

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1038

Amending MCC Chapter 34, Land Use Code, Sauvie Island/Multnomah Channel Rural Plan Area, to Add Certain Transportation Land Uses, Add a Definition of "Water-Dependent Use", and Amend the Definition of "Large Fill"

(Language ~~stricken~~ is deleted; double- underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. Periodically there is a need to review and update Zoning Code provisions due to changing circumstances. Such a review of the Zoning Code for the Sauvie Island and Multnomah Channel Rural Plan Area has become necessary to allow for more options than currently exist in the Code for a potential replacement bridge connecting State Highway 30 with Sauvie Island over the Multnomah Channel. In addition, it is necessary to amend the Code to remove inadvertent and unanticipated regulatory obstacles to the potential approval of a replacement bridge. Those obstacles were not intentionally enacted and they have become recognized only after the structural integrity problems of the existing bridge became known.
- b. The Planning Commission has found that the amendments and additions to MCC Chapter 34 in this Ordinance are needed to provide for a future land use application for a replacement bridge to serve Sauvie Island. That determination was made after a public hearing was held on December 1, 2003 where all interested persons were given an opportunity to appear and be heard. Notice of the public hearing was sent to all property owners in the area subject to Multnomah County Zoning Code 34.
- c. The Planning Commission is authorized by Multnomah County Code subsection MCC 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- d. Under the State of Oregon land use planning program, land uses listed in County Zoning Codes, including transportation projects, are subject to the restrictions and standards of Statutes, Farm and Forest Administrative Rules, "Exception Lands" Rules, and Transportation Planning Rules. The changes to MCC Chapter 34 that are in this Ordinance closely follow those State requirements.
- e. The additions and amendments in this ordinance are also found by the Board of County Commissioners to be needed updates to the Zoning Code for Sauvie Island and the Multnomah Channel. They are needed to allow for future transportation facility options, including a potential replacement bridge for Sauvie Island.

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended to read as follows:

§ 34.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(L)(1) **Large Fill** – The addition of more than 5,000 cubic yards of material to a site, excepting fill material associated with a State or County owned and maintained road or bridge that is designated as a Rural Collector or a Rural Arterial on the Multnomah County Functional Classification of Trafficways map. The Trafficways map is part of the County Comprehensive Framework Plan.

Section 2. § 34.2610 is amended as follows:

§ 34.2610 Definitions

As used in MCC 34.2600 through MCC 34.2690, unless otherwise noted, the following words and their derivations shall have the following meanings:

Channelization means the separation or regulation of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings to facilitate the safe and orderly movement of both vehicles and pedestrians. Examples include, but are not limited to, left turn refuges, right turn refuges including the construction of islands at intersections to separate traffic, and raised medians at driveways or intersections to permit only right turns. Channelization does not include continuous median turn lanes.

Section 3. § 34.2620 is amended as follows:

§ 34.2620 Allowed Uses

(G) Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and subsurface of public roads and highways along the public right-of-way, but not including the addition of travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result. Reconstruction or modification also includes “channelization” of conflicting traffic movements into definite paths of travel by traffic islands or pavement markings.

Section 4. § 34.2630 is amended as follows:

§ 34.2630 Conditional Uses

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC 34.6300 to 34.6335:

(QP) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels.

(RQ) Park and ride lots, [OAR 660-012-0065(3)(i)].

(SR) Realignment of roads [OAR 660-012-0065(3)(d)], subject to the following limitations and the approval criteria in MCC 34.6315 and MCC 34.6340:

(1) "Realignment" means rebuilding an existing roadway on a new alignment where the new centerline shifts outside the existing right of way, and where the existing road surface is either removed, maintained as an access road or maintained as a connection between the realigned roadway and a road that intersects the original alignment.

(2) The realignment shall maintain the function of the existing road segment being realigned as specified in the acknowledged comprehensive plan.

(FS) New access roads and collectors where the function of the road is to reduce local access to or local traffic on a state highway [OAR 660-012-0065(3)(g)], subject to the following limitations and the approval criteria in MCC 34.6315 and MCC 34.6340:

(1) The roads shall be limited to two travel lanes.

(2) Private access and intersections shall be limited to rural needs or to provide adequate emergency access.

(UT) Transportation facilities, services and improvements that serve local travel needs [OAR 660-012-0065(3)(o)], and which:

(1) Are not otherwise listed as a use in this EFU district or in OAR 660-012-0065 "Transportation Improvements on Rural Lands;" and

(2) Satisfy the approval criteria in MCC 34.6315 and MCC 34.6340.

Section 5. § 34.2820 is amended as follows:

§ 34.2820 Allowed Uses

(I) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except

that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 6. § 34.3120 is amended as follows:

§ 34.3120 Allowed Uses

(I) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 7. § 34.3320 is amended as follows:

§ 34.3320 Allowed Uses

(I) Transportation facilities and improvements that serve local and farm to market travel needs or are part of the adopted Multnomah County Functional Classification of Trafficways map and plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

Section 8. § 34.5815 is amended as follows:

§ 34.5815 Definitions

For the purposes of this district, the following terms and their derivations shall have the following meanings. Definitions (A) through (E) are derived from as defined in paragraph a. of the Order Adopting Preliminary Willamette River Greenway Plan of the Oregon Land Conservation and Development Commission, dated December 6, 1975.

(F) *Water-dependent use* – means a use which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for waterborne transportation or recreation. *Water-dependent use* also includes development, which by its nature, can be built only on, in, or over a water body (including a river). Bridges supported by piers or pillars are *water-dependent uses*.

Section 9. § 34.6015 is amended as follows:

§ 34.6015 Uses

(A) Except as otherwise limited in the EFU district, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU district are limited to those uses listed in the district.

(21) Transit station or park and ride lot.

Section 10. § 34.6340 is added as follows:

§ 34.6340 Additional Approval Criteria for Certain Transportation Uses in the Exclusive Farm Use Zoning District

For the transportation uses listed in MCC 34.2630(S), (T), and (U), the Hearing Authority shall find that Multnomah County has:

(A) Identified reasonable build alternatives, such as alternative alignments, that are safe and can be constructed at a reasonable cost, not considering raw land costs, with available technology. The County need not consider alternatives that are inconsistent with applicable standards or not approved by a registered professional engineer.

(B) Assessed the effects of the identified alternatives on farm and forest practices, considering impacts to farm and forest lands, structures and facilities, considering the effects of traffic on the movement of farm and forest vehicles and equipment and considering the effects of access to parcels created on farm and forest lands.

(C) Selected from the identified alternatives, the one, or combination of identified alternatives that has the least impact on lands in the immediate vicinity devoted to farm or forest use.

Section 11. § 34.6700 is amended as follows:

§ 34.6700 Purposes

The purpose of the Large Fills section is to address the need for large fill sites in the unincorporated area of Multnomah County while protecting the rural character and natural resources of the County. These regulations are designed to:

(G) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; ~~and~~

(H) To clarify that at the time of adoption of this ordinance (Ordinance 922, 1998), Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules; and

(I) To clarify that, at the time of adoption of this ordinance (Ordinance 1038, 2004), it has been determined by Multnomah County that fills associated with the construction of a State or County owned and maintained roads and bridges that are designated as a Rural Collector or Rural Arterial on the Functional Classification of Trafficways map shall not be a *Large Fill*, regardless of the quantity of fill material on a site. It is further determined that fills that are in conjunction with and part of approved transportation projects are an allowed use in the Exclusive Farm Use district under state rules.

FIRST READING:

May 6, 2004

SECOND READING AND ADOPTION:

May 13, 2004



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Assistant County Attorney