



Project Description

Addition of Canemah Wetland to the Natural Resources Overlay District

September 19, 2019

Summary

This proposal is to include a wetland within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved by the City Commission, will be to apply the protections and standards of OCMC 17.49 to the subject properties upon which the wetland and surrounding vegetated corridor exist. The proposal is considered a legislative zoning map amendment.

Natural Resource Overlay District Background

The Oregon City Municipal Code protects water quality and function of streams, wetlands and adjacent habitat by surrounding the features with native plantings (called a vegetated corridor) which also result in a buffer between the features and development. Though the City does not regulate activities within the feature itself, the authority to regulate the vegetated corridor surrounding the feature is identified in the Natural Resources Overlay District (NROD) in Chapter 17.49 of the Oregon City Municipal Code. As a whole, the NROD discourages development within the vegetated corridor and requires mitigation for disturbances which occur.

The Natural Resource Overlay District designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The NROD implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

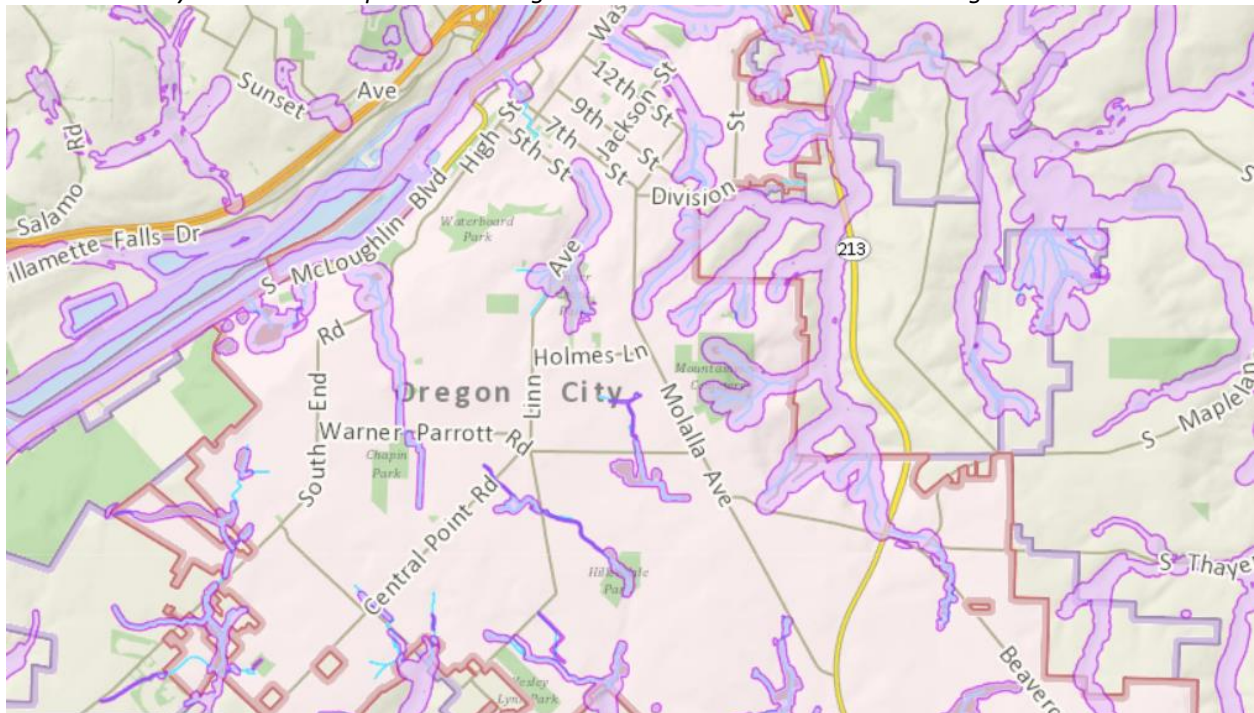
- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.

E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

Excerpt of the Natural Resources Overlay District (NROD) - Map

NROD boundary is shown in Purple Surrounding Streams and Wetlands – See Next Page

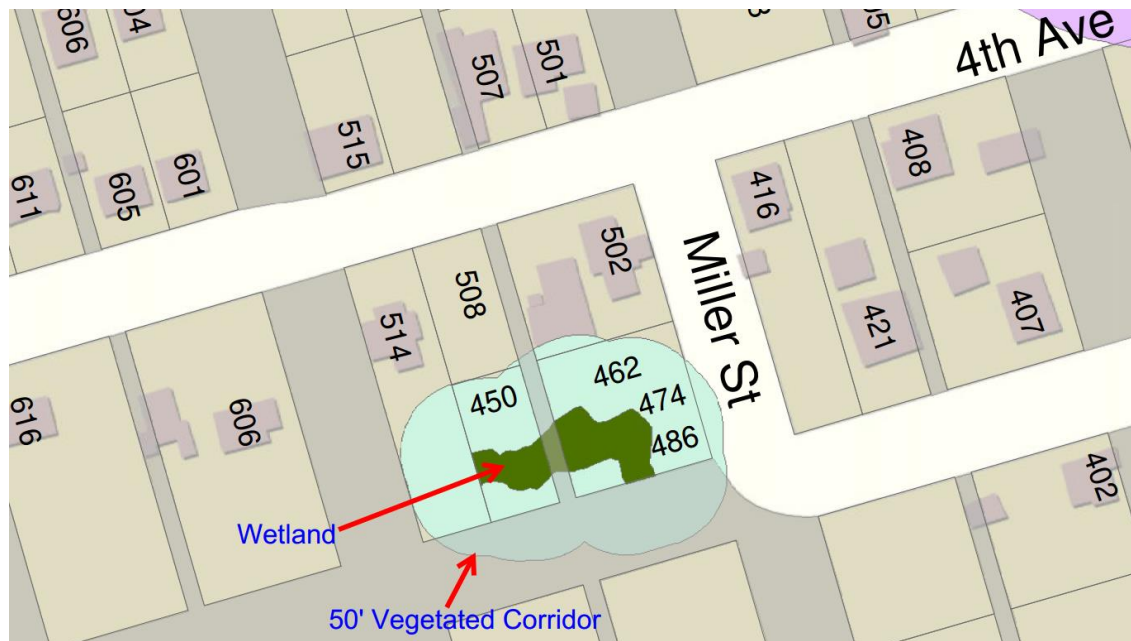


History

In early 2016, a developer conducted prospective investigations of vacant parcels in the Canemah Neighborhood revealing the presence of a small 0.37-acre wetland. EVREN Northwest, Inc. and Turnstone Environmental Consultants, Inc. conducted a wetland delineation on April 11, 2016 at the request of the developer. The Department of State Lands reviewed the wetland delineation referenced above and issued a letter of concurrence on July 25, 2019.

The requirement to protect the wetlands through the use of a 50' vegetated corridor, and other regulations, are limited to wetlands that are within or partially within the City's adopted Natural Resources Overlay District. Wetlands that are discovered which lie wholly outside of the overlay

are subject to applicable state and federal regulations, however are not required to comply with the City's Natural Resources Overlay District. The wetland identified lies wholly outside of the Natural Resources Overlay District and thus no local regulations, such as the 50' vegetative corridor buffer, could be required.

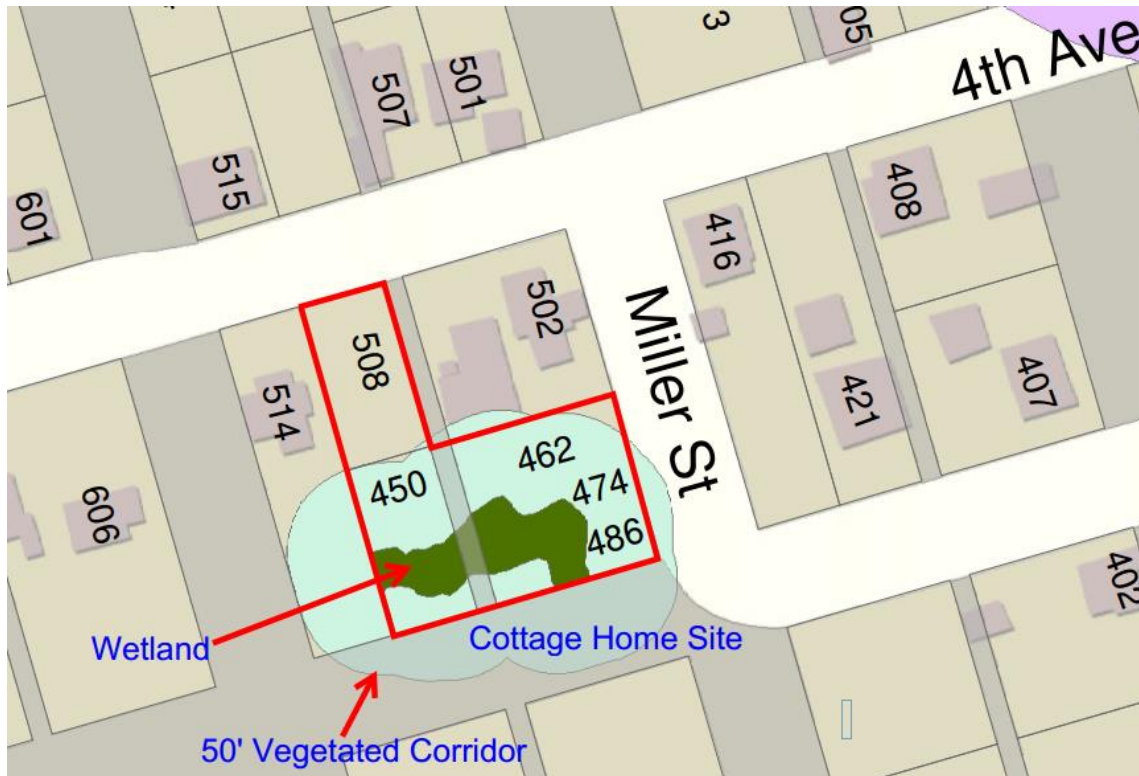


Land Use Approvals

Between 2016 and 2018, a developer submitted a series of land use applications resulting in the approval of a 5-unit cottage home development on land which contained the wetland. Though the land adjacent to the wetland was not protected by the Natural Resource Overlay District, the wetland itself was and is subject to protection by the Department of State Lands (DSL).

Addition of the vegetative corridor and wetlands to the Natural Resources Overlay District map does not affect the approval the cottage housing development. The developer may continue to develop pursuant to the approved Site Plan and Design Review and Historic Review Board decisions.

Any future new structures, alterations or additions proposed within the vegetative corridor may require approval pursuant to OCMC 17.49, if the wetland is added to the Natural Resources Overlay District following approval by the City Commission.

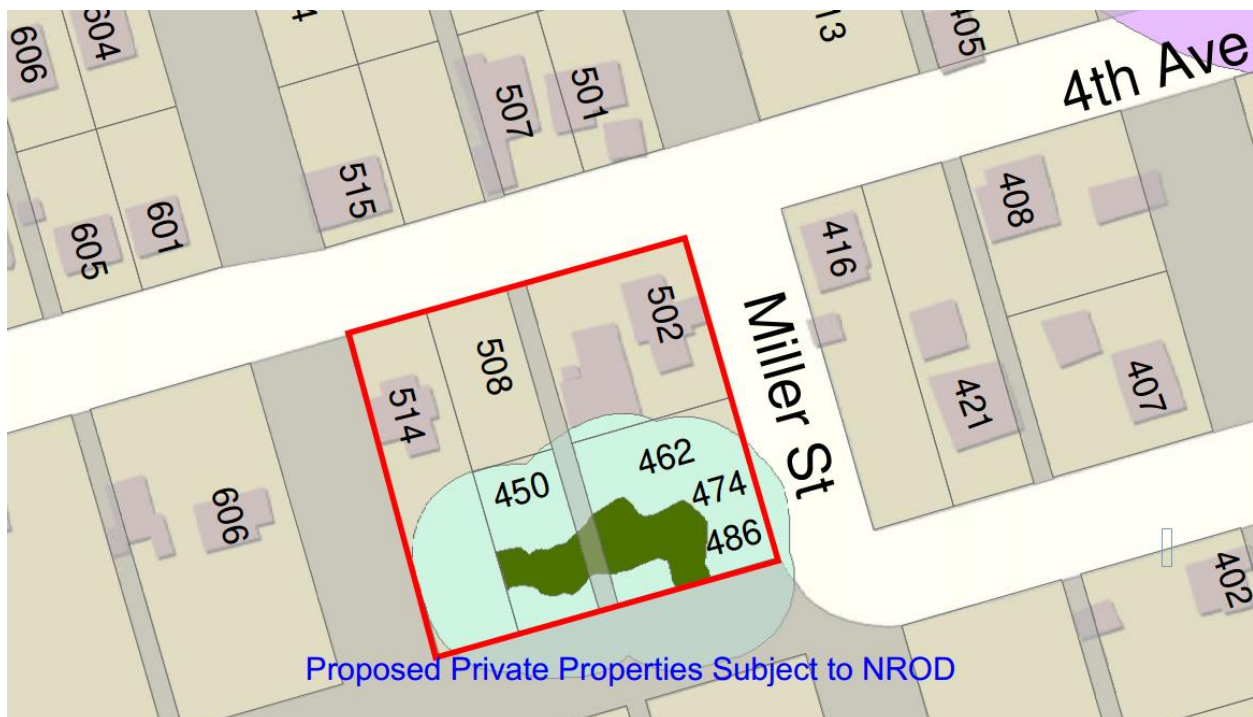


Direction from City Commission

Between 2016 and 2018, both the developer and staff maintained frequent communications with city groups regarding the proposed development and the applicability of the city's regulations, appearing before and making presentations to the Canemah Neighborhood Association, Citizen Involvement Committee, Natural Resources Committee, Historic Review Board, Planning Commission and City Commission. At a City Commission work session on May 9, 2017, the City Commission was briefed on the proposed project and in early 2018 staff received direction to begin the process of amending the NROD map to include the wetland when staff resources are available (late 2019).

This application would add the delineated wetland as well as the adjacent 50' buffer to the Natural Resources Overlay District map. If approved, all future development within the vegetated corridor would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code.

Chapter 17.49 of the Oregon City Municipal Code may be reviewed at www.orcity.org and clicking on "Municipal Code", then navigating to Chapter 17.49.



In an effort to assure there were no other known wetlands which were outside of the City's regulation, staff reviewed all wetland delineations which had been approved by the Department of

State Lands (DSL) within the city limits and determined that the wetland in question was the only wetland which was not subject to local NROD regulation.

The process for reviewing the proposal is a legislative zoning map amendment applied to a small number of properties. This requires sending a public notice to all owners within 300' of the affected properties, creation of a project webpage, input from the Natural Resources Committee, and a recommendation by the Planning Commission prior to a decision by the City Commission at a series of legally noticed public hearings.

The public is welcome to submit verbal or written testimony pertinent to the proposal while the record is open, once the formal public notice is issued up until the time that the City Commission closes the record. Testimony can be provided in writing or email, as well as verbally at any of the upcoming public hearings.

The date of the first evidentiary hearing before the Planning Commission will be provided in the public notice. The City Commission hearing date will be decided once the Planning Commission makes a formal recommendation on the proposal.

Questions related to this project, or the impact of the proposed regulations that would be applied, should be directed to Pete Walter.

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Email: pwalter@orccity.org

Attachments:

1. Map of DSL Approved wetland delineation WD2016-0272