

ORDINANCE NUMBER 1556

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO. 1437 PROVIDING FOR FUTURE REZONING OF PROPERTY.

WHEREAS, a Public Facilities Review Report was completed in June 1983 showing that certain properties were adequately served by public facilities to permit rezoning to conform the zoning to the Comprehensive Plan designations, and

WHEREAS, the City desires to adopt the Public Facilities Review Report as a guide to future rezonings when adequate services become available, and

WHEREAS, the Planning Commission and City Council have held public hearings on an amendment to the Comprehensive Plan to adopt the Public Facilities Review Report,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Findings:

A. The Comprehensive Plan adopted in 1979 designates certain residential property for medium or high density residential development. The zoning of this property did not conform to the Comprehensive Plan and would not permit such development.

B. In the Public Facilities Review Report dated June, 1983, the Public Works Department surveyed the adequacy of the public services available to each of these sites. The majority of the sites were found to have adequate street, storm sewer, sanitary sewer and water service available.

C. The Residential Land Use and Housing Element, Objective # 5-Housing Choice, Policy No. 3 requires rezoning of lands designated for high density residential use when it can be demonstrated that adequate public facilities exist in accordance with city standards to support increased development.

D. Section 9.03 of Ordinance No. 1438 requires a rezoning request to be approved where the request provides for the maximum development permitted by the Comprehensive Plan and public facilities are adequate.

E. The rezoning of the property found to have adequate services was approved by the Council on November 1, 1983 and adopted as Ordinance No. 1554.

F. Other property that is not zoned in conformance with the Comprehensive Plan will have to be rezoned at such time

adequate services become available and the Public Facilities Review provides the necessary criteria to measure the adequacy of these services.

G. On November 22 the Planning Commission conducted a public hearing on adopting the Public Facilities Review Report as a guide to future rezonings and received no public testimony. The Commission recommended an amendment to the Comprehensive Plan, finding that the amendment satisfied the requirements of the Plan Amendment criteria found on p. 4.

H. The City Council conducted a public hearing on the amendment on December 12. The Council finds the amendment is in conformance with the Comprehensive Plan goals, policies and in spirit, there is a public need for the change, the public need is best satisfied by this amendment and the change will not adversely affect the health, safety and welfare of the community.

Section 2. Amendment. The Residential Land Use and Housing Element of the Comprehensive Plan (Ordinance No. 1437) Objective #5 - Housing Choice is amended by deleting the last paragraph of Policy 3 on page 32 and adding new Policy 4 as follows:

4. Although not all residential lands will be immediately zoned for maximum permissible densities, the rezoning of these lands will be approved when adequate facilities, as specified in the Public Facilities Review Report, have been provided or can be provided by the property owner or developer. Prior to any development approval the city may require the property owner or developer to demonstrate the ability to provide the required public facilities to the site by posting a bond, letter of credit or cash.

Section 3. Adoption of Public Facilities Review Report. Ordinance No. 1437 is further amended by adding the Public Facilities Review Report dated June, 1983 to the Comprehensive Plan following p. 80.

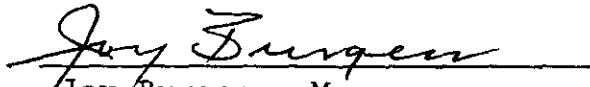
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Section 4. Notice. The Planning Director is directed to give notice of these amendments as required by law.

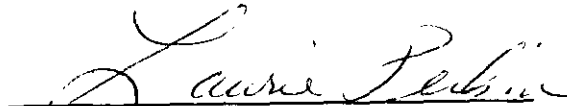
Read the first time on January 3, 1984, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on Janaury 3, 1984.


Signed by the Mayor on January 3, 1984.


Joy Burgess, Mayor

ATTEST:


Laurie Perkin, City Recorder

APPROVED AS TO FORM:


Greg Eades, City Attorney