

ORDINANCE NO. 1853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE, COMPREHENSIVE PLAN BY ADOPTING CERTAIN TEXT AMENDMENTS RELATED TO METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 8 COMPLIANCE.

Milwaukie Community Development Application CPA-98-05-C

WHEREAS, the Metro Urban Growth Management Functional Plan requires that cities and counties in the Metropolitan Service District demonstrate timely compliance with its provisions; and

WHEREAS, on August 19, 1998, after an extensive public involvement process, the Milwaukie City Council adopted the Milwaukie Functional Plan Compliance Report that enumerates recommended changes to the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance; and

WHEREAS, the Functional Plan Compliance Steering Committee, consisting of three Planning Commission members and three Neighborhood District Association Land Use Committee Chairpersons, was formed to assist the development of proposed code changes to implement the recommendations of the Functional Plan Compliance Report; and

WHEREAS, all required referrals and notices of public hearings on the proposed amendments have been made; and

WHEREAS, the proposed amendments were subject to an extensive public involvement process, including: a notice of public hearings to be held on January 26, 1999 and February 16, 1999, that was mailed to all property owners in the City; and a public open house held on January 13, 1999; and

WHEREAS, the Planning Commission held public hearings on January 26, 1999, and February 9, 1999; and

WHEREAS, on February 9, 1999, the Milwaukie Planning Commission adopted a motion recommending the City Council approve the amendments to the Milwaukie Comprehensive Plan as shown in Exhibit 1; and

WHEREAS, the Milwaukie City Council held work sessions on February 1, 1999, and March 15, 1999 on the proposed amendments; and

WHEREAS, the Milwaukie City Council held public hearings on February 16, 1999, and April 6, 1999 on the proposed amendments,

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

Section 1. Findings. Findings of fact in support of these amendments contained in application CPA-98-05.

The proposed amendments contained in Exhibit 1 of this ordinance are consistent with the provisions of Milwaukie Comprehensive Plan Chapter 2-Plan Review and Amendment Process as follows.

Objective # 1 – Amending the Plan

Review, revise, and amend the Comprehensive Plan on a regular basis, assuring that the Plan and implementing ordinances meet regional, State, and Federal guidelines.

Policies

- 1. Ensure adequate monitoring of the Plan by maintaining a factual database which will enable citizens to judge the effectiveness and desirability of Plan policies. Monitoring information may include, but is not limited to population, vacant lands, traffic volumes, public facility capacities, and economic information.**

This policy does not apply. The proposed Title 8 amendment institutes a requirement that future amendments to the Comprehensive Plan comply with the Metro Urban Growth Management Functional Plan.

- 2. The Comprehensive Plan Review Committee (CPRC, see Citizen Involvement Element), which will be appointed by the City Council, will coordinate and conduct a major Plan review every five years and an interim plan review between years two and three of the five year cycle. The CPRC will submit a report to the Planning Commission containing any recommended changes. The Planning Commission will hold at least one public hearing on any proposed modifications to the Plan and forward its recommendations to the City Council.**

This policy applies only to programmed periodic reviews and is not applicable to the Metro Growth Management Functional Plan compliance amendments.

- 3. Individuals, the Planning Commission, or the City Council may request Plan amendments at any time separate from the normal Comprehensive Plan application process. A request by an individual will be considered by the Planning Commission, who may initiate further formal consideration of a Plan amendment if it is determined the proposed change is in the public interest. The Planning Commission should also hold a public hearing annually to evaluate**

issues related to the Plan or recommend Plan changes. A report of its public hearing will be provided to the City Council who may approve it or take further action as required.

This policy encourages consideration of the Comprehensive Plan and comprehensive planning issues outside the normal process of periodic review. The proposed amendments are consistent with the policy.

- 4. Submit copies of proposed Plan changes to affected governmental units at the draft amendment stage and following final adoption of changes.**

The proposed amendments have been submitted to Metro, Oregon Department of Land Conservation and Development, and Oregon Department of Transportation. Amendments adopted by this ordinance shall be submitted to these agencies.

- 5. All proposed legislative Comprehensive Plan amendments will be considered at advertised public hearings before the Planning Commission and City Council. At least 30 days prior to a public hearing, a public notice shall be printed in a local newspaper and will appear on the public information cable television station. A second notice will appear at least ten days prior to the public hearing.**

Comprehensive Plan text amendments are identified as legislative actions in Milwaukie Zoning Ordinance Section 1011.5. Notice of the Planning Commission and City Council hearings have been published in accordance with the requirements of this policy and pursuant to provisions of the Oregon General Statutes. The public hearings held on February 16, 1999 and April 6, 1999, the work sessions held on February 1, 1999 and March 15, 1999 on the amendments were televised on the City's cable access station.

- 6. If the proposed amendment is quasi-judicial, notice of the requested change will be mailed to all residents within 400 feet of the property under consideration at least 30 days prior to the public hearing. Newspaper notice in accordance with the requirements for legislative plan amendments is also required.**

This policy does not apply to City Council action on this ordinance.

- 7. All Plan amendments will be evaluated based upon the following criteria.**

- a. Conformance with applicable Comprehensive Plan goals, policies, and objectives.**

The amendments are consistent with the Comprehensive Plan and preserve the intent, goals, and policies of the Comprehensive Plan. There are no departures from stated goals and policies.

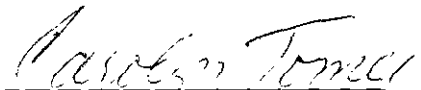
- b. **Consistency of proposed development with the intent of the underlying zone.**
The amendments do not result in any development. The above criterion does not apply.
- c. **The amendments meet or can reasonably meet applicable regional, state, or federal regulations.**
The purpose of the amendments is to meet Metro regional policy. There are no applicable federal policies. The amendments are consistent with Oregon Statewide Planning Goals.
- d. **The proposed amendments demonstrate existing or planned public facilities and are sufficient to accommodate anticipated development.**
The amendments do not change existing development potential. This criterion does not apply.

Section 2. The Milwaukie Comprehensive Plan is amended as described in Exhibit 1.

Read the first time on April 6, and moved to a second reading by 5 - 0 vote of the City Council.


Read the second time and adopted by the City Council on April 6, 1999

Signed by the Mayor on April 6, 1999



Carolyn Tomei, Mayor

ATTEST



Pat Duval, City Recorder

APPROVED AS TO FORM
RAMIS CREW CORRIGAN &
BACCRACH, LLP



City Attorney

EXHIBIT 1

Amendments to the Comprehensive Plan (Ord. 1437) Community Development Application CPA-98-05-C

Strikeout text = text to be deleted.

Underline text = text to be added.

TITLE 8 AMENDMENTS

CHAPTER 2 – PLAN REVIEW AND AMENDMENT PROCESS

Objective #1- Amending the Plan, Policy 7:

7. All Plan amendments will be evaluated based on the following criteria:
- conformance with the Comprehensive Plan, its goals, policies, and spirit,
 - public need for the change,
 - public need is best satisfied by this particular change,
 - the change will not adversely affect the health, safety, and welfare of the community,
 - the change is in conformance with applicable Statewide Planning Goals.
 - the change is consistent with Metro Growth Management Functional Plan and applicable regional policies.

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Community Development Application CPA-98-05-C

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