

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 151

An Ordinance amending Ordinance No. 100; establishing procedures, criteria and standards for administrative design review of certain developments in Multnomah County; providing for approval by the Planning Director of minor exceptions to yard, parking and sign requirements; establishing a procedure for appeals of administrative decisions made by the Planning Director and amending certain other provisions of Ordinance No. 100.

Multnomah County ordains as follows:

Section 1.

Ordinance No. 100 is amended by adding Section 7.60, as follows:

7.60 DESIGN REVIEW.

7.610 Purpose. This section provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

7.611 Elements of Design Review Plan.

The elements of a Design Review Plan are: The layout and design of all existing and proposed

improvements, including but not limited to, buildings, structures, parking and circulation areas, outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

7.612 Design Review Plan Approval Required.

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, pursuant to this ordinance.

7.612.1 The provisions of Section 7.60 shall apply to all conditional and community service uses in any district and to developments in the following districts:

- a. Group dwellings in R-4, Two-Family Residential District, pursuant to subsection 3.833;
- b. A-2, Apartment-Residential District;
- c. A-1-B, Apartment-Residential, Business Office District;
- d. All Commercial Districts; and
- e. All Manufacturing Districts.

- 7.612.2 Noncompliance with a final approved design review plan, as approved, shall be a zoning ordinance violation.
- 7.612.3 The Board of County Commissioners, Planning Commission, Hearings Council and Board of Adjustment may, as a condition of approval of an action, as defined in subsection 12.21, Ordinance No. 100, require that design review plan approval be obtained prior to issuance of any required permit.
- 7.613 Design Review Plan: Contents and Procedure.
- 7.613.1 Any preliminary or final design review plan shall be filed on forms provided by the Planning Director and shall be accompanied by such drawings, sketches and descriptions as are necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.
- 7.613.2 Prior to filing a design review plan, the applicant shall confer with the Planning Director concerning the requisites of formal application.
- 7.613.3 Following the pre-application meeting, the applicant shall file with the Planning Director a preliminary design review plan, which shall contain the items listed in subsection 7.614.

7.614 Preliminary Design Review Plan: Contents.

- a. Preliminary Site Development Plan;
- b. Preliminary Site Analysis Diagram;
- c. Preliminary Architectural Drawings, indicating floor plans and elevations;
- d. Preliminary Landscape Plan;
- e. Proposed minor exceptions from yard, parking and sign requirements; and
- f. Design Review Application Fee, as required pursuant to subsection 13.03(e).

7.614.1 A preliminary site analysis diagram may be in freehand form and shall generally indicate the following characteristics:

- a. Relation to adjacent lands;
- b. Location and species of trees greater than six inches in diameter at five feet;
- c. Topography;
- d. Natural drainage;
- e. Significant wildlife habitat;
- f. Information about significant climatic variables, including but not limited to, solar potential, wind direction and velocity; and
- g. Natural features and structures having a visual or other significant relationship with the site.

7.614.2 A preliminary site development plan may be in freehand form and shall generally indicate the following as appropriate to the nature of the use:

- a. Access to site from adjacent rights of way, streets and arterials;
- b. Parking and circulation areas;
- c. Location and design of buildings and signs;
- d. Orientation of windows and doors;
- e. Entrances and exits;
- f. Private and shared outdoor recreation spaces;
- g. Pedestrian circulation;
- h. Outdoor play areas;
- i. Service areas for uses such as mail delivery, trash disposal, above ground utilities, loading and delivery.
- j. Areas to be landscaped;
- k. Exterior lighting;
- l. Special provisions for handicapped persons; and
- m. Other site elements and spaces which will assist in the evaluation of site development.

7.614.3 The preliminary landscape plan shall indicate:

- a. The size, species and approximate locations of plant materials to be retained or placed on the site; and
- b. Proposed site contouring.

7.615 Action on Preliminary Design Review Plan.

Within ten business days following filing of the preliminary design review plan, the Planning Director shall mail to the applicant summary findings and conclusions indicating the relationship between the preliminary design review plan and the criteria and standards listed in subsections 7.618, 7.619 and 7.620 of this ordinance.

7.616 Final Design Review Plan.

Following receipt by the applicant of the summary findings and conclusions pursuant to subsection 7.615, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:

- a. Site Development and Landscape Plans, indicating the locations and specifications of the items described in subsections 7.614.2 and 7.614.3, as appropriate.
- b. Architectural Drawings, indicating floor plans, sections and elevations; and
- c. Proposed minor exceptions from yard, parking and sign requirements.

7.617 Decision on Final Design Review Plan

The Planning Director may approve a final design review plan, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or the criteria and standards listed in subsections 7.618, 7.619 and 7.620.

- 7.617.1 When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit pursuant to subsection 7.612, require the posting of a performance bond, cash deposit or other surety, to secure execution of the feature at a time certain.
- 7.617.2 Within ten business days following receipt of the final design review plan, the Planning Director shall file a decision with the Director of the Department of Environmental Services and mail a copy of the decision to the applicant and other persons who request the same.
- 7.617.3 A decision on a final design review plan shall include written conditions, if any, and findings and conclusions. The findings shall specifically address the relationships between the plan and the criteria and standards listed in subsections 7.618, 7.619 and 7.620.

7.618 Design Review Criteria.

Approval of a final design review plan shall be based on the following criteria:

- a. Relation of Design Review Plan Elements to Environment.
 1. The elements of the design review plan shall relate harmoniously to the natural environment and existing buildings and structures having a visual relationship with the site.
 2. The elements of the design review plan should promote energy conservation and provide protection from adverse climatic conditions, noise, and air pollution.
 3. Each element of the design review plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, inter-related, and shall provide spatial variety and order.
- b. Safety and Privacy. The design review plan shall be designed to provide a safe environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.
- c. Special Needs of Handicapped. Where appropriate, the design review plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs and braille signs.

- d. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve their functions. Preserved trees and shrubs shall be protected during construction.
- e. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings and structures, shall be designed to maximize safety and convenience and shall be harmonious with proposed and neighboring buildings and structures.
- f. Drainage. Surface drainage systems shall be designed so as not to adversely affect neighboring properties or streets.
- g. Buffering and Screening. Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties.

- h. Utilities. All utility installations above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- i. Signs and Graphics. The location, texture, lighting, movement, and materials of all exterior signs, graphics or other informational or directional features shall be compatible with the other elements of the design review plan and surrounding properties.

7.618.1 Guidelines designed to assist applicants in developing design review plans may be adopted by the Planning Commission.

7.619 Required Minimum Standards.

- a. Private and Shared Outdoor Recreation Areas in Residential Developments.
 - 1. Private areas. Each ground level living unit in a residential development subject to design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide privacy for unit residents and their guests.
 - 2. Shared Areas. Usable outdoor recreation space shall be provided for the shared use

of residents and their guests in any apartment residential development, as follows:

(a) One or two-bedroom units: 200 square feet per unit.

(b) Three or more bedroom units: 300 square feet per unit.

b. Storage

Residential Developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be entirely enclosed.

c. Required Landscaped Areas.

The following landscape requirements are established for developments subject to design review plan approval:

1. A minimum of 15% of the lot area shall be landscaped.
2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.
3. In addition to the requirement of subpart 1. of this subsection, the following landscape requirements shall apply to parking and loading areas:

- (a) A parking or loading area providing ten or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
- (b) In addition to the landscaping required under subpart b.3(a) of this subsection, a parking or loading area shall be separated from any lot line adjacent to a street by a landscaped strip at least ten feet in width, and any other lot line by a landscaped strip at least five feet in width.
- (c) A landscaped strip separating a parking or loading area from a street shall contain:
 - (1) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average.
 - (2) Low shrubs, not to reach a height greater than 3'0", spaced no more than 5 feet apart, on the average; and
 - (3) Vegetative ground cover,.
- (d) Landscaping in a parking or loading area shall be located in defined landscaped

areas which are uniformly distributed throughout the parking or loading area.

(e) A parking landscape area shall have a width of not less than five feet.

4. Provision shall be made for watering planting areas where such care is required.
5. Required landscaping shall be continuously maintained.
6. Maximum height of tree species shall be considered when planting under overhead utility lines.
7. "Landscaped" means the improvement of land by means such as contouring, planting, and the location of outdoor structures, furniture, walkways and similar features.

7.620 Minor Exceptions: Yard, Parking and Sign Requirements.

- a. In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:
 1. Dimensional standards for yards as required in the primary district.
 2. Dimensional standards for off-street parking as required in subsections 6.2302 and 6.2303, Ordinance No. 100.
 3. Standards for minimum number of off-street parking spaces as required in the primary district; and

4. Dimensional standards for signs as required in the primary district.
- b. No minor exception shall be greater than twenty-five percent of the requirement from which the exception is granted.
- c. Approval of a minor exception shall be based on written findings, as required in this subpart.
 1. In the case of a minor yard exception, the Planning Director shall find that approval will result in:
 - (a) more efficient use of the site;
 - (b) preservation of natural features, where appropriate;
 - (c) adequate provision of light, air and privacy to adjoining properties; and
 - (d) adequate emergency access.
 2. In the case of a minor exception to the dimensional standards for off-street parking spaces or the minimum required number of off-street parking spaces, the Planning Director shall find that approval will provide adequate off-street parking in relation to user demands. The following factors may be considered in granting such an exception:
 - (a) Special characteristics of users which indicate low demand for off-street parking (e.g., low income, elderly);

- (b) Opportunities for joint use of nearby off-street parking facilities;
- (c) Availability of public transit; and
- (d) Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

3. In the case of a minor exception to the dimensional standards for signs, the Planning Director shall find that approval is necessary for adequate identification of the use on the property and will be compatible with the elements of the design review plan and with the character of the surrounding area.

7.621 Appeal to Hearings Council.

A decision on a final design review plan may be appealed to the Hearings Council in the manner provided in subsections 12.38 through 12.39, Ordinance No. 100.

Section 2.

The following subsections are added to Ordinance No. 100:

12.38 APPEAL OF ADMINISTRATIVE DECISION BY THE PLANNING DIRECTOR.

A decision by the Planning Director on an administrative matter made appealable under this section by ordinance provision, shall be final at the close of business on the tenth calendar day following the filing of the written decision, findings and conclusions with the Director of the Department of Environmental Services, unless, prior thereto, the applicant files a notice of appeal with the Department, pursuant to subsections 12.38.1 and 12.38.2.

12.38.1 A notice of appeal shall contain:

- a. The name, address and telephone number of the person filing the notice;
- b. An identification of the decision sought to be reviewed, including the date such decision was filed with the Director of the Department of Environmental Services; and
- c. The specific grounds relied on for reversal or modification of the decision.

12.38.2 A notice of appeal shall be accompanied by the required fee, pursuant to subsection 13.01(e).

12.38.3 Failure to (a) file a notice of appeal within the time limit prescribed by subsection 12.38; or (b) pay the required fee pursuant to subsection

12.38.2, shall be a jurisdictional defect and shall preclude review by the Hearings Council or Board of Adjustment, as appropriate.

12.38.4 On receipt of a notice of appeal, the Planning Director shall schedule a hearing on the agenda for the next meeting of the Hearings Council or Board of Adjustment, as appropriate, for which notice can be given pursuant to subsection 12.38.5.

12.38.5 Notice of hearing on an appeal filed pursuant to subsection 12.38 shall be as required by subsections 12.23, a., b., c., e., f., and 12.23.2. a.

12.39 PROCEDURE ON APPEAL. Except as otherwise provided in subparts a., b., and c. of this subsection, proceedings before the Board of Adjustment or Hearings Council, as appropriate, on matters appealed pursuant to subsection 12.38, and appeals therefrom to the Board of County Commissioners shall be conducted according to the provisions of subsections 12.25 through 12.38.5.

- a. A hearing before the Board of Adjustment or Hearings Council on a matter appealed pursuant to subsection 12.38 shall be limited to the specific grounds relied on for reversal or modification of the decision in the notice of appeal.
- b. The provisions of subsection 12.25.3 and 12.25.31 shall not apply to hearings on appeals filed pursuant to subsection 12.38.

- c. The findings adopted by the Board of Adjustment or Hearings Council shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the notice of appeal and the criteria on which the Planning Director's decision was required to be based, pursuant to ordinance.

13.01

- e. Appeal of Administrative Decision by Planning Director ----- \$ 50.00

13.02

- d. Appeal of Administrative Decision by Planning Director ----- \$ 50.00

13.03

- e. Preliminary Design Review Plan ----- \$ 50.00 per each \$100,000 or fraction thereof, of value as determined by the Planning Director pursuant to subsection 13.03.1. In no event shall the fee for a preliminary design review plan approval exceed \$500.00.

13.03.1 The value to be used in computing a preliminary design review plan fee shall be the total estimated value of all work for which design review plan approval is required.

Section 3.

The words "Hearings Council" are deleted and the words "Planning Director" are added in lieu thereof, in the following subsections of Ordinance No. 100: 3.825, 4.444, 4.454.c.

Section 4.

Subsection 3.833 of Ordinance No. 100 is amended to read:

3.833 Dwelling groups may be located in this district when approved by the Hearings Council. In approving such dwelling groups, the Hearings Council shall consider:

- a. The present and potential character of the area;
- b. The need for adequate access, circulation and parking, privacy, and usable open spaces; and
- c. Other factors which will assure a desirable living environment.
 1. The Hearings Council may attach such conditions to the approval as are necessary to carry out the objectives listed in subparts a., b., or c. of this subsection.

Section 5.

Subsection 3.833.1 is added to Ordinance No. 100 and shall read:

3.833.1 A dwelling group approved by the Hearings Council pursuant to subsection 3.833 shall be subject to design review approval pursuant to Section 7.60.

Section 6.

Subsections 3.94, 3.015 and 4.13 are added to Ordinance No. 100 and shall each read: "DESIGN REVIEW. Uses in this district, except single family and two-family dwellings on individual lots, shall be subject to design review approval pursuant to Section 7.60."

Section 7.

Subsections 4.23, 4.33, 4.425, 5.13, 5.23 and 5.33 are added to Ordinance No. 100 and shall each read: "DESIGN REVIEW. Uses in this district shall be subject to design review approval pursuant to Section 7.60."

Section 8.

The following subsections of Ordinance No. 100 are repealed: 4.422, 4.441, 4.441.a, 4.441.b, 6.25.

Section 9.

The words "site development plan" are deleted and the words "final design review plan" are added in lieu thereof, and the words "Hearings Council" are deleted and the words "Planning Director" are added in lieu thereof, in the following subsections of Ordinance No. 100: 4.463, 4.483, 4.486.

Section 10.

Subsection 4.423 of Ordinance No. 100 is amended by deleting the words "and approval of site development plans".

Section 11.

Subsection 4.43 of Ordinance No. 100 is amended by deleting the words "and the site development plan approved by the Hearings Council".

Section 12.

The following subsection is added to Ordinance No. 100:

6.4202.d.1

- r. Such other elements as may be required as part of a preliminary design review plan, pursuant to subsection 7.614.

Section 13.

Subsection 4.492 of Ordinance No. 100 is amended to read:

4.492 The Hearings Council may modify or waive any of the development standards or requirements of the district upon approving a commercial automobile center of twenty (20) acres or more, if the Council finds that such approval is consistent with purposes of the district and assures the development of an automobile center of a quality and character equal or superior to that otherwise required by this district.

Section 14.

Subsection 6.4204 of Ordinance No. 100 is amended to read:

6.4204 Final Plan and Program.

- a. Following approval of the Planned Development District, the applicant shall submit a Final Plan and Program, including a final design review plan pursuant to subsection 7.616, to the Planning Director, who shall review the same for compliance with the approved General Development Plan and Program and the provisions of subsections 7.618, 7.619 and 7.20, as appropriate.
- b. If the Final Plan and Program is found to be in compliance pursuant to subsection 6.4204.a., it shall be so certified by the Planning Director and recorded by the applicant in the offices of the Department of Administrative Services as the

Final Development Plan, with all documents relating to dedications, improvements, agreements, restrictions and associations constituting the Final Program.

Section 15. Adoption.

This ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

Adopted this 27th day of September, 1977, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Donald Clark*
Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By *Laurence Kressel*
Laurence Kressel
Deputy County Counsel