



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

AMENDED NOTICE OF ADOPTED AMENDMENT

December 12, 2007



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Milwaukie Plan Amendment
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 31, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Katie Mangle, City of Milwaukie

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DEC 11 2007

FORM 2**DLCD NOTICE OF ADOPTION**

This form **must be mailed** to DLCD **within 5 working days after the final decision**, per ORS 197.610, OAR Chapter 660 - Division 18

LAND CONSERVATION
AND DEVELOPMENT**Jurisdiction:** City of Milwaukie**Local File No.:** ZA-07-01**Date of Adoption:** December 4, 2007**Date Mailed:** December 10, 2007**Date the Notice of Proposed Amendment was mailed to DLCD:** September 7, 2007 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other: _____**Summarize the adopted amendment.**

The Milwaukie City Council adopted two zoning code amendments in order to remain compliant with the Oregon Transportation Planning Rule. Both amendments are associated with City of Milwaukie file number CPA-07-01, a comprehensive plan amendment that adopted the City's 2007 Transportation System Plan as an ancillary document to the City's Comprehensive Plan. The adopted amendments provide for preferential parking for carpools/vanpools and clarify what kinds of transportation projects are exempt from land use review.

The City's original Notice of Proposed Amendment also proposed a second set of zoning code amendments that were identified as housekeeping amendments. Adoption of this set of amendments was delayed due to public hearing time constraints. They are scheduled to be heard by City Council on January 15, 2008. A different file number was given to these amendments for improved tracking purposes, namely ZA-07-02. The City will notify DLCD of their adoption under separate cover.

Describe how the adopted amendment differs from the proposed amendment.

Same.

Plan Map Changes: Not Applicable.**Zone Map Changes:** Not Applicable.**Specified Change in Density:** Not Applicable.**Location:** Citywide

Applicable Statewide Planning Goals: Goal 1 (Citizen Involvement), Goal 2 (Land Use Planning), and Goal 12 (Transportation).

Was an Exception Adopted? No.

DLCD File No.:

002-07(16372)

Did the Department of Land Conservation and Development **receive** a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: **X** No: _____
If no, do the Statewide Planning Goals apply. Yes: _____ No: _____
If no, did The Emergency Circumstances Require immediate adoption. Yes: _____ No: _____

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT, Metro, Clackamas County (Transportation, Fire, and School District), TriMet, and City of Portland.

Local Contact: Katie Mangle, Planning Director
Address: 6101 SE Johnson Creek Blvd, Milwaukie, OR 97206
E-mail: manglek@ci.milwaukie.or.us
Phone Number: 503-786-7652

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the ANotice of Adoption is sent to DLCD.
6. In addition to sending the ANotice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - **ATTENTION: PLAN AMENDMENT SPECIALIST.**

ORDINANCE NO. 1975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE COMPREHENSIVE PLAN AND TITLE 19 OF THE MILWAUKIE MUNICIPAL CODE TO ADOPT THE UPDATED TRANSPORTATION SYSTEM PLAN, AMEND THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN, AND ENSURE COMPLIANCE WITH THE OREGON TRANSPORTATION PLANNING RULE (FILE #CPA-07-01/ZA-07-01).

WHEREAS, the 1997 Transportation System Plan (TSP) is outdated in many ways and no longer meets the City's needs;

WHEREAS, the state awarded a Transportation Growth Management grant to the City for the purpose of updating the TSP to comply with current State and regional requirements;

WHEREAS, the scope of the project emphasized public involvement and an open process, during which all meeting materials and draft chapters were posted on the City website;

WHEREAS, the multimodal plan takes a holistic approach that emphasizes the connection between the community's goals and the investments the City should make or require of others;

WHEREAS, Milwaukie has engaged in this transportation planning process to a degree that appears to be unprecedented in Oregon, with over 160 people attending over 30 meetings and responding to surveys;

WHEREAS, amendments to Title 19 fulfill the City's responsibility to comply with the State Transportation Planning Rule (ORS 660);

WHEREAS, the fundamental purpose of a TSP, to plan for multimodal transportation improvements to support planned development, has been met in a manner that meets or exceeds State requirements;

WHEREAS, the TSP creates a foundation for future updates to the City's annual Capital Improvement Program;

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

WHEREAS, on November 13, 2007, the Milwaukie Planning Commission conducted a public hearing, as required by Zoning Ordinance Section 19.1011.5, and recommended that the City Council approve all Comprehensive Plan and MMC amendments; and

WHEREAS, the Milwaukie City Council held a public hearing on December 4, 2007 and finds that these amendments are 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 proposed amendments are attached as Exhibit A.

Section 2. Transportation System Plan, ancillary document to the Comprchensive Plan. The Transportation System Plan adopted by Ordinance Number 1820 is replaced in its entirety with Exhibit B.

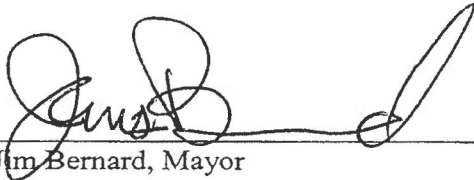
Section 3. Comprehensive Plan Text Amendment. The Comprehensive Plan text is amended as described in Exhibit C.

Section 4. Title 19 Zoning Ordinance Text Amendment. The Zoning text of the Milwaukie Municipal Code is amended as described in Exhibits D (clean version) and E (strikeout version).

Read the first time on 12/4/07 moved to second reading by 5-0 vote of the City Council.

Read the second time and adopted by the City Council on 12/4/07

Signed by the Mayor on 12/04/07


Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Schrader Ramis PC


Pat DuVal, City Recorder


City Attorney

Document2 (Last revised)

Exhibit A

Recommended Findings in Support of Approval

1. **Land Use Application CPA-07-01/ZA-07-01 has been processed and public notice has been provided in accordance with MMC Sections 19.902 (Amendment Procedure) and 19.1011.3 (Legislative Actions).**
2. **The proposed Comprehensive Plan amendment meets the approval criteria found in Policy 7 of Objective 1 of Chapter 2 of the Comprehensive Plan and in Milwaukie Municipal Code Section 19.905. The proposed amendment is consistent with applicable provisions of the Milwaukie Municipal Code, Milwaukie Comprehensive Plan, Metro Functional Plan, and Statewide Planning Goals.**
3. The proposed Comprehensive Plan amendments are the result of extensive public involvement and reflects the desires of the community.
4. The City of Milwaukie fulfilled the requirements for an application for a zoning text amendment, as outlined in MMC sections 19.901 and 19.902.
5. Public notice has been provided and a public hearing has been conducted in accordance with MMC section 1011.5.
6. The Planning Commission initiated the amendments and held a public hearing on the proposal. The Commission approved a motion to recommend adoption of the amendments.
7. The proposed amendments fulfill the approval criteria found in MMC 19.904.1 and 19.905.1. They are consistent with the Comprehensive Plan, the Metro Urban Growth Management Functional Plan, and Oregon Statewide Planning Goals (see Attachment 1, Code Compliance Report).
8. The proposed amendments fulfill the requirements of the Oregon Transportation Planning Rule, which outlines the state requirements for Transportation System Plans. Adoption of the amendments will fulfill the City's responsibility to comply with regional and state plans and policies.

Exhibit D

Title 19 Zoning Code Amendments (strikeout version)

**CHAPTER 19.1400 TRANSPORTATION PLANNING, DESIGN STANDARDS,
AND PROCEDURES**

19.1403.1 Limitations.

D. The following activities and uses are exempt from the requirements of this section:

1. Operation, maintenance, and repair of existing transportation facilities.
2. Public capital improvement projects.

CHAPTER 19.500 OFF-STREET PARKING AND LOADING

19.506 Carpool and Vanpool Parking.

- A. Applicability. New industrial, institutional, and commercial development with fifty (50) or more employees shall provide carpool/vanpool parking.
- B. Number of Spaces. Carpool/vanpool parking shall be provided for at least ten percent (10%) of the required parking.
- C. Location. Parking for carpools/vanpools shall be closer to the main entrances of the building than other employee or student parking, except parking spaces designated for use by the disabled.
- D. Standards. Carpool/vanpool spaces shall be regular-sized, per requirements in Section 19.503.10, and shall be clearly designated with signs or pavement markings for use only by carpools/vanpools.

Exhibit E

Title 19 Zoning Code Amendments (Clean version)

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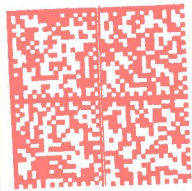
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Planning Department
6101 SE Johnson Creek Blvd
Milwaukie, OR 97206

TO:

*Plan Amendment Specialist
Dept. of Land Conservation &
Development
1035 Capitol Street NE, Ste 150
Salem, OR 97301-2540*



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