

Henley Place Milwaukie, Oregon Natural Resource Management Plan

Date: May 27, 2021

Prepared for: Pahlisch Commercial, Inc.
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Site Information: Clackamas County Assessor's Map 1 1 E 25CC;
Tax Lots 401 and 402



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Introduction and Background

This report describes the results of a natural resource assessment for the Henley Place project located at 10306 SE Main Street in Milwaukie, Clackamas County, Oregon (Figure 1). This project consists of a six-story apartment building, referred to as Henley Place, and associated parking, pedestrian walkways, and landscaping. The project site consists of Tax Lots 401 and 402 of Clackamas County Assessor's Map 1 1 E 25CC (Figure 2) and is approximately 1.94 acres in size. It is within Downtown Mixed Use (DMU) Zone. The project site consists of the former Kellogg Bowl bowling alley. This report has been prepared to meet Chapter 19.402 of the City of Milwaukie's Municipal Code (MCC).

An off-site intermittent stream was documented near the northwest corner of the site and an off-site pond was documented adjacent to the southern property line. Both off-site features are mapped on the City of Milwaukie's Natural Resource (NR) Administrative Map as Water Quality Resources (WQR). Per Section 19.402.15 of MCC, these features are considered Primary Protected Water Features. Slopes adjacent to the off-site Primary Protected Water Features are less than 25 percent, requiring 50-foot vegetated corridor (VC) buffers. According to the City's NR map, Habitat Conservation Area (HCA) is not mapped extending onto the site.

The VC associated with the off-site stream northeast of the project site is outside of the planned limit of work on 23rd Avenue.

Along the southern boundary of the site, the 50-foot VC associated with the off-site pond is devoid of vegetation. The entire on-site VC consists of paved parking established in the early 1960s for the former Kellogg Bowl Bowling Alley. The project will require replacement of existing paved parking within VC with apartment building and associated amenities. Due to site constraints, re-establishment of parking area in VC at this location was determined to be not practical; therefore, these development activities require a Type III Discretionary Review in accordance with MMC Section 19.402.12. Due to existing development within the WQR, the project itself will not have a detrimental impact to the ecological functions of the adjacent Primary Protected Water Feature. The site plan accommodates removing a 10-foot-wide segment of existing pavement immediately adjacent to the off-site pond and replacing it with a native tree/shrub landscape area, providing an overall net ecological benefit to the WQR over existing conditions.

No potentially-jurisdictional wetlands and waters have been identified on the site; therefore, permit authorizations from Oregon Department of State Lands (DSL) or the US Army Corps of Engineers (USACE) are not required for the project.

Existing Site Conditions

The project area consists generally of impervious area, including the former Kellogg Bowl building associated paved parking, and vehicular access driveway off of Main Street. This access driveway is also used by the adjacent Pietro's Pizza to the north and a veterinary clinic to the south as a shared driveway with angled parking along the north and south boundaries of the lot.

According to the Natural Resources Conservation Service (NRCS) Clackamas County Area Soil Survey Map, non-hydric Woodburn silt loam with 3 to 8 percent slopes (Unit 91B) and non-hydric Urban Land (Unit 82) soils are mapped throughout the site (Figure 3).

The City of Milwaukie does not have a DSL-approved Local Wetland Inventory (LWI) Map. According to the US Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) Map, a linear riverine feature is mapped to represent the off-site pond south of the project (Figure 4).

According to the City's Natural Resource (NR) Administrative Map, two on-site VCs associated with off-site WQRs extend onto the project site: one in the northeast corner of the site and the other one along the southern portion of the site (Figure 5). Our site visit generally agrees with the City's NR mapping of the southern WQR. On-site VC associated with an off-site intermittent stream and pond extend onto the project site. As to the northeastern WQR, the field verification has confirmed that the VC is off-site and outside the planned off-site limit of disturbance associated with the project on SE 23rd Avenue.

Protected Water Features

A site visit was conducted by AKS Natural Resource staff in January 2021 to confirm site conditions. A pond (Primary Protected Water Feature) is located immediately off-site to the south. Due to existing disturbance, the edge of water/retaining wall was delineated as the extent of Protected Water Feature.

The top of bank associated with the portion of the intermittent stream closest to the project site was delineated off-site to the northeast. According to background mapping, the intermittent stream may drain more than 100 acres, meeting the definition for a Primary Protected Water Feature.

According to historical aerial images dating from 1936 through 1996 obtained from the USACE, the retaining wall adjacent to the pond was installed sometime between 1961 and 1969 (historical aeriels provided in Appendix A). Prior to 1961, this area contained a perennial drainage which extended off-site to the north.

Extent and Condition of On-Site Vegetated Corridor (VC)

The slopes adjacent to off-site the Primary Protected Water Features are less than 25 percent; therefore, in accordance with the process for delineating WQR listed on Table 19.402.15 of the MMC, the Primary Protected Water Features require 50-foot-wide VC. The extent of on-site VC is shown on Figure 7.

The condition of the on-site VC consists entirely of impervious pavement associated with parking for the former Kellogg Bowl and 23rd Avenue improved right-of-way. According to historical aeriels, native vegetation and soils were removed since the early 1960s. Therefore, the condition of the on-site VC can be described as being in "poor" condition. Representative site photographs illustrating the on-site "poor condition" WQR are included in Appendix B.

Project

The site plan, included as Figure 8, includes a six-story apartment building with structured ground-floor parking and associated site improvements, including surface parking, pedestrian walkways, shared outdoor recreational space, and landscaping. To accommodate the project, unavoidable encroachment into the VC along the southern site boundary is necessary. The project will not require impacts into Primary Protected Water Feature.

Discretionary Impact Evaluation and Alternatives Analysis

1. Existing Ecological Functions and Vegetation

The existing condition of the VC consists 100 percent of pavement lacking vegetation. There are no trees or shrubs providing canopy within the WQR. Per Table 19.402.11.C of MMC, the existing condition of the

on-site VC can be described as being in Class C “Poor” condition. In addition, the on-site VC is located approximately 5 feet above the pond and is functionally severed by an existing concrete retaining wall. Due to these existing disturbed features, the existing on-site VC does not provide any riparian ecological functions to the pond (Primary Protected Water Feature).

The existing retaining wall severs the riparian corridor, eliminating a wildlife corridor. According to StreamNet (a database maintained by the Pacific States Marine Fisheries Commission [PSMFC]), there are no documented occurrences of native fish in the off-site pond. The removal of existing pavement to plant a 10-foot-wide landscape strip with native trees will provide increased habitat benefit.

2. Assessment of the Water Quality Impacts

The project requires removal of paved parking to accommodate an apartment building sufficient to meet the City’s multi-family housing demand. The project will reduce the amount of impervious area in the VC by installing a 10-foot-wide vegetation strip along the southern property boundary, adjacent to the off-site pond.

Stormwater for the project will be treated with filtration cartridges and underground detention and then routed into the City’s existing storm system. Stormwater generated from this project will not enter the Primary Protected Water Feature. Untreated runoff from the existing parking area likely currently drains into the off-site pond; therefore, the project will provide a direct water quality benefit. The project will not generate additional sediments, increased temperature, or other conditions with the potential to cause the off-site pond to be listed on DEQ’s 303(d) list.

There will be no in-water work; therefore, no hydrologic impacts to the pond area expected. The pond is a natural perennial water source not reliant on stormwater input from the site.

3. Alternatives Analysis

There are no practical site plan alternatives that avoid encroachment into the VC. Layout alternatives explored to determine if VC avoidance was possible are described below.

Alternative #1: This alternative layout reduced the size of the apartment building and removed associated amenities to avoid development within the on-site VC. This alternative layout would require the reduction of 30 feet of building space, plus removal of all associated outdoor common area, which includes:

1. 25 dwelling units (18,000 square feet of net rentable area)
2. 14 parking stalls
3. 2,500 square feet of indoor common space (fitness room and lounge)
4. 2,600 square feet of outdoor common space (ground floor terrace and roof terrace area)
5. 600 square feet of private outdoor terraces

The loss of 25 dwelling units makes the project economically not viable. The loss of the associated parking, open space and common amenities prevents the project from meeting the residential code requirements of MCCs 19.304 Downtown Zones, 19.508 Downtown Design and Building Design Standards, 19.600 Off-Street Parking and Loading, and 19.907 Downtown Design Review. In order to meet the above standards, a further reduction in dwelling units would be necessary in the remaining building footprint to accommodate the open space and parking requirements. The project would not proceed which would be a public loss of needed housing for the City.

Alternative #2: This alternative assumes expanding the building footprint to the south (0-foot setback), yielding additional rentable area but avoiding encroachment into the VC. The subject property does not have a required minimum lot setback, per MCC Section 19.304.4. The maximum floor area ratio (FAR) for the project site allows a building with 354,774 square feet of floor area to be constructed, which includes a base calculation of a 4:1 FAR, allowing 338,024 square feet, in addition to a bonus of 16,750 square feet allowed due to the provision of structured parking. The proposed area of this multifamily building is 196,471 square feet, well below the maximum allowable. This alternative would preclude the project from providing any landscape buffer along the pond. This alternative has a greater environmental impact than the proposed project and was not selected.

Alternative #3: This site layout would maintain the existing parking use within the VC. Under this scenario, the project would qualify for an exemption from Natural Resource Review under code section 19.402.4.A.10. In order to pull the building from within the VC and to provide vehicular access to the surface lot on the south through the structured parking, the interior and outdoor amenities would be placed on the east and north sides of the building, facing the adjacent commercial development. This alternative would also require a reduced building footprint, resulting in the loss of residential units, which is a public loss of needed housing for the City. This alternative would also not provide the opportunity for revegetating the southern edge of the site with native landscaping, as proposed by the current project.

The preferred site plan provides the minimum required rentable area to provide a return on investment and provides affordable desired housing to the community. This layout allows the removal of a 10-foot wide strip of existing pavement to plant with native trees and shrubs adjacent to the pond, which not only provides separation for the Protected Water Feature from development, but will provide a functional benefit. The proposed building façade is set back between 40 and 17 feet from the southern property line/boundary of the pond, and the common outdoor terrace is set back between 10 and 9 feet. Building lighting locations have been designed to avoid the WQR area. As shown on the lighting plan on sheet P-12, the lighting level decrease to 0.0 lumens at the property line.

4. Mitigate

As demonstrated in sections above, there are no practical alternatives that avoid encroachment into the VC. The project avoids encroachment into the Primary Protected Water Features. VC impacts have been minimized by reducing the amount of impervious area that currently exists within the VC, allowing for vegetative enhancement of a 10-foot wide strip adjacent to the pond, thus providing an ecological benefit.

The project does not result in adverse impacts to the WQR, instead it provides increased ecological benefit; therefore, compensatory mitigation is not required. The off-site pond (Primary Protected Water Feature) is functionally severed from the riparian buffer and from the project site by the existing concrete retaining wall. The applicant does not have the authority to remove the off-site retaining wall to restore a natural riparian corridor; the retaining wall is a fixed feature of the site. Therefore, removal of all existing pavement within the on-site 50 foot VC to plant with native trees and shrubs would provide limited functional benefit to the off-site resource.

The construction of a building within the outer portion of the 50 foot wide VC is not expected to have an adverse ecological effect on the pond. The pond is surrounded by existing buildings within the VC. The addition of trees and shrubs along the edges of the pond will provide a natural buffer to wildlife utilizing the pond and provide screening from the development and the resource. Artificial lighting has been located away from the pond, to avoid light pollution that may deter birds that hunt at night or amphibians.

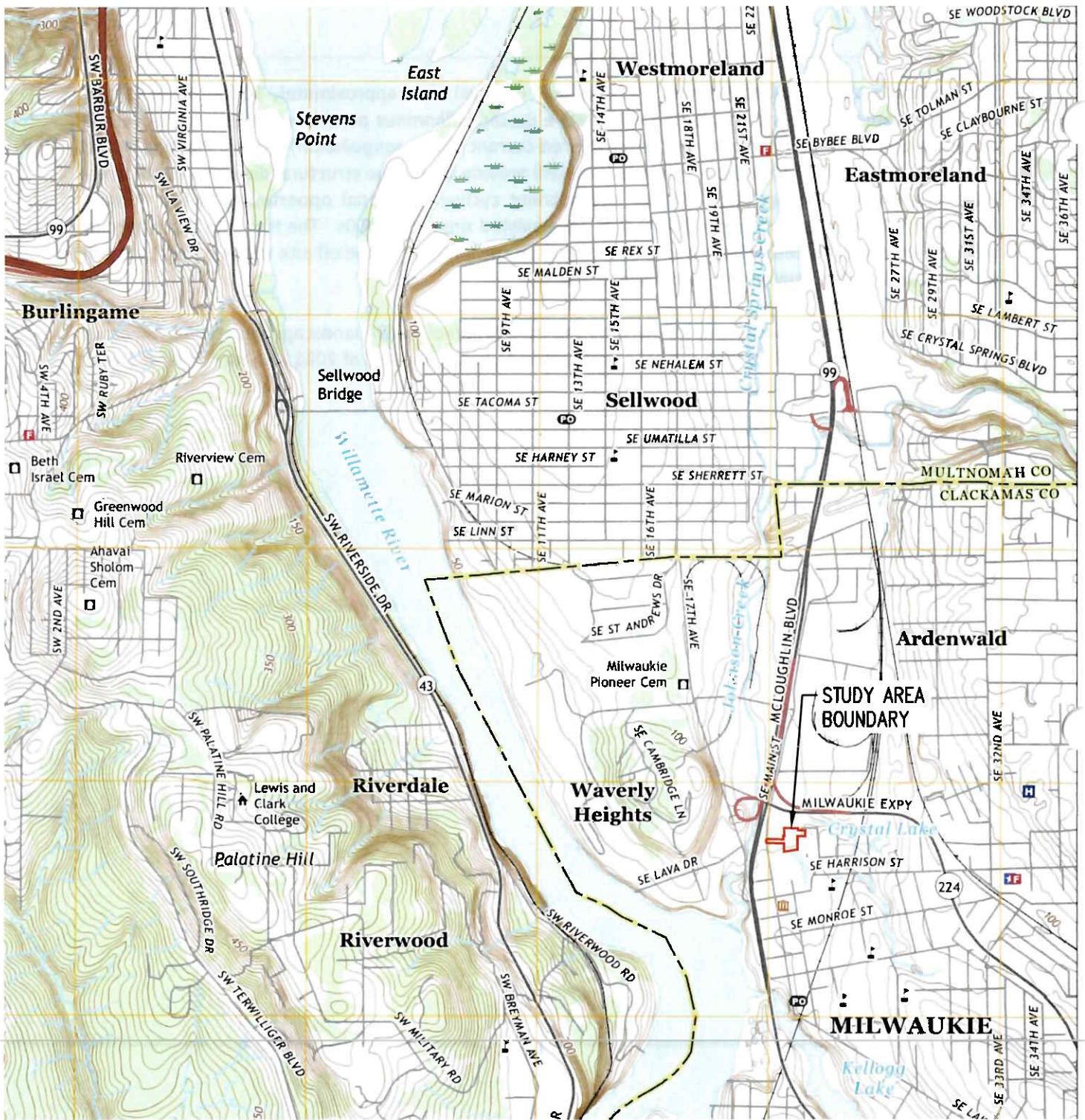
The landscape plan (included as Sheet P-11) includes removal of an approximately 10-foot-wide strip of existing pavement that will be planted with native cascara (*Rhamnus purshiana*) trees and native dull Oregon grape (*Mahonia nervosa*) and flowering red currant (*Ribes sanguineum*) shrubs. Planting native trees and shrubs adjacent to the off-site resource will provide vegetative structural diversity, significantly improving the thermoregulation (shade) and nutrient cycling functional opportunity to the Primary Protected Water Feature over conditions that have existed since the 1960s. The tree and shrub species selected are not expected to have a long term effect on the integrity of the off-site retaining wall, yet will provide shade to the Primary Protected Water Feature.

The removal of existing pavement followed by the installation of native landscape vegetation will occur consistent with site development, which is anticipated to begin summer of 2021 and take at least 1 year to complete.

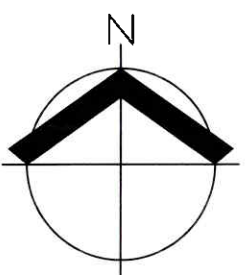
List of Preparers



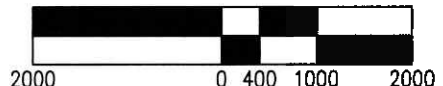
Stacey Reed, PWS
Senior Biologist/Wetland Scientist



USGS 7.5' TOPOGRAPHIC SERIES
 QUADRANGLE: LAKE OSWEGO, OR (2020)



SCALE: 1" = 2000 FEET



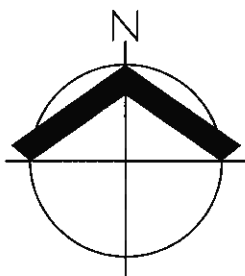
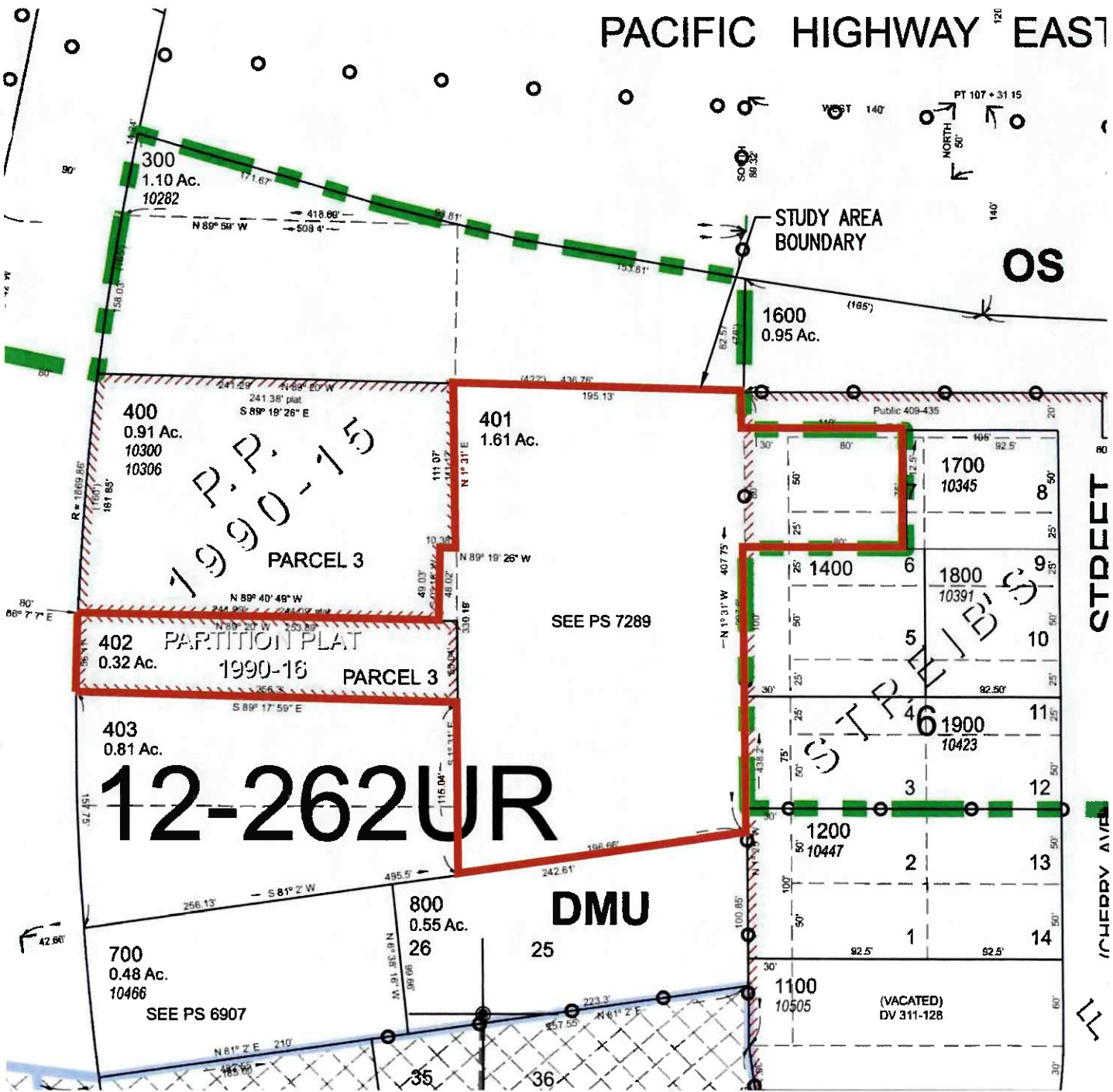
ORIGINAL PAGE SIZE: 8.5" x 11"

DATE: 05/03/2021

USGS VICINITY MAP		FIGURE 1
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN		
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 503.563.6151 WWW.AKS-ENG.COM		DRWN: SKT CHKD: SAR AKS JOB: 8145



PACIFIC HIGHWAY EAST



CLACKAMAS COUNTY
TAX LOTS 401 AND 402
TAX MAP 1 1E 25CC

DATE: 05/03/2021

SCALE: 1" = 100 FEET



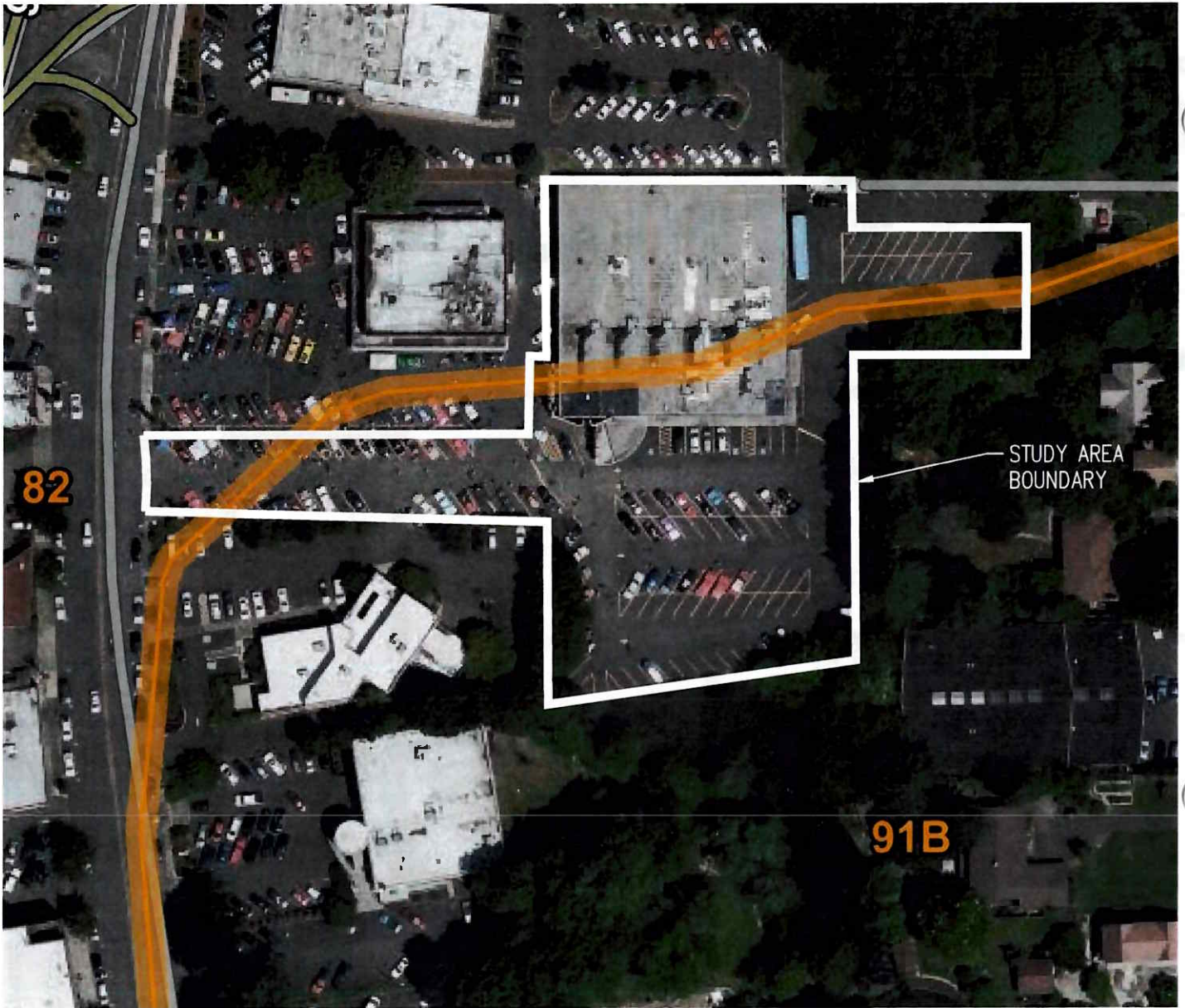
TAX MAP (MAP 1 1E 25CC)
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN

FIGURE
2

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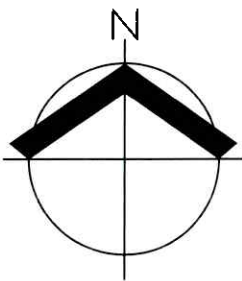


DRWN: SKT
CHKD: SAR
AKS JOB:
8145

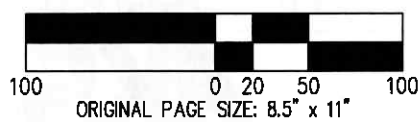


MAP UNIT SYMBOL	MAP UNIT NAME
82	URBAN LAND; NON-HYDRIC
91B	WOODBURN SILT LOAM, 3% TO 8% SLOPES; NON-HYDRIC

NRCS WEB SOIL SURVEY FOR
CLACKAMAS COUNTY



SCALE: 1" = 100 FEET



DATE: 05/03/2021

NRCS SOIL SURVEY MAP
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN

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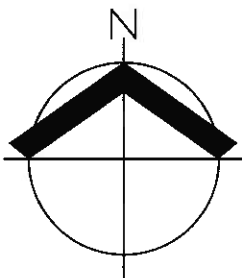
FIGURE
3

DRWN: SKT
CHKD: SAR
AKS JOB:
8145



STUDY AREA BOUNDARY

Wetlands					
	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine



SCALE: 1" = 150 FEET



US FISH & WILDLIFE SERVICE
NATIONAL WETLANDS INVENTORY

DATE: 05/03/2021

NATIONAL WETLANDS INVENTORY MAP
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN

FIGURE
4

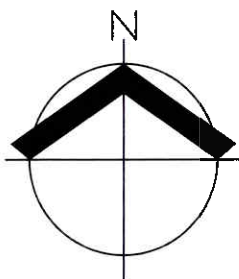
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CITY OF MILWAUKIE
 NATURAL RESOURCE ADMINISTRATIVE
 MAP (2011)



SCALE: 1" = 200 FEET



DATE: 05/03/2021

NATURAL RESOURCE ADMINISTRATIVE MAP
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN

FIGURE
5

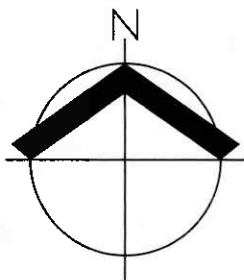
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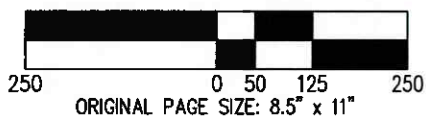
DRWN: SKT
 CHKD: SAR
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SATELLITE AERIAL (2019)



SCALE: 1" = 250 FEET

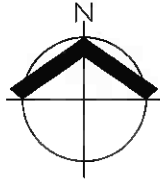


DATE: 05/06/2021

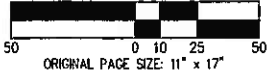
SUMMER 2019 AERIAL
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN
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 TUALATIN, OR 97062
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FIGURE 6
DRWN: ODV
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AKS JOB: 8145



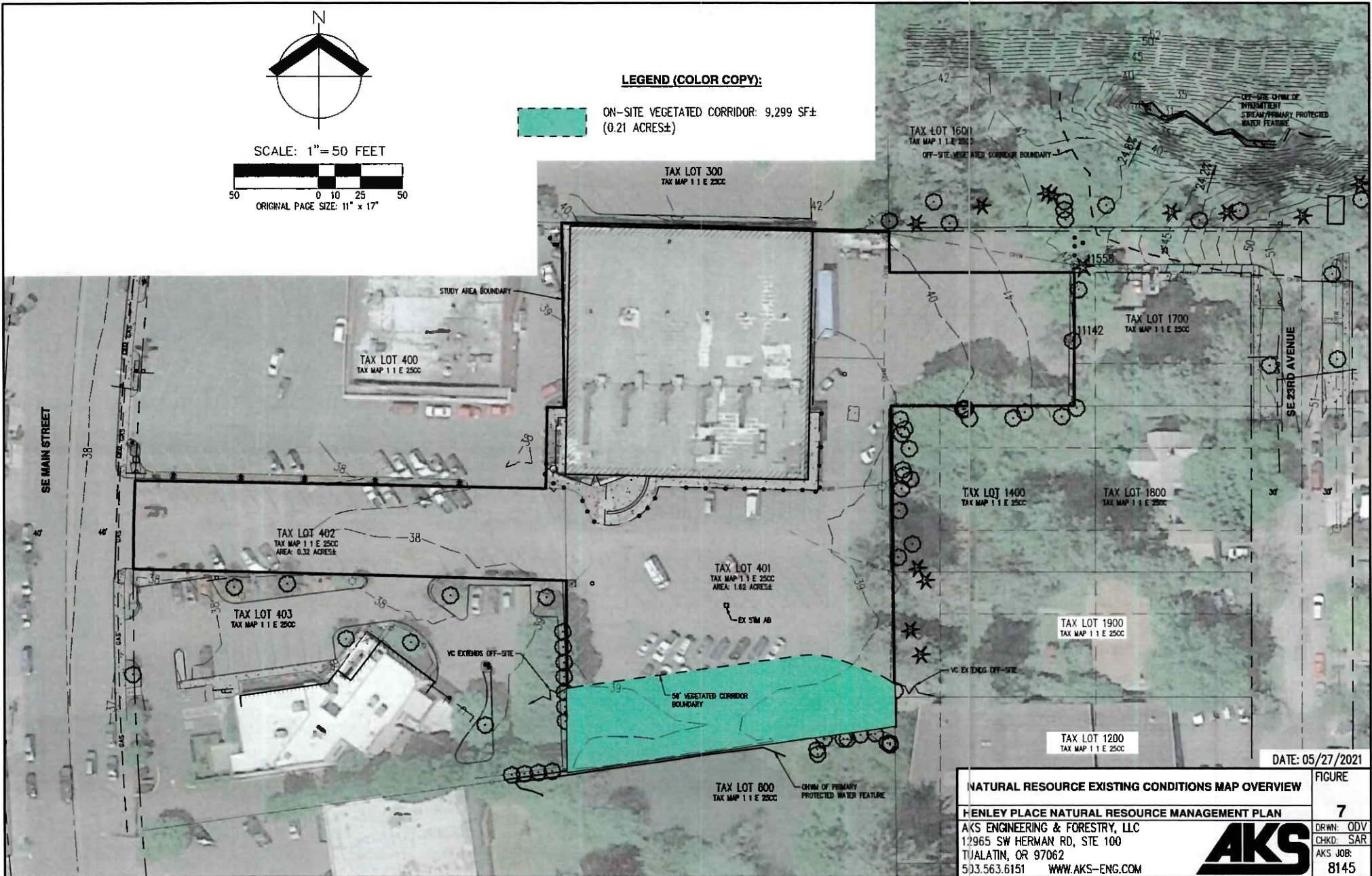
SCALE: 1"=50 FEET



LEGEND (COLOR COPY):



ON-SITE VEGETATED CORRIDOR: 9,299 SF±
(0.21 ACRES±)



DATE: 05/27/2021

NATURAL RESOURCE EXISTING CONDITIONS MAP OVERVIEW

FIGURE

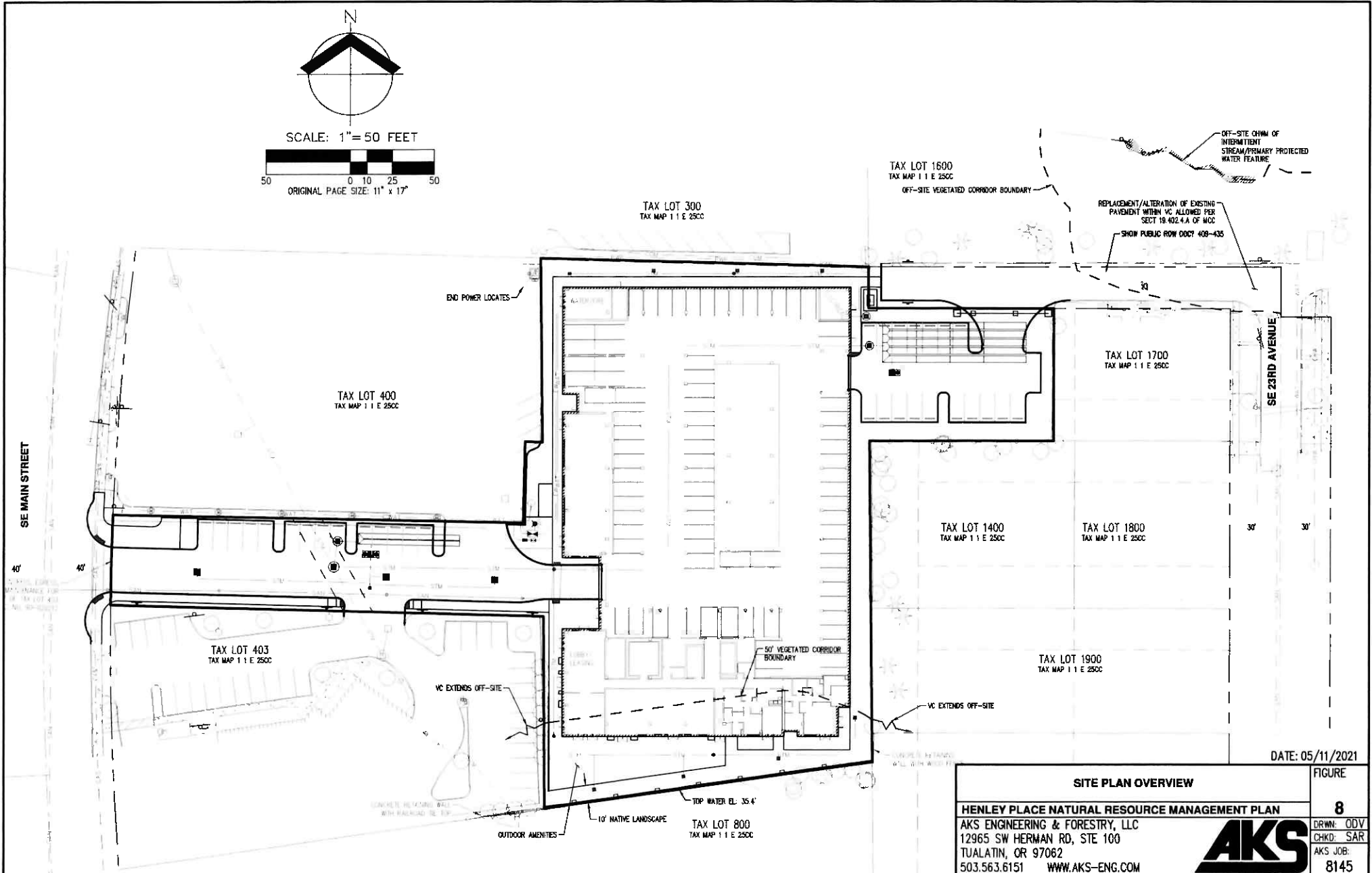
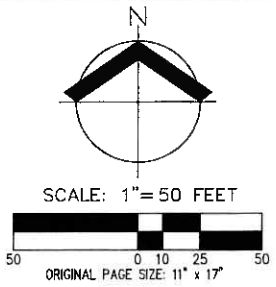
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN

7

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DATE: 05/11/2021

SITE PLAN OVERVIEW		FIGURE
HENLEY PLACE NATURAL RESOURCE MANAGEMENT PLAN		8
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Appendix A: Representative Site Photographs



Photo A. View facing southerly of the on-site paved VC and the off-site Primary Protected Water Feature (pond) in the background.



Photo B. View of existing "poor" condition VC to be enhanced with trees and shrubs to provide improved ecological functions.



Photo C. View of existing paved on-site VC associated with off-site pond.



Photo D. View facing southerly of "poor" condition VC to be impacted for the project. Existing conditions provide no functional benefit to off-site Primary Protected Water Feature. On-site VC has been cleared of vegetation since early 1960's.

Appendix B: Historic Aerials

May 1936



May 1944



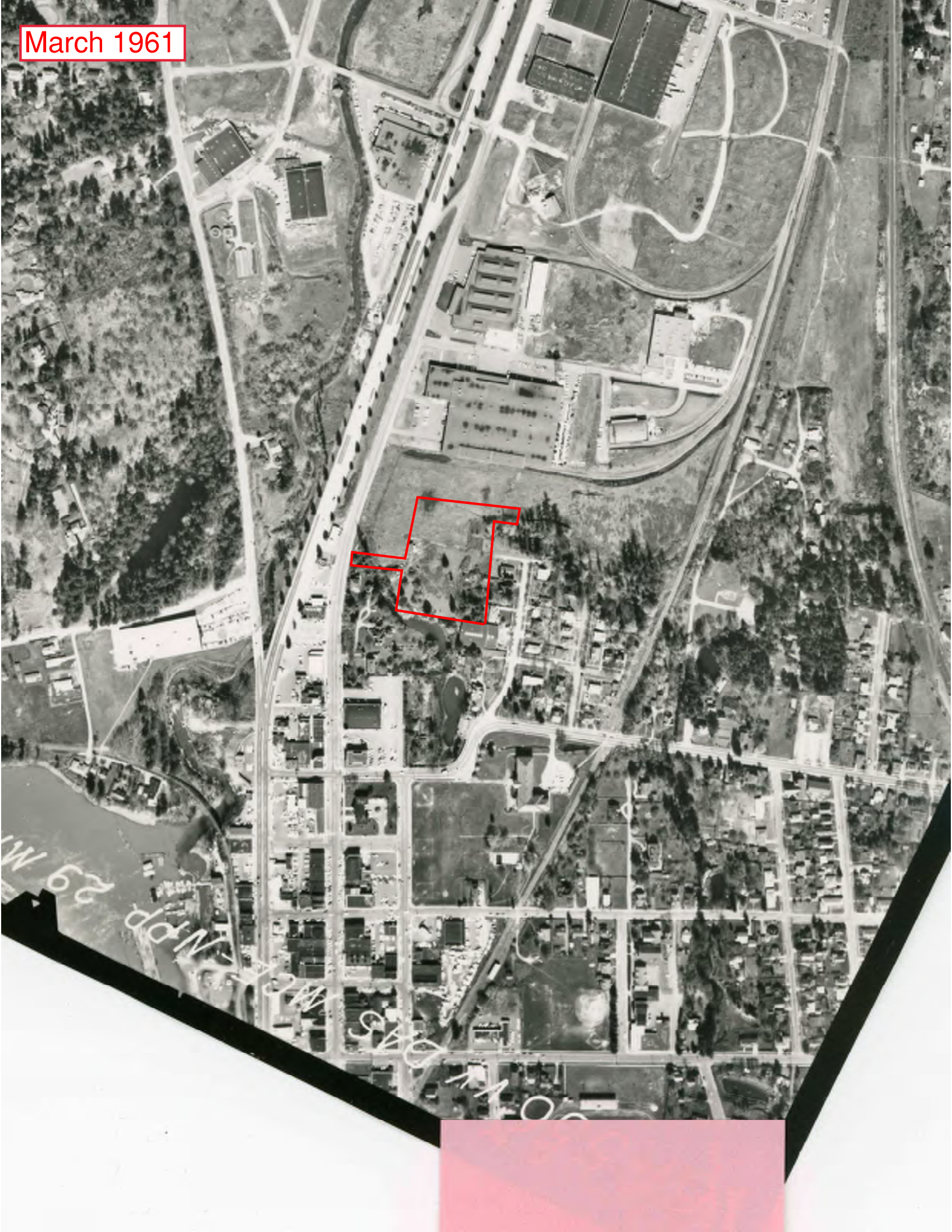
September 1948



May 1957



March 1961



W 62
NPP
W 62
NPP
W 62
NPP

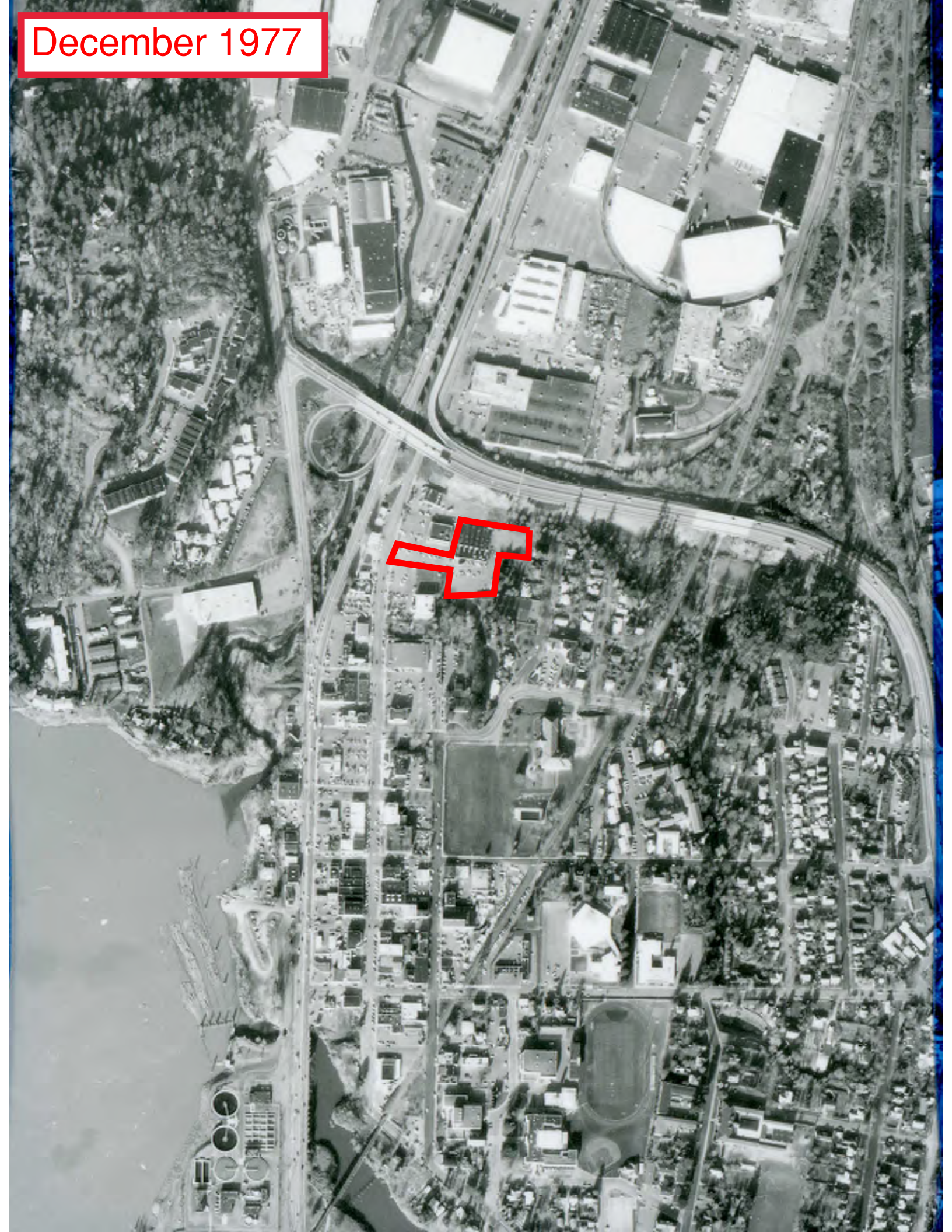
February 1969



March 1975



December 1977



September 1983



June 1989



February 1996

