

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JUNE 24, 1997

COMMISSIONERS PRESENT

Pat Lent
Bryan Cosgrove
Tim Havel
Charles Stoudt

COMMISSIONERS ABSENT

Terry LaRocque
Michael Smith

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Stacy Lawson,
Assistant Planner
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

The meeting was called to order at 6:15 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes - June 10, 1997

Tim Havel moved to approve the minutes of June 10, 1997, as corrected. **Bryan Cosgrove** seconded. MOTION CARRIED 4-0.

4.0 PUBLIC COMMENTS -- None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Criterion Supply, Inc.
Property Owner: OECO Corporation
Location: 4607 SE International Way, Adjacent to SE Mallard Way
Proposal: Natural Resource Delineation of north portion of property.
File Number: NR-97-01

Vice-Chair Lent opened the public hearing on File Number NR-97-01, an action to designate a natural resource boundary and a natural resource area on property located at 4607 SE International Way. The Application must be consistent with

the City of Milwaukie Zoning Ordinance and Comprehensive Plan. The criteria to be addressed are found in Section 322 of the Zoning Ordinance.

Vice-Chair Lent asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if any member of the Planning Commission visited the site; one hand was raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Stacy Lawson reviewed the Staff Report with the Commission. The Application will determine the location of the Natural Resources boundary on the parcel that is located on Mallard Way and International Way in Milwaukie.

The Applicant has submitted a Natural Resource Survey of the subject site conducted by Woodward-Clyde Consultants of Portland, Oregon. This report is a site-specific determination, including a proposed location for the Natural Resource Boundary and Natural Resource Area on Tax Lots 200, 300, and 500.

The Applicant has proposed the area which was filled with gravel in 1987 as developable, and Staff agrees with this determination. The Army Corps of Engineers has responded to the Staff Report and a copy of that response letter was presented. The Corps found that there is not a jurisdictional wetland on the developable portion designated; therefore, the boundary submitted is appropriate for the Natural Resource Area.

No response has yet been received from the Division of State Lands. There is a condition recommended in the Staff Report that the response from the Division of State Lands must be received and be consistent with the Army Corps of Engineers before any action is taken on the property.

Stacy Lawson reviewed the condition amendments being recommended by Staff:

Heading: "CONDITIONS OF APPROVAL FOR NR-96-97-01:

Condition 8. Change language in paragraph two to read, "...No vegetation removal, trimming, mowing or development is permitted in

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these areas, except as required by the approved Natural Resource Management Plan...

Condition 9. Change language to read, "A development setback of 5 feet is required. The setback shall be measured from the surveyed location of the boundary of the area identified as USV on Exhibit 4. At the edge of this 5 foot required setback from the Natural Resources Preservation area, the applicant shall install a 6 foot high solid perimeter fence or landscape screening, as described in Condition 11, around the site identified as USV. It is required that vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall be screened from the natural resource overlay area by sight-obscuring vegetation or fencing. ~~The solid fencing is intended to serve this purpose.~~"

Condition 10. Change language to read, "...No tree or vegetation removal, mowing or trimming shall be undertaken in the Natural Resource Area identified in Exhibit 4, except as required by the approved Natural Resource Area Management Plan..."

Condition 15. In response to comments of the Hector Campbell and Linwood Neighborhood Associations, Condition 15 is recommended. It requires that the applicant provide a Natural Resource Area Management Plan considering and responding to the concerns of the neighborhood. The Applicant has agreed to this condition.

Condition 15(e). Change language to read, "Agree to refrain from any mowing, cutting or removal of any wild land vegetation on the ~~tree~~ three tax lots unless for..."

Condition 16. Disregard the proposed amendment to Condition 16, in the Commissioner's handout, as the remaining portion of a small structure located at the northwest portion of the site has been removed.

Stacy Lawson informed the Commission that a "no comment" response has been received from The Wetlands Conservancy stating they may have a potential conflict of interest. Copies of the Wetlands Conservancy response was provided to the Commissioners.

Staff recommends approval of Natural Resources Overlay Application NR-97-01.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked for clarification on the history of the existing fill. He asked if a Section 404 Certification was obtained from the Division of State Lands or Army Corps of Engineers. **Stacy Lawson** explained that during 1986, the Army Corps of Engineers reviewed this issue. They recall working with the owner of the property at that time, but they do not find a record. Based on subsequent evaluation of the site, they have determined that the area designated as the developable portion of the site is not a wetland.

The Division of State Lands is still in the process of reviewing the wetland determination. If there are concerns identified, the Application will have to be amended and reheard by the Planning Commission.

Tim Havel noted that the Applicant has been requested to work with a certified wetlands consultant; has this been done? **Stacy Lawson** stated that the Applicant retained a consultant for the natural resources study and that the Applicant has indicated they will retain the same consultant for preparation of the Natural Resources Area Management Plan.

Tim Havel asked if there were any stormwater control measures incorporated in this Application? **Stacy Lawson** indicated that there are no stormwater control measures at this point, but there are stormwater control measures conditioned for the developable site. Some conditions will be required on the Transportation Planning Review in the Building Permit. Stormwater facilities in the Natural Resources area are not proposed at this time. Should they be desired, they will need to be reviewed under a Natural Resource Overlay Review.

Charles Stoudt asked if the Army Corps of Engineers was the only agency with jurisdictional authority on the subject site? **Stacy Lawson** stated that the Army Corps of Engineers and Division of State Lands are the agencies with jurisdiction over this Application.

Tim Havel asked for clarification of the reasoning behind the guidelines for the five-foot setbacks. **Stacy Lawson** explained that a development setback is a requirement of the Natural Resources Zone. Because the consultant and the Corps of Engineers did not require a larger setback, Staff felt that the five-foot setback

was the minimum requirement appropriate for the site. The Applicant has agreed to this setback requirement.

APPLICANT PRESENTATION

Speaking: Robert Price, Director of Planning Services, Mitchell Nelson Group, 233 SW Naito Parkway, Portland 97204

Mr. Price stated that he is representing the Applicant, Criterion Supply d.b.a. Criterion Floor Coverings. They are in the business of floor covering, there is no manufacturing proposed for the Application. The term "manufacturing/building" classification is needed to meet the requirements of the Business Industrial Zone. This use is an acceptable use in this industrial park.

This site will be the headquarters for Criterion Floor Coverings. They do business in the Bay Area, Sacramento, Seattle, and Oregon. This headquarters will be a 35,000 sq.ft. office/warehouse facility on 2-1/2 acres of graveled, 20-inch high crushed rock. This crushed rock fill was not done by the Applicant.

The office section of the development will be on the northeast corner of the designated developable area and will look out onto the Natural Resource area. The Applicant is in concurrence with the Staff Report and conditions proposed and modified.

A Natural Resources Management Plan will be prepared for the entire Natural Resources area. Mr. Price then introduced Lynn Sharp, of Woodward-Clyde Consultants. She has done the natural resource review on the site since the beginning of the project. Also introduced was Cary Jackson, President of Criterion Supply, and Jim Meyer, Partner at Criterion Supply. They are here tonight to answer any questions or address comments from the Commission or audience.

In conclusion, Mr. Price requested that the Planning Commission approve the Application with conditions as modified by Staff.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel stated that there are two approaches to construction, pilings or excavation. He asked which approach the Applicant would use? **Mr. Price** stated that driving pilings is the only economically feasible way of going about this

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project because the peat on the site is of such depth that excavation would take too long and be too costly.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

Tim Havel asked Lynn Sharp, Woodward-Clyde Consultants, for comments on the idea of moving Minthorn Creek as suggested by the Hector Campbell Neighborhood Association?

Speaking: Lynn Sharp, Ecologist and Wetlands Scientist, Woodward-Clyde Consultants of Portland.

Ms. Sharp stated that she is strongly suggesting the moving of Minthorn Creek to her clients.

Tim Havel asked that when soil is removed or replaced, are there regulations or stipulations on the process? **Ms. Sharp** stated that in Item F, the suggestion by Hector Campbell Neighborhood Association is to fill in the drainage ditch and allow the natural flow of water be restored to the area. When she did her site evaluation, it was raining hard and it was difficult to see. She did not believe the ditches to be large since she did not step into one. It will probably be a matter of a few cubic feet of soil or rock to fill the ditches.

APPLICANT ADDITIONAL COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

Vice-Chair Lent closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

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Tim Havel asked if the City has an Erosion Control Plan requirement? **Maggie Collins** replied in the affirmative.

Bryan Cosgrove asked if office and warehousing are permitted uses under the Business Industrial Zone? **Stacy Lawson** stated that warehousing and distribution, as well as business headquarters are permitted uses under this zone.

Vice-Chair Lent re-opened the public portion of the hearing to ask Mr. Jackson how many people are presently employed by Criterion at their Milwaukie site and if this figure will increase with the move to this location?

Speaking: Cary Jackson, President, Criterion Supply, Inc., 4107 SE International Way,
Milwaukie

Mr. Jackson stated that there are about 90 employees company-wide. Fifty-five of these employees are at the Portland/Milwaukie branch; 30 contractors and 25 employees. This new building will result in an increase in the warehousing area, and therefore a potential increase in employees.

Vice-Chair Lent re-closed the public testimony portion of the hearing after asking for questions or comments; that was the reason to reopen.

Charles Stoudt asked if a designated flood plain exists on this site? **Stacy Lawson** stated that this site is not designated a flood plain on the FEMA map.

Charles Stoudt read a portion of the Army Corps of Engineer's letter dated June 18, 1997, "...I note that the Mitchell Nelson Group "Natural Resource Review" (no date) that contains the delineation report also states that "no FEMA floodplains exist;" however, we were also advised the Natural Resource area was part of a flood water detention system which could require alteration to address flooding..." He asked if this was a flooding hazard area? **Jim Brink**, Director of Public Works, stated that this is not a flood hazard area. The problems in this area have been due more to insufficient water. There is a lot of water in the non-developable piece; this is due to a structural problem with the storm culvert on International Way.

Mr. Price stated that the developable portion that the Applicant is dealing with has been raised with 20 inches of crushed rock. This is the area that will be developed. The concern is about the Natural Resources area of the site which is

outside the developable area. The developable area is not in a flood area; this will not create a problem for the developable portion of the property.

Vice-Chair Lent stated that she feels it is important to note that there were no concerns from the neighborhood about the Applicant's proposed use of the gravel pad. There were no notable concerns by the neighborhood associations not addressed in Condition 15.

Tim Havel asked if the neighborhood associations still had a problems with the 5-foot setback? **Stacy Lawson** reported that the neighborhood association representative reviewed the Staff Report and conditions, did not have concerns.

Vice-Chair Lent stated that the Application is very compatible with the Comprehensive Plan in that the development provides for more employment.

Bryan Cosgrove moved to approve Natural Resources Overlay Application NR-97-01, designating the boundary of the Natural Resources Area ;as shown on Exhibit 4, based on the conclusion and findings contained in the Staff Report, and subject to the Conditions as amended tonight. Changes were made to Conditions 8, 9, 10, and 15. **Tim Havel** seconded. MOTION CARRIED 4-0.

6.0 WORKSESSIONS -- None.

7.0 DISCUSSION ITEMS -- None.

8.0 OLD BUSINESS

8.1 Light Rail Study Update -- No Report

8.2 2040 Study Update

Maggie Collins stated that the special hearing scheduled for tonight had been cancelled. There should be a Regional Center Master Plan draft at the end of July with the intent of review by the Steering Committee on August 21, 1997.

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9.0 OTHER BUSINESS

9.1 **Historical Resources Commission Report** **Maggie Collins** reported that The June meeting had been cancelled and it is not certain at this time whether there will be a July meeting. **Vice Chair Lent** requested that the Historical Resources Commission be included in Planning Commission discussions on Junior High School issues.

9.2 **Town Center Area Task Force Report** -- None.

9.3 **Community Development Report**

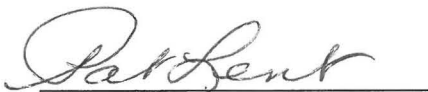
Maggie Collins stated that the two Planning Commission meetings regularly scheduled for the month of July will occur.

Maggie Collins reported that City Council will be taking final action on Council goals on July 1. The Council will then meet with boards and commissions after that to discuss work programs. A request has been made that the Planning Commission and Historic Resources Commission be scheduled first. It is hoped that Council review will be conducted before the end of August so that work programs can be finalized.

10.0 Next Meeting -- July 8, 1997

Tim Havel stated that he would be unable to attend the July 8, 1997, Planning Commission Meeting.

Tim Havel moved to adjourn the meeting of June 24, 1997. **Bryan Cosgrove** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 7:07 p.m.


Pat Lent, Vice-Chair


Shirley Richardson, Hearings Reporter

AGENDA
MILWAUKIE PLANNING COMMISSION
Milwaukie Center, 5440 SE Kellogg Creek Drive**
Tuesday, June 24, 1997
6:00 pm

	**PLEASE NOTE THE CHANGE IN TIME AND LOCATION OF THIS MEETING	ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Consent Agenda Planning Commission Minutes: June 10, 1997 City Council Minutes: June 3, 1997 (upon approval by Council)	Motion Needed Information Only
4.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
5.0	Public Hearings	
5.1	Applicant: Criterion Supply, Inc. Property Owner: OECO Corporation Location: Adjacent to SE Mallard Way Proposal: Natural Resource Delineation of north portion of property. File Number(s): NR-97-01/TPR-97-01	Discussion and Motion Needed
6.0	Worksession - None	
7.0	Discussion Items	
8.0	Old Business	
8.1	Light Rail Study Update	Information Only
8.2	2040 Study Update	Information Only
9.0	Other Business/Updates	
9.1	Historic Resources Commission Report	Information Only
9.2	Clackamas Regional Center Area Plan Report	Information Only
9.3	Community Development Report	Review and Comment

10.0	Next Meeting - July 8, 1997	
10.1	S-96-04 - Buchholz	
10.2	CSO-97-04/VR-97-02 - City of Milwaukie Water Tower antennas	

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. Staff Report
2. Correspondence
3. Applicant's presentation
4. Public testimony from others in support of application
5. Comments or questions from interested persons who are neither proponents nor opponents
6. Public testimony from those in opposition to the application
7. Questions from the Planning Commission
8. Rebuttal testimony from Applicant
9. Closing of public hearing
10. Commission discussion/action

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.

Milwaukie Planning Commission

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Terry LaRocque
Pat Lent, Vice-Chair
Chuck Stoudt

Community Development Department Staff

Maggie Collins, Community Development Director
Dan Pava, Senior Planner
Susan Heiser, Senior Planner
Stacy Lawson, Assistant Planner
Jane Leeson, Public Involvement Coordinator
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Recording Secretary

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

Date: June 24, 1997
File Nos.: NR-97-01

Application: Natural Resources Overlay Designation
Applicant: Criterion Supply Inc.
Property Owner: OECO
Location: 4107 SE International Way, Milwaukie, OR 97222,
Tax Lots 200, 300 and 500 of Tax Map 1 2E 31C (See
Exhibit #1)

RECOMMENDATION:

That the Planning Commission Approve Natural Resources Overlay application NR-97-01, designating the Natural Resources Boundary Line and Area shown on Exhibit 4, subject to the conditions in Exhibit 1.

PROPOSAL:

The applicant proposes to establish a Natural Resource Boundary line on the three properties to allow a manufacturing building to be built on a portion of the site.

The subject site (Tax Lots 200, 300 and 500), is unusually shaped, measuring 8.74 acres. The middle portion of these lots incorporates Minthorn Creek and all three Tax Lots are designated in the City's Comprehensive Plan as being in the Natural Resource Overlay Zone. The surrounding properties are zoned BI (Business Industrial) to the south, west and east and R-7 (Residential, 7,000 square foot minimum) to a portion of the north.

The applicant has submitted a Natural Resource Boundary Determination of the subject site conducted by Woodward-Clyde Consultants of Portland, OR. This report is intended to serve as a site-specific determination to locate the Natural Resource Boundary and Natural Resource Area on Tax Lots 200, 300, and 500.

BACKGROUND:

The requirement for a Natural Resource Overlay has been applied to the subject site but the specific boundaries of the Natural Resource Area have not yet been determined through a natural resources site survey. Approximately 2.5 acres in the southwest corner of Lot 500 were filled in 1987 to provide additional parking spaces for OEEO. Milwaukie's Natural Resource Overlay Zone, (NR) was not in effect at the time this portion of Lot 500 was filled.

Doris McKillip of the Army Corps indicated that a wetlands determination was being reviewed for the site (evaluating all three Tax Lots) and a final determination of the location of a Jurisdictional Wetland has not yet been issued. The Division of State Lands is also undertaking a review of the site. Regulatory Jurisdiction on this site has not been determined. A condition requiring compliance with all requirements of the Army Corps of Engineers and the Division of State Lands, prior to approval of any development on the site, have been recommended.

The applicant, Criterion Supply Inc., plans to develop the site with a custom building to suit the needs of their business headquarters and shipping activity. Once the Natural Resources Boundary Determination has been made, any future development activity in the designated Natural Resources Area will need to be reviewed under a separate Natural Resources Overlay application.

DISCUSSION:

Compliance With The Comprehensive Plan

The subject properties are designated Industrial, with a Natural Resources Overlay and a severe soils construction rating, in the City's Comprehensive Plan. The proposed project is consistent with the Comprehensive Plan in that it establishes a buffer between riparian areas and areas designated for development, and ensures regulation of future stormwater drainage facilities, pursuant to Chapter 3, Natural Resources Element, Objective 2, Policies 1, 2, 3 and 4.

Compliance With Development Standards of the BI Zoning District

The applicant intends to construct a manufacturing building to house the headquarters of their floor covering business. The specific plans for the structure have not yet been developed. These details will be reviewed through administrative TPR (Transportation Planning Rule) and building permit applications when the final design has been developed. Access to the site will be from Mallard Way. Milwaukie's Public Works

Department will not be requiring the extension of this street past the boundaries of the subject properties. These requirements and proposals are consistent with the results of the Natural Resources Survey which identifies all of the area outside of the prior fill as Natural Resource Area (Exhibit 4).

Natural Resource Area Designation

The Applicant has commissioned a survey of Tax Lots 200, 300, and 500, in order to establish the location of the Natural Resource Area Boundary. Woodward-Clyde Consultants of Portland conducted a field survey of the site and have produced an evaluation of the location and type of habitat values for the property (Exhibit 10). The project site is traversed by Minthorn Creek which has identified habitat values for waterfowl and water related species. The topography of the site is generally flat at the central portion of the site, becoming steeper toward the north edge of the site. Woodward-Clyde identified three distinct areas of the site, including the parking area, wetland area and upland habitat area.

The result of the Woodward-Clyde survey shows that a large portion of the property has the resource indicators of a jurisdictional wetland. The remaining portion is good quality upland habitat, with the exception of the existing parking area. The gravel parking area is identified as outside of the Natural Resources Area because it has little or no existing natural resource value. The remainder of the property is recommended to be included in the Natural Resource Area because it contains jurisdictional wetland and upland habitat characteristics.

Woodward-Clyde did not address mitigation in their plan, however, the proposed development could significantly impact the remaining site, and protective measures and conditions are believed to be warranted. Staff is recommending that the applicant hire a wetlands consultant to create a Natural Resources Management Plan for the land in the Natural Resources Area.

Department of Public Works

The Department of Public Works has reviewed the application (Exhibits 7 & 8) and has stated that a determination was made in January of 1997 that the requirement for the extension and improvement of Mallard Way across the north edge of Tax Lots 200 and 500 would not be required. In lieu of road improvements and the extension of Mallard Way across the north edge of Tax Lots 200 and 500, Public Works is requesting that the applicant contribute a similar amount of resources toward wetlands development and development of a drainage system on Tax Lots 200, 300 and 500. The City proposes to develop a design for a water storage area. If this is approved through the Natural

Resources Overlay application process and by the Army Corps of Engineers and the Division of State Lands, the City would work with Criterion to establish a scope of work and a program for sharing costs. This project may result in improved drainage through the wetlands area and include possible detention facilities along Minthon Creek. The basis of the contribution is the cost of 40 feet of street including curb and gutter and 5 feet of sidewalk on both sides of the street, for a minimum length of 800 feet. Design and preparation of the proposal will take approximately 3 to 5 years. Other partners may be available to share costs or maintenance at the time of development.

Neighborhood Association Comments

A Neighborhood District Association for the BI zone has not yet been formed. However, the Hector Campbell and Linwood Neighborhood District Associations have met and issued a combined response to this application (Exhibit 5).

In this response the Neighborhood Associations call for specific mitigation measures to be employed. Staff believes that these comments from the neighborhoods have merit and have recommended that a long term management plan be developed by the applicant, which takes these comments into consideration. Public Works has no concerns about the proposals related to revegetation and removal of invasives and supports the vegetation and hydrology proposals for incorporation into a Management Plan. The Department of Public Works also recommends that the maintenance of wetlands and/or a detention facility would be best undertaken by a conservation group.

Public Comments

A letter of public comment was received from Donald Hammang (Exhibit 6). Mr. Hammang requested additional information related to the prior fill on Tax Lot 500. The following narrative addresses Mr. Hammang's concerns.

Staff has contacted the Army Corps and DSL for their determination on this site as a prior fill site. Neither agency proposes to review this 10 year old issue. The City of Milwaukie did not require a Natural Resources Overlay Zone application in 1987. A permit for Parking Lot Precharge was found (Permit 87-427, Plan Check No. P-1467) which was granted with the comment by staff that the area was not identified as a wetland area by the City's records, but that the applicant might wish to contact DSL for verification that there were no wetlands on the site.

There is a current wetland delineation report for the site which is being reviewed by the Army Corps of Engineers and the Division of State Lands (DSL), as well as the City of Milwaukie. Mr. Hammang is asking for copies of prior permits or records of the Army

Corps and DSL. Staff has referred this application to the Army Corps and DSL and the applicant has submitted information for a wetlands determination from both agencies. Staff has not required that all background permits and records be submitted from other agencies, because their final determinations of the wetland status of the site will include an evaluation of all relevant information as part of their determination.

The portion of the site which is not to be developed and is designated in the Biotic survey as wetland and upland habitat will remain under a Natural Resources Area designation. Any future development or activity not exempt under Section 322.5 will be required to be reviewed under a separate Natural Resources Overlay application. This will provide permanent protection for the remaining area.

The City is developing a concept of what the use and maintenance of this natural resource site should be over time. As a part of this concept, the City may evaluate the site for creation of a detention basin. There is currently no plan in place for future development on this site and it is estimated that details of a City proposal will take 3 to 5 years to develop. Any plan developed will require review under the Natural Resources Overlay Zone and by the Army Corps of Engineers and the Division of State Lands.

FINDINGS FOR NR 96-01:

Development activities within a designated Natural Resources site adjacent to or outside of the specific natural resource location, must comply with the following:

- 1. Site preparation and construction practices shall be followed that prevent damage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.**

An erosion control permit will be required prior to issuance of a grading permit or any clearing activity. A solid fence or wall, six feet in height, shall be constructed prior to any development of the property. In addition, a condition has been added requiring compliance with any Army Corps and Division of State Lands requirements resulting from their current review of this site, prior to construction on the developable portion of the site.

- 2. A development setback which adequately protects the resource site is required.**

A development setback of 5 feet is required as a condition of approval.

3. **Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall be screened from the natural resource location by sight-obscuring vegetation or fencing.**

A condition has been added requiring that a six foot high solid wood fence or concrete block wall be installed 5 feet behind the surveyed perimeter of the Natural Resource Area Boundary to screen the natural area from development. This fencing shall be constructed prior to development of the graveled site.

4. **Outdoor activities including open fabrication or operations which create large amounts of noise, dust, or glare, except for river related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.**

A condition has been added which reads, "No outdoor activities, including open fabrication or operations, which create noise, dust, or glare, shall be conducted on the developable portion of the subject site due to their potential for adverse impacts on the adjacent Natural Resource Area."

5. **The types, sizes and intensities of lights must be placed so that they do not shine directly into the natural resource location.**

Lights proposed to be located on the site shall be low intensity and shall be directed away from the Natural Resources Area defined in Exhibit 4.

Development which occurs within a natural resource area is required to comply with the standards found in subsection 322.7(B) of the Milwaukie Zoning Ordinance.

This application does not propose development within the natural resource area determined by the Biotic Survey. Therefore, the criteria in subsection 322.7 (B) do not apply to this proposal.

CONCLUSION:

This application is consistent with the Objectives and Policies of the Comprehensive Plan, and meets the requirements of the Natural Resources Overlay Zone. No adverse impacts to the natural resource values on this site will result from the proposed development of the non-resource area of the subject site, as conditioned.

RECOMMENDATIONS:

- 1) **Staff recommends approval of Natural Resources Overlay Application NR-97-01, designating the boundary of the Natural Resources Area as shown on Exhibit 4, based on the previous conclusion and findings, and subject to the Conditions found in Exhibit 1:**

EXHIBITS:

1. Conditions of Approval
2. Vicinity map
3. Existing Lot Configurations for Tax Lots 200, 300 and 500
4. Proposed Natural Resources Overlay Designation Line
5. Hector Campbell / Linwood Joint Referral Response Memo received 6/6/97
6. Letter from Mr. Donald Hammang dated 5/26/97
7. Department of Public Works Memo dated 6/6/97
8. Public Works Comments dated 6/11/97
9. Deputy Fire Marshal Memo dated 5/23/97
10. Applicant's Narrative and Woodward-Clyde Consultants Survey
(Copies available for review at City Hall, Ledding Library and the Johnson Creek Building)

EXHIBIT 1
CONDITIONS OF APPROVAL FOR NR-96-01:

GENERAL

1. No Development permits shall be issued or disturbance on the site occur until a formal delineation of the wetland boundary has been made by the Army Corps of Engineers and the Division of State Lands, and all their requirements are met. If the determination of either of these agencies indicates some variation in the evaluation made by Woodward-Clyde Consultants, a revised Natural Resources Application must be submitted. A copy of the written determinations by these agencies and any conditions applied shall be provided to the Community Development Department prior to review of any Development Permit.
2. No tree removal or vegetation removal shall be undertaken on the area designated USV on Exhibit 4, without prior approval of an erosion control plan by the Community Development Department and the Public Works Department.

DEPARTMENT OF PUBLIC WORKS

3. The on-site storm drainage system, including roof drains and parking lot drains, must be tied into the storm line along the west and south sides of the property. Inverted siphon catch basins must be used in the parking lot.
4. Any project proposed for the developable site shall be connected to City of Milwaukie water and sewer. Water and sewer are available at the end of Mallard Way. Both are of adequate size to serve the proposed development.
5. Access to the developable portion of the site shall be from Mallard Way. A driveway approach is required across the end of Mallard Way to separate the public street from the private driveway. This must be detailed on the construction plans for on-site and off-site improvements.

BUILDING DIVISION

6. Because the developable portion of this site is located within an area of high groundwater and unstable soils, a Soils Report prepared by a Certified Soils Engineer and related Engineered Foundation must be submitted with the building permit.

EXHIBIT #	<u>1</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>staff</u>
# OF PAGES	<u>5</u>
FILE #	<u>NR-47-01</u>

SOUTH METRO FIRE PREVENTION DISTRICT

7. Fire Department approved access, grades and turnarounds shall be provided and maintained on this site.

COMMUNITY DEVELOPMENT

8. The Natural Resource Overlay Zone on Tax Lots 200, 300 and 500 shall be established to include all areas other than that identified as Upland Scattered Vegetation (USV) as shown on Exhibit 4. A survey of the perimeter of the area designated USV, identified in the Woodward-Clyde Consultants survey shall be made, and the boundaries identified on the site, prior to development on this parcel. The boundary of the required 5 foot development setback shall also be identified on the site.

The remaining areas designated in Exhibit 4 as PEM, POW/ EM, PSS, as identified in the Woodward-Clyde Consultants field survey, figure 6 (Exhibit 4) are specifically designated as a wetland riparian resource. Areas designated UM and USS are specifically designated as protected upland habitat area (Exhibit 4). No vegetation removal, trimming, mowing or development is permitted in these areas. Any action not determined by the Community Development Department to comply with Section 322.5 is subject to review through a Natural Resources Overlay Application, pursuant to Section 322 of the Zoning Ordinance.

9. A development setback of 5 feet is required. The setback shall be measured from the surveyed location of the boundary of the area identified as USV on Exhibit 4. At the edge of this 5 foot required setback from the Natural Resources Preservation area, the applicant shall install a 6 foot high solid perimeter fence around the site identified as USV. It is required that vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall be screened from the natural resource overlay area by sight-obscuring vegetation or fencing. The solid fencing is intended to serve this purpose.
10. No tree or vegetation removal, mowing or trimming shall be undertaken in the Natural Resource Area identified in Exhibit 4. This area includes any portion of Tax Lots 200, 300 and 500 not identified as USV on Exhibit 4.
11. Construction of the manufacturing building and headquarters shall comply with all requirements of the Zoning Ordinance, including all provisions of the BI zone and the requirements applied through review of the required TPR application. No tree removal or site clearing is to occur prior to approval of a erosion control plan

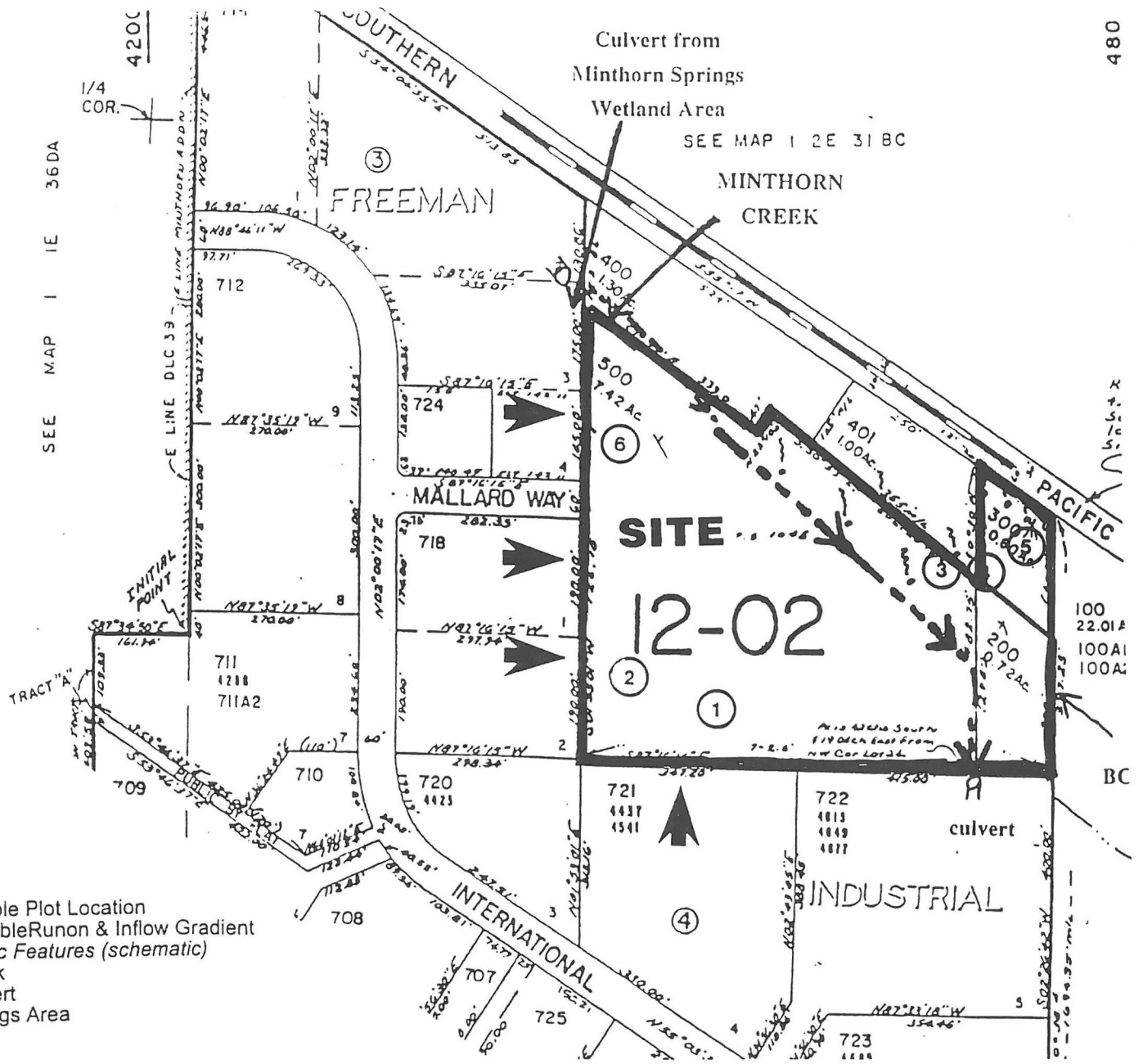
by the Community Development Department and the Department of Public Works, in conjunction with an approved building permit for the new construction. No site disturbance shall occur outside the boundary of the erosion control limiting line located at the 5 foot development setback line from the Natural Resources Boundary and Area designated on Exhibit 4. If in the alternative the applicant wishes to provide sight obscuring vegetation at the 5 foot development setback line, a plan showing the surveyed location of the existing chain-link fence (If it is to remain) and the location, type, size, and distance on center of the proposed planting materials shall be submitted to the Community Development Department for review. Use of native, non-invasive vegetation will be required.

12. No outdoor activities, including open fabrication or operations or use of hazardous materials, which create noise, dust, or glare or other adverse impacts, shall be conducted on the developable portion of the subject site due to their potential for adverse impacts on the adjacent Natural Resource Area.”
13. Any new application for development within the designated Natural Resource Area shall include a re-evaluation of the hydrology of the site and location of wetland areas.
14. The applicant shall prepare a deed restriction for Tax Lots 200, 300 and 400 which indicates that no disturbance of the Natural Resources Area is permitted without prior approval pursuant to Section 322 of the City of Milwaukie Zoning Ordinance. This deed restriction shall be reviewed and approved by the Community Development Department and then recorded. Proof of recordation of this approved deed restriction shall be required prior to issuance of development permits on any of these parcels.
15. The Natural Resources Site Survey addresses the long term maintenance of the proposed Natural Resources Area by proposing natural regeneration of the site. The adjacent Neighborhood District Association’s Land Use Committees have submitted proposed enhancement measures. Based on the larger scale of this project and the need to ensure the long term protection of this high quality wetland and upland resource area, the applicant shall prepare a Natural Resource Management Plan for the portion of the site not approved for development and in doing so shall consider and respond to each of the items proposed by the Linwood and Hector Campbell Neighborhood Land Use Committees. The Plan shall also be developed in coordination with the City of Milwaukie Department of Public Works. The Management Plan shall then be submitted to the Community Development Department for review. The comments of the Neighborhoods are as follows:

- a. Plant Pacific Willow and Douglas Spirea along the fence line on the new building site and along the fence line on the north edge of the OECO property. A natural vegetation buffer inside the wetland area will greatly improve the area.
- b. Suppress the Reed Canary Grass in the central pond area and around the building site. Removing the grass would allow the native plants to spread. Scatter a number of willows in the pond areas to restore the willow population that was removed by the repeated mowing.
- c. Scatter Black Cottonwoods throughout the western half of this site to replace the seed stock that was removed by the years of mowing.
- d. Remove the Blackberry along the berm surrounding Minthorn Creek. Removing these invasive plants will allow for the planting of willows along the stream bank. These new trees will provide cooler water and help with Blount Industries' need for a colder supply of water.
- e. Agree to refrain from any mowing, cutting, or removal of any wild land vegetation on the tree tax lots unless for the purpose of restoration and removal of invasive plants. After not being mowed for 2 years the Willow / Ash wetland forest is returning and this should be encouraged.
- f. Consider filling in the drainage ditches that drain the upland areas. Allow the natural flow of water to be restored to the area.
- g. Consider moving the path of Minthorn Creek to provide a more natural water flow. This change will allow for some storm storage and a better water supply for down stream users.
- h. Define the goals and methods for future protection and restoration of this site. This plan should seek to maintain and improve the function and value of this site. Management should consider the goal of leaving much of the recovery to nature and a low long term cost to the new owners. After some restoration work at the time of construction, we believe the site can prosper with very little intervention from the applicant.
- i. Consider community based resources for guidance and help with the development and execution of the management plan.

- j. Consider a joint venture with a Government Agency, a Land Trust or Conservation Group. This partnership may lead to the acquisition or donation of the property and provide for long term protection and management. There is even a potential for a small storm water storage area which would serve the community and the wildlife.

VICINITY MAP



Legend

- ① = Sample Plot Location
- ▶ = Possible Runon & Inflow Gradient
- Hydrologic Features (schematic)
- ⋯ = Creek
- ▭ = Culvert
- ?? = Springs Area

Project# 003NA
 Ward-Clyde Consultants

MITCHELL NELSON GROUP
 Wetland Delineation - Beaverton Properties
 Beaverton, Oregon

EXHIBIT #	2
DATE	6/24/97
SUBMITTED BY:	Applicant
# OF PAGES	1
FILE #	NR-97-01

480

BC

M Hy

EXISTING LOT CONFIGURATIONS

FOR TAX LOTS 200, 300 AND 500

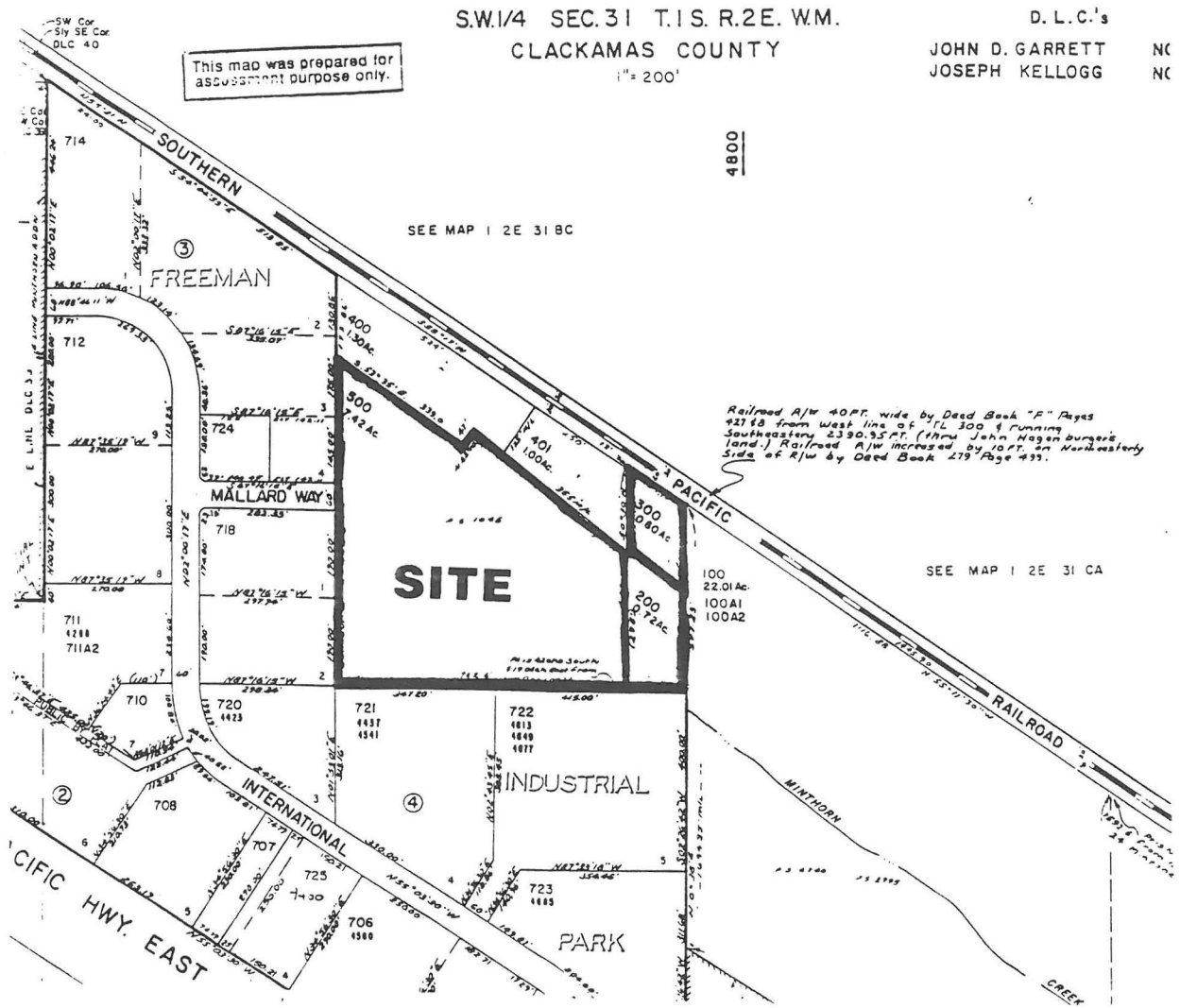


EXHIBIT #	<u>3</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>NR-97-01</u>

PROPOSED NATURAL RESOURCES AREA

BOUNDARY LINE

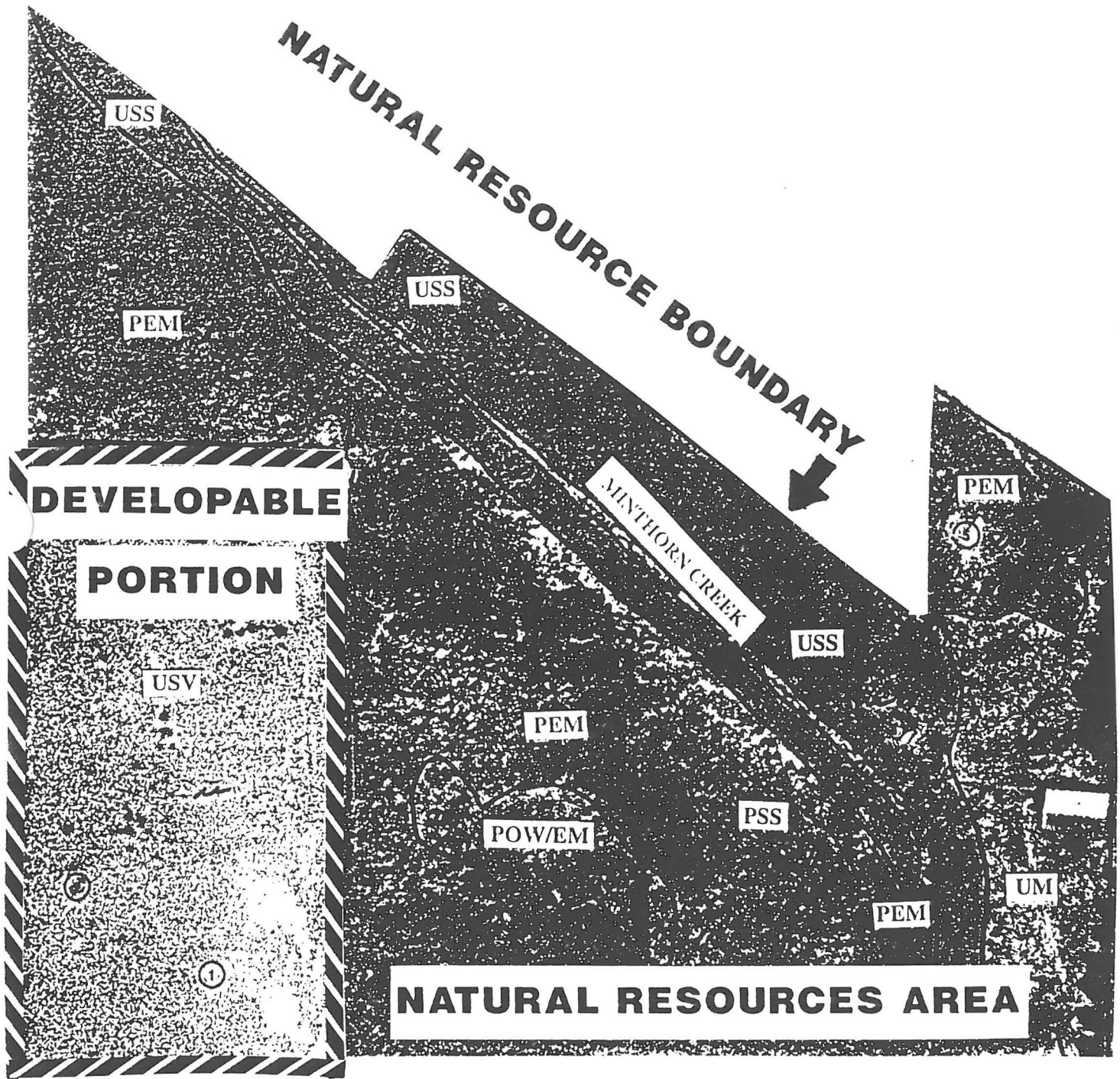


EXHIBIT #	<u>4</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>Applicant</u>
# OF PAGES	<u>1</u>
FILE #	<u>NR 97-01</u>



COMMUNITY DEVELOPMENT
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7650
FAX: (503) 774-8236

Neighborhood Land Use Referral

RECEIVED

TO: David Murray, Chair, Hector Campbell NDA Land Use Committee

FROM: Stacy Lawson, Assistant Planner

JUN 6 1997

CC: Dan Bartlett, Hector Campbell NDA Staff Liaison

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

The City of Milwaukie has received a land use application in your neighborhood as noted below. Please review this application and inform me in writing of the action taken by the Land Use Committee or full Association. To be included in the Staff Report, comments must be received by the date listed below. A copy of this cover sheet is also being sent to all members of the Land Use Committee and the Neighborhood Association chair. If you have any questions on the application or the process, please call me at 786-7653.

~~Date routed: 5/27/97~~ ~~PC hearing date: 6/24/97~~ ~~Comments due by: 6/6/97~~

File type: Natural Resource Review	File #: NR-97-01
Criteria: Section 322 of Zoning Ordinance	
Applicant: Criterion Supply, Inc Address: 4107 SE International Way Milwaukie OR 97222 Phone: 654-0206	Site location: Adjacent to SE Mallard Way Zoning: BI Proposal: Natural Resource delineation of the north portion of the OECO site.

~~Date of LUC Review:~~

Comments: (attach separate sheet if necessary)

THE ATTACHED RECOMMENDATIONS ARE MADE PLEASE
NOTE PLOT MAP

Daniel C Murray
HC NDA - LUC CHAIR

EXHIBIT #	5
DATE	6/24/97
SUBMITTED BY:	NDA'S
# OF PAGES	11
FILE #	NR-97-01



COMMUNITY DEVELOPMENT
6101 SE JOHNSON CREEK BLVD
MILWAUKIE, OREGON 97206

PHONE: (503) 786-7650
FAX: (503) 774-8236

Application for Land Use Action

(Please print or type)

APPLICANT(S): Criterion Supply, Inc dba Criterion Floor Phone: 654-0206

Address: 4107 S.E. International Way Milwaukie Zip: 97222

PROPERTY OWNER(S): OECO Corp. Phone: 659-5999

Address: 1607 S.E. International Way Milwaukie Zip: 97222

APPLICATION TYPE (check):

- | | |
|--|---|
| <input type="checkbox"/> Annexation
<input type="checkbox"/> Appeal (Admin. to PC/PC to CC)
<input type="checkbox"/> Community Service Overlay
<input type="checkbox"/> Comprehensive Plan Amendment (Major QI/Legislative)
<input type="checkbox"/> Conditional Use
<input type="checkbox"/> Exception
<input type="checkbox"/> Expedited Land Division
<input type="checkbox"/> Historic Resource Review:
<input type="checkbox"/> Alteration
<input type="checkbox"/> "Other" Alteration
<input type="checkbox"/> Demolition
<input type="checkbox"/> Deletion OR Designation
<input type="checkbox"/> Lot Line Adjustment
<input type="checkbox"/> Major Land Partition
<input type="checkbox"/> McLoughlin Corridor Design Review:
<input type="checkbox"/> Regular
<input type="checkbox"/> With Willamette Greenway Conditional Use
<input type="checkbox"/> Minor Land Partition
<input checked="" type="checkbox"/> Natural Resource Review | <input type="checkbox"/> Nonconforming:
<input type="checkbox"/> Use
<input type="checkbox"/> Structure
<input type="checkbox"/> Replacement of existing NCU
<input type="checkbox"/> Planned Development (Preliminary/Final)
<input type="checkbox"/> Solar Review
<input type="checkbox"/> Subdivision (Preliminary/Final)
<input type="checkbox"/> Temporary Structure
<input type="checkbox"/> Transition Area Plan Review
<input checked="" type="checkbox"/> Transportation Planning Review
<input type="checkbox"/> Variance:
<input type="checkbox"/> 25% or less of Zoning Ordinance standards
<input type="checkbox"/> Over 25% of Zoning Ordinance standards
<input type="checkbox"/> Sign Ordinance
<input type="checkbox"/> Subdivision Ordinance
<input type="checkbox"/> Zoning Ordinance Amendment:
<input type="checkbox"/> Map, Major Quasi-Judicial
<input type="checkbox"/> Map, Legislative
<input type="checkbox"/> Text, Major Quasi-Judicial
<input type="checkbox"/> Text, Legislative
<input type="checkbox"/> Other: |
|--|---|

PROPOSAL (describe briefly): approval to permit development on approximately 2.75
acres of a total 8.74 acre site. The development site is currently graded
and covered with 20" of crushed rock.

Location: adj. to S.E. Mallard Way Map & Tax Lot(s): 1S 2E 31C Tls 200, 300, 500

Comprehensive Plan Designation: Industrial Zoning: BI Size of property: 8.74 acres

PLEASE NOTE: The Land Use Committee (LUC) of your Neighborhood District Association (NDA) will receive a review copy of this application. If you may contact you and/or you may wish to contact them:
NDA: _____ LUC Chair: _____ Phone: _____

ATTEST: I am the property owner or I have attached the owner's authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate. I have attached a proposal description, criteria response, site plan/map, notice labels and map, and other relevant information as required for this application.

Submitted by: Yvonne L. Graham Finance Date: 3-24-97

THIS SECTION FOR OFFICE USE ONLY
File # _____ Fee \$ _____ Sign Tee's _____ Date _____

The Hector Campbell N.D.A Land Use Board met on 6-3-1997 to consider the Land Use Referral NR-97-01 in conjunction with the Linwood N.D.A.

Site History:

The site is composed of three tax lots as described in the referral form. The tax lots contain both wetland and upland topography as well as a mixture of representative vegetation. The land has in the past been used for farming and in the pre-settlement days was probably a beaver dam site or wetland/lake area. We believe this area is a very important wildlife and wetland site. The applicant is correct in the claim that this area is second only to Minthorn Spring in habitat value and should be conserved.

Recently, the area has been the subject of some industrial development from the Schnitzer business park and the OECO buildings. The subject area is the last remaining large parcel in the Minthorn Creek drainage that has not been developed.

Site Vegetation History:

The shrubs and trees on the site have had constant mowing to control their size. As recently as two years ago, Willow, Ash and Black Cottonwoods that were growing on the site were cut and cleared to the ground. This is evidenced by the multiple-stem nature of the Sitka Willow and Oregon Ash that reappeared in the center of tax lot 500. In the main pond area, the trees growing there were cut and mowed and they never returned. This constant disturbance has created a site with poor vegetative structure and a dominance of high disturbance plants. With the recent lack of the mowing the trees and shrub layer are beginning to return to the site.

Site Soil and Hydrologic History:

Minthorn Creek travels across the wetland plain in a ditch. This ditch does not represent the natural course of this creek. The current creek path is an old farm ditch that allowed the site to dry out by channeling the spring water. The creek and other water features were filled over the years and finally the Northern ditch was placed in a pipe and the City of Milwaukie dumped the remnant channel in the storm water system (see statement below). These actions almost destroyed the Minthorn basin water supply and cut off the water supply for Blount Industries.

Milwaukie changed Westech Engineering's plans for Wetlands Mitigation Project and ordered that Minthorn Creek's water is dumped into the storm water system 11-1-88. Page 1 introduction Paragraph 2, 3 and Figure 1.

SRI Report on Water flow in Minthorn Creek Dated 12-31-92.

The Issues of NR-97-01

Is the present 2.75 acre gravel fill pad still a viable Natural Resource site under Section 322?

Vegetation is not of significant wild land value although the Cottonwood trees are not saplings rather they display the multiple-tops of having been mowed.

Soils: The area is all Type 42 soils as stated by the applicant. We feel the bore hole evidence is weak since the surrounding areas are all wetland. It does not seem reasonable that the soils described in the bore hole data fully represent the native soil. The soils described on the site are roughly upland in color on top of peat. It seems that perhaps these soils were fill from a farming operation. The applicants' own wetland survey on sample area #1 states that at the 22 inch level (the native surface) they found highly compressed peat. Further in the narrative at the bottom of this it states "*Approximately 2 feet of native topsoil was removed*" and it appears 24 inches of fill material was placed on the site.

Hydrology: The site is wet. The test plots 1 and 2 both had water at the native surface. The map presented by Hector Campbell and the applicant all show standing water within 20 feet of the filled area. It is reasonable that this site is on top of saturated ground. Ditches continue to remove water from the surrounding area making it drier than it should be.

Discussion

This discussion is not about whether the top of the fill area is a wetland. It clearly is not.. We would like to point out that to claim that this site **was not originally** a wetland is dubious. The facts presented by the applicant provide that basis for these conclusions. If a wetland needs three elements for a determination we believe that they were (are) present.

- 1)The native soil types (wetland) are still present under the fill.
- 2)The area is wet all around the site at the native soil level.
- 3)The site is highly disturbed on the filled pad.

Finally, when presented with an after-the -fact investigation, one looks at the surrounding area for examples of what the site may have been before the area was filled. The surrounding area is Wetland, all parties agree on this point.

Although the applicant claims that they had "approval" from the jurisdictional agencies and permits for the parking lots from the City of Milwaukie we were not able to find any proof of these permits.

We feel compelled to raise these issues as part of this process. We do not seek to deny the use of this filled area as a building site, nor do we seek any enforcement action against the applicant or the current owners. We only want to have our observations aired and included in the record.

Should the N.R. overlay be removed from that 2.75 acre site? .

We believe that the applicant asks to have the right to build on the gravel pad while retaining the N.R. Zone. We welcome that idea, although, we believe the proper course is to remove the N.R. Zone to the edges of the gravel pad. The applicants narrative seems very supportive of protecting the N.R. value of this site and we applaud that.

We support the right of the applicant to use the 2.75 acre GRAVEL PAD in the manner outlined in the narrative, but only on the pad not the surrounding area.

We think the planned buffer on the building site is suitable for a warehouse, but does not create enough of a buffer for a wetland. The area around the new building could benefit from the better buffer. The construction of the buildings, pile driving, and foundation work will create significant (short term) disturbances to the wild areas. We feel that some mitigation is in order for this project.



Mitigation Proposals:

Vegetation: To restore and buffer the wetland edge.

- Plant Pacific Willow and Douglas Spirea along the fence line on the new building site and along the fence line on the north edge of the OECO property. A natural vegetation buffer inside the wetland area will greatly improve the area.
- Suppress the Reed Canary Grass in the central pond area and around the building site. Removing the grass would allow the native plants to spread.

Scatter a number of willows in the pond areas to restore the willow population that was removed by the repeated mowing.

- Scatter Black Cottonwoods throughout the western half of this site to replace the seed stock that was removed by the years of mowing.
- Remove the Blackberry along the berm surrounding Minthorn Creek. Removing these invasive plants will allow for the planting of willows along the stream bank. These new trees will provide cooler water and help with Blount Industries' need for a colder supply of water.
- Agree to refrain from any mowing, cutting, or removing any wild land vegetation on the three tax lots unless for the purpose of restoration and removal of invasive plants. After not being mowed for 2 years the Willow/Ash wetland forest is returning and this should be encouraged.

Hydrology: To restore a proper water flow.

- Consider filling in the drainage ditches that drain the upland areas. Allow the natural flow of water to be restored to the area.
- Consider moving the path of Minthorn Creek to provide a more natural water flow. This change will allow for some storm water storage and a better water supply for down stream users.

Management Plan: The guide to the future.

- Define the goals and methods for the protection and restoration of this site.
- The plan should seek to maintain and improve the function and value of this site.
- Management should consider the goal of leaving much of the recovery to nature and a low, long term cost to the new owners. After some restoration work at the time of construction, we believe the site can prosper with very little intervention from the applicant.
- Consider community based resources for guidance and help with the development and execution of the management plan.

Partnerships: A Possible Next Step.

- Consider a joint venture with a Government Agency, a Land Trust or Conservation group. This partnership may lead to the acquisition or donation

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- Consider a joint venture with a Government Agency, a Land Trust or Conservation group. This partnership may lead to the acquisition or donation of the property and provide for long term protection and management. There is even a potential for a small storm water storage area which would serve the community as well as the wildlife.

ATTACHMENTS

Applicants Wetland Delineation Forms 1-6 Included because we felt the City packet may have the front and back of the forms matched incorrectly

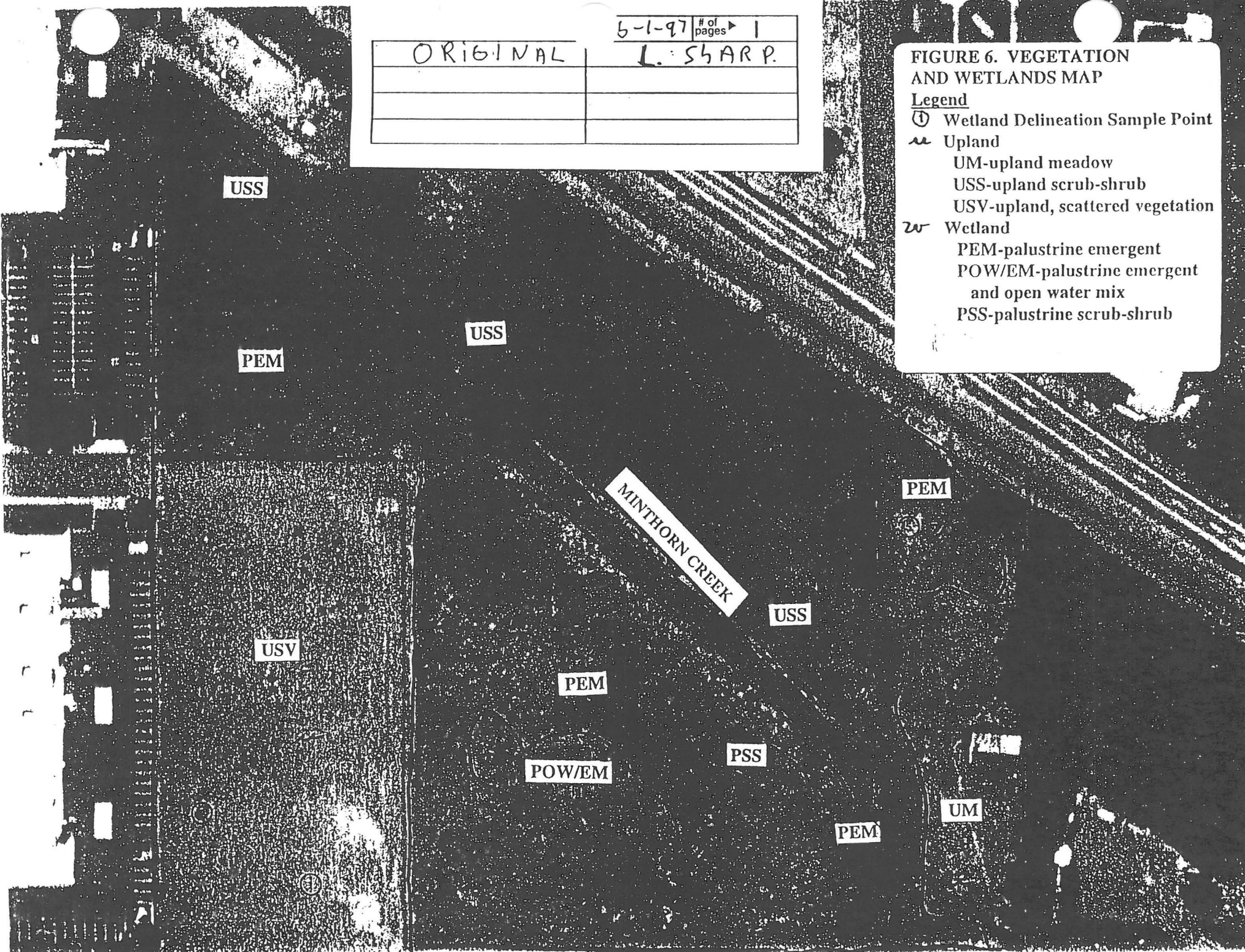
Map of site with modifications to show relationships.

ORIGINAL	L. SHARP.

FIGURE 6. VEGETATION AND WETLANDS MAP

Legend

- ⊙ Wetland Delineation Sample Point
- ~ Upland
 - UM-upland meadow
 - USS-upland scrub-shrub
 - USV-upland, scattered vegetation
- W Wetland
 - PEM-palustrine emergent
 - POW/EM-palustrine emergent and open water mix
 - PSS-palustrine scrub-shrub





COMMUNITY DEVELOPMENT
 101 SE JOHNSON CREEK BLVD
 MILWAUKIE, OREGON 97266

PHONE: (503) 786-7650
 FAX: (503) 774-8236

Neighborhood Land Use Referral

TO: Bob Hatz and Tracy Cook, Co-Chairs, Linwood NDA Land Use Committee

RECEIVED

FROM: Stacy Lawson, Assistant Planner

JUN 6 1997

CC: Dan Bartlett, Hector Campbell NDA Staff Liaison

CITY OF MILWAUKIE

The City of Milwaukie has received a land use application in your neighborhood as noted below. Please review this application and inform me in writing of the action taken by the Land Use Committee or full Association. To be included in the Staff Report, comments must be received by the date listed below. A copy of this cover sheet is also being sent to all members of the Land Use Committee and the Neighborhood Association chair. If you have any questions on the application or the process, please call me at 786-7653.

Date routed: 5/21/97 **PC hearing date:** 6/24/97 **Comments due by:** 6/6/97

File type: Natural Resource Review **File #:** NR-97-01

Criteria: Section 322 of Zoning Ordinance

Applicant: Criterion Supply, Inc
Address: +107 SE International Way
 Milwaukie OR 97222
Phone: 654-0206

Site location: Adjacent to SE Mallard Way
Zoning: BI
Proposal: Natural Resource delineation of the north portion of the OEKO site.

Date of LUC Review:

Comments: (attach separate sheet if necessary)

The Linwood NDA Land Use Committee has reviewed the attached proposal & have no major concerns. However, in discussing this proposal with Hector-Campbell NDA we have mutual environmental impact concerns. Attached you will find a mitigation proposal to improve and repair the wetland areas from past practices on this site. This mitigation proposal is well within the ability of the applicant to perform.

Tracy L Cook Chair

Mitigation Proposals:

Vegetation: To restore and buffer the wetland edge.

- Plant Pacific Willow and Douglas Spirea along the fence line on the new building site and along the fence line on the north edge of the OEEO property. A natural vegetation buffer inside the wetland area will greatly improve the area.
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- Consider filling in the drainage ditches that drain the upland areas. Allow the natural flow of water to be restored to the area.
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Partnerships: A Possible Next Step.

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Donald Hammang

11104 SE Home Ave. Milwaukie OR 97222
503 652 0968

Pager 948-0511

May 26, 1997

Stacy Lawson
City of Milwaukie Community Development Department
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

RE: NR-97-01

Dear Stacy,

After a brief review of the Land Use Referral form for NR-97-01 it is apparent to us that we need more information. Dave Murray has expressed the concern that due to the technical nature of this review we may need more time. The June-6-1997 date seems very short considering the time it takes to acquire documentation for review. Please advise Dave Murray of the rules concerning an extension of this review period.

On the surface we see no problem with the site plan or the use of this parcel however, there are several critical facts and issues out standing. Please see the attached sheet for the specific fact requests. .

Issues:

- Is there a Wetland Delineation report for the parcel(s) in question? How does this relate to possible on-site mitigation?
- What permanent protection is being offered to the other site resources?
- Where is documentation for the Jurisdictional reviews that took place on this site?
- What is the status of the remaining land? This site includes three tax lots, how easy will the future development be given that there is no statement(s) of the value of the remaining resources?
- What future plans does the City have for water storage on that site?

05/26/97 NR-97-01

EXHIBIT #	<u>6</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>MDA</u>
# OF PAGES	<u>17</u>
FILE #	<u>NR-97-01</u>

- **Finally, is there an applicant resource we may talk to directly for information?**

Sincerely,

Donald Hammang

David Murray Hector Campbell Land Use Chair (659-5105)

Request for information RE: NR-97-01:

We would like additional information of the following topics. If this seems bothersome forgive us, we want to make a clear, informed decision. If we may help in gathering this information please direct us to the proper sources.

Lane Powell...by Ian Whitlock Document dated 1-15-97

Item marked #1

What permits were issued for the filling of the OEEO property site and the grading of the parking lot in 1986 or 1987?. Can the City produce these permits for the parking lot filling and grading?

Was an investigation done regarding the Clean Water Act aspects of this site?

What documents does the City hold in regards to this parking lot action?

Item marked #2

Although the claim is made that the Corps did not disapprove of the parking lot, it does not seem that the parking lot was the item in question here. Is there any documentation regarding this de-facto approval of this fill?

In the Mitchell Nelson Narrative to Application:

Does the application include any documentation to support the claim that there are no open jurisdictional issues on the past activities on this site?

05/26/97 NR-97-01

Item #1

Does the City have a document titled Natural Resources Inventory for OEEO-Criterion Property written by Woodward-Clyde Consultants? Is this document available for review. This report is sited in the Mitchell Nelson Narrative to Application.

Item #2

What geo-technical study exists, that was reviewed by both Corps and DSL and has determined that “...*no permit was required to place the fill on the site*”. Is there a copy of this ruling from the Corps and DSL?

Is there any evidence that both DSL and the Corps reviewed the previous filling of the site and approved it? **Item #3** states “...*that earlier reviews and consideration of this specific site area by both COE and DSL concluded that the area could be filled, graded, and used for auxiliary parking....*”. Where is the documentation for this claim and is it available?

What permanent protection is being offered for the remaining 5.99 acres of upland and wetland area ?

Where is the wetlands report and with whom has it been filed?

WOODWARD-CLYDE CONSULTANTS: Letter to Rob Price from Lynn Sharp. Dated 1-31-97

Item #1

Although the claim is made that the Corps and DSL have no claim to this site as a past unmitigated fill, is there any proof of this claim or meeting? Has a delineation been conducted regarding the parking lot and the rest of the parcel? Is it available for review?

Item #2

What was the discussion between the Lynn Sharp and Susan Heiser on 1-10-97 regarding redefining the NR boundaries? Are there minutes that are available? What are the conditions relevant to the removal of the NR Classification . Why is it stated that “...*it should be very easy to convince the City to redefine the NR boundaries...*” Was there consideration given to the idea that this may be a past un-permitted fill and it maybe a buried wetland?

05/26/97 NR-97-01

Item # 3.

Are there minutes or notes for the 1-30-97 meeting between Lynn Sharp , Matt Dolan and Paul Roger and Jim Brink. What were the issues?
Has the City made any proposals related to this project? If so, what are they?

Other thoughts

- The site plan does not show catch basins nor is there any narrative regarding the disposition of roof and road surface water.
- The site does not connect with the roadway as shown on the site plan. Is the road to be moved or is this a problem with the drawing?

Woodward-Clyde Consultants

Engineering & sciences applied to the earth & its environment

January 31, 1997
975003NA

Bob Price
Mitchell-Nelson Group
233 SW Naito Parkway
Portland, OR 97204

Re: Criterion Floor Coverings Due Diligence

Dear Bob:

This letter summarizes the results of our due diligence investigation of the property Criterion Floor Coverings is interested in purchasing from OEEO.

Wetlands

#1

No apparent fatal flaws. We met with Brian Lightcap and Doris McKillup of the Corps and Tammy Hubert of the DSL at the site on January 21, 1997. Brian had made the original call on the filling for the parking lot. They all seemed to agree with Brian's call. Tammy said she would contact Ken Bierly (formerly of the DSL) about it for some background. I haven't heard whether Tammy talked to Ken. The Corps was not interested in revisiting the earlier fill. Doris recommended, however, that we conduct a wetland delineation of the parking lot (there were a few areas with cottonwoods and standing water during the site visit). If there are wetlands on the parking lot, their acreage will probably be small and it would be easy to mitigate at fairly low cost by controlling reed canarygrass and planting trees and shrubs in the remainder of the parcel, so I did not conduct the delineation during this phase.

NR Zone

#2

No apparent fatal flaws. We briefly met with Susan Heiser of the City of Milwaukie Planning Department on January 10, 1997. It should be very easy to convince the City to redefine the boundaries of the NR zone to exclude the parking lot, given its very low resource value. It may be necessary to do some enhancement of the existing wetland, but this will be relatively easy (see above under wetlands).

LANE
POWELL
SPEARS
LUBERSKY

LLP

Tan K. Whitlock
(503) 773-2147

January 15, 1997

Law Offices

A Limited
Liability
Partnership
Including
Professional
Corporations

Ms. Lynn Sharp
Senior Project Scientist
Woodward Clyde
111 SW Columbia, Suite 900
Portland, Oregon 97201

RECEIVED

JAN 19 1997

THE MITCHELL NELSON GROUP
INCORPORATED

Re: OECO Corporation
Our File No. 17046-42

Dear Ms. Sharp:

Shortly before the holiday break, you and I discussed the regulatory status of some property owned by the OECO Corporation on International Way in Milwaukie. In your work on behalf of a prospective purchaser of that property, you had asked about the history of a parking lot behind and to the north of the OECO building, between the building and the Southern Pacific right-of-way.

During our conversation, I passed along information I obtained from OECO's facility manager, Kerry Walsh, and Brian Lightcap at the Corps of Engineers. You asked for a follow-up letter for your files.

Since our conversation, I again spoke with Mr. Walsh and Marvin Whitney, the facility manager at the time the parking lot was graded (approximately 1986 or 1987). According to Mr. Whitney, permits for the parking lot were obtained from the City of Milwaukie. Shortly after the parking lot was graded, OECO began planning an expansion of its facilities in the undeveloped area adjoining the parking lot. The proposal for expansion would have involved relocating approximately 600 feet of Minthorn Creek. Concerned that there might be regulatory issues involved in this expansion, Mr. Whitney contacted the Corps of Engineers some time in early 1988. On February 24, 1988, Mr. Whitney sent Brian Lightcap a letter explaining the proposed expansion. Mr. Lightcap then visited the site on March 8, 1988. (Mr. Whitney believes that a representative from the Department of Fish & Wildlife was also present.)

According to Mr. Whitney, Mr. Lightcap expressed the view that there were not any "big issues" or "concerns" with the proposal, leaving Mr. Whitney with the

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Facsimile:
(503) 224-0388

Anch AK
Fiji AK
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Mount Vernon, WA
Olympia, WA
Portland, OR
San Francisco, CA
Seattle, WA

London, England

Ms. Lynn Sharpe
January 15, 1997
Page 2

#2
impression that the necessary regulatory approvals could be obtained. There was no suggestion that the development would be forbidden. Significantly, nothing was said about the parking lot. There was no suggestion that the grading was improper, or that the plans for expansion on the undeveloped portions of the property would need to account in any fashion for any previous fills.


Following Mr. Lightcap's visit, on March 11, 1988, the Corps of Engineers wrote to Mr. Whitney informing him that the proposed facility expansion, and movement of Minthorn Creek, would require a Section 404 permit. Again, no mention was made of any inappropriate activity having occurred in the past.

For various reasons, OECO dropped its expansion plans and no action was taken on a Section 404 permit application.

I have enclosed copies of the relevant correspondence with this letter. If you have any further questions concerning the history of the property, please do not hesitate to call.

Very truly yours,

LANE POWELL SPEARS LUBERSKY LLP



Ian K. Whitlock

Enclosure
cc (w/enc): Kerry Walsh

J:\CGI\KWI\14445IKW.LTR



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Narrative to Accompany Application

Background

Criterion Floor Coverings, a division of Criterion Supply, Inc., is currently a tenant in the business park adjacent to the site, and wishes to acquire and develop a site for its own use. Criterion Floor Coverings is a commercial floor coverings firm providing materials and services primarily to multi-family property owners, developers and managers. With the main corporate office currently located at 4107 S.E. International Way in Milwaukie, Criterion has offices in Seattle, Sacramento and the San Francisco Bay area to provide the same materials and services to the same client types.

Criterion owners have determined the need for a new "home" which might be designed to more closely suit their specific needs. The current location is simply a flex space warehouse/office which, although generally suitable, lacks some specific details and provisions for the business which Criterion is conducting. Desiring to stay in the same neighborhood which the owners and staff of Criterion have come to enjoy, Criterion conducted a site search to identify potential locations for their own corporate headquarters.

Through this site search process, Criterion identified a parcel currently owned by OEEO Corp. which has been determined by OEEO to be surplus property. Located on the northwesterly side of the existing OEEO campus at the stubbed end of SE Mallard Way, the graveled portion of the site is ideally suited for Criterion's needs. Based on the agreement between OEEO and Criterion, the entire area of Tax Lots 200, 300 and 500 will be acquired by Criterion. This area totals approximately 8.74 acres, based on information taken from current Assessor's map records.

Within this area of 8.74 acres, the southwesterly 2.75 acres (approximately) has previously been surcharged and covered with crushed rock. This was done in about 1987 by OEEO Corp. in anticipation that this area would be used for an additional parking area. At the time, OEEO was anticipating a significant expansion of facilities. Circumstances changed over the years, and OEEO has agreed to sell the 8.74 acre site to Criterion, conditioned by the ability of Criterion to obtain necessary approvals and permits from the City of Milwaukie.

Site Description

The 8.74 acre site is comprised of three tax lots (T1S, R3E, Sec. 31C, Tls 200, 300 & 500). The site is located just north of S.E. International Way, south of the Southern Pacific rail right of way, west of the Omark development, and west of the Lincoln Properties industrial park development. Access to the site is gained from S.E. Mallard Way which stubs directly into the site.

LAND USE
PLANNING

ENGINEERING

LANDSCAPE
ARCHITECTURE

PROJECT
MANAGEMENT

DEVELOPMENT
SERVICES

133 SW NAITO
PARKWAY

PORTLAND,
OREGON 97204

TEL
503/ 225-0822

FAX
503/ 273-8353

WWW.MNGL.COM



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The site area is generally flat and level, with the exception of the northerly portion of Tax Lot 200, which slopes upward sharply toward the Southern Pacific rail right of way. Drainage patterns on the site are not clearly defined because of the undeveloped nature of the site itself and the flatness of the general vicinity between the Southern Pacific rail right of way and S.E. International Way. However, records indicate a very slight slope from north to south in this area, resulting in a slight southerly direction for all surface drainage. Because the 2.75 acre portion of the site is already filled and graded, and is approximately 20" above the surrounding natural resource area, the potential impacts of development will be minimal, if any.

Current use of the site is vacant and undeveloped, with the exception of the southwesterly 2.75 acres which has been surcharged and graveled. This portion of the site is currently fenced with a six foot cyclone fence on three sides. The unfenced side is that which is adjacent to the existing OEEO paved parking area to the south.

All necessary and required services and utilities are immediately available to the site, requiring only an appropriate extension of those services and utilities onto the site to serve the proposed use. This includes, but is not limited to, public water, sanitary sewer, natural gas, telephone, electricity, and storm drainage.

With the exception of the 2.75 acres which are graveled, the balance of the site is vacant and undisturbed in wetlands and upland habitat. This is more completely described in the accompanying report by Woodward-Clyde Consultants entitled Natural Resources Inventory for OEEO-Criterion Property. Minthorn Creek traverses the property, but does not cross the 2.75 acre graveled area.

Existing uses adjacent to the 8.74 acre total site are the OEEO campus on the south side, Omark industrial facilities on the east side, Southern Pacific rail right of way on the north and two small tax lots which may be used for materials storage by others, and the Lincoln Properties industrial park on the west. Properties to the east, south and west are fully developed.

A geotechnical study was completed and a review was conducted by the U.S. Army Corps of Engineers (COE) and the Oregon Division of State Lands (DSL). It was determined by both agencies that no permit was required to place that fill on the site. A current review of the local situation, including on site review by COE and DSL have confirmed that no wetlands exist on the filled area where Criterion proposes to develop its own corporate headquarters. The balance of the site, approximately 5.99 acres, will remain as natural area.

In the course of site planning for the site, it was determined, in concert with staff from the City of Milwaukie, that the entire 8.74 acres within the three identified tax lots has a NR (Natural Resources) overlay as part of the city's Comprehensive Plan. Underlying base zoning is BI (business Industrial). The BI zone allows the proposed corporate headquarters which also includes sales and warehousing and distribution. All of these proposed uses are "Uses Permitted Outright" under Section 324.2 of Milwaukie Ordinance #1769. However, because



avoidance of the more accurately designated NR area of the site, the existing natural resource area will be maintained in its integrity and values.

The required addressing of Section 322.7 has basically been completed through the Woodward-Clyde report. The boundaries of the proposed development area have already been clearly defined and separation from the balance of the site has also been accomplished through the fencing which exists around the perimeter of the 2.75 acre development site. This perimeter will be further defined and protected through a landscaped buffer. The final site plan will identify all measures to reduce impacts, in accordance with 322.7(A).

Because of the nature of the site and the type of development proposed on an area which was previously filled and graded, the provisions of 322.7(B) generally do not apply, even though the applicant is not proposing to remove the NR overlay. Rather, the applicant proposes to work within the existing NR overlay area of the property, protecting and maintaining that area which is truly viable natural resource area.

The Site Plan

The proposed development of the 2.75 acre portion of the total site is illustrated by the Conceptual Site Plan which accompanies this application. A 35,000 square foot single story structure is proposed, with a configured combination of offices and warehouse facilities. The warehouse area will include loading bays for large truck deliveries and shipments. No use of rail service is proposed, even though the total site is adjacent to the rail line on the north side.

The site will be configured to allow for truck turning and maneuvering. This same area will be used as an emergency vehicle turn around area. At the present time, Criterion takes delivery of a maximum of one truck shipment per working day, and sends out a maximum of one truck per working day. Smaller vehicle trips are limited because Criterion does not sell to the general public. Therefore, normal daily traffic consists largely of the arrival of employees in the morning and their departure in the afternoon. Work crews are usually dispatched directly to the site from the employees' residences rather than the crews coming to the site first thing in the morning for orders, then departing to the job site.

Parking will be provided as required by Milwaukie Ordinance #1773, Section 503.3, H.2. Under these provisions, a maximum total of 35 spaces will be provided. Also included will be bicycle parking spaces in compliance with Section 505 and handicapped parking spaces. No reduction in required parking (Section 503.4) is being requested, although the site development plan could fulfill criteria A., C. and D. of this Section, thus qualifying the site for up to 20% reduction in parking.

Off Street Loading Standards, as per Section 504.2, shall be met. The current facilities used by Criterion contain only one loading space, which does meet the needs of the applicant. However, with the increase in building size, Criterion agrees that 2 and possibly 3 loading spaces will be necessary. Their design shall meet the standards contained in Sections 504.3, 504.4 and 504.5.



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of the NR overlay, environmental review is required in order for development to occur in the NR area.

The Request

Criterion Floor Coverings, a division of Criterion Supply, Inc., proposes to develop the southwesterly 2.75 acres of the total 8.74 acre site for a corporate headquarters, which will include sales, warehousing and distribution activities. Approximately 35,000 square feet of customized building will be developed. While the proposed uses for Criterion are allowed outright in the BI zone, approval is necessary to develop within the NR overlay area.

According to the report by Woodward-Clyde, the southwesterly portion of the total site, or that area which is proposed for development, is not a natural resource area. While the removal of the NR overlay on this portion of the site is not being requested, the ability to develop an area which has little or no natural resource value based on its prior filling and grading is what is requested.

Justification

Although the entire 8.74 acre site area is zoned BI and is overlain by the NR designation, recent technical information indicates that the southwesterly 2.75 acres should not be included within the NR overlay and should be allowed to develop freely within the parameters of the BI zone. The Woodward-Clyde report concludes:

The gravel parking lot area should be excluded from the NR zone. It has little or no habitat or natural resource value. The remainder of the three parcels should be included in the NR zone because they include wetland and upland habitats and the riparian zone along Minthorn Creek.

In addition, the Woodward-Clyde report states:

No FEMA-mapped floodplains exist on the property.

The fact that earlier reviews and considerations of this specific site area by both COE and DSL concluded that the area could be filled, graded and used for auxiliary parking also indicates that this 2.75 acre portion was not an area which was nearly as important in terms of natural resource values as the balance of the total site. Again, the applicant is not requesting a removal of the NR overlay on the 2.75 acre portion, but merely that they be allowed to develop within the parameters of the underlying BI base zone.

The development of the 2.75 acre portion of the total site will not have any adverse impacts on the natural resource values of the balance of the site. There currently exists, and will remain, a distinct differentiation between the 2.75 acres proposed for development and the remaining 5.99 acre balance which is currently in wetland and upland habitat. Through the use of fencing and landscaped buffer, the two areas will be kept separate. Through this

#3



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As required by Section 1400 of ordinance #1762, the site will be connected with S.E. Mallard Way by a pedestrian way. This pedestrian way shall be defined by distinctive paint striping and shall connect the main entrance of the building with the existing sidewalk on the south side of S.E. Mallard Way. This sidewalk on S.E. Mallard Way allows a pedestrian complete access to S.E. International Way and the nearby transit stop.

The site will be developed with landscaping as required. Perimeter landscaping will be defined as "higher screen buffering" on the west side of the site, adjacent to the existing industrial park uses there, and on the south side of the site adjacent to the existing parking area for OECO Corp. "Lower screen buffering" will be developed on the north and east sides of the development site, to allow for visual connection and enjoyment of the natural areas on the balance of the total site. Landscaping will also be provided around portions of the perimeter of the building, especially at the entrance and parking areas.

The building will be built in the same general style as the existing industrial park development which surrounds it. Colors of the building will be muted earth tones and signage will be consistent with the area. In other words, the Criterion development will "fit perfectly" into the character of the area.

Criterion

322.7 Development Standards

In addition to requirements of the primary zone, applicants for development activities within the Natural Resource Overlay Zone shall provide a written report, as required by the Community Development Director, identifying how the activity complies with the following standards:

A. *Development activities within a designated Natural Resource Site which is adjacent to or outside of the specific natural resource location, may show by on-site survey that the boundary of the NR Overlay Zone should exclude the activity site, but in any event, must comply with the following:*

1. *Site Preparation and construction practices shall be followed that prevent drainage of hazardous materials or erosion, pollution, or sedimentation to the adjacent natural resource location.*

The site is virtually flat, except for the north portion of Tax Lot 200, which slopes upward. Because the site is flat, erosion should not be a concern to the natural resource area. Drainage patterns are not clearly established on the site. Proposed pavement areas will be graded, appropriately to drain into designated catch basins, thus protecting the adjacent natural resource area.

2. *A development setback, which adequately protects the resource site, is required.*

As shown on the site plan the natural resource area is adequately set back, from the adjacent natural resource area. In addition, the use of perimeter landscaping will also provide buffering and separation between the area to be developed and the adjacent natural resource area.

3. *Development consisting of vehicle maneuvering and parking areas, outside storage and display areas, and trash collection areas shall also be screened from the natural resource location by sight-obscuring vegetation or fencing.*

The site plan shows vehicular circulation with adequate parking areas. This same area will be used as an emergency vehicle turn around area. Storage and trash collection will be located on the opposite side

of the building and will be heavily screened by fencing or vegetation. As stated in the Narrative, the site will be developed with landscaping as required. Perimeter landscaping will be defined as "higher screen buffering" on the west side of the site, adjacent to the existing industrial park uses there, and on the south side of the site adjacent to the existing parking area for OECO Corp. " Lower screen buffering" will be developed on the north and east sides of the development site, to allow for visual connection and enjoyment of the natural areas on the balance of the total site. Landscaping will also be provided around portions of the perimeter of the building, especially at the entrance and parking areas.

4. *Outdoor activities including open fabrication or operations which create large amounts of noise, dust, or glare, except for river related and river-dependent uses, are not allowed due to their higher potential for adverse impacts on adjacent natural resource locations.*

Most outdoor activities will be performed on the backside of the building, which is opposite of the natural resource area, however no exceptionally loud, dusty activities are part of the applicant's operation.

5. *The types, sizes, and intensities of lights must be placed so that they do not shine directly into the natural resource locations.*

There are three existing street lights located on the site – see Site Map. Additional lights will be added for vehicle and pedestrian circulation. Additional lighting may be required in the loading dock areas, which are located on the opposite side the building from the natural resource area.

MEMORANDUM

TO: COMMUNITY DEVELOPMENT

FROM: Paul Roeger, Civil Engineer *P. HR*
9 213

RE: NR-97-01
Adjacent to Mallard Way
Criterion Supply

DATE: June 6, 1997

Public Works made the determination on or about 30 January 1997 that it would not be necessary for the developer to extend Mallard Way across the north edge of tax lots 200 and 500 with the intent that the cost of such improvements would better be used toward improvement of the wetlands and storm drainage capacity on tax lots 200, 300, and 500. It is still the recommendation of Public Works that the waiving of public improvements, i.e. 40 feet of street including curb and gutter, and 5 feet of sidewalk on both sides of the street, for minimum length of 800 feet be offset by a similar amount of resources to develop the wetlands and drainage system on tax lots 200, 300, and 500.

Public Works would like to continue to work with this developer on improved drainage through the wetlands area and possible detention facilities along Minthorn Creek.

On site storm drainage, including roof drains and parking lot drains, must be tied into the storm line along the west and south lines of the property. Inverted siphon catch basins must be used in the parking lot.

City sanitary sewer and water are available at the end of Mallard Way. Both are of adequate size to serve the proposed development.

Access will be from Mallard Way. A driveway approach is required across the end of Mallard Way to separate the public street from the private driveway. This must be detailed on the construction plans for on-site and off-site improvements.

EXHIBIT #	<u>7</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>NR-97-01</u>

6-11-97

Stacy

SUBJECT: Mitigation Proposals for OEEO property

1. Vegetation: No problem w/ any of the proposals.

2. Hydrology: No problem w/ either of the 2 proposals. I believe both the vegetation and hydrology proposals should be conditions for the development of the gravel pad.

3. Partnerships

a. City takes the lead in designing a storm water storage area. Lead means funding the design.

b. When the design is complete and a proposal ready, City and Criterion determine an acceptable scope of work and cost share. Design and preparation of a proposal may take 3-5 years. Other partners may be available.

c. Recommendation - ~~is~~ maintenance of wetlands and/or detention facility is best suited to a Conservation group.

Jim

EXHIBIT #	8
DATE	6/24/97
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	NR-97-01

SOUTH METRO FIRE PREVENTION OFFICE

"SERVING MILWAUKIE & CLACKAMAS COUNTY F.D. #1"

15711 S.E. 90th

Clackamas, Oregon 97015

Business - 655-8537

FAX - 655-8880

Voice Mail - 655-8537

TO: Stacy Lawson, Assistant Planner (Milwaukie Community Development)

FROM: Deputy Fire Marshal Ernie Badeau

SUBJECT: NR-97-01

DATE: May 23, 1997

After careful review the South Metro Fire Prevention Office wishes to report that the granting of this Natural Resource delineation of the north portion of the OECO site is not in conflict with the U.F.C. (Uniform Fire Code) adopted by the City of Milwaukie. The only additional comment is that fire department access, grades and turnarounds be provided and maintained on this site.

Yours in Fire and Life Safety,



Ernie Badeau,
Deputy Fire Marshal

EXHIBIT #	<u>9</u>
DATE	<u>6/24/97</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>1</u>
FILE #	<u>NR 97-01</u>

**Community Development Department
June 12, 1997**

TO: Dan Bartlett, City Manager
FROM: *MC* Maggie Collins, Community Development Director
RE: Planning Commission Action

At its May 27, 1997 meeting, the Planning Commission unanimously endorsed the idea of inviting an MDDA representative to sit with the Commission during its upcoming review process for Regional Center proposed code changes during the next fiscal year.

As the Regional Center Steering Committee winds down, planning staff would recommend appropriate Council review of this proposed action, so as to retain continuity of the Steering Committee's direction.

Cc: Milwaukie Planning Commission

City of Milwaukie
Planning Commission
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97206

June 12, 1997

Jeff Marshall, Chair
Milwaukie Park and Recreation Board
10722 SE Main Street
Milwaukie, OR 97222

RE: Your May 7, 1997 Letter to the Community Development Director

Dear Jeff:

Thank you for your informative letter regarding the Junior High Site and its future as a park and community facility. I passed your letter to the Planning Commission for review and comment. The Commission reviewed your letter on May 27, 1997. On their behalf, they asked me to thank you for your salient points and for suggesting ways that various groups can work together. They asked me to thank you for sharing your concerns. They also noted that your main point, to save open space for a public purpose, is shared by many.

After the City Council has reviewed and taken action on the first Phase of the City's Regional Center Master Plan, it is anticipated that a public process to discuss and sort through options for the Junior High site will occur. This will probably be in the autumn of this fiscal year.

PARB will be placed on a mailing list to be notified of this future planning process. Again, thank you for your communication.

Sincerely,



Maggie Collins, Director
Community Development Department

cc: Dan Bartlett, City Manager
Milwaukie Planning Commission
Sharon VanHorn, Chair, Ardenwald Neighborhood District Association



June 12, 1997

Francis and Eleanor Campbell
4605 SE Logus Road
Milwaukie, Oregon 97222

RE: Your May 6, 1997 Letter to the Milwaukie City Council

Dear Mr. and Mrs. Campbell:

I passed your letter regarding the Milwaukie Junior High Site to the Planning Commission for review and comment. The Commission reviewed your letter on May 27, 1997, and I am writing to you on behalf of the Planning Commission. They asked me to thank you for sharing your concerns. They also noted that your main point, to save open space for public use, is shared by many.

After the City Council has reviewed and taken action on the first Phase of the City's Regional Center Master Plan, it is anticipated that a public process to discuss and sort through options for the Junior High site will occur. This will probably be in the autumn of this fiscal year.

Your name will be placed on a mailing list to be notified of this future planning process. Again, thank you for your response.

Sincerely,

A handwritten signature in cursive script that reads "Maggie Collins".

Maggie Collins, Director
Community Development Department

cc: Dan Bartlett, City Manager
Milwaukie Planning Commission