

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1438, BY REZONING CERTAIN PROPERTY FROM CLACKAMAS COUNTY R-7 TO CITY OF MILWAUKIE R-7 AND FROM CLACKAMAS COUNTY R-10 TO CITY OF MILWAUKIE R-10 (ZC-87-02).

WHEREAS, a Zoning Map Amendment and a Comprehensive Plan Map Amendment were considered at public hearings before the Planning Commission on April 28, 1987, and City Council on June 16, 1987, and

WHEREAS, the City Council finds 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. This proposal is to apply City R-7 and R-10 zoning designations to five areas recently annexed from Clackamas County (via Files AN-86-01, AN-86-02, AN-86-03, AN-86-05, and AN-86-06) and carrying County R-7 and R-10 zoning.
2. The areas and proposals involved are described on Map Exhibit "A" and Property List Exhibit "B."
3. Section 2.06.2 of the City's Zoning Ordinance says: "Areas already zoned before annexation shall be in the City zone most closely approximating the zoning prior to annexation or the zone indicated by the adopted Comprehensive Plan of the City."
4. City R-7 and R-10 zones most closely approximate County R-7 and R-10 zones.
5. The R-10 and R-7 zones conform to density provisions of the Low Density Residential Plan designations in effect for these properties.
6. A .4 acre portion of Area 2 (see Map Exhibit "A") is owned by the City of Milwaukie as a well/pump site. This property (Tax Lot 2200) was purchased by the City from the State and developed upon approval from Clackamas County via File 23-84-C,V,D. Although such facilities are not authorized in the City's R-10 Zone (CSO overlay is normally required), well stations are allowed via conditional use in the County's R-10. This use would, therefore, be grandfathered and legally nonconforming once City zoning is in effect for the well site.

ORDINANCE NUMBER 1629

7. Tax Lot 3500 in Area 3 (see Map Exhibit "A") was considered separately by Files CPA-87-01 and ZC-87-01. It, like the other properties in Area 3, was annexed as a result of File AN-86-03.

CONCLUSIONS:

This request for a Zone Change is in compliance with Zoning Ordinance requirements with regard to zoning of annexed areas.

Section 2. Zoning Map Amendment. The Zoning Map of Ordinance 1438 is amended by rezoning subject property as depicted on Map Exhibit "A" and Property List Exhibit "B" (attached) from Clackamas County R-7 and R-10 to City of Milwaukie R-7 and R-10.

Read the first time on June 16, 1987, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on June 16, 1987.

Signed by the Mayor on June 16, 1987.

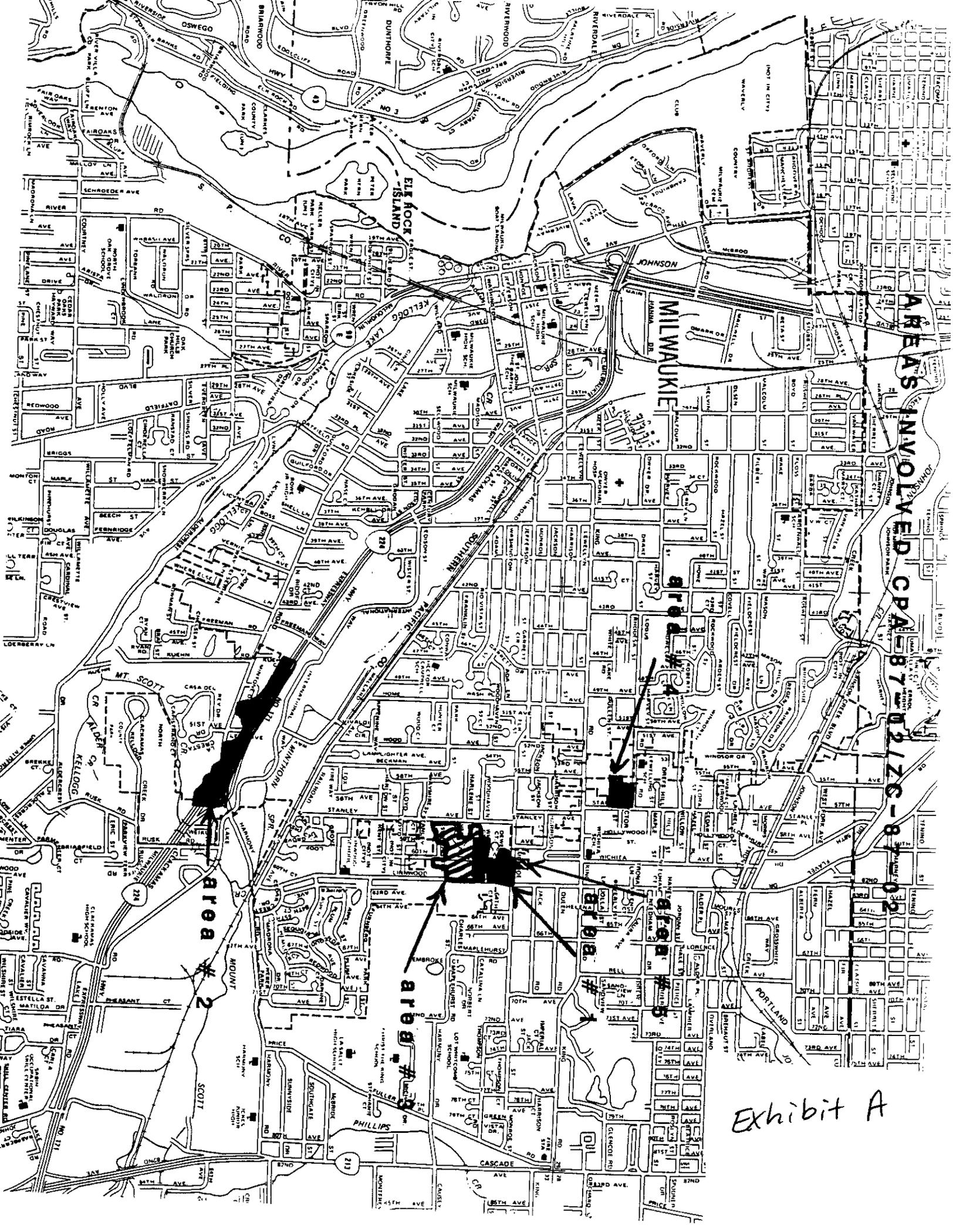
Roger Hall  
Roger Hall, Mayor

ATTEST:

Jerri Widner  
Jerri Widner, City Recorder

Approved as to form:

Greg Eades  
Greg Eades, City Attorney



AREAS INVOLVED CP# 87-0212S-87-02

Exhibit A

MILWAUKEE

EYE ROCK ISLAND

BROA #2

BROA #3

BROA #1

EXHIBIT 1  
Properties included in CPA-87-02/ZC-87-02

EXHIBIT 1  
DATE 4/28/87  
SUBMITTED BY Staff  
RECEIVED CPA-87-02  
ZC-87-02

Map Area Annexation File	Properties Included	Size of Area (#Homes)	Current Plan Designation and Zoning	Proposed Plan Designation and Zoning	General Location
#1 (AN-86-01)	T1S R2E S31AA; Tax Lot 8600/8800/8900/9000/9002	7.49 acres	Clackamas County Low Density	Milwaukie Low Density	Monroe St. to Wichita Ct (North-South) and Linwood to SE 60th (East - West)
	T1S R2E S31AD; Tax Lots 300/400/2200/2300/2400/	25 SFD	R-7	R-7	
	2500/2600/2700/2800/2900				
	3000/3100/3200/3300/3400				
#2 (AN-86-02)	Portions of Hwy. 224 R-O-W and Tax Lot 2200 of T2S R2E S6AB And	15.8 acres	Clackamas County Low Density	Milwaukie Low Density	Fronting Hwy. 224 and Lake near their juncture
	Portions of Hwy 224 R-O-W of T1S R2E S31CD	0 SFD	R-10	R-10	
#3 (AN-86-03)	T1S R2E S31AD; Tax Lots 500/501/600/700/900/1000	11.4 acres	Clackamas County Low Density	Milwaukie Low Density	Adjacent to & south of area 1
	1100/1300/1400/1500/1600		R-7	R-7	
	1700/1800/1900/2000/2100	24 SFD			
#4 (AN-86-05)	3600/3601/3700/4000/4100	4 MFU			
	4200/4201/4300/4400/4700 and 4800				
#5 (Area 2 of AN-86-06)	T1S R2E S30DC; Tax Lots 100/101/200/300/400/500	4.7 acres	Clackamas County Low Density	Milwaukie Low Density	Between Logus Stanley Ave., & existing City limits
	600/700/800 & 1000	7 SFD	R-10	R-10	
#5 (Area 2 of AN-86-06)	T1S R2E S31AA; Tax Lot 1600	.86 acres	Clackamas County Low Density	Milwaukie Low Density	S.E. Monroe at Wichita Avenue
		0 SFD	R-10	R-10	