

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 464

An Ordinance amending the Commercial Uses Under Prescribed Conditions Section of the Multnomah County Zoning Code.

Multnomah County Ordains as follows:

SECTION 1. Findings.

- A. The purpose of the Use Under Prescribed Conditions Section of the Zoning Zode is to address uses which may have special characteristics that need attention to allow them to fit in with the other uses in that zoning district or within the community as a whole. The characteristic that is primarily addressed in the commercial zoning districts is traffic or vehicle circulation.
- B. By addressing elements of driveway design, spacing and location, the effect on road capacity can be minimized. Road widening and its associated costs would then be required less frequently.
- C. The existing Use Under Prescribed Conditions Approval Criteria does not adequately address traffic or vehicle circulation issues. They also impose requirements that are unrelated to the characteristics of the uses listed as Uses Under Prescribed Conditions. These conditions are unnecessarily more severe than requirements for permitted uses.
- D. Arterial streets are the main traffic arteries for the movement of traffic. They are designed to carry between 14,000 to greater than 25,000 vehicles per day. They are broken down into three categories: Principal, Major and Minor Arterials. Their function is to accommodate trips through Multnomah County intra county trips. Their function is not to provide access to abutting properties.
- E. Collector streets serve properties within one-half mile radius and are not designed to serve through movement.
- F. Local streets provide access to abutting properties.
- G. The Use Under Prescribed Conditions Approval Criteria have been altered to reflect the requirements of the Multnomah County Street Standards Ordinance, MCC 11.60 and the latest research done by the US Department of Transportation.
- H. The proposed changes to the Approval Criteria address the following Comprehensive Plan Policies.

Policy No. 34 - Trafficways. The purpose of this Policy is to direct the County in developing the existing trafficway system for maximum efficiency and to consider the mobility of pedestrians.

1. Make improvements to the existing system which maximizes its capacity rather than construct new facilities.
2. Limit the number of and consolidate ingress and egress points on arterials and collectors to improve traffic flow.
3. Implement the Street Standards Chapter 11.60 and Ordinance 162 including adherence to access control and intersection design guideline criteria.
4. Safety should be one of the primary objectives and considerations given to reducing the number of ingress and egress points on arterials and major collectors, and to increase safety through signalization, speed limits and road design.
5. Development standards should include standards with respect to access requirements and ingress, egress points.

Policy 36 - Transportation System Development Requirements.

1. The roadway system represents a substantial public dollar investment. These traffic ways serve as access to adjoining properties; however, strip development adjoining arterials and collectors has created congestion and traffic safety problems.
 2. The purpose of this policy is to reduce the number of ingress and egress points and to ensure the provision of "on-site" parking.
- I. Driveway design is an important function of roadway capacity and will determine to a great extent the speed at which a vehicle will enter or leave the roadway. Excessive width or curb radii does not increase vehicle exit speed once these dimensions have reached optimum size.
 - J. Driveway spacing is an important function of roadway capacity. Adequate spacing of driveways increases the absorption characteristics of the traffic stream and decreases delay to vehicles entering the traffic stream. A high percentage of rear end accidents for vehicles entering a driveway is the result, in part from overlapping conflict areas that exist with closely spaced driveways.
 - K. The special characteristics for uses under prescribed conditions are generally traffic, noise, lighting, odors or aesthetic in nature. To mitigate the impact of these characteristics on adjacent residential uses buffering is necessary. Buffering may consist of distance separation, structural or visual separation or a combination. The most practical method of buffering based on economic and building density policies is structural or visual separation, of these landscaping provides the most effective in terms of lighting, odors and aesthetics. Structural provides a more effective noise buffer.

- L. On-site vehicle circulation and parking are important elements in maintaining street capacity. Sites with insufficient parking or vehicle stacking room may cause vehicles to back up into the public right-of-way or reduce vehicle speed when transitioning from the roadway to a site.
- M. The landscape and other on-site requirements of the proposed ordinance address Comprehensive Plan Policy 19, Community Design. The purpose of Policy 19 is to minimize conflicts in the location and developments of different land uses in the same area and to help assure efficient, satisfying and safe land development of lasting value and benefit. The quality of the community environment and its desirability as a place to live as well as its long range stability are factors of design. How a use functions refers to how it performs its function on the site and relates to neighboring uses. Concerns must also be given to automobile access, parking, pedestrian circulation, signing, lighting and landscaping.

Section 2 Amendments

Underlined (___) material is added; bracketed [**boldface**] material deleted.

A. MCC 11.15.4018 is amended as follows:

11.15.4018 Uses Permitted Under Prescribed Conditions Approval Criteria

Unless otherwise specified in the provisions of an Urban Commercial District, in approving a use under prescribed conditions, the approval authority shall find that the proposal:

- (A) Will have access in accord with the following, which shall be in addition to the standards of MCC 1..60.
- (1) [**Access drives shall be no more than 25 feet wide measured at the property line;**] Driveways shall measure 25 to 30 feet in width at the property line with a curb radius of between 10 and 20 feet. Traffic lanes shall be striped.
 - (2) Access drives shall be 50 feet or more from the nearest curb return of a public street adjoining a corner lot;
 - (3) Access drives on the same street frontage which serve the same lot shall be [**170**] 150 feet or more apart [**((Driveway Standards)Policy 36), and**] on an arterial street; access drives shall be located on non-arterial street frontage, if any, unless the result would be that traffic from the proposed use would have to pass single-family residential units or land designated for low density residential use;
 - (4) [**Access drives shall be 25 feet or more from any abutting residential district property line.**] A 10 foot wide landscape buffer is required along a lot line adjacent to a residential district lot line and should contain

- (a) Deciduous trees spaced between 20 to 30 feet apart depending on species and
 - i. A hedge which has a minimum height of 3 feet at the time of planting or
 - ii. A 6-foot high sight obscuring fence and shrubs that will eventually form a hedge.
- (b) No foliage or visual obstruction shall occur between 3 and 6 feet above grade within 10 feet of a streetside property line located within 10 feet of a driveway.

[Access drives shall be 50 feet or more from the area designated a public transit vehicle stop;]

- (5) In the event the applicant's lot has a streetside lot line less than 50 feet in width, and there is an access drive on an adjoining non-residential lot improved according to the Street Standards Chapter, MCC 11.60, whose nearest point measured on the common right of way is no more than ten feet from the common property line, then the applicant shall acquire an easement from the owner of the adjacent property for shared access or shall demonstrate that shared access is not possible. Shared access is not possible if the owner of the adjoining lot refuses, in writing, to grant a written request from the applicant for an easement for access purposes;
- (6) Where an access is shared with an adjacent property along a common property line an easement is required for the sharing of the driveway and the required landscaped buffer along that property line is eliminated.
- (7) [In the event there is an access drive abutting a common property line on an adjoining parcel, then the access drive on the applicant's property, if any, shall be paired with the access drive on the adjoining parcel.]
- (B) [No exceptions to dimensional standards or landscape buffers are required by the proposal.] Exceptions of dimensional standards or landscaped buffers by the Planning Director must comply with MCC .7860;
- (C) Paved pedestrian walks shall connect to the public sidewalk(s) abutting the property. A sidewalk shall be constructed along any street lot line of the property, where none exists, as a committed part of [the] new development. Pedestrian walks shall also be provided from building entrances to parking areas;

(D) Lighting related to the site shall be as follows:

(1) Lights from vehicles maneuvering to, from and on the property shall not be cast onto properties designated or zoned for residential use. The application shall specify the type and size of landscaping or screening necessary to achieve the effect described above, if applicable, and

(2) Exterior lighting shall not be cast onto adjoining properties designated or zoned for residential use;

(E) No outdoor sound amplification systems shall be operated on the property; however, ordering devices shall be permitted.

(F) Parking shall be as specified in MCC .6100 through .6148, [except that no more than 125% of the number of spaces required shall be provided.]

[(G) Signs associated with the proposal shall be subject to the sign limitations of MCC .2946;]

[(H) The proposal shall comply with Strategy 1.E. of Powellhurst Community Plan Policy No. 23, if the property is located abutting S.E. 82nd Avenue in that community;]

[(I) All utilities shall be placed underground.]

B. MCC 11.15.4158 is amended as follows:

11.15.4158 Uses Permitted Under Prescribed Conditions

The uses permitted subject to prescribed conditions for each use are:

(A) The following uses, subject to approval by the Planning Director when found to satisfy the approval criteria of MCC .4018 and of the conditions stated below:

(1) Automobile service station and convenience car wash, including minor repairs and adjustments only, tire mounting, battery charging and similar such services;

(2) Drive-in, drive-up or drive-through service or sales for a bank, food or food products, photo-finishing, travel or ticket office, or similar facility provided that:

(a) Access drives for drive-in windows must provide at least 150 feet of staking room which does not interfere with traffic circulation in the parking area. Exceptions to this standard will be granted if the

applicant can document the need for less stacking room. Such documentation will either be data showing that the same or similar use at a different location requires less peak hour stacking room or statistics verifying that peak hour usage requires less stacking room. The validity of the documentation will be determined by the Planning Director. Regardless of size, the stacking area cannot overflow onto a public street.

(b) A one-way driveway may be added on arterial streets for vehicles exiting from a drive-in window only.

i. Maximum driveway width 15-feet.

ii. A one-way arrow must be painted on the driveway surface at the property line.

ADOPTION.

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on 20th June, 1985, according to Section 5.50 of the Charter of Multnomah County

Adopted this 21st day of May, 1985, being the date of its second reading before the Board of County Commissioners of Multnomah County,

BOARD OF COUNTY COMMISSIONERS

OF MULTNOMAH COUNTY, OREGON

(SEAL)

By Earl Blumhauer

Presiding Officer

Authenticated by the County Executive on the 21st day of May, 1985.

Dennis Buchanan

Dennis Buchanan, County Executive

APPROVED AS TO FORM

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By Peter Kasting
Peter Kasting,
Asssistant County Counsel