



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/24/2014
Jurisdiction: City of Milwaukie
Local file no.: CPA-14-01
DLCD file no.: 003-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/20/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 003-14 {22430}

Received: 11/20/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Milwaukie

Local file no.: **CPA-14-01**

Date of adoption: 11/18/2014

Date sent: 11/20/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/19/2014

Is the adopted change different from what was described in the Notice of Proposed Change? No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Li Alligood, Senior Planner

Phone: 503-786-7627

E-mail: alligoodl@milwaukieoregon.gov

Street address: 6101 SE Johnson Creek Blvd

City: Milwaukie

Zip: 97206

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from change.	to	acres.	A goal exception was required for this
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Metro

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



CITY OF MILWAUKIE

"Dogwood, City of the West"

Ordinance No. 2087

An ordinance of the City of Milwaukie, Oregon, amending the Downtown and Riverfront Land Use Framework Plan to remove the planned 21st Avenue Extension (File #CPA-14-01).

WHEREAS, the Downtown and Riverfront Land Use Framework Plan was adopted as an ancillary document to the Milwaukie Comprehensive Plan in 2000 by Ordinance 1880; and

WHEREAS, the planned 21st Avenue Extension was intended to establish the street grid north of Harrison St; and

WHEREAS, since its adoption, a small portion of the planned 21st Avenue Extension has been constructed; and

WHEREAS, construction of the remainder of the planned 21st Avenue Extension would remove existing library parking; limit the potential expansion of the library, and cross Scott Park and impact natural resources contained within;

WHEREAS, the City Council initiated an application to remove the planned 21st Avenue Extension by Resolution 74-2014; and

WHEREAS, the Planning Commission held a duly advertised public hearing on the amendments on October 14, 2014, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes, and recommended approval; and

WHEREAS, the City Council held a duly advertised public hearing on the amendments, with notice provided per the requirements of the Milwaukie Municipal Code and Oregon Revised Statutes;

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

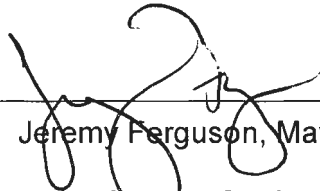
Section 1. Findings. Findings of fact in support of the proposed amendment are attached as Exhibit A.

Section 2. The Downtown and Riverfront Land Use Framework Plan is amended as described in Exhibit B.

Read the first time on 11/18/14, and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 11/18/14

Signed by the Mayor on 11/18/14



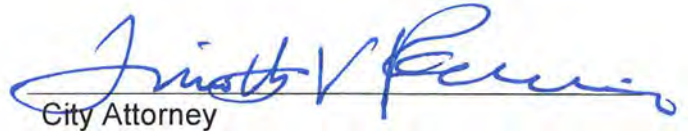
Jeremy Ferguson, Mayor

ATTEST:

APPROVED AS TO FORM:
Jordan Ramis PC



Pat DuVal, City Recorder



City Attorney

Ordinance No. 2087

EXHIBIT A
Findings in Support of Approval
File #CPA-14-02, Planned 21st Avenue Extension

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, Milwaukie City Council, has initiated an application to remove the planned 21st Avenue Extension from the Downtown and Riverfront Land Use Framework Plan (Framework Plan), an ancillary document to the Milwaukie Comprehensive Plan (MCP). The planned 21st Avenue Extension is located in the Downtown Open Space, Downtown Residential, and Downtown Storefront Zones. The land use application file number is CPA-14-01.
2. The applicant has requested the removal of the planned 21st Avenue Extension from the Framework Plan in order to remove the requirement that the street be constructed at the time of expansion or redevelopment of the adjacent properties. This would also result in the removal of a proposed "new street" to connect the 21st Avenue Extension to Main St.
3. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
 - MMC Section 19.902 Amendments to Maps and Ordinances
 - MMC Section 19.1000 Review Procedures
4. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review.
5. 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 amendment is proposed by the City of Milwaukie and was initiated by the City Council on August 5, 2014.
 - b. MMC Section 19.1008 establishes requirements for Type V review.
 - (1) MMC Subsection 19.1008.3.A.1 requires opportunity for public comment and review. Opportunity for public comment and review has been provided. Public notice in the form of email to the Neighborhood District Associations, a Measure 56 notice, and information on the City website have publicized the Planning Commission's hearing on the proposed amendment to encourage comment by any interested party.
 - (2) MMC 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 are open to the public. A notice of the Planning Commission's October 14, 2014, hearing was posted as required on September 12, 2014. A notice of City Council's November 18, 2014, public hearing was posted as required on October 17, 2014.
 - (3) MMC Subsection 19.1008.3.A.2 requires notice be sent to individual property owners if the proposal affects a discrete geographic area. The Planning Director has determined that the proposal affects a discrete geographic area and notice was provided to individual property owners within 400 ft of the site.

- (4) MMC Subsection 19.1008.3.B and C require notice of a Type V application to be sent to Metro 45 days prior to the first evidentiary hearing and to the Department of Land Conservation and Development 35 days prior to the first evidentiary hearing. This notice was sent to Metro on August 6, 2014, and to the DLCD on August 19, 2014.
- (5) MMC Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the application would affect the permissible uses of land for those property owners. A Measure 56 notice was sent to the affected property owners on September 5, 2014.
- (6) MMC 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 October 14, 2014, and passed a motion recommending that the City Council approve the Comprehensive Plan Map amendment. The City Council held a duly advertised public hearing on November 18, 2014, and approved the Comprehensive Plan Map amendment.

6. MMC Section 19.902 Amendments to Maps and Ordinances

- a. MMC 19.902.4.A establishes the review process for changes to the Zoning Map.

The planned 21st Avenue Extension crosses 5 properties totaling 4.8 acres. The properties are owned by 3 separate parties. The City Attorney has determined that the application is legislative in nature and subject to Type V review per MMC 19.1008.

- b. MMC 19.902.4.B establishes criteria for approval of changes to the Comprehensive Plan Map.

The applicant has requested an amendment to the maps of the Framework Plan, which is an ancillary document of the MCP; therefore, the requested removal of the planned 21st Avenue Extension is an amendment to the Comprehensive Plan Map. The request does not include amendments to the text of Titles 14, 17, or 19, or other land use regulations within the Milwaukie Municipal Code. The application is subject to the approval criteria of MMC 19.902.3. The City Council finds that these requirements have been met as follows.

- (1) The proposed amendment is 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 proposed to be amended.

The City Council finds that the relevant Comprehensive Plan goals and policies are those of Chapter 4 – Land Use; and the Downtown and Riverfront Land Use Framework Plan.

Chapter 4 – Land Use: Recreational Needs Element calls for the maximization of existing public recreational facilities. Removal of the planned 21st Avenue Extension will preserve the opportunity for maximization of the Scott Park recreational facilities in accordance with the 1990 Scott Park Master Plan.

The Downtown and Riverfront Land Use Framework Plan establishes policies that support a vibrant and attractive downtown, including enhancing its amenities and open spaces. The proposed amendment would protect Scott Park, which is a key downtown amenity.

- (2) The proposed amendment is in the public interest with regard to neighborhood or community conditions.

Scott Park is a small park that serves adjacent residents as well as downtown employees and visitors. Construction of the planned 21st Avenue Extension would reduce the size of the park by almost half, and would limit the future expansion of the Ledding Library.

Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public interest regarding protection of these facilities.

- (3) The public need is best satisfied by this particular proposed amendment.

Removal of the planned 21st Avenue Extension will protect the Ledding Library and Scott Park sites from the impact of a full street extension through the properties, which satisfies the public need for the retention of open space and continued access to Ledding Library.

- (4) The proposed amendment is consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

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.

- (5) The proposed amendment is 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. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.

No changes are being proposed to the permitted uses of these sites. As such, the proposed amendments are consistent with the Transportation Planning Rule. The findings regarding consistency with the MCP demonstrate compliance with the Statewide Planning Goals because the MCP is a DLCD acknowledged Comprehensive Plan.

MILWAUKIE DOWNTOWN AND RIVERFRONT LAND USE FRAMEWORK PLAN

ANCILLARY DOCUMENT
TO
MILWAUKIE COMPREHENSIVE PLAN



*Adopted September 19, 2000
(Ordinance No. 1880)*

MILWAUKIE, OREGON

Land Use Framework

1.3 Illustrative Plan

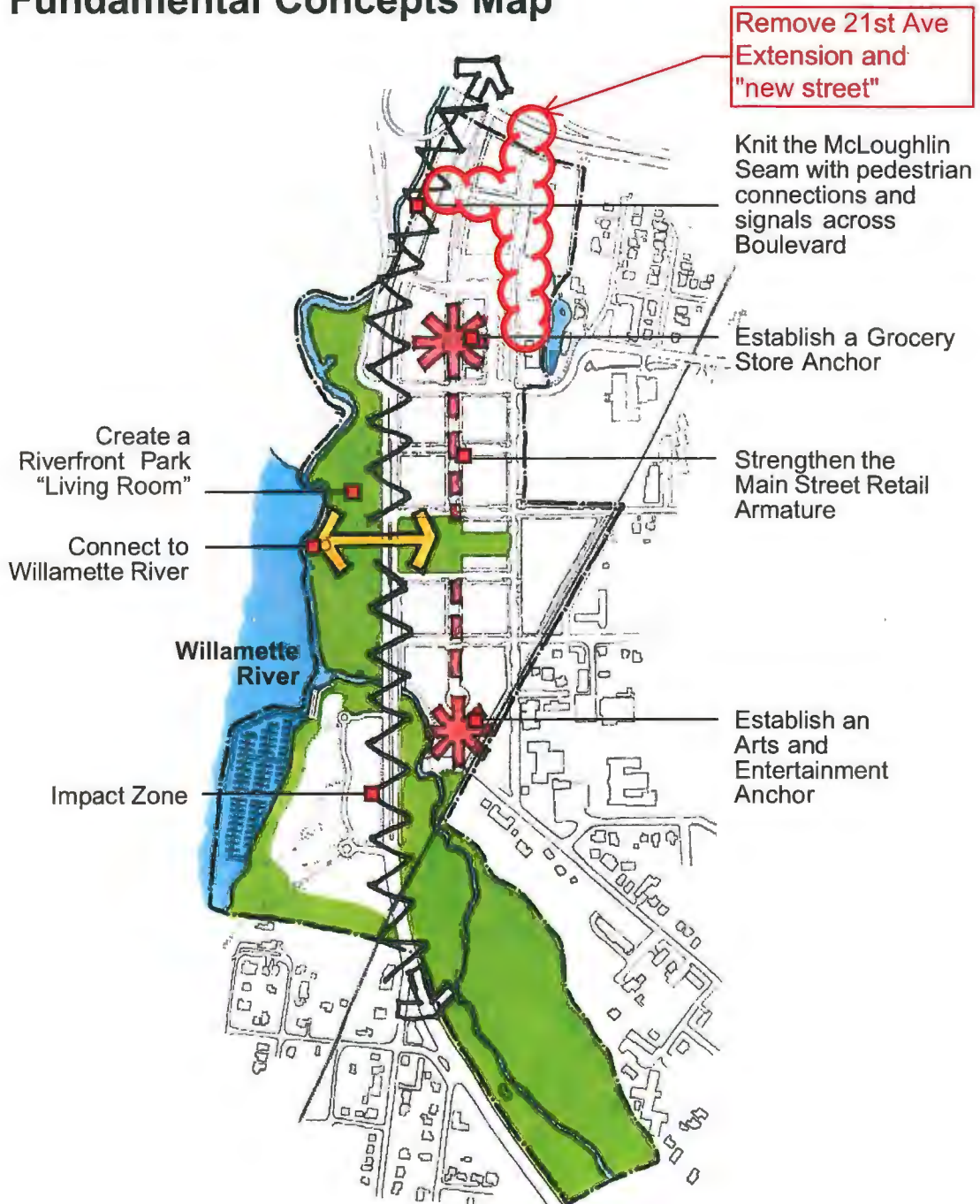
Land Uses

-  Retail/Mixed Use
-  Housing
-  Office
-  Civic
-  Arts/Entertainment
-  Hotel
-  Parking Structure
-  Recreation and Opens Space



Land Use Framework

1.6 Fundamental Concepts Map

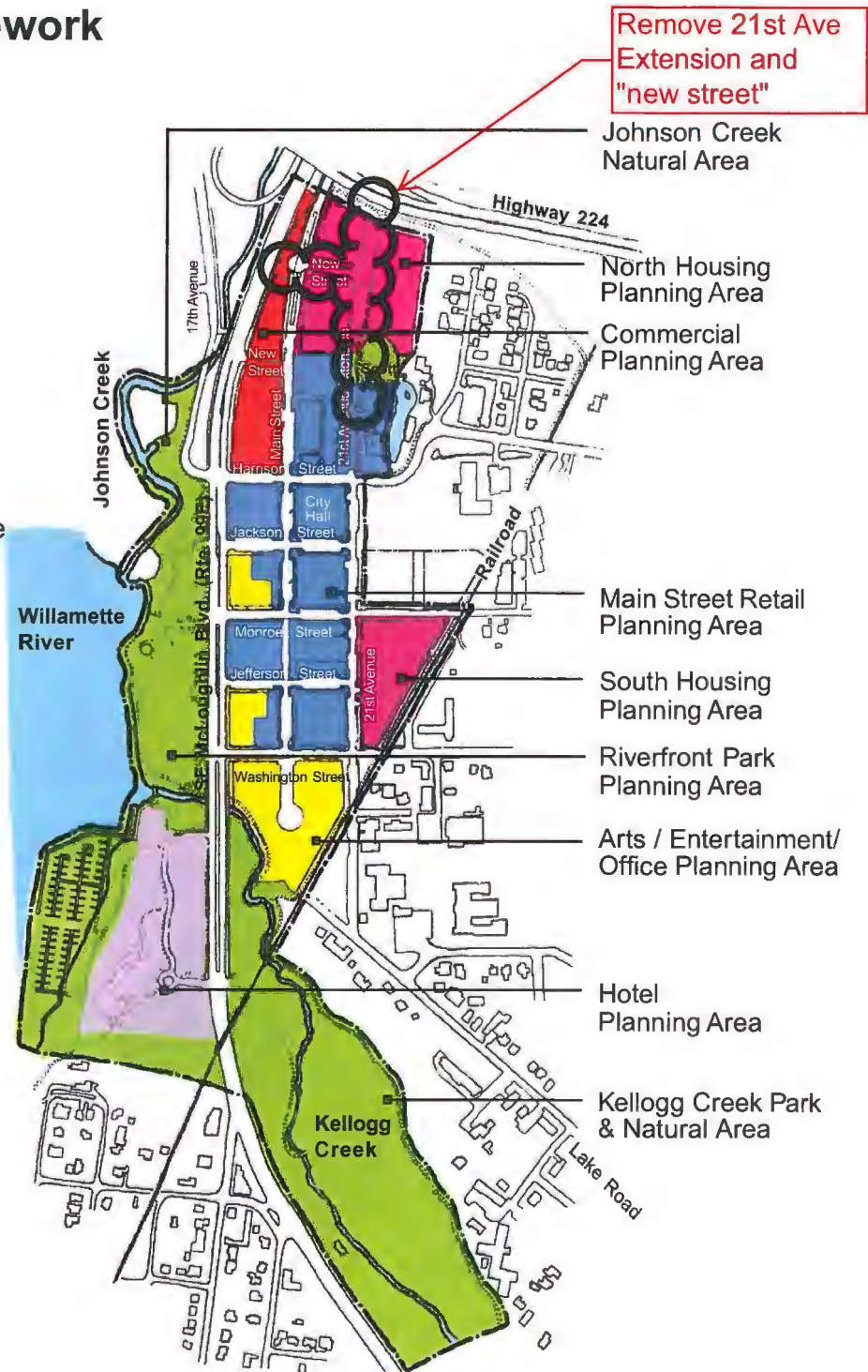


Land Use Framework

1.8 Land Use Framework

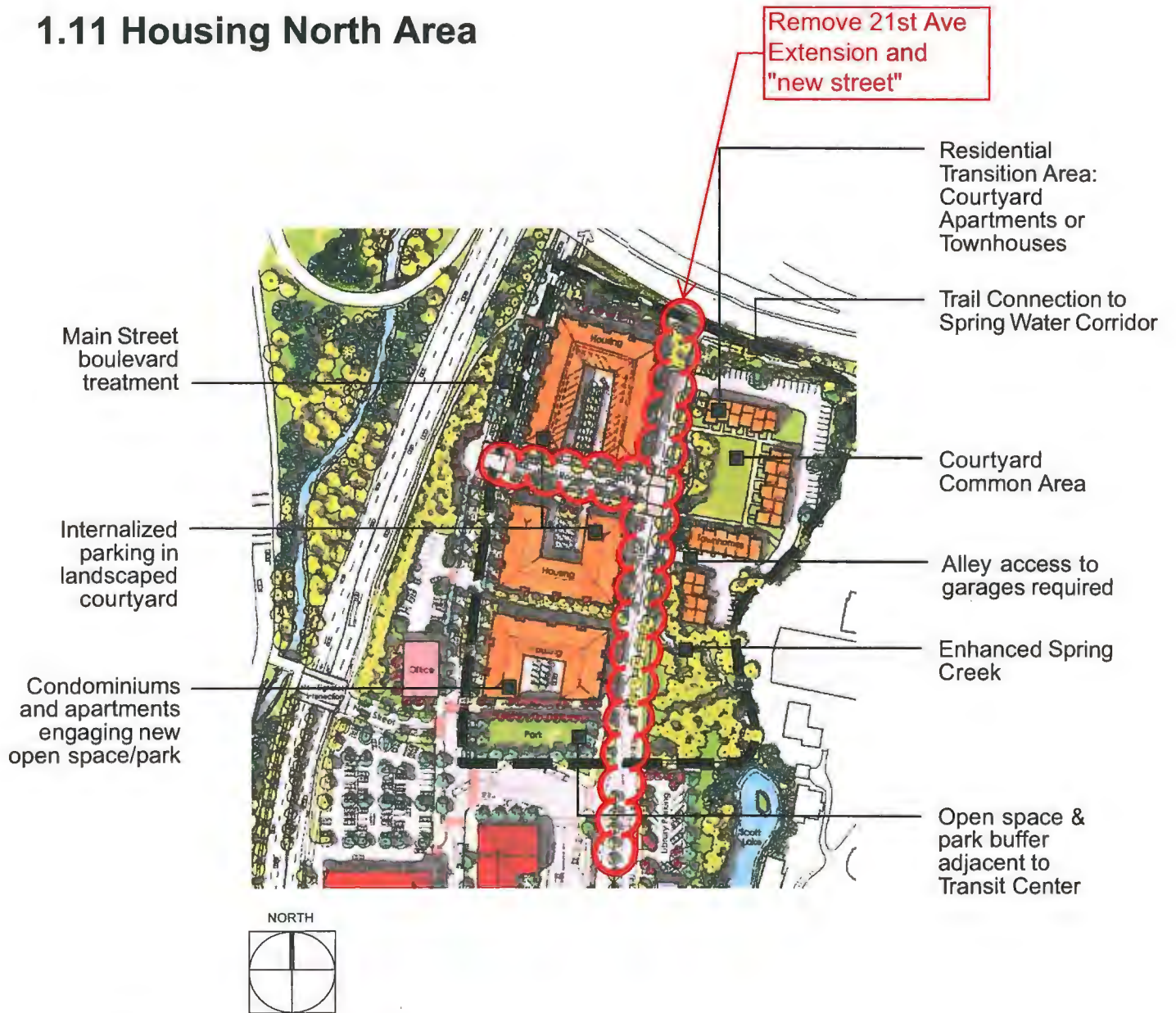
Planning Areas:

-  Commercial
-  Housing
-  Storefront Main Street
-  Arts/Entertainment/Office
-  Public Park
-  Hotel



Land Use Framework

1.11 Housing North Area



Character:

Multiple-family residences: ownership/condominiums and rental (including townhouses and apartments).

Approximate Area:

10 acres

Proposed Use:

25 townhouse units (target)

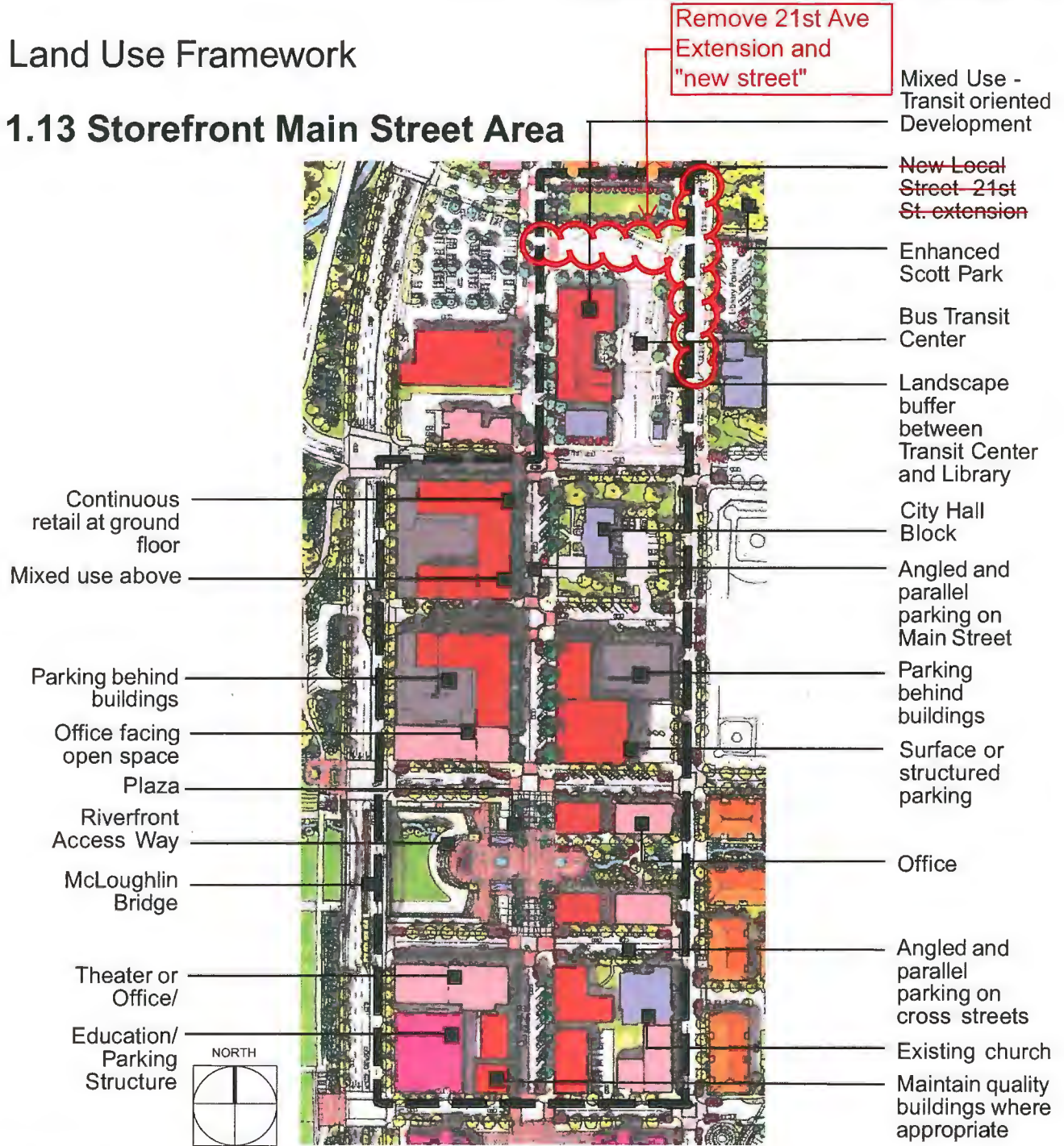
225 units apts/condominiums (target)

Total units:

250 (target)

Land Use Framework

1.13 Storefront Main Street Area



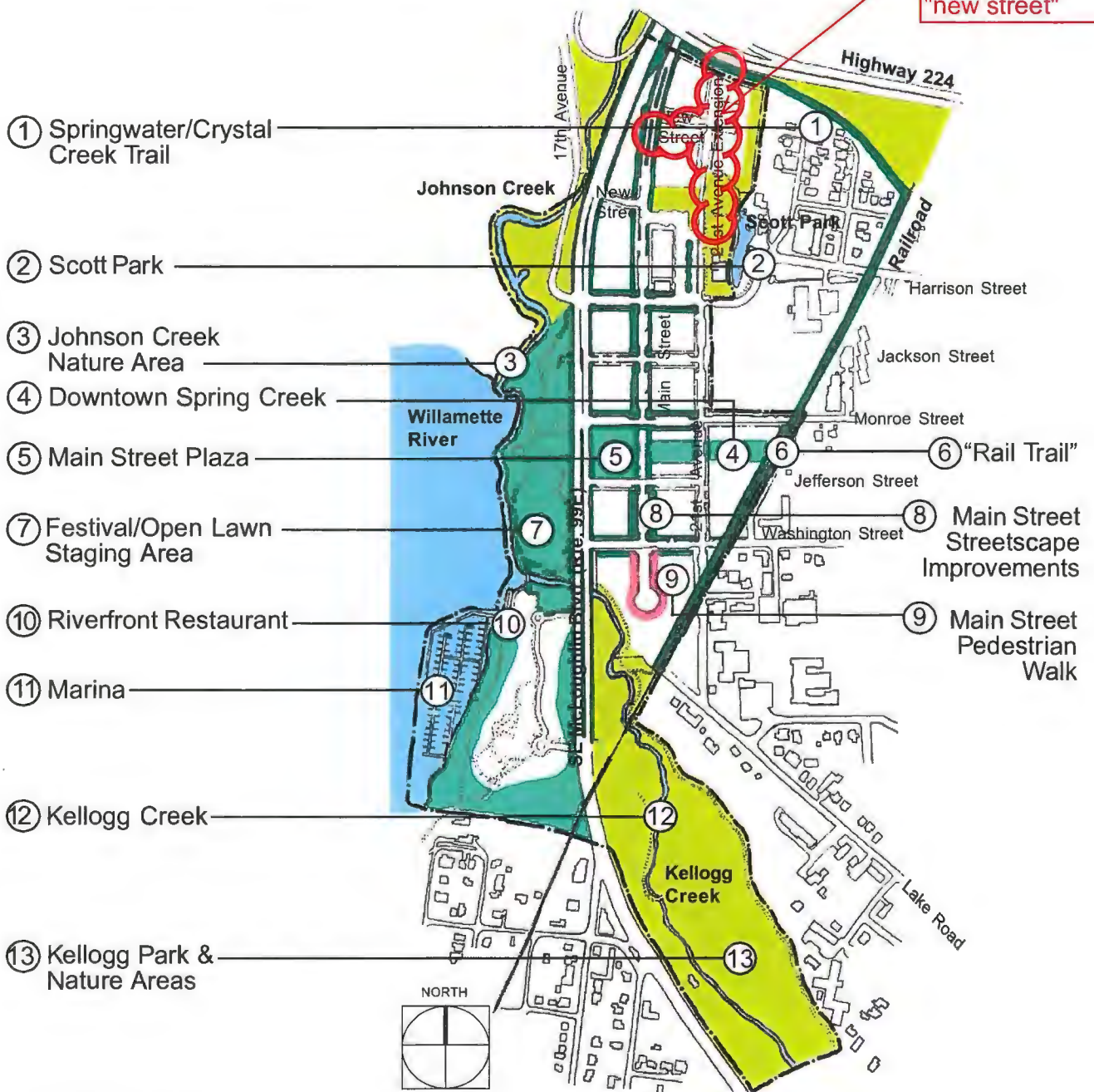
Character:
 One block deep along Main Street, and including parking areas behind buildings. Retail uses at ground floor and second floor, and mixed uses of office and residential above. Maintains pedestrian orientation throughout.

Approximate Area: 8.5 acres
Proposed Use:
 retail: 115,000 SF (target)
 office: 75,000 SF (target)
 residential: 150 units (target)
 theater: 25,000 SF

Land Use Framework

1.18 Amenities and Open Space Framework Map

Remove 21st Ave Extension and "new street"



Note: All existing private ownership and use may continue, and no use of private property for public purposes is required.