



CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

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

March 27, 2018

Present: Kim Travis, Chair
John Henry Burns, Vice Chair
Joseph Edge
Greg Hemer
Scott Jones

Staff: Vera Kolias, Associate Planner

Absent: Adam Argo
Sherry Grau

1.0 Call to Order – Procedural Matters*

Chair Travis called the meeting to order at 6:30 p.m. and read the conduct of meeting format into the record.

Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.milwaukieoregon.gov/meetings>.

2.0 Planning Commission Minutes — None

3.0 Information Items

Vera Kolias, Associate Planner, noted that the Comprehensive Plan Community Town Hall event was schedule for the following Tuesday, April 4th.

4.0 Audience Participation –This is an opportunity for the public to comment on any item not on the agenda. There was none.

5.0 Public Hearings

- 5.1 Summary: Scott Park Master Plan Removal from the Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-2018-001
Staff: Vera Kolias, Associate Planner

Chair Travis called the hearing to order and read the conduct of legislative hearing format into the record.

Ms. Kolias presented the staff report via PowerPoint and reviewed the background and proposal. The Scott Park Master Plan was created in 1990 to improve the park's identity, safety, and visibility. The improvements called for in the master plan have not been completed and some improvements that have occurred do not meet the plan. The reason for removing the plan as an ancillary document of the Comprehensive Plan was as a result of the proposed reconstruction and expansion of the Ledding Library. The library project conflicts with some specific elements of the master plan but not with the goals of the plan. A number of the

elements and goals of the plan would be accommodated by the proposed library project such as a walking path to the library and Spring Creek, the library's corner design, stormwater gardens, and native plantings and removal of invasive plants. In addition, the Milwaukie Urban Renewal Plan included improvements to Scott Park and North Clackamas Parks and Recreation District (NCPRD) had a capital improvement project identified to develop a new Scott Park Master Plan.

Ms. Kolias stated that another key issue involved Metro's Title 13 Goal Nature in Neighborhoods and reiterated that the library project would include significant improvements and mitigation to the water quality resources and habitat conservation areas on the site. Removing the plan from the Comprehensive Plan did not affect the purpose of Title 13.

The primary intent of the removal was to remove an outdated master plan and reduce barriers for the Ledding Library project. **Ms. Kolias** added that the staff recommendation was for the Commission to recommend approval to City Council and she reviewed the decision-making options.

Ms. Kolias clarified that improvements to parks that were not consistent with old and outdated master plans essentially would be in violation of the Comprehensive Plan. She added that a discussion through the Comprehensive Plan project was to remove the park master plans as specific plan documents from the Comprehensive Plan.

Commissioner Hemer suggested a recommendation to City Council to ensure that NCPRD make the development of a new Scott Park Master Plan a priority.

Chair Travis closed public testimony.

Commissioner Edge agreed with the proposal and noted that the master plan was created before the City moved to have NCPRD manage its parks; therefore, the master plan was essentially a hindrance to improvements. He agreed with Commissioner Hemer's suggestions, particularly in terms of the park's location and proximity to the library.

Vice Chair Burns noted that there were a number of parks without master plans. NCPRD had the development of a new Scott Park Master Plan identified and funded as a project so did not believe a recommendation of priority to Council was necessary.

Commissioner Hemer moved and Commissioner Edge seconded to recommend approval to City Council for legislative application CPA-2018-001 for the removal of the Scott Park Master Plan from the Comprehensive Plan with the recommended findings as presented. The motion passed unanimously.

Commissioner Edge moved and Commissioner Argo seconded to make a recommendation to City Council that, after completion of the Ledding Library project, the City would pursue an agreement with NCPRD to create a new Scott Park Master Plan.

6.0 Worksession Items — None

7.0 Planning Department Other Business/Updates

8.0 Planning Commission Discussion Items

Commissioner Hemer reminded the group of the Volunteer Appreciation Dinner schedule for March 29th.

The Commission and staff discussed the process for the meeting materials.

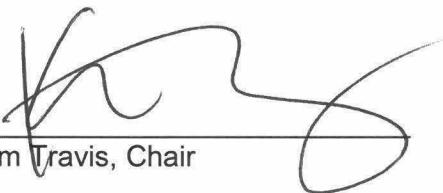
9.0 Forecast for Future Meetings:

- | | |
|----------------------|---|
| April 10, 2018 | 1. Public Hearing: CSU-2018-002 Ledding Library Reconstruction |
| April 24, 2018, 2018 | 1. Public Hearing: CSU-2018-001 Milwaukie High School Lake Rd Athletic Fields |
| | 2. Public Hearing: VR-2018-002/ADU-2018-001 10565 SE 23 rd Ave |

Meeting adjourned at approximately 7:03 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II


Kim Travis, Chair



CITY OF MILWAUKIE

AGENDA

March 27, 2018

PLANNING COMMISSION

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

- 1.0 Call to Order - Procedural Matters — 6:30 PM**
- 2.0 Planning Commission Minutes – None**
- 3.0 Information Items**
- 4.0 Audience Participation –** This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings –** Public hearings will follow the procedure listed on reverse
 - 5.1 Summary: Scott Park Master Plan Removal from Comprehensive Plan
Applicant: City of Milwaukie
File: CPA-2018-001
Staff: Vera Kolas
- 6.0 Worksession Items**
- 7.0 Planning Department Other Business/Updates**
- 8.0 Planning Commission Committee Updates and Discussion Items –** This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
 - April 10, 2018
 - 1. Public Hearing: CSU-2018-002 Ledding Library Reconstruction
 - April 24, 2018
 - 1. Public Hearing: CSU-2018-001 Milwaukie High School Lake Rd Athletic Fields
 - 2. Public Hearing: VR-2018-002/ADU-2018-001 10565 SE 23rd Ave ADU

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

1. **PROCEDURAL MATTERS.** If you wish to speak at this meeting, please fill out a yellow card and give to planning staff. Please turn off all personal communication devices during meeting. For background information on agenda items, call the Planning Department at 503-786-7600 or email planning@milwaukieoregon.gov. Thank You.
2. **PLANNING COMMISSION MINUTES.** Approved PC Minutes can be found on the City website at www.milwaukieoregon.gov.
3. **CITY COUNCIL MINUTES** City Council Minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
4. **FORECAST FOR FUTURE MEETING.** These items are tentatively scheduled, but may be rescheduled prior to the meeting date. Please contact staff with any questions you may have.
5. **TIME LIMIT POLICY.** The Commission intends to end each meeting by 10:00pm. The Planning Commission will pause discussion of agenda items at 9:45pm to discuss whether to continue the agenda item to a future date or finish the agenda item.

Public Hearing Procedure

Those who wish to testify should come to the front podium, state his or her name and address for the record, and remain at the podium until the Chairperson has asked if there are any questions from the Commissioners.

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.** Staff will report any verbal or written correspondence that has been received since the Commission was presented with its meeting packet.
3. **APPLICANT'S PRESENTATION.**
4. **PUBLIC TESTIMONY IN SUPPORT.** Testimony from those in favor of the application.
5. **NEUTRAL PUBLIC TESTIMONY.** Comments or questions from interested persons who are neither in favor of nor opposed to the application.
6. **PUBLIC TESTIMONY IN OPPOSITION.** Testimony from those in opposition to the application.
7. **QUESTIONS FROM COMMISSIONERS.** The commission will have the opportunity to ask for clarification from staff, the applicant, or those who have already testified.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** After all public testimony, the commission will take rebuttal testimony from the applicant.
9. **CLOSING OF PUBLIC HEARING.** The Chairperson will close the public portion of the hearing. The Commission will then enter into deliberation. From this point in the hearing the Commission will not receive any additional testimony from the audience, but may ask questions of anyone who has testified.
10. **COMMISSION DISCUSSION AND ACTION.** It is the Commission's intention to make a decision this evening on each issue on the agenda. Planning Commission decisions may be appealed to the City Council. If you wish to appeal a decision, please contact the Planning Department for information on the procedures and fees involved.
11. **MEETING CONTINUANCE.** Prior to the close of the first public hearing, any person may request an opportunity to present additional information at another time. If there is such a request, the Planning Commission will either continue the public hearing to a date certain, or leave the record open for at least seven days for additional written evidence, argument, or testimony. The Planning Commission may ask the applicant to consider granting an extension of the 120-day time period for making a decision if a delay in making a decision could impact the ability of the City to take final action on the application, including resolution of all local appeals.

The City of Milwaukie will make reasonable accommodation for people with disabilities. Please notify us no less than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Kim Travis, Chair
John Henry Burns, Vice Chair
Adam Argo
Joseph Edge
Sherry Grau
Greg Hemer
Scott Jones

Planning Department Staff:

Denny Egner, Planning Director
David Levitan, Senior Planner
Brett Kelter, Associate Planner
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Alicia Martin, Administrative Specialist II



CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Vera Kolias, Associate Planner

Date: March 19, 2018, for March 27, 2018, Public Hearing

Subject: **File:** CPA-2018-001
File Type: Comprehensive Plan Text Amendment
Applicant: Denny Egner, FAICP, Planning Director

ACTION REQUESTED

Open the public hearing for application CPA-2018-001, discuss the proposed amendment to the Milwaukie Comprehensive Plan, and take public testimony. Forward a recommendation to the City Council to approve application CPA-2018-001 and adopt the recommended Findings found in Attachment 1. This action would remove the Scott Park Master Plan, an ancillary document, from the Comprehensive Plan.

BACKGROUND INFORMATION AND PROPOSAL

The Scott Park/Ledding Library site is located in the downtown just north of City Hall on a 2.3-acre site. In 1990, the City embarked on a process to create a master plan for the site. The goal of the proposed improvements was to address the issues of poor visibility and unsafe pedestrian and vehicular access by preserving and enhancing the site's natural resources, improving pedestrian and vehicular access, and improving site identity. In November 1990, the City Council adopted the master plan, which includes detailed estimated construction costs and proposed phasing of improvements, as an ancillary document of the Milwaukie Comprehensive Plan (See Attachment 2).

A number of key improvements were called for in the 1990 Master Plan, including a landscape terrace, viewing platform, and picnic tables. None of these improvements have been completed and some site improvements have been made that do not match the master plan, including the installation of a pergola, a war memorial, and benches. Further, the adopted plan did not anticipate any changes or improvements to the Ledding Library building, which is the primary reason for this proposed plan amendment (See Figures 1-3).

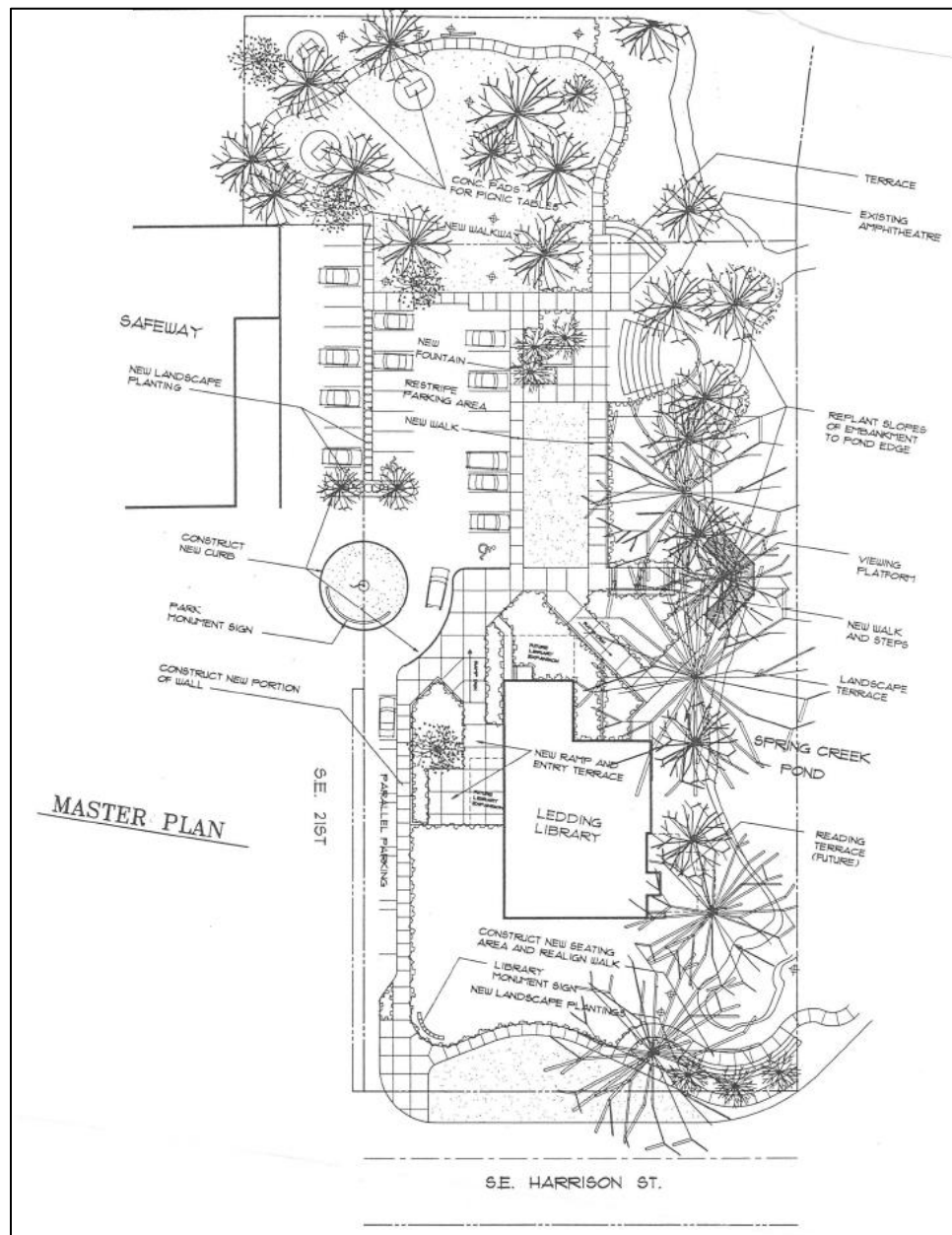


Figure 1 Scott Park Master Plan diagram, 1990

In May 2016, the citizens of Milwaukie passed a bond to fund improvements and expand the Ledding Library. After two city-wide community meetings seeking feedback on different elements on library design, the Council has directed staff to move forward with a 20,000-sq ft one-story library on the site of the existing library (Master File #CSU-2018-002: <https://www.milwaukieoregon.gov/planning/csu-2018-002>).



Figure 2 Installed pergola and war memorial - not included in the 1990 plan

KEY ISSUES

Staff has identified the following key issues for the Planning Commission's deliberation.

1. **Would removal of the Master Plan from the Comprehensive Plan negatively impact Scott Park?**

The library project conflicts with some specific elements of the Scott Park Master Plan diagram, but not with the goals of the plan. Each goal is addressed below:

- Phase 1 Goal: To improve pedestrian and vehicular access as well as the visibility of the park and library facility and to provide formal viewing opportunities along the Spring Creek Pond edge.
 - *The proposed plans for the library project include the following key civic design elements:*
 - A gateway colonnade and direct path to the main library entry and Scott Park
 - The building addresses the street corner at Harrison St and 21st Ave with large windows providing views out from the library to City Hall and views into the library and through to the wooded area around the

pond.

- *Although Scott Park and the amphitheater are occasionally well attended during programmed events, the park suffers from being largely hidden from the library and isolated from the rest of downtown. By extending the new library structure northward and closer to the amphitheater, there will be more eyes on the park via more regular activities and access. The proposed library design locates the children's area of the library at the north end so that children's programs and activities can spill outside into the park.*
- *The proposed design includes a bark mulch walking path along the pond edge providing many viewing opportunities to the pond.*
- Phase 2 Goal: To enhance the role of Scott Park as a natural resource habitat area.
 - *The proposed plans include:*
 - *Five stormwater gardens are proposed for the site to both provide stormwater treatment and create natural habitat areas.*
 - *All areas of temporary disturbance to resource areas will be restored to equal or better condition and will be planted with native tree, shrub, and herbaceous ground cover species. In addition, other areas outside the footprint of the proposed structure will be restored and planted with native tree, shrub, and ground cover species.*
 - *Yellow flag iris, a noxious weed as listed by the Oregon Department of Agriculture, within the pond itself will be removed.*
- Phase 3 Goal: To replace, relocate, or restore existing park improvements.
 - *The proposed project does not include the restoration of the amphitheater or the construction of a new fountain and plaza. However, as noted above, the new building directly connects the public and library patrons to the park.*
 - *The Milwaukie Urban Renewal Plan, adopted in August 2016, identifies improvements to Scott Park as a specific project to be funded and implemented.*



Figure 3 Proposed Ledding Library site plan

2. Is the proposal consistent with Metro Title 13 – Nature in Neighborhoods and related city code requirements?

Although the site is in a designated habitat conservation area, the proposal to remove the 1990 Master Plan from the Comprehensive Plan is consistent with Title 13 Nature in Neighborhoods. The purpose statement of Title 13 is: (1) to conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) to control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The proposed amendment is to remove an outdated master plan from the city's Comprehensive Plan in order to provide the ability to move forward with a library construction project that includes significant improvements and mitigation to the water quality resource area and the habitat conservation area on the site. A wetlands delineation was completed for the project, which has been submitted to DSL for review, and Pacific Habitat Services completed the required natural resources report to address code requirements in MMC 19.402 (see Attachment 3). The proposed site plan drawing in the master plan is inconsistent with current plans for site improvements.

Removing the master plan from the Comprehensive Plan does not affect the purpose statement of Title 13. Further, specific goals identified in the park master plan document are fulfilled by the library project, as outlined above. Scott Park will remain a key part of the City's recreational and natural resources inventory. Future improvements to the park are part of the city's Urban Renewal Plan, and the Ledding Library project fulfills many of the stated master plan goals.

CONCLUSIONS

A. Staff recommendation to the Planning Commission is as follows:

1. Forward a recommendation to City Council based on the recommended Findings found in Attachment 1 for land use application #CPA-2018-001.

CODE AUTHORITY AND DECISION-MAKING PROCESS

The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC).

- MMC 19.902 Amendments to Maps and Ordinances
- MMC 19.1008 Type V Review

This application is subject to Type V review. Type V review requires the Planning Commission to review the application against review criteria and submit a recommendation to the City Council, who has final approval authority.

The Commission has 4 decision-making options as follows:

- A. Recommend approval of the Type V application to the City Council subject to the recommended Findings.
- B. Recommend approval of the Type V application to the City Council subject to modified recommended Findings.
- C. Recommend denial of the Type V application to the City Council.
- D. Continue the hearing to April 10, 2018.

COMMENTS

Notice was provided to the following agencies as required: Metro, Oregon Department of Land Conservation and Development. Notice of the proposed change was posted on February 23, 2018 at the following City facilities: Johnson Creek Facility, Ledding Library, City Hall, and the Public Safety Building. Staff presented the proposal to the Parks and Recreation Board on February 28, 2018. Notice was sent to the Historic Milwaukie NDA and the North Clackamas Parks and Recreation District. The following is a summary of the comments received by the City.

- No comments were received in time for the staff report. Staff will continue to collect comments until the public hearing.

ATTACHMENTS

Attachments are provided as indicated by the checked boxes. All material is available for viewing upon request.

	PC Packet	Public Copies	E- Packet
1. Draft Ordinance	☒	☒	☒
a. Recommended Findings in Support of Approval	☒	☒	☒
b. Proposed Plan Amendments (underline/strikeout)	☒	☒	☒
2. Scott Park Master Plan, 1990	☒	☒	☒
3. Natural Resources Report	☒	☒	☒

Key:

Early PC Mailing = paper materials provided to Planning Commission at the time of public notice 20 days prior to the hearing.

PC Packet = paper materials provided to Planning Commission 7 days prior to the hearing.

Public Copies = paper copies of the packet available for review at City facilities and at the Planning Commission meeting.

Packet = packet materials available online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-2>.

COUNCIL ORDINANCE No.**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN BY REMOVING THE SCOTT PARK MASTER PLAN, AN ANCILLARY DOCUMENT.**

WHEREAS, the Scott Park Master Plan as adopted in 1990 is out of date, has not been implemented, and did not anticipate future improvements to the Ledding Library; and

WHEREAS, the citizens of Milwaukie voted in favor of a bond to build a new library and plans for the new library conflict with the outdated Scott Park Master Plan; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on March 27, 2018 the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.3 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendment is in the public interest of the City of Milwaukie.

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

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

Section 2. Amendments. The Milwaukie Comprehensive Plan is amended by deleting the Scott Park Master Plan and through the text amendment described in Exhibit B (Comprehensive Plan Text Amendment).

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

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

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

Signed by the Mayor on _____.

ATTEST:

Mark Gamba, Mayor

APPROVED AS TO FORM:
Jordan Ramis PC

Scott Stauffer, City Recorder

City Attorney

**Recommended Findings in Support of Approval
File #CPA-2018-001, Scott Park Master Plan Repeal**

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

1. The applicant, the City of Milwaukie, proposes to amend the Milwaukie Comprehensive Plan (MCP) by repealing the Scott Park Master Plan, an ancillary document of the MCP. The land use application file number is CPA-2018-001.
2. The purpose of the proposed amendment is remove a detailed master plan for Scott Park, adopted in 1990, from the MCP. The plan is outdated, has not been implemented, and did not anticipate improvements to the Ledding Library, an active city project.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. Sections of the MCP not addressed in these findings are found to be not applicable to the decision on this land use application.
5. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on March 27, 2018 and May 1, 2018 as required by law.
6. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.
 - a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on January 29, 2018.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:
 - (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.
Opportunity for public comment and review has been provided. Notice of the proposed amendment was sent to the Historic Milwaukie NDA, the Parks and Recreation Board, and to the North Clackamas Parks and Recreation District. The current version of the proposed amendment has been posted on the application webpage since February 23, 2018.
 - (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that open to the public at least 30 days prior to the hearing.
A notice of the Planning Commission's March 27, 2018 public hearing was posted as required on February 23, 2018.

- (2) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendment does not affect any privately-owned properties. A Measure 56 notice was not required.

- (3) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on February 20, 2018.

- (4) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on February 9, 2018.

- (5) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments do not apply to any privately-owned property. A Measure 56 notice was not required.

- (6) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on March 27, 2018 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 1, 2018, and approved the amendments.

7. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held duly advertised public hearings on November 28 and December 12, 2017. A public hearing before City Council is tentatively scheduled for January 16, 2018. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The goals and policies of the Comprehensive Plan are not in conflict with the proposed amendment. Scott Park will remain a protected city-owned park area, but the outdated Master Plan will not apply to it; future improvements to the park are part of the Milwaukie Urban Renewal Plan. The area will continue to serve as public open space and its natural resources will remain protected and subject to city codes for regulating development in or near mapped natural resources. The Comprehensive Plan designation of the property as “P” – Public does not change.

- (b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The Ledding Library and Scott Park share the same site. City residents voted in 2016 to fund a new library building, so improvements to the library should be incorporated into the park design which is something that the 1990 Master Plan does not do. The proposed amendment reflects the current needs for a new library facility.

- (c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for the development of the new library facility as a state of the art modern facility that is designed for current and future needs. The library project includes site and landscaping improvements that mitigate and improve existing resource areas, remove invasive species, and utilize native plants for formal planting areas. Further, specific goals identified in the park master plan document are fulfilled by the library project, including to enhance the role of Scott Park as a natural resource habitat area. Scott Park will remain a key part of the City's recreational and natural resources inventory. The City's Urban Renewal Plan includes a project to develop a new plan for Scott Park.

- (d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to natural resources.

Title 13 seeks to: (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife habitat and with the surrounding urban landscape; and (2) control and

prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The proposed amendment is to remove an outdated master plan from the city's Comprehensive Plan to provide the ability to build a new library while making improvement and mitigating any impacts to the water quality resource area and the habitat conservation area on the site. A wetlands delineation was completed for the project, and the required natural resources report to address code requirements in MMC 19.402 was submitted. The proposed site plan drawing in the master plan is inconsistent with current plans for site improvements.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.

7. The application was referred to the following departments and agencies:
- February 23, 2018: Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
 - February 26, 2018: Parks and Recreation Board; North Clackamas Parks and Recreation District

No comments were received.

TABLE OF CONTENTS

ANCILLARY DOCUMENTS (not included in this document; available for additional charge):

- Ardenwald Park Master Plan
- Balfour Park Master Plan
- Bowman-Brae Park Master Plan
- Central Milwaukie Land Use and Transportation Plan
- Downtown and Riverfront Land Use Framework Plan
- Elk Rock Island Natural Area Management Plan
- Furnberg Park Master Plan
- Homewood Park Master Plan
- Johnson Creek Resources Management Plan
- Kronberg Park Master Plan
- Lake Road Multimodal Connection Plan
- Lewelling Community Park Master Plan
- Milwaukie Vision Statement
- North Clackamas Park North Side Master Plan
- North Clackamas Urban Area Public Facilities Plan (4 volumes)
- ~~Scott Park Master Plan~~
- Spring Park Master Plan
- Springwater Corridor Master Plan
- Stormwater Master Plan
- Tacoma Station Area Plan
- Town Center Master Plan
- Transportation System Plan
- Wastewater Master Plan
- Water Master Plan
- Water Tower Park Master Plan
- Wichita Park Master Plan

ANCILLARY MAP (not included in this document; available for additional charge):

- Title 4 Lands Map

List of Tables and Maps

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Table 3—Main Heating Sources for Homes	5-14
Table 4—Type of Energy Used for Residential Purposes	5-15

CHAPTER 5—TRANSPORTATION, PUBLIC FACILITIES AND ENERGY CONSERVATION:

- Title Page #1666.....November 7, 1989
- Transportation Element..... #1975..... December 4, 2007
- Public Facilities and Services Element #2072..... August 20, 2013
- Energy Conservation Element..... #1666.....November 7, 1989

CHAPTER 6—CITY GROWTH AND GOVERNMENTAL RELATIONSHIPS:

- Title Page #1666.....November 7, 1989
- City Growth Element #2045..... March 6, 2012

APPENDICES:

- Appendix 1—Historic Resources Property List #2151.....July 18, 2017
- Appendix 2—Natural Resources Property List #1788.....November 7, 1995
- Appendix 2—Natural Resource Sites Map..... #2036..... August 16, 2011

ANCILLARY DOCUMENTS: (not included in this document; available for additional charge)

- Ardenwald Park Master Plan #1700..... March 19, 1992
- Balfour Park Master Plan #2107.....October 20, 2015
- Bowman-Brae Park Master Plan #2107.....October 20, 2015
- Central Milwaukie Land Use and
Transportation Plan #2110..... December 15, 2015
- Downtown and Riverfront Land Use
Framework Plan #2106..... September 1, 2015
- Elk Rock Island Natural Area Management Plan #1777..... January 17, 1995
- Furnberg Park Master Plan..... #1816..... March 4, 1997
- Homewood Park Master Plan..... #1904..... June 18, 2002
- Johnson Creek Resources Management Plan..... #1787.....November 7, 1995
- Kronberg Park Master Plan..... #2107.....October 20, 2015
- Lake Road Multimodal Connection Plan #1819..... May 20, 1997
- Lewelling Community Park Master Plan #1888..... May 15, 2001
- Milwaukie Vision Statement..... #1789.....November 7, 1995
- North Clackamas Park North Side Master Plan #2049-1 August 7, 2012
- North Clackamas Urban Area Public
Facilities Plan (4 volumes)..... #1691.....November 6, 1990
- ~~Scott Park Master Plan #1692.....November 6, 1990~~
- Spring Park Master Plan #1964.....November 9, 2006
- Springwater Corridor Master Plan #1747..... September 7, 1993
- Stormwater Master Plan #2072..... August 20, 2013
- Tacoma Station Area Plan..... #2071..... July 2, 2013
- Town Center Master Plan #1826..... December 2, 1997
- Transportation System Plan #2073.....November 19, 2013
- Wastewater Master Plan..... #2031..... June 21, 2011
- Water Master Plan..... #2045..... March 6, 2012
- Water Tower Park Master Plan #1825..... December 2, 1997
- Wichita Park Master Plan #1851..... January 19, 1999

ORDINANCE NO. 1692**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE SCOTT PARK MASTER PLAN AS AN IMPLEMENTING DOCUMENT OF THE MILWAUKIE COMPREHENSIVE PLAN.**

WHEREAS, the Milwaukie Comprehensive Plan outlines an objective of maximizing the use of existing City parks consistent with their natural features and carrying capacity; and

WHEREAS, the City has undertaken a coordinated public review process to examine the existing uses and condition of Scott Park; and

WHEREAS, the planning and review process has resulted in a recommended three-phase improvement program designed to upgrade public uses and enhance the natural features of Scott Park; and

WHEREAS, the Milwaukie Planning Commission reviewed a master plan for Scott Park at a duly advertised public hearing on September 11, 1990, resulting in unanimous recommendation to approve the proposed master plan; and

WHEREAS, the Milwaukie City Council held a duly advertised public hearing on a master plan for Scott Park on September 18, 1990 and voted unanimously to adopt said master plan:

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

Section 1. Findings. The following findings are hereby adopted:

- a. The Scott Park Master Plan complies with the Milwaukie Comprehensive Plan's Open Spaces, Scenic Areas, and Natural Resources Element Goal by outlining a services of phased landscape improvements to protect and enhance natural and scenic resources, and thereby fulfilling the objective of protecting City open space resources.
- b. The Scott Park Master Plan complies with the Milwaukie Comprehensive Plan's Recreational Needs Element by outlining a series of phased improvements of pedestrian and vehicular access and site identity, thereby fulfilling the objective of maximizing use of a City park consistent with its natural features and carrying capacity.
- c. The Scott Park Master Plan provides a services of phased improvements that comply with the Milwaukie Comprehensive Plan's Recreational Needs Element objective of initiating a process of developing a detailed City-wide parks and recreation master plan.
- d. Consistent with Objective #1 of the City's Recreational Needs Element, Scott Park is designated as a vestpocket park with special natural elements, and the Scott Park Master Plan fulfills the City's Natural Resources Overlay Zone requirements and standards.

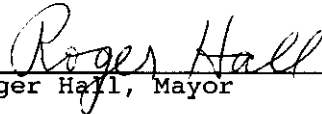
Section 2. Adoption. The document titled "Master Plan for Scott Park" and dated August 2, 1990, is hereby adopted as an implementing document of the Open Spaces, Scenic Areas and Natural Resources Element, and the Recreational Needs Element of the Milwaukie Comprehensive Plan.

ORDINANCE NO. 1692
Page 2

Read the first time on November 6, 1990, and moved to second reading by 5 - 0 vote of the City Council.

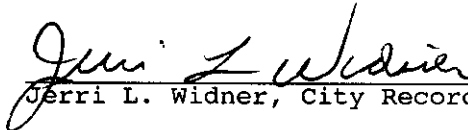
Read the second time and adopted by the City Council on November 6, 1990.

Signed by the Mayor on November 6, 1990.



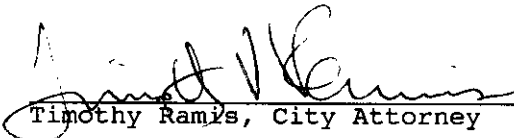
Roger Hall, Mayor

ATTEST:



Jerri L. Widner, City Recorder

Approved as to Form:



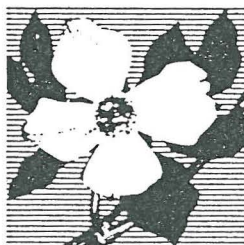
Timothy Ramis, City Attorney

MASTER PLAN

for

Scott Park

City of Milwaukie



August 2, 1990

otak

MILWAUKIE PARKS MASTER PLAN PROJECT SCOTT PARK

OVERVIEW: CONTEXT

Situated in an important part of downtown Milwaukie, Scott Park lies to the north of City Hall and the Transit mall. Ledding Library, situated on the grounds of the park, is a community-wide cultural resource and as such acts as a magnet to the site.

Scott Park lies on the west bank of Spring Creek Pond and is designated a natural resource area due to the valuable habitat provided on site for domestic and migratory waterfowl.

The site is an important pedestrian destination for downtown residents; it provides both a cultural resource in the library and a needed respite from the everyday stress of an urban environment. Scott Park provides a transition between residential uses and commercial and civic functions. The site is also one-third of an important grouping of civic uses in the downtown area: City Hall, Milwaukie Junior High School and Ledding Library, and as such serves as a valuable focus for community services. The site is adjacent to an existing grocery store and the patterns of pedestrian and vehicular access to the park and the library are inextricably linked with this use.

Scott Park is best classified as a special-use area, strongly linked to the uses around it, and one which takes its cue from the patterns of these surrounding uses.

OVERVIEW: SITE

The Scott Park/Ledding Library site was bequeathed to the city by Florence Olson Ledding, stepdaughter of Seth Leweling. The site is bordered on the east by a pond filled by Spring Creek. The pond is under private ownership and its rock wall edge is in a state of disrepair. A concrete weir lies across the pond at its northern edge. The park area and Library grounds contain many mature trees and shrubs as well as numerous monuments dedicated to residents of the city, including the Pioneer Bench, Silas and Eva Peake Memorial Fountain, Lee and Alice Measure Fountain, the Scott Memorial marker and the Nell Martin Amphitheatre.

The site is bordered by commercial uses to the north and west and by residential/office conversions to the east across the pond. Parking for the site lies to the north of the library and is screened from the neighboring Safeway by a tall arborvitae hedge.

PROCESS

Initially, a site analysis plan showing on- and off-site issues and opportunities was prepared for discussion and review at two neighborhood meetings, during which various aspects of the Park's special character and needs for improvement were discussed. Observations and special needs were outlined by participants. For the second meeting, a preliminary master plan was prepared for presentation in response

to these needs and the consultant's on-site observations of design opportunities. Having reached a consensus on the proposed improvements for the park, the Master Plan has been finalized and an outline has been prepared detailing estimated construction costs and proposed phasing of improvements.

CONCLUSIONS

Site constraints at Scott Park are relatively few, given its developed nature. The immediate need is for repair and restoration of landscape and site improvements.

The site also suffers from poor visibility and potential security problems. Vehicular and pedestrian access to the site is unsafe and requires mitigation.

A major issue revolves around the natural resource status of the site. The pond is home to domestic and migratory waterfowl while providing a needed respite for downtown residents. How this habitat is affected by park restoration improvements and increased use is of great importance.

The goal of the proposed improvements is to address the above issues by preserving and enhancing natural habitat, improving pedestrian and vehicular access, and improving site identity.

NATURAL RESOURCE OVERLAY ZONE

A major aspect of the South Park/Ledding Library Master Plan is the role of the site as a significant natural area surrounded by increasingly urbanized uses. The following narrative addresses outline requirements as set forth in Section 3.26.07; Natural Resource Overlay Zone Development Standards of the City's Zoning Ordinance.

- A. The goal of the proposed improvements is to protect and enhance the existing riparian habitat by restricting pedestrian access to the pond edge and adjacent embankment and by replanting bare, eroded slopes with native and riparian plant species.
- B.1 The existing asphalt pathway is proposed to be removed and the area revegetated. New areas are to be constructed at (3) points to provide formal viewing opportunities and to control pedestrian access along the pond embankment.
- B.2 No existing trees are proposed to be removed in the area adjacent to the pond.
- B.3 Not applicable.
- B.4 Proposed walkways, steps and ramp connections to viewing areas will be sited in the field so as to avoid the removal of any trees along the embankment.

Existing tree preservation areas will be established and fenced prior to construction and will be maintained during construction. No work will be allowed in these areas.

At present very little groundcover, shrub or understory vegetation exists on the embankment. The objective of replanting is to provide the desired vertical layering and restore horizontal continuity of vegetative habitat.

- B.6 The purpose of the proposed revegetation will be to decrease surface water flow velocities and increase the amount of potential moisture absorbing capacity of the soils.
- B.7 Walkway, step and ramp construction will be sequenced and monitored to prevent soil erosion during construction. An erosion control plan will be prepared prior to approval of construction plans for any work on the site.
- B.9 Not applicable.
- B.10 See B.2 above.
- B.11 Not applicable.

PHASING OF IMPROVEMENTS

PHASE I IMPROVEMENTS TO 21st STREET & PARK ENTRY

The goal of the Phase I improvements is to improve pedestrian and vehicular access as well as the visibility of the park and library facility and to provide formal viewing opportunities for viewing along the Spring Creek Pond edge.

A. Access Improvements to S.E. 21st

Purpose:

To improve identity, visibility and access to library and to construct any necessary utility improvements and/or relocations.

Demolition:

- Remove curb - 340 l.f.
- Remove concrete sidewalk - 2,400 s.f.
- Remove existing steps to library
- Remove and prune existing shrubs on south and west side of library - 2,200 s.f.

SUBTOTAL	\$ 6,750.00
----------	-------------

New Construction:

- | | |
|--|--------------|
| ■ Construct new catch basin | \$ 1,500.00 |
| ■ Apply a.c. paving to c.l. of 21st - 3,000 s.f. | \$ 2,700.00 |
| ■ New curb - 290 l.f. | \$ 2,600.00 |
| ■ New 6' concrete sidewalk | \$ 10,000.00 |
| ■ New retaining wall | \$ 12,000.00 |
| ■ New sign for library - Lump Sum | \$ 5,000.00 |
| ■ New striping for parallel parking | \$ 250.00 |

SUBTOTAL	\$ 34,050.00
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B. Parking Area Improvements

Purpose:

To improve park/library parking area, visually "open up" and improve the identity of the park.

Demolition:

- Remove curbing on west side of parking - 60 l.f.,
remove a.c. paving and 12" base rock for traffic circle
and planter island - 1,500 s.f.
- Remove arborvitae hedge.

SUBTOTAL	\$ 1,850.00
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New Construction:

■ New curb (poured in place concrete) for traffic circle - 110 l.f.	\$ 1,000.00
■ New curb (poured in place) for landscape island in parking lot - 40 l.f.	\$ 375.00
■ Base rock in potholes (7 c.y.) & A.C. paving (2" lift over parking lot) - 7,500 s.f.	\$ 6,750.00
■ Restripe parking lot	\$ 500.00
■ Scott Park sign monument - Lump Sum	\$ 5,000.00
■ Lawn, planting & irrigation - 1,500 s.f.	\$ 3,375.00
SUBTOTAL	\$ 17,000.00

C. Walk Steps and Viewing PlatformPurpose:

To provide access to a viewing point overlooking pond (ramped for handicapped access) prior to removal of the existing a.c. walkway along pond's edge.

■ Construct viewing platform (wood decking, railing and bench) - 450 s.f.	\$ 6,750.00
■ Construct sidewalk - 4,150 s.f.	\$ 9,350.00
■ Construct ramp - 1,250 s.f.	\$ 3,125.00
■ Retaining walls - 100 l.f. & pull bar	\$ 6,300.00
■ New plantings - 1,600 s.f.	\$ 3,600.00
SUBTOTAL	\$ 29,125.00

PHASE I SUBTOTAL	\$ 88,775.00
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PHASE II POND EMBANKMENT STABILIZATION AND REPLANTING

The goal of Phase II improvements is to enhance the role of Scott Park as a natural resource habitat area. This is achieved by reducing unrestricted pedestrian access along the west bank of the pond and replanting the west embankment with native and riparian plant species. This will serve to mitigate the increasing erosion of bank soils and provide additional habitat for waterfowl that inhabit the pond. Additional viewpoints are proposed in this phase to provide areas for passive use above the pond that will not impact the pond embankment.

Demolition:

■ Remove existing a.c. pathway along pond edge - 1,400 s.f.	\$ 1,500.00
■ Remove existing concrete steps and bench	\$ 750.00

New Construction:

- Replant native and riparian plant species - 10,000 s.f. \$ 18,500.00
- Construct south viewing area on Harrison Street
(300 s.f. terrace steps, 720 s.f. concrete walk) \$ 3,600.00

PHASE II SUBTOTAL	\$ 24,350.00
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PHASE III SCOTT PARK IMPROVEMENTS

Phase III improvements are centered around the replacement, relocation or restoration of existing park improvements. These include the restoration of the park's amphitheater, the removal and reconstruction of the two fountains on the site in a small plaza area adjacent to the amphitheater and the construction of an additional viewpoint on the pond north of the amphitheater plaza.

A. Amphitheater ImprovementsDemolition:

- Remove existing fountain and stone walls.
Stockpile stone for re-use (optional)
- Remove and/or relocate existing plantings as directed.
- Remove and/or prune selected trees and shrubs.

SUBTOTAL	\$ 3,000.00
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New Construction:

- Construct new concrete sidewalk adjacent to east curb of library parking lot- 720 s.f. \$ 1,800.00
- Construct new fountain and 'plaza' \$ 8,000.00
- Construct new viewing terrace along pond edge north of amphitheater - 500 s.f. \$ 3,000.00

SUBTOTAL	\$ 12,800.00
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B. Picnic Area ImprovementsDemolition:

- Remove existing walkway 1,000 s.f. \$ 1,000.00

New Construction:

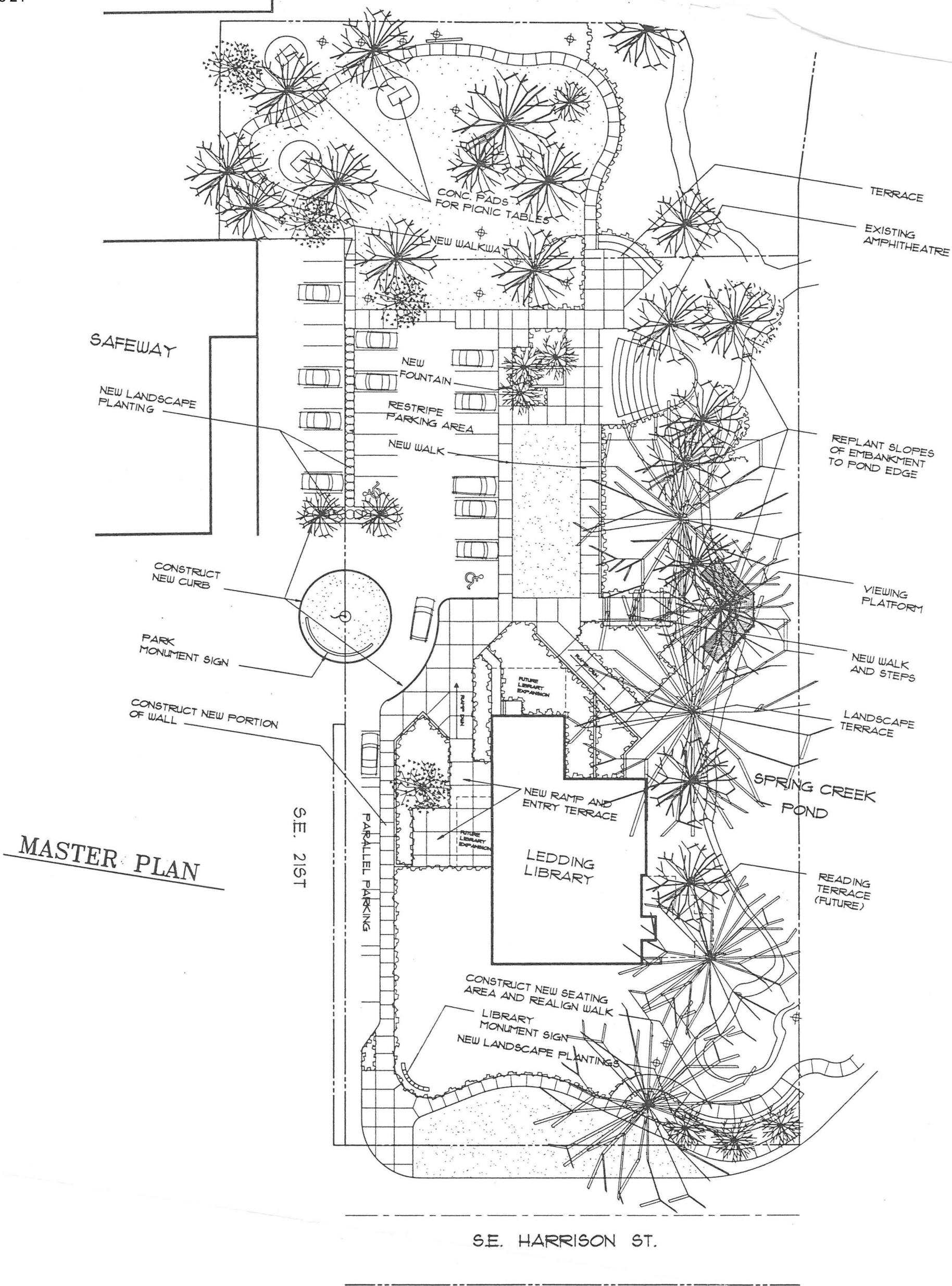
- Construct new walk and pads; irrigation system \$ 17,500.00

SUBTOTAL	\$ 18,500.00
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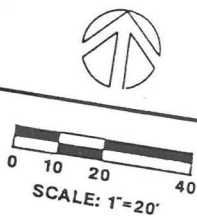
PHASE III SUBTOTAL	\$ 34,300.00
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■ Engineering	\$ 14,500.00
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TOTAL PHASES I, II & III	\$161,925.00
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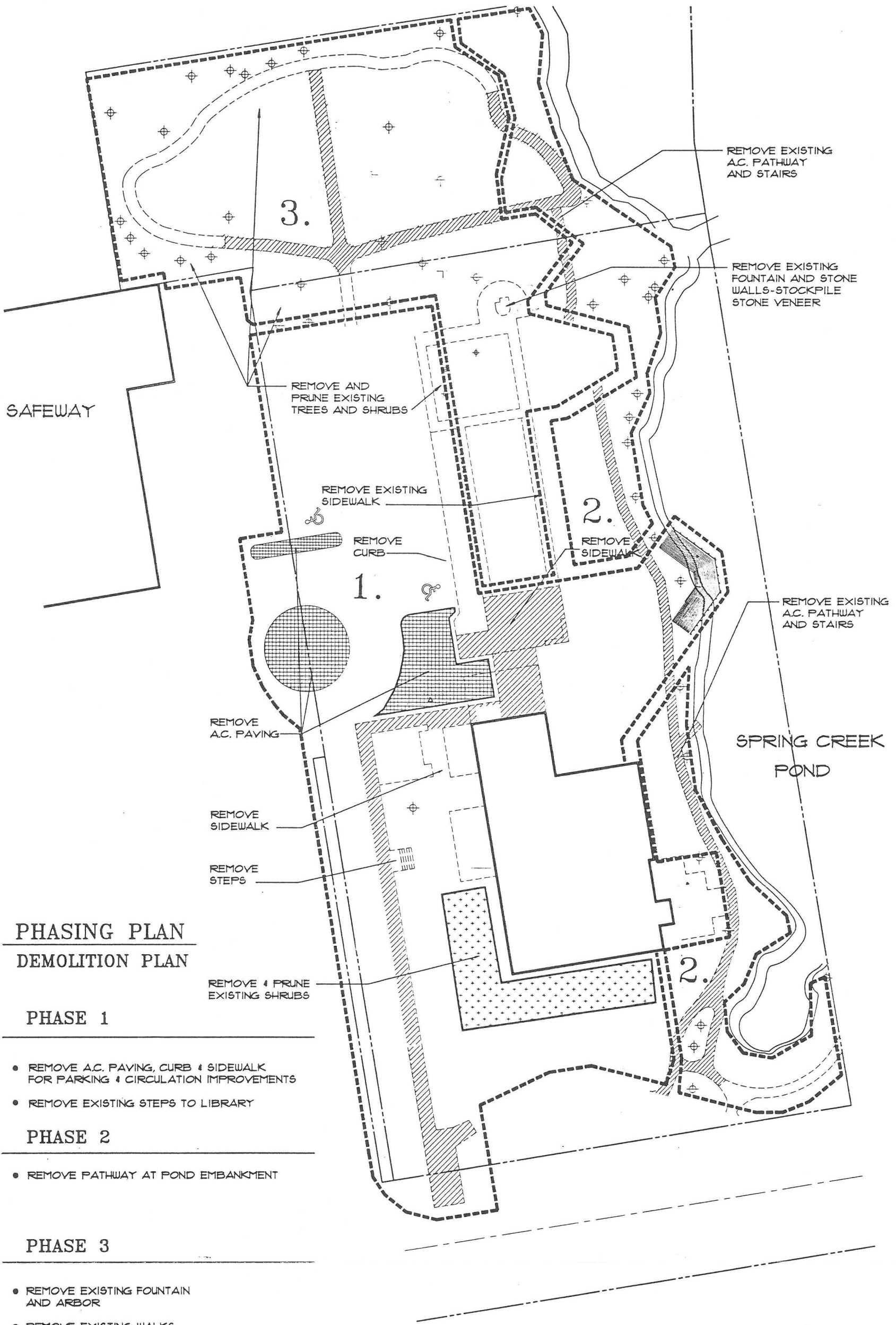


SCOTT PARK
CITY OF MILWAUKIE



otak
INCORPORATED
17355 S.W. Boones Ferry Rd.
Lake Oswego, OR 97035 (503) 635-3618

Architecture
Civil Engineering
Development Services
Landscape Architecture
Land Planning
Urban Design
Surveying



PHASING PLAN
DEMOLITION PLAN

PHASE 1

- REMOVE A.C. PAVING, CURB & SIDEWALK FOR PARKING & CIRCULATION IMPROVEMENTS
- REMOVE EXISTING STEPS TO LIBRARY

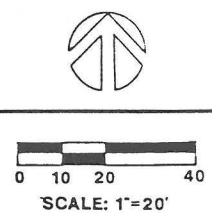
PHASE 2

- REMOVE PATHWAY AT POND EMBANKMENT

PHASE 3

- REMOVE EXISTING FOUNTAIN AND ARBOR
- REMOVE EXISTING WALKS

SCOTT PARK
CITY OF MILWAUKIE



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ARCHITECTURE
Civil Engineering
Development Services
Landscape Architecture
Land Planning
Urban Design
Surveying

PHASING PLAN
IMPROVEMENT PLAN

PHASE 1

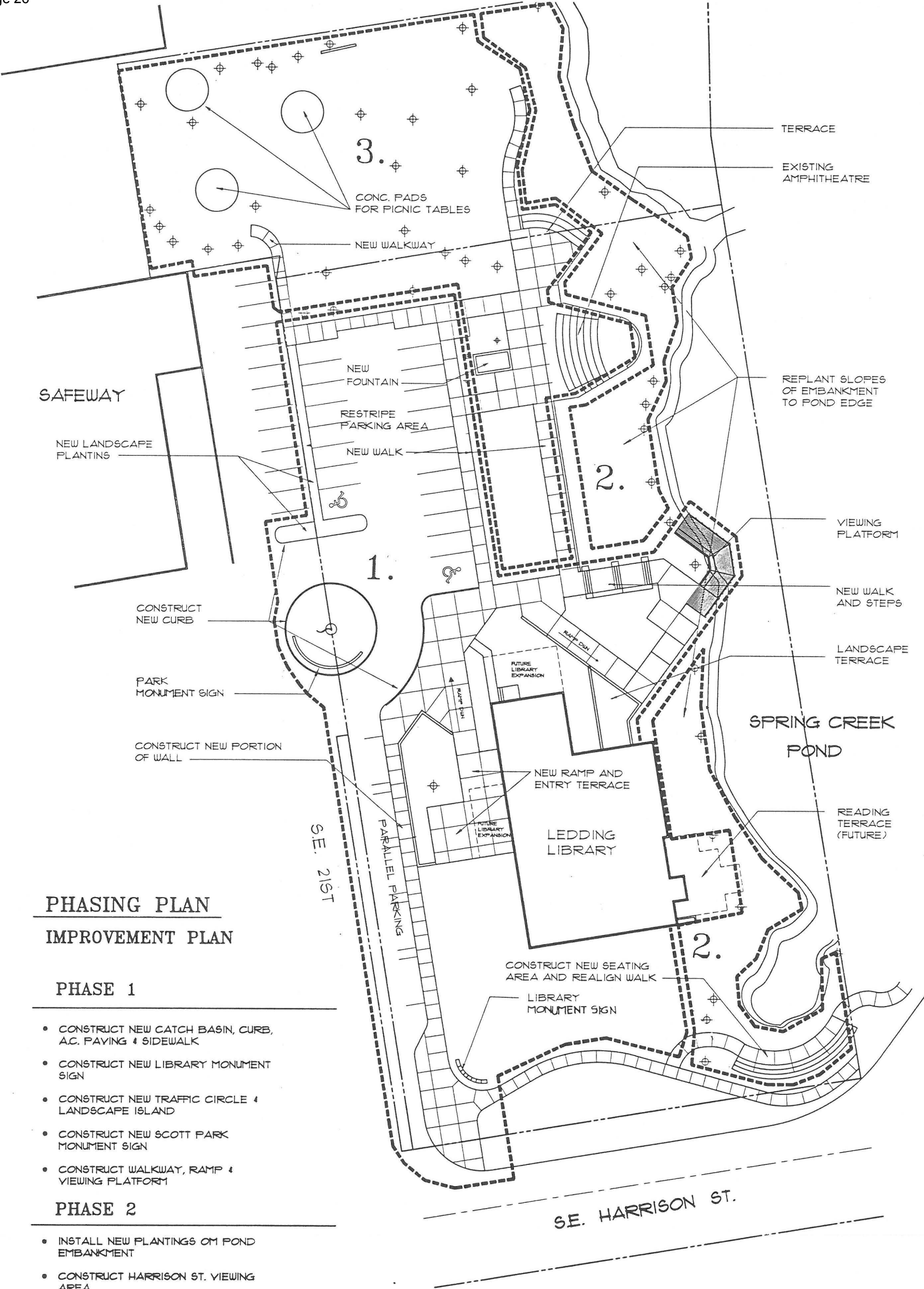
- CONSTRUCT NEW CATCH BASIN, CURB, AC. PAVING & SIDEWALK
- CONSTRUCT NEW LIBRARY MONUMENT SIGN
- CONSTRUCT NEW TRAFFIC CIRCLE & LANDSCAPE ISLAND
- CONSTRUCT NEW SCOTT PARK MONUMENT SIGN
- CONSTRUCT WALKWAY, RAMP & VIEWING PLATFORM

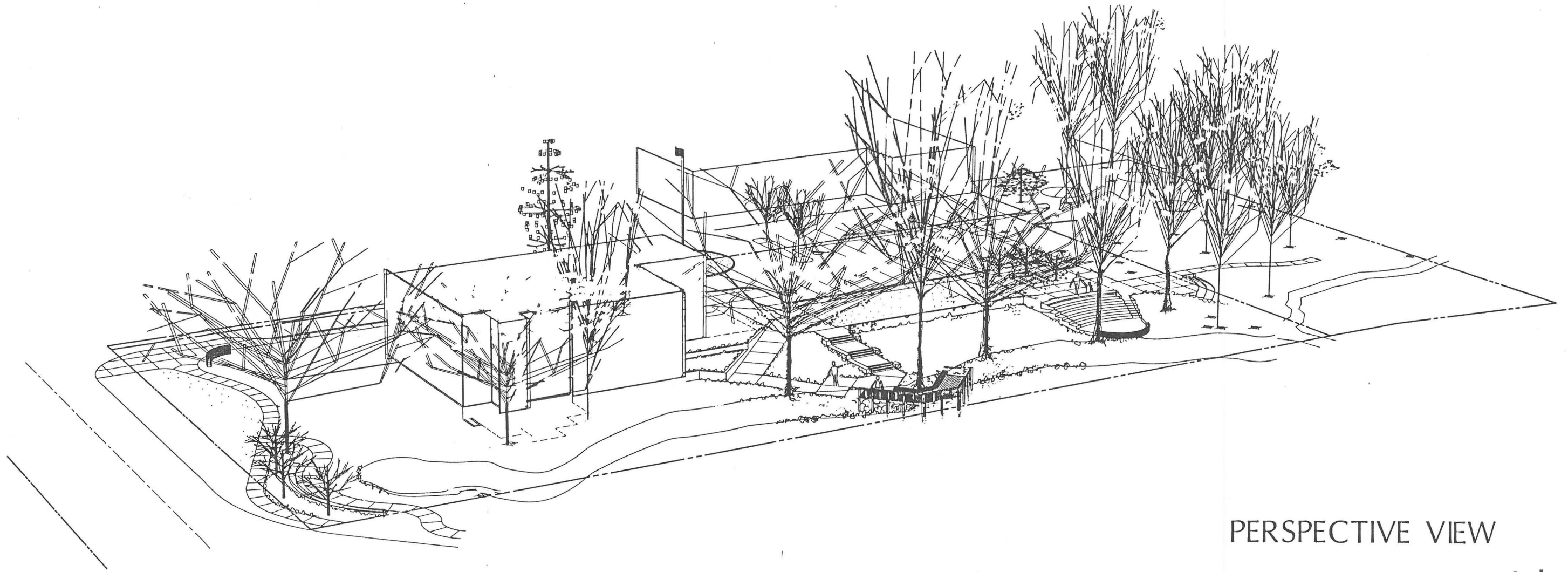
PHASE 2

- INSTALL NEW PLANTINGS ON POND EMBANKMENT
- CONSTRUCT HARRISON ST. VIEWING AREA

PHASE 3

- CONSTRUCT NEW FOUNTAIN & PLAZA
- CONSTRUCT NEW VIEWING AREA NORTH OF AMPHITHEATRE
- CONSTRUCT NEW WALKWAY CONNECTIONS TO EXISTING PARK WALK & INSTALL PICNIC TABLE PADS





PERSPECTIVE VIEW

SCOTT PARK
CITY OF MILWAUKIE

otak
Incorporated
17700 N.W. Barnes / Hwy 97, Lake Oswego, OR 97034, P.O. Box 3414
503.636.8700, Fax 503.636.8701
101 E. 10th Street, Vancouver, B.C. V6P 2C2, (604) 681-8387
10 Carver Way, Suite 200, Portland, ME 04103, (207) 858-0244

Exhibit 1

Natural Resource Review for the City of Milwaukie Ledding Library Milwaukie, Oregon

(Township 1 South, Range 2 East, Section 25CC, TL 900
Township 1 South, Range 2 East, Section 36BB, TL 1600 and 1800)

Prepared for

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

Prepared by

Craig Tumer
Amber Clark
John van Staveren

Pacific Habitat Services, Inc.

9450 SW Commerce Circle, Suite 180
Wilsonville, Oregon 97070
(503) 570-0800
(503) 570-0855 FAX

PHS Project Number: 6314

January 17, 2018



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Figure 1: Vicinity Map (USGS)	
Figure 2: Tax Lot Map	
Figure 3: Existing Conditions	
Figure 4: Site Plan	
Figure 5: Mitigation Plan	

1.0 INTRODUCTION

The City of Milwaukie proposes to replace the existing Ledding Library located at 10660 SE 21st Avenue with another library building in the same location. The area of work contains both Water Quality Resource (WQR) and Habitat Conservation Area (HCA) and is entirely within 100 feet of the WQR. The proposed work exceeds 150 square feet within the HCA and is within 100 feet of a WQR, and therefore is subject to Type III Natural Resources Review and approval by the Planning Commission. Pacific Habitat Services, Inc. (PHS) has prepared a Natural Resource Review in accordance with Milwaukie Municipal Code (MMC) Section 19.402 to support this application.

The project site is approximately 1.83 acres located on SE 21st Avenue just north of SE Harrison Street. The approximate location of the site is shown on the USGS Gladstone, Oregon topographic quadrangle, which is included as Figure 1, and the tax lot map, which is included as Figure 2. All figures are in Appendix A. The site includes a portion of Spring Creek and an associated wetland. Apex Companies, LLC delineated the jurisdictional limits of Spring Creek and associated wetland in February 2017 and described the results in a Wetland Delineation Report dated March 2, 2017. The surveyed locations of Spring Creek and associated wetlands are depicted on Figure 3. The applicant has submitted the wetland delineation report to the Oregon Department of State Lands (DSL) for concurrence; review of the wetland delineation is currently pending.

Spring Creek is a tributary of Johnson Creek, which is located approximately 800 feet downstream of the project site. Spring Creek and its associated wetland are primary protected water features, as defined in the City of Milwaukie’s Natural Resources Code (MMC 19.402). This project is subject to discretionary review under MMC Subsections 19.402.8 and 19.402.12, and an impact evaluation and alternatives analysis are required per MMC Subsection 19.402.12.A. This Natural Resource Review describes the existing WQR and HCA on the site and demonstrates project compliance with the applicable sections of the municipal code. This Natural Resource Review includes an evaluation of the condition of the WQR on the site, an analysis of potential impacts on the WQR and the HCA from the proposed development, and a mitigation plan to compensate for those impacts.

2.0 EXISTING WQR AND HCA ON THE PROJECT SITE

A WQR is defined in MMC Subsection 19.201 as a protected water resource and its vegetated corridor. Spring Creek and its associated wetland are primary protected water features, and as described in Table 19.402.15, Determination of WQR Location, in MMC Subsection 19.402.15, primary protected water features have an associated vegetated corridor of 50 to 200 feet wide, depending on the slopes adjacent to the resource. Because the slopes adjacent to Spring Creek and its associated wetland are less than 25 percent, as depicted on Figure 3), the associated vegetated corridor is 50 feet wide. The extent of the vegetated corridor on the project site, based on the surveyed boundaries of wetlands and waterways is depicted on Figure 3. The total area of vegetated corridor on the site is approximately 21, 389 sq.ft. (0.49 ac.).

Spring Creek also has an associated HCA. The City of Milwaukie Natural Resource Administrative Map (adopted in August 2011) shows HCA along the eastern portion of the site. Previous correspondence with the City of Milwaukie planning staff has indicated that the mapped HCA may be used to comply with MMC 19.402. Therefore, the City’s GIS-mapped HCA, as provided by the City of Milwaukie, is depicted on Figure 3. The total area of HCA on the project site is approximately 34,026 sq.ft. (0.78 ac.); however, the mapped HCA boundaries closely correspond to the WQR boundaries such that only a portion of the mapped HCA (approximately 1,630 sq.ft. (0.04 ac.)) extends beyond the limits of the WQR. This HCA is used in the impact evaluation and alternatives analysis below.

3.0 COMPLIANCE WITH MILWAUKIE MUNICIPAL CODE

MMC 19.402.12 - General Discretionary Review

A. Impact Evaluation and Alternatives Analysis

An impact evaluation and alternatives analysis is required to determine compliance with the approval criteria for general discretionary review and to evaluate development alternatives for a particular property. A report presenting this evaluation and analysis shall be prepared and signed by a knowledgeable and qualified natural resource professional, such as a wildlife biologist, botanist, or hydrologist. At the Planning Director’s discretion, the requirement to provide such a report may be waived for small projects that trigger discretionary review but can be evaluated without professional assistance.

The alternatives shall be evaluated on the basis of their impact on WQRs and HCAs, the ecological functions provided by the resource on the property, and off-site impacts within the subwatershed (6th Field Hydrologic Unit Code) where the property is located. The evaluation and analysis shall include the following:

- 1. Identification of the ecological functions of riparian habitat found on the property, as described in Subsection 19.402.1.C.2.*

MMC Subsection 19.402.1.C.2 identifies seven functions and values that contribute to water quality and to fish and wildlife habitat in urban streamside areas. Descriptions of the functions and values provided by the riparian habitat on the project site are provided below.

Vegetated corridors to separate protected water features from development - The vegetated corridor west of Spring Creek provides a buffer that separates existing development from the primary protected water feature. The existing tree cover, shrub, and herbaceous ground cover vegetation provide wildlife habitat and water quality benefits to the stream and effectively buffer the stream from the existing development.

Microclimate and shade - The trees within the WQR are large and established. Closest to the existing library on the north side of the building, the tree canopy cover is approximately 50 percent; however, the canopy cover is approximately 80 to 85 percent throughout much of the vegetated corridor. The tree canopy provides shade to the stream and helps to regulate the microclimate within the riparian corridor.

Streamflow moderation and water storage – Much of Spring Creek was culverted with increased urbanization of the area in the mid-1900s so that only that portion of Spring Creek on the project site, on parcels immediately north of the site, and parcels to the east of the site remain above ground. With the development, the remaining reaches of Spring Creek have been impounded so that in the project area, Spring Creek has little flow and functions as a pond rather than a stream. Because of the constricted outlet, Spring Creek provides some streamflow moderation and water storage functions. Because the vegetated corridor adjacent to the stream occurs on moderately steep slopes that rise approximately ten feet above the elevation of the stream and wetland, the vegetated corridor provides little streamflow moderation and water storage functions.

Water filtration, infiltration, and natural purification – Vegetation within the vegetated corridor slows runoff from adjacent areas and filters sediments and other pollutants from the runoff before it reaches the creek. By slowing the runoff, the vegetation also increases the potential for water to infiltrate into the soil before reaching the stream. Much of the vegetated corridor is densely vegetated under existing conditions and provides good water filtration, infiltration, and natural purification functions. Portions of the vegetated corridor where native ground cover and shrub vegetation has been replaced by mulched landscaped plantings and mowed lawns provide these functions at a lower level.

Bank stabilization and sediment and pollution control – Within the project area, streambanks and slopes above the stream and wetland are generally well-vegetated with trees and shrubs. This vegetation helps to stabilize the banks. Due to the dense vegetation on the banks and slow flows within the stream, there is little evidence of active bank erosion within the project site.

Large wood recruitment and retention and natural channel dynamics - Within the project area, mature trees occur within much of the vegetated corridor west of Spring Creek. These trees have the potential to become large woody material. However, because there’s no active channel and the stream is currently ponded with little flow, any large woody material that falls into the stream is likely to remain on the project site rather than be carried downstream.

Organic material resources -Vegetation within the vegetated corridor provides organic material that serves as the basis for the aquatic food web. Under the existing conditions, the vegetated corridor within the project site is vegetated with a mixture of native and non-native trees, shrubs, and herbaceous species that contribute organic materials to the Spring Creek.

2. *An inventory of vegetation, sufficient to categorize the existing condition of the WQR per Table 19.402.11. C, including the percentage of ground and canopy coverage materials within the WQR.*

The existing library building, parking lot, walkways, stone planters, and concrete seating area encroach into the western portion of the vegetated corridor; total existing encroachment into the WQR is approximately 5,260 sq.ft. (0.12 ac.). The remainder of the vegetated corridor, between the existing encroachment and wetlands associated with Spring Creek, is largely forested. The vegetated corridor contains a dense canopy formed by large trees, predominantly northern red oak (*Quercus rubra*) and Douglas-fir (*Pseudotsuga menziesii*). The area has a relatively dense understory of tree saplings and shrubs. Common species in the understory include vine maple (*Acer circinatum*), snowberry (*Symphoricarpos albus*), red osier dogwood (*Cornus sericea*),

oceanspray (*Holodiscus discolor*) and Indian plum (*Oemleria cerasiformis*). Because of the low-light conditions from the dense tree canopy and landscape maintenance and mulching in portions of the vegetated corridor area, herbaceous ground cover is absent or relatively sparse throughout much of the vegetated corridor. Small amounts of Himalayan blackberry are present on the site. Himalayan blackberry is listed as invasive, noxious weed by the Oregon Department of Agriculture. Other non-native species, including northern red oak, which is the predominant tree species on the site, are present within the plant community, but they are not listed as invasive or noxious weeds at this time.

PHS identified two plant communities within the on-site vegetated corridor based on the predominance of native woody species and the extent of the tree canopy within the communities. PHS took three sample points to characterize the plant communities within the vegetated corridor. Brief descriptions of the characteristics that define the vegetated corridor plant communities and an evaluation of the condition of each of the communities are provided below.

Class A Plant Community

The vegetated corridor plant community south of the existing asphalt path and concrete seating area and north of the south edge of the existing library building has tree canopy coverage of approximately 80 to 85 percent. The combined tree, shrub and ground cover layers provide coverage that exceeds 80 percent, and most of the plants species within the plant community are native species. As such, the existing condition of the WQR west of Spring Creek meets the definition of a Class A (“Good”) WQR, as defined in Table 19.402.11.C of the municipal code. Sample Points 1 and 3 (Tables 1 and 2, respectively) characterize this plant community.

Table 1. Class A (Good) Plant Community, Sample Point 1

Botanical Name	Common Name	Cover (%)
Trees		
<i>Quercus rubra</i>	Northern red oak	75
<i>Pseudotsuga menziesii</i>	Douglas-fir	10
TOTAL:		85
Shrubs and Saplings		
<i>Cornus sericea</i>	Red osier dogwood	25
<i>Acer circinatum</i>	Vine maple	15
<i>Symphoricarpos albus</i>	Snowberry	10
<i>Rubus spectabilis</i>	Salmonberry	10
<i>Rosa nutkana</i>	Nootka rose	10
<i>Oemleria cerasiformis</i>	Indian plum	10
<i>Mahonia nervosa</i>	Cascade Oregon grape	5
<i>Holodiscus discolor</i>	Oceanspray	5
TOTAL:		90

Table 2. Class A (Good) Plant Community, Sample Point 3

Botanical Name	Common Name	Cover (%)
Trees		
<i>Quercus rubra</i>	Northern red oak	70
<i>Thuja plicata</i>	Western red cedar	10
TOTAL:		80
Shrubs and Saplings		
<i>Oemleria cerasiformis</i>	Indian plum	20
<i>Holodiscus discolor</i>	Oceanspray	20
<i>Acer circinatum</i>	Vine maple	20
<i>Rhododendron macrophyllum</i>	Pacific rhododendron	10
TOTAL:		70

Class B Plant Community

Portions of the vegetated corridor to the north of the asphalt path and concrete seating area, near the northeast corner of the existing library building, and south of the existing library consist predominantly of manicured landscape plantings. Many of the plant species in these areas are non-native species commonly used in landscape plantings. Ground cover in these areas is either sparse due to mulching and landscape maintenance or consists of mowed grasses. Himalayan blackberry, which is listed as an invasive, noxious weed by the Oregon Department of Agriculture, is present in small amounts in some of these areas. None of the other non-native species present within the plant community are listed as invasive or noxious weeds at this time. Sample Point 2 (Table 3) characterizes the species composition within the plant community.

As shown by Sample Point 2, this plant community has a canopy coverage of approximately 50 percent. The combined coverage of tree, shrub and ground cover layers provide coverage that exceeds 80 percent. Therefore, the existing condition of the plant communities in these areas meets the definition of a Class B (“Marginal”) WQR, as defined in Table 19.402.11.C of the municipal code.

Table 3. Class B (Marginal) Plant Community, Sample Point 2

Botanical Name	Common Name	Cover (%)
Trees		
<i>Quercus rubra</i>	Red oak	50
TOTAL:		50
Shrubs and Saplings		
<i>Symphoricarpos albus</i>	Snowberry	50
<i>Lonicera nitida</i>	Box honeysuckle	20
<i>Pieris japonica</i>	Japanese andromeda	20
<i>Rubus armeniacus</i>	Himalayan blackberry	10
<i>Potentilla fruticosa</i>	Bush cinquefoil	5
<i>Alnus rubra</i>	Red alder	5
TOTAL:		110

Botanical Name	Common Name	Cover (%)
Ground Cover		
<i>Equisetum arvense</i>	Field horsetail	20
<i>Poa sp.</i>	Bluegrass	20
TOTAL:		40

3. An assessment of the water quality impacts related to the development, including sediments, temperature and nutrients, sediment control, and temperature control, or any other condition with the potential to cause the protected water feature to be listed on DEQ’s 303(d) list.

Construction of the proposed library and associated infrastructure will result in impacts to WQR and HCA (Figure 4); however, much of the proposed construction within mapped WQR and HCA will occur within the footprint of the existing building and parking lot. Construction of the new building and stormwater planter will result in permanent disturbance to approximately 1,449 sq.ft. (0.03 ac.) of WQR and 1,617 sq.ft. (0.04 ac.) of HCA outside the footprint of the existing building and parking lot. Temporary disturbance to approximately 1,465 sq. ft. (0.03 ac.) of WQR and approximately 1,372 sq.ft. (0.03 ac.) of HCA will result from the construction of the proposed library building, stormwater planter, and stormwater outfall and the removal of portions of the existing building and walkways that are outside the footprint of the proposed structure. Measures will be taken to limit temporary disturbance to the minimum area necessary for the construction of the new facilities and the removal of existing structures. All temporarily disturbed areas will be planted with native plant species, as described below, to minimize impact to the resources. The areas of permanent and temporary disturbance within the WQR and HCA are summarized in Table 4, below, and depicted on Figure 4.

Table 4. Summary of Permanent and Temporary Disturbance in the Water Quality Resource and HCA

Resource	Permanent Disturbance (sq.ft./ac.)	Temporary Disturbance (sq.ft./ac.)
Water Quality Resource	1,449 / 0.03	1,465 / 0.03
HCA	1,617 / 0.04	1,372 / 0.03

The proposed project is not anticipated to have any adverse impacts to water quality. The use of erosion and sediment controls during construction will prevent the transport of sediments to water resources and sediment-related impacts to water quality. The proposed project is not anticipated to result in additional nutrient inputs to the stream. A proposed stormwater planter east of the new building will treat runoff from the library roof and discharge the treated stormwater to the WQR. Boulders and plantings placed downslope of the outfall will dissipate flows preventing erosion and sedimentation and potential impacts to water quality. Additional stormwater planters located outside the WQR will collect and treat stormwater from other areas of the site and discharge the treated stormwater to the City’s municipal storm sewer system. The proposed project also includes the installation of a three-foot-wide path within the WQR. The proposed path will be constructed of bark mulch with steel edging for maximum permeability to minimize runoff and prevent water quality impacts.

Construction of the proposed project will result in the removal of three trees six inches or greater in diameter from the western portion of the vegetated corridor. Because the tallest trees closest to the stream and adjacent wetlands will not be affected by the proposed project, the proposed tree removal will not result in decreased stream shading, and the proposed project is not anticipated to have an adverse effect on water temperature.

4. *An alternatives analysis, providing an explanation of the rationale behind choosing the alternative selected, listing measures that will be taken to avoid and/or minimize adverse impacts to designated natural resources, and demonstrating that:*
- a. *No practicable alternatives to the requested development exist that will not disturb the WQR or HCA.*

In 2016, the City of Milwaukie passed a bond measure to fund improvements and expand the Ledding Library, and as a result, the City proposes to replace the existing library with a new, larger library building. The proposed improvements and expansion are required to meet community needs. Both the existing and proposed buildings are partially located within WQR and mapped HCA. As part of the design process, a two level design alternative was considered in order to reduce the overall footprint of the new building and minimize disturbance to the WQR and HCA. However, a two-story building was determined to be not practicable for the following reasons:

- The addition of a second floor to a library building would increase the distance that materials must be moved through the building to provide the expected service. The use of elevators and dumbwaiters to transport materials between floors would increase the time needed to move materials and result in a loss of efficiency.
- The addition of a second floor to the library would require increased staff to provide direct supervision in all public areas. This additional staffing would result in increased costs to operate the library.
- The addition of a second floor would result in an increase in ongoing expenses associated with maintenance of an elevator and additional restrooms and work spaces.

For these reasons, a one-story building was selected as the preferred alternative for the library improvement and expansion. The existing library is approximately 12,000 sq.ft.; the City proposes a new building of approximately 20,000 sq.ft. to meet community needs.

As depicted on Figure 3, the WQR and mapped HCA occupy almost all of the eastern half of the project site. Because of the location and extent of the resources on the site, it is not possible to construct a library building large enough to meet the community’s needs and to provide the required parking, walkways, and other required infrastructure and totally avoid impacts to the WQR and HCA.

- b. *Development in the WQR and/or HCA has been limited to the area necessary to allow for the proposed use.*

Development within the WQR and HCA has been limited to the area necessary to allow for the proposed use. The proposed building has been sited as far west on the site as possible in order to allow for the required parking spaces, provide the minimum amount of space necessary for the

construction of a library building of a size that meets community needs, and minimize disturbance to the WQR and mapped HCA. Much of the proposed library building will be constructed within the existing footprint of the existing building and parking lot, in order to minimize impacts to the vegetated portion of the WQR. The eastern side of the building foundation will be constructed in a manner that minimizes the extent of temporary encroachment into the WQR. Figure 4 depicts a temporary disturbance area that extends up to five feet from the proposed structures to conservatively estimate the limits of disturbance; however, measures will be taken to minimize the proposed stormwater planter east of the building is the minimum size necessary to provide the required treatment of the rooftop runoff in order to minimize permanent disturbance in the WQR. Proposed parking areas will be located entirely outside the WQR and HCA.

- c. *If disturbed, the WQR can be restored to an equal or better condition in accordance with Table 19.402.11. C; and the HCA can be restored consistent with the mitigation requirements of Subsection 19.402.11. D.2.*

All areas of WQR and mapped HCA temporarily disturbed as a result of the proposed project will be restored to equal or better condition in accordance with Table 19.402.11.D.2. All temporarily disturbed areas will be planted with native tree, shrub and herbaceous ground cover species to restore temporarily disturbed areas. Additionally, areas within the footprint of the existing library building and parking area but outside the footprint of the proposed building, will be restored and planted with native tree, shrub, and ground cover species. Mitigation is described in more detail below.

- d. *Road crossings will be minimized as much as possible.*

Not applicable. This project does not include any proposed road crossings.

5. *Evidence that the applicant has done the following, for applications proposing routine repair and maintenance, alteration, and/or total replacement of existing structures located within the WQR:*
- a. *Demonstrated that no practicable alternative design or method of development exists that would have a lesser impact on the WQR than the one proposed. If no such practicable alternative design or method of development exists, the project shall be conditioned to limit its disturbance and impact on the WQR to the minimum extent necessary to achieve the proposed repair/maintenance, alteration, and/or replacement.*

The proposed project is the total replacement of an existing structure that is partially located within the WQR. As described above, there is no practicable alternative design or method of development that would result in less impact to the WQR. As described above, the proposed project has been designed to minimize disturbance to the WQR to the minimum necessary to achieve the replacement of the existing library building with a new building sufficient to meet the community’s needs.

- b. *Provided mitigation to ensure that impacts to the functions and values of the WQR will be mitigated or restored to the extent practicable.*

Mitigation for proposed disturbance is described below.

6. *A mitigation plan for the designated natural resource that contains the following information:*

a. *A description of adverse impacts that will be caused as a result of development.*

Construction of the proposed library and associated infrastructure will result in impacts to WQR and HCA (Figure 4); however, much of the proposed construction within mapped WQR and HCA will occur within the footprint of the existing building and parking lot. Construction of the new building and stormwater planter east of the proposed building will result in permanent disturbance to approximately 1,449 sq.ft. (0.03 ac.) of WQR and 1,617 sq.ft. (0.04 ac.) of HCA outside the footprint of the existing building and parking lot. Temporary disturbance to approximately 1,465 sq. ft. (0.03 ac.) of WQR and approximately 1,372 sq.ft. (0.03 ac.) of HCA will result from the construction of the proposed library building, stormwater planter, and stormwater outfall and the removal of portions of the existing building and walkways that are outside the footprint of the proposed structure. Measures will be taken to limit temporary disturbance to the minimum area necessary for the construction of the new facilities and the removal of existing structures.

b. *An explanation of measures that will be taken to avoid, minimize, and/or mitigate adverse impacts to the designated natural resource; in accordance with, but not limited to, Table 19.402.11.C for WQRs and Subsection 19.402.11.D.2 for HCAs.*

As discussed above, it is not possible to construct the proposed project and avoid impacts to the WQR or mapped HCA.

The following measures are included in the project design to minimize adverse impacts to natural resources:

- Siting the proposed library building to overlap the footprint of the existing building and parking lot to the extent practicable to minimize disturbance to the WQR and mapped HCA, as described above.
- A stormwater management plan to insure that the post-development runoff does not exceed the pre-development runoff.
- Stormwater planters will treat stormwater runoff to meet Section 2, Stormwater Design Standards of the City of Milwaukie Public Works Standards.
- Tree protection measures to prevent impacts to existing trees to remain within the vegetated corridor. Protective measures will include a 6-foot-high fence installed at a distance of one foot per one inch of trunk diameter at breast height (dbh) to protect the tree's root zone. Pedestrian and vehicular access will also be limited within the tree protection zones to protect the roots of the trees.

Mitigation for the unavoidable impacts will be provided through the inventory of man-made debris and noxious materials that might be present within the WQR and the removal of any such material present; the implementation of a stormwater plan that meets City requirements for runoff rates and water quality; the removal of non-native, invasive plants from the vegetated corridor; and installation of tree and shrub plantings within the vegetated corridor to enhance and restore a diverse, native plant community. Compliance with the mitigation requirements outlined in Table 19.402.11.C and Subsection 19.402.11.D.2 to compensate for proposed impacts to the WQR and HCA are described below.

As depicted on Figure 3, the existing condition of WQR on the west side of Spring Creek is a combination of Class A (“Good”) and Class B (“Marginal”). Mitigation requirements for disturbance in a Class A and Class B WQR, as listed in Table 19.402.11.C, are described below, as are the components of the project design that have been incorporated to insure compliance with the mitigation requirements.

- *Submit a plan for mitigating water quality impacts related to the development, including: sediments, temperature, nutrients, or any other condition that may have caused the protected water feature to be listed on DEQ's 303(d) list.*

Hacker Architects submitted a Preliminary Stormwater concept in the Building Program document (dated June 13, 2017) as well as the schematic design site development drawings dated October 24, 2017. The proposed stormwater management facilities treat runoff to meet the City of Milwaukie’s water quality requirements and detain post-development runoff at or below pre-development release rates.

- *Inventory and remove debris and noxious materials.*

At the time of site construction, the Applicant will identify man-made debris and noxious materials that may be present within the WQR. Any such debris or materials will be removed from the WQR.

Mitigation requirements for disturbance in Class A and B WQR, as listed in Table 19.402.11.C, are described below, as are the components of the project design that have been incorporated to insure compliance with the mitigation requirements.

- *Restore and mitigate disturbed areas with native species from the Milwaukie Native Plant List, using a City-approved plan developed to represent the vegetative composition that would naturally occur on the site.*

All disturbed areas within the WQR will be restored with native trees and shrubs and seeded with a native seed mix. Trees and shrubs will be planted within areas designated as “Native Planting Area” and “Restoration Planting Area” (Figure 5) to enhance and restore a native plant community within the WQR.

The number of trees and shrubs to be planted in Mitigation Area was determined in accordance with MMC Subsection 19.402.11.D.2. Three trees six inches or larger in diameter at breast height (dbh) will be removed from the HCA and WQR, as shown on Figure 4. As prescribed by Table 19.402.11.D.2.a, 14 trees and 36 shrubs would be required under Mitigation Option 1 to mitigate for the trees to be removed. Under Mitigation Option 2, 16 trees (1,617 sq.ft. impact area x 5 trees per 500 sq.ft. of impact area = 16 trees) and 81 shrubs (1,617 sq.ft. impact area x 25 shrubs per 500 sq.ft. of impact area = 81 shrubs) would be planted to mitigate for impacts to 1,617 sq.ft. of HCA impact. Because Mitigation Option 2 results in more tree plantings, Mitigation Option 2 was used to determine the number of trees and shrubs to be planted in accordance with MMC Subsection 19.402.11.D.2. A list of trees and shrubs proposed for planting are provided in Table 5, below.

Table 5. Proposed Riparian Restoration Planting List

Species	Common Name	Quantity	Stock Type	Plant Size
TREES				
<i>Acer macrophyllum</i>	Bigleaf maple	5	Container or field-grown	1/2 in. caliper
<i>Alnus rubra</i>	Red alder	5	Container or field-grown	1/2 in. caliper
<i>Thuja plicata</i>	Western red cedar	6	Container or field-grown	1/2 in. caliper
SHRUBS				
<i>Cornus sericea</i>	Red-osier dogwood	27	1 gallon	12 in
<i>Oemlaria cerasiformis</i>	Indian plum	27	1 gallon	12 in
<i>Symphoricarpos albus</i>	Snowberry	27	1 gallon	12 in

Trees and shrubs listed in Table 5 will be planted in areas designated as “native planting area” and “restoration planting area” on Figure 5. Because these areas are vegetated with trees and shrubs under existing conditions, the designated trees and shrubs will be planted in areas of temporary disturbance, in areas where invasive species are removed, and in areas where understory vegetation is sparse under existing conditions.

In addition, there are areas within the pond itself that have yellow flag iris that will be removed. Yellow flag iris is listed as a noxious weed by the Oregon Department of Agriculture.

These mitigation plantings meet the requirements of MMC Subsection 19.402.11.D, as follows:

- All areas temporarily disturbed will be restored and permanent impacts will be mitigated by the tree and shrub plantings, as described above.
- All species proposed for planting are native species, as identified on the Milwaukie Native Plant List.
- Trees to be planted will average at least a 1/2-in caliper (measured at 6 inches above the ground level for field-grown trees or above the soil line for container-grown trees). Shrubs shall be at least 1-gallon size and 12 inches high.
- Trees will be planted between 8 and 12 feet on center. Shrubs will be planted between 4 and 5 feet on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 feet on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.
- More than two species of shrubs are proposed, and not more than 50 percent of the trees to be planted are of the same genus.

- All mitigation will occur on site
- Invasive non-native or noxious vegetation will be removed within the mitigation area prior to planting, including, but not limited to, species identified as nuisance plants on the Milwaukie Native Plant List.
- Bare or open soil areas remaining after the required tree and shrub plantings will be seeded to 100% surface coverage with grasses or other ground cover species identified as native on the Milwaukie Native Plant List. Revegetation will occur during the next planting season following the site disturbance.

- ***Plant and/or seed all bare areas to provide 100% surface coverage.***
All disturbed soil surfaces and low understory areas will be seeded with a native seed mix. Areas temporarily disturbed for the construction of the proposed project and due to the removal of invasive plant species will be seeded with this seed mix.
- ***Inventory and remove debris and noxious materials.***
At the time of site construction, the Applicant will identify man-made debris and noxious materials that may be present within the WQR. Any such debris or materials will be removed from the WQR. This will occur within Mitigation Area, as shown on Figure 6.

- c. ***Sufficient description to demonstrate how the following standards will be achieved:***
(1) Where existing vegetation has been removed, the site shall be revegetated as soon as practicable.

Following the completion of the construction, temporarily disturbed soils will be reseeded with a native seed mix. Within the proposed planting areas, soils disturbed as a result of the removal of non-native invasive plants will be seeded with the native seed mix described in Table 5 as soon as practicable following the removal of the invasive plants. Planting of woody material is anticipated to occur in late winter 2019 to maximize the survival of the plantings.

- (2) Where practicable, lights shall be placed so that they do not shine directly into any WQR and/or HCA location. The type, size, and intensity of lighting shall be selected so that impacts to habitat functions are minimized.***

Lights will be placed so that they do not shine directly into the WQR. The type, size, and intensity of lighting will be selected so that impacts to habitat functions are minimized.

- (3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous; particularly along natural drainage courses, except where mitigation is approved; so as to provide a transition between the proposed development and the designated natural resource and to provide opportunity for food, water, and cover for animals located within the WQR.***

With the exception of the removal of invasive plants from the designated planting areas, existing trees, shrubs, and natural vegetation within the WQR will remain undisturbed during the proposed construction. No trees or shrubs will be removed for the construction of the proposed bark mulch trail.

d. A map showing where the specific mitigation activities will occur. Off-site mitigation related to WQRs shall not be used to meet the mitigation requirements of Section 19.402.

Figure 5 depicts the location of proposed mitigation plantings. No mitigation is proposed to occur off site.

e. An implementation schedule; including a timeline for construction, mitigation, mitigation maintenance, monitoring, and reporting; as well as a contingency plan. All in-stream work in fish-bearing streams shall be done in accordance with the allowable windows for in-water work as designated by ODFW.

Construction of the proposed project is anticipated to begin in the summer of 2018. Activities associated with the WQR/HCA mitigation are anticipated to begin in summer 2018. Removal of any existing man-made debris and noxious materials from the WQR will occur in summer 2018, as will the removal of invasive plants from the planting areas (Figure 5). Restoration plantings will be installed in late winter 2019.

Monitoring of the restoration area will be conducted in the late summer of 2019 and again in summer 2020. An annual monitoring report documenting the survival of the restoration plantings will be submitted to the City of Milwaukie by December 31 of each monitoring year. Plants that die shall be replaced in kind as needed to ensure the minimum 80percent survival rate.

No in-stream work is proposed to occur as part of this project.

B. Approval Criteria

1. Unless specified elsewhere in Section 19.402, applications subject to the discretionary review process shall demonstrate how the proposed activity complies with the following criteria:

a. Avoid
The proposed activity avoids the intrusion of development into the WQR and/or HCA to the extent practicable. The proposed activity shall have less detrimental impact to the designated natural resource than other practicable alternatives, including significantly different practicable alternatives that propose less development within the resource area.

The proposed project avoids development within the WQR and HCA to the maximum extent practicable. Much of the proposed construction will occur within the footprints of the existing library building and parking lots. The proposed building has been sited as far to the west as possible in order to minimize disturbance to vegetated portions of the WQR. As discussed above, a two-story building design was considered to minimize disturbance to the WQR and HCA, but such a design was determined to be not practicable due to efficiency and budgetary constraints.

b. Minimize
If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource, then the proposed activity within the resource area shall minimize detrimental impacts to the extent practicable.
(1) The proposed activity shall minimize detrimental impacts to ecological functions and loss of habitat, consistent with uses allowed by right under the base zone, to the extent practicable.

Implementation of the proposed mitigation will ensure the proposed project minimizes adverse effects to the ecological functions of the WQR and loss of habitat, as follows:

- The minimization of impacts as well as the proposed plantings to restore a native plant community within the vegetated corridor will ensure that the WQR continues to provide a vegetated corridor that separates protected water features from development.
 - The diverse native plant community within the WQR will continue to provide water filtration, infiltration, and natural purification functions. The proposed project will not adversely affect these functions.
 - The proposed restoration plantings and the resulting diverse native plant community within the WQR will continue to provide bank stabilization and sediment and pollution control functions. The proposed project will not adversely affect these functions.
 - Trees will remain within the vegetated corridor following construction, and therefore, the WQR will continue to provide the potential for large wood recruitment.
 - Because the WQR will continue to be vegetated with a diverse plant community, the proposed project will not adversely affect the resource’s ability to provide organic inputs to the stream and riparian area.
- (2) To the extent practicable within the designated natural resource, the proposed activity shall be designed, located, and constructed to:*
- (a) Minimize grading, removal of native vegetation, and disturbance and removal of native soils; by using the approaches described in Subsection 19.402.11.A, reducing building footprints, and using minimal excavation foundation systems (e.g., pier, post, or piling foundation).*

In accordance with MMC Subsection 19.402.11.A, the following measures will be implemented to minimize impacts to the WQR on the site:

- Work areas will be marked to reduce potential damage to the WQR.
- Trees in the WQR will not be used as anchors for stabilizing construction equipment.
- Native soils disturbed during development shall be conserved on the property.
- Prior to the start of any construction activities, the applicant will apply for a grading and erosion control permit, consistent with the standards required by the City’s Public Works Department.

- The Applicant will implement best management practices on site to prevent the drainage of hazardous materials, erosion, pollution or sedimentation within the resources and the vegetative corridors.
- The Applicant has prepared a stormwater detention and water quality plan for the project which has been designed to prevent flows within and to natural drainage courses which might exceed pre-developed conditions.
- Prior to construction, the WQR that is to remain undeveloped will be flagged, fenced, or otherwise marked and shall remain undisturbed. Such markings will be maintained until construction is complete.
- The construction phase of the development shall be done in such a manner as to safeguard the resource portions of the site that have not been approved for development.
- Lights will be placed so that they do not shine directly into the WQR.
- The Applicant has prepared a Preliminary Grading and Erosion Control Plan which will conform to the requirements of 19.402.9. The Final Construction Grading and Erosion Control Plan will be provided to the City’s Engineering Department prior to the commencement of construction activities.

(b) Minimize adverse hydrological impacts on water resources.

The implementation of the proposed stormwater management plan, which detains post-development runoff at or below pre-development release rates, will ensure that hydrologic impacts to the water resource are minimized.

(c) Minimize impacts on wildlife corridors and fish passage.

The proposed project does not involve any work in water resources that might adversely affect fish passage. Restoration of a diverse native plant community within the vegetated corridor will ensure that impacts to wildlife habitat are minimized.

(d) Allow for use of other techniques to further minimize the impacts of development in the resource area; such as using native plants throughout the site (not just in the resource area), locating other required landscaping adjacent to the resource area, reducing light spill-off into the resource area from development, preserving and maintaining existing trees and tree canopy coverage, and/or planting trees where appropriate to maximize future tree canopy coverage.

Impacts to the on-site resources have been minimized to the extent practicable, as described above.

c. Mitigate

If the applicant demonstrates that there is no practicable alternative that will avoid disturbance of the designated natural resource, then the proposed activity shall mitigate for adverse impacts to the resource area. All proposed mitigation plans shall meet the following standards:

(1) The mitigation plan shall demonstrate that it compensates for detrimental impacts to the ecological functions of resource areas, after taking into consideration the applicant’s efforts to minimize such detrimental impacts.

As described above, implementation of the proposed mitigation will ensure the proposed project minimizes adverse effects to the ecological functions of the WQR and loss of habitat, as follows:

- The minimization of areal impacts as well as the proposed plantings to restore a native plant community to the west side of Spring Creek will ensure that the WQR continues to provide a vegetated corridors that separates protected water features from development.
- The diverse plant community within the WQR will continue to provide water filtration, infiltration, and natural purification functions. The proposed project will not adversely affect these functions.
- The proposed restoration plantings and the resulting diverse native plant community within the WQR will continue to provide bank stabilization and sediment and pollution control functions. The proposed project will not adversely affect these functions.
- Trees will remain within the vegetated corridor following construction, and therefore, the WQR will continue to provide the potential for large wood recruitment and retention functions.
- Because the WQR will continue to be vegetated with a diverse plant community, the proposed project will not adversely affect the resource’s ability to provide organic inputs to the stream and riparian area.

(2) Mitigation shall occur on the site of the disturbance, to the extent practicable. Off-site mitigation for disturbance of WQRs shall not be approved. Off-site mitigation for disturbance of HCAs shall be approved if the applicant has demonstrated that it is not practicable to complete the mitigation on-site and if the applicant has documented that they can carry out and ensure the success of the off-site mitigation as outlined in Subsection 19.402.11.B.5.

In addition, if the off-site mitigation area is not within the same subwatershed (6th Field Hydrologic Unit Code) as the related disturbed HCA, the applicant shall demonstrate that it is not practicable to complete the mitigation within the same subwatershed and that, considering the purpose of the mitigation, the mitigation will provide more ecological functional value if implemented outside of the subwatershed.

All mitigation will occur on site.

(3) All revegetation plantings shall use native plants listed on the Milwaukie Native Plant List.

Only native species will be installed in the revegetation plantings. A list of species to be planted is provided in Table 5, above.

(4) All in-stream work in fish-bearing streams shall be done in accordance with the allowable windows for in-water work as designated by ODFW.

No in-stream work is proposed to occur with this project.

(5) A mitigation maintenance plan shall be included and shall be sufficient to ensure the success of the planting. Compliance with the plan shall be a condition of development approval.

The Applicant will undertake the following mitigation maintenance measures to insure a minimum of 80 percent of the trees and shrubs planted remain alive two years after the mitigation planting is completed.

- New plantings will be mulched to a minimum of 3-inch depth and 18-inch diameter to retain moisture and discourage weed growth.
- Non-native or noxious vegetation will be removed or controlled throughout the maintenance period.
- Plant sleeves or fencing will be used to protect trees and shrubs against wildlife browsing and the resulting damage to plants.
- New plantings will be watered at a rate of 1 inch per week between June 15 and October 15 for the first two years following planting.

Appendix A

Figures



