

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 28, 2004

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice Chair
Lisa Batey
Teresa Bresaw
Brent Carter
Jeff Klein

STAFF PRESENT

John Gessner,
Planning Director
Lindsey Nesbitt,
Associate Planner
John Pinkstaff
Legal Counsel
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Howard Steward

1.0 CALL TO ORDER

The meeting was called to order at 6:35 p.m.

2.0 PROCEDURAL QUESTIONS - None.

3.0 CONSENT AGENDA - None.

4.0 INFORMATION ITEMS - City Council Minutes

City Council minutes can be found on the City web site at www.cityofmilwaukie.org

5.0 PUBLIC COMMENT - None.

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Portland Parks and Recreation
Owner: Metro
Location: Springwater Trail between McLoughlin Blvd and Union
Pacific Railroad
Proposal: Repeal condition of approval #5 regarding hours of construction
and adopt a new condition approving night-time construction
subject to limitations.
File Numbers: CSO-04-03
NDA: Ardenwald

Chair Hammang opened the minor quasi-judicial hearing for Community Service Overlay CSO-04-03 to consider the repeal of condition of approval #5 regarding hours of construction and adopt a new condition approving night-time construction subject to limitations. The criteria to be addressed can be found in the Milwaukie Zoning Ordinance Section 19.321 - Community Service Overlay; and Section 19.1011.3 - Minor Quasi-Judicial Review.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site; 5 hands were 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

Lindsey Nesbitt reviewed the staff report with the Commission. Through the Community Service Overlay process in July, the Three Rivers Project was approved which authorized the construction of two bridges over McLoughlin Boulevard, and over the Union Pacific Railroad. A condition was placed on the approval limiting the hours of construction from 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. through 5:00 p.m. on Saturday and Sunday.

The applicant is requesting that the Commission modify this condition because a tower has to be constructed on McLoughlin Boulevard to aid in the construction of the bridge. Oregon Department of Transportation (ODOT) does not permit construction of large bridge components over moving lanes of traffic. Therefore, in order to construct portions of the bridge, traffic lanes have to be closed. ODOT only allows lanes of traffic to be closed at night. This means that construction on these portions of the bridge can only be done at night which conflicts with the condition limiting hours of construction.

Staff believes that the applicant has demonstrated the need to perform evening construction activities in order to comply with ODOT traffic safety and lane closure procedures and requirements, and recommends that the Commission adopt a new condition authorizing a limited amount of night-time construction subject to conditions and limitations.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Carter asked if the night-time hours would be 6:00 p.m. through 10:00 p.m.? **Ms. Nesbitt** stated that the applicant would address the hours of construction.

Commissioner Bresaw asked for clarification of who receives the written notice of night work? **Ms. Nesbitt** stated that written notice would go to the city. The city is proposing that all property owners within 1500 feet also receive the notice by mail.

Commission Batey asked the difference between the two-week notice and 7-day notice for preparation and raising activities? **Ms. Nesbitt** deferred the question to the applicant.

CORRESPONDENCE - None.

APPLICANT PRESENTATION

Speaking: Scott Keilor, Harper, Hoff, Peterson, Regellis, Consultants

Mr. Keilor stated that he is on the consultant team and prepared the land use submittal that was approved earlier this summer. The noise ordinance was an oversight; there is a condition where ODOT lane closures are required and only will be permitted during the nighttime. They have worked with staff to put together the mitigation measures that have been used on similar projects and arranged to meet with the Ardenwald Neighborhood Association, who supports their project. He does not feel that the nighttime construction will bring anything out of balance with the proposed project.

Mr. Keilor stated that he feels the notification area is more than adequate. In reference to Condition 1(d) and (e), there does not need to be a notification difference for nighttime work versus the structural preparation raising activities; they are one in the same. He is amenable to setting a notice period to the Commission's satisfaction. He would like to consider those as a combined condition unless there is some specific reason to address those separately.

On Commissioner Carter's questions regarding condition 2(h), he would recommend language change of "...6:00 p.m. to 10:00 p.m. for the construction noise levels."

Mr. Keilor stated that he concurs with staff's recommendations with the minor modifications indicated. There is a second step to the process of nighttime construction. Should the Planning Commission approve this amendment, they will submit a packet to the Police Department for an exception to the noise ordinance under the Police Code. This will show that they have met the Planning Commission's approval through the mitigation measures and present that as a full package to the Police Department. This process is the only avenue to get the McLoughlin Bridge constructed under ODOT standards.

Mr. Keilor introduced Gary Rare who is the construction consultant on this project.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Bresaw asked how long the construction would take? **Mr. Keilor** stated that this is a 21-month construction window; they will bid this fall. The window of nighttime construction activity will be 75 days (not consecutive days). They will work closely with the city to let them know their construction schedules.

Commissioner Carter asked for clarification of the smart alarm and the decimal levels on that equipment. **Mr. Rare** stated that they have been using language that is typical specification language for this type of project. It is a quieter beeping type of alarm that is now the industry standard.

Commissioner Batey asked what the noise impacts have been on the Bybee Bridge, just to get an idea of the construction impacts. **Mr. Keilor** stated that this construction will be much more extensive than the Bybee Bridge construction. There is quite a bit of land between the construction and neighbors; residents probably won't even know the bridge is being built. He doesn't know if there were any complaints received on that construction.

TESTIMONY IN FAVOR - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION - None.

ADDITIONAL COMMENTS FROM STAFF - None.

QUESTIONS FROM THE COMMISSIONERS REGARDING CLARITY

Chair Hammang asked about merging the conditions. **Ms. Nesbitt** stated that if the two are combined, it would be specified whether it would be one or two-week notice. Staff would prefer the two-week notice.

APPLICANT'S CLOSING COMMENTS

Scott Keilor suggested removal of condition 1(c) to give 7 day notice of structural preparation and raising activities and retain the all inclusive condition of two-week notice on night-time work in 1(d).

DISCUSSION AMONG THE COMMISSIONERS

Chair Hammang closed the public testimony portion of the hearing and opened it up to discussion among the Commissioners.

Commissioner Batey moved to approve application CSO-04-03 to repeal condition of approval #5 regarding hours of construction and adopt a new condition approving night-time construction subject to limitations as indicated in the findings and conditions in support of approval as indicated in the staff report; further,

- Delete condition 1(c)
- Revise condition 1(d) language to include the two-week notice and renumber

condition 2(h), language change of "...6:00 p.m. to 10:00 p.m. for the construction noise levels."

Judith Borden seconded the motion. MOTION CARRIED 6-0.

Ayes: Borden, Batey, Bresaw, Carter, Kline, Hammang; Nays: None.

- 6.2 Applicant: City of Milwaukie Community Development
 Owner: N/A
 Location: N/A
 Proposal: Amendments to Zoning Ordinance Section 19.312 –
 Downtown Zones; and the Milwaukie Zoning Map
 File Numbers: ZA-04-01
 NDA: All

Chair Hammang opened the legislative hearing for Zoning Amendment ZA-04-01 to consider a recommendation to City Council supporting approval of the proposed amendments to Zoning Ordinance Section 19.312 and the Milwaukie Zoning Map as described in the ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare? There were none.

STAFF REPORT

Lindsey Nesbitt reviewed the staff report with the Commission. The City of Milwaukie (applicant) is proposing a number of amendments to the downtown section of the zoning ordinance; they include:

1. Village concept area
2. Surface parking lots and driveway curb cuts and off-street parking within 50 feet of Main Street - See Page 17 of report
3. Residential balcony standard moves from development standard to design standard
4. Upper-level unenclosed balcony projection
5. Process for Commission to consider modifications to "prohibited" materials (exterior materials) – see page 20 of report.

Ms. Rouyer introduced Tom Kemper, developer, and reported that it is hoped that the development proposal will be brought before the Planning Commission in December.

CORRESPONDENCE - None.

APPLICANT PRESENTATION

Speaking: Alice Rouyer, Director of Community Development and Public Works

Ms. Rouyer stated that she has worked with Tom Kemper on this project and found that there were areas in the code that had restraints to this development being possible. She and Jeff King developed a package of amendments that are before the Commission now and are asking for consideration.

The developer has a strong interest in creating a village on the north Main site; this includes a village with a strong mix of uses, ground floor retail, apartments, condominiums, flats and townhouses. The downtown storefront zone currently does not allow townhouses or stand alone multi-family or condominium buildings. It was felt that this site was large and unique enough that a village area could be created.

In the code there is a prohibition against allowing curb cuts and off-street parking lots within 50-feet of Main Street (Page 17). When the original code was drafted the intent was to create a continuous façade along Main Street; however, it was found that there were Fire Code provisions that required curb cuts along Main Street. Upon refinement of the code, it was found that the parking needed to be divided between the entering and exiting on 21st Street and Harrison Street and to the north part of the site to distribute traffic better. They are requesting to refine the code to place an off-street parking lot and curb-cut within 50-feet of Main Street if the overall project meets the intent of providing a continuous façade of buildings close to Main Street, the off-street parking area or curb-cut is visually screened from Main Street and the community need for the off-street parking or curb cut outweighs the need to provide a continuous façade of buildings in that area.

There are provisions in the code for uses, development standards, and design standards. Development standards can only be varied through a variance process; design standards can be modified through a less arduous process than a variance. This developer would like to modify the standard of an 8x6 minimum requirement for a residential balcony. Under today's standards, the developer would need a variance; the revision would allow him to move that standard into the design standards and argue their reasons for flexibility in the balcony size rather than go through a variance process.

Currently prohibited materials would be modified (Page 20). The proposed revisions would allow a developer to come in and make his case that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style or textural effect, or durability. The use of prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.

QUESTIONS FROM THE COMMISSIONERS

Commissioner Carter asked about drainage from the balconies so there is not displacement of water. **Ms. Rouyer** stated that this request does not speak to drainage; it

addresses upper level unenclosed balconies to project over the right-of-way more than 18 inches (current code restriction) to up to 4-feet. The balcony would still need to meet fire code, building codes, and public work standards relating to drainage.

Commissioner Batey asked if there is a list of prohibited materials? **Ms. Rouyer** stated that there is a list; some of the prohibited materials are hardy-plank, T1-11 Siding, Vinyl Windows, etc. (page 20). When the design standards were developed, the intent was to be strict; recommended or not recommended.

Commissioner Batey asked if there is a minimum height for the balcony projection as indicated in Item 4, Projection of Balconies? **Ms. Rouyer** stated that there is no definition for upper level or a minimum height requirement for balconies. Other standards can over-rule this allowance if there are safety violations, fire code issues, etc.

Ms. Rouyer stated that the project is planned to come before the Planning Commission in mid-December with a proposal.

Commissioner Batey asked if this project would have traffic impacts on the downtown area? **John Gessner** reported that one of the criteria for evaluating rezoning is found in the transportation regulations which require that a traffic analysis be conducted where a proposed change to the zoning amendment results in a greater potential density or intensity of use. The analysis done concluded that based upon the mix of uses and the development standards that are in place today, there would be no net increase in development potential or traffic potential trip rates based on the new use. The critical change is allowing first floor residential on the site under the village concept area; the present regulations prohibit first-floor residential. Comparisons of trip generation rates for residential on the first floor comes out much higher under the existing regulations than the proposed change. Staff's analysis is that this revision does not increase potential traffic.

TESTIMONY IN FAVOR - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION - None.

ADDITIONAL COMMENTS FROM STAFF

QUESTIONS FROM THE COMMISSIONERS REGARDING CLARITY

APPLICANT'S CLOSING COMMENTS - None.

DISCUSSION AMONG THE COMMISSIONERS

Chair Hammang closed the public testimony portion of the hearing and opened it up to discussion among the Commissioners.

Commissioner Carter moved to forward a recommendation to City Council supporting approval of the proposed amendments to Zoning Ordinance Section 19.312 and the Milwaukie Zoning Map as described in the attached ordinance. **Commissioner Batey** seconded the motion. **MOTION CARRIED 6-0.**
Ayes: Borden, Batey, Bresaw, Carter, Kline, Hammang; Nays: None.

7.0 WORKSESSION ITEMS

7.1 Wetland Designation at North Clackamas Park

John Gessner reviewed the staff report with the Commission. The key points to consider are:

- 2002/2003 Parks District Master Planning process
- City Directed District to Deliniate Wetlands
- New Ball Field Opportunity
- County Request to City for help on Found Wetlands
- Title 3 Wetlands; ½ acre or intact wetland function
- Staff and Consultant Analysis
- Staff Recommendation

Speaking: Alison Rhea

Ms. Rhea reviewed the survey results with the Commission.

Speaking: Charlie Ciecko, North Clackamas Park and Recreation District, Sunnybrook Service Center

Mr. Ciecko commended staff on giving a very good overview of the project. Slides were shown of the subject site and the surrounding area. This area does not support any typical wetland plant. Area 3, next to fence, facing south is .06 acres (2600 sq.ft.). The dominant plants are Himalayan, Blackberry, Hawthorne and Reed Canary Grass. There is an old park road that has been eliminated along with the drainage ditch that was located there. Area #3 was formerly associated with a road that went through the park.

Modifications were made to the park in the late 60's. In 1977 the county turned the property over to the city. Staff acknowledges that there are considerable restoration opportunities in the park. The District Advisory Board has expressed a desire to do other restoration as well.

Chair Hammang explained that this hearing is not about the park project as a whole; the primary focus of the discussion tonight is the wetland resources.

Speaking: Dick Schultz, 4815 SE Casa Del Rey Drive, Milwaukie

Mr. Schultz stated that he received a copy of the wetland's study last spring and walked quite a bit of the area. He found several errors in the wetland study.

- In the report wetland #5, which he calls the creeklet swale (not drainage swale) it states on Page 6 of the report from Pacific Habitat Services, Inc., "...although it appears that it would flow directly into the creek, the swale is hydrologically disconnected from the creek by a paved trail that is raised above the level of the swale in the creek..." That stream virtually flows year around and is connected to Mt. Scott Creek through two culverts that are partially filled. The culvert flows clear, clean, and cool water into the creek that aids in fish habitat.
- He called Pacific Habitat Services and was met on the site the middle of April by Jennifer Goodrich. He asked her why the survey did not include areas of the park where there is standing water in the winter and into the spring (pointed them out to her). Ms. Goodman indicated that this area had been reviewed and because the hydrology had changed, the soils did not indicate that it was a wetlands area any longer. It was not shown on their maps as one of their sites.
- There are several inconsistencies with the survey. He would like to see them corrected on the current document. Ms. Goodman said that the areas that were pointed out to her would not affect on the overall wetland determination.
- Items he would like to have recorded are the creeklet swale as flowing year around and that it has a direct connection that could affect runoff from other parts of the park feeding directly into Mt. Scott Creek.

John Gessner stated that wetland #5 is quite dry; it is one of the drainage borders that have been reviewed. Although there might be some question in the wetland survey, it's not part of the Commission's consideration tonight.

Mr. Schultz stated that in wetland #1, the road historically went through this area. He has no problem with this becoming a non-wetland and being mitigated elsewhere.

In the report, it indicates that wetland #3 extends to the south onto private property. He questions how extensive is this wetland on the private property and does waters collected there drain down into Kellogg Creek? If there is not a significant amount there is no problem; if there are significant wetlands on private property, it may have an impact in the future. He would like to have this investigated closer. If this is recognized as Title 3 wetlands, would it preclude the placement of a well for irrigation by the Park District in that area?

Speaking: Laurie Cook, 3808 SE Aldercrest Road, Milwaukie

Ms. Cook stated that her undergraduate degree is in geophysics and her graduate degree is a JD from Lewis and Clark. She is an attorney and she has certification in

environmental law and natural resources. She has worked as an environmental consultant for 20 years.

Ms. Cook stated that she has concerns on an area on the map that she indicated was a natural spring bed area, groundwater and she would like to have clarification from Friends of Scott Creek on that. She is sure they will confer that it is ground water. Milwaukie has it mapped in the Milwaukie Master Plan as a natural resource area. The City of Milwaukie has mapped it as natural resource area and Metro has mapped it as a critical habitat area.

The depth to ground water is zero or less. The park slopes down and in the winter for six months this area is under 2-6 inches of water. When you dig into soils in this area, it fills up with ground water. All of these wetlands, large or small, are hydraulically connected by groundwater. There is one swale that is connected to Mt. Scott Creek; there is a pipe that runs under the path and discharges into Mt. Scott Creek. Mt. Scott Creek is habitat to two endangered species, Steelhead and Chinook Salmon; also the wetlands help to mitigate and modulate the runoff. If the impact of the runoff changes, it will impact the endangered species that are known to be in Kellogg Creek and Mt. Scott Creek.

In the Department of Environmental Quality (DEQ) regulations ground waters are waters of the state; since groundwater is at zero, any filling of these would be causing pollution to waters of state. Filling of this area would be in violation of ORS 466(b).

There are people who are very interested in the park; she only represents herself. Attorney Ed Sullivan represents the Friends of Clackamas Park. Mr. Sullivan will be looking into land use and wetland issues. She encouraged the Commission to make careful consideration before making further designations on the wetlands.

Speaking: Les Pool, North Clackamas Proper Owners Association

Mr. Pool stated that the habitat and wetlands should be defined. Ms. Cook, with all her qualifications had indicated that there is ground water on the site; if any one did any serious looking and dig a few test holes, the determination would be simple. The wetlands need to be mapped. He likes the idea of the ball fields, and he realizes tonight's subject, but it seems like in order to put the ball fields and salvage the horse arena, what is going to be left for flood control and habitat when you drain the parking lot, eliminate the wetlands and move the water down into the flood plain. This will not work.

He feels that putting in the ball fields is a good idea, he it will be too much in too little space. Kellogg Lake will be affected by what happens at the Park; this environment is connected.

Speaking: Pat O'Donnell, 13318 Kuen Road, Milwaukie

Mr. O'Donnell stated that he has lived near the park since 1965. He agrees with everything that has been said. As mentioned by Ms. Cook, both of the subject areas are wetlands. His property comes up to the wetlands on the park. There are Blue Herons that come down the Creek and last week a Turkey Vulture Landed in his yard an impelling an opossum for an hour and a half. The park is beautiful the way it is now.

Speaking: Rosemary Crites, 4917 SE Aldlercrest Road, Milwaukie

Ms. Crites stated that she has been over at the Mr. O'Donnell's place. She passed out pictures showing the park lands a year ago and the park lands today which shows how wet the land is. Their property goes across Mt. Scott Creek and 150-feet into the park. This has to be marsh land; there is substantial flood already.

Ms. Crites stated that Governor McGrill could not make it here this evening, but she has pictures of the park in the winter to show this area in a marshy and soggy condition. There is a lot of study that still needs to be done on this wetland delineation.

QUESTIONS FROM THE COMMISSIONERS

Chair Hammang voiced concern about the 12,600 sq.ft. of wetlands on the site; that is a large component of the area.

Commissioner Batey stated that there were serious issues brought up that will have to be discussed when there is a land use application. She is concerned about Areas 1 and 3 and how they are connected to private property. **John Gessner** stated that the investigation that the city did was to see if there was a strong connective to an adjacent wetland. From aerial photographs it was noted that there was a historic hydraulic connection prior to the site going into agricultural use. There is no open year round drainage; if there is a hydraulic connection it's through surface flow and ground water. This has been documented in the National Wetland Inventory mapping and evidence is shown in the aerial photographs. The historic use appears to have degraded that condition.

The Park District was asked to check with their Planning Department to see whether or not there were any Title III designations south of the site and there were none. If there are hydric soils that support wetlands, the determination was omitted from the original mapping or it was determined that they did not meet the Title III definition of half-acre or off-land methodology.

An aerial picture of the site was displayed and the areas of concern were pointed out. **Commissioner Carter** stated that in the 60's this site was a geese migratory path; Ducks Unlimited has history on this migration. A good friend of his parent's is adjacent to the park and the whole area floods and swings around up Mt. Scott Creek. The area is wet

throughout the whole winter; some of the flooding goes north towards the Willamette River.

Speaking: Father Matthew Tate, 13515 SE Rusk Road, Milwaukie

Father Matthew stated that he has the church contiguous with the park. If the park has to follow the same guidelines that they do on their property, there is a 50-foot setback on wetlands according to Metro. Going 50-feet out in every direction will increase the size of the wetlands. This setback cannot be built or encroached upon within that 50-foot boundary line. When you're thinking quantity, think this area plus 50 feet in all directions.

Chair Hammang stated that this is a two-edge sword because it is only 12, 500 feet; if you can get good mitigation somewhere else with better soil, it might be worthwhile. He shares the concern; it is a dissected drainage by man. Under future park construction if they want to lower the water table to have better fields, there will be dewater down in the drainage. The fact that it was Wapato means that it was soaked solid for hundreds or thousands of years. In his opinion, nothing is disconnected, but there needs to be accommodation. There can be good mitigation and help a lot of the other area. He doesn't know enough about the site to make a decision. Not knowing what building project is contemplated, it is difficult to tell how significant these pieces really are.

John Gessner stated that if the ball field project fails, there still is the issue of whether or not there should be regulatory control and a buffer. With small wetlands, it is found that the regulatory burden is exaggerated for the size of the 50-foot buffer; then is there excess of regulation for that 50-foot setback. The key question is whether there is sufficient quality to warrant preservation. If the Commission wants protection, staff would have to be directed to do so. The applicant can come in later for the elimination of the wetlands and the city would not have the regulatory authority to prevent that; the city would not have the ability to catch up with the application once it is submitted subject to the regulations in effect at the time.

John Gessner indicated that Alison Rae could be asked to present the formal analysis to determine whether or not the wetlands meet the Title III definitions. This will establish a basis for evaluating the policy decision as to whether they should or should not. The uncertainty is bad for the applicant. The city is not in an advocacy position in relationship to the Park's District.

Commissioner Carter asked if wetlands 1 and 3 are the last two based on their standing or could there be more. **John Gessner** stated that the wetlands are mapped under city regulations. The neighboring properties are not subject to wetland regulations now so they could build up to the property line freely. The choices the Commission has are to do nothing, map the wetlands or investigate the wetlands. If the site is mapped, there will be a mandatory 50-foot buffer established around each of the wetlands; that buffer will be

disproportionately larger than the wetland itself and have a significant effect on the useable portion of the park.

Commissioner Carter suggested mapping wetlands #1 and wetlands #3 so the entire area is mapped, recorded and in compliance with all necessary agencies (Metro, DEQ, State, LUBA, Milwaukie Comprehensive Plan, etc.). He asked that the study include ramifications of filling on the site and how it will affect the displaced water.

It was the consensus of the Commission to have a study conducted of the wetlands on the site to provide additional analysis.

Recess was taken at 8:22 p.m. and the meeting reconvened at 8:33 p.m.

8.0 DISCUSSION ITEMS - None.

9.0 OLD BUSINESS - None.

10.0 OTHER BUSINESS / UPDATES

10.1 Matters from the Planning Director

10.2 Design and Landmark Commission Report

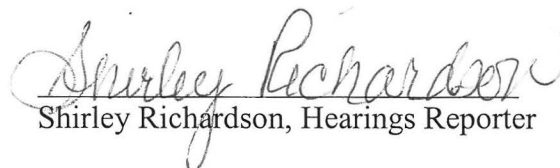
Brent Carter reported that there will be a meeting tomorrow night at 6:30 p.m.

11.0 NEXT MEETING - October 12, 2004

Jeff Klein moved to adjourn the meeting of September 28, 2004. **Teresa Bresaw** seconded the motion. MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 9:05 p.m.


Donald Hammang, Chair


Shirley Richardson, Hearings Reporter

MILWAUKIE CITY HALL
10722 SE MAIN STREET

AGENDA
TUESDAY, SEPTEMBER 28, 2004
6:30 PM

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0 3.1	Planning Commission Minutes No minutes are available for distribution with this packet Approved PC Minutes can be found on the City web site at: www.cityofmilwaukie.org	Motion Needed
4.0	Information Items – City Council Minutes City Council Minutes can be found on the City web site at: www.cityofmilwaukie.org	Information Only
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0 6.1 6.2	Public Hearings Type of Hearing: Minor Quasi-Judicial Applicant: Portland Parks and Recreation Owner: Metro Location: Springwater Trail between McLoughlin Blvd and the Union Pacific Railroad Proposal: Repeal condition of approval #5 regarding hours of construction and adopt a new condition approving nighttime construction subject to limitations. File Numbers: CSO-04-03 NDA: Ardenwald (neighboring) Staff Person: Lindsey Nesbitt Type of Hearing: Major Quasi-Judicial/Legislative Applicant: City of Milwaukie Community Development Owner: N/A Location: N/A Proposal: Amendments to Zoning Ordinance Section 19.312 – Downtown Zones; and the Milwaukie Zoning Map. File Numbers: ZA-04-01 NDA: All Staff Person: Lindsey Nesbitt	Discussion and Motion Needed For These Items
7.0	Worksession Items	
8.0	Discussion Items This is an opportunity for comment or discussion by the Planning Commission for items not on the agenda.	Review and Decision
9.0	Old Business	
10.0 10.1 10.2	Other Business/Updates Matters from the Planning Director: Wetland Designation at North Clackamas Park Design and Landmark Commission Report	Review and Comment Information Only
11.0 11.1	Next Meeting: October 12, 2004 The above items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.	

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.** Each hearing starts with a brief review of the staff report by staff. The report lists the criteria for the land use action being considered, as well as a recommended decision with reasons for that recommendation.
2. **CORRESPONDENCE.** The staff report is followed by any verbal or written correspondence that has been received since the Commission was presented with its packets.
3. **APPLICANT'S PRESENTATION.** We will then have the applicant make a presentation, followed by:
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **COMMENTS OR QUESTIONS.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** We will then take testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** When you testify, we will ask you to come to the front podium and give your name and address for the recorded minutes. Please remain at the podium until the Chairperson has asked if there are any questions for you from the Commissioners.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all testimony, we will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. We will then enter into deliberation among the Planning Commissioners. From this point in the hearing we will not receive any additional testimony from the audience, but we may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION/ACTION.** It is our intention to make a decision this evening on each issue before us. Decisions of the Planning Commission may be appealed to the City Council. If you desire to appeal a decision, please contact the Planning Department during normal office hours for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** The Planning Commission may, if requested by any party, allow a continuance or leave the record open for the presentation of additional evidence, testimony or argument. Any such continuance or extension requested by the applicant shall result in an extension of the 120-day time period for making a decision.

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 Planning Department office at 786-7600.

Milwaukie Planning Commission:

Donald Hammang, Chair
Judith Borden, Vice Chair
Lisa Batey
Teresa Bresaw
Brent Carter
Rosemary Crites
Howard Steward

Planning Department Staff:

John Gessner, Planning Director
Lindsey Nesbitt, Associate Planner
Keith Jones, Associate Planner
Jeanne Garst, Office Supervisor
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



To: Planning Commission
Through: John Gessner, Planning Director
From: Lindsey Nesbitt, Associate Planner *W*
Date: September 28, 2004
File: CSO-04-03
Applicant: Portland Parks and Recreation
Site Address: Springwater Trail between McLoughlin Blvd. and the Union Pacific Railroad
NDA: Ardenwald

Action Requested

Repeal condition of approval # 5 regarding hours of construction and adopt a new condition approving nighttime construction subject to limitations.

Background Information

The Three Bridges project was approved by the Planning Commission on July 13, 2004, authorizing the construction of 2 bridges over McLoughlin Blvd. and the Union Pacific Railroad.¹ The proposed bridge construction and trail improvements are subject to Planning Commission approval through the Community Service Overlay (CSO) process. The CSO process authorizes the Commission to attach conditions to ensure the use is compatible with surrounding uses. Per the Milwaukie Municipal Code (MMC), the Commission adopted a condition limiting construction hours from 7:00 a.m. to 7:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday.

Temporary lane closures will be required for the placement of a shoring tower to aide in the construction of the McLoughlin Boulevard Bridge. This work requires lane closures, which are permitted only at night in order to provide safety to the traveling public.² Staff believes the applicant has demonstrated a need to

¹ The third bridge, over Johnson Creek Blvd., is located within the City of Portland.

² The federal highway administration and ODOT does not allow the construction of large bridge components over active traffic lanes.

perform evening and nighttime construction in order to comply with ODOT traffic safety and lane closure regulations.

The applicant has provided methods to reduce construction noise impacts to adjacent uses as shown below:

1. All equipment shall have sound control devices equal to or better than original equipment. No equipment shall have an unmuffled exhaust system.
2. Noise created by truck movement shall not exceed 88 dBA (decibels) at a distance of 50 feet.
3. All equipment shall comply with pertinent EPA noise standards. If equipment does not meet standards, the equipment shall be retrofitted and maintained to meet EPA standards.
4. Use "smart alarms", or a guide person or "spotter", instead of standard reverse signal alarms from 6:00 pm to 10:00 pm. Use a "guide person" or "spotter" for equipment backup from 10:00 p.m. to 7:00 a.m.
5. Temporary or portable barriers shall be installed around stationary construction noise sources.
6. Noise suppression kits shall be used on all equipment (except trucks) used during night construction to reduce noise by a minimum of 5 dBA for that piece of equipment.
7. All pile driving shall be performed between 7:00 a.m. and 7:00 p.m. Monday through Friday.
8. Construction noise of Leq (equivalent levels) 72 dBA will be allowed from 6:00pm and 10:00pm.
9. Construction noise of Leq 67 dBA will be allowed from 10:00 p.m. to 7:00 a.m.
10. Pursue all nighttime work in an expedited manner to minimize total days of nighttime noise.

Uses adjacent to the site include a mixture of manufacturing buildings and residential properties. To ensure that adjacent property owners are notified and that potential impacts are handled appropriately, the applicant has proposed the following:

1. Have at least one portable noise meter on the job at all times for noise level spot checks.
2. Provide written notice two weeks in advance of night work.
3. Provide written notice to adjacent properties within 1,500 feet southeast of McLoughlin Blvd at least 7 calendar days in advance of any structure preparation and raising activities.

4. Include ODOT's 24-hour "construction information" telephone number in all advance construction notices.
5. An individual shall be employed who is trained in the use of a noise meter and has a working knowledge of sound measurements and their meaning and use as applied to any variance given by the local jurisdiction. This person shall be on the job site during nighttime construction activities.
6. The applicant has indicated that they will field complaints and work with the contractor at weekly meetings to utilize best management practices to minimize noise leaving the site during night construction.

Conclusion

Staff believes the applicant has demonstrated the need to perform evening and nighttime construction and recommends the Commission approve the request to perform limited nighttime construction for the following reasons:

1. As conditioned, construction noise impacts will be mitigated.
2. The applicant has indicated that they will work with neighbors to address construction noise concerns.
3. The applicant will provide notice to adjacent parcels prior to commencement of any nighttime construction activity.
4. The applicant is proposing to sound-buffer construction equipment.
5. A guide person or "spotter" will be used rather than back-up mechanical equipment.

Code Authority and Decision Making Process

Milwaukie Zoning Ordinance Sections:

1. 19.321 – Community Service Overlay
2. 19.1011.3 - Minor Quasi-Judicial Review

This application is subject to minor quasi-judicial review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In quasi-judicial reviews the Commission assesses the application against approval criteria and evaluates testimony and evidence received at the public hearing. The Commission has three decision-making options as follows:

1. Repeal the existing condition and approve the new conditions authorizing nighttime construction for the McLoughlin Blvd. Bridge.
2. Approve the application subject to additional conditions when they are needed for compliance with approval criteria.
3. Deny the request to modify the limitation on construction hours condition upon a finding that it does not meet approval criteria.

Comments (Waiting for NDA meeting)

Attachments

Attachment 1	Modified Conditions in Support of Approval
Attachment 2	Applicant's Request
Attachment 3	Proposed nighttime construction notification area

Attachment 1

Repeal condition of approval CSO-04-03 number 5 as adopted.

"Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturday and Sunday per MMC Section 8.08."

Recommended Conditions of Approval

1. Prior to commencement of any nighttime construction the applicant shall:
 - a. Submit to the Planning Director a narrative of all actions taken to comply with these conditions of approval.
 - b. Obtain a Nighttime Noise Variance from the Chief of Police per MMC Section 19.8.08 and submit a copy of the approval to the Planning Director.
 - c. Submit an evening and nighttime construction schedule for the McLoughlin Blvd. Bridge to the Planning Director.
 - d. Provide written notice to the City of Milwaukie and to adjacent parcels within 1,500 feet southeast of McLoughlin Blvd 2 weeks in advance of nighttime work.
 - c. Provide written notice to adjacent residences within 1,500 feet southeast of McLoughlin Blvd at least 7 calendar days in advance of any structure preparation and raising activities.
 - d. Provide ODOTS 24-hour "construction information" telephone number in all written notices.
2. The applicant shall pursue all nighttime work in an expedited manner to minimize total days of nighttime noise and shall use the following methods to reduce construction noise impacts to adjacent properties:
 - a. All equipment shall have sound control devices equal to or better than original equipment. No equipment shall have an unmuffled exhaust.
 - b. Noise created by truck movement shall not exceed 88 dBA (decibels) at a distance of 50 feet.
 - c. All equipment shall comply with pertinent EPA noise standards. If equipment does not meet standards, the equipment shall be retrofitted and maintained to meet EPA standards.
 - d. "Smart alarms" or a guide person or "spotter", shall be used instead of standard reverse signal alarms from 6:00 p.m. to 10:00

p.m. A "guide person" or "spotter" shall be used for equipment backup from 10 p.m. to 7:00 a.m.

- e. Temporary or portable barriers shall be installed around stationary construction noise sources.
- f. Noise suppression kits shall be used on all equipment used during night construction to reduce noise by a minimum of 5 dBA for that piece of equipment.
- g. All pile driving shall be performed between 7:00 a.m. and 7:00 p.m., Monday through Friday.
- h. Construction noise of Leq (equivalent levels) 72 dBA (decibels) will be allowed from 6:00 p.m. and 10:00 p.m.
- i. Construction noise of Leq (equivalent levels) 67 dBA (decibels) will be allowed from 10:00 p.m. to 7:00 a.m.
- j. At least one portable noise meter shall be located on the job at all times for noise level spot checks.
- k. An individual shall be employed who is trained in the use of a noise meter and has a working knowledge of sound measurements and their meaning and use as applied to any variance given by the local jurisdiction. This person shall be on the job site during nighttime construction activities.
- l. The applicant shall handle complaints and work with the contractor at weekly meetings to utilize best management practices to minimize noise leaving the site during night construction.

ODT-02

RECEIVED

AUG 27 2004

CITY OF MILWAUKIE
PLANNING DEPARTMENT

August 27, 2004

Harper
Houf Peterson
Righellis Inc.

ENGINEERS ♦ PLANNERS ♦ SURVEYORS

To: City of Milwaukie Planning Commission

FROM: Scott Keillor, AICP, Harper Houf Peterson Righellis, Inc. 503-221-1131, representing George Lozovoy, RLA, Portland Parks and Recreation 503-823-5570 (applicant)

RE: CSO-04-03 Approval; Request to Amendment Condition No.5, Hours of Construction

This memo serves as a request to amend approved Community Services Overlay (CSO-04-03) Condition No.5, Hours of Construction. The approval is for construction of a segment of the Springwater Trail, including two Milwaukie bridges: one over McLoughlin Blvd, and one over the Union Pacific Railroad. The following findings are offered in support of the request to amend Condition No. 5, thereby allowing limited nighttime construction required to erect the McLoughlin Blvd. Bridge.

Attachment A is a noise variance request to MMC 8.08 that has been submitted to the Police Department for their consideration. The specific approach to nighttime construction is outlined in the attachment for your reference. The following are specific responses to questions raised by staff during initial review of the request.

Night Time Construction Hours

At this time, it is not known when the project will actually bid; however, the scheduled bid date is October or November of 2004. It is also not known – until the winning Contractor submits their detailed construction schedule – when work will actually occur. Once the contractor is selected, the actual schedule will be submitted to the City. The arched bridge construction requires preparation and raising of the arch structures. This work entails lane closures which ODOT allows only at night. The project is estimated to be in construction from January 2005 to September 2006. The duration of emitted sound would be during a 75 day period likely occurring during fall of 2005. We do not anticipate noise will occur on all of these nights, and will work with the Contractor to limit impacts. Specific requirements of the Contract will include:

- Perform all pile driving between 7:00 am and 7:00 pm, Monday through Friday.
- Construction noise of Leq (equivalent levels) 72 dBA (decibels) will be allowed from 6:00pm and 10:00pm
- Construction noise of Leq (equivalent levels) 67 dBA (decibels) will be allowed from 10:00pm to 7:00am

Estimated Duration of Construction

The proposed nighttime construction will last for 75 days, which is estimated to occur during the 21-month project, from January 2005 to September 2006. It is not possible to further capture the exact duration of nighttime construction at this time.

Methods to Limit Noise Impacts

The following are specific methods to reduce construction noise impacts that will be required of the successful contractor:

- All equipment shall have sound control devices equal to or better than original equipment. No equipment shall have an unmuffled exhaust.
- Noise created by truck movement shall not exceed 88 dBA (decibels), at a distance of 50-feet.

- All equipment shall comply with pertinent EPA noise standards. If equipment does not meet standards, retrofit and maintain equipment to EPA standards.
- Use "smart alarms" or a guide person or "spotter" instead of standard reverse signal alarms from 6:00 pm to 10:00 pm. Use a "guide person" or "spotter" for equipment backup from 10 pm to 7:00 am.
- Install temporary or portable barriers around stationary construction noise sources.
- Install noise suppression kits on all equipment (except trucks) used during night construction if kits are available and will reduce noise by a minimum of 5 dBA (decibels) for that piece of equipment.
- Perform all pile driving between 7:00 am and 7:00 pm, Monday through Friday.
- Construction noise of Leq (equivalent levels) 72 dBA (decibels) will be allowed from 6:00pm and 10:00pm
- Construction noise of Leq (equivalent levels) 67 dBA (decibels) will be allowed from 10:00pm to 7:00am
- Pursue all nighttime work in an expedited manner to minimize total days of nighttime noise.

Handling of Impacts to/Conflicts with Neighboring Uses/Residents

The area is predominantly industrial, and there are very few residences in the area. There are four homes located within 500' to 600' of the project. These homes are located on the north side of Moore Street, which intersects Ochoco Street south of the trail alignment and west of the Thomason Auto Sales lot. We will apply the following measures to reduce impacts and handle noise complaints from any impacted neighbors. All other residents are further removed from the project and would not likely be affected by construction at night.

- Have at least one portable noise meter on the job at all times for noise level spot checks.
- Provide written notice two weeks in advance of night work.
- Give residential receptors at least seven calendar days prior written notice of the following activities:
 - Structure preparation and raising
- Include ODOT's 24-hour "Construction Information" telephone number in all advanced construction notices.
- Employ an individual trained in the use of a noise meter and having a working knowledge of sound measurements and their meaning and use as applied to any variance given by the local jurisdiction. This person shall be on the job site during nighttime construction activities.

We will also field complaints and work with the Contractor at weekly meetings to utilize best management practices to minimize noise leaving the site during night construction.

We are very pleased to have received the Planning Commission's recent approval allowing this project to move forward. We hope that the information we have provided is helpful in describing the need to amend Condition No 5. We have scheduled a meeting with the Ardenwald Neighborhood Association to describe the above request prior to the Planning Commission's hearing on this matter. Under ODOT permit requirements (Attachment B) lane closures required to erect and complete the McLoughlin Blvd. Bridge can only occur at night. We respectfully request the Planning Commission approve of the modification of condition, allowing the project to move forward.

Attachment A

Noise Ordinance MMC 8.08
Variance Request
Submitted to the Police Department



**OBEC CONSULTING ENGINEERS
PROJECT DISCUSSION MEMO**

Project No: 19-68.8 **Date:** 08/26/04 **Engineer:** Gary Rayor, PE, OBEC
Planner: Scott Keillor, AICP, HHPR

Project: Springwater Trail 3 Bridges (Phase 2) Project

RE: Request for a Variance to Noise Ordinance MMC 8.08

To: City Police Department

From: Gary Rayor, PS, PE, OBEC (541-683-6090)
 Scott Keillor, AICP, Harper Houf Peterson Righellis, Inc. (503-221-1131)
 Representing: George Lozovoy, RLA, Portland Parks (503-823-5570)

Copy: Lindsey Nesbitt, Planner
 City of Milwaukie Planning Commission

The following addresses the Milwaukie Municipal Code (MMC) Section 8.08.110 Variances.

Section 8.08.110 Variances

A. Upon application of any person who owns, controls or operates any sound source which violates any of the provisions of this chapter, the police department may grant a variance from such provisions. The application shall state the provision from which a variance is being sought, the period of time the variance is to apply, the reason which the variance is sought and any other supporting information which the police department may reasonably require.

B. Review of Variance. Review of the application shall include consideration of at least the following conditions:

1. The physical characteristics of the emitted sound;
2. The time and duration of the emitted sound;
3. The geography, zone and population density of the affected area;
4. Whether the public health and safety is endangered;
5. Whether the sound source predates the receiver(s);
6. Whether compliance with the standard(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.

C. Time Duration for Variance. A variance may be granted for a specific time interval only. (Ord. 1528 § 7(B), 1982)

Section MMC 8.08.110 (A), Provision for which the Variance is sought. A variance to the prohibition on nighttime noise related to bridge construction is sought. The reason the variance is being sought relates to construction of a pedestrian bridge over S.E McLoughlin Blvd. During

project development, preliminary traffic control plans were developed to address construction of the bridge over the S.E. McLoughlin Blvd. (Hwy 99 E), a major transportation facility that carries over 65,000 vehicles per day through the project site.

To provide safety to the traveling public, Federal Highway Administration, ODOT and standard engineer practice is to not erect large bridge components over active traffic lanes. ODOT review of the project indicated that traffic lanes can only be closed at night outside the MMC Ordinance (see ODOT Memo dated May 27, 2004, Attachment B)

MMC Section 8.08.110 B. Review of Variance. Review of the application shall include consideration of at least the following conditions:

1. The physical characteristics of the emitted sound. Noise from construction outside of the normal allowed 7:00 am to 7:00 pm Monday through Friday and 8:00 am to 5:00 pm Saturday and Sunday work schedule permitted under the Code will be associated with construction of a falsework shoring tower in the center of the highway and erection of arch segments and precast deck panels for the S.E. McLoughlin Blvd. Pedestrian Bridge over S.E. McLoughlin Blvd. right of way proper. The physical characteristics of the construction noise related to the erection of arch segments and precast deck panels will primary consist of sound from heavy equipment (low boy trucks, cranes, hoes, and winching equipment). Noise from construction will be limited to the above noted activities by adding special provisions to Section 00290.30(d) Noise Control (Attachment C) governing the bidding and execution of this work.

2. The time and duration of the emitted sound. At this time, it is not known when the project will actually bid; however, the scheduled bid date is October or November of 2004. It is also not known – until the winning Contractor submits their detailed construction schedule – when work will actually occur. Once the contractor is selected, the actually schedule will be submitted to the City. The arched bridge construction requires preparation and raising of the arch structures. This work entails lane closures which ODOT allows only at night. The project is estimated to be in construction from January 2005 to September 2006. The duration of emitted sound would be during a 75 day period likely occurring during fall of 2005. We do not anticipate noise will occur on all of these nights, and will work with the Contractor to limit impacts. Specific requirements of the Contract will include:

- Perform all pile driving between 7:00 am and 7:00 pm, Monday through Friday.
- Construction noise of Leq (equivalent levels) 72 dBA (decibels) will be allowed from 6:00pm and 10:00pm
- Construction noise of Leq (equivalent levels) 67 dBA (decibels) will be allowed from 10:00pm to 7:00am

3. The geography, zone and population density of the affected area. The project is located within the right-of-ways of the former Portland Traction Company railroad and S.E. McLoughlin Blvd. in the industrial district. Population and density are typical for industrial areas, with most activity conducted during the day, and very few nighttime activities or residents. Because the area is industrialized, there are few noise sensitive receivers in the vicinity.

Construction of this project is similar to that of Bybee Bridge construction immediately to the north of the project. Although that project is in Portland, the issue of this variance for noise is common in the Portland Metro area for bridge construction.

4. Whether the public health and safety is endangered. Public health and safety would be endangered if the variance were not granted. Late night traffic would be entirely closed (for periods of up to 20 minutes) to allow large structural components to be set and secured. Closing some of the lanes at night as permitted by the ODOT traffic control review allows the equipment to be positioned prior to closing all lanes for actual erection of structural components.

5. Whether the sound source predates the receiver(s). The sound is associated with transportation improvements on a system that predates the receivers. At the turn of the century, the Springwater Trail Corridor was envisioned to encircle the Portland Metro Area, and this is a key final component of realizing this vision. The actual project is a contemporary retrofit of the old railroad line, which together with the trail "vision" predates the few receivers in the area.

We want to reiterate that there are very few residential receivers in the area. The only ones we are aware of are four residences west of S.E. McLoughlin on Moore Street. These homes are located 500' to 600' southwest of the bridge construction site. All other receivers are too far removed to be affected by construction at night and subject to the Ordinance.

6. Whether compliance with the standard(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.

The benefits to the public have been extensively documented and concurred with by the Planning Commission through the record and approval of CSO-04-03. This locally and regionally valuable pedestrian transportation project cannot be constructed without the requested variance.

C. Time Duration for Variance. A variance may be granted for a specific time interval only. At this time, it is not known when the project will actually bid; however, the scheduled bid date is October or November of 2004. It is also not known – until the winning Contractor submits their detailed construction schedule – when work will actually occur. Once the contractor is selected, the actually schedule will be submitted to the City. The arched bridge construction requires preparation and raising of the arch structures. This work entails lane closures which ODOT allows only at night. The duration of emitted sound would be during a 75 day period likely occurring during fall of 2005.

Based on available information, we request that the variance be granted from January 1, 2005 to September 31, 2006. Meanwhile, the City of Portland, ODOT, and consultants working on the project will manage the Contract to minimize the amount of time and duration the variance is needed, thereby minimizing impacts in the project area. The following are specific methods to reduce construction noise impacts that we will require:

- All equipment shall have sound control devices equal to or better than original equipment. No equipment shall have an unmuffled exhaust.
- Noise created by truck movement shall not exceed 88 dBA, at a distance of 50-feet.

- All equipment shall comply with pertinent EPA noise standards. If equipment does not meet standards, retrofit and maintain equipment to EPA standards.
- Use “smart alarms” or a guide person or “spotter” instead of standard reverse signal alarms from 6:00 pm to 10:00 pm. Use a “guide person” or “spotter” for equipment backup from 10 pm to 7:00 am.
- Install temporary or portable barriers around stationary construction noise sources.
- Install noise suppression kits on all equipment (except trucks) used during night construction if kits are available and will reduce noise by a minimum of 5 dBA for that piece of equipment.
- Have at least one portable noise meter on the job at all times for noise level spot checks.
- Provide written notice two weeks in advance of night work.
- Give residential receptors at least seven calendar days prior written notice of the following activities:
 - Structure preparation and raising
- Include ODOT’s 24-hour “Construction Information” telephone number in all advanced construction notices.
- Employ an individual trained in the use of a noise meter and having a working knowledge of sound measurements and their meaning and use as applied to any variance given by the local jurisdiction. This person shall be on the job site during nighttime construction activities.
- Perform all pile driving between 7:00 am and 7:00 pm, Monday through Friday.
- Construction noise of Leq (equivalent levels) 72 dBA (decibels) will be allowed from 6:00pm and 10:00pm
- Construction noise of Leq (equivalent levels) 67 dBA (decibels) will be allowed from 10:00 pm and 7:00am
- Pursue all nighttime work in an expedited manner to minimize total days of nighttime noise.

We will also field complaints and work with the Contractor at weekly meetings to utilize best management practices to minimize noise leaving the site during night construction.

We hope this information provides the information needed for the Police Department to approve of a Variance to the Noise Ordinance for nighttime construction of the McLoughlin Blvd Bridge. Please feel free to us anytime if you have questions.

Gary E. Rayor, P.E., S.E.
 Project Manager
 OBEC Consulting Engineers
 920 Country Club Road, Suite 100B
 Eugene, OR 97401
 Ph 541-683-6090
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Scott Keillor, AICP
 Director of Planning
 Harper Houf Peterson Righellis, Inc.
 5200 SW Macadam Ave, Suite 580
 Portland, OR 97239
 Ph 503-221-1131
 Fax 503-221-1171
 scottk@hhpr.com



Attachment B
ODOT Memo dated 5/27/04



Oregon Department of Transportation
Region 1 Traffic Unit (503) 731-8300
Fax (503) 731-8259

INTEROFFICE MEMO

DATE: May 27, 2004

TO: Merle Hill
Traffic Investigations Team Leader

FROM: Thanh Tran
Transportation Analyst

SUBJECT: Work Zone Restrictions
OMSI - Springwater Trail (Phase 2)
Pacific Highway East No. 1E (OR99E)
Multnomah County
Key #11456

Recommendations on lane restrictions for the subject project are shown below.

00220.40(e) Lane Restrictions:

Short-Term Lane Closures – For short-term lane closures, do not close any traffic lanes as follows:

Pacific Highway East (OR99E) northbound and southbound

No single lane closures are allowed:

- between 6:00 a.m. and 7:00 p.m., Monday - Friday
- between 10:00 a.m. and 6:00 p.m., Saturday - Sunday

No two-lane closures are allowed:

- between 5:00 a.m. and 8:00 p.m., Monday - Friday
- between 9:00 a.m. and 7:00 p.m., Saturday - Sunday

In addition, do not close any traffic lanes between:

- Noon on the day preceding legal holidays or holiday weekends and 12:00 midnight on legal holidays or the last day of holiday weekends, except for Thanksgiving, when no lanes may be closed between 12:00 noon on Wednesday and 12:00 midnight on the following Sunday.

For the purposes of this section, legal holidays are as follows:



- New Year's Day on January 1
- Memorial Day on the last Monday in May
- Independence Day on July 4
- Labor Day on the first Monday in September
- Thanksgiving Day on the fourth Thursday in November
- Christmas Day on December 25

When a holiday falls on Sunday, the following Monday shall be recognized as a legal holiday. When a holiday falls on Saturday, the preceding Friday shall be recognized as a legal holiday.

Roadways shall be free of barricades or other objects and all lanes opened during these periods.

Short-Term Road Closure – The Contractor will be permitted to close all travel lanes of Pacific Highway East (OR99E) for periods not to exceed 20 minutes in duration during bridge girders erection over the travel lanes between 11:00 p.m. and 5:00 a.m., Monday – Sunday. Succeeding roadway closures will not be permitted until traffic clears from preceding closure.

Please call me at (503) 731-8222 if you have any questions or need additional information.

Cc: Mark Foster
Marty Andersen
Don Wence
Simon Eng
Gary Rayor – OBEC

F:\M-files\Pacific Highway East (OR99E)\Springwater Trail (Phase 2)\Lane Restrictions



ATTACHMENT "C"

OMSI - Springwater Trail Three Bridges Grading, Structures, & Paving

00290.30(d) Noise Control - Add the following to the end of this Subsection:

- The Contractor's attention is directed to City of Portland Ordinance No. 159276 which describes noise control regulations. Comply with the applicable noise control requirements of the ordinance for project work in the City of Portland.
- The Contractor's attention is directed to City of Milwaukie Ordinance No. MMC 88.08 which describes noise control regulations. Comply with the applicable noise control requirements of the ordinance for project work in the City of Milwaukie.

Copies of the ordinances and noise control codes are available at the office of the Engineer.

The following general noise restrictions also apply:

- All equipment shall have sound control devices equal to or better than original equipment. No equipment shall have an unmuffled exhaust.
- Noise created by truck movement shall not exceed 88 dBA, at a distance of 50-feet.
- All equipment shall comply with pertinent EPA noise standards. If equipment does not meet standards, retrofit and maintain equipment to EPA standards.
- Use "smart alarms" or a guide person or "spotter" instead of standard reverse signal alarms from 6:00 pm to 10:00 pm. Use a "guide person" or "spotter" for equipment backup from 10 pm to 7:00 am.
- Install temporary or portable barriers around stationary construction noise sources.
- Install noise suppression kits on all equipment (except trucks) used during night construction if kits are available and will reduce noise by a minimum of 5 dBA for that piece of equipment.
- Have at least one portable noise meter on the job at all times for noise level spot checks.
- Provide written notice two weeks in advance of night work.
- Give residential receptors at least seven calendar days prior written notice of the following activities:
 - Structure preparation and raising
- Include ODOT's 24-hour "Construction Information" telephone number in all advanced construction notices.
- Employ an individual trained in the use of a noise meter and having a working knowledge of sound measurements and their meaning and use as applied to any variance given by the local jurisdiction. This person shall be on the job site when during nighttime construction activities.
- Perform pile driving between 7:00 am and 7:00 pm, Monday through Friday.

The following is a synopsis of specific conditions at specific sites:

Structure Preparation and Raising – A total of 120 nights is permitted for this work.

Nighttime Construction Activities – Construction noise levels up to Leq 72 dBA from 6:00 pm to 10:00 pm and up to 67 dBA from 10:00 pm to 7:00 am are permitted.

Attachment 3

Proposed nighttime construction notification area

6.1 Page 20





To: Planning Commission
Through: John Gessner, Planning Director
From: Lindsey Nesbitt, Associate Planner *WN*
Date: September 28, 2004
File: ZA-04-01
Applicant: City of Milwaukie Community Development
Site Address: Downtown Zones
NDA: All

Action Requested

Forward a recommendation to the City Council supporting approval of the proposed amendments to Zoning Ordinance Section 19.312 and the Milwaukie Zoning Map as described in the attached ordinance.

Background Information

In the summer of 1999, City staff worked with the community to develop a downtown land use plan. In September 2000, the City Council adopted the Downtown and Riverfront Land Use Framework Plan. The plan was developed to create more vitality in the downtown, to draw businesses and residents to the downtown, and to connect the riverfront to the downtown.

In conjunction with developing the Downtown and Riverfront Land Use Framework Plan, the downtown area was rezoned to allow for a mixture of uses including commercial and office buildings, a transit center, a hotel, multifamily housing, townhouses, and retail along Main Street. New code language was drafted for the downtown zone implementing the Downtown Plan. The downtown code and riverfront plan were developed to ensure consistent and high quality development.¹ The Zoning Ordinance includes specific development standards, public area requirements, and design standards that regulate development in the downtown to ensure an active, attractive, and accessible environment for shoppers, employers, and residents.

¹ The Downtown Zoning regulations were adopted in September 2000.

The downtown rezoning simplified the downtown zoning regulations. Prior to the adoption of the new downtown zones, six different zones were applied to the area and two overlay zones, a Mixed Use Overlay and the McLoughlin Corridor Overlay.

In April 2003, the Milwaukie Downtown Design Guidelines were adopted. The guidelines were developed to provide a framework within which to review development in the downtown and to support and compliment the adopted Downtown and Riverfront Land Use Framework Plan.

The North Main redevelopment site was originally defined in the Downtown Plan and zoning code as a site for a new downtown transit center. In 2001, the City Council abandoned the transit center plan in favor of a public-private venture to develop the site for mixed-use development.

Over the past seven months, a team of Community Development staff and consultants has been working with the developer to prepare the mixed-use project anticipated for the former Safeway site. During the process of creating the proposed plan, the team discovered that in some instances the downtown zoning code needed to be adjusted in order to accomplish the overall goals of the project.

Key Issues

1. The City of Milwaukie Community Development Department, the applicant in this application, has submitted a package of code amendments to Section 19.312 Downtown Zones. The amendments are submitted in support of the North Main Redevelopment Project slated for a Planning Commission hearing on December 14, 2004.
2. The City is proposing the following code changes to the Downtown Zone:
 - a. Presently, townhouses and ground floor multifamily housing is not permitted in the Downtown Storefront (DS) Zone. The proposed change will permit townhouses and multifamily development in a limited portion of the Downtown Storefront Zone. This provision is implemented through designation of the area as the "Village Concept Area."
 - b. Presently, surface parking lots and driveway curb cuts are not permitted within 50 feet of Main Street. The proposed code amendment will permit surface parking lots and driveway curb cuts within 50 feet on Main Street subject to specific limitations including Planning Commission review and approval.
 - c. Presently, unenclosed upper level balconies are not permitted to project into the right-of-way.

The proposed amendment will permit unenclosed upper level projections up to 4 feet into the right-of-way subject to Fire, Building, and other code limitations.

- d. The proposed amendment will modify design standard criteria to create more flexibility for the Planning Commission and the Design and Landmarks Commission in allowing expressly prohibited materials to be used subject to a review process.
4. Staff believes the applicant has demonstrated compliance with applicable approval criteria.

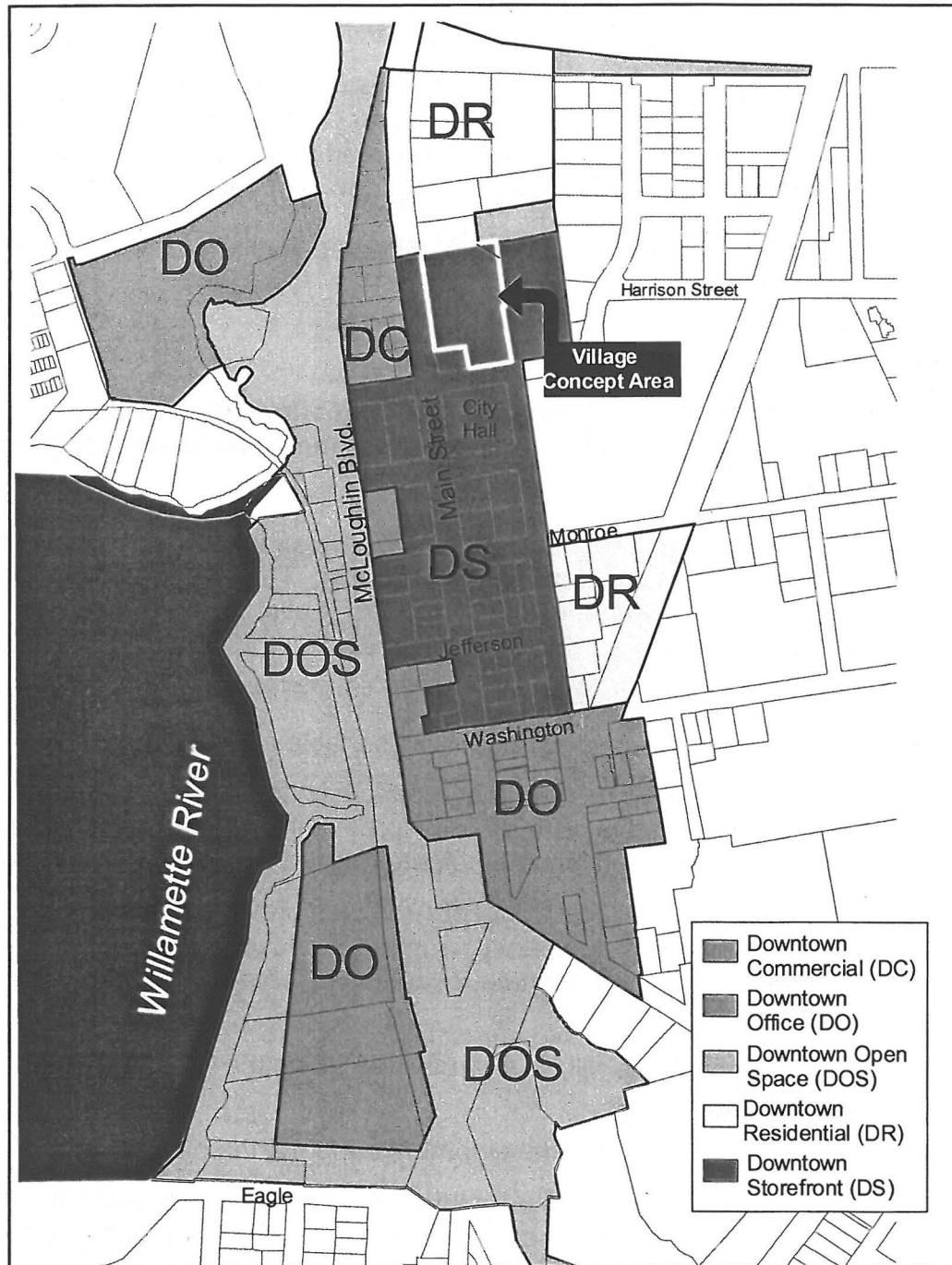
Analysis of Key Issues

1. Creation of the "Village Concept Area" and allowing townhouses and multifamily housing in a limited portion of the Downtown Storefront (DS) Zone.

The purpose of the DS Zone is to preserve and enhance the commercial "Main Street" character of downtown Milwaukie. The DS Zone allows for a full range of retail, service, business, and residential uses. Retail uses are required on ground floors fronting on Main Street. Office and residential uses are permitted on upper floors.

Staff believes the proposed change is reasonable as follows:

- Townhouses and ground floor multifamily housing will be permitted only on the Safeway site, thereby preserving desired commercial development potential on other sites zoned DS (See map below).
- The site of the Village Concept Area was previously planned for transit center development. With that proposal having been abandoned, it is appropriate to look at suitable alternate uses on the property.
- Commercial uses will still be provided along the ground floor of Main Street.
- Mixed-use residential development supports the downtown.
- The City Council has given prior policy direction to develop a mixed-use project on the site. The proposed "village concept area" code amendment implements that policy.



2. Proposed curb cuts and surface parking lots within 50 feet of Main Street.

The DS Zone is defined by a continuous facade of buildings close to the street with adjacent on street parking particularly along Main Street. Off-street parking is not required for developments in the DS Zone. The

applicant is proposing to amend the code to permit surface parking lots and curb cuts within 50 feet of Main Street subject to the following limitations:

- a. The Planning Commission must approve the request.
- b. The applicant must demonstrate that the overall project meets the intent of the code by providing a continuous facade of buildings close to Main Street.
- c. The off street parking area is visually screened from view of Main Street.
- d. The community need for the off street parking in the area outweighs the need to provide a continuous facade of building in that area.

The applicant is requesting to amend this portion of the code for the following reasons:

- a. Allowing surface parking lots will assist new developments with meeting adequate fire code provisions.²
- b. The amendment will give the Commission the discretion to modify this requirement, taking into account the shortage of on-street parking and off street parking in certain areas of the downtown.
- c. The Commission will have the authority to permit surface parking lots and curb cuts within 50 of feet Main Street when it finds that the value of the off street parking outweighs the need to maintain a continuous facade of buildings.

3. Allow upper story balconies and projections into the right-of-way

Currently, provisions regulating balconies are listed in the Landscaping and Open Space section of the Development Standards. The code also establishes minimum dimensions of 6 feet in depth by 8 feet in width for balconies.

The applicant proposes to move the code section governing balconies out of the development standards section and relocating it into the design standards section. Moving this section under the Design Standards will allow dimensions of balconies to be modified through the Modifications of Design Standards rather than going through a standard variance process.

Currently upper level balconies are not permitted to project into the right-of-way. The applicant is proposing to insert a provision that will permit unenclosed upper level balconies to extend into the right-of-way no more than 4 feet.³ The applicant has indicated this provision will allow

² Fire code provisions require fire truck access to all sides of buildings that do not have frontage on a public street.

³ Subject to building, fire, safety, and public works standards.

developers to flexibly use the right-of-way space for outdoor upper level balconies provided other fire, building, and public works standards are met.

Staff believes that balconies encourage outdoor use of space and add to the mixed use and residential character of downtown.

4. **Modification to design standards.**

The downtown design standards are intended to encourage building design and construction with durable high-quality materials. They are intended to support the development of a cohesive, attractive, and safe downtown area and encourage private investment. The standards are intended to be clear and objective.

The developer for the North Main project has expressed interest in using prohibited materials and window treatments. The applicant is proposing to amend the modification of design standards criteria to allow the modification and use of prohibited materials subject to limitations.

The modification will allow developers to modify various design standards using approval criteria other than the typical variance criteria. The applicant believes this will offer the Planning Commission and the Design and Landmarks Commission flexibility in granting modifications that will both meet the intent of the code and positively contribute to the appearance of the downtown.

5. **Staff believes the applicant has demonstrated compliance with applicable approval criteria. (See Exhibit 3 of the proposed ordinance for details.)**

The key code change with regard to land use is the "village concept area". Section 905(b) (1) requires consideration of six elements. The following summarizes the applicant's response. See also applicant's narrative.

Site Location and Character of the Area

The proposed code amendments for the North Main Site support and enhance the character of the area. The character of the area and uses adjacent to the site are commercial/retail, public service (Ledding Library, City Hall) and open space.

Predominant Land Use Pattern and Density of the Area

The current land use pattern in the downtown is a mix of commercial/retail, municipal services and open space. It is surrounded by a dense residential neighborhood.

Mitigation Measures

The proposed code amendments support increased density but is not expected to create the need for any significant mitigation measures. The

Milwaukie Downtown and Riverfront Land Use Framework Plan and Downing Zoning Code call for accommodating increasing density in the downtown. Generally there is capacity in the downtown to support increased density. Existing water, sewer, power and phone services are adequate. Some upgrade of the storm system may be needed but can be accommodated.

Any project development will require a transportation impact analysis and full development review process. Traffic and transportation study may reveal the need for some mitigation such as improving safety at the intersections of 21 and Harrison and Harrison and Main Streets. Potential mitigation measures will be identified at the time of development review.

Expected Changes in the Development Pattern

The village concept area implements proposed changes in the development pattern by allowing first floor residential uses on the former Safeway site. No other changes to existing or planned land use patterns are expected.

Need for Use allowed by Amendment

The need for the proposed first floor residential use comes from existing downtown planning policies that encourage downtown housing and City Council direction with regards to the specific redevelopment proposal for the former Safeway site.

Lack of Suitable Alternative Site already Zoned for the Use

Because of the uniqueness and the goals of the project, there are no other alternative sites already zoned for the use. This project best fits in the downtown with its mix of commercial/retail shops, housing and high-density development. It is a unique site that is highly visible in the downtown. An innovative village concept area is sought because of the site's high visibility and impact as a catalyst for future revitalization in the downtown.

Code Authority and Decision Making Process

Milwaukie Zoning Ordinance Sections:

1. 19.900 Amendments
2. 19.1011.4 Major Quasi Judicial Review
3. 19.1011.5 Legislative Actions
4. 19.1400 Transportation Planning, Design Standards and Procedures

The Planning Commission has the following decision making options:

1. Forward a recommendation supporting the proposal and ordinance.

2. Forward a recommendation supporting the proposal and ordinance with modifications.
3. Forward a recommendation for denial.

Comments

Historic Milwaukie Neighborhood District Association (NDA) (Verbal comments from Ed Zumwalt) – Historic Milwaukie is in support of the North Main project, but is concerned about traffic control. The NDA expressed concerned with future traffic and the number of trips that will be generated by the proposal, as well as how the additional traffic will be managed.

Attachments

1. Applicant's Narrative
2. Adopting Ordinance

RECEIVED

AUG 20 2004

CITY OF MILWAUKIE
PLANNING DEPARTMENT

**SECTION 19.312 DOWNTOWN ZONES
TEXT AMENDMENTS**

SUBMITTED BY:

**CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT DEPARTMENT
JUNE 9, 2004**

REVISIONS SUBMITTED ON AUGUST 20, 2004

BACKGROUND

The City of Milwaukie Community Development Department is pleased to submit a package of code amendments to Section 19.312 Downtown Zones. These amendments are submitted in support of the North Main Redevelopment Project slated for a Planning Commission hearing on December 14, 2004. A team of staff and consultants from Community Development has been working with the developer over the past seven months to prepare the mixed-use project anticipated for the former Safeway site. During the process of creating the proposed plan, the team discovered that in some instances the downtown zoning code needed to be adjusted in order to accomplish the overall goals of the project.

The amendments are submitted with respect for the Planning Commission and City Council who adopted the original downtown zoning code in 1999. These adjustments are considered refinements to the award-winning code and downtown plan. Some of these amendments apply downtown-wide and will be helpful to other applicants who will redevelop properties in the downtown using the new code. Others apply specifically to the North Main site. For instance, these amendments introduce a zoning overlay on the North Main site called the "Village Concept Area." Given the unique size, location and civic-goals associated with the North Main site, Community Development staff believes it is appropriate to propose such an overlay to allow a broader range of residential uses such as townhouses within the Downtown Storefront zone on the North Main site. More explanation about this proposal is included in the text amendments below. Thank you for considering these amendments.

Alice Rouyer & Jeff King
Director of Community Development & Public Works
City of Milwaukie
(503) 786-7654

Note: Proposed code language amendments and explanations have been inserted into the text of Section 19.312. Underlined language indicates proposed new language. ~~Strikethrough~~ indicates language is proposed to be deleted. Only edited sections of Section 19.312 are included here.

1. PROPOSED AMENDMENT TO SECTION 312.2 “CHARACTERISTICS OF DOWNTOWN ZONES”

Community Development is proposing to add a description of the “Village Concept Area” to the Downtown Storefront zone description. Staff is proposing that certain uses such as townhouse uses and multi-family apartment /condo buildings be permitted in the Downtown Storefront zone under certain conditions when located in the “Village Concept Area”. The Village Concept Area is defined as the North Main site. The North Main site was originally defined in the Downtown Plan and zoning code as a site for a new downtown transit center. The Council abandoned that plan in 2001. This creates an opportunity to create a unique new village development concept in the downtown. The site is a larger size than most other DS parcels. It also has the benefit of close proximity to the library, City Hall and an existing on-street transit center. A mixture of uses on this site including ground floor retail, loft units, apartments, and townhouses provide an effective transition between high density residential envisioned to the north of the site and more traditional storefront uses envisioned on property to the south. The mixture of housing types will also support Downtown Commercial uses anticipated across Main Street to the west. The Village Concept Area will be a catalyst for further redevelopment in the nearby DR, DC, and DS zones.

Section 19.312.2 Characteristics of the Downtown Zones

A. Downtown Storefront (DS) The downtown storefront zone is established to preserve and enhance the commercial “Main Street” character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business and

residential uses. Retail uses are required on the ground floors of buildings fronting on Main Street. Office and/or residential uses are allowed on upper floors. Industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS zone to allow a broader mix of uses on a city-owned site adjacent to the library, City Hall, a high density residential area to the north, and existing Main Street storefront uses. These uses include townhouses and multi-family apartment/condominium buildings.

2. PROPOSED AMENDMENT TO DOWNTOWN ZONES USE TABLE

In response to the Village Concept Area proposal outlined below, Community Development is proposing to make the "Townhouse" use a limited use in the DS (Downtown Storefront) zone, subject to the limitations outlined in the text amendment that follows the table below. This proposal removes the current "N" or "not permitted" designation for townhouses in the DS zone and replaces it with an "L(1)" designation.

Community Development is also proposing to make "Multifamily apartment/condominium" a limited use, subject to the limitation outlined in the text amendment that follows the table. The proposal removes the current "N" or "not permitted" designation for multifamily/apartment buildings in the DS zone. Further explanation for both amendments is provided below.

Table 19.312.3
DOWNTOWN ZONES--USE TABLE

Use Categories	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Down Open Space
Residential					
Single-family detached	N	N	N	N	N

Townhouse	<u>L(1) N</u>	N	N	L[1]	
Multifamily apartment/condominium	<u>L(10) N</u>	P	N	P	N
Senior and retirement housing	N	P	N	P	N
Second-floor housing	P	P	P	P	N
Commercial/Office ¹					
Automobile service station	N	N	N	N	N
Automobile repair	N	L[2]	N	N	N
Commercial recreation	P	P	P	N	N
Eating/drinking establishment	P	P	L[3]	N	N
Financial institution	P	P	P	N	N
Theater	P	P	P	N	N
Hotel/motel	N	P	P	N	N
Office, professional and administrative	L[4]	P	P	L[5]	N
Parking facility	P	P	P	N	L[6]
Personal/business services	L[7]	P	P	L[5]	
Retail trade	P	P	L[3]	L[5]	N
Industrial	N	N	N	N	N
Other					
Adult entertainment	N	N	N	N	N
Community service uses	L[8]	L[8]	L[8]	L[8]	L[8]
Marinas, boat ramp	N	N	N	N	P
Parks, plazas, open space	P	P	P	P	P
Transit centers	L[9]	L[9]	N	N	N

¹Certain uses are permitted in the downtown storefront zone, but are not allowed in the required retail ground floor use area along Main Street (see Figure 19.312-2 and subsection 19.312.4(B)(7) for details).

G. Limited Uses. The following provisions describe the use limitations and correspond with the footnote numbers for uses listed with an "L" in Table 19.312.3.

3. PROPOSED AMENDMENT TO SECTION 19. 312.3(G) “LIMITED USES”

Community Development staff is proposing to amend the code language for “limited uses—townhouses” to allow townhouse development in the Downtown Storefront zone only within the “Village Concept Area.” As described above, the “Village Concept Area” is the North Main site. The current limited use language applying to townhouse development in a limited area of the downtown residential zone is unaffected by this proposed amendment.

Another amendment is also requested to establish a limited use category allowing multifamily apartment/condominium buildings to be constructed within the DS zone only in the Village Concept Area. Currently the code only permits “second floor” housing in the DS zone. This amendment would permit “first floor” apartment/condo-style housing within the DS zone only on the North Main site. See proposed language below:

Amendments to current language under (L)(1):

1. Townhouse development is permitted only in a limited area of the downtown residential zone as identified on the zoning map (see “Transitional Residential Area” on Figure 19.312-1). This limited use provision is intended to provide an opportunity for owned, attached housing at a minimum density of ten units per acre. Townhouse development is permitted only in a limited area of the downtown storefront zone as identified on the zoning map (see “Village Concept Area” on Figure 19.312-1. Townhouses shall not be located within 50 feet of the Main Street frontage within the “Village Concept Area”.

New Limited Use Category #10:

10. Multifamily apartment/condominium building development is permitted only in a limited area of the downtown storefront zone as identified on the zoning map (see “Village Concept Area” on Figure 19.312-1.

4. PROPOSED AMENDMENT TO SECTION 19.312.4 DEVELOPMENT STANDARD TABLE FOOTNOTE :

This amendment is a housekeeping amendment to match the proposed amendments to townhouse development as described above. See strike-out language under the table below in Footnote #2:

Table 19.312.4 DOWNTOWN ZONES--DEVELOPMENT STANDARDS					
Standard	Downtown Storefront	Downtown Commercial	Downtown Office	Downtown Residential	Downtown Open Space
1. Minimum lot size	750 sf	10,000 sf	5,000 sf	750/5,000 sf ²	None
2. Floor area ratio					
Minimum	1:1	0.3:1	0.5:1	N/A	N/A
Maximum	4:1	2:1	3:1	N/A	N/A
3. Building height (see Figure 19.312-3)					
Minimum	35'	25'	25'	None	None
Maximum	45'-55'	55'	65'	45'-65'	None
4. Residential density					
Minimum	None	None	None	10-30 U/Acre	None
Maximum	None	None	None	None	None
5. Street setback (see Figure 19.312-4)					
Minimum	0'	0'	0'	0'	0'
Maximum	10'	50'	10'	None	None
6. Other setbacks (side and rear)	None	None	None	15' ³	None
7. Ground-floor retail (see Figure 19.312-2)	Yes	Yes	Yes	No	No
8. Ground-floor windows/doors (see Figure 19.312-2)	Yes	Yes	Yes	No	No

19.312-5)					
9. Drive-through facilities	No	No	No	No	No
10. Off-street parking required	No	Yes	No/Yes ⁴	Yes	Yes
11. Landscaping	None	10%	None	15%	20%

2. Townhouse lots in the transitional residential area may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

3 Setbacks are required only where the DR zone abuts a lower-density residential zone.

4 Off-street parking is not required in the DO zone to the north of Washington Street and east of McLoughlin Boulevard. Off-street parking is required in the DO zone located outside of this boundary.

5. PROPOSED AMENDMENT TO OFF-STREET PARKING DEVELOPMENT STANDARD SECTION 19.312.4(B)(10)(C)

The intent of the Off-Street Parking section, as described in the code, is to maintain “the desired character for the downtown storefront zone, particularly along Main Street.” Main Street should be defined by “a continuous façade of buildings close to the street, with adjacent on-street parking.” Community Development staff believe that there are situations when it may not be possible to maintain a continuous building façade along Main Street. For instance some projects along Main Street would be without auto access if not allowed to place a curb cut along Main Street. In addition, in some cases the existing language will prevent new developments from meeting adequate fire code provisions requiring fire truck access to all sides of buildings that do not have direct frontage on a public street. Also, given the shortage of on-street and off-street parking in certain parts of downtown, Community Development staff believe that the Planning Commission should have discretion to modify this requirement when a project meets the intent of providing a continuous façade of buildings close to the street combined with strong visual screening of the proposed parking area or curb cut. In response, Community Development is proposing to add new language to this section offering the Planning Commission the opportunity to modify the standard prohibiting off-street parking lots and curb cuts to be located within 50 feet of the Main Street right-of-way. The Commission would only grant these requests when it finds that the community value of the off-street parking or curb cut outweighs the need to maintain a continuous façade of buildings close to the street. See proposed language below:

c. Off-street surface parking lots (including curb cuts) shall not be located within fifty feet of the Main Street right-of-way. Planning Commission may permit off-street parking lots and curb cuts within 50 feet of the Main Street right-of-way only on the finding in a public hearing that:

- i. The overall project meets the intent of providing a continuous façade of buildings close to Main Street;
- ii. The off-street parking area or curb cut is visually screened from view from Main Street; and
- iii. The community need for the off-street parking area or curb cut within 50 feet of Main Street outweighs the need to provide a continuous façade of buildings in that area.

6. PROPOSED AMENDMENT TO LANDSCAPING/OPEN SPACE DEVELOPMENT STANDARD 19.312.4(B)(11)(b):

Community Development Department staff is proposing to move this section out of 19.312.4 "Development Standard" and into 19.312.6 "Design Standards". This code language fits better into the design standards section since balconies are an architectural design feature, rather than a landscaping feature. This also will allow for a more logical review process for applicants wishing to modify the balcony size on individual development requests. Moving it to the "Design Standards" section will allow it to be modified through the "Modifications of Design Standards" process outlined in Section 19.312.7(J) rather than going through a standard variance process. Requests must still be reviewed by the DLC and Planning Commission.

MOVE THIS SECTION 19.312.4(B)(11)(b) TO A NEW SECTION 19.312.6(C)(1)(d).

1. STRIKE LANGUAGE FROM THIS SECTION:

11. Minimum Landscaping/Open Space. The minimum landscaping/open space requirements are established to provide amenities for downtown residents,

promote livability, and help soften the effects of built and paved areas.

a. Required landscaping/open space in the downtown may include courtyards, roof top gardens, balconies, terraces and porches.

~~b. Balconies for residential units shall have a minimum depth of six feet and a minimum width of eight feet.~~

b.c.—Where possible, jointly improved landscaped areas are encouraged to facilitate continuity of landscape design. Street trees are required in all downtown zones as outlined in the public area requirements.

c.d.—All material in the minimum required landscaped area shall be live plant material. Materials such as bark or river rock may be used only if approved as part of the overall landscaping plan.

2. INSERT LANGUAGE INTO NEW SECTION 19.312.6(C)(1)(d):

d. Residential balconies.

i. Balconies for residential units shall have a minimum depth of six feet and minimum width of eight feet.

7. PROPOSED AMENDMENT ADDING A LANDSCAPING/OPEN SPACE DEVELOPMENT STANDARD IN SECTION 19.312.4(B)(11)

Community Development is proposing to insert a provision into the downtown code that allows unenclosed, balconies to extend into the right-of-way no more than four feet. The City of Portland has a similar provision in its code. This allows developers to flexibly use the right-of-way space for outdoor upper level balconies, provided that all other fire code, building and public standards are also met.

NEW CODE SECTION:

12. Right-of-Way projections. Right-of-way projections of up to four feet are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.

8. PROPOSED AMENDMENT TO MODIFICATION OF DESIGN STANDARDS SECTION 19.312.7(J):

The developer for the North Main project will be seeking modifications to various design standards. The section below allows developers to modify these standards using approval criteria other than the typical variance criteria. This offers the Design & Landmarks Commission and Planning Commission flexibility in granting modifications that will both meet the intent of the code (as described in the code) and positively contribute to the appearance of downtown. The Commission is not bound by the rigid variance criteria in granting such modifications.

In recent pre-application meetings with staff, the developer expressed interest in using building materials and window treatments that are expressly prohibited in the downtown zones. The development team learned that both Planning staff and the City Attorney office interpret the code such that design standards that expressly prohibit building materials or design features cannot be modified. The proposed code language permits applicants to seek such modifications, provided that the proposal meets the criteria for modifications. The Design & Landmarks Commission and Planning Commission must still approve the modification. Also included below is a small housekeeping amendment to improve the grammar of the adopted code.

J. Modification of Design Standards. The design and landmarks commission may authorize modification of the design standards under Section 19.312.6(C), in accordance with the following procedures. Design standards under Section 19.312.6(C), that expressly prohibit building materials of may be modified in accordance with the criteria below:

A modification to a design standard may be granted at a public hearing in accordance with Section 19.1011.3 when all of the following criteria is are satisfied:

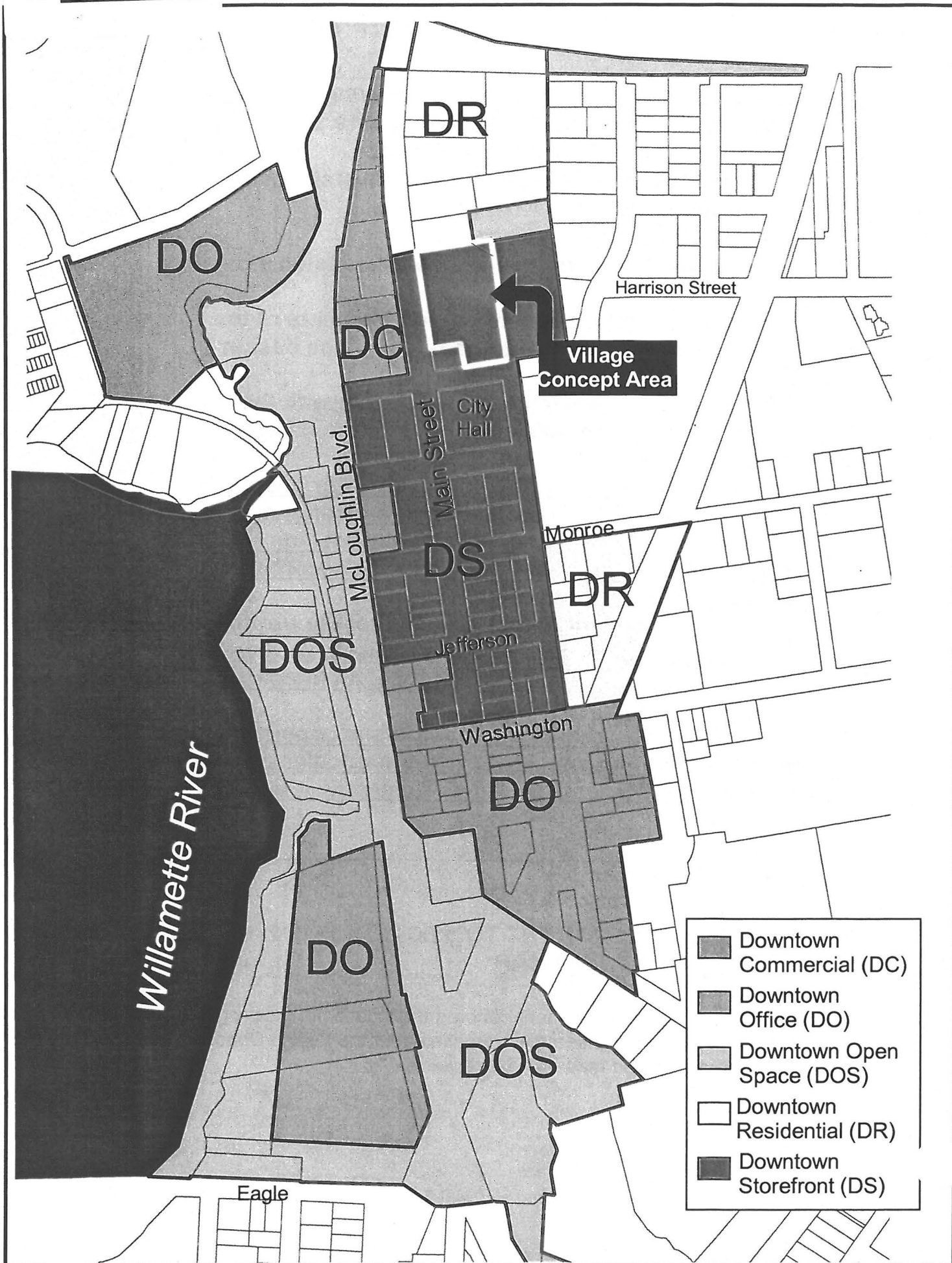
1. The modification is integral to the overall design concept for the building;
2. The modification:
 - a. Substantially meets the intent of the design standard;
 - or
 - b. In combination with other design elements of the project, the modification meets the intent of the design standard; and
3. The project is substantially consistent with the downtown design guidelines applicable to the design standard.

4. Consideration of prohibited materials or design features. The design and landmarks commission may authorize the use of prohibited materials or design features specified in 19.316(C) in a public hearing in accordance with the following criteria:

- i. The applicant demonstrates that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style, architectural effect, and durability.
- ii. Use of the prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.

9. PROPOSED AMENDMENT TO SECTION 19.312-1 DOWNTOWN ZONING MAP

The proposed map amendment denotes the location of the proposed "Village Concept Area." Please see more details about the Village Concept Area above. See attached map on next page.



Zoning text amendment criteria:

Section 19.904.1 -- Requirements for Zoning Text Amendments

1. Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

A. Applicable requirements of Section 19.1003;

Planning staff provided Community Development with the appropriate forms to file this application. All required attachments are included with this package.

B. Reasons for requesting the proposed text amendments.

The reason for seeking these amendments is included in the Background section above. Additional explanation associated with each text amendment is included with the text for each amendment below.

C. Explanation of how the proposed text amendment is consistent with other provisions of this title.

Since these amendments can be considered refinements of the downtown code, they are consistent with other provisions of the Zoning Ordinance. Community Development consulted with Planning staff at length prior to completing the final draft of these amendments.

D. The approval criteria of Section 19.905:

i. The proposal must conform to applicable comprehensive plan goals, policies and objectives and be consistent with the provisions of city ordinances, Metro urban growth management functional plan and applicable regional policies.

The proposed amendments conform to and are consistent with applicable plans and policies.

Specifically, the proposed amendments support and are consistent with:

A) City of Milwaukie Comprehensive Plan:

Chapter 1 Citizen Involvement: The proposed text amendments are submitted through the legislative process, which includes public hearings, review by the Historic Milwaukie Neighborhood

District Association and opportunity for written and verbal comment by the public. This supports objectives #1-3 and is consistent with this chapter.

Chapter 2 Plan Review and Amendment Process: Amendments are submitted under a formal and orderly amendment process that will determine if the amendments are in the public interest.

Chapter 4 Land Use: The proposed amendments support desirable characteristics of the community while allowing for redevelopment, enhanced design, quality projects and increased residential and commercial density in the downtown core as indicated in this chapter.

Residential Land Use and Housing Element-amendments support development of sound, adequate new housing to meet needs for local and metropolitan residents. Different housing types and price points respond to resident needs, build stability and activity and increase the economic viability of the downtown while maintaining desired character and quality design.

- Housing building height change matches the adjacent DR zone and provides for a smoother transition.
- Supports higher density and location as identified in objective #2
- Flexible design approach and smooth integration of new development as identified in objective #3.
- The amendments are consistent with Objective #2, No.7-Town Center Areas.

Economic Base and Industrial/Commercial Land Use Element. The proposed amendments are consistent with and conform to this element and specifically with:

- Goal statement-"encourages the expansion of a broad industrial base and to encourage the expansion of service facilities in the community."
- Objective 1 -"actively attract new businesses...having growth potential"
- Objective 1, Policies 1-10. #10 -"The City will implement the Town Center Master Plan to promote economic development based on compatible mixed uses within the Town Center."
- Objective 6 – Commercial Land Use: conforms to the definition of "Town Center Areas" and policies 1 and 2 listed under this objective.
- Objective 12 – Town Center: The proposed amendments support and are consistent with the planning concepts and policies set out under this objective.

Ancillary Documents:

Regional Center Master Plan. The proposed amendments conform to the goals, policies and objectives of the December 2, 1997 Regional Center Master Plan. Specifically, they are consistent with:

- The definition of a Regional Center found on page 1.
- The 8 key issues in the planning process on page ES-3.
- The summary of implementation items on page ES-6 and Chapter 3. In particular, the amendments enhance and support the language of Urban Design, Land Use, and Infill and Redevelopment Opportunities.
- A broader range of mixed uses as identified on page 23.
- The goals and policies of Subarea 1 on pages 39-50, which covers the current downtown zone. It calls for high density, mixed-use and flexible urban design

Downtown and Riverfront Land Use Framework Plan The proposed amendments conform to the goals, policies and objectives of the September 19, 2000 Downtown and Riverfront Master Plan. Specifically, they are consistent with:

- Section 1.5 –Guiding Principles which calls for a livable community and economic success.
- Section 1.7-Fundamental Concepts which calls for reactivating Main St.
- Section 1.9-Key Land Use Features which calls for “Revitalizing Main St. and downtown” and “Providing Quality Housing”.
- Section 1.13-Storefront Main Street Area which calls for mixed uses of retail on the ground and second floor and mixed uses of office and residential above. The amendments do call for allowing townhomes on-site in the DS zone. However the intent is met by not allowing first floor housing on Main St. and by increasing mixed-use density.

B) Metro Urban Growth Functional Plan

The proposed amendments conform to all applicable goals, policies and objectives of Chapter 3.07 Metro Urban Growth Functional Plan. Specifically, they are consistent with:

- Title 1-Requirements for Housing and Employment Accommodation. Supports purpose and intent, which is the efficient use of land and increasing capacity to accommodate housing and employment. Consistent with Town Center 2040 Growth Types as defined in section

3.07.130 and design type density recommendations in section 3.07.170.

- Title 6-Central City, Regional Centers, Town Centers and Station Communities. Amendments support purpose and intent of Title 6 which “intends to enhance Centers by encouraging development in these Centers that will improve the critical roles they plan in the region...”. The amendments are also consistent section 3.07.620 –Local Strategy to Improve Centers.

C) Oregon Statewide Planning Goals

The proposed amendments conform to all applicable goals, policies and objectives of Oregon’s Statewide Planning Goals & Guidelines. The applicable goals are 1, 2, 9 and 10. Specifically, the amendments are consistent with:

- Goal 1-Citizen Involvement: the amendment process used supports the goal “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases on the planning process.” The legislative process used includes public hearings, review by the Historic Milwaukie Neighborhood District Association and opportunity for written and verbal comment by the public.
- Goal 2 –Land Use Planning: the amendment process used supports and is consistent with Goal 2 intent which is “To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.” Amendments are submitted under a formal, deliberative, orderly, and factual process that will determine if the amendments are in the public interest. The amendment process is also consistent with the Goal 2 guidelines which covers the Milwaukie comprehensive plan.
- Goal 9 –Economic Development: the amendments are consistent and conform the purpose and intent of Goal 9 “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens”. The amendments support and encourage flexible urban design, mixed-use, increased density and development in the downtown. They are also consistent with providing an adequate inventory of sites for commercial development and providing compatible uses with downtown zoning.
- Goal 10 –Housing: the amendments are consistent with the goal “To provide for the housing needs of citizens of the state.” The amendments are consistent with these housing

goals and guidelines by allowing for flexible urban and compact design, increased density, and different housing types that respond to different needs of Milwaukie and Oregon residents. The amendments encourage housing in an area (downtown) where services provide sufficient support.

- ii. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.**

The proposed amendment is a refinement of the provisions of the DS zone and applicable development and design criteria. The proposed development is expected to be consistent with the site location and character of the area and the predominant land use pattern and density of the area. The proposed "Village Concept Area" will provide a mixture of uses on this site, serving as a catalyst for redevelopment on nearby Downtown Storefront and Downtown Residential zones. The North Main site presents a unique opportunity to create a village concept due to its size, shape, and proximity to planned residential development, existing Main Street businesses, the Library, City Hall and the downtown transit center.

- iii. The proposed amendment will meet or can be determined to reasonably meet applicable regional, state or federal regulations.**

Explained above. Amendments do not cause any violations to applicable regulations

- iv. The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

Not applicable. The proposed amendments do not restrict potential development within the zone.

- v. **The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provision of Chapter 19.1400.**

Not applicable. The proposed amendments do not impact the zoned capacity.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADOPTING CERTAIN TEXT AMENDMENTS TO CHAPTER 19.312 DOWNTOWN ZONES

WHEREAS, the Planning Commission conducted a public hearing on September 28, 2004, in accordance with Milwaukie Municipal Code Chapter 19.900 and adopted a resolution recommending the City Council adopt the proposed code changes; and

WHEREAS, the City Council conducted a public hearing on _____, in accordance with Milwaukie Municipal Code Chapter 19.900; and

WHEREAS, the requested code amendments implement the following:

1. Designation of the former Safeway site at Harrison Street and Main Street in downtown Milwaukie as the "Village Concept Area", formerly planned for a transit center.
2. Housekeeping changes as needed to accommodate first floor housing in the Village Concept Area in areas not fronting on Main Street.
3. Allowing parking and curb cuts on Main Street under certain circumstances, which acknowledges the desire to provide parking at the time of development thereby minimizing parking conflicts and ensuring adequate parking for shoppers, businesses, and prospective downtown residents.
4. Authorizing upper story projections into the right-of-way to accommodate desirable architectural features like residential balconies.
5. Clarifying that "prohibited" exterior building materials may be authorized in certain cases.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The proposed amendments to the Milwaukie Municipal Code Chapter 19.312 as described in Exhibit 1 are hereby adopted and incorporated into the Milwaukie Municipal Code.

Section 2: All changes to section citations and references required by adoption of the amendments are automatically adopted.

Section 3 The proposed amendment to Section 19.312, Figure 19.312 -1, Downtown Zoning Map, showing the zoned "Village Concept Area" as in

Exhibit 2, is hereby adopted and incorporated into the Zoning Ordinance and Zoning Map.

Section 4. Findings of fact in support of these amendments as described in Exhibit 3 are hereby adopted.

Read for the first time on _____ and moved to a second reading by _____ vote of the City Council.

Read for the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

James Bernard, Mayor

ATTEST

APPROVED AS TO FORM
Ramis Crew Corrigan Baccrach, LLP

Pat Duval, City Recorder

City Attorney

Ordinance No. _____

Exhibit 1**Amendments to Milwaukie Municipal Code Chapter 19.312¹****1. Amend Section 19.312.2 (A) as follows:**

Downtown Storefront (DS) The downtown storefront zone is established to preserve and enhance the commercial "Main Street" character of downtown Milwaukie, ensuring that new development in areas designated DS is compatible with this desired character. This zone allows a full range of retail, service, business and residential uses. Retail uses are required on the ground floors of buildings fronting on Main Street. Office and/or residential uses are allowed on upper floors. Industrial uses are not allowed. The desired character for this zone includes buildings that are built to the right-of-way and oriented toward the pedestrian, with primary entries located along streets rather than parking lots. A "Village Concept Area" has been established in the DS zone to allow a broader mix of uses on a city-owned site adjacent to the library, City Hall, a high density residential area to the north, and existing Main Street storefront uses. These uses include townhouses and multifamily apartment/condominium buildings.

2. Amend Table 19.312.3 Downtown Zones Use Table as Follows

- a. Change the code in the Downtown Zone column code from "N" to "L (1)" in the "Townhouse" row.
- b. Change code in the Downtown Zone Column from "N" to "L(10)" in the "Multifamily, apartment/condominium" row.

3. Amend Section 19. 312.3(G)(1) Limited Uses as follows:

(Explanatory Note: Section 19.312.3 (G) describes limitations that apply to use categories identified in Table 19.312.3.)

1. Townhouse development is permitted only in a limited area of the downtown residential zone as identified on the zoning map (see "Transitional Residential Area" on Figure 19.312-1). This limited use provision is intended to provide an opportunity for owned,

¹

- a. Underlined text is to be inserted and ~~strikethrough~~ text to be deleted.
- b. Certain changes are also described by narrative without the use of strikeout or underlined text.
- c. There shall be no change to unmarked existing text and to any text that is not specifically included herein.
- d. "Explanatory notes" that appear in this exhibit do not amend the code.

attached housing at a minimum density of ten units per acre. Townhouse development is permitted only in a limited area of the downtown storefront zone as identified on the zoning map (see "Village Concept Area" on Figure 19.312-1. Townhouses shall not be located within 50 feet of the Main Street frontage within the "Village Concept Area".

4. Amend Section 19.312.3(G) Limited Uses by adding the new subsection 19.312.3(G)(10) as follows:

10. Multifamily apartment/condominium building development is permitted only in a limited area of the downtown storefront zone as identified on the zoning map. See "Village Concept Area" on Figure 19.312-1.

5. Amend Footnote #2 of Table 19.312.4 Development Standards as follows:

(Explanatory Note: This is a housekeeping amendment as needed to establish minimum lot sizes for townhouse development authorized in the "Village Concept Area" under this ordinance.)

2. ~~Townhouse lots in the transitional residential area~~ may be as small as seven hundred fifty square feet. All other lots created in the DR zone shall be a minimum of five thousand square feet.

6. Amend Section 19.312.4(B)(10)(c) regarding offstreet parking as follows:

- c. Off-street surface parking lots (including curb cuts) shall not be located within fifty feet of the Main Street right-of-way. The Planning Commission may permit off-street parking lots and curb cuts within 50 feet of the Main Street right-of-way only on the finding in a public hearing that:
- i. The overall project meets the intent of providing a continuous facade of buildings close to Main Street;
 - ii. The off-street parking area or curb cut is visually screened from view from Main Street; and
 - iii. The community need for the off-street parking area or curb cut within 50 feet of Main Street outweighs the need to provide a continuous façade of buildings in that area.

7. Repeal Section 19.312.4(B)(11)(b).

(Explanatory Note: This amendment combined with amendment #8 below, relocates the dimensional standards for residential balconies from 19.312.4 to 19.312.6.)

8. Amend Section 19.312.6(C)(1) by adding a new subsection 19.312.6(C)(1)(d) as follows:

d. Residential Balconies.

- i. Balconies for residential units shall have a minimum depth of six feet and minimum width of eight feet.

9. Amend development standards of Section 19.312.4(B) by adding new subsection 19.312.4(B)(12) as follows:

12. Right-of-Way projections. Right-of-way projections of up to four feet are permitted in all downtown zones for upper-level, unenclosed balconies. All applicable building, fire, safety and public works standards shall also be met prior to permitting such balcony projections.

10. Amend modification of design standards of Section 19.312.7(J) as follows:

(Explanatory Note: This amendment corrects a prior editing omission in the second paragraph of 19.312.7(J).)

A modification to a design standard may be granted at a public hearing in accordance with Section 19.1011.3 when all of the following criteria is are satisfied:

11. Amend Section 19.312.7 by adding a new section 19.312.7(K) authorizing the use of materials prohibited under 19.312.6(C) as follows:

K. Consideration of prohibited materials or design features. The design and landmarks commission may authorize the use of prohibited materials or design features specified in 19.312(C) in subject to the following:

1. The applicant demonstrates that the prohibited material is substantially comparable to an allowed material with regards to quality, appearance, style, architectural effect, and durability.
2. Use of the prohibited materials is consistent with design considerations specified for the particular design element in the Milwaukie Downtown Design Guidelines.

Exhibit 3
Findings of Fact and Conclusions

1. The proposed zoning map amendment is consistent with Milwaukie Municipal Code 19.1011.4 Major Quasi Judicial Review provisions for amending the Zoning Map as follows:
 - a. Public notice and property owner notice was conducted in accordance with Section 19.1011.4(B).
 - b. The Planning Commission conducted a public hearing on September 28, 2004, and forwarded a recommendation to the City Council to approve the zoning map changes in accordance with Milwaukie Municipal Code 19.1011.4(D).
2. The proposed legislative amendments to the Zoning Ordinance are consistent with Milwaukie Municipal Code Section 19.1011.5 as follows:
 - a. Public notice and property owner notice was conducted in accordance with Section 19.1011.5(A).
 - b. The Planning Commission conducted a public hearing on September 28, 2004 and forwarded a recommendation to the City Council to approve the zoning amendments in accordance with Milwaukie Municipal Code 19.1011.5(B).
3. The proposed amendments have been processed in accordance with Milwaukie Municipal Code Chapter 19.900 Amendments as follows:
 - a. The reason for the zoning map change is to acknowledge the City Council's policy change from the prior transit use to mixed use development thereby extending high density residential uses to the site.
 - b. The code amendments implement the following:
 1. Designation of the former Safeway site at Harrison Street and Main Street in downtown Milwaukie as the "Village Concept Area" which was formerly planned for a transit center.
 2. Housekeeping changes as needed to accommodate first floor housing in the Village Concept Area in areas not fronting on Main Street.
 3. Allowing parking and curb cuts on Main Street under certain circumstances, which acknowledges the desire to provide parking at the time of development thereby minimizing parking conflicts and ensuring adequate parking for shoppers, businesses, and prospective downtown residents.

4. Authorizing upper story projections into the right-of-way to accommodate desirable architectural features like residential balconies.
5. Clarifying that "prohibited" exterior building materials may be authorized in certain cases.

4. The amendments have been evaluated in accordance with Milwaukie Municipal Code Section 19.905, which requires demonstration of the following:

- a. Conformance to applicable comprehensive plan polices, consistency with provisions of city ordinances, the Metro Urban Growth Management Functional Plan, and applicable regional policies.

Consistency with the Comprehensive Plan

The Downtown and Riverfront Land Use Framework Plan, which was made part of the Comprehensive Plan under Ordinance 1880, includes the development principle of maintaining a continuous retail facade along Main Street. The code amendment allowing parking and curb cuts on Main street modifies the above principle by acknowledging the desire to provide parking while substantively complying with continuous building facade requirements thereby minimizing parking conflicts and ensuring adequate parking for shoppers, businesses, and prospective downtown residents.

The public information and outreach process for the proposed amendments was consistent with applicable citizen involvement policies of Milwaukie Comprehensive Plan Chapter 1.

Consistency with City Ordinances

The Downtown and Riverfront Land Use Framework Plan principle of continuous building facade along Main Street is implemented through the following provisions of the Milwaukie Municipal Code:

1. Figure 312-4 Required Build-to Lines
2. Section 19.312.4(B)(5)(c) Zero Front Yard Allowance.
3. 19.312.4(B)(10) Off Street Parking.
4. 19.321.2(A) Characteristics of the Downtown Storefront Zone

By adoption of this ordinance exceptions to the continuous building facade are expressly authorized. Therefore no inconsistency between the amendment and the related code provisions exists.

Consistency with the Functional Plan and Regional Policies

There are no directly applicable functional plan or other regional policies.

- b. Future development must meet the intent of the proposed zone change taking into account numerous considerations. The relevant code change with regards to this criterion is allowing residential development on the ground floor in the Village Concept Area approved under this ordinance and allowing curb cuts and parking along Main Street under certain circumstances.

The intent of the Downtown Storefront Zone as adopted under Ordinance 1880 includes the following:

1. Preserve and enhance the "Main Street" character of downtown Milwaukie.
2. Support a full range of retail, service, business, and residential uses.
3. Require retail uses on Main Street.
4. Allow office and residential uses on upper floors.
5. Construct buildings close to the street.

The relevant amendments adopted under this ordinance refines the intent of the Downtown Storefront zone by expressly allowing first floor housing in the Village Concept Area and allowing parking on Main Street when a project provides a substantial building facade along the street.

Section 905.1(B) Considerations

The proposal has been evaluative with respect to the six considerations of Section 905.1(B). It has been determined that the site is suitable for the proposed Village Concept Area and that the concept area supports the existing pattern of development in accordance with the adopted Downtown and Riverfront Land Use Framework Plan.

- c. Section 19.905.1(C) also specifies demonstration of compliance with regional policies, but adds state and federal policies as well. City code and policies that govern the code amendment process are consistent with statewide planning goals. There are no directly applicable federal policies.
- d. Section 19.905.1(D) requires consideration as to whether new demands for public services related to an amendment will constrain development potential within the affected service area. The relevant code change is the adopted allowance of first floor housing within the Village Concept Area. The primarily affected facilities include water, sewerage, and stormwater systems. Adequate capacity exists in these systems to serve existing and potential development contemplated by the proposed amendment and the development achievable under the Downtown and Riverfront Land Use Framework Plan.

- e. Section 19.905.1(E) requires consideration of the effect of an amendment on the functional classification, capacity, and level of service of the transportation system. The relevant code change is the adopted allowance of first floor housing within the Village Concept Area. Existing uses allowed in the Downtown Storefront zone include several that have a higher trip generation rate than residential. Therefore the overall potential traffic impact of development is associated with allowed uses that have higher trip generation than first floor residential development that may result from the amendment.
- 5. By the same reasoning above Milwaukie Municipal Code 19.1403, has been satisfied. The proposal does not increase development potential over existing potential in comparison to presently allowed uses.
- 6. The Downtown and Riverfront Land Use Framework Plan will be amended to eliminate the transit center originally proposed for the former Safeway site located on Harrison Street and Main Street.

(End of Exhibit)



To: Planning Commission
From: John Gessner, Planning Director *JG*
Date: September 28, 2004
Subject: Wetland Designation at North Clackamas Park

Action Requested

Direct staff with regards to the zoning status of two unmapped wetlands in North Clackamas Park.

Background

On December 17, 2002, the City Council enacted the City's Water Quality Resource regulations and associated water quality resource maps. Under these regulations, lots that contain water resources as shown on the adopted maps are subject to development controls including buffers around mapped resources.

Sources used to identify water resources mapped in 2002, include the National Wetlands Inventory, the 1993 wetland determination report prepared for the City, staff knowledge, and the City's Comprehensive Plan wetland inventory. The city water quality resource map for the park shows certain watercourses and wetland areas. However, the map does not include the sites that are the subject of this review, which were not previously known to be wetlands.

The purpose of this review is to determine whether the newly identified wetland sites have sufficient value to be mapped and therefore made subject to resource protection. Staff advised the District on the process for resolution of this issue; their request was submitted accordingly. (See *Exhibit 1*)

The sites in question lie along the southerly fence line and along the Kellog Creek Drive between the two ball fields; these are shown as Wetland #3 and Wetland #1 on Figure 5 of the District's wetland report. (See *Exhibit 2*) Both wetlands are bounded by active recreational fields. Wetland #3 is bounded on the south by undeveloped properties.

A Wetland Determination and Delineation was conducted for the Parks District.¹ The report indicates that the site contains the needed hydrology, soils, and vegetation to qualify for wetlands determination. The report indicates that wetland #1 along the drive and wetland #3 along the southerly fence would meet the exemptions from state wetland permitting requirements under Oregon Administrative Rule 141-085-0015 for artificially created wetlands and roadside ditches.²

A notice of the public meeting on this matter was mailed on September 13, 2004, to owners of surrounding properties within 300 feet of the site

Key Issues

1. Historic aerial photography and site conditions suggest large portions of the site previously supported extensive wetland conditions. The park site has been significantly modified through artificial drainage, land clearing, and filling. The remaining stream and drainage corridors have significant resource value.
2. Wetlands qualify for city resource mapping when they are at least one half acre or otherwise have been determined to have an intact water quality function under the 1996 Freshwater Wetland Assessment Methodology.³ Both wetlands are significantly smaller than one half acre. The freshwater wetland assessment methodology has not been applied.
3. An independent wetland consultant was hired by the City to advise on this matter.

Conclusion

Staff believes that wetland #1 and wetland #3 lack the size, quality, and natural functions that would warrant rezoning for resource protection and recommends the Commission not direct that action. Both sites are too small in relation to surrounding conditions and activities to offer meaningful resource value. Minimal resource value is present and persistent park activity significantly constrains potential for restoration of natural resource values.

Alternatively, staff recommends that that proportional restoration of other on-site quality resources be provided should any future site development displace the wetlands.

The City's wetland consultant will be present on September 28, 2004 to address Commission questions.

¹ See Exhibit 2.

² This alone is not a basis for not protecting a resource.

³ In accordance with Milwaukie Municipal Code Section 322 and Metro Functional Plan Title 3.

Decision Making Alternatives

The Commission's action on this matter is advisory only. Accepting the staff recommendation would result in "no action" and subsequent park development proposals would not be subject to city resource protections for wetlands #1 and #3.. The Commission has the following options:

- Accept the staff recommendation.
- Take no action.
- Initiate a rezoning.
- Refer the matter to the City Council for their consideration.

Exhibits

1. Letter of Charles Ciecko, Director, North Clackamas Parks and Recreation District, August 2, 2004.
2. Wetland Determination and Delineation for North Clackamas Park in Milwaukie, Oregon, Pacific Habitat Services, March 10, 2004.



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

RECEIVED

AUG - 2 2004

August 2, 2004

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Mr. John Gessner, Planning Director
City of Milwaukie
6101 SE Johnson Creek Blvd.
Milwaukie, OR 97216

RE: Request for "Advisory Review" with the Planning Commission

Dear Mr. Gessner:

The purpose of this letter is to request an "advisory review" of a wetland delineation that was recently completed for North Clackamas Park by Pacific Habitat Services (PHS). More specifically this request is limited to two areas that are described in more detail below.

BACKGROUND

The North Clackamas Parks and Recreation District has developed a concept plan for the development of a four-field softball complex at North Clackamas Park. The District has initiated an effort to gauge public reaction and support for this concept plan and may be submitting a Community Service application to the City of Milwaukie in the near future.

The PHS wetland delineation identified the presence of five possible wetland areas in the park. Three of the five areas are included on the City's Water Quality Resource (WQR) map. The other two are not. We understand that areas that are not included on the WQR map are not subject to sections of the City code that restrict development in WQR areas. However, it is also our understanding that the City could make a decision to add one or both of these two areas to the City's WQR map thus impacting the potential viability of the concept plan. Consequently, we are requesting the "advisory review" to resolve this matter.

AREA DESCRIPTIONS

Area #1(see PHS map) is a small, isolated roadside drainage ditch, located in the central portion of the park along Kellogg Creek Road. PHS concluded that this poorly drained area is artificial – the result of years of soil compaction caused by cars parking along the access road. PHS also concluded this area likely meets the "roadside ditch exemption in OAR141-085-0015(6).

www.co.clackamas.or.us/ncprd

Administration Office
11022 SE 37th Avenue
Milwaukie, OR 97222
503-794-8002
fax: 503-794-8005

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

A service district
of Clackamas County

Area #3 (see PHS map), located along the southern boundary of the park, is a small, isolated area less than one tenth of an acre in size. It is heavily overgrown with blackberry, although some reed canary grass and horsetail rush are also present. The District believes this area was once part of a drainage ditch that ran along an old access road in the park. While the rest of drainage ditch has since been re-filled, this small depression remains, allowing it to collect surface water during the wet months.

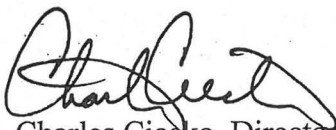
NATURAL RESOURCE PROTECTION/ENHANCEMENT

The District's proposed concept plan provides for 50' buffers along the remaining three wetland areas. Additionally, the concept plan calls for an extensive bio-swale system along the existing drainage swale that runs through the central part of the park. This bio-swale system will be designed in a manner that will allow storm water run-off to be captured and naturally filtered before being released into the existing drainage swale. The bio-swale system will improve the present drainage system in the park and will add to the overall natural resource value of the park by providing additional habitat. This new bio-swale system fits with previous natural resource restoration efforts coordinated by the District at North Clackamas Park. In the past, volunteer groups have planted native shrubs and trees in an effort to restore the deteriorated banks of Mt. Scott Creek and the existing drainage swale. The District is committed to protecting valuable natural resource areas and it will continue these efforts as the park is renovated.

Included with this letter is the final PHS wetland delineation report for North Clackamas Park, as well as photographs of the two areas in question. The PHS report was submitted to the Division of State Lands (DSL) in March 2004. DSL is reviewing the report and will decide if areas #1 and #3 are jurisdictional wetlands in September.

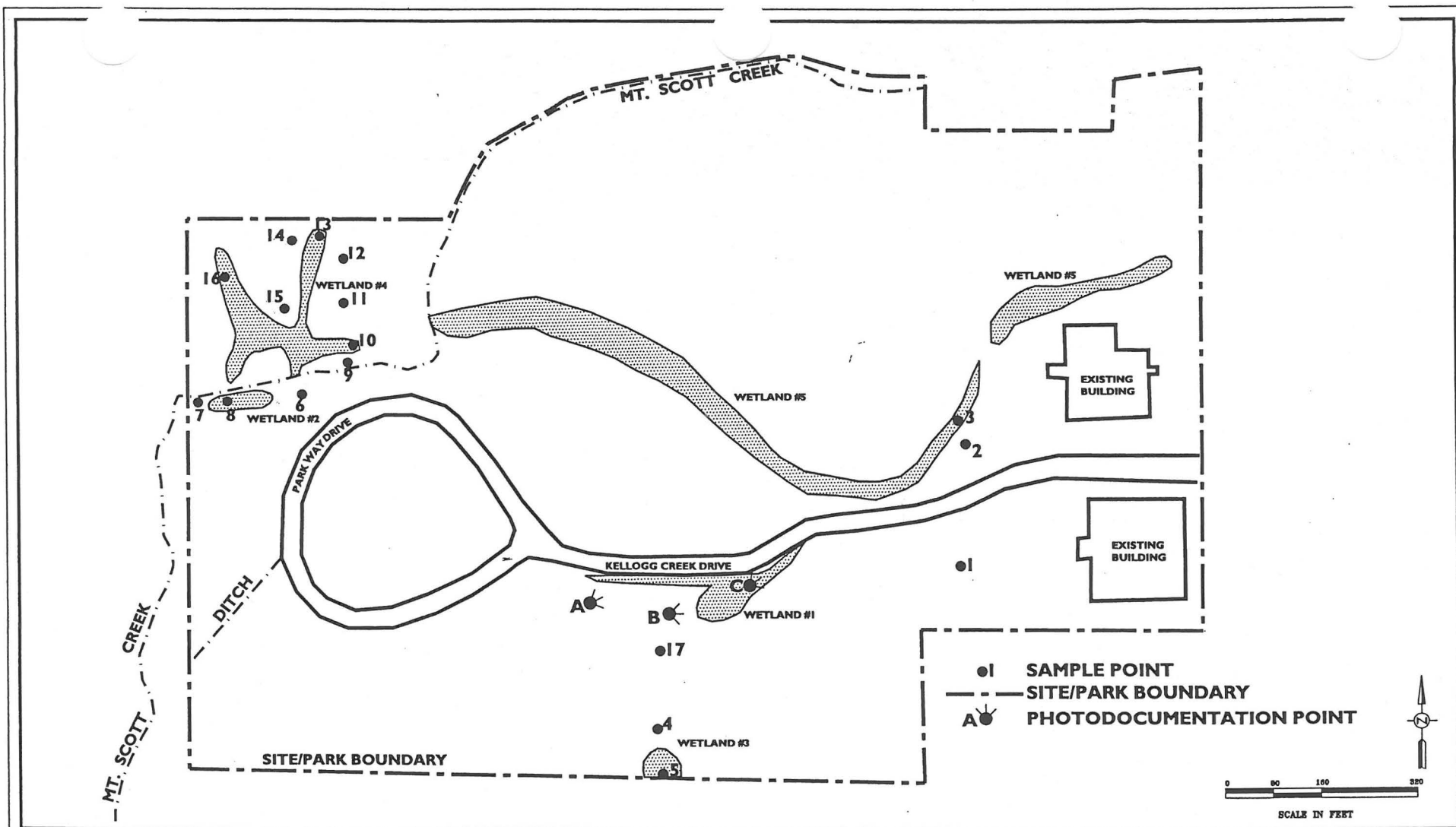
Thank you for your assistance with this matter. We await notification of a date and time for the "advisory review". In the meantime, please feel free to contact me at 503-794-8003, if you have any questions.

Sincerely,



Charles Ciecko, Director
North Clackamas Parks and Recreation District

Enclosures



2897

3/4/04



Pacific Habitat Services, Inc.

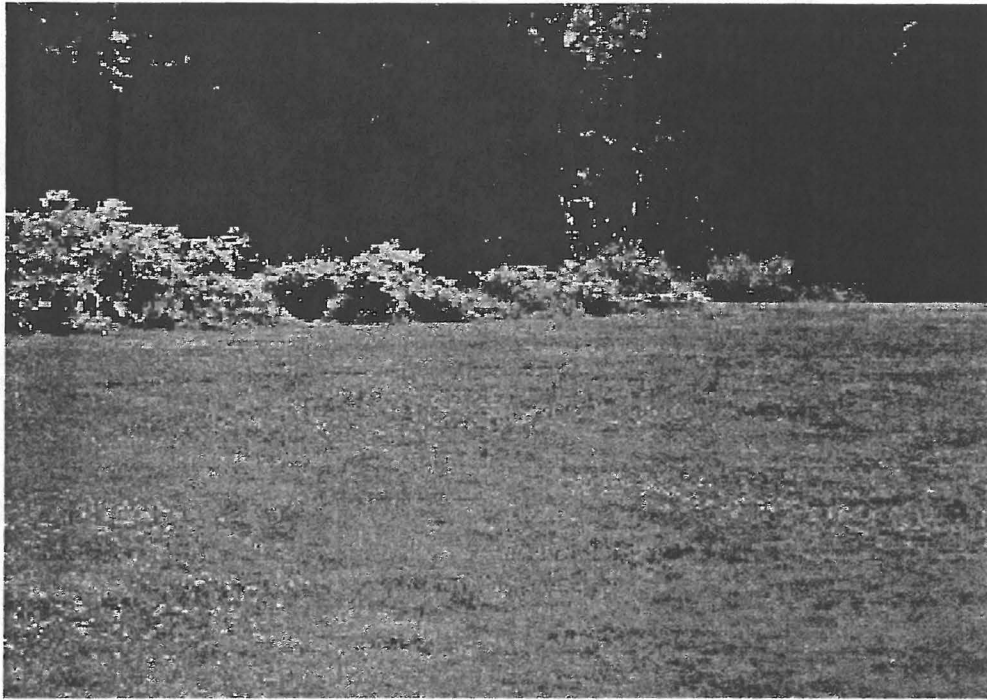
Location of wetlands, photodocumentation points, and sample points for the wetland delineation at North Clackamas Park in Clackamas, Oregon.
Map accuracy is +/- 10 feet.

FIGURE
5

From: NCP Wetland
Delineation Report 3/10/04
by PHS.



Wetland next to road



Area #3 - Facing south



Area #3 - Facing south



Area #3 - Facing south

**Wetland Determination and Delineation
for North Clackamas Park
in Milwaukie, Oregon**

(Township 2 South, Range 2 East, Section 6, TL 100)

Prepared for
North Clackamas Parks and Recreation District
Milwaukie, Oregon

Prepared by
Pacific Habitat Services, Inc.
Wilsonville, Oregon
(503) 570-0800

March 10, 2004



Wetland Determination and Delineation for North Clackamas Park in Milwaukie, Oregon

(Township 2 South, Range 2 East, Section 6, TL 100)

Prepared for

Krista Hornaday
North Clackamas Parks and Recreation District
11022 SE 37th Street
Milwaukie, Oregon 97222

Prepared by

John van Staveren
Jennifer Goodridge
Dale Groff
Shawn Eisner
Pacific Habitat Services, Inc.
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Wilsonville, Oregon 97070
(503) 570-0800
(503) 570-0855 FAX
PHS Project Number: 2897

March 10, 2004

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1.0 INTRODUCTION

The North Clackamas Parks and Recreation District is updating a Master Plan for North Clackamas Park (Park) in Milwaukie, Oregon. The 45.45-acre park is located on Kellogg Creek Drive north of Aldercrest Lane, south of Highway 224, west of Kuehn Road and east of Rusk Road (Township 2 South, Range 2 East, Section 6, Tax Lot 100; Latitude 45° 25' 33", Longitude 122° 36' 33" W). The general location of the property is illustrated on Figure 1. All figures are in Appendix A.

To effectively plan for the Park's future use, the Parks and Recreation District requested that Pacific Habitat Services, Inc. (PHS) conduct a wetland delineation. PHS conducted the field work for the wetland delineation on June 5th and June 19th, 2003. An additional site visit was made on February 23rd, 2004 to determine the jurisdictional status of Wetlands 1, 3, and the ditches on site. The delineation determined that potentially jurisdictional wetlands are located within the park. Wetlands 2-5 and Mt. Scott Creek are likely jurisdictional, however Wetland 1, roadside ditches, and a drainage ditch on site are not likely jurisdictional.

This report presents the definitions and the methodology used to determine the location and extent of wetlands within the park, followed by a discussion of site characteristics as they pertain to the three required wetland criteria.

2.0 WATERS OF THE STATE & WETLAND DEFINITION & CRITERIA

2.1 Regulatory Jurisdiction

Wetlands and water resources in Oregon are regulated by the Oregon Division of State Lands (DSL) under the Removal-Fill Law (ORS 196.800-196.990) and by the US Army Corps of Engineers (COE) through Section 404 of the Clean Water Act.

The primary source document for wetland delineations within Oregon is the *Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1* (Environmental Laboratory 1987) which is recognized by both DSL and COE.

2.2 Wetland and Waters of the State Definition

A wetland is defined as "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions" (DSL, 1995).

Waters of the state are defined as "natural waterways including all tidal and nontidal bays, intermittent streams, constantly flowing streams, lakes, wetlands and other bodies of water in this state, navigable and nonnavigable...". "Natural waterways" is further defined as waterways created naturally by geological and hydrological processes, waterways that would be natural but for human-caused disturbances (e.g. channelized or culverted streams, impounded waters, partially drained wetlands or ponds created in wetlands)..."(DSL, 1995).

2.3 Wetland Criteria

Based on the above definition, three major factors characterize a wetland: hydrology, substrate, and biota.

2.3.1 Wetland Hydrology

Wetland hydrology is related to duration of saturation, frequency of saturation, and critical depth of saturation. The 1987 manual defines wetland hydrology as inundation or saturation within a major portion of the root zone (usually above 12 inches), typically for at least 12.5% of the growing season. The wetland hydrology criterion can be met, however, if saturation within the major portion of the root zone is present for only 5% of the growing season, depending on other evidence.

The growing season is defined as the portion of the year when soil temperatures at 19.7 inches below the soil surface are higher than biological zero (41 degrees Fahrenheit, 5 degrees Celsius), but also allows approximation from frost free days, based on air temperature. The growing season for any given site or location is determined from United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) (formerly USDA, Soil Conservation Service (SCS)) data and information.

Wetland hydrologic indicators include the following: visual observation of inundation or saturation, watermarks, drift lines, sediment deposits, drainage pattern, and/or oxidized rhizospheres with living roots. Oxidized rhizospheres are defined as yellowish-red zones around the roots and rhizomes of some plants that grow in frequently saturated soils.

2.3.2 Wetland Substrate (Soils)

Most wetlands are characterized by hydric soils. Hydric soils are those that are ponded, flooded, or saturated for long enough during the growing season to develop anaerobic conditions. Periodic saturation of soils causes alternation of reduced and oxidized conditions, which leads to the formation of redoximorphic features (gleying and mottling). Mineral hydric soils will be either gleyed or will have bright mottles and/or low matrix chroma. The redoximorphic feature known as gley is a result of greatly reduced soil conditions, which result in a characteristic grayish, bluish or greenish soil color. The term mottling is used to describe areas of contrasting color within a soil matrix. The soil matrix is the portion of the soil layer that has the predominant color. Soils, which have brightly colored mottles and a low matrix chroma, are indicative of a fluctuating water table.

Hydric soil indicators include: organic content of greater than 50% by volume, sulfidic material or "rotten egg" odor, and/or presence of redoximorphic features and dark soil matrix, as determined by the use of a Munsell Soil Color Chart. This chart establishes the chroma, value and hue of soils based on comparison with color chips. Mineral hydric soils usually have a matrix chroma of 2 or less in mottled soils, or a matrix chroma of 1 or less in unmottled soils.

2.3.3 Wetland Biota (Vegetation)

Wetland biota is defined as hydrophytic vegetation. A hydrophyte is a plant species that is capable of growing in substrates that are periodically deficient in oxygen as a result of saturated soil conditions. The US Fish and Wildlife Service, in the *National List of Plant Species that Occur in Wetlands*, has established five basic groups of vegetation based on their frequency of occurrence in wetlands. These categories, referred to as the "wetland indicator status", are as follows: obligate wetland plants (OBL), facultative wetland (FACW), facultative (FAC), facultative upland (FACU), and obligate upland (UPL). Table 1 gives a definition of the plant indicator codes.

Table 1. Description of Wetland Plant Indicator Status Codes

Indicator Code	Status
OBL	Obligate wetland. Estimated to occur almost exclusively in wetlands (>99%)
FACW	Facultative wetland. Estimated to occur 67-99% of the time in wetlands.
FAC	Facultative. Occur equally in wetlands and non-wetlands (34-66%).
FACU	Facultative upland. Usually occur in non-wetlands (67-99%).
UPL	Obligate upland. Estimated to occur almost exclusively in non-wetlands (>99%). If a species is not assigned to one of the four groups described above it is assumed to be obligate upland.
NI	Has not yet received a wetland indicator status, but is probably not obligate upland.

3.0 PROJECT METHODOLOGY

3.1 Off-Site Research

Prior to beginning field work, available information was reviewed in order to ascertain where potential wetland/waters of the state may exist on-site, and to facilitate the gathering of data. This review included the USGS topographic quadrangle, the Soil Conservation Service soil series maps, the list of Oregon hydric soils by County, and the US Fish and Wildlife Service (USFWS) *National Wetlands Inventory* (NWI) map. There is not a local wetland inventory that includes this site.

3.2 Wetland Delineation Field Methodology

Observations of hydrology, soils, and vegetation, were made using the "Routine On-site" delineation method as defined in the 1987 manual. One-foot diameter soil pits were excavated up to a depth of 18 inches in selected locations. The soil profiles were examined for hydric soil and wetland hydrology field indicators.

In addition, a visual percent-cover estimate of the dominant species of the plant community was performed using soil pit locations as a center of reference. Dominant plant species are based on estimates of percent cover for herbaceous, woody vine, and shrub species within a 5 foot radius of the sample point, and basal area cover for tree species within a 30 foot radius of the sample point. Plant species in each vegetative layer, which are estimated at less than 20% are not considered to be dominant. The wetland indicator status is then used to determine if there is an overall dominance (greater than 50%) of wetland or upland plant species.

Data documenting the three criteria for the representative sample locations are recorded in the field. This information is subsequently transferred to standard wetland delineation data sheets, which are included in Appendix B. In addition to the sample points, numerous other soil pits were excavated between the data points to verify changes in the three criteria.

4.0 WETLAND CRITERIA DISCUSSION

4.1 Topography and Site Conditions

The 45.45-acre park lies on fine-grained alluvial sediments between Mt. Scott Creek and Kellogg Creek. Mt. Scott Creek flows through the northwest corner of the Park. Kellogg Creek flows to the south of the Park. The confluence of these two creeks is located off-site to the southwest.

The Park is a mixture of ballfields, mown lawn, forested areas, and buildings. The portion of the park northwest of Mt. Scott Creek is forested. The north central and eastern portions of the park have a canopy of Oregon ash and Oregon white oak trees with mown grass and picnic facilities beneath the trees. The southern portion of the park is covered with athletic fields and has only a few scattered trees. Much of the park surface has been modified over its history to level the playing fields and provide access throughout the park.

Just outside the northwest corner of the park and to the north of Mt. Scott Creek, is an alluvial terrace of coarser sandy sediments. South of Kellogg Creek is higher ground underlain by faulted blocks of Columbia River basalt. The Park has low relief over most of the area with a knoll of higher ground in the mid-western portion. Elevations range from approximately 50 feet National Geodetic Vertical Datum (NGVD) near Mt. Scott Creek in the western portion of the park to over 60 feet NGVD on the small western knoll.

4.2 Hydrology

The primary hydrologic inputs to the site include seasonal surface water flow from surrounding areas, groundwater inputs, and direct precipitation. The poorly drained silty materials within the Park maintain a shallow water table from rainfall with base levels fixed by the adjacent streams. Wetland 5 is a shallow seasonal tributary to Mt. Scott Creek that extends across the northeastern portion of the Park approximately parallel to Mt. Scott Creek and flows into it in the western portion of the park.

There are roadside ditches along the park access road and in the eastern portion of the site a ditch was constructed from upland to drain these roadside ditches. This easternmost ditch originates from the access road drainage ditches and surface ponding in the ditch ends near the eastern site boundary. The ditch does not appear to have a hydrologic connection to Mt. Scott Creek. A portion of the roadside ditch near the ballfields on the south side of the park had an unexpectedly large amount of standing water during the June 2003 and the February 2004 site visits, therefore, it was flagged as Wetland 1. This area was the location of the former access road through the park. This area of fill and compacted soils interrupts the flow in the roadside ditch resulting in a wider and deeper roadside ditch in this area. In addition, water ponds on top of the compacted soils along the south side of the ditch (see the February 23, 2004 photos of this area).

In the two weeks prior to the field work on June 5, 2003, Milwaukie had received 0.03 inches of precipitation; two weeks prior to the field work on June 19, 2003, Milwaukie had received 0.11 inches of precipitation (Oregon Weather Summary, May and June, 2003). In the two weeks prior to the February 23, 2004 site visit, the Portland area received 1.8 inches of rainfall. For the month of February 2004, total rainfall was 3.95 inches which is 95% of normal for February (Oregon Weather Summary, February 2004).

The hydrology criterion for jurisdictional wetlands was satisfied within the majority of the site by wetland drainage patterns and oxidized rhizospheres, though some areas were saturated and had an apparent water table.

4.3 Soils

Soils mapped within the Park by the US Department of Agriculture, Soil Conservation Service (SCS) (now the Natural Resources Conservation Service) include Wapato silty clay loam (hydric) in the northwestern portion of the park and Cove silty clay loam (hydric) along the southern edge of the park. An upland area of Woodburn silt loam (with possible hydric inclusions of Huberly and Dayton) occurs on a knoll in the western portion of the park and several ballfields near the eastern portion of the park are mapped as Salem silt loam (non-hydric) (Figure 2). The following table summarizes key features of the soils mapped on the site:

Table 2 Summary of Site Soils Characteristics

Soil Series	Slope	Drainage Class	Hydric?	Hydric Inclusions?
Wapato silty clay loam	0-3	poorly drained	Yes	N/A
Cove silty clay loam	0-2%	poorly drained	Yes	N/A
Salem silt loam	0-7%	well drained	No	No
Woodburn silt loam	3-8%	moderately well drained	No	Yes

Soils present within the study area ranged from very dark grayish-brown (10YR 3/2) to very dark brown (10YR 2/2), dark gray (10YR 4/1) very dark gray (10YR 3/1), black (10YR 2/1) and olive (5Y 5/3) silt loams and silty clay loams, both with and without mottles in the lower elevations. Higher elevations of the study area had very dark grayish-brown (10YR 3/2) and dark brown (7.5 YR 3/3) silt loams.

The mapped soil type within the vicinity of Wetland 1 is 76B, Salem silt loam. Soils could not be sampled in this area to confirm the mapped soil type because the compacted fill was impenetrable and the roadside ditch contained over 2' of surface inundation during the February 2004 site visit.

The soil survey also indicates a drainage channel through the southeast portion of the site. This feature is no longer present. As seen in the aerial photograph (Figure 4), this portion of the site contains a community center for the convalescent home on site.

The hydric soils criterion was satisfied by the presence of low chroma soils both with and without redoximorphic features.

4.4 Vegetation

Vegetation within the park is largely, intensively mown lawn. Much of the grass is bluegrass (*Poa pratensis*) with large amounts of annual bluegrass (*Poa annua*). Within the lawn are also significant amounts of white clover (*Trifolium repens*), hairy cats-ear (*Hypochaeris radicata*), English daisy (*Bellis perennis*), common dandelion (*Taraxacum officinale*), and creeping buttercup (*Ranunculus repens*). Unmaintained upland areas tend to be overrun with Himalayan blackberry (*Rubus discolor*), Canada thistle (*Cirsium arvense*), and giant horsetail (*Equisetum telmateia*). A restoration area on the south bank of Mt. Scott Creek downstream from the tributary confluence has a planted population of native riparian plants including red alder (*Alnus rubra*), Sitka willow (*Salix sitchensis*) and hardhack spirea (*Spiraea douglasii*).

The hydrophytic vegetation criterion was satisfied by the dominance of wetland plant species (plants with a wetland indicator status of FAC, FAC+, FACW-, FACW, FACW+, or OBL).

Table 3 summarizes species on the site.

Table 3 Summary of Plant Species in the North Clackamas Park

Botanical Name	Common Name	R9-Ind.
TREES/SHRUBS/WOODY VINES		
<i>Acer circinatum</i>	vine maple	FACU+
<i>Alnus rubra</i>	red alder	FAC
<i>Fraxinus latifolia</i>	Oregon ash	FACW
<i>Populus trichocarpa</i>	black cottonwood	FAC
<i>Cornus sericea</i>	redosier dogwood	FACW
<i>Corylus cornuta</i>	beaked hazelnut	FACU
<i>Hedera helix</i>	English ivy	FACU
<i>Ilex aquifolium</i>	English holly	UPL
<i>Oemleria cerasiformis</i>	Indian-plum	FACU
<i>Prunus laurocerasus</i>	cherry laurel	UPL
<i>Rosa pisocarpa</i>	clustered rose	FAC

Table 3, continued

Botanical Name	Common Name	R9-Ind.
<i>Rubus discolor</i>	Himalayan blackberry	FACU
<i>Rubus spectabilis</i>	salmonberry	FAC
<i>Rubus ursinus</i>	California dewberry	FACU
<i>Solanum dulcamara</i>	climbing nightshade	FAC+
<i>Symphoricarpos albus</i>	snowberry	FACU
<i>Thuja plicata</i>	Western red cedar	FAC
FORBS		
<i>Athyrium filix-femina</i>	lady fern	FAC
<i>Bellis perennis</i>	English daisy	UPL
<i>Bidens frondosa</i>	devil's beggarstick	FACW+
<i>Centaurea cyanus</i>	garden cornflower	UPL
<i>Cirsium arvense</i>	Canada thistle	FACU+
<i>Dipsacus sylvestris</i>	teasel	FAC
<i>Epilobium watsonii</i>	Watson's willow-herb	FACW-
<i>Equisetum telmateia</i>	giant horsetail	FACW
<i>Hypochaeris radicata</i>	hairy cats-ear	FACU*
<i>Impatiens noli-tangere</i>	western touch-me-not	FACW
<i>Lapsana communis</i>	nipplewort	UPL
<i>Ludwigia palustre</i>	marsh seedbox	OBL
<i>Lysichiton americanum</i>	skunk cabbage	OBL
<i>Polystichum munitum</i>	sword fern	FACU
<i>Prunella vulgaris</i>	heal-all	FACU+
<i>Ranunculus repens</i>	creeping buttercup	FACW
<i>Taraxacum officinale</i>	common dandelion	FACU
<i>Tolmiea menziesii</i>	piggy-back plant	FAC
<i>Trifolium repens</i>	white clover	FACU+
<i>Veronica americana</i>	American speedwell	OBL
GRAMINOIDS		
<i>Bromus sitchensis</i>	Alaska brome	UPL
<i>Carex obnupta</i>	slough sedge	OBL
<i>Dactylis glomerata</i>	orchard grass	FACU
<i>Eleocharis acicularis</i>	needle spikerush	OBL
<i>Eleocharis palustris</i>	common spikerush	OBL
<i>Eleocharis ovata</i>	ovate spikerush	OBL
<i>Festuca arundinacea</i>	tall fescue	FAC-
<i>Glyceria elata</i>	tall mannagrass	FACW+

Table 3 Continued

Botanical Name	Common Name	R9-Ind.
<i>Holcus lanatus</i>	common velvet grass	FAC
<i>Juncus effusus</i>	soft rush	FACW
<i>Phalaris arundinacea</i>	reed canarygrass	FACW
<i>Scirpus microcarpus</i>	small-fruited bulrush	OBL
<i>Poa annua</i>	annual bluegrass	FAC
<i>Poa pratensis</i>	Kentucky bluegrass	FAC
<i>Poa trivialis</i>	rough bluegrass	FACW

5.0 WATERS OF STATE & WETLAND DISCUSSION & CONCLUSIONS

5.1 National Wetlands and Local Wetlands Inventory

The US Fish and Wildlife Service, as part of the National Wetlands Inventory (NWI) program, has mapped wetlands on the site (Figure 3). Areas mapped include palustrine open water, artificial, intermittently exposed/permanent, diked/impounded (POWKZh) wetland, and riverine (upper perennial) open water, intermittently exposed/permanent (R3OWZ) wetland. NWI maps are generated primarily on the basis of interpretation of color infrared aerial photographs (scale of 1:58,000), with limited "ground truthing" to confirm the interpretations. There is not Local Wetland Inventory that includes this site.

The mapping roughly corresponds with our field survey, however, quite a large area of palustrine forested wetland was delineated in the northwest portion of the site. Additionally, a small wetland on the southern fenceline and the roadside drainage ditches were not mapped by the NWI. These would be classified as palustrine emergent (PEM) wetland and palustrine open water, artificial, excavated (POWKx) wetland, respectively.

5.2 Waters of the State and Wetland Conclusions

Based upon an investigation of the three required wetland criteria (wetland hydrology, hydric soils, and a dominance of hydrophytic vegetation), PHS has identified four areas (Wetlands 2-5) and Mt. Scott Creek as potentially jurisdictional wetlands/waterways within the site.

The major wet areas are in the northwestern portion of the park. Hydrology to these areas appears to be from groundwater discharge from the higher terraces to the northwest. The lobes of narrow wetland fingers in Wetlands 2 (0.06 acre) and 4 (0.42 acre) appear to have a surface connection with Mt. Scott Creek at only one location. The wetland boundaries of the lobes appears to be determined locally by the morphology of deposits left by the movement of Mt. Scott Creek and by the geometry of discharge from the higher terrace to the northwest. Wetland 3 (0.06 acre) extends south of the park and the northern boundary was determined by a vegetation shift to dominance of blackberries along the unmaintained fenceline. The boundaries of Wetland 5 (1.22 acre) were topographically defined by a distinct channel throughout the site.

There are roadside ditches surrounding the access road that range in width from one to four feet wide. Roadside ditches on site meet the roadside ditch exemption in OAR 141-085-0015 (6) because they are adjacent to the roads, less than 10' wide (on average), and not adjacent to any wetland areas. Wetland 1 consists of the widest portion of the roadside ditch and an area where water ponds on compacted soils south of the roadside ditch (see photos). This area was the former location of the park access road (see aerial photo Figure 4) and the slightly higher ground has interrupted water flow through the roadside ditches. Wetland 1 is likely non-jurisdictional because it was artificially created from upland (data plot 17 documents the upland condition of the ballfields throughout the southern portion of the site) and it is less than one acre (0.23 acre). A ditch was also constructed from upland near the eastern portion of the access road to drain water from the roadside ditches. This channel is approximately 1 foot wide and surface flow in the channel ends near the eastern site boundary, therefore, it does not appear to be hydrologically connected to Mt. Scott Creek. This ditch likely meets the artificially created ditch exemption in OAR 141-085-0015 (2Eb) because it was artificially created from upland and does not appear to have a connection to Mt. Scott Creek.

Wetland and waterway locations were determined by use of a hand-held global positioning systems (GPS) unit (MC-GPS, Corvallis Microtechnologies, Corvallis, Oregon). In this area the approximate wetland boundaries were drawn and digitized on a color aerial photograph (1 inch = 250 feet, June 2003) onto the topographic base. Figure 5 shows the locations of potentially jurisdictional wetland and sample sites on the property. Map accuracy is estimated at +/- 10 feet to account for the GPS mapping in the forested portion of the site and the potential error in transfer of the features to the aerial photo. This level of map accuracy is likely sufficient for this site because the North Clackamas Park and Recreation District does not intend to impact wetlands and waterways north of the access road. In addition, the City of Milwaukie requires a 50' setback from wetlands and waterways, therefore, impacts that would require DSL or COE permits are not anticipated at this time.

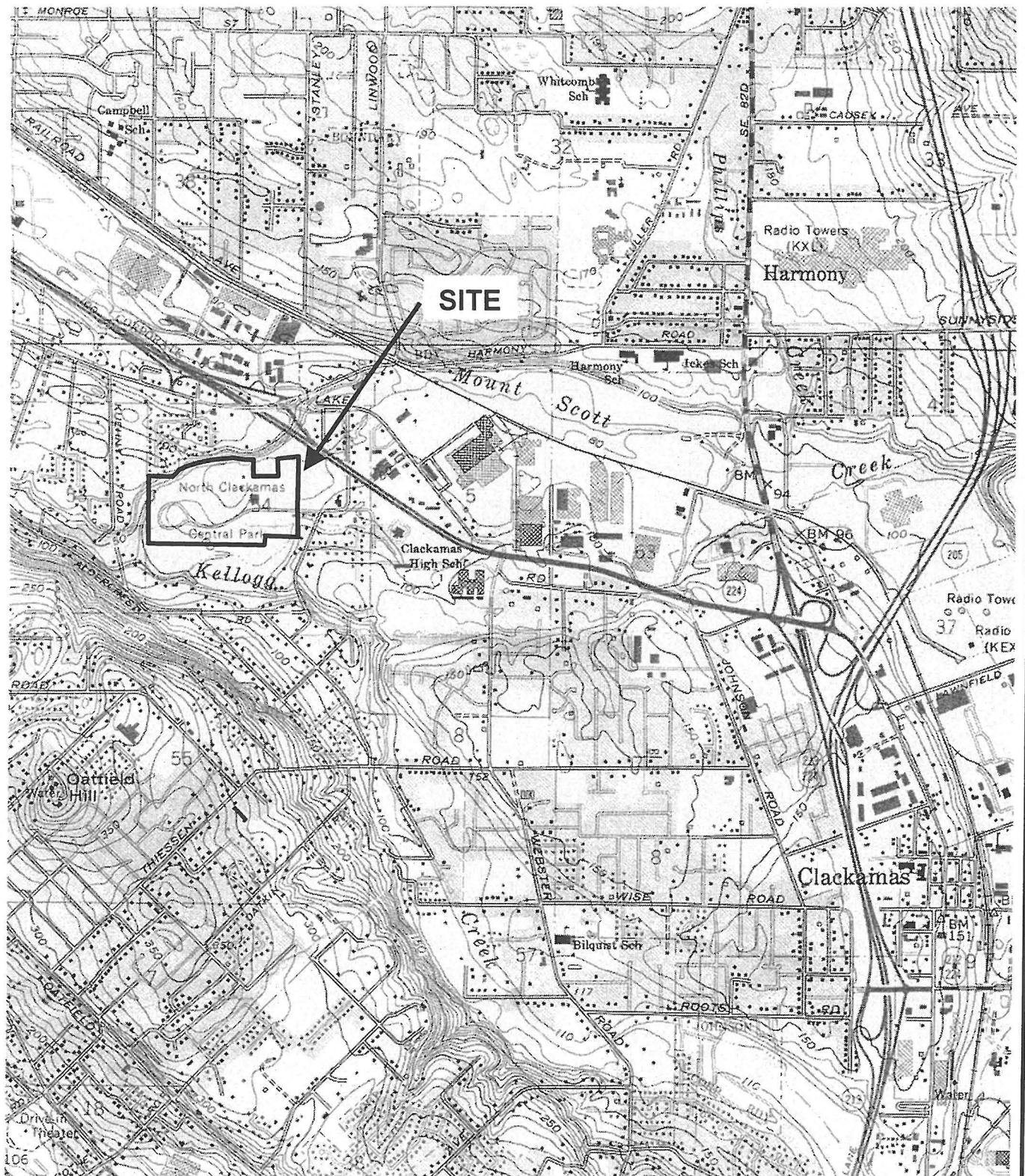
This report documents the investigation, best professional judgement and conclusions of the investigators. It should be considered a Preliminary Jurisdictional Determination and used at your own risk until it has been reviewed and approved in writing by the Oregon Division of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

6.0 REFERENCES

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http://www.ocs.orst.edu/pub_ftp/climate_data/daily/lcd/portland/pdx0204.txt
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- US Fish and Wildlife Service. *National Wetlands Inventory* map, Gladstone, Oregon quadrangle. 1:58,000 color infrared aerial photography, July 1981.
- US Geologic Survey 7.5 Minute topographic map. Gladstone, Oregon quadrangle, 1961 photorevised 1984.

Appendix A

Figures



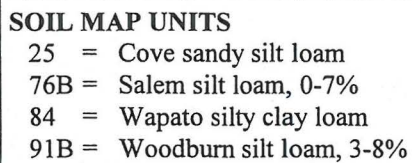
2897

Location and general topography for the wetland delineation at North Clackamas Park in Clackamas, Oregon (USGS, Gladstone, Oregon quadrangle, 1961, photorevised 1984).

FIGURE
1



—Pacific Habitat Services, Inc.—



2897

FIGURE
2

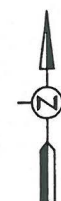
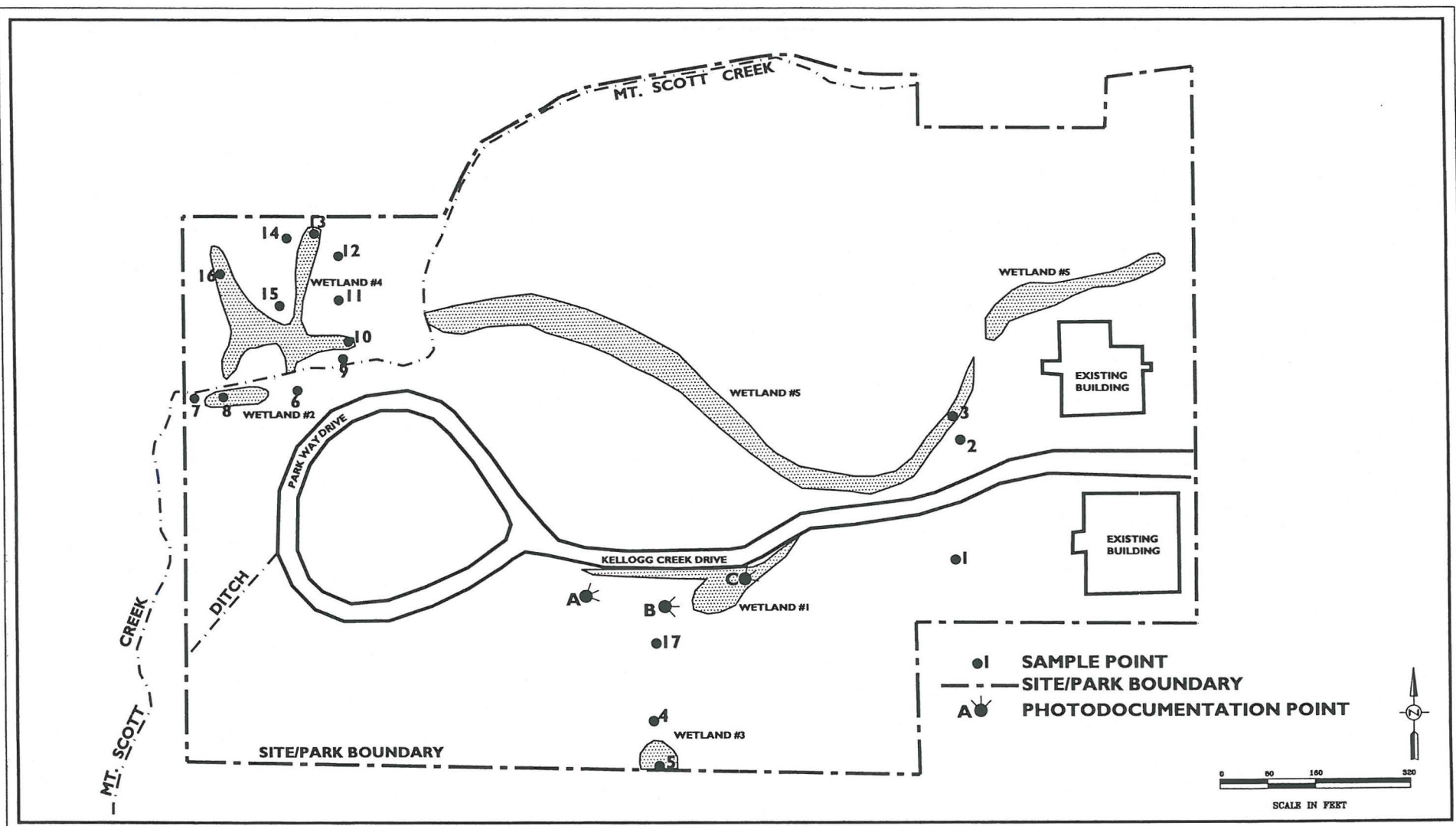


FIGURE
4

Aerial photograph of North Clackamas Park area in Clackamas, Oregon
(aerial photo from PortlandMaps, 2002).

2897
3/4/04





2897

3/4/04

Location of wetlands, photodocumentation points, and sample points for the wetland delineation at North Clackamas Park in Clackamas, Oregon.
Map accuracy is +/- 10 feet.



Pacific Habitat Services, Inc.

FIGURE
5

Appendix B

Wetland Determination Data Forms



Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, Inc.

Project: N. Clackamas Park	Number: 2897	Sample Site: 1
Applicant: N. Clackamas Parks & Rec.	County: Clackamas	Date: 6/19/03
Investigators: DG/SE	Township: 2S Range: 2E	Section: 6
Do Normal Circumstances exist on this site? Yes		Is the area a potential Problem Area? No
Is this an Atypical Situation? No		

HYDROLOGY		Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches	Inundated	Ox. rhizospheres
Depth to Free H2O	>14 Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>14 Inches	Water Marks	Local Soil Survey
		Drift Lines	FAC Neutral Test
		Sediment Deposits	Other
		Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Salem silt loam		Hydric Soil?: No	
		Classification: Pachic Ultic Argixerolls		Drainage Class: well drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Other Hydric Soil Field Indicators	Comments
0-3	10YR 3/2	SL			
3-10	10YR 3/2	SL			coarser texture
10-14	7.5YR 3/3	SL			

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION							
Tree Stratum (0%)	Status	% Cover	Herbaceous Stratum (100%)	Status	% Cover		
			<i>Trifolium repens</i> *	FAC	30		
			<i>Poa annua</i> *	FAC	40		
			<i>Hypochaeris radicata</i> *	FACU	20		
			<i>Bellis perennis</i>	UPL	5		
			<i>Dactylis glomerata</i>	FACU	5		
Shrub Stratum (0%)	Status	% Cover	Woody Vine Stratum (0%)	Status	% Cover		

Percent of dominant species FAC, FACW, or OBL: 67%	Criteria Met: Yes
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Comments:	Determination: Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Service

Project:	N. Clackamas Park	Number:	2897	Sample Site:	2
Applicant:	N. Clackamas Parks & Rec.	County:	Clackamas	Date:	6/19/03
Investigators:	DG/SE	Township:	2S	Range:	2E
		Section:	6		
Do Normal Circumstances exist on this site?		Yes		Is the area a potential Problem Area?	
Is this an Atypical Situation?		No			

HYDROLOGY			Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches		Inundated	Ox. rhizospheres
Depth to Free H2O	>14 Inches		Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>14 Inches		Water Marks	Local Soil Survey
			Drift Lines	FAC Neutral Test
			Sediment Deposits	Other
			Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Salem silt loam		Hydric Soil?:		No	
		Classification: Pachic Ultic Argixerolls		Drainage Class:		well drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations		Other Hydric Soil Field Indicators	Comments	
			Color	abundance/size/contrast			
0-3	10YR 3/2	SL					
3-10	7.5YR 3/3	SL					
10-14	7.5YR 3/2	SL					

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met:	No
---------------	----

VEGETATION							
Tree Stratum (0%)		Status	% Cover	Herbaceous Stratum (100%)		Status	% Cover
				<i>Taraxacum officinale</i> *		FACU	20
				<i>Poa annua</i> *		FAC	35
				<i>Poa pratensis</i> *		FAC	20
				<i>Hypochaeris radicata</i>		FACU	10
				<i>Ranunculus repens</i>		FACW	5
				<i>Trifolium repens</i>			10
Shrub Stratum (0%)		Status	% Cover	Woody Vine Stratum (0%)		Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 67%

Comments:	Determination: Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, Inc.

Project: N. Clackamas Park	Number: 2897	Sample Site: 4
Applicant: N. Clackamas Parks & Rec.	County: Clackamas	Date: 6/19/03
Investigators: DG/SE	Township: 2S Range: 2E	Section: 6
Do Normal Circumstances exist on this site? Yes		Is the area a potential Problem Area? No
Is this an Atypical Situation? No		

HYDROLOGY		Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches	Inundated	Ox. rhizospheres
Depth to Free H2O	>14 Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>14 Inches	Water Marks	Local Soil Survey
		Drift Lines	FAC Neutral Test
		Sediment Deposits	Other
		Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Salem silt loam		Hydric Soil?: No	
		Classification: Pachic Ultic Argixerolls		Drainage Class: well drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	abundance/size/contrast	Other Hydric Soil Field Indicators
5	10YR 2/2	SL			
14	7.5YR 3/2	SL			

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION							
Tree Stratum (0%)	Status	% Cover	Herbaceous Stratum (40%)	Status	% Cover		
			<i>Equisetum telmateia</i> *	FACW	40		
			<i>Cirsium arvense</i> *	FACU+	30		
			<i>Holcus lanatus</i>	FAC	10		
			<i>Ranunculus repens</i>	FACW	10		
			<i>Epilobium watsonii</i>	FACW-	10		
Shrub Stratum (0%)	Status	% Cover	Woody Vine Stratum (60%)	Status	% Cover		
			<i>Rubus discolor</i> *	FACU	100		

Percent of dominant species FAC, FACW, or OBL: 33%	Criteria Met: No
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Comments:	Determination: Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, LLC

Project:	N. Clackamas Park	Number:	2897	Sample Site:	6
Applicant:	N. Clackamas Parks & Rec.	County:	Clackamas	Date:	6/19/03
Investigators:	DG/SE	Township:	2S	Range:	2E
		Section:	6		
Do Normal Circumstances exist on this site?		Yes		Is the area a potential Problem Area?	
Is this an Atypical Situation?		No		No	

HYDROLOGY		Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches	Inundated	Ox. rhizospheres
Depth to Free H2O	>6 Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>6 Inches	Water Marks	Local Soil Survey
		Drift Lines	FAC Neutral Test
		Sediment Deposits	Other
		Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?:		Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class:		poorly drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	abundance/size/contrast	Other Hydric Soil Field Indicators	Comments	
0-6	10YR 3/2	SL				Refusal at 6" du rocks	

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met:	Yes
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VEGETATION							
Tree Stratum	(0%)	Status	% Cover	Herbaceous Stratum	(90%)	Status	% Cover
				<i>Trifolium repens</i> *		FAC	20
				<i>Ranunculus repens</i> *		FACW	20
				<i>Festuca arundinacea</i> *		FAC-	20
				<i>Poa pratensis</i> *		FAC	20
				<i>Prunella vulgaris</i> *		FACU+	20
Shrub Stratum	(0%)	Status	% Cover	Woody Vine Stratum	(10%)	Status	% Cover
				<i>Rubus discolor</i> *		FACU	100

*Percent of dominant species FAC, FACW, or OBL:	50%	Criteria Met:	No
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Comments:	Determination:	Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	N. Clackamas Park	Number:	2897	Sample Site:	8
Applicant:	N. Clackamas Parks & Rec.	County:	Clackamas	Date:	6/19/03
Investigators:	DG/SE	Township:	2S	Range:	2E
				Section:	6
Do Normal Circumstances exist on this site?		Yes		Is the area a potential Problem Area?	
Is this an Atypical Situation?		No			

HYDROLOGY			Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches		Inundated	Ox. rhizospheres
Depth to Free H2O	12	Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	8	Inches	Water Marks	Local Soil Survey
			Drift Lines	FAC Neutral Test
			Sediment Deposits	Other
			Drainage patterns	Criteria Met: Yes

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?: Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class: poorly drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations	Other Hydric Soil Field Indicators	Comments
6	10YR 3/2	SL	10YR 4/6	common/fine/distinct	
6-14	2.5Y 4/1	SL			

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met:	Yes
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VEGETATION							
Tree Stratum (0%)		Status	% Cover	Herbaceous Stratum (90%)		Status	% Cover
				<i>Carex obnupta</i> *		OBL	70
				<i>Lysichiton americanum</i> *		OBL	20
				<i>Athyrium filix-femina</i>		FAC	10
Shrub Stratum (10%)		Status	% Cover				
<i>Rosa pisocarpa</i> *		FAC	100				
Woody Vine Stratum (0%)		Status	% Cover				

Percent of dominant species FAC, FACW, or OBL:	100%	Criteria Met:	Yes
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Comments:	Determination: Wetland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services,

Project:	N. Clackamas Park	Number:	2897	Sample Site:	10
Applicant:	N. Clackamas Parks & Rec.	County:	Clackamas	Date:	6/19/2003
Investigators:	DG/SE	Township:	2S	Range:	2E
				Section:	6
Do Normal Circumstances exist on this site?		Yes		Is the area a potential Problem Area?	
Is this an Atypical Situation?		No		No	

HYDROLOGY			Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches		Inundated	Ox. rhizospheres
Depth to Free H2O	>14	Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>14	Inches	Water Marks	Local Soil Survey
			Drift Lines	FAC Neutral Test
			Sediment Deposits	Other
			Drainage patterns	Criteria Met:
				Yes

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?:		Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class:		poorly drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations		Other Hydric Soil Field Indicators	Comments	
			Color	abundance/size/contrast			
0-6	10YR 3/2	SL					
6-12	10YR 4/1	SL	7.5YR 4/6	common/medium/prominent			
12-16	N 4/	SL					

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met:	Yes
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VEGETATION							
Tree Stratum (0%)		Status	% Cover	Herbaceous Stratum (100%)		Status	% Cover
				<i>Phalaris arundinacea</i> *		FACW	40
				<i>Lysichiton americanum</i> *		OBL	20
				<i>Solanum dulcamara</i> *		FAC+	20
				<i>Impatiens capensis</i>		FACW	10
Shrub Stratum (0%)		Status	% Cover				
				Woody Vine Stratum (0%)		Status	% Cover

*Percent of dominant species FAC, FACW, or OBL:	100%	Criteria Met:	
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Comments:		Determination:	Wetland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, Inc.

Project: N. Clackamas Park	Number: 2897	Sample Site: 12
Applicant: N. Clackamas Parks & Rec.	County: Clackamas	Date: 6/19/03
Investigators: DG/SE	Township: 2S Range: 2E	Section: 6
Do Normal Circumstances exist on this site?	Yes	Is the area a potential Problem Area?
Is this an Atypical Situation?	No	No

HYDROLOGY		Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches	Inundated	Ox. rhizospheres
Depth to Free H2O	>16 Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>16 Inches	Water Marks	Local Soil Survey
		Drift Lines	FAC Neutral Test
		Sediment Deposits	Other
		Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?: Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class: poorly drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations	Other Hydric Soil Field Indicators	Comments
			Color	abundance/size/contrast	
5	10YR 3/2	SL			
12	10YR 3/2	SL			coarser texture
12-16	10YR 4/1	SL	10YR 3/3	few/medium/faint	

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION					
Tree Stratum (30%)		Status	% Cover	Herbaceous Stratum (20%)	
<i>Alnus rubra</i> *		FAC	40	<i>Polystichum munitum</i> *	
<i>Fraxinus latifolia</i> *		FACW	60		
<i>Thuja plicata</i> *		FAC	20		
Shrub Stratum (0%)		Status	% Cover	Woody Vine Stratum (50%)	
				<i>Rubus discolor</i> *	

Percent of dominant species FAC, FACW, or OBL: 60%	Criteria Met: Yes
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Comments:	Determination: Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, LLC

Project:	N. Clackamas Park	Number:	2897	Sample Site:	14
Applicant:	N. Clackamas Parks & Rec.	County:	Clackamas	Date:	6/19/03
Investigators:	DG/SE	Township:	2S	Range:	2E
				Section:	6
Do Normal Circumstances exist on this site?	Yes	Is the area a potential Problem Area?	No		
Is this an Atypical Situation?	No				

HYDROLOGY		Primary Indicators	Secondary Indicators
Depth of Surf. H2O	Inches	Inundated	Ox. rhizospheres
Depth to Free H2O	>14 Inches	Sat. in Upper 12"	H2O-stained leaves
Depth to Saturation	>14 Inches	Water Marks	Local Soil Survey
		Drift Lines	FAC Neutral Test
		Sediment Deposits	Other
		Drainage patterns	Criteria Met: No

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?: Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class: poorly drained	
Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations		Other Hydric Soil Field Indicators
			Color	abundance/size/contrast	Comments
0-14	10YR 2/2	SL			

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met:	No
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VEGETATION							
Tree Stratum (30%)		Status	% Cover	Herbaceous Stratum (0%)		Status	% Cover
<i>Thuja plicata</i> *		FAC	50				
<i>Alnus rubra</i> *		FAC	50				
Shrub Stratum (40%)		Status	% Cover				
<i>Corylus cornuta</i> *		FACU	40				
<i>Acer circinatum</i> *		FAC-	20	Woody Vine Stratum (30%)		Status	% Cover
<i>Oemleria cerasiformis</i> *		FACU	20	<i>Hedera helix</i> *		UPL	100
<i>Prunus laurocerasus</i>		UPL	10				
<i>Rubus spectabilis</i>		FAC+	10				

*Percent of dominant species FAC, FACW, or OBL:	33%	Criteria Met:	
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Comments:	Determination: Upland
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Wetland Determination Data Form

Routine Onsite Method

Pacific Habitat Services, Inc.

Project: N. Clackamas Park		Number: 2897		Sample Site: 16	
Applicant: N. Clackamas Parks & Rec.		County: Clackamas		Date: 6/19/2003	
Investigators: DG/SE		Township: 2S Range: 2E		Section: 6	
Do Normal Circumstances exist on this site? Yes		Is the area a potential Problem Area? No			
Is this an Atypical Situation? No					

HYDROLOGY		Primary Indicators	Secondary Indicators
		Inundated	Ox. rhizospheres
		Sat. in Upper 12"	H2O-stained leaves
Depth of Surf. H2O	Inches	Water Marks	Local Soil Survey
Depth to Free H2O	8 Inches	Drift Lines	FAC Neutral Test
Depth to Saturation	0 Inches	Sediment Deposits	Other
		Drainage patterns	Criteria Met: Yes

SOILS		Mapped Series: Wapato silty clay loam		Hydric Soil?: Yes	
		Classification: Fluvaquentic Endoaquolls		Drainage Class: poorly drained	

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations		Other Hydric Soil Field Indicators	Comments
			Color	abundance/size/contrast		
8	7.5YR 3/1	SL				
14	10YR 3/1	SL			H ₂ S odor	

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: Yes	
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VEGETATION							
Tree Stratum (20%)		Status	% Cover	Herbaceous Stratum (30%)		Status	% Cover
<i>Thuja plicata</i> *		FAC	100	<i>Tolmiea menziesii</i> *		FAC	60
				<i>Athyrium filix-femina</i> *		FAC	30
				<i>Lysichiton americanum</i>		OBL	10
Shrub Stratum (40%)		Status	% Cover	Woody Vine Stratum (10%)		Status	% Cover
<i>Oemleria cerasiformis</i> *		FACU	40	<i>Hedera helix</i> *		UPL	80
<i>Rubus spectabilis</i> *		FAC+	20	<i>Rubus discolor</i> *		FACU	20

Percent of dominant species FAC, FACW, or OBL: 57%		Criteria Met: Yes	
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Comments: Corylus cornuta is located on topographically slightly higher ground.	Determination: Wetland
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Appendix C

Site Photos



Photo A showing the wider area of roadside ditch adjacent to Wetland 1



Photo B showing water ponding on fill in Wetland 1



Photo C showing roadside ditch and former road location. This historic fill interrupts flow through the roadside ditch.

INTERESTED PERSONS SIGN-UP SHEET

PLANNING COMMISSION

Meeting date: September 28, 2004

PLEASE PRINT

Name	Address (including Zip Code)	Phone	Agenda Item #	
Just Keil	HHPR	503 221 1131	☒ 6.1	☐ 10.1
			☐ 6.2	☐
Greg Rayor	OBEZ Consulting Eng'rs	541-683-6090	☒ 6.1	☐ 10.1
			☐ 6.2	☐
Laurey Cook	3808 SE Aldercrest Rd	503-786-0791	☐ 6.1	☒ 10.1
			☐ 6.2	☐
Dick Shock	4815 SE Casa Del Rey Dr	503-654-4160	☐ 6.1	☒ 10.1
			☐ 6.2	☐
George Locomy	Portland Parks City of Portland	503 823 5595	☒ 6.1	☐ 10.1
			☐ 6.2	☐
June O'Donnell	13318 SE Kuehn ^{mielw} Or 97222	503/659-1277	☐ 6.1	☐ 10.1
			☐ 6.2	☐
Pat O'Donnell	13318 SE Kuehn ^{mielw} Or 97222	503/659-1277	☐ 6.1	☐ 10.1
			☐ 6.2	☐
Mary Rivera	14010 SE Rusk Rd 97222	(503) 659-0858	☐ 6.1	☐ 10.1
			☐ 6.2	☐
Michelle Healy	NCPRD	503-794-8004	☐ 6.1	☐ 10.1
			☐ 6.2	☐
Charles Ciekko	NCPRD	794-8003	☐ 6.1	☐ 10.1
			☐ 6.2	☐

INTERESTED PERSONS SIGN-UP SHEET

PLANNING COMMISSION

Meeting date: September 28, 2004

PLEASE PRINT

Name	Address (including Zip Code)	Phone	Agenda Item #	
Jan Phommav	4925 S.E. Cassa Del Rey Dr. Milw 97222	(503) 653-1823	☐ 6.1	☐ 10.1
Tom Kemper	707 SW Worthington Side Dr. Port. OR 97205	(503) 221-8787	☐ 6.2	☐
Linda Stickel	13387 S.E. Ruschke Lane	503-653-2033	☐ 6.1	☐ 10.1
RMTATE	13575 SE RUSK RD. 1 Mil. or	503-381-3548	☐ 6.2	☐
			☐ 6.1	☐ 10.1
			☐ 6.2	☐
			☐ 6.1	☐ 10.1
			☐ 6.2	☐
			☐ 6.1	☐ 10.1
			☐ 6.2	☐
			☐ 6.1	☐ 10.1
			☐ 6.2	☐