

**ENVIRONMENTAL PROTECTION  
ORDINANCE**

*Ordinance 1439*

ORDINANCE NUMBER 1439

ENVIRONMENTAL PROTECTION ORDINANCE

< title: see addenda

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1. INTRODUCTORY PROVISIONS

Section 1.01. Title. This ordinance shall be known and may be cited as the Environmental Protection Ordinance.

Section 1.02. Definitions. The meaning of words and phrases used in this ordinance shall be those as found in a standard English dictionary.

Section 1.03. Scope of Regulations. These regulations shall apply to all developments requiring a building permit and to all excavations of the land in areas defined for each type of regulation.

SECTION 2. SEISMIC CONDITIONS

Section 2.01. The requirements of Section 2 apply to areas on geologic fault lines illustrated on the Geologic Hazards Map.

Section 2.02. Construction of new commercial, industrial and multi-family structures with maximum expected occupancies of over 100 people per structure shall conform to the requirements of the Uniform Building Code requirements for Seismic Zone 2.

Section 2.03. The Public Works Director through the Building Inspector shall ensure compliance with the requirements of this section. Plans submitted with applications for building permits shall be reviewed for compliance with the requirements of this section.

SECTION 3. WEAK FOUNDATION SOILS

Section 3.01. The requirements of this section apply to areas having weak foundation soils. Areas having weak foundation soils are identified on the Geologic Hazards Map as "severe construction rating."

Section 3.02. Application for building permits for any type structure in this area must be accompanied by a report by a qualified soils engineer or engineering geologist that indicates proposed building techniques to mitigate soil limitations.

Examples of appropriate mitigative techniques include a) filling where appropriate; b) special footing and foundation designs; and, c) special construction techniques such as pilings.

Section 3.03. The Public Works Director through the Building Inspector shall ensure compliance with the requirements of this section. The report required by this section shall be reviewed to ensure that mitigative measures proposed are adequate to accommodate soil limitations.

#### SECTION 4. ECOLOGICALLY SIGNIFICANT NATURAL AREAS

Section 4.01. The requirements of this section apply to significant natural areas identified on the Natural Features Map.

Section 4.02. Applications for building permits for any type of structure in this area must be accompanied by a report. The report must include a site plan showing existing vegetation, trees, topography, proposed development and grading plans. Also the report must contain an explanation in written and map form of how the following items are considered and complied with.

- a. Natural riparian vegetation along streams and drainageways will be maintained and preserved. Such vegetation will be maintained for a minimum distance of 15 feet from the mean bank line in those areas with slopes of 10 percent or less. Where slopes exceed 10 percent, an additional foot of vegetation should be preserved for each additional percent of slope increase. Selective cutting, trimming and thinning will be allowed as necessary for access to the waterway.
- b. Whenever possible, development will not be located or will be substantially reduced in intensity or density within areas of dense standing trees and shrub, particularly next to the major natural drainage course.
- c. Wherever possible, areas of standing trees and shrubs will remain connected particularly along natural drainage courses.
- d. Under no circumstances will outright harvesting of natural timber be allowed except as associated with an approved development project and only then within the guidelines of Item b above and other applicable policies and standards. Dead trees may be removed without approval.
- e. Development in areas of standing trees will be designed to minimize the numbers of trees to be cut.
- f. Under no circumstances will more than 50 percent of the mature standing trees be removed from any parcel without a one-for-one replacement. Tree replacement will be with species compatible with remaining species.
- g. Trees specified by the Public Works Director that are particularly large or significant shall be protected during construction. Protection shall be assured by conditions attached to building permits.
- h. Stormwater flows as a result of proposed development within and to natural drainage courses will, whenever possible not exceed natural flows as determined by the Public Works Director.
- i. Construction practices for all projects, private and public, will include steps to ensure that land cuts are not exposed to

stormwater flows. Land and trenches will be graded to allow direct flow into natural drainage courses. Grading shall not expose unprotected surfaces to water flows and possible erosion.

- j. Road crossings of major natural drainage courses will be minimized.

Section 4.03. The Public Works Director in cooperation with the Building Inspector and the Planning Director shall ensure compliance with the requirements of this section. The report required by this section shall be reviewed to ensure that the requirements of this section are complied with.

## SECTION 5. AIR QUALITY

Section 5.01. When reviewing applications for building permits, the Public Works Director through the Building Inspector shall coordinate with the Oregon Department of Environmental Quality on issuing a Statement of Compatibility for local site specific actions.

## SECTION 6. NOISE

Section 6.01. This section applies to areas within 200 feet of McLoughlin Boulevard, Milwaukie Expressway, or rail lines; and to developments that will generate noise greater than that of surrounding areas.

Section 6.02. Applications for building permits for such developments shall include a site plan which indicates measures to reduce noise. The measures may be through landscaping, walls, siting of structures, or other effective measures.

- a. For developments within 200 feet of McLoughlin Boulevard, Milwaukie Expressway or rail lines, the noise mitigation shall be designed to reduce the noise impact of the adjacent transportation corridor. Existing land features such as trees between the site and the transportation corridor may be adequate noise buffers.
- b. For developments that will generate noise greater than the surrounding area, as determined by the Planning Director, measures to reduce noise levels at the property line to that of the surrounding area must be shown.

Section 6.03. The Planning Director shall review the site plan to ensure compliance with the requirements of this section.

## SECTION 7. ADMINISTRATION

Section 7.01. Authority. The Public Works Director and the Planning Director, or their designees, shall have the power and duty to enforce the provisions of the Environmental Protection Part of the Community Development Ordinance. They have the authority to establish forms, require information of applicants and take other reasonable measures in order to administer effectively the requirements of the Environmental Protection Part.

Section 7.02. Appeals.

- a. An appeal may be made from administrative decisions of either of these directors to the Planning Commission. A decision of the Planning Commission may be appealed to the City Council.
- b. Whenever an appeal is made to the Planning Commission or Council, a public hearing shall be held. Notice shall be given to owners and residents of property within five lots of the subject property at least ten days prior to the hearing.
- c. An appeal of a decision by the Public Works Director, Planning Director or Planning Commission must be made in writing within 15 days of the day of decision.
- d. The Planning Commission or Council shall receive all information in written and map form prior to the hearing on the appeal.

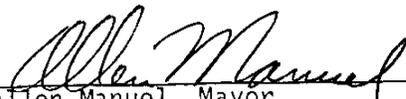
Section 7.03. Fees.

- a. A fee, as established by resolution of the City of Milwaukie, shall be paid to the City of Milwaukie upon filing of a required report or appeal. Such fees shall not be refundable.

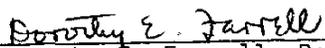
Read the first time this 5th day of November, 1979, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 5th day of November, 1979.

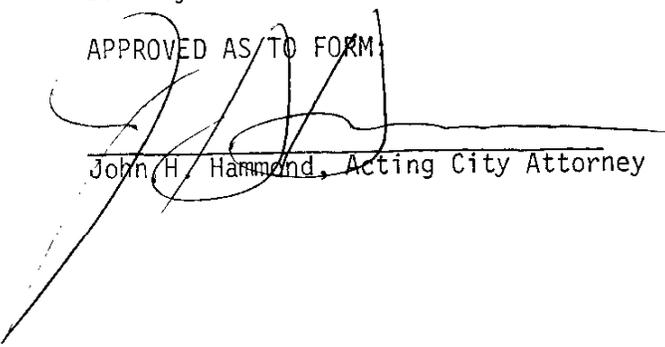
Signed by the Mayor this 8 day of November, 1979.

  
Allen Manuel, Mayor

ATTEST:

  
Dorothy E. Farrell, Redorder

APPROVED AS TO FORM:

  
John H. Hammond, Acting City Attorney

This is an addenda to the Milwaukie Ordinance 1439, adopted November 5, 1979.

ADDENDUM

ENVIRONMENTAL PROTECTION ORDINANCE

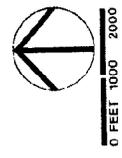
The following changes should be made to the Environmental Protection Ordinance.

Title Page 1	Delete 'A SUBPART of the Community Development' and replace with 'AN'.
Section 1.01 Page 1	Delete ' , a subpart of the Community Development Ordinance'.
After Section 7.03 Page 4	Add appropriate language for reading of the ordinance and add space for appropriate signatures.

**MAP 1**  
**GEOLOGIC HAZARDS**

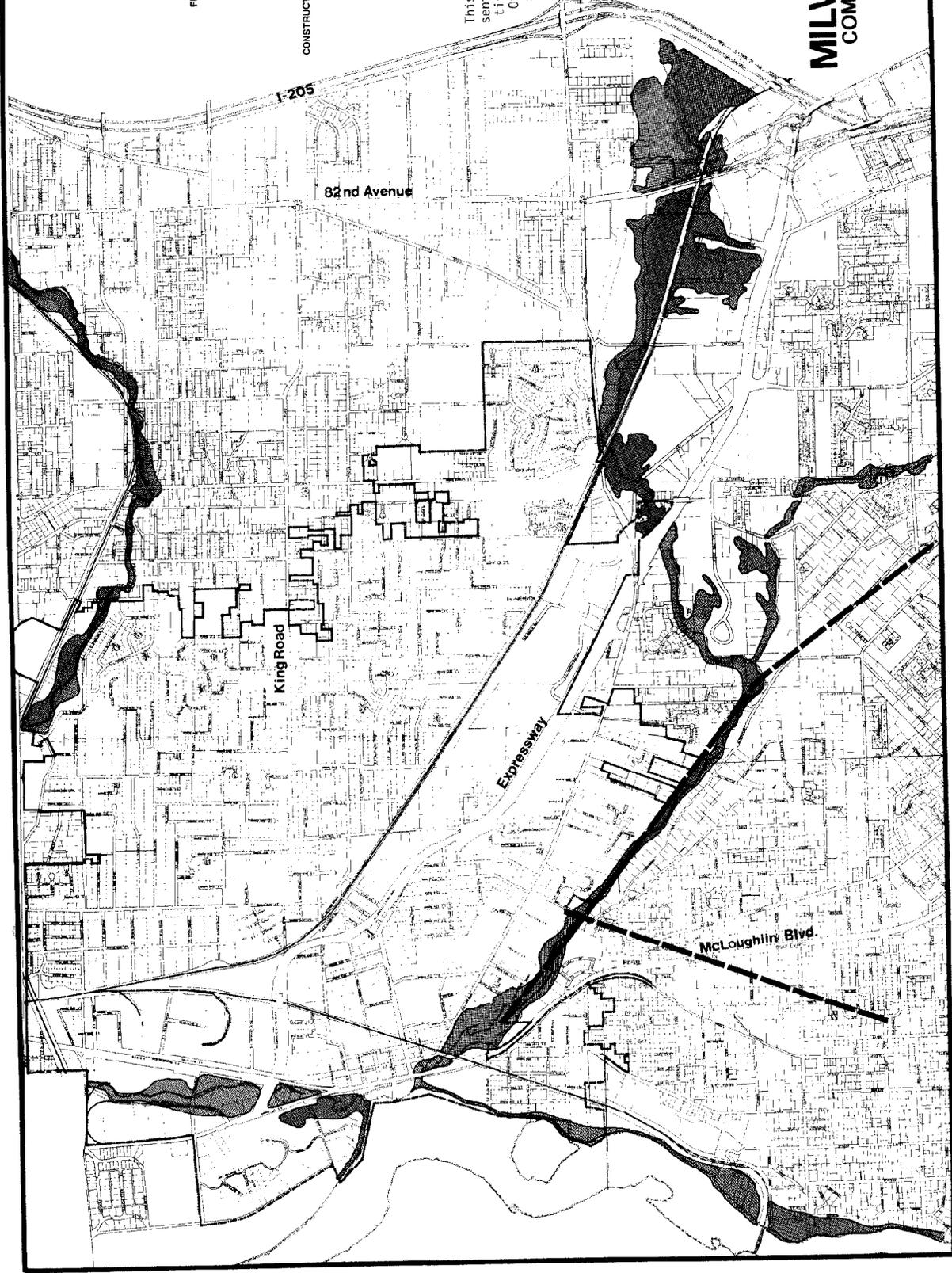
-  FLOOD PLAIN
-  FAULT LINE
-  SEVERE CONSTRUCTION RATING

This figure is presented for illustrative purposes only. Official large-scale figures are on file at the Planning Department, City of Milwaukee.



**CITY OF MILWAUKIE COMPREHENSIVE PLAN**

WILSEY & HAM



MAP  
**2**  
NATURAL  
FEATURES

SIGNIFICANT  
NATURAL AREAS

This figure is pre-  
sented for illustra-  
tive purposes only.  
Official large-  
scale figures are  
on file at the  
Planning Depart-  
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Milwaukee.



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CITY OF  
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COMPREHENSIVE  
PLAN

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