

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, JULY 13, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice-Chair
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

STAFF PRESENT

Alice Rouyer,
 Planning Director
John Gessner,
 Associate Planner
Gary Firestone,
 City Attorney
Shirley Richardson,
 Hearings Reporter

COMMISSIONERS ABSENT

None

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, June 1, and June 15, 1999

4.0 PLANNING COMMISSION MINUTES -- June 8, 1999

Judith Borden moved to approve the minutes of June 8, 1999, as presented.

Doug Ouderkirk seconded. MOTION CARRIED 5-0.

Ayes: Hammang, Borden, Cartmill, Cook, Ouderkirk; Nays: None.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: William Hoesly
Property Owner: William Hoesly
Proposal: Create four buildable lots (as flag lots) from one existing
parcel, a variance is also required
File Number: S-98-03/VR-98-13
NDA: Hector Campbell

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Chair Hammang announced that Applications S-99-03 and VR-98-13 for property located south of Monroe, westerly of Home Avenue, and easterly of Garrett Drive, made by William Hoesly have been withdrawn.

- 6.2 Applicant: William Hoesly
Property Owner: William Hoesly
Proposal: Create five-lot subdivision on 1+ acres, and is requesting a lot width variance
File Number: S-98-04/VR-98-14
NDA: Lewelling

Chair Hammang opened the public hearing on Subdivision request S-98-04 and Variance Request VR-98-14 to allow for the development of a 5-lot subdivision at 5515 SE King Street. He announced that Staff has requested a continuance for this hearing to allow the applicant and staff to continue to work on an acceptable plan. A waiver of the 120-day processing statute was signed and submitted.

Tracy Cook moved to continue S-98-04 and VR-98-14 to a date uncertain. **Mike Miller** seconded. MOTION CARRIED 6-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward; Nays: none.

- 6.3 Applicant: City of Milwaukie -- JoAnn Herrigel
Property Owner: City of Milwaukie
Proposal: Requesting approval of a Natural Resource Review for approval of a Management Plan for the Willow Place natural area
File Number: NR-99-02
NDA: Lake Road

Chair Hammang opened the public hearing on Natural Resource Review NR-99-02 to approve a Management Plan for the Willow Place natural area. The criteria to be addressed is found in Section 322 of the Milwaukie Zoning Ordinance

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. **Chair Hammang** noted that he has donated work and time to help with cleanup on this site. He has participated in many work parties with the neighbors clearing brush, blackberries, and planting vegetation over the past two years. He has worked as a consultant to provide mechanical, biological, and botanical advice on issues relating to site management and other issues. There are

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no monetary gains associated with this project. There were no other conflicts of interest or ex-parte contacts declared. **Chair Hammang** asked if any member of the Planning Commission visited the site; six hands were raised. **Mike Miller** declared that he spoke to several people as he visited the site last night. None of his conversations were about the hearing tonight. **Chair Hammang** stated that he, too, spoke to people on the site. No other Commissioner 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

John Gessner reviewed the Staff Report with the Commission. The Applicant is seeking approval of a natural resource management plan for the city-owned Willow Place Natural Area. An e-mail was sent to all Commissioners updating the application. Overheads were shown of the subject site and surrounding area.

Improvements to the site involve the identification of resources, and specification of permitted uses. The Natural Resource Plan allows for on-going maintenance and use of the property without the requirement to come before the Commission for specific approval of every action.

Staff has found the application to be consistent with the Comprehensive Plan and Natural Resources policies concerning preservation and maintenance of wetlands and habitat. All activities of the management plan comply with the specific development standards of Milwaukie Zoning Ordinance, Section 322.7.

Maintenance projects include removal of invasive plants, removal as needed of dead or diseased trees and plants, the application of herbicide where necessary, and control of invasive grasses. Short-term activities involve an access and use policy, internal access and pedestrian use, site signage, removals of wetland fill encroachments, maintenance of Ryan Avenue berm, and a habitat management plan. The long-term aspects address removal of the Ryan Avenue berm, purchase northerly and easterly neighboring properties, and excavated fill for portions of the Ryan Avenue right-of-way.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if any City employee has a herbicide applicator license? He voiced concern about the volunteers and the liability of the use of herbicides in the water and vegetated area.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: JoAnn Herrigel, City of Milwaukie Program Services Coordinator

Ms. Herrigel stated that this process began as a Grant from Metro to enhance the Willow Place site. She came before the Planning Commission last October to request approval of a planting plan. Since that time, many ideas have been suggested for improvements to the site, not only from the neighbors, but staff and volunteers. Ideas range from cleaning up the site to establishing pathways towards the pond.

At this time, she only has permission to plant vegetation. The Management Plan being addressed tonight does not address additional plants. Since she had permission to do restoration and enhance the plants on the site from the last approval, there was no need to add this to the Management Plan. This may need to be amended because the idea is to continue to introduce new native plants to the site on an as-needed basis.

Neighborhood opinion is very important to this site. The Staff Report has been reviewed and JoAnn is in agreement with the conditions and findings. There are two options submitted for pathways. The wetland is working and being used as a wildlife habitat. Neighbors have commented that they would prefer less traffic on the site, preferring a passive recreation site where pedestrians can come and sit and enjoy the wildlife. They would prefer no picnic tables, or recreational activities on the site. Replacing the blackberries with native species will enhance the existing habitat.

Removal of the soil on the site will require a DSL permit. This permit has been submitted. An Erosion Control Permit will be needed as well. In addition, there is concern about the outfall in the southeast corner of the site. Currently, there is not much water on this portion of the site. Consideration will have to be given to the location of a sewer line located within the berm when final decisions are made.

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There are two trees that are impacted by removal of the soil. Both trees are Cherry trees. Removal of these trees will not be detrimental to the site. Removal will ultimately benefit the site. It is possible that one of the trees may be saved.

Ms. Herrigel summarized the e-mail sent to the Commissioners. A copy was provided to the Commissioners at tonight's meeting. She commented that care will be taken with the herbicide applications. Licensed applicators will be used and the herbicides will be spot applications to the base of invasive plants, no spraying. The only volunteers used so far have been people associated with the Wetlands Conservancy group. Vegetation removed from the site will be taken to McFarlands to be used for mulching.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk asked there is a historical boundary to which soils should be removed? **Herrigel** stated that there will be a demarcation between the upland soil and the pre-existing wetland soil. The intent is to create an adequate soil base to maintain the plants proposed for the site. They may have to dig down to find the wetland soil, but the intent is to make this more of a natural incline, fill in some of the gullies, and open up more spatial areas.

TESTIMONY IN FAVOR

Speaking: Mart Hughes, 3006 SE Washington Street, Milwaukie

Mr. Hughes stated that he is one of the volunteers on this project. He feels this is a very positive development of management plan concepts for conservation of natural resource sites. The work is not complete but the intention is good and the direction is correct. This is not done for profit, but hopefully something good for the community. Community involvement is connected very closely with these types of sites.

When the project began, there was great concern about what neighbors were doing to improve the site. Through this process, a common community ownership will be developed.

Mr. Hughes stated that he was not in favor of herbicides, however, he will be one of the people spraying the herbicides. The intent and strategy of the herbicides are to eliminate the introduced species. A natural habitat is sound and stable. This site has been severely disturbed. This location may have been a Christmas tree

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farm at one time. The rest of the property was used for grazing cows or sheep. The Blackberries have infected the entire site. Herbicides are the only way to get rid of the Blackberries so that a stable natural system can begin to grow. The Blackberries will be cut mechanically to the ground. When the shoots come up in the summer, spot herbicides can be applied until the plants are killed back to the roots.

The long-term goal of this site is to provide a shade or tree canopy. Plants that were installed earlier this spring were to design a sufficient structure. Shade shrub plants will suppress the Blackberries. Herbicides will not be needed for very long. Reed Canary Grass and Purple Loosestrife will take control over the wetland area if not removed.

QUESTIONS FROM THE COMMISSIONERS

Doug Ouderkirk asked if the herbicide usage will be monitored? **Mr. Hughes** stated that the site is almost dry; it is a seasonal wetland. The herbicides are applied in the upland areas, not in the water. Applications will be made to the Reed Canary Grass and Purple Loosestrife at the end of August when it is sufficiently dry. Crossbow will be used for the Blackberries and English Ivy and Roundup will be used for the Morning Glory, Purple Loose Drive, and Reed Canary Grass. Only one or two treatments will be necessary. Herbicides are not warranted in the upland areas.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner asked that the Commissioners review the findings and Conditions of Approval as provided in the Staff Report. Staff is recommending that the Application be approved. A provision can be drafted to allow restoration planting in an additional condition of approval.

QUESTIONS FOR CLARIFICATIONS

Doug Ouderkirk asked if the Management Plan should be changed to include the restoration planting? Discussion followed on whether the previous approval was based on spending all of the \$5,000 awarded in a Metro grant. Once the \$5,000 is spent there is no further authorization for spending. It was explained that once the

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Management Plan is approved, this would be the governing document. A new condition would include restoration planting in the Management Plan.

Mike Miller asked if the fire lane turn-around at the end of Pennywood is public or privately owned? **Ms. Herrigel** stated that it is right-of-way and maintained on both sides by the City.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

Chair Hammang closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

It was the consensus of the Commission that the continuation of restoration plants should be included in the Management Plan. Staff was asked to draft a condition to include this provision.

CONDITION # 9: The Plan shall be amended to include provisions for restoration of native species. Technical information that may apply will be worked out at the Staff level.

Mike Miller complimented JoAnn Herrigel on a well-managed project. This will be a very nice asset to the community.

Howard Steward moved to approve NR-99-02 Willow Place Natural Resource Management Plan at 13014 SE Freeman Road and adopt the staff recommended Findings and Conditions of Approval, with the additional condition added tonight. **Tracy Cook** seconded. MOTION CARRIED 7-0.

Ayes: Hammang, Borden, Cartmill, Cook, Miller, Ouderkirk, Steward

Nays: None.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

8.1 Reliable Credit Site

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Tracy Cook asked if Reliable Credit could be asked to clean and maintain the property site? **John Gessner** stated that the application is in Planning Review. There are active building permits and staff is working with a design specialist. Staff will be asked that Code Enforcement review the site.

8.2 Teenagers Loitering Downtown

Tracy Cook noted that there are a lot of teenagers loitering in the downtown area. She asked if anything could be done about this? **Gary Firestone** explained that loitering is outside the purview of the Planning Commission unless they are engaged in activity that could be considered a land use.

8.3 Design Review Committee

Tracy Cook stated that she has received many questions about a Design Review Committee and provisions for design review. **Alice Rouyer** stated that the design review and work program issues will be discussed later in the meeting.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 **Historical Resources Commission Report** -- **Chair Hammang** gave a brief report of the Historical Resources Commission meeting. Membership is down and the Committee is recruiting new people. Discussion centered on the proposed Riverfront/Downtown Improvement concepts for McLoughlin Blvd. Improvements and Milwaukie Marina Proposal. There will be an open house on the Riverfront Design in the fall.

Chair Hammang announced that the Neighborhood Associations are working on an oral history project. There were discussions on what constitutes a historic building; when a building becomes historic, and what historic buildings are being considered for addition to the inventory.

10.2 **Community Development Director Report**

Natural Resource Overlay Zone Code. **Alice Rouyer** submitted a copy of the Natural Resource Overlay Zone Code Section. Every item regulated under this Code must come to the Planning Commission for decision. This does not give

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staff discretion to make decisions for any Natural Resource reviews. There are cases where in the future it may be worthwhile to consider giving staff authority to make some decisions within certain parameters of activities that do not fall under the exemptions in the Code.

It was asked that Staff draft an amendment to the Code provisions to address these exceptions. This issue will be considered in conjunction with the Title 3 compliance project of the Metro Functional Plan.

Compliance with Title III. Alice Rouyer indicated that Title 3 deals with development setbacks from natural resource areas. Title 3 will need to be incorporated into Milwaukie's code. Staff is working on this project to bring this code into compliance.

Assistant Planner Position. Alice Rouyer reported that Janet Wright is no longer with the City of Milwaukie. She has taken a position in Mill City, Oregon. The position will be opened on Monday, July 19, 1999.

Commission Calendar. Alice Rouyer stated that the July 27, 1999, meeting will be entirely devoted to the Work Program and Commission Goals.

A joint Planning Commission/City Council Worksession is scheduled for August 16, 1999. This will be an opportunity for the Commission to discuss their goals with the Council. An update on the Urban Forestry Program will also be discussed at this meeting.

She suggested that there be no Commission meeting on August 24, 1999, since there are two meetings already scheduled for August. There is no Commission business scheduled for that date. It was the consensus of the Commission to cancel the meeting of August 24, 1999.

On September 20, 1999, another joint Planning Commission/City Council worksession is scheduled. Project consultants and staff will present the Title 3 project concepts.

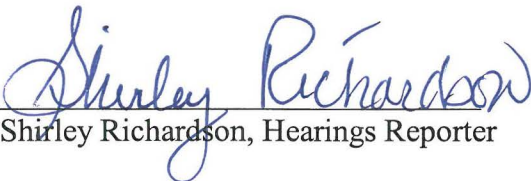
Training. Alice Rouyer reported that a Land Use Seminar is being put on by the Oregon Planning Institute. She invited the Commissioners to consider attending this training opportunity.

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11.0 NEXT MEETING -- July 27, 1999

Judith Borden moved to adjourn the meeting of July 13, 1999. **Mike Miller** seconded.
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 8:07 p.m.


Donald Hammang, Chair


Shirley Richardson, Hearings Reporter

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 WHICH 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 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 CHAIR PERSON 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 CHAIR PERSON 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 COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

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
Barbara Cartmill
Tracy Cook
Mike Miller
Doug Ouderkirk
Howard Steward

Community Development Department Staff:

Martha Bennett, Community Development Director
Alice Rouyer, Planning Director
John Gessner, Associate Planner
Vacant Position, Assistant Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter



DATE: July 30, 1999
TO: Milwaukie Planning Commission
THROUGH: Alice Rouyer, Planning Director *ARR*
FROM: John Gessner, Associate Planner *JG*
SUBJECT: Applications S-99-03 & VR-98-13
Garrett, Home, & Monroe
Applicant: William Hoesly

ACTION REQUESTED


Announce at the July 13, 1999 public hearing that the subdivision and related variance applications referenced above, for property located south of Monroe, westerly of Home Ave, and easterly of Garrett Drive, made by William Hoesly, have been withdrawn.

BACKGROUND

The applications were first submitted in November 1998 but have not been brought to Commission because the applications were incomplete. The applicant was recently advised that the matter was to be brought to the Commission with a staff recommendation for denial due to the applications not meeting applicable ordinances and for incompleteness.

It is understood the City is negotiating the purchase of the property. On June 29, 1999 the applicant signed a statement officially withdrawing the applications.



DATE: July 1, 1999
TO: Milwaukie Planning Commission
FROM: 
Janet Wright, Assistant Planner
RE: **File No.: S-98-04/VR-98-14 Subdivision, Applicant/Owner - Bill Hosely, 5515 SE King, Milwaukie, Tax Lot: T1S R2E 30 DC TL 2600**

NDA: Lewelling

The Applicant submitted a request for approval of a 5-lot subdivision at 5515 SE King Street on November 17, 1998. After a review of the application for completeness and a pre-application conference, the applicant submitted additional information, which required staff to deem the application complete.

The revised tentative plan that was submitted would have resulted in a staff recommendation of denial. In order to allow the applicant and staff to continue to work on an acceptable tentative plan, the applicant agreed to sign a waiver of the 120-day processing statute. This waiver was obtained on June 30, 1999.

At the applicants request staff is withdrawing the item from public hearing at this time. The application will be re-noticed for public hearing, and again referred to the Neighborhood District Associations after a revised tentative plan is submitted by the applicant.

As always Staff will be available to answer any questions that the Commission has regarding this proposed subdivision application at the July 13, 1999 Planning Commission meeting.

Attachment:

120-day Waiver

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

5101 SE JOHNSON CREEK BLVD

TELEPHONE 503-4410

RECEIVED

JUN 29 1999

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Date 6/29/99

City of Milwaukie
10722 SE Main St.
Milwaukie, Or. 97222

Re: Waiver of 120 Day Processing Time for File # S-98-04/UR-98-14

I hereby request a waiver of the 120 day processing time for the application I have submitted as specified in Section 1002 of the City Zoning Ordinance. I acknowledge that the length of time for the City to complete processing of this application may exceed the normal limit of 120 days.

Sincerely,

W. J. Hoesly
Applicant

cc: File # S-98-04/UR-98-14



DATE: July 13, 1999
TO: Milwaukie Planning Commission
THROUGH: Alice Rouyer, Planning Director
FROM: John Gessner, Associate Planner
SUBJECT: NR-99-02 Willow Place Natural Area
Natural Resource Management Plan at 13014 SE
Freeman Road.
Applicant: City Of Milwaukie

ACTION REQUESTED

Approve NR-99-02 Willow Place Natural Resource Management Plan at 13014 SE Freeman Road and adopt the staff recommended Findings and Conditions of Approval.

BACKGROUND

Statistics

Staff Report Date: June 30, 1999
Location: 13014 SE Freeman Road
NDA: Lake Road
Zone: R-7
Acreage: .92 acres
Map & Tax lot: 2 2E 6BB 00514

Summary Description of Natural Resource Management Plan

The City of Milwaukie is seeking approval of a natural resource management plan for the city-owned Willow Place Natural Area. The site was conveyed to the City on approval of the Willow Place Subdivision in 1990. The management plan specifies short-term and long-term management activities including routine maintenance, removal of wetland fill, access, future land purchases, and others. The site is subject to Milwaukie Zoning Ordinance (MZO) Section 322-Natural

Resource Overlay Zone (NR), which provides for Commission approval of resource management plans. Approval of the resource management plan exempts activities specified in the plan from public hearing requirements of the NR regulations.

ANALYSIS

Comprehensive Plan Policies, Zoning Authority & Purpose of Plan

The site is designated as Natural Resource Site #25, Grainger Wetlands, in the Comprehensive Plan Natural Resources Property List. Comprehensive plan Chapter 3- Environmental and Natural Resources Element establishes policies for protection of natural resource areas and their associated values through preservation, conservation, mitigation, and acquisition of resources.

The purpose of the proposed natural resource plan is to define permissible management activities related to site use, restoration, and conservation. Activities specified in the plan must be consistent with the NR regulations, the purpose of which is to protect natural resource sites while permitting certain uses and or development. Accordingly, the NR regulations require Commission review of activities including fill, excavations, removal of trees, resource enhancement activities, and all uses not specifically exempted from review. Milwaukie Zoning Ordinance Section 322.5 exempts development that complies with an approved natural resource management plan.

Section 322.7 specifies standards for development activities located in NR areas. These standards generally protect resources by limiting the type of activity, its location, or by limiting or compensating development impacts by requiring mitigation.

Conformance with the Comprehensive Plan and Milwaukie Zoning Ordinance

The natural resource management plan is consistent with Comprehensive Plan Chapter 3- Environmental and Natural Resources policies concerning preservation and maintenance of wetlands and habitat. Furthermore, it is consistent with the intent of and purposes of the MZO Section 322-Natural Resource Overlay Zone. All activities of the management plan comply, or can comply, with the specific development standards of MZO Section 322.7.

Receipt of Additional Information

In discussion with staff, it was agreed that proposed policies for plant removal and habitat management could be provided to the Commission under separate cover no later than July 9, 1999. In the event this does not leave enough time for an adequate review, the matter should be continued to the August 10, 1999 public hearing.

Summary Description of the Proposed Natural Resource Management Plan

1. *Short-term and Long-term Maintenance*

The following activities are proposed for long term care of the area. All work is to be coordinated through a designee of the City Manager. The proposed work is intended to enhance native plant diversity and protect the health and safety of abutting residents.

- a. removal of invasive plants such as ivy, holly, blackberries, etc.
- b. remove as needed dead or diseased trees and plants
- c. apply herbicide in a responsible and conservative manner where necessary
- d. control invasive grasses using power equipment, mulch, weed cloth or other methods

2. *Short-term Activities*

The following is a summary of short-term elements.

a. Access & Use Policy

The intended primary use of the Willow Place Natural Area is for open space and conservation. Passive recreation, such as nature viewing and respite, are related uses. Accordingly the resource management plan calls for minimal improvements for site access. The service area is restricted to only the immediate neighborhood.

b. Internal Access & Pedestrian Use

The resource management plan proposes minimal improvements for pedestrian access. Paths are to be informal, with minimal maintenance. See Exhibit 1 for a map showing the two options. Path A (existing) provides access from SE Freeman, Path B provides access from Pennywood across the existing berm. The applicant is expected to identify, at the public hearing, considerations that would affect selection of either option.

c. Site Signage

A sign is to be placed on-site at interior locations to give notice of prohibited activities.

d. Removal of Wetland Fill Encroachments

Soil tests indicate upland soils have been placed in wetland areas. The plan calls for removal of approximately 1,974 cubic feet of upland soils. Soils are to be placed on upland portions of the site. Prior approval from Oregon Division of State Lands will be required. See Exhibit 1 for a map showing areas of fill removal.

e. Maintenance of the Ryan Avenue Berm

The plan calls for removal of blackberries and restoration of native plants. Since the Ryan Avenue right-of-way was vacated, a portion of the berm is now owned by abutting property owners. Maintenance activities may require approval of the affected owners.

- f. Develop a habitat management plan. (To be submitted under separate cover. Additional analysis will be conducted. Additional recommended findings and conditions may be provided by staff.)
3. Long-term Activities
- a. Removal of the Ryan Avenue berm for the following benefits.
 1. increased flood capacity
 2. restore natural hydrology
 3. restore floodplain and natural wetland functions
 4. provide additional habitat area
 5. restore/enhance native plant communities
 - b. Recommend the City pursue purchase northerly and easterly neighboring properties, or portions thereof.
 - c. Fill excavated (non-wetland) portions of the Ryan Avenue right-of-way to restore previously excavated areas and areas where oil has been compacted by heavy equipment.

COMMENTS:

Lake Road NDA: No comments received as of this writing.

Milwaukie Public Works: The only concern Public Works has with this project is preservation of the existing storm drainage outfall near the southeast corner of the wetland. Also, if more than 500 square feet of soil is disturbed an erosion control plan and application is required. This is anticipated because of the moving of soil from the lower wetland area to the adjacent upland areas. (Comments of Paul Roeger, P.E. Civil Engineer, June 23, 1999)

RECOMMENDED FINDINGS OF APPROVAL

1. The natural resource management plan provides for the stewardship, enhancement, and maintenance of the Willow Place Natural Area in a fashion that is consistent with Comprehensive Plan and Zoning Ordinance policies affecting designated Natural Resource sites.
2. Implementation measures adopted as condition of this approval will ensure that the future maintenance and other activities specified in the plan, will minimize potential adverse impacts consistent with the

requirements of Milwaukie Zoning Ordinance Section 322 Natural Resources Overlay.

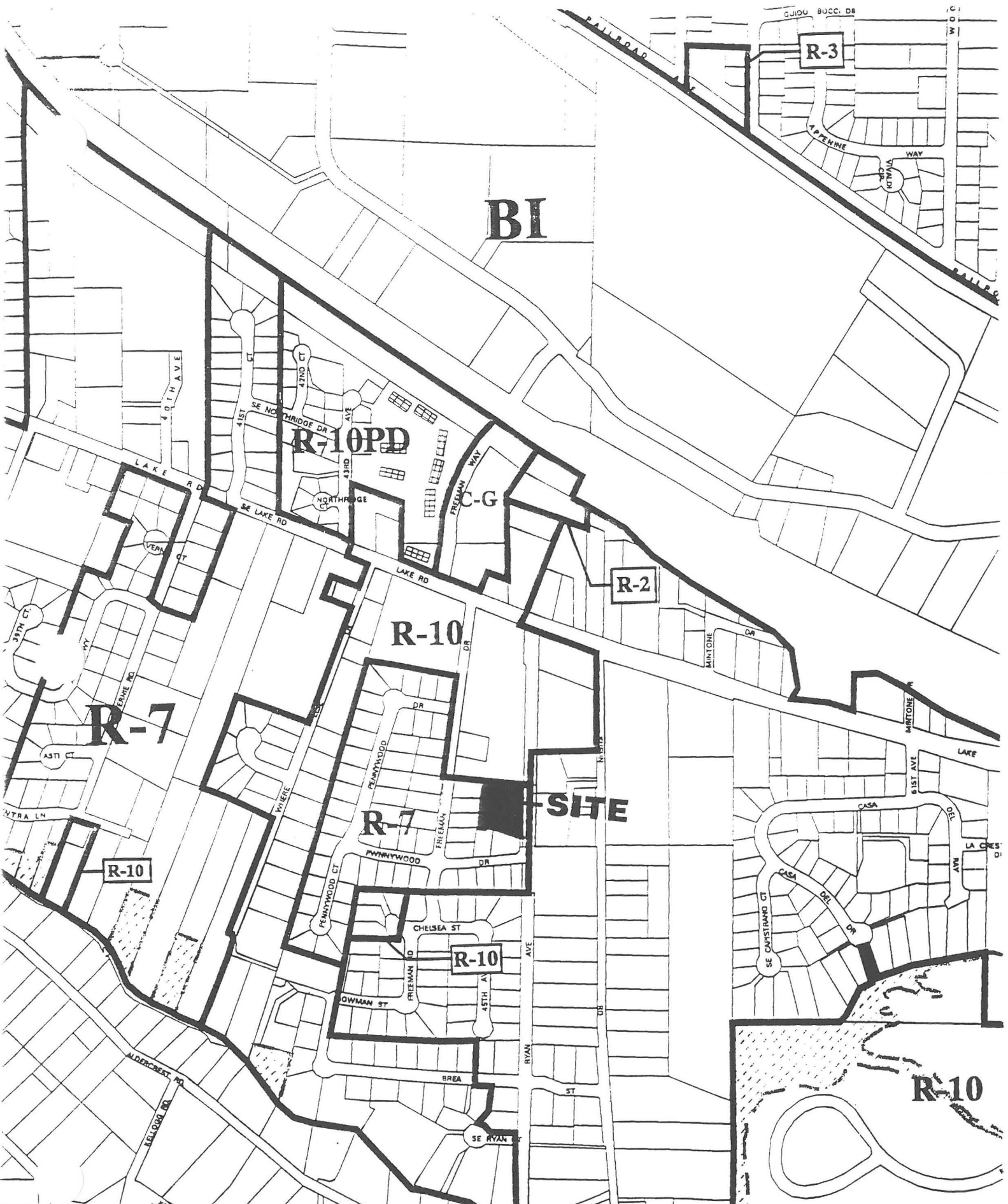
3. The application for approval has been duly processed and notice provided as required by law.

RECOMMENDED CONDITIONS OF APPROVAL

1. All future site activities shall be consistent with the approved natural resource management plan shown in Exhibit 1 and as modified by this decision. The plan is to be modified as required prior to commencement of any work authorized by the plan.. A record copy is to be maintained by the Planning Department.
2. Any work not contained in the plan must be reviewed for consistency, by the Planning Director, with Section 322 prior to its commencement.
3. All work other than removal of invasive plants, restoration of native plants, path maintenance, or other routine maintenance as specified in the plan, shall be reviewed by the Planning Director to confirm consistency with the applicable development standards of MZO Section 322, prior to commencement of related activities.
4. The plan shall be amended by adding a section specifying that all maintenance and other activities shall be consistent with MZO Section 322.7 Development Standards. The applicable standards of Section 322.7 shall be listed in the plan.
5. The applicant shall consider the felling and/or removal of trees only when they represent an imminent danger to property or personal safety. Standing deadwood provides important habitat to certain bird and mammals species. All trees to be removed shall be approved by the Planning Director prior to commencement of work.
6. The plan shall be amended to include a coordination clause indicating that that all federal, state, local governmental and private approvals as applicable will be obtained prior to work being conducted.
7. Any modifications of the plan shall require Planning Commission approval pursuant to MZO Section 322.11
8. The plan shall be amended to include provisions to ensure protection of the City storm drain outfall. Provisions should specify limitations on excavation and fill, maintenance of drainage channels if any, and requirements for erosion control. Prior approval from the Planning and Engineering Departments shall be required prior to commencement of any work affecting the outfall or its drainage.

EXHIBITS

1. Vicinity Map
2. Willow Place Natural Areas Management Plan



City of Milwaukie Community Development Department

Title: Vicinity Map Submitted by: Staff Date: 7/13/99 # Pages: 1
 File Numbers: NB-99-02 Applicant: City of Milwaukie Exhibit #: 1
1111111 Place Plat. Area



Willow Place Natural Area Enhancement Project Description

Location and Description of Site

The project site is located at 13014 SE Freeman – Tax Lot 514 2 2E 6BB. (Also known as TRACT “A” of the Willow Place Subdivision.) The Site is located South of Lake Road and north of Pennywood Drive between (vacated) Ryan Avenue to the east and Freeman Rd. to the west. The site is .92 acres in size. The property contains one half of an artificially divided pond. There is a small dense grove of Douglas Fir on the north side of property. Ground water flow on the site is from east to west toward the Willamette River.

Site Background

In 1990, the natural area located in the Willow Place subdivision was deeded to the City of Milwaukie by William Hoesley. At the time, it was anticipated that North Clackamas Parks District would develop a management and maintenance plan for the site. To date, no plan has been developed. Until 1998 the site had been unmanaged by the City of Milwaukie. The site has been modified by residents abutting the site who have, on occasion, removed plant materials or excavated certain areas to “enhance the aesthetics” of their lots.

In October 1998, the Milwaukie Planning Commission approved a preliminary project description for enhancements at the site. The project description involved removing non-native and invasive plants growing on the site and re-introducing native and wetland species in the lowland and upland areas surrounding the wetland. The following four areas, were identified for enhancement under the preliminary project description:

- Restore native plants in the pasture area (approximately 9402 sq.ft.) on the western side of the site considering the needs and interests of the abutters. Removal of blackberries will be necessary.
- Reintroduce wetlands species along the edge of the wetland.
- Plant shrubs and other native plants in the transition area between the wetland and the upland area to the north of the wetland
- Diversify the upland forest area by removing ivy and blackberries and planting natives in the understory.

As of mid May of 1999, all of the activities described above have been completed. On May 12 City staff convened a meeting of the Willow Place abutters to discuss future plans for the site. The results of this meeting will be collated into a master plan for the Willow Place site that will be divided into short and long term activities. The actual master plan will be submitted to Planning Commission as an addendum to this application. Following is a list of potential options for the site:

Short Term

- Define an access policy (neighborhood access only)
- Develop a path or paths on the site to allow at least visual access to the wetland area
- Purchase and install a sign at the entrance(s) to the site describing acceptable activity
- Move approximately 1974 cubic feet of upland soil from the lower wetland area to the adjacent upland areas (excavated during construction of the surrounding development.)
- Remove blackberries from eastern berm to allow pedestrian access or planting of native (non-invasive) plants.
- Plan for short and long term maintenance of the site (including authority to remove diseased or damaged and dangerous) plants and trees
- Develop a habitat management plan.

City of Milwaukie Community Development Department

Title: Management Plan Submitted by: Applicant Date: 7/13/99 # Pages: 11

File Numbers: NB-99-02 Applicant: City of Milwaukie Exhibit #: 2

Willow Place Nat. Area



Long Term

- Removal of the berm separating the Milwaukie side of the pond from the Clackamas County side
- Fill vacated Ryan Ave. where excavation has taken place
- Recommend that the City pursue purchase of land adjacent to the northern boundary in the event it becomes available in the future.
- Recommend that the City pursue purchase of the eastern portion of the pond which lies in Clackamas County in the event it becomes available in the future.

May 12, 1999 City staff convened a meeting of the Willow Place abutters to discuss future for the site. The results of this meeting are reflected in the following master plan for the Willow Place site.

SHORT TERM ACTIONS

Define an access policy (neighborhood access only).

Neighbors of the site would prefer to have the site designated for neighborhood access only. Because the site is less than an acre and is abutted on two sides by single-family homes, the neighbors would prefer to keep pedestrian activity on the site to a minimum and to restrict activity on the site to passive recreation such as walking and nature watching. Their fear is that designating the site as a park and advertising the site to the public would invite nuisance problems and may require increased police monitoring. Neighbors would prefer to preserve the site as a natural area that they and others can appreciate without concern for vandalism or other disruptive activities.

Develop a path or paths on the site to allow at least visual access to the wetland area.

In order to minimize pedestrian access to the site, most neighbors would prefer to keep paths on the site relatively informal (not groomed or maintained). One option neighbors suggested was an existing path which runs from the northwestern access ROW to the southeast toward the pond area and ending at a point along the tree line in the upland area (shown on the map as PATH A).

Another option that the group discussed was establishing a path from the northwest corner of the site down along the tree line in the upland area and then south along the berm (vacated Ryan Ave) and exiting the site at the southeastern corner on Pennywood (shown as PATH B on map). This option would allow through pedestrian traffic on the site and allow access from both the northwest and southeast corners.

Purchase and install a sign(s) at the entrance(s) to the site describing acceptable activity.

Signs placed at the entrances would be placed well within the boundary of the site, away from the street. Signs would state that the property was owned and maintained by the City of Milwaukee and would list activities that are prohibited on the site. The signs would be approximately two feet by two feet in dimension and would be designed to blend in with the site's natural aesthetic.

Move approximately 1974 cubic feet of upland soil from the lower wetland area to the adjacent upland areas

Soil tests on the piece of land jutting out into the northeast corner of the pond indicate that this is upland soil which may have been removed from a gully just to the north of it during construction in the early 1990s. Staff proposes to remove the soil from the pond area and place it in the gully to the north. Removal of the soil would not affect any trees or wildlife habitat. In addition to restoring soils to their original locations, this action would open up the pond visually and decrease the slope of the pond edge allowing appropriate native plants to be installed.

Excavation work would be done by a licensed contractor with a bobcat or other earth moving equipment. Care will be taken to control potential erosion problems caused by use of heavy equipment.

Remove blackberries from eastern berm to allow pedestrian access or planting of native (non-invasive) plants.

The berm along the eastern edge of the site has been covered with blackberries for many years. As part of the City's enhancement of the site, staff proposes to remove the blackberries and re-vegetate the berm with native species such as nutka rose and willow. If it is determined that a path should (and may) run along the crest of the berm, plants would be established along the edge of the path and down the bank of the berm.

A complicating factor to any work on the berm is that it runs along the line of Ryan Ave., which was vacated by Milwaukie City Council in 1991. It is the City's understanding that when a street is vacated, the street becomes the property of the abutting landowners. In this case, the western half of Ryan abutting the Willow Place site is owned by the City and the eastern half is owned by the Larsens on the northeast and the Rowlands on the southeast. Any work done on the berm would have to be approved by the abutters.

Plan for short and long term maintenance of the site

Until 1998, the City had done no maintenance on the Willow Place site. Neighbors have done some weed and other invasive plant control work along the edges of the site and some clearing has been done in some interior sections. The city proposes that a city staff person, designated by the City Manager, be responsible for organizing and conducting site management activities at Willow Place. These activities will enhance the native plant diversity and protect the health and safety of the abutting residents and those using the site as a passive recreation area. Following are activities that the City (or volunteers with the City's permission) will perform on an on-going basis:

- Remove invasive plants such as ivy, holly, blackberries and scotch broom
- Cut down, and potentially remove, dead or diseased trees, shrubs or plants
- Apply herbicide in a responsible and conservative manner where necessary
- Control invasive grasses using power equipment, mulch, weed cloth or other methods

Develop a habitat management plan.

It is the wish of the neighbors and the intent of the City to enhance the quality of the wildlife habitat on the Willow Place site. Any future enhancement activities undertaken on the site will take into consideration the impact of these actions on animals on the site including but not limited to wood ducks, geese, frogs, birds and butterflies. In addition the City proposes to work with the State Division of Fish and Wildlife to coordinate introduction of appropriate animal species as deemed appropriate.

LONG TERM ACTIONS

Removal of the berm separating the Milwaukie side of the pond from the Clackamas County side

Many years ago, there was no berm separating the Clackamas side from the Milwaukie side of the Willow Place pond or wetland. In order to return the Willow Place site to its original natural state, the berm would have to be removed or perforated. Joining the two sides would :

- Provide increased flood capacity over a larger area
- Restore the natural hydrology of the area
- Restore floodplain and natural wetland functions
- Provide additional amphibian and wildlife habitat over a larger area
- Restore/enhance native plant communities

Removal of the berm would require excavation of soil and potentially removal of utility pipes that may be buried beneath it. Perforation of the berm would require removal of two or more large areas of the berm, removal of utility pipes and installation of large ducts to allow water to move between the two sections. (a schematic of two perforation options, developed by Clackamas County in 1998, is attached to illustrate these ideas). The perforation option would use the top of the berm to be used for a path. If no path is developed and the berm is re-vegetated with native plants, the berm perforation would allow for continued wildlife habitat protection provided by the native species planted on the berm.

Several issues will have to be considered before a berm modification or removal is undertaken. First, due to the geology of the site and the surrounding area, the water levels on the western side may decrease if the berm is perforated. This would be a disappointment to the Milwaukie residents abutting the Willow Place site. The neighbors have expressed great concern at the decreasing water level already witnessed at the site and have requested information on how water levels might be returned to the levels experienced in the early 1990s.

Second, the Larsens, who own the northeastern portion of the wet area on the Clackamas County side have a permit from the Division of State Lands to pump water into the pond and have been actively "managing" this section of the pond for many years. The neighbors on the Southeast corner of the Clackamas side of the pond have varying interests in the aesthetics and management of the parts of the pond that they own. Any action taken that will modify water levels and water movement between the City and County sides of the berm will have to be pursued with the support and participation of all abutting property owners.

Recommend that the City pursue procurement of the eastern portion of the pond which lies in Clackamas County in the event that it becomes available in the future.

The City should begin discussions with Clackamas County and the existing owners of the wetland area east of the berm regarding potential deeding or sale of the wetland properties in the future. If the City or the County could obtain ownership of all or most of the wetland area, restoration activities would be much less complicated and much more comprehensive.

Recommend that the City pursue purchase of land adjacent to the northern boundary in the event it becomes available in the future.

The property to the north of the Willow Place site is currently a tree farm. The City should begin discussions now with the property owner of this farm regarding potential deed or sale of some or all of the farm. The additional land to the north would enhance the habitat available to Willow Place wildlife and maintain a buffer between the relatively sensitive wetland area and the development and traffic along Lake Road.

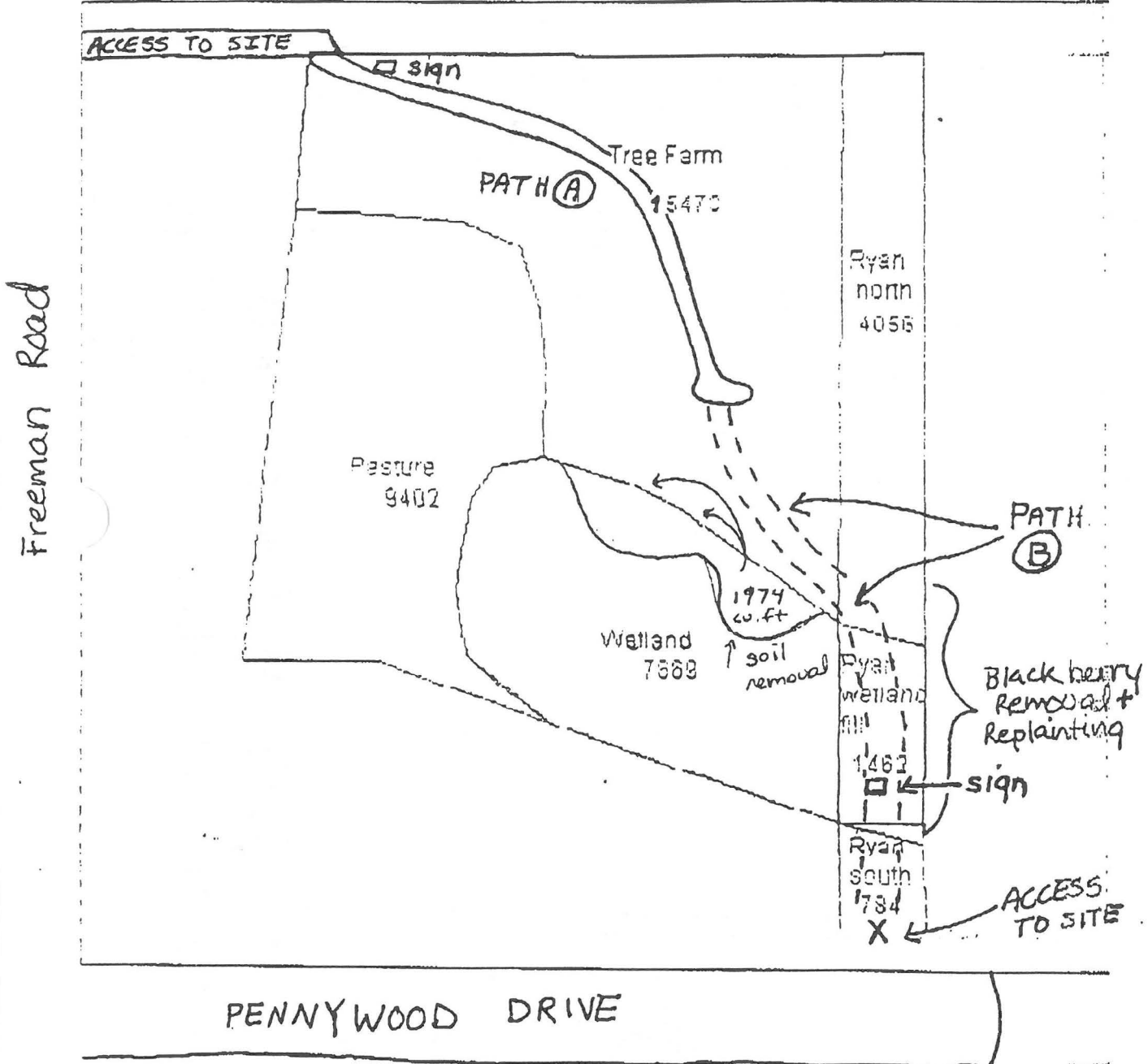
Fill vacated Ryan Ave. where excavation has taken place

Excavation and farm equipment traffic have contributed to plant damage and soil compaction along vacated Ryan Avenue, from the north end of the berm across the pond up to the northeastern edge of the Willow Place site. The City proposes that the lower areas that have been excavated be filled with soil brought in from elsewhere. Additional planting in this area should be done to restore the understory and decrease the erosion potential of the compacted soil areas. Boundaries of the eastern edge of the Willow Place property should be marked with signs stating property ownership and warning against trespass.

WILLOW PLACE NATURAL AREA ENHANCEMENT

MASTER PLAN

~ SHORT TERM ACTIVITIES ~



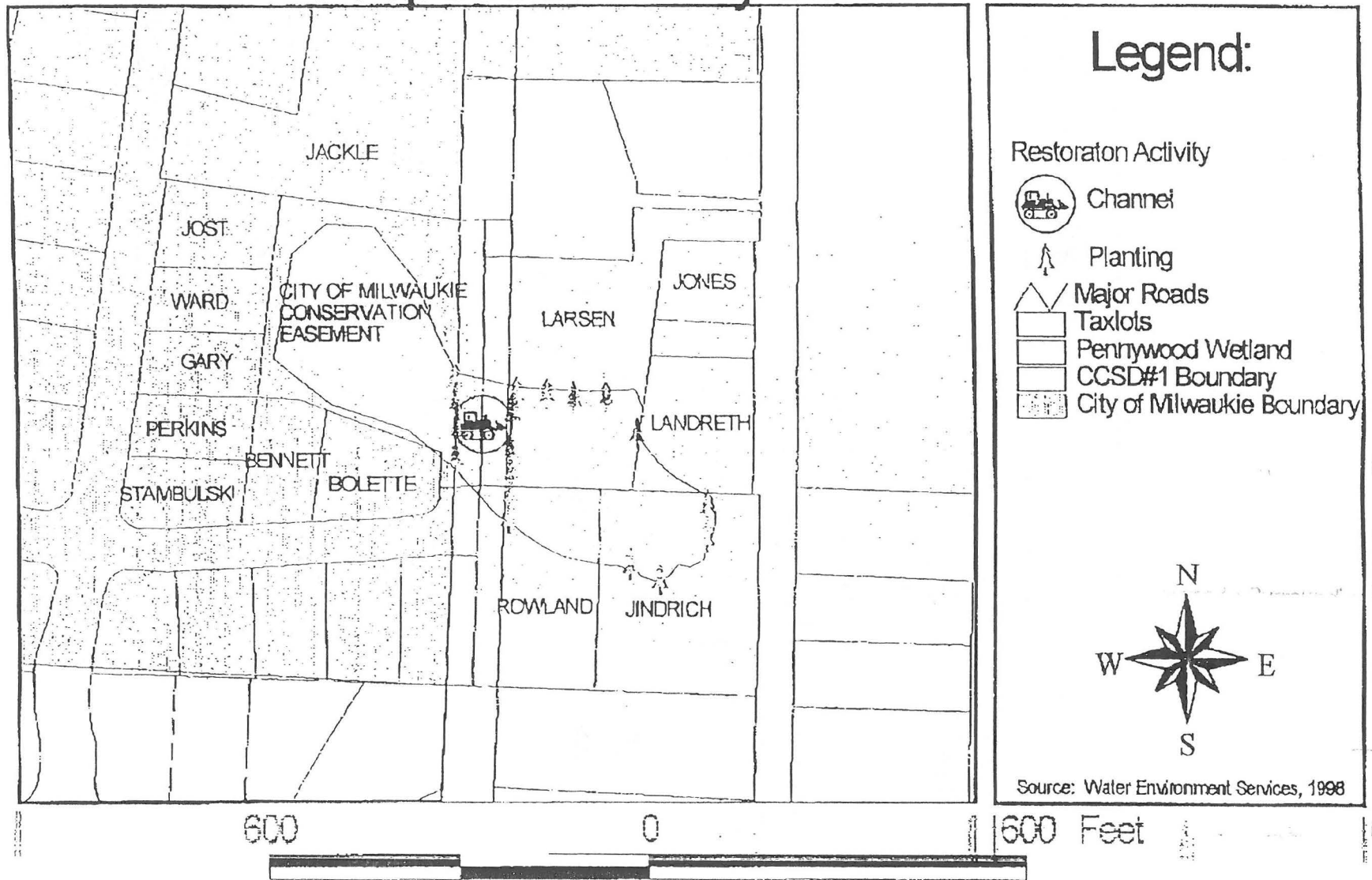
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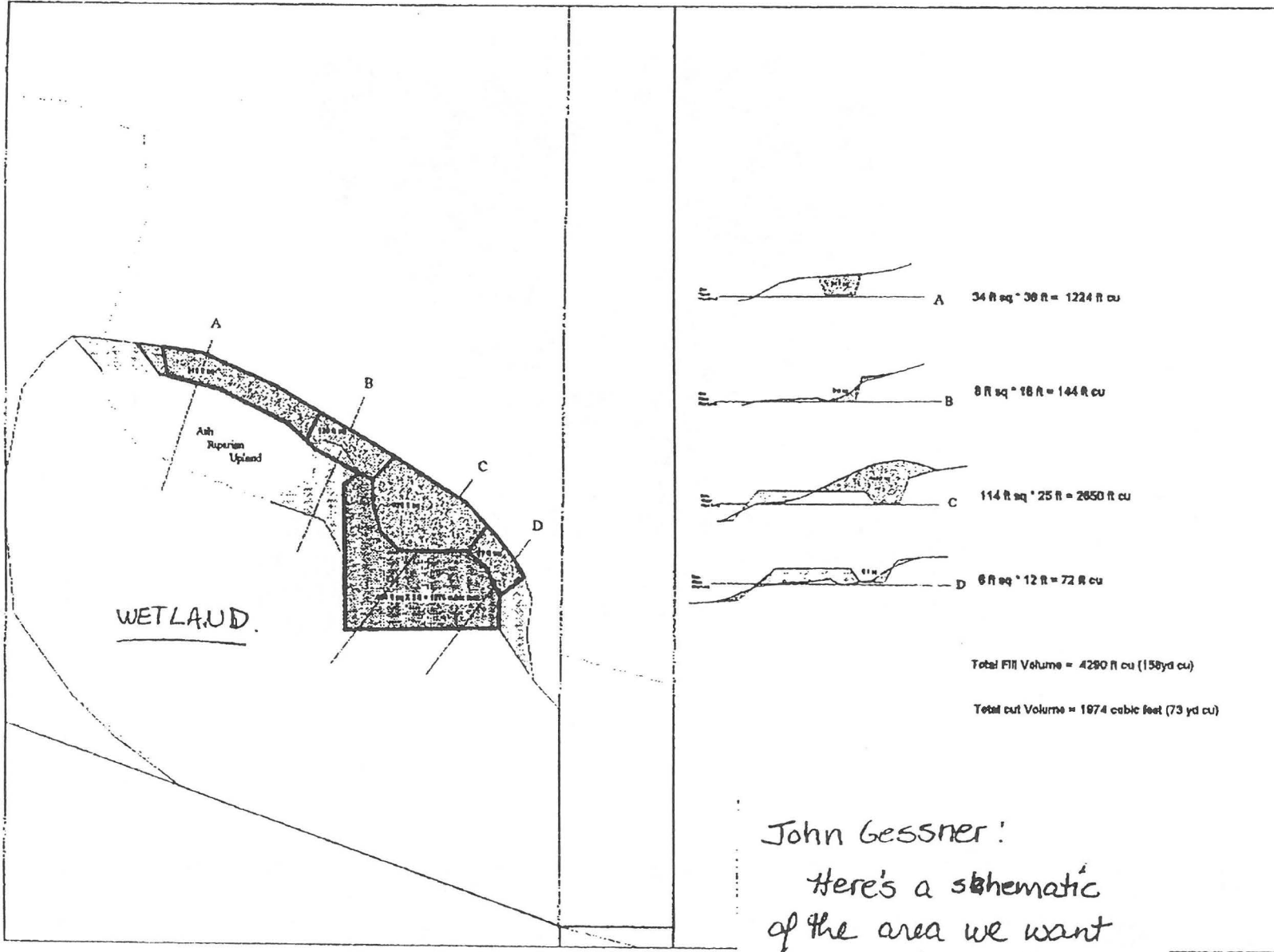
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Figure 3: Pennywood Wetland Restoration Project Proposed Activity Locations



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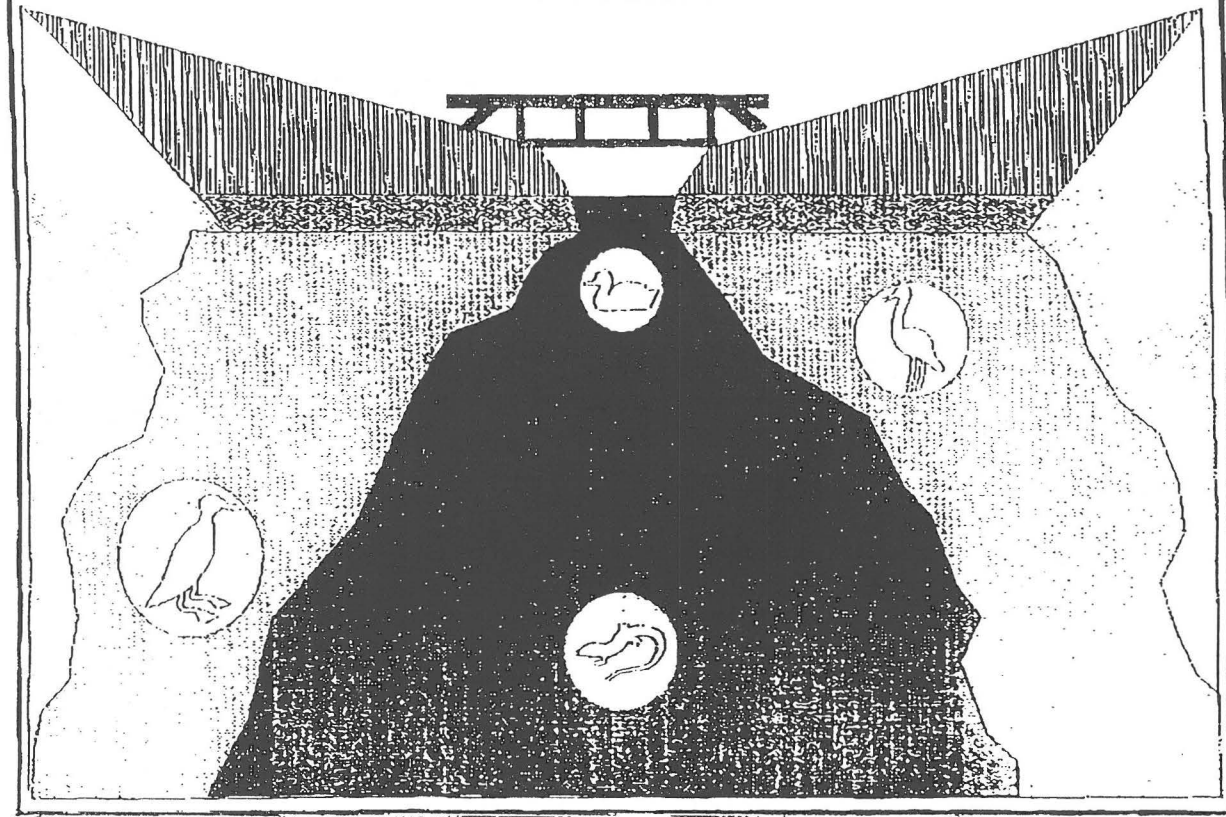
John Gessner:

Here's a schematic of the area we want to excavate and areas we'd be contributing the soil.


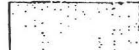
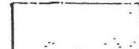



John

Figure 5: Pennywood Wetland Restoration Project Conceptual Improvement - Footbridge and Small Channel

Portion of Berm Removed and Graded to 4:1 Slope
Footbridge: 6-8 foot long, by 4 foot wide
2 foot channel



Legend:

-  Road Berm
-  Wetland
-  Upslope to Surrounding Taxlots
-  Water Moving Through Wetland
-  Plantings Wetland Species
-  Plantings Upland Species



Source: Water Environment Services, 1998

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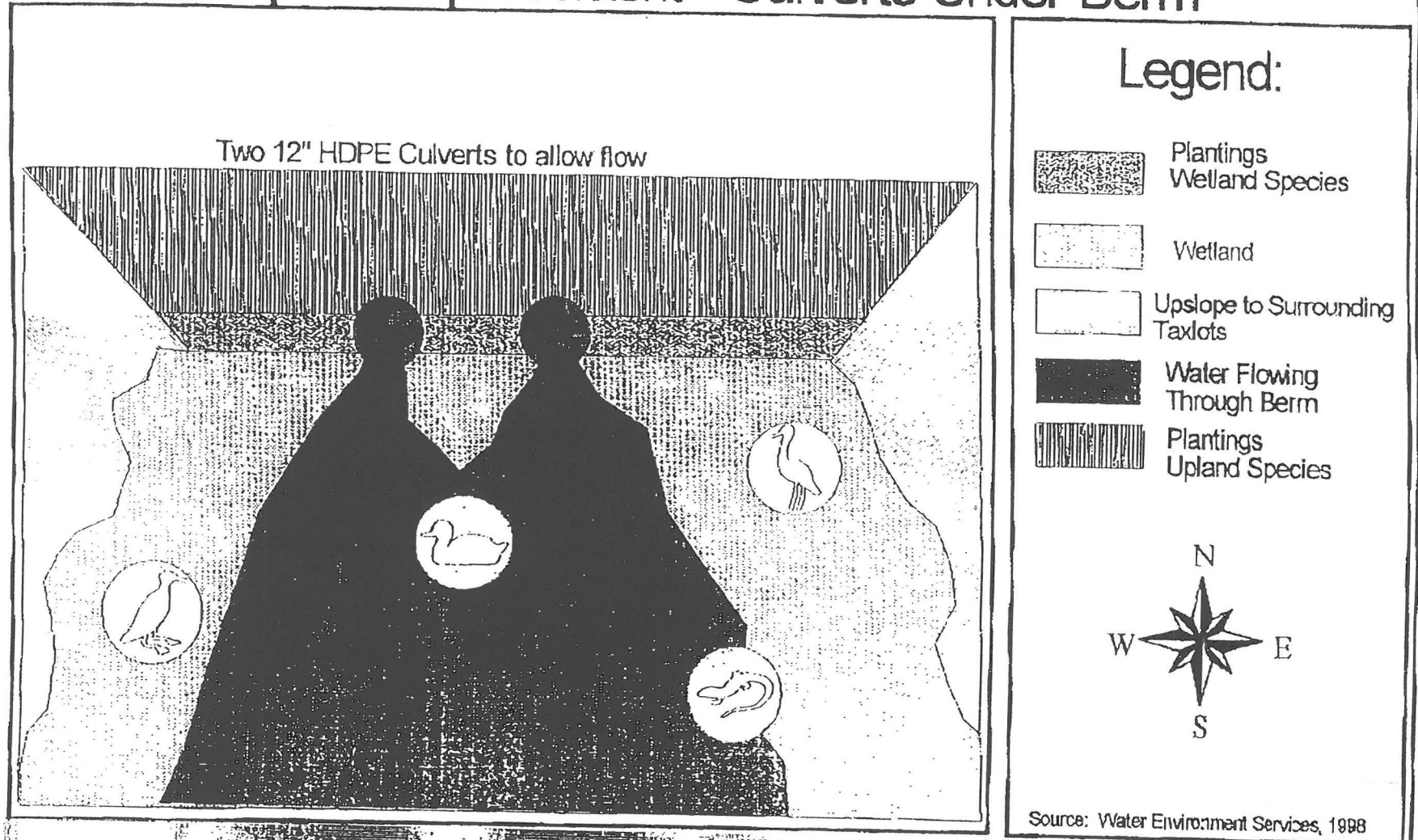
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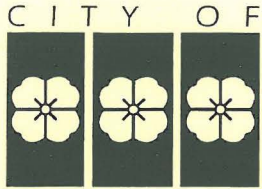
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Figure 5: Pennywood Wetland Restoration Project Conceptual Improvement - Culverts Under Berm



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MILWAUKIE

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

PHONE: (503) 786-7650
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Application Information

Revised: 6/29/99

The following information is being provided to inform you of land use actions being processed by the Community Development Department. If you have questions concerning any of these applications you can contact the affected NDA, or Community Development Department staff at 786-7630.

<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Lewelling William J. Hoesly/5515 SE King Road Subdivision/S-98-04 – Variance/VR-98-14 11/16/98 Applicant is proposing to create a 5-lot subdivision on 1± acre, and is requesting lot width variances for access and for two lots.</p> <p>PC – 7/13/99 [Applicant has requested this be continued to another meeting]</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Hector Campbell William J. Hoesly/Garrett & Monroe Subdivision/S-98-03 – Variance/VR-98-13 11/16/98 To create 4 building lots from existing parcel as flag lots which requires a variance.</p> <p>PC – 7/13/99 – [Application is being withdrawn]</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Business Industrial – Neighboring: Lake Road Terry Hegar/11551 SE 37th Natural Resource Review/NR-98-08 11/23/98 To fill and grade site so that it can be sold as a buildable lot. No construction is proposed at this time.</p> <p>PC – (incomplete as of this date)</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Linwood Roland and Kathleen Morris/10621 SE Home LLA-99-01/VR-99-03 5/7/99 Lot Line Adjustment to re-orient lot lines from N-S to E-W; and a Variance to adjust lot size.</p> <p>Administrative – (incomplete as of this date)</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Hector Campbell William Tucker/5521 SE Jackson LLA-99-02 6/4/99 Lot Line Adjustment to move the west property line 10 feet to the west.</p> <p>Administrative – (incomplete as of this date)</p>

<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Milwaukie Business Industrial – Neighboring: Lake Road Anthony Howard/4400 SE Int'l Way CU-99-02 6/21/99 Remodel existing building for a restaurant in the BI Zone</p> <p>PC – (incomplete as of this date)</p>
<p>AFFECTED NDA: APPLICANT/LOCATION: FILE TYPE/NUMBER: SUBMITTAL DATE: DESCRIPTION OF ACTION:</p> <p><i>PROPOSED HEARING or APPROVAL DATE</i></p>	<p>Ardenwald Charles P Denkers/3123 SE Olsen CU-99-03 6/25/99 Construction of garage, extend driveway, construct new turnaround, and install concrete retaining wall.</p> <p>PC – (incomplete as of this date)</p>