ORDINANCE NO. 1686

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE.

WHEREAS, the Milwaukie Comprehensive Plan has been updated as part of a Periodic Review process; and

WHEREAS, Section 9 of the Zoning Ordinance must be updated to make it consistent with the Comprehensive Plan; and

WHEREAS, amendments were considered at public hearings before the Planning Commission on June 26, 1990, and the City Council on July 17, 1990; and

WHEREAS, the City Council finds that the Zoning Ordinance should be amended based upon the findings listed below;

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

Section 1. Findings. The following findings of fact are adopted:

FINDINGS:

1. The City of Milwaukie Comprehensive Plan was updated effective December 7, 1989, as part of a Periodic Review process.

2. Section 9 of the Zoning Ordinance deals with amendments. This section must be updated to be consistent with the updated Comprehensive Plan.

3. As part of the Periodic Review process, the City was informed by the State Department of Land Conservation and Development of the need to provide clear and objective standards for implementation ordinances.

4. Section 9 has been expanded to provide greater clarity in describing amendment procedures.

5. This amendment complies with Chapter 2, Objective 2, Policies 1 to 4 of the Comprehensive Plan which require implementation ordinances, procedures and actions to be consistent with goals, policies, and objectives of the Comprehensive Plan.

Section 2. Zoning Ordinance Text Amendments. The Zoning Ordinance text of Ordinance 1438 is amended by inserting a new section to be known as "SECTION 900. AMENDMENTS" and reading as identified in Exhibit A.

Read the first time on July 17, 1990, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on July 17, 1990.

Signed by the Mayor on July 17, 1990.

Roger Hall

Roger Hall, Mayor

ATTEST:

Jerri Widner

Jerri Widner, City Recorder

Approved as to Form:

Timothy Ramis, City Attorney

SECTION 900

AMENDMENTS

901 INITIATION OF AMENDMENTS

An amendment to the Milwaukie Zoning Map or to the text of this Ordinance may be initiated by the City Council, by the Planning Commission, or by the application of a property owner.

902 AMENDMENT PROCEDURE

902.01 The following application and review procedures shall be in effect for all proposed amendments:

A. The Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the application has been determined to be complete by the Director. Zoning map amendments shall follow the procedures outlined in Section 10.11(D), Major Quasi-Judicial Review. Zoning text amendments shall follow the procedures outlined in Section 10.11(E), Legislative Procedures.

B. Denial of the proposed amendment shall be final unless it is appealed to the City Council as provided under Section 10.02 of this Ordinance.

C. Upon approval of the proposed amendment by the Planning Commission, the Director shall provide a report of the Commission's recommendation to the City Council within 40 days after the hearing.

903 REQUIREMENTS FOR ZONING MAP AMENDMENTS

903.01 Proposals for Zoning Map amendments must provide evidence that all requirements of this Ordinance relative to the proposed use or uses are satisfied, in addition to addressing the following:

A. Applicable requirements of Section 10.03.

B. Reasons for requesting the Zoning Map amendment.

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

D. Description of the intended use or uses.

E. Identification on a detailed site plan of public facilities both existing and proposed, existing and proposed structures and site development details including display of setback and other zoning standards compliance information, and an indication of mitigation or other measures proposed for purposes of health, safety, or welfare within the Community.

F. The approval criteria of Section 905.

SECTION 900 – AMENDMENTS

904 REQUIREMENTS FOR ZONING TEXT AMENDMENTS

904.01 Proposals for zoning text amendments must provide written evidence that the following requirements are satisfied:

A. Applicable requirements of Section 10.03.

B. Reasons for requesting the proposed text amendment.

C. Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.

D. The approval criteria of Section 905.

905 APPROVAL CRITERIA FOR ALL AMENDMENTS

905.01 For all proposals, the applicant shall have the burden of proof regarding the following criteria:

A. The proposed amendment must conform to applicable Comprehensive Plan goals, policies and objectives and be consistent with the provisions of City ordinances.

B. The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.

C. The proposed amendment will meet or can be determined to reasonably meet applicable, 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.

906 CONDITIONS OF APPROVAL

Conditions of approval may be applied to Zoning Map amendments for purposes of fulfilling identified need for public facilities and/or meeting applicable regional, state, or federal regulations. Conditions of approval may include actual construction of facilities or a performance contract, bond, or escrow account to assure installation of public facilities to specified standards.

SECTION 900 - AMENDMENTS

907 MODIFICATION OF OFFICIAL ZONING MAP

For zoning map amendments not involving conditions of approval, Community Development staff shall modify the Official Zoning Map of the City of Milwaukie at such time as the ordinance of adoption goes into effect. For zoning map amendments involving conditions of approval, Zoning Map modification shall not occur until all conditions of approval are satisfied by verification by appropriate City staff.

908 REVOCATION

If conditions of approval are not met within two (2) years of ordinance adoption, the Planning Commission shall hold a public hearing to consider the revocation of the approved zoning. This review shall follow the procedures of Section 10.11(C), Minor Quasi-Judicial Review. The Planning Commission may also, upon determination that the applicant is making satisfactory progress towards completing conditions of approval, grant one (1) time extension not to exceed a maximum of two (2) years.

6/30/90