



COUNCIL ORDINANCE No. 2160

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, TO AMEND THE MILWAUKIE COMPREHENSIVE PLAN BY REMOVING THE SCOTT PARK MASTER PLAN, AN ANCILLARY DOCUMENT.

WHEREAS, the Scott Park Master Plan as adopted in 1990 is out of date, has not been implemented, and did not anticipate future improvements to the Ledding Library; and

WHEREAS, the citizens of Milwaukie voted in favor of a bond to improve and update the library and plans for the library project conflict with the outdated Scott Park Master Plan; and

WHEREAS, legal and public notices have been provided as required by law; and

WHEREAS, on March 27, 2018 the Milwaukie Planning Commission conducted a public hearing, as required by MMC 19.1008.3 and adopted a motion in support of the amendment; and

WHEREAS, the Milwaukie City Council finds that the proposed amendment is in the public interest of the City of Milwaukie.

Now, Therefore, the City of Milwaukie does ordain as follows:

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The Milwaukie Comprehensive Plan is amended by deleting the Scott Park Master Plan and through the text amendment described in Exhibits B and C (Comprehensive Plan Text Amendment underline/strikeout and clean version respectively).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on 5/1/18, and moved to second reading by 5:0 vote of the City Council.

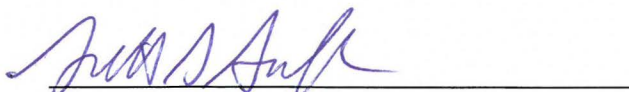
Read the second time and adopted by the City Council on 5/1/18.

Signed by the Mayor on 5/1/18.



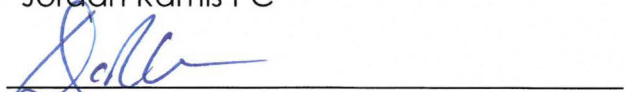
Mark Gamba, Mayor

ATTEST:



Scott Stauffer, City Recorder

APPROVED AS TO FORM:
Jordan Ramis PC



City Attorney

Exhibit A
Recommended Findings in Support of Approval
File #CPA-2018-001, Scott Park Master Plan Repeal

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to amend the Milwaukie Comprehensive Plan (MCP) by repealing the Scott Park Master Plan, an ancillary document of the MCP. The land use application file number is CPA-2018-001.
2. The purpose of the proposed amendment is remove a detailed master plan for Scott Park, adopted in 1990, from the MCP. The plan is outdated, has not been implemented, and did not anticipate improvements to the Ledding Library, an active city project.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC 19.902 Amendments to Maps and Ordinances
 - MMC 19.1000 Review Procedures
4. Sections of the MCP not addressed in these findings are found to be not applicable to the decision on this land use application.
5. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on March 27, 2018 and May 1, 2018 as required by law.
6. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Director, or any individual.

The amendments were initiated by the Planning Director on January 29, 2018.

- b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

- (1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

Opportunity for public comment and review has been provided. Notice of the proposed amendment was sent to the Historic Milwaukie NDA, the Parks and Recreation Board, and to the North Clackamas Parks and Recreation District. The current version of the proposed amendment has been posted on the application webpage since February 23, 2018.

- (2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that open to the public at least 30 days prior to the hearing.

A notice of the Planning Commission's March 27, 2018 public hearing was posted as required on February 23, 2018.

- (2) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

The proposed amendment does not affect any privately-owned properties. A Measure 56 notice was not required.

- (3) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to DLCD on February 20, 2018.

- (4) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

Notice of the proposed amendments was sent to Metro on February 9, 2018.

- (5) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

The proposed amendments do not apply to any privately-owned property. A Measure 56 notice was not required.

- (6) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

The Planning Commission held a duly advertised public hearing on March 27, 2018 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on May 1, 2018, and approved the amendments.

- 7. MMC 19.902.3 establishes requirements for amendments to the text of the Milwaukie Comprehensive Plan. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.902.3.A requires that changes to the text of the Milwaukie Comprehensive Plan shall be evaluated through a Type V review per Section 19.1008.

The Planning Commission held a duly advertised public hearing on March 27, 2018. A public hearing before City Council was held on May 1, 2018. Public notice was provided in accordance with MMC Subsection 19.1008.3.

- b. MMC Subsection 19.902.3.B contains approval criteria for changes to the text of the Milwaukie Comprehensive Plan.

- (a) MMC Subsection 19.902.3.B.1 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan, as proposed to be amended.

The goals and policies of the Comprehensive Plan are not in conflict with the proposed amendment. Scott Park will remain a protected city-owned park area, but the outdated Master Plan will not apply to it; future improvements to the park are part of the Milwaukie Urban Renewal Plan. The area will continue to serve as public open space and its natural resources will remain protected and subject to city codes for regulating development in or near mapped natural resources. The Comprehensive Plan designation of the property as "P" – Public does not change.

- (b) MMC Subsection 19.902.3.B.2 requires that the proposed amendment is in the public interest with regard to neighborhood or community conditions.

The Ledding Library and Scott Park share the same site. City residents voted in 2016 to improve and update the library building, so improvements to the library should be incorporated into the park design which is something that the 1990 Master Plan does not do. The proposed amendment reflects the current need for an improved library facility.

- (c) MMC Subsection 19.902.3.B.3 requires the public need be best satisfied by this particular proposed amendment.

The proposed amendments confirm the community's vision for the development of the library facility as a state of the art modern facility that is designed for current and future needs. The library project includes site and landscaping improvements that mitigate and improve existing resource areas, remove invasive species, and utilize native plants for formal planting areas. Further, specific goals identified in the park master plan document are fulfilled by the library project, including to enhance the role of Scott Park as a natural resource habitat area. Scott Park will remain a key part of the City's recreational and natural resources inventory. The City's Urban Renewal Plan includes a project to develop a new plan for Scott Park.

- (d) MMC Subsection 19.902.3.B.4 requires that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies related to natural resources.

Title 13 seeks to: (1) conserve, protect, and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with upland wildlife

habitat and with the surrounding urban landscape; and (2) control and prevent water pollution for the protection of the public health and safety, and to maintain and improve water quality throughout the region.

The proposed amendment is to remove an outdated master plan from the city's Comprehensive Plan to provide the ability to complete the library project while making improvements to and mitigating any impacts to the water quality resource area and the habitat conservation area on the site. A wetlands delineation was completed for the project, and the required natural resources report to address code requirements in MMC 19.402 was submitted. The proposed site plan drawing in the master plan is inconsistent with current plans for site improvements and existing improvements including the veterans memorial.

The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies.

- (e) MMC Subsection 19.902.3.B.5 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. The DLCD did not identify any areas where the proposed amendments were inconsistent with State statutes and administrative rules.

8. The application was referred to the following departments and agencies:
- February 23, 2018: Historic Milwaukie Neighborhood District Association Chairperson and Land Use Committee
 - February 26, 2018: Parks and Recreation Board; North Clackamas Parks and Recreation District

No comments were received.

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ANCILLARY DOCUMENTS (not included in this document; available for additional charge):

- Ardenwald Park Master Plan
- Balfour Park Master Plan
- Bowman-Brae Park Master Plan
- Central Milwaukie Land Use and Transportation Plan
- Downtown and Riverfront Land Use Framework Plan
- Elk Rock Island Natural Area Management Plan
- Furnberg Park Master Plan
- Homewood Park Master Plan
- Johnson Creek Resources Management Plan
- Kronberg Park Master Plan
- Lake Road Multimodal Connection Plan
- Lewelling Community Park Master Plan
- Milwaukie Vision Statement
- North Clackamas Park North Side Master Plan
- North Clackamas Urban Area Public Facilities Plan (4 volumes)
- ~~Scott Park Master Plan~~
- Spring Park Master Plan
- Springwater Corridor Master Plan
- Stormwater Master Plan
- Tacoma Station Area Plan
- Town Center Master Plan
- Transportation System Plan
- Wastewater Master Plan
- Water Master Plan
- Water Tower Park Master Plan
- Wichita Park Master Plan

ANCILLARY MAP (not included in this document; available for additional charge):

- Title 4 Lands Map

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CHAPTER 5—TRANSPORTATION, PUBLIC FACILITIES AND ENERGY CONSERVATION:

- Title Page #1666 November 7, 1989
- Transportation Element #1975 December 4, 2007
- Public Facilities and Services Element #2072 August 20, 2013
- Energy Conservation Element #1666 November 7, 1989

CHAPTER 6—CITY GROWTH AND GOVERNMENTAL RELATIONSHIPS:

- Title Page #1666 November 7, 1989
- City Growth Element #2045 March 6, 2012

APPENDICES:

- Appendix 1—Historic Resources Property List #2151 July 18, 2017
- Appendix 2—Natural Resources Property List #1788 November 7, 1995
- Appendix 2—Natural Resource Sites Map #2036 August 16, 2011

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- Balfour Park Master Plan #2107 October 20, 2015
- Bowman-Brae Park Master Plan #2107 October 20, 2015
- Central Milwaukie Land Use and
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- Downtown and Riverfront Land Use
Framework Plan #2106 September 1, 2015
- Elk Rock Island Natural Area Management Plan #1777 January 17, 1995
- Furnberg Park Master Plan #1816 March 4, 1997
- Homewood Park Master Plan #1904 June 18, 2002
- Johnson Creek Resources Management Plan #1787 November 7, 1995
- Kronberg Park Master Plan #2107 October 20, 2015
- Lake Road Multimodal Connection Plan #1819 May 20, 1997
- Lewelling Community Park Master Plan #1888 May 15, 2001
- Milwaukie Vision Statement #1789 November 7, 1995
- North Clackamas Park North Side Master Plan #2049-1 August 7, 2012
- North Clackamas Urban Area Public
Facilities Plan (4 volumes) #1691 November 6, 1990
- ~~Scott Park Master Plan #1692 November 6, 1990~~
- Spring Park Master Plan #1964 November 9, 2006
- Springwater Corridor Master Plan #1747 September 7, 1993
- Stormwater Master Plan #2072 August 20, 2013
- Tacoma Station Area Plan #2071 July 2, 2013
- Town Center Master Plan #1826 December 2, 1997
- Transportation System Plan #2073 November 19, 2013
- Wastewater Master Plan #2031 June 21, 2011
- Water Master Plan #2045 March 6, 2012
- Water Tower Park Master Plan #1825 December 2, 1997
- Wichita Park Master Plan #1851 January 19, 1999

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