



City of Oregon City

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Staff Report

File Number: PC 20-043

Agenda Date: 3/4/2020

Status: Public Hearing

To: City Commission

Agenda #: 6c.

From: Community Development Director Laura Terway

File Type: Land Use Item

SUBJECT:

First Reading of Ordinance No. 20-1005, Amending the Natural Resources Overlay District and Approving File LEG-19-00006

RECOMMENDED ACTION (Motion):

Planning Commission Recommendation: Approval of file LEG-19-00006 with the modification that the amendment does not affect any portion of 514 4th Avenue (Tax Lot 3-1E-01AA-02300).

EXECUTIVE SUMMARY:

A wetland was identified during the development review process which had not been previously included in the Natural Resources Overlay District (NROD). The Natural Resources Overlay District 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. In response to citizen requests and recommendations from the Planning Commission and the Natural Resources Committee, the City Commission directed staff to initiate a process to include the delineated feature within the NROD. Approval of this LEG-19-00006 would add the delineated portion of the previously unmapped wetland as well as some or all of the adjacent 50' vegetative corridor buffer to the Natural Resources Overlay District map. If approved, the area identified within the vegetated corridor adjacent to the wetland would be subject to the provisions within Chapter 17.49 of the Oregon City Municipal Code.

BACKGROUND:

Oregon City Municipal Code Chapter 17.49 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. The NROD discourages development within the vegetated corridor and requires mitigation for disturbances if they occur. The City's authority is limited to regulating the area around a stream or wetland, and not the feature itself.

The authority to regulate the vegetated corridor in Chapter 17.49 of the Oregon City Municipal Code, Natural Resources Overlay District (NROD), is implemented with an officially adopted map of the the NROD boundaries. A wetland was identified during the development review process which had not been previously included in the Natural Resources Overlay District (NROD). The development delineated the boundaries of the wetland onsite. In response to citizen requests and

recommendations from the Planning Commission and the Natural Resources Committee, the City Commission directed staff to initiate a process to include the delineated feature within the NROD.

Additional studies were not conducted to further delineate the portions of the wetland not on the development site. The City Commission identified the issue of updating the city-wide inventory with the Comprehensive Plan Update.

On February 10, 2019, the Planning Commission voted 4-0 to recommend approval of file LEG-19-00006, the proposed amendment to Natural Resources Overlay District Map, to the City Commission for their consideration, with the following modification: *The amendment shall not affect any portion of 514 4th Avenue (Tax Lot 3-1E-01AA-02300)*. The Planning Commission provided the following rationale for the modified recommendation:

- the amendment as originally proposed impacts a disproportionately large percentage of 514 4th Avenue (Tax Lot 3-1E-01AA-02300);
- only a limited number of property owners are affected;
- the Planning Commission wishes to allow the future development of 514 4th Avenue (Tax Lot 3-1E-01AA-02300);
- the proposal is unfair to the owner of 514 4th Avenue (Tax Lot 3-1E-01AA-02300) since the neighboring property was allowed to develop without a vegetated corridor;
- the proposal would reduce the property value of 514 4th Avenue (Tax Lot 3-1E-01AA-02300).

Proposal LEG-19-00006 is to include a wetland and associated vegetated corridor within the City's Natural Resources Overlay District by amending the Overlay District Map. The effect of the overlay district map amendment, if approved, 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.

OPTIONS:

1. Approve LEG-19-00006 as proposed
2. Approve LEG-19-00006 with the modification that the amendment does not affect any portion of 514 4th Avenue (Tax Lot 3-1E-01AA-02300).
3. Continue LEG-19-00006 to the March 18th hearing
4. Deny LEG-19-00006