

**THIS IS TO NOTIFY YOU THAT THE CITY IS CONSIDERING ADOPTION OF LAND USE REGULATIONS THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY**

(Land Use File # ZA-11-01)



**Why the City is sending this notice.**

You are receiving this notice because you own property in the City that includes or is within 100 feet of a designated natural resource area. State law requires the City to inform you about proposed changes to land use regulations that may affect what you can do on your property. Every owner of property in Milwaukie that includes or is within 100 feet of a designated natural resource area is receiving this notice.

**How the proposed regulations might affect your property.**

The proposed regulations will update the City's existing protections of designated Water Quality Resource (WQR) areas and will establish protections for newly designated Habitat Conservation Areas (HCAs).

If you are considering any new activity (construction or landscaping) within a WQR area or HCA (as shown on the proposed map that is part of the proposal) or any activity that would disturb at least 150 square feet within a distance of 100 feet from a WQR area or HCA, the proposed regulations may affect what work could be performed and/or the process you would have to go through to get your project approved.

As noted above, state law requires the City to inform you about proposed changes to land use regulations that may affect what you can do on your property and therefore your property value. City land use regulations are one of many factors that affect property value. Other factors include the economy, your treatment of the property, and the condition of neighboring properties.

**Why the City is proposing to change its land use regulations.**

The City is proposing to change its natural resource regulations, which are currently located in Section 19.322 of the Milwaukie Municipal Code, to comply with regional and state rules and to improve the regulations' effectiveness. The proposed changes will protect water quality and habitat in riparian areas, and will clarify and streamline the administration of the regulations.

**How to learn more about and comment on the proposed regulations.**

Project Info: The proposed regulations are the result of the *Natural Resource Overlay Project*, which the City has developed over the past two years. More information about the project is available online here: <http://www.ci.milwaukie.or.us/planning/natural-resource-overlay-project>.

The proposed regulations amend the text of the City's Zoning Ordinance, which is Title 19 of the Milwaukie Municipal Code, as well as the Environmental and Natural Resources chapter of the Comprehensive Plan.

The proposed code and maps and all supporting documents are available at the Planning Department office (6101 SE Johnson Creek Blvd) or online at: <http://www.ci.milwaukie.or.us/planning/draft-documents-code-commentary-flowcharts>.

Public Hearing Info: On **March 22, 2011**, at 6:30 p.m. at Milwaukie City Hall (10722 SE Main St in Milwaukie) the Milwaukie Planning Commission will hold a public hearing regarding the adoption of the proposed regulations (Land Use File # ZA-11-01). Staff's report on the proposed regulations will be available in advance of this hearing after 8:00 a.m. on Wednesday, **March 16**, at the Planning Department office, Ledding Library's local information shelf (10660 SE 21<sup>st</sup> Ave), and City Hall (10722 SE Main St). If the Planning Commission recommends approval, the Milwaukie City Council will hold a public hearing in April to consider adoption.

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

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*For assistance/service per the Americans with Disabilities Act (ADA), dial TDD (503) 786-7555.*

### Summary of Proposed Changes

- Existing protections for water quality will remain in place. New rules will be established to protect additional habitat near streams and wetlands.
- The regulations apply primarily to new development, such as new structures and other land disturbance.
- Maintenance of existing structures, landscaped areas, and other site improvements within natural resource areas will still be allowed. However, if such activities disturb more than 150 sq ft, a Construction Management Plan will be required. The purpose of the plan is to show what measures will be put in place to protect the natural resource area from impacts.
- In general, when a proposed activity within 100 ft of a natural resource area will disturb more than 150 sq ft, a Construction Management Plan will be required to show that the resource will not be impacted by the project.
- The regulations provide incentives to avoid or minimize impacts to natural resource areas. These include an expedited review for development projects that can meet certain objective standards for disturbance and mitigation.
- Disturbance of designated natural resource areas may be allowed, but only if there is a demonstration that there is no real alternative, that impacts will be mitigated, and that all disturbed areas will be restored.
- Restoration of natural resource areas will not be required unless new development is proposed. Restoration and enhancement activities are encouraged, and so is the removal of noxious or invasive vegetation.

Read the full proposal at <http://www.ci.milwaukie.or.us/planning/natural-resource-overlay-project>.