CITY OF MILWAUKIE

AGENDA

April 28, 2020

PLANNING COMMISSION

www.milwaukieoregon.gov

Zoom Video Meeting: due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting through Zoom video. The public is invited to watch the meeting online through the City of Milwaukie YouTube page (https://www.youtube.com/channel/UCRFbfqe3OnDWLQKSB_m9cAw) or on Comcast channel 30 within city limits.

If you wish to provide comments, the city encourages written comments via email at planning@milwaukieoregon.gov. Written comments should be submitted before the Planning Commission meeting begins to ensure that they can be provided to the Planning Commissioners ahead of time.

To speak during the meeting, visit the meeting webpage (https://www.milwaukieoregon.gov/bc-pc/planning-commission-49) and follow the Zoom webinar login instructions.

1.0 Call to Order - Procedural Matters — 6:30 PM

2.0 Planning Commission Minutes — Motion Needed

2.1 April 14, 2020

3.0 Information Items

4.0 Audience Participation — This is an opportunity for the public to comment via Zoom or by email on any item not on the agenda

5.0 Public Hearings — Public hearings will follow the procedure listed on the reverse side

5.1	Summary:	Ardenwald Elementary Parking
	Applicant:	North Clackamas School District
	Address:	8950 SE 36th Ave, Ardenwald Elementary School
	File:	CSU-2020-001
	Staff:	Brett Kelver, Associate Planner
5.2	Summary:	Railroad Ave Subdivision
	Applicant:	I&E Construction, Inc.
	Address:	Vacant lot on Railroad Ave between Stanley Ave and Beckman Ave
	File:	S-2018-001
	Staff:	Mary Heberling, Assistant Planner

6.0 Planning Department Other Business/Updates

7.0 Planning Commission Committee Updates and Discussion Items — This is an opportunity for comment or discussion for items not on the agenda.

8.0 Forecast for Future Meetings

May 12, 2020	1. Hearing Item:	CU-2020-001, Riverway Ln Vacation Rental
	2. Hearing Item:	S-2018-001, Railroad Ave Subdivision
May 26, 2020	No agenda items are currently scheduled for this meeting.	
June 09, 2020	No agenda items are currently scheduled for this meeting.	

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 register to provide spoken comment at this meeting or for background information on agenda items please send an email to planning@milwaukieoregon.gov.
2. **PLANNING COMMISSION and CITY COUNCIL MINUTES.** City Council and Planning Commission minutes can be found on the City website at www.milwaukieoregon.gov/meetings.
3. **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.
4. **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 fewer than five (5) business days prior to the meeting.

Milwaukie Planning Commission:

Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
Greg Hemer
John Henry Burns

Planning Department Staff:

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

CITY OF MILWAUKIE

PLANNING COMMISSION MINUTES

Meeting held online via Zoom
www.milwaukieoregon.gov

April 14, 2020

Present: Robert Massey, Chair
Lauren Loosveldt, Vice Chair
Joseph Edge
John Henry Burns
Greg Hemer

Staff: Denny Egner, Planning Director
Vera Kolias, Associate Planner
Mary Heberling, Assistant Planner
Justin Gericke, City Attorney

Absent:

1.0 Call to Order – Procedural Matters

Chair Massey called the meeting to order at 6:30 pm 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 Information Items

2.1 June 11, 2019
2.2 June 25, 2019
2.3 August 13, 2019
2.4 August 27, 2019
2.5 February 25, 2020
2.6 March 10, 2020

Commissioner Hemer moved to approve all six sets of minutes as submitted. Commissioner Burns seconded the motion. The Planning Commission voted 5-0 in favor of the motion.

3.0 Information Items

Denny Egner, Planning Director, provided the following updates:

- On April 7, the City Council approved application AP-2019-003, an appeal of an application previously denied by the Planning Commission. Mr. Egner noted that the application had been revised significantly in order to be approved by the City Council.
- The Comprehensive Plan hearing had been moved to the June 2 City Council meeting in hopes that it would be safe to have an in-person hearing by that date.

4.0 Audience Participation

4.1 No public testimony was presented for this portion of the meeting.

5.0 Work Session Items
(Due to an error in numbering, this item is listed as 6.0 on the meeting agenda)

5.1 Summary: Comprehensive Plan Implementation Update
Staff: Vera Kolias, Associate Planner

Vera Kolias, Associate Planner, provided an update on the Comprehensive Plan implementation. She noted the following main points:

- The city planned to move into implementation quickly after the plan was approved.
- The City Council appointed the Comprehensive Plan Implementation Committee (CPIC) in early March.
    - Staff had sent the CPIC members several documents providing background information to review prior to the first meeting, which was scheduled for June 4.
- The city subsequently posted a Request for Qualifications (RFQ) seeking a consultant team to assist staff with public engagement and other tasks related to developing approval-ready code language and maps.
    - The deadline for applications had been extended to May 1 because of the COVID-19 emergency.
- City staff had begun working on a code audit to identify sections of the code that conflicted with the new Comprehensive Plan.
- The Department of Land Conservation and Development (DLCD) had funds available to help communities amend their land use codes to bring them into compliance with House Bill 2001.
    - The city was preparing to apply for these funds by the April 30 deadline.

Mr. Egner noted that the city's project did not depend on these DLCD funds, but city staff anticipated the grant offsetting the cost to the city.

Mary Heberling, Assistant Planner, stated that she was part of a city task force that was working to coordinate public engagement across the board, including engagement related to the Comprehensive Plan implementation process. She indicated that this would augment, rather than replace, the work of the professionals being contracted as part of the RFQ.

Ms. Heberling, responding to a question from Vice Chair Loosveldt, stated that the engagement work being described was not directly connected to the Diversity, Equity, and Inclusion Committee (DEIC) discussed with the Planning Commission during the Comprehensive Plan recommendation hearing.

Vice Chair Loosveldt indicated that it would be helpful to publicly clarify the distinction between the DEIC and this engagement work.

Ms. Kolias, responding to a question from Commissioner Edge, indicated that although the first CPIC meeting was scheduled for June 4, and for an in-person

meeting, it was conceivable that this could be moved to a virtual meeting, depending on the public health situation at that time.

Mr. Egner added that another project, the Central Milwaukie Bike Connection Project, with accompanying public outreach events being planned over the summer. He stated that these meeting were being designed on a dual track to accommodate both online and in-person meetings.

6.0 Planning Department Other Business/Updates

There were no updates for this section.

7.0 Planning Commission Committee Updates and Discussion

There were no updates for this section.

8.0 Forecast for Future Meetings

April 28, 2020	1. Hearing Item: CSU-2020-001, Ardenwald Elementary Parking
	2. Hearing Item: S-2018-001, Railroad Ave Subdivision
May 12, 2020	1. Hearing Item: CU-2020-001, SE Riverway Ln Vacation Rental
May 26, 2020	No items were scheduled for this meeting.

Meeting adjourned at approximately 7:00 PM

Respectfully submitted,
Dan Harris
Administrative Specialist II

Robert Massey, Chair

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CITY OF MILWAUKIE

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Brett Kelver, Associate Planner

Date: April 21, 2020, for April 28, 2020, Public Hearing

Subject: **File:** CSU-2020-001
Applicant/Owner: North Clackamas School District
Address: 8950 SE 36th Ave
Legal Description (Map & Tax Lot): 1S1E25AD 03700
NDA: Ardenwald-Johnson Creek

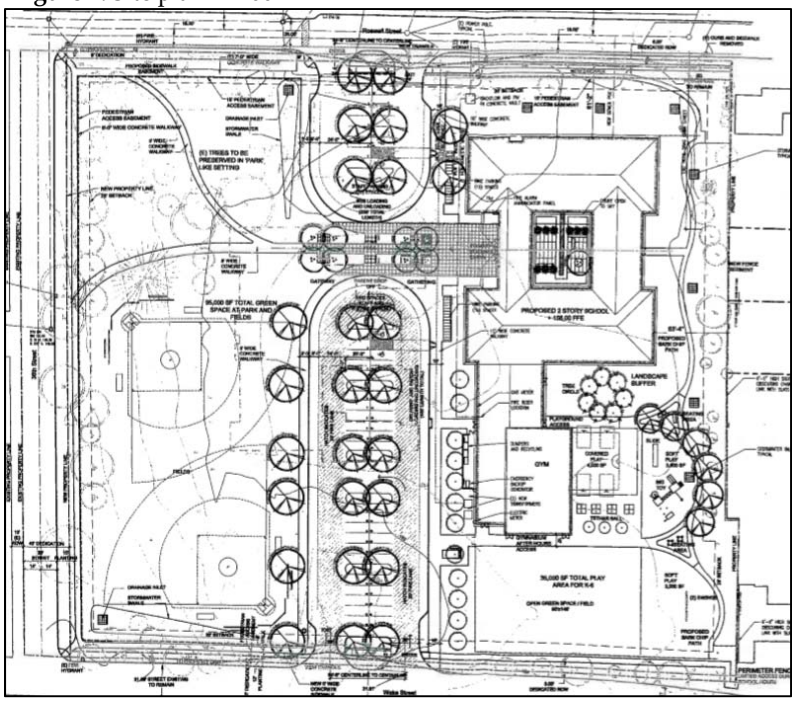
ACTION REQUESTED

Approve application CSU-2020-001 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for modification of the existing parking and loading arrangement at Ardenwald Elementary School.

BACKGROUND INFORMATION

In 2007, following the approval of a capital improvement bond and the necessary land use applications, the applicant demolished the historic Ardenwald Elementary School building and replaced it with a new structure. The site was redesigned to provide significantly more room for off-street parking and loading, including a large southern loop accessing Wake St for bus staging and a smaller northern loop accessing Roswell St for parent pick-up and drop-off (see Figure 1).

Figure 1. Site plan in 2007



However, the traffic analysis conducted for the 2007 project concluded that queuing for the northern loop would

obstruct vehicle traffic on Roswell St unless the plans were revised. One option was to widen Roswell St to allow for on-street parking that did not obstruct traffic; another was to provide additional queuing space on the school site itself. At the time, the applicant opted to use the smaller northern loop for bus loading and the larger southern loop for parent pick-up and drop-off. The applicant accepted a condition of approval limiting use of the northern loop to no more than six buses at any given time.

This arrangement reportedly functioned well enough for several years, but over time the number of buses serving the site increased and the school administration decided to flip-flop the loading operation. With the start of the 2017-18 school year, buses began to use the southern loop and parents the northern one. There were reports that confirmed the 2007 prediction of queuing conflicts with through traffic in the travel lane on Roswell St, but occurrences were limited to the small windows of time in the morning and afternoon associated with the beginning and end of the school day. However, since the 2007 land use approval included a condition that specifically prohibited such a modification without a new land use review, the applicant has recently submitted the necessary application as required.

In the meantime, and in anticipation of approval of the proposed modification to direct buses to the southern loading area off Wake St, the applicant contributed funds to the City's 2019 project to rebuild Wake St along the southern edge of the school site. The applicant paid for the extra asphalt layer necessary to support the weight of buses on that portion of the street between 36th Ave and the school driveways.

A. Site and Vicinity

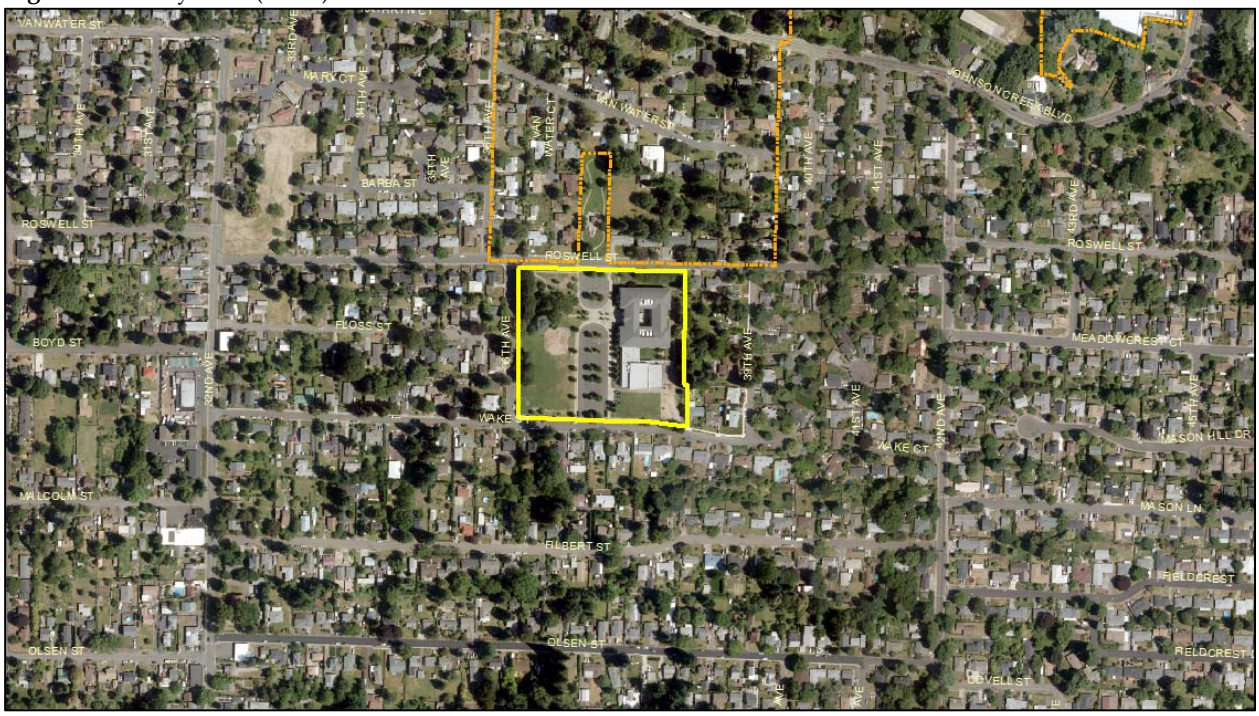
The subject property is located at 8950 SE 36th Ave and is developed with the two-story main school building, fenced athletic fields and play areas, and two off-street parking and loading areas (see Figure 2). A small loading area on the north side of the site is accessible from Roswell St and provides 15 off-street parking spaces in the middle of a one-way loop with room for seven or eight cars in the loading queue. Another loading area on the south side of the site is accessible from Wake St and provides 45 off-street parking spaces in the middle of a larger one-way loop with room for 11 to 12 long buses in the loading queue.

Figure 2. Aerial view of site

The site is located in the Ardenwald neighborhood in the northern part of the city. The surrounding area consists primarily of properties with single-family detached residential houses. The Milwaukie city limits runs through the middle of Roswell St (contiguous with

the city of Portland) along the school site's northern frontage (see Figure 3). The adjacent lots to the north across Roswell St are all under the jurisdiction of Portland, with the exception of a small city park (Ardenwald Park) located directly across Roswell St from the northern loading area driveways. A crosswalk connects the southwest corner of Ardenwald Park to the western corner of the entrance driveway.

Figure 3. Vicinity view (aerial)



B. Zoning Designation

Residential R-7

C. Comprehensive Plan Designation

Low Density Residential (LDR)

D. Land Use History

- **December 2007 (Master file #CSU-07-04):** A request to demolish the historic school building and replace it with a new building, reconfiguring the site in the process. The proposal included variance requests to exceed both the maximum allowed building height by 10% (3.5 ft) and the maximum number of off-street parking spaces (to 60 instead of 52). The submittal also included applications to remove the building from the City's list of Historic Resources and for transportation plan review. The Planning Commission approved the project with conditions, including a limit on the number of buses (six) that could be on the site at any given time and requirements that the District monitor the on-site loading areas and use a flagger to direct drivers.

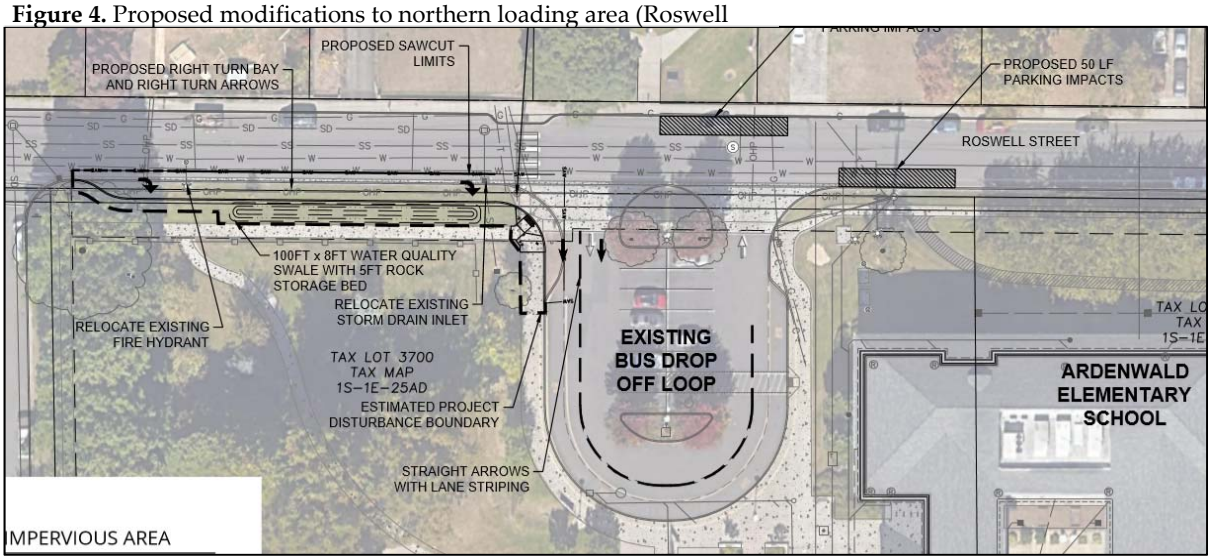
- **September 2008 (File #HR-07-02):** Finalization of the request to remove the old school building from the City's list of Historic Resources. The application was originally submitted as part of CSU-07-04, but the requirement to post the property for sale for at least 90 days had not been completed at the time of the CSU hearing. A continuance was granted, and the Planning Commission approved the application once the required process was completed and prior to the commencement of the overall school redevelopment project.
- **August 2019 (File #CSU-2019-006):** A minor modification to allow the installation of security (chain-link) fencing around the perimeter of the open space area and play fields on the western side of the school campus. In addition, existing 4-ft chain-link fencing was replaced with 6-ft fencing at the northeastern and southeastern corners of the site. The Planning Director approved the application with a condition requiring the fenced areas to remain accessible to the public outside of school hours, with signage installed to communicate this arrangement.

E. Proposal

The applicant is seeking land use approval for the major modification of a Community Service Use (CSU). The approval would legalize the change in operations that occurred in 2017. The proposal includes the following:

1. Use the smaller, northern on-site loading area for parent drop-off and pick-up of students and the larger, southern loading area for buses. A monitor would direct vehicles to pull forward to the nearest open spot to prevent queuing on Roswell St.
2. Widen a portion of the south side of Roswell St west of the entrance driveway by approximately 10 ft to establish a parking strip that can also serve as a right-turn lane to accommodate vehicle queuing during drop-off and pick-up hours (see Figure 4).
3. Install signage that would restrict on-street parking during drop-off and pick-up hours at 2 locations: on the north side of Roswell St directly across from the exit

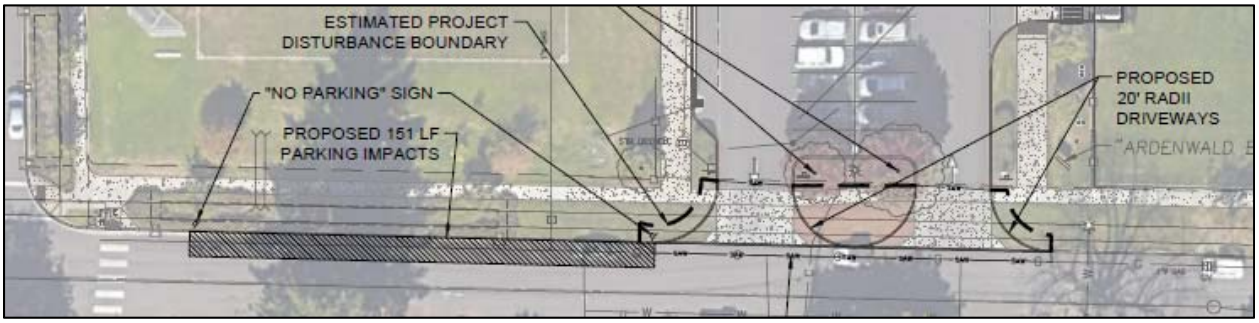
Figure 4. Proposed modifications to northern loading area (Roswell



driveway and on the south side of Roswell St immediately east of the exit driveway (see Figure 4).

4. Widen the existing driveway aprons for both the entrance and exit driveways on Wake St to accommodate bus turning radii (see Figure 5).
5. Eliminate on-street parking on the north side of Wake St for approximately 150 ft west of the exit driveway (see Figure 5).

Figure 5. Proposed modifications to southern loading area



The project requires approval of the following applications:

1. CSU-2020-001 (major modification to CSU)

KEY ISSUES

Summary

Staff has identified the following key issues for the Planning Commission's deliberation. Aspects of the proposal not listed below are addressed in the Findings (see Attachment 1) and generally require less analysis and discretion by the Commission.

A. Will the proposed changes create unsafe conditions for the existing street system?

B. Should there be a new limit on the number of buses accessing the site at one time?

Analysis

A. Will the proposed changes create unsafe conditions for the existing street system?

When the historic school building was demolished and the site was reconfigured in conjunction with the 2007 land use approval, there were concerns that the northern loading area off Roswell St was undersized for parent drop-off and pick-up. At the time, the applicant's own transportation impact study concluded that up to seven vehicles would queue up in the eastbound travel lane and that a three-vehicle queue would form in the westbound lane.

City staff and the applicant discussed options for addressing this issue, including constructing additional queuing space on the school property, widening the Roswell St pavement for additional queuing within the public right-of-way, and sending a limited

number of buses to Roswell St while parents used Wake St. The applicant elected to work with the proposed site plan and have parents use the southern loading area off Wake St, accepting a limit on the number of buses (six) that would use the northern loading area.

As the school's needs have changed over time, the number of buses needed to serve the site has increased. It began to seem more logical to use the larger southern area for bus loading, and in 2017 the school administrators decided to flip-flop the approved functions of the two different loading areas. Although no serious accidents have been reported, the travel lanes on Roswell St are occasionally blocked by cars queuing up to enter the northern loading area, as forecast by the applicant's 2007 traffic study. The blockages are limited to the narrow windows of time in the morning and afternoon when parent drop-off and pick-up activity is highest.

With the proposed modifications, the applicant would widen a section of the Roswell St pavement to provide adequate width for an on-street parking strip that would also function as a right-turn lane into the northern loading loop. The widening would create a second drive aisle that would allow westbound vehicles to turn left into the driveway without queuing in the travel lane. Combined with temporal restrictions for two other on-street parking areas near the exit driveway, the Roswell St travel lanes would effectively remain clear of vehicle queuing during peak loading times at the school.

Similarly, the proposal to widen the driveway aprons of both Wake St driveways would facilitate bus turning movements into the site. With the elimination of on-street parking on the north side of Wake St west of the exit driveway, buses would be able to freely leave the site without a need for multiple turning movements and the potential blockage of the Wake St travel lanes due to parked cars.

The proposed modifications would impact the existing crosswalk between Ardenwald Park and the school driveway on Roswell St by increasing the length of the crossing. However, the project includes extension of the existing crosswalk to maintain crossing safety. The proposed elimination of on-street parking in two locations on Roswell St during peak hours would increase sight distance for all modes of travel and reduce potential conflicts.

Staff's conclusion is that the proposed changes would not create unsafe conditions.

B. Should there be a new limit on the number of buses accessing the site at one time?

When the northern loading area was designated for bus use, the dimensions provided enough space for six standard long buses (40-ft length) and so a limit was set of six buses on site for any given time. The dimensions of the southern loading area are sufficient to allow 11 to 12 standard long buses, or even more shorter buses (average length 28 to 30 ft). Although the southern loading area is significantly larger than the northern area, it is still a finite space that will only accommodate so many vehicles. Setting a new limit seems reasonable.

However, given the dynamic nature of school demographics and the variety of bus lengths available to serve the site, it may be wisest to set a limit that does not overburden the site

with specificity. To say that only 11 to 12 buses could be on the site at any one time might preclude what would otherwise be the comfortable accommodation of 14 or 15 shorter buses or some other combination of short and long buses. The most important thing is to prevent situations where buses queue on Wake St to enter the site, or where buses block the drive aisles needed by any of the 45 off-street parking spaces available in the southern lot.

With this in mind, staff recommends a condition to effectively limit the number of buses using the site by prohibiting any bus queuing on Wake St.

CONCLUSIONS

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

1. Approve the application for a major modification to the existing CSU approval for Ardenwald Elementary School. This would officially allow the school administration to use the northern loading area off Roswell St for parent drop-off and pick-up of students and the southern loading area off Wake St for buses.
2. Adopt the attached Findings and Conditions of Approval.

B. Staff recommends the following key conditions of approval (see Attachment 2 for the full list of Conditions of Approval):

- Limit all restrictions of on-street parking to only during the school's normal loading times during the school year.
- Extend the proposed restriction of on-street parking on the north side of Wake St all the way to the existing crosswalk at 36th Ave.
- Prohibit bus queuing on Wake St.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Title 12 Streets, Sidewalks, and Public Places
- MMC Section 19.301 Low Density Residential Zones (incl. R-7)
- MMC Chapter 19.600 Off-Street Parking and Loading
- MMC Chapter 19.700 Public Facility Improvements
- MMC Section 19.904 Community Service Uses
- MMC Section 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows:

A. Approve the application subject to the recommended Findings and Conditions of Approval.

B. Approve the application with modified Findings and Conditions of Approval. Such modifications need to be read into the record.

C. Deny the application upon finding that it does not meet approval criteria.

D. Continue the hearing.

The final decision on this application, including any appeals to the City Council, must be made by June 9, 2020, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed modifications was given to the following agencies and persons: City of Milwaukie Building, Engineering, Public Works, and Police Departments; Milwaukie City Attorney; Ardenwald-Johnson Creek Neighborhood District Association Chairperson & Land Use Committee; Clackamas Fire District #1 (CFD#1); and properties within 300 ft of the site.

The following is a summary of the comments received by the City (see Attachment 4):

- **Matt Amos, Fire Inspector, CFD#1:** Based on the site design, there are no negative impacts to fire department access and water supply. No further comments on the proposal.

ATTACHMENTS

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

	Early Web Posting	PC Packet	Public Copies	Packet
1. Recommended Findings in Support of Approval	☐	☒	☒	☒
2. Recommended Conditions of Approval	☐	☒	☒	☒
3. Applicant's Narrative and Supporting Documentation (stamped received January 31, 2020)				
a. Application forms (incl. pre-app conf. waiver)	☒	☒	☒	☒
b. Narrative	☒	☒	☒	☒
c. Preliminary development plans	☒	☒	☒	☒
d. Neighborhood meeting materials	☒	☒	☒	☒
e. Stormwater management report	☒	☒	☒	☒
4. Comments Received	☐	☒	☒	☒

Key:
Early Web Posting = Materials posted to the land-use application webpage 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-49.

Recommended Findings in Support of Approval
File #CSU-2020-001, Ardenwald Elementary loading

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, North Clackamas School District, has applied for approval of a major modification of the existing Community Service Use (CSU) related to changes to the existing loading arrangement at Ardenwald Elementary School at 8950 SE 36th Ave. This site is in the Residential R-7 Zone. The land use application file number is CSU-2020-001.

2. The applicant is seeking approval for a major modification to the existing loading arrangement at Ardenwald Elementary School. With the demolition and reconstruction of the school in 2007-08, the site was redesigned to include a large southern loop accessing Wake St for parent pick-up and drop-off and a smaller northern loop accessing Roswell St for bus staging. A condition of the accompanying land use approval (master file #CSU-07-04) limited use of the northern loop to no more than six buses at any given time. The decision also specified that a new land use approval would be required if the applicant wished to increase the number of buses or significantly reconfigure the loading arrangement.

   In response to increased bus traffic at the school, administrators flip-flopped the use of the two loading loops at the start of the 2017-18 school year, rerouting buses to the southern loop (Wake St) and directing parents to the northern loop (Roswell St). This change is counter to the conditions of approval of CSU-07-04 and so constitutes a major modification to the school's existing CSU status.

3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
   - MMC Title 12 Streets, Sidewalks, and Public Places
   - MMC Section 19.301 Low Density Residential Zones (incl. R-7)
   - MMC Chapter 19.600 Off-Street Parking and Loading
   - MMC Chapter 19.700 Public Facility Improvements
   - MMC Section 19.904 Community Service Uses
   - MMC Section 19.1006 Type III Review

   The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held on April 28, 2020, as required by law.

4. MMC Title 12 Streets, Sidewalks, and Public Places

   a. MMC Chapter 12.16 Access Management

      MMC Section 12.16.040 establishes requirements and standards for access (driveways), including accessway location, number, design, and size. For uses other than single-family residential development accessing local and neighborhood streets,

one accessway is allowed per frontage and new driveways must be spaced at least 100 ft from the nearest intersection. Accessways are to be designed to contain all vehicle backing movements on the site. Driveways for institutional uses are required to be at least 12 ft wide and no more than 36 ft wide.

The subject property is bounded by local streets on two sides (36th Ave on the west and Wake St on the south), and a neighborhood route on the north (Roswell St). The site is served by two sets of one-way looped driveways, one each on Roswell St and Wake St, both of which are located approximately 200 ft from the nearest intersection at 36th Ave. The one-way driveway configuration ensures that vehicles enter the right-of-way in a forward motion. Each driveway is approximately 25 ft wide.

The proposed modifications include widening Roswell St just west of the western (entrance) driveway to establish on-street parking that would function as a right-turn lane during drop-off and pick-up times. This new on-street parking area would widen the entrance-driveway approach on Roswell St to approximately 33 ft. The turning radii of both Wake St driveways would be increased to allow for bus turning movements, but the widths of the existing driveway approaches would remain approximately 25 ft.

The proposed modifications are consistent with the applicable standards of MMC 12.16.

b. MMC Chapter 12.24 Clear Vision at Intersections

MMC 12.24 establishes standards for maintenance of clear vision at intersections to protect the safety and welfare of the public in their use of City streets.

As proposed, the modifications appear to conform to the applicable clear vision standards of MMC 12.24. Compliance with the applicable standards will be confirmed through the development review process.

The Planning Commission finds that the proposed modifications meet all applicable requirements of MMC Title 12. This standard is met.

5. MMC Section 19.301 Low Density Residential Zones (including R-7)

The subject property is zoned Residential R-7. MMC 19.301 establishes the allowable uses and development standards for the residential R-7 zone.

a. Permitted Uses

As per MMC Table 19.301.2, community service uses (CSUs) are allowed subject to the provisions of MMC Section 19.904.

Ardenwald Elementary School is an approved CSU on the subject property. A major modification to the school's CSU was approved in 2007, when the historic school building was demolished and replaced with the current building (master file #CSU-07-04). The 2007 approval included a condition that an increase in the number of buses serving the site at one time would require a modification to the CSU approval. The proposed modifications arise from an increase in the number of buses serving the site and represent a reversal of the approved

loading configuration. The proposed change is a major modification to the CSU and is subject to the provisions of MMC 19.904.

b. Development Standards

MMC Table 19.301.4 establishes development standards for the R-7 zone. No changes are proposed to the existing building; the primary modifications are to the driveway approaches in the right-of-way. No changes are proposed to the few of the R-7 development standards are applicable.

The minimum vegetation requirement for the R-7 zone is 30% of the lot area; however, the landscaping requirement for school CSUs is only 15%, as established in MMC Subsection 19.904.7.J. Regardless, the amount of existing landscaped area that would be impacted by the proposed modifications is negligible. Aside from the proposed widening of the entrance-driveway approach on Roswell St, the existing off-street parking and loading areas would remain unchanged. No other R-7 development standards are applicable.

The Planning Commission finds that the applicable development standards of the R-7 zone are met.

The Planning Commission finds that the proposed modifications meet the applicable standards of the underlying R-7 zone. This standard is met.

6. MMC Chapter 19.600 Off-Street Parking and Loading

MMC 19.600 regulates off-street parking and loading areas on private property outside the public right-of-way. The purpose of these requirements includes providing adequate space for off-street parking, minimizing parking impacts to adjacent properties, and minimizing environmental impacts of parking areas.

MMC Section 19.602 establishes the applicability of the provisions of MMC 19.600. In particular, MMC Subsection 19.602.2 requires property owners to ensure continued conformance with the standards of MMC 19.600 related to ongoing maintenance, operations, and use of off-street parking and loading areas.

Land use master file #CSU-07-04 established the operational configuration of the site, designating the large southern loop off Wake St for parent pick-up and drop-off and the smaller northern loop of Roswell St for bus staging. The required traffic impact study concluded that the northern loop was undersized for parent pick-up and drop-off and that queuing would block the travel lanes of Roswell St if the northern loop was used for that purpose. The applicant decided to utilize the northern loop for bus staging and accepted a condition of approval that limited the number of buses on the site to no more than six buses at any one time.

Over time, the number of buses needing to be on the site at the same time have in fact increased. School administrators have determined that it is necessary to utilize the larger southern loop off Wake St for bus staging, and they have relocated parent pick-up and drop-off to the smaller northern loop off Roswell St. The school's action is not in conformance with the findings and conditions established by CSU-07-04 and requires a demonstration that the off-street parking and

loading areas continue to function effectively without negative impacts to other properties or to public facilities.

The proposed modifications do not include changes to any existing off-street parking spaces or the spaces provided for parent and bus loading. One additional loading space would effectively be created as a result of the proposed removal of an existing bump-out on the west side of the entrance driveway off Roswell St. No parking lot landscaping or parking stall dimensions would be affected by the proposed modifications. Likewise, the number of existing bicycle spaces (30), which well exceeds the minimum required (five spaces), will not be affected by the proposed modifications.

Finding 7 provides an assessment of the proposed modifications' impact on public facilities; Finding 8 addresses the proposal's consistency with the approval criteria established for CSU modifications. There are no other standards or requirements in MMC 19.600 that are applicable to the proposed modifications.

The Planning Commission finds that the proposed modifications remain consistent with the applicable standards of MMC 19.600. This standard is met.

7. MMC Chapter 19.700 Public Facility Improvements

MMC 19.700 is intended to ensure that development, including redevelopment, provides public facilities that are safe, convenient, and adequate in rough proportion to their public facility impacts.

a. MMC Section 19.702 Applicability

MMC 19.702 establishes the applicability of MMC 19.700, including intensifications of use that result in a projected increase in the number of vehicle trips.

The proposed modifications are the result of an increase in the number of buses using the site at any one time. The increase in trips triggers the applicability of MMC 19.700 to the proposed modifications.

b. MMC Section 19.708 Transportation Facility Requirements

MMC Section 19.708 establishes requirements for transportation facilities, including street design standards. Specifically, MMC Subsection 19.708.2 provides design standards for the various street classifications, including for neighborhood and local streets. The standards provide ranges of widths for street features such as vehicle travel lanes, on-street parking, landscape strips, and sidewalks. Neighborhood streets require 10-ft travel lanes and 6-8 ft for on-street parking; local streets require 8-ft or 10-ft travel lanes and 6-8 ft for on-street parking.

Roswell St is a neighborhood route with approximately 28 ft of paved asphalt currently provided between the existing curbs, with no restrictions to on-street parking posted on either side of the street. With two 10-ft travel lanes, only 8 ft remain for on-street parking. The applicant has proposed to widen a portion of the south side of Roswell St west of the entrance driveway by approximately 10 ft, to establish an on-street parking area that would accommodate vehicle queuing during drop-off and pick-up hours. To further minimize conflicts in the vehicle travel lanes east of the entrance driveway, the applicant has proposed to

install signage that would restrict on-street parking during drop-off and pick-up hours at two locations: on the north side of Roswell St directly across from the exit driveway and on the south side of Roswell St immediately east of the exit driveway.

Wake St is a local street with approximately 30 ft of paved asphalt currently provided between the existing curbs, with no restrictions to on-street parking posted on either side of the street. Allowing for two 8-ft travel lanes, there is technically enough width for a 7-ft-wide on-street parking area on both sides of the street. The applicant has proposed to widen the existing driveway aprons for both the entrance and exit driveways on Wake St to accommodate bus turning radii. In addition, the applicant has proposed to eliminate on-street parking on the north side of Wake St for approximately 150 ft west of the exit driveway, to provide sufficient width for safe bus turning.

With the proposed physical modifications to Roswell St and to the Wake St driveways, as well as with the proposed restrictions to on-street parking on both streets, the minimum dimensional standards for each street as provided in MMC Table 19.708.2 will be met.

The Planning Commission finds that the proposed modifications meet all applicable standards of MMC 19.700.

8. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses (CSUs). These are uses that are not specifically allowed outright in most zoning districts but that address a public necessity or otherwise provide some public benefit. CSUs include public and private schools and their associated sports facilities. MMC Subsection 19.904.3 provides that the establishment of a new CSU or a major modification to a CSU shall be evaluated through a Type III review per Section 19.1006.

The proposal to modify use of the existing loading areas in contradiction of a condition of approval represents a major modification to the school's existing CSU and so is subject to Type III review.

MMC Subsection 19.904.4 provides the following approval criteria for establishment of a new CSU or a major modification to a CSU:

a. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed for a CSU, the standards of the underlying zone must be met.

The proposed modifications do not affect the applicable standards of the underlying R-7 zone or the standards that are superseded by the specific applicable standards for schools as provided in MMC Subsection 19.904.7.

The Planning Commission finds that this standard is met.

b. Specific standards for the proposed uses as found in MMC Subsections 19.904.7-11 are met.

MMC Subsection 19.904.7 establishes specific standards for schools, which are addressed as follows:

(1) MMC Subsection 19.904.7.A requires public elementary or secondary schools to provide a site area/pupil ratio as required by state law.

The proposed modifications do not include changes to the size of the existing school campus. This standard is not applicable.

(2) MMC Subsection 19.904.7.B has outdoor play area requirements for preschools, nursery schools, day-care centers, or kindergartens.

This standard is not applicable to an elementary school.

(3) MMC Subsection 19.904.7.C requires walkways, both on and off the site for safe pedestrian access.

The proposed modifications do not affect any existing walkways on or off the site. This standard is not applicable.

(4) MMC Subsection 19.904.7.D requires sight-obscuring fencing of 4 to 6 ft in height to separate play areas from adjacent residential uses.

The proposed modifications do not affect any existing play areas. This standard is not applicable.

(5) MMC Subsection 19.904.7.E requires adequate public facilities to serve the school.

The applicant has proposed to make some improvements to the public rights-of-way on both Roswell St and Wake St. On Roswell St, the applicant has proposed to widen a portion of the south side of the street west of the entrance driveway by approximately 10 ft. The improvement would establish an on-street parking area that would accommodate vehicle queuing during drop-off and pick-up hours. To further minimize conflicts in the vehicle travel lanes east of the Roswell St entrance driveway, the applicant has proposed to install signage that would restrict on-street parking during drop-off and pick-up hours at two locations: on the north side of Roswell St directly across from the exit driveway and on the south side of Roswell St immediately east of the exit driveway. To ensure that these on-street parking areas remain available for public use when school loading is not an issue, a condition has been established to require that the posted signage clearly indicate that on-street parking is restricted only during the school's normal loading times.

In addition, the applicant has proposed to widen the existing driveway aprons for both the entrance and exit driveways on Wake St to accommodate bus turning radii. Prior to submitting this land use application, the applicant also contributed funds to the City's 2019 project to rebuild Wake St, paying for the extra asphalt layer necessary to support

the weight of buses on that portion of the street between 36th Ave and the school driveways.

The applicant has also proposed to eliminate on-street parking on the north side of Wake St for approximately 150 ft west of the exit driveway, to provide sufficient width for safe bus turning. Staff notes that less than 18 ft would remain between the western edge of this new no-parking area and the existing crosswalk just east of the intersection with 36th Ave. This is not enough length for a parallel parking space (minimum 22 ft) and could result in a parked vehicle blocking the crosswalk. To ensure the safety of the existing crosswalk, a condition has been established to extend the proposed elimination of on-street parking on the north side of Wake St from the exit driveway all the way to the crosswalk (approximately 168 ft). However, to ensure that this on-street parking area remains available for public use when school loading is not an issue, the condition specifies that on-street parking is restricted only during the school's normal loading times.

As conditioned, the proposed modification would ensure adequate public transportation facilities to serve the school. No additional updates to other public facilities are required for the proposed development. As conditioned, this standard is met.

(6) MMC Subsection 19.904.7.F requires safe loading and ingress and egress on and to the site.

As proposed, both loading areas are designed to have traffic circulate through each loop in one-way fashion, with all vehicles safely entering the public right-of-way in a forward motion. Parent vehicles would use the northern loop off Roswell St, with a newly widened area for on-street parking that would function as a queuing lane during drop-off and pick-up hours. Temporal restrictions to on-street parking near the Roswell St exit driveway would improve clear vision and significantly reduce the potential for conflict with vehicles in the travel lanes.

Buses would use the southern loop off Wake St. Bus turning movements would be accommodated with widened driveway aprons and the elimination of on-street parking on the north side of Wake St west of the exit driveway. Given that the southern loop could accommodate a varied number of buses of different lengths, it is not practical to set a numerical limit on buses accessing the site at one time. But a condition has been established to prohibit bus queuing on Wake St.

As conditioned, the proposed modifications would provide safe loading and ingress and egress on and to the site. This standard is met.

(7) MMC Subsection 19.904.7.G requires compliance with the parking standards in MMC 19.600.

As discussed in Finding 6, the proposed modifications do not result in any changes to existing off-street parking on the site. This standard is met.

(8) MMC Subsection 19.904.7.H requires minimum yard setbacks of 20 ft.

The proposed modifications do not involve construction of any new structures that would be subject to setback requirements. This standard is not applicable.

(9) MMC Subsection 19.904.7.I requires bicycle facilities which "adequately serve the site."

As discussed in Finding 6, the school site currently provides more than the minimum required number of bicycle parking spaces, and the proposed modifications would not affect existing bicycle parking. This standard is met.

(10) MMC Subsection 19.904.7.J requires a minimum landscaped area of 15%.

The proposed modifications would remove little or no existing landscaping on the site, which provides nearly 60% landscaped area. The site would continue to provide well over the minimum 15% landscaping required. This standard is met.

As conditioned, the Planning Commission finds that the proposed modifications meet the applicable standards of MMC 19.904.7.

c. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

The hours and levels of operation of the proposed new loading arrangement would be similar to those of the pre-existing loading arrangement, which previous land use reviews have found to be compatible with surrounding uses. Although these findings do not establish a new limit on the number of buses accessing the site at one time, the proposed modifications do not increase the school's capacity or the intensity of use.

As proposed, the Planning Commission finds that this standard is met.

d. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The proposed modifications would allow the school to have more buses serve the site and make better use of the larger southern loading area, which was originally designed to support bus traffic. The proposed modifications would also increase the capacity of the smaller northern loading area without negatively impacting traffic on Roswell St, by providing more space for on-street queuing near the entrance driveway and eliminating potential conflicts with on-street parking near the exit driveway. The applicant has contributed funds to the City's recent project to resurface Wake St, with additional asphalt on the section between 36th Ave and the school driveways to account for the added weight of buses that would use that portion of the street more regularly.

As proposed, on-street parking would be eliminated on the north side of Wake St just west of the exit driveway for a length of approximately 150 ft. No on-street spaces would be affected on the southern side of Wake St. As discussed in Finding 8-b-5, above, a condition has been established to extend the restriction of on-street parking on the north side of Wake St all the way to the crosswalk (approximately 168 ft). This represents the equivalent of nine on-street

spaces that are currently available to the public, particularly to residents and visitors at nearby residential properties. To ensure that this on-street parking area remains available for public use when school loading is not an issue, the condition specifies that on-street parking is restricted only during the school's normal loading times. This restriction, along with the proposed modifications to the Wake St driveway aprons and the condition established to prohibit bus queuing on Wake St (discussed in Finding 8-b-6, above), would ensure that school-related traffic would not create conflicts with on-street travel on Wake St.

As conditioned, the overall public benefits of the proposed modifications are greater than any negative impacts on the neighborhood.

As conditioned, the Planning Commission finds that this standard is met.

e. The location is appropriate for the type of use proposed.

Previous land use reviews have found the subject property to be appropriate for the approved elementary school use. The proposed modification to the loading arrangement that was originally approved with CSU-07-04 would result in the greater number of trips (parent vehicles) using Roswell St, which as a neighborhood route has a higher functional classification than Wake St, a local street. The larger loop off Wake St would better accommodate bus loading on the school site and would result in fewer overall vehicle trips on the lower classification local street. And the street surface on Wake St has been fortified to accommodate the heavier weight of buses.

As proposed, the Planning Commission finds that this standard is met.

The Planning Commission finds that, as conditioned, the proposed modifications meet the approval criteria of MMC 19.904.4 as a major modification to the school as a CSU.

9. The application was referred to the following departments and agencies on February 11, 2020:
   - Milwaukie Building Department
   - Milwaukie Engineering Department
   - Milwaukie Public Works Department
   - Milwaukie Police Department
   - Milwaukie City Attorney
   - Ardenwald-Johnson Creek Neighborhood District Association (NDA), Chairperson and Land Use Committee (LUC)
   - Clackamas Fire District #1 (CFD#1)

   In addition, public notice of the application with an invitation to comment was sent on March 4, 2020, to property owners and residents within 300 ft of the subject property.

   The comments received are summarized as follows:

   - **Matt Amos, Fire Inspector, CFD#1:** Based on the site design, there are no negative impacts to fire department access and water supply. No further comments on the proposal.

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Recommended Conditions of Approval
File #CSU-2020-001

Conditions

1. Prior to final inspection, install signage restricting on-street parking during drop-off and pick-up hours at the following locations:

   a. North side of Roswell St directly across from the school site's exit driveway and on the south side of Roswell St immediately east of the exit driveway.

   b. South side of Roswell St west of the school site's entrance driveway.

   c. North side of Wake St between the school site's exit driveway on Wake St and the existing crosswalk on the east side of the intersection with 36th Ave.

   In all cases, the signage shall indicate that on-street parking is restricted during the school year, Monday through Friday from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 4:00 p.m.

2. Buses accessing the southern loading area must not use Wake St for queuing.

Additional Requirements

1. Ongoing requirement: As proposed, provide a monitor during school drop-off and pick-up hours to direct vehicles accessing the northern loading area to pull forward to the nearest open spot to prevent queuing on Roswell St.

2. In conjunction with the proposed public improvements, the following must be resolved:

   a. Submit a stormwater management plan to the City of Milwaukie Engineering Department for review and approval. The plan must be prepared in accordance with Section 2—Stormwater Design Standards of the City of Milwaukie Public Works Standards. If the stormwater management system contains underground injection control devices, submit proof of acceptance of the stormwater system design from the Department of Environmental Quality.

   b. Submit full-engineered plans for construction of all public improvements, reviewed and approved by the City of Milwaukie Engineering Department.

   c. Obtain a right-of-way permit for construction of all public improvements.

   d. Pay an inspection fee equal to 5.5% of the cost of all public improvements.

   e. Provide a payment and performance bond for 100% of the cost of all public improvements.

3. Prior to commencement of any earth-disturbing activities, the applicant must obtain an erosion control permit.

4. Development activity on the site is limited to 7:00 a.m. to 10:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday and Sunday, per MMC Subsection 8.08.070(I).

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PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: CSU-2020-001

Review type*: ☐ I ☐ II ☒ III ☐ IV ☐ V

CHOOSE APPLICATION TYPE(S):

Community Service Use

...

...

...

...

Use separate application forms for:
- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): North Clackamas School District

Mailing address: 12400 SE Freeman Way Zip: 97222

Phone(s): 971-245-9485 Email: fullerr@nclack.k12.or.us

APPLICANT'S REPRESENTATIVE (if different than above): 3J Consulting, Inc.

Mailing address: 9600 SW Nimbus Ave, Suite 100 Zip: 97008

Phone(s): 503-545-1907 Email: andrew.tull@3j-consulting.com

SITE INFORMATION:

Address: 8950 SE 36th Avenue Map & Tax Lot(s): 11E25AD03700

Comprehensive Plan Designation: P Zoning: R-7 Size of property: 6.86 Acres

PROPOSAL (describe briefly):

A series of modifications to the existing north and south parking areas and the adjacent streets to better facilitate the flow of vehicle traffic and buses during pick up and drop off of students at Ardenwald Elementary School.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Daniel Yoshihara ASSIST SUPERINTENDENT Date: 1/9/20

IMPORTANT INFORMATION ON REVERSE SIDE

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file	CSU-2020-001	$ 2,000			$	RECEIVED JAN 31 2020 CITY OF MILWAUKIE PLANNING DEPARTMENT
Concurrent application files		$			$	
		$			$	
		$			$	
		$			$	
SUBTOTALS		$ 2,000			$	
TOTAL AMOUNT RECEIVED: $			RECEIPT #:			RCD BY:

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)

MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503-786-7630
planning@milwaukieoregon.gov

Submittal Requirements

For all Land Use Applications
(except Annexations and Development Review)

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

   Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

   Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

   Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary onsite "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

   A. All applicable development standards (listed below):

      1. **Base zone standards** in Chapter 19.300.
      2. **Overlay zone standards** in Chapter 19.400.
      3. **Supplementary development regulations** in Chapter 19.500.
      4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
      5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

   B. All applicable application-specific approval criteria (check with staff).

   These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

   See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal. Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness. Provide an electronic version, if available.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- By submitting the application, the applicant agrees that City of Milwaukie employees, and appointed or elected City Officials, have authority to enter the project site for the purpose of inspecting project site conditions and gathering information related specifically to the project site.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, (print name) Andrew Tull, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature: _____

Date: 01/28/2020

Official Use Only

Date Received (date stamp below):

RECEIVED
JAN 31 2020
CITY OF MILWAUKIE
PLANNING DEPARTMENT

Received by: _____

MILWAUKIE PLANNING
6101 SE Johnson Creek Blvd
Milwaukie OR 97206
503.786.7600
planning@milwaukieoregon.gov

PREAPPLICATION CONFERENCE WAIVER

I/We, North Clackamas School District (print), as applicant(s)/property owner(s) of 8950 SE 36th Avenue (address of property), request to waive the requirement for a preapplication conference for the submission of a **Type II / III / IV / V** (circle one) land use application per MMC Subsection 19.1002.2 Applicability.

Please provide an explanation for the waiver request:
MMC Section 19.1002 Preapplication Conference is provided on the reverse

The proposed modifications to the school were deliberated through a series of discussions between the City and North Clackamas School District beginning in June 2018. Because the proposal is relatively narrow in scope in comparison to a full Community Service Use review, there are fewer applicable development criteria to address. Planning staff and the Planning Director concurred that a pre-application conference was not necessary for the proposal.

Therefore, the District requests a waiver to the requirement for a Preapplication Conference.

Signed: _____
Applicant/Property Owner

Approved: _____
Planning Director

19.1002 PREAPPLICATION CONFERENCE

19.1002.1 Purpose

The purpose of the preapplication conference is to acquaint the applicant or applicant's representative with the requirements of the municipal code in preparation for submission of a land use application, including relevant approval criteria, development standards, and procedures. The preapplication conference is not an exhaustive review of all potential issues or requirements. Furthermore, the information provided by the City is not binding, and it does not preclude the City from raising new issues or identifying additional requirements during the land use review process.

19.1002.2 Applicability

A. For Type I applications, a preapplication conference is optional.

B. For Type II, III, IV, and V applications, and expedited annexations per Section 19.1104, a preapplication conference is required, with the following exceptions:

1. The Planning Director may waive the preapplication conference requirement for proposals that are not complex or, for some other reason, would not benefit from a formal conference.

2. A preapplication conference is not required for City-initiated Type IV or V applications.

19.1002.3 Preapplication Conference Procedures

The Planning Director shall adopt administrative rules for how the City processes preapplication conferences. The rules shall ensure that preapplication conferences are held in a timely fashion and provide a thorough explanation of all required City permits, fees, and approvals for any given development proposal. They shall include standards for scheduling, conducting, and communicating the outcomes of preapplication conferences.

19.1002.4 Preapplication Conference Expiration

A. A preapplication conference is valid for 2 years. If a land use application or development permit has not been submitted within 2 years of the conference date, the applicant is required to schedule a new preapplication conference prior to submittal. This requirement may be waived per Subsection 19.1002.2.B.1.

B. An applicant may request additional preapplication conferences at any time. There is no limit to the number of preapplication conferences that may be requested.

C. If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference. The City may refuse to accept a land use application or development permit for a significantly altered development proposal until a new preapplication conference is held.

Table of Contents

Attachments

Attachment A – Land Use Application
Attachment B – Pre-Application Waiver
Attachment C – Neighborhood Meeting Materials
Attachment D – Stormwater Management Report
Attachment E – Preliminary Development Plan

GENERAL INFORMATION

Applicant:	**North Clackamas School District** 12400 SE Freeman Way Milwaukie, OR 97222 Contact: Ron Stewart Assistant Superintendent of Finance and Operations Phone: 503-353-6004 Email: stewartro@nclack.k12.or.us
Planning Consultant:	**3J Consulting, Inc.** 9600 SW Nimbus Ave, Suite 100 Beaverton, OR 97008 Contact: Andrew Tull Phone: 503-545-1907 Email: andrew.tull@3j-consulting.com

SITE INFORMATION

Parcel Number:	11E25AD03700
Address:	8950 SE 36TH Avenue
Size:	6.86 Acres
Zoning Designation:	R-7
Existing Use:	Ardenwald Elementary School
Street Functional Classifications:	SE Roswell Street is classified as a neighborhood route. SE Wake Street and SE 36th Avenue are classified as local roads.
Surrounding Zoning:	The properties to the south, east and west are zoned City of Milwaukie R-7. The properties to the north are zoned City of Milwaukie R-7 and City of Portland R7.

APPLICANT'S REQUEST

North Clackamas School District seeks approval of a Type III Modification to a Community Service Use in order to construct a series of modifications to the existing north and south parking areas and the adjacent streets to better facilitate the flow of vehicle traffic and buses during pick up and drop off of students. This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Milwaukie's Development Code.

The school currently provides a bus drop off loop on the northern parking area, but due to the narrow radius of the loop and limited space for loading and unloading, the northern parking area is no longer sufficient to accommodate buses to use the area for pick up and drop off. Therefore, the District proposes utilizing the northern parking area for parent pick up and drop off and the southern parking area for bus loading and unloading. To accommodate this, the District proposes modifying the southern parking area to facilitate bus pick up and drop off by providing 20' radii driveways that can accommodate bus turning. The modification of the southern parking area will allow the school to accommodate the four full-size buses and four special-needs buses as well as an anticipated full-size additional bus necessary to serve additional students as school enrollment grows.

To accommodate student pick up and drop off and alleviate congestion issues, the District proposes modifications to SE Roswell Street including the addition of a right-only turn lane into the northern parking area and an extended cross walk to facilitate safe crossings on SE Roswell Street. The District proposes utilizing a staff person to direct cars to pull up to the specified drop-off point and prevent congestion along SE Roswell Street.

Due to the space requirements associated with this change, two sections of current on-street parking along SE Roswell Street will no longer have sufficient width to accommodate on-street parking and facilitate safe turning for vehicle ingress and egress during school pick up and drop off. Therefore, the District proposes temporal restrictions along these areas to prevent potential conflicts between 7-9AM and 2-4PM. Additionally, in order to accommodate sufficient width for safe bus turning, the northern portion of SE Wake Street adjacent to the subject site will not be able to support on-street parking. The District proposes removing on-street parking for 151 feet along this portion of SE Wake Street.

SITE DESCRIPTION/SURROUNDING LAND USE

Ardenwald Elementary School is located at 8950 SE 36th Avenue within the City of Milwaukie. The site consists of one tax lot, 11E35AD 3700. The site is approximately 6.86 acres and is zoned R-7. The original school building was demolished and replaced with the existing school building in 2007 as a Community Service Use (land use file #CSU-07-04).

APPLICABLE CRITERIA

The following sections of Milwaukie's Municipal Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Type III Modification of a Community Service Use application.

Milwaukie Municipal Code – Title 19 Zoning
Chapter 12.16 – Access Management
12.16.020 Applicability

A. New accessways are subject to all access management requirements of Chapter 12.16.
B. Modification of existing conforming accessways shall conform with the access management requirements of Chapter 12.16.
C. Modification of existing nonconforming accessways shall be brought into conformance with the access management requirements of Chapter 12.16. Where access management requirements cannot be met due to the location or configuration of an existing building that will remain as part of the development, the existing accessways shall be brought into conformance with the requirements of Chapter 12.16 to the greatest extent feasible as determined by the Engineering Director.

Applicant's Findings: The District proposes a modification to two existing accessways; therefore, the requirements of this section are applicable.

12.16.030 Access Permitting

A permit from the City is required for establishing or constructing a new accessway to a public street and for modifying or reconstructing an existing driveway approach. No person, firm, or corporation shall remove, alter, or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley, or other property owned by, dedicated to, or used by the public, and over which the City has jurisdiction to regulate the matters covered by this chapter, without first obtaining a permit from the City.

A. Application for permits for access to a street, construction of a new accessway, or modification or reconstruction of an existing driveway approach shall be made to the Engineering Director on forms provided for that purpose. A permit fee, as approved by the City Council, shall accompany each application.
B. The access permit application shall include three (3) copies of a scaled drawing showing the location and size of all proposed improvements in the right-of-way.
C. The Engineering Director shall review access permits and drawings for conformance with the provisions and standards set forth in this chapter and the Milwaukie Public Works Standards.

D. Permits for access to State highways shall be subject to review and approval by ODOT, except where ODOT has delegated this responsibility to the City. Decisions regarding access permits to State highways shall be subject to the access standards adopted by ODOT.

E. Permits for access to County roads shall be subject to review and approval by Clackamas County, except where the County has delegated this responsibility to the City. Where the County has delegated access review responsibility to the City, decisions regarding access permits to County roads shall be subject to the standards of Chapter 12.16 and the Milwaukie Public Works Standards.

F. Approval of an access permit may be in the form of a drawing stamped by the City, a letter from the City, or a land use decision condition of approval.

Applicant's Findings: The District is requesting the approval of a series of proposed modifications to two existing accessways (four total driveways) that provide access to parking areas at Ardenwald Elementary School. The northern accessway (two driveways) is located on SE Roswell Street and the southern accessway (two driveways) is located on SE Wake St. The proposed improvements are intended to better facilitate student pick up and drop off and alleviate current congestion issues around the subject site.

Included in this application is a Preliminary Development Plan (Attachment E) demonstrating compliance with all applicable Milwaukie Public Works Standards and standards of this development code.

12.16.040 Access Requirements and Standards

A. Access

Private property shall be provided street access with the use of accessways. Driveway approaches shall be constructed as set forth in the Milwaukie Public Works Standards.

Applicant's Findings: The proposed modifications to the existing accessways are designed in accordance with Milwaukie Public Works Standards to enhance safe and efficient access to the subject parcel and minimize traffic conflicts on the existing streets.

B. Access Spacing

Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity, and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

1. Standards

Spacing between accessways is measured between the closest edges of driveway aprons where they abut the roadway. Spacing between accessways and street intersections is measured between the nearest edge of the driveway apron and the nearest face of curb of

the intersecting street. Where intersecting streets do not have curb, the spacing is measured from the nearest edge of pavement.

a. Spacing for accessways on arterial streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of six hundred (600) feet.

b. Spacing for accessways on collector streets, as identified in the Milwaukie Transportation System Plan, shall be a minimum of three hundred (300) feet.

2. Modification of Access Spacing

Access spacing may be modified with submission of an access study prepared and certified by a registered professional traffic engineer in the State of Oregon. The access study shall assess transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirement established in Subsection 12.16.040.B.1. For example, for a site with arterial access, the access study would include evaluation of site access and capacity along the project frontage plus capacity and access issues within six hundred (600) feet of the adjacent property. The access study shall include the following:

a. Review of site access spacing and design;

b. Evaluation of traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site;

c. Review of all modes of transportation to the site;

d. Mitigation measures where access spacing standards are not met that include, but are not limited to, assessment of medians, consolidation of accessways, shared accessways, temporary access, provision of future consolidated accessways, or other measures that would be acceptable to the Engineering Director.

Applicant's Findings: The proposed modifications are to currently established accessways. The applicant does not propose the establishment or change in location/spacing of an accessway. Therefore, the requirements of this section do not apply.

C. Accessway Location

1. Double Frontage

When a lot has frontage on two (2) or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

2. Location Limitations

Individual access to single-family residential lots from arterial and collector streets is prohibited. An individual accessway may be approved by the Engineering Director only if there is no practicable alternative to access the site, shared access is provided by easement with adjacent properties, and the accessway is designed to contain all vehicle backing movements on the site and provide shared access with adjacent properties.

3. Distance from Property Line

The nearest edge of the driveway apron shall be at least seven and one-half (7½) feet from the side property line in residential districts and at least ten (10) feet from the side property

line in all other districts. This standard does not apply to accessways shared between two (2) or more properties.

4. Distance from Intersection

To protect the safety and capacity of street intersections, the following minimum distance from the nearest intersecting street face of curb to the nearest edge of driveway apron shall be maintained. Where intersecting streets do not have curbs, the distance shall be measured from the nearest intersecting street edge of pavement. Distance from intersection may be modified with a modification as described in MMC Section 12.16.040.B.2.

- **a. At least forty-five (45) feet for single-family residential properties accessing local and neighborhood streets. Where the distance cannot be met on existing lots, the driveway apron shall be located as far from the nearest intersection street face of curb as practicable.**
- **b. At least one hundred (100) feet for multifamily residential properties and all other uses accessing local and neighborhood streets.**
- **c. At least three hundred (300) feet for collectors, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.**
- **d. At least six hundred (600) feet for arterials, or beyond the end of queue of traffic during peak hour conditions, whichever is greater.**

Applicant's Findings: The proposed modifications are to currently established accessways. The District does not propose the establishment or change in location/spacing of an accessway. Therefore, the requirements of this section do not apply.

D. Number of Accessway Locations

1. Safe Access

Accessway locations shall be the minimum necessary to provide access without inhibiting the safe circulation and carrying capacity of the street.

2. Shared Access

The number of accessways on collector and arterial streets shall be minimized whenever possible through the use of shared accessways and coordinated on-site circulation patterns. Within commercial, industrial, and multifamily areas, shared accessways and internal access between similar uses are required to reduce the number of access points to the higher-classified roadways, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared accessways or internal access between uses shall be established by means of common access easements.

3. Single-Family Residential

One accessway per property is allowed for single-family residential uses.

- **a. For lots with more than one street frontage on a local street and/or neighborhood route, one additional accessway may be granted. Under such circumstances, a street frontage shall have no more than one driveway approach.**

b. For lots with one street frontage on a local street and/or neighborhood route, one additional accessway may be granted where the driveway approaches can be spaced fifty (50) feet apart, upon review and approval by the Engineering Director. The spacing is measured between the nearest edges of the driveway aprons. Where the fifty (50) foot spacing cannot be met, an additional accessway shall not be granted.

c. No additional accessways shall be granted on collector and arterial streets.

4. All Uses Other than Single-Family Residential

The number of accessways for uses other than single-family residential is subject to the following provisions:

a. Access onto arterial and collector streets is subject to the access spacing requirements of Subsection 12.16.040.B;

b. One accessway is allowed on local streets and neighborhood routes. One additional accessway is allowed per frontage where the driveway approaches, including adjacent property accessways, can be spaced one hundred fifty (150) feet apart. The spacing is measured between the nearest edges of the driveway aprons.

Applicant's Findings: The proposed modifications are to currently established accessways. The District does not propose the establishment or change in location/spacing of an accessway. Therefore, the requirements of this section do not apply.

E. Accessway Design

1. Design Guidelines

Driveway approaches shall meet all applicable standards of the Americans with Disabilities Act and Milwaukie Public Works Standards.

2. Authority to Restrict Access

The Engineering Director may restrict the location of accessways on streets and require that accessways be placed on adjacent streets upon finding that the proposed access would:

a. Cause or increase existing hazardous traffic conditions;

b. Provide inadequate access for emergency vehicles; or

c. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

3. Backing into the Right-of-Way Prohibited

Accessways shall be designed to contain all vehicle backing movements on the site, except for detached or attached single-family residential uses on local streets and neighborhood routes.

Applicant's Findings: The proposed modifications to the northern accessway adjacent to SE Roswell St are designed to facilitate vehicle turn in without causing congestion along the street. The

southern accessway will allow buses to maneuver into the parking area without conflicts with on-street parking along SE Wake St.

All accessways are designed to conform with the Americans with Disabilities Act and Milwaukie Public Works standards, provide adequate access for emergency vehicles, and contain sufficient maneuvering space to accommodate all vehicle backing movements on site without encroachment into the right-of-way. The requirements of this section are met.

F. Accessway Size

The following standards allow adequate site access while minimizing surface water runoff and reducing conflicts between vehicles, bicyclists, and pedestrians.

1. **Accessways shall be the minimum width necessary to provide the required number of vehicle travel lanes. The Engineering Director may require submission of vehicle turning templates to verify that the accessway is appropriately sized for the intended use.**
2. **Single-family attached and detached residential uses shall have a minimum driveway apron width of nine (9) feet and a maximum width of twenty (20) feet.**
3. **Multifamily residential uses with three (3) dwellings shall have a minimum driveway apron width of sixteen (16) feet and a maximum width of twenty (20) feet.**
4. **Multifamily residential uses with between four (4) and seven (7) dwellings shall have a minimum driveway apron width of twenty (20) feet and a maximum width of twenty-four (24) feet.**
5. **Multifamily residential uses with more than eight (8) dwelling units, and off-street parking areas with sixteen (16) or more spaces, shall have a minimum driveway apron width of twenty-four (24) feet and a maximum width of thirty (30) feet.**
6. **Commercial, office, and institutional uses shall have a minimum driveway apron width of twelve (12) feet and a maximum width of thirty-six (36) feet.**
7. **Industrial uses shall have a minimum driveway apron width of fifteen (15) feet and a maximum width of forty-five (45) feet.**
8. **Maximum driveway apron widths for commercial and industrial uses may be increased if the Engineering Director determines that more than two (2) lanes are required based on the number of trips generated or the need for on-site turning lanes.**

Applicant's Findings: To accommodate student pick up and drop off and alleviate congestion issues, the District proposes modifications to SE Roswell Street including the addition of a right-only turn lane into the northern parking area. Additionally, The District proposes utilizing a staff person to direct cars to pull up to the specified drop-off point and prevent congestion along SE Roswell Street, as necessary.

The District proposes modifying the southern parking area to facilitate bus pick up and drop off by providing 20' radii driveways that can accommodate bus turning. This radius is the minimum necessary to accommodate safe and efficient bus maneuvering into the southern parking area.

All driveways currently measure approximately twenty-five feet at their opening. The proposed modifications will increase the width of the ingress driveway of the northern parking lot from twenty-five to thirty-three feet as measured from curb to curb at the subject site parcel line. This increase in width is intended to accommodate two lanes for incoming vehicles – the right lane for student drop off and pick up and the left lane for parking lot maneuvering. The proposed modifications will not increase the overall width of other driveways and are designed to increase safe access of vehicle ingress and egress to and from the subject site. The requirements of this section are met.

Chapter 12.24 – Clear Vision at Intersections

12.24.030 Requirements

A. No person shall maintain or allow to exist on property which they own or which is in their possession or control, trees, shrubs, hedges, or other vegetation or projecting overhanging limbs thereof, which obstruct the view necessary for safe operation of motor vehicles or otherwise cause danger to the public in the use of City streets. It shall be the duty of the person who owns, possesses, or controls the property to remove or trim and keep trimmed any obstructions to the view.

B. A clear vision area shall be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection as provided by Section 12.24.040.

C. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, except for an occasional utility pole or tree, exceeding three (3) feet in height, measured from the top of the curb, or where no curb exists, from the street centerline grade. Trees exceeding this height may be located in this area; provided, all branches and foliage are removed to the height of eight (8) feet above the grade. Open wire fencing that does not obscure sight more than ten percent (10%) is allowed to a maximum height of six (6) feet.

Applicant's Findings: The proposed ingress and egress points for the northern and southern parking areas are designed to maintain a clear vision area free of sight-obscuring elements to ensure safe access from the parking area to the adjacent roads. The requirements of this section are met.

12.24.040 Computation

A. The clear vision area for all street intersections and all street and railroad intersections shall be that area described in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets." The clear vision area for all street and driveway or accessway intersections shall be that area within a twenty (20)-foot radius from where the lot line and the edge of a driveway intersect.

B. Modification of this computation may be made by the Engineering Director after considering the standards set forth in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" and taking into consideration the type of

intersection, site characteristics, types of vehicle controls, vehicle speed, and traffic volumes adjacent to the clear vision area.

Applicant's Findings: All driveway intersections are designed to maintain a clear vision area equal to a twenty-foot radius from where the lot line and the edge of the driveway intersect. The requirements of this section are met.

Chapter 19.301 – Low Density Residential Zones

19.301.2 Allowed Uses in Low Density Residential Zones

Uses allowed, either outright or conditionally, in the low density residential zones are listed in Table 19.301.2 below. Similar uses not listed in the table may be allowed through a Director's Determination pursuant to Section 19.903. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column.

Applicant's Findings: This site previously received approval for the establishment of a school through a Community Service Use permit (CSU-07-04). The District does not propose a new use as part of this application. Therefore, the requirements of this section do not apply.

19.301.4 Development Standards

In the low density residential zones, the development standards in Table 19.301.4 apply. Notes and/or cross references to other applicable code sections are listed in the "Standards/Additional Provisions" column. Additional standards are provided in Subsection 19.301.5.

Applicant's Findings: The proposed modifications do not include any changes to an existing or new structure, which would affect the dimensional and development standards outlined in this section. Therefore, the requirements of this section do not apply.

19.301.5 Additional Development Standards

A. Side Yards

In the R-7 Zone, one side yard shall be at least 5 ft and one side yard shall be at least 10 ft, except on a corner lot the street side yard shall be 20 ft.

Applicant's Findings: The proposal does not include any modified or new structures that would result in a change in the existing setbacks. The requirements of this section do not apply.

B. Lot Coverage

The lot coverage standards in Subsection 19.301.4.B.4 are modified for specific uses and lot sizes as described below. The reductions and increases are combined for properties that are described by more than one of the situations below.

Applicant's Findings: The proposal does not include any modified or new structures that would result in a change from the existing lot coverage pattern. The requirements of this section do not apply.

C. Front Yard Minimum Vegetation

At least 40% of the front yard shall be vegetated. The front yard vegetation area required by this subsection counts toward the minimum required vegetation for the lot. A property may provide less than the 40% of the front yard vegetation requirement if it is necessary to provide a turnaround area so that vehicles can enter a collector or arterial street in a forward motion.

Applicant's Findings: The proposed driveway modifications are located entirely within the existing right-of-way and will not affect the subject site conformance with the Front Yard Minimum Vegetation requirement of this section.

D. Residential Densities

E. Accessory Structure Standards

F. Number of Dwelling Structures

Applicant's Findings: The subject site does not contain residential or accessory use structures; therefore, the requirements of this section do not apply.

G. Off-Street Parking and Loading

Off-street parking and loading is required as specified in Chapter 19.600.

Applicant's Findings: Off-street parking and loading standards are discussed in greater detail in Chapter 19.600 of this narrative.

H. Public Facility Improvements

Transportation requirements and public facility improvements are required as specified in Chapter 19.700.

Applicant's Findings: Proposed transportation and public facility improvements are discussed in greater detail in Chapter 19.700 of this narrative.

I. Additional Standards

Depending upon the type of use and development proposed, the following sections of Chapter 19.500 Supplementary Development Regulations may apply. These sections are referenced for convenience, and do not limit or determine the applicability of other sections within the Milwaukie Municipal Code.

1. **Subsection 19.504.4 Buildings on the Same Lot**
2. **Subsection 19.504.8 Flag Lot Design and Development Standards**
3. **Subsection 19.505.1 Single-Family Dwellings and Duplexes**

4. **Subsection 19.505.2 Garages and Carports**
5. **Subsection 19.506.4 Manufactured Dwelling Siting and Design Standards, Siting Standards**

Applicant's Findings: The proposal does not include any elements that would warrant review from the subsections listed above. The applicant acknowledges the applicability of other supplementary development regulations, as outlined in this narrative.

Chapter 19.600 – Off-Street Parking and Loading

19.602 Applicability

The provisions of Chapter 19.600 apply to development and changes of use as described in Subsection 19.602.3.

19.602.2 Maintenance Applicability

Property owners shall comply with the regulations of Chapter 19.600 by ensuring conformance with the standards of Chapter 19.600 related to ongoing maintenance, operations, and use of off-street parking and loading areas. Changes to existing off-street parking or loading areas that bring the area out of conformance with Chapter 19.600, or further out of conformance if already nonconforming, are prohibited.

Applicant's Findings: The applicant proposes the reconfiguration of parking and loading circulation established by a previous Community Service Use (CSU-07-04). Therefore, the requirements of this section relevant to the proposed modification are applicable.

19.602.5 Improvements to Existing Off-Street Parking and Loading Areas

A. Purpose

The purpose of Subsection 19.602.5 is to improve nonconforming off-street parking and loading areas as redevelopment occurs. These improvements should occur in conjunction with a development or change in use.

B. Limitations on Required Improvements

The cost of materials for any required improvements shall not exceed 10% of the development permit value of the associated development, redevelopment, and/or tenant improvements associated with a change in use. The cost of capital equipment such as manufacturing or operational equipment is exempt from the building permit value for purposes of this regulation. This exemption does not include building infrastructure such as electrical, plumbing, heating, venting, or air conditioning equipment.

C. Areas of Required Improvement

The Planning Director will evaluate the applicant's parking plan and use the prioritized list below when determining what improvements will be required.

1. **Paving and striping of parking areas, per Subsection 19.606.3.A.**
2. **Minimum required vehicle parking spaces, per Section 19.605.**
3. **Minimum required bicycle parking spaces, per Section 19.609.**

4. **Landscaping of existing buffers, islands, and medians, per Subsection 19.606.2.D.**
5. **New perimeter landscape buffers, islands, and medians, as applicable, per Subsection 19.606.2.**
6. **Other applicable standards within Chapter 19.600, as determined by the Planning Director.**

Applicant's Findings: The proposal is not associated with a new development or change in use as described in this section. The northern and southern parking areas were originally constructed in 2007 in conformance with applicable off-street parking and loading requirements, including bicycle parking. The District does not propose any changes that would bring the parking areas out of conformance with the off-street parking and loading standards of this section.

19.603 Review Process and Submittal Requirements

19.603.1 Review Process

The Planning Director shall apply the provisions of Chapter 19.600 in reviewing all land use and development permit applications, except when an application is subject to a quasi-judicial land use review or appeal, in which case the body reviewing the application or appeal has the authority to implement and interpret the provisions of Chapter 19.600.

Applicant's Findings: The applicant acknowledges the authority of the Planning Commission to apply applicable provisions of Chapter 19.600 in reviewing this land use application.

19.603.2 Submittal Requirements

Except for single-family dwellings, a development or change in use subject to Chapter 19.600 as per Section 19.602 shall submit a parking plan, drawn to scale. The parking plan shall show that all applicable standards are met, and shall include but not be limited to the items listed below, unless waived by the Planning Director.

A. **Delineation of individual spaces and wheel stops.**
B. **Drive aisles necessary to serve spaces.**
C. **Accessways, including driveways and driveway approaches, to streets, alleys, and properties to be served.**
D. **Pedestrian pathways and circulation.**
E. **Bicycle parking areas and rack specifications.**
F. **Fencing.**
G. **Abutting land uses.**
H. **Grading, drainage, surfacing, and subgrading details.**
I. **Location and design of lighting fixtures and levels of illumination.**
J. **Delineation of existing and proposed structures.**
K. **Parking and loading area signage.**
L. **Landscaping, including the following information.**

1. **The location and area of existing and proposed trees, vegetation, and plant materials, including details about the number, size, and species of such items.**
2. **Notation of the trees, plants, and vegetation to be removed, and protection measures for existing trees and plants to be preserved.**

Applicant's Findings: Included in this application is a Preliminary Development Plan (Attachment E) detailing the proposed parking and loading configuration. The plan features all of the elements listed above.

19.605 Vehicle Parking Quantity Requirements

19.605.1 Minimum and Maximum Requirements

A. Development shall provide at least the minimum and not more than the maximum number of parking spaces as listed in Table 19.605.1. Modifications to the standards in Table 19.605.1 may be made as per Section 19.605. Where multiple ratios are listed, the Planning Director shall determine which ratio to apply to the proposed development or use.

B. When a specific use has not been proposed or identified at the time of permit review, the Planning Director may elect to assign a use category from Table 19.605.1 to determine the minimum required and maximum allowed parking. Future tenants or property owners are responsible for compliance with Chapter 19.600 per the applicability provisions of Section 19.602.

C. If a proposed use is not listed in Table 19.605.1, the Planning Director has the discretion to apply the quantity requirements of a similar use listed in the table upon finding that the listed use and unlisted use have similar parking demands. If a similar use is not listed, the quantity requirements will be determined per Subsection 19.605.2.

D. Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded down to the next whole number. Where the calculation of maximum parking spaces does not result in a whole number, the result shall be rounded to the nearest whole number.

E. Parking spaces for disabled persons, and other improvements related to parking, loading, and maneuvering for disabled persons, shall conform to the Americans with Disabilities Act and shall be subject to review and approval by the Building Official. Spaces reserved for disabled persons are included in the minimum required and maximum allowed number of off-street parking spaces.

F. Uses that have legally established parking areas that exceed the maximum number of spaces allowed by Section 19.605 prior to June 17, 2010, the effective date of Ordinance #2015, shall be considered nonconforming with respect to the quantity requirements. Such uses shall not be considered parking facilities as defined in Section 19.201.

Minimum to Maximum Off-Street Parking Requirements		
Use	**Minimum Required**	**Maximum Allowed**
School – elementary or junior high	**1 space per classroom**	**2 spaces per classroom**

Applicant's Findings: The current use at the subject site is as an elementary school. The school contains a total of 30 classrooms; therefore, the required minimum is 30 parking spaces and the permitted maximum is 60 spaces. The site currently contains 60 parking spaces, and the applicant does not propose the provision or removal of parking spaces. The requirements of this section are met.

19.606 Parking Area Design and Landscaping

The purpose of Section 19.606 is to ensure that off-street parking areas are safe, environmentally sound, aesthetically pleasing, and that they have efficient circulation. These standards apply to all types of development except for cottage clusters, rowhouses, duplexes, single-family detached dwellings, and residential homes.

19.606.1 Parking Space and Aisle Dimensions

A. The dimensions for required off-street parking spaces and abutting drive aisles, where required, shall be no less than in Table 19.606.1. The minimum dimensions listed in Table 19.606.1 are illustrated in Figure 19.606.1.

B. The dimension of vehicle parking spaces provided for disabled persons shall be according to federal and State requirements.

C. Parking spaces shall be provided with adequate aisles or turnaround areas so that all vehicles may enter the street in a forward manner.

D. Drive aisles shall be required in parking areas greater than 5 spaces. Drive aisles shall meet the minimum width standards of Subsection 19.606.1. Where a drive aisle or portion thereof does not abut a parking space(s), the minimum allowed width for a one-way drive aisle shall be 8 ft and the minimum allowed width for a two-way drive aisle shall be 16 ft.

Applicant's Findings: The parking area contains 90 degree parking stalls measuring 9 feet wide by twenty feet long and feature one way aisle widths of 24 feet, which exceed the standards outlined in Table 19.606.1. Additionally, the applicant proposes the provision of 20' radii driveways on the southern parking lot to better accommodate turning of school buses.

19.606.2 Landscaping

A. Purpose

The purpose of the off-street parking lot landscaping standards is to provide vertical and horizontal buffering between parking areas and adjacent properties, break up large expanses of paved area, help delineate parking spaces and drive aisles, and provide environmental benefits such as stormwater management, carbon dioxide absorption, and a reduction of the urban heat island effect.

B. General Provisions

1. **Parking area landscaping shall be required for the surface parking areas of all uses, except for cottage clusters, rowhouses, duplexes, and single-family detached dwellings. Landscaping shall be based on the standards in Subsections 19.606.2.C-E.**
2. **Landscaped areas required by Subsection 19.606.2 shall count toward the minimum amount of landscaped area required in other portions of Title 19.**
3. **Parking areas with 10 or fewer spaces in the Downtown Mixed Use Zone are exempt from the requirements of Subsection 19.606.2.**
4. **Required trees shall be species that, within 10 years of planting, will provide a minimum of 20-ft diameter shade canopy. Compliance with this standard is based on the expected growth of the selected trees.**

Applicant's Findings: The existing northern and southern parking areas feature landscaping, and no changes are proposed that would reduce conformance with the requirements of this section.

C. Perimeter Landscaping

The perimeter landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.C.

1. Dimensions

The minimum width of perimeter landscape areas are shown in Table 19.606.2.C.1. Where a curb provides the border for a perimeter landscape area, the dimension shall be measured from the inside of the curb(s). The Planning Director may reduce the required minimum width of a perimeter landscaping area where existing development or site constraints make it infeasible to provide drive aisles, parking spaces, and the perimeter landscaping buffer width listed in Table 19.606.2.C.1.

2. Planting Requirements

Landscaping requirements for perimeter buffer areas shall include one tree planted per 30 lineal ft of landscaped buffer area. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals along the perimeter buffer to the greatest extent practicable. The remainder of the buffer area shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

3. Additional Planting Requirements Adjacent to Residential Uses

In addition to the planting requirements of Subsection 19.606.2.D.2, all parking areas adjacent to a residential use shall have a continuous visual screen in the landscape perimeter area that abuts the residential use. The area of required screening is illustrated in Figure 19.606.2.C.3. The screen must be opaque throughout the year from 1 to 4 ft above ground to adequately screen vehicle lights. These standards must be met at the time of planting. Examples of acceptable visual screens are a fence or wall, an earth berm with plantings, and other plantings of trees and shrubs.

Applicant's Findings: The parking area is located within the subject site and does not abut adjacent residential properties. For both the northern and southern parking lot driveways, no changes to perimeter landscaping are proposed within the subject site parcel lines. The proposed modifications will not impact the existing perimeter landscaping. Therefore, the requirements of this section do not apply.

D. Interior Landscaping

The interior landscaping of parking areas shall meet the following standards which are illustrated in Figure 19.606.2.D.

1. General Requirements

Interior landscaping of parking areas shall be provided for sites where there are more than 10 parking spaces on the entire site. Landscaping that is contiguous to a perimeter landscaping area and exceeds the minimum width required by Subsection 19.606.2.C.1 will be counted as interior landscaping if it meets all other requirements of Subsection 19.606.2.D.

2. Required Amount of Interior Landscaped Area

At least 25 sq ft of interior landscaped area must be provided for each parking space. Planting areas must be at least 120 sq ft in area and dispersed throughout the parking area.

3. Location and Dimensions of Interior Landscaped Areas

a. Interior landscaped area shall be either a divider median between opposing rows of parking, or a landscape island in the middle or at the end of a parking row.

b. Interior landscaped areas must be a minimum of 6 ft in width. Where a curb provides the border for an interior landscape area, the dimension shall be measured from the inside of the curb(s).

4. Planting Requirements for Interior Landscaped Areas

a. For divider medians, at least 1 shade or canopy tree must be planted for every 40 linear ft. Where the calculation of the number of trees does not result in a whole number, the result shall be rounded up to the next whole number. Trees shall be planted at evenly spaced intervals to the greatest extent practicable.

b. For landscape islands, at least 1 tree shall be planted per island. If 2 interior islands are located contiguously, they may be combined and counted as 2 islands with 2 trees planted.

c. The remainder of any divider median or landscape island shall be grass, ground cover, mulch, shrubs, trees, or other landscape treatment other than concrete and pavement.

5. Additional Landscaping for Large Parking Areas

Parking areas with more than 100 spaces on a site shall not have more than 15 spaces in a row without providing an interior landscaped island. See Figure 19.606.2.D.5.

Applicant's Findings: Interior landscaping currently exists in both the northern and southern parking lots between rows of spaces. The District does not propose any action that would reduce

the existing interior landscaping in the parking area. Additionally, the District does not propose the disturbance of any trees as part of this application.

E. Other Parking Area Landscaping Provisions

1. **Preservation of existing trees is encouraged in the off-street parking area and may be credited toward the total number of trees required, based on staff's review.**
2. **Installation of parking area landscaping shall be required before a certificate of occupancy is issued, unless a performance bond is posted with the City. Then landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed and plant materials installed by the City.**
3. **Parking area landscaping shall be maintained in good and healthy condition.**
4. **Required parking landscaping areas may serve as stormwater management facilities for the site. The Engineering Director has the authority to review and approve the design of such areas for conformance with the Public Works Standards. This allowance does not exempt the off-street parking landscape area from meeting the design or planting standards of Subsection 19.606.2.**
5. **Pedestrian walkways are allowed within perimeter and interior landscape buffers if the landscape buffer is at least 2 ft wider than required in Subsections 19.606.2.C.1 and 19.606.2.D.3.b.**

Applicant's Findings: Interior landscaping currently exists in both the northern and southern parking lots between rows of spaces. The applicant does not propose any action that would reduce the existing interior landscaping in the parking area. The requirements of this section are met.

19.606.3 Additional Design Standards

A. Paving and Striping

Paving and striping are required for all required maneuvering and standing areas. Off-street parking areas shall have a durable and dust-free hard surface, shall be maintained for all-weather use, and shall be striped to show delineation of parking spaces and directional markings for driveways and accessways. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

Applicant's Findings: All proposed parking area modifications include the provision of paving and striping to guide vehicle circulation throughout the site and facilitate student drop off and pick up. The requirements of this section are met.

B. Wheel Stops

Parking bumpers or wheel stops, of a minimum 4-in height, shall be provided at parking spaces to prevent vehicles from encroaching on the street right-of-way, adjacent landscaped areas, or pedestrian walkways. Curbing may substitute for wheel stops if vehicles will not encroach into the minimum required width for landscape or pedestrian areas.

Applicant's Findings: The existing and proposed configuration of the parking area would not result in vehicle encroachment to street right-of-way, adjacent landscaped areas, or pedestrian walkways. Therefore, the requirements of this section do not apply.

C. Site Access and Drive Aisles

1. **Accessways to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveway approaches shall comply with the access spacing standards of Chapter 12.16.**
2. **Drive aisles shall meet the dimensional requirements in Subsection 19.606.1.**
3. **Parking drive aisles shall align with the approved driveway access and shall not be wider than the approved driveway access within 10 ft of the right-of-way boundary.**
4. **Along collector and arterial streets, no parking space shall be located such that its maneuvering area is in an ingress or egress aisle within 20 ft of the back of the sidewalk, or from the right-of-way boundary where no sidewalk exists.**
5. **Driveways and on-site circulation shall be designed so that vehicles enter the right-of-way in a forward motion.**

Applicant's Findings: The proposed ingress and egress of both accessways have been designed to ensure that vehicles enter the right-of-way in a forward motion. All drive aisles and maneuvering areas are designed to meet the requirements of this section, including adequate aisle width as identified in Table 19.606.1.

D. Pedestrian Access and Circulation

Subsection 19.504.9 establishes standards that are applicable to an entire property for on-site walkways and circulation. The purpose of Subsection 19.606.3.D is to provide safe and convenient pedestrian access routes specifically through off-street parking areas. Walkways required by Subsection 19.606.3.D are considered part of the on-site walkway and circulation system required by Subsection 19.504.9.

1. **Pedestrian access shall be provided for off-street parking areas so that no parking space is further than 100 ft away, measured along vehicle drive aisles, from a building entrance, or a walkway that meets the standards of Subsection 19.606.3.D.2.**
2. **Walkways through off-street parking areas must be continuous, must lead to a building entrance, and meet the design standards of Subsection 19.504.9.E.**

Applicant's Findings: Both parking areas feature adjacent pedestrian circulation networks that provide safe and convenient pedestrian access routes to the school. No changes are proposed that would inhibit safe and convenient pedestrian travel. The requirements of this section are met.

E. Internal Circulation

1. **General Circulation**

The Planning Director has the authority to review the pedestrian, bicycle, and vehicular circulation of the site and impose conditions to ensure safe and efficient on-site circulation. Such conditions may include, but are not limited to, on-site signage, pavement markings, addition or modification of curbs, and modifying drive aisle dimensions.

2. Connections to Adjacent Parking Areas

Where feasible, parking areas shall be designed to connect with parking areas on adjacent sites to eliminate the use of the street for cross movements.

3. Drive-Through Uses and Queuing Areas

The following standards apply to uses with drive-through services and uses such as gas stations and quick vehicle service facilities where vehicles queue rather than park on the site. The Planning Director has the authority to determine when the standards apply to a proposed use.

- **a. The drive-up/drive-through facility shall be along a building face that is oriented to an alley, k driveway, or interior parking area, and shall not be on a building face oriented toward a street.**
- **b. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 ft of the right-of-way.**
- **c. Queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way. Applicants may be required to submit additional information regarding the expected frequency and length of queues for a proposed use.**

Applicant's Findings: The applicant acknowledges the authority of the Planning Director to review the internal circulation of the site and impose conditions as applicable and necessary. The proposed parking areas do not feature adjacent parking areas nor drive-through uses, but do feature queuing areas for student drop off and pick up, including buses in the southern parking area and parents in the northern parking area.

The northern and southern parking area are designed to accommodate all vehicle and bus queuing without obstructing a driveway, fire access lane, walkway, or public right-of-way.

F. Lighting

Lighting is required for parking areas with more than 10 spaces. The Planning Director may require lighting for parking areas of less than 10 spaces if the parking area would not be safe due to the lack of lighting. Lighting shall be designed to enhance safe access for vehicles and pedestrians on the site, and shall meet the following standards:

1. **Lighting luminaires shall have a cutoff angle of 90 degrees or greater to ensure that lighting is directed toward the parking surface.**
2. **Parking area lighting shall not cause a light trespass of more than 0.5 footcandles measured vertically at the boundaries of the site.**

3. **Pedestrian walkways and bicycle parking areas in off-street parking areas shall have a minimum illumination level of 0.5 footcandles, measured horizontally at the ground level.**
4. **Where practicable, lights shall be placed so 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.**

Applicant's Findings: Lighting is currently provided in both parking areas to ensure safe access for vehicles and pedestrians on site. No changes are proposed that would bring the site out of conformance with the requirements of this section.

19.608 Loading

19.608.1 General Provisions

A. The purpose of off-street loading areas is to contain loading activity of goods on-site and avoid conflicts with travel in the public right-of-way; provide for safe and efficient traffic circulation on the site; and minimize the impacts of loading areas to surrounding properties.

B. Off-street loading areas may be required for commercial, industrial, public, and semipublic uses for the receipt or distribution of merchandise, goods, or materials by vehicles. Off-street loading is not required in the Downtown Mixed Use Zone.

Applicant's Findings: The proposed modifications will not affect existing loading areas required for the loading of goods on-site. When buses are not on site for loading and unloading, there will be more than sufficient space to accommodate loading activity. The requirements of this section are met.

19.608.2. Number of Loading Spaces

The Planning Director shall determine whether to require off-street loading for commercial, industrial, public, and semipublic uses. The ratios listed below should be the minimum required unless the Planning Director finds that a different number of loading spaces are needed upon reviewing the loading needs of a proposed use.

A. Residential Buildings

Buildings where all of the floor area is in residential use should meet the following standards:

1. **Fewer than 50 dwelling units on a site that abuts a local street: no loading spaces required.**
2. **All other buildings: 1 loading space.**

B. Nonresidential and Mixed-Use Buildings

Buildings where any floor area is in nonresidential uses should meet the following standards:

1. **Less than 20,000 sq ft of total floor area: no loading spaces required.**
2. **20,000 to 50,000 sq ft of total floor area: 1 loading space.**
3. **More than 50,000 sq ft of total floor area: 2 loading spaces.**

Applicant's Findings: The proposed modifications will not affect existing loading areas required for the loading of goods on-site. When buses are not on site for loading and unloading, there will be more than sufficient space to accommodate loading activity. The requirements of this section are met.

19.608.3 Loading Space Standards

A. Loading spaces shall be at least 35 ft long and 10 ft wide, and shall have a height clearance of at least 13 ft.

B. Loading areas shall be provided on the site and be separate from parking spaces.

C. Off-street loading areas shall have a durable and dust-free hard surface. Permeable paving surfaces may be used to reduce surface water runoff and protect water quality.

D. Lighting of loading areas shall conform to the standards of Subsection 19.606.3.F.

E. Off-street loading areas for materials and merchandise shall be located outside of the minimum front and side yard requirements for structures.

F. Off-street loading areas shall be located where not a hindrance to drive aisles, walkways, public or private streets, or adjacent properties.

Applicant's Findings: The District does not propose the provision of a new or modified loading space. Therefore, the requirements of this section do not apply.

19.608.4 Prohibitions

A. Loading activity for a site, regardless of whether loading spaces are required, shall not obstruct travel within the right-of-way.

B. The accumulation of goods in loading areas shall be prohibited when it renders the space useless for loading and unloading of goods and passengers.

Applicant's Findings: The District does not propose any changes that would result in obstructed travel within the right-of-way or accumulation of goods in loading areas.

19.609 Bicycle Parking

19.609.1 Applicability

Bicycle parking shall be provided for all new commercial, industrial, community service use, and multifamily residential development. Temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units are exempt from Section 19.609. Bicycle parking shall be provided in the Downtown Mixed Use Zone and at transit centers.

Applicant's Findings: The school currently provides bicycle parking as established in the original Community Service Use (CSU-07-04). No changes are proposed that would affect the provision of bicycle parking. Therefore, the requirements of this section do not apply.

19.610 Carpool and Vanpool Parking

19.610.1 Applicability

New industrial, institutional, and commercial development with 20 or more required parking spaces shall provide carpool/vanpool parking.

Applicant's Findings: The District does not propose any change to the provision of carpool or vanpool spaces, and the proposed work will not affect compliance with the standards of this section. Therefore, the requirements of this section do not apply.

Chapter 19.708 – Transportation Facility Requirements

19.708.1 General Street Requirements and Standards

A. Access Management

All development subject to Chapter 19.700 shall comply with access management standards contained in Chapter 12.16.

Applicant's Findings: As detailed earlier in this narrative, the proposed parking area and circulation reconfiguration complies with all applicable standards of Chapter 12.16.

B. Clear Vision

All development subject to Chapter 19.700 shall comply with clear vision standards contained in Chapter 12.24.

Applicant's Findings: As detailed earlier in this narrative, the proposed parking area and circulation reconfiguration complies with all applicable standards of Chapter 12.24.

C. Development in Downtown Zones

Street design standards and right-of-way dedication for the downtown zones are subject to the requirements of the Milwaukie Public Works Standards, which implement the streetscape design of the Milwaukie Downtown and Riverfront Plan: Public Area Requirements (PAR). Unless specifically stated otherwise, the standards in Section 19.708 do not apply to development located in the downtown zones or on street sections shown in the PAR per Subsection 19.304.6.

Applicant's Findings: The subject site is not located in a downtown zone. Therefore, the requirements of this section do not apply.

D. Development in Non-Downtown Zones

Development in a non-downtown zone that has frontage on a street section shown in the PAR is subject to the requirements of the Milwaukie Public Works Standards, which implements the street design standards and right-of-way dedication requirements contained in the PAR for that street frontage. The following general provisions apply only to street frontages that are not shown in the PAR and for development that is not in any of the downtown zones listed in Subsection 19.708.1.C above:

1. **Streets shall be designed and improved in accordance with the standards of this chapter and the Public Works Standards. ODOT facilities shall be designed consistent with State and federal standards. County facilities shall be designed consistent with County standards.**
2. **Streets shall be designed according to their functional classification per Figure 8-3b of the TSP.**
3. **Street right-of-way shall be dedicated to the public for street purposes in accordance with Subsection 19.708.2. Right-of-way shall be dedicated at the corners of street intersections to accommodate the required turning radii and transportation facilities in accordance with Section 19.708 and the Public Works Standards. Additional dedication may be required at intersections for improvements identified by the TSP or a required transportation impact study.**
4. **The City shall not approve any development permits for a proposed development unless it has frontage or approved access to a public street.**
5. **Off-site street improvements shall only be required to ensure adequate access to the proposed development and to mitigate for off-site impacts of the proposed development.**
6. **The following provisions apply to all new public streets and extensions to existing public streets.**
   a. **All new streets shall be dedicated and improved in accordance with this chapter.**
   b. **Dedication and construction of a half-street is generally not acceptable. However, a half-street may be approved where it is essential to allow reasonable development of a property and when the review authority finds that it will be possible for the property adjoining the half-street to dedicate and improve the remainder of the street when it develops. The minimum paved roadway width for a half-street shall be the minimum width necessary to accommodate 2 travel lanes pursuant to Subsection 19.708.2.**
7. **Traffic calming may be required for existing or new streets. Traffic calming devices shall be designed in accordance with the Public Works Standards or with the approval of the Engineering Director.**
8. **Railroad Crossings**
   Where anticipated development impacts trigger a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval.
9. **Street Signs**
   The City shall install all street signs, relative to traffic control and street names, as specified by the Engineering Director. The applicant shall reimburse the City for the cost of all such signs installed by the City.
10. **Streetlights**
    The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with the Public Works Standards or with the approval of the Engineering Director.

Applicant's Findings: Streets adjacent to the subject site were provided sufficient dedications and improvements at the time of the original Community Service Use (CSU-07-04). In the original decision, the District proposed a drop off configuration in which buses loaded and unloaded from the northern parking area and parents picked up and dropped off from the southern parking area. Due to the narrow radius of the loop and limited space for loading and unloading, the northern parking area is no longer sufficient to accommodate buses to use the area for pick up and drop off.

Therefore, the District proposes utilizing the northern parking area for parent pick up and drop off and the southern parking area for bus loading and unloading. To accommodate this, the District proposes modifying the southern parking area to facilitate bus pick up and drop off by providing 20' radii driveways that can accommodate bus turning. The modification of the southern parking area will allow the school to accommodate the four full-size buses and four special-needs buses as well as an anticipated full-size additional bus necessary to serve additional students as school enrollment grows.

To accommodate parent pick up and drop off and alleviate congestion issues, the District proposes modifications to SE Roswell Street including the addition of a right-only turn lane into the northern parking area, and an extended cross walk to facilitate safe crossings on SE Roswell Street. The District proposes utilizing a staff person to direct cars to pull up to the specified drop-off point and prevent congestion along SE Roswell Street as necessary. The proposed improvements on SE Roswell Street are intended to reduce off-site impacts associated with school drop off and pick up.

All proposed improvements are designed in accordance with Milwaukie Public Works Standards and Transportation System Plan, as discussed in greater detail below. The requirements of this section are met.

E. Street Layout and Connectivity

1. **The length, width, and shape of blocks shall take lot size standards, access and circulation needs, traffic safety, and topographic limitations into consideration.**
2. **The street network shall be generally rectilinear but may vary due to topography or other natural conditions.**
3. **Streets shall be extended to the boundary lines of the developing property where necessary to give access to or allow for future development of adjoining properties.**
   a. **Temporary turnarounds shall be constructed for street stubs in excess of 150 ft in length. Drainage facilities shall be constructed to properly manage stormwater runoff from temporary turnarounds.**
   b. **Street stubs to adjoining properties shall not be considered turnarounds, unless required and designed as turnarounds, since they are intended to continue as through streets when adjoining properties develop.**

c. **Reserve strips may be required in order to ensure the eventual continuation or completion of a street.**

4. **Permanent turnarounds shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a turnaround. For proposed land division sites that are 3 acres or larger, a street ending in a turnaround shall have a maximum length of 200 ft, as measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. For proposed land division sites that are less than 3 acres, a street ending in a turnaround shall have a maximum length of 400 ft, measured from the cross street right-of-way to the farthest point of right-of-way containing the turnaround. Turnarounds shall be designed in accordance with the requirements of the Public Works Standards. The requirements of this subsection may be adjusted by the Engineering Director to avoid alignments that encourage nonlocal through traffic.**
5. **A street with a permanent turnaround may serve no more than 20 lots.**

Applicant's Findings: No additional streets are proposed as a part of this application. Therefore, the requirements of this section do not apply.

F. Intersection Design and Spacing

1. **Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.**
2. **Street and intersection alignments for local streets shall facilitate local circulation but avoid alignments that encourage nonlocal through traffic.**
3. **Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the Engineering Director has approved a special intersection design.**
4. **New streets shall intersect at existing street intersections so that centerlines are not offset. Where existing streets adjacent to a proposed development do not align properly, conditions shall be imposed on the development to provide for proper alignment.**
5. **Minimum and maximum block perimeter standards are provided in Table 19.708.1.**
6. **Minimum and maximum intersection spacing standards are provided in Table 19.708.1.**

Applicant's Findings: No new intersections are proposed as a part of this application. Therefore, the requirements of this section do not apply.

19.708.2 Street Design Standards

Table 19.708.2 contains the street design elements and dimensional standards for street cross sections by functional classification. Dimensions are shown as ranges to allow for flexibility in developing the most appropriate cross section for a given street or portion of street based on

existing conditions and the surrounding development pattern. The additional street design standards in Subsection 19.708.2.A augment the dimensional standards contained in Table 19.708.2. The Engineering Director will rely on Table 19.708.2 and Subsection 19.708.2.A to determine the full-width cross section for a specific street segment based on functional classification. The full-width cross section is the sum total of the widest dimension of all individual street elements. If the Engineering Director determines that a full-width cross section is appropriate and feasible, a full-width cross section will be required. If the Engineering Director determines that a full-width cross section is not appropriate or feasible, the Engineering Director will modify the full-width cross section requirement using the guidelines provided in Subsection 19.708.2.B. Standards for design speed, horizontal/vertical curves, grades, and curb return radii are specified in the Public Works Standards.

Table 19.708.2 Street Design Standards

Street Classification	ROW Dimension	Travel Lane	Bike Lane	On-Street Parking	Landscape Strips	Sidewalk Curb Tight	Sidewalk Setback
Neighborhood	20'-68'	10'	5'	6'-8'	3'-5'	6'	5'
Local	20'-68'	8' / 10'				6'	5'

Applicant's Findings: The proposed right-of-way cross sections for SE Roswell Street and SE Wake Street currently provide all of the necessary elements required for Neighborhood and Local Streets identified in Figure 10-1 of the Milwaukie Transportation System Plan.

Due to the space requirements associated with this change, two sections of current on-street parking along SE Roswell Street will no longer have sufficient width to accommodate on-street parking and facilitate safe turning for vehicle ingress and egress during school pick up and drop off. Therefore, the District proposes temporal restrictions along these areas to prevent potential conflicts between 7-9AM and 2-4PM. Additionally, in order to accommodate sufficient width for safe bus turning, the northern portion of SE Wake Street adjacent to the subject site will not be able to support on-street parking.

According to the Transportation System Plan, on-street parking is considered an optional element that may not be provided when right-of-way is insufficient to accommodate it. Both streets fully conform to the required street design standards otherwise. Therefore, the proposed changes do not bring the streets out of conformance with the TSP.

A. Additional Street Design Standards

These standards augment the dimensional standards contained in Table 19.708.2 and may increase the width of an individual street element and/or the full-width right-of-way dimension.

1. **Minimum 10-ft travel lane width shall be provided on local streets with no on-street parking.**

2. **Where travel lanes are next to a curb line, an additional 1 ft of travel lane width shall be provided. Where a travel lane is located between curbs, an additional 2 ft of travel lane width shall be provided.**
3. **Where shared lanes or bicycle boulevards are planned, up to an additional 6 ft of travel lane width shall be provided.**
4. **Bike lane widths may be reduced to a minimum of 4 ft where unusual circumstances exist, as determined by the Engineering Director, and where such a reduction would not result in a safety hazard.**
5. **Where a curb is required by the Engineering Director, it shall be designed in accordance with the Public Works Standards.**
6. **Center turn lanes are not required for truck and bus routes on street classifications other than arterial roads.**
7. **On-street parking in industrial zones shall have a minimum width of 8 ft.**
8. **On-street parking in commercial zones shall have a minimum width of 7 ft.**
9. **On-street parking in residential zones shall have a minimum width of 6 ft.**
10. **Sidewalk widths may be reduced to a minimum of 4 ft for short distances for the purpose of avoiding obstacles within the public right-of-way including, but not limited to, trees and power poles.**
11. **Landscape strip widths shall be measured from back of curb to front of sidewalk.**
12. **Where landscape strips are required, street trees shall be provided a minimum of every 40 ft in accordance with the Public Works Stdandards and the Milwaukie Street Tree List and Street Tree Planting Guidelines.**
13. **Where water quality treatment is provided within the public right-of-way, the landscape strip width may be increased to accommodate the required treatment area.**
14. **A minimum of 6 in shall be required between a property line and the street element that abuts it; e.g., sidewalk or landscape strip.**

Applicant's Findings: As shown on the Preliminary Development Plans (Attachment E), the proposed street sections for SE Roswell and SE Wake streets contain sufficient widths for travel lanes, on-street parking, landscaping strips, and sidewalks to meet the requirements of this section.

B. Street Design Determination Guidelines

The Engineering Director shall make the final determination regarding right-of-way and street element widths using the ranges provided in Table 19.708.2 and the additional street design standards in Subsection 19.708.2.A. The Engineering Director shall also determine whether any individual street element may be eliminated on one or both sides of the street in accordance with Figure 10-1 of the TSP. When making a street design determination that varies from the full-width cross section, the Engineering Director shall consider the following:

1. **Options and/or needs for environmentally beneficial and/or green street designs.**
2. **Multimodal street improvements identified in the TSP.**

3. **Street design alternative preferences identified in Chapter 10 of the TSP, specifically regarding sidewalk and landscape strip improvements.**
4. **Existing development pattern and proximity of existing structures to the right-of-way.**
5. **Existing right-of-way dimensions and topography.**

Applicant's Findings: The applicant acknowledges the authority of the Engineering Director to render a final determination regarding right-of-way and street element widths.

19.708.3 Sidewalk Requirements and Standards

A. General Provisions

1. **Goals, objectives, and policies relating to walking are included in Chapter 5 of the TSP and provide the context for needed pedestrian improvements. Figure 5-1 of the TSP illustrates the Pedestrian Master Plan and Table 5-3 contains the Pedestrian Action Plan.**
2. **Americans with Disabilities Act (ADA) requirements for public sidewalks shall apply where there is a conflict with City standards.**

B. Sidewalk Requirements

1. **Requirements**

Sidewalks shall be provided on the public street frontage of all development per the requirements of this chapter. Sidewalks shall generally be constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within a public easement with the approval of the Engineering Director.

2. **Design Standards**

Sidewalks shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards.

3. **Maintenance**

Abutting property owners shall be responsible for maintaining sidewalks and landscape strips in accordance with Chapter 12.04.

Applicant's Findings: All existing sidewalks currently conform with the design standards of the Milwaukie Transportation System Plan and Public Works Standards. No changes are proposed that would bring street sections out of conformance with the standards of this section.

19.708.4 Bicycle Facility Requirements and Standards

A. General Provisions

1. **Bicycle facilities include bicycle parking and on-street and off-street bike lanes, shared lanes, bike boulevards, and bike paths.**
2. **Goals, objectives, and policies relating to bicycling are included in Chapter 6 of the TSP and provide the context for needed bicycle improvements. Figure 6-2 of the TSP illustrates the Bicycle Master Plan, and Table 6-3 contains the Bicycle Action Plan.**

B. Bicycle Facility Requirements

1. Requirements

Bicycle facilities shall be provided in accordance with this chapter, Chapter 19.600, the TSP, and the Milwaukie Downtown and Riverfront Plan: Public Area Requirements. Requirements include, but are not limited to, parking, signage, pavement markings, intersection treatments, traffic calming, and traffic diversion.

2. Timing of Construction

To assure continuity and safety, required bicycle facilities shall generally be constructed at the time of development. If not practical to sign, stripe, or construct bicycle facilities at the time of development due to the absence of adjacent facilities, the development shall provide the paved street width necessary to accommodate the required bicycle facilities.

3. Design Standards

Bicycle facilities shall be designed and improved in accordance with the requirements of this chapter and the Public Works Standards. Bicycle parking shall be designed and improved in accordance with Chapter 19.600 and the Milwaukie Downtown and Riverfront Plan: Public Area Requirements.

Applicant's Findings: Bicycle facilities do not currently exist on SE Roswell and SE Wake streets. According to the Transportation System Plan, future bicycle facility improvements are not identified for either street; therefore, the requirements of this section do not apply.

19.708.5 Pedestrian/Bicycle Path Requirements and Standards

A. General Provisions

Pedestrian/bicycle paths are intended to provide safe and convenient connections within and from new residential subdivisions, multifamily developments, planned developments, shopping centers, and commercial districts to adjacent and nearby residential areas, transit stops, and neighborhood activity centers.

Pedestrian/bicycle paths may be in addition to, or in lieu of, a public street. Paths that are in addition to a public street shall generally run parallel to that street. These types of paths are not subject to the provisions of this subsection and shall be designed in accordance with the Public Works Standards or as specified by the Engineering Director. Paths that are in lieu of a public street shall be considered in areas only where no other public street connection options are feasible. These types of paths are subject to the provisions of this subsection.

Applicant's Findings: As part of the original Community Service Use, the school provided pedestrian pathways throughout the site to better facilitate convenient and safe pedestrian travel throughout the site in conformance with the requirements of this section. No additional pathways are proposed as part of this application.

B. Pedestrian/Bicycle Path Requirements

In addition to sidewalks on public streets, other available pedestrian routes, as used in this subsection, include walkways within shopping centers, planned developments, community

service use developments, and commercial and industrial districts. Routes may cross parking lots on adjoining properties if the route is paved, unobstructed, and open to the public for pedestrian use.

Pedestrian/bicycle paths shall be required in the following situations.

1. **In residential and mixed-use districts, a pedestrian/bicycle path shall be required at least every 300 ft when a street connection is not feasible.**
2. **In residential and industrial districts where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 400 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.**
3. **In commercial districts and community service use developments where addition of a path would reduce walking distance, via a sidewalk or other available pedestrian route, by at least 200 ft and by at least 50% to an existing transit stop, planned transit route, school, shopping center, or park.**
4. **In all districts where addition of a path would provide a midblock connection between blocks that exceed 800 ft or would link the end of a turnaround with a nearby street or activity center.**

Applicant's Findings: As part of the original Community Service Use, the school provided pedestrian pathways throughout the site to better facilitate convenient and safe pedestrian travel throughout the site in conformance with the requirements of this section. No additional pathways are proposed as part of this application.

Chapter 19.904 – Community Service Uses

19.904.1 Purpose

This section allows development of certain uses which, because of their public convenience, necessity, and unusual character, may be appropriately located in most zoning districts, but which may be permitted only if appropriate for the specific location for which they are proposed. This section provides standards and procedures for review of applications for such community uses. Community service uses may be sited in any zone, except where expressly prohibited, if they meet the standards of this section. Approval of a CSU does not change the zoning of the property.

19.904.2 Applicability

Any community service use shall be subject to the provisions of this section. Application must be submitted to establish or modify a community service use. Community service uses include certain private and public utilities, institutions, and recreational facilities as listed below:

A. Institutions—Public/Private and Other Public Facilities

1. **Schools, public or private, and their accompanying sports facilities, day-care centers, private kindergartens;**

Applicant's Findings: The applicant proposes the reconfiguration of the parking and loading areas established by a previous Community Service Use (CSU-07-04). Therefore, the requirements of this section are applicable.

19.904.3 Review Process

Except as provided in Subsections 19.904.5.C for minor modifications and 19.904.11 for wireless communication facilities, community service uses shall be evaluated through a Type III review per Section 19.1006.

Applicant's Findings: The applicant acknowledges the requirement for a Type III review for the proposed modification.

19.904.4 Approval Criteria

An application for a community service use may be allowed if the following criteria are met:

A. The building setback, height limitation, and off-street parking and similar requirements governing the size and location of development in the underlying zone are met. Where a specific standard is not proposed in the CSU, the standards of the underlying zone are met;

Applicant's Findings: The District does not propose the development of any structure that would require application of setback and height requirements of the underlying zone. Additionally, the applicant does not propose the addition or removal of off-street parking. The requirements of this section do not apply.

B. Specific standards for the proposed uses as found in Subsections 19.904.7-11 are met;

Applicant's Findings: As discussed later in this narrative, the proposal complies with all applicable sections of 19.904.7. The requirements of this section are met.

C. The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses;

Applicant's Findings: The District does not propose a change in the hours and levels of operation as part of this application. The requirements of this section do not apply.

D. The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood; and

Applicant's Findings: The purpose of the proposed street and parking area improvements is to facilitate the safe and efficient flow of vehicles and buses during school pick up and drop off and reduce existing negative impacts related to traffic and congestion associated with the current configuration. Therefore, the proposed modifications will yield public benefits to the surrounding neighborhood greater than any negative impacts it may impose. The requirements of this section are met.

E. The location is appropriate for the type of use proposed.

Applicant's Findings: The District does not propose a change in location for the use. Therefore, the requirements of this section do not apply.

19.904.5 Procedures for Reviewing a Community Service Use

A. The Planning Commission will hold a public hearing on the establishment of, or major modification of, the proposed community service use. If the Commission finds that the approval criteria in Subsection 19.904.4 are met, the Commission shall approve the designation of the site for community service use. If the Commission finds otherwise, the application shall be denied. An approval allows the use on the specific property for which the application was submitted, subject to any conditions the Planning Commission may attach.

Applicant's Findings: The applicant acknowledges the authority of the Planning Commission to hold a public hearing and render a decision regarding this proposal.

B. In permitting a community service use or the modification of an existing one, the City may impose suitable conditions which assure compatibility of the use with other uses in the vicinity. These conditions may include but are not limited to:

1. **Limiting the manner in which the use is conducted by restricting the time an activity may take place and by minimizing such environmental effects as noise and glare;**
2. **Establishing a special yard, setback, lot area, or other lot dimension;**
3. **Limiting the height, size, or location of a building or other structure;**
4. **Designating the size, number, location, and design of vehicle access points;**
5. **Increasing roadway widths, requiring street dedication, and/or requiring improvements within the street right-of-way including full street improvements;**
6. **Designating the size, location, screening, drainage, surfacing, or other improvement of a parking area or truck loading area; and/or**
7. **Limiting or otherwise designating the number, size, location, height, and lighting of signs.**

Applicant's Findings: The applicant acknowledges the authority of the City to impose suitable conditions as applicable and necessary.

19.904.6 Application Requirements

An application for approval of a community service use shall include the following:

A. Name, address and telephone number of applicant and/or property owner;

B. Map number and/or subdivision block and lot;

C. Narrative concerning the proposed request;

D. Copy of deed, or other document showing ownership or interest in property. If applicant is not the owner, the written authorization from the owner for the application shall be submitted;

E. Vicinity map;

F. Comprehensive plan and zoning designations;

G. A map showing existing uses, structures, easements, and public utilities and showing proposed development, placement of lot lines, etc.;

H. Detailed plans for the specific project;

I. Any information required by other applicable provisions of local, state or federal law;

J. Proof of payment of the applicable fees;

K. Additional drawings, surveys or other material necessary to understand the proposed use may be required.

Applicant's Findings: Included in this application are all of the necessary submittal requirements for an application for a Modification to a Community Service Use.

19.904.7 Specific Standards for Schools

Public, private or parochial, elementary, secondary, preschool, nursery schools, kindergartens, and day-care centers are included.

A. Public elementary or secondary schools shall provide the site area/pupil ratio required by state law. Other schools shall provide 1 acre of site area for each 75 pupils of capacity or for each 2½ classrooms, whichever is greater, except as provided in Subsection 19.904.7.B below.

Applicant's Findings: The current Oregon Revised Statutes do not include site area-to-pupil ratios for public elementary or secondary schools. Therefore, the alternative standard applies.

MMC Subsection 19.321.10.A suggests at least one acre for every 75 students or 2.5 classrooms. The school currently accommodates 419 students but was designed to accommodate 550 student per the original proposal. To serve 550 students, 7.33 acres are recommended; for the 30 classrooms being proposed, 12 acres are recommended. The subject property is approximately 6.9 acres in size.

The proposed new building is two stories, which has a smaller footprint than a one-story building of similar capacity. The original decision considered this to adequately meet the site-area-per-pupil ratio, and the District does not propose any changes that would increase the size or capacity of the existing school. Therefore, the standards of this section are met.

B. Preschools, nursery schools, day-care centers, or kindergartens shall provide a fenced, outdoor play area of at least 75 sq ft for each child of total capacity, or a greater amount if so required by state law. In facilities where groups of children are scheduled at different times for outdoor play, the total play area may be reduced proportionally based on the

number of children playing out-of-doors at one time. However, the total play area may not be reduced by more than half. These uses must comply with the State Children's Services Division requirements as well as the City provisions.

Applicant's Findings: The school includes a kindergarten for an estimated 60 children, requiring 4,500 square feet of fenced outdoor play area. The school site provides over 30,000 square feet of outdoor play areas, including open fields, covered play areas, swing-set facilities, and a "soft play" area of approximately 3,200 square feet.

The soft play area and area immediately surrounding it is fenced on all sides via a chain link fence. The amount of fenced play area exceeds the standard above. The requirements of this section are met.

C. Walkways, both on and off the site, shall be provided as necessary for safe pedestrian access to schools subject to the requirements and standards of Chapter 19.700.

Applicant's Findings: The proposed parking reconfiguration will not result in the loss of any pedestrian connectivity at the subject site. The standards of this section are met.

D. Where Subsection 19.904.7.B is applicable, a sight-obscuring fence of 4 to 6 ft in height shall be provided to separate the play area from adjacent residential uses.

Applicant's Findings: The existing play area on the eastern portion of the school features a sight obscuring fence along areas adjacent to residential uses. No other play areas adjacent to residential uses are proposed in this application.

E. Public facilities must be adequate to serve the facility.

Applicant's Findings: Public facilities currently serve the subject site. The proposed improvements to the northern and southern parking areas will not inhibit public facilities to serve the site.

F. Safe loading and ingress and egress will be provided on and to the site.

Applicant's Findings: The proposed modifications to SE Roswell Street are intended to accommodate student pick up and drop off, alleviate congestion issues, and avoid potential conflicts associated with vehicle ingress and egress. This includes the addition of a right-only turn lane into the northern parking area. The District proposes utilizing a staff person to direct cars to pull up to the specified drop-off point and prevent congestion along SE Roswell Street as necessary.

The proposed modifications to the southern parking area will help facilitate bus pick up and drop off by providing 20' radii driveways that can accommodate bus turning for both ingress and egress. This radius is the minimum necessary to accommodate safe and efficient bus maneuvering into and out of the southern parking area.

G. Off-street parking (including buses) shall be provided as per Chapter 19.600.

Applicant's Findings: As discussed in Chapter 19.600, the proposed improvements will provide sufficient off-street parking and loading to accommodate the proposed use. The requirements of this section are met.

H. Minimum setback requirements:

Front yard: 20 ft

Rear yard: 20 ft

Side yard: 20 ft

Setbacks may be increased depending on the type and size of school in order to ensure adequate buffering between uses and safety for students.

Applicant's Findings: The District does not propose the development of a structure requiring the application of setback requirements outlined above. Therefore, the requirements of this section do not apply.

I. Bicycle facilities are required which adequately serve the facility.

Applicant's Findings: A total of 30 bicycle parking spaces were provided as part of the original Community Service Use application, which exceeds the minimum requirement specified in 19.609.2. The surrounding streets are neighborhood and local streets which do not contain bike lanes. These streets are not identified for future bicycle facility improvements in the Transportation System Plan; therefore, bike lanes are not proposed as part of the proposed street improvements.

Existing bicycle facilities are sufficient to adequately serve the facility. The requirements of this section are met.

J. 15% of the total site is to be landscaped.

Applicant's Findings: The existing site measure approximately 299,000 square feet. Per the original decision, the school building, parking areas, paved walkways, hard-surfaced play areas, and other impervious surfaces constitute approximately 122,750 square feet, which leaves over 176,000 square feet, or 59 percent of the site, for landscaping. The proposed modifications will add a total impervious area of 1,709 SF – the majority of which will be located in the right-of-way. Therefore, the proposed improvements will not bring the subject site out of conformance with the landscaping area requirements of this section.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Department for this Type III Modification of a Community Service Use application.

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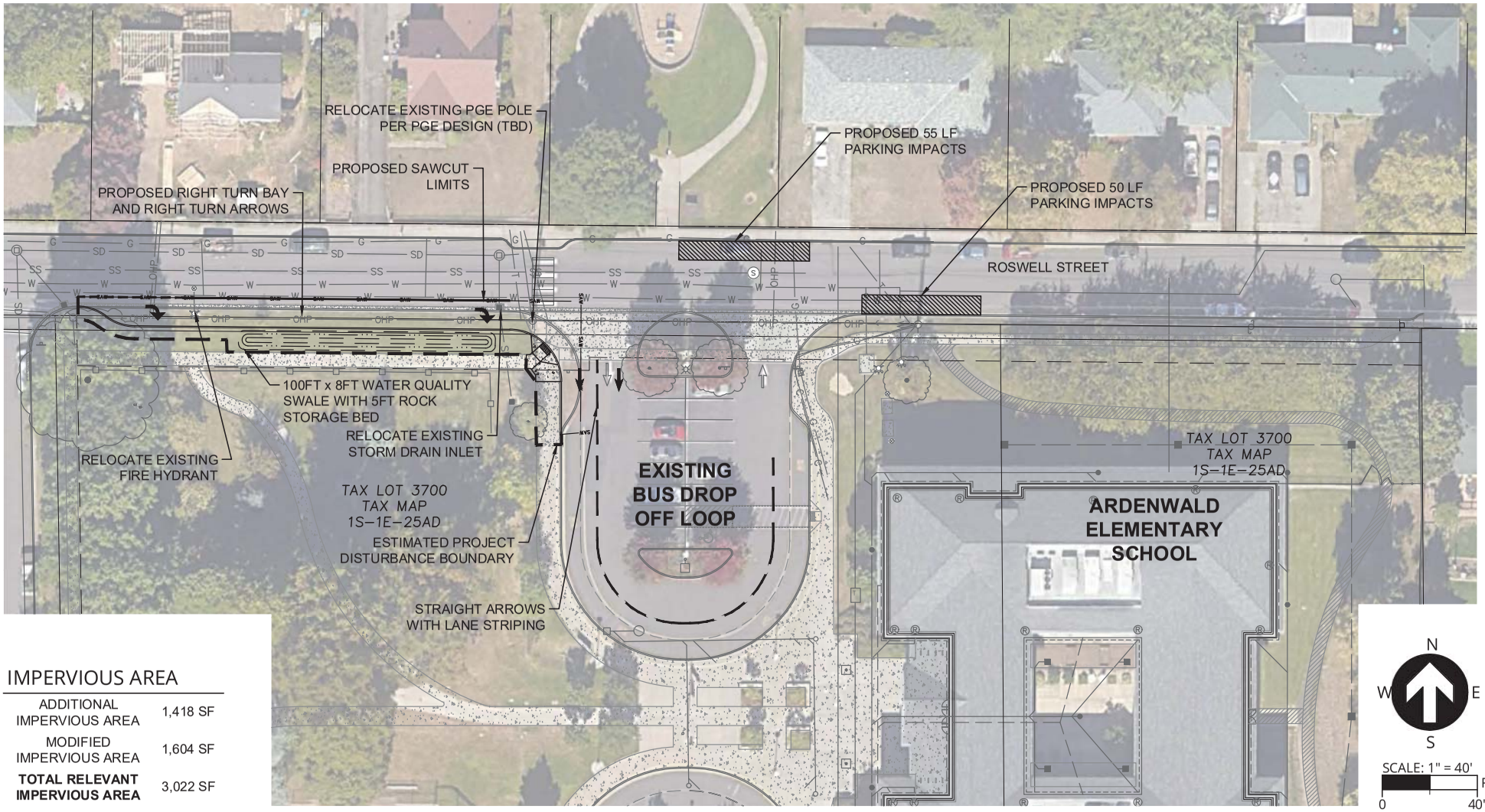

IMPERVIOUS AREA	
ADDITIONAL IMPERVIOUS AREA	1,418 SF
MODIFIED IMPERVIOUS AREA	1,604 SF
TOTAL RELEVANT IMPERVIOUS AREA	3,022 SF

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SCALE: 1" = 40'
0 40' FT

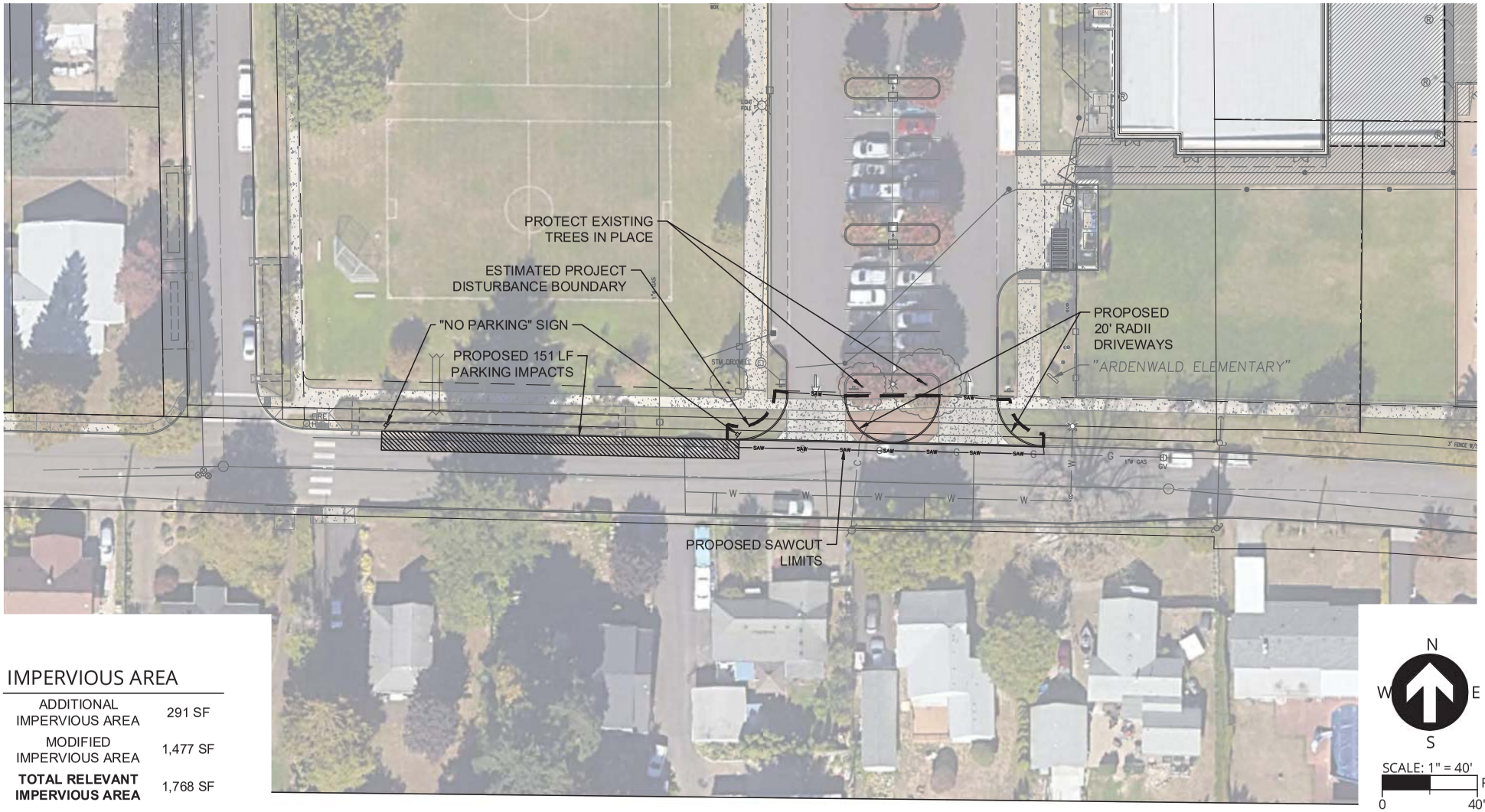
ARDENWALD ELEMENTARY TRAFFIC REVISION

01/24/2020

NORTH CLACKAMAS SCHOOL DISTRICT

PROPOSED FRONTAGE IMPROVEMENT PLAN-NORTH

3J CONSULTING
CIVIL ENGINEERING . WATER RESOURCES . COMMUNITY PLANNING



IMPERVIOUS AREA

ADDITIONAL IMPERVIOUS AREA	291 SF
MODIFIED IMPERVIOUS AREA	1,477 SF
TOTAL RELEVANT IMPERVIOUS AREA	1,768 SF

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SCALE: 1" = 40'
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ARDENWALD ELEMENTARY TRAFFIC REVISION

01/24/2020

NORTH CLACKAMAS SCHOOL DISTRICT

PROPOSED FRONTAGE IMPROVEMENT PLAN-SOUTH

3J CONSULTING
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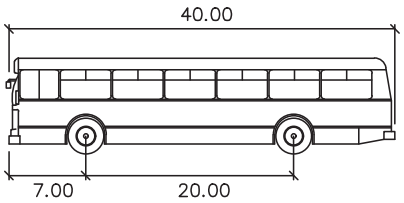
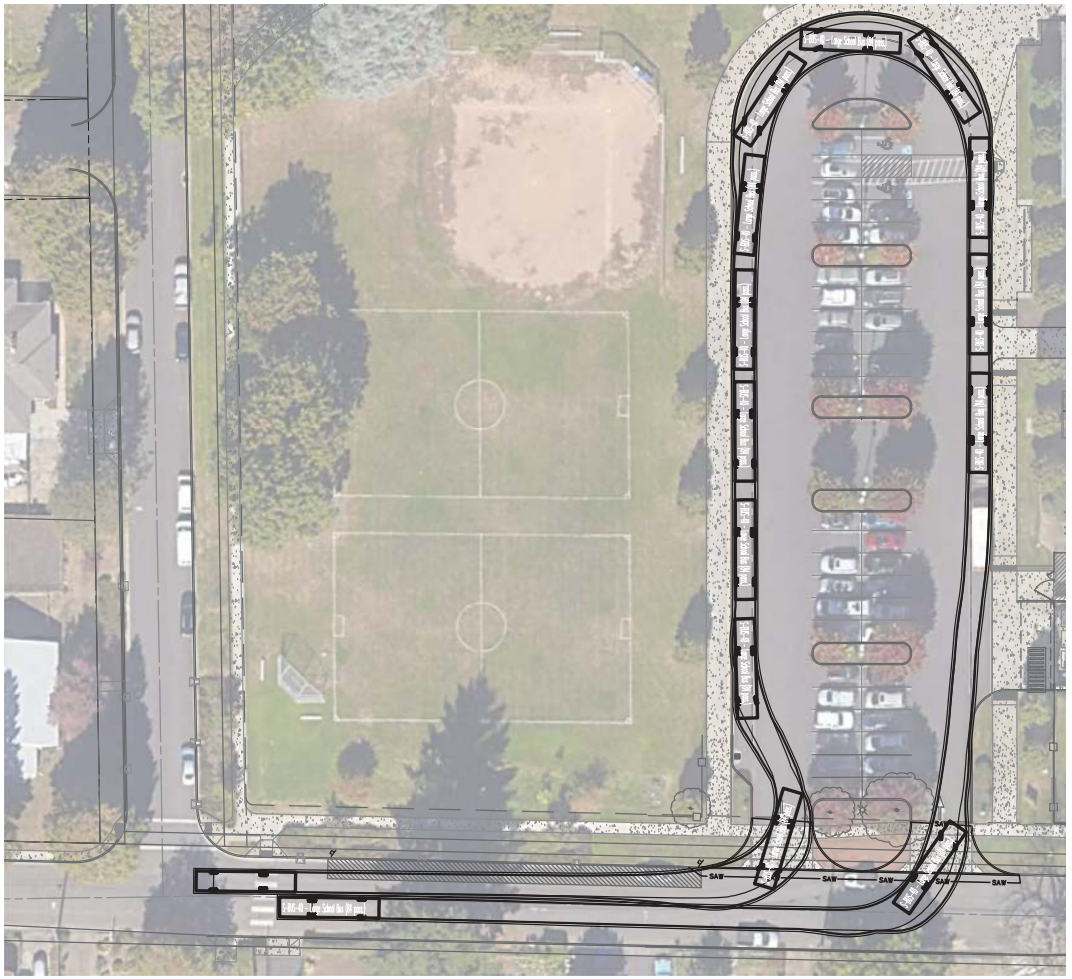


S–BUS–40
feet

Width	: 8.00
Track	: 8.00
Lock to Lock Time	: 6.0
Steering Angle	: 34.4



BUS PICKUP LOOP

1" = 50'

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01/24/2019

NORTH CLACKAMAS SCHOOL DISTRICT

BUS ACCESS EXHIBIT

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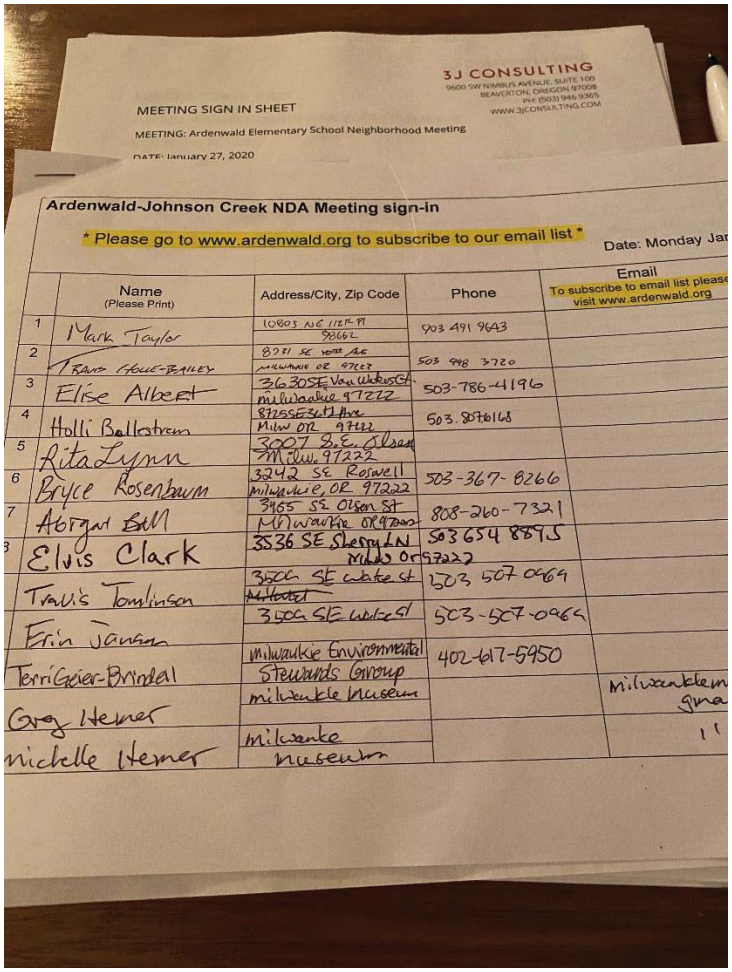
3J CONSULTING
9600 SW NIMBUS, SUITE 100
BEAVERTON, OREGON 97008
PH: (503) 946.9365
WWW.3J-CONSULTING.COM

MEETING NOTES

Date: January 27, 2020
Project: Ardenwald Elementary School
3J No.: 18471

Neighborhood Meeting Summary

On Monday, January 27, 2020 Rick Fuller and Andrew Tull met with the members of the Ardenwald Johnson Creek Neighborhood Association to discuss the parent drop-off issues at Ardenwald Elementary school. The meeting was well attended by approximately 15 members of the Neighborhood Association. The discussion surrounding the improvements at Ardenwald was well received by the neighborhood.The following image is a copy of the list of attendees at the meeting:



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9600 SW NIMBUS AVENUE, SUITE 100
BEAVERTON, OREGON 97008
PH: (503) 946.9365
WWW.3JCONSULTING.COM

MEETING SIGN IN SHEET

MEETING: Ardenwald Elementary School Neighborhood Meeting

DATE: January 27, 2020

Ardenwald-Johnson Creek NDA Meeting sign-in

* Please go to www.ardenwald.org to subscribe to our email list *

Date: Monday Ja

	Name (Please Print)	Address/City, Zip Code	Phone	Email To subscribe to email list please visit www.ardenwald.org
1	Mark Taylor	10805 NE 112th Pl 97662	503 491 9643	
2	Travis Hollie-Bailey	8271 SE 90th Ave Milwaukie OR 97267	503 998 3720	
3	Elise Albert	3630 SE Van Water St Milwaukie 97222	503-786-4196	
4	Holli Ballestrem	8725 SE 52nd Ave Milw OR 97222	503.807.6168	
5	Rita Lynn	3007 S.E. Olsen Mdlw. 97222		
6	Bryce Rosenbaum	3242 SE Roswell Milwaukie, OR 97222	503-367-8266	
7	Abigail Ball	3955 SE Olson St Milwaukie OR 97222	808-260-7321	
8	Elvis Clark	3536 SE Sherry LN Mlwk Or 97222	503 654 8895	
	Travis Tomlinson	3504 SE Lake St Milwaukie	503 507 0969	
	Erin Jansen	3504 SE Lake St	503-507-0969	
	TerriGeier-Brimhall	Milwaukie Environmental Stewards Group	402-617-5950	
	Greg Hemer	Milwaukie Museum		Milwaukie Mus
	Michelle Hemer	Milwaukie Museum		"

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MEMORANDUM

To: Ron Stewart
Assistant Superintendent of Finance and Operations
North Clackamas School District
12400 SE Freeman Way
Milwaukie, Oregon 97222

From: Kathleen Freeman, PE
Water Resources Project Manager

Cc: John Howorth, PE
Principal Engineer

Date: January 24, 2020

Project Name: **Ardenwald Elementary Traffic Revision**
Project No: **18471**
RE: **Preliminary Stormwater Management Design**

The proposed Ardenwald Elementary Traffic Revision project is located at 8950 SE 36th Avenue in Milwaukie, OR. The site consists of one tax lot, 11E35AD 3700. The site is approximately 6.86 acres and is zoned R-7. The original school building was demolished and replaced with the existing school building in 2007 as a Community Service Use (land use file #CSU-07-04).

North Clackamas School District seeks approval of a Type III Modification to a Community Service Use in order to construct a series of modifications to the existing north and south parking areas and the adjacent streets to better facilitate the flow of vehicle traffic and buses during pick up and drop off of students.

The purpose of this memorandum is to discuss the existing stormwater management systems, proposed new impervious areas, and the proposed stormwater facility.

Existing Stormwater Management System
The existing Ardenwald Elementary School contains the following stormwater management systems to treat and infiltrate the impervious area runoff (See Attached: Ardenwald Site Layout):

- North Swale System: Stormwater runoff from the northern most parking lot south of SE Roswell Street is treated in an existing 130' long vegetated infiltration swale with an overflow to the existing public storm system in SE Roswell Street.
- Underground StormTech Infiltration System: The existing roof runoff is conveyed directly into the StormTech system for infiltration.
- South Swale System: All remaining impervious area drains to the existing 110' long vegetated infiltration swale.
- Wake Street Roadside Swale: Runoff from SE Wake Street sheet flows to the existing roadside

swale for treatment and infiltration. Overflow from the swale is conveyed to the existing South Swale.

Proposed Conditions

The proposed traffic revisions will take place in the north on SE Roswell Street and in the south at the driveway into the school on SE Wake Street. The basins within the revision areas are hydraulically separated and are therefore discussed separately below.

Revisions on SE Roswell Street

To accommodate student pick up and drop off and alleviate congestion issues, the District proposes modifications to SE Roswell Street including the addition of a right-only turn lane into the northern parking area and an extended cross walk facilitating safe crossings on SE Roswell Street. The proposed improvements will create 1,418 sf of new impervious area.

Runoff from the new impervious area and the contributing impervious area from SE Roswell Street (3,164 sf) will be treated in a new roadside swale. The design of the facility will utilize the City of Portland's Presumptive Approach Calculator as well as the City's Green Street Standards. The swale will be designed as a surface infiltration facility following the City's Hierarchy Category 1. The final design will be discussed in the final storm design memorandum. Additionally, the Operations and Maintenance plan will be provided at final design.

Revisions to Driveway from SE Wake Street

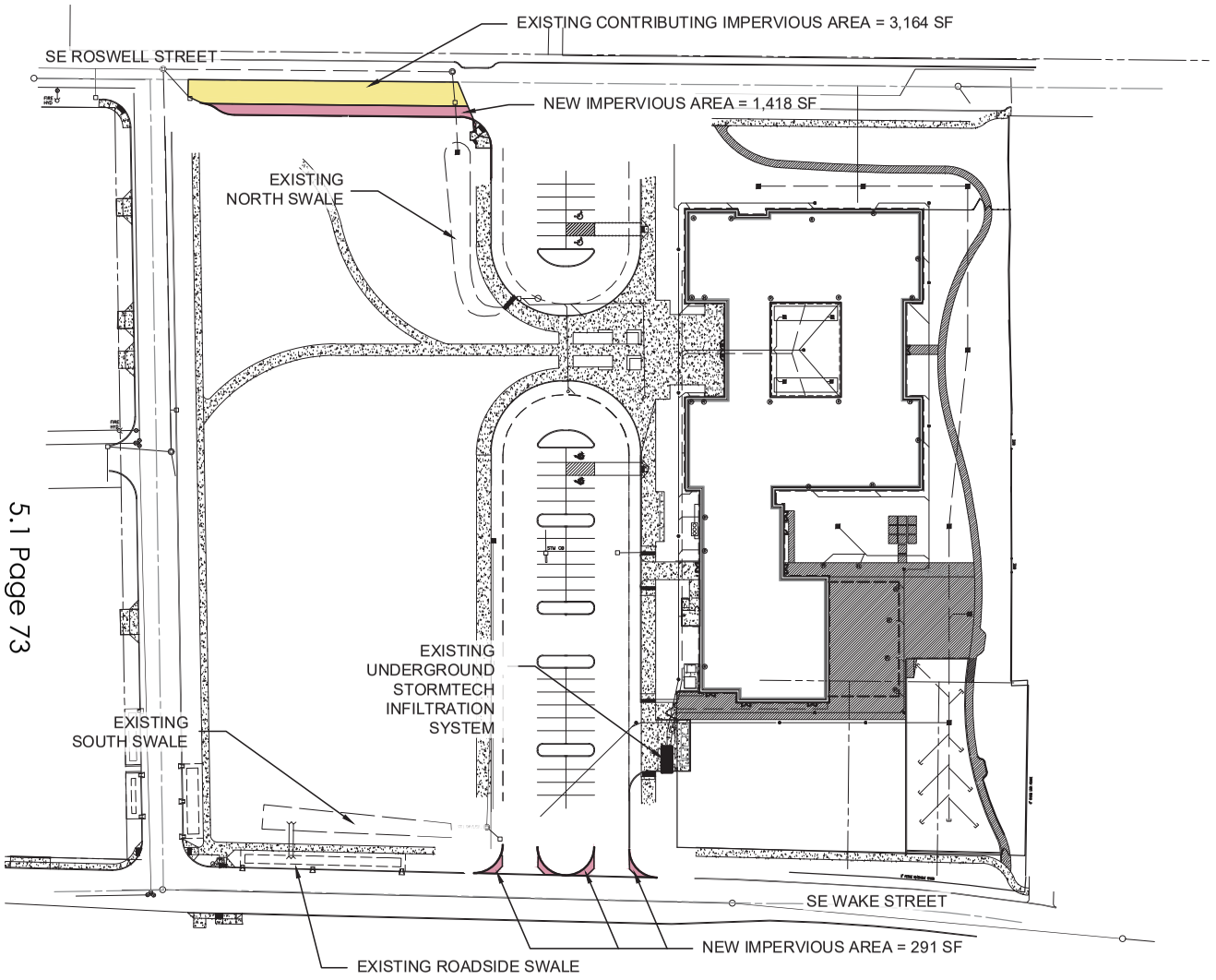
The District proposes modifying the southern parking area to facilitate bus pick up and drop off by providing 20' radii driveways that can accommodate bus turning. The proposed improvements will create 291 sf of new impervious area.

Runoff from the new impervious area will sheet flow to the existing roadside swale on SE Wake Street. Due to the small increase in impervious area, there are no changes proposed to the existing swale.

Attached:

- Ardenwald Site Layout
- Proposed Frontage Improvement Plan-North
- Proposed Frontage Improvement Plan-South
- Green Streets Stormwater Management Manual Typical Details: Sheets SW-300 & SW-301

- - - END OF DOCUMENT - - -



EXISTING CONTRIBUTING IMPERVIOUS AREA

NEW IMPERVIOUS AREA

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SCALE: 1" = 80'
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01/24/2020

ARDENWALD ELEMENTARY TRAFFIC REVISION

NORTH CLACKAMAS SCHOOL DISTRICT

ARDENWALD SITE LAYOUT

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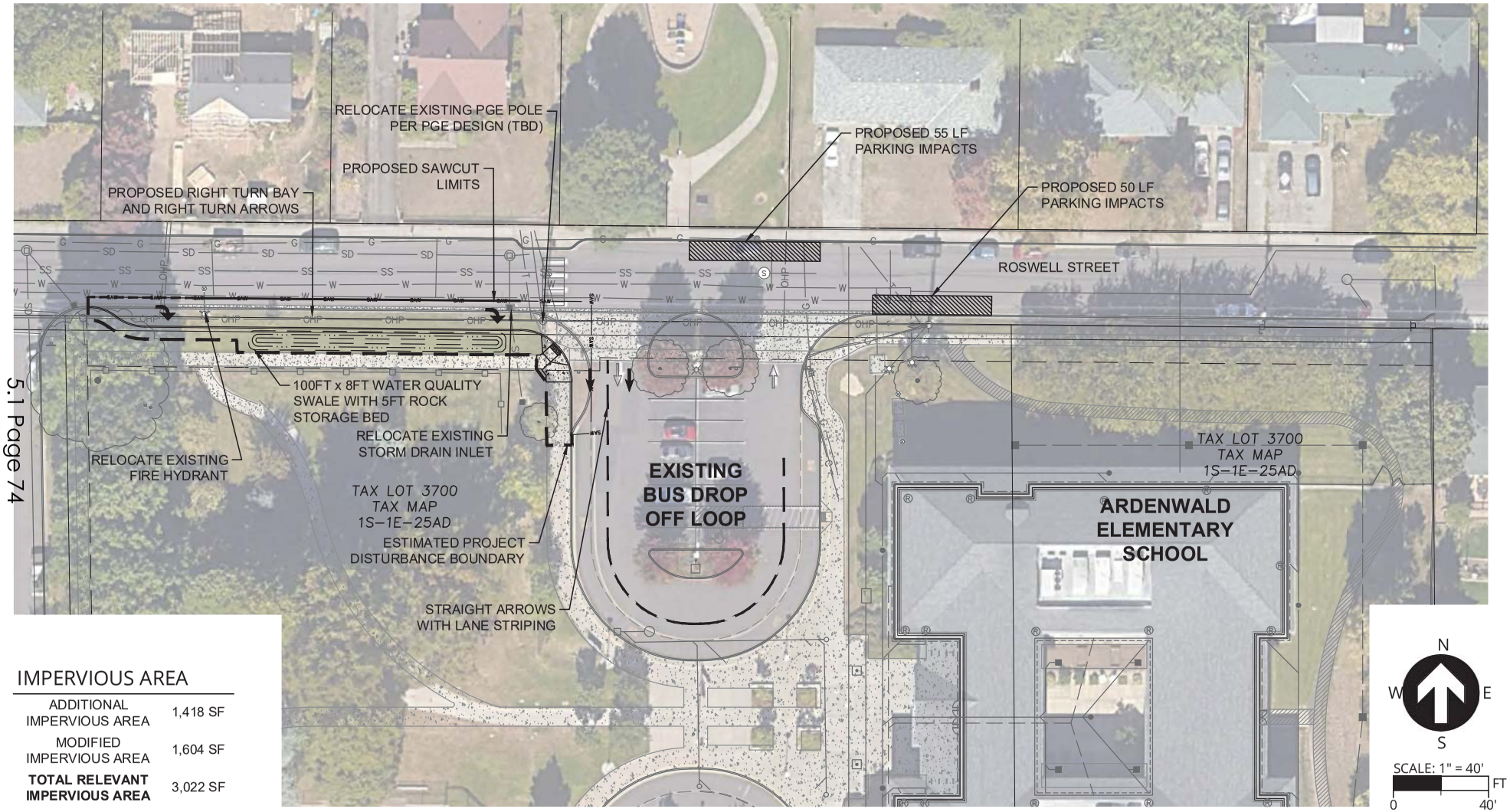

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SCALE: 1" = 40'
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ARDENWALD ELEMENTARY TRAFFIC REVISION

01/24/2020

NORTH CLACKAMAS SCHOOL DISTRICT

PROPOSED FRONTAGE IMPROVEMENT PLAN-NORTH

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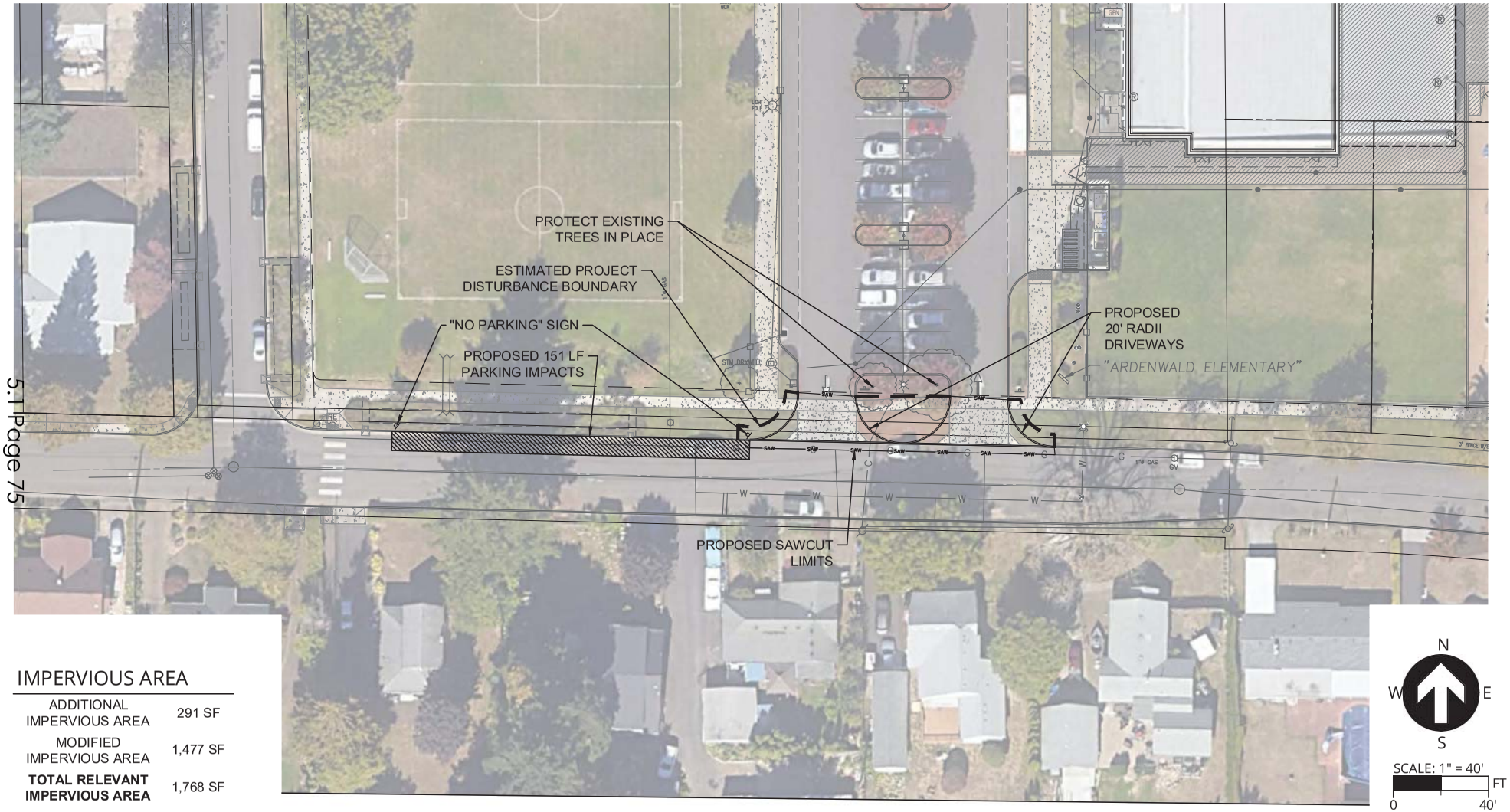

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0 40' FT

ARDENWALD ELEMENTARY TRAFFIC REVISION

01/24/2020

NORTH CLACKAMAS SCHOOL DISTRICT

PROPOSED FRONTAGE IMPROVEMENT PLAN-SOUTH

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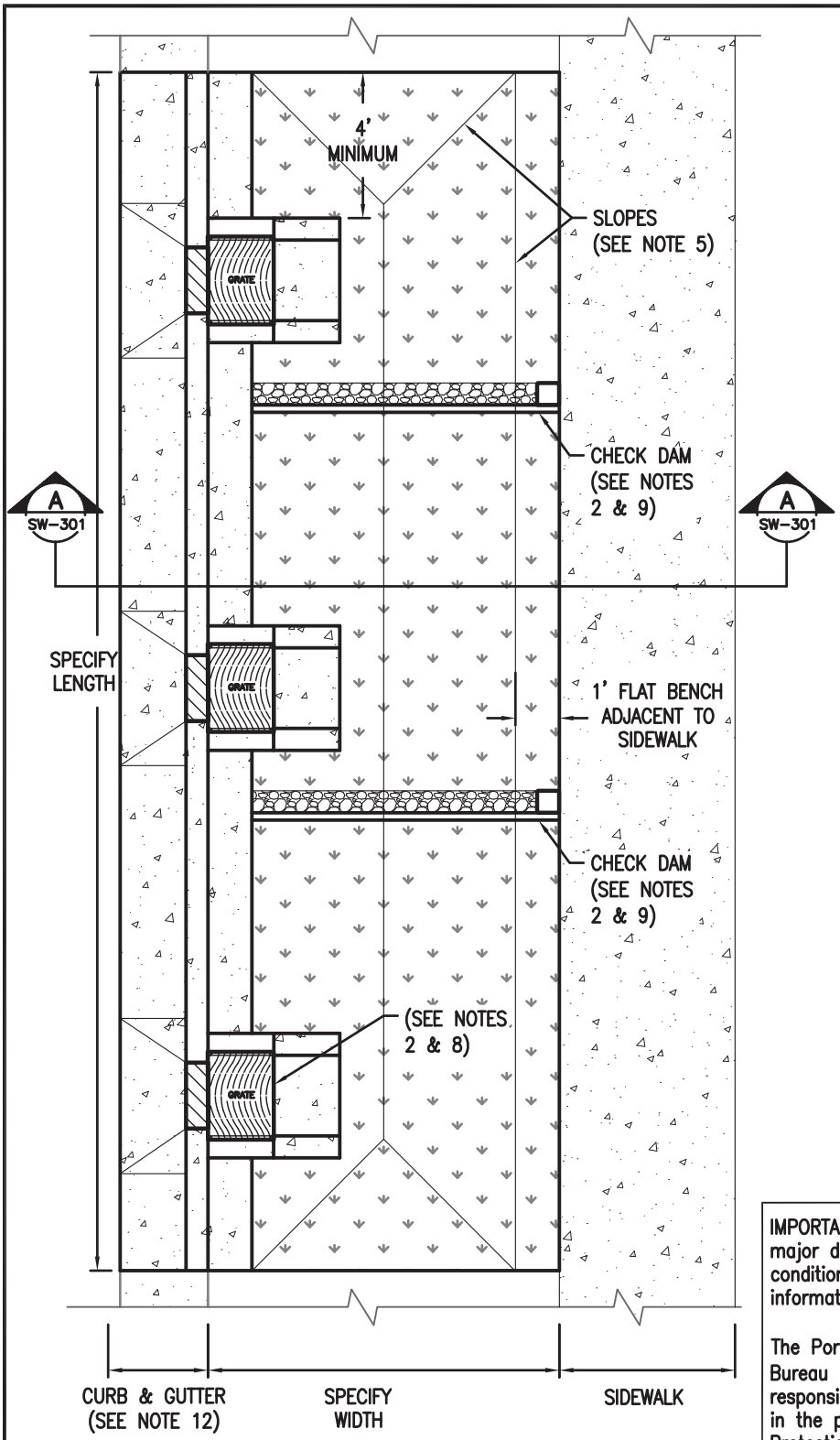


PLAN VIEW

(Swale with Parking shown here)

– DRAWING NOT TO SCALE –

DESIGNER INFORMATION:

1. Adapt this plan view example to your engineered design. Maximize surface storage.
2. Provide beginning and ending stations for each facility. Provide stationing and/or dimensions and elevations at each inlet, outlet and check dam.
3. Sidewalk elevation must be set above check dam and inlet elevations to allow overflow to drain to street before sidewalk.
4. Proposed utility lines to be located out of facility.
5. Slopes 3:1. See swale sections on SW–301, unless otherwise specified.
6. Longitudinal slope of swale matches the road.
7. Area and Depth of facility are based upon engineering calculations and right–of–way constraints. See chapter 2 of the City of Portland Stormwater Management Manual (SWMM).

RELATED DETAILS AND RESOURCES:

8. Inlet and Grate details SW–332, SW–335B and SW–336.
9. Check Dam details SW–341 and SW–342.
10. Special requirements for water lines, meters, and fire hydrants. (see SW–304)
11. Swale Planting Template. (see SW–303)
12. Curb and Gutter per PBOT standard drawing P–540.
13. Stormwater facility construction and blended soil requirements see City of Portland Standard Construction Specifications, sections 00415 and 01040.14(d).

IMPORTANT: Utility conflicts and existing conditions can create major design variables. Locate utilities and survey existing conditions prior to beginning design work and include information on design drawings.

The Portland Bureau of Transportation (PBOT), Portland Water Bureau (PWB), and Bureau of Environmental Services (BES) are responsible for the review and approval of Stormwater Swales in the public right of way. Stormwater facilities in Wellhead Protection Areas may require special containment measures as required by City Code 21.35.

For more information contact:

PBOT	(503) 823–7884	BES	(503) 823–7761
PWB	(503) 823–7368	Urban Forestry	(503) 823–4489

STORMWATER MANAGEMENT MANUAL TYPICAL DETAILS

– Green Streets –

Plan View

Swale

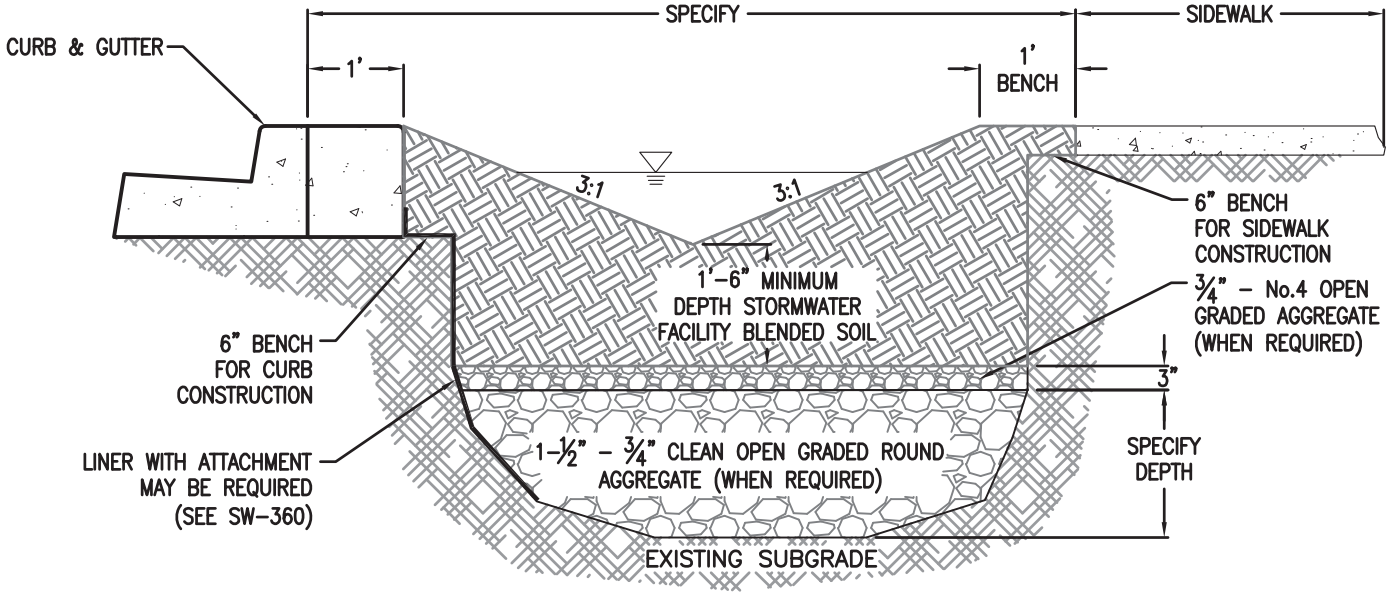
Bureau of Environmental Services

NUMBER

SW–300

7–1–2016

– PARKING –



SECTION A–A
SWALE

DESIGNER INFORMATION:

1. Show liner and perf–pipe in the Section view if they are required
2. Typical facility width is 8' from back of curb to sidewalk

CONSTRUCTION NOTE:

In facilities that are unlined, fracture and loosen soil to a depth of 12" below grade before installing blended soil or aggregate. Do not till.

FOR PLAN VIEW
SEE SW–300

– DRAWING NOT TO SCALE –

STORMWATER MANAGEMENT MANUAL TYPICAL DETAILS

– Green Streets –
Section View
Swale

Bureau of Environmental Services

NUMBER
SW–301
7–1–2016

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Brett Kelver

From: Amos, Matt <Matt.Amos@clackamasfire.com>
Sent: Thursday, February 13, 2020 12:52 PM
To: Brett Kelver
Subject: Application Referral for CSU-2020-001, Ardenwald Elementary

Good afternoon Brett,

Clackamas Fire has no comments for this project. Based on the site design, there are no negative impacts to fire department access and water supply.

Thank you,

Matt Amos
Fire Inspector | Fire Prevention
direct: 503.742.2661
main: 503.742.2600

To Safely Protect & Preserve Life & Property

CLACKAMAS FIRE DISTRICT #1
www.clackamasfire.com

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CITY OF **MILWAUKIE**

To: Planning Commission

Through: Dennis Egner, Planning Director

From: Mary Heberling, Assistant Planner

Date: April 21, 2020, for April 28, 2020, Public Hearing

Subject: **File:** S-2018-001, NR-2018-003, VR-2018-006, VR-2018-007
Applicant: I&E Construction, Inc.
Owner(s): Same
Address: Vacant Lot
Legal Description (Map & Tax Lot): 12E31DD03000
NDA: Linwood

ACTION REQUESTED

Deliberate and make a preliminary decision for application S-2018-001. Continue the hearing to adopt findings and make a final decision.

BACKGROUND INFORMATION

A. Site and Vicinity

The site is a vacant lot on Railroad Ave between Stanley Ave and Beckman Ave (taxlot 12E31DD03000). The site contains no structures and is mostly covered by non-native grasses with two wetlands located towards the northeastern corner of the site. A stream runs along the eastern boundary of the site where most of the brushy vegetation and trees exist. To the north, 56th Ave, is stubbed at the northern boundary of the site.

The area to the north and west consists of single-family homes. A senior care facility is located northeast of the property. South of the property, across Railroad Ave and the railroad tracks, are industrial uses. Directly east of the property is another vacant parcel.

Figure 1: Site and Vicinity. Source: 2018 RLIS

B. Zoning Designation

Residential Zone R-5

C. Comprehensive Plan Designation

Moderate Density Residential (MD)

D. Land Use History

March 7, 2019: City Council approved a zone change for the site, and three additional adjacent sites, from R-7 to R-5 and a Comprehensive Plan Designation change from Low Density to Moderate Density.

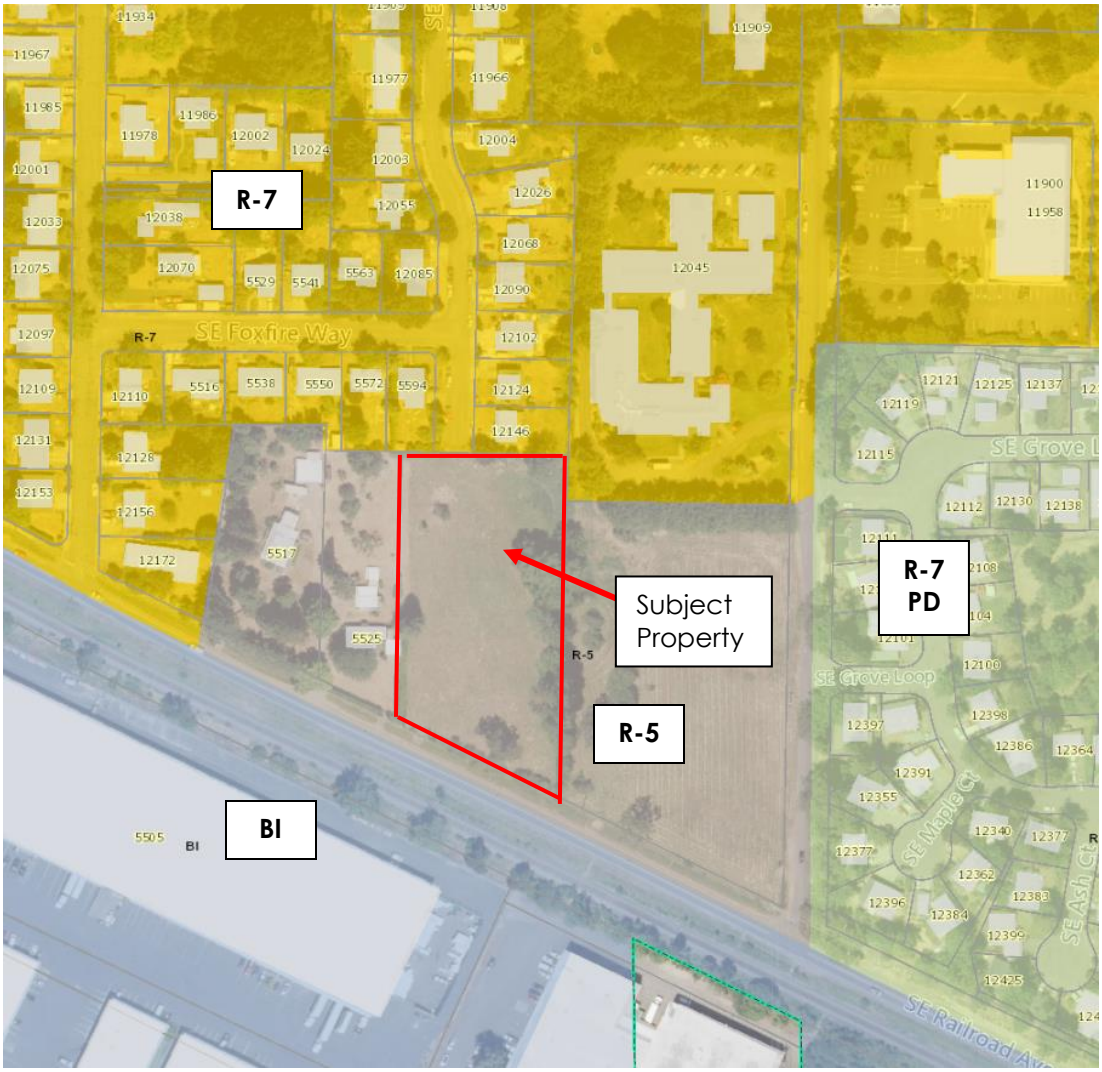


Figure 2: Zoning

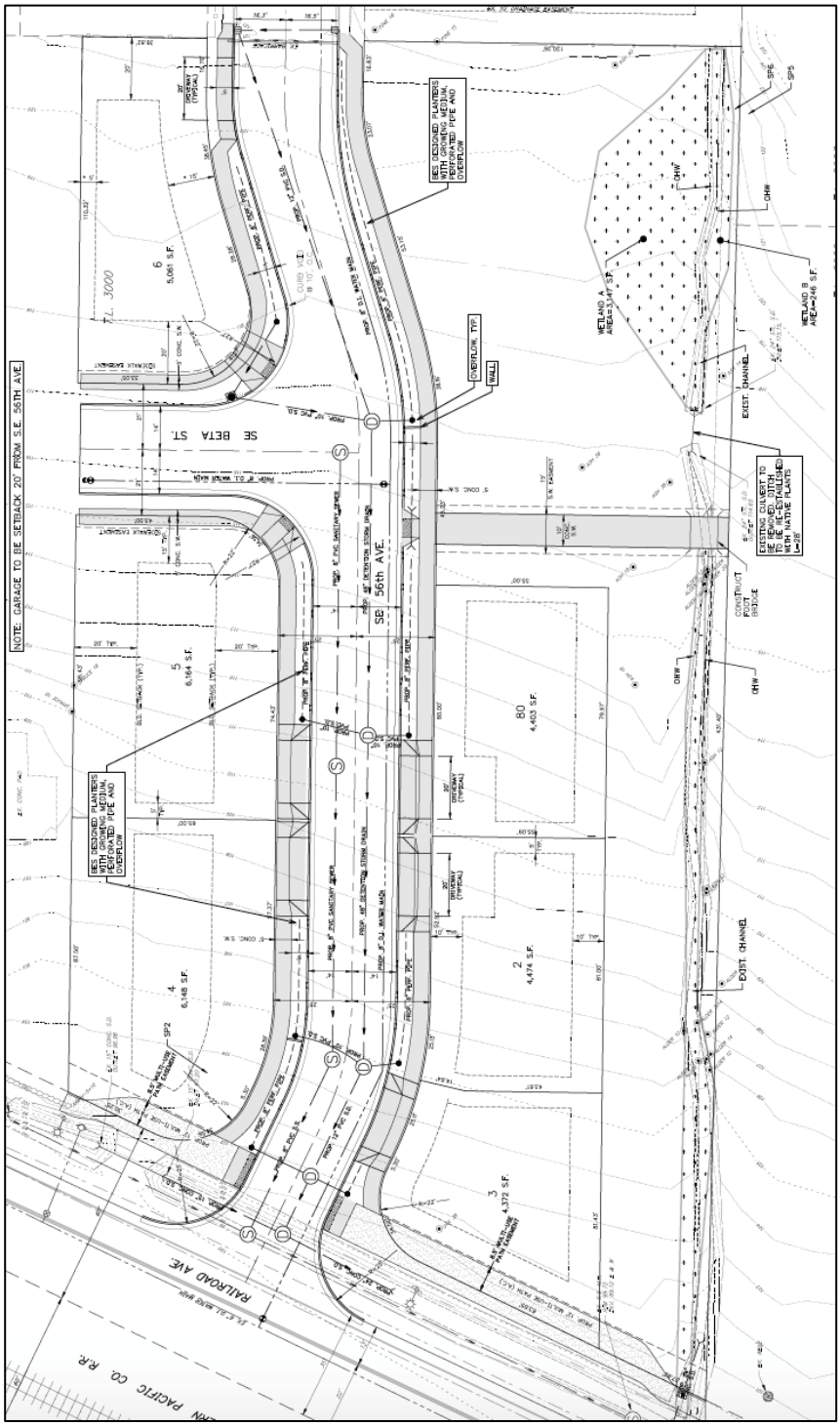
E. Proposal

The application package includes a proposed six-lot subdivision, two variances, and a natural resource review to address Water Quality Resource (WQR) and Habitat Conservation Area (HCA) overlays on the site:

1. Variance to MMC 19.301.4 to allow a reduction of the minimum depth standard of 80 ft to a range of 39 ft to 65 ft for all of the proposed lots.
2. Variance to MMC 19.301.4 to allow Lots 1, 2, and 3 to have lot sizes below the minimum lot size of 5,000 sq ft.
3. Variance to MMC 19.301.3 to reduce the front and rear yard setbacks from 20 ft to 10 ft for Lots 1, 2, and 3.
4. Variance to MMC 19.402.11.D.2 to reduce the number of trees and shrubs required for disturbance in the HCA.

5. Variance to MMC 19.402.13.I.2.a. to allow Lots 1, 2, and 3 to have buildable area within the HCA. See Attachment 3 for a list of the applicant's materials and Figure 3 for the proposed subdivision preliminary plan.

Figure 3: Proposed Site Plan



Existing Conditions and Requirements of the Site

The subject property is 79,434 sq ft (1.82 acres) and zoned R-5. As listed above, 56th Ave, is stubbed at the northern boundary of the site. According to the Milwaukie Municipal Code (MMC), street stubs are intended to continue as through streets when adjoining properties develop (MMC 19.708.1.E.3.b). With this connectivity requirement, the extension of 56th Ave through the subject property is a requirement for development. MMC 19.708.1.E.3 states that streets shall be extended to the boundary lines of the developing property where necessary to give access or allow future development of adjoining properties. There are large lots on either side of the subject property that could potentially redevelop. Access from the subject property to either lot must be evaluated to ensure that future development is possible.

Figure 4: Existing Natural Resources on the subject property

Street connections and connectivity factor into the minimum and maximum density for this site. New right-of-way is subtracted from the gross area to determine the net area for density calculations. Open space or parkland that will be publicly owned or open space owned in common by owners within the residential development also is subtracted from the gross area during density calculations. This site has natural resources (both HCA and WQR) that will also impact density calculations.

The Natural Resource (NR) code section of the MMC states that at least 90% of the property's HCA and 100% of the property's WQR shall be located in a separate tract for subdivision proposals (MMC 19.402.13.I.1). The applicant's proposal has put 24,598 sq ft of the site into a separate open space tract. This open space tract and the new right-of-way for the subject property dictates the density. Based on these factors, the calculation for minimum density is five dwelling units and the maximum is six dwelling units. The applicant is proposing six lots for single-family houses which meets the minimum density requirement and the maximum density limitation.

The Water Quality and Natural Resources map is the City's official map used for identifying the location of natural resources. Figure 4, see above, depicts WQR and HCA boundaries as they apply to the subject property and the property to the east. The map depicts a 100-ft wide WQR and two 50-ft wide HCAs on either side of the WQR. The applicant used this map for initial development concepts but upon review it was discovered that the mapping was incorrect and the WQR should be located along a small intermittent stream along the property line rather than cutting through the property to the east. This discovery meant that the HCA must also shift to the west onto the applicant's property.

Remapping of Natural Resources on the Site

When property is subdivided or partitioned, MMC 19.402.13.A requires the applicant to verify the boundaries of existing natural resources according to the process outlined in MMC 19.402.15. Through the required process, the applicant completed a Wetland Delineation Report that documented a wetland in the northeast portion of the site and an intermittent stream along the eastern property boundary. The report identified the wetland as a Primary Protected Water Feature and the stream as a Secondary Protected Water Feature. With these determinations, according to MMC Table 19.402.15, the WQR boundary needed to be adjusted. For the wetlands, the code requires a 50-ft wide WQR buffer and for the stream it requires a 15-ft wide WQR buffer.

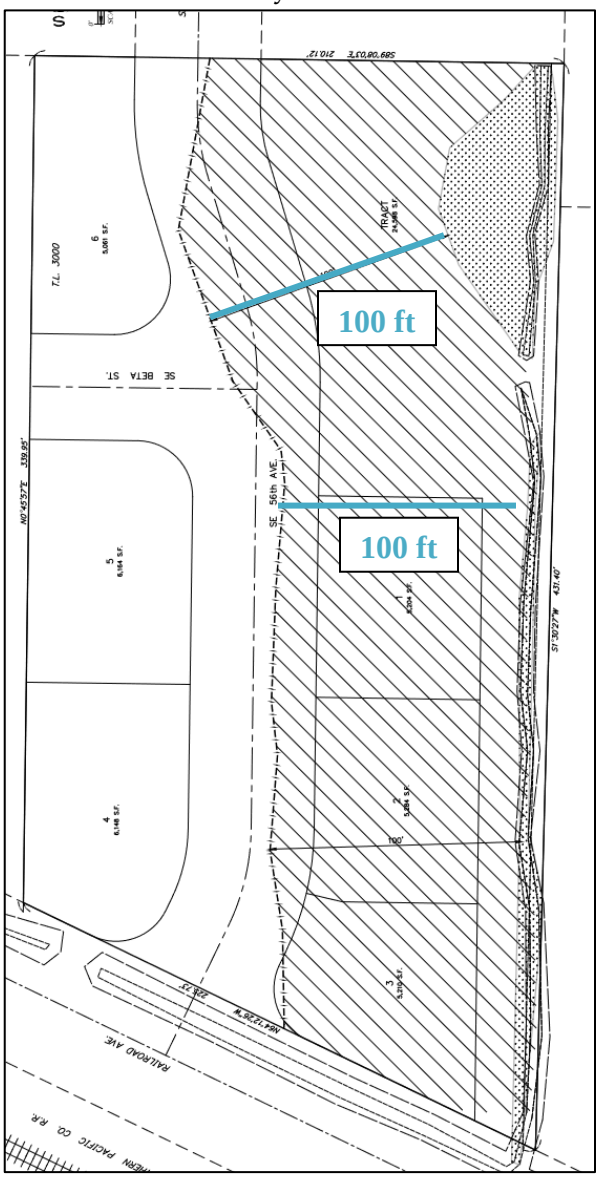


Figure 5: Updated HCA Boundary with the Proposed Site Plan

The applicant also assessed the HCA areas on the site and conducted an HCA Detailed Boundary Verification per MMC 19.402.15.A.2.b. Due to the existence of the wetlands and the intermittent stream, the code requires the new HCA boundary to extend 100 ft from the wetlands and stream. (See Figure 5). The proposed new verified boundary for the HCA fully encompasses three of the proposed six lots (Lots 1, 2, and 3). This represents a significant increase in buffer width over what currently is mapped on the site, (50 ft buffer from the WQR boundary (see Figure 4) with much of that area located on the neighboring property to the east. When verifying the boundary of HCA, the code does not differentiate, between an intermittent stream, like the one of the subject property, and a perennial stream like Johnson Creek. An HCA boundary of 100 ft is required for any type of stream even if the WQR is only 15 ft wide, such as with this proposal.

Alternatives and Impact Analysis for the Proposed Site Plan

Per MMC 19.402.13.I.1, at least 90% of the property's HCA and 100% of the property's WQR shall be located in a separate tract. If that cannot be met, per MMC 19.402.13.I.2, the application shall comply with the following standards:

- All proposed lots shall have adequate buildable area outside the WQR and HCA.
- To the extent practicable, the lot and access configurations shall mitigate the potential future impacts to the WQR and HCA from access and development.
- An Impact Evaluation and Alternatives Analysis shall be prepared in accordance with the relevant portions of Subsection 19.402.12.A.
- For properties where the HCA covers more than 85% of the total lot area, the Alternatives Analysis shall address how the applicant's proposal retains the greatest practicable degree of contiguity of the HCA across the new lots.

Given the extent of HCA on the site, the applicant cannot meet MMC 19.402.I.1 and avoid impacting the HCA. As required above, a set of alternatives and their impacts are listed below. A proposed variance to the buildable area requirement is addressed in the Analysis section later in this report.

Alternative #1: Roadway Crossing to the Vacant Lot to the East

The subject property has large developable lots to the east and west. The lot to the east is vacant and is 125,312 sq ft in size. The lot to the west has a single-family home on a 29,832 sq ft lot. Per MMC 17.12.040.A streets must be laid out to conform to streets on adjoining property and MMC 19.708.E.3 requires that streets be extended to the property boundaries to give access to or allow for future development of adjoining properties. Alternative #1 includes an extension of 56th Ave through the site to Railroad Ave. The alternative also provides access to the property to the west and a full street stub to the larger property to the east. This street would provide enhanced connectivity between the two lots and could enhance development opportunities on the eastern vacant lot (see Figure 6).

However, the new road connection to the east would require the applicant to disturb over 1,200 sq ft of the WQR and over 3,200 sq ft of HCA on the site. The Natural Resource Review memorandum by ESA (Attachment 4) stated concern over this road connection because of the level of disturbance to the natural resources. It suggested a pedestrian connection rather than a street connection to reduce disturbance while meeting the connectivity goals of the city.

Conclusion: Alternative #1 would not work due to the level of natural resource disturbance from the road connection to the east.

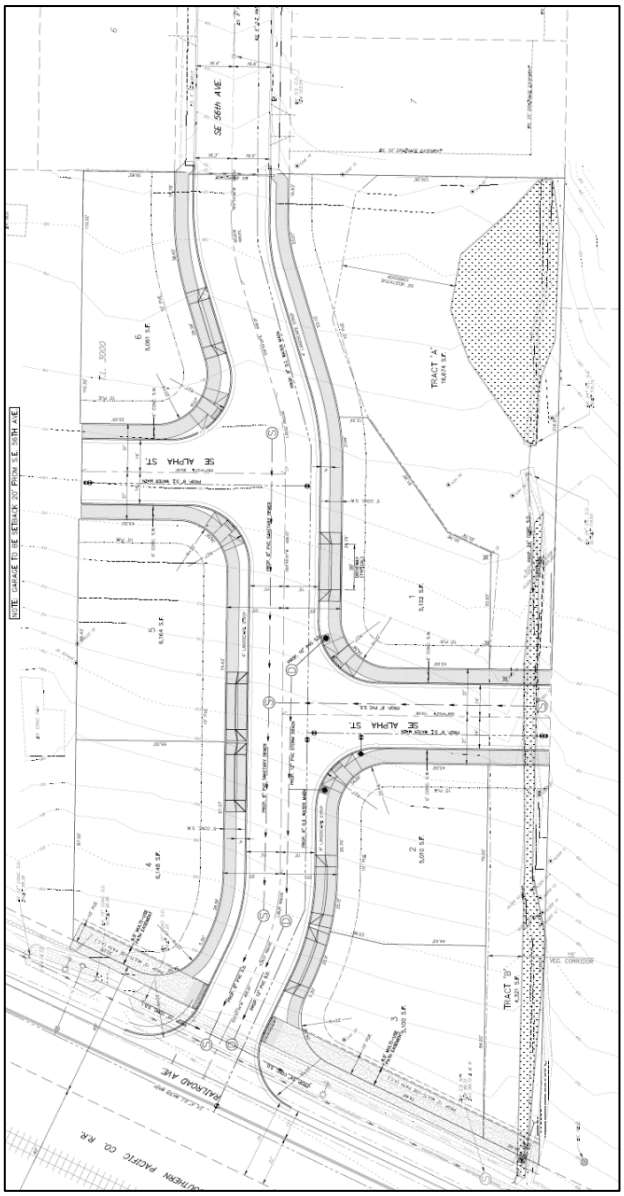


Figure 6: Alternative #1

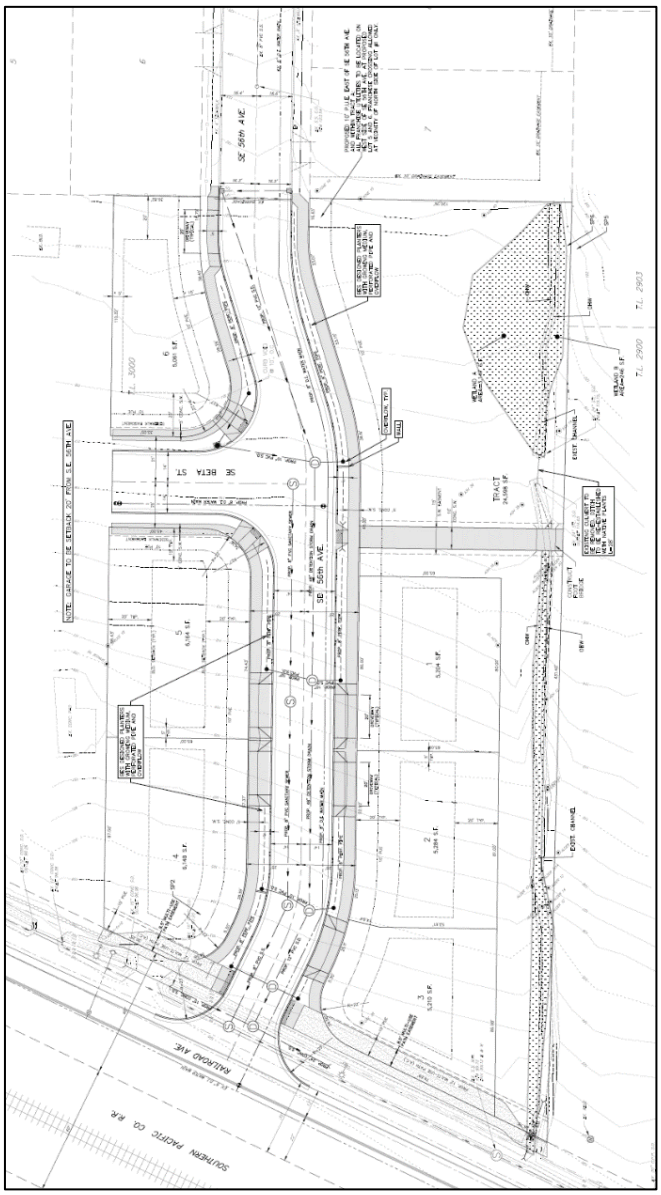


Figure 7: Alternative #2: Connection via pedestrian access

Alternative #2: Connection via pedestrian access

As mentioned in the Alternative #1 discussion above, the ESA Natural Resource Review memorandum suggested a pedestrian connection to the vacant lot to the east to reduce disturbance to the natural resources on the site. Alternative #2 still proposes 6 lots, but Lot 1 has been shifted south to be farther away from the wetland. The pedestrian connection is located farther north than the road connection in Alternative #1. See Figure 7 above.

All of the lots in this proposal meet the minimum lot size of 5,000 sq ft, but none meet the minimum lot depth of 80 ft. This is due to the constraints on the site with the 56th Ave extension and the natural resources. The proposed lots in Alternative #2 are all big enough that buildings on each lot will be able to meet the required setbacks (see Figure 7). The proposal requires a variance for the lot depth standards.

As with Alternative #1, lots 1, 2, and 3 continue to be entirely within the HCA. This alternative requires a variance to the Natural Resource standard of MMC 19.402.13.I.2 which states that all proposed lots shall have adequate buildable area outside of the WQR and HCA.

The applicant notes that this street layout and lot pattern is preferred as it provides six lots and satisfies the requirement for a road connection through the site. Full avoidance of the HCA would result in the loss of the three lots to the east and would make the extension of 56th Ave through the site infeasible given the cost of the road and the loss of revenue from a reduced number of the lots. The applicant notes that the pedestrian connection to the east is preferred because it disturbs less of the natural resources and is less costly. The applicant also states that the proposed natural resource tract will restrict development from encroaching into the most vulnerable natural resources on the site. The portion of the site where development is proposed, including the HCA portion, is an open field that includes cut, maintained grasses without trees. The resource areas close to the intermittent stream and wetlands where there is more variety of vegetation and better-quality natural resources will be protected in a separate tract. The applicant has also proposed a mitigation plan to enhance and restore the natural resource tract. The mitigation plan (Figure 9) is described later in the report and addresses a variance to the mitigation planting requirements.

Conclusion: The applicant initially suggested that this is the best alternative as it provides enough lots and development to pay for the 56th Ave street connection, while also minimizing and mitigating disturbance in the most vulnerable and best quality natural resources on the site.

Alternative #3: Expanded buffer for Lots 1, 2, and 3 – Preferred alternative

This alternative was suggested by City staff and is similar to Alternative #2 except that an additional 10 feet of HCA buffer is proposed along the intermittent stream to the east of Lots 1, 2, and 3. City staff acknowledges the economic argument made by the applicant about needing six lots for single-family development to pay for the 56th Ave street extension. Staff proposes that all six lots be retained, however the depth of lots 1, 2, and 3 be reduced. This will disturb less of the HCA and come closer to meeting the standard in MMC 19.402.13.I.2 which requires all proposed lots to have adequate buildable area outside the WQR or HCA. Alternate #3 would reduce the lot sizes of lots 1, 2, and 3 and provide a slightly wider natural resource tract and restrict development in more of the HCA (See Figure 8). This alternative reduces the lot depth of all three lots by 10 ft and allow 10-ft front and yard setbacks, versus the 20 ft setback requirements in the R-5 zone. As seen in Figure 8, this would reduce the lot sizes to under 5,000 sq ft, however, this

reduction would provide an additional 2,400 sq ft of area for the natural resource tract. Variances are required for lot depth, lot area, and front and rear yard setbacks.

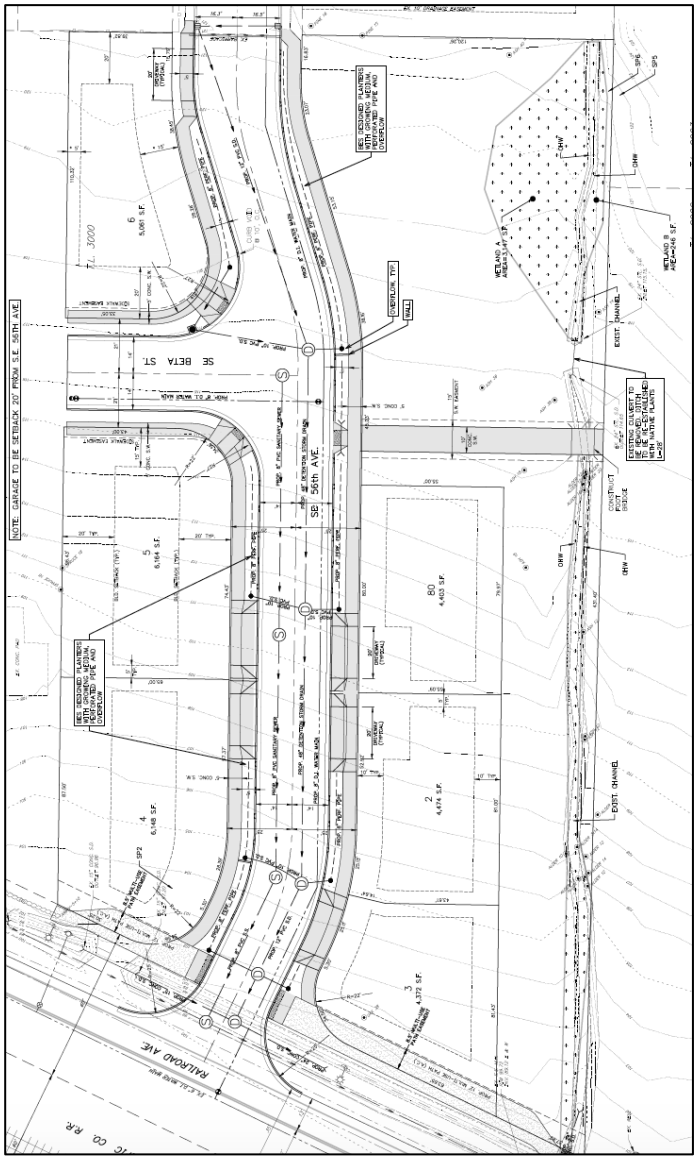


Figure 8: Alternative #3

Conclusion: Alternative #3 provides a 25-ft wide buffer from the intermittent stream while still allowing six lots and a full street extension through the site.

Alternative #4: Avoidance of HCA with three lots and the 56th Ave Road extension

No site plan is provided for this alternative. Other than impacts due the extension of 56th Ave, Alternative #4 avoids impacts to the HCA by eliminating lots 1, 2, and 3 and keeping only the lots on the western portion of the site (lots 4, 5, & 6). Under this alternative 56th Ave would be extended to Railroad Ave with an additional street connection provided to the west and a pedestrian connection to the east.

The applicant has expressed concerns with this alternative for a number of reasons. The first being the loss of three dwelling units. Economically, the applicant believes that the required street connection through the site is not proportional to the amount of development that would be permitted. Secondly, this site was allowed a zone change from R-7 to R-5, which was approved by both Planning Commission and City Council, to allow more lots on this site. An alternative that avoids the HCA reduces the number of dwellings and conflicts with the reasoning for the zone change approval. Finally, the applicant does not believe that the quality of the HCA on the site warrants total avoidance. As described in their Natural Resource report completed by Schott and Associates, the expanded HCA is predominately an open grass field that does not provide a riparian function in connection with the intermittent stream through the site. The applicant argues that Alternatives #1, #2, and #3 protect the area adjacent to the stream through riparian plantings and setbacks.

Conclusion: While this alternative provides less disturbance to the designated HCA, the applicant argues that the HCA requirements are excessive given the character of the HCA as an open field. In addition, if only three lots are allowed, the development would not be proportional to the amount of street infrastructure required for the extension of 56th Ave through the site.

Alternative #5 – Attached housing, outside of the HCA

No site plan is provided for this alternative. This alternative is similar to Alternative #4 except that rather than three lots with only single-family development, the site would be developed with a natural resources cluster development including housing such as duplexes, triplexes, or townhomes. This type of development is only allowed in the R-5 through the Natural Resource Residential Cluster Development standards (MMC 19.402.14.C). The cluster process encourages flexible site design that enables the allowable density to be transferred elsewhere on a site to protect environmentally sensitive areas.

The applicant does not prefer this alternative for a number of reasons. The first being that the property owner and developer of the site is not an attached housing/multi-family developer. They only develop single-family projects and are not experienced with development of other types of housing. Secondly, the applicant states that attached housing would not justify the same frontage improvements that can be supported through development of a single-family development. Thirdly, same as in Alternative #4, the applicant feels that the quality of the HCA doesn't warrant total avoidance.

Conclusion: The applicant does not prefer this alternative and believes it won't work economically. In addition, the quality of the HCA does not warrant total avoidance.

Mitigation Plan for the Site

The requirements for a Mitigation Plan with an Impact Evaluation and Alternatives Analysis is set forth in MMC 19.402.12.A.6. This includes an explanation of how the application meets the mitigation requirements for disturbance in WQRs per MMC 19.402.11.C and mitigation requirements for disturbance in HCAs per MMC 19.402.11.D.2.

Both of those code sections have clear requirements for how to mitigate disturbance including calculating the amount of disturbance to figure out the number of trees and shrubs to install as mitigation.

The applicant has submitted an initial mitigation plan that falls short of the requirements given the amount of HCA that is to be disturbed. A variance to the mitigation planting standard (MMC 19.402.11.D.2) is sought. MMC 19.402.11.D.2 lays out two options for how to the number of trees and shrubs to plant. The application should follow the option that will provide the greatest amount of trees to be planted, which is Option 2.

For Option 2, the code states that native trees and shrubs are required to be planted at a rate of 5 trees and 25 shrubs per 500 sq ft of disturbance area. There is roughly 18,500 sq ft of disturbance in the HCA with Lots 1, 2, 3, and the street/pedestrian connections. According to the requirements in Option 2, the applicant would have to plant 185 trees and 927 shrubs to meet this standard. The applicant's mitigation plantings plan falls quite short of this requirement. In response the applicant has asked for a variance because planting that number of required trees and shrubs in the area available for planting would be impossible to meet. As seen in Figure 9, the proposed mitigation plantings plan shows 15 new trees and 117 shrubs.

The City's urban forest is managed by staff in the Public Works Department. City Urban Forester Julian Lawrence reviewed the mitigation plan and recommended that the list of trees include Ponderosa Pine and Western Red Cedar. Planning staff notes that the number of trees should be increased to provide a denser riparian corridor along the stream and adjacent to the wetlands. Staff will propose a condition that requires the applicant to update and enhance the mitigation plan.

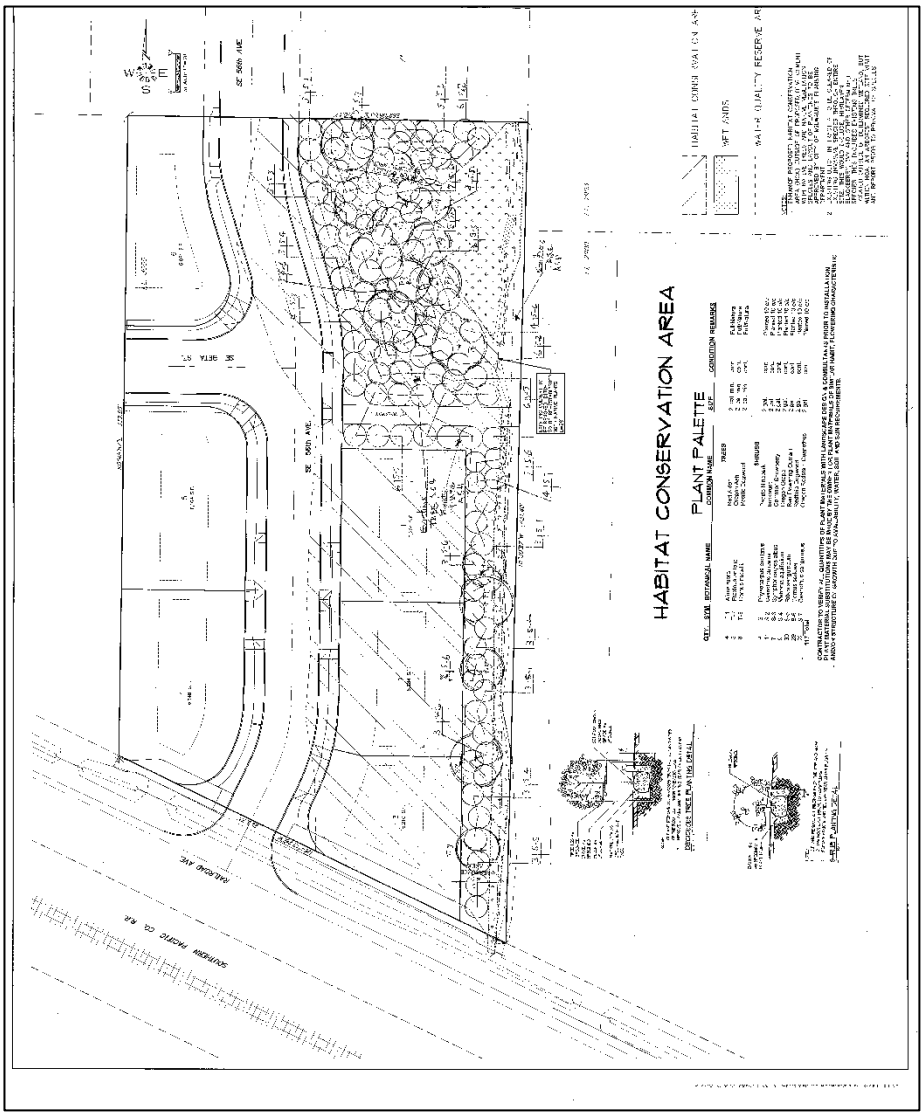


Figure 9: Proposed Mitigation Plantings Plan

KEY ISSUES

Summary

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

A. Is the HCA alternatives analysis adequate?

B. Is a variance to the amount HCA mitigation justified? Is the 25-ft buffer from the intermittent stream proposed in Alternative #3 a reasonable level of protection?

C. Are the variances to lot size and front and rear setbacks appropriate for Lots 1, 2, and 3? Is the variance to MMC 19.402.13.I.2.a. justified?

D. Are the lot depth variances for all lots appropriate?

Analysis

A. Is the HCA alternatives analysis adequate?

MMC 19.402.12 outlines the discretionary review process for WQR and HCA disturbance. Subsection A.4. requires that the alternatives analysis demonstrate that:

a. No practicable alternatives exist that will not disturb the WQR or HCA.

b. Development in the WQR or HCA has been limited to the area necessary to all the proposed use.

c. If disturbed the WQR can be restored to an equal or better condition and the HCA can be restored consistent with the mitigation standards of the code.

d. Road crossings will be minimized.

Subsection B.1 of MMC 10.402.12 states that applications must demonstrate how they comply with criteria to avoid, minimize, and mitigate impacts.

As noted earlier in this report, there are five alternatives for the subject property. The applicant has addressed the criteria and has stated that impacts to the HCA are needed to justify the extension of 56th Ave through the site. Information has been provided that the designated HCA on the site – a 100-ft wide buffer from the intermittent stream – is excessive given that the HCA is primarily an open grass field. Alternative #3 provides an appropriate riparian buffer along the stream and allows development of the remaining HCA to the west. This plan has limited the site impacts to what is necessary for the proposed development. As proposed, a variance is requested for the amount of HCA mitigation required. Based on the mitigation plan, the WQR will be restored to a condition that is better than what currently exists. Alternatives #2 and #3 minimize the impacts to the WQR by creating a pedestrian path rather than a full street connection to the property to the east. Finally, Subsection B.1 is satisfied by minimizing the HCA disturbance and through conditions to provide an appropriate level of HCA mitigation. This can be accomplished through denser riparian plantings along the intermittent stream and through a significant increase in the number trees to be planted including Western Red Cedar and Ponderosa Pine.

B. Is a variance to the amount of HCA mitigation justified? Is the 25-ft buffer from the intermittent stream proposed in Alternative #3 a reasonable level of protection?

MMC19.402.12.C.2 outlines the criteria for varying the number and size of trees and shrubs in the HCA. Subsection 2.b. states that approval requires consideration of whether the proposed planting will achieve comparable or better mitigation than if the applicant complied with the mitigation requirements. In addition, consideration must be given as to

whether the mitigation plan adequately addresses plant diversity, plant survival, and monitoring practices established by the code.

The applicant has submitted a mitigation plan for Alternative #2 that proposes substantially fewer mitigation plants than would be required under the code. This is primarily a result of the high number of plants required given the amount of HCA that is to be disturbed and the area available for planting. As discussed previously, the development will impact HCA that extends 100 feet from the intermittent stream and is mostly comprised of mowed grasses. If the applicant were to fully meet the planting requirements in the areas to be protected along the stream, the trees and shrubs would need to be planted too densely to survive. Better mitigation can be achieved when plant materials are spaced appropriately and well maintained. In addition, conditions on the mitigation plan can ensure that appropriate trees will be planted to achieve a riparian corridor along the stream. Conditions will also be needed to update the mitigation plan in the 25-ft buffer proposed for Alternative #3, if the Commission prefers that alternative. To ensure that the mitigation area along the eastern edge of lots 1, 2, and 3 is well maintained and not treated as a dumping area for yard debris, any fences that are installed along the eastern boundary should be required to be see-through rather than site obscuring. Wire fencing or a similar type of fence will accomplish this objective.

C. Are the lot depth variances for all lots appropriate?

MMC 19.911.4.B.1. establishes the criteria for discretionary variances. The criteria require the following:

a. An alternatives analysis that compares the proposal to the baseline.

b. The variances must be reasonable and appropriate and meet one of the following:

- Avoids or minimizes impacts to surrounding properties;
- Has desirable public benefits; or
- Responds to existing built or natural environment in a creative and sensitive manner.

c. Impacts will be mitigated to the extent practicable.

Lot depth variances are needed for all lots. Each of the lots have shallower depths to allow 56th Ave to extend through the site and provide natural resource protection. The east-west dimension of the subject site is not wide enough to allow the street extension (50-ft-wide right-of-way) and full depth lots (80-ft depth) while also providing a reasonable buffer to

the intermittent stream to the east. Alternative #3 provides a 25 ft-wide riparian buffer to the stream.

D. Are the variances to lot size and front and rear setbacks appropriate for Lots 1, 2, and 3? Is the variance to MMC 19.402.13.I.2.a. justified (buildable area outside the HCA)?

As noted above the criteria for discretionary variances are set forth in MMC 19.911.4.B.1. For Alternative #3, variances are needed for lot size and the front and rear setbacks. A variance is also needed to MMC 19.402.13.I.2.a. which requires lots to have buildable area outside of the HCA. As noted above, the east-west dimension of the subject site is not wide enough to allow an extension of 56th Ave (50-ft-wide right-of-way) and full depth lots (80-ft depth) while also providing a 25-ft wide buffer to the intermittent stream to the east. To provide this buffer, lot depth and lot size for lots 1, 2, and 3 need to be reduced below the R-5 standard (5,000 sq ft minimum lot size). Given the reduced lot depth, additional flexibility is needed to site homes on each lot. Variances to the front and rear setbacks are proposed (20-ft setbacks are currently required). Setbacks of 10 feet are proposed (20 feet to garage doors). The reasoning for all of the variances is related directly to the buffer width along the stream.

As noted above in the discussion regarding mitigation, the 100 ft-wide HCA designation on the site is excessive given the intermittent nature of the stream and the condition of the HCA. A variance is sought to allow construction on three lots that would be entirely within the designated HCA. Mitigation is proposed within a 25-ft wide buffer along the stream.

CONCLUSION AND RECOMMENDATION

Based on the analysis and alternatives presented above, staff believes that findings can be developed that will adequately address the approval criteria.

Staff recommendation to the Planning Commission is as follows:

1. Tentatively approve the request subject to an updated mitigation plan.
2. Direct staff to return to the Commission with findings for approval and final conditions of approval.
3. Continue the public hearing for final action and adoption of findings on May 12, 2020.

CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC 12 Streets, Sidewalks, and Public Places
- MMC 17.12 Application Procedure and Approval Criteria - Land Division
- MMC 17.20 Preliminary Plat
- MMC 17.28 Design Standards

- MMC 17.32 Improvements
- MMC 19.301 Low Density Residential Zones
- MMC 19.402 Natural Resources NR
- MMC 19.500 Supplementary Development Regulations
- MMC 19.600 Off-street Parking
- MMC 19.700 Public Facility Improvements
- MMC 19.911 Variances
- MMC 19.1200 Solar Access Protection
- MMC 19.1006 Type III Review

This application is subject to Type III review, which requires the Planning Commission to consider whether the applicant has demonstrated compliance with the code sections shown above. In Type III reviews, the Commission assesses the application against review criteria and development standards and evaluates testimony and evidence received at the public hearing.

The Commission has 4 decision-making options as follows

A. Approve the application upon finding that all approval criteria have been met.

B. Approve the application subject to the recommended Conditions of Approval.

C. Approve the application with modified Conditions of Approval. Such modifications need to be read into the record.

D. Deny the application upon finding that it does not meet approval criteria.

E. Continue the hearing.

The final decision on these applications, which includes any appeals to the City Council, must be made by August 12, 2020, in accordance with the Oregon Revised Statutes and the Milwaukie Zoning Ordinance. The applicant can waive the time period in which the application must be decided.

COMMENTS

Notice of the proposed changes was given to the following agencies and persons: City of Milwaukie Engineering Department, Building Division, Clackamas Fire District #1, Clackamas County, Metro, and the Linwood Neighborhood District Association (NDA). The following is a summary of the comments received by the City. See Attachment 5 for further details.

- **Milwaukie Engineering Department** - the Milwaukie Engineering Department responded with a memorandum regarding public improvements and stormwater.

ATTACHMENTS

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

	Early PC Mailing	PC Packet	Public Copies	Packet
1. Recommended Conditions of Approval	☐	☒	☒	☒
2. Applicant's Narrative and Supporting Documentation dated May 17, 2018.				
a. Application	☒	☒	☒	☒
b. Narrative	☒	☒	☒	☒
c. Site Plan	☒	☐	☐	☐
d. Wetland Delineation Report	☒	☒	☒	☒
e. Pre-Application Conference Report	☒	☒	☒	☒
3. Applicant's additional info submitted 10 days before the hearing				
a. Updated Site Plans	☐	☒	☒	☒
b. Additional Variance Narratives	☐	☒	☒	☒
c. Alternatives and Impact Analysis Narrative	☐	☒	☒	☒
d. Mitigation Plantings Plan	☐	☒	☒	☒
4. ESA Natural Resource Review Memo	☐	☒	☒	☒

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-49.

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ATTACHMENT 1
Recommended Conditions of Approval
File #S-2018-001 (master file), Railroad Ave Subdivision

Conditions of Approval

1. The applicant shall submit a final plat application within 6 months of the preliminary plat approval in accordance with MMC Subsection 17.24.040. The applicant shall obtain approval of the final plat prior to the expiration of this preliminary plat approval.
2. The applicant's final plat application shall include the items listed on the City of Milwaukie Final Plat Checklist. The following specific items and changes are required as part of the application:
    a. A written narrative describing all changes made to the final plat that are not related to these conditions of approval.
    b. A final plat that substantially conforms to the plans received by the Planning Department on April 14, 2020 and approved by this action, except as modified by these conditions of approval.
    c. The final plat shall include spaces for signatures by the Milwaukie Planning Director and Milwaukie Engineering Director, and a note indicating that this subdivision is subject to the requirements of City of Milwaukie Land Use Application S-2018-001; NR-2018-03; VR-2018-006; VR-2018-007.
    d. A Construction Management Plan per MMC 19.402.9
    e. A Mitigation Plan addressing:
        i. Standards listed in MMC 19.402.12.A.6.
        ii. Standards showing protection of natural resources during site development listed in MMC 19.402.11.A.
        iii. General standards for required mitigation listed in MMC 19.402.11.B.
        iv. A maintenance plan per MMC 19.402.12.B.1.c.(5).
        v. A system for long term management and maintenance of all common areas.
3. Prior to approval of the final plat, the following shall be resolved:
    a. Proof of ownership of the separate natural resource tracts per MMC 19.402.13.J.
    b. Submit full-engineered plans for construction of all required public improvements, reviewed and approved by the City of Milwaukie Engineering Department.
    c. Submit a storm water management plan to the City of Milwaukie Engineering Department for review and approval. The plan shall be prepared in accordance

with Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards. Private properties may only connect to public storm system if percolation tests show that infiltration cannot be obtained on site. In the event the storm management system contains underground injection control devices, submit proof of acceptance of the storm system design from the Department of Environmental Quality.

d. Obtain a right-of-way permit for construction of all required public improvements listed in these recommended conditions of approval.
e. Pay an inspection fee equal to 5.5% of the cost of the public improvements.
f. Provide a payment and performance bond for 130 percent of the cost of the required public improvements.
g. Provide an erosion control plan and obtain an erosion control permit.
h. Install an 8″ DIP water main along the proposed extension of 56th Ave, connecting to the existing water mains along Railroad Ave and the south end of the existing 56th Ave. Provide an extension of 8″ DIP to the west end of the proposed Beta St. (this is currently shown in the submitted plans dated Nov. 2017).
i. Sanitary service connection shall be via installing a new manhole at the existing 15″ main in Railroad Ave. Sanitary service system must extend to the west end of Beta St by providing an 8″ sewer line, terminating at a clean out to be installed by the applicant.
j. Stormwater service must extend to the west end of Beta St by providing a 12″ sewer line, terminating at a clean out to be installed by the applicant. Applicant must design Beta St so that all stormwater runoff is directed into the proposed project.
k. Install all underground utilities, including stubs for utility service prior to surfacing any streets.
l. Applicant shall construct a 12-foot wide pervious asphalt multi-use path along the SE Railroad Avenue frontage.
m. Construct 5-foot setback sidewalks, 5-foot landscape strips, curb and gutter, 28-feet travel way and driveways on SE 56th Ave and SE Beta St. The city has agreed to allow a portion of the sidewalks along 56th Ave to be located outside of the proposed right-of-way but located within public sidewalk easements. Approved street trees will also be planted at a 40-foot spacing.
n. In lieu of the former street connection (SE Alpha St), the city and applicant have agreed to allow this street to be replaced with a 10-ft public pathway to provide future pedestrian/bicycle connection to Stanley Ave. Applicant shall construct this pathway at their costs and provide a public access easement over it.
o. At the end of all non-connecting sidewalks and pathways, and at the west end of Beta St. applicant must construct Type III barricades.
p. Construct a driveway approach to meet all guidelines of the Americans with Disabilities Act (ADA) to each new lot. The driveway approach aprons must be

between 9 feet and 20 feet in width and least 7.5 feet from the side property line. All driveways will be located 45 feet minimum from nearest intersection.

q. Construct three ADA ramps at the Beta/56th intersections.
r. Proposed lots 3 & 4 must have vehicular access only via 56th Ave. Provide an access control strip on lots 3 & 4 adjacent to Railroad Ave to prohibit vehicular access to that street.
s. Applicant must form an Home Owners Association (HOA) that must provide maintenance to the stormwater planters , the 10-ft concrete sidewalk extending east from 56th Ave, and the open tract of land this sidewalk lies upon. The HOA shall also maintain all common area tracts consistent with City natural resource area requirements and the mitigation plan approved for the development.
t. Clear vision areas must be maintained at all driveways and accessways and on the corners of all property adjacent to an intersection.
u. Applicant shall install streetlighting with the project meeting city Public Works Standards, except that street lights shall be 45 watt Leotek LED roadway luminaire CCT 3000K with 30' Gray Direct Buried Fiberglass poles to meet current city requirements.
v. Provide a final approved set of electronic PDF "As Constructed" drawings to the City of Milwaukie prior to final inspection.
w. Remove all signs, structures, or vegetation in excess of three feet in height located in "vision clearance areas" at intersections of streets, driveways, and alleys fronting the proposed development.

4. Prior to final inspection for any building on the proposed development, the following shall be resolved:

    a. Connect all residential roof drains to private drywell or other approved structure.

5. Any fencing along the eastern boundary of lots 1, 2, and 3 shall be designed to be see-through rather that site obscuring to allow for visual observation and continued maintenance of the natural area along the intermittent stream. This requirement shall be noted on the plat and be attached to the deed for each of the three lots.

Other Requirements

The following items are not conditions of approval necessary to meet applicable land use review criteria. They relate to other development standards and permitting requirements contained in the Milwaukie Municipal Code and Public Works Standards that are required at various points in the development and permitting process. They are included for the applicant's convenience and do not necessarily represent all standards or requirements that may be applicable.

1. The Time Limit on Approval established in MMC 17.04.050 applies to this proposed subdivision.

a. MMC 17.040.050.A: All decisions on boundary changes and land divisions shall expire 1 year after the date of approval. Reactivation of expired decisions may only be made by submission of a new application and related fees. *Staff note - approval of a final plat must occur prior to the expiration of the preliminary plat approval on which the final plat is based.*

b. MMC 17.04.050.B: Approvals may be extended up to 6 months upon submission of formal request to the original decision-making authority. One extension of the approval period not to exceed 6 months will be granted if the criteria in MMC 17.04.050.B are satisfied.

2. The requirements on MMC 17.24 for preparation and recording the final plat are as follows:

a. MMC 17.24.040: Within 6 months of City approval the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.

b. MMC 17.04.120.B: Prior to recording a lot consolidation, property line adjustment, subdivision, or partition plat or replat, the applicant shall submit the recording instruments to the Planning Director for a determination of consistency with the City Code and required approvals.

c. MMC 17.04.120.A: Recording instruments for boundary change, subdivision, partition, and replat shall be submitted to the County Surveyor within 6 months of City approval.

PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: 503-786-7630
FAX: 503-774-8236
E-MAIL: planning@milwaukieoregon.gov

Application for Land Use Action

Master File #: _____

Review type*: ☐ I ☐ II ☐ III ☐ IV ☐ V

CHOOSE APPLICATION TYPE(S):

...

...

...

...

...

Use separate application forms for:

- Annexation and/or Boundary Change
- Compensation for Reduction in Property Value (Measure 37)
- Daily Display Sign
- Appeal

RESPONSIBLE PARTIES:

APPLICANT (owner or other eligible applicant—see reverse): I & E Construction, Inc.

Mailing address: 9550 SE Clackamas Rd Zip: 97015

Phone(s): E-mail:

APPLICANT'S REPRESENTATIVE (if different than above): Jeff Bolton

Mailing address: 1155 SE 13th St., Salem, OR Zip: 97302

Phone(s): 503-363-9227 E-mail: jbolton@mtengineering.net

SITE INFORMATION:

Address: Railroad Ave. Map & Tax Lot(s): 12E31DD/3000

Comprehensive Plan Designation: ... LD Zoning: ... R-7 (proposed R-5) Size of property: 1.83 Acres ...

PROPOSAL (describe briefly):

SUBDIVISION of 7 Lots and 1 TRACT of LAND. SITE WILL HAVE PUBLIC STREETS and Public Infrastructure.

SIGNATURE:

ATTEST: I am the property owner or I am eligible to initiate this application per Milwaukie Municipal Code (MMC) Subsection 19.1001.6.A. If required, I have attached written authorization to submit this application. To the best of my knowledge, the information provided within this application package is complete and accurate.

Submitted by: Date: MARCH 13, 2018

IMPORTANT INFORMATION ON REVERSE SIDE

RESET

*For multiple applications, this is based on the highest required review type. See MMC Subsection 19.1001.6.B.1.

APPLICATION PREPARATION REQUIREMENTS:

- Five hard copies of all application materials are required at the time of submittal (unless submitted electronically). Staff will determine how many additional hard copies are required, if any, once the application has been reviewed for completeness.
- All hard copy application materials larger than 8½ x 11 in. must be folded and be able to fit into a 10- x 13-in. or 12- x 16-in. mailing envelope.
- All hard copy application materials must be collated, including large format plans or graphics.

ADDITIONAL INFORMATION:

- Neighborhood District Associations (NDAs) and their associated Land Use Committees (LUCs) are important parts of Milwaukie's land use process. The City will provide a review copy of your application to the LUC for the subject property. They may contact you or you may wish to contact them. Applicants are strongly encouraged to present their proposal to all applicable NDAs prior to the submittal of a land use application and, where presented, to submit minutes from all such meetings. NDA information: www.milwaukieoregon.gov/citymanager/what-neighborhood-district-association.
- Submittal of a full or partial electronic copy of all application materials is strongly encouraged.

As the authorized applicant I, _____, attest that all required application materials have been submitted in accordance with City of Milwaukie requirements. I understand that any omission of required items or lack of sufficient detail may constitute grounds for a determination that the application is incomplete per MMC Subsection 19.1003.3 and Oregon Revised Statutes 227.178. I understand that review of the application may be delayed if it is deemed incomplete.

Furthermore, I understand that, if the application triggers the City's sign-posting requirements, I will be required to post signs on the site for a specified period of time. I also understand that I will be required to provide the City with an affidavit of posting prior to issuance of any decision on this application.

Applicant Signature:_____

Date: _____

Official Use Only

Date Received (date stamp below):

RESET

PLANNING DEPARTMENT
6101 SE Johnson Creek Blvd
Milwaukie OR 97206

PHONE: *503-786-7630*
FAX: *503-774-8236*
E-MAIL: *planning@milwaukieoregon.gov*

For all Land Use Applications
(except Annexations and Development Review)

Submittal Requirements

All land use applications must be accompanied by a signed copy of this form (see reverse for signature block) and the information listed below. The information submitted must be sufficiently detailed and specific to the proposal to allow for adequate review. Failure to submit this information may result in the application being deemed incomplete per the Milwaukie Municipal Code (MMC) and Oregon Revised Statutes.

Contact Milwaukie Planning staff at 503-786-7630 or planning@milwaukieoregon.gov for assistance with Milwaukie's land use application requirements.

1. **All required land use application forms and fees**, including any deposits.

   Applications without the required application forms and fees will not be accepted.

2. **Proof of ownership or eligibility to initiate application** per MMC Subsection 19.1001.6.A.

   Where written authorization is required, applications without written authorization will not be accepted.

3. **Detailed and comprehensive description** of all existing and proposed uses and structures, including a summary of all information contained in any site plans.

   Depending upon the development being proposed, the description may need to include both a written and graphic component such as elevation drawings, 3-D models, photo simulations, etc. Where subjective aspects of the height and mass of the proposed development will be evaluated at a public hearing, temporary on-site "story pole" installations, and photographic representations thereof, may be required at the time of application submittal or prior to the public hearing.

4. **Detailed statement** that demonstrates how the proposal meets the following:

   A. All applicable development standards (listed below):

      1. **Base zone standards** in Chapter 19.300.
      2. **Overlay zone standards** in Chapter 19.400.
      3. **Supplementary development regulations** in Chapter 19.500.
      4. **Off-street parking and loading standards and requirements** in Chapter 19.600.
      5. **Public facility standards and requirements**, including any required street improvements, in Chapter 19.700.

   B. All applicable application-specific approval criteria (check with staff).

   These standards can be found in the MMC, here: www.qcode.us/codes/milwaukie/

5. **Site plan(s), preliminary plat, or final plat** as appropriate.

   See Site Plan, Preliminary Plat, and Final Plat Requirements for guidance.

6. **Copy of valid preapplication conference report**, when a conference was required.

WHO IS ELIGIBLE TO SUBMIT A LAND USE APPLICATION (excerpted from MMC Subsection 19.1001.6.A):

Type I, II, III, and IV applications may be initiated by the property owner or contract purchaser of the subject property, any person authorized in writing to represent the property owner or contract purchaser, and any agency that has statutory rights of eminent domain for projects they have the authority to construct.

Type V applications may be initiated by any individual.

PREAPPLICATION CONFERENCE:

A preapplication conference may be required or desirable prior to submitting this application. Please discuss with Planning staff.

REVIEW TYPES:

This application will be processed per the assigned review type, as described in the following sections of the Milwaukie Municipal Code:

- Type I: Section 19.1004
- Type II: Section 19.1005
- Type III: Section 19.1006
- Type IV: Section 19.1007
- Type V: Section 19.1008

THIS SECTION FOR OFFICE USE ONLY:

FILE TYPE	FILE NUMBER	FEE AMOUNT*	PERCENT DISCOUNT	DISCOUNT TYPE	DEPOSIT AMOUNT	DATE STAMP
Master file		$			$	
Concurrent application files		$			$	
		$			$	
		$			$	
		$			$	
SUBTOTALS		**$**			$	
TOTAL AMOUNT RECEIVED: $			**RECEIPT #:**			**RCD BY:**

Associated application file #s (appeals, modifications, previous approvals, etc.):

Neighborhood District Association(s):

Notes:

*After discount (if any)

TRANSMITTAL

MULTI/TECH
ENGINEERING SERVICES, INC.

DATE: March 23, 2018

JOB #: 6423

TO: City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, Oregon 97206

PROJECT: Milwaukie Subdivision

FROM: Brandie Dalton, Land-Use Planner

RE: ***RAILROAD AVENUE SUB APPLICATION***

☐ ENCLOSED	☐ PLANS	☐ FOR APPROVAL	☐ FOR VERIFICATION
☐ CHECKS INCLUDED	☐ DOCUMENTS	☐ FOR YOUR USE	☐ REVISE & RETURN
☐ PER YOUR REQUEST	☐ FOR SIGNATURE	☐ FOR FINAL DISTRIBUTION	☐ OTHER

COPIES	NO.	DESCRIPTION
1		

ENCLOSED IS A SUBDIVISION APPLICATION FOR PROPERTY LOCATED ON RAILROAD AVENUE AND IDENTIFIED AS 1 2E 31DD/TAX LOT 3000.

IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE LET ME KNOW ASAP.

THANK YOU,

BRANDIE DALTON, LAND-USE PLANNER

Multi/Tech Engineering Services, Inc.
1155 13th Street SE
Salem OR 97302

(503) 363-9227 PHONE
(503) 364-1260 FAX
office@mtengineering.net

SUBDIVISION

BACKGROUND/PROPOSAL

The subject properties are located on SE Stanley Avenue and Railroad Avenue. There are 3 tax lots included in this application, 1 2E 31DD/Tax Lots 2900, 3000, and 3100. The properties are zoned R-7, with a Low Density Comprehensive Plan designation.

On February 16, 2017, the City held a pre-application conference with the applicant and the applicant's engineering representative, Multi/Tech Engineering, Inc., for the purpose of discussing code requirements for developing the site as multi-family.

A Neighborhood Meeting is scheduled with the Linwood Neighborhood on April 12, 2018 @ 7pm. The meeting will be held at the Linwood Elementary School.

Proposal: The subject properties total 1.72 acres in size and is zoned R-5 (the applicant has requested a CPC/ZC to R-5). The applicant is proposing to subdivide the subject property into 7 lots, two Tracts (Tract A and B that will be dedicated for wetlands and buffer area).

Vicinity Information:

The subject properties are located on the west side of Stanley Street and the north side of Railroad Avenue. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: R-7 zoned; existing single-family dwellings
East: R-7PD zoned (Across Stanley Road; existing single-family dwellings
South: BI zoned (Across Railroad Avenue); existing industrial uses
West: R-7 zoned; existing single-family dwellings

Housing Needs

The comp. plan designation for the property is Low Density Residential. The applicant is requesting to change the comp. plan designation to Moderate Density Residential to be consistent with the R-5 zone being requested.

The Department of Land Conservation and Development accurately reports that single-family housing falls within needed housing.

Milwaukie has a Housing and Residential Land Needs Assessment dated August 2016 that outlines housing needs within the City of Milwaukie. The results show a need for 1,150 new housing units by 2036. With a single family detached dwelling need of 527 dwellings. See page 39 of the Milwaukie Housing and Residential Land Needs Assessment dated August 2016.

The applicant's proposal helps the City re-designate land from a low-density zone to a moderate-density zone while helping meet the housing needs.

The existing neighborhood consists of single family housing and vacant land. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The City's adopted Comprehensive Plan, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Section 17.12.040(A) Subdivision Criteria

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. ***The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards.***

Applicant Findings: All lots meet minimum lot size of 5,000 and 50-foot lot width. The lots do not meet the 80-foot lot depth requirement. Therefore, a variance to lot depth has been request as part of this application.

The tentative plan notes the unfinished lot grades. The proposed lot layout and sizes are influenced by configuration of the subject property, the wetlands areas, the 50-foot buffer, and the need to accommodate through streets.

The lots are designed so that the side lot lines run at right angles to the streets as much as practical taking into consideration the curved portions of the streets which are based upon topography. Lot arrangement is such that there are no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this code.

Thus, the proposal complies with Title 19. Therefore, this criterion has been met.

2. ***The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.***

Applicant Findings: Due to the location of the subject property and the required street extension through the subdivision, the required lot depth cannot be met. Therefore, a variance to lot depth has been requested.

3. ***The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).***

Applicant Findings: At this time, the subdivision does not have an approved name. Prior to subdivision approval, the applicant will request subdivision name approval through the County. Therefore, this criteria will be met.

4. ***The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.***

Applicant Findings: The subject properties to the north are fully developed and a stub street is located along the north property lien of the subject property. Therefore, 56th Avenue is required to extend through the proposed subdivision. This street connection will be incompliance with City standards and consistent with the already improvement 56th Avenue. Therefore, this criteria has been met.

5. ***A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.***

Applicant Findings: The narrative and the site plans provided demonstrate how all applicable code sections are being satisfied. All other applicable code sections will be reviewed at the time of building submittal. Therefore, this criteria has been or will be met.

Section 19.911.4(B)(1) Type III Variance Criteria

1. ***Discretionary Relief Criteria***

a. The applicant's alternatives analysis provides, at a minimum, an analysis of the impacts and benefits of the variance proposal as compared to the baseline code requirements.

Applicant Findings: The applicant is requesting a variance to lot depth. All 7 lots have a lot depth of 70 to 72 feet, where 80 feet is required. The 8 to 10-foot reduction in lots depth will have no impact on the develop. There will still be an adequate building envelop provided on these lot and all setbacks will be met. Setbacks will be reviewed at the time of building permit submittal.

b. The proposed variance is determined by the Planning Commission to be both reasonable and appropriate, and it meets one or more of the following criteria:

(1) The proposed variance avoids or minimizes impacts to surrounding properties.

(2) The proposed variance has desirable public benefits.

(3) The proposed variance responds to the existing built or natural environment in creative and sensitive manner.

Applicant Findings: The applicant is requesting a variance to lot depth. Granting the variance to allow lot depths of less than 80 within the subdivision does not have any adverse effects to the appearance, function or safety of the use, or the surrounding properties.

Due to the wetlands on the site and the required 56th Avenue street extension, meeting the 80-foot lot width requirement is not feasible. The applicant has provided two Tracts (Tract A and B) of land within the subdivision. These Tracts are created to protect the wetlands area on the site. However,

due to these created Tract, meeting the 80-foot lot width is not feasible. The proposed variance is part due to the natural environment on the site.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Applicant Findings: The impacts from the lot depth variance have been mitigated by provided lots that exceed the 5,000-square foot lot size requirement. Furthermore, the impacts will be mitigated by providing adequate setbacks when the lots are developed. Setbacks will be reviewed at the time of building permit submittal.

2. Economic Hardship Criteria

a. Due to unusual site characteristics and/or other physical conditions on or near the site, the variance is necessary to allow reasonable economic use of the property comparable with other properties in the same area and zoning district.

b. The proposed variance is the minimum variance necessary to allow for reasonable economic use of the property.

c. Impacts from the proposed variance will be mitigated to the extent practicable.

Applicant Findings: The applicant is requesting a variance to lot depth. Granting the variance to allow lot depths of less than 80 within the subdivision does not have any adverse effects to the appearance, function or safety of the use, or the surrounding properties. Due to the wetlands on the site and the required 56th Avenue street extension, meeting the 80-foot lot width requirement is not feasible. The applicant has provided two Tracts (Tract A and B) of land within the subdivision. These Tracts are created to protect the wetlands area on the site.

The impacts from the lot depth variance have been mitigated by provided lots that exceed the 5,000-square foot lot size requirement. Furthermore, the impacts will be mitigated by providing adequate setbacks when the lots are developed. Setbacks will be reviewed at the time of building permit submittal.

CONCLUSION

We believe that requested Subdivision application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the current Code requirements. As demonstrated herein, the R-5 zoning designation is currently being requested via a CPC/ZC application.

We believe that the materials submitted address all the relevant City criteria for a Subdivision and Variance. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

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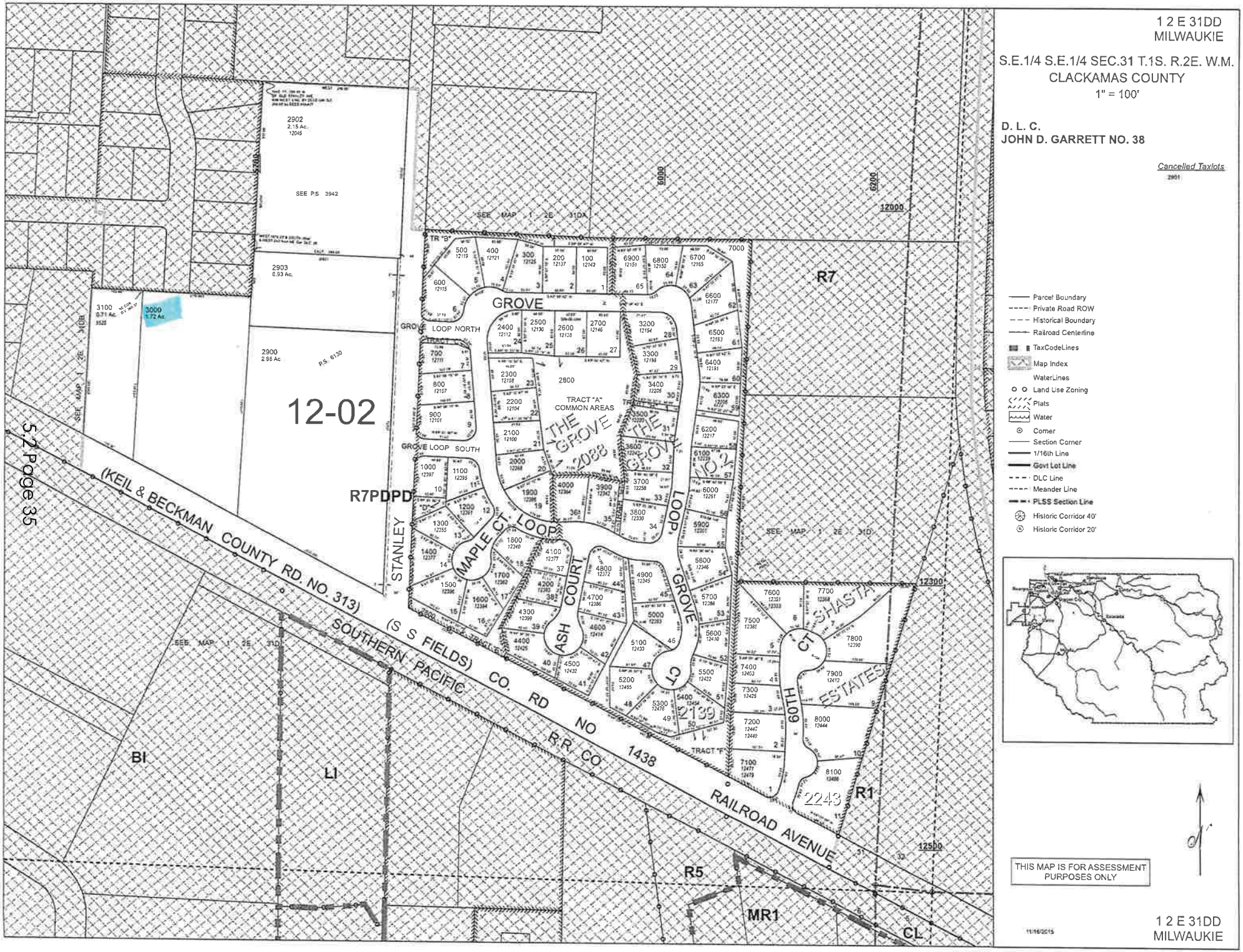

ATTACHMENT 2 Exhibit C

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NATURAL RESOURCE REPORT
ADDRESSING SECTION 19.402

FOR

Tax lot 3000 on Railroad Ave

Prepared for:
I&E Construction Inc
9550 SE Clackamas Road
Clackamas, Oregon 97015

Prepared by:
Cari Cramer
Schott and Associates

August 2017
Project #: 2463

INTRODUCTION

As required by Section 19.402 Natural Resources of the City of Milwaukie Municipal Code, regulations apply to any properties that contain or are within 100 feet of a Water Quality Resource (WQR) and/or Habitat Conservation Areas (HCA) (including any locally significant Goal 5 wetlands or habitat areas identified by the City of Milwaukie) as shown on the Milwaukie Natural Resource Administrative Map (NR). As described in this report, this subject property is regulated by Section 19.402 Natural Resources.

Site Location

The approximately 1.72 acre subject property is located north of SE Railroad Avenue in Milwaukie, Clackamas County, Oregon (T1S, R2E, Sec. 31, TL 3000). The property is bound by SE Railroad Avenue to the south, and grass fields to the east and west. Residential housing borders the property to the north.

Site Description

Just inside the east property boundary is a ditched drainage that enters from the residential property to the north. The drainage follows the eastern property boundary and flows south across the property entering a road ditch which parallels SE Railroad Avenue. The site is very gently south sloping. The property mainly consists of an open grass field dominated by spike bentgrass (*Agrostis tenuis*). Foliage along the drainage consists of an overstory of Oregon ash (*Fraxinus latifolia*) and cottonwood (*Populus balsamifera*) with English hawthorn (*Crataegus monogyna*), Himalayan blackberry (*Rubus armeniacus*) and various grasses in the understory. Along the southern property boundary a scattered row of English hawthorn is present. Near the southern boundary is a lone oak. The southwestern property boundary consists of a laurel hedge. Near the northern property boundary was a loose soil stockpile.

Project Objectives

The applicant proposes Boundary verification prior to any development proposals. As shown on the 2011 City of Milwaukie Natural Resource (NR) Administrative Map, the site contains Protected Water Features and Habitat Conservation Areas. This report will outline the extent of these features and provide verification of these resources as follows:

Water Quality Resources (WQR) – Map Verification (Chapter 19.402.A.2.a)
Habitat Conservation Areas (HCA) – Detailed Verification Approach (Chapter 19.402.A.2.b)

METHODS

As described in this report the HCA mapping is inaccurate and the applicant is not proposing to undertake any development activity within any Water Quality Resource or HCA. At this time the report is entirely to establish WQR area and HCA area and the appropriate associated vegetated corridor size.

Schott and Associates conducted a wetland delineation and natural resource assessment onsite to comply with standards outlined in the City of Milwaukie Municipal Code to determine the actual extents of Natural Resources including the Water Quality Resource Areas which encompass protected water features, vegetated corridors and the Habitat Conservation Areas (HCA).

WQR AND HCA BOUNDARY VERIFICATION AND MAP ADMINISTRATION

Water Quality Resources— Water quality resources (WQRs) include protected water features and their associated vegetated corridors, as specified in Table 19.402.15. The vegetated corridor is a buffer around each protected water feature, established to prevent damage to the water feature. The width of the vegetated corridor varies depending on the type of protected water feature, upstream drainage area served, and slope adjacent to the protected water feature. The NR Administrative Map is a general indicator of protected water features and their associated vegetated corridors; the location of actual WQRs is determined according to the parameters established in Table 19.402.15 and the specific location of vegetated corridors shall be determined in the field in accordance with Table 19.402.15.

Habitat conservation areas (HCAs) include significant Goal 5 wetlands, riparian areas, and fish and wildlife habitat. HCAs are designated based on a combination of inventory of vegetative cover and analysis of habitat value and urban development value. HCA locations on the NR Administrative Map are assumed to be correct unless demonstrated otherwise; verifications and corrections shall be processed in accordance with the procedures established in Subsection 19.402.15.

19.402.15 Boundary Verification and Map Administration
The NR Administrative Map shows the locations of WQRs and HCAs. For WQRs, the NR Administrative Map is a general indicator of protected water features and their associated corridors; the location of actual WQRs is determined according to the parameters established in Table 19.402.15. With respect to HCA locations, the NR Administrative Map is assumed to be correct unless demonstrated otherwise.

Boundary Verification
To determine whether the standards of Section 19.402 apply to a proposed activity at any given location, the boundaries of any designated natural resource(s) on or near the site shall be verified.

An applicant may challenge the accuracy of the NR Administrative Map through either of the boundary verification processes outlined in Subsections 19.402.15.A.1 and 2

Boundary verifications that propose substantial corrections will be processed in accordance with Subsection 19.402.15A.2 and are subject to Type II review.

2. *Type II Boundary Verification*

Corrections to mapped WQRs and/or detailed verification of mapped HCAs may be proposed according to the following procedures, and are subject to Type II review per Section 19.1005.

a) Corrections to WQRs

(1) Submittal Requirements

To propose a correction to a WQR shown on the NR Administrative Map, the applicant shall submit the following information, depending on the type of water feature in question:

(a) Drainages

In the case of drainages; including rivers, streams, springs, and natural lakes; the applicant shall submit a hydrology report, prepared by a professional engineer, demonstrating whether or not the drainage meets the definition of a protected water feature. If the drainage is demonstrated to be a protected water feature, the applicant shall provide a topographic map of the site, with contour intervals of 5 ft or less, that shows

the specific location of the drainage on the subject property.

(b) Wetlands

In the case of wetlands, the applicant shall submit a wetland delineation report, prepared by a professional wetland specialist in accordance with the 1996 Oregon Freshwater Wetland Assessment Methodology and following the wetlands delineation process established by DSL, demonstrating the location of any wetlands on the site. The delineation report will be accepted only after approval by DSL. If the wetland is demonstrated to be a primary protected water feature, the applicant shall provide a topographic map of the site, with contour intervals of 5 ft or less, that shows the specific location of the wetland on the subject property.

The Planning Director shall confer with DSL and Metro to confirm delineation and hydrology reports, as may be needed, prior to issuing a notice of decision on a requested map correction.

(2) Approval Criteria

The City shall update the NR Administrative Map if the wetland or hydrology report submitted demonstrates any of the following:

(a) That there was an error in the original mapping.

(b) That the boundaries of the WQR have changed since the most recent update to the NR Administrative Map.

(c) That a primary protected water feature no longer exists because the area has been legally filled, culverted, or developed prior to January 16, 2003, the effective date of Ordinance #1912.

Schott and Associates has determined that there is an error in original mapping as is demonstrated on the existing conditions map. The drainage was flagged, surveyed and mapped based on methods accepted by DSL and the Corps. The flagged surveyed drainage was found to be entirely onsite within the eastern property and not extending offsite to the east as shown on the NR Administrative map.

A delineation was conducted onsite, on September 16, 2016, as per 19.402.A.2.A(1.a.1.b) as described below. Two types of water features were observed onsite, a drainage that parallels the eastern property boundary and fringe wetland adjacent to the drainage at the northern end of the property. The property is nearly flat and gently south sloping as shown on the existing conditions map (Appendix B). Slopes are less than 25%. The results of that delineation were submitted to DSL and are currently under review. (Appendix E)

Wetlands

A wetland delineation and site assessment of the property was conducted by Schott and Associates in September 2016. Methods used are described in the *1987 US Army Corps of Engineers Wetland Delineation Manual* and *Regional Supplement for Mountains and Valleys West.* Based on soil, vegetation and hydrology data taken in the field two fringe palustrine emergent (PEM) wetlands totaling 3,393sf were delineated onsite, surveyed and mapped. The property is nearly flat and slopes adjacent to the wetland are less than 25'. Per Table 19.402.15 Determination of WQR Locations, the wetland is a primary protected water feature and required vegetated corridor width applied to the outer boundary of the wetland is 50'.

Intermittent Stream

Just inside the east property boundary is a ditched drainage that enters from the residential property to the north. The drainage follows the eastern property boundary and flows south across the property entering a road ditch at the southern extent of the property which parallels Railroad Avenue. The drainage flows through a culvert approximate 1/3rd of the way down. There was a small amount of flowing water at the time of the summer site visit within the northern portion of the drainage prior to the culvert. The drainage was dry south of the culvert to the road ditch at SE Railroad Avenue. The ordinary high water (OHW) of the stream was based on the field survey and mapped by Multi/Tech Engineering, to include topography. As required by Section 2a. a drainage engineer at Multi/Tech Engineering calculated the stream draining 64 acres based upon the City of Milwaukie Stormwater Master Plan documentation. The drainage meets the definition of intermittent, a secondary protected water feature with a 15' vegetated corridor width applied to the outer boundaries of the water feature (both banks of a watercourse).

Per the NR Administrative map the drainage is shown onsite west of and parallel to the east property boundary of tax lot 3000 in the approximate northern 1/3 of the property. The drainage then shows angling east onto the adjacent tax lot to the east, then directing south within that tax lot to the southern property boundary. NR Mapping is erroneous, as the onsite surveyed delineation shows the drainage to be entirely within tax lot 3000 property boundaries. The drainage should be a protected water feature, but the location of the drainage should be corrected on the City of Milwaukie NR map (Appendix A).

All water resources were mapped and surveyed. Mapped boundaries have been provided to the Oregon Department of State Lands (DSL) for their review.

Vegetated Corridor

Procedures outlined in Section 19.402.A.2.A and Table 19.402.15 were followed to determine the extent of onsite vegetated corridors. Slopes adjacent to onsite wetlands were uniformly less than 25% and the wetland buffer extends 50 feet from the delineated wetland boundary.

Slopes adjacent to the drainage are less than 25% and the drainage is being considered intermittent and onsite buffers extend 15 feet from OHW (TOB).

Buffers as defined by these procedures and based on delineated Water Features are provided on a map (Appendix C).

b. *Detailed Verification of HCAs*

An applicant who believes that an HCA shown on the NR Administrative Map should be corrected for a reason other than those described in Subsections 19.402.15.A.1.a or b may propose a detailed verification.

(1) Submittal Requirements

The applicant shall submit a report prepared and signed by either a knowledgeable and qualified natural resource professional; such as a wildlife biologist, botanist, or hydrologist; or a civil or environmental engineer registered in Oregon to design public sanitary or storm systems, stormwater facilities, or other similar facilities. The report shall include:

(a) A description of the qualifications and experience of all persons that contributed to the report and, for each person that contributed, a description of the elements of the analysis to which the person contributed.

This report has been prepared by Schott and Associates, Inc., Ecologists and Wetland Specialists. The delineation and natural resource assessment was conducted by Cari Cramer, natural resource specialist. The reports were prepared by Cari Cramer and reviewed and edited by Juniper Tagliabue, senior natural resource specialist.

(b)The information described in Subsection 19.402.15.A.1.a.

Provided in attached delineation report (Appendix E)

(c)*The information described in Subsection 19.402.15.A.1.b, if the applicant believes such information is relevant to the verification of habitat location on the subject lot or parcel.*

N/A

(d)*Additional aerial photographs, if the applicant believes they provide better information regarding the property, including documentation of the date and process used to take the photos and an expert's interpretation of the additional information they provide.*

See aerial photos obtained from Google Earth (Appendix D).

(e)*A map showing the topography of the property shown by 2-ft vertical contours in areas of slopes less than 15%, and at 5-ft vertical contours of slopes 15% or greater.*

See existing conditions map and delineation report.

(f)*Any additional information necessary to address each of the detailed verification criteria provided in Subsection 19.402.15.A.2.b(2); a description of where any HCAs are located on the property, based on the application of the detailed verification criteria and factual documentation to support the analysis.*

Two fringe wetlands and one intermittent drainage have been delineated onsite based on methods accepted by DSL and the Corps and submitted to DSL September 2016. The drainage is mapped incorrectly on the NR Administrative Map. The drainage was surveyed based on OHW and should be mapped inside of the eastern property boundary with 15' buffers. The two fringe wetlands are located on each side of the delineated drainage at the north end of the property inside of the north and east property boundaries. The wetlands should be accurately mapped as wetlands with 50' buffers.

The remainder of the mapped HCA area should not be mapped as HCA. The area was assessed and can be described as follows; A narrow band of foliage along the drainage consisted of an overstory of Oregon ash and cottonwood mixed with English hawthorn. Himalayan blackberry and various non-native grasses are located in the understory. Along the southern property boundary a scattered row of English hawthorn are present. The remainder of the area is mainly open grass field consisting of non-native grasses such as bent grass and tall fescue. Besides the wetlands delineated on site, the remainder of the property delineated does not meet the definition of an HCA and is incorrectly mapped.

(2) Approval Criteria

A boundary verification request submitted under Subsection 19.402.15.A.2.b shall be evaluated according to the following three-step process:

(a)Verify Boundaries of Inventoried Riparian Habitat

Locating habitat and determining the riparian habitat class of the designated natural resource is a four-step process:

(i)Locate the water feature that is the basis for identifying riparian habitat.

- *Locate the top of bank of all streams, rivers, and open water within 200 ft of the property.*
- *Locate all flood areas within 100 ft of the property.*
- *Locate all wetlands within 150 ft of the property, based on the NR Administrative Map. Identified wetlands shall be further delineated consistent with methods currently accepted by DSL and the Corps.*

On the NR map a drainage was mapped as partially on tax lot 3000. As described previously, a drainage and two fringe wetlands were located, delineated and surveyed on the subject property consistent with methods currently accepted by DSL and the Corps. The drainage was located onsite along the entire eastern property boundary of tax lot 300 (subject property). The two fringe wetlands were on each side of the drainage at the northern extent of the property. No additional wetlands or waters were identified within 150 or 200 feet of the property respectively.

No flood areas were found within 100ft of the property.

(ii)*Identify the vegetative cover status of all areas on the property that are within 200 ft of the top of bank of streams, rivers, and open water; are wetlands or are within 150 ft of wetlands; and are flood areas and within 100 ft of flood areas.*

- *Vegetative cover status shall be as identified on the latest Metro Vegetative Cover Map (available from the City and/or the Metro Data Resource Center).*

The vegetative cover status of a property may be adjusted only if: (1) the property was legally developed prior to September 15, 2011, the effective date of Ordinance #2036 (see Subsection 19.402.15.A.1.b); or (2) an error was made at the time the vegetative cover status was determined. To assert the latter type of error, applicants shall submit an analysis of the vegetative cover on their property, using the aerial photographs on which the latest Metro Vegetative Cover Map is based and the definitions of the different vegetative cover types identified in Table 19.402.15.A.2.b(2)(a)(iv).

On the 2005 Metro Vegetative Cover Map, it appears the area west of the drainage is mapped as scrub/shrub. It is unclear how far the scrub/shrub area extends as the mapping is hard to read. It appears an error was made, mapping scrub/shrub. The attached 2005 Google Earth Aerial, upon which the Vegetative Cover status was based, clearly shows a majority of the site to be open field with narrow tree canopy along the eastern property boundary, some trees and a hedge line along the southern property boundary with a couple of lone trees at the northern end of the property.

Onsite assessment confirmed the site was predominantly an open grass field dominated by spike bentgrass. Foliage along the drainage consisted of an overstory of Oregon ash and cottonwood with English hawthorn, Himalayan blackberry and various grasses in the understory. Along the southern property boundary was a scattered row of English hawthorn. Near the southern boundary was a lone oak. The southwestern property boundary consisted of a laurel hedge.

According to Table *19.402.15.A.2.b(2)(a)(iv).* all Surface Stream features are designated as Class I Riparian areas. The area, 0-50' from the drainage meets the definition of "Low Structure Vegetation or Open Soils". *"Low structure vegetation or open soils" means areas that are part of a contiguous area 1 acre or larger of grass, meadow, croplands, or areas of open soils located within 300 ft of a surface stream. Low structure vegetation areas may include areas of shrub vegetation less than 1 acre in size; if they are contiguous with areas of grass, meadow, croplands, orchards, Christmas tree farms, holly farms, or areas of open soils located within 300 ft of a surface stream; and if those contiguous areas together form an area of 1 acre in size or larger.*

The area is mainly open field with a few trees bordering the drainage. Beyond 50' on either side of the drainage is entirely open grass field. Per the table 50-100' from the wetland also meets the same definition, but is designated as Class II Riparian area.

(iii)Determine whether the degree that the land slopes upward from all streams, rivers, and open water within 200 ft of the property is greater than or less than 25%, using the methodology outlined in Table 19.402.15.

Topography is flat to gently south sloping as shown on the surveyed existing conditions map. Slopes adjacent to the wetlands and drainages are basically flat and less than 25%.

(iv)Identify the riparian habitat classes applicable to all areas on the property using Table 19.402.15.A.2.b(2)(a)(iv) and the data identified in Subsections 19.402.15.A.2.b(2)(a)(i) through (iii).

Habitat classes adjacent to the drainage are low level as addressed above.

The vegetation adjacent to the delineated wetland consists of the same low level nonnative grasses and forbs. The drainage is low structure vegetation consisting of a few native and nonnative trees adjacent with an understory of Himalayan blackberry. The area then opens into a grass field with low level nonnative grasses and forbs. The areas are without significant habitat functions and should not be mapped as HCA.

Conclusion

In Summary, the HCA mapping is inaccurate. At this time the report is entirely to establish WQR area and HCA area and the appropriate associated vegetated corridor size.

Schott and Associates conducted a wetland delineation and natural resource assessment onsite to comply with standards outlined in the City of Milwaukie Municipal Code to determine the actual extents of Natural Resources including the Water Quality Resource Areas which encompass protected water features, vegetated corridors and the Habitat Conservation Areas (HCA).

One intermittent drainage was delineated entirely onsite west of the eastern property boundary and should be protected with a 15' wide vegetated corridor boundary on both sides.

Two fringe wetlands were delineated on each side of the drainage at the northern extent of the property and should be protected with a 50' wide vegetated corridor boundary.

Based on 19.402.15 .A.2.a Boundary Verification and corrections to WQRs the drainage location was mapped erroneously and should be adjusted. Based on 19.402.15.A.2.b Detailed Verification of HCAs, the low quality HCA mapped beyond the delineated drainage, wetland and associated vegetated corridors should be removed from the map.

APPENDICES

A. Milwaukie HCA Map
B. Existing Conditions/Topographic Map
C. Existing Conditions map with Vegetated Corridor
D. Historical Aerial Photographs
E. Delineation Report

Oregon
Kate Brown, Governor

Department of State Lands
775 Summer Street NE, Suite 100
Salem, OR 97301-1279
(503) 986-5200
FAX (503) 378-4844
www.oregon.gov/dsl

August 22, 2017

I&E Construction, Inc.
Attn: Karl Ivanov
9550 SE Clackamas Road
Clackamas, OR 97015

Re: WD #2017-0205 Wetland Delineation Report for the Proposed Railroad Estates Development
Clackamas County; T 1S R 2E S 31DD TL 3000

Dear Mr. Ivanov:

The Department of State Lands has reviewed the wetland delineation report prepared by Schott and Associates for the site referenced above. Based upon the information presented in the report and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Within the study area, two wetlands (totaling approximately 0.078 acres) and a tributary to Mt. Scott Creek were identified.

The wetlands and the tributary are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high water line (OHWL) of a waterway (or the 2 year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. Federal or local permit requirements may apply as well. The Army Corps of Engineers will review the report and make a determination of jurisdiction for purposes of the Clean Water Act at the time that a permit application is submitted. We recommend that you attach a copy of this concurrence letter to both copies of any subsequent joint permit application to speed application review.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon

request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. Please phone me at 503-986-5232 if you have any questions.

Sincerely,

Peter Ryan, PWS
Jurisdiction Coordinator

Approved by

Kathy Verble, CPSS
Aquatic Resource Specialist

Enclosures

ec: Cari Cramer, Schott and Associates
City of Milwaukie Planning Department
Dominic Yballe, Corps of Engineers
Anita Huffman, DSL

WD2017-0205

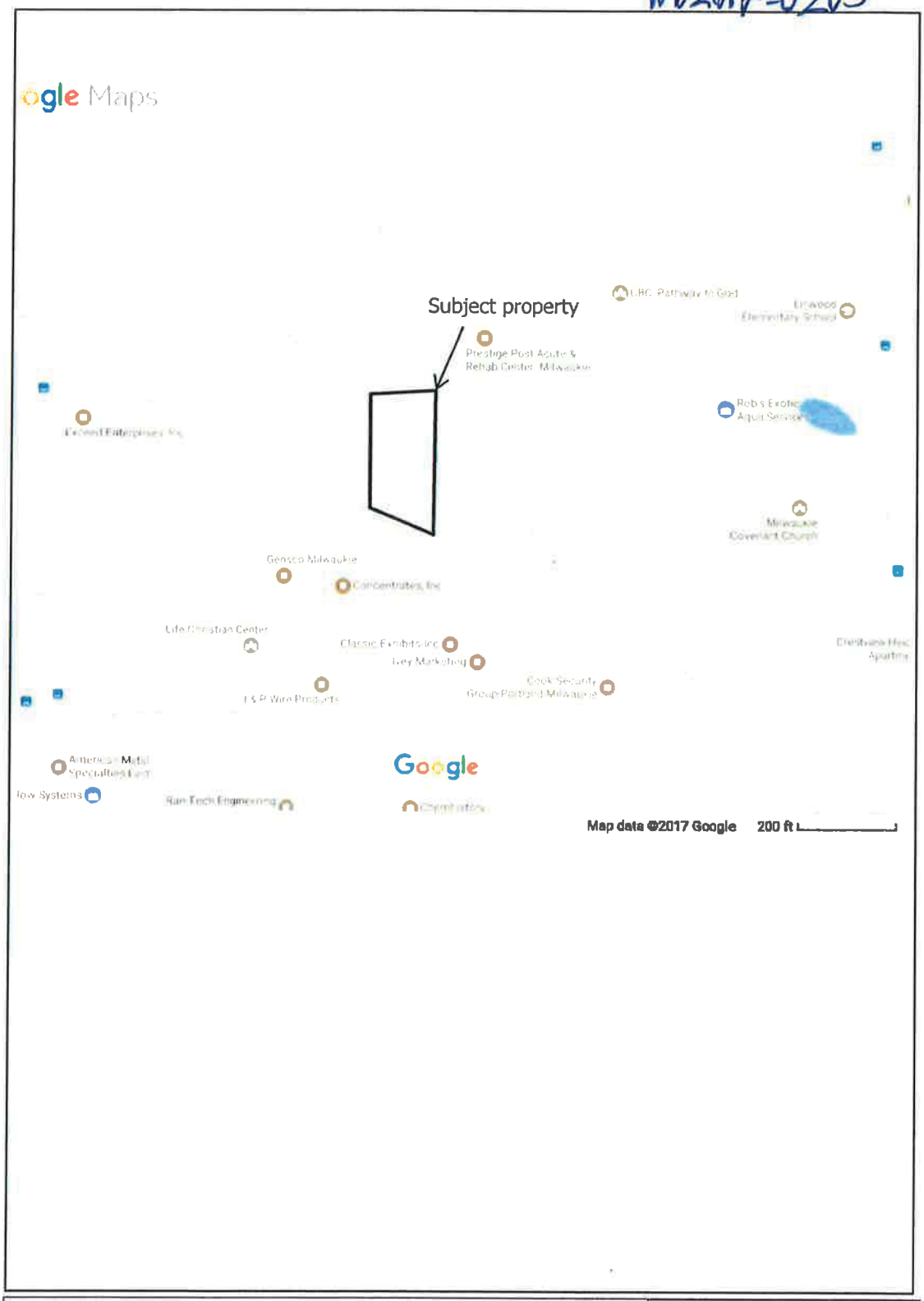


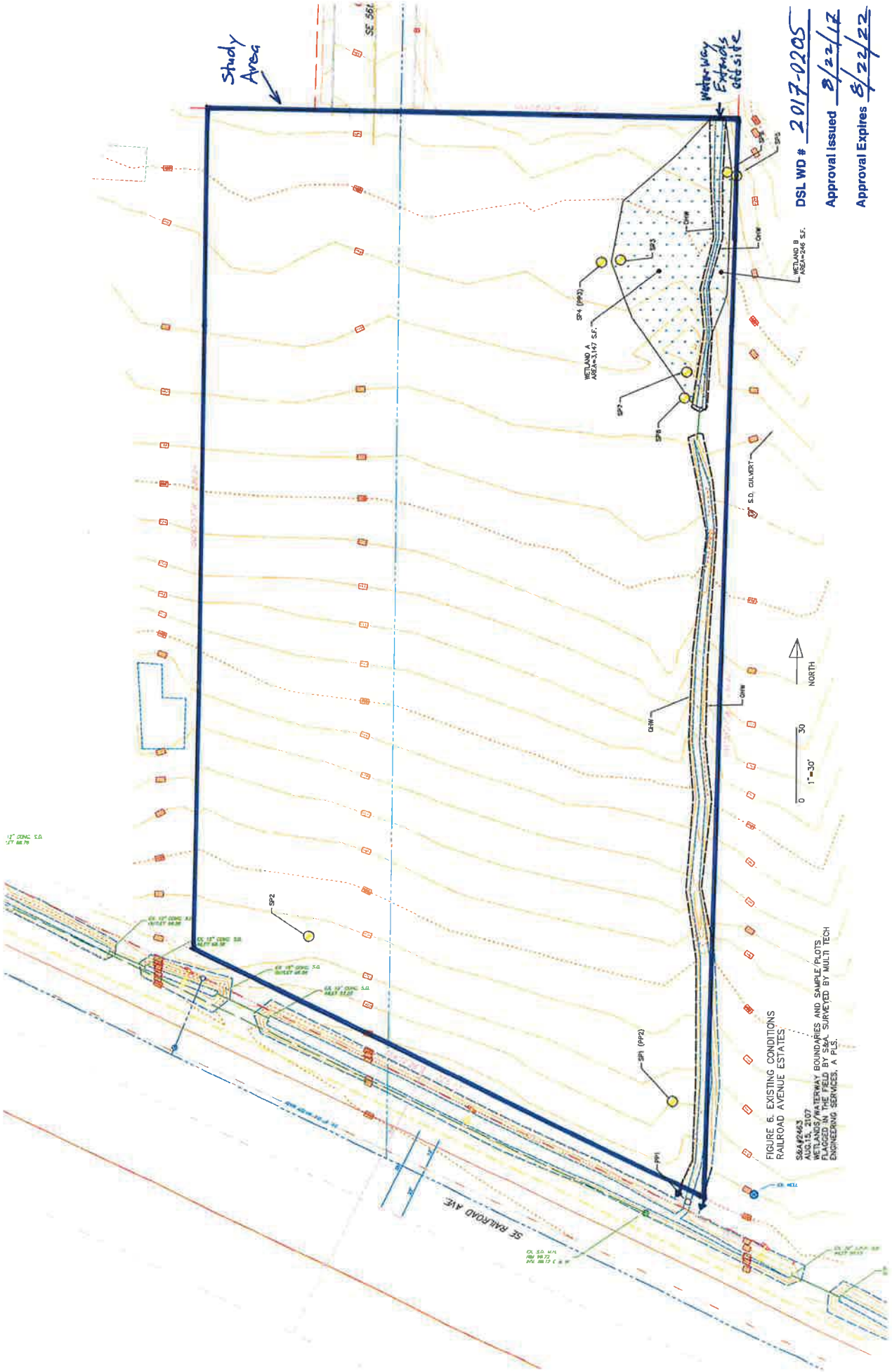
Figure 1: Location Map
Railroad Avenue Estates
S&A 2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

WD2017-0205

Figure 2: Tax Map 1 2E 31DD-TL 3000
Railroad Avenue Estates
S&A2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007


Study Area
Waterway Extends offsite
DSL WD # 2017-0205
Approval Issued 8/22/17
Approval Expires 8/22/22
SE 56th
SP5
SP4 (PP3)
SP3
SP2
SP1 (PP2)
WETLAND A AREA=3,147 S.F.
WETLAND B AREA=246 S.F.
S.D. CULVERT
DRW
NORTH
0
30
1"=30'
SE RAILROAD AVE
FIGURE 6. EXISTING CONDITIONS
RAILROAD AVENUE ESTATES
S&A#2143
AUG 15, 2017
WETLANDS/WATERWAY BOUNDARIES AND SAMPLE PLOTS FLAGGED IN THE FIELD BY S&A. SURVEYED BY MULTI TECH ENGINEERING SERVICES, A PLS.

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

This form must be included with any wetland delineation report submitted to the Department of State Lands for review and approval. A wetland delineation report submittal is not "complete" unless the fully completed and signed report cover form and the required fee are submitted. Attach this form to the front of an unbound report or include a hard copy of the completed form with a CD/DVD that includes a single PDF file of the report cover form and report (minimum 300 dpi resolution) and submit to: **Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.** A single PDF attachment of the completed cover from and report may be e-mailed to **Wetland_Delineation@dsl.state.or.us**. For submittal of PDF files larger than 10 MB, e-mail instructions on how to access the file from your ftp or other file sharing website. Fees can be paid by check or credit card. Make the check payable to the Oregon Department of State Lands. To pay the fee by credit card, call 503-986-5200.

☒ Applicant ☐ Owner Name, Firm and Address: **Karl Ivanov** **I&E Construction Inc** **9550 SE Clackamas Road** **Clackamas, Oregon 97015**	Business phone # 503.388.3620 Mobile phone # (optional) E-mail: **karl@iecon.us**
☒ Authorized Legal Agent, Name and Address: **same**	Business phone # Mobile phone # E-mail:

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Karl Ivanov Signature: [signature]

Date: 5/5/17 Special instructions regarding site access:

Project and Site Information (using decimal degree format for lat/long., enter centroid of site or start & end points of linear project)

Project Name: Railroad Avenue Estates	Latitude: **45.435356** Longitude: **122.604867**
Proposed Use: Development	Tax Map # 1S 2E 31
Project Street Address (or other descriptive location): Southern boundary on Railroad Way, nearest adjacent road to the east is Stanley Road one tax lot over City: Milwaukie County:Clackamas	Township 1S Range 2E Section 31 QQ DD Tax Lot(s) **3000** Waterway: River Mile: NWI Quad(s):

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Schott and Associates/Cari Cramer PO Box 589 Aurora, OR 97002	Phone # 503.678.6007 Mobile phone # E-mail: caric@schottandassociates.com

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: Cari L Cramer Date: May 9, 2017

Primary Contact for report review and site access is ☒ Consultant ☐ Applicant/Owner ☐ Authorized Agent

Wetland/Waters Present? ☒ Yes ☐ No Study Area size: 1.72AC Total Wetland Acreage: **0.078AC**

Check Box Below if Applicable: **Fees: $419.00**

☐ R-F permit application submitted	☒ Fee payment submitted
☐ Mitigation bank site	☐ Fee ($100) for resubmittal of rejected report
☐ Wetland restoration/enhancement project (not mitigation)	☐ No fee for request for reissuance of an expired report
☐ Industrial Land Certification Program Site	
☐ Reissuance of a recently expired delineation Previous DSL # Expiration date ____	

Other Information:	Y	N	
Has previous delineation/application been made on parcel?	☐	☒	If known, previous DSL #
Does LWI, if any, show wetland or waters on parcel?	☐	☒	

For Office Use Only

DSL Reviewer: _____ Fee Paid Date: ____/____/____ DSL WD # _____

Date Delineation Received: ___/____/____ DSL Project # _____ DSL Site # _____

Scanned: ☐ Final Scan: ☐ DSL WN # _____ DSL App. # _____

Form Updated 01/03/2013

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LIST OF FIGURES

(A) Landscape Setting and Land Use

The approximate 1.72 acre subject property is located north of SE Railroad Avenue in Milwaukie, Clackamas County, Oregon (T1S, R2E, Sec. 31, TL 3000). The property is bound by SE Railroad Avenue to the south, and grass fields to the east and west. Residential housing borders the property to the north.

Just inside the east property boundary is a ditched drainage that enters from the residential property to the north. The drainage follows the eastern property boundary and flows south across the property entering a road ditch which parallels SE Railroad Avenue. The site is very gently south sloping. The property mainly consists of an open grass field dominated by spike bentgrass (*Agrostis tenuis*). Foliage along the drainage consisted of an overstory of Oregon ash (*Fraxinus latifolia*) and cottonwood (*Populus balsamifera*) with English hawthorn (*Crataegus monogyna*), Himalayan blackberry (*Rubus armeniacus*) and various grasses in the understory. Along the southern property boundary a scattered row of English hawthorn were present. Near the southern boundary is a lone oak. The southwestern property boundary consists of a laurel hedge. Near the northern property boundary was a loose soil stockpile.

(B) Site Alterations

The site looks unchanged since at least 1994, with the exception of a few additional woody species.

(C) Precipitation Data and Analysis

The site was visited on September 15, 2016. Precipitation was recorded at 0.00 by the Milwaukie weather station on the day of the site visit (accuweather.com). Total precipitation recorded in the two weeks prior to the site visit was 0.62 inches. Precipitation for the month of June was 1.19 inches and below average but within normal range for the WETS table. Precipitation for July and August were within average range at 57% and 21% of average. Precipitation through the 15th of September 2016 was below compared against the Oregon City WETS average range for the entire month and was below this average. Between October 1st 2015 and September 15, 2016 a total of 47.76" of precipitation was recorded. This is 104% percent of the water year average through the month of September.

Table 1. Precipitation Summary and WETS Averages

Month	2015 Precipitation	WETS Average	WETS Range	Percent of Average
June	1.19	1.83	1.11-2.22	65
July	0.47	0.83	0.29-1.00	57
August	0.21	1.00	0.21-1.16	21
September*	0.62	1.93	0.86-2.41	32
Water Year**	47.76	46.05		104

*Recorded precipitation through September 15 (50% of the month) compared with average for the entire month.
**For water year Oct. 2015- Sept. 15, 2016 for accuweather precipitation.

(D) Site Specific Methods

Prior to visiting, site information was gathered, including recent and historical aerial photographs provided by Google Earth, the soil survey (NRCS web soil survey), the Local Wetland Inventory and National Wetland Inventory. The USGS topography map was also reviewed prior to site visits.

Schott and Associates initially walked the subject property to assess the presence or absence of onsite wetlands and waters. The *1987 Manual* and *Regional Supplement for Mountains and Valleys West Region* were used to determine presence or absence of State of Oregon wetland boundaries and the Federal jurisdictional wetlands.

Sample plots were placed where geomorphic location or vegetation indicated the possibility of wetlands. For each sample plot, data on vegetation, hydrology and soils was collected, recorded in the field and later transferred to data forms (Appendix B). Where a wetland was present paired plots were located in the adjacent upland to document the transition.

(E) Description of All Wetlands and Other Non-Wetland Waters

Just inside the east property boundary is a ditched drainage that enters from the residential property to the north. The drainage follows the eastern property boundary and flows south across the property entering a road ditch at the southern extent of the property which parallels Railroad Avenue. There was some flowing water at the time of the summer site visit within the northern portion of the drainage prior to the culvert. The drainage was dry south of the culvert to the road ditch at SE Railroad Avenue.

Based on soil, vegetation and hydrology data taken in the field two fringe PEM wetlands totaling 3,393sf were delineated onsite. A wetland was located on each side of the drainage at the north end of the drainage. Vegetation in the wetlands was dominated by reed canary grass (*Phalaris arundinacea*) (sp3,6,7) with some bentgrass (*Agrostis*) (sp7). Soils met the Redox Dark Surface (F6) hydric soil indicator. Saturation was observed by way of secondary indicators, Geomorphic Position and FAC Neutral Test. Best

Professional Judgment was used to determine presence of hydrology as the time of year was dry and both the soils and vegetation criteria were met. The adjacent upland contained the same vegetation as the wetland. No saturation was observed and soils criterion was not met.

(F) Deviation from LWI or NWI

The Local Wetland Inventory (LWI) for the City of Milwaukie, viewed on the DSL website, did not map any wetland or waterway onsite.

The NWI viewed on the DSL website did not show any waterways or wetlands mapped.

(G) Mapping Method

The sample plots and wetland boundary were flagged by Schott and Associates and surveyed by Multi Tech Engineering Services, Inc., a Professional Land Surveyor (PLS).

(H) Additional Information

none

(I) Results and Conclusions

Based on soil, vegetation and hydrology data taken in the field, one 3,147sf PEM wetland was delineated on the west side of a drainage and one 246sf PEM wetland was delineated on the east side of the drainage at the northeast corner of the site. A ditched drainage flowed south paralleling the eastern study area boundary.

The soil survey map for Clackamas County mapped Woodburn silt loam 3 to 8 percent slopes on a majority of the site. The Woodburn series is not listed as hydric, but may have hydric inclusions. A strip along the eastern property boundary is mapped Salem silt loam 0-7 percent slopes and is not considered a hydric soil.

The NWI and LWI did not map any wetlands or waterways on the site.

The topographic map showed a very slightly south sloping site.

(J) Disclaimer

This report documents the investigation, best professional judgment and the conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State lands in accordance with OAR 141-090-0005 through 141-090-005.

Appendix A: Maps

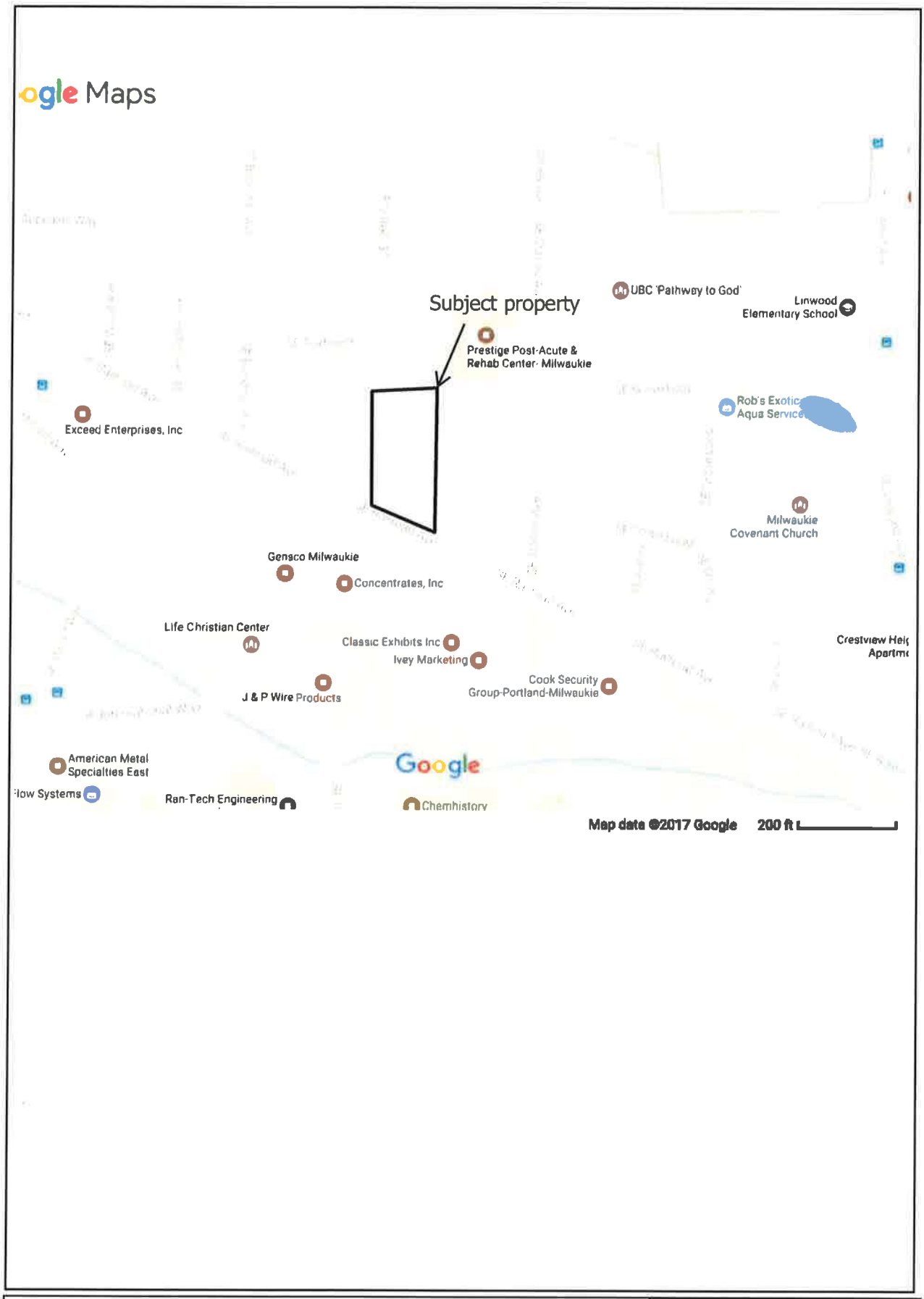

Figure 1: Location Map
Railroad Avenue Estates
S&A 2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Figure 2: Tax Map 1 2E 31DD-TL 3000
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S&A2463

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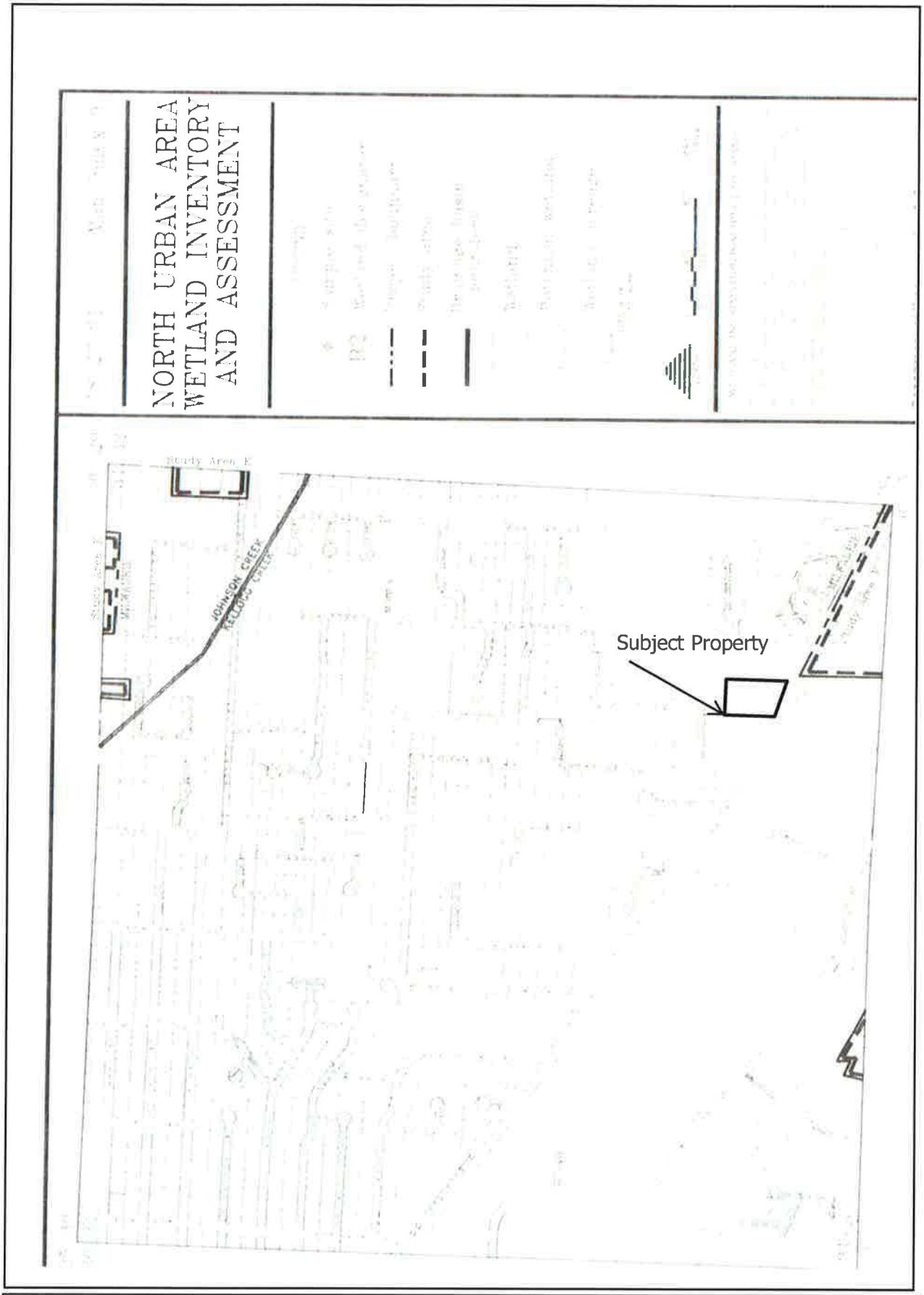

Figure 3: LWI Map
Railroad Avenue Estates
S&A2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
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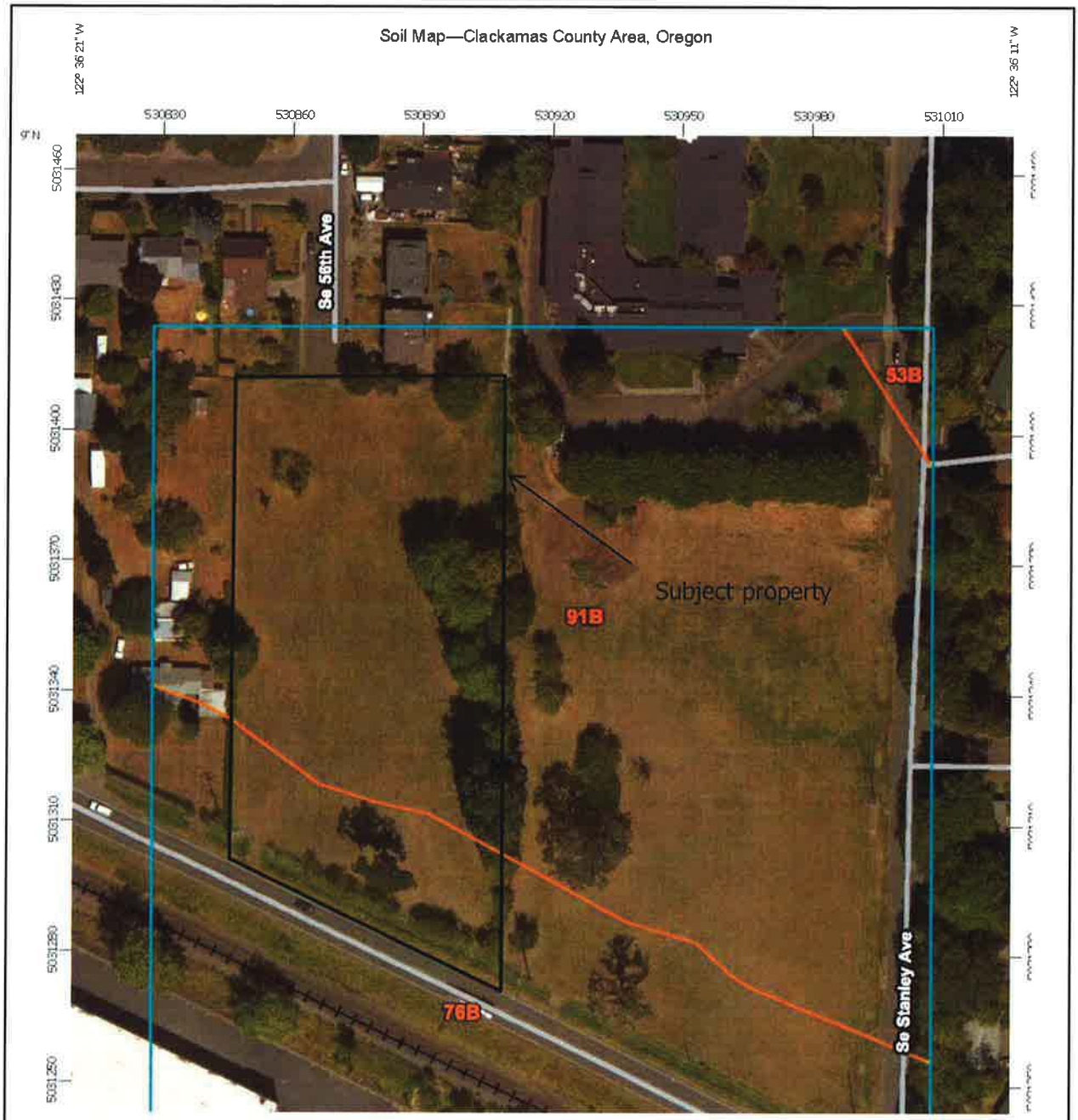


Map Unit Legend

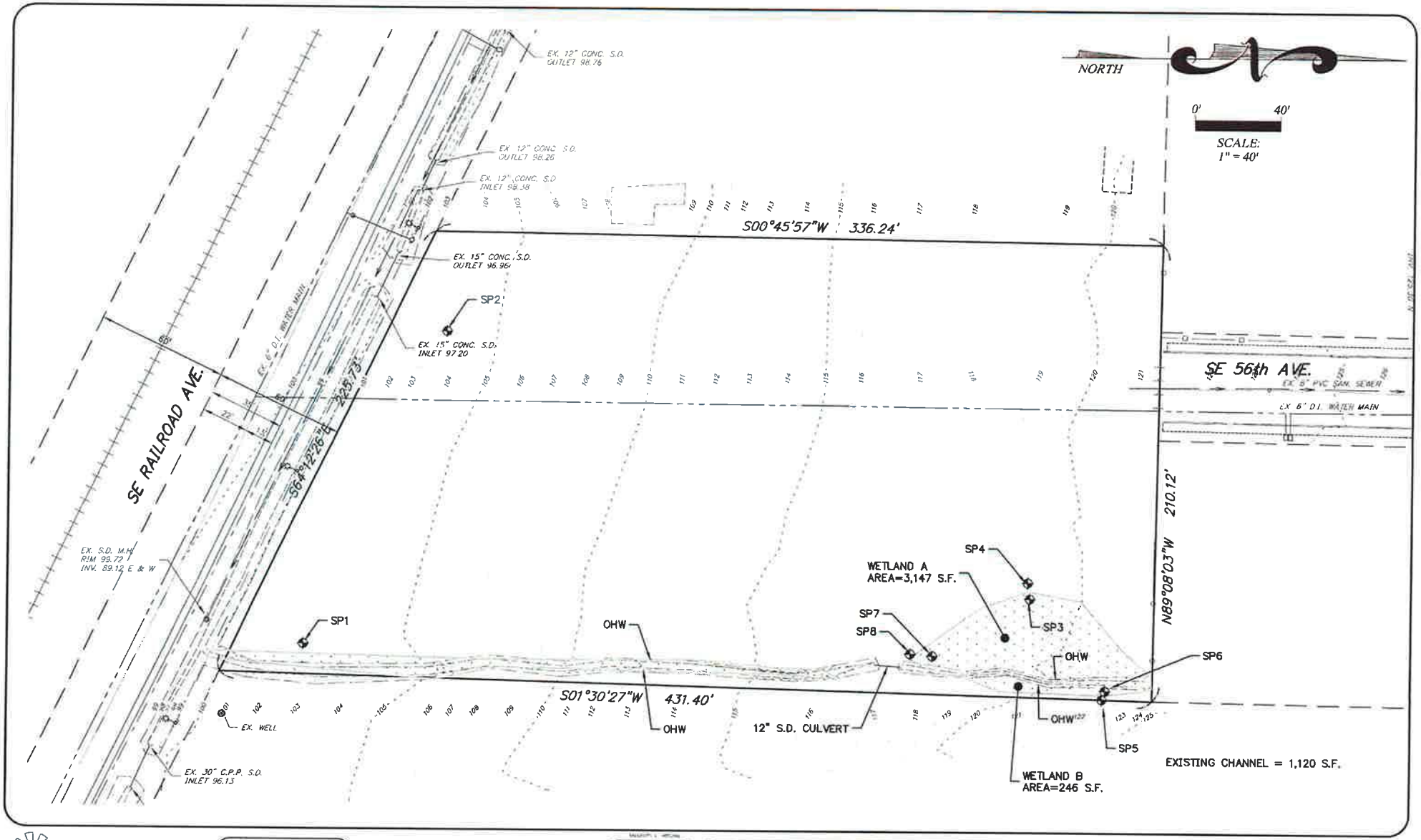
Clackamas County Area, Oregon (OR610)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
53B	Latourell loam, 3 to 8 percent slopes	0.1	1.0%
76B	Salem silt loam, 0 to 7 percent slopes	3.2	35.8%
91B	Woodburn silt loam, 3 to 8 percent slopes	5.6	63.2%
Totals for Area of Interest		**8.8**	**100.0%**

Figure 4: Clackamas County Soil Survey Map
Railroad Avenue Estates
S&A2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Figure 5: Aerial Photograph-Google Earth 2016
Railroad Avenue Estates
S&A2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007



MULTI/TECH
ENGINEERING SERVICES, INC.

MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED
NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE

Design: M.D.G.
Drawn: C.O.S.
Checked: J.C.B.
Date: APRIL 2017
Scale: AS SHOWN
As-Built:

RAILROAD AVENUE ESTATES

EXISTING CONDITIONS PLAN

Drawing Number: 6423
Sheet Number: 1 of 1

Appendix B: Data Forms

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 1
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): convex Slope (%): 0-2
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Salem silt loam 0-7% slopes NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___, Soil ___, or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___, Soil ___, or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x	No ___	**Is the Sampled Area within a Wetland?** Yes ___ No x
Hydric Soil Present?	Yes ___	No x	
Wetland Hydrology Present?	Yes ___	No x	

Remarks: se corner of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Agrostis tenuis*	90	X	FAC
2. Schedonorus arundinaceus	5		FAC
3. Trifolium repens	5		FAC
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes x No ___

Remarks:

SOIL

Sampling Point: 1

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-16	10YR3/3	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** ___ **No** x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 2
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): convex Slope (%): 0-2
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Salem silt loam 0-7% slopes NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___ , Soil ___ , or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___ , Soil ___ , or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x	No ___	**Is the Sampled Area within a Wetland?**	**Yes ___ No x**
Hydric Soil Present?	Yes ___	No x		
Wetland Hydrology Present?	Yes ___	No x		

Remarks: sw corner of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Agrostis tenuis*	95	X	FAC
2. Schedonorus arundinaceus	2		FAC
3. Trifolium repens	1		FAC
4. Dacus carota	2		FACU
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes x No ___**

Remarks:

SOIL

Sampling Point: 2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-14	10YR3/2	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** ___ **No** x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 3
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): concave Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___ , Soil ___ , or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___ , Soil ___ , or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x	No ___	**Is the Sampled Area within a Wetland?** **Yes x** **No ___**
Hydric Soil Present?	Yes x	No ___	
Wetland Hydrology Present?	Yes x	No ___	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	100	X	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes x** **No ___**

Remarks:

SOIL

Sampling Point: 3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-6	10YR3/2	95	10YR 4/6	5	C	M	SiL	
6-20	10YR3/1	100					SiCL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- x Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** x **No** ____

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- x Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- x Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- x FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** x **No** ____

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: BPJ,secondary indicators, dry season, other two criteria met

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 4
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): convex Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___, Soil ___, or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___, Soil ___, or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x	No ___	**Is the Sampled Area within a Wetland?** Yes ___ No X
Hydric Soil Present?	Yes ___	No X	
Wetland Hydrology Present?	Yes ___	No x	

Remarks:

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	100	X	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes x No ___

Remarks:

SOIL

Sampling Point: 4

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-20	10YR3/2	100					SiL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** _____ **No** x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** ___ **No** x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 5
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): convex Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___ , Soil ___ , or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___ , Soil ___ , or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes x	No ___	**Is the Sampled Area within a Wetland?** Yes ___ No X
Hydric Soil Present?	Yes ___	No X	
Wetland Hydrology Present?	Yes ___	No x	

Remarks: east of drainage, north end of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	100	X	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes x No ___

Remarks:

SOIL

Sampling Point: 5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-9	7.5YR3/2	100					SiL	
9-13	7.5YR3/2	65						
	2.5YR3/4	35					LC	mixed
13-18	7.5YR 3/1	40						
	7.5YR3/3	40						
	7.5YR3/4	20					LC	mixed

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** ___ **No** x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 6
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): concave Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___, Soil ___, or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___, Soil ___, or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes x No ___
Hydric Soil Present? Yes x No ___
Wetland Hydrology Present? Yes x No ___

Is the Sampled Area within a Wetland? **Yes x No ___**

Remarks: east side of drainage at north end of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	___ = Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	___ = Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	100	X	FACW
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	___ = Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)
Total Number of Dominant Species Across All Strata: 1 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species	___	x 1 =	___
FACW species	___	x 2 =	___
FAC species	___	x 3 =	___
FACU species	___	x 4 =	___
UPL species	___	x 5 =	___
Column Totals:	___ (A)		___ (B)

Prevalence Index = B/A = ___

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes x No ___**

Remarks:

SOIL

Sampling Point: 6

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Type[1]	Loc[2]	Texture	Remarks
0-18	10YR3/1	95	10YR 4/6	5	C	M	SiCL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- x Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** x **No** ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- x Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- x Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- x FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** x **No** ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: BPJ, secondary indicators, dry season, other two criteria met

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 7
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): concave Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___ , Soil ___ , or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___ , Soil ___ , or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	x	No	
Hydric Soil Present?	Yes	x	No	**Is the Sampled Area within a Wetland?** **Yes** x **No**
Wetland Hydrology Present?	Yes	x	No	

Remarks: west side of drainage at north end of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size:)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size:)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	50	X	FACW
2. Agrostis sp	45	X	FAC
3. Schedonorus arundinaceus	5		FAC
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size:)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across All Strata: 2 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	
FACW species		x 2 =	
FAC species		x 3 =	
FACU species		x 4 =	
UPL species		x 5 =	
Column Totals:	(A)		(B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? **Yes** x **No**

Remarks:

SOIL

Sampling Point: 7

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-8	10YR2/1	100					SiL	
8-12	10YR2/1	95	7.5YR3/3	5	C	M	SiL	
12-16	10YR2/1	90	5YR3/1	10	C	M	SiCL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- x Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes x No ___

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- x Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- x Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- x FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? Yes x No ___

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: BPJ, secondary indicators, dry season, other two criteria met

WETLAND DETERMINATION DATA FORM – Western Mountains, Valleys, and Coast Region

Project/Site: TL3000 Railroad Way City/County: Milwaukie/Clackamas Sampling Date: September 15, 2016
Applicant/Owner: Karl Ivanov/I&E Construction State: OR Sampling Point: 8
Investigator(s): JT, CC Section, Township, Range: 31 1S 2E
Landform (hillslope, terrace, etc.): flat Local relief (concave, convex, none): convex Slope (%): 0-1
Subregion (LRR): A Lat: 45.435356 Long: 122.604867 Datum:
Soil Map Unit Name: Woodburn silt loam NWI classification:
Are climatic / hydrologic conditions on the site typical for this time of year? Yes x No ___ (If no, explain in Remarks.)
Are Vegetation ___, Soil ___, or Hydrology ___ Significantly disturbed? Are "Normal Circumstances" present? Yes x No ___
Are Vegetation ___, Soil ___, or Hydrology ___ Naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes	x	No	
Hydric Soil Present?	Yes		No	X
Wetland Hydrology Present?	Yes		No	x

Is the Sampled Area within a Wetland? Yes ___ No X

Remarks: west side of drainage, near culvert, at north end of property

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: ___)	Absolute % Cover	Dominant Species?	Indicator Status
1.			
2.			
3.			
4.			
	= Total Cover		
Sapling/Shrub Stratum (Plot size: ___)			
1.			
2.			
3.			
4.			
5.			
	= Total Cover		
Herb Stratum (Plot size: 5')			
1. *Phalaris arundinacea*	45	X	FACW
2. Agrostis ps	40	X	FAC
3. Schedonorus arundinaceus	5		FAC
4. Lolium perenne	5		FAC
5. Ranunculus repens	5		FAC
6.			
7.			
8.			
9.			
10.			
11.			
	100 = Total Cover		
Woody Vine Stratum (Plot size: ___)			
1.			
2.			
	= Total Cover		

% Bare Ground in Herb Stratum 0

Dominance Test worksheet:
Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)
Total Number of Dominant Species Across All Strata: 2 (B)
Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

Prevalence Index worksheet:

Total % Cover of:		Multiply by:	
OBL species		x 1 =	
FACW species		x 2 =	
FAC species		x 3 =	
FACU species		x 4 =	
UPL species		x 5 =	
Column Totals:	(A)		(B)

Prevalence Index = B/A =

Hydrophytic Vegetation Indicators:
___ 1 - Rapid Test for Hydrophytic Vegetation
x 2 - Dominance Test is >50%
___ 3 - Prevalence Index is ≤3.0[1]
___ 4 - Morphological Adaptations[1] (Provide supporting data in Remarks or on a separate sheet)
___ 5 - Wetland Non-Vascular Plants[1]
___ Problematic Hydrophytic Vegetation[1] (Explain)

[1]Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Hydrophytic Vegetation Present? Yes x No ___

Remarks:

SOIL

Sampling Point: 8

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix Color (moist)	Matrix %	Redox Features Color (moist)	Redox Features %	Redox Features Type[1]	Redox Features Loc[2]	Texture	Remarks
0-6	10YR3/2	100					SiL	
6-14	103/1	100					SiCL	

[1]Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. [2]Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)

- ___ Histosol (A1)
- ___ Histic Epipedon (A2)
- ___ Black Histic (A3)
- ___ Hydrogen Sulfide (A4)
- ___ Depleted Below Dark Surface (A11)
- ___ Thick Dark Surface (A12)
- ___ Sandy Mucky Mineral (S1)
- ___ Sandy Gleyed Matrix (S4)
- ___ Sandy Redox (S5)
- ___ Stripped Matrix (S6)
- ___ Loamy Mucky Mineral (F1) **(except MLRA 1)**
- ___ Loamy Gleyed Matrix (F2)
- ___ Depleted Matrix (F3)
- ___ Redox Dark Surface (F6)
- ___ Depleted Dark Surface (F7)
- ___ Redox Depressions (F8)

Indicators for Problematic Hydric Soils[3]:

- ___ 2 cm Muck (A10)
- ___ Red Parent Material (TF2)
- ___ Very Shallow Dark Surface (TF12)
- ___ Other (Explain in Remarks)

[3]Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic

Restrictive Layer (if present):

Type: _____

Depth (inches): _____

Hydric Soil Present? **Yes** ___ **No** x

Remarks:

HYDROLOGY

Wetland Hydrology Indicators:

Primary Indicators (minimum of one required; check all that apply)

- ___ Surface Water (A1)
- ___ High Water Table (A2)
- ___ Saturation (A3)
- ___ Water Marks (B1)
- ___ Sediment Deposits (B2)
- ___ Drift Deposits (B3)
- ___ Algal Mat or Crust (B4)
- ___ Iron Deposits (B5)
- ___ Surface Soil Cracks (B6)
- ___ Inundation Visible on Aerial Imagery (B7)
- ___ Sparsely Vegetated Concave Surface (B8)
- ___ Water-Stained Leaves (B9) **(except MLRA 1, 2, 4A, and 4B)**
- ___ Salt Crust (B11)
- ___ Aquatic Invertebrates (B13)
- ___ Hydrogen Sulfide Odor (C1)
- ___ Oxidized Rhizospheres along Living Roots (C3)
- ___ Presence of Reduced Iron (C4)
- ___ Recent Iron Reduction in Tilled Soils (C6)
- ___ Stunted or Stressed Plants (D1) **(LRR A)**
- ___ Other (Explain in Remarks)

Secondary Indicators (2 or more required)

- ___ Water-Stained Leaves (B9) **(MLRA 1, 2, 4A, and 4B)**
- ___ Drainage Patterns (B10)
- ___ Dry-Season Water Table (C2)
- ___ Saturation Visible on Aerial Imagery (C9)
- ___ Geomorphic Position (D2)
- ___ Shallow Aquitard (D3)
- ___ FAC-Neutral Test (D5)
- ___ Raised Ant Mounds (D6) **(LRR A)**
- ___ Frost-Heave Hummocks (D7)

Field Observations:

Surface Water Present? Yes ___ No x Depth (inches): _____

Water Table Present? Yes ___ No x Depth (inches): _____

Saturation Present? (includes capillary fringe) Yes ___ No x Depth (inches): _____

Wetland Hydrology Present? **Yes** ___ **No** x

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

Appendix C: Ground Level Photographs

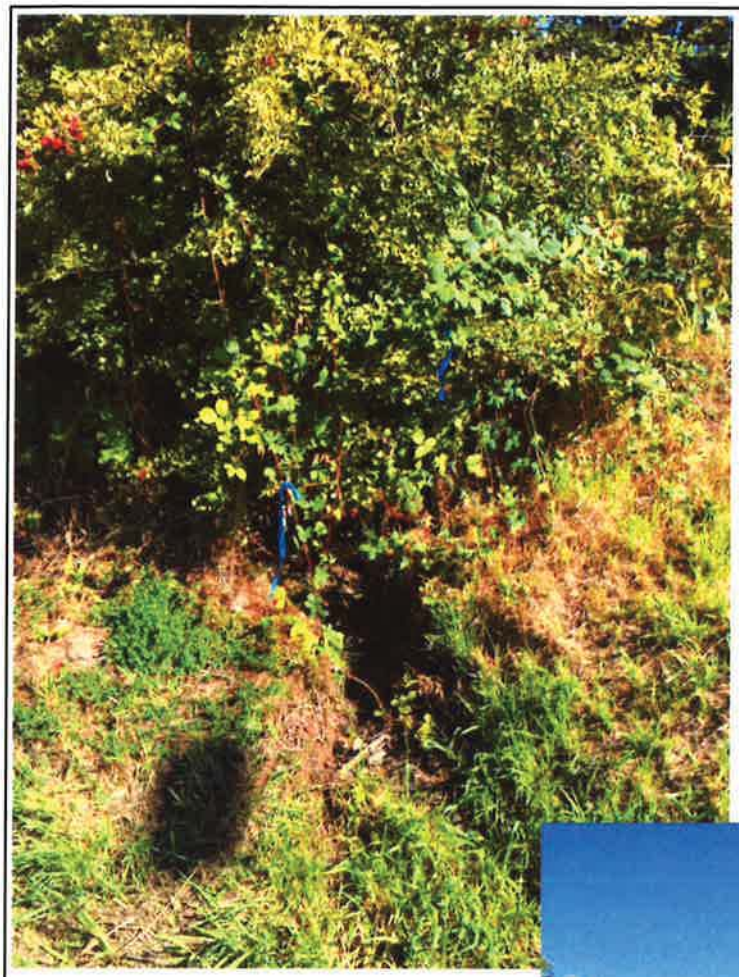


Photo Point 1 facing north to ditched drainage at Railroad Ave

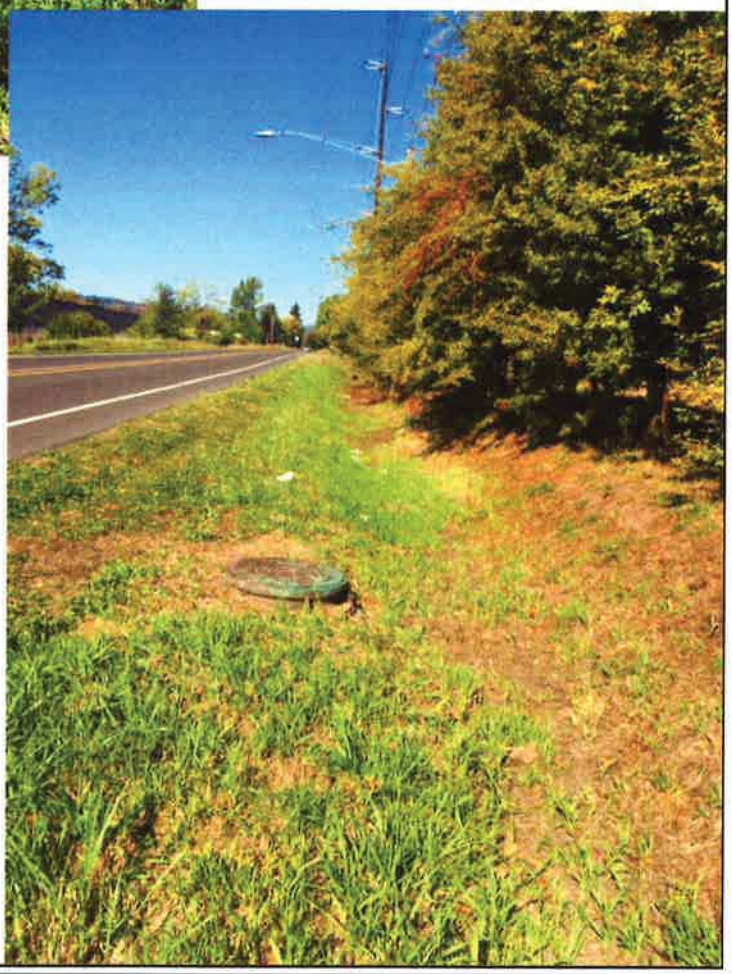


Photo Point 1 facing west at road ditch parallel to Railroad Ave

Appendix C: Ground Level Photographs
Railroad Avenue Estates
S&A 2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

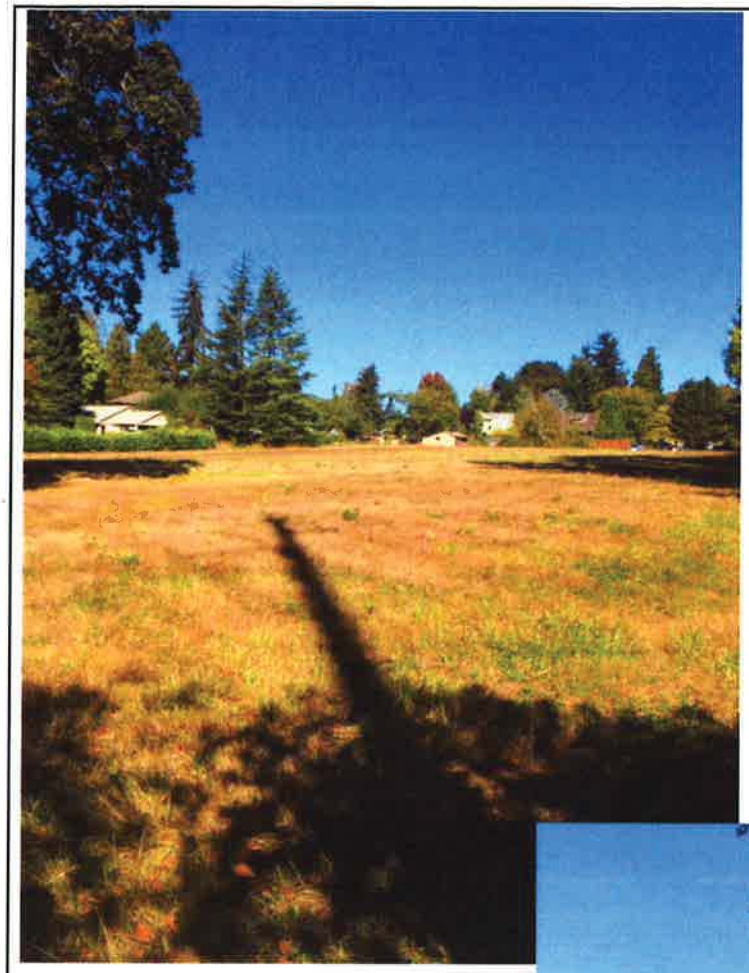


Photo Point 2 at sp1
facing northwest

Photo Point 2 at sp1 facing north

Appendix C: Ground Level Photographs
Railroad Avenue Estates
S&A 2463

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

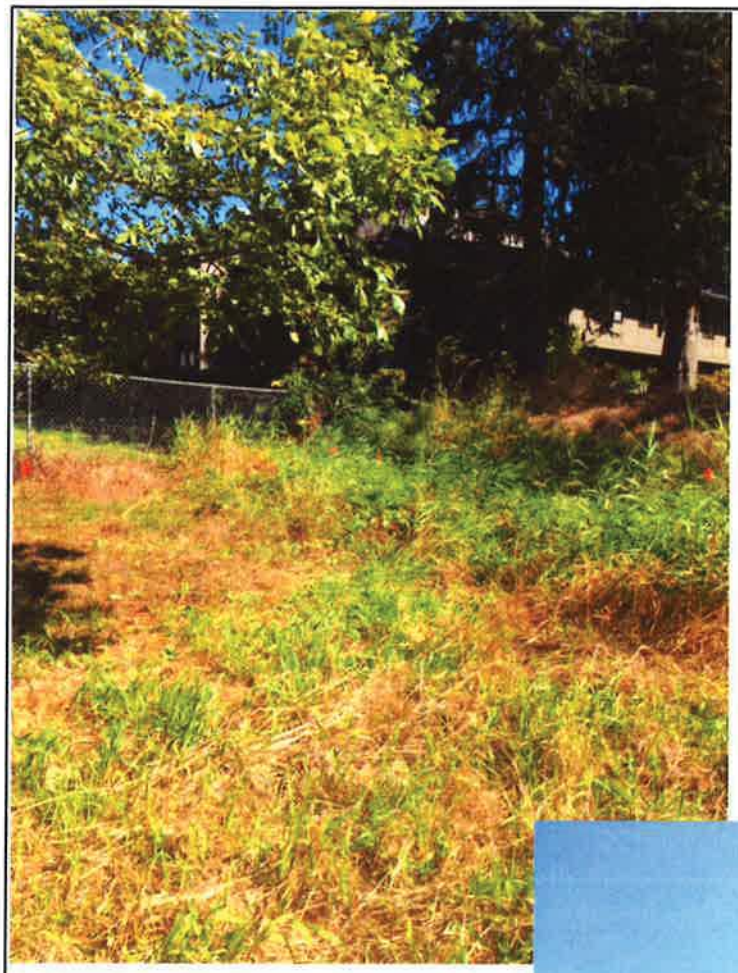


Photo Point 3 at sp 4 facing northeast

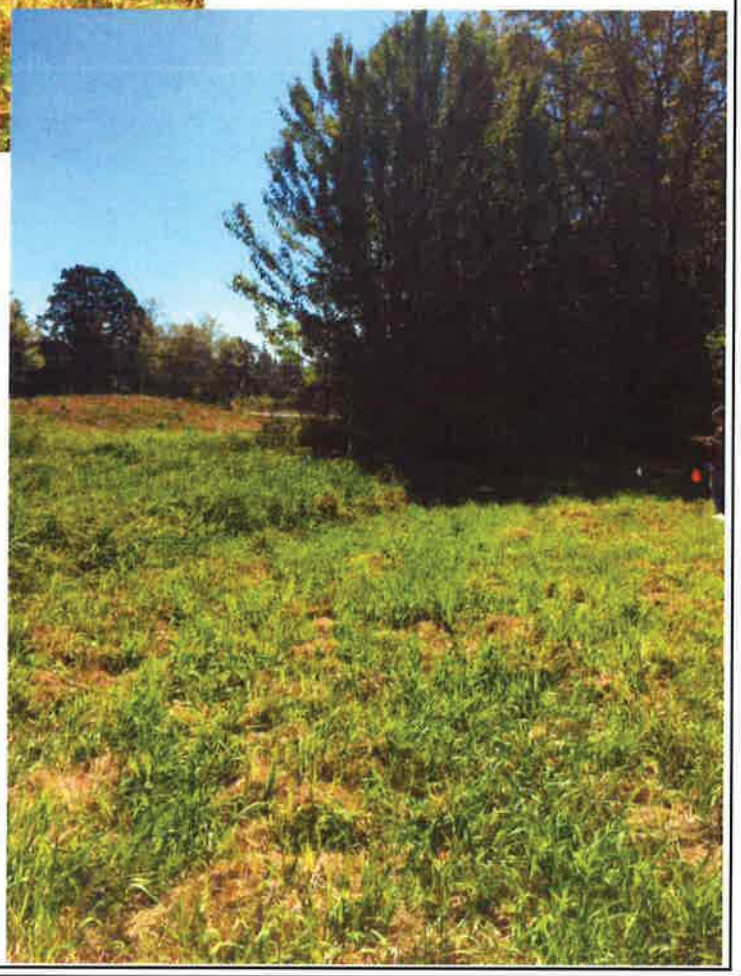


Photo Point 3 at sp 4 facing southeast

Photo Point 3 at sp 4 facing west, northwest

Schott & Associates
P.O. Box 589
Aurora, OR. 97002
503.678.6007

Appendix D: References

Environmental Laboratory, 1987. *Corps of Engineers Wetlands Delineation Manual,* Technical Report Y-87-1, U.S. Army Engineers Waterways Experiment Station, Vicksburg, MS.

Environmental Laboratory, 2010. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys and Coast Region (Version 2.0),* Wetlands Regulatory Assistance Program ERDC/EL TR-10-3 U.S. Army Engineer Research and Development Center. Vicksburg, MS.

Federal Interagency Committee for Wetland Delineation, 1989. *Federal Manual for Identifying and Delineating Jurisdictional Wetlands*, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and U.S.D.A. Soil Conservation Service, Washington, D.C. Cooperative technical publication. 138 pp.

Federal Register, 1980. 40 CFR Part 230: Section 404(b)(1), *Guidelines for Specification of Disposal Sites of Dredged or Fill Material,* Vol. 45, No. 249, pp. 85352-85353, U.S. Govt. Printing Office, Washington, D.C.

Federal Register, 1982. Title 33, *Navigation and Navigable Waters; Chapter II, Regulatory Programs of the Corps of Engineers.* Vol. 47, No. 138, p. 31810, U.S. Govt. Printing Office, Washington, D.C.

Federal Register, 1986. 33 CFR Parts 320 through 330, *Regulatory Programs of the Corps of Engineers; Final Rule,* Vol. 51, No. 219 pp. 41206-41259, U.S. Govt. Printing Office, Washington, D.C.

Kollmorgen Corporation, 1975. *Munsell Soil Color Charts.* Macbeth Division of Kollmorgen Corporation, Baltimore, MD.

U.S. Army Corps of Engineers Research and Development Center. Cold Regions Research and Engineering Laboratory. 2016. *Western Mountains, Valleys & Coast 2016 Regional Wetland Plant List*

U.S. Department of Agriculture, Web Soil Survey *Soil Survey of Clackamas County, Oregon.* U.S.D.A. Soil Conservation Service, Washington, D.C.,

Brandie
Jeff

March 3, 2017

Jeff Bolton
Multi/Tech Engineering
1155 SE 13th Ave
Salem OR 97302

Re: Preapplication Report

Dear Jeff:

Enclosed is the Preapplication Report Summary from your meeting with the City on February 16, 2017, concerning your proposal for action on property located at tax lot 3000 on SE Railroad Ave.

A preapplication conference is required prior to submittal of certain types of land use applications in the City of Milwaukie. Where a preapplication conference is required, please be advised of the following:

- Preapplication conferences are valid for a period of 2 years from the date of the conference. If a land use application or development permit has not been submitted within 2 years of the conference date, the Planning Director may require a new preapplication conference.

- If a development proposal is significantly modified after a preapplication conference occurs, the Planning Director may require a new preapplication conference.

If you have any questions concerning the content of this report, please contact the appropriate City staff.

Sincerely,

Alicia Martin

Alicia Martin
Administrative Specialist II

Enclosure

cc: Karl Ivanov
File

COMMUNITY DEVELOPMENT
BUILDING • ECONOMIC DEVELOPMENT • ENGINEERING • PLANNING
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
P) 503-786-7600 / F) 503-774-8236
www.milwaukieoregon.gov

Brandie
Jeff

CITY OF MILWAUKIE

PreApp Project ID #: 17-003PA

PRE-APPLICATION CONFERENCE REPORT

This report is provided as a follow-up to a meeting that was held on 2/16/2017 at 10:00AM

Applicant Name:	**JEFF BOLTON**
Company:	**MULTITECH**
Applicant 'Role':	REPRESENTATIVE
Address Line 1:	1155 SE 13TH ST.
Address Line 2:	
City, State Zip:	SALEM OR 97302
Project Name:	
Description:	
ProjectAddress:	**RAILROAD AVE TAXLOT 3000 EAST OF 5525 SE RAILROAD**
Zone:	R-7; Natural Resource Overlay
Occupancy Group:	
ConstructionType:	
Use:	Low Density (LD)
Occupant Load:	
AppsPresent:	Jeff Bolton, Karl Ivanov
Staff Attendance:	Brett Kelver, Mary Heberling, Alex Roller

BUILDING ISSUES

ADA:

Structural:

Mechanical:

Plumbing:

Plumb Site Utilities:

Electrical:

Notes: No comments.

Please note all drawings must be individually rolled. If the drawings are small enough to fold they must be individually folded.

FIRE MARSHAL ISSUES

Fire Sprinklers:

Fire Alarms:

Fire Hydrants:

Turn Arounds:

Addressing:

Fire Protection:

Fire Access:

Hazardous Mat.:

Fire Marshal Notes: No comments.

PUBLIC WORKS ISSUES

Water: A 6" ductile iron water main will be constructed to provide service to all properties within the subdivision. Milwaukie public works standards 4.0012 prohibits the construction of a permanent dead-end main greater than 250 feet in length. The 6" line will be connected to the main on Railroad Avenue and to the 6" main at the end of 56th Avenue to connect the two systems. 6" ductile iron water mains will also be constructed to any streets stubbed to the property line for adjacent property development. Fire hydrant requirements will be addressed by Clackamas County Fire.
The water System Development Charge (SDC) is based on the size of water meter serving the property. The corresponding water SDC will be assessed with installation of a water meter. Water SDC credit will be provided based on the size of any existing water meter serving the property removed from service. The water SDC will be assessed and collected at the time the building permits are issued.

Sewer: An 8" PVC sewer main will need to be extended to provide service to all newly constructed properties and to facilitate future development. Currently, the wastewater System Development Charge (SDC) is comprised of two components. The first component is the City's SDC charge of $1,075 and the second component is the County's SDC for treatment of $6,130 that the City collects and forwards to the County. Both SDC charges are per single family property. The wastewater SDC is assessed using a plumbing fixture count from Table 7-3 of the Uniform Plumbing Code. The wastewater SDC connection units are calculated by dividing the fixture count of new plumbing fixtures by sixteen. The wastewater SDC will be assessed and collected at the time the building permits are issued.

Storm: Submission of a storm water management plan by a qualified professional engineer is required as part of the proposed development. The plan shall conform to Section 2 - Stormwater Design Standards of the City of Milwaukie Pubic Works Standards.
The storm water management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing storm water management facilities serving the development property. Also, the plan shall demonstrate compliance with water quality standards. The

City of Milwaukie has adopted the City of Portland 2008 Stormwater Management Manual for design of water quality facilities.
All new impervious surfaces, including replacement of impervious surface with new impervious surfaces, are subject to the water quality standards. See City of Milwaukie Public Works Standards for design and construction standards and detailed drawings. Applicant may treat stormwater in the ditch between the walking path and Railroad Avenue, with approved planting and infiltration design.

The storm SDC is based on the amount of new impervious surface constructed at the site. One storm SDC unit is the equivalent of 2,706 square feet of impervious surface. The storm SDC is currently $845 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

Street:

The proposed development fronts the north side of SE Railroad Avenue, a collector route. The portion of SE Railroad Avenue fronting the proposed development has a right-of-way width of 60 feet and a paved width of 24 feet with undeveloped shoulders.

Frontage:

Chapter 19.700 of the Milwaukie Municipal Code, hereafter referred to as "Code", applies to partitions, subdivisions, and new construction.

Transportation Facility Requirements, Code Section 19.708, states that all rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities located in the public right-of-way and abutting the development site shall be adequate at the time of development or shall be made adequate in a timely manner.

Railroad Avenue
The Railroad Avenue cross-section includes the following:

- Two 10-foot travel lanes
- 4' shoulder
- Storm ditch separating the road from the walking path
- 12-foot asphalt path set 6" from north edge of right-of-way

Applicant will only be required to construct the walking path, and size the ditch to contain the water that it will carry. Railroad avenue was recently paved; so additional resurfacing requirements will be required. All cuts to the street will require a 20' minimum length 2" grind and inlay according to Public Works Standards drawing 516. This replacement is only required in the lane that was cut into (shoulder, travel, etc).

New Interior Roads
According to Code Table 19.708.2 and the Transportation Design Manual, the minimum local street cross-section is a 50' right-of-way which includes the following:

- Two 9' travel lanes
- Two 6' parking lanes
- Two 4' landscape strips
- 5' setback sidewalk on both sides of the road

Applicant must provide justification to remove any components from this cross-section and/or reduce the right-of-way width according to MMC 19.708.2.B.

Right of Way:

The existing right-of-way on Railroad Avenue fronting the proposed development is of adequate width and no right-of-way dedication is required.

Driveways: Code Section 12.16.040.A states that access to private property shall be permitted with the use of driveway curb cuts and driveways shall meet all applicable guidelines of the Americans with Disabilities Act (ADA). Driveway approaches shall be improved to meet the requirements of Milwaukie's Public Works Standards.

Erosion Control: Per Code Section 16.28.020(C), an erosion control permit is required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which results in the disturbance or exposure of soils exceeding five hundred square feet.

Code Section 16.28.020(E) states that an erosion control permit is required prior to issuance of building permits or approval of construction plans. Also, Section 16.28.020(B) states that an erosion control plan that meets the requirements of Section 16.28.030 is required prior to any approval of an erosion control permit.

Traffic Impact Study: Code Section 19.704.1(A) states that the City will determine whether a transportation impact study (TIS) is required. In the event the proposed development will significantly increase the intensity of use, a transportation impact study will be required. The City of Milwaukie Engineering Director will make this determination based on proposed preliminary subdivision design and the number of lots created. Based on the pre-app discussion, a TIS will not be required as proposed. Any other site plan will be reanalyzed.

PW Notes: Proposed street layout precluded neighboring taxlot 2900 and 3100 from developing. Majority of meeting centered on a revised design that included a stubbed street to the east, and a narrow connection to the west at the north end of the site. Final road layout will have to be approved before application is approved.

TRANSPORTATION SDC
The Transportation SDC will be based on the increase in trips generated by the new use per the Trip Generation Handbook from the Institute of Transportation Engineers. The SDC for transportation is $1,921 per trip generated. Credits will be given for any demolished structures, which shall be based upon the existing use of the structures.

PARKS & RECREATION SDC
The parks & recreation System Development Charge (SDC) is triggered when application for a building permit on a new dwelling is received. Currently, the parks and recreation SDC for each Single-Family Residence is $3,985.00. Credit is applied to any demolished structures and is based upon the existing use of the structures. The parks and recreation
SDC will be assessed and collected at the time the building permits are issued.

REQUIREMENTS AT FINAL PLAT
- Engineered plans for public improvements (street, sidewalk, and utility) are to be submitted and approved prior to start of construction. Full-engineered design is required along the frontage of the proposed development.

- The applicant shall pay an inspection fee of 5.5% of the cost of public improvements prior to start of construction.

- The applicant shall provide a payment and performance bond for 100% of the cost of the public improvements prior to the start of construction.

- The applicant shall provide a final approved set of Mylar "As Constructed" drawings to the City of Milwaukie prior to the final inspection.

- The applicant shall provide a maintenance bond for 100% of the cost of the public improvements prior to the final inspection

PLANNING ISSUES

Setbacks: Per Milwaukie Municipal Code (MMC) 19.301.4, setbacks for the R-7 zone are 20 feet front and rear yard, and side yard setbacks of at least 5 feet on one side and 10 feet on the other. In the R-5 zone, minimum front and rear yards are 20 ft, side yards are 5 ft, and street-side yards are 15 ft (for corner lots).

Per MMC 19.501.2, setbacks for any yard bordering SE Railroad Avenue are measured 30 feet from the right-of-way (ROW) centerline (e.g., a rear yard on SE Railroad Avenue must be at least 50 feet from the right of way center line (30 foot ROW setback + 20 foot rear yard setback))

Landscape: In the R-5 zone, a minimum of 25% of the site must be landscaped, including at least 40% vegetation in the front yard (measured from the front property line to the front face of the house). Vegetated areas may be planted in trees, grass, shrubs, or bark dust for planting beds, with no more than 20% of the landscaped area finished in bark dust (as per MMC Subsection 19.504.7). A maximum of 35% of any R-5 lot may be covered by structures, including decks or patios over 18 in above grade.

The minimum landscaped area for the R-7 zone is 30% of lot area.

Parking: As per the off-street parking standards of MMC Chapter 19.600, properties that contain single-family dwellings must provide at least 1 off-street parking space per dwelling unit. As per MMC Subsection 19.607.1, required residential off-street parking spaces must be at least 9 ft wide and 18 ft deep. The required spaces cannot be located in a required front or street-side yard and must have a durable and dust-free hard surface.

Uncovered parking spaces and maneuvering areas cannot exceed 50% of the front yard area and 30% of the required street-side yard area. No more than 3 residential parking spaces are allowed within the required front yard. Parking areas and driveways on the property shall align with the approved driveway approach and shall not be wider than the approach within 10 ft of the right-of-way boundary. However, effective as of March 9, 2017, the driveway approach shall not be wider than the approach within 5 ft of the right-of-way boundary. Alternately, a gradual widening of the onsite driveway is allowed to the 10 point at a ratio of 1:1 (driveway width: distance onto property), starting 2ft behind the front property line.

Transportation Review: The proposed subdivision will trigger the requirements of MMC Chapter 19.700 Public Facility Improvements. Please see the Public Works notes for more information about the requirements of MMC 19.700 and the necessary right-of-way dedication and street frontage improvements.

Application Procedures: 1. Subdivision (Type III review)

The subject property is comprised of 1 large lot. The minimum size for new lots in the R-5 zone is 5,000 sq ft. The proposed development requires replatting the subject property using the subdivision process. Standards and requirements for land division can be found Title 17 of Milwaukie Municipal Code: http://www.qcode.us/codes/milwaukie/view.php?topic=17&frames=off.

Preliminary and Final Plat checklists and procedures can be found at: http://www.milwaukieoregon.gov/planning/plat-checklists.

The current fee for subdivision applications (preliminary plat review) is $4,400, plus $100 for each lot over 4 lots.

2. Natural Resource Review – Boundary Verification (Type II review)

A boundary verification process is required for the designated Natural Resource areas on the lot and lot to the east (TL 2900). Corrections to mapped Water Quality Resources (WQRs) are subject to a Type II review. The applicant is advised to review this section carefully to be sure that all relevant steps are followed. The boundary verification application can be submitted with the application for natural resource review required for the subdivision (see Note 3, below). Review criteria can be found in MMC 19.402.15.A.2: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_15

3. Natural Resource Review – Subdivision (Type III review)

If any lots from the proposed subdivision will be in a designated Natural Resource area, the application is subject to Type III Natural Resource review. Standards for subdivisions within Natural Resource areas can be found in MMC 19.402.13.I: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_13

4. Zoning Map Amendment (Type III review)

The proposal includes rezoning the subject property from R-7 to R-5. The applicant is encouraged to include Tax Lots 02900, 03100, and 01300 in the zone change proposal as well, for a total of 4 lots to be re-zoned. Regardless, the City Attorney has determined that the process for the proposed zone change is quasi-judicial in nature and subject to Type III review. The process and approval criteria for a zone change (zoning map amendment) can be found in MMC 19.902.6: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off.

5. Comprehensive Plan Map Amendment (Type IV review)

As part of the proposal to rezone the property to R-5, a concurrent amendment to the Comprehensive Plan Map 4 – Land Use is required (from Low Density to Moderate Density).

The approval criteria for a quasi-judicial map amendment can be found in MMC 19.902.3.B: http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_900-19_902&frames=off .

The application for the zone/comp plan change can be submitted concurrently with the subdivision/Natural resources application. The zone/comp plan change application could be the primary issue to be decided, then the subdivision.

The current fee for Type II review is $1,000; the fee for Type III review is $2,000. For Type III Natural Resource applications, a refundable deposit of $2,750 is required at the time of submittal, to cover the actual costs of the City's review of the applicant's technical report for Natural Resource review.

The applicant should submit 5 complete copies of all application materials for the City's initial review. A determination of the application's completeness will be issued within 30 days. If deemed incomplete, additional information will be requested. If deemed complete, additional copies of the application may be required for referral to other departments, the associated Neighborhood District Association (NDA), and other relevant parties and agencies. City staff will inform the applicant of the total number of copies needed.

For Type III review, once the application is deemed complete, a public hearing with the Planning Commission will be scheduled. Staff will determine the earliest available date that allows time for preparation of a staff report (including a recommendation regarding approval) as well as provision of the required public notice to property owners and residents within 300 ft of the subject property, at least 20 days prior to the public hearing. A sign giving notice of the application must be posted on the subject property at least 14 days prior to the hearing.

Once the Planning Commission makes a decision on the application, notice of the decision will be issued, initiating a 15-day appeal period for the applicant and any party who has established standing by submitting comments or participating in the public hearing process.

Following the appeal period, the applicant may submit the necessary Final Plat application, which will require Type I review (current fee, $200). The final plat is subject to Type I administrative review. The application requirements are found in MMC 17.16.070 and MMC 17.24. The approval criteria are found in MMC 17.12.050. Because the final plat must follow the approval of the preliminary subdivision plat, it is not eligible for concurrent review.

Prior to submitting the subdivision application, the applicant is encouraged to present the project at the regular meetings of the Linwood NDA (7:00 p.m. on the second Thursday of every month at Linwood Elementary library, 11909 SE Linwood Ave): http://www.milwaukieoregon.gov/citymanager/linwood-nda Linwood NDA Chair: Zac Perry, Linwoodzp@gmail.com .

Natural Resource Review: The site for the proposed subdivision does have Water Quality Resource (WQR) and Habitat Conservation (HCA) areas on the east boundary line of the site. Per MMC Subsection 19.402.12.A, an Impact Evaluation and Alternatives Analysis will need to be done. Specific information about this Analysis and the approval criteria can be found at:
http://www.qcode.us/codes/milwaukie/view.php?topic=19-19_400-19_402-19_402_12

With the evaluation and alternatives analysis, there may be a need for the applicant to apply for a boundary verification and natural resources subdivision standards. More information about those land use reviews are listed in the Application Procedures section.

Lot Geography: The subject property is comprised of 1 lot, with a total area of approximately 1.72 acres. The property has frontage on SE Railroad Ave to the south.

Minimum standards:
R-7 Zone: 7,000 square feet area, 60-foot width, 80-foot depth, 35-foot street frontage
R-5 Zone: 5,000 square feet area, 50-foot width, 80-foot depth, 35-foot street frontage

Lots in the subdivision are subject to the requirements of MMC Chapter 17.28, Design Standards. Flag lots are not allowed in newly platted subdivisions (MMC 17.28.080). The following are also criteria for lot design (MMC 17.28.040): lots are required to be rectilinear where practical; the lateral change in direction for a compound lot line can not exceed 10% of the distance between opposing lot corners; and double frontage lots are generally not allowed.

The above lot design standards do not apply to areas for parks, tracts, or other areas that will not be developed.

Planning Notes: The Planning Department strongly suggests conferring with the Linwood Neighborhood District Association (NDA) about the proposal. The NDA Chair is Zac Perry, who can be reached at Linwoodzp@gmail.com. The City of Milwaukie refers all applications to NDAs for comments, and the Planning Commission and City Council give serious consideration to the views of the NDAs when

making decisions.

Staff's general response to the zone change proposal is that it seems appropriate given the request to provide street connections to the surrounding properties for potential future development. The zone change would allow the applicant to be more flexible with their subdivision plan. The loss of R-7 zone area does not raise concern for Planning staff. The R-7 zone is also the largest zone in the city, comprising over 40% of the land area (including right of way). By comparison, R-5 comprises just over 10% of the land area.

As noted previously, staff encourages the applicant to contact the owners of Tax Lots 02900, 03100, and 01300 and attempt to include them in the zone change proposal. This would result in a more consistent zone pattern in this area.

The applicant is encouraged to review MMC Chapter 19.1200 Solar Access Protection, as its provisions must be addressed in the application narrative.

For reference, the density range allowed in the R-7 zone is 5.0 – 6.2 dwelling units per net acre, and 7.0-8.7 dwelling units per net acre for the R-5 zone.

The full zoning code can be found here:
http://www.qcode.us/codes/milwaukie/view.php?topic=19&frames=off.

The Comprehensive Plan can be found here:
http://www.qcode.us/codes/milwaukie/view.php?topic=comprehensive_plan&frames=off.

ADDITIONAL NOTES AND ISSUES

County Health Notes:

Other Notes:

This is only preliminary preapplication conference information based on the applicant's proposal and does not cover all possible development scenarios. Other requirements may be added after an applicant submits land use applications or building permits. City policies and code requirements are subject to change. If you have any questions, please contact the City staff that attended the conference (listed on Page 1). Contact numbers for these staff are City staff listed at the end of the report.

Sincerely,

City of Milwaukie Development Review Team

BUILDING DEPARTMENT
Samantha Vandagriff - Building Official - 503-786-7611
Bonnie Lanz - Permit Specialist - 503-786-7613

ENGINEERING DEPARTMENT
Chuck Eaton - Engineering Director - 503-786-7605
Geoff Nettleton - Civil Engineer - 503-786-760
Rick Buen - Engineering Tech II - 503-786-7610
Alex Roller - Engineering Tech I - 503-786-7695

COMMUNITY DEVELOPMENT DEPARTMENT
Alma Flores - Comm. Dev. Director - 503-786-7652
Avery Pickard - Admin Specialist - 503-786-7656
Alicia Martin -Admin Specialist - 503-786-7600
Joyce Stahly -Admin Specialist - 503-786-7600

PLANNING DEPARTMENT
Dennis Egner - Planning Director - 503-786-7654
David Levitan - Senior Planner - 503-786-7627
Brett Kelver - Associate Planner - 503-786-7657
Vera Kolias - Associate Planner - 503-786-7653

CLACKAMAS FIRE DISTRICT
Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673
Matt Amos - Fire Inspector - 503-742-2661

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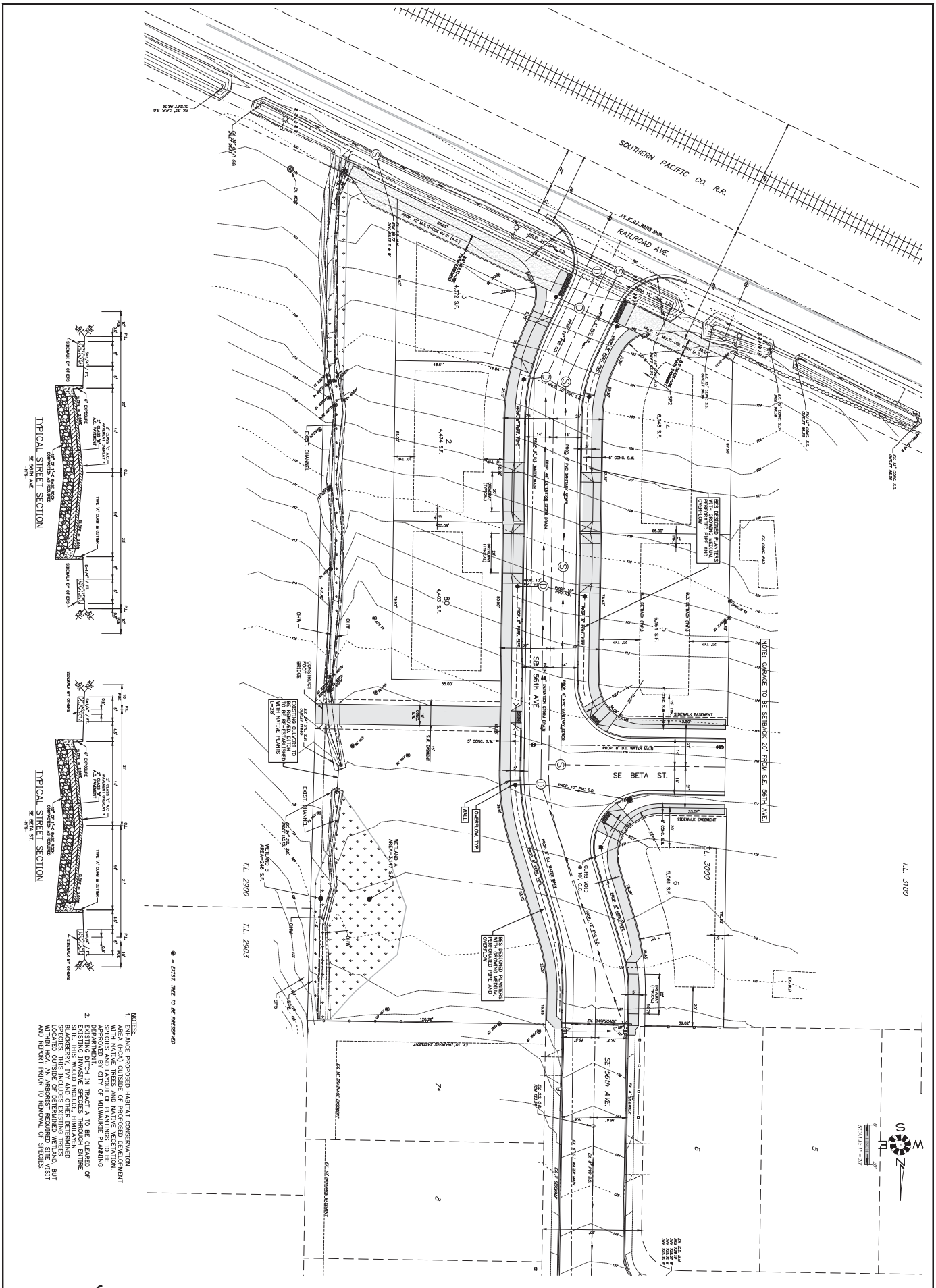
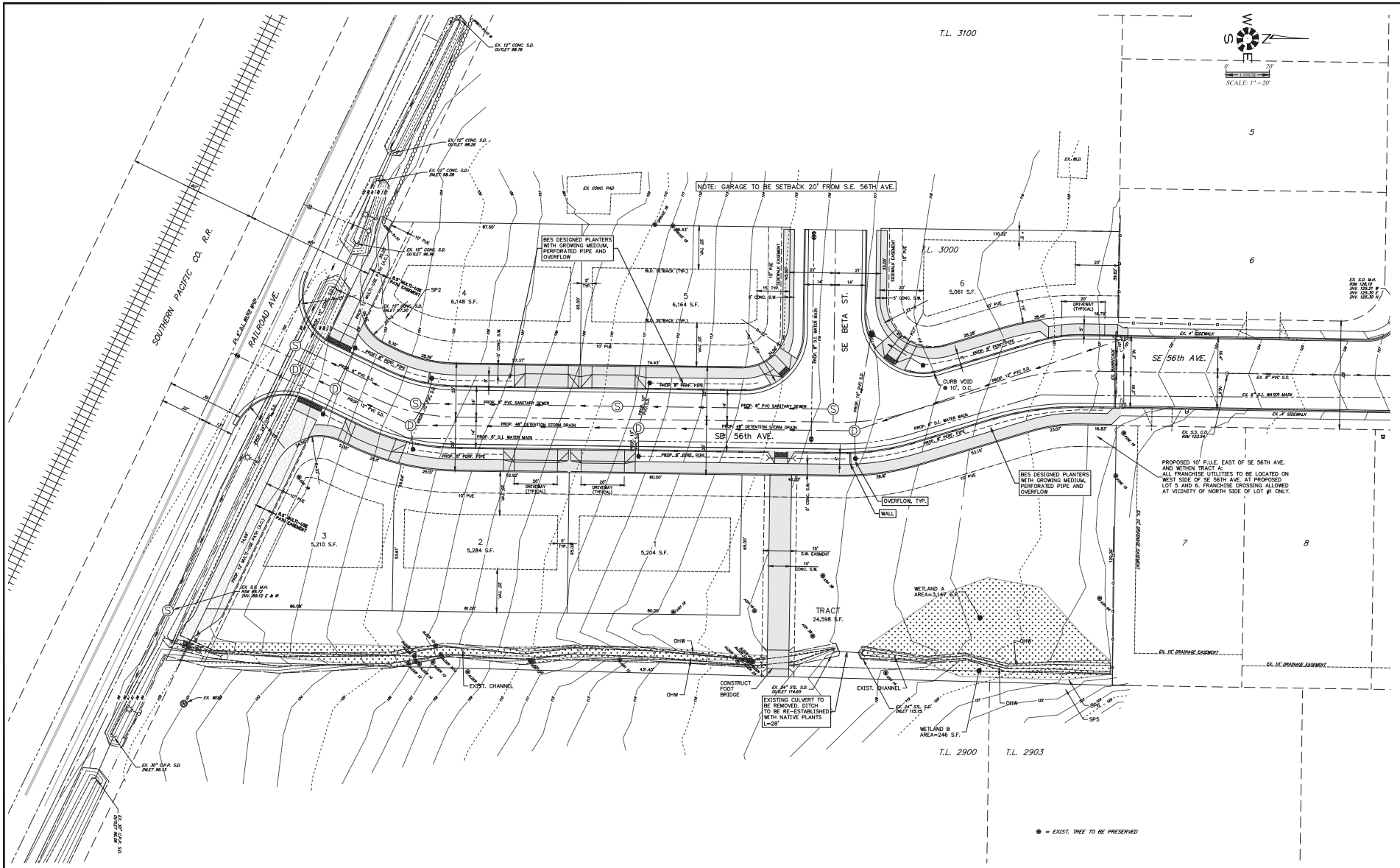
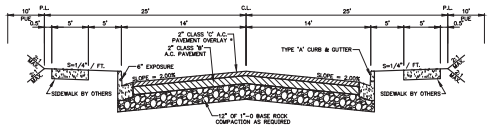
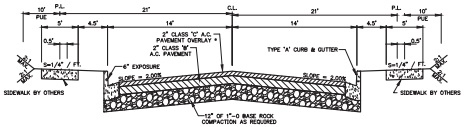


4A of 4	JOB # 6423	Design: M.D.G. Drawn: C.D.S. Checked: J.C.B. Date: NOV. 2017 Scale: AS SHOWN As-Built: ----	NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.	MULTI/TECH ENGINEERING EXEMPT FROM LIABILITY IF NOT STAMPED APPROVED NOT FOR CONSTRUCTION UNLESS STAMPED APPROVED HERE	RAILROAD AVENUE ESTATES	ALTERNATIVE PLAT PLAN	MULTI/TECH ENGINEERING SERVICES, INC. 1155 13th ST. S.E. SALEM, OR. 97302 PH. (503) 363-9227 FAX (503) 364-1260 www.mtengineering.net office@mtengineering.net





TYPICAL STREET SECTION
SE 56TH AVE.
-NTS-



TYPICAL STREET SECTION
SE BETA ST.
-NTS-

NOTES:
1. ENHANCE PROPOSED HABITAT CONSERVATION AREA (HCA) OUTSIDE OF PROPOSED DEVELOPMENT WITH NATIVE TREES AND NATIVE VEGETATION. SPECIES AND LAYOUT OF PLANTINGS TO BE APPROVED BY CITY OF MILWAUKIE PLANNING DEPARTMENT.
2. EXISTING DITCH IN TRACT A TO BE CLEARED OF EXISTING INVASIVE SPECIES THROUGH ENTIRE SITE. THIS WOULD INCLUDE, HIMILAYEN BLACKBERRY, IVY AND OTHER DETERMINED SPECIES. THIS INCLUDES EXISTING TREES LOCATED OUTSIDE OF DETERMINED WETLAND, BUT WITHIN HCA. AN ARBORIST REQUIRED SITE VISIT AND REPORT PRIOR TO REMOVAL OF SPECIES.

MULTI/TECH
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EMAIL: mtech@multitech-engineering.com

PRELIMINARY PLAT PLAN

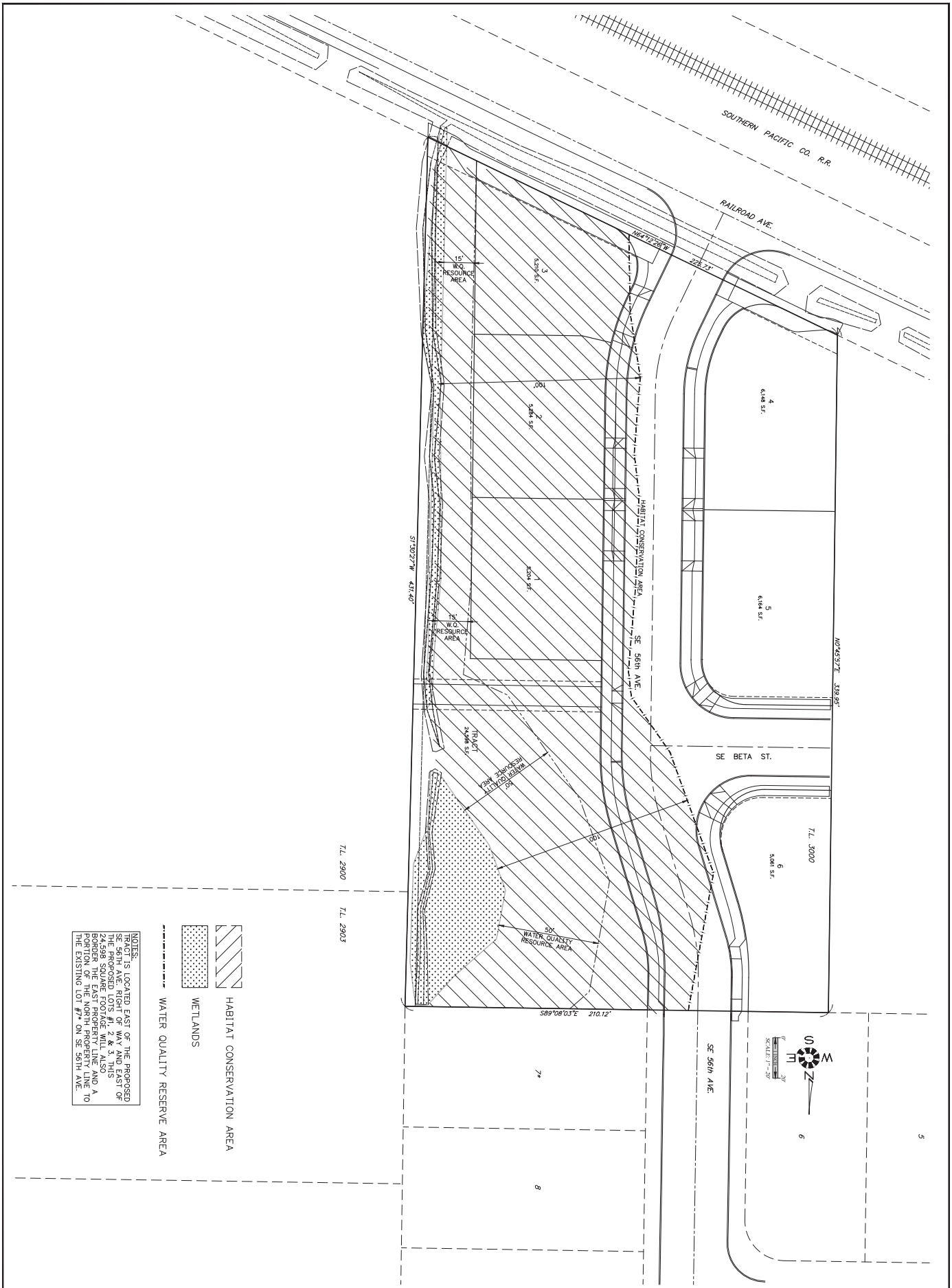
RAILROAD AVENUE

5.2 PRELIMINARY PLAT

Design: M.D.G.
Drawn: J.C.B.
Checked: J.C.B.
Date: NOV. 2017
Scale: AS SHOWN
As-Built: ----

REGISTERED PROFESSIONAL ENGINEER
OREGON
JULY 1, 1977
MARK D. GRENZ
EXPIRES: 12-31-2019

JOB # 6423



HABITAT CONSERVATION AREA

WETLANDS

WATER QUALITY RESERVE AREA

NOTES:
TRACT 'A' IS LOCATED EAST OF THE PROPOSED SE 56TH AVE RIGHT OF WAY AND EAST OF THE PROPOSED LOTS #1, 2 & 3. THIS 24,598 SQUARE FOOTAGE WILL ALSO BORDER THE EAST PROPERTY LINE AND A PORTION OF THE NORTH PROPERTY LINE TO THE EXISTING LOT #7 ON SE 56TH AVE.

3 of 4

JOB # 6423

EXPIRES: 06-30-2019

6423p P3-ZONE

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: NOV. 2017
Scale: AS SHOWN
As-Built: ----

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

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RAILROAD AVENUE ESTATES

HABITAT CONSERVATION PLAN

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2. If a subdivision cannot comply with the standards in Subsection 19.402.13.I.1, the application shall comply with the following standards:

a. All proposed lots shall have adequate buildable area outside of the WQR and HCA.

Findings: There are wetlands located throughout the site along with Habitat Conservation Areas. As shown on the site plans, all lots have adequate buildable area.

The buildable area on Lots 1, 2, and 3 will be located within the HCA as shown on the site plan, but outside the wetland's areas. In order to minimize any negative impacts on the HCA or wetlands, a Wetland Delineations report dated August 22, 2017 was done on the site. With these a mitigation plan has been provided and noted on the site plans. So, developing of this area will not have any negative impacts.

b. To the extent practicable, the lot and access configurations shall mitigate the potential future impacts to the WQR and HCA from access and development.

Findings: The buildable area on Lots 1, 2, and 3 will be located within the HCA as shown on the site plan, but outside the wetland's areas. In order to minimize any negative impacts on the HCA or wetlands, a Wetland Delineations report dated August 22, 2017 was done on the site. With these a mitigation plan has been provided and noted on the site plans. So, developing of this area will not have any negative impacts.

Proposed Mitigation:

1) Enhance proposed habitat conservation area (HCA) outside of proposed development with native trees and native vegetation. Species and layout of plantings to be approved by City of Milwaukie Planning Department.

2) Existing ditch in Tract A to be cleared of existing invasive species through entire site. This would include, Himalayan Blackberry, Ivy and other determined species. This includes existing trees located outside of determined wetland, but within HCA. An arborist required site visit and report prior to removal of species.

3) Construct foot bridge as shown on site plan.

4) Existing culvert to be removed. Ditch to be re-established with native plants.

A Natural Resource Report dated October 13, 2019, was provided by ESA. All recommendations within ESA's report are being complied with as shown on the plans.

c. An Impact Evaluation and Alternatives Analysis shall be prepared in accordance with the relevant portions of Subsection 19.402.12.A.

Findings: Prior to development on the site, an Impact Evaluation and Alternatives Analysis will be prepared and submitted to the City.

d. For properties where the HCA covers more than 85% of the total lot area, the Impact Evaluation and Alternatives Analysis shall address how the applicant's proposal retains the greatest practicable degree of contiguity of the HCA across the new lots.

Findings: The HCA covers 85% or more of Lots 1, 2, and 3. Therefore, prior to development on the site, an Impact Evaluation and Alternatives Analysis will be prepared and submitted to the City.

MULTI/TECH
ENGINEERING SERVICES, INC.

1155 13th Street SE
Salem, Oregon 97302
(503) 363-9227

Railroad Avenue Estates

Impact Evaluation and Alternatives Analysis

For

Habitat Conservation Area and Water Quality Resources Areas

March 3, 2020

The project as proposed and shown on Layout # 4 Final Plan (Exhibit A) is for the creation of a 6-lot subdivision on a parcel of land that contains a total of 1.72 acres of property. Our office has set the approximate rear lot property corners for Lot # 1, 2 and 3 onsite for a visual inspection by the Planning Staff.

There is no Flood Plains mapped at these lots or for the entire property.

Schott and Associates have identified a total of 0.078 acres of wetlands onsite which has received "concurrence" from the Division of State Lands. The Water Quality Resource (WQR) running adjacent to this determined wetland and an unnamed stream considered intermittent (ESA - City Consultant) is shown on the corrected Habitat Conservation Plan (HCA). Please see Exhibit B that shows the final lot layout and the corrected mapping of this property.

Please note that upstream from this property and the intermittent stream (north) are fully developed single family homesites of 7,200 square foot lots. City mapped HCA is included showing existing impacts to these lots - Please see Exhibit A1.

The Habitat Conservation Area is calculated at 1.11 acres in size (includes the Water Quality Resource area). Over 64% of this property would be considered a Habitat Conservation Area per the corrected HCA and WQR mapping onsite. An extension of 56th Avenue would not be feasible without impacting the HCA as shown on Exhibit B.

During the development review of this property, a variety of development layouts were considered. The main approach to those layouts centered around the planning goals that staff had related to the extension of SE 56th Avenue through the site, access to Railroad Avenue, and service to the adjoining properties.

The final layout for this project has evolved over time with both the Engineering and Planning Departments for street accessibility to Tax Lot # 2900 to the east and Tax Lot # 3100 to the west. These Alternative layouts based upon the Water Quality Resources and the Habitat Conservation Area that specifically affected connectivity to Tax

Lot # 2900. With the October 19, 2013 ESA Associates Natural Resources Review and the final recommendations, we have removed the proposed Alpha Street connection and minimized this to a walking path only to Tax Lot # 2900 as recommended by City staff as shown on Exhibit B.

Exhibit C, D & E are also included showing the evolution of the proposed development from the time of Pre-Application to final lot layout.

Utilizing the above information, we worked with staff to refine the best development options for the site.

During the development of the Tax Lot 3000, the initial Land Use Action was for a Comprehensive Plan/Zone Change request with approval from R-7 to R-5 which also included Tax Lots # 2900, # 3000 and # 1300. After the Hearing process with the City of Milwaukie Planning Commission, we did look at re-applying for this Land Use process with a request for these properties to be changed to a R-3 development. This was due to Planning Commission discussions regarding infill projects and greater density in town. We were told by the City Planning staff that an R-3 development could only be completed with attached housing. The developer did not want to do attached housing on this property and so we proceeded with the R-5 development.

Our office spent considerable time with the developer reviewing options to develop the property outside of the HCA, with impacts limited to the extension of SE 56th Avenue only. With the requirement of the extension of the proposed Beta Street to Tax Lot 3100, we would have been limited to attached housing between Beta Street and Railroad Avenue of 4 lots only (3,000 SF minimum). We would still have had one single family lot (Lot 6), with variances still required for setback impacts as shown. This project was not economically feasible for the required civil improvements to be developed as 5 lot development with 80% of the lots being 3,000 square feet and one single family lot with house size constraints.

We then reviewed Chapter 19.402.14 of the Milwaukie Municipal Code with specifics to Residential Cluster Development. With this Chapter, it limited our development to 5 lots all located west of the SE 56th Avenue extension.

With that said and reviewing the Habitat Conservation Plan the extension of 56th Street to Railroad Avenue would still impact 8,124 square feet of the HCA. If the street extension is allowed why not include Lot # 1, 2 & 3 as well which add an additional 15,624 square feet of impact to the HCA. Per the Schott and Associates Natural Resources report "the property mainly consists of an open grass field dominated by spike bentgrass". Once you visit the site, you will find the entire area west of the HCA which encompasses the west side of 56th Avenue, Beta Street and proposed Lot # 4, 5 & 6 is also dominated by spike bentgrass.

There is no reasonable way to avoid the HCA and WQR to develop this 1.72 acres of property.

Based upon this layout, all remaining areas located outside the proposed lots and the SE 56th Street extension will have invasive species removed including areas of the intermittent stream. We will ask Schott & Associates to come up with an enhanced Landscape and Monitoring plan with native shrub and tree planting design within the

HCA and WQR Tract. The ESA Environmental Report does state that "WQR of the wetlands would be considered either marginal or poor because of the low woody cover" this area will now be enhanced. We are also proposing to remove the existing 24" culvert (length = 28') and reconnect the wetland in the north with the intermittent stream that runs south to Railroad Avenue which will add to WQR of this site. We would agree to have this conditioned for approval by City Planning staff and the City Environmental Consultant ESA.

For the development of a residential Subdivision that includes Habitat Conservation Areas must address the provisions in MMC 19.402.13.I.

MMC 19.402.13.I.1 At least 90% of the properties HCA and 100% of the properties WQR shall be located in a separate tract. Applications that meet this standard are not subject to the discretionary review requirements of Subsection 19.402.12.

Response: The WQR can meet this standard per the Exhibit B. The HCA cannot meet this criterion due to requirements for the 56th street extension and the 10' walkway to Tax Lot # 2900.

MMC 19.402.13.I.2 If a subdivision cannot comply with the standards in Subsection 19.402.13.I.1, the application shall comply with the following standards:

a. All proposed lots shall have adequate buildable area outside of the WQR and HCA
b. To the extent practicable, the lot and access configurations shall mitigate the potential future impacts to the WQR and HCA from access and development.
c. An Impact Evaluation and Alternatives Analysis shall be prepared in accordance with the relevant portions of Subsection 19.402.12.A
d. For properties where the HCA covers more than 85% of the total lot area, the Impact Evaluation and Alternatives Analysis shall address how the applicant's proposal retains the greatest practicable degree of contiguity of the HCA across the new lots.

Response:

a. The lot configurations for the project and especially Lots 1, 2 & 3 have been designed to provide adequate buildable area outside of the WQR and the HCA to be retained (Exhibit B).

This is looking south along the rear of the proposed lots 1, 2, & 3

b. The plan for the subdivision has been set up to create the WQR and HCA to be retained within a new "Tract". The area shall be set aside for conservation, with the only intended access to be a pedestrian walkway to provide pedestrian circulation to the adjoining property to the east. Care will be taken to construct a foot bridge over the intermittent stream. water way.

c. The applicable sections of Subsection 19.402.12.A shall be addressed below.

d. Within this development, Lots 1, 2, & 3 are new parcels that will have more than 99% of their area located within what is currently HCA limits. The lot configuration has been established with first consideration of the extension of SE 56th Ave south to connect to Railroad Ave. This connection is needed to develop good traffic circulation from the existing residential area to the north of this project. That alignment has also been set to make sure that Lots 4 and 5 will have sufficient depth to afford adequate buildable area. It has been determined necessary to provide a connection from the new 56th Ave to the property to the west (Beta St.).

The final element to the project configuration, is the creation of a strip along the rear (east side) of Lots 1, 2, & 3 that is part of the total "tract" being created.

B. General Standards for Required Mitigation

Where mitigation is required by Section 19.402 for disturbance to WQRs and/or HCAs, the following general standards shall apply:

1. Disturbance

a. Designated natural resources that are affected by temporary disturbances shall be restored, and those affected by permanent disturbances shall be mitigated, in accordance with the standards provided in Subsection 19.402.11.C for WQRs and Subsection 19.402.11.D.2 for HCAs, as applicable.

Response: The proposed plan for the development limits the area of disturbance to the WQR to only that area within the limits of the pedestrian walkway. The disturbance to the HCA within the "Tract" area shall also be limited to the pedestrian walkway limits. The balance of the "tract" area is to be protected and not impacted.

b. Landscape plantings are not considered to be disturbances, except for those plantings that are part of a non-exempt stormwater facility; e.g., raingarden or bioswale.

Response: The intent is to make enhancements to the retained HCA by increasing the number of native trees and native vegetation species. No stormwater facilities are proposed within the retained limits of the HCA.

2. Required Plants

Unless specified elsewhere in Section 19.402, all trees, shrubs, and ground cover planted as mitigation shall be native plants, as identified on the Milwaukie Native Plant List. Applicants are encouraged to choose particular native species that are appropriately suited for the specific conditions of the planting site; e.g., shade, soil type, moisture, topography, etc.

Response: The proposed landscaping enhancements to the HCA will be developed using the Native Plant List and shall be submitted to the City for review and approval prior to any installations in the area.

3. Plant Size

Required mitigation trees shall average at least a ½-in caliper—measured at 6 in above the ground level for field-grown trees or above the soil line for container-grown trees—unless

they are oak or madrone, which may be 1-gallon size. Required mitigation shrubs shall be at least 1-gallon size and 12 in high.

Response: The proposed Landscape plan for the enhancements shall include a tree and shrub list that sets out the tree and shrub species as well as spacing and size for each.

4. *Plant Spacing*

Trees shall be planted between 8 and 12 ft on center. Shrubs shall be planted between 4 and 5 ft on center or clustered in single-species groups of no more than 4 plants, with each cluster planted between 8 and 10 ft on center. When planting near existing trees, the dripline of the existing tree shall be the starting point for plant spacing measurements.

Response: There are a few existing trees with the limits of the HCA. The location and drip line of these native trees will be considered in the landscape plan with respect to the location and spacing of the new enhanced trees and shrubs. The plan to be submitted to the City will show the exact location of all of the proposed new trees and planning schematic for the proposed shrubs and other plants.

5. *Plant Diversity*

Shrubs shall consist of at least 2 different species. If 10 trees or more are planted, then no more than 50% of the trees shall be of the same genus.

Response: The intent is to provide a minimum of three different species of trees and at least 4 different species of shrubs.

6. *Location of Mitigation Area*

   a. *On-Site Mitigation*

   All mitigation vegetation shall be planted on the applicant's site within the designated natural resource that is disturbed, or in an area contiguous to the resource area; however, if the vegetation is planted outside of the resource area, the applicant shall preserve the contiguous planting area by executing a deed restriction such as a restrictive covenant.

   Response: It is the intent to provide all mitigation for this project within the remaining HCA limits within the tract.

b. *Off-Site Mitigation*

(1) For disturbances allowed within WQRs, off-site mitigation shall not be used to meet the mitigation requirements of Section 19.402.

(2) For disturbances allowed within HCAs, off-site mitigation vegetation may be planted within an area contiguous to the subject-property HCA, provided there is documentation that the applicant possesses legal authority to conduct and maintain the mitigation, such as having a sufficient ownership interest in the mitigation site. If the off-site mitigation is not within an HCA, the applicant shall document that the mitigation site will be protected after the monitoring period expires, such as through the use of a restrictive covenant.

Response: Off-site mitigation is not proposed for this project.

7. *Invasive Vegetation*

Invasive nonnative or noxious vegetation shall 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.

Response: It is intended that within the limits of the HCA to be retained, all invasive plants and vegetation shall be removed in keeping with the recommendations of Schott & Associates.

8. Ground Cover

Bare or open soil areas remaining after the required tree and shrub plantings shall be planted or seeded to 100% surface coverage with grasses or other ground cover species identified as native on the Milwaukie Native Plant List. Revegetation shall occur during the next planting season following the site disturbance.

Response: The intent is to not disturb the HCA and WQR areas other than the enhancements and the construction of the proposed pedestrian walkway. A Revegetation Plan shall be provided as part of the development improvement plans that sets out the added plantings and the types of grasses to be used to restore any disturbed areas.

9. *Tree and Shrub Survival*

A minimum of 80% of the trees and shrubs planted shall remain alive on the second anniversary of the date that the mitigation planting is completed.

a. *Required Practices*

To enhance survival of the mitigation plantings, the following practices are required:

(1) Mulch new plantings to a minimum of 3-in depth and 18-in diameter to retain moisture and discourage weed growth.

(2) Remove or control nonnative or noxious vegetation throughout the maintenance period.

b. *Recommended Practices*

To enhance survival of tree replacement and vegetation plantings, the following practices are recommended:

(1) Plant bare root trees between December 1 and April 15; plant potted plants between October 15 and April 30.

(2) Use plant sleeves or fencing to protect trees and shrubs against wildlife browsing and the resulting damage to plants.

(3) Water new plantings at a rate of 1 in per week between June 15 and October 15 for the first 2 years following planting.

Response: The intent is to follow the above practices in the development of the project as outlined.

c. *Monitoring and Reporting*

Monitoring of the mitigation site is the ongoing responsibility of the property owner. Plants that die shall be replaced in kind as needed to ensure the minimum 80% survival rate. The Planning Director may require a maintenance bond to cover the continued health and survival of all plantings. A maintenance bond shall not be required for land use applications related to owner-occupied single-family residential projects. An annual report on the survival rate of all plantings shall be submitted for 2 years.

Response: A Monitoring plan prepared by Schott & Associates shall be included in the development plans provided at the time of construction.

10. *Light Impacts*

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.

Response: To the extent possible, lighting shall be directed away from the WQR and HCA areas. The extension of SE 56th Ave is abutting to a portion of the areas to be retained. Street lights are required with the street improvements, however, to the extent allowed, they shall be placed on the west side of the street and directed such to light the street surface and not stray into the HCA. Our site plans identify that all franchise utilities will be located in the "West" side Public Utility Easement along 56th Ave. until we get to Lot 1 so as to limit the ground disturbance along Tract "A".

C. *Mitigation Requirements for Disturbance within WQRs*

1. The requirements for mitigation vary depending on the existing condition of the WQR on the project site at the time of application. The existing condition of the WQR shall be assessed in accordance with the categories established in Table 19.402.11.C.

2. When disturbance within a WQR is approved according to the standards of Section 19.402, the disturbance shall be mitigated according to the requirements outlined in Table 19.402.11.C and the standards established in Subsection 19.402.11.B.

Class C ("Poor") ***Extent and character of existing vegetation provides poor conditions for water quality and wildlife habitat***	
Combination of trees, shrubs, and ground cover are less than 80% present and/or less than 25% canopy coverage in vegetated corridor.	• *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.* • *Plant and/or seed all bare areas to provide 100% surface coverage.* • *Inventory and remove debris and noxious materials.*

Response: The areas to be disturbed, are not vegetated with anything other than grasses. It is intended to use enhancements of the retained areas with additional trees and shrubs to more than off-set the losses of the limited poor-quality grassed areas.

19.402.12 General Discretionary Review

This subsection establishes a discretionary process by which the City shall analyze the impacts of development on WQRs and HCAs, including measures to prevent negative impacts and requirements for mitigation and enhancement. The Planning Director may consult with a professional with appropriate expertise to evaluate an application, or they may rely on appropriate staff expertise to properly evaluate the report's conclusions.

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 sub watershed (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.

Response: AS can be seen in the following photos, that the ecological functions of the portion of the HCA and WQR to be disturbed are very limited, due to the low grass type vegetation within the development limits.

Looking out over the area of Lots 1, 2, & 3 to be developed

Looking east along the route of the proposed Pedestrian Walkway within the HCA and WQR limits.

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.*

Response: Within the limits of the area to developed, there is One Tree and the balance of the area is low quality grasses.

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.*

Response: The area to be developed, will be graded to drain toward the extension of SE 56th Ave. That surface runoff will be included in the Water Quality Facilities to be constructed with the development and will not be directed toward the retained HCA and WQR areas. The intent is to provide enhancements of the retained area to improve the temperature controls for the area.

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.

Response: The City Development standards set out the need for the extension of SE 56th Ave to Railroad Ave as part of the designated area transportation facilities. The street will enhance the area vehicular and pedestrian circulation for the community in this area.

The extension of the street without impacts to the HCA is not possible. The extension of the roadway with very limited impacts would create a remainder area that will not support any single-family building sites. Without the creation of sufficient buildable units makes the development unfeasible.

The extension of the roadway without the creation of lots 1, 2, & 3 as proposed would create per lot development costs such that again the feasibility of the project is not present.

The City of Milwaukie has identified the need for more infill development with smaller lots. This property was re-zoned by the planning commission from R-7 to R-5 to help in the creation of additional needed housing.

The extent that alternatives have been reviewed and evaluated supports that project feasibility established as proposed.

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

Response: The extension of the roadway without the creation of lots 1, 2, & 3 as proposed would create per lot development costs such that again the feasibility of the project is not present.

The extension of the pedestrian walkway to the east is necessary to complete the future pedestrian circulation.

This project has taken into consideration the desire to limit the impacts to the WQR and HCA. The development of the area to the north of the site in the past has significantly compromised or fully developed those elements. This project has made efforts to retain significant portions of the WQR and HCA and still have a feasible project.

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.

Response: It is the assessment of the applicant that the proposed removal of the invasive species of vegetation and the proposed enhancements will create a remainder HCA and WQR that is better that presently exists in the area.

e. Road crossings will be minimized as much as possible.

Response: One of the original development plans for the site had a public street extending east in the area of the proposed pedestrian path. The last set of development plans had the proposed street replaced with the proposed pedestrian path.

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.

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

Response: This is not applicable to this project.

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.

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.

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.

(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.

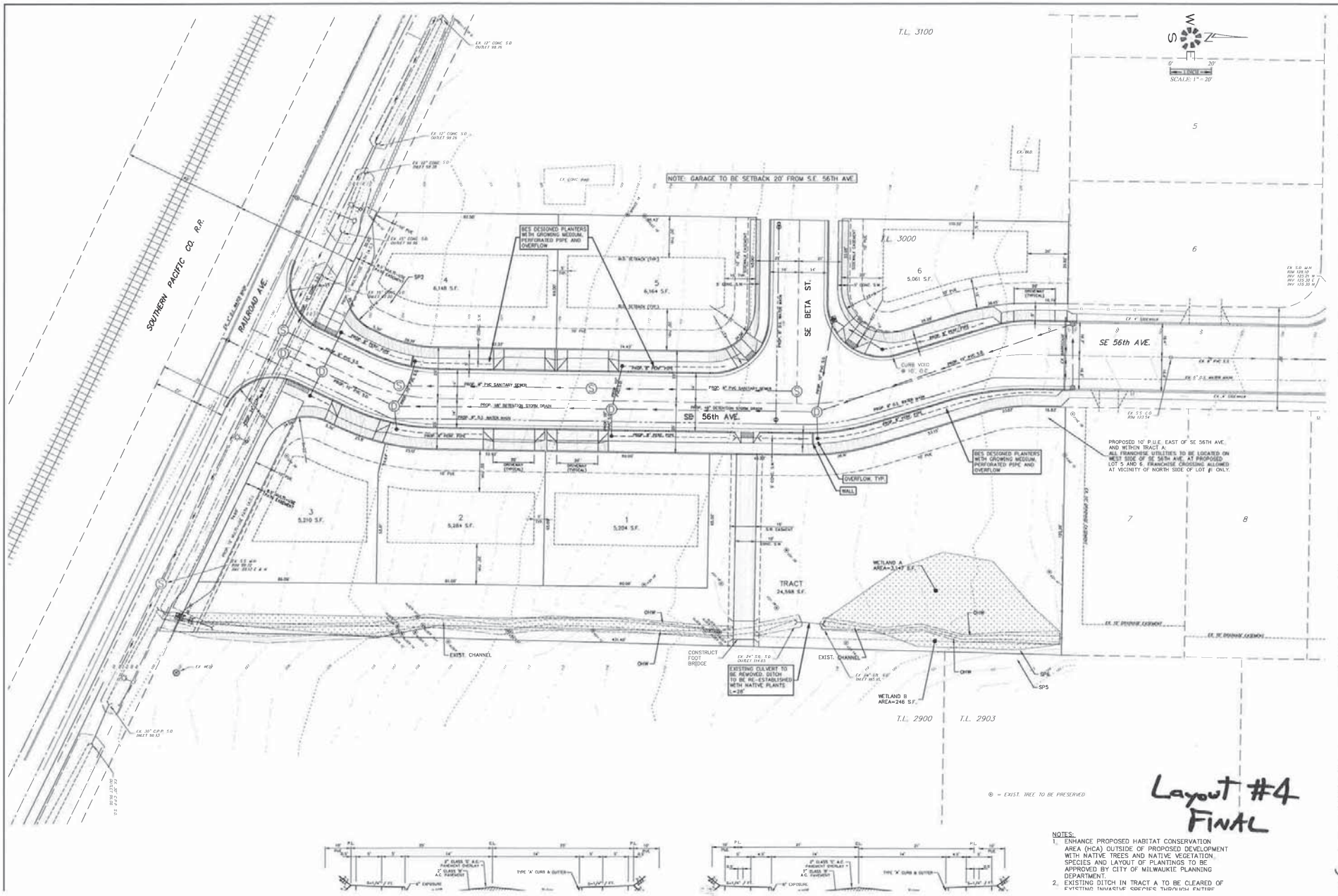
(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous; particularly along natural drainage courses, except where mitigation is approved; so as to provide a transition between the proposed development and the designated natural resource and to provide opportunity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

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.

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.

Response: This Mitigation plan with the specific information will be provided with the detailed development plans for the project.

EXHIBIT A



MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OR. 97302

PRELIMINARY PLAT PLAN

5.2 Page 117

RAILROAD AVENUE ESTATES

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: NOV. 2017
Scale: AS SHOWN

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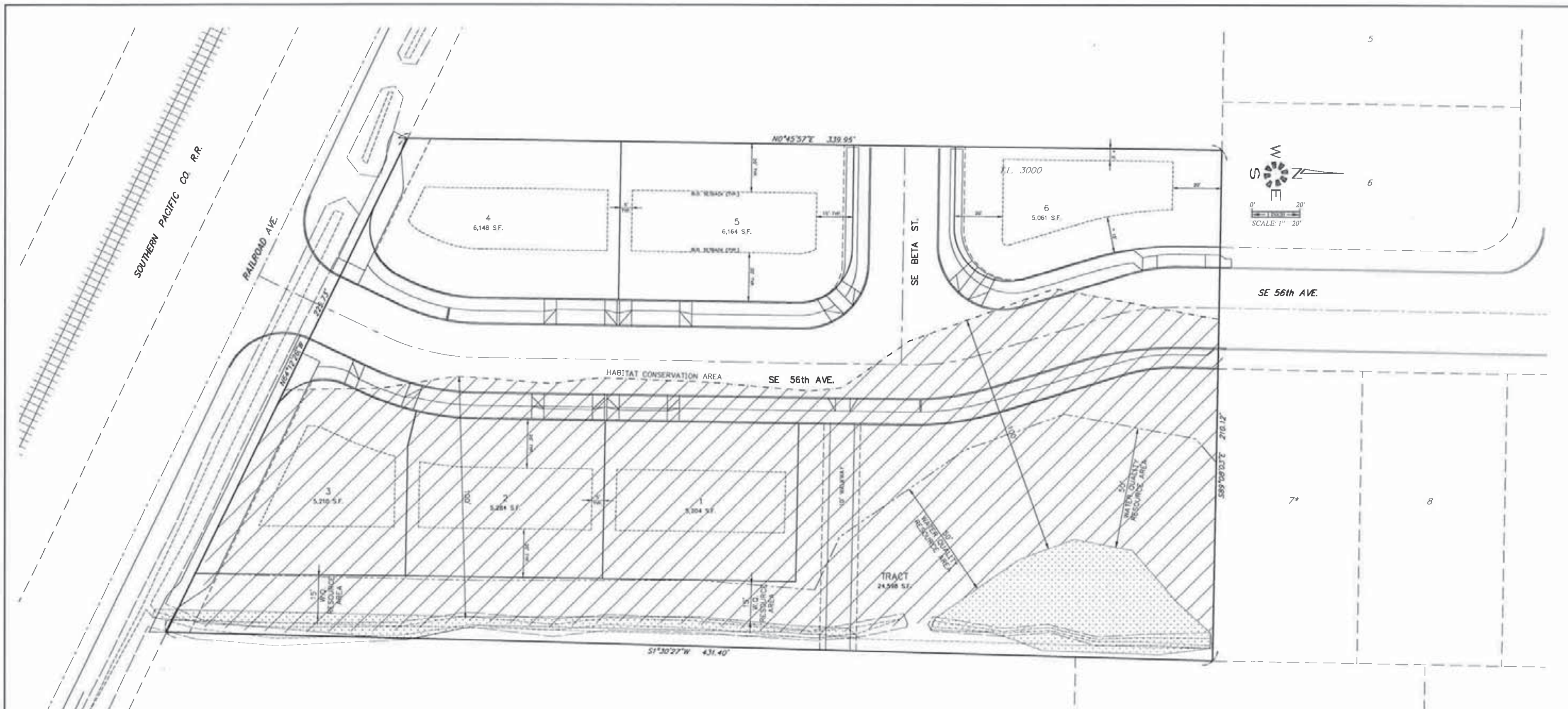
DIMENSIONS & NOTES TAKE PRECEDENCE OVER

REGISTERED PROFESSIONAL ENGINEER

EXHIBIT A1


Milwaukie Zoning - Habitat Conservation Area
HCA ZONE
12004
12003
SE 56th Ave
12026
12055
12068
12045
HCA ZONE
5563
12085
12090
HCA ZONE
12102
5572
5594
12124
12146
SITE
SE Stanley Ave
Data Resource Center
HCA ZONE

EXHIBIT B



PROPOSED STREET R.O.W. IMPACT TO HCA ____ 8,124 S.F.
PROPOSED LOTS IMPACT TO HCA ____ 15,624 S.F.
PROPOSED WALKWAY IMPACT TO HCA ____ 466 S.F.
PROPOSED WALKWAY IMPACT TO (WQR) ____ 389 S.F.

Habitat Conservation Plan

HABITAT CONSERVATION AREA (HCA)

WETLANDS

WATER QUALITY RESERVE AREA (WQA)

NOTES:
TRACT IS LOCATED EAST OF THE PROPOSED SE 56TH AVE. RIGHT OF WAY AND EAST OF THE PROPOSED LOTS #1, 2 & 3. THIS 24,598 SQUARE FOOTAGE WILL ALSO BORDER THE EAST PROPERTY LINE AND A PORTION OF THE NORTH PROPERTY LINE TO

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: NOV. 2017
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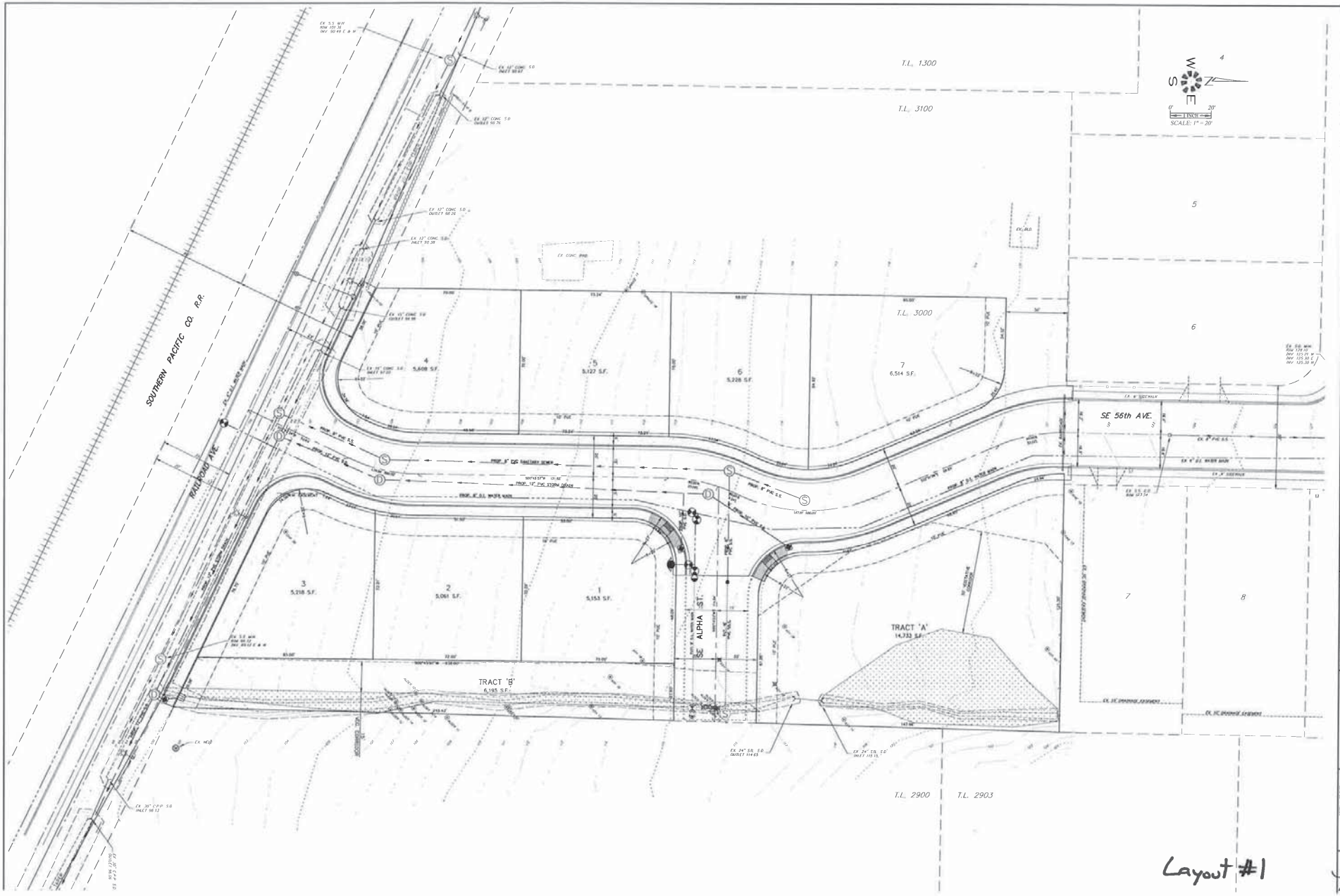
RAILROAD AVENUE ESTATES

HABITAT CONSERVATION PLAN

MULTI/TECH ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302

EXHIBIT C



Layout #1

MULTI/TECH ENGINEERING SERVICES, INC.

PRELIMINARY PLAT PLAN

RAILROAD AVENUE ESTATES

5.2 Page 120

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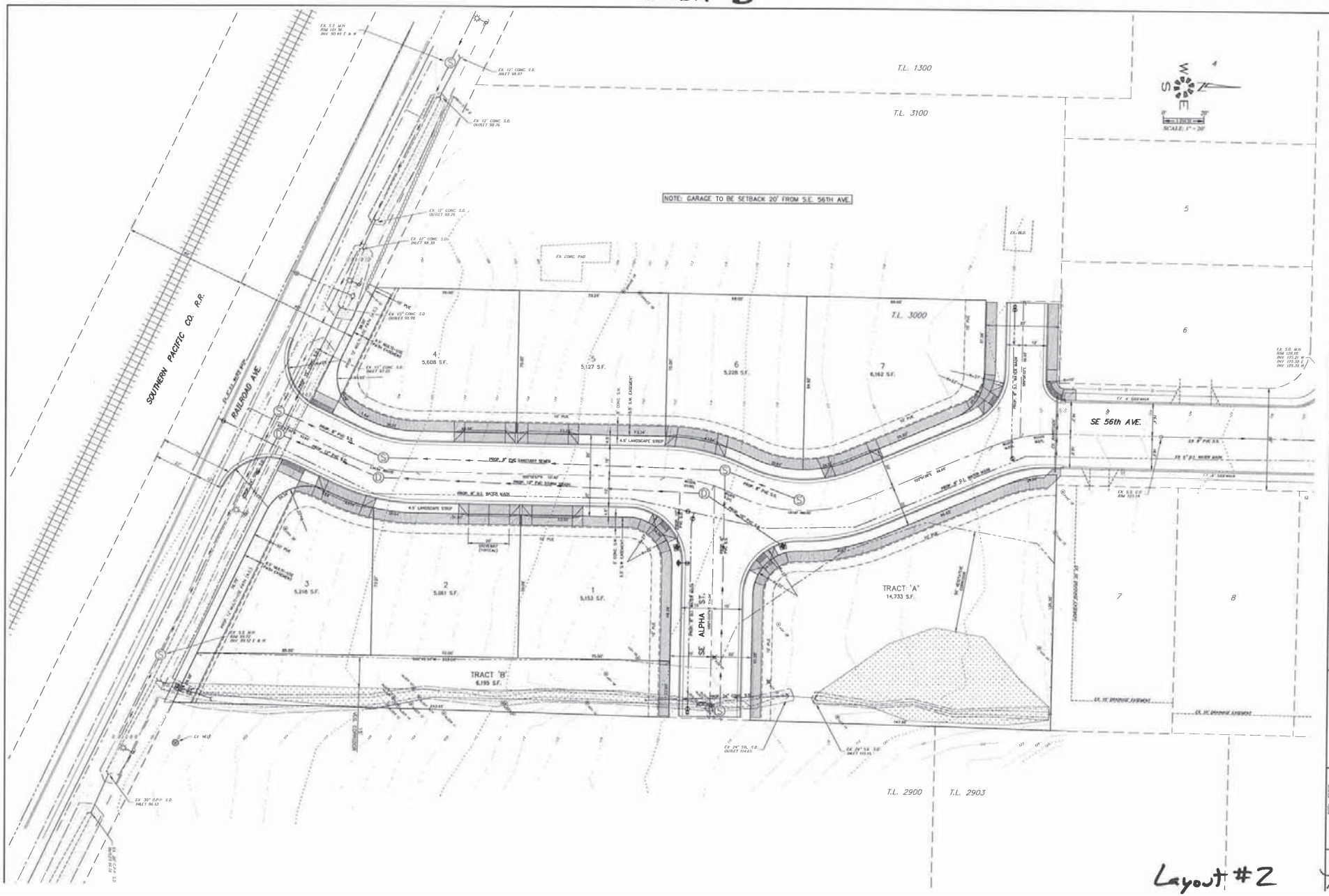
Checked: E.B.
Date: NOV. 2017
Scale: AS SHOWN

EXHIBIT D



MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302

PRELIMINARY
* PLAT PLAN

RAILROAD AVENUE
ESTATES

52 Page 121

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Drawn: D.G.G.
Checked: R.D.G.
Date: NOV. 2017
Scale: AS SHOWN

Layout #2

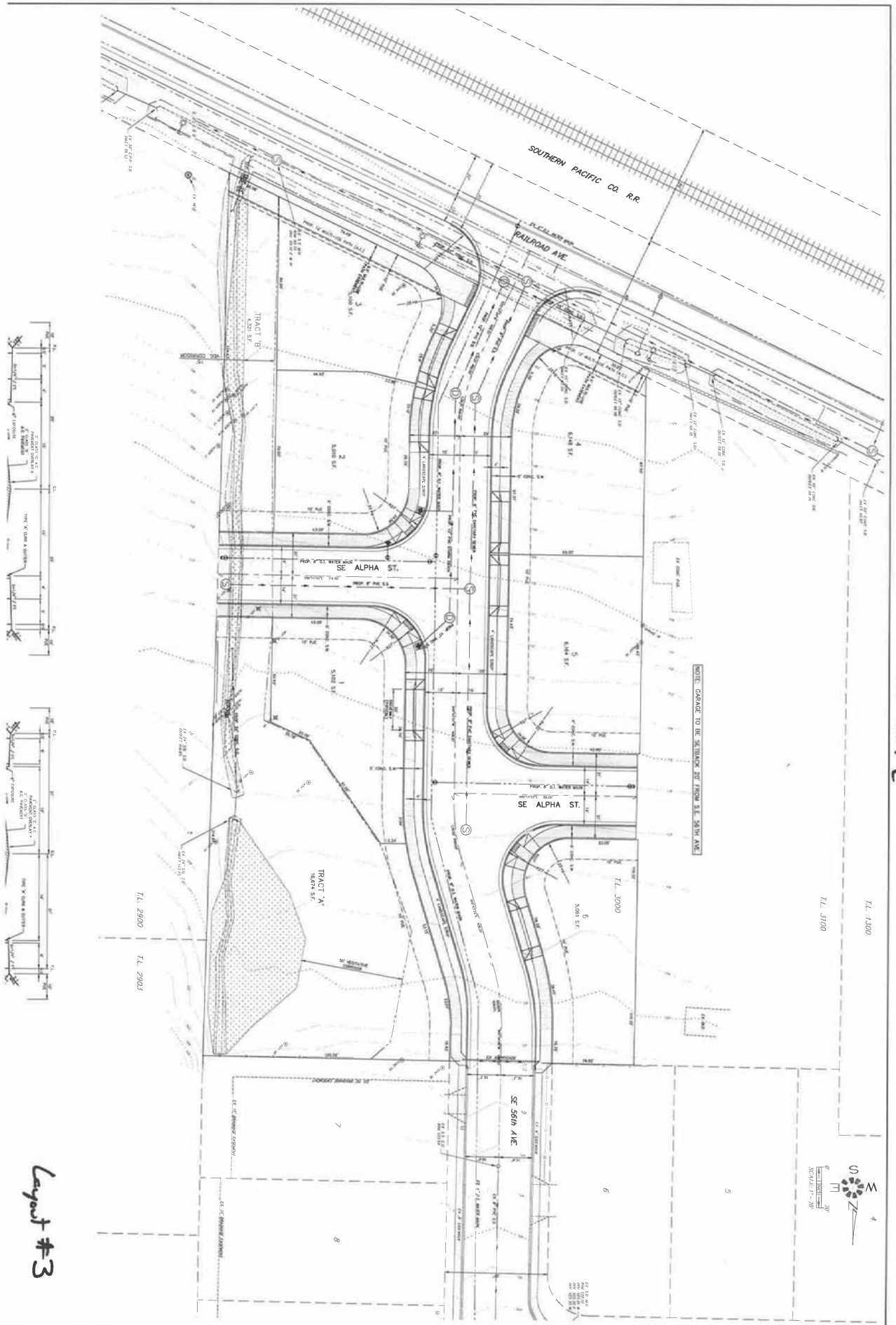

Exhibit E

Layout #3

Design: M.D.G.
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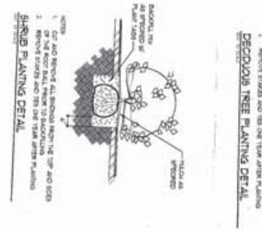
RAILROAD AVENUE ESTATES

PRELIMINARY PLAT PLAN

MULTI/TECH ENGINEERING SERVICES, INC.
1155 13th ST. S.E. SALEM, OR. 97302



HABITAT CONSERVATION AREA

PLANT PALETTE

QTY.	SYM	BOTANICAL NAME	COMMON NAME	SIZE	CONDITION	REMARKS
			TREES			
4	T-1	Alnus rubra	Red Alder	2" cal. min.	cont.	Full/Natural
3	T-2	Fraxinus latifolia	Oregon Ash	2" cal. min	cont.	Full/Natural
8	T-3	Cornus nuttalli	Pacific Dogwood	2" cal. min	cont.	Full/Natural
			SHRUBS			
9	S-1	Physocarpus capitatus	Pacific Ninebark	2 gal.	cont.	Planted 10 o/c
11	S-2	Ceanothus cuneatus	Buckbrush	2 gal.	cont.	Planted 10 o/c
7	S-3	Symphoricarpos albus	Common Snowberry	2 gal.	cont.	Planted 10 o/c
9	S-4	Mahonia aquifolium	Oregon Grape	2 gal.	cont.	Planted 10 o/c
30	S-5	Ribes sanguineum	Red Flowering Currant	2 gal.	cont.	Planted 10 o/c
29	S-6	Cornus sericea	Redtwig Dogwood	2 gal.	cont.	Planted 10 o/c
22	S-7	Ceanothus sanguineus	Oregon Redstem Ceanothus	2 gal.	cont.	Planted 10 o/c
117 Total						

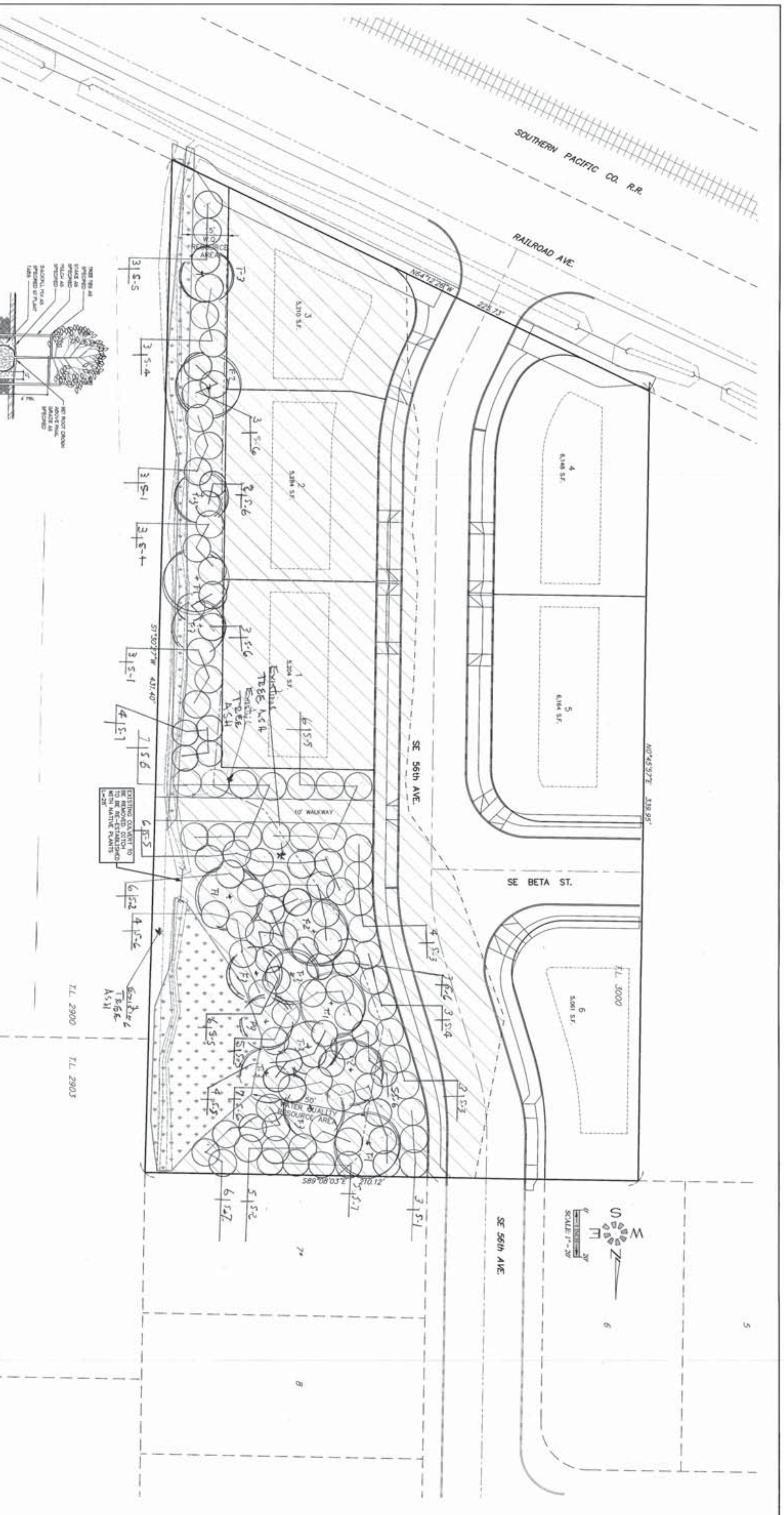
CONTRACTOR TO VERIFY ALL QUANTITIES OF PLANT MATERIALS WITH LANDSCAPE DESIGN & CONSULTANTS PRIOR TO INSTALLATION PLANT MATERIAL SUBSTITUTIONS MAY BE MADE BY THE OWNER FOR PLANT MATERIALS OF SIMILAR HABIT, FLOWERING CHARACTERISTIC AND/OR STRUCTURE OF GROWTH DUE TO AVAILABILITY, WATER, SOIL AND SUN REQUIREMENTS.

HABITAT CONSERVATION AREA (HCA)

WETLANDS

WATER QUALITY RESERVE AREA (WQA)

NOTES:
1. ENHANCE PROPOSED HABITAT CONSERVATION AREA (HCA) OUTSIDE OF PROPOSED DEVELOPMENT WITH NATIVE TREES AND NATIVE VEGETATION. SPECIES AND LAYOUT OF PLANTINGS TO BE APPROVED BY CITY OF MILWAUKIE PLANNING DEPARTMENT.
2. EXISTING DITCH IN TRACT A TO BE CLEARED OF EXISTING INVASIVE SPECIES THROUGH ENTIRE SITE. THIS WOULD INCLUDE, HIMILAYEN BLACKBERRY, IVY AND OTHER DETERMINED SPECIES. THIS INCLUDES EXISTING TREES LOCATED OUTSIDE OF DETERMINED WETLAND, BUT WITHIN HCA. AN ARBORIST REQUIRED SITE VISIT AND REPORT PRIOR TO REMOVAL OF SPECIES.



1 of 1

JOB # 6423

EXPIRES 06-30-2019

MARK D. GRENZ

Design: M.D.G.
Drawn: C.D.S.
Checked: J.C.B.
Date: NOV. 2017
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RAILROAD AVENUE ESTATES

WATER QUALITY RESOURCE & HABITAT CONSERVATION AREA ENHANCEMENT/ MITIGATION PLAN

MULTI/TECH ENGINEERING SERVICES, INC.

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ESA
819 SE Morrison Street
Suite 310
Portland, OR 97214
503.274.2010 phone
503.274.2024 fax
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memorandum

date	October 13, 2019
to	Mary Heberling, AICP
from	Sarah Hartung, Senior Biologist
subject	Natural Resource Review for Railroad Ave Subdivision

This memorandum summarizes ESA's technical review of land use application materials relating to site natural resources regulated by Milwaukie's Municipal Code, including Habitat Conservation Areas (HCAs) and Water Quality Resources (WQRs). Responses to specific technical review tasks are identified in *italics*.

1. Conduct a site visit to assess existing conditions and generally corroborate the figures and narrative provided in the application submittal.

Response: ESA personnel visited the project site on October 9, 2019 to confirm the description of existing site conditions. Existing conditions are generally as described in the application. The wetland/stream delineation is accurate and has received concurrence from the Department of State Lands (DSL) on August 22, 2017; the concurrence is valid for five years. The unnamed stream is considered intermittent with a 15-foot buffer and is consistent with site observations. No water was in the stream channel during the field visit. The wetlands and stream do not extend off-site and no floodplains are mapped for the property. A vegetated corridor is present along the unnamed stream and consists of mature Oregon ash trees, black cottonwood, and Oregon white oak (off-site to the east) over a disturbed understory of ash and cottonwood saplings, Himalayan blackberry, and pasture grasses and weedy forbs.

Photo 1: Looking southeast at the vegetated corridor along the unnamed stream.

.

2. Review the Natural Resource materials prepared by the applicant. Assess and comment on the applicant's responses to the following requirements:

a. WQR & HCA Boundaries:

- Confirm the applicant's assessment of the WQR as well as the WQR classification (i.e., Good, Marginal, or Poor).

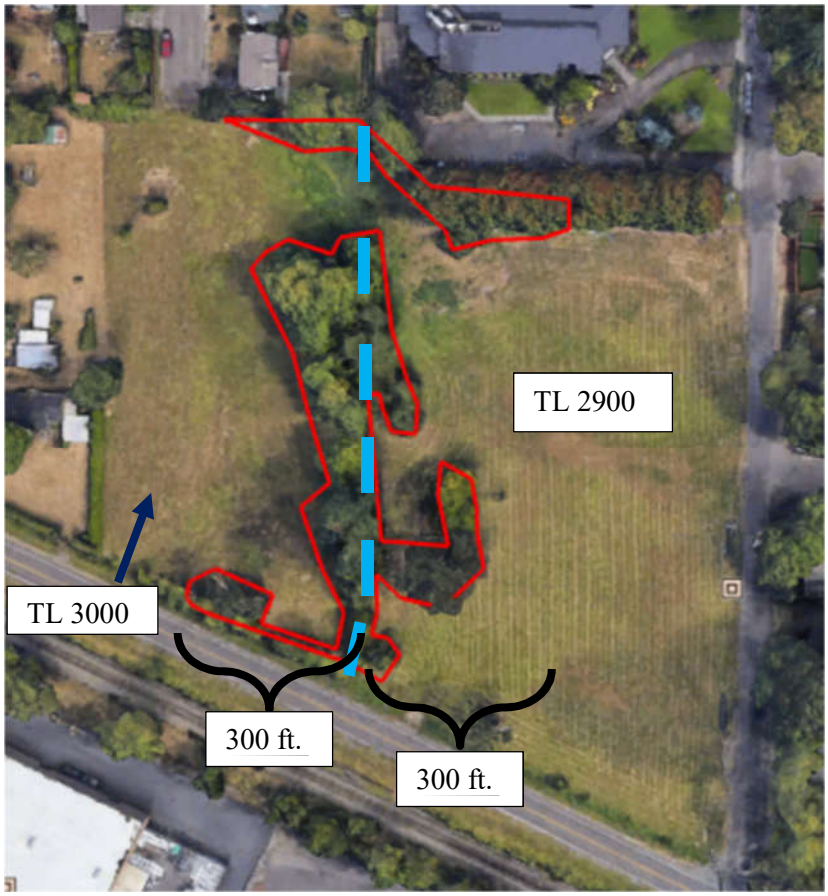
<u>Response</u>: The applicant's assessment of the types of protected features (i.e. primary or secondary) appears accurate and is consistent with Table 19.402.15. There did not appear to be an assessment of WQR condition in the application, but the WQR of the wetlands would be considered either "marginal" or "poor" because of low woody cover. The WQR condition adjacent to the unnamed stream would qualify as "good condition" because the multiple canopy layers (tree, shrub, and groundcover) have 80 percent cover and the tree cover is at least 50 percent.

- Review the applicant's detailed boundary verification for the HCA as additional information to why development in the currently mapped HCA should be allowed. It is not complete enough to be a boundary verification proposal nor do the applicants want to pursue this option anymore.

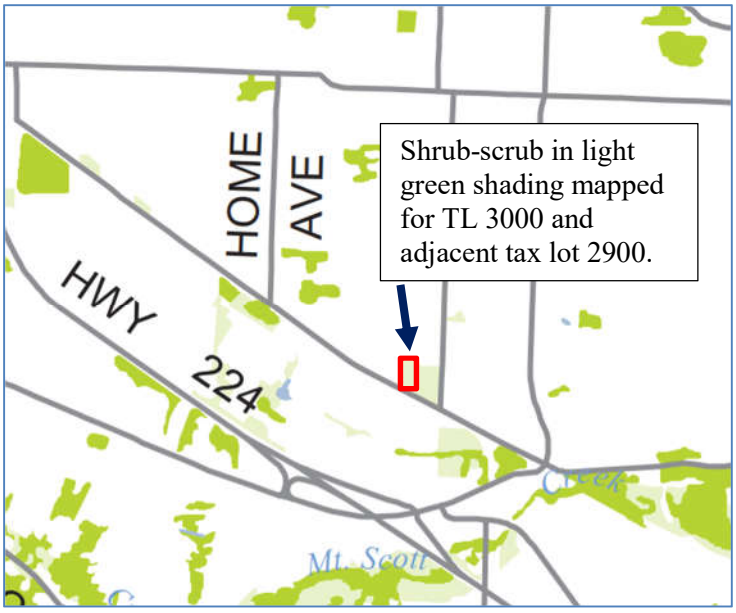
<u>Response</u>: The application inaccurately concludes that the property outside of the WQR does not meet the definition of an HCA and is incorrectly mapped. Chapter 19.402.13 directs the applicant to verify

WQR and HCA boundaries according to 19.402.15, which in turn states that, "with respect to HCA locations, the NR Administrative Map is assumed to be correct unless demonstrated otherwise." The applicant has not demonstrated that the HCA should be mapped otherwise and the most logical course of action is for the applicant to acknowledge the HCA mapping, calculate HCA impacts, and mitigate on-site according to 19.402.11.B. General Standards for Required Mitigation.

The HCA mapping on the City's Natural Resource Administrative Map is warranted because it meets the definition of shrub-scrub habitat which is "woody vegetation" that is part of a contiguous area 1 acre or larger of shrub or open or scattered forest canopy (less than 60% crown closure) located within 300 feet of the surface stream. The project site (tax lot 3000) is just under 2 acres and meets the definition of shrub-scrub habitat by itself as well as in conjunction with tax lot 2900. The shrub and tree cover is concentrated along the unnamed stream, with some of the woody cover along the northern property boundary and adjacent property. The image below shows the delineated intermittent stream approximated in the blue dashed line and areas of shrub and tree cover outlined in red.



Metro's vegetative cover map identifies shrub/scrub (light green shading) on the site which is approximated by the red polygon below.



b. Inventory of existing vegetation, identification of the ecological functions of riparian habitat, and categorization of the existing condition of the WQR on the subject property?

Response: The inventory of existing vegetation looks reasonably accurate, although the application does not provide a detailed discussion of ecological functions of riparian habitat. The application discounts the NR mapping of shrub-scrub habitat and states that the low-level non-native grasses and forbs are without significant habitat functions and should not be mapped as HCA. The riparian corridor and associated shrub-scrub habitat provide foraging and nesting opportunities for songbirds and raptors (red-tailed hawk, sharp-shinned hawk). Birds observed on-site in the grasslands and in the riparian habitat during the field visit include spotted towhee, song sparrow, American robin, scrub-jay, and black-capped chickadee. The lone Oregon oak tree on-site and the oak tree on the neighboring property provide habitat for wildlife including woodpeckers, squirrels, jays, and birds of prey. The shrub-scrub habitat mapped for tax lot 3000 and 2900 is one of the largest patches of habitat mapped for the area.

c. Analysis of alternatives to the proposed development, including a critique of the rationale behind choosing the alternative selected

Response: An analysis of alternatives to the proposed development was not provided, presumably because the applicant is contending that the study area should not be mapped as HCA.

d. Mitigation plan that is appropriate for the proposed disturbance and that ensures the disturbed portions of the WQR and HCA will be restored to an equal or better condition, including appropriateness of the proposed mitigation planting list. Review ETC's alternatives report to remediation of the banks of the slough.

Response: A mitigation plan for WQR/HCA impacts was not provided. The vegetated corridor adjacent to the "fringe" wetlands has been disturbed from past land clearing and would benefit from native shrub and tree plantings.

3. Evaluate the proposed activity with respect to the three approval criteria established in MMC Subsection 19.402.12.B:
a. Avoid = The proposed activity will have less detrimental impact to the WQR and HCA than other practicable alternatives.
b. Minimize = Where impacts cannot be avoided, the proposed activity shall minimize detrimental impacts to the extent practicable.
c. Mitigate = The proposed mitigation plan demonstrates appropriate and adequate mitigation for adverse impacts to the WQR and HCA.

Response: The project for the most part avoids impacts to the wetlands, intermittent stream and regulated buffers which would be placed in separate tracts; although impacts to the stream due to SE. Alpha St. are not discussed or mitigated for in the application. SE. Alpha St. is shown crossing the intermittent stream in anticipation of future buildout of tax lot 2900. The application does not address impacts to the HCA outside of the WQR, which would impact an estimated 0.2 to 0.3 acres of HCA (rough estimate).

4. Evaluate the proposed project with respect to standards and criteria for subdivisions established in MMC 19.402.13.I. Subdivisions
1. At least 90% of the property's HCA and 100% of the properties WQR shall be located in a separate tract

Response: This standard is not met. A majority of the wetlands and stream are placed in separate tracts, although SE. Alpha St. intrudes into the vegetated corridor in anticipation of future buildout of the adjacent tax lot. The location of the HCA according to the NR Administrative Map is not placed in a separate tract.

2. a. All proposed lots shall have adequate buildable area outside of the WQR and HCA.

b. To the extent practicable, the lot and access configurations shall mitigate the potential future impacts to the WQR and HCA from access and development

c. An impact evaluation and alternatives analysis shall be prepared in accordance with the relevant portions of Subsection 19.402.12.A

d. For properties where the HCA covers more than 85% of the total lot area, the impact evaluation and alternatives analysis shall address how the applicant's proposal retains the greatest practicable degree of contiguity of the HCA across the new lots.

Response:

2a. Six R5 lots are proposed, although Lot 1 and a portion of Lot 2 would impact HCA. Lot 6 would require a variance to the front and rear yard setbacks in part because of avoidance of the wetland on the west side of the intermittent stream and associated vegetated corridor.

2b. Road access does not appear to take into account future impacts to WQRs/HCA mapped on the adjacent tax lot 2900.

2c. An alternatives analysis was not provided.

2d. The HCA mapping outside of the 50-foot wetland buffer and 15-foot stream buffer (Tracts A and B) covers an estimated 20 to 25 percent of the remaining buildable acreage. This standard does not apply.

5. Prepare a written report that summarizes your assessment.

Response: The following deficiencies are recommended to be resolved with revised application materials prior to the issuance of a decision:

- *The HCA mapping as shown in the NR Administrative Map is warranted, therefore the applicant should reassess impacts and provide mitigation on-site to offset the loss of HCA.*
- *Evaluate a minimum of 2 alternatives, including a clustered alternative, to the proposed project and quantify WQRs/HCA impacts for all alternatives.*
- *Consider roadway options that entirely avoid crossing the intermittent stream. The proposed layout of SE. Alpha St. would impact WQR/HCA on tax lot 2900, therefore transportation options for future buildout should also consider options for avoiding future natural resource impacts.*
- *For mitigation plans, clearly identify the type, quantity and condition of native plants proposed to off-set WQR and HCA impacts on-site.*