



### CITY COMMISSION LEGISLATIVE FINDINGS

**FILE NO.:** LEG-19-00006

**ORDINANCE NO:** 20-1005

**APPLICATION TYPE:** Legislative

**HEARING DATES:** City Commission  
March 18, 2020 - – 7:00 p.m., City Hall  
Oregon City, OR 97045

City Commission  
March 4, 2020 - – 7:00 p.m., City Hall  
Oregon City, OR 97045

Planning Commission  
February 10, 2020 – 7:00 p.m., City Hall  
Oregon City, OR 97045

**APPLICANT:** City of Oregon City

**REQUEST:** Addition of Canemah Wetland to the Natural Resources Overlay District

**LOCATIONS:**

<u>Addresses</u>	<u>Tax Lots:</u>
514 4 <sup>th</sup> Ave	3-1E-01AA-02300 (0.23 ac)
502 4 <sup>TH</sup> Ave	3-1E-01AA-02100 (0.23 ac)
508 4 <sup>th</sup> Ave	3-1E-01AA-02200 (0.11 ac)
450 Miller St	3-1E-01AA-03600 (0.11 ac)
462 Miller St	3-1E-01AA-03700 (0.23 ac)
474 Miller St	“ “
486 Miller St	“ “

and abutting rights-of-way (see map).

**STAFF:** Pete Walter, AICP, Senior Planner  
Laura Terway, AICP, Community Development Director

**DECISION**

The City Commission approves LEG-19-00006 with the attached modification described herein, based on the satisfaction of all required criteria for a Legislative action.

**PROCESS:**

OCMC 17.50.170 -- Legislative Hearing Process including individual mailed notice to property owners within 300 feet per OCMC 17.50.090.B.

*17.50.170 - Legislative hearing process.*

*A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.*

*B. Planning Commission Review.*

*1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*

*2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

*3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

*C. City Commission Review.*

*1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*

*2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

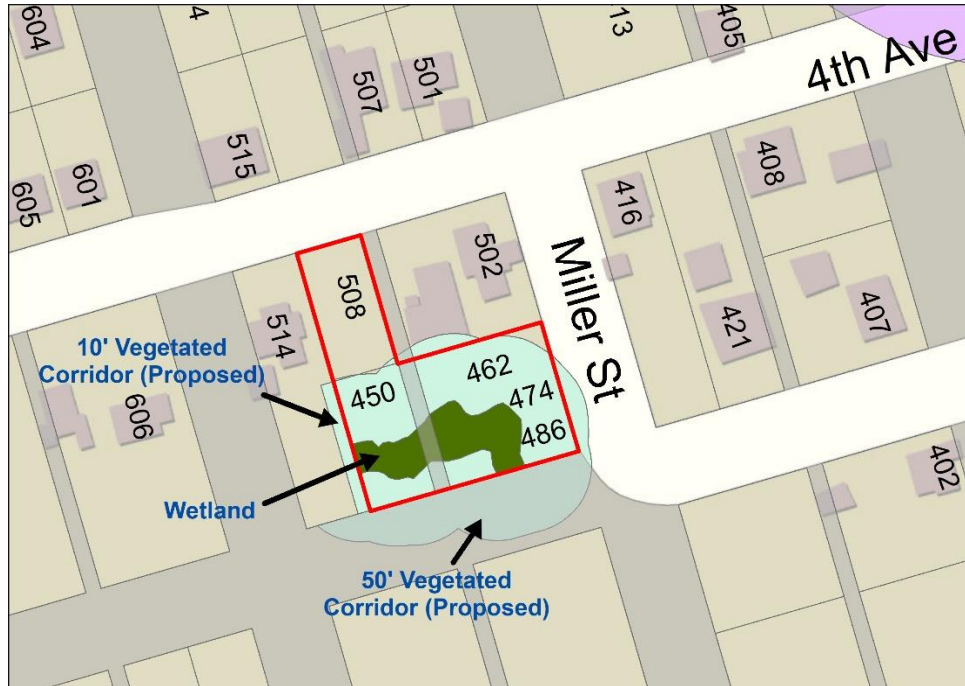
## A. BACKGROUND

### City Commission Decision

On March 4, 2020, the City Commission considered file LEG-19-00006 as recommended by the Planning Commission. Following public testimony and discussion, the City Commission directed staff to modify the map of the proposed wetland addition to the Natural Resources Overlay District depicting a narrower 10' wide vegetated corridor for the wetland abutting 514 4th Avenue (Tax Lot 3-1E-01AA-02300). The effect of the narrower vegetated corridor continues to meet the approval criteria and the goals and policies of the Natural Resources Overlay District OCMC 17.49 and the Oregon City Comprehensive Plan as discussed in this staff report, while addressing the concerns of the Planning Commission discussed below. The City Commission finds that the Comprehensive Plan (P. 116) anticipates the challenges associated with “balancing private property rights with public goals and needs as the City adopts new programs and regulations aimed at shaping the city’s built and natural environment.” In particular, the Commission found that the modified vegetated corridor would better achieve consistency with Oregon City Comprehensive Plan Goal 2.4 – Neighborhood Livability;

### Comprehensive Plan Goal 2.4 - Neighborhood Livability

“Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.”



*Figure 1. Modified Proposal with 10' and 50' Vegetated Corridor*

Furthermore, the City Commission finds that the modified vegetated corridor helps to balance the goals of environmental protection and water quality with the right of property owners to reasonably develop

their property with the permitted land uses in the underlying residential zone district., thus achieving consistency with Oregon City Comprehensive Plan Policy 2.4.4;

#### Comprehensive Plan Policy 2.4.4

Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.

#### Planning Commission Recommendation

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 4<sup>th</sup> 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 acknowledging a vegetated corridor;
- the proposal may reduce the property value of 514 4th Avenue (Tax Lot 3-1E-01AA-02300).



Figure 2. Vegetated Corridor Recommended by Planning Commission

### Initial Legislative Proposal

Staff's initial proposal was to include a wetland and associated fifty-foot wide 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, would 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 because it was initiated by the City and involves a decision whether or not to protect a resource through the application of different regulations. This type of City-initiated policy-making effort is legislative.

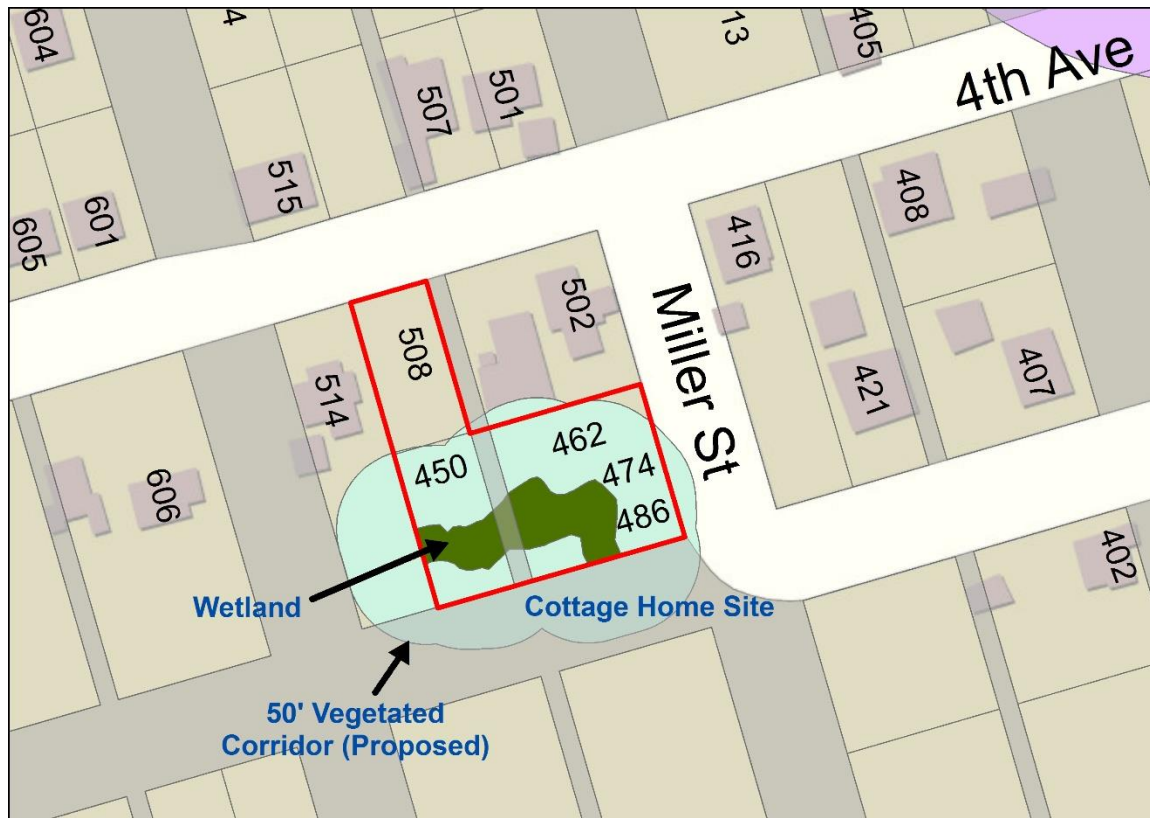


Figure 3. Vegetated Corridor - Staff Proposal

Legislative actions typically involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that generally affect the entire city or large portions of it. This proposal will affect only a small number of properties. In order to avoid causing any prejudice resulting from legislative processing, the City has complied with the public notice requirements applicable to a Type IV Quasi-Judicial decision as well. 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 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) resulting 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.

According to the purpose statement in OCMC 17.49.050, the Natural Resource Overlay District designation implements 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 integrate within 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 overlay area. 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*



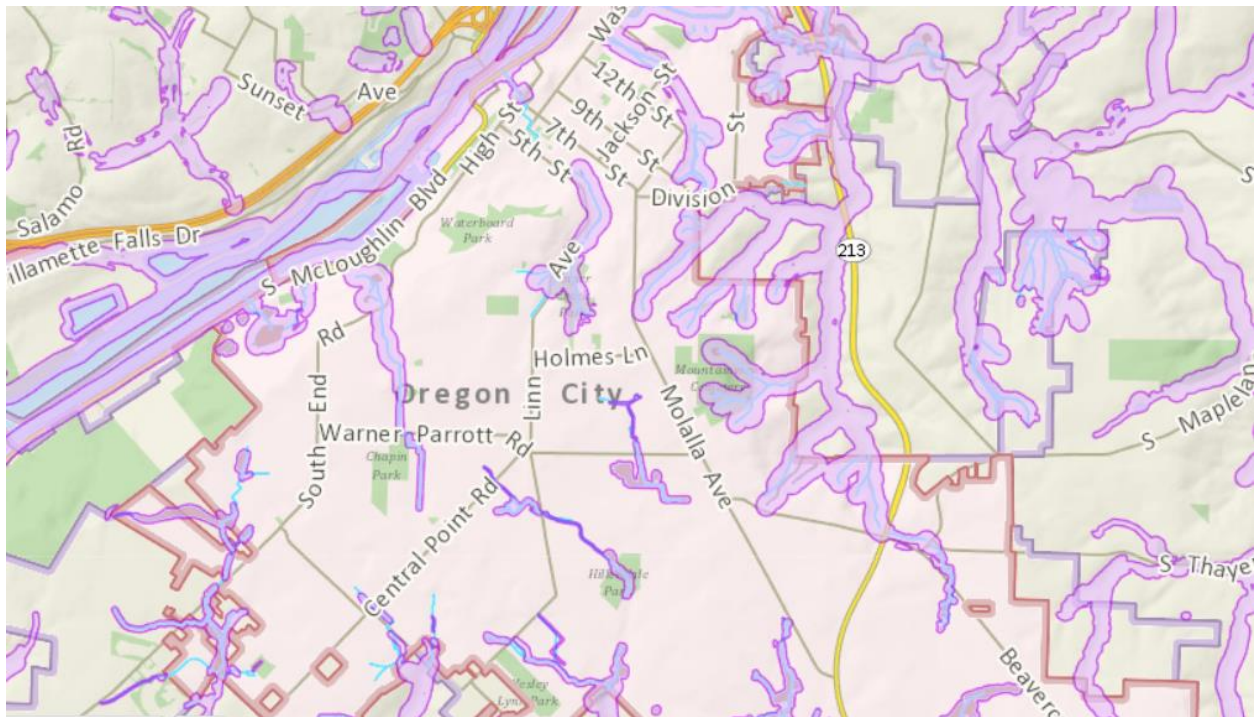


Figure 4. Map of Natural Resources Overlay District (Excerpt)

## B. 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. A copy of the wetland report is attached to this staff report. A functional assessment of the wetland pursuant to the Oregon Freshwater Wetland Assessment Method (OFWAM) is not required for this wetland because it is smaller than 0.5 acres, according to Department of State Lands. Subsequently a determination that the wetland is “locally significant” has not been made.

The requirement to protect the wetlands using a 50’ vegetated corridor are limited to water resources, streams and wetlands that are within or partially within the City’s adopted Natural Resources Overlay District. Water bodies and habitat areas that may be discovered during development that 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 City may only impose the protections of a vegetated corridor to wetlands and streams that are within or touching the adopted NROD buffer. In this case, the wetland identified lies wholly outside of the Natural Resources Overlay District and thus no local regulations, such as the 50’ vegetative corridor buffer, were required.

## C. CURRENT LAND USE APPROVALS

Between 2016 and 2018, the City approved 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).

The approved land use application files are listed below:

Historic Review Board decisions:

In 2016, applications were filed for Historic Review Board approval for seven (7) cottage style homes. Ultimately the Historic Review Board (HRB) only issued approval for five homes on the parcels, with preservation incentives to adjustment of the front, side, and rear setbacks, in the Canemah Historic District.

- HR-16-0009
- HR-16-0010
- HR-16-0011
- HR-16-0012
- HR-16-0013
- HR-16-0014

In 2017, the applicant proposed modifications to the previous applications (HR-16-0009 through HR-16-0014) for construction of six cottage style homes, with preservation incentives to adjustment of the front, side, and rear setbacks, in the Canemah Historic District. Although six cottages were proposed, the HRB only gave approval for five cottage homes, conditioning the approval on the removal of the sixth cottage from the proposal.

- MD-17-0001
- MD-17-0002
- MD-17-0003
- MD-17-0004
- MD-17-0005
- MD-17-0006

Appeal decisions:

- AP-17-0004

The Historic Review Board's conditional approval of files MA-17-0001 through MD-17-0006 were appealed to the City Commission, who upheld the approvals. The City's decision was subsequently appealed to the Land Use Board of Appeals (LUBA, No. 2017-133). LUBA upheld the City's approval of the development.

Site Plan and Design Review and Geologic Hazard Overlay District decisions:



In 2017, following the HRB decisions and resolution of the appeals described above, the Community Development Director approved, through the Type II review process, the following concurrent applications for Site Plan and Design Review and Geologic Hazard Overlay District approval for the five-cottage housing development:

- SP-17-0145
- US-17-0009

Addition of the vegetative corridor and wetlands to the Natural Resources Overlay District map does not affect the previous approval of 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.

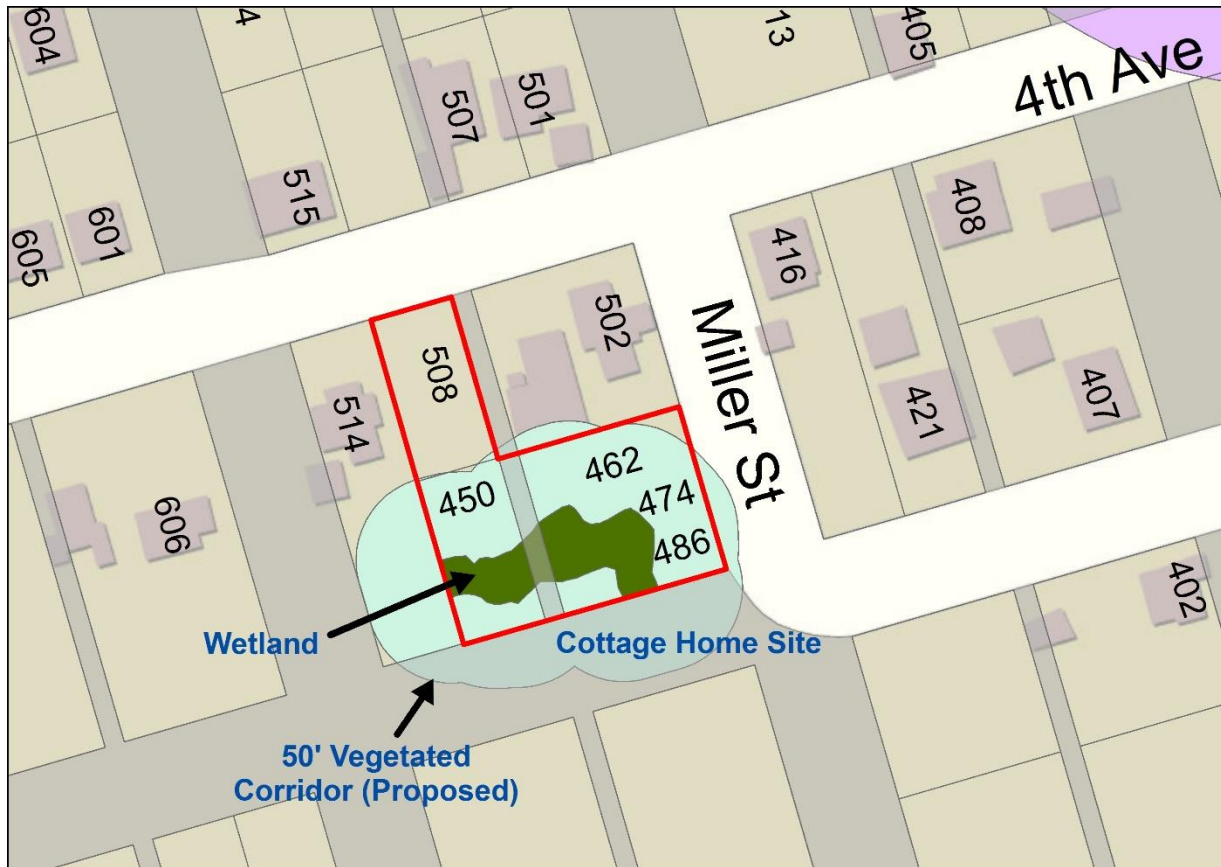


Figure 5. Vegetated Corridor - Staff Proposal

#### D. 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 2018 staff received direction to begin the process of amending the NROD map to include the wetland when staff resources are available (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](http://www.orcity.org) and clicking on "Municipal Code", then navigating to Chapter 17.49.



Figure 6. Staff Proposal of Addition to NROD



*Figure 7. Properties affected by Staff Proposal*

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 delineated wetland which was not currently subject to local NROD regulation.

As explained, the process for reviewing the proposal is a legislative zoning map amendment applied to a small number of properties and as a result, required 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 was provided in the public notice. The City Commission hearing dates were March 4 and March 18, 2020.

#### **E. LOCATION**

This project affects five tax lots comprising seven addresses within one block of the Canemah neighborhood, and portions of the abutting city right-of-way. Please refer to the vicinity map attached to this report.

<u>Addresses</u>	<u>Tax Lot</u>	<u>Taxpayer</u>
514 4 <sup>th</sup> Ave	3-1E-01AA-02300 (0.23 ac)	LYTLE-BLAHA KAREN C
502 4 <sup>th</sup> Ave	3-1E-01AA-02100 (0.23 ac)	GOODWIN CLINTON LEE
508 4 <sup>th</sup> Ave	3-1E-01AA-02200 (0.11 ac)	CANEMAH COTTAGES LLC
450 Miller St	3-1E-01AA-03600 (0.11 ac)	CANEMAH COTTAGES LLC
462 Miller St	3-1E-01AA-03700 (0.23 ac)	CANEMAH COTTAGES LLC
474 Miller St	" "	CANEMAH COTTAGES LLC
486 Miller St	" "	CANEMAH COTTAGES LLC



Figure 8. Tax Map showing underlying lots of record with wetland and proposed vegetated corridor

The property at 514 4<sup>th</sup> Avenue is comprised of one tax lot (TL 2300) with two underlying lots of record (lots 5 and 6 of block 15). If the property owner chose to re-establish the underlying lot 5 as a separate tax lot with the tax assessor, it could be sold and developed separately. As proposed by staff, if LEG-19-00006 were approved, most of lot 5 would fall under the definition of a “Highly constrained residential lot” pursuant to OCMC 17.04.562. A highly constrained lot of record is defined as “a residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the Natural Resource Overlay District” (OCMC 17.04.562). The

same constraint would also apply to lots 6, 7 and 8, however, these lots already have valid land use approval for cottage development which would not be affected by this amendment. Lots 1, 2 and 3 are largely unaffected by the proposed vegetated corridor.

A smaller 10' vegetative corridor would not impact as much of the property and would achieve the intent of protecting the wetland, while allowing the property owner of 514 4th Avenue a greater development area without the need for additional review under OCMC 17.49.

#### **F. PUBLIC NOTICE**

Notice was provided in the following manner pursuant to OCMC 17.50 for a legislative proposal as well as OCMC 17.50.090.B for a Type IV quasi-judicial proposal.

#### **G. PUBLIC INVOLVEMENT AND INPUT PRIOR TO PUBLIC HEARINGS**

At a City Commission work session on May 9, 2017, the City Commission was briefed on the proposed project and in 2018 staff received direction to begin the process of amending the NROD map to include the wetland when staff resources were available, as staff was focusing on amending the code for equitable housing. The direction to move forward was based on a request from the Natural Resources Committee (NRC). The project was discussed by the Natural Resources Committee (NRC) on May 10, 2017, February 14, 2018, January 9, 2019, July 10, 2019, and October 9, 2019. Planning staff began researching the project in May 2017. Planning staff sent informational letters to the affected property owners in June 11, 2019. Planning staff discussed the proposed amendment at the Canemah Neighborhood Association meeting on September 19, 2019. The project was discussed at a joint work session of the Planning Commission and NRC on February 25, 2019. The first public hearing to consider this amendment will be held by the Planning Commission at City Hall, 625 Center Street, Oregon City, on February 10, 2020.

#### **H. PUBLIC COMMENTS RECEIVED**

At the time of publishing of this report, public comments were received from the following parties, which are attached to this report.

##### **Karen Blaha, 514 4th Avenue, Canemah**

Karen Blaha submitted a letter, photos and other materials detailing her concerns regarding the proposal and the potential impact on her property.

##### **Dennis Anderson, 804 4th Avenue, Canemah**

Mr. Anderson submitted an email, letter and photos with concerns regarding the proposal.

##### **Julie Oppen, 814 4th Avenue, Canemah**

Julie Oppen submitted a letter with concerns regarding the proposal.

## **I. DECISION-MAKING CRITERIA:**

### **OCMC Chapter 17.68 Zoning Changes and Amendments**

#### **17.68.010 - Initiation of the amendment.**

*A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:*

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

*All requests for amendment or change in this title shall be referred to the Planning Commission.*

**Finding: Complies as proposed.** This proposal qualifies as initiated as either a legislative request by the Planning Division at the direction of the City Commission, Planning Commission and Natural Resources Committee as discussed earlier under “G. PUBLIC INVOLVEMENT AND INPUT PRIOR TO PUBLIC HEARINGS” and/or simply by virtue of being requested by the City Commission.

#### **17.68.015 –Procedures.**

*Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.*

**Finding: Complies as proposed.** This legislative action was proposal is a legislative request by the Planning Division at the direction of the City Commission, Planning Commission and Natural Resources Committee. The legislative hearing process is described in OCMC 17.50.170.

##### *17.50.170 - Legislative hearing process.*

*A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.*

##### *B. Planning Commission Review.*

*1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*

**Finding: Complies as proposed.** This is a legislative action that affects land use. The first evidentiary public hearing before the planning commission is scheduled for February 10, 2020. Notice of the legislative proposal was provided to DLCD on 12/19/2020.

*2. The Community Development Director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with OCMC 17.50.090.C and any other applicable laws,*



*the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

**Finding: Complies as proposed.** Public notice of the first evidentiary planning commission public hearing was provided on 12/19/2019 pursuant to OCMC 17.50.090.C. Public Notice was provided through mailings to and within 300' of the affected tax lots and on the city website. This report has been prepared and made available at least seven days prior to the hearing.

*3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

*C. City Commission Review.*

*1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*

*2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

**Finding: Complies as proposed.** The recommendation of the Planning Commission will be forwarded to the City Commission for consideration when it is directed to staff to do so.

**17.68.020 - Criteria.**

*The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:*

*A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;*

**Finding:** Staff has evaluated the proposed legislative action and referenced the applicable Comprehensive Plan Goals and Policies, as discussed below.

**Findings of consistency with applicable Comprehensive Plan Goals and Policies are provided below.**

- Comprehensive Plan Section 1: Citizen Involvement

### Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

#### *Policy 1.2.1*

Encourage citizens to participate in appropriate government functions and land-use planning.

### Goal 1.3 Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods

### Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

**Finding: Complies as Proposed.** In addition to the formal public hearing process for a legislative action, including the more expansive provision of individual public notice, this proposal has been discussed at a variety of City boards and committees. At a City Commission work session open to the public on May 9, 2017, the City Commission was briefed on the proposed project. In 2018, staff received direction to begin the process of amending the NROD map to include the wetland when staff resources were available (2019). The direction to move forward was based on a request from the Natural Resources Committee (NRC). The project was discussed by the Natural Resources Committee (NRC) on May 10, 2017, February 14, 2018, January 9, 2019, July 10, 2019, and October 9, 2019. Planning staff sent informational letters to the affected property owners in June 11, 2019 (attached). Planning staff discussed the proposed amendment at the Canemah Neighborhood Association meeting on September 19, 2019. The project was discussed at a joint work session of the Planning Commission and the Natural Resources Committee on February 25, 2020.

Staff presented as summary of the proposed amendment to the Citizen Involvement Committee on February 3, 2020.

The first public hearing to consider this amendment will be held by the Planning Commission at City Hall, 625 Center Street, Oregon City, on February 10, 2019. These efforts encourage public participation and these standards are satisfied.

#### *Policy 1.4.1*

Notify citizens about community involvement opportunities when they occur.

### Goal 1.5 Government/Community Relations

Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.

**Finding: Complies as Proposed.** In addition to the meetings described above, prior to the public hearing process, staff provided notice pursuant to OCMC 17.50.090.C. Public notice of the first evidentiary planning commission public hearing was provided on 12/19/2019 pursuant to OCMC 17.50.090.C. Public Notice was provided through mailings to and within 300' of the affected tax lots and on the city website pursuant to OCMC 17.50.090.B. In addition to the mailed public notices, Senior Planner Pete Walter personally contacted each of the affected property owners by phone and mail to discuss the proposal in mid-June of 2019. This report has been prepared and made available at least seven days prior to the hearing. The proposal was discussed openly by staff, committees and affected property owners prior to the hearing process. **The proposal is consistent with the applicable Comprehensive Plan Goals and Policies cited above.**

- Comprehensive Plan Section 2: Land Use

**Goal 2.1 Efficient Use of Land**

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

**Finding: Complies as Proposed.** This amendment will allow the development of residential land in a sustainable manner that does not negatively impact known habitat and water quality areas such as wetlands, streams and their associated vegetated corridors. In Canemah, the principles of sustainable development are followed through the application of clear and objective development standards in the Oregon City Municipal Code (OCMC) Chapters 17.49 (Natural Resources Overlay District), Chapter 17.44 (Geologic Hazards Overlay District), Chapter 17.41 (Tree Protection, Preservation, Removal and Replanting Standards), Chapter 13.12 (Stormwater Management), Chapter 15.48 (Grading, Filling and Excavating), and other applicable standards and specifications that will allow development to occur, notwithstanding imposing protections. **The proposal is consistent with Comprehensive Plan Goal 2.1.**

**Goal 2.4 Neighborhood Livability**

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

**Finding: Complies as Proposed.** In Oregon, cities have long made a commitment to accommodate growth within urban growth boundaries (UGB), rather than develop the adjacent county with low-density homes and businesses. Land inside the urban growth boundary includes cities and services such as water and sewer systems, parks, schools and fire and police protection while land outside the boundary is primarily rural residential, farm and forest use. The urban growth boundary is one of the

tools managed by Metro, our regional government, to protect farms and forests from urban development and to promote the efficient use of land, public facilities and services inside the boundary. The proposal to include the wetland within the NROD will protect habitat and water quality within the City and neighborhood, promote a sense of place for residents while raising the quality of development and promoting the efficient use of land.

The City Commission finds that the Comprehensive Plan (P. 116) anticipates the challenges associated with “balancing private property rights with public goals and needs as the City adopts new programs and regulations aimed at shaping the city’s built and natural environment.” In particular, the Commission found that the modified vegetated corridor would better achieve consistency with Oregon City Comprehensive Plan Goal 2.4 – Neighborhood Livability, by providing a sense of place and identity for residents and visitors to the Canemah neighborhood as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Furthermore, the City Commission finds that the modified vegetated corridor helps to balance the goals of environmental protection and water quality with the right of property owners to reasonably develop their property with the permitted land uses in the underlying residential zone district., thus achieving consistency with Oregon City Comprehensive Plan Policy 2.4.4;

*Policy 2.4.4*

Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.

**The proposal is consistent with Comprehensive Plan Goal 2.4 and Policy 2.4.4.**

**Goal 2.7 Oregon City Comprehensive Plan Land-Use Map**

Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

**Finding: Not Applicable.** The proposed amendment will not affect but will maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city. The properties in question will remain designated LR – Low Density Residential. **The proposal is consistent with Comprehensive Plan Goal 2.7.**

- Comprehensive Plan Section 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

The Comprehensive Plan contains the following **Statements of Principle** pertaining to natural resources:

- Page 1:

**“Promote sustainability and sustainable development.** Images of the Earth taken from space in the late 1960s helped awaken people to the fact that the Earth’s resources are finite. The City Commission agrees with citizens who believe it is incumbent on the City of Oregon City to use its land, water, and air resources in a sustainable manner, which means meeting the city’s social, environmental and economic needs in a way that benefits all citizens but does not undermine the ability of future generations to meet their needs. This is the essence of sustainable development. Taken together, the policies in the Oregon City Comprehensive Plan will enhance the likelihood of a sustainable community but cannot guarantee it. Land-use decisions will be made with the concept of sustainability in mind to ensure that development enhances the long-term quality of life in Oregon City.”

- Page 3:

**“Protect natural resources.** The City of Oregon City contains abundant, diverse, and unique natural resources that contribute to the quality of life, help define the city’s identity, and provide great enjoyment for residents. The most obvious of these resources are the Willamette River and its thunderous falls, the Clackamas River, Newell Creek canyon, and the steep cliffs and bluffs over which the city is draped. However, many other resources are present: small streams, wetlands, wooded areas and oak savannahs, views of the Cascade Mountains, and abundant fish and wildlife, including salmon, sturgeon, deer, ospreys, and bald eagles. The City Commission strongly supports protecting these many natural resources and is committed to measures to ensure that these resources are secure even as development proceeds within the city.”

The principal relevant goals of the Comprehensive Plan pertaining to water resources and habitat protection are in Section 5 – *Open Space, Scenic and Historic Areas*, and Section 6 - *Quality of Air, Water, and Land Resources* and the various policies pertaining to those goals. The Comprehensive Plan states:

- Page 44:

“Because land-use practices, development design, and city infrastructure can affect the quality and quantity of water resources, the City will protect and restore these resources through a variety of means. One way is through the Water Resources Overlay District [now renamed the Natural Resources Overlay District], which is a zoning overlay with development standards to protect surface waters. The overlay district implements the requirements of Title 3 of Metro’s *Urban Growth Management Functional Plan* (1998). Another way is through civic projects to restore water features. Restoration and protection of these resources is covered primarily in Section 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources).”

The Comprehensive Plan includes the following discussion with respect to wetlands and streams.

**Wetlands.** Wetlands and their associated hydrology, soils, vegetation, and wildlife provide a wide range of valuable services to the public. Wetlands enable the City to efficiently meet a number of goals in maintaining the quality of life in Oregon City, such as:

- preventing degradation of stream quality and damage from flooding during storms by storing runoff from precipitation and moderating its release into stream networks
- preventing pollutants and sediments from roadways and other development from reaching streams by filtering the flow of groundwater toward streams
- recharging groundwater aquifers for slow release later into streams and through uptake by vegetation into the environment by reducing the speed of runoff and enabling water to percolate into the ground
- providing habitat for wildlife that is important to residents
- providing open space, recreational opportunities, aesthetic and landscape amenities to buffer various uses, all of which maintain the unique environmental setting of Oregon City

Important wetlands have been identified and mapped by the City and Metro in a Local Wetlands Inventory that will be the basis for protection measures through the Comprehensive Plan, implementing ordinances, and other measures. The inventory is kept by the City.

**Streams.** Streams define the physical configuration of Oregon City and thus its land-use patterns, transportation patterns, and community functions. The Willamette and Clackamas rivers, major waterways of regional significance, border two sides of the city and create an aesthetic and recreational setting of great value to the city. Other principal streams are: • Abernethy Creek and Newell Creek, tributaries of the Willamette River; these creeks create major topographic and ecologic areas within the city

- Beaver Creek, a tributary of the Willamette River; Beaver's Creek's minor tributaries create the topographic definition of the city's southern edge
- other creeks that drain directly to the Willamette, such as Singer Creek and Coffee Creek, which drain from the Hilltop area through the McLoughlin and Canemah neighborhoods, respectively.

Together, these rivers and streams contribute to the uniqueness of Oregon City and to the variety of natural resource, recreational, and open space values enjoyed by residents and visitors.

#### Goal 5.1 Open Space

Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.



*Policy 5.1.1*

Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

**Finding: Complies as Proposed.** The vegetated corridor will promote conservation of open space abutting the wetland, which is also located at the base of a steep hillside along a drainage way. Although the wetland does not appear to provide fish habitat, it does provide wildlife habitat and the opportunity to enjoy access to nature. **The proposed amendment is consistent with Comprehensive Plan Goal 5.1 and Policy 5.1.1.**

*Policy 5.1.2*

Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

**Finding: Complies as Proposed.** In accordance with Metro Title 3, Water Quality, and Metro Title 13, Nature in the Neighborhoods, adoption of the revised NROD map assures that key resource areas throughout the city are protected as one contiguous system and that new development minimizes and mitigates disturbances to these sensitive areas. These areas provide improved water quality recreational opportunities, scenic vistas, access to nature and other community benefits. **The proposed amendment is consistent with Comprehensive Plan Policy 5.1.2.**

Goal 5.2 Scenic Views and Scenic Sites

Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

**Finding: Complies as Proposed.** Addition of the wetland to the revised Natural Resource Overlay District map would protect some scenic views of the wetland by providing a buffer between development and the wetland. **The proposed amendment is consistent with Comprehensive Plan Goal 5.2.**

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

*Policy 5.4.1*

Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.

**Finding: Complies as Proposed.** Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Goal 5.4 and Policy 5.4.1.**

*Policy 5.4.3*

Identify, initiate and cooperate in partnerships with other jurisdictions, businesses, neighborhoods, schools and organizations to conserve and restore natural resources within and adjacent to Oregon City

**Finding: Complies as Proposed.** The wetland is located on private property. Addition of the wetland to the Natural Resource overlay District could provide a future opportunity for partnerships with interested organizations and future property owners for education about urban ecology, and ways to balance development with protection of natural resources. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.3.**

*Policy 5.4.4*

Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

**Finding: Complies as Proposed.** Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.4.**

*Policy 5.4.5*

Ensure that riparian corridors along streams and rivers are conserved and restored to provide maximum ecological value to aquatic and terrestrial species. This could include an aggressive tree and vegetation planting program to stabilize slopes, reduce erosion, and mitigate against invasive species and stream impacts where appropriate.

*Policy 5.4.7*

The City shall encourage preservation over mitigation when making decisions that affect wetlands and a “no net loss” approach to wetland protection.

*Policy 5.4.9*

Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.

*Policy 5.4.10*

Encourage and promote the restoration of the hydrologic and ecological character and function of streams and wetlands that have been degraded by channeling or eliminated from the landscape by routing into culverts.

**Finding: Complies as Proposed.** Addition of the wetland to the Natural Resource overlay District could provide a future opportunity for partnerships with interested organizations for education about urban ecology, and ways to balance development with protection of natural resources. Addition of the wetland to the revised Natural Resource Overlay District map would conserve and restore the natural resource values associated with the wetland, which includes improved surface and subsurface water quality, geologic features, soil, vegetation and wildlife habitat. Although small in area, the wetland adds to the quality of life for the adjacent neighborhood and the viability of the ecological systems associated with the wetland. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.5, 5.4.7, 5.4.9, and 5.4.10.**

*Policy 5.4.11*

Maintain and enhance the function and quality of natural wetlands and create, where appropriate, wetlands or swales to moderate the quantity and velocity of water runoff entering streams during storm events and to reduce the amount of pollutants carried into streams.

*Policy 5.4.16*

Protect surfacewater quality by:

- providing a vegetated corridor to separate protected water features from development
- maintaining or reducing stream temperatures with vegetative shading
- minimizing erosion and nutrient and pollutant loading into water
- providing infiltration and natural water purification by percolation through soil and vegetation

*Policy 5.4.17*

Protect and maintain groundwater recharge through conservation and enhancement of wetlands and open space.

**Finding: Complies as Proposed.** Addition of the wetland to the revised Natural Resource Overlay District map would maintain and enhance the quality of the wetland, which in turn serves to moderate the

quantity and velocity of water run-off entering streams. The amendment will add between a 10-50' vegetated corridor to separate the protected wetland from development and provide additional habitat and water quality benefits. **The proposed amendment is consistent with Comprehensive Plan Policy 5.4.11, 5.4.16 and 5.4.17.**

- Comprehensive Plan Section 6: Quality of Air, Water and Land Resources

Goal 6.2 Water Quality

Control erosion and sedimentation associated with construction and development activities to protect water quality.

*Policy 6.2.1*

Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

**Finding: Complies as Proposed.** Addition of the wetland to the revised Natural Resource Overlay District map could help to control erosion and sedimentation into water resources through the provision of a vegetative corridor as buffer. Further, Goal 6.2 and Policy 6.2.1 will be implemented through permits issued in accordance with the City's adopted "Erosion and Sediment Control" standards per Ordinance 99-1013, the language of which is contained in OCMC Chapter 17.47 that defines policies, minimum requirements, minimum standards, and design procedures for erosion prevention and sediment control in Oregon City. **The proposed amendment is consistent with Comprehensive Plan Goal 6.2 and Policy 6.2.1.**

- Comprehensive Plan Section 7: Natural Hazards

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

**Finding: Complies as Proposed.** Natural hazards are described in detail in the Comprehensive Plan, which states on Page 49; "The natural features and processes that shape the topographic, scenic, and natural resource setting of Oregon City present a variety of hazards to people and human activities, such as flooding, rock falls, landslides, wildfires, and earthquakes. Some of the hazards are related to steep topography, saturated soils and bedrock, and bare soil and rock that have been exposed by removing vegetation, movement of the earth, and erosion." The wetland to be added to the NROD is in the Canemah neighborhood, which is well-known for landslide activity and is entirely within the City's Geologic Hazard Overlay District regulated by OCMC Chapter 17.44. No changes are proposed to the mapping of the Geologic Hazard Overlay District, and the proposal would not affect the administration of OCMC Chapter 17.44. **Therefore, the proposed amendment is consistent with Comprehensive Plan Goal 7.1.**

- Comprehensive Plan Section 10: Housing

Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Goal 10.2 Supply of Affordable Housing

Provide and maintain an adequate supply of affordable housing.

**Finding: Complies as Proposed.** The proposed amendment does not prohibit the permitted use of land for the listed uses within the R-6 district, although it does limit the allowed impervious area on lots that have more than 75% covered by the NROD, or “highly constrained lots of record” to 3,000 square feet and at least 25 feet from the edge of a delineated wetland pursuant to OCMC 17.49.120 . These restrictions allow for a reasonable development area necessary to accommodate a residence, including building footprint, paved areas such as patios, driveways, and other impervious surfaces. This is important to note when one considers that the standard size of a typical lot of record in the Canemah District is 5,000 square feet in area. The maximum disturbance area of 3,000 square feet permitted under the NROD code in OCMC 17.49.120 exceeds the standard 40% maximum allowable lot coverage required for any structure within the R-6 zone district, or 2000 square feet for a typical 5000 square foot lot. As a result, the amendment will not have any effect on the potential disturbance levels and the supply and diversity of housing stock can be maintained. The NROD code already includes incentives such as on-site density transfer, and greater flexibility in dimensional standards to improve site design. **Therefore, the proposed amendment is consistent with Comprehensive Plan Goals 10.1 and 10.2.**

Upon review of the Comprehensive Plan, staff has determined that the following plan sections and their goals and policies do not apply to the proposed amendment, and subsequently this report does not include any findings for consistency with these sections:

- Section 3: Agricultural Lands
- Section 4: Forest Lands
- Section 8: Parks and Recreation
- Section 9: Economic Development
- Section 11: Public Facilities
- Section 12: Transportation
- Section 13: Energy Conservation
- Section 14: Urbanization
- Section 15: Willamette River Greenway

**Based on the findings above, staff finds that the proposed amendment to the Natural Resource Overlay District map is consistent with the applicable goals and policies of the Oregon City Comprehensive Plan, and that criterion (A) is met.**

*B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment;*

**Finding: Not Applicable.** The proposed amendment would have no effect on the City's adopted public facilities master plans, or the implementing codes, standards and specifications related to those plans. The proposed amendment does not affect the uses allowed by the existing zoning. **Therefore, the proposed amendment is consistent with Criterion (B).**

*C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district or plan amendment; and*

**Finding: Not Applicable.** The proposed amendment does not change the existing or planned function, capacity and level of service of the transportation system. **Therefore, the proposed amendment is consistent with Criterion (C).**

*D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Finding: Complies as Proposed.** While the current Comprehensive Plan implements the Statewide Planning Goals. Findings for consistency with Goals 5 and 6, those goals that are directly applicable to the subject proposal.

#### STATEWIDE PLANNING GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding: Complies as Proposed.** This goal requires the "protection of natural resources" through an inventory, conflict analysis and protection evaluation scheme that is prescribed by Oregon Administrative Rule 660, Chapter 23.

OR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the post-acknowledgment plan amendment (PAPA) "amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource." Amendment of the NROD map to include a new wetland will alter the City's existing local wetland inventory by adding to it. Therefore, Goal 5 review is applicable.

The first step in the general Goal 5 process is to compile an inventory of resources to determine whether the resource is significant. OR 660-023-0030. Here, although not deemed a "significant wetland" as



defined by DSL, the wetland delineation completed as part of the 2016 development review suggests that the wetland may be significant from a local perspective and is suitable for NROD protection. A copy of the wetland report is attached to this staff report. A functional assessment of the wetland pursuant to the Oregon Freshwater Wetland Assessment Method (OFWAM) is not required for this wetland because it is smaller than 0.5 acres, according to Department of State Lands. Subsequently a determination that the wetland is “locally significant” has not been made. Vegetative corridors are mapped for wetlands that are classified as both significant and non-locally significant on the City’s NROD map. The decision to include a specific resource site for protection does not require revision or expansion of the City’s wetland inventory. OAR 660-23-0250(4).

The second step is determining a program to achieve Goal 5 based on “an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use.” OAR 660-023-0040. A “conflicting use” is defined by OAR 660-023-0010 to include “a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource.” Amending the NROD map to acknowledge and protect an additional resource reflects a decision to acknowledge and protect a resource rather than to restrict it.

This wetland is located within the Canemah Historic District, another Goal 5 protected area. Designation of this wetland will not affect any existing historic protections. Development on properties including newly designated NROD overlay areas will still be required to comply with Historic Overlay requirements of OCMC 17.40. Therefore, amendment of the NROD map will not “allow, limit or prohibit” a “conflicting use” and therefore, no further analysis of ESEE consequences is necessary. Goal 5 is achieved.

#### STATEWIDE PLANNING GOAL 6:

To maintain and improve the quality of the air, water and land resources of the state.

**Finding: Complies as Proposed.** This goal requires that the amendment not threaten to violate applicable state and federal environmental quality standards. Designation and protection of an additional wetland through the NROD overlay is unlikely to have any effect on the quality of waters of the state i.e. rivers and streams, but landscaped buffers will improve the isolated water and contribute to air quality.

Water pollutants. Any development within these areas will comply with the applicable regional, state and federal standards for water quality. Goal 6 is achieved.

#### STATEWIDE PLANNING GOAL 10:

To provide for the housing needs of citizens of the state.

**Finding: Complies as Proposed.** This map amendment will not alter existing housing opportunities throughout the City. Goal 10 is achieved.

**17.68.025 - Zoning for land annexed into the city.**

*Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.*

**Finding: This section is not applicable.** No annexation is proposed.

**17.68.040 - Approval by the Commission.**

*If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.*

**Finding:** The findings and recommendation of the Planning Commission will be forwarded to the City Commission when ready.

**17.68.050 - Conditions.**

*In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.*

**Finding:** The Planning Commission or City Commission has the authority to add conditions and requirements to the proposed amendment that it deems necessary to protect the public interest.

**J. CITY COMMISSION OPTIONS**

The City Commission has the following options regarding this proposal:

1. Approve LEG-19-00006 as proposed;
2. Approve LEG-19-00006 with modifications with respect to 514 4th Avenue (Tax Lot 3-1E-01AA-02300);
3. Continue LEG-19-00006 to the April 1, 2020 Public Hearing; or
4. Deny LEG-19-00006

These findings are based on all the materials submitted into the record during these proceedings for LEG-19-00006.

Based on its review of all of the evidence in the record, the City Commission finds that the applicable approval criteria necessary to support amending Natural Resources Overlay District Map are met.

**K. EXHIBITS (SEE RECORD)**