

**MILWAUKIE PLANNING COMMISSION
WORKSESSION AGENDA**
Public Safety Building Community Room, 3200 SE Harrison
Tuesday, July 28 1997/8
6:30 pm

		ACTION REQUIRED
1.0	Call to Order	
2.0	Procedural Questions	
3.0	Information Items City Council Minutes: July 7, 1998 (upon approval by Council)	Information Only
4.0	Planning Commission Minutes: July 14, 1998	Motion Needed
5.0	Public Comment This is an opportunity for the public to comment on any item not on the agenda	
6.0	Public Hearings – None	
7.0	Worksession	
7.1	Functional Plan Compliance	
7.2	ZORRO Phase I Proposed Zoning Text Amendments	
8.0	Discussion Items	
9.0	Old Business	
9.1	Light Rail Study Update	Information Only
10.0	Other Business/Updates	
10.1	Historic Resources Commission Report	Information Only
10.2	Town Center Area Task Force Report	Information Only
10.3	Community Development Report	Review and Comment

11.0	NEXT MEETINGS:	
11.1	AUGUST 3, 1998 – Special Worksession with City Council on Functional Plan Compliance 5:30 p – Public Safety Building Community Room	
11.2	Next Planning Commission Meeting – August 11, 1998 •Functional Plan Compliance Public Hearing •MLP-98-01/VR-98-04 – Sargent (Continued from 7/14/98)	

The Milwaukie Planning Commission welcomes your interest in these agenda items. Feel free to come and go as you please.

Milwaukie Planning Commission Statement

The Planning Commission serves as an advisory body to, and a resource for, the City Council in land use matters. In this capacity, the mission of the Planning Commission is to articulate the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan

Public Hearing Procedure

1. **STAFF REPORT.** EACH HEARING STARTS WITH A BRIEF REVIEW OF THE STAFF REPORT BY STAFF. THE REPORT LISTS THE CRITERIA FOR THE LAND USE ACTION BEING CONSIDERED, AS WELL AS A RECOMMENDED DECISION WITH REASONS FOR THAT RECOMMENDATION.
2. **CORRESPONDENCE.** THE STAFF REPORT IS FOLLOWED BY ANY VERBAL OR WRITTEN CORRESPONDENCE, WHICH HAS BEEN RECEIVED SINCE THE COMMISSION, WAS PRESENTED WITH ITS PACKETS.
3. **APPLICANT'S PRESENTATION.** WE WILL THEN HAVE THE APPLICANT MAKE A PRESENTATION,
4. FOLLOWED BY:
4. **PUBLIC TESTIMONY IN SUPPORT.** TESTIMONY FROM THOSE IN FAVOR OF THE APPLICATION.
5. **COMMENTS OR QUESTIONS.** COMMENTS OR QUESTIONS FROM INTERESTED PERSONS WHO ARE NEITHER IN FAVOR NOR OPPOSED TO THE APPLICATION.
6. **PUBLIC TESTIMONY IN OPPOSITION.** WE WILL THEN TAKE TESTIMONY FROM THOSE IN OPPOSITION TO THE APPLICATION.
7. **QUESTIONS FROM COMMISSIONERS.** WHEN YOU TESTIFY, WE WILL ASK YOU TO COME TO THE FRONT PODIUM AND GIVE YOUR NAME AND ADDRESS FOR THE RECORDED MINUTES. PLEASE REMAIN AT THE PODIUM UNTIL THE CHAIR PERSON HAS ASKED IF THERE ARE ANY QUESTIONS FOR YOU FROM THE COMMISSIONERS.
8. **REBUTTAL TESTIMONY FROM APPLICANT.** AFTER ALL TESTIMONY, WE WILL TAKE REBUTTAL TESTIMONY FROM THE APPLICANT.
9. **CLOSING OF PUBLIC HEARING.** THE CHAIR PERSON WILL CLOSE THE PUBLIC PORTION OF THE HEARING. WE WILL THEN ENTER INTO DELIBERATION AMONG THE PLANNING COMMISSIONERS. FROM THIS POINT IN THE HEARING WE WILL NOT RECEIVE ANY ADDITIONAL TESTIMONY FROM THE AUDIENCE, BUT WE MAY ASK QUESTIONS OF ANYONE WHO HAS TESTIFIED.
10. **COMMISSION DISCUSSION/ACTION.** IT IS OUR INTENTION TO MAKE A DECISION THIS EVENING ON EACH ISSUE BEFORE US. DECISIONS OF THE PLANNING COMMISSION MAY BE APPEALED TO THE CITY COUNCIL. IF YOU DESIRE TO APPEAL A DECISION, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT DURING NORMAL OFFICE HOURS FOR INFORMATION ON THE PROCEDURES AND FEES INVOLVED.

The Planning Commission's decision on these matters may be subject to further review or may be appealed to the City Council. For further information, contact the Milwaukie Community Development Department office at 786-7650.

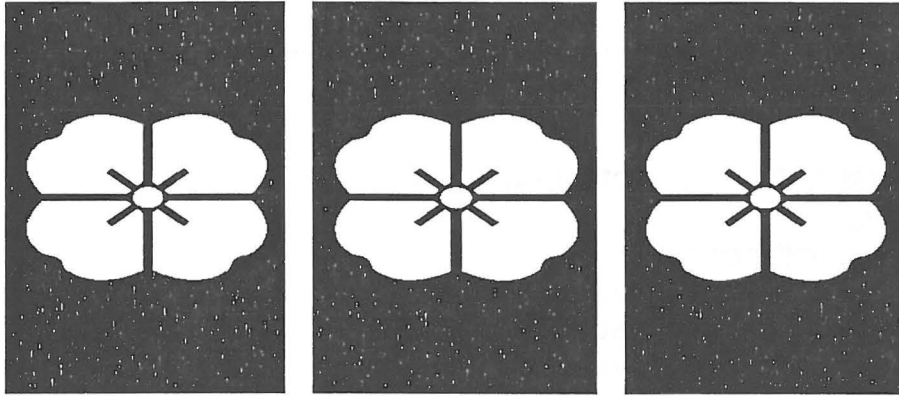
Milwaukie Planning Commission:

Michael Smith, Chair
Tim Havel, Vice Chair
Donald Hammang
Mike Miller
Tracy Cook

Community Development Department Staff:

Susan Heiser, Planning Director
Janet Wright, Assistant Planner
Dave Crow, Contractual Planner
Jeanne Garst, Office Assistant
Marcia Hamley, Office Assistant
Shirley Richardson, Hearings Reporter

CITY OF MILWAUKIE



D r a f t

METRO FUNCTIONAL PLAN
COMPLIANCE REPORT

Public Review Draft
July 20, 1998

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EXECUTIVE SUMMARY

The Functional Plan was adopted by the Metro Council in November 1996 and became effective February 19, 1997. The purpose of the Functional Plan is to establish requirements and tools for local governments to use in anticipation of the adoption of the Framework Plan. The Functional Plan implements the Regional Urban Growth Goals and Objectives (RUGGOs) and the 2040 Growth Concept. Cities and Counties are required to amend their comprehensive plans and implementing ordinances (such as the Zoning Ordinance and Land Division Ordinance) to comply with the provisions of the Functional Plan.

In accordance with Title 8 of the Functional Plan, the City of Milwaukie is required to submit a Compliance Report to Metro by August 19, 1998 telling Metro the status of compliance with the Functional Plan. The Milwaukie Functional Plan Compliance Report provides the following information:

- an analysis of the City's current plans and policies in relation to the Functional Plan;
- a list of where compliance exists and does not exist;
- calculations required by Title 1;
- a summary of the proposed changes to policies (a total of 57 action items) and;
- rationale for exceptions or amendments.

The Compliance Report includes a list of relevant plans and documents (Chapter 1) and a thorough evaluation of the compliance requirements (Chapter 2). Chapter 3 lists all the potential City actions and outlines the timeframe for those actions.

Public Process

The report includes a Compliance Matrix, which is a 10-page evaluation of the Functional Plan requirements and current city policies. It was a tool used by the Planning Commission, City Council and the public to review the array of requirements and policy options facing the city. The following public meetings and events were held during the City's review of the Functional Plan:

June 9, 1998	City Council and Planning Commission Joint Worksession
June 16, 1998	City Council and Planning Commission Joint Worksession
July 8, 1998	Public Open House/Workshop
July 11, 1998	City Council and Planning Commission Joint Worksession (Title 1)
July 21, 1998	Public Review Draft of Compliance Report available
July 28, 1998	Planning Commission Worksession
August 3, 1998	City Council Worksession
August 11, 1998	Planning Commission Hearing
August 18, 1998	City Council Hearing

Summary of items where Milwaukie is in compliance with the Functional Plan

The following list presents a general idea of where Milwaukie is currently in compliance with the Functional Plan. Chapter 2 of the Compliance Report has a more detailed list and analysis.

Title 1

1. Section 2B. Partitioning Standards

Response: City subdivision ordinance and zoning code do not prohibit partitioning or subdividing of lots that are 2 or more times the size of minimum lot size.

2. Sections 4A and 4B. Calculate Built Density

Response: The City's built density for 1990 to 1995 was 97% (refer to Appendices A and D).

3. Sections 5A, 5B, 5C. Calculate capacity for dwelling units and jobs to the year 2017

Response: The City is within approximately 90 percent (405 dwelling units short) of the target capacity in Table 1 (adjusted target of 3,153). The City believes this is substantial compliance for the dwelling unit target. The City has capacity for approximately 53 percent (1,958 jobs short) of the 2017 adjusted target jobs number (4,176).

The required analysis was done as part of this report. Please refer to Appendix A – Summary pages, Appendix C – Methodology and Appendix D – Worksheets. Table ES-1 presents a summary of the 5A capacity calculations.

Table ES-1 Summary of Employment and Population Capacity Estimates (2017)

Category	Metro Target (Table 1)	Adjusted Target Capacity (Credits)	Locally derived Capacity	Percent of Adjusted Target
Dwelling Unit Estimates	3,514	3,153	2,827	90% ¹
Jobs	7,478	4,176	2,218	53%

¹ 90% of Adjusted Target, substantially complies with Functional Plan

4. Section 5A5. Review Public Facility Plans

Response: Milwaukie's Public Facility Plans (Sewerage Facilities Plan, 1994; Public Facilities Plan, 1988; and Surface Water Master Plan 1997) were reviewed in detail for ability to accommodate the calculated capacity within the plan period. A detailed response is provided in Chapter 2.

Title 2

5. Section 2B. Provide blended parking rates for mixed land uses

Response: The recently adopted Mixed Use Overlay Zoning District (Section 318) encourages shared/blended parking for mixed use development. On-street

parking may also be counted towards requirements. Section 500 of the Zoning Ordinance allows up to 20% reduction in parking spaces.

Title 6

6. Section 2 Regional Street Design Guidelines

Response: The design standards and street classifications adopted in Milwaukie's TSP (1997) are consistent with those outlined in Title 6.

7. Section 3A.1. Map possible local streets

Response: Does not apply to Milwaukie because there are no vacant parcels greater than 5 acres in the city.

8. Section 4. Alternative Mode Analysis

Response: The Regional Center Master Plan addresses modal split for the Regional Center area. The TSP and Lake Road Multi-Modal study identified goals, policies and objectives that encourage alternative mode use.

9. Section 4C. Transportation Systems Analysis

Response: The City's TSP identifies goals, policies and objectives that encourage alternative mode improvements in addition to SOV improvements.

Summary of itmes completed to date that implement the Functional Plan

Projects already completed that help the city comply with the Functional Plan include the Regional Center Master Plan (RCMP), TSP and Lake Road Multi-Modal study. During the spring/summer of 1998, the City adopted text and map amendments (known as the 97-03 package) that implement the RCMP and create a Mixed Use Overlay zone. The Mixed Use overlay was applied to the downtown area and four key redevelopment sites.

Summary of Compliance Tasks not started (with estimated timeframe)

The following list identifies the general types of amendments and actions the City plans to adopt after submittal of the Compliance Report to Metro. **The City intends to complete these amendments by February 19, 1999, unless noted otherwise.** Chapter 2 of the Compliance Report has a more detailed list and analysis of these items and Chapter 3 compiles a list and schedule of all the proposed actions (a total of 57 action items).

Title 1

1. Amend Plan, Zoning code and subdivision ordinance to implement minimum density requirements for new residential subdivisions.

2. Clean-up Section 413 to acknowledge minimum densities and add additional transition requirements such as design standards for transition areas.
3. Clean-up definitions and conditional use language to permit Secondary Dwelling Units as a conditional use in R-2.5, R-1B, R-1, R-O-C, and C-L.
4. Amend comprehensive plan map to indicate general areas for Main Streets. This item may require significant public involvement and discussion **and is likely to require an extension of the February 19, 1999 deadline** to allow the Community Development Department time to add it to its work program.
5. Clean-up map amendment to add Employment and Industrial Areas (repeated in No. 13 below). This is not a major policy item since the existing Comprehensive Plan and Zoning Maps already show the appropriate zones in the areas mapped on Metro's Title 4 map.
6. Amend Comprehensive Plan to reflect 2017 housing and employment capacities (Chapter 4).

Title 2

7. Adopt Zone A/Zone B map into the Zoning Ordinance.
8. Amend parking ratios to substantially comply with Table 2. Several specific parking ratios may be substantially compliant without amendment. **Seek an exception for Single Family parking minimums based on TSP work to reduce street widths.**
9. Clean-up amendments to Parking variance process.
10. Establish a method to monitor parking utilization.

Title 3 (completion by February 2000)

11. Amend Natural Resources sections of Comprehensive Plan and Zoning Code to reflect
 - Title 3 map; and
 - Title 3 buffer standards.
12. Request removal of Riverfront area from Title 3 map (as allowed by Metro Criteria as an area within Town Centers and Regional Centers and consistent with Riverfront Plan).

Title 4

13. Adopt Title 4 map of Employment and Industrial zones as part of Comprehensive Plan and Zoning Map (see number 5 above).
14. Clean-up amendment to M and BI zones to modify Conditional Use for retail greater than 60,000 square feet, or prohibit such large single users outright.

Title 6

15. Amend Comprehensive Plan to reference Regional Street Designs in Chapter 12.
16. Amend subdivision ordinance to be consistent with TSP road standards.

17. Amend subdivision ordinance to reduce cul de sac length and minimum block lengths.
18. Plan to complete a mode-split analysis for Main Street and Station Community areas once they are defined.
19. Implement TSP policies in the zoning code and subdivision ordinance to reflect access management and "Livable Streets" concepts for public transportation projects.

Title 8

20. Clean-up amendment to comprehensive plan and zoning ordinance to add requirement for consistency to Functional Plan for CPA and ZC proposals.
21. Clean-up amendment to add requirement to comprehensive plan and zoning ordinance for notification to Metro of CPA and ZC.

Requests for Exceptions and Amendments

Title 1

Growth Concept Map Amendment

Section 3. Design Type Boundary (Regional Center)

Response: Milwaukee is requesting an amendment to the Growth Concept map to change from a Regional Center design type to a Town Center. The numerical estimates for Housing and Employment calculated in the RCMP will remain the same, and are valid for use in the calculations for Section 5A of Title 1 (Appendices A-D). The request for an amendment from Regional Center to Town Center recognizes that Milwaukee's Regional Center dwelling unit and employment estimates for the year 2017 are low compared to Regional Center targets, while the numbers are consistent with Town Center characteristics (see Table 1, Chapter 2).

The boundaries of the Town Center will encompass less land than that of the Regional Center area. The City will amend the RCMP to reflect the Town Center Master Plan (TCMP), with new boundary areas. The intention is that the RCMP will be amended only to insert the phrase "Town Center," in place of Regional Center and to remap boundaries. The City intends to initiate and complete this project to define and amend the Town Center boundary and the TCMP by February 19, 1999.

Exception from Target Employment Capacity in the Year 2017

Section 6B. Jobs Capacity

Response: The City conducted a Regional Center planning process that resulted in the RCMP, an ancillary document to the Comprehensive Plan. That planning effort, as well as an accompanying economic assessment of the downtown core area, made a site-by-site analysis of the vacant lands and redevelopment opportunities in the Milwaukee expanded City Center. Implementation of the

RCMP estimates an additional 2,119 new jobs by 2017. As part of the Functional Plan compliance process, the City conducted an analysis of the Employment Capacity of vacant non-residential lands and included the job capacity from the Regional Center Master Plan. That analysis concludes that there are only 3.21 acres of non-residential vacant unconstrained lands in the City of Milwaukie, which are projected to generate 99 jobs by the year 2017. The total locally derived capacity for new jobs by 2017 in Milwaukie is 2,218. This capacity figure for the year 2017 does not include redevelopment of existing non-residential properties with larger structures (except in the Regional Center). The City has no valid way to document future job demand and supply without extensive economic analysis. Other potential job-creating incentives such as the City's adopted Enterprise Zone are also extremely difficult to quantify, but might yield a higher job capacity than shown by this analysis.

Milwaukie's jobs capacity calculation shows that the city can meet only 53% of the adjusted jobs target in Table 1 of the Functional Plan. The city has implemented a Regional Center Master Plan with accompanying amendments to its implementing ordinances. Furthermore, the City is in compliance with Sections 2, 3 and 4 of Title 1. The city can substantially meet its dwelling unit targets.

The Regional Center Master Plan conducted a tax lot by tax lot analysis of potential jobs, and estimates that 2,119 new jobs can be created on redevelopment sites within the Regional Center. The economic work in the RCMP was supplemented by a report by E. D. Hovee and Company to assist the city with implementation of redevelopment of targeted regional center sites.

The City of Milwaukie requests an exception from the 2017 adjusted jobs target of 4,176 new jobs to 2,218 new jobs by 2017, because of the lack of vacant unconstrained non-residential land within the city limits. Furthermore, the City has completed a detailed study of the Regional Center area, and already has added the potential jobs within the Regional Center to the capacity. The City is also requesting an amendment from the Regional Center design type to a Town Center, reflecting a *realistic* ability to meet the characteristics, densities, and employment targets of a Town Center. This recognizes that the future employment growth is not as high as the projected job density for a Regional Center. The Urban Growth Report assumes 90 jobs/acre for a Regional Center and 35 jobs/acre for a Town Center.

Title 2

Exception from Table 2: Maximum Spaces for New Single Family Development

Section 2.A.1. and 2.A.2./Table 2 Parking Ratios

Response: Milwaukie's current requirement for one and two unit single family housing (attached or detached) is for **two** parking spaces [Zoning Ordinance,

Section 503.3(A)(1)]. Furthermore, homes on flag lots are required to provide one additional space per dwelling unit which "shall not be located within any access strip or required paved turnaround area," [Section 503.3(A)(2)]. The Table 2 requirement that new single development is that no more than **one** space may be required.

Milwaukie's street system consists mostly of local streets that are 2 lanes. The City's TSP, adopted in 1997, contains recommended street sections for Neighborhood Streets that show the conditions of 15 Neighborhood Streets, which have 50' right-of-way, and recommends on-street parking only when the vehicles per day is greater than 1,500. The existing conditions of those neighborhood streets are mostly no curbs, gutters or sidewalks, and no on street parking. City residents feel strongly that new single-family development contain adequate parking for new vehicles.

Therefore, **Milwaukie requests an exception to the Table 2 standard for a maximum of one space for new single family development in favor of leaving this parking standard as it currently exists.** The primary reason is that the new development occurring in Milwaukie will not be in large subdivisions with new road systems that can accommodate on-street parking. Instead, new development in Milwaukie will occur on existing two lane streets, many of which will not be brought up to the adopted standards for many years.

FUNCTIONAL PLAN COMPLIANCE MATRIX

Please see the attached matrix that summarizes Functional Plan requirements and City compliance policy options.

(Compliance Matrix is Available from the Community Development Offices at 6101 SE Johnson Creek Boulevard, Milwaukie, Oregon 97206. Telephone: (503) 786-7655)

1. LIST OF RELEVANT PLANS AND DOCUMENTS

Title 8, Section 2.A.2. requires the City to submit copies of “all applicable comprehensive plans and implementing ordinances and public facility plan, as proposed to be amended.”

Response: The original documents listed below will be submitted under separate cover.

Milwaukie Comprehensive Plan (last amended May 19, 1998)

Milwaukie Zoning Ordinance (last amended May 19, 1998)

Milwaukie Regional Center Master Plan, an ancillary document to the comprehensive plan, adopted December 2, 1998)

Economic Development Assessment for Milwaukie Regional Center Study Area, August 1997

Milwaukie Riverfront Concept Plan, an ancillary document to the comprehensive plan, adopted April 1997

Milwaukie Transportation System Plan, an ancillary document to the comprehensive plan adopted July 1997

Lake Road Multi-Modal Transportation Study

Milwaukie Surface Water Master Plan 1997

Milwaukie Sewerage Facilities Plan, 1994

Milwaukie Public Facilities Plan, 1988

2. COMPLIANCE REQUIREMENTS OF THE FUNCTIONAL PLAN BY TITLE

2.1 Title 1

Functional Plan Requirement/Citation

2.A. Minimum Densities.

- 1) All zones with residential uses to require no less than 80% of maximum permitted dwelling units by one of the following methods:
 - (a) no development application (includes subdivisions and PUDs but not partitions nor building permits) to be approved unless the development results in 80% or more of maximum dwelling units per net acre; or
 - (b) apply minimum densities less than 80% to some development applications, however capacity calculations must reflect actual minimum densities.
- 2) Small lot districts with average lot sizes of 5000 to 6200 may be used to meet minimum density standards;
- 3) No comp plan, zoning or subdivision ordinance or condition of approval may have the effect of reducing the minimum density standard;
- 4) Zones with densities of 37 units/acre may use 30 dwelling units/acre as minimum;
- 5) Maximum density does not include "bonus density."

Summary of Issue/Rationale for Functional Plan Policy

Metro policy is to limit the expansion of the Urban Growth Boundary (UGB) while providing for population and employment growth to the year 2017. Functional Plan policies in Title 1 seek ways to increase the capacity within the UGB.

Applicable Milwaukee Plans/Policies

Comprehensive Plan -

Chapter 4, Objective 2, Table 2, and Policies 1-6.
Chapter 4, Objective 3, Policy 2C.

Zoning Ordinance -

Section 300 (all sections allowing residential development).
Section 413.

Subdivision Ordinance -

17.16.050 - Preliminary plat.
17.28.050 - Lots.

Summary of Current Policies

The City does not have any minimum density requirements or policies in the Comprehensive Plan, Zoning Code or Subdivision Ordinance. There are no "small lot districts" where density is averaged. The Subdivision Ordinance requires a Preliminary

plat with the number and dimensions of lots and includes future plat of adjacent lots (same owner). Section 413 of the Zoning Ordinance (Transition Area) applies a transition area to limit abrupt density changes in adjacent lots. Specifically, the transition area requires multifamily, commercial or industrial zones within 100 feet of areas designated for lower density to use transition measures to minimize the impact to lower-density uses. A development in a transition area requires a minor quasi-judicial review by the Planning Commission. 413.C. requires:

Gradual Density Changes. A new project may not have a density greater than 25 percent of the allowable density on lower density residential parcels abutting the project. If abutting parcels have a variety of allowable residential densities, parcels with similar allowable densities abutting the highest percentage of the project perimeter will govern.

Comply Now? Y/N

The city does not comply with this requirement.

Policy Recommendations for Compliance

- 1) **Comprehensive Plan.** Amend Chapter 4 to indicate minimum density; amend Table 2 to indicate new housing numbers. Chapter 4, Objective 3, Policy 2C - change wording to reflect minimum densities.
- 2) **Zoning Ordinance.** Add minimum density requirements in residential zones and tables that show minimum densities by net acre in each zone (instead of relying on minimum lot sizes and then "converting" to density per net acre). Revise transition requirement (Section 413.C.) to reflect minimum densities, and add other types of buffering or design standards to replace density transition. Identify on the vacant lands map whether this will apply to any new subdivisions.
- 3) **Subdivision Ordinance.** Amend to specify minimum residential density in subdivision plat process to be consistent with minimum densities in Zoning Ordinance.

Notes

The preliminary analysis for Title 1, Section 4A. shows that the market has been developing at 97% of maximum density. Therefore, minimum densities are not likely to have much effect on what is built.

Functional Plan Requirement/Citation

2.B. Partitioning Standards

Do not prohibit partitioning or subdivision of lots that are 2 or more times the size of minimum lot size.

Summary of Issue/Rationale for Functional Plan Policy

Metro policy is to limit the expansion of the Urban Growth Boundary (UGB) while providing for population and employment growth to the year 2017. Functional Plan policies in Title 1 seek ways to increase the capacity within the UGB.

Applicable Milwaukie Plans/Policies**Comprehensive Plan -**

Chapter 4, Objective 2, Policy 1 sets general direction and net land calculation.

Zoning Ordinance -

Section 413 - Transition Area.

Section 300 - All zoning districts have minimum lot size.

Subdivision Ordinance -

17.28.050 - Lots.

17.32.040 - Flag lots.

Summary of Current Policies

There are no restrictions on partitions or subdivisions that are 2 times or more the minimum lot size specified in the Zoning Ordinance. The Natural Resource requirements (and pending Title 3 buffers) regulate partitioning, but do not prohibit without balancing other goals (such as natural resource protection). Because there are areas in Milwaukie (and adjacent to Milwaukie) that are not on sanitary sewer systems, there is a provision in the Subdivision ordinance to require that new lots that are not connected to the system be sized to incorporate appropriate land area for septic tanks.

Comply Now? Y/N

Yes

Policy Recommendations for Compliance

- 1) None needed, but the City could amend the 25% right-of-way assumption in Chapter 4 of the Comprehensive Plan to 20% in accordance with the actual right-of-way ratio for single family development (1990-1995) in Milwaukie, as calculated in the worksheet for Section 4A, actual built densities (see Appendix D).
- 2) Subdivision Ordinance restrictions for septic tank provision are reasonable regulations.
- 3) This requirement preserves the right to prohibit partitions due to environmental constraints.

Functional Plan Requirement/Citation

2.C. Accessory Dwelling Units

Accessory dwelling units shall not be prohibited where detached single family residential units are allowed and the City may regulate standards, as follows:

"Reasonable regulations of accessory units may include, but are not limited to, size, lighting, entrances and owner occupancy of the primary unit, but shall not prohibit rental occupancy [of one of the units] separate access, and full kitchens in the accessory units."

Summary of Issue/Rationale for Functional Plan Policy

Metro policy is to limit the expansion of the Urban Growth Boundary (UGB) while providing for population and employment growth to the year 2017.

Functional Plan policies in Title 1 seek ways to increase the capacity within the UGB.

Applicable Milwaukee Plans/Policies

Zoning Ordinance -

Section 100

Section 300

Section 602.10

Milwaukee policies refer to Accessory Dwelling Units as "Secondary Dwelling Units" (SDU)

Summary of Current Policies

Dwelling units allowed in all residential zones as a Conditional Use except:

R2.5; 305.2

R1B; 307.2

R1; 308.2

ROC; 309.2

C-L; 311.2

Section 602.1 defines standards for Conditional Use (CU)

Comply Now? Y/N

Partial

Policy Recommendations for Compliance

- 1) Amend specific zoning districts to add SDU as Conditional Use in all zones that allow detached single family residential units. Clarify applicability only to existing and future single family dwellings (i.e. would not apply to apartments).
- 2) Consider allowing SDUs as a limited land use decision (i.e. administrative with notice to surrounding property owners) and implementing clear and objective design standards for SDUs.

- 3) Clarify and expand definition of SDU to include more specific regulations. For example, clarify that rental occupancy is allowed if the one dwelling unit is owner occupied. This is the current practice, but is not specified in the code.
- 4) Change 602.1.A.6. Wording - "any other ..." to comply with Functional Plan language to be clear that the City is not prohibiting SDUs where the Functional Plan limits the items to be regulated.
- 5) Optional: Add policy to Comprehensive Plan for overall direction and explanation for policy rationale.

Functional Plan Requirement/Citation

3. Design Type Requirement.

Amend Comprehensive Plan Map to show the general locations of 2040 Design Types (Inner Neighborhood, Regional Center/Town Center, Main Street, Corridor, Employment and Industrial Areas, and Station Communities).

Summary of Issue/Rationale for Functional Plan Policy

The policy creates local maps that are more detailed than the circles on the Growth Concept map and identifies locally defined tax lot-specific boundaries. These design types and the related descriptions provide a framework for land uses, transportation networks, and employment opportunities that are common throughout the region.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -

Regional Center Master Plan maps the Milwaukie Regional Center boundaries. The overall Comprehensive Plan map was amended to include Regional Center designation on subarea 1 and four key redevelopment sites. The RCMP is an ancillary document to the Comprehensive Plan.

Zoning Ordinance -

Section 318 and Map.

Subdivision Ordinance -

N/A

Transportation System Plan (TSP) - Defines corridors in Milwaukie.

Summary of Current Policies

Comprehensive Plan -

RCMP was adopted as an ancillary document in December 1997. Recent amendments to Comprehensive Plan, Zoning Code texts, and maps (CPA-97-03 et al.) clarified the definition of the Regional Center, created a Mixed Use overlay district, and mapped Regional Center designations and areas to apply the Mixed Use overlay.

Zoning Ordinance -

Section 318 was adopted to provide Mixed Use zoning standards. The Zoning Map was amended to apply Mixed Use overlay to Subarea 1 (downtown) and four key redevelopment sites. The Mixed Use overlay provides for development standards, densities, uses and Floor Area Ratios (FARs) that encourage the pedestrian nature of the downtown area, and will allow for (and require in some instances) redevelopment to be a mixture of commercial and residential.

Subdivision Ordinance -

N/A

Comply Now? Y/N

Partial. Regional Center is mapped, but the stretch of "Main Street" design concept is not yet mapped. Station Communities will not be mapped, rezoned, or studied in detail, in accordance with Milwaukie City Council Resolution No. 22-1998, and correspondence received from Mike Burton (see Appendix E).

Policy Recommendations for Compliance

- 1) Milwaukie is requesting an amendment to the Growth Concept map to change from a Regional Center design type to a Town Center. The numerical estimates for Housing and Employment calculated in the RCMP will remain the same, and as such are valid for use in the calculations for Section 5A of Title 1 (Appendices A-D). The request for an amendment from Regional Center to Town Center recognizes that Milwaukie's Regional Center dwelling unit and employment estimates for the year 2017 are low compared to Regional Center targets, while the numbers are consistent with Town Center characteristics (see Table 1 below).

The boundaries of the Town Center will encompass less land than that of the Regional Center area. The City will amend the RCMP to reflect the Town Center Master Plan (TCMP), with new boundary areas. The intention is that the RCMP will be amended only to insert the phrase "Town Center" in place of Regional Center, and to remap the boundaries. The City intends to initiate and complete this project to define and amend the Town Center boundary and the TCMP by February 19, 1999.

- 2) Incorporate a Main Street Planning Project into the Community Development Work Program for 1998-99. The city will need an extension from the February 19, 1999 deadline for mapping of the Main Street.

Notes

The following table compares the characteristics of Regional Centers to Town Centers and is provided for public information.

Table 1. Comparison of Town Centers to Regional Centers

Definitions	Town Center	Regional Center
Design Type (Functional Plan)	Twenty-nine town centers provide local retail services with compact development and transit service. Considered a mixed use area.	Eight Regional Centers in the Region will become the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. Considered a mixed use area.
Growth Concept assumptions	Growth Concept assumes 40 persons per acre (employment and housing) which results in approximately 15 to 24 dwelling units per acre and Floor Area Ratios of 0.4 to 0.5.	Growth Concept assumed 60 persons per acre (employment and housing) which results in 25 to 50 dwelling units per acre and Floor Area Ratios of 0.5 to 1.
2017 Housing and Employment Targets	Milwaukie's Housing and Employment Targets for the year 2017 for the Milwaukie Town Center would remain the same as those estimated in the RCMP: 1,773 new Dwelling Units and 2,119 new jobs	The Milwaukie Regional Center Master Plan estimates the following dwelling units and jobs by the year 2017 within the Regional Center's redevelopment sites: 1,773 new Dwelling Units and 2,119 new jobs
Transportation	Emphasizes all modes of transportation. Light Rail adds to Town Center viability. Needs good auto and pedestrian/bike network.	Focus on regional routes (224, Hwy 99E), access to light rail is a key element, priority for transportation funding.
Size	No specific size is set for Town Centers. Milwaukie's Town Center boundary would be smaller than the existing Regional Center Boundary.	No specific size. Larger area than Town Centers. Milwaukie RC is about 600 gross acres (465 net). The Clackamas Regional Center study area is over 2,000 gross acres.
Area Served	Tens of thousands of people served, provides local services, some specialty areas. 2-3 mile radius.	Serves hundreds of thousands of people, provides regional employment/shopping area.
Other Examples	On light rail: Orenco, Sunset, Hollywood, Rockwood. Others: Forest Grove, Happy Valley, West Linn, Gladstone, Damascus, Lents, Wood Village, Hillsdale, and Lake Oswego. Total of 29 in region.	Hillsboro downtown, Beaverton downtown, Washington Square mall area, Gateway, Clackamas Town Center, Oregon City, Gresham. Total of 8 in region (<i>including Milwaukie</i>).

Functional Plan Requirement/Citation

4.A. Calculate actual built densities.

4.B. Demonstrate 2 of the following if built density less than 80 % zoned density:

- Financial incentives for higher density housing.
- Provisions permitting additional density in exchange for amenities.
- Removal or easing of approval standards.
- Redevelopment and infill strategies.
- Authorization of housing types previously not allowed.

Summary of Issue/Rationale for Functional Plan Policy

Metro policy is to limit the expansion of the UGB while providing for population and employment growth to the year 2017. Functional Plan policies in Title 1 seek ways to increase the capacity within the UGB.

Applicable Milwaukie Plans/Policies

Comprehensive Plan

Chapter 4, Objective 5, Policies 1-2.
Chapter 4, objective 2, Policies 4d, 6e.
Chapter 4, Objective 3, Policies 2d, 3.

Zoning Ordinance

Sections 300; 400.
Section 100 - definitions.

Subdivision Ordinance

Implements the densities and minimum lot sizes of the Zoning Ordinance.

Summary of Current Policies

Comprehensive Plan -

Policies in Chapter 4 contain direction to provide incentives for infill and redevelopment.

Zoning Ordinance -

Section 300. Sets minimum lot sizes for all zones.
Section 400. Sections 415 and 416 allow density increases for public benefits
Section 100. Just amended to permit townhouses.
Section 318. Mixed Use overlay provides various incentives for infill and redevelopment

Subdivision Ordinance

Implements the densities and minimum lot sizes of the Zoning Ordinance.

Comply Now? Y/N

Yes. The required analysis is being done as part of this report. The analysis summarized below shows that built densities in Milwaukie during the specified time period are well above 80 percent.

Actual built densities for all development permitted through land use actions (subdivisions) that were built between 1990 and 1995 **were 97 percent of the expected densities for each zone**. The result is that "underbuild" in Milwaukie is much lower than Metro expects; instead of 20% it is 3% (100% maximum density – 97% actual built density = 3% underbuild). The 3% underbuild factor derived from this calculation is used in Section 5A of the Functional Plan analysis when determining the dwelling unit capacity for the City.

Appendix B details the methodology that was used to figure the actual built densities for Milwaukie between 1990 and 1995. Appendix D contains the actual worksheets used in the calculations.

Policy Recommendations for Compliance

No policy changes are recommended at this time.

Discussion: Preliminary Built Density calculation shows that single family development in Milwaukie between 1990 and 1995 occurred at 97% of maximum densities. This is consistent with the nature of new development in Milwaukie that occurs on relatively small "infill" parcels surrounded by built-up neighborhoods. As a result, development occurs near the maximum density because each lot is a significant percentage of the total development.

Functional Plan Requirement/Citation**5.A. Calculate Capacity for Housing Units and Jobs at year 2017.**

Calculations are based on vacant and redevelopable lands using the existing zoning capacity with credit for redevelopment in the Regional Center and other factors, as shown in Appendix A and explained in the Methodology (Appendix C). Milwaukie used the Metro methodology as a base, but calculated most factors using a more specific methodology derived to fit the characteristics of Milwaukie. Sources for data included the City's 1998 Housing Inventory, GIS tax lot base, and Oregon Economic Development Department employment data. These data and methodology gave a more accurate source for calculating households and employment than that provided at the regional level by Metro.

Summary of Issue/Rationale for Functional Plan Policy

Metro policy is to limit the expansion of the UGB while providing for population and employment growth to the year 2017. Functional Plan policies in Title 1 seek ways to increase the capacity within the UGB.

Applicable Milwaukie Plans/Policies**Comprehensive Plan -**

Chapter 4 of the Comprehensive Plan. The Regional Center Master Plan (RCMP) is an ancillary document to the Comprehensive Plan (adopted December 1997) and contains estimates of 2017 household and employment capacities for the Regional Center area.

Zoning Ordinance. -

Section 318 includes the Mixed Use overlay, which allows for increased residential densities and mixed uses. The overlay was adopted in May 1998 and subsequently applied to the downtown area. The Residential – Office – Commercial (R-O-C) zone provides a base zone that allows mixed uses. The city has a full range of residential and commercial zoning districts.

Subdivision Ordinance. -

Implements the densities and minimum lot sizes of the Zoning Ordinance.

Summary of Current Policies

Existing Comprehensive Plan policies encourage a variety of housing opportunities, with attention to transition areas between existing residential development and new higher density projects. Chapter 4, Table 2 of the Comprehensive Plan and Future Housing Characteristics project a total of 2,322 new units by 2010. The Comprehensive Plan also encourages infill and redevelopment. The City focuses especially on efforts to redevelop the downtown core, with higher density housing and more employment opportunities close to major transportation facilities. The RCMP has policy direction to include job/dwelling capacity in Regional Center areas. The CPA 97 - 03 package includes changes to MCP, the Zoning Ordinance and maps to move toward targets.

Comply Now? Y/N

The required analysis is being done as part of this report. Refer to Appendix A – Summary pages, Appendix C – Methodology and Appendix D – Worksheets. Table 2 presents a summary of the 5A capacity calculations.

Table 2 Summary of Employment and Population Capacity Estimates (2017)

Category	Metro Target (Table 1)	Adjusted Target Capacity (Credits)	Locally derived Capacity	Percent of Adjusted Target
Dwelling Unit Estimates	3,514	3,153	2,827	90% ¹
Jobs	7,478	4,176	2,218	53%

¹ 90% of Adjusted Target, substantially complies with Table 1 of the Functional Plan

Policy Recommendations for Compliance

- 1) Revise Comprehensive Plan, Chapter 4, Table 2 to reflect the new capacity estimates and population estimates. Add a similar table to the economic section of Chapter 4 to state jobs capacity. Locally derived capacity (2,827) is a 505 unit increase over the current Comprehensive Plan estimate for 2,322 units by year 2010.
- 2) Reference Metro, 2040 Growth Concept, Functional Plan in the Comprehensive Plan. Keep references in context with existing policies for Milwaukee.
- 3) Revise Buildable Land Map to include current vacant lands for both residential and non-residential. Add discussion of vacant lands methodology in the Comprehensive Plan to clarify definitions and capacity.
- 4) Revise Comprehensive Plan population/employment targets to 2017; indicate Functional Plan compliance issues.
- 5) Request exception to Jobs target. See discussion below.

Notes

The analysis for Title 1, Section 5A shows that the city is capable of achieving within 2,827 units of the 2017 housing target (3,153). The City is not as close to the

employment target because there is almost no vacant commercial land available in the city. The employment capacity in Milwaukie is 2,218 new jobs by 2017, 53% of the adjusted target (4,176).

Exception to Jobs Target. The City conducted a Regional Center planning process that resulted in the RCMP, an ancillary document to the Comprehensive Plan. That planning effort, as well as an accompanying economic assessment of the downtown core area, made a site-by-site analysis of the vacant lands and redevelopment opportunities in the Milwaukie expanded City Center. Implementation of the RCMP estimates an additional 2,119 new jobs by 2017. As part of the Functional Plan compliance process, the City conducted an analysis of the Employment Capacity of vacant non-residential lands and included the job capacity from the Regional Center Master Plan. That analysis concludes that there are only 3.21 acres of non-residential vacant unconstrained lands in the City of Milwaukie, which are projected to generate 99 jobs by the year 2017. The total locally derived capacity for new jobs by 2017 in Milwaukie is 2,218. This capacity figure for the year 2017 does not include redevelopment of existing non-residential properties with larger structures (except in the Regional Center). The City has no valid way to document future job demand and supply without extensive economic analysis. Other potential job-creating incentives such as the City's adopted Enterprise Zone are also extremely difficult to quantify, but might yield a higher job capacity than shown by this analysis.

Milwaukie's jobs capacity calculation shows that the city can meet only 53% of the adjusted jobs target in Table 1 of the Functional Plan. The city has implemented a Regional Center Master Plan with accompanying amendments to its implementing ordinances. Furthermore, the City is in compliance with Sections 2, 3 and 4 of Title 1. The city can substantially meet its dwelling unit targets.

The Regional Center Master Plan conducted a tax lot by tax lot analysis of potential jobs, and estimates that 2,119 new jobs can be created on redevelopment sites within the Regional Center. The economic work in the RCMP was supplemented by a report by E. D. Hovee and Company to assist the city with implementation of redevelopment of targeted regional center sites.

The City of Milwaukie requests an exception from the 2017 adjusted jobs target of 4,176 new jobs to 2,218 new jobs by 2017, because of the lack of vacant unconstrained non-residential land within the city limits. Furthermore, the City has completed a detailed study of the Regional Center area, and already has added the potential jobs within the Regional Center to the capacity. The City is also requesting an amendment from the Regional Center design type to a Town Center, reflecting a *realistic* ability to meet the characteristics, densities, and employment targets of a Town Center. This recognizes that the future employment growth is not as high as the projected job density for a Regional Center. The Urban Growth Report assumes 90 jobs/acre for a Regional Center and 35 jobs/acre for a Town Center.

Functional Plan Requirement/Citation

5A.5. Review Public Facility Plan (PFPs) for consistency with planned capacity.

Summary of Issue/Rationale for Functional Plan Policy

There is a reasonable likelihood of achieving the targets. There is a concurrency of public services with more intense capacity.

Applicable Milwaukie Plans/Policies

- Sewerage Facilities Plan, 1994
- Stormwater Master Plan, July 1997
- Transportation System Plan, December 1997, (See Title 6)
- Public Facilities Plan, 1998 (includes water system and transportation)

Summary of Current Policies

PFPs are based on existing zoning and various population projections. All of the plans suggest specific improvements. Water System Capacity is estimated at 25,000 to 29,000 people (1988 PFP, page 27), the sewer system is "capable of serving full build out of the city" (PFP, page 37).

The following chart outlines the public facility population forecasts:

Plan Document	Population Projection/Date of Plan Period
Sewerage Facilities Plan, 1994	2010 population = 19,717 (1989) Build out at 22,200 (Comprehensive Plan)
Stormwater Master Plan, July 1997	No population forecasts sited
Transportation System Plan, December 1997, (See Title 6)	No population forecast sited 1996 population = 20,065 (1995, PSU)
Public Facilities Plan, 1998 (includes water system and transportation)	2005 population = 20,269 (1987) 1985 population estimated at 17,884 (1987) Water system

Comply Now? Y/N

Required analysis is being done as part of this report.

Policy Recommendations for Compliance

- 1) The Sanitary Sewer, Stormwater, and Transportation elements of the City's Public Facilities planning were all completed within the last four years and adequately address the issues and needs of the City, including implementation of the Functional Plan. A more recent study of water service for the city may be needed, since the last study available for review was completed in 1988.

2. Because water, stormwater and sanitary sewer services are regional service issues, the city will continue to participate in regional studies and intergovernmental agreements regarding efficient provision of these services.

- 3) The RCMP contains recommendations for future studies of the RCMP area to more accurately examine infrastructure needs for the redevelopment recommended in that plan.

2.2 Title 2

Functional Plan Requirement/Citation

2.A.1./2.A.2. Adopt the minimum and maximum parking ratios in Table 2 of the Functional Plan (see Table 2 below)

The following may be excluded from minimum/maximum requirements:

- Structured parking;
- Valet lots;
- Pay lots;
- Employee car pool;
- Fleet parking;
- Car sales;
- Truck loading.

Summary of Issue/Rationale for Functional Plan Policy

To meet state TPR requirements to reduce new parking spaces and vehicle miles traveled in the region. Parking lots are considered an inefficient land use in the compact urban form envisioned by 2040. Excessive parking requirements can result in less efficient land use; therefore, Metro's Table 2 requires limits on the minimum and maximum number of parking spaces.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -

N/A

Zoning Ordinance -

Section 500 contains current parking minimums and maximums.

503.2 contains shared parking standards.

503.4 reductions allowed.

Mixed Use overlay parking standards, Section 318.

Subdivision Ordinance -

N/A

Summary of Current Policies

Refer to Table 2 below for the comparison of Existing Milwaukie Parking Ratios and Metro Title 2 requirements.

Key differences -

- Existing Single Family detached: City minimum 2, Functional Plan minimum = 1;
- Existing General office: City minimum = 3.3, Functional Plan minimum = 2.7;
- Existing Retail: City minimum = 5; Functional Plan minimum = 4.1
- Section 318/MU overlay encourages shared parking, allows on-street parking to count; does not reduce parking standards for MU buildings/project

Comply Now? Y/N
 Partial, see Table 2 below.

Table 2: Comparison of Parking Ratios [Per 1,000 Gross Square Feet (GSF) unless noted

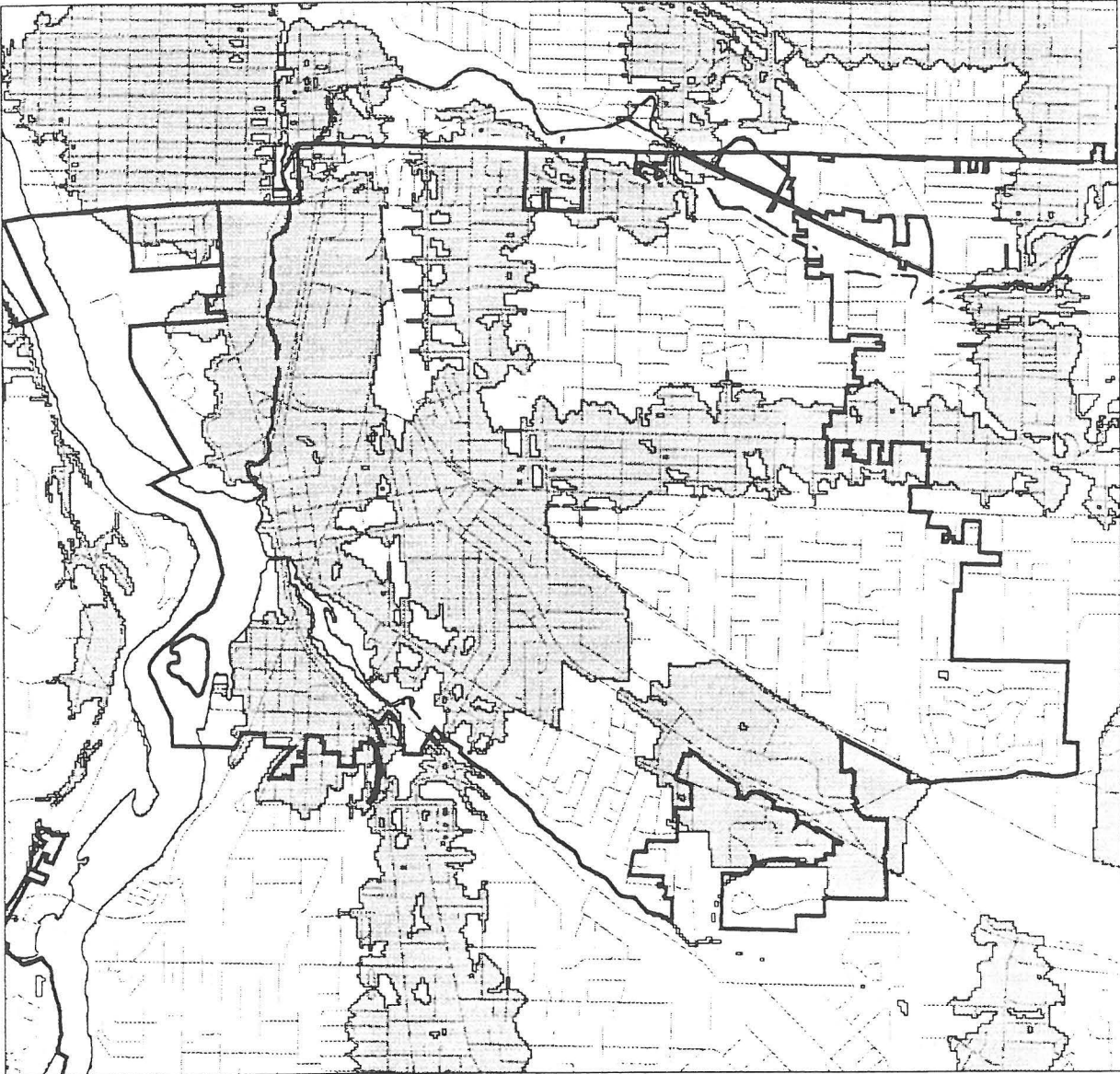
Land Use	Metro Minimum (Std. may not exceed)	Metro Max Zone A	Metro Max Zone B	Existing Milwaukee Standard	City to Amend Code Yes or No		Notes
					Min	Max	
Commercial/Industrial							
General Office	2.7	3.4	4.1	3.3 min. 4.0 max. (Professional Services)	Y	Y	Zone B = substantial compliance Minimum and Zone A need revisions
Light Industry	1.6	None	None	1.0 min. 1.25 max.	N	N	
Warehouse (150,000 square feet or more)	0.3	0.4	0.5	0.66 min. 1.0 max. (No square foot restrictions)	Y	Y	Metro standard applies only to large warehouses (150,000 square feet or more). Clarify Milw Code
*Schools (Spaces/Number students and staff)	0.2	0.3	0.3	0.33-0.5 (college) 0.25+1/staff	N	N	Substantially in compliance
*Tennis/Racquetball	1.0	1.3	1.5	2 min space/court 3 max space/court +1/employee	N	N	Methodology is substantially different; No changes needed
*Sports Club	4.3	5.4	6.5	Varies.	N	N	Methodology is substantially different; No changes needed
Retail	4.1	5.1	6.2	5 min. 6.25 max. (grocery)	Y	Y	Amend Code to comply
Bank with Drive-In	4.3	5.4	6.5	3 min. 3.5 max.	N	N	
Movie Theater (Space/Seat)	0.3	0.4	0.5	0.25 min. 0.33 max.	N	N	
Fast Food with Drive-Thru	9.9	12.4	14.9	10 min. 15 max.	N	Y	Zone A maximum to be changed in Milw Code
Other Restaurants	15.3	19.1	23	10 min. 15 max.	N	N	
Place of Worship (Space/Seat)	0.5	0.6	0.8	0.2 min. 0.33 max.	N	N	
Medical/Dental	3.9	4.9	5.9	4 min. 5 max.	N	N	
Residential							
*Hotel/Motel	1.0	None.	None.	0.9-1.1	N	N	
SF Detached	1.0	None.	None.	2 (1 covered) (3 for flag lots)	Y	N/A	Request Exception
Residential Unit (Less than 500 square feet--1 bedroom)	1.0	None.	None.	No category exists.	Y	Y	No such category; Clarify Milw code
*MF/Townhouse 1 bedroom	1.25	None.	None.	1.25-2/unit 1 for every 12 units	N	N	
MF/Townhouse 2 bedroom	1.5	None.	None.	1.25-2/unit 1 for every 12 units	N	N	
MF/Townhouse 3 bedroom	1.75	None.	None.	1.25-2/unit 1 for every 12 units	N	N	
* = No change, substantially complies.				Shading = Amend Code or request exception.			
Source: Metro Functional Plan, Table 2; Milwaukee Zoning Ordinance Section 500.							

Policy Recommendations for Compliance

Note:






- 1) Exclude the following uses from minimum/maximum requirements:
 - Structured parking;
 - Valet lots;
 - Pay lots;
 - Employee car pool;
 - Fleet parking;
 - Car sales;
 - Truck loading.
- 2) Allow on-street parking to count toward minimum regulation (amend 503.1).
- 3) Amend minimum and maximum standards where indicated in Table 2 above; incorporate map of Zone A and Zone B by reference. Add Zone A and Zone B Map layer to City's GIS database (get from Metro). See Zone A/Zone B map below.
- 4) Clarify minimum/maximum in Section 500.
- 5) Increase shared parking allowances (amend 503).
- 6) Request exception to the single family maximum minimum requirement for one space (instead of two). See below.
- 7) Adopt and apply "blended ratios" to mixed use projects that provide reduction in minimum parking required for such projects.

Title 2: Zone A/Zone B Map for Milwaukie



Draft Map



-  City boundary
-  Streets
-  Rivers
- Title 2 Zones**
-  Zone A
-  Zone B

**Milwaukie
Title 2
Parking Zones**

Source: Metro

Notes

Table 2 of the Functional Plan sets Regional Metro's Parking Ratios and includes a restriction on the City's ability to require a certain amount of parking, (i.e. there is a "maximum minimum" number of parking spaces that can be permitted). Title 2 also maps two parking zones and sets different standards for those zones (Zone A and Zone B) including minimums and maximums. The City intends to comply with all of the ratios in Table 2 of the Functional Plan except one.

Exception from Table 2: Maximum Spaces for New Single Family Development

Response: Milwaukee's current requirement for one and two unit single family housing (attached or detached) is for **two** parking spaces [Zoning Ordinance, Section 503.3(A)(1)]. Furthermore, homes on flag lots are required to provide one additional space per dwelling unit which "shall not be located within any access strip or required paved turnaround area," [Section 503.3(A)(2)]. The Table 2 requirement that new single development is that no more than **one** space may be required.

Milwaukee's street system consists mostly of local streets that are 2 lanes. The City's TSP, adopted in 1997, contains recommended street sections for Neighborhood Streets that show the conditions of 15 Neighborhood Streets which have 50' right-of-way, and recommends on-street parking only when the number of vehicles per day is greater than 1,500. The existing conditions of those neighborhood streets are mostly no curbs, gutters or sidewalks, and no on street parking. City residents feel strongly that new single-family development contain adequate parking for new vehicles.

Therefore, **Milwaukee requests an exception to the Table 2 standard for a maximum of one space for new single family development in favor of leaving this parking standard as it currently exists.** The primary reason is that the new development occurring in Milwaukee will not be in large subdivisions with new road systems that can accommodate on-street parking. Instead, new development in Milwaukee will occur on existing two lane streets, many of which will not be brought up to the adopted standards for many years.

Functional Plan Requirement/Citation

2.A.3. Establish variance process for parking minimums and maximums.

Summary of Issue/Rationale for Functional Plan Policy

Allow flexibility in parking minimums/maximums.

Applicable Milwaukie Plans/Policies

Zoning Ordinance -
Section 500.
Section 503.4.

Summary of Current Policies

Variance provisions specifically refer to reductions from required minimum space requirements.

Comply Now? Y/N

Partial.

Policy Recommendations for Compliance

- 1) Revise 503.4 to reference minimum and maximum standards.
 - 2) Delete Multi-Family reduction near transit (replaced with reference to Zone A).
 - 3) Specify the procedure the reduced standard request should follow.
 - 4) Clarify/refer to Section 700 variances if applicable.
-

Functional Plan Requirement/Citation

2.D. Monitor parking data and report to Metro.

Summary of Issue/Rationale for Functional Plan Policy

Meet TPR requirements to reduce new parking spaces.

Applicable Milwaukie Plans/Policies

None

Summary of Current Policies

Building permits currently reported to Metro.

Comply Now? Y/N

No.

Policy Recommendations for Compliance

- 1) Add number of parking spaces and locations to building permit report.
- 2) Add number of building permits and parking spaces to City's GIS database for tracking.

2.3 Title 3

Metro Council adopted major amendments to Title 3 on June 18, 1998. This section of the report provides direction and information from the "new" Title 3 text and standards. Compliance with the revised Title 3 is required by February 2000, with a status report to Metro in August 1999 about the City's progress towards implementation (similar to this Compliance Report).

Functional Plan Requirement/Citation

3.A. Adopt Water Quality Resource Area Map and

4.B. Vegetated Buffer Standards

Summary of Issue/Rationale for Functional Plan Policy

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -

Chapter 3, Objective 4, Water Quality.

Natural Resource Map 5 and 7.

Natural Resource Property List.

Zoning Ordinance -

Section 320; 322.

Zoning map (Willamette Greenway).

Milwaukie Riverfront Concept (April 1997)

Protects flood plain from significant development; may have trouble with build out of concept under Title 3.

Summary of Current Policies

Comprehensive Plan

Maps and lists properties that have a Natural Resource Overlay (NR) and Willamette Greenway designations. Text describes the rationale for protection of Goal 5 resources and Goal 15 (Willamette Greenway). NR sites identified on Comprehensive Plan Map (Map 5).

Zoning Code

Natural Resource overlay placed on certain properties in the city. Procedures to develop with an NR overlay described in Section 322. Development setbacks and mitigation plans must be prepared by applicants wishing to develop on a tax lot with a NR overlay. The Willamette Greenway (WG) is shown on Zoning Map, but NR sites are

only identified on the Comp Plan map, which is manually updated. Tax lots are designated and NR protections established at time of development. The NR map includes most (if not all) Title 3 sites as mapped by Metro.

Section 320 in the Zoning Ordinance controls development in the WG overlay. The only mandatory buffers/setbacks apply to Willamette River; at 25' from high water line.

Comply Now? Y/N

Partial.

Policy Recommendations for Compliance

By February 2000 implement the following changes:

- 1) Amend Zoning Map to include Title 3 Water Quality Resource Area maps, replace NR map in Comprehensive Plan with Title 3 map (or reference to map). Obtain Title 3 map layer from Metro.
- 2) Amend NR, Section 322 to include Title 3 Buffer Table and other standards (see Table 3 below).
- 3) Adopt the Metro Model Ordinance provisions into the Zoning Ordinance where applicable (Natural Resource Overlay, Conditional Uses and Variances) and into the Subdivision Ordinance where applicable.
- 4) Initiate a Stormwater Design Manual to address Erosion Control, Water Quality, and other design standards to assure adequate construction standards and Best Management Practices can be enforced.

Table 3: Title 3 Buffers

Protected Water Feature Type (see definitions)	Slope Adjacent to Protected Water Feature	Starting Point for Measurements from Water Feature	Width of Vegetated Corridor
Primary Protected Water Features¹	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet
Primary Protected Water Features¹	\geq 25% for 150 feet or more ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	200 feet
Primary Protected Water Features¹	\geq 25% for less than 150 feet ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	Distance from starting point of measurement to top of ravine (break in \geq 25% slope) ³ , plus 50 feet. ⁴
Secondary Protected Water Features²	< 25%	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	15 feet
Secondary Protected Water Features²	\geq 25% ⁵	<ul style="list-style-type: none"> • Edge of bankful flow or 2-year storm level; • Delineated edge of Title 3 wetland 	50 feet

¹Primary Protected Water Features include: all perennial streams and streams draining greater than 100 acres, Title 3 wetlands, natural lakes and springs

²Secondary Protected Water Features include intermittent streams draining 50-100 acres.

³Where the Protected Water Feature is confined by a ravine or gully, the top of ravine is the break in the \geq 25% slope (see slope measurement in Appendix).

⁴A maximum reduction of 25 feet may be permitted in the width of vegetated corridor beyond the slope break if a geotechnical report demonstrates that slope is stable. To establish the width of the vegetated corridor, slope should be measured in 25-foot increments away from the water feature until slope is less than 25% (top of ravine).

⁵Vegetated corridors in excess of 50-feet for primary protected features, or in excess of 15-feet for secondary protected features, apply on steep slopes only in the *uphill* direction from the protected water feature.

Functional Plan Requirement/Citation**4. Performance Measures**

- A. Flood Protection
- B. Vegetated Buffer Areas (covered above)

Summary of Issue/Rationale for Functional Plan Policy**Applicable Milwaukie Plans/Policies**

Milwaukie Riverfront Concept Plan – Provides direction on portion of Willamette River adjacent to Downtown.

Comprehensive Plan -
Chapter 3, Objective 4, Water Quality.
Natural Resource Map 5 and 7.
Natural Resource Property List.

Zoning Ordinance -
Section 320; 322.
Zoning map (Willamette Greenway).

Uniform Building Code - Flood zone building standards.

Milwaukie Engineering Standards - for construction practices

Summary of Current Policies

Comprehensive Plan has maps and lists properties that have a Natural Resource Overlay (NR) and Willamette Greenway designations. Text describes the rationale for protection of Goal 5 resources and Goal 15 (Willamette Greenway). NR sites identified on Comprehensive Plan Map (Map 5).

Milwaukie Riverfront Concept (April 1997)

Protects flood plain from significant development; may have trouble with build out of concept under Title 3.

Comply Now? Y/N

Partial.

Policy Recommendations for Compliance

- 1) Remove riverfront area from Title 3 Map per Metro criteria (within Town Centers or Regional Centers) and providing downtown destination.
- 2) Adopt Model Ordinance Language to address flood protection issues.
- 3) Review current City construction standards.

Functional Plan Requirement/Citation

4.D. Establish Implementation Tools

- 1) Requires city to allow transfer of development rights from areas indicated by map.
- 2) Recommended - Review subdivisions and partitions designated by Water Quality Resource Areas map for possible conditions.

Summary of Issue/Rationale for Functional Plan Policy

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -
Chapter 3.

Zoning Ordinance -
Section 322.13; 322.14.

Subdivision Ordinance -
17.28.060 - Public Space.
17.28.040(F) - Easements.

Summary of Current Policies

Zoning Ordinance -

Allows TDR to adjust properties if criteria are met.

Subdivision Ordinance -

Allows TDR for parks. Not specific to TDR for environment.

Comply Now? Y/N

Yes.

Policy Recommendations for Compliance

- 1) No changes needed.
 - 2) City can clarify subdivision ordinance to specify allow conditions of approval for Title 3 mapped areas.
-

Functional Plan Requirement/Citation

5.B. Fish and Wildlife Habitat Conservation Area

Temporary prohibitions in Fish and Wildlife Habitat Areas (recommended).

Summary of Issue/Rationale for Functional Plan Policy

Protect beneficial uses and functional values of water quality and flood management resources by limiting uses in these areas. Establish buffer zones around resource areas to protect from new development.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -
Chapter 3.

Summary of Current Policies

Until map is developed, will not know if these resources are protected.

Comply Now? Y/N

Unknown.

Policy Recommendations for Compliance

No action required until maps are completed by Metro.

Notes

Metro has not mapped these areas yet. Issues relate to Regional Goal 5 work, scheduled to be mapped by the year 2000 by Metro. It is likely that the listing of Steelhead Trout on the Endangered Species Act (ESA) will affect the mapping done by Metro.

2.4 Title 4

Functional Plan Requirement/Citation

2.A. and 2.B. Prohibit 'Big Box' Retail in Industrial Areas and Restrict in Employment Areas.

Prohibit single-use retail larger than 60,000 square feet in Industrial Areas.

Retail in Employment Areas greater than 60,000 square feet permitted after land use process that evaluates specific criteria (such as adequate transportation facilities).

Summary of Issue/Rationale for Functional Plan Policy

Employment and Industrial Areas should include some supporting retail but should be protected from large-scale retail. 'Big box' retail is defined as single users, over 60,000 square feet and Employment/Industrial Areas mapped on the Title 4 map (see below).

Applicable Milwaukie Plans/Policies

Comprehensive Plan -

Chapter 4, Economic development.

Zoning Ordinance -

Section 314, Manufacturing.

Section 324, Business Industrial.

Summary of Current Policies

Manufacturing Zone limits 'high impact commercial' to Conditional Use with specific restrictions. Business Industrial zone restricts retail to support services only, with a maximum of 4,000 square feet per use. A conditional use permit would allow for an exception to this size limit.

Comply Now? Y/N

Partial.

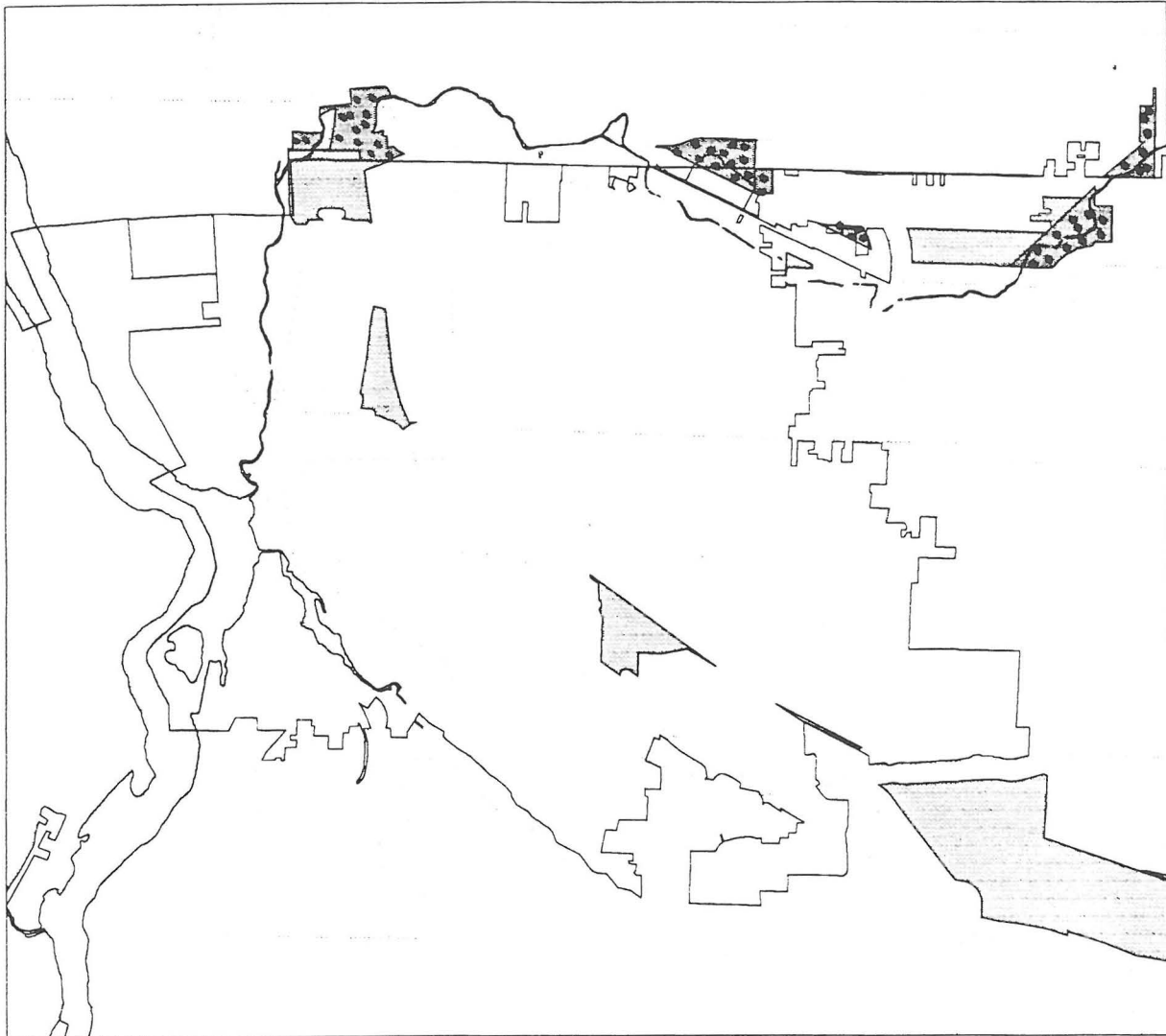
Policy Recommendations for Compliance







- 1) Adopt Title 4 map as part of the Comprehensive Plan and/or Zoning Map (see Title 4 Map below).
- 2) Amend Manufacturing and Business Industrial zone to specify that retail greater than 60,000 square feet for a single use is prohibited.

Notes

Milwaukie has a very small piece of "Industrial Area" within city limits. Policies could apply to future annexation (refer to Title 4 map). Employment Areas located in portion of the zone Northeast of 224 and railroad tracks in Business Industrial zone (refer to attached Title 4 map).

Title 4 Map of Industrial and Employment Zones



-  City Boundary
-  Rivers
-  Title 4 Areas
-  Industrial
-  Employment
-  Arterial Streets

**Milwaukie
Title 4
Employment and Industrial Areas**

Source: Metro

2.5 Title 6

The Title 6 standards will be supplemented by the 1998 Regional Transportation Plan; therefore, compliance with Title 6 is not required until one year after adoption of the RTP. The analysis below shows that the City already complies with most of the Title 6 requirements, mostly because the City completed its Transportation System Plan (TSP) in 1997.

Functional Plan Requirement/Citation

2. Establishes Regional Street Design Guidelines

Regional routes are classified as: Throughways, Boulevards, Streets and Roads as defined below:

2.A. Throughways - Throughways connect the region's major activity centers within the region and are traffic-oriented.

1) Freeway Design - high speed travel for longer motor vehicle trips throughout the region.

2) Highway Design - high speed for longer motor vehicle trips and limited public transportation, bicycle and pedestrian travel.

2.B. Boulevard Designs - serve major centers of urban activity and are designed with special amenities to favor public transportation, bicycle and pedestrian travel.

1) Regional Boulevards - usually 4 vehicle lanes, with additional lanes or one-way couplet in some situations

2) Community Boulevards - may include up to four vehicle lanes and on-street parking.

2.C. Street Designs - serve the region's transit corridors, neighborhoods and some main streets and are designed with special amenities to balance motor vehicle traffic with public transportation, bicycle, and pedestrian travel.

1) Regional Streets - usually include four vehicle lanes, with additional lanes in some situations.

2) Community Streets - may include up to four vehicle lanes.

2.D. Urban Roads - serve the region's industrial areas, intermodal facilities and employment centers where buildings are less oriented to the street, and primarily emphasize motor vehicle mobility.

Summary of Issue/Rationale for Functional Plan Policy

The street designs generally form a continuum; a network of throughways (freeway and highway designs) emphasize auto and freight mobility and connect major activity centers. Slower speed boulevard designs within concentrated activity centers balance the multi-modal demands for each mode of transportation within these areas. Street and road designs complete the continuum, with multi-modal designs that reflect the land

uses they serve, but also serving as moderate-speed vehicle connections among activity centers that complement the throughway system.

Applicable Milwaukie Plans/Policies

Comprehensive Plan

Chapter 5, Streets, Goal 2, Objective 1, Policies 1-4.

Zoning Ordinance

Section 1400, Table 1405.

Subdivision Ordinance

Chapter 17.28.020 Design Standards, Streets, Table 17.28.020.

TSP

Chapter 6, Functional Classification, A Proposed Functional Classification System for Milwaukie, including Figures 6.1 and 6.10; Chapter 8, Streets, Goal 1, Objective 1, Policies 1 and 2; Goal 2, Objective 1, Policies 1-4; Figures 6.3 through 6.7, Sample Street Cross Sections; and Access Management Plan.

Summary of Current Policies

Functional Classification System as shown in the Comp Plan and TSP includes:

- arterials (both Principal Routes and Regionally Significant Routes);
- collectors (three levels);
- neighborhood routes; and
- local streets (five types).

The City's adopted Functional Classification and Automobile Master Plan maps are based on the Regional adopted functional classification system. See Table 4 below for direct comparison.

Table 4: Regional Street Designs and Milwaukie TSP Designations

Street Location	Milwaukie TSP	Regional Street Design Map
McLoughlin (Regional Center)	Freeways and Regional Route (Principal)	Regional Boulevard
Main Street (Harrison/Lake)	Collector	Community Boulevard
Lake Road (Regional Center)	Arterial	Community Boulevard
Harrison Street (Main/Hwy. 224)	Arterial	Community Boulevard
Linwood Avenue	Arterial	Community Boulevard
Sunnyside (in UGMA area)	Arterial	Regional Boulevard
River Road	Arterial	Community Street
McLoughlin Boulevard (South of Regional Center)	Freeways and Regional Route	Community Street
Lake Road (East of Regional Center)	Arterial	Community Street
Harrison Street (East of Hwy. 224)	Arterial	Community Street
King Street	Arterial	Community Street
Oatfield Road	Arterial	Community Street
Johnson Creek Boulevard	Arterial	Community Street
17th Avenue	Arterial	Community Street
Harmony (in UGMA area)	Arterial	Regional Street
McLoughlin Boulevard (North of Hwy. 224)	Freeways and Regional Route (Principal)	Throughways
Highway 224	Freeways and Regional Route (Principal)	Throughways

Comply Now? Y/N

Yes.

Policy Recommendations for Compliance

The City's existing Functional Classification System has many elements in common with the functional classification system described in Title 6. The City feels that no action for this section of Title 6 is necessary because the City's adopted TSP is substantially compliant.

Functional Plan Requirement/Citation**3. Design Standards for Connectivity.**

Amend comprehensive plans and implementing ordinances, if necessary, to comply with or exceed one of the following options in the development review process: 3.A.Design Option or 3.B. Performance Option. Milwaukie prefers to use the Design Option of Title 6 since it is easier to implement based on the City's existing TSP document, Comprehensive Plan, Zoning Ordinance, and road standards. Therefore the Performance Option is not analyzed in this report.

Summary of Issue/Rationale for Functional Plan Policy

The design of local street systems, including "local" and "collector" functional classification, is generally beyond the scope of the RTP. However, the aggregate effect of local street design impacts the effectiveness of the regional system when local travel is restricted by a lack of connecting routes, and local trips are forced onto the regional network. Therefore, streets should be designed to keep through trips on arterial streets and provide local trips with alternative routes. The design and performance options are intended to improve local circulation in a manner that protects the integrity of the regional system.

Applicable Milwaukie Plans/Policies

Comprehensive Plan -
Chapter 5, Transportation Element.

TSP -In its entirety.

Summary of Current Policies

In general, the City's current Comprehensive Plan and TSP currently include much of the policy basis necessary to implement Option 3.A. (the Design Option).

Comply Now? Y/N

Yes

Policy Recommendations for Compliance

No actions needed to implement this section of the Functional Plan (see more discussion under Section 3.A. below).

Functional Plan Requirement/Citation**3.A. Design Option.**

3.A.1. For new residential and mixed-use development, the City must map possible future local street connections.

3.A.2. New residential and mixed-use development shall include local street plans that

- a. Encourage pedestrian and bicycle travel by providing short, direct, public right-of-way routes
- b. Include no cul-de-sac streets longer than 200 feet, and no more than 25 dwelling units on a closed-end street system (with some exceptions).
- c. Provide bike and pedestrian connection on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 330 feet (with some exceptions).

- d. Consider opportunities to incrementally extend and connect local streets in primarily developed areas.
- e. Serve a mix of land uses on contiguous local streets.
- f. Support posted speed limits.
- g. Consider narrow street design alternatives that feature total right-of-way of no more than 46 feet, including pavement widths of no more than 28 feet, curb-face to curb-face, sidewalk widths of at least 5 feet and landscaped pedestrian buffer strips that include street trees.
- h. Limit the use of cul-de-sac designs and closed street systems

3.A.3. For redevelopment of existing land uses, cities and counties shall develop local approaches for dealing with connectivity

Summary of Issue/Rationale for Functional Plan Policy

See previous Title 6 explanation.

Applicable Milwaukie Plans/Policies

3.A.1.

TSP and Comprehensive Plan -
Figure 6.10, Automobile Master Plan,

3.A.2.

- a. **TSP and Comprehensive Plan -**
Walking, Goal 1, Objective 2; Walkways Network Master Plan, Figure 3.1; Walkways Action Plan, Figure 3.2; Bikeways Network Master Plan, Figure 4.1; and Bikeways Action Plan, Figure 4.2.

Subdivision Ordinance

- 17-28-030(B) - Blocks, size.
- 17-28-040(C) - Pedestrian Ways.

- b. **TSP and Comprehensive Plan -**
Streets, Goal 2, Objective 6, Policy 2.

Subdivision Ordinance -

- 17-28-020(I) - Cul-de-sacs.

- c. **TSP and Comprehensive Plan -**
Walking, Goal 1, Objective 2; Walkways Network Master Plan, Figure 3.1; Walkways Action Plan, Figure 3.2; Bikeways Network Master Plan, Figure 4.1; and Bikeways Action Plan, Figure 4.2.

Subdivision Ordinance -

- 17-28-040(C) - Pedestrian Ways.

- d. **TSP and Comprehensive Plan -**
Streets, Goal 2, Objective 6, Policy 1

- e. **TSP and Comprehensive Plan -**
Transit, Goal 1, Objective 3, Policy 2; and Streets, Goal 1, Objective 1, Policy 3.

- f. **TSP and Comprehensive Plan -**

- Streets, Goal 2, Obj. 3, Policies 1-2.
- g. **TSP and Comprehensive Plan** -
Streets, Goal 2, Objective 6, Policy 3; and Local Street Residential
Sample Street Cross Sections, TSP Figure 6.5
Subdivision Ordinance -
Chapter 17.28.020 Design Standards, Streets, Table 17.28.020
- h. **TSP and Comprehensive Plan** -
Streets, Goal 2, Objective 6, Policy 2.
Subdivision Ordinance -
17-28-020(l) - Cul-de-sacs.

Summary of Current Policies

3.A.2.

- a. Policies are supportive. However, Subdivision Ordinance currently allows blocks to be up to 800 feet in length. However, it requires a pedestrian way to be included in any block over 600 feet in length.
- b. Policies are supportive. However, Subdivision Ordinance currently allows cul-de-sacs to be a maximum of 400 feet with no limit on the number of dwelling units.
- c. Policies are supportive. However, Subdivision Ordinance currently requires a pedestrian way to be included in any block over 600 feet in length.
- g. The TSP includes sample cross sections for local residential streets which meet these standards. The Subdivision Ordinance includes standards for local residential streets which are similar. TSP standards include 50' right-of-way with 24' paved streets with 5' landscape strip and sidewalks.
- h. The Subdivision Ordinance currently allows cul-de-sacs only when no opportunity exists for creating a through street connection.

Comply Now? Y/N

3.A.1. Does not apply because there are no vacant lots over 5 acres in Milwaukie

3.A.2.

- a. Yes
b. Partial
c. Partial
d. Yes
e. Yes
f. Yes
g. Yes
h. Yes

Policy Recommendations for Compliance

- 1) 3.A.2.

- a. Amend Subdivision Ordinance to require shorter block lengths in new residential and mixed-use developments (530 feet maximum unless prohibited by terrain).
 - b. Amend Subdivision Ordinance to require shorter cul-de-sac lengths in new residential and mixed-use developments and to restrict the number of dwelling units on a closed-end street to 25.
 - c. Amend Subdivision Ordinance to require pedestrian and bicycle connections in new residential and mixed-use developments.
-

Functional Plan Requirement/Citation

4. Transportation Performance Standards

4A. Alternative Mode Analysis

- 1) Each jurisdiction shall establish an alternative mode split target for trips into, out of, and within all 2040 Growth Concept land use design types within its boundaries one year after adoption of the 1998 RTP.
- 2) Cities and counties shall identify actions which implement the mode split targets one year after adoption of the 1998 RTP

4B. Motor Vehicle Congestion Analysis (Optional)

1. Table 3, of the Functional Plan, "Motor Vehicle Level of Service (LOS) Deficiency Thresholds and Operating Standards" **may** be incorporated into local comprehensive plans and implementing ordinances to replace current methods of determining motor vehicle congestion on regional facilities, if a city or county determines that this change is needed to permit Title 1, Table 1 capacities for the 2040 design types and facilities.

4C. Transportation Systems Analysis

This section requires that various transportation system improvements be considered prior to recommending additional significant SOV capacity. It applies to city and county comprehensive plan amendments, TSPs, or to any studies that would recommend or require an amendment to the RTP to add single occupancy vehicle capacity to multi-modal arterials and/or highways.

4D. Transportation Project Analysis

Cities, counties, Tri-Met, ODOT, and the Port of Portland shall address the following operational and design consideration during transportation project analysis:

1. Transportation system management (e.g., access management, signal inter-ties, lane channelization, etc.) to address or preserve existing street capacity.
2. Guidelines contained in "Creating Livable Streets: Street Design Guidelines for 2040" (1997) and other similar resources to address regional street design policies.

Summary of Issue/Rationale for Functional Plan Policy

The purpose of the multi-modal system-level planning step is to 1) consider alternative modes, corridors, and strategies to address identified needs; and 2) determine a recommended set of transportation projects, actions, or strategies and the appropriate modes and corridors to address identified needs in the system-level study area.

The second phase is project-level planning (also referred to as project development). The purpose of project-level planning is to develop project design details and select project alignment, as necessary, after evaluating engineering and design details and environmental impacts.

Applicable Milwaukie Plans/Policies

4.A.1. Milwaukie RCMP -

Chapter 5 - Analysis of Future Growth, Table 25.

4.A.2. TSP and Comprehensive Plan -

The alternative mode objectives and policies in the TSP and the Transportation Element of the Comprehensive Plan.

4.C. TSP and Comprehensive Plan -

Streets, Goal 2, Objective 2, Policy 1; and TSP alternatives analysis

4.D. 1. TSP and Comprehensive Plan -

TSP Chapter 6 and Comprehensive Plan Chapter 5.

4.D.2. TSP-Chapter 6, Table 6.7 and Figures 6.3 to 6.7

Subdivision Ordinance -

17-28-020 to 17-28-040.

Summary of Current Policies

The Regional Center Master Plan addresses modal split within the Milwaukie Regional Center. The City's TSP and Comprehensive Plan include many goals, objectives and policies which encourage alternative mode use. The RCMP does not contain transportation LOS analysis.

The City's TSP and Comprehensive Plan include many goals, objectives and policies which encourage alternative mode use and which emphasize improvements other than capacity improvements. The TSP and Comprehensive Plan include policies which emphasize system management solutions. The TSP includes street design recommendations which are similar to those identified in "Creating Livable Streets."

Comply Now? Y/N

4.A.1 – Yes for the Regional Center, No for other Design Types

4.A.2 - Yes

4.B.1. – No. This is an optional policy.

4.C. – Yes / Partial. The City may wish to make changes outlined below.

4.D.1. – Partial

4D.2. – Partial

Policy Recommendations for Compliance (one year after the RTP is adopted)

4.A.1. Analyze modal splits for 2040 design types (Main Streets, Station Communities, Corridors and Inner Neighborhood)

- 4.A.2. None recommended beyond the existing TSP.
- 4.B.1. **Optional policies**
 - 1) The City may wish to analyze the LOS impacts of the Regional Center in order to determine if a less stringent LOS will be necessary to permit Title 1 capacities to occur.
 - 2) City would need to adopt LOS standards for the Regional Center area.
- 4.C.
 - 1) None beyond the existing TSP.
 - 2) City may specifically require traffic impact analyses for Comprehensive Plan and Rezone applications.
- 4.D.1.
 - 1) City should continue to implement the access management plan and system improvement recommended in the TSP and may wish to update the design standards in the Subdivision Ordinance to better reflect the TSP.
- 4D.2.
 - 1) City should continue to implement the design guidelines in the TSP and may wish to update the street design standards in the Subdivision Ordinance to better reflect the TSP.

2.6 Title 8

Functional Plan Requirement/Citation

8.3.A Functional Plan Compliance for amendments to the Comprehensive Plan and Zoning Ordinance.

Summary of Issue/Rationale for Functional Plan Policy

Consistent local and regional policies.

Applicable Milwaukee Plans/Policies

Comprehensive Plan -
Chapter 2, Objective 1, 7.
Zoning Ordinance -
Section 905.1.

Summary of Current Policies

Current plans and policies do not refer to the Functional Plan.

Comply Now? Y/N

No.

Policy Recommendations for Compliance

- 1) Add consistency with Functional Plan standards to Comprehensive Plan and Zoning Ordinance.
- 2) Add reference to "applicable regional policies." Where appropriate in both documents.
- 3) Include notification of Comprehensive Plan and Zoning Code amendments to Metro in both documents.

3. RECOMMENDATIONS FOR CHANGES TO MEET FUNCTIONAL PLAN REQUIREMENTS AND SCHEDULE FOR ADOPTION

This chapter is a compilation of all the **actions and changes** recommended in chapter 2 organized by Title. All amendments are planned to be completed by February 19, 1999 unless noted otherwise.

Title 1

Timing: Amendments will be made by February 1999, unless noted otherwise.

2A. Minimum Densities

1. **Comprehensive Plan.** Amend Chapter 4 to indicate minimum density; amend Table 2 to indicate new housing numbers. Chapter 4, Objective 3, Policy 2C - change wording to reflect minimum densities.
2. **Zoning Ordinance.** Add minimum density requirements in residential zones and tables that show minimum densities by net acre in each zone (instead of relying on minimum lot sizes and then "converting" to density per net acre). Revise transition requirement (Section 413.C.) to reflect minimum densities, and add other types of buffering or design standards to replace density transition. Identify on the vacant lands map whether this will apply to any new subdivisions.
3. **Subdivision Ordinance.** Amend to specify minimum residential density in subdivision plat process to be consistent with minimum densities in Zoning Ordinance.

2B. Partitioning Standards

4. None needed, but the City could amend the 25% right-of-way assumption in Chapter 4 of the Comprehensive Plan to 20% in accordance with the actual right-of-way ratio for single family development (1990-1995) in Milwaukie, as calculated in the worksheet for Section 4A, actual built densities (see Appendix D).

2C. Accessory Dwelling Units

7. Amend specific zoning districts to add SDU as Conditional Use in all zones that allow detached single family residential units. Clarify applicability only to existing and future single family dwellings (i.e. would not apply to apartments).
8. Consider allowing SDUs as a limited land use decision (i.e. administrative with notice to surrounding property owners) and implementing clear and objective design standards for SDUs.
9. Clarify and expand definition of SDU to include more specific regulations. For example, clarify that rental occupancy is allowed if the one dwelling unit is owner occupied. This is the current practice, but is not specified in the code.
10. Change 602.1.A.6. Wording - "any other ..." to comply with Functional Plan language to be clear that the City is not prohibiting SDUs where the Functional Plan limits the items to be regulated.

11. Optional: Add policy to Comprehensive Plan for overall direction and explanation for policy rationale.

3. Map 2040 Design Types

12. Milwaukie is requesting an amendment to the Growth Concept map to change from a Regional Center design type to a Town Center. The numerical estimates for Housing and Employment calculated in the RCMP will remain the same, and as such are valid for use in the calculations for Section 5A of Title 1 (Appendices A-D). The request for an amendment from Regional Center to Town Center recognizes that Milwaukie's Regional Center dwelling unit and employment estimates for the year 2017 are low compared to Regional Center targets, while the numbers are consistent with Town Center characteristics (see Table 1 below).

The boundaries of the Town Center will encompass less land than that of the Regional Center area. The City will amend the RCMP to reflect the Town Center Master Plan (TCMP), with new boundary areas. The intention is that the RCMP will be amended only to insert the phrase "Town Center" in place of Regional Center, and to remap the boundaries. The City intends to initiate and complete this project to define and amend the Town Center boundary and the TCMP by February 19, 1999.

13. Incorporate a Main Street Planning Project into the Community Development Work Program for 1998-99. The city will need an extension from the February 19, 1999 deadline for mapping of the Main Street. Project can be completed by February 2000.

5A. 2017 Dwelling and Employment Capacities

14. Revise Comprehensive Plan, Chapter 4, Table 2 to reflect the new capacity estimates and population estimates. Add a similar table to the economic section of Chapter 4 to state jobs capacity. Locally derived capacity (2,827) is a 505 unit increase over the current Comprehensive Plan estimate for 2,322 units by year 2010.
15. Reference Metro, 2040 Growth Concept, Functional Plan in the Comprehensive Plan. Keep references in context with existing policies for Milwaukie.
16. Revise Buildable Land Map to include current vacant lands for both residential and non-residential. Add discussion of vacant lands methodology in the Comprehensive Plan to clarify definitions and capacity.
17. Revise Comprehensive Plan population/employment targets to 2017; indicate Functional Plan compliance issues.
18. Request exception to Jobs target. See discussion in Chapter 2 of the Compliance Report.

5A5. Review Public Facility Plans

19. The Sanitary Sewer, Stormwater, and Transportation elements of the City's Public Facilities planning were all completed within the last four years and adequately address the issues and needs of the City, including implementation of the Functional Plan. A more recent study of water service for the city may be needed, since the last study available for review was completed in 1988.
20. Because water, stormwater and sanitary sewer services are regional service issues, the city will continue to participate in regional studies and intergovernmental agreements regarding efficient provision of these services.
21. The RCMP contains recommendations for future studies of the RCMP area to more accurately examine infrastructure needs for the redevelopment recommended in that plan.

Title 2

Timing: Amendments will be made by February 1999.

2A1/2A2 and Table 2 Parking Ratios

22. Exclude the following uses from minimum/maximum requirements:

- Structured parking;
- Valet lots;
- Pay lots;
- Employee car pool;
- Fleet parking;
- Car sales;
- Truck loading.

23. Allow on-street parking to count toward minimum regulation (amend 503.1).

24. Amend minimum and maximum standards where indicated in Table 2 above; incorporate map of Zone A and Zone B by reference. Add Zone A and Zone B Map layer to City's GIS database (get from Metro).

25. Clarify minimum/maximum in Section 500.

26. Increase shared parking allowances (amend 503).

27. Request exception to the single family maximum minimum requirement for one space (instead of two).

28. Adopt and apply "blended ratios" to mixed use projects that provide reduction in minimum parking required for such projects.

2A3. Variance Process for Parking

29. Revise 503.4 to reference minimum and maximum standards.

30. Delete Multi-Family reduction near transit (replaced with reference to Zone A).

31. Specify the procedure the "reduced standard request" should follow.

32. Clarify/refer to Section 700 variances if applicable.

2D. Monitor Parking Data and Report to Metro

33. Add number of parking spaces and locations to building permit report that will be submitted to Metro (current process).
34. Add number of building permits and parking spaces to City's GIS database for tracking.

Title 3

Timing: Amendments must be made by February 2000, Status of Compliance due to Metro in August 1999. City plans to make amendments by February 2000.

3A/4B Adopt Water Quality Map and Vegetated Buffer Standards

35. Amend Zoning Map to include Title 3 Water Quality Resource Area maps, replace Natural Resource map in Comprehensive Plan with Title 3 map (or reference to map). Obtain Title 3 map layer from Metro.
36. Amend Natural Resource, Section 322 to include Title 3 Buffer Table and other standards.
37. Adopt the Metro Model Ordinance provisions into the Zoning Ordinance where applicable (Natural Resource Overlay, Conditional Uses and Variances) and into the Subdivision Ordinance where applicable.
38. Initiate a Stormwater Design Manual to address Erosion Control, Water Quality, and other design standards to assure adequate construction standards and Best Management Practices can be enforced.

4A/B. Performance Measures

39. Remove riverfront area from Title 3 Map per Metro criteria (within Town Centers or Regional Centers) and providing downtown destination.
40. Adopt Model Ordinance Language to address flood protection issues.
41. Review current City construction standards.

4D. Establish Implementation Tools

42. Requires city to allow transfer of development rights from areas indicated by map.
43. Recommended - Review subdivisions and partitions designated by Water Quality Resource Areas map for possible conditions.

Title 4

Timing: Amendments will be made by February 1999.

2A/2B. Prohibitions and Restrictions of "Big Box Retail in Industrial and Employment Areas

44. Adopt Title 4 map as part of the Comprehensive Plan and/or Zoning Map (see Title 4 Map below).

45. Amend Manufacturing and Business Industrial zone to specify that retail greater than 60,000 square feet for a single use is prohibited.

Title 6

Timing: Not mandatory until one-year after the RTP is adopted, City plans to adopt at that time – anticipated timing is January 2000)

3A2. Street Design Standards

46. Amend Subdivision Ordinance to require shorter block lengths in new residential and mixed-use developments (530 feet maximum unless prohibited by terrain).
47. Amend Subdivision Ordinance to require shorter cul-de-sac lengths in new residential and mixed-use developments and to restrict the number of dwelling units on a closed-end street to 25.
48. Amend Subdivision Ordinance to require pedestrian and bicycle connections in new residential and mixed-use developments.

4A1. Alternative Mode Analysis

49. Analyze modal splits for 2040 design types (Main Streets, Station Communities, Corridors and Inner Neighborhood)

4B1. Motor Vehicle Congestion (Optional)

50. The City may wish to analyze the LOS impacts of the Regional Center in order to determine if a less stringent LOS will be necessary to permit Title 1 capacities to occur.
51. City would need to adopt LOS standards for the Regional Center area.

4C2. Transportation Systems Analysis

52. City may specifically require traffic impact analyses for Comprehensive Plan and Rezone applications.

4D1. Transportation Project Analysis (Access Management)

53. City should continue to implement the access management plan and system improvement recommended in the TSP and may wish to update the design standards in the Subdivision Ordinance to better reflect the TSP.

4D2. . Transportation Project Analysis (Design Standards)

54. City should continue to implement the design guidelines in the TSP and may wish to update the street design standards in the Subdivision Ordinance to better reflect the TSP.

Title 8

Timing: Amendments will be made by February 1999.

3A. Reference to Functional Plan, Metro in Comprehensive and Zoning Code Amendments

55. Add consistency with Functional Plan standards to Comprehensive Plan and Zoning Ordinance (for amendments).

56. Add reference to "applicable regional policies" where appropriate in both documents.

57. Include notification of Comprehensive Plan and Zoning Code amendments to Metro in both documents.

Table 1 -- City of Milwaukie

City of Milwaukie Estimate of Dwelling Unit and Job Capacity for Current Zoning on Vacant Land

Including Infill and the Adopted Regional Center Master Plan (RCMP)

Compliance Report Summary Page

July 20, 1998

Dwelling Unit Estimates

Dwelling Unit Target Capacity (Table 1, Functional Plan)	3,514
Credit for Development (1/1/94 - 12/31/97)	-163
Credit for Projected Accessory Dwelling Units	-198
Adjusted Dwelling Unit Target Capacity	3,153
Estimated Dwelling Unit Capacity on Vacant Land (& Infill) Outside the Regional Center	1,054
Estimated Dwelling Unit Capacity on Vacant & Redevelopable Land in the Regional Center	1,773
Locally Derived Dwelling Unit Capacity 1994 - 2017	2,827
Dwelling Unit Capacity Deficiency/Surplus	-326
Percent of Adjusted Target Capacity	90%

Employment Estimates

Jobs Target Capacity (Table 1, Functional Plan)	7,478
Credit for Projected Home Based Jobs (3% of target capacity)	-224
Credit for Development (1994 - 1996)	-1,042
Credit for Employment Absorption (7.5% of new jobs)	-166
Credit for Part-time and Shift Workers ("Yee Credit" - 25% reduction of target capacity)	-1,870
Adjusted Jobs Target Capacity	4,176
Estimated Jobs Capacity on Vacant Land Outside the Regional Center	99
Estimated Jobs Capacity on Vacant & Redevelopable Land in the Regional Center	2,119
Locally Derived Jobs Capacity 1994 - 2017	2,218
Jobs Capacity Deficiency/Surplus	-1,958
Percent of Adjusted Target Capacity	53%

Table 2 -- City of Milwaukee

City of Milwaukee Estimate of Dwelling Unit Capacity for Current Zoning on Vacant Land

Including Infill and the Adopted Regional Center Master Plan (RCMP)

July 20, 1998

Compliance Report

Target Capacity for Dwelling Units (Table 1 Urban Growth Management Functional Plan)	3,514
Credit for Units Constructed between September 1, 1994 - December 31, 1997 (based on Housing Inventory)	-163
Credit for Projected Number of Accessory Dwelling Units (3% of existing and new SFDU's)	-198
Estimated Number of Accessory Dwelling Units from New Single Family Units on Vacant Lands & Infill	-32
Estimated Number of New Single Family Dwelling Units	1,053
Estimated Number of Accessory Dwelling Units from Existing Single Family Units	-166
Estimated Number of Existing Single Family Dwelling Units	5,534
Adjusted Dwelling Unit Target Capacity	3,153
Estimated Dwelling Unit Capacity on Vacant Land (& Infill) Outside Regional Center	1,054
Estimated Dwelling Unit Capacity on Vacant & Redevelopable Land in the Regional Center	1,773
Dwelling Units Deficiency/Surplus	-326

Zone Abbreviation	Gross Unconstrained Vacant Land (Gross Vacant Buildable Land - Outside Regional Center)*	Gross Unconstrained Vacant Land Minus Needed Sch, Park, Church, and Streets (Net Vacant Buildable Land - Outside Regional Center)	Min lot Area Per Unit	Max Res DU per Net Acre	With Underbuild (du per net acre * .97)	% Res Land	% Emp Land	DU Estimate (Outside Regional Center)	Add'l DU from Possible Infill (Outside Regional Center)	DU Estimate from Vacant and Redevelopable Land in the Regional Center**
R-10	8.31	7.41	10,000	4.36	4.23	100%	0%	36	83	
R-7	19.53	17.95	7,000	6.22	6.04	100%	0%	113	550	
R-5	6.37	5.55	5,000	8.71	8.45	100%	0%	50	221	
R-3	0.12	0.12	3,750	11.62	11.27	100%	0%	1	0	
R-2.5	0.00	0.00	2,000	21.78	21.13	100%	0%	0	0	
R-2	0.00	0.00	2,000	21.78	21.13	100%	0%	0	0	
R-1	0.00	0.00	2,000	21.78	21.13	100%	0%	0	0	
R-1-B	0.00	0.00	2,000	21.78	21.13	100%	0%	0	0	
Totals	34.33	31.03						200	854	1773

Note: Dwelling unit capacity is not estimated directly from the aggregate totals for net vacant buildable area above, but on a parcel-by-parcel basis. Single family zoned parcels less than 3/8 of an acre receive one dwelling unit regardless of zoning. Please see the Technical Appendix for further details.

*Data Source for Vacant Land: City of Milwaukee 1998 Housing Inventory

**Data Source for Regional Center: City of Milwaukee Regional Center Master Plan, Adopted 12/2/97

Table 3 -- City of Milwaukee

City of Milwaukee Estimate of Job Capacity for Current Zoning on Vacant Lands
and the Adopted Regional Center Master Plan (RCMP)

July 20, 1998
Compliance Report

Job Target Capacity (Table 1 Urban Growth Management Functional Plan)	7,478
Credit for Projected Home-based Jobs (3% of target capacity)	-224
Credit for New Jobs between 1994 - 1996 (annual average) (Source: Oregon Economic Employment Department)	-1042
Credit for Employment Absorption (7.5% of new jobs)	-166
Credit for Parti-time and Shift Workers ("Yee Credit" - 25% reduction of target capacity)	-1870
Adjusted Jobs Target Capacity	4,176
Estimated Jobs Capacity on Vacant Land Outside the Regional Center	99
Estimated Jobs Capacity on Vacant Land & Redevelopable Land in the Regional Center	2,119
Jobs Capacity Deficiency/Surplus	-1,958

<i>Zone Abbreviation</i>	<i>Gross Unconstrained Vacant Land (Gross Vacant Buildable Land - Outside Regional Center)*</i>	<i>Gross Unconstrained Vacant Land Minus Needed Sch, Park, Church, and Streets (Net Vacant Buildable Land - Outside Regional Center)</i>	<i>SF per Emp Estim</i>	<i>front</i>	<i>side</i>	<i>rear</i>	<i>Permit'd Stories of Devel.</i>	<i>Parking Ratio (spaces per 1000)</i>	<i>Estim Gross Bldg Area Outside Regional Center</i>	<i>Estimated Number of Employees Outside Regional Center</i>	<i>Estimated Number of Employees in the Regional Center**</i>
M	3.68	3.07	1781	20	0	0	4	1.25	165,370	93	
BI	0.02	0.02	1720	20	0	0	3	1.25	205	0	
CG	0.00	0.00	553	0	0	0	3	3.00	0	0	
CN	0.00	0.00	650	15	5	10	2	3.00	0	0	
CC	0.00	0.00	519	0	0	0	4	3.00	0	0	
CL	0.12	0.12	623	0	0	0	3	3.00	3,788	6	
CSC	0.00	0.00	600	40	5	5	3	3.00	0	0	
	3.82	3.21								99	2119

Note: Jobs capacity is not calculated directly from the aggregate totals for net vacant buildable land area above, but on a parcel-by-parcel basis to account for gross-to-net reductions, setback requirements, and parking requirements.
*Data Source for Vacant Land: Metro Data Resource Center, Metro Area Vacant Lands Grid
**Data Source for Regional Center: City of Milwaukee Regional Center Master Plan, Adopted 12/2/97

Table 4 -- City of Milwaukee

Employment Density Estimates for Non-Residential Zones

July 20, 1998

Compliance Report

Employment Type or Use	Metro Recommended s.f./emp based on Metro's 1990 Employment Density Study	Calculated Weighted Averages						
		M	BI	CG	CN	CC	CL	CSC
		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
Sit Down Restaurant	400			5.00%		10.00%	10.00%	
Fast Food Restaurant	225			5.00%		10.00%	10.00%	
Appliance/Furn	1000			5.00%		5.00%	10.00%	
Auto Dealer	650			5.00%				
Gas Station	400			5.00%				
Regional Shop Ctr	600			5.00%				100.00%
Cinema	1100			5.00%				
General Retail	650			10.00%	100.00%	50.00%	10.00%	
Hardware	1000			5.00%			10.00%	
Food Store (supermarket)	675			5.00%			10.00%	
General Office	325		25.00%	20.00%		25.00%	10.00%	
Government/Administration	300			5.00%			10.00%	
Clinic	350			5.00%			10.00%	
Hospital	500							
Educational	1300		25.00%				10.00%	
Hotel/Motel	1500							
Food, Related	775							
Textile, Apparel	575	5.00%	5.00%					
Lumber, Wood	560	5.00%		5.00%				
Paper, related	1400	5.00%						
Printing, Publishing	600	5.00%	5.00%	5.00%				
Chemicals	850	5.00%						
Cement, Stone, Glass	800	5.00%	5.00%					
Furniture, Furnishings	600	5.00%	5.00%	5.00%				
Primary Metals	1000	5.00%						
Secondary Metals	800	5.00%	5.00%					
Non-Electrical Mach.	600	5.00%						
Electrical Mach.	375	5.00%						
Electrical Design	325	5.00%						
Transportation Equip.	500	5.00%	5.00%					
Durable Wholesale	1000	5.00%	5.00%					
Nondurable Wholesale	1150	5.00%	5.00%					
Warehouse Storage	20000	5.00%	5.00%					
Warehouse Distribution	2500	5.00%						
Trucking	1500	5.00%						
Communications	250	5.00%	5.00%					
Utilities	225	5.00%						

Average Square Feet per Employee

1781	1720	553	650	519	623	600
M	BI	CG	CN	CC	CL	CSC

Note: Employment density estimates are derived from Metro's 1990 Employment Density Study. Assignments for square feet per employee are based on the jurisdiction's zoning code, and descriptions of uses permitted within the zone. They are weighted by the likely occurrence of each use.

Source: Metro

Technical Appendix B

Title 1, Section 4.A.

Actual Built Densities for Housing from 1990-1995 (Underbuild Factor)

Title 1, Section 4 of the Urban Growth Management Functional Plan:

- A. All cities and counties shall determine whether actual built densities for housing during 1990-1995 were less than 80 percent of maximum zoned densities. The 1990-1995 actual built densities within cities and counties inside the urban growth boundary shall be compared with zoned densities for housing units during that period.

Residential developments to be analyzed shall be those that were permitted by land use action and constructed during the period from 1990 to 1995, and residential density shall be measured in households per net developed acre.

Results of City of Milwaukie Analysis:

Based on a study of all residential development permitted through land use action (subdivisions) and constructed between 1990 and 1995, actual built densities for single-family housing are approximately **97%** percent of the expected densities for each zone. Because the result is more than 80% of maximum zoned densities, no action is required for compliance with Section 4.B. of the Functional Plan.

Methodology:

In May 1998, approved subdivision files from the City of Milwaukie Community Development Department were reviewed for the following information: zone, number of lots, acreage of the project, and percent of the subdivision dedicated to right-of-way. These data were recorded and calculated in Excel.

In order to determine an accurate expected density (dwelling units per acre) for each zone, platted subdivisions from 1990 through 1997 were initially reviewed to determine the area of each subdivision that was developed as streets and right-of-way. In most cases, this number was calculated by subtracting the total area of the lots from the overall area of the project. The remainder is the area in streets and right-of-way. Occasionally, this figure was available on the plat. On average, it was determined that approximately 20% of the buildable land in subdivisions in Milwaukie is removed for streets and right-of-way. Therefore, the expected density for each zone was reduced by 20% to account for streets and right-of-way. For example, in the R-10 zone, which has a minimum lot size of 10,000 square feet, the expected density is: $43560 - (43560 * .20) / 10,000 = 3.5$ dwelling units per acre (or $43560 * .80 / 10,000 = 3.5$ dwelling units per acre). See *Right-of-Way Calculations for Subdivisions (file: builtsub.xls, sheet: streets)*.

Per Title 1, Section 4.A., the platted subdivisions from 1990 to 1995 were then reviewed to determine the actual density of each subdivision. This figure was derived by dividing the total number of lots in a subdivision by the total area of the lots (in acres). The actual density was then divided by the expected density for the zone (with 20% removed for streets) to get the ratio of actual density over expected density (in percent). The figures were aggregated to arrive at the total actual and expected densities for all approved subdivisions from 1990 to 1995, and a

total percentage was calculated. To assure accuracy, the total expected density was weighted both by number of lots and number of acres. The two methodologies resulted in a difference of less than one percent. Based on this analysis, it was determined that subdivisions have been developed at approximately 97% of the maximum density allowed for the zone. See *Built Densities for Housing from 1990 to 1995* (file: *builtsub.xls*, sheet: *subs*).

Therefore, an underbuild factor of 3% is used to calculate the dwelling unit capacity on vacant buildable residential land in the City of Milwaukie.

Technical Appendix C

Title 1, Section 5.A. Methodology for Determining the Calculated Capacity of Dwelling Units and Jobs for Current Zoning on Vacant Land

Title 1, Section 5 of the Urban Growth Management Functional Plan:

- A. Determine the calculated capacity of dwelling units and jobs by the year 2017 using the zoned capacity of its current comprehensive plan and implementing ordinances.

Methodology Application:

The methodology used to calculate the estimates of housing and employment capacity in the City of Milwaukie generally follows Metro's methodology, provided in the Technical Appendix to Draft Milwaukie Functional Plan Compliance Assistance Report (April 27, 1998). However, the original base data (ARC/INFO macros and Excel spreadsheets provided by Metro) were refined or replaced with more accurate and updated data and methodology to better reflect the development patterns occurring in Milwaukie. Following is a description of the capacity calculation methodology being used by the City of Milwaukie. Variations from Metro's methodology are also described below.

METHODOLOGY FOR ESTIMATING HOUSING CAPACITY OF EXISTING ZONING

Process for Determining Net Vacant Buildable Land:

Rather than using Metro's Vacant Land Grids (1996), the city's methodology used the *City of Milwaukie 1998 Housing Inventory* (Housing Inventory) to identify vacant land. The Housing Inventory was conducted from December 1997 through February 1998 by field inspection. All residential properties in the city were surveyed. The field data were combined with tax assessor's information, data from the Regional Land Information System (RLIS), and Milwaukie's Geographic Information System (MGIS) data bases. The data for the study are stored in Microsoft Excel spreadsheets by quarter-quarter section. To determine the amount of vacant residential land in the city, the Excel data were queried for "v", vacant lots, to arrive at gross vacant residential land.

Because the information in the Housing Inventory was field verified, it is likely to be a more accurate source of residential development and vacant land in the city than Metro's Vacant Land Grids, which are produced at a regional level from aerial photographs. See the *City of Milwaukie 1998 Housing Inventory Methodology* for a detailed explanation of the methodology used in the study.

Note: Only vacant land *outside* of the Regional Center was used in to calculate capacity for current zoning on vacant land. Land inside the Regional Center was removed from these calculations. Estimates for new dwelling units on vacant and redevelopable land in the Regional Center were added into the capacity estimates separately. See the *City of Milwaukie Regional Center Master Plan* (adopted December 2, 1998) for the methodology used to estimate new dwellings units in the Regional Center.

Gross-to-Net Reductions for Environmentally Constrained Land:

Environmentally constrained lands were subtracted from gross vacant land to arrive at gross vacant buildable land. The City of Milwaukie used lands identified by Metro as environmentally constrained. Environmentally constrained lands include slopes greater than 25%, flood prone soils, and Title 3 related areas. See Metro's *Technical Appendix to Functional Plan Compliance Assistance Report* (Technical Appendix) for a more detailed description of these lands.

Gross-to-Net Reductions for Schools, Parks and Churches (SPC):

On a parcel-by-parcel basis, gross vacant buildable land was further refined to account for future needed schools, local and regional parks, and churches. Using ArcView (1997 database), it was determined that 6% of the land in Milwaukie is dedicated to school, parks or churches. Therefore, it can reasonably be assumed that in the future the same percentage of land will be needed for schools, parks and churches. Because parks will not necessarily be developed exclusively on "buildable acres," Milwaukie reduced the percentage of land needed for schools, parks and churches by 1% to 5%. Per Metro's methodology, this percentage (5%) was removed from each gross vacant buildable parcel over 3/8 of an acre to prevent excessive nibbling of smaller parcels.

This methodology differs from Metro's methodology for calculating SPC's. Because Metro's methodology extrapolates a figure from the regional need for schools, parks and churches, it produced a number far greater than the vacant lands available in the city. Because this methodology was not applicable to Milwaukie, the above determination was made.

Gross-to-Net Reduction for Streets:

A second gross-to-net reduction for needed streets and right-of-way was applied to gross vacant buildable land. This was also applied on a parcel-by-parcel basis. Areas less than or equal to 3/8 of an acre (16,335 s.f.) were assumed to be platted and were given zero reduction for streets and right-of-way. Areas greater than 3/8 of an acre and less than one acre received a 10% reduction for streets and right-of-way. Areas one acre or larger received a 20% reduction for streets and right-of-way. This is different from Metro's methodology, which removed 22% for streets and right-of-way for areas over one acre. Milwaukie undertook a study of all subdivisions over one acre platted between 1990 and 1997. It was determined that 20.3% of the land area in the average subdivision was dedicated to streets. (See Appendix D, Right-of-Way Calculations for Subdivisions spreadsheet).

Total gross vacant buildable land reduced for needed schools, parks, churches and streets yields net vacant buildable land. Residential and job capacity is calculated from net vacant buildable land on a parcel-by-parcel basis.

Estimating Dwelling Unit Capacity of Existing Zoning:

The dwelling unit capacity was determined by consulting the City of Milwaukie Zoning Ordinance for permitted densities in each residential zone. Residential zones in Milwaukie are defined by minimum lot size. The minimum lot size was used to determine maximum dwelling units per acre. For example, in the R-10 zone, the

minimum lot size is 10,000 square feet. Therefore, 4.36 dwelling units would be permitted per acre ($43,560 / 10,000 = 4.36$).

Underbuild:

Underbuild is defined as the percentage difference between permitted and developed density. Section 4 of the Functional Plan identifies an underbuild factor of 20% of maximum zoned residential density that is to be applied to residential densities unless a jurisdiction can demonstrate that a lower underbuild factor has occurred for housing developed from 1990 to 1995. A study of subdivisions developed between 1990 and 1995 identified an underbuild factor of 3%. See Technical Appendix B for the methodology used to determine actual built densities for housing from 1990 to 1995. Therefore, dwelling units per acre was reduced by 3% to account for potential underbuild.

The acreage of net vacant buildable land was multiplied by the maximum dwelling units per acre and the underbuild factor to calculate the dwelling unit estimate per vacant lot. This calculation was done on a parcel-by-parcel basis. Using Metro's methodology, one dwelling unit was allocated to single family zoned parcels less than or equal to 3/8 of an acre (16,335 s.f.) regardless of the minimum lot size specified for that zone. This is based on Metro's Urban Growth Report, which assumes that parcels in single family zones that are less than or equal to 3/8 of an acre were intended for one dwelling unit. Multi-family zoned parcels less than or equal to 3/8 of an acre received their full calculated capacity (less underbuild factor).

Infill Development:

Additional units were added to housing capacity for dwelling units likely to be constructed through infill development. Infill development is the act of building additional housing units on tax lots that are currently considered developed. The rate of infill used in Milwaukie's calculations differed from the rate of infill used in Metro's methodology. In a local study of all partitions that occurred from 1990 through 1997, it was found that on average, lots that were two to three times the minimum lot size for the zone were partitioned to allow one additional unit. Lots four to ten times the minimum lot size were partitioned to allow two additional units. (See Appendix D, Infill Study spreadsheet.)

Based on this study, these rates were used to estimate the number of dwelling units likely to be constructed in Milwaukie through infill development. (See Appendix D, Projected Infill spreadsheet). This analysis for infill is limited to developed and privately owned single family lots, as identified in the Housing Inventory.

Credit for Accessory Dwelling Units:

Additional units were added to the housing capacity for accessory dwelling units (ADU's) likely to occur in jurisdictions. It is assumed that the zoning ordinance will be amended to allow for ADU's in all zones that allow residential development (Section 5.B. of the Functional Plan, capacity predicated on proposed changes to the comprehensive plan and zoning code). In the City of Milwaukie, ADU's were estimated at a rate of 3% of new plus existing single family detached dwelling units. This is different from the 1.8% rate used by Metro, which is region-wide estimate from a 1990 survey. In Milwaukie, there is minimal vacant residential land available and the existing pattern of subdivisions (grid pattern) results in larger lots with one

single family dwelling unit. With this pattern of development and lack of large areas of vacant residential land for new subdivisions, it is likely that more than 1.8% of single family lots in the city will develop with ADU's. In addition, ADU's currently require conditional use approval. The city may streamline this process to become administrative review with notice and design guidelines. This will likely increase the number of ADU's that are built. Therefore, a more realistic, locally derived estimate of 3% was used to calculate credit for projected accessory dwelling units. The city is currently researching past conditional use permits to verify trends of ADU development.

Credit for Units Constructed between 1994 and 1997:

Because the vacant buildable land supply has decreased since 1994, Milwaukie uses 1997 vacant land data to make capacity estimates and "credits" itself for development that has occurred between January 1994 and December 1997 (using the *City of Milwaukie 1998 Housing Inventory*). These properties were removed from the buildable vacant lands inventory.

Estimating Dwelling Unit Capacity on Vacant and Redevelopable Land in the Regional Center:

Additional dwelling units were added to the housing capacity for projected new units in the Regional Center. This includes new units on vacant and redevelopable land within the Regional Center. See Table 3 of the *City of Milwaukie Regional Center Master Plan* (adopted December 2, 1998) for projections of dwelling units on vacant or redevelopable parcels in the Regional Center. This figure accounts for dwelling units lost through redevelopment.

METHODOLOGY FOR ESTIMATING JOB CAPACITY OF EXISTING ZONING

Process for Determining Net Vacant Buildable Land:

Because the Housing Inventory only surveyed residential lots, Metro's 1996 vacant land data base (ARC/INFO) was used to identify non-residential vacant land in the city (outside of the Regional Center). Following the methodology described previously, gross-to-net reductions for schools, parks, churches, streets and right-of-way were applied to each parcel to yield net vacant buildable land. The estimated number of employees on net vacant buildable land was calculated on a lot-by-lot basis after removing the appropriate amount of land for setbacks and parking to arrive at a building square footage figure, and applying a square foot per employee ratio to the building square footage. This is described further below, and in Metro's Technical Appendix.

Employment Density Estimates:

Milwaukie used Metro's employment density estimates, which are estimates for gross square feet per employee for each employment type. These estimates are derived from Metro's 1990 Employment Density Study, which described different employment densities by SIC code. The average square foot per employee figure for each employment zone is calculated weighting the likely occurrence of each use in each zone. (See Appendix A, Table 4).

Estimating Building Area:

Using Metro's methodology, a weighted average for gross square feet per employee is divided into the maximum gross building area that could be built upon each vacant buildable parcel. The maximum gross building area for each parcel is estimated from a model that considers required building setbacks, permitted stories, and square feet of parking spaces and alleys. (See Metro's Technical Appendix.) These figures were derived from the Milwaukie zoning ordinance.

Credit for Home Based Jobs:

Using Metro's methodology, an estimate for the amount of jobs that are likely to be home based employment was applied to the jobs capacity calculations. This estimate comes from 1990 census data, and is credited towards the jobs target capacity (See Metro's Technical Appendix). Milwaukie is using an estimate of 3% of the jobs target capacity for credit for home based jobs.

Credit for Development between 1994 and 1996:

Because the vacant buildable land supply has decreased since 1994, Milwaukie uses 1996 vacant land data (Metro's grid data) to make capacity estimates and "credits" itself for development that has occurred between 1994 and 1996. Because 1996 vacant land data were used for capacity calculations, double counting between new development and vacant land capacity is unlikely.

Metro does not include methodology for estimating new jobs generated between 1994 and 1996. Because building permit data does not reflect actual number of employees, and square foot per employee estimates yielded an unrealistically low number, credit for new jobs between 1994 and 1996 was derived from annual average employment data obtained from the Oregon Economic Development Department (OEDD). The 1994 annual average was subtracted from the 1996 annual average to arrive at new jobs between 1994 and 1996. (See Appendix D, Credit for New Jobs from 1994 to 1996 spreadsheet.)

OEDD calculates the annual average of employees in the 97222 zip code. This area is slightly larger than Milwaukie's city limits, resulting in an over estimation of the number of jobs in Milwaukie for each year. However, per OEDD, these employment figures generally tend to under estimate employment for various reasons, such as employers filing in another zip code. Also, a small portion of Milwaukie is located outside of the 97222 zip code. Therefore, it is reasonable to use OEDD's number to obtain the approximate number of new jobs in the city from 1994 to 1996.

Credit for Employment Absorption:

Additional jobs were added to the job capacity for employment absorption. Employment absorption occurs in existing structures (on developed land) without using additional land. Absorption occurs in a number of ways. For example, it can occur by adding shifts, by altering an existing building, or by adding to an existing building. To account for absorption, 7.5% of 1994 to 2017 job capacity (new jobs) was added to the total job capacity. Metro did not include this credit. The estimate of 7.5% is derived from the December 1997 Urban Growth Report, which calculates 7.5% of the four-county employment as absorption.

Credit for Part-time and Shift Workers – “Yee Credit”:

Per the 1997 Metro fact sheet, “Title 1: Looking at Employment Allocations,” the target capacity was reduced by 25% to account for the overestimation of land need that will occur if part-time and shift workers are treated as regular employees when calculating land (or building square footage) need. This fact sheet summarized a memo by Metro Senior Economist Dennis Yee. Yee recommends factoring down employment estimates by 25% when estimating building and land need to account for jobs without floor space. Reducing the number of projected employees by 25% will more accurately reflect the actual land need for future employment. Metro did not include this credit.

Estimating Job Capacity on Vacant and Redevelopable Land in the Regional Center:

Additional jobs were added to the job capacity for projected employment in the Regional Center. This includes new jobs on vacant and redevelopable land within the Regional Center. See Table 3 of the *City of Milwaukee Regional Center Master Plan* (adopted December 2, 1998) for projections of new jobs on vacant or redevelopable parcels in the Regional Center. This figure accounts for jobs lost through redevelopment.

APPENDIX D

← WORK SHEETS =

* Some "raw data" worksheets
not included due to length.

Built Densities for Housing from 1990 to 1995									
Subdivisions Approved from 1990 to 1995									
Urban Growth Management Functional Plan, Title 1, Section 4A									
File: Builtsub.xls Sheet: SUBS									
Source: Community Development Department, Approved Subdivision Files									
Casefile	Tax Lot ID	Zone	Lots (Units)	Acres in lots	Actual Density (lots/acres in lots)	Expected Density*	Percent of Expected Density (actual density/expected density)	Expected Acres in Lots (acres in lots*expected density)	Expected Lots (lots*expected density)
R-10									
S 91-04	22E6BB	R-10	12	2.10	5.71	3.50	163.27%	7.35	42.00
S 94-03	11E26DB	R-10	5	2.63	1.90	3.50	54.32%	9.21	17.50
R-10 Summary		R-10	17	4.73	3.59	3.50	102.69%	16.56	59.50
R-7									
S 90-01	N/A	R-7	40	8.50	4.71	4.98	94.50%	42.33	199.20
S 90-02	12E30BC	R-7	37	7.50	4.93	4.98	99.06%	37.35	184.26
S 90-03	12E03C	R-7	5	1.22	4.10	4.98	82.30%	6.08	24.90
S 91-01	12E31CA	R-7	6	1.07	5.61	4.98	112.60%	5.33	29.88
S 91-03	12E31CC	R-7	24	5.00	4.80	4.98	96.39%	24.90	119.52
S 91-05	12E30DB	R-7	10	1.42	7.04	4.98	141.41%	7.07	49.80
S 92-01	1.10E+26	R-7	6	1.90	3.16	4.98	63.41%	9.46	29.88
S 92-02	22E6BB	R-7	20	3.75	5.33	4.98	107.10%	18.68	99.60
S 93-01	21E1AA, 21E1AD, 22E6BB	R-7	17	3.95	4.30	4.98	86.42%	19.67	84.66
S 93-02	12E30DB	R-7	10	1.90	5.26	4.98	105.69%	9.46	49.80
S 94-02	12E31AC	R-7	4	0.87	4.60	4.98	92.32%	4.33	19.92
S 95-01	12E30C	R-7	6	1.04	5.77	4.98	115.85%	5.18	29.88
R-7 Summary		R-7	185	38.12	4.85	4.98	97.45%	189.84	921.30
TOTAL (Weighted by Lots)**		All	202	42.85	4.71	4.86	97.09%	206.39	980.80
TOTAL (Weighted by Acres)***		All	202	42.85	4.71	4.82	97.79%	206.39	980.80
* Expected Density removes 20% of land for streets and right-of-way based on average percent of land dedicated to streets and right-of-way in these files. (See File: Builtsub.xls Sheet: Streets).									
** Total Expected Density (weighted by lots) is calculated by summing all expected lots (lots*expected density) and dividing by total lots.									
*** Total Expected Density (weighted by acres) is calculated by summing all expected acres in lots (acres in lots*expected density) and dividing by total acres in lots.									
Information taken from files that were available in June 1998.									
Files not Accounted For:									
S 91-02: Incomplete Information; S 94-01: Commercial Zone									

Right-of-Way Calculations for Subdivisions								
Residential Zones								
Urban Growth Management Functional Plan, Title 1, Sections 4A&5								
File: Builtsub.xls Sheet: Streets								
Source: City of Milwaukee 1998 Housing Inventory, Approved Subdivision Files								
Casefile	Tax Lot ID	Subdivision	Zone	# Units per Lot	Total Acres	Acres in Lots	Acres in Streets	Percentage of Acres in Streets* (acres in streets/ total acres)
R-3								
S 96-05	11E25DC	Harvey Court	R-3	4	0.76	0.76	0.00	0.00%
R-3 Summary			R-3	4	0.76	0.76	0.00	0.00%
R-7								
S 90-02	12E30BC	Meadowcrest	R-7	37	8.92	7.50	1.42	15.92%
S 90-03	12E03C	Coffey Addition	R-7	5	1.27	1.22	0.05	3.94%
S 91-01	12E31CA	Torino II	R-7	6	1.32	1.07	0.25	18.94%
S 91-03	12E31CC	Lake Hills	R-7	24	6.00	5.00	1.00	16.67%
S 91-05	12E30DB	Shayna Park	R-7	10	2.09	1.42	0.67	32.06%
S 92-01	1.10E+26	Wake Court Estates	R-7	6	2.13	1.90	0.23	10.80%
S 92-02	22E6BB	Creekway Estates	R-7	20	5.00	3.75	1.25	25.00%
S 93-01	21E1AA, 21E1AD, 22E6BB	Creekway Estates II	R-7	17	5.27	3.95	1.32	25.05%
S 93-02	12E30DB	Firewood Meadows	R-7	10	2.56	1.90	0.66	25.78%
S 94-02	12E31AC	Schumacher Park	R-7	4	0.87	0.87	0.00	0.00%
S 95-01	12E30C	Martindale	R-7	6	1.47	1.04	0.43	29.25%
S 97-01	11E36DC		R-7	6	1.18	0.98	0.20	16.95%
S 97-03	12E30CB	Rockwood Meadows	R-7	5	1.20	0.90	0.30	25.00%
R-7 Summary			R-7	156	39.28	31.50	7.78	19.81%
R-10								
S 91-04	22E6BB	Willow Park	R-10	12	3.48	2.10	1.38	39.66%
S 94-03	11E26DB	Waverly Woods	R-10	5	2.93	2.63	0.30	10.24%
R-10 Summary			R-10	17	6.41	4.73	1.68	26.21%
TOTAL	All	All	All	177	46.45	36.99	9.46	20.37%
<p>* The figure 20% is used for Milwaukee's gross-to-net reduction for needed streets and right of way, and is applied to gross vacant buildable land over one acre in size. This figure is also applied to expected densities for subdivisions when calculating built densities from 1990-1995.</p>								
<p>Files not Accounted For:</p> <p>S 90-01: Incomplete Information; S 91-02: Incomplete Information; S 96-01: Incomplete Information; S 96-02: Incomplete Information; S 94-01: Commercial Zone; S 96-03: File Missing; S 96-04: Incomplete Information; S 97-02: Incomplete Information.</p>								

Infill Study							
Partitions Approved from 1990-1997							
Urban Growth Management Functional Plan, Title 1, Section 5							
File: Infstudy.xls							
Source: Community Development Department, Approved Partition Files							
Tax Lot ID	Zone	Minimum Lot Size (square feet)	# Lots	Total Acres	Total Square Feet	Times Allowable Minimum Size	Description of Partition
R-10							
22E6BC	R-10	10,000	3	1.3	56628	5.66	5 x as big; 3 lots, 2 additional
11E36DD	R-10	10,000	2	0.61	26571.6	2.66	2 x as big; 2 lots, 1 additional
12E30DB	R-10	10,000	2	0.47	20473.2	2.05	2 x as big; 2 lots, 1 additional
12E30DB	R-10	10,000	2	0.52	22651.2	2.27	2 x as big; 2 lots, 1 additional
22E6BB	R-10	10,000	2	0.55	23958	2.40	2 x as big; 2 lots, 1 additional
R-7							
12E30CB	R-7	7,000	2	0.48	20908.8	2.99	2 x as big; 2 lots, 1 additional
12E31AC	R-7	7,000	3	1.38	60112.8	8.59	8 x as big; 3 lots, 2 additional
11E25BD	R-7	7,000	3	0.8	34848	4.98	4 x as big; 3 lots, 2 additional
11E25DB	R-7	7,000	2	0.37	16117.2	2.30	2 x as big; 2 lots, 1 additional
12E30CB	R-7	7,000	3	0.79	34412.4	4.92	4 x as big; 3 lots, 2 additional
11E25BD	R-7	7,000	2	0.4	17424	2.49	2 x as big; 2 lots, 1 additional
12E31AD	R-7	7,000	3	1.97	85813.2	12.26	12 x as big; 3 lots, 2 additional
12E30CB	R-7	7,000	2	0.47	20473.2	2.92	2 x as big; 2 lots, 1 additional
12E30AC	R-7	7,000	3	0.51	22215.6	3.17	3 x as big; 3 lots, 2 additional
11E25CA	R-7	7,000	2	0.26	11325.6	1.62	1 x as big; 2 lots, 1 additional
11E25DB	R-7	7,000	3	0.69	30056.4	4.29	4 x as big; 3 lots, 2 additional
12E31AC	R-7	7,000	2	0.43	18730.8	2.68	2 x as big; 2 lots, 1 additional
11E25AC	R-7	7,000	2	0.34	14810.4	2.12	2 x as big; 2 lots, 1 additional
11E30CD	R-7	7,000	2	0.46	20037.6	2.86	2 x as big; 2 lots, 1 additional
12E31AC	R-7	7,000	2	0.36	15681.6	2.24	2 x as big; 2 lots, 1 additional
11E25BD	R-7	7,000	2	0.41	17859.6	2.55	2 x as big; 2 lots, 1 additional
12E31AA	R-7	7,000	2	0.6	26136	3.73	3 x as big; 2 lots, 1 additional
12E31AA	R-7	7,000	2	0.5	21780	3.11	3 x as big; 2 lots, 1 additional
12E30CB	R-7	7,000	2	0.3	13068	1.87	1 x as big; 2 lots, 1 additional
12E31AB	R-7	7,000	3	0.66	28749.6	4.11	4 x as big; 3 lots, 2 additional
11E25DD	R-7	7,000	2	0.51	22215.6	3.17	3 x as big; 2 lots, 1 additional
11E25DB	R-7	7,000	2	0.45	19602	2.80	2 x as big; 2 lots, 1 additional
11E25BD	R-7	7,000	2	0.4	17424	2.49	2 x as big; 2 lots, 1 additional
12E31DA	R-7	7,000	2	0.41	17859.6	2.55	2 x as big; 2 lots, 1 additional
12E25CA	R-7	7,000	2	0.4	17424	2.49	2 x as big; 2 lots, 1 additional
12E30DB	R-7	7,000	2	0.36	15681.6	2.24	2 x as big; 2 lots, 1 additional
11E25BA	R-7	7,000	2	0.45	19602	2.80	2 x as big; 2 lots, 1 additional
12E30CD	R-7	7,000	2	1.53	66646.8	9.52	9 x as big; 2 lots, 1 additional
11E25BD	R-7	7,000	2	0.4	17424	2.49	2 x as big; 2 lots, 1 additional
11E25BA	R-7	7,000	2	0.45	19602	2.80	2 x as big; 2 lots, 1 additional
R-5							
11E36BB	R-5	5,000	2	1.35	58806	11.76	11 x as big; 2 lots, 1 additional
CONT.	R-5	5,000	1	0.51	22215.6	4.44	4 x as big; 2 lots, 1 additional
11E35DD	R-5	5,000	3	0.46	20037.6	4.01	4 x as big; 3 lots, 2 additional
12E30CD	R-5	5,000	2	0.44	19166.4	3.83	3 x as big; 2 lots, 1 additional
R-3							
12E30CB	R-3	5,000	3	0.43	18730.8	3.75	3 x as big; 3 lots, 2 additional
R-2							
11E36CA	R-2	5,000	2	0.61	26571.6	5.31	5 x as big; 2 lots, 1 additional
11E36BD	R-2	5,000	3	0.48	20908.8	4.18	4 x as big; 3 lots, 2 additional
*Shading denotes differing results from guidelines in Section 5 of the Urban Growth Management Functional Plan.							
Results: Generally, lots that were 2-3 times the minimum lot size were partitioned to allow 1 additional unit, while lots 4-10 times the minimum lot size were partitioned to allow 2 additional units. Based on this study, these estimates are used to estimate the number of dwelling units likely to be constructed in the City of Milwaukie through infill development. See Projected Infill, File: Infill1.xls.							

EmpCredit

City of Milwaukie

Credit for New Jobs from 1994 to 1996; Table 3

Source: Oregon Economic Development Department, Arthur Ayre, (503) 986-0101

Year	No. of Employees (annual average)
1994	16,997
1996	18,039

Credit

1,042

Note: The annual averages are based on employment in the 97222 zip code. This area is slightly larger than the City of Milwaukie city limits (see attached map), resulting in a slight over estimation of the number of jobs in the City of Milwaukie for each year. However, per OEDD, these employment figures generally tend to under estimate employment for various reasons, such as employers filing in another zip code. Therefore, it is reasonable to use these figures to obtain the approximate number of new jobs in the City from 1994 to 1996.

APPENDIX E

Milwaukee Resolution

22-1998

MILWAUKIE, CLACKAMAS COUNTY, OREGON

RESOLUTION NO. 22-1998

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, PERTAINING TO CITY ACCEPTANCE OF A REGIONAL LIGHT RAIL PROJECT AND LOCALLY PREFERRED STRATEGY AND REQUEST FOR MITIGATION MEASURES.

WHEREAS, the South/North Transit Corridor Study was initiated in April 1993 by the Metro Council; and

WHEREAS, this project is a Bi-State Project involving multiple jurisdictions; and

WHEREAS, the Milwaukie City Council is not the final decision-making authority for the Project; and

WHEREAS, there is mixed support for the Project by citizens in Milwaukie; and

WHEREAS, the City Council has responded to the South/North Draft Environmental Impact Statement in order to work toward ensuring that impacts on Milwaukie and its neighborhoods are mitigated; and

WHEREAS, the following committees and jurisdictions have adopted recommendations supporting the Locally Preferred Strategy: South/North Project Management Group, South/North Citizens Advisory Committee, South/North Downtown Oversight Committee, South/North Steering Committee, City of Portland, Multnomah County, Clackamas County, and Tri-Met; and

WHEREAS, officials from Gresham and Hillsboro have advised Milwaukie that it is best to stay actively involved in Project decisions throughout the life of the Project in order to ensure that City interests are addressed;

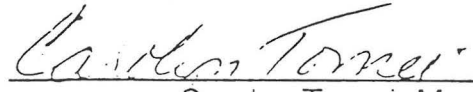
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Clackamas County, Oregon, that:

1. The Milwaukie City Council accepts the Steering Committee's Locally Preferred Strategy provided that the Project works with the City to mitigate impacts expressed by the City Council in its Draft Environmental Impact Statement comments; and

2. That the Project strive to set a new standard for Transit Projects through established communities by:
 - A. Responding in a positive manner to community concerns and impacts; and
 - B. Fulfilling commitments favorable toward the community that will build trust; and
 - C. Approving outcomes that provide the community with more livability in concert with its own unique characteristics.
3. That the Project be fully-responsive and take any and all necessary actions to respond to and affect mitigation through the Final Environmental Impact Statement preparation; and
4. That the Project be responsive to future mitigation requests by the City in Preliminary Engineering; and
5. That the Project be responsive to future mitigation requests by the City during Project Construction including but not limited to wetlands and other riparian concerns; and
6. That the Project be responsive to any and all noise and vibration impacts identified now or during future Project phases; and
7. That the Project be responsive to any privacy impacts identified during future Project phases; and
8. That the Project completes further study specific to Milwaukie area soils and geology and mitigate any impacts identified by these studies; and
9. That the Project works with Milwaukie to protect existing neighborhoods from all impacts of light rail; and
10. That the Project works with Milwaukie to deal with potential transit center spillover parking management; and
11. That the Project locates the Milwaukie Transit Center as far away from the Ledding Library and Scott Park as practicable in order to minimize noise and vibration impacts to these sensitive environments; and


12. That the Project works with the City to minimize traffic impacts on neighborhood and central business district streets; and
13. That the Project and Oregon Department of Transportation work with Milwaukie and Clackamas County to improve the Linwood/Harmony intersection and other impacted intersections and to divert regional traffic onto appropriate regional routes; and
14. That the Project addresses public safety through design and active patrol measures at all stations, transit centers, crossings, and park and ride locations; and
15. That the Project supports the City's Tree City USA efforts by replacing all trees removed from the public right-of-way with equal or better trees and planting trees within all station areas in Milwaukie; and
16. That the Project incorporates other transit system improvements as identified by the Transit Choices for Livability Project; and
17. The Project recognizes the City strongly prefers the operations and maintenance facility be located in Portland due to the substantial negative impact on the City's industrial economic base by locating the facility in Milwaukie; and
18. That the Project ensures multi-modal transit service increases within Milwaukie; and
19. That the Project improves bus service from Oregon City, Gladstone, and Oak Grove to the Transit Center to minimize flow-thru traffic on local streets; and
20. That the Project acknowledges the City Council does not intend to further up-zone station areas; re-zone any transit corridor areas; or otherwise increase population densities in established City neighborhoods; and
21. That the Project actively seeks ways to preserve Milwaukie's unique small town look and feel and works with the community to protect its suburban environment.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on July 1, 1998.



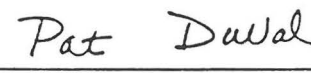
Carolyn Tomei, Mayor

APPROVED AS TO FORM:



O'Donnell, Ramis, Crew, Corrigan & Bachrach

ATTEST:



Pat DuVal, City Recorder

APPENDIX F

Metw Methodology

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Technical Appendix to Functional Plan Compliance Assistance Report

Title 1, Section 5 - Methodology for Determining the Calculated Capacity of Dwelling Units and Jobs for Existing Zoning on Vacant Lands City of Milwaukee - 04/27/98

The methodology utilized to calculate the estimates of local zoning capacity follows the general steps outlined in Metro's Urban Growth Report (June 1997 draft). Under section 5, title 1 of Metro's Urban Growth Management Functional Plan (functional plan), cities and counties may use their data if it is shown that the city or county data is more accurate than Metro's regional data. Throughout this appendix the strengths and the weaknesses of the different data sources and methodologies are explained. Metro has worked to account for distinguishing local conditions, while still maintaining enough standardization to perform meaningful comparisons by jurisdiction. Metro encourages local jurisdictions to improve on this analysis utilizing a more "finely tuned" methodology, and data sources which better reflect local knowledge of opportunities and obstacles.

This section describes Metro's methodology for estimating Milwaukee's capacity for dwelling units and jobs to the year 2017, as per title 1, section 5 of the functional plan. Metro has worked closely with the City's staff to best tailor this analysis to variances in local code and conditions.

Table 1 of the functional plan sets target capacity requirements for the amount of additional dwelling units and jobs each jurisdiction must aim to accommodate. The Table 1 numbers are based on growth projections for 1994 to 2017. These growth projections are derived from an econometric analysis -- aggregated from smaller levels of geography -- which underwent extensive review by local jurisdictions.

This technical analysis focuses primarily on vacant lands for the target capacity estimates herein. Metro considers redevelopment with respect to each jurisdiction's ability to reach its target capacity. The process used to calculate capacity on vacant lands is different than the process used to calculate capacity on redevelopable lands. Estimates for capacity on vacant lands are closely tuned to local codes and conditions, while estimates for capacity on redevelopable lands are standardized by regional zoning categories and based upon full implementation of the 2040 Growth Concept. The following is an explanation of Metro's methodology for estimating capacity on vacant lands, including infill.

Special Note for Milwaukee: It is understood that the City of Milwaukee currently has redevelopment estimates for jobs and dwelling units detailed in the Regional Center Master Plan. The City may wish to use the redevelopment estimates from this study as part of its total capacity estimates.

Urban reserve areas are not considered as part of this analysis.

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Since the vacant, buildable land supply has decreased since 1994, Metro uses 1996 vacant land data to make the capacity estimates, and "credits" jurisdictions for the amount of development that has occurred between September 1, 1994 and August 31, 1996 (aerial flight photograph dates).

PROCESS FOR DETERMINING NET VACANT BUILDABLE LAND

Metro's Data Resource Center (DRC) uses digitized aerial photographs from August, 1996 to update the vacant lands coverage. They are rectified to match parcel maps from county assessors' records (scale varies by location from inch: 100 feet, to inch: 400 feet). To see where development has occurred, each fully or partially vacant parcel is manually checked between the most recent photographs and previous existing inventory maps of vacant land. With each tax lot update, the parcels are coded as partially or fully vacant.

A fully vacant parcel has no improvements. A partially vacant parcel has improvements on the property, but also has a vacant component (no structures, outbuildings, driveways, roads, etc.) of one-half acre or more. The vacant portion is added to the vacant lands inventory; the developed portion is added to the developed lands inventory.

To perform the calculations described herein, Metro uses GIS Arc-Info's grid module, an analytical tool that breaks the region into 52' x 52' grid cells for the purpose of performing spatial analyses. From grid, gross vacant land parcels (above) are reduced to account for environmentally constrained land, described in detail below. After removing environmentally constrained land, a data base of gross vacant buildable parcels is exported onto a spreadsheet and the projected land need for schools, parks and church uses streets and right-of-way is removed on a parcel-by-parcel basis. Afterwards, net zoning densities for dwelling units and jobs are applied to each net vacant buildable parcel.

Gross-to-Net Reductions for Environmentally Constrained Land¹

Environmentally constrained land is subtracted from gross vacant land to arrive at gross vacant buildable land. In these capacity estimates, environmentally constrained land includes:

- Slopes greater than or equal to 25 percent,
- Flood prone soils, as derived from Natural Resource Conservation Service county soil surveys,
- Title 3 - Related areas
 - Flood Hazard Areas, defined as:
 - FEMA flood plains
 - February, 1996 inundation areas,
 - Wetlands from an enhanced National Wetlands Inventory and local wetlands inventories
 - Wetland Areas
 - 50' from edge of wetland or 200' from edge of wetland on steep slopes.

¹ Because Title 3 of the functional plan has not yet been adopted and does not affect Flood Prone Soils or Steep Slopes, the above definition of environmentally constrained areas may not be representative of actual protection areas. However, the areas given should serve as a placeholder for future Title 3 and/or State Goal 5 requirements. Metro can make available digital data of Title 3-related areas that reflect current discussions of possible Title 3 legislation.

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- Riparian Corridors
200-ft corridor on either side of all mapped streams in the region.

Some specific areas can be taken out of the environmentally constrained land category described above, and returned to the vacant buildable land supply (development capacity can be calculated on them). This is usually carried out at the request of the local jurisdiction for well-developed areas, such as regional centers. In all cases, riparian corridors retain their designation as constrained land.

After removing environmentally constrained land, Arc-Info's grid module generates a file of vacant, buildable parcels within each local zone for the respective jurisdiction. In the majority of cases, overlay zones and other zones for which Metro does not keep data are not included in the calculations.

Gross-to-Net Reductions for Parks, Schools, Churches and Streets

On a parcel-by-parcel basis, gross vacant buildable land is refined further to account for needed schools, local parks, regional parks, churches, streets, and right-of-way (right-of-way refers to sidewalks and planting strips). This yields net vacant buildable land.

For Milwaukee, an estimated future land need for schools, parks and churches uses has not been incorporated into these estimates. The City may already have enough land supply for such uses; Metro defers to the City's estimates on this item.

A second gross-to-net reduction for needed streets and right-of-way is applied to gross vacant buildable land. The criteria used follows that described in Metro's Urban Growth Report. Areas less than or equal to 3/8 of one acre (16,335 s.f.) are assumed to be platted; they are given zero reduction for streets and right-of-way, and if situated in a single family zone, receive one dwelling unit regardless of zoning. Areas greater than 3/8 of one acre (16,335 s.f.) and less than one acre receive a 10% reduction for streets and right of way, and areas one acre or larger receive a 22% reduction for streets and right-of-way.

Note that uses categorized as "public ownership" are not considered in these refinement estimates. Publicly-owned tax lots, which include city, county, state and federally owned land, have specifically been removed from the region-wide grid of vacant, buildable land (i.e. no capacity is calculated on publicly-owned vacant buildable land).

Total gross vacant buildable land reduced for needed schools, local parks, regional parks, churches, streets and right-of-way yields net vacant buildable land. Residential and job capacity is calculated from net vacant buildable land on a parcel-by-parcel basis.

METHODOLOGY FOR ESTIMATING DWELLING UNIT CAPACITY OF EXISTING ZONING

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Table 2 shows the inputs used to calculate dwelling unit capacity. For residential areas, zoning codes/comprehensive plans are consulted to determine the permitted densities in *dwelling units per net acre*. Where codes indicate dwelling units per *gross* acre (dwelling unit capacity on a per acre basis with streets and right-of-way included) the densities are adjusted upwards by 20 percent to account for the capacity that would be gained when considering capacity without streets, right-of-way, or other constraints -- as these have already been removed from gross vacant buildable land in Metro's calculations.

Example: A zone that allows 6 dwelling units on a gross acre (an acre of land with streets and right-of-way) would allow approximately 7.2 dwelling units on a net acre (an unimproved acre of land with no streets/right of way).

In cases where the jurisdiction's codes define minimum lot sizes instead of dwelling units per acre, the lot sizes are converted directly into dwelling units per net acre (5,000 s.f. minimum lot size = 8.7 dwelling units per net acre). *(gross)* *gross.*

In keeping with the functional plan requirements outlined in title 1, an underbuild factor of 20 percent of maximum zoned residential density is applied to the net residential densities. Jurisdictions may apply a lower underbuild factor if such can be demonstrated for housing developed between 1990 and 1995. Underbuild factor is defined as the percentage difference between permitted and developed density.

When calculating capacity of each net vacant buildable parcel, Metro allocates one dwelling unit to single family zoned parcels less than or equal to 3/8 of one acre (16,335 s.f.), regardless of the minimum lot size specified for that zone. This is in keeping with the methodology used in Metro's Urban Growth Report, which assumes that parcels in single family zones that are less than or equal to 3/8 of one acre were intended for one dwelling unit. Multi-family zoned parcels less than or equal to 3/8 of one acre receive their full calculated capacity (less underbuild factor).

Infill Development

In these calculations, Metro makes estimates for dwelling units likely to be constructed through infill development. Infill development is the act of building additional housing units on tax lots that are currently considered *developed*. For the purpose of this analysis, additional units are added to tax lots between three and ten times larger than the minimum tax lot permitted within that zone. The estimates are based on the following rate:

- one additional unit was assumed for lots three to five times the allowable minimum size
- two additional units were assumed for lots six to ten times the allowable minimum size

The analysis for infill is limited to developed and privately owned single family lots, as identified in the regional data base. Parks and environmentally constrained land (described earlier) are not considered to have infill potential. Because Metro has filtered out vacant land before running the infill calculations, double counting between infill potential and vacant land capacity is highly unlikely.

SF use
or SF zone.

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Accounting for Accessory Dwelling Units

Following the requirements set forth in title 1, section 5 of the functional plan, Metro accounts for the rate of accessory dwelling units (ADU's) likely to occur in jurisdictions. If the jurisdiction's codes do not currently allow ADU's, they are not counted as specified in section 5A, but are included in the estimate for section 5B of the functional plan (capacity predicated on proposed changes to the comprehensive plan and zoning code). Section 5B states, it is necessary to:

“Calculate the increases in dwelling unit and job capacities by the year 2017 from any proposed changes to the current comprehensive plans and implementing ordinances that must be adopted to comply with Section 2 of this Title and add the increases to the calculation of expected capacities.” (Urban Growth Management Functional Plan, p.7).

ADU's are estimated at a rate of 1.8% of *new plus existing* single family detached dwelling units within the jurisdiction. The figure of 1.8% is a region-wide estimate derived from the 1990 American Housing Survey for the Portland Metropolitan Area, produced by the U.S. Department of Housing and Urban Development. It is based on a count of lodgers within single family detached dwelling units. As of 9/4/97, a 1994 survey for the metropolitan area is not available.

METHODOLOGY FOR ESTIMATING THE JOB CAPACITY OF EXISTING ZONING

Table 3 shows the inputs used to calculate job capacity. Following the method described at the beginning of this section, the buildable vacant land area, for each parcel, is calculated from grid-based Arc-Info. Gross to net reductions for schools, local parks, regional parks, churches, streets and right-of-way are applied in the same fashion as described earlier.

Accounting for Home Based Jobs

Each jurisdiction has an estimate for the amount of jobs that is likely to be home based employment. These estimates come from 1990 census data, and are credited to the jurisdiction's jobs target capacity. *The estimate that Metro has used for Milwaukie's home based employment is three percent of total workers (2017 jobs target capacity).*

Employment Density Estimates

For each jurisdiction, employment zones are assigned an estimate for gross square feet per employee. Metro's 1990 Employment Density Study, which describes different employment densities by SIC code, sets the basis for these estimates. The assignments are based on zoning descriptions of uses permitted within the zone, and are weighted by the likely occurrence of each use. **Table 4** shows the employment densities calculated and applied for each employment zone. In setting these estimates, Metro considered the need to standardize zoning categories to maintain some degree of region-wide consistency in final calculations. However, because two light manufacturing zones in two jurisdictions may allow a different range of uses, they may have different assigned densities. Local planners may be able to provide better estimates as to the employment density of actual uses that cluster in the different zones.

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Estimating Building Area

A weighted average for gross square feet per employee is divided into the maximum gross building area that could be built upon each vacant, buildable parcel. The maximum gross building area for each parcel is estimated from a model that considers the following elements:

- required building setbacks (from local code)
- permitted stories of building area (from local code)
- square feet per parking space + alleys (350 s.f. unless otherwise indicated)
- parking spaces per 1,000 s.f. of building area (from local code and/or functional plan title 2)
- stories of parking (1 story assumed for calculations herein, unless otherwise indicated)

The factors listed above are determined from local zoning codes, with some consideration given to existing development patterns and/or input from the jurisdiction where codes do not provide adequate definition.

This approach estimates building area by considering the ratio of building footprint per 1,000 s.f. of building area to parking footprint per 1,000 s.f. of building area, and applying this ratio to the parcel size after removing required setbacks. The estimated building footprint is multiplied by the permitted number of building stories (within that zone) to arrive at a total estimated building area.

As building codes most frequently define setback requirements as raw numbers rather than proportions, it is necessary to estimate dimensions of vacant, buildable parcels by assuming a regular configuration. Since parcels of land do not typically take a regular configuration, this methodology errs on the side of slightly overestimating maximum potential building area (and thus, employees). However, the reductions to vacant, buildable land from parking and setback calculations may compensate for a possible overestimate. Local planners may be able to improve on this methodology for specific areas within the jurisdiction.

Estimates for Jobs Generated between 1994 and 1996

Estimates for jobs capacity are generated from 1996 vacant land. Metro acknowledges that new jobs have been generated between September 1, 1994 - August 31, 1996. However, existing resources limit our ability to estimate this figure. If the jurisdiction falls short of its jobs target capacity, Metro will work with the city to determine the amount of jobs generated between these dates, and "credit" this figure towards the jurisdiction's jobs target capacity.



MEMORANDUM

July 21, 1998

To: City of Milwaukie Planning Commission

From: David Crow, Interim Assistant Planner *DC*

Re: Executive Summary – Proposed Amendments to City Zoning Ordinance (ZORRO)

Submitted herewith are proposed amendments to the City's Zoning Ordinance. Over the last several months, the Community Development staff has been reviewing the Ordinance and developing needed changes for the Planning Commission's consideration. This process is ongoing. So far, the staff has developed a series of recommended amendments for all residential zoning districts and for three of the five commercial zones.

The major purposes of the staff's drafting these proposed revisions are to clarify and simplify the zoning code, while making it more consistent.

In addition, staff is attempting to add flexibility and, where possible, a little more "reasonableness" to the regulations. As a result, some of the suggestions go beyond simply "cleaning up" the ordinance.

Among the major changes are the following:

- Adding "Intent" statements to each zone
- Combining the R-2 and R-2.5 zones into a new R-2 zone.
- Combining the R-1-B and R-1 zones into a new R-1 zone.
- Eliminating offices in the R-3 zone as permitted uses and adding them as conditional uses.
- Eliminating single family residences as a permitted use from multifamily zones.

Other significant changes include the following:

- Eliminating "Agricultural or horticultural uses" in most residential and all commercial zones.
- Adding "Home occupations" as permitted uses in residential zones.
- Changing the term, "Single family attached dwelling" to "Two family dwelling".
- "Town home" used instead of "interior single-family attached dwellings".
- Reducing some side yard requirements on corner lots.
- Eliminating all references to "Temporary real estate office in a subdivision". (This will be added to Section 400 in the Zoning Ordinance.)

- Reference of “senior retirement housing “ and “residential home” changed to “congregate care facility” and “residential care facility”.
- Eliminating two family dwellings in the R-10 zone.
- Adding town homes as a conditional use in the R-5 zone.
- Elimination of “hotel or motel” as conditional use in the R-2 and R-1 zones.
- Elimination of two family dwellings, residential care and congregate care facility as permitted uses in R-1 zone, but adding them as a conditional use.
- Reducing the average lot area of the first dwelling unit in R-1 zone from 5,000 square feet to three thousand square feet.
- Eliminating use restrictions, “Authorized commercial uses are permitted on the ground floor only” and “Offices are permitted on the ground level and first floor” from the R-1 zone.
- Adding “Town home”, multifamily condominium, residential care facility, and congregate care facility as permitted uses in the R-O-C zone.
- Eliminating single family detached and two family residential as conditional use in C-L zone.
- Adding town home as conditional use in C-L zone.
- Increasing minimum lot size from zero to 5,000 square feet in C-L and C-G zones.
- Changing offices from permitted use to conditional use in C-G zone.
- Adding the provision that “All uses shall be conducted within an enclosed building except as permitted under Section 600” to C-G zone.

The staff will continue to review the remainder of the commercial and industrial zones, making recommended changes as deemed appropriate. Once this process is completed, the Zoning ordinance’s definitions will then be revised accordingly, and other sections (including those for home occupations and signage) will be reviewed.

SECTION 200 BASIC PROVISIONS

201 COMPLIANCE WITH ORDINANCE PROVISIONS

A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only ~~as this Ordinance permits~~ in accordance with the provisions of this Ordinance.

202 CLASSIFICATION OF ZONES

For the purposes of the Ordinance, the following zones are hereby established in the ~~city~~ City:

<u>Section</u>	<u>Zone Description</u>	<u>Abbreviated Description</u>
Residential	Residential	R-10
Residential	Residential	R-7
Residential	Residential	R-5
Residential	Residential	R-3
Residential	Residential	R-2.5
Residential	Residential	R-2
Residential Business Office Commercial	Residential	R-1 B
Residential	Residential	R-1
Residential Office Commercial	Residential Office Commercial	R-O-C
Commercial, Neighborhood	Commercial, Neighborhood	C-N
Commercial, Limited	Commercial, Limited	C-L
Commercial, Central	Commercial, Central	C-C
Commercial, General	Commercial, General	C-G
Manufacturing	Manufacturing	M
Commercial, Community Shopping	Commercial, Community Shopping	C-CS
Aircraft Landing Facility	Aircraft Landing Facility	L-F
Planned Development	Planned Development	PD
Willamette Greenway	Willamette Greenway	WG
Community Service Overlay	Community Service Overlay	CSO
<u>301</u>	<u>R-10 Low Density Single Family Residential</u>	
<u>302</u>	<u>R-7 Moderate Density Single Family Residential</u>	
<u>303</u>	<u>R-5 High Density Single Family Residential</u>	
<u>304</u>	<u>R-3 General Residential</u>	
<u>305</u>	<u>VACANT</u>	
<u>306</u>	<u>R-2 Multifamily Residential</u>	
<u>307</u>	<u>VACANT</u>	
<u>308</u>	<u>R-1 Multifamily – Office</u>	
<u>309</u>	<u>R-O-C Residential - Office - Commercial</u>	
<u>310</u>	<u>C-N Neighborhood Commercial</u>	

<u>311</u>	<u>C-L Limited Commercial</u>	
<u>312</u>	<u>C-C Central Commercial</u>	
<u>313</u>	<u>C-G General Commercial</u>	
<u>314</u>	<u>VACANT</u>	
<u>315</u>	<u>C-CS Community Shopping Commercial</u>	
<u>316</u>	<u>B-I Business-Industrial</u>	
<u>317</u>	<u>M-G General Manufacturing</u>	
<u>318</u>	<u>Mixed Use Overlay</u>	
<u>319</u>	<u>P-D Planned Development Overlay</u>	
<u>320</u>	<u>W-G Willamette Greenway Overlay</u>	
<u>321</u>	<u>C-F Community Facility Overlay</u>	
Natural Resource Overlay		NR
<u>322</u>	<u>N-R Natural Resource Overlay</u>	
Historic Preservation Overlay		HP
Business Industrial		BI
<u>323</u>	<u>H-P Historic Preservation Overlay</u>	
<u>324</u>	<u>VACANT</u>	
McLoughlin Corridor Overlay		MC
<u>325</u>	<u>M-C McLoughlin Corridor Overlay</u>	

203 LOCATION OF ZONES

The boundaries for the zones established ~~in~~ by this Ordinance are indicated on a map entitled "Official Zoning Map of Milwaukie, Oregon," ~~which~~ located in the office of the City Recorder. This Official Zoning Map is hereby adopted by reference. The boundaries of the zoning districts shall be modified in accordance with Zoning Map amendments, which shall be adopted by reference.

204 BOUNDARIES OF ZONES

If a zone boundary as shown on the ~~map~~ Official Zoning Map divides a lot between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies, provided that this adjustment involves a distance not to exceed 20 feet from the mapped zone boundary.

205 ZONING MAPS

~~A~~ The Official Zoning Map ~~and~~ Zoning Map amendments adopted by Section 203 of this Ordinance, or by ~~an~~ a subsequent amendment, shall be prepared by authority of the City Planning Commission or be a modification by the City Council of a ~~map or map~~ Map or Map amendment. The ~~map or map~~ Map or Map amendment shall be dated with the effective date of the ordinance that adopts the ~~map or map~~ Map or Map amendment.

~~A certified print of the adopted map or map amendment~~The adopted Official Zoning Map, modifications and amendments shall be maintained without change in the office of the City Recorder as long as this Ordinance remains in effect. Any authorized amendment or modification to the Official Zoning Map shall be entered on and certified by the City Recorder.

206 ZONING OF ANNEXED AREAS

Area annexed to the City shall be included within the boundaries of the zones established in this Ordinance and in accordance with the appropriate Comprehensive Plan Map designation. The Planning Commission shall recommend appropriate zoning to the City ~~Council which shall be adopted~~Council. The Council shall zone newly annexed areas by ordinance.

SECTION 300 USE ZONES

~~301 RESIDENTIAL ZONE R-10~~

~~In an R-10 Zone the following regulations shall apply:~~

~~301.1301~~ Outright uses permitted R-10 LOW DENSITY SINGLE FAMILY RESIDENTIAL ZONE

The intent of the R-10 Low Density Single Family Residential Zone is to preserve and protect single family residences on larger lots, while permitting a limited number of other appropriate and compatible uses.

301.1 Permitted uses

In an R-10 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- ~~B. Residential home.~~
- ~~C. Agricultural or horticultural use, provided that:~~
 - ~~1. a retail or wholesale business sales office is not maintained on the premises; and~~
 - ~~2. B. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock care facility.~~
- C. Home occupations, subject to the provisions of Section 401.1E of this Ordinance.
- D. Any other use similar to the above and not listed elsewhere.

301.2 Conditional uses permitted

In an R-10 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- ~~A. Temporary real estate office in a subdivision.~~
- ~~B. Single family attached dwelling.~~
- C. A. Senior and retirement housing. Agricultural or horticultural uses, provided that:
 - 1. A retail or wholesale business sales office is not maintained on the premises; and

2. Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- B. Congregate care facility.
- C. Secondary dwelling unit.
- ~~E.D.~~ Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

301.3 Standards

In an R-10 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 10,000 square feet, ~~and the lot area shall be not less than an average of 7,000 square feet for dwelling of a single family attached complex. Lot width shall be at least 30 feet for an interior single family attached unit.~~ Average lot depth shall be at least 100 feet. Lot width shall be at least 70 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 20 feet on the side abutting the street. ~~For interior single family attached units, side yards are not required.~~
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by one dwelling structure and accessory buildings shall not exceed 30 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 35 percent of the total area of the lot.
- J. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. ~~The lot for an interior single family attached unit shall abut a public street for at least 20 feet.~~

302 RESIDENTIAL ZONE R-7

In an R-7 Zone the following regulations shall apply:

302.1302 Outright uses permitted R-7 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL ZONE

The intent of the R-7 Medium Density Single Family Residential Zone is to preserve and protect single family residences on medium sized lots, while permitting other appropriate and compatible uses.

302.1 Permitted uses

In an R-7 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- B. Residential ~~home~~ care facility.
- C. Home occupations, subject to the provisions of Section 401.1.E of this Ordinance.
- D. Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

302.2 Conditional uses permitted

In an R-7 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Agricultural or horticultural use, provided that:
 - 1. ~~a~~ retail or wholesale business sales office is not maintained on the premises; and
 - 2. ~~poultry~~ Poultry or livestock other than the usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.

~~D. Any other use similar to the above and not listed elsewhere.~~

302.2 Conditional uses permitted

~~In an R-7 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600;~~

- ~~A. Temporary real estate office in a subdivision.~~
- ~~B. Single family attached dwelling.~~
- C. Senior and retirement housing, Two family dwelling.
- C. Congregate care facility.

- D. Secondary dwelling unit.
- E. Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

302.3 Standards

In an R-7 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 7,000 square feet. ~~For a single family attached complex feet, and the lot area shall be an average of at least 7,000 square feet per unit, not be less than 14,000 square feet for a two family dwelling.~~ Lot width shall be at least 60 feet. ~~The minimum lot width shall be 30 feet for interior single family attached units.~~ Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet and one side yard shall be at least 10 feet, except on corner lots a side yard shall be at least 2015 feet on the side abutting the street. ~~For interior single family attached units, side yards are not required.~~
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 30 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc. will be 30 percent of the total area of the lot.
- J. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. ~~The lot for an interior single family attached unit shall abut a public street for at least 20 feet.~~

303 RESIDENTIAL ZONE R-5

~~In an R-5 Zone the following regulations shall apply:~~

~~303.1303~~ **Outright uses permitted R-5 MODERATE DENSITY SINGLE FAMILY RESIDENTIAL ZONE**

The intent of the R-5 Moderate Density Single Family Residential Zone is to preserve and protect single family residences on smaller lots, while permitting two family dwellings and other appropriate and compatible uses.

303.1 Permitted uses

In an R-5 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family detached dwelling.
- ~~B. Single-family attached dwelling.~~
- ~~C. B. Residential home. Two family dwelling.~~
- C. Residential care facility.
- D. Home occupations, subject to the provisions of Section 401.1.E of this Ordinance.
- E. Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

303.2 Conditional uses permitted

In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Agricultural or horticultural use, provided that:
 - 1. ~~a~~A retail or wholesale business sales office is not maintained on the premises; and
 - 2. ~~poultry~~Poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.
- ~~E. Any other use similar to the above and not listed elsewhere.~~

~~303.2~~ **Conditional uses permitted**

~~In an R-5 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:~~

- ~~A. Temporary real estate office in a subdivision.~~
- B. ~~Senior and retirement housing.~~ Town homes.

- C. Congregate care facility.
- D. Secondary dwelling unit.
- ~~D.E.~~ Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

303.3 Standards

In an R-5 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square ~~feet. For single family attached dwellings~~ feet for single family residences and 10,000 square feet for two family dwellings. For town homes the lot area shall be an average of at least 5,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For ~~interior single family attached dwellings~~ town homes the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 20 feet.
- C. Side yard: A side yard shall be at least 5 feet, ~~and there shall be one additional foot of side yard for each 3 feet of height over 2 stories or 25 feet, whichever is less, except on~~ subject to Chapter 12.24 of the Milwaukie Municipal Code. On corner lots a side yard shall be at least ~~4~~10 feet on the side abutting the ~~street.~~ For interior, single family attached dwellings side yards are not required. street., subject to Section 403 of this Ordinance.
- D. Rear yard: A rear yard shall be at least 20 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by ~~the dwelling structure and accessory~~ all buildings shall not exceed 35 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting ~~beds, etc. will~~ beds or similar treatment shall be 25 percent of the total area of the lot.
- J. Transition area: A transition area shall be maintained according to Section 413.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. ~~The lots for interior single family attached units~~ lot for a town home shall abut a public street for at least 20 feet.

304 RESIDENTIAL ZONE R-3

In an R-3 Zone the following regulations shall apply:

304.1304 Outright uses permitted R-3 HIGH DENSITY RESIDENTIAL ZONE

The intent of the R-3 High Density Residential Zone is to preserve and protect single family dwellings, two family dwellings, and town homes on smaller lots, while providing for multifamily units as conditional uses where appropriate.

304.1 Permitted uses

In an R-3 Zone the following uses and their accessory uses are permitted outright:

- A. Single-family, detached dwelling.
- ~~B. Agricultural or horticultural use, provided that:
 - ~~1. a retail or wholesale business sales office is not maintained on the premises; and~~
 - ~~2. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.~~~~
- ~~C. Single family attached dwelling.~~
- ~~D. B. Residential home. Two family dwelling.~~
- ~~C. Town home.~~
- ~~D. Secondary dwelling unit.~~
- ~~E. Residential care facility.~~
- ~~F. Home occupation, subject to the provisions of Section 401.1.E if this Ordinance.~~
- ~~E. G. Any other uses similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.~~

304.2 Conditional uses permitted

In an R-3 Zone the following conditional uses and their accessory uses are permitted subject to provisions of Section 600:

- ~~A. Temporary real estate office in a subdivision.~~
- A. Boarding, lodging, or rooming house.
- ~~C. Senior and retirement housing.~~
- ~~D. B. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape~~

~~architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic.~~ Congregate care facility.

C. Multifamily condominium or apartment dwelling.

~~F. Secondary dwelling unit.~~

~~G. Congregate housing facility.~~

~~H.~~ D. Any other uses similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

304.3 Standards

In an R-3 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. ~~For single family attached dwellings the lot area shall be an average of~~ feet, and the lot area for two family dwellings, town homes, multifamily condominiums and apartment buildings shall be at least 3,000 square feet per dwelling unit. Lot width shall be at least 50 feet. For interior single family attached units, the lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, ~~and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on~~ subject to Chapter 12.23 of the Milwaukie Municipal Code. On corner lots a side yard shall be at least 15 feet on the side abutting the street, subject to Section 403 of this Ordinance. For interior single-family attached and condominium units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by ~~the dwelling structure and accessory~~ all buildings shall not exceed 40 percent of the total area of the lot.
- ~~I.~~ J. Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will shall be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.

- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet, except as provided in the Subdivision Ordinance. Lots for interior ~~single family attached~~ units will abut a public street for at least 20 feet.
- K. Transition area: ~~A~~ For multifamily units, a transition area shall be maintained according to Section 413. in accordance with Section 413 of this Ordinance.

306 RESIDENTIAL ZONE R-2

In an R-2 Zone the following regulations shall apply:

306.1306 ~~Outright uses permitted~~ R-2 MULTIFAMILY RESIDENTIAL ZONE

The intent of the R-2 Multifamily Residential Zone is to promote, preserve, and protect multiple family residential dwellings while providing for other compatible and complimentary uses.

306.1 Permitted uses

In an R-2 Zone the following uses and their accessory uses are permitted outright:

- A. ~~Single family~~ Single family detached dwelling.
- ~~B. Residential home.~~
- C. ~~Agricultural or horticultural use, provided that:~~
 - ~~1. a retail or wholesale business sales office is not maintained on the premises; and~~
 - ~~2. B. poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.~~ Two family dwelling.
- C. Town home.
- D. ~~Single family attached, multifamily condominiums,~~ Multifamily condominium and multifamily apartment dwellings.
- E. ~~Congregate housing facility,~~ Residential care facility.
- F. Home occupations, subject to the provisions of Section 401.1.E of this Ordinance.
- ~~F. G.~~ Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

306.2 Conditional uses permitted

In an R-2 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Boarding, lodging, or rooming house.
- B. ~~Senior and retirement housing,~~ Congregate care facility.
- C. ~~Offices, studios, or clinics~~ Office, studio, or clinic of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.

~~D. Hotel or motel.~~

D. Marina

E. Secondary dwelling unit

~~G.F.~~ Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

306.3 Standards

In an R-2 Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. ~~Lot area for the first dwelling unit shall be at least 5,000 square feet~~ and there shall be not less than an average of 2,500 square feet for each dwelling unit ~~over one~~. Lot width shall be at least 50 feet. For interior ~~single family attached and condominium units~~ units, lot width shall be at least 30 feet. Average lot depth shall be at least 80 feet. ~~Single family attached, multifamily condominium, and multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.~~
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least ~~4~~ 10 feet on the side abutting the street, subject to Section 403 of this Ordinance. For interior ~~single family attached and condominium~~ units, side yards are not required.
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- ~~H.I.~~ Minimum vegetation and open space: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will area shall be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for ~~interior~~

~~single family attached and condominium~~ units shall abut a public street for at least 20 feet.

- K. Transition area: A transition area shall be maintained according to Section 413 of this Ordinance. If a trip analysis shows _____ or more trips generated by the project, primary access shall not be from a residential street.

308 RESIDENTIAL ZONE R-1

In an R-1 Zone the following regulations shall apply:

~~308.1~~ ~~308~~ ~~Outright uses permitted~~ R-1 MULTIFAMILY – OFFICE ZONE

The intent of the R-1 Multifamily – Office Zone is to preserve and protect high density residential development and compatible office uses.

308.1 Permitted uses

In an R-1 Zone the following uses and accessory uses are permitted outright:

~~A. Single family detached dwelling.~~

~~B. Agricultural or horticultural use, provided that:~~

~~1. a retail or wholesale business sales office is not maintained on the premises; and~~

~~2. A. _____ poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock. Town home.~~

~~C. B. _____ Single family attached, multifamily condominium, Multifamily condominium and multifamily apartment dwelling.~~

~~The above type dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.~~

~~D. Residential home.~~

~~E. Senior and retirement housing.~~

~~F. Congregate housing facility.~~

~~G. Any other use similar to the above and not listed elsewhere.~~

308.2 Conditional uses permitted

~~In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:~~

~~A. Temporary real estate office in a subdivision.~~

~~B. C. _____ Boarding, lodging, or rooming house. Residential care facility.~~

~~D. _____ Congregate care facility.~~

~~C. E. _____ Offices, studios, or clinics Office, studio, or clinic of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons,~~

psychologists, and others of a professional nature whose activities generate a minimal amount of traffic, except in transitional areas.

~~D.F. Hotel or motel.~~ Home occupations, subject to the provisions of Section 401.1.E of this Ordinance.

G. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

308.2 Conditional uses permitted

In an R-1 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

A. Single family detached dwelling.

B. Two family dwelling.

C. Boarding, lodging, or rooming house.

D. Marina.

~~E.E.~~ Any other use similar to the above and not listed elsewhere, provided it is in compliance with the intent of this zone.

308.3 Standards

In an R-1 Zone the following standards shall apply:

A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least ~~5,000~~3,000 square feet and there shall be not less than 1,400 square feet for each dwelling unit over one. Lot width shall be at least 50 feet. Lot width for single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet. ~~Single family attached, multifamily condominium, multifamily apartment dwellings are permitted with less than 3,000 square feet per unit provided that traffic does not move through adjacent lower density areas.~~

B. Front yard: A front yard shall be at least 15 feet.

C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. For interior single-family attached and condominium units, side yards are not required.

D. Rear yard: A rear yard shall be at least 15 feet.

E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.

- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 45 percent of the total area of the lot.
- I. Minimum vegetation and open spaces: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, or left as open space or used as recreational area, etc. will be 35 percent of the total area of the lot. At least half of this area will be of the same general character as the area with dwelling units.
- J. Access requirements: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- K. Transition area: A transitional area shall be maintained according to Section 413.
- L. Use restrictions: ~~Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor.~~ At least 50 percent of the floor area within a project shall be used for residential purposes.

309 ~~R-O-C~~ RESIDENTIAL-OFFICE-COMMERCIAL ZONE ~~R-O-C~~

~~In an R-O-C Zone, the following regulations shall apply:~~

~~309.1 Outright uses permitted~~ The intent of the R-O-C Residential-Office-Commercial Zone is to encourage compatible medium to high density mixed residential and commercial development which protects and preserves each type of use.

309.1 Permitted uses

In an ~~R-O-C~~ Zone the following uses and their accessory uses are permitted outright:

~~A. Single family detached dwelling.~~

~~B. Single family attached dwelling.~~

~~C. A. Residential Town home.~~

~~D. Multifamily condominium dwelling.~~

~~E. B. Multifamily apartment dwelling and multifamily condominium~~

~~F. Congregate housing facility.~~

~~G. Senior and retirement housing.~~

~~H. C. Offices. Residential care facility.~~

~~D. Congregate care facility.~~

~~E. Offices.~~

F. Home occupations, subject to the provisions of Section 401.1.E of this ordinance.

G. Retail trade establishment such as a food store, drugstore, gift shop, hardware store selling primarily from a shelf-goods inventory.

H. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.

I. Funeral home.

J. Commercial recreation and motion picture theater.

K. Eating establishment.

L. Hotel or motel.

M. Parking facility.

N. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.

- O. Financial institution.
- P. Trade or commercial school.
- Q. Department or furniture store.
- ~~T~~R. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

309.2 Conditional uses permitted

In an R-O-C Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Single family detached dwelling.
- B. Two family dwelling.
- C. Boarding, lodging, or rooming house.
- ~~B~~D. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

309.3 Standards

In an R-O-C Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least ~~5,000~~3,000 square feet and for dwelling units over one there shall be not less than an average of 1,400 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street. ~~For interior single-family attached and condominium units, side yards are not required.~~
- D. Rear yard: A rear yard shall be at least 15 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.
- G. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.

- H. Use restrictions: Authorized commercial uses are permitted on the ground floor only. Office uses are permitted on the ground level and first floor. At least 50 percent of the floor area within a project shall be used for residential purposes.
- I. Lot coverage: Maximum area that may be covered by the principal structure and accessory buildings shall not exceed 50 percent of the total area of the lot.
- J. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet except as provided in the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- L. Transition area: A transition area shall be maintained according to Section 413.

309.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

310 C-N NEIGHBORHOOD COMMERCIAL ZONE ~~C-N~~

~~In a C-N Zone the following regulations shall apply:~~

~~310.1 Outright uses permitted~~ The intent of the C-N Neighborhood Commercial Zone is to provide limited retail business for neighborhoods while preserving and protecting the residential character of the areas served.

310.1 Permitted uses

In a C-N Zone the following uses and their accessory uses are permitted outright:

- A. No uses permitted outright.

310.2 Conditional uses permitted

In a C-N Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. A food store not exceeding 2,500 square feet of floor area.
- B. A store providing convenience goods and services for a local area.
- C. Laundry.
- D. Eating establishment.
- E. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

310.3 Standards

In a C-N Zone the following standards shall apply:

- A. Lot size: Lot area shall be at least 5,000 square feet but not greater than 25,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: A front yard shall be at least 15 feet.
- C. Side yard: A side yard shall be at least 5 feet, and there shall be one additional foot of side yard for each 3 feet of height over two stories or 25 feet, whichever is less, except on corner lots a side yard shall be at least 15 feet on the side abutting the street.
- D. Rear yard: A rear yard shall be at least 10 feet.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standard set forth therein.
- F. Off-street parking and loading: As specified in Section 500.

- G. Height restriction: Maximum height of a structure shall be 2½ stories or 35 feet, whichever is less.
- H. Lot coverage: Maximum area that may be covered by the dwelling structure and accessory buildings shall not exceed 40 percent of the total area of the lot.
- I. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, etc. shall be 20 percent of the total area of the lot.
- J. Screening: Neighborhood commercial uses must be screened from adjacent residential uses.
- K. Access requirement: Every lot shall abut a public street other than an alley for at least 35 feet.

310.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.

311 C-L LIMITED COMMERCIAL ZONE ~~C-L~~

~~In a C-L Zone the following regulations shall apply:~~

~~311.1 Outright uses permitted~~ The intent of the C-L Limited Commercial Zone is to provide limited retail and professional services that are compatible with surrounding areas.

311.1 Permitted uses

In a C-L Zone the following uses and their accessory uses are permitted outright:

- A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.
- B. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations.
- C. Retail trade establishment such as a food store, drugstore, gift shop, hardware store, selling primarily from a shelf-goods inventory.
- D. Personal service business such as a barber shop, beauty salon, tailor shop, or laundry and dry cleaning pickup station.
- E. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

311.2 Conditional uses permitted

In a C-L Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Funeral home.
- B. Marina and boat sales.
- C. Parking facility.
- D. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- E. Financial institution.
- F. Trade or commercial school.

~~G. Single-family detached dwelling.~~

~~H. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the~~

~~same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.~~

~~I.G. Single family attached dwelling,~~ Town home, multifamily apartment, and condominium dwelling.

~~J. Senior and retirement housing.~~

~~K.H. Residential home care facility.~~

~~L. Congregate housing facility.~~

~~M.I. High impact commercial, except adult entertainment businesses.~~ care facility.

~~N.J. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.~~

311.3 Standards

~~A. In a C-L Zone the following standards shall apply:~~

- A. Lot size: ~~None, except as follows for dwelling:~~ Lot area shall be at least 5,000 square feet. Lot area for the first dwelling unit shall be at least 5,000 square feet and for dwelling units over one there shall be not less than an average of 1,000 square feet. Lot width shall be at least 50 feet. Lot width for interior single-family attached and condominium units shall be at least 30 feet. Average lot depth shall be at least 80 feet.
- B. Front yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- C. Side yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- D. Rear yard: None, except as provided in subsections 311.3.E and 311.3.F below.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standards set forth therein.
- F. Transition area: A transition area shall be maintained according to Section 413.
- G. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet except as permitted under the Subdivision Ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least 20 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of any structure shall be three stories or 45 feet, whichever is less.

- J. Open use: A use not contained within an enclosed building, such as open storage, abutting or facing a residential zone, shall be screened with a sight-obscuring fence not less than 6 feet high.
- K. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, barkdust for planting beds, etc., shall be 15 percent of the total area of the lot.

311.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. ~~Adult~~ High impact commercial, including adult entertainment businesses.

313 C-G GENERAL COMMERCIAL ZONE ~~C-G~~

~~In a C-G Zone the following regulations shall apply:~~

~~313.1 Outright uses permitted~~ The intent of the C-G General Commercial Zone is to provide for business, retail trade, and repair activities where primary access to such uses is by automobile.

313.1 Permitted uses

In a C-G Zone the following uses and their accessory uses are permitted outright:

- ~~A. Offices, studios, or clinics of accountants, architects, artists, attorneys, authors, writers, dentists, designers, engineers, investment counselors, landscape architects, management consultants, physicians, surgeons, psychologists, and others of a professional nature.~~
- ~~B.A. Offices of administrative, editorial, educational, executive, financial, governmental, philanthropic, insurance, real estate, religious, research, scientific, or statistical organizations. Office of real estate agent and other offices that generate a significant amount of traffic.~~
- B. Retail trade establishment such as a food store, drugstore, gift shop, or hardware store, selling primarily from a shelf-goods inventory.
- C. Personal service business such as a barber shop, tailor shop, or laundry and dry cleaning pickup station.
- D. A use permitted outright in this zone with drive-in service facilities.
- E. Funeral home.
- F. Eating establishment.
- G. Marina.
- H. Parking facility.
- I. Repair, maintenance, or service of the type of goods to be found in any permitted retail trade establishment.
- J. Financial institution.
- K. Trade or commercial school.
- L. Department or furniture store.
- M. Automobile, boat, trailer, or other vehicle or equipment sales and service.
- N. Car wash.
- O. Carpenter or cabinet shop.

- P. Furniture upholstering.
- Q. Building materials supply.
- R. Plumbing, heating, ventilation or electrical shop.
- S. Printing plant.
- T. Repair garage.
- U. Automobile service station.
- V. Sign painting shop.
- W. Tire shop.
- ~~Y.~~X. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

313.2 Conditional uses permitted

In a C-G Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Section 600:

- A. Animal hospital or boarding kennel.
- B. Auditorium or stadium.
- C. Contractor's storage yard.
- D. Sheet metal shop.
- ~~E. Agricultural or horticultural use, provided that poultry or livestock other than usual household pets are not housed or kept within 100 feet of any dwelling not on the same lot, nor on a lot less than one acre, nor having less than 10,000 square feet per head of livestock.~~
- E. Drinking establishment.
- F. High-impact commercial, except adult entertainment businesses.
- G. Offices.
- H. Any other use similar to the above and not listed elsewhere, and in compliance with the intent of this zone.

313.3 Standards

In a C-G Zone the following standards shall apply:

- A. Lot size: ~~None.~~ Lot area shall be at least 5,000 square feet. Lot width shall be at least 50 feet. Average lot depth shall be at least 80 feet.

- B. Front yard: ~~None, except~~ The total yard requirements for front and rear yards shall be 20 feet, plus as provided in subsections 313.3.E and ~~312.3.F~~ 313.3.F below.
- C. Side yard: None, except as provided in subsections 313.3.E and ~~312.3.F~~ 313.3.F below.
- D. Rear yard: ~~None, except as provided in subsections 313.3.E and 312.3.F below.~~ As provided in subsection 313.3.B above.
- E. Yard abutting a major street: A yard abutting a major street listed in Section 410 shall be established in accordance with the standards set forth therein.
- F. Transition area: A transition area shall be maintained according to Section 413.
- G. Access: Entrances from a public street to properties in this zone shall be located to minimize traffic congestion and avoid directing traffic onto residential streets. Every lot shall abut a public street other than an alley for at least 35 feet.
- H. Off-street parking and loading: As specified in Section 500.
- I. Height restriction: Maximum height of a structure shall be three stories or 45 feet, whichever is less.
- J. Lot coverage: Maximum area that may be covered by buildings and structures shall not exceed 85 percent of the total area of the lot.
- K. ~~Open use: A use not contained~~ storage: All uses shall be conducted within an enclosed building, such as a building except as permitted under Section 600. All permitted open storage, abutting or facing a residential zone, or which would be visible from a public street, shall be screened with a sight-obscuring wooden or masonry fence not less than 6 feet high.

Except for open storage, the following uses shall be conducted within an enclosed building:

1. Carpenter or cabinet shop.
 2. Furniture upholstering.
 3. Plumbing shop.
 4. Repair garage.
 5. Sign painting shop.
 6. Tire shop.
 7. Heating or ventilation shop.
- L. Minimum vegetation: Minimum area that must be left or planted in trees, grass, shrubs, bark dust for planting beds, ~~etc.~~ or other such use shall be 15 percent of the total area of the lot.

313.4 Prohibited uses

The following uses and their accessory uses are prohibited:

- A. Adult entertainment business.



*****MEMORANDUM*****

**Milwaukie Planning Department
July 21, 1998**

TO: Milwaukie Planning Commission

FROM: Susan Heiser, Planning Director

SUBJECT: Planning Department Report – July 28, 1998 meeting

1. **Reminder.** The public hearing for the Functional Plan Compliance Report will be held on August 11, 1998. The draft report is available at all three of the City offices. The public can call the Planning office at 786-7630 to get a copy.
 2. **Garkusha Request for Time Extension to Subdivision S-96-02.** The timeline to complete submittal for the final plat was on June 11, 1997. In cases where timelines have expired, Section 17.20.010 of the Subdivision Ordinance requires resubmittal of the preliminary plat to the Planning Commission with any revisions deemed necessary to meet changed conditions. The applicant is requesting an extension of the timeline. This is normally permitted only within 12 months from the date of approval. Should the Planning Commission choose to consider granting the extension request, staff recommends that this issue be considered at a public hearing with notice to all neighbors within 250 feet.
 3. **Training Anyone?** “Beyond the Basics” training will be coming to the Portland area on October 17, 1998. Let me know ASAP who is interested so that we get you registered.
 4. **City Plan.** The June edition contains a good background article on the Salmon and Watershed planning efforts!
- cc: Dan Bartlett, City Manager
Planning Department Staff
File



Davis Wright Tremaine LLP

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Direct: (503) 778-5212
Petersergienko@dwt.com

June 24, 1998

VIA FAX NO. 774-8236
ORIGINAL VIA REGULAR MAILMichael Smith
Planning Commission
c/o Susan M. Heiser
Senior Planner
City of Milwaukie
Community Development-Public Works
6101 SE Johnson Creek Blvd.
Milwaukie, Oregon 97206

Re: Alex Garkusha/Immovable Foundation Church/Subdivision Approval S-96-02

Dear Ms. Heiser:

Thank you for discussing this matter with me this afternoon. As I mentioned, I represent the Immovable Foundation Church, the current owner of the property that is the subject of the above-referenced Subdivision Approval. Mr. Garkusha has agreed to purchase the property from the Church and the Church has agreed to sell the property to Mr. Garkusha and to cooperate with him in his efforts to subdivide the property and to construct houses on the unimproved lots that will be created. The Church understands from your correspondence to Mr. Garkusha of June 11, 1998, that the time period for submitting all materials to complete the final subdivision plat has expired.

As an alternative to starting the subdivision process over, the Church respectfully asks the Planning Commission to extend the time period for completion of this application. To the extent that any of the applicable criteria for approval of the subdivision have changed since the application was initially submitted, the Church acknowledges that the Planning Commission may require revisions to the subdivision plat so that it conforms to current requirements.

Susan M. Heiser
June 24, 1998
Page 2

I have not been extensively involved in this process on behalf of the Church. However, I have obtained and reviewed the City's Subdivision Ordinance and will assist in any way that I can to provide you with the documents and materials necessary to demonstrate the proposed subdivision's compliance with the Ordinance. I do know from recent conversations with Alex Garkusha and Church officials that there has been some misunderstanding regarding the best method for complying with the bonding requirements stated in section 17.20.070 of the Ordinance. This may account for the recent delays in satisfying zoning requirements, but I acknowledge that there may be other problems in the past that I am not familiar with.

Thank you for your consideration of this request. If the Planning Commission is willing to consider an extension, I believe the best way to get this back on track is for you to supply me with a punch list of Ordinance requirements that need to be satisfied. I will work with the Church and Alex Garkusha to make sure these requirements are addressed promptly and completely.

Thanks again.

Very truly yours,

Davis Wright Tremaine LLP



Peter A. Sergienko

PAS:mr

cc: Alex Faevtsev, Immovable Foundation Church
Alex Garkusha



June 11, 1998

Alex Garkusha
7416 Tennessee Line
Vancouver, WA 98664

Subject: Notice of Expiration of Subdivision Approval.S-96-02
Maranatha Estates

Dear Mr. Garksha:

This is to inform you that the time limit for submittal of all materials required to complete your final plat submittal has expired. Section 17.20 of the Subdivision Ordinance requires an applicant to submit their final plat and any supplementary information within one year of the approval date of the preliminary plat. The preliminary plat for S-96-02 was approved by the Planning Commission on June 11, 1996. Although the final plat was submitted on March 14, 1997, prior to the one-year deadline, the City has still not received the required supplemental information. Specifically, this includes the items required to be submitted under Section 17.20.030D, which is a certificate by the City Engineer stating that all public improvements have been installed or that a development agreement has been executed for such installation. The Public Works department has confirmed that neither of these requirements has been satisfied.

It has now been over two years since the approval of the preliminary plat and the final plat submittal requirements have not been met. If you wish to proceed with this subdivision, you will be required to resubmit your preliminary plat to the Planning Commission for re-review pursuant to Subdivision Ordinance Section 17.20.010.

Please call me at (503) 786-7654 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Susan M. Heiser". The signature is written in a cursive, flowing style.

Susan M. Heiser
Senior Planner

cc Michael Swanson, Interim Community Development Director
Paul Roeger, Civil Engineer
Jean Michel, Lewelling NDA Land Use Chair
Immovable Foundation Church
Compass Engineering Corporation
File

REGISTRATION

Springfield City Hall - Sept. 12, 1998

Following the Oregon Planning Institute

Name _____

Jurisdiction _____

Address _____

City _____ Zip _____

Registration Deadline: 5 PM September 4

Participation limit is 50.

Register Early!

Fee: Including lunch, refreshments, materials including *Making Land Use Decisions* and Certificate of Completion

\$ 95 Prior to Sept. 4

\$110 After Sept. 4

No refunds after 5 PM Sept. 4.

A copy of this registration form must be provided for each participant.

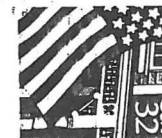
Make check payable to PTT and mail to Planners Training Team, 5755 SW Windfield Loop, Lake Oswego, OR. 97035.

Training Manual Available

The Planning Commission Training Manual is available by mail for \$20 including postage & handling. To order send check to PTT at the above address. Indicate the number of Manuals and the name, jurisdiction and address to which the manual should be sent.

Planners Training Team
5755 S.W. Windfield Loop
Lake Oswego, OR 97035

Don Bartlett, Mgr.
City of Milwaukie
601 SE Johnson Creek Blvd.
Milwaukie, OR 97266



Beyond Basics

Advanced Training for
Planners

Planning
Commissioners

Elected Officials

Saturday, Sept. 12, 1998
Springfield City Hall
following the Oregon Planning Institute

Sponsored by
American Planning Association



Conducted by



ITEM 3

Springfield City Hall
225 5th Street

agenda

- 8:30 Registration Opens
- 9:00 Introductions & Expectations
- 9:15 Effective Public Involvement
(even with Hostile Audiences)
- 10:15 Break
- 10:30 Making Planning Accountable
- 12:00 Lunch
- 1:00 Public Hearings & Ethics
(incl. bias, conflicts, ex parte contacts)
- 1:45 Break
- 2:00 Standards, Findings &
Conditions of Approval
- 3:00 Wrap Up
- 3:15 Adjourn

MEET THE TEAM

John Andersen, AICP and President of APA Oregon chapter is experienced in land use and strategic planning and visioning for both the public and private sectors in urban and rural areas.

Ardis Stevenson, facilitator, trainer and citizen involvement specialist, is a past planning commissioner and county manager who received a governor's award for making planning understandable to citizens.

Larry Epstein, AICP is both a planner and an attorney at law who has conducted continuing education for the bar association as well as for PTT. He is the Hearings Officer for various jurisdictions.

Additional Fall Training Sessions

Basic Training	October 17 Portland area
Basic Training	November 7 or 14 Pendleton
Custom Training	On request. Tailored to your needs, time available and topics of interest or concern

WHY BEYOND BASICS?



To provide in-depth training for those already familiar with the planning process and aware of the differing responsibilities of the players.

This training program sponsored by the Oregon chapter of the **American Planning Association** focuses on three aspects:

Effective Citizen Involvement, even with hostile groups— learn various ways to involve people and gain positive results that people see as fair. Share your experiences too.

Making Planning Accountable— After 25 years of experience with Oregon's land use program, how can we measure our results and insure accountability to citizens, applicants and future residents?

Legal Issues— Identify the best way to conduct public hearings that avoid LUBA appeals, how to apply conditions of approval that really work and have answers to questions of bias and conflicts of interest.

NEED MORE INFORMATION?
Call PTT at (503) 620-2265

CityPlan

Newsletter of the Oregon City Planning Director's Association

An Affiliate of the League of Oregon Cities

June 1998



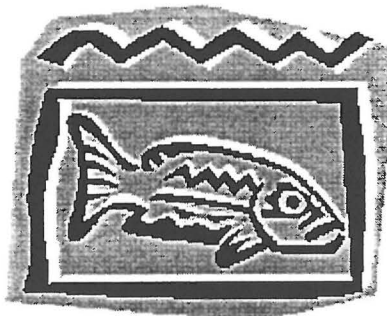
The Role of Local Planning Officials in the Oregon Plan for Salmon and Watersheds

Most Oregonians know that many of Oregon's magnificent salmon and steelhead runs are in serious trouble. Several populations are already listed under the Endangered Species Act (ESA) and others are proposed for listing. Most Oregonians have also heard about Oregon's efforts to have a state-run salmon recovery program. This article outlines how that plan works and focuses on how the issues involve local planning officials, public works staff and others in local government.

BACKGROUND OF THE PLAN: The central mission of the Oregon Plan for Salmon and Watersheds (Plan) is: *to restore our native fish populations - and the aquatic systems which support them - to productive and sustainable levels which will provide substantial environmental, cultural and economic benefits.*

In October 1995, Governor Kitzhaber, in response to the dwindling coastal coho salmon runs and the prospect of having the federal government list those runs under the ESA, announced the beginning of a planning effort to protect and restore the coastal coho. One of the initial steps in this process was to establish a team of key agency staff (8

natural resource agencies as well as OEDD and ODOT) and local government partners whose task was to develop an action plan. Another initial step was to require the directors of those key agencies to meet with the Governor, on a biweekly schedule, to discuss both progress with, and obstacles to, achieving the goal of restored salmon stocks.



Courtesy Willamette Valley Livability Forum Website

Later, teams were assembled to address science, outreach and planning needs. As the initiative grew, new partners were added to the discussion and the action plan began to include measures focused on improving habitat and changing management practices. In September and October 1996, the Governor unveiled a draft recovery plan through meetings in coastal communities. The Plan then expanded, as an outgrowth of

the Healthy Streams Partnership Agreement between the state, agricultural, environmental and timber interests, to include measures to address Clean Water Act issues over a ten year period. After extensive peer review and public comments, the plan was updated and presented to the Oregon Legislature for further review. The Legislature approved the plan and provided funding (\$30 million) for the key implementation elements and earmarked grant funding for the restoration projects through the Governor's Watershed Enhancement Board (GWEB). The Legislature also established committees to provide oversight and review of the implementation of the plan's measures. In March, 1997, the State submitted the final plan to the National Marine Fisheries Service (NMFS). NMFS deferred listing the Oregon Coastal Evolutionary Significant Unit (ESU) of coho but listed the Oregon/California Coastal (Transboundary) ESU coho as "threatened" under the ESA (An ESU is a population, in this case of coho salmon, which is important because it represents a vital step in the evolution of the species. The geographic boundary between the ESUs is Cape Blanco on the southern Oregon coast).

....continued on page 5

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3-588-6173

President's Corner

Welcome to another year with the Oregon City Planning Directors Association (OCPDA). This first edition of City Plan in 1998 is being sent to all cities, even those who have not yet sent their membership fees because we want you to know about OCPDA. We are an affiliate of the League of Oregon Cities. To become an OCPDA member send \$25 (if your population is less than 25,000) or \$50 (if your population is over 25,000) or \$35 if you are not a city planning director and want to be an Affiliate Member, to the League of Oregon Cities. Please use the form on the enclosed insert.

Our outreach with this edition is because the Board wants everyone to know we're energized and have already started to do new things that OCPDA has not done in the past. For example, Doug Parker of Lebanon and Vicki Woods of Salem are working hard to bring an excellent, but low cost, Management Training Seminar to you this fall (October 8th and 9th) on a management subject that you will help select. We want to have a program specially designed for the needs of city planning directors, so let us know your needs (see the information on the enclosed insert). The seminar will be held at the Silver Falls State Park Conference Center.

In the last year we tried hard to get a geographically diverse Board and we have been successful! The Portland area has only three members, and one of those, Karl Mawson, is the Past President, while the coast had two (John Theilacker, Florence and Dave Carpenter, Seaside). Regretfully, OCPDA Vice President Carpenter resigned his post in April because he is the new Community Development Director for Sanford, Maine. We wish him the best and thank him for the wonderful work as the APA Seaside Conference Chair. Board member John Theilacker of Florence, resigned in mid-June to return to Pennsylvania. We thank him for his contributions to the organization. Other Board Members are from Sweet Home, Lebanon, Corvallis, Salem, Wilsonville and Tualatin. The complete list is on the left. Our meeting locations in Newport in January, Seaside in February, and Corvallis in April show we are reaching out and will continue to do so.

OCPDA assists our Planning Director members with helpful articles, notices, reminders and informational tid-bits in City Plan. We also represent cities by

- 1) participating in local, regional and State committees and task forces,
- 2) participating in the APA and OPI Conference Committees, and
- 3) we participate in the biennial legislative sessions.

Call us with your thoughts and concerns as we are your direct connection to the League of Oregon Cities and numerous other organizations that we influence because we are on their committees.

If you want to know more about a subject, call any of us and we'll help you network to get an answer, or if you have a message to get out consider yourself invited to write an article in the next *CityPlan*. (Please contact Board member Ken Gibb who is the current editor of *CityPlan*).

I'll be your President until the end of 1999, so until then let's keep-on keepin-on.

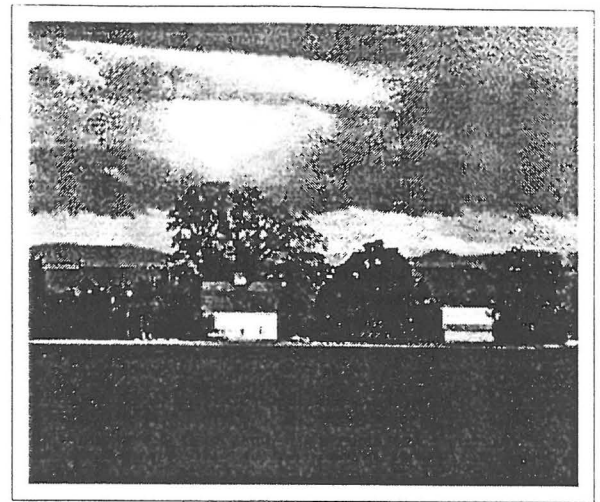
Jim Jacks, AICP, City of Tualatin

WILLAMETTE VALLEY LIVABILITY FORUM

The Willamette Valley Livability Forum was created by Governor John Kitzhaber in December 1996. The Forum's charge is to:

- ▶ Help residents understand their Valley
- ▶ Develop a 50-year vision for the Valley's future
- ▶ Enable wise decision-making
- ▶ Build partnerships to maintain and improve livability

The Forum has over 80 members who reflect diverse sets of interests in the valley. It is led by an executive-level Advisory Board and a Resource Group.



Courtesy of the Department of Agriculture - WVLF Website

One of the key objectives of the Forum is to produce a State of the Valley report for the coming year. The intent is to have it completed and distributed to elected officials, political candidates and Forum members by this coming fall. In addition, it will be presented to the Governor for possible use in the formulation of his legislative agenda and State of the State address. Plans also include a presentation to the legislature early in January 1999.

The State of the Valley Report will include:

- ▶ Valley-wide survey of attitudes about growth and the Valley's future
- ▶ Proposed 50-year vision of a preferred future
- ▶ Valley Atlas
- ▶ Written scenario of projected trends

During 1997 the Forum produced a Willamette Valley Resource Inventory which is a contemporary source of information on research and projects devoted to preserving and enhancing the livability of the

Valley. Forum members also identified and prioritized key issues of concern and developed a

draft working vision for the Willamette Valley.

Thus far in 1998 Forum members have reviewed accomplishments and planned outcomes, considered strategies for managing rapid growth in the Valley and reviewed the working vision. Forum members now plan to "road-test" the working vision with as many interest groups as possible.

THE WORKING VISION

The working vision is targeted for the year 2050, by which time the Valley will be populated with over three and half million people. It offers a vision to help guide choices for people, places and the prosperity of the Valley.

A few facts about the Willamette Valley:

- ▶ Willamette Basin is about 12,000 square miles in size
- ▶ Contains all or parts of 10 counties
- ▶ Accounts for about 70% of Oregon's population
- ▶ Possesses 1.3 million acres of agricultural land
- ▶ The Willamette River is the State's largest and nation's 10th largest river in terms of volume

It is organized into six vision elements: land use, transportation, water/environment, decision-making, community and economy.

The land use element is based on active growth management through sound land use planning. It envisions the Valley as cities, towns and rural areas which compose a network of highly livable communities, diverse in character and form. They are efficient in their use of land and are free of sprawl, strip and leapfrog development. Valley cities and towns have vital neighborhoods, thriving business districts and vibrant cultural centers, all linked by parks, greenspaces, and a variety of transportation options.

The transportation element sees the Willamette Valley linked by a transportation system that provides a range of convenient, accessible transportation choices and supports

safe, efficient movement of people and goods within and between communities. The system takes advantage of integrated community design, land use planning, and new technologies to effectively manage congestion, preserve community character, and enhance Valley

livability.

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The Valley, in the year 2050 is a rich, biologically diverse natural environment, nourished by a network of rivers, streams, and aquifers clean enough to be sources of drinking water, safe enough to fish and swim, and healthy enough to sustain thriving populations of native fish, wildlife and plants. Air and water quality throughout the Valley are excellent, and water quantities are sufficient to sustain the Valley's communities, economy and natural resource system.

The community in the 2050 working vision is close-knit but not closed off and is home to a diverse people who are connected by and share in its

rich heritage. Valley residents take pride in working together to build distinctive, caring communities with safe neighborhoods, affordable housing, quality education, available social services and accessible parks and recreational opportunities.

Decision making is guided by a spirit of regional vision, thinking and planning which results in local action. Practical solutions to valley-wide issues and problems are collaboratively developed through intergovernmental cooperation and action, informed public and private sector dialogue, and broad, inclusive involvement of the Valley's citizens.

In 2050 the economy is dynamic and resilient where education is the

backbone of and catalyst in creating a diversified economic based. This economy provides employment opportunities and well-paying jobs, enabling residents to achieve a high quality of life and a level of prosperity that is in harmony with community values and the natural environment.

If you'd like to know more about the Willamette Valley Livability Forum or are interested in having a "road test" of the working vision in your community check out the web page at:

www.econ.state.or.us/wvlf

Vickie Hardin Woods, AICP

Resources Available and Other Tidbits of Information

- **A Guide to Community Visioning**

Newly revised and updated for 1998. This is a concise, easy-to-understand, illustrated handbook on the visioning process. Available now through the Oregon Vision Project, a committee of the Oregon Chapter, APA. To order a copy of the Guide send a check or money order for \$15.00 payable to APA Oregon Visions Project, and mail to: Carole Connell, Oregon Visions Project, 4626 SW Hewitt Blvd, Portland, OR 97221. Please note the **BIG SAVINGS (50%)** over cost from APA Planner's Bookstore.

- **Elections for Fee Increases**

Hesitant to increase fees because you know you have to get voter approval for any fee increases? As of July 1, 1998, that provision of the Measure 47/50 duo is no longer effective.

- **Legal Source Book**

The Oregon State Bar (800-452-1639) can save you money if you have a contract city attorney who clocks every call, or can bolster your confidence before you see your on-board city attorney. The Bar's thick volume, "Land Use," will answer all of your questions. It's a 3-ring binder made to be updated and the next update is 1999. Although it's a 1994 publication, it provides "how-tos" and explanations on every aspect of land use in Oregon. This is a **MUST** for any new planning director to Oregon. The \$50 is a lot, but well worth it.

- **Public Light Newsletter**

Bullivant, Houser, Bailey, Attorneys at Law in Portland and west coast locations, public "In the Public Light" which covers legal issues of current interest. The winter 1998 edition included a great two page, but thorough article, "The Fair Housing Amendments Act of 1988 and the Assisted Living Facility Land Use Application." Who doesn't have Assisted Living Facility listed as a conditional use? Call their Portland office at: 503 228-6351.

Since then, an effort has been underway to get ahead of the curve of reacting to proposed ESA listings of additional species (steelhead, chinook salmon, chum salmon, and bull trout) and the Plan is moving towards a statewide aquatic conservation strategy. The focus now is on restoring whole watersheds rather than concentrating on the needs of a specific species. Over the past 2 ½ years, the Plan has evolved significantly and is now viewed as part of a larger Oregon tradition of national leadership in problem solving efforts exemplified by efforts such as: the bottle bill; statewide planning; and the Oregon Medical Plan.

This unique, Oregon approach relies on four fundamental components to accomplish its goals. These are:

- 1) **Community-based Action:** Efforts to conserve and restore habitat must originate at the local level and include landowners and communities with local knowledge of the problems and ownership in the solutions. Local governments with watershed councils, soil and water conservation districts and other grassroots efforts get the work done. State and federal agencies are providing the technical support and information to help communities prepare and implement local salmon recovery plans.
- 2) **Government Coordination:** Under this Plan, government agencies which impact aquatic systems will coordinate programs in a manner which is consistent with conservation and restoration efforts.
- 3) **Monitoring and Accountability:** Biological and physical sampling will be

conducted according to scientific principles, to determine whether salmon habitats and populations respond as expected to conservation and restoration efforts. The monitoring program will combine an annual appraisal of the work accomplished and the results achieved.

4) Adaptability, or Improvements Over Time: The Plan is a work in progress and is structured to be a learning experience where considering alternative approaches and making changes to the program over time is encouraged.

The central premise of the Plan is that far more can be achieved by cooperative and voluntary processes than could be achieved by a heavy-handed regulatory approach. Although it relies upon strong enforcement of existing laws and regulations, it does so in order to build a foundation upon which meaningful voluntary and cooperative actions can take place. The Oregon Plan is premised upon support and commitment from all sectors; the public, landowners, industry and government. All Oregonians want productive and sustainable salmon runs. This cooperative, voluntary process is the only approach which will generate the support and commitment necessary to restore the fish and their natural systems.

LOCAL PLANNERS AND THE OREGON PLAN:

Local government must be engaged in salmon recovery for that recovery to be successful. It is at this level, out on the ground, where the success or failure of the Plan will occur. Local planning officials will play a key role. While the Clean Water Act (CWA) and its 303(d) listing of many of Oregon's rivers as water quality limited caused the Plan to

Our thinking, planning, and development actions will have to include salmon watershed needs along with the "normal" decision making factors.

expand to include all of Oregon, the recent ESA listing of lower Columbia steelhead and the proposal to list upper Willamette chinook has highlighted the fact that these problems will influence all of Oregon, not just the rural residents.

Salmon have been called the *canary of the Northwest's watersheds*. By restoring the salmon we help ensure the quality of our water, a concern even the non-fish enthusiast will share. To begin the process of restoration will involve a very simple, yet profound change. Our thinking, planning and development actions will have to include salmon and watershed needs along with the "normal" decision making factors. As Coos County Commissioner Gordon Ross has said, "we need to think fish when we do things". Local planning officials are in a unique position to make good things happen for salmon, things which make sense to the people in their communities. Some of the actions available to local planning officials to help in the restoration effort are:

- ◆ Protect and restore riparian and wetland areas through implementation of the new Statewide Planning Goal 5 rule;
- ◆ Review land use decision criteria -- for zone changes, conditional uses and variances -- to ensure that such decisions protect aquatic habitat and water quality;

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- ◆ Improve and increase inventories of salmonid habitat in order to guide protection and restoration efforts and provide a baseline for judging the effectiveness of restoration efforts;
- ◆ Improve or increase enforcement capabilities with existing riparian ordinances and environmental laws, including fill and removal laws and wetland and estuarine rules;
- ◆ Revise subdivision and partition standards to mitigate the effects of stormwater runoff from developing areas;
- ◆ Adopt erosion control practices for all applicable public works projects;
- ◆ Implement an erosion and sediment control program for all land development activities;
- ◆ Utilize training opportunities on watershed processes and salmon life history for planning commission members and elected officials;

- ◆ Institute long-term water conservation programs and participate in regional water supply planning;
- ◆ Ensure that the local plan protects and provides for the restoration of wetland areas that serve as important food reservoirs and refuges for fish;
- ◆ And last but not least, become involved in the watershed council in your area. Help coordinate watershed action plans with the local comprehensive plan.

While the list may seem long and impractical at times, all of these suggestions are actions already taking place in cities around the state. One very important suggestion not included in the list above is for the city planners to provide leadership to their communities by helping determine the costs which will be required of the cities in the accomplishment of the Plan. A long-term funding strategy, based on accurate information for all the components of the Plan, must be developed if success is to be achieved.

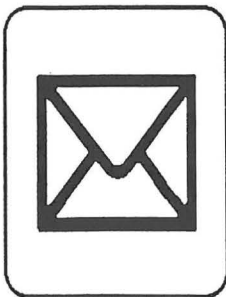
CONCLUSION:

Oregon faces significant challenges in restoring native fish populations and improving water quality in our rivers and streams. The Oregon Plan focuses on results through innovation and grassroots involvement. It requires cooperation and coordination between all levels of society, from the public to landowners to industry to city, county, state and federal government. The leadership of local government, by word and action, will be a key factor in the success of the Plan.

Contributors to the article were Onno Husing (director, OCZMA), Louise Solliday (Governor Kitzhaber's Watershed Advisor), Jeff Weber (Coastal Program, DLCDD) and Tom Shafer (OCZMA/Salmon Outreach). Some of the material for this article comes from the Executive Summary of the Steelhead Supplement to The Oregon Plan for Salmon and Watersheds. For further information, the complete Plan and Supplement can be found on the Internet at: www.oregon-plan.org

Tom H. Shafer

Budget Now for HB 2515



Ante Up!!

Passed by the 1997 Legislature and referred to the voters to avoid the Governor's veto (voters will vote on it in November 1998), HB 2515, if approved by the voters, will require first class notice to a property owner affected by a change to your Plan or implementing regulations. Is there a change that would require all property owners in your city to be notified? You'll have to send via first class mail a notice of the hearing to the owner of every lot in your city. Might you decrease the front yard setback in your residential zones; how many property owners are in those zones? Although this is a State mandate, the Legislature exempted this mandate from the requirement that the State reimburse you for this expense.

NOTES FROM THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT (DLCD)

For much of 1998, DLCD has devoted considerable attention and resources to two activities: developing or amending administrative rules to comply with new legislation and court decisions, and preparing to implement the provisions of Governor Kitzhaber's Executive Order 97-22, *Use of State Resources to Encourage the Development of Quality Communities*. Of particular interest to cities are rulemaking efforts focused on mixed-use development and on issues related to urbanization.

● Statewide Planning Goal 9 calls for cities to plan and zone an adequate supply of land for future commercial and industrial development. Goal 10 requires cities to plan and zone enough land for new housing. But when a city plans and zones one area for a mixture of business and residential uses, should the area be counted as land for only one of the uses, both, or neither? DLCD will draft administrative rules to resolve this policy issue, will seek ideas and comments from interested persons and groups this summer, and expects the rules to be adopted by January 1999. For information contact **Mitch Rohse, 503-373-0064**.

● Over the next 18 months, DLCD staff will also be developing policy and rule recommendations for several key issues related to urban growth boundaries (UGBs) and management of land within those boundaries. The work will focus on UGB amendment processes; population forecasts and allocation of forecasts among neighboring cities; and land uses and development patterns, design, and density within UGBs. The work is expected to be completed by the end of 1999. For more information contact **Lainie Smith at 503-373-0086**.

● The governor's executive order, issued in December 1997, establishes six *quality development objectives* to guide state agencies in making decisions and implementing programs for community development. Since then, the agencies, including DLCD, have been evaluating current programs and investment practices for compliance with the order. The order is directed at state agencies, not local governments, but it aims to help local communities through better co-ordinated, more focused state agency efforts. It specifies that the quality development objectives are to be used *in combination with*

state and local partnership principles and local development objectives to help build healthy and diverse communities and regions throughout Oregon. For a copy of the order, the quality development objectives, or related information, contact **Mitch Rohse at 503-373-0064**.

● A number of press reports have highlighted recent Oregon occurrences of what are commonly known as "SLAPPs" (Strategic Lawsuits Against Public Participation). These are legal actions or threatened suits designed to intimidate citizens and thus discourage them from speaking out in land use or other cases being considered in public forums. The next legislative session may feature bills proposed to limit such suits. If you are aware of suits, legal threats, or other similar activity that you believe is intended to prevent citizen participation in our planning system, DLCD would appreciate hearing about it. We are trying to gather information as to the extent and nature of the problem. Please contact **Mitch Rohse at 503-373-0064**.

Trish Daniels
Communications Specialist, DLCD

ODOT Strategy Needs Your Attention

In late 1997, a draft document was released by the Oregon Department of Transportation (ODOT) entitled *Strategy for Integrating Transportation and Land Use*. According to this document's authors, the strategy would *define how ODOT will implement the 1992 Oregon Transportation Plan (OTP) and how it will maintain the integrity of the transportation system in light of fiscal constraints and land use development pressures*. This document is in large part a response from the Oregon Transportation Commission (OTC) to direction from

Oregon Governor John Kitzhaber for ODOT to play a stronger role in growth management.

As the document's title conveys, land use has increased in relevance to ODOT. They are now asking for a place at the planning table to help communities understand the value to their transportation systems when compact growth and alternative modes of transportation are accomplished. Six regional transportation workshops
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were held across the state by the League of Oregon Cities (LOC). According to ODOT staff at the workshop held on the coast, there are two fundamental elements of this strategy - *successful partnerships between ODOT and local governments*, and the creation of *community centers*.

Partnerships are formed as local governments and ODOT work together to incorporate the strategy into adoption of transportation system plans (TSPs), corridor plans, periodic review, state transportation improvement plan (STIP) projects, and during coordination of local land use actions. ODOT's expertise will ultimately need to be expanded so that they can provide local guidance in land use and subdivision ordinance development and urban streetscape design guidance consistent with the State's Transportation Planning Rule (TPR).

According to the strategy, centers are where people come together in a community or region to interact for commercial, community, civic, and in some cases, industrial purposes. These centers are divided into community centers and regional centers. They do not include strip development, but promote compact development, mixed uses, pedestrian and bicycle access, public transit, and pedestrian scale designs. Community centers are typically found in downtowns or main street areas of cities and small towns. Regional malls and big box retailers would be contained within a regional center, with similar transportation and design elements to those of a community center.

A third form of a center, the special transportation area (STA) originating from earlier ODOT efforts, could also qualify as achieving this strategy. The only difference here is that the STA could actually span a state highway, whereas the other two

centers are intended to be *off-highway*, and served by local streets, sidewalks, transit stops, and bike routes.

As planners, the vision of a bustling downtown with compact development, lively mixed use centers, pedestrian and bicycle activity, and pocket parks might be something that we all wish we had, had we the ability to start our community over from scratch. Realistically, most of us don't have the luxury of starting over, and from what I've heard, most of us battling it out within our city limits have both a community core and strip development if we have access to a major highway. The one size fits all approach of this strategy will be difficult, if not impossible for many of us to achieve, and ignores the fact that strip development will not simply dissolve over time if you choose to ignore it.

Florence recently experienced an early ODOT interpretation of this strategy when a 127,000 square foot Fred Meyer store was proposed at the northern end of city limits. The fourteen acre vacant site was zoned for retail commercial uses and fronted on Highway 101. Fred Meyer needed the City's Design Review approval and an ODOT approach permit to start construction. Although the development proposed a reduction of permitted highway access points from 5 to 2, including adding a traffic signal, it was determined by State transportation officials to be inconsistent with the objectives of the draft strategy.

A fairly intense struggle evolved between the City, ODOT staff, DLCD/TGM staff, the applicant, the OTC, and a host of other players and politicians. Some ODOT and DLCD interests worked long and hard to find a way to "encourage" Fred Meyer to locate its store closer in to the center of town. Eventually, ODOT backed off the strategy,

granted Fred Meyer reasonable access, but really there were no winners, and certainly no local/state partnership evolved.

It's a sad day when ODOT and local governments can't work together, and Florence has had its successes along with the failures. More importantly, community dynamics, geography, historic development patterns, regional transportation routes, and economic influences, vary from place to place throughout Oregon. The *one-size fits all* approach of this strategy does our opponents of Oregon's statewide planning programs more good than our proponents. Its insensitivity works against those of us in the trenches and at the policy level who have worked long and hard, more often through incremental steps than far-reaching leaps, to obtain support for decent planning. The strategy should work with the individual needs of all Oregon communities, and encourage partnerships which achieve common goals, rather than a single idealistic perspective to solve the State's highway budget woes.

The Association of Oregon Cities' transportation committee focused on the strategy early this year and provided some serious questions and comments to the Oregon Transportation Committee in April 1998. From ODOT's comments at this year's LOC workshops, the strategy might not be for everyone. However, since ODOT's STIP funding, at least according to the draft strategy, is tied to a community's ability to promote that strategy, we all need to pay close attention, and more importantly, work with our ODOT regional and district offices to insure that the final strategy, if adopted, reflects a true partnership approach.

If you have questions or want an update on the ODOT strategy, you may contact Dave Barenberg at the LOC office.

John E. Theilacker, AICP