



**Work Session**

**WS**

**Milwaukie City Council**

## COUNCIL WORK SESSION

City Hall Council Chambers, 10722 SE Main Street  
& Zoom Video Conference ([www.milwaukieoregon.gov](http://www.milwaukieoregon.gov))

## REVISED AGENDA

NOVEMBER 15, 2022

(Revised November 10, 2022)

**Council will hold this meeting in-person and through video conference.** The public may attend the meeting by coming to City Hall or joining the Zoom webinar, or watch the meeting on the [city's YouTube channel](#) or Comcast Cable channel 30 in city limits. **For Zoom login** visit <https://www.milwaukieoregon.gov/citycouncil/city-council-work-session-312>.

**To participate in this meeting by phone** dial 1-253-215-8782 and enter Webinar ID 847 1299 8920 and Passcode: 331507. To raise hand by phone dial \*9.

**Written comments** may be delivered to City Hall or emailed to [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov). Council may take limited verbal comments.

**Note:** agenda item times are estimates and are subject to change.

**Page #**

- 1. Fireworks Ban - Discussion (4:00 p.m.)** **1**  
Presenter: Nick Browne, Clackamas Fire District #1 Chief
- 2. Camping Ordinance - Discussion (5:00 p.m.)** **5**  
Staff: Luke Strait, Police Chief
- 3. Park Projects Update - Discussion (5:15 p.m.) (added to the agenda)**  
Staff: Adam Moore, Parks Development Coordinator
- 4. Adjourn (5:30 p.m.)**

### Executive Session

After the work session Council will meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660 (2)(e) to deliberate with persons designated by the governing body to negotiate real property transactions.

### Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) or phone at 503-786-7502. To request Spanish language translation services email [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) at least 48 hours before the meeting. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's YouTube channel](#) and Comcast Channel 30 in city limits.

### Servicios de Accesibilidad para Reuniones y Aviso de la Ley de Estadounidenses con Discapacidades (ADA)

La ciudad se compromete a proporcionar igualdad de acceso para reuniones públicas. Para solicitar servicios de asistencia auditiva y de movilidad, favor de comunicarse a la Oficina del Registro de la Ciudad con un mínimo de 48 horas antes de la reunión por correo electrónico a [ocr@milwaukieoregon.gov](mailto:ocr@milwaukieoregon.gov) o llame al 503-786-7502. Para solicitar servicios de traducción al español, envíe un correo electrónico a [espanol@milwaukieoregon.gov](mailto:espanol@milwaukieoregon.gov) al menos 48 horas antes de la reunión. El personal hará todo lo posible para responder de manera oportuna y atender las solicitudes. La mayoría de las reuniones del Consejo de la Ciudad se transmiten en vivo en el [canal de YouTube de la ciudad](#) y el Canal 30 de Comcast dentro de los límites de la ciudad.

**Executive Sessions.** The City Council may meet in executive session pursuant to Oregon Revised Statute (ORS) 192.660(2); all discussions are confidential; news media representatives may attend but may not disclose any information discussed. Final decisions and actions may not be taken in executive sessions.

16:03:16 From Brian Stewart to Hosts and panelists:

Chief Browne is wrapping up from a fatal fire scene. He apologizes but he may be a few minutes late.

16:05:52 From City Recorder to Everyone:

Thanks Brian - we see Chief Browne on the Zoom call - are you guys ready to present?

16:06:45 From Brian Stewart to Hosts and panelists:

Looks like it. Thanks, Scott.

16:28:20 From City Recorder to Hosts and panelists:

Shawn I will stop your screen share - but feel free to share again if you need to show one of your slides.

# Clackamas Fire District #1



## Fireworks Information

Clackamas Fire District #1 is engaged in fireworks-related activities throughout the year. The fire district provides technical information and incident response information to policymakers, inspects fireworks retailers, and permitted displays, provides educational and prevention outreach across the fire district, and responds to incidents (fire and medical) related to fireworks. Following are a few items intended to inform policymakers and the community about the fireworks regulations and impacts.

### Incidents

Background information regarding the number of fires set by “fireworks” in the past 5 years. Here is the number breakdown for fireworks related incidents in Clackamas Fire's coverage area:

Fireworks-Related Fires (2018-2022)		
	Milwaukie	Clackamas Fire District #1
2018	0	7
2019	0	2
2020	3	6
2021	1	8
2022	1	7

### Authority

Oregon Revised Statute 480.111-480.165 grants authority to specific entities to conduct certain activities. Under these ORS' the OSFM is mandated to issues permits for wholesale of fireworks, retail sales of consumer fireworks, for using fireworks in displays, the entertainment industry, and pest control (agriculture) purposes.

The below statutes & rules outline for governments and local authorities how to regulate fireworks in their communities. Entities should seek legal advice around these statutes.

**ORS 480.140:** Places the supervision of fireworks displays under the local fire and police agency or in unprotected areas, the county court.

**ORS 480.160:** Provides for local regulation of fireworks, including prohibiting fireworks.

**OAR 837-012-0860 (9-11):** Requires displays to be postponed or discontinued by the local authority or display operator if there are adverse conditions, lack of crowd control, or significant weather conditions that affect safety recognized by the local fire or law enforcement authority.

**ORS 480.120 (2):** Requires law enforcement agencies of the state, county, or municipality to enforce the provisions of ORS 480.111-480.165.

The enforcement of a city or county ordinance banning fireworks would be enforced by either

11300 SE Fuller Road • Milwaukie, OR 97222 • 503-742-2600 • [www.clackamasfire.com](http://www.clackamasfire.com)

Clackamas County Sheriff's Office or local law enforcement.

### **Current Open Burning/Fireworks Ordinances in Clackamas County**

City of Happy Valley:

Ordinance 564 Chapter 8.10-Temporary Prohibition of Fireworks, Open Burning and Outdoor Open Flames During Extreme Fire Risk.

[https://library.qcode.us/lib/happy\\_valley\\_or/pub/municipal\\_code/item/title\\_8-chapter\\_8\\_10?view=all](https://library.qcode.us/lib/happy_valley_or/pub/municipal_code/item/title_8-chapter_8_10?view=all)

City of Lake Oswego:

15.06.616-Temporary Prohibition of Use and Sales of Fireworks, and Causing or Permitting Open Burning, Outdoor Open Flames, Outdoor Sparks or Outdoor Smoking During Extreme Fire Risk.<https://www.codepublishing.com/OR/LakeOswego/html/LakeOswego15/LakeOswego1506.html>

### **Past Temporary Fireworks Ordinance**

Clackamas County 2021- <https://dochub.clackamas.us/documents/drupal/746c1b9e-1e05-49c4-bbc8-b49c1dfd5915>

City of Milwaukie 2021- <https://www.milwaukieoregon.gov/citymanager/milwaukie-declares-local-state-emergency-due-heat-bans-all-fireworks-within-city-limits>

The City of Happy Valley has a comprehensive approach and proactive program for education and enforcement of "illegal fireworks" including fireworks take back program, illegal fireworks task force and a court mandated program for people who are found in violation. In addition, the city currently maintains an ordinance that prohibits all fireworks legal or otherwise in all city designated parks.

### **Fireworks Program**

- Public Education Campaign begins in mid-May through the first week of July.
  - o Newspaper announcements
  - o Social Media posts - Facebook, Instagram, Twitter, Next-Door.
  - o City website
  - o Local news station coverage.
- Illegal fireworks task force.
  - o Deputies and Community Service Officers proactively patrol the week prior to the 4<sup>th</sup> and just after. Patrol times are weather dependent.
  - o Complaint process. The City offers several ways for residents to issue fireworks complaints including social media, emails through the city website and calls to non-emergency dispatch.
- Fireworks take-back program
  - o The Police Department accepts all fireworks, legal or illegal, no questions asked the week leading up to the 4<sup>th</sup> of July.
- Fireworks Diversion Class
  - o Those found in violation will be given the opportunity to take a fireworks education class to avoid paying steep fines. The class is made up of several professionals all working on the common goal of educating individuals regarding the harm illegal and

legal fireworks cause to individuals, veterans, animals, and the community.

### **Proposed Ordinance Examples**

The city of Happy Valley and the City of Lake Oswego have tied their fireworks ordinances in with extreme fire danger levels. In the event Clackamas Fire District #1 declares extreme fire danger the ordinance goes into effect. Both option 1 and 2 are tied to fire danger levels. Here are the number of days in the last 3 years Clackamas County has declared extreme fire danger levels:

2021-21 days (August-September)

2020-15 days (September)

2019- 4 days (May)

### **Option 1**

This ordinance would be fireworks specific. When extreme fire danger is declared, the use of all fireworks, sales and displays would be prohibited.

There are 3 areas to consider when banning fireworks: enforcement, sales, and displays.

Challenges.

- I. Enforcement – Local law enforcement handle complaints and enforcement, as well as disposal. Seizure of fireworks and civil penalty of \$1,000 per occurrence.
- II. Sales (firework stands)- Non-profit organizations selling for fundraising efforts. Operational permits are approved by CFD#1 between January and March.  
The other option is not to prohibit sales.
- III. Displays. No professional displays when extreme fire danger is declared. Could impact 4<sup>th</sup> of July and National Night Out. May also pertain to private displays within the city limits.  
No display or postpone display. Could cost the city the original deposit.

The other option is not to ban professional licenses and approved displays.

### **Option 2**

This ordinance would be an extreme fire danger ordinance. (All open flame activities prohibited)

Currently, when “extreme fire danger is declared” there is no city ordinance that provides enforcement through our municipal court. This would typically include prohibiting any open flame activities to include recreational fires, briquet barbecues, and ceremonial fires. The city of Milwaukie is within the DEQ No Burn Ban Boundary, backyard burning is prohibited regardless.

This option would focus on the “extreme fire danger” and what activities are prohibited due to the nature of the current fire conditions. Rather than focusing on fireworks this ordinance would cover a broader prohibition tied to extreme fire danger.

### **Special Issues**

Enforcement challenges for enforcing legal in Oregon fireworks, restriction of sales is a loss of revenue for non-profit organizations conducting sales of legal fireworks and no professional fireworks display impact community events.

**Financial Impact**

Unknown currently. The cost could be dependent on what ordinance is adopted and guidance from City Council regarding enforcement of the ordinance.

**Scott Stauffer**

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**From:** linda@hammy.org  
**Sent:** Sunday, November 13, 2022 7:08 PM  
**To:** OCR  
**Subject:** Support of a fireworks ban

**This Message originated outside your organization.**

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I'm writing to encourage Council to vote to ban fireworks within the boundaries of Milwaukie. Each year our neighborhoods endure days of extremely loud and sudden explosions around the beginning of July and again around New Year's. Our dog becomes terrified by them. He heads under the bed or he begs us to take him away in the car. We're so sorry he and others have to go through that. If our animals are terrified, how much worse it must be for veterans who have PTSD and terrors from their active duty. While a very few groups obtain their funding by selling fireworks, there are many other ways to earn money. That shouldn't be a reason to not vote for a complete ban on fireworks with sufficient fines to make it stick. Please – vote to ban fireworks!

Linda Hedges  
5185 SE Elk Street  
Milwaukie OR 97222

**Scott Stauffer**

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**From:** Debby Patten <debby.patten@gmail.com>  
**Sent:** Sunday, November 13, 2022 8:14 PM  
**To:** OCR  
**Subject:** Fireworks

**This Message originated outside your organization.**

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There are so many more reasons to ban fireworks than keep them. Between the fire danger, noise pollution, scared pets, I can't come up with one reason we want these in our City.

Debby Patten  
SE 34th Ave

**Scott Stauffer**

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**From:** Linda Carr <kittycar9@gmail.com>  
**Sent:** Monday, November 14, 2022 6:03 AM  
**To:** OCR  
**Subject:** Fireworks ban

**This Message originated outside your organization.**

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Please ban all fireworks in the city of Milwaukie. They are disruptive, dangerous, frightening to veterans with PTSD, as well to our furry friends.

Thank you,

Linda Carr

**Scott Stauffer**

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**From:** Bernie Stout <usabs1@nethere.com>  
**Sent:** Tuesday, November 15, 2022 4:37 PM  
**To:** OCR  
**Subject:** FIREWORKS BAN

This Message originated outside your organization.

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Tuesday, November 15, 2022

Dear City Council,

Please ban fireworks in the City Of Milwaukie.

1. "It's not just the immediate risks of [accidental fire](#) and [life-threatening injury](#) you might expect. Everyday fireworks — ones that any amateur pyro could acquire — emit "absurdly high" amounts of harmful toxins, including lead and copper, said Dr. Terry Gordon, the senior author of the study."

<https://nypost.com/2020/07/01/absurdly-high-levels-of-lead-toxins-in-fireworks-study/>

2. Does not fit with future plans for high density neighborhoods.
3. Contributes to pollution.

Plan for a healthy future, Ban Fireworks in the City Of Milwaukie.

Thank You,

Bernie Stout

Hector Campbell Neighborhood resident

## COUNCIL STAFF REPORT

**To:** Mayor and City Council  
Ann Ober, City Manager

**Date Written:** Nov. 2, 2022

**Reviewed:** Joseph Briglio, Community Development Director,  
Tim Salyers, Code Compliance Coordinator, and  
Natalie Rogers, Climate & Natural Resources Manager

**From:** Kenny Simac, Officer, and  
Luke Strait, Chief of Police

**Subject:** **Camping Ordinance**

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### ACTION REQUESTED

Council is asked to receive an overview of a draft camping ordinance and provide feedback.

### HISTORY OF PRIOR ACTIONS AND DISCUSSIONS

The Milwaukie Police Department (MPD) has historically had one police officer that volunteers to serve as the city's houseless liaison. That officer performs all the duties of a police officer, while also taking on a leadership role in outreach to houseless residents and discussing applicable laws and available support services.

The city has not had code provisions in the past designed to specifically address camping as it relates to houselessness.

Recent court cases, notably *Martin v. Boise* (2018), prohibits civil or criminal punishment for sitting, lying, or sleeping in public when a shelter bed is unavailable. Oregon House Bill (HB) 3115 (2021) further clarified that any laws attempting to address the acts of sitting, lying, sleeping, or keeping warm and dry while outdoors on public property must be "objectively reasonable" as to time, place, and manner. These new laws have challenged jurisdictions to balance the constitutional rights of people experiencing houselessness with the health, safety, welfare, and economic livelihoods of businesses and all residents.

The city is currently in negotiations with Clackamas County to fund a peer mentor dedicated to working with those experiencing houselessness within the city. Those negotiations began prior to July 2022 and the county indicates that this position has been funded and is in process.

A new Behavioral Health Specialist will begin at the city on November 28. This position will work with our community members in crisis, connecting them with services and care.

[On August 18, 2020:](#) Council approved a resolution adopting a goal of equity, inclusion, and justice. This resolution prompted the consistent application of an equity lens perspective to assess our delivery of services, particularly to our marginalized communities.

[On June 6, 2022:](#) Council adopted the city budget and approved the addition of a behavioral health specialist position within the police department

[On July 19, 2022:](#) Council received a presentation on Behavioral Health and Houseless Peer Support within the city.

## ANALYSIS

### Background

The residential and business communities in Milwaukie have seen a slight but gradual increase in the impacts of houselessness and camping within the city. [Houselessness](#) can vary in definition, but generally means the condition where an individual or family lacks a fixed, regular, and adequate nighttime residence, or temporarily or permanently lives in accommodations not designed or intended for regular sleeping accommodations. The impacts of houselessness are felt by both those experiencing housing uncertainty themselves, as well as residents and businesses experiencing the resulting impacts of houselessness in their communities. Houselessness can also be seen and felt more intensely in certain locations around the city. Both community members and city staff have continued to ask what adjustments the city is making to accommodate for these increased impacts and the increased need for service and assistance resources to address and mitigate the root causes of houselessness and its impacts to the community. Staff have watched regional jurisdictions react as they experienced similar impacts and evaluated what adjustments were made and what effects those have had.

City staff have also experienced the impacts and challenges of increased houselessness and mental health crisis on city services, workplaces, and infrastructure. The departments and facilities that are most often impacted have been the Ledding Library staff, the MPD, and community facing roles within city hall. The Ledding Library has long been considered a safe space for all community members seeking shelter and resources. Library staff have reported a significant increase in community members that are in desperate need of mental health and housing services. These interactions have increasingly required police intervention when staff are unable to help or adequately manage the situation, or if they feel police presence or services could benefit both staff, the individual, and the community at large.

Staff engaged in maintenance activities and outreach within the community, and those dealing with walk-in customers that may be experiencing mental health crisis and houselessness are frequently challenged by these increasing demands. City staff who maintain city infrastructure, facilities, and greenspaces have also experienced increased workload responding to maintenance, regulatory, and public health concerns commonly associated with houseless encampments.

In August 2020, Council amended its goals to include equity, inclusion, and justice. The resolution revising the goals asserted several actions for city staff and Council, which included:

- Regularly apply an equity lens to the work we do, and
- Intentionally consider the impact of our services on our marginalized communities.

The MPD has often relied on Clackamas County for advanced assistance with issues related to mental health crisis and houselessness. The priorities for MPD have been de-escalation, safety and livability, and the management of the demands and impacts houselessness bring to our public spaces. In evaluating and managing these issues, MPD is often forced to rely on criminal law.

Staff have determined that the basic approaches used in the past are no longer meeting the needs of our residential, business, and community experiencing houselessness, or the needs of city staff. There are competing interests that have not been resolved with the systems currently in place.

As the challenges of houselessness have increased, staff has recognized the need for increased services that better address those needs. Staff also recognized the need for additional clarity in code to assist staff in responding and managing the issues and to better inform the housed and unhoused of the time, place, and manner in which camping in public spaces would be permitted.

To facilitate better services to our community members experiencing houselessness or housing uncertainty, MPD has invested in partnerships that are committed to meeting the needs of those experiencing houselessness, using a harm reduction model and a trauma-informed approach. Some of those partnerships include LoveOne, Project Hope, Central City Concern, Father's Hearth, Law Enforcement Assisted Diversion (LEAD), and the Community Court. Through these strong partnerships, our goals have been to increase outreach and service delivery with those best equipped for and most committed to the success of those most in need. Additionally, MPD's goals are to increase positive interactions and positive outcomes for all involved and to minimize the unnecessary reliance on the justice system for solutions. MPD also wants to provide staff and community members with a better array of resources so they can feel better supported.

As the need for mental health crisis management has continued to increase within the community, the availability of resources has often been insufficient to meet the rising demand. In July 2022, the city funded a Behavioral Health Specialist (BHS) position. The city is now in the final stages of a recruitment and hiring process to fill that position. The BHS will work full-time in the city, dedicated to connecting with those experiencing crisis. The BHS will be an expert in building relationships with those experiencing crisis and in accessing the availability of local and regional resources. The BHS will assist individuals with navigating those resources.

The city and MPD have been working collaboratively with Clackamas County, community stakeholders, and service providers on an objective analysis of the demand's city staff are seeing related to both mental health crisis and houselessness. Staff and partners have continued to discuss how the city and the MPD respond to the increasing demands related to houselessness in ways that prioritize safety, livability, compassion, and positive outcomes. That process has included listening to the experiences of city staff and community members, both housed and unhoused.

Through that process, in July 2022, the city developed a robust working group specifically tasked with discussing houselessness and the consideration of a camping ordinance. Some of the external entities participating in that working group have included Clackamas County Public Health, Clackamas County Behavioral Health, Clackamas County District Attorney's Office, the Oregon Law Center, LoveOne, Central City Concern, The Father's Heart, Clackamas Fire District #1 (CFD1), North Clackamas Parks & Recreation District (NCPRD), the City of Oregon City, and the Clackamas Service Center. Internal support has included community development, code Compliance, public works, the library, and MPD.

Included in this process has been discussion of the attached camping ordinance. Unfortunately, there are some situations where individuals have been unwilling to engage in services and have caused issues for competing uses of spaces, especially during typical business hours. The ordinance included in the packet has been reviewed by members of working group and their feedback has been incorporated into the version before council.

## Goals

This staff report and subsequent presentation is intended to support the following goals of the collaborative working group:

- Objective analysis of systems, information, needs and resources, seeking ways to improve service and meet the evolving needs of the community.
- Providing community engagement and transparency as Milwaukie works through these processes.

Among other things, the working group has focused on the following:

- Exploring objective, thoughtful criteria for public sleeping in public spaces.
- Addressing and complying with state and federal rulings related to managing camping.
- Ensuring city response complies with existing environmental laws and mitigates environmental impacts that would result in public harm and violations to current and future environmental quality permits or regulations.
- Managing the demand for our public spaces and camping in a manner that prioritizes safety, livability, and dignity for all community members.
- Creating code that provides ample opportunity for individuals and groups to comply and engages services to increase positive outcomes.
- Minimizes over-reliance on the criminal justice system for solutions.

Through this process, staff has reaffirmed the need to clarify, through municipal code, the time, place, and manner in which camping in public spaces is prohibited.

Milwaukie continues to work with the county to expand access to housing resources. The city also sees local community partners having success in providing access to transitional housing.

The county has also tentatively committed to create an additional county position dedicated to the needs of the Milwaukie houseless community if the city hires a BHS. The county position, currently referred to as a Houseless Peer Mentor (HPM), would be filled by a county employee that would be imbedded within the city. The HPM would focus on outreach, relationship building, and helping individuals navigate services and obtain transitional housing.

Staff has developed the following list of needed actions based on discussions with city staff and community members:

- Develop a multi-pronged approach, ideally including the new BHS position, augmented by the county HPM and a new camping ordinance for regulatory clarification.
- Increase the ability to successfully manage the needs of people in mental health crisis and our houseless population, with emphasis on eliminating barriers to services.
- Reduce unnecessary incarcerations involving people suffering from mental illness and houselessness, through early intervention and successful activation of services.
- Minimize incidents in which physical force is necessary to manage a person in crisis experiencing homelessness.
- Provide relief to an overburdened system and overburdened employees.
- Implement enhanced services for people experiencing crisis and homelessness.
- Provide enhanced support and resources for library staff dealing with patrons in crisis.

- Continue to develop collaborative relationships between law enforcement, library staff, social services, mental health service providers, and those struggling with mental health and housing.
- Provide better follow through and after care, eliminating barriers for those struggling with mental health crisis and houselessness.

Staff believe the proposed camping ordinance, coupled with the BHS and hopefully a future HPM, will provide critical support to all community members and city staff, obtaining the best services and outcomes.

Staff believes the ordinance will compel the city to continue building relationships with stakeholders and service providers and ensure a higher level of services for community members who are struggling with mental health crisis and housing instability.

### **Ordinance Overview**

The draft ordinance stipulates that daytime camping would be prohibited between the hours of 7:00 AM and 9:00 PM. It would be a violation of code to camp, occupy camp facilities for the purpose of habitation or use camp paraphernalia in the following areas:

1. Any public park or [mapped natural resource area](#);
2. Any street or sidewalk; or
3. Any publicly owned or maintained parking lot, alley, public right-of-way or other publicly owned or maintained area, improved or unimproved, or public water or stormwater utility facilities.

The draft code stipulates the following:

Before issuing a (municipal code) citation under this chapter, a police officer will first give the person a written, and if possible, a verbal notice of violation with guidance and direction to remedy the violation. The person will be given 72 hours to remedy the violation. The person will also be offered assistance accessing social services, including shelter resources (to the extent they are available), veteran resources, mental health support and drug/alcohol addiction and recovery resources. A citation will not be issued if the person promptly complies with the direction and remedies the violation within 72 hours following the notice of violation. Any person who does not remedy the violation within the 72 hours may be subject to the following:

1. First violation in 30-days: Written and/or verbal warning that the violation is subject to citation and/or arrest. Staff will initiate outreach and support of accessing social services.
2. Second violation in 30-days: A citation of not more than \$50 and a 30-day exclusion, if applicable pursuant to Milwaukie Municipal Code (MMC) 9.20.020.
3. Third violation in 30-days: A municipal citation of not more than \$50 and a 90-day exclusion if applicable pursuant to MMC 9.20.020.

OR, if applicable, a criminal citation for violation of any applicable Oregon Revised Statute including, but not limited to: Offensive Littering, Depositing Trash within 100 yards of a waterway, Disorderly Conduct II, interfering with a Peace Officer I, and Obstructing Governmental or Judicial Administration.

If the city calls for removal of a campsite, the violation notice and removal order will be posted for a minimum of 72 hours prior to removal, unless there are grounds for law enforcement to believe there are illegal activities other than camping occurring, or in the event of an exceptional

emergency such as site contamination by hazardous materials, other public health emergency or immediate danger to life or safety.

The draft ordinance complies with existing law, directing that property seized will be stored for a minimum of 30 days, prior to considering disposal.

### **BUDGET IMPACT**

At this time city staff believe the budget impact specific to the camping ordinance would be negligible. The city has fully funded the BHS to assist in managing resources.

### **WORKLOAD IMPACT**

This ordinance will not significantly change the workload but will clarify expectations and direction for staff already struggling with demands and competing interests.

### **CLIMATE IMPACT**

The community members experiencing houselessness or housing uncertainty are disproportionately vulnerable to and impacted by climate-related natural hazards, including heatwaves and storm events. Community members without shelter or with unstable shelter may require additional assistance to connect to life-saving resources and services in these extreme weather events. As more people move to the area to escape extreme climate events in other states and seek refuge in the Pacific Northwest, the city may see an increase in the number of houseless or housing insecure residents who require assistance during Oregon's own increasingly frequent natural hazard events.

Providing empathetic and compassionate response to illegal camping sites is also essential in ensuring the preservation and functionality of city infrastructure and greenspaces which provide important resiliency and climate mitigation benefits. This ordinance is drafted to address concerns around degradation of greenspaces and environmental services which the city invests in for greater community climate benefits.

### **COORDINATION, CONCURRENCE, OR DISSENT**

City staff, Clackamas County staff, and surrounding cities concur with this decision and will actively support and collaborate as it's implemented. Library, city hall, and police staff will benefit significantly from having additional guidance and the activation of additional services to produce more positive outcomes. Public works staff will benefit from additional regulation which aides in the preservation and management of important city infrastructure and public spaces. The residential and business community will support this as a thoughtful step in the right direction.

### **STAFF RECOMMENDATION**

Staff recommends adopting the draft camping ordinance.

### **ALTERNATIVES**

None considered.

### **ATTACHMENTS**

1. Camping Ordinance

**COUNCIL ORDINANCE No.****AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE (MMC) BY ADDING A NEW SECTION 9.XXX ...**

**WHEREAS** recent court cases prohibit civil or criminal punishments for sitting, lying, or sleeping in public when a shelter bed is unavailable, and

**WHEREAS** Oregon House Bill (HB) 3115 (2021) requires that any law regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public must be “objectively reasonable” as to time, place, and manner with regards to people experiencing homelessness, and

**WHEREAS** the Portland metro region is currently facing a housing affordability crisis and thousands of individuals have been priced out of the housing market, and

**WHEREAS** this city continues to approve the construction of more affordable units, but cannot meet the demand alone, and

**WHEREAS** the city supports the dignity and wellbeing of individuals needing a safe location to sleep in at night, and

**WHEREAS** the city strongly recognizes the need to take action to restore and protect our natural areas, ecosystems, climate, and planet, and the shared desire for a resilient community, environmental justice, and access to nature for all community members, and

**WHEREAS** we must balance the needs of all residents and the natural environment as we strive to meet the needs of our houseless population, and

**WHEREAS** the city is in the process of hiring and partnering to hire both a mental health specialist and houseless liaison for individuals in crisis, and

**WHEREAS** the Milwaukie Police Department (MPD) has an exceptional record of developing positive relationships with our houseless community and working with many to find a path to stable housing, and

**WHEREAS** the community development department has led work on behalf of the City Council to address the needs of those in crisis over the past six years.

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

9.XXX Purpose.

The purpose of this chapter is to provide objectively reasonable time, place, and manner restrictions for temporary camping on public property while also taking into consideration environmental impact, human dignity, and community safety concerns.

**9.XX.XX: Definitions.**

The following definitions are applicable in this chapter unless the context otherwise requires:

“Camp” or “camping” means to pitch, create, maintain, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

“Camp facilities” include, but are not limited to, tents, huts, temporary shelters, natural materials, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-city-designated cooking facilities and similar equipment.

“Camping impact area” means the areas specified within MMC 9.XX.XX.

“Campsite” means any place where one or more persons have established temporary sleeping accommodations by use of camp facilities and/or camp paraphernalia. “Family” means any person or group of persons living within a single housekeeping unit as defined in MMC 19.201.

“Mapped natural resource area” means any land designated as a natural resource area on the Natural Resource Administrative Map, including, but not limited to, Habitat Conservation Areas and Water Quality Resources.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater

“Parking lot” means a developed location that is designated for parking motor vehicles, whether developed with asphalt, concrete, gravel, or other material.

“Public Park” means a park, playground, swimming pool, reservoir, or athletic field within the city that is under the control, operation, management, or ownership of the City of Milwaukie or another public agency as defined in MMC 19.201.

“Solid waste” means any garbage, trash, debris, yard waste, food waste, or other discarded materials.

“Solid waste disposal services” means contracted solid waste collection service for a campsite with the city’s exclusive franchisee for the collection of solid waste.

“Store” means to put aside or accumulate for use when needed, to put for safekeeping, or to place or leave in a location.

“Stormwater system” means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including, but not limited to, pipes, sewers, curbs, gutters, manholes, catch basins, detention facilities,

ponds, creeks, underground injection control (UIC) facilities, open drainageways, and their appurtenances.

“Street” means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the City of Milwaukie that is publicly owned or maintained for public vehicular travel.

“Transitional Housing Facility” means a camp facility for which a permit has been sought and obtained from the Milwaukie City Manager, or their designee, and/or a city-sponsored Transitional Housing Facility

“Vehicle” means a device in, upon, or by which any person or property is or may be transported or drawn upon a public street, except devices moved by human power or used exclusively upon stationary rails or tracks as defined in MMC 19.201

“Water Supply System” means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes, and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use.

#### **9.XX.XX: Unlawful Camping.**

A. *Camping Impact Areas.* It is unlawful to camp at any time within a camping impact area. The following locations are camping impact areas:

1. Within 1000 feet of the nearest point of any transitional housing facility;
2. Within 50 feet of the nearest edge of the Willamette River, Kellogg Creek, and Johnson Creek.
3. Within any publicly owned Mapped Natural Resource Special Area

Upon any land managed for the operation and regulatory compliance of the municipal water supply system, stormwater systems and associated natural outlets.

C. *Daytime Camping Prohibited.* During the hours of 7:00 a.m. to 9:00 p.m., it will be unlawful for any person to camp, occupy camp facilities for purposes of habitation, or use camp paraphernalia in the following areas:

1. Any Public Park or Mapped Natural Resource Area;
2. Any street or sidewalk; or
3. Any publicly owned or maintained parking lot, alley, public right-of-way or other publicly owned or maintained area, improved or unimproved.

### **9.XX.XX: Unlawful storage of personal property in public space.**

Except as otherwise provided within this chapter, during the hours of 7:00 a.m. to 9:00 p.m., it will be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas:

1. Any Park or Mapped Natural Resource Area;
2. Any street or sidewalk; or
3. Any publicly owned or maintained parking lot, alley, public right-of-way or other publicly owned or maintained area, improved or unimproved.

### **9.XX.XX: Penalty for violations.**

Before issuing a citation under this chapter, a municipal police officer will first give the person a written, and if possible, a verbal notice of violation with guidance and direction to remedy the violation. The written notice will be physically served on the camp occupant(s) if they can be contacted or prominently posted at the camp. The person will be given a minimum of 72 hours to remedy from the violation. The person will also be offered assistance accessing social services, including shelter resources (to the extent they are available), veteran resources, mental health support, and drug and alcohol addiction and recovery resources. A citation will not be issued if the person promptly complies with the direction and remedies the violation within the 72 hours following the notice of violation. Any person who does not remedy the violation within 72 hours may be subject to the following penalties:

1. First violation in 30-days: Written and/or verbal warning that violation is subject to citation and/or arrest. City staff will initiate outreach and support for accessing social services.
2. Second violation in 30-days: A citation of not more than \$50 and a 30-day exclusion pursuant to MMC9.20.020.
3. Third violation in 30-days: A municipal citation of not more than \$50 and a 90-day exclusion pursuant to MMC9.20.020.

OR a criminal citation for violation of any applicable Oregon Revised Statute including, but not limited to, the following:

- a. ORS 164.805- Offensive Littering;
- b. ORS 164.775- Deposit of trash within 100 yards of a waterway.

- c. ORS 166.025- Disorderly Conduct II;
- d. ORS 162.247-Interfering with a Peace Officer I; and
- e. ORS 162.235- Obstructing Governmental or Judicial Administration.

Any single municipal citation and fine issued to a person experiencing homelessness shall not exceed \$50.00. The Municipal Court Judge may waive fines for anyone providing proof they are actively engaging in social services which relate all or in part to the offense cited for (camping, mental health support, addiction, and recovery support).

#### 4. 9.XXX Removal of Campsite.

A. The City may call for the removal of campsites, regardless of location, if a campsite poses a safety or health risk to the public or environment. These circumstances include, but are not limited to, the following:

1. Violation of the Milwaukie Municipal Code.
2. To ensure the safety of people camping and other users of the roadway, including pedestrians, due to camp facilities being in or near the portion of the right-of-way used by vehicles.
3. To abate solid waste and debris left in the right-of-way or on nearby public or private property other than the right-of-way if attempts to manage solid waste and debris have been unsuccessful.
4. To prevent violence and/or criminal activity reported to and/or observed by the Milwaukie Police Department.
5. To prevent adverse environmental impact including, but not limited to, improper disposal of solid waste, public urination and defecation, and open burning.
6. To prevent hostile interactions and/or altercations (which are not protected under the state and federal constitution as free speech) with members of the public .
7. To prevent the construction or erection of unpermitted structures in the right-of-way.
8. To prevent a campsite from blocking vehicle or bicycle travel lanes or reducing the clear, continuous sidewalk width to less than three feet.

B. The 72-hour notice requirement under subsection (3) of this section does not apply:

(a) When there are grounds for law enforcement officials to believe that illegal activities other than camping are occurring at an established camping site.

(b) In the event of an exceptional emergency at an established camping site, including, but not limited to, possible site contamination by hazardous materials, a public health emergency or other immediate danger to human life or safety.

(c) If a funeral service is scheduled with less than 72 hours' notice at a cemetery at which there is a camping site, or a camping site is established at the cemetery less than 72 hours before the scheduled service, the written notice required under subsection (3) of this section may be posted at least 24 hours before removing homeless individuals from the camping site.

(d) Any person ordered to remove a campsite under this subsection must vacate and remove all belonging from the campsite within four hours of receiving notice of the safety or health risk to the public necessitating the removal unless additional time is otherwise required by law.

C. In addition to any other penalties that may be imposed under this chapter, any violation of this chapter will constitute a public nuisance and may be abated pursuant to ORS 202.077 and 203.079.

D. Property seized will be stored for a minimum of 30 days. Property that has no apparent utility or value, or that is in an unsanitary condition rendering it unsafe to store, will be discarded immediately. An unsanitary condition is one that will likely lead to injury or health problems for individual near it or required to handle it. Property simply being wet and/or dirty does not constitute an unsanitary condition for the purpose of this ordinance. A substance or material is hazardous or contaminated if it is capable of posing an unreasonable risk to health, safety and property when contacted or transported. There will be no fee to retrieve property collected and stored for safekeeping.

5. The city manager may adopt administrative rules to implement any of the provisions of this chapter.

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 \_\_\_\_\_.

\_\_\_\_\_  
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

# Camping Ordinance

## Draft - Overview

Chief Luke Strait  
Milwaukie Police Department



# OVERVIEW

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- The City has seen a gradual increase in public camping and houselessness.
- We have never had municipal code which specifically addressed camping as it pertains to houselessness.
- In the past we have had one patrol officer assigned to monitor and manage these issues.
- Staff is recommending a camping ordinance to provide clarification and guidelines regarding the time, place and manner for camping.

# POLICE MISSION

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- Protect life and property
- Treat all community members with respect and dignity
- Maintain and enhance community livability
- Use problem solving partnerships



# COMMUNITY VISION

- Flourishing, Equitable City
- Delightfully livable and sustainable
- Safe and welcoming
- Promotes tolerance and inclusion
- Residents have the resources necessary to access the help they need

## COUNCIL GOALS

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- Climate Change Mitigation and Resilience Action
- Equity, Justice, and Inclusion
- Improving Milwaukie's Parks Systems and Services

# Necessary and Appropriate

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- Staff, residents and businesses have been impacted
- Recent court case(s) (Martin v. Boise) have outlined guidance and limitations on enforcement
- HB 3115 (2021) requires any regulation of sitting, lying, sleeping or keeping warm and dry outdoors on public property must be “objectively reasonable” as to time, place, and manner
- Our goal is to lead with authentic resources and services
- Follow with objectively reasonable policy and enforcement

# Partnerships and Process

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## ➤ **Houseless Working Group collaboration**

Central City Concern, LoveOne, Clackamas County Public Health & Behavioral Health, Clackamas County District Attorney's Office, Community Court, The Father's Heart, CCFD Community Paramedic, Ledding Library, Community Development & MPD

## ➤ **Behavioral Health Specialist**

Glen Suchanek starts 11/28

Previously with Central City Concern, LoveOne & Unity BH  
Master's degree in social work

## ➤ **Houseless Peer Mentor**, In negotiations with Clackamas County for a full-time, contract position for the city

# Camping Ordinance Overview

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## ➤ **Daytime Camping Prohibited From 7:00AM to 9:00PM**

- Including, camping, occupying camp facilities or using camp paraphernalia
- In any Public Park
- Street or Sidewalk
- Publicly owned or maintained area
- Public water or stormwater facilities

## ➤ **Prior to issuing municipal code citation an officer will,**

- Provide written notice
- Provide verbal notice if possible
- Provide 72 hours to comply
- Staff (Police, Behavioral Health Specialist, Houseless Peer Mentor) will offer assistance accessing services

# Failure to Remedy or Comply

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- **First violation** results in notice and offer of services
- **Second violation**, after 72 hours to comply and engage services
  - Results in \$50.00 citation for ordinance violation
  - A 30-day exclusion if the Exclusion Ordinance applies (MMC 9.20.020)
- **Third violation** in 30-days
  - \$50.00 citation
  - A 90-day exclusion (if applicable under MMC 9.20.020)
  - Possibility of arrest for exclusion / trespass or any other crimes which may apply (Offensive Littering, Depositing Trash within 100 Yards of Waterway, Disorderly Conduct II, Interfering with a Peace Officer, Obstructing Governmental or Judicial Administration)

# Campsite Removal

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- Violation Notice and Removal Order posted for minimum 72-hours
- Exceptions for 72-hour notice requirement for illegal activities other than camping, or in the event of exceptional emergency such as site contamination by hazardous materials or other public health emergency or immediate danger to life or safety.
- Property seized for safekeeping must be stored for a minimum of 30 days.
  - Exceptions for property that has no apparent utility or value, or
  - is in such an unsanitary condition it would likely lead to injury or health problems for anyone required to handle or store it.
  - No fee and low barrier to retrieve property stored for safekeeping

**QUESTIONS OR  
COMMENTS?**





CITY OF MILWAUKIE

# Balfour Community Garden

November 15, 2022



# Site Analysis

- Site has 25' of elevation change
- Minimum slope for paths is 5%;  
Amenities 2%
- Compression, trenching, mounding, or  
grading within the interior root zone will  
damage structure and likely kill a tree



# Existing 2015 Amenities

Preference of Amenities in 2015 Plan (July 2022, 120 surveys)	Responses (Higher Numbers = Greater Preference)
Nature Play with Embankment Slide	87
Native Plantings	68
Walking Paths	51
Picnic Tables	49
Community Garden	48
Lawn Space	40
Rain Garden	37
Benches	35
Planting Areas	21



# Desired Amenities Feedback



Features to Add (July 2022, 120 surveys)	Responses (Higher Numbers = Greater Preference)
Picnic Shelter	30
Fruit Tree	28
Native Plantings	25
Swing Sets	23
Splash Pad*	21
Nature Play	20
Willow Dome	15
Play mounds	15
Parallel Parking	14
Sidewalks	13
Musical Instruments	13
BBQ Grills	11

Features to Add (July 2022, 120 surveys)	Responses (Higher Numbers = Greater Preference)
Rain Gardens	9
Accessible Ramp	9
Structure Play	9
Embankment Slide	9
Community Garden	6
Paved Paths	6
Picnic Area	6
Seating Alcove	6
Open Lawn	4
Gravel Path	3
Other*	12
*Splash Pad written in	

# Community Garden Options

- 34" red oak has an *interior critical root zone* of 17' and full *critical root zone* of 34'
- 'q-shaped' path requires too much grading, terracing, trenching, and relocation swale into root zone
- Replacing amenities near the shelter would remove community gather spaces for concerts & events



# Draft Final Plan

- Protects existing trees per arborist and adds trees
- Maintains many preferred amenities
- Is ADA accessible
- Community gardens are in the Hillside plan
- Creates community shelter, lawn, and plaza for events like neighborhood concerts & movies in the park



## Special Parks & Rec Board Meeting

Wednesday, November 16

5:30 to 7:30pm

Zoom Webinar

[www.milwaukieoregon.gov/meetings](http://www.milwaukieoregon.gov/meetings)

Questions?

**Adam M. Moore**

Parks Development Coordinator

503-786-7624

[moorea@milwaukieoregon.gov](mailto:moorea@milwaukieoregon.gov)



**Scott Stauffer**

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**From:** Lisa Batey  
**Sent:** Sunday, November 13, 2022 9:19 PM  
**To:** OCR  
**Cc:** \_City Council; Peter Passarelli; Adam Moore  
**Subject:** FW: Balfour Community Garden

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Hello, Scott – please add this to the record for Tuesday’s work session. Thanks! --Lisa

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**From:** Lisa Lashbrook <[lisamlashbrook@gmail.com](mailto:lisamlashbrook@gmail.com)>  
**Sent:** Sunday, November 13, 2022 10:38 AM  
**To:** Lisa Gunion-Rinker <[astrantialgr@gmail.com](mailto:astrantialgr@gmail.com)>; Adam Moore <[MooreA@milwaukieoregon.gov](mailto:MooreA@milwaukieoregon.gov)>; Ober, Ann <[OberA@milwaukieoregon.gov](mailto:OberA@milwaukieoregon.gov)>; Mark Gamba <[mark@markgamba.com](mailto:mark@markgamba.com)>; Lisa Batey <[lisabatey@msn.com](mailto:lisabatey@msn.com)>; Desi Nicodemus <[NicodemusD@milwaukieoregon.gov](mailto:NicodemusD@milwaukieoregon.gov)>; Kathy Hyzy <[HyzyK@milwaukieoregon.gov](mailto:HyzyK@milwaukieoregon.gov)>; Adam Khosroabadi <[khosroabadia@milwaukieoregon.gov](mailto:khosroabadia@milwaukieoregon.gov)>  
**Subject:** Balfour Community Garden

Hello Ann, Adam, Mayor Gamba and Councilors,

I'm passing along an email sent to Milwaukie Community Gardens yesterday. Primo example of why community garden space is needed in Milwaukie. The daughter lives in an apartment a couple of blocks from the Balfour site.

Hello,

My daughter is a single mom who lives at 3236 Harvey Street in Milwaukee, OR. She is an avid gardener, but living in an apartment, can only grow vegetables on her balcony space. I would like to purchase a garden plot for her for Christmas, but am wondering if there are any spaces available near her? How would I go about reserving this for her if there is space available?

Thank you,

Needless to say there are no plots available currently, and there is already a waiting list for next year.

Lisa, the other one

Mayor Gamba and members of the City Council,

After watching the presentations for the three parks undergoing master planning, we are disappointed to hear that Council may decide to take the Community Garden out of the design in Balfour Park. The current survey placed the community garden in the high middle, above other popular features like log play and an embankment slide. The community has stated clearly and supported the idea over a long period of time, that Balfour Park should have a community garden. This garden could benefit not only the residents of Hillside, but the many apartment dwellers Milwaukie is about to have moving into the City. We recognize the need for gardening space and ask Council to support access to gardening and to consider the needs of people who can't/don't/won't show up to fight for this right.

Thirteen years ago, we inquired about the lack of Community Gardens in Milwaukie. JoAnn Herrigel, representing the City of Milwaukie, facilitated a meeting of citizens who were interested in seeing gardens in the community. However, she made it clear that, in her opinion, Milwaukie's parks weren't viable options. From this gathering a small group of folks started Milwaukie Community Gardens. In 2011, the Linwood Community Garden was built, followed by the Campbell Community Garden in 2012. Each of these gardens have wait lists, year after year.

During the presentation, it was suggested that the community garden could be removed from the design of Balfour Park if there are opportunities for folks to garden elsewhere. As stated above, the two community gardens have wait lists already and the Hillside Garden does as well. The Providence Garden is not open to the public. There are no plans for other future community garden spaces within Milwaukie, and the city is about to add a lot more housing. Concerns that arose around tool storage and management of the garden are easy fixes and should not be roadblocks in your consideration of whether to keep the garden in the design. Community gardens in Milwaukie have been run by volunteers for 12 years, and there are tool storage/benches with locks that are very affordable.

Adam offered a design for the garden that seems like a viable option. He suggested that the lower left leg of the path connecting to the road could be moved or removed. This would enable the garden to slide to the right, moving it away from the oak tree and placing it in a spot to receive more light.

Another idea that came up was to plant a small fruit tree orchard instead of building a garden. This would necessitate hiring an arborist to maintain the trees and potentially having to use outside organizations like the Gleaners to handle the fruit, whereas if a garden is built, you are engaging people who live here to be stewards of however much space you dedicate to gardening.

Ideals and goals that the city upholds such as diversity, equity, inclusion, and sustainability are realized through community gardening. Community gardens promote community building, food security, and more resilient communities. The following Comprehensive Plan policies exemplify

the commitment to these goals and policies. In the Comp Plan, Policy 9.2.5 states, “Pursue the creation of community gardens and urban food forests in public parks and on land owned by the city and partner agencies.” Policy 6.3.1 states, “Educate residents, businesses, developers, and other community members on climate science and the most effective ways they can take action to adapt and mitigate for a changing climate, including transportation and energy choices, local food production and consumption, the sharing economy, sustainability at work programs and waste reduction.” Policy 6.3.5 states, “Promote climate resilient vegetation, landscaping, and local food systems.” Given the unbelievable number of hours spent by community members and City Council in crafting the Comp. Plan policies, why would the Council now be willing to quickly move away from those commitments?

The City of Milwaukie has an opportunity to support these goals in Balfour Park. We are asking for your support in keeping the community garden in the design of Balfour Park.

Thank you,

Lisa Lashbrook and Lisa Gunion-Rinker

November 14th, 2022

Mayor Gamba and Milwaukie City Councilors,

Recently the Milwaukie City Council was given a presentation by Adam Moore, the Parks Development Coordinator, about the current design goals for Bowman-Brae, Balfour, and Scott parks. Part of that presentation included a proposal to remove the community garden from the Balfour Park plan. Neighbors in the Ardenwald-Johnson Creek Neighborhood District Association (AJCND) are exceedingly disappointed about the loss of the community gardens in Balfour Park.

The inclusion of a community garden ranked 3<sup>rd</sup> on the slate of 7 possible amenities during the recent city conducted surveys while the 7<sup>th</sup> lowest desired option of a water table was still included in the design. What was the idea behind the ranking of these amenities if not to determine what was most important to people? The original plan that the AJCND had designed by Meyer/Reed, through multiple years of comment at neighborhood events, had 21 community garden plots. Over time it has now been reduced to 8, which is a considerable difference to what was originally envisioned. A possible alternative would be to remove the proposed water feature, move the community garden more to the middle location, and reduce the cost and use of cement by changing the pathway to a P-shape as suggested by Adam Moore. This would create more opportunities for residents and solve the issue of harm to the existing red oak tree.

Council stated that Hillside Park will have “some space” for community gardens and that Hillside Manor has increased their community garden raised beds to date. We would like to remind Council that Hillside Manor (the tower) and Hillside Park are two separate entities. Hillside Park, with the development of 400 new units plus the existing 100 units, will shrink available garden space for those residents. The neighborhood has always been concerned about this issue and the degrading of the quality of life for existing residents at Hillside Park. Consider these two points. 1) Currently out of the existing 100 units in Hillside Park, 60 of them have gardens. This does not include any of the raised garden beds at Hillside Manor. Many are for both ornamental and food growing, but all are year round. That is over ½ of the residents that currently garden in some capacity. 2) The height of the currently proposed Hillside Park buildings will shade out most spaces for growing vegetables and replacing the tree canopy that will be lost during the development phase will take over much of the potential food gardening spaces once established. Please really consider where there is space for a community garden for Hillside Park folks before limiting their options. “Never will become the reality.” as Mayor Gamba stated.

Neighbors are also not opposed to adding more fruit trees to the park as suggested by Councilor Khosroabadi, and there are many residents who could benefit from their planting. There is adequate light and space for them to grow in the middle of the current park design and like a community garden does, it would create a more inclusive space for folks other than families with small children. There are many knowledgeable residents in AJCND that could easily set up a fruit tree program to tend trees either under the Tree Board, the Parks and Recreation Board, the AJCND, or a combination of these entities. It may not only be a learning experience for many residents, but it could also provide food for

our neighbors at Hillside Park while creating connectivity in our community. An orchard positioned correctly could also reduce the size of the bioswale needed as their roots would help capture more water run-off on site.

During the City Manager and Council discussion of the meeting, the shelter site was referred to as important because it was a community gathering space. The importance of community was referenced multiple times. Neighbors would like to point out that the first word in community garden is community and the importance of community should also refer to this garden. Remember, gardening serves many purposes. From exercise to mental health to breaking down barriers and connecting with others are all to be considered for the well-being of the community beyond the additional benefit of food. We already have an established Milwaukie Community Garden Group who are more than ready and able to manage and monitor the Balfour Street Park community garden.

Ardenwald/Johnson Creek neighbors ask that Council please reconsider your thoughts concerning the community garden space located in Balfour Street Park. We welcome more discussion about your concerns but would like to assure you that a community garden space in Balfour Street Park is a priority of neighbors and has been for a very long time. We will have further conversation concerning Balfour Street Park and the Park design at the next AJCND meeting scheduled for November 28<sup>th</sup> 6:30pm at Milwaukie Café and Bottle Shop. All are welcome who would like to attend and be part of that conversation.

Respectfully submitted,

Lisa Gunion-Rinker  
Matt Rinker  
Jeff Davis  
Chris Davis  
Elvis Clark  
Steve Smith  
Ronelle Coburn  
Renee Moog

(\*As a side note, having gardeners in Balfour Street Park will make off leash dog activity less of an issue as research shows the presence of people will enable better oversight and more people will obey laws when others are present.)

(\*The existing apple tree fruit in Balfour Street Park used to be harvested by Hillside Park residents, but due to unfortunate happenings with NCPRD cutting the tree back just before harvest, Hillside residents became discouraged from using the fruit.)