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ORDINANCE NUMBER 1554

AN ORDINANCE OF THE CITY OF MILWAUKIE OREGON, AMENDING THE ZONING MAP, A PART OF ORDINANCE NO. 1438, TO CONFORM CERTAIN RESIDENTIAL PROPERTY TO THE COMPREHENSIVE PLAN DESIGNATION.

WHEREAS, a Facilities Review Report completed in July, 1983, shows that certain parcels are adequately served by public facilities to permit higher density development and

WHEREAS, the current zoning of these parcels would not permit such development, and

WHEREAS, upon proper notice, the Planning Commission held an informational meeting on August 8, 1983 and public hearings on August 9 and 23 and recommended that the City Council rezone nine parcels in conformance with the Comprehensive Plan designation and

WHEREAS, the City Council held hearings on September 6 and 20 and unanimously approved the recommended changes,

NOW, THEREFORE, the City of Milwaukie does ordain as follows:

Section 1. Findings. Based on the testimony at the hearings before the Planning Commission and the City Council and all the evidence submitted, the City Council finds as follows:

A. The Comprehensive Plan adopted in 1979 designates certain residential property for medium or high density residential development. The current zoning of this property does not conform to the Comprehensive Plan and would not permit such development.

B. In the Facilities Review Report dated July 28, 1983, the Public Works Department surveyed the adequacy of the public services available to each of these sites. Out of 16 sites reviewed, 10 were found to have adequate street, storm sewer, sanitary sewer and water service available.

C. At the informational meeting held on August 8 at 2416 SE Lake Road, information was provided by adjacent property owners that the storm sewer service was not adequate for Parcel "N", as described in the report. Based on this information, the Planning and Public Works Departments recommended deleting this parcel from consideration for rezoning.

D. The Planning Commission conducted public hearings on August 8 and 23 and received no public testimony on the proposed rezoning. The commission recommended approval of the changes, finding that the rezonings complied with the Comprehensive Plan, public facilities were adequate to support the changes and no adverse testimony was received.

E. The Council conducted hearings on the changes on September 6 and 20 and received public testimony from only two persons, who requested that the zoning of the school property off Willard Street not be changed in order to better preserve the area for open space. No other testimony was received.

F. As required by law, notice was also mailed to the Oregon Department of Land Conservation and Development and the record shows a letter from DLCD in support of the proposed changes.

G. The Residential Land Use and Housing Element, Objective # 5-Housing Choice, Policy No. 3 requires rezoning of lands designated for high density residential use when it can be demonstrated that adequate public facilities exist in accordance with city standards to support increased development.

H. Section 9.03 of Ordinance No. 1438 requires a rezoning request to be approved where the request provides for the maximum development permitted by the Comprehensive Plan and public facilities are adequate.

I. The Facilities Review Report shows that adequate public facilities exist or are available for Parcels C, J, I, G, K, N, L, M, O and P as described in the report.

J. The evidence offered by the adjacent property owners suggests that the storm drainage problems associated with Parcel N can't be controlled by existing facilities and Parcel N should not be rezoned until adequate facilities are provided.

K. School-owned property in Parcel C should be included in a special public lands zone to preserve it as open space. Therefore, the school property should not be rezoned. Parcels J, I, G, K, L, M, O, P and the remainder of Parcel C satisfy the criteria in Section 9.03 of Ordinance No. 1438 and should be rezoned to comply with the comprehensive plan designations.

Section 2. Rezoning. Based on the findings in Section 1, the following lots are rezoned as shown:

PARCEL "C" R-7 to R-2 Tax Lots:

|                 |                 |
|-----------------|-----------------|
| 1 1E 36 BD 5300 | 1 1E 36 CA 1400 |
| 5200            | 1500            |
| 5100            | 1800            |
| 5000            | 2000            |
| 4700            | 1700            |
| 4500            | 1600            |
| 4400            | 2200            |
| 4300            | 2100            |

R-3 to R-2

1 1E 36 BD 2300  
2400

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PARCEL "J" R-7 to R-5 Tax Lots:

1 1E 36 CB 3000  
3100  
3300  
4500  
4600

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PARCEL "I" R-10 to R-3 Tax Lots:

2 2E 6 AA 600  
601  
700

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PARCEL "G" R-7 to R-3 Tax Lots:

1 1E 25 DB 8700  
8800  
8900  
10000  
10300  
10100  
10101  
10102  
10500  
10600

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PARCEL "K" R-7 to R-5 Tax Lots:

1 1E 36 CD 100  
200  
201  
300  
400  
500  
600  
700  
800  
901  
900

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PARCEL "L" R-7 to R-5 Tax Lots:

|            |       |
|------------|-------|
| 1 1E 36 DB | 11600 |
|            | 13000 |
|            | 13001 |
|            | 13700 |
|            | 13800 |
|            | 14200 |
|            | 14100 |

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PARCEL "M" R-7 to R-5 Tax Lots:

|            |      |
|------------|------|
| 1 1E 36 BD | 3200 |
|            | 2801 |
|            | 2700 |
|            | 2100 |
|            | 2000 |
|            | 1900 |
|            | 1800 |
|            | 1700 |
|            | 1600 |

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PARCEL "O" R-7 to R-5 Tax Lots:

|            |       |       |            |      |
|------------|-------|-------|------------|------|
| 1 1E 25 DD | 11400 | 10200 | 1 2E 30 CC | 5400 |
|            | 11500 | 11100 |            | 5300 |
|            | 10400 | 10100 |            |      |
|            | 10500 | 10000 |            |      |
|            | 10600 | 9900  |            |      |
|            | 10700 | 9800  |            |      |
|            | 11200 | 10800 |            |      |
|            | 11300 | 10900 |            |      |
|            | 10300 | 11000 |            |      |

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PARCEL "P" R-7 to R-5 Tax Lots:

|            |      |      |      |            |      |
|------------|------|------|------|------------|------|
| 1 2E 30 DC | 5808 | 2210 | 6406 | 1 2E 30 CC | 4300 |
|            | 5807 | 2211 | 6505 |            | 4400 |
|            | 5806 | 1900 | 6400 |            | 4600 |
|            | 5805 | 5400 | 500  |            | 5000 |
|            | 5804 | 5300 | 6200 |            | 6300 |
|            | 5803 | 5100 | 6100 |            |      |
|            | 5802 | 4901 | 6000 |            |      |
|            | 5801 | 4800 | 5600 |            |      |
|            | 2201 | 4700 | 5601 |            |      |
|            | 2202 | 5000 | 5500 |            |      |
|            | 2203 | 200  |      |            |      |
|            | 2204 | 6400 |      |            |      |
|            | 2205 | 6404 |      |            |      |
|            | 2206 | 6403 |      |            |      |
|            | 2207 | 6402 |      |            |      |
|            | 2208 | 6408 |      |            |      |
|            | 2209 | 6407 |      |            |      |

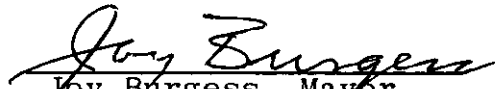
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Section 3. The zoning map, a part of Ordinance No. 1438 is amended accordingly.

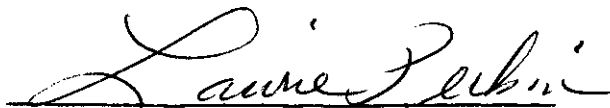
Read the first time on October 18, 1983 and moved to second reading by majority vote of the City Council.

Read the second time and adopted by the City Council on November 1, 1983.

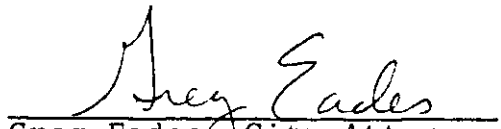
Signed by the Mayor on November 1, 1983.

  
Joy Burgess, Mayor

ATTEST:

  
Laurie Perkin, City Recorder

Approved as to form:

  
Greg Eades, City Attorney

10/11/83