

Burlington Unincorporated Community Plan



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I. Background

a. Location and Community Description

Burlington is a small rural community located approximately 2.5 miles from the city of Portland, and is located along Highway 30. 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 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. Property beyond the Burlington Northern Astoria Line railroad tracks to the northeast is subject to flooding from high water levels in Multnomah Channel. This area is outside the Burlington Community Boundary.



b. Planning for Unincorporated Communities

In December of 1994, the State of Oregon's Land Conservation Development Commission (LCDC) adopted Oregon Administrative Rule (OAR) Chapter 660, Division 22, or the Unincorporated Communities Rule (the "Rule"). The Rule provides a framework for counties to use in identifying and designating unincorporated communities outside established Urban Growth Boundaries (UGB), and establishes planning rules for unincorporated communities pertaining to development standards, allowed land uses and public facilities.

New state rules affecting the Rural Center have been implemented since the County's last plan was prepared. These new regulations are referred to as the Unincorporated Communities Rule as discussed above. Due to the characteristics of the Burlington Rural Center area, county staff has

determined that it should be designated as a “Rural Community”. As defined by the state rule a Rural Community is one that consists of primarily of permanent residential dwellings, with at least two other land uses present, such as commercial, industrial or public uses. Specific provisions for a Rural Community require that the County adopt rural community zoning designations for the uses within the area. The type and extent of specific uses permitted are subject to provisions outlined in the Rule.

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. The established Rural Center zoning district applied to approximately 30 acres for the Burlington Community. This zoning 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 state Unincorporated Communities Rule (OAR 660-022) requires counties to adopt land use and zoning measures specific to unincorporated communities in order to ensure that cumulative development in the communities will not:

- Result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations, or
- Exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

The Unincorporated Communities Rule limits the types of land that can be included in an officially designated Unincorporated Community. Lands identified as “exception areas” (i.e., rural lands that are zoned for commercial, industrial or residential use, not farm or forest use) can be included if they have historically been considered part of the community. The land included must represent a “contiguous concentration” of commercial, industrial, public use, or residential land. Residential land to be included must be of a greater density than residential exception lands that are outside of identified Unincorporated Communities. Further, the designated community must have been identified in a county’s acknowledged comprehensive plan as a “rural community,” “service center,” “rural center,” “resort community,” or similar term before the adoption of the Rule (October 28, 1994), or the community is listed in the Department of Land Conservation and Development’s January 30, 1997 “Survey of Oregon’s Unincorporated Communities.”

Land zoned for farm or forest use may only be included in the Unincorporated Community if it is adjacent to exception lands included in the community boundary and was occupied on October 28, 1994 (the date of the Unincorporated Community Rule) by one or more of the following public uses: church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility.

The Burlington Unincorporated Community is consistent with these requirements. The community boundary encircles a contiguous area of “exception land,” specifically properties that are currently zoned Rural Center. Additionally, the proposed boundary does not include any properties which are currently zoned Commercial Forest Use-2 (CFU-2), Commercial Forest Use-1 (CFU-1), or exception lands such as Multiple Use Agriculture-20 (MUA-20) low density residential land.

c. Plan Process

Multnomah County Land Use Planning formulated a process preparing for the Burlington Unincorporated Community Plan and completing the unincorporated community planning requirements for the State Rule. The process included public outreach with a series of three public meetings held in the community, and distribution of a community survey to gather community input. The results of these meetings and community input are provided in the Appendices of this plan.

As part of the planning project, the following tasks were undertaken:

- Identified the community boundary recognizing the extent of the established Rural Center zoning boundary
- Inventoried and analyzed data and information about the community related to the existing land uses, available public services, parcel sizes, and current plan policies and zoning regulations
- Reviewed the characteristics of the community and existing zoning regulations for consistency with the State Rule

A series of three public meetings were held in the community. An introductory meeting was held on April 27th, 2010 where approximately 15 citizens attended. During this introductory meeting, staff introduced the project, explained the goals of the project, went over the state rule, and covered the process. In addition, a community survey was distributed asking the community what they liked about their community, what issues were important to the community, and what suggestions they have for improving their community. During the meeting staff also led a large group discussion with the attendees gathering community input on the same three questions asked on the survey.

The second community meeting was held on June 30, 2010. During this meeting staff distributed drafts of the Community Plan and Policies, and proposed Zoning changes. These three documents were handed out and discussed during the meeting which had approximately five members of the public in attendance. Electronic copies of the documents were also made available for download on the project website. Comments were encouraged and collected, and were due by July 14th, 2010. In addition, staff distributed a Memo addressing the community comments received and raised during the first meeting. This memo addressed questions and comments received regarding the community boundary, septic requirements and small lots, lack of services such as a grocery store, gas station, and restaurant in the community, bus service, and transportation concerns regarding Highway 30.

The third community meeting is scheduled for September 14, 2010. Staff will bring the revised proposed drafts of the Community Plan, Policies and Zoning. Multnomah County Land Use Planning has been working on putting together land use and zoning plans for the Burlington community after the second community meeting in June. We've considered over the input received during the community meetings held on April 27 and June 30th, in addition to the input received from the community surveys. Staff has taken this information and has combined this with the information gathered by staff for the community inventory with the goal being to better understand your community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines.

II. Land Use Planning

a. Land Use

In order to determine the appropriate designation for the Burlington area consistent with the Rule, county staff conducted a parcel-by-parcel inventory of the area. The inventory included an analysis of County Assessment Data, site visits, and inspections of aerial photographs. In addition, staff conducted an inventory and observation of area businesses. The findings from this inventory are illustrated in Maps 1, 2, and 6, which appears at the end of this report. Information on land uses are also provided in Table 1 below, which illustrates the types and acreage of land inventoried.

Burlington is comprised of 40 parcels. A majority of the acreage is in Single Family Use, with a small number in commercial use or vacant land. Existing uses include 22 residences, and 3 commercial uses.

Burlington

Table 1

| | | LANDUSE DESIGNATION | | | |
|-------------------------------|-------------------|---------------------|-------------------------------|---------|-------------|
| Range of Parcel Sizes (Acres) | Data | Commercial | SFR (Single Family Residence) | Vacant | Grand Total |
| 0.0-.5 | Total Acres | 0.36 ac | 3.69 ac | 1.81 ac | 5.86 ac |
| | Number of Parcels | 2 | 17 | 13 | 32 |
| .51-1.99 | Total Acres | 1.04 | 3.84 ac | 0 | 4.88 ac |
| | Number of Parcels | 2 | 5 | 0 | 7 |
| 2.00-11.00 | Total Acres | 10.99 | 0 | 0 | 10.99 |
| | Number of Parcels | 1 | 0 | 0 | 1 |
| Total Acres | | 12.39 | 7.53 | 1.81 | 21.73 |
| Number of Parcels | | 5 | 22 | 13 | 40 |

*Doesn't include acreage in right-of-way
 Updated 4/22/10

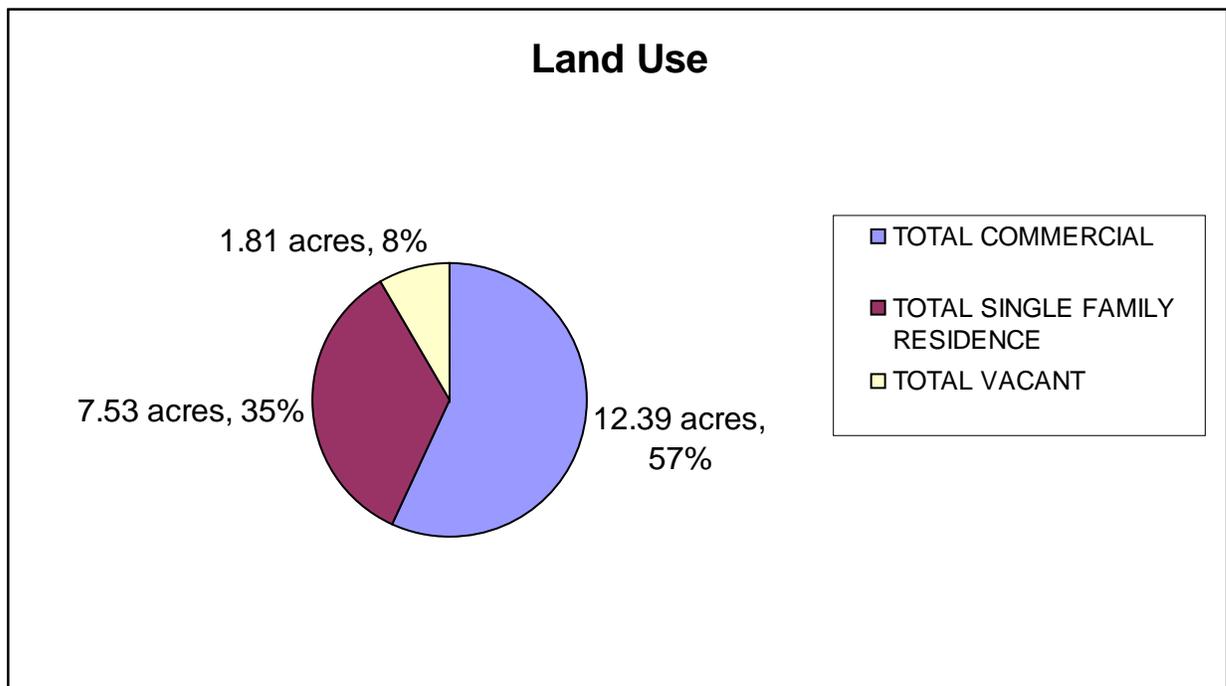


Chart 1: Land Use Acres and Percentages

None of the parcels within the community boundary are in a farm or forest tax deferral program. A total of 37.7 acres is located within the identified community boundary, with 21.73 acres of which is private property, minus the public right-of-way. A vast majority of the land within Burlington has been divided into lots or parcels of less than two acres, with the only parcel larger than two acres being the NARA Facility parcel at 10.99 acres. Most of the lots in the Community of Burlington were created by 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 zoned as commercial forest lands. Most of the Burlington Subdivision, lots are located outside of the existing rural center boundary and most are owned by Metro.

b. Zoning and Development Requirements

Residential Uses

The Unincorporated Communities Rule identifies that county plans and regulations may permit any residential use and density as long as the density of residential development is greater than that of surrounding rural areas, and as long as it will not exceed the carrying capacity of the soil for waste disposal and of existing water supply resources.

Residential uses are permitted outright in the current Rural Center (RC) zoning designation for the area. Under the zoning regulations the minimum lot size for new parcels or lots shall be one acre for lands inside the boundary of an “acknowledged unincorporated community.” Dimensional requirements consist of front, side, and rear setback requirements. Listed Conditional Uses include more intensive commercial and industrial uses require demonstration of adequate parcel size for approval.

Commercial Uses

The Unincorporated Communities Rule sets restrictions on the size and type of commercial uses that counties may allow in unincorporated communities. Specifically, the rule allows new commercial uses that are:

- Authorized under Goals 3 (Agricultural Lands) or 4 (Forest Lands);
- Considered “small-scale” and “low-impact;” or
- Intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

In rural unincorporated communities, a commercial use is considered “small-scale, low-impact” if it takes place “in a building or buildings not exceeding 4,000 square feet of floor space.” Additionally, hotels and motels of up to 35 units may be authorized in any unincorporated community that is at least 10 miles from any urban growth boundary bordering Interstate Highway 5 and is served by a community sewer system. In this instance, the Burlington Community doesn’t fit this criterion and therefore the zoning regulation will need be revised to not allow development of hotels and motels. Currently, the only commercial uses that are permitted outright in the Rural Center zone are farming and forestry uses and home occupations. Other uses are permitted only as a

Review Use or Conditional Use. Listed Review Uses are limited to wholesale and retail sales of products raised or grown in the area, with the location and building standards subject to review and permits. Conditional Uses in the Rural Center zone include local stores, shops, offices, repair shops, restaurants, and gas stations.

Industrial Uses

Per the State guidelines for Rural Communities, permitted industrial uses include:

- Uses authorized under Goals 3 and 4 (farm or forest related);
- Expansion of a use legally existing on the date of this rule (December 5, 1994);
- Small-scale, low-impact uses;
- Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a), such as geothermal wells, mineral or aggregate deposits, water reservoirs and natural features; or
- New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage.

Uses that are more intensive than those identified above may be allowed provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

1. That such uses are necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
2. That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
3. That the determination of the work force of the community and surrounding rural area considers the total industrial and commercial employment in the community and is coordinated with employment projections for nearby urban growth boundaries.

Current county zoning permits light industrial activities as a Conditional Use. These uses should require no more than 20 daily employees and include uses such as wholesale distribution of bakery goods, photo processing, building maintenance, and automobile repair work. Uses may be expanded up to 40 daily employees when it is found that the use:

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:
 - No. 20 – Arrangement of Land Uses;
 - No. 30 – Industrial Location (Isolated Light Industrial);
 - No. 36 – Transportation System Development Requirements;
 - No. 37 – Utilities; and
 - No. 38 – Facilities
 4. The proposed expansion satisfies the Design Review provisions of County Code.
-

c. Potential Growth Scenario

Under the identified zoning regulations of Multnomah County Code 35.3355 for the Rural Center Zone the minimum lot size for new parcels or lots shall be one acre for lands inside the boundary of an “acknowledged unincorporated community.”

As an “acknowledged unincorporated community,” one parcel that could possibly be further divided to one acre lots has been identified as part of the land use inventory and analysis. Under this scenario the 10.99 acres parcel could potentially be further divided into one acre lots for a potential of 10 additional lots, contingent on being able to meet county code requirements, including on-site septic requirements.

III. Public Facilities

OAR 660-022-0050 requires that unincorporated community plans assess the capacity of the local public facility infrastructure (i.e., sewer system or septic conditions, water, and transportation systems), and determine if they will be adequate to serve future growth anticipated or planned in the unincorporated community. If the public facilities are found to be inadequate to serve future growth, then the unincorporated plan must identify the improvements needed to accommodate the growth and establish a procedure to limit growth in the community until the necessary public facility improvements have been made.

a. On-Site Sewage Conditions

The Burlington area is not served by a community sewer district or system. All wastewater treatment in the area is accomplished through on-site septic systems. The Unincorporated Communities Rule requires counties to adopt public facilities plans for unincorporated communities with a population over 2,500. The current population of the area is significantly smaller than this; therefore this criterion does not apply.

The Rule further requires that sewer and water community public facility plans are required in any of the following circumstances:

- Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or
- The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or
- The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or
- Land in the community has been declared a health hazard or has a history of failing septic systems or wells.

The land use and density analysis conducted finds that a minimal number of lots could potentially be developed under the zoning standard of a one acre minimum lot size. All new parcels would have to be served with on-site septic and reviewed to meet the Department of Environmental Quality

standards and stormwater control systems designed by an Oregon Registered Engineer to meet a standard of no increase of off property flow for up to 10 year 24 hour storm event. Two main factors will influence the growth potential of the area, one being the desire to develop the parcels, and the other being the ability to support an on-site septic system and control stormwater on-site. In considering these factors, the potential for additional growth may be limited.

In taking a look at these factors, staff determined that a public facility plan is not needed for the Burlington Community. The size and location would require a costly system to serve a small number of lots in the area. Review of the area's carrying capacity is already being reviewed by the City of Portland Bureau of Development Services Sanitation and Site Development Office with the office being able to deny or approve building permits based on percolation tests and site inspections. County requirements currently address stormwater management, and the area is served by the Burlington Water District.

b. Water System

The Burlington area is served by the Burlington Water District. Community input indicates no issues with the service.

c. Transportation System

The Rule requires that county plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c), requiring that where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided consistent with OAR 660-012-0060(2) to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. As identified in the State Guidelines a plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

According to county policies and zoning regulations in place, results from the community inventory and analysis, and staff discussions with the Oregon Department of Transportation, it is found that the

Rural Community Plan for the Burlington Community will not affect the existing or planned transportation facilities. According to ODOT staff and county transportation plan road classifications roads in the area are adequate to accommodate existing and future traffic levels. State Highway 30 and Cornelius Pass Rd. provide major access to Burlington. The remaining roads in the area, Burlington, and Wapato provide access to homes and properties abutting them. Many "paper" roads, unbuilt and in some cases unbuildable, criss-cross the area. Burlington and Wapato are classified as Rural Local Roads and are addressed in the county policies. Highway 30 is addressed as part of the Oregon Highway Plan administered by the Oregon Department of Transportation (ODOT). Improvements to existing local streets and/or construction of new internal local streets to support specific developments could be required as part of a future subdivision approval process and would be addressed on a site-specific basis.

IV. Appendices

Appendix 1: Zoning

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.

* * * * *

BURLINGTON RURAL CENTER - BRC

33.3300- Purpose

~~The purposes of the Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with limited local and tourist commercial uses which satisfy area and regional needs; to provide for local employment through light industrial uses consistent with rural character and to manage the location and extent of public service centers and limit the extension of public services.~~

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 1. 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 2. 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.

* * * * *

Section 3. MCC 33.3325 is amended as follows:

33.3325 Review Uses

~~(A) Residential use, consisting of 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.~~

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

(~~CB~~) Wholesale or retail 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.

(~~DC~~) Off-street parking and loading;

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

(~~FE~~) 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.

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

(~~HG~~) 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.

(~~J~~) 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 4. 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.

(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) The following Light Manufacturing Uses conducted within an enclosed building which require the daily employment of twenty or fewer persons;~~

~~(a) The manufacture, compounding, processing, packaging, treatment, storage or wholesale distribution of such products as bakery goods, fruits, vegetables, sea foods, dairy products, candy, confections, beverages including brewing and bottling, miscellaneous food products, ice and cold storage plant, drugs, pharmaceuticals, perfumes, toilet soaps, toiletries, barber and beauty supplies, and similar items, but not sauerkraut, vinegar or pickles manufacture;~~

~~(b) The manufacture, compounding, assembling, treatment, storage or wholesale distribution of articles or merchandise from previously prepared materials such as bone, cellophane, canvas, cloth, cork, feathers, felt, fur, glass, hair, foam, lacquer, leather (but not tanning), paper or paperboard, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (except as provided in the GM and HM districts), yarns and paints;~~

~~(c) The manufacture, assembly, packaging, repair, storage or wholesale distribution of articles such as electrical appliances, lighting and communication equipment, electronic, radio or television equipment, parts or accessories, professional, scientific, optical, photographic or controlling instruments, amusement devices, small parts assembly, jewelry, musical instruments, toys, sporting goods, novelties, rubber or metal stamps;~~

~~(d) The manufacture, finishing, refinishing, repair, storage or wholesale distribution of furniture, office or store fixtures, small boats, upholstery, cabinets, office, computing or accounting machines, electric and neon signs, billboards and other signs;~~

~~(e) Business, professional, executive, administrative, wholesale, contractor or similar office, clinic, service or studio, trade, business or commercial school, research, experimental or testing laboratory;~~

~~(f) Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting, or photo processing;~~

~~(g) Building, building maintenance, plumbing, electrical, heating, roofing, glass, landscaping, painting or similar contractor's office, shop, warehouse, equipment sales or maintenance;~~

~~(h) Retail or wholesale lumber, building materials, garden supplies sales and tools, or small equipment sales, rental, repair or servicing;~~

~~(i) Laundry for carpets, uniforms, linens, rags, rugs and similar items, dyeing plant, dry cleaning not using explosive or inflammable materials;~~

~~(j) Automobile, light truck, motorcycle and recreational vehicle repair or maintenance, body and fender work, painting, parts and glass replacement, upholstery, engine, radiator or battery rebuilding, tire recapping, commercial, industrial or fleet vehicle parking and auto detailing;~~

~~(k) Metal or sheet metal shop, ornamental iron works, welding, blacksmithing, electroplating, tool and hardware manufacture, machine shop not using a drop hammer or large capacity punch press;~~

~~(l) Warehouse, furniture and household goods storage, moving equipment rental, distribution plant, parcel delivery, wholesaling of durable and non-durable goods, light and heavy equipment sales, rental or repair, fuel and ice distribution;~~

~~(m) Manufacture of non-structural clay products, ornamental clay, concrete, plaster or plastics casting, stone and purchased glass products cutting, polishing or installation; and~~

~~(n) Collection, recycling, sorting, baling or processing of previously used materials such as rags, paper, metals, glass or plastics;~~

(43) Commercial processing of agricultural or forestry products primarily grown in the vicinity.

~~(C) Planned Development pursuant to the provisions of MCC 33.4300 through 33.4360. If the property is outside of an “acknowledged unincorporated community”, then the applicable current “planned unit development” standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.~~

(DC) Existing legally established small-scale low impact light industrial uses ~~permitted by MCC 33.3330 (B) (3)~~ 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.

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

~~(F) Large Fills as provided for in MCC 33.6700. through 33.6720.~~

Section 5. 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 ~~one two acres. for those RC zoned lands inside the boundary of an “acknowledged unincorporated community”.~~ For RC zoned properties outside an “acknowledged unincorporated community” the minimum lot size is two acres except for those properties within one mile of the Urban Growth Boundary and then the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

(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 6. 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 ~~all areas used for parking, loading or maneuvering of vehicles~~ shall be surfaced with a gravel "mix," wherein the fine particles are removed at the production yard, ~~that~~ which 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.

Appendix 2: Policies

WEST HILLS RURAL AREA PLAN – BURLINGTON RURAL CENTER

* * * * *

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.~~

* * * * *

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:

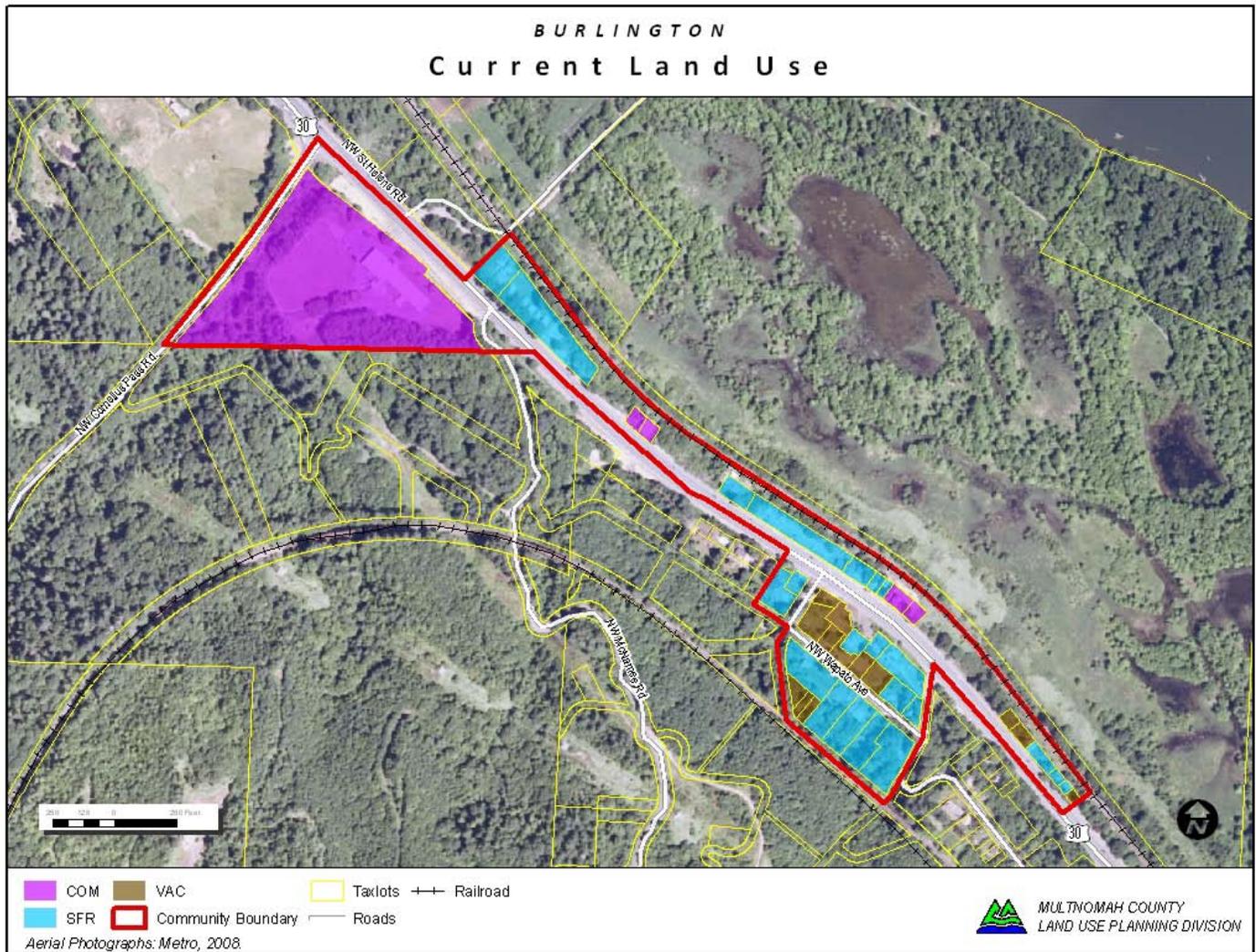
Enhance all modes of travel in a manner consistent with the rural character of the Burlington Community.

Strategies

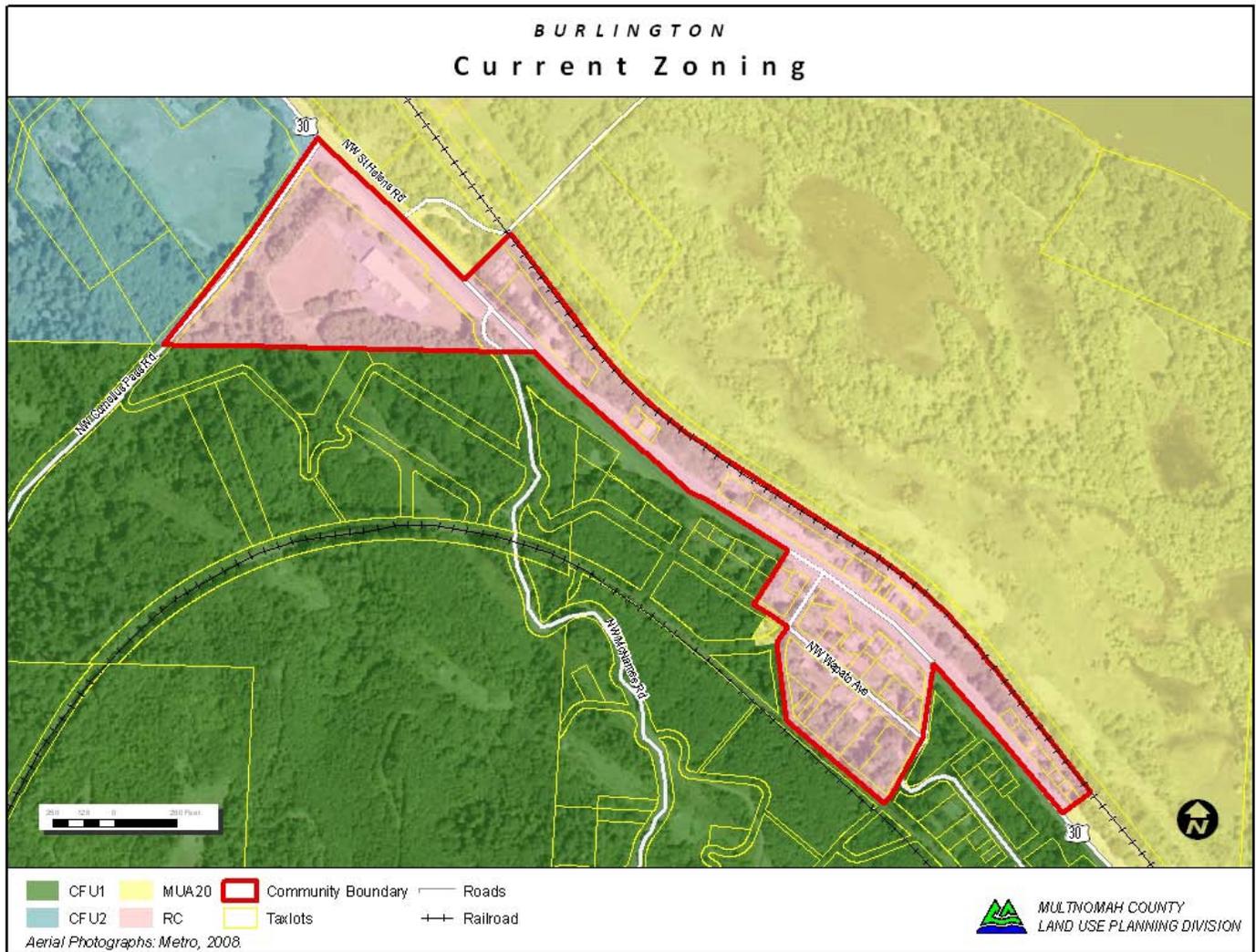
- Provide pedestrian and bicycle access throughout the Burlington Community consistent with the rural character of the area.
- Review the existing parking standards to ensure sufficient parking is provided to meet demand.

* * * * *

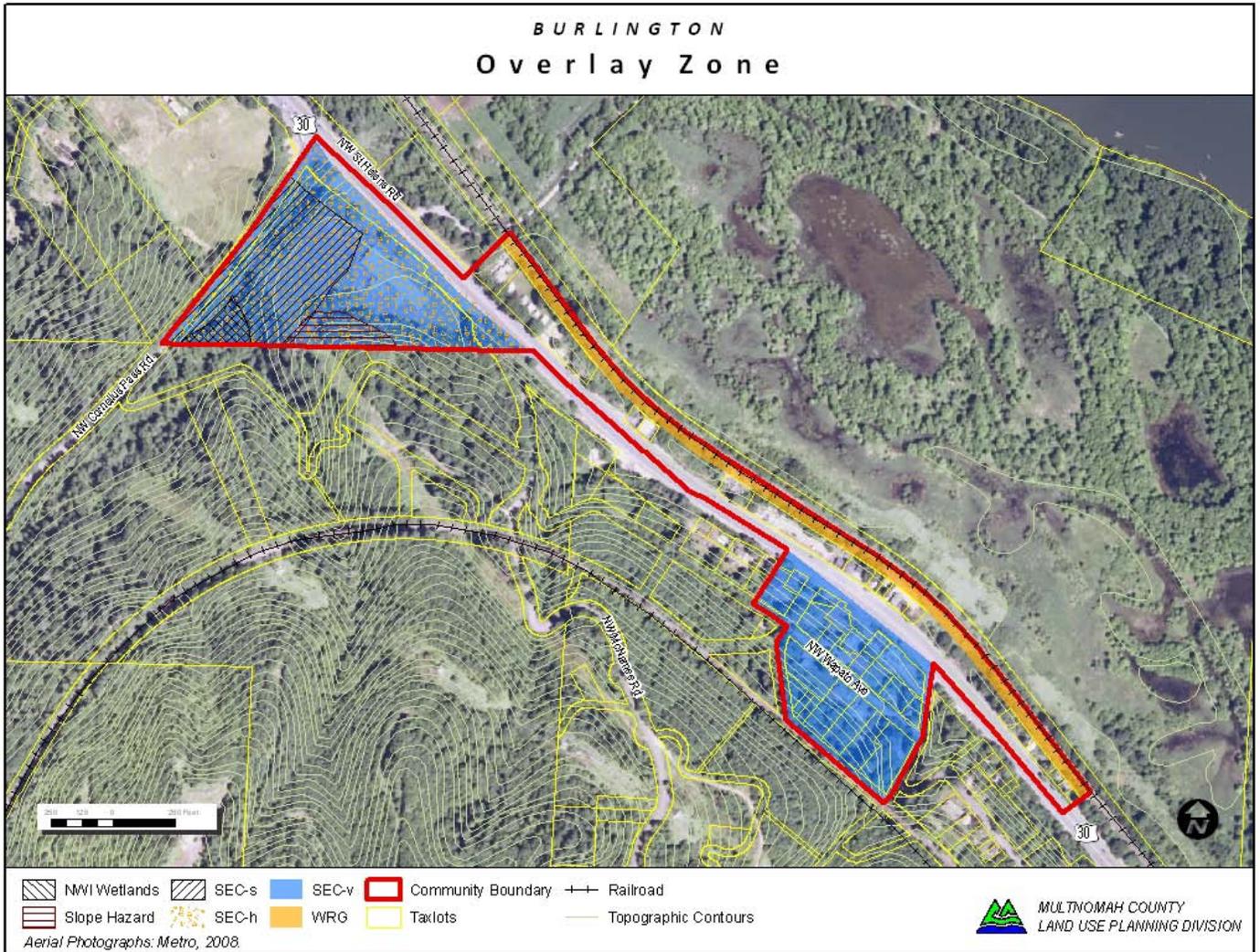
Map 2: Land Use



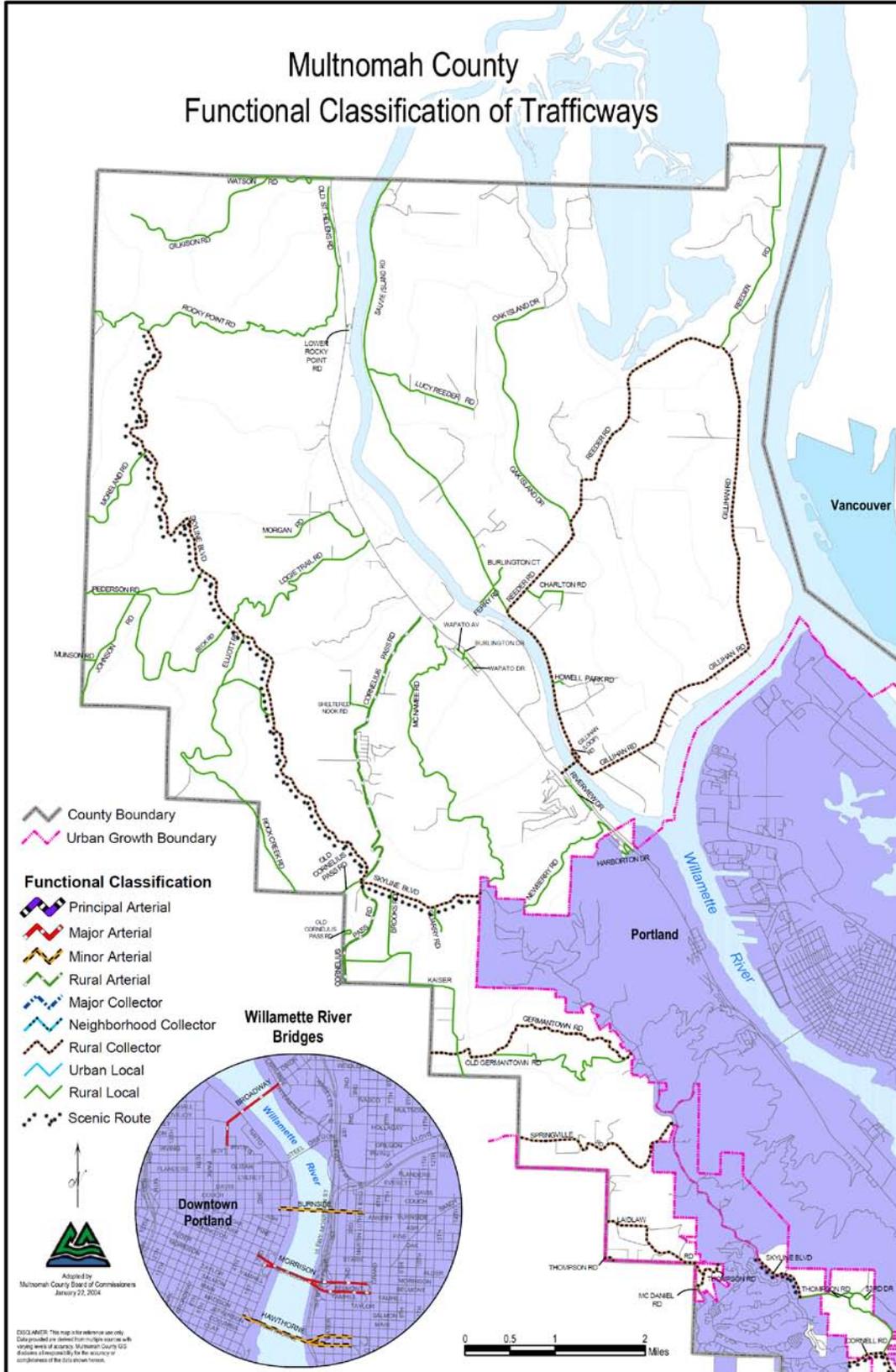
Map 3: Zoning



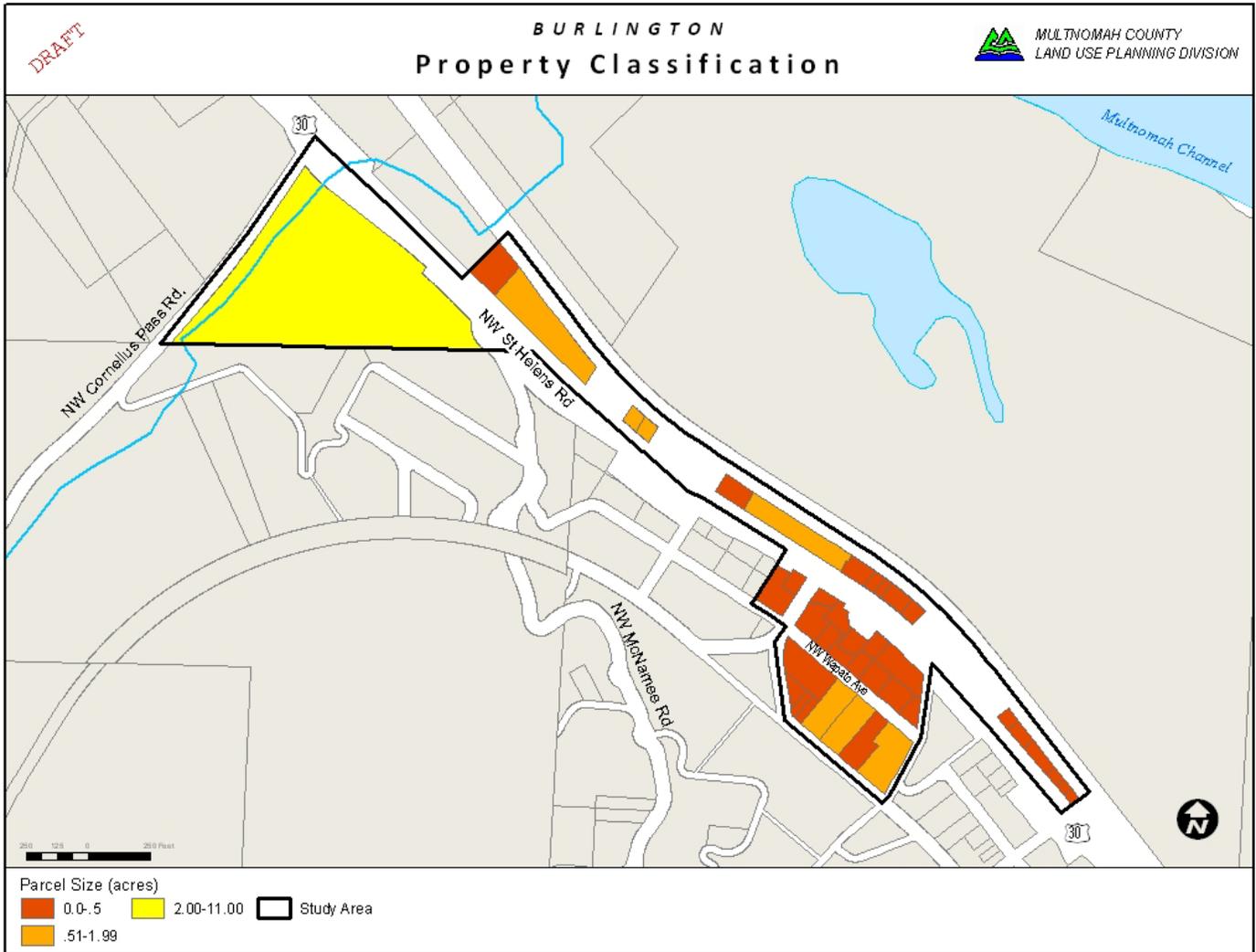
Map 4: Zoning Overlay



Map 5: Transportation



Map 6: Range of Parcel Sizes (Acres)



Appendix 4: Inventory/Data Table

| RNO | Parcel Size Class | LANDUSE |
|------------|--------------------------|----------------|
| R119900060 | .51-1.99 | COM |
| R119900080 | .51-1.99 | COM |
| R119900210 | 0.0-.5 | SFR |
| R119900250 | .51-1.99 | SFR |
| R119900410 | 0.0-.5 | SFR |
| R119900430 | 0.0-.5 | SFR |
| R119900440 | 0.0-.5 | COM |
| R119900470 | 0.0-.5 | COM |
| R119900640 | 0.0-.5 | VAC |
| R119900660 | 0.0-.5 | VAC |
| R119900690 | 0.0-.5 | SFR |
| R119900740 | 0.0-.5 | SFR |
| R119900750 | 0.0-.5 | SFR |
| R119900760 | 0.0-.5 | VAC |
| R119901640 | 0.0-.5 | VAC |
| R119901650 | 0.0-.5 | VAC |
| R119901670 | 0.0-.5 | VAC |
| R119901680 | 0.0-.5 | VAC |
| R119901690 | 0.0-.5 | SFR |
| R119901720 | 0.0-.5 | VAC |
| R119901740 | 0.0-.5 | VAC |
| R119901770 | 0.0-.5 | SFR |
| R119901800 | 0.0-.5 | SFR |
| R119901820 | 0.0-.5 | SFR |
| R119901880 | 0.0-.5 | SFR |
| R119901920 | 0.0-.5 | VAC |
| R119902130 | 0.0-.5 | SFR |
| R119902150 | 0.0-.5 | SFR |
| R119903080 | 0.0-.5 | VAC |
| R119903100 | 0.0-.5 | VAC |
| R119903110 | 0.0-.5 | VAC |
| R119903120 | .51-1.99 | SFR |
| R119903150 | .51-1.99 | SFR |
| R119903180 | 0.0-.5 | SFR |
| R119903210 | .51-1.99 | SFR |
| R119903370 | 0.0-.5 | SFR |
| R649862770 | 0.0-.5 | SFR |
| R649875730 | 0.0-.5 | SFR |
| R649875740 | .51-1.99 | SFR |
| R971180070 | 2.00-11.00 | COM |

SFR: Single Family Residence
 VAC: Vacant
 COM: Commercial

Appendix 5: Public Involvement and Process

- Fliers
- Website



COME JOIN US!

BURLINGTON RURAL COMMUNITY PLANNING MEETING

Location: Skyline Grange
11275 NW Skyline Blvd, Portland, OR 97231
Date and Time: April 27, 2010 from 7:00 pm to 8:30 pm

Note: From 5:30-7:00 pm, a separate Open House is being held to share general information on the county land use, code compliance, and transportation programs. This event is not a part of the Burlington meeting.

Multnomah County Land Use Planning is beginning work on a zoning plan for Burlington. You're invited to come and share your views. Our goal is to better understand your Community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Come join us to learn about the process, review data and information about the area, and give us your feedback.

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. State rules recognize that areas of residential and commercial land uses which are more intensive than is allowed on rural land existed outside of urban growth boundaries when the statewide planning goals were adopted in 1973. State Administrative Rules in OAR 660-022-0000 to 660-022-0070 include requirements for counties to implement to help plan for these areas.

Why are we going through this process?

Community plans are required under statewide regulations for unincorporated communities, such as Burlington. The rules generally require that zoning provide for appropriate uses and level of development to ensure that nearby agricultural or forestry uses are not adversely affected, that the capacity and function of transportation facilities is maintained, and that water quality and the carrying capacity of soil and water supplies is maintained. This allows the County to maintain appropriate zoning regulations for its unincorporated areas outside of the regional Urban Growth Boundary (UGB).

What is the timeline for the project?

Our goal is to adopt any needed plan and zoning amendments by the end of this calendar year. A series of three community meetings will be scheduled throughout the year starting with the introductory meeting in April. Future meetings will be scheduled in June and September of this year to review drafts and provide feedback on the community plan.

How can I participate in the process?

If you want more information, if you cannot attend, or if you want to sign up for email updates, please see below for more information on how to participate.

Send us comments:

Attention: Burlington Rural Community Planning

1600 SE 190th Ave, Suite 116
Portland, OR 97202
Email: burlingtonplan@co.multnomah.or.us
Fax: 503-988-3389

Sign-up for email notices: burlingtonplan@co.multnomah.or.us

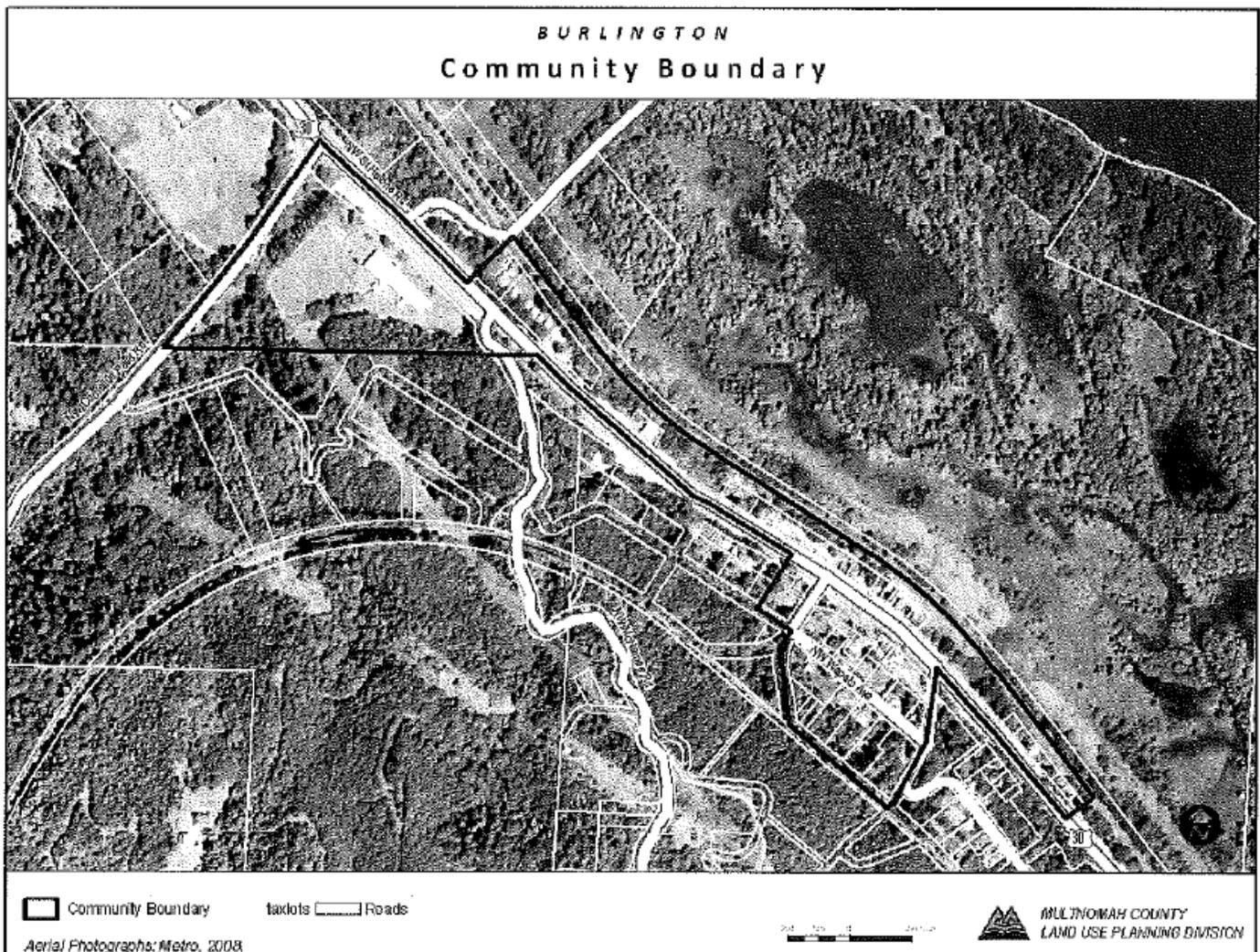
Where can I get more information?

Check online for upcoming dates of future community meetings and posted documents and information at www.multco.us/burlingtonplan

Who do I contact if I have questions?

George Plummer
Phone: 503-988-3043 extension 29152
Email: george.a.plummer@co.multnomah.or.us

Joanna Valencia
Phone: 503-988-3043 extension 29637
Email: joanna.valencia@co.multnomah.or.us





Informational Handout

Why are we going through this process?

The Oregon Statewide Planning Goals and guidelines require planning for all the communities in the state. The Oregon Administrative Rules (OAR's) provide supporting legislation for communities working to implement the applicable Statewide Planning Goals. The OAR that applies specifically to land use planning for Unincorporated Communities is OAR 660-022, also known as the Unincorporated Communities Rule

The Unincorporated Communities Rule requires that established communities outside of urban growth boundaries be designated and planned as one of the four types of communities described in the Rule. Due to the characteristics of the Burlington Rural Center area, county staff has determined that it should be designated as a Rural Community. Specific provisions for Rural Communities require that counties adopt rural community zoning designations for the uses within the area. The type and extent of specific uses permitted are subject to provisions outlined in the Rule.

The Burlington area is currently zoned as Rural Center, which allows single family residential uses outright and requires a conditional use review to establish some community service uses and commercial uses. State rules for rural communities acknowledge that some concentrated areas of residential and commercial activities have come to exist outside of urban growth boundaries. State guidelines for these areas help counties plan for these areas. The state rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate future facility needs. This task aims to accomplish this and identify the appropriate designations for this area.

What is the Unincorporated Communities Rule?

Through the Unincorporated Communities Rule, the State has acknowledged that some communities have developed outside of urban growth boundaries to an extent that they are not entirely rural in nature. State guidelines for these areas have been implemented to help counties plan for these areas and bypass a stringent "exceptions" process (detailed in statewide Goal 2, land use planning) in their planning efforts. The rule requires that counties identify and designate such areas, plan for permitted and prohibited uses, and anticipate current and future facilities needs.

The rule provides, first, for areas to be designated as either Urban Unincorporated Communities or one of three rural types of unincorporated communities. An Urban Unincorporated Community contains over 150 permanent residential dwellings and a mixture of land uses, and is served by a community sewer and water system.

According to the State Rule, Rural Unincorporated Communities may be defined as one of the three following types:

- Resort Communities- established primarily for recreation and resort purposes.
- Rural Communities- consisting primarily of permanent residential dwellings, with at least two other land uses present (such as commercial, industrial or public uses).
- Rural Service Centers- consisting primarily of commercial or industrial uses. They provide goods and services to the surrounding rural area and to persons travelling through the area.

In order to determine the appropriate designation for the Burlington area, county staff conducted a parcel-by-parcel inventory of the area. The inventory included site visits, inspections of aerial

photographs and Assessor data, and a land use overview. The current area of the Burlington Rural Center is defined by the extent of the Rural Center zoning district. The findings from this inventory are illustrated in the land use map we have provided.

What does this task accomplish?

This task will determine the type of community Burlington is and guide us in planning for that type of community. Data collection including an inventory of existing uses, services and infrastructure is being conducted. We will be doing community outreach to discover issues, concerns, and the vision of the community of Burlington. The final product of this task includes a community plan and zoning consistent with the findings of the public process-our research, and state requirements.

The goal of this project is to provide for appropriate zoning for the Community of Burlington and to achieve compliance with Division Oregon Administrative Rule Division 22, Unincorporated Communities Rule. The project will be tailored and focused to follow an approach that achieves compliance.

Our goal is to adopt a community type designation, a community plan and zoning amendments for Burlington. A series of three community meetings will be scheduled: an introductory meeting in April and future meetings will be scheduled in June and September of this year to review drafts and provide feedback on the community plan.

Next Steps

- Future community meetings tentatively scheduled for June and September
- Opportunity to review and comment on Preliminary Plan
- Planning Commission in October/November
- Board of Commissioners in December
- Target to adopt by the end of calendar year

How can I participate in the process?

Send us comments:

Attention: Burlington Rural Community Project
1600 SE 190th Ave, Suite 116
Portland, OR 97233
Email: burlingtonplan@co.multnomah.or.us
Fax: 503-988-3389

Sign-up for email notices: burlingtonplan@co.multnomah.or.us

Survey available online at: www.multco.us/burlingtonplan

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Joanna Valencia
Phone: 503-988-3043 extension 29637
Email: joanna.valencia@co.multnomah.or.us



Burlington

Summary and Inventory

Introduction

Burlington is approximately 2.5 miles from the city of Portland, and is located along Highway 30. The community is comprised primarily of residential uses, with some commercial uses.

History

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. The established Rural Center zoning district applied to approximately 30 acres in the Burlington Community. This zoning 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.

Land Use and Inventory

Table 1 below provides data on the number of parcels and acreage per Land Use designation and three parcel size classifications. A majority of the acreage is in Single Family Use, with a small number in commercial use or vacant land. Burlington is comprised of 40 parcels totaling approximately 21.73 acres.

Burlington
 Table 1

| Parcel Size Class | Data | LANDUSE | | | |
|-------------------|-------------------|------------|------|--------|-------------|
| | | Commercial | SFR | Vacant | Grand Total |
| 0.0-.5 | Total Acres | 0.36 | 3.69 | 1.81 | 5.86 |
| | Number of Parcels | 2 | 17 | 13 | 32 |
| .51-1.99 | Total Acres | 1.04 | 3.84 | | 4.88 |
| | Number of Parcels | 2 | 5 | | 7 |
| 2.00-11.00 | Total Acres | 10.99 | | | 10.99 |
| | Number of Parcels | 1 | | | 1 |
| Total Acres | | 12.39 | 7.53 | 1.81 | 21.73 * |
| Number of Parcels | | 5 | 22 | 13 | 40 |

*Doesn't include acreage in right-of-way
 Updated 4/22/10

Zoning

The current zoning of the parcels located within the Burlington Community Boundary is Rural Center. The Rural Center zoning district permits residences outright, and under a Conditional Use Permit 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, 4) commercial processing of agricultural or forestry products primarily grown in the vicinity, and 5) community service uses such as schools and churches. All new lots must be at least two acres in size.

Burlington Planning Meeting

[County Home](#) » [Departments](#) » [Community Services](#) » [Land Use & Transportation](#) » [Land Use Planning](#) » [Codes & Plans](#) » [Burlington Rural Community Planning Meeting](#)

Burlington Rural Community Planning Meeting

Upcoming Community Meeting to review draft Community Plan, Policies and Zoning
Tuesday, September 14th, 6:00 pm to 7:00 pm

Location: Skyline Grange
11275 NW Skyline Blvd, Portland OR 97231
Eller

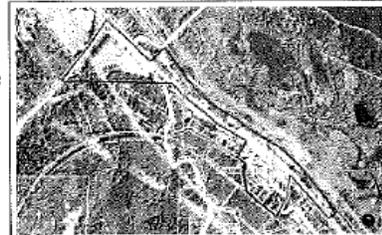
Meeting Documents:
[Plan](#) | [Policy](#) | [Zoning](#)

Documents:

- Handouts: [Summary and Inventory](#) | [Informational Handout](#)
- Maps: [Land Use](#) | [Zoning](#) | [Zoning Overlays](#)
- June 30 Meeting Handouts: [DRAFT Burlington Unincorporated Community Plan](#) | [Memo: Response to community comments raised for Burlington Community](#) | [Burlington Policies Document](#) | [Burlington Zoning Document](#)

Multnomah County Land Use Planning is beginning work on a zoning plan for Burlington. You're invited to share your views. Our goal is to better understand your Community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Learn about the process, review data and information about the area, and give us your feedback.

Burlington was recognized as an unincorporated rural community in the Multnomah County Comprehensive Plan and was zoned Rural Center in 1977. State rules recognize that areas of residential and commercial land uses which are more intensive than is allowed on rural land existed outside of urban growth boundaries when the statewide planning goals were adopted in 1973. State Administrative Rules in OAR 660-022-0000 to 660-022-0070 include requirements for counties to implement to help plan for these areas.



Burlington Community Boundary Map
[Click here for full-sized map](#)

Why are we going through this process?

Community plans are required under statewide regulations for unincorporated communities, such as Burlington. The rules generally require that zoning provide for appropriate uses and level of development to ensure that nearby agricultural or forestry uses are not adversely affected, that the capacity and function of transportation facilities is maintained, and that water quality and the carrying capacity of soil and water supplies is maintained. This allows the County to maintain appropriate zoning regulations for its unincorporated areas outside of the regional Urban Growth Boundary (UGB).

What is the timeline for the project?

Our goal is to adopt any needed plan and zoning amendments by the end of this calendar year. A series of three community meetings will be scheduled throughout the year. The first was held on April 27. Future meetings will be scheduled in June and September of this year to review drafts and provide feedback on the community plan.

How can I participate in the process?

If you want more information, or if you want to sign up for email updates, please see below for more information on how to participate.

Send us comments:

Attention: Burlington Rural Center Project
1600 SE 190th Ave, Suite 116

<http://www2.co.multnomah.or.us/Public/EntryPoint?ch=d0a30e0ee5b67...>

Portland, OR 97233
Email: burlingtonplan@co.multnomah.or.us
Fax: 503-988-3389
Sign-up for email notices: burlingtonplan@co.multnomah.or.us

Attachment D. Public Outreach Materials
PC-10-009, Burlington

Who do I contact if I have questions?

George Plummer
Phone: 503-988-3043 extension 29152
Email: george.a.plummer@co.multnomah.or.us

Joanna Valencia
Phone: 503-988-3043 extension 29637
Email: joanna.valencia@co.multnomah.or.us

Portland, OR 97214 | Phone: 503.823.4000 | TDD: 503.823.6868

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Appendix 6: April 27, 2010 Community Meeting

- Handouts
- PowerPoint Presentation
- Community Input

The April 27th Community Meeting, included a staff presentation and a staff led Community Input Session. The staff facilitated Community Input Session involved a large group discussion with those in attendance. Staff posed the three questions below and initiated discussion and noted the feedback received during the input session. The information below reflects the community input received in response to the three questions asked by staff.

Community Input Session

Burlington Community Meeting
April 27, 2010
Skyline Grange, 7-8:30pm

1. What aspects of the Burlington Community do you like? What is important to you?

Preserve what's there. Preserve the community

Like location and proximity to cities but still be in the county (rural)

It's a walkable community

Community feel

Good water service

Like the current density

Feel safe

Neighborhood

2. What issues are important to the Burlington Community?

Why was the boundary set where it is?

Can it be expanded to include lots currently outside of Rural Center zoning?

Small lots

Sewer and water service on small lots

Want a place to live. Being able to replace home if destroyed.

Septic regulations

Concerned about being able to maintain current residence

Make sure that we preserve the interest of the community while meeting state laws

METRO owns approximately 20 lots. METRO interested in expanding boundary. Current CFU zoning is restricting. METRO is interested in getting rid of smaller lots in their ownership.

Being able to develop vacant lots with setback and septic requirements

Would like a grocery store, gas station, restaurant in the community

No TriMet bus service. Can we get service?

Columbia County Riders Service? Commuting. Can we collaborate to establish service?

Traffic congestion- commuters from Columbia County

What about a commuter rail line?

Difficult at times to get on Highway 30

We don't have enough room for services (grocery stores, etc.)

Access to Highway 30 (safety)

Burlington Avenue intersection to Highway 30- sight distance concerns

Explore reduction of speed limit

3. What suggestions do you have for improving the Burlington Community?

Look into expanding community boundary to recognize "de facto" community boundary. Smaller lots not currently in boundary.

Survey and Comment Letters Received

05/05/2010 16:43 FAX 5038464489

Health Clinic Hillsboro

002/002



Burlington Community Survey

Please fill out and return to the Multnomah County Land Use and Transportation Program Office by May 7, 2010. Attach additional sheets if needed. The survey is also available online at www.multco.us/burlingtonplan.

1. What aspects of the Burlington Community do you like? What is important to you?
 That it is a forested area/sim. community ~~close~~ to pt (incl. close)
2. What issues are important to the Burlington Community?
 Traffic, clean H₂O, ~~not~~ minimal ~~to~~ increase in development, keeping Metro areas in mind (greenspace and opening individual lots to purchase from adjacent home owners)
3. What suggestions do you have for improving the Burlington Community?
 TRIMET!!
 Public transit is VERY MUCH needed incl his part of Multnomah County to join up c MAX Lines both downtown & Hills-

| | | |
|------------------|--|--|
| Your Name: | Beth Doyle | When completed, please return to: Attention: Burlington Rural Community Project 1600 SE 190 th Ave, Suite 116 Portland, OR 97233 Email: burlingtonplan@co.multnomah.or.us Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia |
| Mailing Address: | 116017 NW St. Helens Rd. ^{pt 161} 97231 | |
| Phone Number: | (503) 621-9854 | |
| Email: | scupcat@earthlink.net | |
| | | |

4. Include any additional comments, suggestions or questions you may have:

We live in an area of Multnomah county that has been ignored by the county for a long time. That's not entirely bad, we don't need a lot of attention, but an organized plan for development is a good thing. Getting public transit to our area would be a VERY good thing.

Thank You

RECEIVED

10 MAY -6 AM 10:10

MULTNOMAH COUNTY
PLANNING SECTION

George Plummer
Joanna Valencia
Multnomah County Land Use Planning
1600 SE 190th Ave, Suite 116
May 5, 2010

Dear Joanna and George,

Thank you for the opportunity to provide our input at the recent Burlington Neighborhood meeting. On behalf of my wife Julie and myself I would like to recap the most important points we attempted to make at the meeting.

First, the neighborhood boundary should reflect the actual residential neighborhood that exists now, rather than excluding existing homes in this contiguous geographic area. The actual Burlington neighborhood is well separated from any other residential area by substantial stretches of open or forested land. It makes little sense – even from a land use perspective – to exclude residences in this clearly distinct area from the neighborhood boundary. Although we can in all possibility never reconstruct the process that led to the boundary drawn in 1977, I would respectfully submit that the process that led to the present boundary excluding then-existing homes was flawed at best. This should be an opportunity to correct that error. If necessary I can provide you with a list of the addresses currently outside the boundary which should be included although 5 minutes with one of your GIS technicians would produce the same results. I suspect that a property by property search of the tax records would confirm that most, if not all of these homes existed when the 1977 boundary was established.

Second, the zoning within the ultimate boundary should reflect its residential use. We would like to make it clear that we do not necessarily seek to increase development or density within the neighborhood but rather to increase the likelihood that existing homes on undersized lots might have a means to improve or repair their properties should the occasion arise. As was repeatedly pointed out during the meeting, wastewater disposal is a primary concern for any rural property, and septic systems are to a significant degree limited by the space available to install them. METRO is the owner of most of the property in the Burlington area that does not have a home presently situated on it. They would of course play a prominent role in facilitating this idea of continuance of any individual residence adjacent to land METRO currently owns, but establishing the neighborhood identity might lend significant weight to their future decisions on the disposition of such properties.

Our final point concerns Multnomah County's role in embracing the needs of its citizens. Public hearings may provide an opportunity to voice our concerns, but we are a very small and isolated constituency – we need advocates. When members of your staff meet with other departments or agencies to discuss issues that concern or affect us, how do we make our little voice heard over the cacophony of ever increasing bureaucratic infrastructure which act as a barrier to public agencies being able to serve the needs of their citizens?

RECEIVED

10 MAY - 2 10:10

MULTI-MEDIA CENTER
PLANNING DEPARTMENT

Think of us as a pedestrian on a sidewalk. The sidewalk is for walking. We have a right to walk. But other uses have begun to encroach onto the sidewalk: utility poles, signal boxes, fire hydrants, bike racks, paper boxes, sidewalk cafes, etc. Each of these is legitimate too, and each has an advocacy of sorts, but collectively and without oversight they can begin to displace the primary purpose of the sidewalk: to facilitate pedestrian transportation.



Allow me to cite one example of this. The Burlington area is not served by TRIMET. If we wanted to take the bus, we would have to walk two miles to a stop which offered infrequent service at best. The St Helens based transit agency *Columbia County Rider* goes by our neighborhood several times a day but does not stop – apparently can't stop – in Burlington. Why? Is it because it would be poaching on potential TRIMET turf? Is it because all transit agencies are subsidized to some extent by taxes of their home jurisdiction and Burlington is out of that jurisdiction? We don't know really, and we're not suggesting that it's Multnomah County's problem to solve, but we feel that anything we can do to strengthen our neighborhood identity also strengthens our chance of solving the problem in the future.

Meanwhile, anything your office can do to support our cause would be very much appreciated.

Respectfully,

Charles Morrow
16501 NW Wapato Drive
Portland, OR 97231

By way of a postscript, one of my neighbors who couldn't attend the meeting asks that you add him to the e-mail update list. His name is Lee Heckman, his e-mail address is <mailto:hummingbirdprojector@gmail.com>
Thanks again. CM

Appendix 7: June 30, 2010 Community Meeting

The June 30th Community Meeting, included a staff presentation and a staff led Community Input Session. The staff facilitated Community Input Session involved a large group discussion with those in attendance. Staff initiated discussion and noted the feedback received during the input session. The information below reflects the community input received.

Community Input Session

Burlington Community Meeting

June 30, 2010

Linnton Community Center, 6-7:30pm

| Community Comment |
|---|
| Take a look at setback requirements. Reduce to allow more use of lots. 33.5'X100' deep lots limit development with setbacks that are currently 30' for the front, 30' for the rear, and 10' for sides. Setbacks encumber a majority of the property. |
| Support for 10' parking lot setback on front |
| Take a look at gravel versus paved parking. |
| Explore zoning options/changes for development standards for commercial and/or residential uses. |

Appendix 8: Findings

Findings

Statewide Planning Goals Compliance
and Compliance with OAR Chapter 660, Division 22, the Unincorporated Communities Rule

Burlington Community Plan, PC-10-009

Statewide Planning Goals Compliance

MCC Chapter 11.05.180 Standards for Plan and Revisions requires legislative plan amendments comply with the applicable Statewide Planning goals pursuant to ORS 197.175(2)(a). These findings show that the Burlington Community Plan amendments are consistent with and comply with the applicable goals which include: Goal 1: Citizen Involvement, Goal 2: Land Use Planning, Goal 3: Agricultural Lands, Goal 4: Forest Lands, Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces, Goal 6: Air, Water and Land Resources Quality, Goal 11: Public Facilities and Services and Goal 14: Urbanization.

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

***Finding:** The public outreach program for the project included a number of different methods including mailed and emailed notification, conducting a community survey, and holding meetings in the community. A series of three public meetings were held for the community, with one being held in the nearby community of Linnton and the other two meetings held at the Skyline Grange Hall. The first meetings included staff presentations and community input sessions. The second and third meeting, staff met with individuals that attended. Results from these meetings were that the citizens are generally happy with their community and enjoy the neighborhood, and they want to preserve the community as it is. Concerns raised included septic requirements and small lots, lack of services such as a grocery store, gas station and restaurant in the community, concerns with traffic on Highway 30, expansion of the community boundary, and lack of transportation alternatives especially bus service in particular. Public hearings were held before the Planning Commission and Board of Commissioners, where the public had opportunity to provide testimony.*

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

***Finding:** The Burlington Community plan and map, policies and zoning amendments put in place the framework needed to carry out the objectives of the Unincorporated Communities Rule by:*

- *Identifying the community boundary,*
- *Inventoring and analyzing data and information about the community related to the existing land uses, available public services, parcel sizes, and current plan policies and zoning regulations, and*
- *Reviewing the characteristics of the community, preparing a plan, proposing policies and amending the existing zoning regulations for consistency with the State Rule*

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: *The proposed boundary does not include any properties which are currently zoned Exclusive Farm Use (EFU) nor is the community adjacent to any lands zoned EFU. Agricultural lands in the county are protected for farm use by existing zoning and plan policies, and these are unchanged by the proposed amendments. The community boundary encircles a contiguous area of “exception land,” specifically properties that are currently zoned Rural Center.*

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: *Forest lands in the county are protected for forest use by existing zoning and plan policies that are unchanged by the proposed amendments. The community boundary encircles a contiguous area of “exception land,” specifically properties that are currently zoned Rural Center. Additionally, the proposed boundary does not include any properties which are currently zoned or Commercial Forest Use-1 (CFU-1) or Commercial Forest Use-2 (CFU-2).*

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: *The Goal 5 resources in the county are protected by existing zoning and plan policies that are unchanged by the proposed amendments. The community planning efforts recognize the historic Burlington Community, and include policies recognizing the rural character of the area.*

The only identified Goal 5 resources within Burlington is one stream and associated wetland along the western boundary of the community along Cornelius Pass Road and following the west property line of the NARA facility property. This stream is protected through the existing Significant Environmental Concern Overlay Zone.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: *The OAR Division 22 rule requires that unincorporated community plans assess the capacity of the local public facility infrastructure (i.e., sewer system or septic conditions, water, and transportation systems), and determine if they will be adequate to serve future growth anticipated or planned in the unincorporated community.*

The Burlington area is not served by a community sewer system. All wastewater treatment in the area is accomplished through on-site septic systems. The Unincorporated Communities Rule requires counties to adopt public facilities plans for unincorporated communities with a population over 2,500, or when expected density or potential health hazard indicates a need for such plans. The current population of the area is significantly below the threshold, and there is no known potential health hazard thus there is no indication of a need for a public facility plan, therefore this rule provision does not apply.

The land use and density analysis conducted by staff finds that a minimal number of lots could potentially be developed under the zoning standard of a two acre minimum lot size. All new parcels will have to be served with on-site septic systems that meet Department of Environmental Quality standards. Stormwater control systems designed by an Oregon Registered Engineer to meet no increase of off property flow for up to a 10 year -24 hour rain event are also required. County requirements currently address stormwater management through an engineer's certification of ability of the property to process stormwater. The area is served by the Burlington Water District.

The carrying capacity for on-site sewage disposal is already reviewed by the City of Portland Bureau of Development Services Sanitation and Site Development Office with the office being able to approve or deny building permits based on percolation tests and site inspections.

The scale of the existing and potential development allowed through the plan for the Community does not affect air quality.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Public facilities and services are addressed through the findings below for OAR 660-022-0050 of the Division 22 rule for unincorporated communities.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Two Oregon Administrative Rule divisions that implement elements of Goal 14 are relevant to the Burlington plan. The most important is Division 22, the Unincorporated Communities Rule, the other is Division 27, Urban and Rural Reserves in the Portland Metropolitan Area. The Unincorporated Communities Rule provides a framework for counties to use in identifying and designating unincorporated communities outside established Urban Growth Boundaries (UGB) consistent with Goal 14. The Burlington planning effort recognizes the community as an Unincorporated Community under the rule, and incorporates the requirements to plan and zone for this community type into the county's regulations. Establishing planning rules as proposed for the community of Burlington is consistent with this goal.

Multnomah County adopted Comprehensive Plan policy 6A, and amended the county plan and zoning map, in June of 2010 to designate certain areas of the county as Rural Reserve pursuant to the Division 27 Reserves Rule. Areas designated as rural reserve are protected from urbanization for 50 years, and are subject to other limitations. Most relevant to the Burlington plan amendments are the provisions in OAR 660-027-0070(3) and (4)(d) that prohibit the county from amending the plan to allow new uses or smaller lots unless allowed by state rules prior designation of the area as rural reserve. The proposed amendments do not add any new uses, do not increase density, and continue to apply the land division rules in effect when Burlington was designated rural reserve. Thus the proposed plan, policies and zoning code are consistent with Policy 6A, Rural Reserves and OAR Division 27.

Compliance with OAR Chapter 660, Division 22, the Unincorporated Communities Rule

The findings below demonstrate that the proposed zoning and comprehensive plan amendments meet the applicable requirements in OAR Chapter 660, Division 22, the Unincorporated Communities Rule.

OAR 660-022-0010

Definitions

(7) "Rural Community" is an unincorporated community which consists primarily of permanent residential dwellings but also has at least two other land uses that provide commercial, industrial, or public uses (including but not limited to

schools, churches, grange halls, post offices) to the community, the surrounding rural area, or to persons traveling through the area.

Finding: *The unincorporated community of Burlington is comprised of 40 parcels. Existing uses include 22 residences, and 3 commercial uses. The community also includes the Native American Rehabilitation Association of the Northwest (NARA) Facility. A vast majority of the land within Burlington has been divided into lots or parcels of less than two acres, with the only parcel larger than two acres being the NARA Facility parcel at 10.99 acres. Most of the lots in the Community of Burlington were created by 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 zoned as commercial forest lands. Most of the Burlington Subdivision, lots are located outside of the existing rural center boundary and most are under a single ownership. The community therefore meets the definition of a rural community, and the plan adopts provisions applicable to that community type.*

(10) "Unincorporated Community" means a settlement with all of the following characteristics:

(a) It is made up primarily of lands subject to an exception to Statewide Planning Goal 3, Goal 4 or both;

Finding: *The Burlington community is composed solely of state exception lands as described below in the findings for OAR 660-022-0020(3).*

(b) It was either identified in a county's acknowledged comprehensive plan as a "rural community", "service center", "rural center", "resort community", or similar term before this division was adopted (October 28, 1994), or it is listed in the Department of Land Conservation and Development's January 30, 1997 "Survey of Oregon's Unincorporated Communities";

Finding: *Burlington is listed in the Department of Land Conservation and Development (DLCD) January 30, 1997 "Survey of Oregon's Unincorporated Communities." It also is identified as a rural center in the Multnomah County Comprehensive Framework Plan.*

(c) It lies outside the urban growth boundary of any city;

Finding: *Burlington is not within a UGB.*

(d) It is not incorporated as a city; and

Finding: *Burlington is not incorporated as a city.*

(e) It met the definition of one of the four types of unincorporated communities in sections (6) through (9) of this rule, and included the uses described in those definitions, prior to the adoption of this division (October 28, 1994).

Finding: *Burlington satisfies the definition of Rural Community under OAR 660-022-0010(7) (see findings for subsection 7 above).*

CONCLUSION: The Burlington Community satisfies the rule definitions of unincorporated community and Rural Community.

660-022-0020

Designation of Community Areas

(1) Except as provided in OAR 660-022-0070, county comprehensive plans shall designate and identify unincorporated communities in accordance with the definitions in OAR 660-022-0010. Counties may amend these designations as circumstances change over time.

***Finding:** Adoption of the Burlington Community Plan as part of the Multnomah County Comprehensive Framework Plan will designate and plan for Burlington as a rural unincorporated community in accordance with the rule.*

(2) Counties shall establish boundaries of unincorporated communities in order to distinguish lands within the community from exception areas, resource lands and other rural lands. The boundaries of unincorporated communities shall be shown on the county comprehensive plan map at a scale sufficient to determine accurately which properties are included.

***Finding:** The Burlington Community Plan Map includes a boundary that distinguishes the unincorporated community from surrounding exception areas, resource lands, and other rural land. The map shows the Community boundary at a scale that clearly indicates the properties that are included within the boundary.*

(3) Only land meeting the following criteria may be included within an unincorporated community boundary:

(a) Land which has been acknowledged as a Goal 3 or 4 exception area and historically considered to be part of the community provided the land only includes existing, contiguous concentrations of:

(A) Commercial, industrial, or public uses; and/or

(B) Dwelling units and associated residential lots at a greater density than exception lands outside rural communities.

(b) Land planned and zoned for farm or forest use provided such land meets the criteria in section (4) of this rule.

***Finding:** The land included within the Burlington unincorporated community boundary includes no Goal 3 or 4 land, but only exception lands that have historically been considered part of the community and consist of commercial, industrial, residential, or public uses. Land within the Burlington community historically has been zoned at a higher density than surrounding lands zoned for commercial forest use.*

* * *

(5) Site specific unincorporated community boundaries that are shown on an acknowledged plan map on October 28, 1994, are deemed to comply with subsections (2) and (3) of this rule unless the boundary includes land designated for farm or forest use that does not meet the criteria in section (4) of this rule.

***Finding:** The Multnomah County Comprehensive Framework Plan and zoning map defines the Burlington unincorporated community boundary through the "RC" Rural Center plan and zone designation. This zoning was applied to the exception lands area prior to 1982.*

CONCLUSION: The Burlington Community Plan is part of the Multnomah County Comprehensive Framework Plan and meets the applicable designation requirements under OAR 660-022-0020.

660-022-0030

Planning and Zoning of Unincorporated Communities

(1) For rural communities, resort communities and urban unincorporated communities, counties shall adopt individual plan and zone designations reflecting the projected use for each property (e.g., residential, commercial, industrial, public) for all land in each community. Changes in plan or zone designation shall follow the requirements to the applicable post-acknowledgment provisions of ORS 197.610 through 197.625.

Finding: Land within the Burlington Community Plan is proposed to continue to be zoned similarly to the current Rural Center zoning. Proposed key amendments to the zoning code address commercial and industrial development consistent with the provisions of the OAR, revised off-street parking requirements, and amendments to the dimensional standards.

(2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.

Finding: The plan, policies and zoning code authorizes a continuance of the two acre minimum lot size for new lot creation.

(3) County plans and land use regulations may authorize only the following new or expanded industrial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Expansion of a use existing on the date of this rule;

(c) Small-scale, low impact uses;

(d) Uses that require proximity to rural resource, as defined in OAR 660-004-0022(3)(a);

(e) New uses that will not exceed the capacity of water and sewer service available to the site on the effective date of this rule, or, if such services are not available to the site, the capacity of the site itself to provide water and absorb sewage;

* * *

Finding: The Burlington Rural Center (BRC) zoning designation permits the uses identified in OAR 660-022-0030(3). In recognition of feedback received from the community, a limitation to the square footage of floor space has been reduced to 10,000 square feet from the 40,000 allowed for small-scale low impact industrial uses.

(4) County plans and land use regulations may authorize only the following new commercial uses in unincorporated communities:

(a) Uses authorized under Goals 3 and 4;

(b) Small-scale, low impact uses;

(c) Uses intended to serve the community and surrounding rural area or the travel needs of people passing through the area.

Finding: The Burlington Rural Center (BRC) zoning designation permits the uses identified in OAR 660-022-0030(4). This zone includes a limit on building sizes consistent with the definition of small-scale, low impact uses (maximum of 4,000 square feet of floor space) as defined by OAR 660-022-0030(10).

* * *

(6) County plans and land use regulations shall ensure that new or expanded uses authorized within unincorporated communities do not adversely affect agricultural or forestry uses.

Finding: *Forest lands in the county are protected for forest use by existing zoning and plan policies, and these are unchanged by the proposed amendments. The community boundary encircles a contiguous area of existing "exception land," specifically properties that are currently zoned Rural Center.*

(7) County plans and land use regulations shall allow only those uses which are consistent with the identified function, capacity and level of service of transportation facilities serving the community, pursuant to OAR 660-012-0060(1)(a) through (c).

Finding: *The land use regulations contained in the Burlington Community Plan and other applicable County planning documents are consistent with the function, capacity, and level of service identified for the transportation facilities serving the community. According to county policies and zoning regulations in place, results from the community inventory and analysis, and staff discussions with the Oregon Department of Transportation, it is found that the Rural Community Plan for the Burlington Community will not affect the existing or planned transportation facilities. According to ODOT staff and county transportation plan road classifications roads in the area are adequate to accommodate existing and future traffic levels. State Highway 30 and Cornelius Pass Rd. provide major access to Burlington. The remaining roads in the area, Burlington, and Wapato provide access to homes and properties abutting them. There are several unbuilt "paper" roads that are in some cases unbuildable that criss-cross the community. Burlington and Wapato are classified as Rural Local Roads and are addressed in the county policies. Highway 30 is addressed as part of the Oregon Highway Plan administered by the Oregon Department of Transportation (ODOT). Improvements to existing local streets and/or construction of new internal local streets to support specific developments could be required as part of a future subdivision approval process and would be addressed on a site-specific basis.*

The existing transportation network is capable of accommodating the two acre minimum lot size density. According to ODOT staff and county transportation plan road classifications, roads in the area are adequate to accommodate existing and future traffic levels resulting from existing uses and potential build out. Improvements to existing local streets and/or construction of new internal local streets to support specific developments could be required as part of a future subdivision approval process and would be addressed on a site-specific basis.

(8) Zoning applied to lands within unincorporated communities shall ensure that the cumulative development:

(A) Will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations; and

(B) Will not exceed the carrying capacity of the soil or of existing water supply resources and sewer services.

Finding: *The community of Burlington is not within a designated health hazard area nor is it served by a public sanitary sewage system. Currently, wastewater can only be treated through individual septic or other on-site sewage treatment systems. Review of the area's carrying capacity is already been conducted by the City of Portland Bureau of Development Services Sanitation and Site Development Office with the office being able to deny or approve permits for new systems for new development based on percolation tests and site inspections. County requirements currently address stormwater management through an engineer review and design of stormwater detention systems, and the area is served by the Burlington Water District. Proposed developments require on-site sewage disposal and stormwater review. These provisions ensure that the cumulative development will not result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations and that development will not exceed carrying capacity of the soil or of existing water supply resources and sewer services.*

* * *

(10) For purposes of subsection (b) of section (4) of this rule, a small-scale, low impact commercial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 8,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 4,000 square feet of floor space.

Finding: The Burlington community Burlington Rural Center (BRC) zone includes the 4,000 square foot size limit for small-scale, low-impact buildings in commercial use within rural unincorporated communities.

(11) For purposes of subsection (c) of section (3) of this rule, a small-scale, low impact industrial use is one which takes place in an urban unincorporated community in a building or buildings not exceeding 60,000 square feet of floor space, or in any other type of unincorporated community in a building or buildings not exceeding 40,000 square feet of floor space.

Finding: The Burlington Rural Center (BRC) zoning designation permits the uses identified in OAR 660-022-0030(3). In recognition of feedback received from the community, a limitation to the square footage of floor space has been reduced to 10,000 square feet from the 40,000 allowed in the State Rule.

CONCLUSION: The Burlington Community Plan is implemented through the Burlington Rural Center Zone. The proposed amendments together with the existing zoning regulations results in compliance with the state rule.

660-022-0050

Community Public Facility Plans

(1) In coordination with special districts, counties shall adopt public facility plans meeting the requirements of OAR 660, division 11, and include them in the comprehensive plan for unincorporated communities over 2,500 in population. A community public facility plan addressing sewer and water is required if the unincorporated community is designated as an urban unincorporated community under OAR 660-022-0010 and 660-022-0020. For all communities, a sewer and water community public facility plan is required if:

- (a) Existing sewer or water facilities are insufficient for current needs, or are projected to become insufficient due to physical conditions, financial circumstances or changing state or federal standards; or
- (b) The plan for the unincorporated community provides for an amount, type or density of additional growth or infill that cannot be adequately served with individual water or sanitary systems or by existing community facilities and services; or
- (c) The community relies on groundwater and is within a groundwater limited or groundwater critical area as identified by the Oregon Department of Water Resources; or
- (d) Land in the community has been declared a health hazard or has a history of failing septic systems or wells.

* * *

CONCLUSION: Burlington is a rural unincorporated community with a population less than 2,500. The community is served by the Burlington Water District. The area has not been officially designated as a health hazard. Therefore, none of the conditions cited in (a) through (d) are met and the Burlington Community Plan is not required to include a sewer and water community public facility plan.

660-022-0060

Coordination and Citizen Involvement

ORS 660-022-0060 requires that counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process.

***Finding:** Multnomah County Land Use Planning staff formulated a process for preparing the Burlington Unincorporated Community Plan and completing the unincorporated community planning requirements for the State Rule. The process included public outreach that consisted of a series of three public meetings held nearby in Skyline and Linnton, web pages for each community that included information on the project and process as well as served as a resource to download electronic copies of the project documents, mailed property owner notification, emailed notifications to interested parties list, and distribution of a community survey to gather community input. Public hearings will be held before the County's Planning Commission and Board of Commissioners. Public notice and other procedures associated with these hearings comply with the applicable requirements listed above.*

This project has involved coordination with the Burlington Water District, Portland Bureau of Development Services, County Transportation Planning, Oregon Department of Transportation, and the local Fire District. In addition coordination with the Portland Bureau of Development Services has occurred. Portland Bureau of Development of Services conducts on-site sewage reviews for this area. Notices proposing to designate Burlington as an unincorporated community were mailed to these agencies prior to the first adoption hearing.

CONCLUSION: The Burlington Community planning process satisfies the applicable requirements of OAR 660-022-0060.
