

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 237

An Ordinance amending Ordinance No. 100 by establishing Heritage Preservation Subdistrict HP-1 provisions; by establishing provisions for the protection of big game winter habitat in Community Service and Conditional Use Sections; and by making reference in the urban residential district sections to the limitations on residential development in unsewered areas as specified in Comprehensive Framework Plan Policies 13 and 37.

Multnomah County ordains as follows:

SECTION 1. FINDINGS.

- A. The April 1, 1980 Continuance Order of the Land Conservation and Development Commission declares that the Multnomah County Comprehensive Plan and implementing measures do not comply with Statewide Planning Goals 2, 3, 4, 5, 6, 11, 14, and 15, for the reasons set forth in the Department of Land Conservation and Development report. The Commission granted a 120-day continuance of the County's acknowledgement request so that the County may complete the additional planning work described in the Order.
- B. The Planning Commission has reviewed the Continuance Order and alternative proposals for plan revisions and ordinance amendments in work sessions and community workshops.
- C. At a public hearing on June 30, 1980, the Planning Commission passed Resolution PC 12-80D/2 recommending to the Board adoption of Ordinance PC 12-80D/2, revising the Comprehensive Framework Plan and the Community Plans as one measure to comply with the Continuance Order and stating findings in support of the recommendation.
- D. The Board concurs in the Planning Commission's recommendations and adopts the Planning Commission's findings.

SECTION 2. AMENDMENT ADDING HERITAGE PRESERVATION SUBDISTRICT NO. 1 HP-1.

Ordinance No. 100 is amended by adding the following subsections:

- "6.810 HERITAGE PRESERVATION SUBDISTRICT NO. 1 HP-1.
- 6.811 PURPOSES. The purposes of the HP-1 Subdistrict are to provide for the preservation and protection of buildings, not otherwise designated WRG, SEC, CS or CU, which satisfy the Historical Site Criteria in the Comprehensive Framework Plan and to permit authorization of adaptive uses not otherwise permitted where found to be beneficial to the purposes of heritage preservation.

- 6.812 DEFINITION. 'Historical Landmark' means any building, structure or physical object and the premises on which it is located which is recognized to be of particular cultural, aesthetic, educational or historical significance under the Historical Site Criteria of the Comprehensive Plan.
- 6.813 FINDINGS AND POLICY. The Board finds:
- (A) There are buildings within the unincorporated County area which qualify as historic landmarks by reason of their special historical character, their association with historical events or persons, their antiquity, their unique or representative architectural style, design or method of construction, or by reason of other aesthetic, cultural, economic or educational significance or importance.
 - (B) Many buildings which merit designation as historical landmarks have been altered or destroyed in the absence of regulatory controls to insure preservation or of measures to authorize adaptive uses which would make preservation economically feasible.
 - (C) Creation and application of a specialized overlay subdistrict will implement the Statewide Planning Goals and the Comprehensive Plan Policies 15 and 18 with respect to buildings of historical significance not otherwise subject to the protective provisions of the WRG, SEC, CS and CU Sections of this Ordinance.
- 6.814 USES.
- (A) The following uses are permitted uses in the HP-1 Subdistrict:
 - (1) A use existing or for which a valid building or land use permit was in effect on the effective date of the HP-1 classification; and
 - (2) Any use listed as a permitted use in the underlying district.
 - (B) A use listed as a use under prescribed conditions in the underlying district is a use permitted under those prescribed conditions in the HP-1 Subdistrict.
 - (C) Any other use listed in Ordinance No. 100 is a conditional use in the HP-1 Subdistrict and may be permitted by the Hearings Officer under the procedural provisions of Section 7.50 when found to satisfy the approval criteria of subsection 6.815.

6.815 HP-1 CONDITIONAL USE APPROVAL CRITERIA

In acting to approve a conditional use under subsection 6.814 (c), the Hearings Officer shall find that the proposal:

- (A) Will maintain or restore the unique characteristics of the site and structure which are the basis of the HP-1 classification;
- (B) Will satisfy the dimensional requirements of the underlying district and the development standards specified by this Ordinance for the proposed use to the maximum extent possible, consistent with the nature of the existing improvements of historical significance;
- (C) Will permit an adaptive use which is necessary and appropriate to the preservation of the historical characteristics; and
- (D) Will have only minor adverse impacts on nearby properties, considering such factors as loss of residential privacy, increased vehicle or pedestrian traffic, noise, glare or similar effects.

6.816 APPEALS. A decision of the Hearings Officer made under Section 6.814(C) may be appealed to the Board of County Commissioners in the manner provided in subsections 12.31 and 12.37.5.

6.817 PERMITS. The provisions of subsection 12.73.5, 'Permits for Historical Structures and Sites', shall apply to any building, structure or premises classified HP-1."

SECTION 3. AMENDMENTS REVISING COMMUNITY SERVICE AND CONDITIONAL USE SECTIONS.

Subsection 7.027, Community Service Approval Criteria and subsection 7.523, Conditional Use Approval Criteria of Ordinance No. 100, are amended by relettering subparts (E) and (F), and adding new subpart (E) to read:

- "(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable."

SECTION 4. AMENDMENTS ADDING LIMITATIONS OF RESIDENTIAL DEVELOPMENT IN UNSEWERED URBAN AREAS.

Ordinance No. 100 is amended by adding Subsections 3.311 and 3.419.7 to read:

"RESIDENTIAL DEVELOPMENT IN UNSEWERED URBAN AREAS.

- (A) In the event the maximum number of lots or dwelling units allowable under the Comprehensive Plan, the Land Division Ordinance and the dimensional or other requirements of the district

under this Ordinance is not possible due to Department of Environmental Quality subsurface sewage disposal limitations, the site development plan shall designate the manner in which the additional allowable units may be located on the property when public sewer service is available.

- (B) Review and action on a site development plan required by this subsection shall be taken under the applicable procedures of the Land Division Ordinance or the Design Review or other zoning approval provisions of this Ordinance.
- (C) Approval of a site development plan required by this subsection shall be supported by findings that:
 - (1) Septic tanks or cesspools are permitted by the County Sanitarian and the Department of Environmental Quality for three or more lots per net acre or for lots of record; or
 - (2) The Comprehensive Plan identifies the land as having unique topographic or other natural features which make public sewer service impractical, but which is practical for large-lot homesites.
- (D) Conditions of approval under this subsection shall include connection of all units except single family residences on lots of record, to a public sewer within 90 days of availability and may include the following among other things:
 - (1) The clustering of lots as interim building sites; or
 - (2) A plan for the future re-division of lots; or
 - (3) The reservation and interim use of portions of the site, pending the future location of additional dwelling units; or
 - (4) The installation of dry sewers at the time of initial development.
- (E) A decision by the Planning Director on an application under this subsection may be appealed by the applicant to the Hearings Officer in the manner provided in subsections 12.38 and 12.39."

ADOPTION.

This Ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on August 14, 1980, according to Section 5.50 of the Charter of Multnomah County.

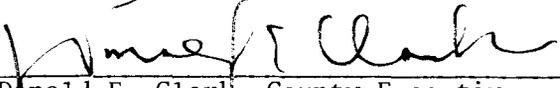
ADOPTED this 15th day of July, 1980, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County, Oregon.

FOR THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY, OREGON

By 
Presiding Officer

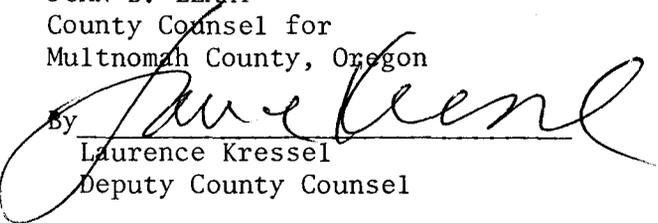
Authenticated by the County Executive

on the 15th day of July, 1980.


Donald E. Clark, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By 
Laurence Kressel
Deputy County Counsel