

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 182

An Ordinance amending Ordinance No. 100, providing for Special Plan Area Subdistricts; establishing Special Plan Area Subdistrict No. 1 for the interim regulation of automobile-oriented commercial uses along S.E. Division Street and S.E. Powell Boulevard within the Banfield Transitway Project/I-205 Freeway corridor; amending certain Sectional Zoning Maps; all for the purpose of implementing various provisions of the Comprehensive Plan and the statewide planning goals, and declaring an emergency.

Multnomah County ordains as follows:

SECTION 1. AMENDMENT.

Ordinance No. 100 is amended by adding the following:

6.85 SPECIAL PLAN AREA DISTRICT. SPA

6.851 PURPOSES. The general purposes of the Special Plan Area Subdistricts are to implement various provisions of the Comprehensive Plan, the statewide planning goals and the land use control elements of special plan area plans and of plans for neighborhood and subcommunity vitalization; to aid in realizing opportunities to achieve community, social and economic stability and vigor; to institute desired patterns and improvement standards for land uses according to adopted specific-place plans; to facilitate public-private sector cooperation in the development of such areas; to establish more flexible and diversified standards and procedures; and to provide means to establish such interim land use controls as are deemed necessary, pending the preparation of local area comprehensive plan revisions or development strategies.

6.852 AREAS AFFECTED. The provisions of a Special Plan Area Subdistrict shall apply to specific land areas according to their designations as Subdistricts SPA-1, SPA-2, SPA-3, etc., on the Multnomah County Zoning Map.

6.853 PROCEDURE TO ESTABLISH AN SPA SUBDISTRICT.

(A) An SPA Subdistrict shall be established as an addition to this section by legislative amendment of the text and Zoning Map of this Ordinance.

(B) An amendment establishing an SPA Subdistrict shall include the following:

- (1) The designation of the Subdistrict as SPA-1, SPA-2, SPA-3, etc., in the text and on the appropriate Sectional Zoning Map;
- (2) A statement of the purposes of the Subdistrict;
- (3) Definitions of terms, as appropriate;
- (4) A statement of the findings and policies on which the sub-district is based, including reference to the related special area plan or Comprehensive Plan revision which the Subdistrict is designed to implement or to the special problems or circumstances which the Subdistrict is designed to address;
- (5) A description of the relationships between the provisions of the SPA Subdistrict and those of the underlying district;
- (6) A listing of the SPA Subdistrict uses authorized as permitted uses, uses under prescribed conditions or conditional uses, as appropriate;
- (7) A description of any approval procedures or criteria required to satisfy the Subdistrict provisions;
- (8) Any development standards or dimensional requirements for authorized uses in the Subdistrict;
- (9) A description of the nature of and approval procedures for any exceptions from Subdistrict requirements;
- (10) A statement of the methods of appeal from a decision made under the provisions of the Subdistrict; and
- (11) Any provision for the expiration of the SPA Subdistrict.

6.855 SPECIAL PLAN AREA NO. 1 SPA-1: I-205/Banfield Transitway Corridor.

6.856 PURPOSES. The purposes of the SPA-1 Subdistrict are:

- (A) To aid in achieving maximum compatibility of private investments in the development and use of land with the major public capital investment in the transportation systems within the corridor of Banfield Transitway Project and the I-205 Freeway;
- (B) To reserve commercial land development opportunities within the corridor for those uses which are most benefited by proximity to major transportation systems and least likely to impede the safe and efficient movement of traffic;

- (C) To provide interim safeguards designed to assure that any development of commercial properties within the corridor will include those uses which rely heavily on automobile access only under appropriate circumstances; and
- (D) To exercise such controls, pending the completion of detailed studies, as are designed to identify and create the optimum relationship between patterns of land use and the higher-capacity transportation systems.

6.857 FINDINGS AND POLICY. The Board finds:

- (A) The I-205 Freeway now under construction is a major public capital investment in a principal transportation facility for large movements of people and goods by private vehicles and by high-capacity transit systems;
- (B) The Banfield Transitway Project, approved by the Board of County Commissioners on October 5, 1978, will introduce a high volume light-rail system to the Banfield/I-205 corridor at substantial public capital expense;
- (C) Some of the Transitway Project purposes are to reduce the number of private and public vehicle trips required 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;
- (D) Local and national research studies show that the construction of freeway interchanges with arterial streets stimulates the development of commercial strips with automobile-oriented uses which reduces traffic capacities, slows vehicle movements, increases hazards and degrades air and noise qualities;
- (E) The Statewide Planning Goals and the County's Comprehensive Framework Plan Policies implemented by the SPA-1 District 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 through interim measures for the making of certain land use decisions based upon County policies and plans previously determined by comprehensive and coordinated actions;

- (3) Goal No. 6 and Policy No. 13, Air Resources Quality, satisfied through means designed to limit motor vehicle air and noise pollutants by achieving more efficient traffic movements, pedestrian circulation and transit systems;
 - (4) Goal No. 9 and Policies Nos. 5, 27, and 28, Economy, Commercial Location and Strip Development, satisfied by methods intended to assure the location of sound business and commercial growth which is supported by safe and effective means of access;
 - (5) Goal No. 12 and Policies Nos. 33, 34, 35, and 36, Transportation Systems, satisfied by regulations to assure that new automobile-oriented commercial uses will be located to achieve maximum compatibility with the public need for and investment in efficient and effective transportation and circulation facilities; and
 - (6) Goal 13 and Policy No. 22, Energy Conservation, satisfied by reducing the potential conflicts between the means of access to land uses and the energy-consumptive methods of moving people and goods, thus increasing energy efficiency.
- (F) The realization of the Goals and Policies listed above places obligations on owners, developers and local governments to achieve compatible relationships between transportation systems and urban land uses. These include reservation of the limited development opportunities near freeway-arterial interchanges and projected transit stations for those uses which are benefited by transit service or are compatible with the needs for circulation, safety and environmental quality.
- (G) The current urban area Comprehensive Plan and zoning were last revised in 1964, prior to actions on the Statewide Goals, the Framework Plan, the Urban Growth Boundary, the design of I-205, or on the Banfield Transitway Project. Present land use regulations in this Subdistrict designate commercial areas and standards, but do not discourage the location of uses which generate high automobile traffic volumes or encourage those uses which most benefit from proximity to major transit service;
- (H) Examination of the County areas to be served by I-205 and the Transitway reveals a significant potential for new automobile-oriented developments in strips presently zoned for commercial uses along S.E. Division Street and S.E. Powell Blvd., approximately one-half mile east and west of the I-205 Interchange;

- (I) Community planning groups, the Planning Commission and County staff are working toward enactment by the Board of Community Plans and programs to apply Framework Plan Policies to the urban County areas. Together with joint studies by the County and Portland, Clackamas County, Tri-Met, and the State of Oregon, these efforts will result in means to realize the advantageous relationships between urban land use forms and major transportation facilities;
- (J) Pending adoption of the plans and programs referred to above, there is a need to establish temporary safeguards to assure that lands in interchange and transit station areas which are capable of new commercial uses are developed for purposes which protect or enhance the public investment in transportation facilities and which benefit from public transit systems, to the greatest extent possible; and
- (K) The provision of the SPA-1 Subdistrict are appropriate to meet the need for commercial area interim controls in the I-205/Banfield Transitway corridor.

6.858 USES.

- (A) The following uses when permitted in the underlying district are conditional uses in the SPA-1 Subdistrict and may be permitted by the Hearings Council under the provisions of Section 7.50 when found to satisfy the requirements of Subsection 6.859:
 - (1) Automotive: Sales, new and used; rental; service, including service station, repair, glass, body and fender work, painting, upholstery; battery or tire shop; parts or accessories sale; towing; washing;
 - (2) Drive-in, drive-up or drive-through service or sales, including bank, food or food products, photofinishing, theater or similar drive-in facility;
 - (3) Far or garden equipment or supplies sales;
 - (4) Furniture, household appliance or floor covering sales;
 - (5) Hotel or motel, without convention facilities or meeting rooms;
 - (6) Lumber, home improvement or building material sales;
 - (7) Mobile home sales;
 - (8) Rental of tools or equipment; and

(9) Truck, trailer or recreational vehicle sales, rental or repair.

(B) A use listed in sub-part (A) of this Subsection, existing or for which a valid building or land use permit was in effect on the effective date of Ordinance No. 182, shall be deemed permitted and not subject to the provisions of this Subdistrict.

6.859 SPA-1 APPROVAL CRITERIA. In acting to approve the location of a use listed in Subsection 6.858(A), the Hearings Council shall find that the proposal:

(A) Will provide for pedestrian and vehicular access to the proposed use without creating traffic congestion or hazardous conditions considering roadway capacity, proximity to street or driveway intersections, speed limits, traffic signals or other regulating devices, turning movements and existing and projected traffic volumes;

(B) Will allow for pedestrian circulation to transit stops or stations with minimum interruption by vehicular movements;

(C) Will have minimum adverse effect on the efficient movement of transit vehicles; and

(D) Will be consistent with the purposes listed in Subsection 6.856.

(E) In making the findings required in this Subsection, the Council shall consider the report and recommendations of the County Engineer.

6.860 APPEALS. A decision of the Hearings Council made under Subsection 6.859 may be appealed to the Board of County Commissioners in the manner provided in Subsections 12.31 to 12.37.5.

SECTION 2. AMENDMENT OF ZONING MAP.

The following Sectional Zoning Maps, as adopted November 15, 1962, including all subsequent amendments thereto as of the effective date of this Ordinance, are hereby amended by adding thereto the SPA-1 designations as shown on those sectional zoning maps contained in a book marked "Proposed Zoning Map Amendments Implementing Special Planned Area No. 1", consisting of 12 pages of sectional zoning maps and on file with the Multnomah County Department of Environmental Services, Division of Planning and Development.

Numbers 394; 395; 396; 397; 402; 403; 404; 405; 410; 411; 412 and 413.

ADOPTION

This Ordinance being necessary for the immediate preservation of the public health, safety and welfare and to permit oversight of automobile-oriented development in the I-205/Banfield Transitway Corridor pending adoption of a community comprehensive plan for that area, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

ADOPTED this 13th day of February, 1979, being the date of its Third reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By Donald Clark
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By Laurence Kressel
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Deputy County Counsel