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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.

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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

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

1 1E 36 CB 3000
3100
3300
4500
4600

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

2 2E 6 AA 600
601
700

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

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

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

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

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

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		

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			

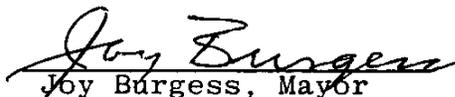
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Section 3. The zoning map, a part of Ordinance No. 1438 is amended accordingly.

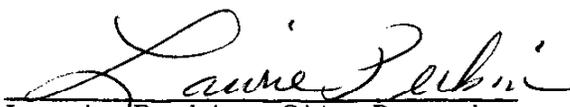
Read the first time on October 18, 1983 and moved to second reading by majority vote of the City Council.

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