



Department of Community Services
MULTNOMAH COUNTY OREGON

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To: Board of Commissioners

From: Derrick Tokos, Principal Planner

Date: May 1, 2006

RE: Amendments for Second Reading of Historic Properties Code Update

At the April 27, 2006 hearing on a first reading of the ordinance the Board of Commissioners voted to make three amendments to the document prior to a second reading on May 4, 2006. Each is summarized below.

Amendment #1: Revise the scenic resource criteria to require new and existing parking areas be screened from Key Viewing Areas.

Staff is providing two options for implementing this amendment.

Option A: Amend MCC 38.7380(F)(2)(b) to read:

(b) ~~New parking~~ Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. ~~New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.~~

The original language matches what is in the plan amendment and applies only to newly constructed parking areas. By requiring both new and existing parking areas be screened to achieve visual subordination, this revision provides greater protection to scenic resources. Existing parking areas associated with a historic building are not presently being utilized as intensely as they will be should a commercial use be established. Large numbers of vehicles parked in a confined area has a visual impact on the landscape. Requiring both new and existing lots be screened ensures that they do not noticeably contrast with the landscape as viewed from Key Viewing Areas.

The sentence that is being deleted prohibits new screening vegetation that would adversely impact the historic character of the buildings setting. An example might be a historic farm in the east side of the gorge where there is little vegetation. How new vegetation is used

could significantly impact the visual landscape and cultural experience of visitor's to the property. The language does not absolve an applicant from having to achieve visual subordination. If proposed vegetation were to adversely impact a cultural resource, SHPO or the County can require the landscaping plan be modified in conjunction with a Protection and Enhancement Plan (ref: MCC 38.7380(F)(1)(e)). Considering there is another standard that gets at this issue, it is appropriate to delete the sentence to avoid any confusion as to its meaning.

Option B: Amend MCC 38.7380(F)(2)(b) to read:

(b) ~~New parking~~ Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. ~~New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting. This standard shall not be applied to the extent that it effectively prevents re-establishment of an historic use or adaptive reuse of a building as described in this section.~~

It could be very difficult for small properties located close to a key viewing area to meet the standard, as drafted in Option A, and still provide enough on-site parking to allow them to re-establish an historic use or adaptively reuse an historic building. In such cases, the new underlined language would allow for the approval of a landscaping plan that falls short of achieving visual subordination to allow some level of commercial use. The Management Plan and Scenic Area Act that our code implements strives to protect both scenic and cultural resources. Neither has priority over the other and this option achieves a balance between the two. Also, Policy #1 of the Scenic Resources section of the Management Plan forbids the use of scenic protection standards as grounds for denying a use that is otherwise allowed. The proposed sentence ensures that this will not happen. Staff recommends the Board adopt Option B.

Amendment #2: Delete the definition for the term "local region."

Revise MCC 38.7380(C)(4) to read:

(4) A winery upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006. ~~For the purposes of this section, "local region" shall use the same definition as "local agricultural area" in OAR 660 Division 33.~~

The term "local region" is not defined in the Plan Amendment or Management Plan, so eliminating the proposed definition has no impact the consistency of the County code with these documents. If the term is not defined, the County will need to interpret its meaning in the event an application is filed for a winery within a historic building.

Amendment #3: Remove the Emergency Clause from the proposed ordinance.

Language indicating that the Board is adopting the ordinance by emergency has been removed. The ordinance with or without these amendments can be adopted following a second reading.