



The Land Use Review Process: Understanding the Process and Getting Involved

Training for Milwaukie
Neighborhood Leaders

Topics We'll Cover

- Overview of zoning and development review
 - Key concepts
 - How to access & read Milwaukie's zoning maps and code
 - Milwaukie's permitting process – who, when, what?
- How to participate
 - Responding to a Notice
 - Commenting on a proposal
 - Testifying
- Land Use & Development Review code project

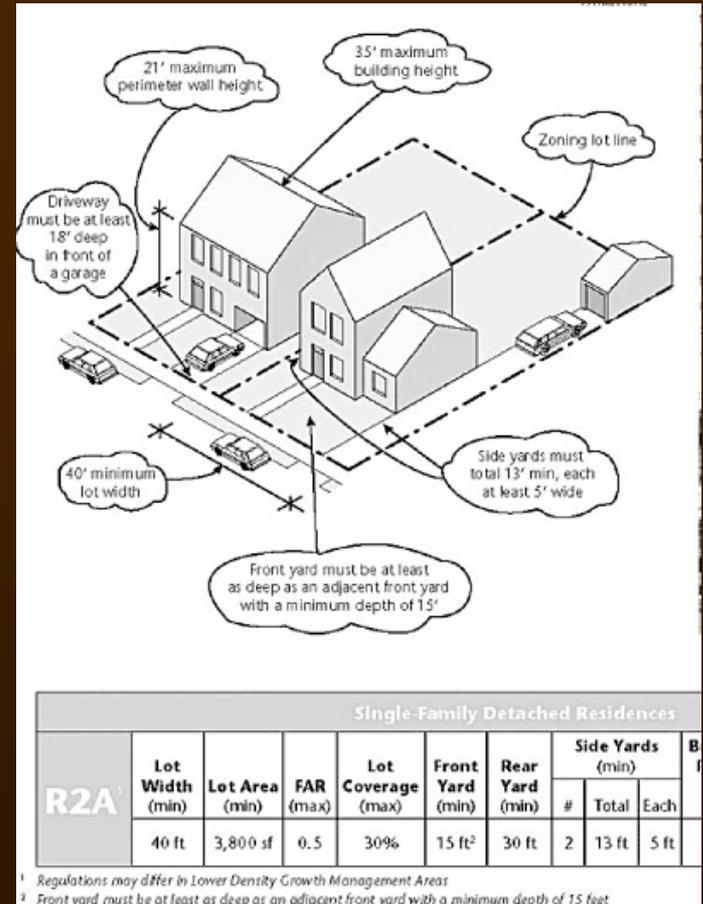


“Democracy is not a spectator sport”
....and neither is land use planning.



Brief History of Zoning

- Zoning is the most common form of regulatory control for development.
- Created for the primary purpose of ensuring public safety and health.
- In 1926, the Supreme Court ruled that zoning was a legal exercise of public police power – private property rights may be required to yield when public welfare is at stake.



Planning, Zoning, Development Review

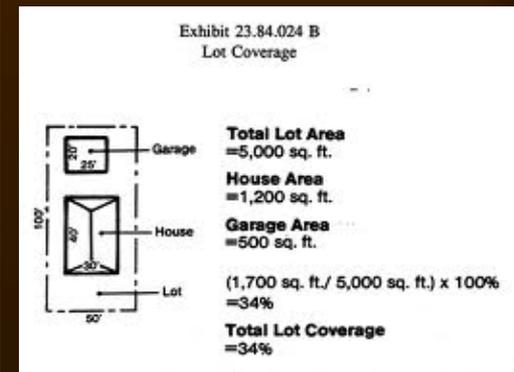
The Comprehensive Plan...

...is implemented through Zoning regulations



SP-2.1 Minimum Bicycle Parking

Use Categories	Specific Uses	Required Bicycle Parking		
		Class A	Class B	
Commercial (0,000 SF of GFA or less) or residential (or more units) greater	Multi-Unit Dwelling	1 for each 3 units	1 for each 20 units, min 2	
	Community-Based Supportive Facility	1 for each 20 residents, min 2	None	
	Campus-Affiliated Housing not approved as part of campus plan	1 for each 3 residents	1 for each 20 residents, min 2	
	Publicly Assisted Housing	1 for each 3 units	1 for each 20 units, min 2	
	Rooming or Boarding House	1 for each 3 bedrooms, min 2	None	
	Office	1 for each 10,000 SF of GFA, min 2	1 per 40,000 SF of GFA, min 2	
	Retail Service	1 for each 10,000 SF of SF, min 2	2 for each 5,000 SF of GFA	
	Dining and Entertainment	1 for each 10,000 SF of GFA, min 2	1 for each 10,000 SF of GFA, min 2	
	Hotel or Inn	2 for each 50 hotel units	2 for each 50 hotel units	
	Parking	None	1 for each 20 auto spaces, min 10	
	Outdoor Recreation	None	1 for each 20 auto spaces, min 10	
	Industrial	Manufacturing	1 for each 10,000 SF of SF, min 2	None
		Warehouse and Freight	1 for each 40,000 SF of SF, min 2	None
		Non-Accessory Parking	None	1 for each 20 auto spaces, min 10
		Travel Centers	None	1
Park and Ride		None	1 for each 20 auto spaces, min 10	
Institutional	School - K-5	1 for each classroom	1 for each classroom	
	School 6-12	1 for each classroom	1 for each classroom	
	Colleges	Per campus plan		
	Hospitals	1 for each 70,000 SF of SF, min 2	1 for each 40,000 SF of SF, min 2	
	Houses of Worship	None	1 for each 10,000 SF of SF, min 2	
Daycare	None	1 for each 5,000 SF of SF, min 2		



Planning, Zoning, Development Review

The land use and development review process...
is where we apply the zoning rules to
specific proposals.



Key Zoning Concepts

- **Permitted Uses** describe allowed and prohibited activities.
- **Development and design standards** govern the scale and appearance of development.
- **Variances** allow for some deviation from the standards.
- **Specialized Zoning includes**
 - **Overlays**
 - **Conditional Uses/Special Permits**
 - **Community Uses**



Land Use Review Process

Land use decisions must be made within some strict boundaries, including:

120-day Clock

City must make a decision within 120 days, or the project is approved.

Public involvement

#1 State Planning Goal; important part of the process

Criteria

Decision must apply adopted criteria.

Public Hearings Laws

Hearings must be carried out according to strict rules to ensure fairness and disclosure.

Conditions

If a proposal can be “conditioned” to meet the criteria, it must be.



Milwaukie's Development Regulations

- Land use and development is regulated by 3 sections of the municipal code:
 - **Title 19 Zoning**
 - **Title 17 Land Division**
 - **Title 14 Signs**
- Milwaukie's first zoning code was adopted in 1946; has been updated occasionally since.



Where to Find the Zoning Code

1. City Website
“Charter/ Code”
2. Milwaukie
Municipal Code
3. Title 19 Zoning

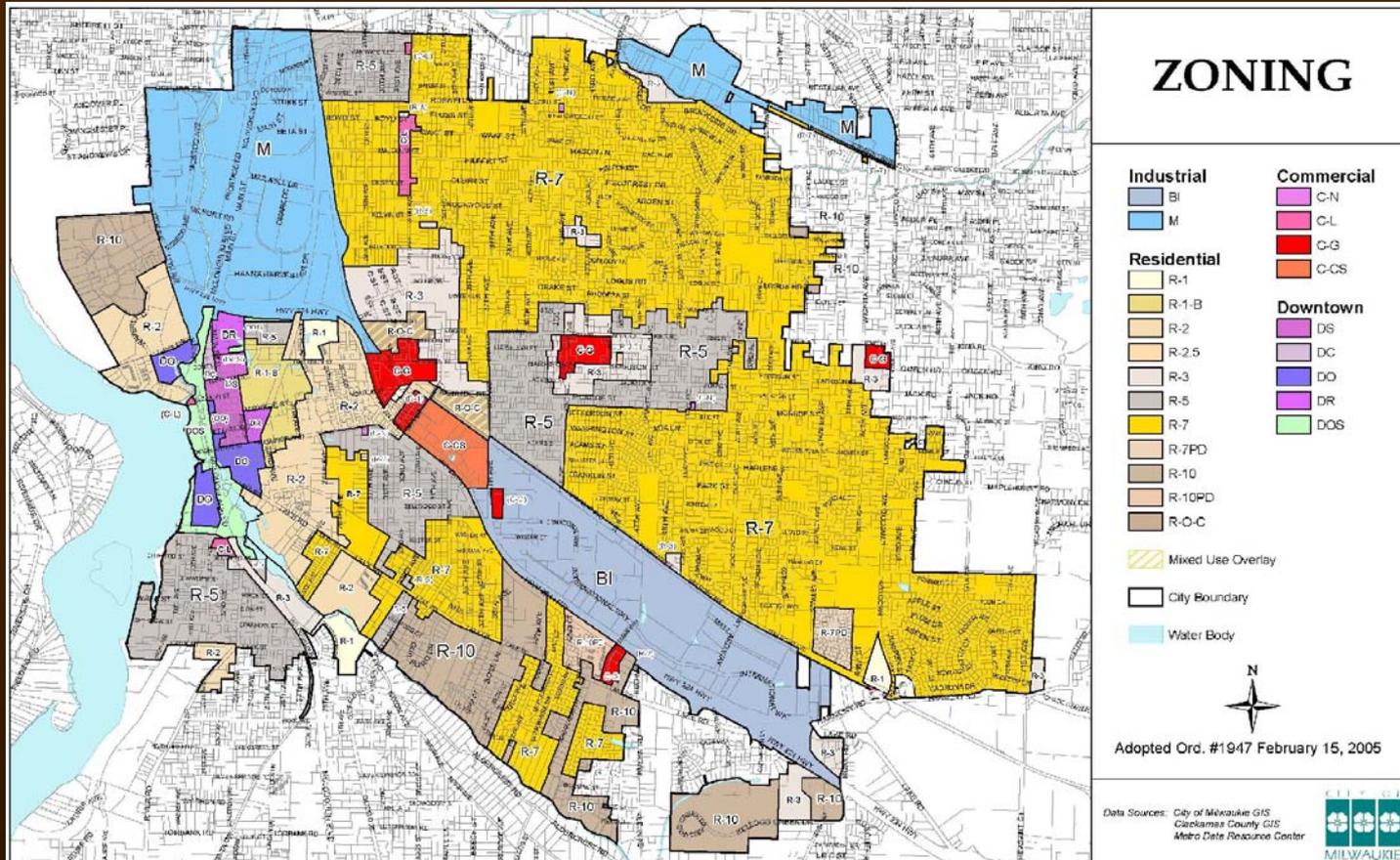
The image shows a screenshot of the City of Milwaukie website. The top navigation bar includes links for 'OUR COMMUNITY', 'BUSINESS', 'CITY SERVICES', and 'CITY LEADERSHIP'. Below this is a banner image of a house and a clock. A red circle labeled '1' highlights the 'Charter/Code' link in the navigation menu. Below the banner is a smaller screenshot of the 'Milwaukie Municipal Code' page. A red circle labeled '2' highlights the 'MILWAUKIE MUNICIPAL CODE' title. A red arrow points from the 'Charter/Code' link to this page. Another red circle labeled '3' highlights 'TITLE 19 ZONING' in the table of contents. A red arrow points from the 'Charter/Code' link to this specific section. A yellow callout box next to 'TITLE 19 ZONING' contains the text: 'CodeAlert: This item has been affected by 2015. Please refer to the CodeAlert Ordinance List for the most current provisions.' Below this callout is a list of chapters from 19.100 to 19.1500.

TITLE 19 ZONING

- CodeAlert: This item has been affected by 2015. Please refer to the CodeAlert Ordinance List for the most current provisions.
- CHAPTER 19.100 INTRODUCTORY PROVISIONS
- CHAPTER 19.200 BASIC PROVISIONS
- CHAPTER 19.300 USE ZONES
- CHAPTER 19.400 SUPPLEMENTARY DEVELOPMENT REGULATIONS
- CHAPTER 19.500 OFF-STREET PARKING AND LOADING
- CHAPTER 19.600 CONDITIONAL USES
- CHAPTER 19.700 VARIANCES, EXCEPTIONS, AND HOME IMPROVEMENT EXCEPTIONS
- CHAPTER 19.800 NONCONFORMING USES
- CHAPTER 19.900 AMENDMENTS
- CHAPTER 19.1000 ADMINISTRATIVE PROVISIONS
- CHAPTER 19.1100 MISCELLANEOUS PROVISIONS
- CHAPTER 19.1200 REMEDIES
- CHAPTER 19.1300 SOLAR ACCESS PROTECTION
- CHAPTER 19.1400 PUBLIC FACILITY IMPROVEMENTS
- CHAPTER 19.1500 BOUNDARY CHANGES



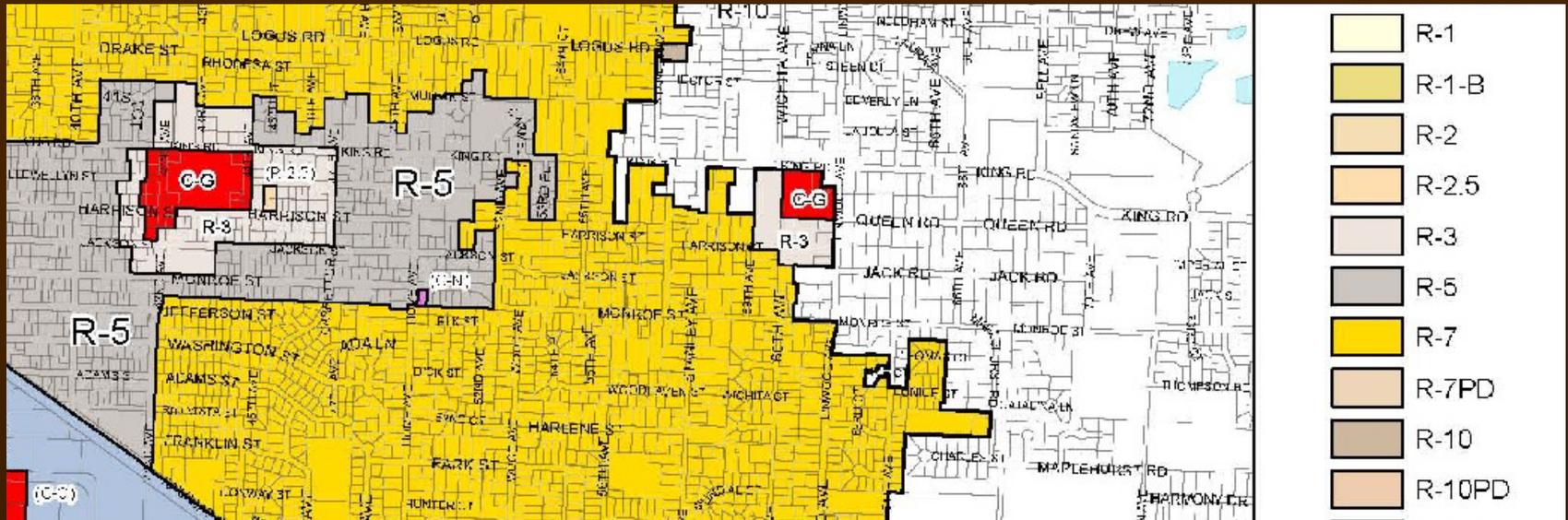
Milwaukie's Zoning Map



The Zoning code lists the rules that apply. Some types of rules are different for each type of zone shown on the official Zoning Map.



Milwaukie's Zoning Map

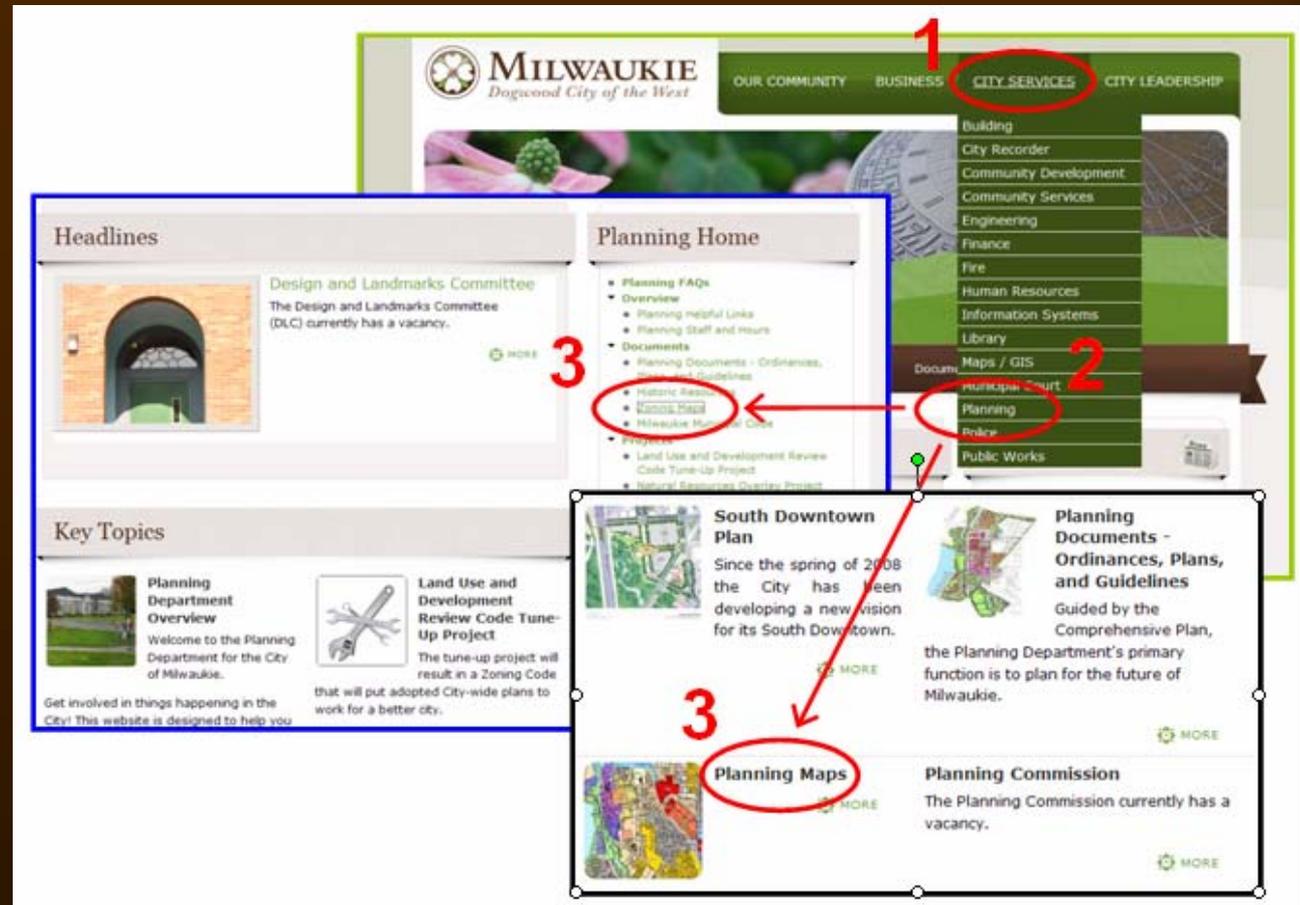


- Each taxlot has a zone.
- Each zone has it's own section in the Zoning Code.



Where to Find the Zoning Map

1. City Website
“City Services”
2. Planning Dept.
Planning Maps
3. Planning Documents
or
Documents
“Zoning Map”



Milwaukie's Land Use / Development Review Process: Who Does What?



Land Use Decisions

- Must be based on criteria and standards.
- Identify relevant approval criteria and make findings of fact.
- May include Conditions of Approval.
- Are all subject to appeal.



Application Process Types

- Building Permit
- Type I – Administrative
- Type II – Administrative with notice
- Type III – Quasi-judicial with PC hearing
- Quasi-judicial with PC & CC hearings
- Legislative



Typical Applications Reviewed by the Planning Department

- Conditional/ Community Service Use Permits
- Land partitions and subdivisions
- Variance requests
- Downtown Design Review
- Comprehensive Plan amendments
- Zoning Changes



Administrative (Type I Decisions)

Who	Staff
What	Administers code, with minimal discretion, only on technical matters.
Examples	Lot line adjustments.
Timeline	7- 10 days.
Who receives notice?	No public notice.
Appeals	To Planning Commission.



Administrative (Type II Decisions)

Who	Staff
What	Administers code, with discretion only on technical matters
Examples	Alteration of a nonconforming structure, minor land partition
Timeline	Typical decision reached within 45 days
Notice?	City departments, applicant, NDAs, properties within 300'
Appeals	Appeal decision to Planning Commission



Quasi-Judicial (Type III)

Who	Planning Commission
What	Decides whether or not the evidence proves that the application complies with code, exercises discretion. Public hearing is required.
Examples	Conditional uses, subdivisions, variances, Community Service Uses
Timeline	Decision required within 120 days
Who receives notice?	Interested parties, NDAs, other agencies, property owners within a 300 ft radius, newspaper.
Appeals	Appeal decision to City Council

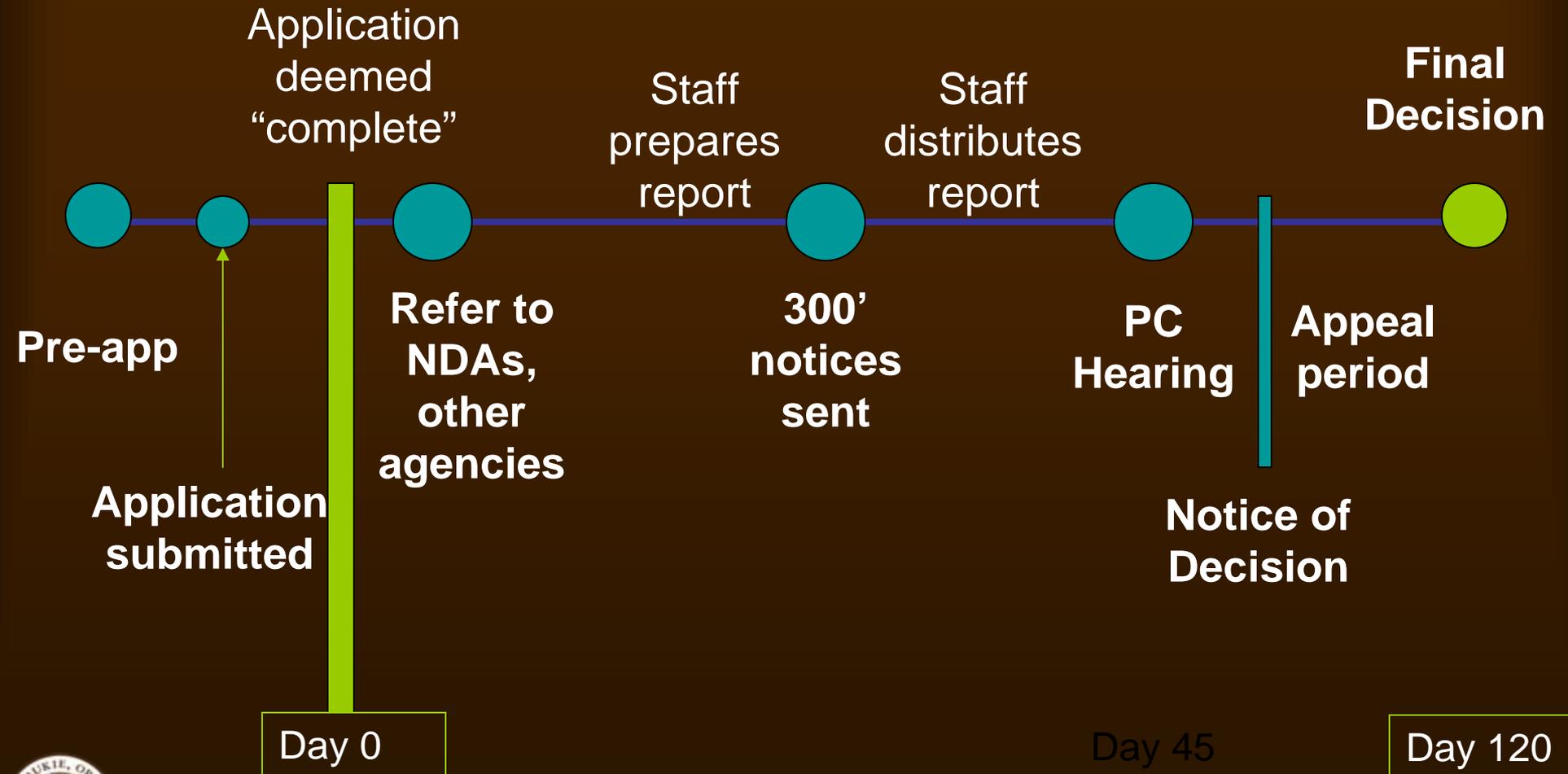


Legislative

Who	City Council
What	Adopts plans, policies, and ordinances. <u>Not</u> a land use decision.
Examples	Adopt code, change zoning, amend comprehensive plan. Public hearing required.
Timeline	No requirement that a decision be reached.
Notice?	Interested parties, NDAs, other agencies, affected property owners, newspapers
Appeals	Appeal decision to Oregon Land Use Board of Appeals



Type III Application Process



How to participate

- Reviewing the proposal
- Responding to a Notice
- Commenting on a proposal (and being a resource for your neighbors)
- Testifying
- Appeals

