

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, BY REZONING CERTAIN PROPERTY FROM R-7 TO R-2 (ZC-86-01(A), ALTON L. JAGER).

WHEREAS, a Zoning Map Amendment was 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 Zoning Ordinance requires upzoning proposals to be to the maximum Comprehensive Plan Map designation unless it can be proven that development at full intensity is not possible due to certain physical conditions.
2. The Comprehensive Plan Map designation for this parcel is High Density. The maximum residential zoning designation in this category is R-1. The R-1 Zone allows 28.542 dwelling units per acre. The R-2 Zone allows 16.424 dwelling units per acre.
3. The portion of the parcel south of the existing residence to Kellogg Lake has a slope of approximately 12%.
4. The southern 50 feet of the parcel is within the Willamette Greenway Zone.
5. The Willamette Greenway Zone requires maintenance of views and access to the Willamette and its tributaries.
6. Approximately the southern 130 feet of the parcel is within the 100 year flood plain as noted on the Flood Insurance Rate Map.
7. The zones surrounding the parcel are R-7 to the west, R-2 to the north and east and R-3 to the south, across Kellogg Lake.
8. The uses surrounding the site are single-family residential to the west, and multi-family to the north and east.
9. Water, sanitary sewer, streets and police and fire services are available to the site, as are schools.
10. Any new development on this parcel would increase storm water run-off.

ORDINANCE NO. 1587

EXHIBIT "A"

Part of the Lot Whitcomb D.L.C. No. 38, Township 1 South, Range 1 East, of the Willamette Meridian, in Clackamas County, Oregon, being part of the tract conveyed by James Hislop and wife to Mary N. Millard by deed recorded in Book 98, Page 364, Clackamas County Deed Records, described as follows:

Beginning at a point in the West line of said land so conveyed to Mary N. Millard by said James Hislop, South  $31^{\circ} 31'$  West 481.14 feet measured along said West line from the center of the said county road running from Milwaukie to Oregon City; thence South  $31^{\circ} 30'$  West (by recent survey) along the West line of said Millard Tract, 486.48 feet to the post and rock mound heretofore set as a monument on the East bank of the Mill pond, being the same post and rock mound described as being at the Southwest corner of the land conveyed by said Hislop to Millard; thence South  $60^{\circ} 21'$  East following the old line of the bank of the mill pond on the South line of said Millard tract, 250.27 feet to the post and rock mound set for a monument and described in said deed from Hislop to Millard; thence North  $31^{\circ} 30'$  East (by recent survey) and along the East line of said Millard tract, 475.86 feet; thence North  $57^{\circ} 56'$  West 250.14 feet to the place of beginning.

ORDINANCE NO. 1587

CONCLUSIONS:

1. 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.
2. 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. 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.

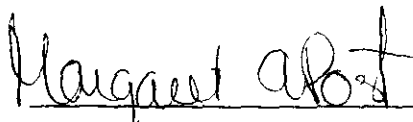
Read the first time on MARCH 4, 1986, and moved to second reading by UNANIMOUS vote of the City Council.

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

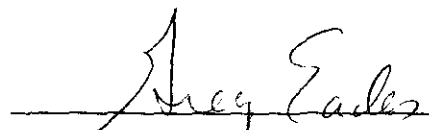
Signed by the Mayor on MARCH 4, 1986.

  
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Mayor

ATTEST:

  
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Margaret Post, City Recorder

Approved as to form:

  
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Greg Eades, City Attorney