



**MULTNOMAH COUNTY**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>th</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

# Land Use & Transportation Planning Planning Commission Agenda

DATE/TIME: **October 4, 2010 @ 6:30 p.m.**

PLACE: **Multnomah County Building, Room 100  
501 SE Hawthorne Blvd., Portland, OR**

1. Call to Order
2. Roll Call
3. Approval of Minutes from September 13, 2010 meeting.
4. Opportunity for Public Comment on Non-Agenda Items.
5. Work Session: Burlington and Springdale Community Plan and Ordinance Amendments PC-10-009, and PC 10-010
6. Hearing: Amendments to EFU Zone Provisions to Implement HB 3099 (2009) PC 10-006
7. Director's comments

**If bringing written materials to the meeting, please give the Commission staff twelve copies for the Commission members, staff and permanent record.**

INDIVIDUALS WITH DISABILITIES PLEASE CALL THE PLANNING OFFICE AT (503) 988-3043, OR MULTNOMAH COUNTY TDD PHONE (503) 988-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

The next Planning Commission meeting is scheduled for November 1, 2010.



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**STAFF REPORT TO THE PLANNING COMMISSION**  
**FOR THE**  
**WORK SESSION ON OCTOBER 4, 2010**

**BURLINGTON RURAL COMMUNITY PLAN AND ORDINANCE AMENDMENTS**  
**CASE FILE # PC 10-009**

**I. Introduction and Purpose**

Since the beginning of the year staff has been working on Community Plans and Zoning Code Amendments for the unincorporated communities of Burlington and Springdale. The proposed plan amends the West Hills Rural Area Plan and Multnomah County Code Chapter 33 to incorporate policies and zoning code amendments needed to complete planning for the community consistent with the rule and community preferences. This work is a requirement of the Oregon Statewide Planning Goals and Guidelines which requires planning for all the unincorporated 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 (Division 22), also known as the Unincorporated Communities Rule. This task involves public outreach to the communities, inventorying of land uses, and drafting of a community plan, policies, and zoning code amendments.

Due to the characteristics of the Burlington and Springdale Communities, staff has determined that these communities are most appropriately 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.

For the Planning Commission Work Session, staff has prepared two staff reports addressing the communities separately. The reports contain similar information summarizing the rule, but address each community specifically in regards to public outreach, the plan document, and proposed policies and zoning code amendments. This staff report focuses on the Burlington Community and includes information on the planning process and the public outreach program. This staff report also includes proposed new policies and zoning code amendments both of which are addressed and summarized further in Sections V and VI below. Full copies of the plan, policies and zoning for the community are attached. The plan includes findings and data from the community inventory and community input received. The policies document includes proposed new policies and strategies that address development, design and transportation. The zoning document includes proposed code amendments that address commercial and industrial development, off-site parking, and setbacks.

Upcoming hearings for the communities will be held separately, with the hearing for Springdale tentatively scheduled for November 1<sup>st</sup> and the hearing for Burlington scheduled for December 6<sup>th</sup>.

## II. State Rule- Division 22

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. The Unincorporated Communities Rule requires that established communities outside of urban growth boundaries be designated as either an Urban Unincorporated Community 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. Rural Unincorporated Communities are defined as one of the three following types:

1. Resort Communities- established primarily for recreation and resort purposes.
2. Rural Communities- consisting primarily of permanent residential dwellings, with at least two other land uses present (such as commercial, industrial or public uses).
3. 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.

The state Unincorporated Communities Rule requires that counties 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, and
- Adversely affect agriculture or forestry uses.

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.

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 Rule further limits this by allowing only the portion of the lot or parcel that is occupied by the public use(s) to be included in the Unincorporated Community boundary, and requiring that the remainder of the property must continue to be planned and zoned as farm or forestland.

Staff has conducted an inventory of the community identifying the land uses, lot sizes and services within the community, and identifying the boundary as recognized under the current Rural Center designation. This is all documented and included in the attached Community Plan (Attachment A). As previously mentioned, staff has determined that the Burlington community is most appropriately

designated as a Rural Community. As defined above, the Burlington community consists primarily of permanent residential dwellings, with some commercial, and public uses.

### **III. Plan Process**

Multnomah County Land Use Planning staff 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 that consisted of a series of three public meetings held in the community, 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. The results of these meetings and community involvement are discussed below and provided in the Appendix 5 and 6 of the plan.

As part of the planning project, the following tasks were undertaken. The findings of the task are included and further addressed in the attached plan (Attachment A).

- 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

In addition to the above tasks, the County engaged in an extensive public process to involve residents and landowners in the unincorporated community planning effort. This is further addressed in Section IV below.

### **IV. Public Outreach and Community Input**

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 at Skyline Grange and Linnton Community Center. These meetings included staff presentations and community input sessions. Documents were distributed at these meetings, which included a community survey. Community input received from the meetings and surveys are further addressed in the plan (Attachment A). 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. Results from this meeting found 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 the continued residential use of lots and on-site septic, traffic, and availability of transportation options.

The second community meeting was held on June 30, 2010. During this meeting, staff distributed “preliminary” or “discussion” drafts of the plan, policies and zoning changes. These three documents were handed out and discussed during the meeting which had approximately five members of the



public in attendance. The documents were also made available to download on the project website. In addition, staff distributed a memo addressing the community comments received during the April meeting and from the survey. 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. Members of the community actively discussed components of the plan and proposed zoning changes. They suggested a number of changes that staff has incorporated into the proposed zoning. See Appendix 6 of Attachment A for an outline of issues and suggestions that were discussed during the June 30<sup>th</sup> community input session. The key changes include:

- Addition of definitions for “Small-scale Low Impact Commercial or Industrial Use” which is linked to the size of buildings:
  - Limits building size for commercial uses to 4,000 sq. ft. of floor space
  - Limits industrial building size in Burlington to 10,000 sq. ft of floor space
- Revision to the Purpose (33.3300) statement of the code to better reflect the revised code for the Burlington Rural Center (BRC) zoning district
- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip.

The third community meeting was held on September 14, 2010. Staff brought preliminary drafts of the Community Plan, Policies and Zoning. These drafts were amended to respond to the input received during the community meetings held on April 27<sup>th</sup> and June 30<sup>th</sup>, in addition to the input received from the community surveys. Staff has amended the proposed code to reflect the input received at the September meeting.

## **V. Proposed Policies**

The current County Comprehensive Framework Plan and West Hills Rural Area Plan include policies and strategies for the Rural Center. The County Comprehensive Framework Plan Policies set the framework for interrelating all of the statewide goals into a broad statement of public policy for the county. Goals are included in the Comprehensive Plan, however the details are further expanded in Rural Area Plans that further take into account community issues, needs, and values that are individualized to local areas. Policy 7 (Rural Center Land Area) of the existing county Comprehensive Framework Plan, and Policies 4 and 5 (Rural Center) of the West Hills Rural Area Plan, describe the county’s objectives for the Burlington Rural Center. This section of the staff report briefly summarizes the current county policies in place, and lists proposed policies to be included in the county plans.

Current policies in place under Policy 7 of the county Framework Plan require that expansion of a Rural Center to adjacent lands shall be based upon finding that:

- (A) Land zoned EFU will not be included unless that is the only land physically available;
- (B) Insufficient vacant available land exists within the center;
- (C) The expansion will not significantly impact adjacent natural resource or rural residential areas or that such impacts can be mitigated;
- (D) The expansion will be adjacent to existing RC boundaries; and
- (E) The expansion is not for the primary purpose of residential development.

Further the County policies contained with the Framework Plan encourage the location of suitable uses within a rural center by:

1. Measuring the need for a use based upon the primary intent of the center.
2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands,
3. Establishing development standards commensurate with the rural nature of the area,
4. Ensuring that adjacent natural resource areas are minimally impacted.

Policies 4 and 5 (Rural Center) of the West Hills Rural Area Plan address uses and development for the community and identify strategies for each policy.

Proposed policies for the Burlington Community that would amend the West Hills RAP are included in *Attachment B: Policies- Burlington Community September 14, 2010 Discussion Draft*. Proposed policies address community development, transportation, design, and residential, commercial and industrial development. These policies reflect maintaining and preserving the rural character of the community, and are as follows:

### ***Burlington Rural Community***

#### **Policy**

Implement a Plan for the Burlington Community that considers the input received from the community indicating satisfaction with the existing community the way it is. Key elements of that community input 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 (RC) because it is composed primarily of permanent residential uses with at least two other land uses present (such as commercial, industrial or public uses).
  - Revise the RC zoning ordinance to reflect the needs of the Burlington community consistent with the Division 22 OAR for Unincorporated Communities.

### ***Commercial and Industrial Development***

#### **Policy**

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

New residential development within the Burlington Community will not increase the number of dwellings that would be allowed in the community under the existing zoning ordinance, and will continue to reinforce the rural nature of the areas through the zoning code.

#### **Strategies**

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

### ***Design***

#### **Policy**

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**

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

### **Strategies**

- Provide pedestrian and bicycle access to schools, transit and commercial activities within 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.

## **VI. Proposed Zoning Code Amendments**

The Burlington area is currently zoned Rural Center (RC), which allows single family residential uses outright and requires a conditional use review to establish some community service uses and commercial uses. As part of this task, staff has worked with the community to amend the existing zoning to reflect the policies. Proposed revisions to the current Rural Center zoning district in MCC Chapter 33 are included in *Attachment C: Zoning- Burlington Community September 14, 2010 Discussion Draft*. Key changes include:

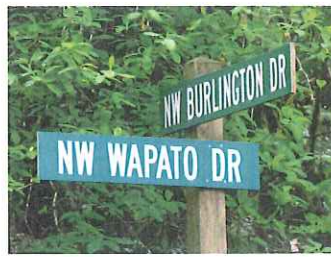
- Addition of definitions for “Small-scale Low Impact Commercial or Industrial Use” which is linked to the size of buildings:
  - Limits building size for commercial uses to 4,000 sq. ft. of floor space.
  - Limits industrial building size in Burlington to 10,000 sq. ft of floor space with a building footprint area maximum of 5,000 sq. ft.
- Revision to the Purpose (33.3300) statement of the code to better reflect the code contained for the Burlington Rural Center (BRC) zoning district
- Moves “dwelling constructed off-site, including a mobile or modular home” to Allowed Use from Review Use
- Conditional Use Review of uses listed for small-scale low impact commercial and industrial use, this includes limiting and/or reducing the number of uses allowed conditionally
- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Adding on-site sewage disposal system requirements (system for new dwellings on contiguous ownership and for existing an easement on other ownership allowed), on-site stormwater, GEC requirements, farm covenants, and footprint size limitation for industrial buildings to reduce stormwater drainage impacts
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Adding a standard requiring a stormwater drainage system for new commercial or industrial parking area that is certified by a Licensed Professional Engineer to meet the 10year/24hour storm event standard
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip

## **VII. Attachments**

- |                      |  |
|----------------------|--|
| <b>Attachment A.</b> | Plan- Burlington Community September 14, 2010 Discussion Draft     |
| <b>Attachment B.</b> | Policies- Burlington Community September 14, 2010 Discussion Draft |
| <b>Attachment C.</b> | Zoning- Burlington Community September 14, 2010 Discussion Draft   |
| <b>Attachment D.</b> | Public Outreach Materials  |
| <b>Attachment E.</b> | State Rule- Division 22: Unincorporated Communities                |



## Burlington Unincorporated Community Plan



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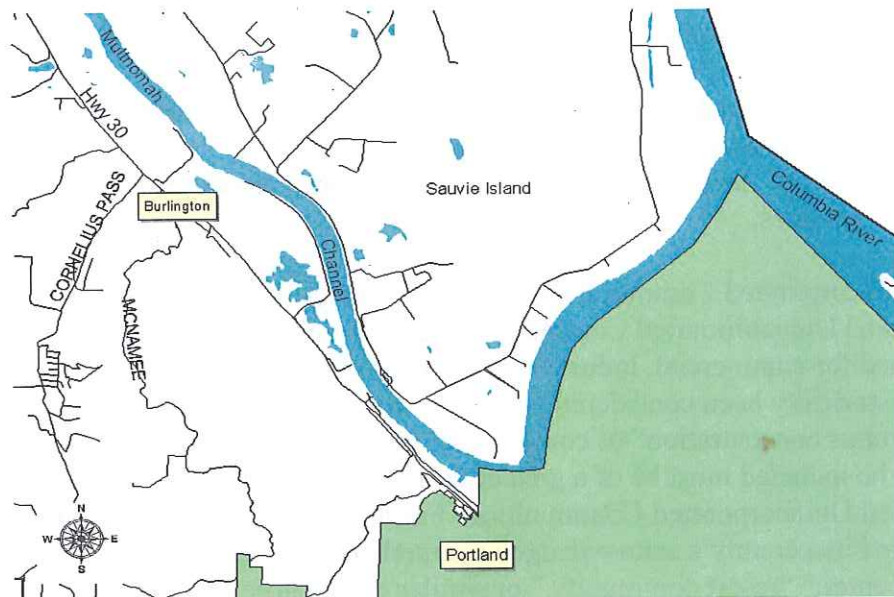
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## I. Background

### 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

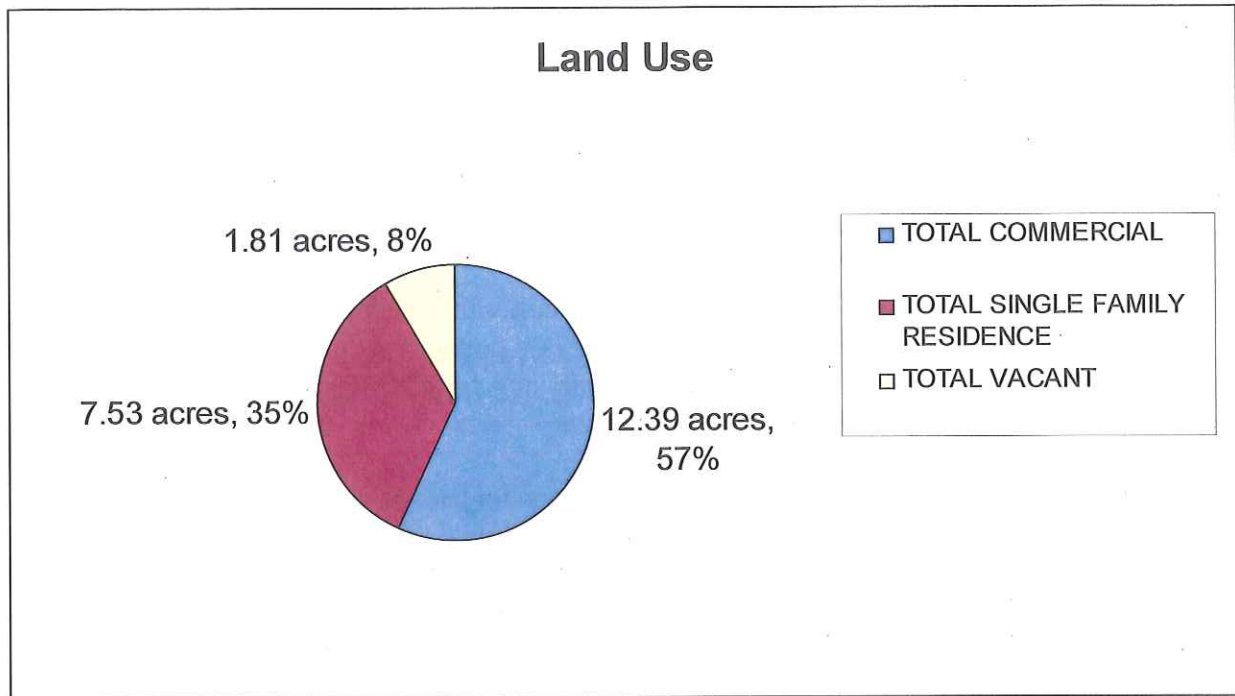


Chart 1: Land Use Acres and Percentages

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.

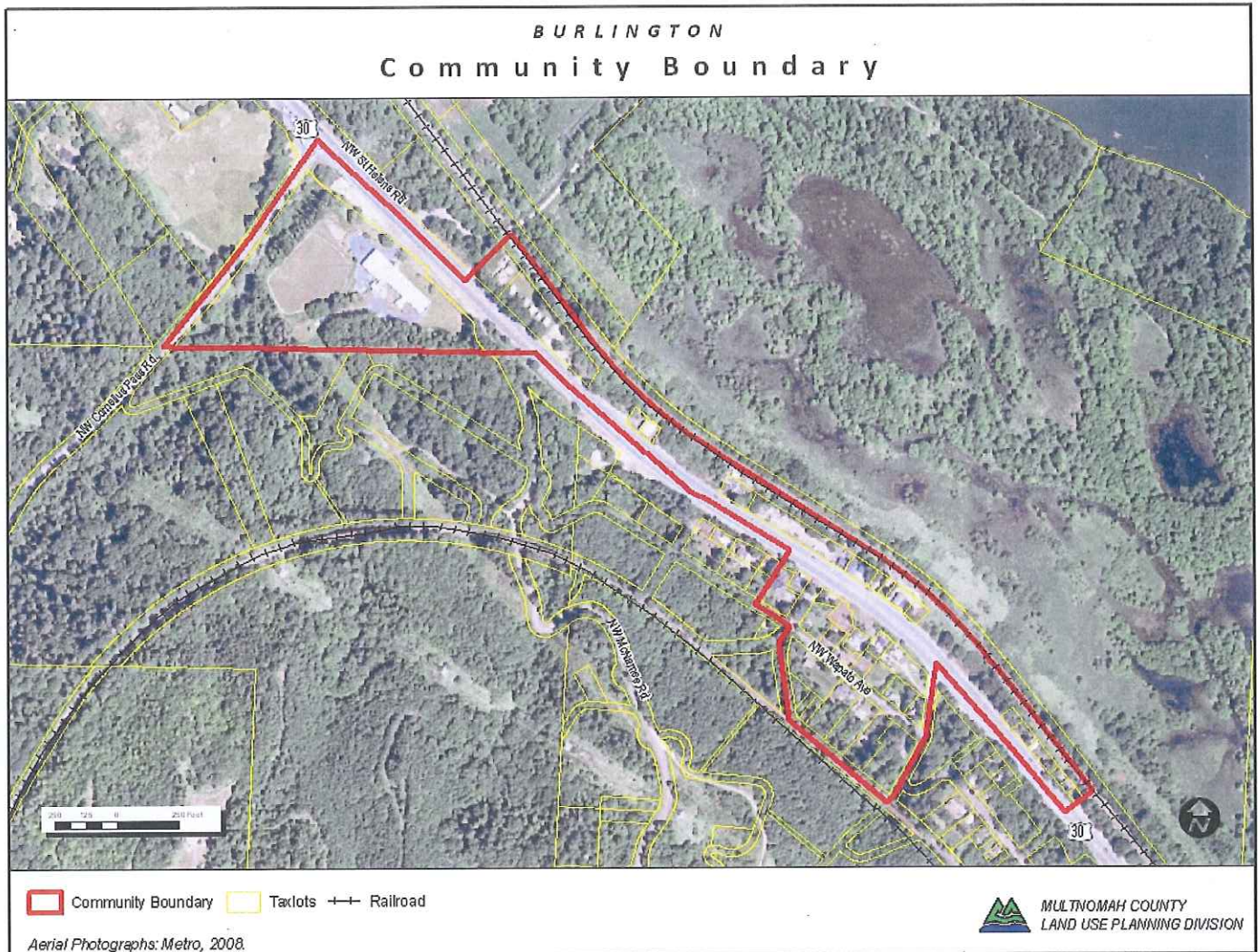


#### **IV. Appendices**

##### **Appendix 1: Zoning (Proposed zoning code to be attached)**

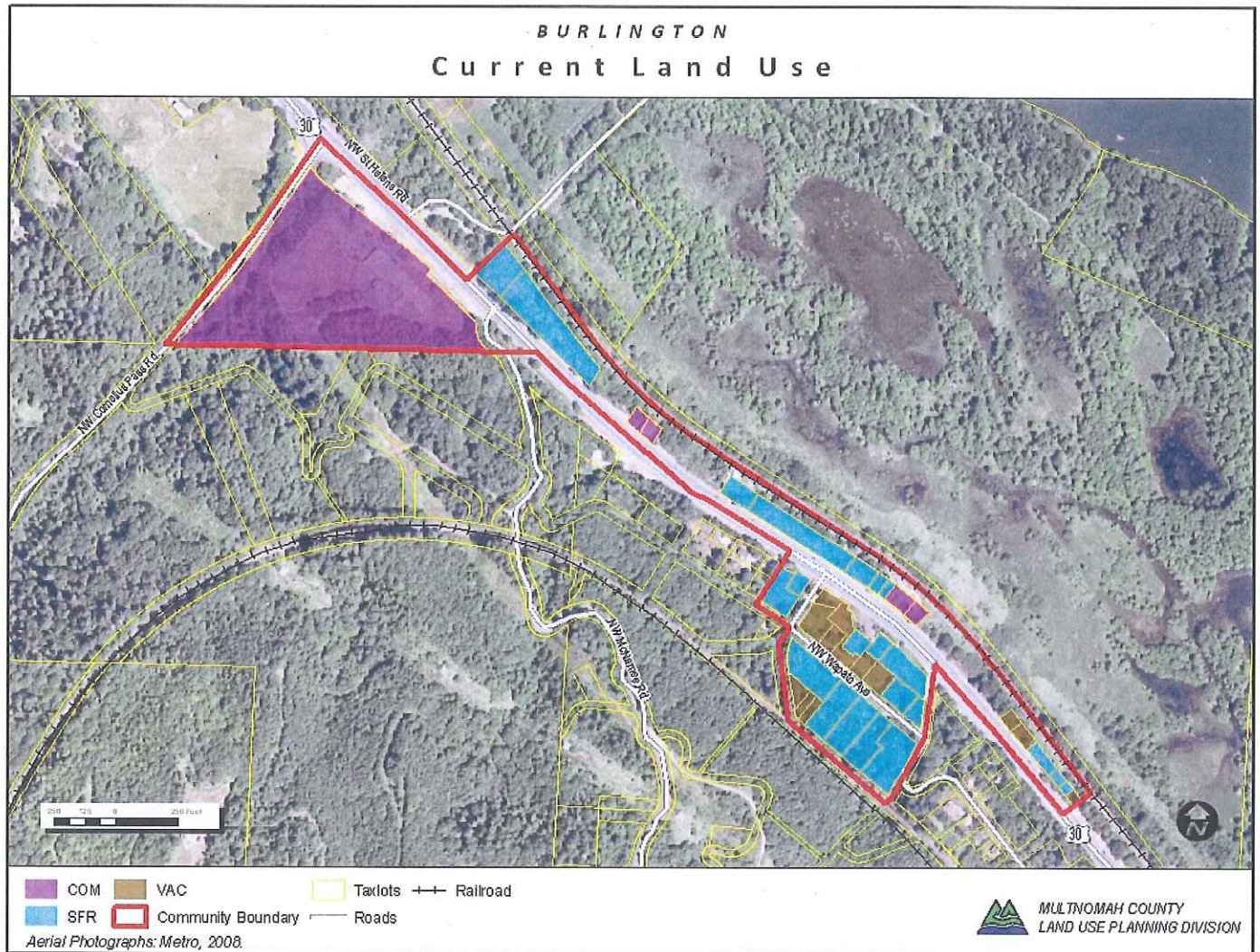
## Appendix 2: Maps

### Map 1: Community Boundary



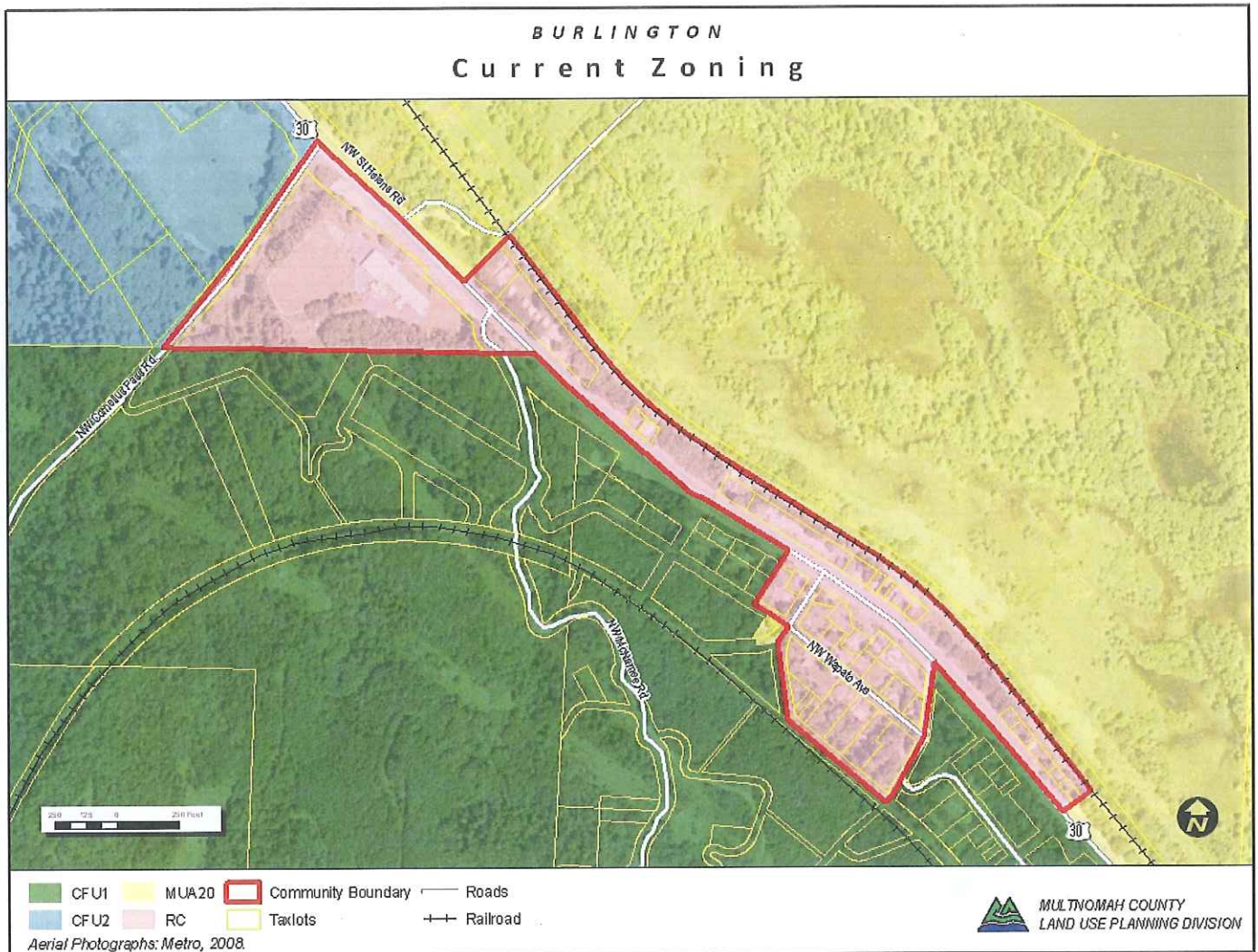


Map 2: Land Use



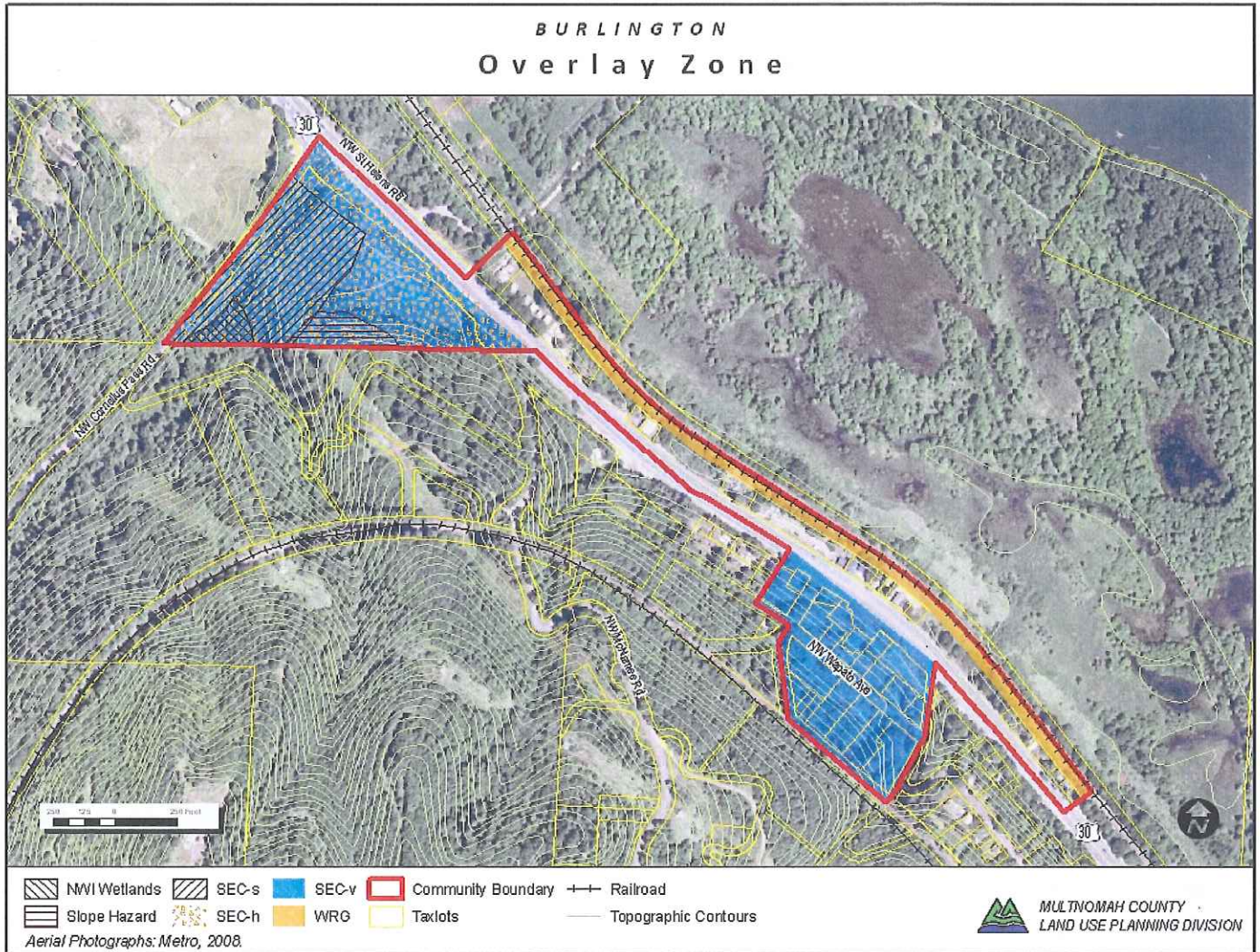


Map 3: Zoning



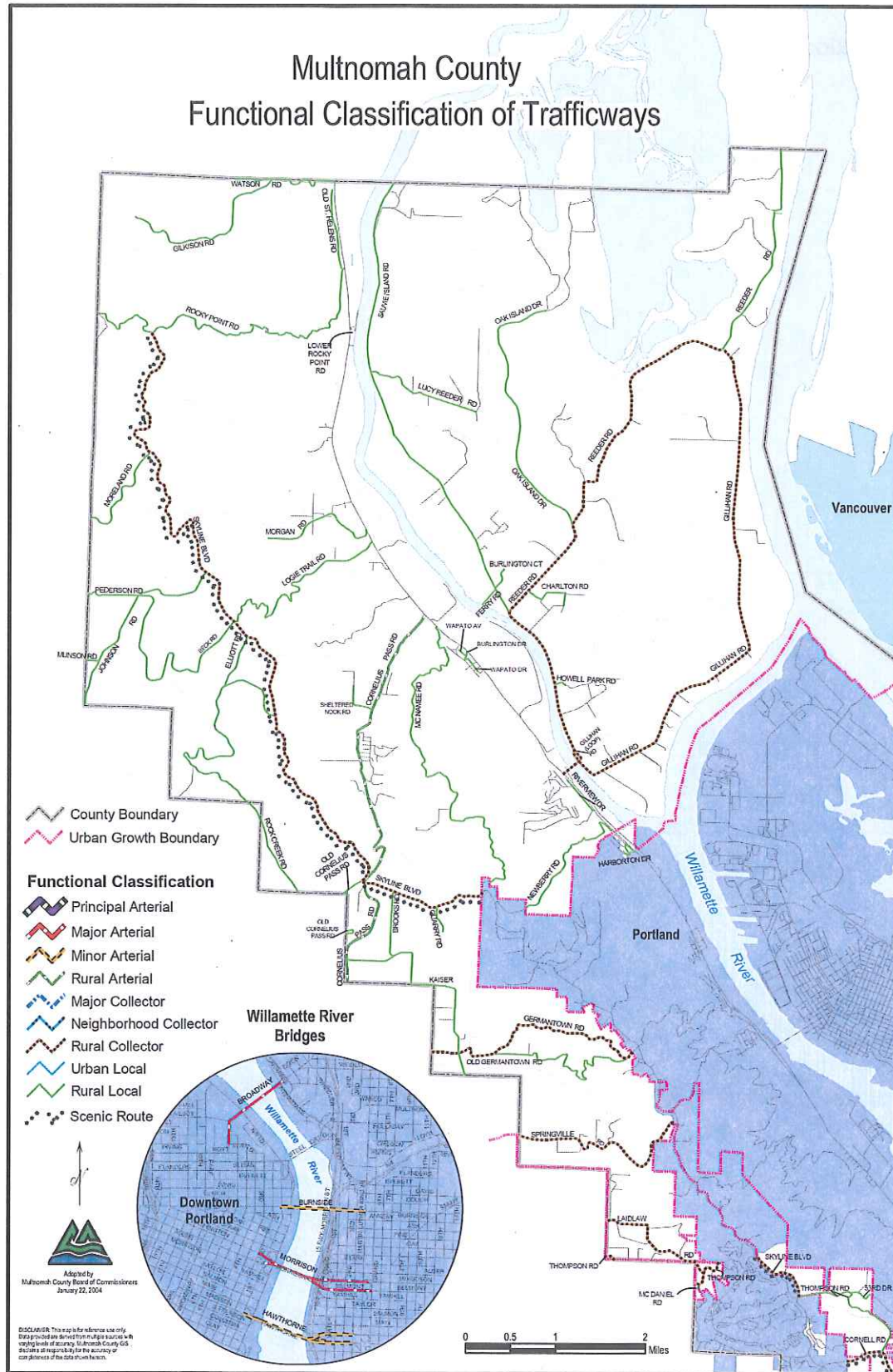


Map 4: Zoning Overlay

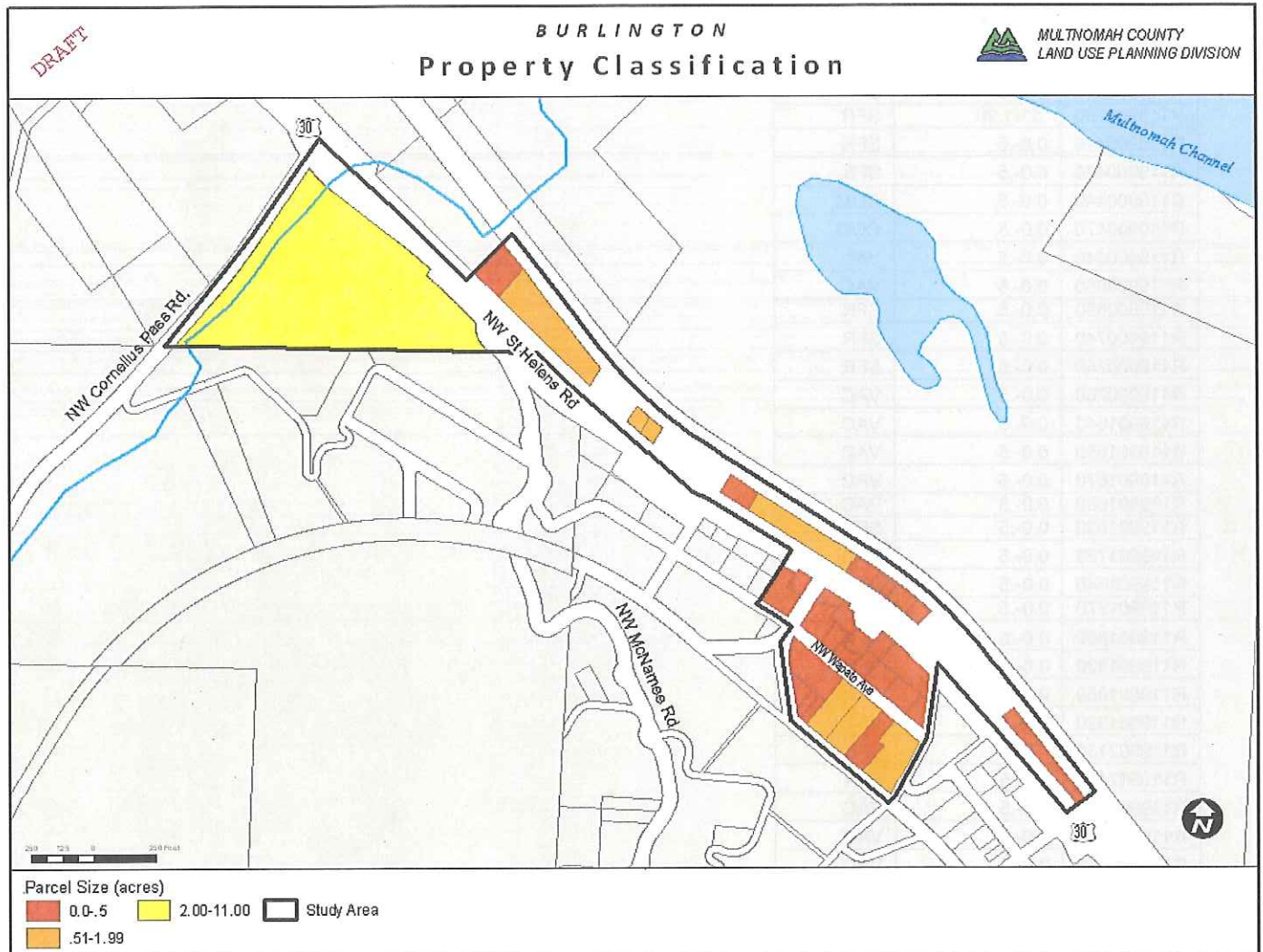


**Map 5: Transportation**





Map 6: Range of Parcel Sizes (Acres)





## 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

**Public Involvement and Process**

- Fliers
- Website

## **April 27, 2010 Community Meeting**

- Handouts
- PowerPoint Presentation
- Community Input

The April 27<sup>th</sup> 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](http://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 lnd. close

2. What issues are important to the Burlington Community?

Traffic, clean H<sub>2</sub>O, ~~not~~ minimal ~~increase~~ 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 in this part of Multnomah County so join up MAX Lines both downtown & Hills-  
boro

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

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

Georgé Plummer  
Joanna Valencia  
Multnomah County Land Use Planning  
1600 SE 190<sup>th</sup> Ave, Suite 116  
May 5, 2010

Dear Joanna and George,

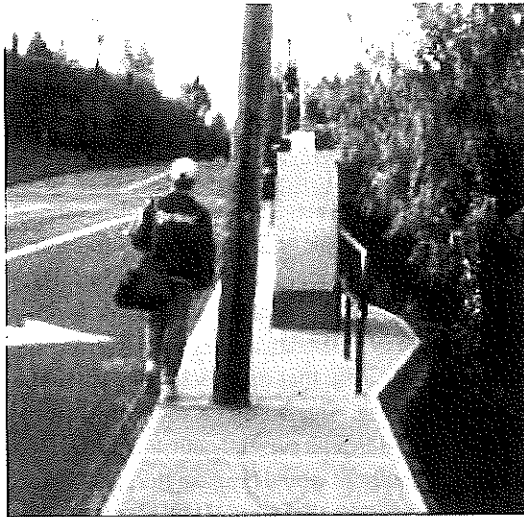
Thank you for the opportunity to provide our input at the recent Burlington Neighborhood meeting. On behalf of my wife Julie and myself I would like to recap the most important points we attempted to make at the meeting.

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?

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 6: 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.

# **BURLINGTON POLICIES DOCUMENT**

The following gives an overview of the County's current policies and strategies for the Rural Center as provided in the County's Comprehensive Framework Plan. This overview is then followed by proposed new policies for the Burlington Community.

Please review the proposed changes and if you have any questions you can ask us the questions at the September 14<sup>th</sup> meeting or you can contact George Plummer at 503-988-3043 ext. 29152 ([george.a.plummer@co.multnomah.or.us](mailto:george.a.plummer@co.multnomah.or.us)) or Joanna Valencia at 503-988-3043 ext. 29637 ([joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)). You are also encouraged to send us your feedback and comments regarding the proposed policies.

This document is also available online at: [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan)

### **Overview: Current County Plan Policies and Strategies contained in the West Hills Rural Plan Area**

The current plan and zoning regulations identifies a variety of uses. 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.

Policy 7 (Rural Center Land Area) of the County's Framework Plan and Policies 4 and 5 (Rural Center) of the West Hills Rural Plan Area describes the county's current objectives for the Burlington Rural Center. The Rural Center 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 area provides rural services for residents and businesses located in the rural areas of the County with the goal of being appropriate to the character of the rural area. The current policy relates to uses that are permitted within the area and to expansions of the area boundary.

Policy 7 of the current County Comprehensive requires that expansion of a Rural Center to adjacent lands shall be based upon finding that:

- (A) Land zoned EFU will not be included unless that is the only land physically available;
- (B) Insufficient vacant available land exists within the center;
- (C) The expansion will not significantly impact adjacent natural resource or rural residential areas or that such impacts can be mitigated;
- (D) The expansion will be adjacent to existing RC boundaries; and
- (E) The expansion is not for the primary purpose of residential development.

Further the County policies encourage the location of suitable uses within a rural center by:

- 1. Measuring the need for a use based upon the primary intent of the center.
- 2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands,
- 3. Establishing development standards commensurate with the rural nature of the area,
- 4. Ensuring that adjacent natural resource areas are minimally impacted.

Policies 4 and 5 (Rural Center) of the West Hills Rural Plan Area addresses policies regarding uses and development for the community and identifies strategies for each policy.

### **Current County Comprehensive Plan Policy and Strategies**

#### **Policy 7**

The County's policy is to establish and maintain rural centers which are intended primarily for commercial and community services needed by the residents of the rural areas of the County, and to provide some tourist services. Rural centers are or may be established on the basis of existing center development, on local area needs, on an evaluation of probable impacts on adjacent natural resource areas, on the demand for land to serve the primary purposes in a compact pattern, and on the capacity and condition of existing support services.

## **Strategies**

- A. As a part of the continuing planning program, the County should:
  - 1. Continue to update the Rural Centers Study on not less than a five-year schedule to include re-examination of center boundaries based upon past development activity;
  - 2. Establish a process for monitoring:
    - a. The amount and type of land available for development;
    - b. The land absorbed by development.
- B. The following strategies should be addressed in the preparation of the Community Development Ordinance:
  - 1. The Zoning Code - should include the following provisions:
    - a. Rural low density residential and farm and forest uses as primary uses;
    - b. Limited commercial and industrial uses on appropriate lot sizes, mixed uses, home occupations, cottage industries, natural resource and extractive industries, and community facilities as conditional uses or uses under prescribed conditions;
    - c. Lots of record;
    - d. What standards should apply when altering existing conditional uses; and
    - e. Standards for parking, landscaping and setbacks which are rural in nature and which are consistent with the character of Rural Centers. These standards shall be different from urban area standards.
  - 2. Zoning Classifications and lot sizes should be based on such factors as:
    - a. Topographic and natural features;
    - b. Geologic and soil limitations and soil types;
    - c. Micro-climatic conditions;
    - d. Surface water sources, watershed areas and groundwater sources;
    - e. The existing land use and lotting pattern and character of the area;
    - f. Road capacity and condition;
    - g. Capacity and level of public services available;
    - h. Type of water supply;
    - i. Soil capabilities related to a subsurface sewerage disposal system; and
    - j. The need for varying types of classifications.
  - 3. The County Street and Road Code - should include criteria related to street widths, construction standards, and required improvements appropriate to the function of the road and a semi-rural environment.
  - 4. The Capital Improvements Program - should not include a public sewer system service for Rural Centers.
- C. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

**POLICY 4:** Do not designate additional "Exception" lands in the rural West Hills.

**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.

**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.

## **Discussion Draft Policies and Strategies for the Burlington Rural Community**

The following policies and strategies are intended to assist in development of ordinances to carry out the desires of the community within the standards as set forth in the State Rule. Some of these policies have implications on how the Burlington Community develops in the future. *As a note, the number of the policies is based on the number and order of the current policies in the existing County Comprehensive Plan.*

### **Burlington Rural Community**

#### **Policy 29**

Implement a Plan for the Burlington Community that is consistent with the Community Vision reflecting the input received from the community 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**

- 29.1 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 RC zoning ordinance to reflect the needs of the Burlington community consistent with the Division 22 OAR for Unincorporated Communities.

### **Commercial and Industrial Development**

#### **Policy 30**

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

#### **Strategies**

- 30.1 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.
- 30.2 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.
- 30.3 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.
- 30.4 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 31**

New residential development within the Burlington Community will not increase the number of dwellings that would be allowed in the community under the existing zoning ordinance, and will continue to reinforce the rural nature of the areas through the zoning code.

**Strategies**

- 31.1 The County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development.
- 31.2 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.
- 31.3 The zoning code for new residential parcels in the Rural Center will be at least one acre in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

**Design**

**Policy 32**

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

**Strategies**

- 32.1 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 33**

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

**Strategies**

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

# 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:

- Addition of definitions for "Small-scale Low Impact Commercial or Industrial Use" which is linked to the size of buildings:
  - Limits building size for commercial uses to 4,000 sq. ft. of floor space.
  - Limits industrial building size in Burlington to 10,000 sq. ft of floor space with a building footprint area maximum of 5,000 sq. ft.
- Revision to the Purpose (33.3300) statement of the code to better reflect the code contained for the Burlington Rural Center (BRC) zoning district
- Moves "dwelling constructed off-site, including a mobile or modular home" to Allowed Use from Review Use
- Conditional Use Review of uses listed for small-scale low impact commercial and industrial use, this includes limiting and/or reducing the number of uses allowed conditionally
- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Adding on-site sewage disposal system requirements (system for new dwellings on contiguous ownership and for existing an easement on other ownership allowed), on-site stormwater, GEC requirements, farm covenants, and footprint size limitation for industrial buildings to reduce stormwater drainage impacts.
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Adding a standard requiring a stormwater drainage system for new commercial or industrial parking area that is certified by a Licensed Professional Engineer to meet the 10year/24hour storm event standard
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip

Please review the proposed changes and if you have any questions you can ask us the questions at the September 14<sup>th</sup> meeting or you can contact George Plummer at 503-988-3043 ext. 29152 ([george.a.plummer@co.multnomah.or.us](mailto:george.a.plummer@co.multnomah.or.us)) or Joanna Valencia at 503-988-3043 ext. 29637 ([joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)). You are also encouraged to send us your feedback and comments regarding the proposed code amendments.

This document is also available online at: [www.multco.us/burlingtonplan](http://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 with a maximum footprint of 5,000 square feet.

### **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.

(1) 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:

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

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

(c) 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.

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

(a) Automobile Repair,

(b) Restaurant,

(c) Tavern

(d) Professional Office,

(e) Garden supply store,

(f) Hardware store,

(g) Retail bakery,

(h) Service station,

(i) Beauty and barber shop,

(j) Video tape rental,

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

(a) Apparel and other finished products made from fabric;

(b) Millwork, veneer, plywood, and structural wood members;

(c) Wood containers;

(d) Wood products, not elsewhere classified;

(e) Furniture and fixtures;

(f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;

(g) Fabricated metal products;

- (h) Household appliances;
- (i) Electric lighting and wiring equipment;
- (j) Communications equipment;
- (k) Electronic components and accessories;
- (l) Motor vehicle parts and accessories;
- (m) Laboratory apparatus and analytical, optical, measuring, and controlling instruments;
- (n) Food and kindred products.

(3) Automotive repair;

(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 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.

(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.

(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.

### § 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 except as identified below for Review Uses and Conditional Uses:

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

(1) Surfacing

(a) 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, which provides a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(b) 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.

(2) A stormwater drainage system shall be installed for parking lots, that is designed and certified by an Oregon Registered Profession 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.

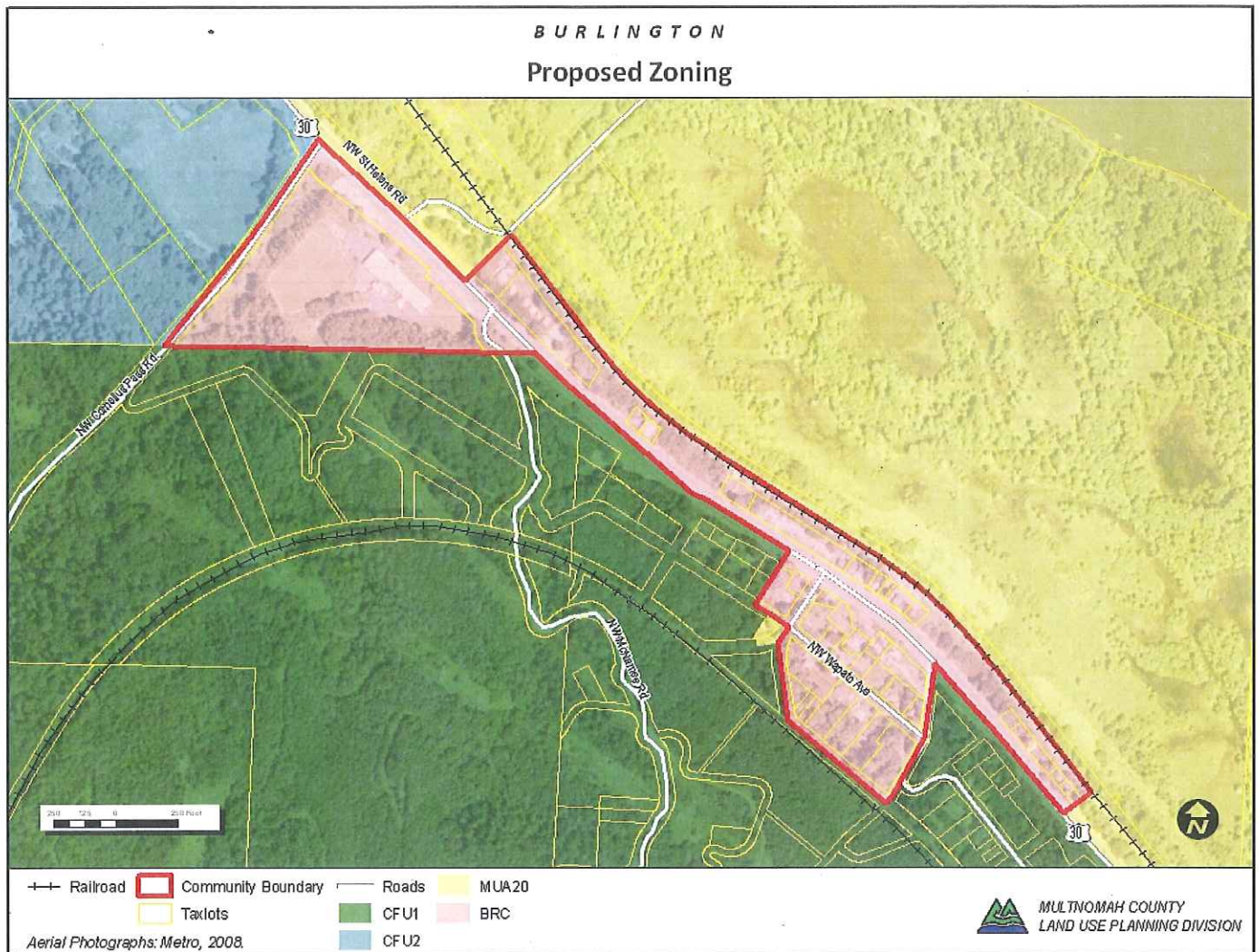
(3) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

#### **§ 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).







**Previous zoning: Rural Center (RC)**  
**Proposed: Burlington Rural Center Zoning District (BRC) and Community Boundary**





# 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 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
Email: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)

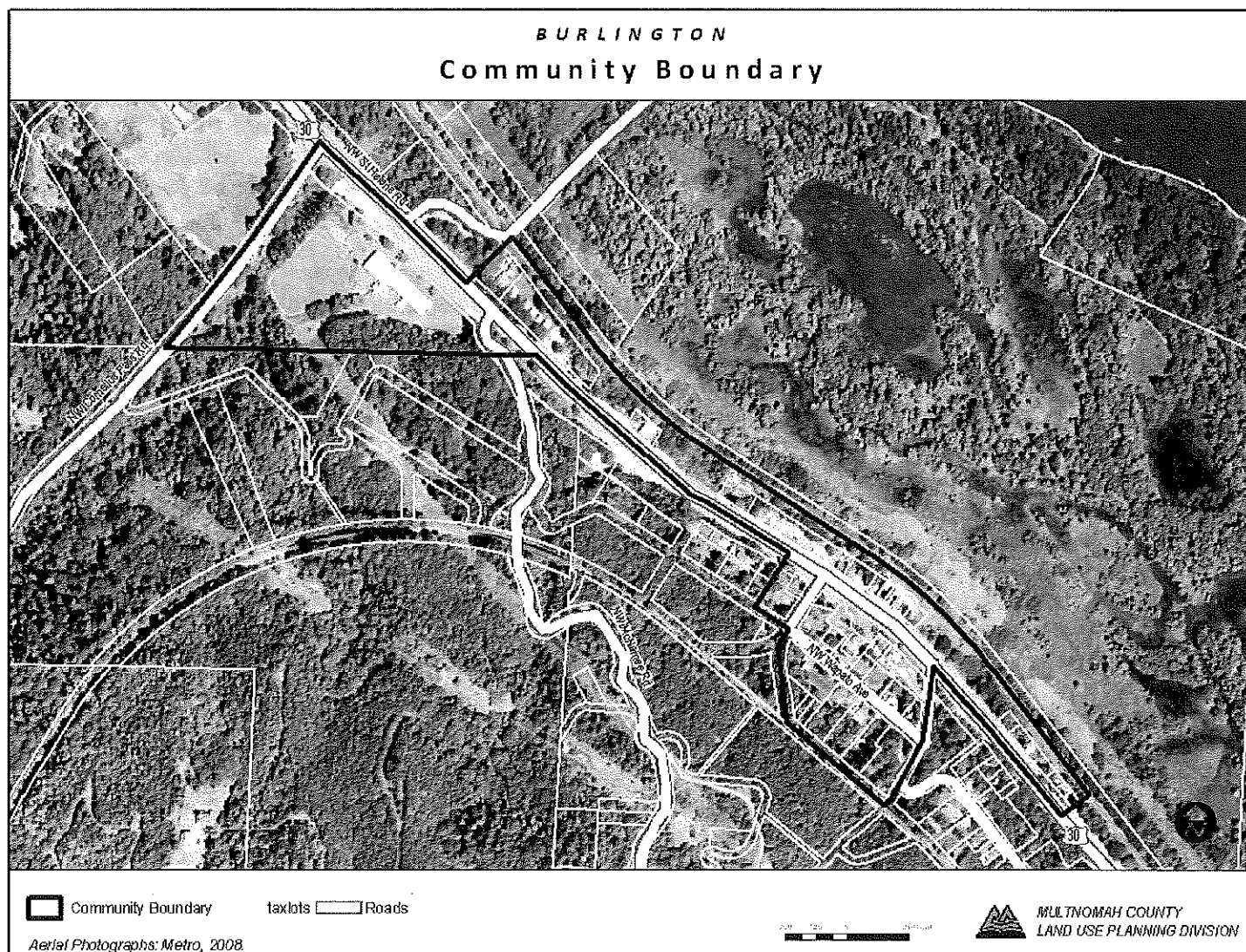
**Where can I get more information?**

Check online for upcoming dates of future community meetings and posted documents and information at [www.multco.us/burlingtonplan](http://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](mailto:george.a.plummer@co.multnomah.or.us)

Joanna Valencia  
Phone: 503-988-3043 extension 29637  
Email: [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)





# COME JOIN US!

## BURLINGTON RURAL COMMUNITY PLANNING MEETING

### *Review of Preliminary Plans*

**Wednesday, June 30, 2010, 6:00 pm to 7:30 pm**

**Location: Linnton Community Center  
10614 NW St. Helens Rd, Portland, OR 97231**

Multnomah County Land Use Planning has been working on putting together land use and zoning plans for the Burlington community. We've looked over the input received during the community meeting held on April 27<sup>th</sup> and from the community surveys, and have combined this with the information gathered by staff for the community inventory. Our goal has been to better understand your community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Come join us in reviewing the preliminary planning documents and give us your feedback. The planning documents will be available on-line at the web address below on or about June 10, 2010. Copies are available by request by contacting us.

#### **Why are we going through this process?**

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. 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 plan and zoning amendments by the end of this calendar year. The June 30 meeting is the second in a series of three community meetings planned for this year, and follows the introductory meeting being held this past April. Another meeting will be scheduled in September to review drafts and provide feedback on the community plan, prior to scheduling and conducting public hearings on the plans before the Multnomah County Planning Commission this fall.

#### **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 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
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Phone: 503-988-3043 extension 29637  
Email: [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)





# COME JOIN US!

## BURLINGTON RURAL COMMUNITY PLANNING MEETING

*Review of draft Community Plan, Policies, and Zoning*

**Tuesday, September 14<sup>th</sup>, 2010, 6:00 pm to 7:00 pm**

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

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<sup>th</sup> and June 30<sup>th</sup>, in addition to the input received from the community surveys. We've taken this information and have combined this with the information gathered by staff for the community inventory.

Our goal has been to better understand your community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Come join us in reviewing the preliminary planning documents and give us your feedback. These documents include the Community Plan, Policies and the Zoning Code. **The planning documents will be available on-line at the web address ([www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan)) on August 31<sup>st</sup>, 2010.** Hard copies are available by request by contacting Joanna at 503-988-3043 extension 29637.

### **Why are we going through this process?**

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. 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 plan and zoning amendments by the end of this calendar year. The September 14<sup>th</sup> meeting is the third in a series of three community meetings planned for this year, and follows the introductory meeting held this past April and the second meeting held in June. After this meeting, the next step will be scheduling meetings in the fall and conducting public hearings on the plans before the Multnomah County Planning Commission. The first meeting is planned for October 4<sup>th</sup>.

### **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 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
Email: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [burlingtonplan@co.multnomah.or.us](mailto: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 the following web address: [www.multco.us/burlingtonplan](http://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](mailto:george.a.plummer@co.multnomah.or.us)

Joanna Valencia

Phone: 503-988-3043 extension 29637

Email: [joanna.valencia@co.multnomah.or.us](mailto: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 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97233  
Email: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)

Survey available online at: [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan)

### **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](http://www.multco.us/burlingtonplan)

### **Who do I contact if I have questions?**

George Plummer  
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# 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

		LANDUSE			
Parcel Size Class	Data	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.





**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

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**Land Use and Transportation Program**  
**1600 SE 190<sup>th</sup> Avenue**  
**Portland, Oregon 97233-5910**  
**PH. (503) 988-3043 Fax (503) 988-3389**  
**[www.co.multnomah.or.us/landuse](http://www.co.multnomah.or.us/landuse)**

## **Memorandum**

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**To:** Interested Parties  
**From:** George A. Plummer and Joanna Valencia, Staff Planners  
**Date:** June 10, 2010  
**Subject:** Response to community comments raised for Burlington  
Community (PC-10-009)

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This memo lists issues raised for the Burlington community. A list of issues and items to address was generated during the community input session at the April 27<sup>th</sup> community meeting. Staff compiled the community responses and has categorized them below. Comment(s) received have been included and are followed by staff's response in addressing the issue.

### **Community Boundary**

Comment: Why was the boundary set where it is?

Staff Response: 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) was designated Commercial Forest Use, and was found to be virtually undeveloped at that time, therefore establishing the current boundary.

Further, staff's review of vacant properties east of the current boundary find that topography in combination with small lot sizes may restrict development. As identified above, the Burlington subdivision was large and inclusion of vacant lands would have been a substantial increase in the community boundary. For the most part the lots were found to be, for the most part, undeveloped. In looking at the two houses west of the boundary, one was constructed after the boundary was already established.

Comment: Can the boundary be expanded?

Staff Response: There are a number of challenges to expansion of the boundary. These include State Unincorporated Community Rule requirements and rural reserve designations. The State Rule identifies that Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria are met:

(a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;

(b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;

(c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and

(d) The land remains planned and zoned under Goals 3 or 4.

In taking a look at the area, the current community boundary is surrounded by lands designated for forest and is zoned Commercial Forest Use-1 and Commercial Forest Use-2. Difficulty to include these areas would come from criterion (b) identified above requiring that lands 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 land that borders Burlington is designated as rural reserve. Exceptions to Goals 3 and 4 are not allowed in rural reserve areas under current state rules in OAR Division 27.

### **Septic Requirements and Small lots**

Comment: We have concerns regarding the impact of lot sizes, zoning setback requirements and septic requirements on being able to develop or maintain a single family dwelling on a lot.

Staff Response: The Burlington area is not served by a community sewer district or system. All wastewater treatment in the area is accomplished through septic systems. The State Rule requires that 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.

The land use 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 stormwater control systems. 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 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. In addition, the community input received included feedback from the citizens indicating that they like the density and there is a community interest in preserving what's already there and maintaining the community. The development of urban services, such as a sewer system, would be contrary to this input.

### **Lack of services such as grocery store, gas station, and restaurant in the community**

Comment: There is lack of community services such as a grocery store, gas station and restaurant in the community.

Staff Response: Challenges in developing such uses include the small lot sizes and the lack of urban services such as septic and water. In addition, challenges to developing these uses includes being able to provide adequate off-street parking. Solutions to these challenges may include the development of a combination of adjacent lots. The identified uses are currently listed as a conditional use permit, and any such proposals to locate such uses within the Rural Center zone would have to be reviewed on a case-by-case basis.

### **Bus Service and other modes of transportation**

Comment: Is there a possibility of bus or other forms of public transportation to service the community.

Staff Response: County staff will forward the comments to the appropriate agencies that provide public transportation (i.e. TriMet) for response.

### **Highway 30**

Comment: Concerns were raised regarding traffic safety and access to Highway 30. This included citizen concerns regarding sight distance at the intersection of Burlington Avenue and Highway 30, and the difficulty at times to access Highway 30 and the possibility of exploring a reduction of the speed limit through the community.

Staff Response: According to county policies and zoning regulations in place, and staff discussions with the Oregon Department of Transportation, and results from the community inventory and analysis, it appears that the Rural Community Plan for the Burlington Community will not affect the existing or planned transportation facilities. 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). Comments received regarding Highway 30 will be forwarded to ODOT for their information. 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.





## 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](http://www.multco.us/burlingtonplan).

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

2. What issues are important to the Burlington Community?

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

Your Name:		<b>When completed, please return to:</b> Attention: Burlington Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97233 Email: <a href="mailto:burlingtonplan@co.multnomah.or.us">burlingtonplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:		
Phone Number:		
Email:		

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





## Burlington Community Question/Comment Card

Please fill out and return to the Multnomah County Land Use and Transportation Program Office by July 14, 2010. Attach additional sheets if needed. This is also available online at [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan).

Question/Comment:

Your Name:		<b>When completed, please return to:</b> Attention: Burlington Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97233 Email: <a href="mailto:burlingtonplan@co.multnomah.or.us">burlingtonplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:		
Phone Number:		
Email:		



## Burlington Community Question/Comment Card

Please fill out and return to the Multnomah County Land Use and Transportation Program Office by July 14, 2010. Attach additional sheets if needed. This is also available online at [www.multco.us/burlingtonplan](http://www.multco.us/burlingtonplan).

Question/Comment:

Your Name:		<b>When completed, please return to:</b> Attention: Burlington Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116
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**Attachment D. Public Outreach Materials**  
PC-10-009, Burlington

Mailing Address:		1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97233
Phone Number:		Email: burlingtonplan@co.multnomah.or.us Fax: 503-988-3389
Email:		Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia



## 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

[Flier](#)

Meeting Documents:

[Plan](#) | [Policy](#) | [Zoning](#)

#### Documents:

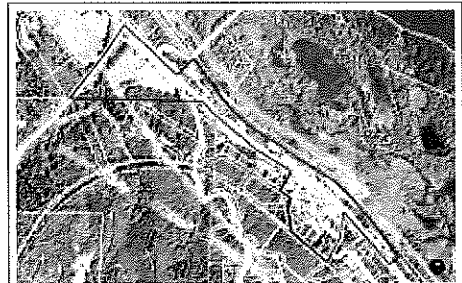
- Handouts: [Summary and Inventory](#) | [Informational Handout](#)
- Maps: [Land Use](#) | [Zoning](#) | [Zoning Overlays](#)
- June 30 Meeting Handouts: [DRAFT Burlington Unincorporated Community Plan](#) | [Memo: Response to community comments raised for Burlington Community](#) | [Burlington Policies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

#### 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).



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

#### 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



Portland, OR 97233

Email: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)

Fax: 503-988-3389

Sign-up for email notices: [burlingtonplan@co.multnomah.or.us](mailto:burlingtonplan@co.multnomah.or.us)

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

Who do I contact if I have questions?

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Joanna Valencia

Phone: 503-988-3043 extension 29637

Email: [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)

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

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## Oregon State Archives

**Attachment E. State Rule- Division 22:**  
Unincorporated Communities  
PC-10-009, Burlington

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**The Oregon Administrative Rules contain OARs filed through August 13, 2010**

## LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

### DIVISION 22

#### UNINCORPORATED COMMUNITIES

#### 660-022-0000

##### Purpose

- (1) The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.
- (2) This division interprets Goals 11 and 14 concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010.
- (3) This division does not apply to areas approved as destination resorts under the destination resort statute, ORS 197.435 through 197.467.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

#### 660-022-0010

##### Definitions

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR Chapter 660, Division 15) apply. In addition, the following definitions apply:

- (1) "Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers.
- (2) "Community Sewer System" means a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.
- (3) "Community Water System" means a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.
- (4) "Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.

(5) "Permanent residential dwellings" includes manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground.

(6) "Resort Community" is an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes: and

(a) Includes residential and commercial uses; and

(b) Provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

(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.

(8) "Rural Service Center" is an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.

(9) "Urban Unincorporated Community" is an unincorporated community which has the following characteristics:

(a) Include at least 150 permanent residential dwellings units;

(b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;

(c) Includes areas served by a community sewer system; and

(d) Includes areas served by a community water system.

(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;

(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";

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

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

(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).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

## **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.

(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.

(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

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-009, Burlington**

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.
- (4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:
  - (a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;
  - (b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;
  - (c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and
  - (d) The land remains planned and zoned under Goals 3 or 4.
- (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.
- (6) Communities which meet the definitions in both OAR 660-022-0010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

#### **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.
- (2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.
- (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;
  - (f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

- (A) 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;
- (B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
- (C) 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.;
- (g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:
- (A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or
- (B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.
- (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.
- (5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:
- (a) Any number of new motel and hotel units may be allowed in resort communities;
- (b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;
- (c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.
- (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.
- (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).
- (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.
- (9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.
- (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 building 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.
- (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.

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-009, Burlington**

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 2-2003(Temp) f. & cert. ef. 3-28-03 thru 9-23-03; LCDD 3-2003, f. 9-23-03, cert. ef. 9-24-03; LCDD 4-2003, f. & cert. ef. 9-26-03; LCDD 8-2005, f. & cert. ef. 12-13-05

**660-022-0040**

**Urban Unincorporated Communities**

(1) Counties with qualifying communities shall adopt plans and land use regulations for urban unincorporated communities (UUC's). All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and related requirements regarding the accommodation of long-term need for housing and employment growth.

(2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:

(a) The UUC is at least 20 road miles from an urban growth boundary with a population over 25,000; and

(b) The UUC is at least 10 road miles from an urban growth boundary with a population of 25,000 or less.

(3) To expand the boundary of a UUC, a county shall demonstrate a long-term need for housing and employment in the community. The county shall base its demonstration upon population growth estimates from a reputable forecast service (such as Portland State University). The county shall coordinate its estimates with those for other cities and communities in the county. The county shall consider:

(a) Plans to extend facilities and services to existing community land; and

(b) The infill potential of existing land in the community.

(4) If a county determines that it must expand the boundary of a UUC to accommodate a long-term need for housing and employment, it shall follow the criteria for amendment of an urban growth boundary in statewide planning Goal 14 and shall select land using the following priorities:

(a) First priority goes to that developable land nearest to the UUC which is identified in an acknowledged comprehensive plan as exception area or nonresource land;

(b) If land described in subsection (a) of this section is not adequate to accommodate the need demonstrated pursuant to section (3) of this rule, second priority goes to land designated in a comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use, with designated marginal land considered the lowest capability (highest priority for selection);

(c) Land described in subsection (4)(b) of this section may be included if land of higher priority is inadequate to accommodate the need projected according to section (3) of this rule for any one of the following reasons:

(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or

(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or

(C) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

(5) Counties shall apply plans and land use regulations to ensure that land added to a UUC:

(a) Is used only to satisfy needs identified pursuant to section (3) of this rule; and

(b) Is provided with sewer and water services at the time of development; and

(c) Is planned and zoned according to the requirements of this division; and

(d) If designated for residential use, meets the requirements of statewide planning Goal 10 and ORS 197.314; and

- (6) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).
- (7) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of this rule in their comprehensive plans.
- (8) For purposes of this rule, "developable land" shall have the meaning given that term in OAR 660-021-0010(5).
- (9) For purposes of this rule, "long-term need" means needs for the UUC anticipated for the next 10 years.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDL 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

#### **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.
- (2) A community public facility plan shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including:
- (a) An inventory of the condition and capacity of existing public facilities and services;
  - (b) An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and
  - (c) Coordination agreements consistent with ORS chapter 195.
- (3) If existing community facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:
- (a) Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or
  - (b) A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and
  - (c) A discussion of the provider's funding mechanisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and
  - (d) A requirement that development not occur until the necessary public facilities are available for that development.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040



Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-009, Burlington**

#### **660-022-0060**

##### **Coordination and Citizen Involvement**

(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.

(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:

(a) How residents of the community and surrounding area will be informed about the proposal;

(b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;

(c) Which citizen advisory committees will be notified of the proposal.

(3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.

(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.

(5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

#### **660-022-0070**

##### **Applicability**

For each unincorporated community in the county, by January 1, 1998, or a date specified in a periodic review work program, all counties shall:

(1) Plan for unincorporated communities under the requirements of this division; or

(2) Demonstrate that all uses authorized by acknowledged comprehensive plans and land use regulations for unincorporated communities are rural, in compliance with statewide planning Goals 11 and 14; or

(3) Amend acknowledged comprehensive plans and land use regulations to limit uses to those which are rural in compliance with statewide planning Goals 11 and 14; or

(4) Adopt exceptions to statewide planning Goal 14, and Goal 11 if necessary, to allow urban uses on rural land.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

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**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE  
WORK SESSION ON OCTOBER 4, 2010**

**SPRINGDALE RURAL COMMUNITY PLAN AND ORDINANCE  
AMENDMENTS  
CASE FILE # PC 10-010**

**I. Introduction and Purpose**

Since the beginning of the year staff has been working on Community Plans and Zoning Code Amendments for the unincorporated communities of Burlington and Springdale. The proposed plan amends the East of Sandy River Rural Area Plan and Multnomah County Code Chapter 35 to incorporate policies and zoning code amendments needed to complete planning for the community consistent with the rule and community preferences. This work is a requirement of the Oregon Statewide Planning Goals and Guidelines which requires planning for all the unincorporated 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 (Division 22), also known as the Unincorporated Communities Rule. This task involves public outreach to the communities, inventorying of land uses, and drafting of a community plan, policies, and zoning code amendments.

Due to the characteristics of the Burlington and Springdale Communities, staff has determined that these communities are most appropriately 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.

For the Planning Commission Work Session, staff has prepared two staff reports addressing the communities separately. The reports contain similar information summarizing the rule, but address each community specifically in regards to public outreach, the plan document, and proposed policies and zoning code amendments. This staff report focuses on the Springdale Community and includes information on the planning process and the public outreach program. This staff report also includes proposed new policies and zoning code amendments both of which are addressed and summarized further in Sections V and VI below. Full copies of the plan, policies and zoning for the community are attached. The plan includes findings and data from the community inventory and community input received. The policies document includes proposed new policies and strategies that address development, design and transportation. The zoning document includes proposed code amendments that address commercial and industrial development, off-site parking, and setbacks.

Upcoming hearings for the communities will be held separately, with the hearing for Springdale tentatively scheduled for November 1<sup>st</sup> and the hearing for Burlington scheduled for December 6<sup>th</sup>.

## **II. State Rule- Division 22**

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. The Unincorporated Communities Rule requires that established communities outside of urban growth boundaries be designated as either an Urban Unincorporated Community 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. Rural Unincorporated Communities are, defined as one of the three following types:

1. Resort Communities- established primary for recreation and resort purposes.
2. Rural Communities- consisting primarily of permanent residential dwellings, with at least two other land uses present (such as commercial, industrial or public uses).
3. 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.

The state Unincorporated Communities Rule requires that counties 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, and
- Adversely affect agriculture or forestry uses.

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.

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 Rule further limits this by allowing only the portion of the lot or parcel that is occupied by the public use(s) to be included in the Unincorporated Community boundary, and requiring that the remainder of the property must continue to be planned and zoned as farm or forestland.

Staff has conducted an inventory of the community identifying the land uses, lot sizes and services within the community, and identifying the boundary as recognized under the current Rural Center

designation. This is all documented and included in the attached Community Plan (Attachment A). As previously mentioned, staff has determined that the Springdale community is most appropriately designated as a Rural Community. As defined above, the Springdale community consists primarily of permanent residential dwellings, with some commercial, industrial and public uses.

### **III. Plan Process**

Multnomah County Land Use Planning staff formulated a process preparing for the Springdale 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 in the community, 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. The results of these meetings and community involvement are discussed below and provided in the Appendix 5 and 6 of the plan.

As part of the planning project, the following tasks were undertaken. The findings of the task are included and further addressed in the attached plan (Attachment A).

- 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

In addition to the above tasks, the County engaged in an extensive public process to involve residents and landowners in the unincorporated community planning effort. This is further addressed in Section IV below.

### **IV. Public Outreach and Community Input**

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 in Corbett. These meetings included staff presentations and community input sessions. Documents were distributed at these meetings, which included a community survey. Community input received from the meetings and surveys are further addressed in the plan (Attachment A). An introductory meeting was held on April 20th, 2010. 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. Results from this meeting found 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 ensuring adequate water service, increases in traffic, drainage and run-off, off-street parking and the use of the Springdale Community Building.

The second community meeting was held on June 22, 2010. During this meeting staff distributed drafts of the Community Plan and Policies, and proposed zoning changes. Staff led a discussion in which the three documents were discussed. 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 water service, transportation, the use of the Springdale Community School Building, and off-street parking. Members of the community actively discussed components of the plan and proposed zoning changes. They suggested a number of changes that staff have incorporated into the proposed zoning. See Appendix 6 of Attachment A for an outline of issues and suggestions that were discussed during the June 22<sup>nd</sup> community input session. The key changes include:

- Addition of definitions for “Small-scale Low Impact Commercial or Industrial Use” which is linked to the size of buildings:
  - Limits building size for commercial uses to 4,000 sq. ft. of floor space
  - Limits industrial building size in Springdale to 10,000 sq. ft of floor space
- Revision to the Purpose (33.3300) statement of the code to better reflect the revised code for the Springdale Rural Center (SRC) zoning district
- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip

The third community meeting was held on September 7, 2010. Staff brought revised drafts of the Community Plan, Policies and Zoning. These drafts considered the input received during the community meetings held on April 20<sup>th</sup> and June 22<sup>nd</sup>, in addition to the input received from the community surveys. Members of the Community attending the meeting provided additional feedback regarding proposed changes to the zoning. Staff has amended the proposed code to reflect the community input.

## **V. Proposed Policies**

The current County Comprehensive Framework Plan and East of Sandy River Rural Area Plan include policies and strategies for the Rural Center. The County Comprehensive Framework Plan Policies set the framework for interrelating all of the statewide goals into a broad statement of public policy for the county. Goals are included in the Comprehensive Plan, however the details are further expanded in Rural Area Plans that take into account community issues, needs, and values that are individualized to local areas. Policy 7 (Rural Center Land Area) of the existing county Comprehensive Framework Plan, and Policies 13, 15, and 17 (Rural Center) of the East of Sandy River Rural Area Plan, describe the county’s objectives for the Springdale Rural Center. This section of the staff report briefly summarizes the current county policies in place, and lists proposed policies to be included in the county plans.

Current policies in place under Policy 7 of the current County Comprehensive require that expansion of a Rural Center to adjacent lands shall be based upon finding that:

- (A) Land zoned EFU will not be included unless that is the only land physically available;
- (B) Insufficient vacant available land exists within the center;
- (C) The expansion will not significantly impact adjacent natural resource or rural residential areas or that such impacts can be mitigated;
- (D) The expansion will be adjacent to existing RC boundaries; and
- (E) The expansion is not for the primary purpose of residential development.

Further the County policies encourage the location of suitable uses within a rural center by:

1. Measuring the need for a use based upon the primary intent of the center.
2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands,
3. Establishing development standards commensurate with the rural nature of the area,
4. Ensuring that adjacent natural resource areas are minimally impacted.

Policies 13, 15 and 17 (Rural Center) of the East of Sandy River Rural Area Plan address uses and development for the community and identify strategies for each policy.

Proposed policies for the Springdale Community that would amend the West Hills RAP are included in *Attachment B: Policies- Springdale Community September 7, 2010 Discussion Draft*. Proposed policies address community development, transportation, design, and residential, commercial and industrial development. These policies reflect maintaining and preserving the rural character of the community, and are as follows:

### ***Springdale Rural Community***

#### **Policy**

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

#### **Strategies**

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

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

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



## ***Commercial and Industrial Development***

### **Policy**

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

### **Strategies**

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

## ***Residential Development***

### **Policy**

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

### **Strategies**

- The County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development.
- Include provisions in the residential zone that allow for Type A home occupations outright, and Type B home occupations through a conditional use process and design review.

- The zoning code for new residential parcels in the Rural Center will be at least one acre in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

### ***Design***

#### **Policy**

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

#### **Strategies**

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

### ***Transportation***

#### **Policy**

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

#### **Strategies**

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

## **VI. Proposed Zoning Code Amendments**

The Springdale 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. As part of this task, staff has worked with the community to amend the existing zoning to reflect the policies. Proposed revisions to the current Rural Center zoning district in MCC Chapter 35 are included in *Attachment C: Zoning- Springdale Community September 7, 2010 Discussion Draft*. Key changes include:

- Addition of definitions for “Small-scale Low Impact Commercial or Industrial Use” which is linked to the size of buildings:
  - Limits on building size for commercial to 4,000 sq. ft.
  - Limits industrial building size in Springdale to 15,000 sq. ft with a building footprint area maximum of 7,500 sq. ft
- Revision to the Purpose (35.3300) statement of the code to better reflect the code contained for the Springdale Rural Center (SRC) zoning district
- Changes back to a one acre minimum lot size for Springdale
- Moves “dwelling constructed off-site, including a mobile or modular home” to Allowed Use from Review Use
- Conditional Use Review of uses listed for small-scale low impact commercial and industrial use, this includes limiting and/or reducing the number of uses allowed conditionally

- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Adding on-site sewage disposal system requirements (system for new dwellings on contiguous ownership and for existing an easement on other ownership allowed), on-site stormwater, GEC requirements, farm covenants, and footprint size limitation for industrial buildings to reduce stormwater drainage impacts
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Adding a standard requiring a stormwater drainage system for new commercial or industrial parking area that is certified by a Licensed Professional Engineer to meet the 10year/24hour storm event standard
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip

## **VII. Attachments**

- Attachment A.** Plan- Springdale Community September 7, 2010 Discussion Draft  
**Attachment B.** Policies- Springdale Community September 7, 2010 Discussion Draft  
**Attachment C.** Zoning- Springdale Community September 7, 2010 Discussion Draft  
**Attachment D.** Public Outreach Materials  
**Attachment E.** State Rule- Division 22: Unincorporated Communities

# Springdale Unincorporated Community Plan



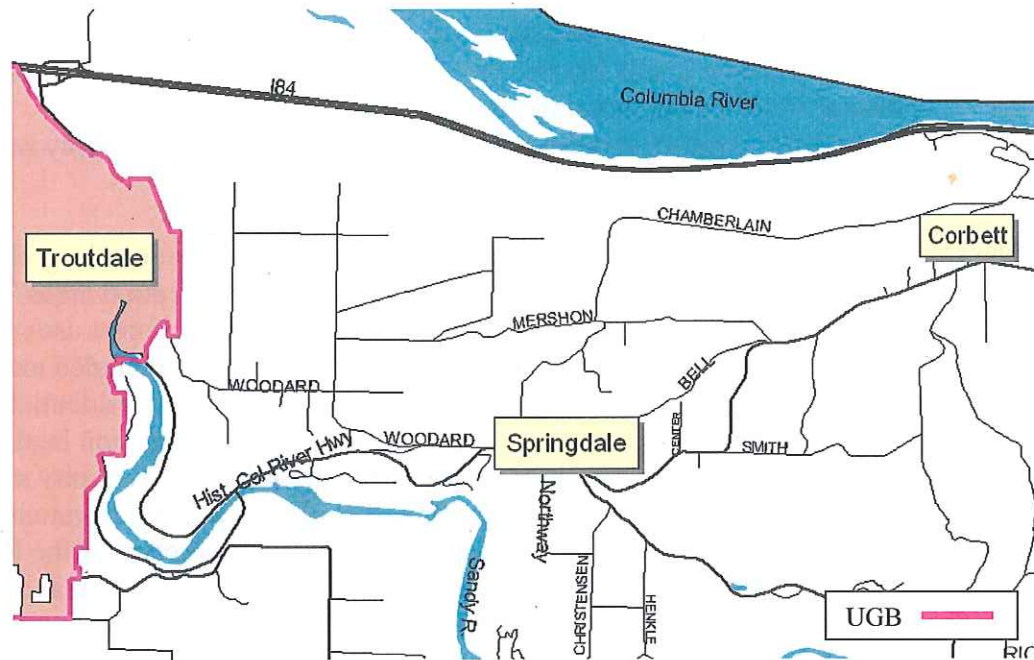
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## I. Background

### a. Location and Community Description

Springdale is small rural community located in east Multnomah County about 1000 feet northeast of the Sandy River Canyon. Springdale is approximately three miles southeast from the city of Troutdale, along the Historic Columbia River Highway. The community is also located approximately 2 miles southwest of the community of Corbett. Springdale is comprised primarily of residential uses, and commercial uses with some community service uses that include a church, a fire station and government buildings. The commercial uses include offices for businesses, a barbershop, a tavern, and a market with a deli. The community service uses includes the Fire District #14 fire station and county owned property occupied by Multnomah County Road Services. There is no sewer service for the area with properties served by individual on-site septic systems. Water service is provided by the Corbett Water District.



### 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. Due to the characteristics of the Springdale 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.

Springdale 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 73 acres for the Springdale 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 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 Springdale 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 Exclusive Farm Use (EFU) and Commercial Forest Use-4 (CFU-4) or other 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 for preparing the Springdale Unincorporated Community Plan and completing the unincorporated community planning requirements of 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 20<sup>th</sup>, 2010 where approximately 45 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 22, 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 15 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 9<sup>th</sup>, 2010. In addition, staff distributed a Memo addressing the community comments received and raised during the first meeting. This memo address questions and comments received regarding water service, transportation the use of the Springdale Community School Building, and off-street parking.

The third community meeting is scheduled for September 7, 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 Springdale community after the second community meeting in June. We've considered over the input received during the community meetings held on April 20<sup>th</sup> and June 22<sup>nd</sup>, 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 Springdale 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 inspection 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.

Springdale is comprised of 81 parcels. Existing uses include 57 residences, 6 commercial uses, and 3 public uses. There are 15 vacant parcels that are either in agricultural use, parking areas, back yards of residences or just simply public uses that include the Fire District #14 fire station, county owned property occupied by Multnomah County Road Services, and the currently closed Springdale Elementary School.

### Springdale

Table 1

		LANDUSE DESIGNATION				
Range of Parcel Sizes (Acres)	Data	COMMERCIAL	PUBLIC	SFR (Single Family Residence)	VACANT	Grand Total
0-1.99	Total Acres	2.2 ac	2.07 ac	41.44 ac	3.23 ac	48.94ac
	Number of Parcels	8	2	55	11	76
2-3.99	Total Acres	0	2.12 ac	4.52 ac	3.15 ac	9.79 ac
	Number of Parcels	0	1	2	1	4
4-15	Total Acres	0	0	0	5.02 ac	5.02 ac
	Number of Parcels	0	0	0	1	1
Total Acres		2.2 ac	4.19 ac	45.96 ac	11.4 ac	63.75 ac
Number of Parcels		8	3	57	13	81

\*Doesn't include acreage in right-of-way

Updated 5/10/10

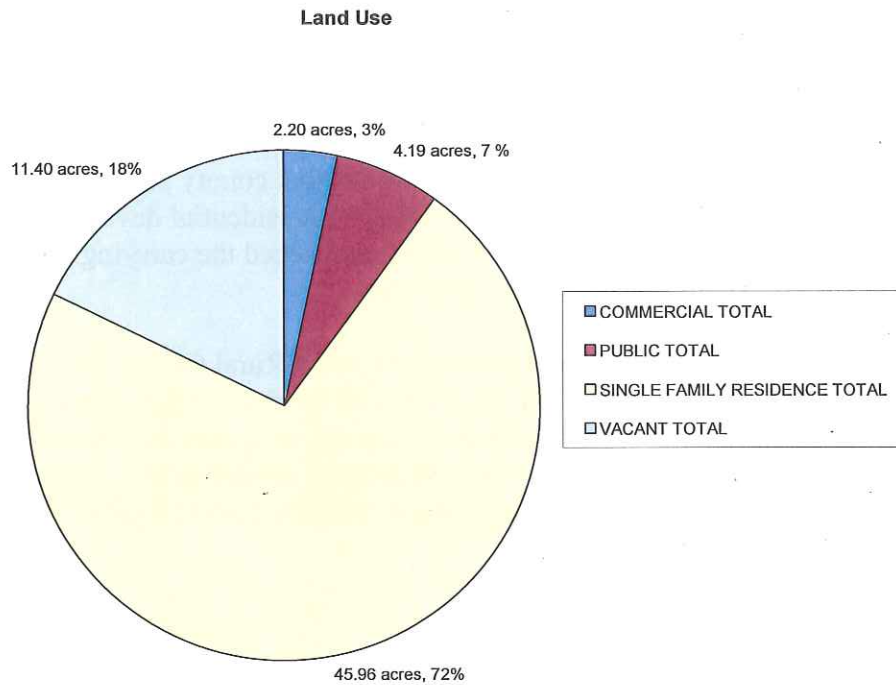


Chart 1: Land Use Acres and Percentages

None of the parcels within the community boundary are in a farm or forest tax deferral program. A total of 73.3 acres is located within the identified community boundary, 63.75 acres of which are the total number of acres for just the parcels, minus the right-of-way. A vast majority of the parcels are less than 2 acres. Four parcels range in size between 2-3.99 acres, with one vacant parcel being 3.15 acres. The largest vacant parcel is 5.02 acres.



## **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 Springdale Community doesn’t fit this criterion and therefore the zoning regulation will need to 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:

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. Density Analysis**

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,” there are two identified scenarios for possible minor density increases based on information provided in the table below. This assumes that the currently developed lots will remain developed under the current use and will not be further

developed. Development of additional lots may be contingent on being able to meet county code requirements, including on-site septic requirements.

### Springdale Density Analysis

Table 2

		LANDUSE DESIGNATION	
Range of Parcel Sizes (Acres)	Data	VACANT	Grand Total
2-3.99	Total Acres	3.15 ac	9.79 ac
	Number of Parcels	1	4
4-15	Total Acres	5.02 ac	5.02 ac
	Number of Parcels	1	1
Total Acres		8.17 ac	14.81 ac
Number of Parcels		2 lots	5 lots

\*Doesn't include acreage in right-of-way

Updated 6/2/10

#### *Scenario 1- Vacant lots*

Two vacant parcels that could possibly be further divided to one acre lots have been identified totaling 8.17 acres. Under this scenario the 8.17 acres could potentially be further divided into one acre lots for a potential of 8 additional lots.

#### *Scenario 2- Total acres of parcels greater than 2 acres in size*

In looking at the total number of acres of parcels that are greater than 2 acres in size and lots that could be further divided to one acre lots, a potential of 5 lots totaling 14.81 acres could be divided for a potential of 14 additional lots.

### 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 Disposal Conditions**

The Springdale 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 rule provision 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 by staff 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 review to meet Department of Environmental Quality standards and 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. 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 Springdale 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 Corbett Water District.

#### **b. Water System**

The Springdale area is served by the Corbett Water District. Service is available with water service lines located along the Historic Columbia River Highway, and down Northway and Lucas Roads. Staff discussions with the water district indicates that the district has the ability to service the minor amount of possible growth that could be result within the Springdale Community and it service area.

#### **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 Springdale 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. Bell, Northway and Lucas Roads are classified as Rural Local Roads and are addressed in the county policies. The Historic Columbia River Highway is addressed as part of the Historic Columbia River Highway Master 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.

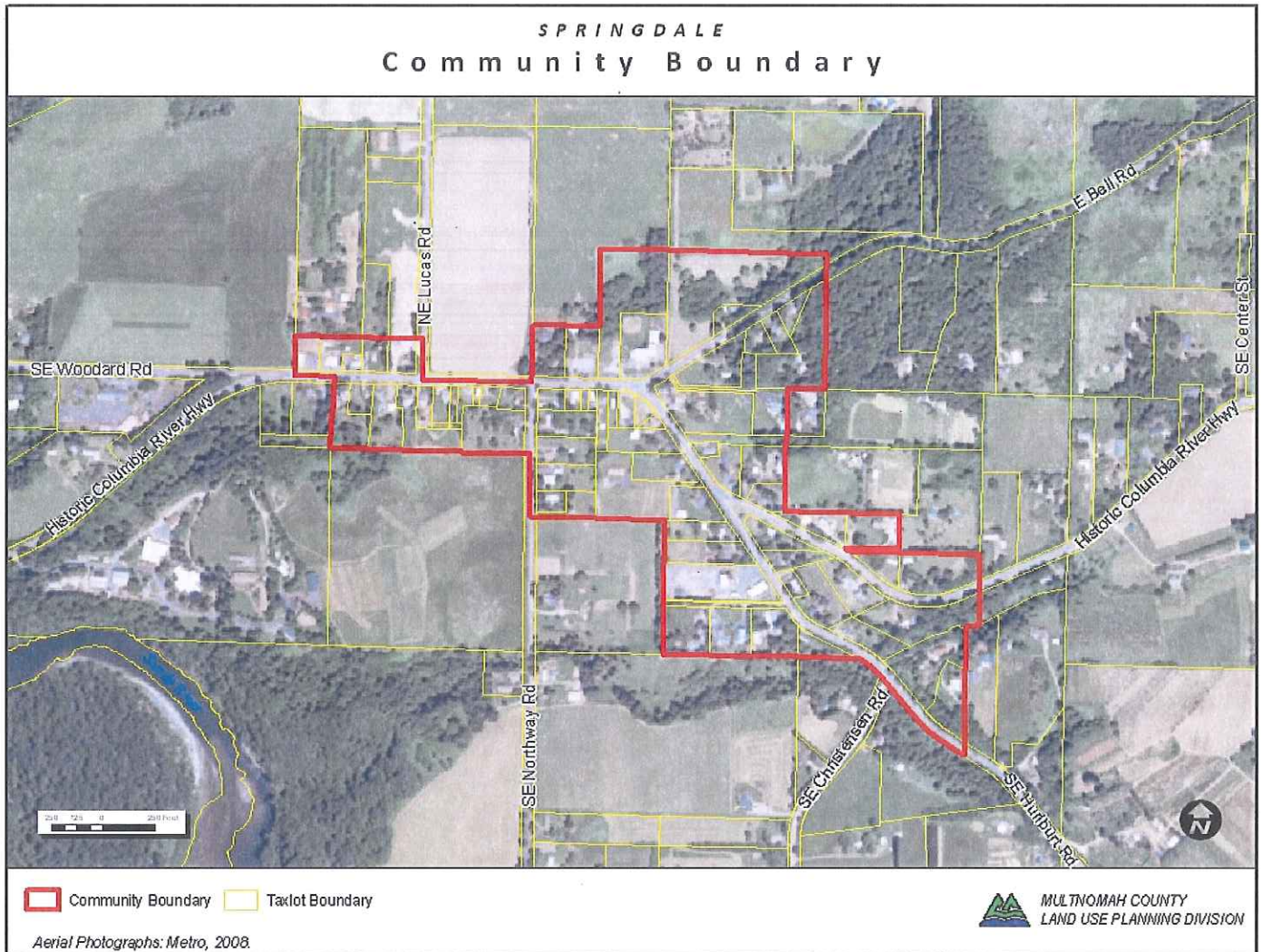
#### **IV. Appendices**

##### **Appendix 1: Zoning Code** (Proposed zoning code to be attached)

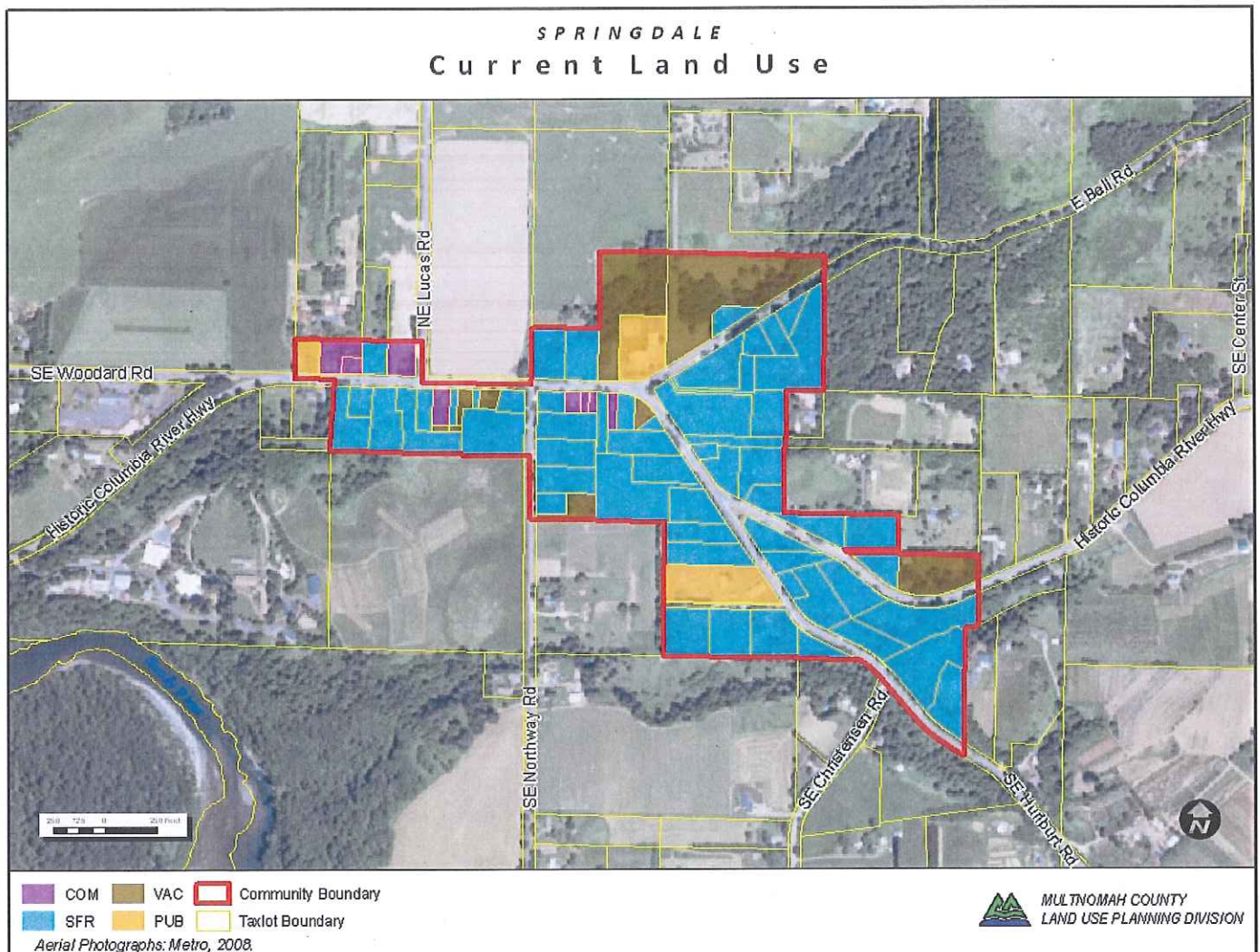


## Appendix 2: Maps

### Map 1: Community Boundary

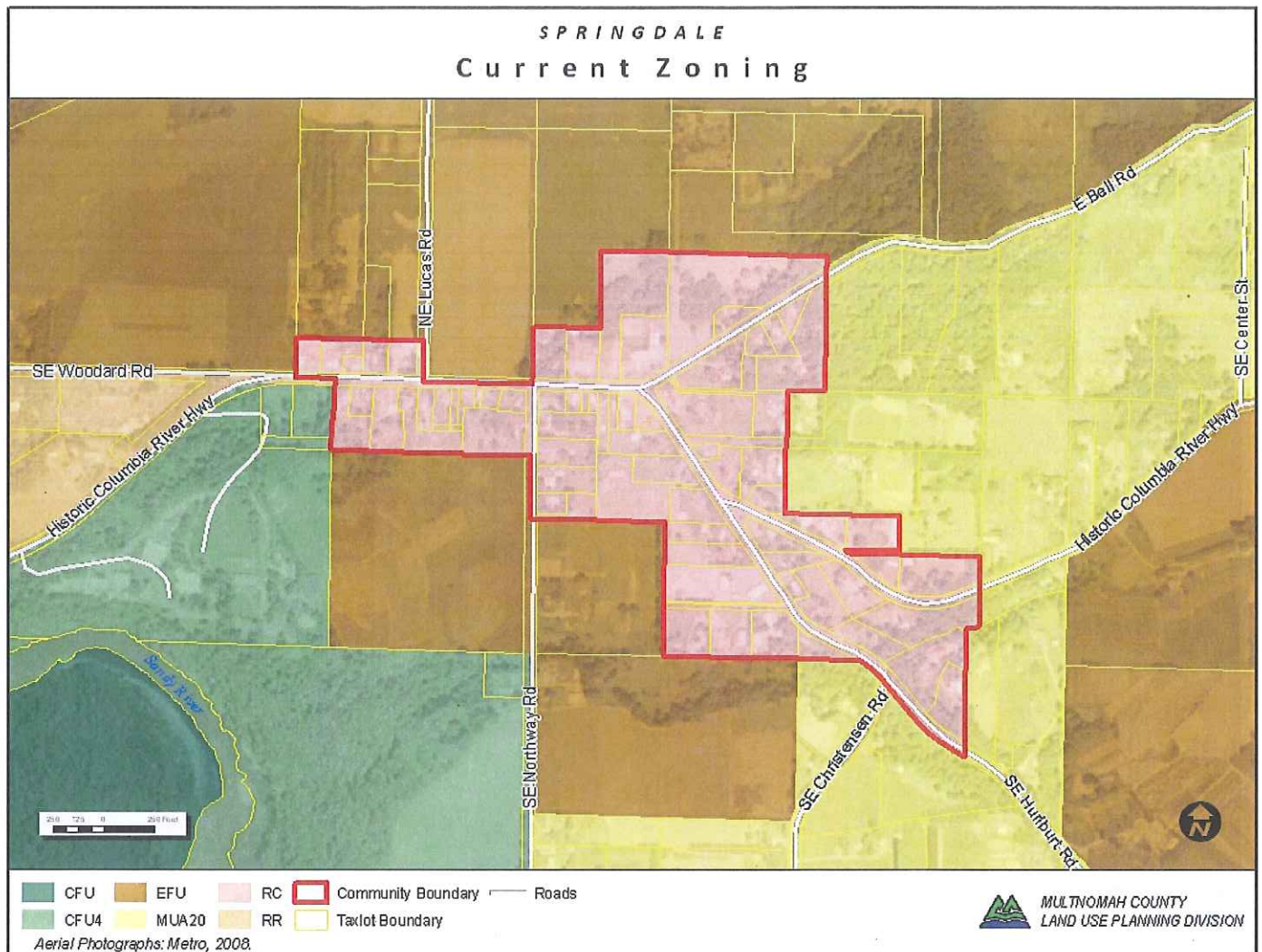


Map 2: Land Use

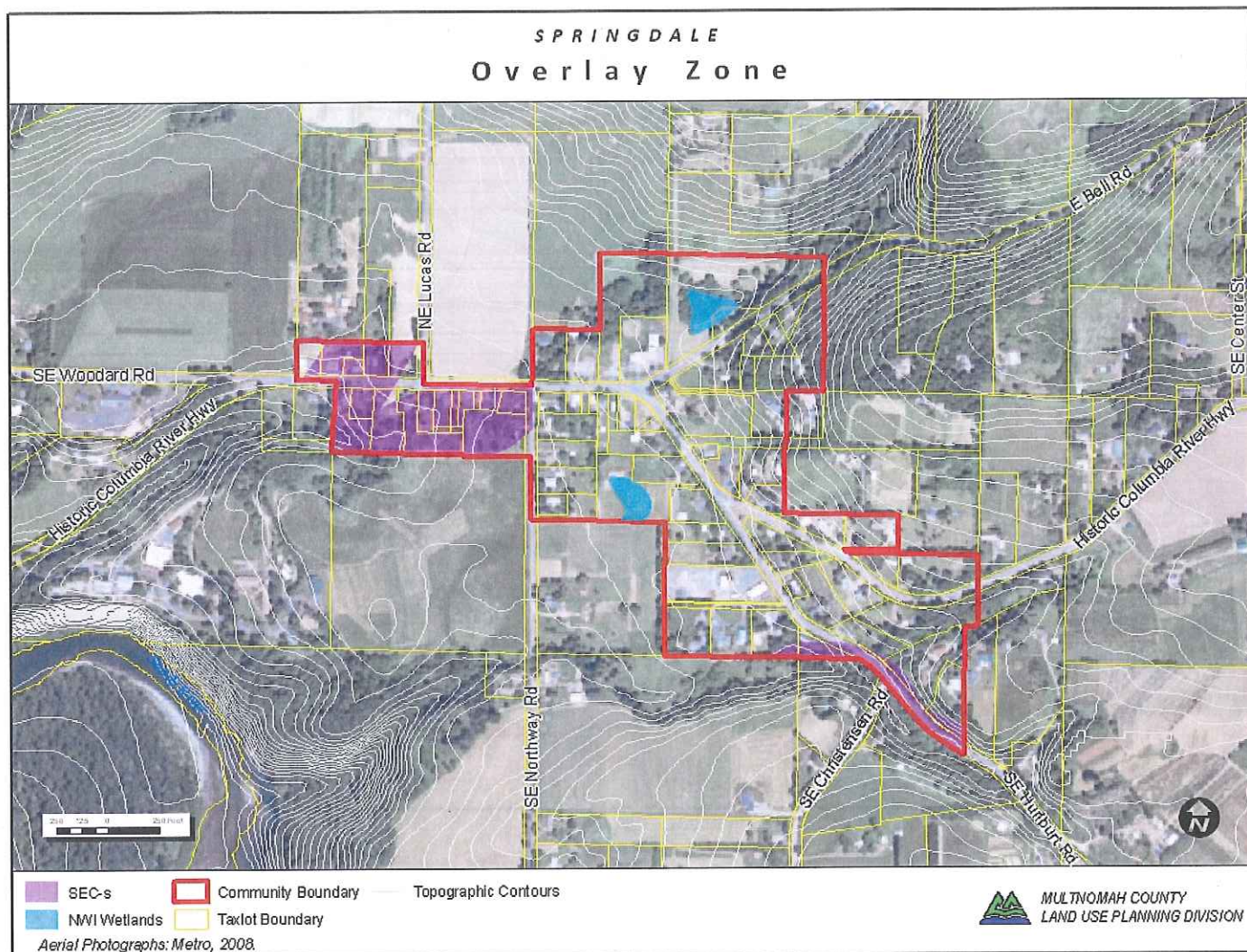




Map 3: Zoning



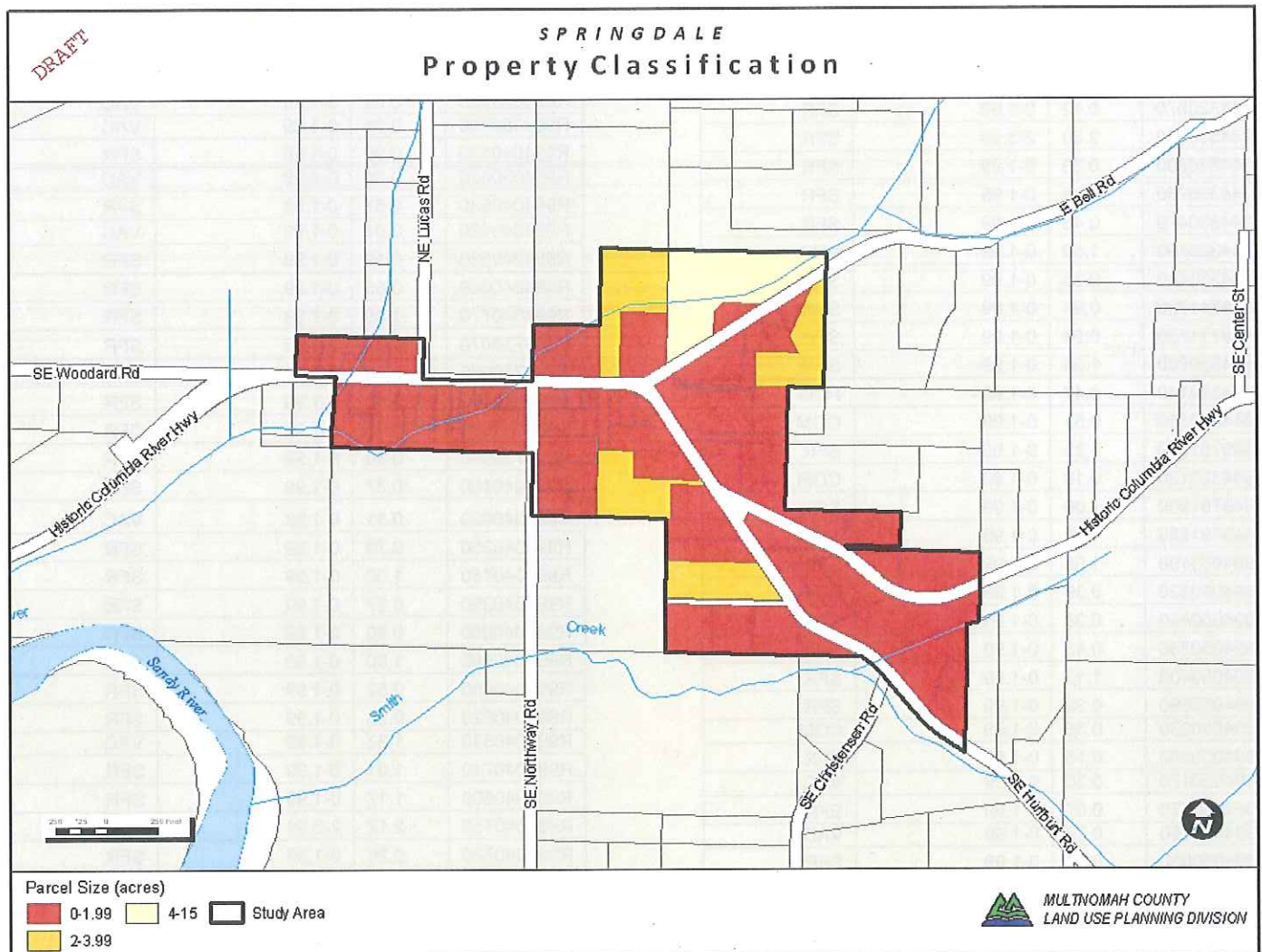
Map 4: Zoning Overlay







Map 6: Range of Parcel Sizes (Acres)



### Appendix 3: Inventory/Data Table

RNO	ACRES	Parcel Size Class	LANDUSE
R944330220	5.02	4-15	VAC
R944320120	0.47	0-1.99	COM
R944330600	3.15	2-3.99	VAC
R944320070	0.42	0-1.99	SFR
R944330690	2.30	2-3.99	SFR
R944330290	0.33	0-1.99	SFR
R944330760	0.38	0-1.99	SFR
R944330470	0.46	0-1.99	SFR
R944330190	1.60	0-1.99	PUB
R944330460	0.38	0-1.99	SFR
R649711720	0.95	0-1.99	SFR
R649711700	0.94	0-1.99	SFR
R944330200	1.24	0-1.99	SFR
R944320140	0.47	0-1.99	PUB
R944320150	0.63	0-1.99	COM
R649791920	0.39	0-1.99	SFR
R944320130	0.18	0-1.99	COM
R649791900	1.00	0-1.99	SFR
R649791880	1.98	0-1.99	SFR
R994050190	1.08	0-1.99	SFR
R994050320	0.39	0-1.99	SFR
R994050440	0.38	0-1.99	SFR
R994050330	0.43	0-1.99	SFR
R994050400	1.13	0-1.99	SFR
R994050590	0.39	0-1.99	SFR
R994050230	0.35	0-1.99	COM
R994050500	0.15	0-1.99	SFR
R994050170	0.20	0-1.99	VAC
R994050470	0.07	0-1.99	SFR
R994050160	0.22	0-1.99	VAC
R994050030	0.30	0-1.99	SFR
R994040370	0.31	0-1.99	SFR
R994040550	0.18	0-1.99	COM
R994040090	0.52	0-1.99	SFR
R994040460	0.09	0-1.99	COM
R994040570	0.08	0-1.99	COM
R994040120	0.36	0-1.99	SFR
R994040110	0.22	0-1.99	COM
R994040100	0.33	0-1.99	SFR
R994040490	0.24	0-1.99	VAC

R994050670	1.53	0-1.99	SFR
R994040380	0.91	0-1.99	SFR
R994041320	0.12	0-1.99	SFR
R994050640	0.01	0-1.99	VAC
R994050650	0.06	0-1.99	VAC
R994050700	0.04	0-1.99	VAC
R994040130	0.90	0-1.99	SFR
R994050620	0.30	0-1.99	VAC
R994040930	0.87	0-1.99	SFR
R994040420	0.01	0-1.99	VAC
R994040580	0.19	0-1.99	SFR
R994040080	0.65	0-1.99	SFR
R994040770	1.08	0-1.99	SFR
R649730070	2.22	2-3.99	SFR
R649730050	0.90	0-1.99	SFR
R994040410	0.88	0-1.99	SFR
R994041030	0.48	0-1.99	SFR
R649730060	0.86	0-1.99	SFR
R994040400	0.37	0-1.99	SFR
R994040920	0.51	0-1.99	VAC
R994040350	0.75	0-1.99	SFR
R994040780	1.00	0-1.99	SFR
R994040390	0.67	0-1.99	SFR
R994040650	0.80	0-1.99	SFR
R994040680	1.00	0-1.99	SFR
R994040450	0.52	0-1.99	SFR
R994040620	0.53	0-1.99	SFR
R994040530	1.63	0-1.99	VAC
R994040740	1.01	0-1.99	SFR
R994040600	1.17	0-1.99	SFR
R994040750	2.12	2-3.99	PUB
R994040730	0.26	0-1.99	SFR
R994040630	1.96	0-1.99	SFR
R994041250	0.01	0-1.99	VAC
R994040720	1.21	0-1.99	SFR
R994041190	1.09	0-1.99	SFR
R994041240	1.17	0-1.99	SFR
R994040670	0.80	0-1.99	SFR
R994040640	0.52	0-1.99	SFR
R649812540	1.86	0-1.99	SFR
R649812530	1.07	0-1.99	SFR

SFR: Single Family Residence  
VAC: Vacant  
COM: Commercial  
PUB: Public

**Appendix 4: Public Involvement and Process**

- Fliers
- Website



## Appendix 5: April 20, 2010 Community Meeting

- Handouts
- PowerPoint Presentation
- Community Input

The April 20<sup>th</sup> 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

Springdale Community Meeting  
April 20, 2010  
Corbett High School, 7-8:30pm

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

It's our home.

We should leave it alone.

It's a small community.

Community Center

Its swell!

We like the way it is. \*\*\*\*

Walking the area

Natural Resources

Places for large animals (i.e. horses)

Wildlife

Like the Community Boundary location as it is.

#### 2. What issues are important to the Springdale Community?

Road Infrastructure

Water Service

Off-Street Parking

Lack of services

Lots are small

ODOT Requirements and Right-of-way

Transportation and Safety (speed limits)

Drainage

Roadway Run-Off

Seasonal increases in traffic, especially in the summer when visitors come to the Gorge.

Additional traffic generated from charter school.

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

Consideration of boundary location

Job Corps Site- adding site within community boundary

Re-evaluate Commercial Forest Use (west of community)

Springdale Community School Building and use of property and maintaining it as a community use

Parking options- improvement

#### Survey and Comment Letters Received



### Springdale 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/springdaleplan](http://www.multco.us/springdaleplan).

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

I love having the historic Springdale School house as a community center. I like having a market & deli in Springdale.

2. What issues are important to the Springdale Community?

Keeping the Springdale school viable as a meeting space for the community.

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

Buying the Springdale School and improving it to be able to be used for even more community use. Developing the "Blue House" back into a cafe/bakery. Getting another business in between the Tavern and Gloria's hair salon.

Your Name:	Jennifer Prince
Mailing Address:	P.O. Box 237 Corbett OR 97019
Phone Number:	
Email:	<a href="mailto:jprince@cascadeaccess.com">jprince@cascadeaccess.com</a>

When completed, please return to:  
Attention: Springdale Rural Community Project  
1600 SE 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
Email: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)  
Fax: 503-988-3389  
Phone: 503-988-3043  
Staff Contacts: George Plummer or Joanna Valencia



## Springdale 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/springdaleplan](http://www.multco.us/springdaleplan).

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

I've lived in this community for almost 63 years. It has been + still is a wonderful community. Friendly, non-invasive - helpful when needed.

2. What issues are important to the Springdale Community?

We need to make the Springdale School a permitted bldg. The school is a resource for families, + for children to have a safe place to play. Organic gardening has been encouraged - It is a place for community gatherings - picnics, celebrations for family gatherings - historical society - a great "farm" business. It should be encouraged to maintain + grow.

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

Save our school bldg center for the community - Corbett uses it, as much as residents - We need - support each other. Please reign in the bureaucratic demands - parking, etc. Be part of the solution, not the multiple problems. Work together to keep Springdale a safe place is "Springdale, where the scenery begins." Help us keep it -

Your Name:	Jean E. Driver	When completed, please return to: Attention: Springdale Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Astoria Portland, OR 97202 Community use line: Email: <a href="mailto:springdaleplan@co.multnomah.or.us">springdaleplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:	1105 SE Christensen Rd	
Phone Number:	503-695-5790 Corbett OR 97018	
Email:	Don't have	

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

For example We need to encourage more businesses - it was a shame to have to give up the "Blue House" restaurant - largely due to parking restrictions. Help is what is needed - answers, not stamping blocks. A positive outlook - not always a negative one.

We need money + services from the County.

The first Monday of the month, at the Fire Hall, for Safety action, is a positive force, + is highly appreciated. Ending my comment, on a positive note.

MULTNOMAH COUNTY  
PLANNING SECTION

10 APR 23 PM 2:59

RECEIVED





## Springdale 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/springdaleplan](http://www.multco.us/springdaleplan).

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

BEING A RURAL community  
Satisfied AS IT IS

2. What issues are important to the Springdale Community?

To Keep it AS IT IS.

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

~~4/3~~ IT IS IMPORTANT TO NOT HAVE ANY  
MORE HOMES - NO LAND FOR THEM.

Your Name:	Kirby	<b>When completed, please return to:</b> Attention: Springdale Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97202 Email: <a href="mailto:springdaleplan@co.multnomah.or.us">springdaleplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:	708 SE NORTHWAY Rd.	
Phone Number:		
Email:		

RECEIVED  
10 APR 30 PM 2:31  
MULTNOMAH COUNTY  
PLANNING SECTION

Dear Janice, 4/21/10  
Thanks for your time to  
come to Springdale Corbett last  
night. You can tell that  
people are pretty happy about  
the way things are out here  
when they complain about  
parking on the street (a small  
issue in the big picture). I  
think the meeting went well  
and the folks were  
positive.

Regards,

Karen Deane





## Springdale 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/springdaleplan](http://www.multco.us/springdaleplan).

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

I live on the highway & have for 164 years. I love the traffic & the visitors! I see bikers & car clubs & houses!! It is great! People come from all over the world & ask

2. What issues are important to the Springdale Community? me for direction as I walk in  
Keep it the same. My yard! —————> over  
Enforce the speed limit through town.

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

Allow us to save that beautiful icon on the highway - the Old Springdale School as in, make it easy for the community to see

Your Name:	Karen Schaat	When completed, please return to: Attention: Springdale Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97202 Email: <a href="mailto:springdaleplan@co.multnomah.or.us">springdaleplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:	32201 E. Hirt Col. Rd. My	
Phone Number:	503-695-5652	
Email:	KPSchaat@gmail.com	

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

People from all over the world stop & take pictures of the field & pasture next to my house. People from all over the world stop & take pictures of my flower stand & flowers at my house & the flowers @ Springdale School.

One time a tour bus of visitors from the Orient stopped to video & take pictures of the "cowboys" riding their horses among the ~~course~~ behind my house!!

Springdale Community Survey

1. We love living in Springdale, it's a nice little area.

We don't want to be incorporate with Troutdale.

Leave troutdale the same and leave Springdale the same. Why change every thing

2 If you want to do something, help us get the old Springdale school fixed up as a community center where we can have all kinds of activities that every one can enjoy.

Stephen Kenney, Jr.  
31841 E. Hist. Col. R. Hwy.  
Troutdale, OR 97060

Home 503-695-5151

*Stephen & Patricia*

*Kenney*

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10 APR 30 AM 8:03  
MULTI-NOAH COUNTY  
PLANNING SECTION



Nevalin Scott  
31700 Historic Columbia  
Troutdale, OR 97060-9376

## SPRINGDALE

I have a passion for Springdale. My family bought the garage and filling station in 1959 and we would still be doing business there if the County would have let us. OK.

I cannot imagine living anywhere else. I believe in the folks here and my fondest wish is to continue to help them.

What do we need from the County? Mostly, just let us live and continue to function as a community.

The County Road department does an excellent job, our water district is working to keep us healthy (at a hefty price), our Volunteer Fire Department is second to none, PGE (even though they would rather pay insurance to keep us supplied in the winter rather than putting the wiring underground) does fair, ODOT pretty well does as they see fit with the Historic Columbia River Highway newly named Historic Highway 30 (surprise), the Springdale Country Market and Deli with new owners are doing a truly great job, we have Perfect Climate (employing a number of local folks), a barber, two churches, and the Springdale Pub taking up the slack, with new owners cooperating with the rest of the community.

What we really need and are trying diligently to accomplish IS TO RECLAIM OUR IDENTITY via the Springdale School Community Association. We have the Historical Museum, Art Gallery, Framing shop, Boy Scouts, meeting rooms, community garden, covered building for community functions (the Bob Scott Memorial Pigout, garage sales, Night Out Potluck, Springdale Christmas Tree, Lighted Christmas Parade, and any and all functions that come our way).

So, anything the County can do to help us regain our identity, please do. If the County plans on making things more difficult, please be aware that I make a really good friend or a powerful, unforgiving enemy.

Sincerely,

Nev Scott  
(504)695-2553



RECEIVED  
10 APR 28 PM 2:01  
MULTNOMAH COUNTY  
PLANNING SECTION

## Appendix 6: June 22, 2010 Community Meeting

The June 22<sup>nd</sup> 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

Springdale Community Meeting

June 22, 2010

Corbett Grade School Cafeteria, 6-7:30pm

Community Input
Recommendation Strong community support for use of gravel surface for parking and access
Issue of flooding on Southside of Historic Columbia River Highway. Concern with impact of possible additional commercial and/or industrial development. Impact to drainage and additional run-off from developments.  There are underground springs that affect drainage. Issues with flooding on lots.
Drainage Existing drainage has issues; we need to make sure that we don't add to it.
1 acre vs. 2 acre lot size for new lots. Community support for 1 acre lot sizes.
Sidewalks. Is it possible to require? Community support and recommendation to ODOT for sidewalks.
Industrial Uses. 10,000 (current county code) vs. 40,000 (maximum allowed according to State Rule). <ul style="list-style-type: none"><li>• Comments were received regarding the possibility of not having industry. Some support received for it, but community members still felt that some form of industry is still appropriate for the community.</li><li>• Consideration for a 5,000 square foot limit was suggested by some community members.</li><li>• It was also suggested that we should look at the list of Review Uses and Conditional Uses in the zone, and explore whether or not some of the uses should be removed or whether or not some conditional uses should be moved to a review use or vice versa.</li></ul>
Develop a list of existing uses and sizes (i.e. size of Perfect Climate Structure)
Explore drafting code: <ul style="list-style-type: none"><li>• Less than 5,000 square feet would be a Review Use</li><li>• Greater than 5,000 to 40,000 square feet would be Conditional Use</li></ul>
Is 5,000 square feet sufficient?  Take a look at 10,000 square feet with a 5,000 square feet footprint limitation (lot coverage). Less impact to drainage due to less potential of creating additional impervious surfaces.
Community support for limiting Commercial Uses consistent with State Rule limitation of 4,000 square feet
Attendees identified creeks in the community: Dairy Creek and Springdale Creek.





# **SPRINGDALE POLICIES DOCUMENT**

The following gives an overview of the County's current policies and strategies for the Rural Center as provided in the County's Comprehensive Framework Plan. This overview is then followed by proposed new policies for the Springdale Community.

This document is also available online at: [www.multco.us/springdaleplan](http://www.multco.us/springdaleplan)

**Overview: Current Rural Center Policies contained in the East of Sandy River Rural Plan Area**

The current plan and zoning regulations identifies a variety of uses. 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.

Policy 7 (Rural Center Land Area) of the County's Framework Plan and Policies 13, 15 and 17 (Rural Center) of the East of Sandy River Rural Plan Area describes the county's current objectives for the Springdale Rural Center. The Rural Center 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 area provides rural services for residents and businesses located in the rural areas of the County with the goal of being appropriate to the character of the rural area. The current policy relates to uses that are permitted within the area and to expansions of the area boundary.

Policy 7 of the current County Comprehensive requires that expansion of a Rural Center to adjacent lands shall be based upon finding that:

- (A) Land zoned EFU will not be included unless that is the only land physically available;
- (B) Insufficient vacant available land exists within the center;
- (C) The expansion will not significantly impact adjacent natural resource or rural residential areas or that such impacts can be mitigated;
- (D) The expansion will be adjacent to existing RC boundaries; and
- (E) The expansion is not for the primary purpose of residential development.

Further the County policies encourage the location of suitable uses within a rural center by:

- 1. Measuring the need for a use based upon the primary intent of the center.
- 2. Determining that sufficient land exists within a center to accommodate the needed uses and maintaining a measurement of absorption rate of vacant lands,
- 3. Establishing development standards commensurate with the rural nature of the area,
- 4. Ensuring that adjacent natural resource areas are minimally impacted.

Policies 13, 15 and 17 (Rural Center) of the East of Sandy River Rural Plan Area addresses policies regarding uses and development for the community and identifies strategies for each policy.

**Current County Comprehensive Plan Policy and Strategies**

**Policy 7**

The County's policy is to establish and maintain rural centers which are intended primarily for commercial and community services needed by the residents of the rural areas of the County, and to provide some tourist services. Rural centers are or may be established on the basis of existing center development, on local area needs, on an evaluation of probable impacts on adjacent natural resource areas, on the demand for land to serve the primary purposes in a compact pattern, and on the capacity and condition of existing support services.

**Strategies**

- A. As a part of the continuing planning program, the County should:

1. Continue to update the Rural Centers Study on not less than a five-year schedule to include re-examination of center boundaries based upon past development activity;
  2. Establish a process for monitoring:
    - a. The amount and type of land available for development;
    - b. The land absorbed by development.
- B. The following strategies should be addressed in the preparation of the Community Development Ordinance:
1. The Zoning Code - should include the following provisions:
    - a. Rural low density residential and farm and forest uses as primary uses;
    - b. Limited commercial and industrial uses on appropriate lot sizes, mixed uses, home occupations, cottage industries, natural resource and extractive industries, and community facilities as conditional uses or uses under prescribed conditions;
    - c. Lots of record;
    - d. What standards should apply when altering existing conditional uses; and
    - e. Standards for parking, landscaping and setbacks which are rural in nature and which are consistent with the character of Rural Centers. These standards shall be different from urban area standards.
  2. Zoning Classifications and lot sizes should be based on such factors as:
    - a. Topographic and natural features;
    - b. Geologic and soil limitations and soil types;
    - c. Micro-climatic conditions;
    - d. Surface water sources, watershed areas and groundwater sources;
    - e. The existing land use and lotting pattern and character of the area;
    - f. Road capacity and condition;
    - g. Capacity and level of public services available;
    - h. Type of water supply;
    - i. Soil capabilities related to a subsurface sewerage disposal system; and
    - j. The need for varying types of classifications.
  3. The County Street and Road Code - should include criteria related to street widths, construction standards, and required improvements appropriate to the function of the road and a semi-rural environment.
  4. The Capital Improvements Program - should not include a public sewer system service for Rural Centers.
- C. The conversion of land to another broad land use classification should be in accord with the standards set forth by the LCDC Goals, OAR's and in this Plan.

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

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

**POLICY 15:** Study re-use of the closed Springdale Elementary School as a possible multi-purpose community and cultural center.

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

**POLICY 17:** Consider additional community and economic development planning for the Corbett Rural Center as part of a review of the National Scenic Area by Multnomah County.

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

## **Discussion Draft Policies and Strategies for the Springdale Rural Community**

The following policies and strategies are intended to assist in development of ordinances to carry out the desires of the community within the standards as set forth in the State Rule. Some of these policies have implications on how the Springdale Community develops in the future. *As a note, the number of the policies is based on the number and order of the current policies in the existing County Comprehensive Plan.*

### **Springdale Rural Community**

#### **Policy 67**

Implement a Plan for the Springdale Community that is consistent with the Community Vision reflecting the input received from the community 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 and tourism.

#### **Strategies**

- 67.1 The County should adopt plan policies and ordinances that meet the state Unincorporated Community Rule codified as Oregon Administrative Rule OAR 660-022-0000 through 0070.
- Springdale should be designated and planned as a Rural Community because it is composed primarily of permanent residential uses with at least two other land uses present (such as commercial, industrial or public uses).
  - Revise the RC zoning ordinance to reflect the needs of the Springdale community consistent with the Division 22 OAR for Unincorporated Communities.
- 67.2 Ensure that new or expanding uses minimize impacts to Exclusive Farm Use (EFU) zoned land that is adjacent to the RC zone by requiring "right to farm" measures to be implemented. These measures can be in the form of maintaining a larger setback between the new development and the zone boundary and/or requiring recordation of a covenant that recognizes the rights of adjacent farm managers to farm their land.

### **Commercial and Industrial Development**

#### **Policy 68**

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

#### **Strategies**

- 68.1 Multnomah County will update county codes to implement the Unincorporated Communities Rule for small-scale, low impact commercial and industrial uses. Due to the proximity of the communities to the Urban Growth Boundary (UGB), the plan does not justify new uses that are larger than the small-scale, low impact limits in the State Rule.
- Existing commercial uses may expand up to the small-scale, low impact limit of 4,000 square feet subject to approval criteria in the ordinance.
  - Expansion of existing industrial uses shall be subject to the small-scale, low impact limit of 15,000 square feet and to approval criteria in the ordinance.
- 68.2 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.

- 68.3 The County will update its implementing regulations to ensure that new or expanded commercial and industrial development will not exceed the carrying capacity of the soil or of existing water supply and waste disposal services through the inclusion of development standards.
- 68.4 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.
- 68.5 Multnomah County will develop zoning ordinance standards for lot coverage of commercial and industrial development that allow adequate development area while ensuring the rural character of these areas is retained.

## **Residential Development**

### **Policy 69**

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

### **Strategies**

- 69.1 The County will update the zoning ordinance to implement the Unincorporated Communities Rule for residential development.
- 69.2 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.
- 69.3 The zoning code for new residential parcels in the Rural Center will be at least one acre in order to not increase residential density and to ensure that the carrying capacity of public services and the environment is not exceeded.

## **Design**

### **Policy 70**

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

### **Strategies**

- 70.1 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 71**

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

### **Strategies**

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



# **SPRINGDALE ZONING DOCUMENT**

## **Proposed Multnomah County Code Amendments for Springdale Rural Center Zone**

The proposed amendments apply to the Rural Center Code which currently applies to the Springdale 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:

- Addition of definitions for "Small-scale Low Impact Commercial or Industrial Use" which is linked to the size of buildings:
  - Limits on building size for commercial in both communities is 4,000 sq. ft.)
  - Limits industrial building size in Springdale to 15,000 sq. ft with a building footprint area maximum of 7,500 sq. ft
- Revision to the Purpose (35.3300) statement of the code to better reflect the code contained for the Springdale Rural Center (SRC) zoning district
- Changes back to a one acre minimum lot size for Springdale
- Moves "dwelling constructed off-site, including a mobile or modular home" to Allowed Use from Review Use
- Conditional Use Review of uses listed for small-scale low impact commercial and industrial use, this includes limiting and/or reducing the number of uses allowed conditionally
- Deletion of motels, guest ranches and Planned Developments consistent with the State Rule because these uses are not allowed in a Rural Community
- Adding on-site sewage disposal system requirements (system for new dwellings on contiguous ownership and for existing an easement on other ownership allowed), on-site stormwater, GEC requirements, farm covenants, and footprint size limitation for industrial buildings to reduce stormwater drainage impacts.
- Revising Off-Street Parking requirements to reduce the impacts of stormwater drainage through allowing gravel parking areas for new commercial and industrial uses
- Adding a standard requiring a stormwater drainage system for new commercial or industrial parking area that is certified by a Licensed Professional Engineer to meet the 10year/24hour storm event standard
- Proposing to reduce the parking area front yard minimum setback from 30 feet to a 10 feet landscaped strip

This document is also available online at: [www.multco.us/springdaleplan](http://www.multco.us/springdaleplan)



## **PROPOSED CODE AMENDMENTS**

### **§ 35.0005 DEFINITIONS.**

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

\* \* \*

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

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

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

### **SPRINGDALE RURAL CENTER - SRC**

#### **§ 35.3300- 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 Springdale Rural Center District are to provide standards and review procedures which will encourage concentrations of rural residential development, together with small-scale low impact commercial and industrial uses that primarily serve the population of the immediate surrounding rural area and tourists traveling through the area.

#### **§ 35.3305 AREA AFFECTED**

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

### **§ 35.3315 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 35.3320 through 35.3330 when found to comply with MCC 35.3355 through 35.3385.

### **§ 35.3320 ALLOWED USES**

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

(1) Raising and harvesting of crops;

(2) Raising of livestock and honeybees; or

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

(B) The propagation or harvesting of forest products.

(C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

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

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

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

(c) 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.

(E) Type A home occupations pursuant to the definition and restrictions of MCC 35.0005.

(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 35.0005 pursuant to the provisions of MCC 35.0535.

(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.

#### § 35.3325 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 35.0510 and 35.0515.

(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 35.0785 and 35.0790.

(D) Off-street parking and loading;

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

(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 35.3360.

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

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

(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 35.3320 Allowed Uses.

## **§ 35.3330 CONDITIONAL USES**

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

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

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

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

(a) Automobile Repair,

(b) Restaurant,

(c) Tavern

(d) Professional Office,

(e) Garden supply store,

(f) Hardware store,

(g) Retail bakery,

(h) Service station,

(i) Beauty and barber shop,

(j) Video tape rental,

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

(a) Apparel and other finished products made from fabric;

(b) Millwork, veneer, plywood, and structural wood members;

(c) Wood containers;

(d) Wood products, not elsewhere classified;

(e) Furniture and fixtures;

(f) Stone, clay, glass products except: cement, ready-mix concrete, and minerals and earths ground or otherwise treated;

(g) Fabricated metal products;

(h) Household appliances;

(i) Electric lighting and wiring equipment;

(j) Communications equipment;

(k) Electronic components and accessories;

(l) Motor vehicle parts and accessories;

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

(n) Food and kindred products.

(3) Automotive repair;

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

(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 35.4300 through 35.4360. If the property is outside of an "acknowledged unincorporated community", then the applicable current "planned unit developments" standards within the Oregon Administrative Rules Chapter 660, Division 004 shall also be satisfied.~~

~~(D) Existing legally established small-scale low impact light industrial uses permitted by MCC 35.3330 (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 35.7000 through 35.7070.

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

~~(F) Large Fills as provided for in MCC 35.6700 through 35.6720.~~

#### **§ 35.3355 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT REQUIREMENTS.**

All development proposed in this district shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 35.3360, 35.3370, 35.3375 and 35.4300 through 35.4360, the minimum lot size for new parcels or lots shall be one acre, 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 dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

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

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

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

### **§ 35.3360 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 35.3355(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 35.7790, 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 35.3385 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.

#### **§ 35.3370 LOT OF RECORD**

(A) In addition to the *Lot of Record* definition standards in MCC 35.0005, 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 35.3385, 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 35.3360, 35.3375, and 35.4300 through 35.4360, 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.

#### **§ 35.3375 LOT SIZES FOR CONDITIONAL USES**

The minimum lot size for a Conditional Use permitted pursuant to MCC 35.3330, 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.

#### **§ 35.3380 OFF-STREET PARKING AND LOADING**

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

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

(1) Surfacing

(a) 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, which provides a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.

(b) 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.

(2) A stormwater drainage system, shall be installed for parking lots, that is designed and certified by an Oregon Registered Profession 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.

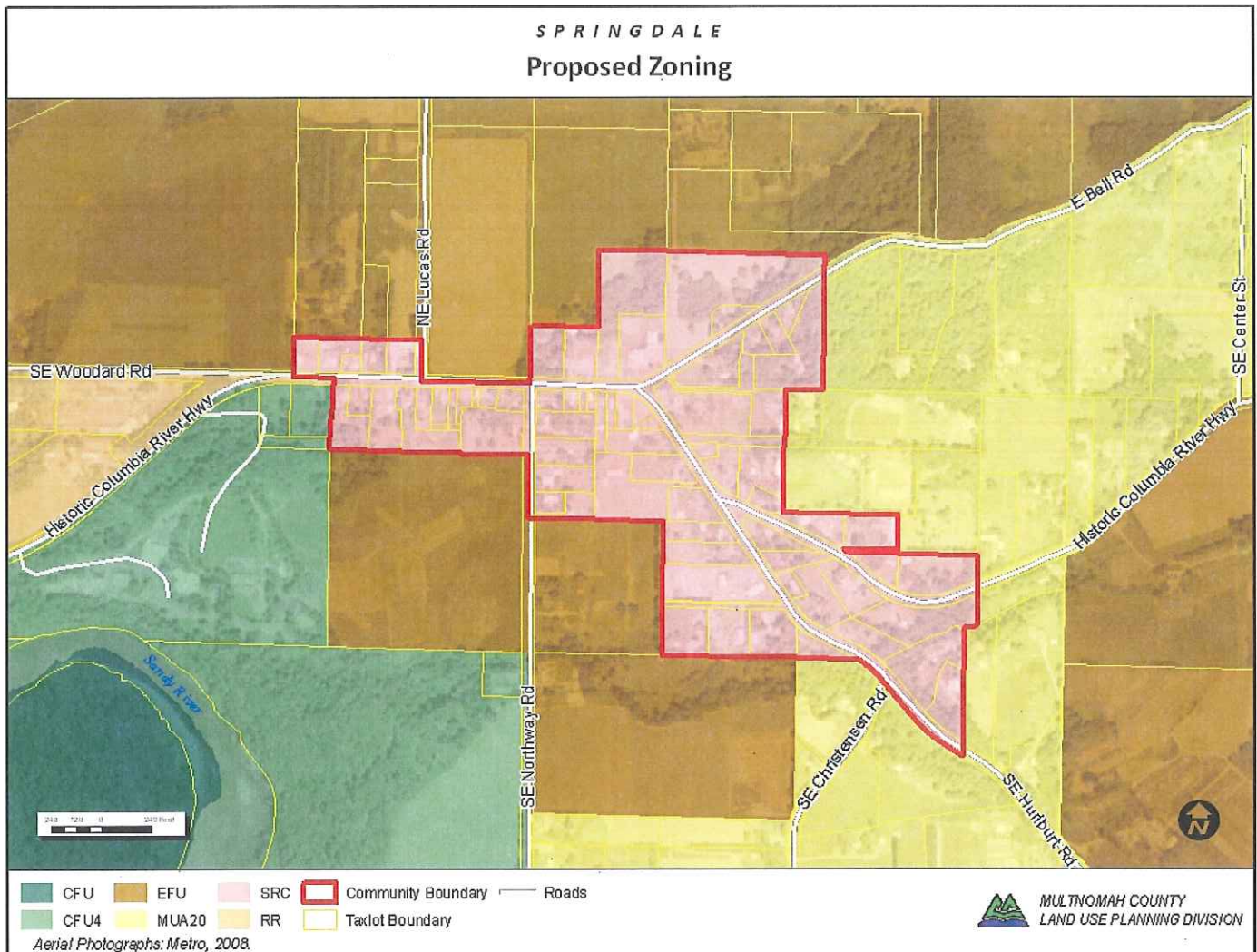
(3) Off-street parking for new, replacement or expansion of existing commercial or industrial developments shall provide a minimum of 10 foot landscaped front yard setback. All other minimum yard dimensions for parking shall be as required in the Off-Street Parking and Loading Code Section.

**§ 35.3385 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 35.3370(B).







**Previous zoning: Rural Center (RC)**  
**Proposed: Springdale Rural Center Zoning District (SRC) and Community Boundary**





# COME JOIN US!

## SPRINGDALE RURAL COMMUNITY PLANNING MEETING

**Location: Corbett High School Cafeteria, Multi-Purpose Building  
35800 Historic Columbia River Highway, Corbett, OR 97019  
Date and Time: April 20, 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 Springdale meeting.*

Multnomah County Land Use Planning is beginning work on a zoning plan for Springdale. 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.

Springdale 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 Springdale. 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.

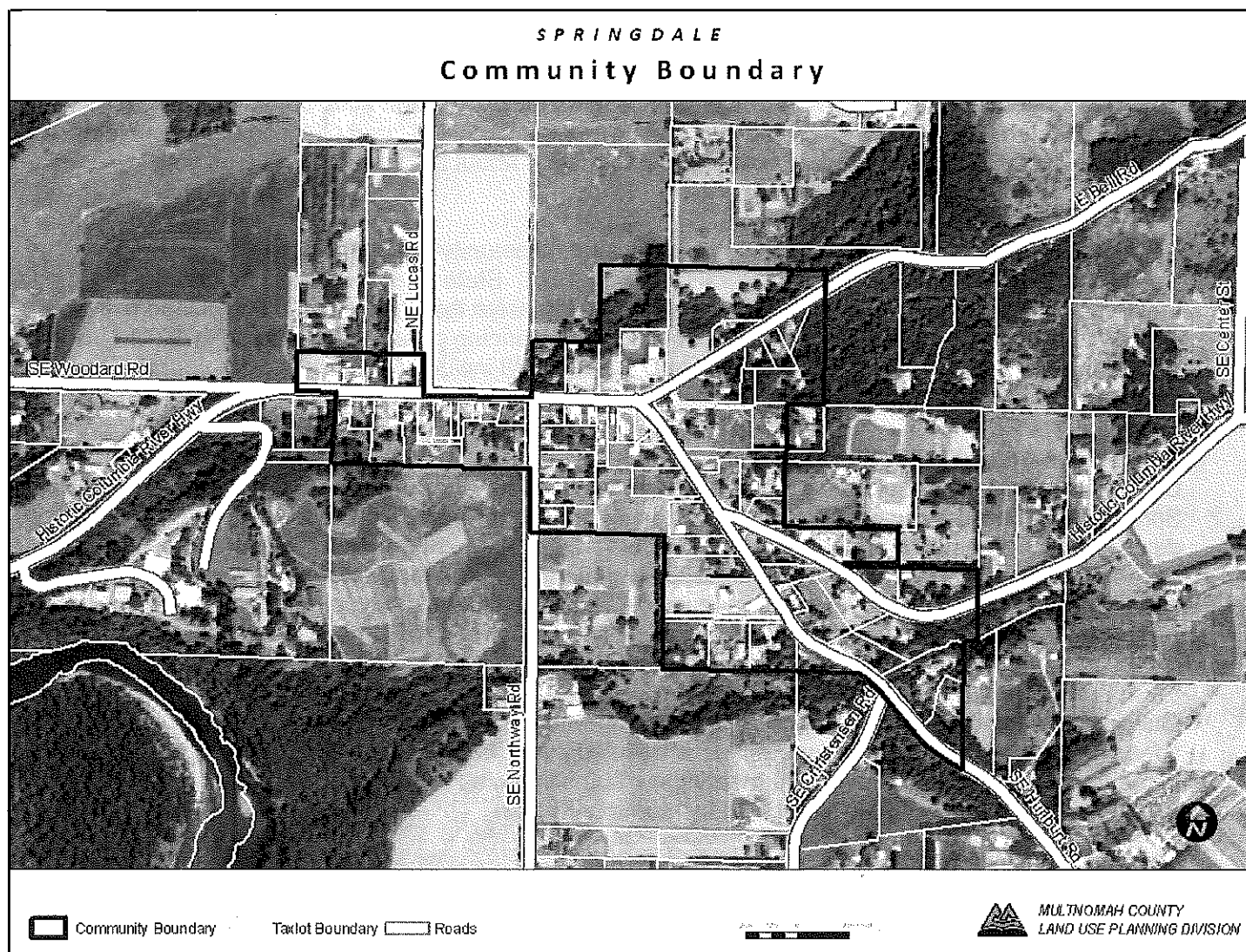
### **How can I participate in the process?**

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: Springdale Rural Center Project

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





# COME JOIN US!

## SPRINGDALE RURAL COMMUNITY PLANNING MEETING

### *Review of Preliminary Plans*

**Tuesday, June 22, 2010, 6:00 pm to 7:30 pm**

**Location: Corbett Grade School Cafeteria  
35800 Historic Columbia River Highway, Corbett, OR 97019**

Multnomah County Land Use Planning has been working on putting together land use and zoning plans for the Springdale community. We've looked over the input received during the community meeting held on April 20<sup>th</sup> and from the community surveys, and have combined this with the information gathered by staff for the community inventory. Our goal has been to better understand your community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Come join us in reviewing the preliminary planning documents and give us your feedback. The planning documents will be available on-line at the web address below on or about June 9, 2010. Copies are available by request by contacting us.

#### **Why are we going through this process?**

Springdale 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. 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 plan and zoning amendments by the end of this calendar year. The June 22 meeting is the second in a series of three community meetings planned for this year, and follows the introductory meeting being held this past April. Another meeting will be scheduled in September to review drafts and provide feedback on the community plan, prior to scheduling and conducting public hearings on the plans before the Multnomah County Planning Commission this fall.

#### **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: Springdale Rural Community Project  
1600 SE 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
Email: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@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/springdaleplan](http://www.multco.us/springdaleplan)

#### **Who do I contact if I have questions?**

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

Joanna Valencia  
Phone: 503-988-3043 extension 29637  
Email: [joanna.valencia@co.multnomah.or.us](mailto:joanna.valencia@co.multnomah.or.us)







# COME JOIN US!

## SPRINGDALE RURAL COMMUNITY PLANNING MEETING

*Review of draft Community Plan, Policies and Zoning*

**Tuesday, September 7<sup>th</sup>, 2010, 6:00 pm to 7:30 pm**

Location: Corbett High School Cafeteria, Multi-Purpose Building  
35800 Historic Columbia River Highway, Corbett, OR 97019

Multnomah County Land Use Planning has been working on putting together land use and zoning plans for the Springdale community after the second community meeting in June. We've considered over the input received during the community meetings held on April 20<sup>th</sup> and June 22<sup>nd</sup>, in addition to the input received from the community surveys. We've taken this information and have combined this with the information gathered by staff for the community inventory.

Our goal has been to better understand your community and to plan for its future under the guidance of Oregon State Planning Goals and Guidelines. Come join us in reviewing the preliminary planning documents and give us your feedback. These documents include the Community Plan, Policies and the Zoning Code. The planning documents will be available on-line at the web address ([www.multco.us/springdaleplan](http://www.multco.us/springdaleplan)) on August 24<sup>th</sup>, 2010. Hard copies are available by request by contacting Joanna at 503-988-3043 extension 29637.

### **Why are we going through this process?**

Springdale 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. 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 and next steps for the project?**

Our goal is to adopt plan and zoning amendments by the end of this calendar year. The September 7<sup>th</sup> meeting is the third in a series of three community meetings planned for this year, and follows the introductory meeting held this past April and the second meeting held in June. After this meeting, the next step will be scheduling meetings in the fall and conducting public hearings on the plans before the Multnomah County Planning Commission. The first meeting is planned for October 4<sup>th</sup>.

### **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: Springdale Rural Community Project  
1600 SE 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97202  
Email: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)  
Fax: 503-988-3389

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### **Where can I get more information?**

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### **Who do I contact if I have questions?**

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

Joanna Valencia  
Phone: 503-988-3043 extension 29637  
Email: [joanna.valencia@co.multnomah.or.us](mailto: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 Springdale 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 Springdale 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 Springdale 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 Springdale 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 Springdale 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 Springdale. 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 Springdale 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 Springdale. 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: Springdale Rural Community Project  
1600 SE 190<sup>th</sup> Ave, Suite 116  
Portland, OR 97233  
Email: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)  
Fax: 503-988-3389

Sign-up for email notices: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)

Survey available online at: [www.multco.us/springdaleplan](http://www.multco.us/springdaleplan)

## **Where can I get more information?**

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## **Who do I contact if I have questions?**

George Plummer  
Phone: 503-988-3043 extension 29152  
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# Springdale

## *Summary and Inventory*

### Introduction

Springdale is approximately 3 miles from the city of Troutdale, and is located along the Historic Columbia River Highway. The community is comprised primarily of residential uses, with some community service uses that include churches, commercial uses, and a fire station.

### History

Springdale 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 73 acres in the Springdale 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. Springdale is comprised of 81 parcels. There are number of vacant parcels, with the inventory finding that these lots were either in agricultural use, used as a parking area or were back lots of residences.

#### Springdale

Table 1

		Land Use Designation			
Parcel Size Class	Data	Commercial	SFR	Vacant	Grand Total
0 to 1.99 acres	Total Acres	3.8	41.91	3.23	48.94
	Number of Parcels	9	56	11	76
2 to 3.99 acres	Total Acres	2.12	4.52	3.15	9.79
	Number of Parcels	1	2	1	4
4 to 15 acres	Total Acres			5.1	5.1
	Number of Parcels			1	1
Total Acres		5.92	46.43	11.48	63.83
Number of Parcels		10	58	13	81

\*Doesn't include acreage in right-of-way

Updated 4/15/10

### Zoning

The current zoning of the parcels located within the Springdale 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.





**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

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Land Use and Transportation Program  
1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233-5910  
PH. (503) 988-3043 Fax (503) 988-3389  
[www.co.multnomah.or.us/landuse](http://www.co.multnomah.or.us/landuse)

## Memorandum

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To: Interested Parties  
From: George A. Plummer and Joanna Valencia, Staff Planners  
Date: June 10, 2010  
Subject: Response to community comments raised for Springdale  
Community (PC-10-010)

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This memo lists issues raised for the Springdale community. Community input was collected through the use of a survey distributed during the April 20<sup>th</sup> community meeting. A total of seven surveys were returned. In addition, a list of issues and items to address was generated during the community input session at the April 20<sup>th</sup> community meeting. Staff compiled the community responses and has categorized them below. Comment(s) received have been included and are followed by staff's response in addressing the issue.

### Water Service

Comment: Ensure that there is adequate water service.

Staff Response: The Springdale area is served by the Corbett Water District. Staff discussions with the water district indicate that water service is not an issue in the area, and service is available with lines located along the Historic Columbia River Highway, and down Northway and Lucas Roads. Adequate water service is currently required for issue of building permits and will continue to be required on completion of the plan.

### Transportation

Comment: Road runoff gets on to private property.

Staff Response: Stormwater runoff is a recognized aspect of the public transportation system and is managed by the service provider under existing procedures. This concern has been forwarded to the Oregon Department of Transportation and County transportation planning staff.

Comment: The charter school causes increases in traffic.



Staff Response: The transportation system in the community is maintained by the Oregon Department of Transportation (ODOT) or the county. The results from the community inventory and analysis find that the system is currently sufficient in serving the community. Comments regarding ODOT maintained roads have been forwarded to ODOT for their

consideration. Any needed improvements would need to be prioritized and funded through existing procedures.

Comment: The community experiences increased traffic volumes in summer from visitors driving out to the Gorge.

Staff Response: According to county policies and zoning regulations in place, and staff discussions with the Oregon Department of Transportation, and results from the community inventory and analysis, the Rural Community Plan for the Springdale Community will not affect capacity of the existing or planned transportation facilities. Roads in the area are adequate to accommodate existing and future traffic levels. Bell, Northway and Lucas Roads are classified as Rural Local Roads and are addressed in the county policies. The Historic Columbia River Highway is addressed as part of the Historic Columbia River Highway Master Plan administered by ODOT. Any future projects will be reviewed for transportation impacts at the time of development permitting. The Historic Columbia River Highway master plan is administered by (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. This concern about seasonal traffic on the State Highway has been forwarded to ODOT.

## **Community Boundary**

Comment: What is the potential for expanding the community boundary? Could the Job Corps site be brought into the community boundary?

Staff Response: There are a number of challenges to expansion of the boundary. These include State Unincorporated Community Rule requirements, rural reserve designations, and ownership of the Jobs Corps site. The State Rule identifies that Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria are met:

- (a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;
- (b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;
- (c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and
- (d) The land remains planned and zoned under Goals 3 or 4.

In taking a look at the area, the current community boundary is surrounded by lands designated for farm and forest and is zoned Exclusive Farm Use and Commercial Forest Use-4, as well as the exception zone of Multiple Use Agriculture-20. Difficulty to include the farm and forest areas would come from criterion (b) identified above requiring that lands 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 land that borders the south and west edges of Springdale is designated as rural reserve. Exceptions to Goals 3 and 4 are not allowed in rural reserve areas under current state rules in OAR Division 27.

### **Springdale Community School Building and use of property and maintaining it as a community use**

Comment: We need to be able to use the Springdale School as a viable meeting space for the community.

Staff Response: The requested use is currently identified as a conditional use under the current Rural Center zoning designation. As identified above, challenges in developing such uses include the small lot sizes and the lack of urban services such as septic and water. In addition, challenges to developing these uses includes being able to provide adequate off-street parking. The identified uses currently require a conditional use permit, and any such proposals to locate such uses within the Rural Center zone would have to be reviewed on a case-by-case basis.

### **Off-Street Parking**

Comment: There is a lack of off-street parking.

Staff Response: Off-street parking standards are in place in the current Multnomah County Code. Any future developments would be reviewed on a case-by-case basis to ensure that adequate off-street parking is provided under the applicable standards. In addition, staff is considering revisions to the current off-street parking standards in the zoning code as part of this process. This includes consideration for making some changes to the design review off-street parking setback standard, changing the 30 foot front yard setback to a 10 foot setback, and also taking a look at changes to the dustless surface standard for parking lots.





## Springdale 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/springdaleplan](http://www.multco.us/springdaleplan).

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

2. What issues are important to the Springdale Community?

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

Your Name:		<b>When completed, please return to:</b> Attention: Springdale Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97233 Email: <a href="mailto:springdaleplan@co.multnomah.or.us">springdaleplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:		
Phone Number:		
Email:		

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





## Springdale Community Question/Comment Card

Please fill out and return to the Multnomah County Land Use and Transportation Program Office by **July 9, 2010**. Attach additional sheets if needed. The is also available online at [www.multco.us/springdaleplan](http://www.multco.us/springdaleplan).

Question/Comment:

Your Name:		<b>When completed, please return to:</b> Attention: Springdale Rural Community Project 1600 SE 190 <sup>th</sup> Ave, Suite 116 Portland, OR 97233 Email: <a href="mailto:springdaleplan@co.multnomah.or.us">springdaleplan@co.multnomah.or.us</a> Fax: 503-988-3389 Phone: 503-988-3043 Staff Contacts: George Plummer or Joanna Valencia
Mailing Address:		
Phone Number:		
Email:		







## Springdale Planning Meeting

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

### Springdale Rural Community Planning Meeting

Upcoming Community Meeting to review draft Community Plan, Policies and Zoning

Tuesday, September 7th, 6:00 pm to 7:30 pm

Location: Corbett High School Cafeteria, Multi-Purpose Building  
35800 Historic Columbia River Highway, Corbett, OR 97019

Flier

Meeting Documents:

[Plan](#) | [Policies](#) | [Zoning](#)

#### Documents:

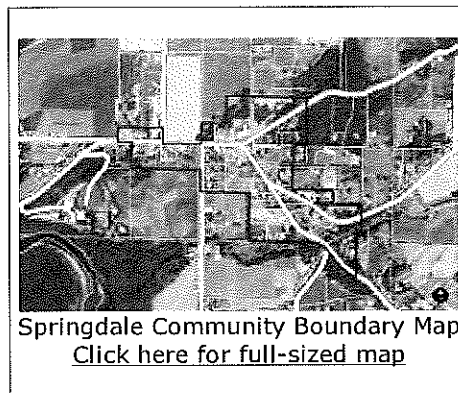
- Handouts: [Summary and Inventory](#) | [Informational Handout](#)
- Maps: [Land Use](#) | [Zoning](#) | [Zoning Overlays](#)
- June 22 Meeting Handouts: [DRAFT Springdale Unincorporated Community Plan](#) | [Memo: Response to community comments raised for Springdale Community](#) | [Springdale Policies Document](#) | [Springdale Zoning Document](#)

Multnomah County Land Use Planning is beginning work on a zoning plan for Springdale. 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.

Springdale 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 Springdale. 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 that was held on April 20. 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: Springdale Rural Center Project

1600 SE 190th Ave, Suite 116

Portland, OR 97233

Email: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)

Fax: 503-988-3389

Sign-up for email notices: [springdaleplan@co.multnomah.or.us](mailto:springdaleplan@co.multnomah.or.us)

**Attachment D. Public Outreach Materials**  
**PC-10-010, Springdale**

Who do I contact if I have questions?

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

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- (1) The purpose of this division is to establish a statewide policy for the planning and zoning of unincorporated communities that recognizes the importance of communities in rural Oregon. It is intended to expedite the planning process for counties by reducing their need to take exceptions to statewide planning goals when planning and zoning unincorporated communities.
- (2) This division interprets Goals 11 and 14 concerning urban and rural development outside urban growth boundaries and applies only to unincorporated communities defined in OAR 660-022-0010.
- (3) This division does not apply to areas approved as destination resorts under the destination resort statute, ORS 197.435 through 197.467.

Stat. Auth.: ORS 197.040 &amp; ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. &amp; cert. ef. 12-5-94

**660-022-0010****Definitions**

For purposes of this division, the definitions contained in ORS 197.015 and the statewide planning goals (OAR Chapter 660, Division 15) apply. In addition, the following definitions apply:

- (1) "Commercial Use" means the use of land primarily for the retail sale of products or services, including offices. It does not include factories, warehouses, freight terminals, or wholesale distribution centers.
- (2) "Community Sewer System" means a sewage disposal system which has service connections to at least 15 permanent dwelling units, including manufactured homes, within the unincorporated community.
- (3) "Community Water System" means a system that distributes potable water through pipes to at least 15 permanent dwelling units, including manufactured homes within the unincorporated community.
- (4) "Industrial Use" means the use of land primarily for the manufacture, processing, storage, or wholesale distribution of products, goods, or materials. It does not include commercial uses.

- (5) "Permanent residential dwellings" includes manufactured homes, but does not include dwellings primarily intended for a caretaker of an industrial use, commercial use, recreational vehicle park or campground.
- (6) "Resort Community" is an unincorporated community that was established primarily for and continues to be used primarily for recreation or resort purposes; and
- (a) Includes residential and commercial uses; and
- (b) Provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.
- (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.
- (8) "Rural Service Center" is an unincorporated community consisting primarily of commercial or industrial uses providing goods and services to the surrounding rural area or to persons traveling through the area, but which also includes some permanent residential dwellings.
- (9) "Urban Unincorporated Community" is an unincorporated community which has the following characteristics:
- (a) Include at least 150 permanent residential dwellings units;
- (b) Contains a mixture of land uses, including three or more public, commercial or industrial land uses;
- (c) Includes areas served by a community sewer system; and
- (d) Includes areas served by a community water system.
- (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;
- (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";
- (c) It lies outside the urban growth boundary of any city;
- (d) It is not incorporated as a city; and
- (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).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

#### 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.
- (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.
- (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

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-010, Springdale**

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.
- (4) Community boundaries may include land that is designated for farm or forest use pursuant to Goals 3 and 4 if all the following criteria is met:
  - (a) The land is contiguous to Goal 3 or 4 exception lands included in the community boundary;
  - (b) The land was occupied on the date of this division (October 28, 1994) by one or more of the following uses considered to be part of the community: Church, cemetery, school, park, playground, community center, fire station, museum, golf course, or utility facility;
  - (c) Only the portion of the lot or parcel that is occupied by the use(s) in subsection (b) of this section is included within the boundary; and
  - (d) The land remains planned and zoned under Goals 3 or 4.
- (5) Site specific unincorporated community boundaries that are shown on an acknowledged plna 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.
- (6) Communities which meet the definitions in both OAR 660-022-0010(6) and (9) shall be classified and planned as either resort communities or urban unincorporated communities.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDC 1-1997, f. & cert. ef. 2-27-97

**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.
- (2) County plans and land use regulations may authorize any residential use and density in unincorporated communities, subject to the requirements of this division.
- (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;
  - (f) New uses more intensive than those allowed under subsection (a) through (e) of this section, provided an analysis set forth in the comprehensive plan demonstrates, and land use regulations ensure:

- (A) 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;
- (B) That such uses would not rely upon a work force employed by uses within urban growth boundaries; and
- (C) 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.;
- (g) Industrial uses, including accessory uses subordinate to industrial development, as provided under either paragraph (A) or (B) of this subsection:
- (A) Industrial developments sited on an abandoned or diminished industrial mill site, as defined in ORS 197.719 that was engaged in the processing or manufacturing of wood products, provided the uses will be located only on the portion of the mill site that is zoned for industrial uses; or
- (B) Industrial development, and accessory uses subordinate to the industrial development, in buildings of any size and type, in an area planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.
- (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.
- (5) County plans and land use regulations may authorize hotels and motels in unincorporated communities only if served by a community sewer system and only as provided in subsections (a) through (c) of this section:
- (a) Any number of new motel and hotel units may be allowed in resort communities;
- (b) New motels and hotels up to 35 units may be allowed in an urban unincorporated community, rural service center, or rural community if the unincorporated community is at least 10 miles from the urban growth boundary of any city adjacent to Interstate Highway 5, regardless of its proximity to any other UGB;
- (c) New motels and hotels up to 100 units may be allowed in any urban unincorporated community that is at least 10 mile from any urban growth boundary.
- (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.
- (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).
- (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.
- (9) County plans and land use regulations for lands within unincorporated communities shall be consistent with acknowledged metropolitan regional goals and objectives, applicable regional functional plans and regional framework plan components of metropolitan service districts.
- (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 building 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.
- (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.

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-010, Springdale**

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 2-2003(Temp) f. & cert. ef. 3-28-03 thru 9-23-03; LCDD 3-2003, f. 9-23-03, cert. ef. 9-24-03; LCDD 4-2003, f. & cert. ef. 9-26-03; LCDD 8-2005, f. & cert. ef. 12-13-05

**660-022-0040**

**Urban Unincorporated Communities**

(1) Counties with qualifying communities shall adopt plans and land use regulations for urban unincorporated communities (UUC's). All statewide planning goals applicable to cities shall also apply to UUC's, except for those goals provisions relating to urban growth boundaries and related requirements regarding the accommodation of long-term need for housing and employment growth.

(2) Counties may expand the boundaries of those UUC's with the following characteristics in order to include developable land to meet a demonstrated long-term need for housing and employment:

(a) The UUC is at least 20 road miles from an urban growth boundary with a population over 25,000; and

(b) The UUC is at least 10 road miles from an urban growth boundary with a population of 25,000 or less.

(3) To expand the boundary of a UUC, a county shall demonstrate a long-term need for housing and employment in the community. The county shall base its demonstration upon population growth estimates from a reputable forecast service (such as Portland State University). The county shall coordinate its estimates with those for other cities and communities in the county. The county shall consider:

(a) Plans to extend facilities and services to existing community land; and

(b) The infill potential of existing land in the community.

(4) If a county determines that it must expand the boundary of a UUC to accommodate a long-term need for housing and employment, it shall follow the criteria for amendment of an urban growth boundary in statewide planning Goal 14 and shall select land using the following priorities:

(a) First priority goes to that developable land nearest to the UUC which is identified in an acknowledged comprehensive plan as exception area or nonresource land;

(b) If land described in subsection (a) of this section is not adequate to accommodate the need demonstrated pursuant to section (3) of this rule, second priority goes to land designated in a comprehensive plan for agriculture or forestry, or both. Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use, with designated marginal land considered the lowest capability (highest priority for selection);

(c) Land described in subsection (4)(b) of this section may be included if land of higher priority is inadequate to accommodate the need projected according to section (3) of this rule for any one of the following reasons:

(A) Specific types of identified land needs cannot be reasonably accommodated on higher priority land; or

(B) Public facilities and services cannot reasonably be provided to the higher priority area due to topographic or other physical constraints; or

(C) Maximum efficiency of land use within the UUC requires inclusion of lower priority land in order to provide public facilities and services to higher priority land.

(5) Counties shall apply plans and land use regulations to ensure that land added to a UUC:

(a) Is used only to satisfy needs identified pursuant to section (3) of this rule; and

(b) Is provided with sewer and water services at the time of development; and

(c) Is planned and zoned according to the requirements of this division; and

(d) If designated for residential use, meets the requirements of statewide planning Goal 10 and ORS 197.314; and

- (6) Counties shall not rely upon the use of land included within a UUC as the basis for determining that nearby land designated in compliance with goals relating to agriculture or forestry is committed to nonresource use as defined in OAR 660-004-0005(3).
- (7) Counties shall include findings of fact and conclusions of law demonstrating compliance with the provisions of this rule in their comprehensive plans.
- (8) For purposes of this rule, "developable land" shall have the meaning given that term in OAR 660-021-0010(5).
- (9) For purposes of this rule, "long-term need" means needs for the UUC anticipated for the next 10 years.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

#### **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.
- (2) A community public facility plan shall include inventories, projected needs, policies and regulations for the water and sewerage facilities which are existing or needed to serve the unincorporated community, including:
- (a) An inventory of the condition and capacity of existing public facilities and services;
  - (b) An assessment of the level of facilities and services needed to adequately serve the planned buildout within the community area boundary; and
  - (c) Coordination agreements consistent with ORS chapter 195.
- (3) If existing community facilities and services are not currently adequate to serve the development allowed in the plan and zoning ordinance, the community public facility plan shall contain either:
- (a) Development restrictions to ensure development will not exceed the capacity of the land to absorb waste and provide potable water and will not exceed the capacity of public facilities; or
  - (b) A list of new facilities, and improvements for existing public facilities, necessary to adequately serve the planned buildout in the unincorporated community, including the projected costs of these improvements and an identification of the provider or providers of these improvements; and
  - (c) A discussion of the provider's funding mechanisms and the ability of these and possibly new mechanisms to fund the development of each community public facility project; and
  - (d) A requirement that development not occur until the necessary public facilities are available for that development.

Stat. Auth.: ORS 197.040 & 197.245

Stats. Implemented: ORS 197.040



Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94; LCDD 4-2006, f. & cert. ef. 5-15-06

**Attachment E. State Rule- Division 22:  
Unincorporated Communities  
PC-10-010, Springdale**

#### **660-022-0060**

##### **Coordination and Citizen Involvement**

(1) Counties shall ensure that residents of unincorporated communities have adequate opportunities to participate in all phases of the planning process. Counties shall provide such opportunities in accordance with their acknowledged citizen involvement programs.

(2) When a county proposes to designate an unincorporated community or to amend plan provisions or land use regulations that apply to such a community, the county shall specify the following:

(a) How residents of the community and surrounding area will be informed about the proposal;

(b) How far in advance of the final decision residents of the community and the surrounding area will be informed about the proposal;

(c) Which citizen advisory committees will be notified of the proposal.

(3) The information on these three points shall be included in the appropriate plan amendment proposals or periodic review work task.

(4) When a county proposes to designate an urban unincorporated community, the county shall adopt a citizen involvement program for that community in accordance with the provisions of Goal 1, Citizen Involvement.

(5) Proposals to designate, plan, or zone unincorporated communities shall be coordinated with all special districts, metropolitan service districts, and cities likely to be affected by such actions. For any unincorporated community, such coordination shall include a minimum of 45-day mailed notice to all cities and special districts (including metropolitan service districts) located within the distance described in OAR 660-022-0040(2).

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

#### **660-022-0070**

##### **Applicability**

For each unincorporated community in the county, by January 1, 1998, or a date specified in a periodic review work program, all counties shall:

(1) Plan for unincorporated communities under the requirements of this division; or

(2) Demonstrate that all uses authorized by acknowledged comprehensive plans and land use regulations for unincorporated communities are rural, in compliance with statewide planning Goals 11 and 14; or

(3) Amend acknowledged comprehensive plans and land use regulations to limit uses to those which are rural in compliance with statewide planning Goals 11 and 14; or

(4) Adopt exceptions to statewide planning Goal 14, and Goal 11 if necessary, to allow urban uses on rural land.

Stat. Auth.: ORS 197.040 & ORS 197.245

Stats. Implemented: ORS 197.040

Hist.: LCDC 8-1994, f. & cert. ef. 12-5-94

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**MULTNOMAH COUNTY**  
LAND USE AND TRANSPORTATION PROGRAM  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR THE  
PUBLIC HEARING ON OCTOBER 4, 2010**

**PROPOSED ZONING CODE AMENDMENTS TO  
IMPLEMENT ENACTMENT BY THE 2009 STATE LEGISLATURE OF HB 3099  
CASE FILE # PC 10-006**

**PART I. INTRODUCTION**

The 2009 Legislature amended statutes that regulate uses in Exclusive Farm Use (EFU) zones by adoption of HB 3099. LCDC amended the Division 33 Administrative Rules effective January 1, 2010, to implement the legislation. This staff report introduces conforming amendments to the zoning code for the Planning Commission to consider and recommend to the Board for adoption. The changes to the farm statutes in HB 3099:

- Removes schools and greyhound kennels as outright uses in EFU zones.
- Allows expansion of existing public schools, private schools on EFU lands that become nonconforming uses, notwithstanding change in zoning ordinance.
- Provides for model aircraft uses to allow landowners to charge fees.
- Adds conditional exception for public schools that primarily serve the rural area where sited.
- Prohibits golf courses on high value farmland.
- Removes disposal of solid waste as an outright use.

The legislation provides a process that allows counties to make conforming amendments to zoning codes without public hearings or adoption of findings, provided the amendments are limited to implementing HB 3099, and that they are complete this calendar year. We are nevertheless taking the amendments through our existing legislative amendments process which provides hearings and public notice.

The legislation also makes changes that allow counties greater flexibility when evaluating schools and golf courses. There are two main categories of land uses in the Exclusive Farm Use statutes in ORS 215.283(1) and (2). Under an Oregon Supreme Court decision in *Brentmar v. Jackson County*, 321 Or 481, 900 P2d 1030 (1995) those uses listed in 215.283 section (1) are required to be allowed and they are subject only to state regulations that limit or allow the use. The land uses listed in 215.283 section (2) are optional for a county, the county may choose to not include those land uses in their Zoning Code, and are allowed to add local approval criteria and conditions of approval.

This staff report is organized into the parts listed below. In addition, staff included two attachments to the staff report. Attachment A is a table listing the state and county standards that became applicable to schools. Attachment B is a table that lists the most relevant provisions of HB 3099 (Oregon Laws Chapter 850), along with notation of the change needed to the MCC. The complete text of Chapter 850 is available on the web pages at: <http://www.leg.state.or.us/09orlaws/sess0800.dir/0850.htm> The zoning code citations in both Parts II and III are to MCC Chapter 33, however conforming amendments to Chapters 34, 35, and 36 will also be required.

- II. Changes to Allowed and Review Uses in EFU Districts
- III. Changes to Conditional Uses

## PART II. CHANGES TO ALLOWED AND REVIEW USES in EFU DISTRICTS

This section includes proposed zoning code changes HB 3099 and OAR Division 33 made to EFU regulations applicable to uses the MCC lists as allowed and subject to administrative review.

- Deleted schools from 215.283(1) allowed use (moved to CU).
- Changed model aircraft facilities in 215.283(1) to allow rent and fees to be charged.
- Minor changes to the language for wetland enhancement projects.
- Deleted breeding, kenneling of greyhounds from 215.283(1) allowed use.
- Deleted solid waste disposal sites from 215.283(1) allowed use.

Staff notes that neither the greyhound nor the solid waste disposal site uses were added to the allowed and review uses sections of the MCC in the past, therefore no changes are needed to these uses.

- A. The use, public and private schools, including all buildings essential to the operation, is deleted from ORS 215.283(1) and moved to 215.283(2). The effect is to remove schools from the list of uses that counties must allow, and for which counties can only apply state criteria in decisions to allow or not allow them. The result is that counties can add regulations that apply to decisions for schools, and can choose to not allow them. For purposes of amending the allowed uses section of the MCC, the result is to delete the use. Further discussion of changes needed to implement the K – 12 schools use is included in Part III of this report.

Delete 33.2620(N) and move the use to conditional use section.

**§ 33.2620 Allowed Uses** [The same changes are proposed for MCC 34.2620(N), 35.2620(N), and 36.2620(N).]

\* \* \*

**Deleted:** (N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded.¶

¶ (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and¶

¶ (2) No new use may be authorized on high value farmland; and¶

¶ (3) Must satisfy the requirements of MCC 33.4100 through MCC 33.4215, MCC 33.6020 (A), MCC 33.7000 through MCC 33.7060 and MCC 33.7450.¶

¶ (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.¶

- B.** The model aircraft use was amended in ORS 215.283(1) to include provision to allow the landowner of a site to charge an operator a fee, and limits the amount and operator can charge users to certain costs.

Amend MCC 33.2620(V) to incorporate new provision.

**§ 33.2620 Allowed Uses** [The same changes are proposed for MCC 34.2620(V), 35.2620(V), and 36.2620(U).]

\* \* \*

(V) A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved under this paragraph. An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities. As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.

- C.** The minor change in ORS 215.283 to wetland enhancement projects removes "of" in two places. Amend subsection (K) to remove "of."

**§ 33.2620 Allowed Uses** [The same changes are proposed for MCC 34.2620(K), 35.2626(K), and 36.2060(K).]

\* \* \*

(K) Creation, restoration or enhancement of wetlands.

Deleted: of

Deleted: of

- D.** The use, breeding, kenneling, and training of greyhounds for racing, listed under MCC 33.2625(G) is deleted as an allowed/review use. Dog kennels are allowable as Conditional Use in MCC 33.2630(J).

**§ 33.2625 Review Uses** [The same changes are proposed for MCC 34.2635(G), 35.2635(G), and 36.2635(G).]

**Deleted:** (G) Facilities wholly within an EFU district used for the breeding, kenneling and training of greyhounds for racing may be maintained, enhanced or expanded except no new facilities may be authorized on high value farmland and provided that the following requirements are satisfied:¶

- ¶ (1) MCC 33.6420 (A) and (B); and¶
- ¶ (2) MCC 33.7450; and¶
- ¶ (3) MCC 33.7000 through MCC 33.7060; and¶
- ¶ (4) Minimum Dimensional standards:¶
  - ¶ (a) Area: Two acres.¶
  - ¶ (b) Width: Two hundred fifty feet.¶
  - ¶ (c) Depth: Two hundred fifty feet.¶
  - ¶ (d) Setback from all lot lines: One hundred feet.¶

### Part III. CHANGES TO CONDITIONAL USES

This section of the staff report considers changes HB 3099 and OAR Division 33 made to EFU regulations applicable uses the MCC lists as allowable subject to Conditional Use approval. The legislation:

- Amends schools use to add the limitation that it primarily serve the rural area, adds other criteria from statute and OAR.
- Changes the dog kennels use to eliminate reference to greyhound kennels that were removed as allowed uses.
- Includes a provision not incorporated into ORS that cites nonconforming use statutes regarding alteration of schools not allowed due to change in HB 3099.
- Limits golf courses to non-high value farmland.

Staff notes that golf courses are not listed as allowable in MCC EFU zones, therefore no changes are needed to these uses. The MCC currently allows maintenance, enhancement, or expansion of schools in EFU zones as an allowed use, but does not allow new schools, even as conditional uses. Staff included a discussion of the schools use in Part III. A. of the work session staff report so that the Planning Commission could consider whether to add new rural schools as allowable conditional uses in EFU zones, and consider the nonconforming use provisions included in HB 3099 but not added to statute.

Staff is also proposing an amendment to uses related to the provisions in HB 3099, but not specifically changed by that legislation. In Part III.B., staff recommends amending the Conditional Use and Community Service use criteria to incorporate the same farm compatibility language that is used in statute. Staff also proposed a change to the health hardship dwelling provisions at the September 13, 2010 work session, and received recommendation for further changes from the Planning Commission. After review of the health hardship provisions in the various zone districts, staff now recommends no change at this time, but that this subject should be added to the Planning Commission work program for 2011 to allow a more comprehensive approach to this use.

A. The changes to regulations affect both new schools and expansion of existing schools, and consider additional elements of school sites including relationship to the UGB and high-value farmland. Subsequent to passage of HB 3099, LCDC adopted administrative rules. Please refer to the table in Attachment A that lists the rule requirements for each potential use description. As indicated above, the MCC does not allow new schools in EFU zones, but it does allow expansion of existing schools. The amendments in HB 3099 changed the use description to read:

ORS 215.283(2)

*(aa) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.*

Two key changes to the use description are that it defines a school as providing for grades K – 12, and that it primarily serves residents of the rural area. DLCD staff described the grade range as intended to codify case law interpretation that the “schools” use means

traditional educational facilities. The rural service element reflects existing administrative rule language that applies to community centers, and limits the potential for urban schools to be established in rural areas.

The Planning Commission directed staff to add new schools consistent with amended statute and rule to the list of uses allowed conditionally in EFU zones. In addition, approaches to defining a “rural” school were discussed at the work session. Staff believes that a formal definition is unnecessary, and the approaches discussed, that a rural school is one where at least 51% of the students live in areas outside of UGB, and the location and extent of the attendance area boundary, are sufficient to make the determination.

Expansion is currently allowed in the zoning code subject to standards in the OAR, and county parking, yard, sign, and design review provisions. The new statute moves schools to the list of uses in ORS 215.283(2), thereby allowing the county to consider additional standards applicable to the use, and to continue to not allow new facilities in these zones. HB 3099 also imposes the farm compatibility standards as applicable to expansion of existing schools. The existing MCC is listed below. The farm compatibility standards are shown in Attachment B under Section 14(1)(b) on page 3. Please also refer to the table in Attachment A for provisions that should be added to the MCC as applicable to expansion of schools.

MCC 33.2620 – Existing code provides:

*(N) Public or private schools, including all buildings essential to the operation of a school wholly within an EFU district may be maintained, enhanced or expanded:*

- (1) Except that no new use may be authorized within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR 660, Division 4; and*
- (2) No new use may be authorized on high value farmland; and*
- (3) Must satisfy the requirements of MCC 33.4100 through MCC 33.4215, MCC 33.6020 (A), MCC 33.7000 through MCC 33.7060 and MCC 33.7450.*
- (4) The maintenance, enhancement or expansion shall not adversely impact the right to farm on surrounding EFU lands.*

The revised regulations will potentially affect the two existing school facilities in the county on EFU zoned land. On the east side, there is an existing school on EFU zoned land adjacent to the city of Troutdale, at the Open Door Baptist Church. The other is Skyline School. Both of these are within 3 miles of the UGB, are likely “urban” schools, and are on high-value farmland. Skyline School exceeds the design capacity in terms of structures and number of students for schools within 3 miles of the UGB, and staff thinks the east side school exceeds those standards as well.

In addition to adding the provisions in Attachment A to the MCC, staff understands that reference to the provisions in Section 14 of HB 3099 relating to nonconforming uses should be included. These provisions provide that nonconforming schools could be expanded through the CS process or through nonconforming use review.

Amend the list of conditional uses to add a new section that provides for new schools and expansion of existing schools subject to Community Service Use provisions in 33.600 through 33.6020.

**§ 33.2630 Conditional Uses** [The same changes are proposed for MCC 34.2630(U), 35.2630(U), and 36.2630(Q).]

(U) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located. New rural schools or expansion of existing schools described in this section shall meet the requirements for approval of Community Service Uses in MCC 33.600 – 33.6020 in lieu of the Conditional Use provisions of MCC 33.6330 through 33.6335, and:

(1) Schools that primarily serve residents of the rural area in which the school is located are classified as rural schools. New schools or expansion of existing rural schools described in subsection (a) or (b) below and located further than 3 miles from a UGB may be approved subject to the applicable requirements of the subsection.

(a) New rural schools and expansion of existing schools on land not identified as high value farmland may be approved subject to the additional requirements of (3) below.

(b) Existing rural schools on high value farmland wholly within the EFU zone may be maintained, enhanced, or expanded on the same tract subject to the additional requirements of (3) below.

(2) Schools not classified as rural in subsection (1) that are located further than 3 miles from an urban growth boundary may be maintained, enhanced, or expanded subject to the additional requirements of (3), and

(a) Nonconforming schools existing on or before January 1, 2009 may be expanded on the tax lot on which the use was established, or onto a contiguous tax lot that was owned by the applicant on January 1, 2009.

(3) Must satisfy the requirements of MCC 33.4100 through 33.4215 off street parking, 33.6020(A) yards (setbacks), 33.7000 through 33.7060 design review and MCC 33.7450 signs.

(4) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.



Any enclosed structures or group of enclosed structures described in this subsection within a tract must be separated by at least one-half mile. For purposes of this section, "tract" means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.

- B.** Staff recommends amending the Conditional Use and Community Service Use criteria to make them consistent with the farm/forest compatibility criteria already in state statutes under ORS 215.296 (see italics below). The Conditional Use criteria include the phrase "not conflict with" that is not in statute. Staff understands that this phrase is not intended to impose an added test, rather, compatibility (potential conflict) is determined by application of subsections (1) and (2). Changing the language will clarify this. Regarding the Community Service Use criteria, the existing code does not include the farm/forest compatibility test. Incorporating the revised standards in MCC 33.6315 (3)(a),(b) will properly implement the farm/forest compatibility standards applicable to Community Service Uses.

***ORS 215.296 Standards for approval of certain uses in exclusive farm use zones; violation of standards; complaint; penalties; exceptions to standards.** (1) A use allowed under ORS 215.213 (2) or 215.283 (2) may be approved only where the local governing body or its designee finds that the use will not:*

*(a) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; or*

*(b) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.*

Amend the Conditional Use criteria in MCC 33.6315 to more clearly apply the farm/forest compatibility standards in ORS 215.296.

**§ 33.6315 Approval Criteria** [The same changes are proposed for MCC 34.6315(3), 35.6315(3), and 36.6315(3)]

(3) ~~The use will not:~~

(a) ~~Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and~~

(b) ~~Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.~~

Deleted: Will

Deleted: conflict with farm or forest uses in the area:

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Amend the Community Service use criteria in MCC 33.6010 to incorporate the same farm/forest compatibility standards in MCC 33.6315(3)(a) and (b) and ORS 215.296.

**§ 33.6010 Approval Criteria** [The same changes are proposed for MCC 34.6010(C), 35.6010(C), and 36.6010(C).]

\* \* \*

(C) The use will not:

(1) Force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and

(2) Significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.

Deleted: Will

Deleted: conflict with farm or forest uses in the area

C. Delete the reference to the greyhound facilities previously allowed as review uses so as to conform to the change in HB 3099.

**§ 33.2630 Conditional Uses** [The same changes are proposed for MCC 34.2630(J), 35.2630(J), and 36.2630(G).]

\* \* \*

(J) Dog kennels. Existing facilities wholly within an EFU district may be maintained, enhanced or expanded, subject to other requirements of law. New facilities may be allowed only on non-high-value lands.

Deleted: not described in section MCC 33.2625(G)

**Standards Applicable to New and Expansion of Existing Schools in EFU in OAR 660-033-0130**

<b><u>New rural schools not on HV farmland<sup>1</sup></u></b>	<b>Expansion of existing urban schools on HV farmland</b>	<b>Expansion of existing rural schools on HV farmland.</b>	<b>Expansion of existing rural schools non-HV farmland</b>	<b>Expansion of existing urban schools non-HV farmland</b>
MCC .6010 CS approval criteria <sup>2</sup> , design review, parking, signs	MCC .6010 CS approval criteria, design review, parking, signs	MCC .6010 CS approval criteria, design review, parking, signs	MCC .6010 CS approval criteria, design review, parking, signs	MCC .6010 CS approval criteria, design review, parking, signs
	<p>(18)(a) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.</p> <p>(b) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use formerly allowed pursuant to ORS 215.283 (1)(a), as in effect before the effective date of 2009 Or Laws Chapter 850, section 14, may be expanded subject to:</p> <p>(A) The requirements of subsection (c) of this section; and</p> <p>(B) Conditional approval of the county in the manner provided in ORS 215.296.</p> <p>(c) A nonconforming use described in subsection (b) of</p>	<p>(18)(a) Existing facilities wholly within a farm use zone may be maintained, enhanced or expanded on the same tract, subject to other requirements of law.</p>		<p>(18)</p> <p>(b) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use formerly allowed pursuant to ORS 215.283 (1)(a), as in effect before the effective date of 2009 Or Laws Chapter 850, section 14, may be expanded subject to:</p> <p>(A) The requirements of subsection (c) of this section; and</p> <p>(B) Conditional approval of the county in the manner provided in ORS 215.296.</p> <p>(c) A nonconforming use</p>

<u>New rural schools not on HV farmland<sup>1</sup></u>	<b>Expansion</b> of existing urban schools on HV farmland	<b>Expansion</b> of existing rural schools on HV farmland.	<b>Expansion</b> of existing rural schools non-HV farmland	<b>Expansion</b> of existing urban schools non-HV farmland
	<p>this section may be expanded under this section if:</p> <p>(A) The use was established on or before January 1, 2009; and</p> <p>(B) The expansion occurs on:</p> <p>(i) The tax lot on which the use was established on or before January 1, 2009; or</p> <p>(ii) A tax lot that is contiguous to the tax lot described in subparagraph (i) of this paragraph and that was owned by the applicant on January 1, 2009.</p>			<p>described in subsection (b) of this section may be expanded under this section if:</p> <p>(A) The use was established on or before January 1, 2009; and</p> <p>(B) The expansion occurs on:</p> <p>(i) The tax lot on which the use was established on or before January 1, 2009; or</p> <p>(ii) A tax lot that is contiguous to the tax lot described in subparagraph (i) of this paragraph and that was owned by the applicant on January 1, 2009.</p>
OAR (2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.	OAR (2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.	OAR (2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.	OAR (2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.	OAR (2)(a) No enclosed structure with a design capacity greater than 100 people, or group of structures with a total design capacity of greater than 100 people, shall be approved in connection with the use within three miles of an urban growth boundary, unless an exception is approved pursuant to ORS 197.732 and OAR chapter 660, division 4, or unless the structure is described in a master plan adopted under the provisions of OAR chapter 660, division 34.

<b><u>New rural schools not on HV farmland<sup>1</sup></u></b>	<b>Expansion of existing urban schools on HV farmland</b>	<b>Expansion of existing rural schools on HV farmland.</b>	<b>Expansion of existing rural schools non-HV farmland</b>	<b>Expansion of existing urban schools non-HV farmland</b>
(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.	(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.	(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.	(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.	(b) Any enclosed structures or group of enclosed structures described in subsection (a) within a tract must be separated by at least one-half mile. For purposes of this section, “tract” means a tract as defined by ORS 215.010(2) that is in existence as of the effective date of this section.

Notes:

1. New schools, either urban or rural, are not allowed on HV farmland.
2. Required standards include the farm compatibility test in 215.296, that is incorporated in MCC 33.6315(3)(a),(b). These criteria need to be added to the CS criteria in 33.6010(C)).

**HB 3099 (2009) Selected changes to ORS in Oregon Laws Chapter 850**

Amends statute	Statute language: Bold type is new language, italics shows deleted text. Unchanged Oregon Laws Chapter 850 provisions not included.	MCC Requirement
197.065 A c.850 §3 (HB 3099)		<b>None</b> changes citations for dwelling reporting requirements by DLCD
215.283 A c.850 §2 (HB 3099)	<p>(1) The following uses may be established in any area zoned for exclusive farm use:</p> <p style="padding-left: 40px;"><i>[(a) Public or private schools, including all buildings essential to the operation of a school.]</i></p> <p style="padding-left: 40px;"><i>[(i) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.]</i></p> <p style="padding-left: 40px;"><i>[(j) The breeding, kenneling and training of greyhounds for racing.]</i></p> <p style="padding-left: 40px;"><i>[(p)]</i> <b>(m)</b> Creation, [of] restoration [of] or enhancement of wetlands.</p> <p style="padding-left: 40px;"><i>[(t)]</i> <b>(q)</b> A site for the takeoff and landing of model aircraft, including such buildings or facilities as may reasonably be necessary. Buildings or facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility preexisted the use approved under this paragraph. The site shall not include an aggregate surface or hard surface area unless the surface preexisted the use approved</p>	<p>Amends MCC .2620(N) by moving to CU</p> <p>Not allowed in current code</p> <p>Amends MCC .2625(G) by moving to CU as “dog kennels”</p> <p>Amend MCC .2620(K) to remove of’s</p> <p>Amend MCC .2620(V) to add bold language.</p>

Amends statute	Statute language: Bold type is new language, italics shows deleted text. Unchanged Oregon Laws Chapter 850 provisions not included.	MCC Requirement
	<p>under this paragraph. <b>An owner of property used for the purpose authorized in this paragraph may charge a person operating the use on the property rent for the property. An operator may charge users of the property a fee that does not exceed the operator's cost to maintain the property, buildings and facilities.</b> As used in this paragraph, "model aircraft" means a small-scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and is controlled by radio, lines or design by a person on the ground.</p> <p>(1) The following nonfarm uses may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use subject to ORS 215.296:</p> <p>(f) Golf courses <b>on land determined not to be high-value farmland, as defined in ORS 195.300.</b></p> <p>(L) One manufactured dwelling or recreational vehicle, or the temporary residential use of an existing building, in conjunction with an existing dwelling as a temporary use for the term of a hardship suffered by the existing resident or a relative of the resident. Within three months of the end of the hardship, the manufactured dwelling or recreational vehicle shall be removed or demolished or, in the case of an existing building, the building shall be removed, demolished or returned to an allowed nonresidential use. The governing body or its designee shall provide for periodic review of the hardship claimed under this paragraph. A temporary residence approved under this paragraph is not eligible for replacement under subsection [(1)(s)] <b>(1)(p)</b> of this section.</p> <p>(n) Dog kennels [<i>not described in subsection (1)(j) of this section</i>].</p> <p><b>(aa) Public or private schools for kindergarten through grade 12, including all buildings essential to the operation of a school, primarily for residents of the rural area in which the school is located.</b></p>	<p>MCC Requirement</p> <p>None, Use not listed in EFU</p> <p>Replacement of dwellings in MCC .2630(H) not allowed in .2620(L) – meets this req. Also, consider reducing the limitations in existing MCC eg. .2620(J), and (M).</p> <p>Amend .2625 to delete (G)</p> <p>None, use not listed</p>

Amends statute	Statute language: Bold type is new language, italics shows deleted text. Unchanged Oregon Laws Chapter 850 provisions not included.	MCC Requirement
	<p><b><u>SECTION 2a.</u></b> The provisions of ORS 197.047, 215.503 and 215.513 concerning notice of a new or amended statute, ordinance or administrative rule do not apply to section 16 of this 2009 Act, to the amendments to ORS 215.213 and 215.283 by sections 1 and 2 of this 2009 Act or to any other amendments to or repeal of statutes by sections 3 to 13 of this 2009 Act.</p>	None. Process direction applicable to amendments to implement HB 3099
	<p><b><u>SECTION 14.</u></b> (1) In addition to and not in lieu of the authority in ORS 215.130 to continue, alter, restore or replace a use that has been disallowed by the enactment or amendment of a zoning ordinance or regulation, a use formerly allowed pursuant to ORS 215.213 (1)(a) or 215.283 (1)(a), as in effect before the effective date of this 2009 Act, may be expanded subject to:</p> <p style="padding-left: 40px;">(a) The requirements of subsection (2) of this section; and</p> <p style="padding-left: 40px;">(b) Conditional approval of the county in the manner provided in ORS 215.296.</p> <p style="padding-left: 40px;">(2) A nonconforming use described in subsection (1) of this section may be expanded under this section if:</p> <p style="padding-left: 80px;">(a) The use was established on or before January 1, 2009; and</p> <p style="padding-left: 80px;">(b) The expansion occurs on:</p> <p style="padding-left: 120px;">(A) The tax lot on which the use was established on or before January 1, 2009; or</p> <p style="padding-left: 120px;">(B) A tax lot that is contiguous to the tax lot described in</p>	Amend MCC



Amends statute	Statute language: Bold type is new language, italics shows deleted text. Unchanged Oregon Laws Chapter 850 provisions not included.	MCC Requirement
	<p><b>subparagraph (A) of this paragraph and that was owned by the applicant on January 1, 2009.</b></p> <p><b><u>NOTE:</u></b> Section 15 was deleted by amendment. Subsequent sections were not renumbered.</p>	
	<p><b><u>SECTION 16.</u> On or before December 31, 2010, a county shall amend its land use regulations to conform to the amendments to ORS 215.213 by section 1 of this 2009 Act or ORS 215.283 by section 2 of this 2009 Act, whichever is applicable. Notwithstanding contrary provisions of state law or a county charter relating to public hearings on amendments to an ordinance, a county may adopt amendments to its land use regulations required by this section without holding a public hearing and without adopting findings if:</b></p> <p><b>(1) The county has given notice to the Department of Land Conservation and Development of the proposed amendments in the manner provided by ORS 197.610; and</b></p> <p><b>(2) The department has confirmed in writing that the only effect of the proposed amendments is to conform the county's land use regulations to the amendments to ORS 215.213 by section 1 of this 2009 Act or ORS 215.283 by section 2 of this 2009 Act, whichever is applicable.</b></p> <p><b><u>NOTE:</u></b> Section 17 was deleted by amendment. Subsequent sections were not renumbered.</p>	<p>DLCD Form 1 submitted by Thursday, August 19.</p> <p>BOCC First Reading prior to Nov. 30.</p>
	<p><b><u>SECTION 18.</u> The amendments to ORS 215.213 and 215.283 by sections 1 and 2 of this 2009 Act apply to uses established on or after the effective date of this 2009 Act.</b></p> <p>Approved by the Governor July 28, 2009</p> <p>Filed in the office of Secretary of State July 28, 2009</p> <p>Effective date January 1, 2010</p>	

BEFORE THE PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. PC 10-006**

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapters 33, 34, 35 and 36 by updating the Exclusive Farm Use zoning districts to reflect changes made in State Statute and State Administrative Rules together with related amendments.

**The Planning Commission Finds:**

- a. The Planning Commission is authorized by Multnomah County Code under MCC 34.0140, 35.0140, 36.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. Under the State of Oregon Land Use Planning Program, regulation of land uses on farm land is based in State Statute and Administrative Rules, which Counties then administer. The State Legislature and the Land Conservation and Development Commission amended those statutes and rules to implement HB 3099(2009).
- c. The amendments in the proposed ordinance have been found by the Planning Commission to be needed to make the respective Multnomah County zoning code chapters consistent with state statutes by removing certain uses as allowed in EFU zones, by amending other uses, and by adding schools and associated approval criteria to the conditional use provisions. The amendments also revise the conditional use and community service use approval criteria to more closely incorporate farm compatibility standards in state statutes.
- d. HB 3099 provides that no mailed notice to individual property owners ("Ballot Measure 56" notice), and no public hearing are required for amendments to implement the 2009 act. However, notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site.
- e. The Planning Commission held a public hearing on October 4, 2010 where all interested persons were given an opportunity to appear and be heard.

**The Planning Commission Resolves:**

The proposed Ordinance, amending MCC Chapters 33, 34, 35 and 36 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 4th day of October, 2010.

PLANNING COMMISSION  
FOR MULTNOMAH COUNTY, OREGON

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John Ingle, Chair