

## ORDINANCE NO. 17-1011

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**AN ORDINANCE OF THE CITY OF OREGON CITY AMENDING TITLE 17: ZONING, CHAPTER 17.06.020 AND THE OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE FROM R-10 SINGLE FAMILY DWELLING DISTRICT TO R-8 SINGLE FAMILY DWELLING DISTRICT AND A 77-LOT SUBDIVISION FOR CLACKAMAS COUNTY MAP 32E07C, TAX LOTS 1001, 1100, 1180, AND 1291 AND MAP 31E12D TAX LOTS 1700 AND 1790**

**WHEREAS**, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

**WHEREAS**, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

**WHEREAS**, the City of Oregon City Zoning Map and Comprehensive Plan Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

**WHEREAS**, the owners of the subject site: 32E07C Tax Lot 1001 (Wheeler Family Enterprises, LLC), Map 32E07C Tax Lots 1100 (19566 Central Point Rd), and 1180 (David H. Wheeler Sr. Trust), Map 32E07C Tax Lot 1291 (Donald W. & Roxanne O. Wheeler), Map 31E12D Tax Lots 1700, 1790 have requested the approval of a Zone Change from "R-10" Dwelling District, to "R-8" Dwelling District known as file numbers AP 17-05, TP 17-03, ZC 17-03; and

**WHEREAS**, notice of the hearings was timely mailed to property owners within 300 feet of the subject site, signs advertising the hearing were posted on the property, notice of the hearings was published in a local newspaper and the City held public hearings where the zone change and subdivision applications were presented and discussed; and

**WHEREAS**, on October 9, 2017 after considering all the public testimony and reviewing all the evidence in the record, the Planning Commission voted 3-2 to deny the requested Zone Change and Subdivision; and

**WHEREAS**, the applicant appealed the Planning Commission decision, known as file number AP 17-05, which was heard at the November 1, 2017 City Commission meeting; and

**WHEREAS**, The City Commission voted to approve the appeal and reverse the Planning Commission's denial of TP 17-03 and ZC 17-02 and found that zone changes within the same comprehensive plan designation should be generally allowed upon a finding that the facilities and services are adequate as regulated in the OCMC standards and the Comprehensive Plan should be viewed and implemented as a complete package that balances the need for neighborhood compatibility and the need to encourage a variety of housing opportunities as well as increased density to support a more efficient system of infrastructure; and

**WHEREAS**, the proposal with conditions, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

**WHEREAS**, the proposed subdivision and Zone Change with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

**WHEREAS**, approving the Subdivision and Zone Change with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable city requirements.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Zoning Map Amendment request is hereby approved as proposed by the applicant with the conditions of approval for the properties located at 32E07C Tax Lot 1001 (Wheeler Family Enterprises, LLC), Map 32E07C Tax Lots 1100 (19566 Central Point Rd), and 1180 (David H. Wheeler Sr. Trust), Map 32E07C Tax Lot 1291 (Donald W. & Roxanne O. Wheeler), Map 31E12D Tax Lots 1700, 1790.

**Section 2.** The Commission considers and adopts as its own the findings and conclusions that are attached to the Ordinance as Attachment A, based on the record of the Planning Commission hearings, and are incorporated herein to support the City's approval to amend the zoning map and approve the subdivision application.

Read for the first time at a regular meeting of the City Commission held on the 6th day of December 2017, and the City Commission finally enacted the foregoing Ordinance this 20<sup>th</sup> day of December 2017.

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DAN HOLLADAY, Mayor

Attested to this 20th day of December 2017:

Approved as to legal sufficiency:

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Kattie Riggs, City Recorder

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City Attorney

Attachments:

- A. Findings of Fact and Final Order with Conditions of Approval