

Commentary

City of Milwaukie Comprehensive Plan

Chapter 3 — Environmental and Natural Resources

OPEN SPACES, SCENIC AREAS, AND NATURAL RESOURCES ELEMENT

The proposed amendments to the Comprehensive Plan affect limited sections of the Plan and are intended to refine the City's existing policies for protecting shared natural resources and water. Many existing goals and policies directly support the proposed code amendments; others are proposed to be modified or deleted to better coordinate the language of the policies and increase clarity.

New text incorporates elements of the proposed "purpose" statement in the draft code, which relates not only to the value of open space but also to more specific values related to habitat preservation.

Some existing text, which was written in 1989, is deleted to reduce repetition and improve clarity. Existing references to the "Natural Resources Overlay," the City's regulations that were in effect from 1989 to 2002, are proposed to be deleted.

The Natural Resource Sites map, previously labeled as Milwaukie Comprehensive Plan Map 5, was originally adopted in 1989. A more current map of Natural Resource Areas is proposed to replace the Natural Resource Sites map as the new Map 5. For historic and informational purposes, the Natural Resource Sites map is proposed to be moved into Appendix 2 - Natural Resources Property List, where it will join the list of numbered properties shown on that original map.

Municipal Code Title 19 Zoning

CHAPTER 19.100

INTRODUCTORY PROVISIONS

19.107 Zoning

Designated natural resource areas such as water quality resources (WQRs) and habitat conservation areas (HCAs) do not comprise a formal overlay zone and are not part of the official Zoning Map. Therefore, the "Water Quality Resource" overlay category has been removed from Table 19.107. Natural resource areas are handled as special areas, addressed in the new Section 19.108.

19.108 Special Areas

The category of "Special Areas" has been established to include designated natural resources such as WQRs and HCAs. This section can also accommodate any similar types of non-overlay designations established in the future.

Subsection 19.108.2 explains that such special areas are shown not on the Zoning Map but on their own specific maps, which are administered according to the rules established in the relevant sections of code. Other accompanying subsections note that newly annexed areas will be given special area designations according to the rules established in the sections of code related to those special areas, and that rights-of-way are only affected by special area designations in as much as provided by the specific rules governing those special areas.

CHAPTER 19.200

DEFINITIONS AND MEASUREMENTS

19.201 Definitions

Some new or revised definitions are proposed to ensure that terms defined in Section 19.201 are kept current and remain consistent with the proposed amendments to 19.402. Text to be removed is marked with a ~~strike through~~, while text to be added is underlined.

In particular, the following changes or additions are proposed:

- Revisions to the definition of "bankful stage," to clarify that this term is synonymous with the phrase "top of bank."
- A new definition for "designated natural resource," to reference WQRs and HCAs as established in Section 19.402.
- A new definition for "direct stormwater discharge."

- Revisions to the definition of "disturbance," to note that disturbances can be temporary or permanent.
- New definitions for "downed tree" and "tree."
- A new definition for "habitat conservation area (HCA)."
- A new definition for "major pruning," to mirror the definition used in Chapter 16.32 Tree Cutting.
- Revisions to the definition of "native vegetation," to specify that it does not include nuisance plants on the Milwaukie Native Plant List.
- Revisions to the definition of "net acre," to clarify that designated natural resource areas do not count against a property when calculating its allowable density.
- A new definition for "practicable," to establish a single term for consistent use in place of such terms as "possible," "feasible," and "practical."
- Revisions to the definitions of "vegetated corridor," "water quality resource (WQR) area," "water quality and floodplain management area," and "wetlands," to provide greater clarity of terms.
- Deletion of the term "water quality and floodplain management area," which does not appear elsewhere in Title 19.

19.202 Measurements

A new subsection (19.202.3) has been added to standardize the measurement of existing and newly planted trees.

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

The title of Chapter 19.400 has been expanded to include both overlay zones and other types of special areas. The title of Section 19.402 has been changed to acknowledge that it covers more than just WQRs. And within Section 19.404 Mixed Use Overlay Zone MU, language in Section 19.404.10.C has been updated to ensure consistency with Section 19.402.

CHAPTER 19.600

OFF-STREET PARKING AND LOADING

The design standards for lighting off-street parking areas (Subsection 19.606.3.F) have been updated for consistency with the lighting standards established in Section 19.402, to minimize impacts to WQRs and HCAs.

CHAPTER 19.900

LAND USE APPLICATIONS

The language in Sections 19.901 Introduction, 19.905 Conditional Uses, 19.906 Development Review, and 19.908 Extensions to Expiring Approvals has been updated to be consistent with the addition of the term "special areas" to the title of Chapter 19.400 Overlay Zones and Special Areas.

CHAPTER 19.1000

REVIEW PROCEDURES

19.1001.7 Decisions

Most land use decisions expire 2 to 4 years after approval, with a few exceptions. Natural resource management plans are valid for 5 years or longer, depending on the plan timeframe—Subsection 19.1001.7.E.2.c notes that some land use approvals are exempt from the standard expiration schedule when specified in other sections of the code. Since boundary verification results in the NR Administrative Map being directly updated for ongoing use, Type I and II decisions for boundary verification are also exempt from expiration. Wetland boundaries are prone to some physical change over time, so when proposed activities involve wetlands, an official delineation of the wetland will be required unless the Planning Director determines that the situation does not warrant that degree of accuracy. This requirement eliminates the need to establish an expiration date for boundary verification of a wetland.

CHAPTER 19.1100

ANNEXATIONS AND BOUNDARY CHANGES

19.1104.1 Administration and Approval Process

When properties that include WQRs and/or HCAs annex to the City, those natural resource designations should appear on the City's NR Administrative Map. This subsection points to Section 19.402.15 for direction about how to apply the WQR and HCA designations. Essentially, the same designation previously applied to the property by Clackamas County will be shown on the City's NR Administrative Map.