

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 210

An ordinance amending Ordinance No. 100, establishing Special Plan Area Subdistrict No. 3, for the regulation of auto-related commercial uses and the provision of transit-supportive uses at the intersection of NE 102nd Avenue and Halsey Street; establishing a phased plan of land development; amending Sectional Zoning Map No. 373; all for the purpose of implementing various provisions of the Comprehensive Plan and the statewide planning goals.

Multnomah County ordains as follows:

SECTION 1. AMENDMENT OF ORDINANCE NO. 100.

Ordinance No. 100 is amended by adding the following:

6.875 SPECIAL PLAN AREA NO. 3 SPA-3: NE Halsey to Pacific Streets between NE 99th and 102nd Avenues.

6.875.1 DEFINITIONS. For the purposes of this subsection only, unless the context requires otherwise:

(A) "New retail store" means a retail commercial building or buildings constructed after the effective date of Ordinance No. 210, on that portion of the subdistrict south of N.E. Multnomah Street; and

(B) "Pre-existing retail or office floor area" means any retail commercial or office floor area established prior to the effective date of Ordinance No. 210, on that portion of the subdistrict north of N.E. Multnomah Street.

6.876 PURPOSES. The purposes of the SPA-3 Subdistrict are:

- (A) To aid in achieving maximum compatibility of private investments in the development and use of land from NE Halsey to Pacific Streets between NE 99th and 102nd Avenues with the major capital investment in a light-rail transit system in the Banfield-Burnside Corridor and with a transit station at NE 99th Avenue and Multnomah Street;
- (B) To provide for a phased program of development for properties within the subdistrict which will assure the location of transit-supportive uses when the light-rail system is constructed and operating; and
- (C) To establish land use standards and procedures as a guide to current and future developments within the subdistrict which are consistent with the Hazelwood Community Plan and the above purposes.

- (A) The Board of County Commissioners, on October 5, 1978, approved the construction of a high-volume light-rail transit system in the Banfield-Burnside Corridor. Present plans call for a major transit station for this high-capacity transit system at the intersection of NE 99th Avenue and Multnomah Street;
- (B) Some of the Transitway Project Purposes are to reduce the number of private and public vehicle trips needed to serve present and anticipated mobility needs; to improve air quality; to conserve energy; to lower transportation costs; and to lessen the adverse impacts of private vehicles on community land uses and livability values;
- (C) A concentration of office, non-automobile related commercial and residential uses at the major transit stations will assure greater use of the planned transit system and less demands upon the street and highway system of the County;
- (D) The Planning Commission, on March 3, 1979, denied a request to change the zone from Residential to Commercial between N.E. Multnomah and Pacific Streets, 99th and 102nd Avenues. One of the conditions of that denial was that the matter should be brought back to the Planning Commission for reconsideration. The reconsideration was to include a study of the entire Gateway-Mall 205 corridor, to be reviewed by the Planning Commission in September, 1979; this decision was upheld by the Board of County Commissioners on May 30, 1979; the Planning Commission reviewed the results of such a study at their meeting of September 24, 1979. At a further hearing on October 22, 1979, the Commission adopted Resolution PC 8-79/ZC 43-79p, recommending enactment of SPA-3;
- (E) The property subject to the SPA-3 subdistrict is zoned GC, HR-1, and HR-2. The commercial classification permits a variety of uses, some of which are automobile-dependent and which would exert a negative influence on the proposed light rail system.
- (F) The Hazelwood Community Plan, adopted by the Board on May 30, 1979, designated properties between Halsey and Market Street, from the I-205 Freeway to the residential properties east of N.E. 102nd Avenue as a "Special Study Area" with the purpose of evaluating and responding to the changes likely to occur within this area as a result of the construction of the I-205 Freeway and the light rail transit system;
 - (1) Hazelwood Plan Policy No. 6, Urban Land, provides for certain areas to be zoned as Special Plan Areas and to have special criteria and standards applied as a means of responding to problems of development, design and land use mix;

- (2) Hazelwood Plan Policy No. 20, Arrangement of Land Uses, designates the Gateway-Mall 205 area as a Regional Activity Center and an appropriate area for a variety of intense urban uses. The Special Plan Area zone device is included as one method for the implementation of this center;
 - (3) The Hazelwood Plan Policy No. 19, Community Design, requires consideration of the design of activity centers, but is not limited to consideration of the following elements: pedestrian-bicycle circulation, rest areas, play areas, shared parking amenities, screened storage, a design theme, a storm drainage system, and spaces for cultural and public events;
- (G) The applicable Statewide Planning Goals and the County's Comprehensive Framework Plan Policies are implemented by the SPA-3 Subdistrict. These goals and policies are:
- (1) Goal No. 1 and Policy No. 3, Citizen Involvement, satisfied by the Hazelwood Community Planning Program and the public notices, hearings and review processes followed in the preparation of the SPA-3 subdistrict;
 - (2) Goal No. 2 and Policies Nos. 1 and 4, Land Use Planning, Plan Relationships and Intergovernmental Coordination, satisfied by the provisions of SPA-3 Subdistrict for the making of land use decisions based upon County policies and plans previously determined by comprehensive and coordinated action;
 - (3) Goal No. 6 and Policy No. 13, Air Resource Quality, satisfied through means which achieve more efficient transit systems and better pedestrian circulation to and from these systems, including the encouragement of office, high density residential and local service commercial uses not dependent primarily on automobile access and the limitation of automobile dependent uses;
 - (4) Goal No. 9 and Policies Nos. 5, 27, 28, and 29, Economy, Commercial Location, Strip Development, and Office Location, satisfied by methods to assure the concentration of sound business, office and commercial growth which is supported by safe and effective means of access, adequately served by public transit systems;
 - (5) Goal No. 12 and Policy No. 35, Public Transportation, satisfied by regulations to promote the location of transit-supportive uses and the coordinated public and private investment in the vicinity of a major transit station; and

(6) Goal 13 and Policy No. 22, Energy Conservation, satisfied by locating retail commercial, office and high density residential uses in close proximity to a major transit station and, thus, assuring greater use of public transit in the region;

(H) The SPA-3 land development program is to expand and update an existing shopping center, to include the construction of a major new retail facility as well as the rehabilitation of the existing center. Future phases will include the addition of office and employment uses. Such uses are found to be especially supportive of mass transit use. To insure maximum transit use, it is important that the new and existing center be designed to function and appear as one integrated center and that all uses be connected by a safe and efficient pedestrian circulation system;

(I) A phased development plan adopted now for the SPA-3 Subdistrict Area will permit development which supports and is consistent with the planned transit system as that system is built and as it grows in use, without undue delay in future development; and a phased program based on performance criteria will allow an orderly and timely transition of the existing center from an auto dependent to a transit and auto dependent center; and

(J) The provisions of the SPA-3 Subdistrict, along with the Phased Development Plan showing general uses and locations relative to the planned transit station at N.E. 99th Avenue and Multnomah Street, are appropriate to meet the purposes set forth above. The SPA-3 Subdistrict is tailored to the specific public needs and development opportunities of this exceptional location; and

(K) To achieve the purpose of the SPA-3 Subdistrict, it is necessary to vacate N.E. Multnomah Street between N.E. 99th and 102nd Avenues, to dedicate and construct N.E. Holladay Street or N.E. Pacific Street between N.E. 99th and 102nd Avenues, to assure adequate sanitary sewer service and to provide for safe and convenient vehicular and pedestrian circulation and access to the proposed light rail station.

6.878 USES. The use provisions of the underlying districts shall apply in the Special Plan Area No. 3 Subdistrict, except as provided in subparts (A) through (D).

(A) In the underlying Urban General Commercial District, GC, the following uses shall not be permitted:

(1) Automobile service station and convenience car wash, including minor repairs and adjustments, tire mounting, battery charging and similar such services;

(2) Drive-in, drive-up or drive-through service or sales for a bank, food or food products, photo-finishing, travel or ticket office, or similar facility;

- (3) A veterinary clinic or animal hospital;
 - (4) A research, experimental or testing laboratory;
 - (5) The production, assembly, labeling or packaging of small electrical, electronic, optical or similar parts, instruments or devices;
 - (6) Distribution of products or supplies of the type sold on the premises to other retail outlets in the same ownership in the metropolitan area;
 - (7) Automobile, small truck or motorcycle repair, rebuilding, parts or glass replacement, body and fender work, painting, upholstery, automobile battery or tire shop;
 - (8) Wholesale storage or distribution of bakery products, confections, drugs, jewelry, novelties, barber, beauty or office supplies, radio and television supplies or equipment, tobacco products and similar items;
 - (9) Custom manufacturing, including the assembly, repair, treatment or packaging of goods or products of small size; and
 - (10) Non-transit-oriented service businesses including appliance repair, upholstering, furniture repair and refinishing, plumbing shop, sign shop, electrical shop or similar use;
- (B) In the underlying Urban General Commercial District, GC, the following are additional primary uses, to be conducted within an enclosed building:
- (1) A regional shopping center of 250,000 sq. ft. of leasable floor area or more; and
 - (2) Automobile parts or accessories sales;
- (C) In the underlying Urban General Commercial District, GC, the following are additional conditional uses, subject to approval under the applicable provisions of Section 7.50:
- (1) A racquet club, health club, or similar enclosed recreational facility, provided that the structure is found by the approval authority to be compatible with the character of developments in the area as to scale and construction materials;
 - (2) A recycling collection center, provided that any outside storage or materials shall be enclosed within a sight-obscuring fence approved under the provisions of Section 7.60;

- (3) A hotel or motel, with or without convention facilities or meeting rooms, when found to satisfy the approval criteria of subsection 4.008;
- (4) Residential uses permitted in the HR-1 district, as listed in subsection 3.563, and accessory uses listed in subsection 3.564(A), when found by the approval authority to satisfy the approval criteria of subsection 4.019, and when developed according to the applicable requirements of subsections 3.40 through 3.419, and 3.566; and
- (5) After the effective date of Phase 2, as provided in subsection 6.879(B)(2), the alteration, expansion or enlargement of the following pre-existing uses when found to satisfy the approval criteria of subsection 4.008:
 - (a) Floor coverings, furniture or furnishings, home improvement items and household appliances sales, rental or repair; and
 - (b) Garden equipment or supplies sales, rental or repair; and
- (D) In the underlying Urban High Density Residential District, HR-1, the primary uses, uses under prescribed conditions and conditional uses shall be permitted as set forth in subsections 3.563, 3.564, and 3.565 of Ordinance No. 100.

6.878.1 EXCEPTION. A use conforming to the provisions of Ordinance No. 100 prior to the effective date of Ordinance No. 210, but not thereby listed in this subdistrict as a primary use, a use under prescribed conditions or a conditional use, is subject to the provisions of subsections 7.562 through 7.567.1.

6.879 PHASED DEVELOPMENT PLAN.

- (A) A Phased Development Plan for SPA-3 is hereby established.
- (B) For the underlying Urban General Commercial District, GC, the Phased Development Plan has the following elements:
 - (1) Phase One consists of the construction of a maximum of 180,000 sq. ft. of new retail commercial floor area and the rehabilitation, removal or alteration of pre-existing retail commercial and office floor area. Phase One begins on the effective date of Ordinance No. 210, and ends on the date of an occupancy permit or permits for the total new retail store floor space;
 - (2) Phase Two consists of the construction of a minimum of 90,000 sq. ft. of office floor space, and the expansion or alteration of pre-existing retail or office floor area. Phase Two begins after Phase One and ends on the date of an occupancy permit or permits for the total office floor space;

(a) The Planning Commission may reduce or waive the floor area requirement of Phase Two upon a finding that such improvement is economically impractical or that uses which are equally transit-supportive are to be substituted. In the event of a waiver of the floor area requirement, the phased development plan shall be considered terminated; and

(3) Phase Three consists of the construction or alteration of any additional retail commercial or office floor space. Phase Three begins after Phase Two and continues indefinitely.

(C) For the underlying Urban High Density Residential District, HR-1, the Phased Development Plan has one phase, beginning on the effective date of Ordinance No. 210, continuing indefinitely, and consisting of the applicable provisions of subsections 6.878, 6.880 and 6.881.

6.880 DIMENSIONAL REQUIREMENTS. The following floor area, parking, dwelling unit density and dimensional requirements are established for the various phases of the SPA-3 Subdistrict. These requirements shall prevail over the corresponding requirements in the underlying district. All other applicable dimensional requirements of the underlying district shall be satisfied:

(A) For the underlying Urban General Commercial District, GC:

	Phase One	Phase Two	Phase Three
(1) Retail Commercial floor area	180,000 sq. ft. maximum	-	-
(2) Office floor area	-	90,000 sq. ft. minimum	-
(3) Maximum lot coverage	50%	67%	75%
(4) Maximum ratio of commercial floor area to office floor area	-	2:1	1:5
(5) Ratio of parking spaces to square feet of floor area	Minimum of 3 spaces per 1,000 sq. ft. or Sec. 6.20 requirements, whichever is less.	no minimum requirement	no minimum requirement
(6) Maximum structure height	120 feet	120 feet	120 feet

(B) For the underlying Urban High Density Residential District, HR-1:

	Phase One
(1) Minimum dwelling units per acre	25
(2) Maximum structure height	120 feet

6.881 CONDITIONS OF PERMIT APPROVAL. In approving a building permit in the SPA-3 Subdistrict, the Planning Director shall find that the applicable provisions of this subdistrict and the following requirements are satisfied:

(A) For the underlying Urban General Commercial District, GC, Phases One and Two:

- (1) N.E. Multnomah Street between N.E. 99th and 102nd Avenues, has been vacated as a County Road and a dedicated street;
- (2) A sanitary sewer will be provided to the property prior to the date of an occupancy permit for the new retail store. The Hearings Officer may modify the date requirement upon petition of the applicant and a finding that delays in financing or construction of the sewer or other circumstances make it impractical, and that adequate interim sewage disposal means will be provided;
- (3) N.E. Holladay Street, between N.E. 99th and 102nd Avenues has been dedicated, and construction to County Road Standards has been assured, unless the County Engineer shall have found that N.E. Pacific Street between N.E. 99th and 102nd Avenues cannot be vacated. In the latter event, dedication for widening and construction of N.E. Pacific Street to the same standards and extent shall have been substituted.
- (4) Installation of traffic signals on N.E. 102nd Avenue in the vicinity of N.E. Multnomah Street has been assured, to regulate traffic movements to and from the Subdistrict. These improvements shall be subject to the approval of the County Engineer; and
- (5) The applicant has entered into a coordination agreement with the Tri-County Metropolitan Transit District to provide a pedestrian and vehicular access system to the transit station under guidelines which are stated in the agreement;

- (6) The final design review plan for the new retail store in Phase One includes structural design within the building lines to accommodate the office floor area specified in Phase Two;
 - (7) The final design review plan for the pre-existing retail or office floor area in Phase One includes:
 - (a) A rehabilitation, removal and reuse program for the pre-existing buildings;
 - (b) Redesign of the vehicular access and circulation system to minimize the number of left-turn movements on two-way public streets;
 - (c) Redesign of the pedestrian circulation system to increase user convenience, access between the pre-existing and new developments, safety and access to the transit station. Major pedestrian circulation routes are designed to afford protection from inclement weather conditions; and
 - (d) Provision has been made for interrelating the pre-existing and the new developments by such means as site re-grading or the establishment of floor or walkway elevations.
 - (8) The site development plans for Phases One and Two satisfy the applicable Design Review provisions of Section 7.60;
- (B) For the underlying Urban General Commercial District, GC, Phase Three:
- (1) The requirements of Phases One and Two have been satisfied; and
 - (2) The final design review plan for Phase Three includes the locations and designations of new or altered retail commercial and office floor area and buildings;
- (C) For the underlying Urban High Density Residential District, HR-1:
- (1) Dedication has been made and construction of N.E. Holladay or N.E. Pacific Street has been assured according to the provisions of subsection 6.881(A)(3). The installation of a traffic diverter in N.E. 102nd Avenue at N.E. Holladay Street has been assured to prevent traffic circulation from the subdistrict into the residential area to the east. This improvement shall be subject to the approval of the County Engineer.

(2) The site development plan includes provision for safe and convenient pedestrian access to the transit station; and

(3) The applicable Design Review provisions of subsection 7.60.

6.881.1 APPROVAL OF PLAN REVISIONS. The Planning Director may revise or modify an approved final design review plan upon a finding that the revision or modification is consistent with the purposes and requirements of the SPA-3 Subdistrict.

6.882 EXCEPTIONS FROM SPA-3 SUBDISTRICT REQUIREMENTS.

An exception from a dimensional requirement of the SPA-3 Subdistrict, but not from any use requirement, may be granted by the Hearings Officer under subsections 12.20 to 12.37.5, after a finding that the exception is consistent with the purposes and policies stated in subsections 6.876 and 6.877, and will result in any of the following:

(A) More efficient use of the site;

(B) A greater degree of privacy, safety or freedom from noise or glare;

(C) An improved solar or climatic orientation; or

(D) More safe or convenient pedestrian access to the light rail transit station.

6.882.1 In the case of an exception from a parking requirement only, approval shall be granted upon a finding that there is substantial evidence that the number of spaces required is inappropriate or un-needed for the particular use, based upon the factors listed in subsection 6.231(A) (1) through (4).

6.883 APPEALS. A decision of the Hearings Officer made under subsection 6.882 may be appealed to the Board of County Commissioners in the manner provided in subsection 12.31. A decision of the Planning Director made under subsection 6.881 may be appealed to the Hearings Officer in the manner provided in subsections 12.38 and 12.39.

SECTION 2. AMENDMENT OF ZONING MAP. Sectional Zoning Map No. 373 is hereby amended to change the zoning district designation:

(A) To Urban General Commercial, Special Plan Area No. 3, GC, SPA-3, for the following described properties: Lots 4, 5, and 6, Block 5, Rose Heights, and Tax Lots '96' through '99', '101' through '123', '174', '210', '223', '387', '403', '424', '432', '451', '457', '462', '470', '472', '485', '494', '553', and '603', Section 33, T1N -R2E, W.M., 1979 Assessor's Map; and

- (B) To Urban High Density Residential, Special Plan Area No. 3, HR-1, SPA-3, for the following described properties: Tax Lots '128' through '140', Section 33, T1N - R2E, W.M., 1979 Assessor's Map.

ADOPTION.

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on December 23, 1979.

ADOPTED this 20th day of November, 1979, being the date of its SECOND reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Carl Hummer
Presiding Officer

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By Laurence Kressel
Deputy County Counsel

Authenticated by the County Executive on the 20th day of
November, 1979.

Wm. S. Clow
County Executive for
Multnomah County, Oregon