

*PC Hearing Draft 4-12-11***Strikeout Amendments****COMPREHENSIVE PLAN****CHAPTER 3 — ENVIRONMENTAL AND NATURAL RESOURCES****OPEN SPACES, SCENIC AREAS, AND NATURAL RESOURCES ELEMENT**

GOAL STATEMENT: To conserve open space and protect and enhance natural and scenic resources in order to create an aesthetically pleasing urban environment, while preserving and enhancing significant natural resources.

Background and Planning Concepts

The 1979 Comprehensive Plan designated several areas as “significant natural.” A comprehensive inventory of these areas had not been conducted at the time, however. ~~Part of the Periodic Review Process of the City's Comprehensive Plan requires the review of~~ In 1981, the State of Oregon adopted new Oregon Administrative Rules (OARS) regarding State Goal 5, Natural Resources, Open Space, Scenic and Historic Areas, and Open Spaces Resources, which was adopted in 1981. These rules require the City to inventory and evaluate resources, identify conflicts, prepare an Environmental, Social, Economic, and Energy (ESEE) analysis, and develop a program for resource protection.

~~Using the new administrative rules~~ In 1987, Milwaukie began completion of the a natural resources review process in October of 1987. At that time, a Natural Resources Task Force (NRTF) was organized to advise the Comprehensive Plan Review Committee (CPRC)-. An inventory was also completed, analyzing and rating 26 different natural resource sites either within or adjacent to the City. The City did an ESEE analysis for all sites inventoried. Some sites were dropped as designated natural areas because of other values (i.e., economic, social). This original Natural Resource Sites map is included in the Comprehensive Plan within Appendix 2 (Natural Resources Property List), solely for historic and informational purposes.

The natural resources inventory included areas with unique and diverse natural and vegetative features, areas important for wildlife habitat, and areas with soil and/or wetness constraints which may contribute to erosion control, aquifer recharge, or other natural values. The following resources or features are not present in Milwaukie: mineral and aggregate resources, energy sources, wilderness areas, and federal wild and scenic waterways.

The purpose of the natural resource section is to protect areas that are necessary to the long term health of the natural environment and community, such as fish and wildlife habitat areas, as well as ecological areas and open space. The intent of the policies is to protect these resources for their intrinsic value. The City recognizes that natural resources are limited and is committed to restricting inappropriate land uses and associated impacts such as erosion and resulting sedimentation that can irreparably damage wetland, riparian, and upland habitat areas. Therefore, in association with future development, conservation and restoration of the community's significant natural features will be encouraged for the enjoyment of City residents. The natural resource policies serve as constraints upon future development and define the parameters for determining where and how that development should occur.

Due to Milwaukie's physical setting and current level of development, few major natural resource features remain undisturbed and visible within the City. Areas along Kellogg Lake, parts of Kellogg Creek, some riparian areas along the Willamette River, the steep slopes south of Lake Road, small bands of riparian vegetation along Johnson Creek, parts of Spring Creek which flows through Milwaukie, and other scattered wetland and upland resources have sufficient natural vegetation to allow the natural processes of habitat development and vegetative successional stages to occur. In addition, Elk Rock Island, although not within Milwaukie, but owned by the City of Portland, offers good wildlife habitat due to its sufficient ground cover and its proximity to the Willamette River. ~~The general lack of adequate wildlife habitat in Milwaukie, therefore, limits wildlife residency. On the other hand,~~ Active fish habitat exists within the City in the Willamette River, Kellogg Creek, and Johnson Creek. These waterways contain anadromous fish species.

~~There are other values, however, associated with open space, in addition to provision of fish and wildlife habitat, which have been identified as important. Some of these values include groundwater recharge and discharge, air quality, community identity, education, recreation, property value enhancement, flood control, water quality, micro-climate control, sedimentation control, and noise attenuation. Designated natural areas are identified on Map 5. Publicly owned lands are identified on the Land Use Plan Map 7. There are currently approximately 65 acres of City owned parkland in Milwaukie. These areas, as well as 50 acres of public school grounds and 150 acres of privately owned natural areas, total 265 acres of open space remaining in the City. Some of this will diminish as property develops under City regulations. Typical public open space standards for a population of 20,000 suggest over 450 acres should be available: obviously an unrealistic expectation due to the extensive level of development which has already occurred within the City.~~

Milwaukie's future role as an urban community with a healthy mix of industrial, commercial, and residential uses, is compatible with the conservation of the City's remaining open spaces and natural resources. Policies in this element and the Willamette Greenway Element will allow certain types of development to occur providing natural resources, to the extent possible, are protected.

~~Therefore, although urban development will continue, conservation of the area's significant natural features will be encouraged for the enjoyment of City residents. The natural resource policies serve as constraints upon future development and define the parameters for determining where and how that development should occur.~~

OBJECTIVE #1 — OPEN SPACE

To protect the open space resources of Milwaukie to improve the quality of the environment, ~~The purpose of open space will be to provide a diversity of natural visual character within the City, and to provide residents with ecological educational and recreational experiences in a variety of environmental settings.~~

Within this plan, the term "open space" is intended to define and designate vacant land which will remain undeveloped in accordance with the Willamette Greenway Program, natural area designation, or other land use requirements. Open space includes those areas designated as Public will be designated on the Land Use Plan Map (Map 7) as Public Lands and as Water Quality Resource areas and Habitat Conservation Areas on the Natural Resources Areas Map (Map 5) as Natural Resources. Those areas designated Natural Resources include natural resource areas and State Recreational Trails. These areas will likely remain in private ownership, but the option remains for dedicating easements for public access in areas listed in Policy 3. Placement and methods of development will be regulated in these areas. Public open

spaces include existing City-owned parks and City-owned lands in natural areas. Development in these areas would be subject to the Zoning Ordinance requirements for natural resources if in a natural area and/or the Parks and Recreation Master Plan, which guides park development within the City. ~~Within this plan, open space is intended to define and designate vacant land which will remain undeveloped in accordance with the Willamette Greenway Program, natural area designation, or other land use requirements. In most instances, open space will remain in private ownership.~~

Many of the designated Natural Resource Areas are and will likely remain in private ownership, but the option remains for dedicating easements for public access in the significant natural areas listed in Policy 3, below, where the placement and methods of development will be regulated and within which. ~~Within significant natural areas, however,~~ the right to public access or even full public ownership will be considered. Another Goal 5 resource, a state-designated recreational trail, the 40 Mile Loop, passes through two separate sections of North Milwaukie, following the right-of-way for the Portland Traction Corp. railroad. This will also be designated Open Space - Natural Resources. (See corresponding discussion within the Recreational Needs Element.)

Policies

1. Open space will be provided within the City through implementation of parks and recreation policies, natural area policies, and the Willamette Greenway Program.
2. When economically feasible, the City will provide incentives to the private sector so open space can be conserved without undue hardships to private land owners.
3. The natural resource areas along Johnson Creek, Kellogg Creek, and Kellogg Lake, ~~as shown on Map 5 and defined under Objective #2,~~ will be considered open space of special importance to all City residents. Passive recreational public use of these areas for walking trails, nature parks, and the like will be encouraged.
4. The City will encourage the dedication of public easements to and through important Open Space - Natural Resource areas. Tax deferral program and/or density transfer (so that full development potential may be realized) will be utilized so that open space can be conserved and easements dedicated without undue hardships for private land owners.
5. The City will encourage property owners within designated open space areas and other appropriate areas to take advantage of Clackamas County's open space property tax deferral program.
6. The City will participate with the appropriate agencies in implementing the proposed 40-Mile Loop System, a State Recreational Trail.
7. The City will work with Clackamas County and local residents to establish a continuous pedestrian connection linking the Willamette River and the North Clackamas Park.
8. The City will utilize the Open Space - Natural Resources designation of the Comp Plan map as one of the guides for open space dedication, when feasible, during the development process.
9. The Parks and Recreation Master Plan will outline methods in detail for acquiring new Public Open Space. Specific methods used will be approved by the City Council. ~~The Natural Resource Overlay Zone (NR) within the Zoning Ordinance will outline methods for protecting privately owned lands designated as Open Space - Natural Resources.~~
10. The City will consider the following for designation of lands as Natural Resources: flood plains, wetlands, water bodies and riparian areas, wooded or vegetated uplands, or other

natural resource areas as determined by the Goal 5 process. Areas so designated will be identified on the Natural Resources Areas Map, Map 5. ~~The City will regulate the development and use of these lands so as to protect natural resource values and significant natural features in the community.~~

11. With the exception of the Kellogg Creek Sewage Treatment Plant and the land surrounding the plant, the City will designate as Public Lands those areas which are existing parks or publicly utilized areas, or City owned properties containing natural resource areas, and will assure that these areas are managed according to open space policies, natural resource policies, and parks and recreation policies, as appropriate. Areas designated Public Lands shall be identified on the Land Use ~~Plan~~ Map, Map 7.
12. The City will participate with the appropriate agencies in implementing the Elk Rock Island Natural Area Management Plan.

OBJECTIVE #2 — NATURAL RESOURCE AREAS

To preserve and maintain important natural habitats and vegetation by protecting and enhancing major drainageways, springs, existing wetlands, riparian areas, and water bodies, and significant tree and vegetative cover while retaining their functions and values related to flood protection, sediment and erosion control, groundwater discharge and recharge, aesthetics, education, recreation, vegetation, and wildlife habitat. Regulate development within designated water bodies, riparian areas, wetlands, uplands, and drainage areas.

Planning Concepts

The character of Milwaukie is profoundly influenced by the natural resources and processes occurring in resource areas. The natural environment provides control of stormwater runoff, erosion prevention and enhanced water quality, better air quality, wildlife habitat, recreation, educational opportunities, flood reduction, and community identity. The wetlands, water bodies, riparian areas, drainageways, springs, and uplands identified in the inventory completed in 1987 may contain one or more of these resource values which need protection.

Between 1990 and 2002, natural resources were protected through Milwaukie Zoning Ordinance Section 19.322 Natural Resource Overlay Zone. In the fall of 2002, the City adopted revised regulations that strengthen wetland and riparian resource protections. In 2011, the City adopted revised regulations, entitled Natural Resource Regulations, that add protections to Habitat Conservation Areas outside of the protected riparian and wetland areas. These regulations Adopted to implement Titles 3 and 13 of the Metro Urban Growth Functional Plan, the Water Quality Resource Regulations and compliment and support long held city policies for environmental protection. Map 5 (Natural Resource Areas) shows the City's designated Water Quality Resource areas and Habitat Conservation Areas as indicators of lands that are regulated by State Goal 6 (Air, Water, and Land Resources Quality) and Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), respectively.

The Natural Resource Overlay Zone was removed from the zoning map with adoption of the Water Quality Resource Regulations in 2002. However, the Natural Resource Sites Map (formerly Comp Plan Map 5) has been moved into Appendix 2-Natural Resource Inventory, where both the map and inventory list are and Map 5-Natural Resources have been retained in the Comprehensive Plan solely for historical and informational purposes.

Policies

1. Protect designated natural resource areas and their associated values through preservation, intergovernmental coordination, conservation, mitigation, and acquisition of resources.

- Notify and coordinate review of development proposals and plans within natural resource areas with affected State, local, and federal regulatory agencies.
 - Develop a review process for development in natural areas, which requires mitigation or other means of preservation of natural resource values.
 - The City shall pursue funding for the acquisition, protection, or enhancement of natural resource areas through private environmental groups, federal or State agencies, or local groups.
 - Regulate activities in natural resource areas which may be detrimental to the provision of food, water, and cover for wildlife.
2. Provide protection to important wetland and water body areas through designation of riparian area buffers between natural resources and other urban development activities. Restrict non-water dependent development within the riparian buffer area.
 3. Maintain and improve water quality of wetlands and water bodies through regulating the placement and design of stormwater drainage facilities.
 4. Protect existing upland areas and values related to wildlife habitat, groundwater recharge, and erosion control.
 - Encourage the development of open spaces and increased vegetation for wildlife habitats.
 - Protect steep slopes from erosion through the use of vegetation.
 - Provide protection between the resource and other urban development.
 5. The City will continue to work with Metro and other jurisdictions to establish and implement drainage plans and policies for Johnson Creek, designated by Metro as an area of Significant Environmental Concern.
 6. ~~Provide greater protection and more stringent development review to those sites deemed most valuable to the community.~~ Maintain and improve existing storm water detention and treatment standards to ensure that the impact of new development does not degrade water quality and wildlife habitat.
 7. Provide protection to inventoried natural resource sites currently outside the City limits as these sites are annexed.

Note: The City Council has adopted amendments (File #ZA-10-02) that reorganize the Zoning Code, effective on May 14, 2011. Those amendments include establishing Chapter 19.100 as "Introductory Provisions" and moving the Definitions to Section 19.201 within a new "Definitions and Measurements" chapter. A new Chapter 19.400 governs "Overlay Zones and Special Areas," including the Natural Resource regulations. Section 19.1001 establishes "General Provisions" for the review of land use applications, including expiration dates for approved applications. And Chapter 19.1100 addresses "Annexations and Boundary Changes." This "PC Hearing Draft 4-12-11" document reflects these changes.

PC Hearing Draft 4-12-11

MUNICIPAL CODE TITLE 19 ZONING

CHAPTER 19.100

INTRODUCTORY PROVISIONS

19.107 ZONING

19.107.1 Zone Classifications

For the purposes of this title, the following base zones and overlay zones are established in the City per Table 19.107.1:

Table 19.107.1 Classification of Zones	
Zone Description	Abbreviated Description
Base Zones	
Residential	R-10
Residential	R-7
Residential	R-5
Residential	R-3
Residential	R-2.5
Residential	R-2
Residential	R-1
Residential-Business Office	R-1-B
Residential-Office-Commercial	R-O-C
Downtown Storefront	DS
Downtown Commercial	DC
Downtown Office	DO
Downtown Residential	DR
Downtown Open Space	DOS
Neighborhood Commercial	C-N
Limited Commercial	C-L
General Commercial	C-G
Community Shopping Commercial	C-CS
Manufacturing	M
Business Industrial	BI

Planned Development	PD
Table 19.107.1 CONTINUED Classification of Zones	
Zone Description	Abbreviated Description
Overlay Zones	
Willamette Greenway	WG
Water Quality Resource	WQR
Historic Preservation	HP
Mixed Use	MU
Aircraft Landing Facility	L-F

19.108 SPECIAL AREAS

19.108.1 Special Area Classifications

For the purposes of this title, the following special areas are established in the City per Table 19.108.1:

<u>Table 19.108.1 Classification of Special Areas</u>	
<u>Special Area Description</u>	<u>Abbreviated Description</u>
<u>Natural Resource</u>	<u>NR</u>

19.108.2 Special Area Maps

The special areas described in Subsection 19.108.1 are not displayed on the City's Zoning Map. They are shown on specific administrative maps.

Natural resource areas are displayed on the Natural Resource (NR) Administrative Map, which is adopted by reference. Provisions for administering the NR Administrative Map are established in Subsection 19.402.15.

19.108.3 Classification of Annexed Areas

Land annexed to the City shall be assigned a special area designation consistent with the special area designations established by this title at the time of annexation. Annexations shall be adopted by ordinance pursuant to Chapter 19.1100.

Land annexed to the City shall be assigned a natural resource area designation as applicable in accordance with the provisions established in Subsection 19.402.15.

19.108.4 Classification of Public Rights-of-Way

The special area designations applied to the public rights-of-way within the City boundaries as shown on any specific administrative map do not directly regulate the improvements or structures that are allowed in these rights-of-way. Improvements and structures in public rights-of-way are regulated by other rules, regulations, and ordinances maintained by the City and other road authorities, such as Chapter 19.700, Public Works Standards, and the Transportation System Plan.

CHAPTER 19.200**DEFINITIONS AND MEASUREMENTS****19.201 DEFINITIONS**

"Bankful stage" means the stage or elevation at which water overflows the natural banks of a stream or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-year ~~recurrent~~ recurrence interval flood elevation may be used to approximate the bankful stage. Also referred to as "top of bank."

"Direct stormwater discharge" means stormwater that does not infiltrate before reaching a designated natural resource area.

"Disturb" means to make changes, whether temporary or permanent, to the existing physical status of the land ~~that are made~~ in connection with development. The following changes are excluded from the definition: enhancement or restoration of ~~the a~~ a Water Quality Resource Area or Habitat Conservation Area and planting native cover identified in the Milwaukie Native Plant List, as established in Section 19.402.

"Downed Tree" means any tree that is no longer standing upright as the result of natural forces and that has come to rest, whether leaning or completely down, within a protected water feature, a Water Quality Resource, or an Habitat Conservation Area.

"Habitat Conservation Area (HCA)" means any significant Goal 5 wetland, riparian area, and fish and wildlife habitat, as established in ~~MMC~~ Section 19.402.

"Invasive nonnative or noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread into native plant communities. Includes vegetation categorized as a nuisance species on the Milwaukie Native Plant List.

"Natural resource area" means any Water Quality Resource or Habitat Conservation Area as defined in Section 19.201 and established in Section 19.402.

"Native vegetation or native plant" means any vegetation native to the Portland metropolitan area or listed on the Milwaukie Native Plant List, provided that it is not categorized as a nuisance plant on the Milwaukie Native Plant List.

"Net acre" means an area measuring 43,560 square feet excluding the following: rights-of-way; floodplains; protected water features and their associated vegetated corridors as established in ~~MMC~~ Section 19.402; natural resource areas protected under Statewide Planning Goal 5; slopes in excess of 25%; and publicly owned land designated for park, open space, and resource protection. These excluded areas do not include lands for which the zoning code provides a density bonus or other mechanism that allows the transfer of the allowable density or use to another area or to development elsewhere on the same site.

"Significant Pruning" means removal of more than 20% of a tree's canopy, or injury or cutting of over 10% of the root system, during any 12-month period.

"Title 3 Wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Resource Area map and other wetlands added to the City's- or County-adopted Water Quality Natural Resource Area Administrative Mmaps consistent with the criteria in Metro Urban Growth Management Functional Plan Title 3, Section 3.07.340(E)(3).

"Tree" means a living or dead, standing or downed, woody plant characterized by one main stem or trunk that measures at least 4 inches in diameter according to the measurement

~~standards established in Subsection 19.202.3 and many branches, or a multi-stemmed trunk system with a definitely formed crown, and having a trunk 4 inches or more in diameter (maximum cross section) at a point 24 inches above mean ground level at the base of the trunk. For a downed tree, the trunk diameter is measured at a point 24 inches along the trunk from the mean point at which the base of the trunk was flush with ground level when the tree was standing.~~

“Vegetated corridor” means the area of setback between the top of the bank of a protected water feature or the edge of a delineated wetland and the ~~delineated~~ edge of the Water Quality Resource Area as defined in Tables ~~19.322.9.A and E~~ 19.402.15-1.

“Water quality and floodplain management area” means the area that identifies where the Water Quality Resource Area and floodplain management area overlay zone is applied.

“Water Quality Resource (WQR) Areas” means a protected water feature(s) and the adjacent vegetated corridors and the adjacent water feature as established in Chapter Section 19.402. The following definitions relate to WQRs and Habitat Conservation Areas in particular:

“Mitigation” means the reduction of adverse effects of a proposed project on the natural environment by considering, in this order: (1) avoiding the impact altogether by not taking a certain action or parts of an action; ~~(2)~~ minimizing impacts by limiting the degree or magnitude of the action and its implementation; ~~(3)~~ rectifying the impact by repairing, rehabilitating, or restoring the affected environment; ~~(4)~~ reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and/or ~~(5)~~ compensating for the impact by replacing or providing comparable substitute WQRs ~~Water Quality Resource Areas or Habitat Conservation Areas~~.

“Significant negative impact” means an impact the affects the natural environment, considered individually or cumulatively with other impacts on the WQR ~~Water Quality Resource Area~~ and/or Habitat Conservation Area, to the point where the existing ~~water quality~~ functions and values of water quality and/or fish and wildlife habitat are degraded.

“Watershed” means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake, or wetland.

“Wetlands” means those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

19.202 MEASUREMENTS

19.202.3 Measuring Tree Diameter

A. Existing Trees

Existing trees are measured at a height 4.5 feet above the mean ground level at the base of the tree. Trees on slopes are measured from the ground level on the lower side of the tree. If a tree splits into multiple trunks below 4.5 feet above ground level, the diameter is measured at its most narrow point below the split.

B. New Trees

New trees are measured in caliper inches, which is the diameter of the trunk 6 inches above the mean ground level at the base of the tree.

CHAPTER 19.400

OVERLAY ZONES AND SPECIAL AREAS

SECTIONS:

- 19.401 Willamette Greenway Zone WG
- 19.402 ~~Water Quality Regulations~~ **Natural Resource Areas**
- 19.402 Historic Preservation Overlay Zone HP
- 19.404 Mixed Use Overlay Zone MU
- 19.405 Aircraft Landing Facility L-F

19.402 ~~WATER QUALITY RESOURCE REGULATIONS~~ NATURAL RESOURCE AREAS

(Repeal entire section and replace with new section per Exhibit B, Proposed Section 19.402.)

19.404 MIXED USE OVERLAY ZONE MU

19.404.10 Consistency with Underlying Zones

The MU Overlay Zone is anticipated to overlay a number of different zones. The following subsection addresses areas where the MU overlay will control development.

C. ~~NR Zone~~ Natural Resource Areas

The requirements established in Section 19.402 for of the Natural Resource Areas Overlay Zone and those of the MU Overlay Zone both apply to a property which is subject to both overlay zones designations. Any required NR application must be processed prior to or concurrent with a development proposal under the MU Overlay Zone. If a project is determined not to be subject to requirements of the MU Overlay Zone but is also on a property that includes natural resources regulated by Section 19.402 an NR Zone property, a separate determination of the applicability of the NR Zone Section 19.402 must be made.

CHAPTER 19.900

LAND USE APPLICATIONS

19.901 INTRODUCTION

Table 19.901 Land Use Applications		
Application Type	Municipal Code Location	Review Types
<u>Water quality</u> <u>Natural Resource Review</u>	Section 19.402	I, II, III, IV

19.905 CONDITIONAL USES

19.905.4 Approval Criteria

- A. Establishment of a new conditional use, or major modification of an existing conditional use, shall be approved if the following criteria are met:
 - 5. The proposed use will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.
- B. Minor modification of an existing conditional use shall be approved if the following criteria
 - 2. The proposed modification will comply with all applicable development standards and requirements of the base zone, any overlay zones or special areas, and the standards in Section 19.905.

19.905.9 Standards Governing Conditional Uses

A conditional use shall comply with the standards of the base zone, and any overlay zones or special areas, in which it is located, except as these standards have been modified by the Planning Commission when authorizing the conditional use and as otherwise modified by the standards in this subsection.

19.906 DEVELOPMENT REVIEW

19.906.4 Approval Criteria

The criteria in this subsection are the approval criteria for Type I and Type II development review applications. The criteria are based on a review of development standards throughout Title 19 Zoning. Not all of the standards within the chapters listed below are applicable to a proposal, and the City will identify the applicable standards through the development review process. Though the criteria are the same for Type I and Type II development review, the standards evaluated in a Type I review will be clear and objective or require limited professional judgment, while the Type II review will involve discretionary standards and/or criteria.

An application for Type I or Type II development review shall be approved when all of the following criteria have been met:

- A. The proposal complies with all applicable base zone standards in Chapter 19.300.
- B. The proposal complies with all applicable overlay zone and special area standards in Chapter 19.400.

19.908 EXTENSIONS TO EXPIRING APPROVALS

19.908.4 Approval Criteria

An extension shall be approved when all of the following criteria have been met:

- A. There have been no significant changes on the subject property, in the vicinity of the subject property, or to any relevant regulations since the original application was approved.
- B. No modifications are proposed to the approved application or to the conditions of approval.
- C. If the previously approved application included a transportation impact study or a ~~water~~ quality natural resource report, an updated report was provided with the extension application that shows no significant changes on the subject property or in the vicinity of the subject property. A letter from a recognized professional will also satisfy this criterion if it

states that conditions have not changed since the original approval and that no new analysis is warranted.

CHAPTER 19.1000

REVIEW PROCEDURES

19.1001 GENERAL PROVISIONS

19.1001.7 Decisions

E. Expiration of Approved Decisions

3. The following land use approvals are exempt from expiration:
 - a. Amendments to Comprehensive Plan maps or text; amendments to Titles 14, 17, or 19; or any other amendment to a land use regulation per Section 19.902.
 - b. Code interpretations and Director determinations per Section 19.903.
 - c. Annexations per Chapter 19.1100.
 - d. Boundary verification of designated natural resource areas per Subsection 19.402.

CHAPTER 19.1100

ANNEXATIONS AND BOUNDARY CHANGES

19.1104 EXPEDITED PROCESS

19.1104.1 Administration and Approval Process

F. For an expedited annexation request, the City's special area designations shall be applied consistent with the applicable sections of Title 19 Zoning.

Natural resource area designations shall be applied consistently with the provisions established in Subsection 19.402.15 for administering the NR Administrative Map.

FG. An expedited process cannot be used if a necessary party gives written notice to contest the decision, pursuant to Metro Code Subsection 3.09.045(b) or, in the case of an annexation petition, if the requested zoning designation does not comply with the automatic Comprehensive Plan designation listed above in Table 19.1104.1.E.

MUNICIPAL CODE (non-Planning titles)

REFERENCE UPDATES

The following amendments are also proposed to update references:

13.14.025.B:

All users of the public stormwater system, and any person or entity whose actions may affect the system, shall comply with all applicable federal, State, and local laws, including ~~Section 19.402 Water Quality Resource Regulations~~ Natural Resource Areas. Compliance with the requirements of this chapter shall in no way substitute for, or eliminate the necessity for compliance with, applicable federal, State, and local laws.

16.28.020.C:

3. For any lot ~~designated a Natural Resource Overlay Zone pursuant to Milwaukie Zoning Ordinance Section 322~~ including natural resources regulated by Milwaukie Zoning Ordinance Section 19.402 Natural Resource Areas, an erosion control permit shall be required prior to placement of fill, site clearing, or land disturbances, including but not limited to grubbing, clearing or removal of ground vegetation, grading, excavation, or other activities, any of which has the potential for, or results in visible and measurable erosion, regardless of the area of disturbance.

16.28.020:

D. An erosion control permit shall not be issued for activities on lots ~~zoned Natural Resource Overlay that include natural resources regulated by Section 19.402~~, where the site activity has not been authorized, or is not exempt under the provisions of Milwaukie Zoning Ordinance ~~Section 322~~ 19.402 Natural Resource Overlay Zone Areas as determined by the Planning Director. This provision does not apply where the erosion control permit is associated with correction of a violation of the City Code or as necessary for public safety, or the protection of property or water quality.

18.04.150.F.2.d:

(2) The proposed excavation is authorized under applicable municipal code provisions including Section 19.402 ~~Water Quality Resource Regulations~~ Natural Resource Areas; and