

BURLINGTON ZONING DOCUMENT

Proposed Multnomah County Code Amendments for Burlington Rural Center

The proposed amendments apply to the Rural Center Code which currently applies to the Burlington Community. Many of the proposed amendments reflect requirements of the Oregon Administrative Rule 660-022, also known as the Unincorporated Communities Rule. Please note that new language is underlined (underlined) and crossed out (~~crossed out~~) language is proposed to be deleted.

The changes include the inclusion of a definition for “Small-scale Low Impact Commercial or Industrial Use.” This language is from the State Rule for an unincorporated Rural Community. The definition for a small-scale low impact commercial use limits the commercial building or buildings to 4,000 square feet of floor area. The definition for a small-scale low impact industrial use limits the size of the building or buildings to not exceed 10,000 square feet of floor space. It should be noted that the current State rule allows 40,000 sq. ft. of floor space for industrial uses, however 10,000 sq. ft. reflects the size adopted in other rural communities in the county. We will be consulting with the residents of the community at the next meeting to determine the community’s needs regarding commercial and industrial uses.

We are proposing changes to the Purpose (35.3300) statement of the code to better reflect the code contained for the Burlington Rural Center (BRC) zoning district. In addition, proposed language reflects the State rule requirement that commercial and industrial uses be limited to small-scale low impact uses. The Condition Uses subsection of this code reflects those small-scale low impact rules in the proposed language changes. The proposed code below deletes motels or guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community.

Additionally we are proposing to maintain the existing minimum lot size of two acres for new parcels due to State rules that limit increases in density in Rural Reserves. We are considering making some changes to the design review off-street parking setback standard, changing the 30 foot front yard setback to a 10 foot setback. We are also considering changes to the dustless surface standard for parking lots.

Please review the proposed changes and if you have any questions you can ask us the questions at the June 30th meeting or you can contact George Plummer at 503-988-3043 ext. 29152 (george.a.plummer@co.multnomah.or.us) or Joanna Valencia at 503-988-3043 ext. 29637 (joanna.valencia@co.multnomah.or.us). You are also encouraged to send us your feedback and comments regarding the proposed code amendments.

Please send us your comments by July 14, 2010.

This document is also available online at: www.multco.us/burlingtonplan

PROPOSED CODE AMENDMENTS

§ 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 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.

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.

BURLINGTON RURAL CENTER - BRC

§ 33.3300- PURPOSE

~~The purposes of the Rural Center District is 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.

§ 33.3305 AREA AFFECTED

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

§ 33.3315 USES

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC 33.3320 through 33.3330 when found to comply with MCC 33.3355 through 33.3385.

§ 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.

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

(E) Type A home occupations pursuant to the definition and restrictions of MCC 33.0005.

(F) Accessory Structures:

(1) Structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district:

- (a) Garages or carports;
- (b) Pump houses;
- (c) Garden sheds;
- (d) Workshops;

- (e) Storage sheds;
- (f) Greenhouses;
- (g) Woodsheds;
- (h) Shelter for pets, horses or livestock and associated buildings such as: manure storage, feed storage, tack storage, and indoor exercise area;
- (i) Swimming pools, pool houses, hot tubs, saunas, and changing rooms;
- (j) Sport courts;
- (k) Gazebos, pergolas, and detached decks;
- (l) Fences, gates, or gate support structures; and
- (m) Similar structures.

(2) If the accessory structure is a building, then to be an “allowed use” the foot print of the building in combination with the footprint of all other accessory buildings on the property shall not exceed 2500 square feet.

(3) If the accessory structure has a bathroom or kitchen facilities, then prior to issuance of the building permit the property owner shall record a deed restriction with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling.

(4) Buildings in conjunction with farm uses as defined in ORS 215.203 are not subject to these provisions.

(G) Family Day Care.

(H) Actions taken in response to an emergency/disaster event as defined in MCC 33.0005 pursuant to the provisions of MCC 33.0535.

(I) Signs, as provided in this chapter.

(J) Transportation facilities and improvements that serve local needs or are part of the adopted

Multnomah County Functional Classification of Trafficways plan, except that transit stations and park and ride lots shall be subject to the provisions of Community Service Uses.

§ 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.

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

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

(D) Off-street parking and loading;

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

(F) 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.

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

(H) 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.

(I) 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.

§ 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) 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;

(4) 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.~~

(D) Existing 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.

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

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

§ 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.

§ 33.3360 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS

(A) Lots of Exception

An exception to permit creation of a parcel of less than one acre, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 33.3355(C)

through (E). Any exception shall be based on the following findings :

- (1) The Lot of Record to be divided has two or more permanent *habitable dwellings*;
- (2) The permanent *habitable dwellings* were lawfully established on the Lot of Record before October 4, 2000;
- (3) Each new parcel created by the partition will have at least one of the *habitable dwellings*; and
- (4) The partition will not create any vacant parcels on which a new dwelling could be established.

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

- (1) The following dimensional and access requirements are met:
 - (a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;
 - (b) If the properties abut a street, the required access requirements of MCC 33.3385 are met after the relocation of the common property line; and
- (2) At least one of the following situations occurs:
 - (a) The lot or parcel proposed to be reduced in area is larger than 1 acre prior to the adjustment and remains 1 acre or larger in area after the adjustment, or
 - (b) The lot or parcel proposed to be enlarged in area is less than 2 acres in area prior to the adjustment and remains less than 2 acres in area after the adjustment.

§ 33.3370 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR and R zones applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, RC zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change to RC for some properties, Ord. 395;
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2 acre lot size to RC zoned areas outside “acknowledged unincorporated communities” except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3385, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 33.3360, 33.3375, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;
- (2) An area of land created by the foreclosure of a security interest.
- (3) An area of land created by court decree.

§ 33.3375 LOT SIZES FOR CONDITIONAL USES

The minimum lot size for a Conditional Use permitted pursuant to MCC 33.3330, except subpart (C) thereof, shall be based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

§ 33.3380 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be provided as required by MCC 33.4100 through 33.4220.

§ 33.3385 ACCESS

All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3370(B).