

ANNOTATED MINUTES

Thursday, September 28, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 9:00 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito and Serena Cruz Walsh present, and Commissioner Maria Rojo de Steffey arriving at 9:02 a.m.

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(e) and (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 9:36 a.m.

Thursday, September 28, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:38 a.m., with Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present, and Vice-Chair Lonnie Roberts arriving at 9:39 a.m.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER CRUZ,
SECONDED BY COMMISSIONER ROJO, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)
WAS APPROVED, WITH COMMISSIONERS NAITO,
CRUZ, ROJO AND LINN VOTING AYE.**

DEPARTMENT OF COMMUNITY SERVICES

- C-1 Amendment 8 to Intergovernmental Expenditure Agreement 4600001503 with City of Portland Extending Agreement for Maintenance of County Roads in Unincorporated Western Multnomah County to June 30, 2007
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to T.J. NEW HOME CONSTRUCTION INC.

RESOLUTION 06-165

REGULAR AGENDA

Commissioner Naito was excused at 9:39 a.m.

PUBLIC COMMENT

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NO ONE WISHED TO COMMENT.

DEPARTMENT OF COUNTY MANAGEMENT

- R-4 Budget Modification DCM-03 Implementing Reductions Requested in Fiscal Year 2007 Budget Note

***COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-4.***

Commissioner Roberts arrived at 9:39 a.m.

***TRAVIS GRAVES EXPLANATION. BUDGET
MODIFICATION APPROVED, WITH
COMMISSIONERS CRUZ, ROJO, ROBERTS AND
LINN VOTING AYE.***

- R-5 Reallocation of Facilities Capital Project Funds FPM 07-02, Multnomah County Yeon Building Skylight Replacement Project

**COMMISSIONER ROBERTS MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF R-5. JOHN LINDENTHAL EXPLANATION.
REALLOCATION APPROVED, WITH
COMMISSIONERS CRUZ, ROJO, ROBERTS AND
LINN VOTING AYE.**

DEPARTMENT OF HEALTH

- R-6 NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health for a \$100,000 School-based Interventions to Prevent Obesity Research Grant

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROBERTS SECONDED,
APPROVAL OF R-6.**

Commissioner Naito returned at 9:42 a.m.

**MYDE BOLES EXPLANATION. CHAIR LINN
COMMENTS IN SUPPORT. NOTICE OF INTENT
UNANIMOUSLY APPROVED.**

- R-7 NOTICE OF INTENT to Submit a Proposal to the Northwest Health Foundation Kaiser Community Fund

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROBERTS SECONDED,
APPROVAL OF R-7. NOELLE WIGGINS
INTRODUCED MARJORIE MCGEE, DIRECTOR OF
WOMEN WITH DISABILITIES HEALTH EQUITY
COALITION. MS. WIGGINS AND MS. MCGEE
EXPLANATION AND COMMENTS IN SUPPORT.
NOTICE OF INTENT UNANIMOUSLY APPROVED.**

DEPARTMENT OF COUNTY HUMAN SERVICES

- R-8 Budget Modification DCHS-07 Reclassifying a Contract Technician to Contract Specialist in the DCHS Business Services Unit, as Determined by the Class/Comp Unit of Central Human Resources

**COMMISSIONER ROJO MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL**

**OF R-8. CHRIS YAGER EXPLANATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

- R-9 Budget Modification NOND-02 Reclassifying One Position in the County Attorney's Office, as Determined by the Class/Comp Unit of Central Human Resources

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROBERTS SECONDED,
APPROVAL OF R-9. AGNES SOWLE
EXPLANATION. BUDGET MODIFICATION
UNANIMOUSLY APPROVED.**

DEPARTMENT OF COMMUNITY SERVICES

- R-1 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER CRUZ MOVED
AND COMMISSIONER ROBERTS SECONDED,
APPROVAL OF SECOND READING AND
ADOPTION. GARY CLIFFORD EXPLANATION. NO
ONE WISHED TO TESTIFY. ORDINANCE 1081
UNANIMOUSLY ADOPTED.**

- R-2 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER CRUZ MOVED
AND COMMISSIONER ROBERTS SECONDED,
APPROVAL OF SECOND READING AND
ADOPTION. GARY CLIFFORD EXPLANATION. NO
ONE WISHED TO TESTIFY. ORDINANCE 1082
UNANIMOUSLY ADOPTED.**

- R-3 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd Avenue Station Area Study Implementation Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROBERTS MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF FIRST READING AND ADOPTION. KAREN SCHILLING EXPLANATION. NO ONE WISHED TO TESTIFY. ORDINANCE 1083 UNANIMOUSLY ADOPTED.

CHAIR LINN READ AND PRESENTED A FRAMED CERTIFICATE SIGNED BY THE BOARD RECOGNIZING SENIOR PLANNER GARY CLIFFORD FOR HIS 27 YEARS OF EXEMPLARY STEWARDSHIP OF THE LAND USE LAWS AND REGULATIONS OF MULTNOMAH COUNTY, AND APPRECIATION FOR HIS DEDICATION TO THE PRESERVATION AND PROTECTION OF WILDLIFE, STREAMS, SCENIC VIEWS AND AGRICULTURAL LANDS THAT CONTRIBUTE TO THE LIVABILITY AND CULTURAL VALUE OF MULTNOMAH COUNTY. COMMISSIONERS NAITO AND ROJO EXPRESSED APPRECIATION TO MR. CLIFFORD FOR SHARING HIS EXPERTISE WITH EACH OF THEM OVER THE YEARS.

There being no further business, the meeting was adjourned at 9:55 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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Email: lonnie.j.roberts@co.multnomah.or.us

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SEPTEMBER 28, 2006 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. if needed Executive Session
Pg 2	9:30 a.m. Opportunity for Public Comment
Pg 2	9:30 a.m. Second Reading of an Ordinance Amending County Code to Allow Alternative Reduced Agricultural Buildings in EFU and MUA-20 Zones
Pg 3	9:32 a.m. Second Reading of an Ordinance Amending County Code to Change the "Variance" Parts of the Zoning Code and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards
Pg 3	9:33 a.m. First Reading and Possible Adoption of an Ordinance Amending County Code, Plans and Maps Related to Adoption of the 122nd Avenue Station Area Study Implementation Amendments

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30

Saturday, 10:00 AM, Channel 29

Sunday, 11:00 AM, Channel 30

Tuesday, 8:00 PM, Channel 29

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Thursday, September 28, 2006 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.
-

Thursday, September 28, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF COMMUNITY SERVICES

- C-1 Amendment 8 to Intergovernmental Expenditure Agreement 4600001503 with City of Portland Extending Agreement for Maintenance of County Roads in Unincorporated Western Multnomah County to June 30, 2007
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to T.J. NEW HOME CONSTRUCTION INC.

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY SERVICES - 9:30 AM

- R-1 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards

(Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

- R-2 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards
- R-3 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd Avenue Station Area Study Implementation Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

DEPARTMENT OF COUNTY MANAGEMENT - 9:35 AM

- R-4 Budget Modification DCM-03 Implementing Reductions Requested in Fiscal Year 2007 Budget Note
- R-5 Reallocation of Facilities Capital Project Funds FPM 07-02, Multnomah County Yeon Building Skylight Replacement Project

DEPARTMENT OF HEALTH - 9:45 AM

- R-6 NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health for a \$100,000 School-based Interventions to Prevent Obesity Research Grant
- R-7 NOTICE OF INTENT to Submit a Proposal to the Northwest Health Foundation Kaiser Community Fund

DEPARTMENT OF COUNTY HUMAN SERVICES - 9:50 AM

- R-8 Budget Modification DCHS-07 Reclassifying a Contract Technician to Contract Specialist in the DCHS Business Services Unit, as Determined by the Class/Comp Unit of Central Human Resources

NON-DEPARTMENTAL - 9:55 AM

- R-9 Budget Modification NOND-02 Reclassifying One Position in the County Attorney's Office, as Determined by the Class/Comp Unit of Central Human Resources



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 09/05/06

BUDGET MODIFICATION:

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(e) and/or (h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

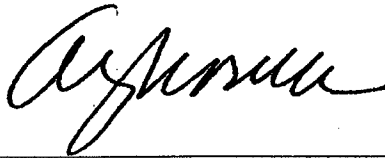
Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>15 -30 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
I/O Address:	<u>503/500</u>		
Presenter(s):	<u>Agnes Sowle and Invited Others</u>		

General Information

- What action are you requesting from the Board?**
No Final Decision will be made in the Executive Session.
- Please provide sufficient background information for the Board and the public to understand this issue.**
Only Representatives of the News Media and Designated Staff are allowed to Attend.
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
- Explain the fiscal impact (current year and ongoing).**
- Explain any legal and/or policy issues involved.**
ORS 192.660(2)(e) and/or (h)
- Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 09/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 08/21/06

BUDGET MODIFICATION:

**Amendment 8 to Intergovernmental Expenditure Agreement 4600001503 with
Agenda City of Portland Extending Agreement for Maintenance of County Roads in
Title: Unincorporated Western Multnomah County to June 30, 2007**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	September 28, 2006	Time Requested:	Consent Calendar
Department:	Dept. of Community Services	Division:	Land Use & Trans Program
Contact(s):	Tom Hansell		
Phone:	503 988 5050	Ext.	29833
Presenter(s):	Tom Hansell	I/O Address:	425

General Information

1. What action are you requesting from the Board?

The Department of Community Services recommends approval of an amendment to the Intergovernmental Agreement with the City of Portland for providing road and drainage facility maintenance on County roads in unincorporated western Multnomah County during FY 2006-2007.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action effects and how it impacts the results.

In 1984, Multnomah County and the City of Portland agreed that the City would maintain, through an IGA, all County roads in unincorporated western Multnomah County that were within the Urban Services Boundary. The City of Portland did not receive compensation for these services since the area was presumed to be annexed to the City shortly. Annexation of the westside unincorporated areas has proceeded at a slower pace than was anticipated in 1984. In 1997, the City informed the County it would no longer maintain these roads. During 1997, representatives of the City and County developed the terms of this IGA. The City and County find the most rational and efficient method for delivery of road and drainage facility maintenance in this Westside area is for the City to

continue to provide services. This amendment authorizes the City to provide road and drainage maintenance of the area for an additional year.

3. Explain the fiscal impact (current year and ongoing).

The City agrees to maintain the roads during FY 2006-07 for approximately \$158,000. This plan is unchanged from the previous agreement amount. Discussions between County and City Transportation staff outlined a work program that will address the County's western service area. The funds necessary for maintenance of these roads are budgeted in the county road fund.

4. Explain any legal and/or policy issues involved.

This IGA is an extension of the County policy set in 1983 and 1984 concerning the maintenance of county roads within the Urban Services Boundary.

5. Explain any citizen and/or other government participation that has or will take place.

Negotiations of this amendment were discussed with staff from County Land Use and Transportation and the City Office of Transportation. This Amendment will move to the Portland City Council for review upon approval.

Required Signatures

**Department/
Agency Director:**



Date: 08/22/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached

Contract #: 4600001503
Amendment #: 8

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input checked="" type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Community Services

Originator: Tom Hansell

Contact: Cathey Kramer

Division/

Program: Land Use and Trans Program

Phone: (503) 988-5050 x29833

Phone: (503) 988-5050 x22589

Date: 08/15/06

Bldg/Room: 425

Bldg/Room: 455/Annex

Description of Contract Amendment No. 8 to Intergovernmental Agreement with the City of Portland to extend the agreement for maintenance by the City of Portland of County roads in unincorporated Multnomah County during FY 06-07.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) _____

EEO CERTIFICATION EXPIRES _____

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: ☐ MBE ☐ WBE ☒ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	City of Portland – Office of Transportation		Remittance address (If different)	
Address	1120 SW Fifth Avenue, Room 800 (#106/800)			
City/State	Portland OR		Payment Schedule / Terms:	
ZIP Code	97204-1914		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 823-7140/Fax: (503) 823-7576 (Ken Kinoshita)		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	07/01/05	Term Date	06/30/06	
Amendment Effect Date	07/01/06	New Term Date	06/30/07	
Original Contract Amount	\$ 360,505.00		Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ 1,037,500.00		Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ 158,000.00		Amount of Amendment	\$ _____
Total Amount of Agreement \$	\$ 1,556,005.00		Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager 

County Attorney 

CPCA Manager _____

County Chair 

Sheriff _____

Contract Administration _____

DATE 8/22/06

DATE 8/25/06

DATE 9/28/06

DATE _____

DATE _____

DATE _____

COMMENTS: (ROADM2)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 9/28/06

DEBORAH L. BOGSTAD, BOARD CLERK



IGA Contract

Vendor Address

PORTLAND CITY OF OFFICE OF
TRANSPORTATION
106/800

Information

Contract Number 4600001503
Date 07/01/1999
Vendor No. 28777
Contact/Phone BCS Transport'n /
X26798
Validity Period: 07/01/1999 - 06/30/2007
Minority Indicator: Not Identified

Estimated Target Value: 1,199,139.37 USD

Item	Material/Description	Target Qty	UM	Unit Price
0009	<p>IGA-Maint of Co Rds Westside Pocket Area</p> <p>Plant: F030 Community Service Requirements Tracking Number: ROADM2 <i>Amendment No. 8 to Intergovernmental Agreement with the City of Portland (Portland IGA No. 51062) to extend maintenance of County roads in unincorporated western Multnomah County during FY 06-07.</i> <i>Amendment No. 8 extends the termination date to June 30, 2007, and adds \$158,000.</i> <i>Originator: Tom Hansell (988-5050 x29833)</i> <i>LUT Admin Contact: Cathey Kramer (x22589)</i> <i>Fiscal: Terrie Weisz (x26798)</i> Ship to:</p> <p>*** Delivery address changed ***</p> <p>*** Text changed ***</p>	158,000.000	Dollars	\$ 1.0000

**CONTRACT AMENDMENT NO. 8
TO INTERGOVERNMENTAL AGREEMENT
for Westside Maintenance**

COUNTY No. 460001503

CITY No. 51062

This is an amendment to Intergovernmental Agreement No. 51062 (Portland), and No. 4600001503 (Multnomah County), as follows:

1. Under Article Three, Section V (A): **TERM**, the existing text is deleted and the following is substituted:
 - A. The term of this agreement shall be from July 1, 2006, to and including June 30, 2007, unless sooner terminated or renewed under the provisions hereof.
2. Under Article Three, Section VI (5): **COMPENSATION**, the existing text is deleted and the following is substituted:

The County agrees to compensate the City as follows:

5. Up to \$158,000 for the performance of work at the rates authorized under this Agreement including up to \$3,500.00 for snow and ice response in Fiscal Year 2007, in the Westside Contract Maintenance Service Area. The City shall not perform any services that will exceed \$158,000.00 in total billing under this Agreement without the County's prior written consent.
3. All other terms and conditions of the referenced intergovernmental agreement, excepted as amended herein, shall remain in full force and effect.

CONTRACTOR DATA AND SIGNATURE

Contractor Address: 1120 SW 5th Avenue, Portland OR 97204-1914

Federal Tax ID# or Social Security #: N/A

Is Contractor a nonresident alien? ☐ Yes ☒ No

Business Designation (check one): ☐ Sole Proprietorship ☐ Partnership
☐ Corporation-for profit ☐ Corporation-non-profit
☒ Other [describe here: Governmental Agency]

Federal tax ID numbers or Social Security numbers are required pursuant to ORS 305.385 and will be used for the administration of state, federal and local laws. Payment information will be reported to the Internal Revenue Service under the name and Federal tax ID number or, if none, the Social Security number provided above.

Signature

Sam Adams

Name (please print)

Commissioner of Public Utility
Title

Date

Signature

Gary Blackmer

Name (please print)

Auditor
Title

Date

APPROVED AS TO FORM:

Signature

Linda Meng

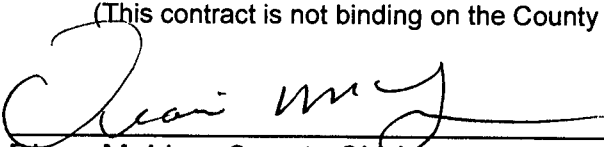
Name (please print)

Chief Deputy City Attorney
Title

Date

MULTNOMAH COUNTY SIGNATURE

(This contract is not binding on the County until signed by the Chair or the Chair's designee)



Diane M. Linn, County Chair

9/28/06

Date

Department and County Counsel Approval and Review

Approved: 

M. Cecilia Johnson, Department Director

8/22/06

Date

Reviewed: 

Matthew O. Ryan, Assistant County Attorney

8/25/06

Date



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 09/05/06

BUDGET MODIFICATION:

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to T.J. NEW HOME CONSTRUCTION INC.

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	September 28, 2006	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas	I/O Address:	503/4/TT

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to T.J. NEW HOME CONSTRUCTION INC.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The subject property is a strip of land that came into county ownership through the foreclosure of delinquent tax liens on October 17, 2005. The strip is approximately 20' x 115' and contains approximately 2,300 square feet. It is located between 2040 SW Towle Ave and 1470/1490 SW 21st Terrace in Gresham. We propose to sell the strip to the owner of the SW 21st Terrace property.

A City of Gresham street sign at the NE corner of the parcel describes it as SW 21st Terrace. It is graveled and provides access to the property on SW 21st Terrace. It connects with a paved strip to the east described as TL 10102, Tract "B" on the attached plat map. This strip connects to SW Binford Lake Parkway and the subdivision Binford Ridge.

The parcel was made available to all government agencies but was not requested. The City of Gresham was contacted and they replied that they had no interest in the property. After we received

the request to purchase the subject property, all of the adjacent property owners were contacted to see if they had an interest in purchasing the parcel. None of the adjacent property owners responded back to our office. The party who proposes to purchase the property plans to use only a portion of the parcel and will leave an approximate 10 foot wide strip for continued access.

The attached plat map, Exhibit A, shows the location of the property. Exhibit B, an aerial photo, shows the parcel in relation to the adjacent properties. Two photos, Exhibit C, show the subject parcel in relation to the adjacent properties.

Although no written confirmation was received from the City of Gresham, the Tax Title Division is confident that the shape and size of the property, approximately 2,300 sq.ft. make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

3. Explain the fiscal impact (current year and ongoing).

The Private Sale will allow for the recovery of the delinquent taxes, fees and expenses (see Exhibit D).

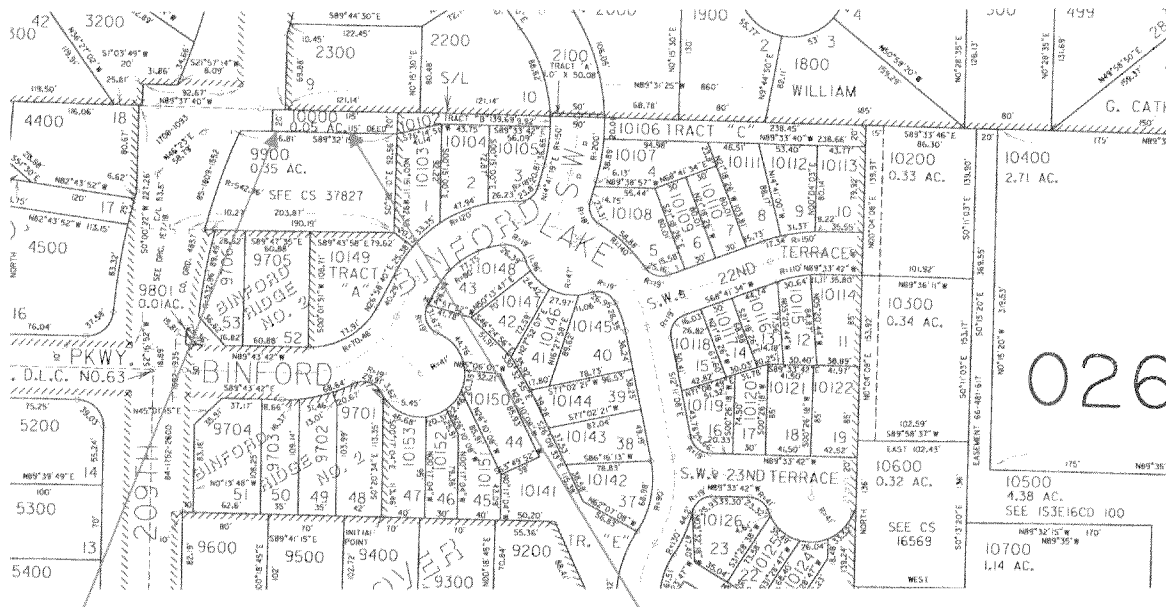
4. Explain any legal and/or policy issues involved.

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

5. Explain any citizen and/or other government participation that has or will take place.

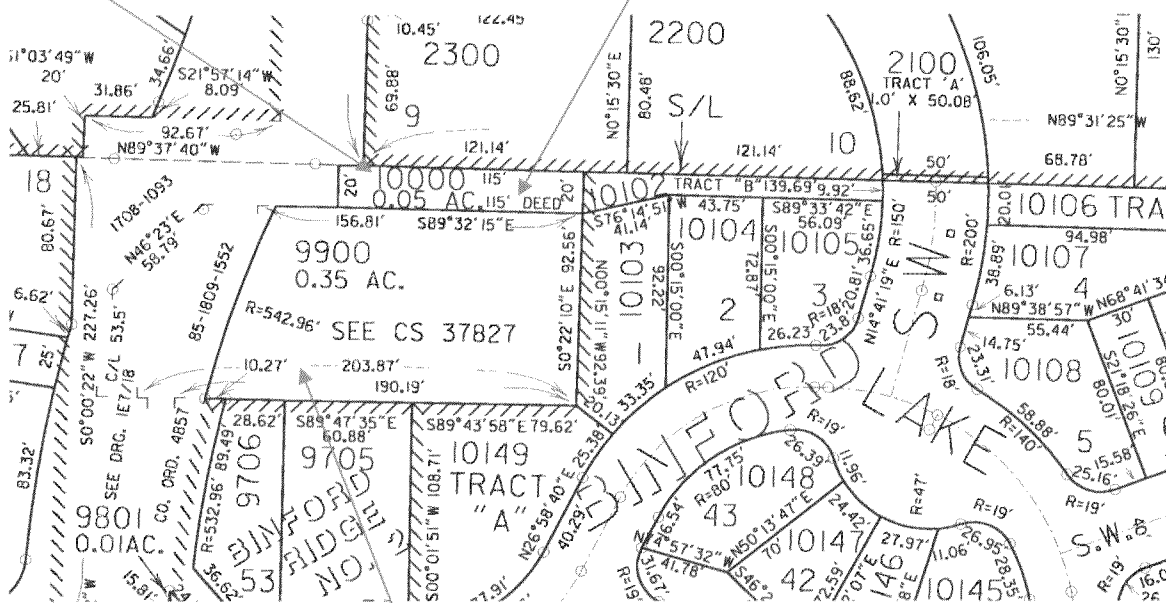
No citizen or government participation is anticipated.

EXHIBIT A



SW 21st Terrace

Subject



1470/1490 SW 21st Terrace

EXHIBIT B



Subject

1470/1490 SW 21st Terr

EXHIBIT C



Subject property looking east from SW Towle Ave



Looking west toward subject property from east end of TL 10102

EXHIBIT D
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2006-07

LEGAL DESCRIPTION:

A parcel of land situated in Section 16, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Commencing at the Northeast corner of the J.G. Storey DLC; thence East 20 feet to the East line of SE 209th Avenue; thence North along said East line 225 feet to a point which is 20 feet South of the South line of the William Cathey DLC; thence East parallel with said South DLC line a distance of 203.87 feet to the east line of that tract of land conveyed to Lovey D. McKinzey, et ux by deed recorded March 18, 1958 in Book 1889 page 32 Multnomah County Deed Records and the true point of beginning; thence North along the Northerly extension of said East line of McKinzey tract 20 feet to a point in the South line of said William Cathey DLC; thence West along said DLC line 115 feet to the East line of SE 209th Ave; thence South along said East line 20 feet; thence East 115 feet to the true point of beginning.

ADJACENT PROPERTY ADDRESS:	1470/1490 SW 21 st Terrace
TAX ACCOUNT NUMBER:	R340362
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 2,300 square feet
ASSESSED VALUE:	\$1,400.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$191.43
TAX TITLE MAINTENANCE COST & EXPENSES:	\$200.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$417.43
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$1,400.00

Required Signatures

**Department/
Agency Director:**



Date: 09/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Tuesday, September 05, 2006 8:39 AM
To: BOGSTAD Deborah L
Subject: FW: September 28 Board Agenda TJ New Home Construction INC Private Sale

Hi Deb,

Attached for your review and approval are the Sept 28 Board Agenda Documents for the TJ New Home Construction INC Private Sale. Matt has approved these documents. I have sent the documents to Sheila for Cecilia's approval.

Thank you for your help!

-----Original Message-----

From: RYAN Matthew O
Sent: Friday, September 01, 2006 1:19 PM
To: GRACE Becky J; THOMAS Gary A
Cc: KINOSHITA Carol
Subject: FW: September 28 Board Agenda TJ New Home Construction INC Private Sale

Becky,

The attached Resolution and Deed have been reviewed and are authorized to be placed on BCC Agenda for 9/28/06. Thanks.

Matthew O. Ryan
Assistant County Attorney
Multnomah County, Oregon
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately.

-----Original Message-----

From: GRACE Becky J
Sent: Thursday, August 24, 2006 2:52 PM
To: RYAN Matthew O
Cc: KINOSHITA Carol
Subject: September 28 Board Agenda TJ New Home Construction INC Private Sale

Matt and Carol,

Attached for your review and approval are the September 28 Board Agenda Documents for the TJ New Home Construction INC Private Sale.
Thank you,

Becky Grace
Multnomah County Tax Title
PO Box 2716
Portland OR 97208

9/5/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to T.J. NEW HOME CONSTRUCTION INC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A. through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$1,400 on the County's current tax roll.
- c. Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 2,300 square feet, and its location make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. T.J. NEW HOME CONSTRUCTION INC. has agreed to pay \$1,400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$1,400, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to T.J. NEW HOME CONSTRUCTION INC., the real property described in the attached Exhibit A.

ADOPTED this 28th day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

Exhibit A (Resolution)

LEGAL DESCRIPTION:

A parcel of land situated in Section 16, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Commencing at the Northeast corner of the J.G. Storey DLC; thence East 20 feet to the East line of SE 209th Avenue; thence North along said East line 225 feet to a point which is 20 feet South of the South line of the William Cathey DLC; thence East parallel with said South DLC line a distance of 203.87 feet to the east line of that tract of land conveyed to Lovey D. McKinzey, et ux by deed recorded March 18, 1958 in Book 1889 page 32 Multnomah County Deed Records and the true point of beginning; thence North along the Northerly extension of said East line of McKinzey tract 20 feet to a point in the South line of said William Cathey DLC; thence West along said DLC line 115 feet to the East line of SE 209th Ave; thence South along said East line 20 feet; thence East 115 feet to the true point of beginning.

Multnomah County Deed No.: D072084

Tax Account No.: R340362

Until a change is requested, all tax statements
shall be sent to the following address:
T.J. NEW HOME CONSTRUCTION INC.
11851 SE TAYLOR
PORTLAND OR 97216

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE
503/4

Bargain and Sale Deed D072084 for R340362

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, ("Grantor"), conveys to T.J. NEW HOME CONSTRUCTION INC., ("Grantee"), the real property in the attached Exhibit A.

The true consideration for this conveyance is \$1,400.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 28th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 28th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed)

LEGAL DESCRIPTION:

A parcel of land situated in Section 16, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Commencing at the Northeast corner of the J.G. Storey DLC; thence East 20 feet to the East line of SE 209th Avenue; thence North along said East line 225 feet to a point which is 20 feet South of the South line of the William Cathey DLC; thence East parallel with said South DLC line a distance of 203.87 feet to the east line of that tract of land conveyed to Lovey D. McKinzey, et ux by deed recorded March 18, 1958 in Book 1889 page 32 Multnomah County Deed Records and the true point of beginning; thence North along the Northerly extension of said East line of McKinzey tract 20 feet to a point in the South line of said William Cathey DLC; thence West along said DLC line 115 feet to the East line of SE 209th Ave; thence South along said East line 20 feet; thence East 115 feet to the true point of beginning.

Multnomah County Deed No.: D072084
Tax Account No.: R340362

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-165

Authorizing the Private Sale of a Tax Foreclosed Property to T.J. NEW HOME CONSTRUCTION INC.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in Exhibit A. through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$1,400 on the County's current tax roll.
- c. Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 2,300 square feet, and its location make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. T.J. NEW HOME CONSTRUCTION INC. has agreed to pay \$1,400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$1,400, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to T.J. NEW HOME CONSTRUCTION INC., the real property described in the attached Exhibit A.

ADOPTED this 28th day of September, 2006.



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

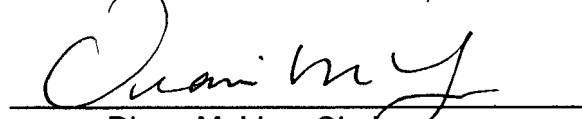

Diane M. Linn, Chair

Exhibit A (Resolution)

LEGAL DESCRIPTION:

A parcel of land situated in Section 16, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Commencing at the Northeast corner of the J.G. Storey DLC; thence East 20 feet to the East line of SE 209th Avenue; thence North along said East line 225 feet to a point which is 20 feet South of the South line of the William Cathey DLC; thence East parallel with said South DLC line a distance of 203.87 feet to the east line of that tract of land conveyed to Lovey D. McKinzey, et ux by deed recorded March 18, 1958 in Book 1889 page 32 Multnomah County Deed Records and the true point of beginning; thence North along the Northerly extension of said East line of McKinzey tract 20 feet to a point in the South line of said William Cathey DLC; thence West along said DLC line 115 feet to the East line of SE 209th Ave; thence South along said East line 20 feet; thence East 115 feet to the true point of beginning.

Multnomah County Deed No.: D072084
Tax Account No.: R340362

Until a change is requested, all tax statements
shall be sent to the following address:
T.J. NEW HOME CONSTRUCTION INC.
11851 SE TAYLOR
PORTLAND OR 97216

After recording return to:
MULTNOMAH COUNTY
TAX TITLE
503/4

Bargain and Sale Deed D072084 for R340362

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, ("Grantor"), conveys to T.J. NEW HOME CONSTRUCTION INC., ("Grantee"), the real property in the attached Exhibit A.

The true consideration for this conveyance is \$1,400.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 28th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 28th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed)

LEGAL DESCRIPTION:

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Multnomah County Deed No.: D072084

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 28th day of September 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

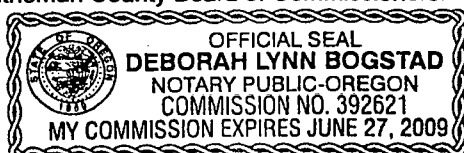
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 28th day of September 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



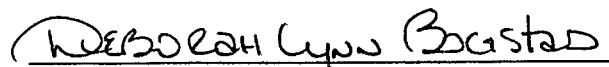

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A (Deed)

LEGAL DESCRIPTION:

A parcel of land situated in Section 16, Township 1 South, Range 3 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

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Multnomah County Deed No.: D072084

Tax Account No.: R340362



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 08/04/06

BUDGET MODIFICATION:

Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

Agenda Title:

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>2 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Gary Clifford, Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>26782</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Gary Clifford</u>		

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolution PC 05-002 recommends adoption of Zoning Code amendments that allow new barns in the EFU and MUA-20 zones to be located closer to the rear property line if there are not any neighboring houses too close by.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Through the public comment time on the Planning Commission agendas, property owners expressed concern that the 30 foot yard (setback) between a barn and the rear property line is an area that is difficult to put into cultivation or to use for most common farming practices. Allowing a barn to be ten feet from the rear property line would free up an additional 20 feet that could be better used by including it in lands being farmed. The Planning Commission then took on the issue as one of the projects on their work program. After a work session and public hearing the Commission approved the proposed Zoning Code amendments. The amendments allow more flexibility in the location of

new barns if they are not too close to neighboring houses.

3. Explain the fiscal impact (current year and ongoing).

No fiscal impact.

4. Explain any legal and/or policy issues involved.

There was no opposing testimony given. No legal or policy issues seen.

5. Explain any citizen and/or other government participation that has or will take place.

Work sessions have been held that were open to the public. Copies of all proposed code changes have been sent to the State of Oregon Department of Land Conservation and Development giving that agency an opportunity to comment on the proposals. No comments were returned by the State agency.

A public hearing was held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. Two citizens spoke in favor of the amendments at the hearing. The Planning Commission's vote was unanimous to recommend approval of these amendments to the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 08/04/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-002

Recommend to the Board of County Commissioners the adoption of an ordinance amending the minimum Yard (setback) requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts in MCC Chapters 33, 34, 35, and 36.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 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.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted.
- c. The Planning Commission finds that, if there is consideration for existing homes, it is appropriate to reduce the minimum rear yard requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on August 1, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of August, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35 And 36 To Allow Alternative Reduced Rear Yards (Setbacks) For Certain Agricultural Buildings In The Exclusive Farm Use And Multiple Use Agriculture-20 Zoning Districts

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to reexamine regulations to ensure that they continue to serve the purpose for which they were enacted. Sometimes, changing or unforeseen circumstances necessitate adding more flexibility to the regulations.
- b. The Planning Commission heard testimony that "rear yard" (setback to the rear property line) requirements for agricultural buildings (barns) are greater than needed in some situations. A work session and public hearing were held which researched and evaluated the issue. The Zoning Code amendments in this ordinance reflect that work.
- c. The zoning districts where land parcels are larger and where there is the most need for agricultural buildings are the Exclusive Farm Use (EFU) and Multiple Use Agriculture-20 (MUA-20) zoning districts. On those larger parcels any adverse impacts on neighboring houses from the presence of large agricultural buildings are less likely to occur because of the ability to have more choices in the location of these structures. Those adverse impacts may include the loss of light, air circulation, and open space if barns are too close to neighboring houses. The amendments in this ordinance recognize those impacts and, where there are no neighboring houses, allow more flexibility in the siting of new barns to allow them to be closer to rear property lines.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, and 35.0005, Definitions, are amended as follows:

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

Accessory Building – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

(b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) Agricultural building does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

* * *

Section 2. § 36.0005, Definitions, is amended as follows:

36.0005 Definitions

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

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

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(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

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(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) Agricultural building does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure

subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Section 3. §§ 33.0005, 34.0005, 35.0005, and 36.005, Definitions, are amended as follows:

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

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

* * *

Equine facility – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

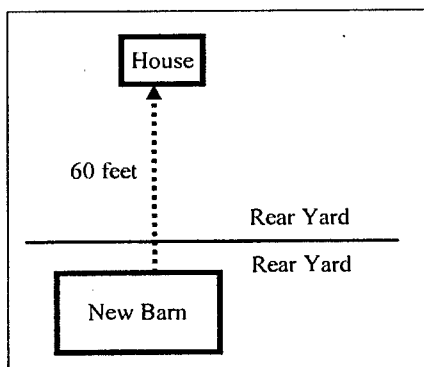
* * *

Section 4. §§ 33.2660, 34.2660, and 35.2660, Dimensional Requirements, EFU zones, are amended as follows:

* * *

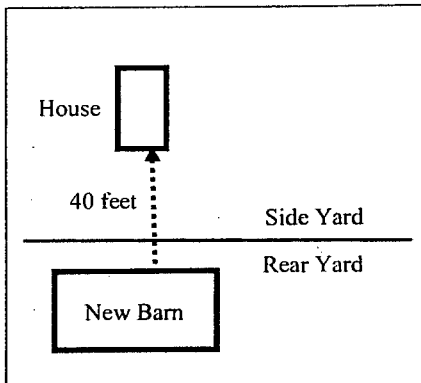
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For illustrative purposes only.

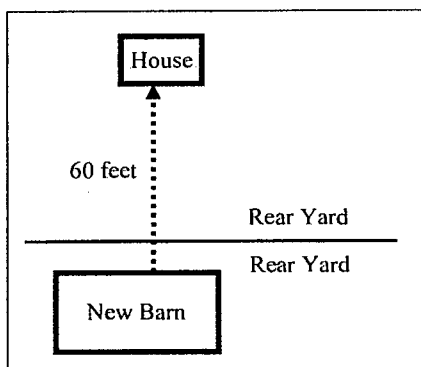
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 5. § 36.2660, Dimensional Requirements, EFU zone, is amended as follows:

* * *

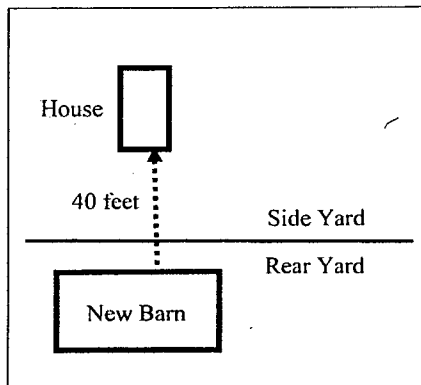
- (H) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For Illustrative purposes only.

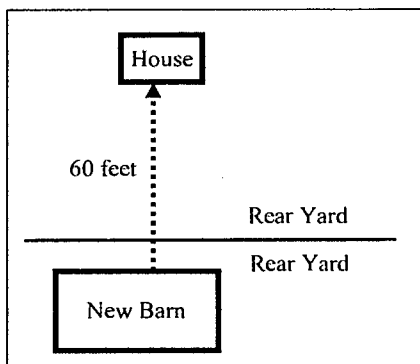
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 6. §§ 33.2855, 34.2855, and 35.2855, Dimensional Requirements, MUA-20 zones, are amended as follows:

* * *

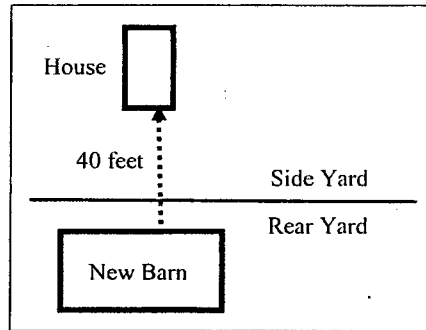
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the rear property line of the adjacent parcel or lot, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the side property line of the adjacent parcel or lot.



For Illustrative purposes only.

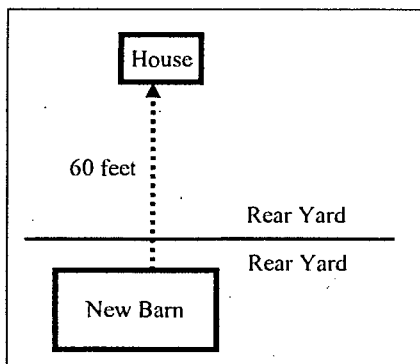
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 7. § 36.2855, Dimensional Standards and Development Requirements, MUA-20 zone, is amended as follows:

* * *

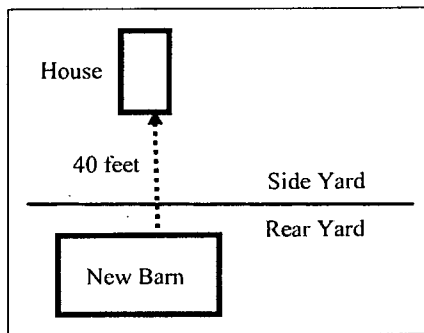
- (I) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the rear property line of the adjacent parcel or lot, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the side property line of the adjacent parcel or lot.



For illustrative purposes only.

- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1081

Amending MCC Chapters 33, 34, 35 and 36 to Allow Alternative Reduced Rear Yards (Setbacks) for Certain Agricultural Buildings in the Exclusive Farm Use and Multiple Use Agriculture-20 Zoning Districts

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

The Multnomah County Board of Commissioners Finds:

- a. Periodically it is necessary to reexamine regulations to ensure that they continue to serve the purpose for which they were enacted. Sometimes, changing or unforeseen circumstances necessitate adding more flexibility to the regulations.
- b. The Planning Commission heard testimony that “rear yard” (setback to the rear property line) requirements for agricultural buildings (barns) are greater than needed in some situations. A work session and public hearing were held which researched and evaluated the issue. The Zoning Code amendments in this ordinance reflect that work.
- c. The zoning districts where land parcels are larger and where there is the most need for agricultural buildings are the Exclusive Farm Use (EFU) and Multiple Use Agriculture-20 (MUA-20) zoning districts. On those larger parcels any adverse impacts on neighboring houses from the presence of large agricultural buildings are less likely to occur because of the ability to have more choices in the location of these structures. Those adverse impacts may include the loss of light, air circulation, and open space if barns are too close to neighboring houses. The amendments in this ordinance recognize those impacts and, where there are no neighboring houses, allow more flexibility in the siting of new barns to allow them to be closer to rear property lines.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, and 35.0005, Definitions, are amended as follows:

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

Accessory Building – A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

(b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) *Agricultural building* does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

* * *

Section 2. § 36.0005, Definitions, is amended as follows:

36.0005 Definitions

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

Accessory Building - A subordinate building, the use of which is clearly incidental to that of the main building on the same lot.

* * *

Agricultural Building – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a structure located on a farm and used in the operation of the farm for:

(a) Storage, maintenance or repair of farm machinery and equipment;

(b) The raising, harvesting and selling of crops;

(c) The feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees;

(d) Dairying and the sale of dairy products; or

(e) Any other agricultural or horticultural use or animal husbandry, or any combination thereof, including the preparation and storage of the produce raised on the farm for human use and animal use and disposal by marketing or otherwise.

(f) *Agricultural building* does not include a dwelling, a structure used for a purpose other than growing plants in which 10 or more persons are present at any one time, a structure regulated by the State Fire Marshal pursuant to ORS chapter 476, a structure used by the public, or a structure

subject to sections 4001 to 4127, title 42, United States Code (the National Flood Insurance Act of 1968) as amended, and regulations promulgated thereunder.

Section 3. §§ 33.0005, 34.0005, 35.0005, and 36.005, Definitions, are amended as follows:

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

* * *

Educational Institution – A college or university supported by public or private funds, tuitions, contributions or endowments, giving advanced academic instruction as approved by a recognized accrediting agency, including fraternity and sorority houses, excluding elementary and high schools, and trade and commercial schools.

* * *

Equine facility – Pursuant to ORS 455.315(2) [2005] and any amendments made thereto, means a building located on a farm and used by the farm owner or the public for: Stabling or training equines; or Riding lessons and training clinics.

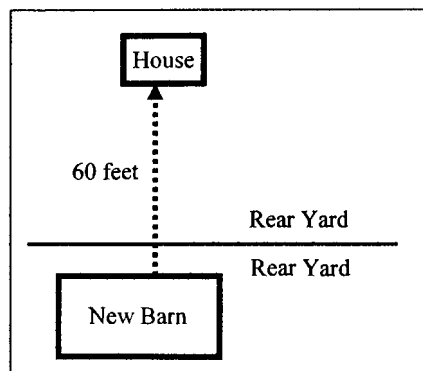
* * *

Section 4. §§ 33.2660, 34.2660, and 35.2660, Dimensional Requirements, EFU zones, are amended as follows:

* * *

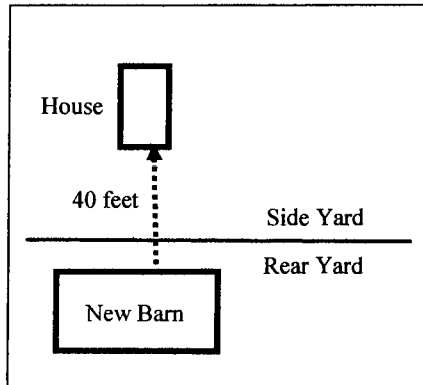
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the side property line of the adjacent tract.



For illustrative purposes only.

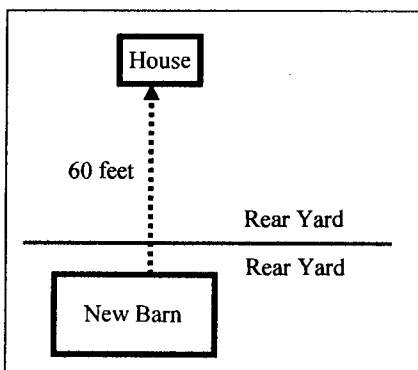
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 5. § 36.2660, Dimensional Requirements, EFU zone, is amended as follows:

* * *

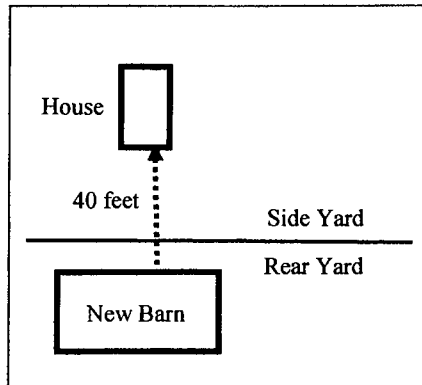
- (H) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same tract, where the rear property line is also the rear property line of the adjacent tract, or



For illustrative purposes only.

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For illustrative purposes only.

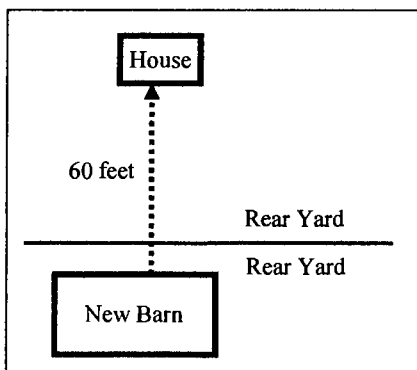
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 6. §§ 33.2855, 34.2855, and 35.2855, Dimensional Requirements, MUA-20 zones, are amended as follows:

* * *

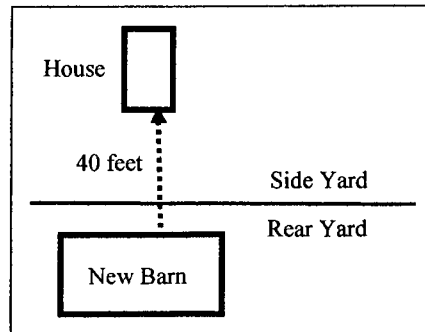
(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

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For illustrative purposes only.

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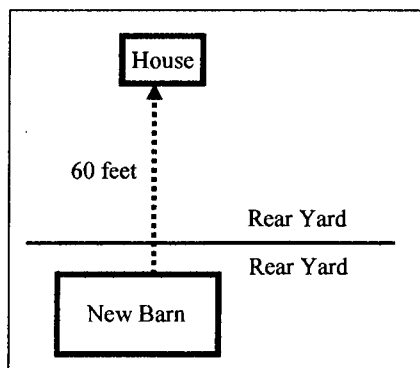
- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

Section 7. § 36.2855, Dimensional Standards and Development Requirements, MUA-20 zone, is amended as follows:

* * *

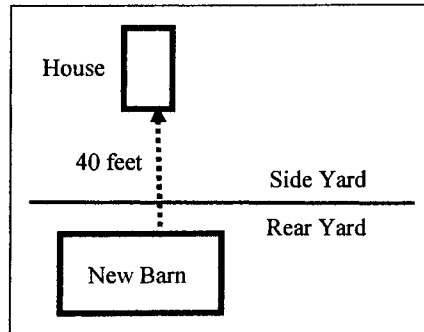
- (I) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

- (1) The structure is located at least 60 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the rear property line of the adjacent parcel or lot, or



For Illustrative purposes only.

- (2) The structure is located at least 40 feet from any existing dwelling, other than the dwelling(s) on the same parcel or lot, where the rear property line is also the side property line of the adjacent parcel or lot.



For illustrative purposes only.

- (3) Placement of an agricultural related structure under these provisions in (F) do not change the minimum yard requirements for future dwellings on adjacent property.

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

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

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 05-002

Recommend to the Board of County Commissioners the adoption of an ordinance amending the minimum Yard (setback) requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts in MCC Chapters 33, 34, 35, and 36.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 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.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted.
- c. The Planning Commission finds that, if there is consideration for existing homes, it is appropriate to reduce the minimum rear yard requirement for farm related structures in the Exclusive Farm Use and Multiple Use Agriculture zoning districts.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on August 1, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of August, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-2
Est. Start Time: 9:32 AM
Date Submitted: 08/04/06

BUDGET MODIFICATION: -

Agenda Title: **Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested: September 28, 2006 **Time Requested:** 2 minutes
Department: Community Services **Division:** Land Use & Transportation
Contact(s): Gary Clifford, Karen Schilling
Phone: 503-988-3043 **Ext.** 26782 **I/O Address:** 455/116
Presenter(s): Gary Clifford

General Information

1. What action are you requesting from the Board?

Adopt proposed Ordinance. Planning Commission Resolution PC 04-006 recommends adoption of Zoning Code amendments changing the variance provisions in the Zoning Code by adding more flexibility for minor modifications of dimensional requirements (a new "adjustment" section) and making other improvements.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Planning Commission heard from some property owners about their difficulties in meeting certain dimensional zoning standards while developing their land. They requested changes to the Zoning Code to allow more flexibility to make relatively minor changes to the requirements. For example, they asked to make it easier to reduce the setback between a proposed building and a property line.

It has been twenty years since the last significant change to the variance section of the Code and the Planning Commission agreed to examine the issues and make changes as needed.

The Planning Commission looked at different approaches to variances taken by other counties and cities. The Commission voted to retain the existing "two tier" approach to variances which uses different approval criteria depending on the amount of variance requested.

The primary change proposed is to replace the existing "minor variance" subsection with a new "adjustment" subsection. The new provisions allow for a greater modification of certain dimensional standards (from the existing 25 percent to 40 percent) and change the approval criteria to emphasize evaluating if the purposes of the dimensional standard are met in the proposed "adjustment."

Other code changes include specifying exactly which zoning standards can be modified by approval of an "adjustment" or variance and adds requirements for mitigating any adverse impacts on adjoining or nearby properties that may result from granting the dimensional change.

3. Explain the fiscal impact (current year and ongoing).

No fiscal impact seen.

4. Explain any legal and/or policy issues involved.

The proposed changes which add "adjustments" bring the Code section for minor modifications of dimensional standards closer to those available to property owners in the City of Portland and the City of Gresham. However, for larger variances the approval criteria are proposed to remain the same with a few improvements.

5. Explain any citizen and/or other government participation that has or will take place.

At the beginning of this code amendment project a few property owners spoke to the Planning Commission about the need for more flexibility in how dimensional requirements such as building setbacks could be reduced. The Planning Commission placed this project high on their work priorities.

The provisions in this ordinance were submitted to the State of Oregon Department of Land Conservation and Development for an opportunity to comment. No comments were returned.

A public hearing was held before the Planning Commission where the public was invited to speak. Public notice in the Oregonian newspaper was given for all work sessions and public hearings. There was no public testimony at the hearing. The Planning Commission's vote was unanimous to recommend approval of these amendments to the Board of County Commissioners.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 08/04/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-006

Recommend to the Board of County Commissioners the adoption of an ordinance amending the Variance sections of the zoning district regulations in MCC Chapters 33, 34, 35, 36, 11.15, and 11.45.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 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.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted. The last substantive amendments to the variance provisions occurred in 1985.
- c. The Planning Commission recommends amendments that: (1) clearly list which dimensional standards may be modified and to what extent; (2) replace the "Minor Variance" provisions with an "Adjustments" concept that would allow modification of certain dimensional standards by up to 40 percent where it can be shown that the proposed development equally or better meets the purpose of the standard; and (3) amend some of the existing Variance approval criteria that have been difficult to interpret and add the requirement that for a finding that the Variance requested is the minimum necessary to alleviate the difficulty.
- d. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- e. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on June 6, 2005 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, 36, 11.15, and 11.45 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 6th day of June, 2005.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapters 33, 34, 35, 36, And 37 To Change The "Variance" Parts Of The Zoning Code Chapters And Add "Adjustments" As Another Zoning Provision For Modifying Dimensional Standards

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

The Multnomah County Board of Commissioners Finds:

- a. The individual Zoning Code chapters should be periodically updated and improvements adopted. The last substantive amendments to the variance provisions occurred in 1985 and there is a need to make some changes.
- b. The present "two tier" approach to variances is appropriate to continue. This approach provides different approval criteria for reviewing requests for smaller and greater modifications of dimensional standards.
- c. There is a need to add more flexibility in the ability to approve minor modifications to certain dimensional standards in the zoning code. The replacement of "minor variance" provisions with those for allowing "adjustment" of certain zoning dimensional standards will increase the extent of the modification allowed from 25 percent to 40 percent and will change the approval criteria to emphasize meeting the purposes of the zoning standard.
- d. There is a need to amend the zoning code to clearly specify the dimensional standards that are eligible for modification and the extent to which the standards can be modified.
- e. There is a need to clarify the approval criteria language to better implement the purposes of this zoning tool.
- f. There is a need to add a requirement that the requested dimensional modification is the minimum necessary to alleviate the difficulty and to add provisions to require mitigation for any adverse impacts that result from granting the "adjustment" or variance.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, 35.0005, and 36.0005 are amended as follows:

§ 33.0005 Definitions.

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

* * *

Buffer – See Setback.

* * *

Forest Practices Setback – A type of dimensional setback in the forest zoning districts that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with yard. However, setback (and Buffer) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other setback requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 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.

* * *

Buffer – See Setback.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the

street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with yard. However, setback (and Buffer) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other setback requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 35.0005 Definitions.

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

* * *

Buffer – See Setback.

* * *

Forest Practices Setback – A type of dimensional setback in the forest zoning districts that provides for separation between structures and property lines. This setback assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback* requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 36.0005 **Definitions.**

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

* * *

Buffer – See *Setback*.

* * *

Forest Practices Setback – A type of dimensional *setback* in the forest zoning districts that provides for separation between structures and property lines. This *setback* assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback*

requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

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Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

Section 2. Subsection (A)(4)(a) of §§ 33.0515, 34.0515, 35.0515, and 36.0515, Temporary Health Hardship Permit is amended as follows:

* * *

(a) The proposed siting of the mobile home will satisfy the applicable setback and lot coverage standards of the zoning district without requiring a variance. An adjustment of the setback requirement may be approved.

* * *

Section 3. §§ 33.7600, 34.7600, 35.7600, and 36.7600, Variance Approval Criteria, are deleted as follows:

Variance Approval Criteria

~~(A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall meet criteria (3) and (4).~~

~~(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.~~

~~(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.~~

~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.~~

(4) The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

Section 4. §§ 33.7605, 34.7605, 35.7605, and 36.7605 are deleted as follows:

§ 33.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 33.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 33.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

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~~(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;~~

~~(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.~~

Section 5. §§ 33.7615, 34.7615, 35.7615, and 36.7615 are deleted as follows:

§ 33.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 33.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

(1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and

(2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

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(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

Section 6. §§ 33.7620, 34.7620, 35.7620, and 36.7620 are deleted as follows:

§ 33.7620 — Landing Field Height Limitation

(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 33.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.

(B) In the event a variance is granted from the height limitation of MCC 33.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

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(B) In the event a variance is granted from the height limitation of MCC 35.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

§ 36.7620 — Landing Field Height Limitation.

(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 36.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.

(B) In the event a variance is granted from the height limitation of MCC 36.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

Section 7. §§ 33.7601, 34.7601, 35.7601, and 36.7601 are added as follows:

ADJUSTMENTS AND VARIANCES

§ 33.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 33.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 33.7611, Adjustments, or 33.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 33.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 34.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

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All proposed modification of the dimensional standards given in MCC 34.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

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(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 35.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 35.7611, Adjustments, or 35.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 35.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 36.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 36.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 36.7611, Adjustments, or 36.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 36.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

Section 8. §§ 33.7606, 34.7606, 35.7606, and 36.7606, Scope, are added as follows:

§ 33.7606 Scope

§ 34.7606 Scope

§ 35.7606 Scope

§ 36.7606 Scope

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts and the Commercial Forest Use fire safety zone are not allowed under the Adjustment process; and

(2) Reduction of yards/setback/buffer requirements within the Hillside Development, Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and

(3) Minor modification of yards/setbacks/buffers in the off-street parking and design review standards are allowed only through the “exception” provisions in each respective Code section.

(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts; and

(2) Modification of fire safety zone standards given in Commercial Forest Use districts; and

(3) Increase to any billboard height or any other dimensional sign standard,

(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Zoning District.

Section 9. §§ 33.7611, 34.7611, 35.7611, and 36.7611 are added as follows:

§ 33.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 34.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 35.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

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(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 36.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Section 10. §§ 33.7616, 34.7616, 35.7616, and 36.7616 are added as follows:

§ 33.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 34.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to

adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 35.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 36.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of this approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

Section 11. §§ 33.7770, 34.7770, 35.7770, and 36.7770 are amended as follows:

§ 33.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 33 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 34.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 34 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 35.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 35 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 36.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 36 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

Section 12. §§ 33.7775, 34.7775, 35.7775, and 36.7775 are amended as follows:

§ 33.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 33.

* * *

§ 34.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 34.

* * *

§ 35.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 35.

* * *

§ 36.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 36.

* * *

Section 13. §§ 33.8005, 34.8005, 35.8005, and 36.8005 are amended as follows:

§ 33.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 33.7885 through 33.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 33.7601 through 33.7616, Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~
- ~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~
- ~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 33.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 34.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 34.7885 through 34.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 34.7601 through 34.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~
- ~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~
- ~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 34.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 35.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 35.7885 through 35.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 35.7601 through 35.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~

~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 35.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 36.8005 Adjustments and Variances.

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 36.7885 through 36.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 36.7601 through 36.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~

~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~

~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~

~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 36.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

Section 14. § 37.0530, Summary of Decision Making Processes, is amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)

Adjustment		X			
Variance		X	X		

FIRST READING:

September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1082

Amending MCC Chapters 33, 34, 35, 36 and 37 to Change the "Variance" Parts of the Zoning Code Chapters and Add "Adjustments" as Another Zoning Provision for Modifying Dimensional Standards

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

The Multnomah County Board of Commissioners Finds:

- a. The individual Zoning Code chapters should be periodically updated and improvements adopted. The last substantive amendments to the variance provisions occurred in 1985 and there is a need to make some changes.
- b. The present "two tier" approach to variances is appropriate to continue. This approach provides different approval criteria for reviewing requests for smaller and greater modifications of dimensional standards.
- c. There is a need to add more flexibility in the ability to approve minor modifications to certain dimensional standards in the zoning code. The replacement of "minor variance" provisions with those for allowing "adjustment" of certain zoning dimensional standards will increase the extent of the modification allowed from 25 percent to 40 percent and will change the approval criteria to emphasize meeting the purposes of the zoning standard.
- d. There is a need to amend the zoning code to clearly specify the dimensional standards that are eligible for modification and the extent to which the standards can be modified.
- e. There is a need to clarify the approval criteria language to better implement the purposes of this zoning tool.
- f. There is a need to add a requirement that the requested dimensional modification is the minimum necessary to alleviate the difficulty and to add provisions to require mitigation for any adverse impacts that result from granting the "adjustment" or variance.

Multnomah County Ordains as follows:

Section 1. §§ 33.0005, 34.0005, 35.0005, and 36.0005 are amended as follows:

§ 33.0005 Definitions.

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

* * *

Buffer – See Setback.

* * *

Forest Practices Setback – A type of dimensional *setback* in the forest zoning districts that provides for separation between structures and property lines. This *setback* assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback* requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 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.

* * *

Buffer – See *Setback*.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

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* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 35.0005 Definitions.

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

* * *

Buffer – See *Setback*.

* * *

Forest Practices Setback – A type of dimensional *setback* in the forest zoning districts that provides for separation between structures and property lines. This *setback* assures that accepted forestry practices can occur on adjacent properties without the adjacent property owner needing to alter those practices due to the close proximity of a dwelling or structure.

* * *

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway; in the case of a corner lot, a line separating the narrowest frontage of the lot from a street or accessway; and in the case of a flag lot, the lot line closest to and most nearly parallel with the street which serves the lot. A minimum front lot line length is a dimensional requirement to assure that a

parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

* * *

Setback – At times this term is used interchangeably with *yard*. However, *setback* (and *Buffer*) may also be a needed separation between a land use/structure and a feature of the land that could be adversely impacted by the land use/structure (e.g. between structures and wetlands). Other *setback* requirements are for such purposes as public safety or reduction of nuisances such as the distance needed between a guyed television transmission tower and the property line in order to provide an area for potential ice fall and tower failure or it may be a distance to reduce the level of adverse noise, odor, or visual impacts to sensitive land uses.

* * *

Yard – An open space, on a lot with a building and bounded on one or more sides by such building, such space being unoccupied and unobstructed from 30 inches above the ground upward, except as otherwise specified in the district. A yard satisfying the yard requirement for one building shall not satisfy the yard requirement for another building. The purpose of yards between buildings and property lines is to provide space, light, air circulation, and safety from fire hazards.

* * *

§ 36.0005 Definitions.

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

* * *

Buffer – See *Setback*.

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* * *

Section 2. Subsection (A)(4)(a) of §§ 33.0515, 34.0515, 35.0515, and 36.0515, Temporary Health Hardship Permit is amended as follows:

* * *

(a) The proposed siting of the mobile home will satisfy the applicable setback ~~and lot coverage~~ standards of the zoning district without requiring a variance. An adjustment of the setback requirement may be approved.

* * *

Section 3. §§ 33.7600, 34.7600, 35.7600, and 36.7600, Variance Approval Criteria, are deleted as follows:

Variance Approval Criteria

~~(A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall meet criteria (3) and (4).~~

~~(1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.~~

~~(2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.~~

(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(4) The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

Section 4. §§ 33.7605, 34.7605, 35.7605, and 36.7605 are deleted as follows:

§ 33.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 33.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 33.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 34.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 34.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 34.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 35.7605 — Variance Classification

(A) A Major Variance is one that is in excess of 25 percent of an applicable dimensional requirement. A Major Variance must be found to comply with MCC 35.7600 (A).

(1) A Major Variance must be approved at a public hearing except when all owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC 35.7605 (B) (1) and (2).

(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

§ 36.7605 — Variance Classification.

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(B) A Minor Variance is one that is within 25 percent of an applicable dimensional requirement. The approval authority is authorized to grant a Minor Variance in accordance with the following conditions:

(1) Application shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;

(2) The form to be presented to each owner must include the zoning requirement, the amount of relief requested by the applicant and a declaration by the owner that the granting of the variance shall not harm the value and livability of his property.

Section 5. **§§ 33.7615, 34.7615, 35.7615, and 36.7615 are deleted as follows:**

§ 33.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 33.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

(1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and

(2) The reduction of the required setback would not permit the development of the property in a manner that would be more hazardous or detrimental to the public safety than development within the required setback.

(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.

§ 34.7615 — Hillside Residential Variances by Administrative Action

(A) Notwithstanding the limitation of MCC 34.7600 (A), the approval authority may approve reductions in the required front setback for hillside residential properties when the following conditions exist:

(1) Application of the required setback will necessitate extraordinary cutting or filling of the land, resulting in potentially unsafe banks; and

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~~(B) For the purposes of this subsection, a hillside residential property is any legally created lot or parcel with an average grade from the front to the rear property line of more than five percent.~~

Section 6. §§ 33.7620, 34.7620, 35.7620, and 36.7620 are deleted as follows:

~~§ 33.7620 — Landing Field Height Limitation~~

~~(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 33.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

~~(B) In the event a variance is granted from the height limitation of MCC 33.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

~~§ 34.7620 — Landing Field Height Limitation~~

~~(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 34.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.~~

~~(B) In the event a variance is granted from the height limitation of MCC 34.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.~~

§ 35.7620 — Landing Field Height Limitation

(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 35.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.

(B) In the event a variance is granted from the height limitation of MCC 35.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

§ 36.7620 — Landing Field Height Limitation.

(A) In acting on an application for a variance from the height limitations of the Airport Landing Field District, under MCC 36.4035 (A), the approval authority shall consider statements from the Federal Aviation Administration and the Port of Portland as to the effect of the variance on the operation of air navigation facilities or the safe and efficient use of navigable air space.

(B) In the event a variance is granted from the height limitation of MCC 36.4035 (A), a condition of such action shall be that such markings or lights shall be installed and maintained at the owner's expense, as are necessary to indicate to aircraft operators the presence of such structure or natural growth.

Section 7. §§ 33.7601, 34.7601, 35.7601, and 36.7601 are added as follows:

ADJUSTMENTS AND VARIANCES

§ 33.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 33.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 33.7611, Adjustments, or 33.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 33.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 34.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 34.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 34.7611, Adjustments, or 34.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 34.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 35.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 35.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 35.7611, Adjustments, or 35.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 35.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

ADJUSTMENTS AND VARIANCES

§ 36.7601 Purpose

(A) The regulations of this Zoning Code Chapter are designed to implement the Policies of the Comprehensive Framework Plan and each Rural Area Plan. However, it is also recognized that because of the diversity of lands and properties found in the county there should be a zoning provision that permits justifiable departures from certain Zoning Code dimensional standards where literal application of the regulation would result in excessive difficulties or unnecessary hardship on the property owner.

(B) To address those situations, modification of the dimensional standards given in MCC 36.7606 may be permitted if the approval authority finds that the applicant has satisfactorily addressed and met the respective approval criteria in MCC 36.7611, Adjustments, or 36.7616, Variances. If an Adjustment or Variance request is approved, the approval authority may attach conditions to the decision to mitigate adverse impacts which might result from the approval.

(C) The Adjustment review process provides a mechanism by which certain dimensional standards may be modified no more than 40 percent if the proposed development continues to meet the intended purpose of the regulations. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the regulation.

(D) The Variance review process differs from the Adjustment review by providing a mechanism by which a greater variation from the standard than 40 percent may be approved for certain zoning dimensional requirements. The Variance approval criteria are based upon the traditional variance concepts that are directed towards consideration of circumstances or conditions on a subject property that do not apply generally to other properties in the same vicinity.

All proposed modification of the dimensional standards given in MCC 36.7606(A)(2) shall be reviewed under the Variance review process regardless of the proposed percentage modification.

Section 8. §§ 33.7606, 34.7606, 35.7606, and 36.7606, Scope, are added as follows:

§ 33.7606 Scope

§ 34.7606 Scope

§ 35.7606 Scope

§ 36.7606 Scope

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts and the Commercial Forest Use fire safety zone are not allowed under the Adjustment process; and

(2) Reduction of yards/setback/buffer requirements within the Hillside Development, Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and

(3) Minor modification of yards/setbacks/buffers in the off-street parking and design review standards are allowed only through the “exception” provisions in each respective Code section.

(B) Dimensional standards that may be modified under a Variance review are yards, setbacks, forest practices setbacks, buffers, minimum front lot line length, height, sign height, flag lot pole width, cul-de-sac length, cul-de-sac turnaround radius, and dimensions of a private street, except the following:

(1) Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts; and

(2) Modification of fire safety zone standards given in Commercial Forest Use districts; and

(3) Increase to any billboard height or any other dimensional sign standard.

(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Zoning District.

Section 9. §§ 33.7611, 34.7611, 35.7611, and 36.7611 are added as follows:

§ 33.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 34.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 35.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

§ 36.7611 Adjustment Approval Criteria

The Approval Authority may permit and authorize a modification of no more than 40 percent of the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (E) are met:

(A) Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

(B) Any impacts resulting from the adjustment are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage; and

(C) If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zoning district; and

(D) If the properties are zoned farm (EFU) or forest (CFU), the proposal will not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on the subject property and adjoining lands; and

(E) If in a Rural Residential (RR) or Rural Center (RC) zone, the proposal will not significantly detract from the livability or appearance of the residential area.

Section 10. §§ 33.7616, 34.7616, 35.7616, and 36.7616 are added as follows:

§ 33.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 33.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 34.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 34.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 35.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 35.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

§ 36.7616 Variance Approval Criteria

The Approval Authority may permit and authorize a variance from the dimensional standards given in MCC 36.7606 upon finding that all the following standards in (A) through (F) are met:

(A) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or zoning district. The circumstance or condition may relate to:

(1) The size, shape, natural features and topography of the property, or

(2) The location or size of existing physical improvements on the site, or

(3) The nature of the use compared to surrounding uses, or

(4) The zoning requirement would substantially restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district, or

(5) A circumstance or condition that was not anticipated at the time the Code requirement was adopted.

(6) The list of examples in (1) through (5) above shall not limit the consideration of other circumstances or conditions in the application of these approval criteria.

(B) The circumstance or condition in (A) above that is found to satisfy the approval criteria is not of the applicant's or present property owner's making and does not result solely from personal circumstances of the applicant or property owner. Personal circumstances include, but are not limited to, financial circumstances.

(C) There is practical difficulty or unnecessary hardship to the property owner in the application of the dimensional standard.

(D) The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or zoning district in which the property is located, or adversely affects the appropriate development of adjoining properties.

(E) The Variance requested is the minimum necessary variation from the Code requirement which would alleviate the difficulty.

(F) Any impacts resulting from the variance are mitigated to the extent practical. That mitigation may include, but is not limited to, such considerations as provision for adequate light and privacy to adjoining properties, adequate access, and a design that addresses the site topography, significant vegetation, and drainage.

Section 11. §§ 33.7770, 34.7770, 35.7770, and 36.7770 are amended as follows:

§ 33.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 33 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 34.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 34 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 35.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 35 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

§ 36.7770 Category 1 Land Divisions

The following proposals are designated Category 1 Land Divisions:

* * *

(C) A subdivision or partition associated with an application affecting the same property for any action proceeding requiring a public hearing under MCC Chapter 36 ~~or for a variance under the Land Division part of this Chapter~~; and

* * *

Section 12. §§ 33.7775, 34.7775, 35.7775, and 36.7775 are amended as follows:

§ 33.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 33.

* * *

§ 34.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 34.

* * *

§ 35.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 35.

* * *

§ 36.7775 Category 3 Land Divisions

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(G) A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 36.

* * *

Section 13. §§ 33.8005, 34.8005, 35.8005, and 36.8005 are amended as follows:

§ 33.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 33.7885 through 33.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 33.7601 through 33.7616, Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~
- ~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~
- ~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 33.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 34.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 34.7885 through 34.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 34.7601 through 34.7616, Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~
- ~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~
- ~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 34.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 35.8005 Adjustments and Variances

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 35.7885 through 35.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 35.7601 through 35.7616, Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

- ~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~
- ~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~
- ~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~

~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 35.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

§ 36.8005 Adjustments and Variances.

~~(A) An adjustment or variance from certain dimensional requirements in the provisions of MCC 36.7885 through 36.8000 of this Chapter may be authorized by the Approval Authority under the provisions of MCC 36.7601 through 36.7616. Hearings Officer or the Planning Commission, as appropriate. Such a variance may be authorized only when substantially all of the following factors exist:~~

~~(1) Special circumstances or conditions apply to the property or to the intended use that do not apply to other property in the same vicinity;~~

~~(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the ordinance requirements;~~

~~(3) The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity;~~

~~(4) The granting of the variance will not adversely affect implementation of the Comprehensive Plan; and~~

~~(5) The circumstances of any hardship are not of the applicant's making.~~

~~(B) Application for a variance shall be filed with the Planning Director, on the forms provided, at the time of application for tentative plan approval. The application shall be accompanied by the required fee. Notice of the hearing on the tentative plan shall include notice of the proposed variance.~~

~~(C) A variance authorized under the provisions of MCC 36.8005 shall expire upon expiration of the tentative plan approval or of the phase of an approved staged development associated therewith.~~

~~(D) A variance from the provisions of the Street Standards Code and Rules may be authorized as provided therein.~~

Section 14. § 37.0530, Summary of Decision Making Processes, are amended as follows:

§ 37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)

Adjustment		X			
Variance		X	X		

FIRST READING:

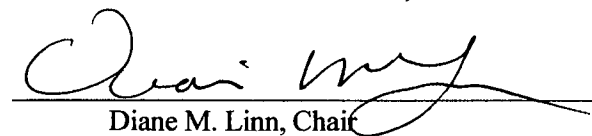
September 21, 2006

SECOND READING AND ADOPTION:

September 28, 2006

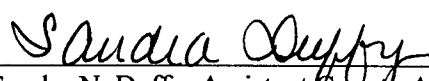


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-3
Est. Start Time: 9:33 AM
Date Submitted: 09/07/06

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd
Agenda Avenue Station Area Study Implementation Amendments in Compliance with
Title: Metro's Functional Plan and Declaring an Emergency

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Program:	<u>Land Use & Transportation</u>
Contact(s):	<u>Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>29635</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Karen Schilling</u>		

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

2. Please provide sufficient background information for the Board and the public to understand this issue.

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our

intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

3. Explain the fiscal impact (current year and ongoing).

NA

4. Explain any legal and/or policy issues involved.

State law requires a notice be placed in a newspaper of general circulation 10 days prior (9/18/06) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (9/30/06) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

5. Explain any citizen and/or other government participation that has or will take place.

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

**Department/
Agency Director:**



Date: 09/06/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd Avenue Station Area Study Implementation Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 22, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1078.
- f. Since the adoption of Ordinance 1078, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122 nd Avenue Station Area Study Implementation Amendments. (PDX Ord. #180372)	9/30/06
2	Exhibit A – 122 nd Avenue Station Area Study Recommended Implementation Amendments	5/2006
3	Exhibit B – 122 nd Avenue Station Area Study Recommended Implementation Amendments Findings Report	8/2/2006

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

FIRST READING AND ADOPTION: September 28, 2006

Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122nd Avenue Station Area Study Implementation Amendments. (**PDX Ord. #180372**)
2. Exhibit A – 122nd Avenue Station Area Study Recommended Implementation Amendments.
3. Exhibit B – 122nd Avenue Station Area Study Recommended Implementation Amendments Findings Report

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1083

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Adoption of the 122nd Avenue Station Area Study Implementation Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 22, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1078.
- f. Since the adoption of Ordinance 1078, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122nd Avenue Station Area Study Implementation Amendments. (PDX Ord. #180372)	9/30/06
2	Exhibit A – 122nd Avenue Station Area Study Recommended Implementation Amendments	5/2006
3	Exhibit B – 122nd Avenue Station Area Study Recommended Implementation Amendments Findings Report	8/2/2006

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 and 16 and Comprehensive Plan to implement the 122nd Avenue Station Area Study Implementation Amendments. (**PDX Ord. #180372**)
2. Exhibit A – 122nd Avenue Station Area Study Recommended Implementation Amendments.
3. Exhibit B – 122nd Avenue Station Area Study Recommended Implementation Amendments Findings Report

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION:

September 28, 2006

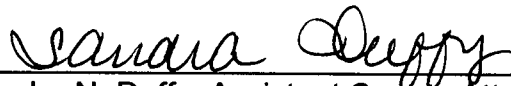


BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBSTITUTE

ORDINANCE No. 180372

Adopt and implement the 122nd Avenue Station Area Study Implementation Amendments (Ordinance; Amend Titles 33 and 16, Comprehensive Plan)

The City of Portland Ordains:

Section 1. The Council finds:

1. Portland's *Comprehensive Plan* was adopted on October 16, 1980, acknowledged for compliance with Statewide Planning Goals on May 3, 1981, and again on January 25, 2000, and updated as a result of periodic review in June 1988, January 1991, March 1991, September 1992, and May 1995.
2. The Outer Southeast Community Plan was adopted on January 31, 1996, and amended on May 19, 2004.
3. Oregon Revised Statutes (ORS) 197.628 requires cities and counties to review their comprehensive plans and land use regulations periodically and make changes necessary to keep plans and regulations up-to-date and in compliance with Statewide Planning Goals and State laws. Portland is also required to coordinate its review and update of the *Comprehensive Plan* and land use regulations with State plans and programs.
4. Portland *Comprehensive Plan* Goal 10, Plan Review and Administration, states that the *Comprehensive Plan* will undergo periodic review to ensure that it remains an up-to-date and workable framework for land use development.
5. Portland *Comprehensive Plan* Policy 10.2, Comprehensive Plan Map Review, establishes a community and neighborhood planning process for the review and update of the Portland Comprehensive Plan Map.
6. Portland *Comprehensive Plan* Goal 3, Neighborhoods, calls for preserving and reinforcing the stability, diversity, residential quality, and economic vitality of the City's neighborhoods, while allowing for increased density.
7. Specific area plans and studies are advisory documents for directing and managing change over time. The adopted 122nd Avenue Station Area Study Implementation Amendments will serve as an official guide to decision-making, public deliberation, and investments.
8. Information used for the formulation of the amendments was based on land use, public infrastructure, economic and transportation analyses, and public comments from workshops, open houses, and other meetings, presentations and events.

9. The Bureau of Planning developed the proposed amendments with participation from interested neighborhood and business associations, property owners, business persons and citizens and with cooperation from other bureaus and agencies.
10. Public involvement and outreach activities included regular consultation with a study working group, and three public meetings held between February 2005 and July 2005. Staff also attended neighborhood and business association meetings to discuss issues addressed in the study.
11. The neighborhood and business associations in the study area named a representative to the project's working group. In addition, the working group included representatives of property and business owners in the study area, and representatives of TriMet and Metro. These representatives informed staff on neighborhood and business issues and other matters related to the project and provided feedback on study issues.
12. The *122nd Avenue Station Area Study Implementation Amendments* implement or are consistent with the Statewide Planning Goals, the Oregon Transportation Planning Rule, the Region 2040 Plan, the Metro Urban Growth Management Functional Plan, and the Portland Comprehensive Plan, as explained in the *Findings Report* attached as Exhibit B and incorporated as part of this ordinance. These rules, policies, plans, provide a basis for integrating new residential, commercial and employment activities into the study area.
13. On October 5, 2005 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
14. Written notice of the November 22, 2005 Portland Planning Commission and December 1, 2005 Portland Design Commission public hearings was mailed to 614 interested parties on October 21, 2005.
15. On October 24, 2005 a notice as required by ORS 227.186 was sent to all property owners potentially affected by changes to the base zone or allowed uses of property (73 total). Additional notices were mailed to property owners affected by additional proposed Design overlay zone and Comprehensive Plan Map changes (R3 to R1d) on December 9, 2005.
16. Notice of a rescheduled Design Commission public hearing was mailed to 617 interested parties on December 9, 2005.
17. On November 22, 2005, the Portland Planning Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. The Portland Planning Commission also held a public hearing for testimony on additional areas proposed for the Design overlay zone and changes to the Comprehensive Plan Map (R3 to R1d) on January 10, 2006. On February 14, 2006 the Planning Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Planning Commission.

18. On January 5, 2006, the Portland Design Commission held a public hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments*. On February 2, 2006 the Design Commission recommended that City Council adopt the *Proposed Implementation Amendments* as amended by the Design Commission.
19. The Planning Commission held a second hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments* on April 25, 2006 to consider further revisions to the Portland Zoning Code. Written notice of this follow-up Planning Commission hearing was mailed to 670 interested parties on April 7, 2006.
20. Portland City Council held a public hearing on June 15, 2006. Written notice of the June 15, 2006 a Portland City Council public hearing was mailed on May 22, 2006. The hearing was continued to June 28, 2006 and August 2, 2006 to consider amendments. Public testimony was taken at all hearings.
21. On July 12, 2006 a notice as required by ORS 227.186 was sent to property owners potentially affected by changes to the base zone or allowed uses of property (CM to CXd). On August 2, 2006, the Portland City Council held a hearing to consider the proposed changes and take public testimony on this matter.
22. The Portland Bureau of Planning mailed notice and held a public meeting on July 20, 2006 to discuss specific proposed amendments for a fuel station in the 122nd Avenue subdistrict of the East Corridor Plan District.
23. The City of Portland wishes to reduce reliance on oil and encourages the use of alternative fuels to help reduce oil dependence and improve air quality.
24. The 122nd Avenue Subdistrict will continue to evolve into a transit and pedestrian oriented mixed use area which will reduce reliance on motor vehicle travel and oil.
25. New fuel stations approved in the 122nd Avenue Subdistrict should include features such as mixed or multiple uses to reduce vehicle miles traveled and alternative fuel products such as B20 biodiesel to further reduce dependency on oil.
26. It is in the public interest that the recommendations contained in the *122nd Avenue Station Area Study Implementation Amendments* be adopted to direct change in the study area. These recommendations are consistent with Statewide Planning Goals, Metro's Functional Plan and the City's Comprehensive Plan for the reasons stated in the findings in Exhibit B.

NOW, THEREFORE, the Council directs:

- a. The *122nd Avenue Station Area Study Implementation Amendments*, dated May 2006 and contained in the attached Exhibit A, as amended by City Council, are hereby adopted.

- b. Portland's *Comprehensive Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*, and as amended by City Council.
- c. The *Outer Southeast Community Plan* is amended as described in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- d. The Portland Comprehensive Plan Map and the Zoning Map of the City of Portland are amended, as shown in Exhibit A, and as amended by City Council.
- e. The *Community Design Guidelines* are amended as shown in Exhibit A. The Desired Characteristics and Traditions statements included in Exhibit A will be used by design review bodies as extensions of Community Design Guideline P1, Plan Area Character, in the 122nd Avenue area as shown in Exhibit A, the *122nd Avenue Station Area Study Implementation Amendments*.
- f. Title 33, Planning and Zoning of the Code of the City of Portland, Oregon, is amended as shown in Exhibit A, and as amended by City Council.
- g. The commentary in Exhibit A is adopted as legislative intent and as further findings.
- h. Amended Exhibit B, *Findings Report*, dated August 2, 2006, which contains findings on applicable statewide planning goals, the Metro functional plan, and Portland Comprehensive Plan, is adopted as findings of fact.
- i. Portland City Code Title 16, Chapter 16.60 Motor Vehicle Fuels, is amended as shown in Attachment 1 of the memorandum to City Council dated July 31, 2006,
- j. The amendment to add Subsection 33.521.300.G, Motor Vehicle Fuel Sales in the CX Zone to Title 33, Planning And Zoning, will be effective on July 1, 2007. This amendment is in the memorandum to City Council dated July 31, 2006.

Section 2. This Ordinance shall be in full force and effect 45 days after Council adoption.

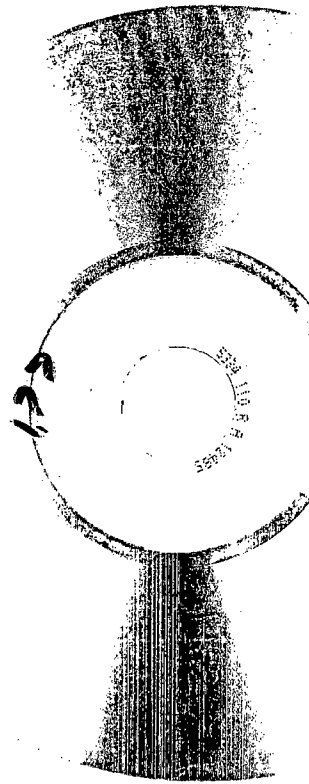
Passed by the Council, **AUG 1 6 2006**

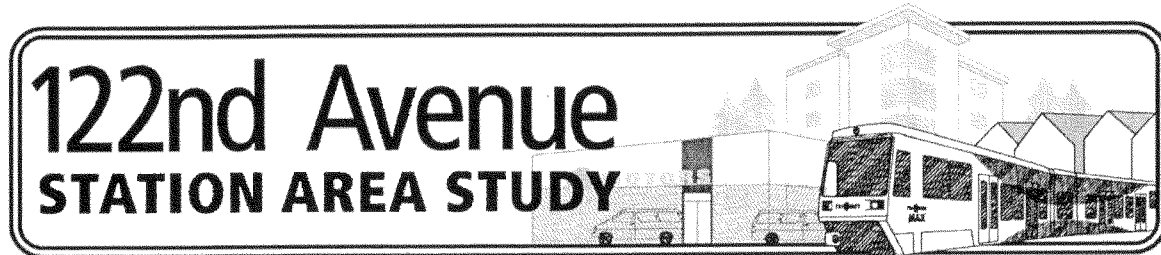
Mayor Tom Potter
Barry Manning
Date: August 1, 2006

GARY BLACKMER
Auditor of the City of Portland

By 
Deputy

122nd Ave
Ex A
Ex B
ORD 180372





**Recommended
Implementation Amendments**
*(Comprehensive Plan and Map, Zoning Map and Code,
and Design Guidelines)*

May 2006



CITY OF PORTLAND, OREGON
BUREAU OF

Planning

**The Portland City Council will hold a public hearing
for this project on:**

June 15, 2006
2:00 PM

Portland City Hall
Council Chambers
1221 SW 4th Avenue
Portland, Oregon 97204

To comment: Attend the City Council public hearing to testify, or send written testimony to the **Council Clerk, 1221 SW 4th Avenue, Room 140, Portland, Oregon 97204**. Testimony may also be sent by FAX to 503-823-4571, or by email to: kmoore-love@ci.portland.or.us. Written, faxed, and e-mailed testimony must include your name and street address and be received by the date of the hearing.

For more information on the 122nd Avenue Station Area Study,
please contact:

Barry Manning, AICP, Senior Planner
Portland Bureau of Planning
1900 SW 4th Avenue, Suite 4100
Portland, Oregon 97201
Phone: 503-823-7965
Fax: 503-823-7800
TDD: 503-823-6868
EMail: pdxplan@ci.portland.or.us
Internet: www.portlandonline.com/planning/

The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, please call Barry Manning at 503-823-7965.
(TTY 503-823-6868).



CITY OF PORTLAND, OREGON PLANNING COMMISSION

c/o Bureau of Planning
1900 S.W. 4th Ave., Suite 4100
Portland, OR 97201-5380
Telephone: 503-823-7700
Fax: 503-823-7800

May 17, 2006

Mayor Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Potter and City Commissioners:

The Portland Planning Commission is pleased to forward the *122nd Avenue Station Area Study: Recommended Implementation Amendments* for your consideration at a public hearing on June 15, 2006. The Planning Commission held a public hearing on November 22, 2005, and deliberated and amended the proposal at subsequent work sessions. On February 14, 2006, the Planning Commission voted 8-0 to support the changes included in the *122nd Avenue Station Area Study: Recommended Implementation Amendments*.

The Portland Planning Commission held a second public hearing on April 25, 2006, to consider additional revisions to the Portland Zoning Code (East Corridor Plan District, 33.521), and to confirm the map indicating areas where exterior display and exterior storage should be allowed (Map 521-4). The Planning Commission again voted unanimously to support these changes and confirm the map.

The *122nd Avenue Station Area Study: Recommended Implementation Amendments* contains changes to the Portland Comprehensive Plan, Comprehensive Plan Map, Zoning Map, Zoning Code and Community Design Guidelines. These changes are designed to facilitate development and investment in the 122nd Avenue MAX station area over time. The recommendations recognize and balance the needs of existing auto-oriented uses and businesses with neighborhood aspirations, and city, regional, and state policies for a more developed and transit-oriented future for the station area.

The study recommendations focus on land use regulations and design guidelines and include several key changes that may facilitate reinvestment by current property and business interests, while encouraging compatibility with high-density residential, commercial and mixed-use areas developing nearby. These include the following changes:

- Remove the current zoning prohibition on exterior display and exterior storage in key locations within the MAX station area to allow redevelopment of existing sites and facilitate expansion of uses with exterior display and exterior storage between transit intersection "nodes;"
- Reduce by 60% the required minimum floor area for sites in the MAX station area that have auto sales uses in areas where exterior display and exterior storage are allowed;
- Allow, in key locations, a substantial portion of a site's street frontage to feature exterior display of merchandise;

- Broaden the rights of existing nonconforming development in areas where exterior display and storage is prohibited, to allow continued use and reconfiguration of sites;
- Foster pedestrian-oriented and community-oriented development at key transit intersections – “nodes” – and other locations;
- Improve design and quality in the station area overall through application of design review. Specifically use design review to improve the compatibility of development with exterior display and storage with adjacent residential and commercial areas. Facilitate appropriate modifications to development design standards through design review; and
- Rezone selected properties from residential to commercial to address nonconforming use situations.

In addition, the study developed recommendations for improving pedestrian and vehicular circulation in the area and for improving the safety and aesthetics of the station area for pedestrians and drivers. The Planning Commission did not take action on transportation issues. However, we agree that the connectivity and streetscape recommendations included in the *122nd Avenue Station Area Study: Phase One Report and Recommendations* are important to the improvement of the 122nd Avenue station area. These transportation features should be further developed by the Portland Office of Transportation for future consideration by City Council.

The Planning Commission received thoughtful testimony at public hearings, from both those who participated throughout the process and those who got involved later in the process. The Commission considered and debated the issues raised prior to making our recommendations. We expect that City Council will again hear testimony on a number of the issues raised before the Planning Commission.

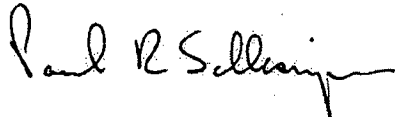
We believe that the *122nd Avenue Station Area Study: Recommended Implementation Amendments* provides a framework to guide the future of the 122nd Avenue MAX station area. The recommendations balance the diverse desires, needs, and perspectives of those who live, work, visit, own property, and do business here.

The Portland Planning Commission recommends that the City Council take the following actions:

1. Adopt an ordinance that:
 - a. Adopts the *122nd Avenue Station Area Study: Recommended Implementation Amendments* (report) and its appendices;
 - b. Amends the *Comprehensive Plan* to include the revised *Outer Southeast Community Plan Subarea Policy V, Objective 1*, as contained in this report;
 - c. Amends the *Comprehensive Plan* map as shown in this report;

- d. Amends the *Portland Zoning Code* and Zoning Map as shown in this report;
2. Direct the Portland Office of Transportation staff to further develop a strategy for streetscape improvements and to refine and adopt a master street plan for the area that builds upon the draft *Connectivity Plan* developed in the *122nd Avenue Station Area Study: Phase One Report and Recommendations*.

Sincerely,



Paul Schlesinger
President, Portland Planning Commission

Cc: Members of the Portland Planning Commission
Members of the Portland Design Commission
Gil Kelley, Director, Bureau of Planning
Barry Manning, Senior Planner, Bureau of Planning



City of Portland
Design Commission

1900 SW Fourth Ave., Suite 5000
Portland, Oregon 97201
Telephone: (503) 823-7300
TDD: (503) 823-6868
FAX: (503) 823-5630
www.portlandonline.com/bds

May 18, 2006

Mayor Potter and Commissioners Adams, Leonard, Saltzman, and Sten
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Dear Mayor Potter and City Commissioners:

The Portland Design Commission is pleased to recommend changes to the *Portland Community Design Guidelines* as part of the *122nd Avenue Station Area Study: Recommended Implementation Amendments* for your consideration at a public hearing on June 15, 2006. The Portland Design Commission held a public hearing on January 5, 2006, and voted to approve the changes incorporated in the *122nd Avenue Station Area Study: Recommended Implementation Amendments* on February 10, 2006.

The Design Commission received thoughtful testimony at public hearings, and considered and debated many development and design-related issues, including location of exterior display and storage areas, building setbacks, floor areas, and landscaping prior to making our design recommendations. The recommended changes to the *Community Design Guidelines* are intended to provide guidance for review of development in the 122nd Avenue MAX station area to improve the overall level of design and compatibility among various, and sometimes conflicting, uses and development forms.

Overall, the changes included in the Planning Commission-approved *122nd Avenue Station Area Study: Recommended Implementation Amendments* will allow reinvestment by property and business interests, while encouraging compatibility with high-density residential, commercial and mixed-use areas developing nearby.

The Portland Design Commission recommends that the City Council adopt an ordinance that amends the *Community Design Guidelines* as shown in the *122nd Avenue Station Area Study: Recommended Implementation Amendments*.

Sincerely,

Michael McCulloch
Chairman, Portland Design Commission

Cc: Members of the Portland Design Commission
Members of the Portland Planning Commission
Gil Kelley, Director, Bureau of Planning
Barry Manning, Senior Planner, Bureau of Planning

122nd Avenue Station Area Study

Recommended Implementation Amendments *(Comprehensive Plan and Map, Zoning Map and Code, and Design Guidelines)*

May 2006



**CITY OF PORTLAND, OREGON
BUREAU OF**

Planning

Acknowledgements

Portland City Council

Tom Potter, Mayor
Sam Adams, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

Portland Planning Commission

Paul Schlesinger, President
Timothy Smith, Vice President
Don Hanson, Vice President
Christine Caruso
Amy Cortese
Larry Hilderbrand
Gail Shibley
Ingrid Stevens
Youlee Yim You

Bureau of Planning

Tom Potter, Mayor, Commissioner-in-charge
Gil Kelley, Planning Director
Joe Zehnder, Principal Planner
Barry Manning, AICP, Senior Planner

With Assistance From:

Carmen Piekarski, GIS Analyst
Jessica Richman, Senior Planner
Mark Raggett, City Planner II, Urban Design
Douglas Hardy, Senior Planner, Bureau of Development Services
Stuart Gwin, Transportation Planner, Portland Office of Transportation

122nd Avenue Station Area Study Working Group

Warner Allen, Gateway Area Business Association (to March 2005)
Gwenn Baldwin, Tonkin Family of Dealerships
Don Bartley, Parkrose Heights Neighborhood Association (from April 2005)
Brad Carter, Portland Bureau of Development Services
Donna Dionne, Midway Business Association
Peter Finley Fry, Tonkin Family of Dealerships
Barbara Harrison, Hazelwood Neighborhood Association
Sharon Kelley, Metro (to April 2005)
Bonny McKnight, Russell Neighborhood Association
John Moon, Rey Reece Dealerships (from April 2005)
Joyce Rothenbucher, Hazelwood Neighborhood Association (alternate)
Phil Selinger, TriMet
John Stockem, Parkrose Heights Neighborhood Association (to February 2005)
Beverly Tobias, Mill Park Neighborhood Association

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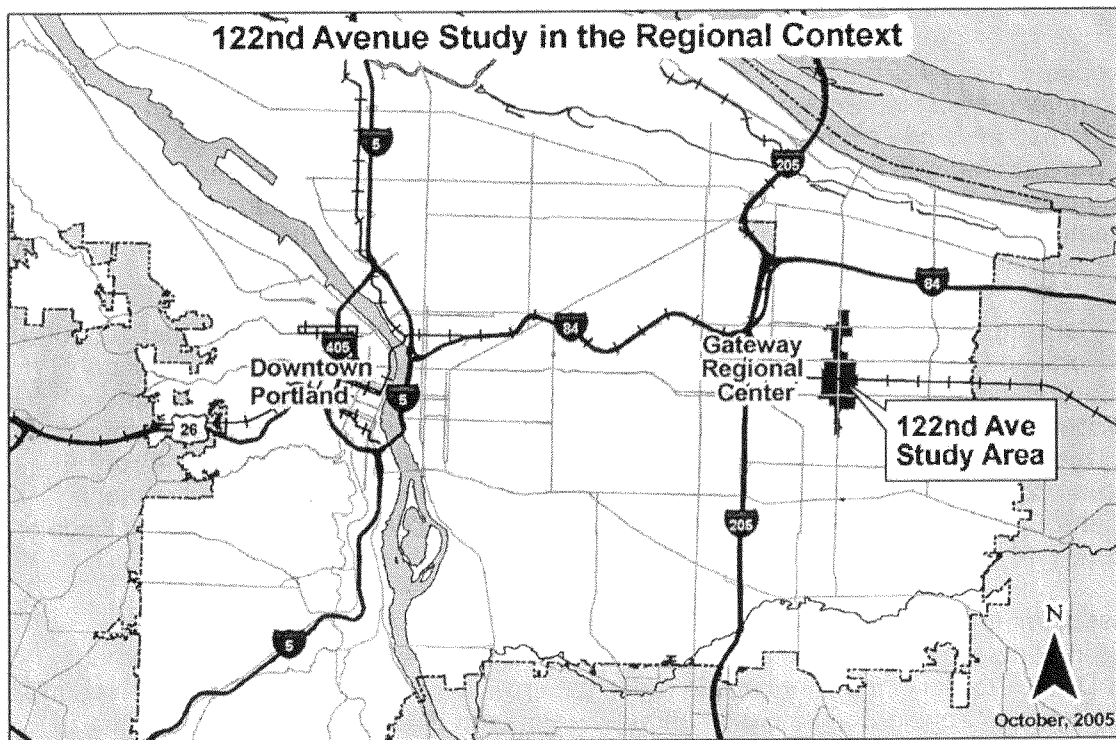
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Introduction

What is this Document?

The *122nd Avenue Station Area Study: Recommended Implementation Amendments* contains recommended amendments to the *Comprehensive Plan*, *Comprehensive Plan Map*, *Zoning Map*, *Zoning Code*, and *Community Design Guidelines* for the area near the 122nd Avenue MAX light rail station. The amendments are designed to generally implement the land use and development design recommendations of the *122nd Avenue Station Area Study: Phase One Report and Recommendations* (Appendix 1, available under separate cover). The phase one report recommended changes in land use and development policies and regulations to allow development flexibility for auto-oriented land uses and those that use exterior display and storage near the 122nd Avenue Transit Station, while maintaining aspirations for higher density, transit-supportive development in the long term. Portland City Council will consider these recommended changes at a public hearing on June 15, 2006.

The *122nd Avenue Station Area: Phase One Report and Recommendations* also contained recommendations for streetscape improvements and other transportation system improvements that require further impact and design analysis and development before action may be taken on them. This document does not address the transportation aspects of the 122nd Avenue Study. However, these issues may be considered by Portland City Council at a future date.



The map above shows the location of the 122nd Avenue study area in the context of the City of Portland.

Summary of the Study Planning Process

The 122nd Avenue Station Area Study, initiated in November 2004, was requested by Portland City Council, and stemmed from issues raised in testimony during review and adoption of the *Gateway Planning Regulations Project* (May 2004). The *Gateway Planning Regulations Project* separated the newly-created East Corridor Plan District (33.521) from the existing Gateway Plan District (33.526). The East Corridor Plan District applies regulations to address land use and development near the eastside MAX corridor between NE Glisan Street and SE Stark Street. During that planning process, a question was raised about the role and treatment of uses in the plan district area, such as auto dealers, that employ exterior display and storage as a part of development. These types of development have increasingly been limited or prohibited by code in transit oriented areas such as MAX stations.

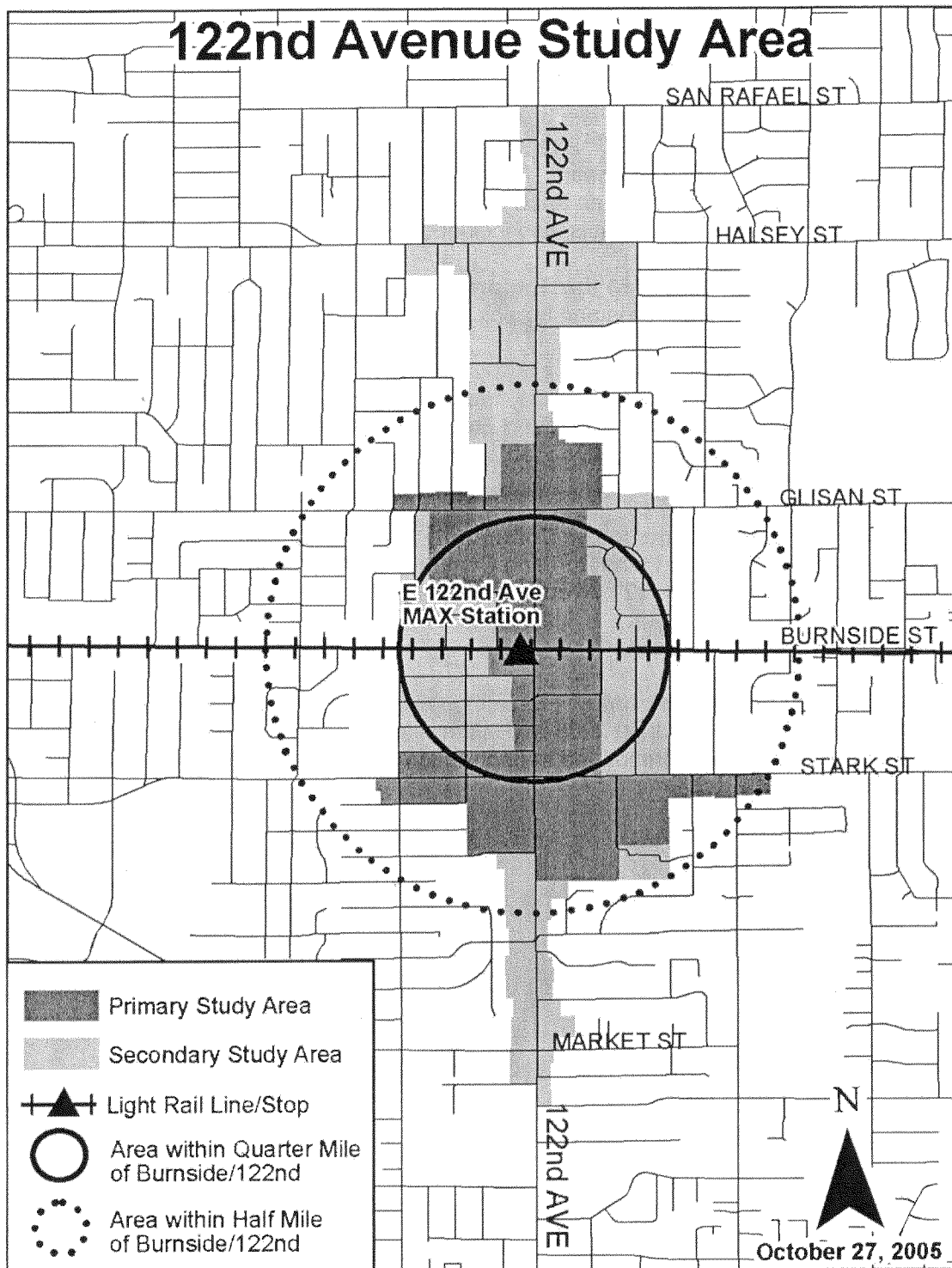
The Portland Bureau of Planning (Planning) conducted a public process from November 2004 to July 2005 to evaluate conditions and consider alternatives in the 122nd Avenue station area. This process included monthly meetings from November 2004 to June 2005 of a study working group (SWG) composed of local neighborhood and business representatives, and public agencies. The public process also included three larger public meetings (February 2005, April 2005, and June 2005) where the public discussed options presented by staff and a consultant team funded through an Oregon Transportation and Growth Management (TGM) grant. The result of that effort was the June 2005 122nd Avenue Station Area Study: *Phase One Report and Recommendations* (Appendix 1). See Appendix 1 for further detail on the study public process.

To implement the 122nd Avenue Station Area Study: *Phase One Report and Recommendations*, the Bureau of Planning developed Draft Comprehensive Plan and Zoning map and code alternatives, and amendments to the Community Design Guidelines that were shared with the working group, local neighborhood associations, and business stakeholders. These draft alternatives and amendments were refined into an implementation amendments proposal that was submitted to the Portland Planning Commission and Portland Design Commission for consideration in Autumn 2005.

The Planning Commission held a public hearing and took testimony on November 22, 2005. The Portland Design Commission held a public hearing and took testimony on January 5, 2006. Both commissions held further work sessions on the proposal, and made further amendments to the Bureau of Planning proposal based on testimony and other feedback. The Design Commission approved amendments to *Community Design Guidelines* on February 2, 2006. The Portland Planning Commission approved amendments to the *Portland Comprehensive Plan*, *Comprehensive Plan Map*, *Zoning Map*, and *Zoning Code* on February 14, 2006.

Subsequent to Planning Commission approval on February 14, 2006, the Bureau of Planning proposed changes to the Portland Zoning Code Chapter 33.521, East Corridor Plan District, to clarify the intent and improve the applicability of the Planning Commission's recommended Zoning Code amendments. The Portland Planning Commission held a hearing to consider the changes proposed by the Bureau of Planning and to confirm the Planning Commission's February 14, 2006, recommendation for Map 521-4, Areas Where Exterior Display and Storage are Allowed. The Planning Commission approved the proposed changes, and confirmed their previous map recommendation.

The recommendations of the Planning Commission and Design Commission are embodied in this report.



The map above shows the 122nd Avenue station study area.

How this Document is Organized

This document contains the following sections:

- A. **Summary of Recommendations** is a brief summary of the recommendations that were outcomes of phase one of the 122nd Avenue Station Area Study public process that began in Autumn 2004. The document, *122nd Avenue Station Area Study: Phase One Report and Recommendations*, is an appendix. A summary of implementation recommendations in this document is also included.
- B. **Recommended Amendments to the Comprehensive Plan, Comprehensive Plan Map and Zoning Map** is a written and graphic (map) description of recommended changes.
- C. **Recommended Amendments to Title 33, the Portland Zoning Code** contains recommended amendments to the Portland Zoning code that work in conjunction with Comprehensive Plan, Comprehensive Plan Map and Zoning Map amendments to implement desired changes.
- D. **Recommended Amendments to the Community Design Guidelines** contains recommended amendments to the Portland Community Design Guidelines to specify the unique circumstances in the 122nd Avenue station area as an aid in design review.

The **Appendix** contains the following:

1. *122nd Avenue Station Area Study: Phase One Report and Recommendations*. This report was completed in June 2005 and is the result of a six month public process to explore land use development and transportation issues in the 122nd Avenue station area.

A. Summary of Recommendations

122nd Avenue Station Area Study Phase One Report Summary

The *122nd Avenue Station Area Study Phase One Report and Recommendations* was the result of a six-month effort initiated by the City of Portland Bureau of Planning with a grant from the Oregon Transportation and Growth Management Program. This grant funded a consultant team led by SERA Architects that, in conjunction with the City project team, analyzed land use, transportation, and regulatory issues in the 122nd Avenue station area.

A public process was conducted to review existing conditions in the area, as well as various alternatives for future development, the public realm, and the interface between public and private spaces. The result was a set of phase one study recommendations that aim to strike a balance between the auto-oriented uses in the area and aspirations for a more transit-oriented and pedestrian-friendly future.

Study Area

The study is focused on the area around the MAX light rail station at 122nd and East Burnside Street, with a primary study area generally running from NE Glisan to SE Stark Streets, and the secondary study area going from approximately NE Halsey to SE Mill Streets and from 117th to 127th Avenues.

Background

Since the introduction of MAX light rail transit in the mid-1980s, public policies have promoted more intense development around the 122nd Avenue MAX station, focusing on development that benefits from being near the station and that helps encourage transit use. The regulations that implement this policy have made it difficult for established auto-oriented development in the area to improve or expand operations without significant changes to development forms. As a follow-up to the 2004 *Gateway Planning Regulations Project*, stakeholders asked the City of Portland to review land use policies along 122nd Avenue and to address the issues that transit-oriented development policies create for established and growing auto-oriented uses. The 122nd Avenue Station Area Study was undertaken to explore ways to meet the transit-oriented goals for the area while dealing with the reality and needs of its auto-oriented uses.

Study Mission

The general mission of the 122nd Avenue Station Area Study is to:

Foster the creation of a positive and distinctive place at the 122nd Avenue transit station, and to coordinate public and private investments along the 122nd Avenue main street and in the station area in order to:

- Build on the area's light rail assets;
- Improve the area's appearance and function;
- Serve adjacent residents and nearby neighborhoods; and
- Support businesses that serve both local and regional customers.

The following goals and objectives were developed as part of phase one of the 122nd Avenue Station Area Study.

Study Goals and Objectives

Foster a stronger "Sense of Place"

- Create focal points of activity (nodes) that support concentrations of active businesses and residences
- Integrate neighborhood-serving businesses within areas that include established businesses that serve a larger market area
- Support light rail transit (MAX) investments with more intense development near the station area
- Create safe, defensible spaces
- Foster "greening" of the area through landscaping in key areas and sustainable stormwater management practices

Enhance the Pedestrian Environment

- Create streets and pedestrian connections that are convenient, direct, comfortable, appealing and safe
- Improve the appearance of 122nd Avenue and other key streets with trees and other features
- Minimize the visibility of surface parking and vehicle storage areas; cluster parking where possible to serve multiple uses
- Organize parking access points to reduce conflicts with pedestrians and traffic

Manage Traffic and Transportation

- Balance transportation modes and optimize the system
- Provide traffic calming and improve safety through street design
- Limit cut-through traffic in neighborhoods

Improve Access to and within the Area

- Ensure access to the area through connections to the broader system (traffic, transit, bike, pedestrian)
- Plan for new streets where appropriate
- Improve existing and add new pedestrian crossings across 122nd Avenue
- Improve and add pedestrian connections east and west to link with 122nd Avenue and other key streets

Catalyze Future Investment

- Build on synergies: link land uses and activities
- Foster a strong business environment to serve local and broader markets
- Emphasize high-quality design and durable construction materials in new development.
- Plan for foreseeable economic and development horizons, but do not preclude potential for new ideas or market changes

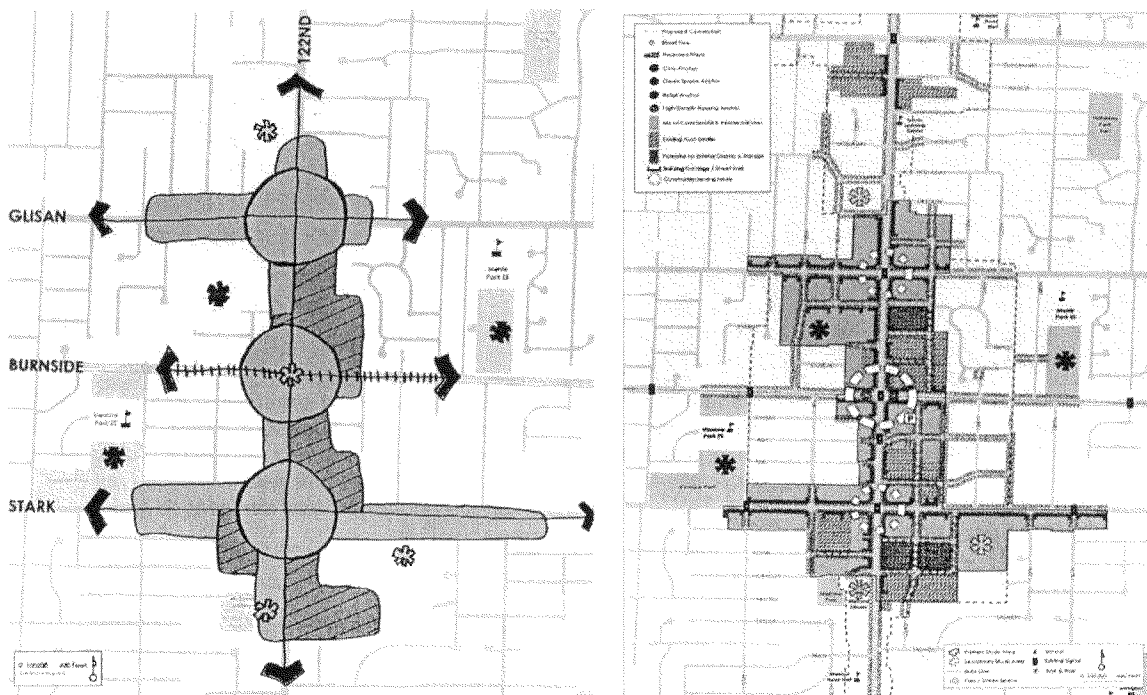
Station Area Concept Overview

The concept for the 122nd Avenue station area blends the established auto-oriented uses in the area with aspirations for a more transit-oriented and pedestrian-friendly future. It accomplishes this objective by focusing pedestrian-friendly development and community-serving land uses at key intersections and other locations in the area. These intersections (122nd with Glisan, Burnside, and Stark) are well served by transit and are the key community entry points to this section of the 122nd Avenue main street. In key locations between transit intersections, the concept provides for more flexibility to accommodate land uses, such as auto dealers, that feature exterior display and storage as part of their site development. Well-designed and landscaped exterior display areas are expected to provide an attractive environment for customers, as well as enhance the area's character for pedestrians, bicyclists, and motorists.

Key Concept Components:

Development Framework

The framework concept fosters a development pattern that focuses new pedestrian-oriented and transit-supportive development at intersection "nodes" at Burnside, Glisan, and Stark streets and areas on the west side of 122nd Avenue. The framework also calls for allowing greater flexibility for established uses that utilize exterior display and storage, and potential expansion for new uses that utilize exterior display and storage in key areas between the intersection nodes. The 122nd Avenue Station Area Development Concept, a refinement of this framework, is shown on page 9.



The diagrams above show the development framework for the 122nd Avenue Station Area. Pedestrian oriented development is focused at the key intersection "nodes" of 122nd Avenue and Glisan, Burnside and Stark. Exterior display and storage is prohibited in new development at these corners to enhance the pedestrian environment and encourage community-serving uses.

Connectivity Plan

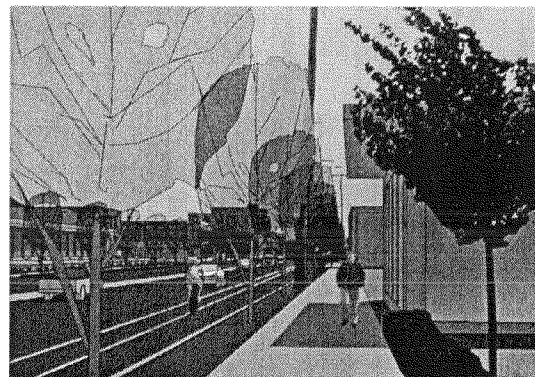
The recommended connectivity plan shows the locations for future streets and connections in the station area. It is designed to provide, over time, more convenient and direct connections to the 122nd Avenue transit station and nearby commercial activities from adjoining neighborhoods. The plan also provides a pattern for future development that is supportive of the more frequent connections needed for a walkable, transit-oriented area.

Streetscape

The recommendations for streetscape enhancements are designed to improve the appearance of the 122nd Avenue station area while providing improved pedestrian safety and accessibility. The recommended approach balances the needs for turn movements and access with a desire for improved appearance, and allows for implementation over time.

Sidewalks and Building Setbacks

The recommendations for sidewalks and building setbacks are designed to foster an environment that is pleasing to and convenient for pedestrians, transit users, and motorists. They also respond to the different environments created at intersection “nodes” and the areas in between. Sidewalks along 122nd and arterial streets in the Ventura Park Pedestrian District are designed to mitigate the impacts of heavy traffic volumes on pedestrians by providing a generous buffer between pedestrians and traffic. Further, street tree and landscaping treatments are set to provide an aesthetic “greening” effect while better managing stormwater. Maximum building setbacks between the nodes are recommended to be increased for residential buildings to provide greater buffering from the street, as well as for retail businesses that may utilize exterior display areas.



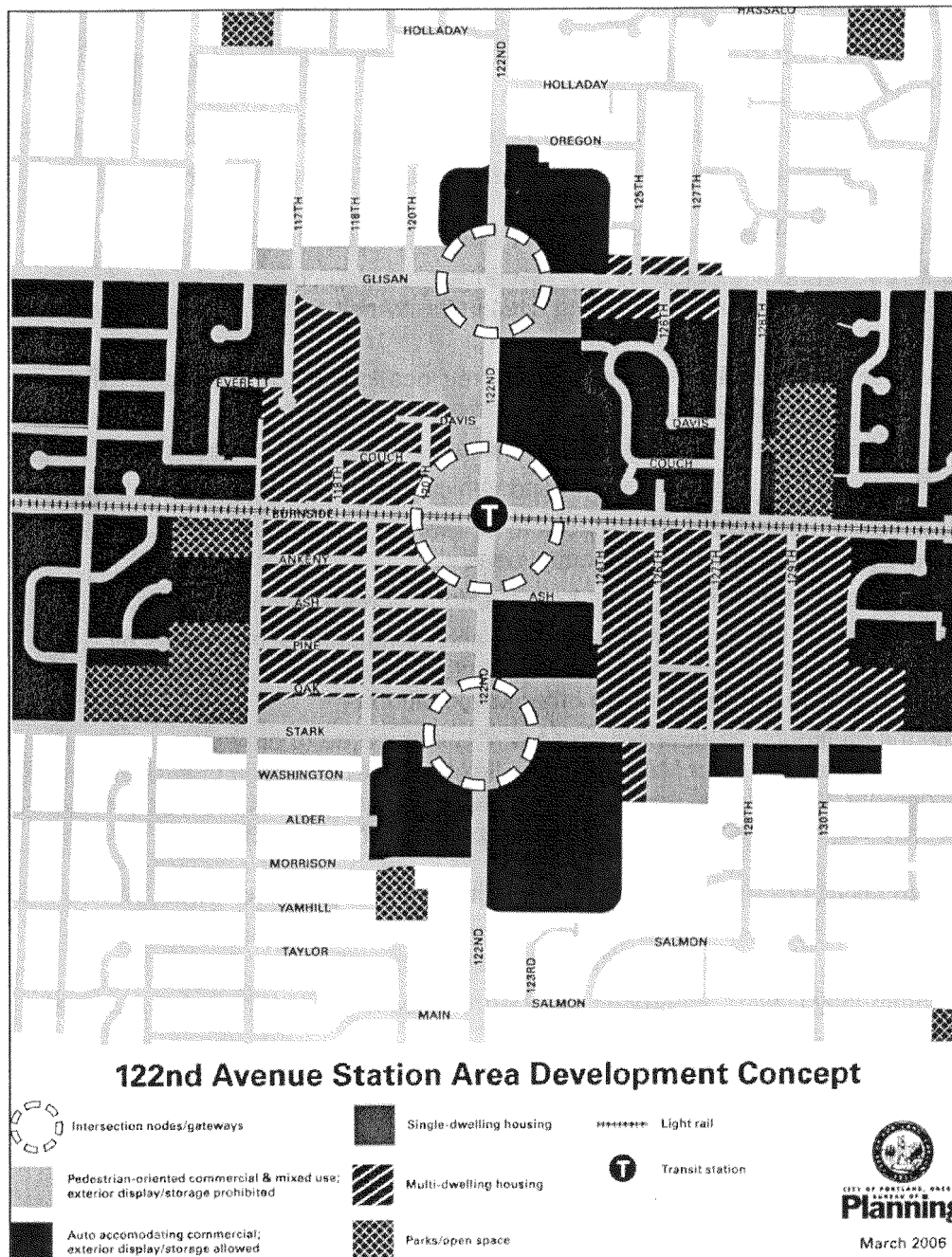
Existing conditions (left) on 122nd Avenue and a concept of future development and streetscape enhancements (right). In the future, the 122nd Avenue streetscape may be enhanced with wider sidewalks, street trees, pedestrian refuges and curb extensions. The built environment features some buildings near the street, such as those at the nodes and those without exterior display. Residential uses and uses with exterior display may choose to employ larger setbacks. Exterior display areas “between the nodes” are well landscaped and contribute to the pedestrian experience.

Site Design

The recommendations for site design at the intersection “nodes” encourage an intensely developed mix of retail, office, housing, and mixed-use development that is pedestrian-oriented but accessible by automobiles. In between nodes, site design recommendations call for more flexibility for businesses that feature exterior display, with limitations on the size and location of display areas, and site development plans that may allow for future redevelopment opportunity. In both areas, enhanced design guidelines and/or standards are recommended to encourage a high level of building quality, landscaping, and other features that help ensure compatibility with other uses in the station area.

122nd Avenue Station Area Development Concept

The recommended development concept for the 122nd Avenue Station Area calls for encouraging pedestrian-oriented, community retail and mixed-use development at transit intersection nodes (Glisan, Burnside, Stark), and along major portions along the west side of 122nd Avenue. The concept calls for providing increased flexibility for auto-accommodating uses and regional retail with allowances for exterior display and storage of merchandise on the east side of 122nd Avenue between major intersections.



Recommended 122nd Avenue Station Area Implementation Amendments Summary

The following is a summary of recommended 122nd Avenue Station Area implementation amendments.

Comprehensive Plan and Zoning Map changes

- Change CS and CM to CXd for large or auto-oriented sites within the station area
- Change CS to CGd for auto sites outside station area (Stark Street)
- Change CO1 to CSd to allow retail and address non conforming use issues (Glisan Street)
- Change RHd to CSd on sites in station area to address non-conforming use issues
- Change R3a to R1d Comprehensive Plan Map on selected sites; retain R3a zone
- Apply the Design overlay zone (33.420) to commercially-zoned properties in the area

Zoning Code Amendments: Modify 33.521 East Corridor Plan District

- Create a special subdistrict for the 122nd Avenue area with codes that address the special conditions of the area, including sites in the transit station area where exterior display and exterior storage are allowed
- Allow exterior display and exterior storage at key locations in the subdistrict; allow expansion of exterior display and exterior storage in key areas
- Require landscaping of sites with exterior display and exterior storage areas
- Allow exterior display, exterior storage, and vehicle areas on 50% of street frontage
- Increase the maximum building setbacks to 20 feet for commercial uses with exterior display and/or storage, and for residential uses
- Allow additional exterior display area in the 20-foot allowed building setback
- Encourage pedestrian-oriented development and community serving uses by maintaining the prohibition on new exterior display and storage around transit intersections in the subdistrict and in other key locations
- Maintain the minimum 1:1 floor area ratio (FAR) in the area to prevent underutilization of sites near MAX. Provide flexibility for demolition of structures and redevelopment at a reduced minimum floor area ratio (minimum 0.4:1) for sites with auto sales uses in areas where exterior display and storage are allowed

Apply the Design Overlay Zone and Amend Community Design Guidelines

- Use the two-track system, which allows small projects and residential uses to meet design standards rather than Type II design review process
- Apply Community Design Standards (33.218); maintain existing thresholds for the use of community design standards
- Amend the Community Design Guidelines: create "Desired Characteristics and Traditions" statements to provide guidance in applying *Community Design Guidelines* in Type II design review process

B. Recommended Amendments to the Comprehensive Plan and Map, and Zoning Map

The *Portland Comprehensive Plan* and the *Outer Southeast Community Plan* (OSECP) set the current policy framework for the study area. The OSECP contains Subarea Policy V: MAX LRT (light rail transit) Corridor. The policy is stated below, along with objectives. As a result of the *122nd Avenue Station Area Study*, it is recommended that uses with exterior display and storage be allowed near the transit station, and that site configurations with exterior display and storage are appropriate in key locations until such time that market forces dictate more substantial change. To acknowledge this, an amendment to Subarea Policy V, Objective 1 is recommended as shown below.

Outer Southeast Community Plan Subarea Policy V: MAX LRT Corridor

Ensure that private development reinforces and is reinforced by the public light rail investment by encouraging development of intense commercial and dense residential uses near the MAX light rail stations.

Objectives:

1. *Encourage the long term redevelopment and intensification of large underused or auto-oriented sites along 122nd Avenue to a mixture of commercial and residential uses.*
2. *Improve the pedestrian orientation of buildings and streets around light rail stations.*
3. *Increase housing densities within one-quarter mile of a transit stop to at least medium-density multifamily, as the appropriate opportunity arises, and apply transit-supportive zones to commercially-zoned land.*
4. *Increase housing densities within one-half mile of the light rail stations to at least the higher density single family designations as the appropriate opportunity arises.*
5. *Establish through connections at approximately 400-foot intervals from east to west and north to south directions as the opportunity exists.*
6. *Provide sidewalks and separate them from traffic by street trees and parked cars wherever possible.*

Comprehensive Plan Map and Zoning Map Amendments

The Portland Comprehensive Plan map guides land use and development patterns. It specifies, by site, where various land uses can be located in the future. The Comprehensive Plan map designations both protect community livability and provide certainty for those wishing to develop or redevelop their land. The designations are tied to policy statements in the Comprehensive Plan.

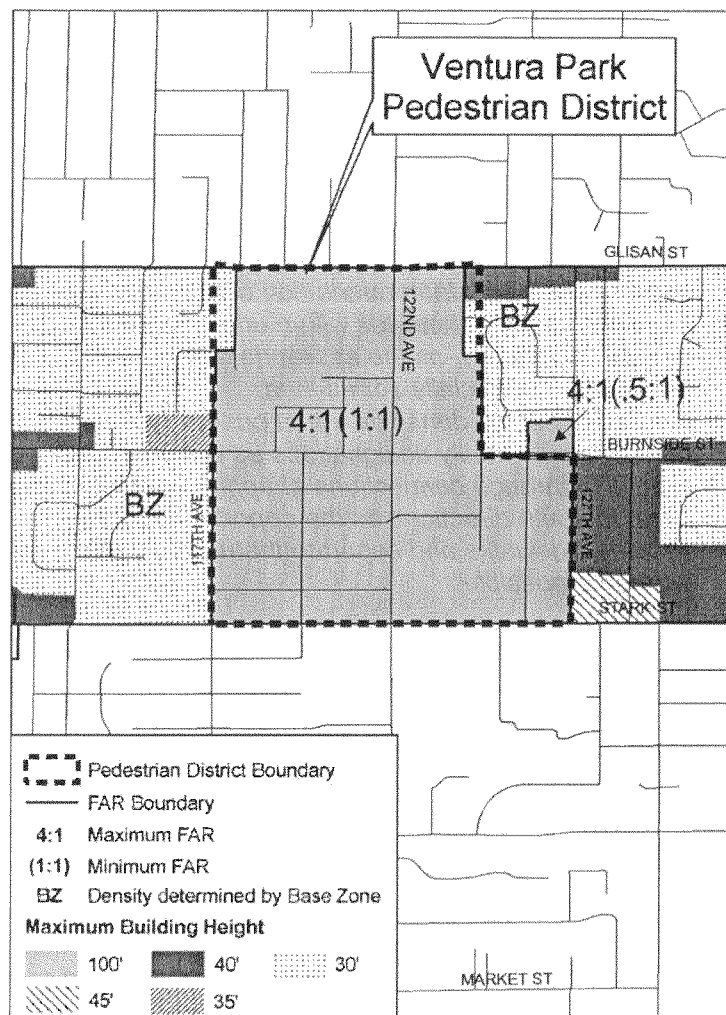
Each Comprehensive Plan map designation corresponds with one or more "zones," which are defined in Title 33: Planning and Zoning Code. Zoning is a tool that helps implement the Comprehensive Plan map. The zoning code contains regulations that specify the permitted development type, scale, and density on a given site. Zones include provisions that regulate the use of land and some aspects of design. Like the Comprehensive Plan map, there is also a Zoning Map that specifies which zone is applied to every site within the city. The Comprehensive Plan map is "superior" to the Zoning Map, meaning the Zoning Map should not allow development that is more intensive or different than that allowed by Comprehensive Plan map designations.

In addition to the “base” Comprehensive Plan map and zoning designations, sites may have further regulations through the application of “overlay” zones or plan districts. These regulations supersede the “base” designations, and may be more or less restrictive than the base designation. Overlay zones apply to specific circumstances rather than specific areas of the city and may deal with issues like design review, buffers, and environmentally sensitive areas. A plan district is created and applied in only one area of the city to address unique characteristics and development issues. The 122nd Avenue station area uses overlay zones as well as a plan district as implementation tools.

The map on page 14 shows the current Comprehensive Plan and Zoning map designations for the area. The recommended Comprehensive Plan Map and Zoning Map are on page 15. The 122nd Avenue transit station area is generally defined as the area bounded by NE Glisan on the north; SE Stark on the south; 117th Avenue on the west; and 127th Avenue of the east. This area is also designated as the Ventura Park Pedestrian District (see map).

In addition to base zoning, the study area is subject to the East Corridor Plan District (Portland Zoning Code Chapter 33.521), which has development standards that apply to sites in the entire plan district, and special regulations that apply within designated pedestrian districts around light rail stations. The 122nd Avenue area also has specific maximum heights and floor area ratios (FAR) that apply to the area. No changes are recommended to the maximum height (100 feet maximum) or maximum FAR (4:1, with an additional 2:1 allowed for projects with 80% residential floor area) currently allowed in the area.

In the recommendation, properties will be subject to the plan district regulations, and the regulations of a new subdistrict created for the 122nd Avenue area (see code amendments, Section C).



The map above shows the Ventura Park Pedestrian District boundary, and allowed maximum floor area ratios and maximum building height limits.

The design overlay zone is currently applied to multidwelling residential zones in the area. The design overlay zone is recommended to be applied to commercial zones to enhance design and compatibility for all development in the station area. Specific Design Guidelines are discussed in Section D of this document. A Type II procedure would apply.

Recommended Changes to the Comprehensive Plan Map and Zoning Map

The following is a summary of recommended changes to the Comprehensive Plan Map and Zoning Map.

CS (Storefront Commercial) to CXd (Central Commercial): This change applies to several large and/or auto-oriented sites within the station area. The total area affected is approximately 48 acres. The Central Commercial (CX) zone is intended to provide for commercial development in Portland's most urban and intense areas. The CX zone was selected because: 1) currently allowed FAR (4:1 with 2:1 bonus) and height limits (100 feet) in the East Corridor Plan District exceed those allowed by the CX base zone (4:1; 75 feet); 2) the ground floor window requirements of the East Corridor Plan District are similar to those in the CX zone; 3) the CX zone provides additional flexibility on large sites because there is no required minimum building coverage; and 4) the CX zone, altered through plan district regulation to accommodate lower intensity uses with exterior display and storage, allows for the future intensification and development previously envisioned for the station area. The design overlay zone is applied to foster higher-quality building and site design, and improve compatibility.

CM (Mixed Commercial/Residential) to CXd (Central Commercial): This change applies to one lot which is part of a larger site in the station area and pedestrian district. The total area affected is approximately 10,000 square feet. The design overlay zone is applied to foster higher-quality building and site design, and improve compatibility.

RHd (High-density Residential) to CSd (Storefront Commercial): This change applies to a few small sites within the station area and Ventura Park Pedestrian District. The total area affected is approximately one acre. The CS zone was selected because: 1) two of the three affected properties are currently developed and used as commercial; 2) the lots affected are relatively small (less than one acre in size); and 3) lot patterns suggest that the lot currently developed with a residence could be consolidated with other parcels for future redevelopment. Residential uses are allowed in this zone; no nonconforming uses are created. The design overlay zone is retained to foster higher-quality building and site design and to improve compatibility.

CM (Mixed Commercial/Residential) to CMD: The CM zone is retained on small parcels near the MAX station to ensure residential or mixed-use development. The design overlay zone is applied to foster higher-quality building and site design and improve compatibility.

CS (Storefront Commercial) to CSd: The CS zone is retained on small parcels (roughly one acre or less) in the station area to allow commercial, mixed use, or residential development. The design overlay zone is applied to foster higher-quality building and site design and to improve compatibility.

CO1 (Office Commercial) to CSd (Storefront Commercial): This change applies to a few lots on Glisan Street outside the station area and Ventura Park Pedestrian District. The total area affected is less than one acre. This zone was selected to foster neighborhood-serving

retail use near the intersection node and to resolve non-conforming use situations. The design overlay zone is applied to foster higher-quality building and site design and to improve compatibility.

CS (Storefront Commercial) to CGd (General Commercial): This change applies to a site on the south side of Stark Street outside the station area and Ventura Park Pedestrian District. The total area affected is approximately three acres. This zone was selected to provide flexibility for existing development and resolve nonconforming development issues on a site currently developed with exterior display and storage. The design overlay zone is applied to foster higher-quality building and site design and to improve compatibility.

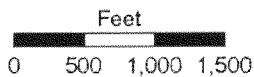
R3a (Low-density Multidwelling) to R1d (Medium-density Multidwelling): This change applies to a few sites on 122nd Avenue outside the station area and Ventura Park Pedestrian District. The Comprehensive Plan is recommended to be amended to R1d, but the R3a zoning is retained. The Comprehensive Plan is changed to balance housing potential in the study area lost by residential to commercial zone changes (see above), and to provide for future density and development types appropriate near a main street with commercial services. If the zone is changed in the future by quasi-judicial action, application of the design overlay zone is recommended to provide higher design quality and compatibility.

March 8, 2006
**Existing Zoning
 and
 Comprehensive Plan
 Map**

LEGEND

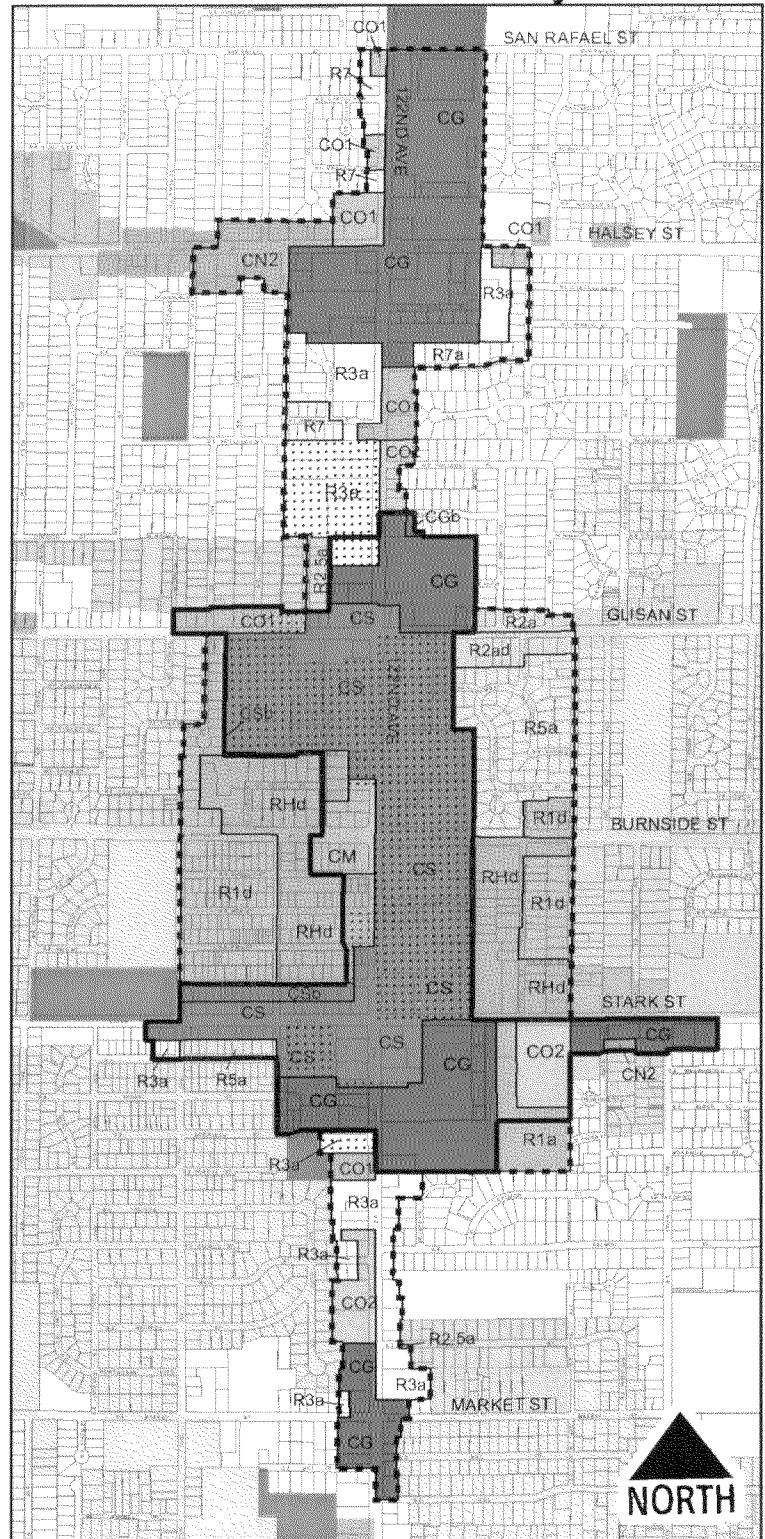
- Primary Study Area
- Secondary Study Area
- R5** Existing Zone Designation
- Areas of recommended change to Zoning/Comprehensive Plan
- Open Space - OS
- Residential 7,000 - R7
- Residential 5,000 - R5
- Residential 2,500 - R2.5
- Residential MD 3,000 - R3
- Low Density MD 2,000 - R2
- Medium Density MD 1,000 - R1
- High Density Residential - RH
- Central Residential - RX
- Institutional Residential - IR
- Neighborhood Commercial 2 - CN2 [NC]
- Office Commercial 1 - CO1 [OC]
- Office Commercial 2 - CO2 [OC]
- Storefront Commercial - CS [UC]
- Mixed Commercial - CM [UC]
- General Commercial - CG
- Central Commercial - CX

Note: Comprehensive Plan map designations generally correspond to one Zoning map designation, and share the same abbreviations. In cases where Comprehensive Plan map designations correspond to more than one Zoning designation, the Comprehensive Plan map abbreviation is shown in brackets [##].



City of Portland, Bureau of Planning

122nd Avenue Study



Map

Central Commercial - CX

C. Recommended Amendments to Title 33, the Portland Zoning Code

This section contains recommended amendments to the Portland Zoning Code (Title 33) to implement concepts developed in the 122nd Avenue Station Area Study.

How changes are shown in this section

Language to be added to the Zoning Code is underlined; language to be deleted is shown in ~~striketrough~~.

The left-hand page provides commentary for the recommended code language.

In order to limit the size of this document and eliminate excessive printing, only those sections of the Zoning Code that are being amended are included in this document. This document is not intended to replace the entire code. In order to understand the recommended changes, this document should be used with a current copy of the Zoning Code. The current Zoning Code sections may be accessed at the Bureau of Planning website (<http://www.portlandonline.com/shared/cfm/image.cfm?id=53365>).

Commentary

CHAPTER 33.521

EAST CORRIDOR PLAN DISTRICT

The amendments are designed to allow flexibility for uses with exterior display and storage on specific sites in the 122nd Avenue MAX station areas. To do this while maintaining other regulations currently in place on other properties, a special subdistrict is created for the 122nd Avenue area. The list of sections is updated to reflect the addition of 33.251.300, Additional Standards in the 122nd Avenue Subdistrict, and Map 521-4, Areas Where Exterior Display and Storage are Allowed.

Recommended Code Amendments

**CHAPTER 33.521
EAST CORRIDOR PLAN DISTRICT**

(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05.)

Sections:

General

- 33.521.010 Purpose
- 33.521.020 Where These Regulations Apply

Use Regulations

- 33.521.100 Purpose
- 33.521.110 Prohibited Uses
- 33.521.120 Housing Regulations

Development Standards

- 33.521.200 Purpose
- 33.521.210 Building Height
- 33.521.220 Floor Area Ratios
- 33.521.230 Connectivity
- 33.521.240 Pedestrian Standards
- 33.521.250 Entrances
- 33.521.260 Building Design
- 33.521.270 Exterior Display and Storage
- 33.521.280 Drive-Through Facilities
- 33.521.290 Parking
- 33.521.300 Additional Standards in the 122nd Avenue Subdistrict

Map 521-1 East Corridor Plan District

Map 521-2 Maximum Building Heights

Map 521-3 Floor Area Ratios

Map 521-4 Areas Where Exterior Display and Storage are Allowed

Commentary

33.521.110 Prohibited Uses

The amendments to the Comprehensive Plan and Zoning Map changed the base zones in the station area. Specifically, the CX base zone allows Self-Service Storage, which is not an allowed use in the current CS zones. The amendments to this section are designed to retain the current prohibitions already in place in the East Corridor Plan District. Vehicle Repair that is not associated with retail auto sales and Self-Service Storage are not primary uses desired in a transit station area.

33.521.110.A

The amendment is a clarification of when Vehicle Repair is allowed.

33.521.200 Purpose

The purpose of the plan district remains to foster an intense mix of uses. Through application of design standards and guidelines, well-designed development with exterior display areas may function as outdoor showrooms for merchandise and may not adversely affect the pedestrian environment. However, other development, such as drive-through developments create vehicle pedestrian conflicts that should not be permitted in the pedestrian district.

Recommended Code Amendments**33.521.110 Prohibited Uses**

The following uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

- A. Vehicle Repair that is not ~~accessory to an auto dealership~~ on the same site as auto sales in the Retail Sales And Service category;
- B. Quick Vehicle Servicing; ~~and~~
- C. Commercial Parking; ~~and~~
- D. Self-Service Storage.

33.521.200 Purpose

Development regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and fosters intense mixed-use development with a high level of pedestrian amenities in Pedestrian Districts near light rail stations. The development regulations do this by:

- Enhancing the pedestrian experience throughout the plan district, but focusing more active, intense pedestrian activities around the light rail stations;
- Increasing the development potential around the light rail stations;
- Creating a street pattern that is oriented to pedestrians with the most urban streets around the light rail stations;
- Limiting development that may adversely affects the pedestrian environment such as exterior display and storage and drive-throughs along the light rail alignment and in Pedestrian Districts; and
- Encouraging the design of exterior display areas, where allowed, that are attractive and safe for pedestrians.

Commentary

33.521.260.C.1.a Building Design

The amendment mirrors language found elsewhere in the code and is made for code consistency. No net change in standards is proposed.

33.521.260.C.1.c Building Design

Because of the large lot configurations in the area, the development of new streets over time, and the allowance for exterior display and storage, it is possible that on sites with multiple street frontages, developments will not be able to meet this building wall/setback requirement. This amendment is intended to provide flexibility for site development, while orienting buildings to corners, with a priority on transit streets.

The amendment revises code section 33.521.260 to require that on sites with more than two street frontages that building walls meet the specified setbacks on a maximum of two frontages. It prioritizes the building placement near transit streets when the site has multiple frontages. When the site has more than one street of the same transit classification, the applicant may choose which street to meet the requirement on. This change is intended to provide flexibility to allow for parking and exterior display and storage areas by allowing sites with more than two street frontages to have greater building setbacks on certain sides of buildings.

Recommended Code Amendments**33.521.260 Building Design**

- A. Purpose.** These provisions promote a safe and interesting pedestrian environment by connecting ground floor uses to adjacent sidewalk areas, encouraging surveillance opportunities by restricting fortress-like façades at street level, and by encouraging the continuity of retail and service uses. They do this by bringing buildings up to the sidewalk and requiring a minimum amount of ground floor windows.
- B. Applicability.** All sites in the RH, R1, and C zones where any of the floor area on the site is in nonresidential uses must meet the standards of Subsection C., below.
- C. Standards.**
1. Street enclosure. In Pedestrian Districts and at intersections where City Walkways or transit streets cross another City Walkway or transit street:
 - a. ~~Exterior walls of primary structures facing the street must be within 12 feet of the right-of-way~~ The street-facing façade of primary structures must be within 12 feet of the street lot line.
 - b. Street-facing exterior façades must be at least 40 feet long and 16 feet high.
 - c. Sites with three or more street frontages must meet standard a. and b. above, on the two intersecting street frontages with the highest transit classifications. Where streets have the same transit classification, the applicant may choose on which two intersecting streets to meet the standard.
 2. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of Paragraph 33.130.230.B.2., regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

Commentary

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

This new section is designed to allow, under certain conditions, exterior display and storage in the 122nd Avenue transit station area and Ventura Park Pedestrian District, where it is currently prohibited.

Vehicle sales have been an established use on many sites in the area since prior to annexation of the area to Portland. Since the introduction of MAX light rail transit in the mid-1980s, public policies have promoted more intense development around the 122nd Avenue MAX station, focusing on development that benefits from being near the station and that helps encourage transit use. The regulations that implement this policy prohibit exterior display and exterior storage in the Ventura Park Pedestrian District. This has made it difficult for established auto-oriented development in the area to improve or expand operations without significant changes to development forms. As a follow-up to the 2004 Gateway Planning Regulations Project, stakeholders asked the City of Portland to review land use policies along 122nd Avenue and to address the issues that transit-oriented development policies create for established and growing auto-oriented uses. The 122nd Avenue Station Area Study was undertaken to explore ways to meet the transit-oriented goals for the area while dealing with the reality and needs of its auto-oriented uses.

33.521.300.A

This section specifies the areas where the regulations apply and references Map 521-1 (located on page 41 of this document).

33.521.300.B.1

The purpose statement outlines that exterior display and storage is permitted in the station area, under special design circumstances. The intent is to allow exterior display and storage in key areas and when designed in a way that fosters a pleasant pedestrian environment. The purpose statement also indicates that pedestrian-oriented development should be fostered around light rail and transit intersections but that flexibility should be provided for established uses.

Recommended Code Amendments

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

A. Where these regulations apply. The regulations of this section apply to sites in the 122nd Avenue subdistrict, shown on Map 521-1.

B. Exterior Display and Storage.

1. Purpose. The regulations of this section encourage Retail Sales And Service uses with exterior display and storage to create an enhanced pedestrian environment and promote compatibility of design between these uses and transit-oriented developments in the area. The regulations accomplish this by:
 - Allowing, in key locations, exterior display and storage areas that enhance the attractiveness and safety of pedestrian environment through landscaping, and well designed buildings and display areas; and
 - Fostering pedestrian-oriented development around the light rail transit station and at key transit intersections, while providing flexibility in other locations and for existing development.

Commentary

33.521.300.B (cont'd)

33.521.300.B.2

This paragraph specifies the location and conditions under which exterior display and storage are allowed. Map 521-4 (page 43 of this document) shows the locations within the plan district where exterior display and exterior storage are allowed. New exterior display and storage continues to be prohibited at locations near key transit intersections (intersection "nodes") and other areas in the plan district, which are mapped on Map 521-4. Exterior storage is considered a low-intensity use of land which is not appropriate to dominate a transit station area, and is limited to 20% of the site area. The paragraph also indicates that when development cannot meet the specified standards, modifications may be requested through a design review process rather than through adjustments.

33.521.300.B.3.a

This references the setback and landscaping standards in table 521-1. Landscaping is an important aesthetic component of sites that have exterior display and exterior storage. These standards outline the minimum required landscaping that is required when sites feature exterior display or exterior storage areas.

33.521.300.B.3.b

This regulation applies to sites where exterior display or storage are allowed, and have a floor area ratio less than 1:1. Sites that have a floor area ratio less than 1:1 are required to provide additional landscaping to provide improved aesthetics, reduce heat island effects, and provide opportunity for on-site stormwater by reducing impervious surface area.

Recommended Code Amendments

2. Where exterior display and storage are allowed. Exterior display and exterior storage that is accessory to a Retail Sales And Service use on the site is allowed in the areas shown on Map 521-4. Exterior display and storage in other areas is prohibited. The standards of this subsection must be met, and no more than 20 percent of the site area may be used for exterior storage. Modifications of these standards may be requested through Design Review; adjustments are prohibited.
3. Setbacks and landscaping
 - a. The minimum setback and landscaping standards for exterior display areas and exterior storage are stated in Table 521-1.
 - b. On sites with exterior display and storage as allowed by B.2, if the floor area on the site is less than 1:1, 15 percent of the site area must be landscaped. Landscaping must comply with at least the L1 standard. Required landscaping for exterior display, exterior storage, and parking areas may be counted in meeting this requirement.

Commentary

33.521.300.B.3 (cont'd)

Table 521-1

This table defines the minimum landscaped areas for different portions of sites that have exterior display and storage.

Exterior Display: Between a Building and Street. Exterior display is allowed in the maximum building setback (20 feet). There is no setback requirement between this display area and a street lot line. To improve the aesthetics and provide greening in the area, fifteen percent of this display area must be landscaped to the L1 standard. A five foot setback landscaped to the L1 standard is also required on nonstreet lot lines.

Exterior Display: All Other Situations. Exterior display is allowed on other portions of the site. Overall, 15 percent of the Exterior Display area must be landscaped to the L1 standard. The area is required to be landscaped in order to improve aesthetics of the public realm, mitigate heat island effects of large paved areas, and improve aesthetics of the site. In addition, specific perimeter landscaped areas are required. Landscaping in the specified perimeter areas can be counted toward meeting the 15 percent minimum.

Exterior Storage. Exterior storage is allowed on portions of the site. Overall, 15 percent of the Exterior Storage area must be landscaped to the L1 standard. The area is required to be landscaped in order to improve aesthetics of the public realm, mitigate heat island effects of large paved areas, and improve aesthetics of the site. In addition, specific perimeter landscaped areas are required. Landscaping in the specified perimeter areas can be counted toward meeting the 15 percent minimum.

Parking and vehicle areas must be landscaped as required by other sections of the Zoning Code and do not count toward meeting the required percentages shown in this table.

Recommended Code Amendments

Table 521-1 Minimum Setbacks and Landscaping for Exterior Display and Storage		
	Landscaped Setback	Minimum Landscaped Area
Exterior Display		
<u>If between building and street and B.4.a is met</u>	<u>0 ft from street lot lines</u> <u>5 ft of L1 from nonstreet lot lines</u>	<u>15% of exterior display area landscaped to L1 standard.</u> <u>Landscaping in setbacks counts toward meeting this standard.</u>
<u>All other situations</u>	<u>5 ft of L1 from street lot lines [1]</u> <u>5 ft of L3 from nonstreet lot lines</u>	<u>15% of exterior display area landscaped to L1 standard.</u> <u>Landscaping in setbacks counts toward meeting this standard.</u>
Exterior Storage		
	<u>20 ft of L2 from transit streets [2]</u> <u>10 ft of L2 from other street lot lines [2]</u> <u>10 ft of L3 from nonstreet lot lines</u>	<u>15% of exterior storage area landscaped to L1 standard.</u> <u>Landscaping in setbacks counts toward meeting this standard.</u>

Notes:

[1] Exterior display areas separated from the street by areas used for parking or exterior storage do not have to meet this standard.

[2] Exterior storage areas separated from the street by areas used for parking or exterior display do not have to meet this standard.

Commentary

33.521.300.B.4.a: Walls of primary structures

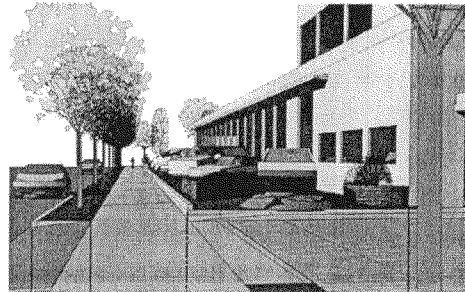
33.521.260.C.1.a, requires the street facing façade of primary structures in pedestrian districts to be within 12 feet of the street lot line. In order to provide additional flexibility, street facing facades for sites with exterior display may be set back 20 feet from street lot line. Exterior display of merchandise is allowed in the 20-foot setback area between a building and the sidewalk, provided that a special display area with a high level of pedestrian amenity is created. Landscaping and other pedestrian amenities are also allowed.

33.521.300.B.4.b: Main Entrances

This regulation requires the entrances of buildings to be located close to the street in cases where the larger 20 foot setback is employed.

33.521.300.B.4.c: Exterior Display between a building and a street.

This allowance is to be used in conjunction with design review, with the intent to allow limited well-designed display opportunities in front of buildings.



Typically, exterior display is not allowed in this location on site. The accompanying illustration shows how such a display area is envisioned. The intent is to allow high-quality design of exterior display areas that are conceived as a component of the adjacent building.

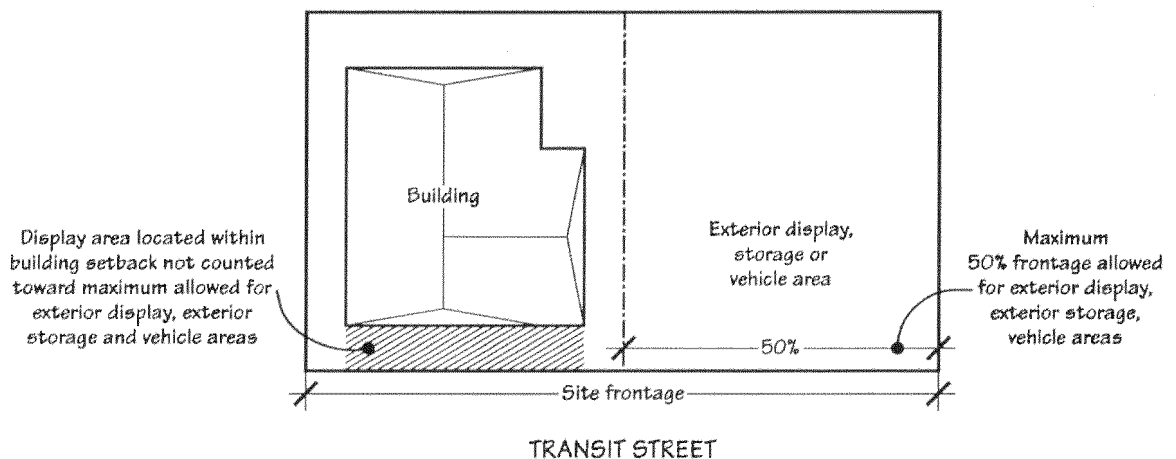
33.521.300.B.4.d: Site frontage.

This regulation limits vehicle area, exterior display area, and exterior storage area to no more than 50 percent of a site's frontage on a transit street. The intent of this regulation is to limit the amount of exterior development used for these purposes and improve urban form and the pedestrian realm by requiring a significant amount of a site's street frontage to be abutted by a building that is close to the street. The regulation is similar in its urban form intent to the regulations of 33.266.130.C.3.b, which, in pedestrian districts or on transit streets, limits to 50% the amount of frontage that may be used for vehicle areas.

Recommended Code Amendments

4. Additional development standards for sites with exterior display or storage.
- a. Walls of primary structures. This standard applies only in areas that allow exterior display and storage shown on Map 521-4. The street-facing façades of primary structures must be within 20 feet of the street lot line.
 - b. Main Entrances. The main entrance must meet the standards of Section 33.521.250, Entrances, except the entrance must be within 25 feet of the street it faces.
 - c. Exterior display between a building and a street. Exterior display areas may be between a primary structure that meets B.4.a, above, and a street if the following are met:
 - (1) The exterior display area must be accessible to pedestrians from the sidewalk for inspection of merchandise;
 - (2) The exterior display area must be hard surfaced with unit paving blocks or bricks; and
 - (3) Temporary signage and temporary advertising materials are prohibited in the display area.
 - d. Site frontage. No more than 50 percent of a site frontage on a transit street may be used for vehicle areas, exterior storage areas, or exterior display areas. Display areas located between a building and street as allowed by B.4.c do not count toward the 50 percent maximum. See Figure 521-2.

Figure 521-2
Transit Street Site Frontage for Exterior Display, Exterior Storage, and Vehicle Areas



Commentary

33.521.300.B.4.e

This section allows a 0.4:1 minimum floor area ratio for sites that have an existing or proposed auto sales use, when the site is located in an area that allows exterior display and exterior storage as per Map 521-4.

The overall goal of the plan district is to create a more densely developed and urban environment with sites that achieve floor area ratios of 1:1 or greater. However, for development and uses that employ exterior display and storage, this ratio may not be achievable, particularly in the near term. The provision allows sites with auto sales uses in areas where exterior display and storage are allowed to meet a lower minimum floor area than other types of uses.

The provision recognizes the existing concentration of auto sales uses in the station area, and the proportion of site area employed for exterior display and storage by this type of use. It allows new development to meet the 0.4:1 minimum floor area ratio, and also allows sites with nonconforming floor area to come closer into conformance with the minimum. On sites with multiple building, floor area and buildings may be demolished when proposed new development brings the site closer into conformance with minimum FAR and other site development standards. For many sites with exterior display and storage, additions to existing development that would bring the site closer into conformance would result in an undesirable urban form, with building set back from streets and poorly designed landscaped areas. The provision provides flexibility to achieve better urban form in both new and existing developments of this type.

The intent for new development is to have sites with buildings that are close to the street, allow future intensification and development of non-built area, and provide opportunity for landscaping. For existing development, the intent is to allow sites to come closer into conformance with the standards, with buildings near the street and on-site landscaping. The standards are also intended to bring the site closer into conformance with the desired minimum FAR, and with other development standards that improve the pedestrian environment.

Recommended Code Amendments

- e. Minimum floor area for sites with auto sales. On sites where exterior display and exterior storage are allowed on all or part of the site by Paragraph B.2, and there is an existing or proposed auto sales use in the Retail Sales And Service category on the site, the minimum required FAR is 0.4:1.

Commentary

33.521.300.B.5

This section addresses development with existing nonconforming exterior display and exterior storage areas in areas where it is prohibited (Map 521-4). The intent is to allow existing development with exterior display or storage in prohibited areas to reconfigure the location of buildings and exterior display and exterior storage areas when the overall area of nonconforming exterior display and exterior storage is not increased.

33.521.300.B.5.a

This paragraph allows changes to existing nonconforming exterior display and storage areas where they are prohibited. The intent of the regulation is to allow flexibility to reconfigure or rearrange exterior display and storage when the prohibited area is not increased, and when it is developed to meet standards for allowed exterior display and storage areas.

33.521.300.B.5.b

This paragraph indicates that changes to existing nonconforming developments are allowed only when they bring sites closer into conformance with this section.

Recommended Code Amendments

5. Nonconforming exterior display and exterior storage. Alterations to exterior display and exterior storage areas that are nonconforming because they are located where exterior display and exterior storage is prohibited are allowed as follows:
- a. The area that is nonconforming may be moved to another location on the site where exterior display and storage is prohibited if:
 - (1) The square footage of nonconforming exterior display or storage is not increased;
 - (2) The standards of Table 521-1 are met for the area that is moved; and
 - (3) The change does not take the site out of conformance, or further out of conformance with B.4.d, site frontage.
 - b. If the exterior display and exterior storage areas are not being moved, changes may be made that bring the areas closer into conformance with this Section;

Commentary

33.521.300.C

This paragraph allows a maximum setback of 20 feet for development that is 100% in residential use. This allows greater flexibility for residential uses and helps to mitigate the impacts of traffic volumes in the area though the opportunity for increased landscaping, etc.

33.521.300.D

This paragraph allows Retail Sales And Service Uses in the RH zone under certain circumstances. This provision is only applied to a small group of lots that are adjacent to or near 122nd Avenue. The intent of the regulation is to allow greater flexibility and streamline processes to facilitate residential mixed-use development along 122nd Avenue. The percentage of floor area allowed for nonresidential use is limited to ensure a portion of the development provides needed housing units.

33.521.300.E

In the CX zone, the size of Vehicle Repair uses is limited to 10,000 square feet of floor area. The size of Vehicle Repair is limited to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. Vehicle Repair is a use that is often on the same site as auto sales. Vehicle Repair uses associated with auto sales in the 122nd Avenue area often exceed the 10,000 square foot size limit but are generally 30,000 square feet or less in size. The 30,000 square foot size limit is intended to allow for Vehicle Repair uses that are typically associated with auto sales and auto dealerships in this area, but limit the size of the use so that they do not dominate the area or commercial sites, and to limit their potential impacts on residential and commercial uses.

Recommended Code Amendments

C. Residential development standards. When all the floor area on a site is in Residential uses the maximum setback from a street lot line is 20 feet.

D. Retail Sales And Service and Office uses in the RH zone.

1. Purpose. This regulation provide opportunity for mixed use development in the RH zone by allowing a limited amount of commercial use while ensuring that development in residential zones is predominately residential in character.
2. Retail Sales And Service and Office uses are allowed in the RH zone if they meet the following regulations:
 - a. The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited; and
 - b. The uses are limited to 20 percent of the net building area of the development. More than 20 percent of the net building area used for Retail Sales And Service or Office is not allowed.

E. Vehicle Repair in the CX zone.

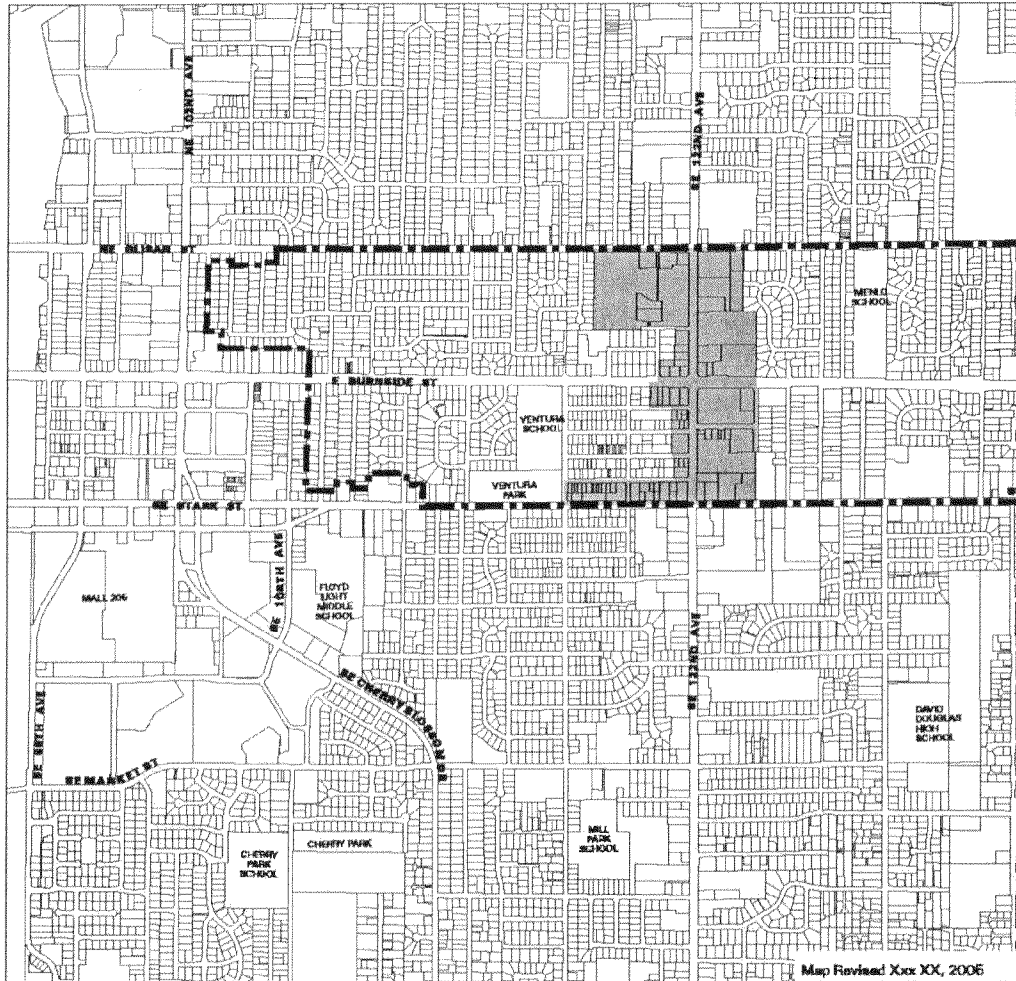
1. Purpose. Vehicle Repair uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses.
2. The size limitation of 33.130.100.B.5 does not apply to Vehicle Repair uses when auto sales in the Retail Sales And Service category are on the same site. No more than 30,000 square feet of floor area in Vehicle Repair uses is allowed on a site.

Commentary

**Map 521-1 East Corridor Plan District
122nd Avenue Subdistrict**

This map shows the area of the 122nd Avenue Subdistrict.

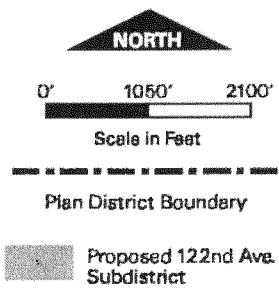
Recommended Code Amendments



Map 521-1

East Corridor Plan District

Map 1 of 2



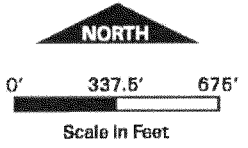
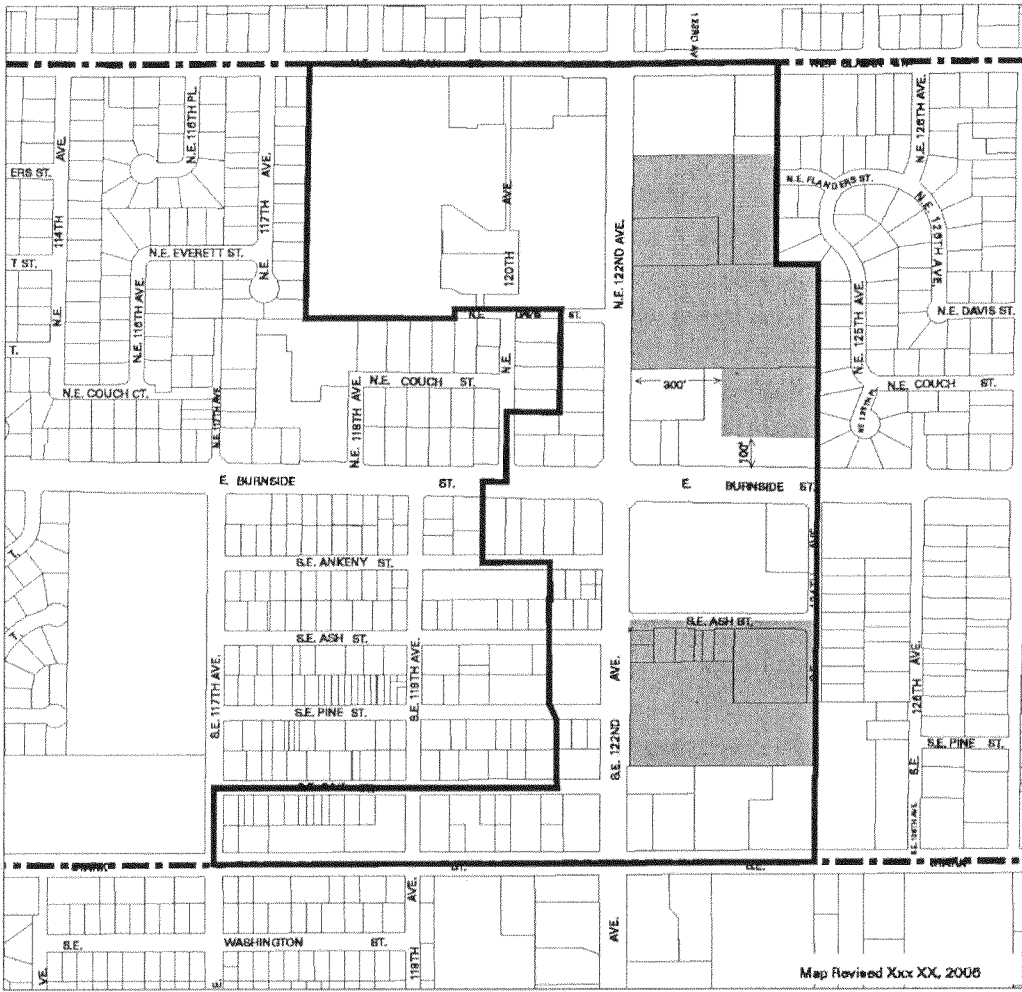
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Commentary

Map 521-4 Areas Where Exterior Display and Storage are Allowed

This map shows the area of the 122nd Avenue Subdistrict where exterior display and storage is recommended to be allowed. This map reflects changes made by the Portland Planning Commission, which sought to align mapped areas with existing property lines and with the locations of potential future streets.

Recommended Code Amendments



- Plan District Boundary
- Proposed 122nd Avenue Subdistrict
- Areas where exterior display & storage are allowed

Map 521-4
East Corridor Plan District
Areas Where Exterior
Display & Storage are Allowed

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D. Recommended Amendments to the Community Design Guidelines

The *122nd Avenue Station Area Study* extends the Design Overlay Zone ("d") to properties zoned CS, CM, and CX in the 122nd Avenue subdistrict of the East Corridor plan district. The Design Overlay Zone is currently applied to properties in the RH zone and R1 zone in the study area. See the map on page 45 for properties affected by the design overlay zone.

The *Community Design Guidelines* serve as approval criteria for discretionary design review in the plan district. Eligible projects in the plan district have the option of meeting the nondiscretionary, clear and objective community design standards (Chapter 33.218 of the *Zoning Code*).

"Desired Characteristics and Traditions" statements, located in the shaded box on pages 46-47 of this document, highlight the urban and architectural patterns worthy of integration into new development. The "Desired Characteristics and Traditions" statements of this section provide guidance on how Guideline P1 of the community design guidelines should be considered in the 122nd Avenue Station Area.

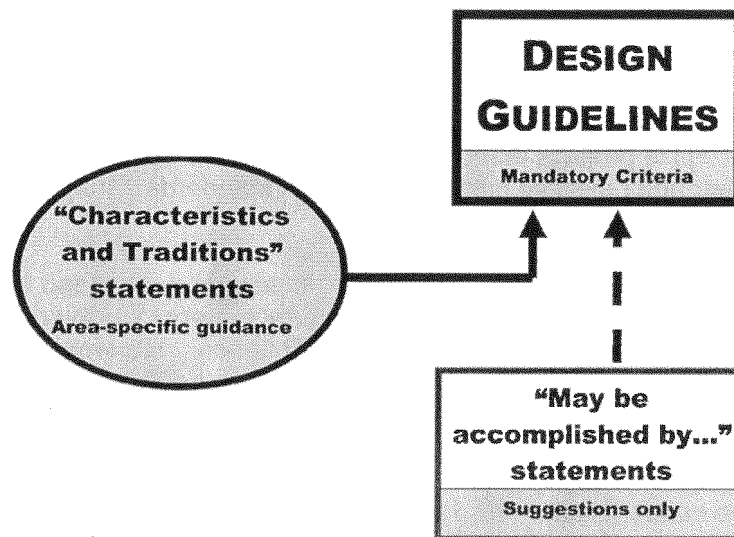
Guideline P1, Plan Area Character, reads:

Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

The "Desired Characteristics and Traditions" statements will be used by design review staff and review bodies to determine if a proposal meets the intent of Guideline P1. They may also be used to inform references to "desired character" in the *Zoning Code* (included in criteria for adjustment requests, for example).

Many area plans lack clear and explicit references to desired characteristics and traditions, making interpretation of Guideline P1 difficult. Nearby existing development is often used to identify community character, but existing development does not always correspond to the vision for an area. This section is intended to resolve this issue. Note that the "Desired Characteristics and Traditions" statements are in narrative form, as opposed to succinct statements, to distinguish them from the actual *Community Design Guidelines*. The statements will be included in an appendix to the *Community Design Guidelines* document.

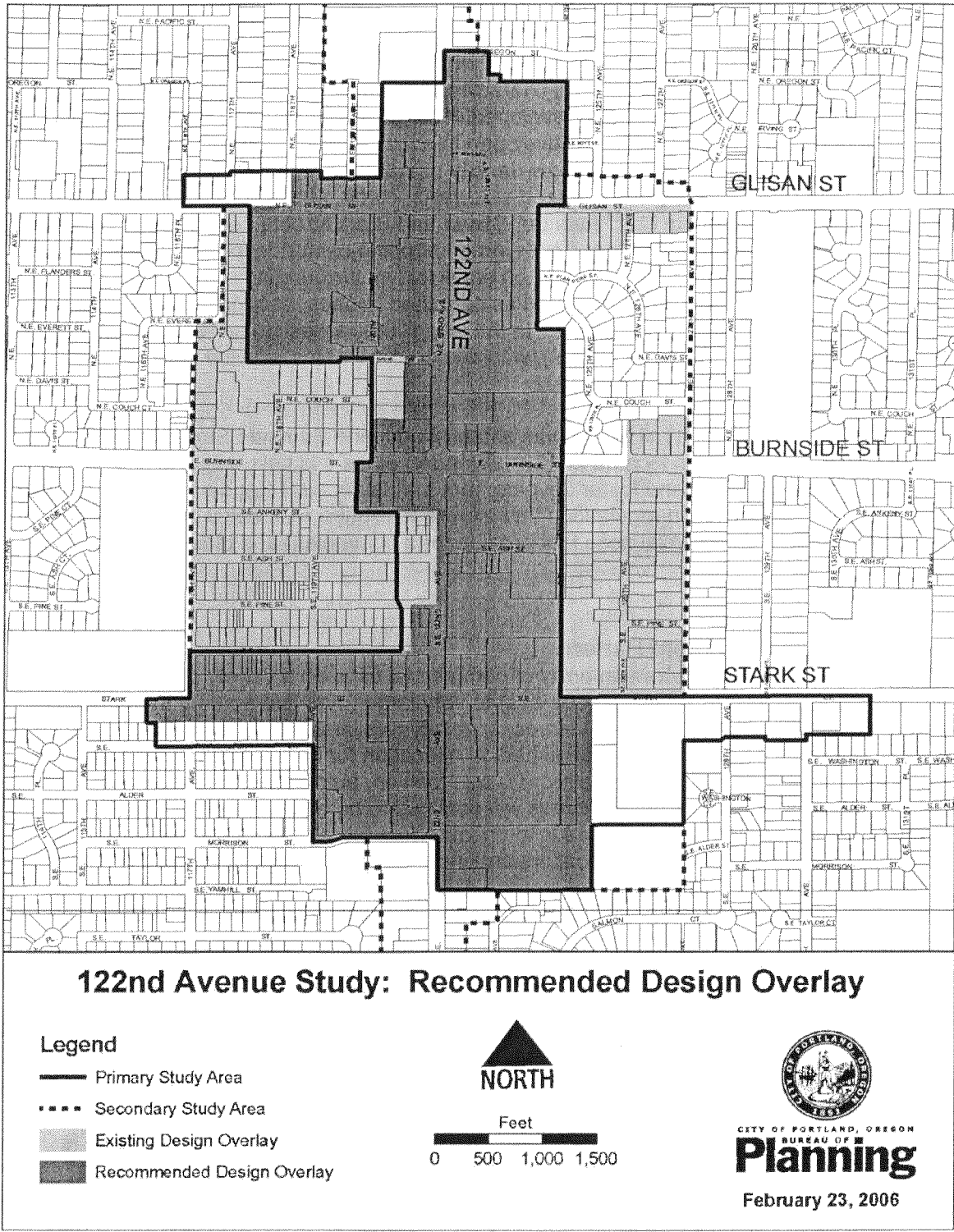
The diagram below illustrates the role of the “Desired Characteristics and Traditions” statements in relation to the *Community Design Guidelines*, emphasizing their role in providing area-specific guidance, and clarifying the nonbinding role of the accompanying “may be accomplished by” statements described later in this section.



The Desired Characteristics and Traditions statements are interpreted in the context of the Development Pattern statement that precedes them.

As the descriptions in this chapter are not exhaustive, developers should refer to the background document, *The 122nd Avenue Station Area Study: Phase 1 Report* (June 2005), and consult with community members for more information.

122nd Avenue Station Area Design Area Map



122nd Avenue Station Area Development Patterns

Background

The built environment of the 122nd Avenue Station Area is the result of development over time. The area transitioned from a rural character to a suburban character after World War II. As a result, much of the area was developed in an auto-oriented manner. Residential uses surrounding 122nd Avenue were developed in a low-density pattern of single-dwelling detached houses. In keeping with the low-density character, much of the local street network was not fully improved, and lacked sidewalks, curbs, and in some cases, paving. The commercial areas along 122nd Avenue, Glisan and Stark streets developed in the late 1950s to 1990s in a suburban manner, with large shopping center developments at key intersections and smaller commercial infill on small lots in surrounding areas. Many of the sites on these streets were also developed as detached houses, some of which have been converted to commercial uses over time. In the late 1960s, areas along 122nd Avenue were established as locations for auto retailing, with dealer showrooms, service facilities and sizable outdoor display and storage areas.

In the mid-1980s, MAX light rail transit was established in the Burnside Street corridor in East Portland, with a station located at 122nd Avenue. Since this time, city and regional policy has been to support and foster development that takes advantage of the area's transit service. This has resulted in regulations that allow and require residential development at higher density, and commercial uses that provide for a convenient and pleasing pedestrian access.

Commercial Development Pattern

The 122nd Avenue area features an array of commercial uses on a variety of sites that range from small (10,000 square feet or less) to very large (over five acres). In addition to grocery stores, variety/department stores, specialty retailers and personal and professional services, the area is established as a location for the sales of automobiles. As the area continues to develop in a more urban fashion, auto sales facilities featuring exterior display and exterior storage areas will continue to be a presence in the area. A key objective in the 122nd Avenue area is to encourage a more urban development pattern that allows for future intensification, and increased pedestrian safety and amenity on sites that feature exterior display or storage of merchandise. Another key objective is to enhance the design of buildings and sites so that compatibility with other adjacent residential and commercial uses is increased, and that development has a sense of quality and permanence.

Form and Architecture:

Commercial development in the 122nd Avenue Station Area is a combination of coarse and fine grains. Sites on the east side of 122nd Avenue and at major intersections are generally large and irregular, and the block pattern is one of superblocks. Development along Glisan Street, Burnside Street, and Stark Street, and much of the west side of 122nd Avenue, is much finer-grained, with small lots and block size dimensions ranging from 200 feet to roughly 600 feet in length. Much of the commercial development is setback from the street and features parking areas.

Buildings are generally post World War II era, and predominately one story. The area includes numerous auto retailers that feature exterior display areas, in addition to showroom

areas; many feature large storefront windows at the ground level. The area also includes some larger development: a three story office building, a six-story mixed-use building, and a five-story residential building which is located in the Mixed Commercial/Residential (CM) zone.

Residential Development Pattern

Residential development in the 122nd Avenue Station area is a mix of older, generally small, single-dwelling detached houses on small and large lots, and newer attached single-dwelling and multi-dwelling residential development on large and small lots. As the area transitions to a more intense development pattern, much of the established character of small-scale detached housing will be eclipsed. However, residential areas follow patterns of development that have suburban qualities: they are generously landscaped, often have gabled and hipped-roof forms, and feature parking areas. A key objective is to foster residential development with landscaping, a characteristic of much of the existing residential development in the area.

Form and Architecture:

Residential areas in the 122nd Avenue station area have a finer-grained pattern than the nearby commercial areas. Lots range from over an acre to under 2500 square feet. Streets are generally organized in a grid pattern, with streets at intervals of 200 feet to 600 feet.

The 122nd Avenue station area contains a wide variety of building types and architectural styles from different eras of development. Many single-dwelling houses in this area date to the early 1950s, and have low rooflines and dedicate significant area to landscaping. Newer development in the area generally consists of attached single-dwelling houses in the R1 zone, and larger-scale, multi-dwelling buildings in the RH and commercial zones. These buildings range in styles but typically feature somewhat less landscaping than less intense developments.

122nd Avenue Station Area Desired Characteristics and Traditions

A. All Development

New development in the 122nd Avenue Station Area should strengthen the corridor's character as an active, mixed-use community focused on the light rail station at 122nd and Burnside. New buildings should complement adjacent existing structures and uses, foster a safe and attractive pedestrian environment, and be supportive of transit facilities. Buildings should exhibit a strong street orientation; effectively screen parking, necessary service areas (such as loading areas, garbage and recycling facilities), and storage areas adjacent to the sidewalk; and use sound construction practices and high-quality building materials. In addition, the incorporation of well-planted landscaped areas featuring trees, shrubs, and ground cover offers opportunities for area screening, managing stormwater, and for reducing the "heat island effect." Landscaping can forge links with the area's forested past through retention and use of native tree species, including Douglas Fir trees.

B. Mixed-use Development

Mixed-use developments should carefully consider the placement of different uses on-site and within the building. Locating active retail sales and service-types of uses at the street frontage contributes to an active pedestrian environment. Retail or office uses near the street also provide indirect surveillance of the sidewalk, important to increasing pedestrian safety. Due to the high traffic volumes and vehicle speeds on the area's arterial streets (122nd, Glisan and Stark), residential uses that are on-site should be located in quieter portions of the development, or above the ground-level of the building.

C. Development with Exterior Display and/or Exterior Storage Areas

Development that includes exterior display and/or exterior storage areas should have site designs that reduce the impacts of these areas on the pedestrian environment and allow for future intensification of development on site. These areas should be developed as follows: 1) buildings should be located near the street; 2) exterior display should be located to the side or rear of the building, or may be located in front of a building within the maximum building setback as described below; 3) exterior storage should be located behind buildings and buffered from view from lot lines; and 4) the sites should be well-landscaped.

Development on a site should be located such that open areas used for exterior display, exterior storage, or parking may be further developed in the future. This may be accomplished by locating exterior display, exterior storage, parking, or other open area to the rear or sides of buildings, and by excluding buildings on portions of the site where future streets or connections are planned.

Where incorporated, exterior display areas should be appropriately located, and allow pedestrian interaction, and act as an extension of the building and interior display area. In some cases, limited exterior display areas may be permitted between buildings and the sidewalk. These areas will be developed as a coordinated part of the building's overall design, be designed to enhance the pedestrian environment, be physically and visually separated from the sidewalk through materials and elevation changes, and include features supportive of their display functions.

Landscaping should be designed to improve aesthetics of the public realm, mitigate heat island effects of large paved areas, and improve aesthetics of the site through retention and use of native tree species, including Douglas Fir trees. Lighting for exterior development should be designed to minimize light intrusion onto adjoining properties and reduce ambient lighting intensities adjacent to residential zones and residential development.

D. Residential Development

New residential development should contribute to 122nd Avenue Station Area's character as an active, vibrant corridor offering of a diverse mix of housing types, styles, densities, and affordability options.

New residential buildings built along the area's arterials (122nd, Glisan, or Stark) should be buffered from the high vehicle volumes and speeds. Where street-facing ground-level units are proposed, possible strategies could include (but are not limited to) elevating them above sidewalk grade and/or setting them back behind a landscaped setback. Generally, it is preferable to locate common spaces (lobbies, mailrooms, gathering areas, fitness rooms, etc.) at street-facing ground-level locations within the building, developing stronger connections to the sidewalk.

E. Transitions

New development in the 122nd Avenue corridor should create effective transitions to existing buildings and uses. Large-scale commercial developments should be integrated into the surrounding urban pattern and mix of uses. For example, this may be accomplished by locating spaces suitable for small-scale active uses (such as banks, services, restaurants, cafes, florists) at the street frontage. New commercial buildings within the edges of commercially-zoned areas facing residentially-zoned areas should respond to the character of the residential zone. New higher-density residential development adjacent to lower-density areas should step down building massing and heights and/or develop increased setbacks to help ease the scale transition to the lower-density neighborhoods.

F. Intersection Nodes

Major intersections of 122nd Avenue and Glisan Street, Burnside Street and Stark Street should serve as nodes for pedestrian oriented development: the focal point for the most pedestrian-oriented development in the station area. Buildings should feature a strong corner orientation to reinforce activity between corners. Alternatively, the corner may be reinforced by focusing doorways that open on to a space at the corner that functions as an outdoor foyer. Buildings in these locations should offer an added sense of prominence at these entries to the station area. New development at the intersection nodes should, in addition to orienting to the corner, take advantage of the location adjacent to transit by minimizing surface parking and/or locating parking to the rear of sites away from transit streets.

Amendments to the Portland Personality Guidelines

Background

The following section includes amendments to the *Community Design Guidelines* that highlight urban and architectural features or characteristics that should be taken into consideration when new development is proposed. The amendments do not change the existing guidelines, but add examples of how to satisfy Guideline P1 (Plan Area Character) for properties in the 122nd Avenue Station Area. These additional statements are suggestions and do not constitute binding criteria, as do the guidelines.

Amendments to the "Portland Personality Guidelines" section of the *Community Design Guidelines* are shown below as underlined text, including the "may be accomplished by" statements A - E which are new. A reference is added to the background statements and desired characteristics and tradition statements outlined in the previous section.

The Portland Personality Guidelines recognize the unique characteristics and urban design goals of different parts of the city, and encourage new development that enhances these characteristics and supports these goals. There are special guidelines for the three areas with adopted community plans. Other guidelines address historic and conservation districts, district and town center plans, and gateways.

Recommended Amendments to the Community Design Guidelines: Changes are underlined.

PLAN AREA CHARACTER

Background

Plan Areas outside of the Central City which have areas within the design overlay include the Albina, Outer Southeast, and Southwest Community Plan areas, the Hollywood and Sandy Plan Area, the Northwest District Plan Area, the Gateway Regional Center, the St. Johns/Lombard Plan Area, and the 122nd Avenue Station Area. Each of these areas has distinct historic, cultural, and geographic characteristics that should be taken into consideration when developing in the area. New development blends into established areas by reflecting the architectural features and site design of the surrounding buildings and responding to views, topography, and nearby amenities such as parks, schools, and community centers.

Guideline P1:

Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

See the 122nd Avenue Station Area Desired Characteristics and Traditions for application of Guideline P1.

This guideline may be accomplished in the 122nd Avenue Station Area of the Outer Southeast Community Plan area by:

- A. Incorporating desired architectural and site design features, and using high-quality materials to create a sense of quality and permanence in new development and additions to existing development.**
- B. Incorporating quality, durable materials in exterior display areas along street frontages, and differentiating exterior display areas from exterior storage and vehicle areas. Changes in elevation may be used to differentiate display areas in front of buildings and add interest.**
- C. Incorporating well-landscaped areas on sites that are in residential use, or in developments that use exterior display, exterior storage, parking, or vehicle areas.**
- D. Using species native to the area in landscaping themes and by preserving large Douglas Fir trees.**
- E. Enhancing exterior display areas with integrated landscape plantings and trees.**
- F. Incorporating stormwater management features in required landscape areas.**
- G. Considering the siting, design, and details of residential buildings: develop effective transitions and relationships between structures through window location and consideration of interface between adjacent development and proposed interior uses.**
- H. Improving connectivity in the area: locate buildings, public and/or private rights-of-way, and connections in a manner that reflects the adopted street plan for the area.**

122nd Avenue Design Features

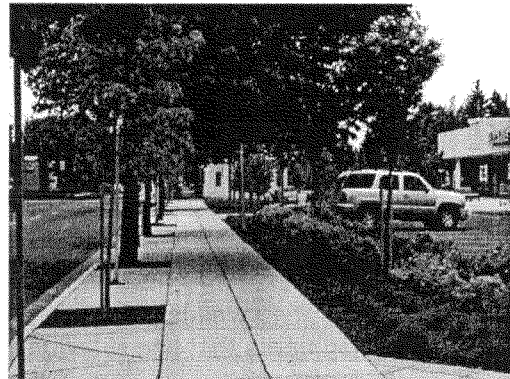
The following photographs and illustrations provide examples of how particular desired site and building design features may be accomplished in the 122nd Avenue Station Area. The accompanying text describes the features being highlighted. Note that the examples are illustrative of features, but are not necessarily examples of developments that would be approved through design review. All examples are from Portland, unless otherwise noted.

Landscaping of Parking, Display and Storage Areas adjacent to streets

The two photographs below show examples of perimeter landscaping adjacent to exterior display areas and parking. The example on the left features a large landscaped setback with large trees at frequent spacing. The example on the right features a dense planting scheme and a mix of ground covers, shrubs, and trees. This type of landscaping, in conjunction with a wider sidewalk featuring street trees, forms a green edge and sense of safety and enclosure for pedestrians.

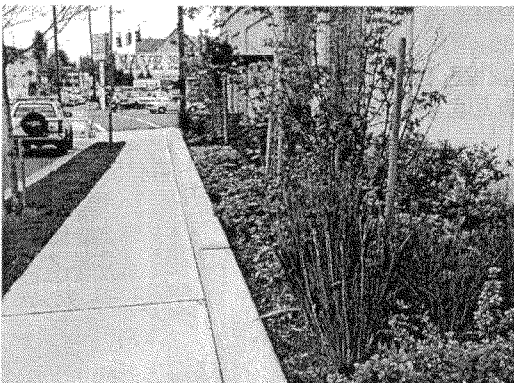


122nd Avenue south of Halsey

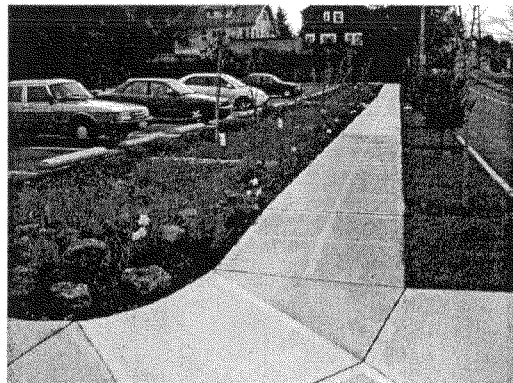


North Ivanhoe at St. John

Using landscaped and vegetated areas for on-site stormwater management is an efficient way to manage stormwater. It can often cost less to infiltrate stormwater into the ground rather than construct a piped system. The two photographs below show examples of how stormwater management functions may be incorporated into small on site landscaped areas near sidewalks and parking areas.



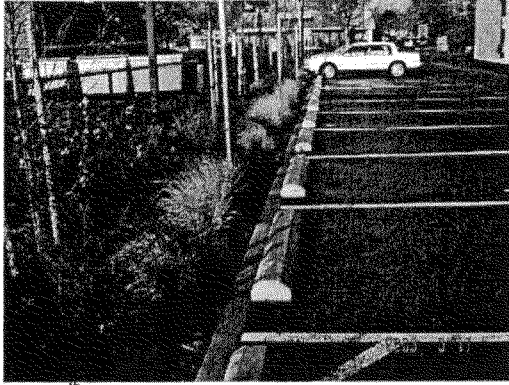
NE Sandy Blvd. and NE 16th Avenue



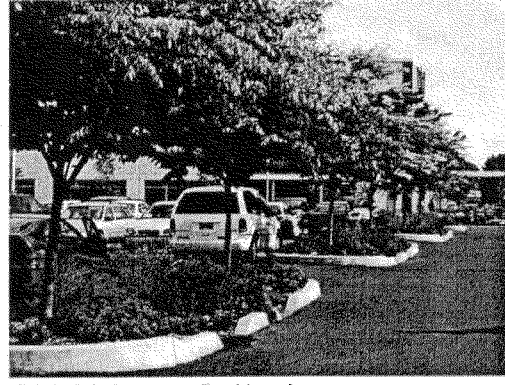
SE (location pending)

On-Site Landscaping

The photographs below show examples of on-site landscaping that includes trees and also manages stormwater effectively. Simple techniques, such as a vegetated swale, can be incorporated into a site's landscaping to manage stormwater. Trees are beneficial for both aesthetics and stormwater management, and also reduce the "heat island effect" of large paved areas.



NE 40th Avenue near Tillamook



PCC SE Campus Parking Area

Display Area Design

The photograph at left below shows an example of a scored concrete paving technique, ornamental structure, and landscaping that could be utilized in an exterior display area. The example at right shows how integrated display features such as a decorative pedestal and decorative fence create interest and a sense of protection for the pedestrian.



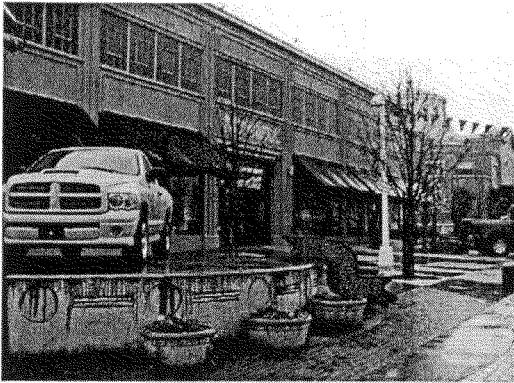
North Ivanhoe at Charleston



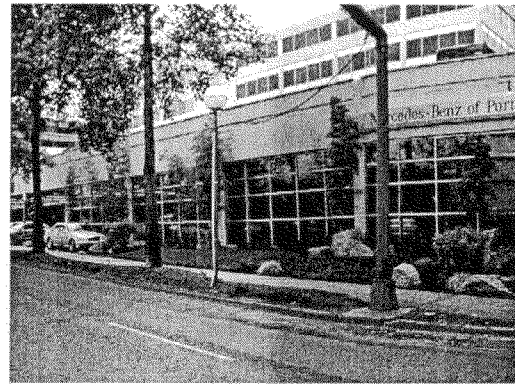
SE Ankeny at MLK Jr. Blvd.

Display Area Design

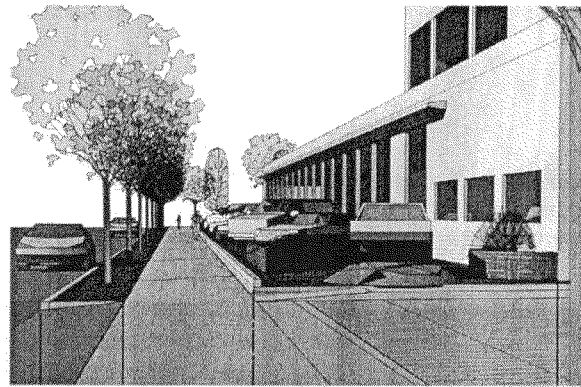
The photographs and diagrams below show examples of how exterior display areas in front of a building may be accomplished and how landscaping may be integrated into these areas. The examples also show how generous display windows in buildings can enhance the pedestrian environment and create interest.



Oakland, CA



Naito Parkway at Market

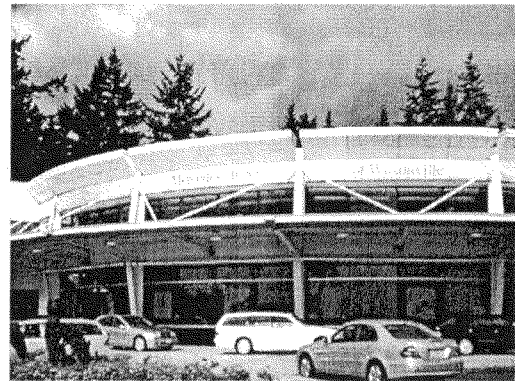


Concept Illustration

The photos below show additional examples of how an exterior display area may be provided in front of a building. The example on the left features a type of arcade. The example on the right features an awning or canopy in front of the building.



Oakland, CA



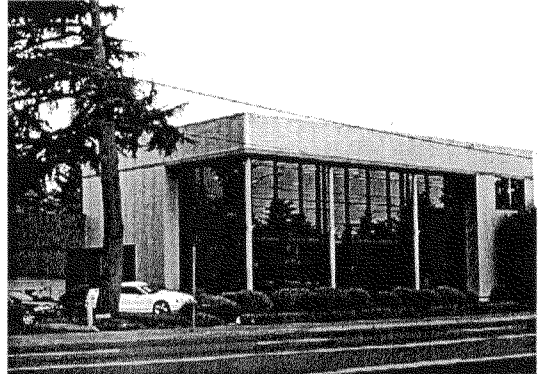
Wilsonville, OR

Pedestrian Realm

The photos below show additional examples of how generous display windows in buildings can add interest and enhance the pedestrian environment for uses that may feature exterior display areas.

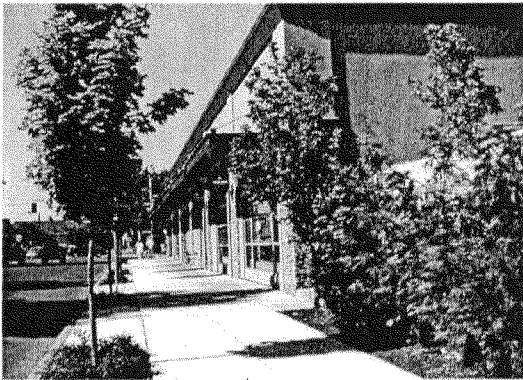


Victoria, B.C.



122nd Avenue north of Burnside

As shown in the photos below, commercial and mixed-use developments without exterior display and storage should be built near the sidewalk and should include pedestrian-oriented features such as awnings, seating areas, and generous ground floor windows.



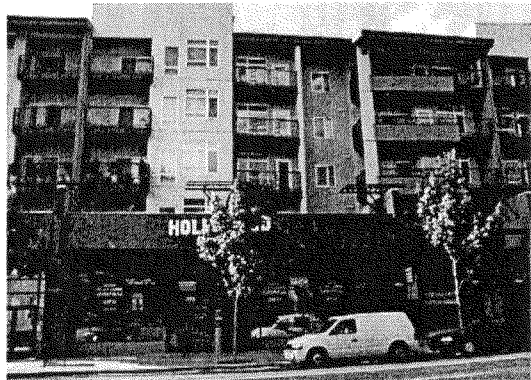
SE Washington at 103rd Avenue



SE Washington at 103rd Avenue



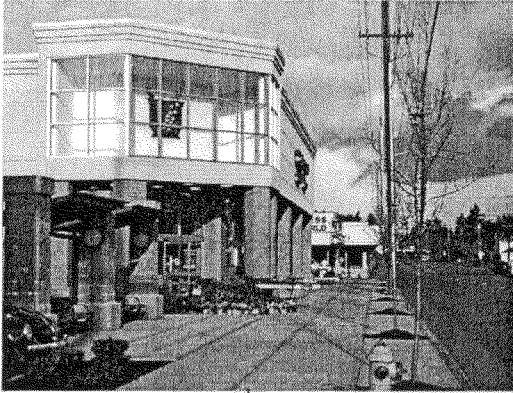
Gresham, OR



NE Broadway at 11th Avenue

Main Entry

The photos below show examples of well-defined pedestrian entries. The image at top left shows how a building that is not located at a corner may orient an entrance to provide access from the sidewalk and parking areas. This example would also work effectively in a corner location. The photo at top right shows a pedestrian-oriented entry into an auto dealership in a new building designed for multiple uses. In the lower examples, signage and architectural elements help define the entry.



NE Glisan east of 122nd Avenue



East Burnside at Grand



NE Broadway at 13th Avenue



NE Multnomah at Grand

Medium-Density Residential Development

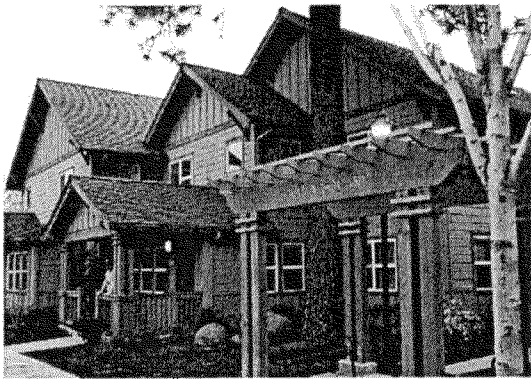
The photographs below all show use of durable materials such as wood or cement-fiber siding, decorative trim, and on-site landscaping that are appropriate for development in the residential zones. The example at top left shows how surface parking areas may be hidden from street view. The example at bottom left shows generous landscaped areas with building details that add character to the development. The example on bottom right shows use of quality materials such as wood, concrete, and glass in a more modern style structure.



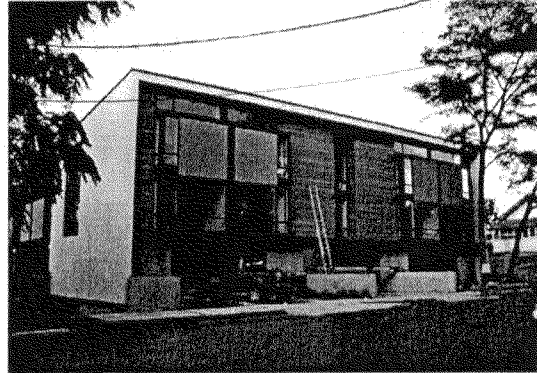
SE 127th Avenue north of Stark



7704-7716 SE Raymond St



211-293 SE 160th Avenue



SW 3rd and Meade

High-Density Residential

The photographs below show building mass, the use of durable materials such as metal brick and wood, and on-site parking solutions (tuck-under and podium) that are appropriate for development in the RH zone. The diagram at bottom right shows transition from higher density to lower intensity and smaller buildings.



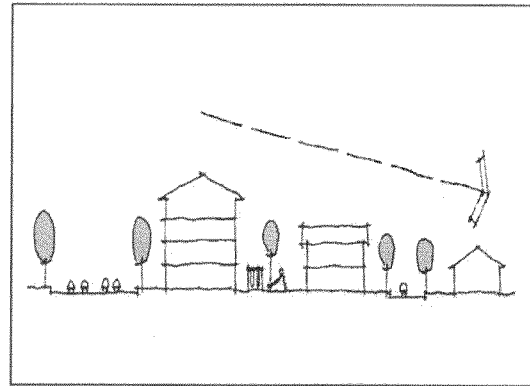
East Burnside at 122nd Avenue



NE 99th Avenue south of Pacific



SE 102nd Avenue at Ankeny



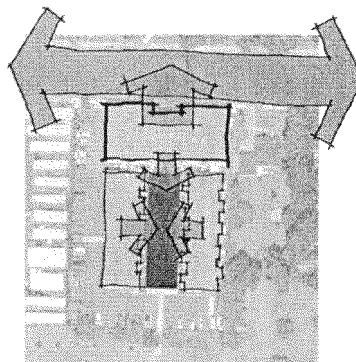
Transition from larger to smaller buildings

On-site Open Areas

Landscaping and open/green space is an important feature in residential development. The photo and diagram below shows an approach to on-site open space. The buildings form a courtyard protecting the open space from traffic, which creates a safe open space for residents that is buffered from street noise.



SE Stark at 109th Avenue

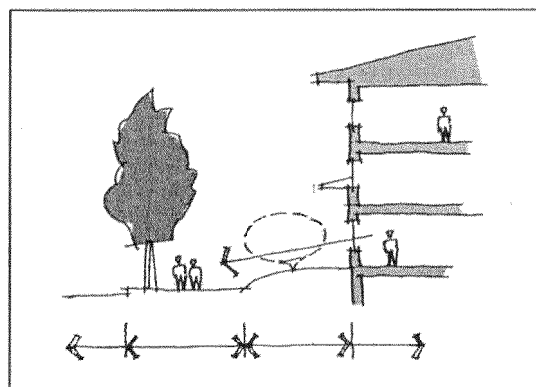


Residential Development on Busy Streets

Livability is a key factor in multi-dwelling and mixed-use developments. The photograph and diagram below show an example of how ground floor residential units may achieve a greater sense of privacy by elevating units above sidewalk grade, using landscaping, and by increasing the front yard building setback.



SE Hawthorne at 18th Avenue



Appendix

- 1. 122nd Avenue Station Area Study:
Phase One Report and Recommendation**
- 2. 122nd Avenue Station Area Study:
Regulatory Impact Assessment (under separate cover)**

122nd Avenue STATION AREA STUDY



*Phase One
Report & Recommendations*

28 June 2005

SERA



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This project was partially funded by a grant from the Transportation and Growth Management (TGM) program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Transportation Equity Act for the 21st Century (TEA-21), local government, and the State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

Executive Summary

*The following is a summary of the
122nd Avenue Station Area Study - its
purpose, background, process, and
recommendations.*

Executive Summary

The *122nd Avenue Station Area Study Phase One Report* is the result of a six-month effort initiated by the City of Portland Bureau of Planning with a grant from the Oregon Transportation and Growth Management Program. This grant funded a consultant team led by SERA Architects that, in conjunction with the City project team, analyzed land use, transportation, and regulatory issues in the 122nd Avenue station area.

A public process was conducted to review existing conditions in the area, as well as various alternatives for future development, the public realm, and the interface between public and private spaces. The result is a set of phase one study recommendations that aim to strike a balance between the auto-oriented uses in the area with aspirations for a more transit-oriented and pedestrian-friendly future.

Study Area:

The study is focused around the MAX light rail station at 122nd and East Burnside Street, with a primary study area generally running from NE Glisan to SE Stark Streets, and the secondary study area going from approximately NE Halsey to SE Mill Streets and from 117th to 127th Avenues.

Background:

Since the introduction of MAX light rail transit in the mid-1980s, public policies have promoted more intense development around the 122nd Avenue MAX station, focusing on development that benefits from being near the station and that helps encourage transit use. The regulations that implement this policy have made it difficult for established auto-oriented development in the area to improve or expand operations without significant changes to development forms. As a follow-up to the 2004 *Gateway Planning Regulations Project*, stakeholders asked the City of Portland to review land use policies along 122nd Avenue and to address the issues that transit-oriented development policies create for established and growing auto-oriented uses. The 122nd Avenue Station Area Study was undertaken to explore ways to meet the transit-oriented goals for the area while dealing with the reality and needs of its auto-oriented uses.



Executive Summary

Study Mission:

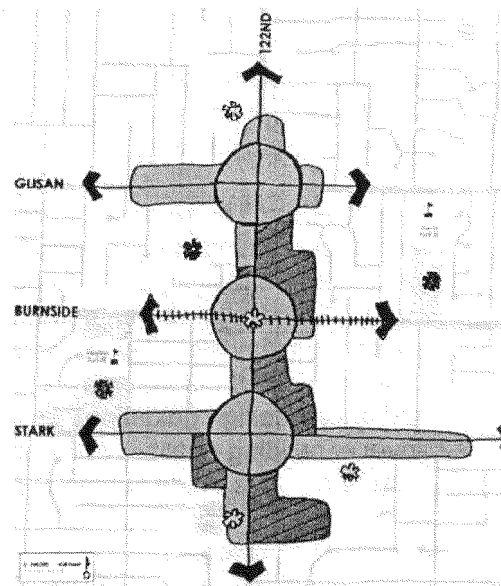
The general mission of the 122nd Avenue Station Area Study is to:

Foster the creation of a positive and distinctive place at the 122nd Avenue transit station, and to coordinate public and private investments along the 122nd Avenue main street and in the station area in order to:

- *Build on the area's light rail assets;*
- *Improve the area's appearance and function;*
- *Serve adjacent residents and nearby neighborhoods and*
- *Support businesses that serve both local and regional customers.*

Station Area Concept Overview:

The concept for the 122nd Avenue Station Area blends the established auto-oriented uses in the area with aspirations for a more transit oriented and pedestrian-friendly future. It accomplishes this objective by focusing pedestrian-friendly development and community-serving land uses at key intersections in the area. These intersections (122nd with Glisan, Burnside, and Stark) are well-served by transit, and are the key community entry points to this section of the 122nd Avenue main street. In between the key intersections, the concept provides for more flexibility to accommodate land uses, such as auto dealers, that feature exterior display and storage as part of their site development. Well-designed and landscaped exterior display areas provide an attractive environment for customers, as well as enhance the area's character for pedestrians, bicyclists, and motorists.



General Development Framework Concept

Key Concept Components and Recommendations:

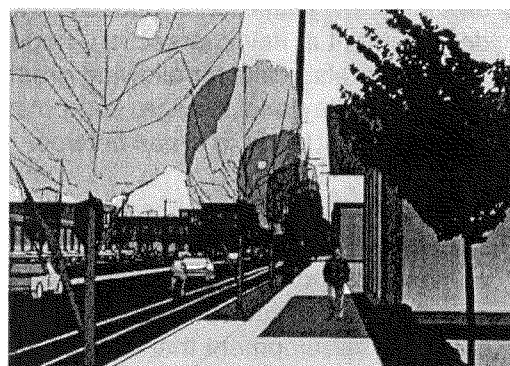
- **Development Framework:** The recommended framework concept fosters a development pattern that focuses new pedestrian-oriented and transit-supportive development at key intersection "nodes" at Burnside, Glisan, and Stark streets. The framework also calls for allowing greater flexibility for established uses that utilize exterior display and storage, and potential expansion for new uses that utilize exterior display and storage in areas between the intersection nodes.
- **Connectivity Plan:** The recommended connectivity plan shows the locations for future streets and connections in the station area. It is designed to provide, over time, more convenient and direct connections to the 122nd Avenue transit station and nearby commercial activities from adjoining neighborhoods. The plan also provides a pattern for future development that is supportive of the more frequent connections needed for a walkable, transit-oriented area.

Executive Summary

- **Streetscape:** The recommendations for streetscape enhancements are designed to improve the appearance of the 122nd Avenue station area while providing improved pedestrian safety and accessibility. The recommended approach balances the needs for turn movements and access with a desire for improved appearance, and allows for implementation over time.
- **Sidewalks and Building Setbacks:** The recommendations for sidewalks and building setbacks are designed to foster an environment that is pleasing to and convenient for pedestrians, transit users, and motorists. They also respond to the different environments created at intersection “nodes” and the areas in-between. Sidewalks along 122nd and arterial streets in the Ventura Park Pedestrian District are designed to mitigate the impacts of heavy traffic volumes on pedestrians by providing a generous buffer between pedestrians and traffic. Further, street tree and landscaping treatments are set to provide an aesthetic “greening” effect while better managing stormwater. Maximum building setbacks between the nodes are proposed to be increased for residential buildings to provide greater buffering, as well as for retail businesses that may utilize exterior display areas.
- **Site Design:** The recommendations for site design at the intersection “nodes” encourage an intensely-developed mix of retail, office, housing, and mixed-use development that is pedestrian-oriented but accessible by automobiles. In between nodes, site design recommendations call for more flexibility for businesses that feature exterior display, with limitations on the size and location of display areas, and site development plans that may allow for future redevelopment opportunity. In both areas, enhanced design guidelines and/or standards are recommended to encourage a high level of building quality, landscaping, and other features that help ensure compatibility with other uses in the station area.

Implementation Strategies:

The report concludes with several implementation strategies for advancing the recommendations in this report. These include addressing existing policy and objectives for the 122nd Avenue Station Area, pursuing revisions to regulations for development, refining transportation planning for streetscape and pedestrian improvements, and seeking funding for implementation.



Development Concept: existing conditions (left) and potential future development & streetscape (right)

1. Introduction

This introduction includes a description of the study's mission, the context under which it has been undertaken, and an outline of the study's process.

Introduction

The 122nd Avenue Station Area Study is an analysis of land use, transportation, and regulatory issues in the vicinity of the 122nd and Burnside MAX station. The primary study area generally focuses on the land along 122nd Avenue between NE Glisan and SE Stark Streets in Portland, Oregon. A secondary study area encompasses a larger area from approximately NE Halsey to SE Mill Streets, and from 117th to 127th Avenues.

Since the introduction of MAX light rail transit (LRT) in the mid-1980s, public policies have promoted more intense development around the 122nd Avenue MAX station, focusing on development that benefits from being near the station and that helps promote transit use. The new multi-family infill buildings, row houses, and streets that have been developed in the vicinity of the MAX station are in line with these policies.

At the same time, much of the current development along 122nd Avenue is characterized by storage of automobiles either in the form of car sale lots, shopping center parking lots, or driveways. Up until the development of the LRT line, these types of auto-oriented uses dominated the character and role of 122nd Avenue. While development in the area is evolving, auto-oriented uses remain a major component of the area.

As a follow-up to the 2004 Gateway Planning Regulations Project, stakeholders asked the City of Portland to review the land use policy along 122nd Avenue and to address the issues that transit-oriented development policies create for established and growing auto-oriented uses. The 122nd Avenue Station Area Study was undertaken to explore ways to meet the transit-oriented goals for the area while dealing with the reality and needs of its auto-oriented uses. Is it possible to balance the two? Could better designed streetscapes, pedestrian environments, and commercial uses make a difference?



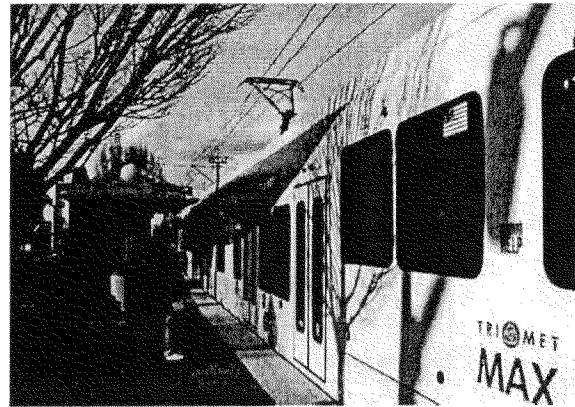
Existing MAX station and auto dealership on Burnside east of 122nd.

Introduction

The general mission of the 122nd Avenue Station Area Study is to:

Foster the creation of a positive and distinctive place at the 122nd Avenue transit station, and to coordinate public and private investments along the 122nd Avenue main street and in the station area in order to:

- *Build on the area's light rail assets;*
- *Improve the area's appearance and function;*
- *Serve adjacent residents and nearby neighborhoods and*
- *Support businesses that serve both local and regional customers.*



Existing MAX station at 122nd and Burnside

This report summarizes the process and findings of the study; it includes the following sections:

Background: This section provides a review of the history and intent behind current land use policies, as well as brief summaries of current development, market, and transportation conditions in the study area.

Concept Development: This section discusses development of a concept for the station area. It starts with a vision statement for the study area, goals and objectives, and an analysis of opportunities and constraints. It includes a description of the different development and land use scenarios explored during the public process.

Station Area Concept & Recommendations: This section presents the preferred Station Area Concept. It includes a recommended development framework concept, a proposed master street plan, recommendations for streetscape improvements, and concepts and principles / standards for development along the street.

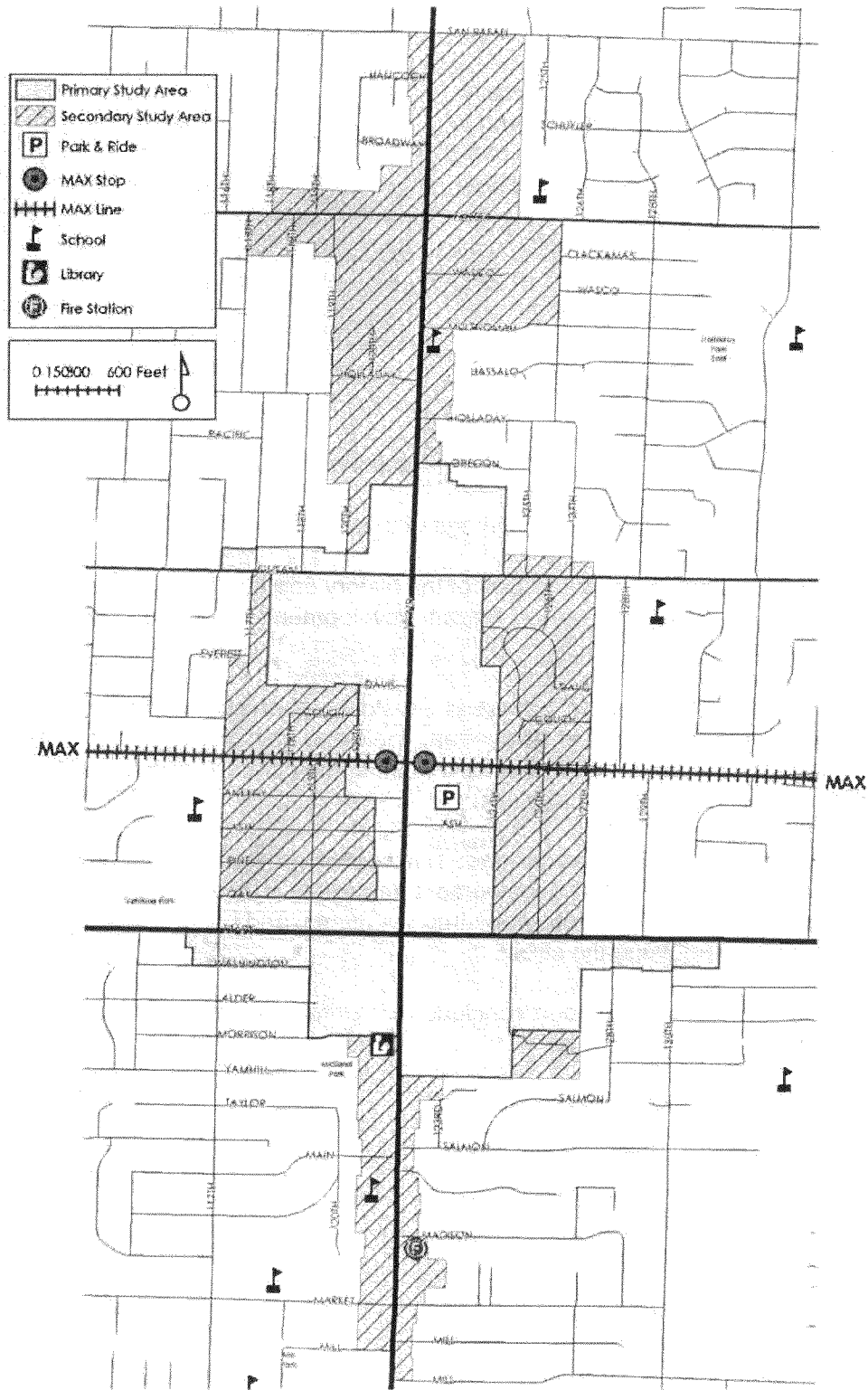
Implementation Strategies: The report concludes with strategies for implementing the recommendations of the study.



Existing auto dealership on 122nd

Study Area

1. Introduction



Process

TGM Grant

The City of Portland was awarded an Oregon Transportation and Growth Management (TGM) quick response grant. The grant funded a consultant team to provide expertise in urban development and design, transportation, and urban economics. The TGM consultant team includes: SERA Architects (lead/urban development and design), Falconi Consulting Services (transportation), and Johnson/Gardner (urban economics).

Timeline

The project was initiated in November 2004 and has followed the basic timeline below. This report encompasses phase one portions of the scope through step four, below. Phase Two will explore further a set of implementation measures, and may lead to review and consideration by the Portland Planning Commission and City Council.

Phase One

1. Assess Existing Conditions (Winter 2004-05)

- Demographic and market data*
- Review land use patterns and transportation systems*
- Review policy and regulatory parameters*
- Identify opportunities and constraints*

2. Set Goals and Objectives (Winter 2005)

- Confirm problem statement and issues*
- Discuss and set key goals*

3. Develop and Evaluate Alternatives (Winter-Spring 2005)

- Explore alternative land use and transportation concepts and scenarios*
- Assess and explore streetscape and connectivity issues*
- Explore design for auto dealers and other land uses*

4. Refine Preferred Alternative and Explore Implementation Strategies (Spring 2005)

- Explore alternatives for achieving future development*
- Future street plan*

Phase Two

5. Develop and Refine Implementation Strategies (Summer-Fall 2005)

- Policy issues*
- Comprehensive plan map, zoning map and code*
- Design guidelines and regulations*

6. Adoption Process (as appropriate: Fall-Winter 2005)

- Planning Commission review*
- Design Commission review*
- City Council hearing*

Process

Working Group

The study included a working group (SWG) composed of community stakeholders that met monthly from December 2004 through June 2005. While not a decision-making body, the group provided feedback to staff and consultants on various concepts and proposals from a variety of perspectives, and acted as a communication link to other organizations. The SWG included representatives appointed by nearby and local neighborhood associations and business associations, auto dealers, TriMet, and Metro. In addition to group members mentioned above, SWG meetings were attended by other community stakeholders.

Public Meetings

The study process included three meetings where the general public was asked to attend and provide input on ideas and alternatives developed by the project team of City staff and consultants. These meetings are described below.

Open House, February 7, 2005

This open house was attended by over 40 people and introduced the study and issues to the general public. The project team presented information on goals for the area (developed with feedback from the SWG), a discussion of market factors for development, land use and transportation system constraints, and an analysis of opportunity areas. Feedback from the participants included:

- Concerns about change and increased density in the area, particularly affordable multi-dwelling residential development;
- Acknowledgement that existing auto dealers are an established part of the community that provide jobs and other economic benefits;
- A desire for improvements to the pedestrian environment (getting across 122nd Avenue safely can be a particular challenge);
- Concerns about traffic flow (there is a need to maintain traffic movement in the area as it changes);
- Discussion about the benefits of MAX (it increases access, but there are perceptions about increased crime and vandalism);
- Desire for aesthetic improvements to the public realm and private property (this includes streetscape amenities, beautification, and more "greening" of the area).

Workshop #1, April 2, 2005

This workshop was attended by over 40 people and included the presentation of four development scenarios, a draft circulation plan (master street plan), ideas for streetscape improvements, and a draft mission and vision statement for the study area. Participants completed a questionnaire and provided verbal and written feedback, which was assessed and then synthesized by the project team into a refined concept following this workshop. The scenarios and feedback are discussed in the concept development section of the report.

Process

Workshop #2, June 4, 2005

This workshop was attended by over 20 people and included the presentation of a refined development concept for the area which evolved from the four development scenarios presented previously. A revised draft circulation plan (master street plan), refined ideas for streetscape improvements, and specific options for concepts and site development (setbacks, landscaping, etc.) were also presented. The workshop included small group discussions to obtain feedback on several station area land use and transportation ideas. Feedback from this workshop is discussed in the concept development section of this report.

1. Introduction



Photo courtesy of Tim Curran, Mid-county Memo

June workshop participants included local business people, neighbors, and other stakeholders

2. Background

This section includes background and context information for the study and the 122nd Avenue station area. Specific topics covered include City, County, and Regional policies, existing land use and development, market conditions, and existing transportation conditions.

Policy Background

2. Background

Policy and Regulatory Background

Until the 1980s, the area encompassed by the 122nd Avenue Station Area Study was in the jurisdiction of unincorporated Multnomah County, Oregon. Plans for this portion of Multnomah County allowed a variety of multi-family and single-family residential, and commercial land uses in this area, which was transitioning from a rural to suburban character.

As the area urbanized through the 1960s, new residential and commercial development began to occur. Much of the commercial development was on large lots at major intersections, and designed for easy auto access. In the late 1960s, Multnomah County adopted the CAC (Commercial Automobile Center) zoning code regulations that facilitated the development of auto retailers on key sites along 122nd Avenue.

The construction of the eastside MAX light rail line in the mid-1980s changed public expectations about the area, and resulted in a change in policies for future development around the MAX station and along 122nd Avenue. Policies to promote transit-oriented development were first implemented while the area was in the jurisdiction of Multnomah County through use of the transit zones ("T") which limited exterior activities and allowed mixed use development.

The area was annexed to the City of Portland during the 1980s and 1990s along with other areas in East Multnomah County. Portland zoning designations were applied in the area as it transitioned from unincorporated Multnomah County.

In 1991, a rewrite of Portland's zoning code resulted in another change to the zoning designations in the area. In addition to commercial and residential zones, a Light Rail Transit overlay zone ("t") was applied to sites near light rail. This overlay zone had several provisions designed to promote transit-oriented development; specifically, the "t" overlay:

- Prohibited vehicle repair, quick vehicle servicing, and drive through development;
- Prohibited single-dwelling development in multi-dwelling zones;
- Required a minimum 0.5:1 Floor Area Ratio (FAR);
- Required ground floor windows;
- Limited parking between a building and the street;
- Prohibited exterior display and storage.

In the mid-1990s, the regional *Metro 2040 Growth Concept* identified the area surrounding the 122nd Avenue MAX transit station as a "station community" and designated 122nd Avenue as a "main street." Local implementation of regional policy resulted in regulations for the 122nd Avenue station community and main street that encourage it to evolve into a pedestrian-oriented area with development that supports the public investment in transit.

In 1996, the Portland City Council adopted the *Outer Southeast Community Plan* (OSCP). This plan created a vision, urban design framework, policies, and implementation actions for much of east Portland. The plan included an update to the Portland Comprehensive Plan, Comprehensive Plan map, Zoning map, and Zoning code for the area.

Policy Background

As part of the OSCP, the MAX LRT Corridor Policy was adopted (see Appendix). This policy called for development around the MAX light rail stations to support public transit investment. To implement the policy, zoning on much of the commercial land near the 122nd Avenue MAX station was designated CS, Commercial Storefront. Residential areas near MAX were zoned for high-density multi-dwelling (RH), medium-density multi-dwelling (R1) development, as well as other zones, including areas of R5, single-dwelling residential. The area along 122nd Avenue from NE Glisan to SE Stark was designated as the Ventura Park Pedestrian District.

The *Hazelwood Neighborhood Plan* was also adopted as part of the OSCP process. It included a 122nd Avenue Subarea policy that called for development of commercial areas in a nodal pattern (see Appendix).

Finally, the OSCP resulted in adoption of the Gateway Plan District. This was applied in Gateway, and along the MAX Corridor between Glisan and Stark to the city limits. The Gateway Plan District included additional regulations to foster transit-oriented pedestrian-friendly development in transit station areas. The Gateway Plan District continued the prohibitions on vehicle repair uses, quick vehicle servicing uses, drive-through developments, and development with exterior display and storage. It added the following:

- Required minimum amounts of housing in commercial zones on sites over 200,000 square feet.

In 2004, the *Gateway Planning Regulations Project* revised the Gateway Plan District regulations. This project separated the Gateway Plan District into two separate plan districts: the Gateway Plan District which focuses exclusively on the Gateway Regional Center, and the East Corridor Plan District, which includes the area from NE Glisan to SE Stark along the MAX line east to Gresham. As part of this effort, the plan district code provisions were revised to simplify and add flexibility as follows:

- Eliminated required housing in C zones on sites over 200,000 square feet;
- Allowed vehicle repair that is accessory to auto dealers;
- Increased minimum FAR in the 122nd Avenue area;
- Eliminated open area requirement on large lots;
- Eliminated internal circulation requirements;
- Changed building and development standards in conformance with other adopted code updates.

Existing Land Use & Development

122nd Avenue is a major arterial street on the eastside of Portland. The street extends from NE Marine Drive to SE Foster Road, and is a major center of auto-oriented retail uses. Within the study area, 122nd Avenue is lined with shopping centers, automobile dealerships, other commercial uses, and multi-family housing, while the blocks located to the east and west are typically developed with single- and multi-family residential uses.

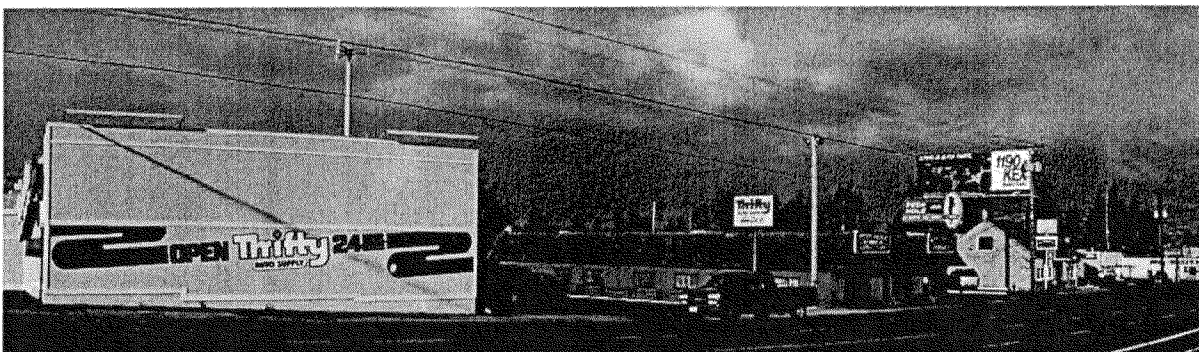


Glisan Street Station at the intersection of 122nd & Glisan

The zoning pattern in the area is a mixture of Storefront Commercial (CS), General Commercial (CG), Mixed Commercial/Residential (CM), Neighborhood Commercial (CN2), Office Commercial (CO1 & CO2), and multi-family residential along 122nd Avenue, with single family and medium density residential zones on the blocks immediately behind the avenue.

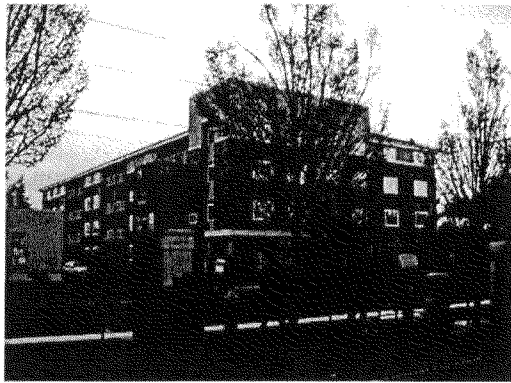
Zoning within approximately ¼-mile of the MAX station at Burnside and on key transit streets is aimed at fostering development that supports the public investment in transit. Much of the commercial land in the primary study area is zoned Commercial Storefront (CS), and residential areas are a combination of multi-dwelling zones (RH, R1, and R2) and some single dwelling zones (R5, and R7). A small area of the Mixed Commercial/Residential zone (CM) is applied on the east side of 122nd Avenue near Burnside. In addition to base zoning requirements, the area between NE Glisan and SE Stark Streets is also subject to the regulations of the East Corridor Plan District.

Parcels in the primary study area vary greatly in size. Small sites ranging from roughly 7,000 to over 30,000 square feet are located generally on the west side of 122nd Avenue and on Glisan and Stark Streets. These parcels include areas zoned for commercial, multi-dwelling residential, and mixed commercial/residential use. Land uses in the area located on smaller sites include a crematorium, several small restaurants, retail, offices, and community-oriented services.



Commercial development along 122nd Avenue

Existing Land Use & Development



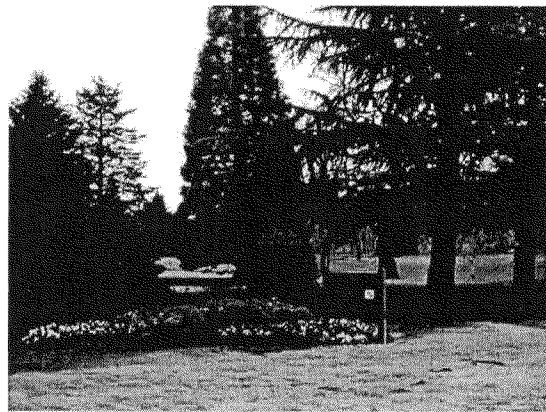
Residential development adjacent to the 122nd MAX station

The area also includes a number of large sites, which range from 100,000 square feet to over 400,000 square feet. Many of these sites in the primary study area are located on the east side of 122nd Avenue, but also occur at or near the intersection of 122nd/Glisan and 122nd/Stark Streets. Large sites accommodate a variety of uses in the area, and include community-oriented retail uses (Safeway, Target, etc.) and uses that may serve a larger market area (Fabric Depot, Big 5, Staples, etc.).

The study area includes several large sites that are in auto sales and service use: Rey Reece Dealerships (Volkswagen and Mitsubishi), Ron Tonkin Dealerships (Chevrolet, Honda, Gran Turismo, Mazda, and Toyota), and Acura of Portland are located within the primary study area. Courtesy Ford, and Tonkin Nissan are located to the north near NE Halsey in the secondary study area. The auto dealer sites are typically developed with substantial areas for exterior display and storage. Site development with exterior display and storage does not conform to the current CS zoning and plan district standards applied near the MAX station.

A TriMet park and ride facility is also located at Burnside Street and 122nd Avenue. This six-acre facility is currently configured as a 612-car surface parking lot.

Land uses surrounding commercial areas on 122nd Avenue, Stark Street, and Glisan Street are a mix of older, single-dwelling uses and more recent row house and multi-dwelling development. The area roughly between 122nd Avenue, 117th Avenue, Stark Street, and Davis Street has a combination of high-density (RH) and medium-density (R1) residential zones; the Mixed Commercial/Residential (CM) zone is applied close to Burnside Street. Much of this area is currently transitioning from low-density single-dwelling development into higher density single- and multi-dwelling uses. The area east of 122nd Avenue to roughly 127th Avenue between Stark Street and Burnside Street is generally developed in a medium density single dwelling pattern. New infill development at higher density is occurring in conformance with the RH and R1 zones applied in this area.



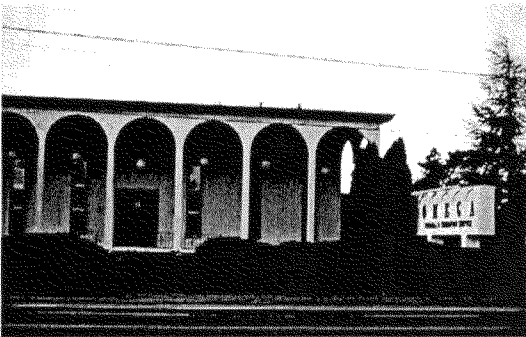
Ventura Park

Existing Land Use & Development

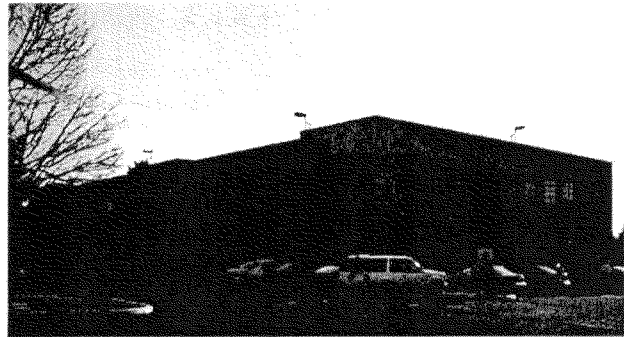
2. Background



Auto dealer and commercial businesses on the east side of 122nd south of Stark



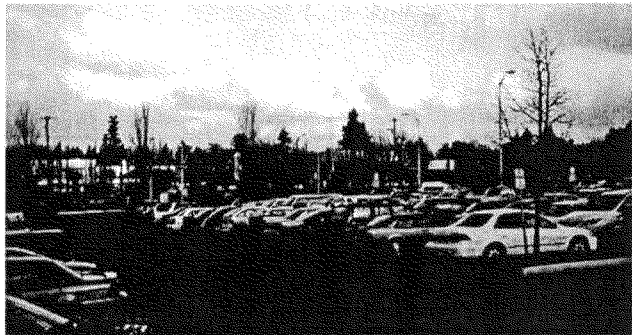
Existing commercial business on the west side of 122nd between Stark & Burnside



Existing civic use on the SE corner of 122nd & Glisan



Rowhouses on SE Pine west of 122nd



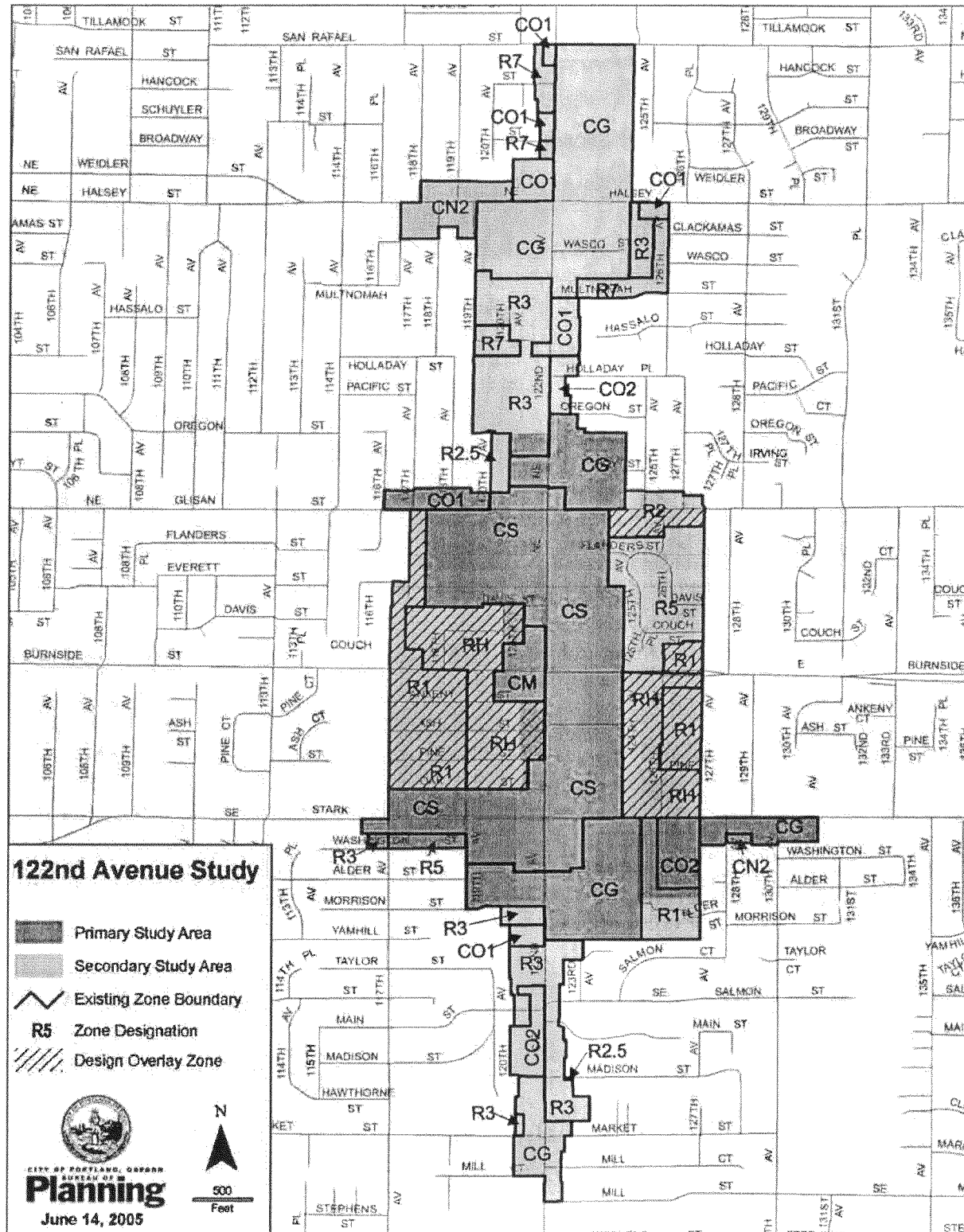
Tri-Met Park & Ride lot at SE corner of 122nd and Burnside



Commercial development along SE Stark east of 122nd

Existing Zoning

2. Background



Market Conditions

The following is a summary of a market conditions assessment performed by Johnson Gardner during the Spring of 2005. The full market report has been produced under separate cover and is available from the Bureau of Planning.

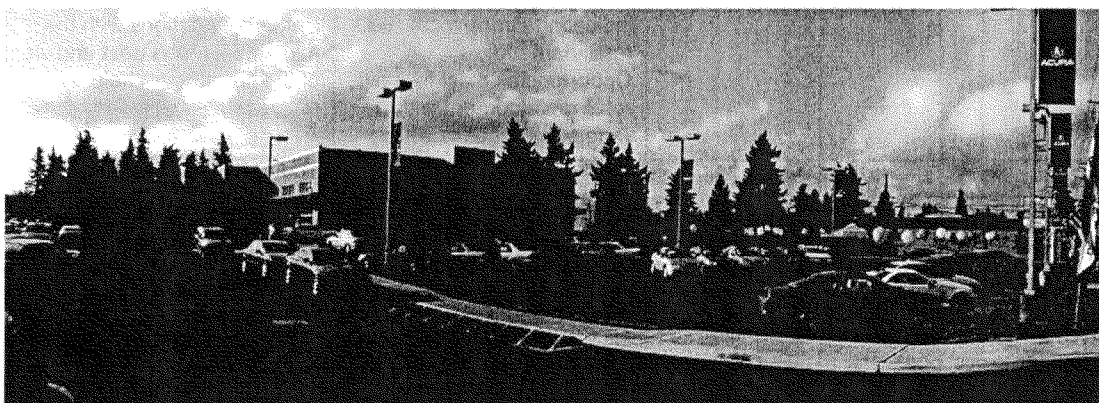
The commercial environment of the 122nd Avenue station area is varied, including both neighborhood as well as more regional retail uses. A key distinguishing characteristic of the area is the concentration of auto dealerships. The surrounding area also contains a fairly high residential density, with almost 20,000 people estimated to live within a half-mile of the study area. Residential densities are expected to increase considerably over the next several decades, and an increased demand for associated retail is anticipated.



122nd Avenue is a varied commercial environment

The 122nd Avenue Corridor has a number of key attributes that influence viable development forms in the area. These include the following:

- *122nd serves as the major north/south arterial in the area of Portland east of I-205. Estimated average daily traffic volume is over 25,000.*
- *Transit access is quite good in the corridor, including bus (lines 71, 4, 20, 25 and 27) and light rail access at East Burnside.*
- *The existing concentration of auto dealerships provides a regional draw and employment, but at a relatively low development intensity and configured with an auto-oriented street relationship.*
- *The surrounding area has a substantial residential density, providing support for a range of commercial uses.*
- *Proximity to the Gateway Regional Center, which provides services but also competes for potential uses.*



The 122nd Avenue station area has a concentration of auto dealerships and auto-related uses

Market Conditions

Taking into account these market area characteristics, as well as local and regional market conditions, Johnson Gardner evaluated the short and long-term potential for future development in the 122nd Corridor Study Area. The following table summarizes our findings and conclusions by major land use.

**Current Market Conditions & Assessment of
(Re)Development Opportunities by Land Use**

Land Use	Occupancy/ Sales Activity	Lease Rates/ Sale Prices	Short-Term Development	Long-Term Development
Rental Housing	Relatively high occupancy levels, currently estimated at 96%	\$0.70 to \$0.92 per square foot quoted rents.	Good development potential, for both tax-credit as well as market rate units. Under the current rent structures, affordable projects represent the most viable development type, in addition to senior housing.	The long-term marketability of the area for market rate apartments will be dependent upon the perceived desirability of the area. Expansion of the nearby Gateway Regional Center will present competition for the 122 nd Corridor.
Ownership Housing	14 attached home sales in the area over the last year, with 93 detached sales	Average price of \$157,000 for attached new construction, and \$257,000 for detached new construction.	New development within the study area is expected to be limited to either attached for-sale (townhome or condo) or small lot product. These are seen as being price point as opposed to lifestyle driven in this area.	Assembly of land will limit the viability of redevelopment for ownership housing over time, with longer term prospects potentially turning to condominium product in a flat configuration.
Office	Occupancy over 90%, well above the regional average.	\$15.00 to \$18.00 per square foot (Gross)	The short-term potential is good, but at a limited scale.	The lack of regional access, as well as the proximity to the Gateway Regional Center, will likely limit local office space development to neighborhood-serving commercial.
Retail (Non-Auto)	Healthy, local occupancy exceeds 90%.	\$13.00 to \$16.00 per square foot (NNN)	While vacancy in the broader market area is elevated, the study area vacancy based on projects surveyed was only 4%, indicating strong localized retail demand. Opportunities exist for new retail development with a wide range of uses.	Expected marginal increases in local residential density will increase retail demand, particularly for neighborhood serving uses. Better connections with the residential areas east and west of the corridor will help this relationship.
Auto Dealerships	Very Healthy, Full Occupancy	Dealerships are owner occupied, but have the ability to outbid most alternative uses for vacant land.	Demand exists for short-term expansion and redevelopment of dealerships within the study area, but preferred configurations are not allowed under the current code.	The long-term nature of auto dealerships is unknown, but escalating prices in real terms would be expected to shift the development pattern to a more intensive form.

Market Conditions

New development in the area will largely take the form of redevelopment, as most of the area has been developed previously. The opportunities can be broken into three broad categories. The first of these is redevelopment of commercial properties fronting the major arterials. Many of these properties are considered under-developed or have been developed in configurations that are not consistent with current market requirements. These properties are expected to redevelop over time through natural market forces, as the value of the improvements falls below the value if redeveloped.

The second major opportunity is for ongoing infill residential development, comprised of rental apartments, senior housing or attached ownership housing. This is already occurring in the area, and is expected to continue over time. With the higher density developments, linkages to the commercial and transit corridors will be more desirable for residents.

The third major opportunity type is redevelopment and/or reconfiguration of the auto dealerships. The relatively high land values associated with prime dealership sites, coupled with the fact that auto dealerships typically require a large amount of land relative to their improvement values, generally place dealerships as highly redevelopable using typical land-to-improvement methodologies. While many of the dealers expressed interest in short-term redevelopment or expansion, their preferred development programs are not allowable under current zoning restrictions. As a result, the scale of redevelopment in the near term will be contingent upon the dealerships willingness and ability to reconfigure. Over time, escalating land values in the area would be expected to encourage dealerships to evaluate more intensive development scenarios, particularly for auto storage. A key design goal may be to assure that dealer configurations allow for later densification if land values justify it.



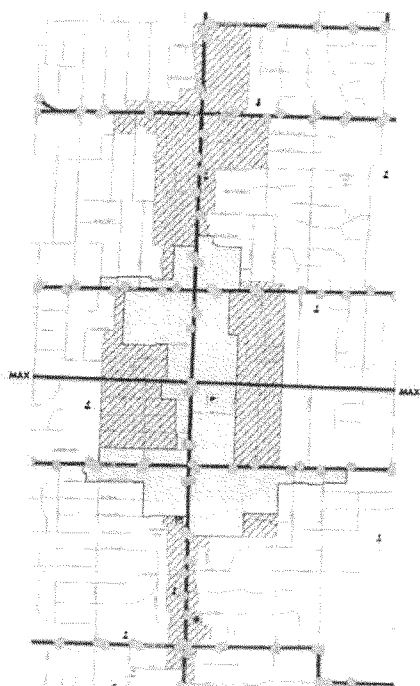
New residential development is occurring in the station area

An important determinant in the final form of development in the area will be how parking needs are met. Under current land values, surface parking is expected to represent the most cost effective parking option for most uses. There exists an immediate potential for ground floor podium and tuck-under parking options for residential projects, as ground floor units are often not very marketable and residential tenants will pay for secured parking. Office and commercial uses are unlikely to generate any income from secured parking in the short-term, making the lower cost surface parking option more likely.

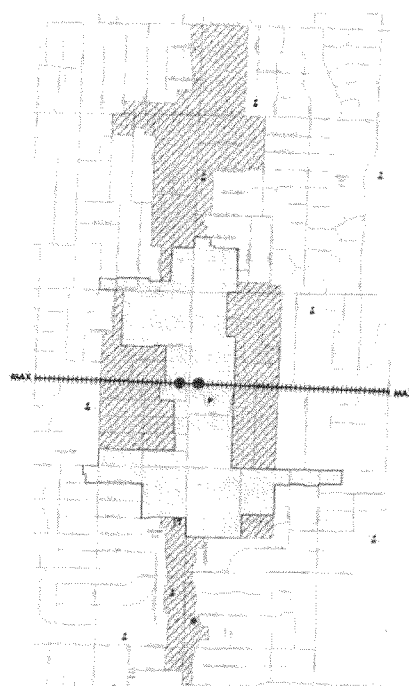
Transit-oriented mixed-use development will be viable if the individual uses are viable and the site is suitable. Transit-oriented development need not be mixed-use, as residential development that is supportive of transit ridership often locates within walking distance of transit opportunities. We see immediate demand for transit supportive development in the area, with recent residential construction activity related to the availability of transit. In the study area, we would expect that vertical mixed-use development could be done if mandated, but would be unlikely to occur in any substantial way in the short term merely through market forces. Nonetheless, if required on appropriate sites, the market appears capable of supporting these development forms.

Transportation Conditions

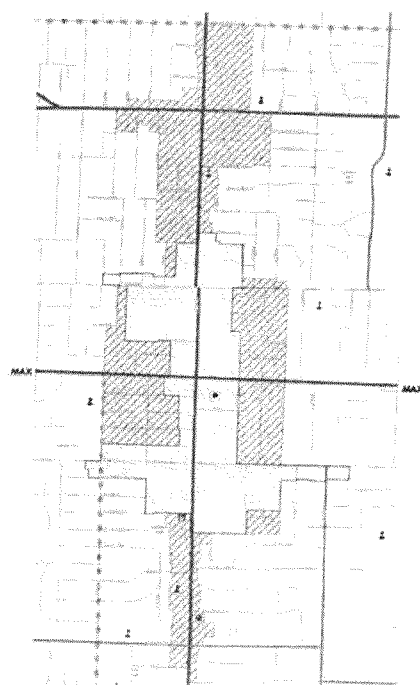
Bus Lines & Stops



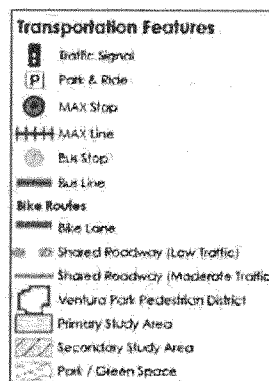
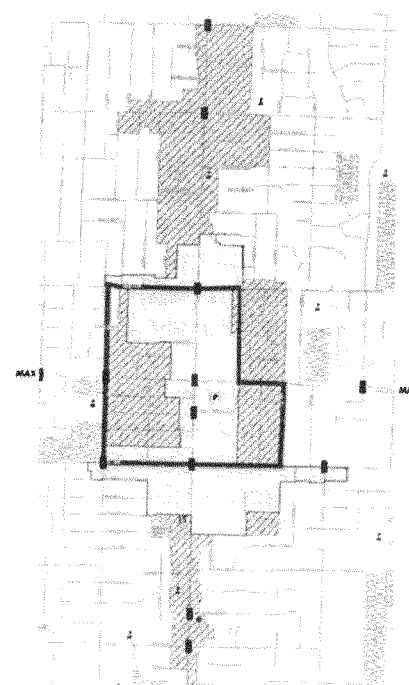
MAX Line & Stops



Bike Routes



Pedestrian District



Transportation Conditions

According to the City of Portland Transportation System Plan, 122nd Avenue is classified as a Major City Traffic Street, Transit Access Street, City Bikeway, City Walkway, Major Truck Street, Major Emergency Response Street, and Regional Main Street (between Oregon and Stark Streets). Due to the variety of functions that 122nd Avenue serves and the high volumes of traffic it handles on a daily basis, making this street a pedestrian friendly facility presents some challenges. Other major streets within the study area are:

Glisan Street. West of 122nd Avenue, Glisan Street is classified as a Major City Traffic Street; east of 122nd Avenue it is classified as a District Collector Street. In addition, Glisan Street is a Community Transit Street, City Bikeway, City Walkway, Minor Truck Street, Major Emergency Response Street, and Community Main Street (116th to 123rd).

Burnside Street. In the vicinity of 122nd Avenue, Burnside Street is a Neighborhood Collector Street, Regional Transitway, City Bikeway, City Walkway, and Community Main Street (117th to 127th).

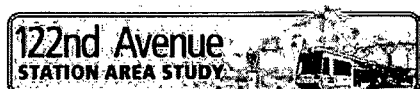
Stark Street. In the vicinity of 122nd Avenue, Stark Street is a Major City Traffic Street, Transit Access Street, City Bikeway, City Walkway, Major Truck Street, Major Emergency Response Street, Community Main Street (117th to 122nd), and Regional Corridor (east of 122nd Avenue).

The average total width of 122nd Avenue between curbs is approximately 76 feet. In general, 122nd Avenue between Oregon and Yamhill Streets consists of four lanes of travel with a continuous two-way left turn lane; bike lanes and sidewalks are found on both sides of the street. There are designated left turn lanes at major intersections, which in most cases are controlled by traffic signals. On-street parking is allowed on both sides of the street with the exception of specific areas designated for transit stops where on-street parking is not allowed.

The posted speed along 122nd Avenue is 35 MPH. A pedestrian crossing analysis was performed by the Portland Department of Transportation in 1999 for 122nd Avenue at Morrison Street. As part of this analysis, a radar speed study (conducted November 23, 1999) reported an 85th percentile speed of 39 MPH with up to 47% of drivers exceeding the posted speed limit; up to 3% of drivers exceeded the limit by 10 MPH or more. Traffic volume along 122nd was measured in 1992 at 23,000 vehicles per day (vpd) in each direction. 1996 and 1999 directional counts study indicated that traffic volume had increased to over 25,000 vpd in each direction. The most current traffic counts (2000-2004) put directional traffic flow in vehicles per day (vpd) at the following:

- 122nd Avenue at NE Glisan: ~29,000 vpd
- NE Glisan at 122nd: ~28,000 vpd
- SE Stark at 122nd: ~34,000 vpd
- E Burnside @ 122nd: ~9,800 vpd

In addition to MAX light rail service on Burnside Street, TriMet serves the study area with bus service on 122nd Avenue (#71), Glisan (#25), Stark (#20), San Rafael (#23), Halsey (#77), and Market (#27). Light rail tracks cross 122nd Avenue at Burnside Street, which makes this intersection very busy at times, as transit users try to connect between light rail and buses.



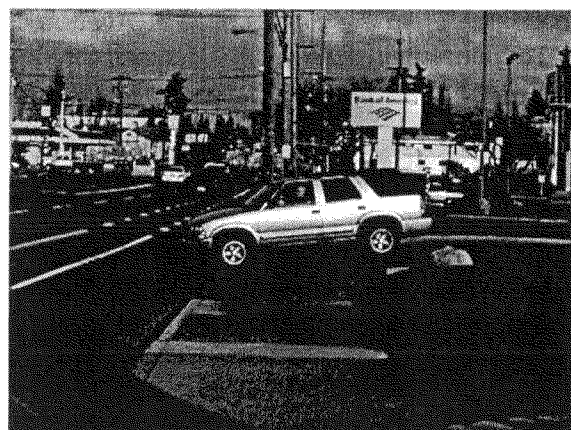
Transportation Conditions

Traffic accident data was obtained from ODOT for the five-year period between 1999 and 2003. A review of this data revealed that the intersection of Glisan Street at 122nd Avenue had a total of 92 accidents; Burnside Street at 122nd Avenue had 31 accidents, and the intersection of Stark Street at 122nd Avenue showed a total of 83 accidents.

As indicated in the following table, based on information provided by the City of Portland, an inventory of existing access points was conducted and revealed the following number of driveways along 122nd Avenue and within the project area.

APPROXIMATE NUMBER OF DRIVEWAYS

Location	East of 122 nd Avenue	West of 122 nd Avenue
Oregon Street to Glisan Street	4	4
Glisan Street to Burnside Street	5	9
Burnside Street to Ash Street	1	2
Ash Street to Stark Street	5	1
Stark Street to Morrison Street	7	8
Morrison Street to Yamhill Street	2	1
Total	24	25
Access per mile	28.16	29.33



The sheer number of driveways along 122nd contribute to an unfriendly pedestrian environment

The relatively high number of driveways along 122nd Avenue, in conjunction with the high number of auto-oriented businesses (many of which have substantial parking lots), means that there is a greater chance that a pedestrian walking along 122nd Avenue (or a cyclist using the bike lane) will come into conflict with a vehicle turning into or out of a driveway. This type of conflict contributes to a hostile pedestrian environment, an environment which is further degraded by:

- narrow sidewalks (or a lack of sidewalks, as occurs in parts of the study area);
- street lights and/or telephone poles in the sidewalk;
- a lack of pedestrian-scale lighting;
- a lack of street trees;
- wide roadways (122nd, Burnside, Glisan, Stark) to cross;
- a lack of crossing opportunities;
- development patterns that are not pedestrian-oriented (lacking windows/doors on the street edge, large parking areas along the sidewalk, auto-oriented setbacks, etc.)

In short, although there are bike lanes and sidewalks along 122nd Avenue, this 'main street' has been designed up to this point almost exclusively for automobiles at the expense of pedestrians, bicyclists, and transit riders.

3. Concept Development

Throughout the Spring of 2005, a development framework concept was formulated for the 122nd Avenue station area. This section traces the evolution of that concept - from vision and goals, through an opportunities and constraints analysis, to the creation of four alternative concept scenarios.

Vision Statement

A draft 20-year future vision statement for 122nd Avenue Station Area was developed in the Spring of 2005 with input and feedback from the study working group.

A 20-Year Vision for the 122nd Avenue Station Community (Draft):

The 122nd Avenue Transit Station Community has evolved over the years. Close to the bustling Gateway Regional Center, as well as established residential neighborhoods, development of the area along 122nd Avenue and near the MAX stop has intensified.

122nd Avenue has continued to develop as the community's "main street", featuring businesses that serve local and regional market areas. Development in the area includes single-purpose buildings as well as mixed use sites, some of which featuring ground-floor commercial uses with housing. The corners of Glisan and Stark at 122nd Avenue are key intersections or "nodes" for community-oriented businesses in the station area, while the area or "node" near Burnside has a more mixed-use emphasis with more residential uses. Major streets in the area continue to carry large amounts of traffic, but they have become more walkable and pedestrian friendly over time with changes to both the sidewalk environment and private development. New commercial buildings at the nodes are close to the sidewalk, and have large windows that allow retail display opportunities; they also provide "eyes on the street," enhancing the sense of security for pedestrians. Between the major nodes, some buildings are setback from the sidewalk; these are well landscaped or feature attractive retail displays. Sidewalks have been improved and feature street trees and other amenities.

Somewhat unique among light rail station areas, auto dealers are a presence at 122nd Avenue. Consistent with the special character of the area, they have been built in a manner that is pleasing to pedestrians, and allows them to reconfigure and intensify development of their sites over time. Serving customers from around the region, the presence of auto dealers has attracted other retailers and services to the area; these businesses bolster the main street by serving the local community. The design and streetscape features of auto dealers help support a vital pedestrian main street environment, and minimize conflicts with the nearby housing.

The area surrounding the 122nd Avenue MAX station has evolved through redevelopment from a low-intensity area of detached houses to a more highly developed area featuring apartments, condominiums and row houses. People that live in the area take advantage of nearby shopping and services, and rely less on their cars for daily use. Many in the area use MAX and bus transit services for their commute and some do not own a car. The well-developed network of tree-lined streets and paths make walking and bicycling in the station area easy and pleasant. Neighbors in the area take advantage of nearby Ventura Park for recreating, but also enjoy smaller green spaces and plazas created by development, and the improved sidewalk environment created by enhanced landscaping and additional street tree planting.

Outside the station area environment, the area largely remains in the development pattern established long ago. Neighborhoods of detached homes on generous lots flourish, although some infill development has occurred over the years. These neighborhoods are served by retail and service businesses along major streets in the community. In addition to businesses, major streets have also provided opportunities for higher-density housing outside of the established single-dwelling neighborhood areas.

Goals & Objectives

The following draft goals and objectives were developed for the 122nd Avenue Station area with input and feedback from the study working group.

Foster a stronger "Sense of Place"

- *Create focal points of activity (nodes) that support concentrations of active businesses and residences*
- *Integrate neighborhood-serving businesses within areas that include established businesses that serve a larger market area.*
- *Support light rail transit (MAX) investments with more intense development near the station area*
- *Create safe, defensible spaces*
- *Foster "greening" of the area through landscaping and sustainable stormwater management practices*

Enhance the Pedestrian Environment

- *Create streets and pedestrian connections that are convenient, direct, comfortable, appealing and safe*
- *Improve the appearance of 122nd Avenue and other key streets with trees and other features*
- *Minimize the visibility of surface parking and vehicle storage areas; cluster parking where possible to serve multiple uses*
- *Organize parking access points to reduce conflicts with pedestrians & traffic*

Manage Traffic and Transportation

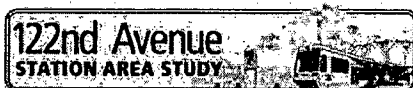
- *Balance transportation modes and optimize the system*
- *Provide traffic calming and improve safety through street design*
- *Limit cut-through traffic in neighborhoods*

Improve Access to and within the Area

- *Ensure access to the area through connections to the broader system (traffic, transit, bike, pedestrian)*
- *Plan for new streets where appropriate*
- *Improve existing and add new pedestrian crossings across 122nd Avenue*
- *Improve and add pedestrian connections east and west to link with 122nd Avenue and other key streets*

Catalyze Future Investment

- *Build on synergies: link land uses and activities*
- *Foster a strong business environment to serve local and broader markets*
- *Emphasize high-quality design & durable construction materials*
- *Plan for foreseeable economic and development horizons, but do not preclude potential for new ideas or market changes*



Opportunities & Constraints

Following initial market, transportation, and land use analysis, as well as interviews with major property owners and consultation with City staff, a sketch diagram was prepared outlining an early understanding of opportunities and constraints within the study area.

The resulting illustration indicates the major open space anchors (Ventura Park, Ventura Park Elementary School, and Menlo Park Elementary School) and assets (Midland Park) and the major commercial nodes (the Safeway / Target shopping center at the southwest corner of Glisan/122nd and the Staples/Walgreen's shopping center at the northeast corner of Glisan/122nd). Existing major buildings were noted, as were existing higher-density residential developments. The two major civic nodes (the Midland Library and the MAX station at Burnside/122nd) were documented as well.

This diagram also posited potential sites for significant investment in the future. Specifically, sites were highlighted that had some perceived degree of potential for major redevelopment, small-scale redevelopment, reconfiguration, or expansion. Many of the more noteworthy sites occur in close proximity to the major intersections of 122nd and Glisan, Stark, and Burnside. These sites include the Tri-Met Park & Ride site on the SE corner of 122nd/Burnside, the Multnomah County Sheriff site on the SE corner of 122nd/Glisan, and the parcels at the SE corner of 122nd/Stark. Smaller-scale redevelopment opportunity sites occur at the SW corner of 122nd/Stark, at the NW corner of 122nd/Burnside, and to the NE of 122nd/Glisan. In general, there is greater potential for large-scale redevelopment on the east side of 122nd within the study area, while smaller sites offer small-scale redevelopment opportunities on the west side.

The existing transportation system also was scrutinized, and opportunities for new connections and/or pedestrian crossings were noted. Many of these connections were lined up with existing roadways in the study area, while others were drawn to provide better connectivity to the major commercial streets.

The opportunities and constraints diagram was presented to the public at the first scheduled Open House on February 7, 2005. Generally, the comments received included at this event included:

- Concerns about increased density;
- Desire for more green space;
- Desire for a better and safer pedestrian environment;
- Concerns about traffic flow in the study area;
- Hope for a more aesthetically pleasing 122nd Avenue corridor.

The opportunities & constraints diagram, further informed by these comments and the results of further analysis and study, formed the basis for the station area development concepts developed in the Spring of 2005.

3. Concept Development

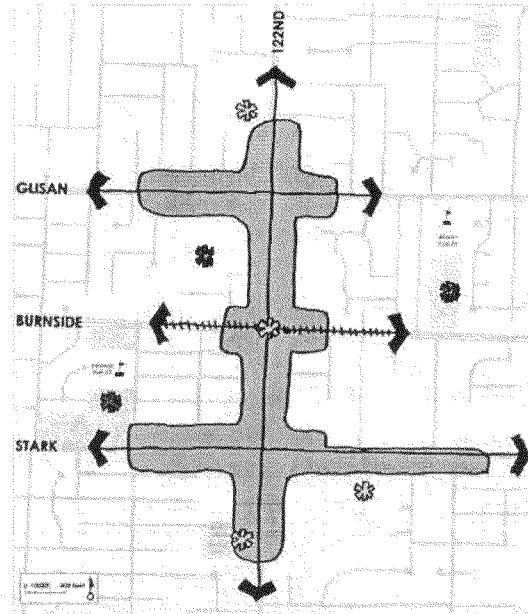


Alternative Concept Scenarios

Four development concept scenarios were developed for the primary study area. They illustrate a range of policy approaches to exterior display and storage – from maintaining the City's current prohibitions on exterior display and storage, to relaxing these regulations in certain locations and situations, to removing these restrictions altogether. Presented here are general diagrams illustrating the essence of the four concept scenarios, as well as text descriptions for each. (Detailed diagrams for each scenario are located in an Appendix to this report.)

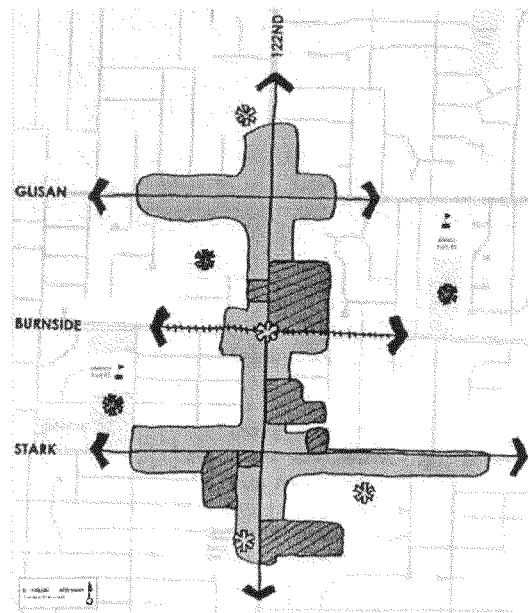
Scenario 1: Mixed-Use Station Area (Existing Policy)

Scenario 1 envisions a mixed-use station area and encourages higher-intensity commercial and residential development. This scenario represents the stringent maintenance of current zoning code prohibitions of exterior display and storage within the station area. It supports pedestrian activity by increasing densities, pedestrian amenities, and the orientation of buildings to the street edge. Because of the prohibition on exterior display and storage, this scenario would require any new lumber yards, auto dealers, nurseries, etc. to enclose their displays, inventory, and services within a building. Similarly, significant reconfiguration of existing sites with exterior display and storage would require more building area and less exterior display and storage.



Scenario 2: Mixed-Use Station Area with Auto Dealer Reconfiguration

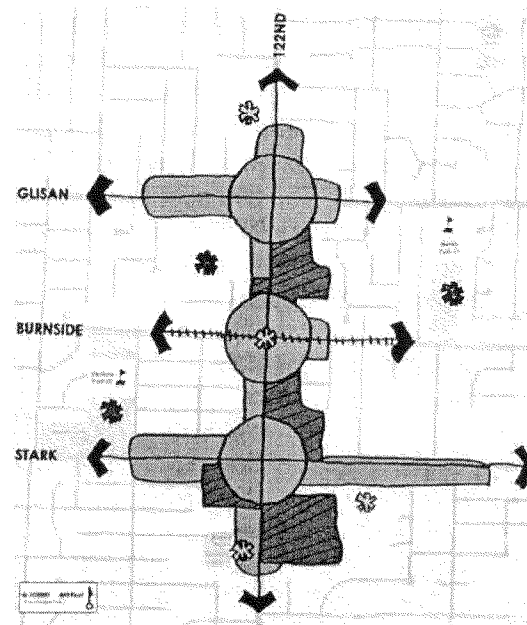
Scenario 2 encourages a mix of higher-intensity commercial and residential development throughout much of the station area. However, it would allow some flexibility for established auto dealers. Specifically, it would enable existing dealers in the station area to reconfigure their operations on their existing sites by permitting a limited amount of exterior display and storage. The allowance of exterior display and storage under this scenario might be contingent upon the meeting of various criteria, including perhaps the provision of significant landscaping or screening. Reconfigured buildings would be required to be oriented (and proximate) to the street. Because exterior display and storage still would be generally prohibited, new uses that traditionally utilize exterior display and storage (auto dealers, nurseries, lumber yards, etc.) would need to internalize their inventory and storage.



Alternative Concept Scenarios

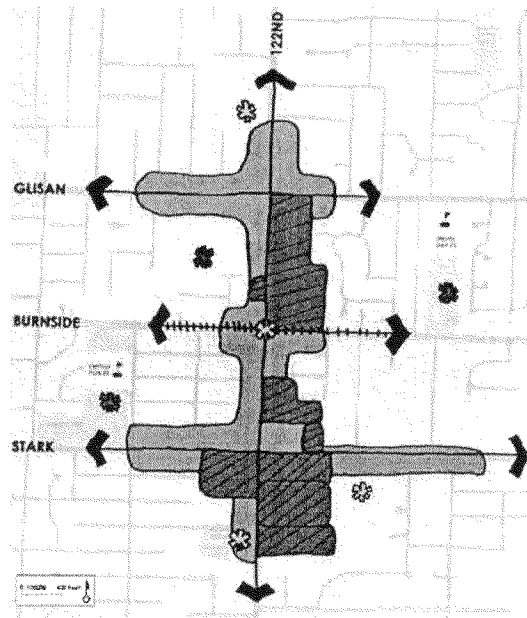
Scenario 3: Intersection Nodes

Scenario 3 calls for creating nodes of pedestrian oriented, community-serving, development at key intersections. The current policy regarding exterior display and storage would be maintained within the primary nodes surrounding the intersections of 122nd with Glisan, Burnside, and Stark. These nodes would become the focal points for pedestrian activities and amenities, and could include community-serving retail and office development as well as housing. Auto dealers also would be permitted within these nodes, but would be required to maintain their display and inventory within a building. Between these nodes, current regulations regarding exterior display and storage would be altered to allow greater flexibility for existing auto dealers as well as new or expanded uses that traditionally utilize exterior display and storage. As with Scenario 2, the building, expansion, or reconfiguration of such uses would require that buildings be oriented (and proximate) to the street, and might also require the meeting of various other criteria, including the provision of significant landscaping or screening.



Scenario 4: Auto Dealer Emphasis

Scenario 4 would allow considerable flexibility in the ultimate location of auto dealers and uses with exterior display and storage in the station area, including at key intersections and near MAX light rail. This scenario would represent a change in City policy by allowing exterior display and storage throughout much of the study area. The potential for the expansion of existing uses to potential redevelopment sites within the study area, coupled with the relatively strong purchasing power of auto dealers in general, could result in a station area with an even stronger auto dealer presence than is seen currently along 122nd Avenue and its major cross streets. Under this scenario, certain criteria in terms of orientation and proximity to the street, landscaping, and screening, would still need to be met for those uses utilizing exterior display and storage.



3. Concept Development

Concept Development Conclusions

These four alternative concept scenarios were presented to the public for consideration at a workshop held on April 2, 2005. Both scenarios 1 and 4 generally were not received favorably by the public – the former as being too stringent in terms of its treatment of existing businesses in the station area, and the latter because of concerns regarding the relative freedom it would grant to uses with exterior display and storage and that it ultimately would transform the area into an auto mall. The two scenarios that received the most favor were scenarios 2 and 3 – the former because it recognizes the role of auto dealers in the area and would allow them to continue to operate, and the latter because it would encourage the creation of pedestrian-oriented nodes of development with community-serving land uses.



At the April 2nd workshop, attendees expressed support for a development concept that supports existing local businesses, including auto dealers.



Workshop attendees also supported the notion of nodes with community-serving businesses.



4. Station Area Concept & Recommendations

This section describes the 122nd Avenue station area concept and recommendations in terms of connectivity, streetscape, sidewalk and setback standards, and site design considerations.

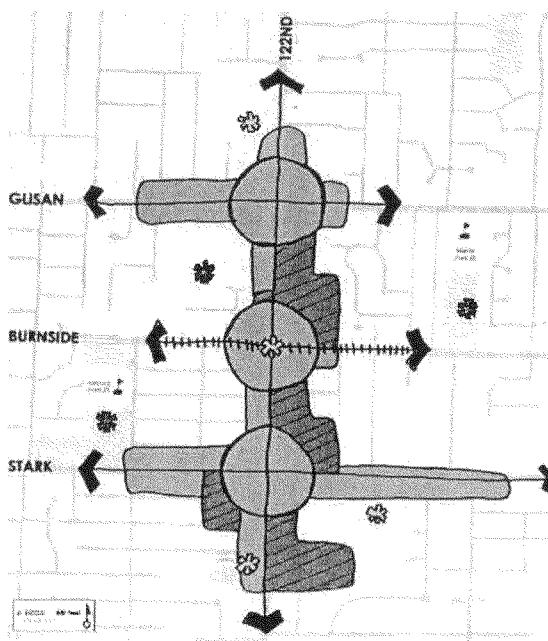
Development Framework Concept

Based on comments received at the April workshop and those received from the Study Working Group, a refined station area development concept was formulated – combining the favored elements of Scenarios 2 and 3 into a single concept. The concept for the 122nd Avenue Station Area blends the established auto-oriented uses in the area with aspirations for a more transit oriented and pedestrian-friendly future.

The concept focuses pedestrian-friendly development and community-serving land uses at key intersections in the area. These intersections – 122nd with Glisan, Burnside, and Stark – are well-served by transit, and are the key community entry points to the 122nd Avenue main street. Because of its proximity to a major MAX station, the intersection at 122nd/Burnside is envisioned as a mixed-use “node,” with housing as a key component. The intersections of 122nd with Glisan and Stark are current locations for retail and services, and the concept calls for building on this foundation in a more pedestrian-friendly manner. To encourage the envisioned development at these three intersection “nodes,” exterior display and storage would not be permitted in new development. Existing uses at the nodes with exterior display could be allowed to reconfigure under certain circumstances.

Between the intersection nodes, the concept provides for more flexibility to accommodate land uses such as auto dealers that feature exterior display and storage as part of their site development. The concept envisions exterior display areas that are well designed and landscaped to provide an attractive environment for customers, as well as to enhance the area for pedestrians, bicyclist, and motorists. Exterior display would be permitted or allowed under certain conditions for those sites that currently utilize exterior display. These conditions might include reconfiguration of buildings that result in orientation and proximity to the street and more

General Development Framework Concept:

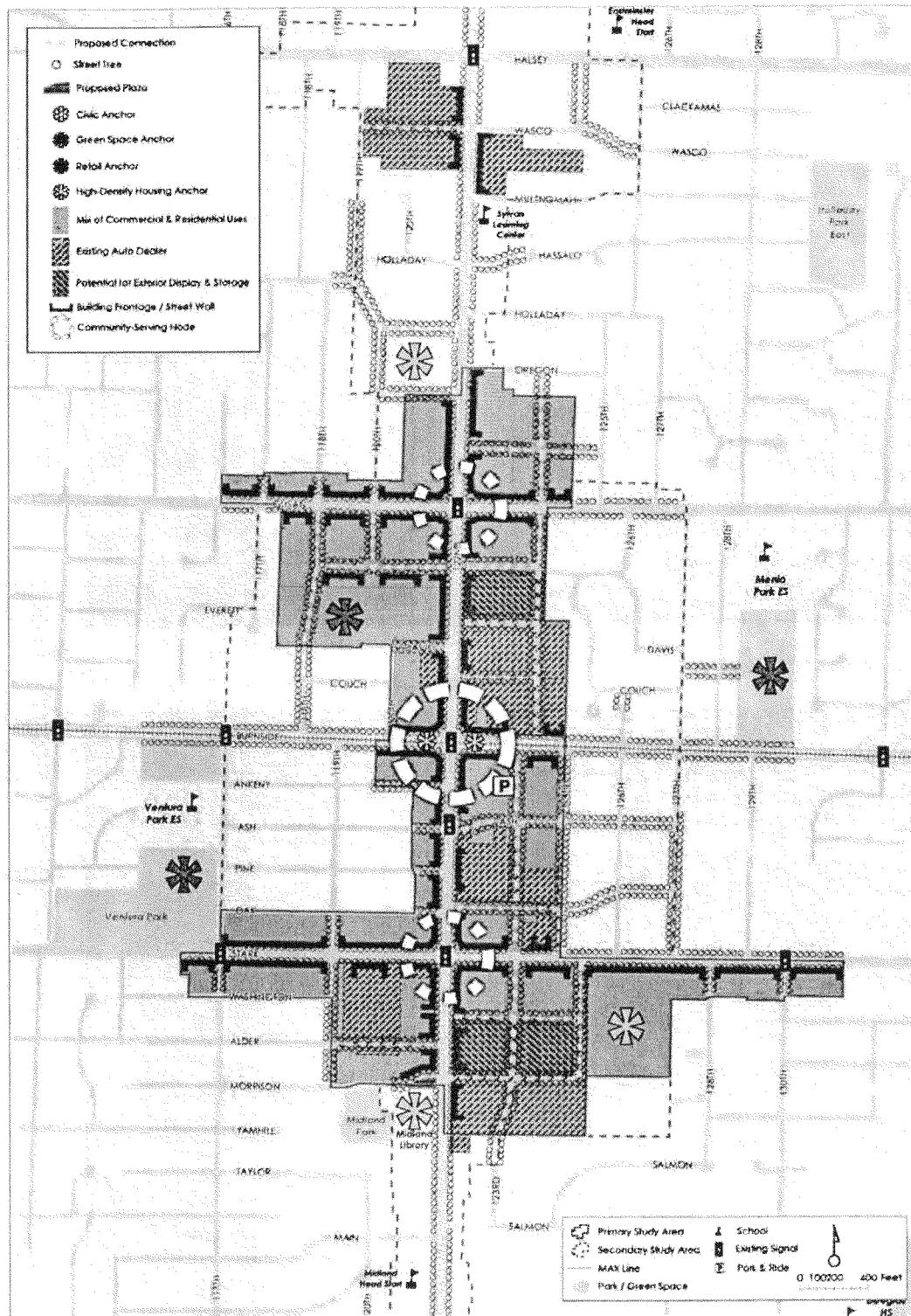


highly developed landscaping or screening. On other sites between the nodes, exterior display could be permitted for new or expanded uses, provided that similar criteria regarding building orientation and landscaping are met.

The station area development concept was presented to the public at the June 2005 workshop. The concept received general support from most attendees. Participants generally supported the notion of pedestrian-friendly nodes of development at the major intersections. They also supported the accommodation of new, expanded, or reconfigured uses that have exterior display and storage on certain sites between the nodes.

Development Framework Concept

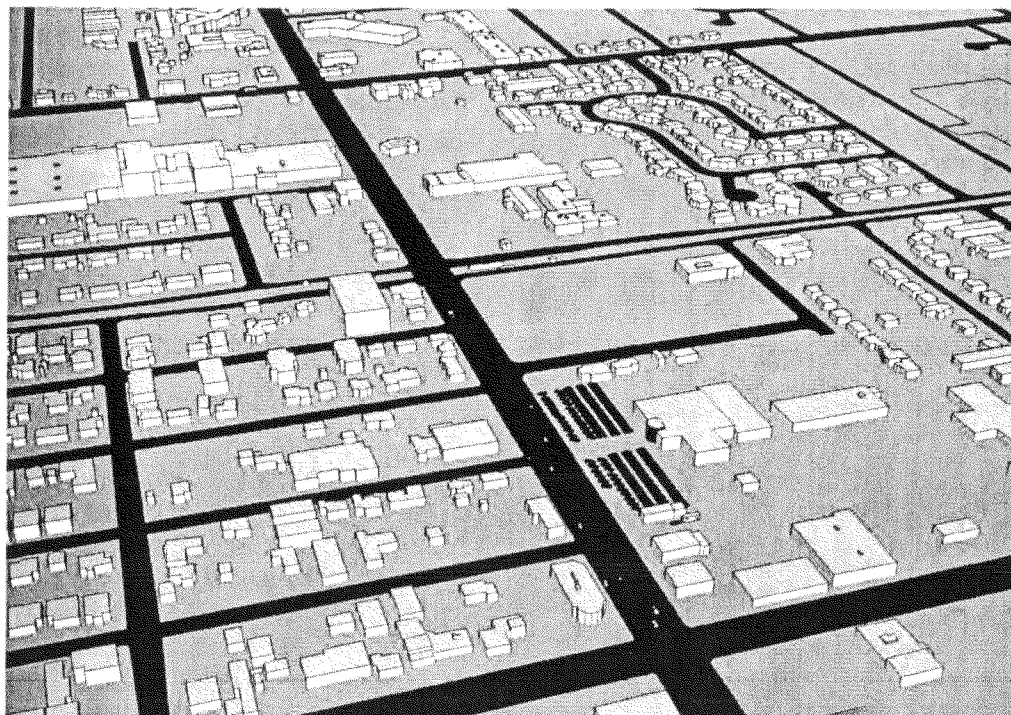
The diagram below is a detailed version of the refined development framework concept.



4. Station Area Concept

Development Framework Concept

Existing Conditions:



Glisan

Burnside

Stark

Future Development Concept:



Glisan

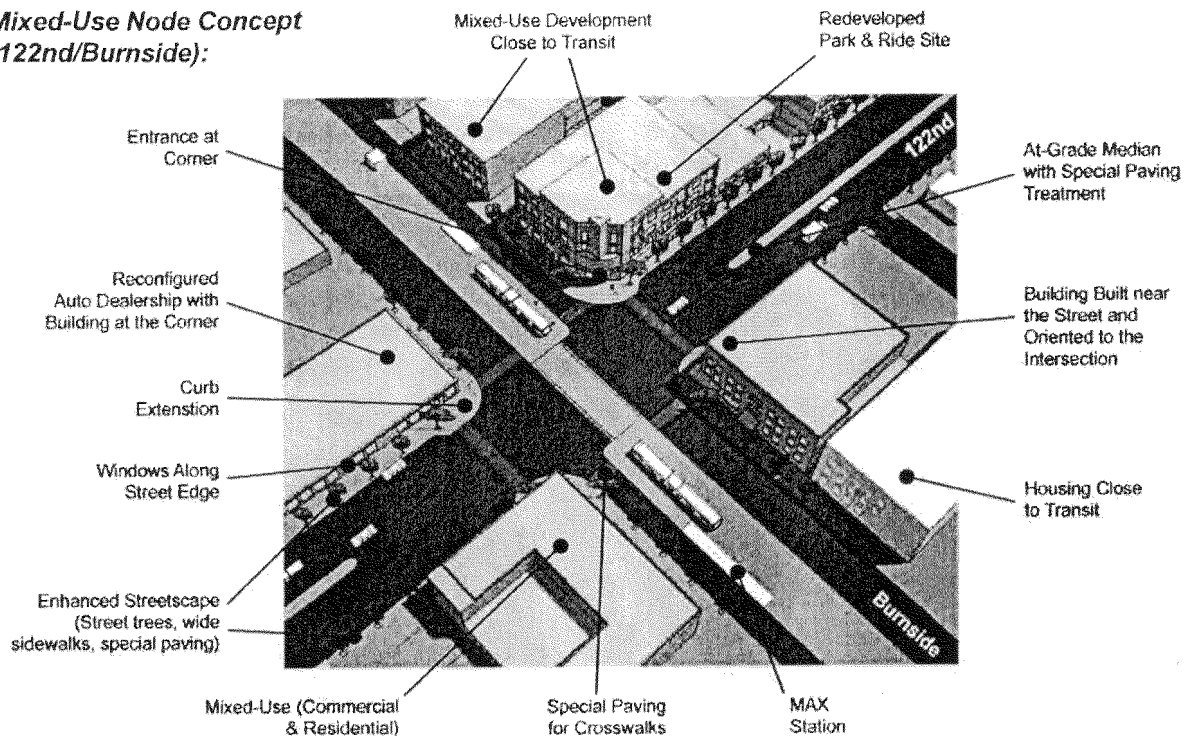
Burnside

Stark

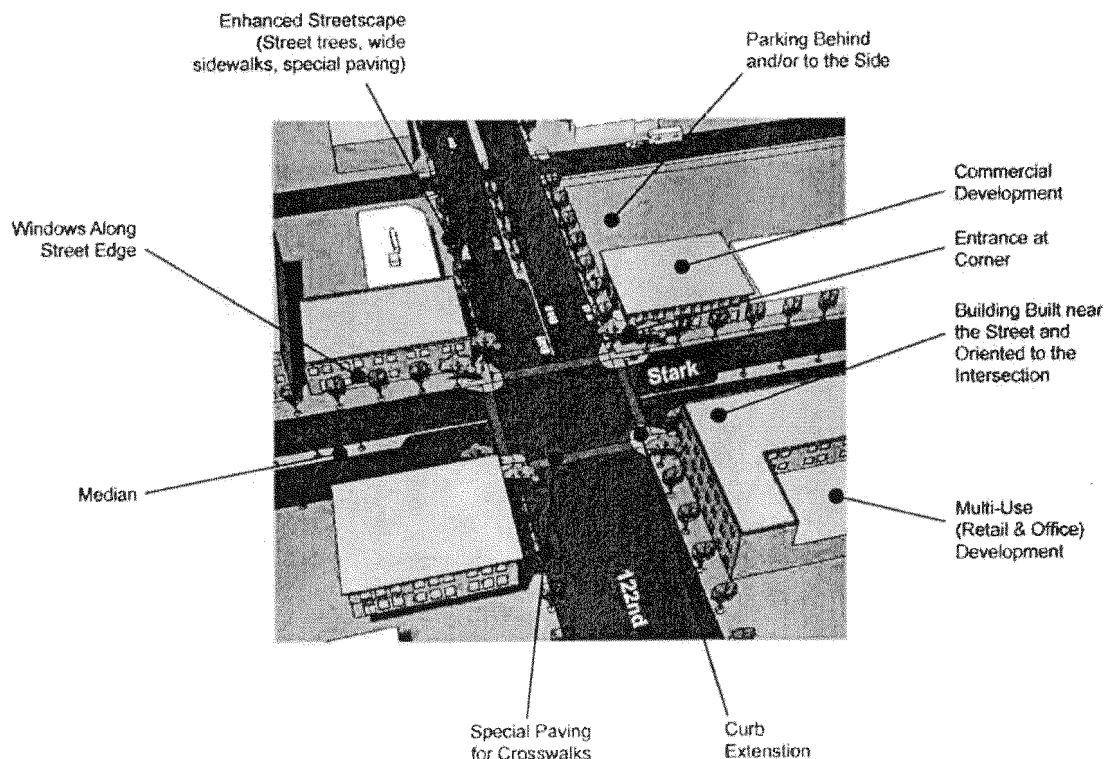


Development Framework Concept

Mixed-Use Node Concept (122nd/Burnside):



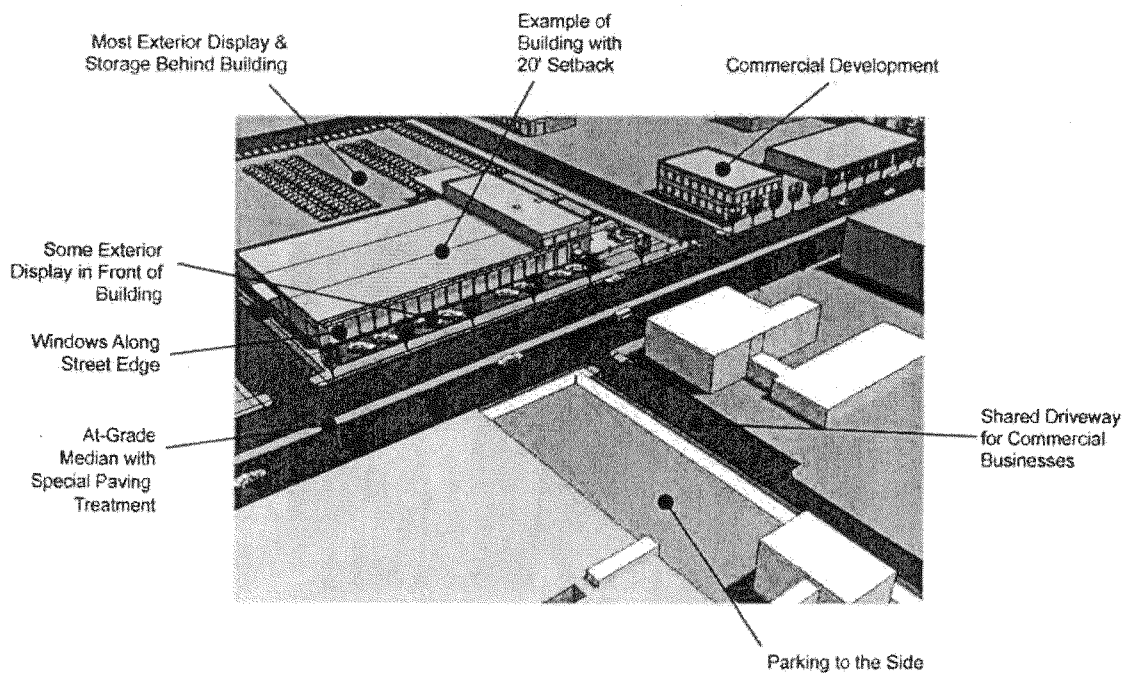
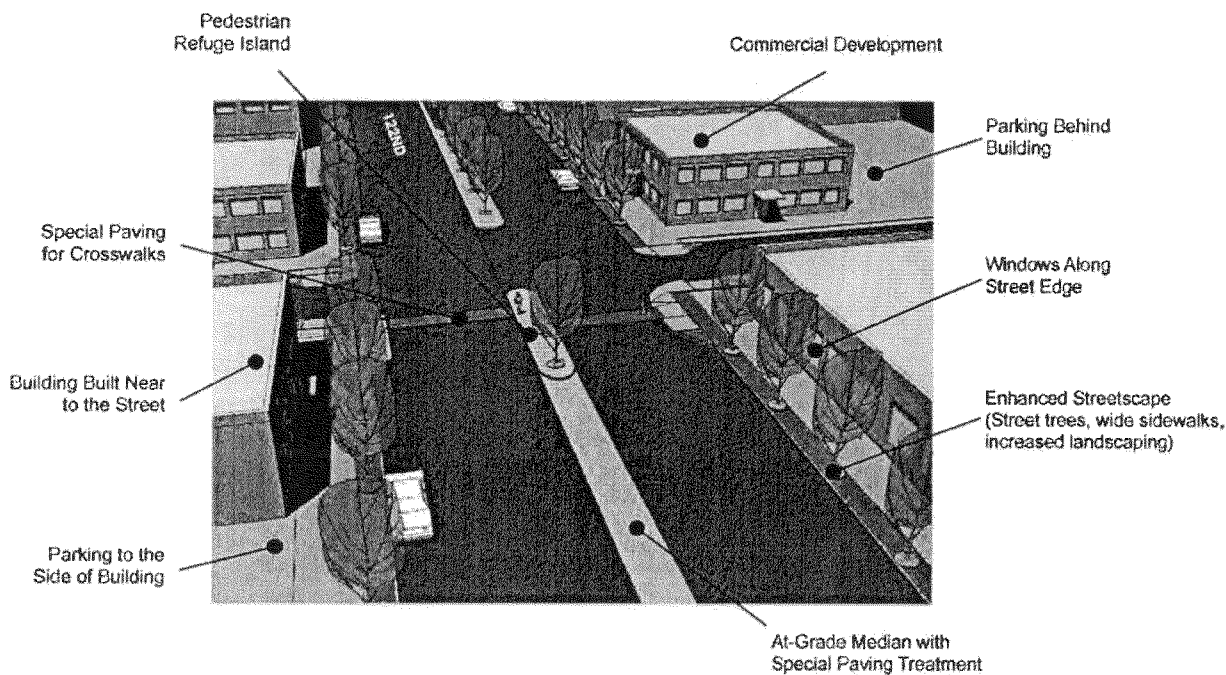
Multi-Use Node Concept (122nd/Glisan or 122nd/Stark):



4. Station Area Concept

Development Framework Concept

Concept Between Nodes:

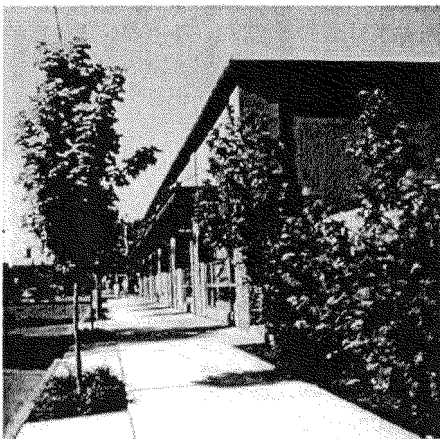


Development Framework Concept

Example Images:



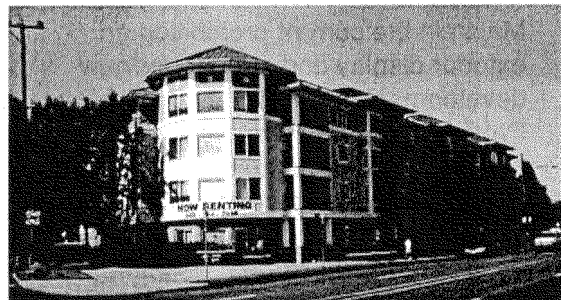
Corner Commercial Development



Commercial Streetscape



Corner Commercial Development



Higher-Density Residential Development



Mixed-Use Development



Corner Commercial Development

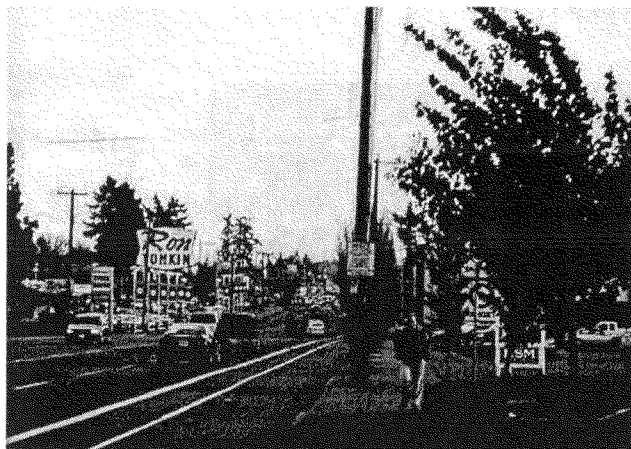
4. Station Area Concept

Development Concept: *Recommendations*

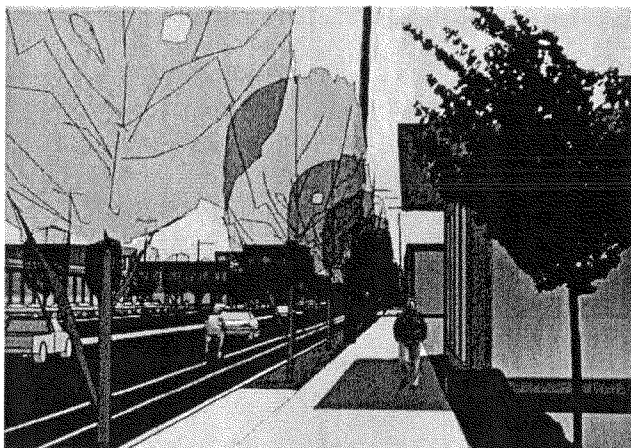
Intersection Nodes

In general, the areas around the major intersections of 122nd Avenue and Glisan, Burnside, and Stark should become nodes of pedestrian-oriented development that include community-serving uses. When coupled with streetscape and connectivity improvements, concentrations of retail, office, and residential uses at these 'community corners' will help foster a pedestrian-oriented environment. Because of its immediate proximity to MAX, the 122nd/Burnside node also should contain residential components. As described elsewhere in this report, these proposed nodes currently contain several key sites that have various capacities for future redevelopment. Also, these nodes are easily accessed over the near term by pedestrians, bicyclists, transit users, and autos. Recommendations for these nodes follow below; specific recommendations for setbacks, landscaping, sidewalks, streetscape, and site development appear elsewhere in this report.

- Define the size of the intersection nodes as being generally within 200 to 300 feet of the 122nd/Stark intersection or 122nd/Glisan intersection and within 300 to 400 feet of the 122nd/Burnside intersection. These dimensions correspond approximately to the proposed master street plan. These distances should be refined further, taking into account existing development patterns, zoning boundaries, taxlot boundaries, closer scrutiny of the master street plan, and other factors.
- Maintain the current prohibition on exterior display and storage for new developments within the node areas. Provide for limited reconfiguration of sites with existing exterior display areas over the near- and mid-term.



Development Concept: existing conditions (above) and potential future development & streetscape (below)



Areas Between the Nodes

In general, the areas between the nodes should allow for greater development flexibility, taking into account the functionality of businesses currently located in these areas, as well as market conditions and the potential for (re)development in the near- to mid-term. Recommendations follow below; specific recommendations for setbacks, landscaping, sidewalks, streetscape, and site development appear elsewhere in this report.

- Revise regulations that prohibit exterior display and storage. These revisions should be coupled with design requirements and regulations that provide a safer and more aesthetically pleasing pedestrian environment, minimize stormwater run-off and urban heat island effects, and allow for more intensive development to occur in the future.

Connectivity

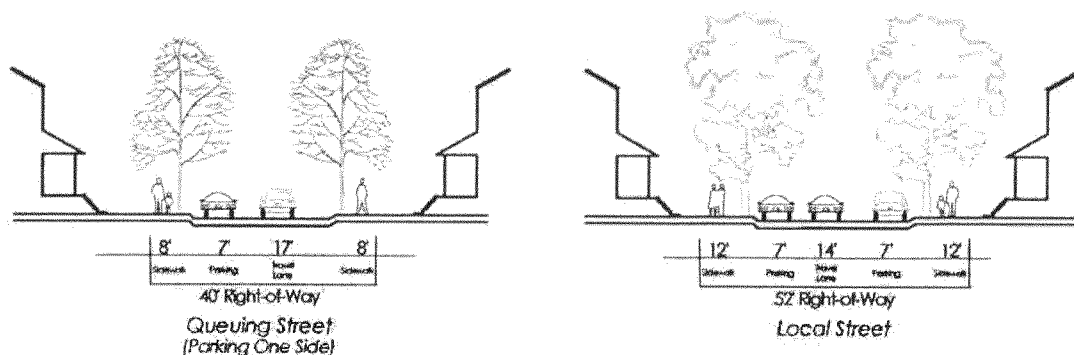
Streets and pedestrian connections provide access to activities. A network of connections allows users to choose the shortest and most convenient routes to a desired destination. Increasing “connectivity” – the frequency of connections to destinations – therefore increases the number of choices someone has to get from one point to another. A high degree of connectivity is particularly important in a transit station area, where walking is expected to increase over time as a travel mode of choice. Unlike inner Portland, which features a dense street network that provides multiple options, the 122nd Avenue station area and its surroundings are served by a widespread and discontinuous network of streets.

To improve connectivity, new streets or connections are required by the City when large properties redevelop; street locations are determined according to a master street plan. The 122nd Avenue station area does not currently have an adopted master street plan. In the absence of an adopted plan, Portland code currently states that new streets for the area should generally be based on a block size of 400 by 200 feet and should connect to the surrounding street grid.

A draft circulation plan was developed and presented to the public at the April workshop. In some cases, improvements were recommended for roadways, such as SE 119th Avenue south of SE Washington Street, that are currently unimproved. In other cases, new connections were recommended as extensions of existing streets – such as SE Ash Street east of SE 124th Avenue or SE Alder Street east of SE 119th Avenue. Lastly, some entirely ‘new’ connections were recommended. (A copy of the Draft Circulation Plan can be found in the Appendix.)

There was general consensus among participants that a ‘tailored approach’ to circulation was appropriate for the study area. Specifically, attendees felt that this area of Portland has a very different street and block pattern from the grid found in the close-in sections of Portland. There was support of a circulation plan that more closely fit the character and development pattern of the area. Attendees voiced some support for increased connectivity in the area, but also shared some concerns about certain connections and the impacts those connections might have on local businesses or nearby residential areas.

Example Local Street Sections:

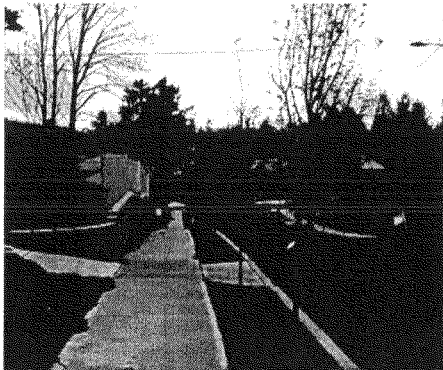


Connectivity

The circulation plan was later revised to bring the plan into closer conformance with City and Metro goals for street spacing and to facilitate future development. Connections were adjusted and, in some cases, added to allow for more easily developable blocks and to more closely line up with existing roadways. A revised connectivity plan was presented to the public at the June workshop. As presented, the plan represents aspirations of what a street grid may eventually look like in the area, rather than a guide for immediate roadway construction. Current City practice holds that new connections are put into place only when practical and during significant (re)development.

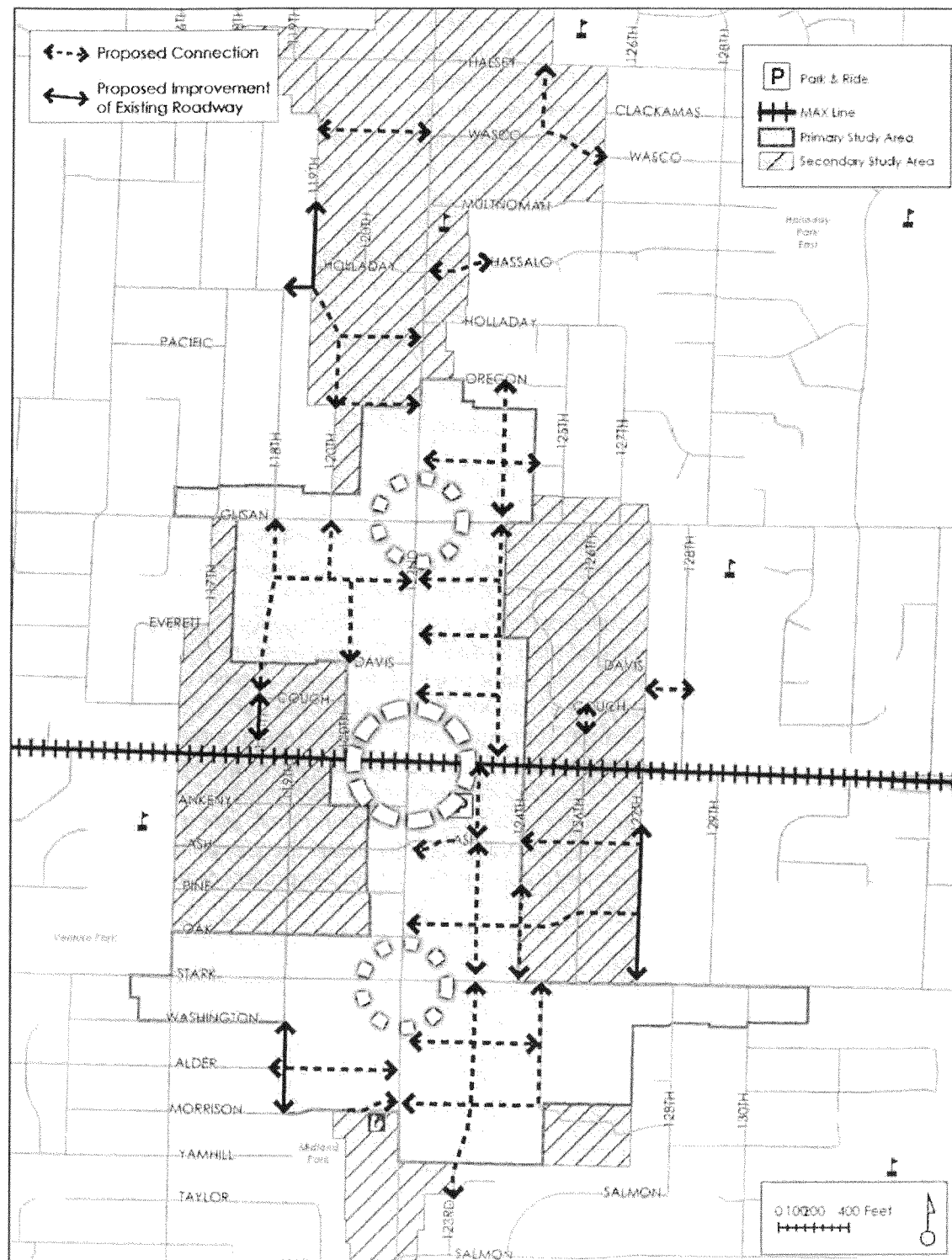
Except in the case of improvements to current roadways, the draft plan does not posit the types of connections that would eventually be installed. Instead, it provides approximate locations as a framework for the Portland Office of Transportation (PDOT) to utilize for determining locations for future roadways or pathways. While it was not determined whether or not individual connections would be local streets, private circulation routes, or pedestrian pathways, the working assumption throughout this process was that in all cases these future connections, at a maximum, would be of a 'local street' type. Also, it generally was assumed that new connections most likely would come as a result of significant redevelopment rather than through an active road-building effort by the City.

Local Street Examples within the Study Area: SE Ankeny and SE Pine



Connectivity

Connectivity Plan:



4. Station Area Concept

Connectivity: *Recommendations*

The following are recommendations to improve connectivity in the study area:

- **Master Street Plan.** A master street plan should be adopted for this area. Such a plan will help guide future development and provide property owners with a clearer understanding of the implications for their properties. The connectivity plan proposed in this study should be used as the basis for this master street plan, but should be reviewed in greater detail by the Portland Office of Transportation. Planning for additional streets and connections in East Portland should also be done for those areas not included in the 122nd Avenue study that lack a master street plan.
- **Signals.** Continue working to develop a clear understanding of the future improvements needed for the traffic signals along the 122nd Avenue corridor within the station area. While implementation funding is uncertain, the Portland Office of Transportation (PDOT) has indicated that they are currently working on a list of potential signal operations improvements such as:
 - Reviewing signal timing and optimization.
 - Installing countdown “ped heads” to let pedestrians know how much time is left to cross.
 - Using a “leading pedestrian interval” to allow pedestrians to occupy the crosswalk before starting the parallel traffic.
 - Revising the loop detection layout to provide for more efficient “free” operation. (For example, the revised spacing at Powell and 82nd Avenue has helped.)
- **Access Management.** Access management is a tool that can be used to improve the traffic circulation at major intersections and also to make 122nd Avenue more pedestrian friendly. From field observations, it appears that some existing driveways are not being utilized (or are very under-utilized). These types of driveways could become part of the sidewalk and therefore enhance the pedestrian environment along the 122nd Avenue corridor. There is also the opportunity in some instances to combine driveways as new development occurs in the area. As new roadways are installed with redevelopment, driveways could even be further consolidated by removing them from 122nd and placing them along these new streets. Developing an access management plan would greatly assist the City in making decisions in the future related to land development opportunities within the project area.

Streetscape

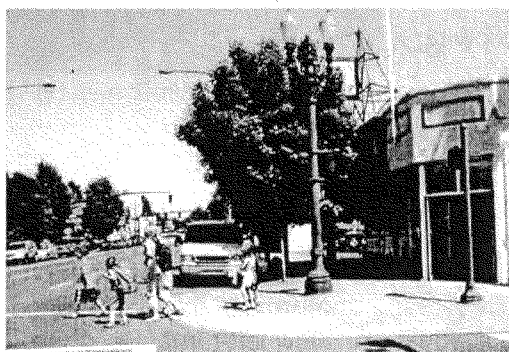
Local and regional plans posit 122nd Avenue as a “main street,” while the area of 122nd between Glisan and Stark is considered a “station community” and “pedestrian district” focused on the MAX station at Burnside. In order to beautify the station area, improve the pedestrian environment, and increase the safety of pedestrians, potential streetscape elements were explored and a streetscape concept plan was developed for 122nd Avenue and its major cross streets.

Curb Extensions:

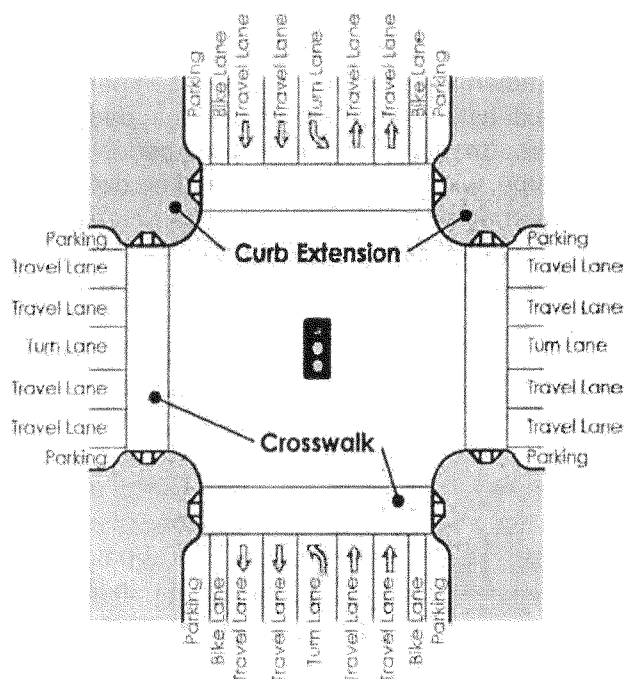
Curb extensions, also known as bulb-outs, are useful tools for reducing the pedestrian crossing distances in areas with on-street parking. Curb extensions increase pedestrian visibility, help control vehicular speeds, and enhance transit to an urban area. Curb extensions also provide a narrowing feel to the roadway at intersections.

Curb extensions must be designed to accommodate a variety of vehicle types. However, due to the speed, traffic characteristics, and importance of alternative modes along 122nd Avenue, the level of accommodation of large vehicles should be minimal.

Generally, curb extensions should be constructed to the full width of the on-street parking and should not block bicycle lanes. Special consideration is required in many situations for addressing drainage in conjunction with curb extensions. Also, the location of existing driveways may be a factor in retrofit situations.



Curb Extension Example

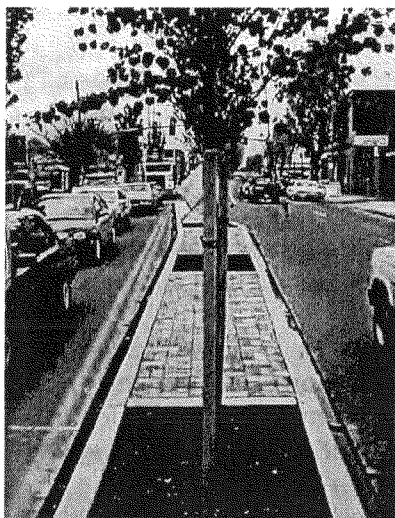


Example Detail: Curb extensions at the intersection of 122nd and Glisan

Streetscape

Medians:

A median is the area of a roadway that separates opposing directions of travel. Curbed medians can either be traversable (hardscape that can be crossed by a pedestrian) or non-traversable (planted to discourage pedestrian crossing). Medians can enhance traffic flow on a given street by reducing cross movements and left turns.

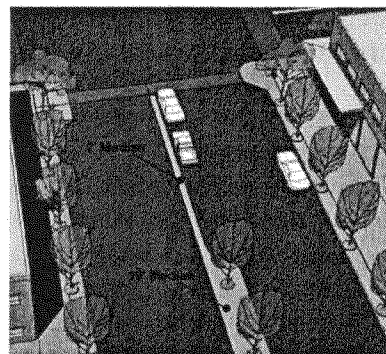


Median Example

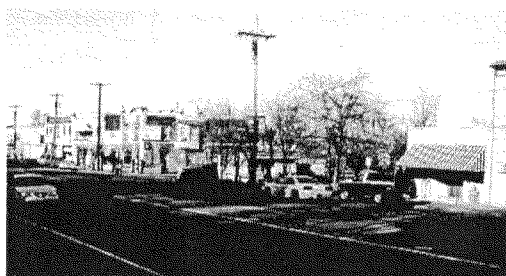
Medians also can serve aesthetic and traffic calming functions. If landscaped medians are used, plantings should be low enough so that they do not obstruct visibility and spaced far enough apart to allow for pedestrian passage. Medians provide friction between the median and the motor vehicle driver, which may help in calming traffic speeds.

Where medians are required to maintain acceptable traffic flow and safety, it is important to evaluate options that reduce the impact on pedestrian crossing and safety. When medians are not needed for turning movements but are needed for pedestrian crossings, the width of the pedestrian crossing median should be a minimum of 6', and preferably 8-11'. In tightly constrained areas, a 4' median can be used, and a 2' median can be utilized to

control turning movements at locations near the left turn bays of signalized intersections (such as at 122nd/Glisan and 122nd/Stark). Median installations can be accompanied or augmented by curb extensions, mid-block crossings, pedestrian refuges, or other treatments to further improve pedestrian safety. Median type, width, and length should be determined following an engineering study of circulation characteristics of the surrounding transportation system, as well as of development patterns, driveway locations, and pedestrian and bike needs.



Potential median treatment on 122nd Avenue



Unique paving material in center turn lane

Another type of median, utilized elsewhere in Portland and the region, is one that is at-grade but employs a different paving treatment. Such a treatment would enhance the streetscape and provide the appearance of a median, but would still allow left-turns. Because of its unique appearance and texture, this specially-paved median would discourage drivers from traveling in the center turn lane. A specially-paved median could evolve over time; discrete sections of it could be transformed into full medians as driveways are consolidated and new connections are constructed.

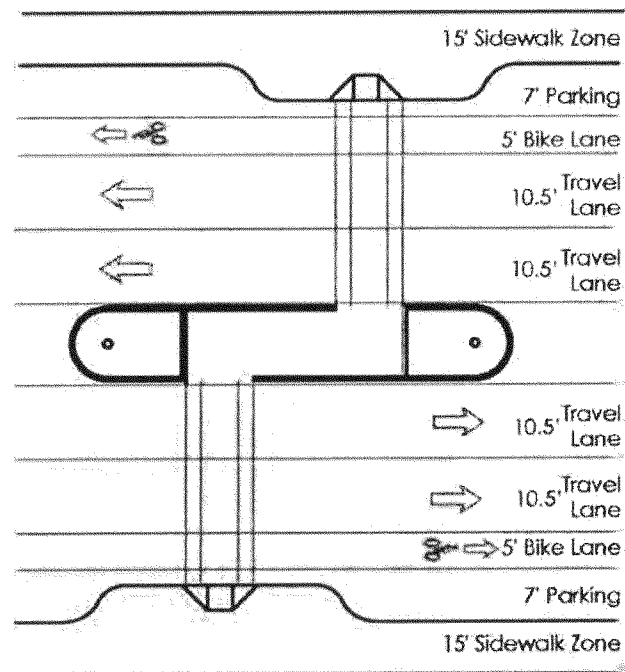
Streetscape

Pedestrian Crossings and Refuge Islands:

Pedestrians need to have frequent, safe, well-designed crossings of the major streets within the study area. The use of various infrastructure elements (including curb extensions, channelization islands, and median islands) can reduce the crossing distances for pedestrians while improving pedestrian visibility and safety. In some situations, the use of mid-block pedestrian crossings may be viable and could enhance pedestrian mobility and circulation within the study area. Pedestrian refuge islands, approximately 10' in width, could be utilized at key locations, and should be accompanied by curb extensions to further shorten crossing distances. A "Z" crossing design can further increase pedestrian safety by requiring pedestrians to look towards on-coming traffic before leaving the pedestrian refuge. Such islands must comply with City standards, including appropriate striping, signage, and signalization as required. Their precise locations should also be examined in conjunction with local bus stops to facilitate transit-related pedestrian crossings.



Existing pedestrian refuge island on 122nd north of Glisan



Proposed pedestrian refuge ("Z" crossing)

Trees and Landscaping:

Besides providing a street with a more inviting and visually pleasing effect, landscaping, especially trees, can be a traffic calming technique. Trees provide a vertical element, much in the same way that adjacent buildings do, which has an impact on the vehicle driver. A row of trees gives the appearance to the driver that the roadway is narrower, thereby calming traffic. Trees and other landscaping features need to be located in the appropriate location so that sight distance, especially at intersections, is not compromised. The same consideration should be given to landscaping features located at pedestrian crossing islands and medians.

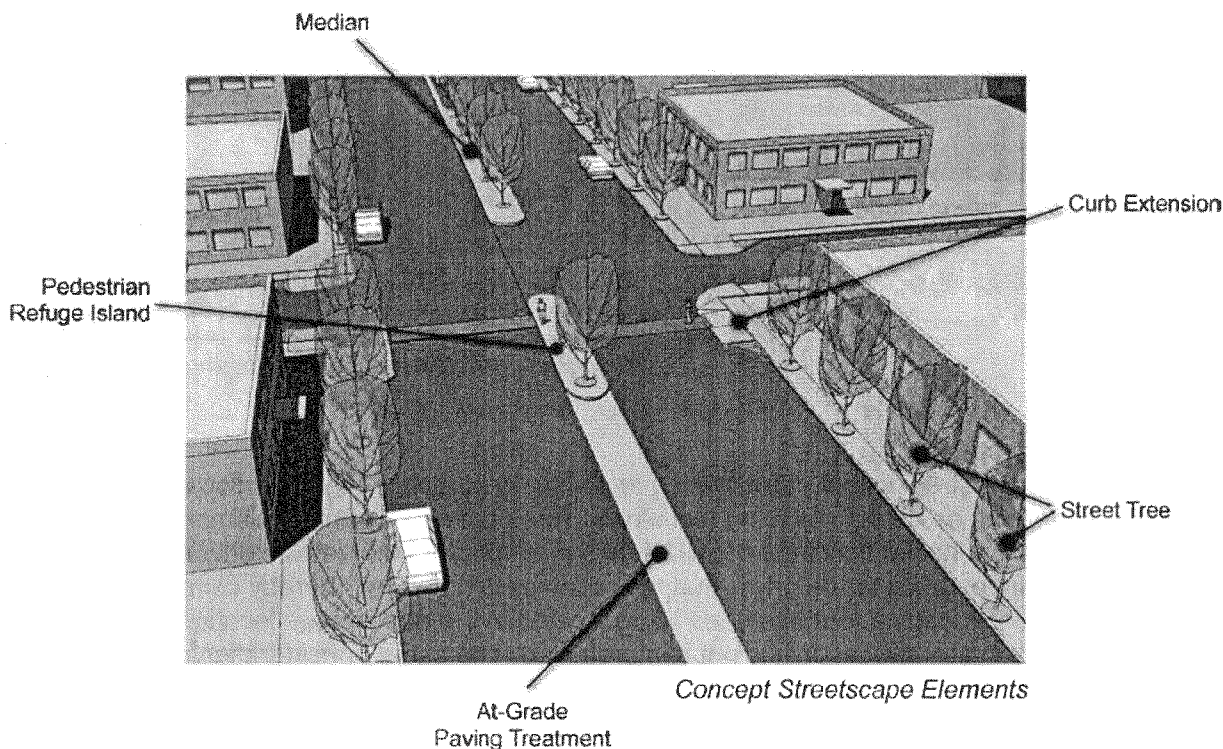
Streetscape

Draft Streetscape Plan:

Elements of a draft streetscape plan were prepared and presented to the public at the April workshop. This diagram included ideas for street trees and pedestrian-scale lighting throughout the study area, curb extensions at the major intersection nodes, and medians and pedestrian refuge islands at select locations. Attendees generally supported the beautification of the station area as well as the notion of making the area safer and more attractive for pedestrians. Specific concerns arose around the curb extensions, especially in those situations that would require the elimination of free right turn lanes. Concerns were also raised about the intersection of 122nd and Burnside – about signal timing, MAX prioritization, turn movements, and the risky behavior currently exhibited by pedestrians crossing against signals in order to catch MAX trains. (A copy of the Draft Streetscape Plan can be found in the Appendix.)

Refined Streetscape Plan:

The refined streetscape plan was developed following the workshop and revisions to the connectivity plan. The refined streetscape plan maintains the notion of curb extensions at the intersection nodes. It also provides more specific locations for modest medians designed to improve safety by limiting conflicting left turn movements. It recommends several locations for pedestrian crossing islands on 122nd Avenue (see Streetscape Plan map). In areas not taken up by curbed medians or pedestrian islands, a unique pavement treatment could be utilized, such that the roadway be given a median-appearance, while still allowing full vehicular mobility across this treatment. Concepts for street trees, landscaping, sidewalks, setbacks, and frontage requirements were also presented, and are discussed in detail below.



4. Station Area Concept

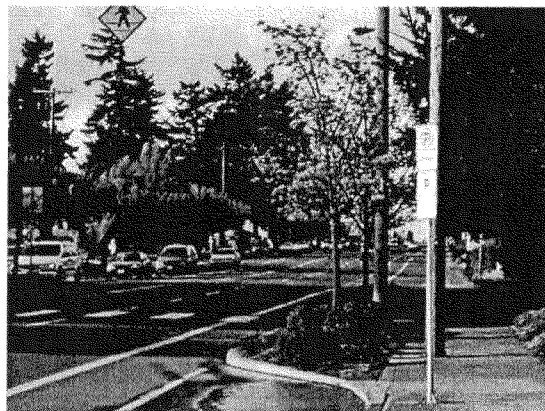
Refined Streetscape Plan:



Streetscape: *Recommendations*

Streetscape recommendations include the following:

- Streetscape Improvements.** Opportunities exist to improve the pedestrian environment and traffic flow throughout the station area. Some suggestions include the installation of curb extensions, medians, and pedestrian crossing islands – with specific locations coordinated with the proposed connectivity plan. The installation of any of these devices will require further analysis. Curb extensions may conflict with the current configuration of some of the intersections along 122nd Avenue and further analysis would be needed to be able to balance the demand for right turning movements and the ability to make pedestrian crossing safer. Given proper study and analysis, the minimum recommended streetscape improvements (and locations) include the following:
 - Curb extensions at the major intersections of 122nd and Burnside, Glisan, and Stark;
 - Curbed medians of varying lengths on all four legs of the 122nd / Glisan intersection;
 - Curbed medians of varying lengths on the east, west, and north legs of the 122nd / Stark intersection;
 - At-grade median treatment (special paving material) at areas between intersections without curbed medians;
 - Pedestrian refuge islands with curb extensions on 122nd in the following locations: adjacent to the Midland Library; north and south of NE Davis; and between SE Pine and SE Oak;
 - Up-graded paving materials for crosswalks in key locations.
- On-Street Parking Study.** The on-street parking-related issues deserve additional analysis. From field observations at various times during the day, it appears that the current on-street parking on 122nd Avenue is not utilized to its full potential. A possible solution would be to work with the merchants and property owners in the area to develop a parking plan that would take into consideration the elimination of on-street parking at key locations along 122nd Avenue in order to create traffic calming elements and pedestrian amenities, such as curb extensions and planting areas. At a minimum, an in-depth on-street parking inventory should be conducted, as well as a study of those points at which unused parking areas are being used as *de facto* travel lanes, potentially endangering bicyclists and pedestrians.

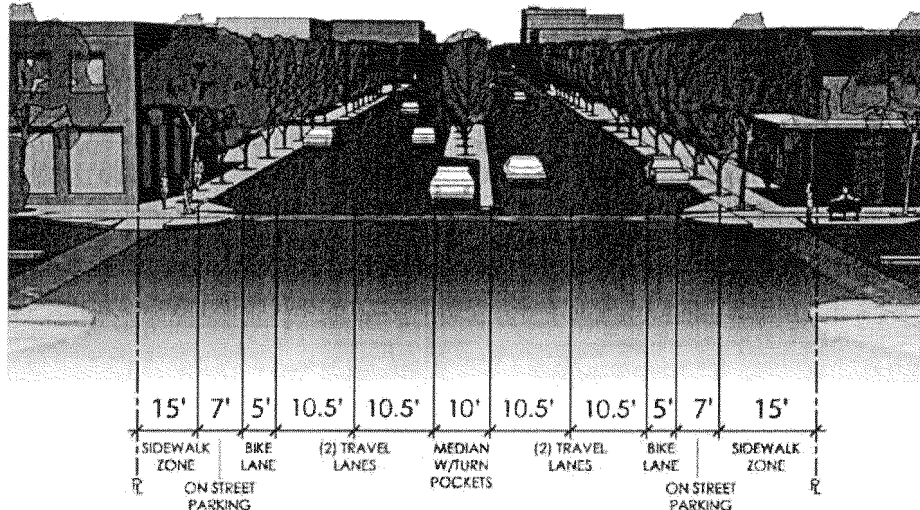


Mid-block curb extension used in conjunction with current pedestrian refuge north of Glisan

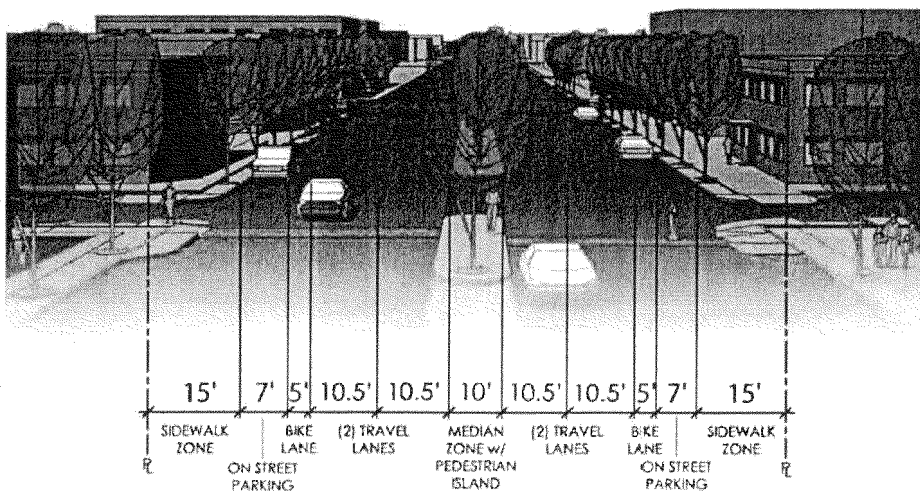
Streetscape: *Recommendations*

- Refinement Plan.** The development of a refinement plan would be the next step for this project. A detailed traffic analysis should be undertaken for the intersections along 122nd Avenue to determine existing conditions and analyze models of projected future conditions (perhaps at five, ten and twenty year periods). This study should also include a more detailed review of traffic accident data in order to develop solutions to the types of accidents and any consistent and problematic patterns that occur in the station area. This level of analysis would help to determine the type of improvements that need to be in place in order to support the additional land development proposed in the area. This analysis and planning could be utilized to develop a comprehensive capital improvement program for the area. The refinement plan should also incorporate the access management plan and traffic safety analysis discussed above.

Example Street Section for Node Areas:



Example Street Section for Areas Between the Nodes:



Sidewalks & Setbacks

Pedestrian Environment

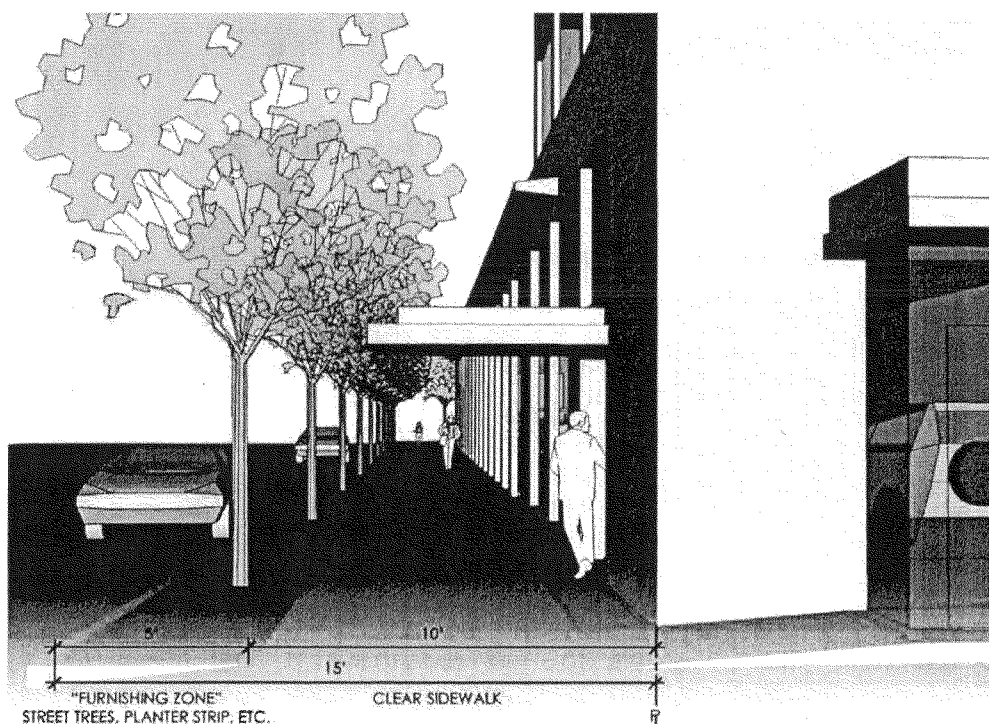
The public was generally supportive of the ideas presented regarding potential sidewalk design, landscaping, building frontage requirements, setback allowances, ideas for exterior display and storage, and restrictions on temporary exterior signage.

In general, all of the pedestrian environment design concepts contain a 5' furnishing zone between the curb and the sidewalk, and an 8'-10' concrete sidewalk to the property line. These improvements to the public right-of-way would most often be made during the redevelopment of individual properties. Several permutations illustrating these concepts are presented below.

At the nodes, the preferred treatment of the furnishing zone area is to use a permeable paving surface, such as pavers or porous concrete. This approach provides an area that can serve pedestrians as an extension of the sidewalk area, but allows for stormwater runoff infiltration.

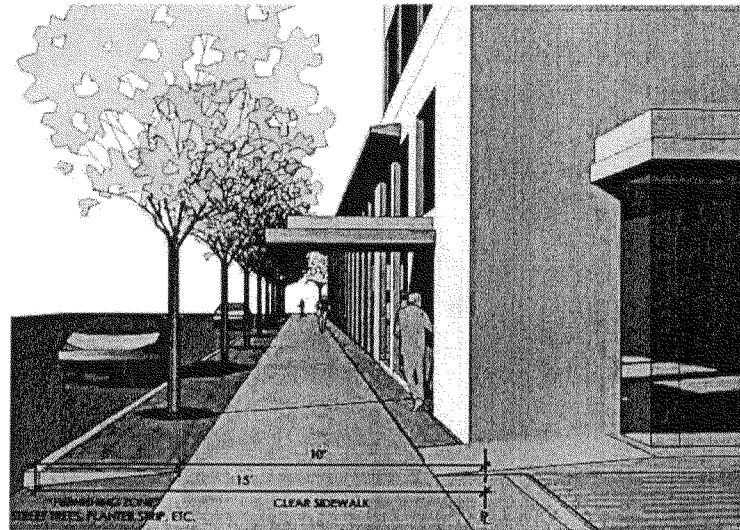
In areas between nodes, the furnishing zone should be either landscaped or hardscaped to manage sidewalk stormwater runoff. A landscape treatment may be preferred for "greening," aesthetic, and stormwater management purposes when ongoing maintenance is likely.

0' Setback. There are currently no required building setbacks in the study area; this illustration represents the typical condition allowed under current City code. It depicts a 5' furnishing zone with a permeable surface and street trees, a 10' sidewalk, and buildings built to the property line with entrances oriented to the major streets.

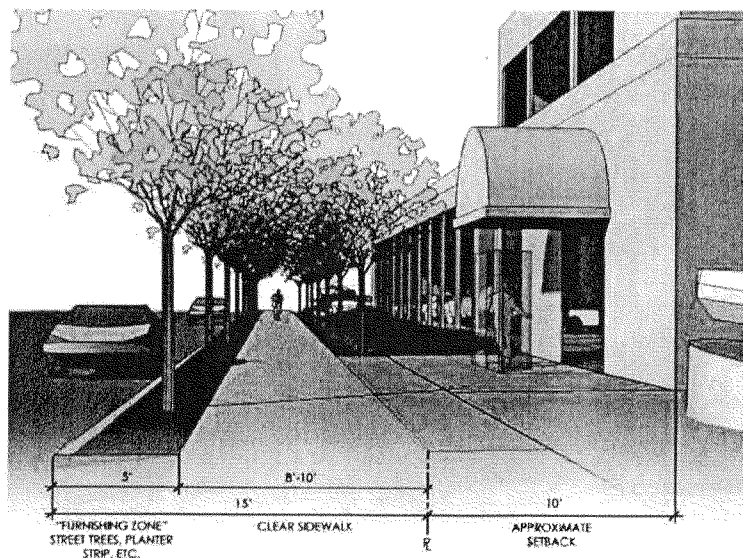


Sidewalks & Setbacks

0' Setback with Hardscape. This scheme utilizes a permeable hardscape such as concrete pavers or porous concrete in the furnishing zone (with trees in wells), thereby providing a larger sidewalk area. This condition is envisioned for the community-serving nodes at the major intersections of 122nd and Glisan, Stark, and Burnside – where pedestrian activity is expected to be the greatest.

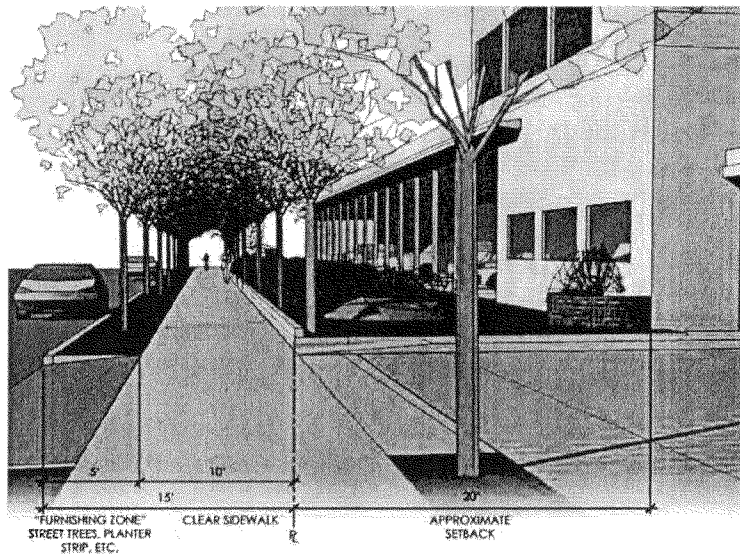


10' Setback. This variation allows for a 10' setback between the property line and the building frontage. This setback would allow for additional landscaping, perhaps even a second row of trees. A 10' setback is currently allowed under existing City code. At the intersection nodes, this setback may be hardscape to allow for outdoor seating, etc.

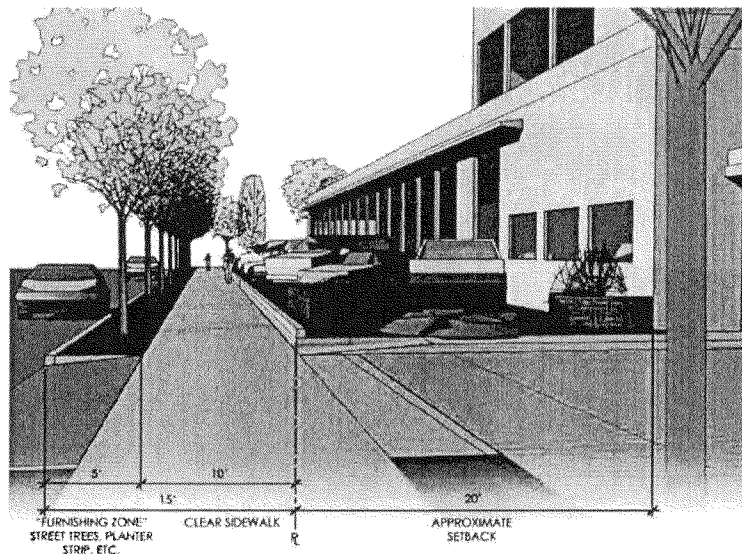


Sidewalks & Setbacks

20' Setback with Landscaping. In the areas between the nodes, a 20' setback may be allowed for certain uses and developments, provided that certain criteria (regarding building frontage, landscaping / screening, window and entrance orientation) are met. This variation would allow for generous landscaping – even a second row of trees – between the sidewalk and the building.

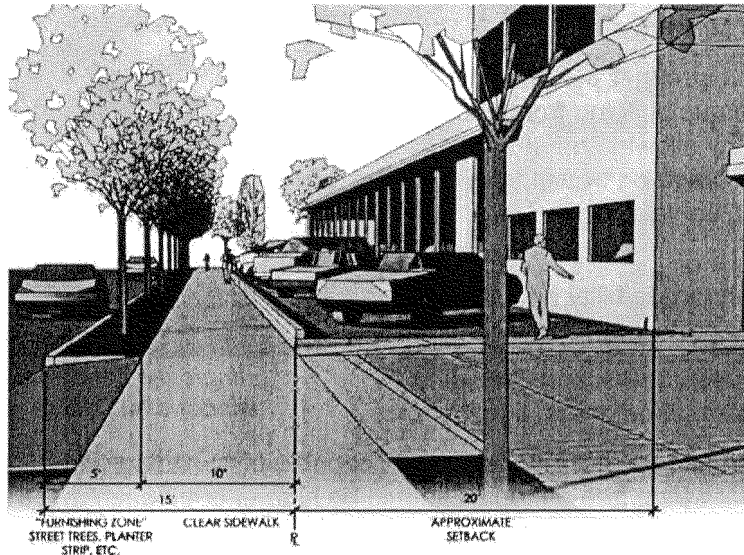


20' Setback with Landscaped Exterior Display. In the areas between the nodes, a 20' setback may be allowed for certain uses and developments provided that certain criteria (regarding building frontage, landscaping / screening, window and entrance orientation) are met. These criteria may also be imposed to allow for limited amounts of exterior display of products such as automobiles. In this variation, generous landscaping is utilized as an integral part of a tasteful exterior display.

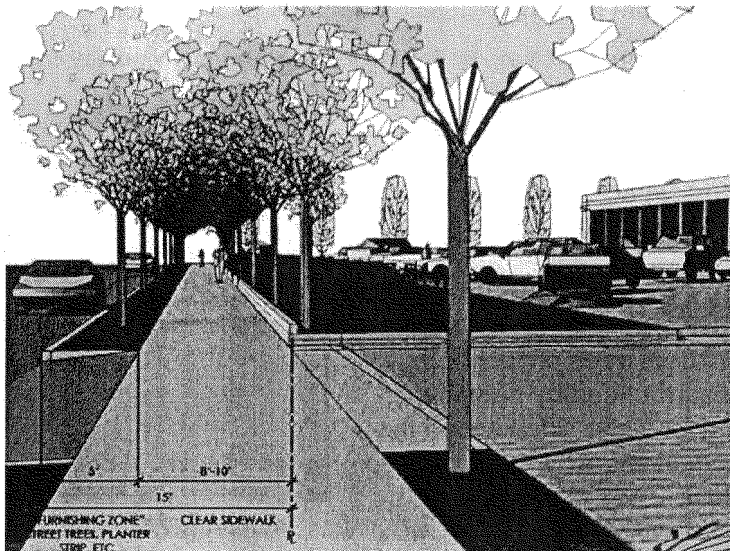


Sidewalks & Setbacks

20' Setback with Hardscaped Exterior Display. In the areas between the nodes, a 20' setback may be allowed for certain uses and developments provided that certain criteria (regarding building frontage, landscaping / screening, window and entrance orientation) are met. These criteria may also be imposed to allow for limited amounts of exterior display of products such as automobiles. In this variation, a plaza (with unique pavers) is created between the building and the sidewalk for exterior display.



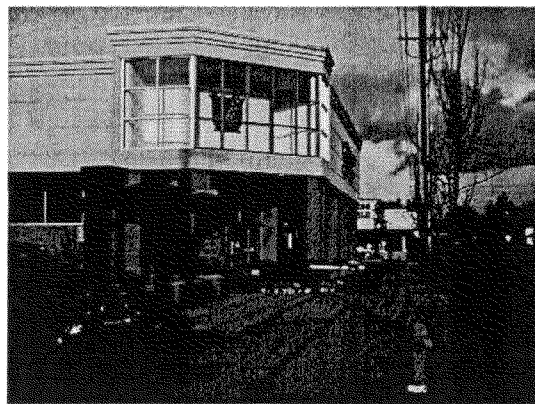
Setback for Reconfigured Sites with Exterior Display. In this variation, which would only apply to existing auto dealerships that are reconfiguring, a generous landscaped buffer would be required between the back of the sidewalk and a limited amount of exterior display.



Sidewalks & Setbacks: *Recommendations*

The following recommendations are for the areas in the public-private interface – those areas in which private property (building frontages, setbacks, landscaping) meet the public realm (sidewalks, furnishing zones). General recommendations to apply throughout the study area include the following:

- Regulate the amount, type, and duration of temporary signage and displays in the public right-of-way or in setback areas.
- In order to foster a stronger pedestrian environment, improve building frontages and landscape areas by allowing no more than 50% of a site's frontage on transit streets to be dedicated to open vehicle parking, storage, or display.
- To improve pedestrian visibility and safety, provide enhanced pedestrian-scale lighting.
- Implement improved streetscape, including upgraded sidewalks, street trees, lighting, etc.
 - Street trees should be of a significant size capable of providing ample shade for the entire sidewalk width; tree canopies should be high enough such that there is high visibility for ground-floor businesses.
 - Street furniture and amenities (benches, trash cans, fountains, public art) should be consistently applied throughout the study area.



Improved streetscape, minimal setback, windows and doors oriented to the street

Specific recommendations for intersection nodes and the areas in between are as follows:

Intersection Nodes

- Maintain existing maximum building setback standards of 0-10 feet.
- Require windows and doors on all street frontages to enhance visibility for retailers, and provide opportunities for "eyes on the street." Primary entrances should be provided on the primary transit street, and should be oriented towards node corners when development occurs at an intersection node
- Use special trees and plantings to give further distinction to the nodes.
 - In nodal areas, street trees should be placed in wells surrounded by hardscape, thereby allowing for wider sidewalks in the areas where pedestrian activity is expected to be the greatest.



Temporary signage should be limited in the right-of-way and in setback areas

Sidewalks & Setbacks: *Recommendations*

Areas Between the Nodes

- Allow building setbacks of 0-20 feet for uses that incorporate exterior display or have residential components.
- Require windows and doors on all street frontages to enhance visibility for retailers, and to help promote "eyes on the street." Primary entrances should be provided on the primary transit street.
- Provide incentives for developers / property owners that provide a second row of trees along the back of sidewalk on private property. Such a provision should be a requirement for any renovation projects that might be exempted from the maximum setback due to existing building configuration.
- Allow exterior display of merchandise in the zone between buildings and the sidewalk according to design standards:
 - Separate display areas from the sidewalk with a protective landscape buffer and, where possible, a minor grade difference
 - Use special concrete or pavers for hard surfaces to create a plaza-like display area. Consider a minimum percentage (10-15%) of 'soft elements' (plant material and/or water elements) in these exterior display areas.

Site Design

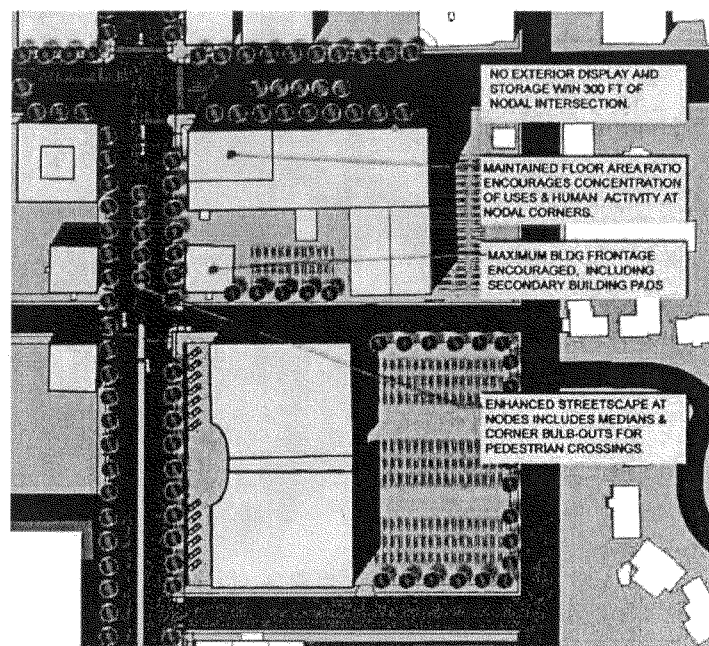
Throughout this study various site development and configuration issues were used to evaluate approaches to exterior display and storage, setbacks, landscaping, building frontage, and site coverage. These design variables were analyzed against the programmatic needs of various commercial enterprises, including retail, office, and residential uses, as well as auto dealerships. A primary goal of this analysis was the development of recommendations that would allow for flexibility in terms of site development while providing for a vibrant, consistent, and pedestrian-friendly streetscape. The resulting recommendations vary for developments within the intersection nodes and those in the areas between the nodes – in order to best support and concentrate human-scaled uses at the nodes.

The following parameters were utilized in developing these various diagrams:

- Setbacks at nodes ranging from 0'-10' (maximum allowed under current code = 10');
- Setbacks between the nodes ranging from 0'-20' (maximum allowed under current code = 10');
- FAR* minimum of 1:1 at nodes (current minimum is 1:1);
- FAR* minimum of 0.4:1 between the nodes (current minimum is 1:1);
- Exterior display and storage not allowed at nodes in new development;
- Exterior display and storage allowed in certain circumstances between the nodes. (Note: additional landscaping may be required to off-set stormwater and urban heat island impacts.)

Node Example:

This diagram shows a typical development at an intersection node, as well as of a property just outside that node. At the node, exterior display & storage is not allowed within 200'-300' of the intersection, the minimum floor area ratio (FAR) of 1:1 is maintained, the current 10' maximum setbacks are maintained, and maximum building frontage is encouraged. An enhanced streetscape is indicated, with unique street trees, modest medians, and curb extensions to ease pedestrian crossing. Taken together, these site development considerations encourage a concentration of uses and pedestrian activity at the nodes. The development just south of the node is still oriented to the street, but has a larger (20') allowable setback,



LOT AT NODAL CORNER, W/ FUTURE CIRCULATION LINKS

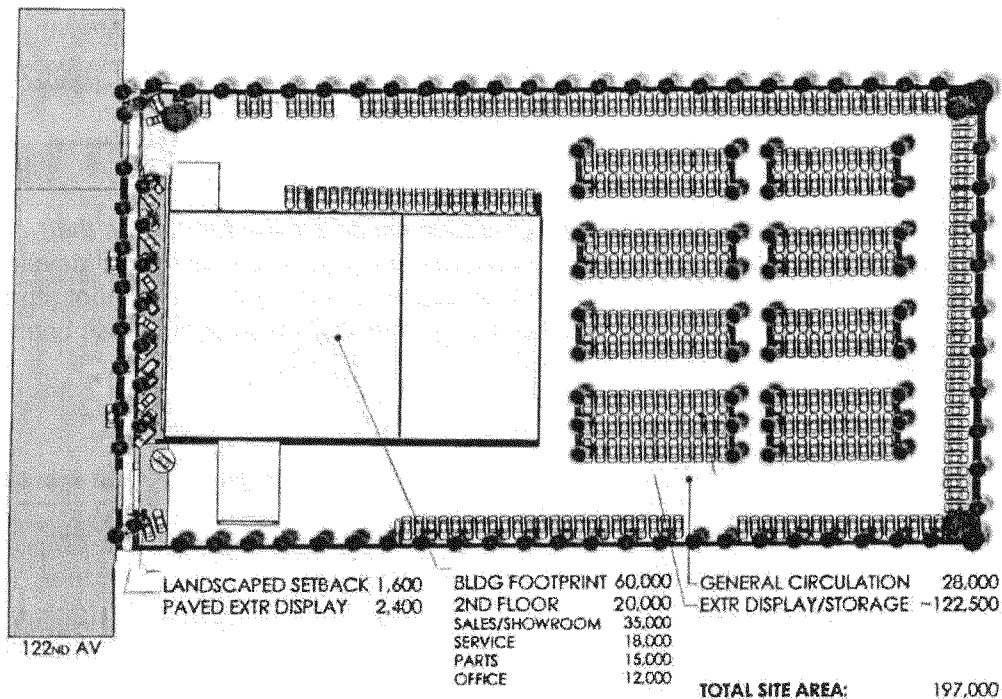
Site Design

a less intensive FAR requirement, a modest amount of exterior display allowed between the building and the street, and exterior display allowed behind the building. (Note: a variation of this diagram appears in the Appendix.)

Examples for Sites Between the Nodes:

The following three diagrams illustrate various site designs for sites between the intersection nodes. Specifically, these examples demonstrate: a typical new development with exterior display and storage, the potential reconfiguration of a site that currently utilizes exterior display and storage, and a redeveloped site with new transportation connections. (Additional site design variations can be found in the Appendix.)

The diagram below shows a *typical lot utilizing exterior display and storage*. As shown, the development achieves an FAR of 0.4:1. A 20' setback is shown with a modest amount of exterior display that is presented in a landscaped plaza. Building frontage is maximized, and all exterior storage is to the rear of the site.

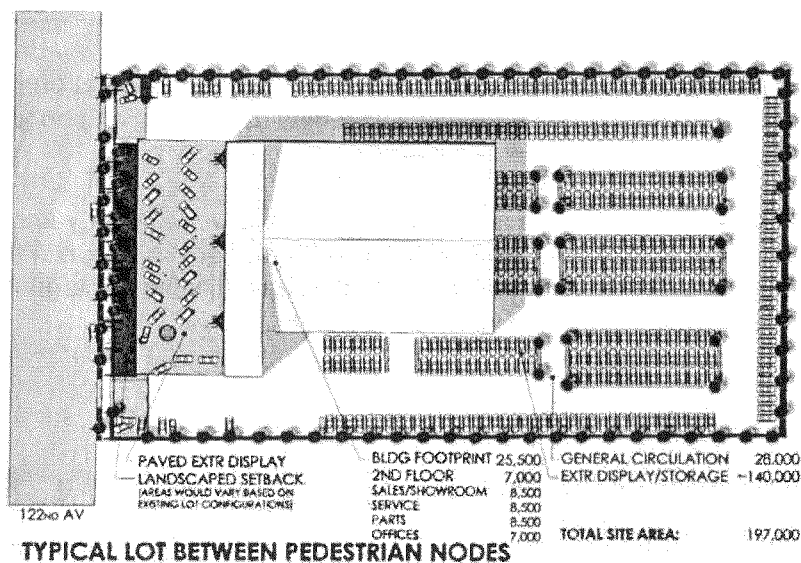


**TYPICAL LOT BETWEEN PEDESTRIAN NODES
w/ 20 FT SETBACK, w/ EXTR DISPLAY & STORAGE**

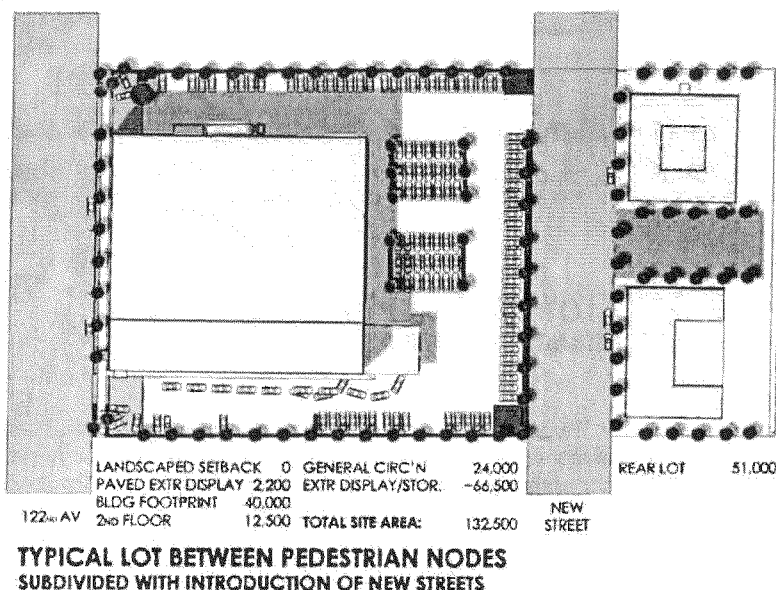
* Note: FAR stands for "Floor Area Ratio." FAR is the ratio of building floor area to total site area. In this case, a minimum FAR of 1:1 is recommended, meaning that a developer or property owner would be required to construct a building with a total floor area equal to that of the total square footage of his/her site. Such a building (or buildings) would be multiple stories, so as to provide un-built areas of the site for landscaping, parking, plazas, etc. An FAR of 1:1 or greater (2:1, 3:1, etc.) generally indicates a multi-story building, while an FAR less than 1:1 (0.7:1, 0.5:1, etc.) generally indicates a single-story building that will take up less than the total site area.

Site Design

This diagram illustrates a *typical reconfiguration of a lot utilizing exterior display and storage*. The building is located closer to the street and exterior storage is located behind the building. Exterior display is allowed between the building and the street; the exact size of this display area is determined by existing development and reconfiguration feasibility. Ample landscaping exists between the display area and the sidewalk.



This last diagram demonstrates how a site may be *redeveloped in the future with the introduction of new connections* based on the master street plan. The commercial development to the left is built near the primary street (122nd Avenue), with parking and/or exterior storage located behind the building. Development to the right – potentially residential – has been oriented to the new street.



Site Design: *Recommendations*

The following recommendations are for site design and development within the 122nd Avenue station area. General recommendations to apply throughout the study area include the following:

- Consider applying design standards or guidelines to commercially-zoned properties. This will improve and/or ensure the compatibility of uses and the quality of design, and complement the design overlay zone currently applied to higher-density, residential-zoned properties.
- In order to improve and/or ensure the compatibility of uses (specifically between retail and residential uses), exclude or closely regulate the use of commercial loudspeakers.

Recommendations for the nodes and the area in between are as follows.

Intersection Nodes

- Maintain the current minimum FAR of 1:1 to encourage higher-density development at the nodes.* Consider allowing for lowering FAR requirements over the near term when a master plan demonstrating how properties will develop over time to achieve a minimum 1:1 FAR is provided. First phase buildings should be required to be built within maximum building setbacks and be oriented to the primary corner (122nd and Burnside, Glisan, or Stark).

Areas Between the Nodes

- Consider allowing flexibility on minimum FAR requirements for sites between the nodes. Based on modeling done as part of this study, it was determined that a minimum FAR of 0.4:1.0 could be achieved over the near term on the east side of 122nd (where most current auto dealers and larger parcels exist). Where FAR requirements are relaxed in the near term, developers and/or property owners should be required to provide a master plan demonstrating how higher FAR's (1:1) could be achieved in the future. First phase buildings should be required to be built within maximum building setbacks and be oriented to the transit street. For those properties that are being reconfigured, and where additions are being made to existing buildings, these additions should approach the street as much as is feasible.
- In the interest of mitigating stormwater runoff and urban heat island effect, maintain and/or strengthen landscape requirements throughout hardscape areas of each site – whether these hardscape areas are utilized for parking lots or exterior display and storage. Larger trees should be planted along the southern property line if feasible to provide greater shading across the site. In keeping with the landscape character of the area, the preservation of existing Douglas Fir trees and the use of conifer trees on-site should be encouraged.

5. Implementation Strategies

*This section presents strategies to
implement the recommendations of the
122nd Avenue Station Area Study*

Implementation Strategies

The following general strategies are proposed to implement the recommendations of the 122nd Avenue Station Area Study and foster the evolution of the area into a pedestrian-friendly district that combines new transit-oriented development with existing development types and patterns.

- Evaluate and revise existing policies, objectives, zoning map designations, and/or other regulatory elements to facilitate the development concept and design recommendations indicated in this report.
- Work with area property owners to facilitate redevelopment of sites or additions to existing development in keeping with the station area concept.
- Pursue refinement of the streetscape concept plan through more detailed analysis of driveway locations and other access management issues, traffic modeling, and preliminary engineering.
- Pursue funding for streetscape elements through public and private sources. These sources could include:
 - Local or regional transportation funding sources (such as the City's Capital Improvement Program (CIP) or the Metropolitan Transportation Improvement Program (MTIP));
 - Private financing opportunities such as through the creation of a Local Improvement District (LID) or Business Improvement District (BID).
- Work with City bureaus and other government agencies to identify opportunities for funding to meet multiple objectives through the implementation of streetscape or pedestrian improvements. For example, various landscaping techniques may achieve both streetscape and stormwater management goals.
- Consider directing economic development resources to the 122nd Avenue station area and main street to provide financial or technical assistance for transit-oriented redevelopment at key nodes.
- Work with TriMet other key stakeholders on a more detailed development program and redevelopment scheme for the park and ride facility at 122nd/Burnside. (This site presents the area's largest transit-oriented development opportunity.)
- Review and refine connectivity recommendations for the 122nd Avenue Station area, and adopt as a Master Street Plan for the area as part of the next *Transportation System Plan* update.

Appendix

The following materials appear in this Appendix:

- Policy excerpts from the *Outer Southeast Community Plan* & the *Hazelwood Neighborhood Plan*
 - Traffic Counts
- Alternative Concept Scenario Diagrams
 - Draft Circulation Diagram
 - Draft Streetscape Diagram
- Alternative Site Design Diagrams

Policy Background

Outer Southeast Community Plan

The following policies and objectives pertaining to the study area were adopted as part of the Outer Southeast Community Plan.

MAX LRT Corridor Policy

Ensure that private development reinforces and is reinforced by the public light rail investment by encouraging development of intense commercial and dense residential uses near the MAX light rail stations.

Objectives:

1. *Encourage the redevelopment of large underused or auto-oriented sites along 122nd Avenue to a mixture of commercial and residential uses.*
2. *Improve the pedestrian orientation of buildings and streets around light rail stations.*
3. *Increase housing densities within one-quarter mile of a transit stop to at least medium-density multifamily, as the appropriate opportunity arises, and apply transit-supportive zones to commercially-zoned land.*
4. *Increase housing densities within one-half mile of the light rail stations to at least the higher density single family designations as the appropriate opportunity arises.*
5. *Establish through connections at approximately 400-foot intervals from east to west and north to south directions as the opportunity exists.*
6. *Provide sidewalks and separate them from traffic by street trees and parked cars wherever possible.*

Hazelwood Neighborhood Plan

Policy 7: 122nd Avenue Subarea

Ensure that the 122nd Avenue commercial area develops in a nodal pattern to maintain the quality of adjacent neighborhoods and enhance the pedestrian and bicycle-friendly nature of areas in-between commercial nodes.

Objectives:

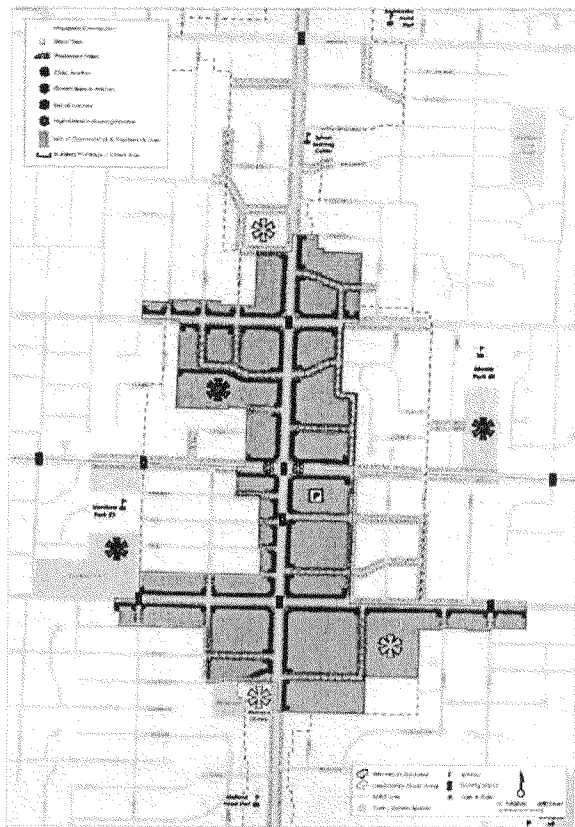
1. *Recognize the role which 122nd Avenue plays as a major traffic and transit street in future planning and development efforts.*
2. *Encourage construction of a mix of housing types and commercial/retail along 122nd to increase transit use and support local business nodes.*

Traffic Counts

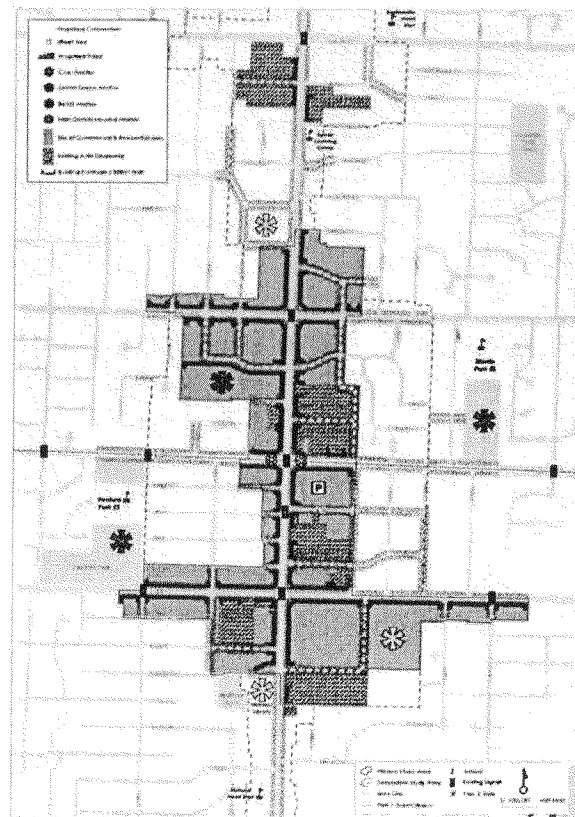
The following are traffic counts taken within the 122nd Avenue station area between 1996 and 2004. (Data provided by the City of Portland's Office of Transportation.)

STREET	DATE	VOL	East	West	North	South
GLISAN						
NE Glisan St, W/NE 122nd Ave	16-Sep-96	34880	18529	16351		
NE Glisan St, W/NE 122nd Ave	25-May-00	30486	16541	13945		
NE Glisan St entering NE 122nd Ave	14-Jan-02	26629	16316	10313		
122nd						
NE 122nd Ave, N/NE Glisan St	1-Oct-96	33070			15324	17746
NE 122nd Ave, N/NE Halsey St	7-Jul-03	31345			16131	15214
SE/NE 122nd Ave ent E Burnside St	8-Jan-98	30582			13544	17038
NE 122nd Ave, N/NE Halsey St	7-Jul-03	30345			15131	15214
NE 122nd Ave, S/NE Halsey St	7-Jul-03	28956			13648	15308
NE 122nd Ave, S/NE Glisan St	10-Aug-98	28838			13483	15355
NE 122nd Ave, N/NE Glisan St	13-May-98	28782			13465	15317
NE 122nd Ave, N/NE Glisan St	12-Sep-00	28085			13029	15056
NE 122nd Ave, N/NE Glisan St	8-Nov-04	27126			12804	14322
SE 122nd Ave ent SE Stark St	3-May-00	26960			12408	14552
NE 122nd Ave entering NE Glisan St	5-Mar-02	26951			12913	14038
SE 122nd Ave ent SE Market St	8-Jul-99	25569			12508	13061
NE 122nd Ave NB Left Turn, S/NE Glisan St	10-Aug-98	2108			2108	
STARK						
SE Stark St, W/SE 122nd Ave	3-May-00	34301	16692	17609		
SE Stark St, W/SE 122nd Ave	17-Sep-96	33446	15674	17772		
SE Stark St, W/SE 122nd Ave	20-May-98	31967	14732	17235		
BURNSIDE						
E Burnside St, W/SE 122nd Ave	1-Jun-00	9856	4877	4979		
E Burnside St, W/SE 122nd Ave	17-Sep-96	9364	4568	4796		
E Burnside St, W/NE 119th Ave	18-May-98	9125	4553	4572		

Alternative Concept Scenarios

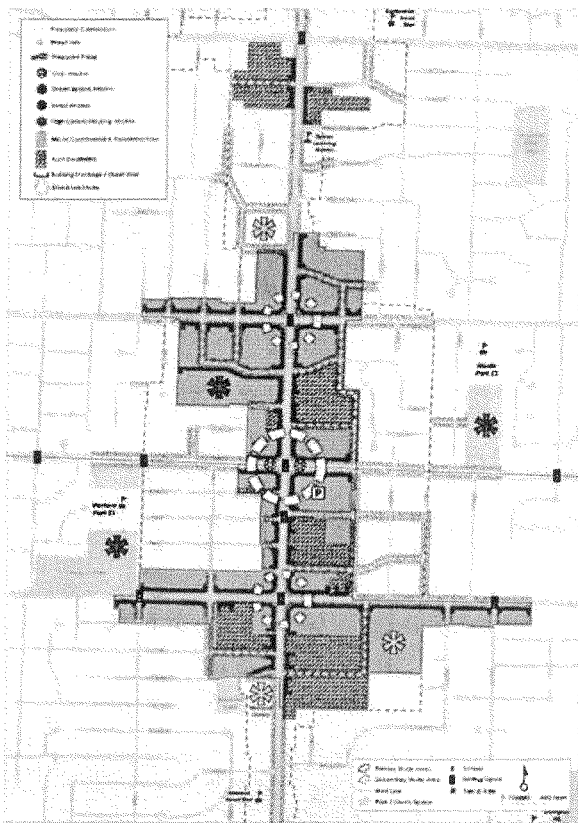


**Scenario 1: Mixed-Use Station Area
(Existing Policy)**

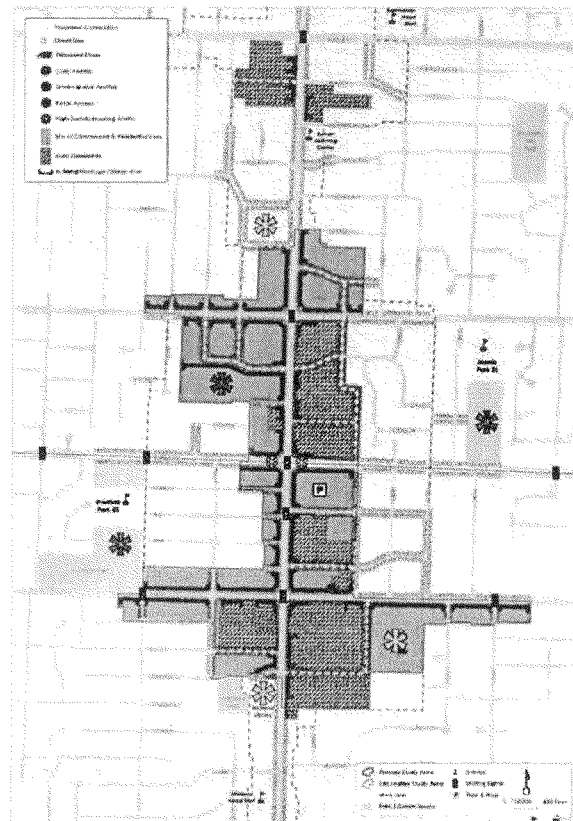


**Scenario 2: Mixed-Use Station Area with
Auto Dealer Reconfiguration**

Alternative Concept Scenarios

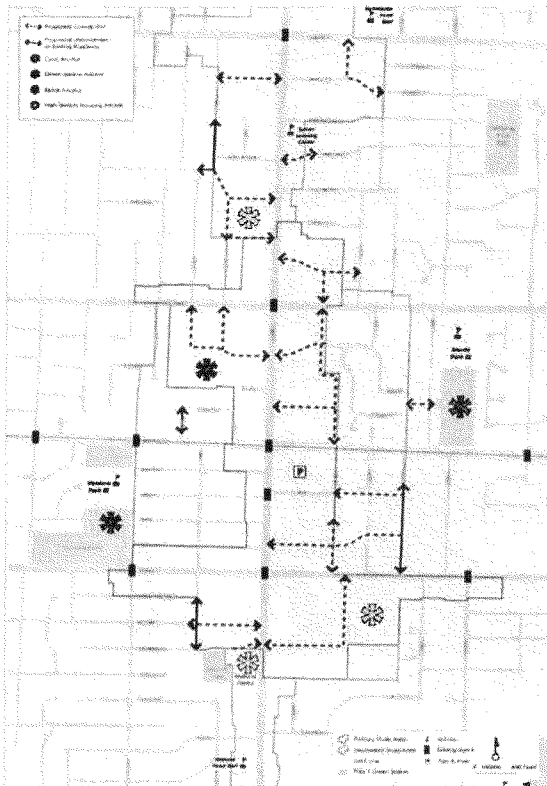


Scenario 3: Intersection Nodes



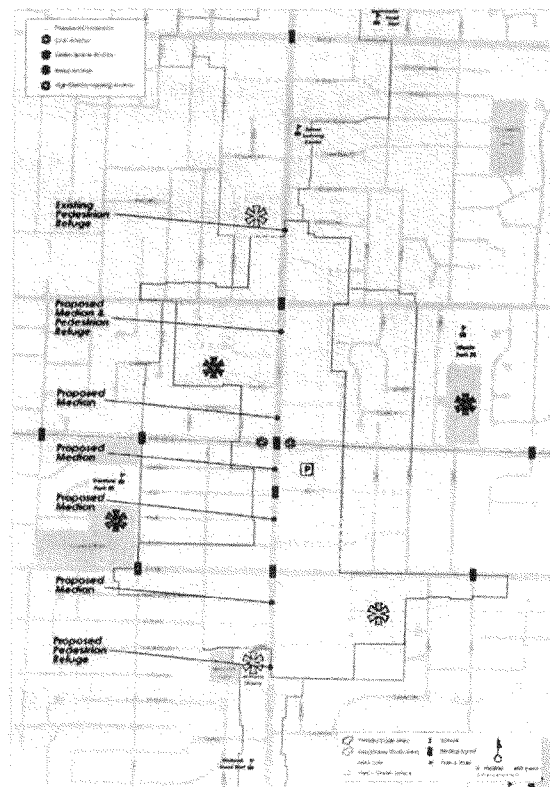
Scenario 4: Auto Dealer Emphasis

Draft Circulation & Streetscape Diagrams

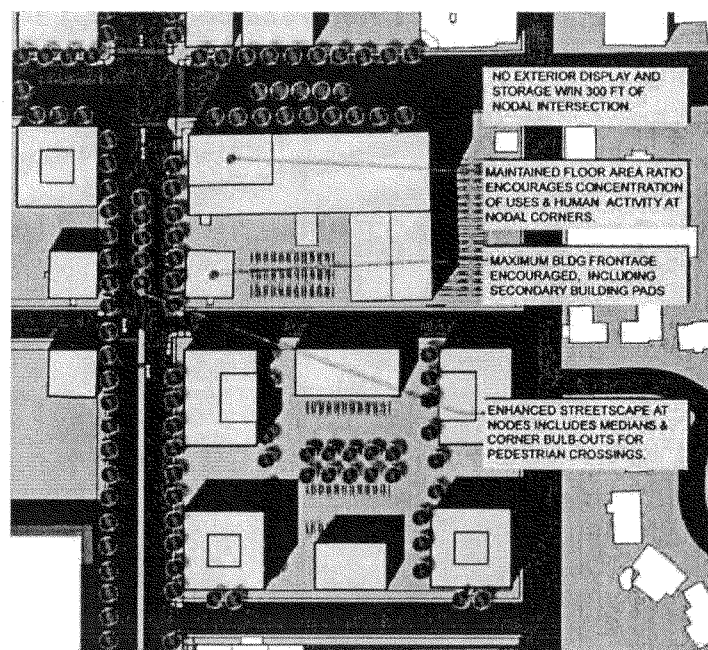


Draft Circulation Diagram

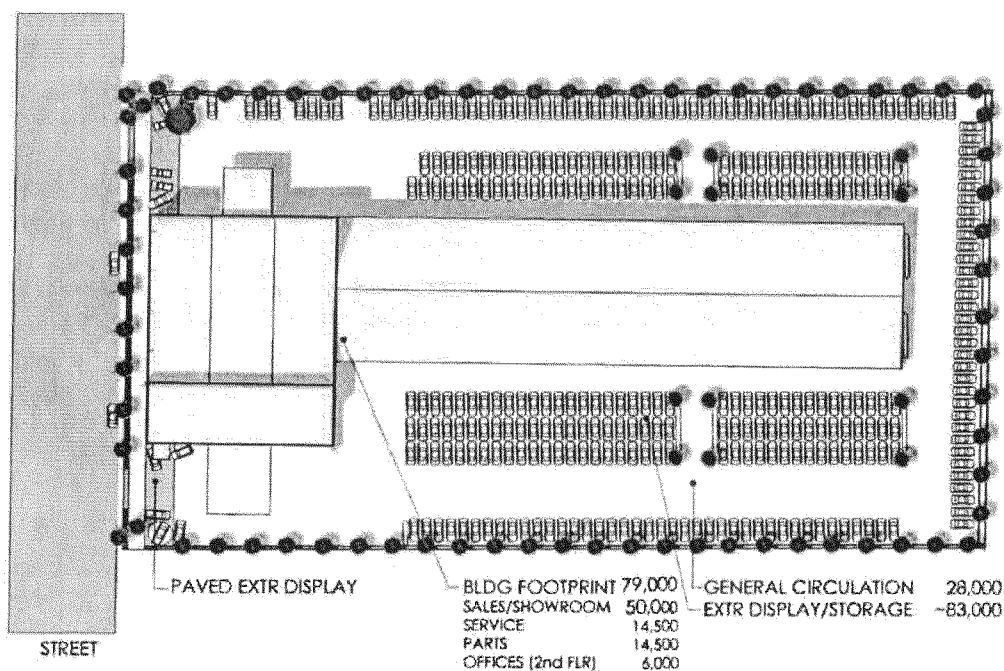
Draft Streetscape Diagram



Site Design



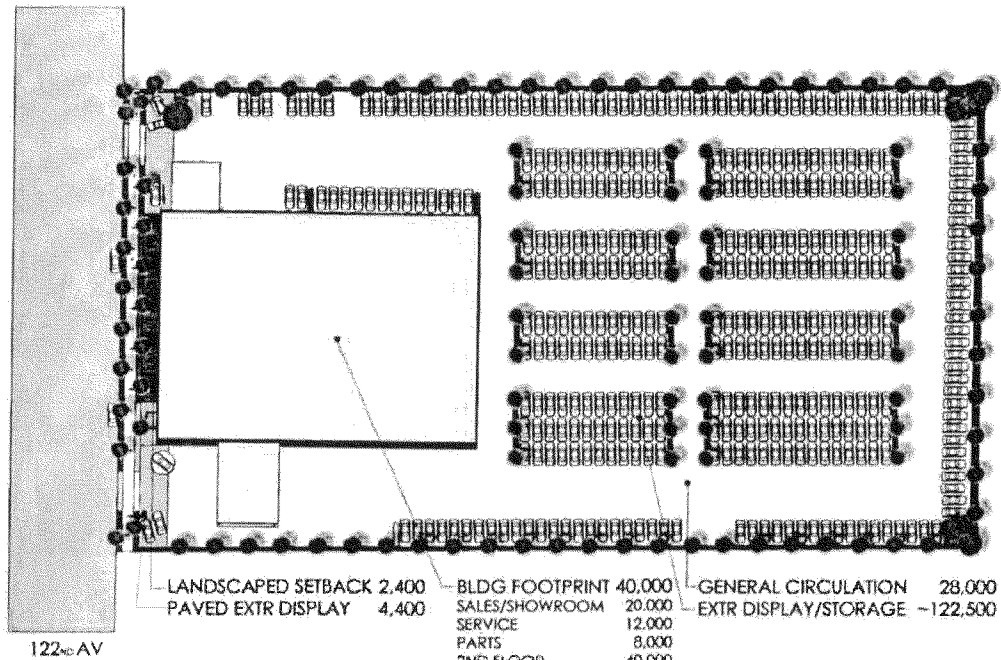
LOT AT NODAL CORNER, W/ FUTURE CIRCULATION LINKS



**TYPICAL LOT BETWEEN PEDESTRIAN NODES
W/ EXPANDED ENCLOSURE OF DISPLAY & STORAGE**

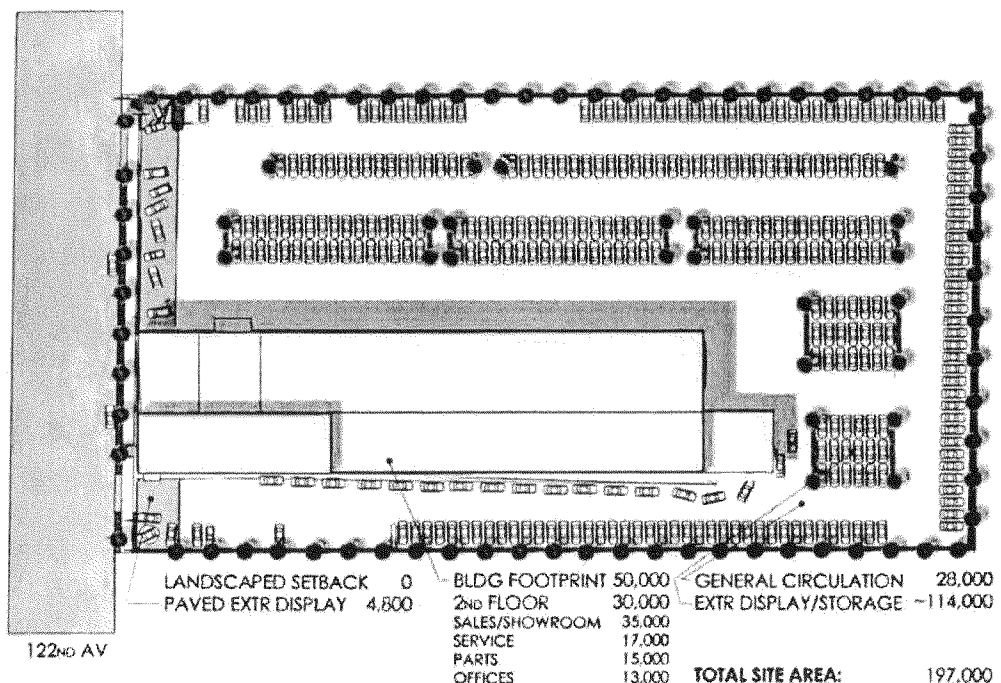
TOTAL SITE AREA: 197,000

Site Design



TYPICAL LOT BETWEEN PEDESTRIAN NODES
w/ 20 FT SETBACK, NO EXTR DISPLAY & STORAGE

TOTAL SITE AREA: 197,000



TYPICAL LOT BETWEEN PEDESTRIAN NODES
w/ NARROW BLDG CONFIGURATION, EXTENSIVE EXTR DISPLAY

TOTAL SITE AREA: 197,000



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Exhibit B
Amended
122nd Avenue Station Area Study:
Implementation Amendments
Findings Report

August 2, 2006

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Introduction

The *122nd Avenue Station Area Study: Implementation Amendments* is the product of effort by residents, business people, property owners, city staff, and other interested stakeholders to determine the future of this unique area. When adopted by City Council, the amendments will update the Portland *Comprehensive Plan* for this part of Portland and update the Zoning Map, Zoning Code, and Community Design Guidelines that guide public and private decision-making and investment in the transit station area. The findings in this document show how the amendments comply with the State Land Use Planning Goals, the *Metro Urban Growth Management Functional Plan* and the *Portland Comprehensive Plan*.

Relationship to Statewide Land Use Planning

Comprehensive land use planning in Oregon was mandated by the 1973 Legislature with the adoption of Senate Bill 100 (ORS Chapter 197). Under this Act, the State Land Conservation and Development Commission (LCDC) was created and directed to adopt statewide planning Goals and Guidelines. These Goals and Guidelines were adopted by LCDC in December 1974 and became effective January 1, 1975. Under state law, comprehensive plans must comply with the statewide planning goals. Portland's *Comprehensive Plan* meets this requirement. The *122nd Avenue Station Area Study: Implementation Amendments* revises Portland's *Comprehensive Plan* through the revision to the Outer Southeast Community Plan, Subarea Policy V, Objective 1.

How This Document is Structured

This document is organized into several sections: this introduction, Statewide Planning Goals Findings, *Metro Urban Growth Management Functional Plan* Findings, and *Portland Comprehensive Plan* Findings, including the *Outer Southeast Community Plan*, and *Hazelwood Neighborhood Plan* findings. Within these sections, the individual findings generally consist of two parts: 1) a brief explanation of the criteria (goal, policy, objective, further statement, etc.) against which the amendments are judged for consistency; and 2) statements that support a conclusion of consistency. If a finding against a given measure (goal, title, policy, objective, further statement, etc.) is not included in this document, it is because it has been determined to not be relevant to the *122nd Avenue Station Area Study Implementation Amendments*.

General Findings

- I. The *122nd Avenue Station Area Study: Implementation Amendments* (ordinance) amends the *Comprehensive Plan*, *Comprehensive Plan* map, Zoning Map, Zoning Code, and Community Design Guidelines. The amendments do not change other land use regulations. Therefore, the following Comprehensive Plan goals, policies and objectives apply to the amendments and the amendments satisfy the applicable goals, policies and objectives for the reasons stated below.
- II. During the course of public hearings, the Bureau of Planning, and the Planning Commission provided interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goal, policy or objective that might apply to the amendments. No additional provisions were identified.

Statewide Planning Goals Findings

1. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals. Because of the limited scope of the amendments in this ordinance, only the state goals addressed below apply.
2. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement. Portland *Comprehensive Plan* findings on Goal 9, Citizen Involvement, and its related policies and objectives support this goal. See also the public involvement section of *122nd Avenue Station Area Study Implementation Amendments*. The amendments are supportive of this goal in the following ways:
 - a) In 2003, Portland City Council considered testimony on the Gateway Planning Regulations Project. During that public process, community members, including key stakeholders and property owners, urged City Council to direct the Bureau of Planning to evaluate the regulatory environment for development around the 122nd Avenue transit station.
 - b) During summer and fall of 2004, the Planning Bureau began scoping a study to evaluate conditions and opportunities at 122nd Avenue. The Bureau of Planning was awarded a TGM quick response grant which funded a consultant team to study land use design and transportation issues.
 - c) A study working group (SWG) composed of representatives from four local neighborhood and two business associations, as well as representatives from key property owners/stakeholders, and key agencies (TriMet and Metro) was formed in Autumn 2004 and held its first meeting in December. The group served as an advisory body, not a decision-making body, to consider the interests of the community and represent a range of perspectives on planning issues. The SWG met 8 times prior to the Planning Commission public hearing. Their feedback helped inform the development of the plan.
 - d) The *122nd Avenue Station Area Study* process included a public outreach program beginning February 2005 and continuing through the first public hearings with the Portland Planning Commission on November 22, 2005.

- e) In winter 2005, a postcard invitation was mailed to over 3,000 addresses within and near the 122nd Avenue Station Area Study area inviting the public to attend a kick-off event in February 2005.
- f) On February 7, 2005, over 40 community members attended a kick-off open house for the *122nd Avenue Station Area Study* where they responded to questions about their goals for the area, and their experience as users of the area. Community concerns and desires were recorded to assist in the land use and transportation alternatives.
- g) On April 2, 2004, a community open house was attended by over 40 community members. Participants were asked to weigh-in on land use, urban design, transportation, circulation and streetscape issues. Community members were specifically asked to evaluate four concept scenarios for development in the 122nd Avenue area.
- h) A third community workshop was held on June 4, 2005, to further evaluate refined concepts for land use development, design of uses with exterior display and storage, streetscape and pedestrian improvements, and a revised circulation/connectivity plan.
- i) Staff attended meetings with local business associations (Midway Business Association and Gateway Area Business Association) and neighborhood associations (Hazelwood Neighborhood Association, Mill Park Neighborhood Association) during winter-spring 2005 to inform neighbors about participation in the study process.
- j) On June 28, 2005, a final presentation of the study recommendations and a question and answer session was held.
- k) Input from all public meetings was used to refine the concept plans and develop implementation recommendations.
- l) Implementation concepts were shared with the study working group at a meeting on September 12, 2005. A draft of the *122nd Avenue Station Area Study: Proposed Implementation Amendments* was shared with the study working group and Hazelwood Neighborhood Association at a meeting on October 17, 2005.
- m) Notice of the Planning Commission and Design Commission hearings on the *122nd Avenue Station Area Study Proposed Implementation Amendments* was mailed in October 2005 to 687 interested parties and property owners.
- n) An open house to share information about the *122nd Avenue Station Area Study Proposed Implementation Amendments* was held on November 15, 2005. Approximately 20 community members attended this event.
- o) The *122nd Avenue Station Area Study* process was the focus of articles in The Oregonian, The Portland Tribune, and was covered by local newspapers including the East County News, and Mid County Memo.
- p) The City of Portland Planning Commission held a hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments* on the evening of November 22, 2005. The City of Portland Design Commission held a hearing on the *122nd Avenue Station Area Study Proposed Implementation Amendments* on the evening of January 5, 2006. The community had the opportunity to offer public testimony on the proposed amendments.

- q) The City of Portland Planning Commission held a second hearing on revision to the *122nd Avenue Station Area Study Proposed Implementation Amendments* on the evening of April 25, 2006. The community had the opportunity to offer public testimony on the proposals.
 - r) The Portland City Council held a public hearing on the *122nd Avenue Station Area Study Recommended Implementation Amendments* on June 15, 2006. The hearing was continued to June 28, 2006 and August 2, 2006 to consider amendments to the recommendations. Public testimony was taken on the recommendations and amendments being considered.
 - s) The Bureau of Planning held a community meeting on July 20, 2006 to further discuss aspects of proposed amendments prior to the continued City Council hearing on August 2, 2006.
3. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments are supportive of this goal because:
- a) The Zoning Code contains procedures that were followed and criteria that have been satisfied for the development and adoption of the *122nd Avenue Station Area Study Implementation Amendments*. The amendments are supportive of this goal because the required legislative process as described in Portland City Code 33.740 was followed. In addition, the applicable approval criteria for legislative Comprehensive Plan Map Amendments, described in 33.810; for Goal, Policy, and Regulation Amendments, described in 33.835; for Zoning Map Amendments, described in 33.855 have been evaluated and satisfied as described in the findings below.
 - b) The amendments are also supportive of this goal because documents identifying existing conditions, community issues and desires, and documents analyzing economic and transportation issues affecting the plan area were prepared to assist in the creation of plan alternatives for the *122nd Avenue Station Area Study*. These documents include:
 - *122nd Avenue Station Area Study Economic Analysis*;
 - *122nd Avenue Station Area Study Phase One Report and Recommendations*;
 - *122nd Avenue Station Area Study Implementation Amendments*;
 - *122nd Avenue Station Area Study Regulatory Impact Assessment*.
 - c) Portland Comprehensive Plan findings on Goal 1, Metropolitan Coordination, and its related policies and objectives also support this goal.
4. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the State's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because the *122nd Avenue Station Area Study: Implementation Amendments* support the provision of additional housing, commercial, employment and recreational opportunities within an urbanized area, thereby reducing pressure on agricultural and forest lands and pressure to expand the urban growth boundary.
5. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments are consistent with this goal because the *122nd Avenue Station Area Study: Implementation Amendments* generally encourage a compact mixed-use development of commercial and residential uses and emphasizes a balanced multi-modal transportation system by encouraging the use of alternative modes, such as walking,

bicycling, and transit. Compact urban development helps maintain natural resources by accommodating growth and development in urban areas and by protecting and conserving rural area natural resources. Compact mixed-use development with a balanced transportation system should reduce vehicle miles traveled in the study area and positively impact air quality. Portland Comprehensive Plan findings on Goal 8, Environment, and its related policies and objectives, also support this goal.

6. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the State. The amendments are consistent with this goal because the *122nd Avenue Station Area Study: Implementation Amendments* promote a safe and walkable main street that is inviting to both community members and visitors.
7. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal. The *122nd Avenue Station Area Study: Implementation Amendments* call for the development of a vital commercial area along 122nd Avenue at the nodes of Glisan, Stark and Burnside streets. The amendments are designed to strengthen existing businesses and attract new businesses that foster a positive identity for the area, support a local economy, and encourage housing to support retail and other community amenities. The potential for housing and mixed use development is intended to strengthen support of existing commercial development by allowing for an increase in potential customers and employees located within close proximity to existing and new businesses. Portland Comprehensive Plan findings on Goal 5, Economic Development, and its related policies and objectives also support this goal.
8. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal. The *122nd Avenue Station Area Study: Implementation Amendments* promote an urban form that supports the development of vital commercial areas supported by additional opportunities for housing and mixed-used residential development. Portland Comprehensive Plan findings on Goal 4, Housing, and its related policies and objectives also support this goal.
9. **Goal 11, Public Facilities and Services**, requires planning and development of timely, orderly and efficient public service facilities that serve as a framework for urban and rural development. The 122nd Avenue Station Area Study contains recommendations addressing the pedestrian environment, vehicle circulation, and transit. Portland Comprehensive Plan findings on Goals 11 A through 11 I, Public Facilities, and related policies and objectives also support this goal.
10. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The *122nd Avenue Station Area Study* is consistent with this goal because it encourages transit-oriented and pedestrian-accessible development in the area near the station area.

The Transportation Planning Rule (TPR) was adopted in 1991 to implement State Goal 12. Section 660-012-0045 of the TPR requires local governments to adopt land use regulations that designate “types and densities of land uses adequate to support transit” and those that “reduce reliance on the automobile and allow transit-oriented developments on land along transit routes.” The *122nd Avenue Station Area Study* supports these requirements because it includes changes to commercial zones that will allow new housing and mixed-used development in the area, which is served by a MAX light rail, and two frequent service bus lines.

Section 660-012-0060(1) of the TPR requires “where an amendment to a functional plan, an acknowledged comprehensive plan or a land use regulation would significantly affect an existing

or planned transportation facility, the local government shall put in place measures to assure that allowed uses are consistent with the identified function, capacity and performance standards of the affected facility.” This requirement can be met by “adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.”

Proposed changes in Comprehensive Plan designations and zoning are not anticipated to increase automobile trips because the changes result in nearly identical housing units and jobs along the corridor although the zoning pattern shifts. Since these minor changes will not generate additional trips beyond what could occur under existing zoning, there is no significant impact anticipated on 122nd Avenue or adjacent streets and no change to the function, capacity, or performance standards of the street over the planning period. The change of zoning from CS to CXd is essentially a design-related change, as the development envelopes allowed currently in the CS zone in the East Corridor Plan District exceed those allowed in the CX “base” zone. The current maximum floor area ratio allowed is 4 to 1, with an additional 2 to 1 available (a total of 6 to 1) when 80 percent of floor area is in residential use. The maximum allowed height is currently 100 feet. No changes are proposed to the maximum allowed height or floor area. Further, the allowed uses in the CX zone are similar to those allowed in the CS zone. Other zone changes in the study area are diminimus, and have been applied to create consistency in the zoning pattern or minimize nonconforming use situations. The *122nd Avenue Station Area Study* also recommends various transportation actions designed to improve the capacity of the transportation system to handle existing trips as well as those that will occur over the planning period.

Portland Comprehensive Plan findings on Goal 6, Transportation, and its related policies and objectives also support this goal.

11. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The *122nd Avenue Station Area Study* is consistent with this goal because the Comprehensive Plan Map and Zoning Map and Code amendments generally promote the establishment of a compact urban form, including a mix of uses supported by an enhanced pedestrian and transit system. This urban form and supporting multi-modal transportation system may result in decreased use of single-occupant vehicle usage and a reduction of fuel consumption. Portland Comprehensive Plan findings on Goal 7, Energy, and its related policies and objectives also support this goal.
12. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments are consistent with this goal because the *122nd Avenue Station Area Study* supports providing additional development opportunities for residential, commercial, employment and industrial land uses, and implements main street concepts of Metro’s Urban Growth Management Functional Plan (UGMFP). The implementation of this plan and the opportunities it provides for additional development capacity reduce long-term pressure to expand the UGB and convert rural land for urban purposes. Portland Comprehensive Plan findings on Goal 2, Urban Development, and its related policies and objectives also support this goal.

Metro Urban Growth Management Functional Plan (UGMFP) Findings

13. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. During the development of the *122nd Avenue Station Area Study* such an analysis was conducted, based on the land use designations existing and proposed within the plan area. This analysis found that there is little change in the number of housing units based on calculated capacity if the plan and corresponding land use designation changes were adopted and implemented. Using a methodology that accounts for residential development that occurs in commercial zones, there is, on balance, a slight increase in housing potential. In addition, capacity for employment is maintained or improved by using a combination of commercial land use designations. Thus, the amendments are not inconsistent with this title.
14. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. This title is already addressed by the Portland Zoning Code and the City's Transportation System Plan which set limits for the number of parking spaces required and allowed for different uses and areas along transit corridors. The plan furthers this goal by promoting a compact urban form supported by enhanced transit system and pedestrian and bicycle circulation system. Thus, the amendments are not inconsistent with this title.
15. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality and Flood Management Areas by limiting or mitigating the impact of development in these areas. This title is addressed by existing City policies and regulations. Thus, the amendments are not inconsistent with this title.
16. **Title 4, Retail in Employment and Industrial Areas**, calls for retail development in Employment and Industrial areas that supports these areas and does not serve a larger market area. This plan is consistent with requirements of this title as it does not propose to weaken or modify existing regulations protecting industrially designated lands. Thus, the amendments are not inconsistent with this title.
17. **Title 6, Central City, Regional Centers, Town Centers and Station Communities**, defines Metro's policy regarding areas outside of the Urban Growth Boundary. The intent of this title is to enhance Centers designated on Metro's 2040 Growth Concept Map by encouraging growth within Centers. The *122nd Avenue Station Area Study* and associated planning process are directly tied to this title as 122nd Avenue is a designated main street, and the area is a station community. The amendments will comply with this title by providing regulations that allow housing in the transit station area, which will support existing commercial uses and will promote additional commercial growth along the main street. Thus, the amendments are not inconsistent with this title.
18. **Title 7, Affordable Housing**, recommends that local jurisdictions implement tools to facilitate development of affordable housing. The amendments propose a land use and zoning pattern that fosters a mix of housing types, and redevelopment opportunities in the area, with a range of housing options. The transit-oriented development limited tax abatement is available in this area and supports development of housing available to a range of incomes. Thus, the amendments are not inconsistent with this title.

Metro Regional Transportation Plan (Functional Plan) Findings

19. The Regional Transportation Plan (RTP) is Metro's functional plan for transportation. The RTP contains a number of requirements that must be addressed when the Comprehensive Plan is being amended.
20. **Policy 1.0, Public Involvement**, establishes a process for involving the public through provision of complete and timely public notice. As detailed earlier in these findings, the *122nd Avenue Station Area Study* process included public involvement opportunities with notice of meetings and public events advertised through the media and on the project web site.
21. **Policy 2.0, Intergovernmental Coordination**, requires coordination among the local, regional, and state jurisdictions that own and operate the region's transportation system. The *122nd Avenue Station Area Study* process included a study working group (SWG) with representatives from the Oregon Department of Transportation, Metro, and TriMet.
22. **Policy 3.0, Urban Form**, facilitates implementation of the 2040 Growth Concept with specific strategies that address mobility and accessibility needs and use transportation investments to leverage the realization of 2040. The *122nd Avenue Station Area Study* identifies several transportation improvements within the area that may be implemented through a subsequent design and construction process.
23. **Policy 4.0, Consistency Between Land-use and Transportation Planning**, ensures that the identified function, design, capacity and level of service of transportation facilities area consistent with applicable regional land use and transportation policies as well as adjacent land use patterns. The *122nd Avenue Station Area Study* is proposing changes to the zoning pattern along the street that leaves the potential density and mix of allowed uses relatively unchanged. Because of this, the street is expected to operate similarly under this scenario as to how it does under current designations.
24. **Policy 7.0, The Natural Environment**, calls for protecting the region's natural environment. The *122nd Avenue Station Area Study* includes concepts and guidelines that promote sustainability in both the private development and public infrastructure realms.
25. **Policy 8.0, Water Quality**, calls for protecting the region's water quality. The development regulations in the *122nd Avenue Station Area Study* includes guidelines that allow for incorporating sustainable stormwater management in the design of on site stormwater systems.
26. **Policy 9.0, Clean Air**, supports protecting and enhancing air quality so that as growth occurs, human health and visibility is maintained in the region. The *122nd Avenue Station Area Study* amendments foster a future development pattern that may result in reduced reliance on the automobile, including improving the pedestrian environment and access to transit.
27. **Policy 11.0, Regional Street Design**, calls for designing regional streets to support the function and character of surrounding land uses. This portion of 122nd Avenue is classified as a Regional Boulevard in the RTP. The transportation recommendations call for changes such as landscaped pedestrian refuge islands, medians and wide sidewalks that are consistent with this designation.
28. **Policy 13.0, Regional Motor Vehicle System**, provides for a regional motor vehicle system of arterials and collectors. The *122nd Avenue Station Area Study* amendments support 122nd Avenue's designation as a major arterial.

29. **Policy 15.0, Regional Freight System**, provides for efficient, cost-effective and safe movement of freight. The *122nd Avenue Station Area Study* supports the freight designation of 122nd Avenue as a Major Truck Street.
30. **Policy 16.0, Regional Bicycle System Connectivity**, provides for a continuous regional network of safe and convenient bikeways. 122nd Avenue is identified as a City Bikeway in the Portland TSP.
31. **Policy 17.0, Regional Pedestrian System**, supports designing the pedestrian environment to be safe, direct, convenient, attractive and accessible to all users. The 122nd Avenue transit station area is classified as a pedestrian district and 122nd Avenue is a multi use facility. The *122nd Avenue Station Area Study* supports this classification because the transportation concept includes additional pedestrian improvements such as curb extensions, improved sidewalks, and marked pedestrian crossings.
32. **Policy 17.2, Regional Pedestrian Access and Connectivity**, provides for direct pedestrian access, as a part of all transportation projects. The *122nd Avenue Station Area Study* transportation recommendations call for establishing a 15-foot sidewalk corridor on both sides of 122nd Avenue in the Ventura Park Pedestrian District.
33. **Policy 18.0, Transportation System Management**, supports transportation system management techniques to optimize performance of the region's transportation system. The *122nd Avenue Station Area Study* supports this policy as the recommendations call for further study and enhancement of signal timing and other changes to smooth traffic flow.
34. **Policy 19.1, Regional Parking Management** supports managing and optimizing the efficient use of public and commercial parking in the central city, regional centers, town centers, main streets, and employment centers. The *122nd Avenue Station Area Study* supports this policy because one of the goals of the transportation concept is to maximize permanent on-street parking to serve local businesses.
35. **Policy 20.1, 2040 Growth Concept Implementation**, calls for implementing a regional transportation system that supports the 2040 Growth Concept through the selection of complementary transportation projects. The *122nd Avenue Station Area Study* supports this policy because both the land use and transportation components are intended to reinforce the area's designation as a main street and transit station community.
36. **Street Connectivity Compliance (RTP Section 6.4.5)** requires the development of a future street plan map of key street connections. The *122nd Avenue Station Area Study* supports this policy, as a future street plan for the area was developed and is recommended to be considered and adopted as an update to the Portland Transportation System Plan.
37. **Transit Service Planning Compliance (RTP Section 6.4.10)** requires local jurisdictions to provide direct, logical pedestrian crossings at transit stops and marked transit crossings at major transit stops and to consider stop spacing and location consistent with regional street designs. The *122nd Avenue Station Area Study's* recommendations include new pedestrian crossings to improve safety and facilitate access to transit.
38. **Project Development Compliance (RTP Section 6.7.3)** requires local jurisdictions to consider system management to address or preserve street capacity. The *122nd Avenue Station Area Study* supports this requirement because improvements to signal timing are recommended for further study.

Portland Comprehensive Plan Goals Findings

39. The City's *Comprehensive Plan* was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission on May 1, 1981. On May 26, 1995, and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the statewide planning goals.
40. **Goal 1, Metropolitan Coordination**, calls for the *Comprehensive Plan* to be coordinated with federal and state law and to support regional goals, objectives and plans. Coordination with state and regional planning efforts has been undertaken with the development of the proposed amendments. The *122nd Avenue Station Area Study* process included participation of representatives from city, regional, and state agencies, ensuring consistency with applicable local, regional and state plans.
41. **Policy 1.4, Intergovernmental Coordination**, calls for continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because the *122nd Avenue Station Area Study* process identified and included a variety of local, regional, and state agencies in the plan development process. Individuals from these agencies were invited to serve on a study working group (SWG), which participated in the local planning process and reviewed and commented on the *122nd Avenue Station Area Study*.
42. **Policy 1.5, Compliance with Future Metro Planning Efforts**, calls for the review and update of Portland's *Comprehensive Plan* to comply with the Regional Framework Plan adopted by Metro. The amendments support this policy because they implement portions of the Metro UGMFP.
43. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because the land use and zoning pattern proposed for the *122nd Avenue Station Area Study* area increases opportunities for additional residential and commercial uses, within areas designated for these land uses. Additionally, the plan provides opportunities for mixed-use development.
44. **Policy 2.1, Population Growth**, calls for accommodating the projected increase in city households. The amendments support this policy because the Comprehensive Plan Map and Zoning Map amendments proposed by the *122nd Avenue Station Area Study* will maintain, and in some cases expand, the long-term potential to develop additional housing units in the plan area.
45. **Policy 2.2, Urban Diversity**, calls for promotion of a range of living environments and employment opportunities for Portland residents. The amendments support this policy because the zoning pattern for the *122nd Avenue Station Area Study* will create a mix of residential and commercial development opportunities within the area.
46. **Policy 2.9, Residential Neighborhoods**, calls for allowance of a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The *122nd Avenue Station Area Study* supports this policy because it maintains higher residential density in areas close to the transit station, while maintaining lower density patterns in existing developed neighborhoods outside of the specified study area.

47. **Policy 2.11, Commercial Centers**, calls for expanding the role of major established commercial centers that are well served by transit in a manner compatible with the surrounding area. The *122nd Avenue Station Area Study* supports this policy because it provides for continued commercial use of properties along the established main street. The amendments will allow expansion of established larger-scale commercial uses along 122nd Avenue, and provides opportunities for additional small scale commercial to serve local residents.
48. **Policy 2.12, Transit Corridors**, calls for providing a mixture of activities along major transit routes and Main Streets that supports the use of transit and is compatible with the surrounding area. The *122nd Avenue Station Area Study* supports this policy because it allows development that includes commercial and residential uses that are transit supportive in a transit station area, along an identified transit Frequent Bus route and designated main street.
49. **Policy 2.13, Auto-Oriented Commercial Development**, calls for allowing auto-oriented commercial development to locate on streets designated as Major City Traffic Streets by the Transportation Element; and calls for allowing neighborhood level, auto-oriented commercial development near neighborhoods where allowed densities will not support transit- and pedestrian-oriented development. The amendments support this policy. NE/SE 122nd Avenue is classified a Major City Traffic Street and has long been the location of auto-oriented commercial development. However, allowed residential densities in the area will increasingly support pedestrian oriented uses. The amendments create a balance on the street, as they allow limited auto oriented commercial development in an area that is also designated a transit center and pedestrian district.
50. **Policy 2.15, Living Closer to Work**, calls for locating greater residential densities, including affordable housing, near major employment centers, including Metro-designated regional and town centers, to reduce vehicle miles traveled per capita and maintain air quality; and calls for encouraging home-based work where the nature of the work is not disruptive to the neighborhood. The *122nd Avenue Station Area Study* supports this policy because the zoning proposal provides for additional housing opportunities including in mixed use developments, and employment opportunities in commercial zones in the transit station area.
51. **Policy 2.16, Strip Development**, calls for discouraging the development of new strip commercial areas and focusing future activity in such areas to create a more clustered pattern of commercial development. The amendments support this policy because they call for retaining and emphasizing the existing commercial clusters at key intersections.
52. **Policy 2.17, Transit Stations and Transit Centers**, calls for encouraging transit-oriented development patterns at transit stations and at transit centers to provide for easy access to transit service. Establish minimum residential densities on residentially-zoned lands within one-half mile of transit stations and one-quarter mile of transit centers that support the use of transit. The design and mix of land uses surrounding transit stations and transit centers should emphasize a pedestrian- and bicycle-oriented environment and support transit use. The amendments support this policy because they maintain transit supportive residential densities within the one-half and one-quarter mile radii, and they promote pedestrian orientation in commercial development near the transit center, including pedestrian orientation for the type of uses that have traditionally developed in an auto-oriented pattern.
53. **Policy 2.18, Transit Supportive Density**, calls for establishing average minimum residential densities of 15 units per acre within one-quarter mile of existing and planned transit streets, Main

Streets, town centers, and transit centers, and 25 units per acre within one-half mile of light rail stations and regional centers. Where existing development patterns preclude these densities, this policy calls for encouraging infill through accessory units or allowing increased density on vacant lots. The amendments support this policy because it generally allows development in excess of these densities in the transit station area.

54. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. The amendments support this policy because they provides for infill at densities that are generally higher than existing densities. Increases in development potential may provide an incentive for redevelopment and better accommodate future increases in population and employment.
55. **Policy 2.20, Utilization of Vacant Land**, calls for providing for full utilization of existing vacant land except in those areas designated as Open Space. The amendments support this policy because they provide land use and zoning designations that may encourage development of vacant land and redevelopment of underutilized land.
56. **Policy 2.21, Existing Housing Stock**, calls for providing for full utilization of larger single-dwelling homes with conditions that preserve the character of the neighborhood and prevent speculation. The amendments support this policy because they generally maintain single-dwelling designations in neighborhood areas outside of the transit station area.
57. **Policy 2.22, Mixed Use**, calls for continuation of a mechanism that will allow for the maintenance and enhancement of areas of mixed use character where such areas act as buffers and where opportunities exist for the creation of mixed use nodes. The amendments support this policy because the land use and zoning designations applied generally allow mixed-use development.
58. **Policy 2.23, Buffering**, calls for mitigating the impacts from non residential uses on residential areas through the use of buffering and access limitations, in particular when residentially-zoned lands are changed to commercial, employment or industrial zones. The amendments support this policy because they include land use and zoning designations that buffer and transition lower density residential areas from commercial uses and higher-density residential uses at decreasing densities. The amendments do this by “stepping down” levels of intensity and height limits through zoning and design tools.
59. **Policy 2.27, Outer Southeast Community Plan**, calls for promoting the economic vitality, diverse residential character, environmental quality, and livability of Outer Southeast Portland by including the Outer Southeast Community Plan as part of the Comprehensive Plan. The amendments support this policy because they allow for reinvestment and revitalization of commercial uses, and are consistent with policies of the Comprehensive Plan as well as the policies of the Outer Southeast Community Plan and the Hazelwood Neighborhood Plan as shown in this document.
60. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they focus areas of significant change into a transit station area and on a main street, which has been identified as a place where change, growth and development are expected to occur over time. To maintain stability of neighborhoods, no change to land use or zoning is proposed outside of the primary or secondary study area. This approach helps promote neighborhood stability by strategically focusing change into areas where change can be beneficial

for meeting policy objectives, including use of existing and planned infrastructure and services, and for redevelopment over time of underutilized areas.

61. **Policy 3.3, Neighborhood Diversity**, calls for promoting neighborhood diversity and security by encouraging a diversity in age, income, race and ethnic background within the City's neighborhoods. The amendments support this policy because they offer a range of land use and zoning designations that allow for a variety of residential and commercial uses. The amendments feature changes that will provide a broader array of housing and commercial opportunities in the study area, and that can serve a diverse array of incomes, ages, races, and ethnicity.
62. **Policy 3.5, Neighborhood Involvement**, provides for the active involvement of neighborhood residents and businesses in decisions affecting their neighborhood. The amendments support this policy because neighborhood associations, business associations, and the community at large were involved in developing elements of the proposal for this area. A study working group, composed of representatives from four neighborhood associations and two business associations and other community members, also played a key role in providing feedback on the amendments and communicating with identified community organizations.
63. **Policy 3.6, Neighborhood Plan**, calls for maintaining and enforcing neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council. The findings in this report demonstrate that the amendments are consistent with the Comprehensive Plan, including the Adopted Outer Southeast Community Plan, and Hazelwood Neighborhood Plan.
64. **Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plan**, calls for using the Neighborhood Plans to guide decisions on land use, transportation and capital expenditures, community development programs, where applicable. The findings in this report demonstrate that the amendments are consistent with the Comprehensive Plan, including the Adopted Outer Southeast Community Plan, and Hazelwood Neighborhood Plan.
65. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they generally maintain the variety and supply of residential development opportunities. The amendments maintain residential land use designations that will provide a broad array of housing opportunities in the plan area that can serve a diverse array of incomes, ages, races and ethnicity. These include multi-dwelling units, row houses, and mixed-use and live/work residential situations. The plan also supports single-dwelling areas by focusing multi-dwelling and more intense residential uses within the plan area. Single-dwelling areas outside of the defined plan area are retained.
66. **Policy 4.1, Housing Availability**, calls for ensuring that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The amendments support this policy because they offer a variety of housing types and generally increase the supply of, and opportunity for, new housing in and around the transit station area.
67. **Policy 4.2, Maintain Housing Potential**, calls for retaining housing potential by requiring no net loss of land reserved for, or committed to, residential or mixed-use. The amendments, on balance, support this policy because they maintain opportunities for residential and mixed use development potential within the plan area. The amendments are estimated to have a slight net decrease (4%) in the maximum potential number of housing units based on the zoned capacity. Zoned capacity is

the maximum number of housing units allowed in residential zones and the mixed commercial zone. However, the zoned capacity does not take into consideration housing built in commercial zones. An analysis of the capacity based on research regarding the number of housing units that commercial zones historically produce, estimates a marginal increase in the number of housing units. In addition, the loss of any zoned capacity is offset significantly by other Portland legislative projects that have increased housing unit potential in other parts of the city over the past two years. Specifically, the housing potential affected by the 122nd Avenue Station Area Study Amendments is more than offset by increases in housing recently allowed in the nearby Gateway Regional Center as part of the Gateway Planning Regulations Project. The 122nd Avenue Station Area Study is a follow up of the Gateway Planning Regulations Project (2004), in which the East Corridor Plan District and 122nd Avenue Station Area were separated from the Gateway Plan District. The Gateway Planning Regulations Project added significant housing capacity in the area generally; because this study is linked as a follow up to the Gateway project, the housing potential in both efforts should be considered in meeting this policy. The increased housing units resulting from the Gateway project provide additional housing potential in this general district in addition to the units replaced in this specific set of amendments.

68. **Objective A**, calls for allowing the replacement of housing potential to be accomplished by such means as: 1) rezoning (and redesignating) existing commercial, employment, or industrial land to residential; 2) rezoning (and redesignating) lower density residential land to higher density residential land; and 3) rezoning to the CM zone; or 4) building residential units on the site or in a commercial or employment zone if there is a long-term guarantee that housing will remain on the site. The amendments support this objective because they redesignate and rezone different parts of the plan area to compensate for other parts of the plan area where housing potential has been reduced. Specifically, areas were redesignated from town house multidwelling (R3) to medium-density multidwelling (R1) designations. Other changes that may increase housing potential include redesignating areas from Office Commercial (CO1) to Storefront Commercial (CS); this will increase the potential for residential and mixed-use development by increasing the building height from 30 feet (CO1 zone) to 45 feet (CS zone), and by increasing floor area ratio from .75 to 1 (CO1 zone) to 3 to 1 (CS zone).
69. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources. The amendments support this policy because they promote efficient use of land and resources by providing medium- to high-density multi-dwelling housing near transit, parks and other community resources. In addition, this type of development is typically more efficient than detached houses in terms of energy consumption for heating and cooling.
70. **Policy 4.6, Housing Quality**, calls for encouraging the development of housing that exceeds minimum construction standards. The amendments support this policy because the amendments over time will improve the appearance and quality of new development through application of the design overlay zone and through new development. This is expected to have a positive effect on neighborhood livability and potential spillover benefits to encourage rehabilitation and improvements. The amendments further support this policy in part because they apply the design overlay zone to sites zoned commercial and mixed-use, which allow residential uses. The

amendments also apply design standards and guidelines that will shape commercial development and protect housing from excessive off-site impacts, and minimize the conflicts between uses.

71. **Policy 4.7, Balanced Communities**, calls for striving for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures, and income levels of the region. The amendments support this policy because they provide for a variety of housing types in the area. The area features the potential for multi-dwelling units, row houses, and mixed-use residential situations. The housing diversity in the community is supportive of a broad range of incomes and tenures.
72. **Policy 4.8, Regional Housing Opportunities**, calls for ensuring opportunities for economic and racial integration throughout the region by advocating for the development of a range of housing options affordable to all income levels throughout the region. The amendments support this policy because they provide additional opportunities for a broad array of housing that can serve a broad income range.
73. **Policy 4.10, Housing Diversity**, calls for promoting creation of a range of housing types, prices, and rents to 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community. The amendments support this policy because they provide additional opportunities for a broad array of housing that can serve a broad income range.
74. **Policy 4.11, Housing Affordability**, calls for promoting the development and preservation of quality housing that is affordable across the full spectrum of household incomes. The amendments support this policy because they provide additional opportunities for housing that can serve a broad range of incomes.
75. **Policy 4.13, Humble Housing**, calls for ensuring that there are opportunities for development of small homes with basic amenities to ensure housing opportunities for low-income households, members of protected classes, households with children, and households supportive of reduced resource consumption. The amendments support this policy because they offer opportunities for development of a variety of multifamily, attached and detached housing in and around the plan area.
76. **Policy 4.14, Neighborhood Stability**, calls for stabilizing neighborhoods by promoting: 1) a variety of homeownership and rental housing options; 2) security of housing tenure; and 3) opportunities for community interaction. The amendments support this policy because the amendments provide options for a variety of housing types that will provide ownership and rental options in the community.
77. **Policy 4.15, Regulatory Costs and Fees**, calls for considering the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy because the design overlay zone as applied allows residential development to comply with a set on clear and objective design standards.
78. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they provide for a variety of commercial land uses in the plan area and provide development regulations that allow for expansion of businesses in the area.

79. **Policy 5.1, Urban Development and Revitalization**, calls for encouraging investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities. The amendments support this policy because they facilitate reinvestment in existing businesses, foster new investment that supports job growth, and anticipate adaptive reuse and incremental additional to development by encouraging, through zoning standards, development forms that do not preclude reuse and adaptation.
80. **Objective A** calls for ensuring that there are sufficient inventories of commercially and industrially-zoned, buildable land supplied with adequate levels of public and transportation services. The amendments support this objective because they slightly expand the existing supply of commercial land in the area.
81. **Policy 5.2, Business Development**, calls for sustaining and supporting business development activities to retain, expand, and recruit businesses. The amendments support this policy because they provide opportunities for continued and expanded commercial uses and activities. The amendments change a number of zoning regulations, including allowances for exterior display and exterior storage and minimum floor area ratios, to recognize existing commercial uses, and allow businesses to reinvest and expand.
82. **Policy 5.3, Community-Based Economic Development**, calls for supporting community-based economic development initiative consistent with the *Comprehensive Plan* and compatible with neighborhood livability. The amendments support this policy because they include actions for economic development designed to enhance local market conditions and stimulate development and investment in the area. Further, the amendments propose use of the design overlay zone to enhance development compatibility and overall livability.
83. **Policy 5.4, Transportation System**, calls for promotion of a multimodal regional transportation system that stimulates and supports long term economic development and business involvement. The *122nd Avenue Station Area Study* supports this policy because it includes transportation recommendations that foster a balanced transportation system. These include improvements to enhance the pedestrian environment, improve pedestrian safety, provide public realm amenities, and support access to transit.
84. **Objective C** calls for working closely with public agencies, such as TriMet, and the private sector to deliver an efficient and effective transportation system and network, and improving transit connections between residential communities and work sites. The *122nd Avenue Station Area Study* is supportive of this objective because the recommendations include design elements that will improve access to transit. In addition, the amendments generally foster a transit supportive and transit-oriented development pattern.
85. **Objective D** calls for supporting transit-supportive development and redevelopment along designated transit streets and in the vicinity of light rail stations. The amendments support this objective. The amendments foster a transit supportive and transit-oriented development pattern along the western portion of the 122nd Avenue main street, and at key intersection nodes. The eastern side of the main street accommodates auto oriented uses in the near term, but zoning provisions allow and may encourage higher density redevelopment as land market dynamics change over time.
86. **Objective E** calls for promoting safe and pleasant bicycle and pedestrian access to and circulation within commercial areas, and providing convenient, secure bicycle parking for employees and

shoppers. The amendments support this objective because they continue to provide pedestrian and bicycle access.

87. **Objective F** calls for encouraging a wide range of goods and services in each commercial area in order to promote air quality and energy conservation. The study supports this objective because they provide land use and zoning designations that will support a wide range of commercial goods and services along the main street. Additionally, land use and zoning designations will foster additional residential development in the area to help bolster the market area and help support commercial uses.
88. **Objective H** calls for pursuing transportation and parking improvements that reinforce commercial, industrial, and residential districts and support development of new districts. The *122nd Avenue Station Area Study* is supportive of this objective because the transportation recommendations call for consideration of on- and off-street parking opportunities. The proposed amendments do not affect existing parking requirements.
89. **Policy 5.6, Area Character and Identity Within Designated Commercial Areas**, calls for promotion and enhancement of the special character and identity of Portland's designated commercial areas. The amendments support this policy because they recognize the unique character of the 122nd Avenue Station area, and apply land use, zoning, and design designations designed to enhance the character of the area as a retail location, while improving compatibility between adjacent uses.
90. **Policy 5.7, Business Environment Within Designated Commercial Areas**, calls for promotion of a business environment within designated commercial areas that is conducive to the formation, retention, and expansion of commercial businesses. The amendments support this policy because they allow for a broad array of commercial activities in the commercial areas and expand the opportunity for development types, including those with exterior display and storage, that were previously prohibited.
91. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments are consistent with this goal for the reasons stated in the Goal 6 policies and objectives, stated below.
92. **Policy 6.1, Coordination**, calls for coordinating with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services. The *122nd Avenue Station Area Study* supports this policy because other agencies, including TriMet, Metro, and ODOT, were involved in the planning process and represented on the project technical advisory group.
93. **Policy 6.2, Public Involvement**, supports a public involvement process that provides information about transportation issues and projects. The *122nd Avenue Station Area Study* process supports this policy because a number of public involvement opportunities were included in the planning process. Further development of transportation recommendations will include additional public involvement opportunities.
94. **Policy 6.5, Traffic Classification Descriptions**, describes the hierarchy of traffic streets. The land use recommendations balance auto accommodating uses with transit and pedestrian needs, and are consistent with the classifications for the area.

95. **Objective B Major City Traffic Streets, Land Use/Development.** Major City Traffic Streets should provide motor vehicle connections among the Central City, regional centers, town centers, industrial areas, and intermodal facilities. Auto-oriented development should locate adjacent to Major City Traffic Streets, but should orient to pedestrians along streets also classified as Transit Streets or within Pedestrian Districts. The amendments support this objective because they require features in auto-oriented developments that will make them more accessible to, and provide higher levels of amenity for, pedestrians, through orienting buildings to sidewalk and pedestrian areas, and improving landscaping.
96. **Policy 6.6, Transit Classification Descriptions,** describes the hierarchy of transit streets. The land use recommendations balance auto accommodating uses with transit and pedestrian needs, and are consistent with the classifications for the area.
97. **Policy 6.7, Bicycle Classification Descriptions,** describes the hierarchy of bicycle streets. The land use recommendations balance auto accommodating uses with transit and pedestrian needs, and are consistent with the classifications for the area.
98. **Policy 6.8, Pedestrian Classification Descriptions,** describes the hierarchy of pedestrian streets and the function of pedestrian districts. The land use recommendations balance auto accommodating uses with transit and pedestrian needs, and are consistent with the classifications for the area.
99. **Objective A, Pedestrian Districts, Land Use.** Zoning should allow a transit-supportive density of residential and commercial uses that support lively and intensive pedestrian activity. Auto-oriented development should be discouraged in Pedestrian Districts. Institutional campuses that generate high levels of pedestrian activity may be included in Pedestrian Districts. Exceptions to the density and zoning criteria may be appropriate in some designated historic districts with a strong pedestrian orientation. The amendments support this objective, as they generally limit or prohibit auto-oriented development, except where pedestrian amenities and other site development features improve compatibility with the function of a pedestrian district.
100. **Policy 6.9, Freight Classification Descriptions,** describes the hierarchy of truck streets, railroad lines, and intermodal freight facilities. The land use recommendations generally balance auto accommodating uses, transit and pedestrian needs, and freight mobility needs, and are consistent with the classifications for the area.
101. **Policy 6.11, Street Design Classification Descriptions,** describes the hierarchy of street design for Portland's streets. The land use recommendations balance auto accommodating uses with transit and pedestrian needs, and are consistent with the classifications for the area.
102. **Policy 6.17, Coordinate Land Use and Transportation,** calls for implementing the Comprehensive Plan Map and the 2040 Growth Concept through long-range transportation and land use planning and the development of efficient and effective transportation projects and programs. The *122nd Avenue Station Area Study* supports this policy because development of the concept for the area was an effort between the Bureau of Planning and Office of Transportation. The study recommendations propose both land use and transportation system changes that are consistent with and supportive of the Transportation System Plan functional classifications, as well as the policies and map designations of the 2040 Growth Concept.
103. **Policy 6.18, Adequacy of Transportation Facilities,** calls for ensuring that amendments to the Comprehensive Plan (including goal exceptions and map amendments), zone changes, conditional

uses, master plans, impact mitigation plans, and land use regulations that change allowed land uses are consistent with the identified function and capacity of, and adopted performance measures for, affected transportation facilities. The *122nd Avenue Station Area Study* amendments are consistent with this policy, as the proposed amendments to the Comprehensive Plan Map, Zoning Map and Zoning Code will have little effect on maximum development potential, compared with the existing designations and allowances. The most significant change is the redesignation and rezoning of approximately 48 acres from the Urban Commercial (UC) designation (CS and CM zones) to the Central Commercial (CX) designation and zone. While the “base” zone standards of the designations suggest a different development potential, the development standards of the existing, adopted, East Corridor Plan District (33.521) provide for special development standards and allowances in the existing UC areas that exceed both the base CS and CM zone allowance, as well as the base zone CX allowances. The East Corridor Plan District (33.521) currently allows for a maximum floor area ratio (FAR) of 4 to 1, with an additional 2 to 1 available for development in the Ventura Park Pedestrian District in which 80 percent of the floor area is in residential use. The maximum height for development in the East Corridor Plan District (33.521) in this area is 100 feet. Comparison of the allowed uses between the CS and CX zones as modified by the current plan district and proposed amendments show that allowed uses are equivalent, with minor exceptions. The amendments do not propose any changes to the maximum allowed FAR or height limits in the district, so no additional development capacity is offered. Other amendments to the Comprehensive Plan Map and Zoning Map are minor, and the traffic impact from development of these areas is expected to be insignificant, compared to currently allowed uses.

104. **Policy 6.19, Transit-Oriented Development**, calls for reinforcing the link between transit and land use by encouraging transit-oriented development and supporting increased residential and employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. The amendments support this policy because they maintain opportunities for high-density residential, commercial, and mixed use development in the vicinity of the transit station area.
105. **Objective C** calls for requiring commercial and multifamily development to orient to and provide pedestrian and bicycle connections to transit streets and, for major developments, provide transit facilities on a site or adjacent to a transit stop. The amendments support this objective because they reinforce the pedestrian orientation of buildings, including those that are auto accommodating.
106. **Objective D** calls for examining the benefits of limiting drive-through facilities in existing or planned areas of high-intensity development and high levels of pedestrian, bicycle, and transit activity when planning studies are being done for these areas. The amendments support this objective because the zoning map and code maintain prohibitions on drive-through facilities in the transit station and pedestrian district area (Ventura Park Pedestrian District), except in instances where they have been found to provide other community benefits such as trip consolidation.
107. **Policy 6.20, Connectivity**, supports development of an interconnected, multimodal transportation system to serve mixed-use areas, residential neighborhoods and other activity centers. The amendments support this policy as they maintain requirements for improving connectivity in the transit station area. Moreover, the 122nd Avenue Study is supportive of this policy as the study

recommendations call for development of a master street plan for the area that will improve connectivity in the transit station area.

108. **Policy 6.22, Pedestrian Transportation**, calls for planning and completing a pedestrian network. The amendments support this policy because they call for new development that will enhance the pedestrian realm, and maintain zoning code provisions for improving connectivity.
109. **Policy 6.24, Public Transportation**, supports development of a public transportation system that conveniently serves city residents and workers. The amendments support this policy because they continue to foster a transit-oriented development pattern near the transit station area.
110. **Policy 6.27, Off-Street Parking, and Objective A** support regulating off-street parking to promote good urban form. The amendments support this policy because they continue zoning code provisions that limit required parking areas, and limit the amount of street frontage that may be used for vehicle areas, which include parking.
111. **Objective B** encourages the redevelopment of surface parking lots into transit-supportive uses. The amendments support this objective, as they allow high density commercial and residential uses on properties near the transit station area, and require minimum amounts of floor area in new development near the transit station.
112. **Policy 6.30, Truck Mobility**, supports developing, managing and maintaining a safe, efficient, and reliable freight street network. The amendments do not directly affect the street network and are not in conflict with this policy.
113. **Policy 6.36, Far Northeast Transportation District**, calls for focusing transit and traffic movement on a well-defined system of arterials, implementing demand management measures, and encouraging walking and bicycling in the Far Northeast. The amendments support this policy because they focus traffic generating uses and development on major arterials such as 122nd Avenue, and Glisan and Stark streets, and also include elements that will encourage walking, bicycling and taking transit.
114. **Policy 7.4, Energy Efficiency Through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. The amendments support this policy because the proposed land use pattern makes efficient use of land resources and concentrates development into areas that are well served by existing transit service and infrastructure.
115. **Objective A**, calls for promoting land use patterns that increase energy efficiency in buildings and transportation systems by making energy efficiency a critical element when developing new zoning regulations and modifying old regulations and the comprehensive map. This objective applies to the following long-range planning efforts: (1) Downtown, regional and neighborhood commercial service centers and central industrial areas with a balance of complementary retail and employment activities. Locate them near major arterials and transit lines; (2) Medium and high-density residential zones in and adjacent to the downtown core. Develop other general commercial centers and medium-density residential zones adjacent to neighborhood service centers; (3) Housing adjacent to employment areas; (4) Planned unit developments to include mixed uses; (5) Zero lot line/common wall construction in designated low and medium density residential zones (6) Buildable "substandard" lots; (7) Secondary rental units in single-family, owner-occupied homes. The amendments support this objective in several ways: 1) they focus and reinforce commercial activities in a transit station and along a main street area through use of

appropriate zones; 2) they focus high- and medium-density multi-dwelling residential zones (RH and R1) in locations near the transit station; 3) they maintain housing potential in the area which is well-served by transit; and 4) they allow for and foster mixed-use development in a variety of situations.

116. **Objective C**, calls for promoting medium to high-density residential near proposed transit stations and medium-density residential development along major transit routes. The amendments support this objective because they sustain a transit-oriented development pattern with high-density multifamily residential zoning near the transit station, and medium-density residential zoning in areas farther away from the transit station, or along transit streets.
117. **Goal 8, Environment**, calls for maintaining and improving the quality of Portland's air, water, and land resources, as well as protecting neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they will facilitate efficient use of land resources, through intensifying development opportunity in an area that is currently urbanized and served by public facilities.
118. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The amendments are consistent with this goal because the planning process included opportunities for citizen involvement, including the provision of web-based information. Also see State Goal 1 of this document.
119. **Policy 9.1, Citizen Involvement Coordination**, calls for encouraging citizen involvement in land use planning projects through coordination with community organizations, availability of planning reports and notice of public hearings. The amendments support this policy because the study was developed with feedback and input from representatives of local neighborhood associations and business associations. Other community organizations were informed of the process and given updates; participation from these groups and individuals was also solicited.
120. **Policy 9.3, Comprehensive Plan Amendment**, calls for allowing for the review and amendment of the adopted *Comprehensive Plan* which ensures citizen involvement opportunities for the city's residents, businesses and organizations. The amendments support this policy because they include a review and amendment to the *Comprehensive Plan* that was conducted in a public process that provided input and feedback from local neighborhood and business associations and other groups and individuals.
121. **Goal 10, Plan Review and Administration**, requires that Portland's *Comprehensive Plan* undergo a periodic review. The amendments support this policy because they include a review and amendment to the *Comprehensive Plan*. The proposed amendments were first sent to the Department of Land Conservation and Development for review in October 2005, prior to the first evidentiary hearings on the amendments.
122. **Policy 10.2, Comprehensive Plan Map Review**, calls for implementing a community and neighborhood planning process for review and update of the *Comprehensive Plan Map*. The amendments support this policy because they are a review and amendment to the *Comprehensive Plan*, at the community and neighborhood plan level.
123. **Policy 10.4, Comprehensive Plan Map**, calls for the *Comprehensive Plan Map* to be the official long-range planning guide for uses and development in the city. The amendments are consistent with this policy because they include amendments to the *Comprehensive Plan Map* which guides

uses and development within the city and is implemented by the Portland Zoning Code and Zoning Map.

124. **Policy 10.5, Corresponding Zones and Less Intense Zones**, requires that base zones either correspond to the *Comprehensive Plan* Map designation or be a zone less intense than the corresponding zone. The amendments support this policy because the applied base zones correspond to, or are less intense than, the *Comprehensive Plan* Map designation.
125. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures**, requires that the Planning Commission review and make recommendations to the City Council on all proposed amendments to the Comprehensive Plan Goals and Policies and implementing ordinances. The amendments support this policy because the Planning Commission reviewed the proposed amendments and took public testimony at a public hearing on November 22, 2005. The Planning Commission held a subsequent work sessions and finalized its recommendation to Portland City Council on February 14, 2006. The Planning Commission held a second hearing, on April 25, 2006, to consider revisions to the proposal. The Planning Commission approved these revisions on April 25, 2006. The Planning Commission recommendations were forwarded to City Council for a public hearing on June 15, 2006.
126. **Policy 10.7, Amendments to the Comprehensive Plan Map**, requires that amendments be supportive of the overall *Comprehensive Plan* and Map, be consistent with the Statewide Planning Goals, and be consistent with any adopted applicable area plans. When the amendment is from a residential, or urban commercial, to another non residential designation the policy requires that there be no net loss of housing units. The amendments support this policy because they are consistent with the *Comprehensive Plan* and Map, Statewide Planning Goals, and adopted area plans as shown in this findings report. The amendments do not result in a net loss of housing. Using a methodology that considers the number of housing units historically developed in commercial zones (Urban Growth Management Functional Plan Compliance Report), the overall land use pattern established with the changes in the 122nd Avenue Station Area Study results in a net increase in anticipated housing units. Additionally, housing potential in this general area has also been increased in the recently-adopted *Gateway Planning Regulations Project* (2004). The 122nd Avenue Station Area Study is directly linked to the *Gateway Planning Regulations Project* which considered issues in the 122nd Avenue area. The previous Gateway Plan District encompassed the 122nd Avenue Station Area, which was split and resulted in creation of the East Corridor Plan District – Zoning Code Chapter 33.521. The methodology used in this analysis differs from the maximum zoned capacity methodology used to evaluate housing potential in quasi-judicial actions and in some past legislative efforts. Using a maximum zoned capacity methodology, there would be a marginal decrease (4%) in maximum units since this methodology does not account for or capture the significant housing potential in most commercial zones. See also Policy 4.2, Maintain Housing Potential.
127. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they offer clear and concise standards and direction for most development, and offer the flexibility of a review process for situations where meeting standards it is infeasible or impracticable. The amendments include Zoning Code amendments that modify an existing plan district for the area. The amendments create a subdistrict for the 122nd Avenue transit station area that foster urban development in a way that is more tailored for the unique circumstances of area,

by allowing flexibility for existing and future uses and development forms that are typically prohibited in transit station areas.

128. **Policy 10.13, Design Review**, calls for development of recommendations for City Council consideration for additional areas where design review would be appropriate and preparation of design review standards for both existing and proposed areas. The amendments support this policy because they apply design review to development in the 122nd Avenue MAX station area and Main Street, which are areas that are expected to grow and change substantially over time to efficiently accommodate population growth in the region. The amendments maintain the design overlay zone that is currently applied to R1 and RH multifamily residential zones, and broaden application of the design overlay zone to commercially zoned properties near the 122nd Avenue MAX transit station where it was previously not applied.
129. **Goal 11 A, Public Facilities, General**, calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments are consistent with this goal because the planned land use pattern and density is generally consistent with the existing planned density in the plan area.
130. **Policy 11.2, Orderly Land Development**, calls for urban development to occur only where urban public facilities and services exist or can be reasonably made available. The amendments support this policy because they focus transit-oriented and supportive development in the Metro 2040 designated station community area, where urban public facilities and services, including a station that provides access to a regional high capacity fixed rail transit system, currently exist.
131. **Policy 11.4, Capital Efficiency**, calls for supporting maximum use of existing public facilities and services by encouraging higher density development and development of vacant land within already developed areas. The amendments support this policy because they focus development at higher densities near the 122nd Avenue transit station, which is a developed area.
132. **Goal 11 B, Public Rights-of-Way**, supports improving Portland's transportation system by carrying out projects to implement the 2040 Growth Concept, preserving public right-of-way, implementing street plans, maintaining and improving the city's streets, and allocating limited resources to identified needs of neighborhoods, commerce, and industry. The *122nd Avenue Station Area Study* supports this policy because it includes a transportation concept that may form the basis for future street improvements in the area.
133. **Policy 11.10, Street Design and Right-of-Way Improvements**, call for designing improvements to transportation facilities to implement transportation and land use goals and objectives. The *122nd Avenue Station Area Study Phase One Report and Recommendations* support this policy because the street design recommended called for improvements to the pedestrian and vehicular transportation network that will support the land use pattern called for by the amendments.
134. **Policy 11.11, Street Plans**, promote a logical, direct, and connected street system. The *122nd Avenue Station Area Study* supports this policy because the amendments maintain zoning code provisions that require improving connectivity in the area. Moreover, the *122nd Avenue Station Area Study* supports this policy because it includes a draft "connectivity plan" that may form the basis of a future master street plan for the 122nd Avenue station area. The draft connectivity plan recommends full street connections and bike and pedestrian connections at intervals that are consistent with Objectives D and E of this policy.

135. **Goal 11 C, Sanitary and Stormwater Facilities**, calls for an efficient, adequate, and self-supporting wastewater collection treatment and disposal system which will meet the needs of the public and comply with federal, state and local clean water requirements. The amendments are consistent with this goal because they call for increased landscaping on sites with exterior display and storage, which are generally areas typified by large amounts of impervious surface. The landscaped areas provide opportunity for a more sustainable on-site stormwater management system. Wastewater systems are in place, and are either currently adequate or can be made adequate to accommodate future development.
136. **Policy 11.26, Impervious Surfaces**, calls for limiting the increase of Portland's impervious surfaces without unduly limiting development in accordance with the Comprehensive Plan. The amendments support this policy because they require additional landscaping for sites that include exterior display and exterior storage areas, which reduces the amount of impervious surface on sites. The amendments further support this policy by encouraging, through design review, use of on-site landscaping for managing storm water.
137. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because they call for broader application of the design overlay zone in the transit station area, and include special features to address and enhance the quality and design of new development.
138. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features and themes identified within the city. The amendments support this policy because they recognize the unique attributes of land uses in the 122nd Avenue station area, and utilize the design overlay zone and amendments to the Community Design Guidelines to evoke special characteristics for development and increase compatibility of various uses and development forms in the transit station area.
139. **Policy 12.2, Enhancing Variety**, calls for promoting the development of areas of special identity and urban character. The amendments support this policy because they include application of the design overlay and amendments to the Community Design Guidelines, including specific "Desired Characteristics and Traditions" that are designed to address the special characteristics of this transit station and main street area.
140. **Policy 12.4, Provide for Pedestrians**, calls for providing a pleasant, rich and diverse experience for pedestrians which includes comfortable, safe and attractive pathways. The amendments support this policy because they include design standards and guidelines designed to improve the aesthetics of the pedestrian realm through strategic allowances for exterior display, and requirements for higher levels of building, site, and landscape design. Further, the study recommendations call for improvements to the sidewalk environments over time to improve the public realm and provide and enhanced pedestrian experience.
141. **Policy 12.6, Preserve Neighborhoods**, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The amendments support this policy by focusing the areas proposed for substantial change on the area generally within ¼ mile of the transit station, and by applying tools such as the design overlay zone to help improve the quality and compatibility of development.

142. **Policy 12.7, Design Quality**, calls for enhancing Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. The amendments support this policy because they call for innovative designs for development with exterior display and exterior storage that promote compatibility with other uses, promote improved water quality through landscaping and on-site storm water management, foster site plans and building forms that allow future adaptive reuse and future augmentation of development on large sites.
143. **Policy 12.8, Community Planning**, calls for considering urban design issues as part of area plans. The amendments support this policy because they address and consider urban design as part of the *122nd Avenue Station Area Study*.

Outer Southeast Community Plan Findings

144. The **Economic Development Policy** calls for improving the vitality of outer southeast business districts and employment centers. The amendments support this policy because: 1) they change the regulatory framework for this area to foster reinvestment in and development of commercial uses that will provide jobs; 2) they include provisions that will encourage higher levels of design in development to improve the attractiveness of this area as a place to invest and do business; and 3) they provide opportunities for both regional-serving and local-serving businesses in this densifying transit station area.
145. The **Transportation Policy** calls for supporting a network of streets that provide for efficient travel throughout the community, and reducing congestion and pollution caused by the automobile by creating land use patterns that support transit, bike, and pedestrian travel. The amendments support this policy because they continue to support a land use pattern that focuses higher density, transit-supportive, and pedestrian-oriented development near the MAX station at 122nd and Burnside, while allowing some flexibility for auto-oriented uses and development forms.
146. The **Housing Policy** calls for providing for a variety of housing choices for residents of all income levels by maintaining existing sound housing and promoting new housing development. The amendments support this policy because they maintain opportunities for the retention and development of a variety of multifamily, attached and detached housing in and around the MAX station area that serve a broad range of incomes.
147. The **Open Space and Environment Policy** calls for providing for parks and open spaces to meet projected recreational needs. The amendments are consistent with this policy because nearby existing parks and designated open space areas are preserved. Further, the amendments call for landscaping in some forms of development, adding to the greening of the area, and providing opportunities for storm water management.
148. The **Urban Design Policy** calls for fostering a sense of place and identity by reinforcing the existing character-giving elements and encouraging new ones. The amendments support this policy because they include application of the design overlay zone, include amendments to the Community Design Guidelines with specific "Desired Characteristics and Traditions" statements that apply to this area, and include other features such as recommendations for future streetscape enhancements that will enhance the unique identity and character of this area.
149. The **Public Safety Policy** calls for using crime prevention through environmental design principles and street and building designs that provide natural surveillance. The amendments are supportive of this policy because they encourage active uses and buildings along the street that promote surveillance of the public realm and improve safety for pedestrians, residents, and others, including MAX and transit riders.
150. **Subarea Policy V: MAX LRT Corridor**, calls for ensuring that private development reinforces and is reinforced by the public light rail investment by encouraging development of intense commercial and dense residential uses near the MAX light rail stations. The amendments are supportive of this policy because they allow for high density and high intensity residential and commercial uses in this area, and require minimum floor area ratios for new development. They also make provisions to allow for uses and development forms with exterior display and storage that have located and formed a concentration in this area.

151. **Objective 1**, calls for encouraging the redevelopment of large underused or auto-oriented sites along 122nd Avenue to a mixture of commercial and residential uses. The amendments call for an amendment to this objective, as follows: *"Encourage the long term redevelopment and intensification of large underused or auto-oriented sites along 122nd Avenue to a mixture of commercial and residential uses."* This amendment is intended to support reinvestment in sites with exterior display and exterior storage until market conditions favor more dense and intense site development forms. These types of uses may be integrated into this MAX station area through site development plans and urban forms that encourage buildings near the street, limit the street frontage allowed for vehicle parking and exterior merchandise display, and allow for adaptive reuse of buildings and future augmentation and intensification of development on site.

Hazelwood Neighborhood Plan Findings

152. **Policy 1, Public Safety**, calls for fostering and maintaining a safe environment for residents, businesses, and visitors in the Hazelwood Neighborhood by reducing crime and fear of crime. The amendments support this policy because they include changes that will foster development that promotes local surveillance of the public realm and increases safety for pedestrians, transit users, and others.
153. **Policy 2, Economic Development**, calls for preserving and enhancing the commercial viability of businesses within Hazelwood by stimulating business growth, investment and a high level of livability. The amendments support this policy because they include changes that will foster reinvestment and development in commercial areas and businesses while improving design quality of buildings, site and landscaping.
154. **Policy 4, Transportation**, calls for improving accessibility in, around and through Hazelwood. Develop, improve and expand paths, trails and streets that serve as links between recreational, commercial, and residential areas while maintaining the livability of residential areas. The amendments generally support this policy because they support development of future streets and connections that will improve connections between residential areas, commercial area, and rail and bus transit facilities.
155. **Policy 5, Housing**, calls for maintaining and reinforcing Hazelwood housing as affordable for families and individuals, which provides for a stable population of responsible homeowners and renters. The amendments are consistent with this policy because they maintain opportunities for higher density and more affordable housing near the transit station, while maintaining lower density neighborhoods in the surrounding area.
156. **Policy 6, Community Design and Livability**, calls for maintaining Hazelwood as an affordable, attractive neighborhood, which provides a friendly, safe, and pleasing community for everyone. The amendments support this policy because they broaden application of the design overlay zone in the transit station area, and include amendments to the Community Design Guidelines that are supportive of desired local characteristics such as landscaping, display windows, and high quality building materials.
157. **Policy 7, 122nd Avenue Subarea** calls for ensuring that 122nd Avenue commercial area develops in a nodal pattern to maintain the quality of adjacent neighborhoods and enhance the pedestrian and bicycle-friendly nature of areas in-between commercial nodes. The amendments support this policy because they call for focusing the most pedestrian-oriented development into key locations at transit intersections while allowing for less-intense forms of development, including those with exterior display and exterior storage, in other areas in the 122nd Avenue transit station area. The amendments also support a nodal pattern of development where commercial activities are supported by residential uses.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 9-28-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-4
Est. Start Time: 9:35 AM
Date Submitted: 09/11/06

BUDGET MODIFICATION: DCM-03

Agenda Title: Budget Modification DCM-03 Implementing Reductions Requested in Fiscal Year 2007 Budget Note

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>County Management</u>	Division:	<u>Director's Office</u>
Contact(s):	<u>Bob Thomas</u>		
Phone:	<u>503 988-4283</u>	Ext.	<u>84283</u>
		I/O Address:	<u>503 / 531</u>
Presenter(s):	<u>Carol Ford, Travis Graves</u>		

General Information

1. What action are you requesting from the Board?

The department is requesting Board approval of a budget modification specifying \$350,000 in General Fund reductions for FY 2007.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The FY 2007 Adopted Budget included this budget note:

"The Board directs the Human Resources Director, in conjunction with the Director of the Department of County Management, to implement a savings of \$350,000. The Director of Human Resources is to return to the Board with a plan as to how best implement this savings with a focus on the streamlining of existing programs to create greater efficiencies and cost savings. While the Board would like to see a focus on finding a savings within Human Resources, it recognizes that the division may not be able to absorb the entire \$350,000. The Board is open to a plan that includes department-wide savings if necessary."

The FY 2007 Adopted Budget includes \$350,000 in General Fund salary savings (budget

reductions) as a placeholder for the Board requested cuts described in the Budget Note. The department has prepared a plan for this reduction and the changes are described in this budget modification.

This plan eliminates a net of 3.3 FTE in Central HR and reorganizes service delivery within the division. Positions and programs impacted are described below:

Positions Eliminated:

Human Resources Analyst Sr	(1.0) FTE	Talent Development
Human Resources Analyst Sr	(0.8) FTE	Talent Development
Human Resources Analyst 1	(1.0) FTE	Talent Development
Management Assistant	(1.0) FTE	Diversity and Intercultural Initiatives Unit
Human Resources Analyst 2	(1.0) FTE	Diversity and Intercultural Initiatives Unit
Office Assistant Sr	<u>(0.5) FTE</u>	Class Comp Unit
Positions Reduced	(5.3) FTE	

Positions Created:

Human Resources Technician	1.0 FTE	Administrative Support
Human Resources Manager 1	<u>1.0 FTE</u>	Quality and Analytics
Positions Added	2.0 FTE	

Net Positions Reduced (3.3) FTE

Beyond HR, the department is recommending reducing in the following programs:

Director's Office – Reduce Department Director's budgeted salary by \$26,328 due to the retirement of the former director that was near top of the scale.

General Ledger – Reduce pass-through payments to Metro by \$10,300 (Bybee Howell payment not believed to be necessary this year). Reduce professional services by \$5,000

Budget Office – Reduce temporary help by \$2,000.

Central Procurement and Contract Administration – Reduce supplies by \$5,000 and professional services by \$6,385.

3. Explain the fiscal impact (current year and ongoing).

No net impact to General Fund. \$350,000 in General Fund salary savings has already been budgeted in the FY 2007 Adopted Budget. This bud mod shifts the budget reductions to other HR programs and elsewhere in the department.

Internal service reductions for the current year are \$14,564 in the Facilities Management Fund, \$17,320 in the Data Processing Fund, and \$46,695 in the Risk Management Fund. The ongoing impact in each of these funds is not known.

4. Explain any legal and/or policy issues involved.

None

5. Explain any citizen and/or other government participation that has or will take place.

None

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why?**
Internal Service Fund revenues are reduced by the following amounts:
Facilities Management Fund \$14,564,
Data Processing Fund \$17,230,
Risk Management Fund \$46,695
- **What budgets are increased/decreased?**
Facilities Management Fund reduced by \$14,564, Data Processing Fund reduced by \$17,230, Risk Management Fund reduced by 46,695.
- **What do the changes accomplish?**
The changes implement the Board's Budget Notes as described in section 2 of this agenda placement request.
- **Do any personnel actions result from this budget modification? Explain.**
Yes, a net of 3.3 FTE are reduced.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
No increases
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
NA
- **If a grant, what period does the grant cover?**
- **If a grant, when the grant expires, what are funding plans?**

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCM-03

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 09/11/06

Budget Analyst:

Angie

Date: 09/11/06

Department HR:

Carl R. Quigley
/ret

Date: 09/11/06

Countywide HR:

Tammi Graves

Date: 09/11/06

Budget Modification ID: **DCM-03****EXPENDITURES & REVENUES**

Budget/Fiscal Year: 2007

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center						
1	72-80	1000	20		706165	60000	161,626	216,763	55,137		Remove Salary Savings
2	72-80	1000	20		705160	60000	166,870	152,507	(14,363)		Decrease Permanent
3	72-80	1000	20		705160	60130	68,466	45,590	(22,876)		Decrease Salary Related
4	72-80	1000	20		705160	60140	44,529	29,902	(14,627)		Decrease Insurance
5	72-80	1000	20		705160	60370	6,021	4,415	(1,606)		Decrease Telephone
6	72-80	1000	20		705160	60380	15,192	12,691	(2,501)		Decrease Data Processing
7	72-80	1000	20		705160	60430	29,622	25,981	(3,641)		Decrease Bldg Mgmt
8	72-80	1000	20		706050	60000	30,318	1	(30,317)		Decrease Permanent
9	72-80	1000	20		706050	60130	13,048	0	(13,048)		Decrease Salary Related
10	72-80	1000	20		706050	60140	10,639	1	(10,638)		Decrease Insurance
11	72-80	1000	20		706050	60370	1,606	0	(1,606)		Decrease Telephone
12	72-80	1000	20		706050	60380	4,051	1,550	(2,501)		Decrease Data Processing
13	72-80	1000	20		706050	60430	7,899	4,258	(3,641)		Decrease Bldg Mgmt
14	72-80	1000	20		707000	60000	151,269	84,099	(67,170)		Decrease Permanent
15	72-80	1000	20		707000	60130	63,207	26,975	(36,232)		Decrease Salary Related
16	72-80	1000	20		707000	60140	43,169	15,461	(27,708)		Decrease Insurance
17	72-80	1000	20		707000	60370	6,021	2,007	(4,014)		Decrease Telephone
18	72-80	1000	20		707000	60380	15,192	10,190	(5,002)		Decrease Data Processing
19	72-80	1000	20		707000	60430	16,580	9,298	(7,282)		Decrease Bldg Mgmt
20	72-80	1000	20		706000	60000	98,444	78,535	(19,909)		Decrease Permanent
21	72-80	1000	20		706000	60130	39,988	22,823	(17,165)		Decrease Salary Related
22	72-80	1000	20		706000	60140	28,571	15,100	(13,471)		Decrease Insurance
23	72-80	1000	20		705250	60000	166,130	203,493	37,363		Decrease Permanent
24	72-80	1000	20		705250	60130	67,406	61,210	(6,196)		Decrease Salary Related
25	72-80	1000	20		705250	60140	49,463	43,211	(6,252)		Decrease Insurance
26	72-80	1000	20		705180	60000	0	72,315	72,315		Increase Permanent
27	72-80	1000	20		705180	60130	0	23,206	23,206		Increase Salary Related
28	72-80	1000	20		705180	60140	0	14,694	14,694		Increase Insurance
29	72-80	1000	20		705100	60170	17,000	37,000	20,000		Increase Professional Services
30	72-80	1000	20		705100	60260	22,000	32,000	10,000		Increase Education & Training
31	72-80	1000	20		705250	60260	8,000	12,000	4,000		Increase Education & Training
									(95,051)	0	Total - Page 1
									0	0	GRAND TOTAL

Budget Modification ID: **DCM-03****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center						
32	72-80	1000	20		702000	60000	251,321	376,262	124,941		Increase Permanent
33	72-80	1000	20		702000	60130	106,450	119,031	12,581		Increase Salary Related
34	72-80	1000	20		702000	60140	60,387	72,929	12,542		Increase Insurance
35	72-01	1000	20		704000	60000	414,760	395,762	(18,998)		Decrease Permanent
36	72-01	1000	20		704000	60130	133,097	127,002	(6,095)		Decrease Salary Related
37	72-01	1000	20		704000	60140	79,429	78,194	(1,235)		Decrease Insurance
38	72-10	1000	20		704300	60160	10,300	0	(10,300)		Decrease Passthrough
39	72-10	1000	20		704300	60170	112,600	107,600	(5,000)		Decrease Prof Svcs
40	72-10	1000	20		704700	60170	125,231	118,846	(6,385)		Decrease Prof Svcs
41	72-10	1000	20		704700	60240	21,000	16,000	(5,000)		Decrease Supplies
42	72-20	1000	20		701000	60100	27,000	25,000	(2,000)		Decrease Temporary
43											
44	72-50	3505	0020		902575	50310		14,564	14,564		Decrease Bid Mgmt Serv Reimb
45	72-50	3505	0020		902575	60170		(14,564)	(14,564)		Decrease Prof Svcs
46	72-10	3500	0020		705210	50316		46,695	46,695		Decrease Risk Fund Serv Reimb
47	72-10	3500	0020		705210	60330		(46,695)	(46,695)		Decrease Offsetting Exp
48	72-60	3503	0020		709105	50310		10,004	10,004		Decrease DP Fund Serv Reimb
49	72-60	3503	0020		709105	60240		(10,004)	(10,004)		Decrease Supplies
50	72-60	3503	0020		709525	50310		7,226	7,226		Decrease Telephone Serv Reimb
51	72-60	3503	0020		709525	60200		(7,226)	(7,226)		Decrease Offsetting Exp
52								0			
53								0			
54								0			
55								0			
56								0			
57								0			
58								0			
59								0			
60								0			
									95,051	0	Total - Page 2
									0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	64649	Human Resources Analyst Sr	711885	(1.00)	(71,288)	(22,876)	(14,627)	(108,791)
1000	9760	64676	Human Resources Analyst 2	708428	(0.80)	(40,659)	(13,048)	(10,638)	(64,345)
1000	9760	64644	Human Resources Analyst 2	709286	(1.00)	(56,224)	(18,042)	(13,649)	(87,915)
1000	9710	64644	Management Assistant	702137	(1.00)	(62,550)	(18,190)	(14,059)	(94,799)
1000	6102	64648	Human Resources Analyst 1	703726	(1.00)	(53,492)	(17,165)	(13,471)	(84,128)
1000	6002	64647	Office Assistant Sr	703958	(0.50)	(19,310)	(6,196)	(6,252)	(31,758)
1000	9715	64730	Human Resources Manager 1	New	1.00	72,315	23,206	14,694	110,215
1000	9061	64646	Human Resources Technician 1	New	1.00	39,205	12,581	12,542	64,328
1000	9613	61267	Department Director 2	706632	(1.00)	(148,998)	(47,812)	(19,679)	(216,489)
1000	9613	61267	Department Director 2	706632	1.00	130,000	41,717	18,444	190,161
1000	9999	64646	Salary Savings	NA	-	85,736			85,736
1000	9999	64649	Salary Savings	NA	-	56,925			56,925
1000	9999	64647	Salary Savings	NA	-	56,673			56,673
1000	9999	64648	Salary Savings	NA	-	33,583			33,583
1000	9999	64676	Salary Savings	NA	-	10,342			10,342
1000	9999	64675	Salary Savings	NA	-	55,137			55,137
1000	9999	64644	Salary Savings	NA	-	51,604			51,604
			TOTAL ANNUALIZED CHANGES		(3.30)	138,999	(65,825)	(46,695)	26,479

705160

706050

707000

707000

706000

705250

705180

702000

704000

704000

702000

705160

705250

706000

706050

706165

707000

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9748	64649	Human Resources Analyst Sr	711885	(1.00)	(71,288)	(22,876)	(14,627)	(108,791)
1000	9760	64676	Human Resources Analyst 2	708428	(0.80)	(40,659)	(13,048)	(10,638)	(64,345)
1000	9760	64644	Human Resources Analyst 2	709286	(1.00)	(56,224)	(18,042)	(13,649)	(87,915)
1000	9710	64644	Management Assistant	702137	(1.00)	(62,550)	(18,190)	(14,059)	(94,799)
1000	6102	64648	Human Resources Analyst 1	703726	(1.00)	(53,492)	(17,165)	(13,471)	(84,128)
1000	6002	64647	Office Assistant Sr	703958	(0.50)	(19,310)	(6,196)	(6,252)	(31,758)
1000	9715	64730	Human Resources Manager 1	New	1.00	72,315	23,206	14,694	110,215
1000	9061	64646	Human Resources Technician 1	New	1.00	39,205	12,581	12,542	64,328
1000	9613	61267	Department Director 2	706632	(1.00)	(148,998)	(47,812)	(19,679)	(216,489)
1000	9613	61267	Department Director 2	706632	1.00	130,000	41,717	18,444	190,161
1000	9999	64646	Salary Savings	NA	-	85,736			85,736
1000	9999	64649	Salary Savings	NA	-	56,925			56,925
1000	9999	64647	Salary Savings	NA	-	56,673			56,673
1000	9999	64648	Salary Savings	NA	-	33,583			33,583
1000	9999	64676	Salary Savings	NA	-	10,342			10,342
1000	9999	64675	Salary Savings	NA	-	55,137			55,137
1000	9999	64644	Salary Savings	NA	-	51,604			51,604
			TOTAL CURRENT FY CHANGES		(3.30)	138,999	(65,825)	(46,695)	26,479

705250



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 9.28.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-5
Est. Start Time: 9:40 AM
Date Submitted: 08/31/06

PROJECT REALLOCATION: FPM 07-02

Agenda Title: Reallocation of Facilities Capital Project Funds FPM 07-02, Multnomah County
Yeon Building Skylight Replacement Project

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 min</u>
Department:	<u>County Management</u>	Division:	<u>Facilities & Property Mgmt.</u>
Contact(s):	<u>John Lindenthal, Alan Proffitt</u>		
Phone:	<u>503 988 4213</u>	Ext.	<u>84213</u>
		I/O Address:	<u>274</u>
Presenter(s):	<u>John Lindenthal, Alan Proffitt</u>		

General Information

1. What action are you requesting from the Board?

Requested action is to approve an increase in the project authorization by \$60,000 for the Yeon Building Skylight Replacement project (CP08.06.33). Budget authorized in FY07 is \$250,000. Revised project authorization will be \$310,000 with this action.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Board included the following Budget Note in the FY05 Adopted Budget. No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer, over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi-annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15,

created to implement this process.

The Yeon Building Skylight Replacement Project requires additional funding of \$60,000 due to the following circumstances required to complete the project.

- 1) Interpretation of the new building code by the City of Gresham required an addendum that increased the cost of the skylight units.
- 2) Material costs for plastics and metals has increased dramatically in the last 6-12 months
- 3) The apparent low bid was approximately \$55,000 more than original construction budget.

3. Explain the fiscal impact (current year and ongoing).

Fiscal year FY07: No overall fiscal impact. Transfer \$60,000 budget expenditure authority from the following projects: CP08.04.01H Yeon Shops ADA (43,000), CP08.06.39 Mead Roof Repairs (\$14,000), CP08.06.36 Courthouse Perimeter Roof Repairs (\$3,000).

No on-going fiscal impact: Mead Roof Repairs and Courthouse Perimeter Roof Repairs were completed under budget. Yeon Shops ADA was canceled.

4. Explain any legal and/or policy issues involved.

None.

5. Explain any citizen and/or other government participation that has or will take place.

None

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
No budget change except at project level.
- What do the changes accomplish?
N/A
- Do any personnel actions result from this budget modification? Explain.
No.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

PROJECT REALLOCATION: FPM 07-02

Required Signatures

Facilities &
Property
Management
Director:



Date: 08/31/06

Chief Financial
Officer:



Date: 08/31/06

Budget Director:



Date: 08/31/06

Project Reallocation Bud Mod: FPM07-02

EXPENDITURES & REVENUES

FPM07-02

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Accounting Unit		WBS Element	Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center							
1											
2	72-50	2507			CP08.04.01H	60530	46,422	3,422	(43,000)		ADA-Yeon Bldg Improvements, actual carryover; FPM07-02
3	72-50	2507			CP08.06.39	60530	27,000	13,000	(14,000)		Mead Roof Replacement, actual carryover; FPM07-02
4	72-50	2507			CP08.06.36	60530	50,000	47,000	(3,000)		Courthouse Roof Repairs, actual carryover; FPM07-02
5	72-50	2507			CP08.06.33	60530	240,696	300,696	60,000		Yeon Shop Replace roof skylights - FPM07-02
6							0	0			
7								0			
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29								0			
									0	0	Total - Page 1
									0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 9-28-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-6
Est. Start Time: 9:45 AM
Date Submitted: 09/11/06

BUDGET MODIFICATION: -

NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health for a \$100,000 School-based Interventions to Prevent Obesity
Agenda Title: Research Grant

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Dept.</u>	Division:	<u>Program Design & Evaluation Svs</u>
Contact(s):	<u>Jodi Davich</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26561</u>
	I/O Address:		<u>160/9</u>
Presenter(s):	<u>Myde Boles</u>		

General Information

1. What action are you requesting from the Board?

The Health Department requests approval to submit a proposal in the amount of \$100,000 to the NIH under Program Announcement PA-06-416 School-based Interventions to Prevent Obesity.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The Program Design and Evaluation Services unit intends to apply for NIH research grant to study school nutrition policies and their effects on student nutrition. We intend to use existing Oregon youth survey data and school policy survey data to describe progress in preventing youth obesity by improvements in school nutrition policies (if any), and resultant changes in youth nutrition behaviors. Our intention is to better understand how school nutrition policies have affected youth nutrition and could potentially reduce the prevalence of youth obesity. We intend to compare Oregon data to Washington State data, because the two states are demographically similar and the Washington State legislature enacted a state-level mandate in 2005 requiring schools to have such

policies, where Oregon did not. We will also assess the impact of the 2006 federal wellness policy on both states. Thus, we will be able to determine the extent to which policy mandates have led to greater progress in school policy implementation and youth outcomes in Washington, compared to Oregon. Our findings will inform Oregon and Multnomah County interventions to improve the school-based nutrition and overall health of our children.

3. Explain the fiscal impact (current year and ongoing).

Research activities defined in the application will be funded by the grant. There are no other fiscal impacts from this proposed study.

4. Explain any legal and/or policy issues involved.

This is an evaluation of existing school nutrition policies, so we would not expect legal/policy issues to arise.

5. Explain any citizen and/or other government participation that has or will take place.

Representatives of state or county government programs that support schools in Oregon and Washington will be asked to collaborate as part of an advisory group for the grant, and will be asked to support dissemination of any findings that are useful for implementing effective school nutrition policies.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?
National Institutes of Health Program Announcement PA-06-416
- Specify grant requirements and goals.
The grant is intended to support research to identify, analyze and evaluate environmental and policy strategies that can promote healthy eating among children and prevent childhood obesity. Target populations are children in grades K-12 from elementary, middle or high schools. Special emphasis is being given to research projects that benefit children in low-income and racial/ethnic populations at highest risk for obesity.
The findings from the grant should provide decision- and policy-makers with empirical evidence to guide development or implementation of school nutrition policies. The research must inform school food policies and environmental strategies, not individual behavior change (such as education or curricular interventions).
Funds must be used only to cover the costs of evaluation, not the costs of policy or environmental changes per se.
- Explain grant funding detail – is this a one time only or long term commitment?
This is one-time funding; however, we expect that if we are successful in obtaining funding that this will create opportunities for additional grants that may bring implementation funds.
- What are the estimated filing timelines?
Completed online grant application is due October 1, 2006, 5pm Pacific Time.
- If a grant, what period does the grant cover?
July 2007 - June 2009.
- When the grant expires, what are funding plans?
The work described in the application will be time-limited, and not expected to continue past the period of grant funding.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Indirect costs will be covered by grant funds.

ATTACHMENT B

Required Signatures

Department/
Agency Director:



Date: 09/11/06

Budget Analyst:



Date: 09/12/06

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 9-28-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-7
Est. Start Time: 9:48 AM
Date Submitted: 09/11/06

BUDGET MODIFICATION: -

NOTICE OF INTENT to Submit a Proposal to the Northwest Health
Agenda Title: Foundation Kaiser Community Fund

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Department</u>	Division:	<u>CHP3 Community Capacitation Center</u>
Contact(s):	<u>Jodi Davich</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26561</u>
Presenter(s):	<u>Noelle Wiggins</u>	I/O Address:	<u>160/9</u>

General Information

1. What action are you requesting from the Board?

The Health Department requests approval to submit a proposal, *Women with Disabilities Health Organizing Project*, in the amount of \$120,000 to the Northwest Health Foundation's Kaiser Community Fund grant competition.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Approximately 16% of women in Oregon have disabilities (American Community Survey, 2004). Nearly 67,000 adult women under the age of 65 with disabilities live in the Portland tri-county area. Women with disabilities experience serious disparities in health care access, quality of care and health outcomes. A major underlying cause of inequities is the tendency to label women with disabilities as "unhealthy" and therefore not in need of health promotion education and resources. A 2004 report from the Rehabilitation Institute of Chicago recommends that disability-focused organizations partner with health care organizations to educate health professionals about health issues affecting people with disabilities. In addition, there is a need to build capacity among people with disabilities to advocate for their health needs and address their own most pressing health care

issues.

The purpose of *Women with Disabilities Health Organizing Project* is to decrease disparities and improve health among women with disabilities by training Community Health Workers (CHWs) from the disability community to use popular education to conduct advocacy and organizing in their own community and to educate health professions students about the health care issues and needs facing women with disabilities.

3. Explain the fiscal impact (current year and ongoing).

We will request \$120,000 for a two year project. This is a one-time only request.

4. Explain any legal and/or policy issues involved.

No legal and/or policy issues are involved.

5. Explain any citizen and/or other government participation that has or will take place.

This project is the product of collaboration between the Community Capacitation Center (CCC) of the Multnomah County Health Department (MCHD), the Women with Disability Health Equity Coalition (WowDHEC), and the Center of Excellence in Women's Health at OHSU.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

Northwest Health Foundation

- **Specify grant requirements and goals.**

This project takes three approaches – CBPR, the CHW model and popular education – that have proven effective in addressing health disparities in communities of color, and applies those models to a community of culture – the disability community -- whose health promotion needs have been virtually ignored. Specifically, this project builds on the knowledge acquired in the Poder es Salud/Power for Health Project. That project, which was funded by the Centers for Disease Control and Prevention from 2002-2005, was effective in building community capacity to identify and address health issues in African American and Latino communities in Multnomah County, Oregon (Farquhar, Michael and Wiggins, 2006). A significant enhancement in the current project involves emphasizing the bi-directional role of the CHWs, who will educate their own community about the health care system and the health care system about the needs of their community. The anticipated impacts of the project include:

Among women with disabilities: 1) Build the capacity of a cadre of CHWs from within the disability community to carry out project interventions; 2) Increase awareness about how to advocate within the health care system; and 3) Identify pressing health issues and their underlying causes and begin to develop interventions to meet those needs.

Among health professions students: 1) Increase knowledge about the health issues facing women with disabilities; and 2) Improve students' abilities to work appropriately and effectively with women with disabilities. ***In the health care system and the community:*** 1) Contribute to the body of knowledge about how project interventions contribute to decreasing disparities and improving health among marginalized communities.

Using a community-based participatory research (CBPR) approach that involves the CHWs and other community members, we will design an evaluation that combines both process and outcome and qualitative and quantitative measures to measure changes on at least 3 levels: 1) changes in the CHWs: increased knowledge and skills, self-esteem, level of empowerment; 2) changes in the disability community: Increased ability to advocate for health needs and identify and prioritize health issues; and 3) changes among health professions students: Increased knowledge about health issues facing women with disabilities and enhanced skills to appropriately serve women with disabilities.

- **Explain grant funding detail – is this a one time only or long term commitment?**

We are requesting a total of \$120,000 from NWHF to support the implementation of this project. This is a one time only request.

- **What are the estimated filing timelines?**

October 5, 2006

- **If a grant, what period does the grant cover?**
January 2007 through December 2008.
- **When the grant expires, what are funding plans?**
Additional funding will be sought based on the project findings.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Indirect costs will be covered by grant funds.

ATTACHMENT B

Required Signatures

Department/
Agency Director:



Date: 09/11/06

Budget Analyst:



Date: 09/12/06

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 9-28-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-8
Est. Start Time: 9:50 AM
Date Submitted: 09/13/06

BUDGET MODIFICATION: DCHS - 07

**Budget Modification DCHS-07 Reclassifying a Contract Technician to
Contract Specialist in the DCHS Business Services Unit, as Determined by
Agenda Title: the Class/Comp Unit of Central Human Resources**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions,
provide a clearly written title.*

Date Requested:	<u>September 28, 2006</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>DCHS Business Services</u>
Contact(s):	<u>Chris Yager</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>26777</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Chris Yager/Jennifer Huntsman</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-07 reclassifying a position in the DCHS Business Services Unit, Program Offer 25002.

2. Please provide sufficient background information for the Board and the public to understand this issue.

This modification reflects a Class/Comp decision on a reclassification request initiated by the employee. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Contract Specialist was the best fit for the position.

The purpose of this position is to provide contract management coordination between various operating programs to ensure the proper processing, procurement and tracking of contracts for services and supplies; ensure contracts meet all requirements for County standards and all insurance and bonding mandates are met; supervision of assigned staff, interns and volunteers; and perform a variety of technical and administrative tasks relative to the assigned area of responsibility.

This class is distinguished by a focus on procurement, contract development and tracking rather than

program development and management.

Per Class/Comp FIT ANALYSIS FOR CLASS: "This classification covers positions that provide contract management and coordination, as the description for this position notes. This position is a good fit for the classification."

3. Explain the fiscal impact (current year and ongoing).

This reclassification in DCHS Business Services increases personnel expense by \$4,464 in the current fiscal year. While the reclassification decision is retroactive to FY06, there is no additional fiscal impact because the employee was paid out-of-class during that time. The increased FY07 cost is offset by a like reduction in the program supply budget.

Ongoing personnel costs will continue to increase, as the pay scale for a Contract Specialist [\$45,178 - \$55,557] is higher than the pay scale for a Contract Technician [\$33,571 - \$41,330].

4. Explain any legal and/or policy issues involved.

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

5. Explain any citizen and/or other government participation that has or will take place.

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
Insurance Risk budget decreases by \$235.
- What do the changes accomplish?
Approval of a classification decision from Class/Comp initiated by the employee.
- Do any personnel actions result from this budget modification? Explain.
Reclassification of a 1.0 FTE Contract Technician to Contract Specialist in DCHS Business Services program offer 25002.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 07

Required Signatures

**Department/
Agency Director:**

Ref Surface

Date: 08/17/06

Budget Analyst:

Michael D. Gaspin

Date: 09/13/06

Department HR:

Carolyn L. Edgett

Date: 08/17/06

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCHS-07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 07

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Program Offer	Cost Center	WBS Element						
1	26-10	1000	40	25002		CHSBS.CNT.CGF	60000	174,351	177,908	3,557		Base [706416]
2	26-10	1000	40	25002		CHSBS.CNT.CGF	60130	54,493	55,635	1,142		Fringe
3	26-10	1000	40	25002		CHSBS.CNT.CGF	60140	46,544	46,309	(235)		Insurance
4	26-10	1000	40	25002		CHSBS.CNT.CGF	60240	6,640	2,176	(4,464)		Supplies
5												
6												
7												
8	72-10	3500	20		705210	50316	50316		235	235		Insurance Revenue
9	72-10	3500	20		705210	60330	60330		(235)	(235)		Claims Paid
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Budget Modification or Amendment: DCHS-07

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Prog Offer	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25002	6011	63196	Contract Tech	706416	(1.00)	(41,621)	(13,356)	(12,940)	(67,917)
25002	6015	63196	Contract Spec	706416	1.00	45,178	14,498	12,705	72,381
									0
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									0
TOTAL ANNUALIZED CHANGES					0.00	3,557	1,142	(235)	4,464

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
25002	6011	63196	Contract Tech	706416	(1.00)	(41,621)	(13,356)	(12,940)	(67,917)
25002	6015	63196	Contract Spec	706416	1.00	45,178	14,498	12,705	72,381
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									0
									0
TOTAL CURRENT FY CHANGES					0.00	3,557	1,142	(235)	4,464



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 9-28-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/28/06
Agenda Item #: R-9
Est. Start Time: 9:55 AM
Date Submitted: 09/20/06

BUDGET MODIFICATION: NOND-02

Budget Modification NOND-02 Reclassifying One Position in the County
Agenda Title: Attorney's Office, as Determined by the Class/Comp Unit of Central Human Resources

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date Requested:	<u>September 28, 2005</u>	Time Requested:	<u>3 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503-988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Agnes Sowle, County Attorney</u>		

General Information

1. What action are you requesting from the Board?

Approval of budget modification to reclassify one position within the County Attorney's Office which has been reviewed by HR-Class Comp and deemed necessary for a change in classification.

2. Please provide sufficient background information for the Board and the public to understand this issue.

This position has been reviewed by Human Resources Class Comp and identified as requiring a position classification change due to work duties the employee has been performing for at least six months.

3. Explain the fiscal impact (current year and ongoing).

This reclass will increase the position's base pay cost by \$750 in the current fiscal year, and will increase the position's base pay cost by \$1,839 over what it otherwise would have increased for FY 2008. Put another way, anticipated payroll costs for this position will grow at about 6% per year rather than at about 3% per year had the position not been reclassified. For FY 2007, the County Attorney's Office will reduce its supplies budget to cover the increased cost.

4. Explain any legal and/or policy issues involved.

N/A

5. Explain any citizen and/or other government participation that has or will take place.

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?
None.
- What budgets are increased/decreased?
Personnel budgets will be increased by \$750, and supplies decreased by the same amount.
- What do the changes accomplish?
This action reclasses one position in the County Attorney's office from Office Assistant 2 to Office Assistant Senior.
- Do any personnel actions result from this budget modification? Explain.
Yes. Central Human Resources Class-Comp unit recommended the re-class as the incumbent employee has progressed from office assistant 2 work to maintaining complex computerized systems and entering and maintaining data in legal networks.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
These expenses are budgeted in the County Attorney's Office budget.
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

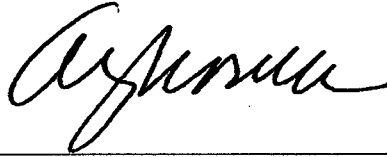
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: NOND -02

Required Signatures

Department/
Agency Director:



Date: 08/14/06

Budget Analyst:

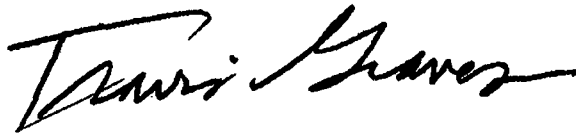


Date: 09/20/06

Department HR:

Date: _____

Countywide HR:



Date: 09/20/06

Budget Modification ID: Nond 02

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center						
1	10-70	3500			107001	60000	1,433,831	1,434,581	750		
2	10-70	3500			107001	60130	460,116	460,357	241		
3	10-70	3500			107001	60140	293,270	292,999	(271)		
4	10-70	3500			107001	60240	45,000	44,280	(720)	0	
5								0			
6	72-10	3500	0020		705210	50316	(46,232,576)	(46,232,305)	271		Reduce Insurance SR
7	72-10	3500	0020		705210	60330	700	429	(271)		Reduce Insurance SR
8								0			
9								0			
10								0			
11								0			
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27								0			
28								0			
29								0			
									0	0	Total - Page 1
									0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	6001	61023	Office Assistant II	703953	(1.00)	(34,840)	(11,180)	(12,533)	(58,553)
3500	6002	61023	Office Assistant Sr.	703953	1.00	35,651	11,440	12,266	59,358
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									0
									0
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									0
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									0
									0
									0
									0
									0
									0
									0
			TOTAL ANNUALIZED CHANGES		0.00	811	260	(267)	805

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	6001	61023	Office Assistant II	703953	(1.00)	(34,840)	(11,180)	(12,533)	(58,553)
3500	6002	61023	Office Assistant Sr.	703953	1.00	35,590	11,421	12,262	59,273
									0
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			TOTAL CURRENT FY CHANGES		0.00	750	241	(271)	720