

Summary: History of Milwaukie's Zoning Code as it relates to Natural Resource Protections

Flood Hazard Zone (FH)

- Established with 1968 Zoning Code (Section 3.150).
- Applied to riverfront area where Riverfront Park and Kellogg sewage treatment plant are now.
- Remained in the zoning code through 1984 (renumbered to Section 3.17 in 1979 code), but FH designation did not appear on 1979 zoning map and FH code language was not in the 1991 revised code.
- Title 18 adopted in 1980 (Flood Hazard Regulations, Ord. #1461).

Willamette Greenway Overlay (WG)

- Adopted in 1976 (Ord. #1341) – first as Section 3.19, renumbered to 320 in 1991.
- Established a protective 25-foot wide vegetated buffer strip along the Willamette River.

Natural Resource Overlay Zone (NR)

- Adopted in 1989 (Ord. #1667) – was Section 3.21, renumbered to 322 in 1991 code.
- Natural Resources Element was added to Comprehensive Plan with 1989 Period Review (Ord. #1666), including map and list of Natural Resource Sites.
- Recognized riparian areas, wetland areas, and habitat areas.
- NR designation applied to entire properties near water bodies and wetlands (Kellogg Lake, Kellogg Creek, Johnson Creek, Willamette River, Minthorn Springs, etc.), without more specific distinction of the resources themselves.
- Required a land use application for regulated activities anywhere on a property with NR designation, unless a more specific delineation was completed (minor quasi-judicial review process).
- NR code provided development standards and requirements for site surveys. Allowed natural resource management plans for long-term developments. Allowed on-site density transfer and clustering, within maximum density standards of the underlying zone. Also allowed off-site transfer of density and variances from various standards (setbacks, building height, lot coverage, etc.) for density transfer or clustering.
- Modifications to NR designations were allowed as part of application review process. Otherwise, proposed changes had to go through the standard amendment procedure.

Water Quality Resource Regulations (WQR)

- Adopted in 2002 (Ord. #1912) – replaced NR overlay zone (Section 19.322).
- Reduced application requirements for projects that will not have an impact on water resources.
- Allowance of different activities with different levels of review:

- Permitted Outright = activities with no adverse impact on protected water features such as resource enhancement, change of use, normal maintenance and review, and activities not located within the floodplain or vegetated area.
- Staff Review (Type I or Type II) = activities that do not disturb the vegetated corridor, removal of invasive nonnative vegetation, removal of dangerous trees, placement of stormwater facilities designed in accordance with city standards, partitions, and modification of nonconforming structures.
- Planning Commission Review (Minor Quasi-Judicial) = activities that may impact protected water features such as new roads and accessways, new public facility construction, other new development, increase in footprint of structures located in the vegetated corridor, subdivisions, and variance requests.

Habitat Conservation Area Regulations

- Adopted by Metro Council in 2005 (Metro Ord. #05-1077C) = Title 13 Nature in Neighborhoods. Designated Habitat Conservation Areas (HCAs) as natural resources that require protection. Established both a clear & objective and discretionary track for review of proposed HCA disturbance.
- Compliance by local jurisdictions was required within two years of adoption.
- January 22, 2009 = Metro gave the City had 120 days to implement Title 13.
- May 29, 2009 = A memo from the City's Planning Director established June 1, 2009, as the date the City would begin implementation of the Title 13 Model Code on an interim basis.
- Metro Council established November 2009 as the new deadline for full, non-interim City compliance with Title 13, then granted a one-year extension for compliance (to Nov 2010).