

ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE (ZC 94-01) AND AMENDING ORDINANCE NUMBER 1440, THE MILWAUKIE SUBDIVISION ORDINANCE (ZA 94-07).

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

**WHEREAS**, the Planning Commission has reviewed the Zoning Ordinance amendment ZC 94-01 at two worksessions on October 18, 1994 and November 8, 1994, and at a duly noticed public hearing on November 22, 1994; resulting in a recommendation to the City Council that certain amendments be adopted to the Milwaukie Zoning Ordinance Map; and

**WHEREAS**, the Planning Commission has reviewed the Subdivision Ordinance amendment ZA 94-07 at a worksession on November 22, 1994, and at duly noticed public hearings on December 13, 1994 and January 10, 1995; resulting in a recommendation to the City Council that a certain amendment be adopted to the Milwaukie Subdivision Ordinance; and

**WHEREAS**, the Milwaukie City Council held a duly notice public hearing on said matter on January 17, 1995;

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

Section 1. Findings. Findings of fact and support of the proposed map amendments related to recently annexed lands contained in ZC 94-01 are as follows:

- A. ZC 94-01 is a Major Quasi-Judicial action and is being processed as stipulated by provisions of Section 1011.4 of the Milwaukie Zoning Ordinance.
- B. Zoning Map amendments must meet the criteria of Sections 903 of the City Zoning Ordinance. These criteria are addressed in subsequent findings. Therefore, the following criteria apply.

(1) **Applicable requirements of Section 1003.**

An application has been completed and is included in File ZC-94-01. There are no proposed uses associated with the proposal and no specific site plans are included.

(2) **Reasons for requesting the Zoning Map amendment.**

The reason for this amendment is to apply City zoning to areas of the City which have been recently annexed and currently are under Clackamas County zoning regulations pursuant to ORS 197.175.

(3) **Description of existing site conditions, including but not limited to, topography, public facilities and services, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject sites, and current zoning of the sites.**

The subject sites are fully developed urban areas. There are no extreme topographic constraints, unusual soil conditions or natural hazards present within any of the areas. Complete public services, including sewer, water and public safety, are present to serve each site. There are no historic sites within the proposed rezone areas. The current and proposed zonings of the sites are contained in Exhibit A.

(4) **Description of the intended use or uses.**

There are no intended uses associated with this proposal.

(5) **Detailed site plan or development standards.**

✓ Existing and proposed development standards are contained in Exhibit B.

(6) **The approval criteria of Section 905.1.**

a. **The proposed amendment must conform to the applicable Comprehensive Plan.**

The proposed zone changes are consistent with the appropriate Plan categories as identified in Objective #2, Policy 1 of the Residential Land Use Element, and Objective #10 and Objective #4, Policy 1 of the Industrial/Commercial Land Use Element.

b. **The anticipated development must meet the intent of the proposed zone.**

All anticipated uses will be consistent with the proposed zones and the development standards of the surrounding area.

- c. **The proposed amendment will meet or can be determined to reasonably meet applicable, regional, State, or federal regulations.**

There have been no identified conflicts with any regional, State, or federal regulations.

- d. **The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

The rezone areas are more than 90% developed to capacity. Public facilities and services can be reasonably expected to accommodate anticipated potential development. As development is proposed in these areas, all public services and facilities will be evaluated on a case by case basis, to insure that the development will not adversely affect surrounding properties.

Section 3. Findings. Findings of fact and support of the proposed amendment language related to the deletion of a Subdivision Ordinance requirement that paved access strips and turnaround areas be included in the buildable area calculations for flag lots contained in ZA 94-07 is as follows:

- A. ZA 94-07 is a Legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.

- B. This Subdivision Ordinance amendment must be consistent with and meet applicable sections of the City's Comprehensive Plan as follows:

- (1) **Policy 1, under Objective #2, of Chapter 2, of the Milwaukie Comprehensive Plan states:**

**Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.**

The proposed text amendment to the Subdivision Ordinance carries out Comprehensive Plan policies described in this specific findings section.

- (2) **Policy 3, under Objective #2 of Chapter 2 of the Milwaukie Comprehensive Plan states:**

**All zoning and subdivision ordinances will be consistent with the intent and be based on this Comprehensive Plan.**

The text amendment to the Subdivision Ordinance is consistent with the intent and based on the Comprehensive Plan Policy. See (3) below.

- (3) **Policy 1 under Objective #5 in the Residential Housing and Land Use Element, states:**

**The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing single family attached housing units in appropriate areas; and encouraging the construction of small housing units.**

The permitted development of flag lots in the City allows for infill development in established neighborhoods. Recent flag lot applications to the City have demonstrated that the existing language in Section 17.32.040 F has presented problems to the applicants in terms of meeting flag lot size requirements of the Subdivision Ordinance. The proposal to delete the requirement to exclude private access strips and turnaround areas from buildable area calculations will enable property owners to design development in conformance to zone standards more often. The other five flag lot building standards contained in Section 17.32.040 adequately evaluate the buildability of a flag lot. Thus, the elimination of the subject standard will not adversely impact implementation of the above-cited policy.

Section ~~3~~<sup>4</sup>. Zoning Ordinance Map Amendments. The Zoning Ordinance Map of Ordinance Number 1712 is amended as described in Exhibit A.

Section ~~7~~<sup>5</sup>. Subdivision Ordinance Amendment. The Subdivision Ordinance text of Ordinance Number 1440 is amended as described in Exhibit C.


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Read the first time on January 24, 1995, ~~1994~~, and moved to a second reading by 4 - 1 vote of the City Council.

Read the second time and adopted by the City Council on February 7, 1995,  
~~1994~~

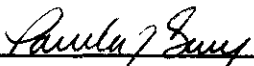
Signed by the Mayor on February 7, 1995, ~~1994~~.

  
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Craig Lomnicki, Mayor

ATTEST:

  
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Pat DuVal, City Recorder

Approved as to form:

  
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O'Donnell, Ramis, Crew & Corrigan  
City Attorney