RESOLUTION NO. 20-14

A RESOLUTION CALLING FOR AN ELECTION WITH THE QUESTION SHALL OREGON CITY AUTHORIZE UNDERGROUND PLACEMENT OF A WASTEWATER PIPELINE IN JON STORM PARK UNDER SECTION 41 OF THE OREGON CITY CHARTER, AND ADOPTING A BALLOT TITLE

WHEREAS, Jon Storm Park is located in the City and created through the purchase of property for use as a park; and

WHEREAS, Jon Storm Park is subject to protection under Chapter X of the Oregon City Charter, including a prohibition on the change of status of a park or the construction of improvements on park land without a vote of the people; and

WHEREAS, Section 41 of the City Charter of Oregon City requires voter approval of the sale, lease, transfer, or change in status of park land; and

WHEREAS, Clackamas Water Environment Services (WES), the wastewater treatment provider for Oregon City residents has requested approval to construct an underground pipeline (outfall) underneath Jon Storm Park that will carry treated wastewater from the Tri-City Water Resource Recovery Facility located at 15941 S. Agnes Ave in Oregon City to the Willamette River; and

WHEREAS, the proposed route would run parallel to I-205, and under the OR 99E off ramp, continue under Jon Storm Park and discharge into the Willamette River just north of the I-205 Abernethy Bridge; and

WHEREAS, the end of the outfall where water is discharged would be located at the bottom of a deep section of the Willamette River and upstream of the existing outfall, away from the known cold-water refuge for migrating fish; and

WHEREAS, recreational use of the park would be maintained during construction and all areas impacted would be restored to current conditions with additional restoration benefits following construction; and

WHEREAS, the City Commission has determined that it would be in the public interest to consider the use of a portion of Jon Storm Park for the outfall upgrade project by Clackamas County Water Environmental Services; and

WHEREAS, the City Commission has considered this matter at the Work Session on May 20, 2020, and after reviewing information presented, reached consensus to continue to further the City process and subject to this referral.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. A regular City election is called in and for the City of Oregon City, to be held Tuesday, November 3, 2020. The Clackamas County Clerk shall conduct the election.

Section 2. At that election a measure shall be submitted to the voters of Oregon City to allow a temporary construction easement and a permanent easement once project is complete.

Section 3. The City Commission adopts the following ballot title to describe the measure to be placed before the voters at the November 3, 2020 regular City election. The City Manager is directed to file the following ballot title with the City Recorder:

Measure No. ____:

CAPTION: Authorize Placement of Underground Wastewater Facility in Jon Storm Park

QUESTION: Shall the City authorize the underground placement of a wastewater pipeline in Jon Storm Park by Clackamas Water Environment Services?

SUMMARY: The Oregon City Charter requires voter approval for the City to either grant a property interest in a City park or for the construction of permanent structures unrelated to recreation on park property. Clackamas Water Environment Services ("WES"), the wastewater treatment provider for residents of the City, has requested approval to construct an underground pipeline ("outfall") underneath Jon Storm Park that will carry treated wastewater to the Willamette River. The project would require the City to grant WES a permanent easement for the underground pipeline and a temporary easement on the surface for construction of the pipeline. WES anticipates the construction impacts to park property will last a few months. After construction, the park would be returned to its original condition and the underground pipeline should have no effect on the use of the park. In addition, the project would include enhancements to the park and surrounding areas, which may include native landscaping, riverbank restoration, trails, and other needs identified by the City.

Section 5. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 3rd day of June 2020.

DAN HOLLADAY, Mayor

Attested to this 3rd day of June 2020:

Kattie Riggs

Kattie Riggs, City Recorder

Approved as to legal sufficiency:

City Attorney