

ORDINANCE NO. 1833

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY'S ZONING MAP BY REZONING CERTAIN REAL PROPERTY WITH THE ADDITION OF THE MIXED USE OVERLAY DISTRICT TO PORTIONS OF THE C-C, C-C/MC, C-L/MC, C-G, R-1-B, AND R-2 ZONING DISTRICTS. (ZC-97-03)**

**WHEREAS**, the City of Milwaukie desires to review, amend and revise its Zoning Ordinance and Map on a regular basis; and

**WHEREAS**, the City Council adopted the Regional Center Master Plan on December 2, 1997; and

**WHEREAS**, the Planning Commission held public hearings for ZC-97-03 on October 28, 1997, November 25, 1997 and December 9, 1997, and on January 27, 1997 recommended approval of the proposed map changes as depicted on Exhibit 1 dated April 21, 1998; and

**WHEREAS**, the zoning map changes were referred to the Department of Land Conservation and Development on March 6, 1998.

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

Section 1. Findings. Findings of fact in support of these amendment(s) are as follows:

1. This zoning map amendment is to establish a Mixed Use Overlay on Subarea 1, as depicted in **Exhibit 1 (dated 4/21/98)**.
2. This zoning map amendment (ZC-97-03) constitutes a Major Quasi-Judicial action. Public notification has been made in accordance with Section 1011.4 of the Milwaukie Zoning Ordinance. Notice of this Planning Commission public hearing was published in the *Clackamas Review* on October 17 and October 24, 1997. Signs were posted. 694 notices were mailed to property owners and residents on the subject parcels, and within 400 feet. Drafts of the proposed amendments were sent to each of the Neighborhood District Associations prior to the September 23 Planning Commission Work Session.
3. This zoning map amendment has been reviewed in accordance with Section 900 (Amendments) of the Milwaukie Zoning Ordinance. Specifically, this application satisfies the Requirements for Zoning Map Amendments found in Section 903, and the Approval Criteria listed in Section 905.
4. This application was not submitted with a detailed site plan; however, the Mixed Use Overlay Zone text amendments (ZA-97-03) address Section 903.1.E., because detailed site information will be required as part of the application and development review process.

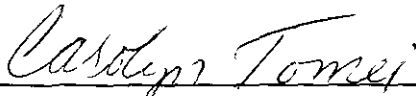
5. The zoning map amendments facilitate accomplishment of: the Historic Resources and Air, Water and Land Resources Elements found in Chapter 3 - Environmental and Natural Resources; the Residential Land Use and Housing, Economic Base and Industrial/Commercial, and Neighborhood Elements found in Chapter 4 - Land Use; the Transportation, Public Facilities, and the Energy Conservation Elements found in Chapter 5. The Objectives and Policies found in these Elements are promoted because this amendment establishes a Mixed Use Overlay Zone on selected parcels within the Milwaukie Regional Center Subarea 1, thereby setting the regulatory framework for a more compact urban form.
6. The zoning map amendments will not adversely affect the health, safety, and welfare of the community. Applying a Mixed Use Overlay to approximately 80 acres in Subarea 1 will implement a coherent strategy to accommodate and benefit from controlled growth while minimizing adverse impacts on the surrounding community. These zoning map amendments implement the Regional Center Master Plan, and the Milwaukie Vision Statement.
7. The zoning map amendments have been referred to the appropriate State and regional agencies. This proposal has been developed in response to applicable regional regulations, specifically to assure consistency with Metro's Urban Growth Management Functional Plan. These zoning map amendments implement the City's Regional Center Master Plan, which establishes the direction for compliance with the Title 1 requirements for Housing and Employment Accommodation in the Growth Management Functional plan because it includes a determination of calculated capacity of housing units and jobs. The Master Plan addresses how the City can begin to implement the Metro 2040 Growth Concept given the housing and employment target densities for Milwaukie. The Master Plan also addresses aspects of the Regional Parking Policy and Accessibility per Titles 2 and 6 of the Urban Growth Management Functional Plan. For these reasons, these text amendments comply with Metro's Functional Plan.
8. The amendments are in conformance with applicable Statewide Planning Goals. These zoning map amendments implement the City's Regional Center Master Plan, which was adopted as an ancillary document to the Comprehensive Plan on December 2, 1997, in compliance with Statewide Planning Goals. The Regional Center Master Plan provides a cohesive policy framework to address the interrelated issues of urban growth, including economic development, housing, public facilities and services, and transportation. A public involvement program was established at the beginning of the Regional Center Master Plan project as an integral part of the planning process. For these reasons, these text amendments are in conformance with and further Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 9 (Economic Development), 10 (Housing), 11 (Public Facilities), and 12 (Transportation).

Section 2. Zoning Ordinance Map Changes. The Zoning Map of Ordinance 1712 is hereby amended by rezoning specific real property depicted on Exhibit 1 dated April 21, 1998, by the addition of the Mixed Use Overlay District to portions of the C-C, C-C/MC, C-L/MC, C-G, R-1-B, and R-2 Zoning Districts.

Read the first time on May 19, 1998 and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on May 19, 1998.

Signed by the Mayor on May 19, 1998. .

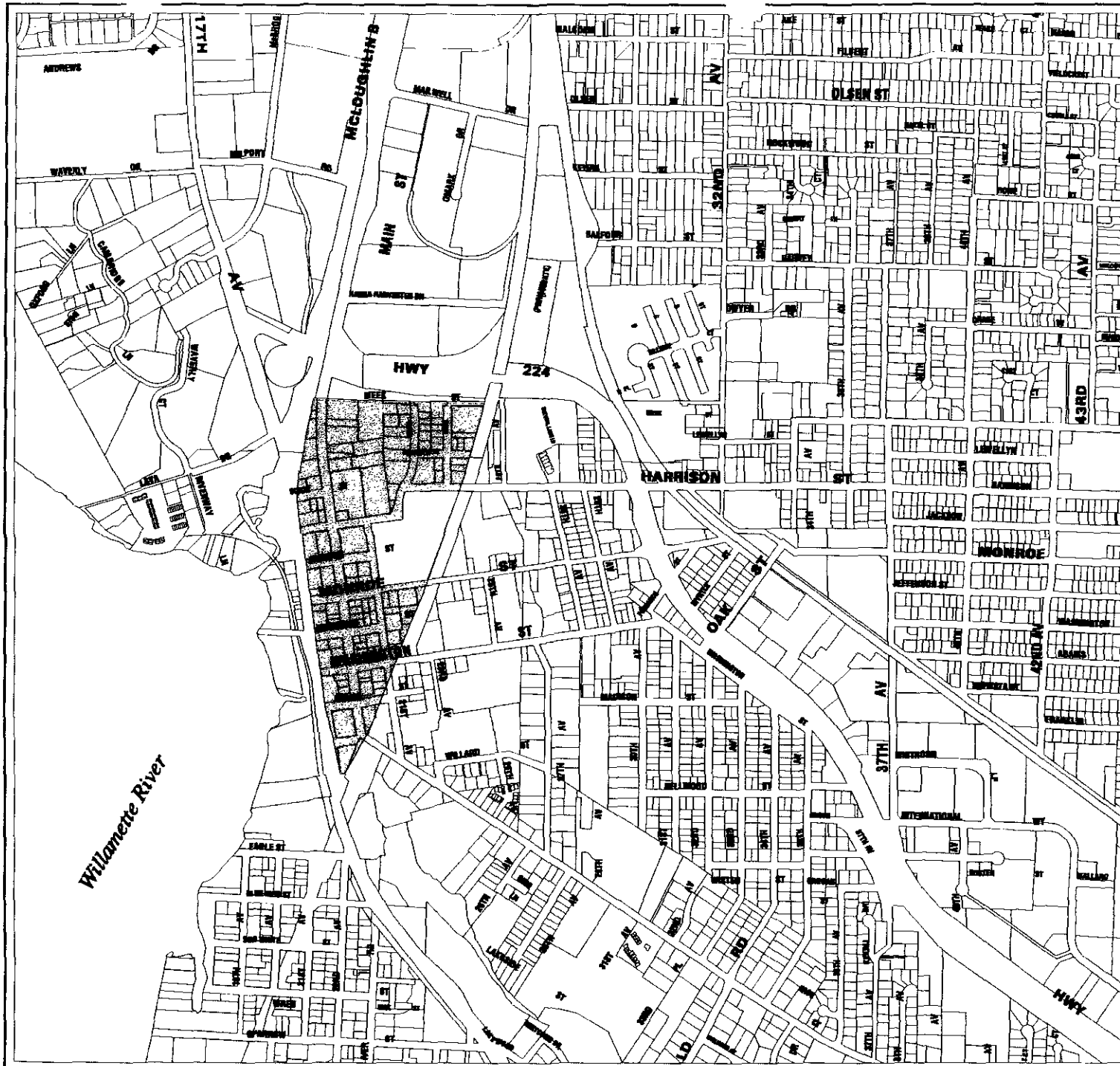
  
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Carolyn Tomei, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL RAMIS CREW CORRIGAN &  
BACHRACH, LLP

\_\_\_\_\_  
Pat DuVal, City Recorder

  
\_\_\_\_\_  
City Attorney




# EXHIBIT 71

4/21/98

Proposed Zone Map Changes  
Related to Regional Center  
Master Plan Implementation  
ZC -97 -03

## ZONE MAP CHANGES

 Proposed "Mixed Use" Overlay Zone



Department Of  
Community  
Development

