



# 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

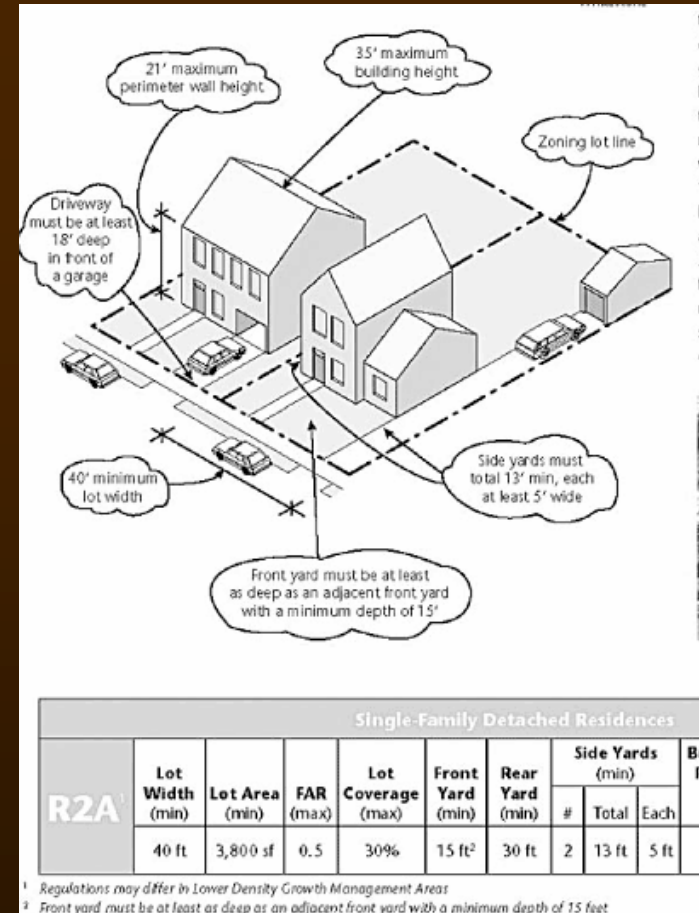


“Democracy is not a spectator sport”  
....and neither is land use planning.



# 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.



# The Comprehensive Plan...

**Uthmaniyah District Council**  
**Uthmaniyah District**

**Legend:**

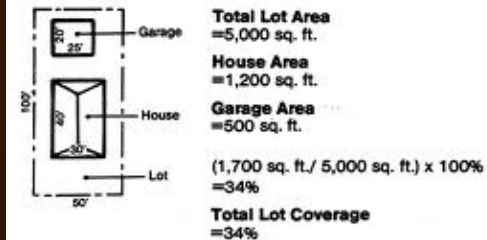
- Agriculture
- Residential
- Industrial
- Commercial
- Public Services
- Health Services
- Education
- Recreation
- Transportation
- Utilities

**Scale:** 1:50,000

**North Arrow:** [Symbol]

**Contact Information:**  
 Uthmaniyah District Council  
 P.O. Box 10000, Uthmaniyah  
 Phone: 052-222-1111  
 Fax: 052-222-1112

BP 3-1 Minimum Bicycle Parking			
Use Category	Specific Use	Class A	Class B
Residential (5 or more units)	Multi-Unit Overlaid Community-based Residential Facility	1 for each 3 units	1 for each 20 units, min 2
	Campus-Affiliated Housing not approved as part of adjacent use	1 for each 20 residents, min 2	None
	Publicly Assisted Housing	1 for each 5 residents	1 for each 20 residents, min 2
	Rooming or Boarding House	1 for each 3 units	1 for each 20 units, min 2
	Office	1 for each 3 bedrooms, min 2	None
	Office	1 for each 18,000 SF of GFA, min 2	1 per 40,000 SF of GFA, min 2
	Retail Service	1 for each 18,000 SF of GFA, min 2	2 for each 5,000 SF of GFA
	Dining and Entertainment	1 for each 18,000 SF of GFA, min 2	1 for each 18,000 SF of GFA, min 2
	Motel or Inn	2 for each 50 hotel units	2 for each 50 hotel units
	Parking	None	1 for each 20 auto spaces, min 10
Commercial (5,000 SF or greater)	Outdoor Recreation	None	1 for each 20 auto spaces, min 10
	Manufacturing	1 for each 18,000 SF of GFA, min 2	None
	Warehouse and Freight	1 for each 48,000 SF of GFA, min 2	None
	Assembly	None	1 for each 20 auto spaces, min 10
	Parking	None	9
	Franchise Centers	None	1 for each 20 auto spaces, min 10
	Park and Ride	None	None
	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	
Institutional	Hospitals	1 for each 75,000 SF of GFA, min 2	1 for each 40,000 SF of GFA, min 2
	Houses of Worship	None	1 for each 18,000 SF of GFA, min 2
	Courts	None	1 for each 5,000 SF of GFA, min 2
	Courts	None	None



# 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 sequence of three screenshots from a web browser, illustrating the steps to find the zoning code on the City of Milwaukie website. Red numbers 1, 2, and 3 are placed on the screenshots to indicate the steps.

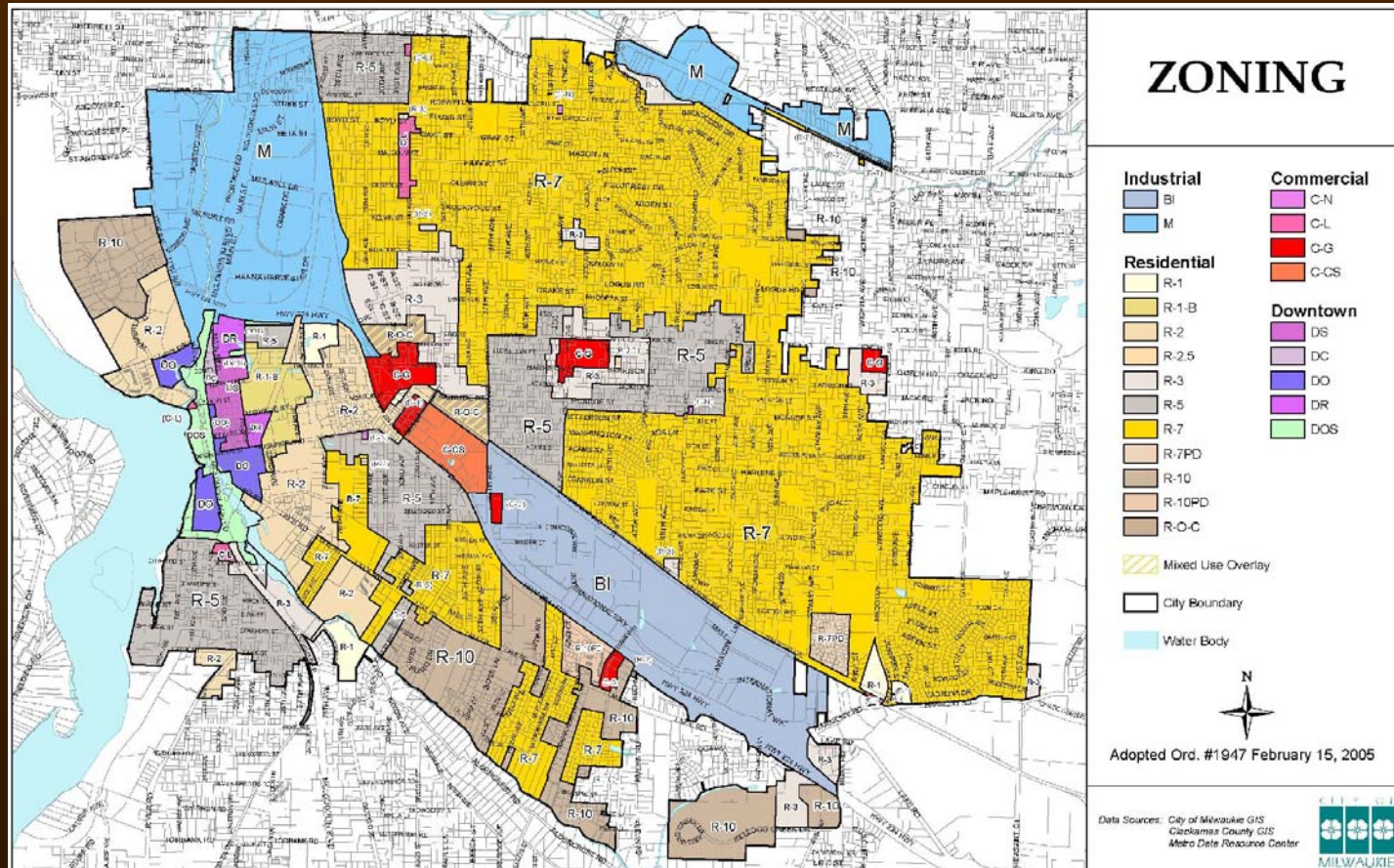
**Step 1:** The first screenshot shows the City of Milwaukie homepage. The navigation menu at the bottom includes "Agendas/Minutes", "Bids/RFPs", "Calendar", "Charter/Code", and "Documents". The "Charter/Code" link is circled in red.

**Step 2:** The second screenshot shows the "Milwaukie Municipal Code" page. The left sidebar contains a table of contents with the following items: MILWAUKIE CHARTER, TITLE 1 GENERAL PROVISIONS, TITLE 2 ADMINISTRATION AND PERSONNEL, TITLE 3 REVENUE AND FINANCE, TITLE 4 (RESERVED), TITLE 5 BUSINESS TAXES, LICENSES, AND REGULATIONS, TITLE 6 ORDINANCES (RESERVED), TITLE 7 (RESERVED), TITLE 8 HEALTH AND SAFETY, TITLE 9 PUBLIC PEACE, MORALS, AND WELFARE, TITLE 10 VEHICLES AND TRAFFIC, TITLE 11 MISCELLANEOUS PERMITS, TITLE 12 STREETS, SIDEWALKS, AND PUBLIC PLACES, TITLE 13 PUBLIC SERVICES, TITLE 14 SIGNS, TITLE 15 BUILDINGS AND CONSTRUCTION, TITLE 16 ENVIRONMENT, TITLE 17 LAND DIVISION, TITLE 18 FLOOD HAZARD REGULATIONS, and TITLE 19 ZONING. The "TITLE 19 ZONING" item is circled in red.

**Step 3:** The third screenshot shows the "TITLE 19 ZONING" page. It includes a "CodeAlert" notice: "This item has been affected by 2015. Please refer to the CodeAlert Ordinance List for the most current provisions." Below the notice is a list of chapters: 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, and CHAPTER 19.1500 BOUNDARY CHARGES.



# Milwaukie's Zoning Map

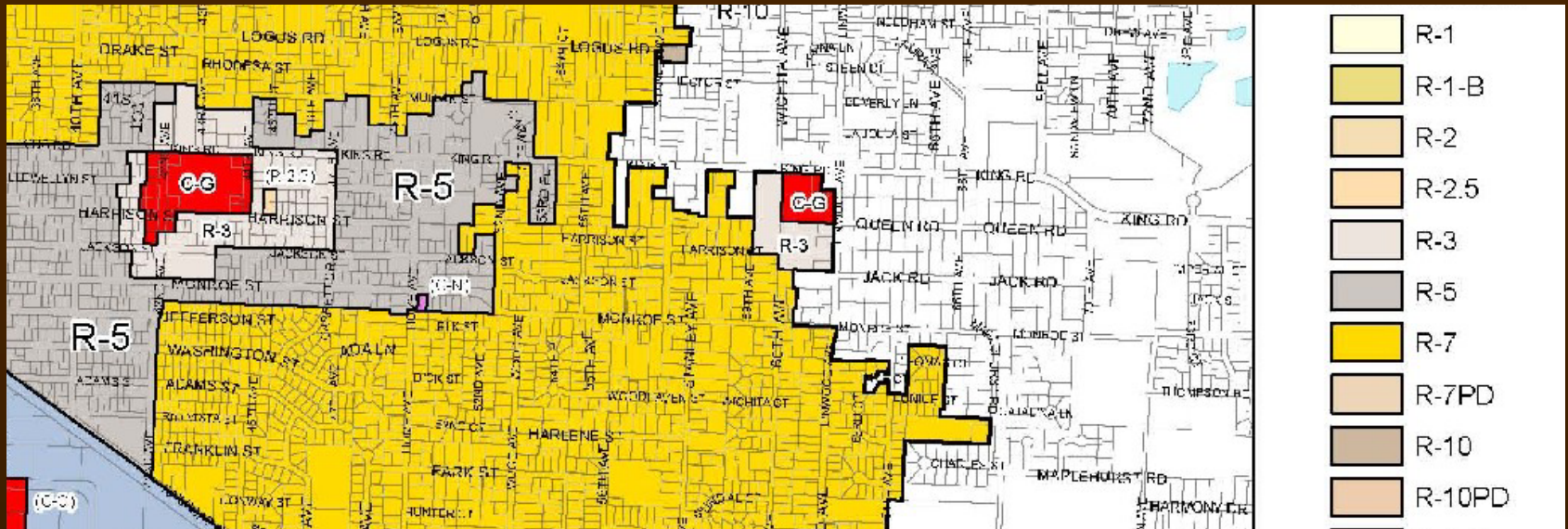


The Zoning code lists the rules that apply. Some types of rules are different for each type of zone shown on the official Zoning Map.





# 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.  
Documents
3. Planning Maps  
or  
“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)

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



# Administrative (Type II Decisions)

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



# Quasi-Judicial (Type III)

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

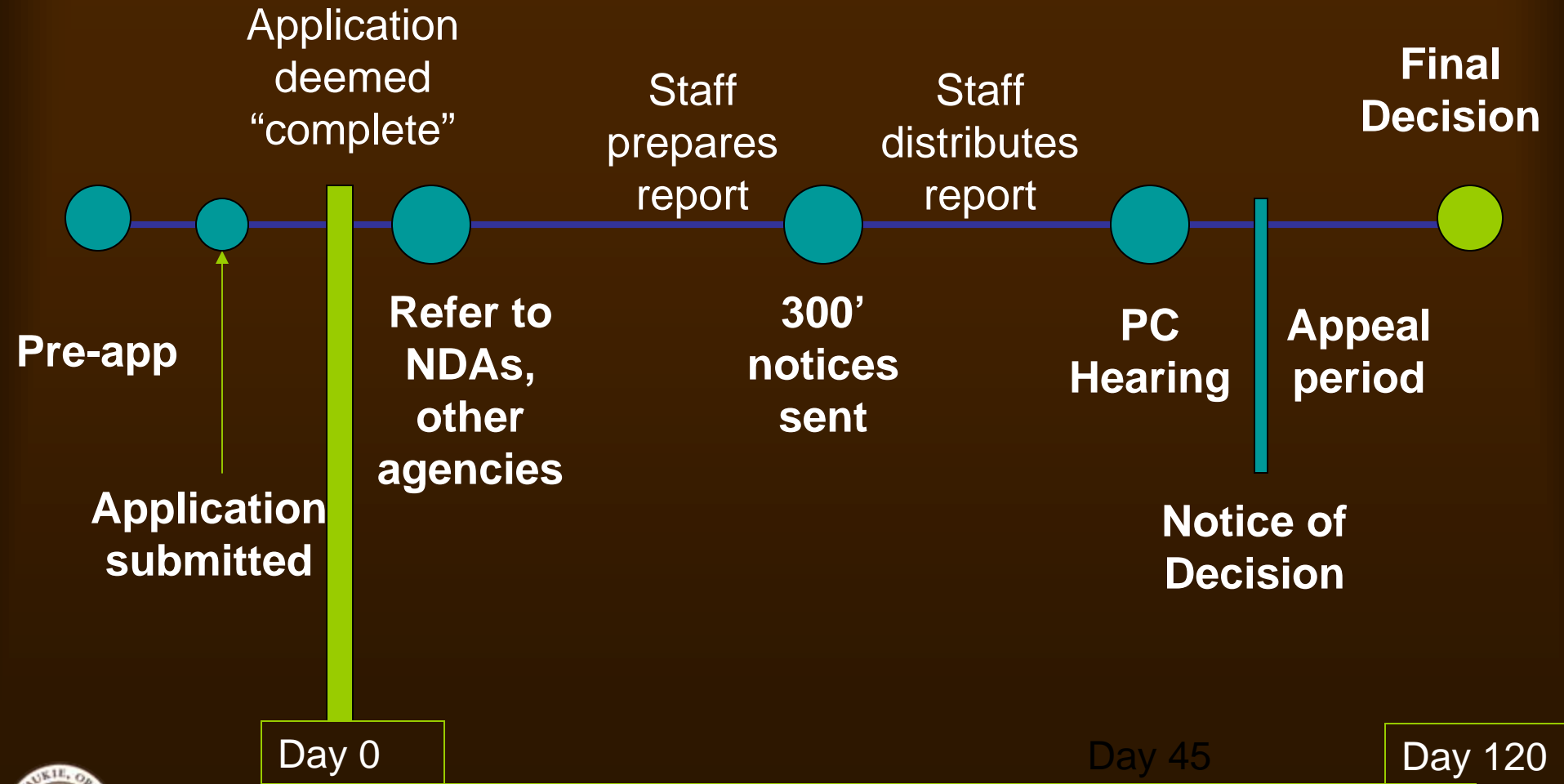


# Legislative

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

