



Oak Lodge Library Land Discussion

Thursday, February 9, 2023

5:30 p.m., Zoom

Individual Comments from Concord Land Issue Stakeholder Meeting Concord Task Force, Library Board, NCPRD District Advisory Committee

Attendees:

Task Force, Board and Committee members: Grover Bornefeld, Anatta Blackmarr, Kim Parmon, Gary Bokowski, Ron Campbell, Deborah Bokowski, Muciri Gatimu, Dominic Cortinas, Doug Jones, Nancy Eichsteadt, Mark Elliot, Kristi Switzer, David Gilman

County representatives: Commissioner Paul Savas, Mitzi Olson, Mike Bork, Jessica Stead, Cindy Becker, Jason Varga, Sarah Eckman, Jeff Munns, Ellen Rogalin

Individual Comments

Cindy Becker– not looking for a consensus or recommendation, but would like to hear comments. Asked Jeff Munns to review the issue at hand. Library was always going to be on Concord property and the discussion is what do we do about that.

Jeff Munns – Need an agreement that works well for the useful life of the library – either a ground lease or some sort of sale of property – lots of different sales options. But want to know which path we should take. If we start with a lease, doesn't preclude purchasing some property down the road. If it is a lease, what do you do when it's over? Costs could be a real factor; time would be another one.

Paul Savas– Thanks for participating. Gave some background information – library budget had some money set aside for the purchase of the property. There were some concerns about NCPRD possibly subsidizing the library project, and we were always clear that the situation would not occur. The line of separation was paramount to ensure fairness. I don't know where that \$300,000 is embedded. In my memory, the concept was to purchase the property. There was a concern that the Park District would have to subsidize it. A lease was never anticipated back then. Be mindful that we need to come up with something that makes sense for the County/Library Board and NCPRD.

Gary Bokowski– Whether a lease or land purchase, my attention was drawn to the comment that NCPRD could possibly become independent. I don't understand what that is. Voters created NCPRD in 1990 and I thought most of the money put into this was taxpayer money, so how could NCPRD take off on its own?

Mike Bork– We're a 451 district of Clackamas County – the only one in the state. In 2014 there was an initiative to become a special district (more standard model) – that measure failed. Talk going on if it should be revisited in the future. Not anything new; just a consideration. We'll make sure there's language in a ground lease that says that, if NCPRD becomes a separate district, the lease would remain in effect, just the same as if Oak Lodge became a city.

Gary Bokowski – Who owns the NCPRD properties? Mike – NCPRD does, paid for by NCPRD taxpayer levies. The library building would be owned by the county. Does the county buy the chunk of land that the library will sit on or is there a long-term ground lease.

Gary Bokowski– If NCPRD did become independent, what happens to land that was paid by the taxpayers? Mike – same taxpayers. All assets would transfer as part of the separation. Gary – you would retain taxing authority? Mike – Yes.

Muciri Gatimu– What’s the fair market value of the property? Is \$300,000 enough to pursue that? I would reject that deal if I was presented with it. It seems a bit low.

Cindy Becker– We don’t have a current appraisal of that property.

Jeff Munns– Partly because of determining the footprint of the building; have to consider parking, setback areas, etc. that might be required through planning process

Anatta Blackmarr– NCPRD didn’t buy the land – it was a swap, wasn’t it? There’s a simplicity in the library owning the land that it’s built on, and the park and community center owning the land they are on. Concerned about the library not having guaranteed continued use of the building.

Cindy Becker – Read email from Mike Schmeer – seems unwieldy for property to be divided up; seems like an agreement could be worked out for shared use of the property.

Debrah Bokowski – Prefer that library owns the land that it sits on because it has more control over what goes on. The \$300,000 that we set aside to purchase the land – if you go to a higher amount, that will tank the whole thing. At the BCC meeting, commissioners seemed very concerned that no more money might be accepted – that is very, very concerning to me. If we do a lease, we should do it for 1,000 years – I want it to be there forever.

Ron Campbell – What are the setback requirements with the land purchase option? Cindy – don’t know that yet. We haven’t asked.] Ron – do the library staff have a preferred approach and if so, what is it and why, and the same question for the NCPRD staff?

Mitzi Olson– If this ends up being a lease, we’ll want to make sure it’s in our operational budget. Lots more discussions to be had.

Cindy Becker– lots of flexibility with a lease, including \$1 a year. The lease doesn’t have to be at market value.

Mike Bork– When the buildings were to be attached, a land purchase wasn’t possible. Now that the buildings are separate, we have the option. NCPRD would prefer to keep the ownership of the land and not separate it out into chunks. Not afraid of options we have with ground leases. There is no intent for NCPRD staff to do anything that would be harmful to our relationships with the libraries. A lot has to be figured out on shared costs. Some of the complications are solved by separating the buildings – it will have its own address and its own utilities. Other shared costs might be building maintenance/janitorial services, parking lot maintenance, street lights, etc. Some shoveling, some restriping occasionally – don’t see a high level of shared costs. In that sense, a ground lease works well. I don’t like putting a time limit on it. If there is a time when the county or the city/Oak Lodge don’t want the building to be used as a library – NCPRD should be able to have input on what goes into that building. We want to have those protections for three generations in the future. But I would love the ground lease not to have any years

on it, but just to say that if the use of the building changes, NCPRD has a right of first refusal or something like that. Many different ways that a ground lease could go – we want to provide protection for the county, the library and NCPRD.

Jeff Munns– Depending on how you adjust the lot lines, there may be no difference in green space available to the library. Want to make sure it works for both NCPRD and the library. There are 4 separate tax lots and they're not all zoned the same.

Kim Parmon– I am a realtor. The condo option sounds interesting to me because that allows putting in place something like an HOA where each party has to agree to what happens to the property. If the library purchases the land with ingress or egress, you're having to go with easements, etc. The condo option seems reasonable to me.

Grover Bornefeld– I thought the library was to accept that we would be a resident on the park land, but that the library would have control over the land. It will cost taxpayers \$20 million to build that library, and it will be owned by the county. It's a concern. I'm a big fan of NCPRD succeeding all the way, but NCPRD got a great deal in that trade, but I don't see how market value is relevant because they didn't pay market value. The taxpayers are the winners, which is why we opted for co-locating the facilities. It will still be park – the library is sitting in a park.

I have multiple documents from the county and NCPRD that say this was designed to be a \$300,000 purchase. This is not a big surprise or a big change. I'm in favor of a smooth transition. I think it's cleanest to set it up as a mutual beneficial piece – the taxpayers are the taxpayers in both cases.

Cindy – I don't know what that \$300,000 was based – on don't know what's magic about that number.

Grover – I don't know what it was based on, but it was published repeatedly by NCPRD and the county. I love Kim's suggestion.

Kim Parmon– To my knowledge the condo-ization process is faster than the lot line.

Paul – During the land trade – it was very complicated – the county had made contributions to two cities that were in NCPRD at the time. Nonetheless, the approximate value put on the exchange was used to determine the value of the land the library would be sitting on – math done on square footage. Property improvements are going to be the burden, the cost for all those purposes, should be shared as equitably as possible. The taxpayers are the same. Mike's argument that what happens there in the future is a concern for NCPRD or the county – what if NCPRD decides to sell the property for another purpose. There can be a carefully crafted agreement or there can be a sale that requires the land continue to be used for library purposes. Best separation is the same owner of the building and the land underneath it.

Gary Bokowski– In regard to NCPRD getting a heck of a deal – when we were initially meeting on the task force in March 2019, the task force was being steered to use the Concord property to site the library. We never looked at other sites. One of the inducements was comments from Scott Archer that since the District got the money for less than fair market value, so that would be reflected in a lower lease rate.

Jan Carothers – One reason so many people in the community decided that the library needed to be separated was because there was some misunderstanding and the district maybe not being able to afford it. Even though everybody has great intentions, following Kim's suggestion to look at the worst-case scenario, it would be great for the county to have steering control of the library building.

Debrah Bokowski– As a former Parks Board member, how does this effect the park that’s going to be on that land? Is there going to be language in the agreements that the park remain a park and not be sold or anything else?

Mike Bork– It would depend on if there was a sale and on how the land was divided for the sale. Any library footprint increase would shrink the size of the park. It’s hard for me to answer specifically because it depends on the situation. One of the big cons about a land sale would delay the project, because we would have to have the sale completed before the construction could begin. That’s supposed to happen as early as this fall with the earth moving, but it could take 6-8 months to a year for a land sale. I don’t want to do anything to delay the momentum we’ve got going now.

Kim Parmon– If a purchase is going to happen, it should happen while the land is unapproved.

Chips Janger– Go back to what Paul said, we both have institutional memory. They (Scott Archer, etc.) were very solicitous at that time of having the library on the Concord site. They got the site at a very good value. Another area that hasn’t been talked about – if there’s incorporation, no one really knows the future of NCPRD. If there’s a city, no one knows the kind of parks department the city might want. Not knowing the future of NCPRD, it makes complete sense for the library to own its own property. That’s what was talked about at the very beginning and there’s no reason to change that – safest, wisest and smartest going forward.

Jeff Munns– Timeline is generally the same for any path you choose for acquisition – 120 days or more. More process if we go through an acquisition. But we could allow for a release so construction could begin before the acquisition is complete. Could do a short-term lease in preparation for acquisition. We need to fully investigate the right way to do this. The uses control the planning process; the acquisition deals more with problems that could occur way down the road.

Grover Bornefeld– Don’t want to slow down the process in any way. Find a way to have it be equitable and not slow down.

Doug Jones– My feeling is we talked about this about a year ago when we talked about the library as a separate building – I’m more comfortable with the library owning the land it sits on because of the tenuous nature of both organization and long-term arrangements.

Cindy Becker– My job is to transmit your feedback to the Board. This is information-gathering. There are lots of variations on this theme. Nobody wants to delay this project, so the question is how do you do both things. It sounds like an initial lease may be important to have to get things moving, but it can be short-term, a lease-to-own. There are options. Sounds like many of you would like the library to own the property; some say go ahead and lease. There’s no magic answer. Everyone wants to be fair to the library, county and NCPRD.

Ron Campbell– I’m also in favor of moving forward as quickly as possible, having confidence that a fair solution will be reached given enough time and discussion. Let’s get moving and work out details on lease vs. ownership later.

Paul Savas– Thanks. Appreciate everyone’s input. Agree there are a number of ways to get this project going.

Note: Recording can be found at: https://youtu.be/6LIV_4OCIDA