

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 882

An Ordinance adopting the East of Sandy River Rural Area Plan, a portion of the Multnomah County Comprehensive Framework Plan.

Multnomah County Ordains as follows:

Section I. Findings.

(A) On June 30, 1995, Multnomah County received the East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, prepared by Winterowd Planning Services, which addressed streams and wildlife habitat issues relating to Goal 5 of the Oregon Statewide Planning Program.

(B) On August 31, 1995, the Multnomah County Board of Commissioners accepted the East of Sandy River Rural Area Plan Scoping Report, prepared in June 1995 by Cogan Owens Cogan, which listed issues Multnomah County would address in the East of Sandy River Rural Area Plan.

(C) The Chair of the Multnomah County Board of Commissioners subsequently appointed a Citizens' Advisory Committee of thirteen members to conduct public meetings and assist in the preparation of the East of Sandy River Rural Area Plan.

(D) The Citizens' Advisory Committee held monthly meetings from November, 1995 through January, 1997, and formulated draft policies and principles to be included within the East of Sandy River Rural Area Plan.

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2 (E) These draft principles and policies were presented at a public open house in June 1996 within the East
3 of Sandy River Rural Community.

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5 (F) The Multnomah County Planning Commission held a public hearing on the draft East of Sandy River
6 Rural Area Plan on February 3, 1997. On April 7, 1997, the Planning Commission completed revisions to
7 the East of Sandy River Rural Area Plan document and recommended its adoption by the Multnomah
8 County Board of Commissioners.

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10 (G) On April 20, 1997, the draft East of Sandy River Rural Area Plan was again sent to the Oregon
11 Department of Land Conservation and Development for a 45-day review period. Multnomah County
12 received no comment within the review period.

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14 (H) On May 9, 1997, the Multnomah County Division of Transportation and Land Use Planning mailed
15 notice of a public hearing on the East of Sandy River Rural Area Plan to all property owners and other
16 interested parties.

17

18 (I) On May 28, 1997, the Multnomah County Board of Commissioners conducted a public hearing on the
19 first reading of East of Sandy River Rural Area Plan. The Board of Commissioners continued the first
20 reading until June 25, 1997, at which time they approved the first reading of the ordinance with amend-
21 ments (which are incorporated into Exhibits "A" and "B" and described below).

22

23 (J) On July 10, 1997, the Multnomah County Board of Commissioners considered the second reading of
24 the East of Sandy River Rural Area Plan.

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1 Section II. Amendment of Comprehensive Framework Plan

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3 The Multnomah County Comprehensive Framework Plan is hereby amended to include the East of Sandy
4 River Rural Area Plan, attached hereto as Exhibit "A," and the East of Sandy River Wildlife Habitat and
5 Stream Corridor ESEE Report, attached hereto as Exhibit "B, with the following changes:

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7 EXHIBIT A:

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9 PAGE 6, FIFTH PARAGRAPH, REVISE AS FOLLOWS:

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11 1. New dwellings must pass a "template" test. A 160-acre square "template" is placed at the center of the
12 parcel proposed for development -- if the template contains at least 5 existing dwellings and 11 existing
13 lots or portions of lots then the parcel may be developed -- if not, then no development is allowed. Note
14 that all contiguous owned parcels must be aggregated as part of the dwelling application. 1993 changes in
15 state law passed by the Oregon Legislature would allow Multnomah County the option to change the tem-
16 plate test to reduce the number of existing dwellings within the 160 acre "template" from five to three and
17 allow a rectangular (1/4 mile by 1 mile) template if a parcel is along a road or stream, the template in the
18 direction of the road or stream. However, Multnomah County has not adopted these changes into the
19 Commercial Forest Use zoning district.

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21 PAGE 7, FIRST AND SECOND PARAGRAPHS, REVISE AS FOLLOWS:

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23 1. Current Multnomah County Zoning rules (although not required by the state) do not allow dis-aggrega-
24 tion of an individual parcel from a group of parcels owned by the same individual if the parcel is less than
25 19 acres. Oregon Revised Statutes only require aggregation at the time of an actual application for a
26 dwelling. Thus, the owner of two parcels, one or both of which is less than 19 acres, could have a single

1 family residence on only one of them.

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3 2. In 1993, the Oregon Legislature adopted a law which allows counties to modify the Forest Lands zon-
4 ing requirements related to dwellings to allow a vacant lot of record owned by the current owner since
5 1985 which is not adjacent to any other property owned by the same individual and which is not large
6 enough to produce ~~30,000~~ 5,000 cubic feet of timber per year can be allowed a single-family residence.
7 Multnomah County's Commercial Forest Use zoning district does not contain this provision.

8

9 ADD THE FOLLOWING POLICY:

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11 4A. Allow dis-aggregation of existing legally-created lots for purposes of consideration of an additional
12 dwelling unit on a lot less than 19 acres in size under the following conditions:

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14 One of the lots to be dis-aggregated has an existing legal dwelling.

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16 If more than two lots are part of an aggregated ownership which if disaggregated would result in a lot less
17 than 19 acres in size, then the owner shall be allowed to dis-aggregate only one lot and shall be required to
18 aggregate the remaining lots into a single new lot.

19

20 Both of the lots were owned by the current owner prior to 1985, or the current owner owned two lots prior
21 to 1985 and sold one of them, rendering the other one undevelopable.

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23 STRATEGY: Multnomah County shall implement this policy through amendments to the
24 Multnomah County Zoning Ordinance Commercial Forest Use zoning district.

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26 STRATEGY ASSOCIATED WITH POLICY # 8, REVISE AS FOLLOWS:

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2 STRATEGY: Multnomah County shall not consider large-scale "exceptions" to Goal 4 3 of the Oregon
3 Statewide Planning Program (Forest Lands).

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5 ADD THE FOLLOWING POLICY:

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7 10A. Allow dis-aggregation of existing legally-created lots for purposes of consideration of an additional
8 dwelling unit on a lot less than 19 acres in size under the following conditions:

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10 One of the lots to be dis-aggregated has an existing legal dwelling.

11

12 If more than two lots are part of an aggregated ownership which if disaggregated would result in a lot less
13 than 19 acres in size, then the owner shall be allowed to dis-aggregate only one lot and shall be required to
14 aggregate the remaining lots into a single new lot.

15

16 Both of the lots were owned by the current owner prior to 1985, or the current owner owned two lots prior
17 to 1985 and sold one of them, rendering the other one undevelopable.

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19 STRATEGY: Multnomah County shall implement this policy through amendments to the
20 Multnomah County Zoning Ordinance Exclusive Farm Use zoning district.

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22 ADD THE FOLLOWING POLICY AND STRATEGY:

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24 21a. Require any stream crossing to utilize a bridge or arched culvert which does not disturb the bed or
25 banks of the stream and are of the minimum width necessary to allow passage of peak winter flows.

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1 STRATEGY: Multnomah County shall implement this policy through application of the
2 Multnomah County Zoning Code Significant Environmental Concern Zoning Overlay District,
3 which includes a requirement for stream crossings to consist of a bridge or arched culvert.
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5 REVISE THE FOLLOWING POLICIES AND STRATEGY:

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7 16. Allow farm stands which sell products grown on the premises in all the Exclusive Farm Use,
8 ~~Commercial Forest Use~~, Multiple Use Agriculture, Rural Residential, and Rural Center zoning districts
9 with findings that, 1) the farm stand does not include structures designed for occupancy as a residence or
10 for activities other than the sale of farm crops and livestock, and 2) the location and design are compatible
11 with the character of the area.
12

13 17. Allow farm stands which sell a wider variety of farm products and retail incidental items in all
14 Exclusive Farm Use ~~and Commercial Forest Use~~ zoned areas, and also on all parcels with frontage on, or
15 with road frontage a maximum of 500 feet from the Historic Columbia River Highway, with findings as
16 mandated by Oregon Administrative Rules with findings that the products have been grown in the local
17 agricultural area, the retail incidental items constitute no more than 25% of the total farm stand sales, and
18 the farm stand does not include structures designed for occupancy as a residence or for banquets, public
19 gatherings, or public entertainment. Require review by the Oregon Department of Transportation (ODOT)
20 for any proposed access onto and impacts upon the Historic Columbia River Highway
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22 STRATEGY: Multnomah County shall implement this policy through amendments to the Multnomah
23 County Zoning Ordinance Exclusive Farm Use, Multiple Use Agriculture, Rural Residential, and Rural
24 Center zoning districts. These amendments shall require ODOT review of access to and impacts upon the
25 Historic Columbia River Highway, and shall also require adequate off-street parking.
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1 PAGE 17, THIRD PARAGRAPH, REVISE AS FOLLOWS:

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3 The 1980 inventory identified two historical sites within the East of Sandy River rural area outside of the
 4 Columbia Gorge National Scenic Area. These are the Mountain View Cemetery, which is county-owned
 5 and thus protected, and the Graff house, a Queen Anne-style structure located on Loudon Road, erected in
 6 1885, and privately owned. This house is on the National Register of Historic Places. It also has an
 7 Historic Preservation Overlay zone, which requires review of any alterations for their effect on the site's
 8 historic nature. There are many County-designated historic sites within the Columbia Gorge National
 9 Scenic Area, which are now protected under the National Scenic Area Management Plan. In addition, a
 10 1981 Oregon Department of Transportation Study (the Columbia River Highway Project) inventoried his-
 11 toric resources along the Historic Columbia River Highway. The inventory studied five structures in
 12 Springdale which have some historic significance, including the Springdale School Building. The study
 13 documented the well-known historic nature of the Highway itself. Recent changes in state law require
 14 owner consent before protecting any new historical structures or sites under the Goal 5 process.

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16 PAGE 23, THIRD PARAGRAPH, REVISE AS FOLLOWS:

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18 Rural Arterials East of Sandy River

19 Corbett Hill Road S. of Chamberlain Road, 1991 - 1670 vehicles/24 hours

20 Historic Columbia River E. of Stark Street Bridge, 1995 - 3100 vehicles/24 hours

21 Highway with Scenic Route W. of Lucas Rd., Springdale, 1995 - 4800 vehicles/24 hours

22 Overlay(State Road) E. of Evans Rd., Corbett, 1995 - 3400 vehicles/24 hours

23 W. of Larch Mtn. Rd., 1995 - 1800 vehicles/24 hours

24 Additional traffic counts available from O.D.O.T.

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26 EXHIBIT B:

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REVISE THE SECOND SENTENCE OF THE FIRST FULL PARAGRAPH ON PAGE 57 AS FOLLOWS:

Multnomah County shall seed a public information and assistance program in order to encourage voluntary measures to protect streams which flow into the Sandy River and their watersheds through the use of sound management techniques.

ADOPTED THIS 10th Day of July, 1997, being the date of its second reading before the Board of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy