



Subject: Clackamas County Presentation on Stafford Childs Intersection Improvements	
Meeting Date: April 16, 2024	Staff Member: Martha Bennett, City Manager
Report Date: April 8, 2024	Department: City Manager’s Office
Action Required <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Information Only <input checked="" type="checkbox"/> Council Direction <input type="checkbox"/> Consent Agenda	Advisory Board/Commission Recommendation <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input checked="" type="checkbox"/> Not Applicable Comments:
Staff Recommendation:	
Recommended Language for Motion: N/A	
Project / Issue Relates To: Transportation Safety and Chapter X of the City Charter	
Issue before Council (Highlight Policy Question):	
<input type="checkbox"/> Council Goals/Priorities <input type="checkbox"/> Adopted Master Plan(s) <input checked="" type="checkbox"/> Not Applicable	

EXECUTIVE SUMMARY

Clackamas County will present the final design option for the improvements to the intersection of Stafford Road and Childs Road. The final roundabout design requires constructing a portion of Childs Road on Stevens Meadow, a natural area owned by the City of Lake Oswego that is protected by Chapter X of the City Charter as a nature preserve.

BACKGROUND

In 2018, Clackamas County completed a road safety audit of Stafford Road between Lake Oswego and Wilsonville. They identified several projects to increase the safety of the corridor

for automobiles, cyclists, and pedestrians. One of the top priority projects was installing a signal or a roundabout at the intersection of Stafford Road and Childs Road. This intersection serves a large number of Lake Oswego residents.

The County began design work in 2021 and concluded that a roundabout was the preferred option in 2022. Following community feedback, the County refined the design in 2023. County staff notified City staff that the design included moving the current location of Childs Road northwards as it approaches Stafford Road. Stevens Meadows is directly adjacent to the current Childs Road, and the County needs about 16,000 square feet of Stevens Meadows property for the proposed design. In addition, the proposed project as designed would require the County to remove several large Douglas Firs from the property. The County plans to begin construction of the intersection with utility relocation in the fall of 2024, with construction complete in 2026. Council may find the virtual open house conducted by Clackamas County on this project to be useful in understanding the design and project background: [Stafford Road Improvements \(arcgis.com\)](https://arcgis.com)

In November 2021, the voters of the City of Lake Oswego approved an amendment to Chapter X of the City's Charter. Chapter X had previously applied to only Springbrook Park. The 2021 measure expanded Chapter X's protections to 14 additional properties, designated in the charter as "nature preserves," and also expanded the list of prohibited improvements. One of the activities that is prohibited is construction of, ". . . any parking lot, road, or trail for motorized vehicles within a Nature Preserve."

Council should be aware that properties on both sides of Childs Road are owned by the public for the purpose of protecting water quality and high-quality natural habitats. The property south of Childs is owned by Metro for the protection of Pecan Creek. Staff asked the County to consider redesigning the project to move Childs Road further south, but such a redesign would likely require removal of a single-family home, relocation of the residents, and construction of a larger retaining wall. These limitations informed the County's decision that the property along Stevens Meadow would be the most viable.

DISCUSSION

The City has been in strong support of improving safety at the intersection of Childs Road and Stafford Road for several years. There have been many crashes at this intersection with many of them resulting in injuries. Additionally, the proposed project would add bike lanes from Rosemont Road to Pattulo Way, connecting existing bike facilities, and will add sidewalks at least at the roundabout. In other words, the County's project offers public health and safety benefits to the residents of Lake Oswego.

At the same time, City staff have made Clackamas County aware of Chapter X of the City Charter. The purpose of this section reads as follows:

Purpose. The purpose of this Chapter is to preserve all designated Nature Preserves that are owned by the City of Lake Oswego, inclusive of the fifteen natural parks specified in

this Chapter, as natural areas for the enjoyment of all residents of and visitors to Lake Oswego. This Chapter shall be interpreted liberally to achieve this purpose

While Chapter X is silent about whether the City can sell a portion of nature preserve property, it is clear the intent was to protect the natural qualities of these 15 properties, including Stevens Meadows.

These conflicting priorities—enhancing public safety and health through transportation improvements versus preserving natural areas for communal enjoyment--require policy direction from the City Council for staff to proceed. County staff will present the road design to you, and City staff are informing interested parties, including representatives from Love LO Parks, the Stevens family (donors of the property), the Palisades Neighborhood Association, and the Stafford Hamlet, that you'll be hearing this presentation.

Staff have identified the following options for Council. Council may wish to conduct an executive session to discuss potential risks of litigation before deciding which of these options is the appropriate way to proceed.

1. Council could sell the needed property to Clackamas County. As discussed above, this option carries reputational and legal risks to the extent the County's proposed project is inconsistent with protecting the natural quality of the acquired property
2. Council could refuse to sell the property to Clackamas County. There are two potential outcomes from this approach:
 - Clackamas County may attempt to condemn the City's property. It would be a very unusual act for one government to use eminent domain to acquire another jurisdiction's property, and the City Attorney has advised that there is very limited case law on this topic. (In other words, we don't know how it would turn out.) This approach may damage our relationship with Clackamas County and may also result in litigation.
 - Clackamas County may cancel or postpone this improvement. This would also probably damage the City's relationship with the County because of the investment that they have made on the project. Moreover, this would mean that we would continue to face significant safety and congestion issues at Childs/Stafford. Finally, there is notable public support for improving this intersection.

RECOMMENDATION

Staff recommends that Council schedule a future executive session to discuss legal risks and litigation potential before selecting an option.

ATTACHMENT

1. Clackamas County Stafford Road Improvements Project Fact Sheet



Stafford Road Improvements (Pattulo Way to Rosemont Road)

Improve safety at intersections and widen Stafford Road to add bike lanes

Project Overview

- Add roundabout at Childs Road intersection for improved capacity and safety.
- Widen Stafford Road to provide bike lanes between Pattulo Way and Rosemont Road.
- Replace Pecan Creek culvert at Childs Road with a larger, fish-friendly culvert.
- Add stormwater facilities to better drain and filter rainwater runoff from the roadway.
- The proposed improvements have long been identified as high priority in the county's Transportation System Plan. A Public Advisory Committee and a Technical Advisory Committee guided the two-year plan development process, based on extensive input from the public, the business community, planning and transportation experts, and public and private partners.

Improving Safety and Relieving Congestion

- Predicted to reduce fatal and injury crashes by 85% with a roundabout compared to the existing stop-controlled intersection at Stafford Road and Childs Road intersection.
- Provide bike and pedestrian facilities.
- Improve safety to prevent roadway departures with guardrail or a traversable slope within the clear zone.

Minimizing Impacts

- Set roadside slopes to the maximum allowable and use retaining walls where practical.
- Narrow bike lanes (6-ft wide instead of standard 8-ft)
- Proposed roundabout location uses existing roadway alignment.

Improving Natural Habitat

- Install new stormwater management facilities to capture, detain and treat runoff before discharging into Pecan Creek.
- Connect habitat to nearby water and other habitat areas with new fish-friendly culvert to replace an existing fish barrier.
- Re-plant disturbed areas along Pecan Creek with hundreds of native trees and thousands of native shrubs.
- Secure over 36,000 square feet of new Restricted Development Easement to preserve natural habitat directly adjacent to Pecan Creek in perpetuity.

Public Outreach and Collaboration

- Multiple presentations at Stafford Hamlet meetings.
- Multiple community open house feedback opportunities.
- Habitat Conservation Area Land Use application and approval with public notice and feedback.
- Proactive and ongoing coordination and partnership with City of Lake Oswego, West Linn and Metro.

Stafford/Childs intersection improvements



**Questions? Contact Jon Hangartner, project manager
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