

ORDINANCE NO. 1858

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE, COMPREHENSIVE PLAN BY ADOPTING CERTAIN TEXT AMENDMENTS RELATED TO METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 1 COMPLIANCE.**

**Milwaukie Community Development Application CPA-98-05-A**

**WHEREAS**, the Metro Urban Growth Management Functional Plan requires that cities and counties in the Metropolitan Service District demonstrate timely compliance with its provisions; and

**WHEREAS**, on August 19, 1998, after an extensive public involvement process, the Milwaukie City Council adopted the Milwaukie Functional Plan Compliance Report that enumerates recommended changes to the City's Comprehensive Plan, Zoning Ordinance, and Subdivision Ordinance; and

**WHEREAS**, the Functional Plan Compliance Steering Committee, consisting of three Planning Commission members and three Neighborhood District Association Land Use Committee Chairpersons, was formed to assist the development of proposed code changes to implement the recommendations of the Functional Plan Compliance Report; and

**WHEREAS**, all required referrals and notices of public hearings on the proposed amendments have been made; and

**WHEREAS**, the proposed amendments were subject to an extensive public involvement process, including: a notice of public hearings to be held on January 26, 1999 and February 16, 1999 that was mailed to all property owners in the City; and a public open house held on January 13, 1999; and

**WHEREAS**, the Planning Commission held public hearings on January 26, 1999, and February 9, 1999; and

**WHEREAS**, on February 9, 1999, the Milwaukie Planning Commission adopted a motion recommending the City Council approve the amendments to the Milwaukie Comprehensive Plan as shown in Exhibit 1; and

**WHEREAS**, the Milwaukie City Council held work sessions on February 1, 1999 and March 15, 1999; and

**WHEREAS**, the Milwaukie City Council held public hearings on February 16, 1999 and April 6, 1999,

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

**Section 1. Findings.** Findings of fact in support of these amendments contained in application CPA-98-05.

The proposed amendments contained in Exhibit 1 of this ordinance are consistent with the provisions of Milwaukie Comprehensive Plan Chapter 2-Plan Review and Amendment Process as follows.

**Objective # 1 – Amending the Plan**

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

**Policies**

1. **Ensure adequate monitoring of the Plan by maintaining a factual database which will enable citizens to judge the effectiveness and desirability of Plan policies. Monitoring information may include, but is not limited to, population, vacant lands, traffic volumes, public facility capacities, and economic information.**

The proposed Title 1 amendments further this policy by amending Chapter 4-Land Use, Residential Land Use and Housing Element as follows.

- a. Improving the method by which planned residential densities are calculated by redefining “net acre”, updating buildable lands; and
- b. updating existing dwelling unit counts to those identified in the 1998 Milwaukie Housing Study; and
- c. extending the planning horizon to year 2017.

2. **The Comprehensive Plan Review Committee (CPRC, see Citizen Involvement Element), which will be appointed by the City Council, will coordinate and conduct a major Plan review every five years and an interim plan review between years two and three of the five year cycle. The CPRC will submit a report to the Planning Commission containing any recommended changes. The Planning Commission will hold at least one public hearing on any proposed modifications to the Plan and forward its recommendations to the City Council.**

This policy applies only to programmed periodic reviews and is not applicable to the Metro Growth Management Functional Plan compliance amendments.

3. **Individuals, the Planning Commission, or the City Council may request Plan amendments at any time separate from the normal**

**Comprehensive Plan application process. A request by an individual will be considered by the Planning Commission, who may initiate further formal consideration of a Plan amendment if it is determined the proposed change is in the public interest. The Planning Commission should also hold a public hearing annually to evaluate issues related to the Plan or recommend Plan changes. A report of its public hearing will be provided to the City Council who may approve it or take further action as required.**

This policy encourages consideration of the Comprehensive Plan and comprehensive planning issues outside the normal process of periodic review. The proposed amendments are consistent with the policy.

- 4. Submit copies of proposed Plan changes to affected governmental units at the draft amendment stage and following final adoption of changes.**

The proposed amendments have been submitted to Metro, Oregon Department of Land Conservation and Development, and Oregon Department of Transportation. The ordinance will be submitted to these agencies following adoption.

- 5. All proposed legislative Comprehensive Plan amendments will be considered at advertised public hearings before the Planning Commission and City Council. At least 30 days prior to a public hearing, a public notice shall be printed in a local newspaper and will appear on the public information cable television station. A second notice will appear at least ten days prior to the public hearing.**

Comprehensive Plan text amendments are identified as legislative actions in Milwaukie zoning Ordinance Section 1011.5. Notice of the Planning Commission and City Council hearings have been published in accordance with the requirements of this policy and pursuant to provisions of the Oregon General Statutes. The February 1, 1999 and March 15, 1999 work sessions and February 16, 1999 and April 6, 1999 public hearings on the proposed amendments were televised on the City's cable access station.

- 6. If the proposed amendment is quasi-judicial, notice of the requested change will be mailed to all residents within 400-feet of the property under consideration at least 30 days prior to the public hearing. Newspaper notice in accordance with the requirements for legislative plan amendments is also required.**

This policy does not apply to City Council action on this ordinance.

- 7. All Plan amendments will be evaluated based upon the following criteria.**
  - a. Conformance with applicable Comprehensive Plan goals, policies, and objectives.**

The amendments are consistent with the Comprehensive Plan and preserve the intent, goals, and policies of the Comprehensive Plan. There are no departures from stated goals and policies.

**b. Consistency of proposed development with the intent of the underlying zone.**

The amendments do not result in any development or change of zoning. The above criterion does not apply.

**c. The amendments meet or can reasonably meet applicable regional, state, or federal regulations.**

The purpose of the amendments is to meet Metro regional policy. There are no applicable federal policies. The amendments are consistent with Oregon Statewide Planning Goals.

**d. The proposed amendments demonstrate existing or planned public facilities and are sufficient to accommodate anticipated development.**

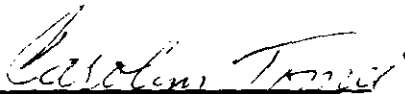
The amendments do not change existing development potential. This criterion does not apply.

**Section 2.** The Milwaukie Comprehensive Plan is amended as described in Exhibit 1.

Read the first time on ~~April 16, 1999~~ and moved to a second reading by 5 - 0 vote of the City Council.

Read the second time and adopted by the City Council on April 6, 1999

Signed by the Mayor on April 6, 1999

  
Carolyn Tomei, Mayor

ATTEST

APPROVED AS TO FORM  
RAMIS CREW CORRIGAN &  
BACCACH, LLP

\_\_\_\_\_  
Pat Duval, City Recorder

  
\_\_\_\_\_  
City Attorney

# EXHIBIT 1

## Amendments to the Comprehensive Plan (Ord. 1437) Community Development Application CPA-98-05-A

*Strikeout text = text to be deleted.*

*Underline text = text to be added.*

### TITLE 1 AMENDMENTS

#### CHAPTER 4 – LAND USE

##### Residential Land Use and Housing Element

###### Background and Planning Concepts:

Housing in Milwaukie provides shelter for a population which has income, education, age distribution and employment characteristics similar to Portland metropolitan area averages. Currently, the City's housing stock is composed of ~~73~~66 percent single family and ~~27~~33 percent multifamily. ~~Since 1980,~~ During the 1980's, however, 56 percent of the City's newly constructed housing units have been multifamily. Within the metropolitan area 36 percent of new housing starts are multifamily while in Clackamas County only 28 percent are new multifamily housing starts. Milwaukie has clearly assumed a major role in providing opportunities for constructing a variety of housing types in north Clackamas County.

Metro projects the need for an additional ~~1,600~~3,514 housing units in Milwaukie by ~~2005,~~ 51% of which will be multifamily, 2017. The median price for a single family home in Milwaukie is estimated to be \$52,000 in 1986, while the median rent for a two bedroom apartment is estimated to be \$369.

The ability of the average Milwaukie household to purchase a new or used single family house appears to be increasing. Estimates for increases in median household income between 1980 and 1986 indicate that income has outstripped inflation during this period. Housing values have declined, while rents have increased for the same period. The City contains a good variety of single and multifamily housing units at various rent and cost levels to meet the needs of area residents.

Only ~~22~~34.3 vacant gross buildable acres of residential lands outside the Regional Center are available in Milwaukie for future housing or related recreation development. Much of these lands are small single parcels, substandard lots or large developed lots capable of partitioning to provide additional buildable area. Larger parcels are typically found in the Waverly area, along S.E. Lake Road and Kellogg Lake and Creek. The majority of these vacant lands are expected to be fully developed by the year ~~2005~~2017 if current housing construction rates continue. As residential land use and ownership patterns are well established, alternatives for housing become more limited. The City has considered the needs of existing and future residents for suitable affordable housing, and the desires of existing citizens to maintain the neighborhood character with which they are familiar. Striving to achieve a balance between meeting future needs and conserving existing character has been the aim of residential planning in Milwaukie.

## TITLE 1 AMENDMENTS continued

### Objective #1 –Buildable Lands

#### Planning Concept:

The way land is used should be determined by the physical characteristics of the land (its slope, stability, vegetation, natural drainage, etc.) and the community's desires about the relationships of uses to each other and to public facilities. In Milwaukie, the relatively flat terrain has posed few problems for construction so that today, only about ~~328~~34 total acres remain buildable for residential purposes. ~~Some of these lands, however, outside of the Regional Center. Those lands that are in areas where physical constraints have made it difficult and expensive to construct structures using standard building techniques have been excluded from the estimate.~~ On the basis of inventories of these characteristics, (as documented in Metro's Title 3 Maps and the Environment and Natural Resources Chapter) and an understanding of their potential relationship to development constraints and opportunities, a Special Policies Classification has been developed. Map 3 (Natural Hazards) illustrates the special classification of buildable lands within the Milwaukie area, as well as the remaining undeveloped lands within the City.

### Objective #2 – Residential Land Use: Density and Location

#### Planning Concept:

Table 2 summarizes the amount of vacant buildable land within each residential land use category, and the total number of new dwelling units which would result from full development of these vacant buildable lands, ~~and the amount of residential units by type.~~ These figures do not include density bonuses which may be available in development of high quality, nor the total variety of housing types which may result from Planned Unit Developments or application of the residential density policies. Residential design policies have little or no effect on the number of new units calculated in Table 2. At the time of full development, ~~some 1,1412.827 potential new single family dwelling units, added to the 5,254 approximately 8,377 existing single family dwelling units, will result in 6,395 11,204 total single family dwelling units and 1,188 new multifamily units, added to the 2,104 existing multifamily units will yield 3,292 total multifamily units. Final distribution of existing and future housing types within Milwaukie will be 66 percent single family and 34 percent multifamily. The overall net residential density at full development will be approximately 6 units per acre while new development will occur at approximately 9 units per acre. The Regional Center is anticipated to accommodate 1,773 new units (approximately 63 percent of the new units) primarily through infill and redevelopment, while vacant land outside the Regional Center is anticipated to accommodate 1,054 new units. Because nearly all of the remaining buildable vacant land in Milwaukie is designated as low and moderate density land, distribution of future housing types within Milwaukie will be primarily single family outside the Regional Center, with high density housing occurring on redevelopable land in the Regional Center. In addition to these estimates, Milwaukie has the capacity for an estimated 198 secondary dwelling units to be developed on existing and future single family lots.~~

Exhibit 1  
 Amendments to Comprehensive Plan (Ord. 1437)  
 Community Development Application CPA-98-05-A

**TITLE 1 AMENDMENTS continued**

**Objective #2 - Table 2 – Future Housing Characteristics:**

Table 2

**FUTURE HOUSING CHARACTERISTICS**

<u>Residential Area</u>	<u>Vacant Gross Buildable Acres</u>	<u>Not Buildable Acres (Less R.O.W*)</u>	<u>Net Density</u>	<u>New Units</u>	<u>% New Units</u>
<b>Single Family<sup>1</sup></b>					
Low Density	226.40	169.8	5.50	933	40.2
Mod. Density	32.40	24.0	8.70	208	9.0
	<u>258.50</u>	<u>193.8</u>		<u>1,141</u>	<u>49.2</u>
<b>MultiFamily</b>					
Med. Density	18.84	17.9	14.50	259	11.2
High Density	50.23	47.8	19.30	922	39.6
	<u>69.07</u>	<u>65.8</u>		<u>1,181</u>	<u>50.8</u>
<b>TOTAL</b>	<u>327.57</u>	<u>259.5</u>	<u>8.95</u>	<u>2,322</u>	<u>100.0</u>

\*Right of way deductions are: 25% for Single Family; 5% for Multifamily

The number of persons expected to reside within the City at full development is estimated at 22,200. This figure assumes a 95 percent occupancy rate and 2.41 persons per unit overall.

<sup>1</sup>Including mobile homes in mobile home parks and manufactured housing.

**Table 2**  
**Estimate of Dwelling Unit Capacity on Vacant Lands by Zone**

<u>Zone Abbr.</u>	<u>Gross Unconstrained Vacant Land (Gross Vacant Buildable Land—Outside Regional Center)</u>	<u>Gross Unconstrained Vacant Land Minus Needed Schools, Park, Church, and Street (Net Vacant Buildable Land—Outside Regional Centers)</u>	<u>Min. Lot Area Per Unit</u>	<u>Max. Res. DU Per Net Acre</u>	<u>With Underbuild (DU Per Net Acre X 97)</u>	<u>DU Estimate (Outside Regional Center)</u>	<u>Added DU from Possible Infill (Outside Regional Center)</u>	<u>DU Estimate from Vacant Redevelopable Land in the Regional Center</u>
R-10	8.31	7.41	10,000	4.36	4.23	36	83	
R-7	19.53	17.95	7,000	6.22	6.04	113	550	
R-5	6.37	5.55	5,000	8.71	8.45	50	221	
R-3	0.12	0.12	3,750	11.62	11.27	1	0	
R-2.5	0.00	0.00	2,000	21.78	21.13	0	0	
R-2	0.00	0.00	2,000	21.78	21.13	0	0	
R-1	0.00	0.00	2,000	21.78	21.13	0	0	
R-1-B	0.00	0.00	2,000	21.78	21.13	0	0	
<b>Totals</b>	<u>34.33</u>	<u>31.03</u>				<u>200</u>	<u>854</u>	<u>1,773</u>

## TITLE 1 AMENDMENTS continued

### Objective #2, Table 2 continued:

Table 2 methodology summary (detailed methodology in *Technical Appendix C. City of Milwaukie Metro Functional Plan Compliance Report*):

- Dwelling unit capacity was estimated on a parcel-by-parcel basis.
- The City of Milwaukie 1998 Housing Inventory was used to identify vacant residential land in the city.
- Environmentally constrained land, as defined by Metro, was subtracted from gross vacant land to arrive at gross vacant buildable land.
- Gross vacant buildable land was reduced by 5% to account for future needed schools, local and regional parks, and churches.
- A second gross-to-net reduction of 10% or 20% was made for right-of-way, depending on the size of the lot.
- The minimum lot size of each zone was used to determine the maximum dwelling units per acre.
- To account for underbuild, the capacity was reduced by 3% based on a study of actual built densities for housing in Milwaukie (see *Technical Appendix B. City of Milwaukie Metro Functional Plan Compliance Report*).
- To calculate dwelling unit estimate per vacant lot, the acreage of net vacant buildable land was multiplied by the maximum dwelling units per acre and the underbuild factor.
- Additional units were added to Milwaukie's housing capacity for dwelling units likely to be constructed through infill development. The rate of infill used in the above estimates is based on a local study of partitioning trends in the city.
- Estimates for new dwelling units on vacant and redevelopable land in the Regional Center were added separately. See the *City of Milwaukie Regional Center Master Plan* for the methodology used to estimate new dwelling units in the Regional Center.

### Objective #2, Policy 1:

1. Residential densities will be based on the following net\* density ranges:

Low Density (Zones R-10, R-7) - up to 6.76.2 units per net acre

Moderate Density (Zone R-5) - ~~6.86.3~~ to 10.78.7 units per net acre

Medium Density (Zones R-3, R-2.5, R-2) - ~~10.88.8~~ to 15.021.1 units per net acre

High Density (Zones R-1, R-1-B) - ~~15.121.2~~ to 31.224.0 units per net acre

Regional Center - 25 to 50 units per net acre

\*In calculating buildable lands, density standards will be applied to net parcel areas to determine the maximum number of dwelling units allowed. Gross site area will be reduced to net site area according to the following schedule:

- ~~• Twenty Five percent (25%) of gross site area that is devoted to single family detached units will be reduced for purposes of right-of-way dedication.~~
- ~~• Five percent (5%) of gross site area that is devoted to single family attached or multifamily units will be reduced for purposes of right-of-way dedication.~~
- Areas one acre or larger will be reduced by twenty percent (20%) for the purposes of right-of-way dedication.

**TITLE 1 AMENDMENTS continued**

**Objective #2, Policy 1 continued:**

- Areas greater than 3/8 of an acre and less than one acre will be reduced by ten percent (10%) for the purposes of right-of-way dedication. Areas less than or equal to 3/8 of an acre (16,335 s.f.) are assumed to be platted and receive zero reduction for right-of-way.

A general definition of housing types are:

Single family detached - a house normally occupied by one family with no structural connection to adjacent units. The unit may be situated at a specified distance from lot lines, or with one wall on a side property line. Typical density is 4 to ~~6.762~~ units per acre.

**Objective #2, Policy 7.g (new):**

- g. Residential densities in the Regional Center are in the range of 25 to 50 units per net acre.

