



595 Main Street, Aumsville, OR 97325
Office: (503) 749-2030 ~ FAX: (503) 749-1852
Email: rharding@aumsville.us

PUBLIC MEETING NOTICE

AUMSVILLE CITY COUNCIL MEETING

In the Community Center and via Zoom Video Conference

MONDAY, JUNE 26, 2023

AGENDA – Amended 6/22

ZOOM MEETING LINK – [CLICK HERE](#)

WEBINAR ID 826 5220 8118

PASSCODE 703290

1) CALL TO ORDER: 7:00PM

- a) Approve Agenda - With Amendments

2) PRESENTATIONS, PROCLAMATIONS, & VISITORS

2023 Corn Festival Princesses

- a) **Public Comment:** Public Comment will be accepted from online attendees at this time. Comments are limited to 5 minutes for comments on items other than Public Hearings listed below. There is a public comment period within each hearing. You may also submit comments by emailing City Administrator Ron Harding at rharding@aumsville.us by noon on June 26, 2023.

- b) **Visitors:** For information about how to attend the meeting online, please call City Hall at 503.749.2030 or email tnichols@aumsville.us to request log in instructions. Information will also be posted on our website [City Council Regular Meeting | City of Aumsville Oregon](#)

3) CONSENT AGENDA: (Action)

- a) Minutes from June 12, 2023 Regular Meeting
- b) Accounts Payable and Payroll Register
- c) Oregon Liquor and Cannabis Commission (OLCC) License – Change of Ownership – Neufeldt's Restaurant

4) PUBLIC HEARINGS:

A) Open Ordinance Amending Chapter VI of the Aumsville Comprehensive Plan and Adopting the Aumsville Parks Master Plan Hearing

- 1) Staff Report – City Administrator Ron Harding
- 2) Receive Public Comment on Amending Chapter VI of the Aumsville Comprehensive Plan and Adopting the Parks Master Plan
- 3) Close Public Hearing
- 4) Council Deliberations
- 5) Council Decision

a) First Reading of **Ordinance 716 – An Ordinance Amending Chapter VI of the Aumsville Comprehensive Plan and Adopting the Aumsville Parks Master Plan (June 2023 Update)** by title only

- b) Second Reading and Adoption

B) Open Ordinance Updating Ordinance 460 Relating to Communications Infrastructure Hearing

- 1) Staff Report – City Administrator Ron Harding
- 2) Receive Public Comment on Ordinance Updating Ordinance 460 Relating to

Communications Infrastructure

- 3) Close Public Hearing
- 4) Council Deliberations
- 5) Council Decision

a) First Reading of **Ordinance 717 – An Ordinance Updating Ordinance 460 Relating to Communications Infrastructure** by title only

- b) Second Reading and Adoption

C) Open Ordinance Granting a Franchise for Telephone and Other Telecommunication Purposes to Ziplly Fiber Northwest LLC by the City of Aumsville Hearing

- 1) Staff Report – City Administrator Ron Harding
- 2) Receive Public Comment on Ordinance Granting a Franchise for Telephone and Other Communication Purposes to Ziplly Fiber Northwest LLC by the City of Aumsville

- 3) Close Public Hearing
- 4) Council Deliberations
- 5) Council Decision

a) First Reading of **Ordinance 718 – An Ordinance Granting a Franchise for Telephone and Other Telecommunication Purposes to Ziplly Fiber Northwest LLC by the City of Aumsville** by title only

- b) Second Reading and Adoption

5) OLD BUSINESS:

- a) Motion Correction – Budget Adoption

6) NEW BUSINESS

a) **Resolution 9-23 – A Resolution Establishing Updated City Service Fees and Public Records/Information Request Policy**

b) **Resolution 10-23 – A Resolution Authorizing a Loan from the Special Public Works Fund of the Oregon Business Development Department for the Construction of the Public Works Shop Building**

c) Amendment to the Public Works Shop Engineering Services Contract

d) Amendment to Department of Administrative Services (DAS) Coronavirus State Fiscal Recovery Fund Agreement

7) CITY ADMINISTRATOR REPORT: Information.

8) MAYOR AND COUNCILORS REPORTS

9) GOOD OF THE ORDER: Other Business May Come Before the Council at This Time.

10) CORRESPONDENCE: None.

11) ADJOURNMENT REGULAR MEETING

12) EXECUTIVE SESSION: None.

The City of Aumsville does not and shall not; discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. Anyone wishing to speak on an agenda item should ask to be recognized by the Mayor or Chair at the beginning of that agenda item. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities must be made at least 48 hours prior to the meeting. Please call (503) 749-2030 and leave a message or Oregon Relay Service for TDD at (800) 735-2900.



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

AUMSVILLE CITY COUNCIL

June 12, 2023 Meeting Minutes

Mayor Angelica Ceja called the meeting to order at 7:05PM. Present in-person were Mayor Angelica Ceja, Councilors Della Seney, Douglas Cox, Katie Wallace, and Walter Wick. Council absent: Nico Casarez and Scott Lee. Staff present: City Administrator (CA) Ron Harding, Finance Officer (FO) Joshua Hoyer, Police Chief Damian Flowers, and City Clerk Traci Nichols. The meeting was video recorded to be released later.

AGENDA APPROVAL: Councilor Seney moved to approve the Agenda with the addition of an updated rate sheet for Resolution 7-23 – A Resolution Establishing Water and Sewer Rates for the City of Aumsville. Councilor Wick seconded. Council present voted unanimously in favor. Agenda approved.

PRESENTATIONS: None.

VISITORS: None.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a) Minutes from May 22, 2023 Regular Meeting
- b) Accounts Payable, Payroll Register and Contractor Application for Payment

Councilor Seney moved to approve the Consent Agenda, as presented [by Staff]. Councilor Wick seconded. Council present voted unanimously in favor. Consent Agenda approved.

PUBLIC HEARING:

a) Certifying Municipal Services and State Revenue Sharing Hearing
Mayor Ceja opened the Public Hearing at 7:07PM, inviting Finance Officer Josh Hoyer to present the Staff Report.

FO Hoyer addressed Council, stating the State Revenue Sharing is something that is done each year. A portion of the liquor sale proceeds [to the State] are distributed to cities who participate in the revenue-share program. That program's allotment is based on a formula of licenses, population, tax rates and other factors. Before receiving revenue-share there must be 2 Public Hearings: one was at the Budget Committee meeting, where public comment was received on possible uses of revenue share. Tonight, there's a second hearing on what was proposed as a use for the revenue share. Currently, the revenue share is allocated to the Park Fund to help fund the programs the City has, and for maintenance. The City needs to allow for

public input a second time. Then, there is a Resolution certifying the City has held 2 hearings, and provides certain municipal services.

No member of the audience wished to provide comment. Mayor Ceja closed the Public Hearing at 7:08PM.

Councilor Seney moved to approve Resolution 4-23 – Certifying Municipal Services. Councilor Wick seconded. Council present voted unanimously to approve the Resolution. Resolution approved. Councilor Cox moved to approve Resolution 5-23 – Declaring the City’s Election to Receive State Revenues. Councilor Seney seconded. Council present voted unanimously in favor to approve the Resolution. Resolution approved.

b) Fiscal Year 2023-2024 Budget Hearing

Mayor Ceja opened the Public Hearing at 7:10, inviting FO Hoyer and City Administrator Harding to present the Staff Report. FO Hoyer spoke to Council, indicating that on May 9th a meeting was held to deliberate on the 2023-2024 Budget. Following that, the cash balances were reviewed. A final Public Hearing must be held before the Budget is adopted for the year. CA Harding said the Budget was sustainable and fit within [the City’s] forecast model. Councilor Cox asked a question on the ending fund balances. CA Harding explained the final numbers wouldn’t be evident until after closing out the final month [the ‘13th month’].

No members of the audience wished to provide comment. Mayor Ceja closed the Public Hearing at 7:12PM.

Councilor Seney moved to approve Resolution 6-23 – Adopting the 2023-2024 Fiscal Year Budget in the amount of \$18,383,969 as presented, and to levy taxes at the permanent rate of \$3.6327 per \$1,000 of assessed value. Councilor Wick seconded. Council present voted unanimously in favor of the Resolution. Resolution approved.

c) An Ordinance Defining Nuisances, and Amending Ordinance 686 Hearing

Mayor Ceja opened the Public Hearing at 7:13PM, inviting CA Harding to present the Staff Report. CA Harding explained court cases and appeals that eventually led to the adoption of House Bill (HB) 3115. That House Bill dictated that, in public spaces, the City needs to have a plan to accommodate homeless persons who may dwell within the City. There are different aspects of the Bill that address what the City can and cannot do. One of the things that can be done is set a reasonable time and place for camping, but a blanket camping restriction isn’t allowed. There are many different approaches to this from many different cities. Our approach is to preserve and protect quality of life areas: residential neighborhoods and parks. Our existing ordinances have changed very little. We have gone in and said there are certain areas where certain activities are allowed, and where they are not allowed. Ordinance 686 has wording removed and other small edits and have trespass language added. All 3 Ordinances (713-715) must be adopted to be compliant with the new rules in HB3115.

No members of the audience wished to provide comment. Mayor Ceja closed the Public Hearing at 7:24PM.

Councilor Seney moved to approve the first reading by title only of Ordinance 713 – An Ordinance Amending Ordinance 686 – The Nuisance Ordinance as presented by Staff.

Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at first reading. Councilor Seney moved to approve the second reading by title only and adoption of Ordinance 713 – An Ordinance Amending Ordinance 686 – The Nuisance Ordinance as present by Staff. Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at second reading. Ordinance approved.

d) An Ordinance Regulating Use of Public Spaces and Amending Ordinance 691 Hearing Mayor Ceja opened the Public Hearing at 7:25PM, and invited CA Harding to present the Staff Report. He indicated the Staff Report was basically the same as the last, noting a few minor changes.

No members of the audience wished to provide comment. Mayor Ceja closed the Public Hearing at 7:27.

Councilor Seney moved to approve the first reading by title only of Ordinance 714 – An Ordinance Amending Ordinance 691 – the Parks and Public Spaces Ordinance as presented by Staff. Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at first reading. Councilor Seney moved to approve the second reading by title only and adoption of Ordinance 714 – An Ordinance Amending Ordinance 691 – the Parks and Public Spaces Ordinance as presented by Staff. Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at second reading. Ordinance approved.

e) An Ordinance Regulating Camping on City Property and Prescribing Penalties Mayor Ceja opened the Public Hearing at 7:28, and invited CA Harding to present the Staff Report. He indicated the Staff Report was basically the same. CA Harding said this was a new Ordinance, describing conditions under which camping spaces could be occupied and where they are prohibited. This Ordinance also sets time limits on camping, and accumulation of personal property. This Ordinance has intentionally been kept simple.

No members of the audience wished to provide comment. Mayor Ceja closed the Public Hearing at 7:31.

Councilor Seney moved to approve the first reading of Ordinance 715 – An Ordinance Regulating Camping on City Property and Prescribing Penalties as presented by Staff. Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at first reading. Councilor Seney moved to approve the second reading by title only and adoption of Ordinance 715 – An Ordinance Regulating Camping and Prescribing Penalties as presented by Staff. Councilor Wick seconded. Council present voted unanimously in favor of the Ordinance at second reading. Ordinance approved.

OLD BUSINESS: None

NEW BUSINESS:

a) Resolution 7-23 – A Resolution Establishing Water and Sewer Rates for the City of Aumsville

City Administrator Ron Harding addressed Council regarding this Resolution. He stated that years ago, the City's water utilities had an automatic increase of 3-6% built in without Council action. One of the things done when Ordinances were updated was state that rate increases should come before the Council and public, discuss the need, and adopt those rates yearly. Rate adoption comes at the same time as Budget adoption, and when the Ordinance changed

it was set that rate changes were adopted by Resolution. The forecast model is used for rate adoption, as well as the Budget. The rate increases that are needed are to sustain operations and meet fiscal policy requirements: a 90-day operating balance. Last year, the City was supposed to take an action. Staff wanted to give residents a year to adjust, so some of the reserve funds were used to 'buy' a year of operating at policy level. There was a 3 percent utility increase. This year, the reserve is pretty much used up and our analysis showed there is 5-6 percent increase in water and at least an 8 percent increase in sewer needed. Staff is proposing a 5 percent increase in water, and an 8 percent increase in sewer. The net effect to the bills is 6.5 percent. The increase was advertised on the last bill statement, and on the reader board. CA Harding estimated a \$7 monthly increase. Councilor Seney moved to approve Resolution 7-23 – A Resolution Establishing Water and Sewer Rates for the City of Aumsville and setting sewer and water rates effective July 1, 2023. Councilor Wick seconded. Council present voted unanimously in favor of the Resolution. Resolution approved.

b) Westech Engineering Contract Amendment

CA Harding addressed Council, explaining this amendment was part of the 'Engineer of Record' contract. The amendment adds American Rescue Plan Act (ARPA) clauses to the contract. Staff will be bringing forward other contracts with similar amendments in order to comply with new rules, and to prevent any delays in grant funding. Councilor Seney moved to amend the Engineer of Record contract with Westech Engineering to include the ARPA clauses. Councilor Wick seconded. Council present voted unanimously in favor. Motion passed.

c) Resolution 8-23 – A Resolution Extending the City of Aumsville's Workers'

Compensation Coverage to Volunteers of the City of Aumsville for Policy Year 2023-2024

CA Harding explained to Council this is a Resolution the City must adopt every year to extend Workers' Compensation coverage to City volunteers. The City is working closely with Citycounty Insurance Services (CIS), who have recommended a couple of other actions: a volunteer release form and a medical coverage-only clause. This coverage doesn't cost the City a lot - FO Hoyer thought the cost was around \$50 per year. Councilor Cox moved to approve Resolution 8-23 – Extend the City of Aumsville's Workers' Compensation Coverage to Volunteers of the City of Aumsville for Policy Year 2023-2024. Councilor Wick seconded. Council present voted unanimously in favor of the Resolution. Resolution approved.

CITY ADMINISTRATOR REPORT:

a) Police Department Monthly Report

b) Public Works Department Monthly Report

c) League of Oregon Cities Annual Conference Information

CA Harding indicated he would start with the police department, whom he said had been much more active. The total calls-for-service numbers are in the printed report. The number of outside agencies' assist calls have decreased, as the policies have been changed. Chief of Police Damian Flowers addressed Council, explaining that outside agency assistance requests are not necessarily out of the City. Sometimes, outside agencies have work to do in Aumsville, and Aumsville Police assists them. This is reflected in the agency assist statistics.

CA Harding said Public Works had been busy with numerous projects and City events. Public Works is working toward getting their staff into wastewater facility training and keeping up on

their other certifications. The flower baskets are now up, which need to be watered every other day, as there is no watering system in place.

City event planning seems to be moving as normal. There is an event planning meeting scheduled for tomorrow. Corn Festival [planning] is going well, and vendors are coming in. The vendor that usually does the skate competition cannot make it this year, but Staff has been in contact with a company that does roller skating and a contract with them is being considered. This would be online and flat skating in the parking lot at Mill Creek. The company is talking about adding a competition element as well.

Mayor Ceja has been working directly with G-3 on the music [for the Corn Festival street event]. City Staff is branding the event, "Music on Main". The street event will be suitable for families this year, and will run tentatively from 5:30PM-Midnight.

Superhero Carnival is the 24th – a week from Saturday. There are lots of booths, new games, and characters that will be there. It's a free event for the community. There will be popcorn and [hopefully] cotton candy. It coincides with the first Saturday Market, so there will be paid food/goods booths.

Maude's has received its' final inspection [by Marion County]. It has been an ongoing project, and Staff has had to complete many things not originally anticipated. It's insulated, painted, trimmed out and looks nice inside. It will end up in our rental rotation and could be used for events.

CA Harding met with Salem-Keizer Area Transportation (SKATS) and discussed how the process [of moving Aumsville into the Metropolitan Planning Organization (MPO)] is coming along. There is one step the Council must take, and that is selecting a [City Council] representative for that committee. They meet on the 4th Tuesday at 12:00PM. Councilor Seney said she would be able to attend, as it's part of her Transportation Commission duties. Councilor Cox said he would be happy to back her up if she were unable to attend. Councilor Wick moved to appoint [Councilor Seney] as [the City's] representative for SKATS and if possible, [Councilor Cox] as her alternate. Councilor Wallace seconded. Council present voted unanimously in favor. Motion passed. CA Harding indicated a member of Staff will be part of the technical advisory committee related to this.

CA Harding touched on the tediousness of managing ARPA contracts. He said there is not a clear path, like many other established programs do. Under the Reduction Act recently passed, there's a fallback clause addressing unappropriated ARPA funds. After making several connections with State and Federal representatives, he learned that clause applies to monies in Federal coffers that hasn't been assigned. Our current projects [funded with ARPA monies] are subject to contract amendments, site inspections, etc.

The 2 Grand Marshal nominees have accepted, but he is not sure on the honorary Grand Marshals. Staff is working on banners, etc., for them.

The new water reservoir art hasn't yet been taken to the schools, as Council wanted. There was not enough time between Council meetings to accomplish that. We'll have a community area set up at Superhero Carnival with renditions of the murals, where people can vote on

them. Staff spoke with engineers about the mural. Some of the tank exterior elements that are new may be difficult to adhere a mural to. Staff will bring all the options forward to Council later. If we went with a glass or welded tank that the mural would adhere to, there would potentially be less maintenance on [the mural]. The timing will be somewhere in July for the reservoir to go out for bids.

The well drilling project at Porter Boone is starting. Community notices have been put out.

MAYOR/COUNCIL REPORTS AND INITIATIVES: Councilor Seney attended the Mid-Willamette Valley Areas Commission on Transportation (MWAC) meeting this week. Salem Cherriots and Yamhill Transportation both got replacement bus funding. Monmouth/Independence got funding for their trolley.

Mayor Ceja addressed the League of Oregon Cities (LOC) Summer Conference, and said some information was in the packets. CA Harding said that as soon as reservations open up, they get booked, so it's important to move quickly. He said the Conferences were valuable for not just networking, but the educational components as well. The Conference is in Eugene this year.

Mayor Ceja indicated she would be attending the Oregon Mayors Association Conference in August [in Hood River].

CA Harding advised the City has budgeted for training, travel and mileage reimbursement for Council.

GOOD OF THE ORDER: None

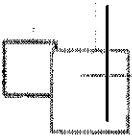
CORRESPONDENCE: None

Mayor Ceja adjourned the meeting without prejudice at 8:11PM.

Angelica Ceja, Mayor

Ron Harding, City Administrator

/s/ Respectfully submitted by Traci Nichols, City Clerk



Accounts Payable Register

City of Aumsville

Fiscal: 2022-23

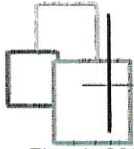
Deposit Period: 2022-23 - February

Check Period: 2022-23 - February - First Council

Supplier	Account Number	Check Number	Check Date	Amount
Riverview Community Bank	9001000967			
<u>Check</u>				
<u>EFT Payment 2/1/2023 - 1</u>	PACIFIC OFFICE AUTOMATION		2/1/2023	\$86.70
	Total	Check		\$86.70
	Total	9001000967		\$86.70
	Grand Total			\$86.70

Angela J. Okey

Pa. Hoyer



Accounts Payable Register

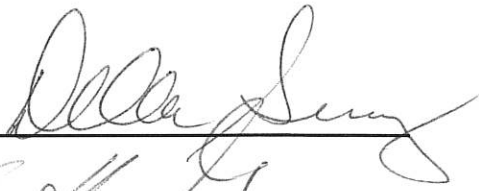
City of Aumsville

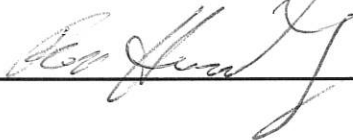
Fiscal: 2022-23

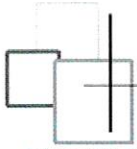
Deposit Period: 2022-23 - May

Check Period: 2022-23 - May - Second Council

Number	Name	Print Date	Amount
Riverview Community Bank	9001000967		
Check			
56155	WILCO	5/15/2023	Void
		Total	Check
		Total	9001000967
		Grand Total	\$0.00
			\$0.00
			\$0.00







Accounts Payable Register

City of Aumsville

Fiscal: 2022-23

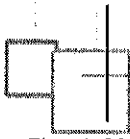
Deposit Period: 2022-23 - May

Check Period: 2022-23 - May - Second Council

Number	Name	Print Date	Amount
Riverview Community Bank	9001000967		
Check			
<u>EFT Payment 6/2/2023 4:33:48 PM - 1</u>	OREGON DEPARTMENT OF REVENUE	5/25/2023	\$61.28
	Total	Check	\$61.28
	Total	9001000967	\$61.28
	Grand Total		\$61.28

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Accounts Payable Register

City of Aumsville

Fiscal: 2022-23
Deposit Period: 2022-23 - June
Check Period: 2022-23 - June - First Council

Riverview Community Bank

9001000967

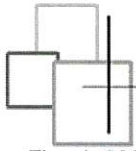
Check

<u>56171</u>	911 SUPPLY	6/6/2023	\$1,347.16
<u>56172</u>	ABC PRINTERS INC	6/6/2023	\$100.00
<u>56173</u>	ARETE ADVISORS LLC	6/6/2023	\$297.00
<u>56174</u>	AUMSVILLE ACE HARDWARE	6/6/2023	\$209.29
<u>56175</u>	CDW GOVERNMENT	6/6/2023	\$572.70
<u>56176</u>	CITY OF STAYTON	6/6/2023	\$360.00
<u>56177</u>	COMPLETE WIRELESS SOLUTIONS	6/6/2023	\$1,805.98
<u>56178</u>	EKTRON INDUSTRIES	6/6/2023	\$340.00
<u>56179</u>	GREYSTONE TACTICAL	6/6/2023	\$83.34
<u>56180</u>	MOONLIGHT MAINTENANCE	6/6/2023	\$580.00
<u>56181</u>	PETROCARD, INC.	6/6/2023	\$284.84
<u>56182</u>	SQUAD ROOM EMBLEMS	6/6/2023	\$124.45
<u>56183</u>	STAYTON ACE HARDWARE	6/6/2023	\$7.77
<u>56184</u>	STEVE WHEELER TIRE CENTER	6/6/2023	\$51.98
<u>56185</u>	THE AUTOMATION GROUP	6/6/2023	\$358.00
<u>56186</u>	THOMAS PARSONS CONSTRUCTION	6/6/2023	\$3,979.00
<u>56187</u>	WILCO	6/6/2023	\$398.00
<u>EFT Payment 6/6/2023 8:50:48 AM - 1</u>	AT&T MOBILITY	6/6/2023	\$120.12
<u>EFT Payment 6/6/2023 8:50:48 AM - 2</u>	VERIZON WIRELESS	6/6/2023	\$38.48
<u>EFT Payment 6/6/2023 8:50:48 AM - 3</u>	WAVE	6/6/2023	\$9.95
<u>EFT Payment 6/6/2023 8:50:48 AM - 4</u>	ZIPLY FIBER	6/6/2023	\$648.40

Total	Check	\$11,716.46
Total	9001000967	\$11,716.46
Grand Total		\$11,716.46

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Accounts Payable Register

City of Aumsville

Fiscal: 2022-23

Deposit Period: 2022-23 - June

Check Period: 2022-23 - June - Second Council

Number	Name	Print Date	Amount
Riverview Community Bank	9001000967		
Check			
<u>56189</u>	AIRGAS USA, LLC	6/16/2023	\$58.20
<u>56190</u>	AUMSVILLE ACE HARDWARE	6/16/2023	\$145.73
<u>56191</u>	BEERY ELSNER & HAMMOND LLP	6/16/2023	\$2,677.50
<u>56192</u>	BIOLYNCEUS BIOLOGICAL SOLUTIONS, LLC	6/16/2023	\$2,243.00
<u>56193</u>	BIO-MED TESTING SERVICE INC	6/16/2023	\$130.00
<u>56194</u>	BMS TECHNOLOGIES	6/16/2023	\$2,789.85
<u>56195</u>	BRIDGETOWER OPCO, LLC	6/16/2023	\$221.40
<u>56196</u>	CASCADE COLUMBIA DISTRIBUTION COMPANY	6/16/2023	\$672.00
<u>56197</u>	C-MORE PIPE SERVICES, CO.	6/16/2023	\$27,958.00
<u>56198</u>	DAVISON AUTO PARTS INC	6/16/2023	\$16.79
<u>56199</u>	GODFREY NURSERY	6/16/2023	\$1,133.70
<u>56200</u>	ICMA	6/16/2023	\$779.13
<u>56201</u>	LANGUAGE LINE SERVICES, INC	6/16/2023	\$9.62
<u>56202</u>	METCOM 9-1-1	6/16/2023	\$8,182.65
<u>56203</u>	MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS	6/16/2023	\$5,622.50
<u>56204</u>	ONE CALL CONCEPTS INC	6/16/2023	\$84.00
<u>56205</u>	OREGON DEQ	6/16/2023	\$104.00
<u>56206</u>	PETROCARD, INC.	6/16/2023	\$520.86
<u>56207</u>	R. A. GRAY CONSTRUCTION, LLC	6/16/2023	\$89,539.87
<u>56208</u>	SEBENS ENTERPRISES LLC	6/16/2023	\$2,678.65
<u>56209</u>	SECURITY ALARM CORPORATION	6/16/2023	\$128.90
<u>56210</u>	STAN BUTTERFIELD P.C.	6/16/2023	\$750.00
<u>56211</u>	STAYTON ACE HARDWARE	6/16/2023	\$4.04
<u>56212</u>	US POSTAL SERVICE	6/16/2023	\$166.00
<u>56213</u>	VALLEY AGRONOMICS LLC	6/16/2023	\$385.58
<u>56214</u>	WILCO	6/16/2023	\$398.00
<u>56215</u>	WIRE WORKS, LLC	6/16/2023	\$1,156.00
<u>EFT Payment 6/16/2023 10:01:11 AM - 1</u>	INVOICE CLOUD	6/16/2023	\$199.40
<u>EFT Payment 6/16/2023 10:01:11 AM - 2</u>	NW NATURAL	6/16/2023	\$64.98
<u>EFT Payment 6/16/2023 10:01:11 AM - 3</u>	PACIFIC OFFICE AUTOMATION	6/16/2023	\$86.70
<u>EFT Payment 6/16/2023 10:01:11 AM - 4</u>	PACIFIC POWER	6/16/2023	\$10,676.27
<u>EFT Payment 6/16/2023 10:01:11 AM - 5</u>	REPUBLIC SERVICES #456	6/16/2023	\$60.00
<u>EFT Payment 6/16/2023 10:01:11 AM - 6</u>	WAVE	6/16/2023	\$9.95
	Total	Check	\$159,653.27
	Total	9001000967	\$159,653.27
	Grand Total		\$159,653.27

[Handwritten Signature]
[Handwritten Signature]



Payroll Register

City of Aumsville

Fiscal: 2022-23
Deposit Period: 2022-23 - June
Check Period: 2022-23 - June - First Council

Riverview Community Bank	9001000967		
Check			
<u>56188</u>	AUMSVILLE ELEMENTARY SCHOOL	6/15/2023	\$604.86
<u>Direct Deposit Run - 6/13/2023</u>	Payroll Vendor	6/15/2023	\$40,216.08
<u>EFT 14370614</u>	Oregon Department of Revenue	6/15/2023	\$4,178.40
<u>EFT 6272023</u>	PERS	6/15/2023	\$14,161.54
<u>EFT 71463127</u>	EFTPS	6/15/2023	\$14,516.41
<u>EFT HSA6152023</u>	HSA Bank	6/15/2023	\$2,990.75
<u>EFT OSGP6152023</u>	VOYA - STATE OF OREGON - LG#:2234	6/15/2023	\$515.00
<u>EFT V6152023</u>	Valic	6/15/2023	\$25.00
	Total	Check	\$77,208.04
	Total	9001000967	\$77,208.04
	Grand Total		\$77,208.04

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LIQUOR LICENSE APPLICATION

Page 1 of 4

Check the appropriate license request option:

- New Outlet | Change of Ownership | Greater Privilege | Lesser Privilege | Additional Privilege

Select the license type you are applying for.

More information about all license types is available [online](#).

Full On-Premises

- Commercial
 Caterer
 Public Passenger Carrier
 Other Public Location
 For Profit Private Club
 Nonprofit Private Club

Winery

- Primary location
Additional locations: 2nd 3rd 4th 5th

Brewery

- Primary location
Additional locations: 2nd 3rd

Brewery-Public House

- Primary location
Additional locations: 2nd 3rd

Grower Sales Privilege

- Primary location
Additional locations: 2nd 3rd

Distillery

- Primary location
Additional tasting locations: 2nd 3rd 4th 5th 6th

Limited On-Premises

Off Premises

Warehouse

Wholesale Malt Beverage and Wine



INTERNAL USE ONLY

Local Governing Body: After providing your recommendation, return this application to the applicant.

LOCAL GOVERNING BODY USE ONLY

City/County name:

Date application received:

Optional: Date Stamp

A large, empty rectangular box with a thin black border, intended for a date stamp.

- Recommend this license be granted
 Recommend this license be denied

Printed Name

Date

LIQUOR LICENSE APPLICATION

Page 2 of 4

APPLICANT INFORMATION	
Identify the applicants applying for the license. This is the entity (example: corporation or LLC) or individual(s) applying for the license. Please add an additional page if more space is needed.	
Name of entity or individual applicant #1: <i>Smith Family 1 LLC</i>	Name of entity or individual applicant #2:
Name of entity or individual applicant #3:	Name of entity or individual applicant #4:

BUSINESS INFORMATION		
Trade Name of the Business (name customers will see): <i>Neufeldt's Restaurant</i>		
Premises street address (The physical location of the business and where the liquor license will be posted): <i>190 Main St.</i>		
City: <i>Aumsville</i>	Zip Code: <i>97325</i>	County: <i>Marion</i>
Business phone number: <i>503-749-4095</i>	Business email: <i>Sugarnspice.or@gmail.com</i>	
Business mailing address (where we will send any items by mail as described in <u>OAR 845-004-0065[1]</u>): <i>45940 River Loop Rd.</i>		
City: <i>Lyons</i>	State: <i>OR</i>	Zip Code: <i>97358</i>
Does the business address currently have an OLCC liquor license? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

AUTHORIZED REPRESENTATIVE – A liquor applicant or licensee may give a representative authorization to make changes to the license or application on behalf of the licensee or to receive information about a license or application.		
I give permission for the below named representative to: <input checked="" type="checkbox"/> Make changes regarding this license/application on my behalf. <input checked="" type="checkbox"/> Receive information about the status of this application, including information about pending compliance action or communications between OLCC and the licensee/applicant.		
Representative Name: <i>Sarah Smith</i>		
Phone number: <i>503-871-3549</i>	Email: <i>Sugarnspice.or@gmail.com</i>	
Mailing address: <i>45940 River Loop Rd.</i>		
City: <i>Lyons</i>	State: <i>OR</i>	Zip Code: <i>97358</i>

Please note: liquor license applications are public records.

OLCC Liquor License Application (Rev. 2.1.23)

LIQUOR LICENSE APPLICATION

Page 3 of 4

APPLICATION CONTACT INFORMATION – Provide the point of contact for this application. If this individual is not an applicant or licensee, the Authorized Representative section must be filled in and the appropriate permission(s) must be selected.

Application Contact Name:

Sarah Smith

Phone number:

503-871-3549

Email:

sugarnspice.or@gmail.com

TERMS

- “Real property” means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- “Common area” is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area’s designation as a “common area” is typically identified in the lease or rental agreement.

ATTESTATION – OWNERSHIP AND CONTROL OF THE BUSINESS AND PREMISES

- Each applicant listed in the “Application Information” section of this form has read and understands [OAR 845-005-0311](#) and attests that:
 1. At least one applicant listed in the “Application Information” section of this form has the legal right to occupy and control the real property proposed to be licensed as shown by a property deed, lease, rental agreement, or similar document.
 2. No person not listed as an applicant in the “Application Information” section of this form has an ownership interest in the business proposed to be licensed, unless the person qualifies to have that ownership interest waived under OAR 845-005-0311.
 3. The licensed premises at the premises street address proposed to be licensed either:
 - a. Does not include any common areas; or
 - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
 - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in “common areas” and that this requirement applies at all times, even when the business is closed.
 4. The licensed premises at the premises street address either:
 - a. Has no area on property controlled by a public entity (like a city, county, or state); or
 - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) permission to exercise the privileges of the license in the area.

LIQUOR LICENSE APPLICATION

Page 4 of 4

• Each applicant listed in the "Application Information" section of this form has read and understands OAR 845-006-0362 and attests that:

1. Upon licensure, each licensee is responsible for the conduct of others on the licensed premises, including in outdoor areas.
2. The licensed premises will be controlled to promote public safety and prevent problems and violations, with particular emphasis on preventing minors from obtaining or consuming alcoholic beverages, preventing over-service of alcoholic beverages, preventing open containers of alcoholic beverages from leaving the licensed premises unless allowed by OLCC rules, and preventing noisy, disorderly, and unlawful activity on the licensed premises.

I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application, are true and complete.

<u>Sarah Smith</u> Print name	<u>Sarah Smith</u> Signature	<u>6/16/23</u> Date	_____ Atty. Bar Info (if applicable)
_____ Print name	_____ Signature	_____ Date	_____ Atty. Bar Info (if applicable)
_____ Print name	_____ Signature	_____ Date	_____ Atty. Bar Info (if applicable)
_____ Print name	_____ Signature	_____ Date	_____ Atty. Bar Info (if applicable)



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

AUMSVILLE CITY COUNCIL

AUMSVILLE PARKS MASTER PLAN UPDATE STAFF REPORT and FINDINGS

STAFF REPORT DATE:	June 16, 2023
HEARING DATE:	June 26, 2023
FILE:	<u><i>Aumsville Parks Master Plan Amendments</i></u> <ul style="list-style-type: none">• CHAPTER VI – Parks & Recreation Element, <u><i>Aumsville Comprehensive Plan</i></u>• <u><i>Aumsville Parks Master Plan (June 2023 Update) incl. Eastside Community Park</i></u>
APPLICANT:	City of Aumsville
CONSULTANTS:	David W. Kinney, Community Development Consultant Brian Bainson, Landscape Architect, Quatrefoil, Inc. Parks planning consultants for the City of Aumsville 791 E. Hollister St., Stayton, OR 97383 Email: dwkinney@wvi.com
EXHIBITS:	<u><i>Aumsville Parks Master Plan Amendments (June 2023 Update)</i></u> EXHIBIT A Appendix A-7 “ <u><i>Eastside Community Park Master Plan</i></u> ” EXHIBIT B <u><i>Aumsville Parks Master Plan (June 2023 Update)</i></u> including revised Chapter 3 “Demographics” and amendments throughout the plan to incorporate 2023 data and information regarding the Eastside Community Park. [on file at City Hall] EXHIBIT C State Comprehensive Outdoor Recreation Plan Memo to the City of Aumsville dated October 6, 2022. EXHIBIT D Public Hearing Notice – June 15, 2023 [on file at City Hall]. EXHIBIT E ORDINANCE 716
REQUEST:	Adoption of ORDINANCE 716 – Adoption of a revised Chapter 6 - “Parks and Recreation Element” of the <u><i>Aumsville Comprehensive Plan</i></u> and the <u><i>Aumsville Parks Master Plan (June 2023 Update)</i></u>

CRITERIA:

- 1. Statewide Planning Goals**
 - **Goal 1 – Citizen Involvement**
 - **Goal 2 – Land Use Planning**
 - **Goal 8 – Recreational Needs**
- 2. Statewide Comprehensive Outdoor Recreation Plan (SCORP)**

I. Proposal – Eastside Community Park Plan

The City of Aumsville received a grant from the Oregon Parks and Recreation Department to prepare an amendment to the “Aumsville Parks Master Plan.” The City retained David Kinney, Community Development Consultant, and Brian Bainson, Landscape Architect, Quatrefoil, Inc., to prepare the amendments to add a master plan for the 22.57-acre Eastside Community Park site. This site was purchased by the City of Aumsville in August 2019. During the past year, a citizens advisory committee and city staff member Kirsti Pizzutto have worked with the consultants to develop master plan designs and amendments to the plan document.

As part of the planning process the city invited residents to attend two community open houses in November 2022 and March 2023 to view park design proposals for the Eastside Community Park. The city also met with students from the Aumsville Elementary School and Cascade Jr. High School. Copies of the conceptual park designs were also posted on the city’s webpage and Facebook page. Citizens were invited to comment on the park designs in two on-line surveys.

At each open house and school visit, community members and students reviewed two or three conceptual plans for the Eastside Community Park site and were invited to provide verbal and written comments and suggestions on each conceptual plan. At the conclusion of the open houses, landscape architect Brian Bainson prepared a modified design for the community park reflecting the suggestions and priorities generated by local residents.

After the last open house on March 13, 2023 the citizens advisory members reviewed and recommended a final Eastside Community Park master plan design and a priority list of improvements for the park.

II. BACKGROUND INFORMATION

A. Application, Land Use Procedure and Review Requirements:

The adoption of an updated parks master plan is a legislative amendment to the Chapter 6 – Parks and Recreation Element of the *Aumsville Comprehensive Plan*. At the conclusion of the public hearing process, the City Council must adopt an ordinance approving the amendments to Chapter 6 the comprehensive plan and formally approve the *Aumsville Parks Master Plan (June 2023 Update)*.

B. Public Hearings and Notices of Public Hearing:

The Aumsville Planning Commission held a public hearing on June 15, 2023. The Planning Commission hearing provided citizens with an opportunity to comment on the final Eastside Community Park master plan and the proposed update the parks master plan. During the hearing the consultants presented final

design drawings for the Eastside Community Park and the overall parks master plan to be included in the *Aumsville Parks Master Plan (June 2023 Update)*. At the conclusion of the Planning Commission hearing, the Commission deliberated on the proposal and unanimously recommended the City Council take the following actions:

1. Adopt Ordinance 716. The ordinance adopts a revised Chapter 6 – Parks & Recreation Element of the *Aumsville Comprehensive Plan* and the *Aumsville Parks Master Plan (June 2023 Update)*.
2. Initiate an urban growth boundary amendment to amend the Aumsville Comprehensive Plan map to add the 22.57-acre Eastside Community Park site to the Aumsville UGB and to annex the park property into the city.

Notice of any public hearings must be provided to DLCD and community members. The required public hearing notice was published prior to the Planning Commission and City Council public hearings.

C. City Council Public Hearing and Review:

On June 26, 2023, the City Council will hold a public hearing to consider this proposal and decide to adopt the plan amendments and decide whether or not the city proceeds with a UGB amendment and annexation for the park property.

The public hearing provides the Aumsville City Council with an opportunity to review the plan and make any final revisions to the plan prior to adoption. The consultants encourage the elected officials to:

1. Review and ask questions about the Eastside Park Master Plan design and narrative.
2. Review the recommended list of park improvements for the Eastside Community Park.
3. Review Chapter 6 – Parks & Recreation Element of the *Aumsville Comprehensive Plan*.
4. Review the compiled *Aumsville Parks Master Plan (June 2023 Update)*.

III. FINDINGS

STATEWIDE PLANNING GOALS

GOAL 1 - CITIZEN INVOLVEMENT: TO DEVELOP A CITIZEN INVOLVEMENT PROGRAM THAT ENSURES THE OPPORTUNITY FOR CITIZENS TO BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.

The *Aumsville Parks Master Plan* was developed using a public involvement process to solicit community comments on the proposed parks plan document and park design drawings for each of the City of Aumsville park sites. As part of the public engagement process the City of Aumsville utilized the following activities:

1. Appointed the Aumsville citizens advisory committee to serve as the city’s public involvement committee for the development of the parks plan. The committee held five meetings from October 2022 to March 2023 to meet with the consultants.
2. The city posted copies of the proposed park design plans on the city’s web page and Facebook page to inform the community about the park planning process.

3. The city sent flyers to residents inviting them to complete on-line surveys. The surveys asked residents to identify priority park facility improvements that should be included in the Eastside Community Park design. More than 120 citizens responded to the two surveys, and more than half provided written comments on the design options.
4. The citizens advisory committee hosted two public open houses to present design concepts to the community. The open houses were lightly attended with no more than 40 people participating in the two sessions.
5. The consultants met with students in twelve classrooms at Aumsville Elementary School and Cascade Jr. High School to solicit comments on the proposed park design drawings. Approximately 400 elementary and middle school students provided verbal and written comments on the proposed park designs.
6. The Aumsville Planning Commission held a public hearing on June 15, 2023 to review the proposed amendments to add the Eastside Community Park Master Plan to the *Aumsville Parks Master Plan*. Testimony was provided by the parks project consultant David W. Kinney and Jesse Winterowd, Winterbrook Planning, the city's consultant for the proposed urban growth boundary amendment. No other public testimony was received at the public hearing.
7. The Aumsville City Council will hold a public hearing to consider an ordinance to formally adopt Ordinance 716, including a revised Chapter 6 of the Aumsville Comprehensive Plan, and the *Aumsville Parks Master Plan (June 2023 Update)*.

The proposal complies with Goal 1.

GOAL 2 - LAND USE PLANNING: TO ESTABLISH A LAND USE PLANNING PROCESS AND POLICY FRAMEWORK AS A BASIS FOR ALL DECISIONS AND ACTIONS RELATED TO THE USE OF LAND AND TO ASSURE AN ADEQUATE FACTUAL BASE FOR SUCH DECISIONS AND ACTIONS.

The proposed parks plan amendment is consistent with Goal 2 because the Comprehensive Plan Amendment followed the land use planning process established by the existing Comprehensive Plan, Development Code, and state statute for a legislative plan amendment. See discussion of public hearing process above. As discussed in the findings related to Goal 8 below, the Comprehensive Plan Amendment addressed Goal 8 requirements to plan for needed public recreation facilities. The proposal complies with Goal 2.

GOAL 3 - AGRICULTURAL LANDS: TO PRESERVE AND MAINTAIN AGRICULTURAL LANDS.

GOAL 4 - FOREST LANDS: TO CONSERVE FOREST LANDS

Goal 3 and Goal 4 do not apply within adopted, acknowledged urban growth boundaries.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: TO PROTECT NATURAL RESOURCES AND CONSERVE SCENIC AND HISTORIC AREAS AND OPEN SPACES.

The proposed development of the Eastside Community Park will not impact any listed or significant open space, scenic, historic sites, historic areas, or critical habitat areas. The parks plan amendment for the Eastside Community Park proposes development of the 22.57-acre park site east of Bishop Rd. SE. The proposal complies with Goal 5.

Goal 6 - AIR, WATER AND LAND RESOURCES QUALITY: TO MAINTAIN AND IMPROVE THE QUALITY OF THE AIR, WATER, AND LAND RESOURCES OF THE STATE.

The Eastside Community Park development will enable the city to develop “close-to-home” recreational facilities. The plan encourages local residents to actively recreate in local neighborhood and community parks. Policies in the adopted *Aumsville Parks Master Plan* encourage residents to walk and bike to local parks, rather than travel by car to reach recreation sites further away from home. Use of “close-to-home” parks will reduce fossil fuel emissions and improve air quality. The proposed park designs incorporate plans for on-site retention/detention of storm water and provide green/open spaces along existing drainage corridors and the protection of a potential wetlands area at the south end of the park site; thereby protecting water quality. The proposal complies with Goal 6.

Goal 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS: TO PROTECT LIFE AND PROPERTY FROM NATURAL DISASTERS AND HAZARDS.

Goal 7 does not apply.

Goal 8 - RECREATIONAL NEEDS: TO SATISFY THE RECREATIONAL NEEDS OF THE CITIZENS OF THE STATE AND VISITORS AND, WHERE APPROPRIATE, TO PROVIDE FOR THE SITING OF NECESSARY RECREATIONAL FACILITIES INCLUDING DESTINATION RESORTS.

Local governments are required to plan for parks and recreational facilities in coordination with private enterprise, state, and federal agencies. Oregon’s small cities are encouraged to adopt a parks master plan that complies with statewide planning goal requirements. Proposed parks and recreational facilities should be planned for and developed in such quantity, quality, and locations to meet the needs of local residents for a 20-year planning period.

This proposal includes the following documents to address Goal 2 and Goal 8 requirements:

- Exhibit A: Appendix A-7: Eastside Community Park master plan design and park plan narrative.
- Exhibit B: Chapter 3 “Demographics” in the parks master plan. The updated Chapter 3 includes the adopted 2021 coordinated population forecast for Marion County and its incorporated cities (2021 to 2071) and updated demographic information for the City of Aumsville based on U. S. Census Bureau data.
- Exhibit C: Technical Memo dated October 6, 2022 to City Administrator Ron Harding addressing Goal 8 compliance, including a review of the 2019-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP). The 2019-2023 SCORP includes recommendations for priority park and recreation facility improvements within the state and within Marion County. The consultants utilized this data when they were recommending improvements to be included in the Eastside Community Park Plan.
- Exhibit E: Ordinance 716 – An Ordinance to adopt a revised Chapter 6 – Parks and Recreation Element to the *Aumsville Comprehensive Plan* and to formally adopt the *Aumsville Parks Master Plan June 2023 Update*.

Under Goal 8, the state recommends each city:

- inventory recreation needs,
- identify recreation opportunities,
- coordinate park and recreation plans with other agencies,
- be consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP),
- consider energy consequences of facility development, and
- encourage use of non-motorized recreational activities.

Local governments planning for the development of new parks and recreation facilities, or redevelopment of existing facilities are encouraged to give priority to:

- recreation needs in high population areas,
- users with limited mobility and finances,
- maximize the conservation of energy in the transportation of people to parks and recreation facilities and also in the use of energy in the facility,
- minimize environmental deterioration,
- provide recreational facilities to the public at nominal costs, and
- meet the needs of visitors to the state.

Chapter 2 “Parks Planning” of the *Aumsville Parks Master Plan* reviews compliance with statewide planning goals, the *Statewide Outdoor Recreation Plan (SCORP)* and the *Marion County Parks Master Plan*. The plan also summarizes nearby regional parks and recreation facilities provided by federal agencies, nearby cities and the Linn County Parks Department. Based on the City’s evaluation of community needs and its review of the multitude of parks and facilities within the Marion County and in the North Santiam Canyon area, the *Aumsville Parks Master Plan* recommends the city focus its plan to provide community parks, neighborhood parks and pocket parks to serve local residents.

Goal 8 encourages local governments to adopt measures to finance and acquire park and recreation facilities. Cities are encouraged to take into consideration various techniques for land acquisition including, but not limited to, fee simple site acquisition, conservation easements, development rights acquisition and subdivision park land dedication. The adoption of the Eastside Community Park master plan narrative and design plan will enable the city to effectively compete for grants from the Oregon Parks Department, Oregon Department of Transportation, and private foundations.

The proposal complies with Goal 8.

Goal 9 - ECONOMIC DEVELOPMENT: TO PROVIDE ADEQUATE OPPORTUNITIES THROUGHOUT THE STATE FOR A VARIETY OF ECONOMIC ACTIVITIES VITAL TO THE HEALTH, WELFARE AND PROSPERITY OF OREGON’S CITIZENS.

Goal 10 - HOUSING: TO PROVIDE FOR THE HOUSING NEEDS OF CITIZENS OF THE STATE.

The proposed Eastside Community Park is located outside the Aumsville city limits and urban growth boundary. It does not impact any buildable lands inside the Aumsville city limits. Therefore, development of the project does not impact any lands designated for new non-residential and residential development in the city. The provision of public parks and “close-to-home” recreation facilities will make Aumsville a desirable site for new housing and will enhance the ability of the city to attract non-residential employers. The City concludes the proposal is consistent with and supports Goals 9 and 10.

Goal 11 - PUBLIC FACILITIES AND SERVICES: TO PLAN AND DEVELOP A TIMELY, ORDERLY AND EFFICIENT ARRANGEMENT OF PUBLIC FACILITIES AND SERVICES TO SERVE AS A FRAMEWORK FOR URBAN AND RURAL DEVELOPMENT.

Goal 12 – TRANSPORTATION: TO PROVIDE AND ENCOURAGE A SAFE, CONVENIENT AND ECONOMIC TRANSPORTATION SYSTEM.

Goal 13 - ENERGY CONSERVATION: TO CONSERVE ENERGY.

Goals 11 and 12 require the City of Aumsville to plan for the timely extension of its transportation system, public facilities, and services concurrently with new development. The adopted *Aumsville Parks Master Plan* includes plans for the acquisition and development of new/improved park facilities over the 20-year planning period from 2020 to 2040. The plan encourages the acquisition of new park land in undeveloped areas at the edges of the community. This will allow the City to extend public facilities (water, sewer, storm drainage facilities and streets) concurrently with the development as the community grows. The adopted park master plan includes the recommendation to acquire a 20-acre park site east of Bishop Rd. SE. The site was selected because it abuts the city limits, allows for a logical expansion of the Aumsville UGB, can be easily served with city facilities, and has direct access to Bishop Rd. SE.

The Eastside Community Park site is adjacent to existing water mains, sewer lines, storm drainage facilities in Bishop Rd. SE. Public facilities to the park, proposed community center and restrooms can be extended from Bishop Rd. SE. into the park site. Primary access to the park will be from Bishop Rd. SE with parking and interior park service roads designed to minimize traffic impact to neighbors to the west.

Bishop Rd. SE is identified as a local collector street to serve adjacent residential subdivisions on the west side of the street, the park, and rural residential areas east of the street. A secondary access driveway into the park from Albus Rd. SE is planned. It will be developed when the City is able to acquire the parcel at 7767 Albus Rd. SE. The secondary access will extend to a small parking lot at the dog park and to a proposed parks maintenance facility.

Development of the Eastside Community Park at the east edge of the city encourages energy conservation. Aumsville’s citizens and visitors will have a “close-to-home” community park accessible by foot, bicycle, and vehicles from nearby residential neighborhoods and the Highberger Greenway.

The proposed adoption of the Eastside Community Park amendment to the *Aumsville Parks Master Plan* is consistent with Goals 11, 12 and 13.

Goal 14 - URBANIZATION: TO PROVIDE FOR AN ORDERLY AND EFFICIENT TRANSITION FROM RURAL TO URBAN USE.

Park developments are permitted within Marion County’s rural zoning regulations. This plan recommends the City expand the Aumsville UGB to add the Eastside Community Park into the Aumsville Urban Growth Boundary (UGB) and immediately annex the property into the city limits. This will allow the City to designate and rezone the property as “Public” land and give the City development control under the Aumsville Development Code. Annexing the site will eliminate the need to comply with rural residential zoning requirements. The city will then be able to extend public services (water, streets, drainage, sanitary sewer, and private utilities) into the Eastside Community Park site.

The plan recommends the city initiate a UGB Amendment and Annexation application to the City and

Marion County in 2023. Upon completion of the UGB amendment, the City will comply with Goal 14.

The City retained Winterbrook Planning to prepare the UGB amendment for the Eastside Community Park. On June 2, 2023, park planning consultant David Kinney and Jesse Winterowd, Winterbrook Planning, discussed the coordination of the adoption of the Eastside Community Park update to the parks master plan prior to adoption of the proposed UGB amendment for the Eastside Community Park site.

They recommend the City take several steps to ensure the proposed UGB amendment is consistent with both the parks plan and the Aumsville Comprehensive Plan.

Step 1: Adopt Ordinance 716 to replace Chapter 6 “Recreation Element” of the Aumsville Comprehensive Plan.

Explanation: Chapter 6 currently refers to the City’s 1996 parks plan. It needs to be replaced with updated goals and policies, readoption of the *Aumsville Parks Master Plan (updated to June 2023)*, and inclusion of a new parks master plan map that shows the specific location of the Eastside Community Park.

Step 2: Adoption of the UGB Amendment for the Eastside Community Park site after Step 1 is completed.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings included in this staff report, the consultant recommends the City Council adopt Ordinance 716 including a revised Chapter 6 – Parks and Recreation Element of the *Aumsville Comprehensive Plan* and adopt the *Aumsville Parks Master Plan (June 2023 Update)*. Upon City Council adoption of Ordinance 716, the City staff and consultant will compile the final *Aumsville Parks Master Plan (June 2023 Update)*, including any revisions made by the City Council.

If Ordinance 716 is adopted, the consultant recommends the City Council initiate a UGB amendment and annexation of the Eastside Community Park site.

V. CITY COUNCIL OPTIONS

1. Continue the public hearing to a date and time certain to provide the consultants time to make any amendments to the proposal that are identified by the City Council or city staff.

The Council may direct the City Administrator and the consultants to modify Ordinance 716, the parks master plan document and/or Appendix A-7, the Eastside Community Park plan to incorporate changes to the plan as discussed by the City Council. *(Identify specific issues to be addressed or corrections to be made.)*

2. Adopt Ordinance 716 as presented or as modified by the City Council.

VI. COUNCIL ACTION - MOTIONS

ORDINANCE 716 – 1st Action

1. MOTION TO APPROVE THE FIRST READING OF ORDINANCE 716, “AN ORDINANCE AMENDING CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND ADOPTING THE AUMSVILLE PARKS MASTER PLAN”, **as presented** .
2. MOTION TO APPROVE THE FIRST READING OF ORDINANCE 716, “AN ORDINANCE AMENDING CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND ADOPTING THE AUMSVILLE PARKS MASTER PLAN”, **as amended** I

**If passing vote is unanimous for first action, Council may move to approve second reading and adopt.*

ORDINANCE 716 – 2nd Action

3. MOTION TO APPROVE THE SECOND READING BY TITLE ONLY AND ADOPT ORDINANCE 716, “AN ORDINANCE AMENDING CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND ADOPTING THE AUMSVILLE PARKS MASTER PLAN”, **as presented**.
4. MOTION TO APPROVE THE SECOND READING BY TITLE ONLY AND ADOPT ORDINANCE 716, “AN ORDINANCE AMENDING CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND ADOPTING THE AUMSVILLE PARKS MASTER PLAN”, **as amended**.

EASTSIDE PARK URBAN GROWTH BOUNDARY AMENDMENT

5. MOTION TO DIRECT THE CITY ADMINISTRATOR TO INITIATE AN AMENDMENT TO THE AUMSVILLE COMPREHENSIVE PLAN TO EXPAND THE CITY’S URBAN GROWTH BOUNDARY AND TO ANNEX THE EASTSIDE COMMUNITY PARK SITE.

Exhibit A

Eastside Community Park



Eastside Community Park Description

Eastside Community Park is Aumsville’s newest park. The 22.57-acre site was acquired by the City in August 2019. The park is located between Bishop Rd. SE and Albus Rd. SE. The North Santiam Highway (Oregon Highway 22) abuts the north edge of the site. The park site slopes gently to the south from the highway right-of-way to a drainage swale that runs westward along the south edge of the property. The site is a vacant pasture area with a small Oregon white oak grove running north-south through the center of the site. The site wraps around a 2.71-acre rural residential homesite at 7582 Bishop Rd. SE. A 1.39-acre home site at 7767 Albus Rd. SE abuts the east edge of the park property.

The *Aumsville Parks Master Plan* recommends the City of Aumsville provide a variety of community parks, neighborhood parks, linear parks, and trails to serve the community. The plan recommends the Aumsville provide 8.25 acres of park land per 1,000 residents. In 2020, the city had 19.9 acres of developed park land within the city limits. Since Aumsville is projected to grow from 4,212 residents (2022) to 6,660 residents by the year 2050, the City will need to acquire another 30+ acres of land with a goal of having 57+/- acres of public park land by the year 2050.



Figure 1 - Oak Grove in Eastside Community Park

The parks master plan included a specific recommendation to acquire a 20-acre community park at the east edge of the city within 5-years of the plan’s adoption in 2018. When the opportunity arose, the city was able to negotiate with a willing seller to purchase the site. The City utilized SDC funds and a grant from the Oregon Parks and Recreation Department to purchase the property. The following paragraphs summarize the purpose, location and typical uses found in a community park.

- Purpose:** A community park is designed to serve all the residents of the city with a variety of facilities including group picnic shelters, playgrounds, athletic fields, restrooms, off-street parking and large group event space. Natural areas, open spaces and recreational trails may be incorporated with a community park to protect waterways, drainage corridors, forested areas and/or wildlife habitats.
- Location:** Serves residents within a two-mile radius and is located within a five-minute to ten-minute drive of any residence in the city. With Porter-Boone Park and Mill Creek Park located at the southwest corner of the city, an east side community park was included in the parks master plan. Users may reach the park on foot, bicycle or by motor vehicle. The park location east of Bishop Rd., SE was selected because it is easily accessible from residential neighborhoods that were developed from 1990 to 2020 east of 1st Street and west of SE Bishop Rd. and a quick drive from all other locations inside the city. With a short sidewalk extension, the new park will connect to a pedestrian trail in Highberger Linear Park.
- Facilities:** A community park provides facilities to serve residents, visitors, and community groups. Selected facilities may attract county residents. Athletic fields, group shelters, picnic facilities, camping, open space, trails, paths, natural areas, community center, and/or special event venues are typical. Community parks have restrooms and vehicle parking lots to accommodate community-wide events. If a community park also serves as a neighborhood park it includes play equipment and amenities for pre-school and elementary age children.

Community Park – Park Facility Standards and Identified Needs

Chapter 4 of the *Aumsville Parks Master Plan* includes level of service standards for the development of parks and recreation facilities in the city. Table E-1 lists park facilities, level of service standards and specific recommendations for new recreational fields and facilities to be developed in a new community park.

Table E-1
**City of Aumsville Level of Service Standards and
 Recommended Facilities for a New Community Park**

Type of Recreational Facility	Level of Service Standard per “x” population	Current Supply (2023)	Projected Need (2045)	Recommendations for a New Community Park
Community Center	1 center per 15,000 residents 1 sq. ft. per person	Chester Bridges Community Center (3,500 sq. ft.)	6,000 to 7,000 sq. ft	Build a new larger community center with exterior event space in a community park
Multi-Purpose Activity / Youth Sports Fields	1 per neighborhood / community park for soccer, baseball & softball	Mill Creek Park (1)	Use Cascade Schools. Provide 4 in city	Include 2 or more fields in the Eastside Community Park.
Basketball Courts	1 per park	Porter Boone & Highberger Park	4	Add two in a new community park
Picnic Areas & Large Shelters	1 per 5,000 residents	Porter Boone (1)	1 large shelter	Construct in new neighborhood & community parks

Type of Recreational Facility	Level of Service Standard per “x” population	Current Supply (2023)	Projected Need (2045)	Recommendations for a New Community Park
Small Shelters	1 per 1,000 residents	4 small shelters Wildwood (2) & Mill Creek (2) parks	7 small shelters	Construct in new neighborhood & community parks.
BMX Facility	1 per 2,500 residents	None	1	Add to Mill Creek Park or include in a new community park.

In addition to these recommended facilities from the *Aumsville Parks Master Plan*, the consultants utilized data from the 2019-2023 Statewide Comprehensive Outdoor Recreation Plan to identify needed recreational facilities that should be incorporated into the design of a community park. The following table shows the compilation of results of the highest priorities for Marion County and for Oregon residents who live in suburban communities.

Table E-2
2018 SCORP Survey Results
Recreational Facility Priorities

<i>Public Recreation Provider Survey Marion County Needs</i>		<i>Oregon Resident Survey Statewide Suburban Need Results</i>	
Close to Home Priorities	Score	Needed Recreation Facility	Score
Children’s playgrounds and play areas built with manufactured structures like swing sets, slides and climbing apparatus.	4.17	Soft surface walking trails and paths	3.78
Acquisition of park land for developed recreation	3.8	More restrooms	3.61
Picnicking / day use facilities	3.7	Children’s playgrounds and play areas made of natural materials (logs, water, sand, boulders, hills, and trees)	3.52
		Nature and wildlife viewing	3.52
		Public access sites to waterways	3.46

Eastside Park Planning Grant and Citizens Advisory Committee

In 2021, the City of Aumsville secured a planning grant from the Oregon Parks and Recreation Department to develop a conceptual plan for the development of the Eastside Community Park. The city retained planning consultant David W. Kinney and landscape architect Brian Bainson, Quatrefoil, Inc. to collaborate with a citizens advisory committee and prepare a concept plan and narrative for the park. City staff member Kirsti Pizzutto worked with the consultants and coordinated citizen involvement efforts throughout the planning process. The Committee met five times from October 2022 through March 2023 to review demographic information, discuss park needs and community desires for park facilities and then review design concepts.

In October 2022, the advisory committee toured the park site with the consultants and discussed opportunities for the development of the park, needed facilities and incorporation of existing natural features, trees and access ways into the future park design concepts. Committee members concluded the 20+ acre site has potential to include multi-purpose fields coupled with playgrounds, parking, special use recreation features, picnic facilities and a pedestrian trail around the edge of the site. They directed the consultants to incorporate the following design elements into the three initial design concepts for the park:

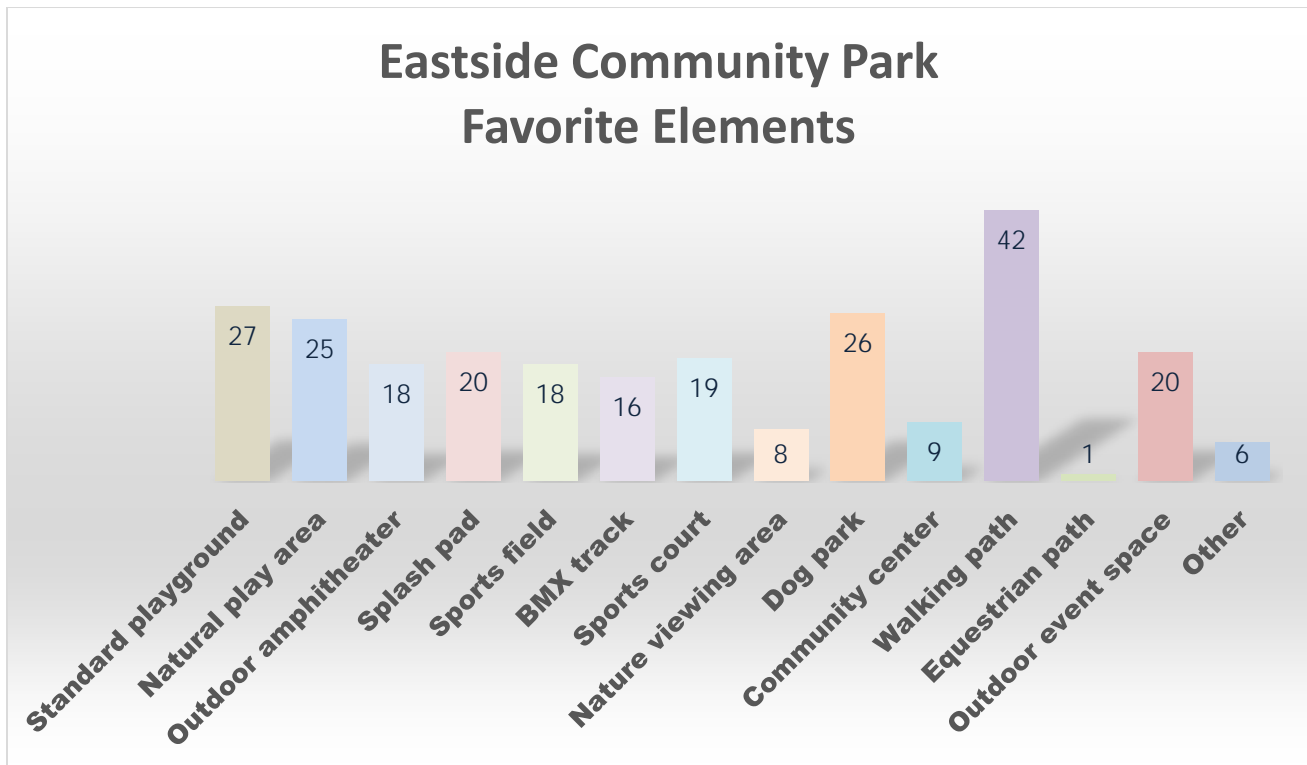
- Multi-purpose sports fields with space for youth/little league baseball, softball, and soccer.
- Horse/Equestrian trails
- Pedestrian Trails
- Dog park areas for large and small dogs
- Large group and smaller picnic shelters and picnic areas
- Play areas include a water park, tot lot, and play structures.
- Community Center

Based on the site visit, direction from the community advisory committee and the priority recreational facilities listed in the Aumsville Parks Master Plan and the SCORP, landscape architect Brian Bainson developed three initial design concepts for development of the Eastside Community Park in November 2022. The three concept drawings “A”, “B” and “C” provided significantly different designs for the development of the site.

Community Observations and Public Open House Input

The city solicited public comments on the three initial design concepts at an open house on November 17, 2022. Prior to the open house city staff posted the design concepts on the city’s website. Citizens were invited to vote for their favorite design concept, complete a survey and provide written comments to the city. The city received 86 survey responses. Table E-3 summarizes citizen priorities for the recreational facilities included in the plans.

Table E-3
November 2022 Eastside Community Park - Survey Responses from Aumsville Citizens



During the community open houses and public meetings, students, citizens, city staff and elected officials were encouraged to let their imaginations go. Attendees at the November 2022 open house were invited to review the three concept plans and share their comments with advisory committee members. Participants did not hesitate to suggest a wide variety of facilities to be included in the final design for the Eastside Community Park.

Citizens were asked to say what they liked and did not like about each concept plan. They were provided “Green” and “Red” dots to place on the plans, to highlight the proposed park elements they liked (Green) and elements they did not like (Red) or felt should not be included (Red) in the final park designs. Overall community members want to see the new community park have “multiple” facilities that will be inviting to families, provide facilities for youth sports programs and add special use facilities that are not available in any of Aumsville’s other parks.

Several proposed park facilities were supported by participants of all ages:

- Multi-purpose sports field
- Playground areas (manufactured play structures and a natural play area)
- Picnic facilities
- Courts (pickleball and basketball)
- Special use areas (water play, BMX area and dog parks)
- Trails for walkers, joggers, and pet owners

Concept “A” was the preferred concept drawing, with 70% of the survey respondents and attendees at the November 2022 open house preferring its design. Citizen advisory committee members and the landscape architect used the positive and negative feedback from each concept design to compile two design options to present at a second open house in March 2023.



Figure 2 - Aumsville Open House #1 - November 2022

On March 1st and March 9, 2023, the city met with students at Cascade Jr. High School and Aumsville Elementary School to solicit student comments and ideas. Over 400 students in twelve classrooms from Grades 4 through 8 met with City Councilor Della Seney, the consultant and city staff to discuss the park designs.

Both the elementary school students and the middle school age students were asked to use their dots to respond to the following statements:

Q1. My family and I will definitely use the following park facility (choose one) . . .

Q2. My family and I will probably not use the following park facility (choose one) . . .

Middle school aged students (Grades 6 to 8) were invited to use one “dot” to highlight their favorite recreational facilities or design elements on each of the two design plans and one “dot” to identify the one facility they did not believe should be included in the final park design. The middle school students overwhelmingly selected the multi-purpose fields, baseball/softball fields, basketball courts, dog park area and BMX track as their most desired recreational facilities.

In response to the two questions, middle-school aged students explained they participate in youth sports programs. Figure 3 includes responses from three of the six middle school classes. During the discussion of the park designs students and teachers stated there are not enough usable baseball fields and courts in the Aumsville community to serve all the students who are on sports teams. Practices for teams occur on available fields, but also on open lawn areas in parks and near schools. The Cascade baseball/softball field complex is heavily used throughout the year. Students would like fields and courts close to their homes that are accessible by walking or by bicycle. A vocal group of middle school boys advocated strongly for the inclusion of a BMX track; but a large percentage of all middle-school aged students indicated they and their family members would not use a BMX facility.

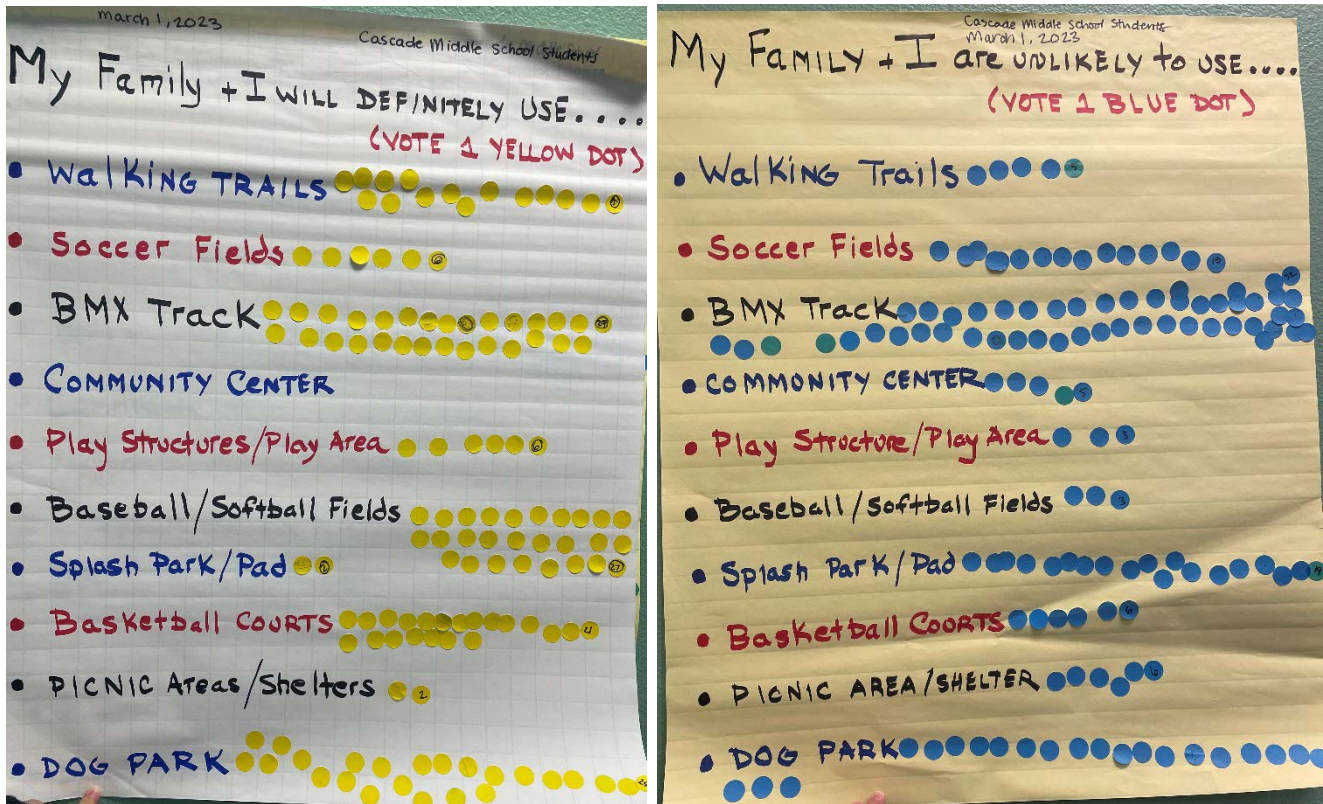


Figure 3 - Recommendations from middle school aged students at Cascade Junior High School - March 1, 2023

Elementary aged students (Grades 3 to 5) expressed strong preferences for the inclusion of the dog park, play structures and natural play areas, splash pad and soccer/multi-purpose fields. When asked why they selected a dog park as a priority, many of the children responded that they have a dog in their family, and they know their family will take their dog out for walks and to the park so it can run in a dedicated dog park area.

A second open house was held at the Aumsville Community Center on March 13, 2023 to review the final two design concepts. The city published a second on-line survey to solicit community input. Seventy (70%) per cent of the respondents preferred the Concept "A" design. Written comments from citizens expressed support for play structures, natural play features, additional ball fields and a large event space for community events.

Proposed Eastside Community Park Improvements

On March 22, 2023 the advisory committee discussed all public comments and student ideas related to each park design concept. The advisory committee selected Concept "A" and recommended revisions to the location of the natural play area, courts, and amphitheater. Landscape Architect Brian Bainnson made final revisions and prepared a recommended master plan design for the Eastside Community Park, attached as Map E-3, for presentation to the Planning Commission. The final design plan for the Eastside Community Park incorporates the following elements:

Multi-Purpose Field & Parking:

- Aumsville does not have a multi-purpose sports field which can be used for youth sports including t-ball, little league, soccer, or other field sports. The Cascade Little League has informed the city there is a need for additional fields for their t-ball and minors programs. The creation of a multi-purpose field, with two baseball/softball diamonds and two soccer field layouts with adequate parking is a high priority.

Play Area and Playground Equipment:

Two play areas are proposed.

- Play Area #1 – Manufactured Play Structures and Equipment: An all-weather play area, with a rubberized play surface and manufactured play structures. Play equipment may include slides, swings, climbers, and creative play features.



Play Area #1 should include age-appropriate elements to serve toddlers and elementary students (ages 2 to 12) with ADA accessibility for children with disabilities.

- Play Area #2 – Natural Play Area: A natural play area that incorporates logs, climbing rocks, grassy berms, animal features, steppingstones, balance beams, walkway, and other play elements with a bark-chip surface.
- Both play areas are located at the west end of the park near residential neighborhoods. At least one of the two playground areas is recommended for development in Phase 1 or 2 of the park’s development.

Community Center:

- A new 6,000 to 7,500 square foot community center is proposed near the west entrance to the park. The Chester Bridges Community Center, next to City Hall, is a 3,000+ square foot building with a main meeting room and small kitchen. The existing community center is used as the city council chambers, municipal court room and meeting space for the city’s planning commission and other community groups. As Aumsville grows, the city envisions a new community center with larger meeting rooms, commercial grade kitchen and outdoor events space. The facility can serve as the hub for the Corn Festival and as a facility to host family gatherings, weddings, arts programs, concerts, and other special community events. The existing community center adjacent to city hall may be remodeled for city offices and meeting rooms.

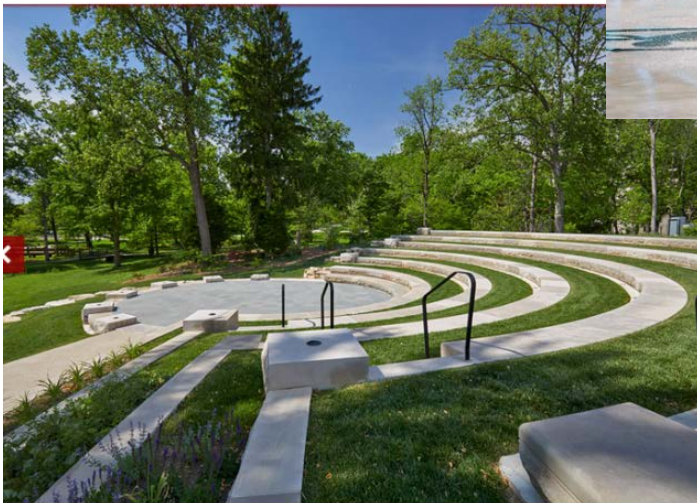
Courts:

- Basketball courts: Two full-size basketball courts are proposed in the center of the park.
- Pickleball courts: Two pickleball courts are shown near the west entry to the park. Pickleball is the fastest growing sports-court activity in the U.S. in the early 2020’s and is popular with adults, middle-aged and older.
- The development of sports courts is not a top priority for the Eastside Community Park. If youth demand for basketball courts and adult demand for the pickleball courts stays strong, they may be developed in one of the early phases of the park development. The exact locations of the basketball and pickle-ball courts may need to change. When used constantly, both basketball and pickleball can generate noise from the ping of the plastic balls on rackets, bouncing basketballs or the music, profanity, and loud chatter/yelling of

the participants. Placement of the courts closer to Hwy 22 or near the center of the park near parking is preferable.

Special Use Areas:

- **Water Play Area:** The master plan shows a water play area with a variety of fountains, spray elements, and water jets on an all-weather surface. Water play requires adequate parking, shaded areas with shelters, picnic tables and restrooms close by. The proposed water park is in the center of the park near the proposed community center adjacent to the proposed Water parks and skate parks can be loud and intrusive to neighbors.



- **Amphitheater:** A grass amphitheater with a small stage is located at the north end of the park. The location was selected so the amphitheater site can fit into the contours of the site. Seating may be terraced into the existing slope. Aumsville has had an active theatre group and an amphitheater creates opportunities for special events, summer movies, plays, small musical events and other performances in the park.

- **Dog Park:** Aumsville has a small dog park in Mill Creek Park, but no dog park facility on the east side of town. At the east end of the Eastside Community Park site, the plan shows the development of a dog park with enclosed areas for small dogs and larger dogs. The dog park can be initially developed as an open area adjacent to the pedestrian trail that will loop through the park. The dog park can be more fully developed with parking, shelters and fenced enclosures after the City acquires one or both adjacent properties. The inclusion of the dog park area within the park was very popular with all ages.

Park Amenities:

- Picnic shelters, tables, benches, and shade structures need to be built concurrently with development of the playground improvements, multi-purpose field and the water play area.
- Portable restrooms and/or a second permanent restroom facility will be needed if the park facilities area heavily used for organized sports and when the east side of the park is fully developed. If the City can acquire the residential property (7852 Bishop Rd. SE) in the center of the park, then a second restroom facility can be located in the existing building or in a new facility.
- **Recreational Trail.** The park design includes an all-weather recreational trail looping through and around the entire 22-acre park site. The development of an all-weather surface on the entire recreational trail will take years to complete. As an interim measure the trail can be developed with bark chips for use by joggers, dog walkers, and the public.

Street Improvements and Pedestrian Connectivity Issues:

- Street frontage improvements on Bishop Rd. SE are expected to be required by the Planning Commission as a condition of development approval when Phase 1 of the Eastside Community Park is built by the City. The improvements will include curbs, gutters, storm sewers, sidewalks, pavement widening and trees within the park site. As the City seeks grant funding for the Phase 1 and 2 improvements within the park, the city will need to identify funding to complete these street improvements.
- New sidewalks will be needed on both sides of Bishop Rd. SE extending from the Highberger Greenway north to the Eastside Community Park site. Safe pedestrian crossings on Bishop Rd. SE will be needed concurrently with Phase 1 of the project. Within the park, pedestrian walks can meander to play areas, the community center and other park facilities.
- South Access Road and Gravel Parking Area for the Multi-purpose Fields. The plan shows an 80-space parking area on the south edge of the multi-purpose fields. This parking area can be used when games and special events are held on the fields. Portable restrooms may be installed for use during events.

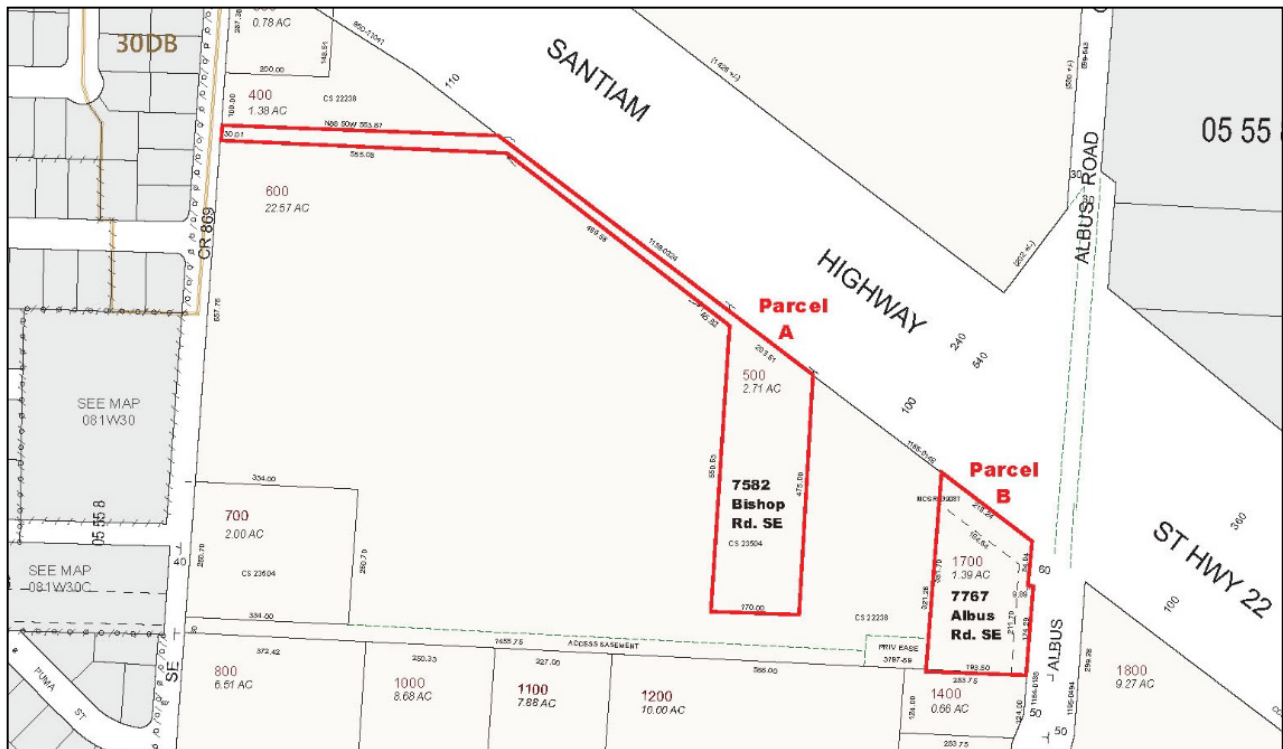
Preservation of Oregon Oak Grove and Storm Drainage Management:

- The grove of Oregon oak trees in the center of the site will need to be evaluated by a licensed arborist and a management plan developed to ensure any recreational trail and picnic facilities developed near them protect the root structures and limbs are pruned regularly for safety.
- The drainage swales from Hwy 22 south through the property and then east-west will need to be designed. Wetlands will need to be delineated and protected.

Land Acquisition for Park Expansion:

- When the opportunities arise, this plan recommends the city acquire an additional 4.20 acres at the east end of the park, as shown on Figure "XX".

Map E-1
Proposed Land Acquisition to Expand the Eastside Community Park



- (1) PARCEL A - 7582 Bishop Rd. SE (2.71 acres): The first acquisition site is an existing private residence in the center of the site. It is accessed via a 30'-wide gravel access driveway from Bishop Rd. SE. This plan recommends the City notify the property owner of the city's interest in acquiring the site and execute a "right-of-first refusal" agreement. The acquisition will enable the city to develop the full park site, add parking, recreational trails or expand the dog park area proposed for the east end of the park. The existing home may be remodeled for use as an arts center, senior center, youth center or for special events and as a restroom facility for the east end of the park. (Assessor's Map 081W30D, Tax Lot 500).
- (2) Parcel B - 7767 Albus Rd. SE (1.39 acres): The second acquisition area is a 1.39-acre site abutting Albus Rd. SE. The site is accessed via a driveway easement to Albus Rd. SE. The city did not acquire this land in 2019 when it acquired the remainder of the site for the park. An environmental assessment is needed. Any contaminated soil, old equipment, materials, or buildings will need to be cleaned up and/or removed from the property. The acquisition of the 1.39-acre area will provide access to the proposed dog park and park maintenance facilities. (Assessor's Map 081W30D, Tax Lot 1700).

Eastside Park Master Plan

The Eastside Community Park Master Plan is attached as Map E-3 "Eastside Community Park Master Plan".

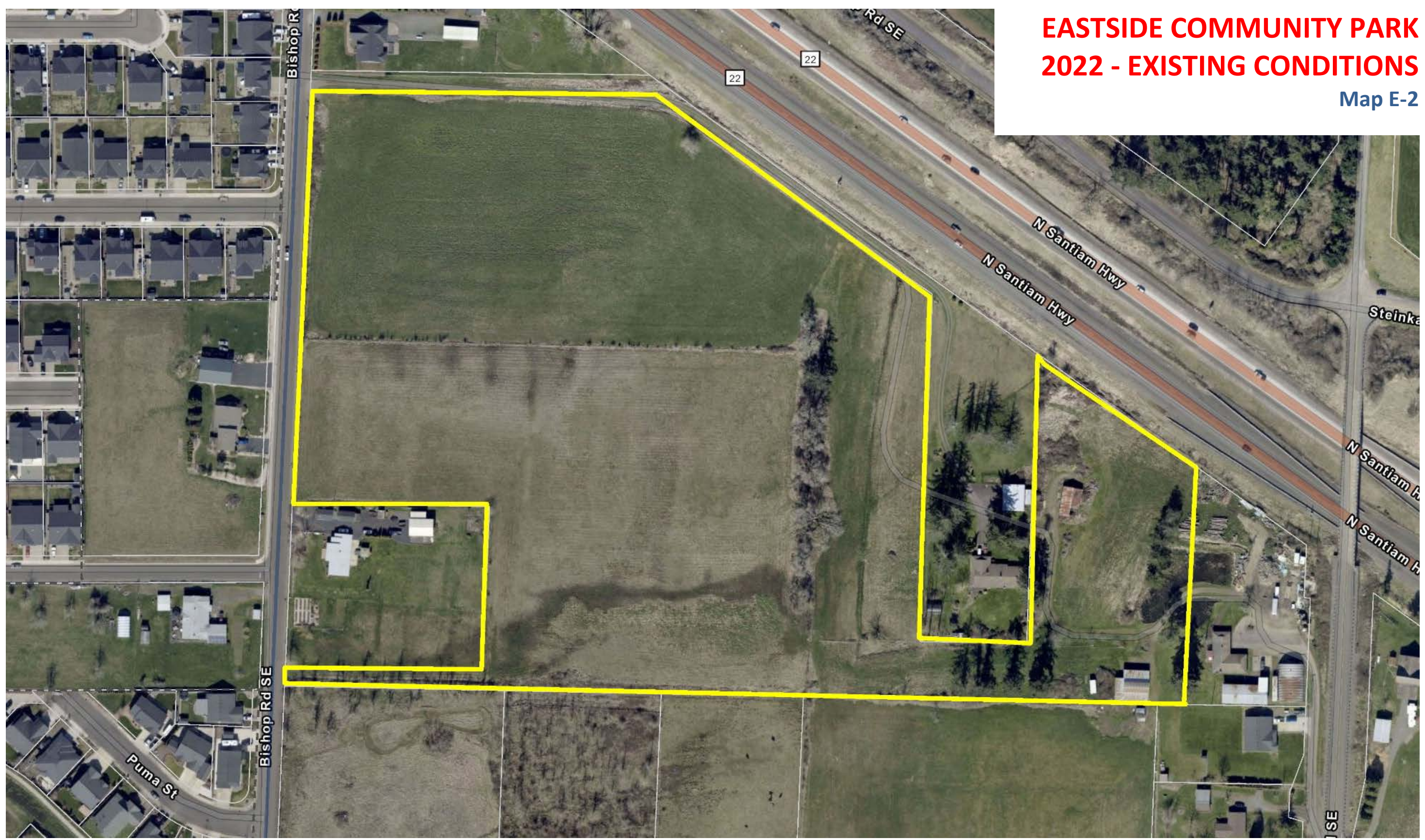
- A. **Summary of the Eastside Community Park Master Plan:** The 22+ acre Eastside Community Park is the city's largest community park. The master plan anticipates the Eastside Community Park will be the centerpiece of Aumsville's park system when it is fully developed. Active recreational facilities including playgrounds, courts, community center, BMX track and multi-purpose fields are located on the west half of the 22-acre park site near Bishop Rd. SE. Facilities for passive recreational activities are found in the eastern half of the park beginning at the Oregon oak grove which runs north-south down the center of the park. Picnic facilities, recreational trail, dog park and a park maintenance facility are located near the oaks and in the eastern half of park closer to Albus Rd. SE.
- B. **Population Served:** The Eastside Community Park will serve all residents within the City of Aumsville, visitors and residents of the greater Aumsville area living within the Cascade School District and surrounding rural areas of Marion County. 2020 Census data for the City of Aumsville shows residents of Aumsville are younger and households are larger than most communities in Marion County. Therefore, many of the key recreational facilities planned for initial development within the park will serve families, young adults, children, and youth.
- C. **Urban Growth Boundary (UGB) Expansion and Annexation of the Eastside Community Park site:** This plan recommends the city initiate a UGB amendment and annexation procedure in 2023. The inclusion of the park in the city limits will give the City authority over the full development of the park site and will enable the City to extend public facilities (water, sewer, and other city-owned utilities) into the park. The Aumsville Planning Commission and City Council will have authority to approve development plans for the property under the Aumsville Development Code.
- D. **Phased Development and Funding:** The Eastside Community Park will be developed in phases over a 20–40-year period. Table E-2 lists one phasing scenario for the development of the park. Phasing will depend on the City's ability to generate funding to pay for the project. Funding to make park improvements will come from a variety of sources including grants, systems development charges, city general funds, volunteer projects and grants from non-profit organizations.

Table E-3
**Eastside Community Park
 Phased Improvements**

Phase	Eastside Community Park Park Improvements	Description
PHASE 1		
Design	Phase 1 Design	Prepare Phase 1 Design Development Plan and Construction drawings and specifications for underground utilities, storm drainage, park lighting, streets, and hard-surface pathway network within the entire Phase 1 area. Develop detailed development plan and construction design drawings for at least Phases 1A and 1B so project is shovel ready and City can budget funds for the project.
1A	Play Area #1	Develop either Play Area #1 (all-weather play surface & structures) or Play Area #2 (natural play area), entry road and west side parking lot and first phase of underground utilities into the park site.
1B	Multi-purpose fields and gravel parking area on south edge of site.	Work with the Cascade Little League to grade and develop the multi-purpose fields, south entry road and gravel parking area.
1C	Recreational trail	Develop a bark chip recreational trail around the perimeter of the park (SE Bishop Rd. to the Oregon oak grove).
1D	Play Area #2	Develop Play Area #2 including shelters, picnic tables, benches, and hard-surfaced pathways.
1E	Restrooms, Circle & Parking Lot	Complete entry road and parking circle, including storm drainage detention facility. Extend public utilities, construct restrooms, hard-surface pathways, and complete landscaping for Phases 1A to 1D.
1F	Basketball and Pickleball Courts	Construct basketball and/or pickleball courts, pedestrian pathways, and landscaping.
PHASE 2		
2A	BMX Track	Design and build BMX track facility.
2B	Oak Grove trails and picnic facilities	Construct hard-surfaced pedestrian pathway, picnic shelters and drainage improvements within the Oregon oak grove.
2C	Amphitheater	Design and construct the amphitheater. Extend needed underground electrical utilities, storm drainage facilities and hard-surfaced pedestrian pathways to site.
2D	Land Acquisition (East Side)	Purchase 2.71-acre property at 7582 Bishop Rd. SE
2E	Dog Park	Develop shelters, hard-surfaced pathway, and fenced enclosures for dog park.
PHASE 3		
3A	Community Center	Design and build 7,000 square foot community center and event plaza.
3B	Splash Pad / Water Play Area	Design and build water play area.
3C	Activity Center	Plan, design, and build/remodel existing homes into an activity center. Develop additional parking for the dog park and activity center building.
3D	Land Acquisition (East side)	Purchase 1.39-acre property at 7767 Albus Rd. SE
3E	Maintenance Facility	Develop entry road from Albus Rd. SE and develop a maintenance facility and small parking area in SE corner of park site.

EASTSIDE COMMUNITY PARK 2022 - EXISTING CONDITIONS

Map E-2



**EASTSIDE
COMMUNITY
PARK
MASTER
PLAN
Map E-3**



Quatrefoil Inc.
Civil & Landscape Architects • Space Planning
415 NE 6th Ave., Portland, Oregon 97231
Tel: (503) 257-8955

CITY OF AUMSVILLE
EAST SIDE COMMUNITY PARK
Aumsville, Oregon

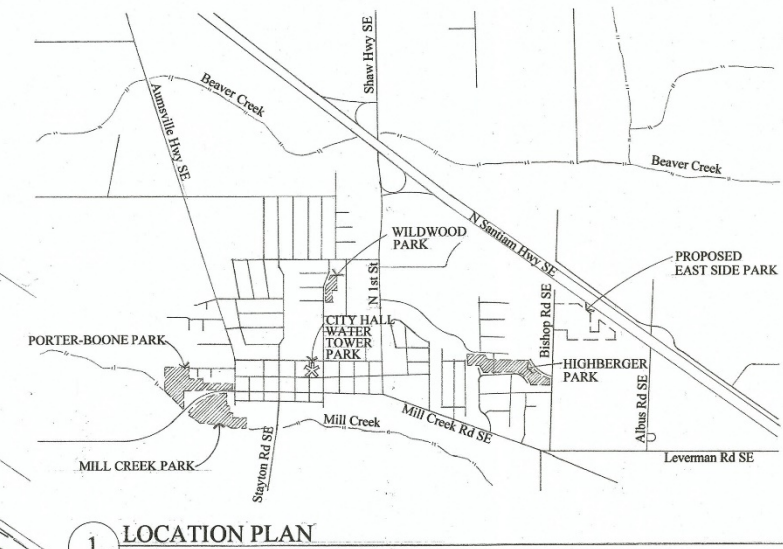
Park Master Plan

REVISIONS:

DATE: 4.3.2023

SCALE: 1"=50'-0"

SHEET: MP.1



1 LOCATION PLAN

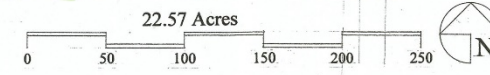


Exhibit B

Aumsville Parks Master Plan June 2023 Update (on file at City Hall)



City of Aumsville

David W. Kinney

Planning Consultant for the City of Mill City

791 E. Hollister St., Stayton, OR 97383

Office: (503) 769-2021 Cell: (503) 551-0899

Email: dwkinney@wvi.com

October 6, 2022

To: Ron Harding, City Administrator
Parks Advisory Committee

From: David W. Kinney, Community Development Consultant

In RE: Eastside Community Park Master Plan
Statewide Comprehensive Outdoor Recreation Plan

Oregon statewide planning Goal #8 "Recreational Needs" and the Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) provide guidance to the community on local planning responsibilities for recreational facilities. The 2019-2023 SCORP provides research on recreation desires and needs of Oregonians and recommendations for making park improvements in local communities.

I. Statewide Planning Goal #8: Recreational Needs

The purpose of Goal 8 is "To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts." Local governments are required to plan for parks and recreational facilities in coordination with private enterprise, state and federal agencies. Oregon's small cities are encouraged to adopt a parks master plan that complies with statewide planning goal requirements. Proposed parks and recreational facilities should be planned for and developed in such quantity, quality and locations to meet the needs of local residents for a 20-year planning period.

Under Goal 8, the state recommends each city:

- inventory recreation needs,
- identify recreation opportunities,
- coordinate parks and recreation plans with other agencies,
- be consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP),
- consider energy consequences of facility development, and
- encourage use of non-motorized recreational activities.

Local governments planning for the development of new parks and recreation facilities or redevelopment of existing facilities are encouraged to give priority to:

- recreation needs in high population areas,
- users with limited mobility and finances,

- maximize the conservation of energy in the transportation of people to parks and recreation facilities and also in the use of energy in the facility,
- minimize environmental deterioration,
- provide recreational facilities to the public at nominal costs, and
- meet needs of visitors to the state.

Goal 8 encourages local governments to adopt measures to finance and acquire park and recreation facilities. Cities are encouraged to take into consideration various techniques for land acquisition including, but not limited to, fee simple site acquisition, conservation easements, development rights acquisition and subdivision park land dedication. The adoption of the Eastside Community Park master plan will enable the City to effectively compete for grants from the Oregon Parks Department, Oregon Department of Transportation and private foundations.

II. Statewide Comprehensive Outdoor Recreation Plan (SCORP)

OPRD has a key role in planning, conducting research and providing guidance to local governments and private recreation providers on contemporary parks issues. The SCORP is Oregon's five-year plan for outdoor recreation. It enables Oregon to qualify for funding from the Land and Water Conservation Fund (LWCF), a federal program established in 1964 to create parks, preserve open spaces and wildlife habitats, and enhance recreational opportunities. The LWCF allots federal grant money to states, which in turn, provides grants to local parks and recreation agencies. To qualify for an LWCF federal appropriation, a state must complete a SCORP study every five years. The plan also provides guidance for other OPRD-administered grant programs including the Local Government Grant, County Opportunity Grant, Recreational Trails Grant and Heritage Grants.

2.1 SCORP Research and Findings

In 2019, OPRD released the 2019-2023 SCORP. It includes a wealth of research data about the recreational activities, desires and needs of Oregonians. The 2019 SCORP summarizes societal and demographic changes which have occurred in the recent decade and will face Oregon recreation providers in the 2020's. The SCORP describes how Oregonians use parks and recreational facilities and reviews national and statewide recreation trends. The 2019-2023 SCORP recommends local recreation providers adapt to four significant trends on how Oregonians recreate and use public parks facilities. Those trends are:

- (1) Oregon's rapidly aging population will generate different demands on parks and recreation facilities;
- (2) Oregon is becoming increasingly diverse;
- (3) Youth are becoming less engaged in outdoor recreation;
- (4) There is a significant underserved low-income population throughout the state; and
- (5) Oregonians need to take advantage of the health benefits of physical activity that are available when people participate in outdoor recreation activities.

The 2019 SCORP includes results of a variety of surveys and data analysis reports on outdoor recreation use and societal trends. A 2017 Oregon State University survey of a random sampling of Oregonians (*Oregon Resident Outdoor Recreation Survey*) provides a plethora of data on how Oregonian recreate and use local, state and federal recreation facilities. A 2018 Oregon Parks and Recreation Provider Survey surveys recreation providers from

throughout the state identifies a list of park facility improvement priorities and funding needs from agencies around the State of Oregon.

The Oregon Parks and Recreation Department has published “*A Guide to Community Park and Recreation Planning for Oregon Communities*”. The planning guide plus information in the 2008, 2013 and 2019 SCORP documents provide guidance to local governments on parks facility standards, development and maintenance of sustainable parks and a tool-kit for the development of local parks and recreation facility plans.

Oregon Outdoor Recreation Trends

1. Oregon’s population is rapidly aging.

In 2020, more than 23% of Oregon’s population was age 60 or older. By the year 2030, more than 27% will be over age 60. U. S. Census shows the percentage of seniors (age 65+) has steadily increased from 13.9% in 2010 to 18.2% in 2020.¹ With an aging population comes health and economic challenges. Parks and recreation providers play a key role in providing opportunities for senior citizens to maintain good health, through such activities as walking, biking or active participation in outdoor leisure sports and recreational programs.

*In 2030,
27% of Oregon’s population will be
60 years of age or older.*

*Seniors have a strong desire
to stay physically active and
engaged with their community.*

The 2019 SCORP report presents several findings regarding the recreation activities and needs of senior citizens. Although recreational activities decrease with age, seniors have a strong desire to stay physically active and engaged with their community. The 2017 Oregon Resident Outdoor Recreation Survey solicited data on two aging population categories “young old” (ages 60-74) and “middle old” (ages 75-84) to discern the levels and types of recreation activities these Oregonians participate in. Over 92% of respondents stated they participated in at least one outdoor recreation activity. The responses identified the following as the most popular activities for “young old” respondents (ages 60-74).

Popular Recreation Activities for “young old” Oregonians (Ages 60-74), with % participating:

1. Walking on local streets & sidewalks (75%).
2. Sightseeing, driving or motorcycling for pleasure (63%)
3. Walking on local trails or paths (63%)
4. Beach activities – visiting the ocean (51%)
5. Visiting historic sites / history themed parks / history-oriented museums, visitor centers (49%)
6. Relaxing, hanging out, escaping heat/noise (45%)
7. Picnicking (44%)
8. Walking, day-hiking on non-local trails and paths (43%)
9. Attending outdoor concerts, fairs, festivals and events (43%)

¹ *Oregon Demographic Trends*, Office of Economic Analysis, Oregon Department of Administrative Services, State of Oregon, December 2012 and U. S. Bureau of the Census, American Community Survey, Annual Estimates of Resident Populations, 2010 and 2020.

10. Taking your children / grandchildren to a playground (36%)

As part of the survey, seniors in both age ranges were asked to identify barriers to participation in outdoor recreation and to recommend priorities which would increase their participation in outdoor recreation within their communities. The surveys provide clear guidance for community leaders who provide “close-to-home” recreation opportunities in local parks:

- Provide more and cleaner restrooms.
- Provide bark chip, dirt or soft walking trails and pathways in local parks, with benches along the way.
- Add picnic areas and shelters for small visitor groups.
- Provide safe access to waterways, nature & wildlife viewing.
- Safety is a priority – open views, good lighting and security enhancements to parks are desired.

These responses are consistent with prior statewide outdoor recreation surveys summarized in the 2008 and 2013 SCORP reports. Survey respondents want clean and well-maintained parks, walking/hiking trails close to home, and free-of-charge recreational opportunities. Retirees are also willing to volunteer their time and expertise, but are not always sure how or where they can volunteer in the local community.

Local parks and recreation agencies can provide facilities which enable older Americans to stay physically active and provide opportunities for citizens to volunteer their time. Studies show that volunteering helps older adults maintain physical and mental health. More effort is required to convey information to senior citizens about close-to-home volunteer opportunities.

2. Oregon is becoming increasingly diverse.

The share of Oregon’s population that is Hispanic, Asian, and African-American was projected to grow from 13% in 2000 to 22% in 2020. SCORP research has shown that non-white groups are less likely than whites to participate in outdoor activities and forego the many health and social benefits that outdoor recreation can offer. Non-whites also are less physically active and have a higher incidence of obesity than White Oregonians.

As the minority populations grow in number, there is a need for a greater understanding of the factors that limit the number of Hispanic, Asian, and African-American community members who visit park and recreational facilities. The SCORP study included surveys mailed to a random sample of Hispanic and Asian households to gather information about the respective group’s recreational needs and concerns. The factors that led to spending fewer days participating in outdoor activities than whites were lack of information (such as knowledge of age/gender-appropriate programs), safety concerns, and the costs to participate. The surveys do show an interest in outdoor recreation if these constraints were overcome. A 2017 survey focused on Hispanic and Asian respondents found these groups use local parks more frequently than county, state or federal parklands. They participate in similar activities including walking on local streets and trails, hanging out with friends, picnicking, going to the beach and attending outdoor events.

OPRD conducted focus groups that centered on the opportunities and constraints of increasing outdoor activity among non-white groups. OPRD recommendations to local governmental and recreational agencies are:

- a. Develop local parks with more walking trails and improved walking routes to/from home.
- b. Provide recreational facilities large enough to host extended families. This is especially important for picnic facilities.

- c. Recruit a diverse staff and establish relationships with trusted community leaders that can help enhance awareness of regional opportunities to respective groups.
- d. Include non-English languages in pamphlets and websites to target Oregon's diverse population.

3. Fewer Oregon youth are learning outdoor skills and are less engaged with outdoor recreation.

Although Oregon has abundant natural resources and opportunities to recreate outdoors, youth are gravitating towards an indoor virtual reality, whether from surfing the Internet, using social media, or playing video games. Compared to prior studies, the 2013 and 2019 SCORP data shows participation in outdoor recreation opportunities such as camping, fishing, and hunting has dramatically decreased. National and statewide surveys forecast this trend will continue. Health professionals agree it is important for youth to be engaged in outdoor activity. Research has shown that adults have a greater chance of being physically active in adulthood if they participated in outdoor recreation when they were young.

Parent and youth surveys conducted as part of SCORP study revealed parents believe their children should spend more time outdoors. The study found there are certain factors that limit youth participation in outdoor activities: lack of information about available recreational opportunities and the cost to participate (especially for low-income families). The survey of Oregon's youth found they are most interested in being able to play outdoor field games, followed by biking and camping. Oregon's youth are aware the state has extensive year-round outdoor recreation opportunities and expressed a desire for more opportunities to play or recreate outdoors in small groups or with friends. Recreation activities of interest ranged from fishing, hiking and river tubing in the summer to skiing and sledding in the winter. Despite the expressed interest, actual participation rates in these outdoor activities continue to decline.

2013 SCORP data shows youth participation in outdoor recreation opportunities such as camping, fishing, and hunting has dramatically decreased over the past 30 years.

The SCORP concludes providing fun and engaging outdoor activities to Oregon's youth will help to reestablish a foundation that has been symbolic to Oregon's history. Active involvement in outdoor recreation builds a personal connection between the individual and the environment that grows more important as the individual grows older. To help reverse the declining levels of youth participation in outdoor recreation activities, public and private parks and recreation providers need to develop opportunities that draw families and youth out of homes and into nature.

The SCORP offers several recommendations to local and regional recreation agencies:

- a. Inventory the local private, non-profit, and governmental family and youth facilities/programs and assess whether they are appropriate for today's youth.
- b. Develop relationships with the above facilities/programs to ensure they are running at their highest potential. It is possible that more information is needed to increase awareness about the opportunities, including low-cost or free options that all families can afford. Extol the importance of developing outdoor skills and maintaining physical activity.
- c. Strive to make sure outdoor public spaces are safe for youth and families.

The 2019 SCORP makes several recommendations to Oregon's local park providers. LWCF and Oregon Local Government Grant Program funds will make grant awards to communities which make improvements encourage youth and family involvement with nature. In Sublimity, play areas that encourage children, youth and families to

interact with their natural environment should be high priorities and should be consistent with the following statewide priorities.

- Develop “Natural Play Areas” in neighborhood and community parks. Play areas built with natural materials and integrated into the environment encourage creative play and an appreciation for nature.
- Incorporate playground elements that are accessible to children and youth with disabilities.
- Provide bark chip, dirt or soft walking trails and pathways.
- Provide children’s playgrounds and play areas with manufactured structures.
- Add more restrooms.
- Provide access to waterways, nature & wildlife viewing.

In summary, the SCORP surveys conclude close to 100% of Oregon families participate in outdoor recreation activities. Because “Close-to-home” parks and natural areas are accessible to most Oregonians, Oregon’s small cities are well-positioned to enhance their neighborhood and community parks and enable their citizens to connect with their natural environment.

4. Oregon residents with low incomes are underserved.

Oregon’s low-income populations are less likely to use public parks and recreation facilities than other residents of the state. A National Parks and Recreation Association survey also finds low- and moderate-income families have less access to nearby parks and recreation sites. A 2017 survey of low-income Oregonians found 89% participated in at least one outdoor recreation activity; activities were similar to other Oregonians with walking, hanging out, sightseeing and picnicking being the top activities. 80% of respondents stated it was important to have a local park within a 10-minute of less walking distance from their home.

The SCORP concludes local park providers need to provide “close-to-home” parks and recreation facilities within walking distance for all residents and make their parks accessible to all residents of the community.

5. More Oregon residents need to take advantage of the health benefits of physical activity.

Oregon’s population has become unprecedentedly obese. This can be correlated with the declining rates of physical activity. Health effects from obesity are significant; overweight and obese individuals have a higher incidence of chronic diseases such as coronary heart disease and Type-2 diabetes. The health costs of being physically inactive and not maintaining a good diet are not just limited to physical well-being, as mental illnesses such as depression have increased as well. These findings are given a firmer foundation when it is noted that a greater number of Oregonians (56%) are physically active and have lower rates of chronic diseases than sedentary adults (44%).

There is good news in the SCORP findings that counteract the national and state trend towards increasing physical malaise. The study reports that *“Public facilities such as trails, swimming pools and parks that are conveniently located have been found to be positively associated with vigorous physical activity in a number of studies, among both adults and children.”*

Regions of the state that have more hiking or urban trail miles per household had higher rates of physical activity among the local population. This finding was from an October 2007 report from Oregon State University,

“Health and Recreation Linkages in Oregon: Physical Activity, Overweight, and Obesity”. The report states health benefits accumulate quickly as the movement towards physical activity begins, and even obese residents who maintain levels of activity have lower morbidity and mortality than normal weight individuals who have a lower physical activity regime.

The state encourages local parks and recreation providers to focus on providing recreational facilities that can positively influence increased physical activity to the population, in order to help decrease rising obesity and health costs in Oregon. One of the roles a small city can play is to support an environment that is healthful to residents and visitors and limits stress-inducing factors that beleaguer the population. Local plan policies may:

- a. Promote physical activity by developing pedestrian and bicycle paths through local parks and open space that are close to home.
- b. Develop a variety of recreation facilities, equipment and features to entice various users to use local parks as a destination, no matter the occasion or circumstances.
- c. Market to at-risk groups. Provide information on the presence of existing trails, parks and recreation facilities and promote the health benefits of regular outdoor exercise.

These trends reflect how Oregon continues to change. It is important for the *Sublimity Parks Master Plan* to bring into focus how the City can aid in solving inherent challenges that come with an aging population, declining youth outdoor activity, diversifying demographics, and rising rates of obesity.

2.2 2019-2023 SCORP “RESPONDING TO DEMOGRAPHIC AND SOCIETAL CHANGE”

In 2018, OPRD adopted a new five year Statewide Outdoor Recreation Plan entitled *“Ensuring Oregon’s Outdoor Legacy.”* The 2019-2023 SCORP is the current five-year plan for Oregon outdoor recreation. The plan provides an overview of the role and responsibilities of federal, state, and local providers of recreational facilities and services. Local providers are identified as county, municipal, special district, school and private sector.

The SCORP states the mission of local recreation providers should be to provide natural areas, parks and recreation facilities, services and programs to meet the needs of the population it serves.

The City of Aumsville does not have the staffing and resources to provide extensive year-round recreation programs and services. Over the past five years from 2017-2022, the City of Aumsville has made significant improvements to the city’s public parks. The City Council, city hall administration and public works department have committed to providing quality parks and outdoor recreation facilities such as walking trails, picnic shelters, restrooms, water park and playgrounds in the city’s neighborhood parks and community parks.

The 2019-2013 SCORP provides survey data on outdoor recreation use by Oregonians and recent recreational trends. Based on the data, the SCORP provides policy guidance to the state’s recreation providers on how to plan for and address recreational needs of Oregonians in the next ten years. It recommends cities and counties adopt park and recreation plans and policies that address Oregon’s current recreational needs and identified priorities. The SCORP - *“Responding to Demographic and Society Change”* can be found at the OPRD website:

<https://www.oregon.gov/oprd/PRP/Documents/SCORP-2019-2023-Final.pdf>

During the preparation of the 2019-2022 SCORP, OPRD surveyed a random sample of Oregonians to identify their recreational activities and priorities and then tabulated the results on both a statewide and a county-by-county

basis. Survey respondents identified the values and benefits of services delivered by Oregon’s park and recreation providers. The highest rated values and benefits were: (1) improving physical health and fitness, (2) making the local community a better place to live, and (3) preserving open space and the environment.

1. Marion County Survey Results

OPRD surveyed public recreation providers and Oregon residents in 2011. Two survey instruments were used for recreation providers: the first survey was for entities which provide recreational facilities and services inside urban growth boundaries and the second survey for agencies that provide recreational facilities and services in rural areas. Agencies were asked to identify the highest priority needs for funding “close to home” recreation facilities during the next five years.

Oregon residents were asked a similar question. Residents were asked to rate 21 recreational priorities using the question: *What should park and forest agencies invest in? For each of the following amenities [21 were listed], please indicate the level of priority for future investment.* Both surveys used a rating of 1 to 5, with a rating of 5.0 indicating a high priority and 1.0 indicating a low priority. The following table shows the compilation of results of the highest priorities for Marion County and for Oregon residents who live in suburban communities.

Table 2-1
2018 SCORP Survey Results
Recreational Facility Priorities

Public Recreation Provider Survey Marion County Needs		Oregon Resident Survey Statewide Suburban Need Results	
Close to Home Priorities	Score	Needed Recreation Facility	Score
Children’s playgrounds and play areas built with manufactured structures like swing sets, slides and climbing apparatus.	4.17	Soft surface walking trails and paths	3.78
Acquisition of park land for developed recreation	3.8	More restrooms	3.61
Picnicking / day use facilities	3.7	Children’s playgrounds and play areas made of natural materials (logs, water, sand, boulders, hills and trees)	3.52
		Nature and wildlife viewing	3.52
		Public access sites to waterways	3.46

2. Key Statewide Issues Facing Parks and Recreation Providers: Funding and Sustainability

A key finding of the 2013-2017 SCORP is that *“Funding maintenance of existing parks and recreation facilities and funding for the construction and development of new parks and recreation facilities”* poses a major challenge to local parks and recreation providers. Parks and recreation providers and OPRD identified the following issues confronting them during the next ten years:

- a. Provide adequate funds for routine and preventative maintenance.
- b. Fund major rehabilitation of parks and recreation facilities at the end of their useful life.
- c. Add recreational trails and trail connectivity between parks and communities.

- d. Recognize and strengthen park and recreation role in increasing physical activities in Oregon's population.
- e. Recommend a standard of sustainable park practices for outdoor recreation providers.

OPRD used these issues to develop application and funding guidelines for its grant programs including the Local Government Grants Program and Recreational Trails funding programs. As cities look at their existing park facilities and plan for future park improvements, they will be expected to incorporate best management and sustainable management practices so that they can continuously maintain high quality park facilities.

Exhibit D

Public Hearing Notices (on file at City Hall)

ORDINANCE NO. 716

AN ORDINANCE AMENDING CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND ADOPTING THE AUMSVILLE PARKS MASTER PLAN (June 2023 Update)

WHEREAS, Goal 8 “Recreational Needs” and Goal 11 “Public Facilities” of the statewide land use goals recommend cities plan for the orderly provision of parks and recreation facilities within the City’s urban growth boundary to meet the needs of the City for the next twenty years; and

WHEREAS, on July 11, 2022 the City adopted the City of Aumsville Parks Master Plan as a technical facilities plan amendment to the City of Aumsville Comprehensive Plan; and

WHEREAS, the City received a grant from the Oregon Parks and Recreation Department to prepare an updated parks master plan for the community and develop a master design plan for the newly acquired 22.71-acre Eastside Community Park; and

WHEREAS, the City retained David Kinney, Community Development Consultant, and Brian Bainson, Landscape Architect, Quatrefoil, Inc., to prepare amendments to the City of Aumsville Parks Master Plan for the 20-year planning period and to prepare a master planning design concept and narrative describing recommended park improvements within the Eastside Community Park; and

WHEREAS, the City appointed a Parks Advisory Committee to work with the consultants and City staff to prepare the Parks Master Plan update; and

WHEREAS, the Parks Advisory Committee recommends the City adopt several amendments to the City of Aumsville Parks Master Plan including:

1. Eastside Community Park Master Plan and Narrative – Appendix A-8.
2. Replace Chapter 3 “Demographics” with updated population projections and demographic information on Aumsville’s residents.
3. Update Chapter 4 “Parks Planning” with information for the 2019-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP) prepared by the Oregon Parks and Recreation Department.

WHEREAS, the Parks Advisory Committee hosted several open houses and public meetings from October 2022 through March 2023 to obtain public input during the development of the parks master plan update; and

WHEREAS, on June 15, 2023 the City of Aumsville Planning Commission held a public hearing, as part of their regularly scheduled meeting, to obtain public testimony and discuss the amendments to Chapter 6 – Parks and Recreation Element of the Aumsville Comprehensive Plan and amendments to the City of Aumsville Parks Master Plan; and

WHEREAS, the Aumsville Planning Commission recommends the City Council adopt the amendments to both the Aumsville Comprehensive Plan and the City of Aumsville Parks Master Plan; and

WHEREAS, on June 26, 2023 the City Council held a public hearing to consider the plan amendments; and

WHEREAS, after the close of the public hearing the City Council deliberated on the proposal and adopted the findings of fact as presented in the staff report; and

WHEREAS, the City Council concludes the updated Chapter 6 “Parks and Recreation Element” of the Aumsville Comprehensive Plan, as set forth in Appendix “A”, and the City of Aumsville Parks Master Plan (June 2023 Update) are consistent with statewide planning goals, the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Marion County Parks Master Plan, and the City Council desires to adopt the updated City of Aumsville Parks Master Plan (June 2023 Update) as a technical facilities plan that supports and is consistent with the City of Aumsville Comprehensive Plan; and

WHEREAS, Appendix A of the City of Aumsville Parks Master Plan, includes individual park narratives and concept plans for the development and improvement of individual park facilities in the City of Aumsville, including a design for the Eastside Community Park. The Council concludes the park plan narratives and concept designs for each park found in Appendix A are to be used as a guide for the future improvement and development of parks and recreation facilities inside the Aumsville Urban Growth Boundary;

NOW THEREFORE, the City Council of the City of Aumsville hereby ordains as follows:

SECTION 1 – CITY OF AUMSVILLE COMPREHENSIVE PLAN AMENDMENTS.

Chapter VI – Parks and Recreation Element of the Aumsville Comprehensive Plan, dated June 2023 and attached hereto as Exhibit “A”, is hereby adopted to replace the previously enacted Chapter 6 of the Aumsville Comprehensive Plan in its entirety.

SECTION 2 - ADOPTION OF THE CITY OF AUMSVILLE PARKS MASTER PLAN:

The City of Aumsville Parks Master Plan (June 2023 Update) is hereby adopted as the parks master plan for the City of Aumsville. The City of Aumsville Parks Master Plan (June 2023 Update) is incorporated by reference, as if set forth in full herein. A copy of the adopted plan is filed at Aumsville City Hall and is available to the public for inspection.

SECTION 3 - PARKS MASTER PLAN NARRATIVES AND CONCEPT PLANS:

Appendix A in the *City of Aumsville Parks Master Plan* includes individual park narratives and master plans for the development and improvement of individual park facilities in the City of Aumsville. The park plan narratives and master plan designs for each park are to be used as a guide for the future improvement and development of parks and recreation facilities inside and adjacent to the Aumsville Urban Growth Boundary.

SECTION 4 - SEVERABILITY: If any provision, section, sentence or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5 – EFFECTIVE DATE. This ordinance will take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading by unanimous vote on the _____ day of _____, 2023.

PASSED its second reading and ADOPTED by the Aumsville City Council on the _____ day of _____, 2023.

Angelica Ceja, Mayor

Attest:

Ron Harding, City Administrator

Exhibit “A” – Ordinance 716

Chapter VI Parks and Recreation Element of the Aumsville Comprehensive Plan

Local parks, natural areas, recreational facilities and open spaces are a part of the urban form that makes a small town unique. They provide venues for community events. They create opportunities for residents and visitors to interact with each other, play, make friends and create memories. These public gathering spaces may be the site of a family picnic, a parade, a Friday night football game, a quiet walk with the dog along a creekside trail, a reflective moment at the veteran’s memorial, a place to view the beauty of fall colors or listen to the rustle of leaves. Public parks and open spaces are essential elements of a livable community.

As the City of Aumsville grows, the community leaders will invest in parks, trails, and open spaces to serve a growing population. This chapter reviews existing parks and recreation facilities in the City of Aumsville and adopts goals and policies to guide development through the year 20435.

6.1 Statewide Planning Goals related Parks and Open Space

Each city in Oregon is required to provide land for public uses, protect natural resources, plan for the development of parks and open spaces, and provide recreational opportunities for local residents and visitors. Statewide planning goals Goal 2-“Land Use”, Goal 5-“Natural Resources”, Goal 8-“Recreational Needs” and Goal 12-“Transportation” each have elements in their goals, implementation policies and administrative rules that must be considered by local officials when planning for local parks and recreational opportunities.

Goal 2: Land Use Planning:

Goal 2 requires the City to plan for all types of land uses including the provision of an adequate supply of land for public purposes. The Aumsville Comprehensive Plan map and Zoning Map include a Public “P” plan designation and zone which are used to regulate existing public uses and preserve publicly owned properties for public uses.

Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces:

The purpose of Goal 5 is *“To protect natural resources and conserve scenic and historic areas and open spaces.”* Cities are required to adopt plans to protect natural resources and conserve scenic, historic, and open space resources.

Goal 8: Recreational Needs:

The purpose of Goal 8 is *“To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”* Local governments are required to plan for parks and recreational facilities

in coordination with private enterprise, non-profits, state, and federal agencies. Parks and recreational facilities should be planned for and developed in such quantity, quality, and locations consistent with the availability of resources.

Under Goal 8 cities are required to:

- inventory recreation needs,
- identify recreation opportunities,
- coordinate parks and recreation plans with other agencies,
- coordinate with the Statewide Comprehensive Outdoor Recreation Plan (SCORP),
- consider energy consequences of facility development, and
- encourage the use of non-motorized recreational activities.

Local governments planning for the development of new parks and recreation facilities, or redevelopment of existing facilities are encouraged to give priority to:

- recreation needs in high population areas,
- users with limited mobility and finances,
- maximize the conservation of energy in the transportation of people to parks and recreation facilities and also in the use of energy in the facility,
- minimize environmental deterioration,
- provide recreational facilities to the public at nominal costs, and
- meet the needs of visitors to the state.

Goal 8 encourages local governments to adopt measures to finance and acquire park and recreation facilities. Cities are encouraged to consider various techniques for land acquisition including, but not limited to, fee simple site acquisition, conservation easements, development rights acquisition and subdivision park land dedication.

Goal 11: Public Facilities and Goal 12: Transportation:

Goals 11 and 12 and the accompanying administrative rules in OAR 660-011 requires cities larger than 2,500 persons to prepare and adopt public facility plans and OAR 660-012 requires cities to prepare and adopt transportation system plans. Facility plans include (1) an assessment of the existing facilities, including deficiencies and needed improvements; (2) assessment of vulnerability to natural hazards; (3) updated system-wide facility maps; (4) timing of when public facility improvements will be needed; (5) cost estimates; (6) a prioritized capital improvements list (5-7 year list) and (7) a financing plan listing potential local, state and federal funding sources and opportunities. The transportation planning rule, OAR 660-012, requires cities to plan for all types of transportation facilities including multi-purpose paths and trails which serve a recreational and transportation purpose.

The City of Aumsville has adopted public facility plans for its infrastructure (water, sewer, and storm drainage facilities) and has adopted a transportation system plan, Chapter 4 of the Aumsville Comprehensive Plan.

6.2 Aumsville Parks Master Plan

The City of Aumsville has adopted the Aumsville Parks Master Plan as a technical facilities plan amendment to the Aumsville Comprehensive Plan. The parks master plan complies with statewide planning goals and administrative rules and is consistent with other elements of the Aumsville Comprehensive Plan.

The Aumsville Parks Master Plan has been updated several times since its original adoption in 1996. In June, 2023, the City Council completed the most recent update to the plan to incorporate information on the Eastside Community Park, acquired in 2019. The plan includes narratives on each city park. Each park narrative includes maps of the existing park facilities, a master plan map for the park and a priority list of recommended improvements. The Aumsville Parks Master Plan Map identifies existing park facilities and recommends general locations for the addition of future parks within the Urban Growth Boundary. The adopted Park Master Plan map is included at the end of this Chapter.

The parks master plan provides a guide for the acquisition and development of park and recreation facilities in the City of Aumsville and the unincorporated areas of Marion County within Aumsville's urban growth boundary. Maintaining a current parks master plan enables the City to invest public funds in the highest priority park improvement projects and effectively compete for grants from the Oregon Parks Department, donors, and private foundations.

6.3 City of Aumsville Parks and Recreation Goals and Policies

The City has adopted the following goals and policies as part of the Aumsville Parks Master Plan.

STATEWIDE PLANNING GOALS

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES: To protect natural resources and conserve scenic and historic areas and open spaces.

GOAL 8 – RECREATIONAL NEEDS: To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

CITY OF AUMSVILLE PARKS AND RECREATION GOALS

Goal P-1: To provide a variety of parks and recreational facilities to meet the needs of Aumsville's residents and visitors, enhance the livability of the City and enhance Aumsville's reputation as a great place to live and play.

Goal P-2: To provide accessible parks and recreation facilities for our citizens.

Goal P-3: To preserve natural areas and open spaces along Aumsville's waterways.

CITY OF AUMSVILLE COMPREHENSIVE PLAN POLICIES

Policy P-1: Parks Master Plan. The Aumsville Parks Master Plan is adopted as a technical amendment to the Aumsville Comprehensive Plan. The Aumsville Parks Master Plan will serve as a

guide for parks and open space land acquisition, the development of new parks, trails, and recreation facilities and for the improvement of existing parks within the City of Aumsville.

Policy P-2: Future Park Sites. The *Aumsville Parks Master Plan* identifies the general locations for future parks. In order to acquire specific properties, the City is encouraged to work with existing property owners to acquire property from a willing seller. The City may purchase the property, obtain either a right-of-first refusal or enter into an agreement for future acquisition.

Policy P-3: Community Parks. The City will acquire additional land to expand the city's two community parks: Eastside Community Park and Porter-Boone Park.

Policy P-4: Neighborhood Parks. The City will develop neighborhood parks to serve existing and future residential neighborhoods, so the majority of residents live within a ¼ mile radius of a local park.

Policy P-5: Dedication of Land for Parks and Open Space.

- a. The City will include park land and trail acquisition/dedication requirements and development standards in the Aumsville Development Code to enable the City to acquire park land and open spaces concurrently with new development.
- b. Dedication of less than one-half acre for a neighborhood park is discouraged unless it is positioned on the edge of a subdivision and can be combined with adjoining vacant land as it develops.
- c. Park names may recognize the donor, honor a historical community figure, or refer to a geographic site.

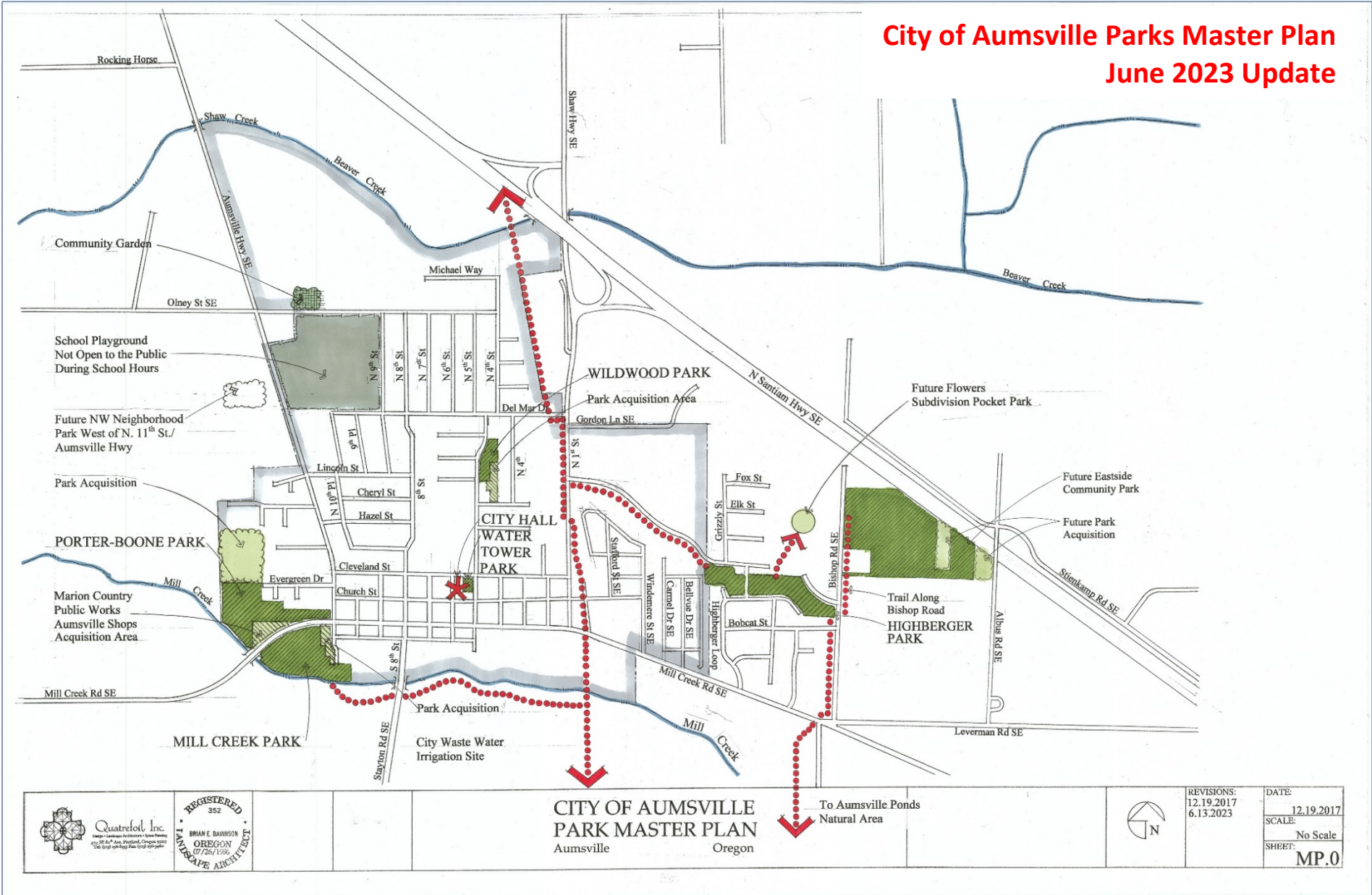
Policy P-6: Youth Recreation Facilities. The City will support efforts to provide community-based recreational facilities and programs to serve local youth and families. The addition of an indoor recreation facility, multi-purpose fields and similar facilities are a priority.

Policy P-7: Public Access to Mill Creek and Highberger Ditch. Whenever possible, the City will acquire land and protect open spaces along Mill Creek and Highberger Ditch. These open space areas will provide areas for storm water detention, improve flood plain functions, provide a natural riparian corridor, protect existing wetlands, and provide attractive natural areas along these waterways.

Policy P-8: Pedestrian and Recreational Trails. The City will develop recreational trails plan that may include pedestrian paths, sidewalks, and multi-use trails to connect residential neighborhoods with parks, schools, and the Main St. business district.

Policy P-9: Coordination with State and County Parks and Recreation Facility Plans. The City will coordinate the city's park and recreation facility planning with the *Marion County Parks Master Plan* and the *Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP)*.

City of Aumsville Parks Master Plan June 2023 Update



**CITY OF AUMSVILLE
PARK MASTER PLAN**
Aumsville Oregon

To Aumsville Ponds
Natural Area



REVISIONS: 12.19.2017 6.13.2023	DATE: 12.19.2017
	SCALE: No Scale
	SHEET: MP.0

City of Aumsville

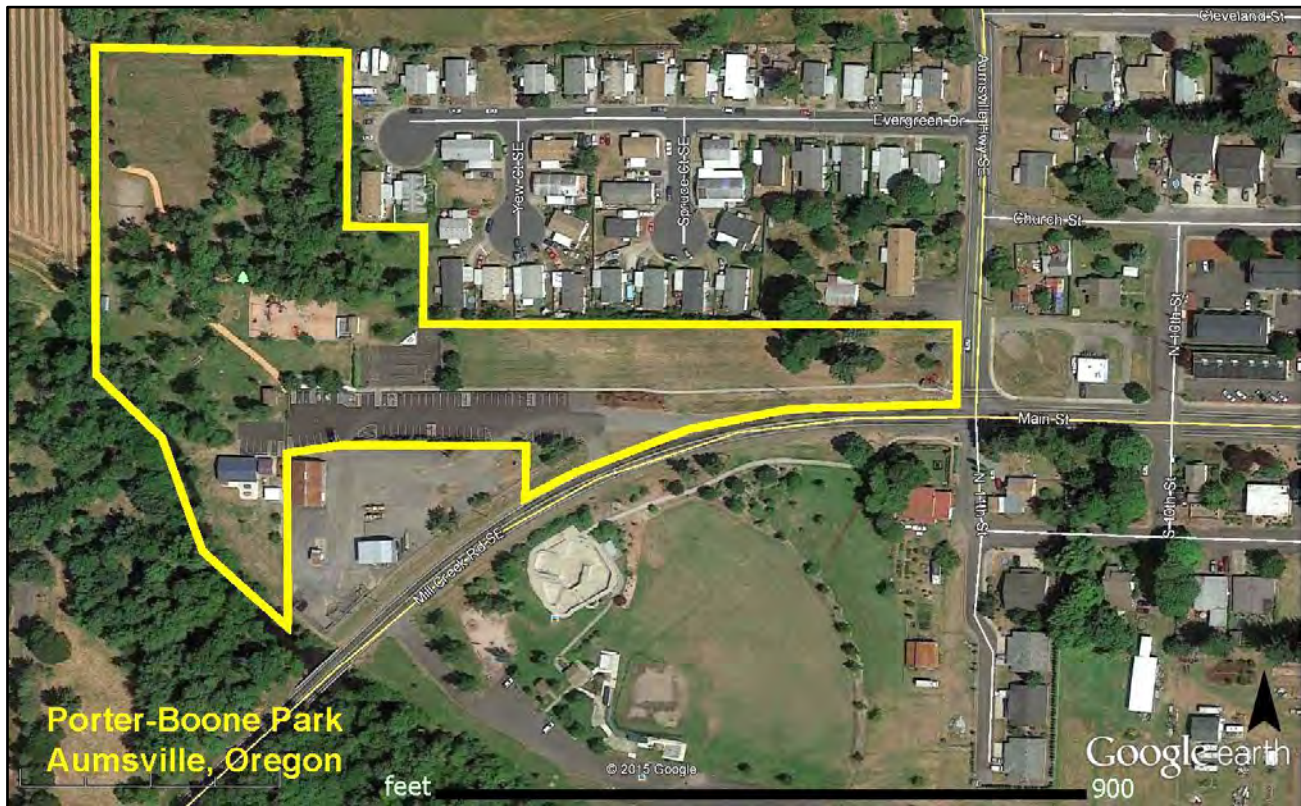
Parks Master Plan

Appendix A

Park Narratives

- A-1 Porter Boone Park**
- A-2 Mill Creek Park**
- A-3 Wildwood Park**
- A-4 Water Tower Park**
- A-5 Highberger Linear Park**
- A-6 Aumsville Ponds Natural Area**
- A-7 Eastside Community Park**

Porter-Boone Community Park



Porter-Boone Park Description

Porter Boone Park is Aumville’s oldest city park. Five acres were donated to the City in April, 1963 by Maude Boone. In the early 2000s the City acquired an additional 2+ acres at the rear of the park to increase the park size to 7.24 acres. The park is located in the southwest corner of the City along the banks of Mill Creek just north of Mill Creek Road and adjacent to the Marion County Public Works Department shop facility. A small entry road serves the park and the Marion County shops facility. Porter-Boone Park is directly across Mill Creek Road from Mill Creek Park. In combination, these two parks create a 15.70-acre park complex for citizens of Aumville and the surrounding area.

Porter-Boone Park has traditionally served as Aumville’s community park facility. The Aumville Corn Festival, summer recreation program and large community gatherings have used the park as an events venue. Day to day recreational activities focus on the large picnic shelter, extensive playground equipment and picnic areas.



Mill Creek runs along the southwest edge of the park and creates an attractive setting for the large shelter and picnic sites. Mature trees along the creek and within the park shade existing picnic areas. Mill Creek, picnic facilities and the large playground area attract families to the park throughout the spring, summer and fall months.



Marion County is relocating their Aumsville public works shops facility to another site at the east end of the City. When Marion County completes its move, the City has expressed strong interest in acquiring the 1.67-acre site and adding it to Porter-Boone Park. Marion County officials agree with this property transfer, but terms of the City's acquisition have not been finalized. As opportunities arise to acquire additional land west of Mill Creek within the flood plain area and/or north of the existing park, the city officials will consider acquiring land to expand the park.

Major improvements have been made to Porter-Boone Park since the early 2000's. The City has paved the parking area, installed new play equipment, constructed a large picnic shelter and restrooms, installed a sand volleyball court and a disk golf course, planted trees and added landscaping throughout the park. Site amenities to serve daily park users have also been installed by the city public works staff, including trash receptacles, horseshoe pits, picnic tables, dog litter bags and a bark chip walking path. As Porter-Boone Park has evolved over the years, three activity zones have been created.

(1) Activity Shelter

The large picnic shelter is the hub for community events, family gatherings and recreational programs. The shelter includes tables, sink, counter prep area and attached restrooms. To the south of the shelter, the City has installed concrete ping pong tables and two horseshoe pits. Large gatherings and church groups utilize these picnic facilities.



(2) Festival Grounds and Event Venue

Porter-Boone Park is the home of the Aumsville Corn Festival. The Corn Festival celebrates its 50th anniversary in 2018. An annual parade, Corn Festival princess selections, music, games, vendors and an endless supply of corn-on-the-cob attract thousands of visitors to the community at the end of August each year. Local farmers provide mountains of corn which are cooked on-site or packed in paper bags for festival-goers to take home with them.



In 2016, the City public works staff demolished an old gazebo and constructed a new events stage in the center of the park. It looks northwest into a shaded picnic area. The stage will host musical artists during the Corn Festival and is a welcoming venue at other times of the year for music, drama productions, movie nights and other community events.

(3) Playground and Courts

Porter-Boone Park has a large playground. The play structure and play equipment are designed for pre-school and early elementary aged children, ages 3 to 12. Slides, swings and climbing toys provide a variety of options for children and families. The play area is located away from picnic areas but is still close to restrooms and parking areas. A small grassy area south the playground has bleachers and benches for parents to sit, watch and monitor the play area.

2016 Porter-Boone Park Facilities Inventory

Buildings & Facilities

- Restrooms
- Gazebo / Bandstand
- City wells (2) & pump station buildings (2)
- Marion County shops facility



Picnic Facilities

- Large Group Picnic Shelter
- Picnic tables – fixed & movable (16)
- BBQ fire pits
- Trash receptacles

Circulation & Parking

- Main parking lot
 - 59 standard parking spaces
 - 4 handicapped accessible parking spaces
- Pedestrian sidewalk from 11th Street into Park

Miscellaneous

- Porter-Boone Park Sign
- Garden Club Recognition Stone
- Aluminum bleachers near play structures & courts
- Bike racks
- Cyclone fencing on north and east boundaries
- Summer recreation program storage units

Playground Equipment

- Play Structures – (2 for ages 3-12)
- Upright merry-go-round
- Swings - belt (6) and baby (2)
- Tot climbers

Recreational Facilities

- Tennis / Basketball Court (4 baskets)
- Disc Golf course
- Sand Volleyball area
- Walking/Running Trail – bark chips
- Horseshoe pits (2)
- Ping Pong tables (2)
- Youth Soccer field & goals

Utilities

- Electrical Panels & Pedestals
- Parking Lot Lighting
- Parking Lot Security Cameras



Community Observations and Public Open House Input

The project consultants toured Porter-Boone Park multiple times in 2016 and 2017 to see the park being used in a variety of ways during different seasons of the year. The Parks Advisory Committee also met with the consultants to discuss needs, constraints and potential future uses of Porter-Boone Park. The City solicited public comments at two open houses in March 2016 and during a Council workshop in May 2016.

General Observations on Park Usage:

Porter-Boone Park is heavily used by the community. As a community park, Porter-Boone Park provides a broad spectrum of park facilities and recreation opportunities to meet the needs of park users of all ages. It is a popular venue for large family gatherings, church functions, musical programs, community activities and special events. The City's popular summer recreation program has been based in the park. Movie nights attract large crowds.

The playground has swings, slides and a large play structure. Pre-schoolers, elementary students and pre-teens are often found using the play area together. Adults and families engage in a variety of day-use activities ranging from active sports (sand volleyball, basketball, tennis and disc golf) to more passive park uses (walking, family events, picnics). The trails that meander through the north end of the park are heavily used by pet owners to walk their dogs.

Warm weather attracts families and small groups to the picnic facilities and shelters. During hot summer days the shaded banks along Mill Creek attract children and teens, who wade into the cool waters of the creek. The occasional fisherman can be spotted on the banks of the creek. Local residents and employees come to the park to eat lunch or take a rest break.

The City's summer recreation program has been very popular over the past decade. Daily attendance of 50-60 children has been common, with up to 200 kids attending on some days. The program has relied on a city staff coordinator and many volunteers to offer games, reading enrichment, educational programs and a nutritious breakfast and lunch for children of all ages. In 2017 the program encountered funding and staffing problems. Continued operation of the recreation program is subject to funding availability and commitment of city officials and local volunteers.

Issues / Needs / Desires:

Porter-Boone Park is expected to change significantly over the next 20 years. If the City is able to acquire the Marion County public works shop facility and adjacent properties to the north and west, the City can redesign the parking area, add recreational facilities and transform the park. During work sessions and public meetings, the Parks Advisory Committee members, citizens, city staff and elected officials identified concerns and issues with the current park facilities and generated a variety of ideas of how to improve safety and enhance the park. There are many opportunities to upgrade facilities in Porter Boone Park and further develop Porter-Boone Park as a community park and the jewel of Aumsville's parks system.

Land Acquisition:

- Acquire and redevelop the Marion County Public Works shop property in order to provide additional parking, open space and improved circulation within the park.
- Acquire land to the north of Porter-Boone Park to extend the park north to Caleb Street.
- Acquire land to the west of the existing park if it becomes available.

Facilities and Land Acquisition:

- Work with Marion County to ensure underground fuel storage tanks and any contaminated soils are removed prior to conversion of the site to public park use.
- Evaluate Marion County's buildings and determine if any can be used as an indoor recreation facility.
- Create a new home for the Saturday Market with a vendor set-up area.
- Develop a market square with small permanent buildings for artisan, vendor or community use.

Vehicle Entry / Circulation / Access:

- Create a clearly defined main vehicle entrance into Porter-Boone Park.
- Improve parking area traffic circulation. There is no clear circulation pattern for cars coming into parking lot. If the Marion County shops property is acquired, redesign the parking lot to improve traffic circulation.
- Add a second entry/exit at the west end of the park to Mill Creek Road.

Neighborhood and Pedestrian Connectivity Issues:

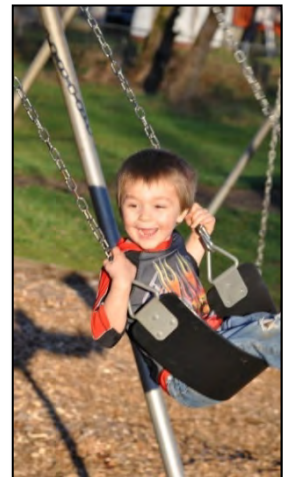
- Develop a safe pedestrian crossing to Mill Creek Park.
- Extend a recreational trail to the adjacent neighborhood north of the park and connect it to sidewalks on Caleb Street.
- Add a seating area with benches near the 11th Street entry.
- Plant shade trees and add benches along the entry sidewalk from 11th Street.

Playground and Equipment:

- The playground gets hot in summers. Install a water-mister for use during the summer near the basketball courts/tennis court and for kids attending the summer rec programs.
- Horseshoe pits need to be moved to improve safety. They are too close to the large picnic shelter and ping pong tables.

Flood Management:

- A large portion of Porter-Boone Park is located in Mill Creek's 100-year flood hazard area.
- Any new park shelters, play equipment and fields must be designed to comply with flood plain development permit requirements, improve flood storage and minimize flood damage.
- For new enclosed structures, the lowest floor must be elevated at least one-foot above base flood elevation.
- Flood-proof any new utilities.



Site Features:

- Erosion on the banks of Mill Creek is getting worse. The City attributes the damage to increased park usage, the loss of vegetation, and periodic flooding of Mill Creek. Riparian restoration to plant native vegetation is recommended to prevent further erosion, improve water quality and reduce water temperatures. Add signage to inform park users of the need to preserve and maintain the riparian area.
- Storm water drainage flows from the MH Park through Porter-Boone Park to the west. This low, wet area includes some delineated wetland, which will restrict future uses and development within the park. The bark trail through the area is unusable during winter.

Miscellaneous

- Relocate the recreation program and Corn Festival storage boxes to avoid flooding.
- Add a garbage enclosure area.
- Sound system in park – replace speakers and sound system for community events.
- Add WI-FI service within the park.

Proposed Porter-Boone Park Improvements

At the March 7, 2016 open houses, local residents reviewed two park design concepts and offered their comments and recommendations on the design options and proposed park improvements. Modifications were made to the plan for the March 29, 2016 open house to incorporate recommendations from both the public and Parks Advisory Committee. City officials have suggested additional revisions to the master plan in 2017. The Parks Advisory Committee has identified the following priority improvements for Porter-Boone Park:

1. Land Acquisition: Acquire Marion County Shops and Property North of Park

This plan recommends the City acquire two parcels to expand Porter-Boone Park.

- (1) Marion County Public Works shop property (1.67 acres): The Marion County public works shop property is a high priority land acquisition. City officials have notified Marion County of the City's strong interest, but no agreements have been reached.
- (2) Wetlands/Open Space north of the Park (2.00+/- acres): The second acquisition area is a portion of a 6.66-acre parcel north of the park. This property is located west of an apartment complex approved by the City in 2017. The developer has tentatively agreed to donate a portion of the 6.66-acre parcel to the City for expansion of Porter-Boone Park. It includes delineated wetlands that are appropriate for open space, storm-water detention and trail use, but not for new buildings or urban park activities. The acquisition will not be finalized until final plats are prepared and recorded for the new development. (Assessor's Map 082W25CA, Tax Lot 00600).
- (3) If the opportunity arises, the City may acquire property to the west of Porter-Boone Park north of Mill Creek. Acquisition of another 5 to 10-acres west of the existing park will increase the overall park size to 20+/- acres, which is closer to the size standard for a community park.

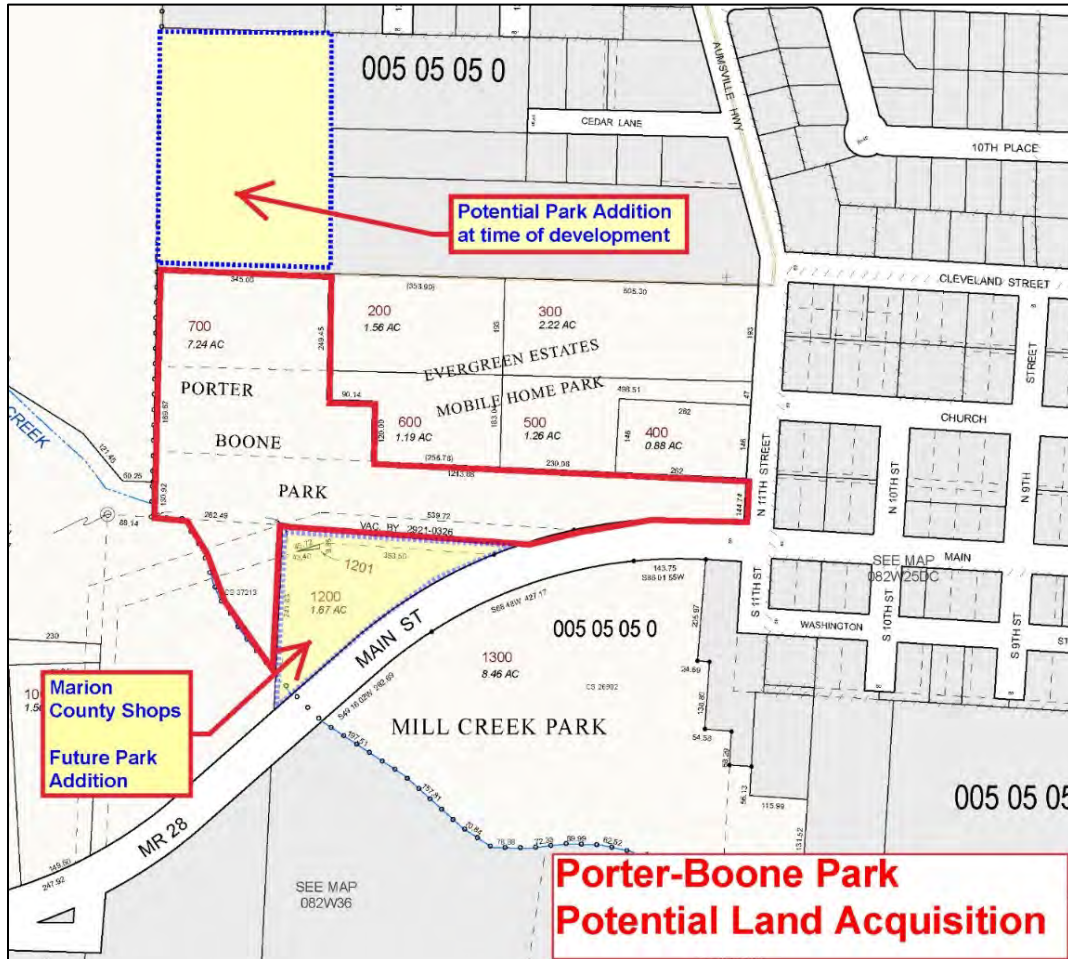
2. Redevelopment of the Marion County Public Works Shop Property

Acquisition of the Marion County public works shops property is necessary for the City to fully develop Porter-Boone Park as a community park. A thorough site analysis is needed, including a Level I environmental assessment and a remediation plan to remove the underground storage tank and any contaminated soils on the property. Once the property is under city ownership, the City will need to refine its plans to develop the park.

This plan recommends the City redevelop the site in phases, as funding becomes available. The Porter-Boone Park Master Plan includes several conceptual for redevelopment of the site including:

- (1) Expansion of the parking lot and traffic circulation.
- (2) Development of a 2nd entry/exit to Mill Creek Road.
- (3) Redevelopment of a public works building as an indoor recreational facility, if feasible.
- (4) New activity field
- (5) New family/small group picnic shelter
- (6) New landscaping buffers and walkways to connect to the existing park.

Map PB-1
**Potential Porter-Boone Park
 Land Acquisition**



3. Entry and Parking Lot Improvements

Creating a safe vehicle entrance from Mill Creek Road into the park is a high priority. Mill Creek Road curves away from the park, with the street at a higher elevation than the park site. Westbound cars enter the park at high speed and pose a safety hazard to other vehicles, pedestrians and cyclists. The Porter-Boone Master Plan shows a reconfiguration of the traffic circulation with a redesigned east entrance and a new second entrance through the County shops property. A pedestrian drop-off and pickup area is proposed near the east entrance to the park. A 20+ car parking lot expansion is proposed south of the existing parking lot at the east end of the County shops property. A traffic engineering consultant will need to work with Marion County officials to review the traffic circulation pattern for vehicles and pedestrians and prepare a final traffic flow plan for the site and design the new entrances to the park.

4. Recreational Trail, Pedestrian and Bicycle Access to the Porter-Boone Park

Pedestrian and bike access to the park can be made safer and more convenient. Several improvements are shown on the Porter-Boone Park Master Plan map.

a. 11th Street & Main Street Intersection – Pedestrian Crossing

Pedestrians, skate boarders, and cyclists coming from Aumsville’s downtown and residential areas to the north must cross the 11th St./Main St. intersection in order to enter Porter-Boone Park. The speed limit inside the City of Aumsville along Main Street is 30 mph and traffic speeds of cars entering the City from the west slow dramatically. Creation of a safer at-grade crosswalk at this intersection would benefit park users and provide a visual cue to drivers that they have entered a more developed urban center.

The Aumsville Transportation System Plan (2011) recommends safety improvements. Recommendations include a new sidewalk going north on the west side of 11th Street and an improved east-west pedestrian crosswalk at the 11th Street/Main Street intersection.

b. Entry Walk Realignment – 11th/Main Street intersection into the Park

The entry sidewalk to the park from the 11th St./Main St. intersection is realigned. A new seating area is added. Benches are added along the pathway and a new vehicle drop-off area is proposed at the main driveway entrance.

c. Recreational Trail Extension to the North

After the City acquires land north of Porter-Boone Park, a recreational trail extension is proposed to connect the existing bark trail within the park north to an outlet on Caleb Street. This will provide a safe access for residents and children in the residential neighborhood and the 175-unit apartment complex west of 11th Street.

d. Pedestrian connection to Mill Creek Park (south)

Mill Creek Road is a county arterial street with high speed traffic (55 MPH) west of 11th Street from Aumsville to Turner. Adding traffic calming measures and creating a safe pedestrian crossing near the two parks are desired by the City. Three options are available:

- Realign driveways and provide an at-grade pedestrian crosswalk.
- Improve the at-grade pedestrian crossing at 11th and Main.
- Bridge overpass providing a recreational trail connection between the two parks.

5. Porter–Boone Park Site and Facility Improvements

The following site improvements are recommended to address safety issues, drainage problems and to restore erosion damage along Mill Creek.

a. Mill Creek riparian area restoration. Bank restoration and replanting native vegetation is recommended to halt the erosion damage on the north side of Mill Creek. The plan includes the construction of a walkway from the main activity shelter to Mill Creek.

b. Wetlands and Drainage improvements in the center of the park.

c. Provide a landscaping buffer along the entire length of Mill Creek Rd. from 11th Street to Mill Creek.

Other facility improvements will be needed as the City grows and user demands on Porter-Boone Park increase.

d. Develop an event access point with property owners to the northeast of the park.

e. Add two or more small picnic shelters.

f. Develop a tot-lot play area for pre-school children with a natural play area.

g. Develop a soccer / multi-purpose field area in the north end of the park.

h. Add a grass activity area on the Marion County shops site.

Porter-Boone Park Master Plan

Porter-Boone Park is the City’s primary community park. It will remain as the centerpiece of Aumsville’s park system for the 20-year planning period from 2017-2035. Recreation facilities are geared to serve families, children and youth. The parks shelters, stage and picnic groups will continue to be heavily used by small and large groups. Porter-Boone Park will be the site of community festivals, music performances and recreation activities. The Parks Advisory Committee recommends the following priority improvements to Porter-Boone Park.

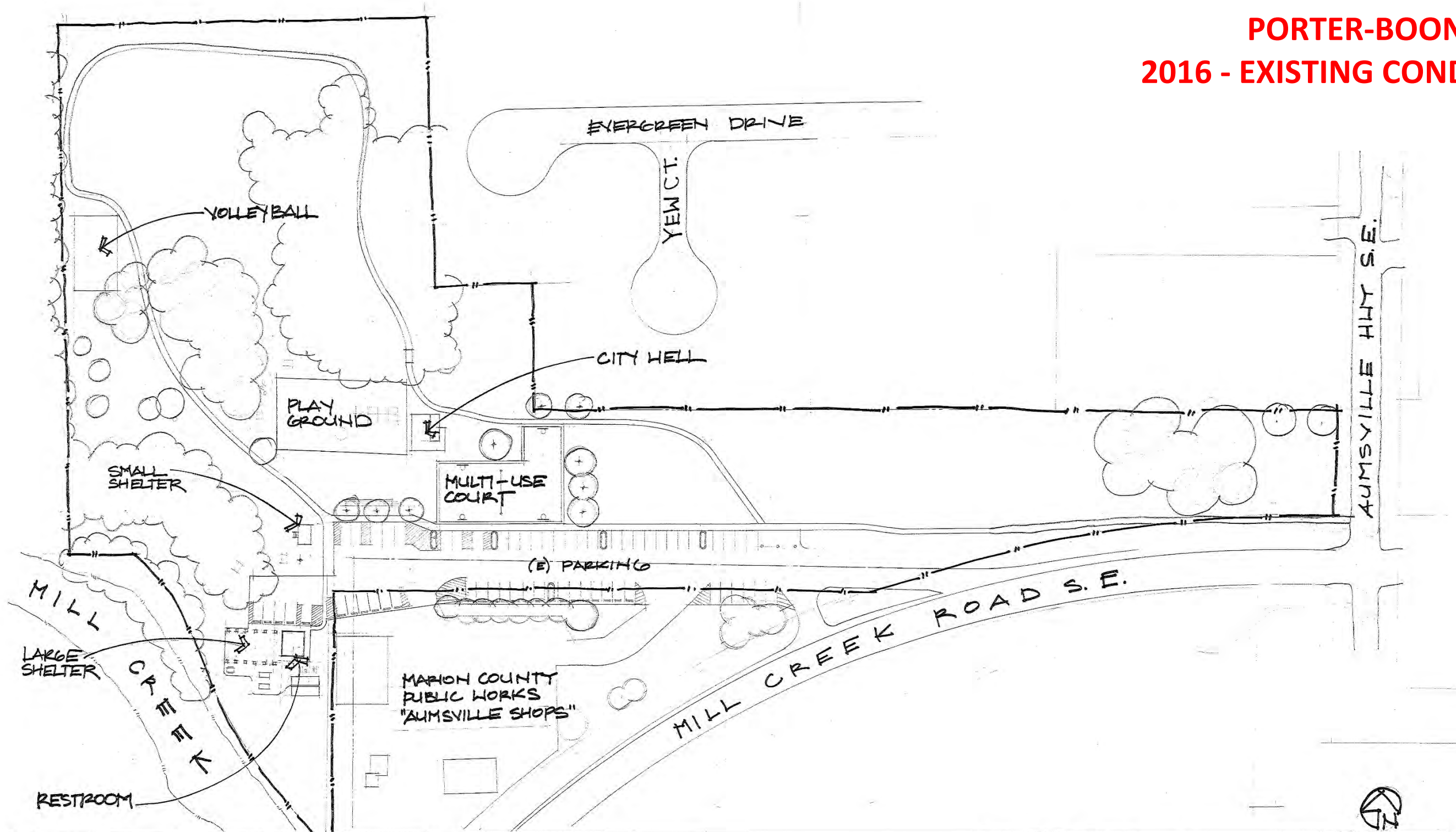
Table PB-1
**Porter-Boone Park
 Priority Improvements¹**

	Recommended Porter-Boone Park Improvements	Description
PB-1	Land Acquisition: Marion County Shops Facility	Acquire 1.67-acre Marion County Shops Facility to expand the park. Map 082W25CA, TL 01200.
PB-2	Land Acquisition: North of Park	Acquire 2.00+/- acre site at time of development to expand the park to the north with access to Caleb Street. Map 082W25CA, TL 00600.
PB-3	Marion County PW Shops Site Redevelopment (Phase 1)	Complete environmental assessment and remediation (if needed). Remove unneeded buildings and facilities. Phase 1 expansion of the parking lot to add event parking and improve internal traffic circulation. Site improvements to add lawn area, fencing along Mill Creek Road and sidewalks to connect this area to existing park facilities.
PB-4	Mill Creek Access and Riparian Area Restoration	Provide an access walk from the main activity shelter to Mill Creek. Repair and protect Mill Creek from further erosion and restore riparian vegetation on the north bank of the creek.
PB-5	Recreational Trail to North	Extend the recreational trail north to Caleb Street.
PB-6	Marion County PW Shops Site Redevelopment (Phase 2)	Complete a feasibility assessment for potential uses of the large shop building as an indoor recreational facility, Saturday Market or for other community uses. Identify priority uses and develop a funding proposal. Remodel and repurpose the building and develop an adjacent activity field.
PB-7	Porter-Boone Park Entrance Realignment	Realign the Porter-Boone Park entry from Mill Creek Road to improve safety. Modify sidewalks, add landscaping and a drop off area.
PB-8	Activity Shelters	Construct one or two small picnic shelters for family/small group use.
PB-9	Marion County PW Shops Sites Redevelopment (Phase 3)	Install a new entry/exit to Mill Creek Road including a new pedestrian crossing. Complete landscaping and site improvements.

¹ Detailed cost estimates for all Porter-Boone Park improvements are included in Exhibit “A”.

PORTER-BOONE PARK 2016 - EXISTING CONDITIONS

Map PB-2



 <p>Quatrefoil Inc. Design • Landscape Architecture • Space Planning 400 S.E. 8th Ave. Portland, Oregon 97214 Tel: 503.233.8888 Fax: 503.233.8888</p>	<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumville Oregon</p>	<p>PORTER-BOONE PARK</p>	<p>REVISIONS:</p>	<p>DATE: 2.23.2016 SCALE: 1"=40'-0" SHEET: MP.2</p>
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PORTER-BOONE PARK MASTER PLAN

Map PB-3



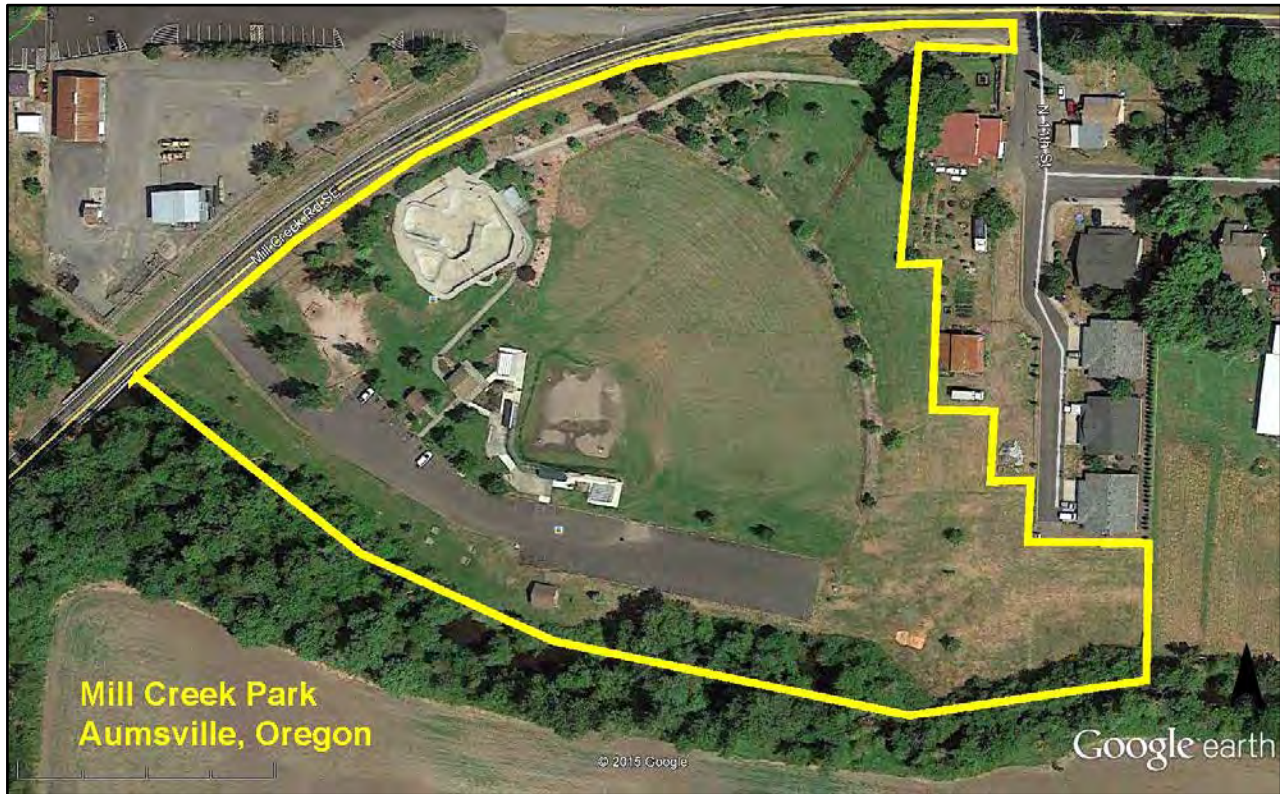
CITY OF AUMSVILLE
PARK MASTER PLAN
Aumsville Oregon

Porter Boone Park



REVISIONS: 12.19.2017	DATE: 3.28.2016
	SCALE: 1"=40'-0"
	SHEET: MP.2

Mill Creek Community Park



Mill Creek Park Description

Mill Creek Park is an 8.46-acre community park located at 1110 Main Street at the southwest corner of Aumsville. It is a flat triangular parcel bordered on the south and west by tree-lined Mill Creek, on the north by Mill Creek Road and on the east by a small residential neighborhood on South 11th Street. The north side of the park has 850 feet of curving frontage on Mill Creek Road that extends from Mill Creek on the west to the 11th Street and Main Street intersection at the east edge of the park. Mill Creek park is directly across Mill Creek Road from Porter-Boone Park. In combination, these two parks create a 15.70-acre community park complex for citizens of Aumsville and the surrounding area.

The Mill Creek park site was donated to the City by Arlen E. Adamson in 1982. A master plan for the park was developed in 1983 by JMS Engineering with a baseball/softball field, parking area and picnic area along Mill Creek as the major features. The *1996 Aumsville Parks Master Plan* recommended the City complete the ball field and parking lot projects, enhance picnic facilities, install new play equipment, add a pedestrian connection from Mill Creek Park to Porter-Boone Park, and provide for a recreational trail from Mill Creek Park east to W. Stayton Road/8th Street.

In 2000, the City identified an opportunity to develop a community skate park with assistance from the Oregon National Guard. A grant from the Oregon State Parks Department was obtained and the Brian Haney Skate Park and restroom facilities were completed in 2001.

Since 2001, the City has continued to make improvements to the park. The City has paved the parking area, installed new play equipment, added dugouts and bleachers at the baseball field, constructed a picnic shelter, installed concrete picnic tables near the restroom and behind home plate of the baseball field, planted trees and added landscaping throughout the park. The City also worked with the Marion Soil and Water Conservation District on a native plant restoration project along Mill Creek, including interpretive signs about native plants. Site amenities to serve daily park users have been added. Trash receptacles, horseshoe pits, BBQ stands, picnic tables, dog litter bags and a bark chip walking path have been installed by city public works staff.

As Mill Creek Park has developed from 1982 to 2016, four activity zones have been created:

(1) Brian Haney Skate Park

Aumsville’s community skate park at the north edge of the park is a 10,000-square foot bowl-type skate park that is a Mecca for local youth and young adults. Due to its size and features, this skate facility attracts skaters from throughout the region. The Brian Haney Skate Park has hosted many skateboard competitions. The adjacent restrooms and a small tot lot playground serve skate park users, friends and families.



(2) Picnic facilities:

The City has developed two small group picnic shelters within Mill Creek Park. They provide day-use picnic facilities for park users along the grassy area south of the parking area within 50 feet of Mill Creek and near the restrooms and behind home plate of the baseball field. These picnic facilities are well-used by local residents and out-of-area visitors to the park.



(3) Baseball/Softball Field:

The City has developed an adult softball/youth baseball field in the center of Mill Creek Park. The field is equipped with dugouts with concrete floors, a high backstop, sideline safety fencing, a 6’ high outfield fence and aluminum bleachers along the 1st and 3rd base lines. The ball field is used by the Cascade area youth sports programs for practices

and for some adult recreation games. The infield is not regularly maintained as a competition quality playing field. City staff believe the field is underutilized because of the existence of the nearby sports field complex at the Cascade School



District southwest of the city. The Cascade School District’s sports field complex attracts softball and baseball teams because the multiple fields are well-maintained and are readily available for practices and tournaments.

(4) Playground

Mill Creek Park has a small tot-lot playground near the Mill Creek Road entry to the parking lot and close to the skate park and restrooms. The play structure and play equipment are designed for pre-school and early elementary aged children, ages 3 to 10. Slides, swings and climbing toys provide a variety of options for young children to work off excess energy. Although the play area is conveniently located near restrooms and picnic tables, its placement near the parking lot main entry and a busy Mill Creek Road raises some safety concerns. Close supervision of young children is needed at this location.



2016 Mill Creek Park Facilities Inventory

Buildings & Facilities

- Brian Haney Skate Park
- Restrooms
- Adult Baseball / Softball field

Picnic Facilities

- Small Group Picnic Shelters (2)
- Picnic Tables (5)
- BBQ Grills (3)
- Fire pit near Mill Creek shelter
- Trash receptacles

Utilities

- Electrical Panels & Pedestals
- Parking Lot Lighting
- Parking Lot Security Cameras
- Irrigation System

Playground Equipment

- Play Structure (Ages 3-10)
- Swings 3-belt
- Swings 1-baby
- Tire swing
- Climbing chain net (8' tall)
- Balance bar
- Climbing/balance stairs

Circulation & Parking

- Main parking lot
 - 72 standard parking spaces
 - 6 handicapped accessible parking spaces
- Pedestrian sidewalk from 10th Street into Park
- Bark chip trail from entry sidewalk to parking lot along outfield fence

Miscellaneous

- Welcome Entry Sign
- Mill Creek Park Sign—Adamson Donation 1982



Community Observations and Public Open House Input

The project consultants toured Mill Creek Park with city public work staff in January 2016. The Parks Advisory Committee also met with the consultants to discuss needs, constraints and potential future uses of Mill Creek Park. The City solicited public comments at two open houses in March 2016.

General Observations on Park Usage:

Mill Creek Park was designed to serve a broad spectrum of recreation uses and meet the needs of park users of all ages. It serves as both a neighborhood park and a special use park due to the existence of the Brian Haney Skate Park. The skate park attracts youth, young adults and families. Skaters utilize the skate park facilities while young children and parents use the adjacent tot lot playground area and/or covered picnic facilities.

The large parking lot, restrooms and grass/open space area make Mill Creek Park a popular venue for community activities and special events. The park hosts Aumsville's annual Easter Egg Hunt, a Fire Department flea market/community garage sale, car shows and is a popular rest stop for bicycle tours.

Day use activities are limited. The playground area is small and designed for pre-school and children up to age 10. The sidewalk along the north edge of the site and the perimeter bark chip trail serve as a popular location for residents to walk their dogs at any time during the year. Warm weather attracts families and small groups to the picnic

facilities and shelters. During hot summer days the shaded banks of Mill Creek attract children and teens who wade into the cool waters of Mill Creek.

Issues / Needs / Desires:

The city staff, Parks Advisory Committee members and citizens identified several opportunities for Mill Creek park improvements.

Facilities:

- Expand the skate park by adding street skating elements.
- Develop a BMX bike area in the east side of the park.
- Provide a fenced dog park area.

Playground and Equipment:

- The play area is close to the entry driveway. There is no security fencing to prevent children from darting into traffic. Add fencing or relocate the play area.
- The play area is adjacent to the skate park. Parents can easily supervise children in both areas.
- Young parents shy away from using “tot lot” play area due to conflicts with skaters. The age and language used by youth/young adult skaters can feel threatening to young children.
- Additional play equipment is desired.
- Add a climbing wall in one of the city parks – not site specific.

Site Features:

- Land acquisition to expand park east to South 11th Street.
- Pathway from parking lot is not looped or connected to sidewalk along Mill Creek Rd. Develop a paved loop trail around the edge of the park.
- Mill Creek. The creek is only partially accessible to park users. There are 2 or 3 points where kids get access to creek. There was a request for a kiddies’ wading area.
- The riparian area along Mill Creek needs to be managed and restored with native vegetation to help reduce erosion, improve water quality and reduce water temperatures.
- All new facilities must comply with flood plain development requirements.

Neighborhood and Connectivity Issues:

- Neighbors to the east want some separation from park use.
- Provide a pedestrian connection across Mill Creek Road at the west end of the park to connect to Porter-Boone Park.
- Provide a pedestrian bridge over Mill Creek in the southeast corner of Mill Creek Park and extend a recreational trail to the east.

Flood Management:

- A large portion of the park is located in the Mill Creek’s 100-year flood hazard area.
- For all enclosed structures, the lowest floor must be elevated at least one-foot above base flood elevation.
- Open park shelters, play equipment and fields must be designed to minimize flood damage.
- New utilities should be flood-proofed.

Miscellaneous:

- Relocate “Mill Creek Park” sign to the main entry
- Plant trees as backdrop beyond outfield fence.
- The grass area along the entry drive and parking lot adjacent to Mill Creek is not attractive or well-maintained. The City can improve the appearance by removal of noxious vegetation and invasive plants and by improving maintenance of the lawn area.

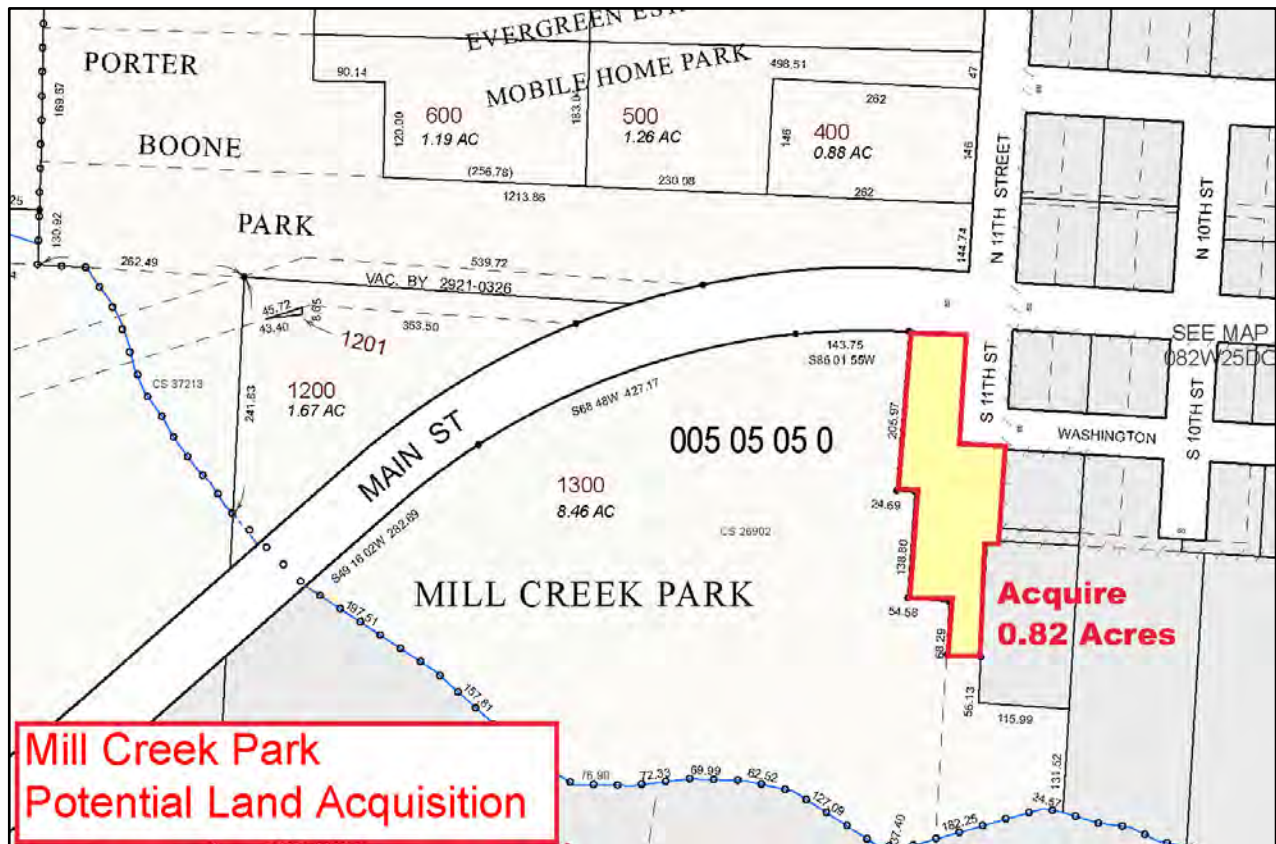
Proposed Mill Creek Park Improvements

At the March 7, 2016 open houses, local residents reviewed two park design concepts and offered their comments and recommendations on the design options and proposed park improvements. Modifications were made to the plan for the March 29, 2016 open house to incorporate recommendations from both the public and Parks Advisory Committee. The Parks Advisory Committee has identified the following priority improvements for Mill Creek Park:

1. Land Acquisition: Acquire 0.82 acres west of S. 11th Street

This plan recommends the park be expanded by acquiring an 0.82-acre parcel at 1106 Main St, (Assessor's Map 082W25DC, Tax Lot 07600). The property has a residence and large yard. The parcel is located on the west side of SE 11th Street and abuts the park. Acquisition of this property will enable the City to expand the park, provide adequate space for a BMX area, improve visibility into the park, provide better vehicle and pedestrian access to the east side of the park and provide an opportunity to loop recreational trails.

Map Mill Creek-1
Potential Mill Creek Park
Land Acquisition



2. Recreation Trails, Pedestrian and Bicycle Paths

Pedestrian and non-vehicular access to Mill Creek Park is a high priority. Although the site has excellent pedestrian access to Main Street at the northeast corner of the park, there are several impediments that currently prevent easy access to Mill Creek Park from Porter-Boone Park on the north, to residential areas north of Main Street and to a future recreational trail to the southeast along Mill Creek.

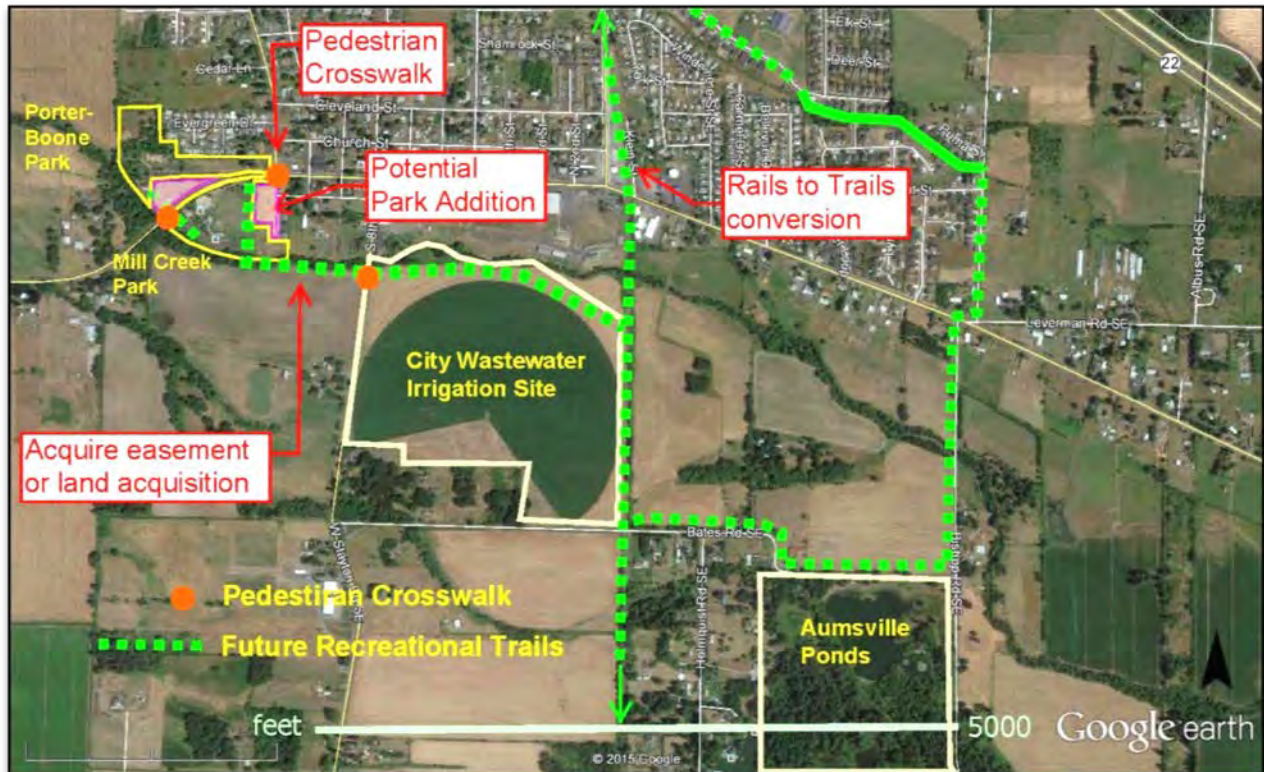
a. Loop the Pedestrian / Recreational Trail within Mill Creek Park

Mill Creek Park includes a concrete sidewalk along the north edge of the park. This sidewalk should be looped through the east end of the park to serve new park facilities, to connect to the parking lot and provide direct access to a future recreational trail along Mill Creek.

b. Recreational Trail (southeast along Mill Creek)

The prior parks master plan recommended the creation of a loop recreational trail at the south edge of the Aumsville UGB. In the mid-2000's the City of Aumsville acquired a 75.47-acre tract of land on the south side of Mill Creek east of W. Stayton Rd. for use as an irrigation site for treated wastewater effluent. There is potential to create a recreational trail along Mill Creek to connect Porter-Boone/Mill Creek Parks to a future recreational trail adjacent to the railroad right-of-way and to the Aumsville Ponds south of the city.

Map Mill Creek-2
Proposed Recreational Trails
South portion of Aumsville UGB



If the City acquires a 60' to 100' wide parcel or easement along the either the north or south side of Mill Creek from the east end of Mill Creek Park to West Stayton Rd, the City can preserve a riparian corridor along Mill Creek and develop a safe, accessible hard-surfaced recreational trail.

c. *Pedestrian connection to Porter-Boone Park (north)*

Mill Creek Road is a county arterial street with high speed traffic (55 MPH) west of Mill Creek from Aumsville to Turner. Adding traffic calming measures and creating a safe pedestrian crossing near the two parks are desired by the City. Three options are available:

- Realign driveways and provide an at-grade pedestrian crosswalk.
- Improve the at-grade pedestrian crossing at 11th and Main.
- Bridge overpass providing a recreational trail connection between the two parks.

Acquisition of the Marion County public works shops facility will need to occur before a pedestrian crossing is designed and constructed.

d. *Main Street/11th Street Pedestrian Crossing (north east)*

Mill Creek Road becomes Main Street at the intersection 11th Street/Aumsville Highway and the west end of Aumsville’s downtown area. The speed limit inside the City of Aumsville along Main Street is 30 mph and traffic speeds of cars entering the City from the west slow dramatically. Residents who walk, bike or ride skateboards to Mill Creek Park typically cross Main Street at or near the 11th Street/Aumsville Highway intersection. Creation of a safe at-grade crosswalk at this intersection would benefit park users and provide a visual cue to drivers that they have entered a more developed urban center.

3. Youth Recreation Facilities -- Skate Park Expansion and BMX Bike Track

A small active group of youth and their parents have requested the City improve the current skate park facility by adding street-skating design features and by adding a new BMX bike track area.

a. *Skate Park Expansion – Street Skate Features*

Skate park enthusiasts suggest the addition of street-type skate facilities will enhance the skate park area by making it more attractive to users of all ages and skill levels. Street-skate features entice new skaters and younger skaters.

Street-skate features are designed to mimic the type of structures found in an urban environment. Street plazas are characterized by ledges, stairs, and railing. “Modern street plazas strive to create a space that does not resemble a “traditional” skate park by incorporating structural and cosmetic enhancements such as dyed concrete, atypical textures (imprint stamps) or materials (brick or natural stone), as well as integrating small green spaces into the skate space. As most skateboarders today identify as street skaters, modern parks employ street elements in their designs.”¹

If added, street-skate elements should be adjacent to the existing bowl area to make it easy for skaters to move from one facility to the other.

b. *BMX Bike Track*

Bicycle Motocross is a popular sport for pre-teens and teens. Because of the existence of the Brian Haney memorial skate park, Mill Creek Park attracts youth who ride their BMX bikes to the park. The Parks Advisory Committee strongly recommends the City develop a BMX track at the east end of Mill Creek Park. The Mill Creek Master Plan shows the addition of a BMX track area at the northeast corner of the site. An alternate site is the southeast corner of the park at the end of the parking lot.

¹ www.skatepark.org Article entitled “Types of Skateparks” by Peter Whitley, November 2010. Design criteria and descriptions of different types of skate park facilities.

A ½ acre to 1-acre area is needed to develop a BMX facility. A sanctioned BMX track is 900-1200 feet long (300 to 400-meter track) and includes a starting area, 3 banked turns, straight-away and finish area, with berms and jumps incorporated into the course design.² The Parks Advisory Committee anticipates a BMX facility at Mill Creek Park will not be a sanctioned facility, but will be a smaller dirt track area geared to recreational use.

The City is encouraged to consider site location criteria when designing the BMX track and the skate park expansion. The City of Seattle has developed siting criteria for different sizes and types of skate park facilities, which are also relevant for BMX track siting. The siting considerations of particular importance for Mill Creek Park are (1) proximity to the existing skate park and restrooms, (2) sidewalk connections to the parking area, (3) visibility for passive observation by parents, park users and law enforcement, (4) ease of developing the site, and (5) potential noise and other negative impacts on neighbors.

Criteria for Development of Skate Park Facilities

- Are compatible with existing uses (example: near an active area of the park), consider adjacent private uses, and ensure adjacent landscaping/surfaces are compatible with safe skate surfaces.
- Limit off-site impacts to residential communities as consistent with city code, i.e. noise and lighting
- Allow for clear, passive observation by parents, emergency services, police and the public
- Have good foot, bike and vehicular access
- Are easily developable and have minimal construction impediments
- Allow for the creation of a safe and secure environment; providing for separation from vehicular traffic, vehicular and pedestrian access, and ease of routine maintenance
- Are located in a highly visible area with moderate to high pedestrian traffic, in an existing or new multi-purpose park, or in close proximity to other public facilities
- Can be integrated into a larger park space that provides other park amenities
- Consider sun and shade and protection from rain and wind
- Include a space for appropriate community viewing
- Consider the environment for the well-being of skateboarders, including noise and air quality.

City of Seattle, Washington
Parks and Recreation Department
Citywide Skate Park Plan, January 2007

4. Playground Enhancements for Children and Youth

The existing tot lot (ages pre-school to age 10) playground in Mill Creek Park is located near the park entrance. If a street skating area is added to the west of the Brian Haney skate bowl, then the playground must be relocated. The Parks Advisory Committee considered several options to relocate the playground:

Site 1: Retain at the existing location. Modify design to fit in with a street-skating area.

Site 2: Relocate across the entry drive at the NW corner of the park. This location is close to the skate park, restrooms and parking.

² UCI Union Cycliste International, BMX Track Design guide.

Site 3: Relocate to the east end of the park. If this is done, the addition of a picnic shelter and add a small unisex bathroom between the playground and the BMX area.

The Mill Creek Master Plan shows new playgrounds at Site 2 and Site 3. The plan illustrates both options because they are viable alternatives. A final selection can be made when the City expands the skate park facility.

Mill Creek Park Master Plan

Mill Creek Park will continue to be used as a community park, with recreation facilities geared to serve families, youth and young adults. The Parks Advisory Committee recommends the following priority improvements to Mill Creek Park.

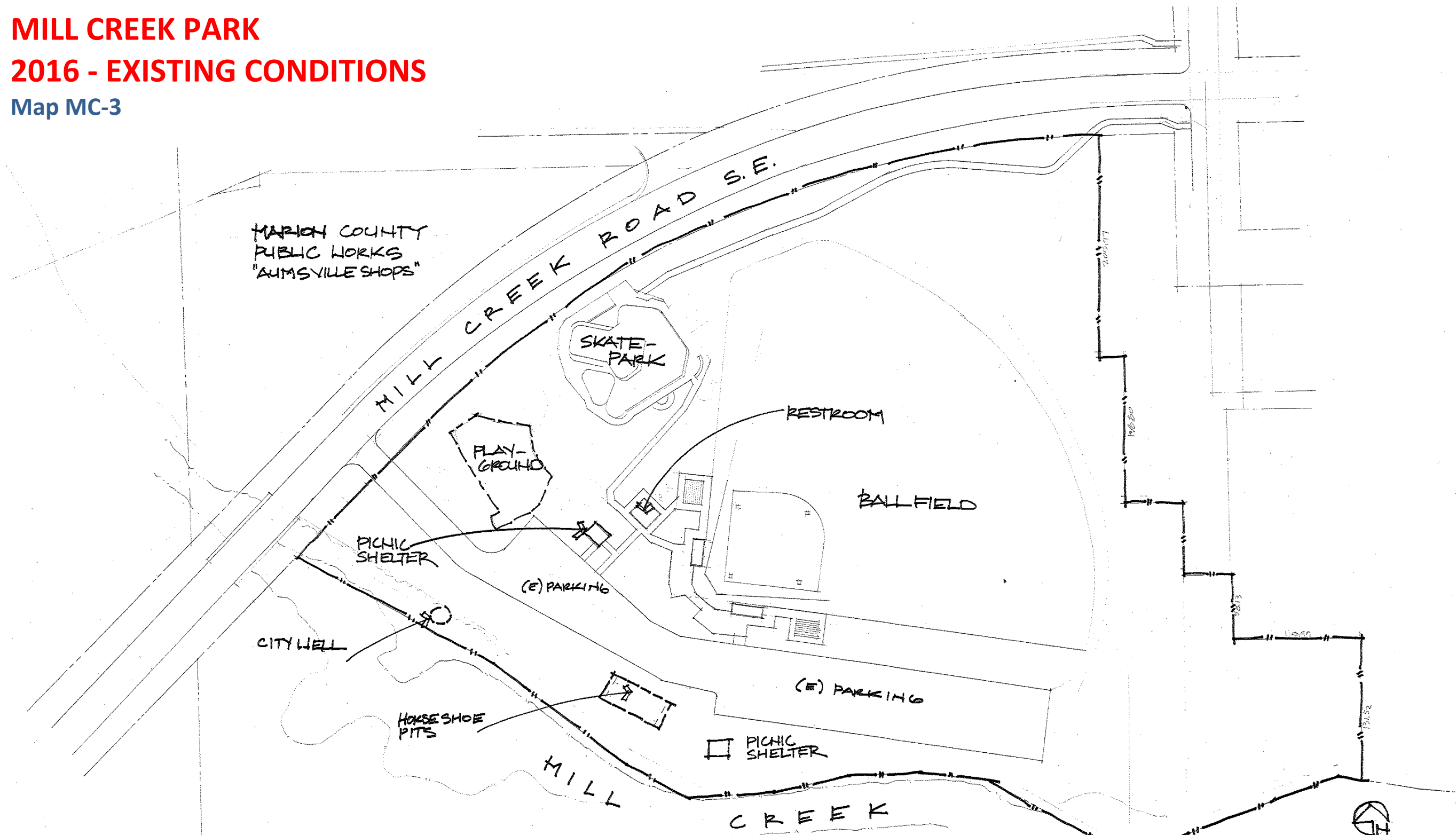
Table MC-1
**Mill Creek Park
 Priority Improvements³**

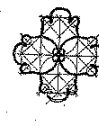
	Recommended Mill Creek Park Improvements	Description
MC-1	BMX Track	Develop a dirt BMX track at the east end of Mill Creek Park
MC-2	Mill Creek Park Expansion	Acquire 0.82 acres @ 1106 Main St. to expand the park east to SE 11 th Street. Map 082W25DC, TL 07600.
MC-3	Brian Haney Skate Park Expansion	Expand the existing skate park by adding street skate features to the west of the existing Brian Haney skate park bowl.
MC-4	Relocate Playground	Relocate and expand the playground after the street skating features are added to the skate park.
MC-5	Recreational Trail to W. Stayton Rd.	Acquire 1.0+ acres or a recreational trail easement and develop a new recreational trail on either the north or south side of Mill Creek from Mill Creek Park to W. Stayton Rd. Map 082W36.
MC-6	Recreational trail improvements within Mill Creek Park	Complete a loop recreational trail around the park.
MC-7	Mill Creek Road Entry realignment	Realign Mill Creek Road entry driveway and add a pedestrian crossing to Porter Boone Park.

³ Detailed cost estimates for all Mill Creek Park improvements are included in Exhibit “A”.

MILL CREEK PARK 2016 - EXISTING CONDITIONS

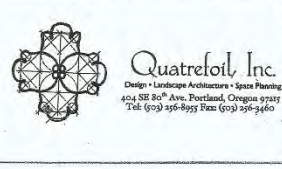
Map MC-3



 <p>Quatrefoil Inc. Design - Landmarks Architecture - Space Planning 404 SE 8th Ave, Portland, Oregon 97204 Tel: (503) 464-4477 Fax: (503) 464-4478</p>	<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon</p>	<p>MILL CREEK PARK</p>	<p>REVISIONS:</p>	<p>DATE: 1.23.2016 SCALE: 1"=40'-0" SHEET: MP.3</p>
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MILL CREEK PARK MASTER PLAN

Map MC-4



CITY OF AUMSVILLE
PARK MASTER PLAN
Aumsville Oregon

Mill Creek Park



REVISIONS: 12.19.2017	DATE: 3.22.2016
	SCALE: 1"=40'-0"
	SHEET: MP.3

Wildwood Neighborhood Park



Wildwood Park Description

Wildwood Park is Aumville’s only neighborhood park. The park is in the center of a residential neighborhood and is easily accessible by foot, bike or car. The playground, shaded picnic area and open lawn attract young children, families and pre-teens from the surrounding residential area. Originally developed in the 1980’s, when the original park playground equipment was installed, Wildwood Park is well-used by nearby residents as a day-use playground and picnic area.

The 0.92-acre park is located in the 600-700 blocks of N. Fifth Street, with almost 400’ of frontage along the street. The north half of Wildwood Park (0.58 acres) was donated to the City in 1973 as part of the development of the Wildwood Addition Subdivision. In 2013, the City of Aumville purchased the two vacant lots¹ just south of the developed park area to provide for park expansion. The rear fence line of the park abuts the yards of adjacent single-family homes.

In 2014, the Wildwood Splash Park area was completed and park use rose dramatically. Fountains, bubblers and spray water



¹ Lots 3 & 4 in the Flatfield Addition were acquired by the City of Aumville in August, 2013.

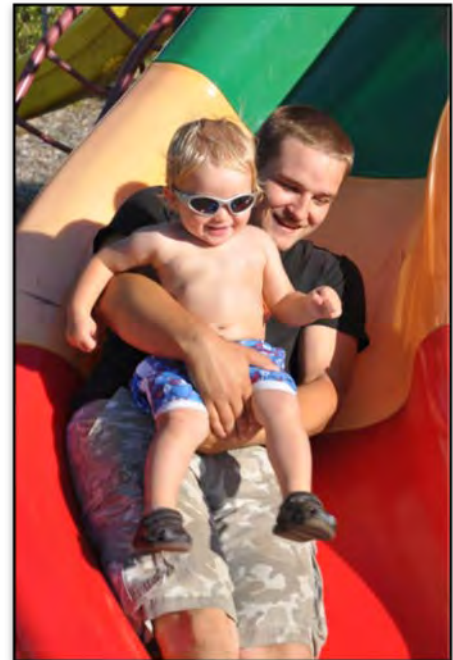
features in the splash park attract users from throughout the City and the surrounding area. During the hottest summer weather Wildwood Park is packed with 100+ park users at any one time.

During the winter and on cool spring and fall days the park returns to its role as a neighborhood playground and picnic area. The City reports that Wildwood Park is the “go to” place for family gatherings, birthday parties and play dates. Wildwood Park has three kid-oriented activity zones packed into a small space.

(1) Wildwood Playground

The playground is located south of the main entry. It is designed for pre-school and early elementary aged children. The large play structure has four slides, climbing chains, walkways and platforms. A large swing set with 4 belt swings and 2 baby swings, a tire swing and a small jungle gym provide kids an opportunity for more physical activities.

The playground provides a safe haven for neighborhood children. A chain link fence prevents children from running into the street or into adjacent properties. Parents can easily watch their children on the playground and the splash park from nearby benches and picnic tables. Even prior to the development of the splash park Wildwood Park’s playground was heavily used. For many years, the City has provided portable toilets for park users during summer months.



(2) Harold White Commemorative Splash Park

The splash park includes water play fountains, sprays, jets and dumping buckets. It is surrounded by a concrete plaza. Four concrete benches provide an area for sun tanning or adult supervision. Nearby picnic tables and benches provide spots for families to keep food, beach towels and personal items. The splash park is a hit with the community.

Splash park users stay in Wildwood Park for one to three hours at a time. Parents bring blankets and picnic supplies. Heavy usage and the long duration of user visits to the park, have reinforced the City’s conclusion that there is a need for a permanent restroom/changing facility. Park patrons have also expressed a desire for more shade to protect users of the splash park from the hot summer sun and keep concrete areas from becoming too hot.

(3) Picnic facilities

Three picnic tables and grill areas are found in Wildwood Park. They are in the grassy area north of the entry path, north of the splash park and next to the playground. They are well-used by local residents and out-of-area visitors to the park.



2016 Wildwood Park Facilities Inventory

Buildings & Facilities

Wildwood Splash Park
Portable restrooms (summer)

Picnic Facilities

Picnic Tables (3)
BBQ Grill
Trash receptacles

Utilities

Electrical Pedestals & Panels
Irrigation System
Security Cameras

Playground Equipment

Play Structure (Ages 3-10)
Swings 4-belt
Swings 2-baby
Tire swing
Climbing jungle gym



Sidewalks & Parking

On-street parking is available on 5th Street
No off-street parking area
Sidewalk along 5th Street

Miscellaneous

Wildwood Park Entry Sign
Wildwood Splash Park Sign
Bike rack
Drinking Fountain

Community Observations and Public Open House Input

The project consultants toured Wildwood Park with city public work staff during winter, spring and summer days to evaluate the public use of the park during each season and weather condition. The Parks Advisory Committee met with the consultants to discuss needs, constraints and potential future uses of Wildwood Park. The City solicited public comments at an open house in March 2016.

General Observations on Park Usage:

Wildwood Park is a small neighborhood park. The splash park, playground and picnic area are packed tightly together and there is very little open lawn area in the developed area of the park. During most months of the year Wildwood Park's primary function is as a limited day-use playground, picnic site and play area for nearby residents. The playground area is an appropriate size for a neighborhood park. In 2016, the 0.34 acres south of the existing park is an undeveloped lawn area and has not been integrated with the remainder of the park.

Wildwood Park is also a special use park due to the existence of the Wildwood Splash Park. The splash park attracts large numbers of children, youth and families on hot summer days. Families stay at the park for long time periods of time in order to allow kids to play in the water features and at the playground. This places extra demands on this small park and requires the City to strongly consider the addition of a restroom/changing room building, additional play equipment and off-street parking. After two summers of operation, the City has not received major complaints about on-street parking from nearby residents, except on the hottest summer days when cars line both sides of 5th Street.

Issues / Needs / Desires:

The city staff, Parks Advisory Committee members and citizens identified several issues to be considered while developing long-term plans for Wildwood park improvements.

Facilities:

- Add permanent restrooms and a changing room for splash park and playground users.
- Develop an off-street parking lot.
- Add a small picnic shelter.

Playground and Equipment:

- Replace and upgrade playground equipment at the end of its useful life.
- Replace the monkey bars with a new climbing structure.
- In May, and periodically during the summer, inspect, disinfect and clean the surface of splash park.



Site Features:

- Develop the 0.34 acres at south end of park to include a lawn/play field, pathways, seating and drinking fountain.
- Reduce the fence height along N. Fifth Street and move the fencing 5' back from the edge of the sidewalk to improve visibility at the park entry.
- Extend fencing along the full park frontage.
- Add picnic tables and BBQ at the north end of park.
- Install trellis or cover over picnic tables for shade.
- Add trees for shade during afternoons.

On-Street Parking:

- Improve visibility near the park entry. No on-street parking 20' from the 5th Street entry walkway.
- Create a crosswalk on 5th Street to the north side of Oak Street to allow people to walk across 5th Street and create a safety buffer in the on-street parking area.

Land Acquisition:

- If property becomes available, acquire the parcel to the southeast to allow for park expansion and additional off-street parking.

Miscellaneous:

- Consider Wildwood Park as a good location for a summer lunch or summer recreation program.
- Remove the sign clutter.

Improve visibility near



Proposed Wildwood Park Improvements

At the March 7, 2016 open house, Aumsville residents reviewed two park design concepts for Wildwood Park and offered their comments and recommendations. An updated design option to add a parking lot at the south end of the park was prepared for public review at the March 29, 2016 open house. The Parks Advisory Committee considered the public comments and listed the following priority improvements for Wildwood Park.

1. Restrooms and Changing Room (High Priority)

The addition of restrooms in Wildwood Park is the highest priority improvement in the City of Aumsville. The splash park attracts users from Aumsville and visitors from surrounding communities. During hot summer days, the park is packed with 100+ people, who stay at the park for hours at a time. Summer rental of a portable toilet does not suffice. A permanent restroom is a public health necessity. The City should immediately pursue grant opportunities to develop a restroom/changing room building.

2. Parking

Existing on-street parking on 5th Street can handle daily park visitor traffic during most days in the fall, winter and spring. On hot summer days, when temperatures exceed 85 degrees, park usage spikes and 15-40 vehicles may be parked on 5th Street. The development of an off-street parking area is one of the options that should be carefully considered by the City. If the City receives complaints from neighborhood residents or the Aumsville Police Department finds there are traffic safety hazards or pedestrian safety concerns, then the City may want to accelerate when the City adds parking to the park. Three options may be considered:

- (1) On-street parking only.
- (2) Off-street parking lot for 10-12 cars on Lots 4 & 5.
- (3) Future off-street parking on a new lot to be acquired at 401 Clover Street.

3. Short-term Site Improvements (by 2020)

The popularity of the splash park has generated a need for several short-term improvements. Parked cars on 5th Street and the location of the chain link fence at the back edge of the sidewalk can create safety concerns for children leaving the park and darting out into the street. The consultants recommend the City restrict parking near the entrance to the park and move the fence back from 5th Street to improve visibility.

Wildwood Park has only a few trees which provide shade for splash park users. The City staff proposes the planting of one or more shade trees at the south edge of the park and the construction of a trellis or covered picnic shelter next to the splash park to provide relief from the sun. The plan also recommends adding picnic tables and benches with clear visibility to the splash pad and the play area will serve the multitude of users to the park.

4. Long-term Site Improvements (after 2020)

The 0.34 acres acquired by the City in 2013 is not developed. The City maintains this area as a grassy lawn area, but it is not clear the vacant lots are part of Wildwood Park. The Wildwood Park Master Plan design presents two options for the integration of these lots into the overall park design by adding landscaping, walkways and trees to the site. One option shows the expansion of lawn, pathways and landscaping on the entire 0.35 acres. Option 2 includes the addition of 13 off-street parking spaces and a smaller landscaped area next to the existing playground.

This plan also recommends the City remove the existing monkey bars from the playground area and plan on the long-term replacement of major pieces of playground equipment every 20 years.

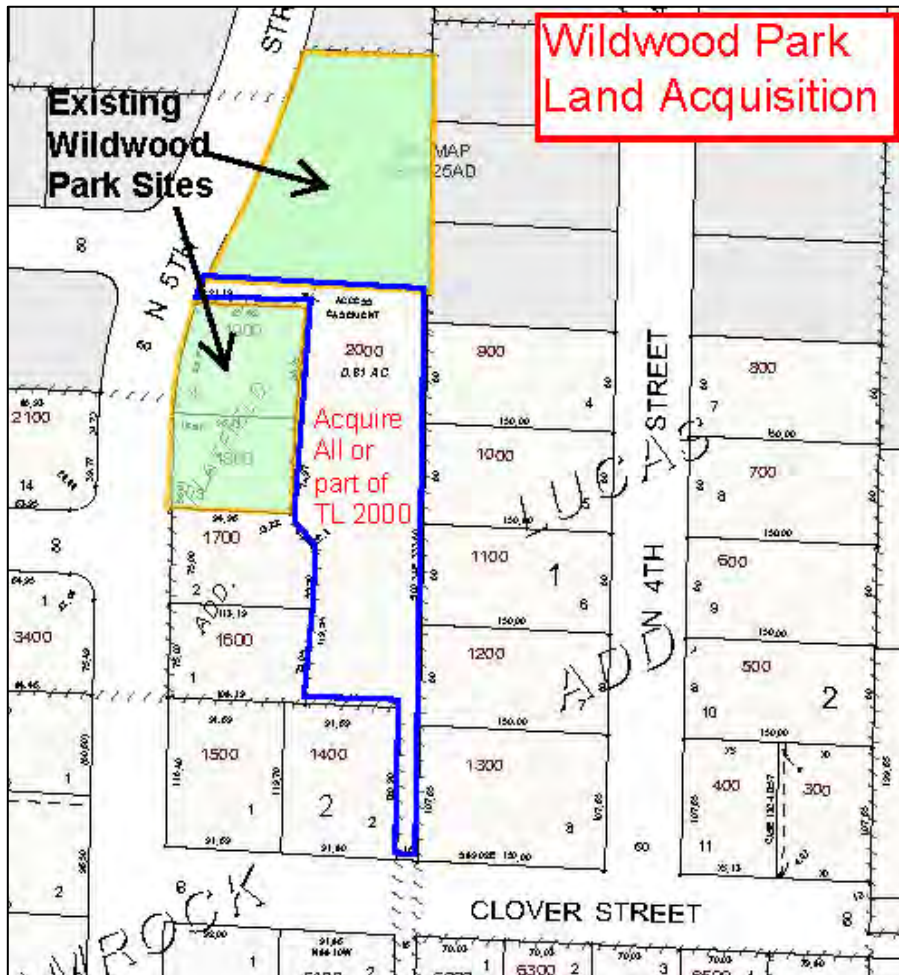
5. Land Acquisition: Purchase 0.81 acres at 401 Clover Street

A 0.81-acre parcel at 401 Clover Street is directly south and east of Wildwood Park. The parcel has an existing house, large shop and a long access driveway south to Clover Street.

The parcel also has a 16' wide access driveway to N. Fifth Street which bisects the City park properties. The City has acquired an easement which grants the city the right to cross this easement area, but the driveway must be retained for use by the property owner. At a minimum, the City should acquire this 16' wide strip of land in order to combine the two park properties. If the opportunity arises, the City should acquire the 0.81-acre parcel to allow for park expansion.

If acquired, the site can be developed with an off-street parking area with access from Clover Street. The parcel is large enough to create a 20+ car parking area with a safe, easy access to Clover Street. This will allow for the entire park fronting N. 5th Street to be used for recreation and for the south two lots to be developed with a multi-purpose activity field, pathways and picnic areas.

Map W-1
Wildwood Park Land Acquisition



Wildwood Park Master Plan

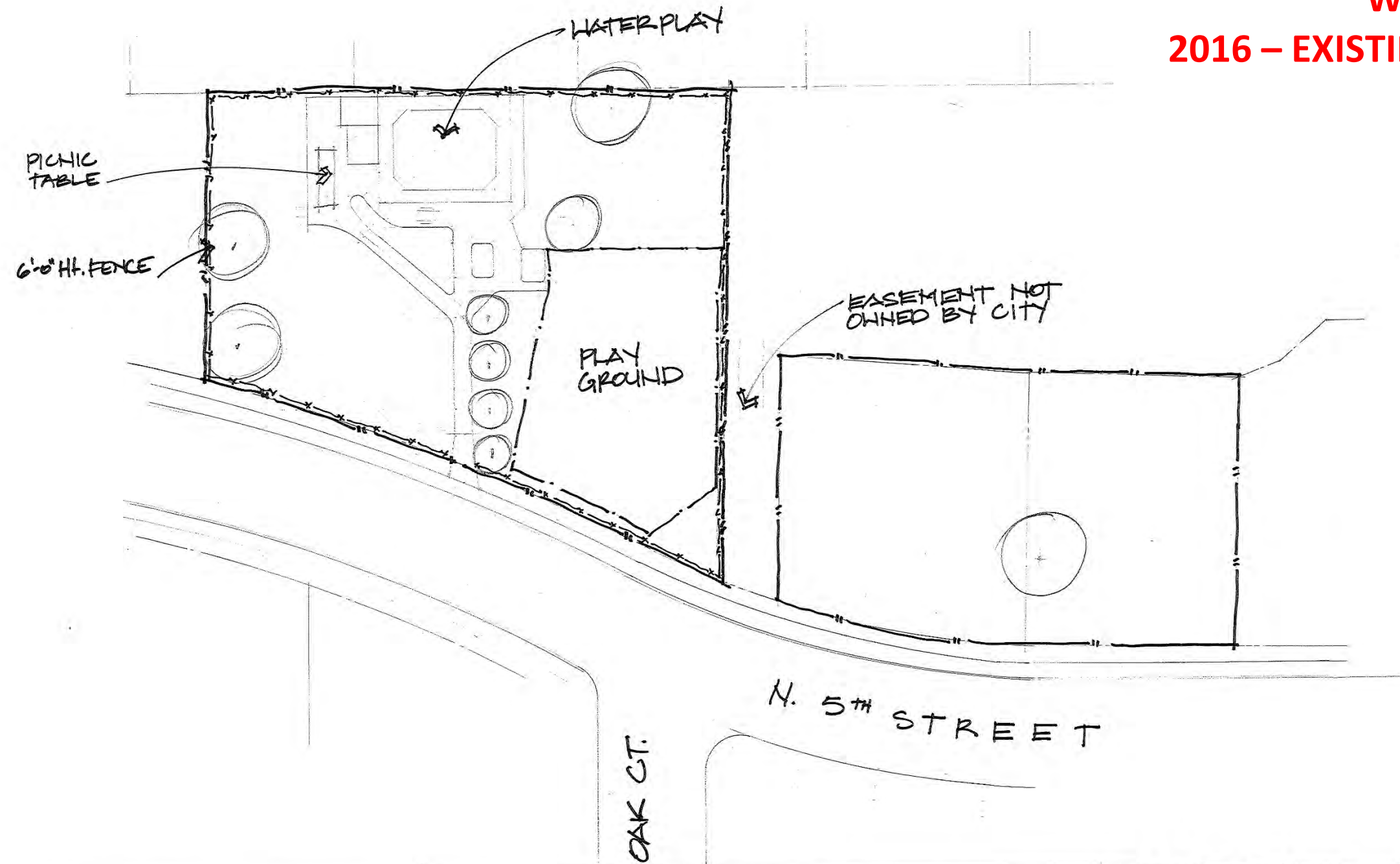
Wildwood Park is a neighborhood park and will continue to serve families and children who live in the surrounding residential areas. The Wildwood Splash Park generates heavy use during hot summer days. The addition of restrooms and a changing room building in Wildwood Park is considered as one of the highest priority park improvements in the City. Due to the popularity of the splash park, the addition of a trellis, shade trees and more picnic tables and benches are also a high priority.

Table W-1
Wildwood Park
Priority Park Improvements²

	Recommended Wildwood Park Improvements	Description
W-1	Restrooms & Changing Room	Build a new restroom building with a family changing room.
W-2	Wildwood Park Phase 1A Site improvements	Design and develop the 0.34 acres at the south end of Wildwood park with connecting pathways, small picnic shelters and landscaping.
W-3	Wildwood Park Phase 1B Site improvements	Add a trellis or covered picnic area, install additional picnic tables and benches and plant additional shade trees for the splash park and playground area.
W-4	Land Acquisition: 401 Clover Street	Acquire the 0.81 acres at 401 Clover Street for the future expansion of Wildwood Park. This area can provide a safe, accessible off-street parking area.
W-5	Parking Lot	Install a 12 to 20+ car off-street parking lot. Add walkways and lighting to park.

² Detailed cost estimates for all Wildwood Park improvements are included in Exhibit “A”.

WILDWOOD PARK
2016 – EXISTING CONDITIONS
 Map W-1



 <p>Quatrefoil, Inc. Design • Landscape Architecture • Space Planning 404 SE 80th Ave. Portland, Oregon 97215 Tel: (503) 256-8955 Fax: (503) 256-3400</p>	<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon</p>	<p>WILDWOOD PARK</p>	REVISIONS:	DATE:
				1.23.2016
				SCALE: 1"=20'-0"
				SHEET: MP.4

WILDWOOD PARK MASTER PLAN

Map W-2



<p>Quatrefoil, Inc. Design • Landscape Architecture • Social Planning 404 SE 8th Ave. Portland, Oregon 97214 Tel: (503) 297-8997 Fax: (503) 297-3470</p>		CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon		Wildwood Park		REVISIONS: 12.19.2017	DATE: 3.22.2016
						SCALE: 1"=20'-0"	
						SHEET: MP.4	

Water Tower Park



Water Tower Park Description

The Water Tower park site is a 0.25-acre site at the corner of 5th Street and Church Street. The park is located east of Aumsville City Hall and behind the Chester Bridges Community Center. It includes a 100,000-gallon elevated water storage reservoir, a water pump station building and a fenced cell tower equipment enclosure. The site has been developed as a pocket park with landscaping, ornamental trees, picnic tables, a water fountain and trash receptacles. The park is used by city hall staff for lunch breaks, by residents as a quiet day-use area, and by Saturday Market vendors and community center users during larger special events.

The City anticipates the Water Tower Park will remain an occasionally used green space and pocket park. Due to the need to maintain security and access to the water system facilities and the telecommunications equipment, there are few opportunities to expand the park facilities and uses.



2016 Water Tower Park Facilities Inventory

Buildings & Facilities

Water Storage Reservoir
Tower Well and Pump Station
Telecommunications Fence Enclosure

Utilities

Electrical Pedestals & Panels
Irrigation System
Security Cameras

Picnic Facilities

Picnic Tables (2)
Benches (4)
Trash receptacles

Miscellaneous

Sidewalk
Awnings under Water Tower

Parking

On-street parking on 5th Street
City Hall parking lot

Community Observations and Public Open House Input

General Observations on Park Usage:

Water Tower Park is used for Saturday Market, special events at the Community Center, city staff picnics, lunch time use and occasional day-use by local residents. The small park is well landscaped; dogwoods and rhododendrons provide seasonal color. The City Engineer and public works director state the 100,000-gallon water storage tower needs structural improvements to address seismic issues and the Tower Well needs to be redrilled or rehabilitated. Both projects were identified as high priorities in the *Aumsville Water System Master Plan* and may occur prior to the year 2025.

Observations:

- Day use area.
- Farmers Market utilizes parking lot & park area on the 2nd Saturday of the month from June to September. Vendors use the entire parking lot, the Tower Park area and the Chester Bridges Community Center.
- Water Tower, well/pump house and cellular tele-communications equipment restrict the use of the park.
- The awnings under the reservoir are a maintenance problem and need to be replaced.

The Parks Advisory Committee discussed needs, constraints and potential future uses. They concluded that due to the water improvement projects and the limited park uses, the City will plan for minor improvements if funds are available and/or the improvements are made concurrently with water improvement projects.

The City solicited public comments at two open house events in March 2016 and a city council work session in May 2016.



Issues / Needs / Desires:

The city staff, Parks Advisory Committee members and citizens identified several issues to be considered while developing long-term plans for Water Tower park improvements.

Site Features:

- Open up the site visually.
- Add shading near picnic area.
- Add circular 6' wide PCC sidewalk with seating areas.
- Replace the canopy cover under the water tower.
- Replace landscaping after well is redrilled/refurbished.
- Replant landscape buffer between the park and the restaurant parking lot to south.
- Add a drinking fountain to the back of community center.
- Add picnic tables and BBQ at the north end of park.
- Construct a garbage container enclosure to clean up the appearance of the parking area behind the community center building.

Facilities:

- The existing covered awning needs to be replaced. It provides shade and rain protection for park users.
- Add an ADA compliant picnic table with easy access to the parking lot.

Proposed Water Tower Park Improvements

At the March 7, 2016 open house, Aumsville residents reviewed two park design concepts for Water Tower Park and offered their comments and recommendations. The Parks Advisory Committee considered the public comments and listed the following priority improvements for Water Tower Park.

1. Well and Water Tower Seismic Improvements

Rehabilitation of the Tower Well or drilling a new well and the seismic upgrade to the water storage reservoir are the City's highest priorities for this site. Park use is secondary.

2. Site Improvements

Short-term park improvements will focus on the minor repair of existing facilities and landscape maintenance. Replacement of the awning, ADA accessible picnic facilities and landscaping improvements to separate the park use from the adjacent parking lot to the south are recommended by the year 2020. The Water Tower Master plan shows long-term improvements including a circular PCC walkway, picnic facilities and benches.

Water Tower Park Master Plan

Water Tower Park is a pocket park. It will continue to serve city employees, community center users and nearby residents and business users who walk through the site.

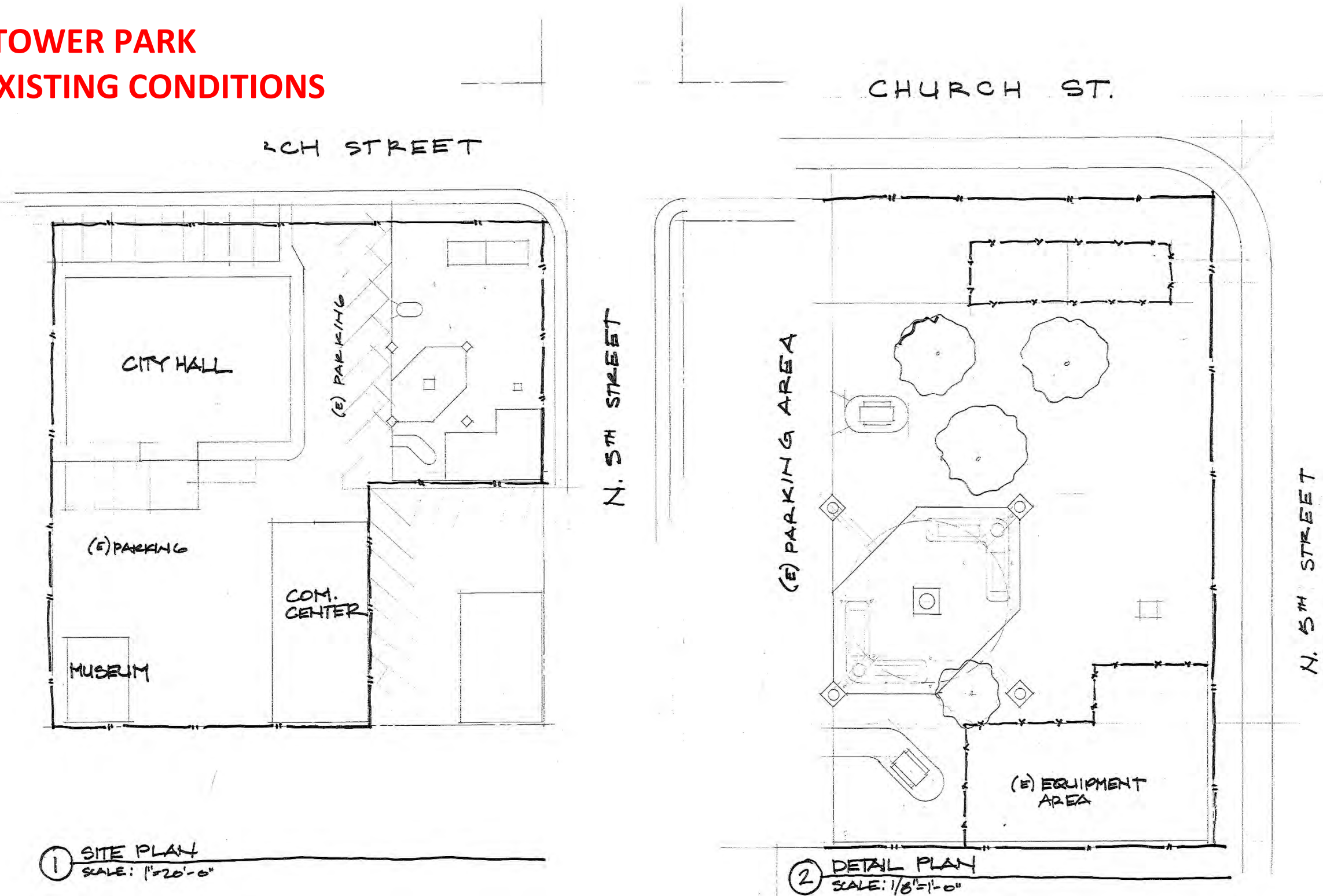
Table WT-1
Water Tower Park
Priority Park Improvements¹

	Recommended Water Tower Park Improvements	Description
Note	Well Rehabilitation. Seismic upgrades to the Water Tower.	Water System Improvements to rehabilitate the city well and complete structural safety/seismic improvements to the 100,000-gallon water storage reservoir before investing in significant park improvements.
WT-1	Water Tower Park Phase 1 site improvements	Short term improvements to keep the Water Tower park facilities and landscaping attractive to users: <ul style="list-style-type: none"> • Replace the canopy under the water tower. • Provide an ADA-compliant picnic table and accessible walk. • Once well repairs are made, plant an evergreen tree for use as a lighted “holiday” tree. • Add a landscaping buffer next to the telecommunications fence. • Add a landscaping buffer between picnic table and parking lot to south. • Install a drinking fountain on the south wall of the community center. • Add garbage dumpster enclosure north of the community center.
WT-2	Water Tower Park Phase 2 site improvements	Long term site improvements will make the water tower park site more usable during Saturday Market and other special events: <ul style="list-style-type: none"> • Construct 6’ wide PCC circular path & benches with access to 5th Street. • New landscaping and trees adjacent to path.

¹ Detailed cost estimates for all Water Tower Park improvements are included in Exhibit “A”.

WATER TOWER PARK 2016 – EXISTING CONDITIONS

Map WT-1



1 SITE PLAN
SCALE: 1"=20'-0"

2 DETAIL PLAN
SCALE: 1/8"=1'-0"

 <p>Quatrefol, Inc. Design • Landscape Architecture • Urban Planning 414 SE 8th Ave. Portland, Oregon 97214 Tel: (503) 296-8222 Fax: (503) 296-2460</p>	<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon</p>		<p>WATER TOWER PARK</p>	<p>REVISIONS:</p>	<p>DATE: 2.23.2016</p>
					<p>SCALE: 1"=20'-0"</p>
					<p>SHEET: MP.6</p>

WATER TOWER PARK MASTER PLAN

Map WT-2

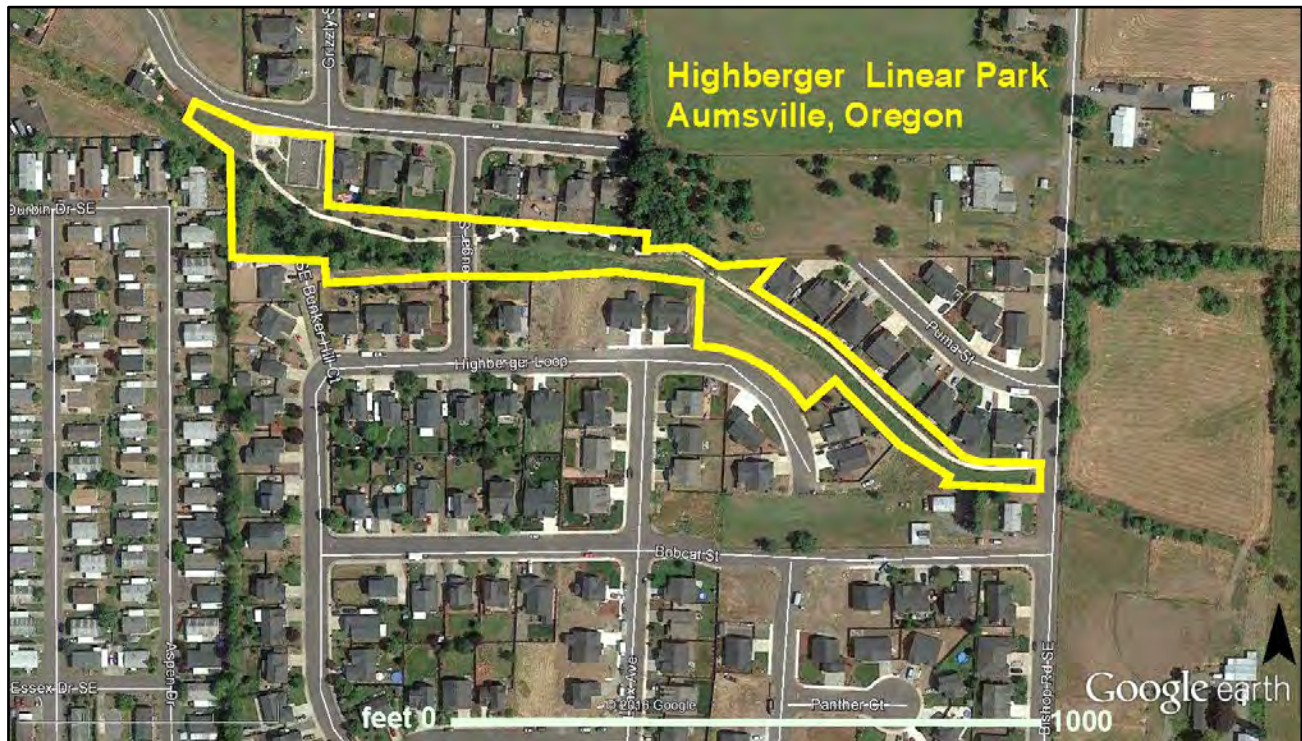


1 Site Plan
Scale: 1"=20'-0"

2 Detail Plan
Scale: 1/8"=1'-0"

 Quatrefoil, Inc. <small>Order - Landscape Architects - Site Planning 404 SE 80th Ave. Portland, Oregon 97217 Tel: (503) 298-8955 Fax: (503) 298-2460</small>	REGISTERED <small>352</small> BRIAN E. BAINSON OREGON <small>07/26/1996</small> LANDSCAPE ARCHITECT	CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon	Water Tower Park		REVISIONS: <small>12.19.2017</small>	DATE: 3.22.2016 SCALE: As Shown SHEET: MP.5 <small>1579</small>
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Highberger Linear Park



Highberger Linear Park and Greenway Description

Highberger Park is a 0.29-mile long linear greenway in the east side of the City that meanders along an existing drainage course in the Highberger Meadows and Flowers Estates subdivisions. The property was donated to the City as part of the original subdivision developments to preserve the existing drainage course and wetlands and to provide the first piece of a recreational trail network in the eastern half of the city. A fully improved pedestrian trail extends from Willamette Street to Bishop Rd. SE.

At the west end of the trail adjacent to Willamette Street, the City has constructed a 4-car parking area, a picnic shelter and basketball court. The 8' wide concrete recreational trail begins at this parking area and goes east along the creek, adjacent to existing wetlands and then next to several detention ponds east of Cougar Street. Benches, picnic tables and drinking fountains are located along the lighted trail. The City has installed way-finder signage to direct park users to nearby streets.

In 2016, the City acquired a 0.15-acre parcel fronting Willamette Street just west of the basketball court. This site will be used as green space and for the installation of a new restroom facility for the benefit of trail and park users.





2016 Highberger Linear Park Facilities Inventory

Picnic Facilities

- Small picnic shelter
- Picnic tables (3)
- Pedestrian Benches
- Trash receptacles

Playground Equipment

None

Parking

- 4 off-street parking spaces
- @ the Willamette Street entry.

Miscellaneous

- Basketball Court (full-size)
- Park signage
- Wayfaring signage
- Trail lighting
- Drinking Fountains (2)
- Planting Beds (adopted by residents)



Community Observations and Public Open House Input

The project consultants toured Highberger Park with city public work staff several times in 2016. The Parks Advisory Committee met with the consultants to discuss needs, constraints and potential future uses of Highberger Park. The City solicited public comments at two open houses in March 2016 and met with the City Council to discuss park priorities in July 2016.

General Observations on Park Usage:

As a linear park Highberger Park is primarily used by nearby residents to walk dogs, take leisurely strolls, or get daily exercise. Residents are very pleased with the trail design, security lighting along the pathway and the excellent visibility. Adults and children feel safe and secure when using the recreational trail. The fenced basketball court attracts middle school students, high school students and young adults. The picnic shelter is occasionally used by area residents for small family gatherings and by the community for special events like National Night Out. Community members noted that the lack of a restroom near the picnic area and the basketball court limits usage of these areas. The addition of a restroom facility will also serve citizens using the recreational trail.

City officials want to see the greenway and recreational trail extend east of Bishop Rd. along Highberger Ditch and also south along Bishop Rd. to Mill Creek Rd. The existing trail is the first segment of a larger recreational trail network that will loop through the community.

Issues / Needs / Desires:

The city staff, Parks Advisory Committee and citizens identified several improvements they believe will enhance Highberger Park and improve the public's experience when walking the recreational trail.

Facilities:

- Add a public restroom at the west end of Highberger Park near Willamette Street so it is close to the picnic area and basketball court and easily accessible for trail users.
- Develop a series of fitness stations along the recreational trail. Begin with 2-3 stations within Highberger Park and add to these in the future when the recreational trail is extended to the south and east.

Site Features:

- The wetlands and riparian area between Cougar Street and Willamette Street needs to be managed and restored with native vegetation to help reduce erosion and improve water quality.
- Retaining lawn areas and low-profile grasses and shrubs is encouraged to retain high visibility along the entire trail. Use of large shrubs, hedges and trees which limit visibility is discouraged.

Neighborhood and Connectivity Issues:

- Add a trail extension to Willamette Street to connect with the Flowers Meadows Subdivision.
- Highberger Park will serve as a neighborhood park for area residents until a community park is developed east of Bishop Rd. (See Future Parks).
- Extend the recreational trail along Highberger Ditch east of Bishop Road.
- Extend the recreational trail along the east side of Bishop Rd south to Mill Creek Road.

Flood Management:

- Highberger Parks detention basins and the ditch area are necessary to protect the adjacent neighborhoods from flooding during major winter storms. Planting with native grasses, shrubs and plants is encouraged.
- Regular maintenance of the detention basins and Highberger ditch area is recommended to maximize storm-water detention.

Proposed Highberger Park Improvements

At the March 7, 2016 open houses, local residents reviewed two park design concepts for Highberger Park and offered their comments and recommendations on the design options and proposed park improvements. Modifications were made to the plan for the March 29, 2016 open house to incorporate recommendations from both the public and Parks Advisory Committee. The Parks Advisory Committee has identified the following improvements for Highberger Park:

1. New Restroom

A new restroom is recommended for the west end of Highberger Park adjacent to Willamette Street at the beginning of the recreational trail. The restroom should be located west of the basketball court, picnic shelter and trail on property acquired by the City in 2016. Water, sewer, electrical utilities and a handicapped parking space are readily available. The Parks Advisory Committee recommends a new restroom be completed prior to 2020.

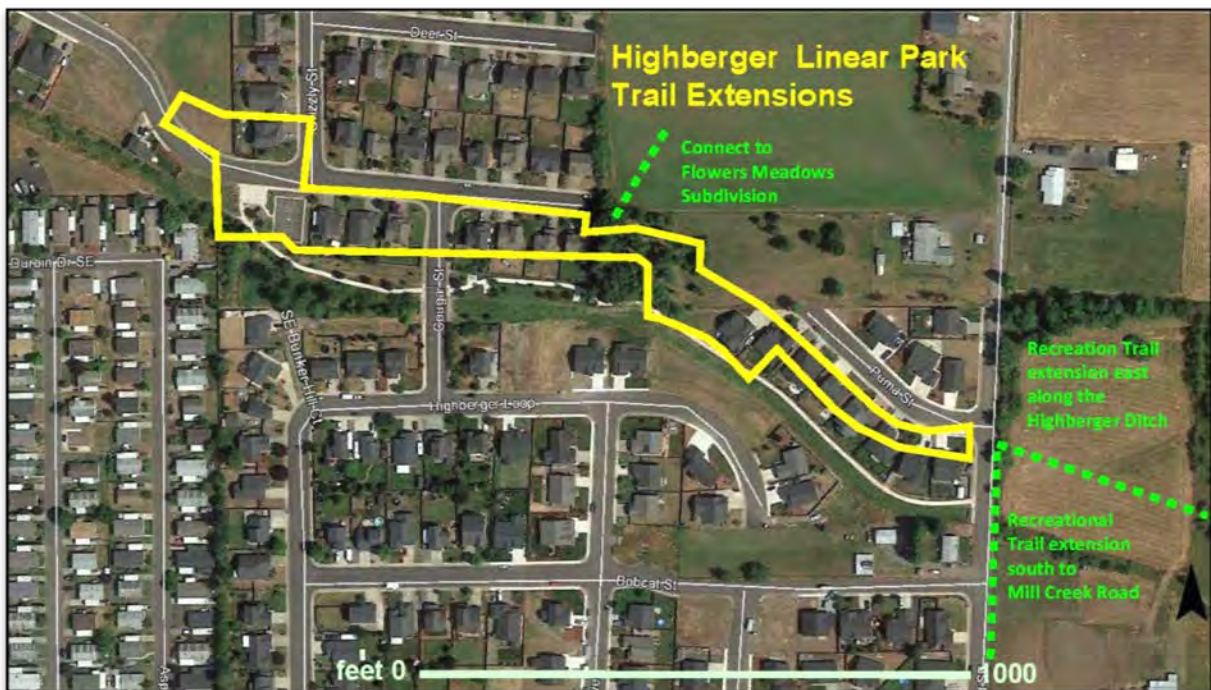
2. Fitness Trail

Fitness stations are recommended along the existing trail in Highberger Park. As the trail is extended east and/or south in the future, additional fitness stations can be added.

3. Land Acquisition and Recreational Trail Extensions

The City views the existing Highberger Park as the first segment in the recreational trail network that loops through the City of Aumsville. The City's Comprehensive Plan anticipates Highberger Ditch inside the Urban Growth Boundary will be preserved as a greenway corridor for flood management and storm water detention. The recreational trail will be extended in a greenway from Bishop Rd. east to Albus Rd. SE. In addition, this plan recommends the recreational trail be extended along the east side of Bishop Rd. south to Mill Creek Rd.

Map Highberger-1
Future Highberger Park Recreational Trail Extensions



Highberger Park Master Plan

Highberger Park will continue to be used as a community park, with recreation facilities geared to serve families, youth and young adults. The Highberger Park Master recommends:

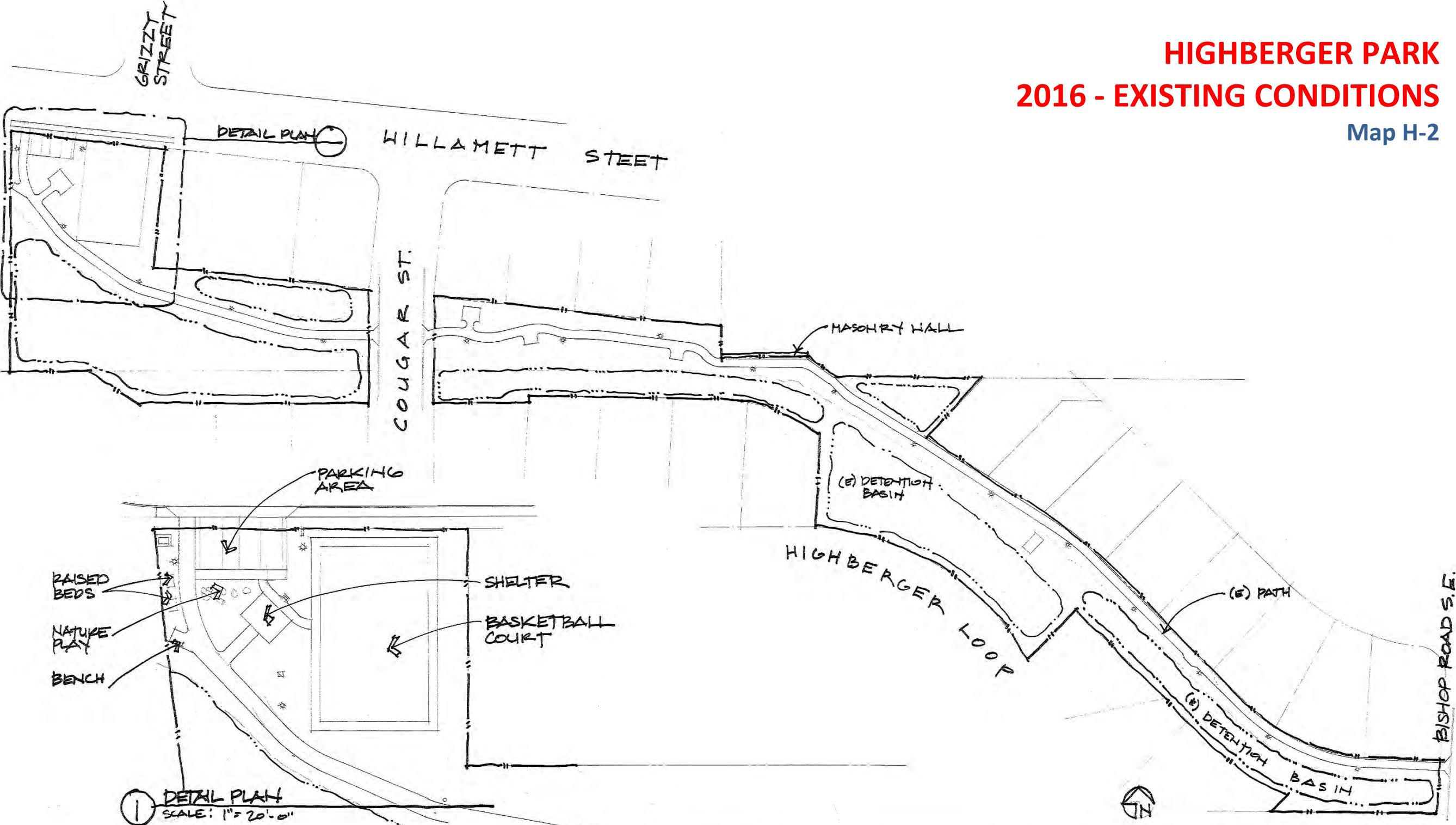
Table H-1
**Highberger Linear Park
 Priority Park Improvements¹**

	Recommended Highberger Park Improvements	Description
H-1	Restroom	Build a new restroom at the Willamette Street entry to Highberger Park
H-2	Fitness Trail	Develop fitness stations along the Highberger Park recreational trail.
H-3	Native Plant Restoration	Restore native plants in the riparian area at the west end of the park.
H-4	Recreational Trail Extension (north to Flowers Meadows Subdivision)	Acquire an easement or ROW for to extend the recreational trail from Highberger Park north to Willamette Street into the Flowers Meadows Subdivision.
H-5	Recreational Trail Extension (e. of Bishop Rd.)	Acquire land east of Bishop Rd. along Highberger Ditch to extend the Highberger Linear Park and recreational trail to a future community park east of SE Bishop Rd. 8' wide trail.
H-6	Recreational Trail Extension (south on Bishop Rd. to Mill Creek Rd.)	Acquire additional right-of-way on the east side of Bishop Rd. SE and extend the recreational trail from Highberger Park south to Mill Creek Rd.

¹ Detailed cost estimates for all Highberger Park improvements are included in Exhibit "A".

HIGHBERGER PARK 2016 - EXISTING CONDITIONS

Map H-2



1 DETAIL PLAN
SCALE: 1" = 20'-0"



CITY OF AUMSVILLE
PARK MASTER PLAN
Aumsville Oregon

HIGHBERGER
PARK

REVISIONS:	DATE:	1.23.2016
	SCALE:	1" = 40'-0"
	SHEET:	MP.5

HIGHBERGER LINEAR PARK MASTER PLAN

Map H-3



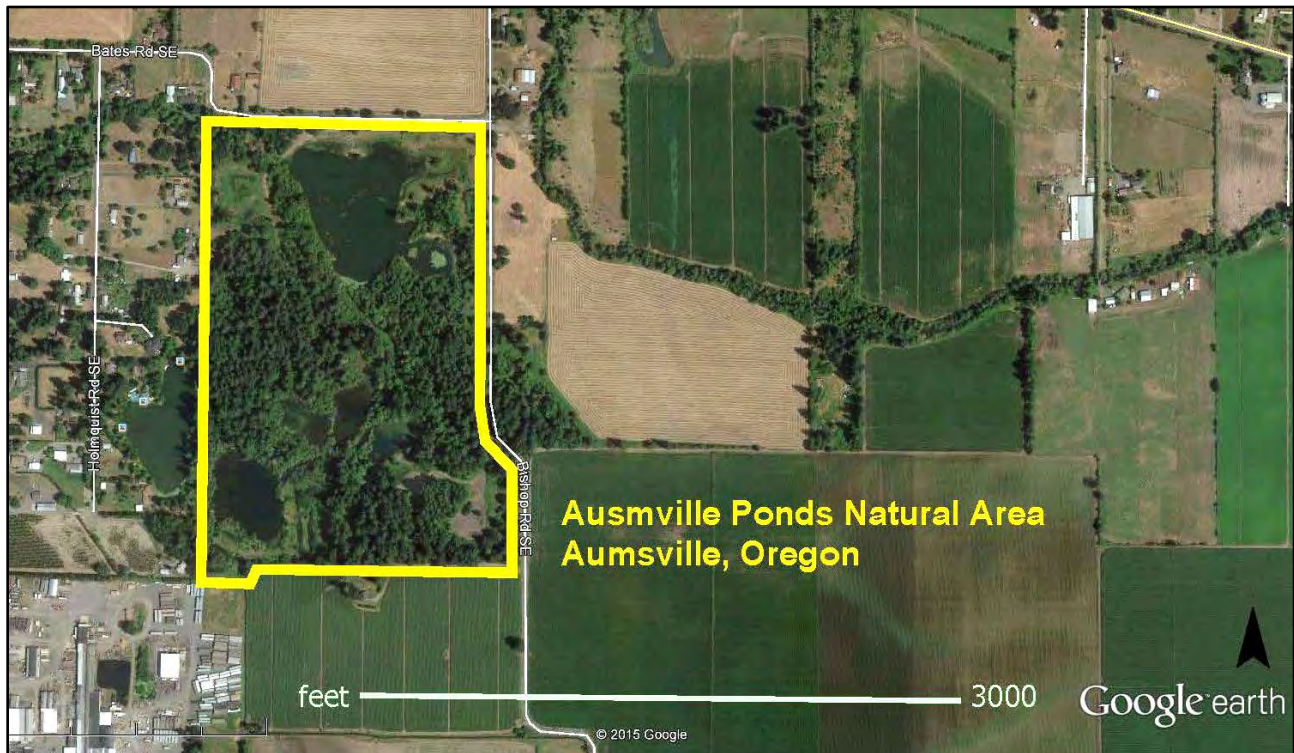
Native Planting

- Trees
 - Douglas Fir
 - Western Red Cedar
 - Pacific Dogwood
 - Vine Maple
- Shrubs
 - Oregon Grape
 - Pink Current
 - Pacific Nine Bark
 - Snow Berry
 - Douglas Spiraea
 - Nootka Rose
- Ground Cover
 - Kinnickinnick
 - Sword fern
 - Barren Strawberry
 - Twin Berry
 - Winter Green

1 Detail Plan
Scale: 1"=20'-0"

		<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon</p>	<p>Highberger Linear Park</p> 	<p>REVISIONS: 12.19.2017</p>	<p>DATE: 3.22.2016</p> <p>SCALE: 1"=40'-0"</p> <p>SHEET: MP.6</p>
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Aumsville Ponds Natural Area



Aumsville Ponds Natural Area Description

The Aumsville Ponds Natural Area is a 77.8-acre natural area located approximately one-half mile south of Mill Creek Road at the intersection of Bates Rd. and Bishop Rd. The site, previously known as the Aumsville Quarry, was owned by the Oregon Highway Division (ODOT) and used as a source of rock for the construction of Highway 22. After completion of the highway the quarry areas filled with water creating the ponds. These ponds are the headwaters for Porter Creek which flows to the west. In 1980, the Oregon Department of Fish and Wildlife obtained a permit from the Oregon Highway Division to develop the ponds as a public angling area with a nature trail meandering around the ponds. Marion County acquired the property in 2000 and has managed the site as a natural area.

In 2017 city officials expressed interest making the park more accessible to the public and discussed options for future operation and management with the County Administrator. Options for improved operation and management of the Aumsville Ponds include a lease or joint management agreement between the City of Aumsville and Marion County or a transfer ownership from Marion County to the City of Aumsville. If the park ownership is transferred Marion County officials indicate the County will retain a one-to-two-acre parcel at the southeast corner of the site adjacent to Bishop Rd. and retain any existing water rights. As of October 2017, no decisions have been made.

The ponds, a small gravel parking lot, picnic area and walking trails are available for public use from the late spring through the end of fall, but the site is closed to the public during the winter months. The Marion County Parks Master Plan (MIG, Inc. April 2010) describes the Aumsville Ponds as a community park, but anticipates it will be retained as a natural area with low-impact recreational uses.

The 77.8-acre site, composed of wetlands and upland areas, is the headwaters for Porter Creek in the Mill Creek Watershed. A gravel path has been developed. Volunteer groups assist in controlling invasive vegetation and in creating and maintaining the trail that winds around the site. The park is home to numerous native species such as bald eagles, osprey, migratory waterfowl, black-tailed deer, and warm water fish. Aumsville Ponds Park is popular for picnicking, swimming, fishing, and nature watching.¹

Marion County parks staff indicate the Aumsville Ponds is home to a variety of amphibians including rough skinned newt, bull frog, red-legged frog, pacific tree frog and the western pond turtle. The site provides good quality habitat for the western pond turtle, *Actinemys marmorata*, whose status is listed as “critical” on the Oregon sensitive species list. Conservation of Oregon’s native turtles and the protection of their habitat is a high conservation priority due to significant loss of habitat within the Willamette Valley.² ODFW has developed best management practices (BMPs) to guide property owners on how to preserve habitat for Oregon’s native turtles. Wildlife managers encourage protection of natural areas, such as the Aumsville Ponds site and the use of BMPs to manage sites where turtles live.

Actions that involve ground disturbance, changes in water levels, removal of vegetation, and use of heavy equipment are only a few types of activities known to affect turtles. Just because you don’t see turtles on your site doesn’t mean they aren’t there. Oregon’s secretive native turtles hibernate during cold weather and rest (aestivate) on hot summer days, buried in the bottoms of muddy ponds or under leaf litter in shrubby or forested upland areas. They may be visible only during a narrow temperature range and on sunny days when they bask (sunbathe) on fallen trees and tree branches along the margins of rivers, lakes, and ponds.³

A 100-year flood plain extends around the edges of Young Lake, the large lake at the north end of the site, and along Porter Creek. Porter Creek flows to the west where it discharges into Mill Creek about ¾ of a mile west of the City of Aumsville city limits.

Mill Creek is identified as essential salmon habitat by the Oregon Department of Fish and Wildlife for two threatened species, the Upper Willamette spring Chinook and winter steelhead. The City has a responsibility to manage the flood plain so development within it does not harm or destroy habitat for threatened salmonids. This plan recommends the City encourage habitat restoration activities and avoid placement of buildings or park facilities within the 100-year flood plain and wetlands to protect water quality and habitat.



Young Lake with Native Species Interpretive Sign

2016 Aumsville Ponds Natural Area Facilities Inventory

¹ *Marion County Parks Master Plan*, MIG, Inc., April 2010. pp. 19-20.

² ODFW. 2015. *Guidance for Conserving Oregon’s Native Turtles including Best Management Practices*. Oregon Department of Fish and Wildlife. 99 pp.

³ *Ibid*, p. 1.

Buildings & Facilities

Restroom (unisex pit toilet)

Utilities

None

Playground Equipment

None

Site Improvements & Parking

Off-street gravel parking
Loop walking trail and bridges
Picnic table near entry

Miscellaneous

Entry gates
Interpretative signage
Aumsville Ponds Natural Area sign



Community Observations and Public Open House Input

The Aumsville Ponds Natural Area is a special use park with minimal public use. Although close to the City of Aumsville the park is not well-known and visitor use is small. During winter months, Marion County keeps the gates to the park locked. Visitors park on Bates Rd., walk around the gates to fish or walk the park trails.

The project consultants toured Aumsville Ponds Natural Area in 2016. The advisory committee for the Parks Master Plan Update discussed Marion County's lack of on-going maintenance, the potential for city acquisition of the site, environmental constraints and potential future uses of the natural area. They concluded city acquisition or a lease/management agreement for the operation of the park will benefit city residents by providing a large, undeveloped nature area, which is unique to Marion County and very different from the city's other parks.

Issues / Needs / Desires:

The city staff, parks advisory committee members and citizens identified several issues to be considered by the project consultants in planning for improvements to the Aumsville Ponds Natural Area.

Operational Issues and Concerns:

- Marion County provides minimal summer maintenance.
- The park is closed to the public in the winter months.
- Minor vandalism occurs when the park is closed to the public.
- Law enforcement does not patrol the park on a regular basis

Facilities:

- Restrooms: The current pit restroom will need to be refurbished or replaced if usage increases.
- Parking: Year-round parking lot access and improved security will be needed. The parking lot will need to be secured to prevent vehicles from driving onto the grassy areas near the ponds.
- Picnic Shelter: Increased community use will require the addition of a small group picnic shelter and additional picnic tables north of Young Lake.

Playground and Equipment:

- No playground area is recommended.

Site Improvements:

- Add trees on the north shore of Young Lake for shade during afternoons.
- Trails are not ADA compliant. Rebuild the trails as accessible multi-use trails.
- Camping: Evaluate the feasibility of adding a small tent-camping area on the east side of Young Lake with road access to Bishop Rd.

Miscellaneous:

- Develop an invasive plant management program
- Place interpretive signage along the trail to describe flora and fauna.
- Encourage educational study opportunities in local schools.



Aumsville Ponds --- Young Lake

At the March 2016 open houses, Aumsville’s citizens offered their comments and recommendations. Public reaction to the proposed city acquisition was mixed. Several community members noted city acquisition would add a financial burden for park management and felt Marion County should continue to own and manage the park. Other residents viewed city acquisition of the park as an opportunity to improve the walking trails, add interpretive signage, use the park for environmental education, provide regular maintenance and local police protection and to keep the park open throughout the year.

Proposed Aumsville Ponds Natural Area Improvements

The Parks Advisory Committee and the city staff considered the public comments and identified the following priority improvements for Aumsville Ponds Natural Area.

1. Complete the main perimeter trail around Young Lake. Re-grade the trail and provide an accessible surface for the pathway by compacting existing gravel and topping it with compacted ¾-minus gravel. Add several benches or resting areas along the trails.
2. Maintain and upgrade the smaller walking trails around the other ponds and through the wetlands.
3. When upgrading the existing overlook/fishing pier, add an accessible pathway and modify the overlook to add lowered railings along a portion of the railing.
4. Provide interpretive signage about native plants and animals along the trails.
5. Add a small group picnic shelter and accessible picnic tables north and east of Young Lake
6. Modify the parking area so the park is open year-round.
7. Upgrade the existing restroom facility.
8. Add security cameras at the restroom and parking area.
9. Continue partnerships with local schools for maintenance and restoration of the natural area.
10. Build a small environmental education building for use by local schools.
11. Create a small walk-in tent camping area on the east side of Young Lake.
12. Develop a community park within ¼ mile of the Aumsville Ponds site. See the Future Community Park section of this plan.

Aumsville Ponds Natural Area Master Plan

Aumsville Ponds Natural Area is a special use park. The plan assumes light park usage by Aumsville residents and citizens of Marion County. Winter park closures have created challenges for park users and for annual maintenance of the natural areas and facilities within the park. Marion County and city officials will need to address the long-term ownership and management of the site.

Protection of threatened species and enhancement of the natural flood plain and wetlands will drive most decisions for development of the Aumsville Ponds site. Future improvements are proposed to improve the park user's experience by upgrading restrooms, parking, trails and picnic facilities. Security cameras will improve safety.



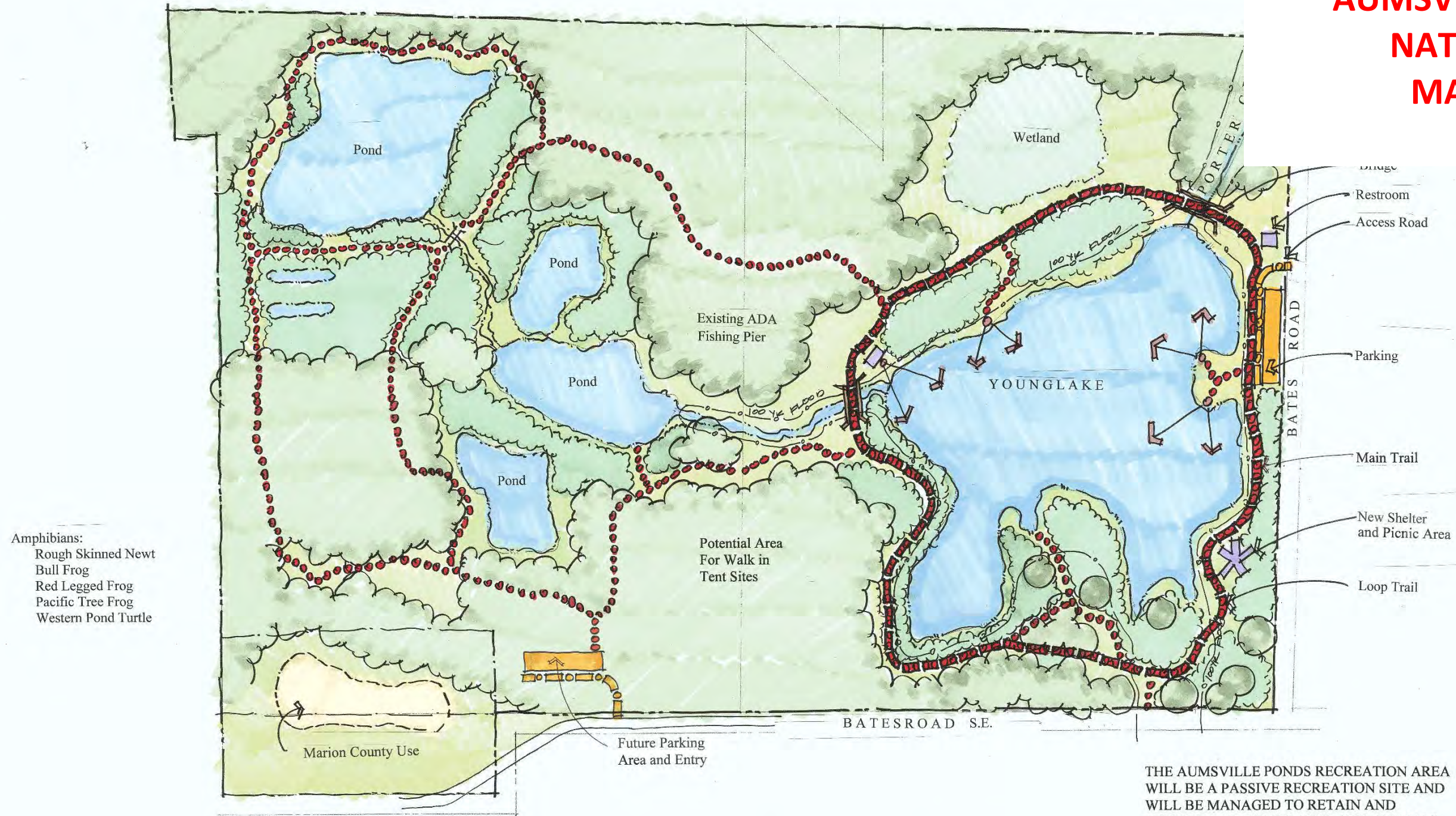
Trail Sign Recognizing the Environmental Education Partnership between Marion County and the Cascade School District

Table AP-1
**Aumsville Ponds Natural Area
 Priority Park Improvements⁴**

	Recommended Aumsville Ponds Natural Area Improvements	Description
AP-1	Aumsville Ponds Natural Area Agreement	Agreement with Marion County for long-term ownership, lease, management and improvement of the Aumsville Ponds Natural Area.
AP-2	Perimeter Trail improvements	Upgrade and/or rebuild the loop perimeter trail around Young Lake as an accessible walking/multi-use trail with benches and interpretive signage.
AP-3	Group shelter and picnic facilities.	Add a small group shelter and picnic facilities east of the parking area on the north side of Young Lake.
AP-4	Parking area	Modify gates and expand the existing gravel parking area to allow for year-round use. Add security cameras.
AP-5	Refurbish restrooms	Refurbish or replace the existing restrooms.
AP-6	Install interpretive signage	Install additional interpretive signage along the trails.

⁴ Detailed cost estimates for all Aumsville Ponds Natural Area improvements are included in Exhibit “A”.

AUMSVILLE PONDS NATURAL AREA MASTER PLAN Map AP-1



THE AUMSVILLE PONDS RECREATION AREA WILL BE A PASSIVE RECREATION SITE AND WILL BE MANAGED TO RETAIN AND PRESERVE NATIVE PLANTS AND ANIMALS ON THE SITE

 Quatrefol, Inc. <small>Design • Landscape Architecture • Site Planning</small> <small>404 SE 34th Ave. Portland, Oregon 97214</small> <small>Tel: (503) 946-8999 Fax: (503) 946-3460</small>	REGISTERED 352 BRIAN E. BAINSON OREGON 07/26/1996 LANDSCAPE ARCHITECT	CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon	Aumsville Ponds Natural Area		REVISIONS: 12.19.2017	DATE: 3.28.2016 SCALE: 1"=100'-0" SHEET: MP.7
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Eastside Community Park



Eastside Community Park Description

Eastside Community Park is Aumsville’s newest park. The 22.57-acre site was acquired by the City in August 2019. The park is located between Bishop Rd. SE and Albus Rd. SE. The North Santiam Highway (Oregon Highway 22) abuts the north edge of the site. The park site slopes gently to the south from the highway right-of-way to a drainage swale that runs westward along the south edge of the property. The site is a vacant pasture area with a small Oregon white oak grove running north-south through the center of the site. The site wraps around a 2.71-acre rural residential homesite at 7582 Bishop Rd. SE. A 1.39-acre home site at 7767 Albus Rd. SE abuts the east edge of the park property.

The *Aumsville Parks Master Plan* recommends the City of Aumsville provide a variety of community parks, neighborhood parks, linear parks, and trails to serve the community. The plan recommends the Aumsville provide 8.25 acres of park land per 1,000 residents. In 2020, the city had 19.9 acres of developed park land within the city limits. Since Aumsville is projected to grow from 4,212 residents (2022) to 6,660 residents by the year 2050, the City will need to acquire another 30+ acres of land with a goal of having 57+/- acres of public park land by the year 2050.



Figure 1 - Oak Grove in Eastside Community Park

The parks master plan included a specific recommendation to acquire a 20-acre community park at the east edge of the city within 5-years of the plan’s adoption in 2018. When the opportunity arose, the city was able to negotiate with a willing seller to purchase the site. The City utilized SDC funds and a grant from the Oregon Parks and Recreation Department to purchase the property. The following paragraphs summarize the purpose, location and typical uses found in a community park.

- Purpose:** A community park is designed to serve all the residents of the city with a variety of facilities including group picnic shelters, playgrounds, athletic fields, restrooms, off-street parking and large group event space. Natural areas, open spaces and recreational trails may be incorporated with a community park to protect waterways, drainage corridors, forested areas and/or wildlife habitats.
- Location:** Serves residents within a two-mile radius and is located within a five-minute to ten-minute drive of any residence in the city. With Porter-Boone Park and Mill Creek Park located at the southwest corner of the city, an east side community park was included in the parks master plan. Users may reach the park on foot, bicycle or by motor vehicle. The park location east of Bishop Rd., SE was selected because it is easily accessible from residential neighborhoods that were developed from 1990 to 2020 east of 1st Street and west of SE Bishop Rd. and a quick drive from all other locations inside the city. With a short sidewalk extension, the new park will connect to a pedestrian trail in Highberger Linear Park.
- Facilities:** A community park provides facilities to serve residents, visitors, and community groups. Selected facilities may attract county residents. Athletic fields, group shelters, picnic facilities, camping, open space, trails, paths, natural areas, community center, and/or special event venues are typical. Community parks have restrooms and vehicle parking lots to accommodate community-wide events. If a community park also serves as a neighborhood park it includes play equipment and amenities for pre-school and elementary age children.

Community Park – Park Facility Standards and Identified Needs

Chapter 4 of the *Aumsville Parks Master Plan* includes level of service standards for the development of parks and recreation facilities in the city. Table E-1 lists park facilities, level of service standards and specific recommendations for new recreational fields and facilities to be developed in a new community park.

Table E-1
**City of Aumsville Level of Service Standards and
 Recommended Facilities for a New Community Park**

Type of Recreational Facility	Level of Service Standard per “x” population	Current Supply (2023)	Projected Need (2045)	Recommendations for a New Community Park
Community Center	1 center per 15,000 residents 1 sq. ft. per person	Chester Bridges Community Center (3,500 sq. ft.)	6,000 to 7,000 sq. ft	Build a new larger community center with exterior event space in a community park
Multi-Purpose Activity / Youth Sports Fields	1 per neighborhood / community park for soccer, baseball & softball	Mill Creek Park (1)	Use Cascade Schools. Provide 4 in city	Include 2 or more fields in the Eastside Community Park.
Basketball Courts	1 per park	Porter Boone & Highberger Park	4	Add two in a new community park
Picnic Areas & Large Shelters	1 per 5,000 residents	Porter Boone (1)	1 large shelter	Construct in new neighborhood & community parks

Type of Recreational Facility	Level of Service Standard per “x” population	Current Supply (2023)	Projected Need (2045)	Recommendations for a New Community Park
Small Shelters	1 per 1,000 residents	4 small shelters Wildwood (2) & Mill Creek (2) parks	7 small shelters	Construct in new neighborhood & community parks.
BMX Facility	1 per 2,500 residents	None	1	Add to Mill Creek Park or include in a new community park.

In addition to these recommended facilities from the *Aumsville Parks Master Plan*, the consultants utilized data from the 2019-2023 Statewide Comprehensive Outdoor Recreation Plan to identify needed recreational facilities that should be incorporated into the design of a community park. The following table shows the compilation of results of the highest priorities for Marion County and for Oregon residents who live in suburban communities.

Table E-2
2018 SCORP Survey Results
Recreational Facility Priorities

<i>Public Recreation Provider Survey Marion County Needs</i>		<i>Oregon Resident Survey Statewide Suburban Need Results</i>	
Close to Home Priorities	Score	Needed Recreation Facility	Score
Children’s playgrounds and play areas built with manufactured structures like swing sets, slides and climbing apparatus.	4.17	Soft surface walking trails and paths	3.78
Acquisition of park land for developed recreation	3.8	More restrooms	3.61
Picnicking / day use facilities	3.7	Children’s playgrounds and play areas made of natural materials (logs, water, sand, boulders, hills, and trees)	3.52
		Nature and wildlife viewing	3.52
		Public access sites to waterways	3.46

Eastside Park Planning Grant and Citizens Advisory Committee

In 2021, the City of Aumsville secured a planning grant from the Oregon Parks and Recreation Department to develop a conceptual plan for the development of the Eastside Community Park. The city retained planning consultant David W. Kinney and landscape architect Brian Bainson, Quatrefoil, Inc. to collaborate with a citizens advisory committee and prepare a concept plan and narrative for the park. City staff member Kirsti Pizzutto worked with the consultants and coordinated citizen involvement efforts throughout the planning process. The Committee met five times from October 2022 through March 2023 to review demographic information, discuss park needs and community desires for park facilities and then review design concepts.

In October 2022, the advisory committee toured the park site with the consultants and discussed opportunities for the development of the park, needed facilities and incorporation of existing natural features, trees and access ways into the future park design concepts. Committee members concluded the 20+ acre site has potential to include multi-purpose fields coupled with playgrounds, parking, special use recreation features, picnic facilities and a pedestrian trail around the edge of the site. They directed the consultants to incorporate the following design elements into the three initial design concepts for the park:

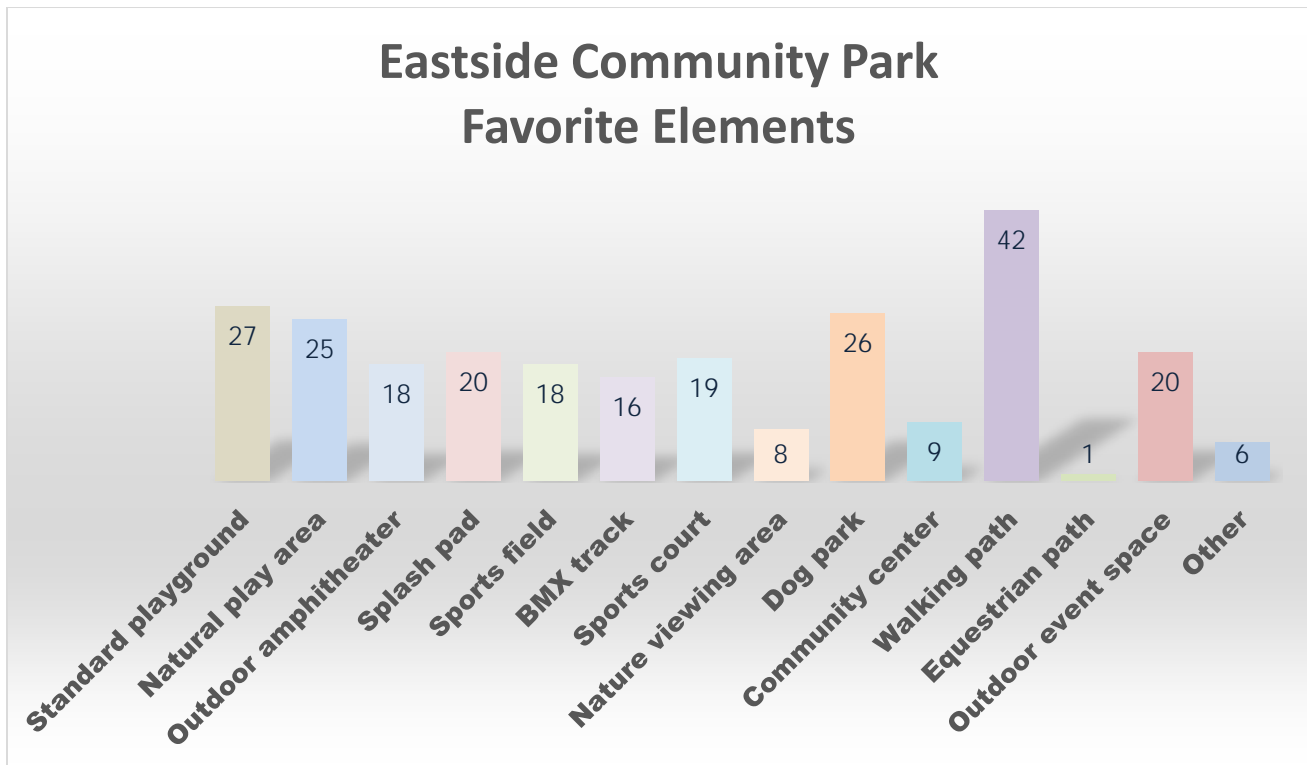
- Multi-purpose sports fields with space for youth/little league baseball, softball, and soccer.
- Horse/Equestrian trails
- Pedestrian Trails
- Dog park areas for large and small dogs
- Large group and smaller picnic shelters and picnic areas
- Play areas include a water park, tot lot, and play structures.
- Community Center

Based on the site visit, direction from the community advisory committee and the priority recreational facilities listed in the Aumsville Parks Master Plan and the SCORP, landscape architect Brian Bainson developed three initial design concepts for development of the Eastside Community Park in November 2022. The three concept drawings “A”, “B” and “C” provided significantly different designs for the development of the site.

Community Observations and Public Open House Input

The city solicited public comments on the three initial design concepts at an open house on November 17, 2022. Prior to the open house city staff posted the design concepts on the city’s website. Citizens were invited to vote for their favorite design concept, complete a survey and provide written comments to the city. The city received 86 survey responses. Table E-3 summarizes citizen priorities for the recreational facilities included in the plans.

Table E-3
November 2022 Eastside Community Park - Survey Responses from Aumsville Citizens



During the community open houses and public meetings, students, citizens, city staff and elected officials were encouraged to let their imaginations go. Attendees at the November 2022 open house were invited to review the three concept plans and share their comments with advisory committee members. Participants did not hesitate to suggest a wide variety of facilities to be included in the final design for the Eastside Community Park.

Citizens were asked to say what they liked and did not like about each concept plan. They were provided “Green” and “Red” dots to place on the plans, to highlight the proposed park elements they liked (Green) and elements they did not like (Red) or felt should not be included (Red) in the final park designs. Overall community members want to see the new community park have “multiple” facilities that will be inviting to families, provide facilities for youth sports programs and add special use facilities that are not available in any of Aumsville’s other parks.

Several proposed park facilities were supported by participants of all ages:

- Multi-purpose sports field
- Playground areas (manufactured play structures and a natural play area)
- Picnic facilities
- Courts (pickleball and basketball)
- Special use areas (water play, BMX area and dog parks)
- Trails for walkers, joggers, and pet owners

Concept “A” was the preferred concept drawing, with 70% of the survey respondents and attendees at the November 2022 open house preferring its design. Citizen advisory committee members and the landscape architect used the positive and negative feedback from each concept design to compile two design options to present at a second open house in March 2023.



Figure 2 - Aumsville Open House #1 - November 2022

On March 1st and March 9, 2023, the city met with students at Cascade Jr. High School and Aumsville Elementary School to solicit student comments and ideas. Over 400 students in twelve classrooms from Grades 4 through 8 met with City Councilor Della Seney, the consultant and city staff to discuss the park designs.

Both the elementary school students and the middle school age students were asked to use their dots to respond to the following statements:

Q1. My family and I will definitely use the following park facility (choose one) . . .

Q2. My family and I will probably not use the following park facility (choose one) . . .

Middle school aged students (Grades 6 to 8) were invited to use one “dot” to highlight their favorite recreational facilities or design elements on each of the two design plans and one “dot” to identify the one facility they did not believe should be included in the final park design. The middle school students overwhelmingly selected the multi-purpose fields, baseball/softball fields, basketball courts, dog park area and BMX track as their most desired recreational facilities.

In response to the two questions, middle-school aged students explained they participate in youth sports programs. Figure 3 includes responses from three of the six middle school classes. During the discussion of the park designs students and teachers stated there are not enough usable baseball fields and courts in the Aumsville community to serve all the students who are on sports teams. Practices for teams occur on available fields, but also on open lawn areas in parks and near schools. The Cascade baseball/softball field complex is heavily used throughout the year. Students would like fields and courts close to their homes that are accessible by walking or by bicycle. A vocal group of middle school boys advocated strongly for the inclusion of a BMX track; but a large percentage of all middle-school aged students indicated they and their family members would not use a BMX facility.

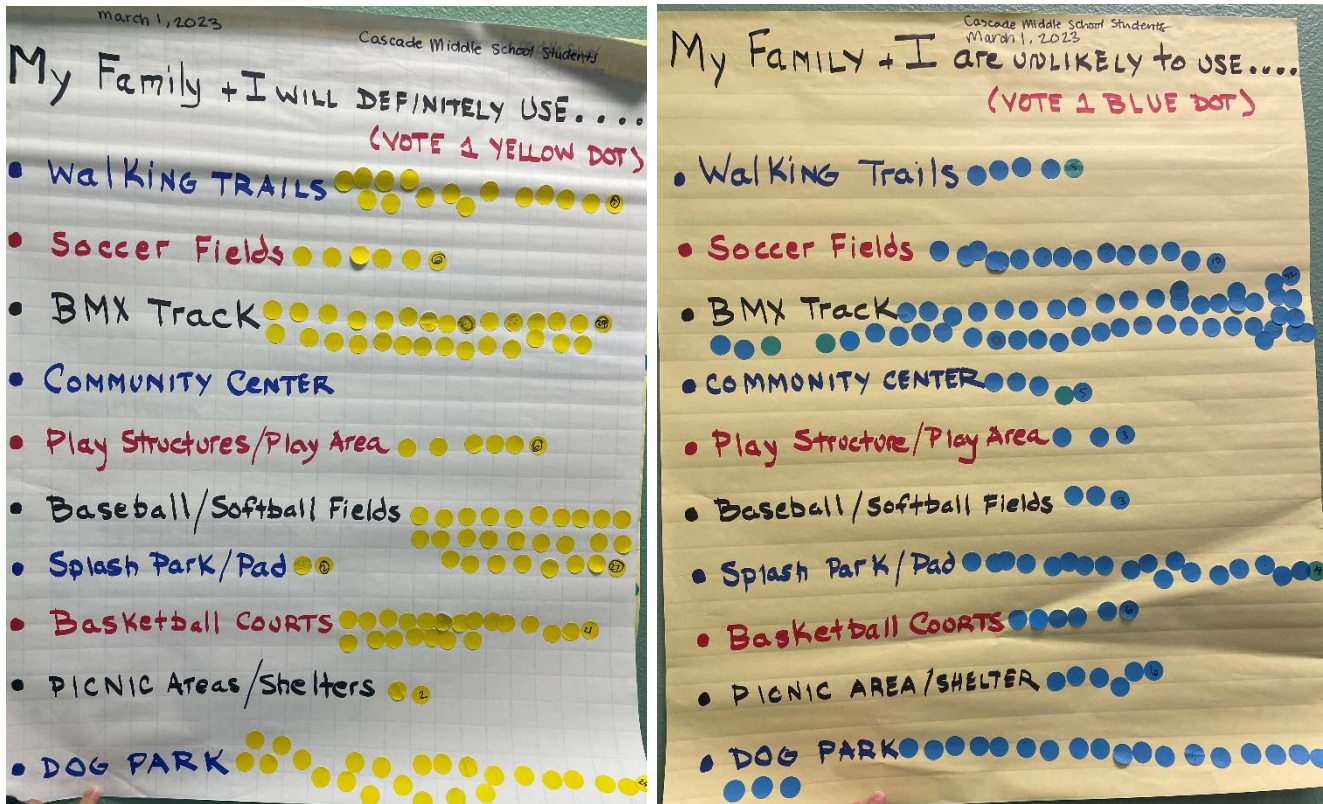


Figure 3 - Recommendations from middle school aged students at Cascade Junior High School - March 1, 2023

Elementary aged students (Grades 3 to 5) expressed strong preferences for the inclusion of the dog park, play structures and natural play areas, splash pad and soccer/multi-purpose fields. When asked why they selected a dog park as a priority, many of the children responded that they have a dog in their family, and they know their family will take their dog out for walks and to the park so it can run in a dedicated dog park area.

A second open house was held at the Aumsville Community Center on March 13, 2023 to review the final two design concepts. The city published a second on-line survey to solicit community input. Seventy (70%) per cent of the respondents preferred the Concept "A" design. Written comments from citizens expressed support for play structures, natural play features, additional ball fields and a large event space for community events.

Proposed Eastside Community Park Improvements

On March 22, 2023 the advisory committee discussed all public comments and student ideas related to each park design concept. The advisory committee selected Concept "A" and recommended revisions to the location of the natural play area, courts, and amphitheater. Landscape Architect Brian Bainnson made final revisions and prepared a recommended master plan design for the Eastside Community Park, attached as Map E-3, for presentation to the Planning Commission. The final design plan for the Eastside Community Park incorporates the following elements:

Multi-Purpose Field & Parking:

- Aumsville does not have a multi-purpose sports field which can be used for youth sports including t-ball, little league, soccer, or other field sports. The Cascade Little League has informed the city there is a need for additional fields for their t-ball and minors programs. The creation of a multi-purpose field, with two baseball/softball diamonds and two soccer field layouts with adequate parking is a high priority.

Play Area and Playground Equipment:

Two play areas are proposed.

- Play Area #1 – Manufactured Play Structures and Equipment: An all-weather play area, with a rubberized play surface and manufactured play structures. Play equipment may include slides, swings, climbers, and creative play features.



Play Area #1 should include age-appropriate elements to serve toddlers and elementary students (ages 2 to 12) with ADA accessibility for children with disabilities.

- Play Area #2 – Natural Play Area: A natural play area that incorporates logs, climbing rocks, grassy berms, animal features, steppingstones, balance beams, walkway, and other play elements with a bark-chip surface.
- Both play areas are located at the west end of the park near residential neighborhoods. At least one of the two playground areas is recommended for development in Phase 1 or 2 of the park’s development.

Community Center:

- A new 6,000 to 7,500 square foot community center is proposed near the west entrance to the park. The Chester Bridges Community Center, next to City Hall, is a 3,000+ square foot building with a main meeting room and small kitchen. The existing community center is used as the city council chambers, municipal court room and meeting space for the city’s planning commission and other community groups. As Aumsville grows, the city envisions a new community center with larger meeting rooms, commercial grade kitchen and outdoor events space. The facility can serve as the hub for the Corn Festival and as a facility to host family gatherings, weddings, arts programs, concerts, and other special community events. The existing community center adjacent to city hall may be remodeled for city offices and meeting rooms.

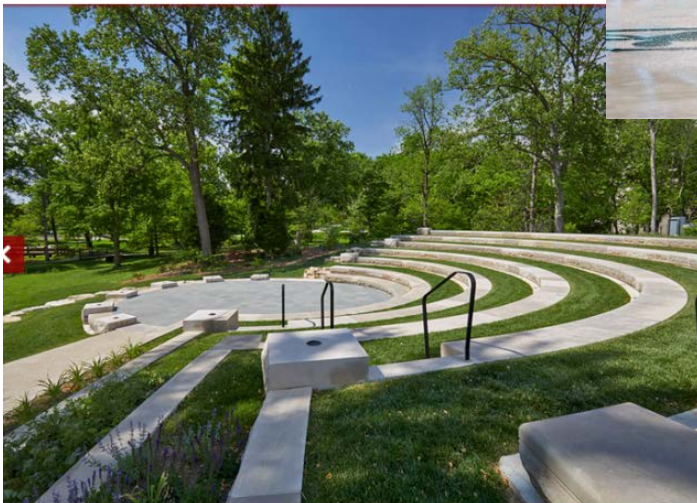
Courts:

- Basketball courts: Two full-size basketball courts are proposed in the center of the park.
- Pickleball courts: Two pickleball courts are shown near the west entry to the park. Pickleball is the fastest growing sports-court activity in the U.S. in the early 2020’s and is popular with adults, middle-aged and older.
- The development of sports courts is not a top priority for the Eastside Community Park. If youth demand for basketball courts and adult demand for the pickleball courts stays strong, they may be developed in one of the early phases of the park development. The exact locations of the basketball and pickle-ball courts may need to change. When used constantly, both basketball and pickleball can generate noise from the ping of the plastic balls on rackets, bouncing basketballs or the music, profanity, and loud chatter/yelling of

the participants. Placement of the courts closer to Hwy 22 or near the center of the park near parking is preferable.

Special Use Areas:

- **Water Play Area:** The master plan shows a water play area with a variety of fountains, spray elements, and water jets on an all-weather surface. Water play requires adequate parking, shaded areas with shelters, picnic tables and restrooms close by. The proposed water park is in the center of the park near the proposed community center adjacent to the proposed Water parks and skate parks can be loud and intrusive to neighbors.



- **Amphitheater:** A grass amphitheater with a small stage is located at the north end of the park. The location was selected so the amphitheater site can fit into the contours of the site. Seating may be terraced into the existing slope. Aumsville has had an active theatre group and an amphitheater creates opportunities for special events, summer movies, plays, small musical events and other performances in the park.

- **Dog Park:** Aumsville has a small dog park in Mill Creek Park, but no dog park facility on the east side of town. At the east end of the Eastside Community Park site, the plan shows the development of a dog park with enclosed areas for small dogs and larger dogs. The dog park can be initially developed as an open area adjacent to the pedestrian trail that will loop through the park. The dog park can be more fully developed with parking, shelters and fenced enclosures after the City acquires one or both adjacent properties. The inclusion of the dog park area within the park was very popular with all ages.

Park Amenities:

- Picnic shelters, tables, benches, and shade structures need to be built concurrently with development of the playground improvements, multi-purpose field and the water play area.
- Portable restrooms and/or a second permanent restroom facility will be needed if the park facilities area heavily used for organized sports and when the east side of the park is fully developed. If the City can acquire the residential property (7852 Bishop Rd. SE) in the center of the park, then a second restroom facility can be located in the existing building or in a new facility.
- **Recreational Trail.** The park design includes an all-weather recreational trail looping through and around the entire 22-acre park site. The development of an all-weather surface on the entire recreational trail will take years to complete. As an interim measure the trail can be developed with bark chips for use by joggers, dog walkers, and the public.

Street Improvements and Pedestrian Connectivity Issues:

- Street frontage improvements on Bishop Rd. SE are expected to be required by the Planning Commission as a condition of development approval when Phase 1 of the Eastside Community Park is built by the City. The improvements will include curbs, gutters, storm sewers, sidewalks, pavement widening and trees within the park site. As the City seeks grant funding for the Phase 1 and 2 improvements within the park, the city will need to identify funding to complete these street improvements.
- New sidewalks will be needed on both sides of Bishop Rd. SE extending from the Highberger Greenway north to the Eastside Community Park site. Safe pedestrian crossings on Bishop Rd. SE will be needed concurrently with Phase 1 of the project. Within the park, pedestrian walks can meander to play areas, the community center and other park facilities.
- South Access Road and Gravel Parking Area for the Multi-purpose Fields. The plan shows an 80-space parking area on the south edge of the multi-purpose fields. This parking area can be used when games and special events are held on the fields. Portable restrooms may be installed for use during events.

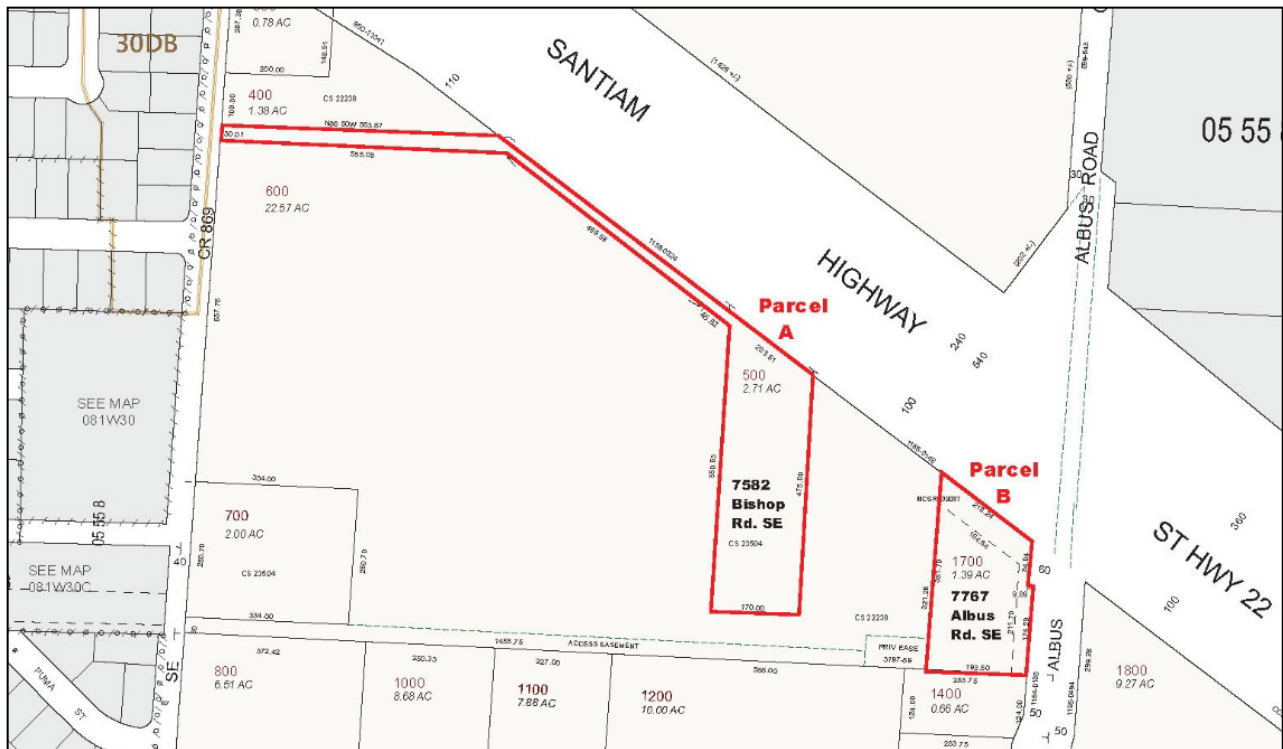
Preservation of Oregon Oak Grove and Storm Drainage Management:

- The grove of Oregon oak trees in the center of the site will need to be evaluated by a licensed arborist and a management plan developed to ensure any recreational trail and picnic facilities developed near them protect the root structures and limbs are pruned regularly for safety.
- The drainage swales from Hwy 22 south through the property and then east-west will need to be designed. Wetlands will need to be delineated and protected.

Land Acquisition for Park Expansion:

- When the opportunities arise, this plan recommends the city acquire an additional 4.20 acres at the east end of the park, as shown on Figure "XX".

Map E-1
Proposed Land Acquisition to Expand the Eastside Community Park



- (1) PARCEL A - 7582 Bishop Rd. SE (2.71 acres): The first acquisition site is an existing private residence in the center of the site. It is accessed via a 30'-wide gravel access driveway from Bishop Rd. SE. This plan recommends the City notify the property owner of the city's interest in acquiring the site and execute a "right-of-first refusal" agreement. The acquisition will enable the city to develop the full park site, add parking, recreational trails or expand the dog park area proposed for the east end of the park. The existing home may be remodeled for use as an arts center, senior center, youth center or for special events and as a restroom facility for the east end of the park. (Assessor's Map 081W30D, Tax Lot 500).
- (2) Parcel B - 7767 Albus Rd. SE (1.39 acres): The second acquisition area is a 1.39-acre site abutting Albus Rd. SE. The site is accessed via a driveway easement to Albus Rd. SE. The city did not acquire this land in 2019 when it acquired the remainder of the site for the park. An environmental assessment is needed. Any contaminated soil, old equipment, materials, or buildings will need to be cleaned up and/or removed from the property. The acquisition of the 1.39-acre area will provide access to the proposed dog park and park maintenance facilities. (Assessor's Map 081W30D, Tax Lot 1700).

Eastside Park Master Plan

The Eastside Community Park Master Plan is attached as Map E-3 "Eastside Community Park Master Plan".

- A. **Summary of the Eastside Community Park Master Plan:** The 22+ acre Eastside Community Park is the city's largest community park. The master plan anticipates the Eastside Community Park will be the centerpiece of Aumsville's park system when it is fully developed. Active recreational facilities including playgrounds, courts, community center, BMX track and multi-purpose fields are located on the west half of the 22-acre park site near Bishop Rd. SE. Facilities for passive recreational activities are found in the eastern half of the park beginning at the Oregon oak grove which runs north-south down the center of the park. Picnic facilities, recreational trail, dog park and a park maintenance facility are located near the oaks and in the eastern half of park closer to Albus Rd. SE.
- B. **Population Served:** The Eastside Community Park will serve all residents within the City of Aumsville, visitors and residents of the greater Aumsville area living within the Cascade School District and surrounding rural areas of Marion County. 2020 Census data for the City of Aumsville shows residents of Aumsville are younger and households are larger than most communities in Marion County. Therefore, many of the key recreational facilities planned for initial development within the park will serve families, young adults, children, and youth.
- C. **Urban Growth Boundary (UGB) Expansion and Annexation of the Eastside Community Park site:** This plan recommends the city initiate a UGB amendment and annexation procedure in 2023. The inclusion of the park in the city limits will give the City authority over the full development of the park site and will enable the City to extend public facilities (water, sewer, and other city-owned utilities) into the park. The Aumsville Planning Commission and City Council will have authority to approve development plans for the property under the Aumsville Development Code.
- D. **Phased Development and Funding:** The Eastside Community Park will be developed in phases over a 20–40-year period. Table E-2 lists one phasing scenario for the development of the park. Phasing will depend on the City's ability to generate funding to pay for the project. Funding to make park improvements will come from a variety of sources including grants, systems development charges, city general funds, volunteer projects and grants from non-profit organizations.

Table E-3
**Eastside Community Park
 Phased Improvements**

Phase	Eastside Community Park Park Improvements	Description
PHASE 1		
Design	Phase 1 Design	Prepare Phase 1 Design Development Plan and Construction drawings and specifications for underground utilities, storm drainage, park lighting, streets, and hard-surface pathway network within the entire Phase 1 area. Develop detailed development plan and construction design drawings for at least Phases 1A and 1B so project is shovel ready and City can budget funds for the project.
1A	Play Area #1	Develop either Play Area #1 (all-weather play surface & structures) or Play Area #2 (natural play area), entry road and west side parking lot and first phase of underground utilities into the park site.
1B	Multi-purpose fields and gravel parking area on south edge of site.	Work with the Cascade Little League to grade and develop the multi-purpose fields, south entry road and gravel parking area.
1C	Recreational trail	Develop a bark chip recreational trail around the perimeter of the park (SE Bishop Rd. to the Oregon oak grove).
1D	Play Area #2	Develop Play Area #2 including shelters, picnic tables, benches, and hard-surfaced pathways.
1E	Restrooms, Circle & Parking Lot	Complete entry road and parking circle, including storm drainage detention facility. Extend public utilities, construct restrooms, hard-surface pathways, and complete landscaping for Phases 1A to 1D.
1F	Basketball and Pickleball Courts	Construct basketball and/or pickleball courts, pedestrian pathways, and landscaping.
PHASE 2		
2A	BMX Track	Design and build BMX track facility.
2B	Oak Grove trails and picnic facilities	Construct hard-surfaced pedestrian pathway, picnic shelters and drainage improvements within the Oregon oak grove.
2C	Amphitheater	Design and construct the amphitheater. Extend needed underground electrical utilities, storm drainage facilities and hard-surfaced pedestrian pathways to site.
2D	Land Acquisition (East Side)	Purchase 2.71-acre property at 7582 Bishop Rd. SE
2E	Dog Park	Develop shelters, hard-surfaced pathway, and fenced enclosures for dog park.
PHASE 3		
3A	Community Center	Design and build 7,000 square foot community center and event plaza.
3B	Splash Pad / Water Play Area	Design and build water play area.
3C	Activity Center	Plan, design, and build/remodel existing homes into an activity center. Develop additional parking for the dog park and activity center building.
3D	Land Acquisition (East side)	Purchase 1.39-acre property at 7767 Albus Rd. SE
3E	Maintenance Facility	Develop entry road from Albus Rd. SE and develop a maintenance facility and small parking area in SE corner of park site.

EASTSIDE COMMUNITY PARK 2022 - EXISTING CONDITIONS

Map E-2



**EASTSIDE
COMMUNITY
PARK
MASTER
PLAN
Map E-3**



Quatrefoil Inc.
 Designer: Landscape Architects • Space Planning
 415 NE 6th Ave., Portland, Oregon 97233
 Tel: (503) 257-8955

CITY OF AUMSVILLE
 EAST SIDE COMMUNITY PARK
 Aumsville, Oregon

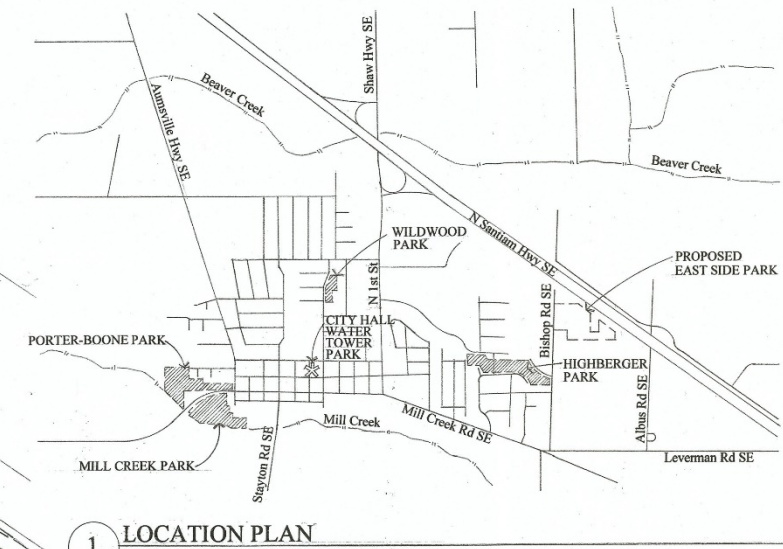
Park Master Plan

REVISIONS:

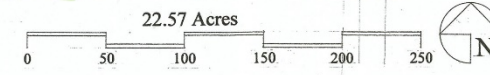
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1 LOCATION PLAN



City of Aumsville Parks Master Plan



**November 2017
Revised June 2023**

David W. Kinney
Community Development Consultant
791 E. Hollister St. Stayton, Oregon 97383

Brian Bainnson, Landscape Architect
Quatrefoil, Inc.
Design • Landscape Architecture • Space Planning
404 SE 80th Avenue. Portland, OR 97215

City of Aumsville Parks Master Plan

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City of Aumsville Staff (2017)

Ron Harding, City Administrator
Steve Oslie, Public Works Director
Lora Hofmann, Administrative Assistant
Colleen Rogers, City Clerk
Jim Schuette, City Engineer

Parks Master Plan Advisory Committee (2017)

Nico Casarez	Lorie Walters
Marcie Clark	Gordon Willmschen
Amy Evans	Karla Willmschen
Barbara Slimak	

Parks and Recreation Commission (2017)

Lorie Walters, Chair	Ben Cunningham
Julie Wisser, Vice-Chair	Kim Hofmann
Marcie Clark	Danielle Janes

Aumsville Planning Commissioners (2017)

Dan Kluver, Chairman	Vicky Barber
Chris Chytka, Vice-Chair	Vivian Bronec

Mayor and City Councilors (2017)

Mayor Robert Baugh, Jr.	Trina M. Lee
Kevin Crawford	Della Seney, Council President
Brian Czarnik	Lorie Walters
Gabe Clayton	

Special Acknowledgement

Mayor Harold White served as Mayor from 1987 to 2017. City Administrator Maryann Hills served the City of Aumsville from 1995 until she left the City in April 2016. Over the past 30 years the City has grown into a vibrant small city. They were instrumental in the development of the city's initial parks master plan in 1996 and this update in 2015. Under their visionary leadership, the City continuously funded and improved Aumsville's parks. The quality of the city's parks is a testament to their efforts to make Aumsville "a great place to live and play".

Acknowledgements for 2023 Eastside Community Park Update

In Fall 2022 the City appointed a small community advisory committee to develop a design for the development of the 22.57-acre Eastside Community Park. The advisory committee, with staff assistance from Kirsti Pizzuto, Executive Assistant to City Administrator Ron Harding, developed three conceptual designs for the park for presentation to the community. The City published the design drawings and solicited comments from community members via on-line surveys and at two community open houses. Committee members and the consultants visited multiple classrooms at Aumsville Elementary School and Cascade Jr. High School to obtain feedback from more than 400 students. As a result of these community outreach efforts the final design plan for the Eastside Community Park reflects the priorities of community members of all ages. The City thanks advisory committee members for their outreach efforts and thoughtful review of a myriad of ideas.

Eastside Community Park Advisory Committee (2023 Update)

Amy Evans	Della Seney
Jennifer Molan	Chris Chytka
Kirsti Pizzuto, Executive Assistant to the City Administrator	

Aumsville Planning Commissioners (2023)

Jennifer Molan, Chair	Courtney Brennan
Chris Chytka, Vice-Chair	Molly Hatfield

Mayor and City Councilors (2023)

Mayor Anjelica Ceja	Nico Casarez
Douglas Cox	Scott Lee
Della Seney	Katie Wallace
Walter Wick	

Aumsville Parks Master Plan

1.0 - INTRODUCTION

The City of Aumsville desires to provide a quality park system to meet the recreational needs of existing and future residents of the community. As Aumsville grows, the City Council concludes the City will need to invest in the maintenance of community's existing parks and add new parks, open space and recreational facilities to serve a growing population.

In 1996, the City adopted the City of Aumsville Parks Facilities Master Plan to guide the development of the city's parks during the 20-year period from 1996 to 2015. In October 2015, the City concluded the 1996 plan, and its periodic updates, needed to be replaced with a new 20-year plan that reflected the park facility investments made by the City, growth patterns in the community and changing needs of Aumsville's citizens.

The *Aumsville Parks Master Plan* provides a framework for the continued development of the community-wide park system to meet the recreational needs of existing and future residents during the 20-year planning period from 2017 to 2035. The plan was revised in 2023 to incorporate new demographic data and the Eastside Community Park master plan and update the 20-year planning period from 2023 to 2043.

1.1 Planning Approach and Process

The *Aumsville Parks Master Plan* was prepared at the direction of the Aumsville City Council. The City retained David W. Kinney, Community Development Consultant, to prepare the plan document and landscape architect Brian Bainson, Quatrefoil Inc., to develop park designs and cost estimates. The city appointed a Parks Plan Advisory Committee to serve as the citizens involvement committee to represent the residents of Aumsville and oversee development of the plan update.

The *Aumsville Parks Master Plan* work involved the following tasks:

1. Inventory of each of the Aumsville city parks including the preparation of a park narrative, base maps and photo documentation of park facilities.
2. An analysis of redevelopment opportunities and constraints at each city park.
3. Review of the Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Marion County Parks Plan to identify statewide and regional recreation trends and needs.
4. Identification of current and future parks and recreation needs in Aumsville.
5. A review and update of local park development standards.
6. Preparation of two preliminary design concepts for each park for community review.
7. Completion of a final design plan for each park site.
8. Creation of a prioritized list of recommendations for improvements at each park.
9. Preparation of planning cost estimates and funding strategies.

Funding for on-going maintenance and park improvements will continue to be a constraint to the City as it looks to maintain quality and improve the city's park facilities. Cost estimates are provided to enable the City to budget for small projects, apply for grants and update the parks systems development charge (Parks SDC). A variety of funding sources will be needed to finance future park improvements. This plan identifies other potential public and private funding sources available for park system improvements. The *Aumsville Parks Master Plan* will guide investments in the city's parks. Using this plan as a guide, the City can focus public and private funds on the highest priority park improvement projects.

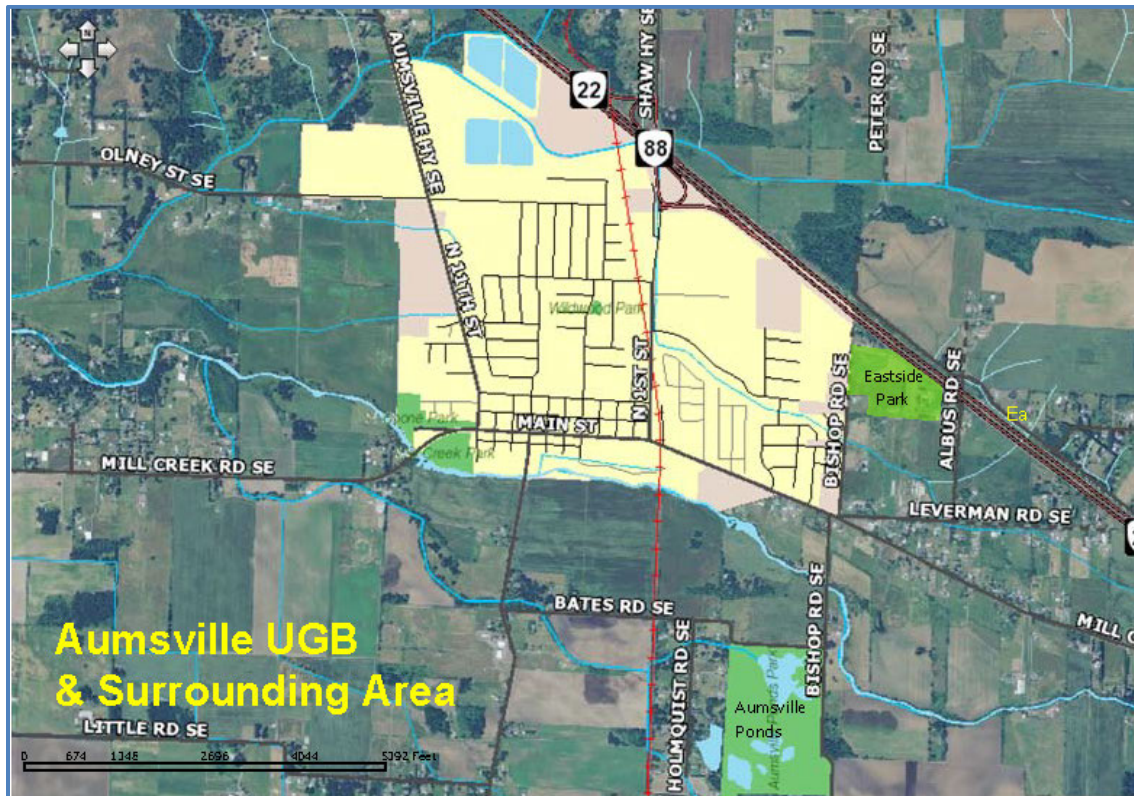
1.2 Planning Criteria and Assumptions

This plan relies on planning criteria and assumptions to establish standards by which the city's park system is evaluated and serves as the basis for identifying needed improvements. These criteria and assumptions include population, development areas, land use, location of existing parks and other demographic factors that may affect the local parks system.

1.2.1 Study Area:

The study area encompasses the area inside the Aumsville Urban Growth Boundary (UGB) as well as unincorporated lands just outside the UGB, including the Eastside Community Park site east of Bishop Rd and the Aumsville Ponds site south of the City. This plan assumes the City will provide parks and recreational facilities to all citizens who live within the Aumsville UGB.

Map 1-1
City of Aumsville Urban Growth Boundary & Surrounding Area



1.2.2 Land Use and Zoning

The Aumsville Comprehensive Plan Map and Zoning Map identify where future residential, public, commercial and industrial development is expected to occur in the next 20 years. This plan assumes the majority of new homes and apartments will be located in the northeast and west portions of the UGB, where there are the largest tracts of vacant buildable residential land. Some smaller infill residential development is also expected on undeveloped parcels scattered throughout the city. Since 2016, the City has approved several development proposals that have added a substantial number of housing units on the east side of the City. These housing projects have increased the demand for more park facilities and recreation services.

Once the current housing projects are completed, the City anticipates the City will incrementally expand the UGB to add buildable residential land for the remainder of the 20-year planning period through 2045. Map 1 “Buildable Lands” shows the location of vacant buildable land that existed in Aumsville in 2010¹ and the location of the recently developed subdivisions. Most of the remaining vacant, buildable residential land in the UGB is located on the west side of the UGB in Area 11 and in the northeast quadrant of the UGB in Areas 6 & 7. Future park sites and improvements are expected to be located in close proximity to existing homes, recently developed subdivisions and areas planned for residential development.

1.2.3 Population Projections

In 2021 the Population Research Center of the College of Urban and Public Affairs at Portland State University prepared a coordinated population forecast for Marion County and all of its incorporated cities.² The population forecast includes both a near-term forecast (2021 to 2045) and a long-term forecast (2046 to 2071). Population projections are presented in Table 1.1. Over the next twenty years Aumsville is expected to be one of Marion County’s fastest growing communities. The PSU forecast estimates the population inside the Aumsville Urban Growth Boundary (UGB) will increase from 4376 people in 2020 to 6,250 people in 2045 just beyond the end of the city’s 20-year planning period. The average annual growth rate from 2023 to 2045 is estimated to be 1.44% annually.

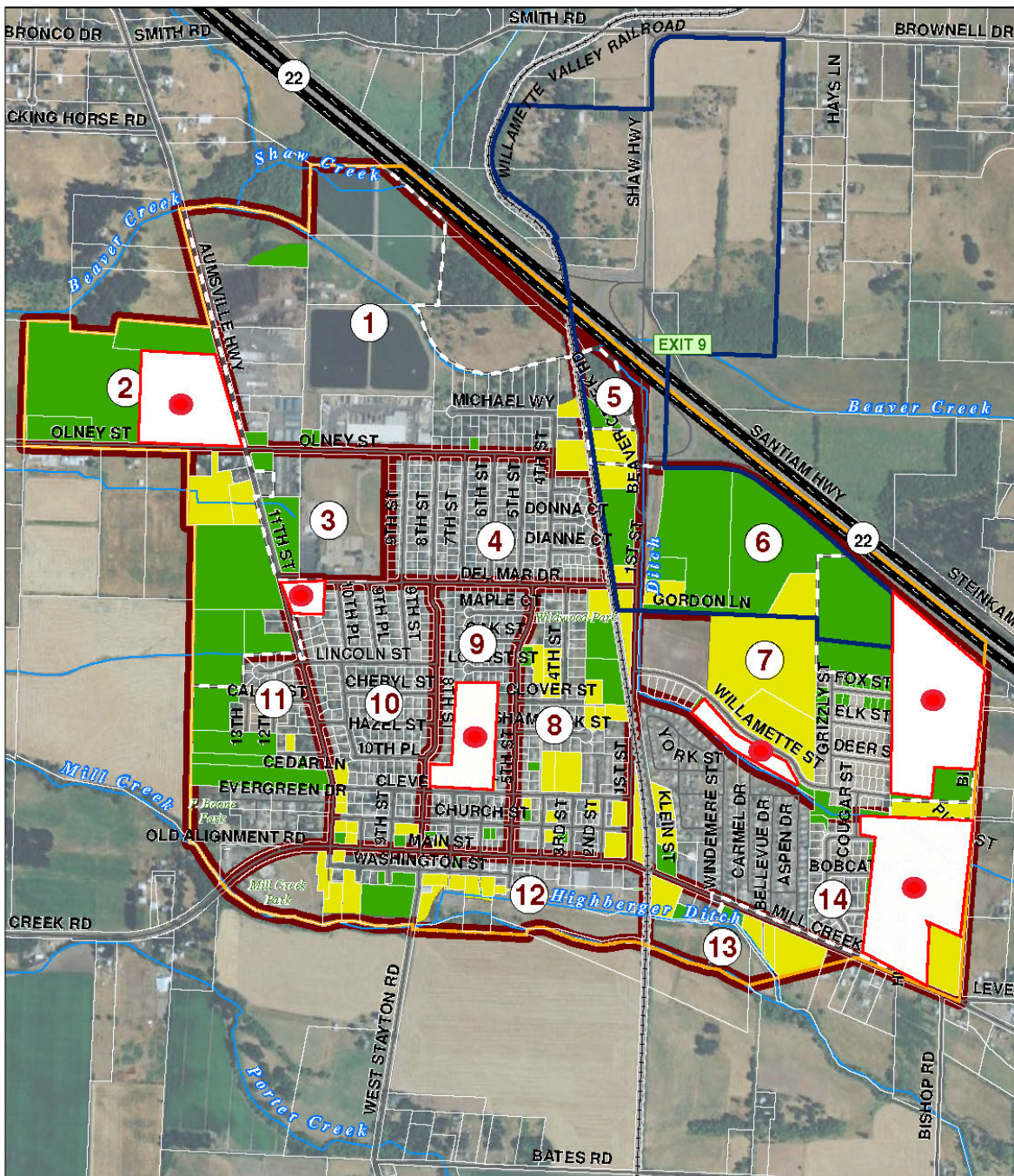
Table 1.1
City of Aumsville
Population History and Forecast Population Growth
1980 to 2045

Year	Actual Population for the City of Aumsville	Year	Population Forecast for Aumsville UGB
1980	1432	2025	4699
1990	1650	2030	5047
2000	3045	2035	5419
2010	3603	2040	5820
2015	3945	2043	6,074
2020	4376	2045	6,250

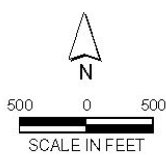
¹ Aumsville Transportation System Plan, Prepared for the City of Aumsville by Parametrix, Portland, Oregon (October, 2010), Figure 3.3, p. 3-11.

² Coordinated Population Forecast for Marion County, its Urban Growth Boundaries(UGB) and Areas Outside UGBs 2021-2071, prepared by Population Research Center, College of Urban and Public Affairs, Portland State University, Final Report dated June 30, 2021.

Map 1-2 – Buildable Lands in the Aumsville UGB
Aumsville Transportation System Plan



File: Aumsville_Buildable.mxd Date: March 2010



- Vacant Buildable Lands Inventory
- Partially Vacant Buildable Lands Inventory
- TAZ Boundary
- Interchange Area Management Plan Boundary
- Urban Growth Boundary
- Developed 2010-2023
- City Limits
- Highway
- Street Centerline
- Willamette Valley Railroad
- Streams and Drainage Ditches

Map 1
Buildable Lands
Within the Aumsville UGB
Except from the
City of Aumsville
Transportation System Plan
Ordinance 603 - October 2010

1.3 Public Involvement

The City provided a series of opportunities for the public to provide input.

1.3.1 Advisory Committee Meetings

The City Council appointed a Parks Master Plan Advisory Committee (Advisory Committee) in December 2015 to prepare the draft *Aumsville Parks Master Plan* update and solicit public comments. The Advisory Committee met bi-weekly from January to April 2016. They evaluated and recommended design plans for each existing park, reviewed and approved park standards and hosted the community open houses. The committee recommended adoption of the *Aumsville Parks Master Plan* in 2017, including Appendix A the narratives and master plan designs for each park.

In Fall 2022 the City appointed a small citizens advisory committee to develop a design for the development of the 22.57-acre Eastside Community Park. The committee met with the consultants periodically from November 2022 through May 2023. After two open houses and other community outreach events, the committee recommended a final design plan for the development of the Eastside Community Park and minor technical amendments to the adopted Parks Master Plan to update demographic information.

1.3.2 Parks Design Open Houses

On March 7, 2016 the City held an open forum for the public to offer feedback on multiple park design concepts prepared by landscape architect Brian Bainnson. Mr. Bainnson prepared two concept plan design for each park site. Attendees were asked to review the proposed concept drawings, identify park design elements they liked or disliked and leave their comments for the park designs on post-it notes or larger easel-pads. Community members were invited to make suggestions on the proposed location of future park sites, give input on the prospective acquisition of the former Marion County Public Works shops facility next to Porter-Boone Park and the Aumsville Ponds property from Marion County and provide comments on the proposed pedestrian trail network. Public comments are included in the community observation sections of the individual park narratives in Appendix A.

Park design plans were modified based to address questions and issues raised by the public. A second open house was held on March 28, 2016 to share the revised design plans with the community. Copies of the conceptual designs were also posted at City Hall to provide citizens an additional opportunity to submit comments. After the 2nd open house, the Advisory Committee reviewed and discussed the public comments with the consultants. The City Council held a visioning workshop in May 2016 to review the public comments and provide additional direction to the consultants. Final design plans were prepared for each park after the Council workshop. The City Council considered the parks plan document at several regularly scheduled council meetings at the end of 2016 and initiated a formal adoption of the plan document in 2017.

As part of the Eastside Community Park design update in 2023, the City solicited comments from community members via on-line surveys and at two community open houses held at the Aumsville Community Center. Committee members and the consultants visited multiple classrooms at Aumsville Elementary School and Cascade Jr. High School to obtain feedback from more than 400 students in the Spring of 2023. At the conclusion of the community meetings and on-site visits to the schools, the advisory committee met to finalize its design recommendation and plan narrative for the Eastside Community Park.

1.3.3 Public Hearings and Adoption

A final DRAFT of the Aumsville Parks Master Plan was prepared for community review. In November 2017 the Aumsville Parks Master Plan was forwarded to the Aumsville Planning Commission and City Council with a recommendation that they hold public hearings and adopt the plan.

The Aumsville City Council and Aumsville Planning Commission held a joint meeting on December 11, 2017 to consider public testimony and review the plan. At the conclusion of the public hearing, the Planning Commission recommended the City Council adopt the parks plan. On January 11, 2018, the Aumsville City Council adopted Resolution 1-18 adopting the Aumsville Parks Master Plan, as a technical amendment to the City of Aumsville Comprehensive Plan. After adoption of the plan, the City Council reviewed and updated the City's parks systems development charge to ensure it was consistent with the adopted plan. Resolution 19-18 was approved on December 12, 2018 updating the Parks SDC fees.

With the completion of the Eastside Community Park design plan in 2023, the Aumsville Planning Commission held a public hearing on June 15, 2023 to consider of an amendment to Chapter 6 – Parks and Recreation Element of the Aumsville Comprehensive Plan and the adoption of the Aumsville Parks Master Plan (June 2023 Update). The Planning Commission recommended the City Council adopt the updated Chapter 6 and the parks master plan by ordinance. The Commission's recommendation included the following actions:

1. Adopt a revised Chapter 6 "Park and Recreation Element" to the Aumsville Comprehensive Plan. The plan amendment will replace the Chapter 6 plan element which references the 1996 parks master plan and outdated information. The new Chapter 6 updates parks and recreation goals and policies and formally adopts the June 2023 update of the Aumsville Parks Master Plan as a technical amendment to the comprehensive plan.
2. Adopt the compiled Aumsville Parks Master Plan (June 2023 Update). The major changes in the 2023 parks plan update includes the following revisions:
 - a. Adds Appendix A-7 – Eastside Community Park master plan design and narrative.
 - b. Replaces Chapter 3 "Demographics" to update demographic information on the community and to update 20-year population projections consistent with the coordinated population forecast for Marion County and the City of Aumsville prepared by the PSU Center for Population Research in June 2021.
 - c. Incorporates multiple edits throughout the parks plan to reference the citizen involvement and adoption processes for the 2023 update, adds Appendix A-7 for the Eastside Community Park and updates the Master Parks Plan Map 7-1 to show the Eastside Community park site.
3. Initiate a Comprehensive Plan map amendment, zone change and annexation for the 22.57-acre Eastside Community Park site as soon as practicable.

On June 26, 2023, the City Council held a public hearing. After the closure of the public hearing and deliberations, the City Council concurred with the Planning Commission recommendations, adopted findings of fact that the parks plan complies with statewide planning goals and guidelines and adopted Ordinance 716.

2.0 – PARKS PLANNING

Local parks, natural areas, recreational facilities and open spaces are a part of the urban form that makes each small town unique. Public parks and open spaces are essential elements of a livable community. They provide venues for individual recreational activities and public gathering places for larger community activities such as a farmer’s market, community festival, parade or civic event. Local parks create opportunities for residents and visitors to interact with each other, play, make friends and create memories. They provide a nearby location for a family picnic, a quiet walk with the dog along a creek-side trail, a reflective moment at a memorial, a place to view the beauty of fall colors or a quiet spot to listen to the rustle of leaves. In Aumsville, the City’s parks and public spaces create a unique “sense of place”. They say to residents and visitors “This is Aumsville – a great place to live and play”.

As the community grows in the next two decades, the City of Aumsville will upgrade its public places. Community leaders will invest in parks, trails, plazas, streets and open spaces to serve a growing population. One of the challenges for a small city is to design and construct public spaces and parks to serve both the needs of individual citizens as well as the community but do not duplicate facilities provided by federal, state, county recreation providers or nearby cities.

This chapter reviews statewide planning requirements that apply to cities, Marion County and the Oregon Parks and Recreation Department. Local, state and regional park plans discuss recreational habits, activities and needs of Oregon’s citizens. They also describe existing and proposed parks and recreation facilities that are near Aumsville and are accessible to local residents.

2.1 DLCD Statewide Planning Goals Related to Parks and Open Spaces

The *Aumsville Comprehensive Plan* is the legally adopted land use plan that governs growth and development within the Aumsville city limits and the surrounding urban growth area. Under Oregon’s statewide planning program, the City’s comprehensive plan must comply with statewide planning goals adopted by the Land Conservation and Development Commission (LCDC) and the planning requirements of the Oregon Department of Land Conservation and Development (DLCD).

Each city in Oregon is required to provide land for public uses, protect natural resources, plan for the development of parks and open spaces, and provide recreational opportunities for local residents and visitors. DLCD’s statewide planning goals: Goal 2 - “Land Use”, Goal 5 - “Natural Resources”, Goal 6 – “Air, Land and Water Resources”, Goal 7 - “Natural Hazards”, Goal 8 - “Recreational Needs” and Goal 11 – “Public Facilities” and Goal 12 – “Transportation” each have elements in the goals, implementation policies and administrative rules that must be considered by local officials when planning for public spaces, local parks and recreational opportunities. The *Aumsville Comprehensive Plan* and its development code comply with the statewide planning goals. Under Oregon’s land use system cities and counties periodically update the comprehensive plan to reflect changing conditions and to anticipate future development in the community. The *Aumsville Parks Master Plan* is one of the technical studies that supplements the comprehensive plan.

2.1.1 Goal 2: Land Use Planning

Goal 2 requires the City to plan for all types of land uses including the provision of an adequate supply of land for public purposes. The *Aumsville Comprehensive Plan* map and Zoning Map include a Public “P” plan designation and zone which are used to regulate existing public uses and preserve publicly owned properties for public uses.

2.1.2 Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces Goal 6: Air, Water and Land Resources Quality Goal 7: Areas Subject to Natural Hazards

The purposes of Goals 5, 6 and 7 are to protect and conserve scenic and historic areas, to maintain and improve the quality of air, water and land resources and to protect people and properties from natural hazards. In order to comply with these statewide planning goals, the [Aumsville Comprehensive Plan](#) and the [Aumsville Development Ordinance](#) include goals, policies and development standards to protect natural resources and conserve historic and open space resources.

Chapter V of the [Aumsville Comprehensive Plan](#) addresses the Goal 5, 6 and 7 requirements to protect wetlands, groundwater resources and riparian corridors along Highberger Ditch, Mill Creek and Beaver Creek. These three streams are susceptible to periodic flooding. Mill Creek Park, Porter-Boone Park, Highberger Park and the proposed Mill Creek recreational trails are located along these waterways and much of the park land is within the 100-year flood hazard zone. Development in the 100-year flood hazard area along Mill Creek, Highberger Ditch and Beaver Creek are regulated to protect water quality and protect real property from flood damage.

Mill Creek and Beaver creek have also been identified by the Oregon Department of Fish and Wildlife (ODFW) as essential salmon habitat, due to their historic fish runs and capacity to support Chinook salmon and steelhead runs.¹ The US Fish & Wildlife, National Wetlands Inventory, interactive wetland mapper shows a few small wetlands inside the Aumsville UGB adjacent to Hwy 22 and the City of Aumsville wastewater facilities.² The City has identified small wetland areas in Porter-Boone Park, along Highberger Ditch and near the city's wastewater lagoons. The Aumsville Ponds also have locally significant wetlands. Development within delineated wetlands should be avoided, but development may occur if a wetlands permit is obtained from the Department of State Lands and wetland mitigation measures are followed. Wetlands associated with drainage swales may also exist on the Eastside Community Park site.

2.1.3 Goal 8: Recreational Needs

The purpose of Goal 8 is *“To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”* Local governments are required to plan for parks and recreational facilities in coordination with private enterprise, state and federal agencies. Oregon's small cities are encouraged to adopt a parks master plan that complies with statewide planning goal requirements. Proposed parks and recreational facilities should be planned for and developed in such quantity, quality and locations to meet the needs of local residents for a 20-year planning period.

Under Goal 8, the state recommends each city:

- inventory recreation needs,
- identify recreation opportunities,
- coordinate parks and recreation plans with other agencies,
- be consistent with the Statewide Comprehensive Outdoor Recreation Plan (SCORP),
- consider energy consequences of facility development, and

¹ Oregon Department of State Lands, Essential Fish Habitat Interactive Map, 2015.
Website: <http://chetco-new.dsl.state.or.us/esh2017/>

² US Fish & Wildlife, National Wetlands Inventory Interactive Map.
Website: <https://www.fws.gov/wetlands/Data/Mapper.html>

- encourage use of non-motorized recreational activities.

Local governments planning for the development of new parks and recreation facilities or redevelopment of existing facilities are encouraged to give priority to:

- recreation needs in high population areas,
- users with limited mobility and finances,
- maximize the conservation of energy in the transportation of people to parks and recreation facilities and also in the use of energy in the facility,
- minimize environmental deterioration,
- provide recreational facilities to the public at nominal costs, and
- meet needs of visitors to the state.

Goal 8 encourages local governments to adopt measures to finance and acquire park and recreation facilities. Cities are encouraged to take into consideration various techniques for land acquisition including, but not limited to, fee simple site acquisition, conservation easements, development rights acquisition and subdivision park land dedication. The adoption of a parks master plan will enable the City to effectively compete for grants from the Oregon Parks Department, Oregon Department of Transportation and private foundations.

Chapter III – “Public Facilities” of the Aumsville Comprehensive Plan includes a short section on Parks and Recreation. Chapter VI - “Recreation” includes excerpts from the 1996 Aumsville Parks Facilities Master Plan. These two chapters were included in the comprehensive plan update adopted in 1999 and will be replaced when this parks plan update is adopted in June 2023.

2.1.4 Goal 11: Public Facilities and Goal 12: Transportation

Goals 11 and 12 and the accompanying administrative rules (OAR 660-011 and OAR 660-012) require cities larger than 2,500 persons to prepare and adopt public facility plans and transportation system plans.

Public facility plans include (1) an assessment of the existing facilities, including deficiencies and needed improvements; (2) assessment of vulnerability to natural hazards; (3) updated system-wide facility maps; (4) timing of when public facility improvements will be needed; (5) cost estimates; (6) a prioritized capital improvements list (5-7-year list) and (7) a financing plan listing potential local, state and federal funding sources and opportunities. The City’s public facilities plans include the Aumsville Water Master Plan³ and several documents comprising the Aumsville Wastewater Facilities Master Plan⁴. The Aumsville Water Master Plan anticipates Porter-Boone Park and the Water Tower park site will continue to be used for key elements of the city’s water system. The Wastewater Facilities Master Plan includes long-term plans to use the 77+ acre irrigation site south of Mill Creek between W. Stayton Road and the railroad tracks for the land application of treated wastewater. This plan considers the use of small portions of these sites for parks and recreational use.

The transportation planning rule, OAR 660 - division 12, requires cities to plan for all types of transportation facilities including multi-purpose paths and trails which serve a recreational and transportation purpose. In October 2010, the City of Aumsville adopted the Aumsville Transportation System Plan (TSP) as Chapter IV of the city’s

³ Aumsville Water Master Plan (Final), Keller Associates, April 2015.

⁴ City of Aumsville Sanitary Sewer Master Plan dated November 2004, updated by technical reports and cost estimates in April 2007 and August 2016, prepared by James Schuette, PE, JMS Engineering, and the City of Aumsville “Wastewater Facilities Plan” dated June 1999 prepared by Balfour Consulting, Inc.

comprehensive plan. The TSP’s Chapter 5 “Bicycle and Pedestrian Element” provides a variety of recommendations for on-street bike lanes, sidewalks and safety enhancements. Three of the goals of the bicycle/pedestrian element are:

- Provide continuous bicycle and pedestrian facilities on arterial and collector roadways to connect neighborhoods, businesses, school, and parks. . . to ensure safe and efficient travel for all users.
- Provide a network of sidewalks, bike lanes and multi-use paths with access to important community destinations. The network will enhance safety and connectivity to key community destinations such as parks, schools, civic buildings, retail centers and neighborhoods.
- Add safety enhancements at intersections and roadway crossings.⁵

Figure 5-1 on the following page and the TSP narrative identify several improvement projects that address connectivity and access to Aumsville’s parks or add new recreational/multi-purpose trails in the community. Figure 5-1 from the Aumsville TSP shows the following projects:

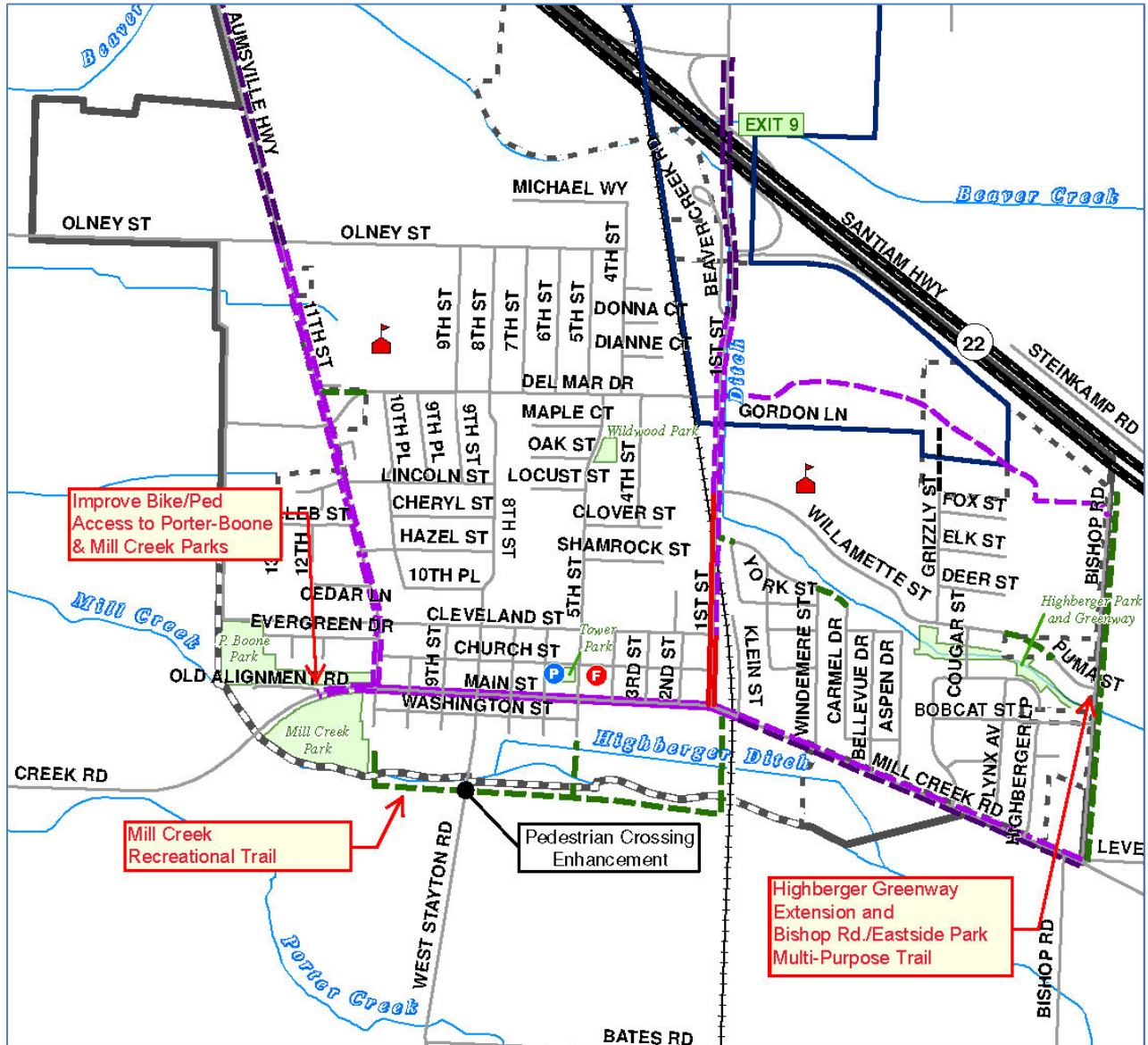
1. Porter-Boone/Mill Creek Park Pedestrian/Bicycle Access: New/improved bike lane and pedestrian access from Main Street / Mill Creek Rd. to both Porter-Boone and Mill Creek parks.
2. Mill Creek Recreational Trail: Construct a recreational from Mill Creek Park to the railroad tracks and the Main Street/1st Avenue intersection.
3. Highberger Greenway Extension and Bishop Rd. Multi-Purpose Trail: Extend Highberger Greenway to the east of Bishop Rd. and construct a multi-purpose trail adjacent to Bishop Road south to Mill Creek Road.



Highberger Greenway – Recreational Trail

⁵ Aumsville Transportation System Plan, prepared for the City of Aumsville by Parametrix, Portland, Oregon (October, 2010), p. 5-4.

Map 2-1
Existing Bicycle Facilities and Proposed Bike / Ped Improvement Projects
Aumsville Transportation System Plan



File: Aumsville_BikePed_Improvements.mxd Date: July 9, 2010

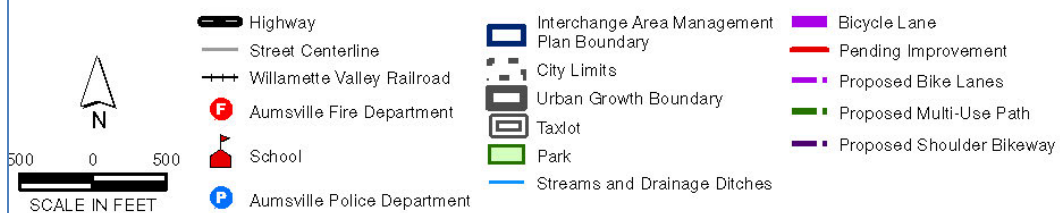


Figure 5-1
Existing Bicycle Facilities and Proposed Improvement Projects

2.2 Statewide Comprehensive Outdoor Recreation Plan (SCORP)

OPRD has a key role in planning, conducting research and providing guidance to local governments and private recreation providers on contemporary parks issues. The SCORP enables Oregon to qualify for funding from the Land and Water Conservation Fund (LWCF), a federal program established in 1964 to create parks, preserve open spaces and wildlife habitats, and enhance recreational opportunities. The LWCF allots federal grant money to states, which in turn, provides grants to local parks and recreation agencies. To qualify for an LWCF federal appropriation, a state must complete a SCORP study every five years. The plan also provides guidance for other OPRD-administered grant programs including the Local Government Grant, County Opportunity Grant, and Recreational Trails Grant programs.

2.2.1 SCORP Research and Findings

The 2008 SCORP summarizes demographic changes in Oregon during the 1990's and 2000's, describes how Oregonians use parks and recreational facilities and reviews national and statewide recreation trends. The 2008 SCORP recommends local recreation providers adapt to four significant trends on how Oregonians recreate and use public parks facilities. Those trends are: (1) fewer Oregon youth are learning and using outdoor skills, (2) Oregon's rapidly aging population will generate different demands on parks and recreation facilities; (3) Oregon is becoming increasingly diverse, and (4) there is an overall physical activity crisis in the state.

In 2013, OPRD released the 2013-2017 SCORP. It includes a wealth of research data about the recreational activities, desires and needs of Oregonians. The 2013 SCORP includes results of a 2011 Oregon State University survey of almost 9,000 Oregon residents (*Oregon Resident Outdoor Recreation Demand Analysis*) and another survey of parks and recreation service providers that identifies park facility priorities and funding needs through 2020. The updated 2013 SCORP also provides guidelines for local governments on parks facility standards, development and maintenance of sustainable parks and a tool-kit for the development of local parks and recreation facility plans.

Oregon Outdoor Recreation Trends

1. Oregon's population is rapidly aging.

By 2030, 20% of Oregon's population will be over the age of 65. The 2000 US Census showed 12.4% of Oregonians were senior citizens (age 65+). The percentage of seniors increased to 13.9% in 2010 and 16.0% by 2014.⁶ With an aging population comes health and economic challenges. Parks and recreation providers play a key role in providing opportunities for senior citizens to maintain good health, through such activities as walking, biking or active participation in outdoor leisure sports and recreational programs.

***In 2030,
20% of Oregon's population will be
65 years of age or older.***

***Seniors have a strong desire
to stay physically active and
engaged with their community.***

The 2013 SCORP report presents several findings regarding the recreation activities and needs of senior citizens. Seniors have a strong desire to stay physically active and engaged with their community.

- a. Walking was the top physical activity for respondents age 40-79.

⁶ *Oregon Demographic Trends*, Office of Economic Analysis, Oregon Department of Administrative Services, State of Oregon, December 2012 and U. S. Bureau of the Census, American Community Survey, Annual Estimates of Resident Populations, 2010 and 2014.

- b. Senior citizens engage in nature viewing, bird watching and RV/tent camping.
- c. Increasing participation rates in active outdoor recreation such as camping, biking, and water oriented activities.
- c. Survey respondents want clean and well-maintained parks, walking/hiking trails close to home, and more free-of-charge recreational opportunities.
- d. Retirees are willing to volunteer their time and expertise, but are not always sure how or where they can volunteer in the local community.

Local parks and recreation agencies can provide facilities which enable older Americans to stay physically active and provide opportunities for citizens to volunteer their time. Studies show that volunteering helps older adults maintain physical and mental health. More effort is required to convey information to senior citizens about close-to-home volunteer opportunities.

2. Few Oregon youth are learning outdoor skills.

Although Oregon has abundant natural resources and opportunities to recreate outdoors, youth are gravitating towards an indoor virtual reality, whether from surfing the Internet, using social media, or playing video games. Compared to prior studies, the 2013 SCORP data shows participation in outdoor recreation opportunities such as camping, fishing, and hunting has dramatically decreased. National and statewide surveys forecast this trend will continue. Health professionals agree it is important for youth to be engaged in outdoor activity. Research has shown that adults have a greater chance of being physically active in adulthood if they participated in outdoor recreation when they were young.

Parent and youth surveys conducted as part of the 2008 SCORP study revealed parents believe their children should spend more time outdoors. The study found there are certain factors that limit youth participation in outdoor activities: lack of information about available recreational opportunities and the cost to participate (especially for low-income families). The survey of Oregon’s youth found they are most interested in being able to play outdoor field games, followed by biking and camping. Oregon’s youth are aware the state has extensive year-round outdoor recreation opportunities and expressed a desire for more opportunities to play or recreate outdoors in small groups or with friends. Recreation activities of interest ranged from fishing, hiking and river tubing in the summer to skiing and sledding in the winter. Despite the expressed interest, actual participation rates in these outdoor activities continue to decline.

**2013 SCORP data
shows youth participation in outdoor
recreation opportunities
such as camping, fishing, and hunting
has dramatically decreased
over the past 30 years.**

The SCORP concludes providing fun and engaging outdoor activities to Oregon’s youth will help to reestablish a foundation that has been symbolic to Oregon’s history. Active involvement in outdoor recreation builds a personal connection between the individual and the environment that grows more important as the individual grows older. To help reverse the declining levels of youth participation in outdoor recreation activities, public and private parks and recreation providers need to develop opportunities that draw families and youth out of homes and into nature. The SCORP offers several recommendations to local and regional recreation agencies:

- a. Inventory the local private, non-profit, and governmental family and youth facilities/programs and assess whether they are appropriate for today’s youth.
- b. Develop relationships with the above facilities/programs to ensure they are running at their highest potential. It is possible that more information is needed to increase awareness about the

opportunities, including low-cost or free options that all families can afford. Extol the importance of developing outdoor skills and maintaining physical activity.

- c. Strive to make sure outdoor public spaces are safe for youth and families.

3. Oregon is becoming increasingly diverse.

The share of Oregon’s population that is Hispanic, Asian, and African-American will grow from 13% in 2000 to 22% in 2020. SCORP research has shown that non-white groups are less likely than whites to participate in outdoor activities and forego the many health and social benefits that outdoor recreation can offer.

As the minority populations grow in number, there is a need for a greater understanding of the factors that limit the number of Hispanic, Asian, and African-American community members who visit park and recreational facilities. The SCORP study included surveys mailed to a random sample of Hispanic and Asian households to gather information about the respective group’s recreational needs and concerns. The factors that led to spending fewer days participating in outdoor activities than whites were lack of information (such as knowledge of age/gender-appropriate programs), safety concerns, and the costs to participate. The survey did show an interest in outdoor recreation if these constraints were overcome.

OPRD conducted focus groups that centered on the opportunities and constraints of increasing outdoor activity among non-white groups. OPRD recommendations to local governmental and recreational agencies are:

- a. Develop recreational facilities that are large enough to host extended families. This is especially important for picnic facilities.
- b. Recruit a diverse staff and establish relationships with trusted community leaders that can help enhance awareness of regional opportunities to respective groups. Some of their ideas might be to include non-English languages in pamphlets and website that target overlooked groups or create age/gender appropriate recreation teams.

4. More Oregon residents are becoming physically unhealthy.

Oregon’s population has become unprecedentedly obese. This can be correlated with the declining rates of physical activity. Health effects from obesity are significant; overweight and obese individuals have a higher incidence of chronic diseases such as coronary heart disease and Type-2 diabetes. The health costs of being physically inactive and not maintaining a good diet are not just limited to physical well-being, as mental illnesses such as depression have increased as well. These findings are given a firmer foundation when it is noted that a greater number of Oregonians (56%) are physically active and have lower rates of chronic diseases than sedentary adults (44%).

There is good news in the SCORP findings that counteract the national and state trend towards increasing physical malaise. The study reports that *“Public facilities such as trails, swimming pools and parks that are conveniently located have been found to be positively associated with vigorous physical activity in a number of studies, among both adults and children.”*

Regions of the state that have more hiking or urban trail miles per household had higher rates of physical activity among the local population. This finding was from an October 2007 report from Oregon State University, *“Health and Recreation Linkages in Oregon: Physical Activity, Overweight, and Obesity”*. The report states health benefits accumulate quickly as the movement towards physical activity begins, and even obese residents who maintain levels of activity have lower morbidity and mortality than normal weight individuals who have a lower physical activity regime.

The state encourages local parks and recreation providers to focus on providing recreational facilities that can positively influence increased physical activity to the population, in order to help decrease rising obesity and health costs in Oregon. One of the roles a small city can play is to support an environment that is healthful to residents and visitors and limits stress-inducing factors that beleaguer the population. Local plan policies may:

- a. Promote physical activity by developing pedestrian and bicycle paths through local parks and open space that are close to home.
- b. Develop a variety of recreation facilities, equipment and features to entice various users to use local parks as a destination, no matter the occasion or circumstances.
- c. Market to at-risk groups. Provide information on the presence of existing trails, parks and recreation facilities and promote the health benefits of regular outdoor exercise.

These trends reflect how Oregon has been changing over the last decade. It is important for the *Aumsville Parks Master Plan* to bring into focus how the City can aid in solving inherent challenges that come with an aging population, declining youth outdoor activity, diversifying demographics, and rising rates of obesity.

2.2.2 2013-2017 SCORP “ENSURING OREGON’S OUTDOOR LEGACY”

In 2012, OPRD adopted a new five year Statewide Outdoor Recreation Plan entitled “*Ensuring Oregon’s Outdoor Legacy.*” The 2013-2017 SCORP is the current five-year plan for Oregon outdoor recreation. The plan provides an overview of the role and responsibilities of federal, state, and local providers of recreational facilities and services. Local providers are identified as county, municipal, special district, school and private sector.

The SCORP states the mission of local recreation providers should be to provide natural areas, parks and recreation facilities, services and programs to meet the needs of the population it serves.

Aumsville does not have the staffing and resources to provide extensive year-round recreation programs and services. The City of Aumsville has provided a popular summer recreation program at Porter-Boone Park. The weekly recreation program serves 250 children from pre-school age through middle school. Children and parents engage in reading, crafts, games and group activities. Participants also receive breakfast and lunch. From 1995 to 2017, the City of Aumsville has made significant improvements to the city’s public parks. The City Council, city hall administration and public works department have committed to providing quality parks and outdoor recreation facilities such as neighborhood parks, bicycle and walking trails and playgrounds.

**Mission of the
City of Aumsville as a
Local Recreation Provider**

**To provide natural areas, high quality park
and recreation facilities, services and
programs that meet the needs of the
diverse population it serves.**

The 2013-2017 SCORP provides survey data on outdoor recreation use by Oregonians and recent recreational trends. Based on the data, the SCORP provides policy guidance to the state’s recreation providers on how to plan for and address recreational needs of Oregonians in the next ten years. It recommends cities and counties adopt park and recreation plans and policies that address Oregon’s current recreational needs and identified priorities. The SCORP - “*Ensuring Oregon’s Outdoor Legacy*” can be found at the OPRD website:

http://www.oregon.gov/oprd/PLANS/docs/scorp/2013-2018_SCORP/2013-2017_Oregon_SCORP.pdf

During the preparation of the 2013-2017 SCORP, OPRD surveyed almost 9,000 Oregonians to identify their recreational activities and priorities and then tabulated the results on both a statewide and a county-by-county basis. Survey respondents identified the values and benefits of services delivered by Oregon’s park and recreation providers. The highest rated values and benefits were: (1) improving physical health and fitness, (2) making the local community a better place to live, and (3) preserving open space and the environment.

1. Marion County Survey Results

OPRD surveyed public recreation providers and Oregon residents in 2011. Two survey instruments were used for recreation providers: the first survey was for entities which provide recreational facilities and services inside urban growth boundaries and the second survey for agencies that provide recreational facilities and services in rural areas. Agencies were asked to identify the highest priority needs for funding “close to home” recreation facilities during the next five years.

Oregon residents were asked a similar question. Residents were asked to rate 17 recreational priorities using the question: *What should local parks and forests in or near your community invest in? For each of the following amenities [17 were listed], please indicate the level of priority for future investment.* Both surveys used a rating of 1 to 5, with a rating of 5.0 indicating a high priority and 1.0 indicating a low priority. The following table shows the compilation of results of the highest priorities for Marion County.

Table 2-1
2011 SCORP Survey Results
Recreational Facility Priorities in Marion County

<i>Public Recreation Provider Survey</i>		<i>Oregon Resident Survey Marion County Results</i>	
Close to Home Priorities	Score	Needed Recreation Facility	Score
Public restrooms	3.9	Soft surface walking trails	3.7
Children’s playgrounds	3.8	Public access sites to waterways	3.4
Trails connecting communities and parks	3.7	Children’s natural play areas	3.3
		Small group picnic shelters	3.2
		Paved / hard surface walking trails	3.2

The priorities of residents in Marion County were similar to the priorities of all Oregonians, with a few minor exceptions. Four of the top six priorities from the statewide results are similar to those identified by area residents:

- a. Soft surface walking trails
- b. Public access to waterways
- c. Nature and wildlife viewing areas.
- d. Playgrounds with natural play materials.
- e. Picnic areas for small groups
- f. Off-street bicycle trails.

2. Key Statewide Issues Facing Parks and Recreation Providers: Funding and Sustainability

Another key finding of the 2013-2017 SCORP is that *“Funding maintenance of existing parks and recreation facilities and funding for the construction and development of new parks and recreation facilities”* poses a major

challenge to local parks and recreation providers. Parks and recreation providers and OPRD identified the following issues confronting them during the next ten years:

- a. Provide adequate funds for routine and preventative maintenance.
- b. Fund major rehabilitation of parks and recreation facilities at the end of their useful life.
- c. Add recreational trails and trail connectivity between parks and communities.
- d. Recognize and strengthen park and recreation role in increasing physical activities in Oregon's population.
- e. Recommend a standard of sustainable park practices for outdoor recreation providers.

OPRD used these issues to develop application and funding guidelines for its grant programs including the Local Government Grants Program and Recreational Trails funding programs. As cities look at their existing park facilities and plan for future park improvements, they will be expected to incorporate best management and sustainable management practices so that they can continuously maintain high quality park facilities.

2.3 Federal, State and County Parks

The City is fortunate to be located near federal, state and county recreation sites within the North Santiam River canyon, along the Little North Fork River and within the Willamette National Forest.

The North Santiam Canyon from Lyons east to the Santiam Pass has a wealth of local, state and federal parks and recreation sites. Beginning with Linn County's John Neal regional park a traveler headed east on Oregon Hwy 22 encounters a wide variety of passive and active recreational sites every few miles. North Santiam State Park, BLM's Fisherman's Bend campground, Detroit Lake State Park, Marion County and BLM day use parks along the Little North Fork and the main stem of the North Santiam River all serve local residents and visitors. These parks include developed campgrounds, the Opal Creek wilderness area, waysides, small riverside recreation sites, boat launches, forest lands, natural areas and winter recreation sites. In addition, Silver Falls State Park, Oregon's largest state park in the Willamette Valley, has large group picnic facilities, spectacular waterfalls and miles of hiking trails. Aumsville's residents benefit from their close proximity to these facilities and the multitude of outdoor recreation opportunities they provide.

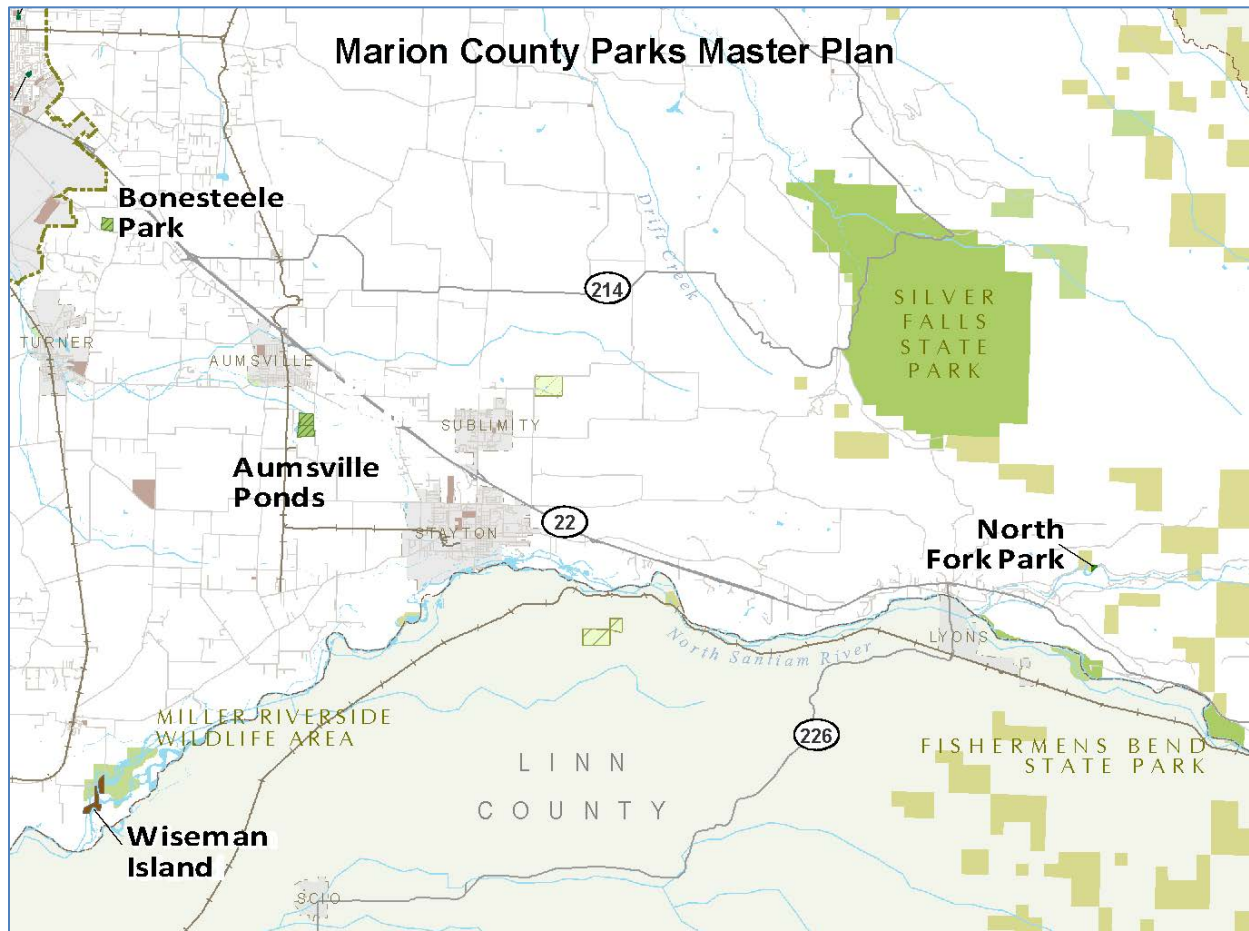
The SCORP identifies needs and plans for parks and open spaces to serve the entire state. The Linn County and Marion County parks and recreation plans describe each county's vision, recommendations and strategies on how they will address and meet the recreation needs of their citizens. Although Aumsville is located in Marion County the Aumsville Parks Plan can benefit by coordinating its plans for parks and recreation facilities with the parks and recreational facility plans of both counties.

2.3.1 Marion County Parks

The *Marion County Parks Master Plan* (Marion County Public Works Department, prepared by MIG, Inc., April 2010) sets forth the County's vision: *to provide an interconnected, safe, accessible and well-maintained parks system that provides diverse recreation opportunities to residents and visitors, and preserves our County's bountiful natural and historical resources.*⁷

⁷ Marion County Parks Master Plan, Marion County Parks Department, prepared by MIG, Inc. page iv.

Map 2-2
Marion County Parks Master Plan
Marion County Parks in the Aumsville Area



Map from Marion County Parks Master Plan, Appendix B, p. 70
courtesy of the Marion County Public Works Department

In the Aumsville area, Marion County has three natural areas, but no developed recreation sites. Two of the natural areas are accessible to the public for passive recreational use:

1. **Aumsville Ponds:** A 77.80 natural area with ponds, wetlands and nature trails. The park is located at the intersection of Bates and Bishop Roads one mile southeast of the City of Aumsville. The ponds serve as the headwaters of Porter Creek. The Aumsville Ponds site is identified by Marion County as a natural heritage park. The park has a restroom, gravel parking area, small picnic area and fishing pier on the south side of the largest pond. Aumsville Ponds Park is popular for picnicking, swimming, fishing, and nature watching.
2. **Bonesteele Park:** A 30.88-acre undeveloped park north of Aumsville Highway approximately 4-miles west of the Aumsville city limits. This natural area has a mature Oregon Oak forest, restored prairie habitat and open grassland. Marion County manages the park as a natural area, trails are accessible, but domestic animals such as dogs and horses are prohibited.

3. Wiseman Island: A 97.9-acre undeveloped natural riparian area along the North Santiam River near Marion. Due to flooding, wetlands and the high quality of the riparian habitat Marion County has no plans for public access or development of the site.

Marion County has three small riverside parks along the Little North Fork of the North Santiam River on Little North Fork Road. North Fork Park is the closest of these parks to Aumsville.

4. Little North Fork Park (Little North Fork): A 13.54-acre park with sandy beaches and small swimming area along the Little North Fork River one mile north of the Hwy 22 intersection. The park has rustic picnic areas and fishing access points along the riverbank. Marion County proposes to improve the parking lot and picnic facilities in 2017
5. Bear Creek Park (Little North Fork): A 16.38-acre riverside park with walking trails, picnic areas, restrooms and fishing access to the river.
6. Salmon Falls Park (Little North Fork): This 22.55-acre park is located north of Elkhorn Golf Course. The park is a heavily wooded park along the banks of the Little North Fork River. A 30- foot tall waterfall creates a popular swimming hole for teenagers and young adults.⁸

Further east beyond Mill City, Marion County has three developed parks within the North Santiam Canyon on Oregon Hwy 22 with river access to the North Santiam River.

7. Minto Park (N. Santiam River): A 71.7-acre forested park on Hwy 22 along the N. Santiam River east of Gates with an extensive trail network, day-use picnic facilities and river access.
8. Niagara Park (N. Santiam River): A 30.68-acre park on Hwy 22 along the N. Santiam River between Gates and Big Cliff dam. This park has remnants of an historic dam, day-use picnic area, hiking trails, fishing and river access.
9. Packsaddle Park (N. Santiam River): A 5.6-acre park on Hwy 22 just east of Gates. This small park is a popular put-in point for kayakers, drift boat fisherman and river rafters. The park has fishing access to the N. Santiam River and Packsaddle Creek.⁹

Marion County anticipates it will achieve its vision for the county’s parks and recreation facilities by focusing on the following desired outcomes:

- *Protect and enhance our natural and historical resources*
- *Provide diverse recreation opportunities that are responsive to changing community needs*
- *Provide an interconnected park system that provides opportunities for active transportation and recreation*
- *Protect and preserve the public’s resources and investment*

Marion County Parks Vision:
The Marion County Parks Program will provide an interconnected, safe, accessible and well-maintained parks system that provides diverse recreation opportunities to residents and visitors, and preserves our County’s bountiful natural and historical resources.

⁸ Ibid, Marion County Parks Master Plan, pages 21-25.

⁹ Ibid, Marion County Parks Master Plan, pages 21-25.

- *Provide opportunities for river access and recreation*
- *Develop and enhance community partnerships*
- *Enhance public involvement and awareness of Marion County Parks*
- *Maintain and enhance long-term financial stability¹⁰*

The Marion County Parks Master Plan recommends minor changes to its parks near Aumsville:

1. **Aumsville Ponds:** Aumsville Ponds will be retained as a natural area. Trail improvements, enhancements to the fishing pier to improve accessibility for disabled users and minor upgrades to picnic facilities are proposed. City and Marion County officials will discuss a possible transfer of ownership of the Aumsville Ponds site to the City of Aumsville.
2. **Bonesteele Park:** Marion County anticipates Bonesteele Park can be a laboratory for environmental education for K-12 and college students from Corban University. Plans include adding interpretive signage, enhanced restoration efforts for the forest and prairie habitats and improvements to the parking lot and trails to improve accessibility for the disabled users.

The *Marion County Parks Master Plan* also recommends several Priority 1 parks planning projects for parks in eastern Marion County. New master plans and camping facility assessments are recommended for Minto, Niagara and North Fork parks. Priority 1 non-capital projects include collaboration with local agencies to enhance and develop the North Santiam Canyon Trail network.

2.3.2 Linn County Parks

Linn County has a well-developed regional park system with over 1,350 acres of park land with several sites within a one-half hour drive of Aumsville. Linn County has one developed park in the North Santiam canyon area near Lyons and two improved boat ramps on the North Santiam River at the Hwy 226 bridge in Lyons and south of the Stayton-Scio Road bridge in Stayton. John Neal Park in Lyons is a 27.6-acre campground with 36 camp sites, a group picnic area and day-use picnic facilities situated next to the North Santiam River in Lyons.

The *Linn County Parks and Recreation Master Plan* (Linn County Parks Department, prepared by MIG, Inc., January 2009) sets forth the County’s vision: *to provide a diversity of parks and recreation opportunities that support a healthy community, protect the natural environment, and enhance quality of life for all residents.*

Linn County anticipates it will achieve its vision for the county’s parks and recreation facilities by focusing on the following desired outcomes:

- *Promote health and wellness*
- *Provide diverse opportunities*
- *Protect natural & historical resources*
- *Achieve financing stability*
- *Develop community partnerships*
- *Reinvest in Linn County’s existing parks and recreation facilities.¹¹*

Linn County Parks Vision

Provide a diversity of parks and recreation opportunities that support a healthy community, protect the natural environment, and enhance quality of life for all residents.

¹⁰ Ibid, page iv.

¹¹ Linn County Parks and Recreation Master Plan, Linn County Parks Department, prepared by MIG, Inc. page ii.

Map 2-3
Linn County Parks Master Plan
Linn County Parks – Northern Linn County closest to the Aumsville Area



Map from Linn County Parks and Recreation Master Plan, p. 87
 courtesy of the Linn County Parks Department

Linn County plans to improve John Neal Park by upgrading RV camping facilities, enhancing the trail network, improving ADA accessibility, adding interpretive signage, and improving connectivity with the adjacent City of Lyons park.

Map 2-4
Linn County Parks Master Plan
Linn County Parks – North Santiam Canyon Area – Mill City east to Detroit Lake



Map from Linn County Parks and Recreation Master Plan, p. 87
 courtesy of the Linn County Parks Department

2.3.3 Regional Parks: Bureau of Land Management and State Parks

The two counties, the federal Bureau of Land Management (BLM) and the Oregon State Parks Department provide recreational facilities to serve a larger regional or statewide population. They address some of the pressing recreation needs identified at the state level: Oregon residents need safe public places where they can maintain a level of activity to improve physical and mental health, and a diversifying population calls for a mixture of recreational opportunities.

The Bureau of Land Management operates three fee-based campgrounds and recreation sites in Marion County along the Little North Fork and North Santiam Rivers and the Oregon State Parks Department operates the North Santiam State Park about 2 miles west of the Fisherman’s Bend campground on Hwy 22. These are:

1. Fisherman’s Bend (North Santiam River): This BLM campground is one mile west of Mill City on Hwy 22. The park is located along the North Santiam River. Facilities include day use picnic areas, a group picnic shelter, and campsites. The campsites are open April to October.
2. Elkhorn Valley and Canyon Creek Recreation Sites (Little North Fork): These two recreation sites offer campsites and picnic areas. They are part of a cluster of parks and recreation sites located along the Little North Fork River. They are near the Elkhorn Valley Golf Course and Bear Creek county park on the Little North Fork Rd.
3. North Santiam State Park: This day use park has a group picnic shelter, 9 walk-in/boat-in tent camping sites, restrooms and walking trails. A paved road from Hwy 22 leads to a river-side take-out and boat launch area for drift boats, kayaks and rafts. The park is a popular fishing site and day use recreation area.

2.4 Coordination of Planning Efforts with the Aumsville Parks Master Plan

Cities are responsible for providing urban parks and recreation facilities. Both county plans and the SCORP recognize cities will provide community-based recreation facilities, rather than rural, resource-based parks, natural areas and outdoor recreation activities. Due to the plethora of nearby regional and state park and forest lands, Aumsville can focus on providing neighborhood and community parks rather than larger regional park facilities.

This plan recommends the City of Aumsville:

- a. Continue to develop and extend recreational trails and facilities that are safe and convenient to area residents and that visibly encourage running, walking, jogging and biking.
- b. Take advantage of Mill Creek and the Highberger Greenway as a multi-use recreation area for both the active recreational enthusiast as well as the more passive use of families and seniors.
- c. Develop community parks and neighborhood parks that provide park and recreation facilities for Aumsville residents and visitors to the community. Key facilities will include multi-purpose grassy open spaces, playgrounds, walking trails, picnic areas and restrooms.
- d. Focus on improving existing park facilities and plan for future improvements that will serve senior citizens, youth, families, and diverse ethnicities.
- e. Market the parks and recreation opportunities to all types of user groups, including seniors, youth and at-risk groups.

3.0 – CITY OF AUMSVILLE POPULATION AND DEMOGRAPHICS

The Comprehensive Plan uses historical population information to explain how the community has developed over the past century. Population growth projections are used to forecast the amount of land needed for future residential, commercial, industrial and public uses, to plan for the expansion or modification of the City’s Urban Growth Boundary and to plan for the scope and timing of needed public facilities. Aumsville’s population projections and anticipated growth rates are based on coordinated population projections prepared for Marion County which have been approved by the State of Oregon. These projections rely on a review of historical growth rates, county-wide trends and statewide demographic characteristics.

3.1 Population Trends

Oregon: In the three decades from 1990 to 2020 Oregon’s population grew at a pace faster than the nation. Oregon’s population growth has historically been heavily affected by the state of the economy. In good economic times, migration of people to Oregon fueled population growth. Net migration (people migrating to Oregon minus out-migration of people leaving the state) accounted for three-quarters of Oregon’s population growth in the 1990’s and 51% of Oregon’s population growth in the 2000’s. Population growth and net migration slowed during the Great Recession (2008 to 2013) due to poor economic conditions and high unemployment rates in the state. Population growth since 2010 has been largely due to natural population growth (more births than deaths) rather than rapid in-migration. However, net in-migration accelerated again beginning in 2013.

Table 3-1
Historic Population Growth Rates 1990–2020

	1990	2000	2010	2020	Changes in Population		
					1990-2000	2000-2010	2010-2020
U.S.	248,709,873	281,421,906	308,745,538	331,449,281	13.2%	9.7%	7.4%
Oregon	2,842,337	3,421,437	3,831,074	4,268,055	20.4%	12.0%	11.4%
Willamette Valley	1,962,816	2,280,631	2,684,933	3,021,035	16.2%	17.7%	12.5%
Marion County	228,483	284,837	315,391	349,120	24.7%	10.7%	10.7%
Linn County	91,227	103,083	116,672	127,320	13.0%	13.2%	9.1%
Salem	108,846	137,569	154,637	168,970	26.4%	12.4%	9.3%
Aumsville	1,673	3,036	3,584	4,234	82.0%	19.3%	18.1%
Silverton	5,635	7,433	9,222	10,520	31.9%	24.1%	14.1%
Stayton	5,011	6,816	7,644	7,880	36.0%	12.1%	3.1%
Sublimity	1,493	2,150	2,681	3,050	44.0%	24.7%	13.8%

Sources: U.S. Census Bureau and Population Research Center, College of Urban and Public Affairs, Portland State University.

Willamette Valley: The Willamette Valley is Oregon’s population center.¹ Over 70% of Oregon’s population lives in the Willamette Valley, which contains only 14% of the state’s land area. Population is concentrated in the metropolitan areas of Portland, Salem, and Eugene. Oregon’s population growth will continue to occur in the Willamette Valley, major cities and the Portland metropolitan area.

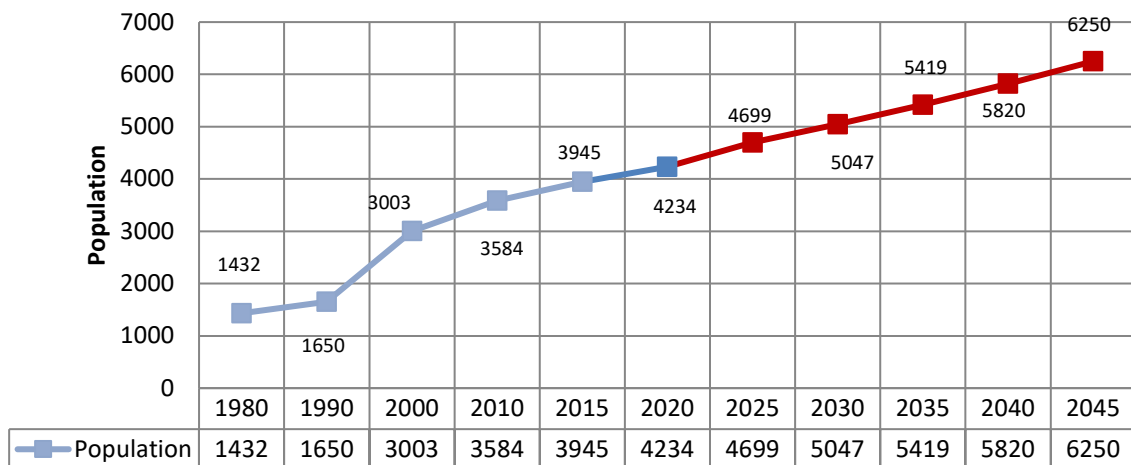
Marion County: Marion County is located in the mid-Willamette Valley south of the Portland metropolitan area. Since 1980 Marion County has grown faster than the state as a whole and faster than the other Willamette Valley counties. Table 3-1 shows that Salem and its nearby suburbs and small cities have seen the highest growth rates. The population in Aumsville has more than doubled from 1,673 residents in 1990 to 4,212 persons in 2022, a 140% increase.

City of Aumsville: The City of Aumsville is located 10 miles east of Salem along Oregon Highway 22, the main state highway connection between the mid-Willamette Valley and central Oregon, travels along the northern edge of the city. Hwy 22 provides an easy 15-minute commute to downtown Salem, the I-5 corridor and Salem’s east-side industrial areas, which makes Aumsville an attractive suburb for new residential development. The population history Table 3-2 shows Aumsville’s annual Census population from 1940 to 2022. Table 3-3 shows historic population growth and population estimates for Aumsville for the period 2020 to 2045 prepared by Portland State University’s Population Research Center.

Table 3-2
Aumsville
Population History

Year	US Census	PSU Estimate	% Change
1900	---		
1920	171		
1940	174		
1950	281		
1960	300		6.8%
1970	590		96.6%
1980	1,432		142.0%
1990	1,650		15.2%
2000	3,003		84.5%
2010	3,584		19.3%
2015		3,945	10.1%
2020	4,234		7.3%
2021		4,237	
2022		4,212	

Table 3-3
Aumsville Population History and Projection
1980 to 2045²



¹ The Willamette Valley is composed of Benton, Clackamas, Lane, Linn, Marion, Multnomah, Polk, Washington, and Yamhill counties.

3.2 Population Projections

In 2013 the Oregon legislature passed a law delegating responsibility for preparing population forecasts to PSU’s Population Research Center. Under the law each county-wide population forecast will have a 50-year time horizon. The population forecasts will be updated every four years and the county-wide population forecast will be coordinated with each incorporated city. In 2021, PSU’s Population Research Center prepared an updated population forecast for Marion County and its incorporated cities. The population forecast includes both a near-term forecast (2021 to 2045) and a long-term forecast (2046 to 2071).

PSU’s Center for Population Research anticipates net migration will increase from a low of 32% of the annual population increase in 2010 to more than 2/3rds of the Oregon’s annual population growth in the year 2020 (28,000 people annually). The near-term forecast estimates Oregon’s population will grow faster than the nation.² Because of its location in the mid-Willamette Valley, Marion County’s population is expected to grow by more than 67,000 residents in the near-term and by more than 175,000 residents during the entire 50-year forecast period. The County’s long-term population forecast is based on a review of state-wide trends, fertility rates, mortality rates, life expectancy and in- and out-migration patterns.

Table 3-4
Forecast Population Growth for Aumsville
2010 – 2070

Year	Marion County Population Forecast			City of Aumsville UGB Population Forecast		
	Population	Change	% Change	Population	Change	% Change
<i>Actual Population</i>						
2010 Census	315,335			3,584		
2020 Census	345,920	30,585	9.70%	4,234	650	18.1%
2022 PSU Est	348,616	1,262	0.78%	4,212	-22	-0.52%
<i>Population Forecast</i>						
2020	349,121			4,376		
2025	361,629	12,508	3.58%	4,699	323	7.4%
2030	374,586	18,321	3.58%	5,047	347	7.4%
2035	388,006	16,932	3.58%	5,419	373	7.4%
2040	401,907	15,156	3.58%	5,820	401	7.4%
2043				6,074		
2045	416,327	16,032	3.58%	6,250	430	7.4%
2050	424,995	16,438	2.08%	6,664	414	6.6%
2055	433,844	16,859	2.08%	7,105	441	6.6%
2060	442,877	17,289	2.08%	7,575	470	6.6%
2065	452,099	17,746	2.08%	8,076	501	6.6%
2070	461,514	7,270	2.08%	8,609	533	6.6%

Sources: 2010 and 2020 U. S. Census, PSU Certified Population estimates for 2021, and the *Coordinated Population Forecast for Marion County, its Urban Growth Boundaries(UGB) and Areas Outside UGBs 2021-2070*, prepared by Population Research Center, College of Urban and Public Affairs, Portland State University, Final Report dated June 30, 2021.

² *Oregon’s Demographic Trends*, Office of Economic Analysis, Department of Administrative Services, State of Oregon, December 2012, p. 5. http://www.oregon.gov/DAS/OEA/docs/demographic/OR_pop_trend2012.pdf

Population growth rates over the next 20 years are expected to be highest from 2021 to 2030 and then slow over time. PSU staff and the state demographer provide several explanations for the declining growth rates:

- (1) Oregon’s population is aging and the natural population growth rate (births versus deaths) in the state has turned negative in the early 2020’s.
 - a. There are fewer women in their child-bearing years and more women are choosing to have fewer children and/or have children later in their child-bearing years. Total fertility rates of women in child-bearing ages has continuously declined over past 50 years and is now well below replacement levels. In 2020-2030 decade, the fertility rate is forecast to remain well below replacement levels.³
 - b. The number of deaths increased in 2020-2022 due to COVID-19. The number of annual deaths will continue to increase due aging Baby Boomers PSU’s coordinate population forecast concluded, by the year 2030, annual deaths will exceed annual births in Marion County.⁴
- (2) Net in-migration is expected to continue from 2023 to 2030. In 2023, net migration accounts for all of Oregon’s population growth.

PSU’s forecast for smaller communities and sub-areas within Marion County takes into consideration total housing units, occupancy rates, persons living in each household, household demographics and planning/building forecasts provided by each community.

The City of Aumsville anticipates it will continue to serve as a bedroom community for the Salem metropolitan area with the development of single-family homes in new subdivisions and multi-family units in duplexes and apartment complexes. The City has some remaining undeveloped land inside the urban growth boundary, but will need to expand the UGB to accommodate the projected residential growth.

Over the next twenty years Aumsville’s is expected to be one of Marion County’s fastest growing communities. The PSU forecast estimates the population inside the Aumsville Urban Growth Boundary (UGB) will increase from 4,376 people in 2021 to 6,074 people in 2043 at the end of the city’s 20-year planning period. The average annual growth rate from 2021 to 2043 is estimated to be 1.44% annually.

3.3 Demographics: A Census Snapshot: Aumsville and Marion County

Demographic characteristics of people living in Aumsville and Marion County provide a snapshot of Aumsville’s demographic makeup in comparison to the county and state population profile. More recent data is available for counties and the State of Oregon, but is either not readily available for a small city population or the margin for error listed for the data set is very large. The information listed is taken from the 2010 Census, the 2012 American Community Survey (ACS) or other sources as noted.

³ **Oregon Demographic Trends 2023-2030**, Office of Economic Analysis, Department of Administrative Services, State of Oregon, state demographer Kanhiaya Vaidia presentation to the Oregon Legislature, House Committee on Revenue, March 8, 2023.

⁴ **Coordinated Population Forecast for Marion County, its Urban Growth Boundaries (UGB), and Area Outside UGBs (2021-2071)**, PSU Center for Population Research Center, June 30, 2021, pp. 8-9.

Aumsville residents were:

- Younger than Marion County: In 2021 the median age in Aumsville was 31.2 years compared to 37.0 years in Marion County and 39.6 years in the State of Oregon. [US Census 2021, American Community Survey 5-Year Estimate, Table S0101].
- Affluence – Household Income: In 2021, median household income in Aumsville (\$67,363) was lower than the median household income in Marion County (\$64,406) and the median household income in the State of Oregon (\$71,562). [US Census 2021, American Community Survey 5-Year Estimate, Income in Last 12 Months, Table S1901].
- Less likely to be employed: Average annual unemployment rates in February 2023 were 4.9% in Linn County, 4.5% in Marion County, 4.6% in the Salem SMSA and 4.7% in the State of Oregon. The average unemployment rate in Aumsville in 2021 was 6.4%.⁵
- More likely to be homeowners: 72.6% of Aumsville’s homes lived in owner-occupied housing units. This compared favorably with 61.2% in Marion County and 63.2% in the State of Oregon. [US Census 2021, American Community Survey 5-Year Estimate, Selected Housing Characteristics, Table DP04].
- Larger household size: Household size in Aumsville was 3.06 persons per household (pph) compared to Linn County (2.58 pph), Marion County (2.82 pph) and State of Oregon (2.59 pph). [US Census 2021, American Community Survey 5-Year Estimate, Selected Housing Characteristics, Table DP04 and PSU 2017 Coordinated Population Estimate for the City of Aumsville].
 - In the 2017 Marion County population forecast, the PSU Center for Population Research concluded household size in Marion County’s fifteen smallest cities is projected to remain close to the 2.70 average household size for the period 2017 to 2035. Since Aumsville has historically had a larger household size, the PSU forecast for Aumsville anticipates household size in Aumsville will remain constant at 3.06 pph through the year 2035.⁶
- Educational Attainment: Aumsville and Marion County residents have had less post-high school education than Oregon’s overall population.
 - High School: The 2021 data shows >95% of Aumsville’s residents aged 25 and older had a high school diploma or GED. This is higher than the percentage of residents in Marion County (89.4%) and slightly less than the State of Oregon (91.5%) who have received a high school diploma or equivalent.
 - Advanced Educational Degrees: In Aumsville 7.4% of its residents aged 25 and older had obtained a bachelor’s degree or higher. In 2021, 23% of Marion County residents and 35% of Oregonians had a college degree. [US Census 2021, American Community Survey 5-Year Estimate, Educational Attainment, Table S1501].

⁵ Oregon Employment Department, Quality Information, Local Area Unemployment Statistics for the State of Oregon, Linn County and Marion County. Data for the City of Aumsville from US Census 2021, American Community Survey 5-Year Estimate, Selected Economic Characteristics, Table DP03.

⁶ **Coordinated Population Forecast for Marion County, its Urban Growth Boundaries (UGB), and Area Outside UGBs (2017-2067)**, College of Urban and Public Affairs, Portland State University, Center for Population Research, June 30, 2017, Appendix B, p. 73.

- **Diversity:** The majority of people in Aumsville (85.1%) and Marion County (75.1%) are white. Aumsville racial diversity in 2021 is similar to what it was in 2010, when 84.3% of Aumsville’s population was white. [US Census Bureau, 2021 American Community Survey 5-Year Estimate, Demographic and Housing Estimate, Table DP05].
- **Less likely to be in poverty status:** 17.8% of Aumsville residents lived in households with incomes below the poverty line in 2021 compared to a lower percentage of persons living in poverty in Marion County (13.4%) and the State of Oregon (12.1%). [US Census 2021, American Community Survey 5-Year Estimate, Poverty Status in the Past 12 Months, Table S1701].

3.3.1 Age Distribution

Aumsville’s population is significantly younger than the rest of Marion County’s residents. Median age in Aumsville in 2021 was 31.2 years of age compared to the Marion County median age of 37.0 and the State’s median age of 39.6. Due to the aging of the post-World War II baby boomer generation and improved health care, the life expectancy of Oregonians increased from 78.1 years in 2000 to 79.6 years in 2010 and remained steady. Life expectancy declined in the past five years to 78.8 years in 2021, partially attributable to higher death rates from COVID-19. Life expectancy is forecast to increase to more than 79 years by 2030.⁷

Table 3-5
**City of Aumsville compared to Marion County
 Age Groups as a Percentage of Population**

Age Ranges	City of Aumsville 2021		Marion County 2021	
0 to 5	216	5.2%	21,987	6.4%
5 to 14	775	18.4%	48,124	14.0%
15 to 24	750	17.8%	45,739	13.3%
25 to 34	514	12.3%	47,971	13.9%
35 to 44	711	17.0%	44,863	13.0%
45 to 54	535	12.8%	40,241	11.7%
55 to 64	476	11.3%	41,198	12.0%
65 to 74	111	2.6%	33,095	9.6%
75 and older	105	2.5%	20,819	6.0%
Total Population	4,193		344,037	
Median Age	31.2		37.0	

Source: US Census Bureau, 2021 American Community Survey 5-Year Estimate, Demographic and Housing Estimate, Table DP05.

The number of school age children has been declining in Oregon since 1980. This has been attributed to declining birth rates and fewer women of child-bearing age. This trend is expected to continue through 2045 when only 10-12%

⁷ **Oregon Demographic Trends 2023-2030**, Office of Economic Analysis, Department of Administrative Services, State of Oregon, staff presentation by state demographer Kanhiaya Vaidia, to the Oregon Legislature, House Committee on Revenue, March 8, 2023.

of Oregonians will be school age compared to 20% in 1980. The number of senior citizens (age 65+) will grow as the baby boomer generation reaches retirement age and life expectancy continues to rise.

3.3.2 Race and Ethnicity

According to the 2020 Census 25% of Oregonians belong to a minority race or ethnic group compared to 38% nationwide. State forecast anticipate increasing diversity in the overall racial and ethnic makeup of the population, with faster growth in the number of Oregon residents with Hispanic/Latino and Asian heritage. The U. S. Census Bureau’s 2021 American Community Survey 5-Year Estimate shows Aumsville’s and Marion County’s racial and ethnic makeup was less diverse than the state and nation, while Marion County’s population was more diverse.

Table 3-6
**City of Aumsville and Marion County
 Race and Ethnicity in 2019**

Race and Ethnicity	City of Aumsville	%	Marion County	%
Total Population:	4,193		344,037	
Population of one race:	3,858	92.0%	308,126	89.5%
White alone	3,570	85.1%	258,281	75.1%
Black or African American alone	NA		3,773	1.1%
Native American and Alaska Native	158	3.8%	3,399	1.0%
Asian	7	<1%	7,419	2.2%
Native Hawaiian & Other Pacific Islander alone	59	1.4%	3,607	1.1%
Other Race	64	1.5%	31,547	9.2%
Total	4,193		344,037	
Population of two or more races:	335	8.0%	36,011	10.5%
Ethnicity				
Hispanic or Latino	476	11.4%	94,523	27.5%
Not Hispanic or Latino	3,717	88.6%	249,514	72.5%

Source : U.S. Census Bureau, 2021 American Community Survey, Demographic and Housing Estimate, Table DP-05.

3.3.3 Education

Aumsville’s citizens, age 25 years and older, were more well educated in 2014 than they were in the year 2000. The number of Aumsville residents with a high school diploma or GED increased from 80.7% in 2000 to 87% in 2014. In addition, the percentage of Aumsville residents with advanced educational degrees also increased. In 2014, 10.5% of Aumsville’s residents had a bachelor’s degree or higher compared to 8.5% in the year 2000. Educational attainment by Aumsville residents’ lags the achievement levels of all residents of Marion County and the State of Oregon.

Table 3-7
Educational Attainment for Aumsville Residents
Persons Aged 25 years or older
Years 2010 & 2021

Educational Attainment	City of Aumsville		Marion County		State of Oregon	
	2010	2021	2010	2021	2010	2021
High school graduate or higher	89.8%	>95.0%	82.2%	89.4%	88.6%	91.5%
Bachelor's degree or higher	9.2%	7.4%	20.9%	23.2%	28.6%	36.5%

Source: U.S. Census Bureau, 2010 and 2021 American Community Survey 5-Year Estimate, Table S-1501.

4.0 – PARK DEVELOPMENT STANDARDS

4.1 Urban Parks System and Park Development Standards

The Oregon Parks and Recreation Department (OPRD) has developed a recommended Parkland Classification System and suggested Level of Service (LOS) standards as part of the 2013-2017 State Comprehensive Outdoor Recreation Plan “Ensuring Oregon’s Outdoor Legacy”.

Parks and recreational facilities are frequently classified as either resource-based or activity-based facilities. *Resource-based facilities* are centered around particular natural resources which may provide opportunities for picnicking, hiking, hunting, water sports, fishing or simply enjoying nature. *Activity-based facilities* are developed for the enjoyment of particular activities such as basketball, baseball/softball, or football, recreational programs such as aerobics and painting, senior citizen activities, and spectator sports. The City will plan its park system to ensure there are opportunities for both resource-based and activity-based recreation.

4.1.1 Classifications of the City of Aumsville Parks and Recreational Facilities

OPRD’s parkland classification system identifies 11 different types of parks that range from the smallest pocket park of less than ¼ acre in size to the largest nature park with hundreds or thousands of acres. Each parkland type has a particular purpose and function. Not all types of parkland will be developed in every community. Overall, the state guidelines recommend Oregon’s cities plan for 6.25 to 12.5 acres of park land per 1,000 population.

In making decisions on what types of public parks are appropriate for the City of Aumsville, city officials considered several factors including (1) the close proximity of the Aumsville Elementary school playground and the Cascade School District’s sports complex, (2) nearby regional county, state and federal parks and recreation facilities, (3) resident needs and desires, (4) land availability, (5) funding opportunities and limitations, and (6) citizen requests and priorities for new or improved park facilities.

The City of Aumsville concludes there are six types of public parks appropriate to serve local residents:

1. Pocket Park
2. Neighborhood Park
3. Community Park
4. Nature Park
5. Special Use Park, and
6. Linear Park including Trails, Pathways and Bikeways.

These parks will be coupled with the recreational facilities available at the Cascade School District’s existing school sites and other public spaces to create an integrated community-based park and open space network. Table 4-1 shows each type of park, recommended size and number of parks recommended for the community.

Park Land Recommendations for Small Cities

The Oregon Parks and Recreation Department recommends cities plan for 6.25 to 12.5 acres of park land per 1,000 residents.

The Aumsville Parks Master Plan recommends the City of Aumsville will plan for 8.50 acres of urban park space per 1,000 residents plus land for natural areas and linear park bicycle and pedestrian trails.

Table 4-1
Urban Park Standards for the City of Aumsville

	Park Type	Typical Park Size	Acres Per 1,000 people	Recommended Parks 2043 Population 6074 persons
Urban Parks				
1	Pocket Parks	¼ acre Up to 2 acres	0.25 acres	Multiple sites 1 to 2 acres total
2	Neighborhood Parks	2 to 20 acres	2.0 acres	4 parks 10 to 12 acres total
3	Community Parks	10 to 20+ acres	5 acres	2 parks 30 to 35 acres total
Total Acreage for Urban Parks			7.25 acres	40 to 50 acres

Natural Areas and Special Use Parks				
4	Natural Areas	10 to 200 acres	Varies	1 park – Aumsville Ponds 77+ acres
5	Special Use Parks e.g. Skate Park, Dog Park, etc.	Varies by type of use	No guideline	Based on community need or desire
6	Linear Park and Recreational Trails	Depends on Local Opportunities	0.5 to 1.5 miles or 1.25 to 3.25 acres	5 to 6 miles of trails & linear parks 20+/- acres
Total Acreage for Natural Areas & Special Use Parks			amount	20 to 50 acres

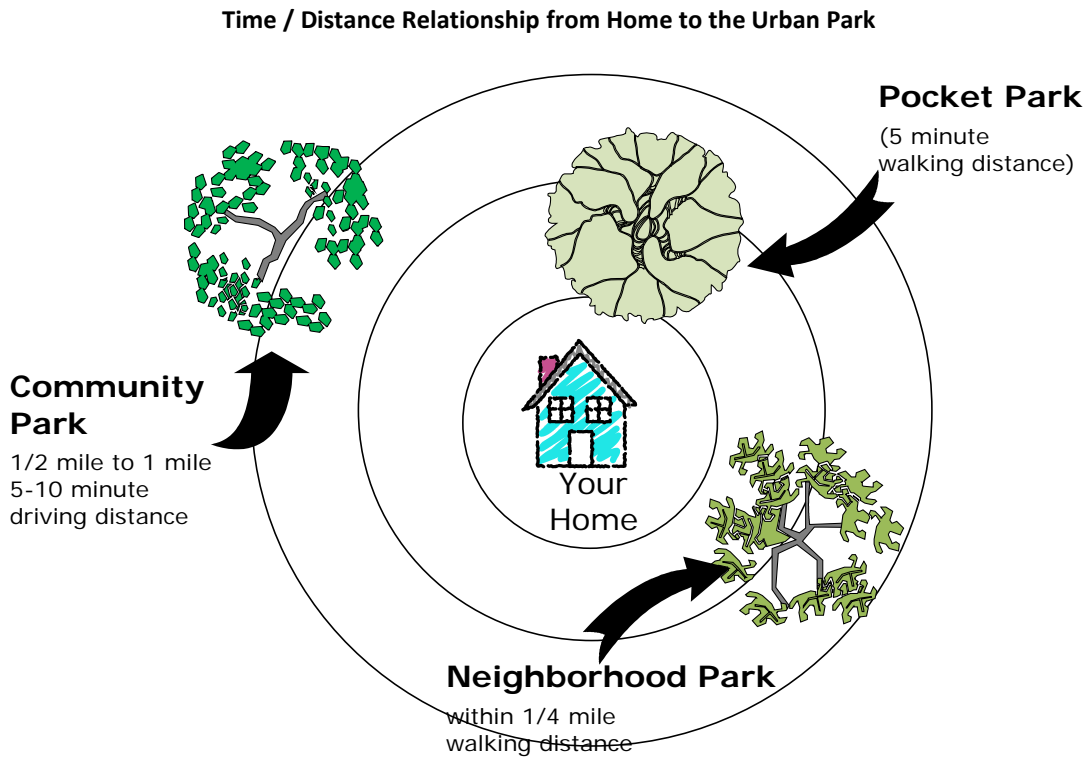
The urban parks, (1) pocket park, (2) neighborhood park and (3) community park, are the backbone of a small city park system. As the size of the park increases, the number of parks needed in a category decreases. Park size, service area, and population served increase with the type of park.

- **Pocket Park:** A small landscaped area, play area, intersection, or monument within a short walking distance of homes and businesses.
- **Neighborhood Park:** A 1 to 5-acre park that serves a small geographic area and residential population (primarily a pedestrian population). It is usually within easy walking or biking distance from homes.
- **Community Park:** A 5 to 30-acre park that serves a community or city that is accessible by foot, bicycle, or automobile.

A local parks system is enriched when a city also provides special use parks, linear parks, multi-purpose recreational trails, natural areas, sports complexes, historic or cultural sites, or a destination site. The Aumsville Ponds, Brian Haney Skate Park and the recreational trails in Aumsville are special use parks that serve the community. A 20-acre to 200-acre regional park may be provided near a small city to serve a larger population. Due to Aumsville’s close proximity to county, state and BLM parks, Aumsville does not need a regional park in its city park system.

4.1.2 Your Home and the Urban Park System: The Time/Distance Relationship

The following graphic illustrates the time/distance relationship between a home and the three types of local parks: pocket park, neighborhood park and community park. parks.



4.2 Park Development Standards by Park Type

The City has used the Oregon Parks and Recreation Department’s (OPRD) recommended park classification system and Level of Service (LOS) standards to create park development standards for the City of Aumsville. The two tables at the end of this chapter provide LOS standards for parks and recreational facilities in Aumsville and sample design standards from OPRD and the National Parks and Recreation Association (NPRA). The following park development standards can be used by the City to guide the acquisition of land and development of parks within the community.

COMMUNITY PARKS

Standard: 5 acres per 1,000 population. Recommended size: 15 to 25 acres per park.

Need: Aumsville needs two community parks with 25 to 35 acres to serve 6,074 residents in 2043.

Purpose: The community park is designed to serve all of the residents of the city with a variety of facilities including group picnic shelters, playgrounds, athletic fields, restrooms, off-street parking and festival grounds. Natural areas, open spaces and recreational trails may be incorporated with a community park to protect waterways, drainage corridors, forested areas and/or wildlife habitats.

Location: Serves residents within a two-mile radius and is located within a five-minute to ten-minute drive of any residence in the City. With Porter-Boone Park on the west edge of the City, a second east side community park is needed. Users may reach the park on foot, bicycle or by motor vehicle.

Facilities: A community park provides facilities to serve local residents, visitors and community groups. Selected facilities may attract county residents. Athletic fields, group shelters, picnic facilities, camping, open space, trails, paths, natural areas, community center, and/or special event venues are typical. Community parks have restrooms and vehicle parking lots to accommodate community-wide events. If a community park also serves as a neighborhood park it includes play equipment and amenities for pre-school and elementary age children.

Existing Community Parks

- Porter-Boone Park is the City of Aumsville's oldest community park. It is located along Mill Creek at the west end of the City. Porter-Boone Park functions as a community event venue and hosts the annual Corn Festival. The park has the City's largest group picnic shelter and most extensive playground facilities.

If the opportunity arises, the City is encouraged to acquire additional land to expand Porter-Boone Park. Two opportunities for expansion are possible:

- (1) Old Marion County Shops facility. Marion County has relocated their public works shop facilities to Mill Creek Rd. adjacent to the City's water reservoir. The old shop site is adjacent to the park.
- (2) Property to the north or west of Porter-Boone Park. Acquisition of land will protect wetlands, the Mill Creek riparian area, provide additional a larger open space area within the park and allow for extension of pedestrian paths to residential areas north and east of the park.

- Eastside Community Park. In 2019 the City acquired a 22.57- acre site for a community park on the east side of Bishop Road SE. The park site is large enough to accommodate sports fields, courts, playgrounds, restrooms and pathway systems to connect to nearby neighborhoods. Pedestrian and bicycle paths can be developed along Bishop Rd. SE to connect to the Highberger Greenway site and south to the Aumsville Ponds. Park design can also protect a small wetland and incorporate storm water detention to help minimize flooding in adjacent residential areas.

Community Park Priorities:

- Porter-Boone Park Expansion: Acquire land to expand Porter-Boone Park, add youth recreation facilities and enhance the park's role as a family-oriented community park.
- Eastside Community Park Expansion: Acquire 4+ acres to expand the Eastside Community Park. The Eastside Community Park master plan, Map E-3 in Appendix A-8, recommends two adjacent parcels be acquired by the City. The parcel located at 7582 Bishop Rd. SE is surrounded by parkland. Until it is acquired full development of the east end of the park will be difficult. The second parcel at 7767 Albus Rd. SE. will provide secondary access from Albus Rd. SE. In addition, the City may seek to acquire adjacent parcels on the south and west sides of the park in order to develop additional multi-purpose fields. When the opportunities arise, the City should explore acquisition of any or all of these sites.
- Duplication of facilities should be avoided. If athletic fields, courts and ballfields are available at schools, development of duplicate facilities at a community park will be discouraged.

NEIGHBORHOOD PARKS

Size: 1.5 acres per 1,000 population. Recommended size: 1 to 3 acres per park.

- Need:** Aumsville will need three or four neighborhood parks with 8 to 12 acres to serve 6,074 residents.
- Purpose:** The neighborhood park is the backbone of the small-city park system. Each park serves a small geographic area and residential neighborhood. Each park is designed for children and adults. Day-use recreation is the staple; play equipment, walking trails, benches, lawns and shaded open space are the norm.
- Location:** Serves the surrounding residential neighborhood within a ¼ mile radius. Neighborhood parks are accessible to residents without crossing major roads or thoroughfares; they are a short 5-minute walk or bike ride from home. Walking and bicycle trails connect neighborhood parks to the rest of the community. If located next to a school, some playground facilities can be shared.
- Facilities:** Neighborhood parks are furnished with play equipment, either a hard surfaced and/or soft-surface all-weather play areas, benches, tables, small shelter, picnic facilities, outdoor basketball or sports courts, multipurpose field or grassy area (if space is available), trees, vegetation, and lighting. Neighborhood parks may be as small as ½ acre, but are recommended to be a minimum of two acres in size to allow for the provision of an open grassy area as multi-use field or play area.
- Comments:** Neighborhood parks are primarily pedestrian parks; on-street parking should be provided next to the park. Restrooms are not normally provided in the smallest neighborhood parks. Restrooms are recommended if there is a major attraction, such as a splash park or skate park facility.

Existing Neighborhood Parks:

- Wildwood Park is a 0.92-acre park on N. 5th Street. It includes a large play structure, picnic facilities and the city’s splash park. During summer heat waves, the splash park is heavily used and serves city residents and attracts visitors from outside the City. In 2017 the City was awarded a grant from the Oregon Parks and Recreation Department to add a restroom and covered picnic areas.
- Mill Creek Park at the southwest corner of the City is an 8.46-acre site on the north side of Mill Creek. It functions as both a neighborhood park and a special use park. Aumsville residents use the tot-lot playground, baseball field, restrooms and a creek-side picnic shelter adjacent to Mill Creek. The Brian Haney skate park is a special use facility. It attracts local youth and skaters throughout the year.
- The Cascade School District’s playground facilities at the Aumsville Elementary School function as a neighborhood park playground.

Neighborhood Park Policies:

- Neighborhood parks will be provided within a ¼ to ½ mile radius of all residents of the city.
- Acquisition of land and development of neighborhood park facilities will be targeted to serve residential areas. Neighborhood parks are recommended for the following locations:
 - Central: If the opportunity arises, acquire land to expand Wildwood Park and provide off-street parking for the splash park facility.
 - East/Southeast: Acquire land to create a new neighborhood park (1-3 acres) or a community park (10+ acres) south of Mill Creek Road.
 - Northwest: Acquire land to create a new neighborhood park west of 11th Street.
- Duplication of facilities should be avoided. If a community park or school playground is available to serve a neighborhood, then development of a neighborhood park may not be needed.
- Restroom facilities will not normally be provided in neighborhood parks because of the high development and maintenance costs.

- Neighborhood park facilities are for daily activities or spontaneous use by residents. Highly organized, competitive sports areas will be discouraged.

Siting Standards:

- Neighborhood parks are typically located within residential areas with direct frontage on a public street and with connecting pathway systems and bike lanes.

POCKET PARKS

Size: 0.25 to 0.50 acres per 1,000 population. No minimum size.

Purpose: A pocket park is the smallest municipal park. It may be located in an alley, a postage stamp size lot or be as large as ½ acre to 1 acre in size. Pocket parks may have a special use or limited recreational amenities. Examples include a downtown plaza, public art space, landscaped area, picnic spot, veteran’s memorial or a playground serving a small neighborhood.

Need: Aumsville has one pocket park, the Water Tower Park next to City Hall. There is not an immediate need for additional pocket parks.

Location: Serves a surrounding area within a one-eighth mile radius. A mini-park or pocket park should be selected for its unique aesthetic features (waterways, public buildings, commercial areas) and designed to serve pedestrians during daytime hours and/or provide an attractive open space area within a developed area of the community.

Facilities: Pocket parks may be furnished with benches, tables, and interpretive displays, memorials, walkways, murals, small play areas, lighting, fountains, restrooms, trees, and low maintenance vegetation.

Existing Pocket Parks:

- Panther Park was a 0.10-acre green space at 10th Avenue and Del Mar Drive at the south pedestrian entrance to the Aumsville Elementary school site. This pocket park was abandoned in 2017.
- Water Tower Park is a 0.25-acre green space adjacent to City Hall with two picnic tables and seating areas. The site is used with the Community Center and City Hall parking lots for Saturday Market and special community events.

Pocket Park Policies:

- A pocket park will supply a public open space, small picnicking areas or attractive green space. Pocket parks may be located along pedestrian or bike trails, waterways or in commercial areas. They provide a resting place, an attractive landscaped area, recognize a historic site or provide a stopping point along a busy trail. Vehicle access is limited. Pedestrian and bicycle access is encouraged.
- Donation of land for pocket parks will be encouraged. The participation of adjacent property owners, nearby businesses, and community groups in the development and maintenance of pocket parks will be encouraged.

NATURAL AREA

Size: In a small city, natural areas may be smaller than 10 acres or as large as 200+ acre tracts.

Purpose: Natural areas are set aside to protect and preserve significant natural resources, wetlands, flood-prone riparian corridors, environmentally sensitive areas, remnant landscapes, wildlife habitat, endangered species and/or threatened plants. Natural areas may also protect viewsheds, greenway corridors, natural vistas or provide aesthetic buffers between urban landscapes and rural areas. Nearby examples are Marion County’s Aumsville Ponds and Bonesteele Park natural areas. Public access is typically limited and the site is a passive recreation area.

Need: Preserve drainage corridor along Highberger Ditch for storm-water management and preserve the Aumsville Ponds natural area.

Existing Natural Areas:

- Aumsville Ponds is a 77+ acre natural area southeast of Aumsville. The site includes Youngs Lake and smaller ponds and wetlands.

Facilities: Natural areas are typically passive recreation areas. Facilities may include trails, interpretive displays, seating areas, small picnic sites, and viewpoints. Pet use is prohibited or limited.

Natural Area Policies:

- Community members and volunteer groups are encouraged to preserve and protect natural areas and utilize them for environmental education.

SPECIAL USE PARK

Size: Varies. Park size and location will depend on the proposed use.

Purpose: Special use parks are designed to serve a specific function. Examples include a skate park, dog park, linear recreation trail along a creek, boat ramp, ornamental garden, a downtown plaza with a restroom or park site with a natural geological feature or vista. Special use parks may serve local residents or be designed as a destination for visitors.

Need: Aumsville has expressed a desire to create a dog park, a BMX bike track and add a street-skating area adjacent to the Brian Haney Skate Park. Other special use parks may be identified in the future.

Existing Special Use Parks: Brian Haney Skate Park within Mill Creek Park.

Location: May be located to minimize impacts of the proposed use on neighbors or may be located to take advantage of nearby school, public building, or recreation site.

Facilities: Varies depending on function. Facilities may be minimal or extensive depending on the demands placed on the park.

Special Use Park Policies:

- Community members and affected neighbors should be actively involved in the planning and design of any special use park or facility to make sure the project fits into the neighborhood and minimizes negative impacts on the community or neighborhood.

LINEAR PARKS AND RECREATION TRAILS

Size: Varies.

Purpose: Linear parks and recreational trails are designed to provide connections to parks, schools, public facilities, commercial areas and neighborhoods. They may include a variety of trail types including paved multi-use bicycle/pedestrian trail, soft-surface running/exercise trails or unimproved social trails through natural areas. Trails may be designed for multiple uses including bicycling, walking, running, dog-walking, roller-blading and/or skate-boarding. Hard-surfaced trails should be designed in compliance with ADA standards to provide accessibility to users with disabilities.

Need: Aumsville elected officials and residents have identified the development of linear parks and recreational trail network as a high priority to enhance livability. The City's Transportation System Plan and this plan recommends (1) the extension of the Highberger Linear Park, (2) a new trail along Mill Creek and (3) a series of trails connecting city parks with residential neighborhoods.

Existing Linear Parks:

- Highberger Linear Park. This linear park meanders along Highberger Ditch and includes a 10'-wide PCC recreational trail from Willamette Street (west end) to Bishop Road. At the west end of the trail, the City has a full-court basketball court and a small covered picnic shelter.

Location: Linear Parks and recreation trails may be located adjacent to waterways, railroad tracks, roads and within parks. They should be located to enhance provide storm drainage and storm water detention, enhance livability, provide safe travel corridors and connect people with schools, parks and public facilities.

Facilities: Facilities may include amenities such as landscaped color spots, native plants, overlooks/viewpoints, interpretive signs, exercise areas, small play structures, picnic tables, benches, drinking fountains, lighting, kiosks and directional signage.

Special Use Park Policies:

- Citizens, including affected neighbors should be actively involved in the design of a linear park to ensure the project fits into the neighborhood and minimizes negative impacts on nearby residents.

Table 4-2

**CITY OF AUMSVILLE
LEVEL OF SERVICE (LOS) STANDARDS AND PROJECTED PARK FACILITY NEEDS**

Type of Park or Recreational Facility	Level of Service Standard Acres or Facilities per "x" Population	Current Supply (2023)	Projected Need (2043)	Recommended Improvements
Pocket Parks	0.25 to 0.50 acres / 1,000 population	2 parks Water Tower Park Panther Park	1.5 to As the opportunity arises	Add Pocket Parks as opportunities arise
Neighborhood Parks	2.5 acres / 1,000 population within ¼ to ½-mile radius	2 parks Mill Creek Park Wildwood Park	4 parks 12 to 15 acres total	Add 4 to 6 acres -- neighborhood parks o Expand Wildwood Park (<1 acre) o New Parks (6+acres)
Community Park	5.0 acres / 1,000 population	2 parks Porter-Boone Park Eastside Community Park	2 parks 25-35 acres	Expand Porter-Boone Park Expand Eastside Community Park
Linear Parks, Trails, Pathways & Bikeways	0.75 miles / 1,000 population	0.75 miles Highberger Linear Park	4.25 miles	Extend Highberger Linear Park Add Mill Creek Trail Add Recreation Trail to Aumsville Ponds Potential Rails to Trails on WVRR
Natural Areas	up to 5 acres / 1,000 population	Aumsville Ponds County Park	25+ acres	Develop Aumsville Ponds Natural Area Possible acquisition
Community Center	1 center / 15,000 population 1 sq. ft. per person	Chester Bridges Community Center (3,000 sf)	None	Refurbish the Community Center Develop a new Community Center in the Eastside Community Park
Swimming Pool	1 pool / 16,500 population	None	None	Utilize Stayton and Turner Pools
Activity Fields (Multipurpose fields for soccer, softball, and open play)	1 per middle schools 1 per neighborhood park	1 – Mill Creek Park	Add 2-4 activity fields	Provide multi-purpose fields in new neighborhood and community parks. See Eastside Community Park plan.

Type of Park or Recreational Facility	Level of Service Standard Acres or Facilities per "x" Population	Current Supply (2023)	Projected Need (2043)	Recommended Improvements
Basketball (outdoor full & ½ court)	1 per neighborhood park 1 per elementary school	1 – Porter Boone Park 1 – Highberger Park	4-5	Include in plans for future neighborhood and community parks
Little League Baseball	1 field/1,500 population	None in City	4	Utilize Cascade Schools Athletic Complex
Playground Softball	1 per neighborhood park coupled with multipurpose activity field	None in City	1	Add in at least one neighborhood park
Adult Softball	1 field per 3,000 population	1 (Mill Creek Park)	1	Add in new community park
Picnic Shelters	1 large group shelter / 5,000 population 1 small shelter per 1,000 population in neighborhood park	1 group shelter (Porter-Boone Park) 2 small shelters (Mill Creek Park)	1 group shelter 3-4 small shelters	Construct shelters in new neighborhood and community parks
Tennis Courts	1 court per 2,000 population	1 – Porter-Boone Park	1	Include tennis courts in a community park design or utilize Cascade Schools courts
Skate Park Facility	1 youth skate park per 5,000 population	Brian Haney Skatepark Mill Creek Park	1	Expand skatepark facility for in-street skating and obstacles
BMX Facility	1 per 2,500 population	None	2	Locate in a new Community Park
Horseshoe Pits	1 per 1,000 population (add in pairs)	2 - Porter-Boone Park 1 - Mill Creek Park	6 to 8	Add to New Community Park

Table 4-3

RECREATIONAL FACILITIES DESIGN STANDARDS

The following table describes athletic and recreational facilities most appropriately located in community parks, adjacent to middle and high schools and in neighborhood parks. The facility standards by population are based on recreation and park and open space standards developed by the National Recreation and Parks Association and OPRD. They were modified by the City of Aumsville to fit the needs of the local community.

Activity or Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommended Orientation	Number of Units per Population	Service Area Radius	Location Notes
Tennis	Min 7,200 sq. ft. single court.	36'x78' 12' clearance.	Long axis north/south	1 court per 2,000 population	City	Best in batteries of 2 to 4 in a community park or adjacent to school.
Softball	1.5 to 2.0 acre	Baselines: 60' Mound: 46' men, 40' women Fast pitch field radius from plate: 225' between foul lines Slow pitch radius: 275' (men), 250' (women).	Locate home so pitches cross sun; batter does not face sun. Line from home plate through pitcher's mound runs east by northeast.	1 field per 5,000 population	City	Slight difference in dimension for 16" slow pitch. Check ASA standards. May also be used for youth baseball.
Little League	1.5 to 2.0 acre.	Baselines: 60' Pitcher's Mound: 46' Foul lines: 200' Center Field: 200'	Locate home so pitches cross sun; batter does not face sun. Line from home plate through pitcher's mound runs east by northeast.	1 per 1,500 population	City	Best in groups of 2 to 4 fields. Aumsville will use the Cascade School District athletic fields complex near the middle/high schools.
Playground Softball	10,000 sq. ft.	100' x 100'	Locate home so pitches cross sun; batter does not face sun.	1 per neighborhood park	¼ mile	Neighborhood Park
Regulation Basketball	5600 to 7980 sq. ft.	50' x 94' w/ 5' sidelines	Long axis north/south	1 per 6,000	City	Outdoor courts in neighborhood and community parks.
Basketball high school	5040 to 7280 sq. ft.	50' x 84' w/ 5' sidelines	Same	2 courts per high school	City	Neighborhood or community park in an active recreational area.
Basketball Youth	2400 to 3036 sq. ft.	46' x 84' w/ 5' sidelines	Same	1 court per school or neighborhood park	¼ mile	Neighborhood and community parks in an active recreational area.

Activity or Facility	Recommended Space Requirements	Recommended Size and Dimensions	Recommended Orientation	Number of Units per Population	Service Area Radius	Location Notes
Basketball (½ Court)	1500 sq. ft.	35' x 35'	Basket on north (if possible)	1 per 2,500	¼ mile	Neighborhood Park
Soccer	1.7 to 2.1 acre	195' to 226' x 330' to 360' 10' min clearance on all sides	Long axis from northwest to southeast.	2 per 10,000	City	Number depends on local programs. Youth soccer on smaller fields adjacent to schools and in neighborhood & community parks.
Football	1.5 acre min	160' x 360' 6' min clearance all sides.	Long axis from northwest to southeast.	1 per 20,000	10-15 min	Part of Cascade School District athletic fields complex adjacent to middle and high schools.
Track, ¼ mi	4.3 acres	276' overall width; 600' length; 32' for 8 lanes	Long axis in sector from north to south to north-west/south/east with finish line at northerly end.	1 per school	10-15 min	Part of Cascade School District facilities next to each school.
Swimming Pool	Varies; usually 1½ to 2 acres	25 yd. x 45' for teaching pool. 3 to 4 min depth	None	1 per 16,500	10-20 min	Pools for community use should be planned for teaching, competitive, and recreational purposes. Aumsville will use the Turner Pool.
Large Outdoor Shelters	Varies	Varies	None	1 per 35,000	10 min	Community Park or Regional Park
Senior Center & Community Center	1 sq. ft. per person	None		1 per 15,000	5 miles	Chester Bridges Community Center adjacent to Aumsville City Hall.
Volleyball	2500 sq. ft.	30' x 60' per court	None	1 per 5,000	5 miles	Community or Neighborhood Park
Horseshoe Pits	1000 sq. ft.	10' x 50' per court (normally groups of 2+)	None	1 per 2,500	10 min	Community or Neighborhood Park
Community Gardens	10,000 sq. ft. to 1 acre	Varies Open areas with sun exposure	None	1 per 2,500	City	Community Park, WWTF or open space area with nearby parking and good visibility for public safety.



5.0 – City of Aumsville’s Existing Parks

This chapter reviews each existing park (developed or undeveloped) within the Aumsville park system. At the beginning of the planning process the City of Aumsville staff, the Parks Advisory Committee, and the consultants visited the City’s existing parks and the two County-owned properties, the Marion County public works shops facility next to Porter-Boone Park and the Aumsville Ponds site. Maps of the existing park sites were prepared and an inventory of the buildings, facilities, play structures and site amenities at each park site was compiled. The consultants and the Parks Advisory Committee discussed the existing park facilities and whether or not they serve the needs of the community. Site constraints and the potential opportunities for enhancements at each park site were discussed in the Parks Advisory Committee meetings.

5.1 Summary of Existing Parks and Open Space Areas in Aumsville

The City of Aumsville has approximately 140 acres of land committed to parks and open space within or adjacent to the Aumsville Urban Growth Boundary. The City’s urban parks comprise approximately 20 acres of developed park land and 22.57 acres of the undeveloped Eastside Community Park site. Marion County owns the Aumsville Ponds, a 77+ acre natural area approximately 1/4 mile south of Mill Creek Rd. and also owns a 1.67-acre site, former public works shop facility site, next to Porter-Boone Park. Map 5-1 shows the location of these sites.

5.1.1 Existing City of Aumsville Parks and Open Space

In 2023 the City of Aumsville has six existing developed parks and open spaces used for recreation comprising approximately 20.07 acres of land. In addition, the City acquired the undeveloped Eastside Community Park site in 2019. The vicinity map on the following page shows the location of these parks within the City of Aumsville.

Neighborhood and Pocket Parks

Water Tower Park & Community Center	0.43 acres	
Wildwood Park (existing park)	0.58 acres	
<u>Wildwood Park (south lots – 1800 & 1900)</u>	<u>0.34 acres</u>	
<i>Neighborhood Parks Total</i>		<i>1.35 acres</i>

Linear Park and Open Space

Highberger Linear Park	3.02 acres	<i>3.02 acres</i>
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Community Parks

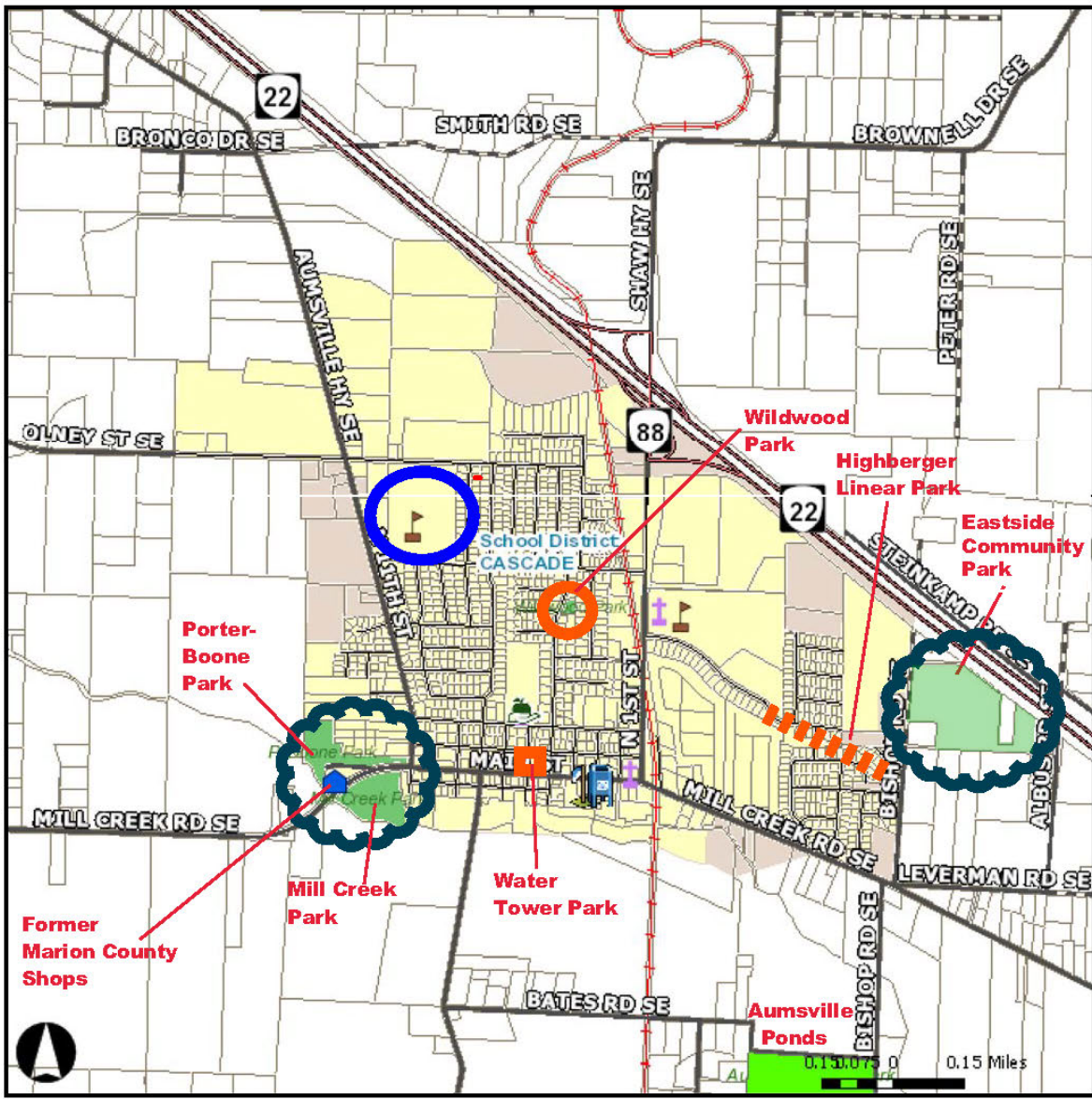
Mill Creek Park	8.46 acres	
<u>Porter-Boone Park</u>	<u>7.24 acres</u>	
<i>Community Parks Total</i>		<i>15.70 acres</i>







Undeveloped Park Site

· <u>Eastside Community Park (undeveloped)</u>	<u>22.57 acres</u>	<i>22.57 acres</i>
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<i>City of Aumsville Parks and Open Spaces</i>		<i>42.64 acres</i>
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Map 5-1
City of Aumsville -- Existing Parks



-  Existing Community Park
-  Aumsville Elementary Playground
-  Existing Neighborhood Park
-  Marion County Park Aumsville Ponds
-  Existing Pocket Park
-  Existing Linear Park

City of Aumsville Existing Parks

June 2023

5.1.2 Existing Marion County Parks and Potential Park Sites in Aumsville

Marion County Parks and Facilities

Aumsville Ponds Natural Area	77.80 acres
<u>Marion County Shops Facility (@Porter-Boone Park)</u>	<u>1.67 acres</u>

Marion County Sites in Aumsville

79.47 acres

5.1.3 City of Aumsville Park Narratives and Park Master Plans

Appendix A includes individual narratives and a master plan drawing for each city-owned park facility. Each narrative includes a site description, photos, maps, an inventory of existing facilities, and a summary of community observations and needs. The parks advisory committee worked with the consultants to identify problems, maintenance issues and prospective improvements for each park. The consultants prepared two concept plans for each site which incorporated ideas from the Parks Advisory Committee and the community. The concept plans were reviewed at two open houses in March 2016 and by the City Council in a May 2016 work session. After the consultants prepared a recommended park design plan for each park, the City Administrator and staff recommended minor revisions to the final concept plans.

A park narrative, recommended park improvement priorities and a conceptual master plan design drawing were prepared for each of the City of Aumsville parks. The individual park narratives for each park are in Appendix “A”. Park improvement costs estimates for each park are in Appendix “B”. In 2019, the City acquired the 22.57-acre Eastside Community Park site and in 2023 prepared the Eastside Community Park master plan drawing and park narrative, Appendix A-7.

Appendices

- A-1. Porter Boone Park**
- A-2. Mill Creek Park**
- A-3. Wildwood Park**
- A-4. Water Tower Park**
- A-5. Highberger Linear Park**
- A-6. Aumsville Ponds Natural Area**
- A-7. Eastside Community Park (**

The approved “Master Plan” design plan for each park is found at the end of each park narrative.

6.0 – FUTURE PARKS

This chapter analyzes the City’s need to plan for the acquisition of land for the development of new parks and open spaces within the Aumsville Urban Growth Boundary as the City grows during the 20-year planning period from 2023-2043 and beyond.

6.1 Park Land Needs Analysis

6.1.1 Review of Existing Aumsville Parks

In Chapter 4 of this plan, the City concludes it will provide six types of public parks to serve local residents:

1. Pocket Park
2. Neighborhood Park
3. Community Park
4. Nature Park
5. Special Use Park, and
6. Linear Park including Trails, Pathways and Bikeways.

These parks will be coupled with the recreational facilities available at the Cascade School District’s existing school sites and Marion County’s Aumsville Ponds Natural Areas to create an integrated community-based park and open space network. Table 6-1 provides a summary of the existing parks and recreational facilities owned by the City of Aumsville.

Table 6-1
Existing Parks and Recreational Facilities in the City of Aumsville
June 2023

	Name of Park or Recreational Facility	Park Type	Size (Acres)
1	Porter Boone Park	Community Park	7.24
2	Eastside Community Park	Community Park	22.57
3	Mill Creek Park	Neighborhood Park	8.46
4	Wildwood Park	Neighborhood Park	0.92
5	Water Tower Park (@ City Hall)	Pocket Park	0.25
6	Chester Bridges Community Center (@ City Hall)	Community Center	0.18
7	Highberger Linear Park	Neighborhood / Linear Park	3.02
Total Acreage of City of Aumsville Park Land			42.64

Chapter 5 of the *Aumsville Park Master Plan* provides design concepts and recommendations for the improvement of each of the City’s existing parks with a prioritized list of improvements and land acquisition at each park.

6.1.2 Park Land Needs Analysis

OPRD’s parkland classification system identifies 11 different types of parks that range from the smallest pocket park of less than ¼ acre in size to the largest nature park with hundreds or thousands of acres. Each parkland type has a particular purpose and function. Not all types of parkland will be developed in every community. Overall, the state guidelines recommend Oregon’s cities plan for 6.25 to 12.5 acres of park land per 1,000 population. In Chapter 4, Section 4.1.1, this plan recommends the City plan for 7.25 acres of urban parks plus land for natural areas, special use park facilities and linear park recreational trails. See Chapter 4 and Table 4-1 for park development standards by parks type.

In 2017 the City had 4.72 acres of park land per 1,000 residents. With the acquisition of 22.57 acres for the Eastside Community Park in 2019, this number rose dramatically. Table 6-2 shows in June 2023, the City of Aumsville had 10.08 acres of park land per 1,000 residents. Column C estimates the number of acres needed for each type of park by the year 2043, the end of the 20-year planning period. Column E shows the City will need to acquire 4.60 acres of park land and 4.57 acres for recreational trails to serve the forecast population of 6,074 residents in the year 2043.

Table 6-2
City of Aumsville
Park Facility Development Standards and Projected Needs

		(A)	(B)	(C)		(D)	(E)
	Type of Park or Recreational Facility	Park Facility Development Standard Per 1000 people	Existing Supply (2023) Population 4,212	Park Facility Needs Based on Projected Population		2050 Pop. Estimate 6,664	Park Land Need by 2043 (Acres Needed)
				2043 Pop. Estimate 6,074			
Urban Parks							
1	Community Park	5.00	29.81	30.37		33.32	0.56
2	Neighborhood Park	2.00	9.38	12.15		13.33	2.77
3	Pocket Park	0.25	0.25	1.52		1.67	1.27
Urban Park Totals		7.25	39.44	44.04		48.32	4.60
Special Use Parks and Recreational Facilities							
4	Linear Park / Recreational Trail	0.5 to 1.5 miles or 1.25 acres	3.02	7.59		8.33	4.57
5	Natural Area	10 to 200 acres per community	None				Utilize Aumsville Ponds
6	Community Center	1 Com Ctr facility per 15,000 residents	1	1		1	New or Remodel Existing Com Ctr
7	Recreation/Activity Center	1 Rec/Activity Ctr per 15,000 residents	None	1		1	Develop in Porter-Boone Park
Special Use Parks Totals		1.25	3.02	7.57		8.33	4.57
Totals		8.50	42.46	51.63		56.65	9.17
Park Land Acres per 1000 residents			10.08	8.50		8.50	

6.1.3 Proposed Park Land Acquisitions

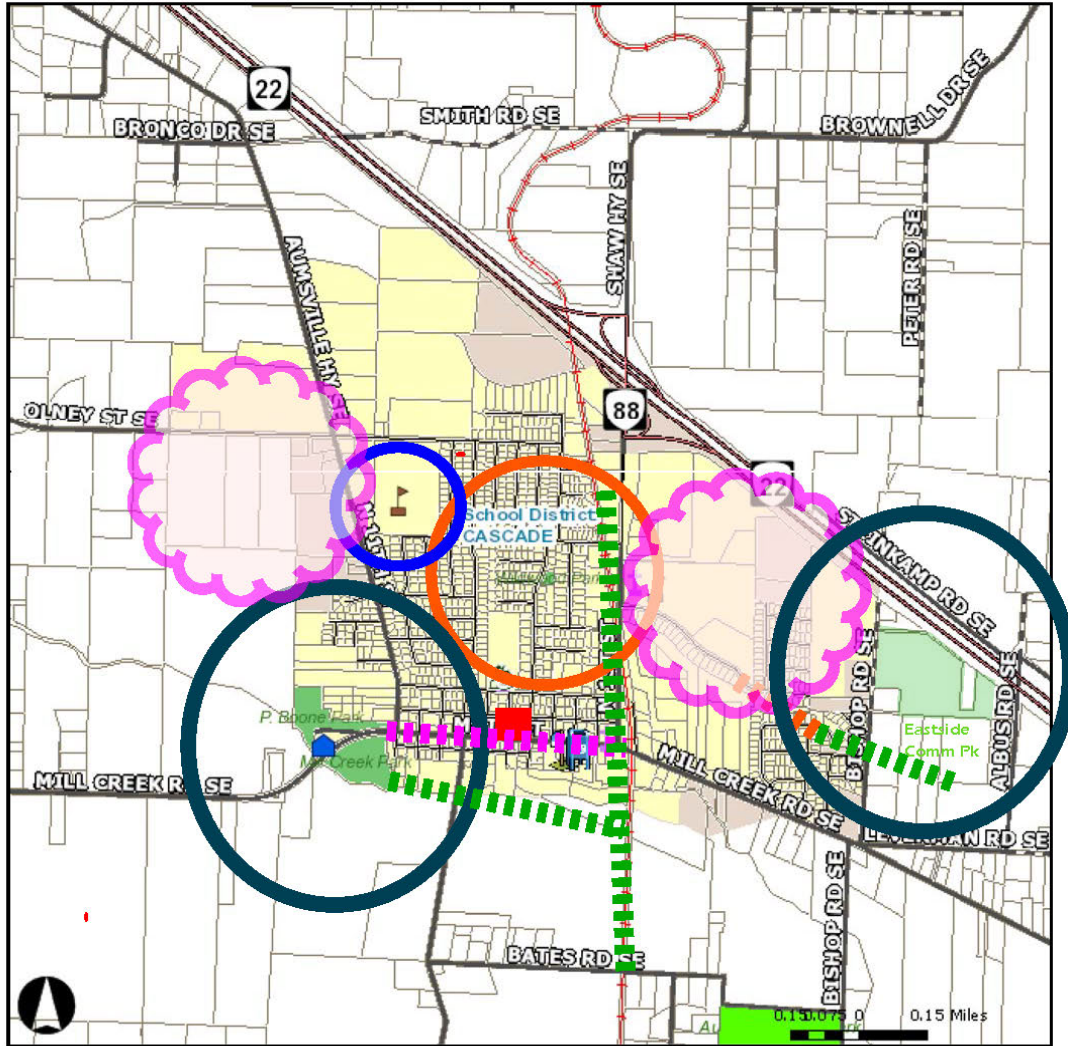
During the review of the City’s existing parks, the Parks Advisory Committee concluded there may be opportunities to acquire adjacent land when land becomes available and the City can obtain a donation of park land or purchase the land from a willing seller. When the opportunity arises, the Parks Advisor Committee recommends the City acquire land adjacent to Porter-Boone Park, Eastside Community Park, Mill Creek Park, Highberger Linear Park and Wildwood Park, listed as sites 1 to 4 in Table 6-3.


In order to meet the estimated need for park land, the City may need to acquire land to expand existing parks and/or create new parks. The 2017 parks master plan recommended the City acquire land for a new Eastside Community Park, a new neighborhood park west of 11th Street and a small neighborhood or pocket park within the Flowers Meadows Subdivision in the NE section of the UGB. The Parks Advisory Committee agrees these parks will be needed to serve new residential areas of the City. Map 6-1 on the following page shows the location of the proposed parks, including Eastside Community Park acquired in 2019. They are all within a 5-minute drive or 10-minute walk of residential areas of the City.

Table 6-3
**Recommended Park Land Acquisition for the City of Aumsville
 June 2023**

	Name of Park or Recreational Facility	Type	Proposed Land Acquisition	Size (Acres)
Existing City Parks				
1	Porter Boone Park	Community	Acquire Land north of Porter-Boone Park	3.00
			Acquire Marion County Shops site	1.67
2	Mill Creek Park	Neighborhood	Acquire existing home west of 11 th Avrhenu	0.82
		Linear	Acquire Recreational Trail ROW from Mill Creek Park East to West Stayton Rd and to RR Tracks along south bank of Mill Creek	4.50
3	Wildwood Park	Neighborhood	Acquire 401 Clover St. for future parking area	0.70
4	Highberger Linear Park	Linear	Extend Recreational Trail east of Bishop Rd. SE	2.50
Total Proposed Land Acquisition Adjacent to Existing Parks				13.19
Proposed New Parks				
5	Flowers Subdivision Pocket Parks	Pocket	Acquire pocket parks within Flowers Subdivision north of Willamette Street and trail connection to Highberger Linear Park	.75
6	Eastside Community Park Expansion	Community	Purchase 4+ acres at 7582 Bishop Rd. SE and 7767 Albus Rd. SE adjacent to the existing park. If feasible, acquire sites to expand multi-purpose fields.	4.00
7	Neighborhood Parks	Neighborhood	Acquire 2 acres west of 11 th Street/Aumsville Hwy to serve the Northwest portion of the Aumsville UGB	2.00
Total Proposed New Parks Land Acquisition				6.75
Proposed Land Acquisition Total				19.94

City of Aumsville Future Neighborhood & Community Parks



- | | | | |
|---|-----------------------------|---|---|
|  | Existing Community Park |  | Future Community Park |
|  | Existing Neighborhood Park |  | Future Neighborhood Park
1/4 mile radius |
|  | Existing Pocket Park |  | Existing Greenway |
|  | Existing School Playground |  | Future Greenway |
|  | Existing Marion County Park | | |

6.1.4 Future Park Uses and Classifications

Parks and recreational facilities are frequently classified as resource-based or activity-based. The distinction between these two types is not clear-cut since many resource-based sites often contain activity-based facilities.

- Active recreational opportunities involve the user as an active participant. Activity-based facilities are developed to enable park users to actively participate in group sports such as basketball, baseball/softball, or soccer or individual recreational pursuits such as playground use, aerobics, running and walking. Urban parks are activity based. Community parks, neighborhood parks and pocket parks fit this classification.
- Resource-based facilities are centered around natural resources which may provide opportunities more passive recreational activities, such as walking, picnicking, hiking, hunting, water sports, fishing or simply enjoying nature. Recreational trails and the Aumsville Ponds Natural Area fit this classification.

In addition to the City of Aumsville’s parks, many other resource-based and activity-based recreational facilities inside the City and outside the City’s UGB are available to Aumsville’s residents. Local school facilities, state and county parks and recreational areas, North Santiam River recreation sites, parks and open space in other cities are all accessible. These sites complement those in Aumsville and provide a diversity of park types and recreation opportunities. City parks and nearby recreation sites allow for both “Activity-Based” and “Resource-Based” recreational activities. The Parks Advisory considered the diversity, types and close proximity of these other facilities to the City of Aumsville when planning for new parks in Aumsville.

The Parks Advisory concluded new parks developed in the City of Aumsville should be “Activity-Based”. City owned and maintained parks in Aumsville will be designed for activity-based recreation uses, while the Aumsville Ponds Natural Area and other state/county parks will meet the needs of area residents for resource-based, passive recreation activities. Table 6-4 summarizes future park needs and potential land acquisition for community, neighborhood, pocket parks and recreational trails.

Table 6-4
City of Aumsville
Summary of Proposed Park Land Acquisition by Park Type (Acres)

		(A)	(B)	(C)	(D)	(E)
	Type of Park Facility	Existing Parks (2023) <small>(from Table 6-1)</small>	Potential/ Proposed Land Acquisition <small>(from Table 6-3)</small>	Total Park Acreage <small>(A + B)</small>	Projected Park Land Need by 2050 <small>(from Table 6-2)</small>	Excess or (Deficiency) <small>(C – D)</small>
1	Community Park	29.81	8.67	38.48	33.32	5.16
2	Neighborhood Parks	9.38	3.52	12.90	13.33	(0.43)
3	Pocket Parks	0.25	0.75	1.00	1.67	(0.67)
4	Linear Parks / Recreational Trails	3.02	7.00	10.02	8.33	1.69
5	Natural Areas: Aumsville Ponds	None	Discuss with Marion County regarding long-term ownership, management and development of the site			
Totals		42.46	19.94	62.40	56.65	5.75

6.2 Proposed New Community Park and Neighborhood Parks

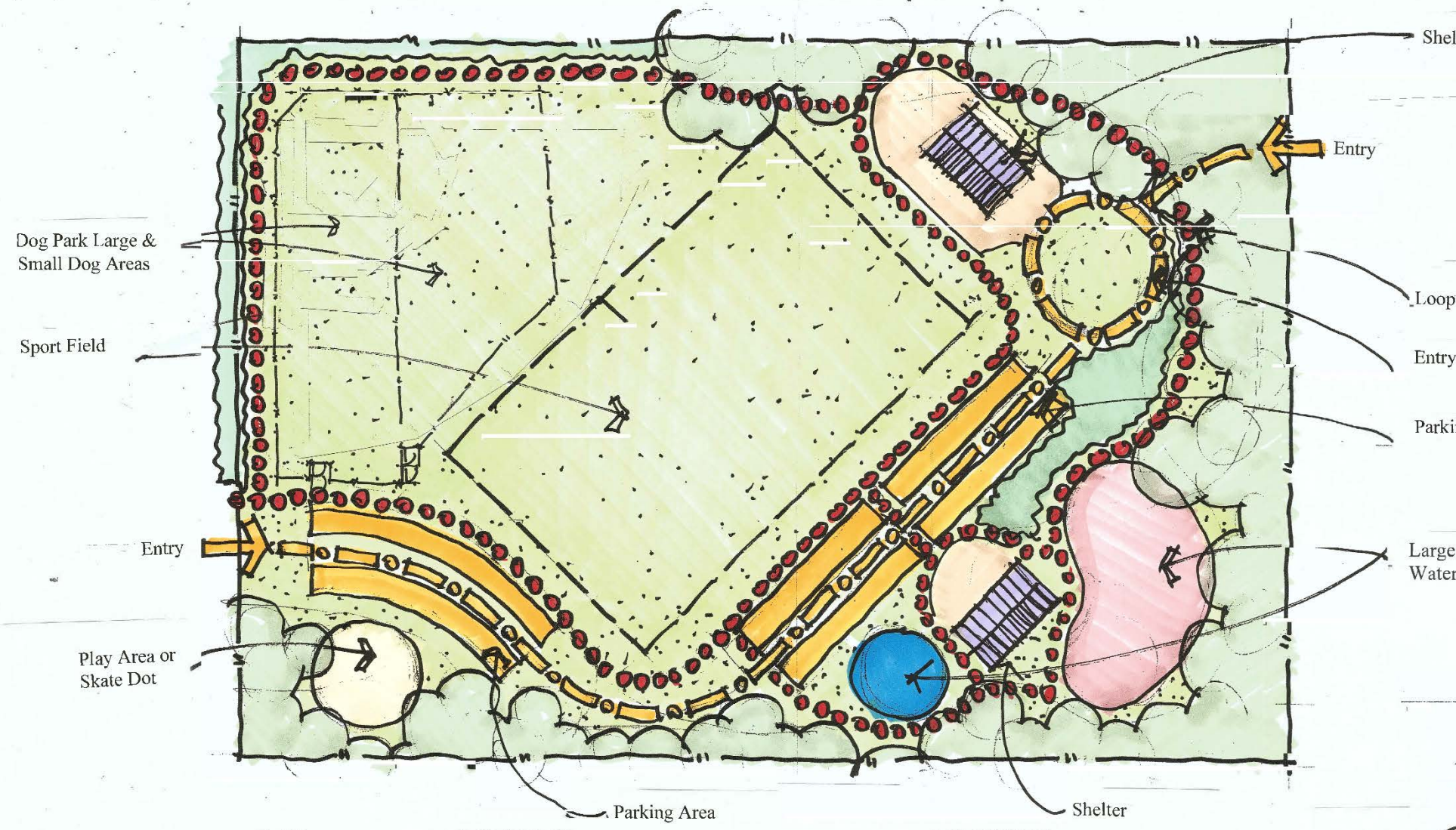
Map 6-1 and Table 6-4 show the City proposes to acquire up to 20 additional acres to expand the city's existing parks and to create one or two new urban parks:

- | | |
|--------------------------------|---|
| 1. NW Neighborhood Park | Location: West of 11 th Street – NW UGB Area |
| 2. NE Neighborhood/Pocket Park | Location: Flowers Meadows Subdivision – NE UGB Area |

Since the City has not acquired these properties, a detailed design plan has not been prepared. Chapter 4, Section 4.2 provides standards for a Community Park, Neighborhood Park and a Pocket Park, including a list of recreational facilities recommended for each type of park. Landscape Architect Brian Bainnson has developed a conceptual plan for a 20-acre community park and a 2-acre neighborhood park. The conceptual plans on Map 6-2 show typical facilities developed in each park.

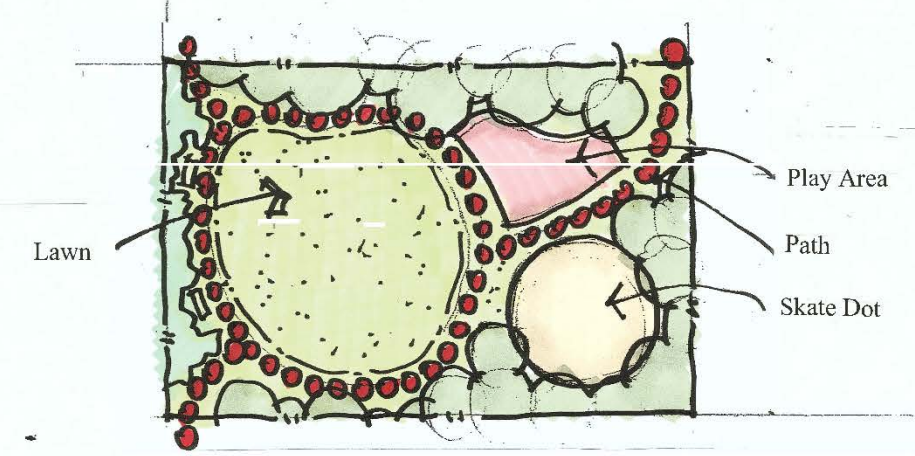
FUTURE COMMUNITY PARK & NEIGHBORHOOD PARK CONCEPT PLANS

Map 6-2



LARGE COMMUNITY PARK
10-20 ACRES

- Potential Park Features
- Rock Climbing Wall
 - Handball Court
 - Soccer Field
 - Volley Ball Dog Park
 - Water Play/Splash Park
 - Disc Golf
 - Skateboard Area
 - Nature Play
 - Performance Space
 - Basketball
 - Dog Park



SMALL NEIGHBORHOOD PARK

 <p>Quatrefoil, Inc. Design • Landscape Architecture • Space Planning 401 SE 80th Ave, Portland, Oregon 97221 Tel: (503) 461-1855 Fax: (503) 451-1410</p>	<p>REGISTERED 352 BRIAN E. BAINSON OREGON 07/26/1996 LANDSCAPE ARCHITECT</p>	<p>CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon</p>	<p>Future Concept Parks</p>	<p>REVISIONS: 12.19.2017</p>	<p>DATE: 3.28.2016</p>
				<p>SCALE: No Scale</p>	<p>SHEET: MP.8</p>



7.0 – AUMSVILLE PARKS MASTER PLAN

7.1 Aumsville Comprehensive Plan – Parks Goals & Policies

The *Aumsville Parks Master Plan* is a capital facilities plan and a component of the *Aumsville Comprehensive Plan*. It is intended to provide a guide for the acquisition and development of park and recreation facilities for the City of Aumsville and the unincorporated areas of Marion County within Aumsville's urban growth boundary. Goals and policies for park and recreation facilities can be found in the *Aumsville Comprehensive Plan*. This plan recommends the City add the following Parks and Recreation Goals and Policies as part of Chapter VI, the Parks and Recreation element.

STATEWIDE PLANNING GOALS

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES: To protect natural resources and conserve scenic and historic areas and open spaces.

GOAL 8 – RECREATIONAL NEEDS: To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

CITY OF AUMSVILLE PARKS AND RECREATION GOALS

Goal P-1: To provide a variety of parks and recreational facilities to meet the needs of Aumsville's residents and visitors, enhance the livability of the City and enhance Aumsville's reputation as a great place to live and play.

Goal P-2: To provide accessible parks and recreation facilities for our citizens.

Goal P-3: To preserve natural areas and open spaces along Aumsville's waterways.

CITY OF AUMSVILLE COMPREHENSIVE PLAN POLICIES

Policy P-1: Parks Master Plan. The *Aumsville Parks Master Plan* is adopted as a technical amendment to the *Aumsville Comprehensive Plan*. The *Aumsville Parks Master Plan* will serve as a guide for parks and open space land acquisition, the development of new parks, trails and recreation facilities and for the improvement of existing parks within the City of Aumsville.

Policy P-2: Future Park Sites. The *Aumsville Parks Master Plan* identifies the general locations for future parks. In order to acquire specific properties, the City is encouraged to work with existing property owners to acquire property from a willing seller. The City may purchase the property, obtain either a right-of-first refusal or enter into an agreement for future acquisition.

Policy P-3: Community Parks. The City will acquire additional land to expand the city's two community parks: Eastside Community Park and Porter-Boone Park.

Policy P-4: Neighborhood Parks. The City will develop neighborhood parks to serve existing and future residential neighborhoods so the majority of residents live within a ¼ mile radius of a local park.

Policy P-5: Dedication of Land for Parks and Open Space.

- a. The City will include park land and trail acquisition/dedication requirements and development standards in the Aumsville Development (Subdivision) Code to enable the City to acquire park land and open spaces concurrently with new development.

- b. Dedication of less than one-half acre for a neighborhood park is discouraged unless it is positioned on the edge of a subdivision and can be combined with adjoining vacant land as it develops.
- c. Park names may recognize the donor, honor a historical community figure or refer to a geographic site. The planning commission will recommend names of new parks to the city council, with preference given to the donor(s) wishes.

Policy P-6: Youth Recreation Facilities. The City will support efforts to provide community-based recreational facilities and programs to serve local youth and families. The addition of an indoor community recreation facility, multi-purpose fields and similar facilities are a priority.

Policy P-7: Public Access to Mill Creek and Highberger Ditch. Whenever possible, the City will acquire land and protect open spaces along Mill Creek and Highberger Ditch. These open space areas will provide areas for storm water detention, improve flood plain functions, provide a natural riparian corridor, protect existing wetlands and provide attractive natural areas along these waterways.

Policy P-8: Pedestrian and Recreational Trails. The City will develop recreational trails plan that may include pedestrian paths, sidewalks and multi-use trails to connect residential neighborhoods with parks, schools and the Main St. business district.

Policy P-9: Coordination with State and County Parks and Recreation Facility Plans. The City will coordinate the city's park and recreation facility planning with the *Marion County Parks Master Plan* and the *Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP)*.

AUMSVILLE DEVELOPMENT CODE AMENDMENTS

The Aumsville zoning and subdivision ordinances allow a developer to provide parks and open spaces as part of a development in order to protect wetlands, waterways or flood prone areas, provide land for parks or other public purposes.

The provision of public open spaces schools, parks, natural areas and recreational trails is essential for the sound development of residential areas. Chapter 20, Section 20.05 of the city's development ordinance requires a developer to plan for the provision of park land or open spaces as part of a new subdivision. Any land proposed for public use shall be shown on a preliminary subdivision plat. Where a proposed park, school, utility facility or other public use shown in the comprehensive plan is located in whole or in part within a subdivision, the planning commission may require the dedication at the time of subdivision or reservation of the area for future acquisition.

In its review of any land acquisition or dedication requirement as part of a development proposal, the City should routinely seek legal counsel to ensure the proposed dedication or land acquisition complies with legal requirements (rationale nexus test). If it does not, the City may elect not to require a public park dedication or the City may pay an agreed upon amount or a court-mandated amount as just compensation to the property owner.

Sample Language: *Dedication of Public Use Areas.*

1. Policy: Planning for storm water management, flood control, wetlands protection, habitat preservation, parks, schools, playground, recreational trails and similar uses is a responsibility good public policy and a responsibility of the City. The dedication of land for parks, public facilities and open space for the benefit of the public is essential for the sound development of residential areas.
2. For any residential development larger than 2-acres in size, the Planning Commission may require the dedication of sites of a character, extent and location suitable to the needs created by such development for schools, parks, public utility facilities, or other public purposes. Dedication may be either by dedication (fee simple title), warranty deed, conservation easement or similar device.
 - a. Parks: The Planning Commission may require dedication of land for park and recreational purposes in an amount proportional to the impact of the proposed residential development. The proportional dedication of

park land, open space and/or recreational trails required as part of a development or subdivision will a ratio based on providing 8.25 acres of park land per 1,000 population, but the required dedication will not be more than 5% of the project site.¹

- b. Highberger Ditch or Drainage Corridors. The Planning Commission may require dedication of land along Highberger Ditch, drainage courses or waterways as public open space to provide for storm water management, preserve wetlands/riparian habitat and to provide an area for a streamside pathway or recreational trail. The area used for on-site storm water management, retention and/or detention will not be counted as part of the parkland dedication described in Section 2a above.
 - c. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.
3. The City may purchase additional land or accept voluntary dedication of additional land for parks and open space beyond the minimum required in Section 2 above, however, the City is under no obligation to accept such areas offered for dedication or sale. Dedication of additional park land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required parks system development charge for parks.
4. No subdivider shall be required to dedicate, or make payments in lieu thereof, more than forty percent (40%) of the land for all public purposes including streets, but not including utility easements, storm water management or drainage ways. If greater land areas are required for public use, the Planning Commission may require the reservation of such areas for a period of two (2) years during which time the appropriate agency may acquire such land at such prices as is established prior to final approval of the plat.

7.2 Aumsville Parks Master Plan

7.2.1 Parks Master Plan Maps

Map 7-1 is the city-wide *Aumsville Parks Master Plan*. Map 7-1 and the following individual park master plan maps are to be used as guide for the acquisition and development of new parks and for the improvement of existing parks in the City of Aumsville. The plan maps are not binding, but are conceptual maps to be used as a guide to the City.

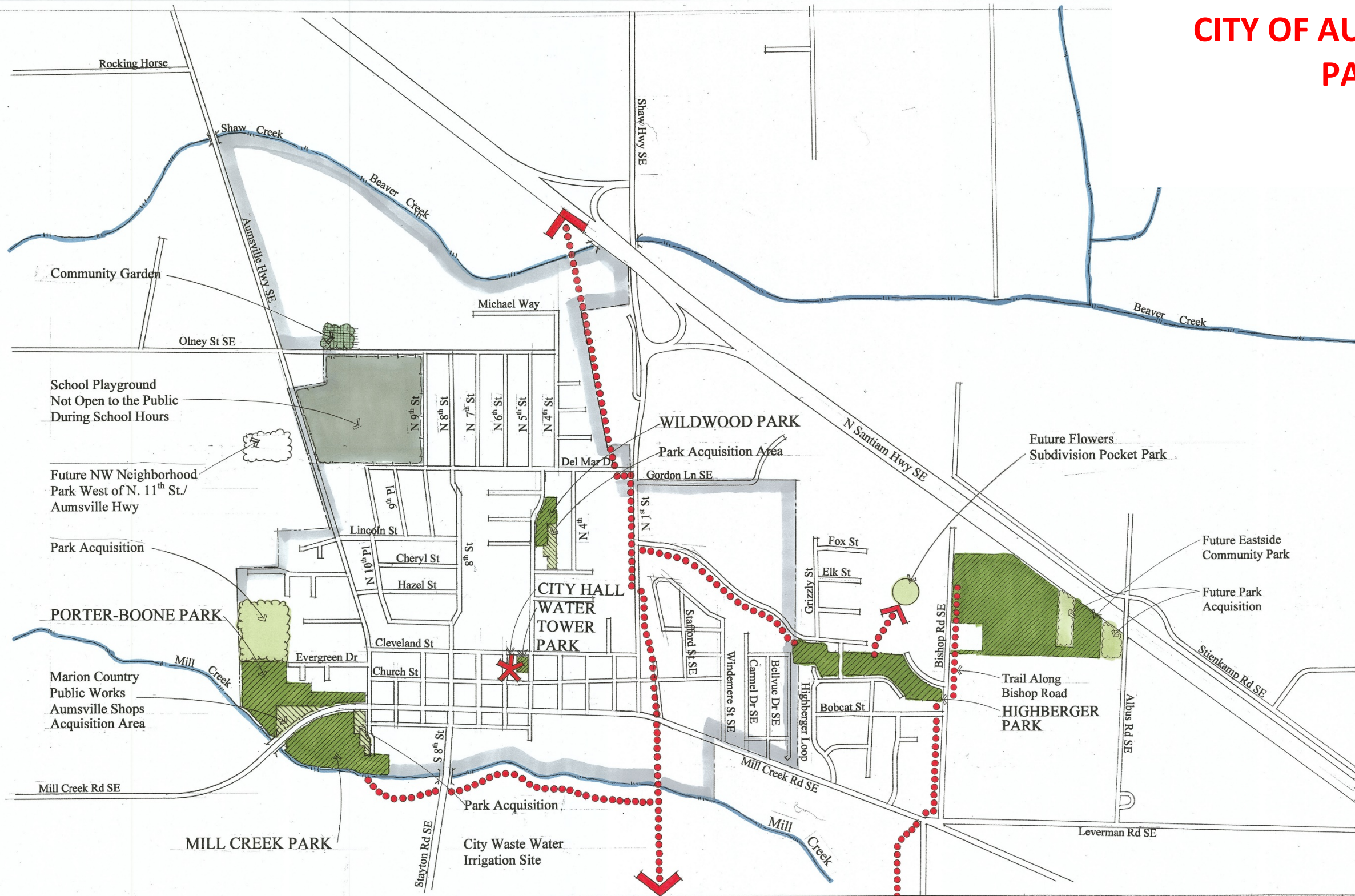
Map PB-3	Porter-Boone Park Master Plan
Map MC-4	Mill Creek Park Master Plan
Map W-2	Wildwood Park Master Plan
Map WT-2	Water Tower Park Master Plan
Map H-3	Highberger Linear Park Master Plan
Map AP-1	Aumsville Ponds Natural Area Master Plan
Map E-3	Eastside Community Park Master Plan

¹ The City of Aumsville estimates it needs 8.5 acres of park land per 1,000 residents for parks and recreational trails. The following examples show how to determine the amount of park land dedication is roughly proportional to a new residential development.

Example #1: Proposed subdivision on a 15-acre site @ 4 units/acre density = 60 new homes.
60 single-family homes @ 3.03 persons per household = 181 residents
181 residents/1000 residents = 18.1% x 8.5 acres/1,000 residents = 1.54 acres of parkland needed

Example #2: Proposed apartment complex on a 15-acre site @ 12 units/acre density = 180 new units
180 multi-family apartment units @ 2.4 persons per household = 432 estimated residents
432 residents/1000 residents = 43.2% x 8.5 acres/1000 residents = 3.67 acres of parkland needed.

**CITY OF AUMSVILLE, OREGON
PARKS MASTER PLAN
June 2023 Update
Map 7-1**



	CITY OF AUMSVILLE PARK MASTER PLAN Aumsville Oregon			REVISIONS: 12.19.2017 6.13.2023	DATE: 12.19.2017	
				SCALE: No Scale	SHEET: MP.0	
				To Aumsville Ponds Natural Area		

7.2.2 Park Improvement Priorities by Park Site

The Aumsville Parks Master Plan is a capital facilities plan for existing parks and recreational facilities. Appendix A includes a narrative and master plan map for each of the City of Aumsville’s public parks and the Aumsville Ponds Natural Area.

- A-1 Porter-Boone Park
- A-2 Mill Creek Park
- A-3 Wildwood Park
- A-4 Water Tower Park
- A-5 Highberger Linear Park
- A-6 Aumsville Ponds Natural Area
- A-7 Eastside Community Park

Each narrative includes a Master Plan map for the park, a narrative describing existing facilities, recommended improvements and a table listing priority improvements for the individual park, as recommended by the Parks Advisory Committee. Table 7-1 below provides a summary list of the recommended improvement by park site.

Table 7-1
City of Aumsville Parks
Recommended Improvements by Park Site
 Improvement within each Park are listed in Priority Order

#	Recommended Park Improvements	Description
Porter Boone Community Park		
PB-1	Land Acquisition: Marion County Shops Facility	1.67-acre site: Map 082W25CA, TL 01200.
PB-2	Land Acquisition: North of Porter-Boone Park	2.00+/- acre site: Map 082W25CA, TL 00600.
PB-3	Marion County PW Shops Site Redevelopment (Phase 1)	Environmental assessment and remediation. Remove buildings and facilities. Phase 1 – parking lot expansion.
PB-4	Mill Creek Access and Riparian Area Restoration	Bank erosion and riparian vegetation restoration on the north bank of Mill Creek.
PB-5	Recreational Trail to North	Recreational trail extension north toward Caleb Street.
PB-6	Marion County PW Shops Site Redevelopment (Phase 2)	Feasibility assessment repurpose the large shop/storage building for recreation or community use. Remodel the building and develop an adjacent activity field.
PB-7	Porter-Boone Park Entrance Realignment	Realign and reconstruct Porter-Boone Park entry from Mill Creek Road to improve safety

Table 7-1
City of Aumsville Parks
Recommended Improvements by Park Site
Improvement within each Park are listed in Priority Order

#	Recommended Park Improvements	Description
Porter Boone Community Park (continued)		
PB-8	Activity Shelters	Construct 1 or 2 picnic shelters for family/group use.
PB-9	Marion County PW Shops Sites Redevelopment (Phase 3)	Construct new west entry/exit to Mill Creek Road and new pedestrian crossing to Mill Creek Park.
Eastside Community Park		
E-1	Phase 1 design for the Eastside Community Park	Prepare design development plans, construction drawings and contract specifications for Phase 1.
E-2	Play Area #1	Develop either Play Area #1 (all-weather play surface & structures) or Play Area #2 (natural play area), entry road and west side parking lot and first phase of underground utilities into the park site.
E-3	Multi-purpose fields and gravel parking area	Work with the Cascade Little League to grade and develop the multi-purpose fields, south entry road and gravel parking area.
E-4	Recreational trail	Develop a bark chip recreational trail around the perimeter of the park (Bishop Rd. around the oak grove).
E-5	Play Area #2	Develop Play Area #2 including shelters, picnic tables, benches, and hard-surfaced pathways.
E-6	Restrooms, entry road & parking lot	Complete entry road and parking circle, including storm drainage detention facility. Extend public utilities, construct restrooms, hard-surface pathways, and landscaping.
E-7	Basketball and pickleball courts	Construct basketball and/or pickleball courts, pedestrian pathways, and landscaping.
Mill Creek Park		
MC-1	BMX Track	Install a dirt BMX track
MC-2	Land Acquisition: Mill Creek Park Expansion	Acquire 0.82 acres @ 1106 Main St. to expand the park east to SE 11 th Street. Map 082W25DC, TL 07600.
MC-3	Brian Haney Skate Park Expansion	Add street skating elements to the Brian Haney skate park.
MC-4	Relocate Playground	Relocate and reinstall the small playground when the street skate park expansion is completed.
MC-5	Recreational Trail to W. Stayton Rd.	Acquire 1.0+ acres and install a new recreational trail on either the north or south side of Mill Creek from Mill Creek Park to W. Stayton Rd. Map 082W36.
MC-6	Recreational trail improvements within Mill Creek Park	Complete a loop recreational trail around the park.
MC-7	Mill Creek Road Entry realignment	Realign Mill Creek Road entry driveway and add a pedestrian crossing to Porter Boone Park.

Table 7-1
City of Aumsville Parks
Recommended Improvements by Park Site
Improvement within each Park are listed in Priority Order

#	Recommended Park Improvements	Description
Wildwood Neighborhood Park		
W-1	Restrooms & Changing Room	Build a new restroom with a family changing area.
W-2	Wildwood Park: Phase 1A site improvements	Develop the 0.34 acres at the south end of Wildwood Park with pathways, small picnic shelters and landscaping.
W-3	Wildwood Park: Phase 1A site improvements	Add a trellis or covered picnic area, install picnic tables and benches and plant additional shade trees for the splash park and playground area.
W-4	Land Acquisition: 401 Clover Street	Acquire the 0.81 acres at 401 Clover Street for the future expansion of Wildwood Park and off-street parking area.
W-5	Parking Lot	Install a 12 to 20+ car off-street parking lot. Add walkways and lighting to park.
Water Tower Park		
Note	Water Tower Seismic Upgrades and Well Rehab	Water System Improvements to rehab the well and complete seismic improvements to the water storage reservoir will impact park improvements on the site.
WT-1	Water Tower Park – Phase 1 improvements	Replace the canopy, add ADA-compliant picnic table, plant “holiday” tree, modify landscaping, install drinking fountain and garbage enclosure.
WT-2	Water Tower Park – Phase 2 improvements	Construct 6’ wide PCC circular path & benches and install landscaping and trees adjacent to path.
Highberger Linear Park		
H-1	Restroom	Build a new restroom at Willamette Street.
H-2	Fitness Trail	Develop fitness stations along the Highberger Park recreational trail.
H-3	Native Plant Restoration	Wetlands plants restoration west of Cougar Street.
H-4	Land Acquisition and Recreational Trail Extension (north to Flowers Meadows Subdivision)	Acquire land and extend trail north to Willamette Street into the Flowers Meadows subdivision.
H-5	Land Acquisition and Recreational Trail Extension (east of Bishop Rd.)	Acquire land east of Bishop Rd. along Highberger Ditch to extend the Highberger Park recreational trail from Bishop Rd. SE to Albus Rd.SE
H-5	Recreational Trail Extension (south on Bishop Rd. to Mill Creek Rd.)	Acquire ROW on Bishop Rd. SE and extend the recreational trail south to Mill Creek Rd.

Table 7-1
City of Aumsville Parks
Recommended Improvements by Park Site
Improvement within each Park are listed in Priority Order

#	Recommended Park Improvements	Description
Aumsville Ponds Natural Area		
AP-1	Aumsville Ponds Natural Area Agreement	Agreement with Marion County for long-term ownership, lease, management and improvement of the Aumsville Ponds Natural Area.
AP-2	Trail improvements	Rebuild the loop perimeter trail around Young Lake as an accessible multi-use trail with benches/viewpoints.
AP-3	Group shelter and picnic facilities.	Add a small group shelter and picnic facilities east of the parking area on the north side of Young Lake.
AP-4	Parking area	Modify gates and expand the gravel parking area to allow for year-round use.
AP-5	Refurbish restrooms, parking area and picnic facilities	Refurbish or replace the existing restrooms.
AP-6	Install interpretive signage	Install additional interpretive signage along the trails.
Future Parks		
F-1	Land Acquisition: Eastside Community Park	Acquire 4+ acres to expand the eastside community park.
F-2	Land Acquisition: NW Neighborhood Park	Acquire 2 acres for a small park west of 11 th Street.

7.2.3 City-wide Park Improvement Priorities

The Parks Advisory Committee and city staff met in November 2016 to set city-wide priorities for park improvements for the period from 2017 to 2025. The list in Table 7-2 was updated in 2023. Table 7-2 identifies the top 15 park improvement priorities for the City. As opportunities arise, the City will seek to secure project funding for any of the projects listed in the priority list.

Table 7-2
City of Aumsville
City-wide Park Improvement Priorities

Priority	Project #	Park	Project Name
1	W-1	Wildwood Park	Wildwood Park Restroom Facility
2	E-1	Eastside Park	Phase 1 design & construction plans
3	E-2	Eastside Park	Phase 1 Play Area, parking and infrastructure
4	H-1	Highberger Linear Park	Highberger Park Restroom Facility
5	PB-3	Porter Boone	Marion County Public Works Shop Site Redevelopment Phase 1 - Environmental Assessment, Remediation & Parking Lot
6	F-1	Future Community Park	Land Acquisition: Acquire 4+ acres to expand the Eastside Community Park
7	M-1	Mill Creek	BMX Track
8	PB-1	Porter Boone	Land Acquisition: Marion County Shops Site
9	PB-2	Porter Boone	Land Acquisition: North of Porter-Boone Park
10	W-2	Wildwood Park	Phase 1A Site Improvements – South Lot Park Expansion
11	WT-1	Water Tower Park	Phase 1 Improvements –Canopy and Site Improvements
12	AP-1	Aumsville Ponds	Ownership/Management Agreement w/ Marion County
13	AP-2	Aumsville Ponds	Phase 1 Improvements – Parking, Restrooms & Picnic Facilities
14	WT-2	Water Tower Park	Phase 2 Improvements – Pathway and Benches
15	H-2	Highberger Linear Park	Fitness Trail

7.2.4 General Park Development Guidelines

The City has followed the Oregon Park and Recreation Department's recommended park classification system and Level of Service (LOS) standards to evaluate the City's existing parks and plan for their improvement or expansion. The standards reflect generally accepted norms for the size and type of parks and recreational facilities to serve residents in an urban area. The data, criteria, and policy recommendations are to be used to guide decisions. They are flexible and subject to review and revision as circumstances require. The following guidelines are recommended for use by the City as it upgrades its existing parks and develops new park facilities.

- **Park Design Standards.** Aumsville's parks and recreation facilities will be designed and developed to comply with Oregon's parkland classification system and recommended park and recreational facility standards listed in Chapter 4 of this plan.
- **Master Parks Plans.** Each master park plan is a conceptual park design. The plan is not binding on the City. They were developed by the Parks Advisory Committee, the Planning Commission and the City Council to guide decisions. Each design plan will change as the City's needs change.
- **Citizen Involvement in Park Design.** City officials are encouraged to invite citizens to participate in design charrettes and public meetings when each park design is modified or when the City plans major park improvements. Citizens do provide valuable input on community needs and desires of the residents. Final park designs should be reviewed and approved by the Planning Commission and/or the City Council.
- **Sustainability.** The City desires high quality and sustainable park facilities. New park buildings and major facilities will use high quality materials and will be designed for a minimum 50-year life cycle. Playground equipment and recreation facilities will use high quality materials and will be designed for a minimum 20-year life cycle. Park facilities and equipment should be vandal resistant and require a minimal level of on-going maintenance by the city public works staff.
- **Facilities and Equipment.** The facilities and equipment within a park (e.g., shelters, tables, benches, grills, trash cans, etc.) will be selected for compatibility with other features of the park and the anticipated park user demands. The City is encouraged to adopt design standards to create a consistent quality and aesthetic appearance for city park equipment and amenities.
- **Volunteers.** The City has a tradition of relying on volunteers. Volunteerism is vital if the city wants an excellent "community" parks system and recreation programs. Civic organizations and citizen volunteer are encouraged to be responsible for recreation programs, park development projects and parks maintenance whenever possible.

8.0 – FINANCING

8.1 Parks Development Financing

Parks Development Financing Policy: *The City will utilize a variety of financing sources to pay for park improvements. The city will utilize city funds, donations, volunteer contributions and in-kind staff assistance to leverage grants and complete projects at the least cost possible to the community.*

The City has limited funds available for development of new parks and recreation facilities. Potential financing sources include (1) General Fund, (2) General Obligation Bonds, (3) Local Option Property Tax Levy, (4) Parks Systems Development Charges, (5) Federal and State grants, (6) Marion County Special Project Funds Foundations, (7) Foundations, (8) Civic Organizations and Community Fundraisers and (9) Local Donors and Bequests.

- 1. General Fund:** The city's general fund relies on property taxes, state shared revenues, franchise fees and miscellaneous revenues to pay for the general operational expenses of the city such as administration, law enforcement and park maintenance. Capital expenses for parks improvements may be paid for with general funds, but available funds for capital projects are limited.
- 2. General Obligation Bonds:** Voter approved General Obligation (GO) bonds may be used to pay for capital improvements including the design, engineering and construction of parks, public facilities and buildings. GO Bonds pledge the "full faith and credit" of the city, and permit the city to levy an additional property tax that is sufficient to pay off the bonded indebtedness over a designated time period. A typical GO bond is carries a 20 to 30-year term. The annual property tax levy for the bonds is used to make annual debt service payments. Because GO bonds are secured by the additional property tax, voter approval is required. GO bonds are viewed as the most secure form of borrowing available to a city.

Oregon's larger cities and park districts have asked for and received voter approval of GO bond measures to purchase large tracts of park land and to pay for major facility improvements. For arts and cultural facilities, a GO bond measure may be coupled with grants or large donor contributions to finance a larger project..

- 3. Local Option Property Tax Levy:** The City Council may submit a local option tax levy to voters to finance parks acquisition, park improvement projects and/or park maintenance activities over a shorter time period than a GO bond measure. A local option levy may be approved for up to five years for any purpose and up to ten years for capital acquisitions and facilities. A local option levy may be a fixed dollar amount per year or a fixed tax rate.

Examples:

- 1. Fixed Dollar Levy:** The City may ask voters to approve \$100,000 for 4 years to pay for park maintenance and selected park improvements, or
- 2. Fixed Tax Rate:** The City may ask voters to approve an 8-year tax levy of \$0.75 per \$1,000 of assessed value to pay for park land acquisition and construction of a new park and community center building.

Aumsville does not have a history of seeking local option levies for parks and recreation services. Other cities in Oregon have used these levies to pay for quality of life services such as parks, libraries and recreation programs. The City of Stayton has a successful track record in obtaining voter approval of a 4-year local option levy to pay for parks maintenance, library services and selected park improvements.

4. Parks Systems Development Charge (Parks SDC): Chapter 15.16 of the Aumsville Municipal Code authorizes the city to collect a Parks SDC to pay for the costs of acquiring and developing parks under authority granted by ORS 223.297 through ORS 223.314. A Parks SDC may be imposed at the time a building permit is issued for new construction and is based on the demands new residents will impose on the city's park and recreation facilities. A Parks SDC charge must be used to pay for projects listed in the City's park master plan. Parks SDC cannot be used for on-going parks maintenance, administration or to pay for projects that are needed to serve existing residents. Parks SDC funds must be used to pay for the proportionate share of a park improvement project that serves new growth. Appendix "B" includes a Parks SDC analysis.

5. Federal & State Grants: Federal and state assistance for parks development is available under selected programs. In the late 1990's Oregon voters approved Measure 66 dedicating a portion of Oregon Lottery funds to parks and recreation purposes and watershed enhancement projects. OPRD's Local Government Grant Program is financing with these lottery funds.

The Oregon Parks and Recreation Department and Oregon Department of Transportation Department have grants available under the following programs:

- a. Land and Water Conservation Fund (LWCF)
- b. Local Government Grant Program (LGGP)
- c. Recreational Trails Grant Program (RTP)
- d. Heritage Program
- e. ODOT – Enhance It and Bicycle/Pedestrian Program Funds

Federal and state grants may be used for various park and recreation programs ranging from historic restoration under the Heritage grants program, to local parks land acquisition, rehabilitation of parks facilities and new parks development using the LWCF and LGGP programs. A competitive selection process is used to prioritize projects.

The City of Aumsville has successfully obtained grants from OPRD under the LWCF and LGGP programs. The City may also be eligible for other grant programs for special projects, such as watershed enhancements, wetlands restoration or fish habitat improvement. Funding sources may include federal agencies (BLM, Forest Service, etc.) or state agencies (Oregon Watershed Enhancement Board, Oregon Department of Fish and Wildlife or the State Marine Board).

Other small categorical grant programs still exist for targeted capital projects or activities, but these need to be researched individually. The Oregon Department of Transportation bike and pedestrian grant program may also provide funds for trail linkages within communities. In most cases, federal and state grants require a local match of cash or in-kind contributions of labor, materials and services. The grant program may require a smaller community to provide a local match as small as 10% of a project's cost while other grant programs may require up to a 50% local match.

Federal and state grants come with compliance requirements. Basic requirements include compliance with environmental regulations, public bidding and federal/state wage rates. The Oregon Parks and Recreation Department requires all new park facilities to provide access for the disabled in compliance with the Americans with Disabilities Act (ADA) and, for safety reasons, requires most power lines in public parks to be placed underground.

- 6. Marion County Special Projects Fund:** Marion County provides small grants to cities for special projects using the County's share of video poker funds. The Marion County Board of Commissioners office solicits projects annually from all of Marion County's twenty cities and other governmental entities. Grants may range from less than \$1,000 to as much as \$50,000. Grants have been provided for arts, cultural programs, economic development, early childhood reading, parks and recreation programs and small capital improvement projects. In 2016, the City of Aumsville received a \$12,500 grant to partially fund the replacement of the gazebo/stage building in Porter-Boone Park.

- 7. Foundations:** A number of Oregon's private non-profit foundations will partially fund community initiated public space and park development projects. Small cities in Oregon have received grants from the Ford Family Foundation, Collins Foundation, Oregon Community Foundation and Meyer Memorial Trust for capital projects which improve the quality of life for Oregon's citizens. Aumsville is very fortunate to have two community-based foundations nearby. The A. J. Frank Family Foundation and the Freres Foundation have long histories of contributing to worthwhile local projects with an emphasis on programs that enhance educational opportunities, improve community facilities and directly benefit residents of the North Santiam Canyon. Foundations are an excellent source of revenue for special community projects or they can provide local matches for state/federal grants.

- 8. Civic Organizations and Community Groups:** Local school and civic organizations (Rotary, Lions Club, Kiwanis, PEO, etc.) can provide funds and labor to support park improvement projects. If identified early in a grant application process, civic organizations can provide 10%-25% of the local match a small city needs for a state or federal grant. In-kind contributions of supplies, equipment and volunteer labor may be counted as part of the city's matching requirement. Local involvement in projects makes the city's grant application more competitive because it demonstrates strong community support for a particular project.

- 9. Local Philanthropy – Contributions and Park Land Donations:** Philanthropy from families and local citizens is a valuable financing tool for small cities.
 - a. Park land donations have provided Aumsville with some of its existing park sites. Signs at Porter-Boone Park and Mill Creek Park recognize the donors. A 2016 land donation added ¼-acre to the west end of Highberger Linear Park on Willamette Avenue.

 - b. Bequests, memorials and donations are often used to fund small and medium-sized projects. Both restricted and unrestricted gifts from individual donors can be used as matching funds for foundation and state grant programs.

8.2 Parks Maintenance

Parks Maintenance Policy: *The City will strive to maintain its parks system through combined efforts of city staff, private contractors and volunteers. As the community grows, the city will try to commit necessary funds and staffing to provide attractive parks, maintain equipment and facilities and upgrade the quality of the city's parks system.*

A recognized standard for parks maintenance is one (1) half-time person for every five acres of developed urban parkland. Currently the city has more than 16 acres of developed parks and 3 acres of linear park. The City of Aumsville full-time public works employees maintain all of the City's public utilities, streets and parks. Park maintenance duties include mowing all city properties, daily maintenance of public restrooms and general parks maintenance duties. Due to the skills of Aumsville's public works employees, they have constructed many of the shelters, picnic facilities and structures in the city's parks. The city's public works staff devotes the time of < 1.0 FTE public works employee annually to parks maintenance duties.

Typical Parks Maintenance Costs for Small Cities:

- Development (per acre urban parkland) \$50,000 to \$150,000 /acre
- Annual Maintenance \$5,000 to \$10,000+ per developed acre.
- Parks Maintenance Personnel: 1 person per 8-10 acres of urban parks
- Park Maintenance Salary Costs \$50,000 to \$70,000 per FTE (includes salary & benefits)

In FY 2016-2017, the City budgeted approximately \$150,000 for personnel, park maintenance materials and supplies and capital equipment and park improvements. This is an average of \$7,500 per developed acre of park land.

The city's staffing level does meet current standards. If the city desires to upgrade its parks and maintain them as higher quality parks and recreational facilities, then the City will need to either increase staffing levels or rely on volunteer efforts as existing parks are improved and new parks are developed.

ORDINANCE NO. 716
AN ORDINANCE AMENDING
CHAPTER VI OF THE AUMSVILLE COMPREHENSIVE PLAN AND
ADOPTING THE AUMSVILLE PARKS MASTER PLAN (June 2023 Update)

WHEREAS, Goal 8 “Recreational Needs” and Goal 11 “Public Facilities” of the statewide land use goals recommend cities plan for the orderly provision of parks and recreation facilities within the City’s urban growth boundary to meet the needs of the City for the next twenty years; and

WHEREAS, on July 11, 2022 the City adopted the City of Aumsville Parks Master Plan as a technical facilities plan amendment to the City of Aumsville Comprehensive Plan; and

WHEREAS, the City received a grant from the Oregon Parks and Recreation Department to prepare an updated parks master plan for the community and develop a master design plan for the newly acquired 22.71-acre Eastside Community Park; and

WHEREAS, the City retained David Kinney, Community Development Consultant, and Brian Bainson, Landscape Architect, Quatrefoil, Inc., to prepare amendments to the City of Aumsville Parks Master Plan for the 20-year planning period and to prepare a master planning design concept and narrative describing recommended park improvements within the Eastside Community Park; and

WHEREAS, the City appointed a Parks Advisory Committee to work with the consultants and City staff to prepare the Parks Master Plan update; and

WHEREAS, the Parks Advisory Committee recommends the City adopt several amendments to the City of Aumsville Parks Master Plan including:

1. Eastside Community Park Master Plan and Narrative – Appendix A-8.
2. Replace Chapter 3 “Demographics” with updated population projections and demographic information on Aumsville’s residents.
3. Update Chapter 4 “Parks Planning” with information for the 2019-2023 Statewide Comprehensive Outdoor Recreation Plan (SCORP) prepared by the Oregon Parks and Recreation Department.

WHEREAS, the Parks Advisory Committee hosted several open houses and public meetings from October 2022 through March 2023 to obtain public input during the development of the parks master plan update; and

WHEREAS, on June 15, 2023 the City of Aumsville Planning Commission held a public hearing, as part of their regularly scheduled meeting, to obtain public testimony and

discuss the amendments to Chapter 6 – Parks and Recreation Element of the Aumsville Comprehensive Plan and amendments to the City of Aumsville Parks Master Plan; and

WHEREAS, the Aumsville Planning Commission recommends the City Council adopt the amendments to both the Aumsville Comprehensive Plan and the City of Aumsville Parks Master Plan; and

WHEREAS, on June 26, 2023 the City Council held a public hearing to consider the plan amendments; and

WHEREAS, after the close of the public hearing the City Council deliberated on the proposal and adopted the findings of fact as presented in the staff report; and

WHEREAS, the City Council concludes the updated Chapter 6 “Parks and Recreation Element” of the Aumsville Comprehensive Plan, as set forth in Appendix “A”, and the City of Aumsville Parks Master Plan (June 2023 Update) are consistent with statewide planning goals, the Statewide Comprehensive Outdoor Recreation Plan (SCORP) and the Marion County Parks Master Plan, and the City Council desires to adopt the updated City of Aumsville Parks Master Plan (June 2023 Update) as a technical facilities plan that supports and is consistent with the City of Aumsville Comprehensive Plan; and

WHEREAS, Appendix A of the City of Aumsville Parks Master Plan, includes individual park narratives and concept plans for the development and improvement of individual park facilities in the City of Aumsville, including a design for the Eastside Community Park. The Council concludes the park plan narratives and concept designs for each park found in Appendix A are to be used as a guide for the future improvement and development of parks and recreation facilities inside the Aumsville Urban Growth Boundary;

NOW THEREFORE, the City Council of the City of Aumsville hereby ordains as follows:

SECTION 1 – CITY OF AUMSVILLE COMPREHENSIVE PLAN AMENDMENTS.

Chapter VI – Parks and Recreation Element of the Aumsville Comprehensive Plan, dated June 2023 and attached hereto as Exhibit “A”, is hereby adopted to replace the previously enacted Chapter 6 of the Aumsville Comprehensive Plan in its entirety.

SECTION 2 - ADOPTION OF THE CITY OF AUMSVILLE PARKS MASTER PLAN:

The City of Aumsville Parks Master Plan (June 2023 Update) is hereby adopted as the parks master plan for the City of Aumsville. The City of Aumsville Parks Master Plan (June 2023 Update) is incorporated by reference, as if set forth in full herein. A copy of the adopted plan is filed at Aumsville City Hall and is available to the public for inspection.

SECTION 3 - PARKS MASTER PLAN NARRATIVES AND CONCEPT PLANS:

Appendix A in the City of Aumsville Parks Master Plan includes individual park narratives

and master plans for the development and improvement of individual park facilities in the City of Aumsville. The park plan narratives and master plan designs for each park are to be used as a guide for the future improvement and development of parks and recreation facilities inside and adjacent to the Aumsville Urban Growth Boundary.

SECTION 4 - SEVERABILITY: If any provision, section, sentence or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment or decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5 – EFFECTIVE DATE. This ordinance will take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading by unanimous vote on the _____ day of _____, 2023.

PASSED its second reading and ADOPTED by the Aumsville City Council on the _____ day of _____, 2023.

Angelica Ceja, Mayor

Attest:

Ron Harding, City Administrator

Exhibit “A” – Ordinance 716

Chapter VI Parks and Recreation Element of the Aumsville Comprehensive Plan

Local parks, natural areas, recreational facilities and open spaces are a part of the urban form that makes a small town unique. They provide venues for community events. They create opportunities for residents and visitors to interact with each other, play, make friends and create memories. These public gathering spaces may be the site of a family picnic, a parade, a Friday night football game, a quiet walk with the dog along a creekside trail, a reflective moment at the veteran’s memorial, a place to view the beauty of fall colors or listen to the rustle of leaves. Public parks and open spaces are essential elements of a livable community.

As the City of Aumsville grows, the community leaders will invest in parks, trails, and open spaces to serve a growing population. This chapter reviews existing parks and recreation facilities in the City of Aumsville and adopts goals and policies to guide development through the year 20435.

6.1 Statewide Planning Goals related Parks and Open Space

Each city in Oregon is required to provide land for public uses, protect natural resources, plan for the development of parks and open spaces, and provide recreational opportunities for local residents and visitors. Statewide planning goals Goal 2-“Land Use”, Goal 5-“Natural Resources”, Goal 8-“Recreational Needs” and Goal 12-“Transportation” each have elements in their goals, implementation policies and administrative rules that must be considered by local officials when planning for local parks and recreational opportunities.

Goal 2: Land Use Planning:

Goal 2 requires the City to plan for all types of land uses including the provision of an adequate supply of land for public purposes. The Aumsville Comprehensive Plan map and Zoning Map include a Public “P” plan designation and zone which are used to regulate existing public uses and preserve publicly owned properties for public uses.

Goal 5: Natural Resources, Scenic and Historic Areas and Open Spaces:

The purpose of Goal 5 is *“To protect natural resources and conserve scenic and historic areas and open spaces.”* Cities are required to adopt plans to protect natural resources and conserve scenic, historic, and open space resources.

Goal 8: Recreational Needs:

The purpose of Goal 8 is *“To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.”* Local governments are required to plan for parks and recreational facilities

in coordination with private enterprise, non-profits, state, and federal agencies. Parks and recreational facilities should be planned for and developed in such quantity, quality, and locations consistent with the availability of resources.

Under Goal 8 cities are required to:

- inventory recreation needs,
- identify recreation opportunities,
- coordinate parks and recreation plans with other agencies,
- coordinate with the Statewide Comprehensive Outdoor Recreation Plan (SCORP),
- consider energy consequences of facility development, and
- encourage the use of non-motorized recreational activities.

Local governments planning for the development of new parks and recreation facilities, or redevelopment of existing facilities are encouraged to give priority to:

- recreation needs in high population areas,
- users with limited mobility and finances,
- maximize the conservation of energy in the transportation of people to parks and recreation facilities and also in the use of energy in the facility,
- minimize environmental deterioration,
- provide recreational facilities to the public at nominal costs, and
- meet the needs of visitors to the state.

Goal 8 encourages local governments to adopt measures to finance and acquire park and recreation facilities. Cities are encouraged to consider various techniques for land acquisition including, but not limited to, fee simple site acquisition, conservation easements, development rights acquisition and subdivision park land dedication.

Goal 11: Public Facilities and Goal 12: Transportation:

Goals 11 and 12 and the accompanying administrative rules in OAR 660-011 requires cities larger than 2,500 persons to prepare and adopt public facility plans and OAR 660-012 requires cities to prepare and adopt transportation system plans. Facility plans include (1) an assessment of the existing facilities, including deficiencies and needed improvements; (2) assessment of vulnerability to natural hazards; (3) updated system-wide facility maps; (4) timing of when public facility improvements will be needed; (5) cost estimates; (6) a prioritized capital improvements list (5-7 year list) and (7) a financing plan listing potential local, state and federal funding sources and opportunities. The transportation planning rule, OAR 660-012, requires cities to plan for all types of transportation facilities including multi-purpose paths and trails which serve a recreational and transportation purpose.

The City of Aumsville has adopted public facility plans for its infrastructure (water, sewer, and storm drainage facilities) and has adopted a transportation system plan, Chapter 4 of the Aumsville Comprehensive Plan.

6.2 Aumsville Parks Master Plan

The City of Aumsville has adopted the Aumsville Parks Master Plan as a technical facilities plan amendment to the Aumsville Comprehensive Plan. The parks master plan complies with statewide planning goals and administrative rules and is consistent with other elements of the Aumsville Comprehensive Plan.

The Aumsville Parks Master Plan has been updated several times since its original adoption in 1996. In June, 2023, the City Council completed the most recent update to the plan to incorporate information on the Eastside Community Park, acquired in 2019. The plan includes narratives on each city park. Each park narrative includes maps of the existing park facilities, a master plan map for the park and a priority list of recommended improvements. The Aumsville Parks Master Plan Map identifies existing park facilities and recommends general locations for the addition of future parks within the Urban Growth Boundary. The adopted Park Master Plan map is included at the end of this Chapter.

The parks master plan provides a guide for the acquisition and development of park and recreation facilities in the City of Aumsville and the unincorporated areas of Marion County within Aumsville's urban growth boundary. Maintaining a current parks master plan enables the City to invest public funds in the highest priority park improvement projects and effectively compete for grants from the Oregon Parks Department, donors, and private foundations.

6.3 City of Aumsville Parks and Recreation Goals and Policies

The City has adopted the following goals and policies as part of the Aumsville Parks Master Plan.

STATEWIDE PLANNING GOALS

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES: To protect natural resources and conserve scenic and historic areas and open spaces.

GOAL 8 – RECREATIONAL NEEDS: To satisfy the recreation needs of the citizens of the state and visitors, and where appropriate, to provide for the siting of necessary recreational facilities, including destination resorts.

CITY OF AUMSVILLE PARKS AND RECREATION GOALS

Goal P-1: To provide a variety of parks and recreational facilities to meet the needs of Aumsville's residents and visitors, enhance the livability of the City and enhance Aumsville's reputation as a great place to live and play.

Goal P-2: To provide accessible parks and recreation facilities for our citizens.

Goal P-3: To preserve natural areas and open spaces along Aumsville's waterways.

CITY OF AUMSVILLE COMPREHENSIVE PLAN POLICIES

Policy P-1: Parks Master Plan. The Aumsville Parks Master Plan is adopted as a technical amendment to the Aumsville Comprehensive Plan. The Aumsville Parks Master Plan will serve as a

guide for parks and open space land acquisition, the development of new parks, trails, and recreation facilities and for the improvement of existing parks within the City of Aumsville.

Policy P-2: Future Park Sites. The *Aumsville Parks Master Plan* identifies the general locations for future parks. In order to acquire specific properties, the City is encouraged to work with existing property owners to acquire property from a willing seller. The City may purchase the property, obtain either a right-of-first refusal or enter into an agreement for future acquisition.

Policy P-3: Community Parks. The City will acquire additional land to expand the city's two community parks: Eastside Community Park and Porter-Boone Park.

Policy P-4: Neighborhood Parks. The City will develop neighborhood parks to serve existing and future residential neighborhoods, so the majority of residents live within a ¼ mile radius of a local park.

Policy P-5: Dedication of Land for Parks and Open Space.

- a. The City will include park land and trail acquisition/dedication requirements and development standards in the Aumsville Development Code to enable the City to acquire park land and open spaces concurrently with new development.
- b. Dedication of less than one-half acre for a neighborhood park is discouraged unless it is positioned on the edge of a subdivision and can be combined with adjoining vacant land as it develops.
- c. Park names may recognize the donor, honor a historical community figure, or refer to a geographic site.

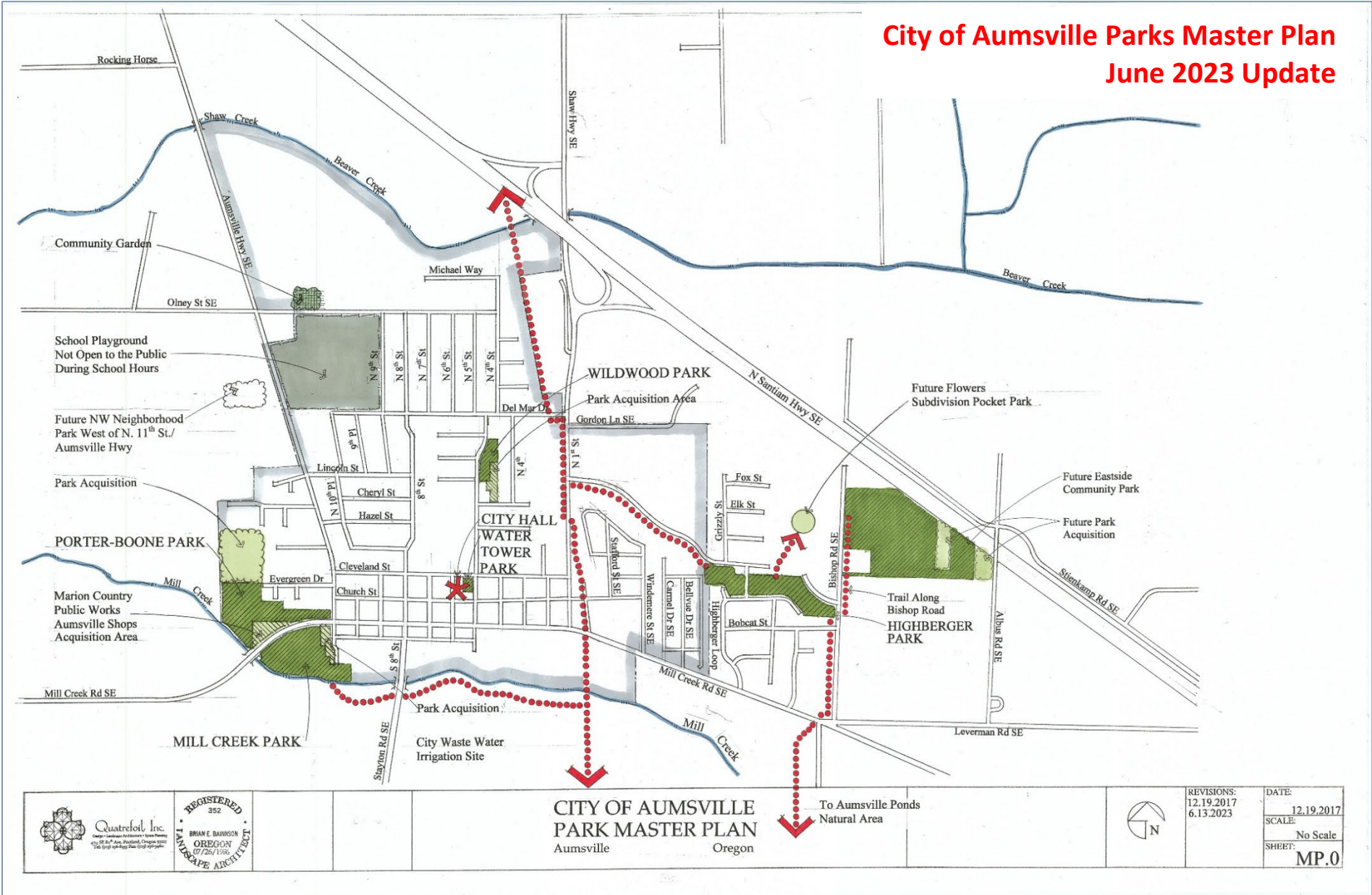
Policy P-6: Youth Recreation Facilities. The City will support efforts to provide community-based recreational facilities and programs to serve local youth and families. The addition of an indoor recreation facility, multi-purpose fields and similar facilities are a priority.

Policy P-7: Public Access to Mill Creek and Highberger Ditch. Whenever possible, the City will acquire land and protect open spaces along Mill Creek and Highberger Ditch. These open space areas will provide areas for storm water detention, improve flood plain functions, provide a natural riparian corridor, protect existing wetlands, and provide attractive natural areas along these waterways.

Policy P-8: Pedestrian and Recreational Trails. The City will develop recreational trails plan that may include pedestrian paths, sidewalks, and multi-use trails to connect residential neighborhoods with parks, schools, and the Main St. business district.

Policy P-9: Coordination with State and County Parks and Recreation Facility Plans. The City will coordinate the city's park and recreation facility planning with the *Marion County Parks Master Plan* and the *Oregon Statewide Comprehensive Outdoor Recreation Plan (SCORP)*.

City of Aumsville Parks Master Plan June 2023 Update



 **Quatrelot Inc.**
 Registered Landscape Architect
 352
 BRIAN E. BAUKSON
 OREGON
 07/26/1986

REVISIONS: 12.19.2017 6.13.2023	DATE: 12.19.2017
	SCALE: No Scale
	SHEET: MP.0



CITY OF AUMSVILLE
595 Main Street | Aumsville, Oregon 97325
(503) 749-2030 | www.aumsville.us

STAFF REPORT

DATE: June 26, 2023
TO: Aumsville City Council
FROM: City Administrator, Ron Harding
SUBJECT: Master Communications Ordinance

RECOMMENDATION: Approve Ordinance 717 Amending the Master Communications Ordinance 460

BACKGROUND: City Staff, with the assistance of our franchise attorney Nancy Werner, have been working to bring our Master Communications Franchise Ordinance into compliance with changes in FCC regulations related to franchises within city rights-of-way.

Post COVID-19, federal regulations, funding, and demand for certain levels of services expended in communities have changed not only the demand for some services but imposed restrictions on City limitations for those services.

The City has recently been approached by both franchise renewal requests and requests to establish new franchise agreements for community services. The City Administrator worked with a specialized franchise attorney to update both the Master Communications Ordinance and the Franchise Fee Schedule to align with changes in both State of Oregon revised codes and FCC regulations related to communication franchise.

CURRENT SITUATION: Some additional highlighted changes include further defining what telecommunications are covered under these agreements and the individual franchises, and requirements to get permits from the City for additional facility installation and system improvements. The City elaborated further, requiring franchisees must return any area disturbed during construction to their prior condition.

One notable change is the City will now separate Telecommunications within the Communications Ordinance from Cable services. This is important to separate both fees *and* accountability for services. Additionally, the new language sets insurance requirements but also states that limits shall be subject to statutory requirements. Franchise agreements tend to span a long period of time and the limits required today may be greater in the future. We have been converting agreement language for a couple of years now to reflect that some conditions will change over time. The changes also separate Telecommunications from Cable services that would then require a separate agreement for Cable franchises if those services were to be offered.

MOTION:

- I move to approve Ordinance 717 – An Ordinance Updating Ordinance 460 Relating to Communications Infrastructure on its first reading.
- I move to approve Ordinance 717 – An Ordinance Updating Ordinance 460 Relating to Communications Infrastructure on its second reading.

**CITY OF AUMSVILLE
ORDINANCE 717**

**AN ORDINANCE UPDATING ORDINANCE NO. 460 RELATING TO
COMMUNICATIONS INFRASTRUCTURE**

WHEREAS, on October 11, 1999, the City passed Ordinance No. 460, the “Communications Ordinance,” establishing the City’s jurisdiction over and regulatory management of the use of the rights of way within the City by communications providers; and

WHEREAS, on February 23, 2015, the City amended the Communications Ordinance through Ordinance No. 635; and

WHEREAS, Council finds it is in the public interest to further amend the Communications Ordinance to ensure it continues to reflect the City’s intent with respect to use of the rights of way by communications providers and that it remains consistent with applicable law; and

NOW THEREFORE, the City of Aumsville ordains as follows:

Section 1: Ordinance No. 460, as amended by Ordinance No. 635, is further amended as shown in Exhibit A.

Section 2: This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of June, 2023. READ a second time on the 26th day of June, 2023. ADOPTED AND PASSED by the Aumsville City Council on the 26th day of June, 2023.

Angelica Ceja, Mayor

Attest:

Ron Harding, City Administrator

EXHIBIT A

ORDINANCE NO. 460

A MASTER COMMUNICATIONS INFRASTRUCTURE ORDINANCE

The city of Aumsville ordains as follows:

Section 1. Short Title: This Ordinance may be referred to as the “Communications Ordinance”.

[Section 1 amended by Ord. No. 635 passed February 23, 2015]

Section 2. Jurisdiction and Management of the Public Rights of Way:

- A. The City has jurisdiction and exercises regulatory management over all public rights of way within the City under authority of the City charter and state law.
- B. The City has jurisdiction and exercises regulatory management over each public right of way whether the City has a fee, easement, or other legal interest in the right of way. The City has jurisdiction and regulatory management of each right of way whether the legal interest in the right of way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. No person may occupy or encroach on a public right of way without the permission of the City. The City grants permission to use rights of way by franchises and permits.
- D. The exercise of jurisdiction and regulatory management of a public right of way by the City is not official acceptance of the right of way, and does not obligate the City to maintain or repair any part of the right of way.
- E. The City retains the right and privilege to cut or move any communications facilities located within the public rights of way of the City, as the City may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

[Section 2 amended by Ord. No. 635 passed February 23, 2015]

Section 3. Regulatory Fees and Compensation Not a Tax:

- A. The fees and costs provided for in this Ordinance, and any compensation charged and paid for use of the public rights of way provided for in this Ordinance, are separate from, and in addition to, any and all federal, state, local, and City charges as may be levied, imposed, or due from a communications provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of communications services.
- B. The City has determined that any fee provided for by this Ordinance is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.
- C. The fees and costs provided for in this Ordinance are subject to applicable federal and state laws.

[Section 3 amended by Ord. No. 635 passed February 23, 2015]

DEFINITIONS

Section 4. Definitions: For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Act, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act. If not defined there, the words shall be given their common and ordinary meaning.

Cable Act shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. § 521, et seq.

Cable Service is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

City means the City of Aumsville, an Oregon municipal corporation, and individuals authorized to act on the City's behalf.

City Council means the elected governing body of the City of Aumsville, Oregon.

Control means actual working control in whatever manner exercised.

City Property means and includes all real property owned by the City, other than public rights of way and utility easements as those are defined herein, and all property held in a proprietary capacity by the City, which are not subject to right of way franchising as provided in this Ordinance.

Communications Facilities means the plant and equipment, including but not limited to the poles, conduits, ducts, cable, antennas and wires, located or to be located within, under or above the rights of way and used or to be used by a communications provider to provide communications service. "Communications Facilities" includes wireline and wireless facilities.

Communications Provider means any provider of communications services and includes, but is not limited to, every person that directly or indirectly owns, controls, operates or manages communications facilities within the City.

Communications Service means any service provided using communications

facilities for the purpose of transmission of information including, but not limited to: voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself.

Communications service includes all forms of telephone services and voice, video, data, or information transport, but does not include: (1) ~~cable service~~; (2) ~~open video system service~~, as defined in 47 C.F.R. 76: (23) private communications ~~system-network~~ services provided without using the public rights of way; (34) over-the-air radio or television broadcasting to successor thereto; and (45) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

Communications System – see “Communications facilities” above.

Conduit means any structure, or portion thereof, containing one or more ducts, conduits, manholes, hand holes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right of way, owned or controlled, in whole or in part, by one or more public utilities or communications provider.

Construction means any activity in the public rights of way resulting in physical change thereto, including excavation or placement of structures, ~~but excluding routine maintenance or repair of existing facilities~~.

Days means calendar days unless otherwise specified.

Duct means a single enclosed raceway for conductors or cable.

~~Emergency has the meaning provided for in ORS 401.025.~~

Federal Communications Commission or FCC means the federal administrative agency, or its lawful successor, authorized to regulate and oversee communications carriers, services and providers on a national level.

Franchise means an agreement between the City and a grantee which grants a privilege to use public right of way and utility easements within the City for a dedicated purpose and for specific compensation.

Grantee means the person to which a franchise is granted by the City.

Oregon Public Utilities Commission or PUC means the statutorily created state agency in the State of Oregon responsible for licensing and regulation of certain communications as set forth in Oregon Law, or its lawful successor.

Overhead Facilities means utility poles, utility facilities and communications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

Person means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

Private Communications Network means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private communications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

Public Rights of Way or Right of Way –include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland or other City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest or authority to grant a franchise to occupy and use such areas for communications facilities. "Public rights of way" shall also include utility easements as defined below.

State means the State of Oregon.

Telecommunications Act means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).

Underground Facilities means utility and communications facilities located under the surface of the ground, excluding the underground foundations or supports for "Overhead facilities."

Utility Easement means any easement granted to or owned by the City and acquired, established, dedicated or devoted for public utility purposes. "Utility easement" does not include any easement dedicated solely for City facilities or where the proposed use by the communications provider is inconsistent with the terms and conditions of any easement granted to the City.

Utility Facilities means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right of way of the City and used or to be used for the purpose of providing utility or communications services.

[Section 4 amended by Ord. No. 635 passed February 23, 2015]

REGISTRATION OF COMMUNICATIONS CARRIERS

Section 5. Purpose. The purpose of registration is:

- A. To assure that all communications facilities and/or communications providers that provide services within the City comply with the ordinances, rules and

- regulations of the City.
- B. To provide the City with accurate and current information concerning communications providers who offer to provide communications services within the City, or that own or operate communications facilities within the City.
 - C. To assist the City in the enforcement of this Ordinance and the collection of any city franchise fees or charges that may be due the City.

[Section 5 amended by Ord. No. 486 passed February 12, 2001; amended by Ord. No. 635 passed February 23, 2015]

Section 6. Registration Required:

- A. Except as provided in Section 8 hereof, all communications providers having communications facilities within the corporate limits of the City and all communications providers that offer or provide communication services to any customer within the City, shall register within 45 days of the effective date of this Ordinance. Any communications provider that desires to have communications facilities within the corporate limits of the City or to provide communications services to any customer within the City after the effective date of this Ordinance shall register prior to such installation or provision of service.
- B. The appropriate application and license from: a) the Oregon Public Utility Commission (PUC); or b) the Federal Communications Commission (FCC) qualifies as necessary registration information. To the extent not included in the application and license materials submitted pursuant to this subsection 6.B, applicants also shall provide the following information:
 - 1. The identity and legal status of the registrant, including the name address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
 - 2. The name, address, and telephone number of the duly authorized officer, agent, or employee to be contacted in case of an emergency.
 - 3. A description of the registrant's existing or proposed communications facilities within the City, a description of the communications facilities that the registrant intends to construct, and a description of the communications services that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the City.
 - 4. Information sufficient to determine whether the transmission, origination, or receipt of the communications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to the City's business license requirements. A copy of the business license must be provided.

[Section 6 amended by Ord. No. 486, passed February 12, 2001; amended by Ord. No. 635 passed February 23, 2015]

Section 7. Registration Application Fee:

- A. Every communications provider shall pay a registration fee in an amount to be determined by resolution of the City Council sufficient to fully recover all of the City's costs of administering the registration program.

B. The registration fee required by this Section shall be subject to all applicable limitations imposed by federal or state law.

[Section 7 repealed and replaced with Section 8 by Ord. No. 486, passed February 12, 2001; Renumbered to Section 8 and New Section 7 added by Ord. No.635 passed February 23, 2015]

Section 8. Exceptions to Registration: The following communications providers are excepted from registration:

- A. Communications facilities that are owned and operated exclusively for its own use by the State or a political subdivision of this State.
- B. A private ~~C~~communications network, provided that such network does not occupy any public rights of way of the City.

[Former Section 7 renumbered to Section 8 and amended by Ordinance No. 635 passed February 23, 2015]

Section 9. General. No person shall commence or continue with the construction, installation or operation of communications facilities within a public right of way except as provided in Sections ~~104~~ through ~~286~~, and with all applicable codes, rules, and regulations.

[Section 9 renumbered to Section 8 by Ord. No. 486, passed February 12, 2001; Section 8 renumbered to Section 9 and amended by Ord. No. 635 February 23, 2015]

Section 10. Construction Codes. Communications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

[Section 10 renumbered to Section 9 by Ord. No. 486, passed February 12, 2001; Section 9 renumbered to Section 10 and amended by Ord. No. 635 February 23, 2015]

Section 11. Construction Permits. Except in an emergency, no person shall construct or install any communications facilities within a public right of way without first obtaining a construction permit, and paying the construction permit fee established in Section 15 of this Ordinance. No permit shall be issued for the construction or installation of communications facilities within a public right of way:

- A. Unless the communications provider ~~has~~ ~~ve~~ first filed a registration statement with the City pursuant to Sections 5 through 8 of this Ordinance; and ~~if applicable,~~
- B. Unless the owner of the communications carrier facilities has first applied for and received a franchise pursuant to ~~Sections 29 through 46 of~~ this Ordinance.

In the event of an emergency, a franchisee-grantee or its contractor may perform work on its communications facilities without first obtaining a permit from the City; provided that, to the extent reasonably feasible, it attempts to notify the City prior to commencing the emergency work and in any event applies for a permit from the City

and pays the permit fee as soon as reasonable practicable, but not more than 48 hours after commencing the emergency work. As used in this Section 11, “emergency” means a circumstance in which immediate repair to damaged or malfunctioning communications facilities is necessary to restore lost service or prevent immediate harm to persons or property.

[Section 11 amended and renumbered to Section 10 by Ord. No. 486, passed February 12, 2001; Section 10 renumbered to Section 11 and amended by Ord. No. 635 February 23, 2015]

Section 12. Permit Applications. Applications for permits to construct communications facilities shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

- A. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.
- B. That the facilities will be constructed in accordance with the franchise agreement.
- C. The location and route of all facilities to be installed using overhead facilities including aboveground or on existing utility poles.
- D. The location and route of all new underground facilities on or in the public rights of way ~~to be located under the surface of the ground~~, including the line and grade proposed for the burial at all points along the route which are within the public rights of way. Applicant’s existing facilities shall be differentiated on the plans from new construction. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right of way.
- E. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights of way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
- F. Permit applications are not required for 1) Customer service connections/drops, repairs or maintenance that does not require cutting or breaking of the roadway, curb or sidewalk, and 2) Routine maintenance or repair of Equipment, and the installation of new replacement cables or wires on existing aerial-overhead facilities, when the installation, maintenance or repair will not impact vehicular traffic by closing or blocking a lane of vehicular travel for more than 2 hours. ~~All other construction is subject to the Communications Ordinance Construction Standards.~~

[Section 12 amended and renumbered to Section 11 by Ord. No. 486, passed February 12, 2001; Section 11 renumbered to Section 12 and amended by Ord. No. 635 February 23, 2015]

Section 13. Applicant’s Verification: All permit applications shall be accompanied by the verification of a registered professional engineer, or other

qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

[New Section 13 added by Ord. No. 635 passed February 23, 2015]

Section 14. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the public works director. [Section 13 repealed and replaced with Section 14 which was amended and renumbered to Section 12 by Ord. No. 486, passed February 12, 2001; Section 12 renumbered to Section 14 and amended by Ord. No. 635 February 23, 2015]

Section 15. Construction Permit Fee. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount set forth by the City of Aumsville. ~~Public Works Standards.~~ Such fees shall be designed to defray the costs of city administration of the requirements of this ordinance. [Section 15 amended and renumbered to Section 13 by Ord. No. 486, passed February 12, 2001; Section 13 amended and renumbered to Section 15 by Ord. No. 635 passed February 23, 2015]

Section 16. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this Ordinance and the franchise agreement, city hall shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate. [Section 16 is renumbered to Section 14 by Ord. No. 486, passed February 12, 2001; Section 14 amended and renumbered to Section 16 by Ord. No. 635 passed February 23, 2015]

Section 17. Notice of Construction. Except in the case of an emergency as defined in Section 11, the permittee shall notify the public works director not less than two working days in advance of any excavation or construction in the public rights of way. [Section 17 is renumbered to Section 15 by Ord. No. 486, passed February 12, 2001; Section 15 renumbered to Section 17 by Ord. No. 635 passed February 23, 2015]

Section 18. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The public works director and or their representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. [Section 18 is renumbered to Section 16 by Ord. No. 486, passed February 12, 2001; Section 16 renumbered to Section 18 by Ord. No. 635 passed February 23, 2015]

Section 19. Noncomplying Work. Subject to the notice requirements in Section 27, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Ordinance, shall be removed and/or repaired at the sole expense of the permittee. The City is authorized to stop work in order to assure-ensure compliance with the provision of this Ordinance.

[Section 19 is amended and renumbered to Section 17 by Ord. No. 486, passed February 12, 2001; Section No. 17 amended and renumber to Section No. 19 by Ord. No. 635 passed February 23, 2015]

Section 20. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the ~~city-public~~ rights of way and other public and private property. All construction work within ~~the city-public~~ rights of way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official as contemplated by Section 14.

[Section 20 is amended and renumbered to Section 18 by Ord. No. 486, passed February 12, 2001; Section No. 18 amended and renumber to Section No. 20 by Ord. No. 635 passed February 23, 2015]

Section 21. As-Built Drawings. If requested by the City for a necessary public purpose, as determined by the City, the permittee shall furnish the City with up to 2 complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all communications facilities constructed pursuant to the permit. These plans shall be submitted to the City Engineer or designee within 60 days after completion of construction, in a format acceptable to the City.

[Section 21 is amended and renumbered to Section 19 by Ord. No. 486, passed February 12, 2001; Section No. 19 amended and renumber to Section No. 21 by Ord. No. 635 passed February 23, 2015]

Section 22. Restoration of Public Rights of Way and City Property.

- A. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights of way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to the condition ~~of the property~~ that existed prior to construction.
- B. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore the affected rights of way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the City.
- C. If the permittee fails to restore rights of way or property to the condition of the property that existed prior to construction, the City shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding 30 days to restore the rights of way or property. If, after said notice, the permittee fails to restore the rights of way or property to as good a condition as existed before the work was undertaken, the City shall cause such restoration to be made at the expense of the permittee. The City will allow additional time for restoration of rights of way in case of acts of God or other unforeseen circumstances not within the permittee's control.
- D. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to

any person, vehicle or property by reason of such work in or affecting such rights of way or property.

[Section 22 is amended and renumbered to Section 20 by Ord. No. 486, passed February 12, 2001; Section No. 20 amended and renumber to Section No. 22 by Ord. No. 635 passed February 23, 2015]

Section 23. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other surety acceptable to the City, equal to at least 100% of the estimated cost of construction of permittee's communication facilities within the public rights of way of the City, shall be provided before construction is commenced.

- A. The surety shall remain in force until 60 days after substantial completion of the work, as determined in writing by the City, including restoration of public rights of way and other property affected by the construction.
- B. The surety shall guarantee, to the satisfaction of the City:
 - 1. Timely completion of construction;
 - 2. Construction in compliance with applicable plans, permits, technical codes and standards;
 - 3. Proper location of the facilities as specified by the City;
 - 4. Restoration of the public rights of way and other property affected by the construction; and
 - 5. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

[Section 23 amended and renumbered to section 21 by Ord. No. 486, passed February 12, 2001; Section No. 21 amended and renumber to Section No. 23 by Ord. No. 635 passed February 23, 2015]

LOCATION OF TELECOMMUNICATIONS FACILITIES

Section 24. Location of Facilities. All communications facilities located within the public right of way shall be constructed, installed and located in accordance with the terms of the permit and approved final plans and specifications for the facilities, the franchise, and all applicable City codes, rules and regulations. Unless otherwise specified in a franchise agreement, whenever any existing electric utilities, ~~cable facilities~~ or communications facilities are located underground within a public right of way of the City, a grantee occupying the same public right of way must also locate its new communications facilities underground at its own expense.

[Section 24 amended and renumbered to Section 22 by Ord. No. 486, passed February 12, 2001; Section No. 22 amended and renumber to Section No. 24 by Ord. No. 635 passed February 23, 2015]

Section 25. Interference with the Public Rights of Way. No grantee may locate or maintain its communications facilities so as to unreasonably interfere with the use of the public rights of way by the City, by the general public or by other persons authorized to use or be present in or upon the public rights of way. All use of public rights of way shall be consistent with City codes, ordinances and regulations.

[Section 25 is renumbered to Section 23 by Ord. No. 486, passed February 12,

2001; Section No. 23 amended and renumber to Section No. 25 by Ord. No. 635 passed February 23, 2015]

Section 26. Relocation or Removal of Facilities.

- A. The City shall have the right to require, when in the public interest, the temporary or permanent removal or relocation, of any communications facilities within the public rights of way, ~~including relocating in a like manner (aerial to aerial, overhead facilities underground to underground); unless mutually agreeable to both parties and except as provided in Section 24.~~
- B. Nothing in this Section 26 shall be deemed to preclude grantee from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that grantee shall timely comply with the requirements of this Section 26 regardless of whether or not it has requested or received such reimbursement or compensation.
- C. The City shall provide written notice of the time by which grantee must remove, relocate, change, alter or underground its facilities. If grantee fails to remove, relocate, alter or underground any facility as requested by the City and by the date established by the City, grantee shall pay all costs incurred by the City due to such failure, including but not limited to costs related to project delays, and the City may cause the facility to be removed, relocated, altered or undergrounded at grantee's sole expense using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations. Upon receipt of a detailed invoice from the City, grantee shall reimburse the City for the costs the City incurred within 30 days.

[Section 26 amended and renumbered to Section 24 by Ord. No. 486, passed February 12, 2001; Section No. 24 amended and renumber to Section No. 26 by Ord. No. 635 passed February 23, 2015]

Section 27. Removal of Unauthorized Facilities. Within 30 days following written notice from the City, any grantee, communications provider, or other person that owns, controls or maintains any unauthorized communications system, facility, or related appurtenances within the public rights of way of the City shall, at its own expense, remove such facilities and/or appurtenances from the public rights of way of the City. A communications system or facility is unauthorized and subject to removal in any of the following circumstances:

- A. One year after the expiration or termination of the grantee's communications franchise, unless the City has provided written authorization for abandonment in place.
- B. Upon abandonment of a facility within the public rights of way of the City. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of 90 days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced. The City shall make a reasonable attempt to contact the communications provider before concluding that a facility is abandoned. A facility may be abandoned in place and not removed if authorized in writing by the City and there is no

apparent risk to the public safety, health, or welfare.

- C. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.
- D. If the system or facility was constructed or installed at a location not permitted by the grantee's communications franchise or other legally sufficient permit.

[Section 27 amended and renumbered to Section 25 by Ord. No. 486, passed February 12, 2001; Section No. 25 amended and renumber to Section No. 27 by Ord. No. 635 passed February 23, 2015]

Section 28. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the City.

- A. By January 1 of each year, grantees shall provide the City with a schedule of their known proposed construction activities in, around or that may affect the public rights of way.
- B. If requested by the City, each grantee shall meet with the City annually or as determined by the City, to schedule and coordinate construction in the public rights of way. At that time, City will provide available information on plans for local, state, and/or federal construction projects.
- C. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption or damages.

[Section 28 amended and renumbered to Section 26 by Ord. No. 486, passed February 12, 2001; Section No. 26 renumber to Section No. 28 by Ord. No. 635 passed February 23, 2015]

Section 29. Communications Franchise.

- A. A ~~C~~ommunications franchise shall be required of any communications provider who desires to occupy public rights of way of the City, provided that a cable operator, as defined in the Cable Act, shall be required to obtain a cable franchise consistent with the Cable Act. The provisions of this Ordinance shall apply to all cable franchises except to the extent expressly preempted by applicable law or otherwise expressly provided in the cable franchise.
- B. Any person whose communications facilities occupy the public rights of way without a valid franchise agreement from the City must comply with the provisions of this Ordinance, including payment of the franchise fee pursuant to Section 36.

[Section 29 is renumbered to Section 27 by Ord. No. 486, passed February 12, 2001; Section 27 amended and renumbered to Section 29 by Ord. No. 635 passed February 23, 2015]

Section 30. Application.

- A. Any person that desires a communications franchise must register as a communications provider, and shall file an application with city hall; which includes the following information:
 - 1. The identity of the applicant.
 - 2. A description of the communications services that are to be offered or

- provided by the applicant over its communications facilities.
3. Engineering plans, specifications, and a network map in a form customarily used by the applicant, and if required by the City, in a specific computerized format, of the facilities located or to be located within the public rights of way in the City, including the location and route requested for applicant's proposed communications facilities.
 4. The area or areas of the City the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.
 5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the communications services proposed.
 6. An accurate map showing the location of any existing communications facilities in the City that applicant intends to use or lease.
- B. Any communications provider that occupies public rights of way of the City without a franchise as of the effective date of this Ordinance shall file an application pursuant to this Section within 45 days of the effective date of this Ordinance. Any communications provider that desires to occupy the public rights of way of the City after the effective date of this Ordinance shall register prior to installation of any communications facilities in the public rights of way.

[Section 30 amended and renumbered to Section 28 by Ord. No. 486, passed February 12, 2001; Section 28 amended and renumbered to Section 30 by Ord. No. 635 passed February 23, 2015]

Section 31. Application and Review Fee:

- A. Subject to applicable state law, applicant shall reimburse the City for such reasonable costs as the City incurs in entering into the franchise agreement.
- B. An application and review fee to be determined by resolution of the City Council shall be deposited with the City as part of the application filed pursuant to Section 30 above. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.

[New Section 31 added by Ord. No. 635 passed February 23, 2015]

Section 32. Determination by the City. The City shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. The application shall be evaluated based upon the continuing capacity of the rights of way to accommodate the applicant's proposed facilities and the applicant's legal, technical and financial ability to comply with the provisions of this Ordinance and applicable federal, state and local laws, rules, regulations and policies. [Section 31 is repealed and replaced by Section 32 and renumbered to Section 29 by Ord. No. 486, passed February 12, 2001; Section 29 amended and renumbered to Section 32 by Ord. No. 635 passed February 23, 2015]

Section 33. Rights Granted. No franchise granted pursuant to this Ordinance

shall convey any right, title or interest in the public rights of way, but shall be deemed a grant to use and occupy the public rights of way for the limited purposes and term, and upon the conditions stated in the franchise agreement. The ~~right authority~~ granted by the franchise is limited to the ~~right authority~~ to use the public rights of way for the provision of ~~the~~ communications services ~~as defined herein set forth in the franchise~~. Nothing in the franchise shall be construed to prevent the City from grading, paving, repairing and/or altering any public rights of way, constructing, laying down, repairing, relocating or removing City facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any City facilities. If any of grantee's facilities interfere with the construction, repair, replacement, alteration, or removal of any public rights of way, public work, City utility, City improvement or City facility, except those providing communications services in competition with a grantee, grantee's facilities shall be removed or relocated as provided in Section 26 and 27 of this Ordinance; in a manner acceptable to the City and consistent with industry standard engineering and safety codes. [Section 33 is renumbered to Section 30 by Ord. No. 486, passed February 12, 2001; Section 30 amended and renumbered to Section 33 by Ord. No. 635 passed February 23, 2015]

Section 34. Term of Grant. Unless otherwise specified in a franchise agreement, a ~~tele~~communications franchise granted hereunder shall be in effect for a term of five years. [Section 34 is renumbered to Section 31 by Ord. No. 486, passed February 12, 2001; Section 31 renumbered to Section 34 by Ord. No. 635 passed February 23, 2015]

Section 35. Franchise Territory. Unless otherwise specified in a franchise agreement, a communications franchise granted hereunder shall ~~require be limited to a specific geographic area of the City to be served by~~ the franchise grantee, ~~and the public rights of way necessary to serve such areas, and may include to be capable of serving~~ the entire city. [Section 35 is renumbered to Section 32 by Ord. No. 486, passed February 12, 2001; Section 32 amended and renumbered to Section 35 by Ord. No. 635 passed February 23, 2015]

Section 36. Franchise Fee.

- A. A communications franchise granted hereunder shall require the grantee to pay the franchise fee in an amount determined by resolution of the City Council.
- B. Every communications provider that uses the public rights of way in the City to provide communications services without a franchise expressly authorizing the provision of such communications services, whether or not the provider owns the communications facilities used to provide its services and whether or not the provider is required to obtain a franchise pursuant to Section 29 of this Ordinance, shall pay a right of way use fee in the amount ~~of the franchise fee~~ determined by resolution of the City Council. The duty to provide information set forth in Section 48 of this Ordinance shall apply to information of communications providers subject to the right of way use fee in this

- subsection ~~23~~6.B sufficient to demonstrate compliance with this subsection.
- C. Unless otherwise agreed to in writing by the City, the fee shall be paid within 30 days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of gross revenues and a calculation of the amount payable. The communications provider shall pay interest at the rate of 9% per year for any payment made after the due date.
 - D. The franchise fee required by this Section shall be subject to all applicable limitations imposed by federal or state law.

[Section 36 is amended and renumbered to Section 33 by Ord. No. 486, passed February 12, 2001; Section 33 amended and renumbered to Section 36 by Ord. No. 635 passed February 23, 2015]

Section 37. Amendment of Grant: Conditions for amending a franchise:

- A. A new application and grant shall be required of any communications provider that desires to extend or locate its communications facilities in public rights of way of the City, which are not included in a franchise previously granted under this Ordinance.
- B. If ordered by the City to locate or relocate its communications facilities in public rights of way not included in a previously granted franchise, the City shall grant an amendment without further application.
- C. A new application and grant shall be required of any communications provider that desires to provide a service which was not included in a franchise previously granted under this Ordinance unless the service is an additional communications service provided over communications facilities authorized in the franchise, subject to subsection 51.B of this Ordinance.

[Section 37 is renumbered to Section 34 by Ord. No. 486, passed February 12, 2001; Section 34 amended and renumbered to Section 37 by Ord. No. 635 passed February 23, 2015]

Section 38. Renewal Applications: A grantee that desires to renew its franchise under this Ordinance shall, not less than 180 days before expiration of the current agreement, file an application with the City for renewal of its franchise which shall include, if requested by the city, new or updated information required pursuant to Section 30 of this Ordinance; and at the City's request, the grantee shall provide any information required pursuant to the franchise agreement between the City and the grantee. The application shall be evaluated based upon the continuing capacity of the rights of way to accommodate the applicant's proposed facilities and the applicant's legal, technical and financial ability to comply with the provisions of this Ordinance; applicable federal, state and local laws; and all rules, regulations and policies pertaining thereto.

[Section 38 is amended and renumbered to Section 35 by Ord. No. 486, passed February 12, 2001; Section 35 amended and renumbered to Section 38 by Ord. No. 635 passed February 23, 2015]

Section 39. Obligation to Cure As a Condition of Renewal. No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this Ordinance, have been cured, or a plan

detailing the corrective action to be taken by the grantee has been approved by the City. [Section 39 is renumbered to Section 36 by Ord. No. 486, passed February 12, 2001; Section 36 and 37 amended and new Section 39 add by Ord. No. 635 passed February 23, 2015]

Section 40. Assignments or Transfers of System or Franchise: Unless otherwise provided in an existing franchise, ownership or control of a majority interest in a communications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonable withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.

- A. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
- B. No transfer shall be approved unless the City determines the assignee or transferee has the legal, technical and financial ability to comply with the provisions of this Ordinance and applicable federal, state and local laws, rules, regulations and policies.
- C. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a communications franchise.
- D. Any transfer or assignment of a communications franchise, system or integral part of a system without prior approval of the City under this Section or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise.

[Section 41 is amended and renumbered to section 38 by Ord. No. 486, passed February 12, 2001; Section 38 is amended and renumbered to Section 40 by Ord. No. 635 passed February 23, 2015]

Section 41. Revocation or Termination of Franchise: A franchise to use or occupy public rights of way of the City may be revoked for the following reasons:

- A. Construction or operation in the City or in the public rights of way of the City without a construction permit.
- B. Construction or operation at an unauthorized location.
- C. Failure to comply with Section 40 herein with respect to sale, transfer or assignment of a communications system or franchise.
- D. Misrepresentation by or on behalf of a grantee in any application to the City.
- E. Abandonment of communications facilities in the public rights of way, unless the City has authorized abandonment in place pursuant to subsection 27.B.
- F. Failure to relocate or remove facilities as required in this Ordinance.
- G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Ordinance.
- H. Insolvency or bankruptcy of the grantee as determined by authority of a court.
- I. Violation of any material provisions of this Ordinance
- J. Violation of ~~the~~any material terms of a franchise agreement.

[Section 42 is amended and renumbered to Section 39 by Ord. No. 486, passed February 12, 2001; Section 39 is amended and renumbered to Section 41 by Ord. No. 635 passed February 23, 2015]

Section 42. Notice and Duty to Cure. In the event that the City believes that grounds exist for revocation of a franchise, the City shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding 30 days, to furnish evidence that:

- A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. Rebuts the alleged violation or noncompliance; and/or
- C. It would be in the public interest to impose some penalty or sanction less than revocation.

[Section 43 is renumbered to Section 40 by Ord. No. 486, passed February 12, 2001; Section 40 is renumbered to 42 by Ord. No. 635 passed February 23, 2015]

Section 43. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the City as provided in Section 42 hereof, the City Administrator may refer the apparent violation or non-compliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter. [Section 44 is renumbered to Section 41, passed February 12, 2001; Section 41 is amended and renumbered to 43 by Ord. No. 635 passed February 23, 2015]

Section 44. Standards for Revocation or Lesser Sanctions: If persuaded that the grantee has violated or failed to comply with material provisions of this Ordinance, or of a franchise agreement, the ~~city~~ City council Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, including but not limited to assessment of penalties pursuant to Section 58, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors. Whether:

1. The misconduct was egregious.
2. Substantial harm resulted.
3. The violation was intentional.
4. There is a history of prior violations of the same or other requirements.
5. There is a history of overall compliance.
6. The violation was voluntarily disclosed, admitted or cured.

[Section 45 is amended and renumbered to Section 42 by Ord. No. 486, passed February 12, 2001; Section 42 is amended and renumbered to 44 by Ord. No. 635 passed February 23, 2015]

Section 45. Other City Costs: All grantees shall, within 30 days after written demand therefore, reimburse the City for all reasonable direct and indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with

applicable state and federal laws. [New Section 45 added by Ord. No. 635 passed February 23, 2015]

GENERAL FRANCHISE TERMS

Section 46. Facilities: Upon request, each grantee shall provide the City with an accurate map or maps certifying the location of all communications facilities within the public rights of way. This map or maps shall be in a format acceptable to the City. [Section 46 is repealed and replaced by Section 47 which is amended and renumbered to Section 43 by Ord. No. 486, passed February 12, 2001; Section 43 is amended and renumbered to 46 by Ord. No. 635 passed February 23, 2015]

Section 47. Damage to Grantee's Facilities: Unless directly and proximately caused by negligent, careless, wrongful, willful, intentional or malicious acts by the City, and consistent with Oregon law, the City shall not be liable for any damage to or loss of any communications facility within the public rights of way of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights of way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom. [New Section 47 added by Ord. No. 635 February 23, 2015]

Section 48. Duty to Provide Information:

- A. Except in emergencies, within 60 days of a written request from the City, each grantee shall furnish the City with the following:
 - 1. Information sufficient to demonstrate that grantee has complied with all requirements of this Ordinance, including but not limited to the franchise fee payments required by Section 36 and any franchise agreement.
 - 2. All books, records, maps, and other documents, maintained by the grantee with respect to its facilities within the public rights of way shall be made available for inspection by the City at reasonable times and intervals.
- B. Such information, books, records and other documents shall be furnished at a mutually agreed upon location within the City unless the City agrees in writing to a location outside the City.
- C. If the City's audit or review of the books, records and other documents or information of the grantee demonstrate that grantee has underpaid the franchise fee by 3% or more in any one year, grantee shall reimburse the City for the cost of the audit or review, in addition to any interest owed pursuant to Section 36 of this Ordinance or as specified in a franchise. Any underpayment, including any interest or audit cost reimbursement, shall be paid within 30 days of the City's notice to grantee of such underpayment.

[Section 48 is repealed and replaced by Section 49 which is amended and renumbered to Section 44 by Ord. No. 486, passed February 12, 2001; Section 44 is amended and renumbered to 48 by Ord. No. 635 passed February 23, 2015]

Section 49. Service to the City: If the City contracts for the use of communication facilities, communication services, installation, or maintenance from the grantee, the

grantee shall offer the City the grantee's most favorable rate available at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the City's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the City and grantee. [New Section 49 added by Ord. No. 635 passed February 23, 2015]

Section 50. Compensation for City Property: If any right is granted, by lease, franchise or other manner, to use and occupy city property for the installation of communications facilities, the compensation to be paid for such right and use shall be fixed by the City. For purposes of this Section 50 only, "communications facilities" shall mean the plant and equipment, other than customer premises equipment, used by a communications provider.

[Section 50 is repealed and replaced by Section 51 and renumbered to Section 45 by Ord. No. 486, passed February 12, 2001; Section 45 amended and renumbered to Section 50 by Ord. No. 635 passed February 23, 2015]

Section 51. Multiple Services:

- A. A communications provider that provides or transmits or allows the provision or transmission of communications services and non-communications services over its communications facilities is subject to the requirements of this Ordinance for the portion of the communications facilities and extent of communications services delivered over those communications facilities.
- B. A communications provider that provides or transmits more than one communications service to customers in the City shall pay the applicable right of way use fee pursuant to Section 36.B for each communications service, provided that a communications provider shall not be required to pay a right of way use fee for communications services for which it is paying a franchise fee pursuant to Section 36.A. Unless otherwise required by law, a communications provider is not required to have a franchise for each communications service it provides using its communications facilities so long as it pays the applicable franchise fee and, if applicable, right of way use fee for each communications service.
- C. Communication providers providing cable service shall also be subject to the cable franchise requirements of the Cable Act and any applicable ~~in~~ City cable franchise ordinances.

[Section 52 is renumbered to Section 46 by Ord. No. 486, passed February 12, 2001; Section 46 replaced and renumbered to Section 51 by Ord. No. 635 passed February 23, 2015]

Section 52. Leased Capacity: A grantee shall have the right, without prior City approval, to offer or provide capacity or bandwidth to its customers, provided that the grantee shall notify the City that such lease or agreement has been granted to a customer or lessee. [Section 53 is amended and renumbered to Section 47 by Ord. No. 486, passed February 12, 2001; Section 47 is amended and renumbered to

Section 52 by Ord. No. 635 passed February 23, 2015]

Section 53. Grantee Insurance: Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the Grantee and the City, and its elected and appointed officers, officials, agents and employees as additional insured:

- A. Comprehensive general liability insurance with limits not less than
 1. \$3,000,000 for bodily injury or death to each person;
 2. \$3,000,000 for property damage resulting from any one accident; and,
 3. \$3,000,000 for all other types of liability.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$1,000,000 for each person and \$3,000,000 for each accident.
- C. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than \$1,000,000.
- D. Comprehensive ~~from form~~ premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.

E. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon.

E.F. The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the communications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its communications facilities. Each such insurance policy shall contain the following endorsement or other endorsement agreed to in writing by the City:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the City, by registered mail, of a written notice addressed to the City Administrator of such intent to cancel or not to renew."

F.G. Each grantee shall maintain continuous uninterrupted coverage in the terms and amounts required by this Section. If the insurance is canceled or materially altered, the grantee shall obtain a replacement policy that complies with the terms of this Section and provide the City with a replacement certificate of insurance.

G.H. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the City.

[Section 54 is amended and renumbered to Section 48 by Ord. No. 486, passed February 12, 2001; Section 48 amended and renumbered to Section 53 by Ord. No. 635 passed February 23, 2015]

GENERAL PROVISIONS

Section 54. Governing Law. Any franchise granted under this Ordinance is subject to the provisions of the Constitution and laws of the United States, and the

State of Oregon and the ordinances and Charter of the City. [Section 56 is repealed and replaced with Section 57 and renumbered to Section 50 by Ord. No. 486, passed February 12, 2001; Section 49 text deleted, Section 50 renumbered to section 54 by Ord. No. 635 passed February 23, 2015]

Section 55. Written Agreement: No franchise shall be granted hereunder except by a writing duly executed by the franchisee-grantee and the City. [Section 58 is renumbered to Section 51 by Ord. No. 486, passed February 12, 2001; Section 51 is amended and renumbered to Section 55 by Ord. No. 635 passed February 23, 2015]

Section 56. Nonexclusive Grant: No franchise granted under this Ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights of way of the City for delivery of communications services or any other purposes. [Section 59 is renumbered to section 52 by Ord. No. 486, passed February 12, 2001; Section 52 is amended and renumbered to Section 56 by Ord. No. 635 passed February 23, 2015]

Section 57. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or state law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City. [Section 60 is renumbered to Section 53 by Ord. No. 486, passed February 12, 2001; Section 53 is renumbered to Section 57 by Ord. No. 635 passed February 23, 2015]

Section 58. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this Ordinance shall be fined not less than \$1,000.00 nor more than \$45,000.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. It is the responsibility of the city attorney to cause a person cited under this ordinance to appear before the municipal court judge for determination of appropriate action and/or fine. [Section 61 is renumbered to Section 54 by Ord. No. 486, passed February 12, 2001; Section 54 is renumbered to Section 58 by Ord. No. 635 passed February 23, 2015]

Section 59. Other Remedies. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. [Section 62 is renumbered to Section 55 by Ord. No. 486, passed February 12, 2001; Section 55 is renumbered to Section 59 by Ord. No. 635 passed February 23, 2015]

Section 60. Captions. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance. [Section 63 is renumbered to Section 56 by Ord. No. 486, passed February 12, 2001; Section 56 is renumbered to Section 60 by Ord. No. 635 passed February 23, 2015]

Section 61. Compliance with Laws: Any grantee under this Ordinance shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the City heretofore or hereafter adopted or established during the entire term of any franchise granted under this Ordinance, which are relevant and relate to the construction, maintenance and operation of a communications system and/or the provision of communications services. [Section 64 is renumbered to Section 57 by Ord. No. 486, passed February 12, 2001; Section 57 is renumbered to Section 61 by Ord. No. 635 passed February 23, 2015]

Section 62. Consent. Wherever the consent of either the City or of the grantee is specifically required by this Ordinance or in a franchise granted pursuant to this Ordinance, such consent will not be unreasonably withheld. [Section 65 is renumbered to Section 58 by Ord. No. 486, passed February 12, 2001; Section 58 is renumbered to 62 by Ord. No. 635 passed February 23, 2015]

Section 63. Application to Existing Ordinance and Agreements: To the extent that this Ordinance is not in conflict with and can be implemented with existing ordinance and franchise agreements, this Ordinance shall apply to all existing ordinance and franchise agreements for use of the public right of way for communications services. [Section 66 is renumbered to Section 59 by Ord. No. 486, passed February 12, 2001; Section 59 is amended and renumbered to 63 by Ord. No. 635 passed February 23, 2015]

Section 64. Confidentiality: The City agrees to use its best efforts to preserve the confidentiality of information as requested by a grantee, to the extent permitted by the Oregon Public Records Law; provided that documents are clearly marked as confidential by the grantee at the time of disclosure to the City. The City shall not be required to incur any costs to protect the confidentiality of such document, other than the City's routine internal procedures for complying with the Oregon Public Records Law. [Section 67 is renumbered to Section 60 by Ord. No. 486, passed February 12, 2001; Section 60 is amended and renumbered to 64 by Ord. No. 635 passed February 23, 2015]

~~**Section 65. Effective Date.** This ordinance shall take effect on the thirtieth day after its enactment. [Section 68 is renumbered to Section 61 by Ord. No. 486, passed February 12, 2001; Section 61 is renumbered to Section 65 by Ord. No. 635 passed February 23, 2015]~~

PASSED by the council October 11, 1999 and signed by the mayor October 14, 1999.

**CITY OF AUMSVILLE
ORDINANCE 717**

**AN ORDINANCE UPDATING ORDINANCE 460 RELATING TO
COMMUNICATIONS INFRASTRUCTURE**

WHEREAS, on October 11, 1999, the City passed Ordinance No. 460, the “Communications Ordinance,” establishing the City’s jurisdiction over and regulatory management of the use of the rights of way within the City by communications providers; and

WHEREAS, on February 23, 2015, the City amended the Communications Ordinance through Ordinance No. 635; and

WHEREAS, Council finds it is in the public interest to further amend the Communications Ordinance to ensure it continues to reflect the City’s intent with respect to use of the rights of way by communications providers and that it remains consistent with applicable law; and

NOW THEREFORE, the City of Aumsville ordains as follows:

Section 1: Ordinance No. 460, as amended by Ordinance No. 635, is further amended as shown in Exhibit A.

Section 2: This ordinance shall take effect on the thirtieth day after its enactment.

Read first on the 26th day of June, 2023. READ a second time on the 26th day of June, 2023. ADOPTED AND PASSED by the Aumsville City Council on the 26th day of June, 2023.

Angelica Ceja, Mayor

Attest: _____
Ron Harding, City Administrator

EXHIBIT A

ORDINANCE NO. 460

A MASTER COMMUNICATIONS INFRASTRUCTURE ORDINANCE

The City of Aumsville ordains as follows:

Section 1. Short Title: This Ordinance may be referred to as the “Communications Ordinance”.

[Section 1 amended by Ord. No. 635 passed February 23, 2015]

Section 2. Jurisdiction and Management of the Public Rights of Way:

- A. The City has jurisdiction and exercises regulatory management over all public rights of way within the City under authority of the City charter and state law.
- B. The City has jurisdiction and exercises regulatory management over each public right of way whether the City has a fee, easement, or other legal interest in the right of way. The City has jurisdiction and regulatory management of each right of way whether the legal interest in the right of way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.
- C. No person may occupy or encroach on a public right of way without the permission of the City. The City grants permission to use rights of way by franchises and permits.
- D. The exercise of jurisdiction and regulatory management of a public right of way by the City is not official acceptance of the right of way and does not obligate the City to maintain or repair any part of the right of way.
- E. The City retains the right and privilege to cut or move any communications facilities located within the public rights of way of the City, as the City may determine to be necessary, appropriate, or useful in response to a public health or safety emergency.

[Section 2 amended by Ord. No. 635 passed February 23, 2015]

Section 3. Regulatory Fees and Compensation Not a Tax:

- A. The fees and costs provided for in this Ordinance, and any compensation charged and paid for use of the public rights of way provided for in this Ordinance, are separate from, and in addition to, any and all federal, state, local, and City charges as may be levied, imposed, or due from a communications provider, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of communications services.
- B. The City has determined that any fee provided for by this Ordinance is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners.
- C. The fees and costs provided for in this Ordinance are subject to applicable federal and state laws.

[Section 3 amended by Ord. No. 635 passed February 23, 2015]

DEFINITIONS

Section 4. Definitions: For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Act, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act. If not defined there, the words shall be given their common and ordinary meaning.

Cable Act shall mean the Cable Communications Policy Act of 1984, 47 U.S.C. § 521, et seq.

Cable Service is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

City means the City of Aumsville, an Oregon municipal corporation, and individuals authorized to act on the City's behalf.

City Council means the elected governing body of the City of Aumsville, Oregon.

Control means actual working control in whatever manner exercised.

City Property means and includes all real property owned by the City, other than public rights of way and utility easements as those are defined herein, and all property held in a proprietary capacity by the City, which are not subject to right of way franchising as provided in this Ordinance.

Communications Facilities means the plant and equipment, including but not limited to the poles, conduits, ducts, cable, antennas, and wires, located or to be located within, under or above the rights of way and used or to be used by a communications provider to provide communications service. "Communications Facilities" includes wireline and wireless facilities.

Communications Provider means any provider of communications services and includes, but is not limited to, every person that directly or indirectly owns, controls, operates or manages communications facilities within the City.

Communications Service means any service provided using communications facilities for the purpose of transmission of information including, but not limited to: voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself.

Communications service includes all forms of telephone services and voice, video, data, or information transport, but does not include: (1) open video system service, as defined in 47 C.F.R. 76; (2) private communications network services provided without using the public rights of way; (3) over-the-air radio or television broadcasting to successor thereto; and (4) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

Communications System – see “Communications facilities” above.

Conduit means any structure, or portion thereof, containing one or more ducts, conduits, manholes, hand holes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right of way, owned or controlled, in whole or in part, by one or more public utilities or communications provider.

Construction means any activity in the public rights of way resulting in physical change thereto, including excavation or placement of structures.

Days means calendar days unless otherwise specified.

Duct means a single enclosed raceway for conductors or cable.

Federal Communications Commission or FCC means the federal administrative agency, or its lawful successor, authorized to regulate and oversee communications carriers, services and providers on a national level.

Franchise means an agreement between the City and a grantee which grants a privilege to use public right of way and utility easements within the City for a dedicated purpose and for specific compensation.

Grantee means the person to which a franchise is granted by the City.

Oregon Public Utilities Commission or PUC means the statutorily created state agency in the State of Oregon responsible for licensing and regulation of certain communications as set forth in Oregon Law, or its lawful successor.

Overhead Facilities means utility poles, utility facilities and communications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

Person means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

Private Communications Network means a system, including the construction, maintenance, or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not

for resale, directly or indirectly. "Private communications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

Public Rights of Way or Right of Way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or other City property not generally open to the public for travel. This definition applies only to the extent of the City's right, title, interest, or authority to grant a franchise to occupy and use such areas for communications facilities. "Public rights of way" shall also include utility easements as defined below.

State means the State of Oregon.

Telecommunications Act means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq.).

Underground Facilities means utility and communications facilities located under the surface of the ground, excluding the underground foundations or supports for "Overhead facilities."

Utility Easement means any easement granted to or owned by the City and acquired, established, dedicated, or devoted for public utility purposes. "Utility easement" does not include any easement dedicated solely for City facilities or where the proposed use by the communications provider is inconsistent with the terms and conditions of any easement granted to the City.

Utility Facilities means the plant, equipment, and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right of way of the City and used or to be used for the purpose of providing utility or communications services.

[Section 4 amended by Ord. No. 635 passed February 23, 2015]

REGISTRATION OF COMMUNICATIONS CARRIERS

Section 5. Purpose. The purpose of registration is:

- A. To assure that all communications facilities and/or communications providers that provide services within the City comply with the ordinances, rules and regulations of the City.
- B. To provide the City with accurate and current information concerning communications providers who offer to provide communications services within the City, or that own or operate communications facilities within the City.
- C. To assist the City in the enforcement of this Ordinance and the collection of any city franchise fees or charges that may be due the City.

[Section 5 amended by Ord. No. 486 passed February 12, 2001; amended by Ord. No. 635 passed February 23, 2015]

Section 6. Registration Required:

- A. Except as provided in Section 8 hereof, all communications providers having communications facilities within the corporate limits of the City and all communications providers that offer or provide communication services to any customer within the City, shall register within 45 days of the effective date of this Ordinance. Any communications provider that desires to have communications facilities within the corporate limits of the City or to provide communications services to any customer within the City after the effective date of this Ordinance shall register prior to such installation or provision of service.
- B. The appropriate application and license from: a) the Oregon Public Utility Commission (PUC); or b) the Federal Communications Commission (FCC) qualifies as necessary registration information. To the extent not included in the application and license materials submitted pursuant to this subsection 6.B, applicants also shall provide the following information:
 - 1. The identity and legal status of the registrant, including the name address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
 - 2. The name, address, and telephone number of the duly authorized officer, agent, or employee to be contacted in case of an emergency.
 - 3. A description of the registrant's existing or proposed communications facilities within the City, a description of the communications facilities that the registrant intends to construct, and a description of the communications services that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the City.
 - 4. Information sufficient to determine whether the transmission, origination, or receipt of the communications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to the City's business license requirements. A copy of the business license must be provided.

[Section 6 amended by Ord. No. 486, passed February 12, 2001; amended by Ord. No. 635 passed February 23, 2015]

Section 7. Registration Application Fee:

- A. Every communications provider shall pay a registration fee in an amount to be determined by resolution of the City Council sufficient to fully recover all of the City's costs of administering the registration program.
- B. The registration fee required by this Section shall be subject to all applicable limitations imposed by federal or state law.

[Section 7 repealed and replaced with Section 8 by Ord. No. 486, passed February 12, 2001; Renumbered to Section 8 and New Section 7 added by Ord. No.635 passed February 23, 2015]

Section 8. Exceptions to Registration: The following communications providers are excepted from registration:

- A. Communications facilities that are owned and operated exclusively for its own use by the State or a political subdivision of this State.
- B. A private communications network, provided that such network does not occupy any public rights of way of the City.

[Former Section 7 renumbered to Section 8 and amended by Ordinance No. 635 passed February 23, 2015]

Section 9. General. No person shall commence or continue with the construction, installation or operation of communications facilities within a public right of way except as provided in Sections 10 through 28, and with all applicable codes, rules, and regulations.

[Section 9 renumbered to Section 8 by Ord. No. 486, passed February 12, 2001; Section 8 renumbered to Section 9 and amended by Ord. No. 635 February 23, 2015]

Section 10. Construction Codes. Communications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

[Section 10 renumbered to Section 9 by Ord. No. 486, passed February 12, 2001; Section 9 renumbered to Section 10 and amended by Ord. No. 635 February 23, 2015]

Section 11. Construction Permits. Except in an emergency, no person shall construct or install any communications facilities within a public right of way without first obtaining a construction permit, and paying the construction permit fee established in Section 15 of this Ordinance. No permit shall be issued for the construction or installation of communications facilities within a public right of way:

- A. Unless the communications provider has first filed a registration statement with the City pursuant to Sections 5 through 8 of this Ordinance; and,
- B. Unless the owner of the communications facilities has first applied for and received a franchise pursuant to this Ordinance.

In the event of an emergency, a grantee or its contractor may perform work on its communications facilities without first obtaining a permit from the City; provided that, to the extent reasonably feasible, it attempts to notify the City prior to commencing the emergency work and in any event applies for a permit from the City and pays the permit fee as soon as reasonable practicable, but not more than 48 hours after commencing the emergency work. As used in this Section 11, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning communications facilities is necessary to restore lost service or prevent immediate harm to persons or property.

[Section 11 amended and renumbered to Section 10 by Ord. No. 486, passed February 12, 2001; Section 10 renumbered to Section 11 and amended by Ord. No. 635 February 23, 2015]

Section 12. Permit Applications. Applications for permits to construct communications facilities shall be submitted upon forms to be provided by the City and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

- A. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.
- B. That the facilities will be constructed in accordance with the franchise agreement.
- C. The location and route of all facilities to be installed using overhead facilities including on existing utility poles.
- D. The location and route of all new underground facilities on or in the public rights of way, including the line and grade proposed for the burial at all points along the route which are within the public rights of way. Applicant's existing facilities shall be differentiated on the plans from new construction. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right of way.
- E. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights of way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
- F. Permit applications are not required for 1) Customer service connections/drops, repairs or maintenance that does not require cutting or breaking of the roadway, curb or sidewalk, and 2) Routine maintenance or repair of Equipment, and the installation of new replacement cables or wires on existing overhead facilities, when the installation, maintenance or repair will not impact vehicular traffic by closing or blocking a lane of vehicular travel for more than 2 hours.

[Section 12 amended and renumbered to Section 11 by Ord. No. 486, passed February 12, 2001; Section 11 renumbered to Section 12 and amended by Ord. No. 635 February 23, 2015]

Section 13. Applicant's Verification: All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.

[New Section 13 added by Ord. No. 635 passed February 23, 2015]

Section 14. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the public works director. [Section 13 repealed and replaced with Section 14 which was amended and renumbered to Section 12 by Ord. No. 486, passed February 12, 2001; Section 12

renumbered to Section 14 and amended by Ord. No. 635 February 23, 2015]

Section 15. Construction Permit Fee. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount set forth by the City of Aumsville. Such fees shall be designed to defray the costs of city administration of the requirements of this ordinance. [Section 15 amended and renumbered to Section 13 by Ord. No 486, passed February 12, 2001; Section 13 amended and renumbered to Section 15 by Ord. No. 635 passed February 23, 2015]

Section 16. Issuance of Permit. If satisfied that the applications, plans, and documents submitted comply with all requirements of this Ordinance and the franchise agreement, city hall shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate. [Section 16 is renumbered to Section 14 by Ord. No. 486, passed February 12, 2001; Section 14 amended and renumbered to Section 16 by Ord. No. 635 passed February 23, 2015]

Section 17. Notice of Construction. Except in the case of an emergency as defined in Section 11, the permittee shall notify the public works director not less than two working days in advance of any excavation or construction in the public rights of way. [Section 17 is renumbered to Section 15 by Ord. No. 486, passed February 12, 2001; Section 15 renumbered to Section 17 by Ord. No. 635 passed February 23, 2015]

Section 18. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The public works director and/or their representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements. [Section 18 is renumbered to Section 16 by Ord. No. 486, passed February 12, 2001; Section 16 renumbered to Section 18 by Ord. No. 635 passed February 23, 2015]

Section 19. Noncomplying Work. Subject to the notice requirements in Section 27, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Ordinance, shall be removed and/or repaired at the sole expense of the permittee. The City is authorized to stop work in order to ensure compliance with the provision of this Ordinance. [Section 19 is amended and renumbered to Section 17 by Ord. No. 486, passed February 12, 2001; Section No. 17 amended and renumber to Section No. 19 by Ord. No. 635 passed February 23, 2015]

Section 20. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the public rights of way and other public and private property. All construction work within the public rights of way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official as contemplated by Section 14. [Section 20 is amended and renumbered to Section 18 by Ord. No. 486, passed February 12, 2001; Section No. 18 amended and renumber to Section No. 20 by

Ord. No. 635 passed February 23, 2015]

Section 21. As-Built Drawings. If requested by the City for a necessary public purpose, as determined by the City, the permittee shall furnish the City with up to 2 complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all communications facilities constructed pursuant to the permit. These plans shall be submitted to the City Engineer or designee within 60 days after completion of construction, in a format acceptable to the City.

[Section 21 is amended and renumbered to Section 19 by Ord. No. 486, passed February 12, 2001; Section No. 19 amended and renumber to Section No. 21 by Ord. No. 635 passed February 23, 2015]

Section 22. Restoration of Public Rights of Way and City Property.

- A. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights of way or City property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to the condition that existed prior to construction.
- B. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore the affected rights of way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the City.
- C. If the permittee fails to restore rights of way or property to the condition of the property that existed prior to construction, the City shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding 30 days to restore the rights of way or property. If, after said notice, the permittee fails to restore the rights of way or property to as good a condition as existed before the work was undertaken, the City shall cause such restoration to be made at the expense of the permittee. The City will allow additional time for restoration of rights of way in case of acts of God or other unforeseen circumstances not within the permittee's control.
- D. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares, and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights of way or property.

[Section 22 is amended and renumbered to Section 20 by Ord. No. 486, passed February 12, 2001; Section No. 20 amended and renumber to Section No. 22 by Ord. No. 635 passed February 23, 2015]

Section 23. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other surety acceptable to the City, equal to at least 100% of the estimated cost of construction of permittee's communication facilities within the public rights of way of the City, shall be provided before construction is commenced.

- A. The surety shall remain in force until 60 days after substantial completion of the work, as determined in writing by the City, including restoration of public rights of way and other property affected by the construction.
- B. The surety shall guarantee, to the satisfaction of the City:
 - 1. Timely completion of construction;
 - 2. Construction in compliance with applicable plans, permits, technical codes and standards;
 - 3. Proper location of the facilities as specified by the City;
 - 4. Restoration of the public rights of way and other property affected by the construction; and
 - 5. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

[Section 23 amended and renumbered to section 21 by Ord. No. 486, passed February 12, 2001; Section No. 21 amended and renumber to Section No. 23 by Ord. No. 635 passed February 23, 2015]

LOCATION OF TELECOMMUNICATIONS FACILITIES

Section 24. Location of Facilities. All communications facilities located within the public right of way shall be constructed, installed, and located in accordance with the terms of the permit and approved final plans and specifications for the facilities, the franchise, and all applicable City codes, rules and regulations. Unless otherwise specified in a franchise agreement, whenever any existing electric utilities or communications facilities are located underground within a public right of way of the City, a grantee occupying the same public right of way must also locate its new communications facilities underground at its own expense.

[Section 24 amended and renumbered to Section 22 by Ord. No. 486, passed February 12, 2001; Section No. 22 amended and renumber to Section No. 24 by Ord. No. 635 passed February 23, 2015]

Section 25. Interference with the Public Rights of Way. No grantee may locate or maintain its communications facilities so as to unreasonably interfere with the use of the public rights of way by the City, by the general public or by other persons authorized to use or be present in or upon the public rights of way. All use of public rights of way shall be consistent with City codes, ordinances and regulations.

[Section 25 is renumbered to Section 23 by Ord. No. 486, passed February 12, 2001; Section No. 23 amended and renumber to Section No. 25 by Ord. No. 635 passed February 23, 2015]

Section 26. Relocation or Removal of Facilities.

- A. The City shall have the right to require, when in the public interest, the temporary or permanent removal or relocation of any communications facilities within the public rights of way, including relocating overhead facilities underground).
- B. Nothing in this Section 26 shall be deemed to preclude grantee from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that grantee shall timely comply with the requirements of this Section 26 regardless of whether

- or not it has requested or received such reimbursement or compensation.
- C. The City shall provide written notice of the time by which grantee must remove, relocate, change, alter or underground its facilities. If grantee fails to remove, relocate, alter or underground any facility as requested by the City and by the date established by the City, grantee shall pay all costs incurred by the City due to such failure, including but not limited to costs related to project delays, and the City may cause the facility to be removed, relocated, altered or undergrounded at grantee's sole expense using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations. Upon receipt of a detailed invoice from the City, grantee shall reimburse the City for the costs the City incurred within 30 days.
- [Section 26 amended and renumbered to Section 24 by Ord. No. 486, passed February 12, 2001; Section No. 24 amended and renumber to Section No. 26 by Ord. No. 635 passed February 23, 2015]

Section 27. Removal of Unauthorized Facilities. Within 30 days following written notice from the City, any grantee, communications provider, or other person that owns, controls, or maintains any unauthorized communications system, facility, or related appurtenances within the public rights of way of the City shall, at its own expense, remove such facilities and/or appurtenances from the public rights of way of the City. A communications system or facility is unauthorized and subject to removal in any of the following circumstances:

- A. One year after the expiration or termination of the grantee's communications franchise, unless the City has provided written authorization for abandonment in place.
- B. Upon abandonment of a facility within the public rights of way of the City. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of 90 days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced. The City shall make a reasonable attempt to contact the communications provider before concluding that a facility is abandoned. A facility may be abandoned in place and not removed if authorized in writing by the City and there is no apparent risk to the public safety, health, or welfare.
- C. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.
- D. If the system or facility was constructed or installed at a location not permitted by the grantee's communications franchise or other legally sufficient permit.

[Section 27 amended and renumbered to Section 25 by Ord. No. 486, passed February 12, 2001; Section No. 25 amended and renumber to Section No. 27 by Ord. No. 635 passed February 23, 2015]

Section 28. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the City.

- A. By January 1 of each year, grantees shall provide the City with a schedule of their known proposed construction activities in, around or that may

affect the public rights of way.

- B. If requested by the City, each grantee shall meet with the City annually or as determined by the City, to schedule and coordinate construction in the public rights of way. At that time, City will provide available information on plans for local, state, and/or federal construction projects.
- C. All construction locations, activities and schedules shall be coordinated, as ordered by the public works director or designee, to minimize public inconvenience, disruption, or damages.

[Section 28 amended and renumbered to Section 26 by Ord. No. 486, passed February 12, 2001; Section No. 26 renumber to Section No. 28 by Ord. No. 635 passed February 23, 2015]

Section 29. Communications Franchise.

- A. A communications franchise shall be required of any communications provider who desires to occupy public rights of way of the City, provided that a cable operator, as defined in the Cable Act, shall be required to obtain a cable franchise consistent with the Cable Act. The provisions of this Ordinance shall apply to all cable franchises except to the extent expressly preempted by applicable law or otherwise expressly provided in the cable franchise.
- B. Any person whose communications facilities occupy the public rights of way without a valid franchise agreement from the City must comply with the provisions of this Ordinance, including payment of the franchise fee pursuant to Section 36.

[Section 29 is renumbered to Section 27 by Ord. No. 486, passed February 12, 2001; Section 27 amended and renumbered to Section 29 by Ord. No. 635 passed February 23, 2015]

Section 30. Application.

- A. Any person that desires a communications franchise must register as a communications provider, and shall file an application with city hall; which includes the following information:
 - 1. The identity of the applicant.
 - 2. A description of the communications services that are to be offered or provided by the applicant over its communications facilities.
 - 3. Engineering plans, specifications, and a network map in a form customarily used by the applicant, and if required by the City, in a specific computerized format, of the facilities located or to be located within the public rights of way in the City, including the location and route requested for applicant's proposed communications facilities.
 - 4. The area or areas of the City the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.
 - 5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the communications services proposed.
 - 6. An accurate map showing the location of any existing communications facilities in the City that applicant intends to use or lease.

- B. Any communications provider that occupies public rights of way of the City without a franchise as of the effective date of this Ordinance shall file an application pursuant to this Section within 45 days of the effective date of this Ordinance. Any communications provider that desires to occupy the public rights of way of the City after the effective date of this Ordinance shall register prior to installation of any communications facilities in the public rights of way. [Section 30 amended and renumbered to Section 28 by Ord. No. 486, passed February 12, 2001; Section 28 amended and renumbered to Section 30 by Ord. No. 635 passed February 23, 2015]

Section 31. Application and Review Fee:

- A. Subject to applicable state law, applicant shall reimburse the City for such reasonable costs as the City incurs in entering into the franchise agreement.
- B. An application and review fee to be determined by resolution of the City Council shall be deposited with the City as part of the application filed pursuant to Section 30 above. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.

[New Section 31 added by Ord. No. 635 passed February 23, 2015]

Section 32. Determination by the City. The City shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. The application shall be evaluated based upon the continuing capacity of the rights of way to accommodate the applicant's proposed facilities and the applicant's legal, technical, and financial ability to comply with the provisions of this Ordinance and applicable federal, state and local laws, rules, regulations and policies. [Section 31 is repealed and replaced by Section 32 and renumbered to Section 29 by Ord. No. 486, passed February 12, 2001; Section 29 amended and renumbered to Section 32 by Ord. No. 635 passed February 23, 2015]

Section 33. Rights Granted. No franchise granted pursuant to this Ordinance shall convey any right, title, or interest in the public rights of way, but shall be deemed a grant to use and occupy the public rights of way for the limited purposes and term, and upon the conditions stated in the franchise agreement. The authority granted by the franchise is limited to the authority to use the public rights of way for the provision of the communications services set forth in the franchise. Nothing in the franchise shall be construed to prevent the City from grading, paving, repairing and/or altering any public rights of way, constructing, laying down, repairing, relocating, or removing City facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any City facilities. If any of grantee's facilities interfere with the construction, repair, replacement, alteration, or removal of any public rights of way, public work, City utility, City improvement or City facility, except those providing communications services in competition with a grantee, grantee's facilities shall be removed or

relocated as provided in Section 26 and 27 of this Ordinance; in a manner acceptable to the City and consistent with industry standard engineering and safety codes. [Section 33 is renumbered to Section 30 by Ord. No. 486, passed February 12, 2001; Section 30 amended and renumbered to Section 33 by Ord. No. 635 passed February 23, 2015]

Section 34. Term of Grant. Unless otherwise specified in a franchise agreement, a communications franchise granted hereunder shall be in effect for a term of five years. [Section 34 is renumbered to Section 31 by Ord. No. 486, passed February 12, 2001; Section 31 renumbered to Section 34 by Ord. No. 635 passed February 23, 2015]

Section 35. Franchise Territory. Unless otherwise specified in a franchise agreement, a communications franchise granted hereunder shall require the franchise grantee to be capable of serving the entire city. [Section 35 is renumbered to Section 32 by Ord. No. 486, passed February 12, 2001; Section 32 amended and renumbered to Section 35 by Ord. No. 635 passed February 23, 2015]

Section 36. Franchise Fee.

- A. A communications franchise granted hereunder shall require the grantee to pay the franchise fee in an amount determined by resolution of the City Council.
- B. Every communications provider that uses the public rights of way in the City to provide communications services without a franchise expressly authorizing the provision of such communications services, whether or not the provider owns the communications facilities used to provide its services and whether or not the provider is required to obtain a franchise pursuant to Section 29 of this Ordinance, shall pay a right of way use fee in the amount determined by resolution of the City Council. The duty to provide information set forth in Section 48 of this Ordinance shall apply to information of communications providers subject to the right of way use fee in this subsection 36.B sufficient to demonstrate compliance with this subsection.
- C. Unless otherwise agreed to in writing by the City, the fee shall be paid within 30 days after the end of each calendar quarter. Each payment shall be accompanied by an accounting of gross revenues and a calculation of the amount payable. The communications provider shall pay interest at the rate of 9% per year for any payment made after the due date.
- D. The franchise fee required by this Section shall be subject to all applicable limitations imposed by federal or state law.

[Section 36 is amended and renumbered to Section 33 by Ord. No. 486, passed February 12, 2001; Section 33 amended and renumbered to Section 36 by Ord. No. 635 passed February 23, 2015]

Section 37. Amendment of Grant: Conditions for amending a franchise:

- A. A new application and grant shall be required of any communications provider that desires to extend or locate its communications facilities in public rights of way of the City, which are not included in a franchise previously granted

under this Ordinance.

- B. If ordered by the City to locate or relocate its communications facilities in public rights of way not included in a previously granted franchise, the City shall grant an amendment without further application.
- C. A new application and grant shall be required of any communications provider that desires to provide a service which was not included in a franchise previously granted under this Ordinance unless the service is an additional communications service provided over communications facilities authorized in the franchise, subject to subsection 51.B of this Ordinance.

[Section 37 is renumbered to Section 34 by Ord. No. 486, passed February 12, 2001; Section 34 amended and renumbered to Section 37 by Ord. No. 635 passed February 23, 2015]

Section 38. Renewal Applications: A grantee that desires to renew its franchise under this Ordinance shall, not less than 180 days before expiration of the current agreement, file an application with the City for renewal of its franchise which shall include, if requested by the city, new or updated information required pursuant to Section 30 of this Ordinance; and at the City's request, the grantee shall provide any information required pursuant to the franchise agreement between the City and the grantee. The application shall be evaluated based upon the continuing capacity of the rights of way to accommodate the applicant's proposed facilities and the applicant's legal, technical, and financial ability to comply with the provisions of this Ordinance; applicable federal, state and local laws; and all rules, regulations and policies pertaining thereto.

[Section 38 is amended and renumbered to Section 35 by Ord. No. 486, passed February 12, 2001; Section 35 amended and renumbered to Section 38 by Ord. No. 635 passed February 23, 2015]

Section 39. Obligation to Cure As a Condition of Renewal. No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this Ordinance, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City. [Section 39 is renumbered to Section 36 by Ord. No. 486, passed February 12, 2001; Section 36 and 37 amended and new Section 39 add by Ord. No. 635 passed February 23, 2015]

Section 40. Assignments or Transfers of System or Franchise: Unless otherwise provided in an existing franchise, ownership or control of a majority interest in a communications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonable withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.

- A. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
- B. No transfer shall be approved unless the City determines the assignee or

transferee has the legal, technical and financial ability to comply with the provisions of this Ordinance and applicable federal, state and local laws, rules, regulations and policies.

- C. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs, and expenses reasonably incurred by the City in considering a request to transfer or assign a communications franchise.
- D. Any transfer or assignment of a communications franchise, system or integral part of a system without prior approval of the City under this Section or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise.

[Section 41 is amended and renumbered to section 38 by Ord. No. 486, passed February 12, 2001; Section 38 is amended and renumbered to Section 40 by Ord. No. 635 passed February 23, 2015]

Section 41. Revocation or Termination of Franchise: A franchise to use or occupy public rights of way of the City may be revoked for the following reasons:

- A. Construction or operation in the City or in the public rights of way of the City without a construction permit.
- B. Construction or operation at an unauthorized location.
- C. Failure to comply with Section 40 herein with respect to sale, transfer or assignment of a communications system or franchise.
- D. Misrepresentation by or on behalf of a grantee in any application to the City.
- E. Abandonment of communications facilities in the public rights of way, unless the City has authorized abandonment in place pursuant to subsection 27.B.
- F. Failure to relocate or remove facilities as required in this Ordinance.
- G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Ordinance.
- H. Insolvency or bankruptcy of the grantee as determined by authority of a court.
- I. Violation of any material provision of this Ordinance
- J. Violation of any material terms of a franchise agreement.

[Section 42 is amended and renumbered to Section 39 by Ord. No. 486, passed February 12, 2001; Section 39 is amended and renumbered to Section 41 by Ord. No. 635 passed February 23, 2015]

Section 42. Notice and Duty to Cure. In the event that the City believes that grounds exist for revocation of a franchise, the City shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding 30 days, to furnish evidence that:

- A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. Rebuts the alleged violation or noncompliance; and/or
- C. It would be in the public interest to impose some penalty or sanction less than revocation.

[Section 43 is renumbered to Section 40 by Ord. No. 486, passed February 12,

2001; Section 40 is renumbered to 42 by Ord. No. 635 passed February 23, 2015]

Section 43. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the City as provided in Section 42 hereof, the City Administrator may refer the apparent violation or non-compliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter. [Section 44 is renumbered to Section 41, passed February 12, 2001; Section 41 is amended and renumbered to 43 by Ord. No. 635 passed February 23, 2015]

Section 44. Standards for Revocation or Lesser Sanctions: If persuaded that the grantee has violated or failed to comply with material provisions of this Ordinance, or of a franchise agreement, the City Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, including but not limited to assessment of penalties pursuant to Section 58, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors. Whether:

1. The misconduct was egregious.
2. Substantial harm resulted.
3. The violation was intentional.
4. There is a history of prior violations of the same or other requirements.
5. There is a history of overall compliance.
6. The violation was voluntarily disclosed, admitted, or cured.

[Section 45 is amended and renumbered to Section 42 by Ord. No. 486, passed February 12, 2001; Section 42 is amended and renumbered to 44 by Ord. No. 635 passed February 23, 2015]

Section 45. Other City Costs: All grantees shall, within 30 days after written demand, therefore, reimburse the City for all reasonable direct and indirect costs and expenses incurred by the City in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws. [New Section 45 added by Ord. No. 635 passed February 23, 2015]

GENERAL FRANCHISE TERMS

Section 46. Facilities: Upon request, each grantee shall provide the City with an accurate map or maps certifying the location of all communications facilities within the public rights of way. This map or maps shall be in a format acceptable to the City. [Section 46 is repealed and replaced by Section 47 which is amended and renumbered to Section 43 by Ord. No. 486, passed February 12, 2001; Section 43 is amended and renumbered to 46 by Ord. No. 635 passed February 23, 2015]

Section 47. Damage to Grantee's Facilities: Unless directly and proximately caused by negligent, careless, wrongful, willful, intentional or malicious acts by the City, and consistent with Oregon law, the City shall not be liable for any damage to or loss of any communications facility within the public rights of way of the City as a

result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights of way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom. [New Section 47 added by Ord. No. 635 February 23, 2015]

Section 48. Duty to Provide Information:

- A. Except in emergencies, within 60 days of a written request from the City, each grantee shall furnish the City with the following:
 - 1. Information sufficient to demonstrate that grantee has complied with all requirements of this Ordinance, including but not limited to the franchise fee payments required by Section 36 and any franchise agreement.
 - 2. All books, records, maps, and other documents maintained by the grantee with respect to its facilities within the public rights of way shall be made available for inspection by the City at reasonable times and intervals.
- B. Such information, books, records, and other documents shall be furnished at a mutually agreed upon location within the City unless the City agrees in writing to a location outside the City.
- C. If the City's audit or review of the books, records and other documents or information of the grantee demonstrate that grantee has underpaid the franchise fee by 3% or more in any one year, grantee shall reimburse the City for the cost of the audit or review, in addition to any interest owed pursuant to Section 36 of this Ordinance or as specified in a franchise. Any underpayment, including any interest or audit cost reimbursement, shall be paid within 30 days of the City's notice to grantee of such underpayment.

[Section 48 is repealed and replaced by Section 49 which is amended and renumbered to Section 44 by Ord. No. 486, passed February 12, 2001; Section 44 is amended and renumbered to 48 by Ord. No. 635 passed February 23, 2015]

Section 49. Service to the City: If the City contracts for the use of communication facilities, communication services, installation, or maintenance from the grantee, the grantee shall offer the City the grantee's most favorable rate available at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the City's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the City and grantee. [New Section 49 added by Ord. No. 635 passed February 23, 2015]

Section 50. Compensation for City Property: If any right is granted, by lease, franchise, or other manner, to use and occupy city property for the installation of communications facilities, the compensation to be paid for such right and use shall be fixed by the City. For purposes of this Section 50 only, "communications facilities" shall mean the plant and equipment, other than customer premises equipment, used by a communications provider.

[Section 50 is repealed and replaced by Section 51 and renumbered to Section 45 by Ord. No. 486, passed February 12, 2001; Section 45 amended and renumbered

to Section 50 by Ord. No. 635 passed February 23, 2015]

Section 51. Multiple Services:

- A. A communications provider that provides or transmits or allows the provision or transmission of communications services and non-communications services over its communications facilities is subject to the requirements of this Ordinance for the portion of the communications facilities and extent of communications services delivered over those communications facilities.
- B. A communications provider that provides or transmits more than one communications service to customers in the City shall pay the applicable right of way use fee pursuant to Section 36.B for each communications service, provided that a communications provider shall not be required to pay a right of way use fee for communications services for which it is paying a franchise fee pursuant to Section 36.A. Unless otherwise required by law, a communications provider is not required to have a franchise for each communications service it provides using its communications facilities so long as it pays the applicable franchise fee and, if applicable, right of way use fee for each communications service.
- C. Communication providers providing cable service shall also be subject to the cable franchise requirements of the Cable Act and any applicable City cable franchise ordinance.

[Section 52 is renumbered to Section 46 by Ord. No. 486, passed February 12, 2001; Section 46 replaced and renumbered to Section 51 by Ord. No. 635 passed February 23, 2015]

Section 52. Leased Capacity: A grantee shall have the right, without prior City approval, to offer or provide capacity or bandwidth to its customers, provided that the grantee shall notify the City that such lease or agreement has been granted to a customer or lessee. [Section 53 is amended and renumbered to Section 47 by Ord. No. 486, passed February 12, 2001; Section 47 is amended and renumbered to Section 52 by Ord. No. 635 passed February 23, 2015]

Section 53. Grantee Insurance: Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the grant, secure and maintain the following liability insurance policies insuring both the Grantee and the City, and its elected and appointed officers, officials, agents and employees as additional insured:

- A. Comprehensive general liability insurance with limits not less than
 1. \$3,000,000 for bodily injury or death to each person;
 2. \$3,000,000 for property damage resulting from any one accident; and,
 3. \$3,000,000 for all other types of liability.
- B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$1,000,000 for each person and \$3,000,000 for each accident.
- C. Worker's compensation within statutory limits and employer's liability

- insurance with limits of not less than \$1,000,000.
- D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than \$3,000,000.
 - E. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon.
 - F. The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the communications franchise, and such other period of time during which the grantee is operating without a franchise hereunder or is engaged in the removal of its communications facilities. Each such insurance policy shall contain the following endorsement or other endorsement agreed to in writing by the City:
"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until 30 days after receipt by the City, by registered mail, of a written notice addressed to the City Administrator of such intent to cancel or not to renew."
 - G. Each grantee shall maintain continuous uninterrupted coverage in the terms and amounts required by this Section. If the insurance is canceled or materially altered, the grantee shall obtain a replacement policy that complies with the terms of this Section and provide the City with a replacement certificate of insurance.
 - H. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the City.

[Section 54 is amended and renumbered to Section 48 by Ord. No. 486, passed February 12, 2001; Section 48 amended and renumbered to Section 53 by Ord. No. 635 passed February 23, 2015]

GENERAL PROVISIONS

Section 54. Governing Law. Any franchise granted under this Ordinance is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City. [Section 56 is repealed and replaced with Section 57 and renumbered to Section 50 by Ord. No. 486, passed February 12, 2001; Section 49 text deleted, Section 50 renumbered to section 54 by Ord. No. 635 passed February 23, 2015]

Section 55. Written Agreement: No franchise shall be granted hereunder except by a writing duly executed by the grantee and the City. [Section 58 is renumbered to Section 51 by Ord. No. 486, passed February 12, 2001; Section 51 is amended and renumbered to Section 55 by Ord. No. 635 passed February 23, 2015]

Section 56. Nonexclusive Grant: No franchise granted under this Ordinance shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights of way of the City for delivery of communications services or any other purposes. [Section 59 is renumbered to section 52 by Ord. No. 486, passed

February 12, 2001; Section 52 is amended and renumbered to Section 56 by Ord. No. 635 passed February 23, 2015]

Section 57. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or state law, rule, or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City. [Section 60 is renumbered to Section 53 by Ord. No. 486, passed February 12, 2001; Section 53 is renumbered to Section 57 by Ord. No. 635 passed February 23, 2015]

Section 58. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with any of the provisions of this Ordinance shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. It is the responsibility of the city attorney to cause a person cited under this ordinance to appear before the municipal court judge for determination of appropriate action and/or fine. [Section 61 is renumbered to Section 54 by Ord. No. 486, passed February 12, 2001; Section 54 is renumbered to Section 58 by Ord. No. 635 passed February 23, 2015]

Section 59. Other Remedies. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have at law or in equity, for enforcement of this Ordinance. [Section 62 is renumbered to Section 55 by Ord. No. 486, passed February 12, 2001; Section 55 is renumbered to Section 59 by Ord. No. 635 passed February 23, 2015]

Section 60. Captions. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance. [Section 63 is renumbered to Section 56 by Ord. No. 486, passed February 12, 2001; Section 56 is renumbered to Section 60 by Ord. No. 635 passed February 23, 2015]

Section 61. Compliance with Laws: Any grantee under this Ordinance shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the City heretofore or hereafter adopted or established during the entire term of any franchise granted under this Ordinance, which are relevant and relate to the construction, maintenance and operation of a communications system and/or the provision of communications services. [Section 64 is renumbered to Section 57 by Ord. No. 486, passed February 12, 2001; Section 57 is renumbered to Section 61 by Ord. No. 635 passed February 23, 2015]

Section 62. Consent. Wherever the consent of either the City or of the grantee is specifically required by this Ordinance or in a franchise granted pursuant to this Ordinance, such consent will not be unreasonably withheld. [Section 65 is renumbered to Section 58 by Ord. No. 486, passed February 12, 2001; Section 58 is renumbered to 62 by Ord. No. 635 passed February 23, 2015]

Section 63. Application to Existing Ordinance and Agreements: To the extent that this Ordinance is not in conflict with and can be implemented with existing ordinance and franchise agreements, this Ordinance shall apply to all existing ordinance and franchise agreements for use of the public right of way for communications services. [Section 66 is renumbered to Section 59 by Ord. No. 486, passed February 12, 2001; Section 59 is amended and renumbered to 63 by Ord. No. 635 passed February 23, 2015]

Section 64. Confidentiality: The City agrees to use its best efforts to preserve the confidentiality of information as requested by a grantee, to the extent permitted by the Oregon Public Records Law; provided that documents are clearly marked as confidential by the grantee at the time of disclosure to the City. The City shall not be required to incur any costs to protect the confidentiality of such document, other than the City's routine internal procedures for complying with the Oregon Public Records Law. [Section 67 is renumbered to Section 60 by Ord. No. 486, passed February 12, 2001; Section 60 is amended and renumbered to 64 by Ord. No. 635 passed February 23, 2015]

PASSED by the council October 11, 1999 and signed by the mayor October 14, 1999.



CITY OF AUMSVILLE
595 Main Street | Aumsville, Oregon 97325
(503) 749-2030 | www.aumsville.us

STAFF REPORT

DATE: June 26, 2023
TO: Aumsville City Council
FROM: City Administrator, Ron Harding
SUBJECT: Ziplly Fiber Franchise Agreement Renewal

RECOMMENDATION: Approve Ordinance 718 accepting the renewal agreement for ZIPLY FIBER NORTHWEST LLC telecommunications agreement.

BACKGROUND: City Staff, with the assistance of our franchise attorney Nancy Werner, have been working to bring both our Master Communications Franchise Ordinance and renewals agreements into compliance with changes in FCC regulations related to franchises within City rights-of-way.

Post COVID-19, federal regulations, funding and demand for certain levels of services expended in the community have changed not only the demand for some services but imposed restrictions on City limitations for those services.

The City has recently been approached by both franchise renewal requests and requests to establish new franchise agreements for community services.

CURRENT SITUATION: Ziplly Fiber representatives, City Staff and our franchise attorney have worked on amendments to the previous franchise agreement. Each party has agreed to the presented changes. Some significant changes include clearing up the language related to the services that this agreement covers and increases possible penalties should the company violates the agreement. The Master Franchise agreement was also changed to further link the two documents.

MOTION:

- I move to approve Ordinance 718 – An Ordinance Granting a Franchise for Telephone and Other Telecommunication Purposes to Ziplly Fiber Northwest LLC by the City of Aumsville on its first reading.
- I move to approve Ordinance 718 – An Ordinance Granting a Franchise for Telephone and Other Telecommunication Purposes to Ziplly Fiber Northwest LLC by the City of Aumsville on its second reading.

ORDINANCE NO. 718

AN ORDINANCE GRANTING A FRANCHISE FOR TELEPHONE AND OTHER TELECOMMUNICATION PURPOSES TO ZIPLY FIBER NORTHWEST LLC BY THE CITY OF AUMSVILLE

WHEREAS, Ziplly Fiber Northwest LLC is a regulated public utility that provides telephone and other telecommunication services to the citizens of Aumsville (the "City") and other surrounding areas; and

WHEREAS, The City, through Ordinance No. 623, granted a ten year non-exclusive franchise to Frontier Communications Northwest Inc. to conduct a general telecommunications business within the City; and

WHEREAS, in 2020, Ziplly Fiber Northwest LLC acquired the assets of Frontier Communications Northwest, LLC, and Ziplly Fiber Northwest LLC ("Ziplly Fiber") assumed the franchise granted through Ordinance No. 623; and

WHEREAS, Ziplly Fiber desires to continue the operation of its communications system within the City of Aumsville through a renewed franchise agreement; and

WHEREAS, the City desires to set forth the terms and conditions by which Ziplly Fiber shall use the public ways of the City; now, therefore,

The City of Aumsville ordains as follows:

SECTION 1: Grant of Communications Franchise. Subject to the conditions and reservations contained in this ordinance and Ordinance No. 460 as amended from time to time (the "Communications Ordinance"), and any generally applicable ordinances, the City of Aumsville ("City") hereby grants to Ziplly Fiber ("Grantee"), the nonexclusive privilege, and franchise authority within the City to provide telecommunications services, as defined in ORS 759.005, within the City of Aumsville, including any lands that may be annexed by the City throughout the term of this franchise; and to place, erect, lay, maintain and operate in, upon, under and over the streets, alleys, avenues, thoroughfares and public ways or highways within the said City poles, wires whether copper, fiber optic or other technology, and other appliances and conductors for all telephone and other telecommunication purposes, but only to the extent the City has the right, title, interest or authority to grant a franchise to occupy and use such areas for communications facilities. Except as otherwise required herein or in the Communications Ordinance, such wires and other appliances and conductors may be strung upon poles and other fixtures above ground or, at the option of the Grantee, may be laid underground in pipes and conduits or otherwise protected; and such other

apparatus may be used as may be necessary or proper to operate and maintain the same. In locations where aerial or above ground utility facilities (including aerial cable supports, but not including high voltage power lines) exist as of the effective date of this franchise, Grantee shall be allowed to overbuild, upgrade, maintain, replace or add to its existing aerial facilities and supporting structures unless all facilities, other than high voltage power lines, in such area have been mandated to be placed underground per a plan as outlined by the City. Grantee shall be allowed to place above ground, subject to the provisions herein and in locations approved by the City; its fiber distribution hubs, cross connect/digital subscriber line boxes and other cabinet type facilities that are normally placed above ground.

SECTION 2: Excavation and Underground Installation. No newly overlaid street or newly constructed street shall be excavated by Grantee for a period of 5 years from the time of completion of the street overlay or the street construction, unless specifically authorized by City, or in cases of an emergency declared by authorized City, state, or federal officials. Such authorization shall not be unreasonable withheld. Otherwise, it shall be lawful for Grantee to make all needful and necessary excavations in any of said streets, alleys, avenues, thoroughfares and public ways or highways in the City. Said work shall be done in compliance with the rules, regulations, ordinances and orders which have been heretofore or which may hereafter during the continuance of this franchise be required by the City.

All installations by Grantee in new residential subdivisions shall be underground, unless the City and Grantee mutually agree that such installation will create an undue burden for Grantee, placed in conjunction with all other utility installations in compliance with existing regulations.

SECTION 3: Restoration, Repairs, and Maintenance. Whenever Grantee shall disturb any of the streets, alleys, avenues, thoroughfares and public ways or highways for the purposes aforesaid, it shall be subject to and comply with applicable provisions of the Communications Ordinance and any other generally applicable ordinances of the City. Grantee shall fully and promptly repair any damage to private property, including restoration of property after installation of service drops, caused by Grantee or its contractors or subcontractors.

Grantee shall not be required to obtain prior approval or provide notice of construction, permit applications or maps/blueprints for the following work so long as the work will not impact vehicular traffic by closing or blocking a lane of vehicular travel: 1) Customer service connections/drops, repairs or maintenance that does not require cutting or breaking of the roadway, curb or sidewalk, and 2) Routine

maintenance or repair of Equipment. All other construction is subject to applicable provisions of the Communications Ordinance and any other generally applicable ordinances of the City.

Grantee may authorize qualified contractors or subcontractors to perform any of the work authorized or required in this franchise on Grantee's behalf. Any contractor or subcontractor performing work on Grantee's behalf shall be subject to applicable provisions of this franchise and City ordinances, including the Communications Ordinance, and Grantee shall remain responsible and liable for compliance with those provisions by its contractors and subcontractors.

SECTION 4: Improvements or Work by City. Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the City from grading, paving, repairing, altering or improving any city facilities or the streets, alleys, avenues, thoroughfares and public ways or highways in or upon which the poles, wires, conductors, pipes or other apparatus may be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus.

SECTION 5: Relocation or Removal of Facilities. Whenever it becomes necessary to temporarily rearrange, remove, lower or raise the wires, cables or other plant of Grantee for the passage of buildings, machinery or other objects, Grantee shall temporarily rearrange, remove, lower or raise its wires, cables or other plant as the necessities of the case require; provided, however, that if it is not for the City, the person or persons desiring to move any such buildings, machinery or other objects shall pay the entire cost to Grantee of changing, altering, moving, removing, or replacing its wires, cables or other plant so as to permit such passage, and shall deposit in advance with Grantee a sum equal to such cost as estimated by Grantee and shall pay all damages and claims of any kind whatsoever, direct or consequential, caused directly or indirectly by the changing, altering, moving, removing, or placing of said wires, cable or other plant, except as may be occasioned through the sole negligence of Grantee. Grantee shall be given reasonable written notice by the party desiring to move such building or other objects. Such notice shall detail the route of movement of such buildings or other objects over and along the streets, alleys, avenues, thoroughfares and public highways and shall bear the approval of the City. Such moving shall be with as much haste as possible and shall not be unnecessarily delayed or cause Grantee unnecessary expense or waste of time. In case of the failure of Grantee to comply with the terms of this section, after the actual costs thereof have been paid by the person having permission to move such building or other object to Grantee, the proper officer of the City is authorized to remove said wires at the expense of the Grantee. The City

and its employees shall not be liable for the consequences of any act done in connection with the moving of the building or other object or the rearrangement or temporary removal of the wires or for the cost of rearranging the wires. Grantee shall hold the City harmless from these potential liabilities.

All other relocation or removal of facilities is subject to the applicable provisions of the Communications Ordinance.

SECTION 6: Franchise Fee. Grantee shall pay 7% of gross revenue from the provision of telecommunications services to customers in the area within the legal boundaries of City, and include areas annexed during the term of franchise. "Gross revenue" means any and all revenue of any kind, nature or form, without deduction for expense, less net uncollectables, subject to all applicable limitations imposed by federal or state law. City may adjust the franchise fee pursuant to state law not more than on an annual basis. Any change to the franchise fee shall be implemented by the Grantee no later than the 1st of the month following 30 days written notice of any statutory change that is provided by the City. Such payments shall be made by Grantee quarterly no later than 30 days after the end of each calendar quarter. At the time payments are made, Grantee shall provide a written summary of gross revenue included in payment by Grantee from its operations in the City for the period immediately preceding the date of payment of the fee. Payments not received by the 30th day after the end of each quarter will be assessed interest at the rate of one and one-half percent per month until paid. The failure to comply with this requirement shall be considered a material breach of this franchise contract. City's acceptance of any payments due under this section shall not be considered a waiver by City of any violation of this franchise.

The City acknowledges that Grantee may provide other communications services to customers in the City in addition to the telecommunications services authorized by this franchise. Grantee agrees that, to the extent it provides such communications services, it shall pay the applicable Communications Rights-of-Way Use Fee as provided in the Communications Ordinance.

SECTION 7: Franchise Term; Insurance. The privileges and franchise hereby granted shall continue and be in full force for a period of 10 years from the date of passage of this ordinance. However, each party agrees to negotiate amendments to this franchise agreement necessitated by any significant change in state or federal law which materially affects the rights and obligations of the parties under this franchise. This franchise shall not be effective until Grantee secures, and shall at all times be conditioned upon Grantee maintaining, insurance protection as described in the Communications Ordinance. This franchise is inoperative unless it is unconditionally

accepted by Ziply Fiber Northwest LLC in writing, signed by an authorized officer of the corporation, and filed with the city administrator within 60 days after the date this ordinance is passed by the City; otherwise the ordinance and the franchise granted herein shall be null and void.

A current certificate evidencing insurance as described in the Communications Ordinance shall be deposited with the City at or prior to the time Grantee files its written acceptance with the city administrator and thereafter during the full term of franchise or any renewal thereof.

SECTION 8: Indemnification. The City shall in no way be liable or responsible for any loss or damage to property or any injury to, or death of, any person that may occur in the construction, operation or maintenance by Grantee of its communications facilities or its provision of services in the City. Grantee shall indemnify, defend, and hold the City and its elected or appointed officers, officials, employees and agents harmless from and against any and all claims, demands, liens and all liability or damage of whatsoever kind on account of Grantee's use of the streets, alleys, avenues, thoroughfares and public ways or highways within the City and/or its provision of services in the City, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. Notwithstanding any provision hereof to the contrary, Grantee shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand or lien arises solely out of the negligence or willful misconduct of the City or any of its officers or employees.

SECTION 9: Facilities/Maps. Upon request by the City, Grantee shall furnish and file with the City an accurate map or maps certifying the location of all communications facilities within the public rights of way in compliance with the Communications Ordinance and any generally applicable ordinances of the City, and shall amend all maps to keep the City informed as to the location of all facilities installed in the franchise territory.

SECTION 10: Nondiscriminatory Pole Attachment Agreement. Aumsville's fire alarm and police signal circuits or other signal circuits required by the City may be placed on Grantee's poles in accordance with Oregon law and Public Utility Commission rules regarding pole attachments.

SECTION 11: Sale or Transfer of Franchise. In the event Grantee desires to directly or indirectly transfer, assign or dispose of its communications system or this franchise, Grantee and the City shall comply with applicable provisions of the Communications Ordinance. If the sale or transfer is approved by the Oregon Public

Utilities Commission, the City will not unreasonably withhold its approval.

SECTION 12: Repeal. Ordinance No. 623 adopting the former franchise, enacted June 10, 2013, is hereby repealed.

SECTION 13: Violation. Any person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this ordinance shall be fined not less than \$1,000.00 nor more than \$5,000.00 for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs.

SECTION 14: Compliance with Ordinance No. 460. This ordinance is subject to the Communications Ordinance, as amended from time to time. The City agrees to discuss any proposed changes to the Communications Ordinance or this franchise with Grantee before making the changes. The City will consider, but is not required to adopt, Grantee's comments on the changes. Grantee does not waive its right to challenge changes to this franchise, Communications Ordinance or other ordinances that change the requirements of this franchise or Communications Ordinance, to which the City and Grantee do not mutually agree.

SECTION 15: Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading on the 26th day of June, 2023. PASSED its second reading on the 26th day of June, 2023. ADOPTED by the Aumsville City Council on the 26th day of June, 2023.

Angelica Ceja, Mayor

ATTEST:

Ron Harding, City Administrator



595 Main St. Aumsville, Oregon 97325
(503) 749-2030 • TTY 711 • Fax (503) 749-1852
www.aumsville.us

To: Mayor Ceja and City Council

From: Ron Harding, City Administrator
Joshua Hoyer, Finance Officer

Date: June 26, 2023

Subject: Clerical Error in Motion Adopting the FY 2023-24 Budget

Recommendation

Staff requests a correction to the motion approving Resolution 6-23 that was made at the June 13, 2022 council meeting.

Background

The Aumsville Budget Committee convened on May 9, 2023, to develop the 2022-2023 Fiscal Year Budget. Following approval by the Budget Committee, on June 12, 2023, the city council passed a motion to approve Resolution 6-23, adopting the 2023-2024 fiscal year budget and levying taxes. However, an error was discovered in the grand total listed in the recommended motion that was read during the meeting. The total budget in Resolution 6-23 was calculated at \$21,000,232, while the figure in the recommended motion listed in the related staff report showed \$18,383,969. This figure had not been updated in the final draft of the staff report, and as such was read with the incorrect amounts during the motion. All the financial figures in the related resolution and budget document are correct, so only the motion needs to be corrected.

Per Robert's Rules, a previous motion can be amended by striking the incorrect information and inserting the correct information. With previous notice, this can be done with a simple majority; otherwise, a two-thirds majority is needed. Staff recommends amending the previous motion to approve Resolution 6-23, updating the total budget figure for the year.

Current Situation

There are two possible actions available regarding the proposed budget:

1. Amend the motion council passed on June 12, 2023 by striking the number \$18,383,969 and inserting the number \$21,000,232
2. Direct the Budget Officer to make other adjustments to the budget prior to adoption.



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Recommended Motion:

I move to amend the motion previously passed on June 13, 2023, which approved Resolution 6-23, by striking the number \$18,383,969 and inserting the number \$21,000,232.

**RESOLUTION NO. 230-
~~21~~__**

A RESOLUTION ESTABLISHING UPDATED CITY SERVICE FEES AND PUBLIC RECORDS/
INFORMATION REQUEST POLICY

WHEREAS, service fees are necessary for the purpose of defraying administrative costs of the city associated with services to ensure that these costs are being paid by the service user; and

WHEREAS, the actual personnel costs and costs associated with materials used in providing services were analyzed and cost comparisons completed ~~as documented on the attached Exhibit A~~ as needed to support these fees.

NOW, THEREFORE BE IT RESOLVED that the following service fees and public records/information request policy is established:

SECTION 1. Fee Schedule.

Copy Page Supplied by customer	\$.80 each copy, one-sided, regardless of size.
Copy Page Retrieved -Non-Archived size. Record	\$ 1.20 each copy, one-sided, regardless of
Email/Scan Non-Archived Record	\$15.00 flat rate.
Public Record Request Retrieval	\$45.00 hour in quarter hour increments plus \$.80 per copy page. The Oregon Public Records Law allows public bodies to recover their actual costs in fulfilling a public records request. If the estimated fee is greater than \$25, the City of Aumsville will provide the requestor with written notice of the estimated amount of the fee. In such instances, the City of Aumsville will not fulfill the public records request until the requestor makes a deposit in an amount of the estimated fee.
Appeals Transcript Fees	The fee shall be determined based on \$.80 per page rate for the copying, and personnel costs as an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in the preparation of the transcript. The total cost of the transcript shall not exceed \$500.00
Research Requests Requiring Attorney /City Planner/Engineer Assistance	Actual Staff & Contract Staff
Costs Photographs/ Audio Tapes / Non-Paper or Oversize Materials	Actual Cost
Police Report Charge	\$15.00 Minimum (up to 10 pages)
Each Additional Report Page	\$ 1.20

Archive Retrieval/Research (Up To 50 Pages) \$ 63.32 Minimum – See Above: Public Record Request Retrieval Fees

The Development Ordinance \$25.00 (plus the cost of printing or a flash drive)
The Comprehensive Plan \$25.00 (plus the cost of printing or a flash drive)
The Public Works Standards \$25.00 (plus the cost of printing or a flash drive)

Administration/Finance

Faxing – Outgoing \$3.00 for the first page/ 1.00 for additional pages
Faxing – Receiving \$.40 each page
Non-Sufficient Funds \$30.00

Community Center Rental: Resident/ City Staff/Aumsville Business/Property Owners: \$20.00 per hour, in half-hour increments after the first hour. Non-Resident; except for city staff and owners of businesses and other property within the city limits: \$40 per hour, in half-hour increments after the first hour. Kitchen use is an additional \$50.00 per rental. Public agencies, non-profit organizations or others may submit requests to the city administrator to obtain fee reductions or waivers. The city administrator will review all such requests and may approve or deny the request based on the ability to pay, the number of Aumsville residents served, whether the facility is available, and/or the value of the service to the community. The Aumsville City Council may also grant other fee reductions and waivers.

Security requirements/criteria: All social activities, when the numbers of guests are expected to be 50 or more or any other event where the Police Chief or City Administrator deems that security is in the best interest of all parties concerned shall require a charge for police officers at an hourly rate of \$65 per officer.

Deposits: \$200.00 deposit when beverages/food is served, \$50.00 deposit when they are not served. \$50.00 of deposit is non-refundable upon cancellation/no show. An additional deposit may be charged if the hours scheduled will equal more than \$200.00

Newsletter Advertisements Black and white: full page \$75, half page \$40, and quarter page \$30.
Full color: full page \$250, half page \$125, and quarter page \$75.

Park Facility Rental:

Fees & Deposit

Porter-Boone Park Recreational Facility can be reserved. Applicants will be charged a non-refundable per use fee and a refundable \$50.00 deposit. In addition, a security fee shall also be required when deemed applicable. Rental fees: Resident/ City Staff/Aumsville Business & Property Owners: \$60.00 and . Non-Resident: \$120.00. Reservations for groups of more than 50 attendees will also require a certificate of insurance naming the City of Aumsville as an additional insured.

Mill Creek Park and Wildwood Park Shelters can be reserved. Resident/City Staff/Aumsville Business & Property Owners: \$25.00. Non-Resident: \$50.00.

Porter-Boone Stage can be reserved. Resident/City Staff/Aumsville Business & Property Owners: \$25.00. Non-Resident: \$50.00.

Porter-Boone Village Spaces can be reserved for \$50 per day each, except for during City events such as Saturday Market and would be priced accordingly.

Public agencies, non-profit organizations or others may submit requests to the city administrator to obtain fee reductions or waivers. The city administrator will review all such requests and may approve or deny the request based on the ability to pay, the number of Aumsville residents served, whether the park is available, and/or the value of the service to the community. The Aumsville City Council may also grant other fee reductions and waivers.

Mill Creek Ball Field Reservation

\$50.00 reservation fee. Teams can reserve the ball field for team practices during a season. Must provide proof of liability insurance and the list of requested dates and times for practices.

Building Permits

20% of county permit fee for zoning review (No longer accepting plumbing, mechanical or electrical permit applications).

Business Licenses

\$25 fee – Licenses are effective July 1st – June 30th. \$10 annual renewal. Licenses are required to do business within the Aumsville City Limits.

Transient/Peddler License	\$25 fee –Licenses are effective July 1 st – June 30 th . A License is required to do business within the Aumsville City limits. \$10 annual renewal fee if paid by June 30 th .
Liquor License Application or Renewal	\$25.00 Annually
DMV Auto Sales License	\$25.00 Annually
Communications Franchise Fee	<p>Except as provided below, Communications Providers using the rights of way that provide communications service to customers within the city shall pay an annual fee of: ILECS 7% and CLECS 45% of gross revenue from the provision of communications services to customers in the City. "Gross Revenues" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectables, subject to all applicable limitations imposed by federal or state law.</p> <p>Communications Providers whose only facilities in the right of way are facilities mounted on<u>attached to</u> structures within the right of way, which structures are owned by another person, and with no facilities strung between such structures or otherwise within, under or above the right of way, shall pay an annual attachment fee of <u>\$270 per attachment for Small Wireless Facilities as defined in 47 C.F.R. 1.6002</u>; \$1,000 per attachment for non-Small Wireless Facilities in lieu of the percent of revenue provided in the previous paragraph.</p> <p>Communications Providers that do not provide communications service to customers within the City shall pay an annual fee of \$2.50 per lineal foot of communications facilities in the City right of way.</p> <p>Communications Providers shall pay a minimum annual franchise fee of \$500 per year if this amount is greater than the applicable fee calculated pursuant to the previous three paragraphs.</p> <p><u>The Communications Franchise Fees are subject to all applicable limitations imposed by federal or state law.</u></p>

Communications Right of Way Use Fee

~~Communications Providers that own communications facilities in the rights of way within the city without a franchise shall pay an annual fee of: The greater of (i) the applicable percentage of revenue set forth in the Communications Franchise Fee; (ii) \$2.50 per lineal foot of communications facilities in the City right of way; or (iii) the minimum annual Communications Franchise Fee.~~

Communications Providers using the rights of way to provide communications service to customers within the city ~~but not subject to the franchise requirement~~ shall pay an annual fee of: The applicable percentage of revenue set forth in the Communications Franchise Fee, provided that a Communications Provider shall not be required to pay a Right of Way Use Fee on any revenue on which it is paying a Communications Franchise Fee.

The Communications Right of Way Use Fees are subject to all applicable limitations imposed by federal or state law.

Communications Franchise Application Fee

\$500 deposit, provided that expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.

Communications Registration Application Fee

\$50

Court/ Police

Police Report/Copies	See Public Records Above
Administrative Court Fee (After 30 Days)	\$45.00
No-show Court Fee	\$25.00
DMV Suspension Submittal	\$15.00
Tow Release	\$125.00
DMV Reinstatement Fee	\$15.00
Fix-It Fee	\$45.00

Public Works

Business Hours Customer Request	
Shutoff & Turn On	\$40.00
After Hours Non-Emergency Call Out	\$85.50 minimum for 1 hour, with

	an additional \$85.50 per hour charged in half hour increments.
Delinquent Account Reconnect	\$30.00
Utility Billing Late Charge	\$ 3.00
Water Meter Metering Equipment	Actual cost plus 20% administrative
fee Meter Error Test Deposit	\$25.00
Type A Construction Permit	Actual Cost
Information Records Request/Other	\$40 per hour, in quarter hour increments after the
Special Services	first half-hour, and materials or cost billed to the city.
Mapping Duplication	Actual Cost Plus 20% Administrative fee
Engineering Review	Actual Cost Plus 20% Administrative fee

SECTION 2. Written Requests. Unless otherwise provided by these rules, request for inspection and/or copies of public records shall be in writing on a form prescribed by the city.

SECTION 3. Procedure.

- 3.1 Requests for public records shall include the following:
 - a) The name, address and signature of the person making the request or their authorized representative;
 - b) A statement of sufficient specificity to determine the nature, content and probable department within which such record may be located;
 - c) The date of such request.

- 3.2 Except as otherwise provided by these rules, public records shall not be released for inspection or as copies to members of the public or city staff or officials unless the city has received payment of the established fee from the requesting party. The person making the request should be advised that the requested materials will not be released without the city's receipt of the fee for providing such service as described in this resolution. Failure to so advise the requesting party of such obligation shall not relieve the requesting party of the obligation to pay the prescribed fee.

- 3.3 Upon receipt, the request shall be date stamped.

- 3.4 Written requests for inspection or copies of city records shall be submitted to the city hall or the police department where a list of fees prescribed by this resolution are on file, for processing public records/information requests and staff shall respond to all such requests.

- 3.5 If the request is not complied with, a written response explaining why the city is unable to process the request shall be prepared and mailed to the requesting party.

SECTION 4. City Administrator Authority. The city administrator or designee shall have the authority to:

- a) Waive the requirement that the records request must be in writing or on a form

- provided by the city;
- b) Waive or reduce fees and waive required compliance with this resolution when it is determined all right.

SECTION 5. Exemption from Fees and Fee Reductions. The following individuals, groups or organizations shall be exempt from the fees prescribed for providing public records, and other service fees may be reduced as outlined in Section 1 - Fee Schedule:

- a) Any member of the city council, city staff, or a board or commission of the city, other government agencies, or the media, unless it is for a personal reason; and
- b) The city shall not charge fees for costs incurred by the city when an employee of the city, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding; and
- c) Any crime victim requesting a copy of a police report pertaining to the crime in which they have been made a victim (applies to first copy only).

CONSIDERED AND PASSED BY THE AUMSVILLE CITY COUNCIL ON THE ~~8th~~ ____ DAY OF ~~November~~ _____, 202~~31~~.

Angelica Ceja, Mayor

Attest: _____
Ron Harding, City Administrator

RESOLUTION 9-23

A RESOLUTION ESTABLISHING UPDATED CITY SERVICE FEES AND PUBLIC RECORDS/ INFORMATION REQUEST POLICY

WHEREAS, service fees are necessary for the purpose of defraying administrative costs of the city associated with services to ensure that these costs are being paid by the service user; and

WHEREAS, the actual personnel costs and costs associated with materials used in providing services were analyzed and cost comparisons completed as needed to support these fees.

NOW, THEREFORE BE IT RESOLVED that the following service fees and public records/information request policy is established:

SECTION 1. Fee Schedule.

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Public Record Request Retrieval	\$45.00 hour in quarter hour increments plus \$.80 per copy page. The Oregon Public Records Law allows public bodies to recover their actual costs in fulfilling a public records request. If the estimated fee is greater than \$25, the City of Aumsville will provide the requestor with written notice of the estimated amount of the fee. In such instances, the City of Aumsville will not fulfill the public records request until the requestor makes a deposit in an amount of the estimated fee.
Appeals Transcript Fees	The fee shall be determined based on \$.80 per page rate for the copying, and personnel costs as an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in the preparation of the transcript. The total cost of the transcript shall not exceed \$500.00
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The Development Ordinance	Record Request Retrieval Fees
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Security requirements/criteria:	All social activities, when the numbers of guests are expected to be 50 or more or any other event where the Police Chief or City Administrator deems that security is in the best interest of all parties concerned shall require a charge for police officers at an hourly rate of \$65 per officer.
Deposits:	\$200.00 deposit when beverages/food is served, \$50.00 deposit when they are not served. \$50.00 of deposit is non-refundable upon cancellation/no show. An additional deposit may be charged if the hours scheduled will equal more than \$200.00
Newsletter Advertisements	Black and white: full page \$75, half page \$40, and quarter page \$30. Full color: full page \$250, half page \$125, and quarter page \$75.
Park Facility Rental: Fees & Deposit	Porter-Boone Park Recreational Facility can be

reserved. Applicants will be charged a non-refundable per use fee and a refundable \$50.00 deposit. In addition, a security fee shall also be required when deemed applicable. Rental fees: Resident/ City Staff/Aumsville Business & Property Owners: \$60.00 and . Non-Resident: \$120.00. Reservations for groups of more than 50 attendees will also require a certificate of insurance naming the City of Aumsville as an additional insured.

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Liquor License Application or Renewal \$25.00 Annually

DMV Auto Sales License \$25.00 Annually

Communications Franchise Fee Except as provided below, Communications Providers using the rights of way that provide communications service to customers within the city shall pay an annual fee of: 5% of gross revenue from the provision of communications services to customers in the City. "Gross Revenues" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectable, subject to all applicable limitations imposed by federal or state law.

Communications Providers whose only facilities in the right of way are facilities attached to structures within the right of way, which structures are owned by another person, and with no facilities strung between such structures or otherwise within, under or above the right of way, shall pay an annual attachment fee of \$270 per attachment for Small Wireless Facilities as defined in 47 C.F.R. 1.6002; \$1,000 per attachment for non-Small Wireless Facilities.

Communications Providers that do not provide communications service to customers within the City shall pay an annual fee of \$2.50 per lineal foot of communications facilities in the City right of way.

Communications Providers shall pay a minimum annual franchise fee of \$500 per year if this amount is greater than the applicable fee calculated pursuant to the previous three paragraphs.

The Communications Franchise Fees are subject to all applicable limitations imposed by federal or state law.

Communications Right of Way Use Fee

Communications Providers using the rights of way to provide communications service to customers

within the city shall pay an annual fee of: The applicable percentage of revenue set forth in the Communications Franchise Fee, provided that a Communications Provider shall not be required to pay a Right of Way Use Fee on any revenue on which it is paying a Communications Franchise Fee.

The Communications Right of Way Use Fees are subject to all applicable limitations imposed by federal or state law.

Communications Franchise
Application Fee

\$500 deposit, provided that expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.

Communications Registration
Application Fee

\$50

Court/ Police

Police Report/Copies	See Public Records Above
Administrative Court Fee (After 30 Days)	\$45.00
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Tow Release	\$125.00
DMV Reinstatement Fee	\$15.00
Fix-It Fee	\$45.00

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Business Hours Customer Request Shutoff & Turn On	\$40.00
After Hours Non-Emergency Call Out	\$85.50 minimum for 1 hour, with an additional \$85.50 per hour charged in half hour increments.
Delinquent Account Reconnect	\$30.00
Utility Billing Late Charge	\$ 3.00
Water Meter Metering Equipment fee Meter Error Test Deposit	Actual cost plus 20% administrative \$25.00
Type A Construction Permit	Actual Cost
Information Records Request/Other Special Services	\$40 per hour, in quarter hour increments after the first half-hour, and materials or cost billed to the city.
Mapping Duplication	Actual Cost Plus 20% Administrative fee

SECTION 2. Written Requests. Unless otherwise provided by these rules, request for inspection and/or copies of public records shall be in writing on a form prescribed by the city.

SECTION 3. Procedure.

- 3.1 Requests for public records shall include the following:
 - a) The name, address and signature of the person making the request or their authorized representative;
 - b) A statement of sufficient specificity to determine the nature, content and probable department within which such record may be located;
 - c) The date of such request.
- 3.2 Except as otherwise provided by these rules, public records shall not be released for inspection or as copies to members of the public or city staff or officials unless the city has received payment of the established fee from the requesting party. The person making the request should be advised that the requested materials will not be released without the city's receipt of the fee for providing such service as described in this resolution. Failure to so advise the requesting party of such obligation shall not relieve the requesting party of the obligation to pay the prescribed fee.
- 3.3 Upon receipt, the request shall be date stamped.
- 3.4 Written requests for inspection or copies of city records shall be submitted to the city hall or the police department where a list of fees prescribed by this resolution are on file, for processing public records/information requests and staff shall respond to all such requests.
- 3.5 If the request is not complied with, a written response explaining why the city is unable to process the request shall be prepared and mailed to the requesting party.

SECTION 4. City Administrator Authority. The city administrator or designee shall have the authority to:

- a) Waive the requirement that the records request must be in writing or on a form provided by the City;
- b) Waive or reduce fees and waive required compliance with this resolution when it is determined all right.

SECTION 5. Exemption from Fees and Fee Reductions. The following individuals, groups or organizations shall be exempt from the fees prescribed for providing public records, and other service fees may be reduced as outlined in Section 1 - Fee Schedule:

- a) Any member of the City Council, City staff, or a board or commission of the City, other government agencies, or the media, unless it is for a personal reason; and
- b) The city shall not charge fees for costs incurred by the city when an employee of the city, in the employee's role as custodian of the records, is a witness in a trial or other court proceeding; and
- c) Any crime victim requesting a copy of a police report pertaining to the crime in

which they have been made a victim (applies to first copy only).

CONSIDERED AND PASSED BY THE AUMSVILLE CITY COUNCIL ON THE ____ DAY OF _____,
2023.

Angelica Ceja, Mayor

Attest: _____
Ron Harding, City Administrator

RESOLUTION 10-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUMSVILLE AUTHORIZING A LOAN FROM THE SPECIAL PUBLIC WORKS FUND BY ENTERING INTO A FINANCING CONTRACT WITH THE OREGON INFRASTRUCTURE FINANCE AUTHORITY

The City Council of the City of Aumsville finds:

- A. The City of Aumsville (the "Recipient") is a "municipality" within the meaning of Oregon Revised Statutes 285B.410(9).
- B. Oregon Revised Statutes 285B.410 through 285B.482 (the "Act") authorize any municipality to file an application with the Oregon Infrastructure Finance Authority of the Business Development Department (OBDD) to obtain financial assistance from the Special Public Works Fund.
- C. The Recipient has filed an application with the OBDD to obtain financial assistance for a "development Project" within the meaning of the Act.
- D. The OBDD has approved the Recipient's application for financial assistance from the Special Public Works Fund pursuant to the Act.
- E. The Recipient is required, as a prerequisite to the receipt of financial assistance from the OBDD, to enter into a Financing Contract with the OBDD, number L23014, substantially in the form attached hereto as Exhibit 1. The project is described in Exhibit C to that Financing Contract (the "Project").
- F. Notice relating to the Recipient's consideration of the adoption of this Resolution 10-23 was published in full accordance with the Recipient's charter and laws for public notification.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Aumsville as follows:

1. Financing Loan Authorized. The City Council authorizes the City Administrator to execute on behalf of the City of Aumsville the Financing Contract and such other documents as may be required to obtain financial assistance (the "Financing Documents"), including a loan from the OBDD, on such terms as may be agreed upon between the City Administrator and OBDD, on the condition that the principal amount of the loan from the OBDD to the City of Aumsville is not in excess of \$754,425 and an interest rate of 3.08% per annum – a percent deemed reasonable by the City Administrator and in the best interest of the City of Aumsville. The proceeds of the loan from the OBDD will be applied solely to the "Costs of the Project" as such term is defined in the Financing Contract.
2. Sources of Repayment. Amounts payable by the City of Aumsville are payable from the sources described in Section 4 of the Financing Contract and the Oregon Revised Statutes Section 285B.437(3) which include:

- a) The revenues of the project, including special assessment revenues;
 - b) Amounts withheld under ORS 285B.449(1);
 - c) The general fund of the City of Aumsville; or
 - d) Any other source.
3. Tax-Exempt Status. The City of Aumsville covenants not to take any action or omit to take any action if the taking or omission would cause interest paid by the City of Aumsville pursuant to the Financing Documents not to qualify for the exclusion from gross income provided by Section 103(a) of the Internal Revenue Code of 1986, as amended. The City of Aumsville may enter into covenants to protect the tax-exempt status of the interest paid by the City of Aumsville pursuant to the financing Documents and may execute any Tax Certificate, Internal Revenue Service forms or other documents as may be required by the OBDD or its bond counsel to protect the tax-exempt status of such interest.

DATED this 26th day of June, 2023

Angelica Ceja, Mayor

ATTEST:

Ron Harding, City Administrator

SPECIAL PUBLIC WORKS FUND DEVELOPMENT PROJECT
FINANCING CONTRACT

Project Name: Public Works Shop Construction

Project Number: L23014

This financing contract (“Contract”), dated as of the date the Contract is fully executed, is made by the State of Oregon, acting by and through its Oregon Infrastructure Finance Authority of the Oregon Business Development Department (“OBDD”), and the City of Aumsville, Oregon (“Recipient”) for financing of the project referred to above and described in Exhibit C (“Project”). This Contract becomes effective only when fully signed and approved as required by applicable law. Capitalized terms not defined in section 1 and elsewhere in the body of the Contract have the meanings assigned to them by Exhibit A.

This Contract includes the following exhibits, listed in descending order of precedence for purposes of resolving any conflict between two or more of the parts:

Exhibit A	General Definitions
Exhibit B	Security
Exhibit C	Project Description
Exhibit D	Project Budget

SECTION 1 - KEY TERMS

The following capitalized terms have the meanings assigned below.

“Estimated Project Cost” means \$2,054,425.

“Interest Rate” means 3.08 % per annum.

“Loan Amount” means \$754,425.

“Maturity Date” means the 14th anniversary of the Repayment Commencement Date.

“Payment Date” means December 1.

“Project Closeout Deadline” means 90 days after the earlier of the Project Completion Date or the Project Completion Deadline.

“Project Completion Deadline” means **24** months after the date of this Contract.

“Repayment Commencement Date” means the first Payment Date to occur after the Project Closeout Deadline.

SECTION 2 - FINANCIAL ASSISTANCE

OBDD shall provide Recipient, and Recipient shall accept from OBDD, financing for the Project specified below:

A non-revolving loan (the “Loan”) in an aggregate principal amount not to exceed the Loan Amount.

Notwithstanding the above, the aggregate total of Financing Proceeds disbursed under this Contract cannot exceed the Costs of the Project.

SECTION 3 - DISBURSEMENTS

- A. Reimbursement Basis. The Financing Proceeds will be disbursed to Recipient on an expense reimbursement or costs-incurred basis. The Recipient must submit each disbursement request for the Financing Proceeds on an OBDD-provided or OBDD-approved disbursement request form (“Disbursement Request”).
- B. Financing Availability. OBDD’s obligation to make, and Recipient’s right to request, disbursements under this Contract terminates on the Project Closeout Deadline.
- C. Payment to Contractors. OBDD, in its sole discretion, may make direct payment to suppliers, contractors and subcontractors and others for sums due them in connection with construction of the Project, instead of reimbursing Recipient for those sums.

SECTION 4 - LOAN PAYMENT; PREPAYMENT

- A. Promise to Pay. The Recipient shall repay the Loan and all amounts due under this Contract in accordance with its terms. Payments required under this Contract are, without limitation, payable from the sources of repayment described in the Act and this Contract, including but not limited to Exhibit B, and the obligation of Recipient to make all payments is absolute and unconditional. Payments will not be abated, rebated, set-off, reduced, abrogated, terminated, waived, postponed or otherwise modified in any manner whatsoever. Payments cannot remain unpaid, regardless of any contingency, act of God, event or cause whatsoever, including (without limitation) any acts or circumstances that may constitute failure of consideration, eviction or constructive eviction, the taking by eminent domain or destruction of or damage to the Project, commercial frustration of purpose, any change in the laws, rules or regulations of the United States of America or of the State of Oregon or any political subdivision or governmental authority, nor any failure of OBDD to perform any agreement, whether express or implied, or any duty, liability, or obligation arising out of or connected with the Project or this Contract, or any rights of set off, recoupment, abatement or counterclaim that Recipient might otherwise have against OBDD or any other party or parties; provided further, that payments hereunder will not constitute a waiver of any such rights.
- B. Interest. Interest accrues at the Interest Rate on each disbursement from the date of disbursement until the Loan is fully paid. All unpaid interest accrued to the Repayment Commencement Date is (in addition to the first regular installment payment due) payable on the Repayment Commencement Date. Interest is computed by counting the actual days occurring in a 360-day year.

The Recipient authorizes OBDD to calculate accrued interest as necessary under this Contract, including for purposes of determining a loan amortization schedule or determining the amount of a loan prepayment or loan payoff. Absent manifest error, such calculations will be conclusive.

- C. Loan Payments. Starting on the Repayment Commencement Date and then on each succeeding Payment Date, Recipient shall make level installment payments of principal and interest, each payment sufficient to pay the interest accrued to the date of payment and so much of the principal as will fully amortize the Loan by the Maturity Date, on which date the entire outstanding balance of the Loan is due and payable in full.
- D. Loan Prepayments.
 - (1) Mandatory Prepayment. The Recipient shall prepay all or part of the outstanding balance of the Loan as required by this Contract.

- (2) Optional Prepayment. The Recipient may prepay all or part of the outstanding balance of the Loan on any day except a Saturday, Sunday, legal holiday or day that banking institutions in Salem, Oregon are closed.
- E. Application of Payments. Regardless of any designation by Recipient, payments and prepayments by Recipient under this Contract or any of the Financing Documents will be applied first to any expenses of OBDD, including but not limited to attorneys' fees, then to unpaid accrued interest (in the case of prepayment, on the amount prepaid), then to the principal of the Loan. In the case of a Loan prepayment that does not prepay all the principal of the Loan, OBDD will determine, in its sole discretion, the method for how the Loan prepayment will be applied to the outstanding principal payments. A scheduled payment received before the scheduled repayment date will be applied to interest and principal on the scheduled repayment date, rather than on the day such payment is received.

SECTION 5 - CONDITIONS PRECEDENT

- A. Conditions Precedent to OBDD's Obligations. OBDD's obligations are subject to the receipt of the following items, in form and substance satisfactory to OBDD and its Counsel:
- (1) This Contract duly signed by an authorized officer of Recipient.
 - (2) A copy of the ordinance, order or resolution of the governing body of Recipient authorizing the borrowing and the contemplated transactions and the execution and delivery of this Contract and the other Financing Documents.
 - (3) An opinion of Recipient's Counsel.
 - (4) Such other certificates, documents, opinions and information as OBDD may reasonably require.
- B. Conditions to Disbursements. As to any disbursement, OBDD has no obligation to disburse funds unless all following conditions are met:
- (1) There is no Event of Default.
 - (2) The representations and warranties made in this Contract are true and correct on the date of disbursement as if made on such date.
 - (3) OBDD, in the reasonable exercise of its administrative discretion, has sufficient moneys in the Special Public Works Fund for use in the Project and has sufficient funding, appropriations, limitations, allotments and other expenditure authority to make the disbursement.
 - (4) OBDD (a) has received a completed Disbursement Request, (b) has received any written evidence of materials and labor furnished to or work performed upon the Project, itemized receipts or invoices for payment, and releases, satisfactions or other signed statements or forms as OBDD may require, (c) is satisfied that all items listed in the Disbursement Request are reasonable and that the costs for labor and materials were incurred and are properly included in the Costs of the Project, and (d) has determined that the disbursement is only for costs defined as eligible costs under the Act and any implementing administrative rules and policies.
 - (5) The Recipient has delivered documentation satisfactory to OBDD that, in addition to the Financing Proceeds, Recipient has available or has obtained binding commitments for all funds necessary to complete the Project.

- (6) The Recipient has delivered to OBDD (in form and substance satisfactory to OBDD) an estimated schedule of Disbursement Requests, including anticipated number, submission dates and amounts.
- (7) Any conditions to disbursement elsewhere in this Contract or in the other Financing Documents are met.

SECTION 6 - USE OF FINANCIAL ASSISTANCE

- A. Use of Proceeds. The Recipient shall use the Financing Proceeds only for the activities described in Exhibit C and according to the budget in Exhibit D. The Recipient may not transfer Financing Proceeds among line items in the budget without the prior written consent of OBDD.
- B. Costs of the Project. The Recipient shall apply the Financing Proceeds to the Costs of the Project in accordance with the Act and Oregon law, as applicable. Financing Proceeds cannot be used for costs in excess of one hundred percent (100%) of the total Costs of the Project and cannot be used for pre-Award Costs of the Project, unless permitted by Exhibit C.
- C. Costs Paid for by Others. The Recipient may not use any of the Financing Proceeds to cover costs to be paid for by other financing for the Project, whether from OBDD or from another State of Oregon agency or any third party.

SECTION 7 - REPRESENTATIONS AND WARRANTIES OF RECIPIENT

The Recipient represents and warrants to OBDD:

- A. Estimated Project Cost, Funds for Repayment. A reasonable estimate of the Costs of the Project is shown in section 1, and the Project is fully funded. The Recipient will have adequate funds available to repay the Loan, and the Maturity Date does not exceed the usable life of the Project.
- B. Organization and Authority.
 - (1) The Recipient is a Municipality under the Act, and validly organized and existing under the laws of the State of Oregon.
 - (2) The Recipient has all necessary right, power and authority under its organizational documents and under Oregon law to (a) execute and deliver this Contract and the other Financing Documents, (b) incur and perform its obligations under this Contract and the other Financing Documents, and (c) borrow and receive financing for the Project.
 - (3) This Contract and the other Financing Documents executed and delivered by Recipient have been authorized by an ordinance, order or resolution of Recipient's governing body, and voter approval, if necessary, that was adopted in accordance with applicable law and requirements for filing public notices and holding public meetings.
 - (4) This Contract and the other Financing Documents have been duly executed by Recipient, and when executed by OBDD, are legal, valid and binding, and enforceable in accordance with their terms.
- C. Full Disclosure. The Recipient has disclosed in writing to OBDD all facts that materially adversely affect the Project, or the ability of Recipient to make all payments and perform all obligations required by this Contract and the other Financing Documents. The Recipient has made no false statements of fact, nor has it omitted information necessary to prevent any statements from being misleading. The information contained in this Contract and the other Financing Documents is true and accurate in all respects.

- D. Pending Litigation. The Recipient has disclosed in writing to OBDD all proceedings pending (or to the knowledge of Recipient, threatened) against or affecting Recipient, in any court or before any governmental authority or arbitration board or tribunal, that, if adversely determined, would materially adversely affect the Project or the ability of Recipient to make all payments and perform all obligations required by this Contract and the other Financing Documents.
- E. No Events of Default.
- (1) No Events of Default exist or occur upon authorization, execution or delivery of this Contract or any of the Financing Documents.
 - (2) The Recipient has not violated, and has not received notice of any claimed violation of, any agreement or instrument to which it is a party or by which the Project or its property may be bound, that would materially adversely affect the Project or the ability of Recipient to make all payments and perform all obligations required by this Contract and the other Financing Documents.
- F. Compliance with Existing Agreements and Applicable Law. The authorization and execution of, and the performance of all obligations required by, this Contract and the other Financing Documents will not: (i) cause a breach of any agreement, indenture, mortgage, deed of trust, or other instrument, to which Recipient is a party or by which the Project or any of its property or assets may be bound; (ii) cause the creation or imposition of any third party lien, charge or encumbrance upon any property or asset of Recipient; (iii) violate any provision of the charter or other document pursuant to which Recipient was organized or established; or (iv) violate any laws, regulations, ordinances, resolutions, or court orders related to Recipient, the Project or its properties or operations.
- G. Governmental Consent. The Recipient has obtained or will obtain all permits and approvals, and has made or will make all notifications, declarations, filings or registrations, required for the making and performance of its obligations under this Contract and the other Financing Documents, for the financing or refinancing and undertaking and completion of the Project.

SECTION 8 - COVENANTS OF RECIPIENT

The Recipient covenants as follows:

- A. Notice of Adverse Change. The Recipient shall promptly notify OBDD of any adverse change in the activities, prospects or condition (financial or otherwise) of Recipient or the Project related to the ability of Recipient to make all payments and perform all obligations required by this Contract or the other Financing Documents.
- B. Compliance with Laws. The Recipient shall comply with all applicable laws, rules, regulations and orders of any court or governmental authority that relate to this Contract or the other Financing Documents, that relate to the Project. In particular, but without limitation, Recipient shall comply with the following, as applicable:
- (1) State procurement regulations found in the Oregon Public Contracting Code, ORS chapters 279A, 279B and 279C.
 - (2) State labor standards and wage rates found in ORS chapter 279C.
 - (3) OAR 123-042-0165 (5) requirements for signs and notifications.

These laws, rules, regulations and orders are incorporated by reference in this Contract to the extent required by law.

- C. Project Completion Obligations. The Recipient shall:

- (1) When procuring professional consulting services, provide OBDD with copies of all solicitations at least 10 days before advertising, and all contracts at least 10 days before signing.
 - (2) Provide OBDD with copies of all plans and specifications relating to the Project, and a timeline for the bidding/award process, at least ten (10) days before advertising for bids.
 - (3) Provide a copy of the bid tabulation, notice of award, and contract to OBDD within ten (10) days after selecting a construction contractor.
 - (4) Permit OBDD to conduct inspection of the Project at any time.
 - (5) Complete the Project using its own fiscal resources or money from other sources to pay for any Costs of the Project in excess of the total amount of financial assistance provided pursuant to this Contract.
 - (6) Complete the Project no later than the Project Completion Deadline, unless otherwise permitted by the OBDD in writing.
 - (7) Obtain and maintain as-built drawings for all facilities constructed as part of the Project.
- D. Ownership of Project. During the term of the Loan, the Project is and will continue to be owned by Recipient. The Project will be operated by Recipient or by a person under a management contract or operating agreement with Recipient. Any such management contract or operating agreement will be structured as a “qualified management contract” as described in IRS Revenue Procedure 97-13, as amended or supplemented.
- E. Operation and Maintenance of the Project. The Recipient shall operate and maintain the Project in good repair and operating condition so as to preserve the long-term public benefits of the Project, including making all necessary and proper repairs, replacements, additions, and improvements during term of the Loan. On or before the Project Closeout Deadline, Recipient shall adopt a plan acceptable to OBDD for the on-going operation and maintenance of the Project without reliance on OBDD financing and furnish OBDD, at its request, with evidence of such adoption. The plan must include measures for generating revenues sufficient to assure the operation and maintenance of the Project during the usable life of the Project.
- F. Insurance, Damage. The Recipient shall maintain, or cause to be maintained, insurance policies with responsible insurers or self-insurance programs, insuring against liability and risk of direct physical loss, damage or destruction of the Project, at least to the extent that similar insurance is customarily carried by governmental units constructing, operating and maintaining similar facilities. Nothing in this provision precludes Recipient from asserting a defense against any party other than OBDD, including a defense of immunity. If the Project or any portion is destroyed, any insurance proceeds will be paid to OBDD and applied to prepay the outstanding balance on the Loan in accordance with section 4.D.(1), unless OBDD agrees in writing that the insurance proceeds may be used to rebuild the Project.
- G. Sales, Leases and Encumbrances. Except as specifically described in Exhibit C, Recipient shall not sell, lease, exchange, abandon, transfer or otherwise dispose of any substantial portion of or interest in the Project or any system that provides revenues for payment or is security for the Loan, unless worn out, obsolete, or, in the reasonable business judgment of Recipient, no longer useful in the operation of the Project. Nevertheless, OBDD may consent to such disposition if it has received 90 days’ prior written notice from Recipient. Such consent may require assumption by transferee of all of Recipient’s obligations under the Financing Documents and payment of OBDD’s costs related to such assumption, and receipt by OBDD of an opinion of Bond Counsel to the effect that such disposition complies with applicable law and will not adversely affect the exclusion of interest on

any Lottery Bonds from gross income for purposes of federal income taxation under Section 103(a) of the Code. The term “Bond Counsel” means a law firm determined by OBDD to have knowledge and expertise in the field of municipal law and whose opinions are generally accepted by purchasers of municipal bonds]. In the case of sale, exchange, transfer or other similar disposition, Recipient shall, within 30 days of receipt of any proceeds from such disposition, prepay the entire outstanding balance on the Loan in accordance with section 4.D.(1), unless OBDD agrees otherwise in writing. If Recipient abandons the Project, Recipient shall prepay the entire outstanding balance of the Loan immediately upon demand by OBDD.

- H. Condemnation Proceeds. If the Project or any portion is condemned, any condemnation proceeds will be paid to OBDD and applied to prepay the outstanding balance of the Loan in accordance with section 4.D.(1).
- I. Financial Records. The Recipient shall keep accurate books and records for the revenues and funds that are the source of repayment of the Loan, separate and distinct from its other books and records, and maintain them according to generally accepted accounting principles established by the Government Accounting Standards Board in effect at the time. The Recipient shall have these records audited annually by an independent certified public accountant, which may be part of the annual audit of all records of Recipient.
- J. Inspections; Information. The Recipient shall permit OBDD and any party designated by OBDD: (i) to inspect, at any reasonable time, the property, if any, constituting the Project; and (ii) at any reasonable time, to inspect and make copies of any accounts, books and records, including, without limitation, its records regarding receipts, disbursements, contracts, investments and any other related matters, and financial statements or other documents related to its financial standing. The Recipient shall supply any related reports and information as OBDD may reasonably require. In addition, Recipient shall, upon request, provide OBDD with copies of loan documents or other financing documents and any official statements or other forms of offering prospectus relating to any other bonds, notes or other indebtedness of Recipient that are issued after the date of this Contract.
- K. Records Maintenance. The Recipient shall retain and keep accessible all books, documents, papers, and records that are directly related to this Contract, the Project or the Financing Proceeds for a minimum of six years, or such longer period as may be required by other provisions of this Contract or applicable law, following the Project Closeout Deadline. If there are unresolved issues at the end of such period, Recipient shall retain the books, documents, papers and records until the issues are resolved.
- L. Economic Benefit Data. The OBDD may require Recipient to submit specific data on the economic development benefits of the Project and other information to evaluate the success and economic impact of the Project, from the date of this Contract until six years after the Project Completion Date. The Recipient shall, at its own expense, prepare and submit the data within the time specified by OBDD.
- M. Disadvantaged Business Enterprises. ORS 200.090 requires all public agencies to “aggressively pursue a policy of providing opportunities for disadvantaged business enterprises, minority-owned businesses, woman-owned businesses, businesses that service-disabled veterans own and emerging small businesses...” OBDD encourages Recipient in any contracting activity to follow good faith efforts as described in ORS 200.045, available at https://www.oregonlegislature.gov/bills_laws/ors/ors200.html. Additional resources are provided by the Governor’s Policy Advisor for Economic and Business Equity. Also, the Certification Office for Business Inclusion and Diversity at the Oregon Business Development Department maintains a list of certified firms and can answer questions. Search for certified MWESB firms on the web at:

- N. Professional Responsibility. A professional engineer or architect, as applicable, registered and in good standing in Oregon, will be responsible for the design and construction of the Project. All service providers retained for their professional expertise must be certified, licensed, or registered, as appropriate, in the State of Oregon for their specialty. The Recipient shall follow standard construction practices, such as bonding requirements for construction contractors, requiring errors and omissions insurance, and performing testing and inspections during construction.
- O. Notice of Event of Default. The Recipient shall give OBDD prompt written notice of any Event of Default, or any circumstance that with notice or the lapse of time, or both, may become an Event of Default, as soon as Recipient becomes aware of its existence or reasonably believes an Event of Default is likely.
- P. Contributory Liability and Contractor Indemnification.
- (1) If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 (“Third Party Claim”) against a party (the “Notified Party”) with respect to which the other party may have liability, the Notified Party must promptly notify the other party in writing and deliver a copy of the claim, process, and all legal pleadings related to the Third Party Claim. Either party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. The foregoing provisions are conditions precedent for either party’s liability to the other in regard to the Third Party Claim.
- If the parties are jointly liable (or would be if joined in the Third Party Claim), the parties shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable in such proportion as is appropriate to reflect their respective relative fault. The relative fault of the parties shall be determined by reference to, among other things, the parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Each party’s contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if that party had sole liability in the proceeding. This Section shall survive termination of this Contract.
- (2) Recipient shall take all reasonable steps to require its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents (“Indemnitee”) from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys’ fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Recipient’s contractor or any of the officers, agents, employees or subcontractors of the contractor (“Claims”). It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims. This Section shall survive termination of this Contract.
- Q. Further Assurances. The Recipient shall, at the request of OBDD, authorize, sign, acknowledge and deliver any further resolutions, conveyances, transfers, assurances, financing statements and other instruments and documents as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights, security interests and agreements granted or intended to be granted by this Contract and the other Financing Documents.

R. Reserved.

S. Exclusion of Interest from Federal Gross Income and Compliance with Code.

- (1) The Recipient shall not take any action or omit to take any action that would result in the loss of the exclusion of the interest on any Lottery Bonds from gross income for purposes of federal income taxation, as governed by Section 103(a) of the Code. OBDD may decline to disburse the Financing Proceeds if it finds that the federal tax exemption of the Lottery Bonds cannot be assured.
- (2) The Recipient shall not take any action (including but not limited to the execution of a management agreement for the operation of the Project) or omit to take any action that would cause any Lottery Bonds to be “private activity bonds” within the meaning of Section 141(a) of the Code. Accordingly, unless Recipient receives the prior written approval of OBDD, Recipient shall not permit in excess of ten percent (10%) of either (a) the Financing Proceeds or (b) the Project financed or refinanced with the Financing Proceeds to be directly or indirectly used in any manner that would constitute “private business use” within the meaning of Section 141(b)(6) of the Code, including not permitting more than one half of any permitted private business use to be “disproportionate related business use” or private business use unrelated to the government use of the Financing Proceeds. Unless Recipient receives the prior written approval of OBDD, Recipient shall not directly or indirectly use any of the Financing Proceeds to make or finance loans to persons other than governmental units, as that term is used in Section 141(c) of the Code.
- (3) The Recipient shall not directly or indirectly use or permit the use of any of the Financing Proceeds or any other funds, or take any action or omit to take any action, which would cause any Lottery Bonds to be “arbitrage bonds” within the meaning of Section 148(a) of the Code.
- (4) The Recipient shall not cause any Lottery Bonds to be treated as “federally guaranteed” for purposes of Section 149(b) of the Code, as may be modified in any applicable rules, rulings, policies, procedures, regulations or other official statements promulgated or proposed by the Department of the Treasury or the Internal Revenue Service with respect to “federally guaranteed” obligations described in Section 149(b) of the Code. For purposes of this paragraph, any Lottery Bonds will be treated as “federally guaranteed” if: (a) all or any portion of the principal or interest is or will be guaranteed directly or indirectly by the United States of America or any agency or instrumentality thereof, or (b) five percent (5%) or more of the proceeds of the Lottery Bonds will be (i) used in making loans if the payment of principal or interest is guaranteed in whole or in part by the United States of America or any agency or instrumentality thereof, or (ii) invested directly or indirectly in federally insured deposits or accounts, and (c) none of the exceptions described in Section 149(b)(3) of the Code apply.
- (5) The Recipient shall assist OBDD to ensure that all required amounts are rebated to the United States of America pursuant to Section 148(f) of the Code. The Recipient shall pay to OBDD such amounts as may be directed by OBDD to satisfy the requirements of Section 148(f) applicable to the portion of the proceeds of any tax-exempt bonds, including any Financing Proceeds or other amounts held in a reserve fund. The Recipient further shall reimburse OBDD for the portion of any expenses it incurs related to the Project that is necessary to satisfy the requirements of Section 148(f) of the Code.
- (6) Upon OBDD’s request, Recipient shall furnish written information regarding its investments and use of Financing Proceeds, and of any facilities financed or refinanced therewith, including providing OBDD with any information and documentation that OBDD reasonably determines

is necessary to comply with the arbitrage and private use restrictions that apply to the Lottery Bonds.

- (7) Notwithstanding anything to the contrary, so long as is necessary to maintain the exclusion from gross income for purposes of federal income taxation of interest on any Lottery Bonds, the covenants contained in this subsection will survive the payment of the Loan and the Lottery Bonds, and the interest thereon, including the application of any unexpended Financing Proceeds. The Recipient acknowledges that the Project may be funded with proceeds of the Lottery Bonds and that failure to comply with the requirements of this subsection could adversely affect any exclusion of the interest on the Lottery Bonds from gross income for federal income tax purposes.
- (8) Neither Recipient nor any related party to Recipient, within the meaning of 26 C.F.R. §1.150-1(b), shall purchase any Lottery Bonds, from which proceeds were used to finance the Project, in an amount related to the amount of the Loan.

SECTION 9 - DEFAULTS

Any of the following constitutes an “Event of Default”:

- A. The Recipient fails to make any Loan payment when due.
- B. The Recipient fails to make, or cause to be made, any required payments of principal, redemption premium, or interest on any bonds, notes or other material obligations, for any other loan made by the State of Oregon.
- C. Any false or misleading representation is made by or on behalf of Recipient in this Contract, in any other Financing Document or in any document provided by Recipient related to this Loan or the Project or in regard to compliance with the requirements of Section 103 and Sections 141 through 150 of the Code.
- D.
 - (1) A petition, proceeding or case is filed by or against Recipient under any federal or state bankruptcy or insolvency law, and in the case of a petition filed against Recipient, Recipient acquiesces to such petition or such petition is not dismissed within 20 calendar days after such filing, or such dismissal is not final or is subject to appeal;
 - (2) The Recipient files a petition seeking to take advantage of any other law relating to bankruptcy, insolvency, reorganization, liquidation, dissolution, winding-up or composition or adjustment of debts;
 - (3) The Recipient becomes insolvent or bankrupt or admits its inability to pay its debts as they become due, or makes an assignment for the benefit of its creditors;
 - (4) The Recipient applies for or consents to the appointment of, or taking of possession by, a custodian (including, without limitation, a receiver, liquidator or trustee) of Recipient or any substantial portion of its property; or
 - (5) The Recipient takes any action for the purpose of effecting any of the above.
- E. The Recipient defaults under any other Financing Document and fails to cure such default within the applicable grace period.
- F. The Recipient fails to perform any obligation required under this Contract, other than those referred to in subsections A through E of this section 9, and that failure continues for a period of 30 calendar days after written notice specifying such failure is given to Recipient by OBDD. The OBDD may

agree in writing to an extension of time if it determines Recipient instituted and has diligently pursued corrective action.

SECTION 10 - REMEDIES

- A. Remedies. Upon any Event of Default, OBDD may pursue any or all remedies in this Contract or any other Financing Document, and any other remedies available at law or in equity to collect amounts due or to become due or to enforce the performance of any obligation of Recipient. Remedies may include, but are not limited to:
- (1) Terminating OBDD's commitment and obligation to make any further disbursements of Financing Proceeds under the Contract.
 - (2) Declaring all payments under the Contract and all other amounts due under any of the Financing Documents immediately due and payable, and upon notice to Recipient the same become due and payable without further notice or demand.
 - (3) Barring Recipient from applying for future awards.
 - (4) Withholding amounts otherwise due to Recipient for application to the payment of amounts due under this Contract, including as provided in ORS 285B.449.
 - (5) Foreclosing liens or security interests pursuant to this Contract or any other Financing Document.
- B. Application of Moneys. Any moneys collected by OBDD pursuant to section 10.A will be applied first, to pay any attorneys' fees and other fees and expenses incurred by OBDD; then, to pay interest due on the Loan; then, to pay principal due on the Loan; and last, to pay any other amounts due and payable under this Contract or any of the Financing Documents.
- C. No Remedy Exclusive; Waiver; Notice. No remedy available to OBDD is intended to be exclusive, and every remedy will be in addition to every other remedy. No delay or omission to exercise any right or remedy will impair or is to be construed as a waiver of such right or remedy. No single or partial exercise of any right power or privilege under this Contract or any of the Financing Documents will preclude any other or further exercise thereof or the exercise of any other such right, power or privilege. The OBDD is not required to provide any notice in order to exercise any right or remedy, other than notice required in section 9 of this Contract.
- D. Default by OBDD. In the event OBDD defaults on any obligation in this Contract, Recipient's remedy will be limited to injunction, special action, action for specific performance, or other available equitable remedy for performance of OBDD's obligations.

SECTION 11 - MISCELLANEOUS

- A. Time is of the Essence. The Recipient agrees that time is of the essence under this Contract and the other Financing Documents.
- B. Relationship of Parties; Successors and Assigns; No Third Party Beneficiaries.
- (1) The parties agree that their relationship is that of independent contracting parties and that Recipient is not an officer, employee, or agent of the State of Oregon as those terms are used in ORS 30.265.
 - (2) Nothing in this Contract gives, or is to be construed to give, directly or indirectly, to any third persons any rights and benefits greater than those enjoyed by the general public.

- (3) This Contract will be binding upon and inure to the benefit of OBDD, Recipient, and their respective successors and permitted assigns.
- (4) The Recipient may not assign or transfer any of its rights or obligations or any interest in this Contract or any other Financing Document without the prior written consent of OBDD. The OBDD may grant, withhold or impose conditions on such consent in its sole discretion. In the event of an assignment, Recipient shall pay, or cause to be paid to OBDD, any fees or costs incurred because of such assignment, including but not limited to attorneys' fees of OBDD's Counsel and Bond Counsel. Any approved assignment is not to be construed as creating any obligation of OBDD beyond those in this Contract or other Financing Documents, nor does assignment relieve Recipient of any of its duties or obligations under this Contract or any other Financing Documents.
- (5) The Recipient hereby approves and consents to any assignment, sale or transfer of this Contract and the Financing Documents that OBDD deems to be necessary.

C. Disclaimer of Warranties; Limitation of Liability. The Recipient agrees that:

- (1) OBDD makes no warranty or representation, either express or implied, as to the value, design, condition, merchantability or fitness for particular purpose or fitness for any use of the Project or any portion of the Project, or any other warranty or representation.
- (2) The liability of the OBDD under this Contract is contingent upon the availability of moneys in the Special Public Work Fund for use in the project, and in no event are OBDD or its agents liable or responsible for any direct, indirect, incidental, special, consequential or punitive damages in connection with or arising out of this Contract or the existence, furnishing, functioning or use of the Project.

D. Notices and Communication. Except as otherwise expressly provided in this Contract, any communication between the parties or notices required or permitted must be given in writing by personal delivery, email, or by mailing the same, postage prepaid, to Recipient or OBDD at the addresses set forth below, or to such other persons or addresses that either party may subsequently indicate pursuant to this Section.

Any communication or notice by personal delivery will be deemed effective when actually delivered to the addressee. Any communication or notice so addressed and mailed will be deemed to be received and effective five (5) days after mailing. Any communication or notice given by email becomes effective 1) upon the sender's receipt of confirmation generated by the recipient's email system that the notice has been received by the recipient's email system or 2) the recipient's confirmation of receipt, whichever is earlier. Notwithstanding this provision, the following notices may not be given by email: notice of default or notice of termination.

If to OBDD: Deputy Director
Oregon Business Development Department
775 Summer Street NE Suite 200
Salem, OR 97301-1280

If to Recipient: City Administrator
City of Aumsville
595 Main Street
Aumsville, OR 97325

E. No Construction against Drafter. This Contract is to be construed as if the parties drafted it jointly.

- F. Severability. If any term or condition of this Contract is declared by a court of competent jurisdiction as illegal, invalid or unenforceable, that holding will not invalidate or otherwise affect any other provision.
- G. Amendments, Waivers. This Contract may not be amended without the prior written consent of OBDD (and when required, the Department of Justice) and Recipient. This Contract may not be amended in a manner that is not in compliance with the Act. No waiver or consent is effective unless in writing and executed by the party against whom such waiver or consent is sought to be enforced. Such waiver or consent will be effective only in the specific instance and for the specific purpose given.
- H. Attorneys' Fees and Other Expenses. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, the prevailing party in any dispute arising from this Contract is entitled to recover its reasonable attorneys' fees and costs at trial and on appeal. Reasonable attorneys' fees cannot exceed the rate charged to OBDD by its attorneys. The Recipient shall, on demand, pay to OBDD reasonable expenses incurred by OBDD in the collection of Loan payments.
- I. Choice of Law; Designation of Forum; Federal Forum. The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Contract, including, without limitation, its validity, interpretation, construction, performance, and enforcement.

Any party bringing a legal action or proceeding against any other party arising out of or relating to this Contract shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County (unless Oregon law requires that it be brought and conducted in another county). Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.

Notwithstanding the prior paragraph, if a claim must be brought in a federal forum, then it must be brought and adjudicated solely and exclusively within the United States District Court for the District of Oregon. This paragraph applies to a claim brought against the State of Oregon only to the extent Congress has appropriately abrogated the State of Oregon's sovereign immunity and is not consent by the State of Oregon to be sued in federal court. This paragraph is also not a waiver by the State of Oregon of any form of defense or immunity, including but not limited to sovereign immunity and immunity based on the Eleventh Amendment to the Constitution of the United States.

- J. Integration. This Contract (including all exhibits, schedules or attachments) and the other Financing Documents constitute the entire agreement between the parties on the subject matter. There are no unspecified understandings, agreements or representations, oral or written, regarding this Contract.
- K. Execution in Counterparts. This Contract may be signed in several counterparts, each of which is an original and all of which constitute one and the same instrument.

Signature page follows.

The Recipient, by its signature below, acknowledges that it has read this Contract, understands it, and agrees to be bound by its terms and conditions.



STATE OF OREGON
acting by and through its
Oregon Business Development Department

CITY OF AUMSVILLE, OREGON

By: _____
Chris Cummings, Deputy Director

By: _____
The Honorable Angelica Ceja,
Mayor

Date: _____

Date: _____

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

/s/David Berryman via email dated 06/16/2023
David Berryman, Attorney General

EXHIBIT A - GENERAL DEFINITIONS

As used in this Contract, the following terms have the meanings below.

“Act” means ORS 285B.410 through 285B.482, as amended.

“Award” means the award of financial assistance to Recipient by OBDD dated 27 April 2023.

“C.F.R.” means the Code of Federal Regulations.

“Code” means the Internal Revenue Code of 1986, as amended, including any implementing regulations and any administrative or judicial interpretations.

“Costs of the Project” means Recipient’s actual costs (including any financing costs properly allocable to the Project) that are (a) reasonable, necessary and directly related to the Project, (b) permitted by generally accepted accounting principles to be Costs of the Project, and (c) are eligible or permitted uses of the Financing Proceeds under applicable state or federal statute and rule.

“Counsel” means an attorney at law or firm of attorneys at law duly admitted to practice law before the highest court of any state, who may be of counsel to, or an employee of, OBDD or Recipient.

“Financing Documents” means this Contract and all agreements, instruments, documents and certificates executed pursuant to or in connection with OBDD’s financing of the Project.

“Financing Proceeds” means the proceeds of the Loan.

“Lottery Bonds” means any bonds issued by the State of Oregon that are special obligations of the State of Oregon, payable from unobligated net lottery proceeds, the interest on which is exempt from federal income taxation, together with any refunding bonds, used to finance or refinance the Project through the initial funding or refinancing of all or a portion of the Loan.

“Municipality” means any entity described in ORS 285B.410(9).

“ORS” means the Oregon Revised Statutes.

“Project Completion Date” means the date on which Recipient actually completes the Project.

EXHIBIT B – SECURITY

- A. Full Faith and Credit Pledge. The Recipient pledges its full faith and credit and taxing power within the limitations of Article XI, sections 11 and 11 b, of the Oregon Constitution to pay the amounts due under this Contract. All amounts due under this Contract are payable from and secured by all lawfully available funds of Recipient.
- B. Public Works Equipment Reserve Fund. The Recipient shall budget and maintain internal fund transfers to the Public Works Equipment Reserve Fund, which is a fund of Recipient set aside for repayment of the Loan as provided under this Contract, from Recipient's Streets Fund, Sewer Fund, and Water Fund which, when combined with the available fund balance within the Public Works Equipment Reserve Fund, equal not less than one hundred twenty percent (120%) of the annual debt service due in the fiscal year on the Loan.
- C. Refunding Proceeds. The outstanding principal of and accrued, but unpaid, interest on the Loan shall be payable from any Refunding Proceeds. The Recipient hereby grants to OBDD a security interest in and irrevocably pledges the Refunding Proceeds to pay all of the obligations owed by Recipient to OBDD under this Contract. The Refunding Proceeds pledged and hereafter received by Recipient will be immediately subject to the lien of this pledge without physical delivery or further act, and the lien of this pledge will be superior to all other claims and liens to the fullest extent permitted by ORS 287A.310. The Recipient represents and warrants that this pledge of Refunding Proceeds complies with, and is valid and binding from the effective date of this Contract as described in, ORS 287A.310.

EXHIBIT C - PROJECT DESCRIPTION

Project Background: Recipient’s current public works building is not functional for the needs of the public works employees and the work that they do. There is no functioning break room, leaving the testing lab as the only location for lunch breaks. There is also a lack of space in the storage areas, and the office spaces are becoming obsolete due to their age, functionality, and deterioration.

Recipient solicited bids for a new public works building and the lowest price exceeds the amount Recipient has budgeted. Recipient does not believe resoliciting will provide any lower bids.

Project Description: Recipient will, with the assistance of an engineer that is licensed and in good standing in Oregon, construct a new 8,000 square foot public works building at 565 Olney Street, Aumsville, Oregon. Project activities include, but are not limited to, the following:

- 1) Site preparation,
- 2) Foundation construction,
- 3) Construction of a pre-engineered steel building,
- 4) All associated mechanical, electrical, and plumbing construction components.

EXHIBIT D - PROJECT BUDGET

Line Item Activity	OBDD Funds	Other / Matching Funds
Engineering	\$0	\$72,000
Construction	\$704,425	\$1,170,000
Construction Contingency	\$50,000	\$0
Construction Management	\$0	\$58,000
Total	\$754,425	\$1,300,000



CITY OF AUMSVILLE
595 Main Street | Aumsville, Oregon 97325
(503) 749-2030 | www.aumsville.us

STAFF REPORT

DATE: June 26, 2023
TO: Aumsville City Council
FROM: Matthew Etzel, Assistant Public Works Director
SUBJECT: Amendment - Public Works Shop Building Engineering Services - Westech

RECOMMENDATION: Amend the Public Works Shop Building Engineering Services Proposal from Westech.

BACKGROUND: As the Council is aware the contracts for the Public Works Shop Building have been awarded to RA Gray and they have started with the submittal process. Westech Engineering had a previous task order with the City to perform the bidding and construction documents for this project. We were substantially under budget on this task and continued to use this proposal to move the project forward with the negotiations and value engineering of the project to get it closer to our budget.

City Staff will need the assistance of Westech and sub-consultants to review submittals from RA Gray as this project is a design-build. RA Gray will be responsible for submitting material to Westech for approval and then to the County for permitting. We will need to rely on Westech's knowledge through this process to ensure the submittals meet the bidding document requirements. Westech will also review and authorize payment requests from the contractor, guide the City if or when any changes to the project need to be made, and coordinate those changes with the contractor to ensure the proposed changes are appropriate or up to the standard we expect for this project.

CURRENT SITUATION: The bidding and construction phase of the current task order with Westech is at \$58,000 of the not to exceed amount of \$72,000 in the original task order. Westech anticipates an additional \$75,000 in cost to perform the construction services as part of this project. This includes a pre-construction meeting once RA Gray mobilizes, regularly scheduled progress meetings on site 2-4 times a month, pay request processing and authorization, review of construction submittals, materials testing review (such as compaction testing etc.) substantial and final inspection walkthroughs, and record drawings for the project and O&M manuals.

MOTION:

- I move to amend the Public Works Shop Building Engineering Services proposal from a not to exceed amount of \$72,000 to a not to exceed amount of \$133,000.
- I move to amend the Public Works Shop Building Engineering Services proposal from a not to exceed amount of \$72,000 to a not to exceed amount of \$133,000 with the following conditions.
- Remand back to staff to provide additional research or modification.

June 13, 2023

Mr. Matthew Etzel
Aumsville Public Works
595 Main Street
Aumsville, Oregon 97325

RE: Public Works Shop Building Engineering Services – Contract Amendment Request #1
JO 2599.1200.0

Dear Matt:

As you know, the public works shop building project is moving into the construction phase of the project. To date, our approved scope of work has been for services during the design phase only. At this time, we would like to request approval for additional services and fees to assist the City during the construction phase of the project.

The remainder of this letter proposal is divided into the following sections. Short discussions on these items follow.

- Scope of Work
- Fee Schedule

SCOPE OF WORK

The following scope of engineering services during construction phase of the project is fairly standard for our municipal clients for publicly-bid projects. Please note that the scope of services provided by Westech can be modified as desired best meet the City's needs.

For this project we have not included full time inspection in this scope of work. Therefore, it is anticipated that the City's forces will provide the day-to-day construction inspection and interfacing with the contractor. Listed below are services that will be provided as desired by the City.

- a. Preconstruction conference. Organize and conduct the preconstruction conference. We assume that the preconstruction conference will be held at City Hall.
- b. Issue the Notice to Proceed to the Contractor.
- c. Contract & drawing questions. Answer Contractor questions, and interpret the contract documents on behalf of the City and to best represent the City's interests.
- d. Coordinate/Correspond with City & Contractor. Coordinate and correspond with the Contractor, the City's Public Works Department and City Hall as appropriate during construction.
- e. Meetings & construction observation. Meet with City staff periodically as necessary during construction. Provide periodic construction observation to monitor the contractor's progress. We anticipate that most of the routine inspection work will be done by the City's public works staff, with visits by the engineer as appropriate based on the portion of construction under way (typically 2-4 times per month), depending on the stage of construction).

- f. Review of construction submittals. Review construction submittals to ensure that proposed equipment & materials comply with the Contract Documents and City standards.
- g. Materials testing review. Coordinate with the contractor to ensure that the required materials testing as required under the contract documents (i.e., compaction, etc) is completed and acceptable.
- h. Changes to the work. Review reports of changed conditions from the Contractor or change requests from the City, and prepare change order documents as appropriate.
- i. Monthly payment requests. Prepare and submit to the City monthly payment requests and a cover letter/ report outlining the contractor's progress during the preceding month.
- j. Substantial and final completion walkthroughs. Conduct walkthrough inspections with City representatives as well as the contractor. Prepare a punch list of items to be completed and verify that they have been completed. Verify that the required project closeout paperwork is completed by the Contractor.
- k. Record drawings. Prepare record drawings of the improvements (based on marked up field record built drawings provided by the contractor) and submit them to the City. Incorporate final records drawings into the City's existing as-built database.

FEE SCHEDULE

We propose to provide the services described above during the bidding and construction phase of the project at our regular hourly rates. Our current not to exceed fee for this project is \$72,000. To date, we have billed a total of about \$58,000 of this amount. In order to provide the services described above, we anticipate additional fees of no more than \$75,000. Therefore, we hereby request to increase our existing not to exceed fee to \$133,000 to continue to serve the City during the construction phase of the project. Not included in our scope are the following services.

- Agency review fees
- Compaction and Materials Testing
- Prevailing wage review, certification, or interviews
- Warranty Inspections
- Vacuum excavation or potholing
- As-Built Surveys
- Cultural, Wetlands, or T&E Species Investigations
- Construction Staking

Any of the above services can be provided on a time and material basis as needed and requested, or we can assist the City with these additional tasks only to the extent requested or required by the City.

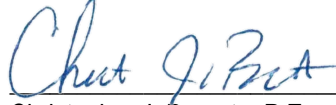
If the City decides to proceed with the work scope summarized herein, we assume that the City will authorize us to proceed with these services under our existing city engineering contract (we will provide separate invoices for this work to allow the City to accurately track costs). If this change is acceptable, please sign where indicated below and return a signed copy to our office. If you have any questions or need additional information, please do not hesitate to contact us.

June 13, 2023
Matt Etzel
City of Aumsville
Page 3

This proposal is valid for 6 months from today's date.

Sincerely,

WESTECH ENGINEERING, INC.



Christopher J. Brugato, P.E.

The parties hereto agree to the work effort and conditions described above with all terms and conditions in accordance with the City Engineer of Record Services Contract between the City of Aumsville and Westech Engineering, Inc. dated 3/9/2019.

The City of Aumsville

Organization

Signature

Date

Typed or Printed Name

cjb



Oregon

Tina Kotek, Governor

Department of Administrative Services
Chief Financial Office
155 Cottage St. NE
Salem, Oregon 97301
(503) 378-3106

MEMO

TO: Grant Manager/Authorized Representative
FROM: COVID Fiscal Relief Team
DATE: May 30, 2023

RE: AMENDMENT to DAS Coronavirus State Fiscal Recovery Fund (CSFRF) agreement – Expenditure Category (EC) 6.1 – Revenue Replacement

On May 22, 2023, the Office of Management and Budget (OMB) released the [2023 Compliance Supplement](#) for the CSFRF funds. The new *2023 Compliance Supplement* revised language to provide clarity and align with the guidance found in the U.S. Treasury's [Final Rule FAQ 13.14 for Revenue Replacement Expenditure Category \(EC 6.1\)](#). An excerpt of the FAQ is as follows:

“Treasury has determined that there are no subawards under this eligible use category. The definition of subrecipient in the Uniform Guidance provides that a subaward is provided for the purpose of “carrying out” a portion of a federal award. Recipients’ use of revenue loss funds does not give rise to subrecipient relationships.”

The change in guidance is found in the *2023 Compliance Supplement* for Assistance Listing Number (ALN) 21.027 (CSFRF) starting on page 4-21.027-6. This guidance states that the U.S. Treasury has determined that there are no subawards under the Revenue Replacement (EC 6.1) use category because a recipient's use of revenue loss funds does not give rise to subrecipient relationships given that there is no federal program or purpose to carry out in the case of the revenue loss portion of the award.

Please note: All the allocations of funding made by individual members of the Oregon Legislature fall into the Revenue Replacement (EC 6.1) category.

The result of this guidance is that a change is necessary in the nature of the CSFRF agreement between your organization and the Department of Administrative Services (DAS). An amendment is attached which addresses the recent guidance and removes the requirements that are specific to a subrecipient agreement.

Specifically, the amendment removes:

- 1) the Single Audit requirement for grants under the 6.1 category;
- 2) the requirement to report expenditures to the Schedule of Expenditures of Federal Awards (SEFA); and
- 3) the entirety of Exhibit C referencing the federal pass-through funding.

The **effective date for this change is retroactive to July 1, 2022**, and is reflected in the attached amendment to your agreement. Please sign and return the attached amendment at your earliest convenience, **but not later than June 23, 2023**. **If your entity is unable to meet this requested deadline, please contact me to discuss the earliest possible date you can return the amendment.**

Please contact me if you have any questions.

**STATE OF OREGON
GRANT AGREEMENT NO. 8183**

Amendment No. 1

This is Amendment Number 1 ("Amendment") to Grant Agreement No. 8183 (the "Agreement") between the State of Oregon, acting by and through the Department of Administrative Services ("DAS"), and City of Aumsville ("Grantee"), each a "Party" and, together, the "Parties". This Amendment amends the Agreement to delete certain federal subaward requirements pursuant to the U.S. Office of Management and Budget's 2 CFR PART 200, APPENDIX XI COMPLIANCE SUPPLEMENT (May 2023) ("OMB 2023 Compliance Supplement").

1. Effective Date. This Amendment shall become effective when fully signed and approved as required by applicable law.
2. Amendments to Agreement:

Exhibit C and the reference thereto on the first page of the Agreement are deleted in their entirety.

Amendments elsewhere in the Agreement: New Language is indicated by **bolding** and underlining and deleted language is indicated by **bolding** and ~~striking~~:

SECTION 6: Covenants of Recipient

Recipient covenants as follows:

- C. ~~Federal Audit Requirements. The Grant is federal financial assistance, and the associated Assistance Listings number is 21.027. Recipient is a subrecipient.~~
 - (1) ~~This Amendment amends the Agreement to delete certain federal subaward requirements pursuant to the U.S. Office of Management and Budget's 2 CFR Part 200, Appendix XI Compliance Supplement (May 2023) ("OMB 2023 Compliance Supplement"). If Recipient receives expends federal funds in excess of \$750,000 or more during Recipient's fiscal year in federal awards, it is subject to audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Recipient, if subject to this requirement, shall at its own expense submit to DAS a copy of, or electronic link to, its annual audit subject to this requirement covering the funds expended under this Contract and shall submit or cause to be submitted to DAS the annual audit of any subrecipient(s), contractor(s), or subcontractor(s) of Recipient responsible for the financial management of funds received under this Contract. Subject to the limitations in 2 CFR 200.425, a reasonably proportionate share of the costs of any audits required by, and performed in accordance with, the Single Audit Act Amendments of 1996 (31 USC 5701-7507) (the "Single Audit Act"), are allowable costs payable with Grant funds.~~
- F. Compliance with 2 CFR Part 200. Recipient must comply with all applicable provisions of 2 CFR Part 200, Uniform Administrative Requirements, which include Cost Principles, but not and Audit Requirements for Federal Awards, including the Cost Principles and Single Audit Act requirements, pursuant to the UST 2023 Compliance Supplement.
- P. Administrative Costs. Recipient may use a negotiated indirect cost rate or an approved cost allocation plan to recover administrative costs in administering the grant. If Recipient does not have a

negotiated rate or approved cost allocation plan, it is allowable to use the federal de minimis rate of 10%.

3. This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. Except as expressly amended above, all other terms and conditions of the original Agreement remain in full force and effect.
5. The parties expressly affirm and ratify the Agreement as herein amended.
6. Parties certify that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

IN WITNESS WHEREOF, the Parties have executed this Grant as of the dates set forth below.



STATE OF OREGON
acting by and through its
Department of Administrative Services

CITY OF AUMSVILLE

By: _____

By: Bon Harding City Administration
Name and Title

Date: _____

Date: 6/23/23

APPROVED AS TO LEGAL SUFFICIENCY IN ACCORDANCE WITH ORS 291.047:

Samuel B. Zeigler, Senior Assistant Attorney General