



## AGENDA

### MILWAUKIE PLANNING COMMISSION Tuesday, June 23, 2015, 6:30 PM

MILWAUKIE CITY HALL  
10722 SE MAIN STREET

- 1.0 Call to Order - Procedural Matters**
- 2.0 Planning Commission Minutes** – Motion Needed
  - 2.1 February 10, 2015
  - 2.2 **February 24, 2015**
- 3.0 Information Items**
- 4.0 Audience Participation** – This is an opportunity for the public to comment on any item not on the agenda
- 5.0 Public Hearings** – Public hearings will follow the procedure listed on reverse
  - 5.1 Summary: Spring Park Natural Area Restoration  
Applicant/Owner: North Clackamas Parks and Rec/City of Milwaukie  
Address: 1880 SE Sparrow St  
File: CSU-2015-004  
Staff: Brett Kelper
- 6.0 Worksession Items**
  - 6.1 Summary: Land Use Training Agenda Review  
Staff: Denny Egner
- 7.0 Planning Department Other Business/Updates**
  - 7.1 Planning Commission Action Minutes
- 8.0 Planning Commission Discussion Items** – This is an opportunity for comment or discussion for items not on the agenda.
- 9.0 Forecast for Future Meetings:**
  - July 14, 2015
    - 1. Public Hearing: CPA-2015-001 MFM Central Milwaukie Plan and Code Amendments #5
    - 2. Worksession: PC Ethics Training Session
  - July 28, 2015
    - 1. Public Hearing: WG-2015-001 Riverway Ln Addition
    - 2. Worksession: Land Use Training
    - 3. Worksession: MFM Neighborhood Main Streets Code Amendments #1

### Milwaukie Planning Commission Statement

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

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

#### **Public Hearing Procedure**

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

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

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

#### **Milwaukie Planning Commission:**

Sine Bone, Chair  
Shaun Lowcock, Vice Chair  
Shannah Anderson  
Scott Barbur  
Greg Hemer

#### **Planning Department Staff:**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Brett Kelter, Associate Planner  
Vera Kolas, Associate Planner  
Alicia Martin, Administrative Specialist II

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, February 10, 2015  
6:30 PM**

**COMMISSIONERS PRESENT**

Sine Bone, Chair  
Wilda Parks, Vice Chair  
Scott Barbur  
Greg Hemer  
Shaun Lowcock  
Gabe Storm

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Vera Kolas, Associate Planner  
Brad Albert, Civil Engineer  
Peter Watts, City Attorney

**COMMISSIONERS ABSENT**

Shannah Anderson

**1.0 Call to Order – Procedural Matters\***

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

***Note:** The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

**2.0 Planning Commission Minutes**

2.1 November 13, 2014

**It was moved by Commissioner Hemer and seconded by Vice Chair Parks to approve the November 13, 2014, Planning Commission and Design and Landmarks Committee joint session minutes as presented. The motion passed unanimously.**

**3.0 Information Items**

**Denny Egner, Planning Director**, noted that the next Monroe Street Neighborhood Greenway Concept Plan Project Advisory Committee (PAC) meeting was scheduled for February 18, 2015 at the Public Safety Building.

Also, students from the University of Oregon would give their presentation of design concepts for the Cash Spot site and the Portland Waldorf School field on February 20th, 2015 at City Hall.

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

**5.0 Public Hearings**

5.1 Summary: Moving Forward Milwaukie Downtown Plan and Code Amendments #3, continued from 1/27/15  
Applicant: City of Milwaukie  
File: CPA-14-02, ZA-14-02

Staff: Li Alligood and Denny Egner

This item was taken out of order and was presented after Item 5.2.

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

**Li Alligood, Senior Planner**, introduced Mary Dorman of Angelo Planning Group, a member of the consultant team. She reviewed the project background, phases, goals, and approach. The public hearings for this code amendment package would be broken into subject areas.

**Ms. Alligood** noted that tonight's hearing would focus on Development Standards and explained that development standards work together to shape the size, location, and massing of a building, and established the "zoning envelope" which was the section that a building could occur on a site (floor area ratio, setback, maximum height).

**Floor Area Ratio (FAR):**

The intent was to ensure efficient utilization of downtown sites, and explained that FAR was the relationship between the building area to the site area.

The proposal was to standardize the FARs to minimum 1:1 and maximum 4:1 throughout downtown, with the exception of a few areas that would be 0.5:1 and 3:1 (north of Main St, the ODS/MODA site, and Kellogg Treatment Plant).

**Building Heights:**

The intent was to provide a consistent street wall along Main St but to keep to the scale of downtown. It was also to implement the South Downtown Concept Plan south of Washington St.

Currently, the minimum height along Main St was 35 ft and 25 ft elsewhere; 3-6 stories was the maximum. The proposal was for a 25 ft minimum throughout downtown or 3-4 stories maximum, with a possible 2-story height or FAR bonus for certain features; buildings over 3 stories must have a 6 ft step back.

**Street Setbacks/Build-to Lines:**

The intent was similar to that of Building Heights. Currently, the build-to lines only applied to Main St and maximum setbacks were 0 ft for Main St and 10-50 ft for other streets. The proposal for build-to lines was to apply the standard to all key pedestrian routes. For setbacks along those key routes, the proposal was to allow for up to a 20 ft setback but only for a certain percentage of the building's frontage, and up to 10 ft on other streets.

**Frontage Occupancy Requirements:**

The intent was to work in coordination with the build-to lines to establish a consistent street wall. The frontage occupancy percentage was determined by the percentage of the building face on the site frontage. There was no standard currently and so the proposal was to have 90% along Main St; 75% for Harrison St, Monroe St, Washington St, Adams St, and 21<sup>st</sup> Ave; and 50% for other streets.

**Off-Street Parking:**

The intent was to balance a pedestrian-oriented downtown with the need to accommodate residents, visitors, and employees, and recommendations for these requirements came out of the Transportation System Plan (TSP) and Downtown and Riverfront Land Use Framework

## Plan.

Currently, there were large areas of downtown that did not require off-street parking, although it was required only in the DR and DO zones south of Washington St where it seemed less necessary. The proposal was for it to be required only for residential use. However, off-street parking changed the dynamic of the ground floor and so it was proposed to not allow off-street parking within 50 ft for the entire length of Main St.

Regarding typical parking standards for commercial uses, there were minimum parking standards in the code; however, it had been found that those ratios were higher than what was being utilized in the downtown environment. The proposal was intended to provide flexibility. The building height bonus option for including residential helped to increase the developable area of a building while meeting the minimum parking requirement for the residential units.

**Ms. Alligood** reminded that as more standards and requirements were added on, the development area of a property was nibbled away. The Commission needed to keep that in mind as well as how to build in flexibility as they moved through this process.

### **Transition Area Measures:**

The intent was to encourage compatibility with adjacent low-density residential zones. Currently, there was a 3-story height limit and larger setbacks required but only for a small portion of downtown. The proposal was to establish transition area standards for buildings within 50 feet of adjacent property lines with the same setbacks as the adjacent zone (R-5), to require setbacks, and height bonuses would not be allowed.

### **Residential Density:**

In order to encourage a vibrant downtown district, an established population density to support that was required. The current minimum density standards would not change, but the current maximum density would be eliminated. The maximum would instead be controlled by FAR and height standards.

**Ms. Alligood** noted key questions for the Commission and noted these questions were generated by public feedback:

- Should taller buildings be permitted east of Main St?
  - The proposal was to reduce the permitted building height from 3-5 stories to 3-4 stories, with an allowed bonus of 2 additional stories for features like residential, green building, and/or open spaces. The intent was to incentivize desired community amenities while respecting the scale of existing buildings.
  - The public feedback and suggestions have been for incremental height increases east of McLoughlin Blvd and by-right height increases throughout downtown.
  - Considerations included the fact that a 5<sup>th</sup> story did not necessarily make a development more or less likely to pencil out, although it did provide more flexibility for developments.
- Should building step backs be required? If so, at what height?
  - The proposal was for a 6 ft step back above the 3<sup>rd</sup> story in order to limit the visual impact of taller buildings.

**Ms. Alligood** reviewed the staff recommendations for the Commission to reach consensus on the draft amendments and pin down their decision on this section of the package. She reminded

there would be a final motion for the entire package at the final hearing.

**Chair Bone** closed public testimony.

**The Commission** deliberated regarding the key questions.

**Commissioner Hemer** noted his concern with slope and building height, particularly with regard to the old Cash Spot site (Washington St and McLoughlin Blvd) and asked from where the building height would be measured.

- Staff replied that there were methods by measuring buildings on slopes but it would depend on how the sites were developed since there were multiple lots there.
- **Ms. Alligood** reminded that the question was what the appropriate building height should be in downtown.
- There was concern about treating one property different than others.
- **Mr. Watts** explained the legal implications of allowing for bonuses in only certain areas.

**The Commission** discussed building heights.

**Ms. Alligood** gave a time check per the bylaws.

**Chair Bone** felt that consensus was close. **Commissioner Hemer moved and Commissioner Lowcock seconded to extend the meeting by 15 minutes. The motion passed unanimously.**

**Chair Bone** noted that, although the Cash Spot site was a transition area to the Riverfront Park, she did not believe that sites should be treated differently.

**The Commission** agreed with 3-story maximum building height with up-to 5 stories throughout downtown and 6 stories north of Harrison St based on bonuses that would not be cumulative.

**The Commission** agreed with minimum 6 ft step backs after the base maximum building height was met, for any additional stories.

**Ms. Alligood** clarified that the green building certified bonus would be based on an ANSI-certified green building program, i.e. LEED, Earth Advantage, etc.

**It was moved by Commissioner Barbur and seconded by Commissioner Storm to continue the hearing for CPA-14-02, ZA-14-02 Downtown Plan and Code Amendments to a date certain of February 24, 2015. The motion passed unanimously.**

- 5.2 Summary: Riverway Ln Setback Variance  
Applicant/Owner: Carter Case/Linsey Forni  
Address: 10545 SE Riverway Ln  
File: VR-14-03  
Staff: Vera Kolas and Brad Albert

This item was taken out of order and was presented prior to Item 5.1.

**Chair Bone** called the hearing to order and read the conduct of quasi-judicial hearing format into the record.

**Vera Kolias, Associate Planner**, presented the staff report via PowerPoint. She oriented the Commission to the site and noted that Riverway Ln was a 15 ft wide private road which had an abutting 15 ft wide unconstructed public right-of-way. She described the original history that described Riverway Ln to be a private easement for roadway purposes which was followed later with a private dedication of 15 ft of public right-of-way to the public, adjacent to Riverway Ln.

**Ms. Kolias** described the variance request for a two-story addition, which originally included a garage but had been revised, that would encroach entirely into the required side yard setback to a 0 ft setback to the deeded public right-of-way.

Key issues to consider:

Did the variance request have any negative impacts?

- The proximity to the public right-of-way impacted the ability to construct pedestrian improvements that would come with future roadway construction.
- The proposed garage would require a second driveway which was not allowed and would also create a clear vision issue. However, due to these issues, the garage was removed from the proposal.

**Ms. Kolias** reviewed the staff recommendation to deny the variance request with the Findings of Denial. However, the Commission could reconsider this recommendation if the applicant provided additional information that adequately addressed the alternatives analysis. She noted the comments received and reviewed the decision-making options.

**Commissioner Lowcock** asked how to determine a public vs. a private road; was it a matter of service or maintenance, and what the process was for a private road to become a public road.

- **Ms. Kolias** concurred that a private road would not be under the jurisdiction of the City and therefore would not be maintained by the City.
- **Mr. Albert** stated that the process for a private road to become public was a matter of the owners of the easements deeding the street to the City. He described the recommended cross-sections of a residential street and added that street improvements would not be done on Riverway Ln unless the private easements were deeded into public right-of-way.

**Vice Chair Parks** asked, without the garage and second driveway, how did that change the configuration of the proposal.

- **Ms. Kolias** believed it did not change the structure's configuration, just the purpose of the lower level. She deferred to the applicant.

**Commissioner Barbur** asked how the Willamette Greenway Overlay zone impacted the development potential for that area that was zoned high density.

- **Ms. Kolias** explained that high density development was allowed outright; the Willamette Greenway Overlay added a layer of review but did not preclude development.

**Chair Bone** called for the applicant's testimony.

**Carter Case, Applicant, 232 SE Oak St Portland 97204**, responded to comments. He stated that the Forni family once owned many of the surrounding properties and had homesteaded them as one property. The family was not interested in seeing high density residential on those properties and the residents did not want Riverway Ln to be developed. He acknowledged that

although there were other options for designing the addition, this option was the best for the layout of the home.

**Chair Bone** called for public testimony.

**Linsey Forni Pullan, 10545 SE Riverway Ln**, noted the history of the property and area. Her grandparents deeded Riverway Ln, and she was the third family member that lived on the subject property and other family members lived in the surrounding properties. The family had a long history in the area and her family wanted to stay in the home. The other options for constructing the addition would impede on the view and a walkway between the homes. She hoped the Commission would grant the variance.

**Vice Chair Parks** asked about the deeded 15 feet of right-of-way.

- **Ms. Pullan** replied that although the City's records show that her grandmother deeded it in 1968, the family had no record of that.
- **Ms. Koliias** provided the Commission with a copy of the deed.

**Jennifer Forni, 10547 SE Riverway Ln**, lived just north of the subject property, and supported the addition.

**Craig Pullan, 10545 SE Riveway Ln**, is the spouse of Linsey Pullan. He concurred that the proposed addition was the only logical option and it was important that they were able to stay in the home with family nearby.

**Gary Klein, 10795 SE Riveway Ln**, noted he was the last home on Riverway Ln and stated that he had spoken with the other neighbors who were in support of the proposal. He had lived in the home on and off for 68 years and was very familiar with the Forni and Lavagetto family history of the area. The neighborhood was made up of long-time residents and wanted it to remain single-family residences. He stated that Riverway Ln used to cross Johnson Creek but when his father remodeled his home in 1955, the cement truck broke the bridge and therefore an alternate route was created by deeding the right-of-way. He was curious as to when the zoning changed to multi-family residential.

**Mr. Klein** felt there would be no negative impact to the neighborhood by the proposed addition. He asked about the permissions on the deeded right-of-way.

- **Mr. Watts** explained how the deed occurred that granted a permanent roadway up to the curve in the road. Also, the Kleins were able to purchase the easement from the Lavagetto family (after which Lava Dr is named).
- **Mr. Egner** noted that for a residence to be legal, it needed frontage on a public right-of-way. He speculated that that was perhaps part of the reason for the easement, as well as access to the properties to build, etc.

**Commissioner Hemer** asked how 1600 SE Lava Dr was sold outside of the family with regard to the right-of-refusal.

- **Ms. Pullman** replied that the agreement to not sell outside of the family was between the 4 current family property owners. Those addresses were 10577, 10545, and 10663 Riverway Ln, and 1552 SE Lava Dr.



**Mr. Egner** reminded the Commission that they should address the applicable criteria and referred to Item 2 of the Findings, specifically any negative impact and any effort to mitigate that impact.

Key clarifying points:

- Maintenance of Riverway Ln was the property owners' responsibility.
- In order for the City to gain ownership or easement rights to the private drive, the property owners would need to give easement rights, the City could condemn it, or a street vacation could be done for a variety of reasons.
- The right-of-way provided frontage on a public road which the code required today. If the street were to be vacated, there may be implications with regard to the code.

**Mr. Egner** asked the Commission if there was a public interest in maintaining the 15 ft street and were there any negative impacts if the proposed addition abutted the street.

**Chair Bone** called for public testimony.

**Mr. Case** responded to a few discussion points. Regarding the 20 ft roadway required by the Fire Department, he noted that the Fire Department had made no comment on the proposal. He disagreed that without the 15 ft right-of-way, the properties along that road would be nonconforming. If there was any further concern about access for emergencies, etc., perhaps those could be addressed at a later time.

**Chair Bone** closed public testimony.

Planning Commission Discussion:

**Mr. Egner** clarified that the right-of-way would not get developed unless the property owners chose to redevelop their properties which would trigger building the road. He suggested creating conditions for the variance to apply only to this single-family home rather than for the property.

**The Commission** agreed with that approach.

**Commissioner Lowcock** noted that since it was a private roadway with no future plans for development, it seeded approval with the right conditioning.

**Mr. Egner** suggested that staff could return to the Commission; if the Commission was leaning toward approving the application, there could be a tentative motion for approval subject to final approval of the findings and conditions at the continued hearing date.

**Chair Bone** clarified the general points of the conditions to be crafted as:

- The construction of the foundation of the addition act as the retaining wall for the public right-of-way;
- The zero lot line variance would only be applicable to this home/use, and if there was significant redevelopment, the variance would no longer be allowed.
- The retaining wall would require standards since it was acting as more than just a building retaining wall.

**It was moved by Commissioner Lowcock and seconded by Vice Chair Parks to tentatively approve VR-14-03 for Riverway Ln Setback Variance at 10545 SE Riverway Ln with findings and conditions to be drafted by staff and brought back for approval at a date certain of February 24, 2015. The motion passed unanimously.**

**6.0 Worksession Items**

**7.0 Planning Department Other Business/Updates**

**8.0 Planning Commission Discussion Items**

**9.0 Forecast for Future Meetings:**

- |                   |  |
|-------------------|--|
| February 24, 2015 | 1. Public Hearing: CPA-14-02 MFM Downtown Plan and Code Amendments #4                  |
|                   | 2. Public Hearing: ZA-14-04 Medical Marijuana Code                                     |
|                   | 2. Public Hearing: Lake Rd to Main St Rename   |
| March 10, 2015    | 1. Public Hearing: CPA-14-02 MFM Downtown Plan and Code Amendments #5 <i>tentative</i> |
|                   | 2. Worksession: MFM Central Milwaukie Plan and Code Amendments <i>tentative</i>        |

Meeting adjourned at approximately 10:26 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

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Sine Bone, Chair

**CITY OF MILWAUKIE  
PLANNING COMMISSION  
MINUTES  
Milwaukie City Hall  
10722 SE Main Street  
TUESDAY, February 24, 2015  
6:30 PM**

**COMMISSIONERS PRESENT**

Sine Bone, Chair  
Shaun Lowcock, Vice Chair  
Shannah Anderson  
Scott Barbur  
Greg Hemer  
Gabe Storm

**STAFF PRESENT**

Denny Egner, Planning Director  
Li Alligood, Senior Planner  
Jason Rice, Engineering Director  
Peter Watts, City Attorney

**1.0 Call to Order – Procedural Matters\***

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

*Note: The information presented constitutes summarized minutes only. The meeting video is available by clicking the Video link at <http://www.ci.milwaukie.or.us/meetings>.*

**2.0 Planning Commission Minutes****3.0 Information Items**

There were no information items.

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

**5.0 Public Hearings**

- 5.1 Summary: Renaming Lake Rd to Main St  
Applicant: City of Milwaukie  
Staff: Jason Rice (presented by Denny Egner)

**Denny Egner, Planning Director**, explained that this item was not a hearing; state law only required that the Planning Commission have a meeting for a recommendation to the City Council.

When the Portland to Milwaukie light rail station was designed, the City recommended to TriMet that the part of Lake Rd that went under the Kellogg Lake Bridge between Lake Rd and Main St be renamed to Main St. The intersection had been reconfigured through construction of the station. The one residence affected by the change would be notified for the public hearing.

**It was moved by Commissioner Hemer and seconded by Commissioner Barbur to recommend approval to City Council of the Renaming Lake Rd to Main St. The motion passed unanimously.**

- 5.2 Summary: Medical Marijuana

Applicant: City of Milwaukie  
File: ZA-14-04  
Staff: Denny Egner

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

**Mr. Egner** presented the staff report via PowerPoint presentation. The proposal was to add medical marijuana facilities to the list of permitted uses in commercial and industrial zones where pharmacies and drugstores were permitted, but for the C-N Neighborhood Commercial, and B-I Business Industrial zones. There would be a 1000 ft buffer around schools, and limitations on colocation with another business, outside displays, and hours of operation. He displayed a map of eligible areas. He reviewed the history and what had been discussed in previous worksessions.

**Mr. Egner** reviewed the approvable criteria and staff recommendation of approval.

**Commissioner Barbur** asked about colocation and business suites; the wording of the proposals indicated that having business suites that share the same building entrance would be excluded. Was that the intent of the proposal?

- **Mr. Egner** noted that the Commission had discussed not allowing facilities to collocate with other wellness-type business. However, the issue of business suites for different businesses within the same building was not clarified; "building entrance" was the key phrase.

**Chair Bone called for public testimony.**

**Nancy Setje, 5315 SE Meldrum Ave**, was in support of the proposal and represented Top Hat Express, a newly licensed medical marijuana dispensary, which had hopes to open a facility in Milwaukie in the future. She had concerns about the colocation limitations and noted that colocation within another business was not allowed by the state, although a facility located within a suite of a building that housed other businesses should be allowed.

**Chair Bone closed public testimony.**

Planning Commission deliberation:

Regarding collocating a facility within another business, "building entrance" versus "business entrance" needed to be clarified, and "building entrance" eliminated the option for locating in different building suites. "Collocating" should be sufficient description and requiring different street addresses seemed too restrictive.

**Peter Watts, City Attorney**, suggested that "*inside* another business" could be changed to "*with* another business".

**It was moved by Commissioner Barbur and seconded by Commissioner Anderson to recommend adoption to City Council of ZA-14-04 for Medical Marijuana Code Amendments as amended to read "a medical marijuana facility shall not be collocated *with inside* another business or use the same ~~building~~ entrance of another business." The motion passed unanimously.**

- 5.3 Summary: Moving Forward Milwaukie Downtown Plan and Code Amendments  
*#4 continued from 2/10/15*  
 Applicant: City of Milwaukie  
 File: CPA-14-02, ZA-14-02  
 Staff: Li Alligood and Denny Egner

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

**Li Alligood, Senior Planner**, presented the staff report via PowerPoint presentation. She reviewed the background, project goals, and the proposed hearings schedule. This was the 4<sup>th</sup> hearing that would focus on Design Standards and Review Procedures.

Design Standards were intended to allow and encourage good development through clarifying the community's expectations, better codify the Downtown Design Guidelines, encourage high quality materials and design, and to finally implement the regulatory recommendations of the South Downtown Concept Plan.

The purpose of design standards was to shape the massing, appearance, and function of buildings or development, to focus on and create a safe and appealing pedestrian experience, and to coordinate with the Downtown Design Review procedures.

**Ms. Alligood** reviewed the proposed amendments:

**Building Façade Details:**

The purpose was to provide cohesive and interesting building facades in downtown, and to address massing and compatibility. There were few current standards, but the proposed included tripartite façade requirement, change in color/materials/wall plane, and to allow for a broader range of rooftop treatments. She explained the proposed horizontal building façade details including datum lines and building façade breaks.

**Corners:**

The purpose was to create a strong architectural statement and establish visual landmarks and variety. Corners were also an important entry point for pedestrians. There were no current standards. The proposals were that for a new building, it would need to incorporate two of four proposed options for corner treatments that included the primary entry being located at the corner, a prominent architectural feature, a setback of 10 ft cut at the corner, or special paving patterns, street furniture and plantings.

**Weather Protection:**

The purpose was to create standards that created an all-season pedestrian environment. There were no current standards; the proposed standards for the ground floor included recesses or canopy protection for entries and permanent weather protection on at least 50% of the ground floor when abutting public space. The dimensions could extend up to 6 ft over the sidewalk which balconies could meet this requirement, and all should be designed to accommodate blade signs.

**Exterior Building Materials:**

The purpose was to encourage construction of attractive buildings using materials that created a sense of permanence and were compatible with the built and natural environments.

The current standards for permitted materials were identified by omission and the prohibited materials were those commonly used such as glass or metal panels, or cement board. The proposal was to create “primary,” “secondary,” and “accent” permitted materials, and to identify prohibited materials including those that performed poorly.

If a development met all other design criteria through the Type II review process but the developer wanted to use a prohibited or unlisted material in a creative or interesting way, it could go through Type III review.

**Windows and Doors:**

The purpose was to enhance street safety and provide a comfortable and interesting pedestrian experience. Currently, the standard was for 50% of the ground floor façade to consist of windows or glazed doors but only applied to Main Street. The proposal was to extend standards to other downtown streets: 40% for other downtown block faces; 30% for McLoughlin Blvd; and 30% required for upper stories with 60% of grouped windows to be vertically oriented. Proposed design would increase the recessed windows from 2 in to 4 in or contrasting trim. Regarding transparency, the current standards would be retained, and requiring the bottom edge of the window to be no more than 30 in above the sidewalk would be added. There were different standards for standalone residential buildings.

**Roofs and Rooftop Equipment:**

The purpose was to create a visually interesting top of the building that enhanced the building’s character. For roof forms, currently flat roofs required cornices and decorative roofs were not permitted on buildings less than 3 stories; however, ‘decorative’ was too subjective to apply. The proposal was to allow for various roof forms with allowed finishes more clearly described. Rooftop equipment and screening was currently addressed only through the Downtown Design Guidelines, so the proposal was to require setbacks and screening of equipment with allowances for recreational structures.

**Open Space Requirement:**

The purpose was to ensure adequate public and private open space in downtown. There were no standards currently but for mixed use residential through the Downtown Design Guidelines. For nonresidential and mixed use developments greater than 20,000 sq ft, the proposal was to provide at least 400 sq ft of public open space. In addition, for mixed use with 4 or more units and residential, 50 sq ft of open space was to be added for each dwelling unit, which could be shared or private. An open space credit of 50% could be applied when it was adjacent to an approved park. The private or shared open space did not necessarily mean outdoor open space.

**Live/Work Units:**

The purpose was ensure the use and design of live/work units were compatible with downtown. There were no current standards; the proposed use standards would require that at least one employee live in the unit, and residential and commercial spaces cannot be separated. The proposed development standards called for at least 25% of the floor area must be commercial/nonresidential and on the ground floor. The design standards would be subject to the Downtown Design Standards.

### **Design Review Procedures:**

Currently all new development was subject to Type III review which created barriers and uncertainty. Based on the project goal to remove those barriers, a more streamlined review process was proposed for new development that met the proposed downtown design standards. The amendments would also clarify what type of review was required for different projects and when variances could be requested. If there were projects that did not meet all of the standards, a Type III review process would be available to show that the intent of the standard was being met, to ensure the new development met the community's vision for downtown, and also provided opportunity for creative design.

**Ms. Alligood** reviewed the key issues that staff was seeking direction on, their proposals, intent, and considerations:

- Should open space be required for new development or incentivized? And if incentivized, should it be with height/FAR bonuses?
  - Items to consider for open space were that it provided seating and places to rest, but reduced developable site area. Who maintained the area? What programming could occur? Who had access? All downtown blocks were within 2 blocks of a park.
  - **Mr. Egner** noted that the FAR bonus was difficult to achieve as the current FAR allowance was generous. Also, there was concern that the open space provisions would create a disincentive for development. He noted that the massing requirement to break up the wall of a building longer than 150 ft could provide those open spaces.
- Were there any other considerations for live/work units?
  - Should there be separate standards or should they be treated as a type of mixed use development? Did they need to be occupied, and were there concerns about the ground floor being used for residential purposes rather than commercial use?

**Ms. Alligood** reviewed comments received, staff recommendation, and next steps.

**The Commission** and staff discussed a comment received by Jim Bernard about height variances for development.

### **Chair Bone closed public testimony.**

Planning Commission deliberation on key issues:

#### **Building Materials:**

- Plywood was added to the list of prohibited materials.
- **Commissioner Hemer** was concerned about prohibited materials being used on exteriors that were still visible, although not necessarily facing the defined public realm.
- Staff agreed to add language such as 'no buildings in downtown shall use prohibited materials.'

**Open Space:** Should it be required, incentivized, or allowed through how the code currently functioned? If incentivized, should bonuses be building height or FARs?

- As proposed, for a building with street frontage longer than 150 ft, a 20 ft x 15 ft setback was required which was similar to the possible open space. Was that sufficient, or should there be surety that some open space was included?
- **Mr. Egner** reminded that what was available in downtown for such developments of 20,000 sq ft with 400 sq ft of open space was very limited.

- What other incentives were available? In other communities, System Development Charges (SDCs) that were required for new development that fund such things as parks, transportation, etc., could be reduced. For Milwaukie, the only option would be for open space for stormwater treatment/management; however, that would be outside of the code.
- **The Commission** agreed that open space should be incentivized and not required; and staff would look into other incentive options.

**Live/Work Units:** Were separate standards required for live/work units, or should they be treated as another type of mixed use development? Should they be required to be owner occupied? Were there concerns of residential use on the ground floor?

- **The Commission** agreed on the direction to staff:
  - There should be separate standards for live/work units to allow more flexibility than mixed use standards.
  - Remove the requirement for a business registration license.
  - Exception for window covering/transparency requirement for ground floor residential uses.
  - Allow the entire unit to be used residentially but not commercially.
  - Maintain the business owner-occupied requirement.

**Commissioner Hemer** would like to see a statement in the Downtown and Riverfront Land Use Framework Plan nodding to the importance and incentives for open space and green building, etc.

- **Ms. Alligood** suggested that it could be included in the Key Land Use and Place-making Features section with language such as “encouraging residential and sustainable development.”

**It was moved by Commissioner Barbur and seconded by Commissioner Lowcock to continue the hearing for CPA-14-02, ZA-14-02 for Downtown Plan and Code Amendments to a date certain of March 10, 2015. The motion passed unanimously.**

5.4 Summary: Motion to Approve the Findings and Conditions for Riverway Ln  
Variance *continued from 2/10/15*  
Applicant: Carter Case  
File: VR-14-03  
Staff: Denny Egner for Vera Koliass

**It was moved by Commissioner Lowcock and seconded by Commissioner Barbur to approve the Findings and Conditions for Riverway Ln Variance VR-14-03 as presented. The motion passed with Commissioner Anderson abstaining.**

## 6.0 Worksession Items

## 7.0 Planning Department Other Business/Updates

## 8.0 Planning Commission Discussion Items

**It was moved by Commissioner Storm and seconded by Commissioner Barbur to elect Commissioner Lowcock as Interim Vice Chair. The motion passed unanimously.**

## 9.0 Forecast for Future Meetings:



- |                |  |
|----------------|--|
| March 10, 2015 | 1. Public Hearing: CPA-14-02 MFM Downtown Plan and Code Amendments #5<br>2. Worksession: MFM Central Milwaukie Plan and Code Amendments  |
| March 24, 2015 | 1. Public Hearing: VR-2015-001 Cambridge Ln ADU Variance<br>2. Public Hearing: DR-2015-001 Kellogg Bike/Ped Bridge Connections<br>3. Worksession: MFM Central Milwaukie Plan and Code Amendments |

Meeting adjourned at approximately 10:00 p.m.

Respectfully submitted,

Alicia Martin, Administrative Specialist II

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Sine Bone, Chair



# MILWAUKIE

*Dogwood City of the West*

**To:** Planning Commission

**Through:** Dennis Egner, Planning Director

**From:** Brett Kolver, Associate Planner

**Date:** June 16, 2015, for June 23, 2015, Public Hearing

**Subject:** **Files:** CSU-2015-004, NR-2015-002, WG-2015-002

**Applicant/Owner:** North Clackamas Parks & Recreation District (Tonia Burns, applicant) for City of Milwaukie (owner)

**Address:** 1880 SE Sparrow St

**Legal Description (Map & Taxlots):** 1S1E35DD, lots 6000, 6100, 6200, 6300, 6400, 6500, and 6601

**NDA:** Island Station

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## **ACTION REQUESTED**

Approve applications CSU-2015-004, NR-2015-002, and WG-2015-002 and adopt the recommended Findings and Conditions of Approval found in Attachments 1 and 2. This action would allow for implementation of Phase II for Spring Park, which focuses on restoration of the existing natural area within the park.

## **BACKGROUND INFORMATION**

The applicant, North Clackamas Parks and Recreation District (NCPRD), on behalf of the City of Milwaukie (property owner and co-applicant) has applied for approval to implement Phase II of the approved master plan for Spring Park. Phase II includes restoration of the existing natural resource area, delineation of the unmapped wetland area, formalization of the trail system, and installation of interpretive signage.

The park is located along the Willamette River and is accessible through the primary entrance at the corner of SE Sparrow Street and SE 19<sup>th</sup> Avenue in the Island Station neighborhood. The property includes a mini-park near the entrance at 1880 SE Sparrow St, but the project area is the natural preserve that occupies the majority of the site. The proposed activity involves realigning the existing trail to reduce its wetland impact, designating an overlook area, stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), planting native vegetation, and installing an interpretive sign at the trailhead. Spring Park is an

existing community service use (CSU); the implementation of Phase II constitutes a major modification to the existing CSU in accordance with the relevant standards of Milwaukie Municipal Code (MMC) Section 19.904. The proposed restoration will be conducted in accordance with a natural resource management plan that requires Natural Resource review as per MMC Section 19.402. The alteration of natural site characteristics (in the form of installation of large wood for bank stabilization) constitutes “development” in the context of the Willamette Greenway overlay on the site, requiring conditional use review as per MMC Section 19.401.

## A. Site and Vicinity

The site is located at 1880 SE St (see Figure 1). The property is comprised of multiple taxlots of various sizes and is currently in use as a public park and natural reserve. The total site area is approximately 7 acres. A mini-park was developed in 2006 on approximately 0.25 acres in the northeastern corner of the site as Phase I of the park master plan. The remaining acreage is a nature preserve of varying micro-habitats leading from the mini-park down to the river.

The surrounding area consists primarily of large lots with single-family detached dwellings to the north and south. The park is adjacent to the Willamette River to the west, with the eastern border adjacent to railroad right-of-way owned by Union Pacific Railroad and operated by the Pacific & Western Railroad. Access to the park is provided through the main entrance at the corner of Sparrow St and 19<sup>th</sup> Ave. The site includes some varied topography, generally sloping down to the river from the upland area at the main park entrance. Several wetland areas have been delineated in the central part of the site. An existing trail provides access to the adjacent Elk Rock Island, a regional recreation site owned and managed by the City of Portland.

As a neighborhood park and nature preserve, travel to Spring Park is intended to be primarily by foot or bicycle, so no parking is provided on site. Three on-street parking spaces were established by the City as part of the 2006 mini-park development. Additional informal on-street parking is available in the public right-of-way in front of several nearby properties, though on-street parking is limited in the immediate vicinity. Elk Rock Island can draw large numbers of visitors during the summer months when it is accessible by land bridge from Spring Park.

## B. Zoning Designations

The site is zoned Residential R-5 (see Figure 2), with Water Quality Resource (WQR) and Habitat Conservation Area (HCA) designations for natural resources (see Figure 3) and the Willamette Greenway overlay covering the entire site.



**C. Comprehensive Plan Designation**

Public

**D. Land Use History**

- **1971:** Park site purchased by the City.
- **January 1995:** Adoption of Ordinance No. 1777 to add the Elk Rock Island Natural Area Management Plan to the City's Comprehensive Plan.
- **November 2006:** Adoption of Ordinance No. 1964 to add the Spring Park Master Plan to the City's Comprehensive Plan (land use file #CPA-05-02, a comprehensive plan amendment). A concurrent community service use approval was granted by Planning Commission for Phase I development of the mini-park in the northeastern corner of the site (land use file #CSO-06-03).

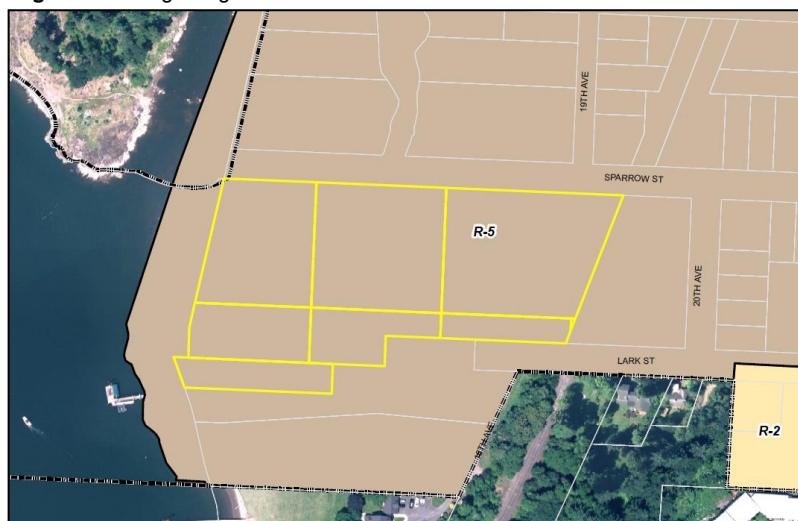
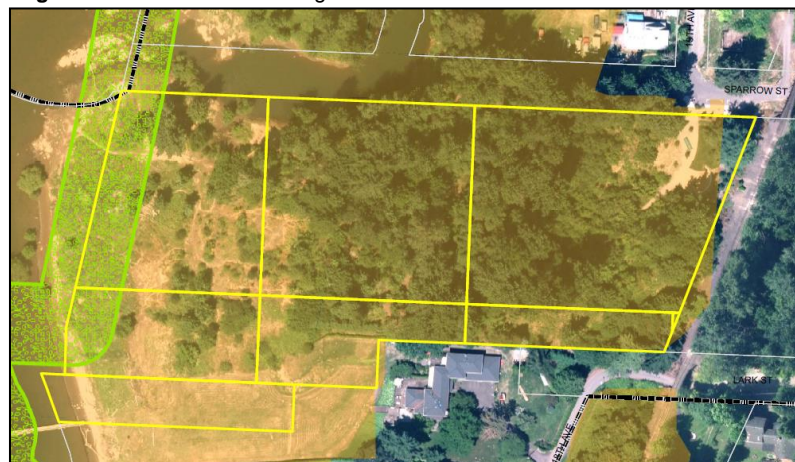
**E. Proposal**

The applicant is seeking land use approval for a major modification to the approved CSU, approval of a natural resource management plan for restoration of the natural area, and conditional use approval related to the Willamette Greenway overlay.

The proposed activity is focused on restoration of the existing natural area within Spring Park. The project involves realigning the existing trail to reduce its wetland impact, designating an overlook area, stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), planting native vegetation, and installing an interpretive sign at the trailhead.

The project requires approval of the following applications:

1. Major modification to community service use (land use file #CSU-2015-004)
2. Natural resource review for natural resource management plan (file #NR-2015-002)
3. Willamette Greenway review (file #WG-2015-002)

**Figure 2. Zoning designations****Figure 3. Natural resource designations**

## KEY ISSUES

### Summary

Staff has identified the following key issue 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. Does the parking issue need to be resolved at this point in time?

### Analysis

#### A. Does the parking issue need to be resolved at this point in time?

The approved master plan for Spring Park acknowledges that parking by patrons of both Spring Park and Elk Rock Island can be a problem within the neighborhood. Neither park site includes off-street parking, so the streets can become crowded on days of high park activity due to the generally unimproved condition of the public right-of-way in the neighborhood. However, the approved master plan does not include off-street parking, and even with the public requests to address the parking issue, no one is suggesting that a portion of the park site itself should be redeveloped to create off-street parking.

The proposed activity is focused on restoration of the natural area, including in-water work that has a limited window each year. The CSU application is the master file, but the proposal does not involve any intensification or expansion in use of the site. The primary issue relates to natural resource enhancement, and parking is not among the criteria for approval of the applicant's natural resource management plan. The parking issue is complicated and will require a larger public discussion and longer timeline than that available for the restoration work itself. There is no good reason to delay the restoration work by linking it directly to a longer-term resolution of the parking issue, so staff recommends that the proposed activity be approved and the parking issue be noted as an item needing further attention in the future.

## CONCLUSIONS

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

1. Approve the major modification to the CSU for Phase II development in Spring Park. This will result in realigning the existing trail to reduce its wetland impact, designating an overlook area, stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), planting native vegetation, and installing an interpretive sign at the trailhead.
2. Approve the proposed natural resource management plan.
3. Approve the Willamette Greenway review.
4. Adopt the attached Findings and Conditions of Approval.

- B. Staff has no key conditions of approval to note** (see Attachment 2 for the full list of Conditions of Approval).

## CODE AUTHORITY AND DECISION-MAKING PROCESS

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

- MMC Section 19.1006 Type III Review
- MMC Section 19.904 Community Service Uses
- MMC Section 19.402 Natural Resources
- MMC Chapter 19.401 Willamette Greenway Zone WG
- MMC Section 19.301 Low Density Residential Zones (incl. R-5)

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, which includes any appeals to the City Council, must be made by September 4, 2015, 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 major modification to the existing CSU was given to the following agencies and persons: City of Milwaukie Building Department, City of Milwaukie Engineering Department, Clackamas Fire District #1, Island Station Neighborhood District Association (NDA), ODOT, Oregon Parks and Recreation Department, Department of State Lands, Oregon Department of Fish and Wildlife, and State Marine Board. The following is a summary of the comments received by the City. See Attachment 4 for further details.

- **Milo Denham, resident at 12106 SE 19<sup>th</sup> Ave:** Supportive of the restoration effort. Concerned about delineation of the southern boundary and encroachment from either side. Suggested that the City survey the southern boundary and then mark with bollards.

**Staff Response:** *The proposed trail realignment is purposefully located to maintain a significant distance from the park's southern boundary, precisely to limit possible conflicts and encroachment from the park onto the adjacent property. The issue of formally delineating the southern boundary is a separate issue of park maintenance and is not one that needs to be linked to the proposed activity.*

- **Pamela Denham, member of Island Station NDA LUC:** Concerned about encroachment into park by adjacent property owner to the south, due to impacts on habitat restoration efforts. Noted that parking for Spring Park and Elk Rock Island presents a problem for the neighborhood, and requested that the issue be addressed. Questioned whether there is a plan to deal with silt accumulation in the back-channel alcove.

**Staff Response:** See response above to Milo Denham's comment regarding the southern park boundary. See address of Key Issue A above for response to the parking issue.

- **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- **Samantha Vandagriff, City Building Official, Milwaukie Building Department:** No formal comments.
- **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** MMC Chapter 19.700 (Public Facility Improvements) is not applicable to the proposed activity. Other requirements related to flood hazard mitigation and stormwater management have been noted with the conditions of approval.

## 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	E-Packet
1. Recommended Findings in Support of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. Recommended Conditions of Approval	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
3. Applicant's Narrative and Supporting Documentation dated April 7, 2015				
a. Application Narrative	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Plan Sheets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c. Table of Contents of Appendix Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d. Preapplication Report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e. Spring Park Master Plan (2006)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
f. ODFW Advisory Review Letter to City	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
4. Comments Received	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### 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.

E-Packet = packet materials available online at <http://www.milwaukieoregon.gov/planning/planning-commission-129>.

**Recommended Findings in Support of Approval  
File #s CSU-2015-004, NR-2015-002, WG-2015-002  
Spring Park Phase II – Natural Area Restoration**

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 Parks and Recreation District, acting on behalf of the City of Milwaukie (the property owner), has applied for approval to enhance the existing natural area in Spring Park. The site consists of multiple taxlots located at 1880 SE Sparrow Street and is zoned Residential R-5, with Willamette Greenway and Natural Resource overlays. The proposal implements Phase II of the Spring Park Master Plan, which was adopted as an ancillary document to the Milwaukie Comprehensive Plan (Comp Plan), and so is a major modification of the park as an approved Community Service Use (CSU). The land use application master file number is CSU-2015-004, with associated file numbers NR-2015-002 and WG-2015-002.
2. The proposed activity is focused on restoration of the existing natural area within Spring Park. The project involves realigning the existing trail to reduce its wetland impact, designating an overlook area, stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), planting native vegetation, and installing an interpretive sign at the trailhead.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.1006 Type III Review
  - MMC Section 19.904 Community Service Uses
  - MMC Section 19.402 Natural Resources NR
  - MMC Section 19.401 Willamette Greenway Zone WG
  - MMC Section 19.301 Low Density Residential Zones (incl. R-5)

The proposed activity does not result in expansion of any existing square footage. The municipal code relies on an increase in building square footage to calculate vehicle trip generation to and from the site; the Engineering Department has determined that MMC Chapter 19.700 Public Facility Improvements does not apply to this application.

4. The application has been processed and public notice provided in accordance with MMC Section 19.1006 Type III Review. A public hearing was held by the Planning Commission on June 23, 2015, as required by law.
5. MMC Section 19.904 Community Service Uses

MMC 19.904 provides standards and procedures for review of applications for community service uses. 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. Community service uses may include schools, government buildings, hospitals, religious institutions, utilities, parks, or communication facilities.

- a. MMC 19.904.2 establishes applicability of the Community Service Use (CSU) regulations.

The proposed activity is a restoration effort within the natural area at Spring Park, a City-owned park. The park is a public recreation facility as identified in MMC 19.904.2.C.



The Planning Commission finds that the standards of MMC 19.904 are applicable to the proposed development.

- b. MMC 19.904.3 establishes the review process for CSUs. Except for wireless communication facilities and minor modifications to existing CSUs, applications for CSUs are subject to Type III review (MMC 19.1006).

The proposed activity is not a wireless communication facility, nor does it represent a minor modification to the existing CSU. The proposed restoration effort is Phase II of the park development identified in the adopted park master plan and as such it represents a major modification of the existing park use.

The Planning Commission finds that the proposed activity is subject to the procedures for Type III review outlined in MMC 19.1006.

- c. MMC 19.904.4 establishes the following approval criteria for CSUs:

- (1) 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.

The subject property is zoned Residential R-5. For the proposed activity, which does not involve construction of any new structures, the only applicable standard for the base zone is the minimum vegetation requirement. There is no specific standard for minimum required landscaping for parks. The minimum vegetation requirement for the R-5 zone is 25% of lot area.

The total site area is approximately 7 acres, with well over 75% in natural landscaping. The proposed activity will not decrease the existing percentage of vegetation on the site.

The Planning Commission finds that the proposed activity meets the applicable development standards of the underlying R-5 zone.

- (2) Specific standards for the proposed uses as found in MMC 19.904.7-11 are met.

As a park, the proposed activity is subject to the relevant standards for facilities not covered by other subsections of the community service use regulations, provided in MMC 19.904.9. The standards of MMC 19.904.9 applicable to the proposed activity are addressed as follows:

- (a) MMC 19.904.9.A requires that utilities, streets, or other improvements necessary for the institutional use shall be provided by the agency constructing the use.

No utility, street, or other improvements are necessary for the proposed activity. This standard is met.

- (b) MMC 19.904.9.B encourages access to be provided on a collector street if practicable.

Access to the subject property is provided from SE 19<sup>th</sup> Avenue and SE Sparrow Street, both of which are classified as local streets in the City's Transportation System Plan. There are no collector streets in the surrounding area, so access from a collector street is not practicable. This standard is met.

- (c) MMC 19.904.9.C requires community service uses in residential zones to provide setbacks equal to two-thirds the height of the principal structure.  
No new buildings are included in the proposed activity. This standard is not applicable.
- (d) MMC 19.904.9.E requires noise-generating equipment to be sound-buffered when adjacent to residential areas.  
The proposal does not include any noise-generating equipment. This standard is not applicable.
- (e) MMC 19.904.9.F requires lighting to be designed to avoid glare on adjacent residential uses and public streets.  
The proposal does not include any lighting. This standard is not applicable.
- (f) MMC 19.904.9.G encourages hours and levels of operation to be adjusted to be compatible with adjacent uses where possible.  
The adjacent properties are railroad right-of-way and single-family residential uses. As per MMC Subsection 9.28.020.F, City parks open 30 minutes before sunrise and close 30 minutes after sunset. Spring Park employs these same hours, so it is a facility for daytime use. No changes to hours or levels of operation are proposed, and no adjustments are warranted by the proposed activity. This standard is met.
- (g) MMC 19.904.9.H allows a spire on a religious institution to exceed the maximum height limitation.  
The park is not a religious institution. This standard is not applicable.
- (h) MMC 19.904.9.I establishes that the minimum landscaping required for institutions is the lesser of 15% of the total site area and the percentage required by the underlying zone.  
The park is not a religious institution. This standard is not applicable.
- (i) MMC 19.904.9.J allows park-and-ride facilities to be encouraged for institutions along transit routes that do not have days and hours in conflict with weekday uses. Such uses may be encouraged to allow portions of their parking areas to be used for park-and-ride lots.  
No transit route currently exists adjacent to the park site. There is a bus route on SE 22<sup>nd</sup> Avenue, with a transit stop almost 800 ft away via Sparrow St. The park does not provide any on-site parking, and none is proposed. This standard is not applicable.

The Planning Commission finds that the proposed activity meets the applicable standards of MMC 19.904.9.

- (3) The hours and levels of operation of the proposed use are reasonably compatible with surrounding uses.

As discussed in Finding 6-c-(2)-(f), the proposed activity will not affect the hours and levels of operation of the existing park use, which are reasonably compatible with surrounding uses.

The Planning Commission finds that this standard is met.

- (4) The public benefits of the proposed use are greater than the negative impacts, if any, on the neighborhood.

The proposed activity will enhance the public benefits of the existing park use. The park hours or levels of operation will remain the same with the proposed development. The restoration effort will improve habitat conditions at the site. The existing trail will be rerouted to minimize damage to wetland areas, reduce grades, and maintain a reasonable distance from the southern property boundary. An overlook will be delineated to reduce the area of disturbance at a particular viewpoint.

The proposed activity will not increase the intensity of the existing CSU. The existing trail will be physically improved for better longevity, but the overall trail network will not be expanded. The effort is to restore and improve existing habitat and better maintain the park, not to expand park facilities. There are no new impacts on the neighborhood.

The Planning Commission finds that this standard is met.

- (5) The location is appropriate for the type of use proposed.

Spring Park, located in the heart of the Island Station neighborhood, is designated as a neighborhood park. No change in location is proposed.

The Planning Commission finds that this standard is met.

As conditioned, the Planning Commission finds that the proposed activity meets the approval criteria of MMC 19.904.4.

- d. MMC 19.904.5 establishes the procedures for reviewing CSUs.

- (1) MMC 19.904.5.A requires the Planning Commission to hold a public hearing to consider the establishment of new CSUs or the major modification of existing CSUs. The Commission shall determine whether the proposed use meets the approval criteria of MMC 19.904.4.

The proposed activity represents a major modification to a CSU, in the form of implementing Phase II of the park development identified in the adopted park master plan. The Planning Commission held a public hearing on June 23, 2015, to evaluate the proposed major modification to the CSU in the context of the approval criteria of MMC 19.904.4. This standard is met.

- (2) MMC 19.904.5.B establishes the types of conditions that the Planning Commission may impose on CSUs to ensure compatibility with other uses in the vicinity. Conditions may involve such aspects as hours or intensities of operation, measures to limit noise or glare, special yard setbacks, design of vehicle access points, and size or location of a building.

The Planning Commission has evaluated the proposed restoration project and finds that the modified CSU will remain compatible with the other uses in the vicinity, which are primarily residential.

The Planning Commission finds that the existing CSU remains compatible with other uses in the vicinity. This standard is met.

- (3) MMC 19.904.5.C authorizes the Planning Director to approve minor modifications to an approved CSU through the Type I review process, subject to compliance with specific criteria.

The proposed activity represents a major, not minor, modification to the existing CSU.

The Planning Commission finds that MMC 19.904.5.C does not apply to this application.

The Planning Commission finds that the applicable standards of MMC 19.904.5 are met.

- e. MMC 19.904.6 establishes the application requirements for CSUs, including a narrative describing the proposed use, maps showing the vicinity and existing uses, and detailed plans for the project.

The applicant's submittal materials include site plans and a narrative description of the proposed activity.

The Planning Commission finds that this standard is met.

The Planning Commission finds that the proposed activity meets all applicable standards of MMC 19.904 and is approvable as a major modification to a CSU.

## 6. MMC Section 19.402 Natural Resources

MMC 19.402 establishes regulations for designated natural resource areas. The standards and requirements of MMC 19.402 are an acknowledgment that many of the riparian, wildlife, and wetland resources in the community have been adversely impacted by development over time. The regulations are intended to minimize additional negative impacts and to restore and improve natural resources where possible.

- a. MMC 19.402.3 establishes applicability of the Natural Resource (NR) regulations, including all properties containing Water Quality Resources (WQRs) and Habitat Conservation Areas (HCAs) as shown on the City's NR Administrative Map.

The site is adjacent to the Willamette River and includes delineated wetlands. As per MMC Table 19.402.15, these primary protected water features, along with their associated vegetated corridors, constitute a WQR on the site. The City's Natural Resource (NR) Administrative Map also shows the HCA designation over the entire site except for a small triangle in the northeastern corner.

As evidenced by the applicant's submittal materials, the proposed activity will disturb approximately 0.25 acres (roughly 11,000 sq ft) of WQR and/or HCA area. The proposed activity is not listed as exempt according to the standards outlined in MMC 19.402.4.

The Planning Commission finds that the requirements of MMC 19.402 are applicable to the proposed activity.

- b. MMC 19.402.6 establishes that certain activities within a designated WQR and/or HCA are subject to Type I review (MMC 19.1004). As per MMC 19.402.6.D, this includes natural resource management plans that have been approved by a qualified agency and meet the standards provided in MMC 19.402.10.A.

The proposed activity is focused on restoration of the existing natural area within Spring Park. As such, the activity can be reviewed against the standards set in MMC 19.402.10 for natural resource management plans.

As discussed in Finding 6-e, the proposed activity is based on a natural resource management plan that is eligible for Type I review. However, the proposed activity requires other applications (i.e., Community Service Use, Willamette Greenway) that

are being processed concurrently with Type III review. As provided in MMC 19.1001.6.B.1, concurrent applications shall be processed according to the highest numbered review type, with a single decision to be issued that includes findings for all concurrent applications. The Planning Commission finds that the natural resource management plan shall be processed with Type III review as well.

- c. MMC 19.402.7 establishes that certain activities within a designated WQR and/or HCA are subject to Type II review (MMC 19.1005). As per MMC 19.402.6.E, this includes boundary verification for substantial corrections to the NR Administrative Map that are in accordance with MMC 19.402.15.A.2.

As discussed in Finding 6-f, the applicant's submittal materials include a map showing the location of wetlands on the site that are not shown on the current version of the NR Administrative Map. These wetlands will be added to the NR Administrative Map, which is a substantial correction and therefore subject to Type II review as per MMC 19.402.15.A.2. However, the proposed activity requires other applications (i.e., Community Service Use, Willamette Greenway) that are being processed concurrently with Type III review. As provided in MMC 19.1001.6.B.1, concurrent applications shall be processed according to the highest numbered review type, with a single decision to be issued that includes findings for all concurrent applications. The Planning Commission finds that the boundary verification for substantial corrections to the NR Administrative Map shall be processed with Type III review as well.

- d. MMC 19.402.9 establishes standards for construction management plans, which are required for projects that disturb more than 150 sq ft of natural resource area as well as for natural resource management plans. Construction management plans must provide information related to site access, staging of materials and equipment, and measures for tree protection and erosion control.

The Planning Commission finds that the erosion control plan included with the applicant's submittal materials includes sufficient information to satisfy the requirements of MMC 19.402.9.

- e. MMC 19.402.10 establishes standards for natural resource management plans.

- (1) MMC 19.402.10.A allows Type I review for plans that have already been approved by another agency with technical expertise related to natural resource management. The Oregon Department of Fish and Wildlife (ODFW) has been directly involved with the project planning, reviewing the proposed project design, providing feedback, and writing letters of support to potential funders.

As an agency qualified in natural resource management, ODFW's support of the project constitutes approval of the proposed natural resource management plan, making the plan eligible for Type I review as per MMC 19.402.10.A.

- (2) MMC 19.402.10.C provides approval criteria for natural resource management plans. A plan must demonstrate that it encourages restoration activities with any of a number of positive effects, including improving the trend of habitat function to support a more complex and self-sustaining system and correcting conditions caused by past management.

The proposal is for restoration of the existing natural area within Spring Park. The project involves realigning the existing trail to reduce its wetland impact, designating an overlook area, stabilizing and enhancing the stream bank alcove

with log structures (in and out of the water), planting native vegetation, and installing an interpretive sign at the trailhead. These various activities will improve the habitat function of the resource and will better manage and limit impacts to the natural area stemming from everyday use by park patrons.

- (3) MMC 19.402.10.D requires a construction management plan in conjunction with a natural resource management plan. As noted in Finding 6-d, the erosion control plan included in the applicant's submittal materials is sufficient for satisfying this requirement.

The Planning Commission finds that the proposed natural resource management plan meets the applicable standards of MMC 19.402.10.

- f. MMC 19.402.15 establishes standards for verifying the boundaries of WQRs and HCAs and for administering the City's Natural Resource (NR) Administrative Map. The locations of WQRs are determined based on the provisions of MMC Table 19.402.15. In general, for primary protected water features the WQR includes the feature itself and a vegetated corridor that extends 50 ft from the top of bank (for streams) or delineated edge of the feature (for wetlands).

MMC 19.402.15.A.2.a establishes the standards and approval criteria for corrections to mapped WQRs, including wetlands.

- (1) MMC 19.402.15.A.2.a(1) provides the submittal requirements for proposed corrections to WQRs. A delineation report approved by the Oregon Department of State Lands (DSL) is required, with a topographic map of the site showing the specific location on the subject property.

The application submittal includes a DSL-approved delineation of wetlands on the site. A condition has been established to ensure that a topographic map, with contour intervals of 5 ft or less, is provided to show the specific location of the wetlands on the site as approved by the Department of State Lands. The applicant's materials do not present any challenge to the mapped locations of any other WQR or HCA as shown on the City's NR Administrative Map.

- (2) MMC 19.402.15.A.2.a(2) provides the approval criteria for corrections to mapped WQRs, including wetlands. The City shall update the NR Administrative Map if the wetland report demonstrates that there was an error in the original mapping, that the boundaries of the WQR have changed since the most recent update to the NR Administrative Map, or that a primary protected water feature no longer exists because the area was legally filled, culverted, or developed prior to January 16, 2003, the effective date of the City's first regulations for WQRs.

The applicant's report, which includes delineations of wetlands on the site, demonstrates that there was an error in the original mapping, which did not show any wetland areas on the site.

The Planning Commission finds that the City's NR Administrative Map shall be corrected to show the location of wetland areas on the site. Furthermore, the Planning Commission finds that the applicant has not disputed the representation of the other WQR areas or the HCA on the site, as shown on the City's NR Administrative Map. The Planning Commission finds that, as conditioned, the standards of MMC 19.402.15 for boundary verification and map administration have been met.

As conditioned, the Planning Commission finds that the proposed restoration and enhancement of the natural resource area on the subject property meets all applicable standards of MMC 19.402.

#### 7. MMC Section 19.401 Willamette Greenway Zone

MMC 19.401 establishes standards for the Willamette Greenway overlay designation. The subject property is within the Willamette Greenway zone as shown on the City's zoning map.

##### a. MMC Subsection 19.401.5 Procedures

MMC 19.401.5 establishes procedures related to proposed uses and activities in the Willamette Greenway zone. Development in the Willamette Greenway zone requires conditional use review, subject to the standards of MMC Section 19.905 and in accordance with the approval criteria established in MMC Subsection 19.401.6.

By virtue of stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), the project involves the substantial alteration of natural site characteristics and constitutes "development" as defined in MMC Subsection 19.401.4. The proposed activity is subject to conditional use review standards of MMC 19.905 and the approval criteria of MMC 19.401.6.

##### b. MMC Subsection 19.401.6 Criteria

MMC 19.401.6 establishes the criteria for approving conditional uses in the Willamette Greenway zone.

##### (1) Whether the land to be developed has been committed to an urban use, as defined under the State Willamette River Greenway Plan

The State Willamette River Greenway Plan defines "lands committed to urban use" as "those lands upon which the economic, developmental and locational factors have, when considered together, made the use of the property for other than urban purposes inappropriate. Economic, developmental and locational factors include such matters as ports, industrial, commercial, residential or recreational uses of property; the effect these existing uses have on properties in their vicinity, previous public decisions regarding the land in question, as contained in ordinances and such plans as the Lower Willamette River Management Plan, the city or county comprehensive plans, and similar public actions."

Although the subject property is developed as a public park, the project area (which is a majority of the site) is designated as a natural preserve within the park. The land is committed to a non-urban use and will remain protected as a natural resource area.

##### (2) Compatibility with the scenic, natural, historic, economic, and recreational character of the river

The project area is adjacent to the river, within an existing natural area. The proposed activity includes designating an overlook area, stabilizing and enhancing the stream bank alcove with log structures (in and out of the water), and planting native vegetation. The proposed activity is designed to enhance the natural area and better manage the impacts of visitation to the site. The project presents no significant impacts to the character of the river and is compatible.

##### (3) Protection of views both toward and away from the river

The project area is adjacent to the river, and the site includes an overlook viewpoint. The proposed activity includes planting native vegetation, as well as designating an overlook area to concentrate the impacts of visitation and use. Views toward and away from the river will not be significantly changed as a result of this project.

- (4) Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river, to the maximum extent practicable

The project area is adjacent to the river, with existing vegetation both in the riparian fringe and further upland. Additional native vegetation will be planted within the project area to enhance the existing habitat.

- (5) Public access to and along the river, to the greatest possible degree, by appropriate legal means

Public access to the river is currently provided through an existing dirt trail leading into the site from the park entrance at the corner of Sparrow St and 19<sup>th</sup> Ave. The proposed improvements include rerouting the trail in some places to reduce impacts to existing wetlands as well as rebuilding the trail to be more sustainable, with a crushed rock surface. The proposed activity will enhance public access to and along the river.

- (6) Emphasis on water-oriented and recreational uses

The site is a public park, with a natural area adjacent to the river. The proposed activity will enhance the existing condition of the park.

- (7) Maintain or increase views between the Willamette River and downtown

The project area is approximately a half mile linear distance from the nearest portion of downtown Milwaukie on the east side of Highway 99E and is not directly visible from downtown. The proposed activity will have little or no effect on views between the river and downtown.

- (8) Protection of the natural environment according to regulations in Section 19.402

The focus of the proposed activity is to enhance and protect the existing natural area within the park, a majority of which has either a WQR or HCA natural resource designation. As addressed in Finding 6, the proposed activity is being conducted in accordance with a natural resource management plan approved by ODFW.

- (9) Advice and recommendations of the Design and Landmark Committee, as appropriate

The subject property is not within a downtown zone and the proposed activity did not require review by the Design and Landmarks Committee (DLC).

- (10) Conformance to applicable Comprehensive Plan policies

The Willamette Greenway Element in the Milwaukie Comprehensive Plan includes policies related to land use, public access and view protection, and maintenance of private property. These policies include the requirement of a conditional use permit for new development and intensification of existing uses; encouragement for uses that are not water-dependent or water-related to be directed away from the river; evaluation of development impacts to visual



corridors; and limitations on authorizing the unrestricted public use of private land.

The proposed activity is being reviewed through the Willamette Greenway conditional use process, although the Planning Commission finds that it is not considered new development or an intensification of the existing approved park use. The proposed activity will more formally designate an existing overlook area and will not impact visual corridors. The proposed activity is on the public park site alone and will not authorize the use of private land.

- (11) The request is consistent with applicable plans and programs of the Division of State Lands

The proposed activity is not inconsistent with any known plans or programs of the Department of State Lands (DSL). In fact, DSL has approved the delineation of wetlands on the site, which has helped guide the relocation of an existing trail.

- (12) A vegetation buffer plan meeting the conditions of Subsections 19.401.8.A through C

The project area includes lands within 25 ft of the river. The proposed activity involves stabilization and enhancement of the stream bank, as well as significant plantings of native vegetation within the 25-ft buffer area.

The Planning Commission finds that the proposed activity meets all relevant approval criteria provided in MMC 19.401.6.

The Planning Commission finds that the proposed activity meets all applicable standards of the Willamette Greenway zone.

8. As per MMC Subsection 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:

- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.
- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC Subsection 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.

9. The application was referred to the following departments and agencies on May 18, 2015:

- Milwaukie Building Department
- Milwaukie Engineering Department
- Clackamas Fire District #1
- Island Station Neighborhood District Association (NDA) Chairperson and Land Use Committee (LUC)
- Oregon Department of Transportation (ODOT)
- Oregon Parks and Recreation Department
- Department of State Lands (DSL)
- Oregon Department of Fish and Wildlife

- State Marine Board

The comments received are summarized as follows:

- a. **Milo Denham, resident at 12106 SE 19<sup>th</sup> Ave:** Supportive of the restoration effort. Concerned about delineation of the southern boundary and encroachment from either side. Suggested that the City survey the southern boundary and then mark with bollards.
- b. **Pamela Denham, member of Island Station NDA LUC:** Concerned about encroachment into park by adjacent property owner to the south, due to impacts on habitat restoration efforts. Noted that parking for Spring Park and Elk Rock Island presents a problem for the neighborhood, and requested that the issue be addressed. Questioned whether there is a plan to deal with silt accumulation in the back-channel alcove.
- c. **Matt Amos, Fire Inspector, Clackamas Fire District #1:** No comments for this proposal.
- d. **Samantha Vandagriff, City Building Official, Milwaukie Building Department:** No formal comments.
- e. **Brad Albert, Civil Engineer, Milwaukie Engineering Department:** MMC Chapter 19.700 (Public Facility Improvements) is not applicable to the proposed activity. Other requirements related to flood hazard mitigation and stormwater management have been noted with the conditions of approval.

**Recommended Conditions of Approval**  
**File #s CSU-2015-004, NR-2015-002, WG-2015-002**  
**Spring Park Phase II – Natural Area Restoration**

**Conditions**

1. At the time of submission of the associated development permit application, the following shall be resolved:
  - a. Final plans submitted for building permit review shall be in substantial conformance with plans approved by this action, which are the plans stamped received by the City on April 7, 2015, and except as otherwise modified by these conditions.
  - b. Provide a narrative describing all actions taken to comply with these conditions of approval.
  - c. Provide a narrative describing any changes made after the issuance of this land use decision that are not related to these conditions of approval.
  - d. As per Finding 6-f, provide a topographic map, with contour intervals of 5 ft or less, showing the specific location of all delineated wetlands on the site as approved by the Department of State Lands.

**Additional 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 point in the development and permitting process.

1. Development Review

An application for Type I development review is required in conjunction with the submittal of the associated development permit application(s).

2. Flood Hazard Mitigation

Comply with Milwaukie Municipal Code Title 18 “Flood Hazard Regulations” prior to approval of building permits.

- a. Provide additional information with the building permit application as follows:
  - (1) Scaled plans showing nature, location, dimensions, and elevations of the development property, including existing and proposed structures, fill, storage of materials, and drainage facilities. Include both the floodplain and floodway boundaries.
  - (2) Elevation in relation to mean sea level of all structures
  - (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- b. Provide an anchor design by a registered professional engineer, such that all new construction within the 100-year floodplain is anchored to prevent flotation, collapse, or lateral movement of the structure(s). Include a written summary with the building permit materials of how the design of the structure(s) meets this requirement.

- c. Construct all structures within the 100-year floodplain utilizing materials resistant to flood damage. Include a written summary with the building permit materials of how the design of the structure(s) meets this requirement.
  - d. Placement of fill or structures that displaces more than ten (10) cubic yards of flood storage area shall comply with the following standards:
    - (1) No net fill in any floodplain is allowed, including the volume of structures within the floodplain.
    - (2) All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed.
    - (3) Any excavation below bankful stage shall not count toward compensating for fill.
    - (4) Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation may be located in the same drainage basin and as close as possible to the fill site.
  - e. Placement of fill or structures within the floodway shall comply with flood storage area requirements and the following additional requirements:
    - (1) The proposed excavation and fill shall not increase flood impacts for surrounding property as determined through hydrologic and hydraulic analysis or “no rise certification.”
    - (2) If an increase in the base flood elevation is unavoidable, a conditional approval of such increase is required from the FEMA regional office prior to permitting the development.
3. Stormwater Management
- Submit a stormwater management plan prepared by a qualified professional engineer with required development/building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public Works Standards.
- a. The stormwater management plan shall demonstrate that the post-development runoff does not exceed the pre-development, including any existing stormwater management facilities serving the development site.
  - b. The stormwater management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
  - c. Development/building permits will not be issued for construction until the stormwater management plan has been approved by the City of Milwaukie.
4. Limitations on Development Activity
- Development activity on the site shall be 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, as per MMC 8.08.070(I).
5. Expiration of Approval
- As per MMC 19.1001.7.E.1.a, proposals requiring any kind of development permit must complete both of the following steps:
- a. Obtain and pay for all necessary development permits and start construction within two (2) years of land use approval.

- b. Pass final inspection and/or obtain a certificate of occupancy within four (4) years of land use approval.

As per MMC 19.1001.7.E.2.b, land use approvals shall expire unless both steps noted above have been completed or unless the review authority specifies a different expiration date in the land use decision to accommodate large, complex, or phased development projects.



**PLANNING DEPARTMENT**  
 6101 SE Johnson Creek Blvd  
 Milwaukie OR 97206

PHONE: 503-786-7630  
 FAX: 503-774-8236  
 E-MAIL: [planning@milwaukieoregon.gov](mailto:planning@milwaukieoregon.gov)

# Application for Land Use Action

Master File #: CSU-2015-004

Review type\*:  I  II  III  IV  V

<b>CHECK ALL APPLICATION TYPES THAT APPLY:</b>		
<input type="checkbox"/> Amendment to Maps and/or Ordinances: <input type="checkbox"/> Comprehensive Plan Text Amendment <input type="checkbox"/> Comprehensive Plan Map Amendment <input type="checkbox"/> Zoning Text Amendment <input type="checkbox"/> Zoning Map Amendment <input type="checkbox"/> Code Interpretation <input checked="" type="checkbox"/> Community Service Use <input type="checkbox"/> Conditional Use <input type="checkbox"/> Development Review <input type="checkbox"/> Director Determination <input type="checkbox"/> Downtown Design Review <input type="checkbox"/> Extension to Expiring Approval <input type="checkbox"/> Historic Resource: <input type="checkbox"/> Alteration <input type="checkbox"/> Demolition <input type="checkbox"/> Status Designation <input type="checkbox"/> Status Deletion	<input type="checkbox"/> Land Division: <input type="checkbox"/> Final Plat <input type="checkbox"/> Lot Consolidation <input type="checkbox"/> Partition <input type="checkbox"/> Property Line Adjustment <input type="checkbox"/> Replat <input type="checkbox"/> Subdivision <input type="checkbox"/> Miscellaneous: <input type="checkbox"/> Barbed Wire Fencing <input type="checkbox"/> Bee Colony <input type="checkbox"/> Mixed Use Overlay Review <input type="checkbox"/> Modification to Existing Approval <input checked="" type="checkbox"/> Natural Resource Review <input type="checkbox"/> Nonconforming Use Alteration <input type="checkbox"/> Parking: <input type="checkbox"/> Quantity Determination <input type="checkbox"/> Quantity Modification <input type="checkbox"/> Shared Parking <input type="checkbox"/> Structured Parking	<input type="checkbox"/> Planned Development <input type="checkbox"/> Residential Dwelling: <input type="checkbox"/> Accessory Dwelling Unit <input type="checkbox"/> Duplex <input type="checkbox"/> Manufactured Dwelling Park <input type="checkbox"/> Temporary Dwelling Unit <input type="checkbox"/> Sign Review <input type="checkbox"/> Transportation Facilities Review <input type="checkbox"/> Variance: <input type="checkbox"/> Use Exception <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Willamette Greenway Review <input type="checkbox"/> Other: _____ <b>Use separate application forms for:</b> <ul style="list-style-type: none"> <li>• Annexation and/or Boundary Change</li> <li>• Compensation for Reduction in Property Value (Measure 37)</li> <li>• Daily Display Sign</li> <li>• Appeal</li> </ul>

**RESPONSIBLE PARTIES:**

<b>APPLICANT</b> (owner or other eligible applicant—see reverse): <u>City of Milwaukie - Jason Rice</u>	
Mailing address: <u>6101 SE Johnson Creek Blvd</u>	Zip: <u>97206</u>
Phone(s): <u>503-786-7605</u>	E-mail: <u>rice.j@milwaukieoregon.gov</u>
<b>APPLICANT'S REPRESENTATIVE</b> (if different than above): <u>NCPRD - tomia burns</u>	
Mailing address: <u>150 Beaver Creek Road</u>	Zip: <u>97045</u>
Phone(s): <u>503-742-4357</u>	E-mail: <u>tburns@clackamas.us</u>

**SITE INFORMATION:**

Address: <u>1880 SE Sparrow St.</u>	Map & Tax Lot(s): <u>11E35DD05900, 06300, 06400, 06200,</u>
Comprehensive Plan Designation:	Zoning: <u>R5</u> Size of property: <u>7 acres</u>

06100,  
06200,  
06500,  
06601

**PROPOSAL (describe briefly):**

<u>Natural Area enhancements to Spring Park including realignment of the current trail, planting of Riparian + instream enhancements</u>
--

**SIGNATURE:**

<b>ATTEST:</b> 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: <u>JASON RICE</u>	Date: <u>4/7/2015</u>

**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	CS4-2015-001	\$ 2,000	100%	COM app.	\$ —	<p>RECEIVED</p> <p>APR 07 2015</p> <p>CITY OF MILWAUKIE PLANNING DEPARTMENT</p>
Concurrent application files	NR-2015-002	\$ "	"	"	\$ —	
	WB-2015-002	\$ "	"	"	\$ —	
		\$			\$	
		\$			\$	
SUBTOTALS		\$			\$	
TOTAL AMOUNT RECEIVED: \$		RECEIPT #:			RCD BY:	
Associated application file #s (appeals, modifications, previous approvals, etc.):						
Neighborhood District Association(s):		Island Station				
Notes:						

\*After discount (if any)

# Spring Park Natural Area Restoration Project

North Clackamas Parks and Recreation District

April 6, 2015

Written Statement for

City of Milwaukie Land Use Permitting Applications

Community Service Uses

Natural Resources

Willamette Greenway

RECEIVED

APR 07 2015

CITY OF MILWAUKIE  
PLANNING DEPARTMENT



Spring Park Natural Area Restoration Project

Land Use Application

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## 1. Summary Information

### *Project Summary*

North Clackamas Parks and Recreation District, Oregon Department of Fish and Wildlife, and the City of Milwaukie are seeking approval of a community service use and natural resource management plan for a habitat restoration project proposed at Spring Park Natural Area. This project follows the recommendations of the 2006 adopted Spring Park Master Plan and involves the realignment of the current trail out of wetlands, designation of a natural surface overlook to minimize impacts to riparian areas, planting of native vegetation, stabilizing and enhancing stream bank alcove with log structures to enhance fish habitat and installation of one interpretive sign at the trailhead.

### Co-Applicants

City of Milwaukie (Property Owner)  
10722 SE Main Street  
Milwaukie, OR 97222  
Contact: Jason Rice  
503.786.7605

North Clackamas Parks and Recreation District  
150 Beaver Creek Road, Suite 430  
Oregon City, Oregon 97045  
Contact: Tonia Burns  
503.742.4357

City of Milwaukie Land Use Permit Applications  
Community Service Use  
Natural Resource Review  
Willamette Greenway  
Pre application Conference  
14-007PA, July 2, 2014

### Address:

Spring Park  
3880 SE 19th  
Tax Lot IDs - 11E35DD05900 ; 11E35DD06300; 11E35DD06400; 11E35DD06100; 11E35DD06200;  
11E35DD06500; 11E35DD06601

### *Natural Resources*

The site is bordered by the Willamette River on the west and includes several small delineated wetlands within its interior. Much of the site is covered with Water Quality Resource (WQR) and/or Habitat Conservation Area (HCA) designations.

### *Lot Geometry*

The subject property is comprised of 7 tax lots and is approximately 8 acres in area (not including undeveloped right-of-way or beach areas that extend beyond the property boundary into the river). The

property is linear along its northern boundary, linear but angled adjacent to the railroad right-of-way on the east, linear but compound along the south, and irregular where it meets the river on the west.

### *Zoning*

Residential R-5

### *Use*

Primary land use designation is Public (P), with a 60-ft-wide swath along the southern boundary designated as Moderate Density (MD)

### *Notes*

The Spring Park Master Plan was adopted into the Comprehensive Plan in 2006 (file #CPA-05-02) See Section 4: Appendix. In 2006, implementation of Phase I of the Spring Park master plan was reviewed as a community service use (land use file #CSO-06-03), focusing on the mini-park development near the park entrance. Pre Application Conference notes can be found in Section 4: Appendix.

## **2. Applicable Regulations**

- Milwaukie Municipal Code (MMC) Section 19.402, Natural Resource Review, and Section 19.904 Community Service Use (CSU), Willamette Greenway Section 19.401, Development Review (at the time of Development Permits)

## **3. Existing Conditions**

Spring Park resides in the floodplain of the Willamette River approximately 19 river miles from its confluence with the Columbia River. This amazing area encompasses many amazing features including Elk Rock Island, managed by Portland Parks and Recreation, and both the confluence of the Kellogg Creek Watershed and the Johnson Creek Watershed. All of these special areas create important fish habitat that is sorely needed along the stretch of the Willamette from the falls to its confluence with the Columbia River. This rare conglomeration of areas where fish can rest, hide, and eat is extremely important to fish and other wildlife that depend on fish for food e.g. bald eagle. Important populations of Clackamas River ESA listed anadromous fish species are highly dependent on these areas because they need to take a break while making the long journey to and from the ocean. Specifically within this reach of the Willamette are Coho and other salmonids. Within this reach of the Willamette River are current Endangered Species Act including; Lower Columbia River (LCR) and Upper Willamette River (UWR) Chinook, LCR and UWR Steelhead, LCR chum, LCR eulachon. Species of concern including Pacific lamprey and white sturgeon.

Spring Park Natural Area Enhancement Project  
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The alcove or back channel covers about an acre at the north end of the park. It typically receives flow from the river during the winter and spring and is connected only at the downstream end during much of the summer and fall. Park users frequent this area as a vista point for scenic and wildlife viewing. Due to widespread trampling of riparian vegetation, exacerbated by seasonally fluctuating water levels, the banks and vegetation are in poor condition. A recent wetland delineation revealed 0.5 acres of palustrine wetland type PSS1Y within this management unit.

The Wetland Shrub-Scrub Unit extends over 0.63 acres from the base of the slope west of the developed mini-park area and north of the main trail. Current native vegetation cover consists of a mix of species such as *Salix sitchensis* and *Cornus stolonifera*. Although there is evidence of recent yard debris dumping along the northern boundary of the unit, social trails and trampling are only a minor concern. Approximately 0.48 acres of this area was delineated as palustrine wetland prior to completion of this plan. A recent wetland delineation identified 0.48 acres of palustrine scrub-shrub wetland PSS1Y within this management unit.

The 1.82-acre Mixed Shrub-Scrub Unit extends roughly from north-south along the river at the west end of the property. It is a dynamic zone of fluctuating water levels, organic debris accumulation, beaver and nutria browse, and heavy traffic by park users during the summer months. This area has many informal trails and is prone to debris flows and annual extremes of soil moisture due to fluctuating water levels and shallow soils in some areas. The north end exists as a small island during much of the year and supports *Populus balsamifera*, *Fraxinus latifolia*, and *Salix lasiandra*. Beaver browse is evident by girdled trees and by the sparse woody cover. The southern portion of the unit is currently managed as mowed lawn by the neighboring property owner. A recent wetland delineation did not reveal jurisdictional

wetlands within this management unit, however, this is flood plain habitat with wetland vegetation and indicators of wetland hydrology.

The Bottomland Forest Unit encompasses 1.98 acres between the Shrub-Scrub Wetland and Mixed Upland Forest (West) Units and the north and south to the park boundaries. *Populus balsamifera* (cottonwood) dominates the native tree strata with *Alnus rubra* and *Fraxinus latifolia* as subdominants. This forest type provides important habitat for species such as bald eagle and osprey, which nest nearby. Bottomland forest is locally underrepresented mainly due to impacts from development. A recent wetland delineation identified 0.14 acres of forested wetland within this unit. Patches of *Carex obnupta* are found in a wetland, which is bisected by the main trail to the Willamette River and Elk Rock Island. This trail is very wide and has been widening annually due to standing water in low lying areas during winter.

The Mixed Upland Forest area covers approximately 1.44 acres and extends along the slope from the northwest corner of the developed park area south to the park boundary and east to the railroad tracks. Moist soils currently support native species such as *Thuja plicata*, *Pseudotsuga menziesii*, and *Sambucus cerulea*, but *Quercus garryana* seedlings and a single *Arbutus menziesii* occur here as well.

The Oak Woodland Unit covers approximately 1.35 acres, extending to the west and south from the edge of the Mixed Upland Forest Unit. With thin soils and exposed bedrock, this area represents a small remnant of an important and sensitive habitat type similar to portions of nearby Elk Rock Island. Extensive non-native cover and heavy impacts from informal trails present significant management challenges.

#### **4. Project Description**

The *Spring Park Master Plan (2005)* outlined a two phased approach to develop and manage the built and natural area portions of the park. *Phase I* of the *Spring Park Master Plan* included designing and building a trailhead and playground in 2010. The *Phase II – Natural Area Enhancement* section which was not implemented at the same time is currently the focus of this project. The overarching goal of the recommended actions is to promote the sustainable, cost effective management of the park's natural areas for habitat, interpretive and recreational values. Healthy plant communities are at the core of these values and will be enhanced and managed to maximize diversity and habitat values across the full range of conditions at the site. However, because the approach to enhancing the site needs to consider the current context of funding, ongoing pressure from invasive species, and heavy pedestrian use, this project emphasizes species, planting densities and management practices intended to create the most resilient communities possible, while remaining true to general historic vegetation patterns in the area.

##### *Project Elements*

The project will achieve the following objectives:

- 1) Improve habitat for rare and endangered species of fish and wildlife
- 2) Provide watershed health awareness, community stewardship, and educational opportunities
- 3) Enhance access to nature
- 4) Enhancing ecological functions and diversity

#### A. Delineation and enhancement of unmapped wetlands

Tasks: Wetland Delineation, trail decommissioning and revegetation

Area: 1.5 Acres of various wetland types including floodplain wetland, wetland shrub-scrub and bottomland forest wetland.

The wetlands were delineated in the fall of 2011 and updated in the early winter of 2012. Currently, the main trail leads visitors directly through the wetlands. Each winter as the wetland fills with water visitors walking on the trail try to avoid the mud and puddles by walking around the deepest wettest sections of the trail, unintentionally increasing the width of the trail and increasing negative impacts to the wetlands. The wetlands are also dominated with invasive plant species. Control of invasive species has been ongoing for several years, but there is still much work to be completed.

Actions include:

- Re-routing the trail out of the wetlands
- Decompaction of the soil and re-grading the soil profile after the trail is pulled out
- Instillation of detritus and wood materials for amphibians and other wildlife (focused within in old trail corridor)
- Revegetation with native plants

#### B. Rehabilitation of Upland Habitats

Tasks: Control Invasives, trail decommissioning and revegetation

Area: 3.6 Acres

Control of invasive species has been ongoing for several years, but there is still much work to be completed. Specific high priority species include knotweed, purple loosestrife (very small population) and several of tree species. At this time most of the knotweed, purple loosestrife, ivy and blackberry has been controlled (2009-2012) and a majority of the invasive trees (2011-2013). Now that the area is more open the site is ready for additional planting (some completed 2009-2013).

Actions include:

- Re-routing the trail and ensuring that it is sustainably built to encourage and focus visitors to stay on the trail: Includes installing a vegetation hedge in key areas.
- Decompaction of the soil and re-grading the soil profile after the trail is pulled out
- Instillation of detritus and wood materials for amphibians and other wildlife (focused within in old trail corridor)
- Revegetation with native plants

#### C. Rehabilitation of Riparian Floodplains and Backchannel Habitat

Tasks: Create wildlife overlook, decompaction of soil, revegetation, installation of large woody debris and boulders

Area: 1 Acre

The alcove, or back channel, covers about an acre at the north end of the park. It typically receives flow from the river during the winter and spring and is connected only at the downstream end during much of the summer and fall. Park users currently frequent this area to view the water, fish and watch wildlife. Due to widespread trampling of riparian vegetation, exacerbated by seasonally fluctuating water levels, the banks and vegetation are in poor condition. The banks of the alcove have very little to no large woody debris overhanging the water.

Actions include: This project proposes the addition of large wood within the alcove/backwater channel and creation of a well-defined overlook area to encourage visitors use a single viewing area and decrease impacts to riparian habitat. The addition of the large wood will enhance fish habitat and the overlook should provide an excellent viewing platform to allow visitors a viewing area but also prevent them from walking all over the riparian area compacting soil and devegetating the area (especially when access to Elk Rock Island is cut off due to high water).

#### D. Relocation and formalization of the park's hiking trail and wildlife overlook

Tasks: Create wildlife overlook, decompaction of soil, revegetation, installation of trail reroute

Area: Trail is 1000 linear feet and overlook is 300 square feet. Both are composed of natural rock surface. Large wood and boulders will delineate overlook boundary.

The main trail has been widening over time because during the wet weather pooling water on the trail forces users to seek higher ground and walk on the edges of the trails. The edges of the trails are higher but they also contain vegetation which then gets trampled and then becomes devegetated, thus widening the trail even further. The trail surface is mostly bare soil, ranging in width from 6 to 20 feet with an average of 9 feet. The area adjacent to the alcove is totally devegetated and is highly compacted due to high visitor use.

Actions include:

- Re-routing the trail and ensuring that it is sustainably built to encourage and focus visitors to stay on the trail. Including installing a vegetation hedge in key areas.
- Decompaction of the soil and re-grading the soil profile after the trail is pulled out.
- Installation of detritus and wood materials for amphibians and other wildlife (focused within in old trail corridor)
- Revegetation using native plants
- Build overlook, decompacting soil surrounding overlook and revegetation of riparian area.

#### E. Interpretive Signage

Tasks: Create and install interpretive signage at trailhead and project and trail directional signs

According to the Spring Park Master Plan, neighbors and advocates requested clear and consistent signage conveying the sensitive nature of the plant and wildlife habitat within Spring Park. Phase II plans include the installation of an interpretive sign at the trailhead and smaller directional and project signs along the formal trail describing the project and encouraging users to stay on the trail.

Action: Design, fabricate and install interpretive sign and project and trail directional signs.

A Metro Nature in Neighborhoods grant was submitted in 2012 and awarded later that year, see Section 4: Appendix for a copy of the application.

### **Partnerships**

North Clackamas Parks and Recreation District (NCPRD), the City of Milwaukie and a stakeholder group worked together to develop a concept plan and apply for a Metro Nature in Neighborhoods capital grant in 2013. Several partners supported the proposal, have been actively engaged in developing the project and have committed to provide financial or in-kind support for the project. These partners will continue

to work together through permitting and planning for construction, as well as coordination of planting events and continued maintenance of the plantings and removal of invasive species. The following list describes each partner’s role and commitment:

Organization	Role	Project Commitments
NCPRD	Project Manager	Funding towards concept development, design and construction
City of Milwaukie	Property Owner	Assistance with concept development, design and permitting, continued support of property as a natural area
ODFW	Advisory	Assistance/participation in review of plans and designs from initial concept, technical expertise
Willamette Riverkeeper	Lead Education and Public Engagement Through Volunteer Events	Assistance with coordination of community education and service events, e.g. planting
North Clack. Urban Watersheds Council	Project partner	Partnered on grant funding, assist in community outreach and public involvement, provide volunteers to assist with planting and maintenance of planting
Island Station Neighborhood District Association	Project Partner	Provided grant funding, assist in community outreach and public involvement, assist with concept development, design and permitting
Portland Parks and Recreation	Project Supporter	Assistance with concept development and design review and partnered on interpretive signage

In 2010 and 2011, Oregon Department of Fish and Wildlife (ODFW) completed fish recovery plans for both the lower Columbia and Willamette River ESA listed species. The main purpose of these plans is to guide the implementation of actions needed to conserve and recover salmon and steelhead within these regions. The guide helps natural resources managers prioritize projects, activities and future investments. A summary of the factors limiting health and key stressors in these areas was produced. Many recommended actions resulted from the plans. Specific recommended actions include; 1) establish or improve access to off-channel habitats; 2) protect intact riparian areas, floodplains, and high-quality off-channel habitats; and 3) restore areas that are degraded.

ODFW characterized Spring Park as a high priority for both fish and wildlife. To enhance the habitat for ESA listed fish species the recommended actions include backchannel alcove enhancement and floodplain/riparian enhancement. To enhance the habitat for ESA listed and non-listed species of wildlife the recommended actions include enhancement of the Oregon white oak habitat, wetlands and floodplain/upland habitat.

The Lower Willamette mainstem is characterized as providing a major fishery for pacific salmon, especially so close to a large urban area. This area of the Willamette River has been heavily modified,



especially down near Portland. The channel had been modified to accommodate commercial shipping, and docks, piers, bulkheads, rock revetments dominate the bank habitat. Pollution both agricultural and industrial is a major concern. Much research has been performed by the ODFW Corvallis research lab, specifically Tom Friesen. Within the multiple studies, Tom has focused some research on lower Willamette habitat; migratory behavior, timing, rearing and habitat factors of juvenile salmonids; the diet of juvenile salmonids and introduced fish; and outmigration of juvenile Chinook salmon. Some of the recommendations coming out of that research focus on protecting and restoring beach habitat; however, this research poses that further research need to be performed to determine what types of bio-engineering and other techniques can restore these functions and processes. In addition, the research recommends protection of off channel sites (alcoves) which have been almost eliminated from the lower Willamette River. These areas are thought to be important for forage and refuge. All off channel habitat types were used by migrating yearlings. This research also emphasizes that additional studies on subyearling Chinook and Coho salmon needs to happen. Nearly all of the subyearling fish migrating will most likely be naturally produced unmarked fish (federally protected) and have a higher association with nearshore habitat preferences. Further research will further help our ability to help protect these listed fish.

## **5. Community Service Use Review (Section 19.301 and 19.904)**

### Development Standards R-10 Residential Zone (Section 19.301)

The project site is located in an Urban Standard Density (R5) District (§19.303). The zone permits recreational facilities – public and/or privately owned parks and other similar uses as determined by the Planning Commission as a community service use (CSU). The project is being submitted to receive approval for a new CSU for the proposed recreational elements within the natural resource overlay. The areas of Spring Park covered by the natural resource overlay are not considered to have existing approval as a CSU by the Planning Commission. Therefore, we are applying for a new CSU for the natural surface overlook, and trail and pedestrian bridge referred to as the recreational elements in this document.

The approval criteria of the underlying base zone (R5) do not apply to restoration or enhancement projects like the one proposed.

### *Community Service Use Approval Criteria (Subsection 19.904.4)*

Community service use approval criteria and design requirements for this project are reviewed in the following section:

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

Response: These design guidelines are not applicable due to the scope of the proposed work as described in the project description and written statement above. No buildings are proposed as a part of the project.

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

Response: The hours and levels of operation will be consistent with the current hours and levels of operation at Spring Park. These items are set by North Clackamas Parks and Recreation District and follow the standards hours and levels of operation for parks in our region.

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

Response: NCPRD has worked closely with ODFW and the Island Station NDA to plan this project, reviewing the initial management plan, concept plans and initial engineering designs. It is NCPRD intent to continue to closely work with both ODFW and the neighborhood group to review all plans and designs including construction plans to ensure that issues are resolved. The site will be closed at times during construction, we do not anticipate the closure to last more than 1 month and hope the closure to be more like 2 weeks. During project implementation there will be construction equipment moving through the streets in the Island Station neighborhood, predominantly on 19<sup>th</sup> and on Sparrow. Within construction contract NCPRD will specifically state that it will be imperative that the contractor limit driving with the neighborhood and drive slowly and carefully. Parking and staging will be at the site and within the parking spots for the site. If additional parking is needed NCPRD will work with the neighborhood group and/or adjacent businesses to work out an arrangement that works best for the neighborhood. Noise due to construction activities will be limited to daytime hours. NCPRD will work with the neighborhood group to perform adaptive management during construction as issues arise.

This projects primary purpose is to improve the habitat conditions at the site. This will be accomplished in addition to providing watershed health awareness, provide community stewardship opportunities, increase educational opportunities, and enhance access to nature. The delineation of the overlook will benefit the larger park by providing a location in the park to view the Willamette River, Elk Rock Island, birding etc. The broader community will benefit from the promotion of fish habitat in the backchannel/alcove. The re-alignment of the current trail and delineation of the overlook will offer the highest level of habitat enhancement. Currently, the trail presents as a hazard to the public because it is too steep in places. The current trail hydraulically disconnects wetlands in the site causing the trail to increase in width and therefore further impacting the adjacent natural area habitat. After re-aligning the current trail mostly out of the wetland, the old trail alignment will be restored. In addition, we will align the trail so that the step hazardous grad is removed.

*D. The location is appropriate for the type of use proposed.*

Response: The project is located within the 8-acre Spring Park, along Willamette River. The Willamette River is identified by the City as a primary protected water feature. Based on multiple assessment reports, the restoration activities, trail decommissioning and bank restoration are appropriate for this reach of the Willamette River. The recreational elements are appropriate for the current park setting; the locations of the elements are supported by the proposed NCPRD Master Plan. See the Willamette Greenway section 7 of this document for further information.

## **6. Response to Natural Resources Review (Section 19.402)**

### Natural Resource Management Plans Review (Subsection 19.402.10)

Natural resource management plan regulations apply to all properties containing protected water features as identified on the City's Water Quality Resource (WQR) and Metro's Habitat Conservation Area (HCA) maps. The Willamette River is a primary protected water features and is identified on the City's WQR/HCA maps. The majority of the WQR within the project boundary is classified as Class B where the combination of trees, shrubs, and ground cover are 80% present and the canopy coverage is between 25-50%. Portions of the WQR in wetlands and riparian are classified as Class C where bare

ground and erosion is present. The plans have been prepared in accordance with standards and guidelines appropriate to natural resource agency. Oregon Department of Fish and Wildlife (ODFW) is a partner with NCPRD in reviewing, advising and preparing the plans for this project. See description of ODFW involvement under partnerships and Section 4 Metro Nature in the Neighborhoods Grant Application and ODFW Advisory Review Letter to the City of Milwaukie. The natural resource management plans will be reviewed by the planning commission because the proposed recreational elements (trail re-route and pedestrian bridge, and delineated overlook) require approval as a Community Service Use. See General Discretionary Review (Subsection 19.402.12) of this narrative for detailed information about the proposed recreational elements.

*A. Approval Criteria*

*Every plan prepared for approval under Section 19.402 shall demonstrate that it encourages restoration activities...*

Response: The proposed project will make important habitat enhancements that will benefit the Willamette River and that will improve the conditions for salmonoid species, amphibians, birds and other wildlife. Restoration and enhancement efforts will significantly improve riparian habitat where compacted soils have caused significant erosion and de-vegetation. The project will enhance ecological functions and diversity for fish and wildlife by restoring forest riparian habitat, wetlands, enhancing the stream bank with log stabilization and other woody debris, planting native plant species, decommissioning a trail and remediating compacted soils, consolidating visitor use to a overlook instead of visitors trampling vegetation all throughout the alcove riparian area. See full description of restoration activities under the General Discretionary Review (Subsection 19.402.12) of this narrative.

*B. Construction Management Plans*

Response: The construction management plan addresses all items outlined in Subsection 19.402.9 and is included as a part of this application. See Section 3 of this application report for detailed construction plans/designs.

*C. Ongoing Maintenance*

*Natural resource management plans shall demonstrate how ongoing maintenance is part of the associated restoration or enhancement activities.*

Response: NCPRD manages and maintains Spring Park, including maintenance of non-native vegetation and recently planted native vegetation that has been installed in areas of the site. NCPRD will continue to be responsible for overall maintenance activities and will coordinate with partners for maintenance of this area. NCPRD has an ongoing relationship with Willamette Riverkeeper to recruit citizens from the neighborhoods surrounding the restoration site and beyond to volunteer in efforts to enhance the habitat at the site.

Development Standards (Subsection 19.402.11)

*A. Protection of Natural Resources during Site Development.*

*a. Restore the WQR and HCA Area*

Response: The sole purpose of the project is to enhance the condition of existing habitat within the project area, which includes both WQR area and HCA. By approving the proposed plan, the Planning Commission will authorize the applicant to carry out the project and its attendant mitigation measures, which will be addressed below in response to MMC 19.402.12. The current plan reduces the total square feet of compacted devegetated forest, wetland and riparian habitat and realigns the trail, delineates and overlook (limiting visitors impacts to riparian areas) and installing a boardwalk over the wetland (the old trail used to just go right through the wetlands). Following 19.402.4 B #4 the low impact recreational

elements including the trail, boardwalk and overlook (with bench) will be made of pervious surfaces mainly crushed rock surface, less than 5 feet wide. The construction management plan in Section 3 of this application explains the details of these elements. NCPRD has worked closely with ODFW to ensure that habitat restoration is the primary focus of this project, without taking away the current recreational elements. ODFW has been a stakeholder, reviewed the Spring Park Natural Area Natural Resources Management Plan and has provided advisory comments throughout the process. ODFW currently approves the plan (see Section 4 Appendix).

*B. Protect Existing Vegetation*

Response: Except for the invasive vegetation that will be removed, existing vegetation will be protected and left in place to the extent possible. Where existing vegetation must be removed to allow access for equipment and materials, it will be replaced prior to completion of the project. Work areas will be marked and minimized to limit potential damage to the resource area. Equipment will use existing wide paths to move materials around and will take precautions to mark existing trees to ensure protection.

*C. Native Soils*

Response: Native soils shall be protected and enhanced, by scarifying and loosening compacted areas.

*D. Erosion and Sediment Control to Prevent runoff into WQR area*

Response: Erosion and sediment control measures will be installed and maintained throughout the project as shown on plan sheet 3 and detail sheet 5 of Section 3 (Construction Plans and Graphics).

*E. Limit post-development Stormwater Flows*

Response: No impervious development is proposed, therefore, no new stormwater flows will result from this project. Furthermore, the restoration work being proposed on this project will result in a net loss of compacted soils.

*F. Flag and fence the WQR and HCA area*

Response: Since restoration work will be occurring within the WQR area and HCAs, it is not practicable to flag the entire resource area. Work areas will be marked to minimize disturbance and eliminate the potential for unnecessary disturbance to the resource area.

*G. Preserve existing corridors of canopy and natural vegetation*

Response: The entire area of the project is designated as either a WQR or HCA. Construction will be phased to minimize the impacts of the re-aligned trail and ped bridge and delineated overlook. All work, in-stream, will be completed within the In-Water work period for July 15th to September 30th as established by ODFW. All areas disturbed by construction shall be restored as shown in Planting Plan. See Section 3, Planting Plans.

*H. Shield lights*

Response: The project is not proposing any permanent lights. In the event that site lighting is necessary during the construction, lights will be shielded to minimize impacts to other parts of the resource area on the site or neighbors.

*I. Shall conform to a construction management plan*

Response: All work on the property shall conform to the construction management plan provided as part of the application which was reviewed by ODFW (see ODFW letter in Appendix). The construction

management plan follows the standards outlined in 19.402.9. See Section 3 of this narrative for detailed construction plans.

*J. General Standards for Required Mitigation for WQR and HCA areas*

Response: Almost the entire project area is designated as either WQR area or HCA. The realignment of the trail and overlook, will disturb approximately 0.25 acres. The old trail alignment is currently about 0.35 acres not including the alcove riparian area which has been devegetated and impacted by visitor use (more than 3,000 sq ft). The total disturbance is less than 10% of the total site acres. The ending result of this project is a decrease in impacted area and increase in restored area. This project will be planting over 7,000 native plants and seeding 30 lbs of native seed. In accordance with the mitigation requirements, the proposed project will meet and exceed the required 8 new trees and 6 new shrubs due to the need to cut down two small diameter trees which are within the new trail alignment. Open soil areas remaining after the tree and shrub plantings will be seeded to provide the required 100% surface coverage. Except for limited removal of invasive plants and very limited removal of vegetation necessary to allow equipment access to the site, existing vegetation will remain in place. New plantings will increase the overall habitat diversity, structure, complexity and connectivity of vegetation on the site. Work areas will be marked to limit unnecessary disturbance to the resource. Planting is scheduled for winter 2015-2016, a few months after the completion of trail and instream work. Bare-root and container stock will be used for plantings. Survival rates for bare-root stock are highest if planted mid-winter. As a partner in this project, NCRPD will work with Willamette Riverkeeper, North Clackamas Urban Watersheds Council and ISNDA to lead the restoration and mitigation planting. NCRPD will monitor and maintain the trees and shrubs for at least 3 years after completion and will meet a minimum 80% survival rate. NCRPD has been working at this site for years prepping it for this project, including working with the partners to control weeds and trash pickup. See Section 3 of this narrative for the detailed planting plan and legend. The project will follow all required Development Standards (Subsection 19.402.11).

General Discretionary Review (Subsection 19.402.12)

The general discretionary review will provide Planning Commission specific information to analyze the impacts of development on WQRs and HCAs, including measures to prevent negative impacts and requirements for mitigation and enhancement.

*Application Requirements*

*A. Topographic site map*

Response: See Section 3, Page 4 Existing Conditions Plan for topographic information (1-ft contours). Water features and ordinary high water mark are identified on Figure 6b in Section 3.

*B. Natural Features and Location of Wetlands*

Response: See Section 3, Sheet L1. Pg 9 for the location of trees within the project area (over 6 inches in diameter at breast height). Section 3 figure 6b shows the existing wetland boundaries. See Section 4, for DSL Wetland Delineation and Concurrence Letter for the project elements.

*C. Assessment of WQR area and HCA area*

Response: NCRPD, working with volunteers, have made initial efforts to restore and enhance the WQR areas onsite since 2009 including invasive non-native plant control and planting of native plants. However, there is still need for additional restoration activities; our project area consists of Marginal condition (upper bank areas) or Poor condition (scatter patches of bare ground). The riparian area adjacent to the alcove will benefit from restoration. Habitat deficiencies exist, including homogeneity,

bank erosion, lack of large woody debris, lack of overhanging cover and invasive species. Heavy foot traffic has trampled vegetation and caused soil compaction and erosion. The HCA in the project would generally be described as natural area. A playground at the trailhead is also located within the area of HCA. The HCA overlaps with the WQR zone in several locations and is classified as wetland and riparian. Efforts have been made to remove invasive species in these areas but there is still a presence of invasive species within these areas of the HCA.

#### *D. Vegetation Inventory*

Response: See Section 3, Sheet L1. Pg 9 for the location of trees within the project area (over 6 inches in diameter at breast height). Approximately 60% of the project area is covered by tree canopy and another 35% by other groundcover, with patches of bare ground near the alcove. For a more complete description of the vegetation communities see Section 4 Appendix Spring Park Natural Area Management Plan.

#### *Alternatives Analysis*

WES retained Inter-Fluve, Inc. and GreenWorks PC to design the recreational elements and the proposed restoration plans. They worked with NCRPD, and ODFW to locate the overlooks, pathways and area to cross the wetlands. These three recreational elements have been identified as elements that would continue to offer the same unique experience of the natural resource but would in addition reduce the human impact to the site and its unique and sensitive habitat types. Inter-Fluve is based in Hood River, Oregon, and has extensive experience in integrating natural science with water resources engineering to create long term sustainable design solutions for stream and river restoration. Inter-Fluve has a strong understanding of engineered log jams and log placement, fisheries biology, hydrology, hydraulics, sediment, fluvial geomorphology, and wetland ecology. Inter-Fluve analysis information provided by ODFW to determine what conditions would be most suitable to salmonid fishery in this reach of Willamette River. The proposed management plans are based on the results of that analysis.

As required by this subsection, a proposal must provide satisfactory responses to the following criteria:

##### *1. No practicable alternatives*

Response: By its very nature, restoration work “disturbs” the resource area, though it does so both in that negative impacts from restoration only last for a short time (1 yr) and the positive impacts that enhances the resource last for a very long time. While some enhancement approaches may be more or less effective than others, restoration is, by definition, a positive impact to the resource. The primary alternative to enhancing the resource area on the project site is to do nothing to improve the resource, which is counter to the intent of the WQR and HCA regulations as expressed in MMC 19.402.

#### Overlook Alternative Analysis:

A no-build option for the overlooks is an option. The permanent impact of an overlook could take away from the natural landscape along the stream bank. However, the design team and all stakeholders involved felt that if areas were not designed for people to gather near the alcove, bank erosion and compaction would continue to be an issue and probably increase in the future due to heavy foot traffic. Recreational amenities like overlooks are promoted in WQR and HCA overlays because agencies like Metro wish to educate the public about the natural resources in our neighborhoods and how to protect those resources. In most cases, low-impact outdoor recreation facilities for public use including overlooks are limited exemptions in HCA overlays. The design team explored the alternative of designing a more structurally sound overlook but it was determined that the preferred alternative was a smaller more intimate natural surface overlook was a better fit for aesthetics, reduced the footprint of the

overlook, and reduced the chances of vandalism. This location was maintained in this alternative because the alcove and elevation of the overlook has the highest scenic value and environmental education potential year round (even in times of high water).

#### Boardwalk Alternative Analysis:

A no-build option for the pedestrian boardwalk over the wetland is not a viable alternative. The existing trail goes right through the wetlands and unfortunately as visitors seek higher dry ground to get out to the wet portion of the trail in the wetland, they continue to increase negative impacts to the habitat as the trail widens. After careful analysis of the wetland complexes a trail re-route was determined where a short boardwalk could be installed to get visitors over the wetland with limited impact to the wetland, while also maintain a low trail grade. The current route has a grade that far exceeds 20%. The preferred alternative is to build a short boardwalk which will expand over the wetland area. This new alignment will allow restoration of the wetland areas which had been impacted by the current trail alignment. This alternative removes impacts to the WQR and enhances the wetland by opening flows and planting native wetland vegetation.

#### *2. Limit of Disturbance*

Response: The project is limited to the more northern and central portion of the site. The proposed project involves installing several large engineered wood habitat structures within the alcove. This work requires that some large equipment that will need access to the project site. Any disturbances to the trailhead pocket park will be repaired. The additional disturbances from the proposed recreational elements include minimal grading for the sole purpose of realigning the trail and grading to remove soil from the streambank to make room for the large wood structures. As stated in the development standards, all work areas will be flagged to ensure the protection of habitat outside the work area.

#### *3. Restoration*

Response: The primary objective of the proposed project is to improve the conditions of the resource area, which is a "wildland" area (undeveloped) in Marginal to Poor condition, as categorized in MMC Table 19.402.9.C. Disturbed soil areas will be replanted with native vegetation, infilling where gaps exist. Throughout the project area, invasive plants will be removed and replaced with native vegetation selected from the schedule for "Deciduous Forested Wetlands and Floodplains" found in the Portland Plant List (see Section 4, Appendix). The installation of large engineered wood habitat structures and boulders in the alcove will greatly improve the quality of fish habitat.

#### *4. Alternative Rationale*

As stated throughout this narrative, previous studies were conducted by ODFW identifying off channel habitats and wetlands like exist at Spring Park in need of restoration and enhancement work. These studies used a set of criteria to develop a priority list of enhancement projects. (Refer to Section 4, Spring Park Master Plan (2006), Spring Park Natural Area Management Plan and Metro Nature In Neighborhoods Capital Grant Application for a summary of the recommend restoration work and site improvements.)

Several other project along the stretch of the Willamette River from the confluence with the Clackamas River down to the confluence with Johnson Creek have been identified, recommended and several have been implemented. At the mouth of Johnson Creek, restoration was carried out to enhance the mouth and habitat a bit upstream. In addition, and overlook was installed in Riverfront Park so that visitors can have a wonderful view of the river and the restoration project which installed large wood and re-vegetated riparian habitat. Because much of the Willamette River banks are in private ownership there

are not many opportunities to this type of restoration in combination with retaining public access to the river. Based on the Spring Park Master Plan and the Spring Park Natural Area Management Plan Draft 2011 (Section 4 Appendix), options of priority tasks were developed and through stakeholder meetings and input from public meetings like the Island Station NDA, NCPRD gathered the highest priority actions to move forward with.

## 5. *Mitigation Plan*

### *a. Adverse Impacts*

Response: This section describes the temporary and permanent impacts to the WQR and HCA area. All the project improvements are located within the HCA and mostly within the WQR overlay. The enhancements include the delineation of the overlook, re-alignment of the trail with a short boardwalk. All but the footings for the boardwalk are constructed of permeable sustainable materials. Regarding the temporary construction impacts, the temporary construction entrance and staging area are located outside the WQR and HCA overlay. Equipment access into the HCA will be primarily via the current trail which is very wide. For the in-water work, equipment will be positioned on the bank above the alcove to assist with installation of the large engineered wood, but some in-stream work will be necessary. A temporary silt curtain will be utilized to isolate the in-stream work.

Boardwalk Over Wetland - Wetland incidental impact protection measures will take the form of silt fence placed along the outer edge of the wetland. Footings will be poured in place. Footings will be placed within the identified wetland. No standing water is anticipated in this wetland during the construction so flow control or dewatering measures will not be necessary. If we were to span the current wetland we would need to install a bridge, which would change the character of the site from passive natural area to more developed. It was determined that the small impact to the wetland is preferred to keep the development and aesthetics in line with the original Master Plan.

Engineered Log Jams (ELJ) and Bank Stabilization - The plan view of the ELJ and bank enhancement portions of the project are shown in Section 3 page 7. Prior to construction the entire ELJ and bank enhancement work area will be isolated the Willamette River through the construction of a floating silt curtain. Anticipated flows at the time of construction will be between 2-4 CFS. The upstream end of the silt curtain will have an anchor attached to an anchor cable which will attach to the top of the curtain on the top curtain steel tension cable. The bottom of the curtain will be weighted. Biologists or other individuals experienced in fish capture and removal procedures will make several passes with seines and dip nets to herd fish out of the isolated area. Once it has been determined that no fish remain within the isolated area, the downstream end of the silt curtain will be closed and extended to the bank of the river. In order to reduce the chance of siltation, the isolated area will not be dewatered, and construction will be conducted in the wet.

The bank protection and ELJ features will be constructed using industry accepted methods with an excavator. An initial footer log will be partially buried at the level of the stream bed to serve as a base for the remaining LWD pieces. Approximately 165 CY of material will be temporarily excavated from the bank and need to facilitate footer log installation. Subsequent LWD pieces will be ballasted with buried and surface boulders and cables. Due to the urban location of the features and downstream infrastructure, the individual LWD pieces will be cabled together. Ballast and cabling details are presented in Section 3 pg 8. Following the completion of construction activities, all sediment will be allowed to settle out of suspension and the coffer dam will be removed.



*b. Avoiding/Minimizing Impacts*

Response: Prior to construction, silt fence will be installed to prevent siltation of waterways and wetlands during construction. Measures to reduce impacts during the proposed in-water work will include the utilization of temporary floating silt curtain to isolate the work area, constructing the project within the approved in-water work window, and following appropriate fish removal operations. In addition to the erosion control measures in and around the work, the construction access plan and details (Section 3, Sheet pg 2-3) shows that the contractor will be required to install a temporary construction entrance, a access road, and a staging area clear of the HCA, WQR and floodplain.

*c. Mitigation Map*

Response: See Section 3, pg3 for Erosion control measures to be installed. Within the project area, invasive plants will be removed and disturbed areas will be replanted and replaced with native plant species shown on Section 3, Planting Plan and Planting List. Because this project focuses on restoration, many more native plants will be planted than might be required by Development Standards (Subsection 19.402.11).

*d. Implementation Schedule*

Response: In-stream work will be conducted within the allowable window for in-water work as designated by ODFW, approximately July 15th to October 15th. The construction of the trail and overlook will be constructed with in the same time frame or soon after the in-water work has been completed.

*6. Application forms*

Response: An application form for Land Use Action and the Submittal Requirements checklist are included with this submittal. The project area is comprised of several properties under the ownership of the City of Milwaukie. A copy of the deed is included in Section 4, Appendix.

*7. Fee*

Response: The application fee has been waived because the City of Milwaukie is the property owner and co-applicant on the project.

**7. Response to Willamette Greenway Review (Section 19.401)**

Criteria Section 19.401.6

*E. Weather the land to be developed has been committed to and urban use, as defined under the Willamette Greenway Plan*

Response: The site will not be developed and is currently not developed as urban use, therefore is not an urban use under the Willamette River Greenway

*F. Compatibility with the scenic, natural, historic, economic and recreation character of the river*

Response: The proposed plan enhances the natural and recreational character of the river by providing restoration in the upland, wetland and floodplain areas while maintaining the vast majority of the natural features on site, and by creating a place for family oriented recreation in proximity to the river.

*G. Protection of views toward and away from the river*

Response: The area for the proposed development is not visible to the main river channel, just the backchannel alcove. The current views toward the alcove are unsanctioned areas where visitors have compacted soils and devegetated the riparian area. This project aims to delineate an overlook to the

alcove to retain a view for visitors but to reduce the total impacted area. The major visual change associated with the restoration and trail/overlook interpretive signage is related to decreasing the total impacted area of past visitor impacts to a smaller footprint. The interpretive signage will be at the trailhead and will not be visible to the citizens on the River. Habitat types will not be changed just enhanced (e.g. removal of invasive plants and re-vegetating with native plants.)

*H. Landscaping, aesthetic enhancement, open space, and vegetation between the activity and the river.*

Response: All work will either enhance the visual corridor from citizens on the river (revegetation), or it will be back away from the main channel. The trail enhancement/re-route stops over 100 feet prior to the park's beach on the main channel and the trail heads north east from that beginning/end of the trail and is only visible from the alcove backchannel area, which is only accessible/visual by boat during a portion of the year when there is very high water levels in the Willamette. The current "trail" and overlook area is very wide due to visitor impacts which have decreased the quality of the riparian area and floodplain. The current project aims to decrease the trail and overlooks footprint and re-establish the native vegetation to both enhance the habitat for wildlife but also increase the aesthetic and recreational values of visitors both within the park and on the river.

*I. Public access to and along the river.*

The proposed project creates a moiré sustainable trail and wildlife viewing (overlook) in Spring Park to the river and provides better signage for the park and river. These improvements enhance a key public access point to the river for this neighborhood as stated in the City's comprehensive plan. In addition, due to the fact that there are very few natural access points along this eastern bank of the Willamette River between Portland and Gladstone this access point is vitally important.

*J. Emphasis on water-oriented and recreational uses.*

As a major objective, the proposed enhancements increase the opportunity for recreational use to the river (e.g. anglers, wildlife viewing)

*K. Maintaining or increasing views between downtown and the river.*

The site is currently not visible from the Downtown zone.

*L. Protection of the natural environment according to regulations in the natural resource overlay zone.*

The site's current natural resources overlay zone based on the 2011 Comprehensive Plan map 5 does not extend into the project zone. If based on the new results gathered by this project proposal it is determined that site element enhancements occur within NROZ all designs have been created to provide the best uplift to the natural environment and decrease the current impacts to the natural resources. E.g. bridge over the wetland rather than the trail going through the wetland.

*M. Conformance with applicable Comprehensive Plan policies*

The proposed development complies with the Spring Park Master Plan which was adopted as an ancillary document to the comprehensive plan in 2006.

The proposed development is found to be in conformance with the following policies of the Comprehensive Plan:

Chapter 3, Open Space, Scenic Area, and Natural Resource Element; Objective 1 –Open Space, Objective 2 – Natural Resource Areas, Objective 3 – Scenic Areas

Chapter 4, Land Use, Recreational Needs Element, Objective 5- Neighborhood and Community Parks, Objective 6 – Maximization of Existing Parks, Objective 7 – Riverfront Recreation

Chapter 4 – Land Use, Willamette Greenway Element, Objective 4 – Recreation, Objective 5 – Public Access and View Protection

*N. Considers consistency with the applicable plans and programs of the Division of State Lands*

The proposed enhancement is not inconsistent with any known plans or programs of the Division of State Lands. All DSL permits have been sent and all approvals will be given to the City of Milwaukie. See Section 3 Appendix for DSL wetland delineation and concurrence.

*O. Considers a vegetation buffer that meets the requirements of MMC Subsection 19.320.8*

The vegetation buffer, as defined in MMC 19.320.8, is an area between the river and twenty-five feet upland from the ordinary high water line. The site for proposed enhancement is approximately 100 feet from the edge of the main river channel and has as a primary goal to restore vegetation in the riparian area of the alcove backchannel and area that is currently de-vegetated, compacted and heavily impacted due to visitor use (e.g. wildlife viewing) (see below in section 19.401.8)

Willamette Greenway Setbacks Review (Subsection 19.401.7)

*Existing or proposed uses that are water oriented may be permitted near or at the water's edge subject to review of the criteria in Subsection 19.401.6*

Response: The enhancements are all focused on increasing the habitat quality, while still providing high quality recreational access/viewing. In order to achieve both, the designs have been created to focus and encourage visitor use in specific areas rather than impacting large zones (current use pattern). The proposed trail enhancement is approximately 100 feet from the edge of the main river channel and will come close to the 25 feet buffer of the alcove backchannel. The enhancement project has as a primary goal to restore vegetation in the riparian area of the alcove backchannel an area that is currently de-vegetated, compacted and heavily impacted due to visitor use (e.g. wildlife viewing), while still providing both trail access to the river and wildlife viewing/scenic view.

Willamette Greenway Vegetation Buffers Review (Subsection 19.402.8)

*A. A buffer strip of native vegetation shall be identified along the river, which shall include the land area between the river and a location 25 ft upland from the ordinary high water line. This area shall be preserved, enhanced, or reestablished, except for development otherwise allowed in this title, and subject to the requirements of Subsection 19.401.8.B below.*

Response: The vegetated buffer strip has been identified and in the enhancement project zone all vegetated buffer strips will be enhanced, not developed. Currently much of the buffer zone is de-vegetated, compacted and eroding because of heavy visitor use. It is the goal of the project to focus visitor use in a small zone to still allow river access and viewing and encourage visitors from trampling and increasing the current impacted zone.

*B. Prior to development (e.g., removal of substantial amounts of vegetation or alteration of natural site characteristics) within the buffer, a vegetation buffer plan for the buffer area shall be submitted for review and approval. The plan shall address the following areas and is subject to the following requirements:*

Response: The enhancement project does not propose removal of substantial amounts of vegetation or negative alteration of natural site characteristics, it has as it goal to enhance natural site characteristics

*a. Riverbank Stabilization*

Response: The plan shall identify areas of riverbank erosion, and provide for stabilization. Bioengineering methods for erosion control shall be used when possible. When other forms of bank stabilization are used, pocket plantings or other means shall be used to provide vegetative cover. The enhancement project has as a primary goal to enhance native riparian vegetation which will decrease current erosion problems.

*b. Scenic View Protection (Screening)*

The plan shall identify the impact of the removal or disturbance of vegetation on scenic views from the river, public parks, public trails, and designed public overlooks.

The enhancement project has as a goal to protect scenic views by delineating an overlook area and enhancing the current trail, all areas outside of this corridor will be worked on both in controlling non-native vegetation and enhancing native vegetation. To maintain the overlook view shed, some trees and shrubs may be pruned in the future- following the guidelines in 19.401.7 B 3 c.

*c. Retain Existing Native Vegetation and Large Trees*

Response: The plan shall provide for the retention of existing large trees and existing native vegetation, including small trees, ground covers, and shrubs, within the vegetation buffer area. Removal of native vegetation and large trees is allowed pursuant to the following standards:

- i. Large trees that are diseased, dead, or in danger of falling down may be removed if there is a clear public safety hazard or potential for property damage.*

Response: The enhancement project does not intend to take down any diseased, dead, or in danger of falling down trees, if something happens during the implementation e.g. beaver damage tree that threatens trail users the hazard will be surveyed and resolved.

- ii. Grading or tree removal is allowed in conjunction with establishing a permitted use. Only the area necessary to accommodate the permitted use shall be altered.*

Response: The trail and overlook area will be graded to enhance and establish a sustainably built trail and overlook that encourages visitors to use these access and viewpoints and discourages visitors from impacting other areas of the project area which will be restored (e.g. riparian area, wetlands). Planting of baby native plants has occurred over the last several years, all plantings within the trail/graded corridor will be salvaged and re-planted in other areas of the project zone. No baby native plants were planted in the zone where the overlook will be enhanced, therefore no native vegetation will need to be hurt or moved. This zone is de-vegetation and very compacted due to visitor use.

- iii. Tree and vegetation removal may be allowed to create 1 view window from the primary residential structure to the river when suitable views cannot be achieved through pruning or other methods. The width of a view window may not exceed 100 ft or 50% of lineal waterfront footage, whichever is lesser. The applicant must clearly demonstrate the need for removal of trees and vegetation for this purpose.*

Response: The enhancement project does not intend to take out any native vegetation to enhance the view shed or overlook area.

*d. Restore Native Vegetation*

*The plan shall provide for restoring lands within the buffer area which have been cleared of vegetation during construction with native vegetation.*

Response: The enhancement project does not intend to take out any native vegetation to implement the project, if native plants need to be moved they will be salvaged and replanted after construction is completed. However, the project does have as a primary goal to enhance the native vegetation to improve the riparian habitat.

*e. Enhance Vegetation Buffer Area*

*The plan may provide for enhancing lands within the buffer area. Regular pruning and maintenance of native vegetation shall be allowed. Vegetation that is not native, except large trees, may be removed. New plant materials in the buffer strip shall be native vegetation.*

Response: The enhancement project has as a primary goal to enhance the native vegetation to improve the riparian habitat. Long term maintenance of the project area will include controlling non-native invasive vegetation.

*f. Security that the Plan will be Carried Out*

*The approved vegetation buffer shall be established, or secured, prior to the issuance of any permit for development.*

Response: The enhancement project has as a primary goal to enhance the native vegetation to improve the riparian habitat. The planting plan has been submitted and will be carried out as part of the projects implementation Section 3 Planting Plan.

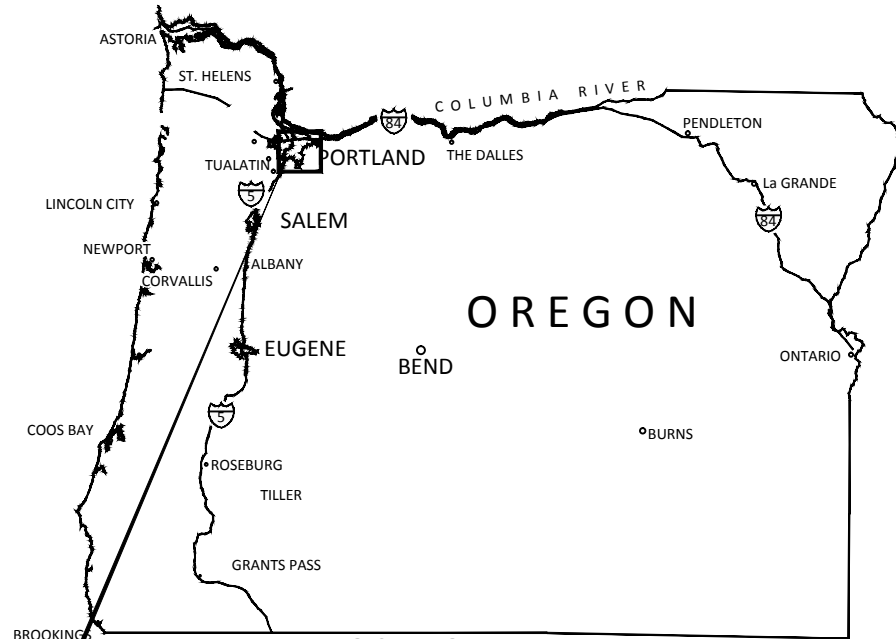
# **Spring Park Natural Area Restoration Project**

**North Clackamas Parks and Recreation District**

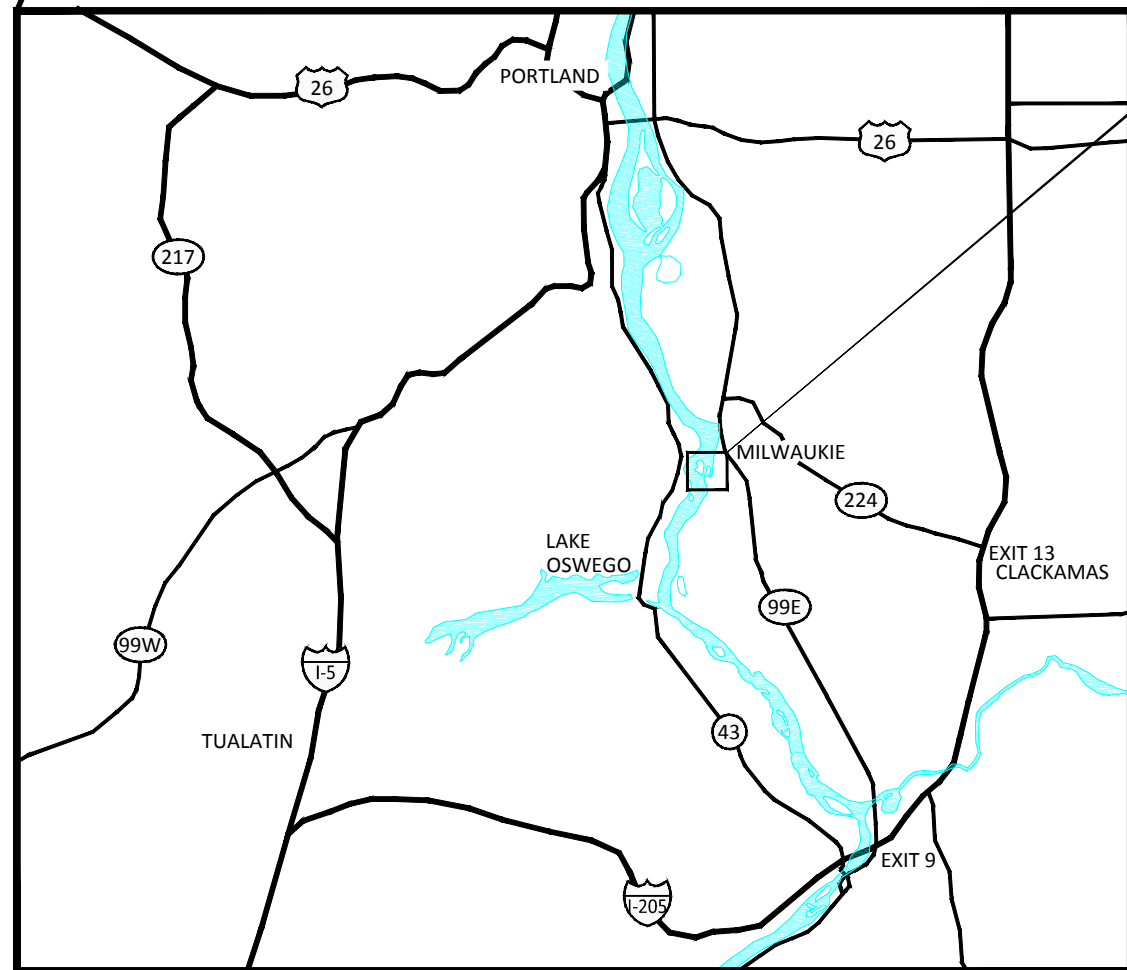
**April, 6 2015**

Construction Management Plan

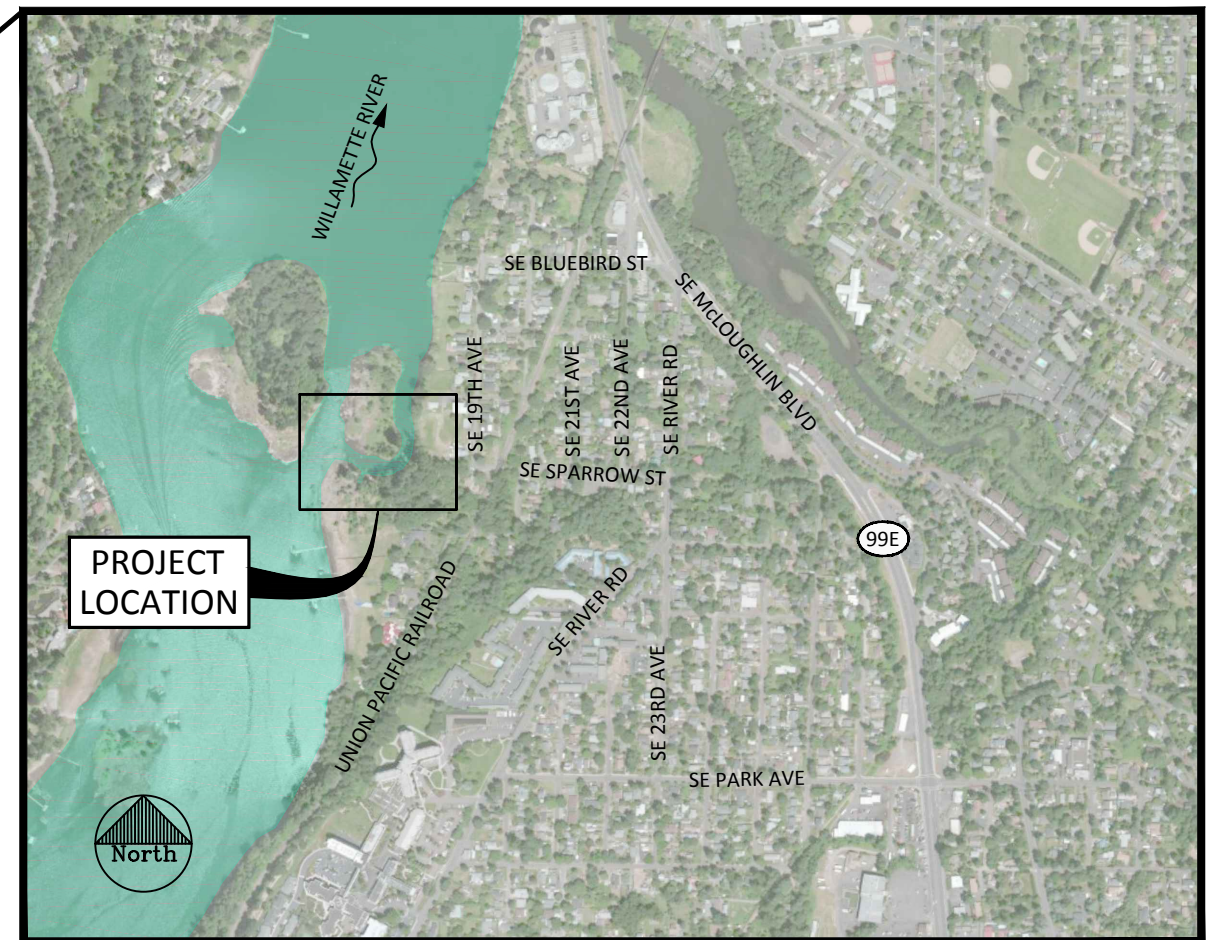
# SPRING PARK WETLAND, TRAIL AND ALCOVE ENHANCEMENTS NORTH CLACKAMAS PARKS AND RECREATION DISTRICT CLACKAMAS COUNTY, OREGON



LOCATION MAP  
STATE OF OREGON



VICINITY MAP



SITE MAP

### ABBREVIATIONS

°	DEGREE
'	FEET
"	INCH
%	PERCENT
APPROX.	APPROXIMATE
CON'T	CONTINUED
CT	COURT
CY.	CUBIC YARD
DIA.	DIAMETER
D.S.	DOWNSTREAM
ELEV	ELEVATION
ESC	EROSION SEDIMENT AND CONTROL
EXIST	EXISTING
FES	FABRIC ENCAPSULATED SOIL
FT	FEET
I.D.	IDENTIFICATION
IN	INCH
INV	INVERT
HDPE	HIGH DENSITY POLYETHYLENE
LLC	LIMITED LIABILITY COMPANY
LWD	LARGE WOODY DEBRIS
NO.	NUMBER
OHW	ORDINARY HIGH WATER
RD	ROAD
SIM	SIMILAR
STA	STATION
TYP	TYPICAL
U.S.	UPSTREAM
WA	WASHINGTON
YR	YEAR

### SHEET INDEX

- 1 - COVER, SHEET INDEX AND VICINITY MAP
- 2 - GENERAL NOTES
- 4 - EXISTING CONDITIONS LAND OWNERSHIP
- 3 - EROSION CONTROL NOTES AND DETAILS
- 5 - PROPOSED CONDITIONS AND EROSIONS CONTROL PLAN
- 6 - PROPOSED LARGE WOOD PLACEMENTS
- 7 - LOGJAM SECTIONS
- 8 - TYPICAL DETAILS
- L1 - TRAIL AND OVERLOOK PLAN
- L2 - TRAIL, BOARDWALK AND OVERLOOK DETAILS

### PROJECT INFO

WATERBODY: WILLAMETTE RIVER

### COORDINATES

LATITUDE 45°26'03.16"N  
LONGITUDE 122°38'44.05"W

**Preliminary**  
Not for Construction

NO.	BY	DATE	REVISION DESCRIPTION

LK	BN	BN
DRAWN	DESIGNED	CHECKED
BN	05/19/14	140216
APPROVED	DATE	PROJECT

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT  
SPRING PARK WETLAND, TRAIL AND ALCOVE ENHANCEMENTS  
CLACKAMAS COUNTY, OREGON



501 Portway Avenue, Suite 101  
Hood River, OR 97031  
541.386.9003  
www.interfluve.com

COVER, SHEET INDEX AND  
VICINITY MAP

SHEET

1 OF 10

**GENERAL NOTES**

THE CONTRACTOR SHALL ATTEND MANDATORY PRE-BID MEETING. THE CONTRACTOR SHALL ATTEND PRE-CONSTRUCTION CONFERENCES WITH NORTH CLACKAMAS PARKS AND RECREATION DISTRICT PRIOR TO BEGINNING CONSTRUCTION.

ODFW IN-WATER WORK PERIODS  
LARGE WOOD SHALL BE INSTALLED DURING THE PERMITTED IN-WATER WORK PERIOD.

UTILITIES

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT ALL UTILITY OWNERS FOR LOCATIONS AND TO FIELD VERIFY ALL UTILITY LOCATIONS PRIOR TO CONSTRUCTION. THE ONE-CALL NUMBER FOR UNDERGROUND UTILITIES IS 1-800-332-2344.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE INTEGRITY OF ALL EXISTING UTILITIES THROUGHOUT CONSTRUCTION.

IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO PROMPTLY NOTIFY THE ENGINEER OF ANY CONFLICT WITH EXISTING UTILITIES.

ALL EXISTING FACILITIES, LANDSCAPE IMPROVEMENTS, AND UTILITIES NOT SPECIFICALLY IDENTIFIED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT CONSTRUCTION OR RESTORED AT COMPLETION OF THE WORK.

CONSTRUCTION ACCESS/TRAFFIC CONTROL

THE CONTRACTOR IS SOLELY RESPONSIBLE FOR PROVIDING ANY REQUIRED TRAFFIC CONTROL INCLUDING, BUT NOT LIMITED TO, SIGNAGE AND FLAGGERS.

ALL EQUIPMENT, MATERIALS AND PERSONNEL SHALL REMAIN WITHIN THE LIMITS OF DISTURBANCE.

THE CONTRACTOR SHALL KEEP THE WORK AREAS IN A CLEAN AND NEAT CONDITION FREE OF DEBRIS AND LITTER FOR THE DURATION OF THE PROJECT.

ALL AFFECTED AREAS OUTSIDE THE LIMITS OF DISTURBANCE INCLUDING ROADS AND ACCESS ROUTES SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER AT THE CONTRACTOR'S EXPENSE.

PUBLIC RIGHTS-OF-WAY SHALL BE KEPT IN A CLEAN AND SERVICEABLE CONDITION AT ALL TIMES. IN THE EVENT MATERIALS ARE INADVERTENTLY DEPOSITED ON ROADWAYS THE MATERIAL SHALL BE PROMPTLY REMOVED. MATERIALS ARE TO BE SWEEPED AND REMOVED PRIOR TO ANY STREET FLUSHING.

THE CONTRACTOR SHALL AVOID ALL WETLAND AREAS THAT OCCUR OUTSIDE OF THE LIMITS OF DISTURBANCE.

CONSTRUCTION STAKING

NORTH CLACKAMAS PARKS AND RECREATION DISTRICT WILL PROVIDE STAKING OF PROJECT LIMITS, CENTERLINE OF PROPOSED TRAIL AND ELEVATION CONTROL POINTS.

THE CONTRACTOR SHALL REPLACE DAMAGED OR DESTROYED CONSTRUCTION STAKES AT NO COST TO THE OWNER.

THE CONTRACTOR SHALL AVOID ALL WETLAND AREAS THAT OCCUR OUTSIDE OF THE LIMITS OF DISTURBANCE.

CONSTRUCTION MATERIALS

LOCATION, ALIGNMENT, SIZE, AND ELEVATION OF LARGE WOOD MAYBE ADJUSTED BY THE ENGINEER BASED ON FIELD CONDITIONS, AND MATERIAL SIZE.

ANY EXCESS MATERIALS SHALL BE STOCKPILED NEATLY IN AN APPROVED UPLAND LOCATION OF THE STOCKPILE AND STAGING AREAS. THE MATERIAL SHALL BE REMOVED FROM THE SITE PRIOR TO THE COMPLETION OF WORK.

VEHICLE OPERATIONS AND STAGING

THE CONTRACTOR SHALL COMPLETE VEHICLE STAGING, CLEANING, MAINTENANCE, REFUELING, AND FUEL STORAGE IN VEHICLE STAGING AREA PLACED 150 FEET OR MORE FROM ANY STREAM, WATER BODY OR WETLAND.

THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING QUICK RESPONSE CONTAINMENT AND CLEANUP MEASURES ON THE SITE, ALONG WITH PERSONNEL TRAINED IN PROPOSED METHODS FOR DISPOSAL OF SPILLED MATERIALS AND SPILL CONTAINMENT.

CONTRACTOR SHALL INSPECT ALL VEHICLES OPERATED WITHIN 150 FEET OF ANY STREAM, WATER BODY OR WETLAND DAILY FOR FLUID LEAKS BEFORE LEAVING THE VEHICLE STAGING AREA. REPAIR ANY LEAKS DETECTED IN THE VEHICLE STAGING AREA BEFORE THE VEHICLE RESUMES OPERATION. DOCUMENT INSPECTIONS IN A RECORD THAT IS AVAILABLE FOR REVIEW UPON REQUEST.

BEFORE OPERATIONS BEGIN AND AS OFTEN AS NECESSARY DURING OPERATION, PRESSURE WASH ALL EQUIPMENT THAT WILL BE USED BELOW BANKFULL ELEVATION UNTIL ALL VISIBLE EXTERNAL OIL, GREASE, MUD, AND OTHER VISIBLE CONTAMINANTS ARE REMOVED.

CONTRACTOR SHALL DIAPER ALL STATIONARY POWER EQUIPMENT (I.E. GENERATORS, PUMPS, CRANES) OPERATED WITHIN 150 FEET OF ANY STREAM, WATER BODY OR WETLAND TO PREVENT LEAKS, UNLESS SUITABLE CONTAINMENT IS PROVIDED TO PREVENT POTENTIAL SPILLS FROM ENTERING ANY STREAM OR WATER BODY.

EXCAVATION QUANTITIES	
CUT BELOW OHW	30 CY
FILL BELOW OHW	30 CY
WETLAND CUT	5 CY
WETLAND FILL	5 CY

**Preliminary**  
Not for Construction

NO.	BY	DATE	REVISION DESCRIPTION

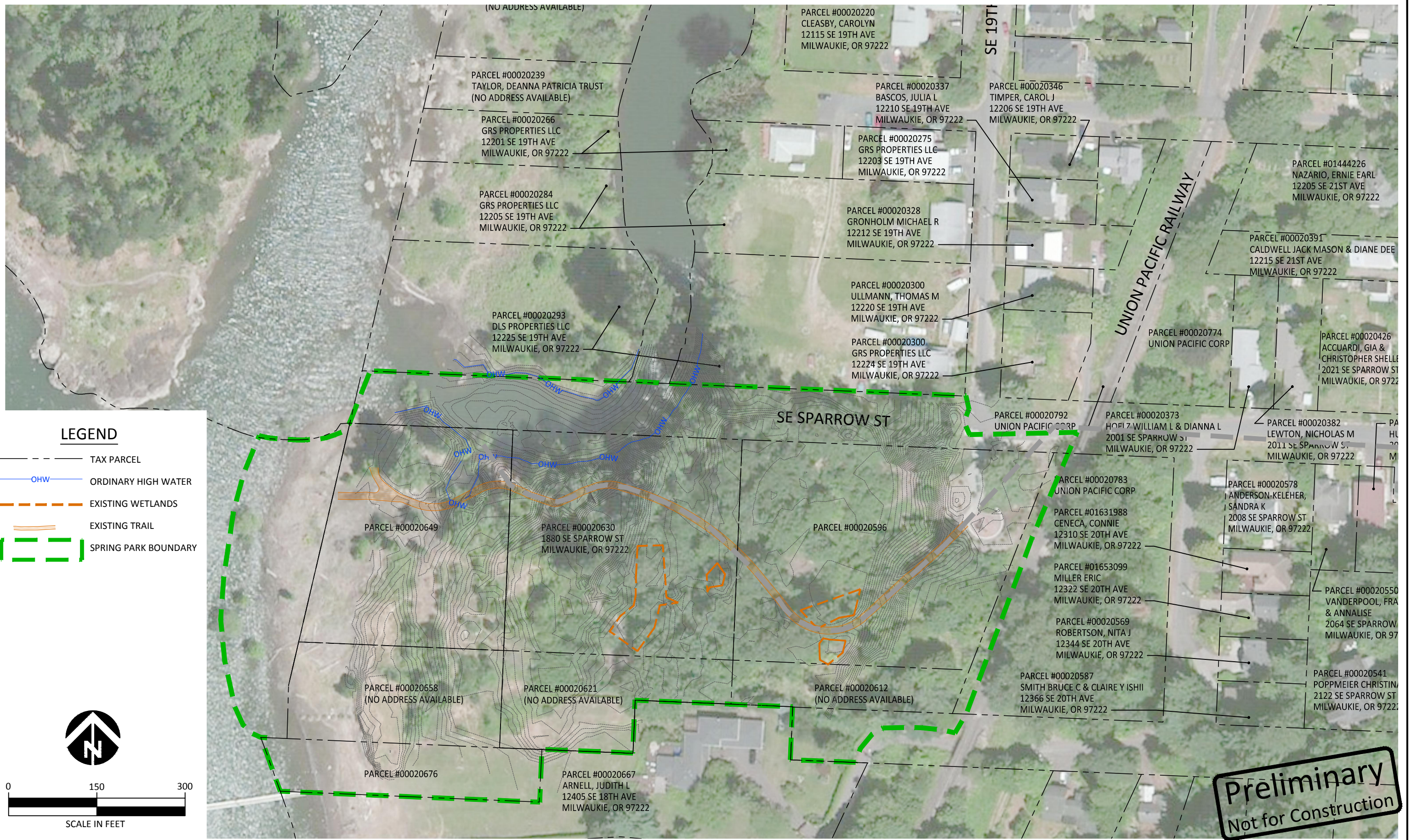
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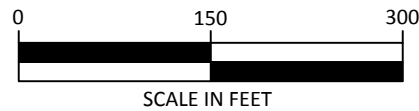
GENERAL NOTES





**LEGEND**

- TAX PARCEL
- OHW ORDINARY HIGH WATER
- EXISTING WETLANDS
- EXISTING TRAIL
- SPRING PARK BOUNDARY



**Preliminary**  
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**EXISTING CONDITIONS LAND OWNERSHIP**

**EROSION CONTROL**

CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING ALL NECESSARY EROSION CONTROL FACILITIES TO COMPLY WITH APPLICABLE EROSION CONTROL REGULATIONS.

THE CONTRACTOR SHALL IMPLEMENT MEASURES TO CONTROL AND MINIMIZE WIND-BLOWN DUST FROM THE SITE.

THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR PROVIDING EROSION, SEDIMENT, AND POLLUTION CONTROL MEASURES TO COMPLY WITH ALL APPLICABLE REGULATIONS. NOTICE TO PROCEED WILL NOT BE ISSUED UNTIL THE CONTRACTOR OBTAINS AN APPROVED EROSION CONTROL PLAN.

THE CONTRACTOR SHALL SUBMIT NAME, ADDRESS AND 24-HOUR PHONE NUMBER OF PERSON RESPONSIBLE FOR EROSION PREVENTION AND SEDIMENT CONTROL MEASURES, AND SPILL CONTAINMENT.

THE CONTRACTOR IS ADVISED THAT THE PROJECT AREA DRAINS TO A SALMON BEARING STREAM AND/OR STATE WATERS AND THAT THE CONTRACTOR IS RESPONSIBLE TO PROTECT THE RECEIVING WATERS FROM DELETERIOUS EFFECTS OF CONSTRUCTION.

EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE COURSE OF CONSTRUCTION AND UNTIL ALL DISTURBED EARTH IS STABILIZED IN FINISH GRADES.

EROSION, SEDIMENT, AND POLLUTION CONTROL MEASURES MUST BE IMPLEMENTED PRIOR TO ANY GROUND DISTURBING ACTIVITY ON THE PROJECT SITE, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT LEAVE THE PROJECT SITE, ENTER THE DRAINAGE SYSTEM OR ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS. DURING THE CONSTRUCTION PERIOD, EROSION, SEDIMENT, AND POLLUTION CONTROL MEASURES SHALL BE UPGRADED AS NEEDED FOR STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT-LADEN WATER DO NOT LEAVE THE SITE.

RIP SOILS ALONG ACCESS ROAD TO 6-INCH DEPTH AND SEED TO RECLAIM ACCESS ROUTES BEFORE PROJECT COMPLETION.

INSPECTION AND MAINTENANCE

AFTER ANY STORM EVENT GREATER THAN 0.5 INCHES OF RAIN PER 24 HOUR PERIOD.

SEDIMENT MUST BE REMOVED FROM SILT FENCES BEFORE IT REACHES APPROXIMATELY ONE THIRD THE HEIGHT OF THE FENCE, ESPECIALLY IF HEAVY RAINS ARE EXPECTED.

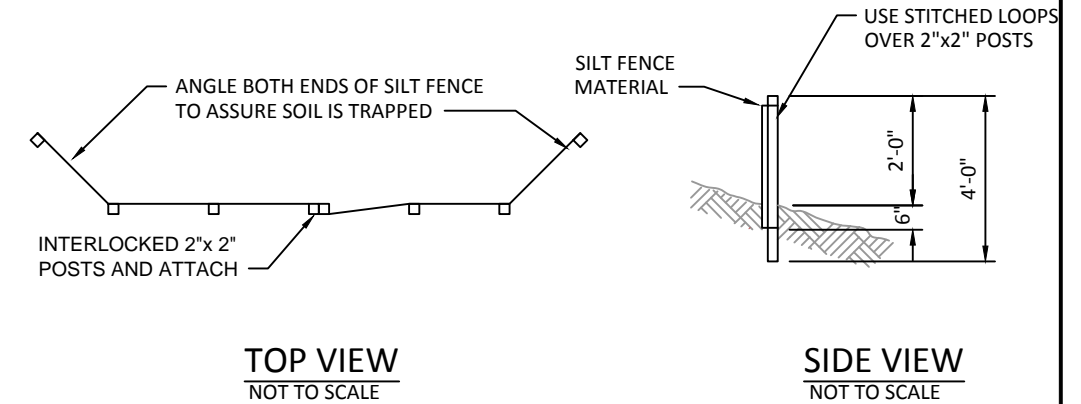
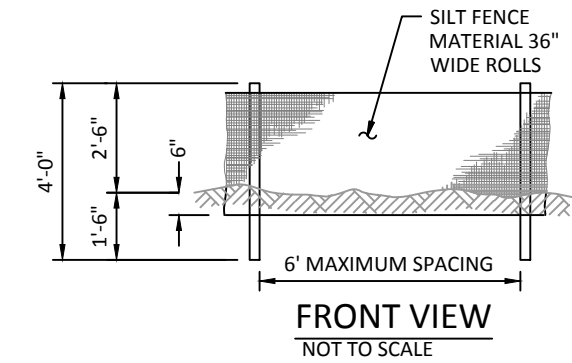
STABILIZE SOILS AND PROTECT SLOPES

ALL EXPOSED SOILS SHALL BE PROTECTED FROM EROSION BY MULCHING, PLASTIC SHEETING, HYDROSEED COVERING, OR OTHER APPROVED MEASURES. SOILS SHALL BE STABILIZED BEFORE A WORK SHUTDOWN, HOLIDAY OR WEEKEND IF NEEDED BASED ON THE WEATHER FORECAST. SOIL STOCKPILES MUST BE STABILIZED AND PROTECTED WITH SEDIMENT TRAPPING MEASURES. HYDROSEED AS SOON AS PRACTICAL ALL DISTURBED AREAS NOT INDICATED IN THE CONTRACT DOCUMENTS FOR OTHER PERMANENT STABILIZATION MEASURES.

DESIGN, CONSTRUCT, AND PHASE CUT AND FILL SLOPES IN A MANNER THAT WILL MINIMIZE EROSION. REDUCE SLOPE VELOCITIES ON DISTURBED SLOPES BY PROVIDING TEMPORARY BARRIERS. STORMWATER FROM OFF SITE SHOULD BE HANDLED SEPARATELY FROM STORMWATER GENERATED ON SITE.

AFTER FINAL SITE STABILIZATION

ALL TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION IS ACHIEVED OR AFTER THE TEMPORARY BMPs ARE NO LONGER NEEDED. TRAPPED SEDIMENT SHALL BE REMOVED FROM THE SITE OR INCORPORATED INTO FINISHED GRADING. DISTURBED SOIL AREAS RESULTING FROM REMOVAL SHALL BE PERMANENTLY STABILIZED.



**2** **3** **DETAIL - SILT FENCE**  
NOT TO SCALE

SILT FENCE NOTES:

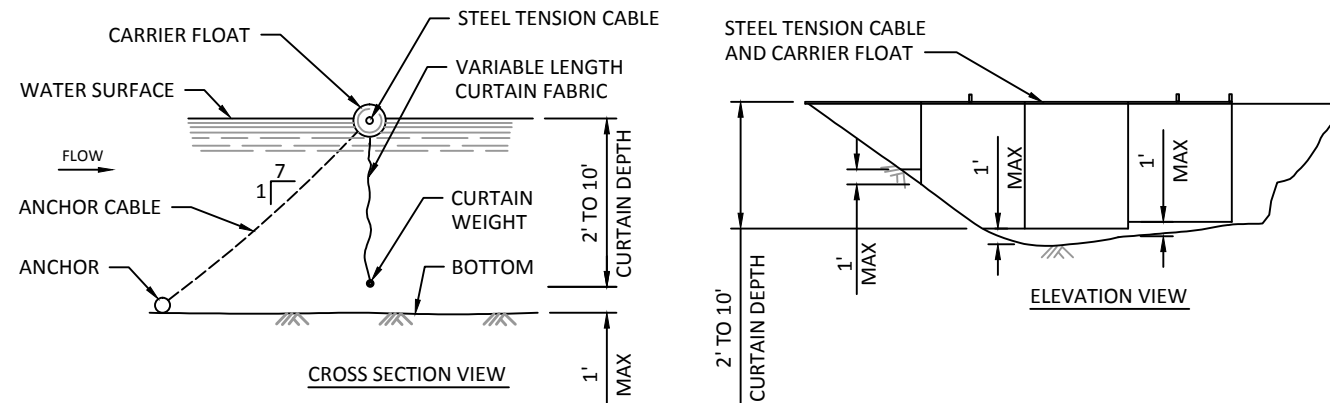
THE SILT FENCE SHALL BE PURCHASED IN A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID USE OF JOINTS. WHEN JOINTS ARE NECESSARY, SILT FENCE SHALL BE SPLICED TOGETHER ONLY AT A SUPPORT POST, WITH A MINIMUM 6 INCH OVERLAP, AND BOTH ENDS SECURELY FASTENED TO THE POST. ALTERNATIVELY, OVERLAP AND INTERLOCK TWO POSTS WITH ATTACHED FABRIC AS APPROVED BY THE GOVERNMENT.

THE SILT FENCE IS TO BE INSTALLED AT LOCATIONS SHOWN ON THE PLAN ALONG THE DOWNHILL PERIMETER OF EXCAVATION SPOILS DISPOSAL AREA. THE FENCE POST SHALL BE SPACED A MAXIMUM OF 6 FEET APART AND DRIVEN SECURELY INTO THE GROUND A MINIMUM OF 24 INCHES APART.

THE SILT FENCE SHALL HAVE A MINIMUM VERTICAL BURIAL OF 6 INCHES. ALL EXCAVATED MATERIAL FROM SILT FENCE INSTALLATION SHALL BE BACK-FILLED AND COMPACTED ALONG THE ENTIRE DISTURBED AREA.

STANDARD OR HEAVY DUTY SILT FENCE SHALL HAVE MANUFACTURED STITCHED LOOPS FOR 2 INCHES X 2 INCHES POST INSTALLATION.

SILT FENCES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFUL PURPOSE, BUT NOT BEFORE THE UP SLOPE AREA HAS BEEN PERMANENTLY PROTECTED AND STABILIZED, OR AS DIRECTED BY OWNER'S REPRESENTATIVE.



**1** **3** **FLOATING SILT CURTAIN**  
NOT TO SCALE

**Preliminary**  
**Not for Construction**

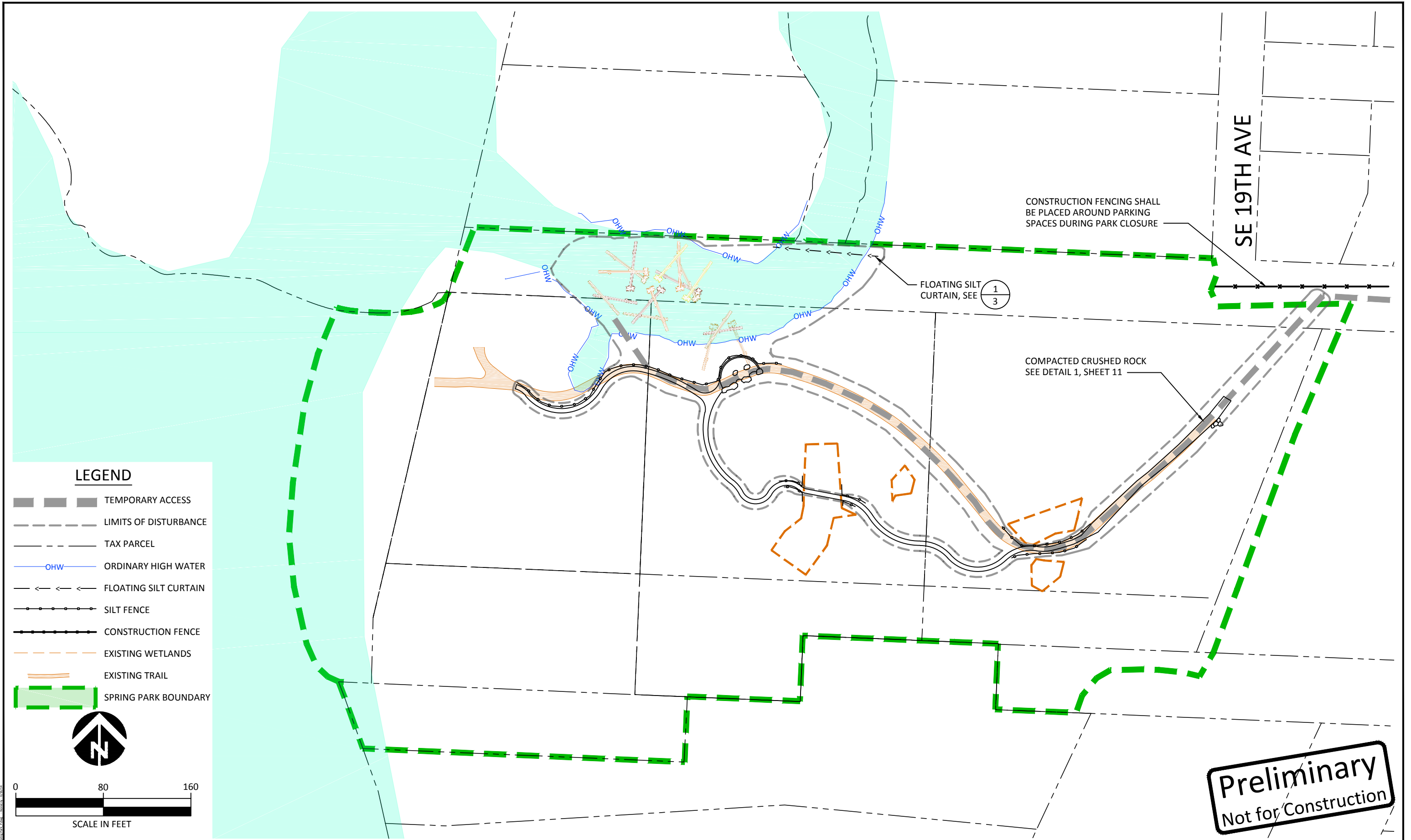
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**SPRING PARK WETLAND, TRAIL AND ALCOVE ENHANCEMENTS**  
**CLACKAMAS COUNTY, OREGON**

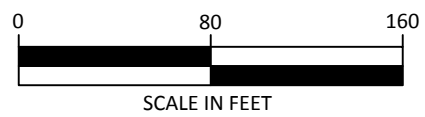
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**EROSION CONTROL NOTES**  
**AND DETAILS**



**LEGEND**

- TEMPORARY ACCESS
- LIMITS OF DISTURBANCE
- TAX PARCEL
- ORDINARY HIGH WATER
- FLOATING SILT CURTAIN
- SILT FENCE
- CONSTRUCTION FENCE
- EXISTING WETLANDS
- EXISTING TRAIL
- SPRING PARK BOUNDARY



**Preliminary**  
Not for Construction

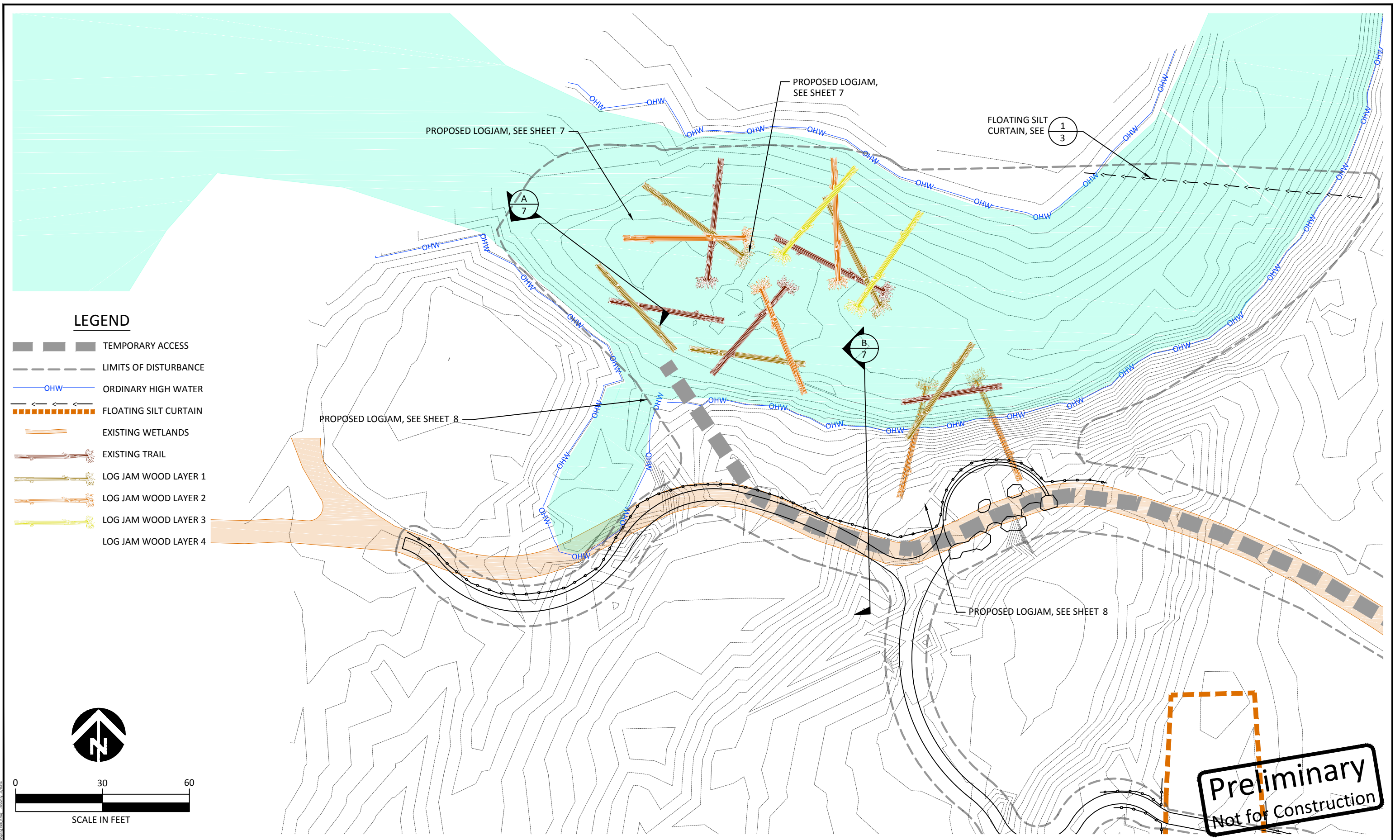
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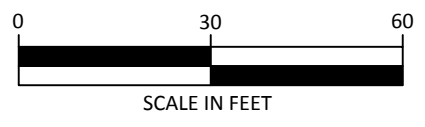
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**PROPOSED CONDITIONS AND**  
**EROSIONS CONTROL PLAN**



**LEGEND**

- TEMPORARY ACCESS
- LIMITS OF DISTURBANCE
- ORDINARY HIGH WATER
- FLOATING SILT CURTAIN
- EXISTING WETLANDS
- EXISTING TRAIL
- LOG JAM WOOD LAYER 1
- LOG JAM WOOD LAYER 2
- LOG JAM WOOD LAYER 3
- LOG JAM WOOD LAYER 4



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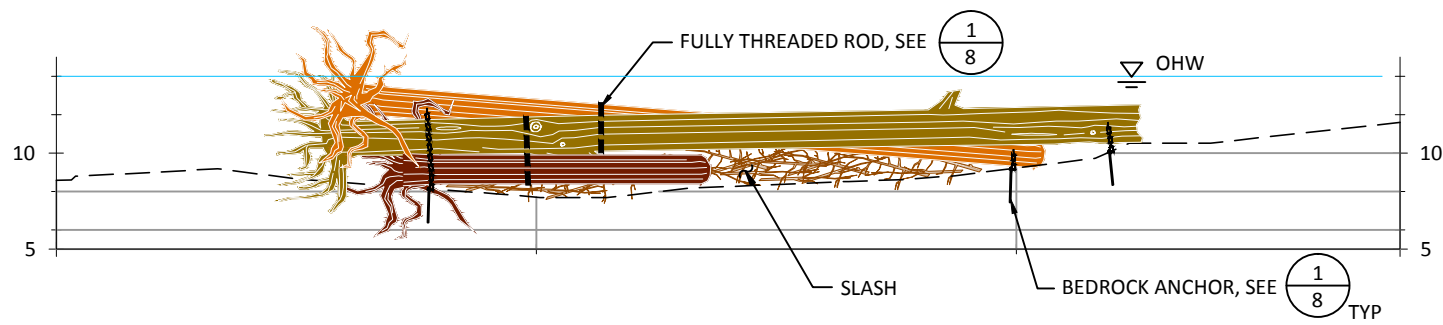
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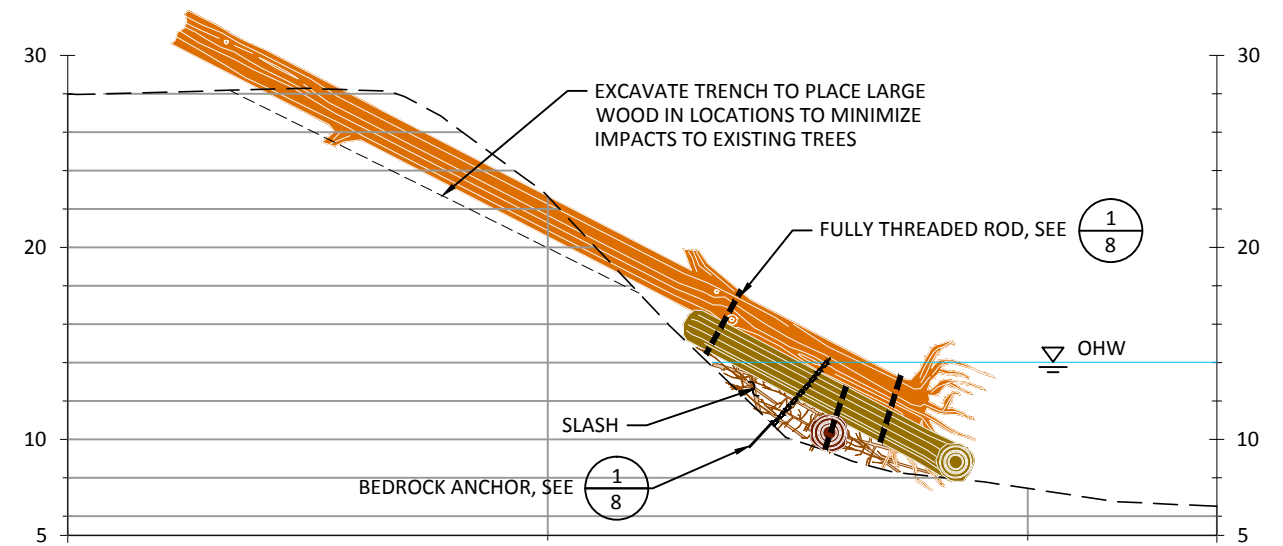
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**PROPOSED LARGE WOOD**  
**PLACEMENTS**



**A**  
7 SECTION  
NOT TO SCALE



**B**  
7 SECTION  
NOT TO SCALE

**Preliminary**  
Not for Construction

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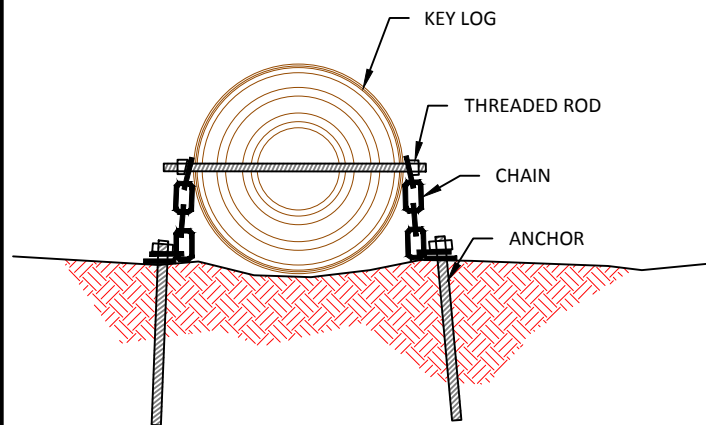
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LOGJAM SECTIONS

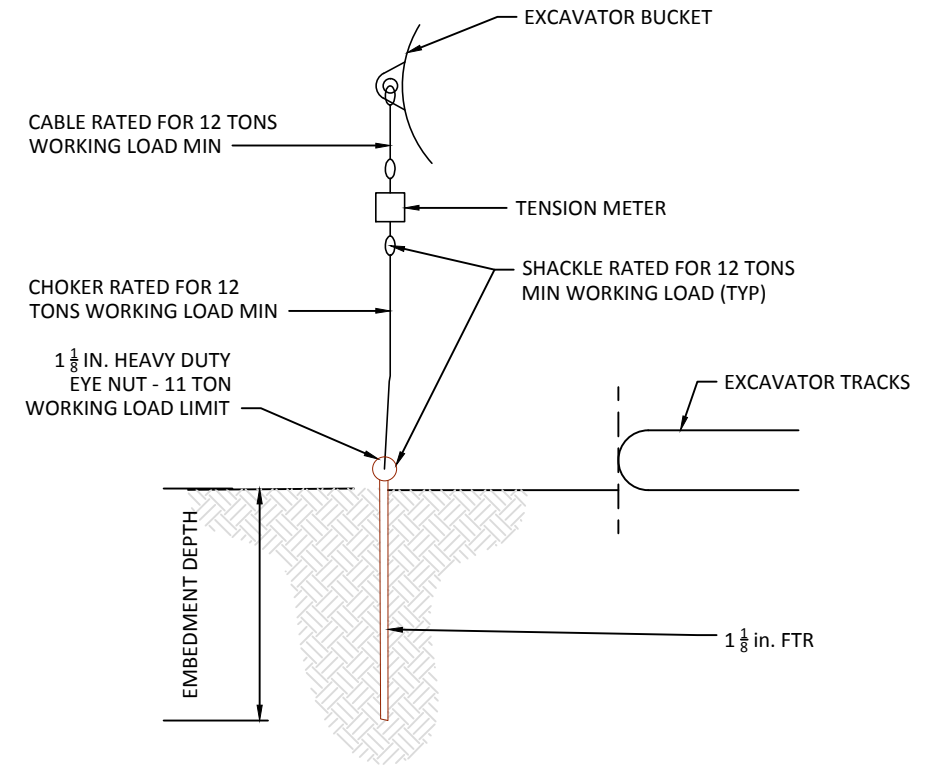


**BEDROCK ANCHOR**

1. DRILL 1-1/4" HOLE 36 INCHES DEEP INTO ROCK.
2. CLEAN HOLE WITH COMPRESSED AIR AND BRUSH.
3. CLEAN THREADED ROD USING ACETONE AND RAG. ALLOW ACETONE TO AIR DRY.
4. INJECT EPOXY INTO HOLE STARTING AT THE BOTTOM TO PREVENT AIR POCKETS, AND SLOWLY FILL WHILE WITHDRAWING THE NOZZLE. FILL HOLE APPROXIMATELY TO 75% OF TOTAL DEPTH.
5. INSTALL 1-1/8" DIA. ALL-THREAD REBAR BY SLOWLY TURNING THE BAR WHILE INSERTING INTO HOLE.
6. ALLOW EPOXY TO DRY.

**LOG ANCHORED TO BEDROCK**

1. SECURE LOG BY ATTACHING CHAIN TO ANCHORS AND FTR ON EACH SIDE.
2. INSTALL STEEL PLATE, WASHERS, CHAIN, AND NUT.
3. SECURE NUT BY CHISELING THREADS.
4. FILE OR GRIND OFF SHARP EDGES. INSTALL PLASTIC BOLT CAP.



**1 ANCHOR TO BEDROCK**  
8 NOT TO SCALE

**BEDROCK ANCHOR TESTING**

NOT TO SCALE

**RIGGING**

RIGGING FOR PILE TESTING SHALL CONFORM TO THE TENSION SCALE MANUFACTURER'S RECOMMENDATIONS.

CHOKERS, CABLES AND AND SHACKLES SHALL HAVE MINIMUM WORKING LOAD RATING OF 12 TONS. FITTINGS SHALL BE SIZED ACCORDINGLY

**TESTING**

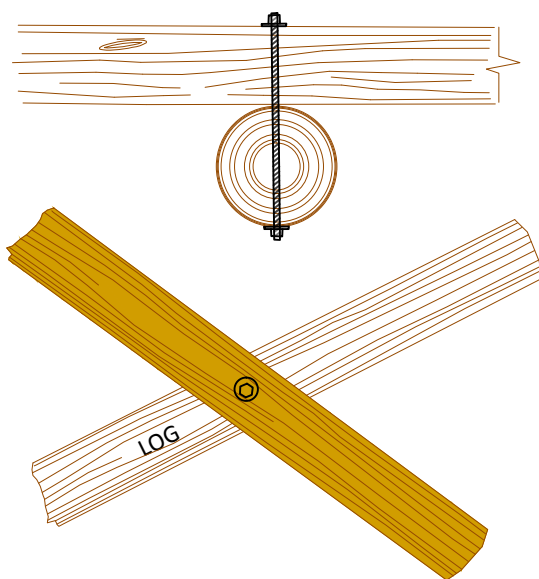
TESTING OF PILINGS SHALL BE PERFORMED IN THE PRESENCE OF THE ENGINEER.

EACH ANCHOR TEST SHALL HAVE UPWARD LOAD GRADUALLY INCREASED AND AS CLOSELY ALIGNED TO AXIS OF PILE AS POSSIBLE. RECORD THE ANCHOR EMBEDMENT DEPTH AND MAXIMUM FORCE APPLIED, UP TO 20,000 LBS..

PROOF TESTS SHALL BE MADE AT ALL ANCHORS.

PULL OUT RESISTANCE READING SHALL BE COMPARED AGAINST EXCAVATOR MAX LIFT OFFSET TABLE.

CONSTRUCTED EMBEDMENT DEPTH SPECIFIED IN THE DRAWINGS MAY BE INCREASED UP TO 6 FEET, PENDING PULL OUT TEST RESULTS, AT THE CONTRACTOR'S EXPENSE.



1. PIN LOGS TO LOGS
2. DRILL 1-1/4" HOLE THROUGH LOG(S).
3. INSERT 1-1/8" DIA. ALL-THREAD REBAR.
4. INSTALL STEEL PLATES AND JAM NUTS.
5. FILE OR GRIND OFF SHARP EDGES.

**2 LOG-LOG FASTENING**  
8 NOT TO SCALE

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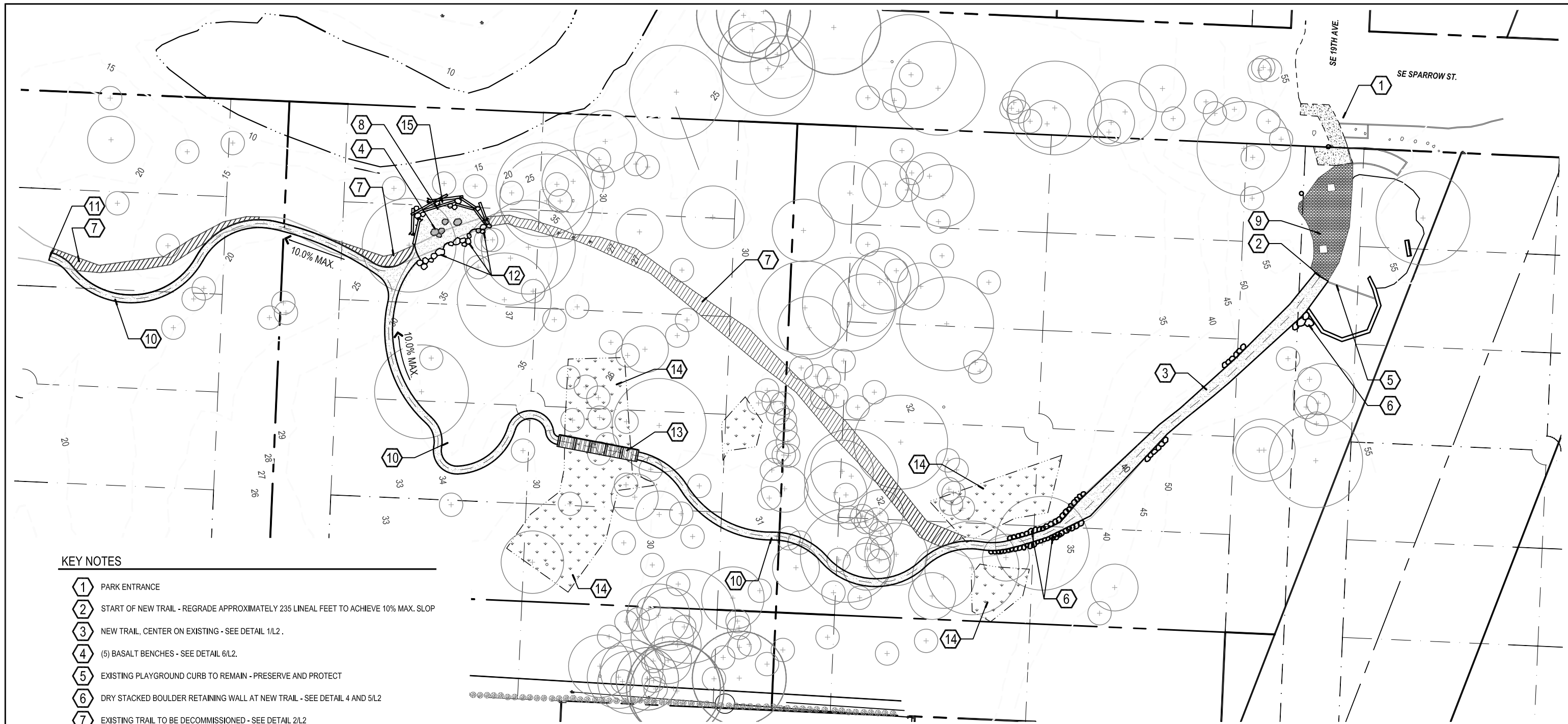
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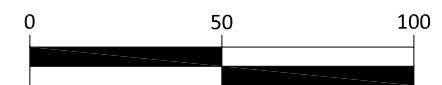
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TYPICAL DETAILS



**KEY NOTES**

- 1 PARK ENTRANCE
- 2 START OF NEW TRAIL - REGRADE APPROXIMATELY 235 LINEAL FEET TO ACHIEVE 10% MAX. SLOP
- 3 NEW TRAIL, CENTER ON EXISTING - SEE DETAIL 1/L2.
- 4 (5) BASALT BENCHES - SEE DETAIL 6/L2.
- 5 EXISTING PLAYGROUND CURB TO REMAIN - PRESERVE AND PROTECT
- 6 DRY STACKED BOULDER RETAINING WALL AT NEW TRAIL - SEE DETAIL 4 AND 5/L2
- 7 EXISTING TRAIL TO BE DECOMMISSIONED - SEE DETAIL 2/L2
- 8 NEW OVERLOOK POST & RAIL FENCE - SEE DETAIL 3/L2
- 9 EXISTING CONCRETE PAVERS TO REMAIN - PRESERVE AND PROTECT
- 10 NEW 4' WIDE TRAIL - SEE DETAIL 1/L2
- 11 END OF NEW TRAIL
- 12 (3) FLAT TOP LANDSCAPE BOULDERS - (1) 24" LENGTH, (2) - 36" LENGTH. SEE DETAIL 6/L2
- 13 BOARDWALK SPANNING WETLANDS - SEE DETAIL 7, 8 AND 9/L2
- 14 EXISTING WETLANDS
- 15 SALVAGED LARGE WOOD AT OVERLOOK - SEE DETAIL 3/L2



SCALE 1" = 50'-0"

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**GreenWorks, P.C.**  
Landscape Architecture  
Environmental Design

24 NW 2nd Avenue, Suite 100  
Portland, Oregon 97209  
Ph: 503.222.5612 / F: 503.222.2283  
Email: info@greenworkspc.com

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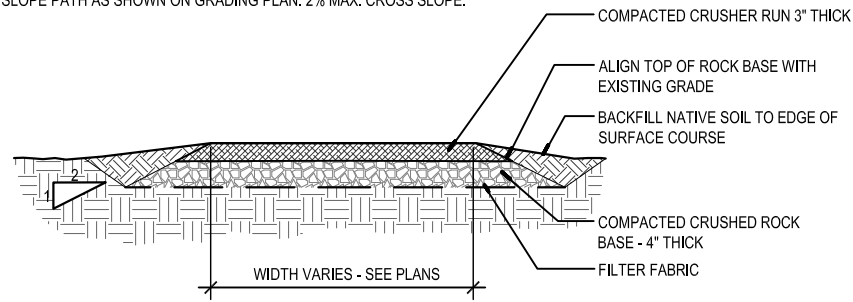
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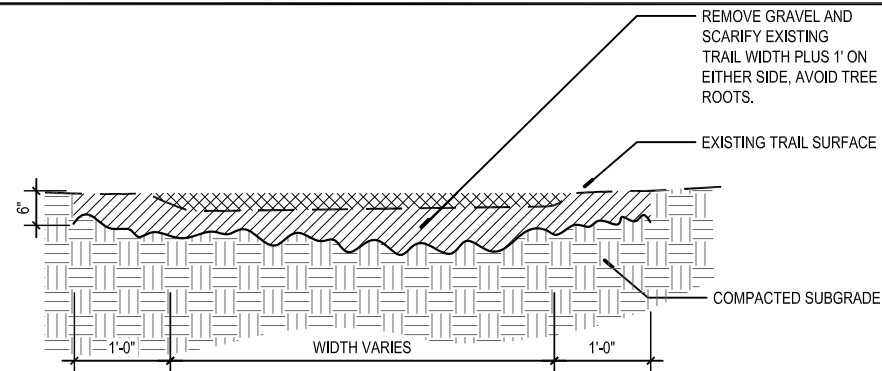
**TRAIL AND OVERLOOK**  
**SITE PLAN**

SHEET  
**L1**  
9 of 10

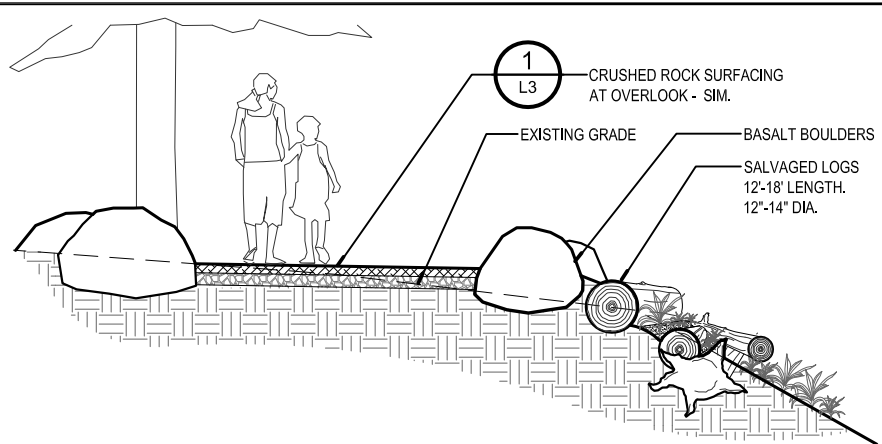
NOTES:  
1. SLOPE PATH AS SHOWN ON GRADING PLAN. 2% MAX. CROSS SLOPE.



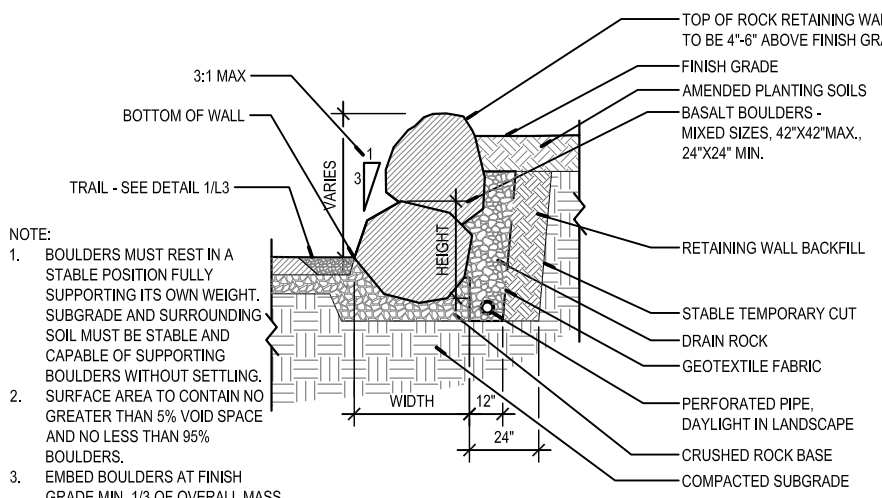
**1 TRAIL**  
SECTION NOT TO SCALE



**2 TRAIL DECOMMISSIONING**  
SECTION

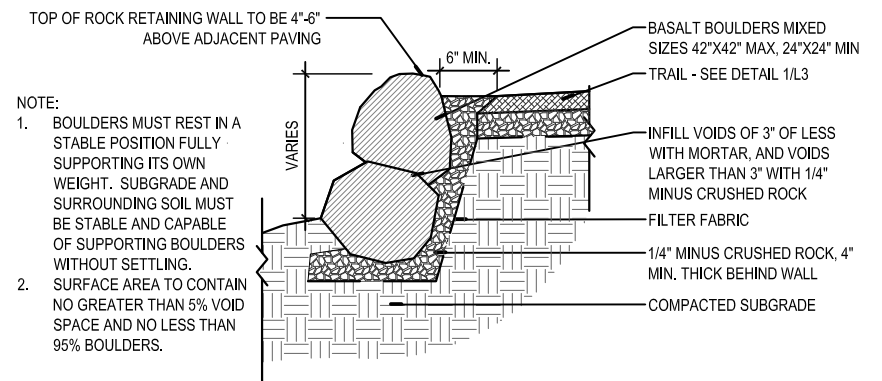


**3 OVERLOOK**  
SECTION



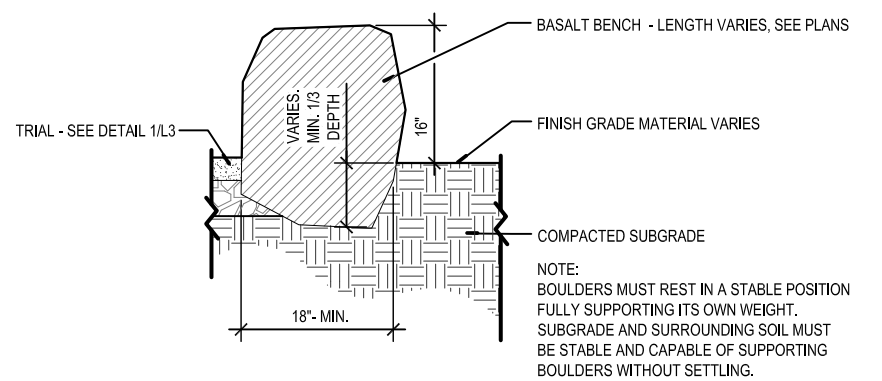
NOTE:  
1. BOULDERS MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING BOULDERS WITHOUT SETTLING.  
2. SURFACE AREA TO CONTAIN NO GREATER THAN 5% VOID SPACE AND NO LESS THAN 95% BOULDERS.  
3. EMBED BOULDERS AT FINISH GRADE MIN. 1/3 OF OVERALL MASS.  
4. LIMIT SURCHARGES BEHIND WALLS TO 125 PSF.

**4 RETAINING BOULDERS - ABOVE PATH**  
SECTION



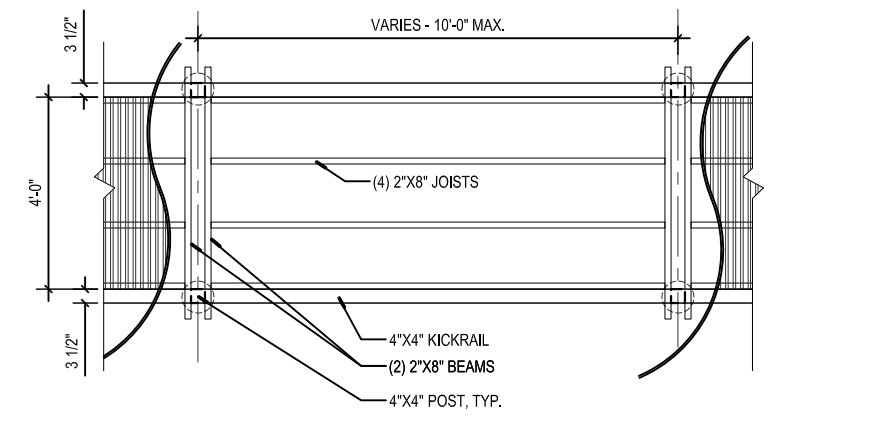
NOTE:  
1. BOULDERS MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING BOULDERS WITHOUT SETTLING.  
2. SURFACE AREA TO CONTAIN NO GREATER THAN 5% VOID SPACE AND NO LESS THAN 95% BOULDERS.

**5 RETAINING BOULDERS - BELOW PATH**  
SECTION

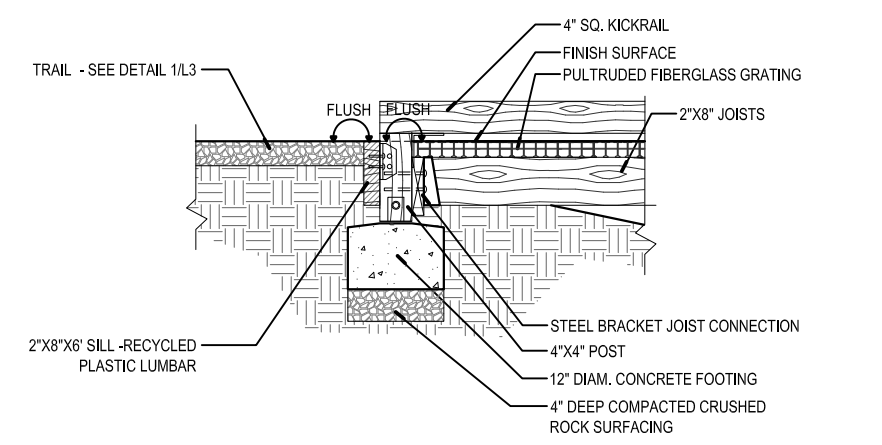


NOTE:  
BOULDERS MUST REST IN A STABLE POSITION FULLY SUPPORTING ITS OWN WEIGHT. SUBGRADE AND SURROUNDING SOIL MUST BE STABLE AND CAPABLE OF SUPPORTING BOULDERS WITHOUT SETTLING.

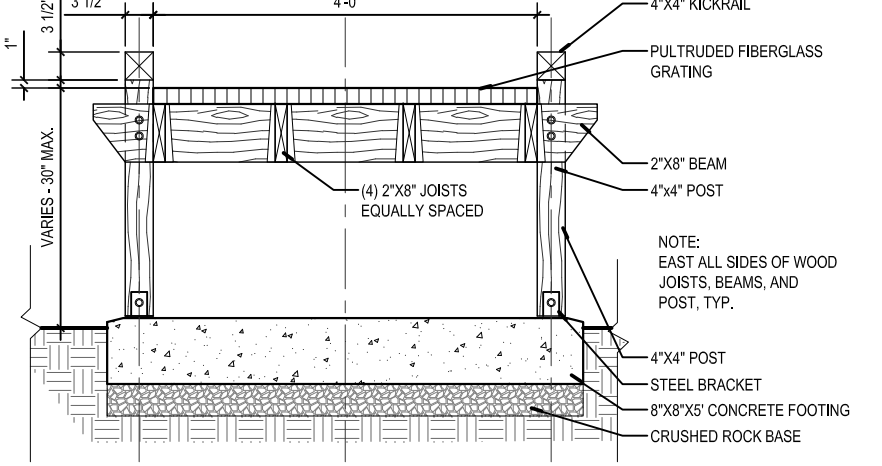
**6 BASALT BENCH**  
SECTIONS



**7 BOARDWALK PLAN**  
TYPE



**8 BOARDWALK ABUTMENT CONNECTION**  
SECTION



**9 BOARDWALK SPAN POST, BEAM, AND JOIST**  
SECTION

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TRAIL, BOARDWALK AND  
OVERLOOK DETAILS

SHEET  
**L3**  
10 of 10

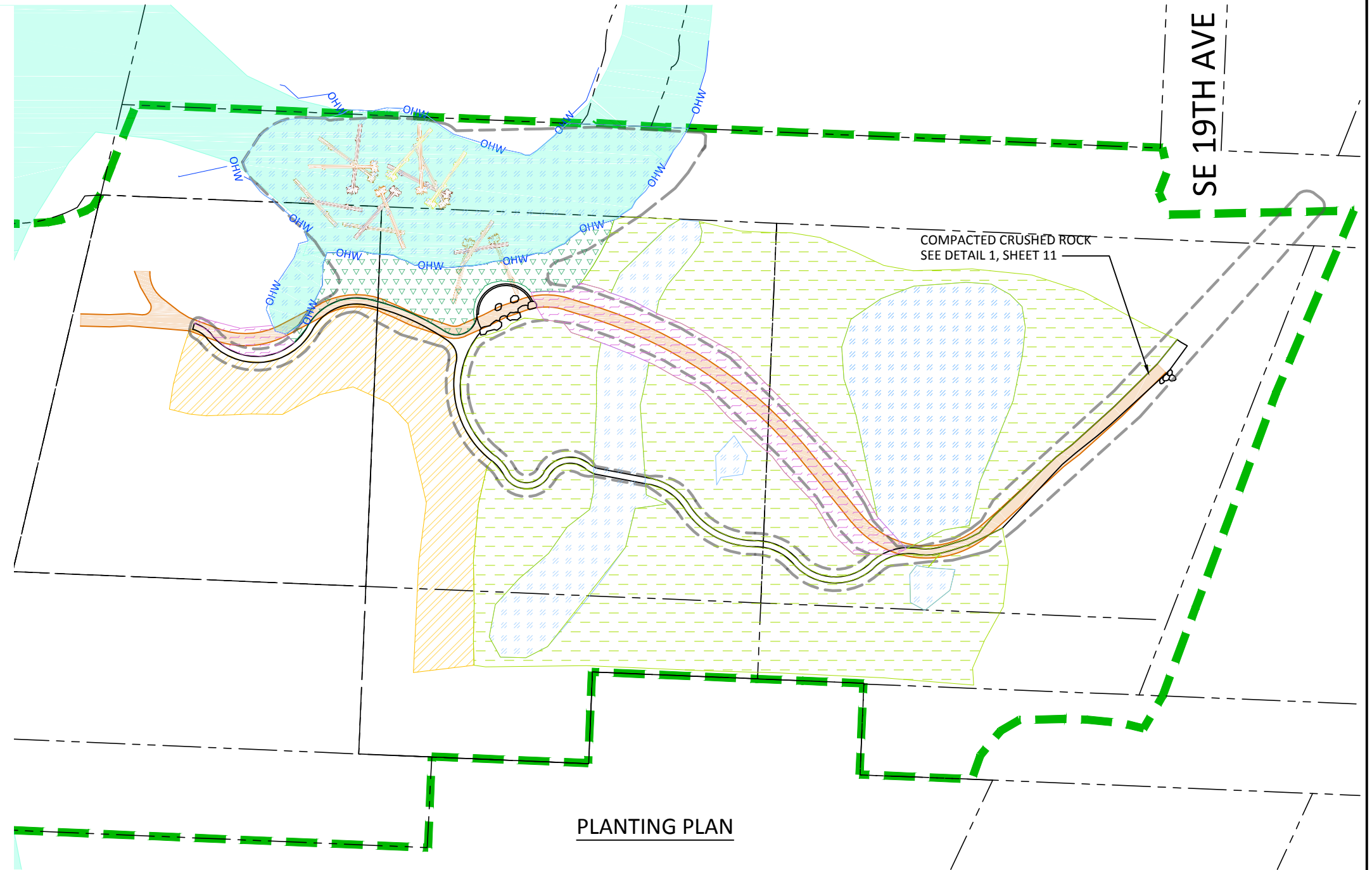
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**PLANTING LIST**

Spring Park Natural Area Project  
Planting Plan 2-20-15

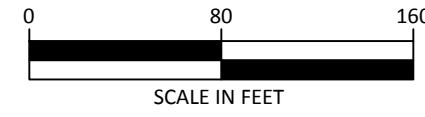
Habitat Type	Area Acres	Species (form)	Quantity
Wetland	1.1	slough sedge - <i>Carex obtusata</i> (1 gal pot)	900
		spirea - <i>Spirea douglasii</i> (bare root)	1500
			total pots 900
			total bare root 1500
Old Trail Alignment	0.23	fringe cup - <i>Tellima grandiflora</i> (3.5" pots)	300
		indian plum - <i>Oemleria cerasiformis</i> (bare root)	200
		kinnikinnick - <i>Arctostaphylos uva-ursi</i> (3.5" pots)	100
		saijal - <i>Gautheria shallon</i> (bare root)	25
		sword fern - <i>Polystichum munitum</i> (1 gal pots)	200
		snowberry - <i>Symphoricarpos albus</i> (bare root)	200
		salvaged plants from new trail corridor	
		tall Oregon grape - <i>Mahonia aquifolium</i> (bare root)	200
			Seed Mix 15 lbs
			Total Pots 600
			Total Bare Roots 625
		Riparian	0.13
Pacific ninebark - <i>Physocarpus capitatus</i> (bare root)	50		
red-osier dogwood - <i>Cornus alba</i>	50		
salmonberry - <i>Rubus spectabilis</i>	25		
swamp rose - <i>Rosa pisocarpa</i>	150		
twimberrry - <i>Lonicera involucrata</i>	150		
slough sedge - <i>Carex obtusata</i> (1 gal pot)	300		
spirea - <i>Spirea douglasii</i> (bare root)	200		
Pacific willow - <i>Salix lasiandra</i>	50		
red elderberry - <i>Sambucus racemosa</i>	25		
wapato - <i>Sagittaria latifolia</i> (1 gal pot)	50		
	Seed Mix 10 lbs		
	Total Pots 350		
	Total Bare Roots 705		
Cottonwood Gallery	1.55		
		fringe cup - <i>Tellima grandiflora</i> (3.5" pots)	500
		sword fern - <i>Polystichum munitum</i> (1 gal pots)	300
		indian plum - <i>Oemleria cerasiformis</i> (bare root)	300
		snowberry - <i>Symphoricarpos albus</i> (bare root)	500
		spirea - <i>Spirea douglasii</i> (bare root)	200
		red elderberry - <i>Sambucus racemosa</i>	50
		Oregon ash - <i>Fraxinus latifolia</i> (bare root)	20
		Oregon white oak - <i>Quercus garryana</i> (pot)	25
		Oregon white oak - <i>Quercus garryana</i> (1/2" caliper)	4
			Total 1/2" Caliper 4
			Total Pots 800
			Total Bare Roots 1295
		Oak	0.35
Pacific madrona - <i>Arbutus menziesii</i>	5		
Oregon white oak - <i>Quercus garryana</i>	25		
tall Oregon grape - <i>Mahonia aquifolium</i> (bare root)	75		
	Seed Mix 5 lbs		
	Total Bare Roots 275		
<b>Total Acres 3.36</b>		<b>Grand Total Seed Mix 30 lbs</b>	
		<b>Grand Total 1/2" Caliper 4</b>	
		<b>Grand Total Pots 2650</b>	
		<b>Grand Total Bare Roots 4400</b>	



**PLANTING PLAN**

**LEGEND**

- LIMITS OF DISTURBANCE
- - - TAX PARCEL
- OHW— ORDINARY HIGH WATER
- EXISTING TRAIL
- SPRING PARK BOUNDARY
- WETLAND HABITAT
- OLD TRAIL
- RIPARIAN HABITAT
- COTTONWOOD GALLERY
- OAK HABITAT



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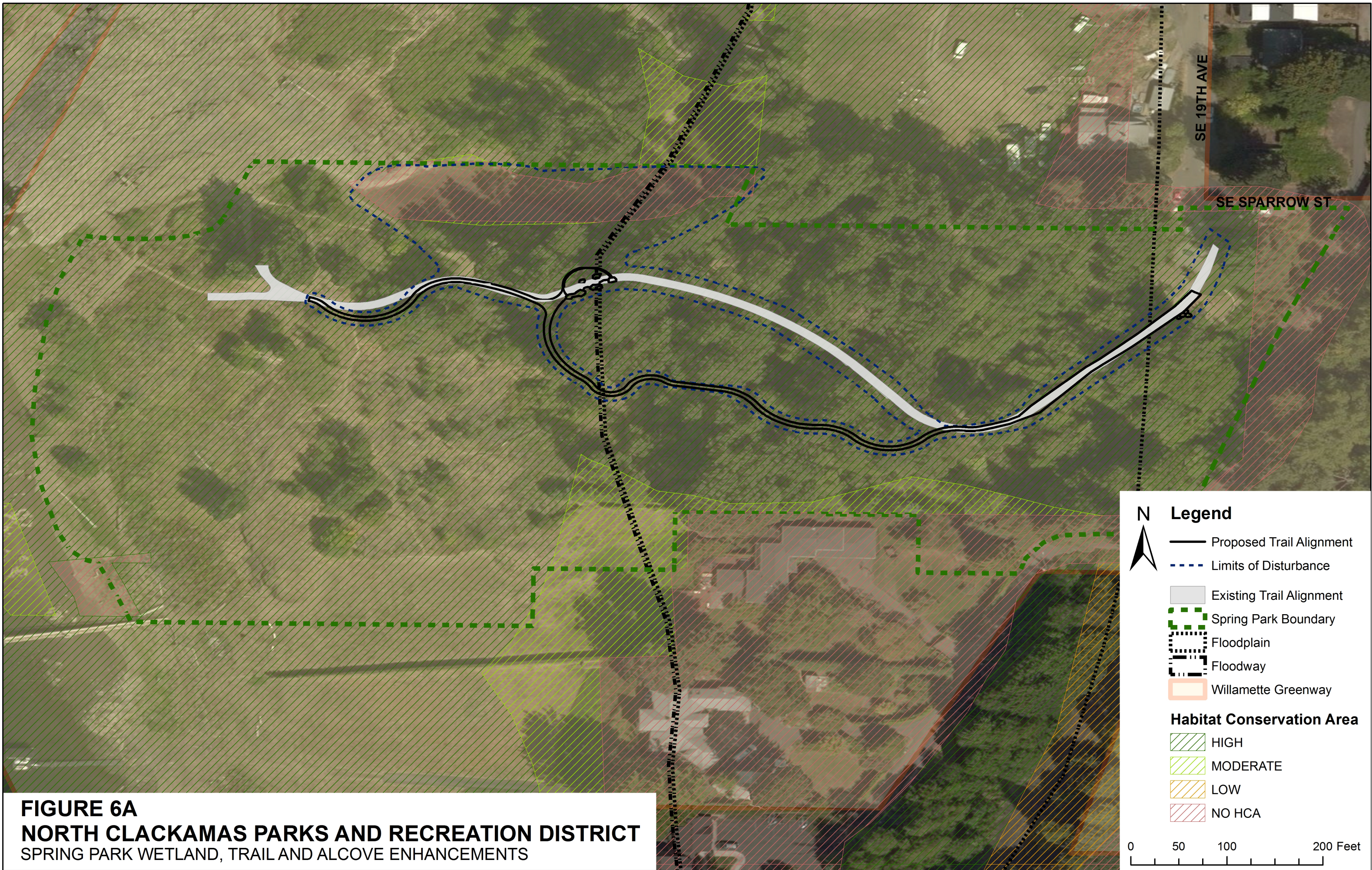
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




**PLANTING PLAN AND PLANT LIST**







**FIGURE 6A**  
**NORTH CLACKAMAS PARKS AND RECREATION DISTRICT**  
 SPRING PARK WETLAND, TRAIL AND ALCOVE ENHANCEMENTS

**N**  


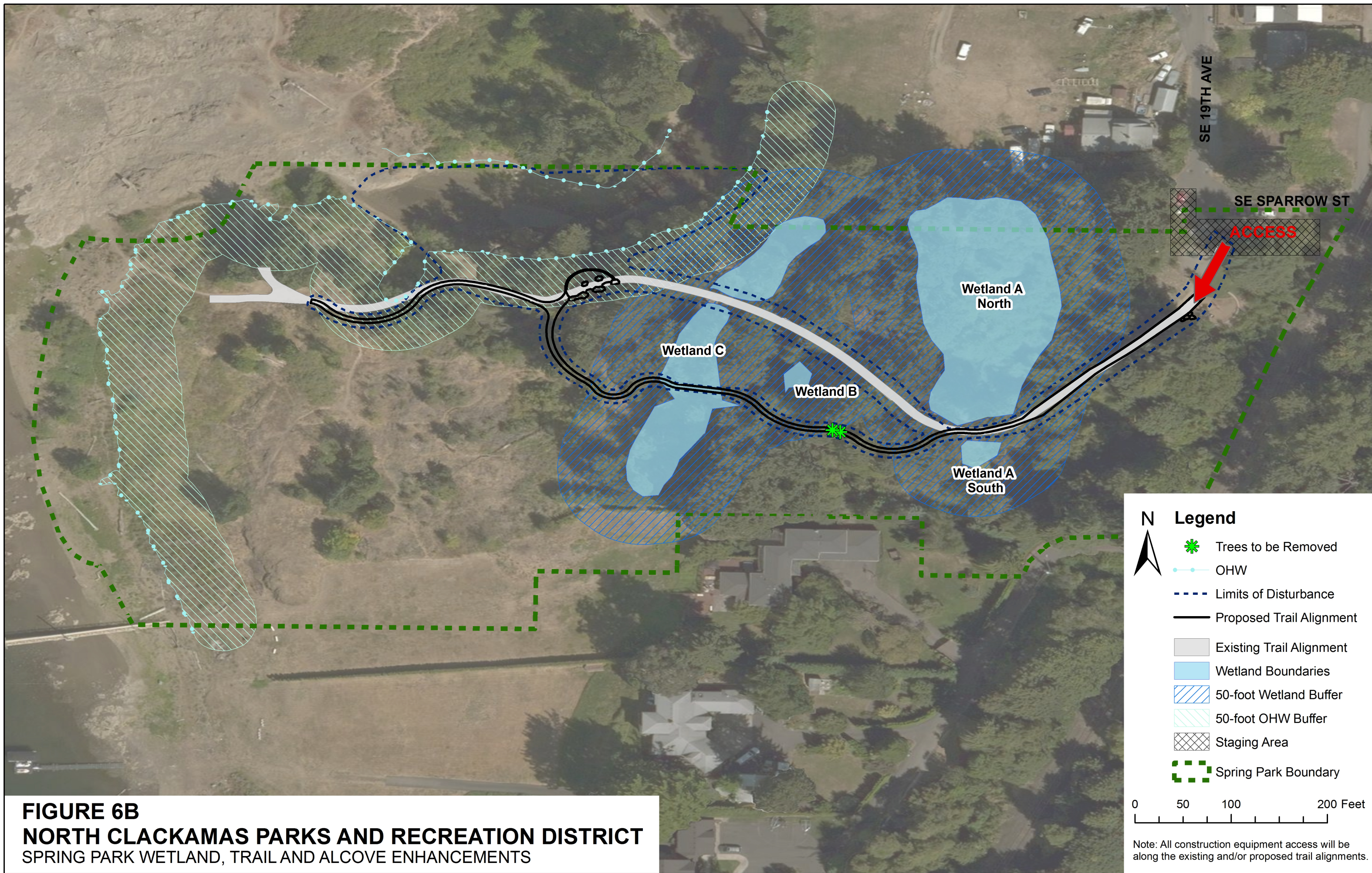
**Legend**

-  Proposed Trail Alignment
-  Limits of Disturbance
-  Existing Trail Alignment
-  Spring Park Boundary
-  Floodplain
-  Floodway
-  Willamette Greenway

**Habitat Conservation Area**

-  HIGH
-  MODERATE
-  LOW
-  NO HCA

0 50 100 200 Feet



**FIGURE 6B**  
**NORTH CLACKAMAS PARKS AND RECREATION DISTRICT**  
 SPRING PARK WETLAND, TRAIL AND ALCOVE ENHANCEMENTS

**N Legend**

- Trees to be Removed
- OHW
- Limits of Disturbance
- Proposed Trail Alignment
- Existing Trail Alignment
- Wetland Boundaries
- 50-foot Wetland Buffer
- 50-foot OHW Buffer
- Staging Area
- Spring Park Boundary

0 50 100 200 Feet

Note: All construction equipment access will be along the existing and/or proposed trail alignments.

# Spring Park Natural Area Restoration Project

North Clackamas Parks and Recreation District

March 19, 2015

Appendix

Land Use Application

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Staff Note: With the exception of the ODFW letter, these red-boxed appendix items are not included in the Planning Commission packet due to material volume. Please contact staff to request a copy of these materials.



July 17, 2014

Tonia Burns  
North Clackamas Parks and Recreation District  
150 Beaver Creek Rd  
Oregon City, OR 97045

**Re: Preapplication Report**

Dear Tonia:

Enclosed is the Preapplication Report Summary from your meeting with the City on July 2, 2014, concerning your proposal for action on property located at SE Sparrow Street and SE 19<sup>th</sup> Avenue (Spring Park).

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,

Blanca Marston  
Administrative Specialist II

Enclosure

cc: File

**PRE-APPLICATION CONFERENCE REPORT**

**This report is provided as a follow-up to a meeting that was held on 7/2/2014 at 10:00**

**Applicant Name:** Tonia Burns

**Company:** Clackamas County

**Applicant 'Role':** Other

**Address Line 1:** 150 Beaver creek Road

**Address Line 2:**

**City, State Zip:** Oregon City OR 97045

**Project Name:** Spring Park Phase II - Park Development & Restoration

**Description:**

**ProjectAddress:** Spring Park - SE Sparrow Street & SE 19th Avenue

**Zone:** Residential R-5

**Occupancy Group:**

**ConstructionType:**

**Use:** Primary land use designation is Public (P), with a 60-ft-wide swath along the southern boundary d

**Occupant Load:**

**AppsPresent:** Tonia Burns

**Staff Attendance:** Brett Kelper & Brad Albert

**BUILDING ISSUES**

**ADA:**

**Structural:**

**Mechanical:**

**Plumbing:**

**Plumb Site Utilities:**

**Electrical:**

**Notes:** No comments at this time.

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 Arouds:**

**Addressing:**

**Fire Protection:**

**Fire Access:**

**Hazardous Mat.:**

**Fire Marshal Notes:** No comments at this time.

### PUBLIC WORKS ISSUES

**Water:** N/A

**Sewer:** N/A

**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.

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 \$823.00 per unit. The storm SDC will be assessed and collected at the time the building permits are issued.

**Street:** N/A

**Frontage:** N/A

**Right of Way:** N/A

**Driveways:** N/A

**Dated Completed:** 7/17/2014

City of Milwaukie DRT PA Report

Page 2 of 6

**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:** N/A

**PW Notes:** FLOOD PLAIN REQUIREMENTS  
The proposed Spring Park improvements shall comply with all requirements of Milwaukie Municipal Code Title 18 – Flood Hazard Regulations. FEMA has issued an appendix (Appendix E – Policy on Fish Enhancement Structures in the Floodway) allowing for a waiver of a full no-rise analysis. Staff has assessed the Policy and agrees that the information provided by the applicant for the enhancement that will be performed will not require a no-rise analysis. In lieu of a no-rise analysis, the applicant shall have a qualified professional provide a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible and that no structures would be impacted by the potential rise as outlined in the Policy. A preliminary analysis is required at the time of land use application.

## PLANNING ISSUES

**Setbacks:** No new structures are proposed near a property boundary, so there are no applicable setback standards.

**Landscape:** The R-5 zone requires a minimum of 25% of the total lot area of the site to be landscaped.

**Parking:** Milwaukie Municipal Code (MMC) Chapter 19.600 provides standards for off-street parking areas, though no specific quantity requirements for parks. Spring Park is a neighborhood park and is intended to serve residents in the immediate vicinity, generating relatively little vehicular traffic. However, the proximity of Elk Rock Island, which is a popular regional attraction, draws additional traffic and increases the parking demand.

Phase I of the Spring Park development (land use file #CSO-06-03) provided some limited on-street parking. The adopted master plan for Spring Park indicates that parking is not required for Phase II development, but that the need for additional parking will be evaluated with Phase II activity. The parking issue will be addressed as part of the Community Service Use review for Phase II (see Application Process section for more information)

**Transportation Review:** The standards MMC Chapter 19.700 Public Facility Improvements are not applicable to the project.

**Application Procedures:** The proposed development would involve the following land use applications:  
Community Service Use review  
Natural Resources review  
Willamette Greenway conditional use review  
Development Review (at time of development permits)

Community Service Use (MMC 19.904) = Spring Park has not had a comprehensive review as a community service use (CSU), as the 2006 review (file #CSO-06-03) did not address any portion of the park beyond the mini-park play area. The rest of the park is considered a de facto CSU. As per a 2009



Director's Interpretation of the CSU requirements, the proposed activity must be reviewed by the Planning Commission (Type III review) to determine whether it meets the CSU approval criteria established in MMC 19.904.4. If the Planning Commission concludes that the existing use meets the CSU standards, then the proposed activity will be concurrently reviewed as a major modification to the CSU. The CSU review will essentially provide a platform for ensuring that the proposed activity to implement Phase II is consistent with the approved master plan.

Natural Resources (MMC 19.402) = Almost all of the site is designated as a Habitat Conservation Area (HCA), with Water Quality Resource (WQR) areas identified within 50 ft of the Willamette River and among several small delineated wetlands. Much of the proposed activity can be considered restoration (e.g., in-water placement of large woody debris, removal of a portion of the existing trail, planting native species), which can be reviewed through the Type I or Type II process as per the applicable standards of MMC 19.402.10. For natural resource management plans, the applicant must address the approval criteria provided in MMC 19.402.10.C.

If the applicant can demonstrate that the formal establishment of an overlook area and creation of a new trail section (with boardwalk through the wetland area) are activities that have clearly been reviewed and approved by one of the agencies noted in MMC 19.402.10 as part of the project's larger natural resource management plan, then the Natural Resource review for the whole project could probably be handled under the umbrella of the natural resource management plan. Otherwise, they will more likely be considered development activity rather than restoration and will be subject to the applicable standards of MMC 19.402.

For development activities, up to 10% of the total HCA-only areas on the site can be disturbed using the Type I nondiscretionary review process as per MMC 19.402.11.D.1.b, as long as the required number of mitigation plantings are provided as per MMC 19.402.11.D.2. For the proposed overlook, this Type I review option could be utilized, with the accompanying required mitigation. (Note—Where the HCA on site overlaps with any water quality resource (WQR) area, those overlapping areas do not count as HCA-only.) Mitigation would include tree and shrub planting based on the size of area disturbed, with minimum standards for plant size, spacing, diversity, etc. (Note—"Disturbance" includes both permanent disturbance (i.e., loss of HCA to development) and temporary disturbance for construction activity.)

For the new trail and boardwalk, the new trail would cross a delineated wetland (considered a protected water feature and therefore a WQR area), which means that the Type I process for HCA-only disturbance is not available for the project. It also means that the option of a Type II review in accordance with the provisions of MMC 19.402.11.E (Standards for Special Uses), specifically the standards in MMC 19.402.11.E.4 for walkways and bike paths, is not available due to the requirement to keep the new walkway at least 10 ft from the boundary of the WQR. If the new trail and boardwalk cannot be covered in the natural resource management plan as noted above, then Type III discretionary review under MMC 19.402.12 will be required. The Planning Director may opt to waive the requirement for a formal report containing an impact evaluation and alternatives analysis, if it is determined that the project does not require professional evaluation.

Type II Natural Resources review is required to amend the Natural Resource Administrative Map to show the correct location of the newly delineated wetlands. This could be done as part of the larger application process.

Willamette Greenway (MMC 19.401) = The proposed relocation of the existing trail (with construction of a small boardwalk over the wetland) and creation of an overlook area are considered to be more like development than as usual and necessary activities for the park's function as a natural area, so Willamette Greenway conditional use review by the Planning Commission (Type III review) is required

for the proposed activity. The applicant must address the approval criteria for both the Willamette Greenway (in MMC 19.401.6) and for conditional uses (in MMC 19.905.4.A).

The City allows multiple land use applications to be processed either concurrently or individually, as per MMC 19.1001.6.B. All 3 reviews (CSU, Willamette Greenway, and Natural Resource) could be handled concurrently through the Type III review process, with findings written to distinguish the components that would otherwise have been handled with Type I or Type II review. However, the applicant could opt to separate the Type I and/or Type II components of the natural resource review from the rest of the application, to limit the level of discretionary review for those aspects that normally undergo a more non-discretionary review.

For multiple applications, the most expensive fee is collected in full, with a 25% discount for each additional application. For the current fiscal year, the following fees are in effect for the various levels of land use application review: Type I (\$200), Type II (\$1,000), and Type III (\$2,000). Due to the City's partnership in the project, the City would likely be a co-applicant and thereby waive the application fees. However, the applicant would be responsible for the cost of any peer review of technical reports, if needed. There is a \$500 fee for appealing any decision to the relevant appeal authority listed in MMC Table 19.1001.5.

Development Review (MMC 19.906) = Once the proposed activity receives approval for the CSU, Willamette Greenway, and NR aspects, Type I Development Review will be required with the submittal of any needed development permits (such as for grading and/or erosion control). This review ensures that all relevant standards are met and that any required conditions of approval are carried out in accordance with the earlier approval

**Natural Resource Review:** The site is bordered by the Willamette River on the west and includes several small delineated wetlands within its interior. Much of the site is covered with Water Quality Resource (WQR) and/or Habitat Conservation Area (HCA) designations.

**Lot Geography:** The subject property is comprised of 7 tax lots and is approximately 7 acres in area (not including undeveloped right-of-way or beach areas that extend beyond the property boundary into the river). The property is linear along its northern boundary, linear but angled adjacent to the railroad right-of-way on the east, linear but compound along the south, and irregular where it meets the river on the west.

**Planning Notes:** The Spring Park Master Plan was adopted into the Comprehensive Plan in 2005 (file #CPA-05-02). In 2006, implementation of Phase I of the Spring Park master plan was reviewed as a community service use (land use file #CSO-06-03), focusing on the mini-park development near the park entrance.

### **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**

**Mark Ennis - Plans Examiner - 971-344-0182  
Bonnie Lanz - Permit Specialist - 503-786-7613**

**ENGINEERING DEPARTMENT**

**Jason Rice - Engineering Director - 503-786-7605  
Brad Albert - Civil Engineer - 503-786-7609  
Adriana Slavens - Civil Engineer - 503-786-7602  
Alex Roller - Engineering Technician I - 503-786-7695**

**COMMUNITY DEVELOPMENT DEPARTMENT**

**Stephen Butler - Comm. Dev. Dir. - 503-786-7652  
Marcia Hamley - Admin Specialist - 503-786-7656  
Alicia Martin - Admin Specialist - 503-786-7600  
Blanca Marston - Admin Specialist - 503-786-7600**

**PLANNING DEPARTMENT**

**Dennis Egner - Planning Director - 503-786-7654  
Brett Kelter - Associate Planner - 503-786-7657  
Li Alligood - Associate Planner - 503-786-7627  
Vera Koliass - Associate Planner - 503-786-7653**

**CLACKAMAS FIRE DISTRICT**

**Mike Boumann - Lieutenant Deputy Fire Marshal - 503-742-2673**

**Spring Park**

**Master Plan**

**An Ancillary Document to the  
Milwaukie Comprehensive Plan**

**Adopted: \_\_\_\_\_ 2006**

# SPRING PARK MASTER PLAN

## SITE DESCRIPTION

Spring Park is a 6.87-acre site composed of multiple tax lots (Tax Assessor Map 1S 1E 35DD, Tax lots 5900, 6100, 6200, 6300, 6400, 6500, and 6601) that are owned by the City of Milwaukie (the City). The site is in Residential Zone R-5 and has a Comprehensive Plan designation of Public. It is located south of SE Sparrow Street, west of the Union Pacific railroad tracks, and east of the Willamette River in the Island Station neighborhood. Private property borders the site along its southern edge. See the attached Spring Park Location Map for more detail (Attachment 1).

Spring Park is largely undeveloped and is currently maintained by the North Clackamas Parks and Recreation District (NCPRD) as a natural area. A large unmapped wetland is located in its center, and the remainder of the site is composed of riparian forest and grasslands. The site is an important habitat resource for birds and plant life and portions of it are composed of geologically significant bedrock. Due to its proximity to the Willamette River, the entire site is within the Willamette Greenway Zone and portions of it contain mapped water quality resource areas.

The primary entrance to Spring Park is located on the northeast side of the site at the intersection of SE 19<sup>th</sup> Avenue and SE Sparrow Street. There is also a little-used path on SE Lark Street near the southeast corner of the site. Spring Park is primarily used to access the Willamette River and the seasonally accessible land bridge to Elk Rock Island. Elk Rock Island is owned by the City of Portland, located in Clackamas County, and only accessible by land via the City.

## HISTORY

The City purchased Spring Park in 1971. In 1980, the City vacated a section of SE Lark Street located on the south side of Spring Park. A portion of this vacated area (0.25 acres) was traded to a property owner to the south for property along the Willamette River (0.36 acres).

In 1989, a group of interested citizens and park staff from Milwaukie, Portland, and Clackamas County drafted a management plan for Spring Park, Elk Rock, and Elk Rock Island, entitled the Elk Rock Island Natural Area Management Plan. The City adopted this plan in 1995. This plan identified important issues related to natural resource protection, public use, and provision of public safety services. One of its recommendations was that the City develop a master plan for Spring Park to guide its management and development. The Spring Park Master Plan is intended to augment, not replace, the Elk Rock Island Natural Area Management Plan.

Since the adoption of the 1995 management plan, Island Station residents have urged the City to develop a master plan for Spring Park that would include wetland delineation and enhancement and development of a neighborhood park in the northeast corner of the site. Volunteers have worked for several years to remove invasive plants in the northeast corner of

## Spring Park Master Plan

the site and along the path that leads to the Willamette River. The thinning of this underbrush and the removal of obstructions and debris have increased visibility and safety throughout the site.

### **MASTER PLANNING PROCESS**

In the summer of 2003, the City convened a public meeting to discuss a neighborhood park design concept for the northeast corner of the site, which was developed by Island Station resident Gary Michael. All in attendance approved of the neighborhood park design, and, at the urging of City staff, agreed to expand the scope of the master plan to include the entire 6.87-acre site. In order to expedite the neighborhood park development process, however, it was suggested that the master plan be divided into two phases. See the attached map of the Spring Park Master Plan Development Phases (Attachment 2) for more detail.

#### **Phase I.**

- Development of a neighborhood park in the site's northeast corner.
- Installation of parking spaces immediately adjacent to the neighborhood park development.

#### **Phase II.**

- Restoration and protection of natural resource and habitat areas.
- Delineation and enhancement of the wetland area.
- Relocation and formalization of the site's path system.
- Installation of interpretive signage
- Installation of additional parking spaces.

A draft master plan was circulated in the spring of 2004, and a meeting was held in June of 2004 to discuss it. Notices were sent to property owners adjacent to Spring Park and to the Island Station Neighborhood District Association. At that meeting, public safety and parking concerns were raised. It was decided that these two areas of concern needed to be addressed and included in the final master plan.

To address public safety concerns, the City's Chief of Police met with Island Station residents to discuss public safety concerns and city staff from Milwaukie and Portland and the chiefs from the Milwaukie Police Department and the Clackamas County Fire District #1 met to discuss emergency response service improvements to Spring Park and Elk Rock Island. The outcomes of these various meetings are contained in the Public Safety section of each development phase.

To address parking concerns, neighborhood association members and City staff visited the site and compiled a list of 14 potential parking areas near Spring Park, which was later reduced to eight potential parking areas. See the attached Parking Diagram (Attachment 4) for more detail. A public meeting was held in January of 2005, wherein it was decided that the potential parking areas identified in the Parking Diagram should be evaluated and implemented concurrently with Phase I and Phase II development.

**PHASE I – MINI-PARK DEVELOPMENT**

**Park Classification**

Pursuant to the park classification system in the Recreational Needs Element of Chapter 4 of the City’s Comprehensive Plan, the proposed park development meets the definition for a Mini-Park, Playlot, or Totlot due to its location, targeted population, and size (greater than 2500 square feet but less than 1 acre). The entire site is greater than 1 acre; however, only a small portion of the site will be developed as a mini-park for use by the local neighborhood. Since the larger portion of the site will remain mostly undeveloped and serve a completely different recreational purpose, it will receive a different park classification.

**Development Proposal**

Refer to the Mini-Park Concept Plan (Attachment 3) for a graphic rendering of the proposed development.

- **Equipment.** Proposed equipment and structures include the following:

Quantity	Item
1	Play structure for children aged 7 and younger
2	Picnic tables
2	Benches
1	Bike rack
1	Welcome sign
1	Display shelter
1	Garbage receptacle

An existing asphalt area (approximately 140 square feet) will be removed prior to the installation of the play equipment and surrounding fall zones.

- **Landscaping.** A native plant landscape will be planted around the perimeter of the mini-park area. The entrance on SE Sparrow Street will be kept clear of vegetation over three feet in height to ensure adequate visibility of the mini-park from the street. It is anticipated that installation of the proposed park equipment and structures will not necessitate the removal of any trees. Removal of any species that are exotic or invasive or of any trees or vegetation that are dead or dying will follow the practices outlined in the attached Natural Resource Restoration and Protection Guidelines (Attachment 5).
- **Park Entrance.** The berm constructed at the SE Sparrow Street entrance to impede bicyclists from riding into Spring Park will be removed to provide improved visual and physical access to the mini-park area. In place of the berm, signage and bollards may be installed to prevent the entry of those on motorcycles, scooters, or bicycles, as these types

## Spring Park Master Plan

of activities are prohibited in Spring Park due to the fragility of the plant and wildlife habitat areas.

- **Signage.** A welcome sign will be installed at the Spring Park main entrance to welcome users to the site area and to identify the site as being owned by the City and jointly maintained by the City and NCPRD. This sign will also mention the role played by the Island Station Neighborhood District Association in enhancing facilities at Spring Park. City of Milwaukie park rules will be posted on this sign or on a separate sign close to the entrance.
- **Path.** A fairly level path will lead from the SE Sparrow Street entrance to the mini-park area. The path will be constructed of permeable material and to Federal ADA standards. A split rail fence may be installed along SE Sparrow Street in order to guide park users to the designated pathway.
- **Fencing.** The 1995 management plan calls for fencing along the site's northeastern boundary to keep mini-park users away from the railroad tracks that run parallel to the site's eastern boundary. Upon further evaluation by City staff and residents, it was determined that fencing in this location is neither feasible nor necessary. A steep berm exists between the proposed mini-park location and the railroad tracks that acts as a natural barrier. Native plants that are thorny or otherwise repellant will be installed at the base of the berm to further discourage park users from playing near the railroad.
- **Utilities.** The mini-park will use neither electricity nor water, so no facilities are proposed.

### **Maintenance**

Spring Park is listed on the intergovernmental agreement between the City and NCPRD as an NCPRD-maintained park. NCPRD currently provides maintenance of a sign and regular removal of waste from a garbage can, both of which are located at the SE Sparrow Street entrance. The City intends to continue to work with and coordinate the efforts of NCPRD staff, the Island Station Neighborhood District Association, and The Friends of Elk Rock Island to ensure adequate maintenance of the mini-park. The Adopt-a-Park program will be utilized to the greatest extent possible.

### **Parking**

The Planning Department has determined that installation of parking spaces is not required for mini-park development. Moreover, additional vehicular traffic is not expected as a result of the proposed mini-park development since it is intended for local neighborhood use as a walk-to park. However, parking in this area and for Spring Park, in particular, has been problematic for residents with property in and around the Spring Park main entrance.

The streets of the Island Station neighborhood are generally narrow with no curbs or sidewalks. Due to these conditions and emergency vehicle access issues, the City has installed "No Parking" signs along SE Sparrow Street and SE 19<sup>th</sup> Avenue within 500 feet of the Spring Park main entrance. Park users frequently park in these areas anyway, resulting in



## Spring Park Master Plan

numerous parking violations and towings. Also, even park users who park legally occasionally contribute to the parking problem by obstructing the private driveways of Spring Park neighbors.

In an effort to avoid additional parking violations and to minimize the impact on Spring Park neighbors, parking spaces will be installed in two or more areas near the entrance to Spring Park concurrent with Phase I development. Location and installation of additional parking spaces will occur as part of Phase II.

Potential parking areas identified by the neighborhood and City staff are shown in the attached Parking Diagram (Attachment 4). The following will be taken into consideration when evaluating which potential parking areas are most appropriate for development during Phase I.

- Cost
- Proximity to mini-park entrance
- Location of existing street pavement and right-of-way boundaries
- Location of Spring Park property lines
- On-site versus off-site (i.e. street) parking construction requirements
- Emergency access to and through the area
- Topography and drainage

Any parking constructed on site will be designated for park use only. Parking that is constructed in the public right-of-way, i.e. street parking, will not be designated for park use only.

### **Public Safety**

Mini-park development will increase public safety in this part of Spring Park through increased visibility and positive use. Visibility will be increased through the removal of the existing berm at the site's main entrance on SE Sparrow Street and by keeping this entrance clear of vegetation over three feet in height. Positive use will be increased through the installation of a play area and park furniture that will draw additional users to the site, specifically families with young children.

### **Funding**

The City will work with NCPRD, the Island Station Neighborhood District Association, the City of Portland Parks Department, and other interested parties to identify funding for Phase I. Potential funding sources include, but are not limited to: Metro Local Share Bond Measure funds (assuming passage of the measure in November of 2007), Oregon Parks and Recreation Department grants, and City of Milwaukie neighborhood grants.

The Island Station Neighborhood District Association and other interested parties will commit volunteer labor toward the installation of equipment, site preparation, and other tasks as identified. City staff and contract crews will be used as needed to complete various portions of the project.

## PHASE II – HABITAT RESTORATION AND PRESERVATION

### Park Classification

Pursuant to the park classification system in the Recreational Needs Element of Chapter 4 of the City's Comprehensive Plan, the proposed park development for the portion of site not included in Phase I of the Spring Park Master Plan meets the definition for a Natural Preserve due to its natural character, proposed use, and targeted population. Natural preserves are meant to provide environmental education and passive recreation opportunities for the entire community.

### Development Proposal

Phase II of the Spring Park Master Plan is composed of four distinct elements: restoration and protection of natural resource and habitat areas; delineation and enhancement of the unmapped wetland area; relocation and formalization of the site's path system; and, installation of interpretive signage.

- **Natural Resource Restoration and Protection.** Most of the restoration and protection activities will take place in and around the large unmapped wetland area as described below. Additional restoration and protection activities will take place as staffing and funding allows. Any such activities will follow the attached Natural Resource Restoration and Protection Guidelines (Attachment 5).
- **Wetland Delineation and Enhancement.** The area to the west and south of the entrance to Spring Park contains an unmapped wetland. In order to correctly identify the extent of the wetland boundary and corresponding enhancement efforts, Phase II will include a formal delineation of the wetland boundary by a licensed professional, which will comply with all applicable state and federal regulations pertaining to wetland delineation and enhancement activities.

Because the area has not been maintained for many years, invasive and exotic species have proliferated in the wetland area. In order to return this area to a more natural wetland habitat, staff from the cities of Milwaukie and Portland, with assistance from volunteers, will continue to hold work parties in this area to remove invasive and exotic species. Work party activities will enhance the native plant diversity and protect the health and safety of abutting property owners and park users. The following activities are proposed in and around the wetland area and will follow the attached Natural Resource Restoration and Protection Guidelines (Attachment 5).

1. Identification and removal of exotic and invasive plant species. These species include, but are not limited to: thistle, ivy, holly, blackberries, morning glory, reed canary grass, purple loosertrife, Japanese knotweed, English hawthorn, cherry-laurel, and scotch broom. Removal efforts will be directed to invasive eradication. Invasive species may be sprayed with herbicide or may be removed manually or with power equipment.

## Spring Park Master Plan

2. Removal of existing trees and vegetation that are dead or diseased where such trees and vegetation could potentially harm adjacent property owners, park users, or native plant health and habitat.
  3. Thinning of existing trees and vegetation to enhance native plant health and habitat.
  4. Planting of appropriate native species. These plantings will be selected to best protect the local wildlife habitat and the wetland area as a natural aquatic resource.
  5. Protection of wetland area from unauthorized human activities. Native shrubs that are thorny or otherwise repellent to park users will be installed along the perimeter of the wetland area to encourage park users to use the designated path system and to discourage them from entering the wetland area.
- **Path Relocation and Formalization.** The existing path through Spring Park was never formally designed or constructed. It was created over time by park users walking through the site en route to Elk Rock Island and/or the Willamette River. Unfortunately, sections of this informal path encroach upon the large wetland area in the middle of the site, decreasing the wetland's utility as a natural habitat and bio-filtration system.

In order to minimize the impact of the path system on the wetland area and neighboring properties, the following steps will be taken:

1. All existing informal paths will be closed and replanted to the degree practicable. Barricades and signs will caution park users against using these areas.
  2. A new path system will be installed that is clearly marked with signs directing park users through the site. The new path system will be located outside of the wetland boundary as determined by the wetland delineation survey and will be constructed of permeable materials.
  3. Fencing and native shrubs will be installed to define the new path system and to prevent park users from wandering into the wetland area. Fencing and native shrubs will also be installed through a cooperative effort between the City and adjacent property owners to prevent park users from trespassing onto private property to the south. Fencing will be selected based on its appropriateness for use in a natural resource area, and may include split rail and/or cedar fencing.
- **Interpretive Sign Installation.** There is no signage in Spring Park, with the exception of a large sign near the main entrance. Neighbors and advocates for Spring Park and Elk Rock Island want clear and consistent signage that conveys to park users the sensitive nature of the plant and wildlife habitat within Spring Park. Rather than emphasize prohibited activities, it is felt that signs should educate visitors about the sensitive natural environment and the damage caused by certain activities. With this in mind, the following signage will be installed in Spring Park during Phase II development:

## Spring Park Master Plan

1. An interpretive kiosk will be installed near the entrance to the path that leads to the Willamette River and Elk Rock Island. It will include a description of the natural environments found in Spring Park and Elk Rock Island and a list of prohibited activities. A reference will be made to the application of City of Portland park rules on Elk Rock Island and City of Milwaukie park rules in Spring Park.
2. Smaller interpretive signs will be installed along the formal path describing the natural habitat and encouraging users to stay on the path.

### **Maintenance**

Spring Park is listed on the intergovernmental agreement between the City and NCPRD as an NCPRD-maintained park. NCPRD currently provides maintenance of a sign and regular removal of waste from a garbage can, both of which are located at the SE Sparrow Street entrance. The City intends to continue to work with and coordinate the efforts of NCPRD staff, the Island Station Neighborhood District Association, and The Friends of Elk Rock Island to ensure adequate maintenance of Spring Park. The Adopt-a-Park program will be utilized to the greatest extent possible, and, given the site's unique connection to Elk Rock Island, the City will partner with the City of Portland whenever feasible.

### **Parking**

The Planning Department has determined that installation of parking spaces is not required for Phase II development. The definition for a Natural Preserve in the Milwaukie Comprehensive Plan states that travel to such parks is primarily by foot or bike, with limited provisions for vehicle parking. However, parking for Spring Park has been problematic for residents with property in and around the Spring Park main entrance, especially during the summer months, and it is anticipated that enhancement of Spring Park facilities will only compound the problem by attracting more park users.

As previously stated, parking spaces will be installed as part of Phase I development, and the need for additional parking will be evaluated at the time of Phase II development. Additional restrictions on on-street parking will also be considered at the time of Phase II development.

The following will be taken into consideration when evaluating which potential parking areas identified in the attached Parking Diagram (Attachment 4) are most appropriate for development during Phase II.

- Cost
- Location of existing street pavement and right-of-way boundaries
- Location of Spring Park property lines
- Emergency access to and through the area
- Topography and drainage

### **Public Safety**

As previously stated, Spring Park is owned by the City and maintained by NCPRD per an intergovernmental agreement. Elk Rock Island, however, is owned by the City of Portland and is located in unincorporated Clackamas County. Elk Rock Island is maintained by the City of Portland.

## Spring Park Master Plan

Police, fire, and safety response to both Spring Park and Elk Rock Island have been inconsistent in the past, which has caused great concern for neighbors. It is anticipated that enhancement of Spring Park facilities may increase the use of the site and Elk Rock Island, thereby increasing the need for speedy and consistent emergency response to both areas. It is hoped that by fostering positive use of the site through the development of a mini-park, vandalism and inappropriate uses of Spring Park and Elk Rock Island will decrease during daylight hours. However, since both areas have been historically misused and vandalized, advocates and neighbors strongly feel that an effective and coordinated response plan is needed.

In November of 2003, city staff from Milwaukie and Portland and the chiefs from the Milwaukie Police Department and the Clackamas County Fire District #1 met to discuss current and future emergency response services to Spring Park and Elk Rock Island. The following is a summary of the proposed work plan for improving emergency response services to Spring Park and Elk Rock Island:

- **Fire.** Clackamas County Fire District #1 (the District) has jurisdiction over both Spring Park and Elk Rock Island. The District is the provider of fire services for the City under a contract signed in 1997. The District provides fire services to Elk Rock Island under another agreement that obligates their response to areas of unincorporated Clackamas County. The District is able to respond to Spring Park by land and to Elk Rock Island by land and water. Fire response to Spring Park and Elk Rock Island is currently adequate. Until such time as it becomes necessary, no action will be taken to modify the existing fire response services to Spring Park and Elk Rock Island.
- **Police.** The Milwaukie Police Department (the Department) has jurisdiction in Spring Park. The City adopted park rules in 2004 that are enforceable by staff from the Department, the City's Code Enforcement team, and NCPRD. These rules will be posted on a sign toward the entrance of the park during Phase I development.

The Department and the City of Portland are both able and willing to respond to disturbances on Elk Rock Island. However, due to the island's location, the Department is usually able to respond more quickly than the City of Portland. The City will work with the City of Portland's parks and police departments to install both short and long term strategies for responding to disturbances.

In the short term, the City will discuss with the City of Portland the feasibility of granting the Department "Agent in Charge" status. This could potentially increase the City's ability to respond to incidents on the Island as well as strengthen their authority to cite offenders into court. The City may also consider adopting Portland's park rules to be applied solely to Elk Rock Island.

In the long term, the City will pursue incorporation of Elk Rock Island for the sole purpose of law enforcement. This will strengthen the ability of the Department to respond to incidents on Elk Rock Island and to cite offenders into court.

## Spring Park Master Plan

### **Funding**

The City will work with NCPRD, the Island Station Neighborhood District Association, the City of Portland Parks Department, and other interested parties to identify funding for Phase II. Metro Local Share Bond Measure funds, assuming passage of the measure in November of 2007, may be used to complete the wetland delineation and begin the natural area restoration and path relocation work. The City will also solicit funding assistance from the City of Portland for some of the path relocation work and interpretive signage construction and installation.

Portland's Bureau of Environmental Services Watershed Revegetation Program will be solicited for wetland enhancement design ideas and installation work. This "Revegetation Program" initiates and installs biologically complex environmental restoration projects in Portland and in surrounding watershed areas. A similar design and installation project was recently completed by this program at the ODS campus site near the mouth of Johnson Creek in Milwaukie.

As with many City projects, volunteers will play a large role in the completion of this Phase of Spring Park development. Neighborhood residents, interested parties, and local biologists and wetland enthusiasts will contribute ideas and labor toward the completion of this project in cooperation with City staff and crews.

## Spring Park Master Plan

### **LIST OF ATTACHMENTS**

Attachment 1 – Spring Park Location Map

Attachment 2 – Spring Park Master Plan Development Phases

Attachment 3 – Phase I: Mini-Park Concept Plan

Attachment 4 – Parking Diagram: Potential Parking Areas for Spring Park

Attachment 5 – Natural Resource Restoration and Protection Guidelines

## **ATTACHMENT 5**

### **Natural Resource Restoration and Protection Guidelines**

#### Removal of invasive and exotic species:

- Invasive woody trees, shrubs, and vines such as holly, ivy, and scotch broom will be either pulled out at the roots or cut at the base.
- Invasive species may be sprayed with herbicide bi-annually. See Herbicide Application section below for more detail.
- Invasive species found on the site but not specifically mentioned in this document will be removed using the most appropriate method available.
- Plants that can safely remain after removal will be left to decay in place. Plants that have the potential to re-root will be physically removed from the site.

#### Control of invasive grasses:

- Invasive grasses and weeds will be removed to allow new plantings to compete.
- Weed eaters, scythes, and machetes will be used to cut grasses and weeds.
- Plant materials will be removed when necessary and left as mulch where appropriate.
- Mulch and weed cloth will be used sparingly due to their cost.

#### Herbicide Application:

- All herbicide applications will be applied in a responsible and conservative manner only where necessary. Applications will take place during periods of low wind and dry weather conditions.
- Herbicide application forms, provided by the City, will be filled out for all herbicide application activities. All application activities will be performed by certified and registered applicators according to state and federal regulations
- Invasive woody trees and shrubs will be cut and herbicide applications will be applied to stumps. Identified target species of vines, forbs, and grasses will be given foliar applications.
- Target invasive species include, but are not limited to, the following: thistle, ivy, holly, blackberries, morning glory, reed canary grass, purple loosetrife, Japanese knotweed, English hawthorn, cherry-laurel, and scotch broom.

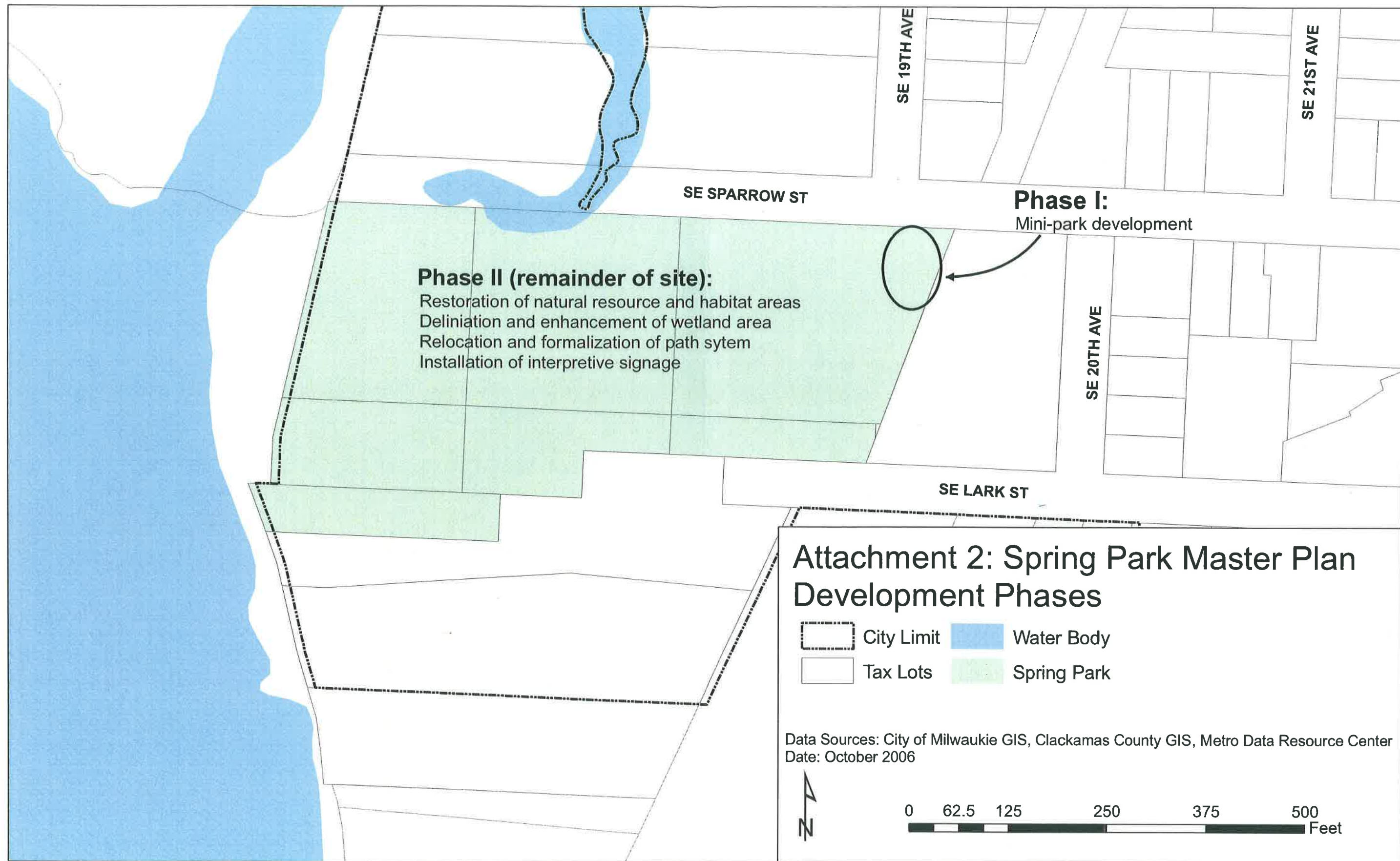
#### Removal of trees and vegetation that are dead or diseased:

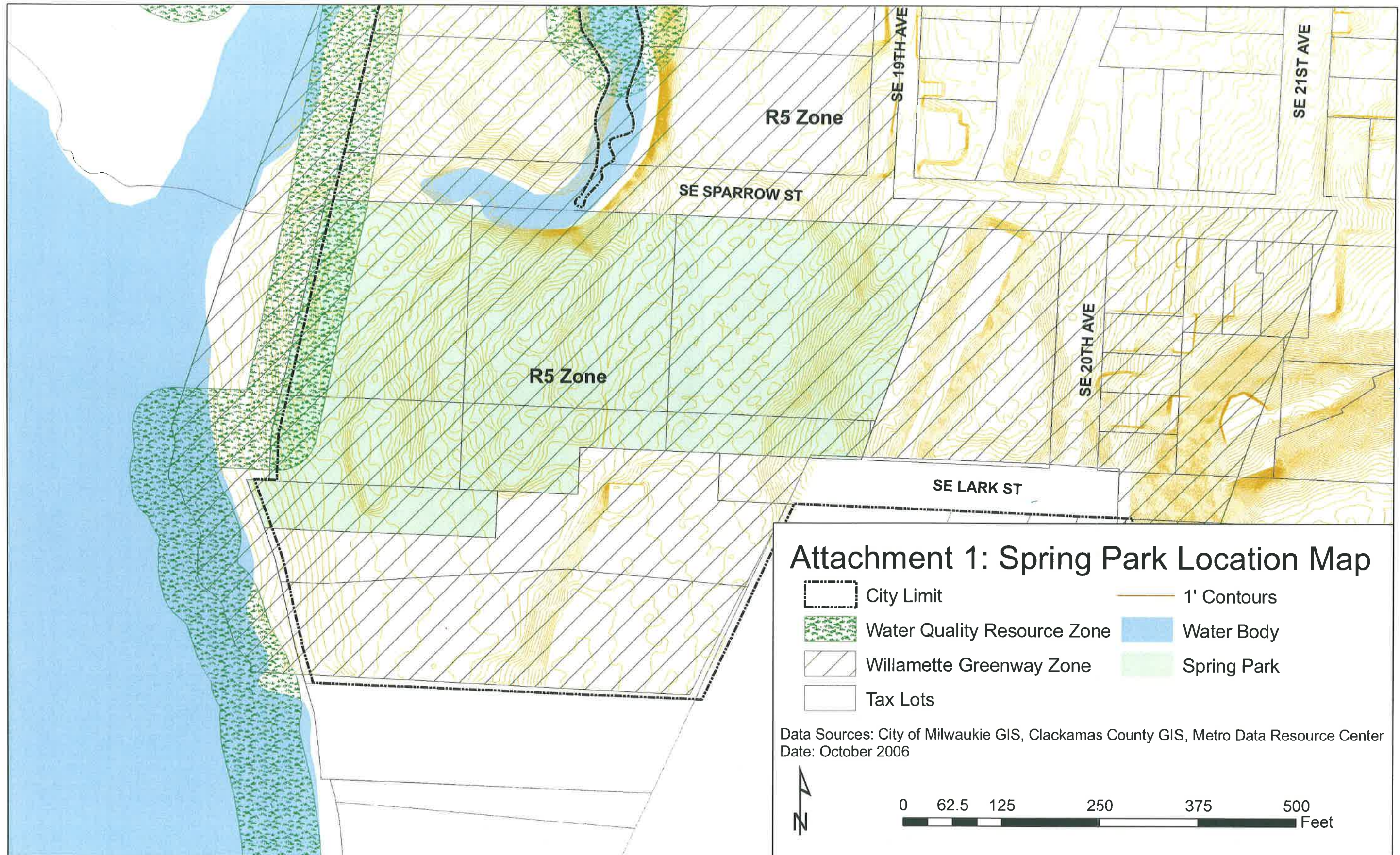
- Plants, trees and shrubs that appear to be diseased or dead will be inspected to determine whether they pose a safety problem or whether their continued presence will cause disease to spread to other trees, shrubs, or plants.
- The City will cut only those native trees that present a real danger to adjacent property owners, park users, or the local habitat.
- Trees that can safely remain on site after cutting will be left on site for animal, insect, and plant habitat.
- Trees that require removal will be chipped or cut and recycled at a yard debris facility.

#### Thinning of existing trees and vegetation:

- Plant materials will remain on site for animal, insect, and plant habitat whenever possible.







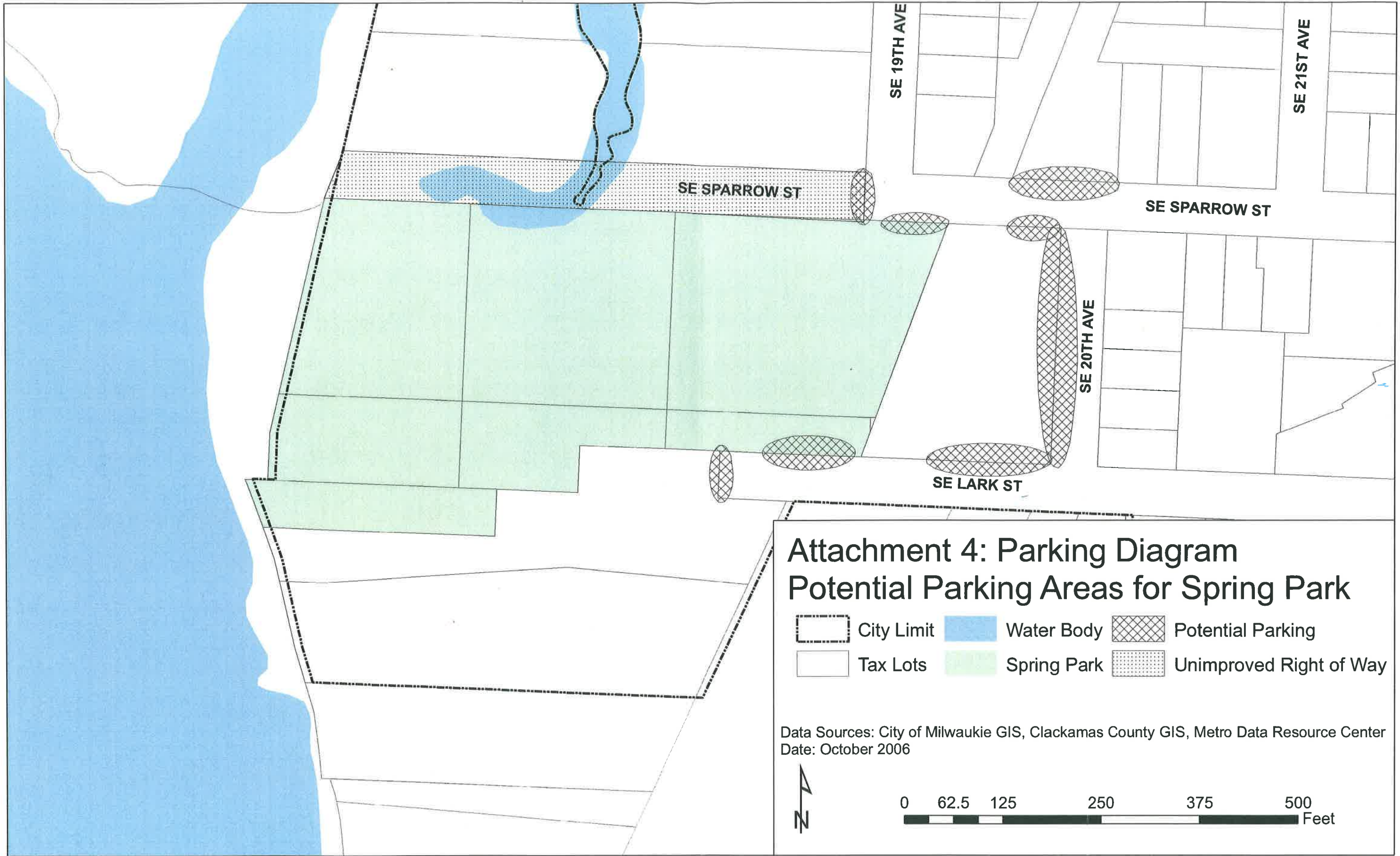


# SPRING PARK

North-east Entry Area

Scale: 1" = 20'

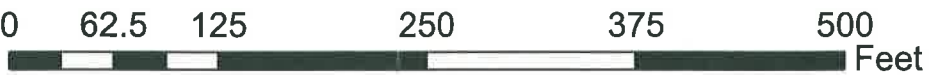
Gary Michael July 31, 2001



### Attachment 4: Parking Diagram Potential Parking Areas for Spring Park

- City Limit
- Water Body
- Potential Parking
- Tax Lots
- Spring Park
- Unimproved Right of Way

Data Sources: City of Milwaukie GIS, Clackamas County GIS, Metro Data Resource Center  
Date: October 2006





# Oregon

Kate Brown, Governor

## Department of Fish and Wildlife

North Willamette Watershed District

17330 SE Evelyn Street

Clackamas, OR 97015-9514

(971) 673-6000

March 16, 2015

City of Milwaukie Planning Department  
6101 SE Johnson Creek Blvd  
Milwaukie OR 97206

### Re: Spring Park Natural Area Project



Dear Planning Staff,

The Oregon Department of Fish & Wildlife (ODFW) would like to express our full support of the Spring Park Natural Area project. We (ODFW) have been providing review and feedback on the designs and permitting process with DSL and the Corps and will continue to provide direct involvement from project implementation to post project monitoring. It has come to our attention that it is important for us to explain our support for this project to the City of Milwaukie planning department. NCPRD has approached various ODFW departments to partner and ask for support during the projects initial master planning phases, for biological monitoring and for design and permitting support.

ODFW has written many letters of support for this project as NCPRD applied and was awarded grant funding to implement this project. ODFW was present during the initial permitting meetings with DSL and the Corps in 2014. Preliminary assessment of the site and the restoration opportunities that existed included a determination of best management practices associated with in water work and benefits, riparian work and benefits, and wetland work and benefits. In addition, ODFW wildlife and habitat monitoring survey crews are working with NCPRD to collect pre- and post- project data to show the benefits of implementing a project of this kind using specific methods, techniques and goals and objectives.

The goals of this project focus on enhancing and restoring critical instream and riparian habitat. The overall product will be more restored area, less "developed" area, and those that remain developed being sustainably built to both withstand the visitors use (access to fishing, bird watching etc.) and to help keep the rest of the natural area healthy (for wildlife, wildlife viewing etc.).

This is very important work, because high quality habitats like this alcove are rare along the lower Willamette River. ODFW recommended actions come from both the Lower Columbia River Conservation and Recovery Plan for Oregon populations of Salmon and Steelhead and the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead. Several populations of ESA listed anadromous fish species are highly dependent on areas like Spring Park during migration (predominantly Chinook). Two specific recommended actions from the plans identified above include: 1) establish or improve quality and access to off-channel habitats; 2) protect and restore riparian areas, floodplains, and high-quality off-channel habitats; both of which will be achieved through successful implementation of this project.

We understand how popular this site is for river access and its importance due to the many sensitive habitat types and wildlife within them. We are very excited that NCPRD has taken so much of their time and resources to find the money and partner with many groups to make this project happen. We are pleased to be one of many partners reviewing the plans and designs and believe that with the large group of highly professional biologists and ecologists at the table, this project will be a benefit to fish, wildlife, park visitors, and to the City of Milwaukie.

Please feel free to contact me at any time if you have any questions or concerns about the project, we would be happy to discuss this with you.

Sincerely,

Todd Alsbury  
District Fish Biologist  
ODFW- North Willamette Watershed District

*Send via E-Mail to [kerverb@milwaukieoregon.gov](mailto:kerverb@milwaukieoregon.gov)*

May 28, 2015

Brett Kever, Associate Planner  
Milwaukie Planning Department  
6101 SE Johnson Creek Blvd  
Milwaukie, OR 97206

Mr. Kever,

I am writing to provide public comments regarding the Application for Land Use Action – Master File #CSU-2015-004, that proposes to enhance natural areas in Spring Park, realign the current trail, plant native species for habitat restoration and create riparian and instream enhancements for fish.

As a volunteer who has helped NCPRD plant native species in an effort to restore the Park's habitat, I am excited to see this work proposed for Spring Park.

In reviewing the land use application I noted that some of the work will be done close to the southern boundary of Spring Park.

Please recognize that there have been issues in the past with trespass onto our Island Station neighbor's private property.

A 2010 Letter from City of Milwaukie to William Cox, Attorney at Law, representing our Island Station neighbor, Charles Arnell, who lives just south of Spring Park, demonstrate that the City recognized that there have been issues regarding trespass onto our neighbor's private property (see attached excerpts from this 2010 letter).

Therefore, I ask that prior to any work be done within Spring Park that the City engage land surveyors to survey and locate the eight (8) corners of the southern boundary of Spring Park (see attached graphic).

This land survey will cost approximately \$2,100 (I have obtained an estimate). This would be very inexpensive "insurance" to ensure that this work doesn't trespass upon our neighbor's private property.

Once the corners are located I ask that "bollards" be installed on the Spring Park side of the boundary between the park and Mr. Arnell's private property. These bollards could consist

**Milo Denham**  
12106 SE 19<sup>th</sup> Avenue  
Milwaukie, OR 97222

of five foot 3" diameter thick-walled white PVC pipe, set in the ground like a fence post, with roughly three feet standing above ground level. This would give visual clues to the location of the park boundary, and help ensure that park visitors do not trespass on our neighbor's private property. In addition, it would also help to ensure any habitat restoration or trail realignment work does not trespass upon our neighbor's private property. If the surveyors are not able to set the bollards, the work could be done by volunteers from the Island Station neighborhood.

In summary:

- Please engage a land survey company to conduct a land survey of the southern boundary of Spring Park before starting any work.
- Then install bollards at each of the eight property corners to help ensure there is no trespass upon our neighbor's private property.

Sincerely,

Milo Denham  
12106 SE 19<sup>th</sup> Avenue  
Milwaukie, OR 97222



### **Excerpts From 2010 Letter From City of Milwaukie to William Cox**

In a 2010 letter to Charles Arnell, property owner just south of Spring Park, the City noted that “it has, historically, been difficult for Spring Park users to identify the property line between the park and the property to its south.”

...

The City went on to note “In certain areas between the Park and the Arnell property some fencing has been installed. Mr. Arnell has acknowledged that near the eastern edge of the fence, the “fence runs along the undeveloped Lark Street Right of Way”. The City has not determined whether this fence is, in fact, in the Right of Way at any particular location. Currently, the location of the fencing in this area is not problematic to the City and is not cause for action. If the fence provides protection to the Arnell property from intruders who may access his property from the Park, the City believes it may currently serve a beneficial purpose.”

...

And finally, the City noted the following: “Mr. Arnell has acknowledged mowing and general maintenance of his own property and a portion of the City’s property to the north of his property line. He contends that the maintenance of this area provides “would be” trespassers with a visual cue (in addition to the signage) that they are about to enter private property. The City feels that Mr. Arnell’s activities in this area have been appropriate and may provide him with a beneficial buffer between his private property and the public park.”



**From:** Pamela Denham [<mailto:pamdenham@gmail.com>]  
**Sent:** Monday, June 01, 2015 4:22 PM  
**To:** Kelper, Brett  
**Subject:** Re: File # CSU-2015-004, NR-2015-002, WG-2015-002

Island Station NDA Land Use Committee

Re: File # CSU-2015-004, NR-2015-002, WG-2015-002

May 27, 2015

Dear Mr. Kelper,

The Island Station Land Use Committee has reviewed the above named application and we do have some questions/concerns regarding this application that we would like noted.

On page 5, last paragraph, 6<sup>th</sup> sentence states “The southern portion of the unit is currently managed as mowed lawn by the neighboring property owner”. We question how this can continue to be allowed when the Spring Park project is intended for habitat restoration and revegetation. When will this practice of mowing by a neighbor be discontinued to enable restoration of the entire park?

On page 10, Section 5, paragraph A, subset a. talks about meeting the criteria for off street parking. The response says these guidelines are not applicable in regards to buildings but does not mention parking. Parking for Spring Park and Spring Park being the entrance to Elk Rock Island is a very big problem in the Island Station neighborhood that will only get worse. As Island Station NDA is one of the partners on this project, we would like to see parking addressed in some way.

On page 17 we are concerned about the silting in of the alcove that has been occurring over the years. Our concern is that the fish that would use this alcove might not be able to navigate into the it to benefit from the log jams laid out for them. Is there a plan in place for this eventuality?

We are pleased to see progress in habitat restoration for our park.

Respectfully submitted,

Pamela Denham

Paul Rasmussen

Ellen Chiamov

Gary Michael

Island Station Neighborhood Land Use Committee members

# Clackamas County Fire District #1

## Fire Prevention Office



### E-mail Memorandum

To: Brett Kelter, Associate Planner, City of Milwaukie Planning Department

From: **Matt Amos, Fire Inspector**, Clackamas Fire District #1

Date: **6/11/2015**

Re: **1880 SE Sparrow St.**

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This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements. When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access and water supply may be modified as approved by the fire code official. The following items should be addressed by the applicant:

#### COMMENTS:

1. The Fire District has no comments for this proposal.

**Kelver, Brett**

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**From:** Vandagriff, Samantha  
**Sent:** Friday, June 12, 2015 3:15 PM  
**To:** Kelver, Brett  
**Subject:** RE: comments on Spring Park application? (land use file #CSU-2015-004)

No formal comments from me.

Samantha Vandagriff  
Building Official  
City of Milwaukie  
503-786-7611

## MEMORANDUM

**TO:** Community Development Department  
**THROUGH:** Jason Rice, Engineering Director  
**FROM:** Brad Albert, Civil Engineer  
**RE:** Community Service Use – 1880 SE Sparrow St, Spring Park  
 CSU-2015-004  
**DATE:** June 15, 2015

Restoration of Spring Park

1. MMC Chapter 19.700 – Transportation Planning, Design Standards, and Procedures

The Engineering Department finds that MMC Chapter 19.700 does not apply to this application.

### **Recommended Conditions of Approval**

None

### **Advisory Notes**

The following are advisory notes for the applicant. The advisory notes are a list of requirements that may apply to the proposed development at the time of building permit. The advisory notes are for informational purposes only.

Flood Hazard Mitigation

Comply with Milwaukie Municipal Code Title 18 “Flood Hazard Regulations” prior to approval of building permits.

- Provide additional information with the building permit application as follows:
  - Scaled plans showing nature, location, dimensions, and elevations of the development property, including existing and proposed structures, fill, storage of materials, and drainage facilities. Include both the floodplain and floodway boundaries.
  - Elevation in relation to mean sea level of all structures
  - Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- Provide an anchor design by a registered professional engineer, such that all new construction within the 100-year floodplain is anchored to prevent flotation, collapse, or lateral movement of the structure(s). Include a written summary with the building permit materials of how the design of the structure(s) meets this requirement.

- Construct all structures within the 100-year floodplain utilizing materials resistant to flood damage. Include a written summary with the building permit materials of how the design of the structure(s) meets this requirement.
- Placement of fill or structures that displaces more than ten cubic yards of flood storage area shall comply with the following standards.
  - No net fill in any floodplain is allowed, including the volume of structures within the floodplain.
  - All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed.
  - Any excavation below bankful stage shall not count toward compensating for fill.
  - Excavation to balance a fill shall be located on the same parcel as the fill unless it is not reasonable or practicable to do so. In such cases, the excavation may be located in the same drainage basin and as close as possible to the fill site.
- Placement of fill or structures within the floodway shall comply with flood storage area requirements and the following additional requirements.
  - The proposed excavation and fill shall not increase flood impacts for surrounding property as determined through hydrologic and hydraulic analysis or “no rise certification”.
  - If an increase in the base flood elevation is unavoidable, a conditional approval of such increase is required from the FEMA regional office prior to permitting the development.

#### Storm Water Management

Submit a storm water management plan prepared by a qualified professional engineer with required development/building permits as part of the proposed development. The plan shall conform to Section 2 – Stormwater Design Standards of the City of Milwaukie Public 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 site.
- The storm water management plan shall demonstrate compliance with water quality standards in accordance with the City of Portland Stormwater Management Manual.
- Development/building permits will not be issued for construction until the storm water management plan has been approved by the City of Milwaukie.

## Draft Agenda for July 28, 2015 Planning Commission Training

1. Conflict resolution process
  - Planning Commission is the manager of the process; sets tone
  - First experience with government or land use for some parties
2. Quasi-judicial vs. legislative
  - Quasi-judicial: Application of existing standards to a project; sitting as judge  
Legislative: Adoption of new policy; sitting as legislature
  - Quasi-judicial process:
    - Staff responsibilities: notice, hearing scheduling, review application
    - Decision maker is impartial tribunal
      - Base decision on testimony and evidence in the record;
      - Law requires members be free of actual bias
        - Failure to disclose ex parte contact is substantive error
        - Bias is actual personal interest in outcome
  - Legislative
    - Decision maker can have predisposition but may not have a conflict of interest
      - Conflict of interest is pecuniary (financial)
3. Criteria matter
  - Legal requirement in Oregon that the only rules that apply are adopted ones
  - Goal post rule: the applicable criteria are the ones in place at the time the application is submitted
  - May disagree with criteria, but that is not part of quasi-judicial case
4. Importance of findings
  - Necessary so that the applicant and City Council know what decision was and why
  - May accept findings in staff report or revise and direct staff to come back with different findings
  - Common problems with findings:
    - Conclusory – explain why the criteria was met, not just that it was met
    - Conflicting evidence – use findings to resolve conflicts in evidence; which evidence/argument was more persuasive and why
    - Missing – decision must include findings
    - Unresponsive – address each applicable approval criteria; don't skip any
5. Keep hearing and deliberation separate
  - May ask questions of witnesses to clarify or get information, but not to argue case
  - Hold argument until deliberations, not through witnesses

6. Conditions
  - Conditions are means of addressing approval criteria only, not every issue that has been raised or special concerns
  - Conditions are not a substitute for compliance with approval criteria; before conditions can be imposed the approval standards must first be “feasible”
7. Proportionality
  - Exactions limited to impact which arises from development for which permit is being sought, not speculative future impacts; only future impacts arising from this decision
  - Conditions that serve development need to be treated differently than pure exactions that only mitigate impact on public facilities
  - Roughly proportional means what it says; no bright line rule and no exact calculation
  - Must adopt findings for each exaction
8. Use staff to make schedule
  - Hearing dates, continuances, etc. – rely on staff (and City Attorney) to make schedule and set time line
9. Players have different roles
  - Respect the roles and don’t fault a party for playing its role
  - Applicant argues its own case; opponent points out flaws and challenges; staff provide neutral interpretation; Council hears appeals
  - Council has authority to interpret the City’s code and may interpret differently than PC; may see facts differently
10. Questions