

THIS IS TO NOTIFY YOU THAT THE CITY OF MILWAUKIE HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES

(Land Use File #ZA-2020-002)



CITY OF MILWAUKIE

Traducciones de este documento e información sobre este proyecto están disponibles en español. Para solicitar información o preguntar en español, favor de email espanol@milwaukieoregon.gov.

WHY THE CITY IS SENDING THIS NOTICE

State law requires cities to inform property owners about proposed land use regulation changes that may affect what development projects or uses can be constructed or allowed on their property. The proposed changes affect properties that include areas identified by the Federal Emergency Management Agency (FEMA) as having a one percent or greater annual chance of flooding to an average depth of one to three feet (sometimes referred to as the “100-year floodplain”), as well as the areas along the Willamette River and its backwaters of Johnson and Kellogg Creeks that were flooded to elevation 34.5 feet (NGVD) in February of 1996. *(These general areas are shown on the map at the end of this notice).* This notice is being sent to owners of property in these areas. The City of Milwaukie has determined that adoption of this ordinance may affect the permissible uses of your property and other properties in the affected areas and may change the value of your property.

HOW THE PROPOSED REGULATIONS MIGHT AFFECT YOUR PROPERTY

The proposed amendments are largely administrative and policy-neutral in nature and are based on a model ordinance provided by the Oregon Department of Land Conservation and Development (DLCD). The proposal is to repeal the existing MMC Title 18 and replace it with very similar language based on the model ordinance. The current code, which was last updated in 2008, is based on an earlier version of a model ordinance previously provided by DLCD for the same purpose.

The proposed amendments will not result in significant changes for most of the affected properties. The primary exception is for properties that include 1996 flood areas, which have long been addressed in the code but that have effectively not been regulated to date because they are located at topographically higher elevations in the Johnson Creek watershed. This is due to the current definition of the 1996 flood elevation as 34.5 feet NGVD, when the ground surface elevation of the upper reaches of Johnson Creek is closer to 100 feet NGVD. The proposed changes include adjusted language that will make the regulations applicable to all of the areas that have long shown up on the City’s maps of 1996 flooding.

WHY THE CITY IS PROPOSING NEW REGULATIONS

FEMA requires that communities keep their local flood hazard regulations current with federal standards in order to maintain eligibility for participation in the National Flood Insurance Program (NFIP). The City has participated in the NFIP for a long time, which allows property owners within the city limits to purchase flood insurance policies that are federally subsidized and therefore more affordable than flood insurance provided by the private sector. In 2019, FEMA and DLCD notified the City that federal regulations for flood management had changed and that the City’s flood hazard regulations would need to be revised accordingly by early 2021 for the City to continue its participation in the NFIP.

SUMMARY OF PROPOSED CHANGES

- Formal applicability to all properties shown as including areas from the 1996 flood
- Renumbering and reorganizing, including using more than one single chapter (18.04)
- Updates to definitions required by FEMA (additions, deletions, rewordings)
- Better alignment with the State of Oregon Specialty Codes (building code)—for example, to call out standards for garages, tanks, and flood openings in residential structures
- Establishment of a Floodplain Development Permit and standard operating procedures, to capture all the necessary information
- Requiring property owners to record a non-conversion agreement with title and deed, to prohibit conversion of interior space constructed below the flood protection elevation (such as garages) into habitable space, and allowing for future City inspections to ensure compliance
- Revisions to the duties of the Floodplain Administrator, including removal of references to "Engineering Director," adding language requiring notification of community boundary changes (annexations), a requirement to submit new technical data, and responsibility for making Substantial Improvement and Substantial Damage determinations
- Clarification of the variance procedure, including a simplification of considerations and removal of the procedural exemption for restoration of historic structures
- Disallowance of new critical facilities (such as schools, fire stations, and nursing homes) within the 100-year floodplain (instead of simply discouraging them) unless a variance is obtained; exemption for existing critical facilities
- Other administrative updates to conform with model ordinance and NFIP

THE PUBLIC PROCESS TO DATE

Planning staff has met with the Planning Commission to provide an overview of the proposed amendments. The Planning Commission will make an official recommendation to the City Council, which will hold a public hearing to consider adoption of the proposed amendments.

HOW TO LEARN MORE ABOUT THE PROPOSED REGULATIONS

Project information is available at <http://www.milwaukieoregon.gov/planning/za-2020-002>.

WHO TO CONTACT WITH QUESTIONS

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HOW TO COMMENT ON THE PROPOSED REGULATIONS

The Milwaukie Planning Commission will hold a public hearing on the proposed changes (Land Use File # ZA-2020-002) at the date, time, and location listed below:

Date: Tuesday, January 12, 2021

Time: 6:30 p.m.

Location: Due to the governor's "Stay Home, Stay Healthy" order, the Planning Commission will hold this meeting using the Zoom online platform. The public is invited to watch live on the city's YouTube channel, Comcast Cable channel 30

in city limits, or by joining the Zoom webinar (visit <https://www.milwaukieoregon.gov/bc-pc/planning-commission-meeting> for details).

The materials provided to the Planning Commission for the hearing will be available after 9:00 a.m. on **Tuesday, January 5, 2021**, online at <https://www.milwaukieoregon.gov/bc-pc/planning-commission-meeting>. If the Planning Commission recommends approval, the proposed regulations will be considered for adoption by the Milwaukie City Council at a future public hearing.

The Planning Commission is interested in hearing your comments on this proposal. You are invited to attend the hearing and/or submit written comments to the Planning Department at kerverb@milwaukieoregon.gov before the hearing begins. You may also submit written comments or present verbal testimony at the hearings.

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.

Flood Hazard Areas in Milwaukie

