

ORDINANCE NUMBER 1705

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NUMBER 1438, THE ZONING ORDINANCE (ZA-91-01).

WHEREAS, the City has received notice from the State Department of Land Conservation and Development of modifications to ORS 197.295 - 197.313. pertaining to manufactured housing; and

WHEREAS, local jurisdictions are required to comply with applicable provisions of the Oregon Revised Statutes; and

WHEREAS, the Zoning Ordinance must be amended to comply with the modifications to ORS 197.295 - 197.313; and

WHEREAS, public hearings were held for this matter by the Planning Commission on May 28, 1991, and by the City Council on June 4, 1991.

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

Section 1. Findings. Findings of Fact in support of the proposed amendments are attached as Exhibit A, Findings of Fact.

Section 2. Zoning Ordinance Text Amendments.

- a. In Section 1.03 Definitions, replace the definition of Manufactured Housing with the following:

"Manufactured home: means a structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981."

- b. In Section 1.03 Definitions, replace the definition of Manufactured Housing Subdivision with the following:

"Manufactured home subdivision: means a parcel of land intended for and designed specifically to accommodate manufactured homes on single-family residential lots. The parcel shall meet all requirements of the primary zone and all requirements of the City of Milwaukie Subdivision Ordinance."

- c. In Section 3.01.2, delete subsection f. "Manufactured Housing" and reletter subsequent subsections.

- d. In Section 3.02.1, insert new subsections b. and c. reading as follows and reletter subsequent subsections:

"b. Manufactured homes.

c. Manufactured home subdivisions."

- e. In Section 3.02.2. delete subsection f. "Manufactured Housing" and reletter subsequent subsections.

- f. In Section 3.03.2 replace subsection g. "Manufactured Housing" with the following:

"g. Manufactured homes."

- g. In Section 3.03.2. insert a new subsection h. reading as follows and reletter subsequent subsections:
"h. Manufactured home subdivision."
- h. In Section 3.04.2. replace subsection g. "Manufactured Housing" with the following:
"g. Manufactured homes."
- i. In Section 3.04.2. insert a new subsection h. reading as follows and reletter subsequent subsections:
"h. Manufactured home subdivision."
- j. In Section 3.04.A.2. replace subsection D. "Manufactured Housing" with the following:
"D. Manufactured homes."
- k. In Section 3.04.A.2. insert a new subsection E. reading as follows and reletter subsequent subsections:
"E. Manufactured home subdivision."
- l. In Section 3.05.2. replace subsection g. "Manufactured Housing Subdivision" with the following:
"g. Manufactured homes."
- m. In Section 3.05.2. replace subsection h. "Manufactured Housing" with the following:
"h. Manufactured home subdivision."
- n. In Section 3.06.2. replace subsection f. "Manufactured Housing Subdivision" with the following:
"f. Manufactured homes."
- o. In Section 3.06.2. insert a new subsection g. reading as follows and reletter subsequent subsections:
"g. Manufactured home subdivision."
- p. In Section 3.07.2. replace subsection g. "Manufactured Housing Subdivision" with the following:
"g. Manufactured homes."
- q. In Section 3.07.2. insert a new subsection h. reading as follows and reletter subsequent subsections:
"h. Manufactured home subdivision."

r. Replace Section 6.02.9. with the following:

- "6.02.9. Manufactured homes requiring conditional use approval for placement on individual lots shall meet the following standards:
- a. The unit shall be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet);
 - b. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 inches above grade and enclosed at the perimeter by skirting of a pressure treated wood, masonry, or concrete wall construction and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918;
 - c. The unit shall have a roof with a pitch of at least three (3) inches in twelve (12) inches;
 - d. The unit shall have a garage or carport constructed with exterior siding and roofing which, in color, materials, and appearance, matches the manufactured home. The Planning Commission may, at the time of conditional use application, require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings;
 - e. The unit shall have exterior siding and roofing which, in color, materials, and appearance, is similar to the exterior siding and roofing material commonly in use on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Planning Commission. Materials that shall not be allowed include bare metal siding or roofing;
 - f. The unit shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010;
 - g. The unit shall comply with the definition for manufactured home as identified in Section 1.03; and
 - h. The unit shall comply with single-family parking and paving standards as described in Section 5."

s. Replace Section 6.02.10. with the following:

"10. Manufactured home subdivisions:

Manufactured home subdivisions are subject to the requirements of Section 419.6 Manufactured Home Subdivisions."

t. Insert a new section to be known as Section 419, Manufactured Home Placement, and reading as identified in Exhibit B.

u. In Section 5.01.1.a., insert "Manufactured home between "Single-family attached" and Single-family detached."

Read for the first time on June 4, 1991, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on June 4, 1991.


Craig Lomnicki, Mayor

ATTEST:


City Recorder

Approved as to form:

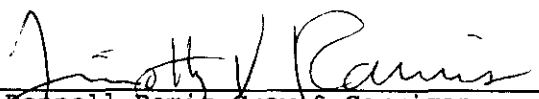

O'Donnell Ramis Crew & Corrigan
City Attorney

EXHIBIT A

FINDINGS OF FACT

1. The 1989 Oregon State Legislature adopted HB 2863, enacting new planning requirements for manufactured housing on individual lots and stated within ORS 197.295 through ORS 197.313.
2. The Oregon Department of Land Conservation and Development (DLCD) published a Technical Bulletin in May, 1991, entitled Planning for Manufactured Housing on Individual Lots. This bulletin identifies requirements to be met by cities and counties in complying with ORS 197.295 through ORS 197.313.
3. ORS 197.307(3) allows cities and counties the ability to perform a needs assessment for manufactured housing in order to designate one or more zoning districts appropriate to meet this need.
4. The May, 1990, DLCD Technical Bulletin provided needs assessment directions. The City of Milwaukie performed a needs assessment based on those directions.
5. Milwaukie's manufactured home needs assessment is as follows:

- a. Milwaukie's Comprehensive Plan provides the following population growth data:

Year:	1991	2005
Population:	19,000	20,300
Growth:		1,300

- b. Using a household average of 2.41 persons per household, 540 new units are required to accommodate the 1,300 new persons.
- c. The Comprehensive Plan Residential Land Use and Housing Element indicated 51% of new units will have the potential of being multi-family (275 units). that means 49% of the new units (265 units) have the potential to be single family.
- d. DLCD has provided a table entitled "Potential Manufactured Housing Buyers" which indicates a buyer potential of 29% for Clackamas County in an appropriate income range. This means 77 units (265 times 29%) of manufactured housing need exists.
- e. Following the density standards for single-family detached units of Objective 2, Policy 1 of the Comprehensive Plan Residential Land Use and Housing Element, a maximum density of 4.6 units per net acre is created (subtracting 25% of the gross area for purposes of right-of-way dedication). This results in a need for 16.7 acres in order to accommodate 77 units.
- f. Table 2 "Future Housing Characteristics" on page 29 of the Comprehensive Plan identifies 226.40 gross buildable acres available for Low Density single-family use. This amount includes properties currently zoned R-7 and R-10.

- g. Figure 11 "Revisions to Buildable Lands Inventory" from Page 10 of the City's Residential Land Use and Housing Background Report shows the Low Density available acreage (226.40) broken down as 89.00 acres of R-10 and 137.40 acres of R-7. Since that report was prepared in 1987, 5 Zone Changes have occurred.

	<u>File/Action</u>	<u>Acres</u>	<u>Zones</u>	
			<u>From</u>	<u>To</u>
1.	ZC-88-04 (Waverly)	4	R-10	R-2
2.	ZC-89-1 (Pennywood)	10.67	R-10	R-7
3.	ZC-90-01 (Asti)	10.60	R-10	R-7
4.	ZC-90-02 (Calcagno)	6	R-10	R-7
5.	ZC-91-01 (Determan)	.25	R-10	R-7
		<u>31.52</u>		

The above shows a reduction of the available R-10 area from 89.00 to 57.48 acres, an increase of available R-7 area from 137.40 to 164.92 acres, and an increase in R-2 area from 42.60 to 46.60 acres.

- h. The available R-7 vacant area (164.92) is more than sufficient to accommodate the 16.7 acres required for an anticipated need of 77 manufactured home units.
- i. Based on h., above, the 57.48 acres remaining of vacant R-10 area are not required to accommodate the anticipated need for manufactured homes on individual lots in Milwaukie.
6. In addition to permitting manufactured homes outright within the R-7 Zone, newly proposed zoning Section 419 will allow manufactured homes on individual lots by conditional use permit in all other residential zones excluding R-10. This will enable the City to make more effective use of vacant infill lots covered by other residential zones, and, to provide more lot variety for manufactured home placement than would be found in areas only zoned R-7.
7. New Section 419 "Manufactured Home Placement" complies with Policy 3. Objective 5 of the Comprehensive Plan Residential Land Use and Housing Element. This policy encourages manufactured housing within the City as long as density and other policies.

ORDINANCE NO. 1705

EXHIBIT B

419 MANUFACTURED HOME PLACEMENT

491.1 Purpose

This Section is intended to meet State legislative requirements for the placement of manufactured homes on individual lots and to provide standards for unit placement.

491.2 Applicability

Manufactured homes placed on individual lots are subject to the provisions of this section. Treatment of manufactured homes by Zones is shown on the following table:

Table 340-1				
Manufactured Home Placement by Zone				
Zone	Permitted Outright	Conditional Use	Temporary Permit	Manuf. Home Subdivision
R-10			X	
R-7	X		X	X
R-5		X	X	X
R-3		X	X	X
R-2.5		X	X	X
R-2		X	X	X
R-1-B		X	X	X
R-1		X	X	X
R-O-C		X	X	X

419.3 Definitions

For the purposes of this Section, the following definitions shall apply:

- A. "Manufactured home" means a structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981.

- B. "Manufactured home subdivision" means a parcel of land intended for and designed specifically to accommodate manufactured homes on single-family residential lots. The parcel shall meet all requirements of the primary zone and all of the requirements of the City of Milwaukie Subdivision Ordinance.

419.4 SITING STANDARDS

Manufactured homes placed on individual lots shall meet the following standards:

- A. The unit shall be multisectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet;
- B. The unit shall be placed on an excavated and backfilled foundation with the bottom no more than 12 inches above grade and enclosed at the perimeter by skirting of pressure treated wood, masonry, or concrete wall construction and complying with the minimum set-up standards of the adopted State Administrative Rules for Manufactured Dwellings, Chapter 918;
- C. The unit shall have a roof with a pitch of at least three (3) inches in twelve (12) inches;
- D. The unit shall have a garage or carport constructed with exterior siding and roofing which, in color, materials, and appearance, matches the manufactured home. The Community Development Director may, at the time of placement permit application, require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings;
- E. The unit shall have exterior siding and roofing which, in color, materials, and appearance, is similar to the exterior siding and roofing material commonly in use on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Community Development Director. Materials that shall not be allowed include bare metal siding or roofing;
- F. The unit shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State building code as defined in ORS 455.010;
- G. The unit shall comply with the definition for manufactured home as identified in this Section; and
- H. The unit shall comply with single-family parking and paving standards as described in Section 5.

419.5 Implementation of Siting Standards

- A. For unit placement on an individual lot within the R-7 Zone, the siting standards shall be administered as part of the building permit process for the unit placement.
- B. For unit placement on an individual lot within those zones allowing placement only by conditional use, the applicant shall apply for a conditional use permit meeting the general conditional use criteria of Section 6.01.2. and showing how the proposed unit will meet the siting standards of this Section. Verification of siting standards shall occur as part of the building permit unit placement process.
- C. Manufactured home placement as authorized by the temporary structure permit process of Section 4.17 is not subject to the siting standards of this Section.

419.6 Manufactured Home Subdivisions

- A. Manufactured home subdivisions may be allowed outright within the R-7 Zone and by conditional use in the R-5, R-3, R-2.5, R-2, R-1-B, R-1, and R-O-C Zones.
- B. A conditional use request for a manufactured home subdivision shall be filed concurrently with the preliminary plat subdivision application.
- C. The approval criteria for conditional use for a manufactured home subdivision shall be the criteria of Section 6.01.2.
- D. Individual manufactured homes placed within a manufactured home subdivision approved by conditional use shall be exempt from additional conditional use approval for placement. Individual placements shall meet the siting standards of this Section.
- E. Manufactured home subdivisions must meet all requirements of the City Subdivision Ordinance.

419.7 Occupancy of Units

All approval and siting standards of this Section shall be complied with before a manufactured home placed on an individual lot may be approved for occupancy.

419.8 Review Processes

- A. Siting standards of this section shall be reviewed as part of the building permit review process, following Type I Administrative review procedures of Section 10.11.A.
- B. Conditional use reviews shall follow processes and procedures as described in Section 6.
- C. Subdivision processes and procedures are those contained in the City Subdivision Ordinance.