreement provides for a due diligence period through the closing date, which allows the City to cancel the purchase agreement for any reason during this time. This allows us to further investigate the property, such as performing an environmental assessment, to ensure there are no currently unknown issues or concerns with the property.
- Closing will occur no later than December 31, 2010 if City does not cancel agreement prior.

The Local Legacy Share Allocation funding is received via a reimbursement process; therefore the purchase will be made with our available Parks System Development Charges (SDC) fund. Reimbursement to this fund with the Metro funds will occur after purchase.

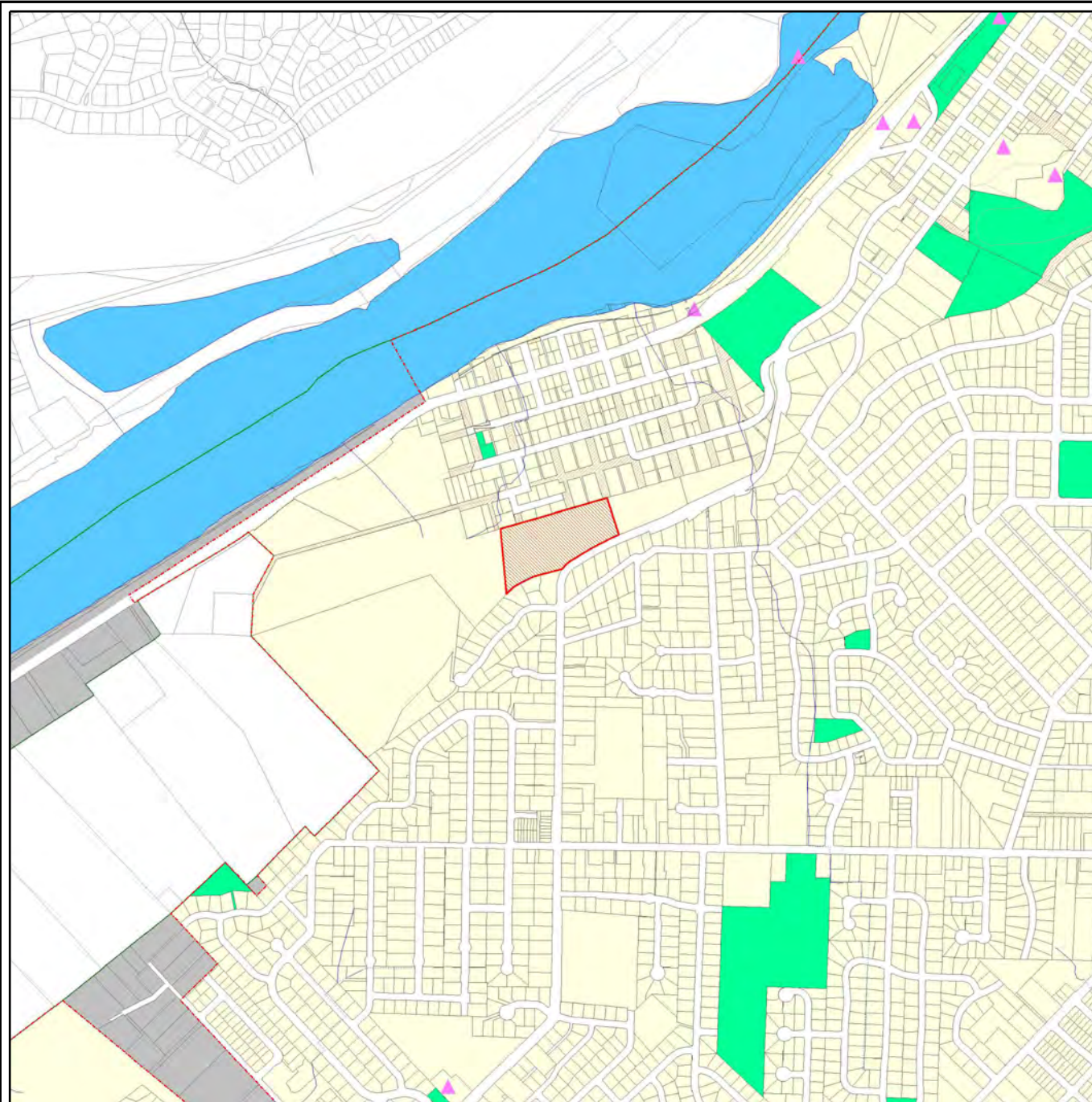
### BUDGET IMPACT:

FY(s): 2010-11

Funding Source: Park System Development Charges funds

**ATTACHMENTS:**

Purchase Agreement  
Maps



# Canemah Budwin Property Acquisition view 1



# 4



City of Oregon City  
P.O. Box 3040  
625 Center St  
Oregon City, OR 97045  
(503) 657-0891  
[www.oregoncity.org](http://www.oregoncity.org)

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist

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# Canemah Budwin Property Acquisition view2



# 4



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# Canemah Budwin Property Acquisition view3



# 4



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11/09/2010



**From:** [Jenna Barganski](#)  
**To:** [Kelly Reid](#); [Wade](#)  
**Cc:** [Bruce Hanson](#)  
**Subject:** Re: McLoughlin-Canemah trail  
**Date:** Thursday, February 08, 2018 2:07:13 PM

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Hi Kelly,

We met and discussed the plan this morning. Though we support the trail, we still have some concerns regarding the pedestrian crossing at Tumwater and 2nd. With the amount of vehicle traffic that comes to MOOT and VFW for events, we suspect the back ups will be severe in a one-way-in, one-way-out scenario. The Tumwater entrance currently takes a lot of pressure off that intersection. I know that space is likely an issue, but would it be possible to explore a round-about solution, or add a left turn lane from 2nd onto Tumwater?

It was also brought up that street parking should be striped along Tumwater to be used to its maximum potential.

Thanks,

**Jenna Barganski**  
**Museum Manager & Volunteer Coordinator**  
Clackamas County Historical Society  
Phone: (503) 655-5574

On Fri, Feb 2, 2018 at 4:38 PM, Kelly Reid <[kreid@orccity.org](mailto:kreid@orccity.org)> wrote:

Hi Bruce and Jenna,

I remember hearing that you were going to meet internally in early February regarding the trail project to determine an official CCHS response.

Please let me know if I can be helpful in any way.

I think one of the advantages of the Tumwater Drive left turn closure is that there may be additional space for on-street parking on Tumwater. We can work through details with you in the future when that portion of the project is underway.

The updated trail plan is shown on the website: <https://www.orccity.org/planning/mcloughlin-canemah-trail-plan>

Thanks and have a great weekend,

Kelly Reid, AICP, Planner

Oregon City Planning Division

[221 Molalla Ave, Ste. 200](#)

[Oregon City, OR 97045](#)

[\(503\) 496-1540](#)

[kreid@orcity.org](mailto:kreid@orcity.org)

City Website: [www.orcity.org/planning](http://www.orcity.org/planning)

Mapping Tools: <https://maps.orcity.org>