

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 208

An ordinance amending Ordinance No. 100, establishing Special Plan Area Sub-district No. 2, for the regulation of auto-related commercial uses at the intersection of S.E. 122nd Avenue and East Burnside Street; establishing a phased plan of land development; amending Sectional Zoning Map No. 383; 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:

6.865 SPECIAL PLAN AREA NO. 2 SPA-2: 122nd and Burnside.

6.866 PURPOSES. The purposes of the SPA-2 Subdistrict are:

- (A) To aid in achieving maximum compatibility of private investments in the development and use of land at S.E. 122nd Avenue and E. Burnside Street with the major capital investment in a light-rail transit system on E. Burnside Street and with a transit station at this intersection;
- (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.

6.867 FINDINGS AND POLICY. The Board finds:

- (A) The Board of County Commissioners, on October 5, 1978, approved the construction of a high-volume light-rail transit system along East Burnside. Present plans call for a major transit station for this high-capacity transit system at the intersection of 122nd and Burnside;
- (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 Hazelwood Community Plan, adopted by the Board on May 15, 1979, designated properties on the southeast corner of S.E. 122nd Avenue and E. Burnside Street as a "Special Study Area" with the purpose of establishing a Special Plan Area Subdistrict as a means to implement the purposes stated in subsection 6.866;
- (E) Owners of the subject properties have petitioned for such rezoning and have prepared a phased development plan, use proposals and improvement standards;
- (F) The Statewide Planning Goals and the County's Comprehensive Framework Plan Policies implemented by the SPA-2 Subdistrict are:
  - (1) Goal No. 1 and Policy No. 3, Citizen Involvement, satisfied through the established Community Planning Program and the public notice, hearing and review processes;
  - (2) Goal No. 2 and Policies Nos. 1 and 4, Land Use Planning, Plan Relationships and Intergovernmental Coordination, satisfied by the procedures of SPA-2 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 to achieve more efficient transit systems and better pedestrian circulation to and from these systems, including the location of office, high density residential and local service commercial uses not dependent primarily on automobile access;
  - (4) Goal No. 9 and Policies Nos. 5, 27, 28, and 29, Economy, Commercial Location, Strip Development, and Office Location, satisfied by methods intended 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;

- (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 major transit stations; and
- (6) Goal 13 and Policy No. 22, Energy Conservation, satisfied by locating retail commercial, office high density and residential uses in close proximity to major transit stations and, thus, assuring greater use of transit in the region;
- (G) A phased development plan adopted now 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
- (H) The provisions of the SPA-2 Subdistrict, along with the Phased Development Plan showing general uses and locations relative to the planned transit station at S.E. 122nd Avenue and E. Burnside Street, are appropriate to meet the purposes set forth above.

6.868 USES. Notwithstanding the use provisions of the underlying district, the following use provisions shall apply in the Special Plan Area No. 2 Subdistrict:

- (A) The primary uses, uses under prescribed conditions and conditional uses, shall be permitted as set forth in subsections 4.304, 4.305 and 4.306 of Ordinance 100, except that the following uses shall not be permitted:
  - (1) Automobile service station and convenience car wash, including minor repairs and adjustments only, 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) Convenience market open more than 15 hours in 24 hours;
  - (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) A hotel or motel; and

- (7) Distribution of products or supplies of the type sold on the premises to other retail outlets in the same ownership in the metropolitan area.
- (B) Residential uses permitted in the HR-1 district, as listed in subsection 3.563, and accessory uses listed in subsection 3.564(A), shall be permitted when developed according to the applicable requirements of subsections 3.40 through 3.419, and 3.566 and 3.567.
- (C) As of the effective date of Phase Two of the Phased Development Plan for SPA-2 Subdistrict, the following uses, in addition to those listed in subpart (A) (1) through (7) of this subsection shall not be permitted:
  - (1) The sale of garden, plant and nursery stock and equipment; and
  - (2) A veterinary clinic or animal hospital; and
  - (3) 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.
- (D) Exception. A use listed in subpart (C) of this subsection, established prior to the effective date of Phase Two of the Phased Development Plan, shall thereafter be subject to the provisions of subsections 7.562 through 7.567.1.

6.869 PHASED DEVELOPMENT PLAN.

- (A) A Phased Development Plan for SPA-2 Subdistrict is hereby established. The Plan consists of two illustrative diagrams, Figures One and Two, which show the general location of uses, circulation and parking; the relationship of uses to the proposed transit station and to abutting streets; and the following elements:
  - (1) The ratio of parking to floor area;
  - (2) The ratio of floor area to site area;
  - (3) The ratio of commercial floor area to office floor area;
  - (4) The maximum height of buildings; and
  - (5) The minimum number of dwelling units per residential acre.
- (B) Phase One begins on the effective date of Ordinance No. 208, and ends with the commencement of use of the transit station at S.E. 122nd Avenue and E. Burnside Street.

- (C) Phase Two begins at the end of Phase One and continues thereafter.
- (D) Figure One and Figure Two indicate Phase One and Phase Two, respectively, and the general locations of uses on the site and their relationships to the proposed transit station and to abutting streets. These figures are for illustrative purposes only, and are not to be considered part of this ordinance.

The specific locations and the nature of uses and improvements shall be subject to the Dimensional Requirements of subsection 6.870 and the Approval Procedures and Criteria of subsection 6.871 and the use provisions of subsection 6.868.

6.879 DIMENSIONAL REQUIREMENTS. Notwithstanding the provisions of the underlying district, the following parking, setback and dimensional requirements are established for each Phase of the SPA-2 Subdistrict, provided, however, that all other applicable dimensional requirements of the underlying district shall be satisfied:

	<u>Phase One</u>	<u>Phase Two</u>
(A) Ratio of parking spaces to square feet of rentable space.	3 spaces: 1,000 sq. ft. or Sec. 6.20 requirements, whichever is less.	No minimum required
(B) Setback from southerly and easterly property lines, adjacent to any residential district, notwithstanding the provisions of Subsection 4.308(A) (2).	10 feet	10 feet
(C) Maximum ratio of floor area to lot area.	1:1	2:1
(D) Maximum ratio of commercial floor area to office floor area.	1.5:1	1:3
(E) Maximum structure height	3 stories or 45 feet, which- ever is less.	120 feet
(F) Minimum dwelling units per acre devoted to residential use.	20	20

6.871 APPROVAL CRITERIA. In acting to approve a development in the SPA-2 Subdistrict, the Planning Director shall find that:

- (A) The proposed development is consistent with the purposes, policies and the Phased Development Plan of this Subdistrict;
- (B) The proposed development will allow for safe and convenient pedestrian access to the light-rail transit station; and
- (C) The Design Review provisions of Section 7.60 are satisfied.

6.872 EXCEPTIONS FROM SPA-2 SUBDISTRICT REQUIREMENTS.

An exception from a dimensional requirement of the SPA-2 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 6.866 and 6.867, 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.

6.872.1 In the case of a parking exception 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).

6.873 APPEALS. A decision of the Hearings Officer made under subsection 6.872 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 6.871 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. 383 is hereby amended to change the zoning district designation to NC, SPA-2 (Neighborhood Commercial, Special Plan Area No. 2) for the following described properties: Tax Lots '63', '68', '69', '70', '71', '72', '73', '75', '76', '77', '78', '82', '87', '119', '120', '131', and '132', Section 35, Township 1 North, Range 2 East, as shown on 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 November 8, 1979.

ADOPTED this 9th day of October, 1979, being the date of its second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By Carl Blumenau

APPROVED AS TO FORM:

JOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By John B. Leahy

Laurence Kressel  
Deputy County Counsel

AUTHENTICATED BY THE COUNTY EXECUTIVE ON OCTOBER 12, 1979

Donald E. Clark  
Donald E. Clark  
County Executive