

Commentary

19.402 NATURAL RESOURCES

The City is proposing to repeal the current Milwaukie Municipal Code (MMC) Section 19.402 (Water Quality Resource Regulations) and replace it with a new, expanded section that regulates water quality resources as well as habitat conservation areas. This will ensure that the City's municipal code is compliant with Statewide Land Use Planning Goals 5 and 6 and Titles 3 and 13 of the Metro Urban Growth Management Functional Plan (UGMFP).

Statewide Planning Goal 6 (Air, Water, and Land Resources Quality) and Metro UGMFP Title 3 (Water Quality, Flood Management, and Fish and Wildlife Conservation) focus on protecting water quality resources such as streams, wetlands, and adjacent buffer areas by regulating activities that take place in or near those resources.

Statewide Planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Metro UGMFP Title 13 (Nature in Neighborhoods) are concerned with protecting and enhancing fish and wildlife habitat along stream corridors and improving connections with upland habitat areas.

19.402.1 Intent

- A-D. The purpose of the Special Area designation for natural resources (the "NR code") is to protect water quality resources (WQRs) and habitat conservation areas (HCAs) and encourage their restoration. Section 19.402 makes the City's code compliant with applicable state and regional rules governing natural resources.
- E. This subsection explains that the regulations do not require property owners to restore natural resources, as long as no new development is proposed. The rules allow them to maintain existing conditions, such as landscaping and already-developed areas. However, new development activities that impact the resource will trigger the applicable requirements of these regulations.

19.402.2 Coordination with Other Regulations

This subsection lists other regulations and agencies that may apply or have jurisdiction over projects near water bodies and wetlands.

- B-C. The Willamette Greenway overlay (Section 19.401) establishes a 25-ft vegetation buffer along the river but also provides protection for existing views and view corridors between the river and downtown Milwaukie. Because Section 19.402 generally aims to preserve vegetation, there is some inherent conflict in these two code sections. The language in this subsection makes it clear that the NR code's protections of vegetation supersede all of the Willamette Greenway regulations, except where view corridors are concerned.

- D. Structures that become nonconforming as a result of this code amendment are not required to come into conformance by any particular date, though proposals to expand nonconforming structures are subject to the standards of Chapter 19.800 Nonconforming Uses and Development.
- E-F. The NR code is not the only set of rules in place for protecting streams and wetlands—there are other local, regional, state, and federal rules that may also apply to some activities. Generally, the most stringent rules trump any others. The City will notify and coordinate with other relevant agencies as appropriate.
- G. This subsection introduces the "Milwaukie Native Plant List" as a document maintained by the Planning Director. At present, the Planning Director is using the City of Portland's native plant list (last updated in July 2010) as the Milwaukie Native Plant List (<http://www.portlandonline.com/bps/index.cfm?c=45131>). The Portland list includes native plants that are recommended for use in this region as well as plants that should be removed according to the degree of nuisance they present. The plant list is referenced in the code but can be updated without requiring a formal code amendment.
- H. The "Milwaukie Prohibited Chemicals List" is referenced in the code as a tool for tracking chemicals that are known to be harmful to water quality and habitat health. As noted in the Prohibitions section (19.402.5), chemicals on this list may not be applied within WQRs or HCAs.

19.402.3 Applicability

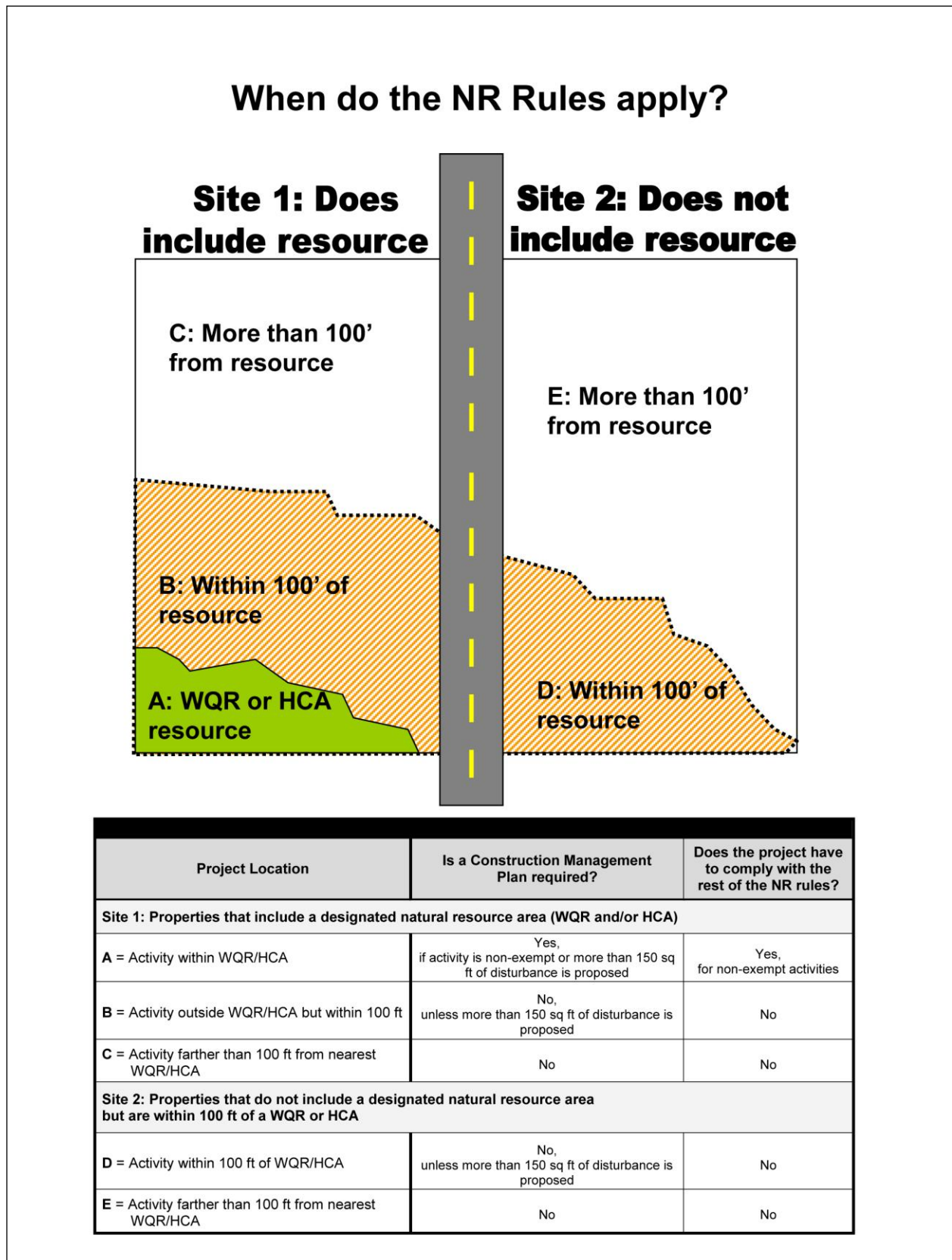
- A-B. The NR code applies to all properties that contain a designated natural resource, particularly to certain land use and development activities proposed to take place within the resource. In addition, projects involving nonexempt activities within 100 ft of a WQR or HCA will be required to provide a construction management plan if they will disturb more than 150 sq ft, to show how the project will prevent impacts to the nearby resource.
- C-E. These subsections introduce the Natural Resource (NR) Administrative Map as a tool incorporated into the code by reference rather than something that is part of the official zoning map. This distinction is intended to make it possible to correct or adjust the map over time without needing a formal Zoning Map Amendment or "zone change."

Water quality resources (WQRs) and habitat conservation areas (HCAs) are shown on the NR Administrative Map, which provides the basis for determining whether or not Section 19.402 applies to a particular property. Subsection 19.402.15 provides mechanisms for verifying the resource boundary and for correcting the map if someone believes it is inaccurate. Agreement with the resource boundaries shown on the NR Administrative Map does not constitute or require a land use application.

WQRs are determined according to Table 19.402.15, which establishes vegetated corridors alongside or around protected water features such as streams and wetlands. The NR Administrative Map is intended to be a general indicator of the location of these WQRs; field measurements that cross reference the table are what determine specific locations. For HCAs, the NR Administrative Map is intended to show the actual location of the resource, based on the most recent aerial photographs and the data available from Metro's original resource inventory.

- F. Explains that "disturbance" in this context is not only the permanent disturbance caused by a project, but also the temporary impacts caused by doing the project, such as by accessways or staging areas for equipment and materials.
- G. Activities that are in the "limited exemptions" category established in Subsection 19.402.4.B require a construction management plan when they generate more than 150 sq ft of disturbance.
- H. Activities that occur more than 100 ft from a natural resource are not subject to Section 19.402.
- I. Clarifies that the regulations do not apply to water features that show up on the map but are piped or otherwise underground.
- J. Table 19.402.3 summarizes when the NR regulations apply, including when a construction management plan is required. For properties that do not contain a WQR or HCA, providing a construction management plan is the most that would be required. The graphic on the next page (Figure 1) shows when and how the NR code applies depending on the location of the proposed activity.
- K. Table 19.402.3.K indicates what level of review is needed for various development and disturbance activities.

Figure 1



19.402.4 Exempt Activities

This subsection lists the activities that are not subject to Section 19.402, even if some of those activities may require another type of development permit. Some activities are completely exempt within both WQRs and HCAs (Subsection A). Other activities within HCAs may only require a Construction Management Plan if they disturb more than 150 sq ft (Subsection B).

A. Key exemptions in WQRs and HCAs include:

- Planting native species and restoring natural areas.
- Tree and plant removal under specific circumstances, including emergency situations and removal of a limited number of "nuisance" trees. Trees that are already downed can be removed without further review, as long as only limited earth disturbance is involved in the removal.
- Normal landscaping and maintenance of all types of existing gardens, as long as native plants are not removed and new impervious surfaces are not added.
- Adding new outdoor uses such as gardens and play areas, with limited disturbances.
- Repair and maintenance of existing structures, as long as the footprint does not increase or move, no variances are required, and no other site changes affect the WQR.
- Repair and maintenance of utilities, driveways, and other site improvements, as long as the footprint does not increase or move, the impervious area does not increase, and no other site changes affect the WQR.
- Repair and maintenance of stormwater facilities.
- Existing agricultural uses.
- Debris removal.
- Change of ownership.
- Lot consolidation.
- Creating and maintaining new unpaved, narrow trails.

B. Some additional activities are listed as being "limited exemptions" only within HCAs (not in WQRs), meaning that they are exempt from the rules but will need to submit a construction management plan if an area greater than 150 sq ft is disturbed:

- Maintenance, repair, and total replacement of existing structures, as long as there is no change in the area of disturbance within the natural resource.

- Establishment of new small structures and impervious areas (such as patios, walkways, and retaining walls), up to 500 sq ft for residential zones and up to 150 sq ft for nonresidential zones.
- Temporary disturbances up to 150 sq ft for excavation or material staging, provided that the disturbed area is restored afterward.
- Establishment of public outdoor recreation facilities such as multiuse paths, walkways, and picnic areas, up to 500 sq ft in size. Also, pervious trails that are no wider than 5 ft.
- Onsite stormwater facilities.

19.402.5 Prohibited Activities

The term “activities” is used in this chapter because it applies not only to development and land uses, but to other activities such as planting and maintenance. This term is not intended to extend into the broader realm of laws that regulate personal activities not related to land use.

The revised list of prohibited activities remains short and very similar to the list in the current WQR regulations, with the following exceptions:

- C. The planting of vegetation listed as “nuisance” species on the Milwaukie Native Plant List is not allowed within WQRs or HCAs. Property owners are allowed to maintain existing landscaping arrangements. New plantings within WQRs or HCAs are not required to be native species, but they must not be nuisance species.
- E. Application of chemicals that are known to be harmful to water quality and habitat health is not allowed within WQRs and HCAs. This prohibition echoes a 2004 federal court ruling about the application of certain chemicals within 60 ft of fish-bearing streams. The Prohibited Chemicals List will be updated on an ongoing basis to reflect the latest understanding of the pesticides and other chemical-based products that can damage the natural resources that Section 19.402 aims to protect.

See the attached table that summarizes the review types and thresholds for various activities (Attachment 1, Natural Resource Areas Activity Table).

19.402.6 Activities Permitted Under Type I Review

Type I review is the most basic level of review for land use applications. Proposals are evaluated by staff against clear and objective criteria—either a proposal meets the standards or it does not (see Section 19.1004). Type I applications do not require a public hearing or public notice.

- A. Review of construction management plans and the boundary verification process will be handled with Type I review.
- B. Most proposals for tree removal that do not qualify as exempt will be processed with Type I review. These scenarios include trees that present an eventual hazard to

people or property (but not an immediate emergency), trees that can be shown to be diseased or dying, more than 3 nuisance-species trees per year, nonnative trees as long as they are not in a Class A ("Good") WQR, and tree removal that involves more than 150 sq ft of disturbance. Major pruning, defined as removal of more than 20% of the tree canopy or more than 10% of the root system, also requires Type I review. Trees that are approved for removal through the Type I process must be replaced on a one-for-one basis.

- C. Projects that impact HCAs only and can meet the nondiscretionary standards in Subsection 19.402.11.D can be handled with the Type I process.
- D. Implementation of an approved natural resource management plan is exempt from the NR code. However, natural resource management plans themselves need some level of review for approval. As proposed, natural resource management plans can be approved with Type I review if they have been prepared by a qualified agency. This is a change from existing policy, which requires Type III review to approve a management plan. The proposed rules recognize that a plan prepared in accordance with a qualified agency's standards can be presumed to be adequate to protect the resource.
- E. Maintenance of existing utility facilities (e.g., sewer, storm, water, etc.) that disturbs a WQR or HCA can be processed with Type I review if the work can be done in a way that minimizes and restores the disturbance (per the general standards for Special Uses in Subsection 19.402.11.E).
- F. When connections to existing utilities require disturbance of a WQR or HCA, the work can be processed with Type I review if it minimizes and restores the disturbance according to the general standards for Special Uses (Subsection 19.402.11.E). For trenching and excavation, the disturbance area is limited to a width of 10 ft.

19.402.7 Activities Permitted Under Type II Review

Type II applications are evaluated by staff against clear criteria with limited discretion, and an approval may be accompanied by conditions. In the Type II process, the City mails notice of the application to property owners and residents within 300 ft of the site (see Section 19.1005). No public hearing is required, but those receiving notice have 2 weeks to comment on the proposal before a decision is issued.

- A. Several "special uses" can be reviewed through a Type II process if they meet the standards in Subsection 19.402.11.E. The list of special uses includes new public or private utility facilities (sewer, water, electricity, gas, etc.), improvement of existing utility facilities, new stormwater pre-treatment facilities, stormwater management plans, and pedestrian and bike paths. The current policy requires that many of these activities go through Type III review, which is excessive for approving what are often basic infrastructure items. In the proposed code, the use will require Type III review only if it cannot meet the standards of Subsection 19.402.11.E.

- B. Natural resource management plans that cannot meet the standards for Type I review will be processed as Type II applications. This is still a lower-level review than the Type III review required by the current code.
- C. Partitions usually require only Type II review. However, current WQR policy requires all partitions involving WQRs to undergo Type III review. The proposed code acknowledges that if a partition can be done in such a way that most or all of the resource (WQR and/or HCA) is placed in a separate, unbuildable tract, the resulting protection is sufficient to allow such a "low-impact" partition to undergo Type II review.
- D. Certain activities that result in very limited disturbance to WQRs can be reviewed through the Type II process. These activities include farming or landscaping activities that result in some direct stormwater discharge, or alteration or expansion of existing buildings that disturbs a limited portion of the WQR. These activities must meet the discretionary criteria of Subsection 19.402.12, including the requirement to provide an evaluation of potential impacts and analysis of alternatives.
- E. Boundary verifications that propose substantial corrections to the HCA map will be processed with Type II review.

19.402.8 Activities Permitted Under Type III Review

Type III review is a higher level of review that involves a public hearing and decision by the Planning Commission (see Section 19.1006).

Unless an activity is prohibited or otherwise classified for Type I or Type II review, it will most likely be subject to Type III review. This includes new development that disturbs an HCA and cannot meet the nondiscretionary standards provided in Subsection 19.402.11.D. It includes subdivisions as well as partitions that do not qualify as "low-impact" partitions as outlined in Subsection 19.402.13.G.

19.402.9 Construction Management Plans

Construction management plans are an important tool for ensuring that natural resources are adequately protected from impacts that might result from development and other activities. Construction management plans are subject to Type I review.

- B. Construction management plans should provide specific details about how work will be conducted on the site, including much of the same information required on a standard erosion control plan. The threshold for requiring a construction management plan (150 sq ft of disturbance) is less than that for requiring an erosion control plan (500 sq ft), so the construction management plan will ensure that adequate erosion control measures are in place for any significant disturbance activity near a natural resource. For larger-scale projects, the standard erosion control plan can be modified to serve as an approvable construction management plan.

19.402.10 Natural Resource Management Plans

The City wants to encourage property owners and land managers who are interested in restoring and enhancing WQRs and HCAs to develop natural resource management plans as a guide for their activities. An approved plan will provide a blanket approval for what would otherwise be processed as separate activities for tree removal, earth disturbance, etc. The proposed amendments make it easier to do a natural resource management plan by revising the current policy, which currently requires Planning Commission review to approve such plans.

- A. The City can approve natural resource plans through Type I review if they have already been approved by any one of several agencies acknowledged to have the necessary expertise.
- B. Management plans that have not already been approved by an acknowledged agency but that have otherwise been prepared in accordance with the standards set by the Oregon Watershed Enhancement Board, Oregon Department of Fish and Wildlife, or Oregon Department of State Lands will be processed with Type II review.
- E-F. To ensure that restoration and enhancement activities are genuinely based on a long-term effort, management plans must demonstrate that ongoing maintenance is part of the project. And to ensure that the plans are updated and adapt to changing conditions, they generally must be renewed after 5 years unless otherwise specified.

19.402.11 Development Standards

The development standards provided in the current WQR code are narrowly focused on protecting habitat during construction. The revised code reorganizes and expands this subsection to include mitigation requirements for WQRs and HCAs. It also provides the nondiscretionary standards for HCA disturbance that are an integral part of the Title 13 Nature in Neighborhoods program.

- A. This subsection is home to what are listed in the current WQR code as “development standards”—practices aimed at protecting natural resources throughout the development process.
- B. This subsection provides general requirements for mitigating disturbances to natural resources. The revised code makes a distinction between temporary and permanent disturbances, though both must be mitigated and both must be counted when calculating the maximum disturbance area for HCAs. Among other things, the requirements address plant size, spacing, diversity, location, and survival.
- C. In the revised code, Table 19.402.11.C is a modified version of Table 19.402.9.E in the current WQR code, which includes several redundancies and some unclear language. One change is the removal of language that limits the mitigation requirements to only the WQR that is directly disturbed by development. The reasoning is that while WQRs that are temporarily disturbed obviously need to be replanted and restored,

natural resources that are permanently disturbed (e.g., removed to accommodate a new structure) cannot be restored and must be mitigated for elsewhere on the site. The table is applicable in situations that require discretionary review, and the decision maker should have the ability to evaluate each unique development situation and use the table as a guide for determining the appropriate mitigation in each case.

Other changes have been made to make clearer distinctions between the 3 categories of existing conditions in WQRs. The key factor separating the categories is the amount of tree canopy and vegetated cover. The category labels have been enhanced to be more descriptive, and the term "Degraded" has been replaced with "Poor" to be less inflammatory to property owners. The threshold of 10% nonnative species for the "Poor" category has been removed because it is not as useful as tree canopy and vegetated cover in determining how well a WQR is functioning to protect water quality.

- D. One difference between the protections for WQRs and those for HCAs is that the revised code allows for some limited disturbance of HCAs. This subsection provides a method for calculating allowable HCA disturbance and establishes requirements for mitigation that can be approved with Type I review.

- D.1. For single-family residential projects, the maximum allowed disturbance area is 50% of the HCA or 5,000 sq ft, whichever is less. For all other uses (multifamily residential, commercial, industrial, etc.), the limit is 10% of the HCA. Projects that cannot meet these standards must go through the Type III review process and must provide an evaluation of impacts and analysis of alternatives to make the case for disturbing more of the HCA.

- D.2. Mitigation for disturbance to an HCA is required, with two options that involve planting trees and shrubs: (1) replace trees in proportion to the diameters of those that are removed, or 2) plant trees in proportion to the total area of disturbance. The developer must choose whichever formula results in the planting of more new trees.

The mitigation standards apply only to trees removed in development scenarios. They do not apply to the tree removal that is exempt from review (Subsection 19.402.4.A.6), to limited tree removal that meets the Type I criteria outlined in Subsection 19.402.6.B, or to tree removal involved with an approved natural resource management plan. Exempt tree removal does not require any tree replacement, but Type I tree removal requires replacement on a one-for-one basis. Natural resource management plans outline a regimen of removal and replacement that is unique to each particular situation.

- E. Standards for Special Uses

This subsection provides specific review standards for the "special uses" outlined in Subsection 19.402.7.A. If they can meet the standards provided in Subsection

19.402.11.E, those special uses can be approved with Type II review; otherwise, they require Type III review and are subject to the general discretionary review criteria provided in Subsection 19.402.12.

19.402.12 General Discretionary Review

When a proposed activity requires Type II or Type III review, or when there are no specific review standards provided elsewhere in the code (such as for the activities listed in Subsection 19.402.7.D), the activity is subject to the discretionary development standards of this subsection.

- A. The primary of an application for discretionary review is a professionally prepared report that evaluates impacts and analyzes alternatives. This subsection provides a detailed outline of the information that should be in that report.
- B. In determining whether the proposed disturbance is allowable, an applicant must demonstrate how the project follows 3 fundamental principles: (1) avoid disturbing the natural resource, (2) minimize the impacts when disturbance is unavoidable, and (3) mitigate for any disturbance by replanting and restoring the natural resource. These 3 principles are the criteria by which each project is judged when discretionary review is required.
- C. When a project proposes to disturb an HCA and cannot meet the nondiscretionary standards for allowable disturbance and/or for mitigation as provided in Subsection 19.402.11.D, it may request permission to increase the disturbed area and/or to vary the number and/or size of required plantings.

19.402.13 Land Division and Property Line Adjustments

When new lots are created or property lines are moved on sites that include designated natural resources, it is important to consider how the natural resources are distributed among the properties and whether it is possible to put all or most of the resource in a separate tract to minimize the potential for disturbance. Lot consolidation, which combines separate properties into a single unit of land, does not present the same potential for redistribution of natural resources and so is not covered in these regulations.

- C. Platting new parcels or lots is more a matter of paperwork than actual earth-disturbing activity, but the act of drawing new boundary lines on a property can impact natural resources by determining where future development is likely to occur. Since public improvements (streets, curb and gutter, sidewalks) are usually required to be constructed as part of the final plat process, it is important to ensure that natural resources are adequately protected and that any disturbance will be mitigated during the land division process.
- D. Applicants have the option of mitigating for future impacts from development either at the time of land division or when the future development happens.

- E. Property line adjustments (PLAs) are normally processed with Type I review. PLAs do not create new lots and do not usually offer an opportunity to establish a separate tract for natural resources. But shifting the boundary between two adjacent properties can affect the distribution of the natural resource and therefore can increase the potential for disturbance of the resource.

The current WQR code does not set an allowable amount of disturbance for WQRs like the revised code does for HCAs. When a partition or subdivision involves a WQR, either the entire resource must be placed in a separate, unbuildable tract or the required impact evaluation report must explain how the proposed lot configuration represents the best alternative. When a PLA involves the redistribution of a WQR across lots, the revised code requires some level of additional review.

In the revised code, PLAs involving the redistribution of HCAs can be processed with Type I review if they maintain no more than a 30-percentage-point difference in the HCA coverage on each property. If a previous land division allowed a difference greater than 30 percentage points and the proposed PLA does not increase that difference, the PLA can proceed with Type I review. Otherwise, the PLA is subject to Type II review.

- F. Replats are a type of land division that reconfigures parcels or lots that were created by partition or subdivision in the past. Depending on the number of lots that will result from a proposed replat, it will be similar in scale to either a partition or a subdivision and will be treated as such by the revised code.
- G. Under the existing WQR code, all partitions involving WQRs require Type III review. The revised code establishes a category of "low-impact" partitions, in which most or all of the natural resource can be placed in a separate, unbuildable tract. Low impact partitions can be reviewed with the Type II process, which is the level of review partitions normally receive. As proposed, this option is not available for properties that have 85% or more HCA coverage, because the revised code allows up to 50% of the HCA on a property to be disturbed with only Type I review—the Planning Commission has decided that more discretionary review is appropriate for those cases.
- H. Partitions that do not meet the "low-impact" standards will be reviewed through the Type III process and encouraged to produce the smallest practicable difference in the percentage of HCA distributed across the new parcels. When WQRs are involved, an impact evaluation and alternatives analysis must also be conducted to demonstrate the least possible impact on the resource. Where a property has 85% or more HCA coverage, the applicant must make a reasonable effort to preserve some contiguity of the HCA across the new parcels to keep the habitat intact.
- I. Subdivisions involving WQRs or HCAs are required to place most or all of the resource in a separate, unbuildable tract. If a proposal cannot meet that standard, then the applicant must demonstrate that there are adequate buildable areas outside the

natural resource and must conduct an impact evaluation and alternatives analysis to demonstrate the least possible impact on the resource. As with partitions, proposals to subdivide properties that have 85% or more HCA coverage must address the potential of preserving contiguous HCA across the new lots.

- J. When new lots are created, it is preferable to place any affected natural resource within an unbuildable tract, to separate the resource from potential future development areas. To ensure the best possible management over the long term, the revised code discourages common ownership of the tract because experience has shown that ownership by a private individual or public or private agency or organization results in more attentive and hands-on stewardship of the resource. Furthermore, the boundaries of the tract must be flagged or otherwise marked to clearly distinguish it from adjacent properties.

19.402.14 Adjustments and Variances

The current WQR code provides a platform for requesting a variance from the WQR rules. The revised code expands this subsection to include adjustments and outlines a specific allowance for cluster development.

- A. The revised code allows adjustments to certain standards as an incentive for applicants to avoid or at least minimize a project's impacts on a natural resource. There are adjustments to particular base zone standards as well as to specific lot design standards. These adjustments are available by right, without needing any special approval. No adjustment may be used by an applicant to avoid the requirements to verify the resource boundary and provide a construction management plan.

The 2 adjustments allowed to base zone standards are a 10% reduction in required yard setbacks and a reduction of the rear yard setback to 10 feet. These allowances do not extend to the additional setbacks required for community service uses or conditional uses. Nor do they extend to the additional setbacks required along certain major streets or to front yard setbacks that may have already been adjusted because of adjacent nonconforming yard situations.

When new lots are created or property boundaries change, the required lot dimensions (width and/or depth) may be adjusted by up to 10% of the original standard. The lot frontage on a public street may also be reduced by up to 10%.

- B. Requests to deviate from particular standards require a standard variance request (Section 19.911). The revised code allows an applicant to use economic hardship as a justification for the variance request, an argument that is not usually admissible in a standard variance application.
- C. In residential development scenarios, "clustering" enables an applicant to develop a property to its normal density while concentrating the dwelling units in such a way that avoids or minimizes impacts to the natural resource. At least 50% of the natural resource area must be set aside as a common open space, but the whole area of the

resource may be factored into the calculation of the maximum number of dwelling units allowed.

As proposed, this clustering allowance requires Type III review and the submittal of an impact evaluation and alternatives analysis. It gives the Planning Commission an opportunity to consider creative design options without requiring the applicant to meet the less flexible variance criteria. At the Planning Commission's discretion, cluster developments can be allowed to incorporate housing types that are not otherwise permitted in the base zone.

19.402.15 Boundary Verification and Map Administration

The Natural Resource (NR) Administrative Map serves as a baseline indicator of the location of WQRs and HCAs. The NR Administrative Map is used as the first step to determining whether the standards of Section 19.402 apply to a particular property.

- A. The methods for establishing WQRs and HCAs are different, so the means of verifying the boundaries of each are different.

The NR Administrative Map shows the approximate location of WQRs, which can be more accurately measured in the field as needed. In the case of streams and creeks, the 50-ft vegetated corridor that comprises the bulk of the WQR can be measured fairly simply from the top of the bank. In the case of wetlands, an official delineation may be required. The degree of detail necessary depends largely on the specifics of the site and the proposed activity.

The NR Administrative Map shows the actual location of HCAs, based on the best information available. However, the scale of the original, region-wide inventory of resources is such that property owners may wish to propose small corrections to remove existing structures or paved areas. Such corrections will be handled through the Type I review process (Subsection A-1). For more detailed verification of the location of wetlands or other WQRs, or if a property owner wishes to challenge the validity of a particular HCA designation, a more thorough assessment and Type II review will be necessary (Subsection A-2).

- B. The revised code changes how the City administers and maintains the NR Administrative Map, allowing it to be updated and corrected more easily than is currently possible. The existing WQR policy requires a zoning map amendment and Type III or Type V review by the Planning Commission and/or City Council, even for simple corrections. In practice, this onerous review process has resulted in the City not keeping the map current, even when, for example, an application provides a wetland delineation approved by DSL. The revised code establishes the NR Administrative Map as an administrative tool that can be updated by staff as specific proposals are presented and particular boundaries are verified.

Subsection 19.402.14.B.3 notes that, when land with a Clackamas County designation of WQR or HCA annexes to the City, the same designation is carried over to the City's

Commentary

NR Administrative Map. More specific verification of resource boundaries will occur in accordance with Subsection 19.402.14.A in conjunction with new proposed activities.

Attachments

1. Natural Resource Areas Activity Table