

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1175

Amending MCC Chapters 33, West Hills Rural Area Plan, and 35, East of Sandy River Rural Area Plan, the County Comprehensive Plan, Rural Area Plans, Community Plans, and Sectional Zoning Maps to Adopt Amendments to the Rural Center Districts for the Burlington and Springdale Communities Consistent with Division 22, Unincorporated Communities, of the Oregon Administrative Rules

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

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is required to plan for unincorporated communities within its jurisdiction in compliance with the Oregon Administrative Rule (OARs) 660-022-000 to 660-022-0070, or to demonstrate that all use are rural pursuant to state rules. This ordinance is in compliance with the state rule, and the amendments meet the applicable requirements in OAR Chapter 660, Division 22, the Unincorporated Communities Rule.
- b. This ordinance incorporates two Planning Commission amendments, PC-10-009: *Burlington Community Plan and Zoning Amendments* and PC-10-010: *Springdale Community Plan and Zoning Amendments*, that include plan and zoning amendments to the West Hills and East of Sandy River Rural Area Plans and Multnomah County Code Chapters 33 and 35.
- c. The Planning Commission is authorized by Multnomah County Code Chapter subsections 33.0140, 34.0140, 35.0140, 36.0140, 37.0710, and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- d. A public hearing was held for the amendments in PC-10-009 on December 6, 2010, and for PC-10-010 on November 1, 2010, before the Planning Commission. All interested persons were given an opportunity to appear and be heard. Notice of the Planning Commission hearing was published in the “Oregonian” newspaper and on the County Land Use Planning Program website.
- e. As stated in Planning Commission Resolutions for each of these cases, the Planning Commission has found that the proposed amendments and additions to the West Hills and East of Sandy River Rural Area Plans, and Multnomah County Code Chapters 33 and 35 in this Ordinance are needed and recommends approval.
- f. Ordinance No. 1161, adopted May 6, 2010, amended the Multnomah County Comprehensive Framework Plan, and the Multnomah County Plan and Sectional Zoning Maps relating to Urban and Rural Reserves. All of the West Hills Rural Area Plan, including the Burlington Community, was designated as Rural Reserve. No new uses or increases in density are proposed in the plan and zoning amendments thus meeting Policy 6A for Rural Reserves.
- g. Ballot Measure 56 notice was mailed to individual property owners for PC 10-009 on October 29, 2010, and for PC 10-010 on October 7, 2010. Notice of the Planning Commission hearing and the Board of County Commissioners hearing was published in the “Oregonian” newspaper and on the County Land Use Planning Program’s web site.

Multnomah County Ordains as follows:

PART I – WEST HILLS RURAL AREA PLAN – BURLINGTON RURAL CENTER

Section 1. The Rural Center section of the West Hills Rural Area Plan, a portion of the Comprehensive Framework Plan, is amended as follows, and the policies will be renumbered as shown on the attached Exhibit A:

* * * * *

BURLINGTON RURAL CENTER

Burlington is a small rural community located approximately 2.5 miles from the city of Portland, and is located along Highway 30. The elevation of the Burlington area ranges from close to sea level to 200 feet above sea level. Elevation rises steeply from Highway 30 to the Burlington Northern Cornelius Pass Line railroad tracks.

Burlington is the only identified rural center in the West Hills rural area. It was the subject of a land use study in 1981, which identified the current rural center boundaries (approximately 30 acres). The remainder of the 90 acre Burlington area (analyzed in the 1981 land use study) ~~is was~~ designated Commercial Forest Use, and is virtually undeveloped to this day. This study area sits at the base of the Tualatin Mountains, and lies between the Burlington Northern Astoria line railroad tracks to the east of Highway 30, and the Burlington Northern Cornelius Pass line railroad tracks to the south and west. The 1981 study was not adopted as an ordinance by the Board of Commissioners.

On October 28, 1994, the Oregon Land Conservation and Development Commission adopted new administrative rules and goal amendments establishing planning and zoning requirements for unincorporated communities (OAR 660, Division 22, Unincorporated Communities). Planning for Burlington must conform to these new rules.

Burlington has the distinction of being quite rural despite being near the Urban Growth Boundary of Portland. Burlington is comprised primarily of residential uses, with some commercial uses. Commercial uses include a tavern and a utility building for Qwest Communications. The community also includes the Native American Rehabilitation Association of the Northwest (NARA) Facility. There is no sewer service for the area; properties are served by individual on-site septic systems. Provisions of water are available through the Burlington Water District. Fire protection is contracted out to the City of Portland by the Water District. ~~The study area contains four businesses, two public service facilities, and 41 homes, 11 of which are outside of the existing rural center boundary. Additionally, the eleven-acre Holbrook School site, located at the north end of Burlington, at the intersection of Highway 30 and Cornelius Pass Rd, has been purchased for use as a residential care facility. No new residences have been constructed within the Burlington Rural Center since 1981.~~ Based upon OAR 660-22, Burlington qualifies as a "Rural Community," since it consists of residential uses and at least two other land uses that provide commercial, industrial, or public uses to the community, the surrounding rural area, or to persons traveling through the area.

~~The elevation of the Burlington area ranges from close to sea level to 200 feet above sea level. Elevation rises severely from Highway 30 to the Burlington Northern Cornelius Pass line railroad tracks to the south, and more gently to the north. Property beyond the Burlington Northern Astoria line railroad tracks to the north and east is subject to flooding from high water levels in Multnomah Channel.~~

State Highway 30 and Cornelius Pass Rd. provide major access to Burlington. The remaining roads in the area, Burlington, Wapato, and McNamee, provide access to homes and properties

abutting them. Many unbuilt "paper" roads criss-cross the area, in some cases these roads are unbuildable due to topography.

Public services available in Burlington include schools, water, police, and fire protection. Students attend schools in the Portland School District. Provision of water and fire services are available through the Burlington Water District. The water district purchases water from the City of Portland and holds the water supply in a reservoir located southwest of the highway on property owned by the District. Due to infrastructure age and maintenance delay, the Water District is experiencing a 38% leakage in water transmission. Also, due to undersizing of the infrastructure and residential development in excess of initial design, there is inadequate water pressure to meet the needs of some residents. However, the affected residents are not within the boundaries of the current rural center, all of which has an adequate existing water supply. The Water District currently serves 293 people and an additional 65 to 69 people who live outside the district. Fire protection is contracted out to the City of Portland by the Water District, at a cost in Fiscal Year 1993-94 of \$38,000. Police service is provided by the Multnomah County Sheriff.

Most of the area within the community, with the exception of the northern portion, is within the Burlington Subdivision, platted in 1909, with an average lot size at 8,000 square feet. This subdivision extends west and south of the Burlington Northern Cornelius Pass line railroad tracks into commercial forest lands. Most of the subdivision located outside of the existing rural center boundary is under a single ownership.

The Burlington community has both positive and negative aspects to be considered as part of any expansion of the Burlington Rural Center. Positive aspects which would lead to a conclusion of allowing expansion include:

2. ~~Expansion of the Burlington rural center would provide a concentrated focus for the local commercial needs of West Hills residents, as well as road-oriented commercial needs of Highway 30 motorists.~~
3. ~~Allowing additional residential development in Burlington would provide an opportunity for rural lifestyles which is much in demand for the West Hills rural area.~~
4. ~~Due to its location and the amount of existing development, Burlington has little significant value in relation to identified Goal 5 resources such as wildlife habitat, significant streams, or scenic views.~~
5. ~~Burlington has a water district in place to provide public water service to a more concentrated population, as opposed to the use of individual wells. However, the district's current system is antiquated and inadequate to serve additional development outside of the rural center—see #3 under negatives below.~~

Negative aspects which would lead to a conclusion of maintaining the existing rural center boundary include:

2. ~~Burlington is severely constrained geographically by the Tualatin Mountains which rise steeply from Highway 30.~~
3. ~~Residential development is less desirable here compared to other areas of the West Hills due to the geographic constraints and the proximity to the heavy traffic on Highway 30.~~
4. ~~The Burlington Water District has antiquated facilities which are incapable of serving a significant influx of new residents and businesses outside of the existing rural center.~~
5. ~~The Burlington Rural Center does not currently include the types of businesses which would serve the West Hills Rural Area—its function is to mainly serve traffic along Highway~~

~~30. It is questionable whether, even if local services were available, West Hills residents would use Burlington as a rural center.~~

~~Any future expansion of the rural center boundaries in Burlington is dependent upon 1) a community public facility plan prepared pursuant to OAR 660 Division 11 for improvements to the facilities of the Burlington Water District, 2) evidence of increased demand for new housing in Burlington, and 3) market analysis indicating that an expansion of the Burlington Rural Center is necessary to serve the commercial and institutional land use needs of the West Hills Rural Area and not merely to serve Highway 30 traffic. If these three criteria can be met, expansion of the rural center zoning district in Burlington should be considered for the remainder of the 90-acre Burlington community. Until then, no expansion of the Burlington Rural Center is proposed.~~

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Other Potential Rural Centers

As mentioned above, the West Hills Rural Area is not served by the Burlington Rural Center. West Hills Rural Area residents have no community focus. Commercial needs are met by nearby communities -- Northwest Portland, Tanasbourne, West Union, Cedar Mill, and Bethany to the south, and Scappoose to the north. A small nucleus of uses near the intersection of Skyline Blvd. and Cornelius Pass Rd. -- a grocery store, an auto garage, Skyline Elementary School, the American Legion Post, and a church, do provide a potential focus for a future rural center. However, the current population of the West Hills shows no great desire for an enhanced community focus area which would be provided by a rural center in this location. Should the community show a need or desire for such a rural center, planning studies should focus on the area near the intersection of Skyline Blvd. and Cornelius Pass Rd. for its establishment.

* * * * *

POLICY 4: Do not designate additional "Exception" lands in the rural West Hills.
[Amended 1999, Ord. 924 § II]

STRATEGY: Consider redesignation of approximately 80 acres at the intersection of U.S. Highway 30 and Watson Road, adjacent to the Columbia County line, from Commercial Forest Use CFU-2 to CFU-5. *[Amended 1999, Ord. 924 § II]*

POLICY 5: Promote a community core in the rural West Hills through establishment of a rural center which serves the local needs of West Hills residents.

STRATEGY: Consider a limited area near the intersection of Cornelius Pass Road and Skyline Blvd. for designation as a Rural Center if justified by a county-initiated assessment of the need for additional commercial or other uses to support public needs in the rural West Hills.

STRATEGY: Do not consider expansion of the existing Burlington Rural Center unless 1) existing facilities of the Burlington Water District are upgraded, 2) evidence of increased demand for housing and commercial or institutional services in Burlington exists in the form of construction on vacant lots within the existing rural center boundaries, and 3) a market analysis indicates that the expansion of the Burlington Rural Center is necessary to serve West Hills Rural Area needs.

POLICY 6:

Implement a Plan for the Burlington Community that is consistent with the Community Vision reflecting the input received indicating the community's satisfaction with the

community the way it is. Key elements of the vision are to maintain the rural character of the community, and to ensure that new businesses support the needs of residents.

Strategies

- The County should adopt plan policies and ordinances that meet the state Unincorporated Community Rule codified as Oregon Administrative Rule OAR 660-022-0000 through 0070.
 - Burlington should be designated and planned as a Rural Community because it is composed primarily of permanent residential uses with at least two other land uses present (such as commercial, industrial or public uses).
 - Revise the Rural Center zoning ordinance to reflect the needs of the Burlington community consistent with the Division 22 OAR for Unincorporated Communities.

Commercial and Industrial Development

POLICY 7:

New commercial and industrial uses within the Burlington Rural Community need to be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule and to be consistent with the rural nature of the community. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Burlington Community.

Strategies

- Multnomah County will update county codes to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary (UGB), the plan does not justify new uses that are larger than the small-scale, low impact limits in the State Rule.
 - Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
 - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 10,000 square feet and to approval criteria in the ordinance.
- Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not result in public health hazards or adverse environmental impacts.
- The County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of existing water supply and waste disposal services.
- The County will ensure that new and expanded commercial or industrial uses are subject to Design Review in order to ensure compatibility with the community character and vision.

Residential Development

POLICY 8:

Maintain existing density allowed under current zoning.

Strategies

- The County will update the zoning ordinance to implement the Unincorporated Communities Rule for consistency for residential development while maintaining existing density allowed currently.
- Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through a conditional use process and design review.
- The zoning code for new residential parcels in the Rural Center will be at least two acres in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

Design

POLICY 9:

Accommodate the changing conditions within the Burlington community while preserving their rural function and appearance

Strategies

- The County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing developments to help preserve the rural character of the area.

Transportation

POLICY 10:

Enhance all modes of travel in a manner consistent with the rural character of the Burlington Community.

Strategies

- Provide pedestrian and bicycle access throughout the Burlington Community consistent with the rural character of the area.
- Review the existing parking standards to ensure sufficient parking is provided to meet demand.

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Section 2. The Burlington Community Plan Document attached as Exhibit B and the Zoning Map attached as Exhibit C are adopted as a portion of the Multnomah County Comprehensive Framework Plan.

Section 3. The following Sectional Zoning Maps are amended to show the areas designated as Burlington Rural Center as shown on Exhibit C: 36 and 48.

Section 4. MCC 33.0005 is 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.

* * * * *

Small-scale Low Impact Commercial or Industrial Use - As used in the rural community Burlington, these terms have the following meanings:

(a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

(b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 10,000 square feet of floor space with a maximum footprint of 5,000 square feet.

* * * * *

Section 5. MCC 33.3300- is amended as follows:

BURLINGTON RURAL CENTER - BRC

33.3300- Purpose

The purposes of the Burlington Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.

Section 6. MCC 33.3305 is amended as follows:

33.3305 Area Affected

MCC 33.3300 through 33.3385 shall apply to those lands designated BRC on the Multnomah County Zoning Map.

Section 7. MCC 33.3320 is amended as follows:

33.3320 Allowed Uses

(A) Farm use, as defined in ORS 215.203(2)(a), for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 33.3330. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(B) The propagation or harvesting of forest products.

(C) Residential use consisting of a single family dwelling constructed on a Lot of Record or a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:.

(1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.

(2) The dwelling shall be attached to a foundation for which a building permit has been obtained.

(3) The dwelling shall have a minimum floor area of 600 square feet.

(D) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

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Section 8. MCC 33.3325 is amended as follows:

33.3325 Review Uses

(A) Temporary uses when approved pursuant to MCC 33.0510 and 33.0515.

(B) Wholesale or retails sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC 33.0785 and 33.0790.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 33.3360.

(E) Placement of structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(F) Lots of Exception pursuant to the provisions of MCC 33.3360.

(G) Wireless communication facilities that employ concealment technology or co-location as described in MCC 33.6177(B) pursuant to the applicable approval criteria of MCC 33.6175 through 33.6188.

(H) Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.3320 Allowed Uses.

Section 9. MCC 33.3330 is amended as follows:

33.3330 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 33.0005.

(A) Community Service Uses pursuant to the provisions of MCC 33.6000 through 33.6230.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 33.6300 through 33.6660:

(1) Rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including;

- (a) Automobile Repair,
- (b) Restaurant,
- (c) Tavern
- (d) Professional Office,
- (e) Garden supply store,
- (f) Hardware store,
- (g) Retail bakery,
- (h) Service station,
- (i) Hair salon,
- (j) Electronic media rental (i.e. DVD),

(2) The following industrial uses conducted within an enclosed building that entail the manufacturing and processing of:

- (a) Apparel and other finished products made from fabric;
- (b) Millwork, veneer, plywood, and structural wood members;
- (c) Wood containers;
- (d) Wood products, not elsewhere classified;
- (e) Furniture and fixtures;
- (f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;
- (g) Fabricated metal products;
- (h) Household appliances;
- (i) Electric lighting and wiring equipment;

- (j) Communications equipment;
 - (k) Electronic components and accessories;
 - (l) Motor vehicle parts and accessories;
 - (m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;
 - (n) Food and kindred products.
- (3) Commercial processing of agricultural or forestry products primarily grown in the vicinity.
- (C) Existing legally established small-scale low impact industrial uses may be expanded up to a daily total of 40 employees, based on findings that:
- (1) The proposed expansion is a result of normal growth of the existing use and not required as a result of diversification of the business;
 - (2) The use provides a public benefit to the rural center by employing primarily persons who reside within the rural center or surrounding rural area, and this same employment pattern will continue with the proposed expansion;
 - (3) The proposed expansion satisfies the applicable elements of Comprehensive Framework Plan Policies:
 - (a) No. 20 – Arrangement of Land Uses;
 - (b) No. 30 – Industrial Location (Isolated Light Industrial);
 - (c) No. 36 – Transportation System Development Requirements;
 - (d) No. 37 – Utilities; and
 - (e) No. 38 – Facilities.
 - (4) The proposed expansion satisfies the Design Review provisions of MCC 33.7000 through 33.7070.

(D) Type B home occupation as provided for in MCC 33.6650.

Section 10. MCC 33.3355 is amended as follows:

33.3355 Dimensional Requirements

- (A) Except as provided in MCC 33.3360, 33.3370, 33.3375 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be two acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.
- (C) Minimum Yard Dimensions – Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the contiguous ownership.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 400 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

(H) New, replacement or expansion of existing industrial use buildings shall minimize stormwater drainage impacts by limiting the footprint of the building or buildings to 5,000 square feet of the maximum 10,000 square feet.

Section 11. MCC 33.3380 is amended as follows:

33.3380 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220 except as identified below for Review Uses and Conditional Uses.

New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:

(A) Surfacing:

(1) All areas used for parking, loading or maneuvering of vehicles shall either be hard surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds, or shall be surfaced with a gravel mix, wherein the fine particles are removed at the

production yard, that provides a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(2) Approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

(B) A stormwater drainage system shall be installed for parking lots, that is designed and certified by an Oregon Registered Professional Engineer to ensure that the rate of runoff at the property line for the 10 year 24 hour storm event is no greater than that which existed prior to development.

(C) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

Section 12. All references to RC within the Multnomah County Code and other county documents relating to the Burlington Community must be changed to BRC as appropriate.

PART II – EAST OF SANDY RIVER RURAL AREA PLAN - SPRINGDALE RURAL CENTER

Section 13. The Rural Center section of the East of Sandy River Rural Area Plan, a portion of the Comprehensive Framework Plan, is amended as follows, and the policies will be renumbered as shown on the attached Exhibit D:

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SPRINGDALE RURAL CENTER

The Rural Center zoning district applies to approximately 73 acres in the Springdale Community, along the Historic Columbia River Highway. This district is intended to encourage concentrations of rural residential development, together with limited local and tourist commercial uses, light industrial uses, and public service uses and centers such as churches, fire stations, schools, etc. ~~The Springdale rural center currently has 55 existing residences with 12 vacant and developable parcels.~~ Springdale is comprised of 81 parcels. Existing uses include 57 residences, 6 commercial uses, and 3 public uses. There are 15 vacant parcels that are either in agricultural use, parking areas, back yards of residences or just simply public uses that include the Fire District #14 fire station, county owned property occupied by Multnomah County Road Services, and the currently closed Springdale Elementary School. ~~The rural center also contains several commercial uses and other community serving uses, including two churches, a fire station, a County road shop, and until 1995 the Springdale Elementary School (now closed).~~

The Springdale Rural Center zoning district permits residences and under a hearing's officer's decision may permit 1) limited rural service commercial uses such as local stores, shops, offices, repair shops and similar uses, 2) tourist commercial uses such as restaurants, taverns, gas stations, motels, guest ranches, and similar uses, ~~3) light manufacturing uses that employ fewer than 20 people,~~ 3) commercial processing of agricultural or forestry products primarily grown in the vicinity, and ~~5) 4) community service uses such as schools and churches.~~ All new lots must be at least one acre in size.

Multnomah County originally analyzed the Springdale Community in the 1981 Rural Centers Study, which was not adopted as an ordinance by the Board of Commissioners. That study did not identify any significant problems in the provision of water, fire, or school service to the community, nor any specific problems with on-site sewage disposal systems. Local service providers indicate that there are still no problems with service provisions. The study noted that

about 40% of the land area of the Springdale rural center was vacant, either in agricultural use, or as back lots of residences. The study noted that Springdale was at a relative disadvantage to Corbett as a site for rural community-serving and commercial uses because of Corbett's larger size, more central location, and flatter topography. Since then, Springdale has not experienced significant new non-residential development. Problems identified in 1981 included a lack of off-street parking for commercial and community-serving uses, and the fact that if a commercial building is vacant for more than one year the new tenant must obtain a new conditional use permit from the County before establishing a business.

Based upon the amount of vacant land and the lack of new development within the past 15 years, the current size of the Springdale Rural Center is adequate and no expansion should be studied unless new development within the existing Rural Center boundaries justifies an analysis. Disposition and re-use of the Springdale School site will be a key issue in Springdale in the near future.

It should be noted that Corbett was originally a rural center designated by the Multnomah County Comprehensive Framework Plan, but is now part of the Columbia Gorge National Scenic Area, where it is also designated as a rural center. Planning for the Corbett Rural Center occurs within the Columbia Gorge National Scenic Area Management Plan review process. It contains a greater variety of land uses than the Springdale Rural Center. Planning for the Corbett Rural Center will occur within the Columbia Gorge National Scenic Area Management Plan review process.

Rural Center Policies

13. Encourage commercial and civic uses that serve local needs within the Springdale rural center.

STRATEGY: Multnomah County shall implement this policy through the review process for conditional commercial and civic uses within Springdale.

14. Study reuse of the closed Springdale Elementary School as a possible multi-purpose community and cultural center.

STRATEGY: Multnomah County shall consider the results of a re-use study during the review any conditional use permit proposing re-use of the Springdale Elementary School site.

~~15. Consider additional community and economic development planning for the Corbett Rural Center as part of a review of the National Scenic Area by Multnomah County.~~

STRATEGY: ~~Subsequent to the completion of this plan, Multnomah County shall include a review of land use issues regarding farm lands in the Columbia Gorge National Scenic Area as part of the Division of Transportation and Land Use Planning work program.~~

15. Implement a Plan for the Springdale Community that considers the input received from the community indicating the community's satisfaction with the existing community the way it is. Key elements of the community input are to maintain the rural character of the community, and to ensure that new businesses support the needs of residents and tourism.

Strategies

The County should adopt plan policies and ordinances that meet the state Unincorporated Community Rule codified as Oregon Administrative Rule OAR 660-022-0000 through 0070.

- Springdale should be designated and planned as a Rural Community (RC) because it is composed primarily of permanent residential uses with at least two other land uses present (such as commercial, industrial or public uses).
- Revise the RC zoning ordinance to reflect the needs of the Springdale community consistent with the Division 22 OAR for Unincorporated Communities.

Ensure that new or expanding uses minimize impacts to Exclusive Farm Use (EFU) zoned land that is adjacent to the RC zone by requiring “right to farm” measures to be implemented. These measures can be in the form of maintaining a larger setback between the new development and the zone boundary and/or requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.

Commercial and Industrial Development

16. New commercial and industrial uses within the Springdale Rural Community will be small-scale and low impact in nature as defined by the State Unincorporated Communities Rule. These uses will not adversely impact agriculture or forestry uses and will reinforce the rural nature of the Springdale Community.

Strategies

- Multnomah County will update county codes to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary (UGB), the plan does not justify new uses that are larger than the small-scale, low impact limits in the State Rule.
 - Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
 - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 15,000 square feet and to approval criteria in the ordinance.
- Multnomah County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not result in public health hazards or adverse environmental impacts.
- The County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of existing water supply and waste disposal services through the inclusion of development standards.
- The County will ensure that new and expanded commercial or industrial uses are subject to Design Review in order to ensure compatibility with the community character and vision.
- Multnomah County will develop zoning ordinance standards for lot coverage of commercial and industrial development that allow adequate development area while ensuring the rural character of these areas is retained.

Residential Development

17. New residential development within the Springdale Community will continue to reinforce the rural nature of the areas through the zoning code.

Strategies

- The County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development.
- Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through a conditional use process and design review.
- The zoning code for new residential parcels in the Rural Center will be at least one acre in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

Design

18. Accommodate the changing conditions within the Springdale community while preserving their rural function and appearance

Strategies

- The County should allow flexibility of setback and parking requirements to accommodate irregular lots and existing developments to help preserve the rural character of the area.

Transportation

19. Enhance all modes of travel in a manner consistent with the rural character of the Springdale Community.

Strategies

- Provide pedestrian and bicycle access to schools, transit and commercial activities within the Springdale Community consistent with the rural character of the area.
- Review the existing parking standards to ensure sufficient parking is provided to meet demand.

* * * * *

Section 14. The Springdale Community Plan Document attached as Exhibit E and the Zoning Map attached as Exhibit F are adopted as a portion of the Multnomah County Comprehensive Framework Plan.

Section 15. The following Sectional Zoning Maps are amended to show the areas designated as Springdale Rural Center as shown on Exhibit F: 656, 657, 672, and 675.

Section 16. MCC 35.0005 is amended as follows:

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.

* * * * *

Small-Scale Low Impact Commercial or Industrial Use - As used in the rural community of Springdale, these terms have the following meanings:

(a) A small-scale low impact commercial use is one which takes place in a building or buildings not exceeding 4,000 square feet of floor space.

(b) A small-scale low impact industrial use is one which takes place in a building or buildings not exceeding 15,000 square feet of floor space with a maximum footprint of 7,500 square feet.

* * * * *

Section 17. MCC 35.3300- is amended as follows:

SPRINGDALE RURAL CENTER - SRC

35.3300- Purpose

The purposes of the Springdale Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.

Section 18. MCC 35.3305 is amended as follows:

35.3305 Area Affected

MCC 35.3300 through 35.3385 shall apply to those lands designated SRC on the Multnomah County Zoning Map.

Section 19. MCC 35.3320 is amended as follows:

35.3320 Allowed Uses

(A) Farm use, as defined in ORS 215.203(2)(a), for the following purposes only:

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 35.3330. This subsection does not permit the raising of fowl or fur-bearing animals for sale, the keeping of swine, or a feed lot.

(B) The propagation or harvesting of forest products.

(C) Residential use consisting of a single family dwelling constructed on a Lot of Record or a single family dwelling constructed off-site, including a mobile or modular home placed on a Lot of Record, subject to the following conditions:

(1) Construction shall comply with the standards of the Building Code or as prescribed in ORS 446.002 through 446.200, relating to mobile homes.

(2) The dwelling shall be attached to a foundation for which a building permit has been obtained.

(3) The dwelling shall have a minimum floor area of 600 square feet.

(D) Public and private conservation areas and structures for the protection of water, soil, open space, forest and wildlife resources.

* * * * *

Section 20. MCC 35.3325 is amended as follows:

35.3325 Review Uses

(A) Temporary uses when approved pursuant to MCC 35.0510 and 35.0515.

(B) Wholesale or retails sales, limited to those products raised or grown on the premises, subject to the following condition:

The location and design of any building, stand, or sign in conjunction with wholesale or retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area; provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC 35.0785 and 35.0790.

(C) Off-street parking and loading;

(D) Property Line Adjustment pursuant to the provisions of MCC 35.3360.

(E) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(F) Lots of Exception pursuant to the provisions of MCC 35.3360.

(G) Wireless communication facilities that employ concealment technology or co-location as described in MCC 35.6177(B) pursuant to the applicable approval criteria of MCC 35.6175 through 35.6188.

(H) Consolidation of Parcels and Lots pursuant to MCC 35.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 35.7797.

(I) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 35.3320 Allowed Uses.

Section 21. MCC 35.3330 is amended as follows:

35.3330 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards. Commercial and industrial uses shall be limited to small-scale low impact as defined in MCC 35.0005.

(A) Community Service Uses pursuant to the provisions of MCC 35.6000 through 35.6230.

(B) The following small-scale low impact Conditional Uses pursuant to the provisions of MCC 35.6300 through 35.6660:

(1) Rural service commercial uses such as local stores, shops, offices, repair shops, and similar uses including;

- (a) Automobile Repair,
- (b) Restaurant,
- (c) Tavern
- (d) Professional Office,
- (e) Garden supply store,
- (f) Hardware store,
- (g) Retail bakery,
- (h) Service station,
- (i) Beauty and hair salon,
- (j) Electronic media rental (i.e. DVD, electronic games),

(2) The following industrial uses conducted within an enclosed building that entails the manufacturing and processing of:

- (a) Apparel and other finished products made from fabric;
- (b) Millwork, veneer, plywood, and structural wood members;
- (c) Wood containers;
- (d) Wood products, not elsewhere classified;
- (e) Furniture and fixtures;
- (f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;
- (g) Fabricated metal products;
- (h) Household appliances;
- (i) Electric lighting and wiring equipment;
- (j) Communications equipment;
- (k) Electronic components and accessories;
- (l) Motor vehicle parts and accessories;

(m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;

(n) Food and kindred products.

(3) Commercial or industrial uses allowable in the EFU or CFU district, and agricultural support services. These uses shall not be subject to the small-scale low impact requirement that defines the commercial or industrial uses of this section.

(C) Existing legally established small-scale low impact industrial uses may be expanded up to a daily total of 40 employees, based on findings that:

(1) The proposed expansion is a result of normal growth of the existing use and not required as a result of diversification of the business;

(2) The use provides a public benefit to the rural center by employing primarily persons who reside within the rural center or surrounding rural area, and this same employment pattern will continue with the proposed expansion;

(3) The proposed expansion satisfies the applicable elements of Comprehensive Framework Plan Policies:

(a) No. 20 – Arrangement of Land Uses;

(b) No.30 – Industrial Location (Isolated Light Industrial);

(c) No. 36 – Transportation System Development Requirements;

(d) No. 37 – Utilities; and

(e) No. 38 – Facilities.

(4) The proposed expansion satisfies the Design Review provisions of MCC 35.7000 through 35.7070.

(D) Type B home occupation as provided for in MCC 35.6650.

Section 22. MCC 35.3355 is amended as follows:

35.3355 Dimensional Requirements

(A) Except as provided in MCC 35.3360, 35.3370, 35.3375 and 35.4300 through 35.4360, the minimum lot size for new parcels or lots shall be one acre.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the contiguous ownership.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces that are greater than 400 square feet in area. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

(G) Grading and erosion control measures sufficient to ensure that visible or measurable erosion does not leave the site shall be maintained during development. A grading and erosion control permit shall be obtained for development that is subject to MCC Chapter 29.

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

(1) Recording a covenant that implements the provisions of the Oregon Right to Farm Law in ORS 30.936 where the farm use is on land in the EFU zone; or

(2) Where the farm use does not occur on land in the EFU zone, the owner shall record a covenant that states he recognizes and accepts that farm activities including tilling, spraying, harvesting, and farm management activities during irregular times, occur on adjacent property and in the general area.

(I) New, replacement or expansion of existing industrial use buildings shall minimize stormwater drainage impacts by limiting the footprint of the building or buildings to 7,500 square feet of the maximum 15,000 square feet.

Section 23. MCC 35.3380 is amended as follows:

35.3380 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC 35.4100 through 35.4220 except as identified below for Review Uses and Conditional Uses.

New, replacement or expansion of existing commercial, industrial, or community service developments shall minimize stormwater drainage impacts for off-street parking by:

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall either be hard surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds or shall be surfaced with a gravel mix, wherein the fine particles are removed at the production yard, that provides a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(2) Approaches to public rights-of-way shall be paved for a minimum distance of 21' from the fog line, or for a greater distance when required by the County Engineer.

(B) A stormwater drainage system, shall be installed for parking lots, that is designed and certified by an Oregon Registered Professional Engineer to ensure that the rate of runoff at the property line for the 10 year 24 hour storm event is no greater than that which existed prior to development.

(C) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

Section 24. All references to RC within the Multnomah County Code and other county documents relating to the Springdale Community must be changed to SRC as appropriate.

FIRST READING:

February 3, 2011

SECOND READING AND ADOPTION:

February 10, 2011

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

HENRY H. LAZENBY, JR., COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jed Tomkins, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT A

- The West Hills Rural Area Plan Policies are renumbered as follows

Old Policy Number	New Policy Number
Policy 1 to 5	No changes
6	6 (new policy)
7	7 (new policy)
8	8 (new policy)
9	9 (new policy)
10	10 (new policy)
6	11
7	12
8	13
9	14
10	15
11	16
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EXHIBIT D

- The East of Sandy River Rural Area Plan Policies are renumbered as follows

Old Policy Number	New Policy Number
Policy 1 to 14	No changes
15 (deleted old policy)	15 (new policy)
16	16 (new policy)
17	17 (new policy)
18	18 (new policy)
19	19 (new policy)
16	20
17	21
18	22
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34	38

Old Policy Number	New Policy Number
35	39
36	40
37	41
38	42
39	43
40	44
41	45
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46	50
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