



**Regular Session**

**RS**

**Milwaukie City Council**



**MILWAUKIE CITY COUNCIL  
REGULAR SESSION**

City Hall Council Chambers  
10722 SE Main Street  
www.milwaukieoregon.gov

**AGENDA  
OCTOBER 20, 2015**

2,208<sup>th</sup> Meeting

- 1. CALL TO ORDER** **Page #**  
Pledge of Allegiance
  
- 2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. Milwaukie High School (MHS) Outstanding Student Achievement Award for October 2015 to Julia Rivers**  
Introduced by MHS Principal Mark Pinder
  - B. Milwaukie Center Update**  
Introduced Siri Bernard and Marty Hanley
  
- 3. CONSENT AGENDA**

These items are considered routine, and therefore, will not be allotted discussion time on the agenda; these items may be passed by the Council in one blanket motion; any Councilor may remove an item from the "Consent" agenda for discussion by requesting such action prior to consideration of that part of the agenda.

  - A. City Council Meeting Minutes** **2**
    - 1. August 18, 2015, Work Session;**
    - 2. August 18, 2015, Regular Session;**
    - 3. August 27, 2015, Study Session; and**
    - 4. September 1, 2015, Work Session.**
  - B. Approval of an Oregon Liquor Control Commission (OLCC)** **22**  
**Application for the Beer Store Milwaukie, 10560 SE Main St, New Outlet**
  
- 4. AUDIENCE PARTICIPATION**

The presiding officer will call for citizen statements regarding City business. Pursuant to Milwaukie Municipal Code (MMC) Section 2.04.140, only issues that are "not on the agenda" may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and submit it to the City Recorder. Pursuant to MMC Section 2.04.360, "all remarks shall be directed to the whole Council, and the presiding officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous." The presiding officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.
  
- 5. PUBLIC HEARING**

Unless the public testimony portion of the hearing was closed earlier, Public Comment will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.

  - A. Moving Forward Milwaukie: Central Milwaukie Plan and Code** **24**  
**Amendments, File Nos. CPA-2015-001 and ZA-2015-001 – Ordinance**  
Staff: Vera Kolias, Associate Planner
  - B. Three Parks Master Plans, File No. CPA-2015-002 – Ordinance** **27**  
Staff: Brett Kelter, Associate Planner

**6. OTHER BUSINESS**

These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.

**A. Energy Savings Performance Contracting Evaluation Phase Report 79**

Staff: Gary Parkin, Public Works Director

**B. Council Reports**

**7. INFORMATION**

**8. ADJOURNMENT**

**Public Notice**

Executive Sessions: The Milwaukie City Council may meet in Executive Session immediately following adjournment pursuant to ORS 192.660(2). All Executive Session discussions are confidential and those present may disclose nothing; representatives of the news media may attend as provided by ORS 192.660(3) but must not disclose any information discussed. Executive Sessions may not be held for the purpose of taking final actions or making final decisions and they are closed to the public.

The Council requests that mobile devices be set on silent or turned off during the meeting.

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**Regular Session  
Agenda Item No.**

**3**

# **Consent Agenda**



**MINUTES**  
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**WORK SESSION**  
AUGUST 18, 2015  
City Hall Conference Room

**Mayor Gamba called the Work Session to order at 4:02 p.m.**

Council Present: Councilors Scott Churchill, Wilda Parks, and Karin Power

Excused: Council President Lisa Batey

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, Community Development Director Alma Flores, Planning Director Denny Egner, Interim Engineering Director Brad Albert, Senior Planner Li Alligood, and Associate Planners Brett Kelter and Vera Kolias

**City Manager's Report**

**Mr. Monahan** reviewed the Work and Regular Session agendas, and **Councilor Churchill** requested that the 19<sup>th</sup> Avenue Woonerf Concept Plan Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) be pulled from the Consent Agenda for further discussion.

**Mr. Monahan** noted the issues raised at the August 4, 2015, Audience Participation.

The group discussed Council and staff plans to attend the League of Oregon Cities conference and individual Councilor endorsements of the Be College Ready program.

**Mr. Monahan** announced that municipal government officials from Nanping, China, would visit Milwaukie on August 24, 2015.

**Community Development Update**

**Ms. Flores** reported that 86% of the 700 parklet survey responses were in support of the program and that the Planning Commission had approved the 3 Parks Master Plans. She announced a short term rental housing workshop and discussed the status of the 19<sup>th</sup> Avenue Woonerf project and the residential parking permit program. She announced that Charles Eaton had been hired as the City's new Engineering Director.

**Mr. Albert** provided updates on the Adams Street Connector and Clay Pipe Replacement projects. He discussed the recommendation to hire a permitting consultant to monitor the municipal separate storm sewer system (MS4), and **Councilor Power** asked for information on current and previous MS4 permits.

**Councilor Parks** discussed construction projects on Linwood Avenue, Harmony Road, and Stanley Avenue.

**Moving Forward Milwaukie (MFM) Central Milwaukie Code and Plan Amendments**

**Ms. Kolias** reviewed issues raised by Council in previous MFM discussions regarding building height and setbacks, and she noted the timeline for Council to consider the proposed Milwaukie Municipal Code (MMC) and Comprehensive Plan amendments.

**Councilors Power** and **Parks** commented on their concern that new development should be consistent with the existing neighborhood and they expressed support for the proposed amendments regarding building height and setbacks.

**Mayor Gamba** discussed the proposed setback allowances and the possibility of taller developments being allowed on parts of the McFarland and Murphy sites.

**Councilor Churchill** suggested that the 8-story building north of the Murphy site was an anomaly and should not be used as a yardstick for future development.

**Mayor Gamba** and **Councilor Churchill** agreed that the Clackamas County property adjacent to the Murphy site would likely be redeveloped as 3-story structures.

**Councilor Parks** noted her support for the possibility of taller buildings on the back side of the Murphy and McFarland sites.

**Ms. Kolas** said she would have to look at the Murphy and McFarland sites to determine the appropriate setback and space available for taller developments. She noted that building height would be a key issue for consideration at the Public Hearing.

**Councilor Churchill** and **Mayor Gamba** discussed the importance of keeping future developments elegantly inline within the existing neighborhood context.

The group discussed concerns about wholesale trade, self-storage, and other conditional uses allowed in the Central Milwaukie area, and **Ms. Kolas** noted that wholesale trade use would be a key issue at the Public Hearing.

**Councilor Churchill** thanked Ms. Kolas for her analysis of the Central Milwaukie area.

### **Monroe Street Neighborhood Greenway Concept Plan**

**Mr. Kolver** reported that an additional Monroe Street Neighborhood Greenway workshop had been held due to concerns about the proposed Washington Street alternate route, and he asked for Council input on the concept plan.

**Councilors Churchill and Parks** agreed that no other alternate routes should be explored and both expressed support for installing temporary diversions to gauge any issues before considering the installation of permanent diversions.

The group discussed where temporary diversions should be located along Monroe Street and noted the importance of collecting traffic data to gauge the final design and consideration of alternate routes. They discussed when diversion testing would occur and when Council would consider adopting the concept plan.

**Councilor Power** expressed support for conducting diversion testing before Council considers adopting the concept plan.

**Mayor Gamba** and **Councilor Parks** noted that the concept plan may change based on projects Clackamas County may do on Linwood Avenue and based on data collected from temporary diversions along Monroe Street.

**Councilor Churchill** commented on the public perception of the City making changes to an adopted concept plan and suggested that the diverter test process be done before Council considers adopting the concept plan.

The group discussed the City's ability to seek grant funding for the project before and after a concept plan is adopted, and noted that the engineering and public hearing and comment phases may cause the concept plan to change.

**Mr. Kolver** asked for confirmation that Council would like information about the project's impacts on other streets and how those impacts could be mitigated.

**Councilor Churchill** noted the importance of seeking public feedback on diverters and suggested that Metro may share the cost of conducting a diverter study. **Mayor Gamba** noted the 2-year cycle for seeking Metro grants.

**Councilor Power** suggested that the concept plan be considered a working document or draft concept plan that could outline a pilot diverter study program that could be done with Metro and engage the community. **Councilor Churchill** remarked that calling it a draft concept plan would help the public understand any future changes to the plan.

The group discussed the impact of adding the word “draft” to the concept plan title on seeking grant funding. **Ms. Flores** noted that adding the word “draft” was unusual and that an argument could be made for seeking funds for the testing phase of a project.

**Mayor Gamba** noted the possibility of Monroe Street and Stanley Avenue becoming greenways and asked that the need for diverters on Stanley Avenue be tested.

The group noted ODOT’s interest in placing a diverter at Monroe Street and Hwy 224, and **it was the group consensus to schedule a Public Hearing on the Monroe Street Neighborhood Greenway Draft Concept Plan on November 3, 2015.** It was also noted that Council would consider a final concept plan after the diverter testing.

**Councilor Power** commented on the emotional impacts of the project’s concept design on residents and the importance of designating a time for public input.

The group discussed the need to identify the scope and cost of the diverter testing program to better understand the funding needs for the testing phase of the project.

**Councilors Parks and Churchill** noted the need to seek public input on the project.

### **Design and Landmark Committee (DLC) Update**

**Ms. Alligood** introduced DLC Vice Chair James Fossen and DLC member Adam Argo. She reviewed the DLC’s mission, proposed work program, and recent projects.

**Mr. Fossen** commented on the exciting developments in Milwaukie and noted the DLC’s work to review the design guidelines.

**Mr. Argo** discussed the DLC’s work to streamline review processes to support the changes happening in Milwaukie while preserving historic resources and landmarks.

**Councilor Churchill** and **Mr. Argo** noted past efforts to preserve and inventory the City’s historic resources and suggested that efficient data collection and analysis tools could be used to make the DLC more of an outreach body and resource.

**Mr. Fossen** commented on the need to define historic landmarks, and **Ms. Alligood** noted that the DLC, Council, and staff had recognized the need to update the historic resource sections of the Milwaukie Municipal Code (MMC) and Comprehensive Plan.

**Councilor Churchill** and **Ms. Alligood** discussed when the MMC would be updated and when a historic resources inventory and public outreach effort would occur.

The group discussed starting a historic way-finding or marker program, and it was noted that the revised Land Use Framework Plan identifies such a program as a goal and that Bike Milwaukie and the DLC have put together popular historic tour programs.

**Mayor Gamba** suggested that the DLC look at public area requirements (PARs) for downtown developments and the parklet program’s design standards. **Ms. Alligood** noted that the DLC had made such projects part of their work program, and **Mr. Argo** noted the role of DLC to cooperate with other City bodies on such projects.

**It was the Council consensus to approve the proposed DLC work plan.**

**Mr. Egner** and **Councilor Churchill** noted that the 19<sup>th</sup> Avenue Woonerf Concept Plan IGA with ODOT would be discussed during the Regular Session.

**Mayor Gamba adjourned the Work Session at 5:35 p.m.**

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II





**MINUTES**  
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**REGULAR SESSION**  
AUGUST 18, 2015  
City Hall Council Chambers

**Mayor Gamba** called the 2,204<sup>th</sup> meeting of the City Council to order at 6:00 p.m.

Council Present: Councilors Scott Churchill, Wilda Parks, and Karin Power

Excused: Council President Lisa Batey

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, City Attorney Shelby Rihala, Community Development Director Alma Flores, Planning Director Denny Egner, and Senior Planner Li Alligood

**CALL TO ORDER**

Pledge of Allegiance.

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

None scheduled.

**CONSENT AGENDA**

**Mayor Gamba** noted the removal of Consent Agenda Item B., a Resolution authorizing execution of an Intergovernmental Agreement (IGA) with the State of Oregon to prepare a concept plan for a 19<sup>th</sup> Avenue woonerf.

**It was moved by Councilor Parks and seconded by to Councilor Power approve the consent agenda as revised.**

**A. City Council Meeting Minutes:**

1. **May 28, 2015, Study Session;**
2. **June 2, 2015, Work Session;**
3. **June 2, 2015, Regular Session; and**
4. **June 15, 2015, Special Session.**

**Motion passed with the following vote: Councilors Power, Churchill, and Parks and Mayor Gamba voting "aye." [4:0]**

**AUDIENCE PARTICIPATION**

**Mayor Gamba** reviewed the Audience Participation procedures.

**Mr. Monahan** reported that on August 4, 2015, there were several downtown businesses who spoke about the opening day celebration of the Orange Line and questions about the use of food carts. He believed all the questions were answered when Mr. Nieman provided background on the events planned for that celebration.

**Ed Zumwalt**, Milwaukie resident, discussed business responsibilities and demands. Downtown Milwaukie businesses fought for three years not only through light rail construction but also utility construction projects with the associated traffic and parking disruptions. The businesses were thanked by politicians and TriMet for sticking with it, and now food carts are scheduled to come on opening day to hurt the restaurants more. It seemed like there was little or no public input on this decision. What about the trash

collection and restroom availability? It did not seem fair. The main issue was the lack of public input. The businesses deserve better than that. He was concerned about food carts in the downtown and related impacts on the downtown businesses. Did not seem fair that there had been no public process.

**Councilor Churchill** asked Mr. Zumwalt if he was suggesting a public process before the City Council or the Planning Commission.

**Mr. Zumwalt** was suggesting public input before the City Council.

**Michael Cunningham**, Utility Worker II, Water Department, American Federation of State, County, and Municipal Employees (AFSCME) member. Mr. Cunningham said he was born at Dwyer Hospital, attended Hector Campbell Elementary, Rowe Middle School, and graduated from Milwaukie High School. He is now the lead foreman for a crew of five. He spoke on behalf of the crew and himself and urged a fair contract deal for the AFSCME employees. He and his fellow employees were dedicated workers,

**Rob Livingston**, Environmental Services Coordinator, AFSCME employee, said he has been employed by the City of Milwaukie for 6-1/2 years. His responsibilities include keeping the City in compliance with environmental permits. He has become increasingly concerned with the attrition rate of City staff since coming to work for the City of Milwaukie. Constant vacancies in positions create hardships for the remaining loyal staff and increase recruitment and training costs. It was difficult to have a knowledgeable staff when long term employees leave for greener pastures. Milwaukie staff fought alongside the City during hard economic times to maintain a healthy level of service for the citizens. City staff went out of its way to promote the bond measure that allowed the City to finance light rail under more favorable terms and to save money. The collaboration resulted in the timely completion of a project that offers development opportunities. As hard economic times fade and are replaced by growth and redevelopment in Milwaukie, staff asks for a fair contract. The City has long trailed behind other metro area public employers in both wages and benefits. The revolving door of employees will continue as people take their knowledge and expertise to more appreciative employers. Milwaukie seems to be a place where careers are started but finished elsewhere.

**Julian Lawrence**, Landscape Maintenance Technician, Stormwater Department, AFSCME employee, said he is responsible for maintaining bioswales and rain gardens throughout the City. There are employers who did not value their employees, and morale was low. He encouraged that the City Council look into the City bargaining team's strategy. He understands the fiduciary responsibility of not only paying too much, but also paying too little and losing quality employees. In his experience, happy workers will do more than is required of them. An unhappy worker will do nothing more than what is required of them. A disgruntled worker will do the absolute minimum and not very well. Of these, which would the City's bargaining position of paying as little as possible likely create? Of those, which one provided the best service to the City? The City's bargaining position should consider the value of high workplace morale and the productivity and customer service that comes with that. He likes working for the City of Milwaukie, and a fair contract will keep it that way.

**Steve Gladiuex**, Utility Worker I, Water Department, AFSCME employee agreed with the other two gentlemen. He has worked for the City for three years and is a certified water operator. His responsibilities included maintenance of all water piping and infrastructure as well as water related emergencies. Things were getting expensive, and it was difficult to work for a city that you cannot afford to live in. Times are changing in the City, and he hoped that the City Council would respect the union's wishes and meet somewhere in the middle.

**Bernie Stoutt**, Milwaukie resident. The Hector Campbell Neighborhood was seeking clarification of the Monroe Street Neighborhood Greenway Project, and he was encouraged by what he heard in the work session about its being a draft concept plan. He thought the City Council was doing a great job on this huge project.

**Rick Wheeler**, owner of Roseland Piano on 21<sup>st</sup> Avenue. He spoke regarding the food cart issue and encouraged the City Council to open this up for public discussion. There seemed to be a lot of misinformation, and he was concerned about the effect it might have on the businesses currently trying to survive in Milwaukie. For him personally, there would be no impact on his business other than the annoyance factor of garbage and restroom issues. He hoped the City Council would put this out for discussion, so everyone can give input. His business was located on 21<sup>st</sup> Avenue and Lake Road.

**Dion Shepard**, Milwaukie resident, addressed the City Council about the concept of food carts at the Triangle Site. People were supportive of food carts but were concerned about the fact that the process had moved forward quickly without a public process. She understood there would be six or seven food carts. Businesses have had to go through a lot in the past several years and to take away an opportunity for them to succeed was not what the City should be doing. No one knows what kind of foot traffic there will be at the station. Her personal concern was this was being done as an interim measure, and she did not understand the sense of urgency. Businesses should have the opportunity to recoup their losses. Food carts seemed different on private property. On public property she felt the City owed the community a discussion with a wider audience to get more input. She felt there was time to do that.

**Mike Miller**, Milwaukie resident, requested a public hearing on the food cart issue, and he posed four questions. Who will pay for the electricity and the utilities? Has the school been consulted about the placement of the food carts? For Lake Road and Historic Milwaukie residents, 21<sup>st</sup> Avenue will be a difficult situation when light rail opens. He felt the food carts would only add to the confusion. The only access for the students to get to the food carts on the Triangle Site was to run across the street. There was no crosswalk and the additional pedestrian activity could create a dangerous situation. If this was going to happen in the City, he felt the public and particularly the Lake Road and Historic Milwaukie Neighborhood District Associations (NDA) would feel the impacts. The restaurants in that area will have to put up with people using their restroom facilities. Most of all he wanted to know who was going to pay the bills and it should not be the City. To his knowledge there were no electricity, water, or sanitation services on the site. He did not see a plan for restroom facilities. He urged that the City Council schedule a public hearing to identify the pros and cons.

**Jesse Canelos**, owner of Wine:30 located on Main Street discussed the food cart matter and agreed with those who thought a public hearing was in order. Over the past few years, there have been a lot of construction and road closures for both light rail and City utility projects which had negative impacts on downtown businesses. He was not saying no to food carts but thought it would be wonderful if for the first year for businesses to find out how light rail will hopefully impact the businesses in a positive manner. He felt the businesses should be given time to recoup their losses and that the City Council should schedule a public hearing. He could understand having a few food carts for the opening celebration, but he did not understand the rush to put food carts on the Triangle Site. Finally, he added that the City has some wonderful employees, and he hoped the parties would come to a compromise.

**Sue Mansfield**, Administrative Coordinator, Municipal Court, AFSCME Vice President said she has worked for the City of Milwaukie for 15 years. **Willie Miller**, Facilities Maintenance Coordinator, AFSCME President said he has worked for the City for over 22 years and is also a City resident in the Lake Road Neighborhood. **Ms. Mansfield** said AFSCME was made up of employees who make the City work including the Librarians who hosted children's programs, men and women who respond to water leaks in the middle of the night, and the workers who make sure residents have clean water to drink. These are the people who implement the Council vision. They sacrificed market wage adjustments during the recession to help keep the City afloat, have taken on more and more work, and answered the call when the City asked for union help to help pass the light rail bond measure on their own time. The common sense bond measure helped save taxpayers money and preserved services. These people care

deeply about the City, and in return they want to know their work is valued by the City Council and this administration. Instead, the message was that this Council and Mr. Monahan are comfortable with City employees being compensated less than their peers and paying more for their health insurance than their peers. This message was underscored when the Council moved negotiations to mediation unilaterally. The City did so after assuring the union that it would wait to until hearing from AFSCME before taking any action.

**Willie Miller** continued. These messages seemed to fly in the face of the message of livability, equitability, and sustainability articulated by this Council. This is a vision the membership feels is best for Milwaukie. That is why AFSCME believes the line of communication between the City Council and the City bargaining team is broken. To be clear, Mr. Miller outlined what AFSCME had communicated at the bargaining table: a compensation package that made employees compensated as an average employee in a similar sized city. Based on a rational, fact-based methodology, the demands were modest and fair. Mr. Miller asked that the Council direct the City bargaining team to return to the table and to present proposals based on rational comparisons with similar sized cities. This was about families and our community. At this time of historic income inequality, there were millions of working people who were barely making ends meet. There were thousands of people who fit that bill inside the City of Milwaukie alone. Each of the Council members were steering the ship, and the union wanted to believe each is capable of moving on from here and taking up the fight for a more equitable society. They may only be a small piece of this community, but the Milwaukie employees were the only ones that the Council directly controlled. They were a statement of the Council's values. During negotiations each Council member will decide whether to be an advocate for working families or a part of the apparatus of income inequality and an increasingly stratified and unjust society.

**Mayor Gamba** said that everyone on the City Council appreciates what the employees do and all the work that is done. The Council wrestles with budget several years out and how to make things mesh. He thanked everyone for attending the meeting and making their comments.

**Denise Emmerling-Baker**, Milwaukie resident, said although she was not a union member, she is a union advocate. She was also an advocate of the City vision and was also happy to be a resident. She has been on bargaining councils and knew the difficulty of budgets. We know the City is reaching its vision with more taxes, more development, and people spending more money. She did not believe the City could afford to appear not to support its workers. It was a matter of putting our money where our mouth is that we are doing the right thing. It was one more message going out that Milwaukie has fair contracts and that we take care of our own. We cannot say we are not paying our employees comparable salaries and benefits to other cities because Milwaukie does not stand for that.

**Carmen Meyer**, owner of Cha Cha Cha Restaurant, Main Street, said she was happy to be in Milwaukie, and she felt her business of seven years had a good relationship with the City. Ms. Meyer spoke of her mixed feelings about the food carts and wanted to find out more information. She felt everyone had the opportunity to open businesses, and the food carts would be good if they complemented existing restaurants. She hoped additional information would give business owners more confidence that everything will be okay.

**Mayor Gamba** sensed the need for some kind of public process around the matter of food carts. It was clear that it would be worthwhile to have more conversation. He thanked everyone for coming before the City Council to speak.

**Councilor Churchill** thanked the AFSCME organization for attending as residents and employees of the City.

**Philip Wuest**, Black Helterline, LLP, had registered to speak about the Reliable Credit parking lot application and the proposed downtown code amendments, but after speaking with Ms. Alligood, he withdrew his request.

#### Consent Agenda Item 4. B. IGA with ODOT for the 19<sup>th</sup> Avenue Woonerf Concept Plan

**Mr. Egner** said this was an opportunity for a grant from the State of Oregon to design a woonerf treatment for a segment of 19<sup>th</sup> Avenue between the Kellogg Treatment Plant and the park to the south.

**Councilor Churchill** understood this was for a specific segment of a specific street in Milwaukie, and he asked if this had ever been done before on a street that was three blocks long.

**Mr. Egner** did not believe so but thought it was similar to public area requirements (PAR) in the downtown, and it was not unlike the Monroe Street Neighborhood Greenway Project.

**Councilor Churchill** said he had gotten feedback from a number of citizens asking why a particular street with a prominent City Councilor and a former State Representative as residents was getting so much attention. Why was Island Station getting so much attention? He did not want the Council to appear it was giving excessive preferential treatment to one particular segment of the population. He asked how this type of program might apply to other areas in the City as well.

**Mr. Egner** replied this was an opportunity to look at what improvements could be made on 19<sup>th</sup> Avenue. There is a house that is going to be built and raised the question of whether sidewalks were the appropriate treatment. Mr. Egner was aware of this opportunity through the Transportation Growth Management (TGM) Program at the Department of Land Conservation and Development (DLCD) and thought this might be a perfect grant funding source to bring in an urban designer to look at that segment of street and to come up with a design. It had nothing to do with who lived on 19<sup>th</sup> Avenue but had to do with an opportunistic grant opportunity. Because it was also designated a greenway, Mr. Egner felt it was a relevant project because it linked up with the Trolley Trail, and it was consistent with some of the City's transportation objectives. What the City learns on this particular project ought to offer tools in other similar, low volume streets.

**Councilor Churchill** said it might be helpful to know which streets those were because people had been required to put in sidewalks in other neighborhoods.

**Mayor Gamba** thought there would be an opportunity for a woonerf treatment on 29<sup>th</sup> Avenue in Milwaukie, and **Councilor Power** thought there might be other streets west of 32<sup>nd</sup> Avenue in the Ardenwald Neighborhood.

**Mr. Egner** said there might be other places where this type of treatment would make sense. The street would have to be low traffic and that connected places where people might want to walk. There were no criteria established at this time for which streets might be suitable. This one seemed to stand out.

**Councilor Churchill** thought it was important for the City Council to have a discussion about the perception of preferential treatment. Recently people coming to the City wanted sidewalks. This was a different kind of project with the nickel going to a different kind of development as opposed to having the home owner put in the sidewalks.

**Councilor Power** said there had been a number of emails from the Neighborhood that had not gone out as the public record. Maybe it would be helpful for people to know that this was something the Neighborhood had been talking with Council about since last November, and the NDA membership had voted affirmatively on making a request to the City to undertake this kind of process. Although Councilor Power had not been part of the Neighborhood at the time, she understood residents had been asking for no sidewalks for years, but the Transportation System Plan (TSP) had not reflected that, or the City did not have the funds to build out an alternative track for that type of vision.

Though it was specific to 19<sup>th</sup> Avenue that was home to residents who had earlier served and are presently serving on the Milwaukie City Council, it was something the Neighborhood had voted on and was an official NDA request.

**Mayor Gamba** said the inference was that there were present and past political individuals who were pressing for this, but truthfully, they were on opposite sides of this matter. To him this was an opportunity to explore designing neighborhood streets that would be more livable. This was a poster child opportunity to work on a street with limited right of way and a geography that had high storm drain needs. 19<sup>th</sup> Avenue had a lot of bike and pedestrian traffic that occurred naturally between the two parks. This seemed to be the perfect pilot for a concept that might be carried out on other Milwaukie streets such as Home Avenue where residents did not want sidewalks.

**Councilor Power** added that with the grant the City would not have to expend its resources to lead this conversation, and it was something the City Council would have to address sooner rather than later because of the impending construction. Councilor Power asked Mr. Egner if he thought it might be feasible to make a connection between 19<sup>th</sup> Avenue and the Trolley Trail.

**Mr. Egner** replied that section of Sparrow Street was being added to go up to the Trolley Trail, and the consultant agreed to fit that into the same overall process to do so with no increase to the project budget.

**Councilor Power** noted there were no clean transitions between bike lanes and sidewalks in some areas.

**Councilor Churchill** would support it more if there were other identified streets that would receive equal treatment. This grant was very specific to one small section of the City, and he understood the bias of citizens' feeling that there was preferential treatment for certain members of the society.

**Mr. Egner** added that this grant had different criteria than a project like the Monroe Street Neighborhood Greenway Project. It is a quick response grant intended to respond to a development related issue which in this case was the house being built and the sidewalk that the homeowner would be required to construct. There is somewhat of a site specific component. The same grant source could not be used to generally look at other similar streets. He discussed grant cycles.

**It was moved by Councilor Parks and seconded by Councilor Power to adopt the Resolution authorizing execution of an Intergovernmental Agreement with the State of Oregon to Prepare a Concept Plan for a 19<sup>th</sup> Woonerf.**

**Mayor Gamba** pointed out this was similar to what was being done for the Monroe Street Neighborhood Greenway and that there were several other greenways scheduled in the TSP. All were not being done simultaneously. This was an opportunity to explore a concept.

**Councilor Power** said this was an opportunity to learn from a process and understanding how it might be applied elsewhere.

**Councilor Churchill** said from his perspective, the Monroe Street project went from one side of town to the other. The 19<sup>th</sup> Avenue woonerf project appeared to be very specific to a very small street in a very small neighborhood. It looked like there were plenty of other people who would like to have that kind of grant funding and staff attention to their concerns, and it did not look that well balanced.

**Councilor Power** said when coming out of this and if there were other NDAs that were as laser focused on a discreet issue as Island Station then she felt the Council would welcome the same sort of focus on concerns that affected neighborhood cohesiveness.

**Councilor Churchill** said there is a specific issue in the Historic Milwaukie NDA which was the crosswalk on Washington Street between Milwaukie High School and St. John's School. The NDA was laser focused yet the funds set aside were basically

transferred to 17<sup>th</sup> Avenue. Other NDAs feel they have not gotten what they wanted. The crosswalk is a very serious safety issue that needs attention through grant searches as the Island Station woonerf project has.

**Councilor Power** understood how people may not feel they were getting the same treatment, and she hoped with the 19<sup>th</sup> Avenue Concept Plan moving forward that NDAs would feel assured they were being heard.

**Councilor Parks** said for her it was an important factor that the lessons learned during the 19<sup>th</sup> Avenue project would be valuable in other areas.

**Mayor Gamba** reiterated the difference between the two projects was that this is an exploratory planning process, and for the other it was a construction process with the planning already done. He commented on the decline of gas taxes and how that impacted projects.

**Councilor Churchill** reiterated that \$80,000 of fees in lieu of construction (FILOC) were transferred to 17<sup>th</sup> Avenue. The Historic Milwaukie NDA is still very upset about that.

**Councilor Power** said it was a good reminder that as the City looked at ways to fund bike and pedestrian safety projects that the crosswalk was one the Council will want to pick back up.

**Mayor Gamba** said funding those projects will be something the Council will be seriously considering, and he felt the Washington Street crosswalk would be prominent on the list of projects to be funded.

**Motion passed with the following vote: Councilors Power and Parks and Mayor Gamba voting “aye” and Councilor Churchill voting “no.” [3:1]**

**RESOLUTION NO. 89-2015:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF OREGON TO PREPARE A CONCEPT PLAN FOR A 19<sup>TH</sup> AVE WOONERF.**

**PUBLIC HEARING**

**Moving Forward Milwaukie: Downtown Plan and Code Amendments (CPA-14-02, ZA-14-04) – Ordinances**

**Mayor Gamba** announced that the City Council voted to close the public hearing at its July 21, 2015, meeting and continue deliberations and consideration of the proposed Ordinances at the August 18, 2015, regular session.

**Ms. Alligood** did not offer a presentation as staff had addressed Council comments. At the previous hearing staff was directed to prepare the final amendments for Council action. She had outlined the key changes in the staff report to Council, and no additional public comments had been received since the July 21, 2015, hearing.

There were no further questions from the City Council to staff.

**Decision by Council:**

**It was moved by Councilor Power and seconded by Councilor Parks to approve the first and second readings by title only and adoption of an Ordinance of the City of Milwaukie, Oregon, amending the Comprehensive Plan (Chapter 4 and ancillary document "Downtown and Riverfront Land Use Framework Plan") and Milwaukie Municipal Code (Titles 14 Signs and 19 Zoning) (File #CPA-14-02, ZA-14-02).**

**Councilor Churchill** provided comments prior to the vote. Although there were many parts of the plan that were supportive of downtown growth, he still objected to parking

limitations and increased density. He felt these were significant impacts to parking for downtown businesses. He would reluctantly vote against the Ordinance.

**Motion passed with the following vote: Councilors Power and Parks and Mayor Gamba voting “aye” and Councilor Churchill voting “no.” [3:1]**

**Mr. Monahan** read the Ordinance one time by title only since the vote was not unanimous.

**Mayor Gamba** announced that the second reading and adoption of the Downtown Plan and Code Amendments would be scheduled for the September 1, 2015, City Council regular session

**It was moved by Councilor Power and seconded by Councilor Parks to approve the first and second readings by title only and adoption of an Ordinance of the City of Milwaukie, Oregon, amending the Milwaukie Municipal Code Title 20 Public Art (File #ZA-14-02) Motion passed with the following vote: Councilors Power, Churchill, and Parks, and Mayor Gamba voting “aye.” [4:0]**

**Mr. Monahan** read the Ordinance two times by title only.

**Ms. DuVal** polled the Council: Councilors Power, Churchill, and Parks, and Mayor Gamba voting “aye.” [4:0]

**ORDINANCE No. 2104:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE TITLE 20 PUBLIC ART (FILE #ZA-14-02).**

## **OTHER BUSINESS**

### **A. Expedited Annexation of 9430 SE Wichita Ave File #A-2015-005**

**Ms. Alligood** provided the staff in which the City Council was requested to approve the annexation application for the property located at 9430 SE Wichita Avenue in the North East Sewer Extension (NESE) area. The property owner is requesting annexation in order to connect to City sewer service. The property is located in a single family zone and is developed with a single family residence, and upon annexation it would be zoned City R-7 with a Comprehensive Plan designation of low density residential.

**It was moved by Councilor Power and seconded by Councilor Churchill to approve the first and second readings by title only and adoption of an Ordinance of the City of Milwaukie, Oregon, annexing a tract of land identified as Tax Lot 1S2E30AD01800 and located at 9430 SE Wichita Ave into the City Limits of the City of Milwaukie. (File #A-2015-005). Motion passed with the following vote: Councilors Power, Churchill, Parks, and Mayor Gamba voting “aye.” [4:0]**

**Mr. Monahan** read to Ordinance two times by title only.

**Ms. DuVal** polled the Council: Councilors Power, Churchill, and Parks, and Mayor Gamba voting “aye.” [4:0]

**ORDINANCE No. 2105:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ANNEXING A TRACT OF LAND IDENTIFIED AS TAX LOT 1S2E30AD01800 AND LOCATED AT 9430 SE WICHITA AVE INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE. (FILE #A-2015-005).**

### **B. Urban Renewal Consultant Selection Process**

**Mr. Egner** reported that three consultant teams submitted responses to the City’s request for letters of interest. Normal procedure for a project of this amount was for

staff to rank responses and select a firm. He reviewed the process and options that included interviews and submittal of formal proposals and budgets prior to selection.

**Councilor Churchill** said his concern was that letters of interest in his experience were a little light.

**Mr. Egner** said the budgeted amount of \$60,000 had been included in the request for letters of interest as well as the scope of work and list of specific tasks. None of the responses outlined any issues with the amount of money or the scope. He expected that staff would have some significant tasks to carry out, so that was the negotiation component.

**Councilor Churchill** said even at \$60,000 it was suitable to have an understanding. He thought for \$60,000 people would expect a request for proposal (RFP) process. Councilor Churchill said the scope seemed a little fuzzy as did the actual cost.

**Mr. Egner** said if staff could not come to a reasonable agreement with the consultant on scope and how much staff work was involved, then the City could go out again or contact the next consultant on the list.

**Councilor Churchill** said in every urban renewal process in which he had been involved it was important to show both the pros and cons of the situation. He expected transparency; otherwise he would raise objections.

**Mayor Gamba** understood there were two phases when hiring a consultant for a project such as this. First there was the research phase and then the actual implementation of the process. If a single consultant was doing both parts of the process, then inherently there would at least be a leaning toward doing urban renewal district. He asked if that raised any red flags, and if so did it make sense to consider two separate consultants.

**Mr. Egner** felt there would be a loss of efficiency, and this process was being done under a fairly tight timeframe in order to capture the increment. He understood the check and balance interest, but Mr. Egner was certain Councilor Churchill would provide that.

**Councilor Churchill** said the implementation phase could be \$200,000 or more making it a cumulative scope of up to a \$300,000 fee. In finance terms, that was called product splitting.

**Mr. Egner** believed the \$60,000 that was budgeted was enough to do the feasibility study for a downtown renewal district. He did not think \$60,000 was enough to do both the downtown district and the north industrial district. There were many projects in the north industrial, and in his mind the joint project with Clackamas County would do a long term planning process and create a list of projects and ideas that could be implemented through urban renewal. One of the questions that would have to be considered in the feasibility portions was if it made sense to just go forward with the downtown district or did it make sense to wait and do both at one time or wait and do just the north industrial area.

**Councilor Churchill** said that was his concern. He did not disagree with the actual selection of the consultant. He was more concerned about the process which was becoming larger and being able to keep the costs down.

**Mr. Egner** said the contract could be divided into two parts as well. The feasibility could be done initially on the downtown, north industrial, and Central Milwaukie with an assessment of the process in December or January to determine if it made sense to go forward. Previous feasibility studies had included Central Milwaukie because of the Murphy and McFarland sites that would generate increment once they were developed. He thought there were other projects in Central Milwaukie that the City Council may wish to consider. Mr. Egner believed the City could have a good list of projects.

**Councilor Churchill** noted that the cap on the sole source professional services contract award was \$50,000, and above that the City needed to go through an RFP process.

**Councilor Power** said since the respondents already had an understanding of the budget, she suggested setting up an interview process.

**Councilor Churchill** was most concerned about the financial piece and was willing to let the selection stay with staff.

**Councilor Parks** noted that staff has the expertise in these areas and understands the capabilities of the consultants. She would prefer leaving the decision to staff.

**It was Council consensus that that staff select the consultant.**

### **C. Council Reports**

**Councilor Power** and **Mayor Gamba** participated with their significant others and staff in the Bridge Pedal. She found it a great team building activity and urged signing up again next year.

**Councilor Parks** attended the District Advisory Board (DAB) meeting for the North Clackamas Parks and Recreation District (NCPRD) and heard information on the Master Plan. She announced the Linwood Community Day, Stanley Park Cleanup, and neighborhood barbecue with activities for the kids.

**Councilor Churchill** reminded people of the Scott Park noon concert and the Johnson Creek cleanup at Mill Park.

**Mayor Gamba** announced upcoming NDA concerts, the Ledding Library foreign and indie film night, the Orange Line Grand Opening, and the Milwaukie Sunday Farmers' Market.

**Mayor Gamba** announced that immediately following adjournment of the Regular Session the City Council would meet in Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection and ORS 192.660(2)(h) to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed. The City Council would not return to regular session.

### **ADJOURNMENT**

**It was moved by Councilor Churchill and seconded by Councilor Power to adjourn the Regular Session. Motion passed with the following vote: Councilors Power, Churchill, and Parks, and Mayor Gamba voting "aye". [4:0]**

**Mayor Gamba adjourned the regular session at 7:33 p.m.**

Respectfully submitted,

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Pat DuVal, Recorder



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**STUDY SESSION**  
AUGUST 27, 2015  
City Hall Conference Room

**Mayor Gamba called the Study Session to order at 6:06 p.m.**

Council Present: Council President Lisa Batey and Councilors Wilda Parks, Karin Power, and Scott Churchill (late)

Park and Recreation Board (PARB) Present: Lisa Gunion-Rinker, Lisa Lashbrook, and Lynn Sharp

PARB Excused: Erin Willett Holcomb

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, and Assistant to the City Manager Mitch Nieman

**Economics of Urban Forestry**

**Mayor Gamba** introduced Dr. Geoffrey Donovan with the United States Department of Agriculture (USDA) Forest Service.

**Mr. Nieman** noted the absence of 1 PARB member and **Council President Batey** noted the absence of Councilor Churchill.

**Dr. Donovan** introduced himself and talked about his work quantifying the public health benefits of trees, identifying the magnitude of these benefits, and understanding how these benefits are distributed. He explained why local officials should know about the benefits of trees and discussed a study he conducted that looked at the impact of trees on house prices which found that street trees add value to property values.

The group noted that the house price study identified trees in the right-of-way (ROW) as street trees and also accounted for houses that had yard trees outside the ROW.

**Dr. Donovan** discussed the impact of concentrated costs and diffused benefits of street trees and he noted the opportunity for local government to share the costs and manage the benefits of trees. He pointed out that increased house prices would increase local property tax revenues, and talked about a study he conducted that looked at the impact of trees on rental prices which found that trees created streams of benefits for property owners, renters, and neighbors.

**Dr. Donovan** suggested that the presence of trees can mean the difference between life and death, and discussed studies that looked at the impact of the tree canopy on birth outcomes which concluded that the greener the residential area the better chance for a higher birth weight. He noted the rise of tree diseases and bugs, and the connection between nicer trees and nicer neighborhoods. He cited studies dealing with disease and the environment that drew links between poor health and polluted environments.

**Mayor Gamba** and **Dr. Donovan** noted the possible impact of different types of trees on air quality during different seasons.

**Dr. Donovan** described the use of maps to predict and track health issues.

**Council President Batey** and **Dr. Donovan** noted the value of the data collected from moss on trees from different areas around the region.

**Dr. Donovan** discussed why trees are an essential part of public health infrastructure.

**Ms. Sharp** asked about the impact of the ozone layer on specific parts of the region, and **Dr. Donovan** discussed how his studies took the ozone layer into account.

**Dr. Donovan** discussed how trees can help prevent crimes and reported that a study he had conducted revealed that larger trees and street lights led to lower crime rates while smaller trees and fences obstructed views and increased crime rates. He talked about the financial benefits trees and vegetation can provide like cooling homes during the summer and acting as a stormwater collector.

**Ms. Gunion-Rinker** and **Dr. Donovan** discussed how weather conditions and tree size and structure can affect the amount of pollution found in tree moss.

**Dr. Donovan** talked about a study he would be conducting that will look at heavy metals in the air in urban environments, and the group noted the possibility of comparing moss samples from Milwaukie and Dr. Donovan's studies.

The group discussed policies that could externalize the costs of a street tree program, such as the City assuming program costs, providing a tax incentive to program participants, or forming a street tree risk pool to minimize liability and cost issues.

**Dr. Donovan** expressed his willingness to work with the City on future studies, and explained how technology is allowing researchers to collect follow-up samples.

The group noted books and cultural references that address the relationship between human life and trees, and they discussed how to communicate the benefits of trees.

**Councilor Power, Dr. Donovan, and Council President Batey** discussed the housing shortage in Clackamas County, what retaining trees could mean to property values, and noted the impacts of density and the urban growth boundaries.

**Council President Batey, Dr. Donovan, and Mayor Gamba** noted the trade-offs in terms of land use and food production when planting trees.

**Mayor Gamba recessed the Study Session at 8:05 p.m. and reconvened the Study Session at 8:17 p.m.**

### **Tree City USA Update**

**Mr. Nieman** provided a report on the City's effort to earn the Tree City USA status and conduct a review of the City's existing tree ordinance.

It was noted that Councilor Churchill arrived at 8:19 p.m.

**Mayor Gamba** and **Ms. Lashbrook** noted that the tree ordinance review was also prompted by the need to make changes not related to the Tree City USA designation.

**Ms. Sharp** provided background information on the tree ordinance review process and commented that it was her goal that the tree ordinance would encourage tree plantings.

The group discussed the proactive versus reactive nature of the proposed tree ordinance changes and the feasibility of managing trees on publically owned property.

**Councilor Churchill** remarked that the tree ordinance should focus on City-owned property, and **Mr. Nieman** and **Council President Batey** commented that subsequent changes to the tree ordinance could include public property owned by other agencies.

The group discussed what public lands the City of Portland's tree ordinance covers, and it was noted that PARB had looked at several other cities' tree ordinances.

**Council President Batey, Mayor Gamba, and Mr. Nieman** discussed current and proposed requirements for new developments to plant and manage street trees.

**Mr. Nieman** and **Ms. Sharp** discussed the public works standards related to the tree ordinance and the draft tree list required for the Tree City USA application.

**Councilor Power** and **Mr. Nieman** noted background material available for Council to review before considering the proposed tree ordinance changes.

**Mayor Gamba** expressed his interest in knowing how other cities govern trees on all publicly owned property.

The group noted the Tree City USA application requirements that were not related to the tree ordinance, including hosting an Arbor Day celebration, reading a proclamation, and providing an accounting of City funding on trees.

### **Orange Line Grand Opening Update**

**Mr. Nieman** discussed the September 11<sup>th</sup> First Responders event and the activities planned throughout downtown Milwaukie for the Orange Line Grand Opening.

**Councilor Parks** and **Mr. Nieman** noted the positive public response to the City's Orange Line Grand Opening poster.

The group reported the Orange Line Grand Opening activities planned by the North Clackamas Parks and Recreation District (NCPRD) and Clackamas County Tourism Board at the Park Avenue Station. They discussed how Council can participate in the various City and community activities and events.

**Mr. Monahan** reported that the Milwaukie Police Department had hired Dan Cloyes to patrol downtown Milwaukie on a part-time basis, and he asked for Council feedback on when to schedule the proposed public meeting regarding food carts.

The group discussed the format and outcomes of the public meeting regarding food carts. **It was the Council consensus to hold a Food Cart Forum in the Community Room at the Public Safety Building at 6:00 p.m. on September 22, 2015.**

**Mr. Monahan** noted the status of the revised temporary use application for the Cannabis Cup event, and the group discussed the impacts of the Cannabis Cup on other communities where it has been held.

**Mr. Nieman** discussed the involvement of Milwaukie businesses in TriMet's Orange Line Grand Opening mobile beacon program. He announced that the Bike Repair Stand would be installed in front of City Hall within the week, and **Mr. Monahan** noted that the City had paid or waived the fees related to the Bike Repair Stand installation.

**The Council agreed with the City's decision to waive or pay the fees related to the Bike Repair Stand.** The group noted that the Bike Repair Stand would be unveiled during the September First Friday event.

**Mr. Nieman** reported that the public art mural by Chris Haberman at Milwaukie High School had been completed.

The group noted that the Adams Street Connector would be open for public use in advance of the September First Friday.

**Council President Batey** thanked staff for filling the lighting gap along the Trolley Trail, and **Mr. Monahan** noted the recent Pamplin Media article featuring Stacy Bluhm the City's Light Rail Construction Manager.

**Mayor Gamba adjourned the Study Session at 9:29 p.m.**

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II





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**WORK SESSION**  
SEPTEMBER 1, 2015  
City Hall Conference Room

**Mayor Gamba called the Work Session to order at 4:59 p.m.**

**Council Present:** Council President Lisa Batey and Councilors Scott Churchill, Wilda Parks, and Karin Power

**Staff Present:** City Manager Bill Monahan, City Recorder Pat DuVal, Assistant to the City Manager Mitch Nieman, Engineering Director Charles Eaton, Planning Director Denny Egner, Library Director Katie Newell, Police Chief Steve Bartol, Associate Planners Brett Kolver and Vera Kolias, and Community Development Director Alma Flores

**City Manager's Report**

**Mr. Monahan** reviewed the Work and Regular Session agendas and noted upcoming events including the Chris Haberman Mural and Adams Street Connector dedications and the League of Oregon Cities (LOC) conference. He reported that the event application for the Cannabis Cup had been withdrawn, and he discussed City logo clothing and the Orange Line Grand Opening first ride participant list.

**Community Development Update**

**Ms. Flores** introduced the City's new Engineering Director Charles Eaton and distributed economic development marketing materials. She noted the Food Cart Forum on September 22, 2015, and reported that the City would be working with consultants Elaine Howard and ECONorthwest as the City considers urban renewal projects. She discussed recent grant applications and reported that the City had not received grant funding for crosswalks on Hwy 224.

**Mr. Eaton** discussed seeking Community Development Block Grants (CDBG) for crosswalks on Washington Street, and he reviewed ongoing engineering projects.

**Mr. Egner** reviewed the Moving Forward Milwaukie (MFM) Neighborhood Main Streets project timeline. He reported that a public meeting regarding short-term rentals had been scheduled and that the Planning Commission had recommended that Council adopt the 3 Parks Master Plans.

**C800 Discussion**

**Chief Bartol** briefly reviewed the history of Milwaukie's 911 dispatch center and explained that Clackamas County was working to replace the current dispatch system.

**Leslie Taylor**, Lake Oswego Communication Center (LOCOM) Communications Manager, provided background information on the Clackamas 800 (C800) radio group and Washington County Communications work to develop a digital migration plan. She discussed polling data, project scope, estimated cost, and approval process to present a bond measure to voters at the May 2016 ballot to fund a replacement system.

The group discussed the new system's lifespan and interagency interface capability.

**Council President Batey** and **Chief Bartol** noted the current system's payment structure and interagency communication issues.

**Chief Bartol** discussed the possibility of the City joining the C800 group based on the outcome of the bond measure, and he noted the need to plan for equipment upgrades.

**Mayor Gamba** and **Ms. Taylor** discussed what the C800 group may do if the bond measure failed, and **Chief Bartol** suggested that if the C800 group took on debt service to pay for the replacement system, then the City would be better off maintaining the current intergovernmental agreements with the Cities of Portland and Lake Oswego.

**Mayor Gamba** remarked on the logic of joining the C800 group if the bond passed.

### **Library Services Expansion Task Force (LSETF) Update**

**Ms. Newell** and **Mr. Monahan** introduced Greg Chaimov, LSETF member.

**Mr. Chaimov** explained that the LSETF was asking Council to retain a team to survey public support for a library services expansion bond measure. He discussed the LSETF's work to scale down the project and he reported that the LSETF recommended the firm Patinkin/Prospect PDX to conduct the survey research.

**Mayor Gamba**, **Mr. Chaimov**, and **Council President Batey** discussed why the LSETF had not included the broader service area in the proposed bond measure.

**Councilor Churchill** expressed his support for the scaled down version of the project.

**Council President Batey**, **Mr. Chaimov**, and **Ms. Newell** discussed when project cost estimates would be made available, and it was noted that the survey would help the City determine what cost point the public would be willing to support.

**Councilors Power and Churchill** and **Mr. Chaimov** noted the need to hire a polling firm to stay on track to place a measure on the May 2016 ballot, and they discussed how the polling data would inform the City about when to place the bond on a ballot.

The group noted other public service bonds likely to be on the ballot in 2016. They discussed the questions that may be on the survey and to what extent Council should be involved in vetting the survey questions.

**Mr. Monahan** noted that survey funding was not in the current budget, and **Mr. Chaimov** discussed cost estimates for the survey and related consultant services.

**Mayor Gamba** asked for Council input on the LSETF recommended research firm, and **Councilor Parks** expressed support for the recommendation.

### **Residential Parking Permit Program**

**Mr. Kelper** explained that staff was looking for Council agreement and input regarding the proposed traffic regulation that would initiate a parking permit program.

**Councilor Power** suggested that an interim time period should be noted to allow for possible changes. **Mr. Kelper** explained that a 6-month trial period had been proposed.

**Council President Batey** and **Mr. Kelper** discussed concerns about allowing program participants to obtain an indefinite guest permit.

**Council President Batey** and **Councilors Churchill and Parks** expressed their support for the proposed permit program.

**Mr. Kelper**, **Council President Batey**, and **Mr. Monahan** noted the administrative process to implement and revise traffic regulations.

**Mayor Gamba adjourned the Work Session at 5:56 p.m.**

Respectfully submitted,

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Scott S. Stauffer, Administrative Specialist II

**RS 3. B.**  
**Oct. 20, 2015**



**To:** Mayor Gamba and Milwaukie City Council  
**Through:** Bill Monahan, City Manager  
**From:** Steve Bartol, Chief of Police   
**Date:** September 30, 2015  
**Subject:** O.L.C.C. Application – Beer Store Milwaukie – 10560 SE Main St.

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**Action Requested:**

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Beer Store Milwaukie – 10560 SE Main St.

**Background:**

We have conducted a background investigation and find no reason to deny the request for liquor license.



**Regular Session  
Agenda Item No.**

**5**

**Public Hearing**



MILWAUKIE CITY COUNCIL  
STAFF REPORT

Agenda Item: **RS 5. A.**  
Meeting Date: **Oct. 20, 2015**

To: Mayor and City Council

Through: Bill Monahan, City Manager  
Alma Flores, Community Development Director  
Dennis Egner, Planning Director

Subject: **Moving Forward Milwaukie: Central Milwaukie Plan and Code Amendments (CPA-2015-001, ZA-2015-001)**

From: Vera Kalias, Associate Planner

Date: October 12, 2015

### **ACTION REQUESTED**

Open the public hearing for application CPA-2015-001, ZA-2015-001. Discuss the proposed amendments to the Central Milwaukie use standards and design and development standards. Take public testimony and provide direction to staff regarding desired revisions to the proposed amendments.

This is the third hearing on the central Milwaukie plan and code amendment package. The draft ordinance and Findings of Approval will be provided at a final hearing on the amendments at a later date.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

Council has discussed the Central Milwaukie Plan and Code Amendments on numerous occasions since 2014. Recent decisions and key points of direction for Central Milwaukie are listed below.

**October 6, 2015:** At the public hearing, Council discussed revised code language regarding warehouse use in the Flex Space Overlay, maximum building height, and vehicle retail sales in the General Mixed Use Zone. Council requested revised code language regarding approval criteria for review of a 5-story building.

**September 1, 2015:** At the public hearing, Council discussed the draft [Central Milwaukie Land Use and Transportation Plan](#), proposed amendments to the Comprehensive Plan, and proposed amendments to the Transportation System Plan. Council requested additional information and revised code language regarding warehouse use in the Flex Space Overlay, maximum building height, and commercial parking facilities in the General Mixed Use Zone.

**July 14, 2015:** The Planning Commission unanimously recommended approval of the central Milwaukie plan and code amendments.

### **BACKGROUND**

See the [September 1, 2015 staff report](#) for a discussion of project background and the public process and outreach, as well as all of the proposed amendments. During the September 1

public hearing, there was public testimony and Council discussion about the *Central Milwaukie Land Use and Transportation Plan*, Comprehensive Plan – Chapter 4 policies, recommended Transportation System Plan (TSP) projects, and proposed zoning code amendments.

### **A. Existing Code History**

Currently, there are three commercial zones (General Commercial CG, Residential-Office-Commercial R-O-C, Community Shopping Commercial C-CS), two residential zones (R-1 and R-2), and one overlay (Mixed Use Overlay MU) in Central Milwaukie. The R-O-C Zone and associated MU Overlay have specific requirements for and limitations on the type of development that can locate there, including very specific development types. The CG Zone is very permissive in terms of allowed uses, but has very few development and no design standards. The proposed code amendments address these differences with a new zone (General Mixed-Use Zone GMU), a new overlay (Flex Space Overlay FS), and new design and development standards.

The proposed amendments will not apply to the C-CS, R-1, or R-2 zones.

### **B. Proposed Amendments**

The City is proposing amendments to its existing Central Milwaukie zones and use standards to: establish new, consistent zoning; allow a broader range of residential and mixed use development; establish new design and development standards; and streamline the review process for development on two key opportunity sites. The amendments are intended to implement the vision of the *Central Milwaukie Land Use and Transportation Plan*, which is also proposed for adoption as part of this amendment package.

## **KEY ISSUES**

### **Summary**

During the October 6 public hearing, Council reviewed the draft amendments and provided direction to staff regarding potential revisions. Staff has identified the following key issue on which Council direction is being requested.

- A. What are the appropriate approval criteria for the proposed Type III review of 5-story buildings?

### **Analysis**

#### **A. What are the appropriate approval criteria for the proposed Type III review of 5-story buildings?**

In order to encourage the provision of residential uses and green building certification, no changes to the 3-story base maximum building height are proposed, but the proposed amendments include a height bonus of 1 story for either the inclusion of residential uses or green building certification.

At the September 1 and October 6 public hearings, Council indicated support for 5-story buildings in the GMU, subject to a Type III review process.

Staff proposes to create a Type III GMU-specific building height variance process similar to the language used for downtown, including a description of the review process and specific approval criteria. This requires approval criteria tailored to the GMU, as the criteria developed through the downtown code amendment process do not neatly apply to central Milwaukie.

Utilizing existing approval criteria within the zoning code as well as criteria developed for the downtown building height variance, staff proposes the following discretionary approval criteria for Council consideration:

- (a) The proposed project avoids or minimizes impacts to surrounding properties. Any impacts from the proposed project will be mitigated to the extent practicable. The applicant's alternatives analysis shall provide, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.
- (b) The proposed project is creative and is exceptional in the quality of detailing, appearance and materials or creates a positive unique relationship to other nearby structures, views or open space.
- (c) The proposal will result in a project that provides public benefits and/or amenities beyond those required by the base zone standards and that will increase vibrancy and/or help meet sustainability goals.
- (d) The proposed project ensures adequate transitions to adjacent neighborhoods.

#### Questions for Council

1. What are the appropriate approval criteria for a Type III review of a 5-story building?

#### **CONCURRENCE**

The Planning Commission has recommended approval of the amendments; the Engineering Department and the Building Official have reviewed the proposal and concur.

#### **FISCAL IMPACTS**

These amendments are part of the Moving Forward Milwaukie project scope. An outcome of adoption of these amendments is increased flexibility for new development, which may make new development more likely.

#### **WORK LOAD IMPACTS**

It is anticipated that the streamlined code and land use review procedures will result in increased development activity in central Milwaukie. This would result in an increased workload for Planning, Engineering, and Building Department staff.

#### **ALTERNATIVES**

The proposed amendments are the result of public input by numerous individuals over many months, as well as dozens of hours of consideration by the project advisory committee and the Planning Commission. As the body with final approval authority on the amendments, Council may wish to direct staff to consider alternative approaches to any portion of the proposed code. Changes to the proposed amendments would require direction from Council about the desired change, and would require the adoption hearing to be continued to a future date.

#### **ATTACHMENTS**

1. Please refer to the [September 1, 2015 staff report](#).



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 5. B.**  
Meeting Date: **October 20, 2015**

To: Mayor and City Council  
Through: Bill Monahan, City Manager  
Denny Egner, Planning Director  
Subject: **3 Parks Master Plans**  
From: Brett Kelper, Associate Planner  
Date: October 13, 2015

**ACTION REQUESTED**

Approve application CPA-2015-002 and adopt the attached ordinance and associated findings in support of approval (Attachment 1). This action would adopt amendments to the Milwaukie Comprehensive Plan, including the following three ancillary documents and map change:

- Balfour Park Master Plan
- Bowman-Brae Park Master Plan
- Kronberg Park Master Plan
- Land Use Map: Change the land use designation shown for both Balfour Park and Bowman-Brae Park from Low Density (LD) to Public (P).

**HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**October 6, 2015:** Council worksession to prepare for adoption hearing.

**August 11, 2015:** Planning Commission held a public hearing to consider the proposed master plans and voted unanimously to recommend approval by Council.

**BACKGROUND**

Balfour and Bowman-Brae Parks were acquired fairly recently by the City—Balfour Park in 2008 and Bowman-Brae Park in 2011. The bulk of the Kronberg Park property was deeded to the City in 1991. Over the past several years, the North Clackamas Parks & Recreation District (NCPRD) has worked with the City, the relevant Neighborhood District Associations (NDAs), and community residents to develop master plans to guide the physical development and programming for each park site. Although there is no requirement in the City's zoning code that a park have a master plan, it has been the City's practice over time to develop park master plans and to include them in the City's Comprehensive Plan (Comp Plan) as ancillary documents. This practice is one way to validate and institutionalize the public involvement process and preserve the vision of how each park can best serve its immediate neighborhood and the community as a whole.

**Key Issues**

The master plans are intended to guide future physical and programmatic development of each of the three park sites, to ensure that adjacent neighborhoods and the community as a whole have improved access to recreational facilities and open space. They are conceptual

documents, intended to present the overall vision for the features and general nature of activities to be expected in each park. More specific design details for each park will be finalized through additional review processes, including Type III review with public hearings by the Planning Commission.

At this stage, the key land use issue for Council is whether the proposed master plans are consistent with the relevant goals, objectives, and policies in the Comp Plan. Findings 5 and 6 of the Recommended Findings in Support of Approval (see Attachment 1, Exhibit A) address this question. The Planning Commission has recommended that Council adopt all three master plans and make the requested changes to the land use map.

The next logical step for each park site is for the City and NCPRD to discuss priorities for the parks and to seek funding to implement each master plan and construct the planned improvements. In the meantime, all three park sites have been and continue to be open and accessible to the public for informal use. For Kronberg Park, the imminent construction of landings at the new pedestrian bridge over Kellogg Lake makes it especially important to develop an interim plan for managing access and use of the park before the concept plan is fully implemented. However, those management issues are separate from the question of whether or not to adopt the proposed master plans for each of the parks. The recommendation is that Council adopt the three master plans and direct staff to continue coordinating to ensure that interim measures are developed as needed.

### **CONCURRENCE**

The Community Development Department has taken the lead on coordinating with NCPRD to bring these three master plans forward for adoption. The City's Park and Recreation Board (PARB) has also been involved throughout the process of developing the plans.

### **FISCAL IMPACTS**

Adoption of the master plans will position NCPRD and the City to seek funding to construct the improvements proposed for each park. Outside funding, most likely through grants, will be sought to implement each plan.

### **WORK LOAD IMPACTS**

The City will continue coordinating with NCPRD to seek funding for improvements at each park.

### **ALTERNATIVES**

Council could amend any of the proposed plans prior to adoption or could delay adoption for the time being. The master plans themselves have been developed in conjunction with a very extensive public involvement process conducted by NCPRD. Should Council decide to revise or deny any of the proposed plans, further coordination with NCPRD would be needed to determine next steps.

### **ATTACHMENTS**

1. Attachment 1 – Ordinance amending the Comprehensive Plan
  - a. Exhibit A. Recommended Findings in Support of Approval
  - b. Exhibit B. Comprehensive Plan Land Use Map (underline/strikeout version)
  - c. Exhibit C. Comprehensive Plan Land Use Map (clean version)
  - d. Exhibit D. Balfour Park Master Plan (clean version only)
  - e. Exhibit E. Bowman-Brae Park Master Plan (clean version only)
  - f. Exhibit F. Kronberg Park Master Plan (clean version only)



**CITY OF MILWAUKIE**

*"Dogwood City of the West"*

**Ordinance No.**

**An ordinance of the City Council of the City of Milwaukie, Oregon, amending the Comprehensive Plan: the Land Use Map and ancillary documents (new Balfour Park Master Plan, Bowman-Brae Park Master Plan, and Kronberg Park Master Plan) (File #CPA-2015-002).**

**WHEREAS**, the City of Milwaukie desires to review, amend, and revise its Comprehensive Plan on a regular basis; and

**WHEREAS**, the City has made it a practice to develop master plans for each of the various City parks and then adopt them into the Comprehensive Plan, in order to guide the future physical and programmatic development of each park and ensure that adjacent neighborhoods and the community as a whole have improved access to recreational facilities and open space; and

**WHEREAS**, Balfour Park and Bowman-Brae Park were acquired as City park sites in 2008 and 2011, respectively, and Kronberg Park has been a City park since 1991, but none of the three parks has an adopted master plan; and

**WHEREAS**, the North Clackamas Parks and Recreation District has conducted an extensive public involvement process to develop master plans for Balfour Park, Bowman-Brae Park, and Kronberg Park; and

**WHEREAS**, the master plans for Balfour Park, Bowman-Brae Park, and Kronberg Park have all been reviewed by the relevant Neighborhood District Associations, Milwaukie Park and Recreation Board, North Clackamas Parks and Recreation District, and other affected agencies; and

**WHEREAS**, the City has prepared amendments to the Comprehensive Plan's Land Use Map and ancillary documents (new Balfour Park Master Plan, Bowman-Brae Park Master Plan, and Kronberg Park Master Plan); and

**WHEREAS**, the City Council finds that the amendments will result in adopted master plans that provide a clear vision for future improvements to each of the three park sites and establish a general expectation of how each park will be used; and

**WHEREAS**, the proposed amendments have been processed pursuant to a Type V Legislative Review per Milwaukie Municipal Code Section 19.1008, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes.

**WHEREAS**, all property owners and tenants within 400 ft of each park site were notified of the amendments, and the opportunity for public input has been provided through the City website and at duly advertised public hearings on the proposed amendments before the Planning Commission and City Council; and

**WHEREAS**, the Planning Commission recommended approval of the amendments at a public hearing on August 11, 2015; and

**WHEREAS**, the City Council held a duly advertised Public Hearing on October 20, 2015.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Comprehensive Plan is amended as described in Exhibit B (Land Use Map underline/strikeout version), Exhibit C (Land Use Map clean version), Exhibit D (Balfour Park Master Plan clean version only), Exhibit E (Bowman-Brae Park Master Plan clean version only), and Exhibit F (Kronberg Park Master Plan clean version only).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

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Mark Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Ramis PC

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Pat DuVal, City Recorder

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City Attorney

**EXHIBIT A**  
**Recommended Findings in Support of Approval**  
**File # CPA-2015-002**  
**3 Parks Master Plans**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, North Clackamas Parks & Recreation District (NCPRD), on behalf of the City of Milwaukie (co-applicant and property owner), has applied for approval to adopt master plans for three City parks as ancillary documents to the City's Comprehensive Plan. The three sites are Balfour Park (Residential R-7 zone), Bowman-Brae Park (Residential R-7 zone), and Robert Kronberg Park (Downtown Open Space zone). The land use application file number is CPA-2015-002.
2. The proposal is to adopt master plans for each of the three parks and include them as ancillary documents to the City's Comprehensive Plan. The three sites are Balfour Park (3103 SE Balfour Street), Bowman-Brae Park (no site address, located at the northwest corner of SE Bowman Street and SE Brae Street), and Kronberg Park (11910 SE McLoughlin Boulevard). In addition, the land use designation shown on the Comprehensive Plan Land Use Map for both Balfour and Bowman-Brae Parks will be changed from Low Density (LD) to Public (P).
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Subsection 19.902.3 Comprehensive Plan Text Amendments
  - MMC Subsection 19.902.4 Comprehensive Plan Map Amendments
  - MMC Section 19.1008 Type V Review
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. An initial public hearing was held by the Planning Commission on August 11, 2015, at which the Planning Commission recommended approval of the application. An additional public hearing was held by City Council on October 20, 2015, as required by law.
5. MMC Subsection 19.902.3 Comprehensive Plan Text Amendments
  - a. MMC 19.902.3.A establishes the review process for making changes to the text of the Milwaukie Comprehensive Plan (Comp Plan), including the addition of ancillary documents to the Comp Plan. Text amendments to the Comp Plan are evaluated through the Type V process as outlined in MMC Section 19.1008.

*The proposed amendments include text amendments to the Comp Plan and are therefore subject to Type V review.*
  - b. MMC 19.902.3.B establishes the approval criteria for Comp Plan text amendments as follows:
    - (1) The proposed amendment is consistent with the goals and policies of the Comp Plan, as proposed to be amended.
      - (a) There are a number of goals, policies, and objectives within the Comp Plan that are relevant to all three proposed park master plans.
        - (i) Chapter 2 (Plan Review and Amendment Process)

The goal of Chapter 2 is to establish a Comp Plan review and amendment process as a basis of land use decisions, provide for participation by citizens and affected governmental units, and ensure a factual base for decisions and actions. Objective 1 focuses on amending the plan, and Policies 3-7 relate directly to the amendment process.

*The proposal to include park master plans for Balfour, Bowman-Brae, and Kronberg Parks as ancillary documents to the Comp Plan is an effort that was initiated jointly by the City of Milwaukie and NCPRD. For each of the park sites, NCPRD conducted at least two public meetings to discuss design options and gather neighbor feedback. As a matter of course, a site analysis and existing conditions summary, along with three initial master plan concepts, were presented at the first meeting for each of the park sites. An active group discussion generated comments and feedback that were compiled and incorporated into the design process. A final draft master plan concept was presented at a second public meeting.*

*As addressed in Finding 7, notice of the proposed amendments was provided to the various relevant local and State agencies, with the opportunity to receive a full copy of the application if desired. The proposed amendments have been processed per the Type V review procedures established in MMC 19.1008 and evaluated using the approval criteria established in MMC 19.902.3.B. The proposed amendments were considered at a public hearing before the Planning Commission on August 11, 2015, as well as at a public hearing before City Council on October 20, 2015. The Planning Commission recommended approval of the application.*

*City Council finds that the proposed amendments are consistent with the goals and policies of Chapter 2 that are relevant to all three park master plans.*

(ii) Chapter 4 (Land Use)

The goal of the Recreational Needs Element of Chapter 4 calls for the City to provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities. Objective 1 establishes different classifications for a variety of parks and public open spaces throughout the city. Objective 3 emphasizes that the City should work with other governmental agencies in providing park and recreational facilities and services. Objective 5 calls for the development of a citywide park and recreation system that meets the needs of the various neighborhoods and the City as a whole.

*The three parks are located in different parts of the city and are each part of the City's larger network of public parks that serves the whole community. Balfour and Bowman-Brae Parks are both classified as neighborhood parks and will primarily serve residents within approximately a half mile. Kronberg Park is classified as a natural preserve with a linear park running through it, connecting downtown Milwaukie with the Island Station neighborhood.*

*The City and NCPRD have an intergovernmental agreement (IGA) for NCPRD to manage and maintain the City's various public parks. Both Balfour and Bowman-Brae Parks were acquired by the City with funding from a Metro bond measure approved by voters in 2006. Development of all three master plans has been funded by NCPRD and done in partnership with the City.*

*As proposed, all three park master plans include some combination of recreational components such as play structures or areas, walking paths or trails, picnic tables, benches and other seating areas, and interpretive facilities. Each park serves a distinct geographic area of the City.*

*City Council finds that the proposed amendments are consistent with the goals and objectives of Chapter 4 that are relevant to all three park master plans.*

*City Council finds that the proposed amendments are consistent with the goals, policies, and objectives within the Comp Plan that are relevant to all three proposed park master plans.*

- (b) In addition, the Natural Resource and Willamette Greenway designations that overlay Kronberg Park make several other goals, policies, and objectives specifically relevant to the proposed master plan for Kronberg Park.

(i) Chapter 3 (Environmental and Natural Resources)

- The goal of the Natural Hazards Element of Chapter 3 is to prohibit development in known areas of natural disasters and hazards without appropriate safeguards. Objective 1 addresses the floodplain, and Policies 1-4 relate to development.

*Most of the proposed park elements at Kronberg Park will be located outside the 100-year floodplain. Where the support structure for the elevated multiuse path will be within the floodplain, the applicable requirements of MMC Title 18 Flood Hazard Regulations will be enforced to ensure that the capacity of the floodplain will not be reduced. As proposed, construction materials that may be inundated will be of sufficient strength and quality that they will not deteriorate. As proposed, the floodplain will be retained as open space and used for primarily passive recreation, wildlife areas, or trails.*

- The goal of the Open Spaces, Scenic Areas, and Natural Resources Element of Chapter 3 is to conserve open space and protect and enhance natural and scenic resources. Objective 1 focuses on protecting open space, Objective 2 on preserving natural resources, and Objective 3 on preserving scenic areas.

*Kronberg Park is designated as a Public space for land use and is zoned as Downtown Open Space; it is currently and will remain an open space. Development of the park will occur in accordance with adopted parks and recreation policies, the Willamette Greenway zoning overlay, and applicable standards of the Natural*

*Resources overlay. In particular, the designated natural resource areas along Kellogg Lake will be protected and improved by the proposed park development and in accordance with the standards of MMC Section 19.402 Natural Resources. The proposed improvements will also preserve and improve views of Kellogg Lake.*

*The proposed multiuse path through the park will connect to the Trolley Trail (part of the 40-Mile Loop system) via a signalized crossing of McLoughlin Blvd at SE River Road. The new path will connect to downtown Milwaukie via the new pedestrian bridge under the light rail line over Kellogg Lake, and has the potential to be part of the conceptual trail system along Kellogg Creek that would link to North Clackamas Park.*

*City Council finds that the proposed amendments are consistent with the goals and policies of Chapter 3 that are relevant to the proposed master plan for Kronberg Park.*

(ii) Chapter 4 (Land Use)

The goal of the Willamette Greenway Element of Chapter 4 is to protect, conserve, and enhance the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. Objective 3 encourages public and private cooperation to provide compatible land uses within the Willamette Greenway. Objective 4 aims to maximize the recreational use of lands within the Willamette Greenway. Objective 5 emphasizes public access and views to the Willamette River and Kellogg Lake. Objective 7 encourages development in the central riverfront area that is consistent with the City's Downtown and Riverfront Land Use Framework Plan.

*The proposed master plan for Kronberg Park is consistent with the Downtown and Riverfront Land Use Framework Plan, which shows Kronberg Park as recreational and open space. The actual design of the park will be reviewed at a later stage for consistency with the Willamette Greenway standards established in MMC Section 19.401 as part of the Community Service Use review process. As addressed in Finding 5-b-(1)-(a)-(ii), the proposed master plan provides primarily passive recreational components within the Willamette Greenway boundary, including a multiuse path, interpretive facilities, and viewing opportunities to Kellogg Lake.*

*City Council finds that the proposed amendments are consistent with the goals and policies of Chapter 4 that are relevant to the proposed master plan for Kronberg Park.*

*City Council finds that the proposed amendments are consistent with the goals, policies, and objectives within the Comp Plan that are specifically relevant to the proposed master plan for Kronberg Park.*

*City Council finds that the proposed amendments are consistent with the relevant goals, policies, and objectives within the Comp Plan.*

- (2) The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*The proposed amendments will result in the adoption of a master plan for each of the three parks (Balfour, Bowman-Brae, and Kronberg). Each master plan will guide the development of new park facilities at each site, which will benefit the surrounding neighborhoods and the community as a whole by increasing and improving recreational opportunities.*

*At present, the Ardenwald and Lake Road neighborhood areas where Balfour and Bowman-Brae Parks are located, respectively, are currently underserved by the City's parks system, as residents have no easy access to a neighborhood park. The Kronberg Park site has been in the City's possession for nearly 25 years but has remained undeveloped. With the recent addition of the pedestrian bridge under the new light rail bridge, the site has become more accessible. The Kronberg Park master plan will facilitate active development of the site to make it more functional for primarily passive recreational activities, provide increased connectivity between downtown and the Island Station neighborhood, and aid efforts to protect and enhance the designated natural resource areas on the site.*

*City Council finds that the proposed amendments are in the public interest with regard to neighborhood or community conditions.*

- (3) The public need is best satisfied by this particular proposed amendment.

*The proposed amendments will result in the adoption of park master plans that provide visions for how each of the three parks will be developed as public resources. The Balfour and Bowman-Brae sites were acquired by the City only recently, and none of the three sites has had an adopted master plan to date. The new master plans will facilitate the physical development that will actualize the recreational potential for each site. Adopting the master plans as ancillary documents to the Comp Plan is an important way to preserve the vision for each park that was developed as a result of extensive community input.*

*City Council finds that the proposed amendments best satisfy the public need for adequate park facilities.*

- (4) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*Title 12 (Protection of Residential Neighborhoods) of the Metro Urban Growth Management Functional Plan provides for making parks accessible to residents. Each of the three master plans provides for establishing recreational facilities and maintaining public open space that is accessible to surrounding neighborhoods. Balfour and Bowman-Brae Parks are new park sites in locations where residents have not had other parks nearby; the Kronberg Park site has been in the City's possession for nearly 25 years but has not been developed for active use. The new master plans will facilitate the physical development of each site, with the result that more parks will be available for public use.*

*City Council finds that the proposed amendments are consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.*

- (5) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

Several of the Statewide Planning Goals are relevant to the proposed amendments.

- Goal 1 (Citizen Involvement) aims to insure the opportunity for citizens to be involved in all phases of the planning process.
- Goal 2 (Land Use Planning) establishes a land use planning process and policy framework as a basis for all decisions and actions related to the use of land.
- Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) provides for the protection of natural resources and the conservation of scenic and historic areas and open spaces.
- Goal 6 (Air, Water, and Land Resources Quality) focuses on maintaining and improving the quality of the air, water, and land resources of the state.
- Goal 7 (Areas Subject to Natural Hazards) is intended to protect people and property from natural hazards.
- Goal 8 (Recreational Needs) aims to satisfy the recreational needs of the citizens of the state and visitors, including siting recreational facilities.
- Goal 12 (Transportation) aims to provide and encourage a safe, convenient, and economic transportation system. The Transportation Planning Rule implements Goal 12 and includes a requirement for local jurisdictions to establish and maintain a Transportation System Plan (TSP).
- Goal 15 (Willamette River Greenway) is intended to protect, conserve, enhance, and maintain the natural, scenic, historic, agricultural, economic, and recreational qualities of lands along the Willamette River.

*Each of the three park master plans was developed with an extensive public involvement process directed by the North Clackamas Parks and Recreation Department (NCPRD). The procedures for the legislative land use process being used to adopt the master plans as ancillary documents to the Comp Plan are established in MMC Section 19.1008; they allow for public notice of the proposed amendments and opportunities to participate in public hearings before both the Planning Commission and City Council.*

*Where designated natural resource areas are identified at Kronberg Park, the master plan calls for avoiding impacts by park development and for protecting and enhancing water quality resources and associated buffer areas. The impacts of any new structures placed within the designated floodplain at Kronberg Park will be reviewed and mitigated as per the standards of MMC Title 18 Flood Hazard Regulations. As addressed in Finding 5-b-(1), the new park master plans will facilitate the development of recreational facilities available to the community, and in such a way as to satisfy the intent of the Willamette Greenway regulations of MMC Section 19.401.*

*With respect to transportation, all three park master plans are consistent with the overall goals of the City's TSP, which include improving community livability by providing safe transportation choices. Balfour and Bowman-Brae Parks are neighborhood parks intended to serve nearby residents without depending on*

*vehicle travel. Balfour Park is near the proposed 29<sup>th</sup> Avenue Neighborhood Greenway, which is intended to provide a safe route for pedestrians and bicycles in addition to vehicle traffic. Bowman-Brae Park is along the route of a proposed pedestrian connection between Rowe Middle School and North Clackamas Park. The proposed multiuse path through Kronberg Park will provide a connection between downtown Milwaukie and the Island Station neighborhood, with access to the light rail system. All three sites are positioned to both benefit from and enhance the community's transportation network.*

*City Council finds that the proposed amendments are consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

*City Council finds that the proposed amendments meet the approval criteria for Comp Plan text amendments as established in MMC 19.902.3.B. This standard is met.*

*City Council concurs with the Planning Commission recommendation that the proposed amendments should be approved as text amendments to the Comp Plan and that all three park master plans should be adopted as ancillary documents to the Comp Plan.*

6. MMC Subsection 19.902.4 Comprehensive Plan Map Amendments

The proposed amendments include changing the land use designation shown on the Comp Plan Land Use Map for both the Balfour and Bowman-Brae Park sites from Low Density (LD) to Public (P).

- a. MMC 19.902.4.A establishes the review process for making changes to the maps of the Milwaukie Comprehensive Plan (Comp Plan). Generally, map amendments to the Comp Plan that involve five or more properties or encompass more than 2 acres of land are considered legislative in nature and are evaluated through the Type V process as outlined in MMC Section 19.1008.

*Together, the two properties encompass approximately 1.5 acres (0.8 acres for Balfour Park and 0.69 acres for Bowman-Brae Park). Ordinarily, the proposed Comp Plan map amendments would be subject to Type IV review; however, as per MMC Subsection 19.1001.6.B.1, concurrent applications are processed according to the highest numbered review type. The proposed Comp Plan map amendments are concurrent with the proposed Comp Plan text amendments addressed in Finding 5, which are subject to Type V review. Therefore, the proposed map amendments are also subject to Type V review.*

- b. MMC 19.902.4.B establishes the approval criteria for Comp Plan map amendments as being the same as those provided in MMC 19.902.3.B for Comp Plan text amendments.

*The responses provided in Finding 5-b for the Comp Plan text amendments are applicable and sufficient for the proposed map amendments as well, with relevant additions noted below.*

- (1) The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

*See the response to Finding 5-b-(1).*

*In addition, Policy 11 of Objective 1 (Open Space) within the Open Spaces element of Chapter 3 (Environmental and Natural Resources) calls for designating as Public Lands those areas that are existing parks or publicly*

*utilized areas, and for identifying them as Public Lands on the Comp Plan Land Use Map. Both the Balfour and Bowman-Brae sites are former residential properties that were acquired by the City within the past few years. The proposed amendment will change the current land use designation of Low Density (LD) to Public (P) for both sites.*

*City Council finds that the proposed amendments are consistent with the relevant goals, policies, and objectives within the Comp Plan.*

- (2) The proposed amendment is in the public interest with regard to neighborhood or community conditions.

*See the response to Finding 5-b-(2).*

*The proposed amendments will clarify that the Balfour and Bowman-Brae sites are intended for public use.*

*City Council finds that the proposed amendments are in the public interest with regard to neighborhood or community conditions.*

- (3) The public need is best satisfied by this particular proposed amendment.

*See the response to Finding 5-b-(3).*

*City Council finds that the proposed amendments best satisfy the public need for adequate park facilities.*

- (4) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*See the response to Finding 5-b-(4).*

*City Council finds that the proposed amendments are consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.*

- (5) The proposed amendment is consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*See the response to Finding 5-b-(5).*

*City Council finds that the proposed amendments are consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.*

*City Council finds that the proposed amendments meet the approval criteria for Comp Plan map amendments as established in MMC 19.902.4.B. This standard is met.*

*City Council concurs with the Planning Commission recommendation that the proposed amendments should be approved as map amendments to the Comp Plan and that the land use designation shown on the Comp Plan Land Use Map for both the Balfour and Bowman-Brae Park sites should be changed from Low Density (LD) to Public (P).*

7. The application was referred to the following departments and agencies on July 8, 2015:
- Milwaukie Building Department
  - Milwaukie Engineering Department
  - Clackamas Fire District #1

- Neighborhood District Association (NDA) Chairperson and Land Use Committee for the following NDAs:
  - Ardenwald-Johnson Creek
  - Historic Milwaukie
  - Island Station
  - Lake Road
- Clackamas County
- Metro
- Oregon Department of Transportation (ODOT)
- TriMet

The comments received are summarized as follows:

- **Rebecca Hamilton, Regional Planner, Metro:** No conflicts with the [Urban Growth Management] Functional Plan.

# LAND USE

## Milwaukie Comprehensive Plan Map 7

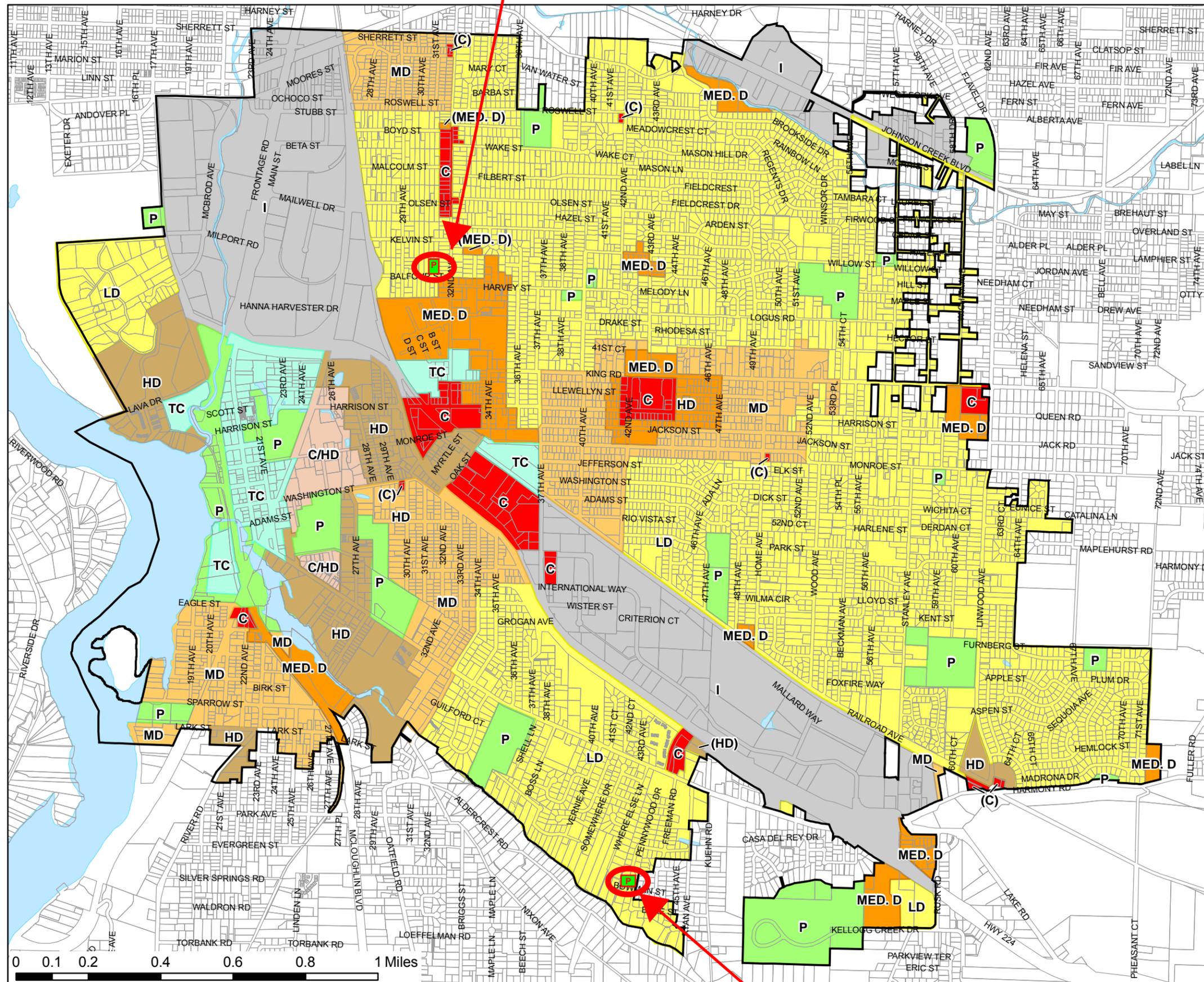
-  City Boundary
-  Water Body
-  LD - Low Density
-  MD - Moderate Density
-  MED. D - Medium Density
-  HD - High Density
-  C - Commercial
-  C/HD - Mixed Use
-  I - Industrial
-  P - Public
-  TC - Town Center

Rev. as of Ord. #1987 Oct. 21, 2008

Data Sources: City of Milwaukie GIS  
Clackamas County GIS  
Metro Data Resource Center

The information depicted on this map is for general reference only. The City of Milwaukie cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of errors would be appreciated.

Please check with Planning Department for most up-to-date information.  
503-786-7630  
planning@ci.milwaukie.or.us



Change designation from Low Density (LD) to Public (P)

(C)

(MED. D)

(MED. D)

(C)

(C)

(C)

(C)

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RS

Change designation from Low Density (LD) to Public (P)

# LAND USE

## Milwaukie Comprehensive Plan Map 7

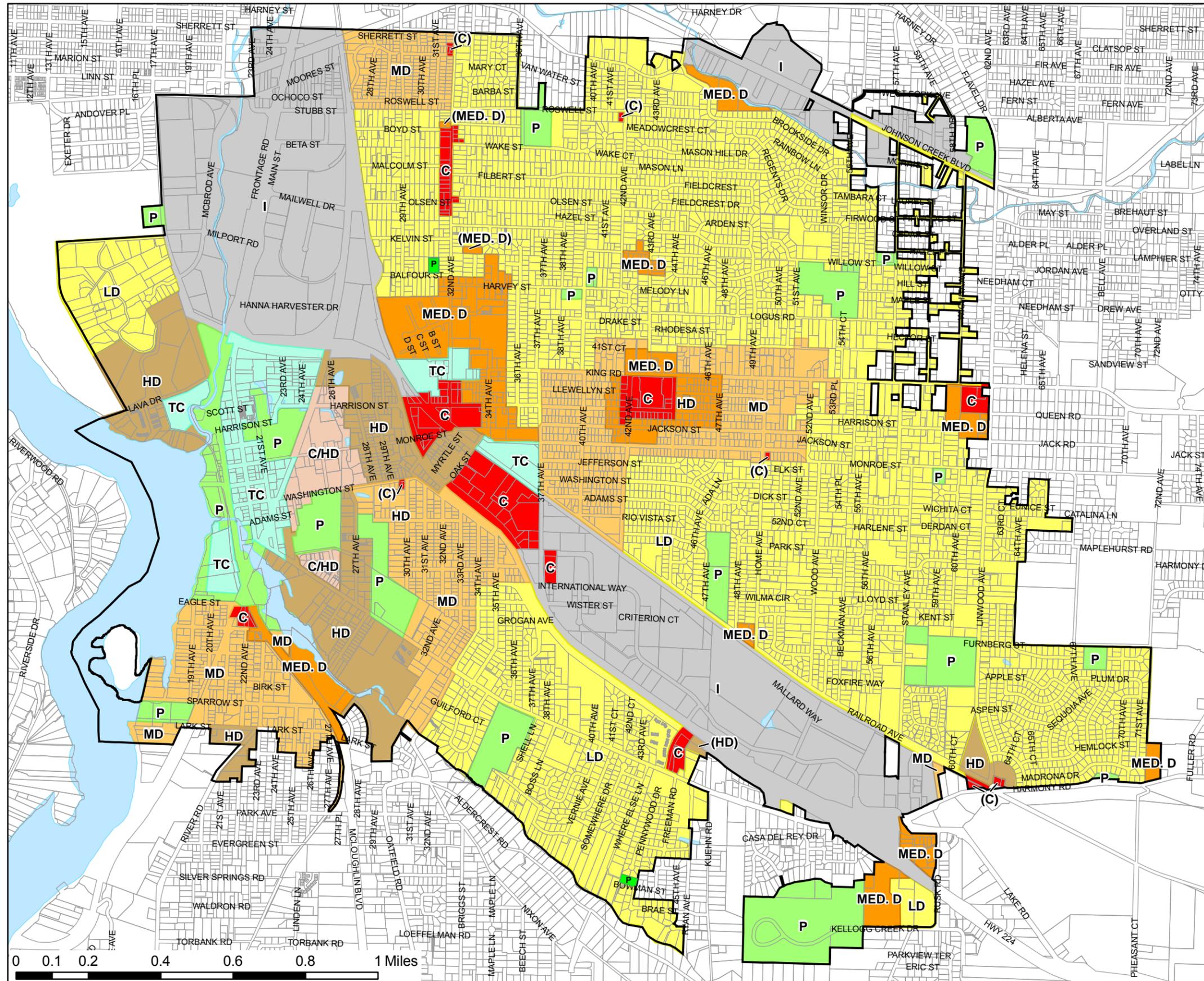
-  City Boundary
-  Water Body
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Rev. as of Ord. #1987 Oct. 21, 2008

Data Sources: City of Milwaukie GIS  
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Please check with Planning Department for most up-to-date information.  
503-786-7630  
planning@ci.milwaukie.or.us





CITY OF MILWAUKIE & NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

# BALFOUR PARK MASTER PLAN

FINAL REPORT 04.20.2015

lango . hansen



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## ACKNOWLEDGEMENTS

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For more information, contact:  
NCPRD  
150 Beaver Creek Road, 4th Floor  
Oregon City, OR 97045  
503-742-4348  
[www.ncprd.com](http://www.ncprd.com)

## INTRODUCTION

### INTRODUCTION

This master plan was developed in partnership between the City of Milwaukie and North Clackamas Parks and Recreation District (NCPRD). Balfour Park is a 0.8-acre, undeveloped neighborhood park site located in the Ardenwald - Johnson Creek neighborhood at 3103 S.E. Balfour St. in Milwaukie, Oregon. The City of Milwaukie purchased the land in 2008 with funds from Metro's voter-approved 2006 natural areas bond measure. The site's existing steep topography and mature canopy trees provide a unique opportunity for recreation on a site very special to the neighborhood.

### MISSION STATEMENT

Protect the existing character of the site while accommodating the neighborhood needs for an interesting and engaging place for flexible active and passive recreation. Through design, promote a sense of ownership by neighbors.

### SCOPE OF PROJECT

The Balfour Park property offers the potential for a much needed place for neighbors to come together and enjoy both active and passive recreation. The master plan for the park addresses the functional needs of the park site such as circulation and Right-of-Way improvements, and provides a framework for reshaping the site so that it can meet the neighborhood's recreation needs. An open and interactive approach to the master planning process engaged City and District staff as well as neighbors and community members to create a lasting plan to guide future implementation of the park.

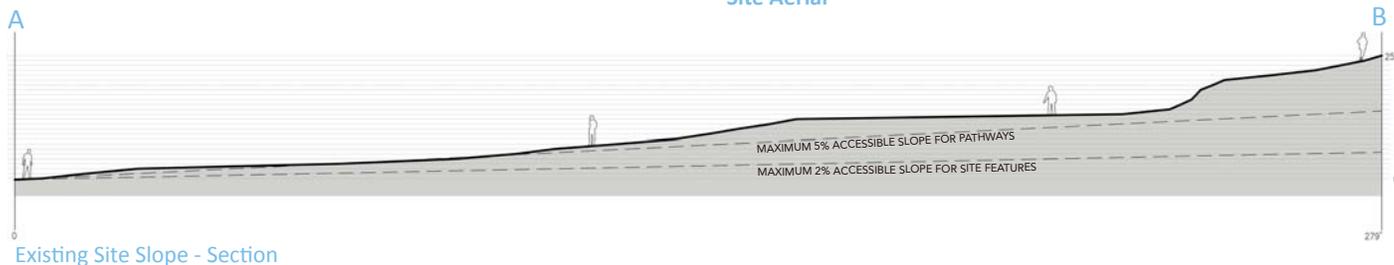
The Master Plan for the park includes active recreational use areas, passive use areas, storm water treatment, signage, landscaping, accessible pathways and site features including benches and picnic tables, an accessible play area, a possible community garden space, fencing and maintenance vehicle access.



Context Aerial



Site Aerial



Existing Site Slope - Section

## SITE DESCRIPTION

### PARK CLASSIFICATION

NCPRD defines a neighborhood park with the following:

- Serves as the recreational and social space of the neighborhood
- May provide opportunities for natural areas, informal activities, and passive recreation
- Typically includes playgrounds, picnic areas, natural areas, trails, open grass areas for passive use, outdoor basketball courts, and/or multi-use sports fields
- On-site parking and restrooms are not typically provided
- Typically serve an area of an approximately 1/2 to 1-mile radius
- Typically vary in size from 1/2 to 5 acres
- Examples of neighborhood parks are Water Tower Park and Ardenwald Park

NCPRD and the City of Milwaukie strive to use native plants whenever possible and provide long-lasting and easy to maintain site furnishings within parks.

### MASTER PLANNING : SITE ASSESSMENT

The first step in the Master Planning process was to gather information related to the existing conditions of the site and City Code requirements. Using GIS information, a site analysis aerial was compiled for use throughout the master planning process. Site visits were conducted to gather information about existing site features including fencing and tree species. Interviews with City and District staff to understand site specific issues were performed. KPFF Civil Engineers provided resources related to storm water treatment requirements.

Information gathered during the initial phase was compiled into a single site analysis drawing along with existing site photos to illustrate the existing conditions and opportunities and constraints. The site analysis drawing and site photos were shared with City and District Staff for comments prior to the initial public meeting.

### MASTER PLANNING : SITE ANALYSIS

The existing site is bordered by single family residences on the north, east and west sides. The south edge of the site is adjacent to the SE Bowman Street Right-of-Way. Existing fences line the majority of the park property. The northwest corner of the site is not fenced. Several large significant trees exist on the site included in a tree inventory completed as part of this project, as well as many smaller shrubs and fruit trees. The site slopes about 24' from the northeast corner down to the southwest corner. Because of the steepness of the site, several trees located in the middle of the site may need to be removed to accommodate site grading that is necessary to make the site usable and accessible. NCPRD will prioritize protection of the most significant trees. An official site survey documenting the location and species of all trees will be conducted once the District has funding for construction and moves toward development. Additionally it is recommended that an arborist be consulted to verify the health of existing trees and future maintenance requirements.

### HISTORY : EARLY NEIGHBORHOOD INVOLVEMENT

As part of the site analysis, we reviewed the previous master plan concept that was developed by the Neighborhood Association in 2011. The Ardenwald - Johnson Creek Neighborhood Association is very interested in and committed to the future development of this park site. To promote awareness of the park property, over the past several years, they have been holding native plant sales and other events to raise money to support the future development of the park. The neighborhood association used funds they had raised to commission a design for the park from Mayer/Reed Landscape Architects. This preliminary design was a compilation of site elements neighbors were interested in seeing within the park. It was meant to show a range of possibilities for site elements and express the feel of the park the neighbors were interested in. To attain neighbor interest, the Neighborhood Association held a survey and questioned neighbors at a movie night at nearby Ardenwald Park and at the Milwaukie Farmers Market. This early concept plan was not a part of the City or District's official public process.

As part of this master planning process, the neighborhood's early concept plan developed by



## SITE DESCRIPTION, CONT.

Mayer/Reed was adjusted to fit the actual site dimensions, and amended to show the existing site contours received from GIS data. The early design concept was then redrawn with the new site context data to show how the site dimensions and contours affected the initial proposed concept.

To ensure the park design relates to the existing site conditions and appeals to a wide variety of users, three initial design options were developed to include a wide array of site elements that might typically be found within a neighborhood park in Milwaukee.



### LEGEND

1 - Community Garden	4 - Picnic Area	7 - Bike Rack	10 - Bridge
2 - Dog Run	5 - Drinking Fountain	8 - Gravel Walking Path	11 - Screening Vegetation
3 - Play Area	6 - Water Play	9 - Dry Stream	12 - Shrub Planting

Early Concept Plan - Commissioned in 2011 by Neighborhood Association

## MAINTENANCE CONSIDERATIONS

Throughout the design process, NCPRD maintenance staff were consulted so that the park would be designed to facilitate maintenance requirements. In addition to a pathway for maintenance vehicle access, the location of site furnishings and types of plant material were coordinated with maintenance staff.

## PUBLIC PROCESS

### PUBLIC PROCESS

As part of this master planning process, two public meetings were held to discuss design options and gather neighbor feedback. At the first public meeting, the site analysis and existing conditions materials were presented along with three initial master plan concepts. Meeting attendees were asked to actively participate in the group discussion and a breakout session with consultants and staff. After the first public meeting, comments were compiled and discussed with the City and NCPRD and incorporated in the design process. A final draft master plan concept was presented at the second public meeting.

### NEIGHBORHOOD FEEDBACK

In general, the neighbors like the natural feel of the existing park site and want to protect as many of the existing mature trees as possible. Native planting is important to them, and there is a desire for edible plants if possible. The neighbors also expressed an interest in community gardens, an open flexible lawn, contemplative areas, areas for all ages of children to play, a unique nature play area with places for climbing, and places for sitting such as picnic tables and benches. There was also an interest in a drinking fountain located near the sidewalk. There was consensus for keeping a smaller looped pathway similar to the pathway in Option 1, located farther to the south. The neighbors also had a preference for locating the play area on the north side of the site in order to incorporate the slope with the open lawn in the center.

There was also a general consensus that structured active recreation such as a half basketball court was not desired.

## MASTER PLAN CONCEPT

### MASTER PLANNING : CONCEPT DEVELOPMENT

The City will require half-street development standards as part of the future site development. NCPRD and the City have a number of park and site development standards that must be included in all concept plan development; therefore, all three of the initial concept plans included the following: a curb cut to allow maintenance vehicles to access the site, a removable bollard to prevent unauthorized vehicles from entering the site, three bike racks, an entry sign, and low perimeter screening shrub planting to delineate and soften the park boundary while maintaining views into the park from the street frontage.

Design of the park master plan incorporates principles from Crime Prevention Through Environmental Design (CPTED) which includes keeping planting low to allow views into and through the park, keeping evergreen trees limbed up to prevent hiding spots, and maintaining clear entrances.

### DEVELOPMENT PROPOSAL / ELEMENTS

The final master plan site improvements include:

- A nature play area with built-in slide and rock climbing slope
- A seating area with bench and picnic table near the play area
- A small ornamental planting area next to the play area with potential for educational signage and/or edible native plants
- A flexible open lawn area for informal play and gatherings
- A small flexible community garden area with a perimeter fence and gate
- A looped concrete pathway, wide enough to accommodate maintenance access to the play area
- A small paved area with a picnic table adjacent to the lawn
- A stormwater swale with native planting
- Low retaining/seat walls to hold the grade and provide seating opportunities
- New evergreen and deciduous trees
- Low-maintenance, native landscape plants
- Half-Street improvements
- Bike parking
- Drinking fountain
- Perimeter fencing

The design for the community garden, planting, and play area are general in nature and intended to be refined further with specific elements and locations once the District has funding for the park and moves toward development. Development of the community garden area will be based on neighborhood demand and the commitment by a group to assume management and maintenance responsibilities.

### SUMMARY

NCPRD will make improvements to the park when funding for the whole park is available. This plan will make it possible for NCPRD to apply for grants and solicit partnerships to help complete improvements. Initial cost estimates were developed and provided to NCPRD to provide an initial estimate for future budgeting and planning purposes. The cost estimates and project elements are subject to change due to further refinements that may occur as the final park design is completed.

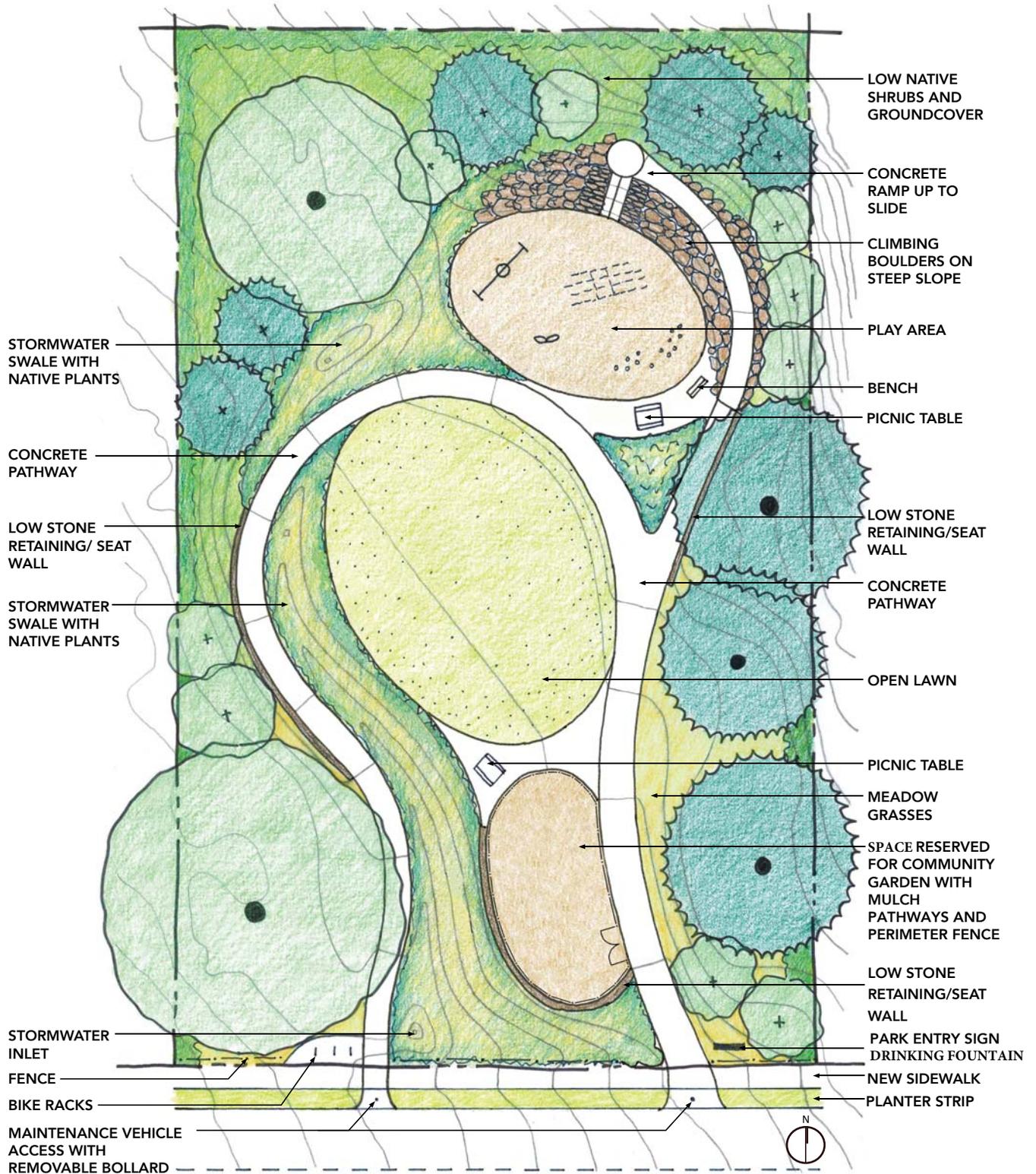
This plan is conceptual in nature. Final decisions regarding dimensions, materials and precise locations of improvements will be determined per all applicable regulatory requirements and as funding is available.

NCPRD will coordinate improvements with the City of Milwaukie and will follow necessary land use processes to ensure elements are consistent with all City policies and codes.

# BALFOUR PARK MASTER PLAN

REFINED CONCEPT

APRIL 20, 2015





RS51



CITY OF MILWAUKIE & NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

# BOWMAN-BRAE PARK MASTER PLAN

FINAL REPORT 4.20.2015

lango . hansen



RS52

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## INTRODUCTION

### INTRODUCTION

This master plan document for Bowman-Brae Park was developed in partnership between the City of Milwaukie and North Clackamas Parks and Recreation District (NCPRD). Bowman-Brae Park is a 0.69-acre undeveloped neighborhood park located at the intersection of SE Bowman Street and SE Brae Street in Milwaukie, OR. The City purchased the land in 2011 with assistance from Metro's voter-approved 2006 natural areas bond measure. Currently the undeveloped park site is maintained by NCPRD through an intergovernmental agreement with the City as an undeveloped open space. The open nature of the site and its location provide an exciting opportunity to meet the neighborhoods needs for flexible recreation.

### MISSION STATEMENT

Create an attractive neighborhood park that offers a variety of outdoor recreation opportunities for everyone living in the neighborhood.

### SCOPE OF PROJECT

Bowman-Brae Park is a well-used property within the Lake Road Neighborhood that offers a much needed place for neighbors to come together and enjoy both active and passive recreation. The master plan for the park addresses the functional needs of the park site such as circulation and Right-of-Way improvements, and provides a framework for organizing the site so that it can meet the neighborhood's recreation needs. An open and interactive approach to the master planning process engaged neighbors, community members, City and NCPRD staff as well as the opportunity to create a lasting plan to guide future implementation by the City and District.

The Master Plan for the park includes open lawn, a small picnic shelter, storm water treatment, signage, landscaping, accessible pathways and site features including benches and picnic tables, an accessible play area, fencing and maintenance vehicle access.



Context Aerial

## SITE DESCRIPTION

### PARK CLASSIFICATION

NCPRD defines a neighborhood park with the following:

- Serves as the recreational and social space of the neighborhood
- May provide opportunities for natural areas, informal activities, and passive recreation
- Typically includes playgrounds, picnic areas, natural areas, trails, open grass areas for passive use, outdoor basketball courts, and/or multi-use sports fields
- On-site parking and restrooms are not typically provided
- Typically serve an area of an approximately 1/2 to 1-mile radius
- Typically vary in size from 1/2 to 5 acres
- Examples of neighborhood parks are Homewood Park and Ardenwald Park

NCPRD and the City of Milwaukie strive to use native plants whenever possible and provide long-lasting and easy to maintain site furnishings within neighborhood parks.

### SITE ASSESSMENT

The first step in the Master Planning process was to gather information related to the existing conditions of the site and City Code requirements. Using GIS information, a site analysis aerial was compiled for use throughout the master planning process. Site visits were conducted to gather information about existing site features including fencing and tree species. LHLA performed interviews with City and NCPRD staff to understand specific site issues. KPFF Civil Engineers provided resources related to storm water treatment requirements.

Information gathered during the initial phase was compiled into a site analysis drawing along with existing site photos to illustrate the existing conditions and opportunities and constraints. The site analysis drawing and site photos were shared with City and District Staff for comments prior to the initial public meeting.

### SITE ANALYSIS

The site is currently vacant and being used actively by the neighbors for picnics, informal sports and dog walking. The site slopes minimally from the northeast corner to the southwest corner of the site. The southeast edge of the site is bordered by approximately 170 feet of the SE Bowman St public right-of-way. The remaining 50' of the southwest edge of the site is bordered by an Oak Lodge Water District property, which contains a pump house that is no longer being used by the Water District.

The east edge of the park is bordered by 124' of private roadway, the north edge of the park is 237 feet long and bordered by two private single family residences with existing privacy fencing. The west edge of the park is bordered by a 13' wide swath of privately owned land. The Where Else Lane right-of-way ends at the west edge of the privately owned land. There is currently no publicly-owned connection to the park's west side, but it is being used by neighbors as a park entrance at this time.

The park has a variety of perimeter fencing ranging from weathered wood picket fencing on the south side along SE Bowman Street to wood post and cable fencing along the east and west boundaries. One mature cedar is located on the south edge of the site. It will be protected. A previous development application for three single-family homes had been strongly opposed by neighbors because it would have required removal of this tree.

### MAINTENANCE CONSIDERATIONS

Throughout the design process, District maintenance staff were consulted so that the park would be designed with maintenance in mind. In addition to a pathway for maintenance vehicle access to the play area, the location of future site furnishings, features and types of plant material were coordinated with maintenance staff.

# SITE ANALYSIS



### PUBLIC PROCESS

Two public meetings were held to discuss design options and gather neighbor feedback. At the first public meeting, the site analysis and existing conditions materials were presented along with three initial master plan concepts. Meeting attendees were asked to actively participate in the group discussion, a breakout session with consultants and staff, review materials, and place their comments on notes directly on the plans. Public comments from the first meeting were incorporated into a final master plan concept that was presented at the second public meeting.

### NEIGHBORHOOD FEEDBACK

Comments from the first public meeting significantly influenced the design of the final master plan. From the public meetings we heard that in general, the neighbors want to keep the feel of the park simple, without a lot of programmed elements. Protecting the existing cedar is important to them, and they like the size and feel of the existing open lawn area, but would like to see perimeter planting as a buffer between the park and adjacent residences. The neighbors want to keep the multi-use trail connection as minimal as possible so as to preserve as much of the site for park use.

At the final master plan community meeting, neighbors expressed interest in keeping the open lawn area as large as possible, locating a small play area on the south edge of the site near SE Bowman St., including a small shelter for gatherings, creating opportunities for relaxation, and including a meandering walking pathway that was not too close to the residences on the north edge of the park. The neighbors also want to deter parking along SE Bowman Street and along the private road for park use by including signage, and include perimeter fencing to delineate the park boundary on all sides. The final master plan incorporates neighbor feedback from the first public meeting. The final draft master plan was presented to the neighbors at a second public meeting, and an overall consensus in favor of the plan was reached.

### MASTER PLANNING : CONCEPT DEVELOPMENT

The City will require right-of-way improvements which include a new concrete sidewalk, a planter strip, and new curb along the publicly owned portion of SE Bowman Street right-of-way as part of the future site development. The City will also require the ability to construct a future multi-use trail connection from SE Bowman Street to SE Where Else Lane. The multi-use trail is not currently shown connecting to Where Else Lane because the adjacent property is privately owned, but ultimately a future connection is planned to provide improved cross-circulation through the neighborhood.

NCPRD will require a curb cut at the main park entrance which is located at the corner of SE Bowman and SE Brae Streets to allow park maintenance vehicles to access the site. A removable bollard will be installed to prevent unauthorized vehicles from entering the site. In addition to these requirements, design options included three bike racks, a paved area to accommodate a temporary/seasonal portable restroom, a waste receptacle, and an entry sign at the main park entrance adjacent to the SE Bowman and SE Brae intersection. All design options include low screening shrub planting at the north park boundary to delineate and soften the park boundary.

Design of the park master plan incorporates principles from Crime Prevention Through Environmental Design (CPTED) which includes keeping planting low to allow views into and throughout the park, keeping evergreen trees limbed up to prevent hiding spots, and maintaining clear entrances. Planting shown on all options takes this need for site visibility into account. Trees shown will be limbed up as they become established. Evergreen trees shown are spaced 20' apart at a minimum. Any shrub and groundcover planting would be low, not higher than 3', to allow views into the park and avoid creation of hiding places.

The District's dedication to planting native species will be integral to the planting design. Native plants provide important habitat for wildlife and are easier to maintain.

### DEVELOPMENT PROPOSAL / ELEMENTS

The final master plan site improvements include:

- A designated park entrance at the corner of SE Brae and SE Bowman Streets

- A park entry sign
- Bike parking with 3 bike racks
- A small shelter with 2-3 picnic tables
- Accessible play area with adjacent curb cut for maintenance vehicle access
- 2 picnic tables adjacent to the play area
- A meandering concrete pathway around the perimeter of the site
- A multi-use trail connection from the west end of SE Bowman St to the end of SE Where Else Lane. Construction of this element will depend on ownership and timing of the neighborhood cross-circulation plan
- Perimeter Fencing
- Evergreen and Deciduous trees, scattered around the perimeter of the site near the pathway to keep the central lawn area open for informal active use
- A small storm water detention area with native planting to treat and collect storm water runoff from the site
- Native ornamental shrub planting
- Low native evergreen screening shrubs on the north edge of the park
- An area for a possible seasonal toilet
- 2 Benches

### SUMMARY

NCPRD will make improvements to the park when funding for the whole park is available. Initial cost estimates were developed and provided to NCPRD to provide an initial estimate for future budgeting and planning purposes. The cost estimates and project elements are subject to change due to further refinements that may occur as the final park design is completed. Funding for construction of this park is not available at this time. This plan will make it possible for NCPRD to apply for grants and solicit partnerships to help complete improvements.

This plan is conceptual in nature. Final decisions regarding dimensions, materials and precise locations of improvements will be determined per all applicable regulatory requirements and as funding is available.

NCPRD will coordinate improvements with the City of Milwaukie and will follow necessary land use processes to ensure elements are consistent with all City policies and codes. NCPRD is also committed to making sure all regulatory permits have been acquired prior to project commencement (eg. Army Corps of Engineers, Division of State Lands, etc.)

# BOWMAN-BRAE PARK MASTER PLAN

REFINED CONCEPT

APRIL 20, 2015





RS61

CITY OF MILWAUKIE & NORTH CLACKAMAS PARKS AND RECREATION DISTRICT

# ROBERT KRONBERG NATURE PARK MASTER PLAN

FINAL REPORT 04.20.2015

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## INTRODUCTION

Robert Kronberg Park is an undeveloped natural area park located just south of downtown Milwaukie, Oregon. The property is owned by the City of Milwaukie and maintained by North Clackamas Parks and Recreation District (NCPRD). The central location of the park site, intrinsic natural resources, potential for improvements, and citizen interest and investment in the site all provide an excellent opportunity for the creation of a truly unique and important natural area park close to downtown Milwaukie. This Master Plan will provide direction for future improvements and restoration efforts, will help establish a framework for visitor use and appropriate activities within the park, and will provide a basis for securing funding for park development.

## MISSION STATEMENT

The purpose of this Master Plan process is two-fold: first, to create a linear park and link between downtown Milwaukie and the Island Station Neighborhood; and second, to preserve and restore the vital habitats in this natural area park.

This Master Plan community involvement process confirmed that Robert Kronberg Park is a Natural Area, as defined within the NCPRD Master Plan: “Natural areas are minimally developed and primarily intended to conserve land for environmental benefit. Many of the sites conserve habitat for wildlife...passive recreation uses are secondary to protecting natural resources, but natural areas may include picnic facilities, trails, interpretive signage, and view points.”



Vicinity Map

## SITE DESCRIPTION

### SITE HISTORY AND NATURAL ELEMENTS



Photo of Kellogg Lake, early 20th century

Prior to American settlement, the park site contained a variety of upland, wetland and estuary habitats where Kellogg Creek met the Willamette River. Habitat areas in the project site included upland mixed Oregon white oak and Douglas fir woodland, Oregon ash and cottonwood riparian floodplain forest, and creek and wetland habitats. The creek provided habitat for anadromous and freshwater fish species, waterfowl, beaver, and other animals. Kellogg Lake was created in 1858 when the creek was dammed to power a flour mill. The original dam was replaced with a concrete dam in the 1930's when McLoughlin Boulevard was widened to a four-lane highway.

The lake had some recreational and scenic appeal in the early 1900's, but it deteriorated beginning in the 1950's as some of the properties on the lake were filled with concrete, gravel, rock, and other fill. The extent and makeup of the fill at the site is unknown and may impact future development. There has also been significant sedimentation of the lakebed; a 2002 Army Corps of Engineers study estimated that the original creek bed is now covered by 17,500 cubic yards of contaminated sediment.

At present, all of the existing habitats in the site have all been classified as habitats in decline or of concern within state and regional conservation strategies. Each type of habitat is currently in degraded condition within the site area, due in part to the neglect noted above but also including widespread colonization of the site by invasive plant species. There have also been issues with transients camping on site, illegal dumping, and vandalism.

In the 1970's, citizen groups successfully lobbied for preservation of the area around the lake as a natural area. These efforts took another step forward in 1991 when Robert and Dena Kronberg deeded three properties to the City with the understanding that the properties would be used to create a park named after Robert Kronberg. More cohesive restoration efforts become possible when the City purchased three additional properties adjacent to the lake. Restoration of the park site above the waterline began in earnest in 2008 with work by NCPRD staff, adjacent landowners, and other volunteers. These restoration activities included invasive species control, trash removal, and planting events. These activities, along with increased patrols by the Milwaukie Police Department, have helped to ameliorate some of the problems affecting the site. The City and Wildlands have also begun planning for the future removal of the Kellogg dam and restoration of the creek.



Existing Conditions

\*Site history from An Oral History of Kellogg Lake, City of Milwaukie, 2010:  
<http://www.milwaukieoregon.gov/sites/default/files/fileattachments/oralhistory.pdf>

## SITE DESCRIPTION

### SITE DESCRIPTION AND EXISTING CONDITIONS



Site Aerial and Property Map

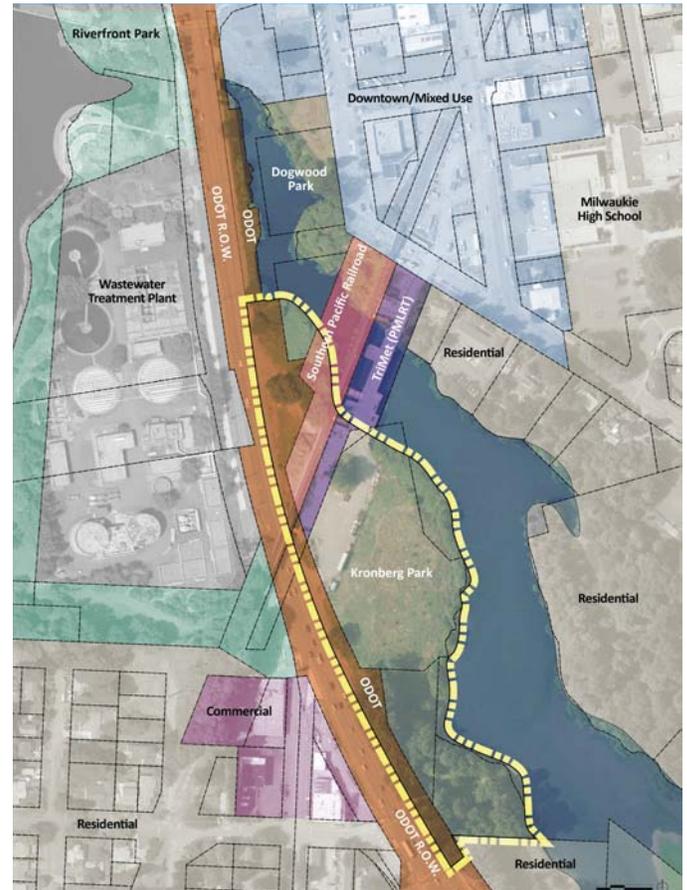
The park site is bounded on the west side by McLaughlin Boulevard, on the east and north sides by Kellogg Lake, and on the south side by private residential property. The site is also bisected by the Union Pacific/Portland-Western Railroad (UPRR) trestle and the TriMet Portland-Milwaukie light rail line (PMLRT). The site is composed of six parcels which are owned by the City of Milwaukie and are zoned as Downtown Open Space (DOS): Tax Assessor Map 11E36CB Lots 2800, 2801, 3000, 3100, 3300, and 4500. The six City-owned parcels total 6.48 acres; approximately 2 acres is currently covered by Kellogg Lake, leaving about 4.5 acres of land to be planned as part of this process. The site also includes properties and right-of-ways which are owned by Oregon Department of Transportation (ODOT), TriMet, and Union Pacific/Portland-Western Railroad, respectively. The northernmost parcel (lot 2801) is separated from the rest of the park properties by the railroad and TriMet properties.

The three parcels (4.75 acres) that make up the central part of the site were deeded to the City by Robert and Dena Kronberg in 1991. Of the three Kronberg-deeded properties, the largest (lot 3100) makes up the central part of the site and is primarily open meadow with

some existing trees, including a large Oregon white oak and many small trees which have been planted as part of habitat restoration efforts over the last ten years. Lot 2800 is mostly covered by the lake, and the remaining portions are generally steep hillside with varying plant types and conditions. Lot 3000 is a very small triangular parcel adjacent to the TriMet property which is primarily steep hillside, most of which will be replanted as part of TriMet habitat mitigation requirements.

The two lots on the south end of the park site (lots 3300 and 4500, 1.25 acres) are wooded areas that are as much as 20 feet lower than both the central part of the site and McLaughlin Boulevard. This is the only part of the site that currently allows direct access to the lake. There is also an unimproved dirt trail which was blocked by NCPRD to limit illegal dumping on the site. NCPRD has also done restoration and cleanup work in this area over the last ten years, including removal of trash and invasive species and planting of native species.

The last parcel (lot 2801, 0.5 acres) is located on the north side of the railroad trestle and was purchased with Metro local share funds in 1998; according to the IGA with Metro, this parcel must be used for open space. The parcel is bisected by the lake, with steep



Properties and Zoning

## SITE ASSESSMENT AND ANALYSIS

hillsides on both sides of the lake; the south side is mostly invasive plants, while the north side is a highly-disturbed wooded hillside that is part of Dogwood Park. Given the physical separation of the northern part of lot 2801 from the rest of the site and the proximity to Dogwood Park, NCPRD staff will not consider this portion of the property as part of Kronberg Park for the purposes of this Master Plan.

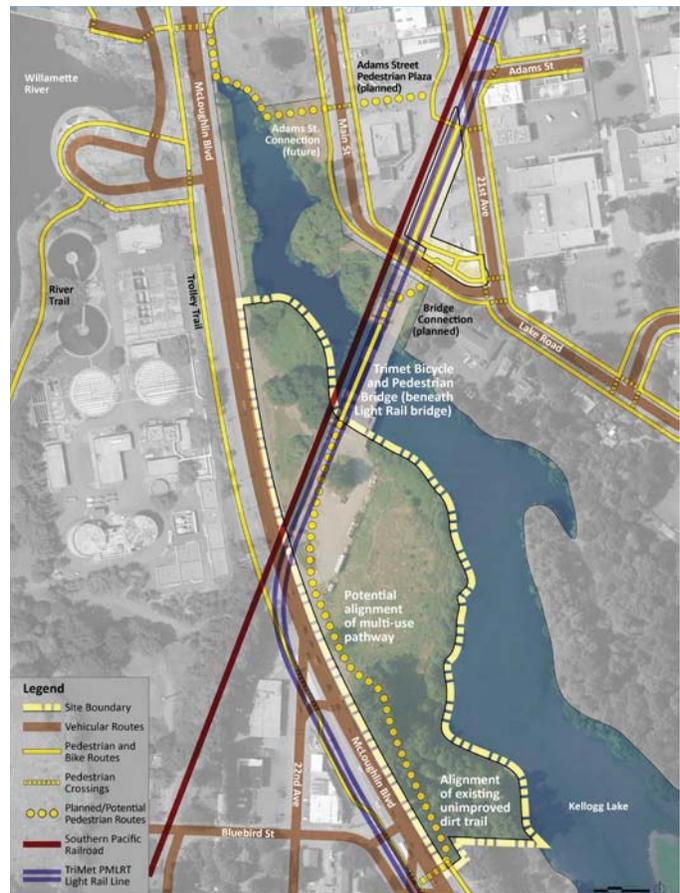
The portion of the park property currently beneath Kellogg Lake is planned to be restored as part of a separate creek and wetlands restoration project that will be developed by Wildlands for the City. The possibility for dam removal and improvement of Kellogg Creek was considered as part of this plan project process. The Robert Kronberg Natural Area Master Plan is designed to coexist with these future improvements regardless of when these future improvements occur. The land below the current lake would be restored as a riparian zone and not developed further.



Existing Sequoia at the south end of the site

### SITE ACCESS

Access to the site is very limited. There is no formal vehicular access, although there is currently a construction entrance used by TriMet for the PMLRT construction on the south side of the railroad trestle. There is also an ODOT access and a TriMet/UPRR permanent access easement on the north side of the railroad trestle, but use of this access point is currently limited to emergency and maintenance vehicles. There is currently on-street parking north of the park on the other side of Kellogg Lake and to the southwest of the park on the other side of McLoughlin Blvd. On-street ADA public parking spaces could be provided in those areas in the future to provide ADA access for park users. Parking is anticipated to be limited in and around the park into the future and there are no plans to add parking as a part of this future park project.



Transportation and Site Access

There is currently no direct pedestrian access to the site, in part because there is not an existing sidewalk on the east side of McLoughlin adjacent to the park. The shoulder/bike lane on McLoughlin is occasionally used by pedestrians as a route to downtown, but it is not a safe route for walking. There are two potential pedestrian access points to the site. At the south end of the site, a curb-tight sidewalk on the east side of McLoughlin Boulevard meets a crosswalk that connects to River Road, Bluebird Street, and the Trolley Trail on the west side of McLoughlin. At present, the sidewalk does not continue north of that intersection, and direct connection to the site is inhibited to the north and east of the crosswalk by a guardrail, a steep embankment, and many existing trees, including a very large mature sequoia directly north of the sidewalk.

On the north side of the main part of the park site, a bicycle-pedestrian bridge was installed beneath the light rail viaduct and over Kellogg Lake as part of the Portland-Milwaukie light rail line work which will eventually connect to downtown Milwaukie. However, there is currently no path connection at either end of the bridge; once the connections are made at both ends of the bridge, it will function as the north entrance

## SITE ASSESSMENT AND ANALYSIS

to the future park. There is currently no funding or timetable for the completion of this work. There is also an existing underpass beneath the railroad trestle which could potentially allow access to the north parcel of the site, but due to ODOT, TriMet, and Railroad restrictions, it cannot currently be used as an access point and is unlikely to be available for use in the foreseeable future.

### CONSTRAINTS TO PARK DEVELOPMENT

#### Regulatory Constraints

There are a number of local, state, and federal regulations that currently apply to the site. The restrictions noted here are current as of 2015, but may change in the future. Future park development should refer to current standards. A summary of these regulations are as follows.

The entire site is within the Willamette Greenway Overlay Zone (City of Milwaukie Code Chapter 19.401). Significant portions of the site are also covered by Natural Resource Overlay Zones (City of Milwaukie Code Chapter 19.402) that designates Water Quality Resource Areas (WQR) and Habitat Conservation Areas (HCA). Portions of the site also are within the FEMA-designated 100-year flood zone, so any improvements within these areas must comply with the requirements of City of Milwaukie Code Chapter 18.04 – Flood Hazard Areas.



Water Quality Resource and Habitat Conservation Areas

Any development which impacts the lake itself will require permits from Oregon Department of State Lands, the U.S. Army Corps of Engineers, and potentially the Oregon Department of Environmental Quality. Any habitat restoration work should be coordinated with the Oregon Department of Fish and Wildlife, planned Kellogg Creek restoration work by Wildlands, and related work done by other groups (e.g., the Portland Harbor Draft Restoration Plan produced by the Portland Harbor National Trustee Council).

Another consideration is that any park improvements should be planned to avoid significant grading, particularly excavation in the central part of the site where the majority of the concrete and rubble fill was placed. Disturbance of these materials may trigger additional mitigation or remediation.



TriMet pedestrian bridge at north end of the site

#### Restrictions to Site Access

In addition to regulatory restrictions, there are limitations to park development that are governed by the agencies which control the right-of-ways and properties adjacent to park property. Access to the site will need to be coordinated with ODOT, TriMet and/or Union Pacific/Portland and Western Railroad. Any park improvements on adjacent properties, including planting and maintenance, will also require an Intergovernmental Agreement (IGA) with the agency or organization that owns the property. A summary of these restrictions is as follows:

- ODOT controls the right-of-way along McLoughlin. Any park improvements, including vehicular and pedestrian access to the site, will be strictly limited per ODOT guidelines. Any improvements within the park and the ODOT Right-of-Way need to consider possible future highway widening.

## SITE ASSESSMENT AND ANALYSIS

- TriMet owns the bicycle-pedestrian bridge and the property below the PMLRT viaduct. Any improvements in this area will need to be coordinated with TriMet. As of March 2015, TriMet and the City were coordinating design, construction and funding of the landings of the bicycle and pedestrian bridge to the north of the park and Kellogg Lake near Lake Road, and at the south end of the bridge within Robert Kronberg Natural Area.
- The railroad right-of-way is owned by Union Pacific Railroad and leased by Portland and Western Railroad. They currently do not allow any public access or park improvements on their property.

### SAFETY AND EMERGENCY ACCESS

Safety and emergency access are a major considerations for the park. The park design and future management of the park should consider CPTED (Crime Prevention Through Environmental Design) techniques to help maintain the park as a safe environment, day or night. Some of these considerations include:

- Visibility is very important. This includes visibility both into the site from roadways and within the site from pathways and other site amenities. To the greatest extent practicable, vegetation will need to be both planned and managed to limit hiding spots near publicly accessible areas.
- The park should have amenities which attract the general public. If the park is used on a daily basis by the general public, it is less likely that it will be used or abused by transients or vandals.
- Areas which are not publicly accessible need to be clearly demarcated to discourage access. These areas will need to be checked periodically for undesirable activity.
- Lighting is another consideration. Providing lighting will provide additional security at night and will also help encourage use of the park by the general



McLoughlin Boulevard right-of-way



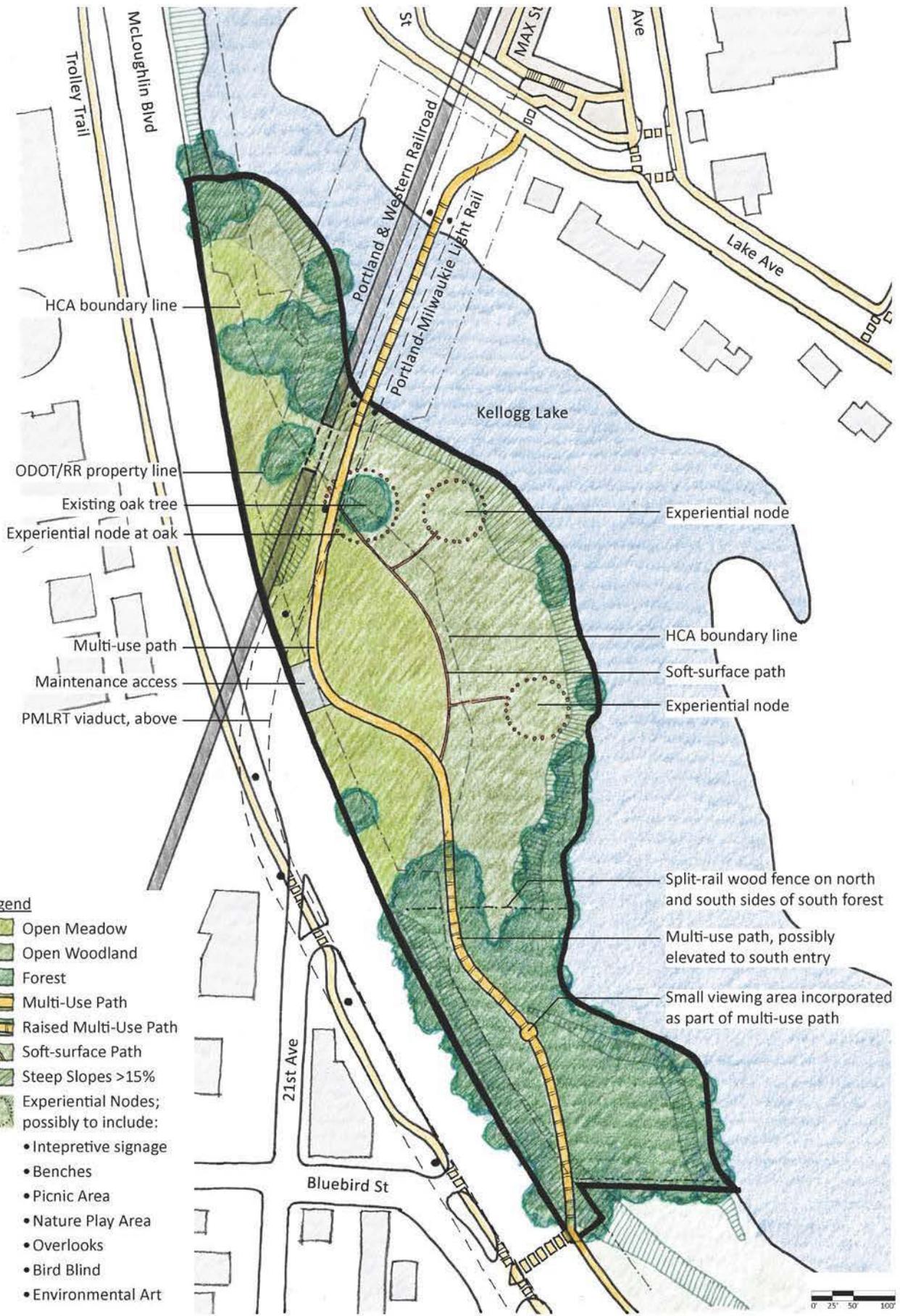
Railroad bridge and access road at north end of site

public after sunset. However, lighting will need to be balanced with habitat restoration requirements.

- The entire site must be accessible by emergency vehicles including police, fire, and ambulance.

Each part of the park site has different safety and access characteristics. The general security and accessibility of each area of the site is as follows:

- The central portion of the site generally offers good visibility from McLoughlin, with the exception of the steep bank at the edge of the lake. Visibility into the site is constrained in areas closer to the railroad trestle and the TriMet bridge. The TriMet pedestrian bridge and approaches are visible from Lake Road. In terms of access, the central portion of the site can be accessed directly from McLoughlin. It will also be accessible from the north once the connection to the TriMet pedestrian bridge is completed.
- The south forested area is largely hidden by both the existing vegetation and the steep embankment along McLoughlin. This portion of the site has historically had the most problems with transients, illegal dumping, and vandalism. As previously noted, these problems have been mitigated somewhat with increased police patrols. Some additional improvement may also be possible through the removal of invasive trees and shrubs, but in general the south forest will remain relatively hidden. This part of the site currently can only be accessed via the central part of the site.
- Although it is visible from McLoughlin and accessible via an existing ODOT service road, the north parcel is overgrown with invasive plants which will need to be removed to open up the site. The bank along the lake is mostly hidden from view. There is also an informal path down to the lake adjacent to McLoughlin in the ODOT right-of-way which is hidden by the embankment and vegetation.



### MASTER PLAN PROCESS AND SCOPE

Lango Hansen Landscape Architects, NCPRD staff, and City staff met to discuss project scope and goals in August, 2014. At that time it was decided that the primary scope of the project would be on the parcels to the south of the trestle, with the option of including the north parcel if desired and if found to be feasible for future development. It was also agreed that there would be three public meetings, both to present information on the park planning process and to provide an opportunity for the public to provide input.

The first meeting was conducted on October 1st, 2014, and focused on site assessment and analysis. The second meeting on November 5th, 2014, focused on presentation of three options for park development which ranged from a fairly minimal level of improvements to a highly developed program. Some suggestions from the public, such as sound-mitigating berms, were found to be infeasible or unnecessary and were not included in the preferred park master plan. The preferred park master plan, based on public feedback and input from NCPRD and City staff, was presented in the final public meeting on December 9th, 2014.

As part of this master plan process, the future park was confirmed and identified as a “Natural Preserve” with a “Linear Park” running through the property, as identified in the Milwaukie Comprehensive Plan, Chapter 4, Land Use. The future park will also be defined as a “Natural Area” in the NCPRD system.

### PREFERRED MASTER PLAN PARK ELEMENTS

The physical and programmatic elements in the Preferred Park Master Plan are as follows:

**Multi-use pathway.** This is the highest priority for park development. This paved pathway will connect the TriMet bicycle-pedestrian bridge and downtown Milwaukie with the sidewalk, crosswalk and Trolley Trail at the south end of the park. The width of the pathway should be designed so that the path can accommodate both bicycle and pedestrian traffic; a 12' width is preferred, but the width may be adjusted through future design processes. Where the multi-use path traverses the south part of the site, some or all of the pathway will be elevated to limit disturbance within the south forest area, provide a consistent and gentle grade to the south entrance of the park, achieve accessibility standards, and set the path above the 100-year flood line. The exact alignment of the path through the south forest will need to avoid existing trees to the greatest extent possible, especially the sequoia near the south



Example of a multi-use pathway at grade



Example of a multi-use pathway, elevated through south forest area

park entry. The elevated portion of the path could also include a wider viewing area, generally located where the elevated path is closest to the lake. Lighting is preferred for safety along the entire length of the path, and would need to be designed to balance the need for user safety with habitat requirements. Lighting will be considered as part of future planning and design. Finally, the design and construction of the pathway will need to be coordinated with the connection to the TriMet bridge.

**Maintenance access.** A right-in-right-out maintenance-only access will need to be provided to connect McLoughlin to the multi-use pathway. The maintenance access will need to be sized to accommodate a typical NCPRD maintenance truck and trailer. It will also allow TriMet to access the bicycle-pedestrian bridge. The access will include a typical concrete driveway apron (width to be determined), and may include a vehicle-rated permeable unit paving, grasscrete, or similar permeable treatments to limit the visual impact of the maintenance access point on the site. The access will be signed to show that no public parking is allowed.



Example of a soft-surface path through forest area

**Soft surface pathways.** The soft surface pathways are intended to form a secondary circulation system within the park and will also provide access to the experiential nodes. They are proposed to be gravel paths, although the width and material may be adjusted through future design processes. While the paths are primarily shown outside of the Habitat Conservation Area (HCA), the exact alignment of the paths may be adjusted to include more or less of the HCA. There was also public interest in creating a soft-surface pathway connection to the north parcel; if the opportunity becomes available, NCPRD could work with others to create the preferred soft-surface pathway connection to the north portion of the site.

**Experiential nodes.** These may include any of the following elements: interpretive signage, benches, picnic tables, a single small nature play area, overlooks, bird blinds, and/or environmental art. The exact makeup, size, and location of each of these elements within the experiential nodes will be determined at the time of park design. If the elements in the experiential nodes are situated within HCA's, care should be taken to minimize the impact of the element within the HCA.



Example of a nature play element

**Habitat preservation and restoration.** Existing habitat areas on site will be preserved and habitat restoration will be enhanced. Fencing and signage will be added where appropriate to discourage the public from entering critical habitat areas; for instance, split-rail wood fencing is proposed for the north and south borders of the south forest area to discourage access.



Example of interpretive signage

**Phasing of Park Development.** Park improvements will likely need to be implemented in phases, depending on the availability of funding, coordination with partners and stakeholders, and regulatory requirements. The multi-use pathway and the secondary loop path could be Phase 1 improvements. The Experiential Node improvements could be built in future phases. Habitat restoration may occur in all phases; for instance, habitat improvements for the north parcel could be done with cooperation from neighbors and stakeholders, independent of development elsewhere in the park.

This plan is conceptual in nature. Initial cost estimates were developed and given to NCPRD to provide an assessment of construction cost for project budgeting and planning purposes. The cost estimates and project elements are subject to change due to further refinements that may occur as the final park design is completed. Final decisions, materials and precise locations of improvements will be determined per all applicable regulatory requirements and as funding is available.



Example of a picnic area

### NEXT STEPS

The final step of this master plan process is to submit the Master Plan for review and approval by the City Planning Commission and City Council and adoption into the City's comprehensive plan. After approval of the Master Plan, based upon circumstances including funding and other considerations, and with mutual agreement by NCPRD and the City of Milwaukie, future steps could include:

1. NCPRD and the City can use the approved Master Plan to apply for grants and solicit partnerships to help complete improvements. Possible funding sources include NCPRD, the City of Milwaukie, Oregon Parks and Recreation grants, and/or Metro Nature in Neighborhood grants.
2. When funding has been secured, NCPRD will work with the City to develop final construction plans and specifications. This phase will include Intergovernmental Agreements (IGAs/MOUs), soil testing, and permitting and fees. NCPRD will follow necessary land use processes to ensure elements are consistent with all City policies and codes. NCPRD is also committed to acquiring all other regulatory permits as necessary prior to project commencement (e.g. Army Corps of Engineers, Division of State Lands, etc.).
3. Construction will follow after construction drawings and permits have been completed. This will include a Request for Proposals (RFP), selection of a contractor, and the construction of park improvements.

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RS77



**Regular Session  
Agenda Item No.**

**6**

**Other Business**



MILWAUKIE CITY COUNCIL  
**STAFF REPORT**

Agenda Item: **RS 6. A.**  
Meeting Date: October 20, 2015

To: Mayor and City Council

Through: Bill Monahan, City Manager

Subject: **Reporting on the evaluation phase of the Energy Saving Performance Contracting Process**

From: Gary Parkin, Public Works Director

Date: October 7, 2015 for the October 20, 2015 meeting

### **ACTION REQUESTED**

This report is primarily informative, providing City Council with intermediate results from the evaluation phase of the Energy Savings Performance Contract (ESPC) process. Council direction on moving forward with the process will be sought, specifically with using Ameresco and the ESPC process to complete the water tower painting project.

### **HISTORY OF PRIOR ACTIONS AND DISCUSSIONS**

**3-17-2015** City Council Regular Session – City Council provided permission to proceed to the evaluation phase of the Energy Savings Performance Contract (ESPC) process authorizing the City Manager to sign the Technical Energy Audit agreement

**9-16-2014** City Council Work Session – Staff provided information on the ESPC process. Council provided guidance to move forward to the Request for Qualifications (RFQ) phase for Pre-Approved Energy Services Companies (ESCO).

### **BACKGROUND**

Following the Oregon Department of Energy process, the City selected Ameresco, an Energy Services Company (ESCO) to assist the City in the identification, evaluation, recommendation, design and construction of energy and water conservation measures. Ameresco acts as Construction Management General Contractor that provides a guaranteed maximum cost, open book pricing, construction and contingency reconciliation. The ESCO will also provide a guarantee of energy savings and performance of the measures selected based on State Statute ORS 279A.010(g). Using this approved procurement vehicle, the City would then be able to accomplish projects and use operational savings and enhanced revenue resulting from the project to pay for project costs.

Ameresco performed the audit phase and determined that there were potential savings in several projects, the largest one a water replacement project that would improve revenue with more accurate meter reading.

The evaluation phase has been completed for the water meter project. It was discovered through testing a statistically valid number of meters that the anticipated loss of accuracy based on the average meter age (about 4% under-reading), was not realized. The testing revealed that the meters are still accurate with an overall weighted accuracy of 98.7%. This indicates that the

payback period, if they were replaced, would be well over the 15 year payback period that would justify moving forward with their replacement. While the evaluation phase did not yield potential savings from a meter replacement program, it reflects well on the City's water system and maintenance programs.

The other building related items are in the process of being evaluated. To date it looks like there are about \$500,000 worth of improvements with about \$24,000 in energy savings. The overall payback period is around 15 years as Ameresco continues to collect data and refine the study. The projects being looked at include:

- Lighting improvements in all City buildings with potentially \$150,000 available for funding and a 7.5 year payback
- Mechanical/HVAC with only a small amount of funding available
- Air handler at the Library that includes an Energy Trust incentive of \$37,000
- Controls at all City buildings with potentially \$115,000 available for funding

City staff asked Ameresco to look at using the ESPC procurement process for a planned project, the repainting of the elevated water reservoir. The ESPC procurement process allows for quicker execution of the project, provides expertise in this field that is not present on staff and lowers the risk of cost overruns and poor contractor selection.

## **CONCURRENCE**

The Facilities and Water divisions of the Public Works Department participated in-depth in the evaluation phase of this project. There is agreement on not moving forward with the water meter replacement and looking aggressively for opportunities in other areas.

## **FISCAL IMPACTS**

None at the moment, project selection and implementation will require funding decisions.

## **WORK LOAD IMPACTS**

A fair amount of time (40 hours over the past two months) has been used by primarily the Facility and Water divisions. Finance also spent time providing water meter information

## **ALTERNATIVES**

1. Move forward to implementation. Move to implement projects that are operationally and fiscally desirable.
2. Stop the ESPC process at this evaluation phase. The Technical Energy Audit agreement obligates the City to proceed with those projects with a payback period of 15 years or pay for the cost of the evaluation (up to \$29,000).

## **ATTACHMENTS**

1. Presentation material from Ameresco.

# City of Milwaukie

Project Development Update –  
90% Review

October 20th, 2015



# Why this program

- ESPCs shift project risk from customer to ESCO
  - ESCO commits to guaranteed maximum cost, open book pricing and construction cost reconciliation
  - ESCO guarantees performance and savings
- Provides single-source accountability
- ESPCs are really a procurement tool that help form successful private and public partnerships

RFQ is issued for Energy Savings Performance Contracting

WHERE WE ARE NOW

Construction & Contingency Reconciliation

## Feasibility

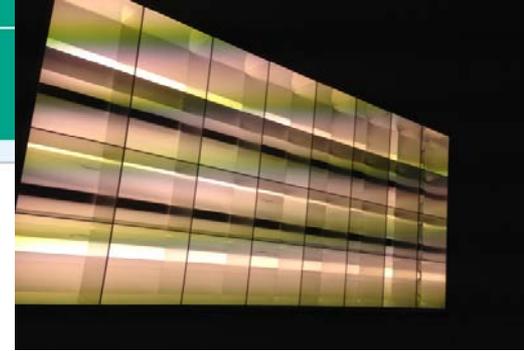
## Project Development

## Delivery & Installation

## Regular Measurement & Verification

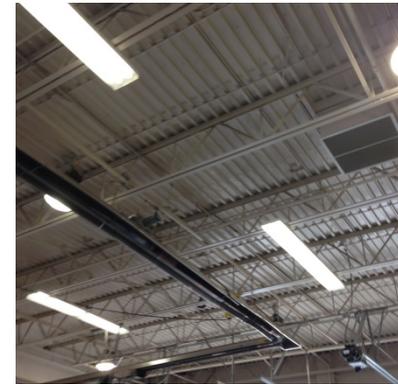
- Determines your energy use, cost savings, and maintenance savings.
- Are there projects that can be funded by savings and incentives
- What other projects can ESCO implement to help City?
- Determine what projects city wants to implement
- Product and subcontractor vetting
- Design standards and risk mitigation
- Final applications for rebates/grant
- Guarantee cost, savings, and performance of measures installed
- New equipment in 5-10 months – depending on full scope.
- ESCO in charge of delivery, coordination and close out.
- ESCO reports savings. If shortfall in the savings then ESCO pays the difference
- ESCO reports GHG emission reductions to the city

# Lighting Measures



These measures will retrofit or replace select interior and exterior lighting fixtures.

1. Public Safety Building
2. Public Works (Ops and CSB)
3. Library
4. 40th and Harvey
5. City Hall



Installation of occupancy sensors in strategic spaces for automatic lighting control.



# Programmable Thermostats

This measure will install programmable thermostats

1. Automotive Shop at Public Works.



**RS85**



## Constant Volume to VAV & VFD

This measure will convert the library AHU from constant volume to variable volume.

It will add a VFD to the supply fan and install a CO<sub>2</sub> sensor to control outside air.

A new control system will be provided for the system, which will include supply air temperature reset and optimum start.



RS86

This measure will upgrade the existing Johnson Controls Metasys Building Direct Digital Controls (DDC) with Niagara FX.

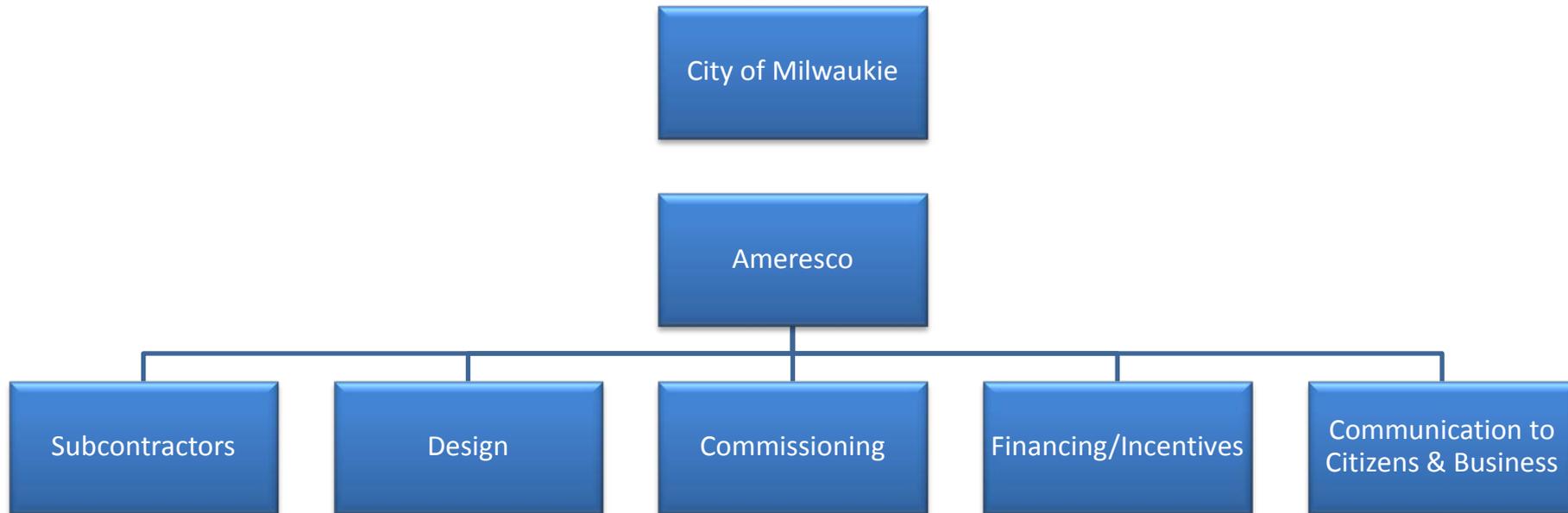
1. Public Safety Building
2. Public Works (Ops and CSB)
3. Library
4. City Hall

Payback long (60 years) but Facilities cannot support existing control system due to product phase out

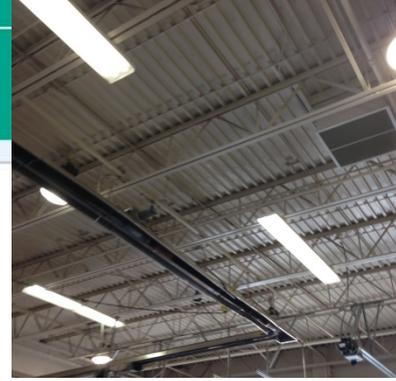


# Project Costs and Energy Savings for All Measures

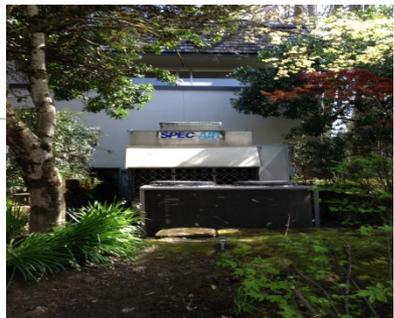
Cost of Measures	Energy Incentive	Utility Savings
\$483,488	\$59,000	\$32,000



# Facilities



- Relocate HVAC air intake at JCB
- Replace main AHU at the library
- Re-roof 40<sup>th</sup> and Harvey office building
- Replace windows at the library
- Install emergency generator at City Hall
- Replace Unico air handlers at City Hall
- Replace gas boiler with high turndown condensing boiler



# Water Meter Audit Results



**Feasibility Stage:** Ameresco requested data for production volume, billed consumption, loss estimates, rates, operational costs, etc.

Ameresco evaluation of preliminary data showed approximately 10% unaccounted for water, indicating opportunity for improving revenue by reducing losses and increasing meter accuracy



# Water Meter Audit Results

- AWWA Audit
- Ameresco water-sewer evaluation tool
- Performed bench tests on a random sample of residential meters
- Performed large meter survey



RS91



# Water Meter Audit Results



- **Lab Testing:** statistical samples of residential water meters selected at random sent to laboratory
  - Ameresco purchased 68 new meters
  - Milwaukie crews installed new meters
- Old meters sent to lab for testing: Accuracy confirmed at greater than 98%



# Water Meter Audit Results



- **Field Survey and Testing:** field survey of large meters and review of billing history did not uncover significant opportunities to enhance revenue.
- Ameresco billing simulation run with collected accuracy data.



# Water Meter Audit Results



- Conclusion: Existing meter population is in good condition and very accurate. Insignificant revenue enhancement potential for replacing meters throughout City. The 10% unaccounted for water is likely combination of real losses like leaks and apparent losses like head-water meter inaccuracy.
- Recommendation: Leave existing meters in place. Budget for eventual upgrade to AMI.



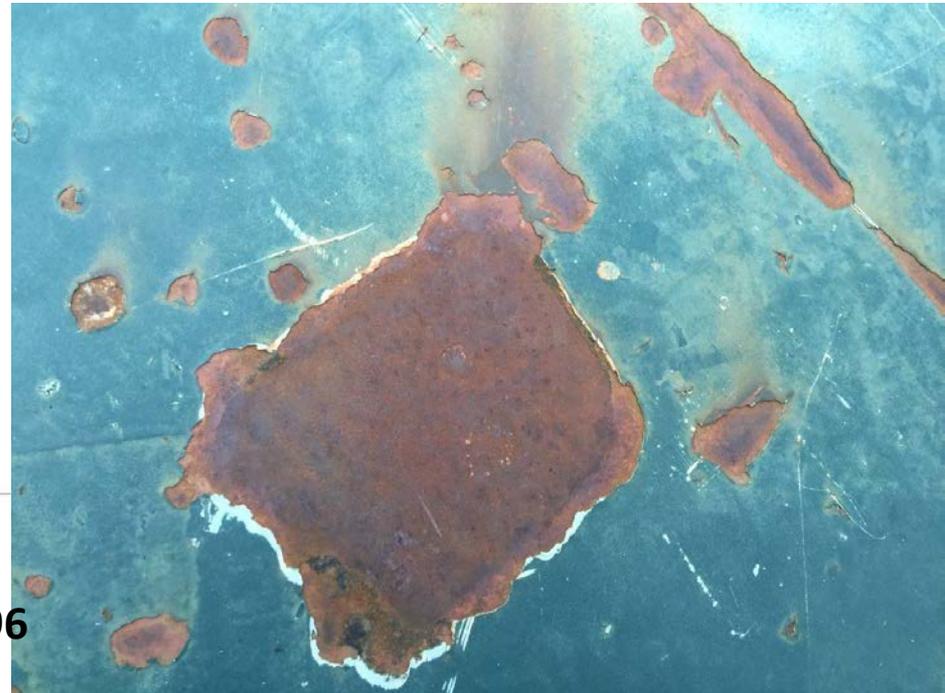
# Elevated Water Tower Capital Improvement

1. Protect and extend the life of a vital Utility asset
2. Remove the lead based primer from the tank
3. Improve the appearance of the water tower



# Ameresco is an extension of the City of Milwaukie Staff

- Facilitate and manage the design, construction, environmental protection, and safety aspects of this project.
- Help the Public Works staff manage the communication and outreach including mailings, updates, and meetings with key stake holders.



RS96

# Ameresco will own the financial & technical risk

- Guaranteed maximum price
- Construction cost and contingency reconciled back to city
- Health risks associated with lead paint removal is minimized by the stringent project safety requirements.



## Sustainability Plan

1. Reduce energy consumption of electricity and gas consumption by 5% from 2006 levels
2. Reduce Greenhouse gas emissions to 10% below 2007 levels in keeping with US Mayors' Climate Protection Agreement.

## 2015 City Council Goals

1. Determine other revenue streams **(Ongoing)**
2. Funding to prevent loss of services **(Ongoing)**
3. Capital infrastructure of public buildings and ongoing maintenance **(Aspirational)**