

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBERS 1437 AND 1438, BY REDESIGNATING CERTAIN PROPERTY FROM MODERATE DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION TO HIGH DENSITY RESIDENTIAL COMPREHENSIVE PLAN DESIGNATION AND REZONING THE PROPERTY FROM R-7 TO R-2 (CPA-86-01, ZC-86-01(B), Alton L. Jager).

WHEREAS, a Comprehensive Plan Map Amendment and Zone Map Amendment for this property were considered at public hearings before the Planning Commission on January 28, 1986, and City Council on March 4, 1986, and

WHEREAS, the City Council finds that the applications should be approved based on the findings listed below,

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

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

FINDINGS:

1. The parcel is currently under two Comprehensive Plan designations, Moderate Density and High Density. The Applicant proposes to change the entire parcel to High Density.
2. There are currently multi-family developments to the west of the site, County High Density to the south, and single-family to the north and east.
3. Sanitary sewer and water facilities are adequate to serve High Density development on the site. Storm sewer detention could be reasonably provided to the site. The site is served by Milwaukie police and fire services and Milwaukie Elementary, Rowe Jr. High and Milwaukie High School.
4. The site is within 3/4 of one mile from the downtown commercial center of Milwaukie, is served by a bus line, and is within one mile of the Omark Industrial Park.
5. Milwaukie has one of the lowest average vacancy rates when compared with other suburban cities in the area.
6. No surrounding or adjacent property has a Plan designation of Medium Density.
7. The Zoning Ordinance requires upzoning proposals to be to the maximum Comprehensive Plan Map designation unless it can be proved that development at full intensity is not possible due to certain physical conditions.

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8. If the Comprehensive Plan Map designation for this parcel is approved for High Density, the maximum residential zoning designation in this category will be R-1. The R-1 Zone allows 28.542 dwelling units per acre. The R-2 Zone allows 16.424 dwelling units per acre.
9. The portion of the parcel south of the existing southernmost residence to Kellogg Lake has a slope of approximately 50%.
10. A portion of the southern end of the parcel is within the Willamette Greenway Zone.
11. The Willamette Greenway Zone requires maintenance of views and access to the Willamette and its tributaries.
12. A portion of the southern end of the site is located within the 100 year flood plain as noted on the Flood Insurance Rate Map.
13. The zones surrounding the parcel are R-2 to the west, R-7 to the north and east and County High Density to the south, across Kellogg Lake.
14. Water, sanitary sewer, streets and police and fire services are available to the site, as are schools.
15. Any new development on this parcel would increase storm water run-off.

CONCLUSIONS:

1. This proposal for a Comprehensive Plan Amendment from Moderate Density to High Density is in compliance with the goals, policies and spirit of the Comprehensive Plan in that public services and facilities are, or can be made, available, the site will provide for housing stock to serve the local and surrounding area, it will result in a concentration of higher density development to support public transportation services and commercial centers, and will result in a higher marginal benefit from previously constructed public facilities.
2. Public need for the Comprehensive Plan Amendment is supported in that there is a low rental vacancy rate in Milwaukie, and the parcel currently has two conflicting Comprehensive Plan designations.
3. This Plan Amendment best satisfies public need in that it is consistent with most adjacent land uses and where it is less compatible (i.e. to the north and east) transition measures to lessen adverse impacts will be implemented per the Plan.

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4. If all City ordinances and codes are complied with, this Comprehensive Plan Change will not adversely affect the health, safety and welfare of the community.
5. This proposal for upzoning meets the requirements of the Zoning Ordinance in that due to physical conditions (topography, street patterns, flood plain and greenway considerations) it is appropriate to zone the subject property not to R-1 (the maximum Plan designation required), but to R-2 as proposed, subject to a Comprehensive Plan Amendment from Moderate Density Residential to High Density Residential.
6. This Zone Change proposal is in compliance with the Zoning Ordinance in that adequate public facilities are provided or can be made available upon development.

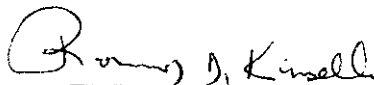
Section 2. Plan Map Amendment. Figure 6 of Ordinance Number 1437 is amended by changing the Land Use Plan Map designation from Moderate Density Residential to High Density Residential for the property described in Exhibit "A" attached.

Section 3. Zoning Map Amendment. The Zoning Map of Ordinance Number 1438 is amended by rezoning the property described in Exhibit "A" attached from R-7 to R-2.

Read the first time on MARCH 4, 1986, and moved to second reading by UNANIMOUS vote of the City Council.


Read the second time and adopted by the City Council on MARCH 4, 1986.

Signed by the Mayor on MARCH 4, 1986.




Mayor

ATTEST:


Margaret Post, City Recorder

Approved as to form:


Greg Eades, City Attorney

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EXHIBIT "A"

Tract "C", COGSWELL'S FIRST ADDITION TO THE TOWN OF MILWAUKIE, in Clackamas County, Oregon, EXCEPTING therefrom the Northeasterly 2 acres as conveyed to H.R. Brimire, et ux, by deed recorded March 20, 1931, in Book 210, Page 434, Clackamas County Deed Records.