

ORDINANCE NUMBER 1738

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1666, THE COMPREHENSIVE PLAN (CPA-93-01).**

WHEREAS, the Comprehensive Plan must periodically be updated to reflect changes in property identification and status; and

WHEREAS, the Comprehensive Plan has been reviewed and found to be in need of amendment, based on the findings below; and

WHEREAS, this Comprehensive Plan amendment was considered at public hearings before the Planning Commission on April 27, 1993, and the City Council on May 18, 1993,

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

Section 1. Findings. The following Findings of Fact are provided in support of the proposed amendments:

- a. Chapter 2-Plan Review and Amendment Process (Objective 1, Policy 7) of the Comprehensive Plan requires all plan amendments be evaluated based on the following five criteria:

1. **Conformance with the Comprehensive Plan, its goals, policies, and spirit.**

Chapter 2, Objective 1, Policy 1 requires the Plan be monitored and updated to maintain a factual data base. Since the Natural Resources Overlay Zone establishes a map refinement process, the refinements in turn must be incorporated into the Comprehensive Plan to be accurately reflected.

The above is consistent with the Planning Concepts of Objective 2 of the Open Spaces, Scenic Areas, and Natural Resources Element. The concepts therein call for a coordination between the NR Overlay Zone boundaries and the primary Natural Resources Map within the Comprehensive Plan (Map 5).

2. **Public need for the change.**

As stated in 1. above, and implied in the Goal Statement and Planning Concepts for the Open Spaces, Scenic Areas, and Natural Resources Element, designating natural resources and accurately depicting those resources by the Comprehensive Plan will serve a public need for enhanced natural and scenic resources "in order to create an aesthetically pleasing urban environment".

Other public needs for natural resource areas are described in the Planning Concepts of Objective 2 of the Open Spaces, Scenic Areas, and Natural Resources Element. The public needs supported by the natural resource areas objective include control of stormwater runoff, erosion prevention, recreation and educational opportunities. These amendments fully support the identified public needs by more accurately describing some of the city's natural resource areas, thus providing an improved basis for their protection.

3. Public need is best satisfied by this particular change.

This change is a mapping refinement amendment which will result in the addition of refined Natural Resources maps to Appendix 3 of the Comprehensive Plan. Findings to support these refinements have already been adopted by the Planning Commission as part of separate reviews for files NR-93-01, NR-92-06, NR-92-05, NR-92-04, NR-92-03, NR-92-02, NR-92-01, and NR-91-08. The change also includes a labeling correction to Comprehensive Plan Map 5-Natural Resources, adding the label "19" to a site already identified and listed in Appendix 2.

Providing the refinement maps and labeling correction developed from the above reviews will serve the public by keeping Comprehensive Plan data and maps accurate for public and City staff use. The better the quality of the natural resource mapping, the better the City's ability to protect the most highly-valued natural areas designated with the NR Overlay Zone.

4. The change will not adversely affect the health, safety, and welfare of the community.

This criterion is not applicable. The amendment proposed is a mapping refinement and will not impact in any way primary plan designations or textual policies.

5. The change is in conformance with applicable Statewide Planning Goals.

Statewide Goal 5 (Open Space/Natural Resources) promotes the identification and preservation of open spaces and natural resources. When Milwaukie's Comprehensive Plan was first acknowledged by the State Land Conservation and Development Commission in 1980, several areas were designated for public and open space purposes. These designations were expanded and new Comprehensive Plan language and zones created (/NR and /HP) as part of the Periodic Review Process which was adopted by the City in 1989. Although the State has not as yet acknowledged Milwaukie's Periodic Review submittal, the City Council

adopted the current Comprehensive Plan by Ordinance 1666, including findings that address local and Statewide goals and policies. Minor refinements to the City Plan maps are consistent with the intent of State Goal 5 that the location, quality, and quantity of natural resource sites be inventoried.

The map changes are based on site-specific facts presented in public hearing before the Planning Commission April 27, 1993, and again before the City Council May 18, 1993. The public need and the justification for these changes have been established, as discussed under Criteria 2 and 3 above. Therefore, these minor refinements comply with Guideline E.2 of State Goal 2 for minor changes to the Comprehensive Plan.

Section 2. Comprehensive Plan Map Amendment. The following amendments are made to Comprehensive Plan Maps:

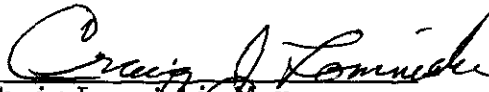
- a. Specific Natural Resource designated properties that have undergone a refinement review are to be included in the Comprehensive Plan as Appendix 3-Natural Resource Refinement Maps. Specific properties involved are listed as follows and shown in Exhibits 1 - 10.

<u>File</u>	<u>NR Site #</u>	<u>Map/Tax Lots</u>
NR-93-01	22	11E36CB; 1900
NR-92-06	11	21E1AA; 2600
NR-92-05	11	21E1AD; 400
NR-92-04	11	21E1AD; 200
NR-92-03	1	22E6AC; 100
NR-92-02	19	11E35DD; 6700
NR-92-01	20	22E6AD; 700, 900 & 901
NR-91-08	11	22E6BC; 3300


- b. Map 5-Natural Resources is amended to add the label "19" for Site 19, which is currently outlined on Map 5 but not labeled, as shown in Exhibit 11.

Read the first time on May 18, 1993, and moved to a second reading by a
unanimous vote of the City Council.

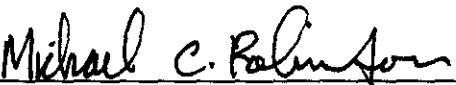
Read the second time and adopted by the City Council on May 18,
1993.

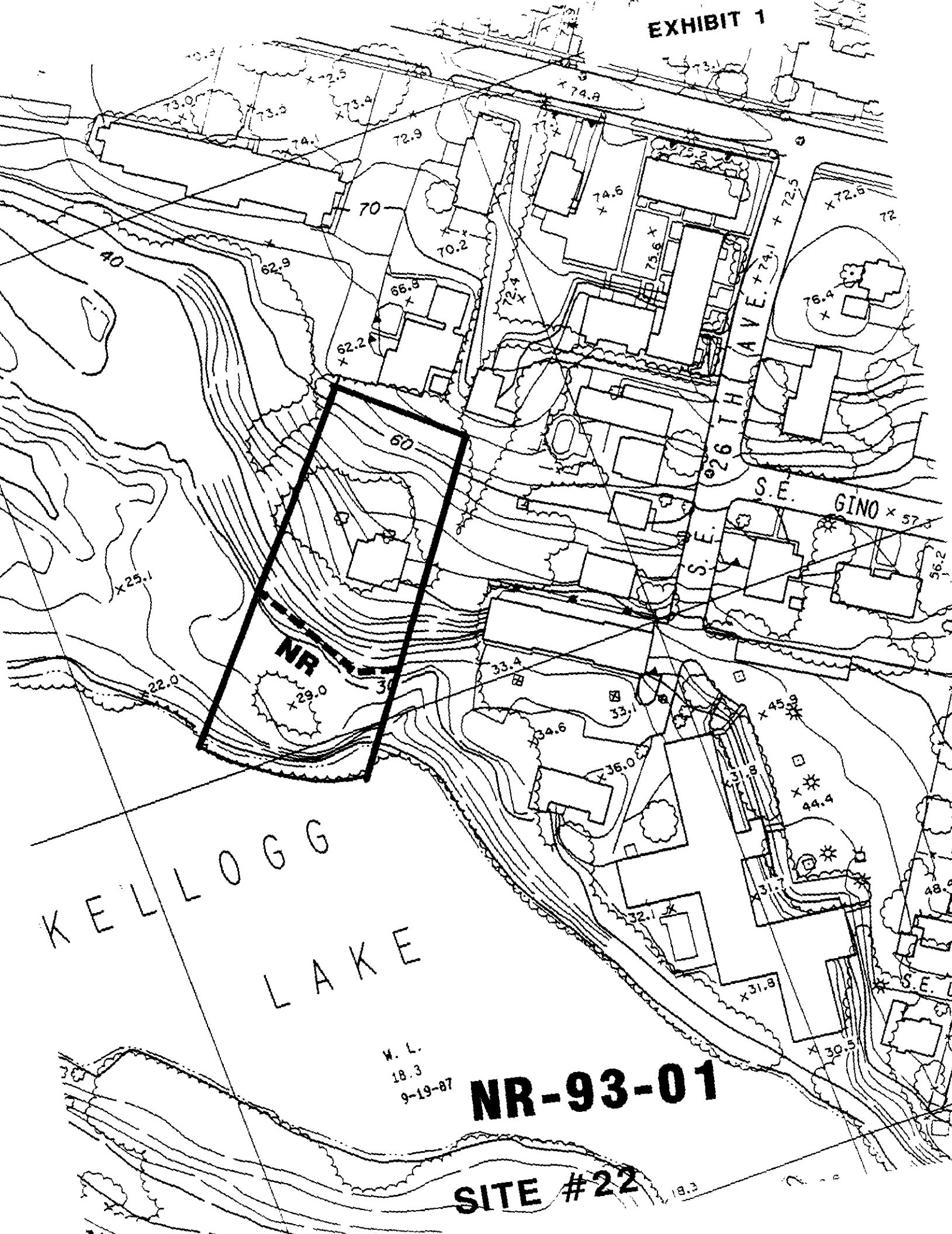

Craig Lomnicki, Mayor

ATTEST:


City Recorder

Approved as to form:


O'Donnell Ramis Crew & Corrigan
City Attorney



KELLOGG LAKE

NR

26TH AVE

S.E. GINO

NR-93-01

SITE #22

W. L.
18.3
9-19-87

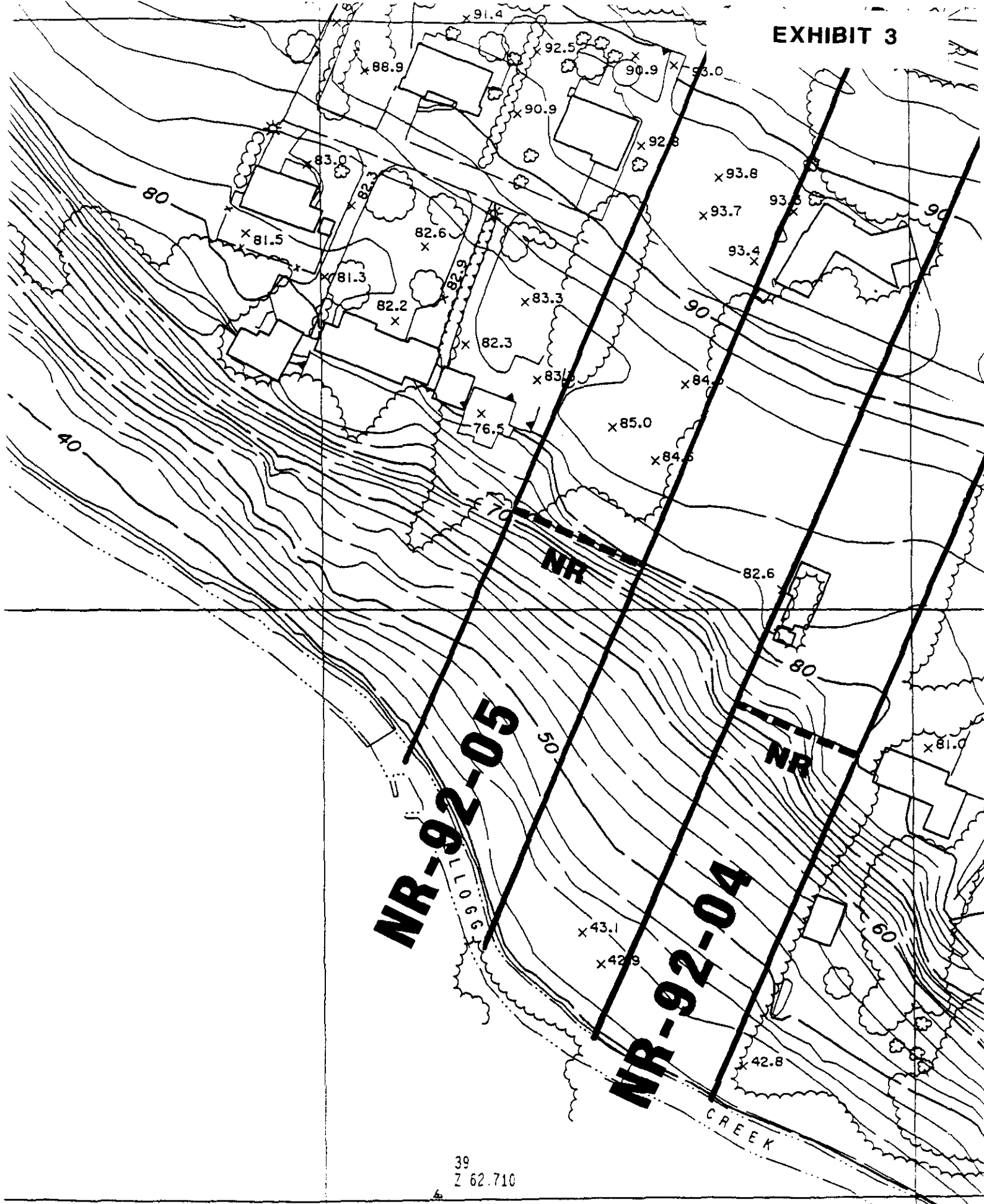
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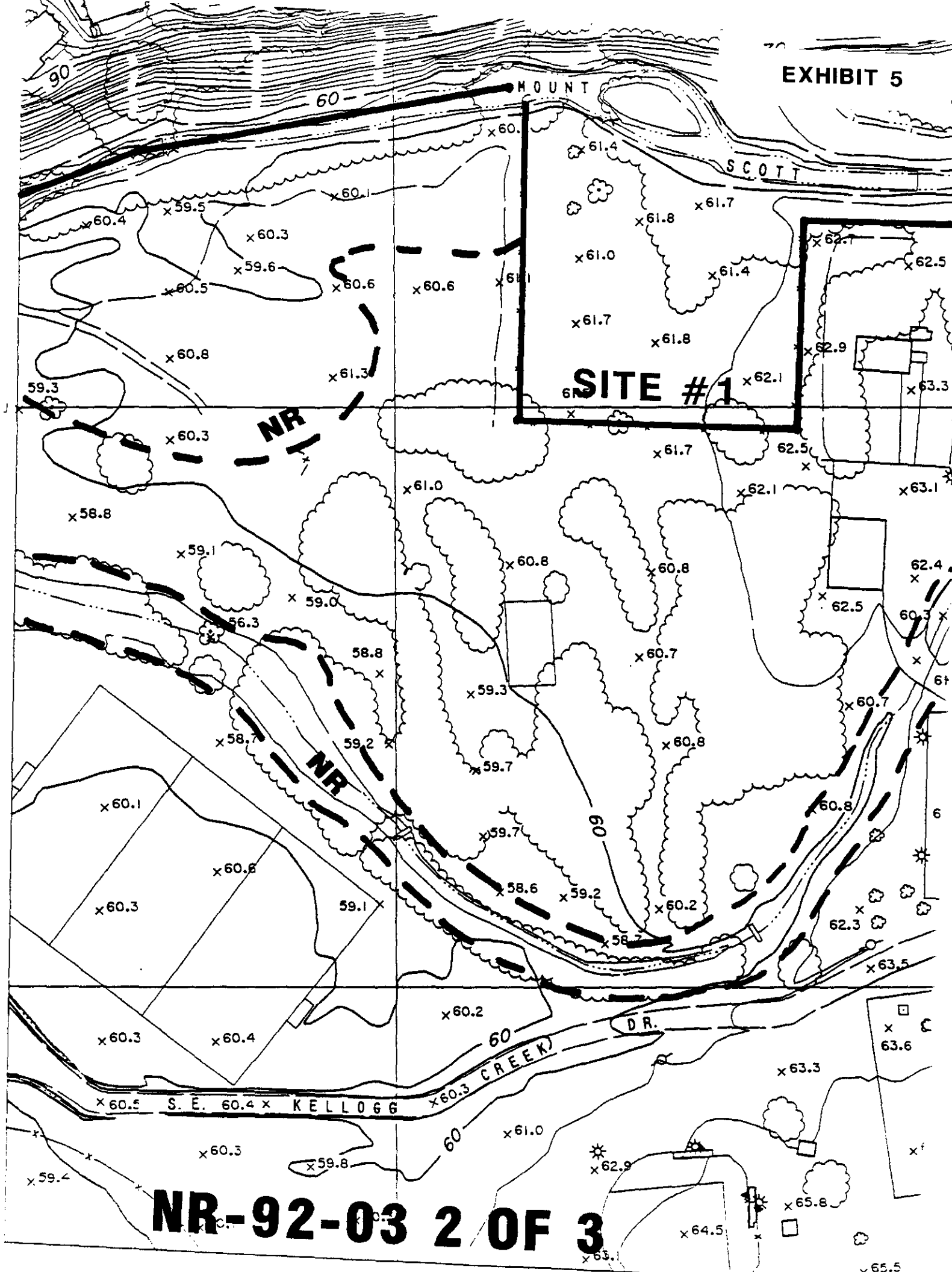
EXHIBIT 2

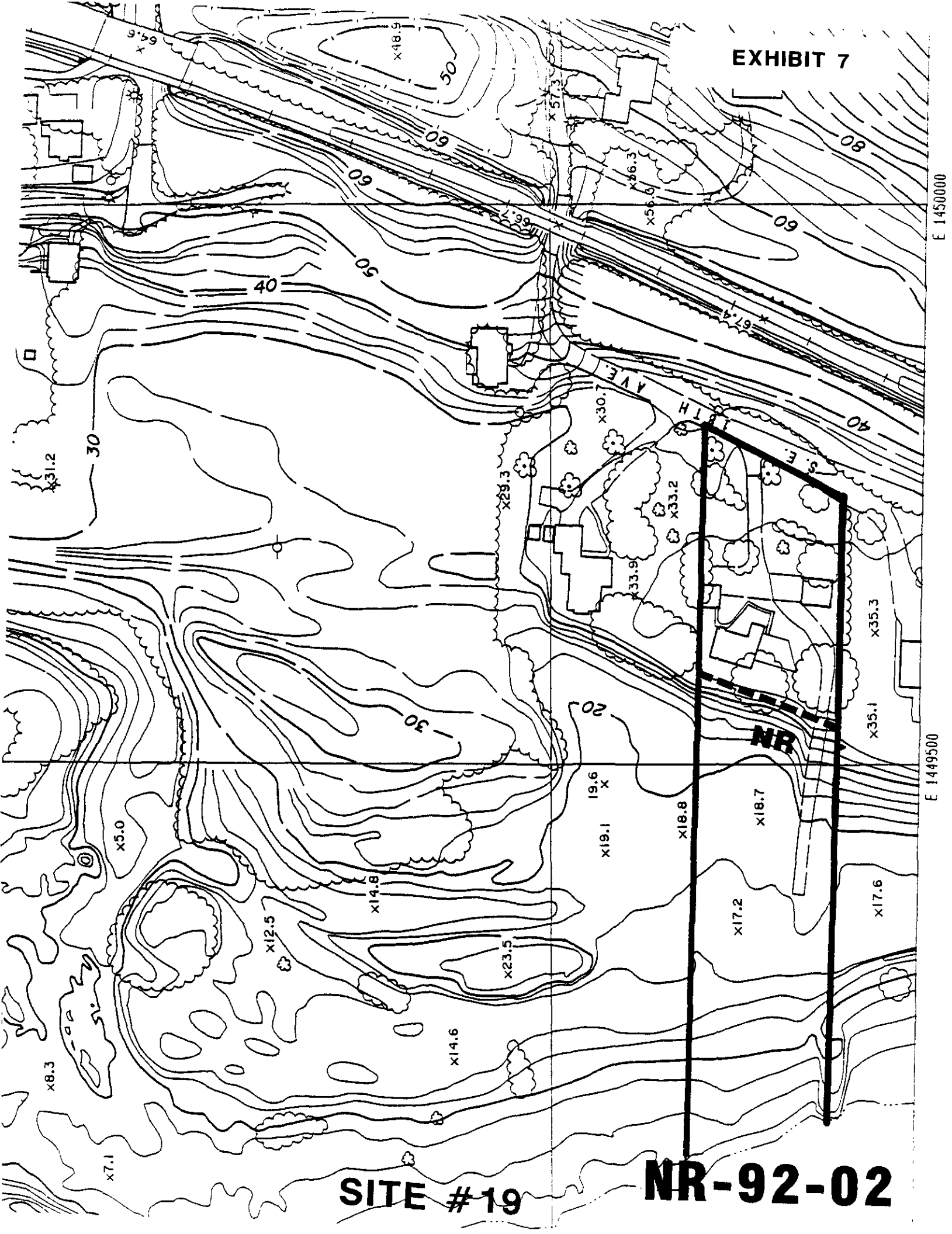
E 1454500



NR-92-06







SITE #19

NR-92-02

E 1450000

E 1449500

EXHIBIT 10



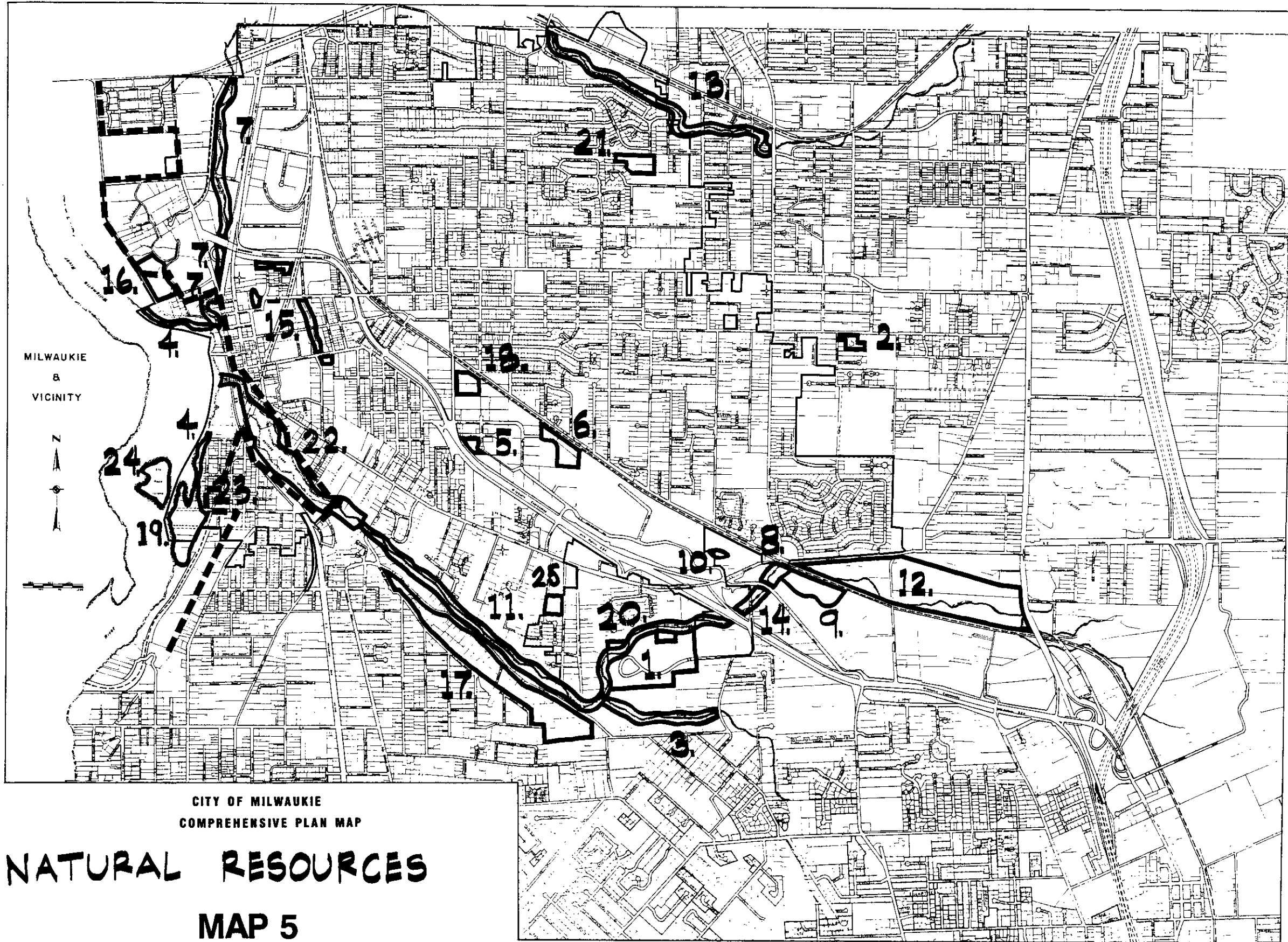
NR-91-08

SITE #11

LEGEND

 5 NATURAL RESOURCE SITE

 WILLAMETTE GREENWAY BOUNDARY



CITY OF MILWAUKIE
COMPREHENSIVE PLAN MAP

NATURAL RESOURCES MAP 5