

ORDINANCE NO. 1788

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN (CPA-95-02).**

WHEREAS, the City of Milwaukie desires to review, amend and revise its Comprehensive Plan on a regular basis; and

WHEREAS, the Planning Commission has reviewed the Comprehensive Plan amendment at a duly advertised public hearing on September 26, 1995; and

WHEREAS, the City Council held a duly advertised public hearing on November 7, 1995;

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

Section 1. Findings. Findings of fact in support of this proposed amendment are as follows:

1. CPA-95-02 is a legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.
2. Objective #1, Chapter 2 of the Milwaukie Comprehensive Plan lays out the requirement that the City:

Review, revise and amend the Comprehensive Plan on a regular basis, assuring that the Plan and implementing ordinances meet regional, State and Federal guidelines.

The amendments to the Comprehensive Plan are consistent with and meet the applicable regional, State and federal standards. A specific amendment to the Natural Resources Property List (Appendix 2) has been proposed in order to continue to be consistent with Statewide Planning Goal #5, Open Spaces, Scenic and Historic Areas, and Natural Resources.

3. Policy 7 of Objective #1 of the Milwaukie Comprehensive Plan states that all Plan amendments will be evaluated based on the following criteria:

Conformance with the Comprehensive Plan, its goals, policies, and spirit;

The proposed amendment is consistent with the goals and policies of Chapter 3 - Open Spaces, Scenic Areas, and Natural Resources Element - of the Plan in that it

will include all properties previously deemed to have natural scenic resources along Kellogg Creek.

Public need for change;

This amendment is necessary to assure all property owners along Kellogg Creek are treated equally with the same rights and responsibilities.

Public need is best satisfied by this particular change;

No other alternative is available to remedy the error in leaving these properties off the Natural Resources Property List.

The change will not adversely affect the health, safety, and welfare of the community;

The proposed amendment will act to preserve the health, safety and welfare of the community by preserving, protecting and enhancing the natural riparian areas along Kellogg Creek.

The change is in conformance with applicable Statewide Planning Goals.

The proposed amendment is in conformance with Planning Goal #5 - Open Spaces, Scenic and Historic areas, and Natural Resources - by conserving and protecting natural and scenic resources.

Section 2. Comprehensive Plan Text Amendment. The Comprehensive Plan text of Ordinance Number 1437 is amended as described in Exhibit A.

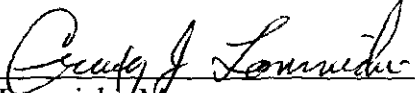
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Read the first time on November 7, 1995 and moved to second reading by unanimous vote of the City Council.


Read the second time and adopted by the City Council on November 7, 1995.

Signed by the Mayor on November 7, 1995.



Craig Lomnicki, Mayor

ATTEST:



Pat DuVal, City Recorder

Approved as to form:



O'Donnell, Ramis, Crew, Corrigan & Bachrach

<u>#</u> <u>Map #</u>	<u>Site</u> <u>Lot #(s)</u>	<u>Ownership</u>	<u>Values</u>
<u>Site #10</u> 1 2E 31D	Minthorn Creek 1300*, 1400*, 1500*, 1900*	Private	Riparian
<u>Site #11</u> 1 1E 36CD 1 1E 36DC 2 1E 1AA 2 1E 1AD 2 2E 6BC 2 2E 6CA* 2 2E 6CB*	Kellogg Creek 900, 1000*, 1100, 1200, 1300, 1400, 1501, 1600*, 1800* 3603, 3604, 3605, 4100, 4200, 4300, 4400, 4500, 4600, 5700 1638*, 1639*, 1640*, 1641*, 2600*, 2701, 3000, 3100, 3205, 3206, 3207 100, 200*, 300, 400*, 500, 600, 700, 800, 900, 1000, 1300*, 1400*, 1500*, 1600*, 1700*, 1800*, 1900*, 2000*, 2100*, 2200*, 2300*, 2400*, 2500*, 2600* 1700, 1800, 1900, 2000, 2804, 2805, 3302*, 3400, 3500*, 3600*, 3700*, 3800* 1200, 1300, 1400, 1501, 1600, 1700 101, 200, 300, 400, 500, 600	Private	Riparian, some upland habitat
<u>Site #12*(+)</u> 2 2E 5A* 2 2E 5AD* 2 2E 5B* 2 2E 5BA*	Outside City limits 100, 200, 300, 500, 600, 700, 800 100, 101 100 100, 200, 300, 1200		
<u>Site #13</u> 1 2E 30AC 1 2E 30AD* 1 2E 30BA 1 2E 30BB 1 2E 30BD	Johnson Creek (E/W) 400*, 500*, 600*, 700*, 1405, 1406, 2100*, 2101*, 2200*, 2300, 2400*, 2500*, 2600*, 2700*, 2800, 2900, 3000, 3100, 3200, 3300, 3900 3500, 3600, 3700, 3800, 4000, 4200, 4302, 4400, 4500, 4600, 6200, 6300, 6400, 6500, 6900, 7000, 7200, 7300, 7800, 7801, 7900, 8000, 8100, 8200, 8300, 8400, 8700, 8800 1200*, 1300, 1400, 1500, 1600, 1700, 1800, 1900*, 2000, 2100 300*, 400, 500, 600, 700, 800, 801, 2200 100, 200, 201, 202, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200	Private	Riparian, floodplain
<u>Site #14</u> 2 2E 6AA 2 2E 6AD	N. Mt. Scott Creek 100*, 400, 601, 700, 800, 900* 100	Private	Riparian
<u>Site #15</u> 1 1E 25CC 1 1E 36BA 1 1E 36BB 1 1E 36BD	Spring Creek area 800, 900, 1001, 1100, 1500, 1600 (City), 1700, 2400, 2500, 4200 3400, 3900, 4000, 4100, 4200, 4400 100, 101, 200, 500, 600, 1500, 1600, 1800*, 1900, 4600, 5300 (underlined owned by City) 3000, 3100, 3200, 5400, 5500	Public/Private	Riparian, habitat
<u>Site #16</u> 1 1E 26DC	Waverly Forest 2100, 2200, 2400	Private	Habitat, scenic
<u>Site #17*(+)</u> 2 1E 1AB 2 1E 1AC 2 1E 1AD 2 2E 6CB	Outside City limits 2400, 2501, 2600, 2601, 2700, 2701, 2800, 2900, 3000, 3001, 3100, 3200, 3300, 3400, 3500, 3600 100, 200, 300, 400, 500, 700, 800 2700, 2701, 2702, 2800, 2801, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 4000, 4100, 4200 700, 800, 801, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2101, 2200, 2300, 2301, 2400		
<u>Site #18</u> 1 1E 36AD	Railroad/37th Avenue 3900, 6000, 6505, 6600	Private	Partial wetland. habitat