

AN ORDINANCE AMENDING ORDINANCE NUMBERS 1437 (COMPREHENSIVE PLAN) AND 1438 (ZONING ORDINANCE).

WHEREAS, the Land Conservation and Development Commission reviewed the city's draft comprehensive plan and zoning ordinance and recommended certain changes necessary for compliance with State Land Use Planning Goals 2 (Housing) and 10 (Willamette Greenway) and

WHEREAS, the Milwaukie Planning Commission held a public hearing on the amendments on June 10, 1980 and recommends that the City Council approve these changes, now therefore,

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1437 is amended as follows:

A. On page 32, add after the existing text under the heading, "Planning Concept":

The City of Milwaukie will not immediately zone all high density land for maximum development. The areas involved are already predominantly developed at a lower density, leaving only pockets of vacant land currently suitable for immediate density increases. The rezoning will occur over time, based on applications which can demonstrate consistency with plan policies, as set forth in the City's Comprehensive Plan and, with public facility plans and standards, adequate to support maximum development. This process will ensure that development will occur with a timely, orderly, and efficient provision of public facilities and services as required by State Goal 11, as reducing the potential impact on homeowners currently residing in the areas to be rezoned.

B. On page 32, after No. 3 under the heading, "Policies", add:

The City will encourage the provision of housing at types and densities indicated in the city's housing needs assessments summarized on Table 3-A.

Although not all higher density lands will immediately be zoned for maximum permissible densities, the rezoning of these lands will be approved when it can be demonstrated that adequate public facilities exist or can be provided in accordance with City plans and standards to support increased development.

C. On page 49, delete from the fourth full paragraph, "The City proposes to modify the existing Willamette Greenway Boundary to include..." and replace it with, "The City has adopted a Willamette Greenway Boundary which includes...."

D. On page 49 delete from the fifth sentence of the fourth full paragraph the word "proposes" and replace it with "has decided".

E. On page 49, add at the end of the fourth full paragraph, "This has been coordinated with and supported by Clackamas County and staffs of the Oregon Departments of Transportation and Land Conservation and Development."

F. On pages 49-50, delete existing Objective #1- Willamette Greenway Boundary and Policies 1-4 and replace with the following:

Objective #1 - Willamette Greenway Boundary

To maintain the Willamette Greenway Boundary, including Kellogg Lake and lands south of the lake.

Policy

1. The City will maintain the Willamette Greenway Boundary, as shown on Figure 4.

G. On pages 51, under Objective #3 - Land Use, Policies, delete from Policy 3, "except single family detached units" and add a period at the end of that sentence.

H. On page 51, under Objective #3 - Land Use, add new Policy 6:

6. Through the Willamette Greenway conditional use process, setbacks shall be established on a case-by-case basis for uses not water-dependent or water related so that they are directed away from the river. Existing and proposed uses that are water-dependent and water-oriented may be permitted near or at the water's edge. This policy applies until the Greenway Design Plan is adopted.

I. Substitute new Figure 4 for existing Figure 4 (see attached detail).

J. On page 5, in the first sentence of the first full paragraph, delete "September" and substitute "November".

Section 2. Ordinance No. 1438 is amended as follows:

A. In Section 3.19 (3), delete "...except single-family detached structures...."

B. Add to Section 3.19 at the end of subsection (4):

b. The Oregon Department of Transportation shall be notified according to the provision of Section 10.05.1.c.

c. The provisions of the W-G zone in Section 3.19 shall apply until adoption of the Willamette Greenway Design Plan.

C. Add new subsection (6) to Section 3.19:

6. Setbacks On a case-by-case basis, uses that are not water dependent or water-related shall be evaluated according to criteria of subsection 3.19.5 above so that they are directed away from the river. Existing and proposed uses that are water-dependent and water-oriented may be permitted near or at the water's edge subject to review of criteria in subsection 3.19.5 above.

D. Add new Section 9.03:

Section 9.03 - Zoning Map Amendments

The following criteria will be applied to a proposal for change to the Zoning Map. Two conditions must be met before upzoning may be approved. If conditions are completely met, the rezoning request will be approved. The conditions are:

1. The proposed rezoning must be to the maximum Comprehensive Map designation, unless proof is provided by the applicant that development at full intensity is not possible due to physical conditions (such as topography, street patterns, public service, existing lot arrangements, etc.).
2. Public facilities to be on the site are adequate to serve the proposed land uses allowed by the designations, are presently available or can be reasonably made available consistent with the Comprehensive Plan Public Facilities Policies, by the time the proposed use qualifies for a certificate of occupancy or completion from the Building Department. For the purpose of this requirement, public facilities include:
 - a. Water service
 - b. Sanitary sewers
 - c. Storm sewers
 - d. Streets
 - e. Police and fire protection
 - f. Schools

Where public utilities are required to be installed or improved by the applicant, a performance contract or bond, assuring their installation to specified standards, is required.

E. The Zoning Map is amended to conform to the new Willamette Greenway Boundary adopted in Section 1 above.

Read the first time this 16 day of June, 1980 and moved to second reading by unanimous vote of the Council.

Read the second time and adopted by the City Council this 16 day of JUNE, 1980.

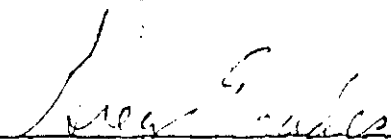
Signed by the Mayor this 16 day of June, 1980.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, City Recorder

APPROVED AS TO FORM:


Greg Eades, City Attorney

6/13/80

Ordinance Number 1465

